

Failing Grades

States' Responses to
COVID-19 in Jails & Prisons



PRISON
POLICY INITIATIVE

June 2020

Failing Grades: States' Responses to COVID-19 in Jails & Prisons

By [Emily Widra](#) and Dylan Hayre

June 25, 2020

When the pandemic struck, it was instantly obvious what needed to be done: take all actions possible to “[flatten the curve](#).” This was especially urgent in prisons and jails, which are very dense facilities where social distancing is impossible, sanitation is poor, and medical resources are extremely limited. Public health [experts](#) warned that the consequences were dire: prisons and jails would become [petri dishes](#) where, once inside, COVID-19 would spread rapidly and then boomerang back out to the surrounding communities with greater force than ever before.

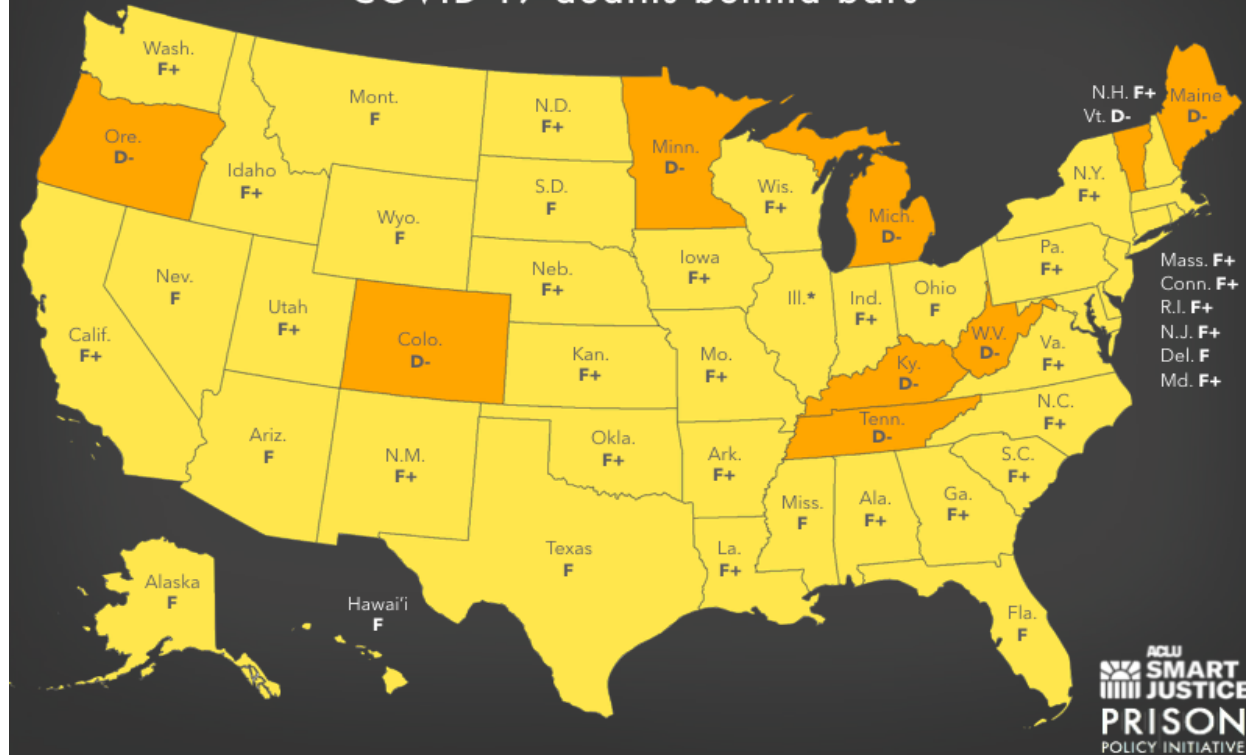
Advocates were rightly concerned, given the long-standing and systemic [racial disparities](#) in arrest, prosecution, and sentencing, that policymakers would be slow to [respond](#) to the threat of the virus in prisons and jails when it was [disproportionately](#) poor people of color whose lives were on the line. Would elected officials be willing to take the necessary steps to save lives in time?

When faced with this test of their leadership, how did officials in each state fare? In this report, the ACLU and Prison Policy Initiative evaluate the actions each state has taken to save incarcerated people and facility staff from COVID-19. We find that most states have taken very little action, and while some states did more, no state leaders should be content with the steps they've taken thus far. The map below shows the scores we granted to each state, and our methodology explains the data we used in our analysis and how we weighted different criteria.

The results are clear: despite all of the information, voices calling for action, and the obvious need, state responses ranged from disorganized or ineffective, at best, to callously nonexistent at worst. Even using data from criminal justice system agencies — that is, even using states' own versions of this story — it is clear that no state has done enough and that all states failed to implement a cohesive, system-wide response.

In some states, we observed significant jail population reductions. Yet no state had close to adequate prison population reductions, despite some governors issuing orders or guidance that, on their face, were intended to release more people quickly. Universal testing was also scarce. Finally, only a few states offered any transparency into how many incarcerated people were being tested and released as part of the overall public health response. Even in states that appeared, “on paper,” to do more than others, high death rates among their incarcerated populations indicate systemic failures.

Evaluating state efforts to prevent COVID-19 deaths behind bars



State	Final score	Letter grade	State	Final score	Letter grade	State	Final score	Letter grade
Alabama	16.39	F+	Louisiana	16.30	F+	Ohio	12.63	F
Alaska	13.79	F	Maine	21.22	D-	Oklahoma	15.36	F+
Arizona	9.36	F	Maryland	16.28	F+	Oregon	21.23	D-
Arkansas	20.38	F+	Massachusetts	20.99	F+	Pennsylvania	19.16	F+
California	18.36	F+	Michigan	25.82	D-	Rhode Island	15.51	F+
Colorado	23.37	D-	Minnesota	23.32	D-	South Carolina	15.58	F+
Connecticut	14.50	F+	Mississippi	12.29	F	South Dakota	11.94	F
Delaware	13.71	F	Missouri	19.77	F+	Tennessee	26.35	D-
Florida	9.04	F	Montana	13.08	F	Texas	12.10	F
Georgia	15.06	F+	Nebraska	16.48	F+	Utah	16.69	F+
Hawai'i	10.41	F	Nevada	12.30	F	Vermont	23.65	D-
Idaho	14.63	F+	New Hampshire	14.19	F+	Virginia	16.62	F+
Illinois	n/a	n/a	New Jersey	19.93	F+	Washington	19.28	F+
Indiana	14.53	F+	New Mexico	17.62	F+	West Virginia	23.59	D-
Iowa	17.45	F+	New York	18.11	F+	Wisconsin	16.75	F+
Kansas	17.61	F+	North Carolina	14.48	F+	Wyoming	8.15	F
Kentucky	23.90	D-	North Dakota	16.78	F+			

For the details of each state's score, see [the appendix](#). *This report does not provide a grade to Illinois because some of the relevant data is the subject of pending litigation.

