



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Via Email

Chief Peter Newsham
300 Indiana Avenue, NW
Room 5059
Washington, DC 20001

March 14, 2020

Re: COVID-19 and the Metropolitan Police Department

Dear Chief Newsham:

The Washington Lawyers' Committee for Civil Rights and Urban Affairs (the Committee) strongly urges you to take immediate steps to reduce the number of custodial arrests made by MPD officers during the COVID-19 crisis. Specifically, you should instruct MPD officers to issue citations instead of making custodial arrests wherever possible; not to arrest on bench warrants; and not to make any arrest that likely will result in only a short-term detention in the jail. Additionally, since children are out of school and likely to be congregating in public settings, MPD officers should be especially vigilant that interactions with youth do not result in arrest and that any minors that officers believe absolutely must be detained are delivered home rather than to a custodial setting. We strongly encourage you to employ community policing principles, de-escalation tactics, and non-law enforcement entities, such as violence interrupters, to preserve public safety without the need to arrest. Of course, the Committee believes that this always should be MPD's policy. But implementing these measures has become a necessary public health precaution given the risks that COVID-19 poses in a jail setting.

A COVID-19 outbreak in the jail will endanger the lives of prisoners, staff and the public. The risks to prisoners are compounded by several factors. First, many prisoners are high risk: prisoners have a higher rate of chronic illness than the general population with conditions related to chronic poverty, drug use and trauma. Second, the medical system already is stretched thin and unprepared for a widespread outbreak. These risks are inherent in a jail setting. There are important steps that corrections officials can and should take to reduce the risk. However, the nature of a jail setting is incompatible with prevention of the spread this virus. If the virus enters the jail, it will be almost impossible to contain. The most significant step the City should take is to reduce the population at the Jail.

The high turn-over at the jail, coupled with the fact that hundreds of staff come and go each day, compounds the risks. Each year, approximately 10,000 people are booked into the jail and more than 20% of them have a length of stay of seven days or less. Many are held for very short periods because the prosecutor has requested a "hold"

while the case is investigated. MPD can save lives by ensuring officers do not place anyone in the jail who can safely remain in the community.

Jurisdictions around the world have recognized the risk that a COVID-19 outbreak in a prison or jail poses to public health. For example, several law enforcement agencies in the Dallas region have asked officers to cite and release people suspected of low-level offenses instead of arresting them.¹ Efforts to lower the jail population also were enacted in other countries, including Iran, which temporarily released tens of thousands of prisoners to prevent an outbreak.²

The city is taking unprecedented measures to protect public health during this pandemic. The Mayor has closed schools for at least two weeks and the District government has closed. MPD should ensure that it is not undermining these important steps by unnecessarily contributing to the population of the jail. We understand that MPD already has committed to taking at least some of these steps. We urge you to ensure officers understand the importance of them and are carrying them out effectively.

Thank you very much. Please let me know if we can provide additional information or be of assistance.

Sincerely,

Emily A. Gunston
Deputy Legal Director
Washington Lawyers' Committee for Civil Rights
and Urban Affairs

¹ “Facing coronavirus concerns, Collin County sheriff asks police not to bring petty criminals to jail,” Charles Scudder, Dallas Morning News, March 12, 2020, available at <https://www.dallasnews.com/news/public-health/2020/03/12/facing-coronavirus-concerns-collin-county-sheriff-asks-police-not-to-bring-petty-criminals-to-jail/>

² “Iran Releases Prisoners on a Temporary Basis to Halt the Spread of the Coronavirus,” Aresu Egbali and Isabel Coles, The Wall Street Journal, March 3, 2020, available at <https://www.wsj.com/articles/iran-releases-prisoners-on-a-temporary-basis-to-halt-the-spread-of-the-coronavirus-11583244155>