

March 13, 2020

VIA Email

Office of Mayor Bill de Blasio

Cc: Mayor's Office of Criminal Justice

City Hall

New York, NY 10007

Re: Plan for Combatting COVID-19 in NYC Jails and Other Lock-up Facilities

Dear Mayor de Blasio:

We write to urge you to use your emergency powers to protect New Yorkers from the grave possibility of the spread of COVID-19 in city jails and other lock-up facilities. Yesterday, you made it clear that certain extraordinary steps are necessary to prevent and mitigate the spread of COVID-19 in the next six months but neglected to prioritize use of such powers to address the vulnerabilities that exist in congregant spaces like jails and lock-up facilities.

Without the City taking extraordinary measures, the spread of COVID-19 is likely to cause irreparable harm to people in jail and exacerbate the city's health crisis. Therefore, as you explore ways to use your emergency powers to reduce density and prevent rapid spreading of the virus in public gatherings, we ask that you pursue the following actions:

1. Order the New York Police Department to make arrests only when all alternative options have been exhausted and when absolutely necessary to maintain public safety;
2. Call on district attorney offices and judges to use their discretion to direct people to release on recognizance, supervised release programs and diversion, and alternatives to incarceration programs for people who are sentenced so that fewer people enter city jails and lock-up facilities;
3. Increase screenings for people detained in city jails and other lock-up facilities to counter the spread of illness through early detection and active treatment;
4. Order the Department of Correction to release people, including vulnerable populations, people older than 50, pregnant women, and people with chronic illnesses, compromised immune systems, or disabilities that make them particularly vulnerable to dying from contracting the virus, to treatment-focused settings;

5. Release people who test positive for the virus and ensure discharge plans that provide for immediate access to care and treatment provided by the City of New York, in accord with medical guidance;
6. Supplement the provision of essential services and supplies for those detained in city jails and other lock-up facilities; and
7. Ensure that precautions conducted by DOC do not result in indiscriminate no-contact orders and prolonged isolation.

As you know, people in jails are detained in close quarters, they have little control over their daily interaction with others, and they are often in poor health. In the next six months, we expect tens of thousands of new jail admissions if operations continue at the rate they are going. As former New York City Department of Correction Commissioner Martin Horn warned: “contagious disease [is] a most dangerous foe and the least amenable to structured control in a setting where social isolation is difficult due to open dormitory housing, court pens that are incubators and accelerators of contagion, and staff coming to work not aware that their child is a carrier.” *See* BOC meeting May 2009, in regard to H1N1 swine flu.

We believe emergency powers must be employed to protect incarcerated people and address the potential health crisis that will likely occur on Rikers and in other lock-up facilities. It is essential that these New Yorkers be included in your emergency plan.

Sincerely,

1. JustLeadershipUSA
2. Urban Justice Center Mental Health Project
3. New York Communities for Change
4. Osborne Association
5. Center for Community Alternatives
6. Robert F. Kennedy Human Rights
7. Drug Policy Alliance
8. Exodus Transitional Community
9. United Community Centers
10. Rikers Debate Project
11. Village Zendo
12. Indivisible Nation BK
13. Brooklyn Community Bail Fund
14. American Friends Service Committee
15. Presbytery of New York
16. Brooklyn Movement Center

17. Policing and Social Justice Project, Brooklyn College
18. Showing Up for Racial Justice (SURJ) NYC
19. The Ladies of Hope Ministries
20. Create Forward
21. College & Community Fellowship
22. El Grito de Sunset Park
23. Center for Constitutional Rights
24. Park Avenue Christian Church
25. Lafayette Avenue Presbyterian
26. Harm Reduction Coalition
27. Justice Mapping
28. Experiencing God Ministries
29. Incarcerated Nation Network, Inc.
30. Campaign to End the New Jim Crow
31. First Presbyterian Church of Brooklyn
32. Buddhist Action Coalition
33. Jails Action Coalition
34. New York Theological Seminary