

**VIA ELECTRONIC MAIL**

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RE: Alternatives to Solitary and Camp J During COVID-19.

Dear Office of the Governor and the Departments of Public Safety & Corrections and Health:

Thank you for all you are doing to slow the spread of COVID-19 in our communities. We know you have been working around the clock and we are sincerely grateful for your leadership and dedication to the people of Louisiana. We understand that it feels frustrating to hear critiques from advocates about the treatment of prisoners, but we persist only because we hear the pain and confusion from our clients, their families, and our communities on an hourly basis. Even still, we are committed to working *with* you to facilitate creative solutions to end this crisis.

The Louisiana Stop Solitary Coalition (LSSC) writes both because we remain concerned about the plan to transfer and house prisoners and detainees at Camp J and the use of lockdown across facilities as the primary methods for containing the spread of COVID-19. LSSC was fully

invested in working with DOC toward implementation of the [Vera report](#)<sup>1</sup> and engaging with you in preparation for the 2020 legislative session. We believed trust was built between us around the issue of solitary, and were consequently devastated to learn of the re-opening of Camp J. The closure of Camp J communicated to the currently and formerly incarcerated people of Louisiana - in a way that only actions, not mere words, can do - that the DOC was committed to putting the past behind us and moving forward to a future where alternatives to segregation were possible. Additionally, multiple state and local facilities are using extended lockdown, including where large numbers of people close to their release date are housed, which surprises us because we appreciated the DOC's pre-COVID responsiveness in curtailing the use of lockdown in jails.

Louisiana is only as healthy as our most vulnerable people. [Doctors and Professors from Tulane and Louisiana State University](#),<sup>2</sup> [clinicians and medical students](#),<sup>3</sup> and [public health experts](#)<sup>4</sup> have reiterated the [national guidance from the CDC](#) about preventing the spread of this virus through social distancing and sanitation methods.<sup>5</sup> All advise that a drastic reduction of incarcerated populations is required to achieve the CDC's recommendations. [Doctors and health officials](#) have also described the differences between medical isolation and solitary, and noted that the use of punitive methods for those with COVID-19 or its symptoms may exacerbate the spread of the virus.<sup>6</sup> Incarcerated people may be dissuaded from reporting symptoms of the virus if they believe the response is transfer to Camp J or lockdown of their unit if they admit they are feeling ill. Lockdown and solitary also decrease the interaction of staff with prisoners, allowing symptoms to accelerate to dangerous levels before the facility can take proper precautions. As stated best by several corrections officials in a [recent webinar](#), *there is no public safety without public health*.<sup>7</sup> For these reasons, we ask that you **refrain from use of lockdown or solitary - including the use of Camp J - to achieve medical isolation.**

We agree with the health experts and medical professionals referenced above that the best method for achieving proper social distancing and sanitation - and thus obviate the need for the use of lockdown and solitary - is to **release significantly larger numbers of people from**

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<sup>1</sup> *The Safe Alternatives to Segregation Initiative: Findings and Recommendations for the Louisiana Department of Public Safety and Corrections, and Progress Toward Implementation*, May 2019,

<https://www.vera.org/downloads/publications/safe-alternatives-segregation-initiative-findings-recommendations-ldps.pdf>.

<sup>2</sup> *Public Health Letter to Governor Edwards*, (March 27, 2020),

<https://www.scribd.com/document/453999944/Public-Health-Letter-to-Gov-Edwards>.

<sup>3</sup> Marcia Glass, *Health Care Professionals Demand the Reduction of Orleans Jail Population*, Medium (March 31, 2020),

<https://medium.com/@marciaglass/health-care-professionals-demand-the-reduction-of-orleans-jail-population-40eac4348778>.

<sup>4</sup> *An open letter regarding COVID-19 and jails in Orleans Parish, Louisiana*, (March 25, 2020),

<https://sph.tulane.edu/open-letter-covid19-jail>.

<sup>5</sup> *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, Centers for Disease Control and Prevention,

<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

<sup>6</sup> David Cloud, et.al., *The Ethical Use of Medical Isolation – Not Solitary Confinement – to Reduce COVID-19 Transmission in Correctional Settings*, AMEND, April 9, 2020

[https://amend.us/wp-content/uploads/2020/04/Medical-Isolation-vs-Solitary\\_Amend.pdf](https://amend.us/wp-content/uploads/2020/04/Medical-Isolation-vs-Solitary_Amend.pdf).

<sup>7</sup> *COVID-19 and Prisons: Centering Human Dignity Across Decarceration, Reentry, and Operations*, VERA Institute of Justice, <https://www.vera.org/research/covid-19-and-prisons>.

