



March 23, 2020

Mayor Bryan K. Barnett, President
Mayor Greg Fischer, Vice President
United States Conference of Mayors
1620 I St. NW
Washington, D.C. 20006

Re: Immediate Action Needed to Prevent the Spread of COVID-19 in Jails

Dear President Barnett and Vice President Fischer,

We are asking you to act immediately so that we can protect the lives of the more than 2.2 million people nationwide who are currently incarcerated, including more than 600,000 individuals in local jails. The spread of COVID-19 is a national emergency that threatens potentially millions of lives; current projections indicate that the U.S. death toll could range between 200,000 to more than 2.2 million people. While everyone is at risk, we have a moral obligation to ensure that our most vulnerable – the elderly, the sick, those without medical care, and those unable to protect themselves from the virus – get the help that they need.

The following guidelines are designed to keep incarcerated individuals, correctional officers, and their communities as safe, healthy, and virus-free as possible during this time of national and global crisis.

BACKGROUND:

As COVID-19 spreads in severity nationwide, decision makers at *all* levels are working to slow “community spread” by encouraging and even requiring social distancing.

Correctional facilities, including jails, represent the perfect breeding ground for COVID-19. Each day, people are [booked into and released from](#) jail facilities, while guards, vendors, and other jail staff cycle in and out. This [massive turnover](#) is exacerbated by the fact that [more than half of jailed people](#) only remain incarcerated for a few days, resulting in a [weekly turnover of 54](#)

[percent](#) of jail populations. Worse, the enclosed nature of jails, as well as the difficulties of maintaining proper hygiene inside facilities, mean that COVID-19 will likely spread like [wildfire](#) once introduced. Many local jails are extremely overcrowded – some to the point of [crisis](#). Access to clean water and showers is limited. Many people are forced to share a single bathroom. Hand sanitizer is often [banned](#) and, in many cases, handcuffs prevent people from covering their mouths when they cough. Moreover, the jail population is more likely to have [chronic health conditions](#) that render them particularly vulnerable to both infection and serious medical complications. All of these conditions effectively create a virus tinderbox that threatens not only incarcerated individuals and jail employees, but also their families and communities at large.

Experts recommend that to protect those people who are most vulnerable, we must physically separate individuals through [social distancing](#). Unfortunately, [separating sick people from well people](#) to prevent disease spread is nearly, if not entirely, [impossible in correctional facilities](#). We therefore urge local policymakers to *first* adopt the following decarceral measures and *second* implement mitigation-focused measures for anyone who remains incarcerated. We additionally urge proactive measures that will reduce the economic hardships associated with the criminal-legal system and debt collection.

WE URGE YOU *FIRST* TO ENACT THE FOLLOWING DECARCERAL POLICIES:

Reduce jail admissions to the maximum extent possible.

Work with your sheriff to:

- Use [cite-and-release](#) for all individuals who are eligible for cite-and-release including under expanded emergency provisions.
- Categorically end jail bookings for as many people as possible.
- Ensure no arrests or bookings for individuals who are alleged to have committed technical parole / probation violations.
- Stop all new arrests and detentions unless there is evidence of a specific identifiable harm to another person.
- Provide appropriate victims' services for individuals (i.e., victims) who have questions or concerns about these releases. Ensure easy access to these supports and services.
- Under no circumstances detain someone because this person is exhibiting COVID-19 symptoms.
- Where confinement is considered necessary, transition all new incarcerations to be house arrests.

***Example:** In Bexar County, Texas, Sheriff Javier Salazar released a COVID-19 mitigation plan that encourages cite-and-release.*

***Example:** In Cuyahoga County, Ohio, judges began expedited hearings to reduce the jail population. On a single day, they released 38 people from the Cuyahoga County Jail.*

***Example:** In Los Angeles County, California, the police department has reportedly reduced arrests from 300 per day to 60 per day, including by utilizing citations rather than booking people.*

Example: In Osage County, Oklahoma, there is a moratorium on all outstanding warrants, excluding warrants for violent offenses, domestic violence, and sex offenses.