The consequences are as tragic as they were predictable: As of June 22, 2020, **over 570 incarcerated people** and **over 50 correctional staff** have died and **most** of the largest coronavirus outbreaks are in correctional facilities. This failure to act continues to put everyone’s health and life at risk — not only incarcerated people and facility staff, but the general public as well. It has never been clearer that mass incarceration is a public health issue. As of today, states have largely failed this test, but it’s not too late for our elected officials to show that they can learn from their mistakes and do better.

Methodology & Scoring

Composite score:

The final composite score for each state equals the total of all points received ranging from zero to 485. To make the scores easier to read, we then divided the final number of points by 4.85 to give each state a grade on the scale of 0-100. Because every state scored so poorly, we decided to adjust the traditional school grading scale down¹ to create some meaningful differentiation in the scores, and to better identify the states that, despite falling far short of these minimum standards, did make some notable strides. This differentiation and specificity is important because this report, while assessing what has happened thus far, should also help create a blueprint for what states can do to save lives as the pandemic continues.

How we graded and what distinguishes a higher score:

To assess the degree to which each state has responded to the COVID-19 pandemic and the particular threat of viral infection behind bars, we looked at whether:

- The state Department of Corrections provided testing and personal protective equipment (PPE) to correctional staff and the incarcerated population. (maximum 65 points)
- The state reduced county jail populations and state prison populations. (maximum 300 points)

¹ Composite Score (out of 100 points)	Letter Grade
0 – 6.9	F-
7 – 13.9	F
14 – 20.9	F+
21 – 27.9	D-
28 – 34.9	D
35 – 41.9	D+
42 – 48.9	C-
49 – 55.9	C
56 – 62.9	C+
63 – 69.9	B-
70 – 76.9	B
77 – 83.9	B+
84 – 90.9	A-
91 – 100	A
100 combined with a public commitment to permanent policy changes to cement the progress made in the COVID-19 response	A+

- The governor issued an executive order — or the Department of Corrections issued a directive — accelerating the release from state prisons of medically vulnerable individuals and/or those near the end of their sentence. (maximum 60 points)
- The state published regularly updated, publicly available data on COVID-19 in the state prison system. (maximum 60 points)

Recognizing that no metrics can account for all differences between states, including the fact that the virus reached some states earlier than others, we then deducted points from the final scores of states that have had COVID-19 deaths in their state prisons. Information regarding testing, personal protective equipment (PPE), and regularly updated, publicly available data was collected from the states' Department of Correction websites in early June 2020. Some states may have implemented more widespread testing — or are providing PPE to all incarcerated people — but if that information is not clearly shared on their website at the time of our data collection, we could not include it in our scoring.

Has the Department of Corrections provided comprehensive testing and personal protective equipment (PPE) to correctional staff and the incarcerated population?
(maximum 65 points)

The easiest steps states can take to prevent COVID-19 deaths behind bars are to provide testing and protective equipment to incarcerated people and prison staff.² These measures will also slow the spread of COVID-19 into the communities surrounding prisons.

Only five states — Massachusetts, Michigan, Tennessee, West Virginia, and Vermont — were awarded 20 points for completing comprehensive testing of the population in state prisons. Three states — New Mexico, Massachusetts, and West Virginia — completed comprehensive testing of all correctional staff and were awarded 15 points. States that are in the process of comprehensive testing of incarcerated people and correctional staff were awarded 5 points for testing of incarcerated people and 5 points for testing of correctional staff.

² After request from the ACLU of New Hampshire, and to protect incarcerated people from COVID-19, the New Hampshire Department of Correction began publishing on its website daily metrics on the status of COVID-19 inside the prisons; it made facial masks available to all incarcerated people; and reinstated the provision of alcohol-based hand sanitizer, previously prohibited inside the prison due to alcohol content. The Commissioner of Corrections also streamlined the process for administrative-home-confinement (AHC), resulting in a 100% increase in the number of people released on AHC since March, according to the ACLU-NH. And even while this was not factored into our scoring metrics, it should be noted that the DOC has also instituted a policy that it will not admit people from county facilities where there has been a positive COVID-19 case amongst the jail population and that testing is widely available, actions that have been applauded by the ACLU-NH.

We also awarded states 15 points for providing personal protective equipment (PPE) to all staff, and 15 points for providing PPE to all incarcerated people. Most, if not all, PPE in the correctional setting, especially for confined populations, consists of non-surgical masks. States received 5 points for only providing PPE to some incarcerated people and some staff (i.e. incarcerated people who were exposed to someone who tested positive, or only intake unit staff). Only three states — Florida, Rhode Island, and North Dakota — do not have information about providing PPE to incarcerated people.

Because we wanted to keep our scoring consistent across states, we chose to utilize the data provided by individual Departments of Correction on their websites. To the degree that states are not following their own policies mandating access to face masks and other PPE, the reality behind bars may be worse.³

If there was no reliable evidence that states were providing those tests or PPE, we awarded states zero points.

