

CLEMENCY AND COVID-19

Across the country, vulnerable communities were hit hardest during the pandemic, and Kentucky is no different. The virus continues to disproportionately impact communities of color, people with low incomes, and incarcerated Kentuckians. Governors across the country took action to reduce the risk of spreading COVID to people living in incarceration and corrections officers, but it's not enough.

WHAT IS CLEMENCY?

Clemency is a tool to grant a person relief – by pardon or commutation – from a court-ordered sentence or punishment.

Kentucky's Constitution allows the Governor to grant clemency.

Thousands of people held pre-trial were released during the pandemic. People held pre-trial are incarcerated only because they cannot afford to post bail. **Money should not determine a person's freedom.**

The emergency releases proved we can release people pre-trial without threatening public safety. According to Kentucky Supreme Court Chief Justice John Minton, the re-arrest rate for defendants released by pretrial services between April 15 and May 31 of 2020 was 4.6 percent, **which was the same re-arrest rate for defendants released by pre-trial services during the same period in 2019.**

CLEMENCY AND THE PANDEMIC:

Clemency reduced crowding and saved lives. Unfortunately, this was not enough.

48

Incarcerated people died from COVID-19 in KY as of Dec. 2021.

8

Corrections employees died from COVID-19 in KY as of Dec. 2021.

2,100

Incarcerated people died from COVID-19 nationwide.

21

Corrections employees died from COVID-19 nationwide.

THE SOLUTION:

- Review more cases and provide more commutations.
- Urge Parole Board to consider parole for some and automatic release for others.
- Provide incarcerated people with resources and support for successful re-entry upon release.

Freedom should not – nor should it ever be – a commodity available to only those who can purchase it. No person should be detained only because they cannot afford to post bail.