



December 9, 2020

Honorable Anthony Annucci  
Acting Commissioner  
NYS Department of Corrections and Community Supervision  
The Harriman State Campus, Building 2  
1220 Washington Avenue  
Albany, New York 12226-2050

Dear Acting Commissioner Annucci:

I write on behalf of New Yorkers United for Justice (NYUJ), a bipartisan coalition of 14 criminal justice reform, civil rights, and legal advocacy organizations that advances common sense criminal justice reforms to make our state safer, fairer, and more just.

Throughout this pandemic, New York State has demonstrated a commitment to accurate data and transparency in its ongoing defense against COVID-19. The state's data-driven approach has allowed it to target its interventions, helped to avoid a second statewide shutdown, and provided New Yorkers with a better understanding of the virus' overall spread in our state.

DOCCS's data collection and reporting on testing and outcomes, however, lack crucial details needed by the public to understand your department's response to the pandemic. These deficits undermine public trust in your department's ability to effectively monitor and respond to COVID-19 outbreaks.

1. **No information on total tests performed.** Since the documents provided by DOCCS provide only the status of individuals and not the total number of tests (in contrast to the way such data is reported in many other states), it is impossible to establish positive rates and testing rates in prisons from DOCCS's data. This not only obfuscates the true state of COVID-19 in New York prisons, it has exacerbated anxiety among those who have incarcerated loved ones in New York facilities. DOCCS should conform to data tracking methods in states like [Indiana](#), [Michigan](#), and [Wisconsin](#) that provide regularly updated data on total tests administered to individuals.
2. **Lack of detail on status of positive cases.** The condition and wellbeing of those who test positive for COVID-19 is paramount to restoring public trust in DOCCS medical care and prison conditions generally. Positive test results should be disaggregated by symptomatic and asymptomatic cases – such as data provided by [Louisiana's Department of Corrections](#). Furthermore, DOCCS should provide data on the number of individuals currently hospitalized due to complications from COVID-19.



3. **Lack of clarity on data definitions.** The data measures from DOCCS should be appropriately and clearly defined to ensure accurate readings of your data. As an example, prior to DOCCS' reaching 100-percent test rate for its incarcerated population, it was not clear that the column labeled "negative" reflected the status of individuals and not tests (found under the "other tests" section of the regular report). It was not until NYUJ observed decreases in the negative column that this was made clear.

Even with this understanding, there are still inconsistencies that require explanation. For example, the data have shown decreases in negative cases without a corresponding increase in positive cases in some instances: At Attica Correctional Facility between November 27th and November 30th, total negative cases decreased by three; however, total positives remained the same, at 48, across both dates. These discrepancies not only prevent objective analyses, but further erode public trust in the accuracy and fidelity of DOCCS reporting.

In light of our concerns, NYUJ requests the following from DOCCS:

- The total number of tests conducted across the department and by individual facilities;
- Disaggregated positive data that demonstrate the number of symptomatic and asymptomatic cases;
- Data on the number of people who are under DOCCS' care and hospitalized due to complications from COVID-19; and
- Clear and detailed definitions on current and future data metrics from DOCCS.

NYUJ has publicly called for DOCCS to release a comprehensive testing plan for months. New Yorkers, especially those incarcerated in your facilities, deserve deeper clarity on your department's plan and ongoing efforts to prevent further COVID-19-related deaths and outbreaks in prisons and the surrounding communities. Noting the concerns above, we believe an effective plan should include greater transparency on how DOCCS collects and presents data on COVID-19 in prisons.

Sincerely,

Alexander Horwitz  
Executive Director  
New Yorkers United for Justice