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COUNTY OF ALAMEDA; GREGORY J. AHERN  
in his official capacity as Sheriff of the Alameda  
County Sheriff s Office; KARYN TRIBBLE in her  
official capacity as Director of the Alameda County  
Behavioral Health Care Services Agency;

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA/SAN JOSE DIVISION

ASHOK BABU, ROBERT BELL,  
IBRAHIM KEEGAN-HORNSBY,  
DEMAREA JOHNSON, BRANDON  
JONES, STEPHANIE NAVARRO,  
ROBERTO SERRANO, and ALEXANDER  
WASHINGTON on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

COUNTY OF ALAMEDA; GREGORY J.  
AHERN in his official capacity as Sheriff of  
the Alameda County Sheriff s Office;  
KARYN TRIBBLE in her official capacity  
as Interim Director of the Alameda County  
Behavioral Health Care Services Agency;  
and DOES 1 to 20, inclusive,

Defendants.

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Case No. 5:18-cv-07677 NC

**JOINT RESPONSE TO COURT'S MARCH  
16 NOTICE [DKT. 77]**

1 Plaintiffs Ashok Babu, Robert Bell, Ibrahim Keegan-Hornesby, Demarea Johnson,  
 2 Brandon Jones, Stephanie Navarro, Roberto Serrano, and Alexander Washington (“Plaintiffs”)  
 3 and Defendants County of Alameda, Gregory J. Ahern, and Karyn Tribble (“Defendants”)  
 4 (collectively, the “Parties”) jointly submit the following Response to the Court’s “Notice Re:  
 5 Response to Global Pandemic.” Dkt. 77.

### 6 **DEFENDANTS’ RESPONSE**

7 While Defendants note that neither the complaint nor this now-certified class action  
 8 lawsuit directly address purely medical issues, Defendants are working tirelessly to address the  
 9 ever-changing issues arising out of the instant COVID-19 pandemic. As the Court may be aware,  
 10 Alameda County contracts with Wellpath, a non-party private provider, to deliver medical care to  
 11 inmates housed at Santa Rita Jail (SRJ). In response to the risks posed by COVID-19, Alameda  
 12 County Sheriff’s Office, Adult Forensic Behavioral Health and Wellpath have taken numerous  
 13 steps consistent with, or exceeding corrections industry standards, including those standards  
 14 related to infectious disease prevention and control promulgated by the National Commission on  
 15 Correctional Healthcare. (*See*  
 16 [https://www.ncchc.org/filebin/news/Infection\\_Prevention\\_and\\_Control.pdf](https://www.ncchc.org/filebin/news/Infection_Prevention_and_Control.pdf)).

17 There are currently no confirmed cases of inmates with COVID-19 at SRJ. Wellpath  
 18 reports its turnaround for COVID-19 testing is five days, which is consistent with hospitals in the  
 19 community. And while there is currently no known treatment for COVID-19,<sup>1</sup> Centers for  
 20 Disease Control (CDC) guidelines indicate placement of symptomatic patients in a negative air  
 21 pressure room pending testing.<sup>2</sup> SRJ has an Outpatient Housing Unit equipped with seven  
 22 negative air pressure rooms that together can house multiple patients.

23 Alameda County Sheriff’s Office has also been cooperating with other branches of the  
 24 criminal justice system in an effort to reduce the inmate population and minimize the risks  
 25 presented by COVID-19. Below please find an executive summary of actions taken in response  
 26

27 <sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/testing.html>

28 <sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/downloads/hospital-preparedness-checklist.pdf>

1 to COVID-19:

