

Led by Former U.S. AGs Loretta Lynch and Alberto Gonzales, Diverse Panel Urges Leaders to Take More Aggressive Measures to Save Lives While Protecting Public Safety

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WASHINGTON, D.C. – The [National Commission on COVID-19 and Criminal Justice](#) today released a set of urgent, far-reaching [recommendations](#) that call on leaders in law enforcement, the courts, and corrections to expand their efforts to reduce harm caused by the coronavirus and improve the justice system’s preparedness for future public health emergencies.

In its first report, *Recommendations for Response and Future Readiness*, the independent, nonpartisan Commission said a lack of clear guidance and reliable data had led to a patchwork of responses among states and localities, creating [wide variance](#) in infection and mortality rates for their incarcerated populations, among other consequences. Seven months into the pandemic, many agencies still are struggling to implement key preventive measures. Overall, the Commission found, states that were more proactive and took more aggressive measures appear to have more successfully minimized impacts of the virus.

By the end of 2020, the Commission will issue a second and final report detailing the policies and practices that need to change based on what the pandemic – and its management – have taught us about the system’s fairness and effectiveness, particularly for people of color.

Led by former U.S. Attorneys General Loretta Lynch and Alberto Gonzales, the Commission today urged justice system leaders to follow the facts, data, and science in their pandemic responses. Key recommendations include mandating mask wearing across all sectors of the system, conducting mass testing to detect outbreaks quickly, and reducing populations in correctional facilities to limit virus spread while remaining mindful of public safety concerns.

“As COVID-19 has swept the country, law enforcement officials, judges, corrections directors, and leaders of community organizations have faced enormous pressure in managing a deadly, fast-moving threat while keeping the wheels of justice turning,” said Commission Co-Chair Gonzales. “Based on the best science and data we have, our recommendations identify concrete actions justice system leaders can take right now to effectively contain the virus,

save lives, and protect public health and safety.”

“Our criminal justice system is particularly vulnerable to COVID-19 because it depends heavily on personal, face-to-face interactions in the community and in facilities where physical distancing is nearly impossible,” said Commission Co-Chair Loretta Lynch. “Five states have a prison mortality rate more than [eight times](#) the rate for the general population, a reality that illustrates why we must go above and beyond to tame this pandemic. Lives depend on it.”

The Commission report represents one of the most exhaustive and comprehensive examinations of COVID-19’s impact on criminal justice to date. It relies on a [series of research reports](#) produced for the Commission, the experience and expertise of its 14 diverse members, and oral and written testimony from a broad spectrum of criminal justice organizations, researchers, advocates, and others, including people recently released from prison.

Adopted by consensus, the Commission’s 33 recommendations include:

- **Limiting in-person contacts in police work, courts, custodial facilities, and probation and parole supervision.** Incarcerated populations should be safely thinned through reduced admissions and accelerated releases, especially for medically compromised or elderly individuals who can be placed on house arrest or electronic monitoring.
- **Bail for people awaiting trial should be limited to those who pose a public safety threat or serious flight risk, and people who commit minor law violations should be diverted from jail.** Courts should curb viral transmission by relying on technology to limit jury trials, and, absent a public safety risk, law enforcement officers should issue warnings, summons or citations in lieu of arrest.
- **Mandatory mask wearing for all justice-system staff and incarcerated populations.** Given their proven effectiveness and the critical need for criminal justice institutions to keep operating, masks should be mandatory across the system, both indoors and in close-contact situations outdoors, with limited exceptions.
- **Conduct frequent and mass testing of staff and justice-involved populations to quickly detect outbreaks.** Testing is essential to prevent the spread of COVID-19 within the criminal justice system. Both symptomatic and asymptomatic people should be tested, to the extent possible, using the most reliable methods available.

National Commission Issues Recommendations to Contain Coronavirus, Improve Justice System Readiness for Future Health Crises

Thomas Abt, the Commission's director, praised the commissioners' work, noting the critical need for the nation's justice system to do more to limit the pandemic's toll. More than 168,000 incarcerated individuals and 29,000 correctional staff have tested positive for the coronavirus, while about 1,000 of those individuals and 50 staff have died. More than 100 police officers have lost their lives as well.

"When it comes to the pandemic, there is no magic bullet," Abt said. "Controlling the spread of COVID-19 and limiting the harm it inflicts on justice-involved populations and staff involves a lot of hard work; success appears to depend more on perspiration than inspiration."

Launched by the Council on Criminal Justice, the Commission includes a broadly diverse range of perspectives and experience – justice system leaders, a big-city mayor, advocates, a leading researcher, a formerly incarcerated individual, and a top public health specialist.

About the Council on Criminal Justice

The Council is a nonpartisan membership organization and think tank created to advance understanding of the criminal justice policy challenges facing the nation and build consensus for solutions based on facts, evidence, and fundamental principles of justice.

For more information on the Council and the Commission, visit <https://counciloncj.org/>.