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March 19, 2020

Judge Lambros  
50<sup>th</sup> Circuit Court Judge

Re: Douglas Bolling  
19-3977-FH

Judge:

I am requesting that Mr. Bolling's sentencing continue on April 7, 2020 pursuant to the attached Order from the Michigan Supreme Court, the ACLU's letter to you dated March 17, 2020 and the Joint Statement from Elected Prosecutors.

We do not agree to any adjournments.

Thank you.

Sincerely,

Jennifer J. France  
Chief Public Defender

Cc: file  
client

# Order

Michigan Supreme Court  
Lansing, Michigan

March 18, 2020

Bridget M. McCormack,  
Chief Justice

ADM File No. 2020-08

David F. Viviano,  
Chief Justice Pro Tem

Administrative Order No. 2020-2

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

Order Limiting Activities/  
Assemblages in Court Facilities

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To confront this unprecedented public health crisis, Michigan trial courts must ensure that court facilities are taking every measure possible to protect the public and court personnel. In EO 2020-11, Governor Whitmer ordered restrictions on assemblages to no more than 50 people. President Trump has issued guidelines urging the public to avoid assemblages of more than 10 people and practice social distancing.

Pursuant to 1963 Const, Art VI, §4, which provides for the Supreme Court's general superintending control over all state courts, **trial courts are ordered to limit access to courtrooms and other spaces to no more than 10 persons, including staff, and to practice social distancing and limit court activity to only essential functions**, which include the following:

I. **CIRCUIT COURTS**

A. **Criminal Proceedings**

1. To the extent possible and consistent with MCR 6.006 and a defendant's constitutional and statutory rights, courts should conduct the following hearings remotely using two-way interactive video technology or other remote participation tools:
  - a. For in-custody criminal defendants, pleas, **sentencings**, arraignments on the information under MCR 6.113 (unless waived), probation violation arraignments under MCR 6.445(B), and emergency motions regarding bond. If the defendant is not in custody, these matters should be adjourned.
  - b. Processing of criminal extradition matters for in-custody defendants pursuant to MCL 780.9. The issue of bail should be addressed for those eligible defendants as provided in MCL 780.14.

2. All other criminal matters, including all non-emergency matters where the defendant is not in custody, shall be adjourned. All criminal jury trials shall be adjourned until after April 3, 2020.
3. With regard to matters involving forensic evaluations of juveniles or adults for competence to stand trial, competence to waive Miranda rights, and criminal responsibility, courts shall permit the use of video technology. The evaluator shall note in the forensic opinion whether the use of video technology impeded an impartial and accurate clinical assessment, and, if so, notify the court that an in-person evaluation must be scheduled.

**B. General Civil and Business Court Cases**

1. Infectious disease (ID) proceedings under MCL 333.5201 et seq.
2. Limited proceedings regarding personal protection orders (PPOs):
  - a. Review and determination of requests for personal protection orders (PPO) under MCL 600.2950 and 600.2950a;
  - b. Review and determination of emergency request to extend a PPO pursuant to MCR 3.707(B);
  - c. Initial hearing for in-custody respondent arrested for alleged violation of PPO to allow court to address issue of bond under MCL 764.15b.
3. All other civil and business court matters, including trials, must be conducted remotely using two-way interactive video technology or other remote participation tools or they must be adjourned until after April 3, 2020.

**C. Family Court Matters**

1. Review and determine requests for ex parte relief in domestic relations proceedings necessary for the safety and well-being of a litigant and/or children under MCR 3.207.