Example: In Baltimore, Maryland, the District Attorney has announced a moratorium on prosecuting prostitution, drug offenses, and various other crimes.

Release the vast majority of individuals who are currently incarcerated in jails.

Work with your sheriff and/or health department to:

- Identify and prioritize the immediate release of the [elderly and medically vulnerable](#), including individuals who are pregnant or who have asthma, chronic illness, diabetes, lung disease, heart disease, or any condition that suppresses the immune system.
- Release all individuals who are being held pretrial, except where the individual faces charges involving allegations of serious and intentional physical harm.
- Release as many people as possible.
- Release all individuals who are within six months of their release date.
- Release all people held on probation and probation technical violation detainers or sentences.
- Release all individuals being held for other agencies, including Immigration and Customs Enforcement.
- Create a framework that facilitates the expedient release of as many incarcerated individuals as possible. Such releases should ultimately include all individuals who do not face charges involving allegations of serious and intentional physical harm. As necessary, petition judges and prosecutors to issue personal recognizance bonds for people so as to secure their release.
- Ensure that all people released from jail sentences have a transition plan that includes seamless access to medical care and health-related services, provided that provision of such plan does not delay release. If an individual must be under quarantine, ensure that the individual has the necessary information and resources available.

Example: In Los Angeles County, California, the sheriff has reportedly released more than 600 people as a way of mitigating virus transmission risk.

Immediately halt new admissions to juvenile detention and correctional facilities and initiate the removal of youth from juvenile detention and correctional facilities.

Work with appropriate local agencies to:

- Examine all pre- and post-adjudication release processes and mechanisms and begin employing these as quickly as possible.
- Remove youth who have COVID-19 symptoms; chronic illnesses, such as asthma or diabetes; other serious illnesses; or are in need of medical care.
- Eliminate any form of detention or incarceration for youth unless a determination is made that a youth is a substantial and safety risk to others.

For those individuals who are released on probation, urge the modification of supervision practices so as to support family bonds and health-related exigencies.

Work with your county probation office to:

- Eliminate the need for in-person meetings, check-ins, and any probation conditions that would require travel or in-person interactions.
- Suspend enforcement of / arrests for technical violations during the coronavirus crisis.
- Eliminate probation intake / active supervision to only those who absolutely require supervision. Such elimination should include, at minimum, a moratorium on misdemeanor probation.
- Cease collecting legal financial obligations (fines, fees, and restitution) from those on community supervision, as well as any fees associated with probation conditions.
- Discharge from supervision as many individuals as possible, beginning with those individuals who:
 - Are [elderly and medically vulnerable](#), including individuals who are pregnant or who have asthma, chronic illness, diabetes, lung disease, heart disease, or any condition that suppresses the immune system;
 - Are within 18 months of their release; or
 - Are serving a misdemeanor and/or any other eligible sentence.

WE URGE YOU *SECOND* TO IMPLEMENT THE FOLLOWING MITIGATION-FOCUSED MEASURES:

For those individuals who remain incarcerated, ensure proper hygiene and access to medical care.

Work with your sheriff to:

- Make a transparent, written policy, vetted by public health officials and widely distributed, for handling COVID-19 within each detention facility.
- Develop and implement testing protocols for all people who live, work, and visit inside jails.
- Extend paid sick leave to all jail and other criminal-legal system employees.
- Ensure the free provision of alcohol-based hand sanitizer, cleaning products, soap, medical tests, and other items related to CDC-recommended protocols.
- Eliminate medical co-pays.
- Working with local hospitals, doctor's offices, and health agencies, work to reduce medical appointment wait-times for incarcerated individuals.
- Release all incarcerated people who test positive for COVID-19 to an external healthcare facility where they can receive care. Anyone exposed and who needs quarantine should be moved to hospitals and medical facilities, or a medically appropriate setting, rather than quarantined within unsanitary and unsafe jails, prisons, or detention centers.
- Implement non-punitive procedures for housing people who are exposed to COVID-19, who are at high risk, or who screen or test positive. Ensure that these procedures do not yield lockdowns.

