



## LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

121 Mystic Avenue, Suite 9  
Medford, Massachusetts 02155  
T: (781) 393.6985

April 2, 2020

Maryland Governor Larry Hogan  
State House  
100 State Circle  
Annapolis, MD 21401

Dear Gov. Hogan:

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. We have watched governors act on this issue in [Colorado](#), [California](#), [New Jersey](#), and [New York](#). Tragically, efforts in New York have already come too late, as [Rikers Island](#) is now facing an unmanageable crisis. As current and former police, judges, prosecutors, and corrections officials, we are writing to urge you to **immediately issue an executive order** to address this risk. A sample executive order is attached to illustrate our recommendations.

Public support for dramatically reducing jail and prison populations to slow the spread of the coronavirus is strong. 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>

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 review and presumptive release for all people identified by the CDC as particularly at-risk – older people and people with underlying health

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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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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 – 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,

Maj. Neill Franklin (Ret.)  
Baltimore Police Department & Maryland State Police  
Executive Director of the Law Enforcement Action Partnership and Maryland Resident

Deputy Secretary Wendell M. France, Sr. (Ret.)  
Maryland Department of Public Safety and Correctional Services  
Retired Major, Baltimore Police Department

Maj. Mike Hilliard (Ret.)  
Baltimore Police Department

Captain Joseph Perez (Ret.)  
Prince George's County Police Department, MD



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