

Date March 20, 2020

To: MacArthur Safety & Justice Challenge Implementation Team  
From: MacArthur Safety & Justice Challenge Community Advisory Committee  
Subject: Official Recommendations for Philadelphia's Criminal Justice System's Response to COVID-19

The MacArthur Safety & Justice Challenge Community Advisory Committee thanks City officials, workers, and departments for their swift action and leadership in light of the arrival of COVID-19 in Philadelphia. Specifically, the city's action to reduce the flow of people into Philadelphia's criminal justice system demonstrates a crucial step to reducing ongoing community spread of the virus and protecting people who are uniquely vulnerable.

We all understand that the coronavirus presents a real danger to everyone in Philadelphia, but the danger is particularly acute for our neighbors who are interacting with the criminal justice system, especially those who are in or are going to jail. People detained in jail are at heightened risk for this virus, due to the enclosed environment, lack of opportunity for social distancing, poor access to personal sanitation resources, and significant overlap with other at-risk populations.

As the city's non-essential services and businesses have temporarily closed under orders by city leadership, the Community Advisory Committee hopes to build upon these ongoing efforts by highlighting additional strategies the city should implement to flatten the curve and keep our communities safe.

The suggestions below span criminal justice related departments in an attempt to draw on the already rich collaboration that is fueling the city's response to this pandemic. In the spirit of that collaboration, a number of the recommendations are derived directly from staff within the Managing Director's Office of Criminal Justice and Safety who have been working on similar and related issues for some time. Also, the knowledge and wisdom of our formerly incarcerated members was crucial in tailoring and expanding the recommendations to better fit the needs of the people who will be directly impacted by their implementation.

Given the unprecedented nature of this global emergency, the CAC hopes the city continues to draw on this body as a support and resource to advise the city on how strategies targeting Philadelphia's criminal justice system can best serve our communities.

## **Recommendations**

- 1. Screen everyone involved with the city's criminal justice system to reduce the likelihood of community spread. Do not allow city employees or detainees entry**

**into the jails or police precincts if they display the Covid19 symptoms described by the CDC.**

- Testing for jail employees and police officers as well as people who are incarcerated should be prioritized as testing is expanded.
- In light of the ongoing shortage of tests, the city should conduct temperature screenings of correctional officers, jail staff, police officers, and defendants. Screenings should be conducted prior to entering the jails or police precincts and, particularly for city employees, during the start and changing of each shift.

**2. Immediately release elderly, at-risk or medically fragile inmates from jail.**

- Studies prove the likelihood of recidivism is greatly reduced for the elderly, who are also at an increased risk of complications related to this virus. Adherence to this recommendation will help alleviate the inevitable strain on medical personnel and resources inside the jails during the height of the outbreak, in addition to helping protect the lives of those most vulnerable.

**3. The First Judicial District and the District Attorney's Office should immediately cease the use of money bail to detain individuals. Doing so will reduce the risk of viral transmission into and out of the jails.**

- The suspension of Rule 600 by the Supreme Court of Pennsylvania, which gives defendants the right to a speedy trial, could result in the detention of countless people whose charges have not been tested for veracity, sitting in jail indefinitely, just for being poor. Additionally, adding to the jail population during this time only makes conditions more unsafe and puts even more people at risk.

**4. Expand release options, even if temporarily. Consider sending people to home confinement who are scheduled to be released in the next six months.**

**5. Expand Early Bail Review and explore more expansive release options to further depopulate the jails.**

**6. Develop holistic approaches to support individuals who are released early.**

- Wraparound services such as housing, mental health counseling, internet access, and job placement are essential to ensure the holistic health of newly returning citizens, and those in recovery.

**7. For both victims and the perpetrators of all forms of violence, create individualized plans on a case by case basis to release as many people as possible.**

- This includes assessing the likelihood of a person conducting or being the victim of violence.
- Work to ensure the location where an individual is released is safe, for the person being released and the people already in the home.

- Sentencing algorithms should not be used to expedite this process.
- 8. Postpone in-person parole and probation meetings.**
  - 9. Eliminate parole/probation revocations for technical violations.**
  - 10. Temporarily suspend court costs, restitution, fines, and fees. Suspend traffic payments until 3 months after the state of emergency has ended.**
  - 11. To assist with the mental well-being of people incarcerated , suspend costs associated with phone calls and expand time allotted for calls so they are able to contact their families more regularly.**
    - Resources needed to communicate with families, such as envelopes, paper, stamps, and phone calls should be free.
  - 12. Standardize data collection on people incarcerated with COVID-19 through diagnosis, treatment, quarantine, and release.**
  - 13. Develop, in collaboration with medical professionals, a humane plan to house incarcerated people suspected to have or diagnosed with COVID-19, safely away from healthy individuals.**
  - 14. Ensure that conditions are sanitary for those who remain incarcerated.**
    - Ensure all people incarcerated have access to undiluted cleaning products, which meet the EPA's guidelines for disinfecting at home.
    - Increase laundry services and additional clothing exchanges to ensure those incarcerated have access to clean and sterile clothing.
    - While access to medical-grade face masks is not feasible, jails should encourage the use of makeshift flu masks to reduce the likelihood of transmission through saliva droplets, when coughing or speaking.
  - 15. Make Philadelphia's Department of Jails COVID-19 guidelines and implementation plan public with specific attention to procedures involving sanitation and the confinement of people who are suspected or test positive for COVID-19.**
    - Jail staff and contractors, and the people incarcerated should receive the same instructions.
  - 16. Utilize the least restrictive means possible to contain patients with COVID-19. Avoid solitary confinement when other less restrictive measures are possible.**
    - Ensure every incarcerated person who has or is suspected to have COVID-19 receives the appropriate medical attention, ensuring the safety of everyone incarcerated, the staff, and the families they go home to.