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Statement on Ohio Lawsuit Requesting the Release and Transfer of Medically Vulnerable Individuals From Elkton Federal Prison

On April 13, the ACLU of Ohio and the Ohio Justice and Policy Center filed a habeas petition in *Wilson v. Williams* in the Northern District of Ohio on behalf of all individuals housed at the Elkton Federal Correctional Institution, where a COVID-19 outbreak is occurring and the crowded conditions make social distancing impossible. At Elkton, at least 49 inmates and 48 staff members have already tested positive for COVID-19, and at least seven people have died. Petitioners argue that Elkton's inability to protect prisoners from the threat of COVID-19 violates their 8th Amendment right against cruel and unusual punishment. They requested that the court order the release of all medically vulnerable subclass members from Elkton immediately – whether to another facility, to a half-way house, to a hospital or to their home.

Last week, a Federal District Judge granted a preliminary injunction and ordered the Warden and the Director of the Federal Bureau of Prisons to identify the appropriate means of release for all those who are over the age of 65 or suffer from certain chronic illnesses. The Bureau of Prisons is now appealing the judge's ruling to the Sixth Circuit. **Miriam Krinsky**, executive director of [Fair and Justice Prosecution](#) and a former federal prosecutor, released the following statement in response to the lawsuit:

“For some time, public health officials have sounded the alarm about the risk of COVID-19 exploding in our correctional facilities. They have told us that it will run rampant through the prisons, spreading among those incarcerated, the staff who work in prisons, and into the surrounding communities when those individuals go home at night at the end of their shifts. And we have been warned that the inevitable prison outbreak could overwhelm the hospital system in nearby communities because those hospitals are not equipped to handle an influx of severely ill people from our prisons.

“Sadly, these predictions are coming true – [in Ohio](#) at least 80% of those incarcerated in two prisons have been diagnosed with COVID-19 and 30% of COVID cases in the entire state are now linked to the prison system. It is imperative to take action *now* before infection spreads even more and additional tragic deaths occur.

“Maintaining the status quo and failing to depopulate our prisons and jails necessarily impacts public safety – if we do not depopulate our prisons, we know that more people will die. The remedy requested by the plaintiffs is extremely modest, designed to remove people from Elkton's dense conditions and move them to places that will help to limit the spread of the virus, even while they remain under BOP supervision. I hope the Sixth Circuit recognizes this is a narrowly tailored solution that can protect the health and safety of those housed at Elkton, those who work there and the public as well.”

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