

# PRISON COVID

★ COVID-19 Information for Prisoners and Staff ★

★ Volume 2, Number 1, January 2021 ★

## OREGON FACES PRECARIOUS LEGAL POSITION AS COVID-19 IN PRISONS LAWSUIT PROCEEDS

By Conrad Wilson (OPB)

A federal judge in Portland ruled Tuesday that a group of Oregon prison inmates could continue suing state officials over their response to the COVID-19 pandemic. The class-action lawsuit states the seven inmates named in the case have underlying medical conditions and are at risk for contracting COVID-19; though the case applies to any Department of Corrections inmate who has contracted the disease or is medically vulnerable.

U.S. Magistrate Judge Stacie Beckerman ruled state leaders named in the lawsuit are not protected from litigation over their response to the pandemic inside Or-

egon's correctional institutions. The ruling could have national implications because it's believed to be one of the first rulings where a judge found a state is not protected from litigation over its pandemic response in prisons and could have to pay financial damages.

"No one was sentenced to die of COVID-19 in prison," said Juan Chavez, one of the civil rights attorneys representing the inmates. "No one deserves that agonizing fate. We clung to mass incarceration when all of the health science pointed to decarceration as the answer to protecting lives."

The lawsuit names Gov. Kate Brown, Oregon Department of Corrections Director Collette Peters and other prison officials in both their personal and professional capacities.

In August, the Oregon Department of Justice, which represents Brown and the other defendants, asked Beckerman to dismiss the lawsuit's primary argument. The attorneys for the state argued the defendants were protected by qualified immunity because the COVID-19 pandemic is unprecedented and there's no clear constitutional requirement for the Department of Corrections to limit COVID-19 spread inside prisons. But in her 26-page opinion, Beckerman disagreed.

"The law does not support a finding of qualified immunity for government officials who fail to protect individuals in their custody from a new serious communicable

disease, as opposed to a serious communicable disease of which they were previously aware," Beckerman wrote. "To hold otherwise as a matter of law would provide qualified immunity to defendants even if they had done nothing in response to the COVID-19 pandemic."

The ruling puts the state in a precarious legal position, one where people in custody could now argue before a jury that Oregon officials were deliberately indifferent toward prisoners at risk for contracting COVID-19.

"The COVID-19 pandemic is an extraor-

### CONTENTS

Covid Lawsuit Proceeds ...	1
Health Crisis.....	2
Prison Lives Matter .....	3
Late Breaking News.....	3
Virus Updates .....	4
Letters.....	6
Report on Rebellions .....	7
Anti-Slavery Amendment ..	9



dinary event,” attorneys for the Oregon DOJ wrote in their August court filing seeking to dismiss the lawsuit. “There is no controlling case law explaining how to address such a situation in the prison context. Every country, every state, every institution is grappling to figure out how to handle the many complex issues that have arisen.”

Beckerman rejected that argument, stating “the law is clearly established that individuals in government custody have a constitutional right to be protected against a heightened exposure to serious, easily communicable diseases, and the Court finds that this clearly established right extends to protection from COVID-19.”

The risk of harm to inmates from the virus is not disputed, Beckerman wrote. She said it should’ve been no surprise to the governor and state prison leaders that they’re responsible for protecting inmates from being exposed to COVID-19, “despite the novelty of the virus.”

Beckerman said there are clear legal rights inmates have protecting them from serious communicable diseases. Part of her legal analysis rested on *Helling v. McKinney*, a 1993 ruling by the U.S. Supreme Court involving a Nevada inmate who said his involuntary exposure to cigarette smoke posed a health risk. In a 7-2 ruling, the court found prison officials cannot “be deliberately indifferent to the exposure of inmates to a serious, communicable disease.” Beckerman also said that opinion would apply under the 8th Amendment, which guards against cruel and unusual punishment.

The state reports more than 1,600 people in custody have contracted COVID-19 this year, and 19 have died as of publication. Meanwhile, the governor has been slow to release inmates early because of COVID-19, despite calls from defense attorneys and other groups. So far, Brown has commuted the sentences of 123 inmates who meet certain criteria, including having suitable housing after their release. An additional 144 inmates are set to be released by the end of December.

<https://www.opb.org/article/2020/12/16/oregon-department-corrections-covid-19-inmates-lawsuit/>



## INCARCERATION IS A PUBLIC HEALTH CRISIS, DURING COVID-19 AND BEYOND

*Jackie Jahn, PhD, MPH, Christine Mitchell, ScD and Cheryl Conner, MD, MPH, Harvard Medical School*

**T**he COVID-19 pandemic has made American inequality painfully clear. As case counts continue to rise across the country, some of the largest COVID-19 clusters in the US are in jails, prisons, and detention centers.

As of November 2020, 38 different institutions have reported greater than 1,000 cases. One study estimates that rates of COVID-19 in US prisons are 5.5 times higher than case rates in the general population. In these carceral institutions, the daily entering and exiting of staff—often with no mandatory testing, poor PPE adherence, and movement throughout the facility—serves as a chronic stressor for currently incarcerated people. Once the virus enters these facilities, many of which are already over capacity, there is not space to physically distance. Moreover, given their older age and disproportionately high burden of underlying conditions, incarcerated people are at greater risk of developing severe COVID-19 infections that require hospitalization or end in early death.

In response, imprisoned people are demanding decarceration and improved conditions: a new report shows that incarcerated people in the US collectively organized at least 106 COVID-19 related rebellions from March 17th to June 15th.

### Consequences of outbreaks in carceral facilities

COVID-19 also spills over into the communities surrounding carceral facilities, especially jails. High rates of jail incarceration combined with frequent churn of individuals and staff—many of whom commute long distances—put surrounding communities at risk. Cook County Jail in Chicago, for example, was reported to be the “largest-known node” of COVID-19 spread in the United States, and the cycle of people through this facility was associated with 15.7% of all documented COVID cases in Illinois as of April 2020.

