

FREE THEM ALL

The double crisis of human caging and COVID-19 in New Jersey and how to end it

EXECUTIVE SUMMARY



The United States of America is a carceral society: it currently imprisons, jails, and detains nearly 2 million people, far more than any other nation on the planet, and spends billions of dollars every year to do it—all in the name of “public safety.” “If incarceration worked to secure safety,” author and restorative justice practitioner Danielle Sered writes, “we would be the safest nation in all of human history.” And yet, we are far from it. The reason is simple: incarceration and policing have never been about ensuring safety for all.

Before the emergence of the COVID-19 pandemic, prisons, jails, and detention centers were already sites of social and physical death, which is to say sites of perpetual crisis. Even when they don’t literally take life, carceral institutions take years off the lives of people trapped inside them. With the emergence of COVID-19, the inherent danger of prisons, jails, and detention centers reached new and terrifying proportions.

As sociologist Brittany Friedman writes, “The pandemic has made the public very much aware of the reality that prison has always been a death sentence. Prior to COVID-19, much of the public just was not paying attention.”

The purpose of this report is to invite more of the public, particularly in New Jersey, to pay attention. Deadly carceral conditions combined with a deadly pandemic presents a double crisis that the broader public still has not fully reckoned with, largely because to reckon with this double crisis would jeopardize the legitimacy of—and thereby begin to dismantle—the carceral institutions that made it possible in the first place. The testimonies of people who were incarcerated in New Jersey state prisons and immigration detention centers during the pandemic that shape this report help us understand the nature and scope of the double crisis of human caging and COVID-19, and enable us to chart the course we must take together to end it.

FINDINGS

- 1** Prisons, jails, and immigration detention centers in New Jersey are structurally incapable of providing for the wellbeing of imprisoned people generally, and especially during a deadly pandemic during which officials have been largely unwilling to take any reasonable or humane measures to mitigate the risk of widespread infection within their facilities.
- 2** Officials, officers, and medical staff at prisons, jails, and immigration detention centers in New Jersey engage in widespread and systematic medical neglect that results in suffering and death.
- 3** Prisons, jails, and immigration detention centers in New Jersey have used the pandemic as a basis for expanding punitive isolation and deprivation against people in their custody.

RECOMMENDATIONS

FOR IMMIGRATION DETENTION

- Release all people currently incarcerated in immigration detention centers—not transfer or deport, but release.
- Defund and ultimately abolish Immigration and Customs Enforcement (ICE).
- Repeal the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA).
- Create a clear and accessible pathway to citizenship for all those seeking it.
- Provide resources for those seeking refuge, asylum, and citizenship in the U.S.

Until ICE is disbanded, all detention facilities are emptied and closed, and a clear and accessible pathway to citizenship is established for all who seek it, we must also:

- Make release the norm not the exception and ensure timely review of release requests.
- Provide legal representation for all people detained in immigration detention centers.
- Overhaul COVID-19 protocols and improve infirmaries and medical care inside detention centers and eliminate quarantine in conditions of severe isolation and deprivation.
- Improve food, increase programming opportunities, and expand accessible means of communication with attorneys and loved ones for all people in detention.
- Humanize and institute oversight for all detention operations.

FOR STATE PRISONS AND COUNTY JAILS

- Release all people currently incarcerated in state prisons and county jails, ultimately abolishing prisons and jails altogether.
- Make New Jersey’s public health emergency legislation invulnerable to reversal by state officials.
- Pass legislation that institutes mass decarceration as a matter of public safety that can be used beyond public health emergencies.
- Ensure that fewer people enter jails and prisons in the first place by decriminalizing offenses and by defunding and ultimately abolishing police, as well as courts, jails, and prisons, and by increasing investments in public goods and alternative responses to harm that actually create safe and thriving communities.

Until mass decarceration on the road to abolition becomes reality, we must also:

- Overhaul and humanize COVID-19 protocols by eliminating quarantine in conditions of severe isolation and deprivation in prisons and jails.
- Overhaul and improve medical care inside prisons and jails.
- Reinstigate resources, services, and programming that improve the lives of people in prisons and jails.
- Conduct new research on the positive impacts of mass decarceration efforts.

Produced by the **New Jersey Immigrant Rights Program** and **New Jersey Prison Watch Program** of the American Friends Service Committee. Writing and interviews by Andrew Krinks, Leading Edge Fellow, American Council of Learned Societies. (Citations and complete credits are available in the full report.)

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