

COVID-19:

**LEGAL AND SOCIAL RESOURCES
FOR PEOPLE AFFECTED BY
INCARCERATION**

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Susan Sturm, George M. Jaffin Professor of Law and Social Responsibility

Faiz Pirani, CLS '22

Hyun Kim, CLS '22

Natalie Behr, CLS '21

Zachary D. Hardwick, CLS '22

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Introduction

This Report is intended to help people who are affected by incarceration and their advocates navigate the evolving COVID-19 pandemic and public health crisis. A team of legal researchers at Columbia Law School has assembled a guide to information and resources related to COVID-19 about (1) release from incarceration, (2) health, safety, and education issues in and after incarceration, (3) benefits and the social safety net in the community, and (4) domestic violence. The goal is to connect people in New York with the best available information so they can get legal and social support where possible and advocate for themselves and others affected by incarceration during and after the pandemic.

The COVID-19 crisis poses an imminent risk of serious illness or death for people incarcerated or working in correctional facilities. According to data gathered by the Legal Aid Society, “the infection rate at local jails is more than seven times higher than the rate citywide and 87 times higher than the country at large.”¹ Based on this analysis, “New York City’s jails have become the epicenter of COVID-19.”² Federal prisons and prisons across the country are reporting exponential increases in rates of infection among incarcerated individuals and employees working in these institutions. High rates of infection in New York City’s jails are a bell-weather for other corrections facilities.

The public health crisis in corrections institutions is both predictable and lethal, leading the Board of Corrections and chief medical officers to beg city and state officials to release as many vulnerable inmates as possible. Prominent public officials have called prisons and jails “[death traps](#),” “[petri dishes](#),” “[ticking time bombs](#)” and “[death sentences](#).” March 28, 2020, marked a grim milestone. Patrick Estell Jones, 49, became the first individual in BOP custody to die of COVID-19. He was serving a sentence in a low-security facility for a non-violent crack cocaine offense. April 5 marked the first COVID-19 related death of a person incarcerated in a New York City jail—a person who was held on a parole violation for which the Legal Aid Society had requested immediate release.³

¹ *Coronavirus Update: Rikers Island Rate Of Infection 7 Times Higher Than Citywide, Legal Aid Says*, CBS News/AP, March 26, 2020, available at <https://newyork.cbslocal.com/2020/03/26/coronavirus-rikers-island/>.

² The Legal Aid Society, *Covid Infection Tracking in New York City Jails*, available at <https://www.legalaidnyc.org/covid-19-infection-tracking-in-nyc-jails/> (last checked April 8, 2019).

³ Reven Blau and Rosa Goldensohn, *First Rikers Virus-Positive Fatality Was Jailed on a Technicality*, The City Coronavirus Tracker, available at <https://thecity.nyc/2020/04/first-rikers-covid-death-was-jailed-on-technicality.html>.

Advocates, community leaders, public health experts, and many public officials have called for immediate action to reduce the spread of the virus to those who are incarcerated and their families, to those who work in correctional and detention facilities, and to the community at large. Vendors, staff, corrections health care workers, and corrections officers coming into and leaving the facilities face considerable risks of infection themselves, and of spreading the infection to others they come in contact with outside the facilities. People released from incarceration are more likely to be homeless or housed in shelters or transitional facilities that themselves pose serious risks of infection.

The exigencies of this situation require public officials to respond with uncharacteristic speed, decisiveness, and humanity under conditions of uncertainty. Correctional institutions, public officials, advocates, and community based organizations must respond quickly and courageously if they are to minimize the devastating impact of COVID-19 on individuals, families, and communities affected by incarceration. Legal remedies for reducing incarceration are key, many falling within the discretion of executive officials and judges. The United States Attorney General has the authority, under the CARES Act, to allow the Bureau of Prisons “to transfer many more people to the relative safety of home confinement.”⁴ Corrections Commissioners have the power to remove incarcerated individuals from their place of confinement in case of contagious disease.⁵ Courts have the power to (1) order the release of anyone who does not present a greater danger to themselves or others than they would if they were infected, and (2) radically decrease the number of people being sent into incarceration who don’t require immediate confinement.⁶ Prosecutors can exercise their power by not seeking incarceration of people who do not present an imminent threat. Governors and mayors can exercise their power to grant release or clemency. Although some public officials have taken steps to respond to the crisis in time to minimize these extreme harms, many have yet to take the steps necessary to avoid irreparable harm to individuals and families, including death.⁷

The crisis has also led government agencies to substitute online or telephone interactions for in-person interactions. To cope with the crisis, agencies are using methods to maintain access to benefits or meet community supervision requirements that do not require people to come into the

⁴ See Section I.2, *infra*.

⁵ [N.Y. Correct. Law § 141](#) provides the Commissioner of DOCCS with the authority to temporarily remove incarcerated persons from their place of confinement “[i]n case any pestilence or contagious disease shall break out among the inmates in any of the correctional facilities, or in the vicinity of such facilities.”

⁶ See Kelsey Kaufmann, *Why Jails Are Key to ‘Flattening the Curve’ of Coronavirus*, March 13, 2020, available at <https://theappeal.org/jails-coronavirus-covid-19-pandemic-flattening-curve/>

⁷ See Section I.2, *infra*.

office, and that could hold promise as a way to minimize the negative impact of bureaucratic requirements on people's ability to pursue employment and education.⁸

In addition to those legal remedies, services and supports are necessary for people when they do get released from prison. Non-profit organizations supporting people upon reentry play a critical role in providing this kind of assistance. After release, individuals need access to information that they trust about COVID-19 and the protective measures minimizing its spread. They need a safe place where they can be sheltered, consistent with the requirements of their release. They need medical support, benefits, and services to sustain themselves, and to avoid spread of the infection. They need resources enabling them to survive. The crisis has revealed the inadequacies of the social safety net to provide these fundamental necessities.

A growing group of individuals and organizations have been compiling information and resources related to the impact of COVID-19 on incarcerated individuals. Much of that information has focused on efforts to influence public officials to release people from prisons and jails, and avoid incarceration in the first place. That information, included in this Report, builds the case for demanding that public officials take necessary action to avoid a public health disaster. It will also lay the foundation for longer term efforts to build a more humane, equitable, and just criminal legal system.

There is less coordinated information geared toward individuals and families contending with these overwhelming challenges, mostly without legal representation. This Report pulls together information from reentry organizations, advocacy groups, public health sources, law schools, public agencies, and other sources, and steers readers to websites and organizations providing that information. The Report will be updated throughout the pandemic, and will connect individuals and organizations to the best available resources. The Report also highlights the woeful inadequacy of the current patchwork of legal and social responses and the reliance on an under-funded network of nonprofit advocacy groups and service providers. It highlights the importance of organizations and coalitions with "inside-out" leadership by people who have experienced incarceration in providing information, knowledge, and ability to respond quickly and effectively to urgent needs. Finally, it provides avenues for advocacy and systems change that will be required for months and years to come. Hopefully the mobilization of concern and response needed to address the COVID-19 crisis will be sustained after the direct crisis has subsided, and will lay the foundation for more fundamental systemic change needed to address the inequities and injustices that contribute to the devastating impact of COVID-19.

⁸ See Sections I.3, II.3, III.3, and IV.3, *infra*.

I. Release

1.1 Major Issues and Questions

- How can officials protect people in jails, prisons, and immigration detention facilities from COVID-19?
- What are local, state, and federal leaders doing to reduce the population within correction and immigration detention facilities?
- What are different ways in which individuals and/or people who care about them can advocate for avoiding incarceration or achieving their release?
- Who is getting representation?

1.2 Current Legal and Policy Framework

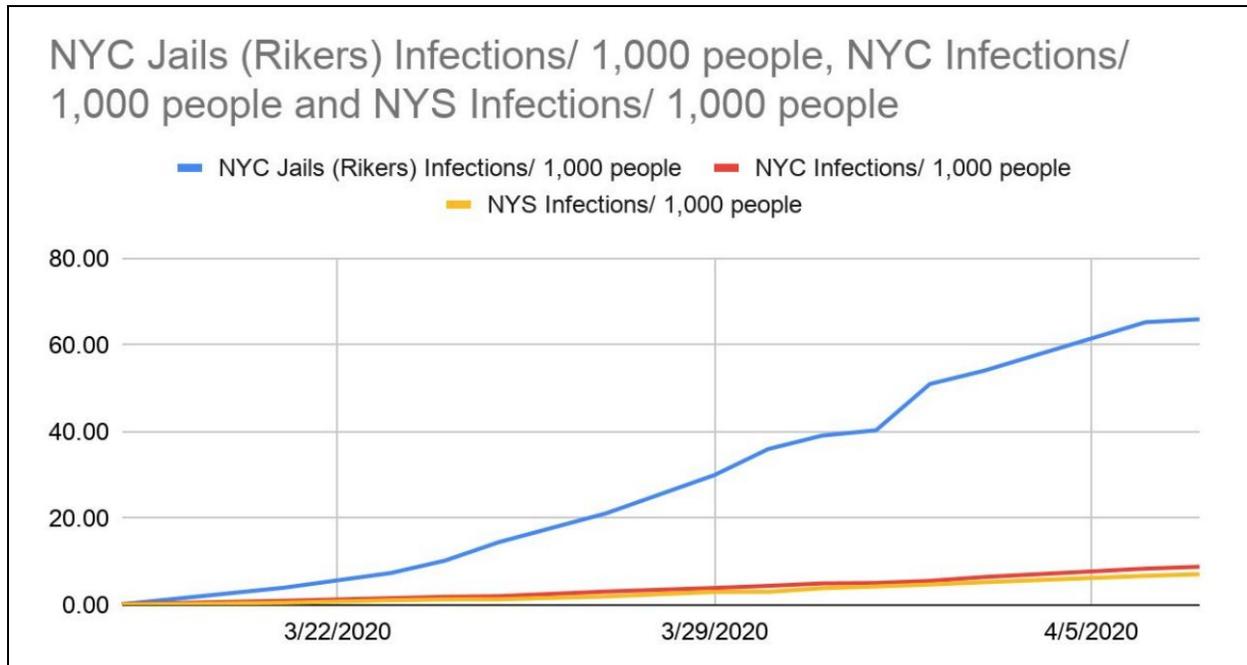
People who are confined in jails, prisons, and immigration detention centers are [particularly vulnerable](#) to the outbreak of the novel coronavirus. It is “[nearly impossible](#)” to prevent the spread of this virus in [correctional](#) and [immigration detention](#) facilities, as people in these facilities are crowded in close quarters and lack adequate [not access to sanitation products](#) like hand sanitizer or even soap, or personal protective equipment, like [CDC-recommended](#) face coverings. Indeed, the infection rate on Rikers Island is currently [seven times higher](#) than the citywide rate of infection. Moreover, many incarcerated people are [elderly](#) and [have chronic health conditions](#) that put them at an [increased risk](#) of serious illness or death from COVID-19. [Inadequate health care in jails and prisons](#) compounds these risks even further. In an effort to protect this vulnerable population, public defender offices, prosecutors, and other legal service and advocacy groups have been pushing for the release of large numbers of incarcerated individuals, especially those who are older and have pre-existing medical conditions.

Below is a compilation of resources pertaining to efforts to release incarcerated people in New York City during this pandemic. Section A provides a list of recent reporting and data on the conditions and spread of the virus in facilities where New Yorkers may be incarcerated, and a brief overview of the responses government officials have taken thus far that affect New Yorkers. Section B compiles resources for individuals who are advocating for their own release, or the release of a loved one. Section C presents some advocacy opportunities in this area, both to push for urgent action and for longer-term policy changes.

