

Public Hearing on COVID-19's Impact on Prisons and Jails  
Senate Standing Committee on Crime, Crime Victims, Crime and Corrections,  
Senate Standing Committee on Health



Testimony  
Justice and Unity for the Southern Tier  
William G Martin, Mairead McCarran, Andrew Pragacz  
September 22, 2020

We want to thank Senators Gustavo Rivera and Luis R. Sepulveda for this opportunity to testify regarding COVID in our jails.

Many in our upstate communities are desperately appealing for assistance. As a mother frantic with worry wrote us, she feared her son would catch COVID after being placed in solitary confinement with quarantined people. "I've called the jail," she noted, "but the only information they will give me is about the medical facilities available if anyone was to become ill."

She was right to be worried. Indeed, Broome County is an exceptional place to study the impact of COVID-19. The county has

- the highest incarceration rate of any in the state
- a jail death rate 4 times the state average
- a jail population where Black people are overrepresented by 6 times
- a parole revocation rate 4 times greater than New York City
- an unending series of lost lawsuits for medical malpractice
- a medical provider reprimanded by the Attorney General and a Federal judge, and
- exceptionally brutal conditions for those with disabilities, as [reported last week](#) by Disability Rights New York

When COVID hit, these conditions worsened immediately. County officials' response was to [refuse to reveal any figures](#) on testing, infections, and PPE. Sheriff David Harder imposed severe solitary confinement on infected and uninfected alike. We later learned that one of the first people infected was a jail guard tasked with transporting prisoners to a local hospital, resulting in the virus' spread to medically compromised inmates.

It was only multiple protests and insistent media questions that forced the County Executive to finally acknowledge on April 7th that the Broome County jail was [one of two "county hot spots"](#). On May 4th the County Executive [told the public](#) that there were no more active cases in the jail. A freedom-of-information-request to the County Health Department quickly revealed this was not true. Through it all, the Sheriff continued to proclaim that the jail was the "safest place" to be for anyone in the county.

People inside continue to tell harrowing and terrifying stories. Persons suspected of COVID are still mixed together in a quarantine pod with persons arriving in the jail. New entrants to the

facility are routinely put directly in solitary confinement. Just this past week we were told that *no one* currently in the quarantine pod had been tested. Many fear being suspected of infection, and even avoid testing, for that means weeks in brutal medical solitary and then quarantine under severe isolation.

Consider the case of a woman who has been trapped in custody since late March due to continuing court closures.

- She cannot visit with her children
- She has been quarantined for a long time with persons in disciplinary solitary confinement
- She is forced to use poorly cleaned, shared showers and cells.

There are others:

- A man "held in Broome County [Jail] without knowing his charges...[tested] positive"
- A young man with developmental disabilities held now for over a month and a half who does not understand the charges leveled against him
- Yet another woman told us about her boyfriend with both asthma and COPD. When asked if he can get his inhalers, she said he had "asked 39 times... if he keeps bothering [the officers about] his inhalers they're going to discipline him, he'll no longer have [access to] phone calls, messages, or video calls."
- And yet other men with heart conditions, asthma, and diabetes, held only on charges, have also tested positive

Throughout the pandemic we have seen many people—despite reforms to bail and discovery laws—held on minor drug charges, DWI charges, petit larceny, and technical parole violations. A disturbing number are locked up due to slowdowns and failures in the assigned counsel and public defense systems.

Jail procedures now drastically limited jail prisoner's access to confidential legal visits. People removed to medical solitary or quarantine are denied access to outside communications and confidential legal contact. Prisoners are threatened with punishment for speaking out about conditions inside.

In sum: the jail's response to the COVID-19 pandemic has been one of secrecy and punishment.

