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**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL,
LEONDIS BERRY, and THEODORE ROOSEVELT RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of Washington, and STEPHEN
SINCLAIR, Secretary of the Washington State Department of
Corrections,

Respondents.

**BRIEF OF AMICI CURIAE COVID-19 MUTUAL AID SEATTLE,
COMMUNITY PASSAGEWAYS, AND SURGE REPRODUCTIVE
JUSTICE IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

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I. IDENTITY AND INTEREST OF AMICI

COVID-19 Mutual Aid Seattle is an ad-hoc, grassroots collective of community organizers and volunteers in and around King County, Washington. COVID-19 Mutual Aid Seattle was formed in March 2020 in response to the COVID-19 global pandemic and is one of many similar mutual aid organizations around the country. Since its inception, COVID-19 Mutual Aid Seattle has provided a platform for identifying needs, sharing support, and mobilizing resources where they are needed the most. COVID-19 Mutual Aid is devoted to supporting community members reciprocally, equitably, from the ground up, and through a lens of class solidarity, disability justice, anti-racism, and abolition.

Community Passageways was founded in King County in 2017 with a vision of reaching zero youth incarceration. Community Passageways is a non-profit agency that creates alternatives to incarceration for youth and young adults by rebuilding communities through committed relationships centered on love, compassion, and consistency. They serve their clients through strategies around prevention, diversion, support, and reintegration. Community Passageways serves community members who are currently incarcerated as well as clients who have family incarcerated in Washington State.

Surge Reproductive Justice is a King County based non-profit mobilizing communities to make self-determined choices for their bodies and the future of their families and communities. Surge’s work centers Black women, women of color, queer and trans people of color, and people who are incarcerated. Its values include promoting reproductive justice for people birthing, parenting, and experiencing postpartum in prison by promoting community-based alternatives to imprisonment and fighting for dignified reproductive care both inside and outside of prisons. Surge works to reunite families, undo the harms of imprisonment, and heal communities through its lens of reproductive justice.

II. INTRODUCTION AND SUMMARY OF ARGUMENT

People in prisons across Washington State are part of our communities. They are our partners, our parents, our children, our brothers, our sisters, and our friends. But as COVID-19 makes its way into prisons and jails, incarcerated people report that they do not feel safe. Their families, in turn, live in constant fear—fear that those they love are confined in close quarters without access to basic sanitary and protective supplies, and that, as a result, their prison sentences could turn into death sentences.

Amici COVID-19 Mutual Aid Seattle, Community Passageways, and Surge Reproductive Justice (collectively, “amici”) submit this brief on

behalf of the families and loved ones of incarcerated persons, and in support of the Petition for Writ of Mandamus filed by Petitioners Shyanne Colvin, Shanell Duncan, Terry Kill, Leondis Berry, and Theodore Roosevelt Rhone (collectively, “Petitioners”). Despite the recent release of some incarcerated persons from the state’s prisons and jails, amici know that many more remain at risk. Amici contend that people in our state’s prisons and jails would be safer at home in their communities, and if released, will be embraced and supported by their families and loved ones.

III. ARGUMENT

A. INCARCERATION IS NOT SAFER THAN COMMUNITY.

According to the Washington State Department of Corrections (“DOC”), as of April 16, 2020, at least 11 incarcerated persons and 14 prison staff have tested positive for COVID-19.¹ The number of confirmed cases increases every day. 27 suspected cases remain unconfirmed, and many who are suffering have yet to be tested at all. That COVID-19 will continue to devastate prisons is not a matter of “if,” but “when.”² There is no vaccine against COVID-19, and no known cure.

¹ See *COVID-19 Information, Confirmed Cases*, DOC (last visited Apr. 16, 2020, 12:30 PM PDT), <http://www.doc.wa.gov/news/covid-19.htm#status>. Confirmed cases among staff are self-reported.

