



**RECOMMENDATIONS FOR PROTECTING INCARCERATED YOUTH AND ADULTS
DURING AND IN THE AFTERMATH OF THE COVID-19 PANDEMIC**

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In the midst of the COVID-19 pandemic, individuals incarcerated in and working at U.S. prisons, jails, and detention centers face a public health catastrophe due to existing unsanitary and overcrowded conditions of confinement. Medical and public health [experts](#) have called for reductions in incarceration levels to limit overcrowding and protect those individuals in custody who are at high risk of serious illness and death from COVID-19. To help stem the spread of COVID-19, Congress must take immediate action to reduce the number of people detained by federal agencies, including the Bureau of Prisons and Immigration and Customs Enforcement. Congress also should incentivize states and localities to reduce levels of youth and adult incarceration and detention in order to protect vulnerable populations from COVID-19. If Congress does not immediately respond to the risk of COVID-19 outbreaks at incarceration and detention facilities nationwide, it will face a humanitarian crisis that will impact families and communities across the nation and prevent the U.S. from fully overcoming the domestic COVID-19 epidemic. [The Justice Roundtable](#), a national coalition of more than 100 organizations, **urges Congress to act on the following recommendations in its fourth COVID-19 response package under development now.**

A. Protect the Health and Safety of Youth and Adults Who Are Incarcerated or Detained as well as Those Who Work in and Visit Federal, State, Local, and Tribal Prisons, Jails, Detention Centers, and Secure Confinement Facilities During the COVID-19 Epidemic

1. **Congress should provide funding to ensure that COVID-19 testing, prevention, care, and treatment services should be available at no cost to those who are incarcerated or detained.** Federal funding should support federal Bureau of Prisons, states, localities, and tribes to ensure that all individuals, including staff, adults, and youth who are incarcerated, detained, or confined have access to personal protective equipment (PPE) to prevent the spread of COVID-19 and access to testing. Individuals who test positive for COVID-19 should receive timely, appropriate, adequate, and cost-free care and treatment services, including as a first choice removing incarcerated and detained youth and adults to an external, community-based healthcare facility to receive care and treatment.

2. **Congress should allocate funding to eliminate all co-pays for healthcare provided in federal, state, local, and tribal prisons, jails, detention centers, and secure confinement facilities for youth and adults during the COVID-19 epidemic** - including co-pays related to medical testing, preventative measures, and treatment for incarcerated or detained individuals at risk for or diagnosed with COVID-19. These costs should not be passed on to families of incarcerated individuals.
3. **Congress should provide federal funding to the federal Bureau of Prisons, states, localities, and tribes to ensure that youth and adults who are incarcerated or detained in federal, state, local, or tribal prisons, jails, detention centers, and secure confinement facilities and who have been exposed to COVID-19 and are in need of quarantine are able to move to appropriate medical or other safe settings outside of the prison, jail, detention center, or secure confinement facility to receive free care and treatment.** Facilities that receive these funds shall not quarantine youth and adults within unsanitary and unsafe jails, prisons, detention, and secure confinement facilities, and these facilities should not use extended solitary confinement as a substitution for providing youth and adults who are incarcerated or confined and who are exposed to COVID-19 with proper medical care and appropriate, safe housing during the epidemic.
4. **Congress should immediately waive Section 1905(a)(A) of the Social Security Act (commonly referred to as the inmate exclusion provision) on an emergency basis until at least 6 months after the COVID-19 crisis is over.** This provision prohibits use of Medicaid funding (and other federal funds) for medical care provided to “inmates of a public institution.” This additionally applies to individuals who are incarcerated but have not been convicted of a crime (in 2017, approximately 540,000 people were incarcerated in pre-trial detention). Removing this provision would provide significant relief to states and counties whose budgets are dramatically impacted by the COVID-19 outbreak and other health issues.
5. **Congress should permit states to restart benefits for Medicaid-eligible incarcerated individuals 30 days prior to release.** If States are permitted to restart Medicaid benefits prior to release from custody, facilities and communities will be able to provide more effective care (including appropriate medical supplies), treatment, and coordination for COVID-19 and other health conditions while supporting a more effective, comprehensive transition to community-based care.
6. **Congress should provide funding to ensure that federal, state, local, and tribal prisons, jails, detention centers, and secure confinement facilities holding youth and adults follow appropriate COVID-19 prevention and response protocols, including:**
 - a. Each facility has CDC-recommended hand sanitizer, adequate soap and access to water, medical care, comprehensive sanitation and cleaning of facilities, personal protective equipment, and other safety measures provided free of charge to those who are incarcerated or detained as well as to those who work and volunteer in facilities
 - b. Designate bathrooms for use by people who have symptoms of COVID-19