For those individuals who remain incarcerated, facilitate communications home.

- Eliminate charges for all communication mechanisms, including phone calls, video calls, emails, and written mail.
- Provide regular daily public updates on the number of cases, any fatalities, and the names of those who are ill, so that family and friends will have accurate, updated information.

For everyone who has incurred debt and/or debt-related penalties, end the financial hardship associated with these debts and penalties.

Working with local actors, including county policymakers and court officials, advocate policies that accomplish the following goals. See the [Fines and Fees Justice Center website](#) for more detail.

- Discharge / immediately cancel all outstanding fines, fees, and court debts that are under local control. Until this step is complete, pursue the following types of immediate relief.
- End the collection of fines, fees, and other court debts. Do not send any additional cases to private collection companies.
- End the collection of late fees, penalties, and interest.
- End the enforcement of warrants that are for unpaid fines, fees, or failures to appear.
- End the denial of any government benefits, including Section 8 vouchers, based on outstanding court debts.
- End the enforcement of driver's license suspensions that relate to unpaid court debts or failing to appear.
- Direct law enforcement to only issue warnings, or at most citing and releasing, any people caught driving on a suspended license.
- End the practice of booting, towing, and impounding vehicles for unpaid fines, fees, and other court debts.
- End the issuance of parking tickets and municipal code violations that do not impact public safety.
- End housing evictions.
- Place a moratorium on utility shutoffs while the coronavirus crisis lasts.
- Proactively communicate all policy changes to constituents.

Example: *Maine has [vacated all outstanding warrants](#) for unpaid fines and fees.*

Example: *Minnesota is [halting driver's license suspensions](#) for unpaid fines and fees, and it is suspending late fees and new referrals for collections.*

Example: *Shelby County, Tennessee now makes phone calls and video calls free.*

Example: *Multnomah County, Portland is suspending evictions during coronavirus outbreak.*

We know that your members are deeply committed to protecting those individuals who are serving criminal sentences, working in jail facilities, or living in surrounding communities. We believe that these measures are necessary to protect this population. Moreover, we are ready to support you however you need support; please contact the below-signed organizations for more information, technical assistance, or any other form of support needed.

In addition, please stay tuned for further communications regarding other actions that local officials can and should be taking, including actions related to fees/fines, decriminalization, and housing. We know that this crisis requires actions on many fronts, and we are committed to supporting you however we can. If you have questions or concerns, please contact Sakira Cook,

Director, Justice Reform Program, The Leadership Conference on Civil and Human Rights at cook@civilrights.org.

Sincerely,

1. A Little Piece of Light
2. Advancement Project, National Offices
3. Advocates for Youth
4. Alabama Justice Initiative
5. Aleph Institute
6. Alliance of Families for Justice
7. Alternate Roots
8. American Friends Service Committee
9. American-Arab Anti-Discrimination Committee (ADC)
10. Arab American Institute (AAI)
11. Aurora (CO) Public Defender's Office
12. Beauty After the Bars
13. Believers Bail Out
14. Bend the Arc: Jewish Action
15. Benton Institute for Broadband & Society
16. Black and Pink
17. Californians United for a Responsible Budget (CURB)
18. Candide Group
19. Center for Constitutional Rights
20. Center for Disability Rights
21. Center for Law and Social Policy (CLASP)
22. Center on Race, Inequality, and the Law at NYU School of Law
23. Center on Wrongful Convictions
24. Chicago Community Bond Fund
25. Chicago Urban League
26. Christian Reformed Church Office of Social Justice
27. Church of Scientology National Affairs Office
28. Civil Rights Corps
29. College and Community Fellowship
30. Color of Change
31. Colorado Criminal Defense Bar
32. Colorado Office of the Alternate Defense Counsel
33. Colorado-CURE, Inc.
34. Community Justice Exchange
35. Criminal Justice Policy Foundation
36. Decarcerate Tompkins County
37. Defender Impact Initiative
38. Defending Rights & Dissent
39. Detention Watch Network
40. Detroit Justice Center
41. Dignity & Power Now
42. Drug Policy Alliance
43. Equal Justice USA
44. Essie Justice Group
45. Fair and Just Prosecution