² See Weihua Li & Nicole Lewis, *This Chart Shows Why The Prison Population Is So Vulnerable to COVID-19*, The Marshall Project (Mar. 19, 2020), <http://www.themarshallproject.org/2020/03/19/this-chart-shows-why-the-prison-population-is-so-vulnerable-to-covid-19>; Rosa Schwartzburg, *Freezing Jail Cells, Broken Showers, and Covid-19*, The

While the State has implemented social distancing measures to protect the public at large from COVID-19, there has been no comparable effort to protect those in prisons and jails.³ Many incarcerated persons continue to lack access to sanitary and protective equipment (*e.g.*, hand soap, hand sanitizer, masks) that have helped to slow the spread of COVID-19 outside of prisons. Respondents insist that they already have provided much of the requested relief sought by Petitioners and have prioritized “maintaining transparency with the public and community partners.”⁴ But families and loved ones of incarcerated persons tell a different story.

Recent accounts from families and loved ones speak to the grave concerns shared by those inside and outside prisons. These accounts reveal that Respondents have not done enough to slow the spread of COVID-19

Nation (Apr. 13, 2020),
<http://www.thenation.com/article/society/coronavirus-nyc-jails/>.

³ As discussed further, *infra*, the State’s efforts in this regard reflect—and further deepens—existing inequities in its treatment of incarcerated persons. Indeed, while Governor Inslee’s efforts to flatten the curve have garnered worldwide attention as a model for success, the DOC has not taken similar steps to protect incarcerated persons. It should go without saying that this inequity is not justified, as people do not sacrifice their humanity when incarcerated.

⁴Brief of Respondents (“Resp. Br.”) at 8-9; Respondents’ Report on the Department of Corrections’ COVID-19 Response (hereinafter, “DOC Report”) at 12-13.

in our State's prisons and jails. For example, to paraphrase several family members⁵:

My son has been in Shelton since late March. When he first got there, he was in solitary confinement. Then they moved him to the IMU [Intensive Management Unit]. He was placed in a room by himself in the same medical unit where they were taking people suspected of having COVID-19. The nurse told him it wasn't airborne, but then why are all of the nurses wearing hazmat suits? He was in that unit with no protection for over a week and a half. They finally moved him to RC [Restitution Center], where he's with 100 other people and a roommate who sleeps in the same room. He said they don't have masks, they don't have protection. COVID has been in there, and for a long time, DOC wasn't telling the truth about it. — Diana, with family at Washington Corrections Center

My son told me, 'Mom, if I get this, I'm probably not going to do well.' He has a history of asthma and pneumonia. He has a short sentence, for which I am grateful, but I'm very concerned about his underlying health condition. He's a first-time offender and took a plea. He was charged with a crime that he contends to this day he had nothing to do with, and now his biggest fear is that he'll die in prison. — Martha, with family at Coyote Ridge Corrections Center

My loved one tells me he's concerned about officers not following protocol, about not being given protective gear. The inmates were given a single disposable mask a few days ago and told to 'take good care of it.' He's concerned about the lack of information. The only information they do get comes from TV, not from prison officials. — Cammie, with family at Stafford Creek Corrections Center

⁵ On April 12, 2020, COVID-19 Mutual Aid Seattle participated in a video conference with families and loved ones of people who are currently incarcerated in correctional centers across the State. The accounts included in this brief were shared with counsel for amici during that meeting. Last names have been omitted to protect the anonymity of the families and loved ones of incarcerated persons. As indicated, not all quotes are verbatim.

My fiancé is uneasy and nervous. More and more people at Monroe are starting to test positive. We don't know if he will come in contact with it and end up dead. — Michelle, with family at Monroe Correctional Complex

My boyfriend has had a lot of medical issues while he's been incarcerated, including serious lung conditions—costochondritis, pleurisy, and a collapsed lung, to name a few. Recently, he's been experiencing chest pain and shortness of breath. It doesn't take much to see that he's at greater risk than most. He tells me that, despite what we're hearing from DOC, the conditions he's living in are not in accordance with the governor's orders and what our families and communities are being told is incomplete, if not entirely untrue. He's housed in an open tier with 40 other men, separated from the other three or four in his cubicle by two inches of particle board. They share three showers, four sinks, two toilets, and two urinals. 128 men in his unit share a single JPay kiosk and six phones. He doesn't have hand sanitizer and says cleaning supplies are provided once or twice a day at most. Social distancing is impossible, and there's no way around it. — Carmella, with family at Monroe Correctional Complex

My son told me about one guard last month who was coughing on inmates and thought it was funny. I reported it to DOC, and they wrote back and said the guard was just kidding around. —Martha, with family at Coyote Ridge Corrections Center

My husband is scheduled to be released in early May. I'm hoping he doesn't get sick before he gets out. — Duaa, with family at Airway Heights Corrections Center

My friends inside report that there's no social distancing happening. Folks are getting triple bunked. It's serious. — George, with loved ones at Stafford Creek Corrections Center

My husband and I can't believe this incredible nightmare our son is living. If you add the complexity of a pandemic that could take his life to the fact that he's sitting in prison for something he didn't do, it's overwhelming. You feel so hopeless, day in, day out, waiting for the phone call - 'Hey, Mom, I'm sick.' It's unbearable.

