

ACLU Ohio

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-ohio-and-ojpc-appeal-lower-courts-decision-dismiss-lawsuit-challenging-odrc>

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COLUMBUS Today the ACLU of Ohio and the Ohio Justice & Policy Center filed an appeal in their lawsuit on behalf of incarcerated individuals whose COVID-19 emergency relief checks were garnished by the Ohio Department of Rehabilitation and Corrections to pay fines, fees, costs, and other debts to courts and state agencies. The appeal, filed in the 10th District Court of Appeals, follows a lower courts decision to grant the defendants motion to dismiss the case.

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 seized any amount of emergency-relief above \$500 to garnishment.

We ask the appeals 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, Deputy Legal Director for the ACLU of Ohio.**

Ohios Attorney General has already explained that these COVID-19 emergency relief checks are immune from public and private debt collection, aside from child support, no matter who you are, said **Michael Zuckerman, a Skadden Fellow and Attorney at the Ohio Justice & Policy Center.** ODRCs policy treats incarcerated people differently from everyone else, even though the text of the law makes no distinction and incarcerated people are, if anything, more financially disadvantaged and harder-hit by the virus.

The lawsuit was initially filed in April 2021, 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 notice of appeal is available.

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