



March 19, 2020

Dear North Carolina Association of Chiefs of Police Regional President and Regional Directors,



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Region X: Chief John Cueto, Duck PD
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RE: Law Enforcement Officer Response to COVID-19

We write regarding the massive risk of spread of the Coronavirus 2019 (COVID-19) to residents across the state. On March 11, 2020 the World Health Organization declared COVID-19 a global pandemic¹ because of the rapid rate at which the virus has spread around the world over the past few months. On March 14, 2020, Governor Cooper issued an Executive Order restricting gatherings of more than 100 people² to prevent the spread of the virus, which primarily spreads through respiratory droplets produced when a person coughs or sneezes within six feet of another person³. On March 15th, Chief Justice Beasley issued a mandate drastically reducing court operations, including traffic court, and all non-emergency/safety operations.⁴ While there are not currently any known cases of COVID-19 within the jail population in North Carolina, that is likely to change as the number of people infected across our state rapidly increases daily.

Current reporting on jail occupancy rates⁵ in North Carolina show how the dire situation posed by COVID-19, could lead to widespread infection across our state:

- 50% of counties exceeded in-county capacity for at least one month; and
- 64% of counties exceeded 90% of in county jail capacity for at least one month in 2018.
- In 2018 there were, on average, 19,344 people incarcerated in North Carolina jails on any given day, with most facilities well exceeding the total of individuals gathered limited by gubernatorial order.
- Seven counties have no in-county jail and are required to transport detainees across county lines.

- Several counties averaged over-capacity for the entire year of 2018

Immediate action is necessary to prevent the rapid spread of COVID-19 within the criminal justice system. Acknowledging this risk, states around the country are already taking dramatic steps to reduce the number of detained individuals currently in jails and reduce the number of new individuals entering the system:

Cleveland Ohio: [Ohio Jail Releases Hundreds of Inmates Due to Concern of Coronavirus Spread](#)

Los Angeles, California: [Los Angeles is Releasing Inmates Early and Arresting Fewer People Over Fears of The Coronavirus in Jails](#)

Austin, Texas: [Travis County Judges Releasing Inmates to Limit Coronavirus Spread](#)

Similar action must be taken in North Carolina. We urge you to develop informed, immediately actionable steps to protect public safety and public health. This must include preventing people from unnecessarily entering the criminal legal system on the front end. Given the rapid spread of COVID-19 and the close proximity within which these large populations are housed, we request the following steps be taken to attempt to mitigate the harm to detained individuals, officers staffing local jails and transporting detained individuals, and the state at large who will be at risk for transmitting the virus when individuals return to the community. Recognizing some of these measures fall outside the purview of law enforcement, we urge you and your officers to coordinate with the courts, sheriffs and jail administrators as needed.

- 1. Drastically limit the number of people who are arrested.** Police should cease arrests for all non-violent and non-domestic violence misdemeanors.
- 2. Expand use of citations in lieu of arrests to prevent the number of individuals coming into jails.** We urge law enforcement to opt for use of citations rather than arrests for as many offenses as possible to prevent the number of potentially affected individuals entering jail facilities. Limit custodial arrests to high-level felonies and violent or DV-related misdemeanors. Even when necessary to place a person under arrest, have all arrestees screened by a medical provider for possible COVID-19 exposure before the person is taken to the local jail/booking facility in order to limit/prevent the potential spread of COVID-19.
- 3. Extend pretrial release:** Individuals currently detained because of inability to meet monetary bail requirements who pose no threat to the public should be released to reduce jail populations.
- 4. Reduce number of charges of Class 3 misdemeanors.**
- 5. Suspend mandatory in-person meetings for individuals under court supervision:** This includes pretrial supervision, parole, and probation check-ins. No one should be penalized for not appearing in person for court hearings or probation/parole meetings during the duration of the pandemic.
- 6. Suspend all intermittent sentences for people on probation.** This includes, but is not limited to, suspending split sentences and jail weekends.
- 7. Immediately release people who have compromised immune systems, are elderly or otherwise fall within populations most vulnerable to COVID-19, as well as those serving a split sentence or have less than 60 days remaining of their sentences.**
- 8. Suspend executing writs of eviction, especially for evictions that are not public safety related.**
- 9. Protect Law Enforcement Officers and Detained Individuals by Ensuring access to Soap, Tissue, and Cleaning/Sanitizing Products:** People in police custody should be given access to soap, tissue (or toilet paper), and cleaning/sanitizing products.

10. **Provide Clear, Accurate Information about the COVID-19 Crisis and the Importance of Individual Sanitation to all Law Enforcement Officers**
11. **Ensure all patrol officers and other officers who interact with the public have access to sufficient testing and education about the virus for themselves, and other prompt medical care if needed; Ensure all employees in their command are aware that they should not report to work if they themselves are feeling any symptoms and that any leave will be fully compensated.**

It is essential that actors within the criminal legal system coordinate with local public health experts to limit the risks presented by COVID-19 to people who come into contact with the system. Inadequate responses will lead to massive spread within and outside jail facilities, and tremendous cost to an already overburdened medical system. Limiting the number of detained individuals potentially transmitting the virus and reducing the risk of transmission within jail facilities is essential in the greater effort towards limiting greater spread within North Carolina.

Thank you for your service to North Carolina. We are eager to assist you in taking the steps laid out above. Please respond to Tarrah Callahan at tarrah@ccjrnc.com by Friday, March 20, 2020.

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1 <https://files.nc.gov/governor/documents/files/EO117-COVID-19-Prohibiting-Mass-Gathering-and-K12-School-Closure.pdf>

2 <https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>

3 https://www.nccourts.gov/assets/news-uploads/COVID-19-13-March-2020-7A-39%28b%29%282%29-Order_0.pdf?sCe0Me_YaLJBPjY14doVvi4r_4Sm1Zbn=

4 https://fairandjustprosecution.org/wp-content/uploads/2020/03/Coronavirus-Sign-On-Letter.pdf?utm_source=The+Marshall+Project+Newsletter&utm_campaign=f1bf35014e-EMAIL_CAMPAIGN_2020_03_17_12_07&utm_medium=email&utm_term=0_5e02cdad9d-f1bf35014e-174428701