



4/6/2020

Dear Governor DeSantis,

I am writing again to ask you to support the targeted, careful release of certain vulnerable and low-risk people from Florida's state prisons.

FAMM shares your concern about the potential dangers of indiscriminate release, as well as your concern about releasing potentially dangerous people. However, under any set of circumstances, around 2,500 people will leave the custody of the Florida Department of Corrections (FDC) each month. Releasing some subset of them now, before the virus has spread throughout prisons, would better protect public health than would releasing more than 80 of them per day, every day, all over the state, indefinitely, after untold numbers have been infected.

Additionally, at least some people not scheduled for release are not only particularly vulnerable to COVID-19, but they have been punished sufficiently, and they pose no further threat to public safety. Releasing them would reduce the likelihood that they will get sick or die. Their release will also improve the efficiency and effectiveness of FDC's response to the ongoing crisis by "flattening the curve" and protecting scarce prison hospital space. These benefits far outweigh any foreseeable risk to public safety, or to the State's general pandemic response.

We understand that identifying individuals suitable for release could prove time-consuming, given Florida's large prison population. Therefore, we recommend developing objective criteria to define a category of people you believe are safe to release. The CDC's evidence about who is most vulnerable to complications or death from COVID-19 (e.g., those over age 65 and those with serious heart, lung, and immune system disorders) could help inform these criteria. Along with anyone scheduled to be released within a given period, FDC can identify anyone who fits the criteria you develop. Those people can then either be forwarded to FCOR for emergency evaluation, granted reprieves, or released under the authority of the Clemency Board.

Florida is fortunate that only two prisoners, both from one facility, have tested positive for COVID-19. However, with 26 FDC employees or contractors having already tested positive, it is unreasonable to assume that good luck will continue. There is still time to mitigate the reasonably foreseeable consequences of a widespread outbreak inside Florida's prisons. Deliberate indifference to those consequences – and to the lives and health of those who could be released safely, along with the lives and health of corrections professionals, as well as their families – should not be an option. We urge you to begin the process of targeted release of vulnerable and low-risk prisoners at the earliest possible time.

Sincerely,

Greg Newburn
Florida Director, FAMM

cc: Attorney General Ashley Moody, CFO Jimmy Patronis, Agriculture Commissioner Nikki Fried, Department of Corrections Secretary Mark Inch