2. Safe delivery of newborn child (NB) proceedings under MCL 712.1 et seq.
3. Waiver for parental consent (PW) proceedings under the Parental Rights Restoration Act, MCL 722.901, et seq.
4. Juvenile delinquency proceedings:
  - a. hearings required within 24 hours of a juvenile's apprehension or detention pursuant to MCR 3.935 and MCR 3.944
  - b. arraignments for in-custody designated and adult court waiver proceedings pursuant to MCR 3.951 (designated) and MCR 3.950 (waiver, circuit court arraignment).
5. Child protective proceedings:
  - a. hearings required within 24 hours of taking a child into protective custody pursuant to MCR 3.965 and MCR 3.974;
  - b. permanency planning hearings that are required pursuant to MCL 712A.19a.
6. Friend of the court arraignments on bench warrants pursuant to MCR 3.221(B). An arrested individual must be promptly arraigned if the underlying contempt hearing cannot be held within 48 hours. In addition, Friend of the Court offices should set priorities to continue the following services:
  - a. Courts should continue to make staff available to record child support orders in MiCSES as long as there are unrecorded orders so the SDU can send out child support payments.
  - b. To the extent it is safely possible, courts should continue to make staff available to implement income withholding notices so payments can be deducted and paid automatically. To the extent it is not safely possible to make staff available for this purpose, most

income withholding notices should be issued automatically when there is a New Hire Directory match.

- c. To the extent it is safely possible, courts should continue to make staff available to implement national medical support notices to allow health care coverage to be implemented as quickly as possible.
- 7. All other family court matters, including trials, must be conducted remotely using two-way interactive video technology or other remote participation tools or they must be adjourned until after April 3, 2020.

D. Other emergency motions in the discretion of the court.

## II. **DISTRICT COURTS**

- A. **Criminal Matters** – To the extent possible and consistent with MCR 6.006 and a defendant’s constitutional and statutory rights, courts should conduct the following hearings remotely using two-way interactive video technology or other remote participation tools:
  - 1. For in-custody criminal defendants, pleas, sentencings, arraignments under MCR 6.104, bond motions under MCR 6.106 or MCR 6.108, probable cause conferences under MCR 6.108 , and preliminary examinations under MCR 6.110.
  - 2. Processing of criminal extradition matters for in-custody defendants pursuant to MCL 780.9. The issue of bail should be addressed for those eligible defendants as provided in MCL 780.14.
  - 3. With regard to matters involving forensic evaluations of juveniles or adults for competence to stand trial, competence to waive Miranda rights, and criminal responsibility, courts shall permit the use of video technology. The evaluator shall note in the forensic opinion whether the use of video technology impeded an impartial and accurate clinical assessment, and, if so, notify the court that an in-person evaluation must be scheduled.

4. Review and determination of requests for search warrants should continue pursuant to MCL 780.651.
  5. Review and issuance of arrest warrants pursuant to MCL 764.1a for crimes that present a danger to public safety.
  6. All other criminal matters, including all non-emergency matters where the defendant is not in custody, shall be adjourned. All criminal jury trials shall be adjourned until after April 3, 2020.
- B. **Civil Matters** – All matters must be conducted remotely using two-way interactive video technology or other remote participation tools or they must be adjourned until after April 3, 2020.
- C. **Traffic Matters** – All civil infractions, including trials, must be conducted remotely using two-way interactive video technology or other remote participation tools or they must be adjourned until after April 3, 2020. No bench warrants shall be issued for individuals failing to appear during the state of emergency.
- D. Other emergency motions in the discretion of the court.

### III. **PROBATE COURTS**

- A. Proceedings regarding involuntary mental health treatment under Chapter 4 of the Mental Health Code, including the following:
1. Pick-up / transportation orders pursuant to MCL 330.1436 and 330.1426;
  2. Petitions for initial or continuing involuntary hospitalization pursuant to MCL 330.1472a.
- B. Petitions for immediate funeral / burial arrangements pursuant to MCL 700.3206 and 700.3614.
- C. Emergency petitions filed by Adult Protective Services under MCL 400.11b(6).
- D. Emergency petitions for guardianship pursuant to MCL 700.5312.

- E. Emergency conservatorships and other protective orders pursuant to MCL 700.5407 in those cases with immediate pending evictions/foreclosures/shut off notices.
- F. Estates where immediate access to residence is necessary under MCL 700.5407.
- G. Ex-parte requests for temporary restraining orders.
- H. With regard to proceedings involving mental health and guardianship matters, courts shall permit the use of video technology unless a health and safety issue requires an in-person appearance.
- I. All other probate court matters must be conducted remotely using two-way interactive video technology or other remote participation tools or they must be adjourned until after April 3, 2020.
- J. Other emergency motions in the discretion of the court.

