

March 30, 2020

Governor Andy Beshear
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Transmitted via email

Dear Governor Beshear,

As COVID-19 spreads throughout the country and the commonwealth, both the public and private sector are taking extraordinary measures to protect the health and safety of our citizens. We want to thank you for all your efforts to mitigate the spread of the deadly COVID-19 virus during this unprecedented pandemic. Lives have no doubt been saved by your early and decisive actions to keep the Commonwealth of Kentucky safe.

As you look toward next steps to fight this pandemic, we ask you to consider some of the most vulnerable among us—incarcerated men, women, and youth in the state’s correctional facilities, the officers who work in these facilities, and their entire surrounding communities.

The Centers for Disease Control and Prevention has issued guidelines indicating that adults over 60 years old and people with chronic medical conditions including lung disease, heart disease, and diabetes are at higher risk of contracting COVID-19 and are more likely to suffer serious illness and death. Combined with the large number of people living in close quarters, prisons create a breeding ground for this disease.

Many people being held in correctional facilities across the commonwealth are elderly, ill, or otherwise immunocompromised. In Kentucky prisons, over 15% of the population is over the age of 50, roughly 3,400 people. Not only are they at greater risk of infection, they may be more likely to pass on the infection to other incarcerated people, corrections officers, law enforcement, and medical staff, who may in turn spread coronavirus to their families and communities and become unable to work—making us all less safe. And when correctional officers and other prison staff start to become sick, resources will be spread thinner, making it even more difficult for Kentucky Department of Corrections to contain this virus and maintain a safe prison environment.

There is enormous bipartisan support from national groups such as [Prison Fellowship](#), Justice Action Network, REFORM Alliance, Faith and Freedom Coalition, American Conservative Union, and Americans for Prosperity for [additional commonsense steps](#) that can balance the need to keep our communities safe, while preventing the spread of the coronavirus pandemic in correctional facilities and the communities that house them. The unprecedented nature of this pandemic requires strong leadership to mitigate its spread, especially in Kentucky prisons and jails, before the state’s healthcare facilities are overwhelmed.

We, the undersigned, make the following recommendations for the Commonwealth, and where appropriate, ask that you take executive action:

- To transfer incarcerated individuals who are elderly (those over the age of 55), immunocompromised, or pregnant to home confinement, unless such action would compromise public safety;
- To transfer individuals within six (6) months of the end of their prison sentences to home confinement, unless such action would compromise public safety;

- To reduce pretrial detention of people who do not constitute a threat to public safety, utilizing alternatives to incarceration such as home arrest, electronic monitoring, or other conditions, as appropriate;
- To release individuals serving time in prison or jail for technical violations of probation or parole, unless they pose a public safety threat. In Kentucky jails, over 960 people are currently serving time for a parole violation alone;
- To transfer persons who have successfully completed at least 3 years of supervision to administrative supervision or terminate supervision, as appropriate; to suspend fines and fees for formal, informal, and administrative supervision;
- To suspend the use of incarceration, and utilize alternative sanctions where appropriate, for technical violations of probation or parole, unless such action would compromise public safety; suspend penalties for non-payment of fines and fees;
- To provide (free of charge) protective equipment including masks and gloves for routine sanitary cleanings of facilities, hand sanitizer and soap to all incarcerated people, and order wardens to educate all prisoners on proper hygiene practices to avoid the spread of the disease;
- To suspend conditions of supervision that require in-person meetings, such as in-person check-ins with supervision officers; utilize alternative methods of communication, such as phone check-ins with supervision officers and phone meetings with programming/support groups;
- To suspend driver's license recovations for non-driving related offenses, such as non-payment of fines and fees, to ensure that people are not penalized for driving to get food or to the hospital, for example, during the COVID-19 crisis;
- Where appropriate and consistent with the best interests of public safety, to expand the use of citations in lieu of arrests for minor offenses;
- To provide (free of charge) masks and gloves to incarcerated people and staff who conduct cleanings of facilities to prevent the spread of COVID-19;
- To provide free phone calls and video visits for incarcerated people during this crisis, especially where regular visitation to correctional facilities has been suspended; maintaining ties to their families and communities are key factors in keeping a safe environment in prisons and reducing recidivism upon release;
- To order all prison and jail facilities to conduct daily health checks of all incarcerated individuals to monitor symptoms; to examine those entering and exiting facilities for symptoms, including correctional officers and staff, new admissions to facilities, and other necessary visitors such as vendors and medical staff;

Taken together, these steps can keep our communities safe while lessening the impact of COVID-19 on incarcerated people and the commonwealth at large, while also saving significant taxpayer resources. As you know, Kentucky's [local prosecutors, public defenders, jailers and judges](#) are lighting the path, and together these leaders are doing their part to reduce county-level incarceration. Their common-sense efforts have already led to a [28% reduction](#) in the county-level population, and these leaders, as well as the undersigned, can serve as a resource as you prioritize public health and public safety.

Now is the time to take concrete steps toward mitigating the spread of this disease in state correctional facilities before the state's healthcare system is overwhelmed. We are eager to work with your administration throughout this process.

Thank you for your time and consideration.

Sincerely,

Amanda Hall
Smart Justice Field Organizer
American Civil Liberties Union Kentucky



Mark Holden
Board Member
Americans for Prosperity



Patrick Purtill
Director of Legislative Affairs
Faith and Freedom Coalition



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