**COVID-19 and the Impact on Jails and Prisons
Presented by Judith A.M. Scully**

**Professor of Law
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**SLIDE #1**

The Impact of COVID-19 on Jails and Prisons

Professor Judith A.M. Scully

(Image of Professor Scully)

**Professor Scully >>** Good Afternoon! My name is Professor Judith Scully and I teach Criminal Law, Criminal Procedure, Race in American Law at Stetson Law School. I'm also the coordinator and founder of the Social Justice Advocacy concentration program. And I've been asked today to talk about the impact of COVID-19 on jails and prisons.

**SLIDE #2**

In the mist of every crisis there is great opportunity. Albert Einstein

**Professor Scully >>** I want to start out with a quote by Albert Einstein, “In the midst of every crisis there is great opportunity,” and clearly in the midst of this pandemic, I don't think any of us would disagree that we are in a crisis. And our job really at this point is to find the opportunities.

**SLIDE #3**

Opportunities for Criminal Legal Reform

**Professor Scully >>** And when we're thinking about prisons and jails in particular one of the things that I think that comes to mind automatically, for me, is what are the opportunities for criminal legal reform here. What type of opportunities do we have that this crisis is shedding light on for us, and so I want to spend the next 15 - 20 minutes really talking about what's happening in prisons and jails and what this Covid era is teaching us about reform in the future as well.

**SLIDE #4**

Image of hands sticking out of a jail cell

**SLIDE #5**

What makes the prison and jail population so vulnerable?

* Locked away…generally out of sight
* Overcrowded conditions
* Lack of sanitation
* Most prisoners are low income (cost of soap, cost of medical care)
* Many have health problems
* Unable to effectively advocate for themselves
* Within in the prison environment your rights are diminished

**Professor Scully >>** So, let's start out with really just talking about prison in jail populations what makes them vulnerable, right. What makes this situation in the prisons and jails more difficult than life out in the open, right. Well it's the same things that would make life more difficult without Covid, right, that still exists, right. People are locked away in prison in jails and there out of sight we don't really know what's going on behind those closed doors, behind those closed gates really, right. There is overcrowding in most of our prisons and jails many of them are full, but several prisons and jails are also quite overcrowded. Sometimes there is a lack of sanitation within those, within those buildings. And in terms of the population in prisons and jails most people who are incarcerated are low income. So, what does that mean, well I don't think that most people think about the fact that medical care in prisons actually has a cost to it and so the prisoners who are there are already low income. If they are working, they are earning really low wages, and even a $5 copay for medical care can be obstructive to them actually getting the care that they need, right. So, there's a cost associated with medical care that I think we don't often think about when we think about prisons and jail. There's also a cost to all types of hygienic products, including soap. And so when we think about the low income of the prisoners that becomes a barrier to them being able to get the types of materials that they need during a health crisis within the prison. On top of that many of the prisoners and inmates have health problems they came in with health problems. They may have diabetes, high blood pressure, other types of health problems that would cause complications and make it even worse environment for them in terms of their susceptibility to being severely ill as a result of COVID-19. This population also, because they are locked away and may not have high education, they may also be unable to effectively advocate for themselves and within the prison environment as most of you know your rights are diminished, right. And so your ability to actually advocate for yourself and receive what it is you need is diminished significantly, so it's a very vulnerable population that we're talking about in prison and jail, in general, and when we're thinking about this in terms of a public health crisis like COVID-19, these vulnerabilities are just increased even more.