We ask you, as a coalition of community organizations asked Governor Cuomo on July 10 (appended), to ensure that counties

1. Regularly test everyone entering or exiting the jail
2. Provide a transparent COVID dashboard with detailed reports on those tested, quarantined, and hospitalized
3. Provide adequate sanitation and PPE equipment for everyone
4. Give the incarcerated regular free calls to family and friends, and restore in-person visitation as soon as possible
5. Release people who are over 50 years old, have underlying health conditions, or are serving sentences of less than one year
6. Provide local communities with adequate resources for those coming home, including a discharge, housing, and treatment plan

Over the long-run the state needs to conduct an investigation of medical care before and during the COVID epidemic.

We urge the Senate and Assembly to pass Assembly bill A.4373 and Senate bill S.4842, which would establish the basis for the development of long-term oversight based in local communities.

Thank you.

William G Martin: Bartle Professor, Sociology Department, SUNY-Binghamton, and co-author of *After Prisons? Freedom, Decarceration and Justice Disinvestment* (Rowman and Littlefield, 2016)

Mairead McCarran, MS student Sustainable Communities, Binghamton University, Coordinator Visitation Program, Justice and Unity for the Southern Tier

Andrew Pragacz, Visiting Assistant Professor, SUNY-Cortland

## Appendices

### Appendix 1

Letter to Gov. Cuomo and State Legislators

Act on COVID in County jails

[Online at <https://campaigns.organizefor.org/petitions/act-on-covid-in-ny-county-jails>]

July 10, 2020

Dear Governor Cuomo,

We write, as a coalition of community justice organizations, to urge you to counter the deadly effects of coronavirus in county jails across the state. We will not be successful in our struggle today against the coronavirus and racial inequalities unless we tackle current jail practices and policies.

Persons in our jails, overwhelmingly unconvicted, are in extreme danger, as testified by announcements of successive jail “hotspots” across the state. Visitation has been curtailed, cutting off information and contact with the outside world, especially for persons isolated out of sight in solitary, medical, and quarantine units. Anxiety and fear spread outward from the jails to the extended families of the incarcerated as well as the families of the thousands of persons who work and enter our jails daily and return home at the end of the day.

This situation is a moral and public health hazard. We thus ask you to carry out the following steps:

1. Direct the State Commission of Correction and county health departments to collect and make public weekly, from all jails statewide, detailed data (including both current and cumulative cases) on the number of incarcerated people and staff under observation, tested, quarantined, and hospitalized by race, gender, and age
2. Provide counties with sanitation and PPE equipment for both staff and the incarcerated
3. Direct county jails to provide the incarcerated with regular free calls to family and friends (as is done erratically in some jails currently), and to restore in-person visitation as soon as possible
4. Implement a statewide policy to release people who are over 50 years old, have underlying health conditions, are detained for administrative reasons such as failure to appear, and people serving sentences of less than one year
5. Provide local communities with adequate resources to ensure those coming home have a discharge and treatment plan, including medical, housing and food resources especially for those needing to self-isolate

Sincerely,

Buffalo Anti Racism Coalition  
Capital Area Against Mass Incarceration  
Decarcerate Tompkins County  
Ithaca Prisoner Justice Network  
Justice and Unity for the Southern Tier  
NAMI Huntington NYS Prisoner Justice Network  
NAMI NYS Criminal Justice Committee  
New York City Jericho Movement  
Northeast Save The Kids  
Second Chance Reentry  
National Action Network NYC Chapter Second Chance Committee  
Truth Pharm  
United Voices of Cortland

cc: David Weprin, Chair, Assembly Corrections Committee  
Richard Gottfried, Chair, Assembly Health Committee  
Luis Sepulveda, Chair, Senate Crime Victims, Crime and Correction Committee  
Gustavo Rivera, Chair, Senate Health Committee, grivera@nysenate.gov

## Appendix 2

Select quotes from family members at JUST/TruthPharm Press Conference on COVID-19 in the Broome County Jail (April 21, 2020). A copy of the audio is available to Committee members upon request.