Further, the court must work with the county clerk to ensure that if in-person filing of court pleadings is limited due to the state of emergency, court pleadings will continue to be accepted for filing by other means, such as U.S. mail, e-Filing, email, or facsimile.

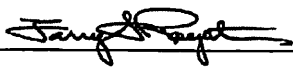
Further, with regard to all courts, all matters that are resolved by agreement of the parties and with approval of the court that do not involve any appearance at the court may proceed during the pendency of this order. Such agreement may be documented using technology as authorized in AO No. 2020-1, dated March 15, 2020. This authority does not extend to any matters suspended by executive action of the Governor.

This order shall remain in effect until the close of business Friday, April 3, 2020, or as provided by subsequent order.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 18, 2020

  
Clerk

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March 17, 2020

Sent via email

Re: COVID-19 Prevention and Management in the Courts

Dear Chief Judge:

The ACLU of Michigan takes the risks and issues posed by the rapid spread of COVID-19/coronavirus extremely seriously, and we appreciate that court systems around the state are giving careful consideration to the impact the virus has on court operations and our communities. We write to highlight a few measures that the ACLU urges that your court consider to protect constitutional rights as well as public health during this difficult time. We commend the Michigan Supreme Court's recent announcement encouraging trial courts to take similar measures to some of those recommended herein, and note that all of our recommendations are consistent with the letter and spirit of the Supreme Court's announcement.

**Release Pre-trial Detainees**

In order to prevent the further spread of COVID-19, public health officials are unanimous in recommending that we minimize the degree to which Michiganders are in crowded environments. Indeed, Governor Whitmer has ordered that public gatherings of more than 250 people be avoided. Jails, of course, are crowded environments in which detainees have less ability to follow recommended hygienic measures such as frequent washing of hands, social distancing, etc. Every individual who is arrested and transported to jail presents a possible source of transmission into the jail setting, and every moment such individuals spend in jail presents further opportunity for them to become infected as a result of the jail conditions described above. Accordingly, courts can play a major beneficial role in limiting the spread of COVID-19, both inside our jails and in the community more broadly, by doing everything in their power to release pre-trial detainees and ease jail crowding.

One obvious step is to assure the rapid release of detainees on personal bonds, with special attention paid to defendants who are at high risk of serious illness from COVID-19, such as defendants older than 60 and those who have pre-existing medical conditions that place them at risk including, but not limited to, heart disease, lung disease, diabetes, and conditions resulting in the individual being immune-compromised. The Michigan Court Rules already provide that pre-trial detainees should be presumptively released on personal recognizance. MCR 6.106(C). Courts should apply this rule liberally to ensure the immediate release of most newly arrested pre-trial detainees, including the possibility of promulgating general administrative orders providing for detainees accused of most charges to be released automatically with no cash bond and a notice to appear unless the prosecution affirmatively moves for a hearing. In doing so,



Courts should be careful not to impose conditions on mobility such as tethers and house arrests that might limit defendants' ability to seek medical care or care for sick or vulnerable family members.

Additionally, MCR. 6.106(H)(2) provides courts with the authority to modify existing bond decisions on their own initiative. No one who does not demonstrably present an urgent and unusual threat to an identified and articulable individual based on clear and convincing evidence should currently be detained in a crowded jail environment. Accordingly, courts should consider eliminating existing bail conditions (including conditions such as unaffordable tethers) for almost all defendants who are currently in jail as the result of bonds or release conditions that they cannot afford. Again, general administrative orders providing for the elimination of bond or tether requirements in cases where defendants have not paid their cash bond, at least absent objection from the prosecution (which should be minimal under the circumstances), would present the most efficient means of rapidly achieving these goals.