**SLIDE #6**

COVID Safety Precautions

* Social Distance
* Wash hands/sanitize environment
* Wear mask

**Professor Scully >>** Now during Covid, all of us have been informed that there are three major precautions that we can take in order to protect ourselves. One is to socially distance ourselves from other humans. The other is to make sure that we wash our hands and basically sanitize the environment around us. And whenever possible to wear a mask if we are with other individuals. So those three elements are the main things that keep people safe during these Covid times and in prisons obviously that's going to be very difficult to do because the prisons are overcrowded, social distancing is almost impossible. Because like I said soap cost money and oftentimes sanitizing the prison environment is left to the prisoners themselves, right. Yes, there are facility managers doing prison cleanup as well, but the day to day or hour to hour cleanup is often left to the prisoners themselves. They don't have full-time facilities people in there constantly cleaning up after the prisoners, that's not how this works, and so that environment is not going to be as sanitary as we would need it to be during a health crisis. And in terms of masks this is a question again of whether or not there our personal protective equipment available to prisoners, and we have found that all three of these factors are really posing a problem within the prisons and jails, right. Not being able to socially distance, not being able to keep the environment sanitary or even to wash your hands regularly, and not having the protective equipment that you may need in order to protect yourself.

**SLIDE #7**

High COVID Rates in Prison

* COVID-19 rate for prisoners 5.5 times higher than general population in the United States.
	+ Journal of the American Medical Association (JAMA)

**Professor Scully >>** There's a high rate of Covid in prisons right now. The Journal of the American Medical Association has indicated that COVID-19 rate for prisoners is 5.5 times higher than the general population in the United States. And again, the reason why it is that high is because the protective measures that could have been taken or should be taken can't be taken in many of the prison and jail buildings.

**SLIDE #8**

Great opportunity to Address Mass Incarceration

**Professor Scully >>** So, this really is a great opportunity for us to address mass incarceration cause one of the biggest problems with why it's difficult to keep prisoners safe is because they are so concentrated in such a small area. And so, this is an opportunity for us to begin to question why are we incarcerating people to such a high extent and is it possible for us to change our mentality?

**SLIDE #9**

The US had the largest prison population in the world

* We have only 5% of the world’s total population but house 22-25% of the world’s prison population

(Image of prisoners in orange jumpsuits)

**Professor Scully >>** As you know we have one of the largest prison systems in the world. We have only 5% of the world's population but we have 22 to 25% of the world's prison population. We are known, unfortunately, as the incarceration nation.

**SLIDE #10**

Incarceration rates worldwide

Ranking

Title Prison Population Total

Unites States of America 2121600

China 1710000

Brazil 773151

Russian Federation 511030

India 466084

Thailand 375148

Turkey 286000

Iran 240000

Philippines 215000

Indonesia 210693

**Professor Scully >>** And if you take a look at this chart, you'll see how much more we incarcerate than several other countries. These numbers are actually a couple years old, so it says here that the United States incarcerates about 2.1 million people, that's actually at this point 2.3 million people. When you compare us to other countries, you'll see China is next in line with 1.7 million, so we have hundreds of thousands of more people in prison than China. And if you take a look going down this chart, you'll see that other countries don't even really compare to that 2.3-million-person number at all. Most of the other countries are in hundreds of thousands versus our 2 million, right. So, we are far and above the incarceration rates of most other countries.

**SLIDE #10**

International rates of incarceration

* 6 times Canada
* 9 times Germany
* 19 times india
* 16 times China

**Professor Scully >>** Six times as many incarceration rate as Canada, 9 times the incarceration rate of Germany, 19 times the incarceration rate of India, and 16 times the incarceration rate of China. Which means when we say the incarceration rate we're comparing the number of people who are actually incarcerated as compared to the number of people in the overall population.

**SLIDE #11**

Disproportionate Racial Impact of Prisons is also recognized worldwide

**Professor Scully >>** So the other thing that we're known for besides being the incarceration nation is that we have a disproportionate racial impact in our prisons as well. And that is known worldwide that this is a part of the part parcel of the problem with incarceration in the United States.

