

**Responding to the threat of COVID-19 in the criminal justice system:** *public health recommendations for justice system stakeholders.*

March 20, 2020

- 1) Release from custody those being held pre-trial who do not pose an immediate and substantial risk to public safety.
- 2) Expedite release on parole for all currently eligible cases, prioritizing those with advanced age or chronic medical illness (see #3 below), as authorized by statute (invoking Governor's State of Emergency powers as relevant).
- 3) Identify the members of at-risk populations currently in correctional settings: 1) all those of advanced age (over 50); and 2) those with underlying chronic medical illness that would put them at increased risk for severe complication of COVID-19, such as cardiac, pulmonary, liver, renal disease, or immunosuppression due to underlying disease or medications.
- 4) Explore all legal means to expand release for these at-risk individuals, even on a temporary public health furlough basis, to community based, non-congregate settings. Develop a system where probation or police officials conduct periodic welfare and compliance checks to ensure release has not resulted in an increased risk to public safety.
- 5) Whenever possible, reduce frequency of arrests, especially those that might result in detention. Temporary non-arrest policies could be applied to minor violations in which officers are routinely empowered with discretion. Consider issuing tickets/citations in lieu of arraignment in court.
- 6) Limit the influx of new pre-trial detainees into correctional facilities and courts. Minor and nonviolent offenses could be scheduled on a new, separate, delayed docket that calls for initial appearances in several months, allowing time to respond to the epidemic. Whenever possible, utilize alternatives to incarceration or postpone sentencing.
- 7) Screen all those arrested and entering the courts for COVID-19 symptoms and exposure.
- 8) Identify and notify agencies that work with individuals post-release to prepare for an increase in individuals needing services. Give them the resources and training to deliver these services in an environment of elevated risk for infectious disease.
- 9) Develop public health messaging strategies to educate the public about the need to release people now in order to prevent increased viral spread and additional overwhelming of the health care system.