



December 15, 2020

Jennifer Jones-Austin, Chair  
Margaret Egan, Executive Director  
New York City Board of Correction  
1 Centre St., Room 2213  
New York, NY 1007  
*Sent via email*

**Re: Request for COVID-19 Public Hearing**

Dear Chair Jones-Austin, Executive Director Egan and Members of the Board,

Throughout the nine months of the COVID-19 pandemic, the Board of Correction (“the Board”) has sought answers from Correctional Health Services (“CHS”) and the Department of Correction (“the Department” or “DOC”) about the adequacy of their response to the pandemic, only to be ignored or given simplistic responses. Brooklyn Defender Services (“BDS”) calls on the Board to request a special hearing on the City’s COVID-19 response in NYC jails before the end of 2020, and demand answers from DOC and CHS.

At the Board’s public meeting on November 10, 2020, BOC Member Dr. Robert Cohen announced DOC and CHS continue to not be transparent about their response to COVID-19 in the jails. Dr. Cohen presented pages of still-unanswered questions that have been shared with both agencies. At this same meeting, CHS announced that they had “a hard stop at 1:00 PM” and would need to leave. By the time the Board reached COVID-19 on the agenda, it was nearing 1:00 PM leaving mere minutes for CHS staff to present vital information and answer questions the public deserves to hear.

In previous BOC meetings, COVID-19 is briefly acknowledged before Board members move on to the next topic. As medical experts and CHS have agreed, jails are a perfect breeding ground for viruses and, without adequate preventive measures, can result in increased community spread. We find the Board’s public response fails to protect New Yorkers during a pandemic, and as cases begin to rise in the City and in the jails, we have deep concerns for the safety of all people.

Brooklyn Defender Services requests the Board call a special hearing on COVID-19 and demand answers from CHS and DOC related to the following topics:

- Population and density in the City jails
- Safe housing and quarantine protocols
- Testing practices for incarcerated persons and staff
- Handling of new cases and contact tracing
- Strategies for separating individuals in the jails who have tested positive from those who have not
- Strategies for reducing the spread of the virus by those who have been in close proximity to individuals who test positive
- PPE availability, usage, and enforcement of policies regarding their usage
- Addressing the varying levels of risk between facilities that differ in terms of population, density, and use
- Plans to ensure the COVID-19 vaccine is safe and accessible to everyone in custody
- Methods for ensuring that individuals in need of medical or mental health treatment or care unrelated to COVID can do so safely during the pandemic
- Methods for ensuring incarcerated individuals can safely confer with their legal team and attend court appearances
- Plans for re-opening and ensuring access to non-medical services and programs

This Board received a variance request from the Department yesterday, December 14, 2020 and was able to schedule a special meeting for two days later, December 16, 2020. We would appreciate the Board conferring the same urgency to addressing the matter of commingling in the jails as to the COVID-19 pandemic, and hope that a special public hearing is scheduled immediately.

We look forward to your response and a public hearing that can dedicate quality time to the COVID-19 pandemic in NYC. If you have any question, please do not hesitate to reach out me at [kdeavila@bds.org](mailto:kdeavila@bds.org) or 347.988.0795.

Sincerely,

/s/Kelsey DeAvila

Kelsey DeAvila, LMSW  
Project Director, Jail Services