

# Austin American-Statesman

## Incarceration amid pandemic can be a matter of life and death

Jorge Antonio Renaud and Carolina Canizales

April 22, 2020

Gov. Greg Abbott issued an executive order last month prohibiting the release of inmates on personal bonds if they were accused or convicted of a violent crime. The order allowed their release only if they paid cash bail.

The order was in response to counties addressing the challenges posed by the COVID-19 pandemic and their inability to guarantee the health and safety of inmates and the staff assigned to watch over them.

This order propagates the existence of cash bail and dehumanizes and relegates to the trash heap anyone convicted of violent crimes. Release from jail should never be predicated upon one's ability to pay cash bail. Abbott trumpets the danger posed by the release of anyone with a history of physical violence, then irrationally allows release of these individuals if they can post cash bail.

Worse, Abbott has decided that in this period of crisis some Texans are deserving of life and others are not. LatinoJustice and the Immigrant Legal Resource Center reject his stance. We assert that everyone in a Texas cage is worthy of compassion and consideration for release, not just those nearing the end of their sentence, or those of a certain age, or afflicted with certain illnesses, or convicted of offenses deemed minor or lesser.

Our criminal justice system is racist and overly punitive. A Cato Institute report cited "persistent, measurable, widespread, and common racial disparities in criminal justice enforcement." The American desire to cage individuals stems from a lack of imagination, from a refusal to concede that other systems of justice exist.

This is the prison abolitionist argument in a nutshell. The abolitionist argument does not say that all individuals must be released immediately from jails and prisons, although the pandemic provides an opportunity to begin that process. It does not argue that certain people who commit certain crimes must not be separated from society for a length of time. It does not argue against accountability.

We are in the midst of a pandemic, which threatens the caged and their keepers equally. Neither governments nor institutions can fully provide the care and compassion needed and deserved by everyone in a cage in Texas. Americans are taught to not care about caged individuals, that because they have committed crimes we can ignore their humanity. But this much is clear:

- Jails and prisons offer only the most rudimentary health care and are incapable of providing the expensive, professional care necessary for individuals who contract the virus.

- It is impossible to impose and enforce social distancing in jails, prisons, leading to the inevitable spread of the virus.
- Those same institutions are unable to provide anything but the most basic sanitary or personal protective equipment necessary to prevent the rapid spread of COVID-19.
- The staff who work in jails and prisons will invariably be exposed to the same dangers as those who are incarcerated and will then return to their homes and families, putting them at unnecessary risk.

We call upon Texas courts, district attorneys and prosecutors to declare a halt to the machinery of prosecution and incarceration and begin the process of returning all caged individuals to their communities, regardless of their crime, following a period of assessment of their needs and of their communities' ability to provide for them.

Criminalizing behavior and consigning humans to cages will never be solutions to the underlying roots of crime: economic injustice, addiction, homelessness and mental illness. As a society, we must demand that our government and institutions work harder to establish permanent nonpunitive solutions to address the social challenges we face.