

April 16, 2020

Dear Honorable Members of the General Assembly:

We are writing to you to ask you to contact Governor Hogan and urge him to take concrete steps to prevent a catastrophic outbreak of COVID-19 in Maryland Correctional Facilities. The Maryland Department of Public Safety and Correctional Services (DPSCS) has more employees than any other state agency in Maryland.¹ Many of those employees have direct contact with the incarcerated population. As of 2018, Maryland's total prison population was 19,151.² The exponential spread of COVID-19 has demonstrated that all of our fates are tied, the vulnerable inmate, the correctional officer, the case manager, their families, and the larger community.

As of April 13, 2020, Maryland reported its first COVID-19-related inmate death.³ At that time, Jessup Correctional Institution, where the man resided, had 33 confirmed cases, 10 inmates, 13 correctional officers, and 10 contractual employees.⁴ At that time, across the Department of Corrections, Correctional Officers account for more than half of cases, 47 out of 93 confirmed cases.⁵ **As of April 15, 2020, there are 136 confirmed cases; 31 inmates, 78 DPSCS employees, and 27 contractual staff.**⁶

These latest statistics reflect the concerns expressed by the faculty members of John Hopkins Bloomberg School of Public Health, School of Nursing, and School of Medicine in their March 25, 2020, letter to Governor Hogan.⁷ In that letter, the experts sound the alarm for the risk of contagion in Maryland's jails, prisons, and juvenile detention centers. They urge Governor Hogan to reduce the prison population to help prevent the development of a major outbreak in the Department of Corrections and to decrease the risk of serious health complications to inmates, staff, their families, and their communities.⁸

¹ <https://www.dpscs.state.md.us/employment/>

² <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>

³ <https://thedailyrecord.com/2020/04/13/maryland-reports-first-inmate-death-from-covid-19/>

⁴ *Id.*

⁵ *Id.*

⁶ <https://baltimore.cbslocal.com/2020/04/16/coronavirus-latest-136-covid-19-cases-within-maryland-correctional-system-including-31-inmates/>

⁷ <https://bioethics.jhu.edu/johns-hopkins-faculty-letter-on-covid-19-jails-and-prisons/>

⁸ *Id.*

Data gathered by the Justice Reinvestment Act Coordinating Council in 2015, shows that more than half, 58%, of prison admissions in Maryland involve a nonviolent crime.⁹ A large number of inmates are serving sentences for nonviolent crimes and are parole eligible. This portion of the population represents an opportunity to decrease the prison population consistent with the recommendations of medical experts and in line with concerns for the health and safety of inmates, DPSCS staff, and the community.

The governors of several states including California, Colorado, Illinois, Pennsylvania, Ohio, Illinois, Kentucky, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, and Washington have acted to protect their citizens by taking measures to reduce prison populations and slow the spread.¹⁰ Many other states have taken measures to reduce the prison population.¹¹ In Maryland, Attorney General Brian Frosh wrote a letter to Governor Hogan asking him to work with the Parole Commission to reduce the prison population by releasing inmates who “pose little risk to public safety but whose continued incarceration greatly enhances risk to public health.”¹² The April 14, 2020, administrative order from Chief Judge Mary Ellen Barbera notes that “COVID-19 poses a risk to of transmittal to prisoners residing, staff working, and attorneys visiting clients in Maryland adult detention and correctional facilities.”¹³

To avoid a catastrophic outbreak of COVID-19 in our prisons, Maryland must act now to reduce our prison population. The health and well-being of all Marylanders depends on swift and organized measures.

We ask that you contact Governor Hogan and urge him to take the following action:

1. Direct the Parole Commission to expedite review of nonviolent, parole-eligible offenders.
2. Direct the Department of Public Safety and Correctional Services to improve safety conditions by providing every inmate with sufficient hygiene supplies and masks, provide correctional officers, contract workers, and other staff with appropriate PPE, and modify housing arrangements to provide for social distancing.
3. Appoint an independent working group to establish best practices and coordinate efforts between the Governor’s Office, the Parole Commission, and the Department of Public Safety and Correctional Services.

⁹ <http://goccp.maryland.gov/jrcc/documents/jrcc-final-report.pdf>

¹⁰ <https://drive.google.com/file/d/1ZO8LtiPajxiAiKDn4VwDnhng0AkDrMi/view>

¹¹ <https://www.prisonpolicy.org/virus/virusresponse.html>

¹² <https://www.marylandmatters.org/wp-content/uploads/2020/04/Governor-Hogan-Ltr-040320-re-COVID-19.pdf>

¹³ <https://www.courts.state.md.us/sites/default/files/admin-orders/20200414guidingresponseoftrialcourts.pdf>

4. Direct the working group to issue weekly reports of Department of Corrections COVID-19 statistics and steps accomplished.

Thank you for taking action to protect the health and safety of the citizens of Maryland.

Sincerely,

Maryland Criminal Defense Attorneys Association (MCDAA)

Maryland Alliance for Justice Reform (MAJR)