A. The Current Conditions in Detention/Correctional Facilities in New York

Coronavirus has already started spreading through jails, prisons, and detention centers in New York, as documented by the following graph:

Source: [The Legal Aid Society COVID-19 Infection Tracking in NYC Jails](#) (as of April 8)



Below is some recent reporting on the conditions in these facilities. This reporting lays the foundation for immediate and drastic action, both at the individual and policy level; they provide detailed descriptions of the unsafe conditions in these institutions, and evidence as to why significant decarceration is really the only solution to flatten the curve.

Recent Reporting on the Conditions on Rikers Island

1. Democracy Now!, [Video Interview of José Diaz](#), released from Rikers Island on Saturday April 4th, on the conditions at the jail (April 6)
2. Slate, [“Coronavirus Cases are Spreading Rapidly on Rikers Island”](#) (April 2)
3. NY Mag, [“‘We’re Going to All Start Dropping’: Rikers Inmates on Life as Prisoners of COVID-19”](#) (April 1)
4. The Marshall Project, [“‘They Don’t Care:’ Families Of The Incarcerated Fear The Worst As Coronavirus Spreads”](#) (March 26)
5. The Appeal, [“An Update on What’s Happening Inside Rikers Island as Coronavirus Spreads”](#) (March 25)

6. The New York, “[It's Spreads like Wildfire': The Coronavirus Comes to New York's Prisons](#)” (March 24)
7. NBC New York, “[Rikers Island Doctor Slams DAs, Says Sick Inmates Will Need Hospitals, Ventilators](#)” (March 23)

Recent Reporting on Federal Facilities

1. Forbes, “[Bureau Of Prisons Underreporting COVID-19 Outbreaks In Prison](#)” (April 1)

For more reporting on COVID-19 in correctional facilities, see this [bibliography](#).

Data Tracking the Virus Within New York City Prisons and Jails

1. Legal Aid NYC has been [tracking infections in New York City Jails](#).
2. [COVID-19 Correctional Policies & Responses <Host: UCLA Law>](#) This resource links to a number of difference spreadsheets tracking confirmed deaths and cases within jails and prisons, releases from jails and prisons, requests for releases, and other policy changes and organizing efforts.
3. The Vera Institute has a tool that tracks admissions [Daily Jail Population in NYC](#).
4. For data on positive COVID-19 tests in federal correctional facilities, see the [Federal Defenders of New York's website](#).

B. Reducing Jail and Prison Admissions in New York

One way that officials can reduce the population in correctional and detention facilities is to reduce the number of people entering these facilities by [suspending law enforcement protocols that place people in custody](#) and [stopping prosecution of low-level offenses](#). For some examples of jurisdictions adopting some of these recommended measures, see the Justice Collaborative's [compilation of different state and local policy shifts](#). In New York City, some law enforcement officials have adopted some of these recommended measures, while others have not announced any changes in law enforcement strategies and priorities.

1. Prosecution Policies of New York City District Attorneys
 - Brooklyn and Manhattan: The District Attorneys in Brooklyn (Eric Gonzalez) and Manhattan (Cy Vance), have signed onto [a letter](#) urging officials to stop new jail admissions for people that do not pose a serious public safety risk (March 25). The Brooklyn DA has additionally [announced](#) that this office will stop prosecuting low-level crimes during the coronavirus outbreak. (March 17).
 - Bronx: The Bronx DA, Darcel Clark [has announced](#) that while the office continues to prosecute violent offenses, it will “continue[] its policy of not

prosecuting low-level, non-violent offenses” (March 20). As of March 20, the office has consented to the release of 28 people.

- Queens: The Queens DA Melinda Katz, has announced [no change](#) in her office’s prosecution priorities. “The Office will continue to determine on a case by case basis whether to decline to prosecute low level offenses, as we have been doing since January 1st.” (March 20). The office is releasing some people detained pre-trial (see below).
 - Staten Island DA The DAs of [Staten Island](#) has not announced a shift in prosecution policies. (as of April 4). The DA has [resisted](#) consenting to the release of people detained pre-trial. (March 29).
2. Immigration and Customs Enforcement (ICE) has [announced](#) that it will temporarily stop enforcement operations or use alternatives to detention for some individuals. ICE will continue enforcement operations for individuals who ICE deems pose a public safety risk and those that are subject to mandatory detention based on criminal grounds. Except in extraordinary circumstances, the agency will not make arrests near hospitals. (March 18). [Immigrants Rights advocates have called](#) for U.S. immigrations operations that are continuing to be conducted remotely. (March 23).

C. Releasing People Incarcerated in New York Jails and Prisons

Advocates and public health experts are urging government officials to release large numbers of incarcerated people, especially those whose age and health conditions put them at-risk, through various early-release mechanisms like compassionate release and clemency. Federal officials have started directing the release of certain high-risk individuals and officials in New York and announced the release of some people detained in jail for low-level offenses or technical parole violations. Some judges have additionally granted sentencing reductions. However, the total numbers of people released thus far are still low compared to the number of people at risk, and the New York State budget, signed into law on April 3, could increase the number of people detained pre-trial. Moreover, some processes that could typically lead to someone’s release, like parole revocation hearings, have been severely delayed by the pandemic.

1. Releases from Federal Detention and Correction Centers

- [Over 400 former DOJ leaders, attorneys, and federal judges](#) issued a letter to President Trump asking him to reduce the population in federal detention and correctional centers to limit the spread of the novel coronavirus.
- U.S. Attorney General William Barr [directed](#) the federal Bureau of Prisons to release some elderly and sick people and [increase the use of “home confinement.”](#) (March 26).

- A [letter on behalf of Federal Public Defenders](#) (April 1) documented that many in the federal prison population are at grave risk of severe illness or death, and expressed concern about the Attorney General’s “failure to take advantage of DOJ’s existing tools to transfer vulnerable and low-risk inmates quickly to home confinement.” The letter documented that “approximately 10,000 individuals over the age of 60 presently in federal custody, and one third of all individuals in BOP custody have preexisting conditions,” and urged the Attorney General immediately “to reduce the number of people entering federal detention and aggressively transfer or release individuals who are already incarcerated into the community.”
 - The Marshall Project notes that [Barr’s plan could favor white people](#) and exacerbate existing racial disparities in the criminal system.
2. Releases from New York State Prisons and Jails
- Governor Cuomo
 - a. The governor has ordered the [release of 1,100 people](#) who were in New York state jails or prisons due to a technical parole violation. [106 people](#) who were detained on Rikers Island on technical parole violations have been released thus far. (March 27).
 - b. However, Cuomo proposed and pushed through legislation in the [recent New York Budget](#) which would [expand pre-trial detention](#), rolling back a [recent bail reform](#) that ended cash bail in New York. (signed into law on April 3). [New York public defenders fear](#) this will increase the number of people in jails at a time when New York City jails are the epicenter of the pandemic.
 - c. While the Governor has power to grant clemency, he has not granted anyone clemency since the start of the pandemic. (April 6).
 - Mayor De Blasio
 - a. [De Blasio announced in a press briefing](#) that as of March 30th, 900 people had been released from the New York jail system. He did not provide more information about those releases.
 - b. On March 25, De Blasio had announced a [plan to release 300 people](#) detained in New York City jails for misdemeanors and non-violent felonies.
 - New York City District Attorney’s offices
 - a. The New York City DAs offices have processed public defenders’ requests to release people from jail and between them have [agreed to release 250 people](#). (March 25).
 - b. [Thirty Elected Prosecutors](#) from across the country—including the DAs of Manhattan (New York County), Brooklyn (Kings County), Albany

- County, and Ulster County—signed a letter urging prosecutors, public health officials, and other leaders to dramatically decarcerate to protect people in prisons, jails, and immigration detention centers from COVID-19. (March 25).
- c. Brooklyn DA Eric Gonzalez has co-authored an [op-ed in the New York Times](#) calling for decarceration. (March 30).
 - d. However, all of the New York City District Attorneys signed onto [a letter to Mayor Bill de Blasio](#) indicating concerns about a haphazard process that paid insufficient attention to risks of domestic and sexual violence. (March 30).
 - e. The Staten Island DA in particular has [resisted](#) the release of people detained pre-trial. (March 29).
- The Board of Correction additionally [wrote a letter](#) (March 21) to New York City officials urging the immediate release of incarcerated people who are over the age of 55 and those with serious chronic health conditions and a decrease in the population of New York jails. The letter documented that 666 people in custody were being held solely for a technical violation of parole, 551 people in DOC custody were serving a City Sentence of under one year for low-level offenses.
 - Parole Release
 - a. Some other jurisdictions have been expediting and expanding parole release (e.g. [Maine](#), [Utah](#), [Arkansas](#)). New York had not done so thus far. (April 3).
 - b. The New York Board of Parole automatically re-incarcerates people awaiting a hearing for alleged parole violations, a practice that has been challenged as discriminatory and unconstitutional by a [class action lawsuit](#) filed on April 3. Under Governor Cuomo’s March 20th executive order suspending time limits for legal processes, parole revocation hearings have been [effectively suspended](#), leaving persons incarcerated for alleged technical parole violations “in limbo in New York City jails—currently the most dangerous place in the world for contracting COVID-19.” As of April 3, no in-person or video parole revocations hearings were taking place.
 - Federal Immigration Detention
 - a. A group of legal service and immigrants rights organizations called on Governors Cuomo and Murphy (NJ) [to release all persons detained by ICE](#), and halt ICE enforcement operations.
 - b. A number of public defender organizations have additionally pressed for immediate release of persons in ICE custody.

- c. On March 27, a federal judge in New York granted the [release of ten immigrants](#) detained by the Immigration and Customs Enforcement (ICE).
 - d. Another New York federal judge granted the [release of four more immigrants](#) with underlying medical conditions in ICE detention.
 - e. On March 30, another federal judge [temporarily released ten more immigrants](#) from ICE detention.
 - Leaders of nonprofit reentry organizations who have served on the Governor’s Reentry Council (New York State Council on Re-entry and Re-integration) have urged the Governor to [release older and immune-compromised men and women](#) who are incarcerated in New York’s state correctional facilities and who are at highest risk of contracting and spreading Covid-19.
3. Release from Juvenile Facilities
- The [Raise the Age Coalition](#), [youth corrections leaders](#), and [families](#) have issued a [statement](#) calling for the immediate release of as many youth as possible from detention facilities across New York in light of the risks posed by COVID 19.
4. Impact of Court Closures
- The Marshall Project, [Frozen in Place Courts, Worry Defense Lawyers](#), (April 9)

1.3 Resources and Support

A. Legal Representation

Although the legal offices providing representation are physically closed, lawyers continue to represent clients remotely, appear in court for emergency proceedings, and receive calls and emails.

1. Right to Counsel. For a description of New Yorkers’ rights to Appellate and Post-Conviction Representation, see the [NYS Office of Indigent Legal Services website](#).
2. Finding a Lawyer. See the [Jailhouse Lawyers’ Manual Chapter 4](#) for information about finding a lawyer.
3. Public Defender Organizations in New York. While public defender offices are physically closed, public defenders in New York continue to represent their clients and advocate for their release during this time. Below are some key COVID-19 related updates from the office’s websites.
 - [Appellate Advocates](#). The website does not provide any COVID-19 updates, but the office’s main phone number is: (212) 693 - 0085
 - [Bronx Defenders](#). “If you need emergency legal support, please call:

(347) 778-1266. If you need to reach a staff member or our reception staff, please call (718) 838-7878.”

