

DECARCERATION DURING COVID-19

A MESSAGING TOOLKIT FOR
CAMPAIGNS FOR MASS RELEASE

INTRODUCTION

The United States now leads the world in the highest number of both COVID-19 cases and deaths. The country's jails, prisons, and immigration detention centers were already and are inherently sites of violence, illness, and death. Continuing to incarcerate people amidst this global pandemic only exacerbates and magnifies this long-standing truth.

As organizers working to free people from jails, prisons, and immigration detention centers, we need to directly address the unacceptable risk of serious illness or death from COVID-19 for incarcerated people. Most system decision-makers are rejecting our calls for mass release, relying on racialized fear-mongering, dog-whistle politics, and the tired "public safety" arguments that built mass incarceration.

This document provides some guidance and tools for families, organizers, and advocates who are demanding real decarceration and health equity while pushing back against the false narratives that invoke public health in order to uphold mass criminalization and incarceration during COVID-19.

WHAT'S IN HERE:

- * A set of core organizing principles to support calls for mass release AND public health.
- * A set of answers to common questions and push-back organizers may be facing in their local campaigns.

We hope this document can serve as a tool and know it will grow and change as we collectively push towards decarceration and liberation.

CORE ORGANIZING PRINCIPLES

Honor that our individual health and well-being is interconnected with our communities.

We live in relationship to each other and our environments. Physical, social, political, and economic factors—including incarceration—shape our collective community health.

Reject proposals that claim to use incarceration, immigration enforcement, and policing as public health measures.

Purported “public health” measures that involve confinement and punishment are by definition not actually about public health. Carceral facilities are always one of the least healthy environments, and this is even more true during the COVID-19 global pandemic.

Promote our shared humanity while resisting false dichotomies.

No one deserves to die in a cage from a torturous virus. Everyone deserves to be safe and to live with dignity, regardless of their charges, convictions, or backgrounds. We refuse to designate some people as disposable because of their past convictions or current charges and reject the false binary created by “violent” or “non-violent” labels.

Support self-determination.

We reject paternalism that implies that the criminal legal system can decide what is best or safest for individuals and communities—particularly when it leads to people remaining incarcerated. Conditioning release on one’s access to resources (such as housing) also compounds existing inequities, ensuring those who are already better off are more likely to be released. Post-release resources must be made available to all without conditions or surveillance.

Fight for voluntary, community-based resources.

Services that seek to meet individual and public health needs must be voluntary and accessible in community-based settings. We must reject measures that attempt to force people leaving incarceration into mandatory programs or systems that surveil, track, or monitor them.

Demand investment in communities and ongoing transformative changes.

We must ensure that resources for people leaving incarceration are not controlled by the criminal legal system and are instead community-based. This unprecedented time provides an opportunity to sustainably invest resources in structurally marginalized communities and address the failures of our social safety net that perpetuate criminalization. We have an abundance of tax dollars that can be put towards health care, housing, education, and other needs.

FAQS

FREQUENTLY ASKED QUESTIONS

We find that policy makers and media often meet our demands to #FreeThemAll with questions and obfuscation framed as concerns for “public health and safety.” The questions and answers are meant to help organizers push back in their demands.

We provide a topline response and background context and examples for each common question.

01. WHY NOT JUST RELEASE “THE MEDICALLY VULNERABLE” AND/OR “ELDERLY” PEOPLE? WHY RELEASE EVERYONE?

There is no way for anyone to be safe inside any jail, prison, or immigration detention during the COVID-19 pandemic: all incarcerated people are at high risk. The practices required to limit the spread of coronavirus between even otherwise healthy people — such as practicing physical distancing, using hand sanitizer, and regularly washing hands — are all impossible in carceral settings. The only way to limit unnecessary sickness, suffering, and death is to release as many people as possible.

MORE CONTEXT:

Countless [testimony](#) after [testimony](#) show the many ways that incarceration has always been unjust and harmful to individual, family, and community health, and growing public health research affirms what people directly impacted by incarceration have long said.

