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***New Data Showing People of Color Account for 81% of NY Prison Deaths Since Outbreak of COVID Prompts Advocates to Demand Legislature Call Acting State Prison Commissioner Anthony Annucci To Testify at Legislative Hearing on COVID-19's Impact on Communities of Color***

*As Gov. Cuomo Fails to Address Racial Disparities in COVID-19 Fatalities Across NY State, Advocates Point to Data Showing Compounding Effect of Systemic Racism in NY Prisons and Renew Call for Mass Clemency*

**(New York, NY)** -- Today, Parole Preparation Project, the #HALTsolitary Campaign, and the Release Aging People in Prison Campaign released the following statement in response to data exclusively obtained via FOIL showing 81% of people who died behind bars amidst an outbreak of COVID-19 in New York were people of color, a racial disparity even higher than that of deaths in New York State as a whole:

“Governor Cuomo and State Prison Commissioner Annucci must tell the truth about how COVID-19 is compounding the scourge of racism in New York State’s prison system and the legislature must demand answers. For months, we’ve demanded Cuomo grant mass clemencies, end solitary confinement, conduct mass testing, and provide proper medical care to people in his prisons, where outbreaks of COVID-19 and a longstanding crisis of abuse and neglect have taken the lives of Black and Brown New Yorkers at rates exceeding the already appalling racial disparities in the broader community. This new data provides further proof that doing so is both a matter of life and death and an essential component of racial justice. Despite the fact that New York is the U.S. capital of the COVID crisis, Governor Cuomo has granted zero clemencies to New Yorkers in prison. There is no way for the Governor and legislature to address the racially disparate impacts of COVID without taking action for New Yorkers in prison and their families. DOCCS Acting Commissioner Annucci must provide us all with answers.”

**Jose Saldana, Director of the Release Aging People in Prison Campaign, who served 38 years in prison and was incarcerated for decades with Benjamin Smalls, who recently died in DOCCS custody with COVID-19 said,** “It is not surprising that COVID-19 has disproportionately impacted People of Color throughout the New York State prison system. For decades, Black and Latinx people have been dying in New York prison either from lack of adequate medical care or from the brutality of correction officers and the system as a whole. This racial disparity is deeply rooted in the legacy of racism that continues to thrive in New York prisons.”

**Jerome Wright, Western New York Organizer for the #HALTsolitary Campaign,** said: “It is indisputable by the numbers that Black and Brown people are fodder for a system that is hell-bent on watching us die, with or without formal death sentences. That

is why we must address the systemic racism, torture, and death inherent to the punishment paradigm. The same system that was willing to sweep under the rug the lynching of Ahmaud Aubrey is just as cavalier with the disproportionate loss of Black and Brown lives in prison during COVID-19. Our demand is simple: We want accountability and we want urgent, life-saving measures, including mass clemency and ending the torture of solitary confinement.”

### **Data Analysis:**

\*NYS DOCCS classifies Latinx people as “Hispanic”

**Background:** The vast racial disparities in deaths continue a longstanding [“scourge of racial bias”](#) in New York State prisons -- from violent interpersonal racism by staff to the use of solitary confinement to parole release determinations. On May 18, the State Legislature will hold a hearing on the impacts of COVID-19 on communities of color and advocates demand they call DOCCS Commissioner Annucci to testify. On March 30, Juan Mosquero, a Latinx person, died of COVID-19 at Sing Sing Correctional Facility. He was the first incarcerated person in the New York State prison system to die from the virus. Since Mr. Mosquero’s death, exclusively obtained data shows that over 81% of all incarcerated people who have died are People of Color--59% of whom were Black New Yorkers. The data came from the New York State Commission on Correction in response to a FOIL request, and includes the 15 incarcerated people confirmed by DOCCS to have died due to COVID in the period from March 30 to May 5, as well as 12 additional people for whom the cause of death has not been confirmed. (At least one person has died of COVID since then). For months, advocates have called into question DOCCS’ tracking and reporting of COVID deaths and infection rates.

In addition:

- The rate at which people have died in NY prisons is 3.24 times higher since March 30 than for the first three months of the year.
- 78% of people who died since March 30 were older adults--aged 55 and older (compared to 40% in 2020 prior to this date).
- The median age of those who have died since March 30 is 62 years old (compared to a median age of 52 years prior to this date).
- 1 in 5 people who died since March 30 were over age 75 and 44% were over age 65 (compared to 0% over 75 and 25% over 65 prior to this date).
- The oldest person who died was 85 years old.
- DOCCS has reported that 16 people have died of COVID-19 in eight prisons since March 30. Those eight prisons accounted for 18 of all deaths between March 30 and May 5; by contrast only 3 people died in these prisons during the first three months of 2020.
- Rather than releasing vulnerable people, the state’s primary response has been to lock people in solitary confinement. In fact, health experts warn that [solitary worsens the spread and impacts of COVID-19](#) by weakening people’s overall condition and immunity, by forcing contact between officers and the people in solitary they have to escort to showers or recreation in accordance with DOCCS

rules, and by discouraging people from reporting symptoms because they know they may likely end up in a SHU cell rather than receiving quality medical treatment.

Since the outbreak of COVID-19, at least 15 state prison systems and the federal prison system have recognized that preventing massive suffering and death behind bars necessitates significant reductions in prison populations, and have [reduced their incarcerated populations by more than one percent](#). Governors and state prison systems in Kentucky, California, Wisconsin, Utah, Maine, and Vermont, have all reduced their prison populations by more than at least four percent. [New York State prisons have more COVID cases](#), and higher rates of COVID, than all six of these states that have taken more action. New York State prisons have a high rate of infection despite only testing less than two percent of incarcerated people.

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