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DOOMED PRE-COVID19: Without Emergency Management Plans in Place We are Condemning the Incarcerated to Illness and Death

Even before the nation's correctional facilities showed COVID-19 infection rates more than 150 times higherⁱ than the general population, correctional facilities were in a state of crisis. Despite a National Emergency declaration on March 13,ⁱⁱ surveys in early April revealed prisons that responded had no real plan to deal with the outbreak.ⁱⁱⁱ In fact, most prisons do not have plans in place to deal with any kind of emergency.

Policymakers' gross lack of foresight, care and attention to protect people in prison and jails during this crisis, and all the ones that have preceded it, is reprehensible. The refusal to save the lives of the people behind bars, disproportionately Black and Brown, reflects the idea that these people are disposable. The people in correctional facilities are our mothers, fathers, teachers and communities leaders. **They are human beings and their lives matter.**

This lack of planning has devastated the correctional population even before COVID-19. During Hurricane Katrina, while those behind bars were left for days without food, water or adequate ventilation, the Louisiana Society for the Prevention of Cruelty to Animals (LSPCA) quickly attended to the stray cats and dogs, far faster than the government did for its own people.^{iv} Now we're seeing this again, as policymakers have fallen behind the curve, scrambling to release people, based on arbitrary standards that lack uniformity among states and even between counties.^v Even once a plan for release is announced, individuals have died waiting for it to be executed.^{vi}

There are several federal laws^{vii} governing emergency preparedness, defined by the U.S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) as "a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination during incident response."^{viii} These emergency management plans give institutions the foresight to quickly adapt to a particular disaster before it can claim many lives.^{ix} Because there is no plan, in this unprecedented epidemic, it has stopped correctional facilities from testing, leading to an untold number of cases and deaths behind bars, likely to spill out into the community.^x Unlike most institutions, such as nursing homes and schools, correctional facilities are not required to have an emergency management plan focused on those in their care for accreditation, despite housing some of our most vulnerable populations.

Empirical research has shown that the rapid jail cycling has been one of the biggest contributors to the spread of COVID19 in communities.^{xi} We can only safeguard against the loss of lives and preserve human dignity by focusing on **all the pipelines of the criminal legal system**.

Below is a summary of the policy recommendations necessary to **address the lack of emergency planning** in order to appropriately manage the range of disasters that impact correctional facilities nationwide:

- Provide a triage of experts in the field of emergency management and public health to create plans that govern every emerging disaster.
- Empower the Department of Corrections to act without legislative or judicial intervention when a pandemic or crisis is declared.
- Require the Department of Corrections to evacuate when necessary to decarcerate, utilizing public health triage mechanisms according to highest risk, i.e. pregnant women, people with respiratory illnesses, those over 50 and those within two years of release.
- Demand medical and humane treatment of those remaining, by providing access to the necessary safety precautions and forbidding the use of solitary confinement as a means of meeting those requirements.
- Demand immediate stop gap of jail intakes into Department of Corrections custody.
- Require judges use alternatives to incarceration when possible to avoid detention at all costs.
- No fee shall force someone to be detained, including cash bail or any past debts.
- Stop all arrests for technical violations, and eliminate in person reporting and drug testing
- Demand law enforcement cite and release in lieu of arrest.
- Require a constant network of reentry services to transition people to ensure their success and safety after incarceration.
- Create an independent oversight mechanism and reporting to legislatures for enforcement and compliance.

These could be adopted by any municipality or by means of executive order.

We need **solutions that are proposed by those most impacted who have experienced and lived through pandemics, hurricanes, tornadoes and the like while incarcerated**. The creation of emergency management policies and procedures will protect this population from COVID-19 and beyond.

For more information visit [jlusa.org](https://www.jlusa.org)

ⁱ <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons#prisoner-deaths>

ⁱⁱ <https://www.usatoday.com/in-depth/news/nation/2020/04/21/coronavirus-updates-how-covid-19-unfolded-u-s-timeline/2990956001/>

ⁱⁱⁱ <https://www.prisonpolicy.org/blog/2020/04/10/prepared/>

^{iv} <https://www.aclu.org/press-releases/aclu-report-details-horrors-suffered-orleans-parish-prisoners-wake-hurricane-katrina>

^v https://docs.google.com/spreadsheets/d/1X6uJkXXS-O6eePLxw2e4JeRtM41uPZ2eRcOA_HkPVTk/edit#gid=1678228533

^{vi} <https://www.nytimes.com/2020/04/09/nyregion/rikers-coronavirus-deaths-parolees.html>

^{vii} <https://repository.library.northeastern.edu/files/neu:1039/fulltext.pdf>

^{viii} <https://www.dhs.gov/plan-and-prepare-disasters>

^{ix} <https://www.hsph.harvard.edu/news/features/disaster-planning-means-saving-lives/>

^x https://www.nytimes.com/2020/06/16/us/coronavirus-inmates-prisons-jails.html?utm_source=The+Marshall+Project+Newsletter&utm_campaign=cb9a5447cf-EMAIL_CAMPAIGN_2020_06_17_12_00&utm_medium=email&utm_term=0_5e02cdad9d-cb9a5447cf-174528069

^{xi} https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00652?utm_campaign=covid19fasttrack&utm_medium=press&utm_content=reinhart&utm_source=mediaadvisory