



**BOARD OF CORRECTION
CITY OF NEW YORK**
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New York City Jail Heat Conditions and Operations – Mid-Summer 2020 Report
August 21, 2020

As it has for decades, the Board of Correction (the Board, or BOC) is closely monitoring heat-conditions in the city’s jails this summer. This report summarizes the Board’s initial summer 2020 findings. It also outlines the Department of Correction’s (DOC or the Department) progress in implementing many of the recommendations made in the Board’s September 2019 [heat report](#), which documented conditions and jail operations during the July 2019 Heat Emergency (July 19-21).

Since the 2019 report, the City has implemented a number of the Board’s recommendations including: producing and distributing a daily list of heat-sensitive people throughout facilities, installing additional fans, ensuring additional ice deliveries throughout summer, ensuring maintenance staff are available for remedial efforts, and decreasing the jail population to minimize the number of people held without air-conditioning.

This summer’s Board oversight and monitoring efforts include reviewing relevant DOC policy updates, appropriate housing of heat-sensitive people in custody, summer uniform distribution, DOC’s daily temperature monitoring and access to fans and cool showers, grievances related to heat, and recent on-site inspections by Board staff. Board staff are also reviewing documentation of all DOC requests to place heat-sensitive people in non-air-conditioned housing (overrides) and documentation for all heat-sensitive individuals who have refused placement in air-conditioned housing (refusals).

► DOC Policy and Practices Updates Since Summer 2019

This summer, the Department published a [2020 Summer Heat Plan](#) and made significant changes to its policy and practice around high heat conditions in the jails. These changes include distributing a new Operations Order;¹ formalizing the heat-sensitive security override process,² implementing regular internal audits of compliance with heat-related policies, distributing a daily email of mis-housed people in custody for further review by facility and central leadership, and implementing additional heat mitigation efforts in non-air-conditioned units such as checking for

¹ N.Y.C. DEP’T OF CORR., HEAT-SENSITIVE HOUSING, OPERATIONS ORDER 9/20 (eff. June 29, 2020).

² *Id.*, at 11 (eff. June 29, 2020).

fans in each housing area. At the same time, due to the ongoing COVID-19 pandemic, the Department is currently attempting to limit housing area capacity to 50% in order to encourage social distancing.

Since last summer:

- The total population in DOC custody has decreased by 46%, from 7,342 in July 2019 to 3,944 in June 2020.³
- The total population held in non-air-conditioned housing has decreased by 64%, from 3,947 people in non-air-conditioned housing in July 2019 to 1,433 in June 2020.
- The total number of heat sensitive people in DOC custody has decreased by 47% from 1,929 heat sensitive people in custody in July 2019⁴ to 1,013 in June 2020.
- The total number of heat sensitive individuals housed in non-air-conditioned units has decreased by 73%, from 804 in July 2019 to 219 in June 2020.

This dramatic decrease in the total population in custody has allowed DOC to house more individuals, particularly those with a heat sensitive designation, in air-conditioned housing. Compared to last year, this summer there are an additional 137 beds in air-conditioned housing units.⁵ The Department’s 2020 Heat Plan notes that they have added air conditioning in four housing areas at AMKC and were working to add air conditioning to two housing areas at RNDC. The Department also reports that construction at GRVC would allow for over thirty additional beds in air-conditioned housing.

Table 1.

People in Custody by Housing Type	2019		2020	
	Count	Percentage	Count	Percentage
Air Conditioned	3,300	45%	2,507	64%
Non-Air Conditioned	3,947	54%	1,433	36%
Total	7,342*	100%	3,944**	100%

Source: BOC Analysis of DOC Inmates in Custody Data Files on 7/26/2019 and 6/30/2020 matched with the DOC’s Master Bed Utilization Plan in effect on each respective date.

*95 individuals did not have information available.

**Four individuals did not have information available.

³ The decrease in jail population is due to a number of factors, including New York State’s bail reform and public health-informed releases due to COVID-19.

