5 Ways the Criminal Justice System Can Meet the Challenges of COVID-19

HIV criminalization experts convened attorneys and stakeholders to propose public health guidelines.

June 16, 2020 By Trent Straube

As Black Lives Matter protests bring the nation's focus to police brutality and racism, the criminal justice system faces another challenge: how to improve the health and safety of incarcerated individuals and those who work in the system during the COVID-19 pandemic.

To create general guidelines that can be applied across the nation, The Center for HIV Law & Policy (CHLP) convened national organizations to discuss the best strategies based on a public health approach. The Association of Prosecuting Attorneys led the discussion, according to a CHLP press release.

"We have over three decades of experience with the criminalization of HIV," said Brad Sears, a distinguished scholar at UCLA School of Law's Williams Institute, in the press release "We have learned that these crimes are counterproductive, exacerbate racial disparities in the criminal justice system and alienate the very communities that we need to engage in public health systems."

NEWS: CHLP and criminal justice orgs propose pathways for integrating a public health perspective into criminal justice system responses to COVID-19 to maintain health and safety during the pandemic and beyond. @WilliamsPolicy @NACDL #C19CJSPathwayshttps://t.co/LcW5zNgtZs

pic.twitter.com/o4zpqtrAfy

— The Center for HIV Law and Policy (@CtrHIVLawPolicy) May 27, 2020

“The COVID-19 pandemic reveals again the human and financial costs of our overreliance on incarceration to deal with societal issues and the dangers of criminal law responses during a public health crisis,” added Catherine Hanssens, CHLP’s founding executive director. “The effort of many in law enforcement and the courts to address this and similar dangers by reducing jail and prison populations demonstrates that a different approach is viable.”

The convening groups authored a document titled “Proposed Public Health and Public Safety Pathways for Criminal Justice System Reponses to COVID-19” that you can read and download here.

The five main recommendations are as follows:

1. Releasing people who are incarcerated, based on clear public health recommendations and release criteria, is a critical intervention to limit the spread of disease.

2. Limiting new admissions to closed correctional settings is an equally critical component of reducing disease transmission for the protection of our communities.

3. Violations of COVID-19–related directives and orders should be addressed with a public health approach, rather than with criminalization and law enforcement surveillance.

4. Innovations that promote integration of public health priorities into the justice system already exist and may help local jurisdictions in their responses, including specialty courts, evidence-based models of correctional health care and dedicated reentry services.

5. Connections among public health organizations, researchers and criminal justice stakeholders are necessary to manage health crises in custodial settings and should endure beyond the COVID-19 pandemic.

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