



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



April 7, 2020

Muntu Davis, M.D., M.P.H.
Los Angeles County Department of Public Health
313 N. Figueroa Street, Room 808
Los Angeles, California 90012

Dear Dr. Davis:

Thank you for your correspondence of March 31, 2020, in which you set forth several recommendations regarding measures to prevent and control the spread of COVID-19 in the jails. Please allow this letter to serve as a response as well as a description of the comprehensive steps already taken.

As you are aware, the Sheriff's Department manages the largest and most complex county jail system in the nation, with the single largest daily general population, as well as the single largest population of incarcerated people with serious mental health issues. During the current coronavirus pandemic, the Sheriff's Department has taken its duty seriously to protect the entire population detained within our facilities, while also balancing the safety and security of our other communities.

The Department of Public Health (DPH) first announced the arrival of the Novel Coronavirus (COVID-19) in Los Angeles County at the end of January of this year. The Sheriff's Department, in conjunction with recommendations from the Department of Health Services (DHS), Correctional Health Services (CHS) promptly published informational messages to all employees and posted flyers at the entrance to all facilities, regarding recognition of symptoms of the virus and recommendations for prevention and care.

Throughout the month of February, the Sheriff's Department remained in constant consultation with our County health partners, and continued to message to employees and inmates. Based upon briefings from CHS, at the end of February, the Sheriff's Department began in earnest to prepare for the eventual arrival of COVID-19 in the jail system, coordinating with our County

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justice partners to begin reducing the size of the jail population. These efforts were initiated after briefings on the potential future spread of COVID-19 and the additional challenges it would present in our jail environment. We knew we would need to ensure future adequate safe housing and quarantine areas.

By the first week of March, we also knew we would need to implement measures intended to slow any potential spread of the virus if it was introduced into our jail facilities. We coordinated with our County health care partners to implement new screening protocols for all of those arrested throughout the county and all individuals newly processed into our custody facilities, as well as those already detained. We increased the availability of cleaning supplies and hygiene products for all housing areas, and introduced additional cleaning crews for all common areas, inside and outside of secure areas, on around-the-clock basis. We also posted at the entrance to every facility additional warnings for employees who met certain conditions not to enter, installed additional hand sanitizer dispensers at multiple locations, and issued additional directives on proper self-screening procedures. Additionally, we continue to educate inmates regarding COVID-19 symptoms and precautions via posters, town hall meetings, and a video which continuously streams in key areas of each jail facility that instructs on sanitation, covering ones nose when coughing or sneezing, social distancing, and hand washing. The Sheriff's Department Custody Operations administration (Custody Operations) also opened their Emergency Operations Center on a 24/7 basis following the County's declaration of the public health emergency, to coordinate directly with the Sheriff's Department Operations Center and the County Emergency Operations Center, in order to streamline unified efforts between the Sheriff's Department and all County partners.

We have been successfully screening, separating, and isolating individuals who present with potential COVID-19 symptoms for weeks. This has been a robust operation, involving constant coordination and communication between Custody Operations and CHS personnel on the ground. To date, anyone needing additional care or testing has received appropriate medical care and housing, and safe space for the temporary quarantine of other individuals has been readily available.

As correctly referenced in your letter, as of March 30, 2020, we had one inmate and several jail staff test positive for COVID-19. That patient is now symptom free. Two additional inmates have since tested positive and are receiving care. Though we are aware the situation could change, having only three inmates test positive in the past five weeks out of our entire population indicates some demonstrated success with our containment strategies to

protect those in our charge. We have, however, also seen an increase in the number of our staff who have tested positive, as they enter and exit the jail daily, and the source of their infections could be the community at large.

We understand the uncertain dynamics of this pandemic, and remain hypervigilant to the risks it will continue to pose. Upon receipt and review of your recommendations, and after a review of the CDC recommendations issued on March 23, 2020, to which you refer, it is clear that most of these CDC recommendations had already been implemented. Because it is apparent our staff are more prone to pass the virus to a protected inmate population, than vice versa, based upon your recommendations, we have now implemented additional social distancing guidelines for all staff, as well as additional guidance and mandatory protocols for temperature checks for all individuals entering any of our facilities.

As the CDC indicates on its website, "This guidance will not necessarily address every possible custodial setting and may not use legal terminology specific to individual agencies' authorities or processes. The guidance may need to be adapted based on individual facilities' physical space, staffing, population, operations, and other resources and conditions."

