



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

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

- Encourage the use of [cite-and-release](#) for all eligible offenses.
- Encourage a halt to all new arrests and bookings, except where law enforcement can justify in writing that the government interest in arrest and detention outweighs the extreme mortality and infection risk of spreading COVID-19 within correctional facilities. Ask law enforcement to designate many offenses, including any offenses related to nonpayment, as categorically ineligible for arrest and detention.
- Encourage a halt to pretrial detention *and* post-conviction detention in all cases. If local actors are unwilling to halt pretrial detention, advocate that (1) such detention be 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.
- Ask that local courts not impose post-conviction detention in any cases. If the court is nonetheless considering custodial detention in some cases, request that all new incarcerations be house arrests.
- If a court imposes custodial detention in any context, ask the court 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.

### **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.
- Encourage 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 hearing process that facilitates the release of individuals who are not within these broad categories.
- 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;
  - 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.
- Cancel outstanding fees, fines, and other court debts and end enforcement of any penalties that relate to nonpayment, including driver's license suspension and housing evictions.