

Congress of the United States

Washington, DC 20515

April 16, 2020

The Honorable Lawrence J. Hogan Jr.
Governor
State of Maryland
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan,

In light of recent reports that an inmate has died of complications due to COVID-19, we urge you to take aggressive actions to stop the further spread of this virus amongst the state's prison population. We are concerned that an outbreak of COVID-19 within Maryland's correctional system would endanger the health of all – surrounding communities, correctional staff, first responders and inmates.

As of Monday, April 13, there were 93 confirmed COVID-19 cases in Maryland correctional facilities.¹ This represents a sharp increase after the department confirmed 57 cases on Friday, April 10.² Thirty-three cases are at Jessup Correctional Institution (JCI) alone. We have also heard recently from the American Federation of State, County, and Municipal Employees (AFSCME) who work in correctional, juvenile service, and psychiatric hospital facilities in Maryland who have cited the lack of adequate personal protective equipment (PPE), failures to enforce appropriate screening and social distancing, and the absence of plans for identifying steps to take when inmates, children, patients and staff test positive for COVID-19 at these facilities. Currently, correctional facility personnel constitute the majority of positive cases heightening fears of potential community transfer. The continuing spread among inmates puts them, the staff, and the medical personnel assigned to the correctional facilities at risk.

We appreciate your efforts to increase hygiene and create isolation units for COVID-19 patients as necessary first steps to stop the spread of COVID-19 amongst the state's prison population and correctional officers. However, the sharp increase in confirmed cases of COVID-19 amongst the state's prison population illustrates the need for more action.³ While there are now 93

¹ Proctor, Brandi, Inmate Death Reported as COVID-19 Cases in MD Correctional Facilities Rise; 93 Cases, *Fox 45 News*, (April 13, 2020) available at <https://foxbaltimore.com/news/local/inmate-death-reported-as-covid-19-cases-in-md-correctional-facilities-rise-93-cases>

² Jackson, Phillip, Maryland confirms 57 coronavirus cases in state prison system, more than tripling in five days, *Baltimore Sun*, (April 9, 2020), available at <https://www.baltimoresun.com/coronavirus/bs-md-57-coronavirus-cases-maryland-prisons-20200409-f5jma73d3jdxbjgt653ahm3yve-story.html>

³ Jackson, Phillip, Maryland confirms 57 coronavirus cases in state prison system, more than tripling in five days, *Baltimore Sun*, (April 9, 2020), available at <https://www.baltimoresun.com/coronavirus/bs-md-57-coronavirus-cases-maryland-prisons-20200409-f5jma73d3jdxbjgt653ahm3yve-story.html>

reported cases, there is a significant likelihood that the virus is already spreading through correctional facilities through asymptomatic spread given the virus' fourteen-day incubation period. As more than 200 health experts from Johns Hopkins University have noted, "The close quarters of jails and prisons, the inability to employ effective social distancing measures, and the many high-contact surfaces within facilities, make transmission of COVID-19 more likely."⁴

The only proven method of slowing the spread of COVID-19 to date, social distancing, faces significant hurdles where populations are concentrated, such as correctional facilities. It is with this recognition that the Department of Justice and governors across the country have begun to reduce the size of prison populations. U.S. Attorney General William Barr has ordered the release of inmates at high-risk for severe infection to home confinement from three federal penitentiaries in Louisiana, Ohio, and Connecticut and a number of states have taken action to reduce their states' prison population to slow the spread of COVID-19.

We urge you to strongly consider the recommendations of Maryland Attorney General Brian Frosh that you exercise your commutation power by working with the Maryland Parole Commission to identify and accelerate the release of inmates who pose little risk to public safety but whose continued incarceration would increase the risk of an outbreak amongst the state's prison population. This action will not only protect correctional officers, first responders, and inmates, but also our state at large.

We also encourage you to immediately allocate the federal resources at your disposal to slow the spread of the virus, and to work with us to identify any needed missing resources. For example, Maryland received roughly \$17.7 million in the last round of Byrne-JAG funding, with the state controlling about \$1.1 million of that funding that they can distribute to local jurisdictions to address their own pressing needs. Maryland could use some of these resources to purchase additional PPE for prison staff, support overtime for officers, and provide additional medical items and supplies for staff and inmates. We worked on this federal appropriations legislation so that these funds are flexible and go out to states and localities quickly during this pandemic without regard for unnecessary and extraneous restrictions related to federal immigration law enforcement. The Department of Justice is rapidly funding successful applicants, and, to date, 26 awards have already been made to states and localities.

We look forward to continuing to work with you to protect all the people of Maryland from the further spread of this dangerous virus.

Sincerely,

/s/Chris Van Hollen
U.S. Senator

/s/Jamie Raskin
Member of Congress

/s/Benjamin L. Cardin
U.S. Senator

/s/John P. Sarbanes
Member of Congress

⁴ Rubenstein, Leonard, JHU Faculty Express Urgent Concern about Covid-19 Spread in Prison, *Johns Hopkins Berman Institute of Bioethics*, (March 25, 2020), available at <https://bioethics.jhu.edu/news-events/news/jhu-faculty-express-urgent-concern-about-covid-19-spread-in-prison/>

/s/David Trone
Member of Congress

/s/C.A. Dutch Ruppersberger
Member of Congress

/s/Steny Hoyer
Member of Congress

/s/Anthony G. Brown
Member of Congress