- c. Bathrooms, visitation, and other facility common areas are sanitized at least three times daily
 - d. Facilities follow CDC guidelines for workplaces, including that staff and visitors stay home if they are sick; follow proper coughing, sneezing, handwashing, and PPE recommendations; and execution of routine environmental cleaning
 - e. In the event of unforeseen circumstances leading to inadequate supplies or other related issues, facilities must consult with the corresponding health agency for appropriate guidance and then proceed accordingly
 - f. Persons who are incarcerated and symptomatic are treated with dignity and respect, not stigmatized and punished.
7. **Congress should provide federal funding to ensure that individuals who are incarcerated or detained in federal, state, local, and tribal facilities have access to communication during the COVID-19 epidemic, including:**
- a. Youth and adults who are incarcerated or detained and their families, friends, clergy, behavioral health professionals, and attorneys have access to regular communication channels, including but not limited to cost-free phone calls (including confidential phone calls and videoconferencing with attorneys), cost-free video conferencing, cost-free email, and full access to postage mail. It is essential that all communications with attorneys be secure against any monitoring by BOP or third parties.
 - b. Incarceration and detention facilities maintain access to counsel and preserve family visitation rights as long as possible and with precautions (such as glass wall barriers and PPE if needed)
 - c. Federal, state, local, and tribal prison, jail, detention, and secure confinement facilities for youth and adults do not implement COVID-19 containment measures that result in the denial of due process, such as postponing court appearances in violation of speedy trial guarantees or creating barriers that inhibit access to counsel.
8. **Congress should provide resources to support public information dissemination, transparency, and accountability by requiring that the Federal Bureau of Prisons, state, local, and tribal prisons, jails, detention centers, and secure confinement facilities: This information must be accessible following the Americans with Disabilities Act of 1990. This information must be provided in multiple languages.**
- a. Release information about plans and procedures to address COVID-19 within federal, state, and local prisons, jails, detention, and secure confinement facilities for staff, youth and adults
 - b. Update the number of COVID-19 cases that exist in their jurisdiction's prisons, jails, detention, and secure confinement facilities
 - c. Provide prompt and accurate information about the number of COVID-19 fatalities
 - d. Promptly inform attorneys, families, and friends of youth and adults in custody when individuals are ill with COVID-19 and continue to provide timely, up-to-date information about the health of loved ones
 - e. Provide information about facility visitation, communication policies, and lockdowns

- f. Provide breakdowns with respect to demographic data (including race, gender, age, offense of conviction, and criminal history level) for oversight purposes
- g. Give updates on healthcare services provided to individuals who are incarcerated
- h. Distribute information cost-free via mobile notification, email, and internet announcements. This information must be accessible following the Americans with Disabilities Act of 1990 and in the format that is best for the person. This information must be provided in multiple languages.