- 2 1. The Alameda County District Attorney is reviewing sentenced inmates with release  
3 dates prior to April 30 to determine if a sentence modification is appropriate. 247  
4 such inmates have had their sentences modified and were released. (See “General  
5 Order Releasing Named Persons from Santa Rita County Jail Due to COVID-19  
6 Pandemic,” a true and correct copy of the cover page is attached hereto as **Exhibit A.**)  
7 The individual names are not included because the Superior Court ordered they be  
8 kept confidential. Additionally, Defendants have agreed to provide a weekly update to  
9 Plaintiffs’ Counsel of the number of any additional sentenced inmates whose  
10 sentences are modified and/or released due to the COVID-19 pandemic
- 11 2. Between March 16 and 22, 2020, approximately 144 pretrial-detainee inmates have  
12 been released on their own recognizance as a result of normal state court criminal  
13 operations. Defendants have agreed to provide a weekly update to Plaintiffs’ Counsel  
14 of the number of pre-trial detainees released on their own recognizance.
- 15 3. The Alameda County District attorney’s office has reviewed a list of inmates who are  
16 considered high risk for purposes of COVID-19 (*e.g.*, over 65 or over 50 with  
17 comorbidities) and potentially release such individuals on a case-by-case basis. Thus  
18 far, 5 inmates have been outright released and three released to their own recognizance  
19 due to being high risk. Defendants have agreed to provide a weekly update to the  
20 Plaintiffs on the number of any additional sentenced inmates reviewed by the Alameda  
21 County District Attorney’s Office who are considered high-risk for purposes of  
22 COVID-19 (including but not limited to over 65 or over 50 with co-morbidities) and  
23 the number of individuals released as a result of such review.
- 24 4. Sheriff Ahern has sent a letter to all local police departments to provide guidance with  
25 respect to arrestees who present risk factors and/or symptoms of COVID-19 and  
26 urging them “to cite and release in the field those who have risk factors or symptoms  
27 of Coronavirus to minimize the potential exposure to the Santa Rita Jail  
28 population.” As a result of this letter, bookings at Santa Rita Jail have reduced  
significantly. There were 747 bookings the week of March 8-14 as opposed to 361  
bookings the week of 3/16 to 3/22.
5. Wellpath has developed an outbreak master control plan for SRJ.<sup>3</sup>
6. As part of its outbreak master control plan, Wellpath is conducting an initial risk  
assessment of every arrestee outside SRJ in a tent prior to entering SRJ’s Intake,  
Transfer, and Release (ITR). The initial assessment includes taking the arrestee’s

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<sup>3</sup> Plaintiffs are asking the Court to order production of multiple Wellpath documents, including the Wellpath Outbreak Master control plan, to the court, Plaintiffs and the local and federal public defenders offices. Wellpath is not a party to this case, which does not involve purely medical issues. Defendants agree to reach out to Wellpath to request production of the requested documents subject to the Protective Order entered in this case. Alternatively, should the court order production of any such documents, defendants request that such documents be produced subject to the same Protective Order and that any parties who wish to receive said documents be required to abide by its terms.

temperature and a questionnaire that addresses travel to or from China, Iran, Italy, Japan or South Korea within the past 14 days, contact with a person known to have the Coronavirus, and/or symptoms of fever, cough or shortness of breath.

7. Medically stable arrestees will be accepted while medically unstable arrestees will require further evaluation and/or treatment at a local hospital prior to acceptance.
8. Wellpath and Alameda County Sheriff's Office ("ACSO") are segregating asymptomatic, high-risk inmates (*e.g.*, inmates who are 65 and older, or over 50 with comorbidities) in pods apart from the rest of SRJ, or in a dedicated housing unit. Defendants agree to provide Plaintiffs with a weekly report on the numbers of high-risk inmates segregated in pods apart from the rest of SRJ, or in an dedicated housing unit, by pod and/or housing unit.
9. Adult Forensic Behavioral Health ("AFBH") reports that they are able to continue providing mental health services as well as focusing on ensuring that their clients have mental health packets of information and exercises (such as information regarding their specific diagnosis or situation *e.g.* sleep issues, depression, PTSD, anxiety, with tasks to relieve the symptoms. AFBH staff also provide crosswords and Sudoku-type activities, etc.) to keep them as engaged as possible during the pandemic. ACSO has made three deputies available as part of a Health Care Access team to escort AFBH to see their clients during the pendency of the pandemic. New interview rooms in ITR are being used by AFBH for intake assessments and prescribing psychotropic medications. AFBH clinicians will conduct check-ins with inmates either at tables or at their cells with their cell door open in appropriate circumstances with appropriate social distancing in light of the pandemic.
10. As of March 17, SRJ (via Wellpath) began screening all people who enter the jail, including staff. Anyone with a temperature of 100 or higher will be sent home. Thus far, there have been two reported cases of an employee being sent home with a fever. In addition, effective March 23, all people entering SRJ were required to utilize hand sanitizer prior to entering the jail. Most likely on March 27, portable handwashing stations will be installed at all jail entry points, and anyone entering the jail will be required to wash hands with soap and water in addition to the temperature screening.
11. SRJ has suspended visitation with the exception of attorney visits, which are being permitted on a non-contact basis only. Further, ACSO is amenable to expanding the use of video visits for attorneys as well as appropriate court hearings during the COVID-19 pandemic. SRJ has agreed to provide access to video interview areas on Saturdays and Sundays for federal inmates at the request of the U.S. Marshals Service.
12. SRJ has enhanced cleaning efforts with a focus on increased frequency and stronger cleaning agents to mitigate the risk of transmission within the facility.
13. SRJ is encouraging and reminding all inmates of best hygiene practices and, specifically, handwashing with soap. Bar soap is being provided free of charge on a weekly basis. Cleaning supplies provided to inmates have been significantly increased. Signage regarding COVID-19 information and CDC guidelines for

