



COVID-19 and Incarcerated Populations

Disclaimer:

This *Quick Response Report* was published on September 10, 2020. Given the rapidly changing nature of the coronavirus pandemic, some of the references included in this report may quickly become out-of-date. We further caution readers that researchers at the Newfoundland & Labrador Centre for Applied Health Research are not experts on infectious diseases and are relaying work produced by others. This report has been produced quickly and it is not exhaustive, nor have the included studies been critically appraised.

Readers will note that some text below has been highlighted for emphasis.

Original Request

Is it effective to reduce prison populations to reduce the spread of COVID-19?

Summary of Findings

- There appears to be a consensus that jails, prisons, and other places of detention greatly facilitate the transmission of infectious diseases in general and that COVID-19 can be expected to spread quickly in such settings. It has been shown to do so in a small number of documented cases.
- In addition to safe practices for incarcerated individuals, e.g., hygiene and screening, the management of staff and visitors is also critical to reducing the spread of COVID-19 in places of detention and from these places into the community.
- Human rights organizations and researchers in the field unanimously support the release of prisoners at particular risk of COVID-19 as well as other incarcerated individuals whose release would not pose a risk to public safety.
- Reducing detention in high turn-over settings, e.g., jails as compared to prisons, is expected to be more effective at reducing the spread of COVID-19 to the community.

Guidance

WHO. **UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings.** May 13, 2020. [LINK](#)

- “We urge political leaders to consider limiting the deprivation of liberty, including pretrial detention, to a measure of last resort, particularly in the case of overcrowding, and to enhance efforts to resort to non-custodial measures. These efforts should encompass release mechanisms for people at particular risk of COVID-19, such as older people and people with pre-existing health conditions, as well as other people who could be released without compromising public safety, such as those sentenced for minor, non-violent offences, with specific consideration given to women and children.”

UN High Commissioner for Human Rights. **Urgent action needed to prevent COVID-19 “rampaging through places of detention”**. March, 2020. [LINK](#)

- “The High Commissioner urged governments and relevant authorities to **work quickly to reduce the number of people in detention**, noting several countries have already undertaken some positive actions. Authorities should examine ways to release those particularly vulnerable to COVID-19, among them older detainees and those who are sick, as well as low-risk offenders. They should also continue to provide for the specific health-care requirements of women prisoners, including those who are pregnant, as well as those of inmates with disabilities and of juvenile detainees.”

Inter-Agency Standing Committee (OHCHR and WHO). **Interim Guidance. COVID-19: Focus on Persons Deprived of their Liberty**. March, 2020. [LINK](#)

- Does not address effectiveness of prisoner release to reduce spread of COVID-19 directly.
- Lays out basic principles for making decisions about prisoner incarceration or release.
- Emphasizes that prisoners should be able to access the same standard of medical care that is available to the community at large. In the case of prisoners with COVID-19, prisoners “should be able to access healthcare, including urgent, specialised health care, without undue delay”.

Canadian Human Rights Commission. **Release low-risk inmates to slow spread of COVID-19 in prisons**. April 15, 2020. [LINK](#)

- “Specifically, the Commission supports **the release of low-risk and vulnerable inmates, including older inmates, pregnant inmates, those with serious medical conditions, those with children, and inmates who are close to release or participating in temporary release programs.**”

WHO. **Preparedness, prevention and control of COVID-19 in prisons and other places of detention, Interim Guidance**. March 15, 2020. [LINK](#)

- Does not address prisoner release to reduce spread of COVID-19.
- Provides extensive guidance on place of detention preparedness, infection prevention, and case management.

CDC. **Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities**. July 22, 2020. [LINK](#)

- Does not address effectiveness of prisoner release to reduce spread of COVID-19 directly.
- Provides extensive guidance on management of prisoners, visitors, and staff in the context of SARS-CoV-2 and COVID-19.

Office of the Correctional Investigator (Canada). **COVID-19 Update for Federal Corrections – June 19, 2020**. June 19, 2020. [LINK](#)

- Report on state of COVID-19 prevalence in federal corrections facilities and institutional responses.
- “Going forward, these reviews could also help CSC identify those who met or could have benefited from priority release (either for health or vulnerability reasons or to meet earliest parole eligibility dates), a notable shortcoming thus far in CSC and the Parole Board’s response to the pandemic”

Systematic Reviews

None found

Other Reviews

COVID-19 Prisons. **Measures by country.** Updated July 8, 2020. [LINK](#)

- “Compilation of measures taken by prison administrations against COVID-19” including: reducing number of pre-trial detainees, early release, and pardons.
- Includes most, if not all, countries, with references.