B. Prevent the Spread of COVID-19 -- Reduce Incarceration Levels of Youth and Adults in Detention Facilities, Jails and Prisons

- 1. Congress should incentivize the Department of Justice and state and local law enforcement to avoid detention of any new arrestee not likely to pose a specific and substantial risk of intentional use of force to cause serious bodily injury against the person of another.**
 - a. In particular, stop detention of vulnerable individuals, including people over age 50, those with chronic illnesses, pregnant people, those with asthma, cancer, heart disease, lung disease, diabetes, HIV and other diseases or disabilities that make them vulnerable to COVID-19. This includes stopping the arrest of youth for status offenses.
 - b. For the United States Probation Office to immediately suspend filing violations and/or arrests of individuals suspected of supervised release violations that do not involve a serious violent felony, as defined by 18 USC §3559(c)(2) or a serious physical risk to the community. Reducing these unnecessary incarcerations would reduce the risk of transmitting COVID-19 between facilities (jails) and the community, and vice versa. Instead of arrests on warrants for supervision violations and new indictment cases, greater use of summonses and recalling pending warrants that have not been served if a summons could be substituted.
 - c. Dates for voluntary surrender for prison sentences if consented to by the defendant should be delayed.
- 2. Congress should amend the Bail Reform Act to provide that during a pandemic, the government may not seek to detain, and the court may not detain, any person unless the government shows by clear and convincing evidence that the person is likely to cause specific and substantial risk, that the person will cause bodily injury or use violent force against the person of another.**
- 3. Congress should amend the Bail Reform Act to mandate consideration at a pretrial hearing of the conditions of pretrial confinement, including access to adequate medical and behavioral health treatment, access to medications, and the person's ability to privately consult with counsel and meaningfully prepare a defense.**
- 4. Congress should amend Rule 4 of the Federal Rules of Criminal Procedure to preclude courts from issuing arrest warrants during a pandemic unless the government shows, by clear and convincing evidence, that arrest would be the only way to stop a specific and substantial risk that the person will cause bodily injury or use violent force against the person of another, to express a presumption**

in favor of issuance of a summons, rather than an arrest warrant; and to mandate the recall of all pending arrest warrants unless the government makes a showing that arrest is necessary to avert a specific and substantial risk of actual injury or violence.

- 5. Congress should incentivize through federal funding the Department of Justice and state and local officials to release people from incarceration in order to prevent the spread of disease and reduce the threat of infections among incarcerated people at highest risk of serious illness and death from COVID-19 by passing and funding at the requested level of \$1 billion H.R.6414, the COVID-19 Correctional Facility Emergency Response Act, and H.R. 6400/S. 3579, the Emergency Community Supervision Act.**
 - a. Immediate releases are particularly critical for people over age 50, those with chronic illnesses, pregnant people, those with asthma, cancer, heart disease, lung disease, and diabetes, HIV and other diseases or disabilities that make them vulnerable to COVID-19 infection, including youth.
 - b. Officials should use all available powers, including but not limited to executive clemency, commutations, furlough, compassionate release, parole, and release on recognizance, to reduce the number of people in jails, prisons, and detention centers. And where possible, create new emergency mechanisms to reduce incarcerated populations.
 - c. Populations should be reduced to ensure that capacity is such that cells are not shared, there are sufficient medical beds, and enough prison staff and medical staff on site to ensure safety for staff, those incarcerated, and visitors as recommended by CDC.
 - d. Release all incarcerated people who test positive for COVID-19 to an external healthcare facility to receive care.
 - e. Release people with 36 months or less remaining on a sentence.
 - f. Release individuals who are participating in work release or other community release-based programs, including halfway houses or residential reentry centers. These individuals are a low risk to the community as evidenced by their admission into these programs.
 - g. In accord with H.R. 1949, Congress should allow individuals who are serving sentences for crimes committed while they were under the age of 18, and who have served in excess of 20 continuous years in confinement, be immediately eligible for release.
 - h. Withdraw current failure to appear warrants for individuals who are not likely to pose a specific and substantial risk of bodily injury or use of violent force against another person.
- 6. Congress should appropriate \$100 million to prevent and mitigate the COVID-19 risks for justice-involved youth.** On any given night there are 43,000 youth in out of home placements that are justice-involved. State juvenile justice systems rely on a complex network of providers to respond to the underlying needs of youth that extend beyond state-run facilities. Furthermore, nearly 60% of detained youth are there for misdemeanors, status offenses and technical violations of probation according to OJJDP.

