

**FOR IMMEDIATE RELEASE**

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## **National Groups Issue Guidance for Incorporating Public Health Approaches into the Criminal Justice Response to COVID-19 and Beyond**

A group of national organizations, including the Association of Prosecuting Attorneys, the National Association of Criminal Defense Lawyers, and the Center for HIV Law & Policy, today released a set of principles for incorporating public health approaches into the criminal justice system's current response to COVID-19, as well as longer term.

COVID-19 is having a significant impact on every aspect of the criminal justice system. Across the United States, criminal justice systems are using different strategies to limit the spread of the pandemic, including releasing some people who are incarcerated and limiting custodial arrests. However, responses have been inconsistent and slow in many jurisdictions, needlessly placing thousands of people confined in correctional facilities, as well as facility staff, family and community members, at risk of illness and death.

The proposed principles released today identify some of the effective responses to COVID 19 so they can be shared and expanded upon. Drawing from examples, the guidelines recommend incorporating a public health perspective into the criminal justice system's responses to COVID-19, and in more general and sustained ways, in order to protect those who are incarcerated, staff that work in correctional facilities, and their communities.

"Adopting a public health framework to inform public safety decisions is a critical intervention that has by necessity been successfully used by many public safety agencies in response to COVID-19 and should endure beyond this current crisis," said David LaBahn, President and CEO of the Association of Prosecuting Attorneys. "On behalf of these thoughtful and proactive prosecutors, APA is proud to partner with public health and safety stakeholders to develop key recommendations for a public health-oriented approach to the safety of incarcerated individuals, staff and our communities to keep all safe and healthy."

“For too long the criminal justice system has operated with little regard for the public health implications of how we arrest, detain, and incarcerate millions. This awful pandemic can be a catalyst for reform,” said Norman Reimer, Executive Director of the National Association of Criminal Defense Lawyers. “NACDL is proud to join with this diverse array of groups in supporting a new commitment to prioritize a public health perspective in the nation’s justice system.”

The principles make five specific recommendations, which include releasing individuals based on set criteria and public health recommendations; limiting arrests that result in new admissions; addressing violations of COVID-19-related directives and orders through public health departments rather than the criminal system; developing alternatives to incarceration or re-entry that integrate public health priorities; and building and maintaining connections among public health organizations, researchers, and criminal justice stakeholders.

“We have over three decades of experience with the criminalization of HIV,” said Brad Sears, Distinguished Scholar at the Williams Institute. “We have learned that these crimes are counterproductive, exacerbate racial disparities in the criminal justice system, and alienate the very communities that we need to engage in public health systems.”

“The COVID-19 pandemic reveals again the human and financial costs of our over-reliance on incarceration to deal with societal issues, and the dangers of criminal law responses during a public health crisis,” said Catherine Hanssens, Founding Executive Director of The Center for HIV Law and Policy. “The effort of many in law enforcement and the courts to address this and similar dangers by reducing jail and prison populations demonstrates that a different approach is viable. This set of proposed pathways shows that better partnerships between law enforcement and health policy professionals, regardless of political perspectives, not only are possible, they are essential to a more evidence-based and effective management of legitimate public health and safety priorities.”

“Criminal justice system decisionmakers often rely on over-policing and incarceration to address incredibly complex social problems. UCLA School of Law’s Criminal Justice Program is proud to be a part of a team that is thinking critically about a different way forward,” said Alicia Virani, Associate Director UCLA School of Law’s Criminal Justice Program. “This initial set of principles, spurred by the COVID-19 pandemic, calls on decisionmakers to holistically assess the irreparable harms of the criminal justice system on communities and use a public health lens to shape new solutions.”

The authors of these principles are the Association of Prosecuting Attorneys, The Center for HIV Law and Policy, Community Oriented Correctional Health Services, National Association of Criminal Defense Lawyers, The Williams Institute at UCLA, and UCLA School of Law’s Criminal Justice Program, with support from the National Alliance of State and Territorial AIDS Directors, the National Legal Aid & Defender Association, Columbia Justice Lab, and the Fenway Institute.

[Read the principles](#)

The [Association of Prosecuting Attorneys \(APA\)](#) is a national non-profit whose mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. APA is made up of elected and appointed prosecuting attorneys from throughout the nation and provides valuable resources such as training and technical assistance to prosecutors to develop proactive and innovative prosecutorial practices that prevent crime, ensure equal justice, and help make our communities safer. APA is committed to the pursuit of justice in whatever form best serves the community. This might include legal proceedings against those who would hurt a child or helping an individual complete a diversion program. We focus on preventing recidivism and providing rehabilitation and successful re-entry. Through multi-disciplinary forums we create an optimal environment to foster justice and affect change in the community.



[The Center for HIV Law and Policy](#) challenges barriers to the rights and health of people affected by HIV through legal advocacy, high-impact policy initiatives, and creation of cross-issue partnerships, networks and resources. We support movement building that amplifies the power of individuals and communities to mobilize for change that is rooted in racial, gender and economic justice.



The [National Association of Criminal Defense Lawyers](#) is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. Its membership includes all aspects of the criminal defense bar. NACDL envisions a society where all individuals receive fair, rational, and humane treatment within the criminal justice system. Its mission is to serve as a leader, alongside diverse coalitions, in identifying and reforming flaws and inequities in the criminal justice system, and redressing systemic racism, and ensuring that its members and others in the criminal defense bar are fully equipped to serve all accused persons at the highest level.



[The Williams Institute at UCLA School of Law](#), founded in 2001, is a think tank on sexual orientation and gender identity law and public policy dedicated to conducting rigorous, independent research with real-world relevance. The Institute's research has been cited by Congress, the United States Supreme Court, and a number of judges, governors, and local, state, and federal policy makers.



[UCLA School of Law's Criminal Justice Program](#) addresses a wide spectrum of issues in criminal law with a vigorous program of education, policy work and research. The Criminal Justice Program produces timely, impactful and collaborative research to generate knowledge and analysis for scholars, practitioners and policymakers.

