

Almost no US prisoners have been released since the beginning of the pandemic

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Under pressure from the popular disgust at unsanitary and crowded conditions that puts inmates at increased risk of infection and death from COVID-19, in March and April many governors signed executive orders that sanctioned the release of non-violent prisoners throughout the US. By May 14, at least 43 states and the Federal Bureau of Prisons (BoP) had released some prisoners.

However, new figures from the Vera Institute of Justice show that the US federal prison population dropped by a negligible 1.6 percent from December 31, 2019, to March 31, 2020, when the pandemic was already in full flight and 35 states had already issued lockdown orders. The population of state prisons only declined 1.8 percent in the same period. Further data from *Prisonpolicy.org* shows that there has been little increase in these figures for April and May.

According to *The Marshall Project*, as of May 13, there had been 373 publicly reported deaths among prisoners from COVID-19. Among prison staff, there have been at least 28 deaths. Given a lack of testing across the country and reports of massive undercounting, both of these figures are undoubtedly huge underestimations.

According to *PrisonPolicy.org*'s 2020 study of the American prison system, of the state system's 1.29 million inmates, 571,000 were non-violent criminals. The same study found that of the federal systems 226,000 prisoners, only 13,000 were incarcerated on violent criminal charges. Of the 631,000 in local jails, only 34,000 have been convicted for violent crimes, and the majority still await trial. All in all, nearly 65 percent of individuals held in the US's sprawling incarceration system are non-violent or are not yet convicted.

The data emerging from individual states exposes the fraudulent nature of the orders put forward by the Trump administration as well as both Republican and Democratic governors.

On April 20, Asa Hutchinson, the Republican governor of Arkansas, issued a directive to grant early release to inmates in state prisons. Of the 18,000-strong state prison population only 300 have been released as of May 12. On April 23, lawmakers approved the Democratic governor of Virginia Ralph Northam's bill to allow the state's Department of Corrections to release "non-violent" criminals and those with less than a

year on their sentences. As of May 7, only 130 of the 38,000 in Virginia's state prisons have been released.

Other areas have sought to twist already paltry release statistics: for example, on May 5, Massachusetts Supreme Judicial Court stated that 1,000 people were released between April 3 and May 3. However, the vast majority of these were already scheduled for release before the pandemic began. In Illinois, the state's Department of Corrections announced that 4,000 people had been released since March 1; however, more than 3,000 of these individuals had also been previously scheduled for release.

Where prisoners have been able to appeal before prison boards, the authorities have been reluctant to let them go. For example, in Louisiana, out of 249 people considered for release, only 53 have been approved. In New Jersey, 54 people have been released from prison following an executive order signed on April 10, which is just 3 percent of those who are eligible for release under the governor's order.

Prisons in Ohio have been some of the worst hit, with at least 48 inmates dying in the state. Despite the sharp rise in deaths, the number of tests administered to inmates has been reduced to just 100 per day since May 1. The WSWs previously reported on horrific testimony that leaked from an inmate in the state on April 11. Despite the state's lockdown beginning on March 23, Ohio prisons actually had more inmates on March 31, 2020, than on December 31, 2019. On April 16, Ohio Governor Mike DeWine approved the early release of just 105 of Ohio's 49,000 state prison inmates.

On March, US Attorney General Bill Barr ordered the release of high-risk inmates in facilities run by the Bureau of Prisons (BoP), which runs the majority of federal prisons and is under the direct jurisdiction of the Justice Department. From its inception, this order was totally hollow, applying to only 1,027 individuals.

Barr subsequently extended the measure; however, even with this provision, as of April 23, the Bureau has only released 2.1 percent of its pre-COVID-19 prison population. It is unclear how many of these had releases scheduled before the crisis. A federal judge described the BoP's release process as "Kafkaesque."