The \$100 million should remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which \$75,000,000 shall be for programs authorized by section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974, and \$25,000,000 for delinquency prevention, as authorized by section 504 of the Act.

7. **Congress should increase the number of people in federal prison allowed to serve 10% of their terms of imprisonment or 6 months in home confinement, as expressly permitted by 18 U.S.C. § 3624(c)(2) and expanded by Section 602 of the First Step Act, Pub. L. 115-391.** Reducing the general BOP population also would reduce the risk of transmitting a virus in BOP facilities. This statute pertains to anyone, and the BOP should liberally apply this statute for any qualifying elderly or immune-compromised person in custody.
8. **Congress should provide \$20 million to support the scale-up of successful state Parenting Sentencing Alternatives (PSA) programs that have the potential to keep parents out of prison.** Funding should be provided to scale up and create Parenting Sentencing Alternative programs to reduce the prison population during the COVID epidemic. Existing programs allow judges to waive a sentence for eligible people within the state's standard sentence range and impose 12 months of community custody along with conditions for treatment and programming.
9. **Congress should extend the federal Elderly Home Confinement Program to individuals 50-years-old and over who have completed at least 50% of their sentence. Congress should urge the Bureau of Prisons to immediately increase grants of compassionate release to elderly or immune-compromised inmates, and Congress should amend 18 USC 3582(c) to waive the 30 day period between when a person files their letter with the Warden and when he or she can file a motion with the Court.**
10. **Congress should encourage the U.S Parole Commission to immediately release the 236 "old law" federal prisoners still under its jurisdiction who are amongst the oldest in the system, particularly vulnerable to COVID-19 infection and pose no public safety risk.**
11. **Congress should incentivize states and localities to release adults and youth from prisons, jail, detention centers and secure confinement facilities by providing an increased federal medical assistance percentage (FMAP) by 2% for any State or jurisdiction that enacts widespread policies that release 10% or more of their State prison and youth detention population.** States may also receive an additional 1% increase in FMAP by working with local jurisdictions to release 15% or more of their local jail population for the duration of the crisis. States and local jurisdictions that maintain these decreases after the immediate COVID-19 crisis has passed shall remain eligible for the increased FMAP.
12. **Congress should ensure that public health-initiated adjustments to the federal prison population, including eligibility for the elderly and compassionate release provisions of the First Step Act, also account for people in Bureau of Prisons custody sentenced for a violation of District of Columbia law.**
13. **Congress should incentivize federal, state and local authorities through federal funding to aid individuals serving sentences in the community, including**

probation, parole or with some similar community supervision or community corrections status, by:

- a. Waiving all fees assessed to those who are in work release or other similar programs who remain detained (some will be unable to go to work and those who can continue to work, should be able to utilize their income to help family members who may be suffering economic effects of the virus).
- b. Removing the threat of incarceration for people who are under community supervision to allow people to travel and access medical care, stay isolated when necessary, and take care of themselves and their families.
- c. Eliminating requirements for in-person check-ins with probation, pretrial services, parole, and/or ICE to prevent the spread of disease.
- d. Eliminating restrictions on movement for people under the surveillance of ankle shackles to allow access to medical care, family and loved ones who may need care or support.
- e. Assisting people released from prisons and detention with transitional plans that ensure they receive adequate medical care.
- f. Release people housed in a Reentry Residential Center to community supervision, and order the removal of barriers that impede such entry.
- g. Reviewing the housing options of anyone in halfway houses to see if home confinement would equally serve the needs of someone leaving prison.

