

If your organization would like to sign onto this letter, please contact Sara Kershner at sara@nlgsf.org.

Press Conference

Thursday, April 9, 10:00am PST.

LINK TO PRESS CONFERENCE RECORDING [HERE](#)

Dr. Erica Pan, Alameda County Health Officer

Dr. Colleen Chawla, Director, Alameda County Health Care Services Agency

Tara Desautels, Presiding Judge, Alameda County Superior Court

Magistrate Judge Nathaniel Cousins, U.S. District Court of the Northern District of California

Nancy O'Malley, Alameda County District Attorney

Richard Valle, President, Alameda County Board of Supervisors, District 2

Keith Carson, Vice President, Alameda County Board of Supervisors, District

Wilma Chan, Member, Alameda County Board of Supervisors, District 3

Nate Miley, Member, Alameda County Board of Supervisors, District 4

Scott Haggerty, Member, Alameda County Board of Supervisors, District 1

Wendy Still, Alameda County Probation Department

Brendon Woods, Alameda County Public Defender

Dear Alameda County officials:

We are writing to you to demand that the Santa Rita Jail population be dramatically reduced with all possible urgency. As of Tuesday, April 7, the third case of COVID-19 was confirmed in the incarcerated population — and if swift action is not taken, the situation in Santa Rita will undoubtedly and rapidly turn into a massive public health crisis such as the ones seen in other such “mega-jails” across the country. [Rikers Island in New York City, NY](#) and [Cook County Jail in Chicago, IL](#) provide examples of the crisis that your current inaction may cause in Alameda County. [Rikers](#) offers a particularly disturbing example, as [incarcerated people build mass graves in exchange for low wages and personal protective equipment \(PPE\)](#). These realities could become the terrible reality in Alameda County. This is not solely about the health and safety of people in the jail, which should be taken with the utmost seriousness. The current situation in the jail also has the potential to at least double all currently confirmed cases in Alameda County. This will have disastrous consequences for overburdened hospitals county-wide. It will also increase the risk of infection for both incarcerated and non-incarcerated community members.

We remind you that Sheriff Ahern has the power to release people in jail in the event of an emergency, yet he has effectively declined to do so. Attorneys for the Sheriff's Office stated in a hearing with Judge Nathaniel Cousins that the jail will not release any more prisoners unless specifically ordered to by the courts, instead offering that the jail will “cooperate with all justice stakeholders at state and federal levels.”

Attorneys who represent people incarcerated in Santa Rita Jail have repeatedly pointed out that little has been done at these levels to address the estimated 400-500 federal pretrial detainees who remain

incarcerated in Santa Rita without access to trial. Additionally, the recent order by California Chief Justice Tani Cantil-Sakauye that authorized courts to extend deadlines for arraignments and preliminary hearings has significantly extended the amount of time that non-federal pretrial detainees will spend in the jail. Keeping people locked up in violation of statutory due process rights, they warn, may expose more prisoners to the virus and amounts to officials “putting their heads in the sand.” Because Sheriff Ahern and the Board of Supervisors have repeatedly demonstrated that they value profit over human life, we request that you act urgently to reduce the jail population, as it has become clear that “social distancing is not workable in a correctional facility.”

We emphasize that statements by ACSO representatives *do not* match the reality inside the jail. We have received testimony from people inside Santa Rita confirming this firsthand. Santa Rita Jail has a record of evading accountability for even the basic needs of people in its care. There are no mechanisms in place to refute the Sheriff’s claims in the face of a starkly different reality. Santa Rita’s culture of secrecy is so pervasive that in weekly status hearings, ACSO representatives fought to suppress the public release of medical provider Wellpath’s “Outbreak Control Plan” for COVID-19.

