

To : All Maine Jail Administrators
County Jail
Address

Dear Jail Administrator:

We are writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in the County Jail. People in jail are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. And, many people in Maine's jails are older and more vulnerable to medical risks. Without the active engagement of the jail administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

We know that you have likely been in contact already with the Maine Center for Disease Control to develop plans to address the virus in the jail system, and we urge you to publicize those plans if you have not already so that the public can be assured that you are taking all necessary steps. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

We also know that most of you rely on outside companies to provide health care in your facility, and we intuit that the contracts with those companies were drafted and signed before the current crisis. Whatever adjustments to those contracts that need to be made should be made quickly.

While your emergency response plans should be developed collaboratively by your department and the Maine CDC together, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in the jails need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, the jails will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus. Compulsory overtime has been an issue in some correctional facilities in the past, and it reduces the safety and effectiveness of everyone.

- **Staffing plans for services provided by jailers:** Many tasks in jails, such as food preparation and basic sanitation, are performed by detainees. The plans for an outbreak must also address how necessary tasks performed by detainees will continue if large numbers of them are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the jail system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. Maine's jail system must be part of this process. The same information that is tracked in the community must be tracked in the jails.

We are available to meet and discuss your COVID-19 response planning; if you have any questions at all about the civil liberties implications of any measures you are considering, please don't hesitate to reach out. Together, we can help ensure a response that is scientifically justified and no more intrusive upon civil liberties than absolutely necessary.

Thank you for your time and consideration.

Sincerely,

/s/ Zachary L. Heiden

Zachary L. Heiden, Legal Director

cc: Commissioner Randall Liberty, Maine Department of Corrections