C. Ensure and Fund Reentry Supports to Contain and Slow the Spread of COVID-19

- 1. Congress should ensure access to COVID-19 federal cash assistance and unemployment assistance to individuals or their families (in case of youth) impacted by the justice system.**
 - a. Congress should ensure that individuals impacted by the justice system and their families receive needed cash assistance and unemployment assistance to help with lost wages, access to food, housing, and other basic needs.
 - b. Congress should suspend section 466 of the Title IV of Social Security Act for the duration of the COVID-19 pandemic as well as penalties in the Debt Collection Improvement Act during that time so that penalties are removed for non-custodial parents who are unable to pay child support and have past-due child support. Under current law, individuals and their families will lose their COVID-19 stimulus check and/or unemployment benefits, exacerbating the economic hardship many families are experiencing across the nation. By lifting these penalties, Congress will provide much needed relief and economic support, particularly to individuals who are newly released or formerly incarcerated, and already struggling with economic stability and well-being. Note this recommendation also would cover tribal child support enforcement and penalties on SNAP benefits to non-custodial parents.
- 2. Congress should provide funding to federal, state, local, and tribal corrections officials and other stakeholders to support transition planning for youth and adults prior to release from federal, state, local, and tribal prisons, jail, detention, and**

secure confinement facilities to ensure connection to critical community-based services upon release:

- a. Transition planning should facilitate “warm-hand off” upon release to community-based services that address urgent health issues, such as COVID-19 and the need for Medication Assisted Treatment and other behavioral health treatment and harm reduction services to help prevent drug overdose upon release, as well as nutrition support, housing, and other reentry supports during the COVID-19 epidemic.
 - b. Congress should pass and fund at the requested \$1 billion level H.R.6414, the “COVID-19 Correctional Facility Emergency Response Act of 2020,” introduced by House Judiciary Committee Chairman Jerrold Nadler. This bill would support reentry of individuals safely released from incarceration at the state and local level, including those who are detained pre-trial, by authorizing grants to state and local officials to support reentry efforts critical to safe transition and return to the community during the COVID-19 pandemic.
- 3. Congress should provide funding to ensure that youth and adults who are released from custody have access to safe, affordable, and accessible housing for the duration of the COVID-19 epidemic.**
- a. Congress should fund tenant-based rental assistance vouchers specifically for individuals released from federal, state, local, or tribal prison, jail, detention, or secure confinement as a result of the COVID-19 pandemic.
 - b. While Congress provided \$4 billion in McKinney-Vento Emergency Solutions Grants (ESG) in the last coronavirus response package, more funding is needed to ensure marginalized populations, particularly formerly incarcerated people, are able to access shelter and housing during the coronavirus outbreak. An additional \$11.5 billion in total flexible ESG funding can be used to help provide short-term rental assistance, rapid rehousing services, and housing counseling services to people returning from the criminal and juvenile justice systems.
 - c. Congress should provide \$100 billion in emergency rental assistance, distributed through HUD’s Homeless Assistance Grants program. This flexible funding could be used to help formerly incarcerated people cover security and utility deposits and provide short- and medium-term rental assistance for recently released individuals.
- 4. Congress should repeal or waive current federal prohibitions and oppose additional prohibitions on individuals with criminal records from receiving federally funded COVID-19 benefits and supports, including SNAP, TANF, housing, and Small Business Administration assistance.**
- a. Some state and local jurisdictions and agencies limit access to need-based supports such as SNAP, TANF, and housing assistance for those with certain criminal convictions. In addition, some states institute onerous work-requirements to receive benefits, which often are difficult for individuals with records to meet. Additionally, Some Public Housing Authorities also prohibit family members living in public or subsidized housing units from housing their loved ones with records. The federal Small Business Administration also bars individuals with certain records from obtaining loans and COVID-19 relief for small businesses owned by individuals with

certain records. Congress should prevent such conviction bans from barring access to federally supported benefits and resources during the COVID-19 epidemic.

