Balancing Criminal Justice & Public Health in the Time of COVID-19

Thursday, May 14, 2020  |  10:00 – 11:00 am CDT

Representative Shannon Roers Jones, North Dakota  |  Senator Mattie Hunter, Illinois
MLC Criminal Justice & Public Safety Committee Co-Chairs

Senator Michael Crider, Indiana
MLC Criminal Justice & Public Safety Committee Vice Chair

Dr. Anne Spaulding
Associate Professor of Epidemiology, Emory University

Mr. Michael Daniels
Director of Justice Policy and Programs, Franklin County, Ohio
This webinar is being recorded. The recording and presentation slides will be available this afternoon on the MLC Economic Development Committee page on the CSG Midwest website at www.csgmidwest.org.

To reduce noise on the phone line, all participants will be in “listen-only” mode during the presentations.

The speakers will answer questions after their individual presentations:
- Type questions using the “questions” pane in the control panel
- Click on the “raise hand” button on the grab tab

Telephone users who wish to ask a question must enter the audio PIN.

If you selected “Mic & Speakers” as your audio choice, please test your system’s settings prior to asking a question.
HOUSEKEEPING
CONFRONTING A CRISIS
WEBINAR SERIES

BACKGROUND & GOALS

• This webinar series grew out of the desire by MLC leadership to provide our members with information on the impact of COVID-19 on the Midwestern states

• Goals

  o Examine the impact of COVID-19 in a number of state policy and program areas
  o Highlight state approaches to addressing the challenges posed by the crisis
  o Explore strategies to help the region emerge from the current crisis
  o Prepare for future public health emergencies
CONFRONTING A CRISIS WEBINAR SERIES

TOPICS

Six live, web-based teleconferences that will be made available to a wide audience of state officials, policy experts and interested stakeholders.

In addition to the live webinars, each will be recorded and made available on the CSG Midwest website.

Each webinar is hosted by an MLC policy committee

1. COVID-19 & Public Health
2. Agriculture & Rural America
3. School Closures & E-Learning
4. Cross-Border Economic Ties
5. Criminal Justice & Public Health
6. Rebounding from the Economic Downturn
Members are legislators from 11 Midwestern states and four Canadian provinces

Committee officers

Representative Shannon Roers Jones  
North Dakota  
Co-Chair

Senator Mattie Hunter  
Illinois  
Co-Chair

Senator Michael Crider  
Indiana  
Vice Chair
Today’s webinar will cover:

- Identifying detainees for release to mitigate COVID-19’s effects
- Preparing detainees for release
- Healthcare in jails and prisons, especially in relation to infection diseases
- How to protect detainees who cannot be released and the staff who work in jails and prisons
BALANCING CRIMINAL JUSTICE & PUBLIC HEALTH IN THE TIME OF COVID-19

PANELISTS

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JAIL POPULATION REDUCTIONS PROMPTED BY COVID-19 CONSIDERATIONS

Franklin County, OH
In order to protect jail and court staff as well as detainees and inmates, the Franklin County Sheriff's Office in conjunction with other members of the [Franklin County Criminal Justice Planning Board](#) have implemented a multi-pronged strategy for reducing the jail population. Such reductions are recommended as best practice by a variety of professional organizations – such as this [example](#).

Partnership with the City Attorney, County Prosecutor, Public Defender, and all the Municipal and Common Pleas Courts has been crucial and is ongoing daily.

Franklin County has implemented the strategies starting on 17 March 2020. Sheriff Dallas Baldwin formed a tactical incident workgroup, based in the Emergency Operations Center, with key personnel Chief Rick Miner (incident commander, Chief Deputy for Investigations), Chief Earl Smith Jr (Chief Deputy for Support Services), Chief Penny Perry-Balonier (Chief Deputy for Corrections), and Chief Geoff Stobart (Chief Deputy for Research & Development).
DECREASE BOOKINGS INTO THE FACILITIES: SHERIFF BALDWIN SENT A LETTER TO ALL LOCAL LAW ENFORCEMENT AGENCIES ON 3/14/2020, ASKING FOR THEIR COOPERATION TO MINIMIZE NEW INTAKES.

THIS COOPERATION RESULTED IN AVERAGE DAILY BOOKINGS FALLING FROM OVER 70 TO AN AVERAGE OF 25 PER DAY.
CITY ATTORNEY AND COUNTY PROSECUTOR SUPPORT FOR CHANGES IN ARRESTS AND BOOKING.

