



April 15, 2020

Governor Tim Walz
130 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Governor Walz,

As COVID-19 continues to spread throughout the country and our state, both the public and private sectors are taking extraordinary measures to protect the health and safety of our citizens. We thank you for 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 Minnesotans safe.

As you consider next steps to fight this pandemic, we ask you to keep in mind 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 neighbors in surrounding communities – and take similarly swift and decisive action within your executive authority.

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. Prisons have large numbers of individuals that are elderly and a far greater rate of people with compromised immune systems than the general public. Just last week, U.S. Attorney General William Barr issued an emergency order that increased the eligibility pool for home confinement consideration, prioritizing facilities hit hardest by COVID-19 in Louisiana, Ohio, and Connecticut.

Many people held in correctional facilities across Minnesota are elderly, ill, or otherwise immunocompromised. In Minnesota prisons, more than 16% of the population is over the age of 50, roughly 1,500 people, and a disproportionate number have health conditions that make them more vulnerable. Not only are incarcerated people at greater risk of infection and needing intensive care, but

corrections officers, law enforcement, and medical staff are also at risk to catch and 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 more difficult for Minnesota Department of Corrections (DOC) to contain this virus and maintain a safe prison environment. Because DOC has no ICU beds, they will also add additional strain to already stressed health care resources in their communities.

There is enormous bipartisan support from national groups such as [Prison Fellowship](#), Justice Action Network, REFORM Alliance, Brennan Center, 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 public at large. The unprecedented nature of this pandemic requires strong leadership to mitigate its spread, especially in Minnesota prisons and jails, before the state’s healthcare facilities are overwhelmed.

We, the undersigned, make the following recommendations for the State, and where appropriate and under your authority, ask that you take executive action:

- To temporarily transfer incarcerated individuals who are elderly and immunocompromised, pregnant, or otherwise deemed at grave risk of contracting COVID-19, to home confinement or another location, unless such action would compromise public safety;
- To quickly transfer individuals within 90 days of the end of their prison sentences to home confinement, unless such action would compromise public safety;
- To release individuals serving time in prison or jail for technical violations of probation, unless such action would compromise public safety;
- To suspend the use of incarceration, and utilize alternative sanctions where appropriate, for technical violations of probation, unless such action would compromise public safety;
- 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 provide (free of charge) protective equipment including masks and gloves for routine sanitary cleanings of facilities, hand sanitizer and/or soap to all incarcerated people, and order wardens to educate all prisoners on proper hygiene practices to avoid the spread of the disease;
- 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 regular free phone calls and video visits for incarcerated people during this crisis, especially since 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; and

- To stop suspending driver's licenses and reinstate driver's licenses that have been suspended for violations unrelated to dangerous driving, such as failure to pay fines or fees or appear on traffic tickets, until at least 60 days after the end of the peacetime emergency. Use of personal vehicles allows for social distancing during essential travel that is not possible when using public transportation or carpooling.

Taken together, these steps can keep our communities safe while lessening the impact of COVID-19 on incarcerated people and the state at large. As you know, Minnesota's county attorneys, public defenders and judges have been leaders at the local level in enacting common-sense changes during the COVID-19 pandemic. Their efforts have resulted in a 39% reduction in county-led populations in the State's largest counties.

We appreciate that the Department of Corrections has already begun to implement some of these recommendations, and we want to emphasize the urgency and importance of moving quickly and comprehensively. Now is the time to take concrete steps toward mitigating the spread of this disease in prisons and jails before the state's healthcare system is overwhelmed. We are eager to work with your administration and to serve as a resource throughout this process.

Thank you for your time and consideration.

Sincerely,

William Ward
State Public Defender
MN Board of Public Defense

Jason Adkins
Executive Director
Minnesota Catholic Conference

Holly Harris
Executive Director
Justice Action Network

Randy Anderson
Vice President
MN Second Chance Coalition

Anna Odegaard
Executive Director
Minnesota Asset Building Coalition

Tuleah Palmer
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Northwest Indian Community Development Center

Jason Flohrs
State Director
Americans for Prosperity - Minnesota

Jason Pye
Vice President of Legislative Affairs
FreedomWorks

Grover Norquist
President
Americans for Tax Reform

David Safavian
General Counsel
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Heather Rice-Minus
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