**prisons and jails.** These requests have already been communicated to your offices by the advocacy community,<sup>8</sup> and do not require reiteration here. We will note that this is a bipartisan issue, with [Americans for Prosperity](#) calling for strategic reductions in jail and prison populations,<sup>9</sup> [Right on Crime](#) encouraging steering clear of solitary confinement,<sup>10</sup> and [recent polls](#) demonstrating bipartisan support with 63% of voters supporting the release of people from jails and prisons to stop the spread of COVID-19, and 72% supporting clemency for elderly, incarcerated people.<sup>11</sup>

There is still an opportunity to slow the spread of the virus, “flatten the curve,” and prevent unnecessary deaths. The quickest and least expensive way Louisiana can avoid a catastrophe is **to access immediately available federal funding to facilitate the individual assessment, release, supervision, electronic monitoring, and/or home confinement options for prisoners.** The [Bureau of Justice Assistance has announced formula grants](#) that can be drawn down during this emergency to support a broad array of justice system responses to COVID-19.<sup>12</sup> Louisiana is allocated [\\$9.7 million](#) for this purpose and cities, townships, and parishes can apply for an *additional* [\\$5 million](#) in funding (allocations ranging in size from \$33,000 to \$1 million depending on population). Applications are due by May 29th. Due to Louisiana’s partnership with The Pew Charitable Trusts on justice reinvestment, staff from that organization are available to assist in applying for the funds.<sup>13</sup>

In the event that the DOC or a given jail cannot meet CDC guidelines without the use of solitary or lockdown, is unable to supervise prisoners at home through federal funding opportunities, and cannot utilize temporary release or furlough, we ask that you relocate prisoners to a building where social distancing and compliance with public health guidelines is possible. First and foremost, we encourage coordination with the **Medical Monitoring Station in the New Orleans Convention Center** and the Station in development in Baton Rouge.<sup>14</sup> Additionally, under a state of emergency, the Governor can **transition the management of local state-owned facilities to the temporary authority of the state, engage the Louisiana National Guard to**

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<sup>8</sup> *Covid-19 Prevention and Protection in Louisiana Facilities*, available at: [https://www.splcenter.org/sites/default/files/coalition\\_letter\\_to\\_governor\\_edwards\\_re\\_covid\\_19\\_prevention\\_and\\_protection\\_in\\_louisiana\\_facilities.pdf](https://www.splcenter.org/sites/default/files/coalition_letter_to_governor_edwards_re_covid_19_prevention_and_protection_in_louisiana_facilities.pdf); *Covid-19 is a juvenile justice crisis; community demands action now!*, available at: <https://www.fflic.org/events-and-temporary-release-furlough-federal-funding-and-technical-assistance-for-jails>, available at: [https://8b94b7da-de55-42fa-aa27-bc457a433590.filesusr.com/ugd/c581f9\\_d5da3d1abdc04c6b8cf0927668beed52.pdf](https://8b94b7da-de55-42fa-aa27-bc457a433590.filesusr.com/ugd/c581f9_d5da3d1abdc04c6b8cf0927668beed52.pdf).

<sup>9</sup> Letter of Recommendations of Mark Holden, Americans for Prosperity, <https://mk0xituxemauaaa56cm7.kinstacdn.com/wp-content/uploads/2020/04/AFP-CJR-COVID-Recommendations-Letter.pdf>.

<sup>10</sup> Levin, Marc, *Don't Let Covid-19 Spread the Use of Solitary Confinement*, available at: <https://theresurgent.com/2020/04/17/dont-let-covid-19-spread-use-of-solitary-confinement/>.

<sup>11</sup> ACLU Poll Shows Wide-Ranging Support for Releasing Vulnerable People from Jails and Prisons, March 30, 2020, <https://www.aclu.org/press-releases/aclu-poll-shows-wide-ranging-support-releasing-vulnerable-people-jails-and-prisons>.

<sup>12</sup> Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant Solicitation, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/bja-2020-18553.pdf>.

<sup>13</sup> Please contact Terry Schuster, Manager at the Public Safety Performance Project, Office phone: 202.540-6437, Mobile: 512.468.4486, Email: [tschuster@pewtrusts.org](mailto:tschuster@pewtrusts.org).

<sup>14</sup> Louisiana National Guard Public Affairs Office, *Louisiana National Guard increases its response force and mission support*, April 10, 2020, <https://bossierpress.com/louisiana-national-guard-increases-its-response-force-and-mission-support/>.

