NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE

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Rev. Dr. T. Anthony Spearman
State President

Mr. Joseph M. Alston
Executive Director

March 24, 2020

The Honorable Roy Cooper
North Carolina Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301
Via US Mail & Personal Delivery

Dear Governor Cooper:

I write to you in this unprecedented time, to express the position of the NC NAACP State Conference in support of the safety and lives of all those who are currently incarcerated in North Carolina's prisons, jails, and detention centers. We applaud your actions to declare a state of emergency on March 6, 2020, to issue Executive Order 116, and to issue ongoing guidance to demonstrate your commitment to ensuring the safety of North Carolinians in this time of crisis.

We now urge you to take targeted, bold, and immediate action to prevent the unnecessary human suffering that will result if North Carolina does not rapidly accelerate the implementation of a smart, integrated strategy to protect people currently incarcerated in our state from the spread of the novel and lethal COVID-19 virus.

To enact the comprehensive strategy on the timetable necessary to have a demonstrable impact on public health outcomes and to ensure public safety, **we ask today that your office immediately appoint a *COVID-19 Justice System Response Special Master/Coordinator* to lead an integrated executive branch response, to issue clear guidance to other actors in the state, and to take swift actions necessary to protect people currently incarcerated, who are most vulnerable**. This coordinator, if resourced properly, could speed quick collaboration with experts and non-governmental advisors to ensure North Carolina ultimately leads the nation in protecting people imprisoned, clinical, custodial, and other workers who are performing necessary duties, and their communities and family members, from the spread and impact of this disease.

Without further decisive and immediate action, experts from across the nation and here in North Carolina predict that we are in danger of a severe, devastating spread of the disease in our over-crowded prisons and jails. We cannot allow that fate to meet our people, and as people of faith we are called to speak up at this time as we see the tidal wave of pain on the horizon.

We ask that this appointment be immediately made with clear instructions to urgently initiate an expedited and centralized COVID response process in North Carolina's justice system, to respond to resource-support requests, including data sharing and increased re-entry services to successfully implement necessary risk-reduction strategies, and where appropriate, to issue and share guidance with other offices of NC government at every level charged with responding to this crisis in the context of our criminal justice system.

As your office is well-aware, state and federal guidance currently available indicates that COVID-19 poses the greatest risk of death to the elderly as well as to those who are immunocompromised, those who suffer from diabetes, chronic obstructive pulmonary disorder and other lung conditions, high blood pressure, and those with cancer, among others. We believe the office of the Governor must give directives and take action focused on the following priority areas:

(1) Ensure and monitor the need for and access to hygiene resources, health care services, and soap and hand sanitizers effective against COVID-19 transmission in all prisons, jails, and detention centers in the state of North Carolina;

(2) Immediately oversee a program of emergency commutation of sentences for elderly and otherwise vulnerable people, including those with compromised immune systems and complex medical issues imprisoned in North Carolina;

(3) Expedite mass medical release of those permanently disabled, geriatric, or terminally ill through the Department of Public Safety's Home Leave program and Transition Services;

(4) Expedite decisions and review of people eligible for parole, particularly those over 65 years of age, pregnant women, parents of small children, the elderly, and people who are chronically ill in our prisons who present a low public safety risk.[1]

(5) Provide targeted guidance and resources specific to supporting the needs and vulnerabilities of youth in detention at this time, and provide guidance to support an accelerated intervention in our jails, where we know those who are detained pre-trial,

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[1] As detailed in a letter sent by a coalition of partners last week who we work closely with and whose recommendations we support, Article III, Section 5 of the North Carolina Constitution grants the Governor authority to commute sentences for any crime other than impeachment; N.C. Gen. Stat. 15A-1369 authorizes the release of people permanently and totally disabled or geriatric (over 65 and suffering from chronic infirmity), and incapacitated to the extent that they do not pose a public safety risk; and, under N.C. Gen. Stat. § 148-4, incarcerated persons who are permanently and totally disabled can be considered for alternate places of confinement, including a relative's home. Under this statute, incarcerated individuals can be authorized, under prescribed conditions, to leave the confines of prison unaccompanied by a custodial agent to participate in home leave, pre-release, and after-care programs for a prescribed period of time. In all these cases, you or the Secretary of DPS may prescribe conditions of release for a prescribed period.

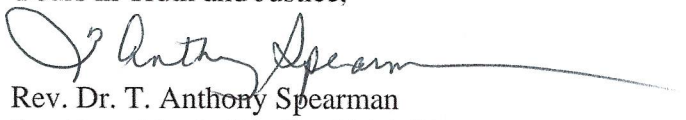
people who have not been convicted of any crime, make up a disproportionate and vast number of those imprisoned.

For over 110 years, the NAACP has been dedicated to ensuring the rights of all persons to political, educational, social, and economic equality, and to eliminate racial discrimination. In North Carolina, the NC NAACP is committed to transforming the discriminatory pipeline and systemic conditions that have resulted in over-incarceration which disproportionately harms people of color and our communities.

Now we are additionally committed to amplifying the universal spirit of service that is emerging from our members across this state, and people all across this nation and world responding to this crisis. As our community continues to take actions to address the public health emergency upon us, we will continue to advocate for and keep central those with the least control over their circumstances, and those most vulnerable, including our children, our elders, those living with disabilities or in compromised health, those who are pregnant during this health crisis, those already living in the grips of poverty and economic insecurity, those who are performing essential services in our communities, risking exposure every day, and those who are imprisoned without power to determine how to protect themselves. It is to these voices and these families, that we are indeed, called to be the staunchest advocates alongside, and that we stand with in this time.

We stand also with all those leaders in this time who are willing to take decisive action to head off the tide of this pandemic. If we can be of further service to you as you consider your comprehensive response to ensure the safety of those who work within the justice system and those who are incarcerated in North Carolina prison, jails, and detention centers, we stand at the ready.

Yours in Truth and Justice,



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