

CORONAVIRUS AND MASS INCARCERATION

A Pandemic Exposes the Inhumanity of the Criminal Justice System

A production of All Of Us Or None, a project of Legal Services for Prisoners With Children

The effect of the Coronavirus pandemic on individuals incarcerated in the U.S. has shed light on the vulnerability of this population, the abysmal conditions in which they are kept, and the complete failure by officials to see and treat them as human beings.

The following timeline documents an 11-day period. In the blue boxes, you'll find the work of advocacy groups, demanding relief in the form of release and hygiene. In the orange boxes, you'll find actions taken by local, state and federal officials in the criminal justice system. Almost the entirety of the initial response by officials consists of suspending visits. But, like most prison contraband, outside materials get in mainly through the staff, not visitors who are screened and restricted. You'll see the cases of infections (red circles) begin with staff. You'll also see a flurry of government activity as the virus begins to appear at state and federal prisons, as officials rush to contain a viral bomb they have already ignited.

For context, the first case of Coronavirus in the U.S. was reported on January 20 and the first Coronavirus-related fatality was on February 29. On March 9, after death toll doubled in one week-end, Iran says it will release 700,000 prisoners. Confirmed cases in the U.S. reach 1,000. The only action taken by correctional facilities in the US to date is the suspension of visitation, with the exception of legal visits, in Nevada.

MARCH 10

ILLINOIS

Criminal justice advocates call on Gov. Pritzker to release as many elderly, disabled and medically frail people from prison as possible before they may be affected by the new coronavirus. There were nearly 7,800 state prisoners age 50 or older at the end of 2019, making up around 20% of the Illinois prison population.

MARCH 11

World Health Organization declares COVID-19 pandemic as virus is reported in at least 114 countries and kills more than 4,000 people.

LOUISIANA

Orleans Parish public defenders call on courts to immediately release from jail people held for non-violent offenses.

CALIFORNIA

SFDA directs staff not to oppose motions to release detainees facing misdemeanor charges or drug-related felony charges.

The LA Sheriff says he will use his authority to obtain early releases.

NEW JERSEY

Personal visits at correctional facilities are suspended. Legal visits are allowed.

Indiana, Colorado, Florida, Rhode Island and West Virginia suspend personal visits at all correction facilities.



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MARCH 12

ACTIONS TAKEN BY ADVOCACY GROUPS

INDIANA

Over 100 advocates call on the governor to release aging and infirm people from the state's prisons, as jails and prisons across the country brace for the effects of COVID-19.

A staffer at Hancock County jail (IN) tests positive.

OKLAHOMA

ACLU Oklahoma urges DOC to immediately develop comprehensive evidence-based and proactive plans for the prevention and management of COVID-19 within its custodial facilities.

MARCH 13

U.S. President Donald Trump declares national emergency and invokes the Stafford Act, freeing up federal funding to combat COVID-19.

MISSOURI

Advocacy groups in St. Louis send a letter to local and state officials outlining additional challenges the virus raises for incarceration and recommends policies directed towards safeguarding individuals' well-being.

ACTIONS TAKEN BY ADVOCACY GROUPS

CALIFORNIA

More than 40 state and local advocacy groups urge LA County officials not to wait until COVID-19 has entered a jail facility to take protective steps. LA County jails are the most populated jails in the country and individuals crowded into each facility are medically vulnerable and held in close contact with each other, without adequate access to water and soap.

Twenty-seven advocacy groups, including Legal Services for Prisoners with Children and California Coalition for Women's Prisoners, petition the governor to immediately release certain categories of people into parole supervision under the Emergency Services Act. The categories include medically fragile adults, adults over the age of 60 and people who have an anticipated release dates in 2020 and 2021. It also urges the expedition of the commutation process; the suspension of parole meetings and revocation for technical violations; the lifting of fees for calls to family members; and that CDCR provide a comprehensive plan of action.

LSPC and CCWP send a separate letter to Gov. Newsom and the Public Safety Committee Chairs for the CA Senate and Assembly, Nancy Skinner and Byron Jones-Sawyer, urging them to reconsider the cancellation of visits, highlighting the fact that more staff come in and out of facilities than visitors.