COVID-19 Testing

	No testing or limited testing	Commitment to full testing	Full testing completed	Maximum points available for testing
Correctional staff	0 points	5 points	15 points	35 points
Incarcerated population	0 points	5 points	20 points	

Personal Protective Equipment (PPE)

	No PPE or limited PPE	Commitment to full PPE for all	PPE provided to all	Maximum points available for PPE
Correctional staff	0 points	5 points	15 points	30 points
Incarcerated population	0 points	5 points	15 points	

How we awarded points for testing and provision of personal protective equipment (PPE). For the details on how your state scored, see [the appendix](#).

³ For example, California has statewide policies mandating access to face masks, but [reports](#) from inside state prisons suggest that access and use of face masks are limited. Additionally, this section scores PPE policies in state prisons, but access to PPE is also critical in jails as well. The ACLU of Southern California and Northern California recently filed a statewide [lawsuit](#) with declarations from 13 counties saying that PPE was not consistently provided to incarcerated people or worn by the staff in jails.

How much has each state reduced incarcerated populations in both local county jails and state prisons? (maximum 300 points)

The high rate of coronavirus infections and deaths in correctional facilities is due to their population density: incarcerated people frequently have to sleep, eat, and shower within a few feet of one another, and share common amenities such as phones. Public health experts have been clear that reducing facility density — allowing people to return home — is the most critical and necessary step to save lives. States that have reduced the population density in correctional facilities — starting by releasing old and frail people especially vulnerable to COVID-19 — have slowed the spread of the virus more effectively and saved more lives.⁴

Jails

Jail population mitigation needs to be a key part of the national response to COVID-19. If jails fail to drastically reduce their populations, COVID-19 could claim up to 100,000 more people than the current projections. In mid-April, an [epidemiological study](#) conducted by the ACLU and university researchers found that keeping people out of jail saves lives — both inside the jail and in the surrounding communities. And while nationally jail populations have [decreased](#) much more than state prison populations, not all states are taking this call to decarcerate jails seriously. We awarded one point for each percentage point that each state reduced its median jail population.⁵

The median jail population reductions in each state vary drastically from a 42% reduction in Arkansas to only 2% in Texas, and some states appear to have had increases in jail populations.⁶ To calculate the median jail population change, we analyzed data collected from the [NYU Public Safety Lab](#), supplemented by data collected by the [Vera Institute of Justice](#), on population changes from January 2020 to June 1, 2020.⁷ For Massachusetts jail data, we analyzed the [data published](#) by the

⁴ Not all states have taken these steps to reduce their prison populations voluntarily. For example, Hawai'i (which has a combined prison and jail system), began to reduce the incarcerated population following a lawsuit that resulted in court orders from the Hawai'i Supreme Court to [expedite early releases](#) and [provide appropriate personal protective equipment](#).

⁵ The median jail population change may be different from the average or total statewide jail population, but by using the median, we are able to show population change across all states, even those for which only some counties have jail data available.

⁶ Jail population data was only available for 5 of the [27 county jails](#) in South Dakota and the median jail population change in those jails reflected an increase of 3.7%. It is possible that with data for more counties, the median jail population change would look different, but based on the available data, South Dakota was awarded negative points because their jail population went in the wrong direction. In New Hampshire, jail data was only available for two small counties, and we therefore did not include any jail population changes in the New Hampshire score (New Hampshire was awarded 0 points for jail population changes).

⁷ In order to present a sample that was as representative of the state jail system as possible, we included all jails with available data in our analysis. We only excluded jails with pre-pandemic populations under 10 people, as the movement of a small number of people in and out of these small jails can swing the state's median percentage of jail reduction in misleading ways. (Previous Prison Policy Initiative briefings on jail reductions during the pandemic excluded jails with populations under 350 because we wanted to lessen the impact of small

ACLU of Massachusetts for all counties. West Virginia and Maryland jail data were provided by ACLU of West Virginia and ACLU of Maryland. The jail population data for the ten largest counties in Missouri came from the ACLU of Missouri, and for the 35 other counties included in this report the data was collected by the NYU Public Safety Lab.

The jail data used for this report has population data over time for over 1,200 county jails, with a nationwide median population reduction of about 20%.⁸

Prisons

The public health response cannot end in jails — states must also address their prisons, with a combined and dense population of 1.3 million. Reducing the number of people who are currently incarcerated will limit the burdens people face due to incarceration or supervision that place them at elevated risk of being affected by the coronavirus pandemic. We awarded two points for each percentage point that a state reduced its prison population.

We analyzed the change in state prison population counts from the start of 2020 (using data from either December 31, 2019 or January 1, 2020) and four months later (using data from April 30, 2020 or May 1, 2020).⁹ We note that state Departments of Correction have been announcing plans to reduce their prison populations — by halting new admissions from county jails, increasing commutations, and releasing people who are medically fragile, elderly, or nearing the end of their sentences — but our analysis finds that the resulting population changes have been small, at about only 5%.

daily population variations in small jails looking more dramatic than they are. Upon a deeper analysis of this expanded dataset, we conclude that excluding these smaller facilities would not measurably change the results, so we kept this dataset as expansive as possible.) In general, we found that large county jail populations had larger percentage drops than smaller county jails. There are some states for which there is only limited jail population data available — data is only available for less than 15% of the counties in Nebraska, South Dakota, and Michigan — so it is possible that the scores for these states could be higher with a more complete sample.

⁸ Readers may notice that this median jail population reduction is different than the 31% published last month in the Prison Policy Initiative's May 14th report, *While jails drastically cut populations, state prisons have released almost no one*. Although it is difficult to identify exactly what accounts for this difference and when the changes started, we know that some jurisdictions — including **Philadelphia** — have returned to their pre-pandemic policing practices (which leads to an increase in arrests and jail bookings).

⁹ State prison population counts retrieved from the Vera Institute for Justice's report, **People in Prison 2019**, which published population counts as of April 30, 2020 or May 1, 2020 for 41 states. The Prison Policy Initiative updated this data with prison populations as reported by state Departments of Correction for Minnesota, Montana, New Hampshire, New Mexico, South Dakota, Tennessee, Virginia, and Washington. Washington prison population data used for this analysis was retrieved from DOC Fact Cards published on **December 31, 2019** and **March 31, 2020**. The Washington Department of Corrections provided the Prison Policy Initiative with data for April 30, 2020, stating that there were 16,531 people in state prison, but because that population count excludes people held for technical violations, we could not compare it to the December 2019 data.

