



# RELEASING NEW YORKERS FROM PRISON IS THE ONLY WAY TO SAVE LIVES IN THE WAKE OF COVID-19

We are in the midst of a global pandemic of unimaginable proportions. While the world works to adjust and enact drastic measures to prevent the spread of COVID-19 among the public, a massive humanitarian crisis is unfolding inside New York state prisons. Of the 43,801 New Yorkers who are currently in custody, 72% are Black or Latinx, 10,200 are over 50, and 3,500 have been behind bars for more than 20 years, including 800 people who have served over 30 years. Deplorable, unsanitary and inhumane conditions in our state correctional facilities guarantee that the spread of coronavirus will be rapid and lethal. Practices like frequent hand-washing, social distancing and self-quarantine are impossible in New York State prisons. Dormitory-style living quarters, lack of access to basics like showers, soap and water, threats of violence from correctional officers and staff, infrequent and limited communication with the outside world, substandard or nonexistent medical care, and a lack of educational resources and access to media are the toxic norm behind bars. As such, we agree with the hundreds of medical experts across the country: **the only effective way to prevent the unending spread of COVID-19 is to release people from the confines and horrific conditions of prison. If no such steps are taken, we must prepare for a catastrophic loss of life.**

The following is a list of demands from our community of advocates, attorneys, formerly incarcerated people and family members with loved ones in prison. These demands are rooted in the belief that all people have an inherent right to dignity, care and compassion, and that no person, regardless of the harm they have caused, deserves to suffer or die at the hands of the state. Our demands are also rooted in notions of public safety. Releasing people from prison, especially those who have served long sentences and are aging or elderly, strengthens our families, ensures the overall well-being of our communities, and allows us to thrive. New York State Governor Cuomo, in partnership with the Department of Corrections and Community Supervision (DOCCS), the Parole Board, and other leaders must act immediately and boldly. If they do not, they condemn all those in prison, both the people incarcerated and those charged with their care, to prolonged sickness and, in many cases, death.

## DEMANDS FOR IMMEDIATE RELEASE OF VULNERABLE PEOPLE

### Executive Clemency

Grant immediate clemency to and release all people over 50, people with HIV/AIDS, people with chronic illnesses (including lung conditions such as COPD, asthma, hepatitis, diabetes mellitus, hypertension and/or cardiac disease, cancer), other immunocompromised people, people with comorbid medical conditions, pregnant people and trans people.

## Parole Release for People Serving Indeterminate Sentences

1. Grant immediate parole release to all people over 50, people with HIV/AIDS, people with chronic illnesses (lung conditions such as COPD, asthma, hepatitis, diabetes mellitus, hypertension and/or cardiac disease, cancer), other immunocompromised people, people with comorbid medical conditions, pregnant people and trans people who have reached their minimum sentence and/or are currently eligible for parole.
2. Immediately release all people in prison who have been granted parole but have yet to be released to community supervision, irrespective of their scheduled release date.
3. Ensure all future Parole Board interviews continue in a timely and consistent manner throughout the pandemic.
  - The vast majority of parole interviews in New York State are conducted by video conference. This practice should remain in place and extend to all correctional facilities.
  - Develop emergency procedures if more than half of Parole Board commissioners become sick and unable to work.
  - Share such procedures with the public before they are implemented.

## Release of People Serving Determinate Sentences

Immediately release all people serving determinate sentences who are one year or less from either their scheduled conditional release date or maximum expiration date. Grant all time allowances (known as "good time").

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### DEMANDS FOR REENTRY

1. Expedite all field investigations of residences and residential treatment programs to ensure swift release of incarcerated people from prison.
  - Investigations should be conducted by phone and other forms of communication to increase capacity.
2. Develop a comprehensive plan for providing healthcare and housing to all people returning to the community from incarceration.
3. Partner with existing reentry and community-based organizations who are ready to support people released in the wake of COVID-19.
4. Instruct city and state housing authorities to lift the current ban on formerly incarcerated people living in public housing to ensure additional housing opportunities.

