

ACLU of Wisconsin: Demands the release from prisons and jails of communities vulnerable to COVID-19

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MILWAUKEE – Wisconsin officials should heed public health experts' advice and immediately release individuals in detention who are at high risk of severe illness or death from COVID-19, wrote the ACLU of Wisconsin in a [letter](#) to Governor Tony Evers and other criminal justice system stakeholders today. In the letter, they are asking to ensure that system actors are responding to recommendations put forth by public health experts, specifically calling for the immediate release from prisons and jails of communities identified by the Centers for Disease Control and Prevention (CDC) as vulnerable, as well as people currently in pretrial detention, to prevent a public health crisis.

“Public health experts recognize that there is a heightened risk of infection for people who are involved in the criminal legal system,” said Chris Ott, ACLU of Wisconsin executive director. “From policing, prosecution and pretrial hearings, to sentencing, confinement, and release, every aspect of the system must come under intense scrutiny for how it responds to this national public health crisis. The steps we’re calling for today will help protect vulnerable populations, advance public health, and combat the spread of this harmful virus.”

In the letter, the ACLU of Wisconsin is calling on:

- **Governor Evers** to grant commutations to anyone identified by the CDC as particularly vulnerable whose sentence would end in the next two years, to anyone whose sentence would end in the next year, and to anyone currently being held on a technical (crimeless) supervision violation.
- **Police** to stop arresting people for minor offenses and in other circumstances

issue citations or desk-tickets in lieu of arrest so that people can return home, balancing the need for arrest with the overwhelming public safety concerns presented by coronavirus.

- **Prosecutors** to avoid cash bail requests and move for release in all but the very few cases where pretrial detention is absolutely the least restrictive means necessary to ensure a person's return to court. They should also institute a review-and-release protocol in cases which bail was already sought in the past 30 days and the person is currently detained.
- **Judges** to allow anyone with an open criminal case and upcoming hearing the chance to voluntarily waive that hearing or conduct that hearing via telephone or video conference.
- **Sheriffs** to ensure that facilities are as empty, safe, and clean as possible and that hygiene products are free and readily available to incarcerated people and staff.
- **Probation and Parole Agents and Parole Boards** to expedite and expand release opportunities for incarcerated people, reducing the population in prisons as recommended by health experts. Boards should institute a presumption for release for all people who have a parole hearing scheduled in the next two years.

According to the ACLU of Wisconsin's [Smart Justice Blueprint](#), the number of people over the age of 50 in Wisconsin prisons, a population generally considered to pose a negligible risk to public safety while being highly vulnerable to complications from COVID-19, more than tripled between 2000 and 2016, growing from 1,320 people to 4,384 people. As of December 2016, nearly one in every five people (19 percent) imprisoned in Wisconsin was age 50 or older. Twenty-eight percent of people age 50 or older in Wisconsin prisons in 2017 were serving time for nonviolent offenses.

Public health experts and groups such as [Dr. Gregg Gonsalves](#), [doctors working in New York City Hospitals](#), [Dr. Marc Stern](#), [Dr. Oluwadamilola T. Oladeru](#) and [Adam Beckman](#), [Dr. Anne Spaulding](#), [Homer Venters](#), and [Josiah Rich](#) have all clearly stated that preventing the harm inflicted by SARS-CoV-2 and COVID-19 can become immensely more difficult for people involved in the criminal legal system. By following the recommendations outlined in the ACLU's letter, state and local officials can create a culture in which transparency, safety, and the health of all people is the paramount concern.

The letter to state and local officials is

here: https://www.aclu-wi.org/sites/default/files/aclu_coronavirus_criminal_justice_-_wisconsin.pdf

This statement is online

here: <https://www.aclu-wi.org/en/news/aclu-wisconsin-demands-release-prisons-and-jails-communities-vulnerable-covid-19>

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