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## Lawsuit seeks release of NC federal prisoners with COVID-19 risk factors

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POSTED → MAY 27, 2020, BY [JORDAN WILKIE \(HTTPS://CAROLINAPUBLICPRESS.ORG/AUTHOR/JORDAN-WILKIE/\)](https://carolinapublicpress.org/author/jordan-wilkie/)



The federal medical center at Butner is a part of the Bureau of Prisons complex in Granville County. A federal lawsuit from civil rights organizations seeks to free many prisoners with high-risk factors for COVID-19. Photo courtesy of the Bureau of Prisons

Audio player interface for SoundCloud. It includes a play button, the text "Audio from Carolina Public Press", the title "Lawsuit seeks release of NC federal prisoners with COVID-19...", a "Share" button, and a waveform visualization of the audio content.

Audio from Carolina Public Press (<https://soundcloud.com/user-291909471>) · Lawsuit seeks release of NC federal prisoners with COVID-19 risk factors (...)  
A class-action lawsuit filed Tuesday morning by several civil rights organizations is seeking the release of medically vulnerable people from the Butner Federal Correctional Complex, where 10 inmates have died from COVID-19.

The [lawsuit claims \(https://u7061146.ct.sendgrid.net/ls/click?upn=4tNED-2FM8iDZJQvO53jATUTWFMJERmw7EyNS77ivbTidDl7fviVeornH8CKGUiGN3PyrBeGnMbAfufnZrXj-2FlyFs87ZeVnFYE8txjktiw6ao-3DEBXL\\_aikUEYOx9I9O5spym5EbEiq8vorHTOtTh83EkM67yLhPm-2B6dIXnUICEsSvevfUNRJsWAJo-2F2aEVKQUFuYl-2Fv6aZ8lDweh8cGFZnJmlq1vYongvBQa1RcG2snBu6Pii89qiJpbokZT-2FCNdVv1ziWeP2oTtLfgBHioQWxXReosDG1e13eBf6y5PZMD9Socm2e81Og98d2r3M8O6rEZptXgd-2BRE4eZEw3GdL-2F-2FUqYb7WoivLzKlXoqRSreuWe3mIOsmRbtd3OBX1syph9FFEMccgW3SLsh5BqzVwRnTIfHNwPtXz92pNezeV4PtDitjmmOVEyoiUIC1xpaEzL3ttksexoddl2FHn-2BHLDSQYEeTVRa\)](https://u7061146.ct.sendgrid.net/ls/click?upn=4tNED-2FM8iDZJQvO53jATUTWFMJERmw7EyNS77ivbTidDl7fviVeornH8CKGUiGN3PyrBeGnMbAfufnZrXj-2FlyFs87ZeVnFYE8txjktiw6ao-3DEBXL_aikUEYOx9I9O5spym5EbEiq8vorHTOtTh83EkM67yLhPm-2B6dIXnUICEsSvevfUNRJsWAJo-2F2aEVKQUFuYl-2Fv6aZ8lDweh8cGFZnJmlq1vYongvBQa1RcG2snBu6Pii89qiJpbokZT-2FCNdVv1ziWeP2oTtLfgBHioQWxXReosDG1e13eBf6y5PZMD9Socm2e81Og98d2r3M8O6rEZptXgd-2BRE4eZEw3GdL-2F-2FUqYb7WoivLzKlXoqRSreuWe3mIOsmRbtd3OBX1syph9FFEMccgW3SLsh5BqzVwRnTIfHNwPtXz92pNezeV4PtDitjmmOVEyoiUIC1xpaEzL3ttksexoddl2FHn-2BHLDSQYEeTVRa) that the inadequacy of prison health care, overcrowding and the high number of medically vulnerable people housed at Butner create an environment that violates the Eighth Amendment's protection against cruel and unusual punishment.

**[The latest: North Carolina coronavirus daily updates]** (<https://carolinapublicpress.org/29967/coronavirus-in-north-carolina-daily-status-updates/>)

"Those working and living in Butner and the community at large are placed at an unreasonable risk due to the crowded conditions and inadequate response of the Bureau of Prisons at Butner," **Jonathan Smith**, executive director of the Washington Lawyers' Committee, one of the groups bringing the lawsuit, said in a press release.

"The presence of the medical center at the facility makes the need for action much more urgent."

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More than 4,400 people are incarcerated in [four prisons](https://www.bop.gov/locations/search.jsp?q=FCC+Butner&name=Butner&facilityType=FCC) on the Butner complex, including one of the federal system's six medical prisons, which houses people who are at particular risk for health complications should they contract COVID-19, the disease caused by the new coronavirus.

The worst outbreak has been at one of the two medium-security prisons, where there have been 222 confirmed cases and nine deaths due to COVID-19. Of those who tested positive, the [Bureau of Prisons reports](https://www.bop.gov/coronavirus/) 179 have recovered.

Among staff at that prison, the bureau reports 26 have tested positive, and four remain positive for COVID-19. The BOP relies on [staff self-reporting](https://www.bop.gov/coronavirus/covid19_status.jsp) and temperature checks for these numbers.

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North Carolina during COVID-19

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The lawsuit also scrutinizes the bureau's testing and reporting. First, the suit claims, the BOP has not tested an adequate number of people at the prisons. About 10% of the people incarcerated across the four prisons have been tested for COVID-19, and at least one person in each prison has tested positive.

