



Being Incarcerated Should Not Be a COVID Death Sentence: Renewed Push Needed to Release People Early from Prisons and Vaccinate Those Still Incarcerated

As people in communities across the country eye a return to safer and easier interactions due to the COVID-19 vaccination, people incarcerated still face a dangerous risk of sickness and death due to the conditions they must live in and reduced access to testing and vaccination. COVID-19 case rates among incarcerated persons are nearly five times higher¹ than in the general population, totaling 394,994 as of April 2021², out of 2.3 million incarcerated. Over 2,560 lives have been lost³.

Prisons are overloaded, and release efforts have been inadequate. Overcrowded conditions exacerbate COVID-19 spread. Despite the life-saving benefits of releasing incarcerated individuals, the process remains slow. The Prison Policy Initiative reports that not all state correctional facilities are using tools to reduce prison populations to their fullest potential. As of December 2020, 19 state prison systems were at 90 percent capacity or higher⁴.

These individuals are disproportionately people of color, primarily due to the failed War on Drugs and other racially motivated policies and practices. Failure to release more people from incarceration and reduce influx into prisons and jails is inhumane and racist.

Many jail and prison residents are also at higher risk of COVID-19 because they have substance use disorders or mental health conditions. More than one-third of inmates in jails and prisons have a diagnosed mental illness⁵, and as much as 65 percent of prisoners have substance use disorders⁶. They are incarcerated for offenses resulting from their ailments when treatment and resources would better serve them and society. In 2020, then-Attorney General William Barr's guidance⁷ to the Bureau of Prisons regarding eligibility for COVID-19-related release included criteria that skewed toward white-collar prisoners, further discriminating against imprisoned individuals of color with substance use or mental health disorders⁸. Even though AG Barr amended this guidance to step up the process⁹, guidelines are still up to the correctional facilities' considerable discretion. The number of prisoners released represents only 1 percent of the total population of incarcerated people¹⁰.

Releasing prisoners nearing the end of their sentences will help stem the spread of COVID-19 in the prison system. Reducing entry into facilities using alternatives to pretrial detention and the commutation or temporary suspension of specific sentences to reduce new admissions to prisons¹¹ will also reduce disease spread. Both strategies will save lives. Reducing infections in jails and prisons also protects surrounding communities because workers travel into and out of the facilities daily.

Stepped-up vaccination of people incarcerated is also needed. The National Academies of Science, Engineering, and Medicine placed prison and jail residents high on their priority list for vaccinations¹². Still, many states have not prioritized incarcerated populations¹³.

Being Incarcerated Should Not Be a COVID Death Sentence

No one should risk illness or death due to unhealthy conditions in jails and prisons. Following these recommendations will save lives:

RECOMMENDATIONS TO PROTECT INCARCERATED PEOPLE FROM COVID-19

- **Release people and reduce new detentions:** Immediately release people near the end of their sentences or who have severe illnesses and who do not pose a threat of violence. Release non-violent probation/parole violators and those awaiting trial and sentencing. When possible, eliminate the booking and detaining process following an arrest. Use citations and release instead.
- **Prioritize vaccination of incarcerated populations and staff:** The National Academies of Science, Engineering, and Medicine placed prison and jail residents high on their priority list for vaccinations ¹⁴.
- **Fund training and screening related to COVID-19:** Set up the infrastructure to support community-based providers with infectious disease expertise serving those in jails and prisons. Train corrections officers to identify symptoms and respond appropriately
- **Fund and expand pre-arrest diversion:** To reduce the number of people going into jails, provide resources that aid diversion to health and social services, especially for those with substance use disorders or mental illness.
- **Fund and expand reentry programs:** Integrate services for substance use and mental illness with treatment for other diseases and wrap-around services that help people reintegrate into their communities.

COVID-19 IN PRISONS: BY THE NUMBERS

Chances of prison residents contracting COVID-19:

5 times that of the general population

Cases in US prisons as of 4/19/2021:

394,994

Deaths from COVID-19 in Federal/State Prisons:

>2,560

Number of prisoners held in US jails and prisons:

>2,300,000

ENDNOTES

- 1) <https://www.nationalacademies.org/news/2020/10/to-adhere-to-public-health-guidelines-and-mitigate-covid-19-officials-should-use-their-discretion-to-minimize-incarceration-says-new-report>
- 2) <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>
- 3) <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>
- 4) <https://www.prisonpolicy.org/virus/virusresponse.html>
- 5) https://www.prisonpolicy.org/research/mental_health/
- 6) <https://www.drugabuse.gov/publications/drugfacts/criminal-justice#:~:text=While%20the%20exact%20rates%20of,population%20has%20an%20active%20SUD.>
- 7) <https://www.themarshallproject.org/documents/6820452-Memorandum-from-Attorney-General-to-BOP-re-Home>
- 8) <https://www.themarshallproject.org/2020/03/28/how-bill-barr-s-covid-19-prisoner-release-plan-could-favor-white-people>
- 9) https://www.bop.gov/coronavirus/docs/bop_memo_home_confinement_april3.pdf
- 10) <https://www.thereview.org/2021/04/01/downey-expanding-home-confinement-during-covid-19/>
- 11) https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Position_paper_COVID-19_in_prisons.pdf
- 12) <https://www.nationalacademies.org/news/2020/10/national-academies-release-framework-for-equitable-allocation-of-a-covid-19-vaccine-for-adoption-by-hhs-state-tribal-local-and-territorial-authorities>
- 13) <https://theappeal.org/the-lab/report/covid-19-vaccines-in-prisons-and-jails/>
- 14) <https://www.nationalacademies.org/news/2020/10/national-academies-release-framework-for-equitable-allocation-of-a-covid-19-vaccine-for-adoption-by-hhs-state-tribal-local-and-territorial-authorities>