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

Legal Aid Condemns Governor Cuomo And DOCCS For Delaying Release Of Six Incarcerated Pregnant Women At Bedford Hills Correctional Facility

One Client Was Forced To Give Birth In Custody On May 10 Despite An Official Release Date Of May 18

Others Clients Have Due Dates That Are Just Days Or Weeks Away

(NEW YORK, NY) - The Legal Aid Society condemns Governor Andrew Cuomo and the New York State Department of Correction and Community Supervision (DOCCS) for failing to quickly release pregnant women currently incarcerated at Bedford Hills Correction Facility in Westchester County, New York.

On April 28, 2020, Legal Aid issued a [demand letter](#) calling on Governor Andrew Cuomo and the New York State Department of Correction and Community Supervision (DOCCS) to immediately release ten pregnant women currently incarcerated at Bedford Hills Correctional Facility in Westchester County, New York to protect them and their unborn children from serious complications from COVID-19.

On April 30, 2020, Governor Cuomo's secretary announced that DOCCS would release incarcerated women who are pregnant or postpartum, if they have not committed a violent felony or sex offense and are within six months of release. On May 5, 2020, DOCCS announced that eight pregnant women would be released.

However, nearly two weeks later, six of the women about whom Legal Aid demanded release remain incarcerated.

These women include:

- **A 19-year-old who is due in just days and is terrified to give birth to her first child while incarcerated: alone, without familial support and in a county and hospital where COVID-19 is raging.** She is very fearful of delivering and caring for a newborn on her own, given her inexperience with infants and breastfeeding. If released, she will return to live with her parents and two younger siblings in a small upstate town with few COVID-19 cases. Her parents are eager to help with their grandchild and desperate see their daughter back in her childhood room.
- **A woman who just gave birth to a daughter Sunday, May 10th, and whose official release date is less than one week away.** While in the hospital, she was guarded by eight different correction officers and now has been returned to the prison. She has been placed under quarantine until May 18th, when she will go home. This means she is in a trailer, alone, without access to a phone or email. Her fiancé, who urgently wants her and their daughter home with him in their quiet upstate home, is afraid of the impact a period of extreme isolation during this critical postpartum period may have on mother and baby's wellbeing, particularly since his daughter has a heart murmur.
- **A woman due in one month who fears an outstanding warrant stemming from a small unpaid fine and restitution balance may be preventing her from returning home to her family and small upstate town.** LAS understands that this individual has in fact already gone before the parole board and been granted an open date for release; she has also had her residence approved. In essence, a nominal sum may stand in the way of her release from Bedford Hills, a prison with one of the higher rates of incidence of COVID-19 in the DOCCS system, to her mother's home in a western New York town with relatively few cases.
- **A woman due June 27th who, as a result of her high blood pressure and gestational diabetes, faces great risk of complications and death from COVID-19 infection.** This individual's official release date is just one week after her due date. Indeed she would already have been released if there had not been an extreme delay (at no fault of her own) in the commencement of programming she must complete while incarcerated. She is eager to go back upstate to her fiancé and son, with whom she speaks on the phone every day.

- **A woman suffering from a complication of pregnancy that can cause severe, life threatening bleeding and early delivery who is deeply fearful of receiving prenatal medical care in a county and general hospital where COVID-19 is rampant.** Due at the end of August, she has already set up prenatal OBGYN appointments at a dedicated women's health and maternity center in her small upstate town with few COVID-19 cases, where she is eager to reunite with her fiancé.

This pandemic has been raging in prisons for months. Governor Cuomo's recognition of the plight of pregnant and postpartum mothers in state custody and promises of their release have already been unjustifiably delayed. Now, two weeks after his announcement -- which was made only to the press, not to the women themselves, their loved ones or their advocates -- several such women remain incarcerated, including one about to give birth. We do not know if it is bureaucratic incompetence, a disingenuous interpretation of Cuomo's direction, or simply the criminal justice system's inhumane rigidity that is keeping these women locked up. What we do know is that they and their soon to be born children remain at risk of grievous harm and should be released immediately," said **Sophie Gebreselassie, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society.**

Legal Aid also calls upon Cuomo to reconsider the pre-qualifications set for pregnant and postpartum women to be considered for release. For example, a sixth pregnant woman remains incarcerated at Bedford Hills, even though she is due to be released in only eight months and, as Legal Aids understands it is held under a technical parole violation. However, because her underlying convictions which Legal Aid understands resulted in no injuries may be classified as violent under the law, and because she is out eight months and not six, she may not be able to be released under Cuomo's direction. A lifelong asthmatic, she too is eager to return to her community to better safeguard her health and that of her unborn child.

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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.

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