**SLIDE #11**

State Total Black Pop. Incarcerated White Pop. Incarcerated

FL 176,000 16% 46% 58% 41%

NJ 39,000 14% 54% 59% 26%

CA 241,000 6% 27% 40% 26%

TN 55,610 17% 44% 76% 51%

**Professor Scully >>** If you take a look at this chart that looks at date incarceration rates, you'll see that in this column this is the overall population, black population, the overall white population, here. And then the other columns are the black population that is incarcerated, and the white population that is incarcerated and you can see in Florida where the black population in general is 16% of the overall population. In Florida, the incarcerated black population is 46% right as compared to the white population that constitutes 58% of the overall population. They’re constituting 41% of the population in prisons and jails so you can see that there's an over representation obviously not just in Florida but in all of the states as well that are listed on this chart and even those that are not this is a general characteristics that we tend to see and over representation of people of color in general in the incarcerated network right as compared to the general population.

**SLIDE #12**

**(Pie Chart)**

US Incarceration Population

Other 122,800

Local Jails 631,000

State Prison 1,291,000

Federal Prisions & Jails 226,00 10%

Other:

Immigration (Cut off)

Youth 44,000

Involuntary Commitment 22,000

Territorial Prision 11,000

Indian Country 2,500

Military 1,300

**Professor Scully >>** So, what does this mean in general, right. We already know 2 problems massive incarceration as well as racial disproportionality and I wanted to just take a moment to take a look at where prisoners are, right, because when we think about incarceration we are actually talking about state prisons, state jails, federal prisons, and also other sorts of prisons like the immigration system has its own prison, the juvenile facilities have their own prisons as well are detention centers. And so, when you look at this chart you can see that there is a small segment here that pertains to the federal prisons and jails. It's about 10% of the overall incarceration rate but what constitutes the majority of the individuals who are incarcerated are those who are in local jails and state prisons, right. And so if we wanted to think about how to best impact mass incarceration both for public health reasons as well as in general, we really need to take a closer look at what's happening at the state level and the local level in terms of the local jails rather than just focusing on the federal prisons because as I said federal prisons and jails constitute a much smaller segment of the incarcerated population.

**SLIDE #13**

Federal Steps to reduce Incarceration

**Professor Scully >>** So, how do we reduce incarceration. Let's start with the federal system what's happening during the Covid era that is impacting the federal prisons.

**SLIDE #14**

US Attorney General Barr

* Attorney General William Barr (March 2020)

Memo encouraging release and home confinement of prisoners who are

* + Nonviolent
	+ Minimal Likelihood of recidivism
	+ Safer at home
	+ Risk assessment algorithm called PATTERN- First Step Act of 2018

**Professor Scully >>** So in March of 2020, which is right about the time that we began to really respond to the threat of Covid, the Attorney General William Barr issued a memo encouraging the release and home confinement of prisoners, not just all prisoners, but particularly prisoners who are classified as being nonviolent, prisoners who had a minimal likelihood of recidivism coming back into the system, prisoners who the Bureau of Prisons believed would be safer at home than in prisons. And they also indicated that part of what they would determine in figuring out who would be released is doing a risk assessment. And so, there's a risk assessment algorithm called PATTERN that was instituted in the Congressional First Step Act of 2018 and this algorithm includes these factors that we're talking about nonviolence, likelihood of recidivism, being safer at home, as well as several other factors. And so the Attorney General basically was saying look we're going to use our risk assessment, we're going to look at these factors, and we're going to release prisoners to eliminate the problems that we know will happen in a crowded environment with the threat of a infectious disease spreading through the prisons, right.

**SLIDE #15**

Federal Policy Results

* Several thousand White Collar Criminals have been released including high profile criminals such as Paul Manafort and Michael Cohen
* Racially disproportionate benefit

**Professor Scully >>** So, from the federal level this is what happens and as a result of this several thousand white collar criminals have been released including high profile criminals such as Paul Manafort and Michael Cohen. Why is that why was it white collar criminals in particular, well what we have found is that the algorithm that is used and the criteria that was articulated by the attorney general as a racially disproportionate benefit to the white criminals and white criminals set generally tend to be in the federal system white collar criminals as well. And So what we're seeing is a disproportionate release and benefit to the white collar criminals as a result of this action by the federal government. But still it is a benefit because the prison population is being reduced, and so it has achieved that goal to some extent. Although critics are saying that this movement towards releasing prisoners who qualify for release is going very slow.

