

SAFE AND EFFECTIVE RELEASE AND REENTRY IN THE TIME OF CORONAVIRUS

by Malcolm C. Young

April 2, 2020

This article advocates for two changes: (1) expanding the numbers of incarcerated people who authorities will consider for release in response to the coronavirus pandemic (Covid-19); and, (2) introduction of a reentry program model that can operate effectively and safely during in the time of the coronavirus. The article is grounded in the experience and research behind [Project New Opportunity](#), a unique reentry program that successfully served federal prisoners released “early” because of changes in drug sentencing laws or clemency.

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 opinion pieces calling for the release of people from prisons and jail, including people charged or convicted of low level crimes, technical parole violators and elderly incarcerated people,

States and localities are responding by releasing some incarcerated people out. Officials in Iowa advanced the release of more than 700 state prisoners. New Jersey authorized 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 Oregon 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 Center for Disease Control’s guidelines, 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 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 of the essence: an increasing number of correctional inmates and staff are testing positive in large jails such as Cook County’s and Washington, D. C.’s Department of Corrections. Staff and inmates have died after contracting Covid-19 in corrections facilities including the federal Bureau of Prisons.

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.

(1) Expanding the numbers who “can be released”

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

* Project New Opportunity, previously serving federal prisoners as a project of the Center for Community Alternatives, a New York State non-profit, is currently sponsored by the law office of Malcolm C. Young in Washington D. C. For information go to: www.projectnewopportunity.org

or convicted of crime are released pretrial, at sentencing, or on parole. The coronavirus crisis 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.

Safety for corrections staff and individuals preparing for release would be enhanced by reducing face-to-face meetings between incarcerated individuals and their counselors and reducing transportation 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.

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. For the person recently released from incarceration, it is prudent even if not legally forbidden to travel to and from parole and probation offices and to have face-to-face meetings between returning citizens and agency staff. 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.

These are the realities of reentry during a pandemic. There are legitimate concerns for public health and extra challenges for returning citizens. But rather than using these concerns to retain people in jails and prisons, corrections authorities and local governments should look to ways to modifying procedures and institute reentry programs that meet the underlying concerns and can function in the current environment. These programs would greatly reduce legitimate concerns about accelerated release from jails and prisons and increase the number of people who can be released. Project New Opportunity (PNO) is one such program which has been tested and found to achieve the goals of reentry.

(2) A reentry program model for the time of the coronavirus

Although designed to serve individuals released “early” from the federal Bureau of Prisons through clemency or a change in drug sentencing penalties, Project New Opportunity’s unique program model lends itself to the current situation. Several elements of the program model address pressing concerns about reentry in the time of coronavirus and Covid-19:

- a) **Social distance:** Designed to assist individuals in federal prison no matter their location in the country, PNO uses 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.
- b) **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.

- c) 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 and to develop a strategy for dealing the most important, whether it be housing, employment, family reintegration, back child support or traffic tickets and fines, or access to medical care or treatment. In a world struggling against pandemic, these challenges are even more difficult to overcome. For a person just released from jail or prison, counsel and advice of a trusted Reentry Consultant is even more important to success than in normal times.
- d) Reduce "community spreading" after release: 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.
- e) Assuage anxiety: The PNO experience showed the importance to its clients of a voice of a person who shared the experience of 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.

These points are brief summaries of considerations to be given to implementation of a reentry program during the coronavirus crisis. PNO's program model 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 restrictions 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.

The PNO program model is explained more fully in documents accessible on its website at www.projectnewopportunity.org

This paper is meant to engage the interest of individuals who want to make reentry work.

To continue the discussion, contact:

Malcolm C. Young, Attorney at Law

youngmalcolmc@gmail.com