SEE HTTPS://CITY-ATTORNEY.COLUMBUS.GOV/,

HTTP://WWW.FCMCCLERK.COM/?ANNOUNCEMENT#FRANKLIN-COUNTY-MUNICIPAL-COURT-OPERATIONS-DURING-COVID19-PANDEMIC,

LETTER FROM COUNTY PROSECUTOR,

AND PANDEMIC POLICY ORDERS RE NON-VIOLENT WARRANTS.
COURT CHANGES TO PROCESSES INCLUDING MODIFICATIONS TO ARRAIAGMENT AND ADDITION OF VIDEO ARRAIGNMENT.

SEE THE MUNICIPAL COURT AND COMMON PLEAS GENERAL DIVISION COURT ORDERS.
■ REMOVING THOSE ACCUSED OF NON-VIOLENT MISDEMEANORS BY CONVERTING CASH BAIL TO RECOGNIZANCE BONDS.

■ REMOVING THOSE INCARCERATED ON TECHNICAL PROBATION AND PAROLE VIOLATIONS IN CONJUNCTION WITH MUNICIPAL AND COMMON PLEAS PROBATION AND THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS ADULT PAROLE AUTHORITY.
- EACH CASE AND CONSIDERING ACCELERATED TIME CREDIT OR ALTERNATIVES TO INCARCERATION.

- REMOVING THOSE INCARCERATED OVER THE AGE OF 60 EXCEPT IN MOST DIRE OR HIGH-LEVEL CRIMES.
Removing those incarcerated with serious underlying medical conditions.

We are working with our colleagues nationally to identify these individuals for review while respecting healthcare privacy.
Average daily population has **DECREASED BY MORE THAN 30% IN 30 DAYS.**
WHAT ABOUT THOSE LEFT BEHIND IN THE JAIL?

ANNE SPAULDING, MD, MPH; ASSOCIATE PROFESSOR OF EPIDEMIOLOGY

A PRIMER FOR LEGISLATORS AND OTHERS:
WHAT TO DO AFTER DECARCERATION

COUNCIL OF STATE GOVERNMENTS/MIDWEST

5/14/2020
OUTLINE

- Population of Correctional Facilities and COVID-19
- Layouts of Correctional Units
- Testing for COVID-19
- Management of COVID-19 in Jails and Prisons
Often out of sight, out of mind in public health planning.

Jails, more than prisons, have millions of vulnerable individuals passing through yearly.

- 95% of persons in corrections go through jails alone, not prisons.
- Median length of stay is 2-5 days—jails entrants will usually return to the community in less than a week.

Jails have close interface with the poor and homeless in your communities.

- Usually the largest caregivers to the mentally ill in any jurisdiction.
KEY DIFFERENCES BETWEEN PRISONS AND JAILS

Prison and Jail Populations at a Single Point in Time
Data from June 2008

- **Prison**: N = 1.6 Million
- **Jail**: N = 0.8 Million

Approximately twice as many people are in prison than jail on any given day.
KEY DIFFERENCES BETWEEN PRISONS AND JAILS

Numbers of individuals discharged from prisons and jails across one year

Approximately 95% of the 10 million people discharged from the criminal justice system each year are released from jails.

Source: Spaulding, PLoS One 2009
To minimize opportunity for transmission from an infected to susceptible person.
  - reclassify risk of transmission as infection resolves.

To house incarcerated persons according to good custody practice.
  - maintain order and minimize conflict between detainees.

To improve capacity of the facility to identify infected persons, as resources permit.

Minimizing the transmission of the novel coronavirus inside a jail decreases the likelihood of releasing infected persons into the community.
Structure of correctional facilities facilitates spread of virus …
CHALLENGES WITH BUILDING STRUCTURE
LAYOUTS OF CORRECTIONAL UNITS

Dorms Without Dividers

Two-Person Cells

Dorms With Dividers

One-Person Cells
CHALLENGES WITH BUILDING STRUCTURE
LAYOUTS OF CORRECTIONAL UNITS

Dorms Without Dividers

Dorms With Dividers

Two-Person Cells

One-Person Cells

Open Door

Closed Door
Correctional officers and staff are usually the individuals introducing disease into a jail populations

Additionally, disease can be introduced by new admissions
FOR FURTHER REFERENCE:
CDC INTERIM GUIDELINES ON MANAGEMENT OF COVID IN JAILS AND PRISONS

1. PREPARE
   Communications
   Personnel Practices
   Operations
   Supplies

2. PREVENT
   Hygiene
   Cleaning
   Screening for Symptoms
   Social Distancing

3. MANAGE
   Medical Isolation
   Quarantine
   Infection Control
   Clinical Care
Finding the CDC guidance for corrections

