

## FOR IMMEDIATE RELEASE

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### \*\*\*STATEMENT\*\*\*

## ADVOCATES DECLARE COVID EMERGENCY IN NY STATE PRISONS AFTER ANOTHER DEATH, CALL ON GOV. HOCHUL AND LAWMAKERS TO TAKE IMMEDIATE ACTION

*THE NUMBER OF ACTIVE COVID-19 CASES IN NY STATE PRISONS HAS INCREASED 35% SINCE DEC. 10*

**NEW YORK** -- The New York State Department of Correction and Community Supervision (DOCCS) has reported yet [another death](#) in prison, the second covid death in less than one week at the Mohawk/Walsh prison hospice facility in Central New York. The deaths come amid a spike in COVID in the community and behind bars, as the highly-contagious Omicron variant sweeps the world. The number of positive COVID cases in New York state prisons jumped by 35% from December 10 to December 20, the latest date for which DOCCS has disclosed the data. Positive tests in the community have increased dramatically in the last 24 hours, and it is likely that cases have also increased behind bars. Moreover, testing is limited. To date, Governor Kathy Hochul has issued zero clemencies. **In response, Theresa Grady, Community Leader with the Release Aging People in Prison (RAPP) Campaign, released the following statement:**

“I feel so sorry for this person’s family, and for all the families of those we’ve lost to COVID. Being that my incarcerated husband is

so sick with kidney issues, asthma, diabetes, and anemia, I'm afraid. I'm really afraid. My husband is currently housed near a reception area with new people coming in all the time. I feel like if it gets in there, he's going to be hit. Governor Hochul is not doing anything about the prisons. I can't see a reason not to care for human beings. Let them out. You have so many elders in there. Let them out. This is crucial. You're reviewing clemency applications but you got all these people sitting there dying. Take this opportunity to show you aren't like Cuomo. These are human beings. Most are serving time way past their point of redemption. Governor Hochul must grant clemencies immediately as a matter of public health. At the same time, we need the Governor and legislative leaders Andrea Stewart-Cousins and Carl Heastie to pass the Elder Parole and Fair & Timely Parole bills to provide meaningful pathways to release consideration."

## **BACKGROUND:**

- New York's prison system currently incarcerates more than two times more people than at the beginning of New York's mass incarceration era, in 1970 (approximately 31,000 people vs. 12,059 people).
- The average age of death behind bars was shamefully only 58 before COVID because of state policy failures.
- The New York State Constitution allows Gov. Hochul to grant clemency at will, including sentencing commutations for incarcerated people.
- By the end of 2020, Gov. Cuomo had [received 6,405 applications](#) for clemency in the prior four years and granted only 21 sentence commutations.
- In his nearly 11 years in office, he granted only 41 total commutations.
- By comparison, then-CA Governor Jerry Brown granted [131 sentence commutations](#) in just one day.

- There were [442 active COVID cases](#) in NY prisons as of Dec. 10 and [596 as of Dec. 20](#), a 35% increase.
- A [report issued by Columbia University's Center for Justice](#) found that a person dies in New York State prisons on average every three days.
- Over 105,000 children have a parent in prison or jail on any given day (Source: OCFS).
- Racism infects the parole release system just as it does every element of the criminal legal system. A white person in a New York prison is significantly more likely on average to be released on parole than a Black or Latinx person and the disparity widened in 2020, according to a [Times Union analysis](#) of the nearly 19,000 parole board decisions over the last two years. Importantly, these racial disparities are not new. In 2016, the [New York Times conducted an investigation](#) of parole release data and similarly found Black and Latinx people were significantly less likely to be released than their white counterparts.
- The People's Campaign for Parole Justice is calling on lawmakers in Albany to pass two bills that will address this pandemic behind bars and help prevent similar tragedies in the future:
- [Elder Parole \(S.15A/A.3475A\)](#) would allow the State Board of Parole to provide an evaluation for potential parole release to incarcerated people classified by NYS DOCCS as older adults who have already served 15 or more years, including some of the state's oldest and most infirm incarcerated people.
- [Fair and Timely Parole \(S.7514/A.4231A\)](#) would provide more meaningful parole reviews for incarcerated people who are already parole eligible.

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