

December 3, 2020

The Honorable Elizabeth Warren  
United States Senate  
Washington, DC 20510

The Honorable Ayanna Pressley  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Pressley and Senator Warren:

The undersigned groups and individuals, representing diverse perspectives from the fields of criminal justice, medicine, public policy, and public health, are writing in support of the *COVID-19 in Corrections Data Transparency Act* ([S. 4536/H.R. 7983](#)). The bill requires the collection and reporting of key data on the spread and effect of coronavirus within all of the nation's correctional facilities, and as such, it would serve as critical bedrock for maintaining an adequate response to the pandemic behind bars.

So far, we know that almost 40 of [the nation's largest COVID-19 clusters](#), aside from those on massive college campuses, have occurred in correctional settings. However, we don't know the details, particularly surrounding how COVID-19 in correctional facilities is impacting people of color. The lack of transparency around coronavirus cases, testing, response, and outcomes in these facilities hobbles efforts to provide adequate protection and treatment to incarcerated people and contain the pandemic overall.

Reports on the rapid spread and serious impact of COVID-19 in prisons and jails are alarming and tragic, but unsurprising. Jails and prisons are congregate, crowded, and unsanitary settings. In these conditions, social distancing is nearly impossible, and the novel coronavirus can spread quickly. As of [the week of November 30](#), at least 240,000 people who work or are incarcerated in the nation's prisons and jails have tested positive for COVID-19—and at least 1,450 have died. This collected data, however, fails to provide the depth of information needed to respond to the pandemic behind bars. At the state and local level, we rely on correctional agencies to self-report, and a large majority of prisons and jails are not collecting and reporting their COVID-19 data adequately.

Although we have some baseline information about the overall number of infections and deaths, we are desperately underinformed about [racial and ethnic disparities in COVID-19](#) testing, infections, treatment, hospitalizations, and deaths among those living and working in correctional facilities. And we know that people of color are significantly overrepresented in [jail](#) and [prison](#) populations. These same groups also suffer [disproportionately from a higher rate of chronic health conditions](#) that predispose people to worse outcomes, including death, from COVID-19. We cannot determine the full extent of disparities around the virus until we have data from these facilities broken down by race and ethnicity.

The *COVID in Corrections Data Transparency Act* addresses the aforementioned gaps in data by requiring the collection and reporting of critical weekly information about COVID-19 in jails, prisons, juvenile facilities, and other correctional facilities by:

- Requiring the collection and public reporting by BOP, USMS, and state and local correctional facilities of key COVID-19 data on testing, test results, treatment, use of quarantine and isolation, hospitalization, and case outcomes;
- Mandating data disaggregation by sex, sexual orientation, gender identity, age, race, ethnicity, disability, and geography;
- Directing the CDC to compile all data reported by BOP, USMS, and state and local correctional facilities in a monthly report to Congress; and
- Subjecting states to a noncompliance penalty in the form of a 10% reduction in future Byrne JAG funding.

We greatly appreciate your leadership on behalf of those affected by the compound crises of COVID-19 and mass incarceration, and we thank you for introducing this critical legislation. The situation in our nation's correctional facilities is untenable and must be a core focus of federal efforts to protect the health of all Americans, and we stand ready to support your efforts in these difficult times.

A Little Piece Of Light  
 American Public Health Association  
 Breaking the Chains Of Your Mind  
 Center for Disability Rights  
 Center for Science in the Public Interest  
 Choose One  
 Citizens for Responsibility and Ethics in Washington (CREW)  
 Community Catalyst  
 Community Oriented Correctional Health Services  
 DC Democratic Caucus For Returning Citizens  
 Defending Rights & Dissent  
 Drug Policy Alliance  
 First Focus Campaign for Children  
 From Prison Cells to PhD  
 Government Accountability Project  
 Government Information Watch  
 Health in Justice Action Lab, Northeastern University School of Law  
 Innocence Project  
 Interfaith Action for Human Rights  
 Iowa Freedom of Information Council  
 Juvenile Justice Coalition  
 Law Enforcement Action Partnership  
 Mothers On the Inside  
 NAACP  
 National Association of Criminal Defense Lawyers  
 National Association of Social Workers  
 National Center for Youth Law  
 National Crittenton  
 National Disability Rights Network (NDRN)  
 National Juvenile Defender Center  
 National Juvenile Justice Network

National Women's Health Network  
Open The Government  
Operation Restoration  
Pacific Juvenile Defender Center  
Pennsylvania Prison Society  
Prison Families Anonymous  
R Street Institute  
Reproductive Justice Inside  
Results for America  
Safer Foundation  
Sage Information Services  
StoptheDrugWar.org  
Students for Sensible Drug Policy  
The Brechner Center for Freedom of Information  
The Daniel Initiative  
The Sentencing Project  
Vera Institute of Justice  
VOCAL-NY  
Washington Coalition for Open Government