- [Brooklyn Defender Services](#) (see their [COVID-19 page](#))
 - a. For Criminal Cases: for questions about your case, if you already have your attorney’s phone number, please feel free to reach out to them directly. If not, or for additional information, please call (718) 254-0700.
 - b. For immigration cases regarding detained individuals only, call: (347) 768-3040
- [Center for Appellate Litigation](#) (CAL). CAL only represents clients through appointment by courts. While their website does not provide COVID-19 updates, their office number is: (212) 577-2523.
- [The Legal Aid Society](#) (see their [COVID-19 page](#)):
 - a. Clients in need of legal assistance may continue to call the office’s main number: (212) 577-3300. Indicate you need Legal Assistance and your call will be forwarded to an Operator who will assist you.
- [Neighborhood Defender Services of Harlem](#) (see their [COVID-19 page](#)). You can call NDS at (212) 876-5500.
- [New York County Defenders](#) (see their [COVID-19 page](#))
 - a. You can reach NYCDS staff by calling (212) 803-5100 and leaving a voicemail with your name and phone number. The voicemail box is checked regularly during business hours (8:30 AM – 5:30 PM).
 - b. You may also email adminstaff@nycds.org and they will direct your email to the appropriate staff member.
 - c. If you know the name of the person you seek, you can email them directly using the following format: to reach attorney Jane Doe, you would email jdoe@nycds.org (first initial last name @nycds.org).
- [Office of the Appellate Defender](#) (OAD). The OAD’s website does not provide COVID-19 update information. Their phone number is: (212) 402-4100.
- [Queens Defenders](#). If you have specific questions, contact your Queens Defenders attorney or email help@queensdefenders.org. If you need immediate legal help, call: 1 (844) 783-3673.
- [Federal Defenders of New York](#)
 - a. [Manhattan \(Southern District\): \(212\) 417-8700](#)
 - b. [White Plains \(Southern District\): \(914\) 428-7124](#)
 - c. [Brooklyn \(Eastern District\): \(718\) 330-1200](#)
 - d. [Central Islip \(Eastern District\): \(631\) 712-6500](#)

4. Pro Bono Representation

- Families Against Mandatory Minimums (FAMM) is recruiting pro bono attorneys to help incarcerated people in federal prison fight for compassionate release during this crisis.
 - a. If you or someone you care about is in federal prison and in need of an attorney to help you petition for compassionate release, [fill out this questionnaire](#).
 - b. FAMM will be unable to respond to everyone who submits a questionnaire, but will respond to you if they can find someone who can help.
- Compassionate Release Clearinghouse—COVID-19 Project. [This project](#) is currently recruiting attorneys, social workers, and medical professionals to work on compassionate release motions for those incarcerated people that are most vulnerable to COVID-19.
 - a. Those interested in assisting, can fill out a [volunteer form here](#).
 - b. The clearinghouse has received over 400 requests for legal assistance from incarcerated persons. (April 6).
 - c. Over 300 lawyers have volunteered thus far. (April 6).
- New York State Clemency Project. [This program](#), established in 2017, recruits, trains, and provides resources to pro bono attorneys assisting those incarcerated in New York state prisons with petitions for sentence commutations.
 - a. If you are an attorney, [register here](#).
 - b. Note: non-New York barred attorney can still register and work on the case with a New York barred attorney

B. Resources for those Advocating for their Own Release

While a number of these guidance documents and sample motions are written primarily for attorneys, they may provide guidance and examples for those representing themselves or advocating for those they care about as well.

1. For information on the current conditions and spread of the virus in prisons and jails where New Yorkers are incarcerated, see the section above. These reports provide both anecdotal evidence and more comprehensive data for those advocating for release.
2. General Resources for People Representing Themselves
 - [A Jailhouse Lawyer’s Manual](#) published by Columbia Law School
 - Beyond–Prisons has published [a guide](#) for supporting people who are incarcerated during this pandemic.

- [Federal Pro Se Legal Assistance Project](#) provides free legal services to pro se litigants who cannot afford to hire an attorney and are representing themselves. However, this project is not able to assist incarcerated litigants.
 - a. To get help call: (212) 382 - 4729
3. Information on Courts
- Prisoners' Legal Services of New York has compiled [information for pro se \(self-represented\) litigants](#) filing in New York State courts, based on the COVID-19 measures courts have taken.
 - [Kramer Levin](#) has compiled a list of COVID-19 measures in New York state and federal courts.
 - [Paul Hastings](#) has compiled a list of U.S. federal court closings, cancellations and other restrictions due to COVID-19. [Law360](#) has a similar resource.
 - Coronavirus New York State Court Hotline: (833) 503-0447
 - a. When you call this number you will hear a recording about the restrictions in New York State Courts. The recording asks what area of information you are looking for (e.g., juror information, housing court, criminal court). For New York City criminal court information, press 3 when prompted.
 - If you have further questions about criminal court, you can call the New York City Criminal Court Information Center: (646) 386-4900
4. Guidance Documents for Advocating for Release
- [Guidance on COVID-19 in Release Advocacy](#) by the Justice Collaborative.
 - For those in immigration detention facilities, the Southern Poverty Law Center's Southeast Immigrant Freedom Initiative has issued [a Guide for Obtaining Parole from ICE Detention](#).
 - FAMM (Families Against Mandatory Minimums) has put together a [resource](#) to help people in federal prison apply for early release.
 - a. This includes [guidance on applying for compassionate release](#)
5. Bail Funds
- [The Emergency Release Fund](#) is working to make bail for as many people as possible during this time.
 - [The Brooklyn Community Bail Fund](#) is identifying the most at-risk persons in ICE detention centers and trying to get them out of those facilities.
6. Statutory Frameworks for Release
- There are a number of mechanisms through which individuals who are currently incarcerated or detained can be released. For example, an individual may make bail or a court may order pretrial release, a court may reduce an individual's sentence, the Department of Correction and Community Supervision (DOCCS) can grant medical parole, an individual may be granted release on parole or community supervision by the board of parole, or the executive branch may grant

an individual clemency (although as of April 7th, neither President Trump nor Governor Cuomo has granted anyone clemency because of COVID-19). Some resources for these different possible release mechanisms are listed below.

- Pretrial Release. An individual who has not yet been convicted and sentenced can secure release by either paying bail or by filing a motion for urging the court to [release them pretrial](#).
 - a. Request bail funds for a trans person currently in a New York City jail through [the Emergency Release Fund](#) (<https://emergencyreleasefund.com/request-bail-funds/>).
- Compassionate/Medical Release. Compassionate release laws, both at the federal and state level, provide the executive branch the authority to release incarcerated persons who are elderly, seriously ill, or incapacitated before they have completed their sentence.
 - a. Federal: A federal court may modify a person’s sentence because of “extraordinary and compelling reasons,” under a statutory provision known colloquially as “compassionate release.” [18 U.S.C. sec. 3582\(c\)\(1\)\(A\)\(i\)](#).
 - b. New York State: Under New York’s Medical Parole law ([New York Executive Law § 259-r\(10\)](#)) the Commissioner of the New York State Department of Correction and Community Supervision (DOCCS) can grant medical parole to those who suffer from significant debilitating illnesses.
 - i. See [Vera Institute’s brief on medical parole in New York State](#) for more information.
- Contagious-Disease Related Release Statutes
 - a. Federal: the CARES Act (Coronavirus Aid, Relief, and Economic Security Act).
 - i. The United States Attorney General has the authority, under the Coronavirus Aid, Relief, and Economic Security Act” or [CARES Act](#), to allow the Bureau of Prisons “to transfer many more people to the relative safety of home confinement.”
 - ii. The Sentencing Resource Counsel for the Federal Public & Community Defenders has prepared [an informational chart](#) about the CARES act and its provisions related to incarcerated persons.
 - iii. See more information on the Bureau of Prisons [webpage](#).
 - b. New York State:
 - i. Outbreak-Related Release Power
 - [N.Y. Correct. Law § 141](#) provides the Commissioner of DOCCS with the authority to temporarily remove

incarcerated persons from their place of confinement "[i]n case any pestilence or contagious disease shall break out among the inmates in any of the correctional facilities, or in the vicinity of such facilities"

- Clemency. The U.S. President and many state governors have constitutional authority to grant clemency to someone that has been convicted of a crime. There are several different kinds of clemency, including amnesty, reprieve, pardon, and commutation.
 - a. Federal Clemency: The President of the United States has the authority to grant clemency.
 - i. Advocacy Groups have written [a letter](#) urging President Trump to use his clemency power during this crisis.
 - b. State Clemency: In New York, Governor Cuomo has the power to grant clemency.
 - i. The Constitution of the State of New York vests the governor with authority "to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons." N.Y. Const. art. IV, § 4.
 - ii. See New York's [web page on clemency](#).
 - iii. [150 Correctional Health Experts](#) have called on Governor Cuomo to start using executive clemencies to release people at high risk. (April 2). Cuomo has yet to grant clemency to anyone during this pandemic. (April 7).
 - iv. NYU Law Center for Administration of Criminal Law has compiled state-by-state research on [using executive clemency to reduce the spread of COVID-19](#) in correctional facilities.
 - v. A State-by-State resource on [how to use the pardon power](#), compiled by the Collateral Consequences of Criminal Conviction and Restoration of Rights.
- Federal Habeas Corpus
 - a. Individuals can challenge the legality of their incarceration through a federal habeas corpus petition
 - b. See Jailhouse Lawyers' Manual (11th ed), [Chapter 13 "Federal Habeas Corpus"](#)
- Parole Release

- a. See the website of the [Department of Corrections and Community Supervision Board of Parole](#) for information about suspensions and cancellations.
 - b. [Self-Help Guide to Parole Preparation in New York State](#)
 - Other Statutory Release Powers
 - a. Temporary Releases. Under New York Correction Law §§ [851](#), [855](#), DOCCS has the authority to grant temporary release of incarcerated people.
 - b. Professor Aaron Littman at UCLA Law has compiled a non-comprehensive spreadsheet of [statutory release powers in each state](#).
7. Sample Motions and Petitions for Release
- A professor at the University of Michigan Law School is tracking all litigation surrounding COVID-19 and those involved in the criminal justice system (detention centers, jails, prisons). [See the Clearinghouse here](#).
 - [The National Association of Criminal Defense Lawyers](#) has compiled a file of motions, pleadings, rulings, and other court papers related to COVID-19 and at-risk clients.
 - [Federal Defender Resources](#). Including sample motions and filings pertaining to, for example:
 - a. [Pretrial Release and to modify conditions of release](#)
 - b. [Speedy Trial and Speedy Sentencing](#)
 - c. [Compassionate Release](#)
 - [Coronavirus manual for state correctional facilities](#) by the Legal Services for Prisoners with Children (LSPC) (includes sample petition for release).
 - The ABA has compiled a few model petitions for release including:
 - a. [COVID-19 Bail Motion \(template\)](#)
 - b. [COVID Release Motion](#)
 - c. [35b COVID-19 Sentence Reduction](#)
 - [Juvenile Defense Resources](#) including Affidavits and Declarations from Doctors about the risks of COVID-19 in facilities, letters, motions, and others resources.

C. Resources for Institutional Actors and Advocacy Groups

- Policy Briefs. The following policy briefs are geared primarily toward governmental policymakers to provide them with information about the best practices and policies they can institute to keep New Yorkers who are justice-involved safe. Advocates can use these briefs to pressure policymakers to implement better policies.