This report collected data from 49 states. We note that we awarded Maryland zero points in section for the prison population reduction efforts that may or may not have taken place in this study period because that state did not provide April/May data to the Vera Institute of Justice and failed to respond to two requests by the Prison Policy Initiative for April/May data. All other states provided population data to either the Vera Institute of Justice or the Prison Policy Initiative.

	Points for each percentage point of population reduction	Maximum points available
Jails	1	100
Prisons	2	200

How we awarded points for jail and prison population reductions. For the details on how your state scored, see [the appendix](#).

Has the governor issued an executive order to halt jail admissions or to mandate the release of medically vulnerable individuals or those who are nearing the end of their sentence? Has the DOC issued a statewide directive to release medically vulnerable individuals or those who are nearing the end of their sentence? (maximum 90 points)

Some governors and Departments of Correction have led their state’s criminal justice systems in a coordinated response to the pandemic in jails and prisons.¹⁰ Others have left it up to local criminal justice stakeholders — police, prosecutors, judges, sheriffs, and supervision agents — to implement their own individual responses to COVID-19, leading to inevitable delays, confusion, and inefficient allocation of resources.

In some states — such as Colorado, Pennsylvania, Virginia, and Washington — release orders from the governor or the Department of Correction authorized the release of both medically vulnerable people and those nearing the end of their sentences.¹¹ Other governors issued executive orders that called for the release of either the medically vulnerable *or* those nearing the end of their sentence. Every executive release order analyzed contained specific offense criteria, most often excluding those charged with felonies, “violent offenses,” or sexual offenses. Governors in a number of states — including Colorado — that received points for executive orders have since let these executive orders expire.

¹⁰ Release orders issued by governors and Departments of Correction were compiled by the Prison Policy Initiative based on the Council of State Governments’ executive orders [tracking tool](#).

¹¹ Colorado: *Temporarily Suspending Certain Regulatory Statutes Concerning Criminal Justice (D 2020 016)*; Pennsylvania: *Order of the Gov. of Penn. Regarding Individuals Incarcerated in State Correctional Institutions*; Virginia: *COVID-19 Response Inmate Early Release Plan* (from DOC); and Washington: *Emergency Commutation in Response to COVID-19 and 20-50 Reducing the Prison Population*.

If any states had issued an order that would release all people who were determined to be medically vulnerable and/or nearing the end of their sentence regardless of offense type, we would have awarded them up to 60 points; but no states took these essential steps.

	Order for halting jail admission	Order for releasing medically vulnerable	Order for releasing people near end of sentences	Maximum points available
No order exists	0 points	0 points	0 points	
Partial order or guidance	10 points	10 points	10 points	90 points
Complete order	30 points	30 points	30 points	

How we awarded points for executive orders and Department of Correction directives. For the details on how your state scored, see [the appendix](#).

Partial release orders — release orders that exclude people based on offense type — or non-mandatory guidance were awarded 10 points, and states with no executive or DOC release orders received 0 points (out of 50 states, only 20 states received any points for executive release orders). States also received 10 points if they suspended incarceration for **technical violations** of community supervision, which occurred in Alabama, Michigan, and Washington.

States with executive orders that put a moratorium on all jail admissions were awarded 30 points (no states received all 30 points).¹² States with executive orders or Department of Correction orders that halted some admissions to jails, for example halting jail bookings for certain misdemeanors or technical violations of probation or parole, received 10 points. States without orders addressing jail admissions received zero points.

¹² For example, in California, Governor Newsom issued **an executive order** on March 24, 2020 which suspended admissions to the California Department of Corrections and Rehabilitation state prison system. Shortly after this executive order, the CDCR paroled or released to community supervision approximately 3,500 people who were within 60 days of the end of their terms and met specific offense criteria. However, all of those 3,500 people were already scheduled to be paroled in April or May prior to the pandemic, indicating that these releases would have **minimal impact** on the long-term planning that is necessary to combat the spread of COVID-19 in prisons. States that took similar steps, including Maine, **Virginia**, and **Wisconsin**, would certainly see subsequent prison population reductions. For the purposes of assessing the whole criminal justice system’s response, we only scored executive orders and Departments of Correction initiatives to halt jail admissions in this section. We did not award or subtract points for orders that only halted admissions to state prisons.

Does the state or Department of Corrections provide publicly available, regularly updated data on COVID-19 behind bars? Is this data disaggregated by race? (maximum 30 points)

COVID-19 is killing more Black people and more people of color across the nation. And in a criminal justice system that **disproportionately** locks up Black people, the threat of the pandemic is heightened. Because of this, we need to know — and address — how COVID-19 is affecting people behind bars in order to slow the continued spread of the pandemic.

To assess states' responses to COVID-19 behind bars in the appropriate context, it is necessary to know how many incarcerated people and staff in each state have already contracted the virus and how fast it is spreading. We awarded points to states that have published this data for state prisons. States providing frequently updated, accessible, and comprehensive correctional data on COVID-19 received 15 points; those providing more limited data received 5 points.

We awarded additional points to states that have provided data disaggregated by race — data that can help us assess whether prison and jail officials have taken Black individuals' health complaints less seriously than those of incarcerated white people and staff. (Black people are overrepresented in **incarcerated populations** and among **correctional staff**, and the disproportionate number of coronavirus deaths among people of color in the general public is already **well documented**.) States providing data that is disaggregated by race received 15 points. If only some sections of a state's correctional data were disaggregated by race, we awarded 5 points.

There are two states with limited correctional COVID-19 data — New Mexico and Wyoming — and those states received only 5 points. 12 states offer publicly available and regularly updated data and received 15 points.¹³ Only eight of those states' data includes specifics on race; and those states — Delaware, Maine, Michigan, Missouri, Oklahoma, Tennessee, Vermont, and West Virginia — received an *additional* 15 points.

	COVID-19 data availability	Disaggregated by race	Maximum points available
No data	0 points	0 points	
Some data	5 points	5 points	30 points
Full data	15 points	15 points	

How we awarded points for Departments of Corrections' state prison COVID-19 data availability. For the details on how your state scored, see [the appendix](#).

