How to Ensure Safe, Effective Release and Reentry in the Time of Coronavirus

By Malcolm C. Young

New York National Guard administers tests in New Rochelle, NY. Photo by NY National Guard via Flickr

The medical realities of the coronavirus have forced corrections administrators, public health experts, advocates, and political leaders to recognize that many of the people in jails and prisons simply don't need to be there.

This has translated into a bevy of supportive editorials and op eds calling for the release of people from prisons and jails, including those charged or convicted of low-level crimes, technical parole violators and the elderly incarcerated.

States and localities are responding.

Officials in Iowa have advanced the release of more than 700 state prisoners. New Jersey authorized the release of 1,000 people held in local jails.

Other reported early releases: more than 300 out of a jail population of 1,300 in Cuyahoga County, Ohio; 314 in San Francisco; 120 in Portland, Or., to allow single celling for those who remain; 60 out of 308 in Mercer County in western Pennsylvania to free up two cell blocks for quarantine.

Prosecutors in several locations have themselves moved to release portions of the jailed population. Additional releases are reported almost daily.

It's not enough.

Unless all jails and prisons are depopulated to the point that personal separation and hygiene can be brought in line with the guidelines established by the Centers for Disease Control and Prevention, incarcerated people and corrections staff are at high risk of contracting Covid-19.

Jails and prisons are incubators for viral and other diseases. In most correctional facilities, medical care is at best marginal; in many, it is grossly deficient. Policies established in normal times prohibit basic preventive steps urged on the population outside of prisons and jails, such as the use of hand sanitizers, individual separation, and limiting congregation to groups no larger than ten.

Structural and staffing limitations make compliance with some recommendations impossible. Depopulation through large-scale releases may be the only way to avoid catastrophe.

Time is crucial. Jail and prisons were not meant to be death sentences, but unless action is taken, they will be. Every individual who can be released, should be.

But what happens then?

For decades, the words "public safety" have explained America's high rates of incarceration. They reflect a widespread apprehension, that citizens would be put at risk when individuals charged with or convicted of crime are released pretrial, at sentencing, or on parole.

The coronavirus crisis has put that long-overinflated risk in perspective.

Suddenly, policymakers are approving the release of categories of individuals incarcerated because judges set high bonds and imposed sentences to jail and prison, at least in part on the grounds that it was necessary they do so to preserve "public safety."

The coronavirus and COVID-19 have injected a new and different meaning into the phrase "public safety." Public safety in the time of COVID-19 means we have to release incarcerated individuals, but in a way that adapts to the reality of the pandemic, so that their health and the health of the communities to which they return are not further endangered.

The realities of reentry during a pandemic pose legitimate concerns for public health, and extra challenges for returning citizens.

They include the following.

- **Face to Face Encounters and Transfers among Facilities** Each face-to-face meeting between incarcerated individuals and their counselors increases the risk of contagion. Transfers from prison to interim facilities and half-way houses, now standard practice in the federal Bureau of Prisons and some larger state systems, such as in Florida, add additional exposure. A number of states and localities, notably in New York, have ended face-to-face meetings between probation and other agency staff and returning citizens, substituting with phone calls, on-line communications, or nothing at all.
- **Release to a Homeless Shelter** Safety requires that corrections facilities not release individuals from prison or a half-way house to a homeless

> shelter or to a residence occupied by a person who has been exposed to the virus.
> - **Excessive Local Travel** For the person recently released from incarceration, it is prudent to avoid, even legally forbidden to travel to and from parole and probation offices, job sites and otherwise to be out "just looking around."

But rather than using these concerns to retain people in jails and prisons, corrections authorities and local governments should consider implementing procedures and establishing reentry programs that would greatly reduce legitimate worries about accelerated release from jails and prisons, and thereby increase the number of people who can be released.

ProjectNewOpportunity The following suggestions are grounded in the experience and research behind Project New Opportunity (PNO), a unique reentry program in Washington, D.C. that successfully served federal prisoners released "early" because of changes in drug sentencing laws or clemency.

Project New Opportunity has been tested and found to achieve the goals of reentry. Although designed to serve individuals released "early" from the federal Bureau of Prisons through clemency or a change in drug sentencing penalties, its unique program model lends itself to the current situation.

