

# FACTS AND MYTHS: WHAT GOV. CUOMO HAS AND HASN'T DONE FOR NEW YORKERS BEHIND BARS DURING THE PANDEMIC

**Governor Cuomo and the Department of Corrections and Community Supervision (DOCCS)** have committed to taking a variety of actions to address the crisis of COVID-19 in New York State prisons. But public statements don't equate to action, and supposed review for release of individual cases based on extremely limited criteria will not achieve the broad release of incarcerated people necessary to meet basic human rights and public health standards or address the pandemic at hand.

## OLDER PEOPLE IN PRISON

**MYTH:** Governor Cuomo is already releasing older people from prison.

**FACT:** The Governor's plan to release a select few older people (aged 55 and older), within 90 days of release, who are only convicted of non-violent crimes excludes 98% of all 9,550 incarcerated older people. As of April 30, 2020, **only 116 older people in NYS prisons have been released** under this plan--leaving 99% of older New Yorkers in prison at serious risk of COVID-19.

## PEOPLE CLOSE TO THEIR RELEASE DATE

**MYTH:** Governor Cuomo is already releasing people who will soon be released from prison.

**FACT:** The Governor has only released 116 people within 90 days of their release, excluding a large majority of people who fall into this category but who are convicted of violent crimes. **Leonard Carter**, a 61 year-old man from Brooklyn, died with COVID-19 after serving 25 years in prison. The State Parole Board had already granted him parole but because Mr. Carter was convicted of a violent crime, he was excluded from the Governor's release plan and died just weeks before his release.

## PEOPLE INCARCERATED FOR PAROLE VIOLATIONS

**MYTH:** Governor Cuomo is already releasing people incarcerated for parole violations.

**FACT:** The Governor called on the Department of Corrections and Community Supervision (DOCCS) to release people detained in local jails for parole violations. Roughly 800 people have been released under this provision, which excludes more than 5,000 people incarcerated in state prisons for parole violations. **Hundreds of people remain in local jails for technical parole violations**, and a **53 year-old man recently died with COVID-19 while jailed for a technical parole violation**. **Litigation was required by the Legal Aid Society** was necessary for the release of 51 people jailed on alleged parole violations.

## PREGNANT PEOPLE

**MYTH:** Governor Cuomo is already releasing pregnant people from prison.

**FACT:** The Governor has only identified pregnant people within 6 months of their release, who are convicted of non-violent crimes for potential release. He has yet to release a single pregnant person and excludes pregnant people from release who don't fit into this narrow criteria.

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## PEOPLE CONVICTED OF VIOLENT CRIMES

**MYTH:** Only people with non-violent cases can be released due to public safety concerns. People incarcerated for violent offenses are a danger to society and should be excluded from executive release consideration based on crime type.

**FACT:** People convicted of violent crimes, especially those who have served decades in prison and/or are older adults, **pose the least risk to public safety** across all categories of crime. People convicted of violent crimes are most often not a risk to public safety but instead assets. Many currently and formerly incarcerated people convicted of violent crimes have created and facilitate violence interruption, restorative justice, and **victim awareness programs**.

## GOVERNOR CUOMO IS LEADING THE NATIONAL RESPONSE TO COVID-19

**MYTH:** Governor Cuomo is doing more than other governors in other other states in response to COVID-19, including for incarcerated people.

**FACT:** Governors in **California, Oklahoma, Kentucky, Washington**, and **Illinois** have all granted more clemencies than Cuomo in response to COVID-19. The governors of all five states have recently granted more clemencies to people in prison in a matter of days than Gov. Cuomo has in his 9.5 year tenure as governor. Since Gov. Cuomo took office, he has only granted 21 clemencies to people in prison, despite creating a new executive clemency project in October 2015 that offered hope to thousands of New Yorkers impacted by state prisons.

## WHERE WILL PEOPLE GO WHEN THEY'RE RELEASED?

**MYTH:** Incarcerated people have nowhere to go upon release and are better off staying in prison.

**FACT:** Many of the vulnerable elders have family and community awaiting them. For those who don't, a large group of reentry organizations have publicly committed to the governor that they will offer reentry services and assistance with securing housing to anyone released. Many of these organizations are partnering with localities and operating hotel rooms specifically for reentry supports.