



April 3, 2020

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**RE: Request for immediate action to address COVID-19 in Georgia’s Prison system**

The Georgia Justice Reform Partnership, a coalition of over 50 organizations committed to justice reform in our state, calls on the State Board of Pardons and Paroles (the Board) and the Georgia Department of Corrections (GDC) to act immediately to protect the lives of the people impacted by prisons and detention centers in Georgia. Our coalition urges you to follow the lead of other states that are taking unprecedented actions aimed at protecting the lives, health and wellbeing of everyone who is incarcerated or works in penal institutions, including affected families.

All aspects of the justice system will come under intense scrutiny for how it responds to this national public health crisis. While everyone is at risk, we have a moral obligation to ensure that our most vulnerable—the elderly, the sick, those without medical care, and those unable to protect themselves from the virus—get the help they need. We have a further obligation to our community to keep the people whose job it is to work in prisons and detention centers, as well as the communities in which they live, safe.

Once a virus like the one causing COVID-19 enters a prison, it is almost certain to infect a significant proportion of the incarcerated population and employees. During a press conference on March 27, U.S. Attorney General William Barr urged the Federal Bureau of Prisons to release incarcerated people into home confinement so that “our institutions don’t become Petri dishes.” Unfortunately, the COVID-19 outbreak at Lee State Prison has already claimed the life of one person. Cases among the incarcerated population have also been reported at Bainbridge PSAT, Johnson State Prison, Phillips State Prison and Wheeler Correctional, while staff cases have been reported at Autry State Prison, Burruss CTC, Calhoun State Prison, Phillips State Prison, Phillips Transitional Center, and Ware State Prison.<sup>1</sup> Considering these facts, we urge you to consider the following recommendations to minimize the impact of COVID-19 on our prisons and detention centers:

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<sup>1</sup> <http://www.gdc.ga.gov/content/cases>



### **Recommendations for Georgia Department of Corrections (GDC):**

- **Medical Furloughs or Compassionate Release**

The risk for institutions being infected is inevitable, and it is simply a matter of time before COVID-19 enters the system. Indeed, as noted above, the virus has been positively confirmed at several detention centers and prisons across the state. Therefore, we ask that GDC get in front of and flatten the curve of the rate of infection. We believe that the GDC should consider **immediately ordering a review** of all people in prisons and detention centers who are **immunocompromised**, with an eye toward **providing medical furloughs or compassionate release** to as many of them as possible.

- **Hygiene and Health in GDC Facilities**

We ask that the GDC follow CDC guidelines for curtailing the spread of the coronavirus in prisons. At a minimum, soap and toilet paper should be made available to all incarcerated individuals at no cost. Social distancing practices should be implemented to protect incarcerated individuals and staff in the close community setting of prisons and detention centers. Additionally, priority health screening, care, and isolation should be utilized to identify those at risk and treat those with suspected symptoms of the illness.

- **Take Steps to Mitigate Mental-Health Effects of Medical Quarantine**

While in-person family visitation is suspended, we ask the GDC to consider implementing an alternative means through which indigent people can communicate with family members. Access to time on the prison yard for exercise, fresh air, and sunlight is also important. These measures will help to keep tensions and anxiety levels down.

### **Recommendations for the State Board of Pardons and Paroles (the Board):**

- **Expedite Release of People at High Risk for COVID-19**

Research informs us that the reoffending curve (dynamic risk factors, i.e. aggression, risk for recidivism) decreases as individuals age (especially after age 41). Moreover, the influence of family and peers who serve as support systems and intervention contribute to the reduction of recidivism. Therefore, we ask that the Board **expedite parole eligibility reviews** for incarcerated individuals who present **low-risk for reoffending** and order a review of all people in prison who are elderly or otherwise present low risk—with an eye toward providing release of as many of them as possible. We ask that the Board exercise its discretion to release individuals who pose a low risk to the community or individuals with a low risk of reoffending prior to their Parole Eligibility Date (O.C.G.A. § 42-9-46). This will bring the overall prison population to the level the system was built for, so that the medical staff will not become overrun during an outbreak.

Ordering a review would not commit the Board to releasing people. But a release cannot happen prior to a review, and a thorough review cannot be accomplished overnight. It would need to begin immediately.



- **Commute sentences of those within 24 Months of Release**

We appreciate the Board’s decision to review sentences within 180 days of Tentative Parole Month (TPM) or “Maximum Release Date” (MRD). For immunocompromised individuals currently incarcerated at GDC facilities, we ask the Board to immediately take steps to review cases that are 24 months from their earliest TPM or Performance Incentive Credit (PIC) date or MRD and proceed with early release to the Department of Community Supervision of those persons to ease institutional overcrowding and its associated health risks.

We urge the Board to consider the immediate release of people held at the fifteen RCPCs/Transitional Centers in a manner consistent with the health and safety of Georgia communities. People over the age of 50<sup>2</sup>, those with underlying health conditions, and those who have completed most of the program requirements at an RCPC/Transitional Center should be considered for immediate release, and the Board should provide a release date.

We ask that the Board review those referred by the GDC for medical furloughs and compassionate release with all haste. Doing so would not only protect these residents, but also other incarcerated people, officers, and staff by decreasing the strain on resources within the prisons once the virus hits. We hope that particular consideration will be given to the high percentage of elderly women and men currently in prison who have already served decades behind bars. Individuals with stable residence plans should be prioritized.

Other states’ agencies are beginning to take action: the North Dakota Parole Board, Iowa Department of Corrections, Illinois’s and Colorado’s governors, and Rhode Island Department of Corrections, have all taken steps to reduce their state prison population, and we ask Georgia to join this proactive movement.<sup>3</sup>

We know how seriously you take your duty to protect the lives of people living and working in our prisons and detention centers. The health, well-being and indeed the lives of Georgia’s citizens are in your hands. We urge you to take immediate and decisive action now to save lives. Our Partnership is eager to work with anyone who is willing to take the steps outlined above, and we are willing to be a resource for you throughout this process.

Please respond to [covid19@justiceday365.com](mailto:covid19@justiceday365.com) with your proposed plan to address this issue and any requests for assistance from our organizations.

Sincerely,

The Georgia Justice Reform Partnership

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<sup>2</sup> [https://www.aclu.org/sites/default/files/field\\_document/elderlyprisonreport\\_20120613\\_1.pdf](https://www.aclu.org/sites/default/files/field_document/elderlyprisonreport_20120613_1.pdf)

<sup>3</sup> <https://www.prisonpolicy.org/virus/virusresponse.html>



*Steering & Anchor Partners:*

*ACLU of Georgia*  
*Barton Child Law and Policy Center*  
*Faith in Public Life*  
*Georgia Association of Criminal Defense Lawyers*  
*Georgians for Alternatives to the Death Penalty (GFADP)*  
*Georgia Innocence Project*  
*Georgia Justice Project*  
*Legal Action Center*  
*Libertarian Party of Georgia*  
*Motherhood Beyond Bars*  
*National Incarceration Association*  
*Necessary Trouble Indivisible*  
*REhoboth Family and Community Services*  
*Report Injustice GA*  
*Southern Center for Human Rights*  
*Southern Poverty Law Center*  
*Tzedek Georgia*  
*Women on the Rise*

cc: Gov. Brian Kemp - Office of the Governor  
Chris Carr - Office of Attorney General of Georgia