What’s more, as incubators of COVID-19 transmission, carceral facilities can quickly overwhelm local healthcare resources, taxing already critically stretched systems. The only way to protect both incarcerated people and their surrounding communities

is to stop the flow of people into jails by halting arrests that lead to increased jail populations.

### Roots of the current crisis

Like the dangerous working conditions of essential workers and the precarity of employer-based health insurance coverage, the factors that contribute to the COVID-19 crisis in US carceral facilities are structural and pre-date the pandemic. Incarceration is associated with chronic disease, including HIV, mental health diagnoses, hypertension, heart-related problems, diabetes, asthma, stroke, and overall lower life expectancy—both due to the experience of incarceration itself, as well as pre-incarceration exposure to structural determinants of health, such as poverty, houselessness, and racism.

Overcrowding in jails, prisons, and detention centers leads to the rapid spread of infectious disease, COVID-19 or otherwise. Conditions like inadequate healthcare, lack of nutritious food, extreme temperatures, and exposure to toxic water and mold also create poor health outcomes. The health and social harms of the carceral system extend to families and communities of incarcerated people through mechanisms like family separation, disruption of community cohesion, and economic strain. The disproportionate rates of incarceration across race, socioeconomic position, among LGBTQ+ people, and other marginalized groups also mean that the harms of the carceral system create and perpetuate health inequities.

Leading scholars of mass incarceration point to many policies that explain how the US came to incarcerate large swaths of the American public for at least some moment in their lives. Policies and practices of policing that disproportionately target people of color, such as “broken windows” policing or stop-and-frisk, have served to entrench systemic racism, creating the conditions for disproportionate incarceration of Black and Brown people.

An overarching factor across many policy decisions is that the carceral system became the default way to address a broad range of social problems and public health. Police, for example, are often tasked with

*Public Health... Continued on page 8*

# PRISON LIVES MATTER

Prison Lives Matter (PLM) is a United Front for Political Prisoners, Prisoners of War, Politicized individuals behind enemy lines and their organizations, as well as any outside formations in unison to abolish legalized slavery. The objective of PLM is to establish a national infrastructure within the overall Prison Movement that will allow Us to implement a national strategy geared toward creating Regional Organizing Committees on both sides of the wall. The R.O.C.s will be put in place through the work of the current Prison Lives Matter - NCC (National Coordinating Committee) which is made up of some of the nation's leading Political Prisoners and their outside support networks including former PP's on the NCC like Jalil Muntaqim, and Comrade Malik Washington who were liberated this year.



It is the job of NCC members behind enemy lines to set forth Political Education classes and Cadre Development programs that will help transform their environment in captivity. These environments should serve as Revolutionary Universities, Liberation Schools and Cadre Training Centers so that upon re-entry into society We will have capable cadre leaders ready to step into the movement and continue the work needed to build and Rebuild our infrastructure.

Incarcerated members of the NCC will network with other captives throughout their state in order to appoint Field Marshalls capable of developing Political Education classes in each camp. This broadening of the PLM platform is what will essentially lay the foundation for the Regional Organizing Committees. Outside members of the NCC will utilize the national network of support groups, families of incarcerated individuals and other formations within the PLM Movement to establish the R.O.C.s. We have witnessed the difficulties of assembling national demonstrations with limited resources and calling on Our leaders to travel around the

kounrty, making these things possible only once a year. This organizing strategy of the PLM-NCC/ROC will prove most effective in terms of forming regional vanguards that are able to mobilize boots on the ground and respond to the call of action when necessary.

Rather than organizing and mobilizing, the most important work of PLM both inside & out is to EDUCATE. The Political Education of those held captive, as well as comrades and the masses is the tool needed to build resistance and sustain a movement for liberation. Prison Lives Matter is not about "reforming" the existing system. Through this United Front which operates on an anti-racist/capitalist/imperialist line, We will strive to expose the prison industrial slave complex's hidden political & economical position of hierarchy within the united states empire. Therefore raising consciousness to the contradictions that exist on class, "race", and national oppression leading to the rise of mass incarceration/legalized slavery and the building of more state & privatized prisons. The higher calling for the 'In the Spirit of Nelson Mandela' campaign is one calling for an International investigation into the human rights violations of prisoners that exist within the united states. However, in order to garner the recognition and support of the International community, We must establish this infrastructure and National Strategy on these shores. WE ARE OUR OWN LIBERATORS! ♥

*Kwame "Beans" Shakur*

*[Kwame's study group is currently studying the philosophy of dialectical and historical materialism.]*

### According to the WA DOC website Dec. 19, 2020

Institution	Confirmed infections
Airway .....	1261
Coyote Ridge .....	351
Monroe Correctional .....	69
Stafford Creek.....	448
Shelton.....	582
State Penitentiary.....	584
WA Women's Prison .....	11

# LATE BREAKING...

One in five state and federal prisoners has tested positive for COVID-19, a rate more than four times higher than the general population, newly analyzed data reveals. Hundreds of thousands of prisoners have been infected since corrections officials began keeping track of the coronavirus this spring but even that is almost certainly a significant undercount, experts say. In some states, more than half of prisoners have gotten sick. Prison workers have also been hit hard. Nationwide, one in five have tested positive.

COVID-19 cases in state and federal prisons soared 10 percent in the past week, past 275,000, as corrections officials struggle to limit the damage caused by the current wave of the coronavirus. The death toll among prisoners now is at least 1,735, a 5 percent increase over last week. At least 67,000 prison employees also have been infected. At least 113 have died after testing positive for COVID-19.

State auditors there found rampant mispending and fraud by corrections officials who bought fancy things for their executive offices while paying prison guards the lowest rates in the nation. There were thousands spent on improper travel reimbursements and hundreds of thousands distributed in illegal comp time buyouts from 2017 to 2019.

The COVID-19-related death of a 94-year-old prisoner in Alabama raises questions about why a 94-year-old was still in prison in the first place. Families Against Mandatory Minimums (FAMM), calls for the ouster of the state's corrections chief for failing to keep the incarcerated safe from the coronavirus and other public health problems. The same concerns are expressed in a report about the response to COVID-19 inside Louisiana prisons.