⁴ N.Y.C. BD. OF CORR., N.Y.C. JAIL CONDITIONS AND OPERATIONS DURING JULY 2019 HEAT EMERGENCY FINAL REPORT AND RECOMMENDATIONS, at 4, <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/BOC-Heat-Report-and-Recommendations-2019-09-09.pdf#page=4>

⁵ On July 26, 2019, there were 4,596 beds in open air-conditioned housing areas, on June 30, 2020, there were 4,733.

Table 2.

People in Custody by Heat-Sensitive Designation	2019		2020	
	Heat Sensitive	1,929	26%	1,013
Non-Heat Sensitive	5,413	74%	2,928	74%
Total	7,342	100%	3,944*	100%

Source: BOC Analysis of DOC Inmates in Custody Data Files on 7/26/2019 and 6/30/2020.

3 individuals did not have information.

Table 3.

Heat Sensitive Individuals by Housing Type	2019		2020	
	Air Conditioned	1,125	58%	794
Non-Air Conditioned	804	42%	219	22%
Total Heat Sensitive	1,929	100%	1,013	100%

Source: BOC Analysis of DOC Inmates in Custody Data Files on 7/26/2019 and 6/30/2020 matched with the DOC's Master Bed Utilization Plan in effect on each respective date.

► Heat-Sensitive People in Custody

While the proportion of people in custody designated as heat sensitive has remained consistent at 26% of the population, there has been a 47% decrease in the total number of heat-sensitive people in custody since last summer (916 fewer heat-sensitive people in custody). Table 4 below compares the number of heat-sensitive people in custody in 2019 and 2020 by facility.

Table 4.

Number of Heat-Sensitive People by Facility		
Facility	July 26, 2019	June 30, 2020
AMKC	591	303
BHPW	29	16
BKDC	77	0 (closed) ⁶
EHPW	3	0
EMTC	167	0 (closed)
GRVC	202	160
HOJC	17	0
MDC	164	98
NIC	175	98

⁶ BKDC did not have air conditioning in any housing area. EMTC was largely non-air conditioned.

OBCC	114	68
RMSC	134	72
RNDC	108	91
UNKNOWN	11	0
VCBC	134	96
WF	3	11
Total	1,929	1,013
Source: BOC Analysis of DOC Inmates in Custody Data Files on 7/26/2019 and 6/30/2020.		

In June 2020, 219 heat-sensitive people in custody (22% of all heat-sensitive people) were not in air-conditioned housing. This is a 73% decrease from July 2019 (a decrease of 585 people), when 42% (n= 804) of all heat-sensitive people in DOC custody were housed in non-air-conditioned units.

Table 5 below presents the June 30, 2020 breakdown of heat-sensitive individuals by facility and housing type (air-conditioned vs. non-air conditioned).

Table 5.

Heat Sensitive Individuals in DOC Custody			
<i>June 2020</i>			
Facility	Heat Sensitive People in A/C Unit	Heat Sensitive People in Non-A/C Unit	Total
AMKC	232	62	294
GRVC	113	43	156
MDC	96	0	96
NIC	97	0	97
OBCC	0	63	63
RMSC	62	10	72
RNDC	50	41	91
VCBC	96	0	96
WF	11	0	11
BHPW	16	0	16
Intake	21	0	21
Total	794	219	1,013
Source: BOC analysis and comparison of heat-sensitive people in DOC custody.			

► Heat-Sensitive Overrides & Refusals of Heat-Sensitive Housing

According to DOC, some heat-sensitive people cannot be moved to air-conditioned housing for security reasons (a “heat-sensitive override”), while others voluntarily refuse to move (a “refusal”). Refusals must be made to a Correctional Health physician.⁷ This summer, the Department standardized the heat-sensitive override process and created flags in their internal tracking system (Inmate Information System or IIS) that show whether someone has an associated override or refusal. The Department also began providing the Board with all Heat-Sensitive Housing Override Requests and Refusal forms, including any supporting documentation associated with override requests.

The Board analyzed all documented override approvals (N=41) and refusals (N=198) processed through June 30, 2020.⁸

Of the 219 heat-sensitive people not housed in air-conditioned housing units on June 30, 2020 specifically, 36 had a security override and 162 had a refusal.^{9,10} Twenty-two heat-sensitive people who were not in air-conditioned housing did not have an override request or refusal paperwork; of these individuals 15 were housed in cell units and 7 in dorm units.

