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

Legal Aid Files Fourth Lawsuit to Free 100 Incarcerated New Yorkers at a high risk of COVID-19 from Non-Criminal Technical Parole Violation Holds in Custody at Rikers Island

New York City Jails Infection Rate Climbs to 5.4 Percent – 239 Incarcerated New Yorkers Now Infected with COVID-19

(NEW YORK, NY) – The Legal Aid Society filed a [fourth lawsuit](#) in New York State Supreme Court, Bronx County today on behalf of 100 individuals currently held at Rikers Island on a non-criminal technical parole violations. 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 several days. Legal Aid so far has secured the release of over 130 people through mass writ filings and many more via individual motions.

This lawsuit seeks the immediate release of clients 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 the New York State constitutional right to due process.

The situation in New York City's jails is rapidly deteriorating. As of April 3, 2020, [there were 239 confirmed](#) COVID-19 cases in our jails, compared to only one known case as of Friday, March 20, 2020. These numbers are growing rapidly every day.

The infection rate at New York City's jails is 5.41 percent and currently 8.9 percent higher than New York City, 10.2 percent higher than New York State, and roughly 67.1 percent higher than the rest of the county, as per our [daily analyses](#) tracking infection rates.

“A week ago the Governor promised the release of people held only on technical parole violations, but as of today 547 of them, including these 100 medically vulnerable people, remain on Rikers Island unable to protect themselves from the uncontrolled spread of a deadly virus. Words are not actions, and this is a crisis that calls for decisive action,” said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society.**

In only a few months, 1 million people worldwide have been diagnosed with COVID-19 and more than 50,000 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.

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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>