



March 24, 2020

VIA E-MAIL

Elizabeth Glazer, Director of the Mayor's Office of Criminal Justice  
City Hall  
New York, NY 10007

Cynthia Brann, Commissioner  
New York City Department of Correction  
75-20 Astoria Boulevard  
East Elmhurst, NY 11370

**RE: Furlough Releases for People in NYC Department of Correction Custody**

Dear Ms. Glazer and Ms. Brann,

Less than a month after New York's first case of COVID-19 was identified, New York City and the surrounding area has become one of the global epicenters of the COVID-19 pandemic. The City must take every measure possible to protect New Yorkers and prevent our communities from becoming local contagion zones. A critical step to doing so—and one that has been identified by corrections experts, courts, the Board of Correction (“Board”), and even the very physicians at Correctional Health Services (CHS)—is to dramatically decrease the population inside our City's jails. Furloughing **all** people detained by the NYC Department of Correction (“Department” and “DOC”) on a definite sentence is one straightforward mechanism that would decrease the jail population by nearly 500 and is expressly contemplated the N.Y. Correctional Law §§ 151, 631, 633, 870 and 871.

It is no surprise that COVID-19 has reached the City's jails, infecting DOC and CHS staff and tragically leading to the death of one DOC employee. The most recent reports indicate that 38 staff and incarcerated people are infected, but that likely wildly underestimates the reality.

Despite their best efforts, DOC and CHS, cannot contain or protect people, including staff, from contracting COVID-19, a reality the Board recently acknowledged. Decreasing the population is one of the only responsible measures that cities can take to limit the spread of COVID-19 infection among people in custody and those who work in the jails, preserve crucial healthcare resources, and curb the cycle of infection between the jails and local communities.

New York's Correction Law provides a mechanism to address this situation. The law specifically grants the Commissioner the authority to act expeditiously and decisively in precisely these

circumstances. By furloughing people currently serving a definite sentence under N.Y. Corr. § 633, we can immediately reduce the population of our jails by nearly 500 people.<sup>1</sup> The process need not be onerous. N.Y. Corr. § 870 establishes the broad scope of the program..

We commend DOC for beginning this process as we have already heard that some people are being released under these provisions. However, we ask that **all** “eligible” people be released as expeditiously as possible. Notably, N.Y. Corr. §871(a) gives broad authority to “modify” a program.<sup>2</sup> Such a modification – given the urgent situation – allows for DOC to exercise its discretion widely and thus can be used to reduce the population while allowing people to live productively in their communities.

Each minute that passes, more people inside the City’s jails become infected and threaten the safety not just of people who are incarcerated, but of our City as a whole. We must act now to extinguish the smoldering flames of the COVID-19 tinderbox inside the City’s jails.

Thank you,



Justine Olderman  
Executive Director  
The Bronx Defenders



Lisa Schreibersdorf  
Founder & Executive Director  
Brooklyn Defender Services



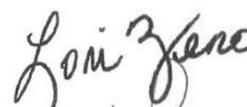
Stan Germán  
Executive Director  
NY County Defender Services



Tina Luongo  
Attorney-In-Charge  
Criminal Defense Practice  
The Legal Aid Society



Matthew W. Knecht  
Managing Director  
The Neighborhood Defender  
Service of Harlem



Lori Zeno  
Executive Director  
Queens Defenders

cc: Heidi Grossman, General Counsel, DOC  
Brenda Cooke, Chief of Staff, DOC  
Margaret Egan, Executive Director, BOC  
Michele Ovesey, General Counsel, BOC  
Bennett Stein, Director of Policy and Communications, BOC

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<sup>1</sup> As of March 23, DOC had custody of 475 people serving a City year or less. *See* Daily Snapshot, <http://52.71.132.68/NYC-Jail-Test/>.

<sup>2</sup> The work release plan may be revoked, suspended or **modified** by the sheriff at any time for good cause, with or without notice to the prisoner. N.Y. Corr. §871 (a)

