

**NYS Joint Public Hearing: Impact of COVID-19 on Prisons and Jails Senate  
Standing Committee on Health  
Senator Gustavo Rivera,  
Chair Senate Standing Committee on Crime Victims, Crime & Corrections Senator  
Luis Sepulveda, Chair  
September 22, 2020**

Testimony

Good morning, Senator Rivera, Senator Sepulveda and members of the Committee on Hospitals and the Committee on Crime Victims, Crime and Corrections. I am glad to see that you are all are healthy and well. I am pleased to be joined today by the dedicated members of my leadership team and our valued partners from across our city's criminal justice agencies. Since we last testified before your Committees, the Department has continued to work around the clock to keep those living and working in our facilities safe. In the past three months, as correctional institutions across the country have had record numbers of COVID cases, the Department has had no new jail-based transmissions among those in custody and 14 new staff cases. Our success is evident by the health of our staff and our population and we have been proud to share our COVID-19 mitigation strategies with correctional institutions around the country. I thank you for the opportunity to discuss how the Department's effort to manage COVID-19 within our facilities and our plans to continue achieving this success in the event of a second wave.

First, however, I would like to recognize the dedicated and hard-working employees of the Department of Correction and Correctional Health Services for their incredible efforts throughout this pandemic. Since day one, they have remained committed to protecting the safety and wellbeing of those entrusted to their care, at a great personal sacrifice. As Commissioner, I am proud of their heroic efforts and remain honored to work beside them.

Progress Made:

COVID-19 continues to be an unprecedented crisis, the likes of which this City has never seen. Since the first days of the pandemic and every day after, the Department has taken swift and decisive action to keep everyone living and working in our facilities safe. Following an initial spike in cases in March and April, the total number of active cases among people in custody quickly declined. While other correctional jurisdictions are continuing to see the infection spread rapidly across their facilities with positivity rates among those in custody spiking as high as 17% and 18% in prisons across Florida and Texas, the Department has seen no new jail-based transmissions in over three months.

We have achieved this success through strict adherence to several mitigation measures, which I will recap for you briefly:

- **First**, the Department has implemented policies focusing on preventing the virus from coming into our facilities in the first place. This includes screening all staff upon entry to the facilities and testing all new admissions for the virus upon intake. Asymptomatic individuals newly admitted to custody are cohorted separately from

the general population until they receive a negative COVID test or satisfy a quarantine period. Any new admissions testing positive are quarantined for a period of at least 14 days or until symptoms subside. All staff with a temperature above 100.4 or experiencing any symptoms are not allowed to be at work and are directed to stay home and contact our Health Management Division..

- **Second**, the Department took critical steps to contain the spread of the virus. We leveraged and expanded our existing robust sanitation practices, activated protocols to provide personal protective equipment to both staff and individuals in custody, and established a tiered housing structure that separates individuals who are symptomatic, positive, or exposed to COVID-19 from the general population. Individuals in custody continue to be made aware of vital public health guidance surrounding mask use and social distancing via posters, informational flyers, and conversations with DOC and CHS staff.
- **Third**, with its citywide partners, the Department thoughtfully examined its population with the goal of identifying who was most vulnerable to the disease and could be better served in the community. As a result, the Department released over 2,000 individuals over the past six months, with the effect of reducing housing capacity and increasing the feasibility for effective social distancing.

While these procedures I have described were put in place in mere days, the Department has internally re-examined and re-evaluated them, addressing any challenges or gaps. We will continue to build upon these measures and make changes as necessary to ensure everyone living and working in the jails remains safe.

#### Reopening Plan:

Thankfully, the curve remains flat in New York City and in the jails, and we are preparing to begin reopening certain services that have been paused to prevent COVID's spread. The Department has worked closely with DOHMH, CHS, and the Law Department to develop a safe plan to reinstate these services in a manner that protects against the spread of COVID-19. In order to do so, we plan to reopen services in a deliberate and staggered manner, beginning with those required by the Board's minimum standards.

The first service the Department will reinstate are barbershop services. Taking into consideration the guidelines governing these services in the community, the Department will resume these services in a manner that affords effective social distancing, includes necessary personal protective equipment (PPE) for all parties involved, and involves robust sanitation practices between each haircut. To reduce movement around its facilities, the Department will provide socially distanced barber services in each housing unit rather than have all individuals be transported to a centralized location. Barbers will perform one haircut at a time utilizing appropriate sanitation practices between each cut.

Next the Department will resume congregate religious services for all denominations. Consistent with New York State's reopening guidelines, services will initially be capped at 10 individuals, and to accommodate this reduced capacity, more services will be hosted daily in all facilities. All participants will be required to wear masks and will be asked to bring their own religious texts to reduce sharing. Appropriate sanitation will be performed in between each service.

Finally, the Department will look to reinstate in-person family visits. As we prepare, the Department is considering precautions like pre-registration, reduction of visit floor capacity to ensure social distancing, and screening. Televisits will continue to be available as in person visitation resumes.

As these plans develop and services are reinstated, we will continue to communicate closely with our partners in health and labor to assure that we are returning these services in a manner that takes into account the health, safety, security, and well being of those who are in our custody and work in our facilities.

### Preparation for Second Wave

While the Department is optimistic about its reopening plans and the continuation of its successful mitigation efforts, we are prepared to address a second wave if it arrives. This preparation includes continuing our close relationship with CHS to monitor COVID-19 cases in the facilities, securing enough supplies to be ready for a resurgence, and reinforcing the COVID-19 specific policies and practices through additional trainings, posters, and teletypes. Additionally, the Department has no plans to halt or interrupt the practices that have been successful for mitigation - such as enhanced sanitation, new admission work-flow, and tiered housing structure - and will continue efforts that have been beneficial to the happiness and wellbeing of individuals in custody - such as televisits, chaplaincy hotlines, social service requests, and attorney videoconferences. We recognize that jails, as a closed, congregate setting, are especially vulnerable during this time and will continue to build upon the lessons we learned this spring to keep everyone safe.

### Conclusion

Throughout this unprecedented crisis and its many challenges, the Department has and will continue to remain committed to protecting all those living and working within our facilities. We will continue to collaborate with our partners to develop creative practices and policies to effectively manage this public health emergency, and we will come out stronger and bolder as a result. I thank the Council for their continued support during this time and am happy to answer any questions you have.