



Actions to Prevent the Spread of COVID-19 in the Criminal-Legal System: Top Ten Policy Recommendations

END...

1. Stop all new arrests and detentions, except where the state can justify in writing that the government interest in criminal prosecution outweighs the extreme mortality and infection risk of spreading COVID-19 within correctional facilities. Designate many offenses, including any offenses related to nonpayment, as categorically ineligible for prosecution.
2. Stop setting bond or imposing pretrial detention in any cases.
3. Stop imposing post-conviction detention in any cases.
4. Stop arresting and booking people to the maximum extent possible. Instead, use [cite-and-release](#) for all individuals who are eligible.

RELEASE...

5. Develop a release protocol for all people who are detained—both 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.
6. 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.

STOP...

7. Stop enforcing any penalties that penalize nonpayment, including eviction cases and debt-based driver's license suspension.
8. Stop collecting payments on outstanding fees, fines, and other court debts. Cancel the underlying debts.

MITIGATE...

9. Require all jails, prisons, and other detention centers to make a transparent, written policy, vetted by public health officials and widely distributed, for handling COVID-19 within each detention facility. Ensure the free provision of alcohol-based hand sanitizer, cleaning products, soap, medical tests, and other items related to CDC-recommended protocols.
10. Eliminate medical co-pays and any costs for all communication mechanisms, including phone calls, video calls, email, and mail.