### Final WA Virus Count

This is December 19th, the January issue of the newsletter goes to press today. According to the WA DOC website, from December 18th to the 19th (one day), the virus increased at Airway Heights by 214, Coyote Ridge by 174, Shelton had an 86 person increase in one day, Stafford Creek numbers grew by 174, and a one day infection increase at the penitentiary was 168. For total infections, Monroe stays steady at 69, Clallam Bay remains at zero, and Purdy stays at 11 confirmed infections. It does not seem to be getting better. ♥



*[The links below each report is provided so loved ones on the outside look up any of the stories you want to know more about.]*

### **Prisoners protest after COVID-19 cases triple and officers beat inmate**

Inmates protested and faced a lockdown at the Stafford Creek Corrections Center in Aberdeen, Washington, as COVID-19 cases shot up from 85 Friday to 237 on Tuesday. Family members of inmates described the action as a riot. It began when a corrections officer used force on one of the inmates, according to a letter from the Office of the Corrections Ombudsman. Over the weekend, the beating of another prisoner led to rumors throughout the prison that he had died by choking on pepper spray, said Loren Taylor, a former Stafford employee who now advocates for Stafford prisoners. Ombuds Joanna Carns wrote on Dec. 8th that she visited Stafford Creek in response to the rumors and spoke to the man who'd been beaten. He had bruising and minor injuries, she said, though "what he relayed to me about the incident is concerning." DOC did not respond to requests for an interview.

<https://www.spokesman.com/stories/2020/dec/08/prisoners-riot-after-covid-cases-triple-and-office/>

### **WA inmates say they're retaliated against for getting COVID-19**

People in work release programs say getting sick can get you thrown back into prison, where there's still no plan for containment. Milo Burshaine viewed the Bishop Lewis Work Release Facility in Seattle as his last stop before freedom. But instead, Burshaine contracted COVID-19 in October after sleeping in the same room as someone who had tested positive for the virus. Dozens of others at the facility got sick as well. Then he and seven others were thrown back into prison and put in solitary confinement. "Essentially we caught COVID because of the work release and now you're going to punish us because we have it," Burshaine said.

<https://crosscut.com/news/2020/12/wa->

[inmates-say-theyre-retaliated-against-getting-covid-19](#)

### **Coronavirus cases double in a month among Maryland's prison population; inmate death toll increases**

A 14th Maryland prisons inmate has died of COVID-19 as the total number of infections among state prisoners has more than doubled in a month, from 1,033 to 2,173, according to the Department of Public Safety and Correctional Services. Total cases among staff have also spiked, though not as dramatically, to 1,255. Two correctional officers have died to date.

<https://www.baltimoresun.com/coronavirus/bs-md-eastern-correctional-institution-covid-cases-20201209-wpuxjx-qmb5bt3kts5lv7oxutz4-story.html>

### **Surgeon general says prisons are 'particularly vulnerable population,' defers to states on vaccine priority**

U.S. Surgeon General Vice-Admiral Jerome Adams says the government recognizes that the population at corrections facilities are at high risk for the spread of COVID-19 but stopped short of saying they should be moved up the priority list for receiving the vaccine. This after the ACLU of Ohio and the American Medical Association, among others, called for the prioritization of the vaccine in prison populations.

[https://www.wtol.com/article/news/health/coronavirus/\(URL abbreviated\)](https://www.wtol.com/article/news/health/coronavirus/(URL abbreviated))

### **Vaccines coming to NC's prisons. Who should get first priority?**

A future COVID-19 vaccine is coming to North Carolina's prisons – and staff will be first in line to get it. But that prioritization is contentious. Under the state's tentative plan, prison staff and high-risk incarcerated people will be first to get shots. Thousands of remaining inmates, the majority of the prison population, will wait.

<https://www.northcarolinahealthnews.org/2020/12/09/vaccines-are-coming-to-ncs-prisons-who-should-get-first-priority/>

### **More than half of inmates in Yuma prison unit test positive for COVID-19**

More than half of the inmates held in the Arizona State Prison Complex's La Paz Unit in Yuma have tested positive for COVID-19, according to the Arizona Department of Corrections, Rehabilitation and Reentry. The department said that of the

unit's 1,066 inmates, 655 tested positive. <https://www.azcentral.com/story/news/local/arizona-breaking/2020/12/08/majority-inmates-yuma-prison-unit-test-positive-covid-19/6501718002/>

### **Coronavirus outbreak in Seattle's King County Jail sends 16 inmates into medical isolation**

The King County Jail in downtown Seattle experienced its first coronavirus outbreak believed to have originated inside the facility on Sunday, sending 16 inmates into medical isolation, according to the Department of Adult and Juvenile Detention.

<https://www.seattletimes.com/seattle-news/crime/coronavirus-outbreak-in-seattles-king-county-jail-sends-16-inmates-into-medical-isolation/>

### **Opinion: Send first vaccines to Pennsylvania's prisons**

Pennsylvania's prisons and jails have been ravaged by COVID-19. Incarcerated people, and the staff who supervise them, were among the first to suffer in the pandemic. They should also be among the first to be vaccinated, not only for their benefit but to protect the broader community.

<https://www.inquirer.com/opinion/commentary/coronavirus-vaccine-distribution-pennsylvania-prison-inmates-20201207.html>

### **Execution staff have COVID-19 after inmate put to death**

As the U.S. government rushes to put inmates to death in a pandemic before President Donald Trump leaves office, the Justice Department disclosed that eight staff members who took part in an execution last month tested positive for the coronavirus and five of those staffers will take part in executions scheduled for this week.

<https://abcnews.go.com/Health/wireStory/execution-staff-covid-19-inmate-put-death-74611875>

### **Prisons should be COVID-19 vaccine priority: Health experts**

Prisoners should be high on the list, according to the American Medical Association, the nation's largest physician group, which this month called for incarcerated people to "be prioritized in receiving access to safe, effective COVID-19 vaccines in the initial phases of distribution."

