



Durham CAN
(Congregations, Associations and Neighborhoods)
732 Ninth Street, #604, Durham, NC 27705
(919) 627-1769 www.DurhamCAN.org

June 18, 2020

Clarence F. Birkhead
Sheriff, Durham County

Dear Sheriff Birkhead,

As we continue to get through these difficult times, we at Durham CAN remain concerned for the safety and well-being of our incarcerated brothers and sisters. We want to thank you for your continued commitments during this time of crisis. Specifically, we commend your letter dated June 1, 2020, where you outlined specific steps you are taking to address the COVID-19 pandemic. We thank you also for joining our conference call on June 8, 2020. On this conference call you committed to the following:

1. To the extent possible, following the Center for Disease Control recommendations in combating COVID-19;
2. Making testing and screening available to all staff and residents, if granted sufficient resources;
3. Working with CAN leaders to organize a meeting with NC Department of Public Safety (DPS) Secretary Erick Hooks and the NC Sheriff's Association to explore statewide legislation requiring DPS to notify reentry councils of all upcoming releases;
4. Adding a link to county COVID-19 data on the Sheriff's website;
5. Meeting with us again in 6-8 weeks.

We plan on holding you accountable for your commitments. As such, we note and thank you for already adding the COVID-19 link to your website. While the link is informative, it still lacks all current and future COVID-19 testing and results specific to the Durham County Detention Center. As we discussed during our conference call, we believe this data is critical in combating the spread of the virus and would be consistent with your promise of transparency, and we are requesting you post this data as soon as possible. We do not believe sharing this information would violate any privacy laws and note that DPS publishes all the testing data for each of its facilities online.

We will be in touch with you in the next few weeks to follow up about a meeting with Secretary Hooks and the Sheriff's Association.

The same day we spoke with you, Superior Court Judge Vince Rozier in Wake County ruled that the state of North Carolina's failure to protect incarcerated people from a COVID-19 outbreak likely amounted to unconstitutional cruel and unusual punishment. On June 16, Judge Rozier signed a preliminary injunction requiring DPS to, among other things, test or isolate (in a non-punitive fashion) for 14 days any newly admitted residents, and devise a plan to test all the individuals inside all its prisons. While we acknowledge that Judge Rozier's order does not apply

to you, where resources allow we hope you will follow the same steps required of DPS, including testing of all residents and publication of testing data.

We acknowledge your partnership with the Durham Department of Public Health to prevent an outbreak in the detention facility. We commend your use of personal protection equipment and quarantine periods. We acknowledge the tremendous work you have already done and agree with your characterization of a virus-free jail as a miracle. Many of our institution members are people of faith and we will continue to pray for our incarcerated brothers and sisters, and your strong leadership. In these trying times, we understand that your resources may be limited. Again, we invite you to let us know if there is anything that we can do to assist you in your work.

Sincerely,

Durham Congregations, Associations and Neighborhoods