- b. Congress should help ensure people returning from the criminal and juvenile justice systems have greater access to federally assisted housing by banning Public Housing Agencies' (PHAs) use of "one-strike" and "no-fault" eviction policies. "One-strike" eviction policies allow PHAs to evict people for a single incident of criminal activity regardless of severity, while "no-fault" policies allow an entire family to be evicted for the alleged criminal activity of a guest, even without the knowledge of anyone in the household. These policies jeopardize access to secure housing essential to complying with stay-at-home and social distancing requirements during the COVID-19 pandemic. Congress should limit the types of criminal records PHAs may consider in determining whether to lease to a person with a criminal record. PHA's should only consider specific conviction records that would impact an applicant's success as a tenant.
 - c. Congress should repeal the drug felony ban for the SNAP and TANF programs to ensure that all individuals and families who require assistance to meet their basic needs are able to do so during the COVID-19 pandemic. The SNAP and TANF programs frequently support families with children, and thus reducing access to this support for individuals with drug felonies frequently will reduce access to food and other basic needs for entire families, including children.
 - d. The Small Business Administration (SBA) has implemented regulations and policies that deny assistance to many small businesses if their owners have been involved in the criminal justice system. SBA has broadened these exclusions for the new Paycheck Protection Program and the Emergency Injury Disaster Assistance Loan (EIDL) Program that provide COVID-19 relief to existing small businesses. Congress should amend the law to remove or significantly limit record-based disqualifications under these SBA COVID-19 relief programs, including prohibiting broader inquiry into an owner's record through an application form or otherwise.
- 5. Congress should improve employment outcomes by strengthening and expanding existing federal education and workforce development programs that serve individuals with criminal records.**
- a. Congress should provide \$650 million through the federal Workforce Innovation and Opportunity Act (WIOA) program. WIOA is locally driven, which allows communities to provide services more effectively and efficiently. WIOA prioritizes services to individuals with barriers to employment, including those impacted by the criminal and youth justice systems. The unemployment rate for formerly incarcerated individuals nationwide could be as high as 47 percent after the COVID-19 pandemic (based on unemployment data for this population from the last recession and current unemployment data and trends). Specific WIOA investments should include:
 - i. \$350 million to support the Reentry Employment Opportunities (REO) Program (otherwise known as the Reentry of Ex-Offenders (RExO) Program) at the Department of Labor's Employment and Training Administration. REO/RExO program funding should support reentry, education, and workforce development services for approximately 25,000-30,000 individuals (10.5-12.75 percent of formerly incarcerated individuals estimated to be unemployed after the pandemic),

- and funding should include support for wage replacement funding, training stipends, and earn and learn strategies and internships.
- ii. \$200 million should be administered through Title 1 Employment and Training Activities in WIOA to support workforce training providers serving individuals impacted by the criminal justice system.
 - iii. \$100 million to support additional Adult Education and Family Literacy Act funds to support correctional education, including:
 1. \$50 million to support educational materials and instructors both inside facilities and upon reentry, including support for programs teaching remote educational classes ranging from basic literacy through post-secondary education.
 2. \$25 million in demonstration grants to fund and support technology and teleconferencing classes in corrections at all levels, including training for staff. Technology would include secure internet connections, secure laptops, tablets, open source digital materials, and books.
 3. \$25 million to integrate education and career and technical into workforce development programming both inside facilities to prepare for reentry and upon reentry.
 - b. Congress should provide \$44 billion for a national transitional jobs program funded through the Dislocated Worker Assistance National Reserve and dedicate a percentage of these transitional jobs to youth and adults impacted by the criminal and youth justice systems. A substantial investment in the workforce system must emphasize subsidized employment and “earn-as-you-learn” models such as transitional jobs that target those with barriers to employment including people impacted by the justice system. Time-limited, wage-paying jobs that combine real work, skills development, and supportive services help participants transition successfully into the labor market. Transitional jobs are an effective model for individuals impacted by the justice system and support employers to meet the demands of the workforce.

