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April 21, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Via Email

Dear Governor Cuomo,

In the wake of COVID-19, we write to you as individual scholars, researchers, and educators from across Columbia University's schools and disciplines to urge you to release elderly and infirm people and other groups of readily releasable people from New York State prisons to avoid the spread of the novel coronavirus to incarcerated people and prison staff.

Many of us have dedicated our lives to justice-in-education, criminal justice, and educating future generations; others of us have been involved with history, public health, psychology, business, social work, medicine, education, journalism, and many other disciplines; we believe we have a responsibility to bring our knowledge from research, teaching and engagement from a multi-disciplinary perspective to the COVID-19 crisis and its impact on our community and society.

People incarcerated in prisons and jails are medically vulnerable and forcibly proximate: they cannot meaningfully socially distance themselves from others. They suffer from "poverty illnesses" like asthma, heart disease and diabetes more frequently. Health care inside prisons and jails is often substandard. If one were inventing an environment that would deliberately increase contagion, one could hardly do better; both incarcerated people and prison staff are at risk. Incarcerated people are inextricably connected to the outside communities – to their families and loved ones even in the absence of direct contact, and to the community-at-large through constant contact with facility staff. Correctional officers, food service providers, counselors, nurses, and maintenance workers who circulate in and out of these facilities daily are among those at [highest risk](#) of contracting COVID-19. Releasing people from prisons and jails becomes a health necessity both for people in prison – before they become infected, ill or die – and for the larger community that will continue to be connected to an environment that exacerbates contagion.

While all people in prisons and jails are particularly vulnerable, the spread of COVID-19 has exacerbated New York's racial and economic inequalities. A disproportionately high number of New York's essential workers are people of color who, as a result of reporting to work, are experiencing high levels of exposure to the virus. Additionally, a disproportionately high number of those

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imprisoned in New York are people of color. Thus, a failure to act will particularly put New Yorkers of color, both incarcerated people and correctional staff, at risk of serious illness and death.

Public safety is now more than ever interlaced with public health; public health sets the context. One hundred and fifty health experts, including numerous faculty from Columbia University, [wrote a letter to you](#) articulating the public health concern:

In the wake of COVID-19, we write you as public and corrections health experts, physicians, and medical professionals, to ask you to grant emergency clemencies to New Yorkers in prison who are older, sick, pregnant, have serious respiratory conditions, or who have otherwise compromised immune systems. As COVID-19 continues to spread throughout New York State, it will also continue to spread throughout the state prison system. This will have devastating consequences for incarcerated New Yorkers, their families, prison staff, and entire communities throughout the state.

As in the statement by health experts, we focus our request on releasing elderly incarcerated men and women and those with underlying health conditions. These older people and those with underlying health conditions are at greatest risk for illness and death. Also, this aging population generally poses the least risk to public safety, since older individuals as a group consistently exhibit lower rates of offending. Thus, we would urge you not to restrict such releases only to those convicted of non-violent offenses since research by leading criminologists has shown [that aging people in prison convicted of violent crimes are the least likely to reoffend and end up back in prison](#).

The reentry community [has issued a statement](#) signed by thirteen reentry organizations from different parts of the state stating that they will meet the needs of those released. In a longer statement they said:

“We understand you may be concerned that many of those whom we call upon you to release will need supportive services, including transition planning, income supports, Medicaid, care management, and linkages to health care, jobs, education, training, and housing. We stand ready to provide the necessary services and supports that would ensure that every individual released in response to the current crisis is connected to one of our organizations, or to our colleagues in the non-profit, faith, housing and healthcare sectors who are best positioned to meet their needs.”

As Governor, you have enormous power to save the lives of people in prison and to prevent the spread of the virus in and out, between the outside society

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and correctional facilities. The reduction in the number of people in prison in New York State has been a model for the rest of our country as our society has slowly begun to cope with the consequences of mass incarceration. That leadership is the foundation to build on as you use your executive powers to save lives by continuing the process of decarceration. As Governor, you have numerous mechanisms that are already known for releasing people from prisons: executive clemency, medical parole, parole board practices. Your leadership, if driven by a combination of compassion, public health and public safety, can creatively develop strategies for releasing people.

In a recent statement, you promised New Yorkers that you would “make decisions based on science and data.” Releasing more women and men from New York state prisons and jails is the most prudent scientific and data-driven decision to make, given the state of the pandemic.

In addition to elderly and ill incarcerated individuals, there are several other populations we suggest you focus on that could ease pressures on space and staff in correctional facilities as the storm of COVID-19 begins to wash over our state’s prisons and jails who could safely and quickly be released. These include:

- Release those incarcerated for technical, non-criminal violations of parole from prisons as you have recently largely done with jails, and halt all technical violations until the pandemic subsides releasing. Research finds no connection between technical violations and public safety.
- Release those with determinate sentences with 90-180 days left to serve and grant local correctional systems the power to release sentenced individuals early. Several studies of early release from correctional systems have found that early release does not increase recidivism or overall crime in jurisdictions that have done so.
- Improve the conditions for health inside the prison to the degree that this is possible.
- Use your influence to accelerate the closure of Rikers Island and juvenile facilities.

Governor, you, alone, have the authority to prevent what will inevitably become a humanitarian crisis in New York prisons. We urge you to act as aggressively in this area as you have in other areas to save the lives of New Yorkers. You have encouraged New Yorkers to care about others, seeing the importance of community, family, and caring about one another. We ask that you include those people in prisons and their families, and the correctional staff, as part of that larger community.

Sincerely,

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