



**BOARD OF CORRECTION
CITY OF NEW YORK**
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New York City Jail Conditions and Operations During Heat Emergency
July 19-21, 2019

On July 18, 2019, Mayor de Blasio declared a heat emergency for Friday, July 19 at 9 AM to Sunday, July 21, 2019 at 11:59 PM. Extreme heat can be dangerous for the health and safety of people in custody in New York City jails and the Correction Officers and other staff who work there. To monitor conditions and operations in the jails during the heat emergency, the Board of Correction (BOC), New York City's independent jail oversight agency, conducted unannounced tours of several jails on July 20 and July 21.

On Saturday, July 20, two BOC staff conducted unannounced tours of the Otis Bantum Correctional Center (OBCC) and the Anna M. Kross Center (AMKC) on Rikers Island. On Sunday, July 21, three Board staff conducted an unannounced tour of the Brooklyn Detention Center (BKDC). The tours included two non-air-conditioned housing areas at OBCC and BKDC and one non-air-conditioned housing area and one air-conditioned housing area at AMKC. BOC also toured the clinic in each of the three jails. BOC attempted to document the number of fans in each housing area and the number of ice deliveries to the people housed there, and to test whether the showers were running cold water. BOC spoke with people in custody as well as staff of the Department of Correction (DOC) and Correctional Health Services (CHS) throughout the three jails, and met with DOC facility leadership at the beginning and end of each BOC tour to note urgent concerns. Board staff sought out and spoke to two people at OBCC and two people at BKDC who were heat sensitive but were in non-air-conditioned housing.

BOC Observations and Findings

► DOC Temperature Readings

DOC's reports of sample temperature readings at OBCC found maximum temperatures of 91.6 Fahrenheit on July 19 (in a ESH unit¹ reported to have one heat-sensitive person in custody) and 90.5 Fahrenheit on July 20 (in an ESH unit reported to have two heat-sensitive people in custody). At AMKC, the high-temperature reading on Saturday was 82.5 Fahrenheit (in an air-conditioned

¹ "ESH" is the acronym for Enhanced Supervision Housing, a form of restrictive housing which affords people with a minimum of seven (7) hours of daily lock-out as opposed to 14-hour daily lock-out afforded to people housed in General Population.

CAPS² unit, reported to have six heat-sensitive people in custody), and 82.3 Fahrenheit (in an air-conditioned PACE³ unit reported to have five heat-sensitive people in custody). Per DOC's written policy, heat sensitive housing requires temperatures below 80 Fahrenheit, and DOC's cooling protections for everyone (ice, cold showers, etc.) are in effect at 80 Fahrenheit. At BKDC, DOC staff did not take temperature readings in housing areas during the heat emergency.⁴

The Board has requested the Department's Daily Temperature Monitoring Reports at all jails for July 19-21.

► **Heat-Sensitive People in Custody**

On July 19, DOC leadership reported to the Board that, in advance of the heat emergency, they had undertaken significant efforts to house as many heat-sensitive people as possible in air-conditioned housing units. These are people who medical staff have deemed particularly at risk for heat-related illness (e.g., older adults, people on particular medications, people with severe asthma). On July 21, at least 140 people who were deemed heat-sensitive by CHS were housed in non-air-conditioned housing areas.

BOC asked DOC to provide, for July 19, 20, and 21, the daily list it generates with CHS of heat-sensitive people in each DOC facility that are *not* housed in heat-sensitive housing. The purpose of this is to enable DOC to prioritize the transfer of these individuals to air-conditioned housing areas. DOC and CHS provided the lists for July 19 and 21, but due to technical difficulties, were unable to generate it for July 20. Additionally, BOC spoke with one man at BKDC who was heat-sensitive (as confirmed by the facility clinic), and housed in a non-air-conditioned unit, but was not on the July 21 list. In the three jails toured, BOC found that facility leadership did not have these lists for their facility and thus were not aware of heat-sensitive people housed in non-air-conditioned housing areas. Upon Board staff providing a list, facility leadership reviewed it to see if any of these people could be moved.

