

**c/o Robert L. Cohen, MD
314 W. 14 St., 3rd Floor
New York, NY 10014**

Dear Board of Correction,

We, four members of the Task Force that drafted the 3rd Edition of the American Public Health Association Standards for Health Services in Correctional Institutions, understand that the Board of Correction has made proposals to modify its Standards for the New York City jails. Many of those proposals fall outside of the expertise of the Task Force that drafted the third edition of the American Public Health Association Health Standards for Correctional Institutions. The one section that is clearly covered by our standards is your section on Overcrowding (1-05). As members of the Task Force, we are writing to urge you to reconsider your proposal regarding overcrowding and to leave the New York City Standard at 60 square feet per prisoner, consistent with the standard established by the American Public Health Association almost 30 years ago and reaffirmed by this national body, most recently in 2003.

We would caution you not to pass amendments to the Board of Correction's Overcrowding Minimum Standard (Section 1-05), which would allow the Department to squeeze more prisoners into less space by shrinking the minimum floor space per person in dormitories to 50 square feet from 60 square feet.

New York City has long been a leader in setting and supporting a decent standard for

persons who must be confined in the undesirable dormitory setting. Since at least 1986, with the publication of its second edition of Standards, the American Public Health Association had held firm that appropriate standard for congregate living in jails or prisons in 60 square feet per prisoner. This standard was set and review in a rigorous process that involved not only a dozen APHA members with between them, hundreds of years working in and monitoring jails and prisons across the country, but also a review by the Environmental Health Section of the APHA.

The American Public Health Association is the oldest, largest and most diverse organization of public health professionals in the world and has been working to improve public health since 1872. It is an association of tens of thousands of individuals and organizations working to improve the public's health. It promotes the scientific and professional foundation of public health practice and policy, advocates the conditions for a healthy global society, emphasized prevention, and enhances the ability of members to promote and protect environmental and community health.

The third edition of the Standards for Health Services in Correctional Institutions was developed through a long process that took several years. First the task force, that included eleven public health professionals with experience in correctional health (and environmental health) reviewed the 1986, second edition, to identify sections that might benefit from revision. A thorough literature review was conducted under the supervision of the task force to understand the public health and medical literatures that would deepen our understanding of the issues. After several day-long discussions, proposed revisions were made to the 1986 Standards. After consensus was reached by the task force, the proposed revisions were sent to

relevant sections of the APHA. The Standards at issue here were reviewed by the Environmental Health Section of the APHA. These recommendations were adopted by the Committee, with whatever changes were recommended by the Environmental Health Section. The result of this process is that the Standards require at least 60 square feet of space per prisoner in dormitories. (p. 152)

Each section of the standards is preceded by a “public health rationale” that explains the considerations that the Committee took into account when establishing the standard. In the case of the space standard, the public health rationale is that “[a]dequate space is necessary to minimize the spread of communicable disease, carry out certain tasks, minimize stress and injury, provide for privacy, and contribute to health maintenance, safety, and general well being.”(Id.)

Since the Standards were revised we have seen outbreaks of MRSA in correctional facilities across the country. Setting standards on space and on cleaning facilities is more important than ever due to this explosion of MRSA in correctional facilities. While few studies have been done in correctional facilities, it appears that access to soap and hot water and clean clothes is fundamental to holding this contagious infection in check. Obviously crowding, as well, increases the risk for this infection. We would urge the Board to maintain its appropriate standard and add whatever it can to the standards to ensure that there is adequate soap and hot water (between 100 and 120 degrees F) in the facilities, available to prisoners for appropriate washing.

The Standards in place in New York City are in keeping with the Standards adopted by the APHA and reaffirmed in its 3rd, 2003 edition. We strongly urge the Board of Correction to maintain its appropriate space standard as one that will minimize the spread of communicable disease, minimize stress, and contribute to safety and general well being. Other cities, such as Philadelphia and Los Angeles that are cited by the Board of Correction as having space standards that provide fewer square feet per prisoner, are not models of healthy jails that should define the standards. These cities have seen high levels of violence and continual court intervention and oversight. Providing people confined in jail dormitories with adequate space to live will improve health and safety of the facilities. We urge the Board of Correction to uphold its standard, which is consistent with the national standard set to maintain the public health.

In this same section, the Board of Correction is proposing to change the ratio for operable sinks to prisoners in a dormitory from 1:10 to 1:12. The current New York City standard for toilets and showers is consistent with the APHA Personal Hygiene Standard X.E, C.2. That standard and the Board of Correction fixture standard for overcrowding calls for 1 working shower and toilet for every 8 prisoners in a dormitory area. The APHA Standard for sinks is the same, 1:8. We would urge the Board not to further dilute the sink standard and would, in fact, suggest that you bring the Board's standards in line with those of the APHA at 1:8.

Additionally, the Board does not have a standard regarding the temperature of water. The Standard should be modified to address temperature requirement. APHA Standard X.E, C4

states that, “Tempered water must not exceed 120 degrees Fahrenheit in the showers and lavatories (temperature should be set at 110 degrees Fahrenheit).” This standard sets temperatures for hot water to those that will maximize the cleaning effects of hot water, while setting an upper limit to avoid scalding and injury.

There are other Standards of the APHA that we would recommend to the Board, including the entirety of Section X of the APHA standards to the Board as it reviews its proposals. We have attached a copy of the Environmental Health Standards, in their entirety, for you for further consideration.

Thank you for this opportunity to comment on your proposals. Best of luck with this difficult process. We urge you to retain your current space standard, as it will better protect the health of those that work and live in the jails and of the communities to which they all return.

Sincerely,

Members of the Task Force for the APHA Standards, 3rd edition

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