



NEW YORK CITY DEPARTMENT OF CORRECTION  
Cynthia Brann, Commissioner  
Office of the Commissioner

75-20 Astoria Boulevard  
East Elmhurst, New York 11370

718 • 546 • 0890  
Fax: 718 • 278 • 6002

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The Bronx Defenders  
Brooklyn Defender Services  
The Legal Aid Society  
Neighborhood Defender Services of Harlem  
New York County Defender Services  
Queens Defenders

*Via email*

Dear All:

On behalf of the Department, we write in response to your letter dated November 6, 2020, regarding COVID-19 pandemic procedures and closure of the Manhattan Detention Center (MDC) and the Otis Bantum Correctional Center (OBCC). Please be advised that this response speaks to questions and issues raised in your letter except for the issue of decarceration, which is best addressed by the Mayor's Office of Criminal Justice. As we have stated in response to various prior letters received from your offices since the beginning of and throughout the COVID-19 pandemic, the Department is committed to protecting the health, safety and security of the individuals who work and live in our facilities. We note that the science and understanding of the COVID-19 pandemic are not static; much has changed from early understanding and advice about the pandemic. Accordingly, throughout the COVID-19 emergency and in response to guidance from various health authorities, the Department, in collaboration with our partners at Correctional Health Services (CHS), has made many adjustments to the way it operates in an effort to slow the spread of COVID-19 as the data and scientific understanding have evolved. These effective adjustments have included providing Personal Protection Equipment (PPE) to staff and incarcerated persons, enhancing sanitation procedures, modifying the delivery of services to people in the Department's care, including providing for televisits to keep incarcerated individuals in communication with their families, establishing video links for counsel visits and court appearances, measures to promote social distancing in facilities, and communicating COVID-19 updates with the population in custody through informational posters in facilities. DOC staff screening procedures and mask requirements have evolved to align with CDC guidelines, and access to COVID-19 testing for staff has been greatly increased. In fact, the Department has collaborated with the City's mobile testing vendor, Affiliated Physicians, to provide for a free onsite testing for Departmental personnel and CHS staff who choose to be tested.

Further, in the spirit of cooperation and transparency, the Department and CHS have provided ongoing reports to the New York City Board of Correction (BOC) related to COVID-19 inside city jails. On April 1, 2020, the BOC began publishing daily public COVID-19 reports on its website. As of June 6, 2020, the BOC publishes weekly COVID-19 updates, based on data provided by the Department and CHS, available at: <https://www1.nyc.gov/site/boc/covid-19.page>.

### Housing Density

The Department's policies and procedures implemented to identify, minimize and prevent the spread of COVID-19 amongst the incarcerated population have been highly effective. All new admissions are offered a COVID test and quarantined from the existing population in custody for an extended period, not less than 14 days. In addition, since March 2020, the Department and CHS have jointly adhered to a housing unit quarantine protocol wherein any housing unit in which someone in custody was housed while symptomatic, or was housed immediately prior to or during the pendency of their test results, is designated "Asymptomatic Exposed" (AE). AE housing units are quarantined for at least 14 days, which includes minimization of unnecessary movement of persons in and out of the house and limiting the addition of individuals to the housing unit during the time it is designated as AE. In September, DOC and CHS agreed to expand AE designations to housing areas where staff worked immediately prior to reporting a positive test to either DOC or CHS. As of November 16, 2020, there are only seven AE housing units (four are new admission houses) in the Department, one of which is scheduled to end its quarantine on November 16, 2020, without notice of anyone testing positive in this cohort.

As the pandemic has continued, the level of detail in the Department's COVID plan has expanded and the housing strategy has evolved. At the height of the pandemic, a majority of the dormitory housing areas were below 50% capacity and close to half of all housing areas department wide were also operating at or below 50% capacity. Individuals who may be at higher risk of serious illness from COVID-19 have been cohorted in dedicated housing units, housed in a type of unit that already provides an increased level of separation from the general population, or housed in a type of unit that provides access to increased clinical attention.

Notably, your reference to a portion of Chief Jennings' testimony does not take into account the full context of her testimony, the scope of the Department's successful response to the COVID pandemic, and the tools available to the Department, which she also testified to on September 22, 2020. It also overlooks Chief Jennings' testimony when she referenced empty facilities and the Department's ability to open up additional housing areas as necessary. This housing strategy is merely one piece of a comprehensive plan to mitigate and prevent the spread of COVID-19. The Department's plan is wide-reaching and rooted in many controls and mechanisms the Department can levy to respond to different phases of the pandemic.

### Closure of MDC and OBCC

The closures of MDC and OBCC are not only a part of the City's commitment to closing the jails on Rikers Island and creating more modern and humane borough-based jails, the closures also enable the Department to operate its jails more efficiently and in a fiscally responsible manner without sacrificing the safety of those who live and work in our jails. DOC's closure plans were

made in accordance with the most up-to-date medical and scientific guidance and reflect a conservative approach designed to eliminate community spread of the virus in DOC facilities. Additionally, the population of incarcerated individuals has decreased approximately 32% since this time last year. As of November 18, 2020, MDC had a total population of 271 and OBCC had a total population of 154.

Due to the decrease in the incarcerated population, the closures of MDC and OBCC will allow the Department to maximize its resources and more effectively utilize its staff. Many correction officers have been reassigned to other facilities on Rikers Island to address staffing needs. Moreover, the Department will open closed housing units as necessary for additional housing space and flexibility for custody management. Since October 13, 2020, the Department has closed 9 housing units at MDC and 4 housing units at OBCC. During this same period, the Department opened 11 housing units at AMKC and 1 housing unit at GRVC. If necessary, the Department can reopen the Eric M. Taylor Center (EMTC), as it did from March to June 2020, for new admissions and to house individuals with COVID-19 symptoms and/or those who have tested positive for COVID-19 separately from others.

Further, as of November 10, 2020, new admissions of male individuals are processed at the Anna M. Kross Center and the Vernon C. Bain Center. In addition, the Department is redesigning several housing units in the George R. Vierno Center to rehouse individuals in Enhanced Supervision Housing and to minimize the disruption in programming to the population.

#### Release of Incarcerated Individuals

The Department released approximately 315 sentenced individuals through the 6A program in March and an additional individual through the program in October. To date, 9 sentenced individuals remain in the 6A program and the Department will continue evaluating for risk of newly sentenced individuals on an individual basis for eligibility. Since the onset of the COVID-19 pandemic, the Department has had conversations with the State regarding the custody status of technical parole violators in DOC custody. The detention and any proposed release of technical parole violators is under the authority of the State of New York, not the Department.

In sum, we appreciate your concern and reiterate the Department's commitment to protecting the health, safety and security of the individuals who work and live in our facilities.

Sincerely,



Cynthia Brann  
Commissioner