



Written Testimony to the New York City Council

May 19, 2020

By Sarita Daftary, Senior Community Organizer, JustLeadershipUSA

Attn: Committee Chairs Council Member, Council Members Lancman, and committee members

I'm testifying today on behalf of JustLeadershipUSA and as a member of the Jails Action Coalition.

First, I want to thank the Council, and in particular these committees, for your work, in partnership with the #CLOSErikers campaign, to advocate for reducing the use of incarceration in New York City. It is frightening to think of how COVID19 would have affected the people in our jails if there were still more than 10,000 people in them, as there were when we started the #CLOSErikers campaign. The urgency of your work to decarcerate and to close Rikers, in partnership with directly impacted people and advocates, is more clear than ever.

The effects of COVID19 in New York City jails, and the conditions in the jails during this outbreak, have magnified both the completely unacceptable physical environment in the jails, and also, the disregard and disorganization with which the Department of Corrections operates.

Today, I want to ask for the Council's attention to certain aspects of the Department's emergency response to COVID19 that continue to be insufficient.

First, we continue to hear a great discrepancy between what DOC says is being done, and what people in the jails are reporting to us and their family members. Here are two recent examples:

- A mother reported last week that her son and others being held on the Boat have not been given a new mask in more than a month, and are expected to reuse the masks they have indefinitely. The soap her son has received has no antibacterial ingredients, and they frequently run out of cleaning supplies and have to use plain water.
- A mother reported that her son and others in GRVC were given only 3 masks each, about one month ago. She also reported that not even the COs consistently have masks. The other day, when they did not have any clean dishes, they were told to wash their dishes in the slop sink where they clean mops. She also reported that she has been giving her son extra commissary funds so that he can buy shampoo and use it for cleaning in his

housing unit. The people in his unit have not been provided with adequate cleaning supplies.

It is striking that two different people, who have no contact with each other and whose loved ones are in two different jails, reported the exact same information about unavailability of masks, while Commissioner Brann reported to the Board of Corrections last week that masks are readily available in every housing unit in all of the City's jails, and that no one has been asked to reuse a mask. Either the Commissioner's gave a false report to the Board of Corrections, or the Department is completely unable to manage their staff to ensure that policies are being followed. Either way, it is deeply concerning. It has been well-documented, the Federal Independent Monitor and others, that this is a department that is consistently violating minimum standards for responsible treatment of people in their custody.

I also want to urge the Council to investigate the City's failure to immediately implement the guidelines outlined by DOHMH Commissioner Barbot in her March 25, 2020 Order. This order was sent to FEMA to notify them of the City's plans, consistent with the FEMA Public Assistance eligibility criteria, to use non-congregate shelter options for a number of groups of people, including "asymptomatic individuals...in City programs such as....the Department of Corrections whose programs do not have appropriate facilities to provide them housing." The directive from DOHMH ordered any "agency that may be responsible for providing shelter to any person in the City to locate, secure, operate, and make available non-congregate sheltering to any person needing to be isolated or quarantined to prevent the spread of COVID-19." Given their design, there is no jail facility in this City that could be considered non-congregate shelter, no matter how much excess capacity the jails have. While the most important action is to release people from the custody of the Department of Corrections as quickly and broadly as possible, this order would indicate that the Department should have already secured non-congregate shelter for any of the remaining people in their custody. It seems clear that the failure to do so has already cost lives - of people in custody and people who work in the jails - and continued delays in implementation will risk more lives.

Thank you,

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