

THE LEGAL AID SOCIETY

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Legal Aid Files Lawsuit Against DOC Seeking Records on How the Lack of Staff Escorts has Affected Incarcerated New Yorkers' Access to Services

Filing is the Latest Addressing the Full Fledged Humanitarian Crisis Still Gripping Rikers Island

(NEW YORK, NY) - The Legal Aid Society [filed](#) an open records lawsuit in Queens County Supreme Court today against the New York City Department of Correction (DOC) seeking records showing how the absence of correction officers to serve as escorts has affected incarcerated New Yorkers' access to essential jail services since January 2020.

Last summer, Legal Aid obtained information in response to a Freedom of Information Law (FOIL) request revealing that between January 2019 and January 2020, DOC received 261 complaints from incarcerated New Yorkers alleging that the lack of an escort to move from one part of the jail to another deprived them of services.

These complaints covered twelve DOC facilities and described the deprivation of virtually every available service, including visits with attorneys and family members, court appearances, the provision of medical and mental health care, access to food and water, recreation, law library, access to sick call, phones, laundry, religious services, showers, and commissary.

Legal Aid itself receives a large number of similar reports from people in City custody, and reports of failures to provide escorts to services have been increasing since this Spring. Given the City's mismanaged response to the rampant absenteeism of DOC uniformed staff, and the deleterious effect this has had on the conditions in the jails, there is ample reason to believe that the volume of missed services due to the lack of escorts has skyrocketed since January, 2020. But the Department has ignored The Legal Aid Society's requests to produce these documents pursuant to its FOIL request.

This past May, the Monitor in *Nunez v. City of New York* pointed to widespread staff absenteeism as a significant factor in DOC's failure to provide "dependable service delivery including commissary, barbershop, [and] recreation."

DOC staff continue to fail to show up to work and incarcerated individuals continue to face significant barriers in accessing services. According to a recent filing in *Nunez v. City of New York*, 2,351 correction officers - or about 29% percent of the staff - remain out on sick leave or other status, while continuing to receive a paycheck from the City, further impeding access to services for incarcerated New Yorkers.

This lawsuit petitions the court to direct DOC to produce the requested records within 20 business days of a signed order.

“Access to critical services has always been an issue for our incarcerated clients, and every indication points to a situation that is worsening,” said **Alexandra H. Smith, staff attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “No one should be deprived of their ability to access medical attention, food and water, religious services or commissary, and we look forward to arguing this case in court soon to secure this critical information to better serve our clients.”

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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 145 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