



March 19, 2020

Todd Ishee
Commissioner of Prisons
North Carolina Department of Public Safety
512 N. Salisbury Street, Raleigh, NC 27604

Dear Commissioner Ishee:

We are a group of advocates and organizations who work on behalf of persons currently incarcerated in North Carolina and their friends and loved ones. We write regarding the anticipated spread of COVID-19 to people incarcerated in North Carolina prisons, and ask you to take immediate action to protect the lives of incarcerated people in our state.

We know that you are well aware that incarcerated persons and correctional staff are particularly vulnerable to the spread of the virus because of prison conditions. While we appreciate the steps that the Department has taken to date to protect incarcerated persons, we urge you to follow the advice of public health experts and take the following additional actions:

- 1. Reduce the prison population.** We respectfully ask that the DAC compile a list of persons who should be prioritized for release, either because they are parole-eligible or because they fit the criteria for early medical release or extended limits of confinement. Persons in these categories are likely to be at heightened risk for serious illness or death from COVID-19 because of their age or pre-existing medical conditions. Compiling this list and working with the Parole Commission to encourage the release of vulnerable incarcerated persons would free up significant departmental resources that need to be dedicated to ensuring the health and safety of staff and incarcerated people.
- 2. Provide transparency and access to communication for families.** Because family members can no longer visit with their incarcerated loved ones, it is essential that the Department be transparent about the spread of COVID-19 within its facilities and its ongoing efforts to contain it. We suggest that the DPS website be updated daily with accurate information about what units are affected and how DPS is responding so that families can remain informed rather than relying on third-hand reports that may be inaccurate. We also request that indigent persons be given access to additional stamps and that all incarcerated persons be allowed to make free telephone calls for the duration of the pandemic. It is likely that many families will be suffering economic hardships and will be unable to provide their loved ones with funds to make these important calls. We also ask that any restrictions on dates to order care packages from Union Supply Direct be lifted so that family members and friends may send their loved ones food and religious items to help get them through this difficult time.
- 3. Restrict the use of solitary confinement as a COVID-19 containment strategy.** We understand that incarcerated persons who are exposed to

or diagnosed with COVID-19 may need to be isolated, but we ask that such isolation be under non-punitive conditions such that those persons may have continued access to all the privileges that they otherwise would have in general population, including continued access to call loved ones; have access to reading materials and items such as puzzles and crafting materials; have access to radio, and television; and have time to walk in the yard if their conditions allow it.

4. **Provide free access to medical care.** While we appreciate that the Department has suspended some medical co-pays, restricting no-cost sick calls to those cases of symptoms of “fever or respiratory issues” may be interpreted too narrowly to cover all circumstances where an incarcerated person may in fact be infected with COVID-19. Similarly, we understand that it may be necessary to defer non-urgent and elective medical treatments and surgeries, but we are concerned that a policy that restricts medical appointments only to “essential treatment” does not adequately define what “essential treatment” is, and does not offer sufficient guidance to unit staff as to what conditions ought to be prioritized for treatment. We request clarification of those terms; or, if more specific guidance has been provided to unit staff about the implementation of the restrictions, we request that you provide a copy of that guidance to us for review.
5. **Ensure people who remain incarcerated have access to hygiene supplies.** We request that persons in prison be given increased access to soap, tissue and cleaning supplies and that people have access to clean laundry on a regular basis. Restrictions on access to soap and hygiene items for indigent persons are inappropriate and dangerous during this pandemic and those who lack funds to access the canteen need to be provided with soap and hygiene items upon request. We understand that Corrections Enterprises is manufacturing hand cleanser and making it widely available to incarcerated persons and staff; we ask that you confirm that this hand cleanser has the same proven sanitizing ability against the COVID-19 pathogen as alcohol-based hand sanitizer recommended by the Center for Disease Control and Prevention (CDC), or alternatively that you lift the ban on alcohol-based hand sanitizer to comply with current recommendations from the CDC. That guidance, and laboratory data currently available which the CDC relies on in producing its guidance, recommends alcohol-based hand sanitizer containing at least 60% ethanol and 70% isopropanol for preventing the spread of COVID-19 due to its demonstrated ability to inactivate “viruses that are genetically related to, and with similar physical properties as the 2019-nCoV.”
6. **Limit the risk of spread via correctional staff.** In order to minimize the risk that COVID-19 be brought into a unit by staff members from the community, and to protect the prison staff, we request that every correctional officer be issued adequate personal protective gear and required to wear it during their shift. We also request that staff be subjected to medical screening, including a temperature check, before starting their shifts.

We are in a critical moment for mitigating the devastating effects of this public health emergency. We are eager to assist you with the steps outlined above. Please respond to **Daniel Bowes** at the NC Justice Center by Friday, March 20, 2020 with your proposed plan to address this issue and any requests for assistance from our organizations. Daniel can be reached via email at danielb@ncjustice.org. Thank you for your leadership confronting COVID-19 in North Carolina.

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