"They told him they couldn't treat him because he wasn't treated on the street" - a loved one about his relative in BC Jail with Hep C

"Sometimes they won't give him gloves... they have gloves to give, they just won't give them to him"

"He is currently being held in Broome County [Jail] with no charges- just a positive COVID- now negative COVID-19 [test], and still, as of yet, no release date."

"My boyfriend is very scared. He has COPD, he has asthma, he's not being treated at all for any of it. He's been there 7 and a half weeks, no inhalers or anything. He's scared that he's going to get the coronavirus, get sick, and not be able to come home, and we're all scared for him because we have three babies at home, we're all sitting here waiting for him."

"Has he requested his inhalers?" "39 times... if he keeps bothering [the officers about] his inhalers they're going to disappoint him, he'll no longer have phone calls, messages, or video calls." "All for asking for his medical care?" "Yes."

"The coronavirus is spreading inside of G-pod like a wildfire"

"There's gloves, hand sanitizer, and masks available- they're just not making them available to the inmates, just the hand sanitizer which is basically like a run-down soap... my loved one was tested positive for COVID-19 and he did not receive either/or (masks or gloves)"

"He told me that they get two masks a week. The masks are only good for a few hours, they're really thin. Nobody's in there cleaning- they're cleaning all their own cells. They're not wearing gloves, any of the inmates or COs."

"The officers come in there, they don't have no gloves some of them, some of them don't have masks on, because they don't care. You got a lot of officers up there who just don't care about the inmates."

"They have 60 inmates to one working sink with no soap."

"I have it on video- Medical hung up the phone on me and told me it was none of my fucking concern."

"Once he tested positive for COVID they immediately moved him to medical... we wouldn't have even known if he didn't have another inmate contact us"

### Appendix 3

BCJ Pandemic Update: A Periodic News Round-up on the Broome County Jail during the COVID-19 Crisis [distributed via email on April 3, 2020]

Truthful information is the only way to ensure public health and during the novel coronavirus pandemic. Jails and prisons, however, are closed institutions. Reliable information is difficult to come by and verify in the best of times. Unfortunately, county governmental actors have consistently spread disinformation about the deadly potential of the virus for incarcerated people and jail staff. They have also mislead the public about steps taken inside the facility to grapple with the virus and failed to released information to incarcerated people and the public alike.

Given the failures of local political leadership, throughout the COVID-19 pandemic JUST will release periodic updates on jail conditions, releases, population statistics, and policy changes to families, activists, and news media. These data are taken from various reliable contacts whose identities will be kept anonymous out of fear of retribution. Information is also taken and supported/verified by online informational sources. *News agencies that wish to use this information but require confirmation or people who have more information about jail conditions and releases should contact [justice.southern.tier@gmail.com](mailto:justice.southern.tier@gmail.com).* We encourage the dissemination of the information listed below.

1. An older man was removed from one of the general population pods yesterday (April 2,2020) with a high temperature. He was removed from general population due to suspected COVID-19 and likely put in a quarantined unit.
2. Yesterday (April 2, 2020) was the first day that all incarcerated people had their temperatures taken in the jail. Several had their temperature checked twice. BCJ has been checking guard temperatures for some time with at least one testing positive so far.

3. People on weekend incarcerations are still be forced to do weekends in the Broome County Jail. Several instances appear on online formats demonstrating this phenomena.
4. No sanitizer is available in the pods.
5. Foaming anti-bacteria soap from a common dispenser is available.
6. People are not being transferred to the state system. Several persons are awaiting entrance into various programs for short stays (usually 90 days or less). They are now trapped within the Broome County jail unable to receive treatment and are not being released (even those that have parole violations with minor bail-eligible offenses).
7. Access to the law library will be further restricted as of next week, preventing incarcerated people from working on their own cases.
8. Despite an announced 14-day quarantine for newly incarcerated people, several people were transferred into general population pods prior to the end of 14-day period.
9. Transfer between pods are still common, which will ensure a greater likelihood of spread in the jail.

