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Re: COVID-19 Prevention and Management at Your Jail

Dear Sheriff:

We are writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 at your jail. Such plans are crucial for protecting the health of the people in your custody and your staff. We ask that you immediately share this letter with officials who operate any detention facility, including those for youth, within your county.

People in jails are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the jail administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

We ask that you work closely with the State of Michigan Emergency Operations Center, the Michigan Department of Health and Human Services, and local public health agencies to develop plans to address the virus within your jail. As the situation develops, such plans may need updating to reflect the most up-to-date information and expert advice. This is an urgent matter. Having appropriate, evidence-based plans in place can help prevent an outbreak and minimize its impact if one does occur. Developing and implementing such a plan can save lives.

While the plans should be developed collaboratively by your office, the Michigan Emergency Operations Center, and public health agencies, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in detention facilities need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick or quarantined, jails will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus or under quarantine. The plan should include steps to minimize the danger of jail staff introducing the coronavirus into the jail population.

- **Staffing plans for services provided by detainees:** Many tasks in jails, such as food preparation and basic sanitation, are performed by people in custody. The plans for an outbreak must also address how necessary tasks performed by people in custody will continue if large numbers of them are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning. If the use of bleach is not ordinarily authorized in your facility for cleaning, an exception should be made immediately in light of this emergency situation. Additionally, you should purchase additional supplies to ensure that there are no shortages of soap or other hygiene products during this crisis.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus. Screening should include staff as well as detainees and visitors.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in jails will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration. Any decision to suspend visitation must be accompanied by clear plans and procedures to substitute other forms of communication, visitation should not be suspended indefinitely, and legal visits must continue unimpeded. If visits are curtailed, costly telephone and video visitation fees should be suspended. Additionally, detainees and their families, as well as advocacy organizations and legal representatives, should be kept informed regarding any such restrictions and why they are being imposed.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with underlying conditions, including heart disease, pulmonary disease or diabetes, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them. We urge you to contact the chief judges in your county to discuss pathways for emergency releases, early releases, bond reductions, pretrial diversion, and other means of limiting the number of people who are detained. Such measures are particularly important for populations who could be at increased risk in the event of an outbreak.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. Jails must be part of this process. The same information that is tracked in the community must be tracked in jails.

Thank you for your consideration. Please contact us if we can be of assistance in your response to the current crisis.

Sincerely,

Elaine Lewis, Legal Fellow
Dan Korobkin, Legal Director
American Civil Liberties Union of Michigan

Natalie Holbrook, Program Director
American Friends Service Committee
Michigan Criminal Justice Program

John Cooper, Executive Director
Safe & Just Michigan