



Testimony of

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Before the

New York City Board of Correction

Public Meeting

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Good Morning. My name is Michelle García and I am a Corrections Specialist at New York County Defender Services. Last Friday, NYCDS sent a letter along with the other public defender offices to DOC, CHS and BOC to ask that the Department release all COVID-19 written policies to the public. In my testimony today I want to provide some examples of how this lack of clear policies negatively affects our clients.

A lack of consistent PPE, specifically face masks, is an ongoing problem in the jails and in the courtroom. On April 3, 2020, the Department of Correction announced that all staff were issued and required to wear masks, and that clients would receive them as well. Our office conducted a survey of our clients this spring and summer. 68.1% of our surveyed clients said that staff do not always wear masks and that they themselves would often need to re-use masks for about 1-3 weeks. In court, our clients are handcuffed behind their back and unable to pull their mask back up if it slips down below their nose or mouth. This makes it impossible for them to properly use their PPE while in-transit to and in court. Numerous clients have appeared in court without a mask, requiring our staff to provide masks and shields for them. It is not the responsibility of the accused person's lawyer to provide PPE to their clients at every court appearance. There should be a clear, written policy from the DOC ensuring that all incarcerated people have access to clean, new PPE on a regular basis, both in jails and in the courthouse.

Video conference counsel visits are also an ongoing problem during the pandemic. NYCDS staff have been conducting daily Video Conferences but have found that numerous calls have been disrupted due to other hearings, extremely low-quality audio or even the wrong clients being brought down to the booth. While counsel visits are now allowed, we still do not have clear and consistent protocol regarding safety measures, including whether clients will be provided with face masks upon arrival. How can our staff know it is safe to return to Rikers for visits if they do not know what they can expect when they get there?

Family members and friends have had similar situations when trying to conduct televisits with their loved ones; the calls are often interrupted, shortened, or simply do not occur. Families have come to us with a multitude of concerns, including when they can visit facilities and if they are allowed to send any PPE; to our disappointment, we have not been able to provide them with answers. If counsel visits are now allowed, a similar protocol should be released immediately for families.

Every day, clients are overwhelmed with the possibility of testing positive for the virus, being around those who may have it, and how they can best protect themselves. Our clients' safety and well-being are compromised by DOC's failure to articulate clear, written policies related to COVID-19 procedures. We urge the Board to work with DOC and CHS to ensure that written policies are released promptly before the next wave of cases hits.

Thank you.