D. Protect, Don’t Exploit, Incarcerated Youth and Adults during the COVID-19 Epidemic

Congress must ensure that federal, state, local, and tribal officials:

- 1. Eliminate requirements for incarcerated workers to perform tasks that put them at risk of contracting the disease and allow them to opt-out (waste management, handling corpses/digging graves, etc.).**
- 2. Provide all workers with appropriate personal protective equipment (PPE) (such as disposable gloves, coveralls, masks, etc.).**
- 3. Institute a minimum wage for incarcerated people who are working.** New York state announced incarcerated individuals would be manufacturing hand sanitizer (which they are not allowed to use for their own protection) for less than \$1 per hour. This unfair and exploitative practice must end.

E. Criminalization of Black and Brown Communities is Not a Real Public Health Solution

Federal, state, and local officials must not use public health orders to further criminalize communities of color as they work hard to survive the COVID-19 pandemic:

- 1. In the event of emergency lockdown/quarantine, there should not be a criminal punishment for breaching emergency quarantine protocols, failing to disclose COVID-19 symptoms, or for potentially exposing others to the virus.**
- 2. There should not be any criminal penalties for acts of survival, such as taking supplies or resources needed to survive the COVID-19 pandemic.**
- 3. ICE or law enforcement officers should not receive warrants to target community hubs where resources are being distributed to respond to the COVID-19 outbreak.**

F. Decarcerate Immigrant Detention

1. Release individuals in detention.

- a. Congress should urge Immigration Customs Enforcement (ICE) and Customs and Border Patrol (CBP) to grant release of detained individuals on recognizance or humanitarian parole, not conditioned on bond.
- b. Congress should urge ICE to eliminate or loosen restrictions under the Intensive Supervision Assistance Program (ISAP) and other post-release supervision programs to allow people to have the maximum flexibility to take health precautions, care for themselves and their loved ones, and avoid unnecessary travel to and interaction with local ICE offices in light of CDC public health warnings.
- c. Eliminate all mandatory appearances at immigration court hearings or any ICE or CBP check-ins.

2. Suspend policies on arrests & prosecutions.

- a. Congress should require all DHS agencies including ICE and CBP to suspend interior civil immigration enforcement, stop all new detentions, halt the issuance of detainers, and halt transfers of immigrants from the criminal legal system to ICE custody
- b. Congress should require DHS to stop issuance of any Notices to Appear newly placing individuals in removal proceedings and require the Department of Justice to immediately enact the following changes in all districts:
 - i. work with CBP, ICE, and U.S. Marshals to end arrests and criminal referrals for unauthorized entry (8 USC 1325) and unauthorized reentry (8 USC 1326)
 - ii. decline all new criminal prosecutions for unauthorized entry (8 USC 1325) and unauthorized reentry (8 USC 1326)
 - iii. immediately halt "Operation Streamline" magistrate courts at the southern border
 - iv. drop all charges for unauthorized entry (8 USC 1325) and unauthorized reentry (8 USC 1326) and prioritize release of those currently being held on such charges
 - v. agree to re-sentence people held in BOP or private prisons on entry or reentry offenses.

3. Provide responsive medical care & transparency.

- a. Congress require that any individual in ICE or CBP custody with symptoms of COVID-19 be immediately transferred to a local hospital or other community provided care.

- b. Ensure any facility housing federal immigrant detainees, including federal prisons and state and local jails, and all other ICE facilities waive all costs associated with soap, sanitizer, and other hygiene products and make those items available to detained persons.
- c. Congress should require that CBP and ICE regularly update relevant committees of jurisdiction on:
 - i. The number of COVID-19 cases that exist in their jurisdiction's prisons, jails, detention, and secure confinement facilities
 - ii. The number of COVID-19 fatalities
 - iii. The availability and standard of medical care and treatment at each facility.
 - iv. The availability and number of COVID-19 tests administered at each facility on a daily basis and the procedure followed to determine when tests are administered
- d. Ensure access to free phone and video correspondence with loved ones and counsel at every facility housing immigrant detainees nationwide.