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Oral Testimony before the NYS Senate: COVID-19 in the Prisons and Jails  
Tuesday, September 22, 2020

Good afternoon members of the New York State Legislature and thank you for the opportunity to testify. I am grateful to the Senate Corrections Committee on Crime Victims, Crime and Corrections and to chairs Senator Sepulveda and Senator Rivera for deeming the issues incarcerated people and correctional staff face during the current pandemic relevant and worth being seen, heard and understood by our community and lawmakers. It is my hope that our recommendations will be used to improve the responsiveness of the Department of Corrections and Community Supervision and all New York State county jails in the wake of the current pandemic.

My name is Serena Liguori and I am the Executive Director of New Hour for Women & Children—LI (New Hour) and co-leader of the Justice for Women COVID-19 Task Force. New Hour was founded in 2015 and is a non-profit dedicated to empowering and supporting women and children impacted by the criminal justice system. I am a formerly incarcerated Latina and survivor of solitary confinement and in my former role as policy director at the Correctional Association of New York's Women in Prison Project, I visited New York State women's prisons to interview correctional staff, medical staff and inmates, recording and reporting these findings in public reports and to the NYS Legislature.

New Hour facilitates 12 weekly jail-based programs in Long Island's jails to support mothers and women across Long Island through parenting classes, reentry planning, a nursery program for new mothers with babies in the Suffolk County jail, a health and wellness program and finally a discharge planning class. Last year we provided programming to over 1,000 detained women and to date this year we have supplied supportive programming to over 600 detained women. Our staff is comprised of women, all of whom have either been incarcerated or have had family members incarcerated. Women in reentry, who continue to receive services from New Hour upon their release, have a 2% recidivism rate as opposed to the Long Island wide median average rate of 65% recidivism. We know that our program is proven to create positive outcomes, reduce recidivism and keep our communities safer.

According to the Division of Criminal Justice Services as reported on September 1, 2020 the total jail population of 1,070 incarcerated people across Long Island is still larger in population than any other county. New Hour's weekly programs for incarcerated women, provide clear steps and support for successful reentry, a dedicated safe space at our site in Brentwood, NY for women to come home to and most importantly, a sense of dignity and humanity that is all too often stripped away from incarcerated women. We have worked in collaboration with the Suffolk County Sheriff's Department and applaud Sheriff Errol Toulon's pro-active approach to COVID-



19 prevention. Sheriff Toulon mandated temperature checks for all correctional officer and staff, sanitizer use and jail cleanliness as well as distribution of PPE at the earliest onset of the spread of the COVID-19 virus. Sheriff Toulon also worked to create quarantine units, ensuring incarcerated people remained in observation for up to 14 days before being allowed to enter a standard program unit. He required his Undersheriffs frequently spend time in the jail units and pods talking with anxious detainees about the reasons for the preventative measures in the jail and allowing detainees to ask questions about this new and overwhelming process. Due to these proactive measures and to bail reform which allowed the jail adequate space to house incarcerated people, the Suffolk jail had minimal infection to both officers, detainees and ultimately to the community.

Sadly, New York State prisons and jails in other counties did not fare as well and as such did not ensure the preventable death or spread of COVID-19 infection to those in their custody and therefore did not keep our communities as safe as possible from the virus. As a community we have a vested interest in ensuring precautions to prevent the spread of COVID-19 in prison and jails, because as we all know, correction officers return each day to their families and incarcerated people are released daily as well.

Anecdotally, formerly incarcerated women who returned to their Long Island homes after serving time in DOCCS state prisons shared with us their experiences during incarceration. Women returning from New York State prisons spoke of little to no education or information shared with them about COVID-19, no sign postings, no mass testing, no pamphlets or comprehensive dissemination of the course of action being taken to prevent the spread of COVID-19 in the women's prisons. As you have heard today, most incarcerated women attest to receiving PPE some 6 to 8 weeks after the onset of the pandemic was made public and which was not replaced on a regular basis. Some women receiving PPE as late as end of April or beginning of May 2020 with no regular mandated schedule for replacement of tattered and worn face masks which are no longer effective. As of mid-April 2020, we were told by incarcerated women that even pregnant correction officers were advised not to wear PPE in the prisons for fear of inciting discord among incarcerated women. This poorly thought out and wanton disregard for inmate and correctional staff lives is unacceptable and creates grave consequences for all of us.