- [The Vera Institute Guidance Briefs](#) has published guidance briefs for different institutions in the criminal legal system, such as law enforcement and police, prosecutors, immigration detention facilities, and correctional facilities.
 - [The Brennan Center](#) has compiled policy briefs with recommendations for how officials in the criminal legal system should respond to COVID-19, including briefs on: reducing jail and prison populations, immigration detention, police responses, prosecutors responses, and easing the burden of fees and fines.
 - [The Justice Collaborative](#) has issued guidelines on decarceration and fact sheets on best practices for jails and prisons, prosecutors, law enforcement, and protecting immigrant communities, as well as practices to avoid in jails and prisons.
 - [Coronavirus manual for state correctional facilities](#) by the Legal Services for Prisoners with Children (LSPC) (includes sample petition for release).
2. Policy Changes in Different Jurisdictions. Several different organizations have compiled the steps policymakers in different jurisdictions have taken to prevent the spread of coronavirus in prisons and jails.
- [The Vera Institute](#) has compiled a list of the different approaches taken by police offices in different jurisdictions.
 - [The Justice Collaborative](#) has compiled a breakdown of COVID-19-related policy changes at the federal, state, and local levels
 - [COVID-19 Correctional Policies & Responses <Host: UCLA Law>](#) This resource links to a number of difference spreadsheets tracking confirmed deaths and cases within jails and prisons, releases from jails and prisons, requests for releases, and other policy changes and organizing efforts.
 - [The Appeal](#) is tracking state and local responses to the coronavirus.
 - [The Prison Policy Initiative](#) has provided summaries of the responses of different institutional actors in the criminal legal system in different jurisdictions.
 - [The Justice Management Institute](#) is tracking responses to COVID-19 by criminal justice systems at the state, city, and county level.
3. Other Miscellaneous Resources
- Justice Policy Institute has [compiled news and resources](#) on coronavirus in jails and prisons. (National).
 - [Brooklyn Defender Services COVID-19 Resource Guide](#)
 - The Justice Collaborative has also [polled public opinion on decarceration](#) during this public health emergency.
 - See also [#COVID19 Decarceration Syllabus](#) curated by the California Coalition for Women Prisoners.

1.4 Advocacy Opportunities

A. Immediate Action

There are many ways advocates can help mobilize to support those who need immediate help getting released from a correctional or immigration detention facility. Some immediate action examples include:

- Detention Watch Network has put together [a toolkit to support local demands for mass release of people in ICE custody](#).
- The Justice Collaborative has published a set of [COVID-19 Decarceral Guidelines](#) for reducing the spread of coronavirus within jails and prisons.
- Youth First COVID-19 Action [Social Media Toolkit](#).
- The Justice Collaborative has issued [sample letters](#) you can send to local officials to demand decarceral guidelines.
- [Alliance for Higher Education in Prison](#) has compiled some advocacy opportunities
- Showing up for Racial Justice [COVID-19 Decarceration Toolkit](#).
- Tweet/phone zap to demand incarcerated people are freed from all NYC jails and prisons #FreeThemAll4PublicHealth. See a [script](#) here.
- Phone zap to demand incarcerated people are freed from The Tombs from IWOC See [demands and contact](#) information here.
- Petition demanding free phone calls for incarcerated people during the COVID-19 crisis from VOCAL NY. [Sign here](#).
- Script to call Gov Cuomo to release vulnerable New Yorkers from prison and jail now. See a [script](#) here.
- The New York Immigration Coalition's campaign to ensure immigrants across the state can remain safe and healthy—See more information on [their website](#).
- Write to your legislators and urge them to work for the release of more incarcerated people! FAMM provides a [script and a form](#) so you can easily send the message from their webpage.

B. Longer Term Advocacy

Some government officials have been willing to consider and adopt certain measures to reduce prison and jail populations during this crisis. Advocates can push to sustain this movement and continue to urge for decarceration after this moment has passed. Examples of possible areas of continued decarceration include:

- Decrease Enforcement and Prosecution of Certain Low-Level Offenses

- See the Brennan’s Centers [briefs on prosecutorial reform](#)
- The Chan Zuckerberg Initiative has compiled [a list of prosecutorial reform efforts and advocacy groups](#)
- Expand PreTrial Diversion and Pretrial Release
 - See the Marshall Project’s [research on pretrial detention](#).
 - See National Association of Criminal Defense Lawyers’ [Pretrial Release Advocacy](#) for a comprehensive set of advocacy resources
- Expand Opportunities for Sentence Reductions, Release on Parole, Clemency, and Compassionate Release
 - [Parole Preparation Project](#) seeks to transform the parole release process in New York State, and is calling upon Governor Cuomo and other state leaders “to immediately release all aging and vulnerable people in prison.
 - [Release Aging People in Prison](#) (RAPP) has been advocating for releasing older people from prison, and is leading efforts to end “death by incarceration.”
 - The [National Council for Incarcerated and Formerly Incarcerated Women and Girls](#) has mobilized a campaign to secure the release of “incarcerated community members who are elderly, pregnant, and who have compromised immune systems” and for support to community based organizations to assist incarcerated people and their families. [#ClemencyWorks](#)
- For a comprehensive list of recommended reforms at different levels of the criminal legal system to end mass incarceration, see [ACLU’s 2019 Brief on Ending Mass Incarceration](#).

II. Health and Safety

2.1 Major issues and questions

- How can people who are incarcerated reduce their risk of exposure to COVID-19? What do they need to know about COVID-19 to be able to take those steps, and how will they get that information?
- How can people who are incarcerated seek treatment if they believe they have been exposed to COVID-19?
- How can people who have been released from incarceration reduce their risk of exposure to COVID-19?
- How can people who have been released from incarceration seek treatment if they believe they have been exposed to COVID-19?

- What charges may be incurred for testing and treatment for COVID-19 during and after incarceration?

2.2 Current legal and policy framework

People who are confined in jails, prisons, and immigration detention centers are [particularly vulnerable](#) to the outbreak of the novel coronavirus [due to their close proximity to others and limited access to protective equipment](#) and adequate health care. The safest and most effective way to reduce the spread of COVID-19 is [release](#), which is addressed in Section I of this Report. Section II summarizes measures that incarcerated individuals can take to reduce their risk of exposure to COVID-19 while incarcerated. Advocacy and resources to increase access to soap, protective equipment, and social distancing is crucial. Greater communication and transparency to inform families and the public about what people are experiencing in prisons and jails will help support those efforts. In the meantime, because the [virus that causes COVID-19 spreads easily from person-to-person](#) and is potentially fatal, it is vital that people who are incarcerated have the wherewithal to follow recommended guidelines and seek treatment if they start exhibiting symptoms.

While access to vital resources is currently woefully inadequate to protect and treat incarcerated individuals,⁹ there are small things individuals can do to protect themselves and others during this public health crisis. Our aim here is to provide a coordinated information source for those who are currently incarcerated or who have been released after a period of incarceration and are concerned about COVID-19 exposure. This section also provides information that will be helpful in advocating for necessary resources, medical care, and release.

A. COVID-19: Reducing Risk of Exposure While Incarcerated

[COVID-19](#) is a new coronavirus that emerged and began spreading in December 2019. On March 11, the World Health Organization declared COVID-19 a [pandemic](#). Although the majority of people who are infected recover, COVID-19 has the potential to cause [severe illness and pneumonia](#), which can lead to death. Older adults and people with underlying health conditions or compromised immune systems face [higher risk](#) of severe illness or death from this virus. People who are incarcerated are at a [heightened risk](#) of exposure, and the disease [has already started spreading](#) through jails, prisons, and detention centers in New York and across the nation.

1. Transmissions and Symptoms

- How the virus spreads: The CDC has issued [guidance](#) on how the COVID-19 virus spreads, and how to protect yourself and others. Although people who are

⁹ See, e.g., U.S. Dep't of Justice Office of the Inspector General, Review of the Federal Bureau of Prisons' Medical Staffing Challenges (Mar. 2016), <https://oig.justice.gov/reports/2016/e1602.pdf> ("Medical Staffing Challenges"); U.S. Dep't of Justice Office of the Inspector General, The Impact of an Aging Inmate Population on the Federal Bureau of Prisons (Rev. Feb. 2016), <https://oig.justice.gov/reports/2015/e1505.pdf> ("Aging Inmate Population").

incarcerated face restrictions on their access to these protections, they need access to information about how the virus spreads and available means for washing hands and social distancing. They can use this information to protect themselves where possible and to advocate for greater protection and for release based on the absence of those protections. [CDC Guidance for Correctional and Detention Facilities](#) recommends that corrections facilities post signage throughout the institution detailing the symptoms of COVID-19 and hand hygiene instructions.

- a. According to the [CDC](#), a [National Academy of Sciences Standing Committee on Emerging Infectious Diseases](#), and the [World Health Organization](#), the COVID-19 virus is primarily transmitted between people through respiratory droplets that are most likely to spread when a person who is exhibiting symptoms (coughing/sneezing) is in close contact with another person. [Recent research](#) suggests that coronavirus can be spread by talking or possibly even just breathing. Transmission can also occur through indirect contact with surfaces in the immediate environment of an infected person.
- Symptoms: Reported illnesses have ranged from mild symptoms to severe illness and death for confirmed COVID-19 cases. Infected people often develop a [fever, cough, and difficulty breathing](#) within 2-14 days of exposure. However, there are [reports of asymptomatic cases](#), meaning that an individual may have been infected without displaying any of the most common symptoms. The [CDC](#) and other public health experts recommend that people who believe they may have been in contact with someone with COVID-19 take every possible precaution and seek treatment if they develop symptoms. Given the increased risk of exposure to anyone in prisons and jails, anyone incarcerated or working in a jail, prison, or detention facility falls within this category.

2. Vulnerable Populations

- Based on currently available information and clinical expertise, older adults and people of any age who have serious underlying medical conditions are likely at [higher risk](#) for severe illness from COVID-19.
- Prisons and jails “contain high concentrations of people in close proximity and are breeding grounds for uncontrolled transmission [of infection].”¹⁰ This situation puts anyone who is currently incarcerated at a heightened risk of exposure. According to a [report issued by the Osborne Association](#), New York alone has 10,337 incarcerated older people and is among five states in the union with an incarcerated older population in excess of 10,000 people, including Texas (28,502), California (27,806), Florida (21,620), and Pennsylvania (10,214). According to [data from the Marshall Project](#), in 2016 nearly 150,000 people incarcerated in state facilities were 55 or older. Similarly, 11 percent of the federal prison population—more than 20,000 people—is 56 or older. A [letter on behalf of Federal Defenders](#) reports approximately 10,000 individuals over the

¹⁰ Letter from Dr. Sandro Galea, Dean, Boston University School of Public Health, et al., to President Trump 1 (Mar. 27, 2020), <https://thejusticecollaborative.com/wp-content/uploads/2020/03/Public-Health-Expert-Letter-to-Trump.pdf>.

age of 60 presently in federal custody, with one third of all individuals in federal custody exhibiting preexisting conditions.