*I cry all the time. We're so afraid. — Martha, with family at
Coyote Ridge Corrections Center*

In addition to describing the fear and trauma endured by families and loved ones outside of prisons, these harrowing accounts reveal several troubling practices taking place on the inside:

First, family members report that solitary confinement is the primary method used to control infection in prisons and jails.⁶ Indeed, DOC confirms that as of April 16, 2020, there are 139 incarcerated individuals in isolation.⁷ While preventing the spread of COVID-19 in prisons is critical, placing people with suspected or confirmed cases in solitary confinement is not a solution—it is a form of torture.

Solitary confinement is known to cause severe psychological harm.⁸ Those subjected to solitary confinement under ordinary

⁶ Respondents do not use the term “solitary confinement,” but acknowledge that DOC’s COVID-19 response guidelines call for “infection control procedures, including isolation.” Resp. Br. at 5-6; *see also* DOC Report at 24 (DOC “has put in place measures to immediately isolate patients suspected or confirmed to have COVID-19,” including “isolating the individual in a single person cell”).

⁷ *See COVID-19 Information, Isolation and Quarantine Among Incarcerated Population*, DOC (last visited Apr. 16, 2020, 12:30 PM PDT). <http://www.doc.wa.gov/news/covid-19.htm#isolation-quarantine>.

⁸ The United Nations has repudiated the imposition of “indefinite” or “prolonged” solitary confinement lasting for more than 15 days and has suggested that solitary confinement “be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.” *See United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*, United Nations Office on Drugs & Crime (adopted Dec. 17, 2015), Rule 45.2, http://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

circumstances may suffer insomnia and depression, as well as anxiety, panic, paranoia, hallucinations, loss of self-control, irritability, aggression, rage, and withdrawal.⁹ These risks are unavoidably exacerbated in incarcerated persons with suspected or confirmed cases of COVID-19, who already feel unwell and may struggle to process their surroundings.¹⁰

Moreover, DOC's use of solitary confinement is likely to undermine, rather than advance efforts to contain COVID-19.¹¹ To prevent the spread, people need to report when they feel unwell; DOC's use of solitary confinement forces those feeling unwell to choose between

⁹ See Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 Wash. U. J. L. & Pol'y 325, 335-36 (2006); Craig Haney, *Mental Health Issues in Long-Term Solitary and "Supermax" Confinement*, 49 Crime & Delinq. 124, 130-31 (2003).

¹⁰ See, e.g., *Coronavirus: Managing Delirium in Confirmed and Suspected Cases*, British Geriatrics Soc'y (last updated Mar. 25, 2020), <http://www.bgs.org.uk/resources/coronavirus-managing-delirium-in-confirmed-and-suspected-cases> (explaining that "older adults, especially in isolation and those with cognitive decline/dementia, may become more anxious, angry, stressed, agitated, and withdrawn during the outbreak/while in quarantine") (citation omitted).

¹¹ Amici recognize the importance of quarantining people with suspected or confirmed cases of COVID-19 in order to prevent the spread of infection but submit that using cells designated for solitary confinement is inhumane and unacceptable. In addition to reducing prison population density through decarceration, amici urge DOC to immediately (1) designate separate housing areas where people with confirmed cases can have access to comfortable furnishings and personal belongings; and (2) develop a policy for transport to a local hospital in cases where intensive or acute case is needed. See, e.g., *Guidance for Preventive & Responsive Measures to Coronavirus for Jails, Prisons, Immigration Detention and Youth Facilities*, Vera Inst. of Justice (Mar. 18, 2020), <http://www.vera.org/downloads/publications/coronavirus-guidance-jails-prisons-immigration-youth.pdf>.