handwashing are being posted in English and Spanish in all inmate housing areas. The Parties agree to continue to meet and confer regarding the provision of cleaning supplies, laundry, and cleaning of facilities generally.

14. Wellpath is reviewing all inmates to determine if it is medically indicated and appropriate to isolate at-risk inmates by housing similarly situated inmates in cohorts.
15. Unfortunately, to help fight the potential introduction and transmission of infectious disease, SRJ has had to suspend programming during the COVID-19 pandemic.
16. Video visitation and telephone are still available. The jail's telecom provider, GTL, has agreed to provide all inmates with one free fifteen-minute video visitation per week and two free phone calls of up to 5-minutes per week beginning March 19, 2020 through April 15, 2020. Phone calls will be provided as conditions and security allow. SRJ continues to roll out tablets and is targeting two housing units per week. Radios and televisions are also being made available to inmates as well as reading materials including books. AFBH will supply packets of information including crossword puzzles and other exercises. Additionally, except as prohibited by quarantine, SRJ continues to run pod time and the co-recreation program. AFBH continues to meet with clients as much as possible. SRJ has also added a healthcare access team to assist AFBH in meeting clients.
17. County government employees and health care workers were declared "essential" staff who do not need to shelter in place. AFBH continues to provide staffing and services to SRJ inmates during the COVID-19 declared emergency. AFBH continues to operate within standard business hours. Recently the County of Alameda announced an administrative leave policy with regards to employees who are symptomatic, fall within certain high-risk groups or have child or older adult care issues. AFBH has seen reduction in staffing across the board for providers, clinical and support staff and some reduction in services. We have adjusted staff schedules and ACSO has provided additional deputies dedicated to AFBH to provide easier access to clients to address COVID-19. AFBH is prioritizing and triaging high-risk clients, extending follow-up appointment for more stable clients and working with ACSO to develop increased ability to use tele-health for prescribers and clinical staff. AFBH staffing levels fluctuate on a day-to-day basis. AFBH has added two behavioral health clinicians from ACBH Court Programs who are experienced and prior AFBH staff who are able to begin working immediately. AFBH has sent out a request for assistance to ACBH directors and managers to request deployment of licensed/license eligible clinical staff and mental health specialists during the COVID-19 pandemic. AFBH is also bringing on additional locum tenens prescribers. ACSO is working with AFBH to expedite clearances for any new or temporary staff.
18. AFBH can now provide a 30-day supply of release medications, either to a contracted county pharmacy (most CVS locations, and some other), or in certain circumstances, they can be provided in-kind from Maxor, the pharmaceutical provider in SRJ. Defendants agree to provide Plaintiffs with a weekly report on AFBH staffing levels.
19. Wellpath has increased its discharge medications from a 7-day supply to a 14-day supply.

20. ACSO continues to roll out its tablet program. Tablets have been deployed to Housing Units 21 and 24. Housing Units 3, 4, 6, and 7 are scheduled to receive tablets as soon as they can be deployed. Tablets for Housing Units 1, 2, 8, 9, 22 and 31 are being programmed. Rollout is anticipated in the very near future. Housing Units 25, 32, and 34 will receive tablets as soon as they are delivered to SRJ, which is anticipated to occur any day. As of today, the tablets have access to message requests, program requests, grievances, e-books, telephone services, commissary ordering, newspaper, Kahn Academy, calculator, dictionaries (English and Spanish) and PREA resources. Paid content including movies, music and messaging application should be available in approximately one month. ACSO is following current CDC guidelines and manufacturer recommendations by cleaning tablets with Clorox wipes on a daily basis
21. Class members with serious mental illness who experience psychiatric crises receive emergency inpatient care at the John George Psychiatric Hospital, operated by the Alameda County Health System. There are currently no pandemic-related barriers to psychiatric care for class members at John George. Defendants agree to notify Plaintiffs within 24 hours if any such barriers arise.