**SLIDE #16**

Compassionate Release

* Medically Vulnerable and Aging Prisoners under CARES (Corona Virus Aid, Relief and Economic Security) Act
* Families Against Mandatory Minimums (FAMM)

**Professor Scully >>** And there is another way in which federal prisoners can be released through the Compassionate Release Program. And this element of release was really articulated in the Coronavirus Aid Relief and Economic Security Act and what the Compassionate Release Program focuses on is the release of medically vulnerable and aging prisoners right and so it goes a bit beyond the memo that the Attorney General authored around that benefited the white collar criminals and instead looks at individuals who are aging out of the system, who have served long prison sentences, and who may have complicated medical histories that make them more vulnerable to severe illness as a result of the coronavirus. We're seeing nonprofit organizations like Families Against Mandatory Minimums recruiting pro bono attorneys to help file these petitions for compassionate release. And in fact, Stetson law school next semester, this semester really, in the fall semester will be working with the Federal Defender’s Program to match up law students with federal defender attorneys to file these types of petitions. And so, the combination between Attorney General's memo and the Compassionate Release Program is helping to alleviate the number of people who are in prison, in federal prisons in particular, right. This only applies to federal prisoners.

**SLIDE #17**

Focus on Jails

**Professor Scully >>** And, so what if we step back from the federal prison situation which I mentioned was only about 10% of the overall prison population and focus instead on what's happening in jails during the Covid era. By what's happening locally, not at the federal level, but at the local and state level.

**SLIDE #18**

Local Jail Population nationwide 2020

(Image of brown fists and a pie chart)

Convicted 161,000 26%

Not Convicted 470,000 74%

https://www.prisonpoilicy.org/reports/ple2020.html

**Professor Scully >>** And if you take a look at this chart you'll see that when we're talking about jails we're primarily talking about people who have not been convicted, right, only about 26% of people who are in local jails nationwide have been convicted and generally speaking you have to be convicted of a crime that requires incarceration of less than a year, right. So we're not generally talking about individuals who have committed violent crimes, we're talking about individuals who have committed minor offenses, nonviolent offenses, and the majority of people were locked up in the jail in our local and state arena have not been convicted of anything right. 74% of them not convicted.

**SLIDE #19**

Local Jail Population - Florida March, 2020

Total: 50,924

Juvenile: 324

Sentenced 9,956 22%

Probation Violations (Technical) 4,071 9%

Awaiting Sentencing 534 1%

Pretrial 30,801 68%

**Professor Scully >>** This is a chart on what's happening in Florida and you can see that that same phenomena that exists in the nation exists in Florida as well. 68% of the people who are in our local jails are awaiting trial, they have not been found guilty of any offenses, right, they’re just waiting on trial.

**SLIDE #20**

Bail

* Two-tiered system of justice
	+ One for those who can pay
	+ One for those who cannot

**Professor Scully >>** Why is that? Well for many reasons goes to our bail system. Why would people who have committed nonviolence, for the most part petty offenses, be locked up in jails? Well our bail system is a two-tiered system of justice, right. Bail as you know is enacted in order to ensure that the defendant shows back up for court, you pay some money, if you can pay the money than the thought is that you will return because you have a stake in the system and you also may have community ties so you're likely to show back up for court. But what we're finding is obviously some people can pay bail and get out of jail, they've committed the same sort of offenses as those individuals who are locked up. But the individuals who are locked up are individuals who cannot pay their bail - they simply don't have the means, the money, the resources, in order to buy their way out of being incarcerated. And so this tells us, right, that there are many people who are locked up in jails that may not need to be there, right, because the individuals who have money have committed the same offenses are free and the only difference between those who are locked up and those who aren't, well the only difference is that there is money in one instance and no money in the other.