- Additionally, people incarcerated in jails and prisons often have a higher prevalence of underlying health conditions than the non-incarcerated population, as the chart below demonstrates:

Health condition	Prevalence of health condition by population			
	Jails	State prisons	Federal prisons	United States
Ever tested positive for Tuberculosis	2.5%		6.0%	0.5%
Asthma	20.1%		14.9%	10.2%
Cigarette smoking	n/a	64.7%	45.2%	21.2%
HIV positive	1.3%		1.3%	0.4%
High blood pressure/hypertension	30.2%		26.3%	18.1%
Diabetes/high blood sugar	7.2%		9.0%	6.5%
Heart-related problems	10.4%		9.8%	2.9%
Pregnancy	5.0%	4.0%	3.0%	3.9%

Source: [Prison Policy Initiative](#)

3. Staying Safe While Incarcerated

- While there are ways to reduce the risk of COVID-19 exposure, much of the recommended hygienic and protective equipment is unavailable or difficult to obtain for those who are currently incarcerated. [Reports](#) indicate a shortage of toilet paper as well as a lack of alcohol wipes, [hand sanitizer](#) or [soap](#) in jails and prisons. According to the [CDC](#), “many facilities restrict access to soap and paper towels and prohibit alcohol-based hand sanitizer and many disinfectants.” Additionally, protective measures like social distancing and self-quarantining are difficult or [impossible to follow](#) while incarcerated.
 - a. The CDC has issued guidance recommending that correctional facilities “provide a no-cost supply of soap to incarcerated/detained persons, sufficient to allow frequent hand washing. If soap and water are not available, [CDC recommends](#) cleaning hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.”
- Staying at least six feet away from other people [lessens chances](#) of catching COVID-19. The CDC has provided [guidance to correctional institutions](#) recommending measures for social distancing within facilities, such as providing ready access to soap and cleaning supplies, reassigning bunks to provide more space between beds, providing for regular cleaning practices, and arranging for people to sleep head to foot.
- Where social distancing measures are difficult to follow, like in jails and prisons, the CDC recommends that everyone wears a [cloth face covering](#) to cover their mouth and nose. They can be made out of t-shirts or any spare cloth.
- Even with these measures, public health officials and corrections experts agree “that immediate decarceration is necessary to avoid a humanitarian crisis in our

prisons and jails.”¹¹ A [Public Defenders’ Letter to Attorney General William Barr](#) documents the facial inadequacy of the Bureau of Prisons’ modified operations plan, as well as the failure of the BOP to put the plan into operation in the face of shortages in resources, staff, and space.

4. Seeking treatment while Incarcerated

- The CDC recommends that anyone who exhibits the following [emergency warning signs](#) seek treatment immediately: trouble breathing, persistent pain or pressure in the chest, new confusion or inability to arouse, and/or bluish lips or face. Incarcerated individuals are urged to report these symptoms immediately to a staff member.
- The [National Alliance on Mental Illness \(NAMI\) has issued a report](#) that includes guidance for if you or a loved one is incarcerated and concerned about exposure to COVID-19 and seeking treatment while incarcerated. NAMI is also keeping their hotline open from 10am-6pm Monday through Friday ((800) 950-6264)

B. Seeking Remedies For Failure To Provide Adequate Protection And Treatment While Incarcerated

1. The legal and advocacy community has secured release for some people who face increased risk of severe injury or death. If individuals do not have access to a lawyer, they may proceed on their own behalf. For an overview of these advocacy efforts, resources, and sources, see [section I of this Report](#).

C. Charges For Medical Services While Incarcerated

1. New York is one of 12 states that do not charge a copay for physician visits, medications, and testing. “These charges are [the equivalent of charging a free-world worker \\$200 or \\$500 for a medical visit](#),” and “discourage medical treatment and to put public health at risk.” The [Prison Policy Institute](#) is tracking states’ co-pay policies in response to the COVID-19 pandemic.

2.3 Resources and Support

A. COVID-19: Reducing Risk of Exposure After Release

1. Precautions and Restrictions

¹¹ [Letter from Public Defenders’ Letter To Attorney General William Barr](#). See, e.g., Public Health Experts’ Letter, at 1; Johns Hopkins Letter, at 2-3; Unique Challenges, at 5; Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention: Interim Guidance, World Health Organization 4 (Mar. 15, 2020), http://www.euro.who.int/__data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1.

- The [CDC has provided guidelines on how people can protect themselves and others from COVID-19 exposure](#), including hygienic measures, social distancing, and finding or making a face mask.
- The Bard Prison Initiative has put together a [resource page](#) for people who have returned to the community.
- [Public health](#) sources with first hand knowledge of conditions in transitional facilities recommend the following best practices for transitional housing facilities:
 - a. Establishing and operationalizing clear lines and modes of communication between administration, staff, and residents –which could do much to alleviate or at least reduce anxiety, especially for residents who share close living spaces with several or more individuals and are not able to self-quarantine;
 - b. Providing sufficient training for building staff to communicate self-quarantine protocols to residents who are able to isolate;
 - c. Building staff recognizing high-risk residents with a mental health disorder, history of isolation or self-harm, for whom the crisis can be debilitatingly frightening and/or triggering;
 - d. Identifying residents with active substance abuse issues and connecting with remote support (this is particularly challenging because the use of drugs and alcohol is not permitted and self-reporting is avoided for fear of reprisals);
 - e. Ensure that staff and residents have sanitizing and protective gear available while in common spaces;
 - f. Keeping touch points consistently sanitized, i.e. doorknobs, light switches, handrails, bathroom surfaces and fixtures, trash cans, computer keyboards, desks and phones; and
 - g. Ensuring an adequate number of staff appropriately trained to execute and administer EMP, including front desk and caseworkers.

2. Restrictions On Movement: Shelter In Place

In response to the COVID-19 pandemic, many state and local governments are issuing restrictions on residents’ movement and activities. The New York state government has [ordered](#) all non-essential workers to work from home until further guidance is issued, and to maintain a 6 foot distance from others in public . Gyms, movie theaters, and casinos are closed. Bars and restaurants are open for take-out and delivery only.

3. Seeking Testing and Treatment after Release

- Testing is free to all eligible New Yorkers as ordered by a health care provider or by calling the NYS COVID-19 hotline at 1-888-364-3065. Individuals may also be screened and pre-register for testing [on line](#).
- [Local health departments](#) are the point of community contact for COVID19 concerns. Local health centers may not have currently have COVID-19 testing capability. Individuals can call the [nearest health center](#) or their health

department to learn about availability for screening and testing. Testing is free, regardless of insurance status.

- As of right now, only the following groups of people [qualify](#) for COVID-19 testing in New York:
 - a. Persons that had close contact (within 6 feet) of a known case of COVID-19;
 - b. Persons who have travelled to a country with a [CDC-designated level 3 travel health warning for COVID-19](#) or who meet CDC Level 2 high-risk traveler criteria (older adults and people of any age with serious chronic medical conditions) and have symptoms of fever, cough, and trouble breathing;
 - c. Persons who are under quarantine as directed by the local health department, and have symptoms of fever, cough, and trouble breathing, persons who are ill with fever AND respiratory illness (e.g., pneumonia, ARDS) and without alternative explanatory diagnosis (e.g., influenza, legionella, streptococcal pneumonia, fungal infections) and patient also has negative results on a molecular respiratory viral panel;
 - d. Persons whose healthcare provider, local health department and NYS Department of Health agree that testing is required (with or without a recent travel history).

If you meet any of the above criteria, you may call the New York Novel Coronavirus Hotline at 1-888-364-3065.

1. The New York State Department of Health has also created an [online screening tool](#) for people who think they may have symptoms related to COVID-19.
2. Coverage for costs of testing and treatment related to COVID-19
 - If you are in New York, you [will not](#) be charged a copay if you seek testing for COVID-19.
 - Uninsured New Yorkers can apply for coverage through [NY State of Health](#) or directly to insurers during a special enrollment period that ends May 15, 2020. If you lost employer coverage, you must apply within 60 days of losing that coverage. Because of a loss of income, New Yorkers may also be eligible for Medicaid, the Essential Plan, subsidized Qualified Health Plans or Child Health Plus. You can enroll by calling 855-355-5777 or visiting [New York State of Health](#).
 - Individuals who are undocumented can enroll in Emergency Medicaid through the Marketplace.
 - a. Emergency Medicaid ordinarily covers emergency conditions only but is covering all testing, evaluation, and treatment for COVID-19.
 - b. If you are under 65, you can enroll in Emergency Medicaid [online](#) or call 1-855-355-5777. Most people who are 65 or older or who have a disability will need to complete a different application. For help enrolling, call 347-396-4705.
 - Many private insurers will cover the cost of treatment for COVID-19. A list of providers and their COVID-19 coverage is available [here](#).

B. Mental Health Services

The outbreak of COVID-19 is likely to be stressful for people generally, and particularly for people who have been exposed to the virus while incarcerated, who may experience heightened feelings of anxiety, isolation, and helplessness. Incarceration and reentry can already be traumatic experiences, and resources are available for those who need emotional support:

- The [National Alliance on Mental Illness \(NAMI\) has issued a report](#) that includes guidance for if you or a loved one is incarcerated and concerned about exposure to COVID-19. NAMI is also keeping their hotline open from 10am-6pm Monday through Friday ((800) 950-6264).
- The Substance Abuse and Mental Health Service Administration's [Disaster Distress Helpline](#) is available to anyone in need. To speak to someone, call 1-800-985-5990 or text TalkWithUs to 66746.
- New Yorkers can call the COVID-19 Emotional Support Hotline at 1-844-863-9314 for free, immediate mental health counseling.
- Mental health services specific to reentry:
 - [The Center for Alternative Sentencing and Employment Services \(CASES\)](#) has a mental health clinic located in Central Harlem that remains open to both existing and new clients. To make an appointment, visit www.nathanielclinic.org or call (212) 553-6708.
 - Reentry programs continue to provide services virtually and, where needed, in person to existing and new clients returning to the community from prison.
 - Exodus Transition Services provides in person counseling and support for people transitioning from prison to the community.
 - [The Fortune Society continues to offer services](#) to existing and new clients, including mental health services at their Better Living Center. For more information, contact Andrew Tate at atate@fortunesociety.org or 929-487-9495.
- [My Bronx Impact On Line](#) is the Bronx's new search, referral and application website for connecting all people in need to the programs that serve them.
- Alcoholics Anonymous is holding [online meetings](#) for all interested individuals.

C. Food Security and Food Delivery

1. The New York City [Department of Education](#) is making three free meals available daily for any New Yorker at more than 400 meal hubs across the city.
2. Any New Yorker in need of food can get [three free meals](#) a day at more than 400 Meal Hubs across the city. Meals can be picked up at all Meal Hubs from 7:30 am to 1:30 pm, Monday through Friday. Meals Hubs will operate for children and families from 7:30 am

to 11:30 am, and for adults from 11:30 am to 1:30 pm. No one will be turned away. No registration or ID is required. Vegetarian and halal options are available.

3. [NYC Shut It Down](#) is providing free home cooked meals and groceries to Black, Brown and Indigenous people in need for the duration of the COVID 19 crisis
 - For access to free meals, please visit their website
 - If you are healthy (symptom-free), have a car, and would like to help, please email nycsidfooddelivery@gmail.com
4. Because of the new protective restrictions on movement and activity, there has been a dramatic increase in demand for food deliveries. Food couriers (people who deliver food to customers through an app like Postmates, UberEats, DoorDash, or Seamless) themselves face increased risk of exposure, and are encouraged to take precautions to protect themselves from exposure to COVID-19. Some services ([like DoorDash](#)) are providing their couriers with hand sanitizers and gloves. Most services also allow couriers to [leave food at the customer's door](#), eliminating contact between the customer and the courier. If this is an available option, it is strongly advised. Both [DoorDash and UberEats](#) will provide up to 14 days of financial assistance to any of their workers who are diagnosed with coronavirus and have to self-quarantine.

2.4 Advocacy Opportunities

A. Immediate Action

There are many ways advocates can help direct public health resources to vulnerable populations, including those who are currently incarcerated.

- FWD.us is calling on elected leaders to direct more public health resources to vulnerable populations, including those experiencing incarceration. You can join their campaign [here](#).
- VOCAL-NY and other advocacy organizations have penned an [open letter](#) to Governor Cuomo and Mayor de Blasio, calling for emergency action to address the survival needs of homeless New Yorkers amid the COVID-19 pandemic.
- [Add your name](#) to this [letter to Congress](#) drafted by Incarcerated and Formerly Incarcerated People regarding the urgent need for greater funding for those who are incarcerated or returning home.

