



New York City must act now on COVID-19 at Rikers Island

March 25, 2020

With each day, the number of people infected with COVID-19 at Rikers Island increases at an alarming rate. The first reported case was on March 18. Five days later, 38 out of the 5,293 people incarcerated at the time tested positive for COVID-19 and another 56 were quarantined.¹ New York City is the epicenter of the COVID-19 crisis in the country and, by now, those numbers will have spiked again.

Dr. Ross MacDonald, Rikers' chief medical officer, tweeted, "We cannot change the fundamental nature of jail. We cannot socially distance dozens of elderly men living in a dorm, sharing a bathroom. Think of a cruise ship recklessly boarding more passengers each day." Dr. MacDonald's voice is one among many calling for the mayor and the Department of Correction to release as many people from jail as they can to stem the public health crisis erupting inside the walls. The Board of Correction, New York City's independent correctional oversight agency, called for the release of people over 50 years old, those with underlying health conditions, those detained for administrative reasons such as technical violations of parole, and those serving short sentences.² Adding up the numbers, the Board recommended releasing 1,922 people from Rikers Island.

In ordinary times, no oversight agency would call for a local jail or prison to reduce its population overnight by more than one-third. But these are not ordinary times and our standard approach to criminal justice reform is simply not enough. The crisis of COVID-19—its exponential infection rate and the sudden, aggressive toll it takes on people's respiratory systems—is exacerbated by the conditions within correctional facilities. Everyone at Rikers Island, from staff to incarcerated people, is at extreme risk of infection. There is no personal space, let alone the kind of room needed to practice social distancing. Toilets, bathrooms, and showers are shared, and there is limited access to soap and no use of hand sanitizer—which is deemed contraband because of its high alcohol content. When people who are in handcuffs cough or sneeze, they have no way to cover their faces. What we see today at Rikers Island will repeat itself again and again across the thousands of jails and prisons in this country, affecting the 2.3 million people behind bars.

Despite the urgency of this moment, Governor Cuomo has not used his executive emergency powers to rapidly reduce the number of people in jail and prison across the state. While Mayor de Blasio has to date released 7 percent of the current jail population, he must go much further.³ There are mechanisms to do more. All jail and prison administrators in New York State already have the

authority under New York law to release people on furlough—essentially a temporary release—under Correction Law § 633 and § 855. Using emergency powers, these furloughs can be extended for as long as this crisis persists. At the local level, Correction Law § 141 allows the commissioner of correction to remove people from jail when there is an outbreak of a contagious disease within the facility or in the vicinity.

Why have these measures not been used? Despite the urgency of the COVID-19 crisis, there is still a prevailing belief that releasing people will compromise public safety. In this moment, public health is public safety. Already, other jurisdictions have released hundreds of people—over 600 men and women were released from Los Angeles Jail last week, and another 1,000 people across New Jersey will be released from jail this week—with no compromise to public safety and a huge gain to public health.⁴

To continue business as usual in New York City and Rikers Island is the equivalent of rearranging deck chairs on the Titanic. Our [Jail Viz 2.0](#) app, which provides daily information about the number of people in jail in New York City, can tell us in real time whether we are moving with urgency or not. The obligation is clear—we must act now.

Endnotes

- 1 Katie Shepherd, “Trapped on Rikers’: Jails and prisons face coronavirus catastrophe as officials slowly authorize releases,” *The Washington Post*, March 23, <https://www.washingtonpost.com/nation/2020/03/23/coronavirus-rikers-island-releases/>
- 2 Jacqueline Sherman, interim chair, Board of Correction, email to New York City’s criminal justice leaders, March 21, 2020. https://www1.nyc.gov/assets/boc/downloads/pdf/News/covid-19/Letter-from-BOC-re-NYC-Jails-and-COVID-19-2020-03-21.pdf?mc_cid=e78283efad&mc_eid=eee073305c
- 3 Noah Higgins-Dunn, “Coronavirus: New York City to release 300 nonviolent inmates from Rikers Island,” *CNBC*, March 24, 2020, <https://www.cnbc.com/2020/03/24/coronavirus-new-york-city-to-release-300-nonviolent-inmates-from-rikers-island.html>
- 4 Alene Tchekmedjian et al, “L.A. County releasing some inmates from jail to combat coronavirus,” *The LA Times*, March 16, 2020, <https://www.latimes.com/california/story/2020-03-16/la-jail-population-arrests-down-amid-coronavirus>; Matt Friedman, “Up to 1,000 inmates in New Jersey ordered released,” *Politico*, March 23, 2020, <https://www.politico.com/states/new-jersey/story/2020/03/23/up-to-1-000-inmates-in-new-jersey-ordered-released-1268685>

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