



**Re: The Threat of COVID-19 in Jails and Prisons**

COVID-19 is a highly contagious and dangerous pandemic that poses an unprecedented threat in detention and correctional facilities. As state and local officials work to mitigate the threat of the disease, they must take proactive steps to reduce their detained populations before an outbreak occurs. Failure to act now will endanger the lives of both detained and non-detained people alike.

At this time, there is no cure, no vaccine, and no effective anti-viral treatment for COVID-19. We know that the virus remains viable in the air and on surfaces, and that people who do not present symptoms are nonetheless contagious. This is why schools, sporting arenas, movie theaters, and other settings involving person-to-person contact have been closed to slow the spread of disease. The only known ways to prevent rapid spread of the virus are social distancing and strict hygiene practices. Neither of these prevention tools are effective in jails, prisons, detention centers, and similar environments of confinement.

Social distancing is just as impossible in a jail or prison as it is on a cruise ship. In confined spaces, a single case of COVID-19 is able to spread throughout the population. It is difficult to overstate the danger posed by such an outbreak. It would not only spread quickly throughout the detained population and the people working in the institution, it would also spread to nearby communities as well. This would threaten to further overwhelm local medical systems, which will already be struggling to cope with the number of patients needing prolonged intensive care.

One of the goals of the criminal justice system is to protect public safety. At this time, the best thing that can be done within the criminal justice system for public safety is to get as many people out of jails and prisons as possible, and to minimize the number of new people getting arrested and cycling into these facilities. Anybody detained for a non-violent offense or who does not pose an immediate danger to themselves or others should be released immediately, before an outbreak occurs. This is especially true of medically vulnerable people, including elderly, immunocompromised, and pregnant individuals. The more people we have behind bars when the virus hits, the more people will die – including people who are not detained.

For people who remain in correctional facilities, we must do everything we can to create as safe an environment as possible. Soap and hand sanitizer should be available at all times, free of all cost. Sheriffs and wardens should implement screening policies and have staffing and quarantine plans in place. But even the most rigorous measures will not be enough. Because the virus has a long latency period and can be spread by people who are not showing symptoms, no screening or quarantine procedures will be fully effective, and the disease will spread.

Finally, we also must limit the potential for community spread for people who are not in correctional facilities but who are on work release, out on bond, or serving sentences of probation. To the greatest extent possible, we must limit supervision conditions requiring in-person meetings, classes, work assignments, and testing.

COVID-19 is already spreading throughout our communities, and our window to prepare is closing. The steps we take in the coming days to mitigate the spread of the disease in our correctional facilities will have long-lasting ramifications. These are unprecedented times, and we urge state and local officials to act now to prevent a worst-case scenario.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Fortune'.

Sarah Fortune, MD

John LaPorte Given Professor and Chair

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