B. Longer Term Advocacy

As the current public health crisis has demonstrated, major changes must be made in the future in order to keep America's incarcerated population safe. The following resources provide policy recommendations and solutions that advocates can incorporate into their work.

- Practical Ideas for Addressing the COVID-19 Crisis in Prisons and Jails
 - Health Affairs issued a [statement](#) detailing some practical solutions to the public health concerns posed by jails and prisons, including preventive measures like reducing facility populations and responsive measures such as the rapid deployment of healthcare providers in times of crisis.
- A Just and Humane Response to Outbreak
 - The Prison Policy Initiative published [five recommendations](#) for prisons and jails in response to the ongoing public health crisis and joined dozens of advocacy groups in endorsing a comprehensive public health platform that includes decarceration.
- Call on the Government to Protect New Yorkers Without Access to Housing
 - As the federal and state governments encourage people to practice social distancing measures and to self-quarantine in their homes, those experiencing homelessness remain the most vulnerable among us to COVID-19 exposure. Communities United For Police Reform and 120 other organizations have signed and circulated [this petition](#) calling on the New York government to protect the state's homeless population and provide access to healthcare to everyone who needs it.
- A Comprehensive Approach to Healthcare Access
 - Mass incarceration poses long-term public health risks and expands existing health disparities that many advocates seek to mitigate beyond the current outbreak of COVID-19.
 - The [Solomon Center for Health Law and Policy](#) at Yale Law School has been issuing innovative health and legal policy recommendations as the government responds to the ongoing public health crisis. Some recommendations seek to increase widespread access to medical services, such as by easing restrictions on telehealth, while others seek to address the high population density in prisons and jails, which stymies public health efforts.
 - In 2014, the Vera Institute of Justice [published a report](#) examining some of the health disparities exacerbated by incarceration and the failures of federal and state policy in addressing the needs of incarcerated people.

III. Benefits and the Social Safety Net

3.1 Major Issues and Questions

The spread of the COVID-19 virus has prompted new calls for prosecutors, judges, mayors, governors, commissioners, attorneys general, and other public leaders to limit the number of new inmates entering jail and prison, while releasing sentenced individuals with low risk to public safety and high risk of serious illness or death if they contract the virus. Organizations around the country are disseminating information for use by advocates and policy makers in pressuring responsible officials to take urgent action for immediate releases and reductions of new incarceration.

Less attention has been given to providing information about immediate support for communities directly impacted by mass incarceration. It is our aim in this section to provide information and resources related to benefits for these individuals, and to identify community organizations who continue their operations during the pandemic and are providing this support. Questions about benefits and social supports include:

- How will visitation, communication, and higher education programming for incarcerated populations be affected during the public health crisis?
- How have policies and guidance for people on probation and parole changed in response to COVID-19?
- What financial and housing resources exist for individuals recently released from jail or prison in response to a health emergency?
- In the midst of a global pandemic, how have community organizations adjusted their operations to meet the demands of their constituents while keeping staff safe and secure? How are community organizations led by people with direct experience mobilizing their community?
- How can community organizations and government agencies coordinate efforts to address the needs of this vulnerable population both during and after COVID-19?

3.2 Current Legal & Policy Framework

People impacted by the criminal justice system – including individuals who have experienced incarceration and their families – require tailored support to meet their unique challenges. Many nonprofit organizations continue providing services despite the COVID-19 interruption, sometimes as the only organizations in a position to provide any direct support in the community.

Groups supporting prison re-entry are scrambling to adapt. Many organizations used to connect with clients while they were still incarcerated, to make a plan for release. But as

prisons nationwide [ban visits](#) and volunteer programs to deter the virus's spread, it's getting harder to reach people inside. Advocates and attorneys are trying to arrange phone calls or video visits instead, though some say corrections officials have been unresponsive. Most check-ins with parole or probation officers are now by phone.¹²

This situation highlights the inadequacy of the social safety net, the need for greater levels of funding and support for these services, and better coordination between government, communities, and the public and private sector. Despite a coordinated effort across the criminal justice ecosystem to release low-risk citizens in response to the crisis, less attention has been paid to their needs once free. This situation poses serious challenges for individuals struggling to survive after incarceration:

Coming home after decades behind bars is always disorienting. But for the people being released in the time of coronavirus, the experience is particularly jarring—trading the fear of getting sick in captivity for a curtailed, isolated kind of freedom. Nonprofits and social service agencies that support them are overwhelmed, short-staffed or moving most of their programs online. Family members they've waited years to reunite with are huddled at home. Food service and other industries that might hire a formerly incarcerated applicant have been decimated. And many small, everyday liberties are now a public health risk.¹³

Section 3A provides information about changes in policies concerning visitation, education and community supervision.

A. Changes to Visitation, Communication, and Education Programming in New York State Jails & Prisons

In normal times, there is significant evidence of the crucial role of contact with family, friends, and supporters in maintaining mental health and enabling people to rebuild their lives and avoid reincarceration. In this time of crisis, maintaining contact with lawyers, family members, and sources of support have become both more difficult and more critical. Local, state, and federal officials have suspended in-person visitation in the interest of reducing the spread of COVID-19. However, [reports](#) indicate that only a few have accompanied this suspension of visitation with increased access to available forms of communication, such as by waiving fees for phone calls and video communication. In addition, some states have taken steps to reduce the spread of COVID-19 by limiting or suspending all in-person community supervision, including probation and parole.

¹² Christie Thompson, *Freed From Prison for 26 Years--Into a Coronavirus Hot Spot*, April 1, 2020, available at <https://www.themarshallproject.org/2020/04/01/freed-from-prison-after-26-years-into-a-coronavirus-hotspot>.

¹³ Christie Thompson, *Freed From Prison for 26 Years--Into a Coronavirus Hot Spot*, April 1, 2020, available at <https://www.themarshallproject.org/2020/04/01/freed-from-prison-after-26-years-into-a-coronavirus-hotspot>.

Governor Andrew Cuomo, Mayor Bill De Blasio, and the New York Department of Corrections and Community Supervision (DOCCS) have instituted a range of changes in policies related to probation, parole, and visitation in light of COVID-19 developments, including ways to stay connected despite these interruptions. They are summarized below.

1. Suspension of visitation at facilities statewide
 - The New York State Department of Corrections and Community Supervision (NY DOCCS) has suspended visitation at facilities across the state
 - To help families stay connected, [NY DOCCS](#) is providing incarcerated individuals 5 free stamps per week, two free electronic messages per week via electronic tablet, and two free 30-minute phone calls per week.
 - Legal visits are not covered by this visitation suspension. DOCCS policy provides that “legal visits will be conducted as non-contact (i.e. no physical contact allowed), as requests are submitted, and that option remains available within the facilities.” The [DOCCS policy](#) provides that “legal visits will not be impacted by this visitation suspension. Legal visits will be conducted as non-contact (i.e. no physical contact allowed), as requests are submitted, and that option remains available within the facilities.”
 - The Marshall Project is [tracking visitation policies of state prisons](#) state-by-state.
 - The Osborne Association’s video visiting program is suspended. [Osborne](#) is working to restore video visiting as soon as possible.

2. Suspension of visits to city New York City jails
 - Beginning March 18, the City implemented a [policy](#) suspending in person visits in city jails.
 - The City is continuing its [policy](#) of “providing all persons in custody with domestic phone calls - free of charge, to help people in custody stay in contact with their families and communities.”
 - The city is also working to implement a televisit initiative that will allow family and chosen family of people in custody the ability to remain in contact using their own personal PC or mobile device. Details and updates to the policy found [here](#).

3. Higher Education Programs in Jails and Prisons
 - Beyond posing immediate public and personal health concerns, COVID-19 has disrupted the higher-education programs that many people who are incarcerated may depend upon.
 - a. The Alliance for Higher Education in Prison is collecting and disseminating information and resources from higher education in prison programs that are taking action to support their students and working to adapt their programming. All resources will be posted to their [COVID-19](#)

[Action Page](#), including additional health and wellness resources for people who are incarcerated.

B. Suspension of in person reporting for community supervision

1. Policy organizations, such as the Vera Institute, and professional associations such as [Community Supervision Executives](#), have issued [reports and statements](#) recommending suspension of in-person reporting for probation, parole, and other forms of community supervision during the pandemic.
2. New York’s Department of Community Supervision has followed this recommendation. All in-person reports of individuals under state community supervision are suspended until April 17, 2020, with an extension to a future date expected as necessary
 - The Department’s Community Supervision staff will continue to maintain contact with the parolee population remotely (via telephone calls, text messages, videoconferencing, GPS electronic monitoring)
 - This electronic contact will count as a positive field contact during this interim period. Details and updates to the policy found [here](#).

3.3 Accessing Resources and Benefits

Many nonprofit organizations around New York City have continued providing services to communities affected by mass incarceration. While daily operations have necessarily adjusted to new working dynamics in accordance with city and health official guidelines, these organizations continue to provide emergency food and healthcare assistance, treatment services, virtual case management, online courses and tutorials, and much more. The list below outlines the organizations and the services they provide.

Most Human Resource Administration and Department of Social Services offices are closed, and are instead conducting their work virtually. HRA is asking New Yorkers to “to do everything they can online through ACCESS or by telephone.” [HRA’s website](#) assures beneficiaries that “no negative case actions will be taken for missing appointments” and that during the crisis “beneficiaries need not recertify and benefits will continue.” Job and service centers where you can get cash assistance, Medicaid, and SNAP/food stamps have been consolidated in each borough. [For a full list of open and closed sites, click here](#). Many services will be provided over the phone or online at nyc.gov/accesshra.

A. Unemployment, Sick Leave, and Mutual Aid Benefits Access

The government, public and private sector, and grassroots organizations have begun to answer the call of citizens for financial assistance in the midst of the crisis. Below is a list of a number of these efforts.

1. Unemployment benefits: Coronavirus Aid, Relief and Economic Security Act (CARES Act)

On March 27, 2020, the President of the United States signed a law that provides additional Unemployment Insurance assistance to workers impacted by COVID-19. This new law provides:

- Pandemic Unemployment Assistance – Extended eligibility for individuals who have traditionally been ineligible for UI benefits (e.g., self-employed workers, independent contractors);
- Pandemic Unemployment Compensation – An additional \$600 per week, on top of regular benefits, to all UI recipients; and
- Pandemic Emergency Unemployment Compensation – An additional 13 weeks of UI benefits, beyond the regular 26 weeks already provided, for a total of 39 weeks of coverage.”
- This [website](#) provides responses to frequently asked questions about unemployment insurance.
- These benefits will likely not be available to individuals just released from incarceration who have not yet received a job offer.
- A Better Balance has prepared a [fact sheet](#) summarizing The Families First Coronavirus Response Act.

2. Paid sick leave: In response to Covid-19, the federal government enacted in March 2020 the [Families First Coronavirus Response Act](#) (FFCRA) and the [Coronavirus Aid, Relief, and Economic Security Act](#) (CARES Act). As a result, federal law as of April 1, 2020 [provides for coverage](#) for paid sick leave related to Covid-19 for around 50% of US workers and extended paid family and medical leave for some parents with children who are no longer in school due to the virus. In New York State, [Governor Andrew M. Cuomo](#) has guaranteed workers job protection and financial compensation in the event they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19. These benefits are not available to employees who are able to work through remote access or other means. A Better Balance has prepared a [fact sheet](#) summarizing the New York State’s Emergency Paid Sick Leave Legislation and its relationship to federal law.

