

# College Students' Response to the Release of Incarcerated Populations during COVID-19: A Qualitative Pilot Study

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Virginia Social Science Journal | Volume 54 | 2020 | Pages 74 –88

**ABSTRACT** This qualitative pilot study explores responses from college students regarding the release of incarcerated populations during COVID-19, utilizing a sample of students enrolled at a large-public university in central Virginia. Results revealed three themes: (1) favor towards releasing individuals incarcerated for nonviolent versus violent offenses, (2) view of correctional facilities as safety nets for incarcerated populations, and (3) belief in the possibility of re-offending due to increased strain. Preliminary findings indicate that while students were largely supportive of the release of certain offenders (i.e., nonviolent), they believed that there would be potential consequences such as increases in COVID-19 cases, and re-offending. Findings suggest that students support facilities releasing individuals most vulnerable to contracting the virus. Additionally, students believe that facilities should provide adequate resources to aid newly released individuals in successful community reintegration during this unprecedented time.

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## INTRODUCTION

According to April 2020, data from The Marshall Project, there were 9,437 cases of COVID-19 reported among prisoners in the United States (Park et al., 2020). In June, this number increased, reflecting a total of 46,249 cases, with 465 infections per 10,000 prisoners. With 1,328 cases, the Commonwealth of Virginia ranked among the top ten states (The Marshall Project, 2020). Furthermore, on June 17, seven of America's eight largest coronavirus outbreaks were in jails or prisons (McCarthy, 2020). By early July, of the top 10 outbreaks in the country, nine were in correctional facilities (The New York Times, 2020).

Many states have taken precautions to prevent the spread of the coronavirus (Boman & Gallupe, 2020) and increased attention has focused on precautions implemented by correctional facilities both nationally and internationally, to ensure the safety of incarcerated populations (Cingolani et al., 2020; Miller & Blumstein, 2020; Prison Policy Initiative, 2020). One of the implementations includes the enactment of early release policies in which some individuals are released from facilities in efforts to promote social distancing amongst detained populations (Prison Policy Initiative, 2020; Reinhart & Chen, 2020), which has arguably drawn national concern over public safety (Lyons, 2020).

Many concerns associated with COVID-19 are largely due to issues surrounding overcrowding (Abraham et al.,

2020; Cingolani et al., 2020; James & Foster, 2020), and an inability to social distance as recommended by the Centers for Disease Control and Prevention (CDC) (Hawks et al., 2020; Kinner et al., 2020; Rubin, 2020). Research affirms that incarcerated populations stand at an elevated risk of contracting the coronavirus (Seal, 2020; Pyrooz et al., 2020; Kinner et al., 2020), due in part to having fewer protective factors to guard against infection, and inadequate healthcare as compared to services offered in community settings (Kinner et al., 2020). Yet, there has only been about a 5% reduction in the prison population, leaving many facilities with decisions to make in order to ensure safety (Widra & Hayre, 2020).

The pandemic has impacted nearly all U.S. institutions, making them more prone to systemic vulnerabilities and disparities (Abraham et al., 2020; Lyons, 2020). The current study explores students' responses to the early release of incarcerated populations in U.S. correctional facilities. As the coronavirus is causing many institutions in the United States to moderate their daily operations, this research has three aims: to discover student views on the early release of offenders in light of social distancing recommendations; to identify students' attitudes on potential issues related to multiple COVID-19 shutdowns/lockdowns and criminal/deviant behavior and to solicit solutions from students about COVID-19 and incarcerated populations.

## LITERATURE REVIEW

### Correctional Populations and Health

U.S. correctional facilities have long been criticized for having poor hygiene and sanitation (Abraham et al., 2020; Widra & Hayre, 2020), and share this distinction with prisons worldwide (Tkachuk & Walmsley, 2001). A report entitled *Interim Guidance on Developing A COVID-19 Case Investigation & Contact Tracing Plan* by the CDC reflects that jails, prisons, and immigrant confinement centers have reported coronavirus outbreaks (CDC, 2020a). To abide by the social distancing guidelines set by the CDC, jails and prisons within the United States have taken precautions to handle the spread of the coronavirus (James & Foster, 2020; Lyons, 2020; Marcum, 2020; Prison Policy Initiative, 2020). The CDC report has provided guidelines on preventing and controlling COVID-19 in correctional institutions.

