

NYCLU and Legal Aid Society Sue for Release of People Jailed for Alleged Parole Violations

For Immediate Release: April 4, 2020

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NEW YORK CITY - Today the New York Civil Liberties Union and The Legal Aid Society filed a [class-action lawsuit](#) against Governor Cuomo and the New York Department of Corrections and Community Supervision (DOCCS) challenging the unconstitutional automatic jailing of people held in New York City jails while waiting for a hearing for alleged parole violations. The lawsuit demands the opportunity for release of over a thousand people jailed in New York City jails for alleged parole violations in light of the uncontrolled spread of the coronavirus and the dangerous public health conditions in the jails.

When someone is jailed for an alleged parole violation, DOCCS is required to hold a hearing within 90 days to determine whether the violation occurred and whether the person's parole should be revoked. For nearly one in five parole re-arrests the parole revocation hearing takes place after the required 90-day period, and during the coronavirus pandemic these hearings have been suspended almost completely. Before that hearing, there is no opportunity to determine if the person even needs to be in jail simply to wait for that hearing.

As a result, people are left in jail indefinitely as Rikers becomes increasingly dangerous. The lawsuit argues that people are being automatically detained during this period, in many cases now without even a probable cause hearing, in violation of their rights, often for something as small as failing to register a new address, reporting a change in employment, or for missing a meeting with their parole officer.

“During this coronavirus pandemic, crowded, unhealthy conditions in New York City's jails multiply the risks of rampant transmission of the virus and threaten the lives of over a thousand people,” said **Phil Desgranges, senior staff attorney from the New York Civil Liberties Union**. “Unless the state takes immediate steps to release people accused of parole violations, our broken parole system will cause many people, especially the most vulnerable among us, to become seriously ill or die.”

On April 3, 2020, 439 people were being held in New York City jails on technical parole violations, making up ten percent of the jail population. Of that group, 73 people had been jailed

for more than 90 days, in violation of the 90-day requirement for parole revocation hearings. 23 people had been in jail for more than 180 days.

Among this group, 60 percent of people were black, 30 percent were Latinx, and 21 percent were 50 years of age or older.

"New York's parole system has long subjected New Yorkers — the majority of whom haven't committed any criminal offense, and the vast majority of whom are people of color — to unnecessary incarceration," said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. "Amidst the coronavirus pandemic, we cannot continue to allow this broken system to threaten not only our clients' constitutional rights, but their very lives. Rikers Island is the epicenter of COVID-19 with an infection rate higher than that of New York City, New York State, and the rest of the country. We must act now if we are serious about mitigating the potential loss of life at Rikers Island and other City jails."

New York has the second highest reincarceration rate of people on parole in the country. In 2018, a total of 8,767 people were returned to prison on parole violations. 85 percent of people were returned for technical parole violations.

"New York's draconian parole system subjects people to prolonged re-incarceration regardless of the infraction they are accused of or the strength of allegations against them," said **Donna Lieberman, executive director of the NYCLU**. "Under normal circumstances the system is profoundly unfair and disrupts the already difficult challenge of re-entry for people who have served time in prison. But as the coronavirus turns Rikers Island even more dangerous, it's time to stop this injustice. No one's life should be put in danger just because they've been accused of something like breaking curfew on parole."

Attorneys on the case include Philip Desgranges, Grace Li, Molly Biklen, and Christopher Dunn from the New York Civil Liberties Union, and Corey Stoughton from The Legal Aid Society.

To learn more and review the case materials, please visit:

<https://www.nyclu.org/en/cases/bergamaschi-et-al-v-cuomo-et-al>

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