

## New York City Board of Correction COVID-19 Monitoring May 12, 2020

The New York City Board of Correction (BOC), the City's independent oversight agency, has adapted its oversight model to the COVID-19 public health crisis. The Board's priorities are monitoring:

- The Department of Correction (DOC) and Correctional Health Services (CHS)' evolving COVID-19 response and facility compliance with agency plans; and
- DOC and CHS' general operations and compliance with BOC Minimum Standards amidst the public health crisis.

The Board's work seeks to independently and publicly document the scope of the public health crisis in the jails and the criminal justice system's response to understand successes and challenges and, ultimately, ensure that lessons can be learned quickly.

Beginning on April 1 2020 the Board has published [daily COVID-19 updates](#) which includes data on people in custody confirmed or symptomatic for COVID-19, COVID-19 deaths in custody, jail staff with confirmed COVID-19, likely exposed but asymptomatic people in custody, and analysis of full population in jail. On May 11, 2020, the Board published a data summary report and will continue to produce summary reports monthly.

All Board staff have been working remotely since mid-March, per guidance from the Mayor and the Department of Health and Mental Hygiene. As of May 9, 2020, the Board has begun targeted on-site inspections to strategically supplement the remote oversight work. The Board will continue to follow local guidance on agency work conditions and to reduce the risk for spreading COVID-19. The Board's oversight work in the jails will be guided by the "do no harm" principle, meaning the Board will prioritize the safety of BOC staff and the safety of all those who live and work in the jails when planning jail inspections.

### Board Activities

On March 6, 2020, the Board of Correction sent a [letter](#) to DOC and CHS requesting each agency provide a written plan for managing COVID-19 in the jails, requesting the plan address 10 key areas. Since then, the Board has quickly developed and implemented an independent monitoring program.

Additionally, beginning [March 17](#), the Board has called on local criminal justice leaders to (1) immediately remove from jail all people at higher risk from COVID-19 infection; and (2) rapidly decrease the jail population. On March 21, the Board [wrote](#), "Fewer people in the jails will save lives and minimize transmission among people in custody as well as staff. Failure to drastically reduce the jail population threatens to overwhelm the City jails' healthcare system as well its basic operations." Through the hard work of many criminal justice partners, the jail population decreased by 1,715 people from March 16 to April 30, 2020.

The Board also held a public meeting via video conference on April 14, 2020 to consider variance requests submitted by CHS. The public could observe and/or call in. 112 people

registered to attend and 12 people participated in public comment. The Board will hold additional public meetings (via videoconference) per its regular schedule. The next public meeting is May 12, 2020.

## Independent Monitoring Activities

Board staff have developed a new, crisis-responsive monitoring program. In addition to the Board's daily COVID-19 update reports, this monitoring work uses the Board's access to DOC's data systems, surveillance cameras, grievance tracking system, daily sanitation supply audits, updated policies, preliminary incident reports, and complaints the Board receives directly from people in custody, staff, family members, and advocates. Additionally, Board Members and staff have had at least weekly calls with DOC and CHS leadership. There are certain limitations to each of these methods but taken together, the Board seeks to provide an objective assessment of the response to the crisis and the function of the jails during the crisis.

### **Genetec Surveillance Camera Audits**

Board staff review Genetec (surveillance cameras video) footage to monitor:

(1) Social Distancing, (2) Use of PPE Among Staff, (3) Use of Masks Among People in Custody, (4) Phone Access and Cleaning, and (5) DOC Rounding Practices (in cell units). Board staff observed housing areas used for Confirmed COVID-19 Patients, Symptomatic Individuals, and Likely Exposed but Asymptomatic Individuals (quarantined areas).

The Board published its initial analysis on May 11, 2020. [More on the Board's public Genetec audits.](#)

### **DOC Grievance System Analysis and Audits**

The Board is working closely with DOC's Office of Constituent and Grievance Services (OCGS) and closely reviewing all COVID-related complaints submitted to DOC. OCGS is the office responsible for handling complaints received from people in custody, family, attorneys, and others. There are a total of 33 OCGS staff members, including 12 civilian and 10 uniform staff. In addition to responding to 311 complaints (including from people in custody who can call 311 from their housing areas), OCGS civilian and uniform staff are assigned to each facility and tour all housing areas.

