

Congress of the United States  
Washington, DC 20515

March 31, 2020

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

Dear Commissioner Brann:

We are concerned about the New York City Department of Correction’s recent efforts to combat the spread of COVID-19 by releasing potentially dangerous and contagious inmates back into the city.<sup>1</sup> The purpose of this letter is to understand how the Department plans to execute this release and what mitigation efforts are in place to ensure public health and safety.

On March 24, 2020, New York City Mayor Bill de Blasio announced his intention to release over one thousand inmates currently held at Rikers Island.<sup>2</sup> Mayor de Blasio said he plans to release all inmates “over 70 and anyone who has one of . . . five pre-existing conditions.” In addition to this wide swath of inmates, Mayor DeBlasio also plans on releasing parole violators and various other potentially dangerous inmates.<sup>3</sup> Some of these inmates may have been exposed to the virus in prison, were asymptomatic, and subsequently released into the general population under the Mayor’s plan. Despite being asymptomatic, these inmates may be carriers of the virus and possibly transfer it to others in what is the most highly populated area of the country.

Compounding this issue, the City’s law enforcement officers are at unique risk of contracting COVID-19 because of their high amounts of interaction with the general public. As of March 30, more than 5,199 officers were out sick – about 15% of the total force – including 930 clinically confirmed cases of COVID-19 and five deaths.<sup>4</sup> These numbers multiply daily. Increasing the number of convicted criminals on the streets—some of whom may even be carriers of the virus—while there is a significant reduction in law enforcement capacity is likely a recipe for disaster.

This is not a theoretical problem. On March 17, a man imprisoned for a parole violation and deemed “non-violent” was released from detention in Utah as part of the State’s COVID-19

<sup>1</sup> Craig McCarthy, *NYC to release 300 more Rikers inmates amid coronavirus pandemic*, N.Y. POST (Mar. 25, 2020), <https://nypost.com/2020/03/25/nyc-to-release-300-more-rikers-inmates-amid-coronavirus-pandemic/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Kristine Garcia, *2 more members of NYPD dies as 930 NYPD members test positive for COVID-19: department*, PIX 11 (Mar. 31, 2020), <https://www.pix11.com/news/coronavirus/2-more-members-of-nypd-die-amid-covid-19-outbreak-over-900-nypd-members-test-positive-department>.

response.<sup>5</sup> Two days later he allegedly broke into a home, tied up the homeowner, and threatened to “cut her head off” if she didn’t stop screaming and give him all her cash, credit cards, and PIN numbers.<sup>6</sup>

Yesterday, the top prosecutors from all five boroughs wrote to you and Mayor de Blasio expressing their concern that inmates convicted of domestic violence or sexual assault may be among those released.<sup>7</sup> This further underscores our need for oversight to ensure any releases are done in a manner protecting the safety of the City’s citizens and an already-understaffed police force in place to protect them.

To help understand the City’s efforts to ensure public health and safety while releasing potentially violent inmates, please provide the following documents and information:

1. All documents and communications between the Mayor’s Office and the New York City Department of Correction regarding releasing inmates due to COVID-19; and
2. An anonymous list of the inmates already released and those that are planned to be released, including but not limited to:
  - a. corresponding original criminal charges;
  - b. corresponding original convictions;
  - c. time left to be served;
  - d. whether or not they are currently being imprisoned on a parole violation;
  - e. if they are currently imprisoned on a parole violation, what the violation was;
  - f. whether or not they had or are currently being tested for COVID-19; and
  - g. the results of such tests.

In addition to these documents, please provide a staff-level briefing no later than April 7, 2020. This briefing may be conducted remotely for convenience and safety issues. To schedule the briefing or ask any follow-up or related questions, please contact Committee staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

<sup>5</sup> Luis Miguel, *Convict Freed Due to Coronavirus Threatens Woman at Knifepoint*, THE NEW AMERICAN (Mar. 24, 2020), <https://www.thenewamerican.com/usnews/crime/item/35243-convict-freed-due-to-coronavirus-threatens-woman-at-knifepoint>.

<sup>6</sup> *Id.*

<sup>7</sup> Tim Pearce, *NYC prosecutors knock Bill de Blasio for proposed prison releases that include ‘high-risk’ inmates*, THE WASHINGTON EXAMINER (March 31, 2020), <https://www.washingtonexaminer.com/news/nyc-prosecutors-knock-bill-de-blasio-for-proposed-prison-releases-that-include-high-risk-inmates>.

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Sincerely,



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Jody Hice  
Ranking Member  
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman  
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations