Hundreds have died in US prisons from Covid-19. Will Australia act before it's too late?

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Covid-19 will almost certainly lead to more Aboriginal deaths in custody. The Victorian government has an urgent lesson to learn

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For months we have been watching the tragedies of Covid-19 unfolding on our newsfeeds. Now, just like in the United States, coronavirus has spread to our prison system, aged care facilities and vulnerable communities. And like in the US, Covid-19 threatens to get out of control.

The Victorian government's proposed safeguard to keep the virus out of our prisons and youth detention centres, protective quarantine, has failed. As of 27 July, there have been Covid-19 cases diagnosed among staff or detained people at the Metropolitan remand centre, Ravenhall prison and Malmsbury and Parkville youth detention facilities.

I have been closely and fearfully following the developments in Victoria's prison and youth detention systems this week. The UN Office of the High Commissioner for Human Rights has stated that "widespread community

transmission of Covid-19 within a correctional institution is likely to result in a disproportionately high Covid-19 mortality rate".

We all know that the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal legal system means that they will be disproportionately impacted by Covid-19 outbreaks in detention. Black Lives Matter is not a slogan. It is a movement that calls on everyone to value and protect the lives of Black people. With many Aboriginal people in detention having underlying health issues, Covid-19 will almost certainly lead to more Aboriginal deaths in custody. The fact that next year we mark the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody is not lost on me.

Getting control of an outbreak will be much more difficult than preventing an outbreak in the first place. We have seen the devastation that comes with the spread of Covid-19 in detention in countries such as the US. According to the New York Times, the top 13 Covid-19 hotspots in the US are in prisons and jails. The Sentencing Project has reported that at least 1,310 youth in detention have tested positive, and the Marshall Project has reported that 70,717 people in prisons have contracted Covid-19.

Alarmingly, an American Civil Liberties Union study concluded that "Covid-19 could claim the lives of approximately 100,000 more people than current projections stipulate if jail populations are not dramatically and immediately reduced, according to a new epidemiological model."

It's difficult to understand the government's failure to act on this issue, to decrease the number of people in detention, in light of the huge efforts it is making (and sacrifices it is asking Victorians to make) to contain the spread of the virus. It's the elephant in the room, and our leaders simply cannot afford wilful blindness at this critical juncture.

The Victorian government has an urgent lesson to learn: the health of people in custody is inextricably linked to the health of all Victorians during this pandemic. If it chooses to ignore the overwhelming evidence, provided by medical and public health experts both internationally and domestically, if it ignores the catastrophic consequences we have seen in other countries where governments have failed to curb admissions to detention and release people from custody, we will pay the price – with our jobs, our health and our lives.

My question to our government is this: are they truly committed to keeping all Victorians safe during these unprecedented times? And does our government value the lives of people in detention? Will the government show courage and leadership, and immediately decrease the number of people in detention to mitigate Victoria's collective harm and loss? The government

need only look overseas, to the many countries adopting decarceration strategies, for guidance and inspiration.

In the last week, seven prisons and two youth detention facilities have gone into lockdown due to Covid-19outbreaks, with reports of children being confined to their rooms for days on end. It is incredibly harmful to keep people, both adults and children (particularly if they have mental health conditions), in extensive and cyclical lockdown and isolation. These restrictions are occurring against the backdrop of the UN Anti-Torture mechanisms' recent, unanimous warning that "the Covid-19 pandemic is leading to an escalation of torture and ill-treatment worldwide".

Measures taken and practices adopted in places of detention in an attempt to contain Covid-19 must never amount to torture or cruel, inhuman or degrading treatment and should not form part of the government's strategy to keep detained people and detention centre staff safe and healthy. People in detention must be provided medical care equivalent to that in the community. The government cannot shirk its responsibility to the Victorian community, a responsibility that extends to our community members who are deprived of the liberty, who are in its care.

With each "clock in" of a staff member or transfer of a detained person, with every day, every hour, every minute that passes, we risk an outbreak that would spread like wildfire in detention. How many people will have to die before our leaders take action? In the US there have been at least 713 reported deaths of detained people from Covid-19.

The Victorian government has a choice to make. It can either learn the tragic lesson of failing to efficiently and effectively decrease detention populations from other countries' experiences, or from its own personal experience. If it takes seriously its responsibilities to not only those who are in its care in detention, but to all Victorians, it shouldn't be a difficult choice at all.

We need to remember that behind these US statistics are people who have lost their lives and those whom they have left behind – grieving families and communities. So I'll ask the government one final question: are we going to repeat the US's mistakes?

- *Nerita Waight is a Yorta Yorta woman and the CEO of the Victorian Aboriginal Legal Service*