3. Paid Family Leave: In New York State, [paid family leave](#) can also be used to care for a family member who has contracted COVID-19, which qualifies as a serious health condition.
4. Mutual aid organizations:
 - Mutual aid organizations have formed across the city, state, and country to provide support for immediate and urgent needs that are not adequately met by the government. These organizations involve “people within marginalized communities organizing within their network to assist each other, and to do it fast—without bureaucratic application processes and without forcing people to beg.”¹⁴
 - Mutual Aid NYC, a network of groups organizing to provide aid and support to New Yorkers, has [compiled a list](#) of over 90 mutual-aid organizations supporting citizens across the city.
 - The [NYC COVID-19 Financial Solidarity for Formerly Incarcerated People and Their Families Mutual Aid Project](#) (New York City)
 - This mutual aid project is taking donations and redistributing them to formerly incarcerated folks and their loved ones in New York City (up to \$250 per person).
 - The [NYC Covid-19 Response Fund](#) is pooling funds to offer support to black families in the NYC area impacted by COVID-19
 - The fund is designed to offer financial support, quarantine supplies, and any other support needed

B. Services Offered By Community Based Organizations

Community re-entry and support organizations operate on the frontlines of supporting the formerly incarcerated population transition back into society. These organizations serve as a lifeline to services and information for people after release, and have been hard at work during the pandemic to continue serving both current and new clients. Although many are struggling with limited resources and mobility, they continue to provide crucial day-to-day support for people who have experienced incarceration, as well as leadership in advocating for policy change. Please find a list below of reentry organizations continuing this work in support of New Yorkers.

1. [The Fortune Society](#)

¹⁴ [Mutual Aid Movement Playing Huge Role in COVID-19 Crisis](#), April 3, 2020.

- Mission: The Fortune Society’s mission is to support successful reentry from incarceration and promote alternatives to incarceration, thus strengthening the fabric of our communities.
- Services during the COVID-19 pandemic: In response to COVID-19, the Fortune Society closed their Long Island Office and is providing most services remotely. Those services include;
 - a. Court Advocacy: Court Advocates are remotely accepting referrals from court/community partners via telephone or video, including pleas for felony matters. Paul Plumitallo, pplumitallo@fortunesociety.org, 929-487-9482
 - b. Outreach: Staff are remotely accepting new referrals for individuals in the community on parole and for individuals detained on violations of parole, and are following up with existing clients. Bronx and Queens County Reentry Task Forces are operating, accepting new referrals, and coordinating services remotely. Staff are conducting all communications via telephone or video. Denisha Rapier, drapier@fortunesociety.org, 929-487-9480
 - c. Benefits Access: Staff are providing all services via telephone or video, including applications for SNAP, Medicaid, cash assistance, unemployment, birth certificates, New York State ID, etc. Nicholas Posada, nposada@fortunesociety.org, 929-487-9811
 - d. Care Management/Healthcare: Staff are accepting new enrollments and providing connections to healthcare, mental health and substance use treatment, Medicaid activation/reactivation, and medical transportation. They are also providing connections to parole mandates, 2010e application assistance, and connections to home and community-based services for those who qualify (peer services, educational and employment supportive services, psychosocial rehabilitation, etc.). Zoe Johnson, zjohnson@fortunesociety.org, 347-510-3411 or Rich Medina, rmedina@fortunesociety.org, 917-617-4006
 - e. Creative Arts: Staff are providing creative writing workshops, art classes, and acting classes via telephone or video. Jamie Maleszka, jmaleszka@fortunesociety.org, 347-510-3668
 - f. Drop In Center: Staff are following up with community clients on medical care continuity via telephone or video. They are sending letters to active clients who remain in custody. Nilda Ricard, nricard@fortunesociety.org, 646-937-535
 - g. Education: Virtual High School Equivalency classes will resume Monday, April 6, 2020. Once resumed, day classes will be available Monday – Thursday from 10am-12pm and 1-3pm, and evening classes will run from 6-8pm. Virtual training courses will be available in Social Services 101, Environmental Remediation, and Green Building Operations and Maintenance. ees@fortunesociety.org, 347-510-3628
 - h. Employment: Staff will provide virtual Soft Skills Job Readiness Training program workshops, workplace and retention success workshops, and the Transitional Work Program will continue via telephone and video, offering paid, part-time, 10-week internships with partnering employers throughout NYC,

coupled with case management and a weekly job club. ees@fortunesociety.org, 347-510-3628

- i. Food and Nutrition: Grab and go meals at our Harlem location are available for current residents. Fresh food curbside distribution will continue on Wednesdays at 3pm.
- j. Services: Staff are providing all services via telephone and video, including domestic violence groups and individual and group counseling sessions. James Judd, jjudd@fortunesociety.org, 929-487-9918 Jaime McBeth, jmcbeth@fortunesociety.org, 646-937-5357
- k. Housing: Fortune's housing program in West Harlem is still open and operating. However, Fortune is currently not accepting new residents for our congregate and scattered-site housing programs. Fortune will open a new housing facility in East Harlem on April 15th, 2020. For questions about upcoming housing, contact Paul Plumitallo, pplumitallo@fortunesociety.org, 929-487-9482
- l. I-CAN (Prepare for Release): Jail-Based: Staff are providing curricula and handouts to clients (there is no on-site facilitator), as well as offering transportation for those released. Hotline: 347-510-3436. Community-Based: Staff are providing intakes and case management services face-to-face and via telephone or video, including referrals for housing, training, employment and education services, and providing food and clothing. Staff are also conducting toxicology screenings and virtual groups via telephone or video, and providing incentives (only available through face-to-face activity). Hotline: 347-510-3436
- m. Jails to Jobs (J2J): Staff are providing remote assessments and intakes via telephone or video. All work readiness workshops are virtual. Transitional Work Program participants will report to the site to receive program incentives (only available through face-to-face activity). Samantha Pugh, spugh@fortunesociety.org, 347-988-0297
- n. Mental Health Services at The Better Living Center: Staff are accepting new referrals and conducting Telehealth sessions via telephone or video, including initial assessments, psychiatric evaluations, individual therapy, crisis intervention, and medication management follow-up sessions. Andrew Tate, atate@fortunesociety.org, 929-487-9916
- o. Substance Use Treatment Services: Staff are accepting new referrals and conducting Telehealth sessions via telephone or video, including initial assessments and individual counseling, and group sessions. Jasmine Lastra, jlastra@fortunesociety.org, 929-487-9495

All new clients and referrals can contact the office at the general number: 212-691-7554

2. [The Osborne Association](#)

- Mission: The Osborne Association offers individuals who have been in conflict with the law to transform their lives through innovative, effective, and replicable programs that serve the community by reducing crime and its human and economic costs.

- Services: Osborne has closed its offices, but continues to provide services to clients currently enrolled in Osborne’s programs. These services include:
 - a. alternatives to incarceration such as outpatient substance abuse programming,
 - b. family services and supports,
 - c. cognitive behavioral treatment,
 - d. educational, restorative and health programs for older individuals, people with HIV and other chronic conditions, and people serving long prison sentences.
 - e. employment training, job placement, and job creation
 - f. policy advocacy, training, and technical assistance
- Changes to Operations: Osborne Association closed their offices to the public until schools re-open, and have arranged for most staff to work remotely. The organization is in the midst of acquiring sufficient tech capacity to keep in contact with most participants.

For up-to-date information about Osborne programs and services, call 718-707-2798.

3. [Exodus Transitional Community](#)

- Mission: With a firm belief in human resilience, Exodus Transitional Community provides opportunities for people affected by the criminal justice system by reshaping their futures through education and training, meaningful employment and financial independence.
- [Exodus continues to keep its doors open.](#) operating both virtually and with a small skeletal staff. The program continues to provide people coming home from prison with “a hot meal, a change of clothes, and a safe place to sleep,” along with a metro card a contract coach to link people to healthcare and mental health services. 90% of Exodus’ staff are justice-involved, have achieved higher education, are credentialed to do this work, and know first-hand the challenges individuals released from incarceration face.
- Changes to Operations: Exodus reduced hours and suspended job readiness workshops, but maintains a small team of staff onsite. They continue to provide virtual services.

You can reach Exodus by calling 917-492-0990 ext. 118 or by visiting their website at <https://www.etcny.org/>.

4. Employment programs

[America Works](#)

- Mission: America Works has helped more than 800,000 individuals increase their self-sufficiency through gainful employment, including military veterans, welfare and SNAP recipients, young adults, the criminal justice involved, homeless, non-custodial parents, persons receiving disability, among others. America Works uses a blended model that includes work readiness training, vocational training, career placement, career advancement, and employment retention services

- Changes to Operations: America Works is working virtually and is still available to assist. Headquarters can be reached at 212-599-5627.

STRIVE

- STRIVE helps a population seeking a better life acquire the skills and attitudes they need to find sustained employment. The New York office provides job counseling, job readiness training, connections to transportation and childcare, leadership development, workshops on financial management
- Changes to Operations: STRIVE NY continues to work virtually. By leveraging technologies and learning tools, including the iSTRIVE online learning management system, STRIVE are able to virtually share best practices and help our team members on the front lines. STRIVE is receiving calls at (212) 360-1100.

C. General Resources for New Yorkers

- [My Bronx Impact On Line](#) is the Bronx's new search, referral and application website for connecting all people in need to the programs that serve them. It is a key strategy of Bronx Impact, a poverty reduction collaboration among Children's Aid, Bronx Borough President Rubén Díaz Jr, and the Center for Bronx Nonprofits. My Bronx Impact on Line helps people facing social needs - and those who help others - to find and make referrals to appropriate programs and services for food, shelter, health care, work, financial assistance and more.
- The city of New York continues to update their [website](#) on information regarding a range of benefits of New Yorkers in response to COVID-19, including workers rights and benefits, healthcare and insurance, food, housing, employment, people with disabilities, schools, mental health resources, and more.
- The Benefits Plus Learning Center has created a [comprehensive guide on public benefit and housing programs](#) as well as resources for working New Yorkers during the emergency state of COVID-19. These resources are updated frequently.
- The Financial Coaching Corps (FCC) has compiled [resources and financial tips](#) for New Yorkers struggling during the current crisis.
- The City Bar Justice Center also released a [resource](#) for New Yorkers dealing with the financial impact of the Coronavirus.
- [Unity Recovery](#) is offering free virtual recovery meetings during the COVID-19 pandemic.
- [Landlord Watch – COVID 19 Response](#) This site includes FAQs and resources for folks looking for housing in NYC during the crisis.

3.4 Advocacy Opportunities

Advocates, think tanks, and public officials have produced recommendations aimed at addressing the challenges facing individuals dealing with reentry amidst the COVID-19 crisis, including:

- [An article](#) from the Prison Policy initiative advocates for changes in a range of policies, including reducing financial barriers to communication.
- The Council of State Governments’ “[Seven Questions About Reentry Amid COVID Confusion](#)” is directed toward state policymakers and corrections administrators who will be coordinating the release of members of this vulnerable population in the coming days and weeks.
- [An article](#) from Vera Institute of Justice summarizes recommendations of underway from think-tanks and non-profits encouraging state and local probation and parole authorities to revise their policies in response to COVID-19.
- The Federal Bureau of Prisons published a [memo](#) on “Modified Operations for Residential Reentry Centers.” Because the biggest challenge to re-entry is housing, and the risk of infection increases in shared spaces, the need for safe living arrangements is paramount.
- The Director of the Council of State Governments Justice Center has [encouraged changes in licensing requirements](#) to enable people with criminal records to work as respiratory therapists and other health care workers currently in short supply and essential to meet the demands of the health crisis.
- Some people are taking direct action. The Financial Solidarity for Formerly Incarcerated People and Their Families Mutual Aid Project [set up a fund](#) to support those who have been incarcerated and their families.
- The Parole Preparation Project has developed a list of demands for Governor Andrew Cuomo, and is [collecting donations](#) to provide current and formerly incarcerated with necessary resources.