► Heat-Sensitive Security Override Analysis

Department staff seeking to place a heat-sensitive individual in a housing unit without air conditioning must send a heat-sensitive security override request to the Department’s Health Affairs Unit (HAU). Staff submitting the request are required to provide the reason for the request and the steps that have been taken to avoid requesting the override.¹¹ The HAU must then review the request and supporting documentation and decide whether to approve the assignment.

⁷ “The subject individual must be seen immediately by Medical staff and counseled regarding their voluntary refusal. Medical Staff will complete a CHS-305 Patient Refusal of Treatment form electronically and print out a hardcopy, which the subject individual must sign and date.” N.Y.C. DEP’T OF CORR., HEAT-SENSITIVE HOUSING, OPERATIONS ORDER 9/20, at 11 (eff. June 29, 2020).

⁸ DOC and CHS report that, at the end of June, CHS conducted its annual quality assurance exercise regarding heat sensitive people in custody. They reviewed a subset of electronic medical records to confirm any relevant diagnoses had triggered a heat-sensitive designation and that all heat sensitive designations in the CHS health records also appeared in the DOC Inmate Information System (IIS) which DOC uses to make housing decisions. The agencies report that this led to an influx of a total of 486 heat-sensitive designations in the DOC system at the end of June. The Board continues to monitor heat conditions in the jail throughout the summer and intends to publish a review of the full summer 2020 which will provide further context to the impact of this quality assurance process.

⁹ There were an additional 50 people in custody who were heat sensitive and had a refusal or override but were housed in air-conditioned housing on June 30, 2020. One individual had documentation for both an override and an refusal.

¹⁰ Last summer, the Department report to Legal Aid Society that, as of July 30, 2019, there were 505 heat-sensitive people not housed in air-conditioned housing. This included 163 people who refused to move to air-conditioned housing, 192 who received “authorized security overrides” to be housed in non-air-conditioned housing, and 150 people who neither refused to move nor received overrides.

¹¹ The Department’s new override form does not require the requester to list steps taken prior to requesting an override.

The Department approved a total of 41 heat-sensitive overrides through June 30, 2020.¹² All but one were approved by the Health Affairs Unit: 28 (68%) were approved in June, two (5%) in February, six (14%) in May, and five (12%) in 2019. It was unclear who approved one override. While there were 41 overrides on file through June 30, only 36 of these people were housed in non-air-conditioned housing on June 30, as noted above.

Most overrides were requested by the OBCC facility (54%, n=22) where the ESH housing areas are located. Twenty-one (21) override requests were completed by Deputy Wardens while 20 were completed by DOC Captains. The forms in use at the time did not specify who was required to complete the form.¹³

Table 6.

Override Requested By:	AMKC	GRVC	OBCC	RNDC	RMSC	Total
Total	3	4	22	11	1	41
Source: BOC analysis of DOC heat sensitivity security override documentation in June 2020.						

More than half (54%, n=22) of the overrides were requested because the person was already housed in Enhanced Supervision Housing (ESH), a form of restrictive housing at OBCC where people are afforded seven (7) hours of daily lock-out and can earn additional lock-out time upon their progression to less restrictive housing levels within ESH.¹⁴ Of the 22 people with overrides due to ESH, 12 people were heat sensitive when placed in ESH and then an override was processed after placement. The other 10 people were designated heat sensitive after placement in ESH and an override was processed at that point.

Table 7.

DOC Heat-Sensitive Security Overrides	
Reason for Security Override Request	Count
Currently Housed in ESH	22
Needs More Secure Setting / Persistent Violent Behavior	11
Unclear	3
Designated as / Currently in Protective Custody	2
Currently in Mental Observation Housing	1
COVID	1
Currently Housed in GRVC	1
Total	41
Source: BOC analysis of DOC heat sensitivity security override documentation in June 2020.	

¹² The Department’s new Operations Order, implemented on June 29, 2020, includes a new heat-sensitive security override request form which is more detailed and more clearly structured to capture the required information. The 41 override requests reviewed by the Board were completed on the old form as they were processed by DOC prior to the new order taking effect.