The conditions at Santa Rita Jail have been “at a crisis point” long before the COVID-19 outbreak, resulting in [a work stoppage and hunger strike last November](#). Over 400 prisoners in Santa Rita delivered a collectively-written grievance to the Board of Supervisors on March 17, describing in detail unsanitary conditions that will undoubtedly facilitate the spread of the virus. Wellpath, the jail’s medical provider, produced an outbreak plan that further reveals their ineptitude. This for-profit company continued to follow outdated CDC guidelines, such as questioning whether people newly booked into the jail have had contact with an infected person or recently traveled to China, Japan, Iran, or South Korea. This is supremely irrelevant when community transmission is now a daily reality in Alameda County. As of March 30, Wellpath had tested only 17 prisoners; to date, 31 tests have been completed with 22 negative, 1 positive, and 8 pending.

Attorneys representing the Alameda County Sheriff’s Office and Wellpath have repeatedly claimed in public hearings and to the media that Santa Rita is “safe” and that sufficient measures are being taken to address this crisis. Attorney Greg Thomas even defended the jail’s safety protocols, claiming that “it is difficult to practice social distancing in hospitals as well.”

Jails are second only to nursing homes in risk for infection. Furthermore, despite the jail and Sheriff’s representatives’ claims to the contrary, nurses and deputies fail to observe even the most basic of CDC guidelines, according to a number of personal accounts we have heard from people inside the jail. Cleaning supplies and personal hygiene items are withheld, leading prisoners to clean communal areas with body soap; social distancing is functionally impossible due to crowded dormitory-style rooms; symptomatic people (reporting elevated temperatures and breathing problems) are being neither tested nor treated; staff are not taking proper measures to protect incarcerated people from infection; masks have not been universally provided as claimed, and the efficacy of the ones that have been is severely decreased (to filtration of 44% of particles or less) by the removal of metal pieces that provide a seal around the nose.

Time and time again we have seen the Sheriff publicly proclaim that they are meeting basic requirements, only to be contradicted by firsthand accounts from attorneys, advocates, and prisoners. Guided tours by elected officials are simply unproductive. Board President Richard Valle pledged to visit the jail on Friday, April 3 – only a day prior to the first confirmed inmate case – to speak with people who have reported elevated body temperatures and breathing problems. However, these tours of Santa Rita serve less as an opportunity to assess jail conditions, and more an opportunity for the jail to “clean up its act” for the benefit of visitors. There is simply no guarantee that nurses and deputies are actually wearing masks and observing mandatory “social distancing.”

For example, a woman in Housing Unit 24E reported on March 29 that a nurse came to her communal dorm to distribute medication without wearing a mask or gloves. When questioned, the nurse rebuked the women to “mind your own business.” Other prisoners have also reported as recently as April 4 that deputies regularly do not wear gloves or masks, despite the fact that ACSO attorneys stated to Judge Nathaniel Cousins that the Sheriff’s Office has a stockpile of 5,000 N95 masks.

There are no mechanisms whatsoever for accountability or transparency regarding the jail’s conditions, let alone to corroborate whether the jail’s conditions match what the Sheriff and their lawyers repeatedly claim. We implore you to listen to and believe the people living this nightmare firsthand.

The absence of support systems outside of confinement should not be used as a justification for continued incarceration. **Existing healthcare, housing, and equity crises notwithstanding, no one should be condemned to infection because the county lacks adequate resources for their reentry into society.** People in county and state custody are at the mercy of the government. They deserve access to the same personal protective equipment and preventative care as all Alameda County residents. This includes “violent offenders,” who have been used as a justification to delay further releases. We remind you that many people in Santa Rita have not yet been sentenced of any crime. Releasing only “low-risk” prisoners, without taking into account elderly and medically vulnerable people, is a recipe for disaster.

