



March 13, 2020

Alex Villanueva, Los Angeles County Sheriff
Hon. Kevin C. Brazile, Los Angeles County Superior Court
Hon. Sam Ohta, Los Angeles County Superior Court
Jackie Lacey, Los Angeles County District Attorney
Jackie Clark, Los Angeles County Department of Health Services - Correctional Health Services
Los Angeles County Board of Supervisors:
Supervisor Solis
Supervisor Ridley-Thomas
Supervisor Kuehl
Supervisor Hahn
Supervisor Barger

Sent via Email

RE: COVID-19 Containment in L.A. County Jails and Courthouses

Dear Los Angeles County Leadership,

Heightened concern over the [COVID-19 pandemic](#) has gripped our communities. Just this month, a [state of emergency was declared](#) in response to California's first COVID-19 death. Each day, the number of people infected with the virus in Los Angeles County continues to rise. Our major universities have suspended classes, employees are being encouraged to telecommute, and consumers are stocking their homes with enough food, water, and medical supplies to survive a multi-week quarantine. However, [insufficient preparation](#) has been taken to protect against the spread of COVID-19 through one of the largest and most vulnerable institutions in our community: the Los Angeles County jail system.

Our county jails are the [most populated jails in the country](#), with a daily average of 17,000 people. Near the end of last year, the jail system was at 136% capacity, as six of the seven facilities were [overpopulated](#) by as much as 87%. The individuals crowded into our jails are medically vulnerable and held in close contact with each other, without frequent and adequate access to water and soap. In a context where medical care is deficient, housing conditions are squalid and individual needs are neglected, this is a recipe for the rapid spread of disease.

Recently released individuals have [started to speak out](#) about the notoriously unsanitary and overcrowded conditions in our jails. Blood and fecal matter stained walls and severely limited access to showers have been [reported](#). [This inhumane situation puts our entire county at risk](#). Each day, jails, unlike prisons, see a large number of people arrested and confined, while many others are released back to their community. The revolving door of incarcerated individuals, coupled with the daily influx of jail staff, vendors and medical professionals who return home, provides multiple avenues for COVID-19 to enter the jail and exit back into our neighborhoods and homes.

COVID-19 poses the greatest risk to the elderly and those who are immunocompromised because of preexisting medical conditions. In L.A. County, we have an [aging jail population](#) that the Sheriff's Department has described as "[unwell](#)." In 2019, it was reported that [21%](#) of the jail population was 45 or older. People in this age group are at the greatest risk for COVID-19, yet pose the [least public safety risk](#) to our communities. By keeping vulnerable individuals behind bars, we are increasing the likelihood that COVID-19 will not only spread "[like wildfire](#)" throughout the jail system, but that the virus will be routinely transmitted to even larger populations outside jail facilities.

Finally, when vulnerable individuals are released from county jail facilities, it is imperative that we ensure that they are not forced into houselessness. Our houseless community is at [heightened risk](#) of not only contracting COVID-19, but of dying from the virus.

Given the urgency of this situation, we are calling on the **Los Angeles County Sheriff, the Department of Health Services-Correctional Health Services, the District Attorney, the Los Angeles County Superior Court, and the Board of Supervisors** to act immediately to protect the lives of the people impacted by our county's jail system. This includes individuals in custody *and* jail staff, as well as their family members and communities. With COVID-19 threatening the [health and lives of untold numbers of Angelenos](#), confinement in a jail facility for even a few hours, could turn into a death sentence for many.

To this end, we urge the County Sheriff, the Department of Health Services-Correctional Health Services, the District Attorney, the Los Angeles County Superior Court, and the Board of Supervisors to act in accordance with the recommendations below:

Los Angeles County Sheriff Alex Villanueva

1. **Early Release:** Eliminate overcrowding to create the space and infrastructure that will be needed to care for the sick by immediately releasing (1) any and all individuals whose release will not pose a serious physical safety risk to the community and (2) any and all individuals with 30 days or less of their sentence remaining. In addition, immediately accelerate the release of all remaining individuals by 90 days and increase AB109 early release credits. Each jail facility should be under capacity to allow for proper adherence to the [Center for Disease Control's \(CDC\) recommendations](#) regarding social distancing, sanitation, cleaning, and disinfecting.
2. **Cite and Release:** Cite and release all those who are eligible pursuant to Penal Code Section 853.6, rather than booking them and potentially introducing COVID-19 into the jail system. Reducing these unnecessary incarcerations would reduce the risk of transmitting a virus between the facilities -- jails -- and the community, and vice versa.
3. **Immediately suspend arrests and/or booking** of individuals suspected of technical parole or probation violation. Technical violations are behaviors that would not warrant incarceration for people not on parole or probation. Again, reducing these unnecessary incarcerations would reduce the risk of transmitting a virus between the facilities -- jails -- and the community, and vice versa.
4. **The LASD, DHS, and CHS need to address care inside:** In addition to taking steps to immediately address overcrowding, all people who remain in custody should be cared for. As was noted by the [ACLU of Southern California's letter to Sheriff Villanueva on March 12, 2020](#), information released by the LASD thus far does not provide the exact steps that will be taken to prevent infections, nor the steps being planned to care for those who become sick. A more thorough preparation plan that addresses the eight concerns identified by the ACLU of Southern California needs to be developed and made available to the public. This preparation plan should include the frequent and deeper cleaning of transportation vehicles, facilities, clothing, and bedding in all shared and private spaces, as well as the use of more effective disinfectants. Additionally, there should be an increase in transportation vehicles to allow for appropriate social distancing.
5. **The LASD, DHS, and CHS need to immediately develop and implement testing protocols for all people who live, work and visit inside jails:** There is currently no accurate reporting on whether or not COVID-19 is present inside L.A. County jails. In order to accurately assess the presence of COVID-19 and prevent infection, LASD must immediately develop protocols for screening / testing of staff, people in custody and visitors. LASD must publish departmental COVID-19 protocols and provide regular online updates for the public, officials and media on the impact of COVID-19 on people inside the jails, including data on both incarcerated people and staff. LASD should