¹³ The updated form per the new Operations Order requires a Deputy Warden or Tour Commander submit the request. N.Y.C. DEP’T OF CORR., HEAT-SENSITIVE HOUSING, OPERATIONS ORDER 9/20, P. 12 (eff. June 29, 2020).

¹⁴ On a July 27, 2020 Board tour of OBCC, the Department reported that they had removed all heat-sensitive people in custody from ESH.

The override form in effect at the time required facility staff to list steps taken prior to requesting an override (e.g. attempt to find an air-conditioned and safe place to house the person in a different facility) however, the Board found that the Department generally did not identify steps taken to avoid the override.¹⁵ Fifty-four percent (54%, n=22) of the overrides reviewed did not list or clearly state the steps taken to avoid an override.¹⁶ Forty-four percent (44%, n=18) noted they had asked the person in custody to sign a heat-sensitive refusal form. One (1) override documented that DOC attempted to transfer the person in custody numerous times.

Table 8.

Steps Taken to Avoid Security Override	Count
Unclear	22
Asked person in custody to sign a refusal of heat-sensitive housing	18
Numerous transfers to other units/facilities	1
Total	41
Source: BOC analysis of Department of Corrections override forms in June 2020.	

The Department’s supporting documentation for the overrides was inconsistent.¹⁷ At the time the 41 overrides were completed, there was no clear protocol as to what should be included within the request packet. Some packets had no documentation while others ranged from 1-80 pages of documentation. An example of a well-documented override was an override dated February 20, 2020 which included: the Inmate Information System (IIS) screen for transfer history to show the Department tried to mitigate the need for an override; the IIS infractions screen to give a clear indication of persistent violent behavior; and the infraction packets as supporting evidence. The Department’s new Operations Order issued June 29, 2020 provides additional, helpful guidance to staff requesting overrides by stating the submission must include the specific instances where the individual engaged in verified acts of violence or the request may be denied.

► **Heat-Sensitive Housing Refusal Analysis**

If a heat-sensitive person refuses to move to an air-conditioned housing area, CHS policy requires that the person undergo consultation with a physician, who explains the potential health risks of refusing heat-sensitive housing.¹⁸ If the person still declines a transfer, CHS notifies DOC of the patient’s refusal. DOC’s new Operations Order requires the person in custody sign and date the refusal form. DOC policy in effect prior to new order issued on June 29, 2020, was silent on whether the person in custody, the clinician, and/or DOC staff receiving the refusal should sign the form. The CHS protocol is also silent on who should sign the refusal form.¹⁹

¹⁵ The Department’s new override form does not require the requester list steps taken prior to requesting an override.

¹⁶ These were overrides for the same 22 individuals in ESH.

¹⁷ The Board requested the Department send the packet of information associated with each override. The Department reports that the Health Affairs Unit has access to and/or may have requested additional information from the facility to review in their determination.

¹⁸ N.Y.C. CORRECTIONAL HEALTH SERVICES #INT 9 HEAT PROTOCOL, at 2 (eff. September 9, 2019).

¹⁹ In response to draft report, CHS reports that they have updated the form to clarify that the clinician is required to sign the form.

There were 198 refusal forms processed through June 30, 2020. Seventy-one percent of refusals (71%, n=140) were filed in June 2020, 102 of which of were processed in the last week of June (June 24-30)²⁰. Fifteen percent of refusals (15%, n=30) were filed between January and May 2020, 13% (n=26) were filed in 2019, and 1% (n=2) in 2018.

Twenty-seven percent (27%, n=53) were signed by both the clinician and person in custody,²¹ 6% (n=12) were signed by the person in custody but not a clinician, 39% (n=77) were signed by the clinician but not the person in custody, 3 (2%) were signed by neither a person in custody nor a clinician. The final 27% (n=53) have one signature, but it was not clear if the signature is that of the clinician or the person in custody.

