**GOVERNOR’S or DIRECTOR'S ORDER?**

**In Re: Order to Reduce Incarcerated Populations in Selected Institutions in the State of Ohio**

I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders ... for preventing the spread of contagious or infectious diseases" Order the following to prevent the spread of COVID-19 into the State of Ohio:

1. **[STATE CORRECTIONS AND PAROLE AUTHORITIES]**
2. Pursuant to my powers to grant executive commutations and clemency under [CONSTITUTIONAL OR STATUTORY CITATIONS], my office will grant expedited commutations and temporary release of certain individuals to reduce the overall population in state custodial facilities and to discharge individuals particularly vulnerable to mortality from the virus.
3. The [STATE CORRECTIONS OR PAROLE AUTHORITY] shall immediately identify for my office all persons currently held in a state correctional facility who currently have 365 days or less of incarceration left to serve as of the date of this Order, for the purpose of this Office granting immediate commutation of the remainder of these individuals’ carceral term.
4. The [STATE CORRECTIONS OR PAROLE AUTHORITY] shall also immediately identify for my office all people who are incarcerated who are currently parole-eligible or will be within 2 years of the date of this Order and who also meet one or more of the following conditions: (1) 55 years of age or older; (2) chronic respiratory disease; (3) cancer; (4) heart disease; (5) lung disease, (6) diabetes or (7) who are otherwise immuno-compromised (“vulnerable populations”). Effectively immediately and on a rolling basis through May 31, 2020, the files of these parole-eligible individuals should be sent to my office for an expedited review and a presumptive grant commuting the remainder of their carceral term, unless my office determines commutation of a particular individual would pose an immediate and direct threat to public safety.
5. For all individuals released by commutation pursuant to this Order, I will issue legally binding commutation order(s), separate from this Order, to effectuate release.
6. The [STATE CORRECTIONS OR PAROLE AUTHORITY] shall also immediately identify for my office all other people who are incarcerated, regardless of parole eligibility or date or release, identified above as “vulnerable populations.” Effective immediately these individuals should be granted [MEDICAL FURLOUGH, TEMPORARY PAROLE, OR STATE NOMENCLATURE FOR SAME] by [STATE CORRECTIONS OR PAROLE AUTHORITY] until May 31, 2020, unless [STATE CORRECTIONS OR PAROLE AUTHORITY] determines such temporary release of a particular individual would pose an immediate and direct threat to public safety.
7. Individuals released with commuted sentences pursuant to this Order will be discharged from custody subject only to parole, probation or other conditions of supervision, if any, as they would have received if they had completed the full remaining term of incarceration. Individuals granted temporary release under this Order will be subject to whatever conditions [STATE CORRECTIONS OR PAROLE AUTHORITY] deems appropriate to ensure public safety and their return to custody on May 31, 2020, provided such conditions shall comply with Section 1(H), below.
8. All efforts will be made by [STATE CORRECTIONS OR PAROLE AUTHORITY] to ensure adequate, orderly and normal discharge planning and support for released individuals, provided that exceptions may be made to normal procedures consistent with the guiding imperative of this Order to release vulnerable populations from the states’ custodial facilities and reduce overall populations as rapidly as safely possible.
9. For all people under parole supervision, including people granted temporary release under this Order, until May 31, 2020, the [STATE PAROLE AUTHORITY] shall (1) cease all in-person check-ins, suspend check-in requirements or allow check-ins to occur by voice or video call; (2) suspend enforcement of any mobility-restricting supervision conditions that impede a person’s ability to seek medical care or to support a dependent; and (3) suspend all issuance of detainers or other revocations that would result in incarceration for technical (crimeless) rule violations.
10. **[STATE LAW ENFORCEMENT AGENCIES]**
11. Until May 31, 2020, the [STATE HIGHWAY PATROL AND OTHER STATE LAW ENFORCEMENT AGENCIES THAT MAKE ARRESTS] shall respond to legal violations through warnings, summonses, and citations. Officers shall cease making custodial arrests unless necessary to prevent an imminent and serious risk of bodily harm to another person. Arrests for misdemeanor offenses are prohibited for the duration of this order, and arrests for felony offenses must be individually approved by a supervisory official.
12. Until May 31, 2020, the [STATE HIGHWAY PATROL AND OTHER STATE LAW ENFORCEMENT AGENCIES] shall be prohibited from making any custodial arrests of any person on an outstanding warrant for failing to appear for a court date or failing to pay a fine or fee related to a conviction.
13. **LOCAL JURISDICTIONS AND CONTRACT CUSTODIAL FACILITIES**
14. All county and municipal governments and all businesses contracted with the state that operate custodial facilities (“local jurisdictions”) are directed to take immediate steps to significantly reduce the population in local custodial facilities through May 31, 2020.
15. Local jurisdictions shall take whatever steps possible, tailored to local needs and practices, consistent with the goals of this Order. Such steps may include, at the discretion of local jurisdictions:
	1. Reducing intake into local custodial settings by primarily responding to legal violations through warnings, summonses, and citations, and cease making custodial arrests unless necessary to prevent an imminent and serious risk of bodily harm to another person and only if individually approved by a supervisory official;
	2. Reducing the population of local custodial facilities by releasing all individuals held only on cash bail, individuals held on immigration or other agency’s detainers, individuals within 6 months of completing a post-conviction sentence, releasing or granting temporary release to all “vulnerable populations” as defined above in this Order, and suspending contracts with U.S. Immigration and Customs Enforcement for civil immigration detention bedspace;
	3. Any and all other steps deemed necessary and effective by local jurisdictions to reduce daily intake and the overall population of local custodial facilities.
16. Any provision of state law that could be interpreted as preventing or otherwise limiting or delaying the ability of a local jurisdiction to take steps to quickly reduce intake and populations of custodial facilities to prevent the spread of the virus is hereby waived through May 31, 2020.
17. No later than 48 hours after the issuance of this Order, all local jurisdictions shall certify receipt of this Order, and provide copies of any policies or orders that have been implemented to accomplish the goals of this Order, by email to [DESIGNATED EXECUTIVE OR STATE AGENCY STAFF AND CONTACT INFORMATION].
18. Effective immediately and on a rolling basis through May 31, 2020, local jurisdictions shall report any instance of a person infected or presumed to be infected with COVID-19 working or incarcerated in any custodial facility operated by the local jurisdiction by email to [DESIGNATED EXECUTIVE OR STATE PUBLIC HEALTH AGENCY STAFF AND CONTACT INFORMATION].

The provisions in this order may be terminated, extended or otherwise modified by issuance of additional Orders;

Nothing in this Order shall be construed in any way to restrict state or local authorities to order any lawful quarantine, isolation, or take any other lawful public health measure that exceeds or augments the actions in this Order;

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity against the State of [STATE] and its agencies, departments or any other person.

Nothing in this Order shall be construed to alter existing laws protecting the constitutional rights of defendants or the privacy of an individual’s medical information.

I DIRECT that this Executive Order be filed with the [SECRETARY OF STATE] and that all State and Local Agencies cooperate in widespread publicity and notice of this Order.

IN WITNESS WHEREOF, I set my hand and affix the seal of the [STATE/CITY] this [DAY] of [MONTH] of 2020.

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[NAME]
[TITLE]