

March 16, 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 Mechanisms for Release*

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

In our [March 12, 2020 letter](#) we urged you to release from jail medically vulnerable people to reduce the severe health threat that the COVID-19 virus poses, and provided some statutory authority that would permit you to do so. We have since found additional statutory authority that would provide an effective means for the Sheriff's Department and the County Health Officer in coordination with Inmate Correctional Health Services to release medically vulnerable people from the jails to reduce the threat that COVID-19 poses to people who are incarcerated, Sheriff's personnel, and the Los Angeles community as a whole.

Section 26602 of the Government Code states that one of the duties of a Sheriff is that the Sheriff "may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease." The "local health officer" is appointed by the Board of Supervisors. Health and Safety Code § 101000.

The Sheriff therefore has the statutory authority to execute an order from the County Health Officer issued for the purpose of preventing the spread of COVID-19 in Los Angeles County jails. We encourage you to work with Dr. Davis and the ICHS Director to determine how best to prevent the spread of COVID-19, and to release individuals from your custody if doing so will prevent the spread.

The CDC has recommended special precautions for medically fragile individuals, and the same care should apply in the context of the jails. Those who are most vulnerable, including the elderly, people who are pregnant, people who are immunocompromised, and others with underlying health issues should be given special attention, including priority release.

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California law also provides you with protection from civil or criminal liability for the act of removing individuals from your custody in the case of an emergency. *See* Government Code § 8658.

We hope to discuss these mechanisms with you further this Friday.

Sincerely,



Peter Eliasberg
Chief Counsel



Jacob Reisberg
Jails Conditions Advocate

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