

Name: _____

Return Address: _____

June 23, 2020

The Honorable Andrew M. Cuomo,
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re.: COVID in NYS prisons:

- Lack of testing
- Passage of bills A10463A and S8315A

Dear Governor Cuomo:

Allow me to begin by thanking you for the leadership you have provided us during these most dangerous times ... with two *caveats*, which have prompted this letter to you.

First, I live in the North Country, location of 14 NYS Correctional Facilities. I find myself concerned about what is going on behind their walls, home to more than 10,000 inmates and workplace for several thousand Correctional Officers and civilian employees. DOCCS on its website and you in your daily briefings are providing little and somewhat questionable information about the impact of COVID and the incidence of illness and death among CF staff, particularly CO's, and inmates

On DOCCS 6/19/20 website, 1340 inmates of 47,000-plus statewide are reported to have been tested for COVID, a testing rate of 2.8%, assuming DOCCS's COVID data are accurate. Of this number, 517 inmates have tested positive, with 488 considered recovered, and 800 negative with 23 test results still pending. Five inmates have passed away.

My question to you is why so few inmates have been tested to date? Since large scale testing is not cited as a COVID mitigation measure on the DOCCS website, I've assumed prison medical staff are testing only those inmates who present with symptoms. DOCCS is also relying on social distancing and self-isolation as key control strategies, marginally useful at best without knowing which inmates are actually COVID positive.

(FYI. The 14 State prisons located within or near the Adirondack Park BlueLine, including Great Meadow in Washington County, can house up to 13,000 inmates (CANY, 2018). As of 6/19/20, DOCS listed 117 inmates as having been tested, a probable rate of less than 1%, with 45 [42

from Great Meadows] testing positive, 44 of whom have recovered. We can only hope those numbers are real and inclusive.)

It's unclear how many corrections officers have or are being tested, since only positive results, involving 1289 total staff members, are cited by DOCCS. In a total prison staff population of 19,000 corrections officers (NYS Committee on Correction, 2018), this translates to a possible -- and incomplete -- testing rate of 6.8%. It would be important to know the complete testing numbers and rate for all staff members, not just c.o.'s, since these are the only individuals that move in and out of the prisons and are presumed to be the prisons' primary COVID carriers. The key measure which DOCCS appears to have neglected is staff-wide testing.

My fear, shared by other residents of the community, is that a COVID outbreak in one or more of our CF's could spill over into and overwhelm local hospitals and then into the larger community. A comprehensive report from you and by DOCCS of what is happening within State and North Country-located prisons, and the initiation of COVID and anti-body testing within them would do much to allay our apprehensions and assure us that CO's and inmates are being protected and not abandoned.

My second concern involves the passage into law of a measure, passed in the 2019 legislative session, that you vetoed. An iteration of that bill, A10463A and A8315A, whose chief sponsors are Assemblyman Gottfried and Senator Rivera, have been re-introduced by them in the Assembly and Senate Health Committees each respectively chairs. Its objective is to amend the current public health law "to expand Department of Health (DOH) review of health policies and practices in Department of Corrections and Community Supervision (DOCCS) and local correctional facilities in relation to emerging infectious diseases."

The bill's sponsors reference COVID in its "Justification" section as well as the success of the 2009 law they seek to amend as having "been successful in addressing HIV/AIDS with a viral suppression rate consistently over 90% in DOCCS, and ten times more individuals currently receive Hepatitis C care in NYS DOCCS than any other state." Accordingly, it is tempting to believe that were this same law in effect today, allowing DOH review and participation in the formulation of DOCCS's policies and practices, my and others' concerns regarding COVID in our prisons would have been addressed.

I have no idea why you vetoed this same bill last year, but the consequences do not appear to be salutary: DOCCS and its acting Director, Mr. Annucci, are not being obliged to be transparent about COVID, with Mr. Annucci declining interviews with local media representatives, as per North Country Public Radio. Again, I would urge you and Acting Director Annucci to provide a comprehensive and public report about COVID in prison to preempt misinformation and rumor and to allay the fears and anxieties that the public and the families of inmates and staff members are sure to have.

In closing, I also urge you to sign the Gottfried/Rivera revision of the State's public health law, should it once again get to your desk. State DOH and its Commissioner, Dr. Zucker, should then be able to provide to DOCCS the resources and expertise it could very well be in need of in this time of COVID.

Thank you for your attention to my letter. I look forward to your response at your earliest convenience.

Yours truly,

Signature: _____

**cc. – Dr. Howard J. Zucker, Commissioner of Health, NY State
Anthony Annucci, Acting Commissioner, Dept of Corrections and Community Supervision
The Hon. Carl Heastie, Speaker, NYS Assembly
The Hon. Andrea Stewart-Cousins, Senate Majority Leader
The Hon Richard Gottfried, Chair, Assembly Health Committee
The Hon. Gustavo Rivera, Chair, Senate Health Committee
The Hon David I. Weprin, Chair, Committee on Correction
The Hon. Luis Sepulveda, Chair, Crime Victims, Crime and Correction Committee**