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Civil Rights Lawyers File Complaint Against State Officials Over COVID-19 Outbreaks in Arkansas State Prisons

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF), the law firm [Squire Patton Boggs](#), [Disability Rights Arkansas](#), and [American Civil Liberties Union of Arkansas](#) filed an [emergency complaint](#) against Governor Asa Hutchinson and Arkansas Department of Corrections (ADC) officials on behalf of Arkansas state prisoners over the inadequate measures to prevent COVID-19 transmission, illness, and death in state correctional facilities. Yesterday, it was [reported](#) that Cummins Unit, a state prison, had 600 confirmed COVID-19 infections—only nine days after the first prisoner tested positive in that facility. Incarcerated individuals currently make up approximately one-third of all confirmed COVID-19 cases statewide. Prisoners, including the plaintiffs in this lawsuit, are disproportionately Black and have significantly higher rates of serious medical conditions, like heart disease, respiratory illness, and diabetes that make them especially vulnerable to severe illness or death from the virus. State officials have worsened these risks by failing to take essential measures to ensure social distancing, safe and sanitary conditions, and ready access to hygiene products, cleaning supplies, and personal protective equipment.

“The startling viral outbreak in the Arkansas prison system places thousands of incarcerated people at risk of serious illness or death, but this crisis extends far beyond prison walls. It is only a matter of time when the virus will spread from prisons to the surrounding communities, depleting scarce healthcare resources,” said Jin Hee Lee, Senior Deputy Director of Litigation at LDF. “The devastating harms of this pandemic already disproportionately fall on Black Arkansans, who are infected with and die from COVID-19 at double their percentage of the state population. This racial disparity will deepen from viral outbreaks in prisons, which are mostly located in Southeastern Arkansas where there are higher concentrations of Black residents.”

“Our organization is charged with investigating and preventing abuse or neglect wherever we find it,” said Tom Masseur, Executive Director at Disability Rights Arkansas. “Nowhere has the response to this unprecedented event been more lacking than in the prison system. While Arkansas has benefited greatly from utilizing social distancing measures, frequent hygiene, and the use of personal protective equipment, the population of incarcerated individuals have not had this luxury. Many inmates within the Arkansas

prison system have disabilities or chronic conditions that place them at a greater risk of testing positive for COVID-19. We are calling upon the Governor and Secretary of the Arkansas Department of Corrections to take immediate steps to ensure the safety of individuals in their care. They cannot simply ignore the healthcare risks of inmates who have disabilities or have a chronic illness within the correctional system.”

“Without stronger action by state officials, Arkansas' overcrowded prisons are becoming a humanitarian and public health catastrophe,” said Holly Dickson, Legal Director & Interim Executive Director at the ACLU of Arkansas. “This is an imminent threat to public health that disproportionately endangers the lives of Black Arkansans, who are four times more likely to be imprisoned than whites. It is critical that state officials heed the advice of public health experts and immediately reduce the state prison population to a level where social distancing is possible.”

The COVID-19 pandemic poses an especially severe public health risk in correctional facilities, which incarcerate Black individuals at five times the rate of white individuals nationwide. Inmates typically reside in crowded facilities where they are unable to practice social distancing and frequently lack ready access to soap, sanitizer, cleaning products, and personal protective equipment (PPE). Currently, incarcerated people make up approximately one in three verified COVID-19 infections statewide. Even with these alarming figures, the actual number of COVID-19 infections in prisons is likely much higher due to the lack of widespread testing. Prisoners who are elderly and who have serious underlying medical conditions, like respiratory illness, heart disease, obesity, diabetes, and hypertension are especially vulnerable to severe, if not fatal, complications from the virus. Despite these factors, Arkansas officials are failing to adhere to established guidelines issued a month ago by the Centers for Disease Control and Prevention specifically for correctional facilities to protect against COVID-19 spread and illness.

Read the full complaint [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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Disability Rights Arkansas (DRA) is a private, nonprofit agency with offices in Little Rock, Arkansas. Since 1977, the Governor of Arkansas has designated DRA the independent Protection and Advocacy system for persons with disabilities in Arkansas. We work with other disability rights and civil rights organizations and agencies, the private bar, and legal services to protect the rights of people with disabilities.