#### Appendix 4

BCJ Pandemic Update: A Periodic News Round-up on the Broome County Jail during the COVID-19 Crisis [distributed via email April 6, 2020]

Early this morning Legal Services of Central New York (LSCNY) attorney Josh Cotter filed a writ of habeas corpus in an effort to have five people incarcerated in the Broome County released due to elevated risk of death from COVID-19, the disease caused by the novel coronavirus. Two are over 60 years old. Three others have serious respiratory, pulmonary, heart, and/or liver problems. The five men are either pretrial detainees held for minor offense charges and/or parole violations or sentenced on similarly minor offense. Justice and Unity in the Southern Tier and other organizations worked with LSCNY to identify at risk people incarcerated, seeking to realize our collective demand to release vulnerable people from inherently dangerous jails. The motion is supported by declarations of three doctors with specifics in correctional health, internal medicine, and infectious diseases. See attached legal filings for more information. Josh Cotter is available to talk with the press by emailing [jcotter@lscny.org](mailto:jcotter@lscny.org).

The immediate release of people held in the Broome County jail, especially those who have serious medical conditions or are aged, is increasing necessary. [At Riker's Island alone, 321 staff members and 273 incarcerated people have tested positive for COVID-19](#) with hundreds more in the state prison system, including the [heard of the state corrections union](#). At least two incarcerated people have died in New York State, according to an email from the [Releasing Aging People in Prison \(RAPP\) who held a vigil at Sing Sing last week](#), due the virus and [at least one correction's officer](#). In Broome County at least one corrections officer has tested positive and reports from inside the jail note the rising number of people shifted to medical quarantine.

As the virus spreads rapidly throughout jails and prisons across the state prison and jails have instituted lockdowns and restricted movement to uncleaned showers and one daily phone call only. While these seem like commonsense precautions, [longtime prisoners note that social distancing in carceral facilities is "impossible"](#) due to poor ventilation or cells connected through

the ventilation system, sharing of facilities, common kitchens, and generally tight quarters. Terrified prisoners have reported abuse at the hands of security staff facilitated by decreased communication access to the outside, in addition to poor health precautions.

The only solution to this public health emergency for incarcerated people, corrections officers, and the community at large is decarceration and rehousing in clean facilities outside the jail.

BC Jail News Roundup. These data are taken from various reliable contacts whose identities will be kept anonymous out of fear of retribution. Information is also taken and supported/verified by online informational sources. *News agencies that wish to use this information but require confirmation or people who have more information about jail conditions and releases should contact [justice.southern.tier@gmail.com](mailto:justice.southern.tier@gmail.com).* We encourage the dissemination of the information listed below.

1. At least one more identifiable person was removed from general population housing units over the weekend, with some reports that as many as eight were removed to medical quarantine.
2. The first person moved to quarantine has a medical condition that puts him at greater risk to death due to COVID-19. He as reportedly tested positive for COVID-19.
3. Reports have not indicated that no incarcerated has been removed to local hospitals.
4. At least one general housing unit is on full lockdown as of Friday, with incarcerated people only able to exit their cells to for daily shower and phone call. They are not allowed outside the facility for fresh air nor to use video calls.
5. Showers are not being cleaned after each use.
6. Incarcerated people are not being notified by jail staff if they were in contact with infected corrections officer after he test positive and before the Friday lockdown. This is one way that virus could have spread to the incarcerated population.
7. Prior to the lockdown it was reported that social distancing directives were not being enforced in the jail amongst the staff or incarcerated populations.
8. Prior to Friday, jail staff was testing incarcerated people who worked in the kitchens and in other parts of the jail. Generally, incarcerated workers are sentenced people represent a minority of people (only 76 of 286 people held in the jail on a daily average were sentenced in March 2020, according to NYS data).

