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March 29, 2020

Hon. Bill de Blasio  
Mayor, City of New York  
City Hall  
New York, NY 10007

Cynthia Brann  
Commissioner, New York City Department of Correction  
75-20 Astoria Boulevard  
East Elmhurst, NY 11370

Dr. Mitchell Katz  
President and CEO, NYC Health and Hospitals Corporation  
125 Worth St.  
New York, NY 10013

**Re: Lack of Transparency of C-19 Cases in New York City Jails**

Dear Mayor de Blasio, Commissioner Brann, and Dr. Katz,

I am writing with grave and urgent concern over the lack of transparency from the New York City Department of Correction (DOC) and Correctional Health Services (CHS) about the people who are detained and who work in New York City jails diagnosed with the COVID-19 virus, and the lack of health education given to people who are incarcerated.

The Governor and New York City leaders and stakeholders have called for immediate and compassionate action based on the spread of the virus in the jails. But all of our data about the rate of this spread comes from news reports based on either leaked information or selectively released statistics. The lack of concrete information from DOC and CHS is putting us all at risk.

While there has been some information disclosed about the number of infections in New York City jails, there has been no disclosure of which facilities are impacted, or how daily life in the jails is different for staff, incarcerated people, and civilian workers.

The public has no reliable or timely data on numbers of people who have been tested, diagnosed. Or treated. The numbers we do have show that the New York City jails COVID-19 curve is skyrocketing, and without knowing when – or if – it will flatten puts our entire City at risk.

**Justice in Every Borough.**

While the media reports daily totals, these numbers do not appear to be cumulative totals of all people in DOC custody who have tested positive for COVID-19. For example, DOC reported that 75 incarcerated people had tested positive for COVID-19 on Wednesday, March 25, but that number was down to 73 incarcerated people on Thursday, March 26.<sup>1</sup> Without timely reporting on the rates of testing and screening, these numbers tell us little about the actual rate and scale of COVID-19 infections occurring in DOC custody.

Our leaders insist that we are all in this together to fight COVID-19. But we can't truly address this problem as a community if we are left in the dark.

Each day, we talk to countless incarcerated people and their families, and the most common source of fear and anger is the lack of information about what health care incarcerated people will receive during this crisis. The need for health care information is heightened by the dangerousness posed by the jail setting and operations: congregate living and bathing areas, shared sinks, communal food delivery, and a lack of personal and communal cleaning supplies.

It is essential that clinical staff – not security staff – significantly increase the health education in each housing area of the jails. Security staff, who understandably have their own health education needs, are not trusted in this jail system to protect and care for incarcerated people. NYC Health and Hospitals must provide more nurses and other clinicians to CHS to provide this critical health information.

In addition, on behalf of the entire public, I ask you to release to the public the following information, and to update it on a twice-daily basis:

- (1) the number of staff and incarcerated people, reported separately, who have been tested and results reported for COVID-19;
- (2) the number of staff and incarcerated people, reported separately, who have been diagnosed with COVID-19;
- (3) the New York City jail facilities where people who have been tested and diagnosed are detained or work and come into contact with other people;
- (4) the cumulative numbers of staff, and incarcerated people who were tested while in custody, including those who have since been released or transferred to another detention facility or hospital;
- (5) the number of people in DOC custody currently in CHS care for COVID-19;
- (6) the number of people in DOC custody who have been isolated or moved for observation for COVID-19;
- (7) the number and location of people incarcerated by DOC who are being treated for COVID-19 in the hospital prison wards.

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<sup>1</sup> This is according to reports from DOC obtained by and on file with the Legal Aid Society.

Thank you for your consideration and attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Luongo".

Tina Luongo  
Attorney-in-Charge  
Criminal Defense Practice

Cc:

Council Speaker Corey Johnson, New York City Council  
Council Member Keith Powers, Chair, Committee on Criminal Justice  
Elizabeth Glazer, Director, Mayor's Office of Criminal Justice