



PRESS STATEMENT MARCH 19, 2020

Contact: Piet van Lier
pvanlier@policymattersohio.org
216.832.2102

Governor, judges must include incarcerated Ohioans in COVID-19 response

Governor Mike DeWine and his administration have acted quickly and decisively over the past week to protect the health of Ohioans by "flattening the curve" of coronavirus. Closing schools, restaurants and other gathering places, and postponing Tuesday's election will slow the spread of the virus, protect our most vulnerable and keep hospitals from being overwhelmed.

However, the state has done little to extend these protections to youth and adults incarcerated in Ohio's prisons, jails, detention centers and halfway houses. In 2018, the last year for which numbers are available, approximately 79,000 Ohioans were incarcerated in state and federal prisons, local jails, and youth facilities.

Some local authorities are taking steps to address this looming crisis. In Cuyahoga County, Common Pleas Court judges held hearings last Saturday that led to 38 inmates being transferred out of jail and either sent to prison or released. Courts and law enforcement authorities in Cuyahoga, Erie Franklin, Hamilton, Richland and Summit counties are taking steps to reduce the number of people in jail. Piet van Lier, researcher for Policy Matters Ohio, released the following statement calling on DeWine and the Ohio Supreme Court to follow their lead:

"All people, whether they are in their homes or being held in a jail or prison, have the right to be safe and cared for during the COVID-19 outbreak. That's why the DeWine administration and Ohio Supreme Court Justice Maureen O'Connor, in coordination with state and local court and law enforcement authorities, must quickly address the risks facing our incarcerated neighbors and the workers who come into contact with them.

"Prisons and jails can be disease incubators for both people who are incarcerated and staff. Workers who are exposed can carry the virus home, spreading disease to their families and communities. Incarcerated people are more likely to have chronic health conditions that make them more vulnerable to COVID-19. Because disease can spread quickly in crowded jails and prisons, they're likely to produce large numbers of patients at the same time, overwhelming not only institutional healthcare systems but the capacity of nearby hospitals to which they may be transferred.

"State and local authorities must work to slow the spread of COVID-19 inside criminal justice institutions because the disease could explode out of the incarcerated population, affecting our communities as a whole. Last week, the ACLU of Ohio recommended Gov. DeWine ensure education about the virus and its spread for people who are incarcerated and those who come into contact with them; adequate staffing if workers fall ill; full provision of hygienic and

cleaning supplies; screening, testing and treatment of people in custody and staff; and appropriate housing for those who fall ill. On Wednesday, the ACLU released an [open letter to Ohio's government and elected officials and criminal justice stakeholders](#) with detailed recommendations to limit COVID-19's effect on incarcerated Ohioans. The organization also [sent a letter to federal officials](#) requesting that U.S. Immigrations and Customs Enforcement (ICE) 'take measures to align the practices of ICE's Detroit Enforcement and Removal Operations Field Office and Ohio Field Offices with the public health need to mitigate the coronavirus disease 2019 (COVID-19) pandemic.'

"This looming crisis demands a response that treats everyone in a just and humane way. The [new statewide ban on face-to-face visitation](#) is particularly concerning as [incarcerated people and their families must pay for video visits](#) and calls, [if these options are allowed](#) at all.

"To address this crisis statewide, the relevant authorities should:

- Release, at minimum, those who are incarcerated for nonviolent offenses with fewer than 90 days left to serve and people being held because they couldn't make bail.
- Stop detaining people before their trials for nonviolent offenses.
- Decrease the number of people being incarcerated who don't require immediate confinement, especially by eliminating cash bail and using alternative sentences for people facing nonviolent charges.
- Stop incarcerating people for technical violations of probation and parole such as failure to pay a fine, loss of employment, or a missed curfew.
- Review for release vulnerable individuals, particularly the elderly and those who have underlying health conditions that put them at greater danger of succumbing to COVID-19.
- Provide free video visits at least until in-person visitation is restored.

"It is not enough to simply release people back to their communities. In a crisis like the one we are entering, our leaders must ensure newly freed individuals are connected to appropriate health care services and ways to meet other basic needs.

"Some local leaders have moved in the right direction, but these are short-term, isolated fixes. Ohioans need a systemic, coordinated statewide response that explicitly includes our incarcerated neighbors in Ohio's public health response to the spread of coronavirus.

"Now more than ever, Ohio's leaders, statewide and local, have to base our public policies on evidence about what works and in the reality that we are all in this together."

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Policy Matters Ohio is a nonprofit, nonpartisan state policy research institute with offices in Cleveland and Columbus.