Juvenile justice organization in the East Bay pen letter to Alameda County probation urging the release of youth who don't pose a safety risk. They also ask for the diversion of more youth to community-based organizations.

Employee at the George W. Hill Correctional Facility (PA) tests positive; 11 prisoners are quarantined.

Inmate tests positive in Ontario County jail (NY), released on bail.

Two prisoners in Santa Clara County jail (CA) quarantined after public defender tests positive.

Two correctional employees in Washington state test positive.

All visitation at federal prisons are suspended, including legal visits. Attorneys may be approved for an in-person visit on a case-by-case basis.

A federal district court in Ohio delays all trials.

ACTIONS TAKEN BY LOCAL, STATE AND FEDERAL OFFICIALS

CALIFORNIA

SF Public Defender Mano Raju pens letter to Juvenile Justice Center, asking them to enable the release of all youth confined in the juvenile detention facility who are eligible for release, with a particular focus on those youth who are particularly young, suffer from disabilities such as asthma, or are immunocompromised, and therefore at higher risk for contracting and spreading COVID-19.

Washington, Utah, Kansas, Delaware, Tennessee, South Dakota, Maine, Maryland, Minnesota, Missouri, Mississippi, Louisiana, Oregon and North Dakota suspend personal visits.

Visitation suspended in Arizona, Alabama, Georgia, Montana, Alaska, Michigan, Hawaii, Idaho, California, Connecticut, Oklahoma, N. Carolina, Pennsylvania, S. Carolina, Texas, Vermont, Virginia and Wisconsin. Legal visits are allowed in some states.

D.C.

Washington DC sends its prisoners to the Federal Bureau of Prisons.

TENNESSEE

Shelby County is one of the first jurisdictions to make phone calls and video chat free for people in jail

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MARCH 14

ARIZONA

Prison Law Office request that attorneys for the Arizona corrections department immediately provide them and the Court with all plans that the ADC and its health care contractor Centurion have prepared for the prevention and management of COVID-19 in the Arizona prison system. This is part of the ongoing federal lawsuit between incarcerated persons being represented by Prison Law Office and the ADC over healthcare for prisoners. (Parsons v. Shinn).

MARCH 15

Prisoners in two cellblocks at San Quentin State Prison are quarantined with flu-like symptoms. They are not tested for COVID-19.

AN Employee at Peninsula Work Release (WA) tests positive.

Public Defender's Office tells staff to demand the release of jail detainees across Minnesota to protect them from the spread of Coronavirus.

MARCH 16

ACLU National issues letter urging not to book any new arrestees into jail unless absolutely necessary.

CALIFORNIA

LA Youth Justice Coalition petitions for the downsizing of juvenile hall, camp, Dorothy Kirby and placement population through a moratorium on custody and immediate releases for all technical Probation violations all misdemeanor and low-level felony arrests and bench warrant, all people detained at local, municipal police and school police facilities.

NEW YORK

Coalition of NYC defense attorneys call on governor and mayor to release individuals at the highest risk of serious health complications if they contract COVID-19. They also urge Chief Judge Janet DiFiore to instruct judges across the state to release anyone held in pretrial detention or solely for admin reasons.

An inmate at Nassau County jail (NY) tests positive for COVID-19 and is translated to a local hospital to be isolated and treated.

An investigator with the NYC Corrections Department dies from the virus

WASHINGTON

Northwest Immigrant Rights Project and the ACLU of Washington filed a lawsuit for ICE to release people who are vulnerable to COVID-19.

PENNSYLVANIA

Abolitionsit Law Center urges Allegheny County to release those being held pretrial, all individuals with less than 6 months left in their sentence, all individuals incarcerated for misdemeanors, drug possession, sex work, and other nonviolent offenses, as well as pregnant women, individuals over 50 and those at high risk of vulnerability. They also request the county transfer all non-releasable individuals to less restrictive forms of custody, i.e. GPS monitoring and house arrest.

ARIZONA

Prison Law Office and ACLU file a motion in Parsons v. Shinn demanding, among other things, the provision of hygiene and cleaning supplies.

