



The Controller, as fiscal watchdog, is obligated to reduce current and potentially avoidable future costs to county taxpayers. On March 18, 2020, Lehigh County Controller Mark Pinsley sent a letter to the District Attorney, Chief Public Defender, President Judge, Board of Commissioners, County Executive, and Director of Administration advising them of the potential costs COVID-19 may have on the prison population.

Pinsley indicated that prisons are highly contagious facilities given the close proximity of prisoners and difficulties in practicing social distancing. Given the cost of external medical care and the need to mitigate the potential consumption of limited medical resources, Controller Pinsley suggested reducing the jail population during the outbreak.

In a series of responses from the District Attorney and Public Defender, the Controller's Office was made aware that measures were currently being taken.

We applaud these efforts and fully support efforts to reduce the county's financial liability and ensure that the health and dignity of all is upheld. We look forward to seeing the difference between daily prison population census figures before and after mitigation efforts have been enacted.

The Controller feels it is still important to release his initial request to the public in order to provide transparency regarding this crucial policy decision.

In the interest of accountability, the Controller is releasing the following letter to you. The Controller hopes that both the District Attorney and Public Defender continue this process and successfully reduce the threat to public health and the county.

Mark Pinsley

Lehigh County Controller





**Lehigh County**  
Pennsylvania

## OFFICE OF THE CONTROLLER

Mark Pinsley, MBA

Thomas Grogan, CPA

COUNTY CONTROLLER

DEPUTY CONTROLLER

March 18, 2020

Kimberly Makoul, Public Defender  
James B. Martin, District Attorney  
The Honorable Edward D. Reibman, President Judge  
Lehigh County Courthouse  
455 W. Hamilton Street  
Allentown, PA 18101-2400

Dear Interested Parties,

COVID-19 is officially a national emergency.

Lehigh County has implemented multiple safety protocols, including banning visitors from the Government Center and other government buildings. It is evident that our courts, nursing home, and other entities have made, and continue to make, thoughtful decisions regarding how best to handle this epidemic. At the Controller's office, we have made sure that, if needed, we are able to work remotely so that we can continue to review and approve disbursements and perform all other functions as mandated by the Section 502 of the Lehigh County Administrative Code. We are also ensuring that the County remains watchful for issues that might cause the county additional financial strain.

Should the virus spread to the Lehigh County Jail, the several hundred inmates might place a huge strain on our local healthcare resources and facilities. This could **reduce the availability of those vital medical resources for all of our citizens.**

Friday afternoon, March 13, 2020, the President declared COVID-19 a national emergency, and Governor Wolfe has signed an emergency disaster declaration to mitigate the spread of the virus. The availability of hospital beds and other medical resources for our citizens is limited. As a community we need to find ways to slow the spread of COVID-19 to ensure the healthcare system will have the capacity to take care of our citizens.

The costs of having an epidemic in prison can be extremely high, requiring extra security and overtime. Most care for prisoners can be delivered on-site; however, prisoners may need to be hospitalized to receive acute or specialized care. The complex logistics associated with moving prisoners to and from the hospital is a costly undertaking that requires a high-level of security, including provisions for secure transportation and around-the-clock monitoring. Pew Research





Center figures indicate that off-site care costs are a significant part of correctional healthcare budgets.<sup>1</sup> For example, the state of Virginia spent 27 percent of its prison healthcare budget on off-site hospital care in 2015, while New York spent 23 percent. These estimates reflect budgets during normal times—an epidemic is bound to cost significantly more. An internationally respected publication, *The Guardian*, quoted Brown University epidemiologist Josiah Rich: “The more people behind bars, the more transmissions you are going to get.”<sup>2</sup>

While it is not possible to estimate potential costs at this stage, it is possible to mitigate both financial and health effects with proper foresight and action. In the interest of public health, and based on research from the Prison Policy Institute as well as other sources, the following are recommendations that may help reduce our financial concerns:

- Reduce jail admissions to limit the possibility of COVID-19 exposure to other inmates by eliminating cash bail; this approach has already proved effective in a number of communities, including the city of Philadelphia. Incarcerated individuals who pose no safety risk to society and who haven’t yet been to trial, create additional health risks for the inmates that are already serving time.
- Eliminate parole and probation revocations for technical violations with possible referral to rehabilitation programs.
- Release to early parole all medically fragile and older adults who pose no threat to society and who have served most of their time. The costs associated with incarcerating this population may be significantly higher than costs associated with paroling them.