<https://abcnews.go.com/Health/prisons-covid-19-vaccine-priority-health-experts/story?id=74501889>

## **The Freakout About Giving COVID Vaccines to Prisoners Has Already Begun**

Jails and prisons are virus hot spots, but politics could slow efforts to inoculate their residents. Gov. “Polis would give the life-saving vaccine to a person who puts a loaded gun to grandma’s head, before he would give it to grandma,” a Republican district attorney wrote.

<https://www.motherjones.com/crime-justice/2020/12/prison-vaccine-covid-priority-colorado/>

## **Judge mandates outside help for NC prisons’ response to pandemic**

Wake County Superior Court Judge Vince Rozier’s ruling follows civil rights groups once again asking him to appoint a special master to oversee prisons’ response during the pandemic as COVID-19 cases continue to climb, shutting down facilities and resulting in mass transfers that could further spread the virus to vulnerable communities, they said.

<https://www.newsobserver.com/news/coronavirus/article247603635.html>

## **Inmates Will Be Among First to Receive COVID-19 Vaccination in Maryland**

Maryland prison inmates considered high risk for suffering severe COVID-19-related illnesses will be among the first in the state to receive the Coronavirus vaccine, state health officials confirmed.

<https://www.marylandmatters.org/2020/12/14/inmates-will-be-among-first-to-receive-covid-19-vaccination-in-md/>

## **Mass. Prisoners Among The First To Get COVID Vaccines**

Among those first in line for the COVID-19 vaccine in Massachusetts are correction workers and the nearly 13,000 people incarcerated in jails and prisons in the state. The news comes as COVID cases continue to spike behind bars.

<https://www.wbur.org/news/2020/12/13/mass-prisoners-among-the-first-to-get-covid-vaccines>

## **Pa. Corrections Department tells officer with COVID-19 symptoms to return to work early**

The state Department of Corrections defied federal guidelines and a doctor’s order last week, demanding that an officer who tested positive for COVID-19 come back to work at a Pennsylvania prison struggling

to contain the spread, our sources have learned.

<https://www.inquirer.com/health/coronavirus/spl/pennsylvania-prisons-coronavirus-corrections-officer-20201214.html>

## **Families of Airway Heights inmates protest over COVID-19 outbreak, living conditions**

The families of inmates at Airway Heights Corrections Center are staging a protest Saturday over the COVID-19 outbreak at the facility, and the conditions inmates are experiencing inside the facility. Airway Heights Corrections Center has reported 792 cumulative cases of coronavirus among inmates since Nov. 30, the most of any Washington correctional facility.

<https://www.krem.com/article/news/health/coronavirus/airway-heights-prison-covid-19-outbreak-spokane-washington/293-75b8b579-5842-4a97-a934-6b62f244be38>

## **Prisoners have been excluded from Covid vaccine plans, and health experts are sounding the alarm**

With the U.S. and U.K. rolling out national vaccination programs to curb the spread of the coronavirus, health experts and advocates alike are deeply concerned about the notable absence of prison populations in inoculation plans. The U.S. Centers for Disease Control and Prevention has not yet made any decisions about prisoners when it comes to vaccine access, though it is thought prison staff may be included in the second phase of allocation.

<https://www.cnn.com/2020/12/16/coronavirus-prisoners-have-been-excluded-from-covid-vaccine-plans.html>

## **U.S. lawmakers press prison authorities on inmate COVID-19 vaccination plans**

More than two dozen members of the U.S. Congress on Wednesday called on federal prison and health officials for details about how inmates will be vaccinated for COVID-19, questioning whether the most vulnerable prisoners will have priority access. In a letter to Federal Bureau of Prisons, 26 lawmakers, led by Democratic Representative Bobby Scott, expressed concerns about the prison system’s plan for vaccine distribution.

<https://www.reuters.com/article/us-health-coronavirus-usa-prisons/us-lawmakers-press-prison-authorities-on-inmate-covid-19-vaccination-plans-idUSKBN28Q2XM>

## **Report: Corrections officials in Louisiana failed to protect inmates, staff from COVID-19**

Corrections officials at all levels across the state did not do enough to prevent the spread of COVID-19 among people locked up in prisons, jails, and immigration detention centers in Louisiana, leading to unnecessary death and suffering, a report released on Dec. 10 by the legal non-profit Promise of Justice Initiative argues.

<https://thelensnola.org/2020/12/15/report-corrections-officials-in-louisiana-failed-to-protect-inmates-staff-from-covid-19/>

## **National commission says prison inmates, guards should be among first to get COVID-19 vaccine**

With cases of COVID-19 continuing to spread through prisons, guards and inmates should be among the first to receive vaccinations against the virus that causes the illness, a national commission recommended. The vaccine recommendation by the National Commission on COVID-19 and Criminal Justice was the main takeaway in a set of findings released by the panel.

<https://www.latimes.com/california/story/2020-12-15/prisons-covid-19-epicenter-justice-commission-says-inmate-vaccines>

## **Where Michigan prisoners, staff fall in COVID-19 vaccine rollout**

Michigan prison staff and prisoners who are elderly or ailing are among those set to receive the COVID-19 vaccine during the initial phases of the state’s plan, according to the Michigan Department of Corrections. Outbreaks of COVID-19 have ravaged prisons across the state, infecting roughly one-quarter of Michigan Department of Corrections staff and almost half of people incarcerated during the pandemic.

<https://www.freep.com/story/news/local/michigan/2020/12/16/michigan-prisoner-prison-staff-covid-vaccine/6544144002/>

## **Inmates in Colorado, across the U.S. facing big coronavirus risks are not atop vaccine lists**

More than 249,000 inmates have tested positive and nearly 1,700 have died from COVID-19 nationwide. At a prison in Colorado last week, nearly three-quarters of inmates caught the virus. California, North Carolina, Maryland, Delaware, Utah, New Mexico, Nebraska, Montana and Massachusetts have prisoners among the first to

---

*Virus News..... Continued on page 10*

# LETTERS

*[Editors Note: Letters are edited for length and spelling. Send your letters, articles, or opinions to Prison Covid, PO Box 48064, Burien, WA 98148, or through J-Pay at contact@prisoncovid.com.]*

## Isolation is a joke

Here at R.C.I. Wisconsin where COVID-19 runs rampant, it seems that the staff as a whole are completely lost. It's like they are playing a game of checkers with our lives. If one inmate who lives with another checks positive for COVID-19 they will move the one who does not check positive to a cell of someone who is also negative for the virus. Negative for negative. Who is to say that a few days later that one negative who lived with a positive that he would check positive and now has infected the other negative?

