

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-ohio-sues-ice-seeking-release-immigrants-especially-vulnerable-covid-19-two-ohio>

Public Facing Advocacy Writing

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CLEVELAND Today, the ACLU National Prison Project, the ACLU of Ohio, and the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP sued U.S. Immigration and Customs Enforcement (ICE) on behalf of immigrants detained in crowded jail facilities in Geauga and Seneca Counties. The legal organizations seek the release of individuals who are in civil detention and at high risk for serious illness or death in the event of contracting COVID-19. The determination is based on the age of detainees, as well as their underlying medical conditions, which public health experts have indicated will increase the risk of serious COVID-19 infection. The ACLU has filed more than 15 similar lawsuits in states around the country.

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.

Freda Levenson, Legal Director for the ACLU of Ohio: For our clients, immigrants in crowded detention centers, social distancing is not an option. These facilities are incubators of COVID-19. ICE has a moral and legal responsibility to protect everyone in its custody. It must immediately release those who are elderly or who have other vulnerabilities that place them most at risk of serious illness or death if they contract COVID-19.

Elizabeth Bonham, Staff Attorney for the ACLU of Ohio: The spread of this disease will turn detention into a death sentence. Our clients must be released to their families and communities where they can be safe.

Eunice Cho, Senior Staff Attorney at the ACLUs National Prison Project: "We have now filed suits like this around the country because public health officials have been clear: Detention facilities are disaster zones for the spread of coronavirus, and our clients' lives are gravely at risk. This is a matter of urgent health and safety for people in civil detention, as well as the staff who work in these facilities every day, and the communities they go home to. Flattening the curve involves dramatically reducing the number of people in ICE detention so they can practice social distancing at home. For our clients, their lives depend on it."

Mark F. Mendelsohn, Lead Counsel for the Law Firm Paul, Weiss, Rifkind, Wharton & Garrison LLP: Immigrant detention should not be a death sentence. As immigration jails cannot be made safe for individuals vulnerable to COVID-19, ICE must act to control the spread of this virus throughout Ohio and beyond, as well as needless and avoidable loss of life.

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

The filing in the U.S. District Court for the Northern District of Ohio includes testimony from leading public health expert Dr. Joseph J. Amon, an infectious disease epidemiologist about the danger posed by the continued detention of people at high risk of illness or death from COVID-19.

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

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

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