

December 7, 2020

Mike DeWine, Governor
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215

SENT VIA EMAIL to



Re: Ohio's COVID-19 Vaccine Distribution Plan

Dear Governor DeWine,

During a press conference on December 4, you announced Ohio's COVID-19 vaccine distribution plan. Because, as you said, the vaccine supply will initially be limited, you described a phased approach, stating that your administration will give first priority to frontline healthcare providers and personnel who are routinely involved with the care of COVID-19 patients. Also included in the first phase of distribution will be individuals living in congregate settings, including but not limited to:

- Residents and staff at nursing facilities.
- Residents and staff at assisted living facilities.
- Patients and staff at state psychiatric hospitals.
- People with intellectual disabilities and those with mental illness who live in group homes or centers and staff at those locations.
- Residents and staff of Ohio's veterans' homes.

You outlined your objectives of the vaccination campaign as saving lives, protecting the most vulnerable, slowing the spread of COVID-19, and taking care of health care and other workers risking their lives on the front line.

Despite these objectives, and despite your focus on protecting populations who are at high risk because they must live in congregate settings, your administration is ignoring the lives of the Ohioans held in prisons, jails, and detention centers. Incarcerated individuals are forced to live in crowded conditions where, try as they might, social distancing is impossible. Nor can they avoid sharing bathroom and eating facilities.

It is indisputable that many of Ohio's largest outbreaks have occurred in prisons and jails. As of December 6, 2020, at least 9,299 Ohio Department of Rehabilitation and Correction (ODRC) staff and individuals held in ODRC

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prisons have contracted COVID-19, and at least 116 have died. The total number of those who have contracted, or died from, COVID-19 held in Ohio’s jails, youth prisons, and detention centers is not readily available to the public.

A disproportionate number of people in Ohio’s prisons and jails are Black and Latinx, members of communities who have already suffered the most in this pandemic. There is no defensible reason to deny these individuals the same degree of priority accorded to residents of other congregate living facilities.

It is not only morally and legally imperative to prioritize the inoculation of prisoners, it is also pragmatic. The spread of disease in prisons, as in other incubator settings such as nursing homes, is a significant vector of disease to surrounding communities. Inoculation of prison guards and staff alone will not prevent community spread; it has not been shown that an inoculated individual does not still carry and transmit the disease.

Due to the unique risks to people in confinement – and the spread of prison and jail outbreaks to the surrounding communities – several groups including the American Medical Association, have emphasized the priority of providing COVID-19 vaccine to all incarcerated individuals. “We aren’t saying that prisoners should be treated any better than anybody else, but they shouldn’t be treated any worse than anybody else who is forced to live in a congregate setting,” explains Dr. Eric Toner, co-author of a report published by the Johns Hopkins Center for Health Security on vaccine allocation.¹

Ohio must fulfill its moral and legal obligation to protect the lives and health of the people that it has chosen to hold as prisoners. We urge you to protect these individuals in your vaccine rollout plan to the same degree as you are protecting others living in various congregate settings.

Sincerely,



J. Bennett Guess
Executive Director



Freda Levenson, Esq.
Legal Director



Jocelyn Rosnick, Esq.
Policy Director



CC:

- Major General John C. Harris, Ohio National Guard, Leader of the Governor’s Pandemic Response and Recovery Team
- Stephanie McCloud, Director, Ohio Department of Health
- Lance Himes, Senior Deputy/ Chief of Staff, Ohio Department of Health
- Dr. Bruce Vanderhoff, Chief Medical Officer, Ohio Department of Health

¹ See <https://www.nytimes.com/2020/11/30/health/coronavirus-vaccine-prisons.html?referringSource=articleShare>