



## Actions to Prevent the Spread of COVID-19 in the Criminal-Legal System: State Governor Recommendations & Resources

The spread of COVID-19 is a [public health emergency](#) that is especially urgent for the [2.3 million human beings](#) caged in U.S. jails and prisons. These institutions are already dangerous and unhealthy places, even outside of a global pandemic, with overcrowding, deplorable conditions, and inadequate healthcare access making them a hotbed for infectious diseases. Based on everything we know, these conditions will cause COVID-19 to continue spreading like [wildfire](#)—and the consequences will be devastating.

At this crisis point, decarcerating jails and prisons is a legal, moral, and humanitarian imperative. We recommend that all governors immediately take the following actions.

### **Using all available powers, including the powers of clemency, furlough, parole, and compassionate release, dramatically reduce the prison population.**

- Institute a release protocol for all people who are detained in prison. Ensure that such protocol includes (1) categorical release for *as many people as possible* and (2) a public health-conscious process that facilitates the release of individuals who are *not* within these broad categories.
- Stop all new detentions of individuals, except where law enforcement can justify in writing that the government interest in criminal prosecution outweighs the *extreme mortality and infection risk of spreading COVID-19 within correctional facilities*. Designate many offenses as *categorically ineligible for detention*.
- When developing the broad categories for immediate release, ensure that these categories include *at minimum* the following:
  - 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;
  - Anyone within 18 months of his/her release date; and
  - All people held on a probation or parole-related detainer, including anyone incarcerated for a technical violation.
- Ask parole boards to release all individuals who are currently on parole and develop an emergency process that can expedite parole hearings.

### **Modify supervision practices for state parole and probation.**

- Eliminate intake and active supervision to only those who absolutely require supervision.
- Eliminate the need for in-person meetings, check-ins, or other in-person requirements.
- Cease collecting legal financial obligations (fines, fees, and restitution) from those on community supervision, as well as any fees associated with supervision conditions.

### **EXAMPLES:**

- *In Illinois, the governor signed an executive order that [eases the restrictions](#) on early prison releases for "good behavior" by waiving the required 14-day notification to the State Attorney's office. The executive order explicitly states that this is an effort to reduce the prison population, which is particularly vulnerable to the COVID-19 outbreak.*