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

Legal Aid Files Two Lawsuits to Release 76 Incarcerated New Yorkers at a high risk of COVID-19 from Pretrial Detention

Lawsuits come in Response to DA Vance's Unwillingness to Consent to Release of Vulnerable Clients

Rate of COVID-19 Infection at City Jails Continues to Soar – More than Half of Incarcerated New Yorkers Now Likely Exposed to the Virus; Over 1,000 Incarcerated People and DOC Staff have Tested Positive

(NEW YORK, NY) – The Legal Aid Society filed two lawsuits today in New York State Supreme Court, New York County on behalf of 76 individuals currently in pretrial detention at local jails, individuals who, by virtue of their age and/or underlying medical condition, are particularly vulnerable to serious illness or death if infected by COVID-19. Conditions in DOC facilities make it impossible to protect these individuals while they remain detained. Today's filing comes in response

to Manhattan District Attorney Cyrus Vance's continued unwillingness to consent to release for some of Legal Aid's most vulnerable clients in the borough.

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.

Demonstrating the rapid pace at which the virus spreads within carceral settings, in New York City, as of April 16, 2020, 2,688 incarcerated New Yorkers have likely been exposed to COVID-19. Moreover, 343 incarcerated New Yorkers have tested positive for COVID-19, amidst a lack of comprehensive testing. Already, 8.5 percent of people incarcerated in City jails have confirmed COVID-19 infections, a percentage almost 5.9 times higher than New York City, 7.4 times higher than New York State, and 42 times higher than the rest of the country.

Legal Aid so far has secured the release of over 210 people through mass writ filings and individual motions.

"The urgency to release people who face a serious risk of death from COVID-19 has only grown as the virus continues to spread uncontrollably within City jails, infecting more and more of our clients at an exponential rate each day," said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. "Manhattan DA Cyrus Vance and his staff are far behind the rest of the City in realizing that the true threat to public safety is failing to address the crisis of this pandemic on Rikers Island."

[Complaint 1](#)

[Complaint 2](#)

[Affidavit from Jonathan Giftos, M.D.](#) - former Clinical Director of Substance Use Treatment for NYC Health & Hospitals, Division of Correctional Health Services at Rikers Island:

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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>