We urge you to individually take the following actions:

- **Dr. Erica Pan, as the County’s Health Officer** during a pandemic, **Health & Safety Code Section 120175 gives** you statutory powers to demand that the sheriffs empty the jail to prevent transmission of COVID-19. Crucial county resources are being wasted arresting and incarcerating community members, when they should be devoted to healthcare for all people. You have an opportunity to set an example for other Health officers in the surrounding Bay Area counties and across the state.
- **Dr. Colleen Chawla, as the Director of the County’s Health Care Services Agency**, you have the opportunity to distribute resources in the name of public health. We were disappointed to see your signature on Sheriff Ahern’s budget proposal and ask that you rescind your support for this budget increase immediately. Many medical settings in the county are understaffed and overwhelmed. We need more health workers, but hiring more armed deputies is not the answer.

- Given the recent cases of COVID-19 within the jail, ensure entry into forthcoming county housing crisis initiatives for any of our community members exiting Santa Rita Jail without a home to isolate in after their exposure.
- **All members of the Alameda County Board of Supervisors**, your final control over the county budget allows you to, with a simple majority vote:
 - Make all commissary hygiene items and phone calls at the jail free for all Santa Rita Jail prisoners;
 - Vote against the \$85 million budget proposal by the Sheriff, who has made few indications that he intends to stop the neglect and abuse of our community members in custody.
- **Tara Desautels, as Presiding Judge for the Alameda County Superior Court**, you have the power to issue countywide judicial orders that can compel the release of all people based on numerous discretionary factors including conditions of confinement. This is not a moment to defer to the Chief Justice, law enforcement or the status quo. We need bold, unprecedented action in service of humanity.
- **Nancy O'Malley, as the District Attorney of Alameda County**, you have the power to resolve alleged criminal cases without recourse to incarceration. You and your staff can call for the release of individuals in cases where judges defer to the agreements your attorneys work out with opposing counsel.
 - Do not oppose any aspect of the new bail schedule, and do not continue to pursue incarceration at arraignment for any new cases.
- **Wendy Still, as the Chief of Probation** in the county, and a member of the now regularly occurring 'Justice Partners' meetings with the District Attorney, Sheriff, Public Defender, and Presiding Judge, you have an immense opportunity to advocate for the release of all people in those settings. Your deputies have access to coveted housing resources and referrals that can drastically impact release outcomes. **You also have the power to direct your probation officers to stop filing any new violations for the duration of this crisis.**
- **Brendon Woods, as the Public Defender of Alameda County**, you and your staff represent many of those incarcerated in the jail and participate in the above mentioned 'Justice Partners' decision-making meetings as a voice for incarcerated people.
 - **You have a responsibility to publicly call for the release of all people inside Santa Rita Jail, including in media and in contexts in which you have thus far been relatively silent, such as Board meetings and the federal court hearings for Babu v. Ahern.**
 - You can remind Presiding Judge Nathaniel Cousins that it is impossible to practice social distancing in the jail, meaning that all people are at risk of contracting the virus and will suffer from well-documented medical neglect.
 - **As explicit categories for release continue to be violated by ACSO and the DA's office, the PD's office must adopt release as a general policy, rather than challenging with motions on an individual basis**
 - You can share aggregate data on a daily basis and generally increase transparency of the specific steps your office is taking towards decarceration with community advocates to help us improve our public advocacy and connect us to your clients in custody who are asking to speak about their experiences.

- As **public officials, all with enormous power**, you have access to the media during this moment that allows you to publicly urge for the jail to be emptied.

Furthermore, we urge Alameda County to halt all cooperation with ICE including access to any information and databases from all county agencies. District Attorney O'Malley and the Sheriff's office must work in collaboration with the county's rapid response network, ACILEP, by notifying the network when individuals are being released who might be an interest to ICE, to ensure individuals are being safely released to their loved ones. The DA and Sheriff's Office must commit to responsible releases. This means that if the Sheriff's Office or any county agency receives any inquiry from ICE, or notices that there is an ICE hold on any individual that is being released; the DA and the Sheriff's department must: 1) Notify the Alameda Public Defender's Office and ACILEP, the local rapid response network 2) Share a printout of ACILEP Rapid Response number (510) 241-4011 with individuals being released 3) Share a copy of the know your rights card with individuals being released; 4) Bar ICE from accessing the lobby of Santa Rita Jail.