46. Fair Chance Project & Families United to End LWOP - FUEL
47. Forward Justice
48. Free Hearts
49. Friends Committee on National Legislation
50. Gender Justice LA
51. Gideon's Promise
52. HEARD - Helping Educate to Advance the Rights of Deaf Communities
53. Human Rights Defense Center
54. Human Rights for Kids
55. Illinois Prison Project
56. Immigrant Legal Resource Center
57. Impact Justice
58. Innocence Project
59. Interfaith Action for Human Rights
60. International CURE
61. Japanese American Citizens League
62. John Howard Association
63. Just Futures Law
64. Justice For Housing
65. Justice Policy Institute
66. JusticeLA Coalition
67. Juvenile Law Center
68. La Defensa
69. Lambda Legal
70. LatinoJustice PRLDEF
71. Law Enforcement Action Partnership
72. Law for Black Lives
73. Lawndale Christian Legal Center
74. Lawyers' Committee for Civil Rights Under Law
75. The Leadership Conference Education Fund
76. The Leadership Conference on Civil and Human Rights
77. Legal Council for Health Justice
78. Legal Services for Prisoners with Children/All of Us or None
79. Line Break Media
80. Live Free of Faith in Action
81. Marijuana Policy Project
82. Massachusetts Against Solitary Confinement
83. Matthew Shepard Foundation
84. Media Justice
85. Media Mobilizing Project
86. Michigan State Appellate Defender Office
87. Mijenyé
88. Mitchell Hamline School of Law
89. MomsRising
90. Montgomery County (MD) Civil Rights Coalition
91. Movement for Family Power
92. Muslim Advocates
93. NAACP
94. NAACP Legal Defense and Educational Fund, Inc.
95. National Association of Criminal Defense Lawyers
96. National Association of Social Workers

97. National Center for Lesbian Rights
98. National Center for Transgender Equality
99. National Center for Youth Law
100. National Coalition on Black Civic Participation
101. National Council of Churches
102. National Employment Law Project
103. National LGBTQ Task Force
104. National LGBTQ Task Force Action Fund
105. National Organization for Women
106. NETWORK Lobby for Catholic Social Justice
107. New Beginnings Reentry Services, Inc.
108. New Sanctuary Coalition
109. New Virginia Majority
110. OCA - Asian Pacific American Advocates
111. Office of the Public Defender State of Hawai'i
112. Open Society Policy Center
113. Oregon CURE
114. Orleans Public Defenders
115. Out for Justice
116. People For the American Way
117. Poder in Action
118. Prison Policy Initiative
119. Prison Voice Washington
120. Project for Transgender Incarcerated Survivors
121. Public Defender Association
122. Racial Justice Action Center
123. Real Justice PAC
124. Reform LA Jails
125. Release Aging People in Prison/RAPP
126. Reproductive Justice Inside
127. Safe & Just Michigan
128. Santa Clara County Alternate Defenders Office
129. Sero Project
130. Sex Workers Outreach Project - USA
131. SIECUS: Sex Ed for Social Change
132. Still She Rises, Tulsa
133. StoptheDrugWar.org
134. Texas Fair Defense Project
135. The Bail Project
136. The Campaign for the Fair Sentencing of Youth
137. The Dobbs Wire
138. The Justice Collaborative
139. The Justice Roundtable
140. The Ladies of Hope Ministries, INC
141. The Legal Aid Society of Suffolk County
142. The Mass Liberation Project
143. The National Council for Incarcerated and Formerly Incarcerated Women and Girls
144. The People's Lobby
145. The Promise of Justice Initiative
146. The Sentencing Project
147. Transformative Justice Coalition

148. T'ruah: The Rabbinic Call for Human Rights
149. Tzedek Association
150. Unheard Voices Outreach
151. Union for Reform Judaism
152. VOCAL-NY
153. Voices for Racial Justice
154. WE GOT US NOW
155. WISDOM of Wisconsin
156. Women's Justice Institute
157. Working Families Party
158. Worth Rises