Since March 5, OCGS has been tracking COVID-related complaints in three categories: Environmental (e.g., lack of access to PPE and cleaning supplies), Medical (e.g., concerns about COVID-19 exposure safety and access to medical care), and Staff (e.g., complaints about DOC staff from people in custody as well as complaints made by DOC staff members or their families regarding staff working conditions).

Due to the pandemic DOC civilian grievance staff are now working remotely to review complaints and ensure they are addressed. Working from home has presented significant operational challenges and OCGS is currently working with limited staff capacity. Eight (8) uniform grievance officers are working directly in the facilities and distributing resolutions to people in custody. To improve the grievance process when less OCGS staff can be in the facilities, OCGS is working with each jail to encourage people in custody to share their grievances with facility staff, who then share it with grievance staff. Any staff in the facility can

refer a grievance to the grievance staff. As of May 5, the Department had received 1,029 COVID-related complaints, representing 18% of the 5,606 complaints received by DOC since March 5<sup>th</sup> when the Department began tracking COVID-complaints.

Board staff review COVID-related complaints daily, analyze grievance data, and audit complaint resolutions regularly providing analysis and feedback to OCGS. BOC also expects to publish its analyses and audit findings in the future. Previous Board reports on OCGS are available at: <https://www1.nyc.gov/site/boc/reports/board-of-correction-reports.page>

### **DOC Sanitation and Supply Availability Audit Analysis**

Since March 16, the Department's Environmental Health Unit and Facility Operations office have conducted daily audits of a sample of housing areas at each facility to check for the availability of sanitation supplies and, as of April 8th, mask availability for people in custody and usage. DOC provides the Board with its documentation daily and Board staff analyze each audit.

From April 5 through April 18 DOC audited an average total of 64 areas daily DOC-wide and (an average of 6 areas per facility each day, (ranging from an average of 5 areas at AMKC to an average of 12\_areas at the VCBC facility).

BOC has worked closely with the Department, providing feedback and recommendations on this audit process. Among other recommendations BOC encouraged the Department to improve the consistency of audit templates and documentation across facilities, to record if and when a housing areas and phones are sanitized; and to specify how many sinks are operable/not operable and how many people in custody are/are not wearing masks. The Board also recommended the Department record the time of audit on each form; the agency began this practice on April 17. The Department is in the process of updating its audit template.

Generally, the DOC audit documentation shows high rates of sanitation supply availability and that work orders are submitted for inoperable sinks identified. The Board expects to publish additional findings on sanitation the future. In addition to reviewing DOC's sanitation audits, the Board has reviewed the condition and sanitation of intake areas at EMTC (the jail DOC re-opened for people in custody with COVID-19 or symptomatic of COVID-19) via Genetec and provided feedback to the Department of Correction, including marked improvement in recent weeks.

### **BOC Complaints**

The Board continues to receive complaints directly from people in custody, staff, family members, defense counsel, and advocates phone, email, mail, and web form. Phone calls from jail to the Board are free and not monitored. Board staff developed a new complaint protocol to review these complaints and refer them to the appropriate agency for a response. The Board also reviews to identify systemic and urgent issues which are escalated to DOC and CHS as appropriate. From March 30 to April 30, the Board received 370 complaints. This is a 99% increase from the same period in 2019 when the Board received a total of 186 complaints. Of the 370 complaints received from March 30 to April 30, 2020, around a third (n=119) were related to COVID-19.

**Jail Inspections**

In mid-March, the Board of Correction made the decision to suspend its in-person, daily jail monitoring practice. All Board staff are currently working remotely, per guidance from the Mayor and the Department of Health and Mental Hygiene. This decision was not made lightly, as the Board has a long tradition of inspecting jails during crises such as mass prisoner uprisings and tuberculosis outbreaks. As of May 9, the Board has begun targeted on-site inspections to strategically supplement the remote oversight work described above. Each visit is carefully planned to be responsive to the ongoing, exceptional health risks as well as public oversight needs.