



March 25, 2020

Contact:

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

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

***Legal Aid Files Third Lawsuit to Release 110 Incarcerated
New Yorkers at a high risk of COVID-19 from Technical
Parole Violation Holds on Rikers Island***

***If City Hall and Albany fail to Immediately act, These New
Yorkers – Individuals Currently in Custody on Noncriminal
Charges such as Missing a Curfew or Parole check in – Could
face Imminent COVID-19 Exposure***

(NEW YORK, NY) – The Legal Aid Society filed a [third lawsuit](#) in New York State Supreme Court, Bronx County today on behalf of 110 individuals currently held at Rikers Island on a non-criminal technical parole violation. 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.

Technical parole violations are non-criminal matters for which individuals can be held in custody without bail for missing a curfew, failing to report, or failing to notify their parole officer of an address change.

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 from jails in New York City on the grounds that continuing to hold them on parole warrants 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.

On Monday, 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](#) a small number individuals from jail.

“These individuals’ incarceration for technical parole violations such as missing a curfew or failing to report an address change to their parole officer could prove fatal if the City continues to hold them in custody,” said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. “Just in the last few days, COVID-19 has exploded on Rikers Island, infecting our clients and DOC staff at a rate that will engulf the entire facility in a matter of weeks. The City and State must act now or lives will be lost.”

In only a few months, over 400,000 people worldwide have been diagnosed with COVID-19 and more than 10,000 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. Incarcerated individuals are required to share or touch objects used by others. Toilets, sinks and showers are shared, without disinfection between each use.

###

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>