



March 9, 2020

Margaret Egan, Executive Director  
Jacqueline Sherman, Interim Chair  
New York City Board of Correction  
1 Centre Street  
New York, NY 10007

Via Email: [maegan@boc.nyc.gov](mailto:maegan@boc.nyc.gov); [jsherman@boc.nyc.gov](mailto:jsherman@boc.nyc.gov); [bennettstein@boc.nyc.gov](mailto:bennettstein@boc.nyc.gov)

**Re: Protections for People in DOC Custody due to COVID-19**

Dear Ms. Egan, Ms. Sherman and Members of the Board:

Brooklyn Defender Services is concerned for the safety and well-being of people in the DOC custody as the spread of COVID-19 continues throughout New York State and New York City. We appreciate the Board's efforts in ensuring the Department of Correction and Correctional Health Services provide an update to the public at the March 10<sup>th</sup> Board of Correction meeting.

It's vital to all people in our City jails, not just those incarcerated, but Department staff, health staff and those visiting loved ones, that DOC and CHS provide information regarding preventing, identifying and treating people as COVID-19 continues to spread throughout the City.

It's essential to the welfare of all people in the jails that facilities are well equipped and that all people have ready access to maintain their personal hygiene, including immediate ability to wash their hands with soap and water. The lack of sanitation and the spread of communicable diseases is well documented, not just in NYC jails, but in jails across the country. There is grave concern over what precautions are being taken to protect and separate those who are vulnerable and at "high risk" if in contact with the virus.

BDS suggests that the Board gather the following information from the Department and Correctional Health Services both at tomorrow's hearing and in notices or updates that are released to the public. Sharing this information publicly will ensure transparency and safety for all people in City jails:

- Are there plans in place if a person in custody is identified with COVID-19?
  - Will the individual be quarantined? Where?
- How and when will the Department and CHS implement COVID-19 testing of people in custody, in addition to staff?

- How are DOC and CHS identifying individuals who are deemed “high risk” according to individual reports, health staff, and New York City Department of Health and Mental Hygiene?<sup>1</sup>
  - Who is responsible for maintaining that list?
  - Who has access to that list?
  - How can someone be added to that list?
  - Can CHS override a DOC determination now to place someone on the list?
  - What special precautions are in place to protect “high risk” people?
- What housing options are being made available for those who are “high risk”?
  - What does out-of-cell time look for those who are “high risk”?
  - What does access to visits and services look like for people who are “high risk”?
- What criteria is being used to transfer individuals to hospitals?
  - Who decides?
  - How is the person being transported?
- How many hospitals in NYC, or outside NYC, be available to people in DOC custody?
  - How many hospital beds in total will be available to people in DOC custody?
  - If the number of hospital beds are occupied, what other options are available to people in DOC custody to access hospital care?
  - Will the jails be used as temporary hospital space?
  - Who determines which hospital a person in custody is taken to?
- What protocols are in place for staff entering and leaving the facilities to ensure they are not exposing the virus to others?
- What precautions is CHS staff taking when interacting with people in custody?
  - How is this communicated?
- What precautions is DOC staff taking when interacting with people in custody?
  - How is this communicated?
- Do DOC, DOC and non-DOC, have access to hand sanitizing stations?
  - How often are they refilled?
  - How many are available?
- Will people in custody have access to hand sanitizing stations?
  - According to Governor Andrew Cuomo, NYS will be providing hand sanitizer to prisons<sup>2</sup>. Will access be afforded to people in NYC DOC custody?
  - If so:
    - How many?
    - How often will they be refilled?
- Where are soap dispensers located in facilities?
  - How often are they refilled?
  - Who is responsible for refilling them?
- What steps is the Department and CHS taking to sanitize the jail facilities?
  - How often are these efforts being made?
- How is the Department and CHS planning to communicate to the public any changes in policies, including social or legal visits policies?

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<sup>1</sup> <https://www1.nyc.gov/site/doh/health/health-topics/coronavirus.page>

<sup>2</sup> <https://twitter.com/NYGovCuomo/status/1237034894771064832>

Our office is deeply concerned with how information and attention is being provided to people in custody. We have heard numerous reports that people in custody have not been notified or made aware of steps being taken by the Department or CHS and how either are planning in preparation for COVID-19. It has already been seen how lack of information and miscommunication is impacting various aspects of the country. Information is crucial as the situation unfolds, and how individuals can keep themselves safe is essential to the welfare of all people. We hope these questions are followed up with answers by both the Department and CHS, and that this information is relayed directly not just to the public, but to those incarcerated who are already with limited knowledge of the ever-evolving situation of COVID-19.

Thank you for ensuring transparency at tomorrow's BOC meeting. If you have any questions, please don't hesitate to reach out to me via email [kdeavila@bds.org](mailto:kdeavila@bds.org) or my direct line at 646-856-8403.

Sincerely,

*/s/ Kelsey De Avila*  
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Project Director, Jail Services  
Brooklyn Defender Services