### **PLAINTIFFS' RESPONSE**

This certified class action already addressed life and death concerns well before the COVID-19 crisis. While there may have been no COVID-19 cases confirmed as of March 19, 2020 in the Alameda County Jail, it is a near certainty that there will be soon. As of March 25, 2020, a healthcare worker at Santa Rita tested positive for the virus. The following Housing Units and/or pods are now quarantined as a precautionary measure as a result of COVID-19: HU4 (entire HU), HU8A (6 inmates), HU9F (whole pod), HU22A (one inmate), HU31 (entire HU) for Covid-19. However, at this point there has to be a more comprehensive review of both federal and state pretrial prisoners to determine if additional vulnerable people can be release. Plaintiffs believe it is incumbent on the County to lower the number of prisoners housed and to permit additional cleaning and sanitary activities during this crises.

People in congregate environments where people live, eat and sleep in close proximity, face increased danger of contracting COVID-19 and spreading it to others. People confined in jails will find it virtually impossible to engage in the necessary social distancing required to mitigate the risk of contagion, even with the best-intentioned and executed plans. Correctional public health experts have therefore recommended the release from custody of people most vulnerable to COVID-19. Removal from the jail environment protects those with the greatest



1 vulnerability to the virus, and reduces the risks for all people living or working in the jail.  
 2 Release of the most vulnerable people will also reduce the burden on the public health care  
 3 infrastructure by promoting social distance that cannot be obtained in jail. When the Alameda  
 4 County Jail reaches the point where vulnerable detainees have already been exposed to COVID-  
 5 19, correctional experts recommend testing where possible, and the release of detainees to a  
 6 quarantine setting outside of detention in coordination with local health authorities.

7 The Court has informed the parties that the Court “would consider any stipulation or  
 8 motion and proposed order that would assist” the effort to address the impact of the pandemic on  
 9 the health and safety of the Inmate Class and Disability Class at Santa Rita Jail. (Docket No. 77.)

10 **Federal Detainees.** A significant number of the persons held at Santa Rita Jail are federal  
 11 detainees, held by the United States Marshall Service or the Probation and Pretrial Services  
 12 Department for proceedings on the criminal docket of the Northern District. Plaintiffs request,  
 13 that the Court convene an emergency telephonic or videoconference meeting among the United  
 14 States Attorney’s office for the Northern District of California, the Probation and Pretrial Services  
 15 Department, the Federal Defendant and the Criminal Justice Act panel to set up an expedited  
 16 process for identifying federal detainees who can be released from Santa Rita Jail now. Detainees  
 17 in vulnerable categories should have priority, but any reduction in federal detainees at the jail  
 18 would assist in allowing more social distancing among the entire population.

19 California’s Chief Justice, issued an order on March 20, 2020, directing that criminal  
 20 justice system partners take steps to lower bail amounts to \$0 for many offenses, consider the  
 21 health conditions of criminal defendants and the health conditions at places of confinement in  
 22 setting sentences, “identify those persons currently in county jail or juvenile hall custody who  
 23 have less than 60 days remaining on their jail sentence for the purpose of modifying their  
 24 sentences to permit early release,” and take steps to reduce the use of “flash incarceration” as a  
 25 sanction for community supervision violations, among other things. *See*  
 26 [https://newsroom.courts.ca.gov/news/california-chief-justice-issues-second-advisory-on-](https://newsroom.courts.ca.gov/news/california-chief-justice-issues-second-advisory-on-emergency-relief-measures)  
 27 [emergency-relief-measures.](https://newsroom.courts.ca.gov/news/california-chief-justice-issues-second-advisory-on-emergency-relief-measures)

28 In response to questions from criminal justice partners regarding where persons released

1 from state prisons can be placed, and what specific steps can be taken within state prisons, a  
 2 coalition of criminal justice organizations sent a letter to the Governor's office on March 18,  
 3 2020, identifying specific steps, and specific means of placing released persons safely outside of  
 4 prisons and jails. *See* Letter, March 18, 2020, available at [https://rbgg.sharefile.com/d-](https://rbgg.sharefile.com/d-s29612cc6b0b4e489)  
 5 [s29612cc6b0b4e489](https://rbgg.sharefile.com/d-s29612cc6b0b4e489) and attached hereto as **Exhibit B**.

