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New York State's Grassroots Criminal Justice Community Calls on Legislature to Oppose New COVID Prison Bill That Purports to Give Cuomo Admin Power it Already Has And Effectively Continues Months of Legislative Inaction

Advocates Call for Legislature to Pass Elder Parole, Fair & Timely Parole, and the HALT Solitary Confinement Act to Reduce the Number of People in Prison who are Vulnerable to COVID-19, Limit the Spread of the Virus, and Help Ensure that People in Prison Get Treatment, Not Torture

(New York, NY) -- Today, the #HALTsolitary Campaign, Release Aging People in Prison Campaign, Parole Preparation Project, Jim Owles Liberal Democratic Club, New Hour for Women and Children Long Island, NYU Law's Center on Race, Inequality, and the Law, VOCAL-NY, Center for Community Alternatives, Citizen Action of New York, and Parole Justice Albany released the following statement in response to news that the New York State Senate and Assembly have reached [a two-way deal](#) on a bill ([S.8244A/A.10386](#)) that purports to give Governor Cuomo and his administration power to release people from prison during a state emergency--power they already have via clemency, medical parole, and other mechanisms, with or without an official emergency:

"It is outrageous that New York State's legislative leaders are attempting to pass a cosmetic bill when our communities need real action to stop suffering and death in prison. This bill does not mandate the release or even the review of a single incarcerated person for release consideration, or give the Cuomo administration any power it doesn't already have through clemency, medical parole, and other release mechanisms. It simply gives DOCCS another tool they have already demonstrated they won't use. The bill also gives false hope to incarcerated people and their families who are desperate for a second chance. Now more than ever, need real solutions, not empty gestures. We have no confidence that a bill that lists categories of people who DOCCS could release, without mandating that they be released or at least reviewed for release, will actually lead to anyone getting out of prison. We renew our call for the legislature to truly include people in prison in their COVID response by passing Elder Parole, Fair and Timely Parole, and the HALT Solitary Confinement Act. If legislators honestly want to stand up for public health and racial justice in this moment, then they'll make real changes by passing these life-saving reforms that will continue to impact the criminal legal system after this crisis has passed."

BACKGROUND: Rather than releasing vulnerable people, the state's primary response has been to lock people in solitary confinement and lock down entire units with no programming or visits. 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. The Humane Alternatives to Long-Term (HALT) Solitary Confinement Act would end the torture of prolonged solitary confinement and replace it with more humane and effective alternatives while still allowing for true medical isolation as needed. The bill has more official legislative co-sponsors than the number of the votes needed to pass, and has been awaiting a full floor vote for more than a year.

In addition, Governor Cuomo has issued zero clemencies. Instead, he has released less than one half of one percent of people using other, narrow mechanisms with sweeping categorical exclusions that leave behind the large majority of incarcerated people vulnerable to COVID-19. [Elder Parole](#) would allow the State Board of Parole to provide an evaluation for potential parole release to incarcerated people aged 55 and older who have already served 15 or more years, including some of the state's oldest and sickest incarcerated people. [Fair and Timely Parole](#) would provide more meaningful parole reviews for incarcerated people who are already parole eligible. These measures would not only prevent COVID-19 from creating a disaster in the prisons, but would also begin to reverse some of the damaging policies that have created mass incarceration and death by incarceration.

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 confirmed infections despite only testing less than two percent of incarcerated people.

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