164 refusals (83%) were on the standard CHS refusal of heat-sensitive housing print out, referenced in DOC's new Operations Order. The form has only one signature line and the form itself does not clearly specify whether it should be signed by the person in custody or the clinician. Of the 164 refusals on the standard form, 23 (14%) were signed by both the person in custody and a clinician. CHS used two other forms during this time period, both of which more often had signatures from both the person in custody and clinician.²²

► Summer Uniform Distribution

In June 2020, the Department distributed shorts and short-sleeved uniforms to people in custody. When a person in custody received their summer uniform, they signed a form with their name on it. The Board received distribution records from all facilities and conducted a detailed review of records from RNDC, AMKC and RMSC from all distribution dates.

- Of the 439 total people in custody at RNDC on June 4th, when uniforms were first distributed at RNDC, 96% (n=421) received a summer uniform.²³
- Of the 942 total people in custody at AMKC on June 8th, when uniforms were first distributed at AMKC, 80% (n=752) received a summer uniform.²⁴
- Of the 155 total people in custody at RMSC on June 8th, when uniforms were first distributed at RMSC, 83% (n=129) received a summer uniform.²⁵

► Daily Temperature Monitoring

DOC policy requires that each jail take daily temperature readings in all medical and mental health areas, all occupied air-conditioned housing (except Manhattan Detention Center, Vernon

²⁰ The Board requested all documentation on June 22, 2020

²¹ CHS reports that the person's electronic health record should have an additional refusal of treatment form that includes both the person in custody and the clinician's signatures. Neither the Board nor the Department have access to this record.

²² The other 33 refusals (17%) were on CHS refusal of treatment or refusal of heat-sensitive housing forms. Twenty-seven (n=27, 82%) of these had both clinician and person in custody signatures. DOC staff signed 155 (79%) of all refusal forms. Of these, 102 (66%) had a date next to the signature.

²³ Uniforms were distributed at the RNDC facility on June 3rd-6th, June 8th-12th, and June 14th-18th. The Board reviewed individuals in custody on June 4 had received a summer uniform on any of the distribution days.

²⁴ Uniforms were distributed at the AMKC facility on June 8th -10th, and June 20th.

²⁵ Uniforms were distributed at the RMSC facility on June 8th -10th and July 8th.

C. Bain Center, and the 800-bed addition at the Rose M. Singer Center where temperatures must be taken in 20% of housing areas), Rose M. Singer Nursery (when occupied), and all punitive segregation, restricted housing unit, enhanced supervision, TRU, and Second Chance housing areas. Each facility is required to document daily temperature readings in several locations in each sample area (e.g., the front, middle, and back of a dormitory housing area) and document the housing area type (e.g., General Population, Mental Observation, etc.), whether the area has air conditioning, and the number of heat-sensitive people housed in the sample area.²⁶ Each jail must collect this information daily between 1pm and 4pm regardless of the outdoor temperature and report this information in a Daily Temperature Monitoring Report.

The Board reviewed all reports from the 16 high heat days (where ambient outdoor temperature at LaGuardia Airport was documented above 85 degrees Fahrenheit) in June 2020.²⁷ On each high heat day, the Board recorded the highest documented temperatures along with the times the temperatures were taken in all non-air-conditioned housing units, all restrictive housing units, and two (2) air-conditioned units from each jail.

Table 9.

Housing Area Temperature Readings June 2020						
Facility	A/C Housing Units Reviewed by BOC			Non- A/C Housing Units Reviewed by BOC		
	Minimum	Maximum		Minimum	Maximum	
AMKC	17	69.3	79.4	37	70.5	81.8
EMTC	6	73.6	80.6	34	74.4	80.8
GRVC	81	69.9	87.9	8	75.6	85.1
MDC	34	69.5	77.1	0	n/a	n/a
NIC	22	71.5	75.3	6	73.7	75.9
OBCC	0	n/a	n/a	80	73.5	90.6
RMSC	36	69.7	79.9	18	70.5	80.7
RNDC	41	64.9	87.9	18	72	86.3
VCBC	34	70.1	78.9	0	n/a	n/a
WF	30	74.2	79.4	0	n/a	n/a
Total	299	69.3	87.9	203	70.2	90.6

Source: BOC analysis of DOC housing area temperature reading reports in June 2020.
Notes: BOC reviewed temperature readings on 16 days where the outside temperature was 85 or higher. The following days were reviewed: June 4, 6, 9, 10, 12, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29.

