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April 10, 2020

Governor John Bel Edwards  
State Capitol  
P.O. Box 94004  
Baton Rouge, LA 70804-9004

Dear Governor Edwards:

Thank you for your leadership in responding to the COVID-19 pandemic, including your plan outlined at [yesterday's press briefing](#) to release individuals from prison. In Colorado, the governor has empowered the Department of Corrections to take the lead [without being overridden](#) by a panel of prosecutors, sheriffs, and victim's rights advocates. We are concerned about the chilling effect this panel would have on prison releases, especially considering the [stance of the Attorney General](#). We also believe that individuals should not be rejected for release purely on the basis of homelessness; re-entry planning should ensure shelter and wraparound services for all. The entire community benefits from re-entry services that prevent recidivism, and we do not want to encourage people to lie about their housing status to gain release. We encourage you to follow Colorado's lead in granting authority to the Department of Corrections in this crisis to ensure a robust response.

**Having served as police and prosecutors, we are writing to urge you to take strong executive action** 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.<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 three steps you could take right now to prevent the spread of COVID-19 in correctional facilities and beyond:

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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.



## LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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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.

The time for action is now. This pandemic is here, and it is making its way through 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,

David Brown  
Former Assistant City Prosecutor  
Baton Rouge, LA

Tim Hitt  
Former Police Corporal  
Monroe Police Department, LA

Patrolman Jerry Kaczmarek (Ret.)  
New Orleans Police Department, LA

Major Neill Franklin (Ret.)  
Maryland State Police



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Executive Director, Law Enforcement Action Partnership

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