

Criminal Justice Issues and Prisoners' Rights

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[Skip to main content](#)

CLEVELAND Today, the ACLU of Ohio and the Ohio Justice and Policy Center filed a class action habeas petition on behalf of prisoners detained in the low-security Elkton Federal Correctional Institution who are at grave risk from the coronavirus. As of April 12, at least three people have died in this facility, and the legal organizations seek the immediate release, furlough, or transfer to home confinement of all medically vulnerable individuals at high-risk for serious illness or death in the event of contracting COVID-19.

People at Elkton are dying. The situation is particularly dire, even compared to other corrections facilities, added **David Carey, Senior Staff Attorney at the ACLU of Ohio**. We've already seen that prisons are tinderboxes for COVID-19 because people are forced to exist in close, shared spaces for eating, sleeping, and bathing. Our clients, like everyone else in Elkton, are clustered together and completely unable to practice social distancing. Time is of the essence, and every day that goes by allows this disease to spread both inside and outside the prison walls. Further delay will result in further death.

There are over 2,400 prisoners who are at risk at Elkton, and likely hundreds of them are in the proposed medically-vulnerable subclass, including all current and future prisoners over the age of fifty, as well as current and future prisoners experiencing: chronic lung disease of moderate to severe asthma, serious heart conditions, conditions that can cause a person to be immunocompromised (including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS and prolonged use of corticosteroids and other immune weakening medications), severe obesity, diabetes, chronic kidney disease or individuals undergoing dialysis.

"We are delighted to join with the ACLU of Ohio in fighting for prisoners who are trapped at FCI Elkton in the midst of the COVID-19 crisis. This is an important case that needs the court's immediate attention to avert catastrophe, said **David Singleton, Executive Director at Ohio Justice and Policy Center**.

"Prisons are not Constitution-free zones. People who live and work in prisons should not be forced to face unnecessary risk of death and disease," noted **Joseph Mead, Cooperating Attorney for the ACLU of Ohio**.

The following is a summary of a few of the individuals represented, all of whom are at risk of severe illness or death if they contract COVID-19.

On April 3rd, U.S. Attorney General William Barr recognized the emerging crisis at Elkton and issued a memo to the Bureau of Prisons suggesting the release of vulnerable prisoners to home confinement; however, any effort to comply with the AGs directive has been slow, half-hearted, and inadequate.

Because there is no vaccine, cure, or effective treatment for COVID-19, the only known way to protect against serious illness or death caused by the novel coronavirus is social distancing coupled with strict hygiene, both of which are virtually impossible in a detention setting. For those reasons, correctional public health experts recommend the immediate release, with appropriate precautionary public health measures, of those who are vulnerable to suffering the most acutely from COVID-19, as well as drastic reductions in the overall number of people detained.

[A copy of the habeas petition is available.](#)

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