Appendix 5

Media Release

Justice and Unity for the Southern Tier

April 28, 2020

Contact: Andrew Pragacz, Phone: 651-747-6316, Email: [ajrpragacz@gmail.com](mailto:ajrpragacz@gmail.com)

Community Organizations Car Rally for Jail Releases



COVID-19 continues to surge through the jail. Day after day, families of the incarcerated report dire situations: the dramatic lack of medicine, the denial of telephone access, the compulsory isolation of the sick, the transfer of sick persons between the different pods in the jail—all while new cases of coronavirus are reported. Persons are being released from the jail into mandatory quarantine, without sufficient resources. The jail thus remains a deadly hotspot. Yet contrary to what other counties are doing, Broome County officials refuse to release any number of those inside, no matter how seriously persons are at risk due to their health conditions, how little the charges, or how little time seriously ill persons have to serve.

Today Broome County community organizations again call for the release and safe rehousing of as many persons as possible. We will be holding a closed car rally outside the daily county press briefing at the NY Taste Center on Front Street.

A press conference be held at 2:30pm on location, calling on the county to:

- Immediately release anyone at high risk for infection
- Release anyone held on non-violent charges
- Provide testing, sanitation supplies, medical treatment, and adequate nutrition
- End excessive use of solitary and denial of phone access
- Make phone/video calls free and end predatory commissary pricing
- Ensure those coming home have a discharge and treatment plan, including medical and housing resources that enable self-isolation
- Provide transparent, public reports on conditions, positive tests, and covid practices

Appendix 6

[New York Post article](#)

Upstate inmates forced to clean up after coronavirus patients: 'We're scared'  
By [Gabrielle Fonrouge](#) April 17, 2020 | 5:23pm  
Inmates on Covid 19



More than two dozen inmates and correctional officers at an upstate correctional facility have contracted the coronavirus after prisoners were forced to clean up after COVID-19 patients without proper protective equipment, according to five inmates who came forward to The Post.

At least 16 inmates and 14 correctional officers at the Broome County Correctional Facility near Binghamton have been infected with the deadly pathogen, the inmates claim. All of the inmates The Post spoke with are in custody for non-violent offenses, according to records.

“I’m scared,” said Jadah Christopher, 28, who’s serving time for reckless endangerment and obstruction and has a heart murmur.

Christopher and the four other inmates who came forward to The Post say they’ve been forced to clean the medical unit housing positive patients, vacuum and sanitize areas holding quarantined inmates, clean food trays and dishes used by positive patients, and do their laundry.

“Only thing we got is one glove and the same paper mask,” Christopher said.

“If you refuse, they will put you in the box, which is a 23-hour lockdown, and take away your good time,” added Matthew Caletka, 32, referring to early release eligibility based on good behavior. Caletka is asthmatic and doing time for drug possession, according to records.

“I am worried about it because all it takes is getting sick,” Caletka said.

All of the inmates The Post spoke to said they were issued just a single paper mask — and told Both the [Centers for Disease Control](#) and the [Food and Drug Administration](#) have repeatedly [warned against](#) reusing surgical-style paper masks, saying they should be discarded after one use.

Suzanne Willard, a nurse practitioner and the associate dean of Global Health at the Rutgers School of Nursing, said reusing paper face masks can be dangerous.

“The more you use something, the weaker the barrier is going to get,” said Willard, 69, whose specialty is treating HIV/AIDS patients.

“The integrity is not going to be able to hold up and it’s not going to be able to do their job.”

Broome County Executive Jason Garnar [told WNBF Tuesday](#) he believes the county’s apex is still two weeks away and pointed to the correctional facility as a hotspot, along with a Susquehanna nursing home.

There’s already been 167 cases in the county and eight deaths, [records show](#).

The inmates said the facility has taken a sloppy approach to slowing the spread of the bug, which is contributing to the larger, community-wide outbreak.

When an inmate was recently found to have a 102-degree temperature, he was taken to the medical unit for just two days and was allowed back to a general area with correctional officers and other inmates before being sent to quarantine.

