



Allegheny County Council

County of Allegheny
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Legislation Text

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An Ordinance of the County of Allegheny directing the implementation of certain strategies for the mitigation of disease transmission within and outside the Allegheny County Jail.

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 currently 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 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;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

Pursuant to the terms of this Ordinance, the Allegheny County Jail and alternative housing facilities located within Allegheny County are hereby directed to immediately undertake substantial reduction of their population by releasing the following categories of people incarcerated there 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:

- 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;
- 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. This will explicitly include who have been convicted of a crime and are serving a sentence which includes a term of incarceration in Allegheny County Jail.
- In particular, individualized review should be expedited for:
 - All elderly individuals (over 50) and those at high risk of vulnerability, including but not limited 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.

SECTION 2.

The Allegheny County Jail is further directed 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.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.