Now instead of two we have four. Our doors don't lock us in. Approximately 160 prisoners per unit, only two staff members. We are now on isolation status, which is not working. I have seen an infected prisoner come out of his cell, grab a disinfectant spray bottle, throw a rag on his shoulder, walk around like he's a prisoner cleaner. The staff here don't even know which prisoners are negative workers. There are only two men allowed in the bathroom at a time, but there is five to nine guys standing by the bathroom door waiting to get in. Isolation here is a joke.

*Joe, R.C.I. Wisconsin*

*[Ed Responds: If there was ever an issue upon which both guards and prisoners could stand together, it is against the administration's slow, haphazard, and deadly response to this health crisis. The custodial staff is treated little better than the prisoners. If prisoners peacefully and responsibly object to this lack of proper treatment, the line staff should join them in solidarity. When prisoners and staff understand they are all in prison together, then things will change for the better for everyone. Unfortunately, the likelihood of this happening anytime soon is just about zero.]*

## Private Health Care

I am a pretrial detainee in the Hays County Jail in San Marcos, Texas. I have been incarcerated for 19 months with no end in sight. COVID-19 burned through here between June and August with over

half of the inmates testing positive. Medical staff refused to test anyone that didn't have symptoms, the actual infection rate could have been much higher.

Wellpath is our designated healthcare denier. I can't say provider here because they refuse to provide real healthcare. They refused to give us masks before the outbreak hit and I sincerely believe that we (the inmates) were used as test subjects to test whether herd immunity can stop the spread of COVID-19. As such, since the big outbreak, the cleaning processes have been stopped and many of the members of the staff either improperly wear their masks or don't wear them at all.

I've put in grievances but I haven't been able to resolve the situation. Do you have any advice or resources to reach out to stop what they are doing here in the courts? BTW: support staff have declared "A Jailhouse Lawyers Manual" to be contraband and will not allow the book in the jail. Help! I have enclosed 10 stamps to continue to receive your newsletter.

*Bio Dresner, Sgt, US Army (Ret)*

## News from Rahway

First off, I want to say thank you for the information that you tell us every month when you send out the monthly paper of the *Prison Covid* newsletters. I enjoy reading it. The thing I want to say is, avoiding another surge of virus in New Jersey jails and prisons, guards here have masks on chins or not wearing them. Same thing here with some of these inmates not wearing masks when on the phones. Cops don't even tell these inmates to put a mask on, when us inmates say something a fight breaks out.

It's crazy, cops here are not even six feet apart. Also new cases here in Rahway Prison, guys have died here. Don't want Covid-19. I'm very careful. New Jersey Prisons do not care about us. The Governor needs to do more for us inmates. Guys are not wiping the phone down anymore with bleach after guys are getting off the phones or the kiosks. Please do not use my name.

Guys are coming from halfway houses and some of these guys have tested positive. Hope letting you guys know what is going on inside Jersey Prisons with all the things that people have stopped doing here. They feed us on the tiers, the food is cold. We go outside every other day, 100 people in the big yard. No inmates wear masks in the yard, no six feet apart. It's crazy. Just hope something can be done about all the

guards with some wearing a mask and some not. The same with the inmates here. The cops need to say something so nobody will get the virus.

Just trying to stay safe as well as looking out for other people. We all need to do our part. Again thank you and happy holidays.

*[Name Withheld]*

## About Average

I am currently incarcerated at SCI Mahony in PA. We recently had an outbreak of roughly 180 inmates and 70 staff, with one death that we know of. The conditions have been rough for the last nine months. We have had major restrictions. We are forced to live in a 6 by 9-foot box with another grown man, allotted 45 minutes out of our cell daily for showers and a phone call. No fresh air, no opportunity for exercise. I have not had a haircut in months, cold meals delivered to our cells—eating I the same box we defecate in. No education, no visits, no programs.

This harsh reality is driving frustration and despair. I am a non-violent drug offender serving 5 to 10 years with nearly 4 of them done. I have no misconduct and a clearance allowing me to work in the community. I don't deserve to die in here, no one does! But there are many of us who would pose minimal risk to the community and have homes we could go to with our loved ones on house arrest.

The DOC cannot care for us properly. I have serious medical conditions. Yet I get no appointments, no follow-ups, no progress checks, and no adherence to a treatment plan. Some guys are dying of cancer and can't go for treatments. Medical care in prison has never been sufficient, but now they are non-existent.

*George C.*

*[Ed's Note: Some have it worse than you, some a little better, and some will envy your showers and phone calls. Keep an eye on the litigation front. There are indications that the courts may hold the feet of prisonrats to the fire over their disastrous and near criminal response to this medical crisis. Many prisoners write to learn when they might expect to get the vaccine. I have several news items on that subject in this issue of the newsletter. My quick answer is that it depends upon what state you're in. Colorado is the worst. Other states put guards and cons near the top of the list.]*

# REPORT FINDS OVER 100 REBELLIONS IN JAILS AND PRISONS OVER COVID CONDITIONS

**Demands for baseline safety measures by incarcerated people have been met with brutal repression and punishment**

*By Ella Fassler, Truthout*

**U**.S jails and prisons, already death traps, have been completely ravaged by COVID-19. Crowded quarters, a lack of PPE, inadequate medical care, an aging population, and unsanitary conditions have contributed to an infection rate 5.5 times higher than the already ballooned average in the U.S. As of this writing, over 252,000 people in jails and prisons have been infected and at least 1,450 incarcerated people and officers have died from the novel coronavirus. Evidence suggests these figures are under reported, however. (The entire state of Wisconsin, for example, isn't releasing any information to the public.)