allocate funding from its current budget to implement this protocol and supply sufficient testing kits.

6. ***The Sheriff's Department should work with the Department of Health Services-Correctional Health Services*** to immediately identify medically vulnerable people in the general population and specifically in the pre-trial population, then coordinate with the District Attorney's Office to petition the court for their immediate release. This includes, but is not limited to, people age 55 and older, pregnant people, people with chronic lung conditions such as COPD, hepatitis C, HIV, diabetes mellitus, hypertension, and/or cardiac disease who will be most vulnerable to COVID-19 infection.
7. ***Reinstate access to visiting and guarantee access to phone calls, mail and court hearings:*** Incarcerated people already experience prolonged isolation from their families and communities. Fear of exposure should not be justification to further isolate incarcerated people, nor keep them from their right to due process. LASD should provide safe and accessible no contact visitation options to families and defense council, such as no-cost virtual visitation and visitation behind glass, continue to provide access to mail, and institute free phone calls to provide reassurance to families worried about their loved ones inside and increase access to defense council. In the interest of justice, incarcerated people should continue to have access to their court hearings.
8. ***Extend paid sick leave to all employees***, including those with temporary/part-time employment status.
9. ***Eliminate*** any and all medical co-pays.

Los Angeles County District Attorney Jackie Lacey

1. ***Decline criminal charges whenever possible.*** Instead, divert individuals to **the Department of Health Services**, community service providers, and civil courts with return dates that are at least 6 months from the date of alleged incident. For charges not declined, reduce as many as possible to citations or non-warrant, non-arrest charges, with return dates that are at least 6 months from the date of alleged incident.
2. ***Advocate for the release of all medically fragile adults and adults over the age of 55*** in the interest of justice, pursuant to [Penal Code Section 1170\(d\)\(1\)](#). [Jails](#) house large numbers of people with chronic illnesses and complex medical needs, who are [more vulnerable](#) to becoming seriously ill and requiring more medical care with COVID-19. And the growing number of older adults in county jails are at [higher risk](#) for serious complications from a viral infection like COVID-19. Releasing these vulnerable groups from jail will reduce the need to provide complex medical care or transfers to hospitals when staff will be stretched thin.
3. ***Advocate for the immediate release of anyone within six months of completing their sentence and all individuals charged with an offense that does not involve a serious physical safety risk to the community*** in the interest of justice, pursuant to [Penal Code](#)

[Section 1170\(d\)\(1\)](#). This includes technical violations of parole or probation regardless of the underlying offense. This will reduce overcrowding as well as the risk of transmitting a virus between the facilities -- jails -- and the community, and vice versa.

4. ***Immediately implement a pretrial policy that requires all prosecutors to advocate for the pretrial release*** of all individuals, unless there is clear evidence that release would present an unreasonable risk to the physical safety of the community. As was noted in the [ACLU of Southern California's letter to the Superior Court and the District Attorney and Public Defender Offices, on March 12, 2020](#), the vast majority of people facing pretrial detention should be allowed to remain in the community. "If held, they will be at substantially higher risk of exposure and serious health consequences, including death."
5. ***Require prosecutors to provide a public health/COVID-19-informed justification*** for any actions/requests that would bring folks into courthouses, jails, and prisons. Ensure those justifications are on the record for public scrutiny.
6. ***Refuse to ask the court to issue "failure to appear" warrants*** or, "bench warrants" and agree to jointly waive the appearance of people who are out-of-custody.
7. ***Work with defense attorneys*** and courts to ensure that people in custody receive constitutionally-mandated speedy trial.
8. ***Default to noncustodial sentences wherever possible***, including resolutions that avoid immigration detention where outbreak potential is highest.
9. ***Extend paid sick leave to all employees***, including those with temporary/part-time employment status.

