

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-ohio-and-ojpc-sue-odrc-illegally-garnishing-prisoners-emergency-relief-checks>

Public Facing Advocacy Writing

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COLUMBUS Today the ACLU of Ohio and the Ohio Justice & Policy Center filed a lawsuit challenging the Ohio Department of Rehabilitation and Corrections (ODRC) policy of garnishing money from prisoners COVID-19 relief funds to pay a fines, fees, costs, and other debts to courts and state agencies. Ohio Attorney General Dave Yost issued clear guidance that all Ohioans emergency checks are exempt from garnishment for any debts, public or private, except for child support.

Under ODRCs policy, the exemptions for Ohio prisoners and only prisoners are capped, and ODRC will seize any amount of emergency-relief above \$500 to garnishment. We ask the court to order ODRC to immediately cease and reverse implementation of this discriminatory, arbitrary policy. This is a blatant violation of the equal protection clause of the Ohio Constitution. The pandemic has inflicted incredible suffering on Ohio prisoners, and there is no reason to withhold this aid from them alone, noted **David Carey, Senior Staff Attorney for the ACLU of Ohio.**

ODRC and Ohio prisons have been garnishing the relief money due to every incarcerated person in this situation and distributing that money wrongfully to pay court fees.

Incarcerated people and their families are some of the most marginalized, economically precarious people in our society. They are also among the people most directly impacted by the COVID-19 pandemic, said **Michael Zuckerman, a Skadden Fellow and Attorney at the Ohio Justice & Policy Center.** It is beyond irrational to single them out and take money out of their COVID-19 relief checks, particularly when Ohios Attorney General has already recognized that those relief funds are exempt from debt collection for all Ohioans.

The federal relief issued through the CARES Act was intended to alleviate the devastating economic impact of the pandemic, the ripple effects of which will continue for years. Our clients, and all Ohio prisoners, have been among the worst injured by this pandemic and the state has neglected or deprived them at every step. These emergency funds allow them to purchase basic necessities like food, medicine, and hygiene products from commissaries, and to communicate with and support their loved ones, added **Elizabeth Bonham, Staff Attorney for the ACLU of Ohio.**

The lawsuit was filed in the Franklin County Court of Common Pleas on behalf of two individuals, Mr. Kenneth Woodson at Grafton Correctional Institution and Mr. Leonard Evans at Marion Correctional Institution.

A copy of the complaint is available.

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