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

***Legal Aid Files Second Lawsuit to Release 32 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 [second lawsuit](#) in New York State Supreme Court, New York County today on behalf of 32 individuals currently in pretrial detention or being held on a parole violation at 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.

The situation in New York City’s jails is rapidly deteriorating. As of March 23, 2020, there are [39 reported cases of](#) COVID-19 in our jails, compared to only one known case as of Friday, March 20, 2020. These numbers are growing rapidly every day. Even at current rates of infection, the virus’s “attack rate” on Rikers Island – that is, the rate at which the population is being infected – is roughly five times higher than anywhere else in the United States of America.

Yesterday, the State of New Jersey announced its plans to [release](#) over 1,000 individuals from custody to curb the spread COVID-19 risk at county jails. Thus far, the City of New York has only [released](#) 75 individuals from jail.

“As other jurisdictions take decisive action to protect incarcerated people, the City of New York continues to drag its feet, risking the lives of thousands in the process as COVID-19 continues to spread at city jails,” said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. “All across New York City, extraordinary and unprecedented measures affecting every aspect of life are being taken in the name of protecting people from this pandemic. New York cannot leave people in jails behind to suffer and die.”

In only a few months, over 360,000 people worldwide have been diagnosed with COVID-19 and more than 13,000 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.

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*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>*