

Coalition for the Human Rights of Imprisoned People in Australia

Sisters Inside Inc
Flat Out Inc
Fitzroy Legal Service Inc
Prisoners Legal Service (QLD) Inc

Suspending family visits will not prevent COVID-19

Prison welfare and advocacy groups say suspension of family visits will cause immense distress to prisoners and their families and will worsen the impact of the COVID-19 pandemic.

A coalition of groups including Sisters Inside in QLD, Flat Out in Victoria and legal services including Fitzroy Legal Service and Prisoners Legal Service QLD are calling on Australian State and Territory governments to release prisoners who can be safely released and urgently improve prison health, medical and welfare services to prevent outbreaks.

Amanda George from Flat Out Inc, an advocacy and housing service for women leaving prison in Victoria says It is not a matter of if, but when, there will be an outbreak of COVID-19 in an Australian prison. But, she says, locking out visitors will not prevent it.

“Thousands of correctional staff, health care workers, contractors and others go in and out of prisons every day,” she points out. “Family visitors are essential to the mental and physical health of prisoners.”

“But we do need to get as many prisoners out of Australia’s overcrowded prisons as possible. People who don’t need to be incarcerated shouldn’t be there during this pandemic. Everyone who can be bailed should be bailed. Everyone who can be paroled should be paroled. Everyone who can get medical or compassionate leave should be granted leave. They will also need homes to go to so they can protect themselves and their families.”

“77% of people being sent to Australian prisons today are not even sentenced,” she said. They are waiting for their day in court, and with this pandemic who knows when they will get that?

“Most Australian prisons are operating above their capacity,” Ms George said. “Western Australian prisons are more than 30% over capacity. This means two or three prisoners in cells designed for one, overstretched health and medical services and a tinder box environment.”

“If we don’t act now – with measures to reduce prison populations not to lock them down and make them even more intolerable - prison outbreaks will have a devastating impact on us all and especially on Aboriginal communities who are so disproportionately imprisoned.”

“Prisoners are especially susceptible to infectious disease because so many suffer from chronic underlying health conditions as a result of trauma - especially intergenerational

trauma in the case of Aboriginal and Torres Strait Islander people – extreme poverty, childhood abuse and family violence and self-medication with drugs and alcohol.

Many people who are incarcerated also have [chronic conditions](#), like diabetes, cardiovascular disease and asthma, which makes them vulnerable to severe forms of COVID-19. Histories of drug use produce serious chronic health issues including high rates of infection with bloodborne viruses. People living with Hepatitis C may have compromised liver function that will affect their ability to fight the virus. Many prisoners with substance use disorders have respiratory damage as a result of overdose pneumonia and endocarditis.

Transmission in prisons has been a major issue in China, Italy and Iran and the US is scrambling to address the threat. (see international examples attached)

In [Italy](#) suspension of family visits and COVID-19 related lockdowns have caused unrest in 20 prisons across the country. Twelve people have died in prison riots. In Modena's Santa Ana prison, fires were started and workers were taken hostage. Nine people died.

“Lockdowns and bans on programs and family visits are not the answer and will only add to problems in prisons. We need a public health approach, not repression, Ms George said.

People who don't need to be imprisoned should be released

“We need to make sure we have as few people at risk as possible. People who aren't a risk to public safety should not be detained”.

One way to reduce the impact of the virus on prisons is to avoid holding people for low-level offences. Most people going into Australian prisons will spend less than six months there, and many less than a month.

“People on short sentences for minor offending should be released to relieve overcrowding and police and courts should use all possible means, including police discretion, to avoid imprisoning people for minor drug and property offences and technical breaches of court orders.”

“We urge the parole boards in each jurisdiction to consider lifting parole suspensions and cancellations for people who have been returned to prison from the community and to limit the returns to custody to exceptional cases only. Its going to be difficult to comply with bail, parole or community corrections conditions that require reporting in person during the pandemic. There have to be alternatives like reporting by phone.

“There should also be a review of prisoners who are within six months of completing their sentence to identify those who can be released early

Elderly and immunocompromised prisoners should be given medical leave

5-6% of the prison population are over the age of 60. The older prison population is among the most vulnerable to severe complications from COVID-19. Aging people who are released after serving long sentences have a recidivism rate close to zero.

“Australian correctional authorities should immediately review all elderly and severely immunocompromised people in prisons and detention and give medical leave or compassionate release to as many of them as possible,” Ms George said.

Health and welfare services must be urgently improved

Health and medical care in Australian prisons is already overstretched. The groups have called for health and medical services and prevention measures to be urgently strengthened.

