

September 16, 2020

Hon. Darcel Clark, Esq.
The Office of Bronx District Attorney
198 E. 161st Street, Bronx NY 10451

Hon. Eric Gonzalez, Esq.
The Brooklyn District Attorney's Office
350 Jay Street, Brooklyn NY 11201

Hon. Melinda Katz, Esq.
The Queens County District Attorney's Office
80-02 Kew Gardens Rd., Kew Gardens NY 11415

Hon. Michael McMahon, Esq.
Office of The District Attorney Richmond County
130 Stuyvesant Place, Staten Island NY 10301

Hon. Cyrus Vance, Esq.
Manhattan District Attorney's Office
One Hogan Place, New York, NY 10013

**Re: Request that New York City DA's Decline to Prosecute Low-Level Offenses
During COVID-19**

Dear New York City District Attorneys:

The undersigned organizations work with low-income New Yorkers, who are disproportionately impacted by COVID-19, disproportionately targeted by NYPD, and are overwhelmingly Black or brown. These community members are most likely to be brought into criminal courts, jails, prisons, and other carceral settings that are all petri dishes for COVID-19. New York City's District Attorneys hold significant power, and the undersigned organizations urge you to decline to prosecute low level offenses to help protect the health and welfare of our communities.

Beginning in early September, the Office of Court Administration (OCA) has required accused persons to make in-person appearances to resolve desk appearance tickets (DATs). These are non-essential cases, and the vast majority are for low-level alleged offenses. The pandemic is not over, and courts remain high risk environments for litigants, workers, and every community member that they interact with while traveling to and from court. The majority of New York City courts do not have the quality of air filtration systems recommended by public health experts for public spaces, and the public lacks clarity on OCA's protocols regarding adequate cleaning, compliance, and safety measures for those who attend court. Prosecuting these cases in-person will adversely impact public health, and likely lead to an increase in infections in vulnerable communities.

Moreover, prioritizing the prosecution of these low-level offenses and even threatening the possibility of jail time during the pandemic would be inhumane and will only add to the trauma of communities most impacted. New York City jails have had some of the highest rates of COVID in the world recently. Open cases and convictions frequently negatively impact employment and housing at a time when home instability and unemployment are skyrocketing in New York. Likewise, there can be dire immigration consequences for offenses as minor as petty larceny, which communities should not be exposed to during a pandemic.

Dismissing these low level offenses during the worst pandemic of our lifetime is not only good policy, it is justice.

We ask that you move swiftly to decline to prosecute these cases.

Signed,

Association of Legal Aid Attorneys (UAW 2325)
Black and Pink NYC
Black Lives Matter Brooklyn
The Bronx Defenders
Center for Community Alternatives
Coalition for District Alternatives LES
Chinese-American Planning Council (CPC)
Decrim NY
Emergency Release Fund
Fines and Fees Justice Center
Freelancers Union
Freedom Socialist Party
GAPIMNY—Empowering Queer & Trans Asian Pacific Islanders
Harm Reduction Coalition
Human Rights Project at the Urban Justice Center
Indivisible Harlem
Jim Owles Liberal Democratic Club
Lesbian & Gay Democratic Club of Queens
Manhattan Young Democrats
Make The Road New York
Mental Health Project - Urban Justice Center
National Writers Union
Neighborhood Defender Services of Harlem
NYC Anti-Violence Project
Peter Cicchino Youth Project
Queeramisú
Safety Net Project - Urban Justice Center
Sex Workers Project - Urban Justice Center
Soar Institute
Trans Equity Consulting
United Autoworkers Union Region 9A