**SLIDE #21**

Bail Reform Advocates Argue

* Presumed innocent but confined to jail for inability to pay bail.
* Unconstitutional discrimination against poor people in violation of due process and equal protection.

**Professor Scully >>** So bail reform advocates are arguing and have been arguing before the Covid era as well as during the Covid era that you know we claim that we have this presumption of innocence that's built into our criminal legal system and if you're presumed innocent you shouldn't be confined right to jail. Particularly when we're talking about your inability to pay that's the only reason why you're confined that seems to be unconstitutional is what the advocates for bail reform are arguing, and they're saying it's unconstitutional discrimination against poor people in violation of their due process and equal protection rights, right. And so this whole segment of the jail population really requires us to take a little deeper look at them because as I said earlier the question is “should they even be incarcerated” is there some way that we can diminish the jail population, right, and make it safer for the inmates that are in there because this is not going to be our last public health crisis, right. And so, we're going to have to continue to think about ways in which we can make our jails and prisons safer, not just during Covid times, but in the future as well.

**SLIDE #22**

Bail Reform Advocates argue

* Establish Local Bail Funds
* Hold Affordability Hearings Prior to Establishing Bond
* Eliminate Cash Bail
* Instituting these changes = decrease in incarceration & conviction rates

**Professor Scully >>** So, what do the advocates argue for when they're talking about real bail reform. One of the things that is argued is that we should establish local bail funds. Which would be nonprofit organizations actually raising money in order to help individuals who can't pay their bail to pay it. And getting them out of jail as soon as possible, so that they can return to their families, return to their communities, and return to their jobs. Because once they are in jail, there's a big threat that, that interruption, that inability to get to work may result in them actually losing their jobs and ultimately losing everything else as well their homes, their apartments, their cars as well. And so, the local bail fund movement has stepped in and has helped reduce the number of individuals who actually remain locked up in jail because of a lack of funding. The other thing that bail refund, sorry bail reform advocates argue, is that we should hold affordability hearings prior to establishing bond. So, that the courts actually should question individuals to find out what they are capable of paying, right, in terms of bail and make bail actually accessible as opposed to inaccessible. And then the third argument is or the third reform measure would be eliminate cash bail altogether. Why do we need it, right? There are quite a few states that are moving in that direction - that are just simply saying - the better public policy for us is to eliminate cash bail. We've had varying success with this New Jersey is an example of a state that has eliminated cash bail and has done quite well without any real repercussions as a result of it, but on the other hand we have New York that tried to eliminate cash bail, that did eliminate cash bail, but got a lot of pressure to change the law as a result of rising crime rates. And so, we need to study this issue to figure out what is the best way to eliminate cash bail, for what categories of crime should we be eliminating cash bail, what are the alternatives, right. There are several states including Illinois and Colorado that are at this very moment considering eliminating cash bail as well. Not just because of the Covid era because of mass incarceration in general and the need to reduce the population within prisons and jails. So instituting these types of changes will not only decrease incarceration, but I think it's really, or incarceration I'm sorry, it would also reduce the conviction rates because one of the things that we know about bail is that when an individual cannot make bail and they are locked up, they are more likely to plead guilty to the crimes that they have been charged with. And so, by granting individuals bail or eliminating bail altogether granting them bail they can afford or eliminating the bail altogether and we would probably also see a decrease in conviction rates as well. Which does nothing but good for society right because these individuals remain without a strike on their record and they're able to maintain employment, they're able to maintain a lot of other privileges that they would have lost had they been incarcerated.

**SLIDE #23**

What has the actual response by states been during the COVID era?

