



January 7, 2020

Cynthia Brann, Commissioner
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

Jennifer Jones Austin, Chair
New York City Board of Correction
1 Centre Street, Rm. 2213
New York, NY 10007

Dr. Patsy Yang, Senior Vice President
Correctional Health Services
NYC Health and Hospitals
125 Worth St.
New York, NY 10013

Deanna Logan
Acting General Counsel
Mayor's Office of Criminal Justice
1 Centre St
New York, NY 10007

Sent via e-mail

Re: COVID-19 vaccination plan for people incarcerated in city jails

Dear Commissioner Brann, Senior Vice President Yang, Chair Jones Austin, and Acting General Counsel Logan:

I write to inquire about the plan for distribution of the coronavirus vaccine to incarcerated people in city jails. On January 3, 2021, *The City* published an article stating that doses of the vaccine are headed to the city jail population. According to the article, vaccination has begun for jail medical staff, with correction officers and incarcerated people soon to follow. CHS Senior Vice President Dr. Patsy Yang is quoted as saying the de Blasio administration received permission from the state to “offer the COVID-19 vaccine to our highest risk patients.”

As public defenders representing people incarcerated in city jails, we welcome any and all efforts to provide vaccinations to our incarcerated clients, one of the hardest-hit and most vulnerable groups of this pandemic. However, the prospect of vaccine distribution in city jails raises many questions. Answers to these questions will greatly help us to inform our clients about this critical vaccination effort.

- 1- How many vaccine doses will be made available specifically for incarcerated people? Will this allotment be replenished to account for the high degree of turnover in the jail population?
 - a. If the allotment for the jail population will be replenished, how soon after admission into the jail system will incarcerated people become eligible to be offered the vaccine?
- 2- CHS recently informed NYC's defender organizations that CHS has designated approximately 1,500 people in the current jail population to be at high risk for serious

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illness if infected with COVID-19. How will officials determine which incarcerated people are at “highest risk”?

- a. If the number of “highest risk” incarcerated people exceeds the number of doses available for the jail population, how will the city determine whom to offer the vaccine?
- 3- If an incarcerated person gets a first vaccine dose in city jail, will they be offered a second dose if they remain incarcerated at the appropriate time?
- 4- If an incarcerated person is released from jail after receiving one dose, how will that person obtain the necessary second dose?
- 5- CHS has reported large numbers of persons refusing COVID-19 tests when newly admitted to city jails. What steps will be taken to help incarcerated people make an informed decision regarding vaccination?

New York County defenders, and other defense attorneys citywide, have a duty to advise our incarcerated clients about the risks to their health, safety, and criminal case outcomes during their period of incarceration. If any of our clients wishes to obtain a COVID-19 vaccine, we will do everything we can to assist them in getting vaccinated. NYCDS implores the Department of Correction, Correctional Health Services, the Board of Correction and the Mayor’s Office of Criminal Justice to work together to keep public defenders informed about the city’s plan so that we can help in this crucial effort to protect our clients and our city.

Sincerely,

Christopher Boyle, Esq.
Director of Data Research and Policy
New York County Defender Services