

February 9, 2021

The Honorable Nancy Pelosi
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader Schumer, and
Minority Leader McConnell:

The undersigned groups and individuals, representing diverse perspectives from the fields of criminal justice, medicine, public policy, and public health, urge you to include the *COVID-19 in Corrections Data Transparency Act* (bill numbers [H.R. 7983/S. 4536](#) in the 116th Congress) in the next federal COVID relief package. 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. Additionally, the bill reflects priorities for correctional settings outlined in President Biden's [National Strategy for the COVID-19 Response and Pandemic Preparedness](#), and Congress should build on the administration's proposal.

Correctional facilities across the country have suffered the very worst impact of the pandemic. Aside from huge college campuses, the [58 largest COVID-19 clusters in the country are in jails and prisons](#). However, we don't know critical details, including how COVID-19 in correctional facilities is impacting people of color. The lack of transparency around coronavirus cases, testing, vaccines, 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. [Data aggregated by The Marshall Project](#) shows that as of the week of February 2, a total of 372,583 incarcerated people in state and federal prisons have tested positive for COVID-19—and 2,359 have died. The available data—almost certainly an undercount—fails to provide the detailed 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, vaccinations, 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, ethnicity, and other demographic characteristics.

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, vaccinations, 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.

For the reasons outlined above, we urge you to include this critical legislation in the next COVID relief package. 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.

cc:

Rep. Steny Hoyer

Rep. James Clyburn

Rep. Katherine Clark

Rep. Hakeem Jeffries

Rep. Steve Scalise

Rep. Liz Cheney

Rep. Gary Palmer

Sen. Dick Durbin

Sen. Patty Murray

Sen. John Thune

Sen. John Barrasso

Sincerely,

A Little Piece of Light

American Civil Liberties Union

American Public Health Association

American-Arab Anti-Discrimination Committee (ADC)

Center for Children's Law and Policy

Coalition for Juvenile Justice
Community Oriented Correctional Health Services
CURE (Citizens United for Rehabilitation of Errants)
Dream Corps JUSTICE
Drug Policy Alliance
FAMM (Families Against Mandatory Minimums)
Federal Public and Community Defenders
First Focus Campaign for Children
Forward Justice Maryland
From Prison Cells to PhD
Government Accountability Project
Government Information Watch
Health in Justice Action Lab, Northeastern University
Interfaith Action for Human Rights
Jewish Council for Public Affairs
Law Enforcement Action Partnership
Legal Action Center
MomsRising
Mothers on the Inside
National Association of Counsel for Children
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Center for Youth Law
National Council of Churches of Christ in the USA (NCC)
National Disability Rights Network (NDRN)
National Freedom of Information Coalition
National Juvenile Justice Network
Ohio Juvenile Justice Coalition
Open The Government
Operation Restoration
Pacific Juvenile Defender Center
Pennsylvania Prison Society
R Street Institute
Reproductive Justice Inside
Results for America
StoptheDrugWar.org
The Sentencing Project
Union for Reform Judaism
Vera Institute of Justice
We Got Us Now
Witness to Mass Incarceration Inc.