Prisoners have often been instructed to make face masks, with little concern over the health of correctional populations (Alonso & Levenson, 2020; Blakinger, 2020). In exploring responses to COVID-19 from federal and state correctional facilities, Marcum (2020) provided data indicating that inmates from many states had contracted the virus with some cases resulting in inmate deaths. The CDC recommends that congregate care facilities, including jails and prisons, assign infection control personnel to evaluate likely exposure of staff, residents, and patients at the facility and recommend infection control processes, including contact tracing (CDC, 2020a).

In the CDC's *Interim Guidance*, health departments report that investigating COVID-19 in jails can be very challenging due to crowded conditions and rapid turnover among the inmates. In addition to standing at a high risk of contracting the virus, incarcerated populations are least likely to overcome the illness and regain full health (Vose et al., 2020). In examining a sample of 31 high-security male prisoners, Pyrooz et al. (2020) findings indicate that prisoners were aware of their high risk of contracting the coronavirus, which they believed would be due to its transmission from correctional officers. While the prisoners perceived correctional staff to be serious about the prevention of an outbreak, they had low confidence that this could be achieved within the correctional setting (Pyrooz et al., 2020). Regarding the health of incarcerated populations during the pandemic, the question becomes when, not if an outbreak will occur within these facilities (Vera Institute of Justice, 2020). Carter (2020) states that correctional officers may be at an increased risk of being carriers of COVID-19 due to their mobility to and from

correctional facilities within the prison community.

### Re-entry during COVID-19

While much research focuses on incarcerated individuals, literature remains scarce regarding populations recently released in efforts to increase social distancing in correctional facilities. Referring to the release of offenders during COVID-19 as "Mass-Decarceration," Abraham et al. (2020) explore how this may be vital in saving lives considering the current state of corrections. Evidence by Stickle & Felson (2020) suggests that one of the effects of COVID-19 is crime rates, which appear to have fallen drastically in many U.S. communities. Researchers argue that the legal stay-at-home orders may be a significant contributor to the decrease in crime rates since the COVID-19 pandemic, by shifting some routine activities of individuals (Miller & Blumstein, 2020; Stickle & Felson, 2020). However, Felson et al. (2020) posit that this may be the case for some crime types in comparison to others. According to Piquero et al. (2020), the stay-at-home/shelter-in-place lockdown style orders could result in unintended consequences leading to the abuse of partners, elders, or children.

Concern remains for incarcerated populations who may be re-entering society with limited resources to make a successful transition (Abraham et al., 2020; Cook & Haynes, 2020; Ortiz & Jackey, 2019). Regarding re-entry, Vose et al. (2020) presented the necessity for the risk-need-responsivity model to identify inmates who pose the greatest threat to society in efforts to release incarcerated individuals without jeopardizing public safety. Other research has focused on life after incarceration for those persons released during the pandemic. In their examination of imprisonment pains and re-entry strains on the perceived likelihood of re-offending, Cook and Haynes (2020) found that re-entry strains were most likely to contribute to one re-offending, due to low community capital and inability to adjust to life in the community.

It has been argued that much of the inequality seen during the pandemic stems from racial capitalism. Such inequality often shapes harmful social conditions for individuals with low-income and people of color, leading to poor health outcomes, increased multiple risk factors, limited access to resources, and replicated historical patterns (Laster Pirtle, 2020). Many individuals released during this time are returning to communities with severe high unemployment rates (Abraham et al., 2020; Cook & Haynes, 2020; Ortiz & Jackey, 2019). In examining the number of inmates homeless before incarceration, Marcum (2020) found that the release of incarcerated

populations could lead to adverse health outcomes due to limited housing access during the pandemic.

Since the pandemic, researchers have attempted to investigate “what works” to control the spread of the virus. Additional coordination will be necessary to support people discharged from prisons, jails, and youth detention centers (Abraham et al., 2020; Cook & Haynes, 2020; Marcum, 2020). Released inmates will most likely need social support to obtain and maintain adequate housing, food, and medical care throughout their self-isolation (U.S. Department of Health and Human Services, 2020).