### **Postpone Unnecessary Hearings for Non-Detained Defendants and Civil Cases, and Minimize the Use of Warrants and Bonds**

During this health crisis, it is likely that defendants will be unable to attend hearings for numerous justifiable reasons relating to seeking medical care, transportation disruptions, childcare emergencies due to school cancellations, etc. Courts should respond—as many have already done—by postponing, staying, or rescheduling hearings in most civil cases (especially eviction cases, which should be suspended entirely) and in criminal cases in which the defendant is not already detained and does not object to a postponement. In particular, courts should consider postponing sentencing hearings to protect the current jail population from the possibility that the defendant being sentenced might be ill, to protect the defendant from the risk of transmission in the carceral setting, and to reduce jail crowding. Similarly, courts should do everything possible to eliminate mass hearings like child support collection proceedings that involve numerous accused individuals appearing in large groups, often in a small and contained shared space or cell. Reducing unnecessary hearings will also help to mitigate risks to those who must be in court including court staff whose health and commitment to continue working is vital to keeping our courts running. However, if a criminal defendant is detained and wishes to proceed with trial or any hearings, or if a non-detained defendant wishes to proceed to trial without delays, COVID-19 should not be the basis for delays. If delays are necessary in any criminal case as the result of COVID-19 logistical issues, pre-trial release should be the rule.

In cases that are not postponed or rescheduled automatically, courts should not issue bench warrants as the result of a party's non-appearance. We note with particular concern one Oakland County judge's decision to send a litigant suffering from pneumonia to jail when the very reason for his tardiness in court was his being treated for his (highly contagious) condition.<sup>1</sup>

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<sup>1</sup> Laitner, *He Was Sick With Pneumonia, But a Judge Sent Him To Jail for Being Late to Court*, Detroit Free Press (March 10, 2020) <<https://www.freep.com/story/news/local/michigan/oakland/2020/03/10/jailed-howard-baum-pneumonia-oakland-county-judge-bowman/5008206002/>>.

Additionally, in cases that are proceeding, courts can reduce the risk to their staff and the general public by reducing criminal defendants' need to appear in person for non-essential hearings. In practice, many criminal hearings are preliminary hearings, status conferences, or motion hearings, at which a defendant's attendance is not truly necessary unless they wish to be present. Of course, any person accused of a crime who wishes to be present at any hearing in their case, must continue to be permitted to do so.

### **Do Not Order Detention for Violation of Probation or Parole**

Probationers and parolees may find it difficult to comply with many of the conditions of their parole or probation in light of the social upheaval caused by COVID-19. Workplace shutdowns, transportation disruptions, office closures, childcare issues, and other similar challenges may make it difficult for probationers and parolees to attend required appointments, satisfy work requirements, and otherwise comply with the many conditions that govern their lives. Indeed, strict compliance with certain conditions, such as appearing for in-person meetings with probation officers or continuing to work in what might be crowded environments presenting high risk for transmission are plainly inadvisable as a matter of public health. Probation officers and courts should work together to formally modify or suspend such conditions and should neither impose nor enforce conditions on mobility such as tethers and house arrests that might limit probationers and parolees ability to seek medical care or care for sick or vulnerable family members. In any case, rather than trying to adjudicate probation or parole violations on a case-by-case basis—a time-consuming process in which courts would likely struggle to keep up with the best science and public health advice—courts should adopt a comprehensive policy of not ordering probationers or parolees detained while the COVID-19 threat persists. This will serve to reduce the need for court hearings, each of which presents a risk to court staff, the public, and the probationers and parolees themselves. It will also, of course, reduce the number and pace of individuals circulating into and out of jails with the concomitant risks both to the carceral setting and to the public at large.

For similar reasons, courts should suspend all requirements to make payments towards court fines or debts given the economic upheaval that will be experienced by many Michiganders, especially low-income Michiganders, in the immediate future. Interest should not accumulate on court debt, and show-cause hearings for non-payment should be suspended until the crisis abates.

