



March 20, 2020

Contact:

Redmond Haskins
The Legal Aid Society
(929) 441-2384
rhaskins@legal-aid.org

******FOR IMMEDIATE RELEASE******

***Legal Aid Files Lawsuit to Release 116 Incarcerated
New Yorkers at a high risk of COVID-19 from Pretrial
Detention or held on a Parole Violation***

(NEW YORK, NY) – The Legal Aid Society filed a [lawsuit](#) in New York State Supreme Court, New York County today on behalf of 116 individuals currently in pretrial detention or being held on a parole violation at Rikers Island and other local jails. These individuals, by virtue of their age and/or underlying medical condition, are particularly vulnerable to serious illness or death if infected by COVID-19, and jail conditions make it impossible to protect them. Today’s filing is the continuation of lawsuits public defenders have brought for vulnerable clients over the last couple of days.

This lawsuit seeks their immediate release on the grounds that continuing to incarcerate them on bail or parole holds constitutes deliberate indifference to the risk of serious medical harm in violation of the Fourteenth Amendment and state constitutional right to due process.

Mayor Bill de Blasio yesterday [announced](#) at a press conference that his administration had identified only 40 individuals at heightened risk of COVID-19 for release from custody. It is still unknown what criteria is being used to determine eligibility or if the Administration plans to identify and release more individuals.

“COVID-19 has already reached Rikers Island and is currently spreading, posing an unconscionable and entirely preventable risk of harm to these vulnerable individuals,” said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. “Jails are a breeding ground for infectious disease and imprisonment at Rikers Island pretrial or on a parole violation hold might well carry a death sentence. COVID-19 will continue to spread throughout these jails and people will die unless the City acts to release our clients who are at a heightened risk immediately.”

“Unprecedented times call for unprecedented measures,” said **Stan Germán, Executive Director of New York County Defender Services**. “The courts must act swiftly to release vulnerable New Yorkers from detention. Lives are at stake here, and the communities most harmed by mass incarceration will once again be disproportionately impacted by a criminal legal system that targets black and brown people if people are not released immediately.”

"Every minute that passes with vulnerable New Yorkers behind bars is a minute that risks the lives of incarcerated people and public health at large," said **Matt Knecht, Chief of Staff of the Neighborhood Defender Service**. "This is a crisis and the courts must take immediate action. Failing to do so is an abdication of both legal and moral responsibility."

It was recently reported that [four](#) New York City Department of Correction (DOC) employees tested positive for COVID-19. One of the staff members – an investigator for DOC – [passed away](#) Monday. On Thursday an incarcerated New Yorker at Rikers Island [tested positive](#) as well.

In only a few months, over 150,000 people worldwide have been diagnosed with COVID-19 and more than 5,700 of those people have died from the virus. COVID-19 is most likely to cause serious illness and death for older adults and those with certain underlying medical conditions. The individuals represented in this lawsuit all fall into this category of heightened vulnerability.

At local jails, it is virtually impossible to engage in the necessary social distancing required to mitigate the risk of transmission. Many people live in dormitory-like sleeping arrangements. They have limited control over their own movements and no control over the movements of others with whom they are required to congregate on a daily basis. They are unable to maintain anything close to the recommended distance of 6 feet from others.

It is also essentially impossible for these individuals to maintain adequate levels of preventive hygiene. They are required to share or touch objects used by others. Toilets, sinks and showers are shared, without disinfection between each use.

Severe outbreaks of contagious illness regularly occur in jails. For example, during the H1N1 epidemic in 2009, many jails and prisons saw a particularly [high number of cases](#). H1N1 is far less contagious than COVID-19. Not surprisingly, Chinese prison officials report that over five-hundred COVID-19 cases in the current outbreak stemmed from the Hubei province prisons.

The rate of incarceration in China is far lower than in the United States, suggesting the problem here will be much worse. Experts predict that “[a]ll prisons and jails should anticipate that the coronavirus will enter their facility

Earlier this week, The Legal Aid Society [reported](#) that it received multiple complaints from incarcerated clients concerning the lack of basic sanitation measures to prevent the spread of COVID-19 at local jails.

Clients in several facilities in the borough jails and on Rikers Island reported that they do not have access to soap (or hand sanitizer, which is treated as contraband) in their housing units. Some have been told by DOC officers that if they want soap, they must buy it from the commissary.

Clients also lack basic cleaning supplies necessary to disinfect the areas in which they live, and report that cleaning protocols identified by DOC for common spaces and showers were not being followed.

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

<https://www.legalaidnyc.org>