



April 6, 2020

Dear Governor Cooper,

I am writing today to urge you to support the targeted, careful release of certain vulnerable people from North Carolina's state prisons.

FAMM understands any concerns you may have about the potential risks of indiscriminate release without proper vetting. However, according to the most recent available data from 2016 and 2017, nearly 2,000 people are released from the custody of the Department of Public Safety (DPS) each month.¹ With this trend in mind, over 4,000 people may be released from DPS custody over the next two months. Releasing them now, before the virus spreads inside prisons, would better protect public health than would releasing more than 60 of them per day, every day, all over the state, after untold numbers have been infected.

Additionally, at least some people not scheduled for release are not only particularly vulnerable to COVID-19 because of their age or underlying medical condition, but they pose no further risk 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 DPS's response to the ongoing crisis with its limited resources. 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 North Carolina's large prison population. Therefore, we recommend developing objective criteria to define a category of people you believe are safe to release. The Center for Disease Control and Prevention's (CDC) 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, e.g., two months, DPS can identify anyone who fits the criteria you develop. Those people can then be granted reprieves, commutations, or pardons. The Post-Release Supervision and Parole Commission can assist you with these efforts, which statute permits.²

There have already been confirmed cases of COVID-19 in DPS facilities, but there is still time to mitigate the reasonably foreseeable consequences of a widespread outbreak inside North Carolina'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 tens of thousands of corrections professionals charged with their care, as well as their families and communities – is not an option. We urge you to begin the process of targeted release of vulnerable prisoners at the earliest possible time.

Sincerely,

Molly Gill
Vice President of Policy, FAMM

¹ North Carolina Department of Public Safety, "Prison Population, Entries, and Exits, January - December 2016 compared with January - December 2017." <https://randp.doc.state.nc.us/kimdocs/0003560.htm>

² N.C. General Statute § 143B-266(a)

