



AMERICAN CIVIL LIBERTIES UNION

Arkansas

@ACLUArkansas  

Christine Althoff
President

Holly Dickson
Executive Director

Gary Sullivan
Legal Director

Via Facsimile to (479) 444-5751

August 25, 2021

Sheriff Tim Helder
Washington County Sheriff's Office
1155 W. Clydesdale Drive
Fayetteville, AR 72701

Dear Sheriff Helder:

The American Civil Liberties Union is a non-profit organization dedicated to the preservation and protection of rights guaranteed to all people by the United States and Arkansas Constitutions. We write today concerning a medical issue on behalf of detainees in your facility. Detainees are guaranteed the right to appropriate medical care by the U.S. and Arkansas Constitutions.

It is our understanding that the medical provider for Washington County Detention Center has been treating incarcerated people with Ivermectin for COVID-19, contrary to recommendations by the Federal Food and Drug Administration. See <https://www.fda.gov/consumers/consumer-updates/why-you-should-not-use-ivermectin-treat-or-prevent-covid-19>

The FDA noted that ivermectin can interact with other medications, and that an overdose can cause seizures, coma, and even death. Corrections officials are required to give incarcerated people adequate medical care under the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97, 103 (1976). Deliberately disregarding the known risks of ivermectin to a detained person's health is deliberate indifference in violation of the Eighth Amendment's protection against cruel and unusual punishment and the Fourteenth Amendment's Due Process Clause. *Vaughn v. Green County Ark*, 438 F.3d 845, 850 (8th Cir. 2006).

Based upon the information above, we request that you immediately recognize that the FDA has warned of the risks of this medication for COVID-19 and confirm that you will not permit people detained in your jail to be prescribed this medication contrary to FDA advice. We appreciate your time and attention to this matter and look forward to hearing back from you right away.

Respectfully,

Gary Sullivan