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

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

Legal Aid Wins Release of 28 New Yorkers Illegally Incarcerated at Rikers Island and Denied Transfer to NYS Alternative Drug Treatment Programs Although Their Parole Cases Had Already Been Adjudicated and They Had Been Accepted Into These Programs

The Ruling Comes After the First Death of A Man Held at Rikers Island for a Technical Parole Violation

(NEW YORK, NY) – **The Legal Aid Society** secured the release of 28 individuals today who had been promised the opportunity to attend a drug treatment program run by the New York State Department of Correction and Community Supervision (DOCCS), but who were stuck on Rikers Island because all transfers to state custody have been suspended indefinitely due to the COVID-19 epidemic sweeping through New York State.

The Legal Aid Society [argued](#) that failing to release these clients violated their due process rights.

“We are glad that the Court recognized that their continued incarceration infringed upon basic due process rights and placed them each in grave danger of contracting COVID-19,” said **Elon Harpaz, Staff Attorney with the Criminal Appeals Bureau and the Parole Revocation Defense Unit at The Legal Aid Society.** “For DOCCS to have left them in limbo, with no end in sight to their incarceration, waiting to be infected with COVID-19, worried that they might become seriously ill or even die, is unconscionable.”

Demonstrating the rapid pace at which the virus spreads within carceral settings, in New York City, as of April 8, 2020, 287 [incarcerated New Yorkers had tested positive](#) for COVID-19. Already, 6.6 percent of people incarcerated at City jails have contracted COVID-19, a percentage almost 6.8 times higher than New York City, 8.7 times higher than New York State, and 52 times higher than the rest of the country.

Legal Aid so far has secured the release of over 160 people through mass writ filings and many more via individual motions.

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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>