- * [Incarceration measurably harms one’s mental and physical health.](#)
- * [Incarceration negatively impacts one’s family and community health.](#)
- * [Incarceration by Immigration and Customs Enforcement \(ICE\) causes severe trauma to children, adolescents, and adults alike.](#)
- * [The criminal legal system disproportionately harms people who are structurally marginalized, including people of color, people who are undocumented, people experiencing houselessness, people with disabilities, people with mental illness, people who use drugs, sex workers, and people who are lesbian, gay, bisexual, transgender, and/or queer.](#)

We have long called for an end to all forms of incarceration, immigration enforcement, and criminalization. In this global pandemic, we also know that releasing masses of people from jails, prisons, and detention centers is good for public health. Our own [history](#) and other countries around the world today show us it is possible to advance community safety, health equity, and racial justice through decarceration.

Finally, when we say release, we need to be clear that transferring people from one cage to another — or from one arm of the criminal legal system to another — is unacceptable. [We must work diligently to ensure that no one is turned over to Immigration and Customs Enforcement \(ICE\).](#)

02. WILL LETTING PEOPLE OUT OF JAILS AND PRISONS BRING INFECTION INTO THE COMMUNITY?

Releasing people is an infection prevention strategy. We need to ensure that anyone who has COVID-19 symptoms—regardless of whether they were recently incarcerated or not—gets immediate access to the testing, health care, and ability to physically distance that they need.

MORE CONTEXT:

- * [Physical distancing](#) — that is, maintaining six feet distance between people, avoiding group gatherings, and staying out of crowded places — is the primary mechanism for preventing people who have COVID-19 from spreading the virus. By definition, physical distancing is impossible in jails and prisons. Keeping people incarcerated [accelerates the rapid transmission](#) of any contagious person to incarcerated people and staff. This has cascading effects and can increase COVID-19 cases and deaths both on the inside and the outside.
- * Incarcerating people in settings known to further spread the virus is not a strategy for limiting the spread of COVID-19; it is simply a punitive, constitutionally prohibited violation of basic human rights. This ineffective strategy also attempts to privilege the lives of people on the outside while suggesting it is acceptable to sacrifice the lives of people inside. This should be laid bare and declared both unacceptable and untrue.
- * Everyone should be following physical distancing guidance from the CDC and their respective jurisdiction's public health orders to shelter in place or stay at home. Respecting those guidelines is not contingent on whether you have community members reentering in your neighborhood or not.
- * We must all assume COVID-19 is present in our communities already. There are staff coming in and out of jails and prisons everyday, and they are the ones bringing the virus from their home community into the jail, prison, or ICE detention center. Holding people hostage in carceral facilities is unethical.

03. CAN PEOPLE QUARANTINE INSIDE JAILS OR PRISONS?

As organizers committed to both advancing community health and protecting human rights, it is clear that there is no way to effectively, safely, or fairly quarantine inside a jail or prison.

MORE CONTEXT:

- * So-called quarantine measures inside jails and prisons are tantamount [to torture](#): they include solitary confinement and general population lockdown where people are confined to their cells for upwards of 23 hours a day. The United Nations [recognizes](#) these measures as torture and a violation of human rights. Punishment is not an acceptable response to medical needs or risks.
- * [Health care inside jails and prisons is already woefully negligent](#). Solitary confinement and lockdowns in jails and prisons actually make incarcerated people more vulnerable to medical neglect, [death](#), and other forms of violence.
- * Finally, these punitive measures are ineffective. Even if incarcerated people are on lockdown and extremely limited in their movement, guards and other staff continue to move throughout the facilities, leaving and returning each day and bringing with them new possibilities of infection.

04. CAN WE USE ELECTRONIC MONITORS TO “RELEASE” MORE PEOPLE?

Electronic monitoring and house arrest are not acceptable alternatives to true release. We must protect people’s freedom of movement. Electronic monitoring flies in the face of current guidelines to prevent the spread of COVID-19, including that it can mandate violations of physical distancing and limits people’s access to healthcare and other necessities such as food.

