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

Legal Aid And Paul, Weiss Launch Litigation Campaign To Free TGNCNBI New Yorkers From Incarceration At State Prisons As COVID-19 Infection Rate Continues To Soar

Campaign Has Already Filed Lawsuits For Two Vulnerable Clients Incarcerated At Eastern And Groveland Correctional Facilities

(NEW YORK, NY) - The Legal Aid Society and Paul, Weiss, Rifkind, Wharton & Garrison LLP have officially launched a litigation campaign to secure the release of transgender, gender non-conforming, non-binary, and intersex (TGNCNBI) New Yorkers from state prison who are especially vulnerable to COVID-19. Legal Aid and Paul, Weiss also announced the filing of two separate lawsuits for two transgender clients currently incarcerated at Eastern Correctional Facility and Groveland Correctional Facility, respectively.

TGNCNBI people are particularly vulnerable to the spread of COVID-19 because they are at an increased risk of a weakened immune system due to discrimination in healthcare, employment, education, and housing, leading to higher rates of HIV, additional chronic conditions such as hepatitis B and C, substance use, and poorly controlled pre-existing medical conditions. These

vulnerabilities are compounded by DOCCS’s harmful and discriminatory practice of housing the vast majority of transgender women in men’s prisons. Transgender women, in particular, are subject to frighteningly high rates of sexual abuse and assault in prison, conduct that is likely to increase as the anxieties and tensions increase due to the pandemic.

This announcement comes on the heels of a [letter](#) recently sent by members of a Task Force created by the New York City Council, and signed by a number of elected officials that called on New York State Governor Andrew Cuomo, the New York State Department of Corrections and Community Supervision (DOCCS) and New York City’s five District Attorneys to request the immediate release of TGNCNBI people and all other vulnerable populations from jail and prison custody.

“As we’ve seen throughout this pandemic, infection and death rates highlight structural inequalities that have been true for decades. Our TGNCNBI clients are at risk not only due to the failure of the State to take the spread of COVID within jails and prisons seriously, but also because TGNCNBI people, particularly women of color, have withstood so much abuse from these criminal systems that their bodies are simply more stressed,” said **Mik Kinkead of the Legal Aid Society**. “When we speak about TGNCNBI people being at risk, we are speaking about individuals who are extremely vulnerable not because of identity, but because of the response of the State to those identities. When we house people against their identities despite knowing how this places people at increased sexual, physical, and mental health risk, we reinforce the idea that the lives of TGNCNBI people are disposable and lesser. At Legal Aid we know this is not true and that is at the very heart of this campaign.”

Paul, Weiss litigation partner Audra Soloway says: “At crowded detention facilities that cannot maintain social distancing and other precautions, transgender people with severe medical conditions are among the most vulnerable to COVID-19. Paul, Weiss is proud to be working with Legal Aid to advocate for the release of our clients, so that their sentences do not lead to the avoidable loss of human life.”

Prisons in New York State have been hit hard by COVID-19. As of May 27, 2020, DOCCS reports that 1,271 staff members, 493 incarcerated people, and 65 parolees in DOCCS custody are infected. Per DOCCS, four staff member, 16 New Yorkers in custody, and four parolees have already succumbed to the virus. But TGNCNBI people and other medically vulnerable people remain in prison where they cannot socially distance or otherwise be protected from the pandemic.

Petitioner Cathy Citro is a 63 year-old transgender woman serving a non-violent and non-sex based conviction at Eastern Correctional Facility (a men’s facility) who suffers from a number of serious medical conditions, including diabetes, asthma, and various heart ailments including high blood pressure. These conditions put her at severe risk of complications from COVID-19—including potentially lethal blood clots. But for the fact that her parole eligibility date is not until this

December, Ms. Citro would likely already be released. That is because on May 11, 2020, in response to the COVID-19 pandemic, Governor Cuomo's office announced a plan to release prisoners whose underlying crime was not a sex offense or a violent felony, and have 90 days or less before the earliest release date. Ms. Citro is just several months short of that time period. Yet any further confinement puts her at an unacceptably high risk of death. Such punishment would be grossly unjust and excessive relative to the low-level, non-violent and non-sex-based offense she committed.

View complaint [here](#).

Petitioner A.A. is a transgender woman serving a sentence for a low-level and non-sex-based offense at Groveland Correctional Facility (a men's facility) who suffers from a number of serious medical conditions, including Human Immunodeficiency Virus, a history of lung complications, Post-Traumatic Stress Disorder due to a history of sexual abuse and exploitation, and anxiety and depression. The State of New York has previously recognized that A.A. is a survivor of human trafficking; nevertheless, she is housed in facilities for men where she has again been subjected to sexual violence. These conditions put her at severe risk of complications from COVID-19. Any further confinement would put A.A. at an unacceptably high risk of death. Such punishment would be grossly unjust and excessive relative to the low-level non-sex-based offense she committed.

View complaint [here](#).

This litigation seeks the immediate release of these clients from prison on the grounds that continuing to incarcerate them under these unprecedented conditions constitutes deliberate indifference to a risk of serious medical harm, and imposes upon them punishment that is grossly excessive and grossly disproportionate to their offense, in violation of the Eighth Amendment to the United States Constitution and Article I, Section 5 of the New York State Constitution.

The litigation team from The Legal Aid Society working on this campaign includes Erin Beth Harrist, Supervising Attorney of the LGBTQ+ Law and Policy Initiative, Mik Kinhead, Staff Attorney with the Rikers Island Civil Re-Entry Project, Jasmina Chuck, Paralegal with the LGBTQ+ Law and Policy Initiative, and Dori Lewis, Supervising Attorney at the Prisoners' Rights Project.

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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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