6 **Plaintiff' Responses to Defendants' Item Numbers.** The Defendants have identified 21  
 7 specific steps to address the pandemic. To ensure that these steps have a real impact, Plaintiffs  
 8 have proposed the following additional requirements in response to the steps Defendants have  
 9 listed above. Plaintiffs are willing to provide any further briefing on any of the additional  
 10 requirements listed below at the Court's request. As a general matter, Plaintiffs request that the  
 11 Court require Defendants to continue to maximize all available options to reduce the number of  
 12 persons incarcerated and to work closely with its medical care provider to increase testing and the  
 13 earlier reporting of results. In this spirit, the periodic updates agreed to in Defendants' items 1, 2,  
 14 3, 8, 18 above should be provided to both the Court as well as to Plaintiffs.

15 Pltfs. Response to Defs. No. 5. Plaintiffs request that the Court order Defendants to  
 16 provide the Court, Plaintiffs and the local and Federal Public Defenders Offices with a copy of  
 17 the Wellpath outbreak master control plan for SRJ. This is particularly important because in the  
 18 near future there are very likely to persons with active COVID-19 infections or with known  
 19 exposure who will reach their lawful release dates from SRJ and Plaintiffs have been informed  
 20 that the process for placement of such persons in isolation or quarantine in the community upon  
 21 release is contained within this master control plan.

22 Pltfs Response to Defs. No. 6. Plaintiffs request that the Court order Defendants to  
 23 provide the Court with a copy of the procedures and instructions for Wellpath's initial risk  
 24 assessment of every arrestee in a tent prior to entering the ITR, including specifically what  
 25 measures are taken with an arrestee temperature or screening answers indicate high risk.  
 26 Plaintiffs also believe the 5 day timeframe in obtaining test results is too long and endangers  
 27 incarcerated individuals and staff in an unacceptable manner.

28 Pltfs Response to Defs. No. 8. Plaintiffs request that the Court order Defendants to



1 coordinate with the appropriate parties to review the cases of the inmates Wellpath and ACSO  
 2 identify as asymptomatic, high-risk inmates (*e.g.*, inmates who are 65 and older, or over 50 with  
 3 comorbidities), who are segregated in pods apart from the rest of SRJ or in a dedicated housing  
 4 unit, for potential release.

5 Plaintiffs Response to Defs. No. 12. Plaintiffs request that the Court order Defendants to  
 6 increase remote access to counsel to allow for such access to occur at a minimum during weekday  
 7 business hours including providing inmates with access to confidential and free methods to  
 8 consult with counsel by phone, a method for attorneys to schedule or otherwise initiate calls with  
 9 clients by phone, and efforts to increase access to and the capacity of the Jail's existing video  
 10 visitation system to allow for confidential, free, videoconferences with counsel. This must  
 11 include allowing counsel to take and receive calls using cellphones since most if not all attorneys  
 12 are required by law to work remotely during this crises.

13 Plaintiffs Response to Defs. No. 17. Plaintiffs request that the Court order Defendants to  
 14 waive charges for all phone calls and video visits for as long as in-person visitation is suspended  
 15 due to the COVID-19 crisis.

16 In addition to the measures listed by the Defendants, Plaintiffs have proposed the  
 17 following:

18 **Inmates with SMI.** Plaintiffs request that the Court issue an order requiring Defendants  
 19 to coordinate with the appropriate parties, including the Public Defender, District Attorney,  
 20 United States Attorney's office for the Northern District of California, the Probation and Pretrial  
 21 Services Department, the Federal Defendant and the Criminal Justice Act panel to review the  
 22 cases of inmates with SMI housed in restrictive housing units (including Units 1 and 2) as well as  
 23 in the Behavioral Health Unit (Unit 9) for potential release.

