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Legal Aid Releases Report Examining Impact of COVID-19 in New York's Jails and Prisons

Report Details How City and State's Failure to Decarcerate Led to Drastic Increase in Virus Transmission Among Incarcerated People, Correctional Staff, and Black and Hispanic Neighborhoods, Worsening the Public Health Crisis

(NEW YORK, NY) - The Legal Aid Society, on the fifth anniversary of the U.S. government declaring the COVID-19 pandemic a public health emergency, [released](#) a [report](#) today examining the response of New York's criminal legal system to the public health crisis. The report focuses on the failure of New York City and State agencies to follow public health experts' guidance to reduce the populations of city jails and state prisons, leading to the dangerous, rapid spread of COVID-19 among people living and working in these facilities, and the majority-Black and Hispanic neighborhoods that were home to many of them.

From the very beginning of the pandemic, as the report outlines, experts made clear that [decarceration](#) was the most effective way to stop the spread of the coronavirus in carceral facilities. Recommendations were issued for policymakers to release as many people from custody as possible and to work with courts to identify people at high risk from infection for immediate release.

Despite this guidance, state and city officials, including Governors Cuomo and Hochul, the New York City Police Department (NYPD), prosecutors, judges, the New York City Department of Correction (DOC) and the New York State Department of Corrections and Community Supervision (DOCCS), all failed to take adequate action to reduce the number of people entering and held in jails and prisons. NYPD officers continued making custodial arrests for low-level offenses which could have been simply ticketed. Prosecutors and judges continued using bail and remand to send people into densely populated jails where the coronavirus ran rampant. Governors Cuomo and Hochul failed to use their executive power to quickly move significant numbers of people out of state prisons. The Board of Parole failed to increase its release rate. And DOCCS parole officers continued issuing violations of parole for minor violations, sending people back into custody.

By April 2020, the percentage of people detained in city jails who were infected with the coronavirus was eight times the percentage infected in New York City as a whole, and infections among DOC staff were nearly five times the City's average by May 2020.

As infections surged in the city's jails, the harm fell disproportionately on people of color—both inside city jail facilities and in nearby majority-Black or Hispanic neighborhoods. Inside the facilities, people identifying as Black or Hispanic accounted for 86 percent of New York City jail admissions in 2020–2021, despite making up 52 percent of the city's population. And among New York City Correction Officers, 84 percent identified as Black or Hispanic in 2021.

Inevitably, high COVID-19 infection rates in city jails contributed to high infection rates in majority-Black and Hispanic neighborhoods across New York City. For example, early in the pandemic, areas of New York City that were majority non-white had COVID-19 case rates 50 to 110 percent higher than majority white areas.

The report outlines several actions city and state officials can take to ensure they are better prepared for the next public health crisis, including issuing guidance to police to reduce arrests for minor offenses, passing legislation to expand parole opportunities and amending statutes to allow greater access to medical parole.

“All New Yorkers, regardless of incarceration status, are entitled to robust protections from city and state agencies against harm from infectious diseases like COVID-19,” said **Alex Lesman, Staff Attorney in The Legal Aid Society's Special Litigation Unit**. “By failing to assertively mitigate the risk the pandemic posed to people in the criminal legal system, city and state officials endangered the health and wellbeing of all New Yorkers. This report serves as a record of these failures, as well as a guide to ensure that this aspect of pandemic response is not mishandled again. Our city and state leaders must take action now to enact policies and legislation that will protect all New Yorkers in the event of another public health crisis, as well as reflect on the missed opportunities in 2020 and 2021 to heed guidance from experts and rapidly decarcerate prisons and jails.”

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