* Release jail inmates accused of nonviolent crimes who pose no threat to public safety
	+ Individualized review of cases

**Professor Scully >>** So, what have the individual responses by states been around jail incarceration issues during the Covid era. We have seen as I said several states responding to this by releasing jail inmates accused of nonviolent crimes who pose no threat to public safety. There's been individualized review of cases, right. Where the prosecutors and defense attorneys have gotten together they've looked at the entire list, this happened in New Jersey quite early on, right, and this was as I said a state that doesn't have cash bail, and so they were really looking at inmates who had been convicted, who were not awaiting trial, but had already been sentenced, but who were accused or sentenced to nonviolent charges. And the prosecutors and defense attorneys got together looked at all of these cases, put it in the context of an infectious disease running rampant through - the possibility of an infectious disease running rampant through the jail system - and said look for public health and public safety reasons it is in the best interest of the state for us to review these cases and release those who don't need to be here, right. And by doing that, right, not just in New Jersey, but in general by doing that we're simply saying maybe everyone who is in jail doesn't really need to be there. And that gives us an opportunity to think about how we can reconstruct our policies related to prisons and jails in the future, even without the public health threat.

**SLIDE #24**

Another Reform to impact Incarceration: Fines & Fees

* Eliminate Excessive Fees
* Stop Driver License Suspensions
* Conduct Affordability Hearings

**Professor Scully >>** Why are we incarcerating so many people? And we should be asking ourselves well who should be in jail then, right, and it seems that as if the states are saying they already recognized that nonviolent offenders don't pose the same risks as violent offenders. We all see that, but the states are actually saying it's not in our best interest to continue, right, to incarcerate these individuals in jails and prisons. Well jails specifically is what we're talking about now. Another way to impact the incarceration rate is to pay attention to the individuals who are incarcerated in jails for their failure to pay fees and fines, right. So these individuals are also being subjected to what I think we have to say is, nothing but a debtors prison right. They are unable to pay a fine associated with an offense sometimes, let's say you get a speeding ticket you don't pay the speeding ticket because you don't have the money, your driver’s license is then suspended for failure to pay the ticket, and then let's say your tail light is out and you get stopped by a police officer and the police officer sees that your driver’s license is suspended and you get arrested and incarcerated for driving on a suspended license. And then additional fees are attached to this, right, not just the fine for your speeding ticket, but the fees for having to process you through the legal system and sometimes you know this $100 ticket or $90.00 ticket turns into a $400 $500 ordeal for you because the fees that are attached on double triple sometimes quadruple the amount of money that you owe the state. So, individuals are locked up again for their inability to pay fees and fines, and this is clearly problematic in terms of the numbers of people who are being incarcerated. Do these individuals really need to be in jail? Is there some other way of dealing with this? And once again on the suggestion is that we eliminate excessive fees, particularly for those who can afford to pay them, right, and we should be in the courthouse is having the judges conduct affordability hearings. So that we're not unnecessarily incarcerating individuals and certainly not incarcerating them simply because they cannot pay fees and fines. So this is an area again that really is magnified under the Covid era because when we take a close look at who is incarcerated and why they are incarcerated we begin to see that a lot of the incarceration, significant amount of the incarceration, may not even be necessary at all. And if we can eliminate the overcrowding and spread people out, we are more likely to reduce the spread of infectious diseases during a public health crisis within the jails in prisons. Really straightforward and simple. Reduce the prison population to reduce the health risk within the prison population.

**SLIDE #25**

Building momentum for reform post-COVID

* As prison and jail populations decline, we must ask ourselves why are we incarcerating so many people? Who does it serve?
* Can we imagine a new society where low-income people and people of color are not disproportionately impacted by prisons and jail policies? And where our prisons are not full or overcrowded?

**Professor Scully >>** So, what does all of this tell us in terms of building for reform in the post Covid era. Well as prison and jail populations decline, we have to ask ourselves but as I said earlier why are we doing this? who does this serve? And really can we imagine a society where low-income people and people of color are not disproportionately impacted by prison and jail policies. And can we imagine a society where our prisons are not full or overcrowded. Can we imagine that? And if we can, what policies do we need to put in place in order to make that our reality. And I discussed several of them but looking more deeply at these issues I think there are more creative and innovative legislative proposals that could be made that would make our society both safer inside and outside of prisons as well.