We are a coalition of organizations representing attorneys, community-based organizations, and citizens of Alameda County. On March 17, 2020, Human Impact Partners [demanded a halt to incarceration and the release of all people housed in Santa Rita Jail](#) by March 31, 2020. We stand by this necessary measure and demand at least a 50% reduction in the jail population in the next three weeks. We believe that county departments have failed to produce essential changes described in the March 17 letter, outlined below:

1. ***Alameda County must stop incarcerating people.*** No new people should enter Santa Rita Jail.
2. ***Alameda County must decarcerate Santa Rita Jail.*** It is unsafe to be inside jails right now. This is especially true in Santa Rita Jail where the Alameda County Sheriff's Office has a track record of creating untenable conditions for the jail population.
3. ***Alameda County must meet the immediate needs of people who are incarcerated.*** There is no way to be inside Santa Rita Jail safely. Governor Newsom and state public health officials have issued an executive order stating that there should be no gatherings of over 250 people and that smaller gatherings should give at least 6 feet of space between individuals. While this is impossible for people who remain inside Santa Rita Jail, that is no excuse to allow health abuses to continue.
4. ***Alameda County must invest in the assets that make our communities healthy.*** As we divest from jails, prisons, detention centers, and policing, we must invest in health-affirming resources, such as robust health care, affordable housing, living wages, quality schools, environmental justice, and adequate transportation.

We urge each and every one of you to take every action in your power and according to your individual expertise (including but not limited to the points listed above) to prevent this impending disaster. We are

concerned that the normal modus operandi of public and institutional officials — moving cautiously to prioritize funding, political relationships and reputations — must be adjusted to meet the challenges of this pandemic. We remind you that these are extraordinary circumstances that require immediate actions beyond these limitations. Your action or inaction has the potential to impact the safety, well-being, and survival of thousands of county residents. Because Alameda County has one of the largest jails in the country, public officials also have a unique responsibility to set a global example of proactive response to COVID-19. The impact and record of your actions will necessarily transcend this current moment. We urge you to act with the integrity and respect for human life that it deserves.

Signed,

Santa Rita Jail Solidarity

Signatories:

Advancing Justice – Asian Law Caucus
Alliance of South Asians Taking Action
American Friends Service Committee
Anti Police-Terror Project
API Equality – Northern California
Arab Resource & Organizing Center
Asians4BlackLives
Asylum Sponsorship Project
Bay Area Asylum Support Coalition
Bay Area Resource Generation
Bay Resistance
Berkeley Copwatch
CAIR San Francisco Bay Area
California Coalition for Women Prisoners
Campaign to Fight Toxic Prisons
Catalyst Project
Causa Justa::Just Cause
Center for Political Education
Centro Legal de La Raza
Chinese for Affirmative Action
Critical Resistance – Oakland
Californians United for a Responsible Budget (CURB)
Dolores Street Community Services
East Bay Alliance for a Sustainable Economy
Ella Baker Center for Human Rights
End Solitary Santa Cruz County
ESSIE Justice Group

Flying Over Walls: SF Bay Area Black & Pink
The Green Life at San Quentin
Human Impact Partners
Immigrant Legal Resource Center
Jewish Voice for Peace Bay Area
Justice Teams Network
LIFT Economy
MAAFA San Francisco Bay Area
NLG – SF
NLG – U.C. Berkeley
Oakland Rising
PLACE Oakland
Prisoner Advocacy Network
Public Health Justice Collective
Restore Oakland
Root & Rebound
Sister Warriors Freedom Coalition
St. James Infirmary
Sunrise Movement Bay Area
TGI Justice Project
Young Women's Freedom Center
Visibility Project and Resilience Archives