

## **MOTION OF THE COUNCIL OF ALLEGHENY COUNTY**

Expressing the sense of Council regarding the County Jail staff and inmate population, and the Council's desire to continue efforts to minimize any potential deleterious impact of the County Jail on the health, safety and well-being of the community at large during the COVID-19 pandemic.

**Whereas**, the Allegheny County Chief Executive has declared that the COVID-19 pandemic constitutes a public emergency in Allegheny County;

**Whereas**, Section 5-311.06 of the Administrative Code of Allegheny County provides that “[i]n the event of a public emergency declared by the Chief Executive affecting life, health, safety or property, County Council may adopt by an affirmative vote of at least a majority of the seated members one or more emergency ordinances or resolutions.”; and

**Whereas**, more than 2,100 people are generally held in the Allegheny County Jail (ACJ) in crowded conditions that involve sharing cells, eating quarters, recreation areas, sinks, toilets, and all other amenities and facilities; and

**Whereas**, hundreds of staff, defense attorneys, contractors, and other individuals enter and leave the facility each day, returning to their families and communities throughout Allegheny County, potentially carrying infections from the jail to their homes and communities and vice versa; and

**Whereas**, more than 80% of those at ACJ are not convicted of any criminal offense; instead, 44% are held on alleged violations of probation, many of them technical violations or based on non-violent charges; 28% of them are held pretrial, with their presumption of innocence intact; countless numbers are held simply because they cannot afford cash bail; and

**Whereas**, the jail population includes a substantial number of individuals at heightened risk for suffering the most severe impacts of COVID-19, including elderly people, people with asthma and other respiratory conditions, heart conditions, and compromised immune symptoms; and

**Whereas**, an outbreak of coronavirus in the ACJ will potentially be catastrophic, as the facility currently has approximately 45 health care positions un-filled – it is severely understaffed – and older people, those with respiratory and heart conditions, and those with weakened immune systems could immediately overflow the infirmary in the event of a widespread outbreak, and dramatically contribute to overflowing our local hospital capacity in the process; and

**Whereas**, it is the judgment of Council that an outbreak would be nearly impossible to contain within the ACJ, as most people are double-celled, and inmates eat together, shower in the same places, and share toilets; and

**Whereas**, the ACJ inmates often lack hygiene items, which are vitally important in fighting the spread of COVID-19, and the system for distribution of hygiene items, clean linens, disinfectants, and the like is not optimized to minimize disease transmission amid a pandemic, and staff and other individuals in the ACJ will carry this virus back to their families and communities once they are exposed to it; and

**Whereas**, public health experts are advising that we practice social distancing that is simply not possible at ACJ; and

**Whereas**, the Council wishes to commend the Allegheny County Court of Common Pleas, District Attorney of Allegheny County, the defense bar, and the County Jail for efforts that have already been undertaken to release individuals who pose no threat to their community, and desires to see those efforts continued throughout the course of the COVID-19 pandemic;

***The Council of the County of Allegheny therefore hereby moves as follows:***

Pursuant to the terms of this Motion, the Allegheny County Jail and alternative housing facilities located within Allegheny County are hereby asked to continue substantial reductions of their populations by releasing individuals in order to limit the spread of COVID-19 within the jail and to the broader community, and to reduce the risks and burdens upon correctional staff at this time of emergency. The Council specifically requests that the following classes of individuals receive particularly strong consideration for release:

- Those alleged to have committed a technical probation or parole violation;
- Those alleged to have violated probation or parole by committing a misdemeanor and/or non-violent offense;
- Anybody charged with a misdemeanor and awaiting trial;
- Anybody charged with drug possession, sex work, or other nonviolent offenses and who is awaiting trial;

***The Council hereby further moves that:***

For any individuals currently held in Allegheny County Jail or alternative housing facilities that do not fall into any of the above-mentioned categories, an individualized review should take place. The Council expressly requests that these reviews include individuals who have been convicted of a crime and are serving a sentence which includes a term of incarceration in Allegheny County Jail. In particular, the Council requests that individualized reviews should be expedited for:

- All elderly individuals (over 50) and those at high risk of vulnerability, including but not limited to those with respiratory conditions, heart conditions, diabetes, cancer, or other autoimmune diseases;
- All pregnant and post-partum individuals;
- All children younger than 18 years of age.

***The Council hereby further moves that:***

The Allegheny County Jail is further requested to work collaboratively with the Criminal Division of the Court of Common Pleas, the Allegheny County District Attorney's office, Office of the Public Defender of Allegheny County, as well as the United States Federal Court for the Western District of Pennsylvania, the United States Attorney for the Western District of Pennsylvania, and the Federal Public Defender for Western Pennsylvania to ensure that the above-listed categories are heretofore excluded from confinement at the Allegheny County Jail during the pendency of this emergency.

***PRIMARY SPONSOR: COUNCIL MEMBER HALLAM***

***CO-SPONSORS:***

*Read and approved in Council, this* 7<sup>th</sup> *day of* April, 2020,

*Council Agenda No.* 1146720



**Patrick Catena  
President of Council**

*Attest:*



**Jared E. Barker, Chief Clerk  
Allegheny County Council**