**SLIDE #26**

Momentum for Reform

* Can we reassess our society’s penchant for locking people up for the inability to pay…i.e. can we end debtor prisoners? Can we end cash bail?
* Can we decarcerate and improve the conditions of our society?

**Professor Scully >>** Can we end debtor prisons, right, which was one of the big issue that I've been focused on today? Can we end cash bail maybe another issue? And can we decarcerate and improve the conditions of our society, taking into consideration both public health issues as well as public safety issues, right. Not the decarcerating and causing more crime but decarcerating individuals in a way that will keep crime at a minimal level right and also keep people out of prison.

**SLIDE #27**

Valentine v. Collier, U.S. Supreme Court (May 2020

* Dissent by Justices Sotomayor and Ginsburg:
	+ A society’s worth can be judged by taking stock of its prisions…May we hope that our country’s facilities serve as models rather than cautionary tales.

**Professor Scully >>** In a case called Valentine vs. Collier, there was a lawsuit filed in May of 2020. And this Supreme Court, this case made it to the Supreme Court of the United States. And Justice Sotomayor and Justice Ginsburg in their dissent from this opinion made a statement that said “a societies work can be judged by taking stock of its prisons” it went on to say, “May we hope that our country's facilities serve as models rather than cautionary tales.” Now this case is a COVID-19 case, right. This is a group of Texas prisoners filing a lawsuit, they are primarily prisoners over the age of 65 years old, they were locked up in a prison where there's 1200 inmates and 800 of those inmates were 65 years or older. it's a minimum-security prison and so they're only half walls between the cells which means that the prisoners were very close in contact with each other and their breathing space is very close and shared. And there was a concern because a prisoner had died of Covid there, and the hygienic conditions in this minimum-security prison were not very good. And the prisoners claimed that they needed for the courts to intervene in order to protect them. And the trial court, the district level court, found that there actually was deliberate indifference on the part of the prison to ignore the needs of the prisoners. That they were not in safe conditions. The cleaning and cleaning sanitary, hygienic nature of the prisons was below par and it wasn't even meeting the standards that it should have met without there being an infectious disease, right, just during normal circumstances - the District Court found this could not have been satisfactory. And so, the District Court issued an injunction and told the prison that it had to follow hygienic procedures and it articulated what those procedures would be in order to protect the prisoners. And it also held at the District Court level, the court held that they there was a need to increase prisoner education about what they could do to protect themselves, right, the social distancing, using protective equipment, and washing hands and keeping the area sanitary. That education needed to happen with the prisoners as well. The court heard from expert witness testimony from a wide variety of people including prison officials. They went to visit the prison as well and came to the conclusion that yes this is a violation and an injunction was ordered. The prison appeals and the 5th Circuit Court of Appeals stayed the injunction on the grounds that the prisoners should have exhausted the internal procedures at the prison, the grievance procedures, before filing the lawsuit. And the prisoners then from this appellate decision appealed to the Supreme Court seeking relief. And what's interesting about this case is that US Supreme Court majority decision was to not hear the case at all and normally, when a case is not heard that's all the court says is one thing, one sentence, the petition is denied. In this instance Justice Sotomayor and Justice Ginsburg felt it necessary to file a dissent to this decision not to hear this case. And they were concerned about the prison and jail conditions in the United States and they took the opportunity in their dissent to really talk about how important it is for us to protect those who are most vulnerable in our society which includes prisoners and inmates in jails. I just think that this statement that they made about the societies worth being judged by taking stock of its prisons is really an important statement for us all to think about during this time period and for us to be working towards decarcerating our prisons and jails to be thinking about permanent solutions as we move forward to how this time in Covid is showing us right that we can release prisoners, that we can release inmates, and that we can really form a better society both inside the prisons and outside the prisons as well. So I'll leave you with the words of our Supreme Court justices to think about how we can really use this time period to improve the way in which we run our criminal legal system.