IV. Domestic Violence

4.1 Major Issues and Questions

- To what extent has domestic violence increased in New York City and State?

- What are the available services, given the unavailability of in-person counseling and support?
- How can services be made accessible to individuals needing support, if they are in close proximity of their abusers?

4.2 Current Legal and Policy Framework

Public officials and domestic violence experts [report](#) “bracing for a spike” in domestic violence during the COVID-19 crisis. The combination of stay at home orders for more than 96 percent of Americans, the increased financial and emotional stress, and increases in gun sales produce a “[pressure cooker situation](#)” for domestic violence victims as the pandemic continues. Reports indicate increases in calls to hotlines, reports, and arrests. “Advocates worry that with victims stuck in close proximity with abusers, there are many others who are unable to safely reach out for help.” COVID-19 puts into sharp focus the vulnerabilities that many people in our city face every day, especially gender-based violence survivors; and it highlights the barriers and challenges that we know keep people from seeking help and finding safety. It includes ideas and strategies offered by advocates to increase the protection and support of domestic violence survivors.

A. Increases in Domestic Violence Reports

Reports show increases in domestic violence calls to hotlines, reports, and arrests, including a 27% increase in domestic violence arrests in Portland, Oregon, a 21% increase in Seattle, and a 22% increase in assault and battery reports in Boston, between March 2019 and March 2020. This pattern aligns with [research](#) suggesting an association between natural disasters and increased rates of domestic violence. Governor Andrew Cuomo’s office reports a potential [15-20% uptick in reports of domestic violence statewide](#) in the past few weeks.

There are indications that the trend in New York will follow the rest of the country as the quarantine continues, as well as concerns that there is simply vast underreporting of violence. Given the close proximity of abusers and their victims, the quarantine makes it particularly difficult for victims to safely seek help.

The [NYC HOPE](#) website, which offers online resources to domestic violence victims and survivors, saw a spike of 95 visitors per day to the group’s website from March 18 and 30. During this time the website has also seen 354 “new visitors,” an average of 27 per day. For comparison, before the outbreak, the website saw an average of 45 visits per day, and 9 new visitors a day.

The [National Domestic Violence Hotline website](#) identifies ways that COVID-19 could impact intimate partner violence survivors :

1. Abusive partners may withhold necessary items, such as hand sanitizer or medication.

2. Abusive partners may share misinformation about the pandemic to control or frighten survivors.
3. Abusive partners may withhold insurance cards, threaten to cancel insurance, or prevent survivors from seeking medical attention.
4. Programs that serve survivors may be significantly impacted — shelters may be full or may even stop intakes altogether.
5. Travel restrictions may impact a survivor’s escape or safety plan – it may not be safe for them to use public transportation or to fly.
6. At risk survivors (due to their age or medical attention) may fear appearing in public to seek the resources they need.

B. Move to remote services and shelters

[Family Justice Centers](#) (FJCs) are multicultural, walk-in facilities that bring together professionals from multiple social and legal service agencies to help survivors of domestic violence, elder abuse and sex trafficking. This collaborative environment helps survivors to quickly and easily locate desperately needed resources to recover and rebuild their lives.

As of March 17, 2020, the NYC Family Justice Centers buildings are [temporarily closed](#) as part of the City's response to Coronavirus (COVID-19). Services and support are available by phone.

- In a widely quoted [statement](#), Commissioner for the Mayor's Office to End Domestic Violence and Gender-Based Violence (ENDGBV) Cecile Noel said: “Our Centers continue to provide crucial crisis support and advocacy by connecting survivors to immediate safety planning, shelter assistance, legal consultations, and more. The City is here for survivors during this crisis and beyond.”
- ENDGBV and the [Family Justice Centers](#) are connecting survivors to community based organizations and partner agencies for vital services including immediate safety planning, shelter assistance, legal consultations, counseling sessions, case management sessions, and more.
 - Although physically closed, **survivors can still reach the Centers directly Monday to Friday, 9 a.m. to 5 p.m. on the FJC phone lines** (Brooklyn: 1-718-250-5113; Bronx: 1-718-508-1220; Manhattan: 1-212-602-2800; Queens: 1-718-575-4545; Staten Island: 1-718-697-4300.)
- Safe Horizon **Domestic violence shelters remain open, though many are screening for Covid-19 symptoms.**
 - For example, if a woman seeking help from Safe Horizon is showing symptoms, she is referred for medical treatment and can self-quarantine at one of the organization’s shelters.
 - Safe Horizon is practicing physical distancing within shelters, ensuring people are six feet apart and running therapeutic and educational programming virtually when possible
- The Violence Intervention Program continues to operate. Its crisis responders are:
 - Available 24/7 through our bilingual Domestic Violence Hotline at 800-664-5880

- Providing crisis counseling and emergency safety planning
- Providing emergency shelter to families and single adults fleeing domestic violence
- Providing emergency resources to survivors and their families, including food and transportation
- Connecting survivors to relief efforts made available through the government, philanthropy and/or other nonprofits

C. Remote access to orders of protection

New York provides [remote access to temporary orders of protection](#), and has done so since 2018, for remote protection orders by video conferencing. The Remote Access to Temporary Orders of Protection program is available where traveling to or appearing in court poses an undue hardship or creates a risk of harm to the petitioner.

The New York City Family Courts is [conducting virtual operations](#) for family offense petitions requesting temporary orders of protection, and has recently expanded virtual operations to keep pace of surging demand. For information about how to file such petitions, motions and stipulations, see the [NYC Family Court](#).

Family Justice Centers can be reached by phone to seek such an order Monday to Friday, 9 a.m. to 5 p.m. on the FJC phone lines (Brooklyn: 718-250-5113; Bronx: 718-508-1220; Manhattan: 212-602-2800; Queens: 718-575-4545; and Staten Island: 718-697-4300.).

D. Steps Forward for Individual Survivors:

Organizations working with survivors of domestic violence have suggestions that may make this uncertain and difficult time feel a little safer.

1. National Network to End Domestic Violence, Safety Net Project has developed a [digital safety toolkit](#) to enhance the safety of digital communications with survivors.
2. Create a Safety Plan - a safety plan is a personalized plan that includes ways to remain safe, whether staying in the relationship, planning to leave, or leaving.
 - The National Domestic Violence and Safe Horizon hotlines (numbers below) have staff who will help you map out a safety plan.
 - More information about [safety plans can be found here](#), along with an [interactive guide to safety planning here](#).
3. Reach out for Help - As people are isolated in their homes, individuals may feel isolated from friends and family. Even so, it is important to try to maintain social connections online or over the phone, if possible.
 - For any victims and survivors who need support, the National Domestic Violence Hotline is there for you, 24/7. Call 1-800-799-7233 or 1-800-787-3224 for TTY,

or if you're unable to speak safely, you can log onto theline.org or text LOVEIS to 22522.

4. Practice Self-Care - Covid-19 has created immense difficulties, and these are only worsened for survivors of abuse. Experts encourage individuals to take time to manage their mental and physical health.

4.3 Resources and Support

Many physical locations where survivors and victims could receive services have temporarily closed, but are continuing to offer support on line by phone or online.

Updates on Domestic Violence Efforts during the Coronavirus: For updates on what services are available, Safe Horizon has a continuously updated list on [their website](#).

Available Hotlines:

1. Anyone whose life is in immediate danger should call 911.
2. The [National Domestic Violence](#) 24-hour hotline is: 1-800-799-7233, or for TTY: 1-800-787-3224.
3. The [New York State Domestic and Sexual Violence](#) 24-hour hotline is: 1-800-942-6906, or for the deaf or hard of hearing: 711.
4. The 24-hour hotline for [Safe Horizon](#), a non-profit serving individuals in New York City is: 1-800-621-4673.
 - They also provide an online chat system, if you are unable to call by phone, accessible M-F from 1PM to 6PM. <https://www.safehorizon.org/safechat/>
 - They can talk to victims about their safety, provide information about resources in their community, and connect them to our programs and services.
 - Safe Horizon also continues to operate its shelters during this crisis. Safe Horizon is making every effort to provide virtual and telephonic services, and checking its phone services multiple times a day.
5. All Domestic Violence Shelters are operating. Please call their Domestic Violence Hotline: 1-800-621-HOPE (4673)
6. The Domestic Violence Law Project office is closed. Staff are working remotely. Please call the Intake Line and leave a message. They are checking this number multiple times a day: 718-834-7430 ext. 1101. Or you can send an email to christine.perumal@safehorizon.org
7. For immediate safety planning, shelter assistance, mental health support, and other resources, all NYC Family Justice Centers are providing support by phone. Survivors can reach the city's [Family Justice Centers](#) by phone Monday to Friday, 9 a.m. to 5 p.m. on the FJC phone lines (Brooklyn: 718-250-5113; Bronx: 718-508-1220; Manhattan: 212-602-2800; Queens: 718-575-4545; and Staten Island: 718-697-4300.).
 - The offices themselves are closed.
 - However, staff continues to work remotely and calls are being answered by the FJC Administrative Teams and directed to Safe Horizon staff.

8. The 24-hour live-operated bilingual (English/Spanish) hotline for the [Violence Intervention Program](#) is: 1-800-664-5580.
9. HerJustice is physically closed, but their attorneys and staff continue to meet with clients. They can be reached at 718-562-8181 or 212-695-3800.
10. NYLAG Intimate Partner Violence 212-613-5000 Tuesday 9:00 am – 3:00 pm
11. NMIC Domestic Violence Project: 212-822-8311. They offer FREE, Bilingual services to victims and survivors of intimate partner violence. Services are confidential.

Other Available Resources:

1. The [New York State Coalition Against Domestic Violence](#) provides a directory of available programs by county: [NYSCADV.org/find-help/program-directory.html](https://www.nyscadv.org/find-help/program-directory.html).
2. NYC Hope also has [a comprehensive list of organizations](#) that may be able to provide services ranging from immediate safety planning, shelter assistance, legal consultations, counseling sessions, case management sessions, and more.
3. <http://www.domesticviolenceanddisaster.org/dv-and-covid-19>

4.4 Advocacy Opportunities

The following are organizations looking at long-term responses to the crisis. They will continue their advocacy efforts to address domestic violence once capacity and operations return to normal.

1. National Council for Currently and Formerly Incarcerated Women and Girls
 - <https://www.nationalcouncil.us/covid-19-response>
 - The National Council is advocating for release of incarcerated women and girls during this crisis
2. Her Justice
 - <https://herjustice.org/volunteer/>
 - Her Justice stands with women living in poverty in New York City by recruiting and mentoring volunteer lawyers to provide free legal help to address individual and systemic legal barriers.
3. Safe Horizon
 - <https://www.safehorizon.org/get-informed/about-us/>
 - Safe Horizon is the largest non-profit victim services agency in the United States. Safe Horizon serves more than 250,000 people each year, in fields such as: domestic and intimate partner violence, child physical and sexual abuse, rape and sexual assault, human trafficking, and stalking.
4. African American Policy Forum
 - <https://aapf.org/ourmission>
 - The African American Policy Forum (AAPF) is an innovative think tank that connects academics, activists and policy-makers to promote efforts to dismantle structural inequality. We utilize new ideas and innovative perspectives to transform

public discourse and policy. We promote frameworks and strategies that address a vision of racial justice that embraces the intersections of race, gender, class, and the array of barriers that disempower those who are marginalized in society. AAPF is dedicated to advancing and expanding racial justice, gender equality, and the indivisibility of all human rights, both in the U.S. and internationally.