## THE CURRENT STUDY

A review of the literature revealed mixed evidence in terms of the pros and cons associated with the early release of incarcerated populations during the pandemic. While one study explored the perceptions of currently incarcerated people (e.g., Pyrooz et al., 2020), the existing literature on the impact of COVID-19 has yet to examine public perceptions of policies implemented by correctional facilities to prevent further spread of the disease. Additionally, no empirical study has analyzed related policies through the lens of re-entry. The present study seeks to inform this gap in the literature. More specifically, we look at early release policies implemented by correctional facilities, the mandatory stay-at-home-orders implemented by states across the U.S., as well as their perceived impact on the individuals being released, society, and the criminal justice system.

## METHODOLOGY

The qualitative methodology, as described by Creswell & Guetterman (2019), was applied to achieve this study’s objectives. Maxwell (2013) posits that a primary element of qualitative studies is that research questions are designed to explore a central phenomenon in a particular context in which the researcher seeks to explain, describe, and interpret the phenomenon. Guided by discussion forums and the following research questions, this study explored how students who have experienced taking a criminal justice course perceived practical issues in the field

### Research Questions:

1. What are students’ attitudes toward the early release of incarcerated individuals in efforts to promote social distancing?
2. From the students’ view what issues, if any, do

shutdowns and lockdowns due to COVID-19 present for criminal or deviant behavior to occur?

3. What solutions do students have to address COVID-19 among jails and prisons?

A convenience sample of students from a large public institution in central Virginia was utilized for this study. The students came from an introductory-level criminal justice course in which they were enrolled during the spring 2020 semester. Historically, students have participated in criminological research, primarily due to accessibility (Payne & Chappell, 2008), with criminal justice students having significantly less bias in their views of the criminal justice system in comparison to non-criminal justice students and members of the general public (Miller, Tewksbury, et al., 2004; Tsoudis, 2000). Before the discussion forum, students had covered textbook chapters on the criminal justice system about policing, courts, and corrections. They were expected to use their classroom knowledge and theoretical understanding to interpret the events that have taken place since the emergence of the COVID-19 pandemic.

After gaining approval from the university’s Institutional Review Board, primary data were collected as part of a submitted class assignment given the first week of April 2020. Students’ participation was voluntary. In the discussion forum, students were free to answer questions in their own words and were not assigned any limitations as to how they could answer. During the deliberation, students were presented with four discussion questions that aimed to answer the broader research questions.

**DQ1:** Do you agree with the way incarcerated populations are currently being handled in our correctional system to promote social distancing? Why or why not?

**DQ2:** Do you believe jail inmates should be released as a means to prevent this outbreak from occurring in facilities? Why or why not?

**DQ3:** What other possible solutions do you have to address this national concern among jails and prisons?

**DQ4:** What potential issues, if any, do the multiple shutdowns and lockdowns due to the COVID-19 pandemic present for criminal or deviant behavior to occur and for correctional facilities?

In this forum, participants not only responded initially to the prompts but also responded to each other in a manner that displayed respect for peers’ positions. There were 22 responses from 25 students who had access to the prompts. In addition to responding to the prompt, each participating student was required to respond to at

least three classmates. Thematic coding was used, which allowed both authors to extract themes from text. Thematic analysis, as outlined in Braun and Clarke (2006), was used to analyze responses to the questions asked in the forum.

## FINDINGS AND DISCUSSION

Twenty-two students participated in the discussion forum. While most were undergraduate students in Criminal Justice, some participants came from various social science undergraduate programs, including Human Services, Sociology, Cybercrime, and Psychology. Of the sample, 14 were identified as freshmen, six as sophomores, and two as juniors. As mentioned previously, each participating student was expected to answer the four questions as an initial post and respond to three of their peers. After the data collection period concluded, responses were thematically analyzed, and three themes emerged: (1) a favor toward the release of individuals incarcerated for nonviolent versus violent offenses, (2) correctional facilities serving as a safety net for incarcerated populations, and (3) the possibility of re-offending due to increased strains in society. Each theme is explored in detail below from the students' view.

### *Release of Nonviolent Versus Violent Offenders*

Since the COVID-19 pandemic correctional facilities across the United States, particularly, jails, have made efforts to reduce the number of persons incarcerated to achieve social distancing (Widra & Wagner, 2020). When answering the question dealing with their feelings regarding the decision of correctional facilities to reduce the number of incarcerated people, a majority of students agreed that they were satisfied. One student's response summarized the views of the majority:

I completely agree with the way correctional facilities are reacting to the COVID-19 pandemic, it is better to be safe than sorry. If one person were to get the virus, it is a great chance that they will spread it all around, creating a catastrophe in the system. I'm actually glad they are taking precautions as far as releasing nonviolent offenders and encouraging visitors to not show up. The correctional system is actually doing something to protect the inmates, and to me this is amazing, and I support it.