¹³ Not all state Departments of Corrections offer this data voluntarily. For example, the Massachusetts Department of Correction data was compiled and released only after an opinion on April 3rd, 2020 by the Massachusetts Supreme Judicial Court in *Committee for Public Counsel Services (CPCS) v. Chief Justice of the Trial Court, SJC-12926*.

Points deducted for COVID-19 deaths in state prisons

In recognition of the fact that human life is precious and that policy decisions have real life consequences, we deducted points for deaths in state prison custody. States should have immediately taken the common-sense actions described in the report, but they largely have not, even months later. And even the states that took positive steps did so much later than they should have, raising the human cost.

For that reason, we deducted from the final score of each state 1 point for every 5 prison deaths per 10,000 people in the state's prison system. (By tying the deductions to the number per 10,000 we account for vastly different prison population sizes in different states.)

We considered weighting this outcome more heavily, but we ultimately did not do so for several reasons. First, the difference in death rates between states is in part the result of policy differences and in large part the temporary result of the fact that the virus started spreading in some places earlier than others. If we weighted this factor more heavily, we'd be giving a pass to states that took little action and saw their deaths predictably spike after publication of this report. Second, even while comparing prison death rates — rather than counts — a single death in any of the smaller states still has an outsized impact on the overall scoring. Third, as this report has argued, prison deaths are just one part of the human cost that we do not, at this time, have a way to calculate. In particular, we do not yet have a reliable way to calculate all of the other ways in which criminal justice failures lead to deaths from COVID-19, including: undisclosed COVID-19 deaths in prisons, deaths from other causes in incarcerated people who were weakened by COVID-19, or deaths from community spread that was first incubated in the state's prisons. For that reason, for a report written while the pandemic is still in its early stages, we chose to include these deaths and challenge all states to do far better. The final history will not be written until long after the pandemic ends, but elected officials need to be on notice that history is watching.

Acknowledgements

The ACLU thanks Charlotte Resin, Brandon Cox, Raymond Gilliar, Neil Shovelin, Ari Rosmarin, Kary Moss, Udi Ofer, Taylor Pendergrass, and ACLU Affiliates and staff for their assistance and support in compiling this report.

About the authors

Emily Widra is a Research Analyst at the Prison Policy Initiative. As the organization's expert on the criminal justice system's responses to the pandemic, she has published several [short and impactful reports](#) about the criminal justice system and the coronavirus. She curates the Prison Policy Initiative's [virus response page](#), tracking the criminal justice policy changes that states and counties have made in response to the COVID-19 pandemic. Her previous research also includes analyses of [mortality in prisons](#) and the combined impact of HIV and incarceration on Black [men](#) and [women](#).

Dylan Hayre is a Campaign Strategist at the ACLU's Justice Division where he leads the ACLU's advocacy work on clemency and death penalty repeal. He has also been helping spearhead and coordinate the organization's efforts to respond to the COVID-19 pandemic in partnership with many of the ACLU Affiliates across the country. Prior to joining the ACLU, Dylan served as the Senior Policy Advisor at JustLeadershipUSA where he strengthened and advised on their advocacy and policy work in numerous jurisdictions. Before that, he was a prosecutor, litigator, and campaign organizer in his home state of Massachusetts.

About the Prison Policy Initiative

The non-profit non-partisan Prison Policy Initiative was founded in 2001 to expose the broader harm of mass criminalization and spark advocacy campaigns to create a more just society. It sounded the national alarm about the threat of coronavirus to jails and prisons with its March 2020 report [No need to wait for pandemics: The public health case for criminal justice reform](#). The organization's [data-driven coverage](#) of the pandemic behind bars continues to advance the national movement to protect incarcerated people from COVID-19.

About the ACLU Campaign for Smart Justice

The ACLU's [Campaign for Smart Justice](#) is an unprecedented, multiyear effort to cut the nation's jail and prison populations by 50% and challenge racial disparities in the criminal justice system. The Campaign is building movements in all 50 states for reforms to usher in a new era of justice in America.

Failing Grades: States' Responses to COVID-19 in Jails & Prisons

Appendix A

Spreadsheet prepared: June 25, 2020

Documentation last updated: June 25, 2020

Prepared by the Prison Policy Initiative & ACLU and published at: https://www.prisonpolicy.org/reports/failing_grades_appendix.xlsx

Part of the June 2020 report, "Failing Grades: States' Responses to COVID-19 in Jails & Prisons," at: https://www.prisonpolicy.org/reports/failing_grades.html

Methodology

Staff (15 points)

Does the state Department of Corrections provide COVID-19 testing for all staff?

Incarcerated (20 points)

Does the state Department of Corrections provide COVID-19 testing for all incarcerated people?

Staff (15 points)

Does the state Department of Corrections provide personal protective equipment for all staff?

Incarcerated (15 points)

Does the state Department of Corrections provide personal protective equipment for all incarcerated people?

Publicly available (15 points)

Does the state Department of Corrections publish accessible and up-to-date data on COVID-19 in prisons?

Disaggregated by race (15 points)

Is the data provided by the Department of Corrections disaggregated by race?

Halting jail admissions (30 points)

Did the governor issue an executive order (or did the Department of Corrections enact a policy) to halt jail admissions?

Medically vulnerable releases (30 points)

Did the governor issue an executive order (or did the Department of Corrections enact a policy) to release the medically vulnerable from prisons?

Near-completion of sentence releases (30 points)

Did the governor issue an executive order (or did the Department of Corrections enact a policy) to release people from prisons who were near the end of their sentences?

Statewide jail reduction

What has the median jail population percentage change been across the state as of June 1, 2020? (1 point per 1% reduction of median jail population)

How many jails do we have data for?

How many local jails had data available for this analysis?

