



New York Civil Liberties Union
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VIA Email

Cynthia Brann
NYC DOC Commissioner
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Jacqueline Sherman and Margaret Egan
NYC BOC
Board of Correction
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Re: Institutional Plan For Preventive Measures Against COVID-19

Dear Commissioner Brann, Chairperson Sherman, Executive Director Egan, and Members of the Board:

We write to ask that the Department of Correction publicly share its plans for the prevention and management of COVID-19 in New York City jails and that the Board of Correction urge the DOC to do so. We also ask that the BOC publish and regularly update data on its website regarding the spread of COVID-19 within DOC jails. Given the widespread fears regarding the spread of COVID-19, we ask the BOC to help alleviate those fears by publishing that data and by pushing DOC to publish its plans on its website by this Friday, March 13th. This way, family and friends of the people incarcerated in NYC jails can review them and feel assured that their loved ones will remain safe and healthy.

Coronavirus poses a safety risk for the people in jails across the city. Incarcerated people are highly vulnerable to outbreaks of contagious illnesses. Without the active engagement of the correctional administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them. They are housed in close quarters, have little control over their daily interaction with others, and are often in poor health.

As former New York City Department of Correction Commissioner Martin Horn warned: “contagious disease [is] a most dangerous foe and the least amenable to structured control in a setting where social isolation is difficult due to open dormitory housing, court pens that are incubators and accelerators of contagion, and staff coming to work not aware that their child is a carrier.” See BOC meeting May 2009, in regard to H1N1 swine flu.

As the oversight board that regulates, monitors, and inspects the correctional facilities of the City, the BOC is what many incarcerated New Yorkers depend on to ensure that their conditions of confinement are safe, sanitary, and healthy. We commend BOC for placing the discussion of plans regarding COVID-19 on the public meeting agenda for March 10, 2020. We ask that you ensure broad public access to these plans by urging DOC to publish them on its website or, in the alternative, that the BOC publish them on its own website. We also ask that the BOC evaluate DOC’s plans and ensure they follow evidence-based, best practices. Finally, we urge BOC to inspect the jails to ensure the plans are being implemented.

DOC’s plans to prevent COVID-19 exposure in its facilities and to mitigate the spread of the disease if people are exposed should address the following questions:

- **Provision of handwashing and sanitizing supplies:** What are DOC’s plans for providing handwashing and hand-sanitizing supplies to staff, incarcerated people, and visitors and DOC’s plans to sanitize areas after use to prevent exposure?
- **Education of the people in your custody:** What are DOC’s plans for keeping people in custody informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus? They must know about the virus and the importance of proper handwashing, coughing into elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** What are DOC’s plans for making sure correctional, administrative, and medical staff are educated about the virus to protect themselves and their families, as well as the people in custody?
- **Screening and testing of people:** What are DOC’s plans for screening symptomatic visitors and for testing staff and people in its custody?
- **Housing of persons exposed to the virus:** What are DOC’s plans for how and where people will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it? *This should not result in prolonged, widespread lock-downs, prolonged use of isolation, or indiscriminate bans severely impeding contact with attorneys and visitors.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the latest medical advice available and should be as limited as possible in scope and duration.
- **Treatment:** What are DOC’s scientific and public health-based treatment plans?
- **Vulnerable Populations:** What are DOC’s plans for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses,

compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them?

- **Basic services:** What are DOC's plans to provide basic services in the case of the spread of the disease within a facility, like supplying safe food and water, medication, linens and clothing, and hygienic items?
- **Staffing plans:** What are DOC's plans for maintaining security if large numbers of staff call out sick?
- **Staffing plans for services provided by incarcerated people:** What are DOC's plans for performing tasks, such as food preparation and basic sanitation, if large numbers of incarcerated people are sick?
- **Data collection:** What are DOC's plans for collecting data regarding the spread of COVID-19 within the facilities? As with any contagious disease, data collection is critical to understanding and fighting the virus. DOC's system must be part of this process. The same information that is tracked in the community must be tracked in the jails.

Having strong plans that address the above questions can prevent the need for drastic restrictions later on, like putting large numbers of people in solitary confinement or prohibiting attorney-client visits and family visits. We ask that the DOC publish its plans on its website by Friday, March 13, and that the BOC urges DOC to do so, so that the public can be assured that the DOC is prepared to protect the health and safety of all those incarcerated in NYC jails.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grace Li', with a stylized flourish at the end.

Grace Li