

# Early Release of Prisoners Amid COVID-19 Breakout

Richard Lynch | April 19, 2020



**The global outbreak of the novel coronavirus disease (COVID-19) has us reminiscing on the days, which seem like only yesterday, when there was normalcy — days of parents waking up in the morning to drive their children to school and a market vendor prepping her stall bright and early with fresh produce.**

Since the outbreak, what is patently obvious is that COVID-19 does not discriminate. With the likes of Prince Charles testing positive and British Prime Minister Boris Johnson being hospitalised, it is safe to say that irrespective of our status in society, wealth, race, class or career, this virus affects all of us.

Our Government has been doing an excellent job in managing and containing the spread of the virus. Commendable steps have been taken in terms of increasing public awareness, restriction on public gatherings, imposing curfew orders, establishing helplines and providing easy access to medical facilities.

Throughout this pandemic, we have all learnt that the elderly and those with co-morbidities appear to be most vulnerable. In that regard, the Government has directed that people 70 years and older should remain at home. While the Government measures are notable, there is, however, another category of people that do not need to adapt to our 'new normal' because they are already locked down in the vehicle of a contagion — the prison system.

The Government ought to take certain steps to decrease the population of the prisons and the lock-ups at police stations in an effort to mitigate against the spread of the virus. This can be achieved by granting the early release of “low-risk” prisoners and offering station bail to those who have been charged with less serious offences. One may argue that detainees are isolated from society, therefore the risk of them

contracting the virus is low. It should be noted that people employed to the detention facilities, who are often exposed to the public, do come into frequent contact with people in custody. If a prisoner or detainee does contract the virus then there is a serious risk of an outbreak in one of these facilities, given the confined space in which they are located.

Social distancing and being three feet apart are concepts that are paradoxical in light of the reality that detainees have to face. Imagine one trying to cover a cough or sneeze with both hands cuffed in metal bracelets. Circumstances such as poor sanitation, limited ventilation, and the lack of sufficient personal space would only serve as fertile ground for the transmission of the virus. Imagine the catastrophe that it would cause to have infected prisoners overcrowding our public and private hospitals, as they are no less deserving of medical care.

Of course, not all detainees should be released early or receive station bail. Even so, consideration could be given for the release of a special category of inmates, including elderly prisoners, those with underlying medical issues, pregnant women, people detained for minor offences, and prisoners who, for example, have served majority of their sentence.

Several countries across the world affected by the virus have adopted this approach, including the United Kingdom, Italy, the United States of America, and China. Countries such as Iran have released over 85,000 prisoners. Entertainers such as Tekashi69 and Foota Hype have been granted early release from custody in the United States in light of underlying medical conditions. These countries undertook these measure after an outbreak in their prisons. Instead of being reactive, we can be proactive in this regard.

This position will not find favour with some people. However, we are in unprecedented times and therefore unprecedented actions ought to be taken. This, I submit, will not only serve to protect people in custody but also those who are intricately involved in our criminal justice system.

If there is an outbreak of the virus in our prisons, there could be dire and far-reaching consequences. We may think now that we are unaffected but many shared that view when the virus first broke out in Wuhan, a city in China situated over 14,000 kilometres away from Jamaica.

Frankly, by releasing prisoners and detainees early instead of having them remain in our overcrowded prisons and lock-ups we would be choosing between the lesser of two evils.