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

***As COVID-19 Rates Continue to Skyrocket Within New York State Prisons,
Legal Aid Sues DOCCS for Critical Facility-Level Virus Testing Data***

(NEW YORK, NY) – The Legal Aid Society filed an open records [lawsuit](#) against the New York State Department of Correction and Community Supervision (DOCCS) to force the Department to disclose facility-level statistics showing the extent of COVID-19’s spread among facility staff. The lawsuit seeks records reflecting the number of DOCCS employees, by facility, who have been tested for COVID-19 and the number who have tested positive since the pandemic began. Legal Aid initially sought to obtain this information via a Freedom of Information Law (FOIL) request, which DOCCS denied, purportedly for security reasons. However, DOCCS failed to explain why these statistics, which would reveal no identifying information or details of prison operations, would pose a risk if disclosed.

At least 28 states, but not New York, proactively publish facility-level data about their prison staff’s COVID-19 infections, and many of them have created COVID-19 “dashboards” or other robust online resources providing detailed, facility-specific, up-to-date, and viewable-over-time data on testing and rates of infection (including active infections) among correctional staff. These states have not reported any difficulties since making this information available to the public. On December 14, 2020, Legal Aid called upon Governor Andrew Cuomo and DOCCS Acting Commissioner Anthony J. Annucci to begin regularly reporting facility-specific, viewable-over-time data, based on public health metrics such as testing frequency and population density.

As of December 17, 2020, 19 New Yorkers in DOCCS' custody have succumbed to COVID-19, and another 2,259 have tested positive for the virus. For those who have been infected, the lingering effects and long-term complications of the virus remain unknown.

“DOCCS says it would be unsafe to disclose the extent of the virus’ spread among facility staff, but it is DOCCS that risks the public health by keeping this information concealed,” said **Robert Quackenbush, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society.** “Legal Aid needs this information to protect our clients in custody, and the public needs this information to learn the extent of transmission into and out of its prisons. We are confident the court will agree that FOIL requires DOCCS to produce these records.”

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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. www.legalaidnyc.org