European Prison Observatory. **COVID-19: What is happening in European prisons?** Published March 25, 2020, last updated June 5, 2020. [LINK](#)

- Compilation of policies taken at prisons throughout Europe in response to COVID-19, including decarceration measures.

Prison Policy Initiative. **Responses to the COVID-19 pandemic.** Updated September 2, 2020. [LINK](#)

- Extensive list of policies from US jurisdiction addressing release of prisoners.

Expert Opinion

Akiyama et al. **Flattening the Curve for Incarcerated Populations — Covid-19 in Jails and Prisons.** August 3, 2020. [LINK](#)

- “... we believe that we need to prepare now, by “decarcerating,” or releasing, as many people as possible, focusing on those who are least likely to commit additional crimes, but also on the elderly and infirm; urging police and courts to immediately suspend arresting and sentencing people, as much as possible, for low-level crimes and misdemeanors; isolating and separating incarcerated persons who are infected and those who are under investigation for possible infection from the general prison population; hospitalizing those who are seriously ill..”.

Barnett et al. **Prisons: Amplifiers of the COVID-19 Pandemic Hiding in Plain Sight.** July, 2020. [LINK](#)

- “Indeed, the most urgent first-line strategy to limit spread and improve containment is [incarcerated] population reduction.”
- “In the United States, a growing number of state and city governments are releasing individuals they believe pose little or no public safety risk. But far more is required to further mitigate COVID-19’s impact, including prioritizing the release of older adults, the chronically or seriously ill, and pregnant women.”

Justice Health Unit at The University of Melbourne. **COVID-19 and detention | Webinar series.** September 3, 2020. [LINK](#)

- Webinar series with international perspective addressing policy and operational responses, gaps, and recommendations toward achieving “comprehensive, sustainable, whole-of-government responses”
- See [Webinar #2: COVID-19 and Decarceration](#) ([LINK](#))

Gulati et al. **Prisons and the COVID-19 pandemic.** May 27, 2020. [LINK](#)

- “Measures should be undertaken to reduce the prison population through alternative criminal justice disposals and facilitating early release of low-risk offenders”
- “It is important that prisons are not forgotten in the public health response to this crisis. Established principles such as social distancing, early identification of cases, ‘cocooning’ of the most vulnerable and assertive treatment of those who become unwell will likely have similar benefits in prisons as in non-prison settings.”

Simpson and Butler. **Covid-19, prison crowding, and release policies.** April 20, 2020. [LINK](#)

- “Alongside measures to improve prison hygiene and screening, testing, and isolation of cases, release strategies should be a public health priority given increasing evidence that covid-19 clusters starting in confined spaces are associated with wider community transmission.”
- “countries such as Afghanistan, Australia, Canada, Ethiopia, Germany, Israel, Poland, the UK, and the US are reportedly considering or have started this option [early release].”
- “... we should be releasing a sizeable proportion of prisoners based on their risk to the community and vulnerability to covid-19 (for example through older age, having chronic health conditions, and intravenous drug use). Similarly, the poor health outcomes of indigenous peoples in countries such as the US, Australia, Canada, and New Zealand make these populations an obvious priority.”
- “controlling an outbreak is more costly than preventing one and will require contact tracing, isolating, and quarantining those released into community settings. Well managed programmes require health, social, and economic support for released prisoners as well as effective collaboration between health and justice departments and prisoner support organisations.”

Dolovich. **Every Public Official With the Power to Decarcerate Must Exercise That Power Now.** April 10, 2020 [LINK](#)

- Reviews policies in the US to Decarcerate prisoners to reduce COVID-19 transmission.
- Refers generally to effectiveness, but without citing any evidence or other sources.

Honig. **Releasing prisoners during Covid-19 crisis makes good sense.** April 10, 2020. [LINK](#)

- Jails are more problematic than prisons because of higher turnover of incarcerated population back into the community.
- “It is difficult to think of any place more susceptible to the spread of the coronavirus than prisons.”
- “Coronavirus threatens to spread not only among inmates, but also to guards and staff who return home after their shifts end. This is a prison problem, but also a broader societal problem”
- Includes interview with researcher studying infectious disease and prison setting epidemiology.

Brennan Centre. **Reducing Jail and Prison Populations During the Covid-19 Pandemic.** March 27, 2020. [LINK](#)

- “Elderly and sick people and those incarcerated for parole violations should be released or recommended for release under compassionate release provisions or another authority. Barring that, prison officials should use their discretion to transfer people to community corrections options.”