Los Angeles County Superior Court

1. ***Default to noncustodial sentences*** wherever possible, including resolutions that avoid immigration detention where outbreak potential is highest.
2. ***Reduce number of in-person court appearances*** for non-essential issues and low-level cases. If requested by defense counsel, agree to waive clients' appearance for status court dates (for people both in and out of custody).
3. ***Decline to issue "failure to appear" warrants*** or "bench warrants."
4. ***Cancel all probation, parole, and pretrial meetings***; court-ordered classes; in-person drug testing; collection of court debt; and modify all reporting conditions to phone-reporting.
5. ***Cancel probation or parole revocation hearings*** based on technical violations upon request of defense counsel and release those held in custody pending hearings on signature bonds.

6. **Require that prosecutors provide public health/COVID-19-informed justification** for any actions/requests that would bring people into courthouses, jails, and prisons. Ensure those justifications are on the record for public scrutiny.
7. **Heavily consider the significant risk of mortality** and spread of COVID-19 inside custodial facilities and follow [these guidelines](#) for keeping the community safe, both in and out of jail, when considering bail applications and post-conviction motions to modify sentences.
8. **Extend paid sick leave to all employees**, including those with temporary/part-time employment status.

The Board of Supervisors

1. **Issue an urgent statement** explaining why adherence to community demands for immediate COVID-19 related changes to the arrest and detention practices of the Sheriff's Department, District Attorney's Office and the Superior Courts is vital for the health and safety of the entire county of Los Angeles.
2. **Require the development of COVID-19 related protocol plans** from all relevant county departments and review the efficacy and adequacy of each plan, and provide daily updates on how county officials are taking measures in providing support to individuals inside.
3. **Commit to providing vulnerable houseless residents and recently released individuals with safe and sanitary community-based housing alternatives** to protect against the spread of COVID-19.
4. **Give emergency funding** to the LA County Public Defenders and Alternate Public Defenders Offices to support getting people out of custody and into housing and support services.
5. **Institute a moratorium on any housing and services restrictions** for people with a history of justice involvement.
6. **Direct the Office of the CEO to do the following:**
 - a. Work with all relevant county departments to identify where emergency testing centers and emergency housing can be established.
 - b. Immediately identify and remove barriers to community based organizations accessing county funding to be able to expand their capacity to deliver services.
 - c. Allocate emergency funding to provide immediate health and human services to address the crisis and support individuals released from custody. Funding should be allocated to implement the following services:
 - i. Sufficient testing kits to all lock-down facilities, community-based treatment and transitional housing centers and county hospitals.

- ii. Drive-through testing locations throughout the county, with particular attention to areas with the highest concentration of houseless, formerly incarcerated and low-income people.
- iii. Emergency housing for individuals who have tested positive for COVID-19 or are at high risk of contraction.
- iv. In-patient and out-patient drug treatment and mental health services.
- v. Expansion of the Office of Diversion and Reentry to support the transition of vulnerable incarcerated people out of custody and into community based treatment, as well as pretrial individuals with mental health and behavioral health needs.

We cannot wait for confirmation that COVID-19 has entered our jails before making the decision to act. We urge the Sheriff, the Department of Health Services-Correctional Health Services, the District Attorney, the Los Angeles County Superior Court, and the Board of Supervisors to take immediate and decisive steps now to save lives. We also urge each county entity to work with corresponding city law enforcement partners to ensure that the same plans and protocols are being implemented in each city within Los Angeles County. We will support you in taking the bold, but necessary, action to protect the health of every Angeleno, including the most vulnerable.

Sincerely,

The Justice Collaborative
 JusticeLA
 Dignity and Power Now
 Reform LA County Jails
 ACLU of Southern California
 La Defensa
 A New PATH
 Gender Justice LA
 White People 4 Black Lives
 LA County Public Defenders Union,
 AFSCME 148
 Public Counsel
 Essie Justice Group
 Youth Justice Coalition
 California Coalition for Women Prisoners
 Homies Unidos

California National Organization for Women (CA NOW)
 Frontline Wellness Network
 Community Coalition
 Human Rights Watch
 Anti-Recidivism Coalition
 Success Stories Program
 Decarcerate Sacramento
 Bend the Arc: Jewish Action
 #MeToo Survivors
 California Families Against Solitary Confinement
 The Bail Project
 UCLA Law Students for Immigrant Justice
 Interfaith Communities United for Justice and Peace
 DSA-LA
 Alliance for Boys and Men of Color

Californians United for a Responsible Budget
Freedom for Immigrants
Interfaith Movement for Human Integrity
End Solitary Santa Cruz County
HODG (Hang Out Do Good)
Southern Christian Leadership Conference- Southern
California
Drug Policy Alliance
FUEL
Fair Chance Project
Los Angeles Community Action Network
Ground Game LA
Catron Academy Learning Institute
Stop LAPD Spying Coalition