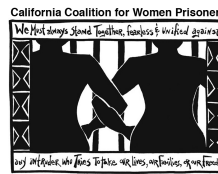


California Alliance for Youth & Community Justice



Fresh Lifelines for Youth



cerespolicyresearch



April 9, 2020

Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814  
Fax: (916) 558-3160

## RE: Protecting the Public Amid COVID-19 Crisis

Dear Governor Newsom:

COVID-19 presents an unprecedented crisis for California and requires immediate action to understand the scope of infection and necessary responses. On behalf of a broad network of criminal and juvenile justice advocates, we write to share grave concerns that our state does not have the critical information to protect individuals confined or

working in county locked facilities. There are 220 county jails and juvenile justice facilities that confine approximately 75,000 Californians.<sup>1</sup> Unfortunately, we do not yet know the scope of COVID-19 testing and infection at these facilities. There currently is no statewide resource that centralizes existing county-by-county COVID-19 facility data. California's Board of State and Community Corrections (BSCC) is our statewide clearinghouse for criminal and juvenile justice data. We request that you require BSCC to solicit and publish relevant COVID-19 county facility data. Your actions can strengthen our state's response to this public health crisis and protect all Californians.

The US Centers for Disease Control and Prevention (CDC) warns that correctional facilities are uniquely vulnerable to COVID-19 outbreaks.<sup>2</sup> Data already show COVID-19 infection rates are alarmingly high in jails when compared with already concerning trends among the general population. New York City's Rikers Island jail has a 6.59% infection rate compared with 0.12% for the United States.<sup>3</sup> New York demonstrates the challenge before us. This may well be California's future. We share the concern of Former Secretary of the California Department of Corrections and Rehabilitation (CDCR) Scott Kernan who recently said, "I think the threat level is at 10 now."<sup>4</sup>

California must quickly gather critical research on COVID-19 testing and infections in county correctional facilities. A Los Angeles County probation officer working in the Barry J. Nidorf Juvenile Hall recently tested positive for COVID-19 and 21 youth are now quarantined.<sup>5</sup> At least 25 state prison inmates, of 421 tested, and 62 CDCR/CCHCS employees have also tested positive.<sup>6</sup> Unfortunately, these numbers change quickly and there is still much we do not know about the scope of this issue. We are forced to piece together media reports, press releases, and anecdotal stories. The lack of centralized information gathering prevents our state from coordinating responses to COVID-19. Researchers and medical professionals are unable to track the rate of infections and provide treatment. Community-based organizations and systems leaders cannot plan for potential releases or develop suitable diversion programs for their communities. Most importantly, the families of those in local justice facilities do not know whether their loved ones are safe from COVID-19.

The BSCC should serve as a data clearinghouse to track COVID-19 in county justice facilities. BSCC already has the infrastructure to collect COVID-19 data and recently added COVID-19 updates to its website.<sup>7</sup> It is California's leading criminal and juvenile justice research agency, established by the legislature to collect and analyze important local trends, which include county facility population data.<sup>8</sup> The agency's Jail Profile Survey and Juvenile Detention Survey already gather some medical-related, facility-specific data and provide them to the public.<sup>9</sup> BSCC has the infrastructure to similarly collect COVID-19 data. Using its existing infrastructure, the agency can model their reporting on CDCR's web-based Population COVID-19 Tracking page and CDCR/CCHCS COVID-19 Employee Status page.<sup>10</sup> We recommend that the COVID-19 BSCC Survey should be updated on a daily basis,

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<sup>1</sup> 74,562 as of Dec 31, 2019 = 71,200 adults + 3,362 youth. See BSCC query pages, Jail Profile Survey-Online Querying Juvenile Detention Profile Survey-Online Querying. At: <http://app.bscc.ca.gov/joq/jds/QuerySelection.asp>.

<sup>2</sup> US Centers for Disease Control and Prevention. (2020). Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities. At: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>.

<sup>3</sup> The Legal Aid Society. (2020). COVID-19 Infection Tracking in NYC Jails. At: <https://www.legalaidnyc.org/covid-19-infection-tracking-in-nyc-jails/>.

<sup>4</sup> ABC News. (2020). Fearing outbreaks and riots, nation's prison and jail wardens scramble to respond to coronavirus threat. At: <https://abcnews.go.com/Health/fearing-outbreaks-riots-nations-prison-jail-wardens-scramble/story?id=69676840>.

<sup>5</sup> Los Angeles Times. (2020). L.A. County juvenile hall officer tests positive for coronavirus, 21 youths in quarantine. At: <https://www.latimes.com/california/story/2020-04-01/l-a-county-juvenile-hall-employee-tests-positive-for-coronavirus-21-juveniles-now-on-quarantine>.

<sup>6</sup> California Department of Corrections and Rehabilitation. (2020). Population COVID-19 Tracking. At: <https://www.cdcr.ca.gov/covid19/population-status-tracking/>. CDCR/CCHCS COVID-19 Employee Status. At: [www.cdcr.ca.gov/covid19/cdcr-cchcs-covid-19-status/](http://www.cdcr.ca.gov/covid19/cdcr-cchcs-covid-19-status/).

<sup>7</sup> Board of State and Community Corrections (BSCC). (2020). COVID-19 Updates by Division. At: <http://www.bscc.ca.gov/covid-19-information-and-updates/>.

<sup>8</sup> See Penal Code § 6027 (PEN § 6027). (a) It shall be the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions. At: [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=6027](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=6027).

<sup>9</sup> Data include inmates seen at inmate sick call, physician/practitioner occurrences, off-site medical appointments, and open mental health cases, among others. See Board of State and Community Corrections. (2020). Jail Profile Survey. At: <https://app.bscc.ca.gov/joq/jps/query.asp?action=v>. Juvenile Detention Survey. At: <http://app.bscc.ca.gov/joq/jds/query.asp?action=v>.

<sup>10</sup> California Department of Corrections and Rehabilitation. (2020). Population COVID-19 Tracking. At: <https://www.cdcr.ca.gov/covid19/population-status-tracking/>. CDCR/CCHCS COVID-19 Employee Status. At: <https://www.cdcr.ca.gov/covid19/cdcr-cchcs-covid-19-status/>.

available in downloadable format, disaggregated by key demographic data (e.g. age, race/ethnicity, and gender), and include the following data points:

- (1) The number of staff and incarcerated people, reported separately, who have been tested for COVID-19, by facility and by date;
- (2) The number of staff and incarcerated people, reported separately, who have been diagnosed with COVID-19 by facility and by date;
- (3) The number of incarcerated people who have tested positive or are presumed positive with COVID-19 and have since been released or transferred to another detention facility or hospital, by facility, by date, and by current location;
- (4) The number of pending or ordered tests that have not yet been administered, by facility and by date;
- (5) Facility responses to positive diagnoses of incarcerated individuals or staff, by type of response, number of individuals affected, date, and facility. Facility response types would include medical isolation of individuals in single cells; medical isolation in cohort with other confirmed cases; placement and treatment in medical unit; transfer to outside medical facility for treatment; quarantine of individual(s) in close contact with a COVID-19 case.

These data will help our state understand the scope of the COVID-19 pandemic. Please do not hesitate to contact Brian Goldstein ([brian@cjcj.org](mailto:brian@cjcj.org)) for any questions or to further discuss this matter. We respectfully request that you take immediate action to safeguard individuals confined in county justice facilities and protect all Californians from this dangerous pandemic.

Sincerely,

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