### **Work with Local Law Enforcement Officials and Prosecutors to Limit Arrests to the Most Serious Offenses and to Increase Medical Releases**

Another critical way to reduce the risk of transmission between the outside world and the carceral setting is to reduce initial arrests in the first place. The courts should use every means available to them to urge local law enforcement and prosecutors to reduce arrests. Law enforcement officials should be encouraged to issue tickets and notices to appear rather than making arrests for as many charges as possible, and especially for common misdemeanors such as driving without insurance with a suspended license. Similarly, prosecutors should be urged not to file charges in all but the most serious of cases in which immediate action is necessary to address an imminent harm or because of an expiring statute of limitations in a case involving a

serious offense. Judges and magistrates should raise these concerns with prosecutors at every opportunity, including in response to warrant requests.

Courts should also take whatever measures are available to them to urge local sheriffs to release inmates who have been diagnosed with COVID-19 as well as medically vulnerable inmates who would be at particular risk if exposed. Sheriffs should be urged to use whatever measures are available to them to accomplish such releases, including through widespread use of their power to parole prisoners to receive medical treatment. *See* MCL 801.251.

### **Conclusion**

The ACLU of Michigan appreciates the challenges confronting public officials in responding to the COVID-19 outbreak. We would be happy to work with you on the best ways to simultaneously ensure public health and safety while also respecting the civil rights and liberties of all Michiganders. Thank you for your consideration of these matters in a challenging time.

Sincerely,

Dan Korobkin, Legal Director  
Phil Mayor, Senior Staff Attorney  
ACLU of Michigan

Cc: Chief Justice Bridget Mary McCormack (via email)  
Milton L. Mack, Administrator, State Court Administrative Office (via email)



JOINT STATEMENT FROM ELECTED PROSECUTORS  
ON COVID-19 AND ADDRESSING THE RIGHTS AND NEEDS OF THOSE IN CUSTODY  
*March 2020*

COVID-19 has the world on high alert. In recognition that the coronavirus is spreading quickly among high concentrations of people in close proximity, schools are being shut down, conferences rescheduled, international travel is being restricted, and cruise ships -- the early incubators of the virus -- are being quarantined. Those measures are all sensible, but they also drive home how little attention is being paid to the millions of people in the most overcrowded conditions that are ripe for the spread of this contagious and deadly virus: the people behind bars in America's jails, prisons, and immigration detention centers.

There are 2.3 million adults and children locked up in the United States in various systems of confinement, including state and federal prisons, local jails, youth correctional facilities, and immigration detention centers. Far more cycle in and out of jail on a daily basis; there are 10.6 million jail admissions every year.

Our country's jail and prison populations have exploded over the last few decades, a result of people being prosecuted more often for less serious behavior; an increase in the severity of sentences imposed; and our cash-based pretrial detention system, which keeps hundreds of thousands of people in jail prior to any determination of guilt and merely because they can't afford to pay bail. Recently, immigration detention has reached record proportions, despite apprehensions at the border being far below historic highs. The result of these practices is overcrowded jail, prison and immigration detention facilities that force people together in close quarters without access to proper hygiene or medical care, sometimes living barracks-style in gyms or other open spaces, breathing the same recycled air for up to 23 hours per day. These conditions are fertile ground for the spread of a virus like COVID-19.

We, as elected prosecutors, have an obligation to protect the safety and wellbeing of everyone in our community, regardless of their race, ethnicity, or country of origin. Those obligations extend behind prison walls. And they require elected prosecutors to step up in this time of growing public health concerns to address the needs and rights of individuals in these facilities.

An outbreak of the coronavirus in these custodial facilities would not only move fast, it would potentially be catastrophic. According to the Center for Disease Control, the elderly and people with underlying medical conditions are more susceptible to falling severely ill with COVID-19. Both populations are, unfortunately, well represented among incarcerated people. People over the age of 55 make up the fastest growing demographic of those imprisoned. From 1999 to 2016, the number of people age 55 or older in state and federal prisons increased 280 percent and it is estimated that by 2030, there will be over 400,000 people in our prisons over the age of 50. Similarly, jails and prisons house disproportionately large numbers of people with chronic

illnesses and complex medical needs that many facilities are already ill-equipped to treat. And at least 57 ICE detention centers have already experienced outbreaks of infectious diseases like mumps that have presented challenging health issues.