Even in units with air conditioning, the temperature was not always appropriate for heat-sensitive people in custody. Per DOC's July 20 temperature-reading report at AMKC, 13 of 42 sampled cells in air-conditioned mental health housing areas reported temperatures above 80 Fahrenheit. Additionally, three of seven dayrooms in these areas reported temperatures above 80 Fahrenheit. People in cells in an air-conditioned mental health housing area at AMKC reported hot temperatures inside their cells (although Board staff found the corridor outside their cells was cool).

² Clinical Alternative to Punitive Segregation housing serves people diagnosed with serious mental illness who have violated jail rules and otherwise would have been punished with placement in punitive segregation.

³ Program to Accelerate Clinical Effectiveness housing is for people with serious mental illness who have not infringed and have different behavioral health needs.

⁴ The Board did not tour the Rose M. Singer Center (RMSC), the women's jail, during the heat emergency; however, staff reviewed DOC temperature readings from July 20 and 21. The maximum temperature on July 20 was 84.6 Fahrenheit (in a General Population unit reported to house zero heat-sensitive people). The maximum temperature on July 21 was 92.5 F Fahrenheit (also in a General Population unit reported to house zero heat-sensitive individuals).

► **Enhanced Supervision Housing (ESH)**

Board staff toured one ESH Level 1 unit where people are generally locked in their cell for 17 hours each day.⁵ The unit did not have air conditioning. Correction Officers distributed ice three times before BOC’s 2:30 PM tour on July 20, but staff and people in custody reported that the ice quickly ran out and they had to wait for more ice to be delivered. Additionally, men locked in cells in ESH were not allowed out for cooling showers. The Officers also appeared physically uncomfortable as they performed their work under the hot conditions. On July 20, a CHS physician’s assistant made a round during the afternoon count at 2:30 PM.

► **Showers, Ice, Fans, and Summer Clothing**

Showers tested in multiple areas at OBCC and BKDC ran warm to hot water. People in custody at AMKC reported that the showers in their housing area ran cool water.

All housing areas toured had at least two functioning fans. Fans do not circulate air in cells with solid doors at OBCC and AMKC. Board staff observed one man napping with his mattress on the cell floor (presumably because it was cooler there). At BKDC, housing areas toured had two fans in each dayroom, and generally only one fan per housing tier. The single fan at the end of the tier did not circulate air adequately.

Four of five units without air conditioning did not have ice on the unit during BOC’s tours. Two of the four units without ice noted regular ice deliveries in the logbook. The two other logbooks did not note ice deliveries. At all three facilities, cold water bottles and/or ice were distributed to staff on posts facility-wide.

Board staff observed that most people in custody were wearing undershirts or were shirtless. People wore uniform shorts, pants, or pants that had been cut or torn into shorts. Correction Officers and facility leadership told Board staff they were not issuing infractions for uniform-related rule violations.

► **Recommendations**

The Board will recommend further heat-mitigation efforts in advance of future heat emergencies this summer, including the potential hot weather this weekend. While there is room for DOC and CHS to plan for and improve their responses to the next heat emergency, the ultimate problem is inadequate infrastructure: there are not enough air-conditioned housing areas for the number of people currently detained. Jail areas without air conditioning are too hot and the mitigating responses are too limited, despite concerted efforts by DOC leadership, Correction Officers, and other staff. People should not be detained or required to work under these conditions.

The Board urges the City to consider capital spending to expand air conditioning in the jails now. Finally, the Board strongly supports the City’s efforts to decrease the jail population and recommends the City intensify these efforts, as this weekend’s heat emergency makes clear the lack of capacity to humanely house the current population and provide appropriate work conditions to City employees.

⁵ ESH is comprised of three levels each less restrictive than the other. In Levels 1 and 2, people are locked in their cells for 17 hours each day. In Level 3, people are locked in their cells for 14 hours per day. In general population, people are locked in their cells for 10 hours per day.

The Board of Correction thanks DOC and CHS staff in the jails for their commitment and professionalism during this weekend's heat emergency. The Board appreciates that DOC leadership was responsive to the Board's findings and concerns in advance of and throughout the weekend. The Board also thanks our monitoring staff for their continued vigilance monitoring conditions in the jails on behalf of people in custody and those who work in the jails.