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Law School News: RWU Law Professors File Emergency COVID-19 Lawsuit 04-12-2020

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April 12, 2020

Law School News

RWU Law Professors File Emergency COVID-19 Lawsuit

Professors Jared Goldstein and Debbie Gonzalez have filed a petition together with the ACLU, seeking the release of three detainees at Wyatt who are at high risk from COVID-19.

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RWU Law Professors Jared Goldstein and Deborah Gonzalez.

The American Civil Liberties Union of Rhode Island and the National ACLU have filed [an emergency lawsuit](#) seeking the immediate release of three immigrants being detained at the Wyatt Detention Center who are at high risk for serious illness or death in the event of COVID-19 infection.

The lawsuit was filed by ACLU of RI cooperating attorneys [Deborah Gonzalez](#) and [Jared Goldstein](#), both professors at the Roger Williams University School of Law, as well as attorneys from the ACLU's National Prison Project and Immigrants' Rights Project.

Describing in detail “unhygienic conditions” at the facility that place the three detainees’ lives at risk, the “urgent” petition argues that due to “the impossibility of adequate social distancing within Wyatt and the regular cycling of facility staff and guards into and out of a Rhode Island community with rising rates of infection, Petitioners are virtually certain to become infected with COVID-19 if they remain detained.”

The three petitioners suffer from a variety of preexisting health conditions — including heart disease, asthma, decreased lung capacity, and diabetes — that put them at high risk of severe illness or death from COVID-19. One of the petitioners was scheduled to have heart surgery for a serious heart condition when he was detained in February, and he has also had multiple bouts of cancer that have resulted in removal of a kidney and a thyroid gland.

The filing in the U.S. District Court for Rhode Island includes testimony from leading public health experts about the particular danger posed by the continued detention of people at high risk of illness or death from COVID-19 in facilities like Wyatt. The suit points out that the “outbreak of COVID-19 in prisons and detention centers is increasing at an alarming rate,” and a number of courts across the country, responding to lawsuits like this one, have released ICE detainees with serious medical conditions.

The ACLU suit notes that as civil detainees, the three petitioners are constitutionally protected from “objectively unreasonable conduct that creates a risk to their safety.” The suit seeks immediate release of the three detainees “with appropriate conditions and precautionary public health measures.”

Eunice Cho, senior staff attorney at the ACLU's National Prison Project, said today: “The ACLU is filing these cases around the country because, for our clients, a COVID-19 infection would likely be a death sentence. The moment is urgent — the health and wellbeing of detained immigrants, facility staff, and their communities are all at risk. Releasing people from detention is critical to flattening the curve and avoiding a humanitarian disaster.”

Jared Goldstein, Professor of Law and Associate Dean for Academic Affairs at RWU Law, added: “When the government detains or imprisons anyone, it has a duty to ensure their safety. Our clients suffer from serious medical conditions that make them especially vulnerable to death from COVID-19. Yet in the face of a global pandemic that threatens vulnerable detainees like them, Wyatt has continued business-as-usual operations. By continuing to hold our clients in unsanitary conditions at Wyatt, where basic hygiene is ignored, the facility imperils their lives. The Constitution requires their release.”

Deborah Gonzalez, Director of the Immigration Law Clinic and Associate Clinical Professor of Law at RWU Law, noted: “There are ICE detainees at Wyatt that have serious pre-existing conditions like heart disease, diabetes and severe asthma, to name a few, and who are seriously susceptible to the COVID-19 pandemic. These folks need to be released as there is no way to

exercise social distancing while detained, especially when the detainees are congregating in a group of 60 with no masks and with no way to keep the ordered six feet of distance.”

ACLU of RI executive director Steven Brown said: “The expert witness testimony submitted with our lawsuit makes abundantly clear the life-threatening risks faced by our clients. We are hopeful that the court will act favorably and authorize their release with appropriate conditions.”

[A copy of the lawsuit and the expert witness testimony can be found here.](#)