“It’s unreal,” Caletka said.

In addition, correctional officers, who have been using N95 respirators, are often seen without their masks, according to the inmates.

“They take it off because they say the pin is messing with their nose,” Christopher said, referring to the metal pin on the respirators that tightly adhere the mask to the wearer’s face.

The facility has [previously come under fire](#) after at least nine inmates died while receiving medical care since 2011, according to the Binghamton Press & Sun Bulletin.

The outlet said each of the deaths were investigated by the New York State Commission of Corrections and many ended in settled lawsuits.

“There’s no way we could like survive a chance in here,” said Michael Brown, 25, who’s diabetic and asthmatic and doing time for a burglary charge.

Governor Cuomo and the New York Department of Health were not immediately available for comment.

When the Broome County Executive was asked for comment on this story, they deferred to the county sheriff, who did not return two requests for comment.

Sheriff David Harder, who oversees the facility, previously [told WBNG on April 1](#) the jail is one of the “safest places” from the virus.

Appendix 7

### [Disability Rights New York Report](#)

Extract: “Broome County Jail has the highest numbers of restraint chair incidents in the state. In 2017, Broome County Jail had two to three times more incidents involving restraint chairs than any other county.” p. 21

## EXECUTIVE SUMMARY

Disability Rights New York (“DRNY”) is the Protection and Advocacy System for individuals with disabilities in New York State.<sup>1</sup> DRNY has broad authority under federal and state law to monitor conditions and investigate allegations of abuse and neglect occurring in facilities, including jails, that provide care, services, and treatment to New Yorkers with disabilities.<sup>2</sup> Pursuant to its access authority and New York’s Freedom of Information Law (“FOIL”), DRNY conducted an investigation into whether there is an association between use of restraint chairs in New York’s county jails and people diagnosed with mental illness. DRNY reviewed data from hundreds of incident reports in 2017 and 2018, and conducted in-depth investigations into several incidents from 2016 through 2019.

DRNY found that there was a disproportionate use of restraint chairs on people in county jails with a mental health history. People with mental health histories, likely experiencing symptoms of acute mental illness, are restrained in chairs, often following multiple uses of force and in combination with disciplinary sanctions for the episode leading to restraint chair use. DRNY’s in-depth investigations of several restraint episodes show how lack of treatment leads to restraint chair use, often in excess of what may be required to manage dangerous behavior. DRNY’s review of restraint chair data finds:

- Of those subjected to restraint chair use in 2017 and 2018, two thirds have mental health histories, including histories of suicide attempt and self-harm.
- Despite a drop in the jail population, restraint chair use increased between 2017 and 2018 for people with mental health histories or substance use disorders.
- Nearly 80% of New York's 57 counties outside New York City used restraint chairs on people with mental health histories in 2017 and 2018. Thirteen counties reported between 16 and 30 restraint chair uses on people with mental health histories, and five counties reported more than 30 restraint chair uses on people with mental health histories over the two-year period. •Incident summaries obtained for all restraint chair uses on people with mental health histories in 2017 show that mental health staff rarely assess the individuals either during or following the use of a restraint chair.
- 42% of 2017 incidents occurred in isolating single-occupancy housing units.
- Disciplinary action and/or segregation are often imposed in connection with the same incident, increasing the risk of harm to individuals with mental illness. •Multiple uses of force, including restraint chair use, may be employed during the same incident, risking further trauma to the people with mental health histories.
- Jail staff routinely use restraint chairs as a response to individuals exhibiting symptoms of their mental illness and frequently initiate disciplinary actions to punish individuals who engage in or threaten self-harm.
- Lack of effective statewide standards, which persists today, has enabled a broad use of restraint chair use beyond emergent necessity and poses added risks to people with significant mental health histories.

