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

***As COVID-19 Rates Continue to Rise in Local Jails, Legal Aid Calls on Cuomo to Lift Warrants to Release Vulnerable New Yorkers Held on Parole Warrants***

(NEW YORK, NY) – The Legal Aid Society, in a recently issued [letter](#), called on Governor Andrew Cuomo to immediately release New Yorkers vulnerable to COVID-19 who are presently incarcerated in local jails based solely on parole warrants, many of which are predicated on non-criminal technical violations. Such violations frequently involve minor infractions such as being late for curfew, missing appointments with parole staff, or failing to timely update contact information. Immediate release of these individuals is critical to combat the spread of COVID-19 as new troubling data show the pandemic surging again at a rates similar to those seen in New York City Department of Correction facilities earlier this year. A recent analysis by Legal Aid of City COVID-19 reports found that:

- For months, there have been one or two seemingly isolated reported infections among DOC and CHS staff each week. Recently, however, a [New York Board of Correction report](#) reveals 31 new staff infections in a single week.
- On November 7, there were only seven housing areas with COVID-19 designations in which 96 people were housed in DOC facilities. By November 27, that number had skyrocketed to 33 COVID-designated units housing 759 people.

- In just one week, the number of people in exposed housing units more than tripled. The problem has reached nearly all facilities: where previously the only facilities with COVID-19 designated housing units were MDC, AMKC, and WF, there are now exposures or active infections in MDC, AMKC, VCBC, GRVC, OBCC, RNDC, and WF.
- CHS information shows that reported active infections among people in custody increased exponentially in the last two weeks, from 2 active infections on November 17, to 18 on November 29.

Adding more fuel to the fire, the population in the jails has risen rapidly in recent months and is now comparable to pre-pandemic levels. As of November 27, the total population in DOC was 4,805 people — the same population as in late March, a population that the City acknowledged was too dangerous and necessitated decarceration. [And the New York City Department of Correction has created perilously high density levels](#) in the housing areas, in flagrant violation of public health standards: 66% of dorm units and 60% of cell units remain above 50% of capacity, and 34.5% of units exceed 75% of capacity. Of the ten facilities in operation as of November 27, seven of them have units at or above 90% capacity, with units at six facilities at 100% capacity. Operating facilities in this manner as an outbreak surges within the jails and the broader community is unacceptably dangerous.

Earlier this year, two Legal Aid clients, [Michael Tyson and Raymond Rivera](#), who were held in New York State Department of Correction and Community Supervision (DOCCS) custody on technical parole violations, passed away after contracting COVID-19. New York reincarcerates more people for technical parole violations than any other state in the country except Illinois. For years now, despite New York City's declining jail population, people incarcerated for technical violations continues to increase. Lastly, like many other facets of New York's criminal legal system, these violations overwhelmingly affect New Yorkers of color.

"As in the rest of New York State, COVID-19 is surging at local jails, and our clients held on parole warrants - many on non-criminal technical violations - are at grave risk of contracting the virus," said **Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at The Legal Aid Society**. "Governor Cuomo has a moral and legal responsibility to protect these New Yorkers, and we all know now that decarceration is the best solution. Two of our clients who were held on technical parole violations - Michael Tyson and Raymond Rivera – passed away earlier this year from COVID-19 while held on a warrant. Governor Cuomo should not run the risk of additional avoidable deaths on his watch and must act now."

The letter states:

*Your leadership is required to prevent a repeat of the unacceptable rate of COVID-19 infection New York's jails saw in the earlier part of this year. For the sake of the vulnerable among them and to assist in controlling density for those who remain incarcerated, all of the approximately 200 people current held solely on allegations of breaking a technical parole rule should be*

*released immediately. In the midst of a pandemic, there is no justification for incarcerated people who have not even been alleged to have committed any crime. In addition, we ask that you reinstate and expand your discretionary release program to include consideration of the lifting of warrants for people held on all alleged parole violations, not limited to those accused of technical violations, to ensure that all medically vulnerable people are protected from the risk of death or serious, long-term health consequences. Many people in this category were released in April and May after litigation by Legal Aid Society lawyers and other defenders compelling DOCCS to lift individual parole warrants, demonstrating that the Governor's previously exclusion of these individuals struck the wrong balance between public health and public safety. Both national<sup>13</sup> and local<sup>14</sup> surveys of releases from correctional settings in response to COVID-19 dangers reveal that those releases did not result in increased dangers to public safety.*

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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](http://www.legalaidnyc.org)*