



121 Mystic Avenue, Suite 9
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April 10, 2020

Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Thank you for leading the country with a strong, proactive COVID-19 response in New York. You have been a brave advocate for taking effective precautions that are greatly benefiting people across the state. Having served New York as police and prosecutors, we wish to commend you in particular for your release of 1,100 people incarcerated for technical parole violations. We agree that the public safety benefits of releasing this incarcerated population far outweighs any public safety risk.

We wish to request your attention to further opportunities to reduce the spread of COVID-19 by **safely reducing the prison population**. Transmission between prisoners, officers, and staff would quickly spread outside the facilities to the families of officers and released prisoners, accelerating the pandemic. We have watched governors act on this issue in [Colorado](#), [New Jersey](#), and [Kentucky](#). We are writing to urge you to **take executive action** to reduce the prison population. We also urge you to guide prison administrators to stop responding to COVID-19 issues in prison through the use of solitary confinement. A [sample Executive Order](#) with concrete recommendations is attached.

There is strong public support for dramatically reducing prison populations to slow the spread of the coronavirus. Sixty-six percent of likely voters, including 59% of those who identify as “very conservative,” said that elected officials should be considering measures to reduce populations in prisons and jails as a response to coronavirus.¹ Criminal justice leaders are already taking action to safely reduce correctional populations.²

It is challenging for our cities and counties to respond effectively to this crisis, since it requires so many different agencies to coordinate. Our justice system needs state-level guidance in order to act swiftly, properly allocate resources, and minimize casualties.

We also urge you to address the use of solitary confinement as a COVID-19 response. In ordinary times, solitary confinement far too often leads to mental and physical health conditions. During this

¹Fighting the Coronavirus with Decarceration: Policies and Polling, Data for Progress (March 2020) Accessed at <https://www.dataforprogress.org/memos/fighting-coronavirus-with-decarceration>. (March 16, 2020 to March 17, 2020, survey of 2509 likely voters.)

² "Jails Release Prisoners, Fearing Coronavirus Outbreak - WSJ." 22 Mar. 2020, <https://www.wsj.com/articles/jails-release-prisoners-fearing-coronavirus-outbreak-11584885600>. Accessed 23 Mar. 2020.



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pandemic, solitary confinement weakens people's immune systems, making them especially vulnerable to COVID-19. [Prison health experts](#) have called for correctional systems to stop the use of solitary and avoid lockdowns as a response to the virus. Yet New York prisons continue to send people to solitary, even for minor non-violent rule violations, and have utilized solitary units and lockdowns as a response to the virus. This practice also discourages incarcerated people from reporting symptoms. We urge you to direct prison administrators to stop the use of solitary immediately.

We write to you as the sole actor with the authority to achieve system-level results with clarity, consistency, and vision. We suggest three steps you could take right now to prevent the spread of COVID-19 in correctional facilities and beyond:

1. **Release medically high-risk people in state custodial facilities.** We urge you to use your clemency powers to begin a process of immediate review and presumptive release for all people identified by the CDC as particularly at-risk – older people and people with underlying health conditions or who are otherwise immune-compromised – whose sentences would end in the next two years and who do not pose a significant public safety risk.
 - a. We urge you to ensure wraparound re-entry support is provided to anyone released pursuant to this decision.
2. **Reduce overall populations in state custodial facilities.** Using your clemency powers, begin a process of immediate review and presumptive release for:
 - a. anyone in prison for technical violations of probation or parole, and/or
 - b. anyone in prison whose sentence would end in the next 180 days.
 - c. We urge you to ensure wraparound re-entry support is provided to anyone released pursuant to this decision.
3. **End the use of solitary confinement as a response to COVID-19.** Direct jail and prison administrators to discontinue the practice of solitary confinement.
 - a. Release inmates from solitary confinement who do not pose a safety threat to others;
 - b. Create a plan to safely release all inmates from solitary;
 - c. Stop new admissions into solitary confinement.

The time for action is now. This pandemic is here, and – if it hasn't already – it will make its way into our state's carceral facilities. Attached to this letter is a [sample Executive Order you could sign immediately to address this crisis head-on](#).

Sincerely,

Chief Brendan Cox (Ret.)
Albany Police Department, NY



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Enc. [Executive Order](#): Controlling COVID-19 Transmission and Mortality by Reducing Certain Populations in State Custodial Facilities