OHIO

Judges in Ohio begin holding special sessions to try to settle cases, release prisoners or send them to prison, or release on house arrest

New York, Illinois, Kentucky and Iowa suspend visitation, but legal visits are allowed.

MINNESOTA

Public Defender's Office tells staff to demand the release of jail detainees across Minnesota to protect them from the spread of Coronavirus.

CALIFORNIA

LA sheriff holds a press conference, reporting that over the course of two weeks, the Sheriff's Department has reduced the jail population by about 617. The sheriff has ordered the release of people who had less than 30 days left on their sentences. He also directed local agencies to cite and release as many suspects as possible.

California suspends overnight visits.

NEW YORK

State suspends all new trials.

ACTIONS TAKEN BY ADVOCACY GROUPS

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MARCH 17

With West Virginia reporting its first case, the virus has now hit all 50 U.S. states.

Thirty-one prosecutors pledged to drastically reduce incarceration in the fight against #COVID19 and for our collective future. They represent over 17 million people in all parts of the country

ACTIONS TAKEN BY ADVOCACY GROUPS

WASHINGTON

Representatives of 14 groups, including the American Civil Liberties Union of Washington, Columbia Legal Services, and Disability Rights Washington call for Gov. Inslee to release thousands of people from Washington prisons, citing fears of a potential coronavirus outbreak in the prison system.

COLORADO

ACLU Colorado calls for governor to immediately and safely decrease in the number of people in Colorado's jails and prisons, dramatically decrease new admissions, dramatically decrease in-person court appearances; and implement evidence-based, humane and rights-affirming measures to protect the health and wellbeing of the prisoners and staff.

Two probation agents with in Michigan test positive. One works at a suspect holding facility in Detroit.

An employee at Sing Sing, the state prison in New York, tests positive for COVID-19.

NEW YORK

DOJ and CHS announce they will work with the chief judge, the Defense Bar to begin identifying and releasing people over 50, people who have underlying health conditions or a weakened immune system, people detained for administrative reasons; and people serving sentences of one year or less.

KENTUCKY

Public defenders and prosecutors agree to release about 110 defendants awaiting trial in Jefferson County Jail.

ACTIONS TAKEN BY LOCAL, STATE AND FEDERAL OFFICIALS

CALIFORNIA

Sacramento judge authorizes sheriff to release people in jail with 30 days or less left on their sentences.

PENN.

Philly DA says he'll integrate the threat of the virus into charging and bail decisions.

MISSOURI

St. Louis DA rolls out new bail policies to reduce pretrial detention.



Cook County sheriff secures the release of "several" detainees held on low-level, non-violent charges who are at-risk to the virus, including the elderly.

Judges and attorneys lower Cuyahoga jail population to its lowest level in facility's history.

ILLINOIS

Travis County's Justice of the Peace courts suspend issuance of arrest warrants for failure to appear for traffic offenses, summonses, and cite-and-release charges. Active warrants for Class C misdemeanor offenses are also suspended.

TEXAS

MARYLAND

ACLU Maryland and local advocacy groups request Gov. Hogan issue an executive order urging all law enforcement and correctional agencies, state's attorneys and members of the judiciary to take every step possible to avoid adding to the number of people incarcerated.

MARCH 18

LA Times runs an editorial entitled, "Coronavirus makes jails and prisons potential death traps. That puts us all in danger"

ACTIONS TAKEN BY ADVOCACY GROUPS

COLORADO

Judges, prosecutors and defense attorneys collaborate to release 25 prisoners from La Plata County Jail.

TEXAS

Officials at McLennan County Jail say they are working to release 29 inmates on OR bonds.

FLORIDA

Prisons temporarily stop accepting new prisoners. Meanwhile, the jail in Pinellas County is facing a crisis as the court system freezes while arrests continue.

ALABAMA

Circuit judge orders all prisoners to be released on OR in an effort to ease overcrowding. The sheriff has discretion on releasing prisoners based on their perceived threat to the public.

A staffer at Santa Barbara County jail (CA) tests positive. More than a dozen employees are sent home to self-quarantine.