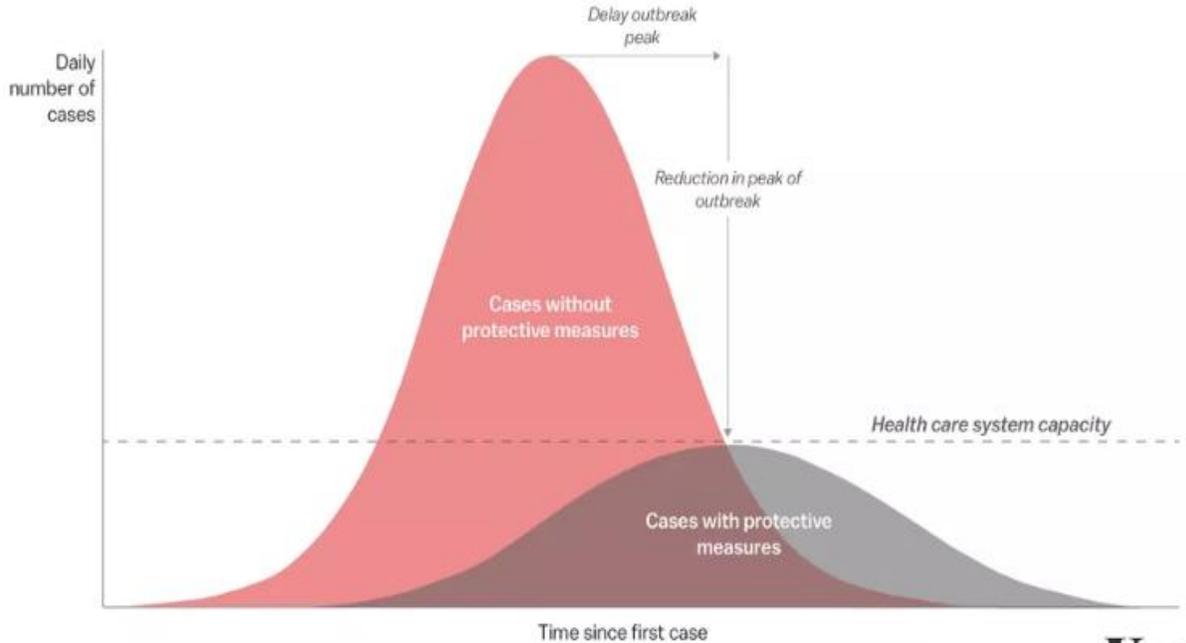
These recommendations would apply for the duration of the COVID-19 crisis to protect our healthcare resources for the citizens of Lehigh County.

The reduction of the prison population will greatly reduce the potential stress placed upon available medical facilities. Such action will also protect jail staff from the effects of an institutional outbreak. We are in a situation now where adding inmates to the system may **increase** the danger to our community. We need to maintain access to hospital beds and medical care for all of Lehigh County. A prison epidemic would only add to existing costs and hurt us in that effort.





**Flattening the curve**



Source: CDC

Christina Animashaun/Vox



We must all work together to #FlattenTheCurve. A spike in prisoner illness would have the opposite effect.

Cordially,

Mark Pinsley  
Lehigh County Controller

CC: Phillips Armstrong, Lehigh County Executive  
Lehigh County Board of Commissioners  
Edward Hozza, Jr., Director of Administration





**Lehigh County**  
Pennsylvania

## OFFICE OF THE CONTROLLER

Mark Pinsley, MBA      Thomas Grogan, CPA  
COUNTY CONTROLLER      DEPUTY CONTROLLER

\*\* The information in this document originates from the office of the Lehigh County Controller and does not represent an audit performed under the Generally Accepted Government Auditing Standards (GAGAS)\*\*

<sup>1</sup> <https://www.pewtrusts.org/en/research-and-analysis/reports/2018/07/19/state-prisons-and-the-delivery-of-hospital-care>

<sup>2</sup> <https://www.theguardian.com/us-news/2020/mar/13/coronavirus-us-prisons-jails>





### A Simplified View of the Path from Arrest to Pretrial Detention

