

March 10, 2020

Mike DeWine, Governor
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SENT VIA EMAIL

Dear Governor DeWine:



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Hasan Kwame Jeffries
President

J. Bennett Guess
Executive Director

We write you to express concern and interest regarding the prevention and management of COVID-19 in Department of Rehabilitation and Correction facilities, Department of Youth Services facilities, municipal and county jails across Ohio, and any private facilities under contract with the DRC.

Incarcerated Ohioans are highly vulnerable to outbreaks of contagious illnesses. They are housed in close proximity to one another and many are in poor health. Without the active engagement of your administration, relevant state departments and agencies, and the facilities themselves, those incarcerated have little ability to inform themselves about preventive measures, or to take such measures if they do learn of them.

Accordingly, we ask you and your administration to develop immediate plans to prevent and manage the spread or potential spread of COVID-19 among Ohio's prisons, youth facilities, and jails. If such plans have been formulated and/or are being implemented, we ask that these plans be immediately revealed to the public and news media so Ohioans can have confidence their incarcerated family and loved ones are as safe as possible. Of course, all these concerns also apply to those employed in and visiting these same facilities.

This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. The cost of inadequate planning may be measured in lives.

Any such plans should be developed collaboratively with relevant agencies and entities, including the Ohio Department of Health. Some of the critical issues that must be addressed are:

Education of those incarcerated: People housed in our prisons, youth facilities, and jails need to be informed about COVID-19 and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent that is possible. They must be educated on symptoms so that they can alert the proper authorities and attempt available precautions against spread. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.

Education of staff: Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as those people in their custody.

Staffing plans: Regardless of how many staff stay home because of illness, these facilities will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff miss work because they are sick or due to their avoidance of the existence, or their fear of existence, of COVID-19 within a facility.

Staffing plans for services performed by those incarcerated: Many tasks in some of these facilities, such as food service and basic sanitation, are performed by those incarcerated. Plans for an outbreak must also address how necessary tasks performed by incarcerated people will continue if large numbers of them are ill.

Provision of hygiene supplies: The most basic aspect of infection control is hygiene. There must be ready access in these facilities to warm water and adequate hygiene supplies, both for handwashing and cleaning.

Additional Cleaning: Usual cleaning protocols must be upgraded to include the use of hospital-grade disinfectants approved by the Environmental Protection Agency (EPA) as effective against the COVID-19 virus and to provide additional focus on high frequency touch points such as door handles and furniture surfaces in common areas.

Screening and testing of people in custody: Plans must include guidance, based on the best science available, on how and when to screen and test people in these facilities for COVID-19.

Housing of people exposed to the virus: Plans must describe how and where people in these facilities will be housed if they have been exposed to COVID-19, if they are at high risk of serious illness if they become infected, or if they become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with family or attorneys, should be based solely on the best science available and should be as limited as possible in scope or duration.

Treatment: Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.

Vulnerable populations: Plans must provide for additional precautions for those at high risk of serious illness if they are infected, such as those who are pregnant or over age 60, people with chronic illnesses, compromised immune systems, disabilities, and people with housing placements that restrict their access to medical care or limit the staff's ability to observe them.

Data collection: The collection of data regarding COVID-19 is a necessary part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The prison, jail, and youth systems are an integral part of this process. The same information that is tracked in the larger community must be tracked in these facilities.

Again, the ACLU of Ohio calls on your administration to immediately make public all plans being developed and/or implemented by the State of Ohio, all relevant departments and agencies, and, to the extent possible, county and city jails to manage the spread of and treatment for COVID-19 in these facilities.

Please do not hesitate to contact the undersigned with any questions or concerns or if we can be of any assistance in this truly pressing and important matter.

Sincerely,



J. Bennett Guess
Executive Director
ACLU of Ohio



Freda Levenson
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ACLU of Ohio

cc: Annette Chambers-Smith, Director, Ohio Dept. of Rehabilitation and Correction
Stuart Hudson, Assistant Director, Ohio Dept. of Rehabilitation and Correction
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