

March 27, 2020

The Honorable Gavin Newsom  
Governor of the State of California  
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Sent via email: [governor@governor.ca.gov](mailto:governor@governor.ca.gov), [gavin.newsom@gov.ca.gov](mailto:gavin.newsom@gov.ca.gov)

Dear Governor Newsom,

As Californians are following your orders to shelter in place to limit the spread of COVID-19, we, as public health experts and concerned citizens, urge you to act immediately to protect the lives of the people impacted by the California Department of Corrections and Rehabilitation (CDCR), including people in custody, staff at CDCR, and the family members and communities of staff and those who are incarcerated in county jails. With [multiple confirmed COVID-19 cases at California's prisons](#) of staff and incarcerated individuals, unless you take action very soon, it is only a matter of time before California's jails and prisons become a source of uncontrolled transmission for the COVID-19 virus. We know that the COVID-19 virus [transmits rapidly in densely populated spaces](#), which is why the CDC recommends that people keep six feet away from each other and avoid gatherings of more than ten people, as well as isolating the sick people from the well people. Given that this has proven so difficult to do in California that a shelter-in-place order was necessary, it will be impossible to achieve in the state's prisons and jails.

California prisons are designed for a maximum capacity of 85,000 people but have been over capacity for decades. With over [122,000 people](#) currently held in CDCR custody, the state's custodial facilities are not equipped to prevent the spread of a highly contagious respiratory infection like COVID-19; rather, they appear almost perfectly designed to facilitate its unchecked spread. It is not just the people detained in these facilities whose lives are at risk: it is inconceivable that an outbreak in a prison or detention center stays confined to that facility. Staff, correctional officers, judges, and health care professionals will all be exposed to COVID-19 in these facilities and will carry and spread it in the community at large. Many of these facilities are in small communities with few hospital beds and a limited health-care system. As COVID-19 spreads through these small communities, they could be devastated. Facilities combine the worst aspects of cruise ships and nursing homes when dealing with COVID-19.

Under California Government Code section 8550, the Emergency Services Act, **you have the power to immediately release people from prisons** and thus work to mitigate the spread of this disease. To that end, we ask that you take the following immediate actions:

*Accelerate release of **all elderly people**.*

Specifically, release to parole or Post Release Community Supervision (PRCS) individuals 60 and older who have five years or less on their sentence, and all those over 60 who have been

determined to be low risk by any CDCR internal evaluation. While the COVID-19 virus infects people of all ages, the World Health Organization (WHO) is clear that [older people](#) are at a higher risk of getting severe COVID-19 disease and dying. In fact, the risk of severe disease gradually increases with age starting from around 40 years. Also, older people who are released from prison [pose little risk to public safety](#).

*Accelerate release for the **medically vulnerable population**.*

This includes persons suffering from [cardiovascular disease, diabetes, chronic respiratory disease, or cancer](#). Specifically, release to parole/PRCS these individuals who have five years or less on their sentence and all those in this cohort who have been determined to be low risk by any CDCR internal evaluation.

*Take the following **density reduction measures**.*

Accelerate release to parole/PRCS of those already found suitable for parole by the Board of Parole Hearings, and release to parole/PRCS all individuals deemed low risk by CDCR's internal evaluation who have 2 years or less remaining on their sentence.

Finally, we urge you to use your authority and direct the Attorney General to use his constitutional authority to supervise sheriffs and district attorneys across the state to **drastically reduce the jail populations**. Many who are admitted to jail only stay for a short period of time, and more people churn through jails in a day than are admitted or released from state and federal prisons in 2 weeks. We urge you to call for the following immediate action:

1. Release of anyone who is held pretrial and who does not pose an unreasonable safety risk to a specific person or persons;
2. Release of all people serving a non-violent misdemeanor sentence who are within six months of their release date;
3. Release of all people held locally on probation and parole technical violation detainers or sentences; and
4. Increase the use of citations in place of arrests and limit custodial arrest only to those few accused of crimes that pose a serious safety risk to a specific person or persons.

Respectfully,

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