



SAN MATEO COUNTY
PARTICIPATORY DEFENSE

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**CALLING FOR THE IMMEDIATE RELEASE OF PEOPLE FROM
SAN MATEO COUNTY JAILS AND JUVENILE HALL**

April 1, 2020

To: San Mateo County Sheriff, Chief of Probation Department, District Attorney's Office and Private Defender's Program

Cc: San Mateo County Board of Supervisors, County Counsel

Sent via email

On Thursday, March 19th, 2020, Governor Newsom announced a statewide 'stay at home' order in response to COVID-19 rapidly spreading throughout the state. In San Mateo County, health officials have reported that the number of those who have contracted the virus is now at [388, leading to ten deaths](#). With the Governor's prediction, as many as 56% of Californians could contract COVID-19 within the next 8 weeks. The rate of infection in our jails could even be higher because of unsanitary jail conditions and practicing social distancing is impossible in such a cramped living environment. Neighboring counties like Santa Clara have already experienced exposure in their jails; we cannot wait until this happens in our county. Fortunately, San Francisco County has taken leadership on this public health crisis, [decreasing their jail population by 25%](#) to protect both jail staff and those still in custody. The criminal and juvenile courts have a substantial duty to abide by the same restrictions and regulations that have been issued by the Center for Disease Control and Prevention (CDC) and ensure the safety and health of loved ones in custody.

Due to the current state of the COVID-19 pandemic, we the concerned community members and families of loved ones incarcerated at Maguire Correctional Facility, Maple Street Correctional Facility and the San Mateo Youth Service Center demand that San Mateo County Sheriff's Office, Probation Department, Private Defender's Program and the District Attorney's Office take **immediate action** on the following:

- **Immediate Release of Vulnerable and At-Risk Loved Ones in Custody**

The rapidly growing number of people who have died from COVID-19 has significantly impacted the elderly and those with compromised immune systems. In the jails, the health of many people in custody are endangered and have a heightened risk for disease transmission. We demand the immediate release of individuals aged 50 years and over, as they are especially vulnerable to COVID-19 and the immediate release of those with health conditions that would make them more susceptible to infection and hospitalization including but not limited to youth.

- **Immediate Release of Youth**

As of June 2019, [94% of youth](#) booked in San Mateo County Juvenile Hall were youth of color coming from marginalized cities within the county. It is unethical to incarcerate children during a public health emergency like this, especially given the increased health risk incarceration brings to them. Youth currently in detention are not in school, have no programming, have no access to therapeutic and religious services, and are not allowed family nor attorney visits. The isolation imposed can increase the risk of mental health issues such as depression, social anxiety, and low self-esteem. It also hinders their educational progress and places a barrier to achieve their aspirations. We demand that juvenile courts immediately release our youth and, whenever possible, halt all new admissions to YSC.

- **Exercise Cite and Release for Potential New Arrests**

Although the population in the jails is under 800 people, allowing new individuals into the jails increases the risk of exposing others in custody as well as jail staff. The majority of the population in custody are in the pretrial stages of their case, often overcharged for minor offenses, and those with probation violations. During this uncertain and challenging time, we demand that law enforcement exercise their discretion to issue cite and release notifications to decrease the jail population in efforts to avoid the spread of COVID-19.

- **Publicly Share & Announce Measures being Implemented In Custody to Deter the Spread of COVID-19 Virus**

Many families, especially those who have loved ones with mental health conditions are concerned and unaware of the measures correctional facilities are implementing to avoid a possible outbreak of COVID-19. Postponing in-person visitations leaves families in the dark, and doesn't necessarily address the issue of health and safety of their loved ones. Families are entitled to know what protocol staff are following to maintain the sanitation of the facilities. We demand transparency and public information that families can have access to, to ease their concerns about the health and well-being of their loved ones. While we actively decarcerate, we must ensure that those who are still inside get their health needs met and are able to stay fully connected to their social support network through other means (such as videoconferencing) even if in-person visits are not feasible.

- **Disseminate Information to those in Custody about Proper Prevention Techniques**

The County of San Mateo is obligated to administer current updated information concerning the state of COVID-19 to all residents, including people in custody. People out of custody have the privilege of calling 211 for up-to-date information and by visiting the online County Health website, while others in custody are limited in accessing up-to-date information. In instances such as the current COVID-19 pandemic, people in custody have the human right to be informed with the situation at hand, especially when it regards their and the community's health. We demand each entity to develop guidelines in accordance with CDC on how to prevent and avoid exposure to COVID-19 while in custody and/or detention in San Mateo County. Below is a tangible list of measures families demand be implemented:

- Distribution of pamphlets detailing a strategic plan on how to deter the spread of COVID-19.
- Creating protocol among correctional officers to prevent contamination upon entry to the jails and juvenile hall.