suffering in silence or voluntarily submitting to torture. Unsurprisingly, families have indicated that the threat of solitary confinement alone has deterred some incarcerated persons from reporting potential symptoms of COVID-19 and seeking medical attention:

Inmates are not good at reporting illnesses, because history has shown that if they report an illness, or show they're sick or not feeling well, they get put in the hole. My son's cellmate had this happen. He was put in the hole for two days and given no food. So later, when my son came down with the flu, he didn't report it because he didn't want to be segregated, didn't want his food to be taken away. Unless you're really sick, you don't report because you know what the ramifications will be. — Martha, with family at Coyote Ridge Corrections Center

Second, despite DOC reports to the contrary, families and loved ones report that surgical masks and other protective equipment have not been provided to incarcerated persons in adequate quantities, if at all. Worse, people imprisoned at the Coyote Ridge Corrections Center have been conscripted into manufacturing protective masks, gowns, and hand sanitizer—while at the same time being denied adequate access to the very protective materials they are being forced to make for others.¹² Families and loved ones described this work as punishing and degrading, particularly in the absence of appropriate social distancing measures:

¹² See Maggie Quinlan, *Washington prisoners will make PPE, amid confirmed cases in inmates and prison riots*, The Spokesman Review (Apr. 12, 2020), <http://www.spokesman.com/stories/2020/apr/12/washington-prisoners-will-make-ppe-amid-confirmed->.

My son works in the textile factory making masks and gowns. There is no social distancing practiced in the ‘clean room,’ which is where the workers strip down and change from their prison clothes into their work clothes. He said they’re ‘packed in like sardines.’ My son calls it a sweatshop. He’s grateful to have a job but he works eight and a half hours a day, makes seventy cents per hour, and then can’t shower after work. — Martha, Coyote Ridge Corrections Center

These practices, and the lax measures taken to protect those inside state prisons stand in stark contrast to the restrictions imposed on those outside by the statewide stay-at-home order. Recognizing that COVID-19 threatens “the life and health of our people,” the stay-at-home order, with few exceptions, directs “all people” and “all non-essential businesses” statewide to “immediately” take actions to slow the spread.¹³ On its face, the stay-at-home order is designed with public health in mind. Respondent’s refusal to immediately release incarcerated persons—particularly those who are most at-risk based on age and underlying health conditions—is both unnecessarily punitive and a significant departure from the health-focused directives taken elsewhere around the state.¹⁴

¹³ Office of the Governor, *Proclamation No. 20-25* (Mar. 23, 2020), <http://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf>.

¹⁴ No one is immune from COVID-19. *See, e.g., Coronavirus and COVID-19: Younger Adults Are at Risk, Too*, Johns Hopkins Medicine, <http://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-and-covid-19-younger-adults-are-at-risk-too> (last visited Apr. 15, 2020). However, it is widely accepted that older adults and people with serious underlying medical conditions are at higher risk and should take additional precautions to avoid exposure. *See*

In short, families know all too well that DOC's statements do not tell the whole story about the conditions in state prisons, nor do they accurately reflect the experiences or needs of people who remain in custody. Respondents have not done enough to mitigate the spread of COVID-19 among incarcerated persons inside, nor to alleviate the fears of families and loved ones outside.

B. THE PRESENCE OF COVID-19 IN PRISONS DISPROPORTIONATELY IMPACTS LOW INCOME FAMILIES AND COMMUNITIES OF COLOR.

In Washington State, communities of color and low-income families are incarcerated at a disproportionately high rate.¹⁵ The COVID-19 pandemic amplifies these existing inequities.

Under ordinary circumstances, families of incarcerated persons, especially families with children, face increased financial hardship.¹⁶ Roughly half (46 percent) of Washington's incarcerated individuals are

COVID-19: People Who Are At Higher Risk, Ctrs. for Disease Control & Prevention ("CDC"), <http://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last visited Apr. 15, 2020). Amici submit that *all* persons who meet the criteria set forth in Petitioners' Amended Petition for Writ of Mandamus should be released immediately. To the extent that prioritization is required, amici urge that release determinations be informed by health-based factors, rather than by arbitrary and unrelated factors like sentencing offense.

¹⁵ See, e.g., Symposium on Racial Bias & the Criminal Justice System, *Preliminary Report on Race and Washington's Criminal Justice System*, 35 Seattle U. L. Rev. 623, 627-29 (2012).

