



New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, New York 10004
212.607.3300
www.nyclu.org

Antony Gemmell
Senior Staff Attorney
212.607.3320
agemmell@nyclu.org

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[Via email to sheriff@ongov.net](mailto:sheriff@ongov.net)

Sheriff Eugene J. Conway
Onondaga County Sheriff's Office
407 South State Street
Syracuse, New York 13202

Re: Solitary confinement related to COVID-19 at the Onondaga County Justice Center

Dear Sheriff Conway:

We write to express serious concern over reports that the Onondaga County Sheriff's Office ("OCSO") has responded to the recent increase in COVID-19 cases at the Onondaga County Justice Center (the "Justice Center") by subjecting hundreds of individuals to conditions akin to solitary confinement. While we do not underestimate the significant challenge to jail administration that the coronavirus pandemic presents, imposing near-total, in-cell lockdown for an indeterminate period is an inappropriate means to meet that challenge. We urge you to consider alternative infection control measures and ask that you confirm by no later than next Tuesday, December 29 whether OCSO intends to continue this harmful practice at the Justice Center.

Recent media reports indicate that OCSO has limited out-of-cell time at the Justice Center to just 30 minutes every two days¹ — a restriction considerably harsher than those commonly imposed on individuals placed in solitary confinement as a disciplinary measure. As accounts from inside the facility already portend, the inevitable consequence of confining people alone in small cells for 47½ out of every 48 hours is obvious: a marked increase in the risk of suicide and other mental health crises among incarcerated individuals (and particularly, though not exclusively, those with preexisting mental illness).²

¹ Tim Knauss, *Inmates Locked Down as Covid Spreads at Onondaga County Jail: "It's Very Stressful"*, POST-STANDARD (Dec. 22, 11:26 AM), <https://www.syracuse.com/coronavirus/2020/12/inmates-locked-down-as-covid-spreads-at-onondaga-county-jail-its-very-stressful.html>.

² See Keramet Reiter et al., *Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence in the United States, 2017–2018*, 110 AM. J. PUB. HEALTH SUPP. 1,

The U.S. Constitution and New York State regulations both prohibit excessively restrictive conditions of confinement.³ OCSO's recent practice of subjecting individuals at the Justice Center to solitary confinement may well run afoul of those clear prohibitions. The ongoing coronavirus pandemic does not absolve OCSO of its obligation to respect the legal rights of those in its custody. OCSO's discretion in responding to COVID-19 does not confer unbridled latitude to subject individuals at the Justice Center to excessively restrictive conditions of confinement indefinitely.⁴

We understand that OCSO intends to review the restrictions currently in place at the Justice Center next Tuesday, December 29, and urge you to reconsider the blanket use of solitary confinement as an infection control measure. Additional staffing and other preventive measures should obviate the need to confine people to their cells for 99% of the day. And to the extent such measures would not adequately reduce the risk of COVID-19 infection, OCSO and the Onondaga District Attorney should consider more decisive action to depopulate the Justice Center to allow for greater social distancing. The New York Civil Liberties Union ("NYCLU") welcomes the opportunity to engage in a dialogue with your office about this concerning situation.

We ask that you confirm on or before December 29, 2020 whether OCSO will continue its current practice of limiting out-of-cell time for individuals at the Justice Center to 30 minutes every other day.

To inform the NYCLU's next steps, we also ask that you provide additional information on OCSO or Justice Center policies and practices related to COVID-19, including, without limitation:

1. A description of any policy or practice currently in effect at the Justice Center requiring that any individual be confined in a cell to prevent the transmission of COVID-19;
2. An explanation of any legal basis or justification for such policy or practice;
3. A description of any recommendation provided by the Onondaga County Department of

S56–S62 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6987940>. *See also Peoples v. Annucci*, 180 F. Supp. 3d 294, 299 (S.D.N.Y. 2016) ("After even relatively brief periods of solitary confinement, inmates have exhibited symptoms such as hypersensitivity to stimuli, perceptual distortions and hallucinations, increased anxiety, lack of impulse control, severe and chronic depression, appetite and weight loss, heart palpitations, sleep problems, and depressed brain functioning.").

³ *See generally Sandin v. Conner*, 515 U.S. 472, 485 (1995) (recognizing liberty interest in limitations on freedom that "impose[] atypical and significant hardship . . . in relation to the ordinary incidents of prison life"); 9 N.Y.C.R.R. § 7075.4.

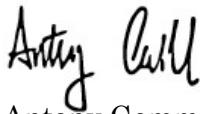
⁴ *Cf. Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020) (applying strict scrutiny to COVID-19 restriction implicating fundamental right).

Health concerning such policy or practice;

4. A description of any approval provided by the New York State Commission of Correction concerning such policy or practice; and
5. A description of any other policies or practices taken at the Justice Center related to COVID-19.

We thank you for your consideration of this important issue and look forward to your response.

Sincerely,



Antony Gemmell
Senior Staff Attorney

/s/ Yusuf Abdul-Qadir

Yusuf Abdul-Qadir
*Senior Strategist for
Racial Justice*

/s/ Caroline Nagy

Caroline Nagy
*Director of Chapters and Acting
Director, Central New York
Chapter*

cc: J Ryan Mitchell, II, Onondaga County Executive
William J. Fitzpatrick, Esq., Onondaga County District Attorney
Indu Gupta, MD, Onondaga County Health Commissioner
Esteban M. Gonzalez, Chief Custody Deputy, Onondaga County Sheriff's Office