While you have heard from my colleagues and advocates about our concern for those incarcerated in New York State prisons and jails and for correctional staff, I would like to supply my unique perspective both as a program provider in the jail and as formerly incarcerated woman and survivor of solitary confinement. Women behind bars face increased, long lasting mental anguish as a result of solitary confinement, which I can personally attest to. The use of solitary confinement as a tool to prevent the spread of COVID-19 is not a comprehensive or responsible long-term plan for effective COVID-19 prevention. While one hour a day out of isolation is deemed inhumane by United Nations standards beyond 15 consecutive days, this practice continues to wreak havoc on the mental well being of mothers and women in prisons and jails.



The gender-specific challenges women and mothers face behind bars are enormous. Three quarters of women behind bars are mothers and most were the primary caretaker of their children prior to incarceration and remain connected and engaged in their children's lives even while incarcerated. Allowing incarcerated women only one or sometimes two hours of time released from their cell or bunk to make phone calls to assuage their children's fears, cook, shower and do laundry in some cases, blatantly disregards the value of child/parent bonds. 90 percent of incarcerated women are survivors of physical and sexual abuse<sup>1</sup> coupled with the fact that at least one third of the suicides in 2019 took place in solitary confinement. The rate of suicides in solitary in NY prisons was ten times the overall national prison suicide rate and is likely even higher because of a lack of data on suicides in keeplock and other forms of solitary.<sup>2</sup>

New York State prisons have one of the highest rates of prison suicide in the country, double the national average in 2010. Without increased mental health support, trauma can easily be triggered by long periods of isolation with minimal knowledge of how long the isolation will last. Simply not knowing how long isolation is intended to last creates unnecessary, cruel anxiety for those incarcerated. These heightened levels of fear and anxiousness create mental health crises, putting correctional officers and incarcerated women at risk of unnecessary altercations.

It is New Hour's recommendation that all pregnant people, older women, and those most at risk of contracting COVID-19 be released safely during the pandemic. All women with underlying health conditions and those older than 55 and at highest risk of contraction of COVID-19 should be recommended for release, barring any major safety risk concern. We, along with the Justice for Women Task Force, penned an open letter to Governor Cuomo calling for the release of older women and pregnant women which resulted in the release of eight pregnant people on May 5<sup>th</sup>, 2020 but not the release of all pregnant people or any older women. For new mothers housed in Bedford Hills nursery program with their babies up to 19 months old, we urge a clearly outlined plan be created to release mother and child together during a pandemic, with a plan in place for their safe reentry together. I ask you; what community safety risk is posed by a new mother with her baby that she must remain incarcerated during COVID-19, risking her life and her child's life? She is deemed safe enough to keep her baby with her in prison to bond, but not safe enough to be released during a pandemic of grave proportions?

We also call for the restoration of educational programming in prisons across the state, recognizing that our community schools and colleges have found innovative ways to reopen and strongly recommend the same be done in prisons. For example, New Hour was asked to resume programming in the Long Island jails within just months of the outbreak without any additional spread of COVID-19 to staff, inmates or correctional officers. This same model should be

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<sup>1</sup> Browne, Miller and Maguin, "Prevalence and Severity of Lifetime Physical and Sexual Victimization Among Incarcerated Women," *International Journal of Law & Psychiatry* 22(3-4) (1999).

<sup>2</sup> THE WALLS ARE CLOSING IN ON ME: Suicide and Self-Harm in New York State's Solitary Confinement Units, 2015-2019, #HALTsolitaryCampaign, (May 2020).



replicated throughout NYS prisons, ensuring access to education as a core, key component to successful rehabilitation.

It is my hope that we will never again face the conditions created in jails and prisons by the current pandemic which resulted and continues to result in death, illness and loss for so many. DOCCS and those charged with care, custody and control must value the lives of their staff and prisoners enough to implement a proactive, effective standard of care to prevent the spread of virus's like COVID-19 in our prisons and jails and to ensure community safety as a result. While many of us who spoke today remember domestic violence survivor Darlene "Lulu" Benson-Seay who died of COVID-19 at age 61 in Bedford Hills Correctional Facility and who was a candidate for medical parole, we know there have been and will be many more victims of COVID-19 behind bars without elder parole reform and if mass testing is not administered. We must take preventative measures to both shrink the inmate population and to ensure social distancing and PPE for the entire population.

In closing, I would like to note that Sharon White-Harrigan, executive director of the Women's Community Justice Association, who testified before you earlier today and is my co-leader on the Justice for Women Task Force lived in the cell next to mine in Bedford Hills Correctional Facility. I would like to note that we, women who have endured incarceration, remain dedicated to end the trauma of incarceration for all women and advocate for the release of all those incarcerated who have transformed. I believe in redemption for all incarcerated people as I, myself, am grateful for the second chance afforded to me in this lifetime.

Thank you for your time and willingness to address the concerns of those currently incarcerated, correctional staff and family members whose loved ones are remain incarcerated today.