

John K. Carroll  
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**Via Electronic and First-Class Mail**

March 4, 2020

Anthony J. Annucci  
Acting Commissioner  
NYS Department of Corrections and Community Supervision  
1220 Washington Avenue, Building 2  
Albany, New York 12226-2050

John Morley, MD  
Chief Medical Officer  
NYS Department of Corrections and Community Supervision  
1220 Washington Avenue, Building 2  
Albany, New York 12226-2050

Dear Acting Commissioner Annucci and Chief Medical Officer Morley:

We write about a concern that we are sure you share: how the Department can best respond to the anticipated spread of the COVID-19 virus through the State correctional facilities. As you know, cases have recently been identified in New York State. We are sure that you have already begun planning how the Department will respond to this quickly approaching health crisis. Public health agencies, including agencies in New York, are preparing for the continued spread of the pathogen. Therefore, on behalf of The Legal Aid Society and Prisoners' Legal Services of New York, we write to request information on the Department's plan to address the potential spread of COVID-19 in our State's prisons.

As you are aware, prisons are uniquely susceptible to the spread of infectious disease because of their physical environment and the limitations on self-help imposed by their structure. Prisons were particularly impacted during the 2009 H1N1 outbreak.<sup>1</sup> It is because of this that we are extremely concerned about the efforts that the Department is making to limit the spread of the virus, identify and isolate those individuals who have been infected, and monitor infected individuals who are particularly at risk of complications. Additionally, it is important for us to understand the Department's plans so we can advise our clients on what to expect, reassure their families, and provide the Department with our insights and perspective on our clients' needs.

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<sup>1</sup> David M. Reutter, Swine Flu Widespread in Prisons and Jails, but Deaths are Few, PRISON LEGAL NEWS, Feb. 15, 2020, *available at* <https://www.prisonlegalnews.org/news/2010/feb/15/swine-flu-widespread-in-prisons-and-jails-but-deaths-are-few/>.

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Specifically, we would like to understand the Department's plans to:

- limit the spread of COVID-19;
- identify people who may have been infected by COVID-19;
- properly treat and house those individuals who have been infected; and
- identify and properly treat infected individuals who are at risk for complications.

We would also appreciate information on the Department's plans for people who are particularly susceptible to infection, such as elderly people, people with certain chronic illnesses (especially respiratory-related illnesses), and people with suppressed immune systems.

Additionally, please advise us as to the Department's plan to disseminate its COVID-19 response policy to all impacted parties, including incarcerated people, their family members, and staff.

We recognize that the Department will be facing significant challenges in addressing this situation. Despite those challenges, we are sure that you recognize that it is imperative that the Department implement its COVID-19 policy consistent with health and safety but without unnecessarily compromising our clients' rights and protections. We urge the Department to avoid any unwarranted interruption or suspension of external communications and essential services, including recreation, food services, religious services, visitation, and library services. We encourage the Department to make clear to all staff that individuals in quarantine have not done anything wrong, and should not be subjected to any demeaning, disparaging or harassing treatment.

We are hopeful that this challenge may soon be resolved, but we also recognize that this may be a situation that we will face for months or even longer. In light of this, we would appreciate an open line of communication as this situation evolves.

Finally, we would be happy to meet in person or to discuss the situation by teleconference as is convenient for you. We look forward to hearing from you.

Sincerely,

/s/

Dori A. Lewis  
*Supervising Attorney*  
Stefen R. Short  
*Staff Attorney*

Karen L. Murtagh  
*Executive Director, Prisoners' Legal Services of New York*

**Justice in Every Borough.**