



FLORIDA COALITION FOR CRIMINAL JUSTICE REFORM

April 9, 2020

Governor Ron DeSantis
400 South Monroe Street
Tallahassee, FL 32309

Re: Second Letter re: COVID-19 - Issuing an Executive Order to Safely Reduce Prison and Jail Populations and Prevent Spread

Dear Governor DeSantis:

Since our initial letter of March 16, 2020, the COVID-19 threat has become a reality. When we last wrote, there were approximately 550 cases in Florida and 11 deaths, today there are over 15,500 confirmed cases in Florida, and over 300 COVID-19 related deaths. Additionally, as of April 8th, the public has been made aware of at least thirty-seven Florida prison workers who have tested positive for COVID-19, four people incarcerated in Florida prisons, at least five Florida residents detained in jail pre-trial, and as of yesterday, one individual detained pre-trial has died of COVID-19. To be clear, the steps you take (or don't take) today will have grave consequences for Floridians tomorrow.

As you know, there is a consensus among public health officials that the SARS-CoV-2 pandemic and the transmission of COVID-19 pose an enormous and potentially catastrophic risk to people and staff in correctional facilities. We are writing to urge you to issue an Executive Order that would rapidly address many of these risks and immediately save lives. We have attached a draft Executive Order for your review.

A swift and coordinated statewide response by all stakeholders in the criminal legal system is needed to save lives and protect incarcerated people, staff, and the public at large from the increasing threats posed by COVID-19.

One of the biggest impediments to an effective response is the fact that our state's criminal legal system is decentralized and made up of dozens of agencies and thousands of individual decision makers. Allowing each of these stakeholders – from police and prosecutors to judges, Sheriffs, and supervision agents – to implement responses to this public health crisis in an inconsistent or case-by-case fashion will inevitably lead to delay, confusion, misallocation of resources, and – most importantly - preventable deaths.

As Governor, you are in the unique position to save lives through mandating a coordinated response that brings multiple system actors together. There are three steps you could take right now to forcefully address the SARS-CoV-2 pandemic and limit the spread of COVID-19 among some of our most vulnerable communities:

1. **Release vulnerable people in state custodial facilities.** Begin a process of immediate release of all people identified by the CDC as particularly at-risk – older people and people with underlying health conditions or who are otherwise immuno-compromised – whose sentences would end in the next two years, anyway.
2. **Reduce overall population in state custodial facilities.** Begin a process of immediate release for anyone whose sentence would end in the next year, anyway. Carceral facilities make social distancing impossible and are not built or prepared to fulfill the medical need associated with COVID-19.
3. **Reduce vulnerable and overall populations in local custodial facilities.** Direct local stakeholders, including police, prosecutors, and judges overseeing criminal matters to take all possible steps to reduce the intake of people into state and local custodial settings, immigrant detention facilities, or other carceral environments. This includes stopping arrests for low-level offenses and issuing citations in lieu of arrest for other offenses, temporarily suspending the use of cash bail to hold people pretrial, limiting pretrial detention entirely except in those very rare cases where it is the least restrictive means to ensure a person’s return to court, and setting conditions of release that allow people the freedom to seek medical help or care for loved ones who have COVID-19.

The time for action is now. This pandemic is here and is already making its way into our state’s carceral facilities. Enclosed with this letter is a draft Executive Order that you could sign today to take the first steps to immediately address this crisis head-on.

Please do not hesitate to contact Kara Gross, ACLU of Florida (kgross@aclufl.org) if you have any questions or would like any additional information.

Sincerely,

The Florida Campaign for Criminal Justice Reform

Enc. Executive Order: Controlling COVID-19 Transmission and Mortality by Reducing Certain Populations in State and Local Custodial Facilities

CC:

Ashley Moody, Florida Attorney General

Nikki Fried, Florida Commissioner of Agriculture

Jimmy Patronis, Florida Chief Financial Officer

Mark Inch, Secretary, Florida Department of Corrections

Melinda N. Coonrod, Chairman, Florida Commission on Offender Review

Dr. Scott Rivkees, Florida Surgeon General

The Florida Campaign for Criminal Justice Reform (CCJR) is a diverse, nonpartisan coalition dedicated to ending over-incarceration and racial disparities in Florida's criminal legal system through data-driven approaches that will save taxpayer money, keep our families intact, and make our communities safer by maintaining human dignity and prioritizing rehabilitation, treatment, and alternatives to incarceration. For more information about our Campaign please visit Betterjusticefl.com.