MORE CONTEXT:

- * Monitoring people does not promote public health—it is simply another form of controlling and surveilling people who have been criminalized. It is unfair to subject people to this form of incarceration (or “[e-carceration](#)”) in their own homes.
- * We must reject criminalization and punishment that attempts to coercively control people’s movement. We want to give people access to resources, not simply detain them in a different setting. These proposals treat people leaving incarceration differently than those in the community with the same unmet needs.
- * You can use [this resource from the No Digital Prisons Campaign](#) by [MediaJustice](#) for more talking points about electronic monitoring and COVID-19 release campaigns.

05. ARE PEOPLE SAFER IN A JAIL BECAUSE IT GIVES THEM HOUSING, TREATMENT, AND FOOD? SHOULD PEOPLE BE RELEASED WITHOUT JOBS OR ANOTHER WAY TO SUPPORT THEMSELVES?

People are never safer in jails or prisons, which already are sites of violence and death, a reality only compounded by the COVID-19 pandemic. The majority of incarcerated people have family or community ready to welcome them home, where they can practice social distancing. For those who don't, we should never have to put people in cages in order for them to have access to housing, medical care, or food. If we care about people having access to these basic needs and rights, then we should demand investment in these resources outside the criminal legal system. Community-based resources are higher quality and also much less expensive. A jail, prison, or detention center is the worst possible place to be during a global pandemic.

MORE CONTEXT:

- * Incarceration is not a therapeutic environment in which people receive effective treatment. Healing cannot happen in a cage. The most successful programs are those that people seek voluntarily and which take place in their communities.
- * Using housing or economic insecurity as an excuse to incarcerate someone is never acceptable but is deeply hypocritical during a time of mass unemployment and economic insecurity. Often, people have been incarcerated because of lack of financial resources and housing, and we cannot now also claim this is the reason they must remain caged.
- * Jails, prisons, and detention centers do not provide healthy food nor an environment where people can have their individual health or medication needs met. In fact, [health care in carceral settings is notoriously inaccessible and low-quality](#).

06. WILL RELEASING PEOPLE FROM JAILS AND PRISONS THREATEN THE SAFETY OF VICTIMS/SURVIVORS OF CRIME OR LEAD TO MORE CRIME?

We cannot incarcerate our way to safety. The size and scale of the U.S. criminal legal system alone lays bare that incarceration neither ensures safety nor prevents harm. To promote community safety and public health, we must divest from policing and prisons and invest in community-based resources and strategies that are life-affirming and life-giving, such as [restorative](#) and [transformative justice](#).

MORE CONTEXT:

- * [Policing and prisons are themselves systemic perpetrators of violence](#), and [most people who cause serious harm to another person](#) are never sent to jail or prison. We can ensure safety by providing people and communities with what they need to thrive, including housing, healthcare, access to food and clean water, living wages, and above all, freedom.
- * Safety for domestic and sexual violence survivors, children, families, and communities can be achieved without incarceration or policing. In fact, many survivors have found that involving police has made their situation more dangerous. Furthermore, many people, particularly Black and Brown people, cannot safely access the police because of the threat of violence from police officers themselves. There are several steps that can be taken by state and local governments, in partnership with communities and families, to [increase the safety of survivors of domestic and sexual violence](#), including providing immediate financial, housing, and health support; increasing funding to domestic and sexual violence services; and building options for safety that do not rely on police.

07. CAN WE USE FURLOUGHS TO LET PEOPLE OUT NOW WHILE THE COVID-19 RISK IS HIGH (WITH THE UNDERSTANDING THAT THEY WILL HAVE TO RETURN IN THE FUTURE)?

Being incarcerated is always a grave threat to one's health, whether we're in the midst of a global pandemic or not. If someone can be released from jail or prison now, it shows that they never should have been there in the first place. We reject punishment for punishment's sake.

This messaging toolkit was developed by [Community Justice Exchange](#) and [Public Health Awakened](#).

If you have suggestions for additions or want to share examples of how you've used this resource, reach out to:
info@communityjusticeexchange.org