

April 15, 2020

Georgia State Board of Pardons and Paroles
2 Martin Luther King, Jr. Drive SE
Suite 458, Balcony Level, East Tower
Atlanta, GA 30334

VIA EMAIL

Re: Urgent Parole Consideration Request (Ga. Const. art. IV, § 2, ¶ 2)
Guy Merle Swanner, GDC # 1001831128

Dear Georgia State Board of Pardons and Paroles Members:

The ACLU applauds your recent decision to evaluate certain detainees for immediate release in response to the COVID-19 public health crisis. This action is well warranted, well within the scope of your legal authority, and will save lives. We write to request that you increase the scope of your review to include expedited parole review for all persons over the age of 62 in Georgia Department of Corrections custody.

While we continue to urge this Board to conduct an expedited review of all incarcerated people aged 62 and over, we write today to draw your attention to one such person, Mr. Guy Merle Swanner, age 81. We request that the Board exercise its constitutional authority to grant Mr. Swanner parole.

Emerging data shows that older people and people with underlying health conditions are at greatest risk for serious complications and death from COVID-19. Thousands of people age 62 and over in GDC prisons face increased risk of complications or death if they contract COVID-19. Reviewing their files for expedited release on parole will not only protect them, but also others in GDC—including GDC officers—and mitigate strain on GDC staff while also reducing the costly medical interventions that are often necessary when high-risk people develop COVID-19. Although all people in GDC custody over the age of 62 should be included in the Board's review, those who are also disabled are at particular risk of harm.

At age 81, and with underlying chronic health conditions, Mr. Swanner is well into the age of significant risk for serious complications and mortality from COVID-19. Mr. Swanner has diabetes, high blood pressure, and has had quintuple bypass surgery, all of which, in addition to his advanced age, heighten his risk of severe illness, complications, or death if he were to contract COVID-19.

Mr. Swanner has been in Georgia Department of Corrections (GDC) custody



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since 2016. He is currently incarcerated at Rutledge State Prison, in Columbus, Georgia. In the four years of his incarceration, Mr. Swanner has participated in all available classes and has volunteered with hospice ministries. He still donates his own money to hospice care whenever possible. Additionally, Mr. Swanner is beloved by prison staff and his fellow dorm mates. In fact, every time Mr. Swanner's daughter visits him, prison staff make a point to let her know how respectful her father is to everyone.

Mr. Swanner has considerable family support. He has three children, including a daughter who lives in Georgia and would house him, as well as assist him with any self-quarantine orders. Mr. Swanner's family would welcome and support him on release. Additionally, Mr. Swanner has 8 grandchildren and 3 great-grandchildren who would like to have their grandfather home safe and healthy. Mr. Swanner is deeply committed to complying with any supervision requirements upon release

And, although all people over 62 will suffer unnecessarily if not released, Mr. Swanner will face particular risk of severe, life-threatening complications, illness, or death if he contracts COVID-19. Because GDC has restricted movement in prisons, including limiting transfers except for medical emergencies, his access to the chronic care he requires for his underlying conditions may be inconsistent, further exacerbating his harm and risk of serious illness or death if he contracts COVID-19.

Conclusion

We urge this Board to extend the exercise of its discretion in response to the COVID-19 pandemic to protect Mr. Swanner and all others like him. Doing so is not only well within the Board's authority, but also the right thing to do to contain the damage the virus is already causing across the state and GDC. COVID-19 is spreading fast, and people over 62 and people with underlying health conditions are at particular risk. If the ACLU can be of help to the Board in any way as it considers its next steps, please let us know.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Zoe Brennan-Krohn
Staff Attorney
ACLU Disability Rights Program



Kosha S. Tucker
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