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April 24th, 2020

Governor Brian Kemp  
206 Washington Street  
Suite 203, State Capitol  
Atlanta, GA 30334

Chairman Terry Barnard &  
General Counsel La'Quandra Smith  
2 Martin Luther King, Jr. Drive SE  
Suite 458, Balcony Level, East Tower  
Atlanta, GA 30334

Dear Governor Kemp, Chairman Barnard, and General Counsel Smith:

Having served the state of Georgia as law enforcement officers, we feel it is our duty to continue to serve the public safety interests of our state to the greatest extent possible. On behalf of the Law Enforcement Action Partnership (LEAP), we write to express grave concern over the spread of COVID-19 throughout Georgia's correctional facilities, justice system, and communities. Representing thousands of current and former police, judges, prosecutors, and corrections officials across the US, we ask that you **immediately issue an executive order to reduce incarceration in correctional facilities**. A [sample executive order](#) is attached to illustrate our recommendations.

We urge you to **release people who are elderly, medically at-risk, serving time for non-violent crimes, or serving time for technical parole/probation violations**. Transmission between prisoners, officers, and staff will quickly spread outside the facilities to the families of officers and staff, accelerating the pandemic. Governors have acted on this issue in [Kentucky](#) and elsewhere. Tragically, efforts in New York are coming too late, as [Rikers Island](#) is already facing an unmanageable crisis. Georgia having a high incarceration rate warrants decisive action.

There is strong public support for dramatically reducing jail and prison populations to slow the spread of coronavirus. **Sixty-six percent of likely voters, including 59% of those who identify as "very conservative," said that elected officials should consider measures to reduce populations in**

**prisons and jails as a response to coronavirus.**<sup>1</sup> Criminal justice leaders are already taking action to safely reduce correctional populations.<sup>2</sup>

We write to you as the sole actor with the authority to achieve system-level results with clarity, consistency, and vision. We suggest you take the following steps 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 review and presumptive release for 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 sentences would end in the next two years and who do not pose a significant public safety risk.
2. **Reduce overall populations in state custodial facilities.** Using your clemency powers, begin a process of immediate review and presumptive release for:
  - a. anyone incarcerated for technical violations of probation or parole, and/or
  - b. 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,
  - 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 at risk for COVID-19.

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<sup>1</sup>Fighting 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.)

<sup>2</sup>"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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It is challenging for local jurisdictions to respond effectively to this crisis, since it requires many different agencies to coordinate. The justice system needs state-level guidance from your office in order to act swiftly, properly allocate resources, and minimize casualties. The coronavirus pandemic is testing every one of our institutions. Elected officials and other stakeholders who make the right decisions right now - when it matters most - will be remembered for their bravery, wisdom, and foresight.

Below is a draft [executive order that you could adapt to immediately address this crisis](#). Thank you for your time and leadership.

Sincerely,

Jay Fisher  
Assistant Attorney General (Fmr.)  
State of Georgia

Jake Lilly  
Former Special Assistant US Attorney  
Southern District of Georgia

Sgt. John Padgett (Ret.)  
Richmond County Sheriff's Department  
Richmond County, GA

James Meissner  
Special Deputy U.S. Marshal (Fmr.)  
U.S. Marine Corps  
Powder Springs, GA

Stephen Bradley  
Patrol Supervisor (Fmr.)  
Atlanta, GA

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



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