



November 9, 2020

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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***FOIL: As NYC Enters COVID-19 Second Wave, DOC  
Increases Density Levels at Local Jails to Dangerous Levels,  
Endangering the Lives of Thousands of Incarcerated  
New Yorkers and Jail Staff***

**(NEW YORK, NY) – The Legal Aid Society, Brooklyn Defender Services, The Bronx Defenders, New York County Defender Services and Neighborhood Defender Service of Harlem** recently obtained data via a Legal Aid Society Freedom of Information Law request which revealed that the New York City Department of Correction (DOC) has been operating housing units at Rikers Island and other local jails at a population density that makes physical distancing virtually impossible, endangering the lives of thousands of incarcerated New Yorkers and DOC staff alike as New York City braces for a second wave of COVID-19.

Despite DOC's COVID-19 plan which states that "[a] majority of the dormitory housing areas are below 50% capacity and close to half of all housing areas department wide are also operating at or below 50% capacity" and assurances by DOC leadership at a hearing before the New York State Senate on September 22, 2020 that DOC "will continue to make sure that we do not have the housing capacity of each housing area over 50% so that we can achieve the social distancing," this FOIL disclosure shows that many dorm units and cell units are operating well

above 50 percent of capacity, with some dorm units as high as 100 percent full as of November 2, 2020.

For example, as of November 2, 2020:

- In AMKC, where most dorms hold approximately 50 people, eighteen dorms were at or above 90% density. Two were at 100%.
- In VCBC, where each dorm holds 50 people, every single dorm was at 75% density or higher. Eight of the fourteen dorms were above 90%, and four were at 98%.
- In RNDC, where each modular dorm holds between 30 and 48 people, four of the eleven dorms were above 75%. One dorm was at 97%.

Additional analysis:

**Male Housing Area Density, as Measured by Population as a Percentage of Capacity, from October 19 to November 2, 2020<sup>6</sup>**

	AMKC	GRVC	MDC	NIC	OBCC	RNDC	VCBC	Overall	Excluding MDC/OBCC
Dorm Units	85%	N/A	36%	53%	N/A	67%	87%	66%	73%
Cell Units	79%	73%	67%	54%	48%	52%	68%	63%	65%

**Density Range Distribution of Male Dorm Units from October 19 to November 2, 2020<sup>7</sup>**

Density Range of Dorm	AMKC	MDC	NIC	RNDC	VCBC	Overall
Percentage of Dorms at 75%-100% of Capacity	80% (28)	0% (0)	0% (0)	36% (4)	86% (12)	67% (44)
Percentage of Dorms at 50%-75% of Capacity	11% (4)	0% (0)	80% (4)	36% (4)	14% (2)	21% (14)
Total Percentage of Dorms at >50% of Capacity	91% (32)	0% (0)	80% (4)	27% (3)	100% (14)	88% (58)

**Male Housing Area Density, as Measured by Population as a Percentage of Capacity, on September 21, 2020**

	AMKC	GRVC	MDC	NIC	OBCC	RNDC	VCBC	Overall
Dorm Units	71%	N/A	45%	64%	N/A	66%	75%	64%
Cell Units	69%	61%	65%	52%	60%	48%	62%	60%

**Male Housing Area Density, as Measured by Population as a Percentage of Capacity, on September 22, 2020**

	AMKC	GRVC	MDC	NIC	OBCC	RNDC	VCBC	Overall
Dorm Units	71%	N/A	45%	63%	N/A	67%	75%	64%
Cell Units	67%	61%	62%	52%	64%	48%	62%	60%

FOIL results:

- [https://legalaidnyc.org/wp-content/uploads/2020/11/Housing\\_Area\\_Information\\_10.19\\_-\\_11.02.pdf](https://legalaidnyc.org/wp-content/uploads/2020/11/Housing_Area_Information_10.19_-_11.02.pdf)
- [https://legalaidnyc.org/wp-content/uploads/2020/11/Housing\\_Area\\_Information\\_09.21\\_-\\_09.22.pdf](https://legalaidnyc.org/wp-content/uploads/2020/11/Housing_Area_Information_09.21_-_09.22.pdf)