¹⁶ See *Every Second: The Impact of Incarceration on America's Families*, fwd.us, 34 (Dec. 2018) ("*Every Second*"), <http://everysecond.fwd.us/downloads/EverySecond.fwd.us.pdf>.

the parent of a minor child.¹⁷ And nationwide, more than half (54 percent) were their family's primary income earner before they were incarcerated.¹⁸ When a parent is incarcerated, the financial strain imposed on the family is drastic and immediate: nearly two in three families (65 percent) report struggling to meet basic needs such as food, housing, utilities, transportation, and clothing immediately following a loved one's incarceration.¹⁹

In addition to losing valuable income, families are often saddled with the burden of covering the incarcerated person's court-related costs and fees.²⁰ Families also bear significant costs to stay in contact with their loved ones while they are locked up—the only telephone services that DOC allows in state prisons require families and loved ones to prepay private contractors, JPay and GTL ConnectNetwork.²¹ Calls can cost more

¹⁷ See *Children of Incarcerated Parents*, DOC (Mar. 2016), <http://doc.wa.gov/docs/publications/infographics/100-PO005.htm>.

¹⁸ See *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities*, Annie E. Casey Found., 2 (Apr. 2016) (“*A Shared Sentence*”), <http://www.aecf.org/resources/a-shared-sentence>; *Every Second*, *supra*, at 36.

¹⁹ Saneta deVuono-Powell, et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Ctr. for Human Rights, Forward Together, & Research Action Design 17-18 (2015), <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>.

²⁰ *Id.* at 9.

²¹ See *Phone Calls*, DOC (last visited Apr. 15, 2020), <http://www.doc.wa.gov/corrections/incarceration/visiting/phone.htm>.

than \$1.60 per minute, not including per-call fees added to each call, and phone service is notoriously unreliable.²² Nationwide, one in three families (34 percent) report going into debt to pay for phone calls or visitation with incarcerated loved ones.²³

The difficult choices that families already face—choosing between staying connected with their incarcerated loved ones or providing for their own basic needs—have only grown more painful since the onset of COVID-19. To mitigate the economic impacts of the statewide stay-at-home order, the State has offered financial assistance and other resources to the business community.²⁴ But the State has not taken comparable steps to mitigate the economic impact on families with loved ones in prison. Families report that they continue to absorb the full cost of basics such as phone calls despite shouldering a disproportionate share of the economic

²² See *ConnectNetwork Phone Service*, DOC (last visited Apr. 15, 2020), <http://www.doc.wa.gov/corrections/incarceration/visiting/phone-vendor.htm#phone-rates>. In 2017, Washington received over \$3.8 million in fees and commissions from the prison and jail telephone services. *Washington State Prison phone rates and kickbacks*, Prison Phone Justice (last visited Apr. 15, 2020), <http://www.prisonphonejustice.org/state/WA/>; see also *Every Second*, *supra*, at 41.

²³ Saneta duVuono-Powell, et al., *supra*, at 30.

²⁴ See, e.g., *Business Relief During COVID-19 Pandemic*, Washington Dep't of Revenue (last updated Apr. 8, 2020), <http://dor.wa.gov/about/business-relief-during-covid-19-pandemic>; Governor Jay Inslee, *COVID-19 Resource List for Impacted Washington Businesses & Workers* (last visited Apr. 15, 2020), <http://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-resources-businesses-and-workers>.

fallout caused by the COVID-19 pandemic. Indeed, just as with incarceration, the economic impact of COVID-19 has had a disproportionate impact on low income families and communities of color.²⁵ The impact is particularly burdensome for families working in non-essential industries, many of whom have lost their jobs due to the stay-at-home order.²⁶

Recent accounts shared by family members make clear that DOC has done nothing to ease these burdens:

When my fiancé goes to get supplies from commissary, they are still full price. They aren't making any accommodations knowing that families can't go to work or give as much during this time. — Michelle, with family at Monroe Correctional Complex

Others stress about their ability to stay connected with their incarcerated loved ones if the economy continues to suffer, even though connection is especially important during these uncertain times:

²⁵ See *Every Second, supra*, at 28-29; Kori Hale, *The Economic Impact Of COVID-19 Will Hit Minorities The Hardest*, Forbes (Mar. 17, 2020), <http://www.forbes.com/sites/korihale/2020/03/17/the-economic-impact-of-covid-19-will-hit-minorities-the-hardest/#516732fd10c0>; *US: Address Impact of Covid-19 on Poor: Virus Outbreak Highlights Structural Inequalities*, Human Rights Watch (Mar. 19, 2020), <http://www.hrw.org/news/2020/03/19/us-address-impact-covid-19-poor>.