PREPARE

- COMMUNICATE with local public health
- IDENTIFY medical isolation and quarantine spaces ahead of time
- PLAN for staff absences and encourage sick employees to stay home
- POST information around the facility on COVID-19 symptoms and hygiene
- CHECK supply stocks (cleaning supplies, hand washing supplies, medical supplies, PPE)
PREVENT

RAMP UP cleaning schedule & hand hygiene reminders

LIMIT transfers between facilities

SCREEN everyone coming in for symptoms (new intakes, staff, visitors)

IMPLEMENT social distancing

MAKE SURE everyone knows what to do if they have symptoms

ENCOURAGE non-contact visits or consider suspending visitation
<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
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<tbody>
<tr>
<td>SUSPEND</td>
<td>all non-medical transfers</td>
</tr>
<tr>
<td>INTEGRATE</td>
<td>screening into release planning</td>
</tr>
<tr>
<td>COORDINATE</td>
<td>with public health</td>
</tr>
<tr>
<td>MASK &amp; MEDICALLY ISOLATE</td>
<td>symptomatic people</td>
</tr>
<tr>
<td>IDENTIFY &amp; QUARANTINE</td>
<td>close contacts</td>
</tr>
<tr>
<td>WEAR</td>
<td>recommended PPE</td>
</tr>
<tr>
<td>PROVIDE</td>
<td>clinical care or transfer for care</td>
</tr>
<tr>
<td>COMMUNICATE</td>
<td>clearly &amp; often</td>
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CONSIDERATIONS FOR SCREENING

- Goal of testing: to find active infections.
- Limitations—Marion County 88% infected?
  —what does it mean? not all are active infections, some are resolved.

In four U.S. state prisons, nearly 3,300 inmates test positive for coronavirus -- 96% without symptoms

2,028/∼2,300 (88%) prisoners in the Marion Correctional Institution, tested positive by PCR

Prison with ∼2,500 older persons, pre-existing health issues

95% asymptomatic
Prevalence:

\[
\text{Number infections identified} = \frac{\text{Total number who are infected}}{N}
\]

More people seemingly do well if more infected persons are diagnosed.
STRATEGIES

- Test symptomatic—Isolate the infected, quarantine the exposed
- Test contacts
- Test entrants

A Problem—run out of places to put the exposed?
- If test turn around is fast, this shouldn’t be a problem.

<table>
<thead>
<tr>
<th>MEDICAL ISOLATION</th>
<th>QUARANTINE</th>
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<tbody>
<tr>
<td><strong>Who:</strong> Symptomatic people</td>
<td><strong>Who:</strong> Close contacts of a known or suspected case (staff or incarcerated)</td>
</tr>
<tr>
<td><strong>What:</strong> MASK &amp; separate from others</td>
<td><strong>What:</strong> Separate from others Monitor for symptoms</td>
</tr>
<tr>
<td><strong>When:</strong> Immediately once symptoms appear</td>
<td><strong>When:</strong> Once identified as a close contact</td>
</tr>
<tr>
<td><strong>Where:</strong> Ideally, an individual cell</td>
<td><strong>Where:</strong> Ideally, an individual cell (if incarcerated) At home (if staff)</td>
</tr>
<tr>
<td><strong>Why:</strong> Prevent exposing others Evaluate, test if needed Give care</td>
<td><strong>Why:</strong> Prevent exposing others if infected</td>
</tr>
<tr>
<td><strong>How long:</strong> It’s complicated (More on next slide)</td>
<td><strong>How long:</strong> 14 days</td>
</tr>
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CONCLUSIONS

- Jails both a reservoir and an incubator of infectious diseases
- In times of COVID-19, need coordination of public health and the justice system
- Keeping jails and prisons safe is possible
BALANCING CRIMINAL JUSTICE & PUBLIC HEALTH IN THE TIME OF COVID-19

DISCUSSION

Questions?

Comments?
The Council of State Governments

- COVID-19 Resources for State Leaders
- Preparing People for Reentry: Checklist for Correctional Facilities
- “New Analysis Shows Surge of COVID-19 Cases and Deaths Inside State Prisons”

Emory University

- Rollins COVID-19 Research

Franklin County, Ohio

- Re-Entry Crisis Quick Guide

Other Resources

- UCLA COVID-19 Behind Bars Data Project

To continue to receive information on Midwestern Legislative Conference Webinars or the MLC Criminal Justice & Public Safety Committee Newsletters and information, please send your contact information to: Mitch Arvidson at marvidson@csg.org
Thank you for joining us today!

Future Webinar:

- Relief & Recovery: Strategies to Rebound from the COVID-19 Economic Downturn
  May 21 | 10:00 am CDT

*Register on the CSG Midwest website [csgmidwest.org](http://csgmidwest.org)*