Central elements of the PNO model include:

Social Distancing

Designed to assist individuals in federal prison no matter their location in the country, PNO used a straightforward but carefully-worded questionnaires and the BOP's email system to communicate with incarcerated clients. There are no face-to-face interviews. Similarly, Reentry Consultants communicate with family members, programs and agencies, and even future probation supervisors in the community to which individuals would return, by phone, email or mail.

After release, communication with clients is by text, voice and email over cell phones.

Pre-Release Intervention and Planning

PNO identified and started to work with individuals in the federal system months in advance of release whenever possible, but would work with individuals on shorter notice, even those already in halfway houses, when doing so would benefit the client. PNO's advance planning enabled clients to leave prison prepared for the transition back to the community.

By helping to arrange housing or residential placement in advance of release, the PNO program model makes it possible for more individuals to bypass a halfway house and avoid transfers in

and out of transitory and temporary housing and over-crowded shelters, further reducing exposure to the coronavirus.

Establishing a Client Relationship

PNO's Reentry Consultants established relationships based on shared experience and trust which carries through as the client prepares for release, is transitioned from the corrections facility, and then adjusts in the community.

Gaining trust and treating each returning citizen as an individual, reentry Consultants were often able to assess their client's pressing needs or to develop a strategy for dealing with the most important problem first, whether it is in housing, employment, family reintegration, child support, pending traffic tickets and fines, or access to medical care or treatment.

In a world struggling against a pandemic and facing huge job losses, these challenges will be even more difficult to overcome. For a person just released from jail or prison, steady counsel and the advice of a trusted Reentry Consultant will be even more important to success than in normal times.

Reducing "Community Spread"

Advance planning and counsel after release reduces a returning citizen's need to travel and engage in social interaction in the community. Reentry Consultants can direct their released clients to the specific agencies and programs relevant to their needs and still open to assist. Perhaps more important now, designated PNO staff can help clients report and request assistance from agencies and submit applications for employment or assistance on-line, by phone and email.

Assuaging Anxiety

The PNO experience showed the importance to its clients of a voice of a person who lived through incarceration and reentry. Many returning citizens are already anxious and apprehensive. Many suffer from post-traumatic stress. PNO's Reentry Consultants were available 24 – 7 when necessary, and countless times talked their clients around difficult moments with family, employment and on the street. In a self-quarantining, closed-down coronavirus world the level of anxiety is high for most of us. For newly released individuals the added anxiety will be especially difficult to manage.

The PNO program model can and should be further modified to meet current needs.

For instance, client assessments should include medically-advised screening for exposure to the coronavirus. The program should tutor clients in the steps they need to take to protect themselves and others against contagion before and after release.

Reentry consultants will need to provide more direct assistance in accessing overtaxed and understaffed services operating under constraints due to the pandemic.

But the core of the PNO program model is adaptable and nimble, with advantages over traditional site-based and post-release reentry programming.

See also: "After the COVID-19 Release of Prisoners, Who Will Help Them?" by Tyrone Walker, *The Crime Report*, April 2, 2020.
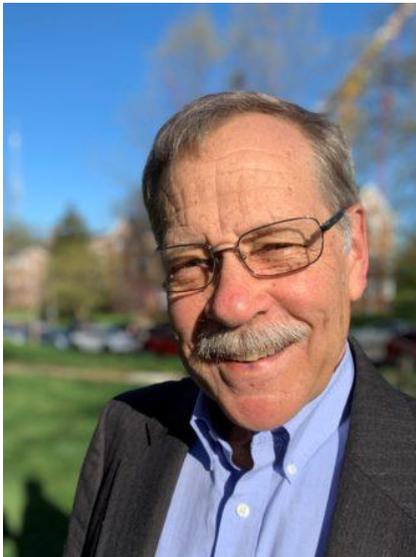
Malcolm C. Young is an Attorney at Law, and Founding Project Director of Project New Opportunity. The PNO program model is explained more fully in documents accessible on the project website.

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The Crime Report has opened a resource file of stories mapping COVID-19's impact on the criminal justice system to keep you abreast of fast-moving developments. Updated daily. Check it out here.