If these facilities become breeding grounds for the coronavirus, it will not only impact those incarcerated, but our entire community. Jails and prisons cycle large numbers of people in and out of close, unsanitary quarters on a daily basis. Many people are arrested and booked into jail on the same day, while others are released within a short time back to their community. People leave immigration detention and return to communities in the US or to vulnerable refugee shelters and encampments along the border. All of these facilities rely on services and support from vendors and medical professionals, employ staff who come and go, and appropriately provide access for legal counsel and family members to visit. And people with severe conditions who need intensive medical treatment are often removed from these facilities to be treated in local hospitals.

Most states and localities recognize the present danger and are considering stopgap solutions, including temporary release for certain populations. Some have also instituted more extreme measures such as locking down jails. These ad hoc responses underscore the urgent need for the broader and long-overdue reforms we were elected to carry out and are deeply committed to -- advancing fairness and equity and addressing overincarceration.

To that end, we believe that the current crisis creates an even more pressing need for elected prosecutors, public health officials, and other leaders to work together to implement concrete steps in the near-term to dramatically reduce the number of incarcerated individuals and the threat of disastrous outbreaks. And we are equally committed to not eroding the rights and safety of those in custody, even as we take steps to address the current health crises. We also recognize that there is no singular “right” approach on how to handle what is a rapidly evolving situation and that the dynamics in each jurisdiction will vary. Nonetheless, we believe that the principles set forth below are vitally important ones to consider and to implement to the fullest extent possible.

### **Achieving Reductions in Detention and Incarcerated Populations**

First and foremost, we urge local officials to stop admitting people to jail absent a serious risk to the physical safety of the community. Policymakers, prosecutors and criminal justice leaders should also take steps to dramatically reduce detention and the incarcerated population. To that end, we believe that elected prosecutors should work with public health officials and other leaders in their communities to implement and advocate for the following reforms:

- Adopt cite and release policies for offenses which pose no immediate physical threat to the community, including simple possession of controlled substances.
- Release all individuals who are being detained solely because they can't afford cash bail, unless they pose a serious risk to public safety.
- Reduce the prison population to minimize sharing of cells and ensure that there are sufficient medical quarantine beds, and enough staff, to promote the health and safety of staff, those incarcerated, and visitors.

- Identify and release the following people immediately, unless doing so would pose a serious risk to the physical safety of the community:
  - Individuals who are elderly;
  - Populations that the CDC has classified as vulnerable (those with asthma, cancer, heart disease, lung disease, and diabetes);
  - People in local jails who are within 6 months of completing their sentence; and
  - People incarcerated due to technical violations of probation and parole.
- Put in place procedures and advocate for reforms that enable past lengthy sentences to be revisited and support release for those individuals who can safely return to the community.

### **Humane Conditions of Confinement**

For those who must remain incarcerated, every effort should be made to ensure they have access to good healthcare, as defined by public health officials, and that their basic human rights are being met. It is critical to balance the precautions necessary to protect against any spread of the virus with the constitutional rights of those in custody. To that end, government officials and criminal justice leaders should work together, and with corrections and public health officials, to:

- Eliminate medical co-pays for anyone in confinement;
- Maintain access to counsel and preserve family visitation rights as long as possible and with precautions (such as glass wall barriers) that can address concerns around the introduction and spread of the virus in correctional facilities;
- Make phone calls free and increase teleconferencing capacity and means to help people stay connected to family and counsel; and
- Ensure that containment measures do not result in the denial of due process (for instance, avoid postponing court appearances and trials when doing so would violate speedy trial guarantees and do not creating barriers that inhibit access to counsel).