24 **County Probation.** Plaintiffs request that the Court issue an order requiring a statement  
 25 from the Alameda County Probation Department and the Federal Probation Office regarding their  
 26 plans to address pandemic mitigation at SRJ to the extent that the Probation Department sends  
 27 persons into the jail for violations of probation or Post Release Community Supervision,  
 28 including the number of such persons currently at the Jail, and plans to reduce the numbers

1 currently at the Jail and prevent new admissions.

2  
3 Dated: March 27, 2020

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5  
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# EXHIBIT A

DUPLICATE ORIGINAL

3/19/2020

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA**

IN RE: LIST OF 247 PERSONS IN  
SANTA RITA COUNTY JAIL

GENERAL ORDER RELEASING  
NAMED PERSONS FROM SANTA RITA  
COUNTY JAIL DUE TO COVID-19  
PANDEMIC

GOOD CAUSE APPEARING and upon request by the Alameda County Sheriff, District Attorney, the Alameda County Defense Bar, including the Public Defender, the Court orders the immediate, early release of the 247 individuals listed in the attached spreadsheet, "Attachment A". These individuals have been sentenced and, in spite of their early release, their sentences will be deemed served. Their release is ordered forthwith.

The Court issues this order in light of the COVID-19 pandemic, the proclamations of a states of emergency by Governor Gavin Newsom and President Donald Trump, and the Alameda County Public Health Officer's March 16, 2020 shelter-in-place order.

It is SO ORDERED.

DATED: 3/19/2020



HON. TARA M. DESAUTELS  
PRESIDING JUDGE  
ALAMEDA COUNTY SUPERIOR COURT

# EXHIBIT B



March 18, 2020

Daniel Seeman, Deputy Cabinet Secretary  
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Kelli Evans, Deputy Legal Affairs Secretary  
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Dear Dan and Kelli,

As a follow-up to our letter to the Governor on Friday, March 13, 2020, we are writing to suggest more specific steps that can be taken to protect the health and well-being of all people in CDCR custody, the staff, and the surrounding communities. As lawyers, advocates, philanthropists, and service providers, we remain ready to assist in the release process, to increase services for those who are released, and to support those who remain in custody.

California's prisons have been overcrowded for decades. We have an aging population incarcerated. In order to address [the public health crisis](#), actions must be taken now to reduce the population. Public health experts are in agreement about this. The New York Board of Corrections made recommendations yesterday that extend much further than what we are recommending. The Los Angeles Times editorial board [issued this](#) today, urging all in charge of jails and prisons to act to expedite releases. The time to act is now.

We understand the valid concerns about where people will go and where they will be housed. Respectfully, when faced with loss of life, the primary goal for prisons must be to "flatten the curve" and provide for as much social distancing as possible. **We join public health experts in concluding that the single most effective way -- perhaps the only way -- to achieve risk-mitigating social distancing inside prisons is through accelerated release and other immediate density reduction steps.** That said, your office and local governments are taking extraordinary steps to house the homeless and those who need to be quarantined, including in hotels and motels. This can also be done for those released from prison. Existing service providers and philanthropic organizations stand ready to increase staffing and resources to accommodate an influx of community placement needs.

Below, please find more specific recommendations.

## **I. Population Reduction Proposals to Reduce Risk of Transmission and Death Within Facilities**

Our shared goals are 1) to protect those at high risk of COVID-19; 2) mitigate the threat of rapid spread that will overwhelm the health care system by reducing the population density within facilities to 100% of capacity; and 3) ensure that those released do not present either a health risk or a public safety risk to the community. Accordingly we are recommending the following:

### **A. Emergency release based on an individual's COVID-19 risk**

- **Age:** Release to parole/PCRS individuals 60 and older who have five years or less on their sentence and all those 60 and over who have been determined to be low risk by CDCR's internal evaluation. This internal evaluation may be a "comprehensive risk assessment" that has been done by the Board of Parole Hearings, or any other assessment tool used by CDCR to assess risk, including current classification score or intake assessment.
- **Health:** Release to parole/PCRS individuals who are immuno-compromised or who are medically vulnerable because of diabetes, heart disease, respiratory condition, or

otherwise, who have five years or less on their sentence and all those in this cohort who have been determined to be low risk by any CDCR internal evaluation, as defined above.