Corrections officer in Westchester County (NY) tests positive. Doctors determine no one else at the jail warrants testing.

A corrections officer at Rikers Island (NY) tests positive. Two hours later, an inmate tests positive and is put in isolation at an undisclosed location. 8 people have been identified as "close contacts" and are symptomatic.

MARYLAND

A staff member is diagnosed for COVID-19 at the Detroit Detention Center, another at Jackson County Probation Office (MI).

First instances of COVID-19 in the federal system are reported. Two staffers test positive in 24 hours, Their positions are not identified. One employee works at a medium security prison in New Hampshire, the other at an administrative facility in Texas.

Baltimore State's Attorney drops all pending criminal charges against anyone arrested for drug possession, attempted distribution, prostitution, trespassing, minor traffic offenses, open container, and public urination.

FEDERAL

ICE officials say they will delay arresting immigrants who are not "public safety threats" and will roll back detaining those who fall outside of mandatory detention guidelines.

LOUISIANA

New Orleans DA is denying requests for people to be released pretrial, while the state DA's association calls to suspend speedy trial rules, increasing the likelihood that pretrial incarceration will increase exponentially.

MINNESOTA

Otter Tail County Jail begins prescreening by giving people a questionnaire and taking their temperature.

ARIZONA

ADC announces a set of baseline policies in prisons including distributing free soap.

WYOMING suspends personal visits, making it the final state to do so.

OHIO

Mercer County jail releases 50 low-level prisoners to free up space to create up to 30 more medical isolation cells.



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MARCH 19

NEW JERSEY

ICE detainees in Essex County launch hunger strike over coronavirus fears.

NEW YORK

Joint coalition of defenders in NYC call on ICE to cease all detention and release anyone in their custody.

CALIFORNIA

Californians for Safety and Justice sends pledge signed by over 100 organizations to local, state, and federal leaders, asking them to commit to restrict ALL bans on housing, provide more resources for reentry, put protocols in place for people on probation and parole, and stop all ICE raids and deportations.

MARCH 20

NEW YORK

Faith leaders from 165 organizations sent joint letter to Governor Cuomo, Senate Majority Leader Stewart-Cousins and Assembly Speaker Carl Heastie in strong opposition to any bail reform rollbacks, particularly in light of the current crisis.

ILLINOIS

Advocates at 17 organizations pen letter to Chief Judge Evans, urging him to work with decision-makers to immediately depopulate the jail and the Juvenile Temporary Detention Center as much as possible; and stem the flow of new arrests entering the criminal and juvenile systems.

Wisconsin state prison Waupun Correctional warden sends email to staff saying "an employee or client" has been infected.

An administrative employee at an Alabama state prison tests positive. The state corrections department does not release the name of the facility at which the employee was working.

Bergen County Jail officer (NJ) tests positive.

A member of the medical staff at Elizabeth Detention Center in New Jersey tests positive for coronavirus, the first case confirmed by Immigration and Customs Enforcement of an employee contracting the virus.

Two Rikers (NY) correction officers and a captain test positive for the coronavirus, bringing the total number of infected staff to four. So far, only one inmate has been tested -- he is also infected.

Polling by Data Progress shows strong, bipartisan support for dramatically reducing jail and prison populations to slow the spread of the coronavirus. Sixty-six percent of likely voters, including 59% of those who are "very conservative," said that elected officials should be considering

Two state prison employees test positive for coronavirus — one at California State Prison, Sacramento, outside Folsom and another at San Quentin.

An inmate at Southwestern Illinois Correctional Center tests positive for COVID-19.

The number of infected individuals reaches 38: 21 prisoners, 12 jail employees and 5 correctional health workers. Two dorms of 45 people incarcerated there are refusing to leave their dorms for work duties or for meals in protest of deteriorating conditions on the island.

Nationally, over a 10-day span, the number of incarcerated individuals reported to have contracted COVID-19 went from zero to 31.

There are 37 infected staff.

Hundreds are being quarantine, but many are not being tested.

NEW YORK

NYC mayor releases 40 inmates "with health risks and low-level offenders" from Rikers Is-

ILLINOIS

Several attorneys say their clients incarcerated at the Cook County Jail in Chicago are being asked if they want to go to court to plead guilty to escape conditions. They are asked to check a box indicating yes or no.