Statewide prison reduction

By what percentage has the state's prison population changed from Dec 31, 2019/Jan 1, 2020 to April 30, 2020/May 1 2020 (unless otherwise noted in sources)? (2 points per 1% reduction)

Raw score

Sum of points for testing, PPE, data, executive and DOC orders, and population reduction (maximum 485 points)

Normalized score out of 100 points

Raw score normalized by dividing by 4.85 (maximum 100 points)

Subtracted points for prison deaths

Subtracted one point for every 5 prison deaths per 10,000 people in the state's prison system

State	Testing in state prisons as of June 10, 2020 (35 points)		PPE in state prisons as of June 10, 2020 (30 points)		Data availability for state prisons as of June 10, 2020 (30 points)		Executive orders as of June 10, 2020 (90 points)			Incarcerated population reduction as of June 1, 2020 (300 points)			Grade		Sources			
	Staff (15 points)	Incarcerated (20 points)	Staff (15 points)	Incarcerated (15 points)	Publicly available (15 points)	Disaggregated by race (15 points)	Halting jail admissions (30 points)	Medically vulnerable releases (30 points)	Near-completion of sentence releases (30 points)	Statewide jail reduction (1 point per 1% reduction of median jail population) as of June 1, 2020	How many jails do we have data for?	Statewide prison reduction (2 points per 1% reduction) from Dec 31, 2019/Jan 1, 2020 to April 30, 2020/May 1, 2020 unless otherwise	Raw score (out of 485)	Normalized score out of 100 points (i.e. divide by 4.85)		Subtracted points for prison deaths (1 point for every 5 deaths out of 10,000 people in prison)	Final score	Letter grade
Alabama	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Orders the release of people in jail with alleged probation/parole technical violations under custody for more than 20 days without a hearing; release of people in jail with probation/parole technical violations punishable by no more than 45 days (10 points)	18.14	31	7.8	80.94	16.69	0.29	16.39	F+	Testing, PPE, data: DOC website Executive orders: Fifth Supplemental State of Emergency: Coronavirus (COVID-19) Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Alaska	Testing when symptomatic or in contact (0 points)	Testing only new admissions, when symptomatic, or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Combined prison and jail system	n/a		21.9	66.9	13.79	0.00	13.79	F	Testing, PPE, data: DOC website & DOC public statements Jail data: n/a Executive orders: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
Arizona	Commitment to testing all (5 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided only when symptomatic (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)		7.03	8	5	47.03	9.70	0.34	9.36	F	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Arkansas	Testing information provided only in press conferences (0 points)	No information on testing (0 points)	Masks provided to all (15 points)	Masks provided to some (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Consideration of early release for people nearing end of sentence, with specific offense categories excluded (10 points)	41.86	31	4.8	101.66	20.96	0.58	20.38	F+	Testing, PPE, data: DOC website Executive orders: Modified EPA Updated, June 1, 2020 Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
California	Commitment to testing all in some facilities (5 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (of note, reports from inside of CDCR facilities suggest that despite this policy, the use of face masks is limited) (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)		30.63	58	9.8	90.43	18.65	0.28	18.36	F+	Testing, PPE, data: California Dept of Corrections & Rehabilitation website Executive orders: Executive Order N-36-20 Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
Colorado	Testing not provided by DOC (0 points)	Testing when symptomatic; one facility had complete testing (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	Recommends law enforcement minimize arrests and jail intakes, suspend jail transfers, and maximize individuals to Special Needs Parole (10 points)	Grants DOC discretion to refer individuals to Special Needs Parole (10 points)	Grants DOC discretion to award earned time credits (10 points)	21.84	13	13.1	114.94	23.70	0.33	23.37	D-	Testing, PPE, data: DOC website Executive orders: Temporarily Suspending Certain Regulatory Statutes Concerning Criminal Justice (D 2020 016) & Governor's Guidance To Counties, Municipalities, Law Enforcement Agencies, And Detention Centers Jail data: Population counts for March 26, 2020 and June 4, 2020 provided by ACLU of Colorado. Prison data: Vera Institute of Justice's "People in Prison 2019" report
Connecticut	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Combined prison and jail system	n/a		21.5	76.5	15.77	1.28	14.50	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
Delaware	Testing some (0 points)	Testing some (0 points)	Masks provided to all (15 points)	Masks provided to some (0 points)	Data available and updated regularly (15 points)	State DOC provided data by race to the Marshall Project (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	Combined prison and jail system	n/a	21.5	66.5	13.71	0.00	13.71	F	Testing, PPE, data: DOC website & the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us" Executive orders: n/a Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report

Florida	No information on testing (0 points)	Testing some (0 points)	Masks provided to all (15 points)	No information on PPE (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	8.52	64	7.2	45.72	9.43	0.39	9.04	F	Testing, PPE, data: DOC website Jail data: NYU Public Safety Lab & Vera Institute of Justice Executive orders: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
Georgia	Testing not provided by DOC (0 points)	Testing some (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	24.76	142	6.9	76.66	15.81	0.75	15.06	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
Hawai'i	No information on testing (0 points)	Testing some (0 points)	Masks provided to some (0 points)	Masks provided to some (0 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	Combined prison and jail system	n/a	35.5	50.5	10.41	0.00	10.41	F	Testing, PPE, data: Dept of Public Safety, Corrections Division website Executive orders: n/a Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
Idaho	No information on testing (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	17.26	14	8.7	70.96	14.63	0.00	14.63	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Illinois	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		<i>This report does not provide a grade to Illinois because some of the relevant data is the subject of pending litigation.</i> n/a
Indiana	No information on testing (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	28.29	92	4.1	77.39	15.96	1.42	14.53	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
Iowa	Testing some (0 points)	Testing some (0 points)	Masks provided to some (0 points)	Masks provided to some (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	Grants DOC and parole board authority to suspend incarceration for parole revocations (10 points)	No order (0 points)	Grants DOC and Parole Board authority to authorize early parole (10 points)	11.33	16	8.3	84.63	17.45	0.00	17.45	F+	Testing, PPE, data: DOC website Executive orders: Department Of Corrections – COVID-19 Response Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Kansas	No information on testing (0 points)	Testing when symptomatic; one facility had complete testing (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	30.77	22	8.6	89.37	18.43	0.82	17.61	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Kentucky	Testing when symptomatic (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	Ordered early release and commutations for 186 people who met specific medical vulnerability and offense criteria (10 points)	Grants commutations to 697 people "convicted of nonviolent, non-sexual offenses" with sentences expiring on or before 9/30/2020 (10 points)	34.43	69	17.4	116.83	24.09	0.19	23.90	D-	Testing, PPE, data: DOC website Executive orders: Conditional Commutation Of Sentence, 2020-278 & Conditional Commutation Of Sentence, 2020-267 Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Louisiana	No information on testing (0 points)	Testing when symptomatic; two facilities had complete testing (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	DOC creation of a temporary furlough review panel those within 6 months of sentence completion and convicted of "nonviolent and crimes" (10 points)	16.78	60	12.2	83.98	17.32	1.01	16.30	F+	Testing, PPE, data: Dept of Public Safety & Corrections website Executive orders: DOC Creates A COVID-19 Furlough Review Panel Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Maine	No information on testing (0 points)	Testing when symptomatic; one facility had complete testing (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	State DOC provided data by race to the Marshall Project (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	All jail facilities	30.5	7.4	102.9	21.22	0.00	21.22	D-	Testing, PPE, data: DOC website, the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us," ME Public Radio article on PPE Executive orders: n/a Jail data: Data for January 4, 2020 and May 30, 2020 retrieved from https://web.archive.org/web/20200602030316/https://www.maine.gov/corrections/home/MDOC%20COVID19%20Web%20Dashboard%206-1-2020.pdf Prison data: Vera Institute of Justice's "People in Prison 2019" report