²⁶ Paul Roberts, *Washington State nears half a million unemployed from coronavirus, with 'tsunami' of more claims expected*, The Seattle Times (Apr. 9, 2020), <http://www.seattletimes.com/business/economy/washington-state-sees-nearly-177000-new-jobless-claims-amid-coronavirus-pandemic/>.

If this epidemic continues, it would cause a financial burden for us. My daughter-in-law is out of work, and my husband and I had to close our non-essential business. We'll pitch in and do what we can—we want to stay in contact with our son—but on a longer-term basis, I'm not sure how we could sustain the cost. — Diana, with family at Washington Corrections Center

Incarceration during the COVID-19 pandemic carries a heavy emotional toll as well, as family members and loved ones worry tirelessly for the health and safety of incarcerated persons, particularly those who are especially vulnerable to COVID-19. For example, in addition to persons over age fifty and those suffering from serious health conditions, pregnant and postpartum persons face unique risks should they remain in prison. In Washington, maternal mortality rates are elevated for up to a year after childbirth, and the Centers for Disease Control and Prevention have recommended that pregnant people take extra precautions to avoid exposing themselves and their newborn infants to COVID-19.²⁷ And, just like the economic burdens described above, these heavy emotional burdens disproportionately fall upon low-income families and communities of color.

²⁷ *Report to the Legislature, Washington State Maternal Mortality Review Panel: Maternal Deaths 2014-2016*, Washington State Dep't of Health, Prevention & Cmty. Health Div., 23 (Oct. 2019), <http://www.doh.wa.gov/Portals/1/Documents/Pubs/141-010-MMRPMaternalDeathReport2014-2016.pdf>; *Coronavirus Disease 2019 (COVID-19), Pregnancy and Breastfeeding*, CDC (last visited Apr. 15, 2020), <http://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/pregnancy-breastfeeding.html>.

C. INCARCERATED PERSONS ARE MEMBERS OF FAMILIES AND COMMUNITIES WHO WANT THEM HOME.

Despite the economic challenges they face, families are ready and willing to support their incarcerated loved ones if they are released. In the context of COVID-19, families of incarcerated persons have a more important role to play in the reentry process than ever. In addition to providing housing, employment, financial, and emotional support, families and loved ones can provide clean and safe environments where recently released persons can stay home and stay healthy. Many families have reported that they are fully prepared and ready to welcome incarcerated persons home:

My son has a home to return to in Moses Lake. We already have a plan in place—He can quarantine at his home while his wife and children stay with my husband and me at our home. We'll drop off food and anything else he may need during those 14 days. We are eager to have him fully back in our lives at home where we know he will be safe. He's not a threat to society—he's a hard worker and has no prior criminal history. He's a husband, a father of two, and a deeply beloved son. — Diana and Amolia, with family at Washington Corrections Center

For the last ten years, I have supported my brother and his children during his incarceration. Despite his sentence, we have believed since day one that he would return home. Each month, my family and I have set aside money to ensure that he'll be able to support himself and his children when he returns home, and to make sure his needs are met while he's inside. My home is large enough that we will have no issue following guidelines for self-quarantining if he stays with us. My brother is surrounded by a supportive family that loves him and wants to see him succeed. He

is loved by his family, his children, and a positive community that he has connected with during his incarceration and will continue to build with upon his release. — Cassandra, with family at Clallam Bay Corrections Center

Our family has long had a plan in place for when my husband is released. Not only will we be able to give him a stable environment, his coming home would help our family financially and emotionally during this time. My husband has full-time remote work available to him immediately. And with the children being home from school, it would be much easier to have him present. — Jessica, with family at Cedar Creek Corrections Center

While he's been incarcerated, my husband has completed educational and vocational classes. I have a beautiful lake front home with space for him to live, and we live in a community of people who will support and encourage him. My family and I are 100 percent able to support him financially and emotionally and ready to welcome him home tomorrow. — Loren, with family at Stafford Creek Correctional Center

