

March 13, 2020

**VIA E-MAIL**

Claire DeMatteis, Commissioner  
Delaware Department of Corrections

Kathy Jennings, Attorney General  
Delaware Department of Justice

Dear Commissioner DeMatteis and General Jennings:

In light of the emergence of the coronavirus threat and the institution of a state of emergency, I wished to reach out regarding measures to reduce the spread of COVID-19 in correctional facilities.



**Delaware**

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**Visitation**

Delaware DOC has discontinued visitation “temporarily until the DOC implements enhanced screening measures.” The Press Release indicates that DOC will “increase the use of video visitation as available.” It is my hope that charges for the use of video communication equipment and phone calls will also be suspended during this time period, and time allowed for phone calls will be increased where possible. As daily life within and outside of correctional facilities is disrupted over the near term, both inmates and their families will wish to check in on each other’s well-being.

Legal visits should continue unimpeded. If necessary, facilities could consider implementing non-contact legal visits or increasing the availability of confidential phone calls to reduce the number of in-person visits.

**Probation Violations and Pretrial Detention**

As living conditions inside of correctional facilities make it difficult to contain the spread of viral infections, we urge both of you to consider restricting admissions to only those situations where there is a credible and specific threat to public safety. In particular, recent reporting from the Statistical Analysis Center highlights the high number of prison admissions for “technical violations,” i.e., missing appointments with probation officers, “dirty” urines, and the like. During this time of crisis, the Bureau of Community Corrections should institute a policy whereby probationers are returned to prison (or a violation of probation center) only for commission of a new crime. The Bureau should also consider reducing the number of in-person check-ins probationers are required to attend, or switching over temporarily to telephonic

supervision.

Finally, we hope you will encourage your law enforcement partners to consider seeking pretrial detention (high cash bail) only for accused persons who present a credible and specific threat to public safety, and otherwise to book and release defendants. For any pretrial detentions who are being held simply because of an inability to pay a small amount of cash bail, they should also be released immediately.

### **Early Release**

To reduce overcrowding in our prisons, which are currently operating over their design capacity, DOC should review those prisoners who are scheduled for release over the next 6 months and consider expediting release where there is little or no danger to public safety. DOC should also review the status of prisoners over the age of 60 or who are medically fragile, who are at the highest risk of mortality should an outbreak occur within the prisons, and release those inmates, at least temporarily.

### **Hand Sanitizer**

Consider temporarily lifting the ban on hand sanitizer in correctional facilities so that inmates can proactively attempt to avoid infection.

Thank you for your consideration.

Sincerely,

/s/ Karen Lantz

Karen Lantz  
Legal & Policy Director

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Romain Alexander



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