**B. Density reduction measures**

- Accelerate release to parole/PCRS of those already found suitable for parole by the Board of Parole Hearings.
- Release to parole/PCRS all individuals deemed low risk by CDCR's internal evaluation who have 2 years or less remaining on their sentence.
- Issue an emergency order prohibiting new prison admissions for the duration of the crisis.
- Release to parole/PCRS all women serving determinate sentences, which would allow one facility to be repurposed thereby reducing density in other facilities.
- For all individuals found eligible for release under Prop 57 and all those who have been re-sentenced pursuant to Penal Code section 1170.95 (SB 1437), lift all current holds and release forthwith to parole/PCRS.
- Release to parole/PCRS all those for whom staff have already recommended resentencing under 1170(d).
- We ask that your office also direct increased resources to addressing the commutation applications that are currently before you and grant the many worthy applications immediately.

**C. Reduce density in housing units with high COVID-19 risk**

- Reduce density in the most crowded housing units and dormitory-style housing units.
- Reduce density in housing units with a history of quarantine based on previous outbreaks.

**D. Prevent overload of parole/PCRS case loads**

- Review all people who have passed their Presumptive Discharge Date and remove them from parole unless there has been new criminal behavior within the last 12 months.
- Release parole holds on all parolees currently held in County Jails and prohibit additional detention for parole violations.

- End supervision for anyone who has been on PCRS for two years.
- Conduct a review of all persons on life term parole and consider discharge if a person has been on parole for three years and has had no parole violations within the last twelve months.

## **II. Suggestions for Reentry and Transitional Houses To Accommodate Released People**

Our shared goals are to provide safe standards for releasing people from prison that both protects the person being released and the community into which they are being released from possible infection.

### **A. Ways to increase available housing to accommodate releases and reduce overcrowding**

- Allow and encourage those with families and loved ones who can house them to return directly to their families, without requiring a stay in transitional housing.
- Use the Governor's emergency powers to house people in available and vacant buildings that have kitchen facilities and other necessary infrastructure such as hotels, motels and college dorms.
- Provide funding opportunities for existing housing providers to expand rapidly, including offering the use of hotels and motels and other buildings and grant emergency funding for hiring staff.
- Provide resources for re-entry service providers who provide mental health, substance abuse, and housing services so that they can safely remain open in order to provide essential services. For those services that are not open for physical visits, provide support and encouragement for utilizing teleservices.
- Enlist philanthropic organizations to assist with funding. (Should you be interested in pursuing this avenue, we can make introductions to our philanthropic funding partners who have indicated a desire and ability to assist.)
- Restrict unreasonable housing bans for people with convictions who are being released from custody, including any restrictions on living with family members in public housing.

### **B. Ways to establish safe standards for releasing people from prison**

- Provide all people being released from prison and associated staff with protective gear including hand sanitizer, gloves, and sanitizing wipes.

- Issue an activated Lifeline cellphone during release (aka ‘Obama Phone’). This will facilitate connecting with parole and probation in ways that minimize contact. Advocates can assist with this.
- Expand the CAL ID program to everyone released so they can file paperwork and photos and get IDs without visiting DMV in person.
- Work to reduce exposure and the possible spread by having people released from facilities where there has been a confirmed case by releasing people into a safe 14-day quarantine. Such facilities may include hotels and motels, as was provided for by passengers disembarking from a ship.
- Increase the Gate Money allocation by 1) not subtracting cost of clothing or transportation and 2) increasing base amount to \$1000.
- Minimize in-person contact between released people and parole/probation officers to protect both parties and reduce use of public transportation for office visits. In lieu of in-person parole meetings, use state-issued cell-phones or Zoom/video check in via a computer in the parolee’s home/transitional house.

### **III. Ways to Ensure Prisoner Physical and Mental Health During the COVID-19 Pandemic**

We have shared goals of ensuring that all people are kept safe and healthy, both mentally and physically during this time. To that end, we start by saying that community groups are available to prepare informational resources for distribution, identify specific products, locate vendors to prepare packages, and to assist with delivery and other logistics.

#### **A. Distribution of information**

To promote the safety and mental health of people living inside prisons, increase the flow of information regarding COVID-19 and the state of the pandemic inside the prison, across the country, and around the world:

- Provide key health information addressing the following topics via prison television stations, flyers, wall posters, and local radio stations:
  - Information on COVID-19: what it is, how it is transmitted, symptoms, and risk groups.
  - Practical guidance for minimizing risk, specifically for people who are incarcerated.