Based on DRNY's findings, the serious potential for abuse, harm and even death,4 and consistent with the United Nations Committee Against Torture's recommendation to ban use of restraint chairs as methods of constraint issued in May 2000,5 New York State and counties must take immediate steps to ban

## Appendix 8

Data on COVID released to William Martin from a freedom-of-information request to the Broome County Health Department. It should be noted the Sheriff is now refusing to respond to FOIL requests on conditions inside the jail, and has said so publicly--specifically refusing any request related to the repeal of 50-A that provides new access to disciplinary records.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Statu	uarantin	First Na	Last Na	DOB	Contact #	Address	Cit	Reason for Isol	Yes	Test Re	Start Date of Isc	ate of	ef of	gregate	Recovery S
1	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/2/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
2	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	4/5/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
3	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	4/5/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
4	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	4/5/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
5	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending result	Yes	Positive	4/5/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
6	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending result	Yes	Positive	4/5/2020	4/9/2020	4/9/2020	ECDF Inmate	Recovered
7	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/6/2020	4/9/2020	4/20/2020	ECDF Inmate	Recovered
8	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/6/2020	4/9/2020	4/20/2020	ECDF Inmate	Recovered
9	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/6/2020	4/9/2020	4/20/2020	ECDF Inmate	Recovered
10	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/6/2020	4/29/2020	4/20/2020	ECDF Inmate	Recovered
11	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/10/2020	4/24/2020	4/25/2020	ECDF Inmate	Recovered
12	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/20/2020	5/3/2020	5/4/2020	ECDF Inmate	Recovered
13	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed Case	Yes	Positive	5/20/2020	6/3/2020	6/3/2020	ECDF Inmate	Recovered
14	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed Case	Yes	Positive	6/18/2020	7/2/2020	7/2/2020	ECDF Inmate	Recovered
15	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	7/21/2020	8/4/2020	8/4/2020	ECDF Inmate	Recovered
16	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	7/21/2020	8/4/2020	8/4/2020	ECDF Inmate	Recovered
17	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	3/23/2020	3/30/2020	3/30/2020	ECDF Staff	Recovered
18	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/2/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
19	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/2/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
20	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/4/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
21	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	3/30/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
22	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	4/2/2020	4/9/2020	4/9/2020	ECDF Staff	Recovered
23	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending result	Yes	Positive	4/7/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
24	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, pending result	Yes	Positive	4/7/2020	4/24/2020	4/24/2020	ECDF Staff	Recovered
25	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/9/2020	4/14/2020	4/14/2020	ECDF Staff	Recovered
26	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/6/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
27	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	tested, pending results	Yes	Positive	4/8/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
28	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Tested, Pending results	Yes	Positive	4/9/2020	4/20/2020	4/20/2020	ECDF Staff	Recovered
29	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/12/2020	4/6/2020	4/6/2020	ECDF Staff	Recovered
30	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/16/2020	4/27/2020	4/27/2020	ECDF Staff	Recovered
31	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	4/30/2020	5/17/2020	5/17/2020	ECDF Staff	Recovered
32	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed Case	Yes	Positive	5/16/2020	5/30/2020	5/30/2020	ECDF Staff	Recovered
33	Completed	Mandatory	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	REDACTED	Confirmed case	Yes	Positive	7/7/2020	7/27/2020	7/27/2020	ECDF Staff	Recovered



