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March 17, 2020

To: Assembly Members and Senators

From: Richard N. Gottfried  
Gustavo Rivera

Re: Bail reform

You might ask: Why are the Health Chairs writing on bail reform? We are deeply concerned by the potential health impacts of rolling back bail reform under “normal” circumstances, let alone during a worldwide epidemic.

With the spread of COVID-19, increased pre-trial detention is a massive health risk not only to those who are in jail but to the families and community to which they return and to the jail and court personnel.

Jails are uniquely intensive breeding grounds for contagious diseases. Social distancing is virtually impossible in the close quarters of a jail. Hand sanitizer is normally banned as contraband (due to alcohol content) and access to soap, toilet paper, and handwashing facilities is limited.

People in jail have disproportionate rates of chronic illnesses that make them vulnerable to COVID-19. According to the U.S. Bureau of Justice Statistics, 40% of incarcerated people suffer from chronic health conditions, including 20% with asthma (versus 11% in the general population).

Health care in New York’s prisons and jails is inadequate even without an epidemic, with at least 50 preventable deaths in New York State in five years from lack of adequate medical care. Local jails continue to contract with for-profit providers even after State findings that inadequate care by the same companies led to the deaths of five people held in the Nassau County jail in 2015.

People with diseases like the flu or COVID-19 are much more likely to die if they have underlying health conditions or if they do not get prompt medical care. So these deaths are likely to increase over the coming months.

“Jail churn” means that viruses have thousands of opportunities to spread both inside jails and when individuals return back to their communities. But bail reform means nearly 7,000 fewer New Yorkers being held in county jails on any given day.

Protecting bail reform is an issue of racial justice *and* public health with or without COVID-19. Rolling back this important policy now would worsen a public health crisis. And ramming it through as part of an “accelerated” budget process is even more offensive.

New Yorkers need investments in health care, housing, and other services in order to combat this epidemic – not to put more people in jail.



Dick Gottfried  
Chair, Assembly Health Committee



Gustavo Rivera  
Chair, Senate Health Committee