

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
410-576-7036

WRITER'S DIRECT DIAL NO.
410-576-6311

April 3, 2020

Via Electronic Mail

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

Dear Governor Hogan:

First, I want to commend you for your leadership during this difficult time. The fear and suffering caused by this pandemic - from those touched directly by the disease to the thousands losing their jobs, businesses, and livelihoods - are testing Marylanders in painful and unprecedented ways. And like so many hardships, its impact falls disproportionately on some of the poorest and most vulnerable among us.

As we all know, many challenges lie ahead, but I write now to urge you to act before it's too late to prevent a catastrophic outbreak of COVID-19 in our prisons and jails. Incarcerated populations are densely packed and likely hotbeds for the spread of COVID-19. Measures taken within the prisons to increase hygiene, create isolation units for COVID-19 patients, and accelerate the release and transfer to home detention of some inmates will help, and I commend our corrections officials for these proactive steps. But more needs to be done.

The reality is that we need a broader and faster release of a larger swath of inmates. Such action is necessary to stave off a catastrophe that will not only result in avoidable illness and death in the prisons, but will also put our correctional officers, who already put their lives on the line, at much greater risk. This increased danger will in turn augment spread of the disease in the community at large.

Those who continue to put themselves in harm's way - our health care workers, first responders, correctional officers, grocery clerks, and many more whose essential work cannot be done from home - are the heroes of this crisis. As we acknowledge our debt of gratitude for their service, we need to do as much as possible to minimize their risk. Taking more comprehensive action to protect prison workers, inmates, and the public is imperative.

The Honorable Lawrence J. Hogan, Jr.
April 3, 2020
Page 2

Given these exigencies, I strongly recommend that, working with the Parole Commission, you exercise your commutation authority to release as soon as possible a larger number of inmates who pose little risk to public safety but whose continued incarceration greatly enhances risk to public health. Identifying the inmates appropriate for release requires careful policy decisions involving public safety and public health, but potential candidates include elderly and non-violent inmates nearing the end of their sentences. Experts in infectious disease and penology should be consulted to assist in these decisions, and my office stands ready to help facilitate this important and urgent effort.

As we all work to meet the challenge of this moment, I urge you not to overlook this critical part of our effort to save the lives of as many Marylanders as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Brian E. Frosh
Attorney General