Second, the reporting of positive tests has been inconsistent. In just one example, the BOP updated the number of people who had tested positive at some point, somehow decreasing the number of cases from five days prior.

The lawsuit was filed in U.S. District Court for the [Eastern District of North Carolina, Western Division](http://www.nced.uscourts.gov/counties/Default.aspx). The BOP said it will not comment on pending litigation.

On March 26, U.S. Attorney General **William Barr** issued a [memorandum](https://www.justice.gov/file/1262731/download) to the director of the BOP, directing him to prioritize the use of home confinement.

"Many inmates will be safer in BOP facilities, where the population is controlled and there is ready access to doctors and medical care," Barr's office wrote. "But for some eligible inmates, home confinement might be more effective in protecting their health."

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Since then, the lawsuit claims, the BOP has moved only 2% of prisoners in its custody to home confinement. This, according to the lawsuit, is not an adequate decrease in prison population to slow the spread of COVID-19.

The warden, the BOP director and BOP medical director are named as defendants in the suit, which accuses the federal government of inaction.

"BOP knows of these conditions, the extreme threat they pose and the necessary measures that must be implemented to protect prisoners and yet has, with deliberate indifference, failed to take critical steps to address the crisis," the lawsuit reads.

In affidavits attached to the litigation, prisoners at Butner described the difficulty in getting medical care even before the first inmates tested positive for COVID-19 at the end of March. Most of the affidavits are from inmates with chronic medical conditions like compromised immune systems, lung or heart disease and cancer. Many are at risk simply due to advanced age. Many at-risk prisoners have requested home confinement or compassionate release.

**Roger Goodwin**, who is incarcerated at FCI Butner Medium 1, the prison with the most severe outbreak, described lax enforcement of wearing masks, nonexistent social distancing and slow response to illness among inmates. By the time he was tested, he said, over 200 people in his camp had contracted COVID-19, according to a statement released by the plaintiffs.

Other men who submitted affidavits described the impossibility of social distancing due to sharing bathrooms, sleeping within a few feet of other men, using phones that are close to each other and not cleaned after each use, working shoulder to shoulder at computers and lining up for meals and medications close to other men.

They also described being issued masks, though enforcement of wearing them was inconsistent, both for staff and inmates. Staff members rotate units, meaning that they move from units where people who have tested positive for COVID-19 to units where the men had not.

This lawsuit is one of dozens that the American Civil Liberties Union has filed around the country, often in partnership with other legal rights organizations, attempting to force prisons to decrease their populations. The North Carolina chapter of the ACLU [filed a lawsuit](https://carolinapublicpress.org/30383/court-hears-arguments-in-lawsuit-seeking-prisoner-releases/) in state court that is ongoing, though the [judge dismissed](https://carolinapublicpress.org/30463/judge-denies-lawsuit-to-free-prisoners-during-pandemic/) the request for emergency action.



<https://docs.google.com/document/d/1CRgTnkwCtXEtLmHPeLdjSwG9czate2N5kIqVYkC2TMw/edit?usp=sharing>

## Comments

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**Wade Turner**

I have a freind who borrowed money o open a buisness to emplo people because he made 1 mistake he got 33 months and never committed a crime now maybe some people deserve to be n prison but some don't and all you people who have never committed any crime including traffic violations please

Like · Reply · 2w



**Tom Ozment**

If masks are touted as such good protection, give them all masks. The idiot who says let them out should be fired for idiocy.

Like · Reply · 1 · 2w



**Mike Williams**

Please pass the news

Like · Reply · 2w



**Darrel Jørgensen**

Great idea. Release potential virus carriers into the general population so they can spread the infection. The BOP could, however, suspend rotating staff for the time being to avoid spreading the infection and enforce wearing masks. Anyone who refuses to wear a mask would be ineligable for release.

Like · Reply · 2 · 2w



**Linda Bush Insley**

All those released would be required to quarantine for 14 days once they are released!!

Like · Reply · 2 · 2w



**Darrel Jørgensen**

Linda Bush Insley you know we are talking about people who are in jail because they don't like to follow the rules, right?

Like · Reply · 2 · 2w



**Sandra Burns**

Linda Bush Insley then, they could go out and reoffend!

Like · Reply · 1 · 2w



**Henry Sheldon**

Great idea -- NOT!! It would be "cruel and unusual" to release active COVID-19 patients/prisoners into the citizen population to randomly infect them, while probably committing new crimes as experiance has shown us that is what happens. That would also set a terrible precedent: [#GetSickToGetOut](#)

Like · Reply · 2 · 2w



**Linda Bush Insley**

Get a few facts before you start "spreading" your ignorance!!

Like · Reply · 2 · 2w



**Sandra Burns**

Oh my. Lets be nice. LOL

Like · Reply · 2w

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#### ABOUT JORDAN WILKIE

Jordan Wilkie is a Report for America corps member and is the lead contributing reporter covering election integrity, open government, and civil liberties for Carolina Public Press. Email [jwilkie@carolinapublicpress.org](mailto:jwilkie@carolinapublicpress.org) (<mailto:jwilkie@carolinapublicpress.org>) to contact him.

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