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ACLU of Wisconsin Says Media Hype and Politician's Criticism of H1N1 Vaccine for Prisoners Harms Public Health

Milwaukee, WI – On October 30, 2009 the ACLU of Wisconsin's executive director Christopher Ahmuty released the following statement in response to media stories and a media release from State Representative Brett Davis (R-Oregon) encouraging state health officials to put the health of prisoners, correctional officers and their communities in jeopardy by denying H1N1 vaccine to prisoners including pregnant women inmates:

State Representative Davis and others are wrong from both public health and civil liberties perspectives to complain that women prisoners have received H1N1 vaccine at the Taycheedah Correctional Institution near Fond du Lac, Wisconsin.

In overcrowded jails and prisons, such as Taycheedah, the risk of H1N1 contagion spreading among prisoners and correctional officers and then to the officers' families and communities must be addressed vigorously. The Centers for Disease Control's Interim Guidance for Correctional and Detention Facilities on Novel Influenza A (H1N1) Virus (May 24 2009) recognized that:

“Correctional institutions pose special risks and considerations due to the nature of their unique environment. Inmates are in mandatory custody and options are limited for isolation and removal of ill persons from the environment. The workforce must be maintained and options are limited for work alternatives (e.g., work from home, reduced or alternate schedules, etc.). In addition, many inmates and workforce may have medical conditions that increase their risk of influenza-related complications.”

See: www.cdc.gov/h1n1flu/guidance/correctional_facilities.htm

ACLU of Wisconsin Executive Director, reflecting on the CDC's guidance, said today, “Taycheedah's prisoners and guards are in just the kind of setting that needs aggressive preventive measures to avoid widespread infection. Suggesting that prisoners, who are in close contact with facility staff, are not a capable of catching and spreading the virus is ludicrous. To suggest that they should not receive vaccine because they are less

important than the 'law abiding citizens of our state,' will only further the spread of H1N1 to everyone.”

The American Civil Liberties Union of Wisconsin in a May 1, 2009 media release urged public health officials “to implement a public health policy which is rational, effective and has the least intrusion possible on civil liberties.” Denying or delaying appropriate preventive actions, including vaccination, is neither rational nor effective.

Ahmuty reminded the public, “Prisoners are serving their debt to society, but being subjected to disease and death is not part of a just sentence in any civilized society.”

The ACLU of Wisconsin and its 8,500 dues paying members defend and promote the civil liberties and civil rights of all Wisconsin residents.