DOC recorded 87% (n=438) of the sampled temperature readings during the correct time period (1pm – 4pm).

²⁶ N.Y.C. DEP'T OF CORR., TELETYPE HQ-01293-0, at 1 (eff. June 3, 2020).

²⁷ See National Oceanic and Atmospheric Administration temperature data, <https://www.ncdc.noaa.gov/cdo-web/datasets/GHCND/stations/GHCND:USW00014732/detail> The following days were reviewed: June 4, 6, 9, 10, 12, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29.

► **Fans and Showers**

The Department reports they conducted a pre-summer review of all non-air-conditioned housing areas to confirm that each unit had the required two fans. The Department did not document the exact number of fans in each housing area, however, they reported many housing areas have more than the required two fans.

DOC policies require that people in custody have access to showers during lock out hours, and will be recommended to take “cool showers” to keep body temperatures down.²⁸ The Department reports that “cool” showers are less than 100 degrees Fahrenheit and the each housing has at least one shower designated as “cool.”

In June 2020, the Department collected a sample of “cool” shower temperatures at five jails. Of the shower temperatures recorded, six (n=6, 14%) were above the required 100 degrees.

Table 10.

DOC’s Cool Shower Monitoring					
Date	Facility	Number of units tested	Units with Shower Temp Above 100	Min	Max
6/30/2020	AMKC	8	0	75.8	98.3
6/30/2020	RNDC	8	0	78.1	89.2
6/30/2020	RMSC	4	0	75.6	88.6
6/26/2020	GRVC	15	4	89.7	104.3
6/25/2020	OBCC	8	2	94.5	100.7
	Total	43	6	75.6	104.3

Source: NYC Department of Correction cool shower reports.

► **Heat-Related Grievances**

In the month of June 2020, DOC’s Office of Constituent and Grievances (OCGS) received a total of 63 heat-related grievances, 48 categorized by OCGS as “Environmental” grievances and 15 categorized as “Housing” grievances. OCGS is the office responsible for handling complaints, concerns and requests for information received from people in custody, family, attorneys, and others.²⁹

²⁸ N.Y.C. DEP’T OF CORR., HEAT-SENSITIVE HOUSING, OPERATIONS ORDER 9/20, at 4 (eff. June 29, 2020); N.Y.C. DEP’T OF CORR., TELETYPE HQ-01293-0, at 2 (eff. June 3, 2020). *See also* DOC’s 2020 Heat Plan.

²⁹ A “grievance” received by OCGS is not necessarily a complaint. It may be a question or an inquiry. Some may be directed to the wrong agency – for example, they may have been intended for the New York State Department of Corrections and Community Supervision (DOCCS), not the NYC DOC. A filed grievance is subject to investigation and may not have been substantiated.

Heat-related grievances were received from eight (8) jails, one hospital area, and one grievance which did not specify a facility within the Department's jurisdiction. Seventy percent (70%, n=44) of the heat-related grievances were from three (3) facilities: AMKC (30%, n=19), RMSC (24%, n=15), OBCC (16%, n=10).

Seventy percent (70%, n=44) were filed by people in custody, 22% (n=14) by attorneys, family, friends on behalf of individuals in custody, and 8% (n=5) were filed anonymously.

BOC staff reviewed and recoded all heat-related concerns into more specific categories to better understand concerns, complaints, or requests for information in the grievances.³⁰ The following four (4) BOC coded subcategories made up 68% (n=43) of all heat-related grievances:

- 43% (n=27) were grievances about **inoperable air conditioning units** inside the housing area.
- 11% (n=7) were grievances about **lack of access to ice or cool showers**.
- 8% (n=5) were requests to DOC to **find appropriate air-conditioned housing**.
- 6% (n=4) were grievances about **intense heat conditions in jail areas that were not housing units**.

► BOC On-Site Inspections

Board staff conducted unannounced tours, one on July 16, 2020 at the RNDC facility and one on July 30, 2020 at the AMKC facility.³¹ At each jail, Board staff visited three housing areas, interviewed people in custody and staff in each housing area about the temperature conditions, and inspected the units for any heat mitigation efforts.

