

***Freedom from Cages is a Public Health Issue: Legal Experts, Healthcare Professionals, and Local Activists Urge Action to Immediately Decrease Miami Jail Population In Order to Save Lives Amid COVID-19 Crisis***

March 15, 2020

We, the undersigned organizations, urge the State Attorney's Office, the Eleventh Judicial Circuit, the Miami-Dade Department of Corrections and police departments across Miami-Dade County **to immediately release all people who are currently incarcerated on bondable offenses from jail and to stop adding new people to the jail population.**

Mass incarceration is a public health crisis, especially at this time. As of yesterday, there were 3,897 people caged in Miami's three jails, more than 70 percent of whom are awaiting trial and are thus presumed innocent. Approximately 200 people are in Miami-Dade jails at any given time because of an ICE detainer hold, but often otherwise eligible for release. Medical experts state that it is not a question of if, but when, COVID-19 will enter jails and prisons. When it enters, the virus is likely to infect everyone inside, including jail employees. As a result, Marc Stern, former Assistant Secretary for Health Services for the Washington State Department of Corrections, [proposed that prisons and jails consider releasing people to manage the COVID-19 outbreak.](#)

During this pandemic, incarcerated people are at increased risk of exposure and death. The unsanitary and dangerous living conditions in our jails make them a petri dish for viral infection, and neither the jails nor the county hospital have the capacity to handle such a large outbreak. The Center for Disease Control and Prevention (CDC) recommends physical distancing, which is impossible for people who lack freedom of movement due to their incarceration. People routinely share jail cells with twenty to seventy people in cramped quarters. The Department of Corrections does not give people enough food, and as a result, people often share commissary items to fill their stomachs. Medical care is sparse and inadequate, heightening the chance of viral outbreaks and an inadequate subsequent medical response.

This harm is multiplied by the fact that the criminal legal system in Miami preys on people who are already among the most vulnerable members of our community. It is well-documented that criminalization in Miami-Dade County dramatically and disproportionately impacts Black people, immigrants, survivors of assault, people with substance use and mental health disorders, and those who are houseless and low-income of all ages, including the elderly. In a system already failing to apply the law fairly and equally, arresting and incarcerating people while adding the risk of viral infection and inadequate care is unconscionable. This practice puts thousands of people at risk of infection including jail workers, legal workers, and incarcerated people.

Conditions have already worsened for people in jail. On March 12, Miami-Dade announced the elimination of visits from loved ones, which are often the only form of communication that people have with loved ones on the outside, given the high price of phone calls. [Studies show that such restrictions have adverse effects.](#) On March 13, the Eleventh Circuit restricted court proceedings, suspending speedy trial timelines and jury trials. This rule specifically impacts people in our jails who are awaiting trial, which effectively may be their only hope of release. Other common responses include [lockdowns](#) and [placing people in solitary confinement](#), yet, we know that [isolation only further endangers people.](#)

We have a moral calling to our community, which includes people behind jail walls, in the midst of this pandemic. **Continued incarceration will be a death sentence.** We must stand with the most vulnerable and take the following steps:

- **Release all people in jail who are incarcerated pretrial on bondable offenses.** More than seventy percent of people in Miami jails are currently awaiting trial and have not been sentenced. In addition, [more than 80 percent of those people will be released at some point before their trial either on bond or on nonfinancial terms](#). It is a moral imperative that we expedite that process and release every single person caged pretrial on a bondable offense immediately. This can be done by reviewing and removing conditions that keep people incarcerated, including unpaid money bail, technical probation violations, and child support “holds.” It may also involve new release mechanisms, like instating “rocket dockets,” that prioritize releasing as many people as possible.
- **Release all people in jail who have fewer than 60 days of their sentence remaining.** About twelve percent of people in our jails are currently serving sentences for misdemeanor offenses. Those who are nearing completion of their sentence must be released to avoid risk of infection.
- **Stop holding people for ICE after they would otherwise be released.** More than 200 people, on average, are held in Miami-Dade County Jails with ICE detainers, and rendered ineligible for release. These prolonged holds after an individual has been cleared to return to our community present not only a constitutional problem, but an increasing public health risk. Enforcement of detainers should be suspended immediately.
- **Issue a moratorium on new bookings and carceral sentences.** People who are arrested for violations of municipal ordinances and misdemeanors should be issued Notices to Appear by police officers in lieu of arrest to limit their exposure to the jail system. People who are arrested for bondable felony offenses should be released on their own recognizance or to the custody of Pretrial Services by judges at bond hearings and on motions to modify bail. Prosecutors should ask for probation rather than incarceration for anyone sentenced during the emergency period.
- **Loosen restrictions on GPS and House Arrest.** There are more than 791 people who are on some form of monitored release, many of whom are either not allowed to leave their house under any circumstances or who are allowed to leave only with the permission of a house arrest officer. Every person needs unfettered access to medical care and the ability to leave their homes to care for their families and community members in need. People with restrictive house arrest conditions are unable to do this because phone lines are often busy, making it impossible to quickly obtain permission to leave without violating the terms of their release. All people on monitored release must be moved to “roaming” status. Alternatively, violations of house arrest should be forgiven.
- **People who remain incarcerated must be treated with the dignity they deserve.** They must be able to speak freely to their loved ones. This necessitates free telephone calls, which people currently have to ration because of their cost, and removing restrictions on the number of minutes allowed per phone call. Corporations should not be profiting off of isolation during this pandemic. In addition, it requires allowing people who have been barred from making telephone calls and receiving commissary as a disciplinary sanction to regain access to those lifelines.
- **Create and expand emergency housing for those returning to the community after incarceration and connect them to healthcare providers as needed.** It costs taxpayers hundreds of thousands of dollars per day to maintain the current jail population in Miami. Those resources could be used for much more urgent purposes than keeping people incarcerated. Given the CDC’s recommendations regarding physical distancing, it is a moral imperative for our County to decarcerate *and* use that money to provide emergency housing to people released from jail who need it. This could include AirBnB or hotel

vouchers for those without a place to live, with priority granted to those with preexisting conditions and the elderly.

Miami-Dade County has a **public health mandate** to reduce our jail population. Doing so will protect the lives of thousands of people who are imprisoned in Miami, while safeguarding the health of all Miamians.

Sincerely,

Dream Defenders

New Florida Majority

Smile Trust

The Black Collective

Community Justice Project

Dignity Florida

Florida Immigrant Coalition

Power U

Fempower

Miami DSA

Dade County Street Response

Miami Workers Center

Chainless Change

National Lawyers Guild, South Florida Chapter

ACLU of Florida

ACLU of Florida, Greater Miami Chapter

Florida Justice Institute

National Day Laborer Organizing Network, Miami Chapter

Engage Miami

Struggle for Miami's Sustainable and Affordable Housing (SMASH)