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March 20, 2020

Honorable Tina Stanford, Chair
NYS Board of Parole
97 Central Avenue
Albany, New York 12206

Dear Ms. Stanford:

We are extremely concerned over the crisis of coronavirus in our state prison system. We believe that the virus poses a great risk to correctional staff and incarcerated people, and that prisons could act as a serious disease reservoir for the civilian population. It is imperative to release as many people as expeditiously as possible to avoid a public health disaster in our prison system, which disaster would inevitably serve to greatly hinder and undermine the efforts to contain and control the epidemic in the community.

We are writing to ask you, your Commissioners and your hearing officers to use your discretionary authority to conduct a rescue mission. Because of the great risk to state workers and incarcerated people, as well as the wider communities outside the facilities and State more broadly, we urge you to expedite the parole release of individuals coming before the Board. We request that the Board evaluate all individuals whose cases are coming before you primarily on whether or not individuals have a stable living situation to return to upon release. This is a crisis of epic proportions and people should be released whenever possible, regardless of their completion of programs, remote criminal history and recent disciplinary sanctions. At a minimum, we believe that all parole-eligible people in the following groups who have not been convicted of an additional crime relating to their conduct while in prison or who do not pose an extraordinary risk to public safety should be approved for immediate release:

1. Individuals at high risk for severe COVID-19 disease, such as people over the age of 50, or people who have chronic medical conditions like heart disease, high blood pressure, cancer, diabetes, lung disease, asthma, compromised immunity, or any other chronic illness that can be disabling or effect overall health such as kidney, liver or blood disease. This group should be



identified and given priority if they are parole eligible, in spite of any past parole holds that were placed on them.

2. Individuals serving a life sentence who have served their minimum term.
3. Individuals approved by the Department of Correction and Community Supervision (DOCCS) for medical parole.
4. Individuals who have completed their minimum sentences, fulfilled most or all of their program requirements, maintained an adequate disciplinary record, and remain in prison only because they were hit by the board within the last two years.
5. Individuals in custody serving time assessments as a result of a violation of conditions of release (parole, conditional release, or post-release supervision) where the conduct cited in the violation did not result in a new felony conviction and did not involve violence or the threat of violence.

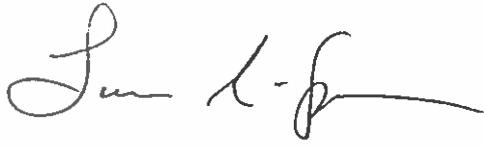
The only group of people we are hesitant to recommend for evaluation for release are those individuals who will be sent to ICE detention upon parole release. ICE has yet to issue guidance on what safety measures, if any, have been implemented in its detention facilities in response to the COVID-19 outbreak. Of particular concern, New York State NYIFUP and ONA Rapid Response immigration attorneys have reported that the Buffalo Federal Detention Facility (where ICE generally detains people released from DOCCS custody) has so far implemented minimal safety precautions to safeguard the health of ICE detainees, staff, and visitors there. Because of this, we recommend that you release to the custody of ICE only those individuals who have final orders of deportation and who would be immediately deported should they be released to the custody of ICE.

By releasing people from custody, especially older, unhealthy or less healthy individuals, the prisons will become safer for everyone. People who remain in custody will be less crowded, mealtimes can be staggered, and social distancing and isolation will be possible. There will be a reduced risk of virus transmission to correctional employees, and in turn transmission in their communities and thus the wider civilian population.

If the current prison population is maintained, it is likely that correctional health services will be overwhelmed as older, unhealthy people become critically and gravely ill and unable to care for themselves or require hospitalization. We urge you to save lives of all New Yorkers by releasing people who have family or other support networks to parole as soon as possible.

Thank you considering this request.

Very truly yours,



Senator Luis Sepúlveda
Chair, Crime Victims, Crime and Correction



Assembly Member David Wepin
Chair, Correction



Senator Gustavo Rivera
Chair, Health



Assembly Member Richard Gottfried
Chair, Health

cc: Honorable Andrew Cuomo
Honorable Andrea Stewart-Cousins
Honorable Carl Heastie
Honorable Anthony Annucci