Maryland	Testing not provided by DOC (0 points)	Testing when symptomatic; reportedly increasing asymptomatic testing (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	Grants early mandatory supervision for those with planned release to supervision within 120 days; expedited release to home detention for all those eligible; and accelerated parole for parole eligible people at least 60 years old (10 points)	No order (0 points)	23.97	24	No prison data available	78.97	16.28	0	16.28	F+	Testing, PPE, data: Dept of Public Safety & Correctional Services website Executive orders: Implementing Alternative Correctional Detention And Supervision Jail data: ACLU of Maryland Prison data: Data from January 1, 2020 provided in Vera Institute of Justice's "People in Prison 2019" report, no population count found for April/May 2020
Massachusetts	Completed testing of all (15 points)	Completed testing of all (20 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available from ACLU of MA and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	20.17	All jail facilities	10.4	110.57	22.80	1.80	20.99	F+	Testing, PPE, data: DOC website & documents filed by the DOC with the Supreme Judicial Court Executive orders: n/a Jail data: April 7, 2020 and June 1, 2020 jail populations retrieved from ACLU of Massachusetts https://data.adum.org/sjc-14926-tracker/ Prison data: Vera Institute of Justice's "People in Prison 2019" report
Michigan	No information on testing (0 points)	Completed testing of all (20 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	State DOC provided data by race to the Marshall Project (15 points)	Order to suspend incarceration in jail for parole violations unless authorized by DOC (10 points)	Order to "strongly encourage" early release for older people, medically vulnerable people, and those with behavioral health problems who can be safely diverted (10 points)	Order to "strongly encourage" early release for those held for traffic violations and failure to appear or failure to pay (10 points)	27.48	9	5.6	143.08	29.50	3.68	25.82	D-	Testing, PPE, data: DOC website & the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us" Executive orders: Executive Order 2020-62 Jail data: DOC website Prison data: Vera Institute of Justice's "People in Prison 2019" report
Minnesota	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	38.39	50	19.7	113.09	23.32	0.00	23.32	D-	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: January 1, 2020 population data retrieved from the DOC Adult Prison Population Summary and April 30, 2020 population count provided to the Prison Policy Initiative by the DOC.
Mississippi	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	6.25	14	9.4	60.65	12.51	0.22	12.29	F	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Missouri	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	State DOC provided data by race to the Marshall Project (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	19.27	45	7	96.27	19.85	0.08	19.77	F+	Testing, PPE, data: DOC website & the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us" Executive orders: n/a Jail data: NYU Public Safety Lab & ACLU of Missouri Prison data: Vera Institute of Justice's "People in Prison 2019" report
Montana	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	3.57	14	8.5	67.07	13.83	0.75	13.08	F	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report & DOC correspondence
Nebraska	Testing not provided by DOC (0 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	25.91	7	4	79.91	16.48	0.00	16.48	F+	Testing, PPE, data: Department of Correctional Service website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report

Nevada	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	"Offenders are not allowed to wear masks unless they are specifically ordered to by a medical provider and authorized by a warden, and are housed in controlled isolation" (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	7.87	3	12.6	60.47	12.47	0.16	12.30	F	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
New Hampshire	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	DOC policy to streamline administrative-home-confinement (AHC), additional 5 points awarded as policy is applied broadly (15 points)	No jail data	0	8.8	68.3	14.08	0.00	14.08	F+	Testing, PPE, data: DOC website Executive orders: DOC policy to streamline AHC from correspondence between DOC and ACLU-NH Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
New Jersey	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	Orders that DOC shall identify and refer people to both a newly established Emergency Medical Review Committee and Parole Board those who are 60 years or older with medical vulnerabilities (10 points)	Orders release eligibility for those nearing the end of their sentence, with specific offense criteria (10 points)	35.31	8	11.8	122.11	25.18	5.25	19.93	F+	Testing, PPE, data: DOC website Executive orders: Executive Order No. 124 Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
New Mexico	Completed testing of all (15 points)	Testing some (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available, no specific frequency of updates (5 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Grants commutations to people with a release date within 30 days, parole plan in place, and who meet specific offense criteria (10 points)	22.03	11	4.9	86.93	17.92	0.30	17.62	F+	Testing, PPE, data: Corrections Dept website Executive orders: Commuting The Sentences Of Incarcerated Individuals Who Meet Certain Criteria And Instructing The DOC To Release Those Individuals From Its Facilities Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
New York	No information on testing (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	DOCCS identifies "low-level technical parole violators detained in jail" and reviews for release (10 points)	21.62	53	15	91.62	18.89	0.78	18.11	F+	Testing, PPE, data: Department of Corrections & Community Supervision website Executive orders: COVID-19 Jail Reduction - DOCCS Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
North Carolina	Testing available, but not required (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to some (0 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	21.79	38	9.9	71.69	14.78	0.30	14.48	F+	Testing, PPE, data: Dept of Public Safety website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
North Dakota	No information on testing (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	No information on PPE (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	14.29	7	37.1	81.39	16.78	0.00	16.78	F+	Testing, PPE, data: Dept of Corrections & Rehabilitation website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Ohio	Testing not provided by DOC (0 points)	Testing when symptomatic; some facilities committed to complete testing (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	21.78	26	5.3	77.08	15.89	3.26	12.63	F	Testing, PPE, data: Dept of Rehabilitation & Correction website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Oklahoma	Testing not provided by DOC (0 points)	Testing some; testing all who are scheduled to be released within one week (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	State DOC provided data by race to the Marshall Project (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	3.51	14	6	74.51	15.36	0.00	15.36	F+	Testing, PPE, data: DOC website & the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us" Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report

