

FREE THEM NOW

COVID-19 in New York Prisons and Jails: #FreeThemNowNY

As New York State continues to confront the worst public health crisis in the last century, Governor Andrew Cuomo and state officials have failed to develop a comprehensive plan to tackle the crisis of the novel coronavirus in jails and prisons across the state. As a result, COVID-19 continues to spread in jails and prisons in New York—and deaths of incarcerated people continue to rise.

Jails and prisons are notorious incubators of contagions due to close quarters and unsanitary conditions. This puts incarcerated people and facility staff at heightened risk for COVID-19—and jeopardizes community members *outside* of jails and prisons as well.

Across the U.S., prisons and jails remain among the top cluster sites in the country. As of October 15th, 2020, more than 233,000 people in jails and prisons nationwide have tested positive for COVID-19, and at least 1,372 incarcerated individuals and correctional officers have passed away due to COVID-19.¹ This is one reason public health experts have called for decarceration to protect incarcerated people *and communities outside of jails and prisons* from COVID-19.²

Yet Governor Cuomo has failed to take comprehensive action to protect the lives of people incarcerated in jails and prisons. As of October 15th, 2020 at least 898 incarcerated individuals and 1379 staff members in the Department of Corrections and Community Supervision (DOCCS) have tested positive for COVID-19, with 17 incarcerated individuals passing away due to COVID-19.³

New York continues to incarcerate people in the midst of the pandemic, completely contradicting the recommendations of public health officials. For example, in mid-April, the NYC jail populations fell below 4,000 people for the first time in nearly 75 years.⁴ Now, the jail population is going back up; today the total jail population is currently above 4,500.⁵ Among the reasons for the increase is the State re-incarcerating people for technical violations of parole. This current practice is in stark contrast to a release order the Governor issued in late March calling for the release of up to 1,100 people incarcerated for technical violations of parole.⁶



To save lives and keep people safe, New York needs a comprehensive pandemic plan for people incarcerated in jails and prisons. Such a plan must:

- Implement an aggressive plan for emergency release of people from jails and prisons in New York. This must include, but not be limited to, plans to immediately release anyone incarcerated in a New York State prison or a local jail for a technical parole violation, elderly people over the age of 55, medically fragile people or people with compromised immune systems, and people near the end of their sentences.
- Include plans for universal and routine COVID-19 testing and monitoring for every incarcerated individual and DOCCS staff member in each facility that accounts for delayed symptomology and asymptomatic carriers. Individuals who test positive for COVID-19 should not be placed in solitary confinement.
- Individuals returning to the community should be tested prior to release, and linked to support services and medical care.
- Provide PPE, soap, and hand sanitizer for people detained in New York jails and prisons to assist reducing the spread of COVID-19.
- Detail an enforcement plan, including disciplinary sanctions, for the mandate that correction officers and civilian staff wear masks at all times and maintain social distancing whenever possible.
- Ease the housing restrictions that incarcerated people face upon their release, ensuring that they can identify safe and stable housing. In addition, the state should coordinate non-congregate housing arrangements using existing space throughout the state.
- Require DOCCS to make their plans for prevention and management of COVID-19 in each correctional facility publicly available with oversight by an independent body of health experts.

Governor Cuomo could enact such a plan immediately, but has failed to do so. The Governor should prioritize using his executive authority to develop and implement a plan before more needless deaths occur. The State Legislature should pass legislation to require such an action plan in the event of a pandemic.

IT IS TIME TO FREE THEM NOW.

For more information, contact:

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¹ Coronavirus in the US: Lastest Map and Case Count: The New York Times (Oct. 2020), available at: <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

² Brie Williams and Leann Bertsch, A Public Health Doctor and Head of Correction Agree: We Must Immediately Release People From Jails and Prisons: The Appeal (Mar. 2020), available at: <https://theappeal.org/a-public-health-doctor-and-head-of-corrections-agree-we-must-immediately-release-people-from-jails-and-prisons/> and Giovanni S.P. Malloy, Lisa Puglisi, Margaret L. Brandeau, Tyler D Harvey, and Emily A. Wang, The effectiveness of interventions to reduce COVID-19 transmission in a large urban jail: medRxiv (June 2020), available at: <https://www.medrxiv.org/content/10.1101/2020.06.16.20133280v1>

³ DOCCS COVID-19 Report: Department of Corrections and Community Supervision (Oct. 2020), available at: <https://doccs.ny.gov/doccs-covid-19-report>

⁴ Samar Khurshid, After Big Dip, City Jail Population Creeps Back Up: Gotham Gazette (Sept. 2020), available at: <https://www.gothamgazette.com/city/9732-after-big-dip-new-york-city-jail-population-back-up-rikers-crime>

⁵ JailVizNYC: The Vera Institute (Oct. 2020), available at: https://vera-institute.shinyapps.io/nyc_jail_population/

⁶ Brendan J. Lyons, NY to release 1,100 parole violators as coronavirus spreads: Times Union (March 2020), available at: <https://www.timesunion.com/news/article/Deaths-surge-again-in-New-York-from-coronavirus-15160973.php>