

Subject: COVID-19 and the jail population

To Criminal Justice Partners,

On February 25, 2020, San Francisco Mayor Breed issued a State of Emergency due to the public health threat of COVID-19, the novel coronavirus. This highly contagious disease poses significant threat to the community as well as heightened risk to the incarcerated population. An outbreak in the San Francisco County Jail could result in catastrophic outcomes for those staff and incarcerated persons in high-risk groups.

People are booked and released from the county jail 24/7. Despite extensive screening at intake, it is not possible to identify those entering jail who have asymptomatic infection. The most effective strategy to mitigate transmission is social distancing. This is very difficult to implement in correctional institutions where people are in close contact with each other and have very limited freedom of movement.

It is my understanding that there are two statutes relevant to our current situation:

Government Code Section 8658: "In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section."

Penal Code § 4012: "When a pestilence or contagious disease breaks out in or near a jail, and the physician thereof certifies that it is liable to endanger the health of the prisoners, the county judge may, by a written appointment, designate a safe and convenient place in the county, or the jail in a contiguous county, as the place of their confinement. The appointment must be filed in the office of the clerk of the court and authorize the sheriff to remove the prisoners to the place or jail designated, and there confine them until they can be safely returned to the jail from which they were taken."

To that end, I ask for continued aggressive review of the pending charges and/or legal dispositions of the older incarcerated people and those with serious medical comorbidities, in order to effect early releases whenever possible. A rapid reduction in the jail population, with a target goal of 700-800 incarcerated people, will provide an opportunity to create distance between people in cells and mitigate the spread of infection.

I believe that we are in a public health crisis that endangers the lives of incarcerated people, the staff that work in the jail, and the community at large. I urge you to move quickly and creatively to continue to divert people from jail and remove incarcerated people from this dangerous congregate setting as much as possible during this time.

Thank you,

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