---

**Over 252,000 people in jails and prisons have been infected and at least 1,450 incarcerated people and officers have died from the novel coronavirus.**

---

In response, incarcerated people have shown strong solidarity, coming together to demand baseline safety measures and advocating for their release, only to be met with brutal repression and punishment.

According to a new report released by the archival group Perilous: A Chronicle of Prisoner Unrest on November 13, incarcerated people in the U.S. collectively organized at least 106 COVID-19 related rebellions from March 17 to June 15. Perilous, a volunteer collective project that tracks information on all prison uprisings, riots, protests, strikes and other unrest within carceral facilities, described this activity as “clearly one of the most massive waves of prisoner resistance in the past decade.”

Duncan Tarr, a researcher at Perilous, tells Truthout, “Since corrections departments and ICE contractors are unwilling to prevent the spread of the virus, prisoners and detainees have been taking action themselves to draw attention to the dangerous situation they find themselves in and to resist the system of incarceration that is killing them.”

Perilous's analysis found that people rose up inside federal and state prisons, jails, juvenile carceral centers, and Immigration Detention Centers in 39 states. Immigrant Detention Centers rebelled most frequently, with 45 separate events. Thirty-two rebellions took place in private prisons (25 of which had contracts with Immigration and Customs Enforcement), a disproportionate response as less than 9 percent of prisons in the United States are privately operated. Louisiana, with a rich history of work stoppages, rebellions and an indefatigable support infrastructure, was the state with the highest frequency of COVID-19-related prison rebellions. California and Washington were the second and third most rebellious respectively.

Common demands have included that guards wear masks and that departments provide individuals with protective items like soap, masks, and hand sanitizer.

In early April, an estimated 120 to 180 detainees inside GEO Group's Adelanto ICE “Processing Center” in California went on hunger strike after two individuals exhibiting COVID-19 symptoms were sent to the hospital. Striker Marcos Duran told Perilous that the private prison's guards weren't wearing masks. Detainees did not have access to soap or shampoo, were forced to eat alongside 50-60 other detainees, and slept in the same room as seven others, Duran said. As of October 7, according to Desert Sun, nearly 20 percent of detainees at Adelanto had contracted COVID-19.

Beyond hunger strikes, Perilous documented 21 “uprisings” in American prisons, defined as collective acts of rebellion that exceed the usual scope of a protest through unpredictable or chaotic means.

In Monroe, Washington, after six incarcerated people and five staff members were diagnosed with COVID-19, an estimated 100 to 200 incarcerated people staged a protest over inadequate protective measures and a down playing of the virus in the recreation yard at Monroe Correctional Complex on April 8. Joshua Vermaat, an incarcerated person at MCC, described his concerns in a letter to a friend, excerpts of which were published in KUOW, NPR. He said the Department of Corrections was

transferring uninfected incarcerated people into contaminated tiers. He wrote, “We've been safe until now, but because of their lack of foresight and proper planning, now they need rooms for more vulnerable inmates and they want us to go into the ‘hot zone’ to make room for them.”

“They tried to bribe us with McDonald's food. Are you flipping kidding ... if you would do anything I ask you to tell this to the news and to the governor, this isn't right.”

Some people refused orders to move. Their grievances were met with chemical weapons, rubber bullets and sting balls, according to the Department of Corrections. Demonstrators were ultimately forced to surrender.

The next day Vermaat said the resistance led to a change in tone from the DOC, but that the facility went on lock down. “No one here wants violence, NO ONE, but at the same time you've got 400+ ... who are now being backed into corners.”

One month later, a guard at Monroe Correctional died from COVID-19.

Cook County Jail in Chicago, a site with the largest outbreak of any location in the state of Illinois, rebelled on six separate occasions including one uprising and several hunger strikes. On at least one occasion some detainees attempted or threatened to attempt suicide.

Over the course of April, the jail had released nearly a fourth of its population, decreasing it from 5,604 to 4,301. But, despite early resistance, Cook County Jail's population has crept up again to nearly pre-pandemic levels.

COVID-19 flare ups behind bars have undoubtedly contributed to the United States' abysmal failure to control the virus. Despite urgent calls for action from public health scientists in The Lancet, the ACLU and countless other organizations, Democratic and Republican politicians alike, from New York Gov. Andrew Cuomo to Alabama Gov. Kay Ivey, have largely refused to reduce prison populations by any meaningful margin. In the ACLU's evaluation of state efforts to prevent COVID-19 deaths behind bars, Colorado, Kentucky, Maine, Michigan, Minnesota, Oregon,

Tennessee, Vermont and West Virginia received the best scores, all with a “D-”. After sustained activism and a mounting death toll, on November 4, New Jersey released more than 2,000 incarcerated people who were already nearing the end of their sentences.

In the face of negligence, Ivan Von Staich, an incarcerated person at the notoriously brutal San Quentin State Prison, filed a lawsuit in May against the California Department of Corrections and Rehabilitation alleging “deliberate indifference to the risk of substantial harm to inmates by failing to immediately reduce the prison population of San Quentin by releasing or transferring at least 50 percent of the population of the prison.” After the filing, San Quentin suffered an outbreak of at least 2,500 cases and at least 29 deaths. On October 20, the First District Court of Appeal in California ruled in Von Staich’s favor, ordering the release or transfer of nearly 1,500 incarcerated people. The court wrote, “If necessary to achieve this reduction, respondents are ordered to revise their expedited release programs to include inmates over 60, who have served at least 25 years of their sentences and are eligible for parole, such as life prisoners eligible for parole and second or third strike prisoners, even if such prisoners are serving a sentence for a violent offense.”

### **Incarcerated people in the U.S. collectively organized at least 106 COVID-19 related rebellions from March 17 to June 15.**

Incarcerated people and public health experts warn, however, that transfers increase the spread of COVID-19. San Quentin’s massive outbreak resulted from transfers. “The best way to help keep prisoners from contracting the virus would be mass releases,” Christopher Blackwell, an incarcerated man at Monroe previously told Truthout. “Absent those, it is essential to cease transfers and provide incarcerated people with adequate supplies.”

