WHY NEW YORK NEEDS ELDER PAROLE TO COMBAT COVID-19 BEHIND BARS

COVID Prison Deaths Disproportionately Harm Incarcerated Older People:

- Since the outbreak of COVID-19 in the New York State prison system, older people and those serving long sentences have disproportionately died from COVID-19 behind bars.
- While people aged 75 and older represent 0.4% of the incarcerated people in New York State, 18.5% of people who died in custody since the first COVID death were aged 75 and older.
- While people aged 65 and older represent 2.8% of incarcerated people in New York State prisons, 44.4% of people who died in custody since the first COVID death were aged 65 and older.
- While people aged 55 and older represent 13.7% of incarcerated people in New York State prisons, 77.8% of people who died in custody since the first COVID death were aged 55 and older.
- People of Color constitute 81% of those who died behind bars since the COVID-19 pandemic hit New York. African Americans made up 60% of the deaths, despite being around 50% of the incarcerated population and 14% of the general NYS population.
- The rate at which people have died in NY State prisons is 3.24 times higher since March 30 than for the first three months of the year, indicating that the COVID curve is not flattening in prisons but only worsening.

DOCCS and the Governor Have Failed in their COVID Prison Response:

- The Governor has granted zero clemencies to people in prison amidst COVID-19 and has only granted 21 total clemencies in his 9.5 years in office, indicating his unwillingness to grant clemencies amidst a public health crisis and more generally.
- Advocates have sent the Governor's office many hundreds of names of older and sick people for emergency clemencies. Many have family and safe homes to go to upon release. The Governor's office often doesn't even respond.
- More than 14 separate letters from public health experts, faith leaders, US Congress members, academics, legal experts, law enforcement organizations and others have been sent to Gov. Cuomo urging him to grant clemencies; he has not responded.
- Gov. Cuomo's widely publicized COVID-19 release plans, all of which apply only to very small categories of people, have resulted in release of only one half of one percent (.5%) of incarcerated people in NYS prisons.
- DOCCS is not using medical parole to release people. DOCCS Acting Commissioner Anthony Annucci has approved only six medical parole applications, which doesn't necessarily mean these people were released.
- Advocates have submitted dozens of medical parole applications amidst COVID-19, including for people with stage four cancer, lung disease, and life-threatening COVID.
- 72 year old incarcerated person Benjamin Smalls first applied for clemency in 2018. His attorney and advocates resubmitted his application in April 2020, as well as a medical parole application after he tested positive for COVID. DOCCS didn't respond to Mr. Smalls's medical parole request. He died in DOCCS custody on May 4, 2020.

Releasing Our Elders is the Answer:

- Elder Parole (S.2144/A.9040) would allow the Parole Board to give a fair consideration of parole release to those most at risk of harm and death by COVID-19--incarcerated people aged 55 and older who have already served 15 years in prison.

- The bill does not provide automatic release but instead a meaningful review and release evaluation by the State Parole Board.

- The Parole Board is the only release mechanism in New York State prisons that has demonstrated a willingness to release incarcerated people amidst COVID-19. They released more than 50% of parole applicants in April 2020, including 52% of older parole applicants.

- Given the cost of incarcerating one older person in New York State prisons is estimated between $100,000 and $240,000 per year, Elder Parole could save the state upwards of $100-$240 million dollars amidst an unprecedented financial crisis.

- Elder Parole would save lives, reunite families, promote racial justice, and save the state millions of dollars.