Another *PrisonPolicy.org* report from May 1 concluded,

“States are not even taking the simplest and least controversial steps, like refusing admissions for technical violations of probation and parole rules.” The maintenance of a steady influx of prisoners in the midst of the pandemic dovetails with the recent spate of violent police arrests for minor misdemeanors, including social distancing violations, in mostly working class neighborhoods across New York City.

Had the intention of these federal and state orders been to release vulnerable prisoners from jails and prisons to protect them from the virus and slow its spread, these orders still came far too late and well after action was taken by countries with much smaller prison populations.

On March 3, nearly 70,000 prisoners were released in Iran. On March 15, the World Health Organization published a report warning that “[prisoners] are likely to be more vulnerable to the coronavirus disease (COVID-19) outbreak than the general population because of the confined conditions in which they live together for prolonged periods of time.” The report also emphasized that prisons would most likely act as vectors, increasing the disease’s spread in the wider population. The ruling class has been aware of the threat posed to inmates and the wider community from acute outbreaks in the US prison system for months, yet little to no meaningful action has been taken.

While there has been a slightly more substantial reduction in the country’s jail population, there has still been reluctance to carry out the mass releases necessary to save inmates and workers. As of May 14, across all states, the median jail reduction was 18 percent.

Nearly three quarters of those held at jails are pretrial. This means thousands of legally innocent individuals face a potential death sentence, in many cases due to the inability to pay bail. Furthermore, the rapid movement of people in and out of jails that has continued throughout the pandemic has carried the virus back into poor and densely populated neighborhoods, contributing to the toll of the crisis on the working class.

Nick Turner, director of the Vera Institute, stated, “Without action, thousands of people living and working in corrections facilities, and in the communities surrounding them, will suffer debilitating disease and die avoidable deaths.” Vera estimates that without immediate action as many as 100,000 lives of those in prison or involved in the prison industry could die.

The bipartisan response to the COVID-19 pandemic in prisons has been, and will continue, to lead to preventable deaths both inside and outside the incarceration system. Nonetheless, the plight faced by millions of prisoners cannot be separated from the criminal nature of the US’s criminal justice system before the outbreak. The vast majority of these inmates should never have been incarcerated. The crimes that they have committed reflect the precarity of the social conditions endured by American working class, and the unlimited greed of the corporations who rely on prison labor to expand their profits. This labor pool is maintained through the police’s ongoing

brutalization of the working class.

On the other hand, the treatment of incarcerated members and toadies of the capitalist elite in response to the crisis has been in stark contrast. Ex-Trump campaign manager Paul Manafort was released last week and allowed to reside at his family home. Trump’s former personal attorney Michael Cohen has also been granted early release. Michael Avenatti, a lawyer who rose to national attention for representing Stormy Daniels in a case against Donald Trump and who was incarcerated on extortion charges, was released to his friend’s luxury home in Venice, California.

Many of these criminals, multimillionaires themselves, have participated actively in or helped cover up some of the gravest crimes of the American ruling class in recent years. Meanwhile, working-class prisoners, most of whom are innocent victims of the war on drugs or police brutality or were driven to crime by their social conditions, are facing a potential death sentence.

The failure of the federal and state governments to release any significant number of inmates, protecting both prisoners and the wider population in the process, cannot be explained outside of the wider criminal response of the capitalist class to the pandemic.

Profit has been the driving force behind all aspects of the criminal COVID-19 response, and the prisons have been no exception. Prison labor is exploited heavily as corporations seek to maximize profit, even amidst the pandemic.

Corporations as varied as Amazon, Microsoft, Boeing, AT&T and Pfizer continue to use prison labor. These workers typically make between \$0.14 and \$1.50 an hour. Even state governments have been attracted by the cost-cutting potential of prison labor. In at least 20 states, inmates are making hand sanitizer, face masks and gowns. New York state’s hand sanitizer is produced by prisoners earning just \$0.16 per hour. Meanwhile in March, inmates at Rikers island in New York, 88 percent of whom are on pre-trial detention, were offered a measly \$6 an hour to dig mass graves for the city’s COVID-19 victims.



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