- Instructions on what to do if feeling ill, and what actions will be taken by the institution (including testing; where will people be housed; what access to the outside world will be provided).
- Instruct the medical staff and warden of each facility to share facility-specific updates daily to a designated inmate council comprised of representatives from each unit or cell block, e.g. Men's Advisory Council, and to permit the inmate representatives to debrief their respective unit or cell block following each daily update.
- This information should also be made available to people with limited or no English (i.e., deliver in multiple languages), or to those who are non-readers, or with disabilities. Advocates from trusted community organizations are available to produce these resources, in order to increase credibility and compliance with outlined recommendations and reporting.

#### **B. Distribution of supplies and materials**

Given the labor-intensity and potential health risks of operating canteen and distributing supplies, CDCR should permit the distribution of weekly packages containing the following:

- Cleaning supplies (hand sanitizer, gloves, tissues, cleaning fluid and rags)
- Hygiene products (soap, toothpaste, shampoo, feminine hygiene products as appropriate)
- Non-perishable nutritious food (e.g., trail mix, preserved meat, healthy soup packets)
- Writing materials (wireless notebook)
- Reading materials (books or magazines)

#### **C. Communication with family and loved ones**

It is imperative that inmates have the ability to safely and regularly communicate with family members and loved ones throughout this crisis. To eliminate the significant health risks associated with the use of shared landline phones and contraband cell phones, distribute basic cell phones to all people who are quarantined and, potentially, to the entire population. There is currently technology available to prescribe the telephone numbers that a given phone can call. Advocates are ready to assist with this as necessary.

#### **D. Policies and procedures inside**

We all want to contain the spread of the virus and care for all inside. To this end we suggest:

- Provide sanitizing wipes at landline phone stations to reduce person-to-person transmission.
- When feasible, provide 30-day supplies of medications to reduce contact and staff workload.
- Provide low density daily access to yard for anyone who is not ill, and instruct everyone to remain six feet apart at all times.
- Provide access to showers at least every 48 hours.
- Conduct regular deep cleaning of showers, i.e. minimum three times daily.
- House those who are deemed medically high risk in single cells only.
- Conduct weekly meetings between prison leadership (including medical staff) and inmate advisory councils to update on developments and discuss logistical challenges. Consider how prisoners might assist with the logistics outlined above and help compensate for potential staffing shortages.
- Provide protective equipment, e.g. gloves and cleaning materials, and training to prisoners and staff who participate in prep or distribution of food or other goods, like laundry and supplies.

We understand the strain and extreme pressure you are operating under in the face of this unprecedented challenge. We stand ready to assist in whatever way we can and appreciate your consideration of these proposals intended to save lives.

Sincerely,

The Justice Collaborative  
Smart Justice California  
ACLU California  
Color of Change  
Californians for Safety and Justice  
Immigrant Legal Resource Center  
Ella Baker Center for Human Rights  
Asian Americans Advancing Justice -Asian  
Law Caucus  
California Public Defender's Association  
Los Angeles County Public Defenders,  
AFSCME Local 148  
UnCommon Law  
San Francisco Rising  
Policy Link

Pillars of the Community  
Initiate Justice  
Californians United for a Responsible  
Budget  
La Defensa  
The Bail Project  
Asian Solidarity Collective  
Alliance for Boys and Men of Color  
California Prison Moratorium Project  
Legal Services for Prisoners with Children  
California Coalition for Women Prisoners  
Young Women's Freedom Center  
Anti-Recidivism Coalition  
California National Organization for  
Women



The Peace Alliance  
Critical Resistance Los Angeles  
Critical Resistance Oakland  
Arab Resource and Organizing Center  
Root and Rebound  
Paws for Life K9 Rescue  
Guiding Rage into Power  
Safe Return  
TheatreWorkers Project  
Transformative In-Prison Workgroup  
The Safer Communities Project

Stronghold  
Bonafide  
Buddhist Pathways Prison Project, Inc.  
The Ahimsa Collective  
A Place for Grace  
Jail Guitar Doors  
Dreamcorps/#cut50  
Defy Ventures  
Coalition on Homelessness  
Project Rebound  
Western Regional Advocacy Project

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