Oregon	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	40.85	25	17.8	103.65	21.37	0.14	21.23	D-	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Pennsylvania	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	Grants reprieve of sentence to people who are medically vulnerable and meet specific offense criteria (10 points)	Grants reprieve of sentence to people who are within 12 months of release eligibility and who "do not pose a risk" to public safety (10 points)	21.12	40	8.8	94.92	19.57	0.41	19.16	F+	Testing, PPE, data: DOC website Executive orders: Order Of The Gov. Of Penn. Regarding Individuals Incarcerated In State Correctional Institutions Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
Rhode Island	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	No information on PPE (0 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	DOC established process for early release and awarding good time that may have been lost (10 points)	Combined prison and jail system	n/a	25.2	75.2	15.51	0.00	15.51	F+	Testing, PPE, data: DOC website, DOC facebook page, correspondence between DOC and ACLU of Rhode Island Executive orders: Report from Providence Journal citing interview with DOC Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
South Carolina	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	25.74	20	4.8	75.54	15.58	0.00	15.58	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
South Dakota	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	Orders suspension of jail admissions for people on parole with positive urinalysis test for controlled substance (10 points)	No order (0 points)	No order (0 points)	-3.7	5	6.6	57.9	11.94	0.00	11.94	F	Testing, PPE, data: DOC website Executive orders: Executive Order 2020-14 Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Tennessee	Commitment to testing all (5 points)	Completed testing of all (20 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Disaggregated by race (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	31.4	94	12.8	129.2	26.64	0.29	26.35	D-	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab & Vera Institute of Justice Prison data: Vera Institute of Justice's "People in Prison 2019" report
Texas	Testing some; some facilities committed to complete testing (5 points)	Testing when symptomatic; some facilities committed to complete testing (5 points)	Masks provided to all (15 points)	Masks provided to some (0 points)	Data available and updated regularly (15 points)	Not disaggregated by race (0 points)	Orders suspension of rules relating to personal bonds allowing increased use of personal bond (10 points)	No order (0 points)	No order (0 points)	2.43	44	9.7	62.13	12.81	0.71	12.10	F	Testing, PPE, data: Dept. of Criminal Justice website Executive orders: Executive Order No. GA-13 Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Utah	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	16.17	9	19.8	80.97	16.69	0.00	16.69	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Vermont	Commitment to testing all (5 points)	Completed testing of all (20 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated regularly (15 points)	Disaggregated by race (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	Combined prison and jail system	n/a	29.7	114.7	23.65	0.00	23.65	D-	Testing, PPE, data: DOC website Executive orders: n/a Jail data: n/a Prison data: Vera Institute of Justice's "People in Prison 2019" report
Virginia	Testing not provided by DOC (0 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	Authorizes consideration for early release for those who meet specific offense criteria and medical vulnerability criteria (10 points)	Authorizes consideration for early release for those who meet specific offense criteria and are within 1 year of end of sentence (10 points)	13.64	25	2.56	83.64	17.25	0.63	16.62	F+	Testing, PPE, data: DOC website Executive orders: DOC COVID-19 Response Inmate Early Release Plan Jail data: NYU Public Safety Lab Prison data: DOC website

Washington	Testing not provided by DOC (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	Grants commutations to those who are charged with "nonviolent/nonsexual offense" and a release date prior to 6/29/2020 (10 points)	35.82	37	2.7	93.52	19.28	0	19.28	F+	Testing, PPE, data: DOC website Executive orders: Emergency Commutation In Response To COVID-19, 20-50 Reducing The Prison Population, & 20-35 Department Of Corrections - Community Custody Violations Jail data: NYU Public Safety Lab Prison data: Data from Dec 31, 2020 and March 31, 2020 from DOC Fact Cards. In correspondence, the DOC reported that there were 16,531 people incarcerated in state prisons on April 30, 2020, but that this count excludes those held for technical violations and is therefore incompatible with the population count provided for Dec 31, 2020.
West Virginia	Complete d testing of all (15 points)	Completed testing of all (20 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	State DOC provided data by race to the Marshall Project (15 points)	No order (0 points)	No order (0 points)	No order (0 points)	11.99	10	7.4	114.39	23.59	0.00	23.59	D-	Testing, PPE, data: Division of Corrections & Rehabilitation website, the Marshall Project's report, "Is COVID-19 Falling Harder on Black Prisoners? Officials Won't Tell Us," & WV MetroNews article on PPE Executive orders: n/a Jail data: ACLU of West Virginia Prison data: Vera Institute of Justice's "People in Prison 2019" report
Wisconsin	Commitment to testing all (5 points)	Commitment to testing all (5 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Data available and updated daily (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	15.65	21	10.6	81.25	16.75	0.00	16.75	F+	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report
Wyoming	No information on testing (0 points)	Testing when symptomatic or in contact (0 points)	Masks provided to all (15 points)	Masks provided to all (15 points)	Some data available (15 points)	Not disaggregated by race (0 points)	No order (0 points)	No order (0 points)	No order (0 points)	2.52	4	2	39.52	8.15	0.00	8.15	F	Testing, PPE, data: DOC website Executive orders: n/a Jail data: NYU Public Safety Lab Prison data: Vera Institute of Justice's "People in Prison 2019" report