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City Council Oversight Hearing on “COVID-19 in City Jails and Juvenile Detention Centers”

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Part of the public health and clinical response to the COVID-19 pandemic has been to decrease the population in the jails by almost 30%. CHS has stated that the most important factor in their ability to manage this pandemic, without minimizing the extraordinary clinical care provided, has been the releases, particularly the release of older and medically vulnerable persons. The City did an amazing job getting many, many people out.

Over the past three weeks the population in the jails has been going up. We should be concerned. The population on April 24 was 3869 people, yesterday, May 18th it had increased to 3954. It is important to look at this data by category to understand what actions are driving this increase.

The number of City Sentenced persons in the jails has decreased over this period, from 134 on April 24 to 115 on May 18. This makes sense at a time when the city’s criminal courts are not functioning normally.

The number of persons with Technical Parole Violations, incarcerated on the order of DOCCS, has also decreased, from 267 people on April 24 to 199 yesterday. The number of persons with a Technical Parole Violation and an open criminal case decreased slightly from 626 people on April 24 to 612 yesterday.

The population which is increasing is the pre-trial detainee population. Essentially these are people who have been arrested by NYPD, arraigned before a judge, been remanded or had bail set, and have been unable to afford bail. The pre-trial population on April 24 was 3316 people, on May 18 was 3484, an increase of 168.

We do not know if the increase in the pre-trial population represents a change in police arrest policy, a change in district attorney practice, or a change in the bail practice of the city's Judges.

We live today in hope of a better tomorrow, but we live in clear expectation that there will be a surge in infections, and a surge in deaths later this year. It is vitally important that the jail population not be allowed to increase to pre-Covid levels. The decrease in population was intentional, the result of joint action by the City's agencies -- DOC, CHS, MOCJ -- , the elected DA's, the Defense Bar, and the Judges. Population increase in the jail, if it occurs, will also be intentional, and will follow from changes in the City's agencies, particularly Police, the elected District Attorneys, and the practice of the Judges with regard to bail.

Our task is clear. We must intentionally work to keep the population in our jails as low as possible, carefully tracking each of these categories. We must work particularly hard, during the pandemic, to release medically vulnerable persons at increased risk of serious illness and death from COVID-19. I'm very proud to be your representative on the Board of Correction and I am grateful for the hard and creative work of Board staff to adapt our oversight efforts. I'm very proud of the extraordinary effort of the Department of Correction and Correctional Health Services during this pandemic. I mourn with you those who have died.