



March 19, 2020

Peg Dorer  
Director  
North Carolina Conference of District Attorneys  
PO Box 3159  
Cary, NC 27519

Dear Ms. Dorer,

We write to call upon North Carolina's District Attorneys to take action to lessen the harm that will be caused by the inevitable spread of COVID-19 among North Carolina residents, particularly among the elderly and otherwise vulnerable individuals, many of whom remain incarcerated in jails, prisons, or other detention facilities.

Following the announcement of COVID-19 as a global pandemic, Governor Roy Cooper issued an Executive Order preventing gatherings of more than 100 people<sup>1</sup> to limit the spread of the virus, which primarily spreads through respiratory droplets produced when a person coughs or sneezes within six feet of another person<sup>2</sup>. Chief Justice Beasley followed suit by drastically reducing court operations, including traffic court and all non-emergency/safety operations.<sup>3</sup> Currently, there are at least 40 North Carolinians who have been diagnosed with COVID-19. It is a certainty that the number of people infected across our state will rapidly increase daily. It is clear that the work of the court system and district attorneys cannot proceed as usual.

We propose several critical actions that protect North Carolina residents, particularly elderly and vulnerable people in the state. These measures align with a joint national statement released by a number of elected prosecutors.<sup>4</sup> Specifically, we hope you will immediately convey our calls for action to your member district attorneys to:

- Dismiss as many pending charges as possible, particularly for non-violent offenses, in order to keep people from having to come to court or otherwise interact with the criminal justice system.
- Move for the immediate release on personal recognizance of all people held on secured monetary bonds, except for the very few cases where the person charged poses a serious risk of injury to another person; and ask that people with pending felonies be placed on pre-trial release.
- File **"consent" motions for appropriate relief** under NCGS 15A-1420(e) to vacate convictions for elderly and otherwise at-risk people in prisons and jails who do not pose a high risk of recidivism.
- Suspend prosecution of failures to appear, including issuance of orders of arrest.
- Vacate all fines and fees so that people are not at risk of incarceration due to non-payment and are not required to engage in unnecessary travel to come into court to pay those financial obligations.

We, the signatories, and our pro bono attorney networks are ready to act quickly and help district attorneys' offices think through and execute these and other proposals. As importantly, we will prioritize engaging other city programs and community partners to ensure you are not alone in this effort and the people who are released have the supports they need in the community to stay safe, healthy, and law-abiding.

Thank you for your consideration and leadership. The emerging data is revealing that unless drastic action is taken immediately to get vulnerable people out of prisons and jails, hundreds—possibly thousands—of these individuals will suffer severe illnesses and death in North Carolina prisons and jails over the coming months.

Please contact **Daniel Bowes** at the NC Justice Center to arrange a date and time to discuss these urgent issues by teleconference: [danielb@ncjustice.org](mailto:danielb@ncjustice.org); (336) 263-7477.

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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?sCe0MeYaLJBPjY14doVvi4r\\_4Sm1Zbn=](https://www.nccourts.gov/assets/news-uploads/COVID-19-13-March-2020-7A-39%28b%29%282%29-Order_0.pdf?sCe0MeYaLJBPjY14doVvi4r_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](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)