



March 18, 2020

Sheriff Alex Villanueva
Assistant Sheriff Bruce Chase
Director Jackie Clark, ICHS
County Health Officer Muntu Davis, MD, MPH

Sent via Email

RE: *COVID-19 Policy and Local Health Officer Order*

Dear Sheriff Villanueva, Assistant Sheriff Chase, County Health Officer Davis, and Director Clark:

In our prior letter we provided statutory authority that allows the Sheriff's Department to "execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease," Government Code § 26602, and the California law that provides the Sheriff protection from civil or criminal liability for the act of removing individuals from custody in the case of an emergency. *See* Government Code § 8658.

We urge the Sheriff's Department to begin working with Inmate Correctional Health Services to determine how best to prevent the spread of COVID-19 even before receiving an order from County Health Officer Davis. We hope that LASD will immediately begin to identify individuals in the categories set forth below who are appropriate for release so that the Department will be prepared to act immediately if and when County Health Officer Davis issues an order.

Based on conversations with public health experts, we believe that an order of the County Health Officer would likely include protections for especially vulnerable people in the jails. Preventing the spread of COVID-19 to these individuals is crucial given their health vulnerability, including people in the Correctional Treatment Center, people who are immunocompromised, the K6G unit, the Old Man dorm in Men's Central, people who are pregnant, any individual with severe mental illness in the forensic inpatient unit or high observation housing who can be released into a community bed or setting, and anyone else who is medically fragile, including but not limited to those with high blood pressure, diabetes, cardiovascular disease, chronic respiratory disease, and cancer.

We hope that the County Health Officer will also recommend that an overall population reduction beyond the most medically fragile would help prevent the spread of COVID-19. In that case, we recommend immediately releasing the following groups of individuals if LASD has not already done so:

- Any individual who is in jail pre-trial whose bail is under \$50,000, consistent with the booking change stated in your March 17th, 2020 letter, if you are not already doing so;
- Any individual who is in custody based on a technical parole or probation violation;
- Any individual serving a sentence enhancement that has since been repealed (e.g., SB 136 or SB 180 repeals).

We also urge you to consider the fact that on March 17, 2020, Presiding Judge Brazile ordered an extension of certain statutory deadlines for cases in Los Angeles Superior Court, including the potential time that an individual charged with a felony offense may spend in custody prior to an appearance before a magistrate, from 48 hours to 7 days. This order may significantly increase the pretrial population in LASD custody, and so the Sheriff should consider further raising the bail amount threshold for acceptance into custody.

We look forward to our discussion on Friday and appreciate your responsiveness thus far.

Sincerely,



Peter Eliasberg
Chief Counsel



Jacob Reisberg
Jails Conditions Advocate

cc: Honorable Members of the Los Angeles County Board of Supervisors
Dr. Zachary Rubin