



April 29, 2020

Governor Roy Cooper

Secretary Erik A. Hooks
North Carolina Department of Public Safety

Dear Governor Cooper and Secretary Hooks,

Before COVID-19 entered into North Carolina prisons, public health experts recommended targeted release of incarcerated people as an essential tool to mitigate inevitable illnesses and deaths in prisons. So far, the Department of Public Safety (DPS) has considered using its release power to identify 500 people for transition into community supervision. We believe more releases are needed to protect the health and safety of both prisoners and corrections staff, and encourage you to use your individual authorities to identify more people who can be safely released to their communities.

With or without release, however, the state is obligated to keep the people in its care safe. We know you take that obligation seriously and appreciate DPS's transparency in reporting the number of COVID-19 cases and tests administered in each prison facility. This information has not only provided clarity and eased some worries for families, but it has also allowed the public and policymakers to monitor the containment efforts and identify areas of improvement. Our direct contact with families has allowed us to identify and bring to your attention three areas in need of urgent improvement.

First is the need for increased transparency regarding staff infection and testing rates. Unfortunately, this information is currently not included in DPS's public COVID-19 dashboard, which prevents families from understanding the full scope of the spread of the virus in DPS facilities. Many other states and the federal government are reporting data on the number, location, and results of staff tests for their prison systems, without violating privacy concerns. Such reporting will help reduce rumors, and inform families, the public, and lawmakers of where resources are needed. This data is also essential to ensuring that staffing levels are sufficient to keep people in and outside of prisons safe.

Second, DPS data suggest that testing rates in North Carolina's prisons are too low. According to the DPS dashboard, only 3 percent of the prison population has been tested for COVID-19. Further, DPS's "positive rate" (i.e., positive tests as a percentage of overall tests) is nearly 52 percent. Per the World Health Organization (WHO), a positive rate above 10 percent implies a significant number of infected but untested people. A positive rate that is more than five times WHO's recommended maximum means we don't know the full extent of the spread of the virus inside DPS facilities. Mass testing at Neuse Correctional Institution has so far revealed that 444 prisoners are indeed positive for COVID-19, with a super majority of them being asymptomatic. We believe similar mass testing efforts are needed in each facility to better understand the severity of the spread and to inform effective responses.



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Lastly, we are worried about the impact of staff shortages on the safety and security of incarcerated people as more staff remain at home to adhere to quarantine guidelines or recover from COVID-19. We understand DPS is seeking legislative remedies to supplement staffing levels, but we request that you provide public updates on the staff to prisoner ratio, and on DPS's plan to address inevitable staff shortages.

We understand that this pandemic poses unprecedented operational challenges. However, to protect the health and safety of incarcerated people and corrections professionals, testing needs to be expanded significantly, and transparency of staff testing data and DPS's plan to mitigate staff shortages is needed.

Thank you for considering our concerns.

Sincerely,

Molly Gill,
Vice President of Policy, FAMM