### **Protecting Immigrant Communities and Reducing Immigration Detention**

Additionally, the federal government should take the following actions to end the spread of COVID-19 among immigrant communities:

- Suspend new detentions of suspected non-citizens unless there are compelling public safety reasons that support the need for ongoing detention;
- Immediately release all people under the age of 21 in immigration detention unless there are compelling public safety reasons that support the need for ongoing detention; and
- Direct the Department of Homeland Security to honor the sensitive locations policy and not conduct immigration enforcement operations in or around hospitals or medical clinics.

### **Health Care Measures and Protections for Confined Individuals**

Prosecutors should also work with public health, corrections, immigration and government leaders to:

- Avoid the use of widespread lock-downs or solitary confinement as a containment measure and implement more targeted quarantines to control the spread of infection;
- Educate people in custody and staff about the virus and the measures they can take to minimize their risk of contracting or spreading the virus;
- Implement a humane plan for housing of persons who are not released but who are sick. In particular, patients should receive medical care in a hospital, rather than in a detention or corrections facility -- where treatment and housing poses a risk to both the patient and detention staff;
- Encourage and direct detention and corrections employees to stay home, with pay, if they feel sick; and
- Provide free soap and CDC-recommended hand sanitizer, increased medical care, comprehensive sanitation and cleaning of facilities and other safety measures as recommended by the CDC for those who remain incarcerated or detained.

Finally, elected prosecutors must be leaders and collaborate with, and where helpful convene, public health experts and the officials responsible for detention and custodial facilities to ensure that all members of their community are protected and *no one* is forgotten. They should also work with these partners to release to the public the plans and procedures in place to address COVID-19 within jails, correctional facilities and detention centers.

Even after the urgent threat of the coronavirus subsides, these sensible and smart policies should remain. The United States is an international outlier in its rate of incarceration -- we put far too many people behind bars for far too long, and fail to provide adequate care to those we incarcerate. That's a humanitarian crisis with or without COVID-19. We need to make deflection and diversion the presumptive default to shrink our rate and length of incarceration. We need to stop criminalizing immigrants. And we need to address the underlying inequities, public health system inadequacies, and racial biases that bring far too many people into contact with the justice system.

We are facing a serious threat as a country, but it also presents a unique opportunity to come together and swiftly address these longstanding systemic problems. These reforms are long overdue and they will help make our entire country more just, safe, and healthy.

Signed,

**Diana Becton**, District Attorney, Contra Costa County, California

**Buta Biberaj**, Commonwealth's Attorney, Loudoun County, Virginia

**Chesa Boudin**, District Attorney, City and County of San Francisco, California

**John Choi**, County Attorney, Ramsey County, Minnesota

**David Clegg**, District Attorney, Ulster County, New York

**Shameca Collins**, District Attorney, Sixth Judicial District, Mississippi

**Scott Colom**, District Attorney, Sixteenth Judicial District, Mississippi

**John Creuzot**, District Attorney, Dallas County, Texas  
**Satana Deberry**, District Attorney, Durham County, North Carolina  
**Parisa Dehghani-Tafti**, Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia  
**Michael Dougherty**, District Attorney, Twentieth Judicial District, Colorado  
**Mark Dupree**, District Attorney, Wyandotte County, Kansas  
**Kim Gardner**, Circuit Attorney, City of St. Louis, Missouri  
**Sarah F. George**, State's Attorney, Chittenden County, Vermont  
**Eric Gonzalez**, District Attorney, Kings County, New York  
**Mark Gonzalez**, District Attorney, Nueces County, Texas  
**Andrea Harrington**, District Attorney, Berkshire County, Massachusetts  
**Jim Hingeley**, Commonwealth's Attorney, Albemarle County, Virginia  
**Natasha Irving**, District Attorney, Prosecutorial District Six, Maine  
**Justin F. Kollar**, Prosecuting Attorney, County of Kaua'i, Hawai'i  
**Lawrence S. Krasner**, District Attorney, Philadelphia, Pennsylvania  
**Stephanie Morales**, Commonwealth's Attorney, Portsmouth, Virginia  
**Marilyn Mosby**, State's Attorney, Baltimore City, Maryland  
**Karl Racine**, Attorney General, District of Columbia  
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