

WASHINGTON DEFENDER ASSOCIATION
WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

March 16, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Re: Immediate Action is Needed in Department of Corrections

Dear Governor Inslee:

In light of the COVID-19 pandemic, we are very concerned about what will happen within Washington's Department of Corrections ("DOC"). Like nursing homes and cruise ships, COVID-19 is particularly worrisome with regard to our prison populations, both the correctional staff and the inmates, many of whom already have chronic health conditions that make them more at risk. DOC is legally obligated to provide basic health care to inmates as well as a safe working environment for DOC employees.

From a public health standpoint and as a way to reduce what we perceive to be increasing burdens on the medical facilities and staff within the DOC, we are asking you to immediately use all powers within your ability to reduce the DOC inmate population. Through a combination furloughs under RCW 72.66, commutations and reclassification, we are asking that you downsize the DOC population as quickly as possible. There are many non-violent offenders who can be safely released into the community as well as those people who are close to completing their sentences and can be released now, rather than six months from now.

Sincerely,

Amy Hirotaka
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WDA is a non-profit organization created in 1983 to promote, assist, and encourage public defense systems which ensure that all accused persons in every court receive effective assistance of counsel

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WACDL is a non-profit organization working to improve the quality & administration of justice by protecting & insuring by rule of law those individual rights guaranteed by the Washington and Federal Constitutions

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Statement on the Impact of Correctional Facility Population on COVID-19 Management

Correctional institutions are congregate environments where people live, eat, and sleep close together. Like other congregate environments, such as nursing homes and cruise ships, infections that can spread by air or touch, can spread more rapidly. Downsizing departments of corrections, both to some degree immediately, as well as to a further degree as conditions require, will be valuable for public safety and public health purposes.

There are two values to immediate downsizing. First, downsizing will reduce the density of congregation. So, for example, people in detention will be able to maintain better social distancing, it will be easier to provide cleaning supplies to residents, it will be easier to provide frequent laundering of towels and clothes. All these steps can slow or stop the spread of infection, to the benefit of residents and staff (and family and friends of staff). Second, immediate downsizing that prioritizes residents who are elderly and those with underlying health conditions reduces the likelihood they will contract the disease. Because individuals in these groups are at the highest risk of severe complications from COVID-19, and because when they develop severe complications they will be transported to community hospitals, using scarce community resources (ER beds, general hospital beds, ICU beds), avoiding disease in them is an important contribution to community health.

Planning now to downsize further as conditions change is also important. The change in conditions we need to anticipate is reduction in workforce (custody and health care staff) as workers respond to their personal needs (self-quarantine or isolation, caring for ill relatives, staying home with school-age children). Insufficient custody staffing poses an obvious risk to the safety of the institution. Insufficient health care staffing poses an obvious risk to the health of residents.

Thus, in summary, reducing the number of individuals in prison custody immediately, with plans made for further reductions as staffing levels change, is necessary for the health and safety of our prisons and our communities.



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