At RNDC, Board staff toured two air-conditioned housing areas and one non-air-conditioned housing area. At AMKC, Board staff toured one air-conditioned housing area and two non-air-conditioned housing areas.

Key findings from on-site inspections include:

- Five of the six housing areas visited had been receiving ice. One non-air-conditioned unit at AMKC had not recently received ice. BOC staff spoke to facility leadership and DOC delivered ice to the unit.
- BOC staff took temperatures on the July 30 tour of AMKC and found temperature readings to be above 85 degrees in two of the three units visited. Temperatures ranged from a low of 72.0 in the air-conditioned unit visited to a high of 91.0 degrees in one of the non-air-conditioned unit visited.
- BOC staff observed posters regarding heat conditions and safety in one of the housing areas at AMKC and none of the housing areas at RNDC.

³⁰ BOC's Grievance Team reviewed all 50 heat related complaints received by OCGS in the month of June and recoded them into 14 more specific subcategories to better understand the underlying issue. The Board and OCGS continue to work together to ensure consistency and quality assurance practices.

³¹ Board Member Robert Cohen joined Board staff on July 30, 2020.

- At AMKC, the one air- conditioned housing area had three fans; one non-air- conditioned housing had five fans (one inoperable), and the other non- air- conditioned housing area had two fans. At RNDC, all three housing areas had two fans.
- At both jails, DOC staff reported that they must bring their own ice and water to a housing area post. One uniformed staff person at RNDC reported difficulties maintaining hydration throughout her daily work shift.
- One person in custody reported to Board staff that he felt it was too warm to wear his face mask.
- Plexiglass on cell-door windows prohibits circulation of air in the cells, contributing to temperatures inside cells to rise higher than surrounding unit.

Board staff also toured OBCC with Council Member Keith Powers on July 27, 2020. The tour visited four housing areas. Council Member Powers issued a report with findings and recommendations after the tour.³²

► Recommendations

The Department should ensure its staff follows current policy regarding heat-sensitive protocols. In addition, the Board recommends that, this summer, the Department:

1. Increase time out of cell on high-heat days by (1) extending lock-out time until 11:00 pm (as was the case prior to August 4, 2014) and (2) formalizing the suspension of daytime lock-in for count during high-heat days except when security concerns militate otherwise. The Department should also offer to remove the plexiglass covering cell windows in order to create airflow in the cells.
2. Immediately move every heat-sensitive person in custody to air-conditioned housing, unless the person voluntarily refuses to move.
 - The Department should provide notice to any person in custody who has refused heat-sensitive housing that they may return to the clinic at any time to rescind their refusal. Refusals signed in prior years or any time prior to this summer should be prioritized for a consultation with a clinician.
 - Additionally, the Board recommends CHS use Refusal of Heat-Sensitive Housing Form #385 (Rev.8/16) rather than Form #305 (which does not provide space for two signatures) so that both the person in custody and the clinician conducting the consult can sign the refusal form. DOC policy should also reference this specific form. CHS should also clarify in its policy whether refusals may be conducted by non-physician clinicians, such as Physician Assistants and Nurse Practitioners, and who is required to sign the refusal form.
3. Regularly provide ice and water to all DOC staff, especially those working in non-AC units.
4. On high heat days, collect temperatures in a sample of non-air-conditioned, general population housing areas in each jail. The Department should monitor these temperatures to identify housing areas or cells that are particularly hot as to be uninhabitable such that no person should be housed in the cell.

³² <https://twitter.com/KeithPowersNYC/status/1288238229653774336>.

5. Set specific protocols for acceptable supporting documentation needed for heat-sensitive security overrides.
6. Begin planning to move all restrictive housing (including ESH) to air-conditioned housing by next summer.

Further, the City should continue its efforts to decrease the jail population. While the decrease to date has aided the Department's ability to more effectively manage heat emergencies, there are not enough air-conditioned housing areas for the number of people currently detained. Amidst the current COVID-19 pandemic, the City should prioritize the release of medically vulnerable people (over the age of 50 and/or underlying health conditions), people detained for administrative reasons (including people held solely for a technical violation of parole), and people serving city sentences.