

Women of Color Caucus Position Statement:

Prisons and Jails During COVID-19

The WOCC (Women of Color Caucus) is dedicated to human rights broadly. Therefore, the Caucus, appreciating the troubling time this nation finds itself in, implores Governor DeWine, county and municipal judges, local Sherriff's Departments and other law enforcement to undertake critical life-saving endeavors for those incarcerated.

Covid-19 is a wildly contagious pandemic. Prisons and jails are the perfect breeding ground for spreading this deadly contagion. Common sense policies have been recommended by the Center for Disease Control (CDC) to limit the spread by practicing social distancing.

Ohio Supreme Court Justice Chief Justice O'Connor provided guidance to Courts and members of the bar on March 23, 2020, instructing the judiciary "work together to ensure access to the courts while also minimizing COVID-19 transmission."

The directives include:

- At bail hearings, issuing recognizance bonds, unless there is clear and convincing evidence that recognizance release would present a substantial risk of harm
- Using discretion to release individuals held in jail
- Releasing incarcerated individuals who are in a high-risk category for being infected with the virus (e.g., the elderly, those with asthma, cancer, heart disease, lung disease, and diabetes) unless there is clear and convincing evidence that release would present a substantial risk of harm.
- For individuals incarcerated for non-violent misdemeanor offenses, releasing and placing them on community-control sanctions, including GPS or electronic monitoring, unless there is clear and convincing evidence that release would present a substantial risk of harm.
- Temporarily refrain from issuing a capias warrant for failure to appear for traffic violations, minor misdemeanor, and non-violent misdemeanor offenses.
- Generally, refrain from issuing capias arrest (bench) warrants and instead reschedule court appearances.
- Impose sentences with a presumption the sentence will be noncustodial, unless there is clear and convincing evidence that release would present a substantial risk of harm

Chief Justice O'Connor's directives are common sense life saving measures that the WOCC proudly supports in an effort to prevent the spread of this virus.

WOCC also encourages the adoption of the Ohio ACLU's recommendations emphasized in the Organization's March 18, 2020 Open Letter to Ohio Government and Elected Officials And Criminal Justice Stakeholders.



As it concerns law enforcement's discretion in arresting those accused of minor criminal offenses, the Ohio ACLU recommended:

- Drastically reduce the number of people arrested and detained, even if for just a short time, in close proximity to other people or in spaces where maintaining hygiene is difficult.
- Issue citation in lieu of arrest for the majority of misdemeanors and non-violent felonies so people can return home, balancing the need for immediate release of most people with public safety concerns.
- Release individuals with a warning who are driving on a suspended license. Alternatively, cite and release any person for driving on a suspended driver's license, when the underlying suspension is not related to public safety such as proof of insurance or financial reasons.

These discretionary practices are supported by the WOCC because each will serve to avoid compounding an already taxed prison and jail system, breeding grounds for the spread of COVID-19. As humanitarians, the WOCC seeks to encourage the preservation of safety and fairness within the criminal justice system. This can be accomplished by the implementation of the directives contained herein.



Rosa Beltré (she/her/hers)
Co-Chair
Woman of Color Caucus



Alicia Williamson (she/her/hers)
Co-Chair
Woman of Color Caucus