Letter from NYC Defenders to DOC demanding answers on the density issue and urging the City to decarcerate immediately: <https://legalaidnyc.org/wp-content/uploads/2020/11/Defenders-Letter-to-City-re-Ongoing-COVID-19-Concerns-and-Closure-of-MDC-OBCC-November-6-2020.pdf>

"This data is consistent with what our incarcerated clients have reported to us in recent months and it should alarm all of us," said **Kayla Simpson, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "It shows that DOC is in flagrant disregard of the most basic public health guidance, which jeopardizes both our clients in the jails and the broader community. Even with a historically low jail population in the spring, the COVID-19 outbreak in the jails led to over 2,000 infections and at least 16 deaths since March. As experts everywhere are warning us to brace for a resurgence of the virus and the jail population climbs increasingly upward, the Department continues to crowd people into poorly-ventilated units where they face unrelenting exposure to others in close quarters. The City is failing people in the jails, and none of us should accept these practices or the City's efforts to hide them. City leadership must work to decarcerate immediately, and be transparent about the limitations of the jail setting during this global pandemic."

"Since the pandemic began, our clients have told us every day: it is impossible to maintain social distance in New York City jails. It is a colossal abdication of the city's responsibility to have ignored their concerns – voiced repeatedly in public and in court by public defenders and our clients themselves - while continuing to cram New Yorkers in conditions antithetical to public health advice. That failure has led directly to thousands of cases and 16 dead among jail staff and incarcerated New Yorkers," said **Alice Fontier, Managing Director of Neighborhood Defender Service of Harlem**. "It will lead to thousands more if the City continues to stuff New Yorkers into crowded facilities where the exposure risk is sky high. An outbreak in our jails is not a problem contained to one facility, but risks the return of the morgue trucks of the Spring to our entire city. In the face of rising cases and what is projected to be a deadly winter, we have a choice: act now to ensure the health and safety of our most vulnerable, or allow incarcerated people to suffer while risking public health."

"For months, city jail officials have falsely reassured the public that social distancing efforts were in effect on Rikers Island," said **Stan Germán, Executive Director of New York County Defender Services**. "But the department's own data now shows what our clients have reported since the beginning: our jails are dangerously overcrowded. As COVID-19 cases begin to rise

across the city, we must commit to decarceration, just as we did in the early months of the pandemic. The health and safety of all New Yorkers depends on it.”

“As impacted people, public health experts, and advocates across the country and here in New York City have been saying for eight months, you cannot socially distance in jail.” said **Kelsey De Avila, Project Director of Jail Services at Brooklyn Defender Services**. “Each day, the incarcerated people we serve describe the current dangers they face: people sleeping head-to-head in close proximity and not having access to masks, along with housing units packed to capacity. This latest data provides yet further evidence the Department of Correction is defying public health standards and putting people in grave danger of contracting COVID-19. Since the start of the pandemic, the Department has concealed its protocols and practices, despite countless attempts by the Board of Correction, advocates, and the public to shine a light on the perils of COVID in the jails. The reality is bleak and appalling: thousands of incarcerated people and jail staff have contracted COVID and the DOC is still woefully unprepared to control the spread of the virus. As we stare down a second wave of the pandemic in New York City, the clearest solution for health and safety is decarceration.”

“It has become clear over the last 8 months that DOC is unable to protect the health of incarcerated people amidst the pandemic. Our clients are being crowded into tightly packed dorms even as the jail population increases and new cases of COVID arise in the jails. The City must take immediate steps to empty our jails for the safety of those incarcerated and all New Yorkers,” said **Ann Matthews, Director of the Criminal Defense Practice at The Bronx Defenders**.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*