Although data reflect that violent offenders are the least likely to be rearrested (Wagner & Sawyer, 2020), many students were more likely to support the release of nonviolent offenders than violent offenders. The majority of

participants favored the release of nonviolent offenders and viewed this as being beneficial to incarcerated violent offenders regarding social distancing. One student stated:

I believe that if a person has done a serious crime, then he/she should do the time no matter the circumstances. I also believe people with minor offenses should be released for the safety of the people in and outside of jail.

As the conversation continued, the students explored how the release of violent offenders could be viewed as a threat to community members' safety. At the time of data collection, students felt that facilities were doing a good job by releasing nonviolent offenders who were, according to their responses, less threatening to members of society. One student wrote:

The correctional system is trying to promote social distancing, and they are only releasing the nonviolent, low-level offenders and some others who have chronic health problems. With that, the jails obviously are not releasing just anyone; as they have taken into consideration whether the inmates will be a threat to the community. I agree that reducing the inmate population is certainly a great course of action in managing outbreaks in the jails.

When taking into consideration the actions of many states to shut down and set curfews for residents, some students felt as if this could keep crime and criminal behavior under control. One student explained:

Releasing inmates who pose no serious threat and committed small offenses [isn't] going to do anything wild, especially since everything is closed and everyone is trying to stay home.

Student responses, to this point, were consistent with most of the literature on COVID-19 and the routine activities of individuals due to the stay-at-home orders. However, responses became mixed on whether students felt that newly released individuals would be inclined to follow the rules set by the orders. By places being closed, this particular student felt this would aid in the number of individuals that would abide by the orders.

Standing in support of releasing nonviolent offenders, one student noted dissatisfaction in how some facilities were selecting who would be released. While a majority of students supported the release of nonviolent offenders, one student brought attention to how all states may

not be on the same page regarding the release of offenders. As stated: I could agree on the nonviolent inmates if that [was] who they were releasing, but sadly it's not. In New York, they've released four child molesters, three of which were classified as highly likely to re-offend.

Victim services agencies, in particular, have been impacted by COVID-19, especially now during a time where abuse and neglect are expectantly increasing (Posick et al., 2020). Due to some states releasing both types of offenders, the comment above suggests that student support of the early release policies was conditional. While students were more likely to support the release of nonviolent offenders, they were less likely to offer this same support when discussing violent offenders, despite evidence suggesting that nonviolent offenders are more likely to get rearrested when compared to violent offenders (Sawyer & Wagner, 2020). It became apparent that the stigmatization attached to violent offenders, such as being seen as a threat to others and more likely to re-offend, were the causes of the differential levels of support.

### ***Correctional Facilities as Safety Nets***

Although issues such as overcrowding hinder facilities from truly achieving social distancing, another theme that was discovered involved correctional facilities being seen as safety nets for incarcerated populations. Students holistically felt that although stay-at-home orders were being implemented, they would not entirely prevent one from contracting the virus. Although students were aware of the possibility of outbreaks occurring in facilities and supported the release of nonviolent offenders, participants did not anticipate substantial health and wellness benefits for the newly released. From a health and wellness perspective, one student replied:

I just don't see how this can be a good thing. All the jails are doing is sending more people into the community to get infected, even if they were not infected when released. If they are released, just because they were not considered to be sick or infected, the jail is ignoring the fact that they could still contract the virus when sent into the community with everyone else. They are safer contained in the jail than they are free in the infected community.

In examining how arrest and pretrial detention aids in disseminating the virus, Reinhart and Chen (2020) found that jail cycling was a significant predictor of the spread of COVID-19, accounting for 55% of the variance in Chicago and 37% of the variance in Illinois. Students supporting this perspective viewed correctional facilities as safety nets for

already detained persons while acknowledging how new arrests and pretrial detention could place people at risk of the virus. As put by another student:

Putting more people into the population to go out and be around more people is going to increase the number of cases we are seeing. Whereas in the jails and prisons, most interactions with others are regulated and monitored.

