March 23, 2020

The Criminal Justice Community Engagement Workgroup (CJCEW)
Pennington County Safety & Justice Challenge
Rapid City, SD 57701

Criminal Justice System Leaders of Pennington County
Rapid City, SD 57701

Dear Pennington Criminal Justice System Leaders:

As many of you know, the CJCEW (Criminal Justice Community Engagement Workgroup) was formed in the Fall of 2019 as a result of Pennington County’s Safety and Justice Challenge (SJC), funded by the John D. and Catherine T. MacArthur Foundation. The overarching goal of the Pennington County SJC is to reduce the Pennington County Jail population in a fair way that also continues to protect the safety of the community. The CJCEW was formed as an outgrowth of that effort to engage the community to find community-based solutions to assist incarcerated persons in transitioning out of jail and to aid formerly-incarcerated persons in staying out of jail. Our workgroup consists of fourteen (14) members including twelve (12) community members who are either formerly-incarcerated individuals, direct family members of incarcerated individuals, or victims of crimes, in addition to two (2) criminal justice system workers.

With the global COVID-19 pandemic beginning to take effect in our county, our workgroup members are fielding multiple questions and increasing concern from their families and community members about what steps Pennington County Criminal Justice System Leaders are taking to protect individuals currently incarcerated in the Pennington County Jail. We have seen that our national public health experts are recommending restrictions on gatherings of persons and social distancing, and we are concerned that our incarcerated community members may be at a higher risk of transmission in a crowded incarcerated setting—a fact further compounded if an incarcerated individual is in a vulnerable category (individuals over 60 years of age, or with an underlying health condition). In addition, we are receiving questions about steps being taken to protect individuals with court hearings which would require them to attend public settings.

As a workgroup, we ask our leaders in the Pennington County Criminal Justice System if they are adhering to the below recommendations that are currently being recommended by the ACLU to protect our incarcerated or justice-system involved individuals. The ACLU recommends the following for:

**Law Enforcement Officers:** To stop arresting people for minor offenses and, in other circumstances, issue citations in lieu of arrest so that people can return home, balancing the need for arrest with the public safety concerns presented by the coronavirus.

**Prosecutors:** To avoid cash bail requests and move for release in cases where pretrial detention is the least restrictive means necessary to ensure a person’s return to court while still protecting public safety. They should also institute a review-and-release protocol in cases which bail was already sought in the past 30 days and the person is currently detained.
Judges: To allow anyone with an open criminal case and upcoming hearing the chance to voluntarily waive that hearing or conduct that hearing via telephone or video conference.

Sheriffs: To ensure that jail facilities are as empty, safe and clean as possible and that hygiene products are free and readily available to incarcerated people and staff.

Probation: To expedite and expand release opportunities for incarcerated people, reducing the population in prisons as recommended by health experts.

According to the director of the ACLU’s Justice Division, Udi Ofer, “Public health experts recognize that there is a heightened risk of infection for people who are involved in the criminal legal system, and that downsizing the footprint of the criminal legal system should be a part of the COVID-19 public health response.”

We respectfully ask that you respond and let us know what steps are being taken to address these concerns, as well as identify areas where additional steps need to be taken. In addition, we would like to know where to direct community members who are concerned about an incarcerated family member who they believe is especially vulnerable to the coronavirus. We want to ensure implementation of policies that will limit the threats presented by this public health crisis.

Sincerely,
The CJCEW

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