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Contact:

Redmond Haskins  
The Legal Aid Society  
(929) 441-2384  
[rhaskins@legal-aid.org](mailto:rhaskins@legal-aid.org)

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

***As COVID-19 Rates Explode Within NYS Prisons, NYS Advocates Demand Transparency and Action From DOCCS, Call for Mass Release***

***Client Reports Reveal DOCCS' Inability to Control COVID-19 Outbreaks at Facilities Across NYS***

***Legal Aid Analysis - Pandemic in Prison - of DOCCS COVID-19 Data Confirms Widespread Testing Deficiencies***

(NEW YORK, NY) – The Legal Aid Society, Appellate Advocates, Office of the Appellate Defender, The Center for Appellate Litigation, the Parole Preparation Project, the Legal Aid Society of Nassau County, the Legal Aid Society of Suffolk County, the New York Civil Liberties Union and the Correctional Association of New York, [in a recently issued letter](#), called on Governor Cuomo and the New York State Department of Corrections and Community Supervision (DOCCS) to share meaningful data about the scope of the COVID-19 crisis in State prisons and to adopt decarceration measures to significantly reduce prison

populations. The outbreaks that recently overwhelmed Elmira and Greene Correctional Facilities and that are rapidly emerging at several other prisons show what public health officials have made clear: that only through release of a significant number of incarcerated individuals does the Cuomo Administration stand a chance of stemming the spread of the virus in its prisons and preventing a tragic loss of life. Increased transparency is also necessary so that advocates and members of the public alike can know the true scope of the crisis behind prison walls.

Reports from incarcerated clients over the past several weeks put into stark relief the State's indifference to the well-being of incarcerated people in its charge, as well as its own staff. From reports of officers flouting mask mandates and social distancing protocols, to improper and inadequate testing and quarantining procedures that fall short of public health recommendations, these reports lay bare the life-threatening deficiencies in the DOCCS' response to COVID-19 and show that DOCCS cannot prevent nor contain the outbreaks at its facilities.

Clients and/or their loved ones report that:

-Following facility-wide testing at Greene C.F., no one was quarantined pending their test results. As a result, the virus spread. Incarcerated people who tested negative during the initial facility-wide testing tested positive after being retested.

- After facility-wide testing at Five Points C.F. began October 21, individuals were not being isolated pending their tests results, even where they were housed with people who tested positive. These individuals continued to go to the mess hall and the yard, were required to participate in group programming, and used the phones. Additionally, in a housing unit where two individuals had tested positive, no contact-tracing or cleaning of the block occurred.

- Staff are not conducting robust contact tracing, quarantining, and cleaning in response to positive tests at Woodbourne C.F. One client states that an individual in his dorm began showing acute symptoms of the virus on October 26 and was subsequently hospitalized and put into isolation. However, the dorm was not quarantined, and no cleaning or contact tracing took place. Moreover, no one in the dorm was tested for the virus.

- At Mid-State C.F. officers do not wear masks unless a superior is scheduled to be present. Even when wearing masks the majority of officers can be seen with their masks only over their mouths or even under their chins. Incarcerated individuals have difficulty receiving new masks, resulting in a number of clients on medical hold reporting that they are forced to wear single-use surgical masks for months at a time.

- At Otisville C.F. mask-wearing by corrections officer remains inconsistent, there are inadequate cleaning supplies, and social distancing is nearly impossible in the facility's high-occupancy,

dormitory-style housing. The virus spreads through these dorms, where incarcerated people sleep just two or three feet apart from one another.

- A client at Mohawk C.F. reported on December 1 that dozens of correctional officers and civilian staff had contracted the virus and were working alongside incarcerated people, including in food service, before testing positive. No official communication was provided to the incarcerated population, among whom cases are increasing, about this outbreak. Meanwhile, hand sanitizer pumps are reportedly constantly empty and, for the past five weeks, no fresh bars of soap have been provided due to a supposed 'soap shortage'.

Based on these and other reports, advocates have called on DOCCS to disclose key information necessary to assess the State's response to the spread of COVID in its prisons, including more detailed data on testing, infection rates, and population density, in a means easily accessible to the public and viewable over time. Presently, DOCCS does not post historical data, staff infections by facility, release counts, or many other key health metrics. Compared to New York, several other states including California, Pennsylvania, and Wisconsin provide much more robust and accessible data online.

What little data DOCCS does disclose reveals severe under-testing and dangerous conditions, corroborating these client accounts. Archiving for months the daily data reports that disappear each day from the Department's website, the Legal Aid Society analyzed the scant testing and infection data posted online since April and compiled its findings in a recently released interactive report, [\*Pandemic in Prison\*](#).

Among other troubling findings, the analysis revealed that:

- seven months after the Governor declared a state of emergency, a majority of incarcerated people had never been tested;
- that while 97 percent of cases come from high-occupancy facilities DOCCS has reduced its total capacity by only 11 percent;
- 83 percent of outbreaks were not followed by increased testing on new people -- in fact New York has often *decreased* testing new people following outbreaks.

“COVID-19 is exploding at New York State prisons, infecting hundreds and putting all of those incarcerated as well as communities surrounding state prisons at grave risk. Reports from our clients indicate the worst case scenario is upon us. Meanwhile, the public has virtually no window into DOCCS' response to the crisis, as data on testing and numbers in facilities is disturbingly deficient and nontransparent,” said **Sophie Gebreselassie, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “We are demanding key information from DOCCS to further assess its efforts to combat the virus, and again, we are calling on the Governor and DOCCS to accelerate releases of people from custody -- the only proven solution to stem any further loss of life.”

"Many of our Covid vulnerable clients were asked to help manufacture hand sanitizer and PPE. They undertook this work to help others stay safe during the pandemic -- efforts which DOCCS itself has commended. Ironically DOCCS has been indifferent to the well-being of these same people -- failing to provide regular testing, contact tracing, and uniform enforcement of mask-wearing to protect their health. Similarly, the governor's release criteria have been so narrow that they have done little to help our most vulnerable clients or reduce the prison population in a meaningful way. Remedying these shortcomings has become critically important as we face this peak infection threat going into the winter," said **Claudia Trupp, Senior Supervising Attorney and Director of COVID litigation, Center for Appellate Litigation**

"Multiple men and women imprisoned throughout the DOCCS system have suffered through COVID-19, afraid to ask for medical help because it will result in their isolation in unsafe or cold conditions, cutting them off from friends and family. Those that do seek medical assistance are ignored or given nothing more than ibuprofen. One man told us that he and the others with whom he is incarcerated feared that the virus would strike and the guards would abandon them, locked in their cells, and that they would die there unattended," said **Paul Skip Laisure, Attorney-in-Charge, Appellate Advocates.**

"During this pandemic, our clients consistently report conditions of confinement that do not meet the basic protocols encouraged by health experts. Their anxiety and fear is exacerbated by the lack of transparency from DOCCS as to testing data and policies. As the number of COVID-19 cases increases dangerously in New York prisons, this state must take active and concrete steps to decarcerate and protect an overburdened penal system, particularly for those who are elderly and medically vulnerable," said **Caprice Jenerson, President & Attorney-in-Charge, Office of the Appellate Defender .**

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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)*