Instead of mass releases, as the U.S. enters its third wave, many departments’ chosen preventative measures continue to be “lockdowns,” or confining people in their cells for 21 to 23 hours a day. It’s estimated that 300,000 people incarcerated in state and federal prisons are in lockdown or solitary confinement conditions. Many incarcerated people have lost phone privileges

and (already scant) programming. As budgets are slashed without complementary mass releases, healthcare services behind bars will continue to deteriorate, according to Perilous’ report.

Prior to COVID-19, experts considered U.S. prisons to be ‘ticking time bombs.’ Baseline volatile conditions remain and the virus is an accelerant. There is some hope that the virus will be better managed once Biden and Harris take power, although they have not yet released a plan that puts people over profit.

Tarr hopes that the Perilous report will bring some attention to the struggle behind bars during this chaotic time. “As the national political crisis continues to play out over the next few months, it is important that some of the most vulnerable to COVID-19 — those locked up by our government — are not forgotten and that their cries for help and freedom do not go unheard,” he said. “And a close look at the first few months of their resistance to the pandemic can shed some light on how we might move forward in preventing more unneeded deaths inside prison walls.” ♥

### **Public Health..... Continued from page 2**

responding to acute mental health emergencies and substance use, even though these problems would arguably be better addressed by mental/behavioral health professionals or community-based treatment centers. Arrest begins a process of criminalization that has lifelong consequences. In this view, incarceration can be thought of as the floor that millions of people hit after falling through the gaps in the social safety net.

### **Investment in the structural determinants of health**

Investment in carceral “solutions” has always been, and continues to be, avoidable. In fact, state governments that pursued policies and public investments designed to bolster the social safety net (e.g., SNAP programs, Medicaid, primary and secondary education, unemployment insurance) had lower average prison incarceration rates and better health outcomes. Similarly, providing community-based support to people navigating substance use disorders, rather than responding with criminalization and punishment, is a recommended evidence-based policy to decrease stigma and increase uptake of treatment.

Moving forward, a primary prevention approach should re-allocate funding from the construction of new jails and prisons

to the structural determinants of health, including affordable, quality, and accessible housing, healthcare, employment, education, and transportation.

In the context of the COVID-19 pandemic, urgent action to release currently incarcerated people is the only way to prevent additional clusters and related deaths.

### **... incarceration [is] the floor that millions of people hit after falling through the gaps in the social safety net.**

A recent report published by researchers at the University of Texas at Austin found that at least 231 people have died from COVID-19 in the states’ correctional facilities as of early October. While decarceration is necessary for all those who are incarcerated, regardless of conviction, it is striking that 80% of those who died in the county jails in Texas were incarcerated pre-trial and had not been convicted of a crime.

### **Call to action**

The American Public Health Association recently issued a policy statement recommending a move towards abolition by beginning with the immediate release of incarcerated people, especially urgent during the pandemic. An abolitionist approach to treating carceral systems as a public health issue means taking an approach of primary prevention by investing in structural determinants of health, including affordable, quality, and accessible housing, healthcare, employment, education, and transportation, instead of carceral institutions.

Public health and medical professionals have a role in advocating for immediate release of people incarcerated in jails, prisons, and detention centers, regardless of conviction, especially in light of pressing concerns related to COVID-19 transmission, but also given the longstanding health harms of incarceration.

There is an enormous need to support existing community-based interventions to address the medical and social needs of people who have been harmed by the criminal legal system, including those transitioning from incarceration, particularly during the pandemic. It is equally important to prevent incarceration by preventing arrests and criminalization overall, including those that occur in hospital or health-care settings. ♥

<http://info.primarycare.hms.harvard.edu/blog/incarceration-covid-19>

# U.S. LAWMAKERS UNVEIL ANTI-SLAVERY CONSTITUTIONAL AMENDMENT

By Aaron Morrison - Associated Press

National lawmakers introduced a joint resolution Wednesday aimed at striking language from the U.S. Constitution that enshrines a form of slavery in America's foundational documents.

The resolution, spearheaded and supported by Democratic members of the House and Senate, would amend the 13th amendment's ban on chattel enslavement to expressly prohibit involuntary servitude as a punishment for crime. As ratified, the original amendment has permitted exploitation of labor by convicted felons for over 155 years since the abolition of slavery.

The 13th Amendment "continued the process of a white power class gravely mistreating Americans, creating generations of poverty, the breakup of families and this wave of mass incarceration that we still wrestle with today," Sen. Jeff Merkley of Oregon told The Associated Press ahead of the resolution's introduction.

## **"This change to the 13th amendment will finally rid our nation of a form of legalized slavery"**

A House version is led by outgoing Rep. William Lacy Clay, of St. Louis, who said the amendment "seeks to finish the job that President (Abraham) Lincoln started."

It would "eliminate the dehumanizing and discriminatory forced labor of prisoners for profit that has been used to drive the over-incarceration of African Americans since the end of the Civil War," Clay said.

In the Senate, the resolution has Sens Bernie Sanders of Vermont, Ed Markey of Massachusetts and Chris Van Hollen of Maryland signed on as co-sponsors. "This change to the 13th amendment will finally rid our nation of a form of legalized slavery," Van Hollen said in an emailed statement.

Constitutional amendments are rare and require approval by two-thirds of both the House and Senate as well as ratification by three-quarters of state legislatures. Should the proposal fail to move out of committee in the remaining weeks of the current Congress, Merkley said he hoped to revive it next year.

The effort has been endorsed by more

than a dozen rights and social justice organizations, including The Sentencing Project, the Anti-Recidivism Coalition and Color of Change.

"It is long past time that Congress excise this language from the U.S. Constitution which should begin to put an end to the abusive practices derived from it," said Lauren Pitter, deputy director of the U.S. program at Human Rights Watch, which also endorsed the amendment.

The proposed amendment comes nearly one month after voters in Nebraska and Utah approved initiatives amending their state constitutions to remove language that allows slavery and involuntary servitude as criminal punishments. In 2018, Colorado was among the first U.S. states to remove such language by ballot measure.

