

DOC Response to Board of Correction Heat Mitigation Efforts in NYC Jails Report  
December 2024

The New York City Department of Correction (“the Department”) appreciates the Board of Correction (“the Board”) sharing its “Heat Mitigation Efforts in NYC Jails Report.” After review, the Department is deeply concerned with the report for two main reasons: (1) the Board’s conclusions mischaracterize the realities of heat mitigation in the facilities and underrepresents the progress that the Department has made, and (2) the impact and utility of the Board’s recommendations are extremely limited.

The authors include two Key Findings, one of which states that the Department is in 100% compliance with ice and fan distribution policies. The second finding of “unaddressed physical discomfort” is subjective and problematic in that it (1) does not acknowledge that summer temperatures can create discomfort for people regardless of incarceration, and (2) does not acknowledge the real, existing challenges, both operational and financial, associated with climate control of the old and failing infrastructure of the jails.

The Department recognizes that persons in custody and staff may suffer from an uncomfortable environment in the summer months, and the Department takes every measure possible to alleviate these conditions. Most significantly, the Department over the past few years has installed air conditioning systems across its facilities. Despite consultations with the Department, and data provided by the Department to demonstrate significant improvement in this area, the authors failed to acknowledge the improvements the Department has made over the past few years regarding climate control. Failing to recognize the efforts that have been made, not only by the Department but by partner city agencies such as the Department of Design and Construction, is unwarranted and disappointing.

**At the time of this report, 6 out of 8<sup>1</sup> of NYC DOC facilities are 100% air conditioned and work is ongoing to evaluate options for air conditioning in the remaining housing areas.** Installing air conditioning in NYC DOC facilities is incredibly challenging, personnel resource-intensive, and requires significant funding. Capital funding is limited due to the Borough Based Jail commitment. The Department invites the Board to accompany the Facilities Maintenance and Repair Division (“FMRD”) on a tour during installation of the next air conditioning system to observe how incredibly complex this work is. The Board of Correction should at the very least be expected to acknowledge the Department’s achievements and improvements in the Board’s report.

Further, the report’s recommendations are misguided and ignore harsh realities and are therefore unhelpful to the Department and those who live and work in NYC DOC facilities. Nowhere in the report do the authors acknowledge the financial implications of their recommendations. It is also worth noting that there is no mention of the BOC Minimum Standards in this report. Measuring Departmental compliance with the report’s recommendations in the absence of the Minimum Standards is subjective and unproductive.

It appears as if the goal of the authors was to find shortcomings in the Department’s compliance, regardless of what are clear, unambiguous facts that demonstrate full compliance of measurable standards and significant efforts to continue improvement. Further, the authors make recommendations that, as written, appear clear and easy to implement when in fact they are short-sighted, unrealistic, and therefore unhelpful to those living and working in NYC DOC facilities.

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<sup>1</sup> 8 facilities includes all open facilities on Rikers Island and counts RMSC and RESH as separate facilities.

Below the Department highlights examples of the Board's recommendations as well as the authors' omissions from the "DOC Efforts" section of the report.

