



April 10, 2020

Secretary Erik A. Hooks  
North Carolina Department of Public Safety  
512 North Salisbury Street  
Raleigh, NC 27604

Commissioner of Prisons Todd Ishee  
North Carolina Department of Public Safety  
512 North Salisbury Street  
Raleigh, NC 27604

Dear Secretary Hooks and Commissioner Ishee:

We are grateful for your swift action and efforts to mitigate the risk of COVID-19 to people who live and work in Department of Public Safety (DPS) prison facilities. We also commend you for increasing transparency during this time of heightened worry and anxiety by creating a public dashboard to track the spread of COVID-19 in each prison facility.

We write today because we remain deeply concerned about the consequences an outbreak would have in North Carolina's prisons if immediate action isn't taken to remove elderly, immunocompromised, and seriously ill people from prisons. We ask that you use all available legal authority granted to DPS to expedite the release of people who are most vulnerable to complications or death from COVID-19. Doing so will preserve both prison and community medical resources and ease some of the strain of managing prisons throughout this crisis.

As you know, some people who are terminally ill, permanently and totally disabled, or geriatric (age 65 or older) can be released and returned home through medical release. Additionally, Secretary Hooks has authority to "extend the limits of confinement" for some people who are permanently and totally disabled or terminally ill so they can receive medical care outside of prison. Unfortunately, these programs have a lengthy and bureaucratic review process. Medical release alone has been granted to only 13 people each year, on average.<sup>1</sup> Certainly, this pandemic is too dire to continue to operate these two release programs with their current pace and narrow application.

Therefore, we urge you to be as proactive as statute permits to identify and refer all eligible people for medical release and extension of confinement, and work with the Post-Release Supervision and Parole Commission to ensure that as many vulnerable people as possible are granted medical release. There are currently more than 1,200 people over the age of 65 under DPS custody<sup>2</sup> who may qualify for

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<sup>1</sup> See North Carolina General Assembly, Modifying Criteria for North Carolina's Medical Release Program Could Reduce Costs of Inmate Healthcare: Final Report to the Joint Legislative Program Evaluation Oversight Committee, Report No. 2018-11, Sept. 17, 2018 [https://www.ncleg.gov/PED/Reports/documents/InmateHealth\\_Release/Report4\\_Release.pdf](https://www.ncleg.gov/PED/Reports/documents/InmateHealth_Release/Report4_Release.pdf).

<sup>2</sup> Search of prisoners age 65 or older, performed using North Carolina Dep't of Public Safety Research and Planning Automated Query System, April 9, 2020, at <https://www.ncdps.gov/About-DPS/departement-public-safety-statistics>.



medical release, and many more who also qualify due to their medical condition. All efforts should be made to ensure that everyone who meets the criteria for medical release is identified and considered. Further, we ask that the process for release for both medical release and extension of confinement is expedited in order to save as many lives as possible, conserve the limited prison health care resources, and protect public health.

Despite the number of positive confirmed cases of COVID-19 in DPS facilities, there is still time to mitigate the consequences of a widespread outbreak inside the state's prisons. We urge you to use and expedite the process of early release of vulnerable people from North Carolina's prisons. Thank you for considering our concerns and for your responsiveness thus far.

Sincerely,

Molly Gill  
Vice President of Policy, FAMM