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Nearly Sixty Criminal Justice Leaders Call for Release of Medically Vulnerable Individuals from Elkton Federal Correctional Institution

Today, 59 criminal justice leaders – including 37 current elected prosecutors and 12 current and former police chiefs and sheriffs – filed an [amicus curiae brief](#) in support of the plaintiffs in *Wilson v. Williams*. In the brief, *amici* call for the immediate release or transfer of medically vulnerable individuals who are currently incarcerated at Elkton Federal Correctional Institution (FCI Elkton), a low-level security federal prison where at least nine individuals have died, and hundreds of staff and incarcerated people have been infected. *Amici* argue that a dramatic reduction of the incarcerated population is necessary to mitigate the deadly spread of COVID-19 behind bars and through the broader community. The brief supports orders from the District Court of the Northern District of Ohio setting criteria that would facilitate the release of over 800 individuals susceptible to serious illness, or even death, due to this COVID-19 hotspot. Even as community spread linked to outbreaks of COVID-19 in prisons continues in Ohio, last week the Trump Administration asked the Supreme Court to intervene and block the District Court’s order; the Supreme Court [denied that request](#) on procedural grounds, without prejudice to the Government renewing its request for a stay.

“Amidst this pandemic, our considerations must dramatically shift, and the primary aim of all of us must be saving lives,” said **Miriam Krinsky, executive director of Fair and Just Prosecution**.

“For far too long, some in our criminal justice system have used retributive and excessive sentencing that has made us the leading incarcerator in the world, yields little public safety benefit and now endangers the health and safety of our communities. To save lives and promote a system of justice that truly values compassion and public safety, we must return people who pose no serious public safety risk to their communities – and do so without further delay.”

While testing at FCI Elkton has been limited, at least one in four individuals who have been tested has been positive for COVID-19. Crowded, unsanitary conditions and inadequate healthcare, further compounded by a documented unwillingness by the now former-Warden to release medically vulnerable individuals who can be returned safely to the community, collectively create a dire situation in need of immediate action.

“Prosecutors are obligated to protect all members of our community, including those who are incarcerated,” said **former US Attorney for the District of Columbia and former Senior Counselor to the Attorney General Channing Phillips**, one of the signatories to the brief. “As COVID-19 continues its deadly spread through corrections facilities, keeping people who pose no serious risk to public safety behind bars creates the potential of a *de facto* death sentence. This injustice should move all justice system leaders to take immediate action to release

those individuals who pose no serious risk to public safety and present grave public safety concerns if exposed to COVID-19. It is the humane and right thing to do to save lives.”

Across the country, local elected prosecutors and law enforcement leaders have taken urgently needed action to reduce local jail populations and divert those who do not threaten public safety away from the justice system. Many state and federal prisons, however, have lagged behind in meaningfully reducing their incarcerated populations to mitigate the spread of COVID-19 behind bars and in the community. This is especially problematic because prisons tend to have high proportions of individuals with serious medical problems that have been proven to exacerbate the severity of COVID-19 infections.

In their argument, *amici* note that “large-scale and fast-moving depopulation of our prisons is the only way to keep all members of our communities safe during this pandemic.” While the Court ordered that the medically high-risk group of those aged 65 and older and those with certain chronic medical conditions be released, *amici* are calling for even more expansive relief to include those aged 50 and older, a group research shows has an extremely low likelihood of recidivism but an increased risk of serious effects from COVID-19. Given the urgency of the crisis, *amici* also support the release of any incarcerated individuals who can be safely returned to the community, regardless of age or medical condition.

“As law enforcement leaders know well, public safety is not just a matter of stopping crime, it is also about saving lives, and amid this pandemic, public safety depends on smart public health choices,” said **Washtenaw County, Michigan Sheriff Jerry Clayton**, another signatory on the brief. “Incarcerating people who can safely return home and do not pose a public safety risk is unjust and unsafe for all members of our community. It immediately endangers the lives of those behind bars and the broader community, and risks undermining hard-won trust between law enforcement and the communities we are sworn to protect.”

The brief was authored by [The Wren Collective](#) and [Fair and Just Prosecution](#) – a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility, who also organized the amicus effort in this and other similar cases – with assistance from Subodh Chandra of the Chandra Law Firm.

Read the brief [here](#), and for a list of *amici*, see below.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).

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