



## 2021 Policy Platform

### COVID-19 RESPONSE: REFORM PRISON AND JAIL CONDITIONS

COVID-19 has exposed—and worsened—the already poor conditions in health, safety, and wellness that individuals experience in our state’s prisons and jails. According to the CDC, the best ways to prevent the coronavirus from spreading in these facilities is to provide for social distancing, wearing facial coverings, good hygiene, more intensive cleaning and disinfecting, frequent testing of people with and without symptoms, and isolating people with confirmed or possible infections. But our state’s prisons and jails have failed to respond to many of these needs, causing life-threatening harm to incarcerated Floridians, their families, and surrounding communities. Given the toll that COVID-19 has already taken both in and outside of the criminal justice system, prisons and jails need to prioritize public health in addition to safety.

#### THE PROBLEMS

- **Prisons and jails allow for little to no social distancing.** Coronavirus spreads more easily in prisons and jails because incarcerated individuals live, work, eat, and participate in activities within groups and small spaces. Living in a prison involves interacting with various people who come and go frequently, including staff, incarcerated persons moving between facilities or going to court appearances, and loved ones who visit. Meanwhile, jails have high turnover rates as individuals are detained for short periods of time. These movements and the near impossibility of social distancing make it difficult to stop the virus from entering and spreading in prisons and jails.
- **Incarcerated individuals lack high-quality protective supplies.** Correctional staff and incarcerated individuals in all Florida prisons and in many jails are required to wear masks. However, attorneys and advocates visiting our state’s jails have reported that incarcerated individuals have been given masks that are poorly made or not designed for longer use. Mask-wearing is also not universal or properly enforced, and incarcerated individuals have little to no access to cleaning supplies. Meanwhile, as of mid-October, the Department of Corrections (FDC) provides higher-quality surgical masks only to staff treating incarcerated individuals.
- **Testing in Florida’s prisons and jails is limited.** Despite the higher risks of COVID-19 in prisons and jails, testing is inconsistent and incomplete across Florida’s correctional facilities. In addition, the state’s approach to testing has largely been focused on incarcerated individuals who show symptoms. However, CDC studies on prisons and jails have found that broad testing of the population within a facility is more accurate and helpful in preventing spread than testing only people who show symptoms. The FDC has begun to conduct institution-wide testing when it is indicated by a “positive inmate” and has offered voluntary COVID-19 testing to all incarcerated individuals and staff members at 49 of its 57 major institutions. However, it is unclear whether institution-wide or voluntary testing includes testing for individuals incarcerated in the FDC’s work camps, annexes, and other facilities. Moreover, some institutions that have had positive cases among incarcerated individuals, and therefore should have adopted institution-wide testing in line with FDC policy, have reported only a few new tests since May. Meanwhile, in facilities without institution-wide testing, the FDC has provided sample testing of incarcerated individuals without symptoms only if they are already in quarantine and are elderly or have medical issues. For the rest of people in these facilities, they must show symptoms to be tested during their incarceration.
- **Incarcerated individuals are already more vulnerable to COVID-19 and its health effects.** The CDC has found that people of any age with certain conditions are at increased risk for severe illness from COVID-19. These conditions are far more common among incarcerated individuals. In a national survey, over half of people in both prisons and jails had chronic health conditions. Failing to protect these people vulnerable to the virus not only worsens outcomes for them, but also increases the burden on the healthcare system, the risk of illness for essential correctional staff, and the spread of the virus within and beyond the criminal legal system.
- **Efforts to safely de-densify prisons and jails have fallen short.** Reducing prison and jail populations is key to improving physical distancing. Though some jails have cut their populations, the average length of stay in jails has notably increased since mid-March. These prolonged periods of detention pose greater risk to incarcerated individuals during their stay and to their communities when they are ultimately released. Keeping people in jail during the pandemic also does not serve public safety. Individuals released in the weeks after mid-March were less likely to

be rebooked than individuals released prior to the pandemic. Therefore, releasing rather than keeping people in jail may not increase rearrests beyond what they were before the pandemic.

- **Florida's prisons and jails remain hotspots.** Given the above problems, it is not surprising that Floridians in prison are over 5 times more likely than the state's general population to test positive for COVID-19 and are 3.2 times more likely to die from the virus, after adjusting for their age, gender, and race. Columbia Correctional Institution in Lake City is responsible for nearly 1,500 cases alone, representing one of the largest clusters of cases in the country. Across the state, the FDC has reported 16,483 positive tests and 154 deaths due to COVID-19 as of October 14. And it is unclear whether these numbers take into account all of the department's 145 facilities.

## THE SOLUTIONS: THE FRRC PLAN

Over the last several months, FRRC has connected with incarcerated individuals, returning citizens, and their families to understand the challenges they are facing during COVID-19. Our Executive Director Desmond Meade also serves on the National Commission on COVID-19 and Criminal Justice. From these experiences, FRRC has developed an evidence-based plan to tackle the needs of incarcerated individuals and their families and to slow the spread of COVID-19 within and beyond prisons and jails.

**Families:** Families deserve to have transparent and reliable information on their loved ones and to know that the health and welfare of these individuals is a top priority. Communications and visitation should be provided in an affordable and consistent way to ensure the wellbeing of incarcerated family members.

- **Adopt a broader communications plan**, including reporting infection and testing rates by race, testing schedules, and the department's status in implementing CDC recommendations.
- **Help incarcerated individuals stay connected** by ensuring access to alternative free or low-cost options for maintaining contact with loved ones while allowing for social distancing.

**Reduction:** De-densification can limit the spread of COVID-19 within prisons and jails by giving those most susceptible an opportunity to be in a safe home environment while also providing incarcerated individuals with more space to distance.

- **Safely release people from jails**, including those at higher risk from COVID-19 due to age, medical conditions, and/or pregnancy; individuals charged with lower-level offenses and technical (crimeless) violations; and individuals with little time left on their sentences.
- **Safely release people from prisons**, including the thousands of incarcerated individuals who are eligible for parole or have severe health issues, to home confinement. Evidence suggests that the types of release from both jails and prisons recommended here pose little risk to public safety.

**Revision:** COVID-19 has become a major issue within the criminal legal system and has brought to light a myriad of issues within jails and prisons. Now is the time to revise outdated and obsolete practices that have not proven to be effective for the care, safety, and rehabilitation of incarcerated individuals.

- **Reduce unnecessary jail admissions** by eliminating the use of cash bail and incarceration due to technical violations. Ending these and other practices reduces recidivism, saves taxpayers millions, and protects individuals from the serious harms of even just a few days of incarceration.
- **Uphold rights, dignity, and well-being** by providing educational and vocational programming to all incarcerated individuals, ensuring that conditions of confinement under quarantine are not the same as solitary confinement or punitive segregation, and providing healthy cooked meals.
- **Eliminate medical co-pays** imposed on incarcerated individuals, who earn no money while in prison, so they are not deterred from seeking the medical treatment they need.
- **Prioritize successful and safe reentry** so that people released from prison have access to the housing, employment, transportation, and other basic services they need to be healthy and thrive.

**Care:** The care and wellbeing of those in the criminal justice system have been left behind and placed on the shoulders of people most likely to come from low-income communities. Now is the time to find acceptable solutions to healthcare within the system that do not put the burden on the families.

- **Prevent and control COVID-19 infections within facilities** by limiting transfers, implementing broader testing, and improving access to and enforcing the use of quality protective supplies.
- **Prevent COVID-19 infections from re-entering communities** by testing correctional staff regularly and by testing and quarantining all incarcerated individuals upon release.