- Fostering good practices by disseminating up to date information among all people in jail and juvenile hall concerning the latest development of the COVID-19 Pandemic as it relates to San Mateo County.
 - Ensure adults and youth have the necessary medical resources and access to hygienic supplies, including but not limited to hand sanitizer, disinfecting wipes, and sufficient changes of clothing.
- **Put a Halt to all Notifications and Transfers to ICE**
 Prior to COVID-19, the collaboration between the San Mateo County Sheriff and ICE was evident, and the separation of families was on the rise. In these moments of uncertainty and mandated quarantine, it is wrongful to continue such collaboration with ICE. Families are being asked to stay at home, and only to complete essential activities. Those whose loved ones may be at risk of a transfer to ICE will not be able to support and make the necessary arrangements to attend court proceedings and guide their family members through the immigration process. In addition, the unsanitary and inhumane conditions of immigration detention centers expose people to a higher risk of infection. There are currently 37,000 immigrants held in immigration jails and prisons throughout the country. Medical care is substandard in these facilities, which ultimately result in death. Just in December 2019, ICE refused to give flu vaccines to thousands of individuals detained in federal immigration centers despite calls by doctors concerned for their health. The outcry came from the deaths of multiple children who died in federal custody from the flu. In the midst of the COVID-19 global pandemic, handing our community members over to ICE could be, in reality, a death sentence. We demand an immediate halt on all notifications and any potential transfers to ICE in light of this crisis. Holding a person past the completion of their served sentence could make the county liable for an ICE hold violation.
 - **Ensure People's Due Process is Not Compromised**
 While closing of courts is understandable from an epidemiological perspective, doing so is in clear opposition to due process rights of those in custody. Right to a speedy trial, right to counsel right to public trial, right to confront one's accusers – all implicated by the court's actions. If the courts choose to deny fundamental constitutional rights by unilaterally suspending a defendant's constitutional rights-- the courts thereby forfeit their legitimacy. The clearest way to preserve the rights of those facing the courts is to allow people to be released from custody as a way for them to work with their defense attorney while also not jeopardizing their health and well-being.

At this time, people's health and lives are in your hands -- the Community and Families are entrusting you to demonstrate your leadership by immediately acting on the demands previously stated. It is imperative that our loved ones in custody be given the same level of consideration as everyone else in the county. The consequence of the county inaction will be death.

We expect your response detailing a plan of action to implement our demands **by April 3rd, 2020 at 9:00am.**

Sincerely,

San Mateo County Participatory Defense

Supporting Organizations & Individuals

Silicon Valley De-Bug
Peninsula Progressive Action Group
Faith In Action
Immigrant Legal Resource Center (ILRC)
Unitarian Universalists of San Mateo
Fools Mission
Services, Immigrant Rights and Education Network (SIREN)
Peninsula Interfaith Coalition on Immigration
Interfaith Movement for Human Integrity
Sisters of Mercy
Pacifica Social Justice
Community Legal Services in East Palo Alto (CLSEPA)
Legal Services for Prisoners with Children / All of Us or None (AOUON)
Pangea Legal Services
Centro Legal de La Raza
GLIDE
CA Immigrant Youth Justice Alliance
California Coalition for Women Prisoners
Advancing Justice - Asian Law Caucus
Root and Rebound
Young Women's Freedom Center
Alliance for Boys and Men of Color
Policy Link
Coastside Progressive Democrats
Legal Aid at Work
Arab Resource and Organizing Center
The Reevolution Group
Pacifica Progressive Alliance
Communities United for Restorative Youth Justice (CURYJ)
Human Impact Partners (HIP)
MAIZ San Jose
Peninsula Solidarity Cohort
Unitarian Universalist Fellowship of Redwood City (UUFRC)
Social Action Committee
San Francisco Peninsula People Power
Pacifica Peace People
ACLU Mid Peninsula
ACLU North Peninsula
Resilience OC
Community Defense of East Tennessee (CDET)
No New SF Jail Coalition
Critical Resistance Oakland
Youth United for Community Action (YUCA)
Lesia Preston
Mario Cesar Caraballo
Rosalba Chavez
Damaris Britton
Lois McKeen