Although nearly half of state constitutions do not mention human bondage or prison labor as punishment, just over 20 states still include such clauses in governing documents that date back to the 19th century abolition of slavery.

In Merkley's Oregon, voters in 2002 approved the elimination of constitutional language that prohibited Black Americans from living in the state unless they were enslaved.

He said the movement toward a federal amendment is "kind of saying to the world, let's not forget this big piece of injustice that's sitting squarely in the middle of our Constitution, as we wrestle with criminal justice reform."

Many Americans will recognize modern-day prison labor as chain gangs deployed from prison facilities for agricultural and infrastructure work. The prevalence of prison labor has been largely accepted as a means for promoting rehabilitation, teaching trade skills and reducing idleness among prisoners.

But the practice has a much darker history. Following the abolition of slavery, Southern states that lost the literal backbone of their economies began criminalizing formerly enslaved Black men and women for offenses such as petty vagrancy or having unkempt children.

This allowed legal re-enslavement of African Americans, who were no longer seen as sympathetic victims of inhumane bondage, said Michele Goodwin, a consti-

tutional law professor at the University of California, Irvine.

"These people became criminals, and it became very difficult for many abolitionists to use the same kinds of emotional messaging about the humanity of these individuals," Goodwin said.

Today, incarcerated workers, many of them making pennies on the dollar, work in plants, manufacturing clothing, assembling furniture and even battling wildfires across the U.S., much of it to the benefit of large corporations, governments and communities where they've historically been unwelcome upon release.

Researchers have estimated the minimum annual value of prison labor commodities at \$2 billion, derived largely through a system of convict leasing that leaves these workers without the legal protections and benefits that Americans are otherwise entitled to.

And while prison work is largely optional for the 2.2 million individuals incarcerated in the U.S., it's a grave mistake to disassociate their labor from the original intent of the penal system, Goodwin said.

"Your freedom has been taken away -- that's the punishment that society has assigned," she said. "The punishment is not that you do slave work, that is unpaid labor or barely paid labor." ♥

## **Short Shots**

Michigan officials are investigating the possibility that some prisoners may have been reinfected by the coronavirus. There is evidence that as many as 115 prisoners have tested positive for a second time since the pandemic began.

*Detroit Free Press*

Ohio National Guard members have been dispatched to 13 state prisons to help guards handle the crush of coronavirus cases.

*Columbus Dispatch*

Prisoners at the jail in El Paso County, Colorado, site of one of the state's worst coronavirus outbreaks, sue officials. *Denver Post* National commission urges swift vaccination for prisoners.

*Los Angeles Times*

---

**COVID News..... Continued from page 5**

get the vaccine this winter. Colorado will not prioritize prisoners. Dem. Gov. Jared Polis buckled to pressure from the right.

<https://coloradosun.com/2020/12/16/coronavirus-colorad-prison-vaccine-list/>

**Coronavirus in Ohio: COVID-19 cases surging among state inmates, prison employees**

In Ohio, the number of COVID-19 cases among prison employees has increased 155% since Sept. 29. Cases among inmates have climbed as well, though at the slower clip of 27%. In hard numbers, Ohio has logged 8,031 cases of COVID-19 among inmates and another 2,851 cases among staffers, according to an Enquirer analysis of data collected by The Marshall Project and the Associated Press.

<https://www.cincinnati.com/story/news/2020/12/18/covid-19-cases-surg-ing-among-ohio-inmates-prison-employ-ees/3929584001/>

**Nevada prison inmates among first to get COVID-19 vaccine**

More than 11,000 inmates in the Nevada Department of Corrections and facility

staff will get the COVID-19 vaccine before most of the population, documents show. COVID-19 has exploded in Nevada prisons over the past three months, with case reports surging past 500 at two prisons. Since the beginning of the pandemic, 2,442 offenders have tested positive for the virus. Eight have died.

For corrections staff, 561 have tested positive for COVID and two have died, officials with NDOC said Thursday. The numbers are up-to-date as of Dec. 10. As of Dec. 17, 1,624 inmates and 205 staff are currently positive with the virus.

<https://www.8newsnow.com/i-team/i-team-special-reports/i-team-nevada-in-mates-among-first-to-get-covid-19-vaccine/>

**1 in 5 Prisoners in the U.S. Has Had COVID-19**

One in every five state and federal prisoners in the United States has tested positive for the coronavirus, a rate more than four times as high as the general population. In some states, more than half of prisoners have been infected, according to data collected by The Marshall Project and The Associated Press. As the pandemic enters its tenth month—and as the first Americans

begin to receive a long-awaited COVID-19 vaccine—at least 275,000 prisoners have been infected, more than 1,700 have died and the spread of the virus behind bars shows no sign of slowing. New cases in prisons this week reached their highest level since testing began in the spring, far outstripping previous peaks.

<https://www.themarshallproject.org/2020/12/18/1-in-5-prisoners-in-the-u-s-has-had-covid-19>

**NM Inmates sue prison, claim lack of COVID-19 safeguards**

Fifty-six inmates have sued the Penitentiary of New Mexico near Santa Fe, accusing the facility of not protecting inmates from the coronavirus and asking the state Supreme Court to intervene. The inmates claim that efforts to prevent infections were lax at the penitentiary, causing a serious outbreak in late October. “The pervasive disregard for the lives of the inmates ... is borderline on criminal,” the prisoners' lawsuit states.

[https://www.santafenewmexican.com/news/coronavirus/inmates-sue-prison-claim-lack-of-covid-19-safeguards/article\\_ac22e1a6-3fbd-11eb-801f-c73b20168f8d.html](https://www.santafenewmexican.com/news/coronavirus/inmates-sue-prison-claim-lack-of-covid-19-safeguards/article_ac22e1a6-3fbd-11eb-801f-c73b20168f8d.html)

---

Prison Covid Newsletter ©  
PO Box 48064  
Burien, WA 98148

**FIRST CLASS MAIL**

---

**COMMUNICATION IS A HUMAN RIGHT**