



**LAW ENFORCEMENT
ACTION PARTNERSHIP**

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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March 25, 2020

Governor Doug Ducey
State Capitol, West Wing
1700 W. Washington, 9th Fl.
Phoenix, AZ 85007

Dear Governor Ducey:

As you know, public health officials are warning that COVID-19 transmission in correctional facilities poses a potentially catastrophic risk to prisoners, staff, and communities across our state. As current and former police, judges, prosecutors, and corrections officials, we are writing to urge you to **issue an executive order** to address this risk. A sample executive order is attached to illustrate our recommendations.

There is strong public support for dramatically reducing jail and prison populations to slow the spread of the coronavirus. Sixty-six percent of likely voters, including 59% of those who identify as “very conservative,” said that elected officials should be considering measures to reduce populations in prisons and jails as a response to coronavirus.¹ Criminal justice leaders are already taking action to safely reduce correctional populations.²

It is challenging for our cities and counties to respond effectively to this crisis, since it requires so many different agencies to coordinate. Our justice system needs state-level guidance in order to act swiftly, properly allocate resources, and minimize casualties.

We write to you as the sole actor with the authority to achieve system-level results with clarity, consistency, and vision. We suggest three steps you could take right now to prevent the spread of COVID-19 in correctional facilities and beyond:

1. **Release medically high-risk people in state custodial facilities.** We urge you to use your clemency powers to begin a process of immediate release of all people identified by the CDC as particularly at-risk – older people and people with underlying health conditions or who are otherwise immune-compromised – whose sentence would end in the next two years and whose release would not pose a significant threat to public safety.

¹Fighting the Coronavirus with Decarceration: Policies and Polling, Data for Progress (March 2020) Accessed at <https://www.dataforprogress.org/memos/fighting-coronavirus-with-decarceration>. (March 16, 2020 to March 17, 2020, survey of 2509 likely voters.)

² "Jails Release Prisoners, Fearing Coronavirus Outbreak - WSJ." 22 Mar. 2020, <https://www.wsj.com/articles/jails-release-prisoners-fearing-coronavirus-outbreak-11584885600>. Accessed 23 Mar. 2020.



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2. **Reduce overall populations in state custodial facilities.** Using your clemency powers, begin a process of immediate release for anyone whose sentence would end in the next 180 days.
3. **Reduce medically high-risk and overall populations in local custodial facilities.** Direct local stakeholders, including police, prosecutors, and judges, to take concrete steps to reduce the intake of people into local custodial facilities. These steps would include:
 - a. stopping arrests for low-level offenses and issuing citations in lieu of arrest for other offenses, except where necessary to prevent a significant public safety threat,
 - b. suspending the use of cash bail and limiting pretrial detention to cases with a significant risk of flight or charges indicating high risk of violent reoffending, and
 - c. setting conditions of release that allow incarcerated people to care for family members at risk for COVID-19, except where necessary to prevent a significant public safety threat.

The time for action is now. This pandemic is here, and – if it hasn't already – it will make its way into our state's carceral facilities. Attached to this letter is a draft [Executive Order that you could sign to immediately to address this crisis head-on.](#)

Sincerely,

Terry Blevins
Former Sergeant and Terrorism Liaison Officer
Gila County Sheriff's Office, AZ

Officer Jack Wilborn (Ret.)
Glendale Police Department Reserves
Peoria, AZ

Chief Chris Magnus
Tucson Police Department
Tucson, AZ

Deputy Sheriff Jay Fleming (Fmr.)
Former Undercover Narcotics Operative
Mohave Valley, AZ

Det. Sgt. J. Gary Nelson (Ret.)
Scottsdale Police Department
Scottsdale, AZ

Enc. [Executive Order](#): Controlling COVID-19 Transmission and Mortality by Reducing Certain Populations in State and Local Custodial Facilities