

WISDOM: pPreventing COVID-19 deaths in jails and prisons

Posted on Thursday, Mar 19, 2020

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Dear Governor Evers:

We do not need to tell you that the Coronavirus threat is grave. We are also certain that you understand that people in jails and prisons are especially susceptible to the spread of, and consequences from, infectious diseases like COVID 19.

We appreciate efforts of the Department of Corrections (DOC) to forestall exposure to COVID-19 by reducing outside visitors. That was, however, just a small step toward what must be done. Given that Corrections staff live in communities with community spread of COVID-19, it is only a matter of time before the virus gets into Wisconsin jails and prisons.

Wisconsin's jails and prisons are overcrowded, and it is impossible for people in them to adhere to the kinds of "social distancing" measures that you and public health experts recommend to stop or slow the spread of this dangerous and highly infectious virus. What's more, older and infirm people in prison are much more likely to die or be hospitalized due to COVID-19 than their younger, healthier peers.

In this time of emergency, there are some steps you can and should take IMMEDIATELY to lower both the risk and the consequences of a disastrous outbreak of COVID 19 in Wisconsin's jails and prisons, including minimizing the number of hospitalizations and deaths that will result when COVID-19 eventually finds its way into our correctional facilities.

The following five steps, which are clearly within your power as Governor and which preserve public safety, will reduce prison and jail overcrowding and will help mitigate the potential public health disaster that could take place in our prisons and

jails. To be effective, these steps should be begun immediately and completed as quickly as possible (ideally within 1-2 weeks):

1. The elderly and infirm are the most at risk for hospitalization and death from COVID-19. Therefore, instruct the Department of Corrections to immediately identify every person in the Wisconsin prison system over age 65, and those over 50 with health conditions like heart disease, lung disease, diabetes, cancer, and other conditions that make them high-risk for hospitalization and death from the disease.

DOC should then immediately process, with a presumption of release, every such person for “compassionate release.” The Parole Board should consider release for those not released by DOC. In cases where neither is possible, you can, and should, use your power to commute sentences.

2. Tell the Parole Commission to immediately release every parole-eligible person with a deferment of 6 months or less, and to rapidly review every case with a deferment of between 6-12 months, with a presumption of release.
3. Instruct the DOC to immediately stop detaining people for “technical violations” or non-criminal violations of rules of Extended Supervision or Parole. Furthermore, all people currently in detention, whether in a County Jail or at the Milwaukee Secure Detention Facility (MSDF) for a “revocation hold” should be released. This step alone could greatly reduce jail and MSDF populations very quickly and safely.

Furthermore, you should instruct the DOC to release all individuals who are currently in state prisons who were not sent there because of a new conviction, but because of a crimeless revocation.

4. Use your emergency powers to instruct the Department of Corrections to move to immediately release all people in Wisconsin prisons who are scheduled to be released within the next six months.
5. Most people in Wisconsin’s jails and prisons have family and friends who would take them in. Some, however, do not. Therefore, instruct the DOC and other state agencies to utilize emergency money from the federal government to help secure safe housing for those people who will be released that do not have a safe place to live.

There are many more steps that can and should be taken. These, however, are the

steps that can be taken today, to reduce the number of inmates who will otherwise die or require hospitalization due to contracting COVID-19 in our jails and prisons. There is no time to waste in order to prevent that catastrophe.