



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

Working with your local sheriff and courts, end jail admissions to the maximum extent possible.

- Ask that city-controlled law enforcement use [cite-and-release](#) for all individuals who are eligible for cite-and-release.
- Ask that law enforcement and the local courts stop all new arrests and/or detentions, 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, including any offenses related to nonpayment, as *categorically ineligible for prosecution*.
- Ask that local courts not impose bond or pretrial detention in any cases.
- Ask that local courts not request post-conviction detention in any cases.
- If the court is nonetheless considering pretrial or post-conviction detention in some cases, ensure that (1) such detention is unavailable for most people, by making many groups categorically ineligible, and (2) all individuals who are *not* categorically ineligible have a hearing that addresses the public health-related exceptional circumstances.

Working with your local sheriff and court system, decarcerate the local jail(s).

- Issue an order [setting a population cap](#) for the local jail. Such order can further empower the local sheriff to begin releasing individuals, so that the jail remains under the cap.
- Ask that the local courts and District Attorney institute a release protocol for all people who are detained pretrial and post-conviction. Ensure that such protocol includes (1) immediate, categorical release for *as many people as possible* and (2) a swift, public health-conscious process that facilitates the release of individuals who are *not* within these broad categories.
- When developing the broad categories for immediate release, ask that the 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;
 - All individuals being held pretrial;
 - All people serving misdemeanors and a set list of felony offenses, which list includes the vast majority of felonies;
 - All individuals within six months of their release date;
 - All primary caregivers;
 - All people held on a probation or parole-related detainer; and
 - All individuals being held for other agencies, including ICE.
- If custodial detention is nonetheless maintained, ask for a written explanation regarding why the government interest in custodial detention outweighs the *extreme mortality and infection risk of spreading COVID-19 within correctional facilities*.
- Cancel outstanding city fees, fines, and other court debts. End enforcement of any penalties that relate to nonpayment, including driver's license suspensions, housing evictions, or reductions of public benefits due to nonpayment. See [here](#) for other fines and fees recommendations.

EXAMPLE:

- Under Mayor Mitch Landrieu's leadership, New Orleans passed a city ordinance [imposing a cap](#) on the number of beds in the facility. Combined with other reforms, this move [more than halved](#) the city's jail population.