

NEWS RELEASE

Human Rights Defense Center
For Immediate Release

March 11, 2019



Freedom of Information Law Petition Filed Against New York State Attorney General's Office

New York, NY – On March 8, the [Human Rights Defense Center](http://www.HumanRightsDefenseCenter.org), a non-profit criminal justice reform organization, brought suit in Albany County Supreme Court against the State Attorney General's Office for failure to comply with a Freedom of Information Law (FOIL) request.

According to HRDC's verified Article 78 petition, the organization submitted a FOIL request to the Attorney General's Office in August 2018, "seeking records of all claims or litigation against the New York State Department of Corrections and Community Supervision ("NYS DOCCS"), the New York State Police, and the State of New York for events or circumstances occurring at or related to the facilities of NYS DOCCS or the New York State Police."

HRDC was seeking information related to payouts in litigation and claims involving the State Police and New York's prison system, including "settlements, damages, attorney fee awards and sanctions," in order to report on the costs of imprisonment and policing – costs that are borne by taxpayers. HRDC has reported on criminal justice issues for more than 28 years, including in its monthly publications [Prison Legal News](#) and [Criminal Legal News](#).

In September 2018, the Attorney General's Office stated it would take until March 24, 2021 to provide the requested records, and subsequently committed only to producing some responsive documents by February 28, 2020. However, to date, more than six months after HRDC's FOIL request, not a single page of material has been produced.

Under the Freedom of Information Law, an agency that is the subject of a FOIL request must respond to the request "within a reasonable period" of time. HRDC contends in its complaint that the one-and-a-half to two-and-a-half year time frame provided by the Attorney General's office is "unreasonable on its face," and constitutes an arbitrary and capricious constructive denial of HRDC's FOIL request.

HRDC is asking the court to direct the Attorney General's Office "to comply with their duty under FOIL to perform an adequate search for the records requested in Petitioner's FOIL request dated August 17, 2018, and to disclose all responsive records within 60 days of the Court's order." Further, the complaint seeks an award of attorneys' fees and litigation costs.

HRDC relies on information obtained under Freedom of Information Act and public records requests for its news reporting, and has repeatedly litigated such cases when government agencies fail to comply with public records laws.

The case is *Human Rights Defense Center v. New York State Office of the Attorney General*, Albany County Supreme Court (NY), Index No. 901378-19. HRDC is represented by attorneys Alan Pemberton and Swati Prakash with the law firm of Covington & Burling LLP.

A copy of the complaint and memorandum of law is posted [here](#).

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. In addition to advocating on behalf prisoners and publishing books and magazines concerning the criminal justice system, HRDC engages in state and federal court litigation on prisoner rights issues, including wrongful death, public records, class actions and Section 1983 civil rights cases.

For further information, please contact:

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