



March 13, 2020

Governor Gavin Newsom  
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To the Honorable Gavin Newsom, Governor of the State of California:

We are calling on 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. At this time, [with the coronavirus](#) threatening the [health and lives of untold](#)

[numbers of people](#) under your care and control, a current prison sentence in California could turn into a death sentence for many.

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. In 2006, Governor Arnold Schwarzenegger used these powers to immediately reduce prison overcrowding in California<sup>1</sup>. You must now use this same power to save lives.

### [COVID-19 in Prison](#)

COVID-19 outbreaks in California prisons and jails will spread “[like wildfire](#)” due to close quarters, overpopulation, unsanitary conditions, overcrowding, and staff that come in and out of the prisons every single day.

California prisons are designed for a maximum capacity of 85,000 people but have been over capacity for decades.

- There are currently over [123,000 people](#) held in CDCR custody.
- Though the prison population has begun to decline in California, it still remains [5 times](#) the size it was in 1980, despite the incredible drop in crime rates since the early 1990s.

This overcrowding and unsanitary conditions will contribute to the spread of COVID-19 within California’s prison system. Moreover, it threatens the public at large, as thousands of individuals and correctional, medical, and other staff interact with the incarcerated population and return to their communities.

COVID-19 poses the greatest risk of death to the elderly as well as to those who are immunocompromised, suffer from diabetes, chronic obstructive pulmonary disorder and other lung conditions, high blood pressure, and those with cancer. And in California, we have an aging prison population. Even as the state tried to decrease the number of people in prison, the population of people in prison 55 or older increased by 94 percent between 2005 and 2015, and in 2017, [one in seven](#) people in a California prison was age 55 or older. People in this age group are at the greatest risk for death from COVID-19 yet pose the [least public safety risk](#) to our communities. Thus [evidence](#) supports that this cohort of people can be safely released.

Further, [overcrowding](#) has led to too few health care professionals working inside the prisons to provide even an adequate level of care. By releasing the elderly and others who present a low public safety risk from the state’s prisons, it will reduce overcrowding and free up health care services to begin to properly address the remaining people kept inside the prisons.

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<sup>1</sup> [CCPOA v. Schwarzenegger \(2008\) 163 Cal. App. 4th 802](#) (Governor had power under Emergency Services Act to act to immediately release to private prisons people incarcerated in a state prison).

To this end, we are calling on you to immediately:

1. **Release all medically fragile adults and adults over the age of 60 to parole supervision.** [Jails](#) and [prisons](#) house large numbers of people with chronic illnesses and complex medical needs, who are [more vulnerable](#) to becoming seriously ill and requiring more medical care with COVID-19. And the growing number of [older adults](#) in prisons are at [higher risk](#) for serious complications from a viral infection like COVID-19. Releasing these vulnerable groups from prison and jail will reduce the need to provide complex medical care or transfers to hospitals when staff will be stretched thin. Individuals who do not have families or others that can offer housing should be released to re-entry facilities.
2. **Release all people who have an anticipated release dates in 2020 and 2021 to parole supervision.** People who have been sentenced to determinate sentences and who would be released soon should be released immediately. This will limit overcrowding and free up beds in facilities that will be needed to care for the sick. These people are overwhelmingly in low-level (Levels 1 and 2) security.
3. **Expedite all review processes for people already found suitable for release, lift holds, and expedite the commutation process.** For all people who have been found suitable for parole by the Board of Parole Hearings, we ask that you expedite the review process and release these parole candidates. Similarly, you should lift all current holds by CDCR for anyone who has been resentenced pursuant to Penal Code sections 1170(d)(1) and 1170.95. We ask that your office also direct increased resources to addressing the commutation applications that are currently before you and grant the many worthy applications expeditiously.
4. **Immediately suspend all unnecessary parole meetings.** People deemed “low risk” should not be required to spend hours traveling to and from meetings, often on public transportation, to wait in administrative buildings for brief check-ins with their parole officers. As many people as possible should be allowed to check in by telephone. Further, people on parole who have been under supervision for three years or longer and have not had an arrest within the last 12 months should be discharged from supervision.
5. **Eliminate parole revocations for technical violations.** Parole officers and others should cease seeking warrants for behaviors that would not warrant incarceration for people not on parole. Reducing these unnecessary incarcerations would reduce the risk of transmitting a virus between the facilities -- jails and prisons -- and the community, and vice versa.
6. **Lift all fees for calls to family members.** As CDCR has limited visits to people who are incarcerated, it is critical that these individuals be able to communicate with their family members and loved ones. All phone calls made by those who are incarcerated to their family members and loved ones should be made free during such time as family visits are limited.
7. **Insist that CDCR adequately address how they will care for people who are incarcerated.** In addition to taking steps to immediately address overcrowding, all

people who remain in custody should be cared for. We note that in all of the CDCR information released thus far, there is a shocking lack of concrete details given as to the exact steps CDCR is taking to prevent infections, or to care for those who get sick. CDCR has stated that they will use the same protocols they use for other illnesses, which often means widespread lockdowns or isolating people without care. This approach is both cruel and inadequate. At the very minimum, all people who are incarcerated must have access to soap and running water. Hand sanitizer should be made widely available and possession of hand sanitizer should be allowed. Appropriate medications and treatment should be available to all without cost. People who are sick should be cared for by appropriate medical staff.

Governor, we know how seriously you take your duty to protect the lives of people living and working in California's prisons and the surrounding communities. As you know, the health, well-being and indeed the lives of these people are quite literally in your hands. We urge you to take immediate and decisive action now to save lives. We will support you in taking the bold, but necessary, action now to protect the health of every Californian, including the most vulnerable.

Sincerely,

The Justice Collaborative  
Smart Justice California  
ACLU California  
Color of Change  
Californians for Safety and Justice  
Immigrant Legal Resource Center  
Ella Baker Center for Human Rights  
Asian Americans Advancing Justice -Asian  
Law Caucus  
California Public Defender's Association  
Los Angeles County Public Defenders,  
AFSCME Local 148  
UnCommon Law  
San Francisco Rising  
Policy Link  
Pillars of the Community  
Initiate Justice  
Californians United for a Responsible  
Budget

La Defensa  
The Bail Project  
Asian Solidarity Collective  
Alliance for Boys and Men of Color  
California Prison Moratorium Project  
Legal Services for Prisoners with Children  
California Coalition for Women Prisoners  
Young Women's Freedom Center  
Anti-Recidivism Coalition  
California National Organization for  
Women  
The Peace Alliance  
Critical Resistance Los Angeles  
Critical Resistance Oakland  
Arab Resource and Organizing Center  
Root and Rebound

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