- All people living and working in prisons must have quick access to health and medical services. Symptoms need to be addressed quickly, not once a week or twice a week. They must have access to soap and running water to wash their hands. Soap should be provided at no cost (ie taken off the lists of items only available for purchase from prison canteens) and hand sanitizer must be removed from “contraband” lists and made readily available to all.
- Bathrooms, laundry, eating and all common areas must be cleaned after each use. Cleaning products must be free and readily available.
- Prisoners must have access to accommodation that enables them to self-isolate if they choose.
- Accommodation and facilities with poor air circulation should be improved. Access to fresh air and exercise is vital to health.
- Bans on family visits and reductions in prison programs will be counterproductive. All efforts must be made to keep prisoners connected with family and community and engaged in activity that promotes mental and physical health.
- Phone calls to friends and family should be free (they are very expensive in Australian prisons and inaccessible to prisoners without money) and videoconferencing facilities should be made available for remote visits - especially to prisoners with children and elderly or vulnerable relatives they are worried about.

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International examples

In **China** prisons have been a serious weak spot in the public health response to COVID-19. As of February 29, the total number of infected inmates in Wuhan city's prisons was 806. Almost half (233 out of 565) of new infection cases out of Wuhan were inmates in the city's prison system. Among the five prisons, the Wuhan Women's Prison had the greatest number of infections.

<https://thediplomat.com/2020/03/cracks-in-the-system-covid-19-in-chinese-prisons/>

In **Ireland** the Irish Prison Service is considering releasing all prisoners with less than 6 months to serve on their sentence

<https://www.irishtimes.com/news/crime-and-law/hundreds-of-prisoners-may-be-released-to-reduce-jail-risk-of-covid-19-1.4202626>

The **New York** City Board of Correction has called on the City of New York to work with all its criminal justice partners to "immediately remove from jail all people at higher risk from COVID-19 infection" to "drastically reduce the number of people in jail right now and limit new admissions to exceptional circumstances."

<https://www1.nyc.gov/site/boc/news/2020.page>

The **Los Angeles** County Sheriff's Department is releasing inmates from its jails and cutting down on how many people it books into custody. Deputies and police officers across the county have been directed to cite and release people whenever possible, instead of arresting them, and to seek medical clearance before booking anyone who shows symptoms. Countywide, arrests have dropped from a daily average of 300 to 60, while the jail population was reduced by more than 600 inmates.

<https://www.latimes.com/california/story/2020-03-16/la-jail-population-arrests-down-amid-coronavirus>

The **San Francisco** District Attorney has directed his prosecutors not to oppose motions to release pretrial detainees facing misdemeanor charges or drug-related felony charges if the person is deemed to pose no threat to public safety and to "strongly consider" credit for time served in plea deals so that more people can be released. The Public Defender is filing motions to seek the immediate release of all clients being held pre-trial in San Francisco county jails who are at heightened risk for illness from coronavirus. This includes people over 60 years of age and those with medical conditions like heart and lung disease.

<http://sfpublicdefender.org/news/2020/03/san-francisco-officials-push-to-reduce-jail-population-to-prevent-coronavirus-outbreak-the-appeal/>

In **Italy** suspension of family visits and COVID-19 related lockdowns have caused unrest in 20 prisons across the country. Twelve people have died in prison riots. In Modena's Santa Ana prison, fires were started and workers were taken hostage. Soldiers and Carabinieri had to surround the prison to prevent inmates escaping. A total of nine prisoners died. Another

three detainees were found dead in their cell in Rieti prison, 70 kilometres north of Rome, after reportedly taking drugs from the prison infirmary.

<https://www.euronews.com/2020/03/09/six-dead-as-coronavirus-restrictions-trigger-italy-prison-riots>

US Immigrations and Customs Enforcement (ICE) have adjusted its “enforcement posture” in response to the pandemic and to avoid the risk of increased transmission of COVID-19 within detention centres. The measures will involve only focussing arrests of those ICE deem a risk to public safety. For all others, ICE will exercise discretion to delay arrests until after the crisis or will utilise alternatives to detention.

<https://www.ice.gov/news/releases/updated-ice-statement-covid-19>

Iran has temporarily freed around 85,000 people from prisons in an attempt to mitigate the spread of COVID-19. The Supreme Leader Ayatollah Ali Khamenei will also pardon 10,000 prisoners, including political detainees.

<https://www.aljazeera.com/news/2020/03/iran-khamenei-pardon-10000-prisoners-nowruz-200319010923876.html>