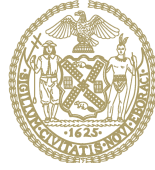


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THE COUNCIL
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May 12, 2020

Margaret Egan, Executive Director
Chair and Members
New York City Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Department of Correction (DOC) and Correctional Health Services (CHS) Variance Requests

Dear Ms. Egan, Chair Jones Austin, and Members:

I am writing to express my continuing dismay at the DOC's conduct during the COVID-19 crisis. The dire need for a change in both leadership and culture at the Department has become even more obvious.

The conditions in our city's jails are appalling as are the DOC's statements about such conditions. At the very least, I believe the Department evinces deliberate indifference to the lives of individuals in custody. According to many of these individuals and their attorneys, the DOC's portrayal of conditions is not reflected in the reality on the ground. Since judges rely on such representations, they have largely been denying habeas petitions aimed at COVID-19-related release.

What must be done is clear. The DOC must not stand in the way of the release of anyone who can and should be released. The DOC must provide every individual who remains in custody with soap, hand sanitizer, masks, gloves, and adequate space. The DOC must stock sufficient cleaning supplies and follow the disinfection protocol followed by all large institutions. Rather than take the Department's word, I ask that the Board implement a safe monitoring system to ensure that these steps are being taken uniformly across the system. Finally, the DOC must be fully transparent about what is transpiring within the walls of the jails. I applaud the Board for obtaining and publishing this data and ask that other metrics be included to gain an even more robust picture.

As a matter of principle, I oppose repeated renewal of variances. I ask that any grant of the DOC's request around the "Secure Unit" be of limited duration, and that rulemaking around all restrictive housing begin as soon as practicable. As for the request of Correctional Health Services, I ask that the Board rely on the input of independent medical experts.

Thank you for your careful consideration of my comments.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Daniel Dromm
Chair, Committee on Finance