**maintain site control and provide medical services, and utilize the state-based federal funding to employ medical professionals to care for individuals with COVID.**<sup>15</sup> These actions are not unprecedented.<sup>16</sup> Not too long ago, FEMA used the publicly-financed Zephyr Stadium as a rescue location for Hurricane Katrina survivors.<sup>17</sup> A review of the 5 parishes identified as “Tier I” by justice reinvestment reveals available locations with sufficient amenities to ensure hygienic and safe living conditions for individuals needing treatment or quarantine.<sup>18</sup> The majority of these facilities are local convention centers or recreation or community centers.

As the most incarcerated state in the world, Louisiana *will not flatten the curve without serious attention to our incarcerated populations.* We urge you to close Camp J, refrain from the use of lockdown, release more people, and transfer people who are sick to Medical Monitoring Stations and hospitals. The hot days of summer are coming and the conditions at Camp J will only worsen. Indeed, the lack of central air in many Louisiana prisons and jails could spell disaster for the further spread of COVID-19 if sufficient measures are not immediately taken to adhere to CDC guidelines for social distancing and sanitation.

Another vision of how Louisiana weathers this crisis is possible. We are not permanently on the path of New York, Chicago, or Ohio.<sup>19</sup> We have time to change course, but it is very little time. The LSSC is committed to navigating this crisis with you and providing you with technical or other assistance to reduce prison populations. Whether it be identifying and eliminating barriers to release like municipal detainers, out-of-parish warrants, or probation/parole holds and technical violations; researching additional publicly financed projects and state-owned properties near prisons for establishing Medical Monitoring Stations; applying for federal funding; or

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<sup>15</sup> The Governor has this authority under the declaration of a “public health emergency” by Proclamation 25 JBE 2020 (March 11, 2020) and by statutory authority of La. R.S. 29:724(D)(3), (4), (7). The Governor’s authority to call forth the National Guard is found under La. R.S. 29:7(A)(1)(a), (e) which allows him, with or without a state of emergency, to request National Guard assistance to provide for emergency preparedness or assist civil authorities and to specifically assist civil authorities in guarding prisoners.

<sup>16</sup> Matt Hickman, *From parking garages to parks, these are the pop-up medical facilities of the COVID-19 pandemic*, March 31, 2020, <https://archpaper.com/2020/03/covid-19-hospital-conversions/>.

<sup>17</sup> See <http://www.davehoekstra.com/wp-content/uploads/2014/03/NEW-ORLEANS-BASEBALL.pdf>.

<sup>18</sup> **Caddo:** Shreveport Convention Center; **St. Tammany:** The Harbor Center, Furhmann Auditorium, Bogue Falaya Hall, Fontainebleau State Park, Slidell Municipal Auditorium, Mandeville Community Center, Bush Community Center, Fendlason Community Center, Lacombe Activity Center, Pearl River Activity Center; **East Baton Rouge:** Chaneyville Community Center, Charles R. Kelly Community Center, Dr. Leo S. Butler Community Center, Dr. Martin Luther King, Jr. Community Center, Jewel J. Newman Community Center, Capitol Park Event Center, Wanham Community Center, Old Woman’s Hospital, Celtic Studios (publicly-financed project); **Jefferson:** Alario Event Center, Pontchartrain Convention & Civic Center, Jedco Conference Center, Gretna Community Center, Fischer Senior Community Center, Bridge City Community Center, Marrero Senior and Community Center, Harvey Community Center, Dorothy B. Watson Community Center, Hazel Rhea Hurst Community Center, J.C. Simmons Community Center, Woodmere Community Center; **Orleans:** Gallier Hall, Morris F.X. Jeff, Sr. Municipal Auditorium, Murray Henderson Community Clinic, St. Bernard Recreation Center, Treme Recreation Community Center, Stallings Recreation Center, Lyons Recreation Center.

<sup>19</sup> Megan Crepeau and Jason Meisner, *Second inmate at Cook County Jail dies of COVID-19, and the family of the first files lawsuit*, April 10, 2020,

<https://www.chicagotribune.com/coronavirus/ct-coronavirus-cook-county-jail-inmate-dies-20200410-po2oc6czfnd3lhdqphpawnpwy-story.html>; *Coronavirus in Ohio: More than 1,800 inmates at Marion Correctional test positive*, April 19, 2020,

<https://www.dispatch.com/news/20200419/coronavirus-in-ohio-more-than-1800-inmates-at-marion-correctional-test-positive>; and *Coronavirus spread at Rikers is a ‘public health disaster’, says jail’s top doctor*, April 1, 2020,

<https://www.theguardian.com/us-news/2020/apr/01/rikers-island-jail-coronavirus-public-health-disaster>.

continuing to convince the public of the need to address the impending crisis in our prisons and jails in order to flatten the curve, we stand ready to assist you and ensure that every parish in Louisiana navigates the spread of this virus with minimal community impact.

Signed,

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