



COVID-19 Cannabis Arrests and Prisoners Letter

March 26, 2020

Dear National District Attorneys Association, National Governors Association, National Sheriffs Association, National Association of Chiefs of Police, National Fraternal Order of Police, American Correctional Association, National Correctional Industries Association, and AFSCME:

We are grateful for your public service during this unprecedented time.

As you know, prisons and jails are breeding grounds for infections and disease due to close quarters and lack of ability to practice social distancing. While Americans across the country are being encouraged to self-isolate, incarcerated people, by definition, are doing the exact opposite. Thus, all prisoners, whether young or old, are increasingly vulnerable to being infected with the novel coronavirus. In addition, because asymptomatic individuals can spread the virus, each law enforcement-civilian interaction includes a risk of transmitting the novel coronavirus to either party.

For these reasons, we are imploring you to curtail arrests for non-violent offenses, such as marijuana possession, cultivation, and sale until the country is better able to prevent the spread of the coronavirus. Similar actions have already been taken in Pennsylvania, Ohio, and nationally by U.S. Immigrations and Customs Enforcement.

Many jurisdictions give police broad discretion to choose infractions and summonsed misdemeanors as alternatives to serious charges and arrests. In addition, officers have wide discretion to merely provide warnings for minor offenses. We encourage broad use of this flexibility in the face of the COVID-19 outbreak.

In addition to curtailing arrests, we are urging you to release cannabis offenders, along with dramatically reducing the number of incarcerated non-violent prisoners, whether sentenced or unsentenced. By significantly reducing the number of inmates in local jails and prisons, you can ultimately reduce the risk of the coronavirus being spread amongst inmates, staff, and the community. Guards return to their families and communities after their shifts, as do prisoners upon their release. The larger the number of individuals incarcerated, the greater the likelihood and possible scope of a related outbreak. This puts prisoners, guards, and the larger community at risk as the communities grapple with this public health crisis. Significantly reducing the number of inmates is a necessary step to ensuring public health in the face of this crisis.

Many localities — including Baltimore; Suffolk County, Massachusetts; Cuyahoga County, Ohio; New Jersey; Los Angeles; and New York City — and the Federal Bureau of Prisons have already begun to release inmates incarcerated for non-violent, drug-related offenses with the understanding that infections in prisons and jails are rampant, and releasing inmates could save the lives of not only inmates but also the custodial, medical, and safety staff that serve them.

In closing, we are imploring you to dramatically curtail arrests and incarceration for non-violent crimes, including ceasing arrests for cannabis offenses and releasing or granting clemency to those incarcerated for cannabis offenses. We hope you agree that the foremost priority during this crisis is

reducing opportunities for transmission of the virus, and thus saving lives.

Respectfully,

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