Dixon Correctional Center, a state prison in Illinois, begins making sanitizer available for sale at the commissary, but prisoners have to pay.

CALIFORNIA

Alameda County Public Defenders, in collaboration with the sheriff, DA and courts, secure the release of over 300 prisoners in the Santa Rita County Jail.

TEXAS

Travis County Attorney suspends prosecution of minor nonviolent offenses. Governor directs Texas DCJ to suspend all fees for health care services related to COVID-19.

NEW MEXICO

The Sandoval county attorney asks judge to order the release of all misdemeanor and non-violent offenders from the local jail and to refuse to admit any more.

FLORIDA

Hillsborough sheriff releases 164 prisoners from county jail.

PENNSYLVANIA

Philly DA says he's working to identify and release people who: are parole eligible; are worthy of early parole; are elderly, ill, and/or infirm; are being held pre-trial for non-violent misdemeanors because they can't afford bail; are candidates for alternative detention, i.e. house arrest or GPS monitoring; and juvenile offenders who are deemed to pose no threat to public safety.

ALABAMA

Judge orders the release of people detained on bonds of less than \$5000 in three counties

COLORADO

Sheriff orders release of prisoners who have served at least 50 percent of their sentence and meet all other early release program requirements from Jefferson County Detention Facility.

NEW JERSEY

Bergen County Jail begins distributing disinfectant spray and hand sanitizer to staff and prisoners; rotating which prisoners are allowed out of their cells; increasing cleaning of cells and offices; and screening employees, vendors, detainees and prisoners.



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TO OUR COMRADES INSIDE: WE ARE FIGHTING FOR YOU!

RESOURCES

Information on supporting incarcerated people and family members during a crisis:
<https://www.beyond-prisons.com/covid19>

Coronavirus information for incarcerated people:
Coronavirus Manual - CA Jails
<https://prisonerswithchildren.org/wp-content/uploads/2020/03/Coronavirus-Manual-CA-Jails.pdf>

Coronavirus Manual - Federal Facilities
<https://prisonerswithchildren.org/wp-content/uploads/2020/03/Coronavirus-Manual-Federal-Facilities.pdf>

Coronavirus Manual - Other States
<https://prisonerswithchildren.org/wp-content/uploads/2020/03/Coronavirus-Manual-Other-States.pdf>

Coronavirus Manual - CDCR
<https://prisonerswithchildren.org/wp-content/uploads/2020/03/Coronavirus-Manual-CDCR-1.pdf>

Marshall Project:
<https://www.themarshallproject.org/2020/03/17/tracking-prisons-response-to-coronavirus>

The Justice Collaborative website:
<https://thejusticecollaborative.com/covid-19-policy-shifts/>

The Appeal:
<https://theappeal.org/political-report/coronavirus-response-state-local/>

End Incarceration (a website tracking changes in incarcerated population levels by state and city):
<http://end-incarceration.org/>

Ella Baker Center:
<https://ellabakercenter.org/COVID19EBC>

Western Center on Law and Poverty website:
<https://wclp.org/covid-19-coronavirus-information-response-and-considerations/>

CDCR website on COVID-19:
<https://www.cdcr.ca.gov/covid19/>

BOP website on COVID-19:
https://www.bop.gov/resources/news/20200319_covid19_update.jsp

“Coronavirus and Mass Incarceration” was produced by Paula Lehman-Ewing, Editor at All Of Us Or None, a project of Legal Services for Prisoners with Children. Learn more at prisonerswithchildren.org

LSPC is a 501(c)3 non-profit organization and a designated California State Bar legal support center for Qualified Legal Service Providers. We do not provide direct services or take on individual legal cases. However, we are able to provide informational manuals and referrals to other legal services.

LSPC organizes communities impacted by the criminal justice system and advocates to release incarcerated people, to restore human and civil rights, and to reunify families and communities. We build public awareness of structural racism in policing, the courts, and the prison system, and we advance racial and gender justice in all our work.

Contact us at info@prisonerswithchildren.org