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

***Legal Aid, Relman Colfax File Landmark Class Action Lawsuit Against Cuomo, DOCCS to Protect New Yorkers Incarcerated at Adirondack Correctional Facility From COVID-19***

***New Yorkers Incarcerated at Adirondack C.F. - a Prison Nursing Home - Report Dire Conditions, Lack of Comprehensive Measures to Protect Against the Virus***

(ALBANY, NY) – The Legal Aid Society and Relman Colfax PLLC filed a [federal class action lawsuit](#) today in the United States District Court for the Northern District of New York against Governor Andrew Cuomo and the New York State Department of Correction and Community Supervision (DOCCS) to secure critical protections from COVID-19 for elderly and medically vulnerable incarcerated New Yorkers who were chosen for transfer to Adirondack Correctional Facility from other prisons over the past several months based on their age and medical conditions. Despite transforming Adirondack into a prison nursing home in the middle of the pandemic, the State has failed to implement even the most basic measures necessary to keep the people at Adirondack safe from COVID-19. The State's failures have exposed this incredibly vulnerable group of individuals to unnecessary risk of illness and death.

Legal Aid and Relman Colfax filed this federal class action lawsuit on behalf of roughly 100 New Yorkers currently incarcerated at Adirondack and the Release Aging People in Prison Campaign (RAPP), a grassroots organization that works to end mass incarceration and promote racial justice through the release from prison of older and aging people and those serving long and life sentences.

**Background**

Since the onset of the COVID-19 pandemic, medical professionals, advocates, and attorneys have warned Governor Cuomo and DOCCS of the danger that elderly and medically vulnerable people in New York prisons faced, and demanded that the State implement measures to protect this population. Simultaneously, it became increasingly clear that prison transfers were catalyzing catastrophic COVID-19 spread around the country.

Rather than heed these warnings, the Cuomo Administration worsened the risk in the middle of the pandemic by transferring a large group of elderly and medically vulnerable people to Adirondack from numerous facilities throughout the state. These people are now concentrated at a facility that is hours from the nearest major hospital and bereft of the medical infrastructure and resources that other DOCCS prisons have, as the state remains without a plan for providing vaccine access to people who are incarcerated.

Governor Cuomo and DOCCS knew that Adirondack--which had most recently been a youth prison--was not equipped to serve a high-need population, particularly amidst a public health crisis. Moreover, prior to initiating these transfers, the administration knew of the paucity of medical resources available at Adirondack and in the surrounding community and that Adirondack staff were not trained to deal with the clinical needs of an elderly population.

But instead of reversing course on this disastrous plan, Governor Cuomo and DOCCS doubled-down. Over a span of several months, DOCCS continued to transfer people to Adirondack from prisons all over New York, including from several facilities that have experienced high concentrations of COVID-19, without even testing them prior to transfer. DOCCS transported these people on crowded and poorly-ventilated buses, carrying people from different facilities, and immediately integrated them into the population at Adirondack, without any testing or quarantine period.

Months later, DOCCS still had not implemented most of the basic measures necessary to prevent COVID-19 from spreading throughout the facility. DOCCS has not:

- Conducted regular, medically-informed screening for symptoms;
- Implemented an adequate testing regimen, instead testing randomly and haphazardly;
- Quarantined or re-tested those in custody at Adirondack who it knew were exposed to COVID-19;
- Promoted basic hygiene within the facility;
- Implemented and enforced social distancing, particularly during meal times, when people from all units are mixed together, without masks, eating at closer distances than is recommended for adequate protection - indeed, Adirondack actually forbids individuals eating food from the mess hall in their rooms.

This lawsuit seeks declaratory and injunctive relief for the unconstitutional and discriminatory practices to which these New Yorkers have been and continue to be subjected. Plaintiffs seek an order requiring Governor Cuomo and DOCCS to implement necessary and prudent measures to prevent incarcerated New Yorkers at Adirondack from contracting COVID-19 and suffering potentially dire complications as a result.

“Not only have Governor Cuomo and DOCCS failed to release enough people to facilitate social distancing in their prisons, but they have also failed to implement the most basic protections to mitigate the spread of the pathogen. Nowhere are these failures clearer than at Adirondack - a prison nursing home and a ticking time bomb. If the State fails to drastically improve conditions at Adirondack, more New Yorkers who are incarcerated there will contract the virus and potentially succumb to it. So will staff and members of the surrounding community,” said **Stefen R. Short, Supervising Attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “Since Albany has completely turned its back on the most vulnerable people incarcerated in state prisons - and people who live in work in the surrounding communities - we petition the court to secure these fundamental safeguards. When it comes to COVID-19 prevention in his prisons, Governor Cuomo refuses to match his rhetoric with meaningful action. We are hopeful the court will force him to do so.”

“Defendants have known for nearly a year of the risks COVID-19 poses to people in prison, particularly elderly people with underlying health conditions. Transferring this vulnerable group in the face of these risks to a remote facility far from medical resources with no precautions flouts all reason and reflects a complete disregard for the safety of people Defendants have a responsibility to protect,” said **Rebecca Livengood, counsel at Relman Colfax**.

“New York State is sending incarcerated older New Yorkers to grow old, sick, and die at this prison nursing home,” said **Jose Saldana, Director of the Release Aging People in Prison Campaign, who himself served 38 years in prison.** “As the State and its prison system experience a serious second wave of the COVID-19 virus, Governor Cuomo and state prison officials should be doing everything possible to promote public health within prisons and the communities that surround them. Operating a prison nursing home is exactly the wrong way to go about this. We're hoping that the courts will do what Albany has refused to do: support the basic rights, health, and safety of incarcerated people.”

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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](http://www.legalaidnyc.org)*