



“COVID-19’s Impact on Prisons and Jails”

COBA PRESIDENT BENNY BOSCILO JR’s TESTIMONY BEFORE THE NEW YORK STATE SENATE COMMITTEES ON CRIME VICTIMS, CRIME AND CORRECTIONS AND THE COMMITTEE ON HEALTH

**Luis R. Sepulveda
Chairman**

**Gustavo Rivera
Chairman**

NEW YORK STATE SENATE

September 22, 2020

Good morning Chairman Sepulveda, Chairman Rivera, and the distinguished members of your committees. My name is Benny Boscio Jr. and I am the President of the Correction Officers' Benevolent Association, the second-largest law enforcement union in the City of New York. Our members, as you know, provide care, custody, and control of over 4,000 inmates daily in the nation's second-largest municipal jail system.

We are here today to discuss the impact of COVID-19 in the city's jail system. Before I begin, I want to read the names of eight of my members who lost their lives due to COVID-19 and ask that we pause for a moment of silence after I read their names. Michelle Sumpter, Maurice Lacey Jr., Ely Galan, Elvester McKoy, Connie Jones Hawkins, Quinsey Simpson, David Williams, and Richard Closs.

These brave officers lost their lives during this unprecedented public health crisis. Another 1,400 Correction Officers tested positive for COVID-19. And at the height of the pandemic in March, 3,000 of our members were out sick. According to data collected by the New York Times, the virus has sickened more correction officers in New York, working in the epicenter of the epicenter, than in most other large American cities, including Chicago, Houston, Miami and Los Angeles combined.

The reality is that the City of New York failed to do everything possible to keep my members from dying and from getting sick. From the onset of this crisis, we sounded the alarm about the deadly threats our members were facing. Rather than hearing our cries for help and collaborating with the boots on the ground, the Department of Correction fought us every step of the way.

Let me outline the biggest areas of contention.

First, COBA had to fight tooth and nail to convince the DOC to shutdown inmate visits. This process took two weeks and the visits only shutdown after the state prisons shutdown inmate visits. So, the question I pose to you is why did we have to wait?

Second, as the pandemic worsened and other agencies began to adopt protocols for protecting the health and well-being of other essential workers, we were met with silence from the senior managers of our agency. Recognizing that the agency was not actively and systematically distributing PPE, Correction Officers began bringing their own masks to wear. When this happened, they were told that bringing in their own masks wasn't permitted and they should go home.

The failure to allow officers to wear masks early on, coupled with the failure to provide PPE, dragged on for weeks throughout the month of March and into April.

Finally, after realizing help was never on the way, COBA purchased over 40,000 K-N95 masks and hundreds of gallons of hand sanitizers for our members to help keep them safe. In short, we did what the DOC and the City of New York failed to do. We also called for Correction Officers to receive COVID-19 testing on Rikers Island. That too fell on deaf ears.

Our union then filed a lawsuit in late March demanding that the City of New York be compelled to provide our members with PPE, COVID testing, and to increase

the sanitization of the jails. It was our lawsuit that produced a settlement with the City to not only provide our members with adequate levels of PPE, but to also provide free COVID-19 testing at over 50 Northwell Health Urgent Care locations.

The Chief of the Department of Correction waited until April 18th to finally release a teletype calling for the commanding officer of each facility to ensure that an adequate amount of personal protective equipment (PPE) is available for all uniformed and non-uniformed members of service. So just to be clear, it took numerous officers getting sick and calling out sick and a lawsuit to finally make PPE distribution mandatory-some six to eight weeks into the pandemic.

That is inexcusable at best and borderline criminal at worse. To make matters worse, the Department's response to the staffing shortage was to force dozens of officers to work triple tours of duty, which required us to file yet another lawsuit on April 23rd, arguing that forcing officers to work for 24 hours straight, during the public health crisis, is a direct invitation to infection and disease because sleep deprivation negatively impacts physical and mental health. Even Mayor de Blasio publicly called this a "dumb managerial mistake."

Another dumb managerial mistake was when the DOC gave 30,000 N-95 masks to the FDNY from our stockpile, weeks after the Mayor said that the FDNY already had a sufficient supply of PPE.

So, if we are really going to sit here today and examine the impact of COVID-19 in the jails, we first need to face the facts that I've just outlined. The fact is the record shows a series of gross management failures, negligence, and leadership voids that led to the unnecessary and preventable deaths of 8 of my members and the suffering of my 1,400 members who tested positive. While all of this was going on, my members still went to work and had to grapple with inmates assaulting them and deliberately coughing and spitting in their faces. Correction Officers have always been the unsung heroes of law enforcement and their bravery in the face of adversity throughout the pandemic clearly illustrates that.

So, let's fast forward to today. Fall literally begins today and for months, the health experts at the CDC have been sounding the alarm about a second wave of COVID-19 returning. I have not, as of today, seen a written action plan from the DOC to ensure that the litany of mistakes made the first time around, never happens again.

To ensure the DOC is better prepared, I ask for you to join me in holding the City of New York fully accountable for protecting the thousands of lives in our jail facilities, including my members. To start, the DOC can immediately prepare for the next wave of COVID-19 by taking advantage of the low inmate population, which currently hovers around 4,000 inmates. Instead of consolidating the jails and piling inmates on top of inmates, where we are already outnumbered 50-1 in most housing areas, the DOC can spread the inmates out throughout the jails lowering the officer to inmate ratio to 15-1. This would allow us to practice better social distancing, while also increasing the safety of officers and inmates alike. As part of this redistribution of housing areas, the DOC should break up the gangs in our

facilities that are housed according to their gang affiliation. This practice has created little armies within the jails where inmates who weren't part of a gang initially, are now forced to join a gang just to stay safe. Breaking up the gangs would immediately help us mitigate a potential second wave of COVID-19 and make our facilities safer for everyone.

Secondly, we have attempted to compel the city to mandate that all Correction Officers test negative before returning back to work if they have tested positive for COVID-19. While the city has refused this request thus far, I ask that you support us in this critical effort to keep our members safe and to keep the inmates safe as well.

Finally, I call on each of you to meet or speak with me on a regular basis so you can see first-hand how Correction Officers are navigating the challenges posed to us by COVID-19 and to address any deficiencies in the agency's response.

We cannot afford to repeat the mistakes of the past. We cannot waste a single day as soon as the first COVID 19 case emerges. Thousands of lives are on the line and the actions you take now will play a vital role in protecting each and every one of those lives.

With that said, I am happy to answer any questions you may have.