The CDC also states, "This guidance document provides additional recommended best practices specifically for correctional and detention facilities. *At this time, different facility types (e.g., prison vs. jail) and sizes are not differentiated. Administrators and agencies should adapt these guiding principles to the specific needs of their facility.*"

With regards to social distancing, the CDC also states, "Strategies will need to be tailored to the individual space in the facility and the needs of the population and staff. Not all strategies will be feasible in all facilities." In that context, it is also important for us to reference the CDC when they state, "Where relevant, community-focused guidance documents are referenced in this document and should be monitored regularly for updates, but they may require adaptation for correctional and detention settings."

As to the three additional specific recommendations you have made:

1. The Sheriff's Department has a Population Management Bureau which works daily to manage inmate populations and movement within Custody Operations. However, the hypotheticals related to the short-term, mid-term, and long-term growth of this pandemic in the incarcerated population is more appropriately addressed by medical professionals and medical statistical experts. As we offered several times before the issuance of your letter, the Sheriff's Department welcomes

representatives or consultants from the Department of Public Health to visit all of our facilities. Each facility has a myriad of different housing areas, including areas for separating certain populations for safety and security, as well as areas for providing specific medical and mental health care, etc. Any useful modeling would likely need to look at a snapshot of the specific health crisis in time, as well as to take all of these facility specific housing areas and unique populations into account.

2. The Sheriff's Department's efforts to reduce the population will continue. Under California law, sheriffs must "receive all persons committed to jail by competent authority." Penal Code §4015(a). The Penal Code further requires that "a prisoner committed to the county jail ...upon conviction for a public offense, must be actually confined in jail until legally discharged" Penal Code §4004. If an inmate is permitted to leave jail absent a court order or other legal process, it is considered an escape. *Pedersen v. Superior Court of San Francisco* (1906) 149 Cal. 389, 391 ("The sheriff can have no authority, of his own motion, to permit [an inmate] to appear in court or elsewhere, or to allow him to go outside of the jail for any purpose. If the sheriff does voluntarily permit him to go at large outside, either with or without an escort, the sheriff himself is guilty of permitting an escape.") As a court must issue an order to release those arrested and awaiting trial for felonies because cite releases are not authorized for felony offenses, the Sheriff's Department has been energetically coordinating with its justice partners to arrange for bail deviation hearings for individuals detained on non-violent, non-serious, non-sexual felony charges. The first list of potentially qualified individuals sent by the Sheriff's Department to its justice partners for consideration included those age 60 and above. The Sheriff's Department also continues to work with Correctional Health Services to identify medically vulnerable people who are in custody to determine eligibility for release. The Sheriff's Department's overall population reductions have also been aided during the COVID-19 emergency by the limited authority granted to the Sheriff by the federal *Rutherford v. Block* case to release certain classes of inmates early when the jails are overcrowded. To the extent *Rutherford* may not apply, the same reductions would likely be otherwise authorized under Government Code §8658. To date, the Sheriff's Department has *reduced the overall jail population by more than 20%* since the end of February.
3. The Sheriff's Department does not have authority over individuals once they are released from custody, so these issues fall primarily under the purview of other County departments. Custody Operation's Community

Transition Unit, however, will continue to cooperate and work with them to coordinate services and placement to the extent possible.

Currently, the Sheriff's Department is faced with the difficult task of balancing public safety while releasing offenders from custody. The Sheriff's Department believes a lawful and coordinated release plan with our justice and health partners is the best alternative for our jail population and our communities during this pandemic. The release of justice involved individuals into our communities must continue to be done in a responsible manner. Releasing the justice involved simply to meet a specific quota would be irresponsible public policy and could place both those individuals and our other communities at greater risk.

The Sheriff has been working with our County health partners from the onset of the declared public emergency, including extensively on preparations and protective measures for the population detained in our custody facilities. As previously stated, many of the measures recommended have already been implemented by Custody Operations and Correctional Health Services, and both will continue working together.

We sincerely appreciate the guidance from the Department of Public Health and the offer to continue to act as a resource to help implement and exercise additional measures to any extent practical, in order to protect both the staff working in our custody facilities, as well as any detained individuals who rely on us for security and care. We couldn't agree more that coordinated teamwork is the best approach and look forward to continued cooperation and collaboration as well.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in dark ink, appearing to be 'AV', with a long horizontal line extending to the right.

BRUCE D. CHASE
ASSISTANT SHERIFF