

Task Force on Coronavirus & Equity

May 5, 2020

Senator James B. Eldridge, Senate Chair, Joint Committee on Judiciary
Representative Claire Cronin, House Chair, Joint Committee on Judiciary
State House
Boston, MA 02133
Via email

Re: Support for H4652, An Act Regarding Decarceration and COVID-19

Dear Chair Eldridge and Chair Cronin:

On behalf of the Task Force on Coronavirus & Equity, we are writing to ask you to take quick action in support of H4652, an *Act Regarding Decarceration and COVID-19*.

The Task Force is comprised of 76 organizations from across the Commonwealth – service providers, grassroots organizations, and policy advocacy organizations – with the goal of preventing and responding to health and economic inequities in the impact of the COVID-19 pandemic. Though no data were available when we originally convened in mid-March, we strongly suspected that the outbreak would not impact all Massachusetts residents equally. Rather, we anticipated that communities that are already facing marginalization would be hardest hit by the virus and its economic repercussions, starkly exposing inequities across Massachusetts and the nation driven by racism, poverty, and xenophobia. Unfortunately, emerging data from Massachusetts and the nation bear out this expectation.

Safely decarcerating as many people as possible is necessary to limit the impact of the outbreak and interrupt the staggering racial inequities evident in state data.

The people in prisons and jails are important members of our communities, they are our husbands, wives, fathers, sons, mothers, daughters, and neighbors. Simply because they have been arrested or convicted for a crime does not justify sentencing them to sickness and potentially death from COVID-19.

What this bill does

The bill provides that several categories of people who are incarcerated and who do not pose any immediate physical threat to the community be released, with a focus on people who are at increased risk for COVID-19 such as people over age 50, people who are immuno-compromised, and people who qualify for medical parole. The bill also would provide release for people who have been granted parole and are waiting for a release date and people who are within 6 months of their release date. The bill sets up that a team of local public defenders, public health experts, sheriffs, and district attorneys will oversee the decisions and system of release.

Additionally, the bill directs the Department of Correction and sheriffs to work with the state's COVID-19 Command Center to ensure that conditions are safe for those remaining incarcerated.

Why this bill is important

- People who are confined to prisons and jails have no freedom to make the self- and population-protective decisions that are now part of everyday life on the outside – to physically distance at

least six feet away from others, to have access to suitable cleaning products, to wash hands and clean surfaces often, and to acquire adequate personal protective equipment.

- People who are incarcerated have higher rates of chronic and infectious illnesses and disabilities. Additionally, there is a large proportion of people over the age of 50. All these factors put people who are incarcerated at higher risk of contracting COVID-19 and of having worse outcomes, including death
- People of color are disproportionately incarcerated, due to decades of systemic racism in policing and criminal justice systems. Unsafe conditions in prisons and jails are exacerbating already unacceptable racial inequities in the impact of this pandemic.
- Infection of people detained in prisons and jails (as well as correctional staff) is increasing at an astounding rate - a shocking increase of 27 times in just the last three weeks.
- The health and safety of incarcerated people is reason enough to urgently depopulate our prisons and jails. In addition, an outbreak in a prison or jail puts those who work in the facility at increased risk of infection and of carrying the novel coronavirus back out into the community and to their families.

Ensure needed housing supports are available

Many people who would be released under this bill have families and other loved ones who are eagerly and anxiously awaiting their release and are overjoyed to welcome them home. However, the reality of historic injustices is that people coming out of prison and jail experience homelessness and housing insecurity at a higher rate than others. Many unfair policies exclude people with convictions or any kind of criminal history from housing. For these reasons, we ask that language be included in this bill to ensure that people exiting prison and jails have a safe place to live, if even temporarily.

Others are already leading the way

At least nine Governors and the federal Department of Justice have issued orders to reduce the number of people in their jurisdictions. They all have started the process of safe decarceration to protect people in prisons and jails, to protect correctional staff, and to protect the community from infection. Other states have also put in place structures to help people exiting correctional facilities with housing. For example, in California, the Governor has set up a system to secure 15,000 hotel rooms to shelter people who are homeless and exiting prisons and jails, with aid from FEMA. This is especially important given that some people will leave incarceration already having been infected and will need to “shelter in place” if they do not have housing already.

Thank you for considering our testimony. We urge you to report this bill favorably without delay.

Sincerely,



Sandro Galea, Co-Chair, Task Force on Coronavirus & Equity
Dean and Robert A. Knox Professor, Boston University School of Public Health
Chair, Board of the Association of Schools and Programs of Public Health



Cheryl Bartlett, Co-Chair, Task Force on Coronavirus & Equity
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Carlene Pavlos
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cc: Vice Chair Sonia Chang-Díaz
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