

Coronavirus and the Prison Industrial Complex

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The legacy of the coronavirus pandemic, at least in so far as responses are concerned, is thickening by the day. Behavioural changes are being urged, language is rapidly evolving (spot the “covidiot” amongst you) and the policy of health surveillance is being pushed. Another field where the virus has triggered interest is the very idea of incarceration. Prison may be a school for crime, but it is also the concentrated incubator for disease and infection.

Social distancing, one of those oxymoronic terms uttered with little care to what it suggests, would tend to be a misnomer when it comes to controlling detained populations. It has sparked calls for releases and pardons across the globe.

In beleaguered Iran, where COVID-19 is exacting an ever increasing toll, tens of thousands have been released as a result. Latest figures suggest that 85,000 have been temporarily released; 10,000 more are due to receive pardons. Judiciary spokesman Gholamhossein Esmaili [stated that](#),

“Those who will be pardoned will not return to jail ... almost half of those security-related prisoners will be pardoned as well.”

One of Britain’s more prominent prison officials, Andrea Albutt, has been warning about the threat posed by COVID-19 for weeks. On BBC Radio 4’s Today programme, the president of the Prison Governors Association [was not optimistic](#). Prison populations “don’t completely mirror society with our demographic of prisoners so we do have a higher number of people in the vulnerable groups, so they will be ill and there will be deaths.” With 85,000 people in Britain’s prisons, overcrowding was endemic, making transmission easy. “Coupled with that, we have a significant ageing population – the vulnerable groups, the people the Government keeps telling us will be more susceptible and more ill with this virus.”

While the temptation to release prisoners has yet to be succumbed to (the UK government’s advice remains a feeble one: “protective isolation” for inmates showing symptoms), the warnings of not doing so are loud. This is more so after cases of coronavirus were detected at Strangeways in Manchester and HMP High Down, Surrey. Over the weekend, former justice secretary David Gauke [insisted](#) on the suspension of short sentences and early release. “The advantage of not sending people inside for short sentences is that it reduces the churn.” Reducing the movement of people in and out of the system would reduce the risk of spread.

Eric Allison, who spend some 16 years in prison for theft offences, [furnishes a view](#) from *The Guardian*. The penal system in England and Wales, he proposes, is grim on the health front,

packed with “horror stories of medical neglect”. Prisoners dying in hospital, still in chains, ignored by medical staff, is a not infrequent occurrence. With coronavirus, another killing agent awaits. “The local jails,” he warns, “may well transform into charnel houses if nothing is done to release those who represent at worst a nuisance, rather than a danger to society.”

Australia has also become a site for discussions on early release. “Release prisoners or see deaths,” [tweeted](#) sombre legal advocate Greg Barnes. “If it happens it will be industrial manslaughter.” The state government of New South Wales has shown a willingness to come to the party. On Tuesday, [legislation was speedily passed](#) giving the Corrective Services Commissioner Peter Severin powers to permit the early release of prisoners on parole and pass measures to assist in “social distancing”. This would require Severin to be satisfied that COVID-19 posed a sufficient risk to public health or the good order and security of prisons.

Such “extraordinary measures,” [explained](#) NSW Attorney-General Mark Speakman, “are only to be used to respond to the threat of COVID-19, and would allow the Commissioner ... to prioritise vulnerable offenders and others who pose a low risk to the community for consideration for conditional release.”

In the United States, which boasts, with dubious distinction, the largest prison population on the planet, states are taking their own measures to initiate releases. “Jails can be incubators for disease so we need to take bold and drastic steps,” stated New Jersey’s Attorney General Gurbir Singh Grewal. To avert a coronavirus crisis within the prison system, the pained former prosecutor insisted on something against his pro-incarceration nature. On Sunday night, the Chief Justice of the state’s Supreme Court, Stuart Rabner, [signed an order](#) to suspend or commute sentences served by inmates for probation violations and municipal court convictions. The measure is set to free up to 1,000 inmates, though they would still be subject to stay-at-home orders.

Across the country, albeit in piecemeal fashion, [releases and reductions are taking place](#). New York City Mayor Bill de Blasio has promised the release of 40 inmates from Rikers Island jail, with another 23 to follow. The situation there [is particular dire](#), with 35 confirmed COVID-19 cases and an absence of hand sanitiser and bleach. Los Angeles County Sheriff Alex Villaneuva has also mucked in with the release of inmates with less than 30 days left on their sentences.

A bar to any significant releases lies in the fact that court orders are generally required for state and federal prisoners, though President Donald Trump is considering an executive order that may permit the release of “totally nonviolent prisoners”.

The risk posed by COVID-19 is not helped by the deplorable state of sanitation many face in empire’s prison land. As Maria Morris, staff attorney at the ACLU’s National Prison Project [describes it](#),

“They are also living in filthy conditions and often without adequate access to soap, other hygiene products, other cleaning supplies, and that exacerbates the likelihood of the spread of a contagious illness.”

Shane Fausey, President of the American Federation of Government Employees Council of Prison Local 33, has had an eye on both the policed and the policing agents in prison, [issuing a plea](#) in a phone interview to Attorney General William Barr to intervene.

“I am imploring the attorney general of the United States to stop all inmate movement, shelter in place at least for 14 to 21 days, following the guidance of the White House press briefings.”

Not exactly a heartening measure, given that such briefings on the matter have been sketchy, at best.

As the United States takes to the stage as a confused combatant against a pandemic that continues its march, its institutional foundations are being challenged. A way of holding them is to consider penal conditions and their reform. The same might well be said of other countries who take pride in the prison industrial complex. Whether a vaccine is found or otherwise, the urgency of dealing with the spread is immediate and commanding. The narrow mind, traditional in penal matters, risks winning out.

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