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### DEMANDS FOR SUPERVISION

1. Immediately suspend all required office visits for people on probation and parole.
  - For those recently released from custody to parole or probation supervision, conduct initial check-ins by phone and suspend subsequent in-person reporting.
2. Lift all travel restrictions for people on parole so individuals may travel to their preferred location for self-isolation.
3. Remove all electronic monitoring systems from the bodies and homes of people on supervision.
4. Suspend all programming requirements for people on supervision.
5. Suspend all remaining technical violations immediately and indefinitely.
6. Terminate all parole and probation supervision for people who have successfully completed one year of supervision.

7. Train parole and probation staff in current health practices and statewide orders so they can respond to concerns of those under their supervision.

## DEMANDS FOR IMPROVED CONDITIONS INSIDE NEW YORK STATE CORRECTIONAL FACILITIES

Prisons and jails are inherently sites of violence and death. We know that in times of crisis, conditions of confinement only worsen. While we believe all people in prison can and should be released immediately, we recognize that the conditions in which incarcerated people live and attempt to survive may be the difference between life and death. These potential interventions are about mitigating harm and saving lives. They are about preserving dignity and basic human rights. Even after the urgent threat of the coronavirus subsides, these minimal and sensible policies should remain.

### Testing and Prevention

Testing must be readily available to all incarcerated people and staff, and DOCCS must immediately implement measures to prevent the spread of the virus within state correctional facilities.

1. Require all DOCCS staff working inside correctional facilities to be tested immediately for COVID-19.
2. Prohibit DOCCS staff from working if they are sick, and implement procedures to screen employees prior to their shifts and before entering and exiting the prison.
3. Test all incarcerated people who exhibit symptoms, have been in contact with anyone who has or is suspected to have contracted the coronavirus, and who are currently in hospice units, regional medical units, and prison infirmaries.
4. All correctional facility staff must wear face masks and take other precautions outlined by public health experts to prevent spreading the virus to incarcerated people.

### Treatment and Care

DOCCS must immediately develop a medical quarantine and treatment plan to prevent a catastrophic loss of life in our state prisons.

1. Increase the number of medical staff on site and on call.
2. Develop a plan for transferring large numbers of incarcerated individuals to hospitals or elsewhere for advanced care.
3. If quarantine and treatment at local hospitals is unavailable, determine how to isolate individuals with the virus without the use of special housing units, keeplock, or any other form of solitary confinement.
  - Determine when isolation can be safely lifted and what medical equipment is needed (i.e. masks, gloves, respirators, etc).
  - Quarantine must be limited in scope and duration, should not be punitive in any form, and based on the best scientific and medical guidance available.
  - Quarantined people must not be crowded together, isolated or neglected.
  - People in quarantine must have access to books, newspapers and magazines, as well as three hours of outdoor and other out-of-cell recreation time each day.
  - People in quarantine must have access to phones, tablets and mail to communicate with loved ones.
  - DOCCS must protect and store the property of those who are quarantined.

## **Hygiene and Education**

To preserve the dignity and health of all incarcerated people, every person must have access to basic hygiene, disinfectant and cleaning products. DOCCS must also provide incarcerated people with educational resources on COVID-19.

1. Provide incarcerated people access to showers every morning and evening.
2. Provide weekly access to laundry and detergent.
3. Free and unlimited access to cleaning, sanitizing, and disinfecting supplies and products, including soap, water and anti-viral wipes.
  - Disinfectant dispensers should be stationed throughout all correctional facilities, including hallways, blocks, mess halls, etc.
  - All products must comply with the current standards set by the Centers for Disease Control.
4. Air educational videos on tablets and/or provide educational instruction to all people in prison in the most readily available and widely accessible format.
  - Such education should include information on the nature of coronavirus, the symptoms associated with it and the ways to prevent its spread.
5. Incorporate safety and hygiene practices into staff training.

## **Communication and Visits:**

Free and unlimited access to communication with family members and loved ones is crucial to the survival and wellbeing of incarcerated people. Unlimited access to legal counsel and the courts is a fundamental right guaranteed by our constitution.

