



November 25, 2020

Contact:

Redmond Haskins
The Legal Aid Society
929-441-2384
rhaskins@legal-aid.org

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

***Broken Promises: Governor Cuomo's Early Release Initiative
Failing to Free Vulnerable New Yorkers on Time***

***Legal Aid Calls for the Immediate Release of All Vulnerable
New Yorkers who Qualify for Early Release but Continue to
Languish in Prison***

(NEW YORK, NY) – The Legal Aid Society condemned Governor Andrew Cuomo and the New York State Department of Correction and Community Supervision (DOCCS) for [failing to promptly free vulnerable New Yorkers who qualify for New York's early release initiative](#) under which incarcerated individuals who are within 90 days of their release date and who are serving sentences for non-violent, non-sex offenses are eligible for immediate release. In a letter recently sent to Governor Cuomo and DOCCS, Legal Aid called for the immediate release of four clients, especially vulnerable to COVID-19, who all meet the criteria for early release but who remain in DOCCS custody. Legal Aid also continues to call on the Governor to expand and accelerate the release of vulnerable people as rates of COVID-19 infection continue to escalate in New York's prisons.

This demand comes as New York State grapples with a second wave of COVID-19, which continues to infect incarcerated New Yorkers and DOCCS staff alike at facilities across the state. Despite his ability to provide relief to New Yorkers incarcerated in these dangerous congregate settings, the early release initiative is the only mechanism, along with a similar one for pregnant and postpartum people in custody, that Governor Cuomo has used to free vulnerable New Yorkers from DOCCS custody. Article 4 of the New York State Constitution grants Governor Cuomo wide-ranging clemency power and allows him to commute sentences or to invoke other emergency powers to facilitate the release of vulnerable individuals incarcerated in New York's crowded prisons. New York Executive Law § 15 lays out Governor Cuomo's authority to commute sentences. New York Executive Law Article 2-B delineates the Governor's authority to suspend the enforcement of state laws in an emergency. Nevertheless, he has failed to use these powers, unnecessarily leaving many New Yorkers at risk of infection and possible death.

“Governor Cuomo and DOCCS need immediately to make good on Albany’s promise to free incarcerated, vulnerable New Yorkers who qualify for early release, including the specific clients Legal Aid have identified that meet their criteria, so they can return to their families and communities” said Ted Hausman, Supervising Attorney with the Criminal Appeals Bureau at The Legal Aid Society. “As COVID-19 surges across the state, moreover, it is urgent that Governor Cuomo go much further to implement broader efforts - similar to those undertaken by other states - to free vulnerable New Yorkers who cannot protect themselves from COVID-19 as long as they remain in prison.”

Individuals are eligible for release under the plan announced by Governor Cuomo last spring if they are serving a sentence for a non-violent, non-sex offense, are within 90 days of their earliest release date and have available housing--which is currently provided to all individuals returning to New York City.

Clients:

Tanaile Jones has a conditional release date of January 21, 2021. She is serving a sentence of one and a half to three years for non-violent, non-sex-based convictions for attempted criminal possession of a forged instrument and grand larceny. She is a Black 38-year-old transgender woman who is HIV positive and suffers from Acquired Immunodeficiency Syndrome (AIDS), which has, at times, caused her T-cell count to be as low as 156. A T-cell count this low is indicative of persistent lifelong immunosuppression and puts her at extreme risk of dying from COVID-19. Upon release, she has access to non-congregate housing: as a HASA client, she will be given a single-room-occupancy placement on the day of her release.

Tanaile became eligible for early release on Tuesday, October 22, 2020.

JP was granted a parole date of January 21, 2021 after a highly unusual recommendation of parole by the Manhattan District Attorney’s Office, which prosecuted him. He was convicted of the non-violent offense of reckless endangerment in the first degree and is serving a sentence of

one to three years. This is his first conviction. JP is 27 years of age and HIV positive, making him extremely vulnerable to COVID-19 complications should he contract the coronavirus. He will have non-congregate housing upon release: he is being paroled to his mother's home.

JP became eligible for early release on Tuesday, October 22, 2020.

Richard Ramos was granted a merit release date of February 14, 2021. He was convicted of two non-violent class D felonies (both burglary in the third degree), and is serving a sentence of four to eight years. He is 56 years-old, and he will have non-congregate housing when he is released: he is being paroled to his parents' home so that he can be their caretakers. They are Carmen and Eddie Ramos, both age 90, and they live in Staten Island. His wife, Laura, and their son live a two-minute drive away.

Richard became eligible for early release on Monday, November 16, 2020.

Jorge Santiago was granted a parole date of January 22, 2021. He was convicted of a non-violent class D felony, grand larceny in the third degree for stealing a car, and he is serving a sentence of three to six years. He is 58 years old and medically vulnerable to COVID, as he suffers from severe asthma, for which he takes both Albuterol and Fluticasone/Salmeterol. He has non-congregate housing to which he can return: he will live with his wife, Brenda Negrón, in their home in the Bronx.

Jorge became eligible for early release on Wednesday, October 23, 2020.

Legal Aid letter to DOCCS dated Monday, November 24, 2020: <https://tinyurl.com/y65kd93w>

Client quotes for use: <https://tinyurl.com/y4wdsons>

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org