

April 1, 2020

Dear Director Adger:

The World Health Organization has declared COVID-19 a global pandemic.¹ As the number of Americans infected continues to grow exponentially, it is imperative to focus on the prevention of COVID-19 and inhibiting its spread within the criminal justice system. State and local probation and parole authorities have a crucial role to play in ensuring the safety and good health of those under community supervision.

According to a statement released by the National Association of Probation Executives and 50 current and former probation and parole executives from across the country, all probation and parole agents should follow policies that utilize social distancing and reduce the spread of the coronavirus. “Probation and parole leaders need to do all we can in this crisis to make sure we’re not inadvertently spreading the COVID-19 virus.”²

The ACLU of South Carolina strongly urges the South Carolina Department of Probation, Parole and Pardon Services, (PPP), adopt the following policies, also recommended by the Vera Institute of Justice³:

- Temporarily suspend any incarceration in jail or prison for technical violations of probation or parole.
- PPP should also recommend early termination of probation or parole where possible, particularly for those who have already demonstrated compliance with conditions of supervision. This will allow PPP agents to focus on managing a caseload comprised of those who truly need to be supervised.
- If a probation or parole agent initiates a revocation process in circumstances where someone has allegedly committed a new criminal offense, schedule revocation hearings after public health concerns have dissipated if it is

¹ World Health Organization, “Rolling Updates on Coronavirus Disease (COVID-19),” updated March 11, 2020, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>.

² EXIT: Executives Transforming Probation & Parole, “Coronavirus Threat: Parole and Probation Officials Offer Urgent Recommendations,” Wendy Still, Chief Probation Officer of Alameda County, California and former Chief of San Francisco Adult Probation, March 17, 2020, <https://www.exitprobationandparole.org/covid19pressrelease>

³ Vera Institute of Justice, “Guidance for preventative and responsive measures to coronavirus for parole, probation, and clemency,” <https://www.vera.org/downloads/publications/coronavirus-guidance-parole-probation-clemency.pdf>

determined that the person can remain in the community prior to the hearing.

- Suspend all in-person reporting and check-ins for people under supervision, lengthen reporting intervals, and allow people to connect remotely by phone or videoconference while the pandemic continues.
- Cease enforcement of supervision conditions that constrain a person's mobility, such as curfew or geographic limitations. This will allow individuals to be able to seek necessary medical care or tend to loved ones.
- Suspend collection of supervision fees indefinitely to accommodate for lost wages and to encourage people in financially precarious situations to observe social distancing. All persons on supervision should be advised that nonpayment would not result in revocation of their supervision or some other sanction.

Thank you for your time. We hope that you will follow our proposed guidance aimed at ensuring that your response to COVID-19 protects the health and safety of PPP agents as well as all individuals under community supervision.

Sincerely,
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