1. Reverse the blanket ban on visits and institute a detailed visiting procedure that both protects the health and safety of incarcerated people and ensures families can stay connected.
  - Allow extended visits through the family reunification program, provided all visitors are asymptomatic and/or have tested negative for the virus.
2. Confidential legal visits must be made available whenever requested by counsel.
3. Institute regularly scheduled, weekly reviews of any and all suspensions and bans on visits.
4. All phone calls and electronic messages must be free and unlimited.
5. DOCCS and JPay must institute a new electronic messaging system that allows attorneys and their clients to correspond confidentially.
6. Confidential legal calls must be made available whenever requested by counsel. Other restrictions on legal calls must be lifted.
7. Ensure swift and continual delivery of all mail, including packages.
8. Provide incarcerated people with at least 20 free stamps per week

## **Confinement and Movement:**

Freedom of movement and access to the outdoors is essential to the dignity, physical health and mental well-being of all people, especially those incarcerated. DOCCS must institute facility-wide policies that curb the spread of COVID-19, while ensuring that measures do not deprive anyone of their basic liberties.

1. DOCCS must not institute any facility-wide lockdowns and incarcerated people must be given freedom of movement.
2. Lift any keeplock mandates and remove all people from solitary confinement and return them to individual cells.

- All future solitary confinement and keeplock must be prohibited.
3. End all double-bunking and remove all people who are currently housed in dormitory settings and relocate them to individual cells.
  4. Ensure every person has access to at least three hours of recreation time each day, including access to yard time.
  5. Provide access to reading materials, electronic tablets, and any other materials that help individuals spend and pass time.
  6. Ensure all libraries, including the law library, remain open and accessible.
  7. All involuntary transfers between correctional facilities (also known as "the draft") must end.
    - Should a medical transfer be necessary, no person will be shackled at any time.

### **Access to Services:**

Regular and uninterrupted access to supportive services ensures that incarcerated people can meet their basic needs and survive an epidemic.

1. Ensure weekly access to commissary.
  - All fines, fees and restitution payments must be suspended so that commissary funds are accessible in their entirety.
2. Mealtimes must be staggered or scheduled to allow for social distancing.
  - Provide more nutritious meals to improve the health and immunity of incarcerated people.
  - Continue to meet the religious or dietary accommodations for people in custody.
  - Implement protocols for the safe preparation of meals.
3. Allow individuals to bring food, including fresh fruit, bread and other items back from the mess hall to their cells.
  - In the event of a facility or block lockdown, one cold meal and two hot meals must be delivered directly to all individuals.
4. Sick call slips, law library slips, and grievance forms must be issued to all people incarcerated at least twice weekly, and on demand as requested.
5. All tested and healthy executive staff, physicians, cognitive treatment specialists, therapeutic counselors and clergy who remain at the facility must visit blocks and galleries regularly to provide support and care.
6. Waive all mandatory program completion requirements so that incarcerated people seeking release will not be denied due to lack of programming.
7. DOCCS must develop a plan for staffing these necessary and essential functions and services in prisons should substantial numbers of employees become sick.

### **Labor:**

Incarcerated workers must be protected and justly compensated if they chose to provide invaluable labor to the state.

1. Remove mandatory work requirements and institute a minimum wage of \$15 per hour for all incarcerated people who are working, regardless of position and field.

2. Eliminate requirements for incarcerated workers to perform tasks that put them at high risk of contracting the virus and are inherently traumatic, including waste management, handling corpses and digging graves.
3. Provide all workers with appropriate protective gear (i.e. disposable gloves, coveralls, and masks).

### **Further Criminalization**

State and local officials must not abuse public health orders to further criminalize our communities as they attempt to survive this pandemic.

1. In the event of an emergency lockdown or quarantine, there should be no criminal punishments for breaching emergency quarantine protocols, failing to disclose COVID-19 symptoms, or for potentially exposing others to the virus.
2. There should not be any criminal penalties for acts of survival like stealing supplies, food or other resources.

### **Monitoring and Transparency:**

Guarantee transparency and access to information regarding the conditions in prison and preparations made to address the danger of coronavirus and its spread.

1. Every Inmate Liaison Committee must be permitted to issue a weekly report on the state of living conditions, commissary, mail, programming, etc. to an outside advocacy organization. Transmission of this report may be done confidentially by email or phone.
2. Prisons must designate a point of contact at each correctional facility who can provide clear and immediate information on the status and health of loved ones.
3. DOCCS and the Governor's Executive Office must schedule weekly calls with attorneys and advocates to report on the status of incarcerated people and the spread of COVID-19 in state facilities.
4. In-person prison monitoring visits must be permitted at any time, provided all visitors have been tested and do not carry the virus.