



Actions to Prevent the Spread of COVID-19 in the Criminal-Legal System: Probation 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. Jails are already dangerous and unhealthy places, even outside of a global pandemic, with overcrowding, deplorable conditions, and inadequate healthcare access making jails 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 minimizing the harms of criminal-legal system contact is a legal, moral, and humanitarian imperative. We recommend that all jurisdictions immediately take the following probation-related actions and see [this resource](#) for additional ideas.

Reduce the number of people being supervised.

- 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.
- Discharge from supervision *as many categories of individuals as possible*, including *at minimum* those 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
 - All people serving misdemeanors and a set list of felony offenses, which list includes the vast majority of felonies;

Mitigate the health and economic consequences of community supervision.

- Eliminate the need for in-person meetings, check-ins, and any probation conditions that would require travel or in-person interactions.
- Cease collecting legal financial obligations (fines, fees, and restitution) from those on community supervision, as well as any fees associated with probation conditions.

EXAMPLES:

- *In California, the [California Department of Adult Parole Operations](#) has reduced the number of required check-ins to protect staff and the supervised population by suspending office visits for people 65 and older, as well as those with chronic medical conditions. Routinely scheduled and non-essential office visits are strongly discouraged.*