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**\*\*FOR IMMEDIATE RELEASE\*\***

***Ahead of NY State Legislative Hearing on COVID-19's Impact on Communities of Color, Black and Latinx Community Leaders Held Virtual Press Conference to Call out Legislative Leaders for Excluding Mass Incarceration Issues & Demand Legislators Reconvene to Pass Urgent, Life-Saving Criminal Justice Reforms***

*Speakers Highlighted [New Data](#) Showing People of Color Account for 81% of NY Prison Deaths Since Outbreak of COVID and Demand Action*

**\*\*Zoom [recording here](#); Password: 5F.56%K2\*\***

**New York -- May 18, 2020** -- Today, community leaders of color hosted a virtual press conference ahead of the legislative hearing on COVID-19's impact on communities of color to call out legislative leaders for excluding mass incarceration issues from the hearing. Participants expressed outrage that, in 2020, people in prisons and jails and their loved ones continue to be ignored, even as mass incarceration plays an undeniable and interconnected role in every other racial disparity associated with COVID-19. The group specifically called out the Senate and Assembly leadership for refusing to include any formerly incarcerated grassroots community leaders or family members of people in prison from testifying, including those who signed up to testify immediately after applications were made available.

The group uplifted the racially disparate and deadly harm that COVID-19 is inflicting on New Yorkers of Color in state prisons, highlighting new data that shows the large majority of New Yorkers who have died in prison custody amidst the COVID pandemic were People of Color. The group demanded the legislature reconvene their legislative session to pass emergency legislation to prevent further, racially disparate harm to incarcerated people, including Elder Parole (S.2144/A.9040), Fair and Timely Parole (S.497A/A.4346A), and the HALT Solitary Confinement Act (S.1623/A.2500). They also continued their calls for Governor Cuomo to grant mass clemencies to incarcerated New Yorkers, especially older people and those who are medically vulnerable.

**Kassandra Frederique, Executive Director of the Drug Policy Alliance** said, "COVID-19 has exposed the results of policy failures like mass incarceration. Jails and prisons were not safe before the pandemic and they're certainly unsafe now. Black people aren't inherently more vulnerable, it's race and place."

**Donna Robinson, Western New York Regional Organizer with the Release Aging People in Prison Campaign, whose daughter is currently incarcerated at Bedford Hills Correctional Facility** said, "I'm the mother of a daughter in prison and an African American woman. I know

the struggle. To quote Shirley Chisholm, 'if they don't invite you to the table and set a place for you, you bring your own seat.' That's what we as activists are doing."

**Dr. Robert Fullilove, public health expert and professor at Columbia University's Mailman School of Public Health said,** "This is not just about incarcerated persons. This is about all of us. This is about good public health. We need to do what's right for the health of all of us. We have to eliminate the biases that are clouding our thinking and do what's right to address the real impacts of COVID-19."

**Serena Liguori, Executive Director of New Hour for Women and Children, Long Island said,** "As a Latinx woman, I believe we've lost common sense. We've had a series of mothers give birth behind bars, living in fear they and their babies will be exposed to COVID. They were left out of Cuomo's extremely narrow criteria for release because there were more than six months from the end of their sentence, or because their conviction was violent. To not be included in a conversation about public health, that is the epicenter of the problem."

**Jose Saldana, Director of the Release Aging People in Prison Campaign, who served 38 years in prison said,** "COVID-19 did not expose any revelations. Racist policies and practices have marginalized our communities for centuries. Black leaders need to be accountable to Black and Latinx people, not Governor Cuomo. He doesn't give a damn about our communities. They cannot forget incarcerated people and their families."

**Anisah Sabur, Leader with the New York State Coalition for Women Prisoners and #HALTsolitary Campaign said,** "DOCCS is using solitary confinement as a type of quarantine. It's not medical, it's torture. Their psyches and their bodies are not well. It gives COVID an opportunity to strike. I'm demanding Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie to bring the legislature back to pass HALT."

**BACKGROUND:** Vast racial disparities in deaths of incarcerated New Yorkers 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 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, data obtained through a New York State FOIL request shows that over 81% of all incarcerated people who have died are People of Color--59% of whom were Black New Yorkers despite the fact that Black people make up roughly 14% of the overall state population. 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. Advocates are also outraged that the only criminal justice policies enacted by the Legislature this year were expanding pre-trial jailing, creating a new crime of conviction punishable by life without parole (a.k.a. death by incarceration), and expanding collateral

consequences of certain criminal convictions to include public transit bans.

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. See a one-pager [here](#).

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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