My boyfriend and I have plans to marry when he gets home. I am a small business owner and have been able to stay employed during this time and have a beautiful home for him in West Seattle. He has served 25 years already, and he shouldn't have to die in prison. — Carmella, with family at Monroe Correctional Complex

Of course we would welcome my son home. He's one credit short of a college degree and has a lifetime of accomplishments to return to. We are fortunate to have the financial resources to support him until he can get back on his feet from this nightmare. — Martha, with family at Coyote Ridge Corrections Center

My husband has a sustainable and thriving living environment to return to. We are blessed to have both of our families and our church standing behind us, which will ensure stability and space for him to continue to grow. We're eager to start a new chapter of his life, and to make the most of this opportunity if he is released. — Ciara, with family at Cedar Creek Corrections Center

For families that have been economically impacted as a result of COVID-19—for example, those facing actual or potential job loss—recently released persons can also provide much-needed assistance by finding work in essential industries or working remotely. Even people who are unable to return to work right away under the statewide stay-at-home order can help by providing much-needed childcare—an essential for working parents now that classrooms are to remain closed for the remainder of the school year.²⁸ For children, having an incarcerated parent at home during this time is especially important. The burden borne by children of incarcerated parents is well-documented—they experience unique stressors, including depression and anxiety at significantly elevated rates.²⁹ During the COVID-19 pandemic, families with young children have reported that the typical trauma of being separated from an

²⁸ See Office of the Governor, *Proclamation No. 20.09.1* (Apr. 6, 2020), <http://www.governor.wa.gov/sites/default/files/proclamations/20-09.1%20-%20COVID-19%20School%20Closure%20Extension%20%28tmp%29.pdf>. Releasing incarcerated persons to their families will further ease the burden on grandparents, who face an increased risk of harm due to COVID-19, and also play an important role in caring for the children of incarcerated parents. See Tara Bahrapour & Samantha Schmidt, *Millions of U.S. grandparents care for young kids - and are high risk for covid-19*, Washington Post (Mar. 18, 2020), http://www.washingtonpost.com/local/social-issues/millions-of-us-grandparents-care-for-young-kids--and-are-high-risk-for-the-coronavirus/2020/03/18/6e91888c-6878-11ea-9923-57073adce27c_story.html; see also *Every Second*, *supra*, at 34.

²⁹ See *A Shared Sentence*, *supra*, at 3.

incarcerated parent is magnified, as children are rightfully concerned about the risks their parents face in prison:

Working with our son's eight-year-old daughter through this journey has been so hard. When he first went away, we were talking with her, making sure she got counseling to process what was going on. Now, she's terrified and afraid for her dad's life, and we're going to have to go through the process all over again. For an eight-year-old to have to feel that way—there are no words we can use to comfort her. Every day she's worried about her dad. She wants him to come home because she knows he's not safe in prison. How do you comfort an eight-year-old who knows how deadly the virus is? It's hard to explain COVID-19 to kids in the first place, but with the added burden of talking about prison conditions, it's impossible. — Diana, with family at Washington Corrections Center

In short, the families of incarcerated persons care about their loved ones; are prepared to support them upon release; and, for their health, well-being and safety as well as the safety of the community at large, desperately want them returned home.

IV. CONCLUSION

Prisons are not places of healing or safety. Contrary to what Respondents may urge, incarcerated persons have no recourse as the COVID-19 pandemic unfolds in prisons across the state. As a result, incarcerated persons, their families, and their loved ones live in unrelenting fear. Amici urge the Court to grant the Petition for Writ of Mandamus filed by Petitioners. Families of incarcerated people need immediate relief for their loved ones and know that the best way to ensure

their health and safety—and the health and safety of all of our communities—is to let them come home.

RESPECTFULLY SUBMITTED this 16th day of April, 2020.

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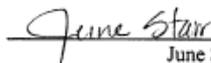
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CERTIFICATE OF SERVICE

Today I electronically filed the foregoing document via the Washington State Supreme Courts' Secure Portal, which will automatically cause such filing to be served on counsel for all other parties in this matter via the Court's e-filing platform.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: April 16, 2020, at Seattle, Washington.


June Starr

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