While many students supported the release of nonviolent offenders, they did not believe this population would necessarily be placed in a better condition after release. They felt that the correctional facilities during this time also served as a safety net for incarcerated populations.

Once health was factored into the conversation, students were more favorable of incarcerated people staying put. As one student put it:

Releasing the inmates currently locked up would only increase the amount of people getting infected and make matters worse for everyone at this time.

From the students' view, as more people are released back to communities, the more likely COVID-19 would infect others. When comparing their recommendation to the stay-at-home order implemented by several states, one student in particular argued:

The best way to ride through this pandemic is for everyone to stay put... While prisons and jails are obviously not well suited for this, they should follow the stay-at-home order in the ways that they can. Individuals released from prison aren't likely to be very concerned with staying at home and away from others. Overall, there should be minimal interaction with the outside world so that there is less chance of infection.

Overall, some students did not feel as though people who were newly released would be inclined to stay put during the pandemic. Thus, for incarcerated populations who would not be concerned with adhering to the new standards, participants felt that staying put at their respective correctional facility was best for the sake of their health and the health of others.

### ***Strain and Possibility of Re-offending***

As an introductory-level course, students were provided a basic understanding of criminological theory. In speaking on various issues that the pandemic could present for formerly incarcerated individuals and correctional facilities,

students responded from the theoretical perspectives of conflict, capitalism, and strain. From the students' view, in its current state, society is not set up to accommodate newly released individuals and, in fact, places this group in positions to re-offend due to limited access to necessities. As explained:

As the COVID-19 pandemic develops, we see so much conflict throughout society. People are being laid off but still required to pay bills and rent. People are fighting over supplies, and people are getting mad at others for not properly social distancing.

The pandemic requires people to get used to a new way of doing things. From the students' view, this presents conflicts within society. Within the context of potential conflicts, particularly for people who may not have adequate resources or access to navigate the pandemic, this student continued:

This pandemic has exposed many things that are wrong with our capitalistic society... how the rich can get tested for no reason, but lower-income communities can't get tested when they've been exposed to someone with the virus and show symptoms... Another aspect of this puzzle is crime. Many lockdowns and shutdowns have created this manic state of stress that everyone is in because some people don't know where their next meal is coming or their next month's rent or their supplies... This is a problem.

As learned, there are multiple ways in which individuals cope with strain. However, in the case where basic necessities have not yet been obtained, individuals may be more likely to commit crimes. Due to the increased societal strain experienced, other students felt as if the release of offenders would contribute to re-offending. As stated:

I think what is not in anyone's best interest is the possibility of re-offending. While it is not the most common and not something that every inmate would do, there is obviously risk in releasing offenders back into the public early. Given the current uncertainty of public health and the declining economic climate we are currently in, I think it could cause individuals to re-offend.

Relevant to the student views on the possibility of recidivism, Pyrooz et al. (2020) reported that programming activities in some facilities had been disrupted during the pandemic, including counseling and educational programming. As reflected in earlier comments, students spoke about social stratification and how inequality may be present among lower income individuals, thus causing

offending. It is cited that there are many structural issues associated with the prisoner re-entry industry in the U.S., which deliberately makes it difficult for newly released individuals to establish themselves as productive citizens. Contributing factors include a lack of employment and meaningful programming in corrections, restrictive supervision conditions, and a punitive fee-based re-entry system—all of which may deter individuals from living law-abiding lives (Ortiz & Jackey, 2019). In relating to the current state of the U.S., one student stated:

This directly relates to the strain theory because as more people within society, there has become more pressure and even more inequality by expecting so much more from lower-income people but giving them less than they deserve. This social inequality pushes people to commit more crimes.

The General Strain Theory is often used to explain crime causation and is seen to be a common explanation to show how unequal distribution causes some people to engage in illegal behavior as a coping mechanism (Cook & Haynes, 2020). Using the strain perspective, the student above explained how social inequality contributes to crime. Students believed that individuals would be more likely to re-offend, leading to an increase in nonviolent crimes, such as property offenses. Going further into the type of crime most likely to be committed, the student continued:

I believe that more property crimes will be committed either during or after this pandemic as a result of lost jobs and income. It will be extremely strenuous for our economy to bounce back and extremely hard for people who own small businesses or have lost their job to come back. This extra strain will cause people to look for their needs through crime.