Kauffman. **Why Jails Are Key To ‘Flattening the Curve of Coronavirus.** March 13, 2020. [LINK](#)

- Citing HIV research (see [here](#)), the author claims “jails are notorious incubators and amplifiers of infectious diseases” generally, and that prison populations (in the US at least) are at particular risk for COVID-19 on account of having “a greater share of the population has “underlying health conditions” than on the outside, including 7 percent with diabetes, 20 percent with asthma, 10 percent with heart-related problems, 7 percent with kidney problems, and 26 percent with high blood pressure.”

Primary Research

The following article is a preprint and has not been peer-reviewed. It reports new medical research that has yet to be evaluated and so should not be used to guide clinical practice.

Blair et al. **Testing lags and emerging COVID-19 outbreaks in federal penitentiaries in Canada.** May 8, 2020. [LINK](#)

- “Data on 50 of 51 penitentiaries (98%) were available. Of these, 72% of penitentiaries reported fewer tests per 1000 population than the Canadian general population average (16 tests/1000 population), and 24% of penitentiaries reported zero tests. Penitentiaries with high levels of testing were those that already had elevated COVID-19 prevalence... Increased sentinel or universal testing may be appropriate given the confined nature of prison populations. This, along with rigorous infection prevention control practices and the potential release of prisoners, will be needed to curb current outbreaks and those likely to come.”

News Articles

The Star. **Remember the chatter about releasing inmates early to ease spread of COVID-19? It didn't happen.** August 5, 2020. [LINK](#)

- “The records lend support to the findings of federal prison watchdog Ivan Zinger, who released a highly critical report in June that said there was “simply no advanced, coherent, concerted effort or plan in place to thin the federal prison population in order to slow the transmission of COVID-19 in federal corrections.”

CTV. **Prisoner suing Ottawa over safety of inmates during COVID-19 pandemic.** May 22, 2020. [LINK](#)

- “The suit, filed by Sean Johnston, who is serving a life sentence for murder, and several human rights organizations, claims failure to protect the health of prisoners during the pandemic violates their charter rights.”

Queen's Law. **Coronavirus in prisons: How and why to release inmates in a pandemic.** April 22, 2020. [LINK](#)

- Describes current situation with prisoners in Canada, attempts at decarceration, and expert opinion on the topic.

National Post. **COVID-19 Canada: Lawyers, advocates want prisoners released before coronavirus spreads.** April 9, 2020. [LINK](#)

- “Canadian medical professionals released an open letter on Tuesday urging the federal, provincial and territorial governments to stop admitting people to jails and prisons and release as many as possible.”

Vox. **Why people are being released from jails and prisons during the pandemic.** April 3, 2020. [LINK](#)

- “In the California prison system, the number of inmates infected grew by more than 700% in just over a week. And the number of staff infections nearly tripled, the California Department of Corrections and Rehabilitation said.”

CBC. **Bill Blair asks prison, parole heads to consider releasing some inmates to stop spread of COVID-19.** March 31, 2020. [LINK](#)

- Comprehensive article about risks associated with decarceration and incarceration, view points of different parties of interest, and potential consequences of different options.

Methodology

Newfoundland and Labrador Centre for Applied Health Research (NLCAHR) COVID-19 Quick Response reports are initiated by, and shared with, our partners in the provincial health system, including the four Regional Health Authorities, the Departments of Health and Community Services and Children, Seniors and Social Development, and public health officials.

NLCAHR staff work with topic submitters to clarify the research question. We then search for related systematic reviews, meta-analyses, other reviews, interim and other guidance statements, primary research, expert opinion and health and science reporting.

NLCAHR researchers carried out individual internet searches (Google and Google Scholar) and searched the following databases:

- [Alberta Health Services](#)
- [CADTH](#)
- [Canadian Pharmacists Association](#)
- [Campbell Collaboration](#)
- [Cochrane Collaboration](#)
- [Centre for Disease Control](#)
- [Centre for Evidence Based Medicine](#)
- [Evidence for Policy and Practice Information and Co-ordinating Centre](#)
- [European Centre for Disease Prevention and Control](#)
- [Health Canada](#)
- [HIQA \(Ireland\)](#)
- [Joanna Briggs Institute](#)
- [MedRxiv](#)
- [National Collaborating Centres on Methods and Tools \(NCCMT\)](#)
- [National Institutes of Health](#)
- [National Institute of Allergy and Infectious Diseases](#)
- [National Library of Medicine](#)
- [Public Health Agency of Canada](#)
- [Trip Database](#)
- [World Health Organization](#)

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