- Recommendation 1a *Expand cooling solutions*. The Department installs air conditioning systems across housing facilities. Portable air conditioners, as recommended, are inappropriate for secure spaces, and more importantly, are likely inefficient and unable to effect change in climate in large housing areas. However, air conditioning installation work is ongoing.
- Recommendation 1b *DOC should ensure consistent ventilation*. Per data shared with the Board, any housing area that is not air conditioned is indeed ventilated. **Notably, at the time of this report, 85% of housing areas that are currently in use to house persons in custody are air conditioned.**
- Recommendation 2b *Implement real-time temperature tracking*. This recommendation is unclear, and the Department is not aware of what "information triggered at the individual cell level" as referred to. The Department continues to identify and implement ways to modernize our tracking systems and alleviate reliance on paper records.
- Recommendation 2c *Track and analyze incidents related to heat exposure*. The Department does not accept this recommendation as the Department cannot evaluate if a person in custody is experiencing a heat-related medical issue. Correctional Health Services is responsible for this work. The Department calls for a medical emergency and CHS responds and evaluates.
- Recommendation 2 c ii regarding malfunctioning heaters or radiators. This recommendation seems misplaced as the report is focused on summer heat. The Department maintains work orders for any malfunctioning equipment which are available to the Board at any time. The Board did not make any request to view work orders for any heater or radiator.
- Recommendation 3 *DOC should improve distribution of water and ice*. The purpose of this recommendation is unclear given the report's first Key Finding of the Department's 100% compliance with ice and fan provision.
- Recommendation 5 which recommends that the Department report to the Board on a monthly basis several data points regarding heat sensitive persons in custody. This recommendation is confusing, in that the Department already supplies the Board with this data. The data includes heat sensitive designations, heat sensitive mis-houses, heat sensitive refusals, and heat sensitive overrides. This data is uploaded daily by the Department to a shared folder to which the BOC and DOC share access.
- In DOC Efforts, the authors state that BOC received the Department's warm-weather protocol on December 3, 2024. It is unfortunate that the Board reviewed the protocol in December, given it is posted on the Department's website ([here](#)) every year in May. The Department continues to be committed to being transparent and communicate our efforts publicly.
- In DOC Efforts, the Board underrepresents the Department's efforts at expanding air conditioning. Per data shared with the Board, the Department has made great strides in air conditioning its facilities, as illustrated in the table below. DOC FMRD spearheads this work while it also works to make routine repairs across facilities. The work of air conditioning NYC DOC facilities is ongoing and funded solely by the Department's operating budget. No extra funding is received for air conditioning NYC DOC facilities. Omitting this information from a report that is focused on heat mitigation is highly problematic.

Percent of facility housing area capacity with air conditioning		
	2021	2024
RNDC	37%	100%
RMSC	65%	100%
NIC	100%	100%
WF	100%	100%
GRVC	38%	100%
OBCC	0%	53%
EMTC	3%	10%

For OBCC and EMTC, air conditioning work is ongoing. The Department continually re allocates funding for this work and works to install air conditioning across its facilities on an ongoing basis. For those facilities that are not fully air conditioned, facility leadership ensure all steps are taken to mitigate heat including but not limited to ice and fan distribution, encouraging the population to take cool showers, ensuring all persons have adequate t-shirts and shorts.

- In DOC Efforts, authors remind readers that RMSC is not full to capacity, which results in an underutilization of air-conditioned beds. The authors go on to recommend that the Department consider opening “other specialized units” in the underutilized air-conditioned spaces of RMSC. The authors inaccurately state that this would be similar to the Department’s relocation of ESH in RMSC (referred to as RESH). In fact, RESH operates in a separate wing of RMSC where the Department can maintain sight and sound separation between the female population in RMSC and the male population in RESH. It is unclear what the Board means in this recommendation, but it is certainly concerning if the Board is recommending that the Department house male and female populations together in the dorms of RMSC.
- In DOC Efforts, the Board states that the Department did not provide supporting documentation to demonstrate readiness for warm conditions. The Department provided documentation to demonstrate that each and every facility distributed summer clothing to the population ahead of the summer months. It remains unclear to the Department what further type of documentation the Board is looking for to demonstrate readiness for warmer conditions, when the authors themselves found the Department in 100% compliance with ice and fan distribution. In addition, throughout the year the Department reassesses the need to replenish stock of seasonal uniforms in advance of the warm weather.
- *Any and all references to the Borough-Based Jails.* The Board receives quarterly briefings, and any other updates upon request, from the Department on the progress of the BBJs. Thus, the Department expects that the Board is well aware of the established plans for sophisticated climate control and full air conditioning in the borough-based jails. It is unclear how the Board’s recommendations in this report will be beneficial as they relate to the BBJs as the BBJs will be highly climate controlled.
- In the Introduction (page 4), the Board references the death of Jerome Murdough. The death of Mr. Murdough was a tragedy which took place in the winter months. As stated in the Introduction, the Board’s report is focused on the summer heat. Inclusion of this death in this report conflates separate issues and is unrelated to the report topic.

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The Department has requested that the Board append this response directly to the Board's report to ensure visibility and transparency to the reader.