From the perspective of this student, we see that the conversation now explored the types of crimes in which people in society would be more likely to commit due to conflict, capitalism, and strain. Regarding police service calls during the early months of COVID-19, findings indicated that while there was a decrease in calls related to traffic violations, crime and order maintenance calls remained large (Ashby, 2020), with offenses such as intimate partner violence, serious battery, and homicide remaining constant or increasing (Boman, & Gallupe, 2020). Students felt that property crimes would most likely occur in individuals' quests to foster a sense of income for some individuals. The students did not view newly released individuals as immune from dealing with these issues.

Along with voicing their thoughts on how correctional facilities manage incarcerated populations with special needs, students provided recommendations for correctional facilities to move forward. Their recommendations included the implementation of clearance procedures for staff, providing face masks and more soap for the incarcerated population, and increased monitoring for the interactive activities that correctional facilities provide for the incarcerated. This included having groups of offenders interact at a time while adhering to social distancing guidelines. Students collectively felt that as more individuals are sent to jail and prisons, they should be separated from inmates who already reside at the facility until it is confirmed that they do not carry the COVID-19 virus.

## CONCLUSION

The results from this qualitative pilot study reflect how students from a large public university perceived the early release of incarcerated individuals. Furthermore, this study is among the first empirical assessment on responses to the release of incarcerated populations during COVID-19. In this article, we explored what students perceived to be in the best interests of the incarcerated population and society, as well as their critique of societal structures, which some students believe are incongruent with the purpose of punishment. From the current literature and student responses, we provide recommendations for facilities to assist with the management of incarcerated populations during the novel coronavirus pandemic.

Due to a disorganized national infection control protocol, penal institutions' responses to the COVID-19 pandemic have differed significantly nationwide. There would be a great benefit in a nationally coordinated effort to prevent and mitigate the disease within facilities, including frequent, reliable testing upon entry, during, and upon release. Considering the vast number of cases and contacts, sites need to prioritize case investigation and contact tracing activities. Prioritization should be based on the vulnerability of the incarcerated population, with particular attention paid to confined spaces and securing rapid test results. Additionally, it would benefit policy-makers to use qualitative data, in addition to quantitative data, regarding the impact of COVID-19 on jail and prison inmates, staff, and society. Qualitative data can bring rich, in-depth, context, and understanding of the existing trends concerning the impact of the virus on correctional facilities.

While this pandemic presents many adverse outcomes for incarcerated populations, it causes the U.S. to exam-

ine the ways correctional populations are managed. The results shed light on existing incarceration problems in the U.S., and the re-entry barriers often faced by formerly incarcerated individuals. This leaves many predisposed to re-offend. We recommend that facilities continue to offer specialized correctional programs while adhering to social distancing guidelines, which may be vital to offenders being released. In efforts to provide adequate resources to released individuals, we recommend that facilities also collaborate with re-entry programs and resources, which may benefit individuals released during the age of COVID-19.

As with any study, our findings come with limitations. The very nature of qualitative research means that the responses may not represent all college students. The results were analyzed using students enrolled in an introductory-level course. That being stated, this work may have benefited from obtaining insights from students who have completed more advanced classes. Due to CDC social distancing guidelines, actual focus groups could not be convened. Consequently, the virtual discussion forum was used where conversations were facilitated by students rather than the instructor. Despite these limitations, we do see our findings as beneficial and useful in terms of future research, correctional policy, and practice.

Results show that there is more work to be done in terms of restorative justice, especially when focused on repairing the relationship between the community and people incarcerated for violent offenses. It was clear that the research participants were least likely to offer the same empathy toward violent offenders as nonviolent and viewed violent offenders as a threat to communal safety regardless of time served. From this study, we believe that future research should focus on life after incarceration and how stigmatization and COVID-19 exacerbate related risk factors, thus positioning newly released individuals to recidivate, which increases the possibility of contracting the virus. Preliminary data show that significant work remains within facilities and that the COVID-19 pandemic highlights critical issues in corrections.

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## SUGGESTED CITATION

Ruffin, J.R. and Conway, A.M. (2020). College Students' Response to the Release of Incarcerated Populations during COVID-19: A Qualitative Pilot Study. *Virginia Social Science Journal*, Vol. 54 pp. 74-83