## Voices from Inside the Broome County Jail

**Sheriff Harder: inmates are safer inside!**

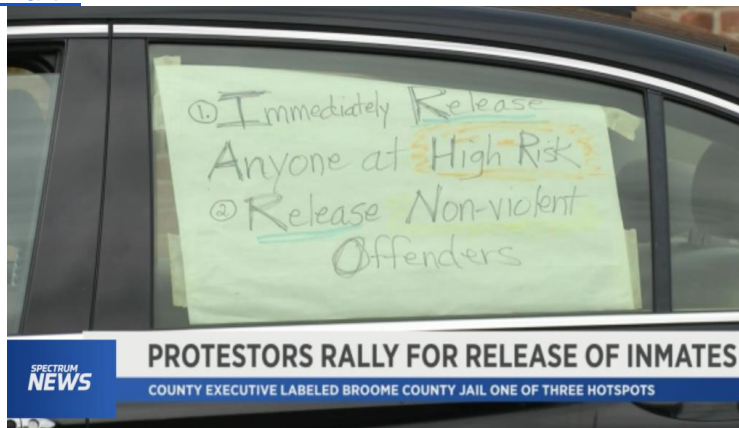
**Woman inside:**

**We are ALL at risk here. If one of us gets it, all of us will. We have COs coming and going without masks, etc. No testing kits and awful medical services.**



## Appendix 10

Jail Protest Explodes, County Officials Dither and Deny  
[April 15, 2020](#) [Bill Martin](#)



Activists from three community organizations rallied in public on April 14<sup>th</sup> to demand that local officials release as many persons as possible from the Broome County jail. Filling the parking lot outside the *Taste New York* store where County Executive Jason Garnar was holding a press conference, members from Justice and Unity for the Southern Tier, Citizen Action, and Truth Pharm called on the County Executive Jason Garnar, Sheriff David Harder, and District Attorney Michael Korchak to prevent further COVID infection and death in the jail and across the county.



The county Sheriff responded by deploying a phalanx of officers and patrol cars, with multiple officers demanding protestors leave the site as it was “private property.” Protestors stood their ground, pointing out that this was state property, with the store still open to the public, and the parking lot and sidewalks unimpeded. The protest proceeded surrounded by officers and their vehicles.



Family members spoke at length of loved ones lingering in infected cells and pods at the jail, without sanitizer, masks, and essential, prescribed medicines such as asthma inhalers. Inmates who complain, they told the crowd in their cars, are being threatened with isolation and denial of any contact with family outside by expensive phone or tablet—jail visitation is closed.

The groups' demands are straightforward, and have been repeated for months:

- Provide daily counts of tests, positives, quarantine and deaths in the jail
- Immediately release anyone at high risk for infection
- Release anyone held on non-violent charges
- Provide testing, sanitation supplies, medical treatment, and adequate nutrition
- Make phone/video calls free and end predatory commissary pricing
- Ensure those coming home have a discharge and treatment plan, including medical and housing resources that enable self-isolation

In reply County Executive Garnar stated, in a line taken from his Sheriff's public statements: “I don't have anything to do with it.... I can't let people out of jail.” The county DA Korchak says the same. As one reporter pointed out at Garnar's press conference, this is not the case in other counties where Sheriffs, DAs, and County Executives have all acted, individually and often together, to release persons with short sentences, those at high risk for infection and death due to medical conditions, and those incarcerated on technical parole violations like smoking weed or missing a parole meeting. Cases of these conditions were all recounted by family members at the rally.

When pressed on this at the press conference, Garnar said he couldn't agree with the groups' demand to “release *all* prisoners.” This too was a blatant fabrication, as the longstanding list of demands shows –and as a reporter quickly pointed out.

Meanwhile COVID-19 continues its march through the jail, with the Sheriff recently reporting 11 officers and 11 incarcerated persons testing positive. This would be over 20% of existing cases in the county, where little testing has been done.

No one has been able to confirm these numbers, much less answer questions on how many tests in the jail have been done, how many persons have been discharged or hospitalized with the virus, and how many current or recently released persons have died (the Sheriff and local judges have the habit of releasing persons from the jail just prior to hospitalization and death as in [the case of Rob Card](#)). When asked for this information by reporters, Garnar said, as he has when asked for information on other county COVID “hotspots” like local nursing homes: “I don’t know.”

The car rally is just one of recent protests pressing the County Executive, the District Attorney (who suffered a phone zap/call in on Monday) and the Sheriff, and the organizations promise to continue their work in the coming weeks.