



## PRISON LAW OFFICE

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October 12, 2020

Hello,

The coronavirus or COVID-19 has had a great impact everywhere, including in CDCR. To try to slow down the spread of the virus, CDCR has among other things shut down or modified many programs including visiting, issued educational information (our own FAQ about COVID is attached), closed or slowed down intake from county jails, and limited transfers between prisons. To reduce crowding, CDCR in March released 3,500 people early and took other actions starting in July to release some people early (see attached information; **the only current early release program is for some within 180 days of release**). CDCR has also tried to establish social distancing practices (keeping people six feet apart and establishing groups of eight people in dorms), provided cloth face coverings for staff and incarcerated people, and N95 masks in some circumstances. It also tests staff for COVID-19 at all prisons, and screens staff and sends them home if a nurse says they are sick. It also uses quarantines for incarcerated people who might be sick and medical isolation for those who are. CDCR is also offering some patients transfers from dorms to cells.

CDCR has also made changes to medical and mental health care, such as postponing or cancelling on-site and off-site non-essential appointments. The changes have been made to prevent the spread of the virus, to account for staff who are cannot work because they are sick or taking care of family, and so that staff can focus on those who might be or are infected with the virus.

CDCR medical staff tests people for COVID-19. People who report symptoms are tested, others are tested randomly, and sometimes an entire housing unit, yard, or prison is tested. Currently, more than 96,000 in CDCR have been tested, and thousands tested more than once, with some tested more than ten times. Almost 15,200 have been confirmed to have COVID-19. Sadly, 69 people have died from the disease, and more than 500 hospitalized. Almost 13,600 are said to be “resolved” (meaning they are recovered and no longer considered infectious). A list of all prisons, and the number of confirmed COVID-19 cases at each, is attached to this letter. *Every day more tests are done and more test results received, so this information changes frequently.* **If you are not feeling well (see attached symptoms) you should let staff know right away.**

We are closely monitoring what CDCR does in response to the virus and working hard to make sure that they provide necessary health care and take necessary preventive measures. You can write us if you have concerns and we will review what you send. We believe CDCR’s crowded conditions cause an unacceptable risk of harm from COVID-19, especially to those over age 65 or who have certain medical **(Letter continues on other side of page)**

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conditions, especially in dorms or older prisons. Unfortunately, in March and April the courts denied our motions for an order requiring CDCR to release people, or to submit a plan to keep safe those at highest risk for severe complications from the virus.

We continue to fight for your rights and those of everyone else in CDCR by doing what we can to force CDCR to take steps to reduce the risk from COVID-19. This includes in the federal class actions about medical care (*Plata*), mental health care (*Coleman*), and disability accommodations (*Armstrong*). We believe our work in *Plata* was a major reason CDCR offers some patients a transfer from a dorm to a cell, started new early release programs, tests staff for COVID-19, and has set aside empty beds at each prison to use for medical isolation and quarantines. In the *Coleman* case, we have asked for proceedings that could result an order requiring release of mental health patients. In *Armstrong*, we asked for and CDCR agreed to an order that prohibits housing people with disabilities who have not tested positive in units with people who have confirmed, active COVID-19, and requires accessible housing for those on medical isolation or quarantine.

We are sorry that we cannot help you or any individual get released from prison.

### **Important Advice Regarding COVID-19 / Coronavirus**

The coronavirus is very contagious. Most who get COVID-19 have no or mild symptoms. Some, especially the elderly and those with serious medical conditions, can get very sick (pneumonia) or die. Experts say it is crucial to avoid close contact with (stay six feet from) people and wear a mask as much as possible to reduce the chances of catching or spreading the virus. Many people who have the virus and are contagious have no symptoms or only minor ones, so you may not know if you or others are infected and can infect others. It is safest to assume that anyone can have the virus, and to reduce contact in order to protect yourself. You should also wash your hands a lot, and not touch your face. If you are not feeling well, let staff know immediately. You can put in a Form 7362 (sick call slip). If you have an emergency or urgent medical care concern, tell any staff member at any time.

### **Important Advice Regarding Other Medical or Mental Health Care Issues**

You may have a medical care or mental health issue that is not related to COVID-19. You should continue to let staff know about your symptoms or problem, including by putting in a Form 7362. All 7362s with symptoms of a medical condition should result in a face-to-face triage with a registered nurse, although such appointments may be at your cell or dorm or, if for a non-urgent condition, delayed, depending on the circumstances at your prison. You should also continue to receive any medication ordered by your doctor. Pill lines may be run differently, or even delivered cell front, depending on staffing and quarantines. Also, medical staff should promptly respond to medical emergencies, and send a person to a community hospital if needed. Similarly, mental health emergencies should result in a prompt evaluation by a clinician, and a transfer to an actual or temporary crisis bed if necessary. You should tell any staff member at any time if you have an emergency or urgent health care issue.

Please take care, stay well, and look out for each other.

**-- Prison Law Office**

## COVID-19 -- Frequently Asked Questions

**What is COVID-19?** COVID-19 stands for "coronavirus disease 2019." It is caused by a virus called SARS-CoV-2. The virus first appeared in late 2019 and quickly spread around the world. Most people who get COVID-19 will not get severely ill. But some do.

**How is COVID-19 spread?** The virus that causes COVID-19 mainly spreads from person to person. This usually happens when an infected person coughs, sneezes, or talks near other people. The virus can be passed easily between people who live together. But it can also spread at gatherings where people are talking close together, shaking hands, hugging, sharing food, or even singing together. Doctors also think it is possible to get sick if you touch a surface that has the virus on it and then touch your mouth, nose, or eyes.

A person can be infected, and spread the virus to others, even without having any symptoms. This is why keeping people apart is one of the best ways to slow the spread.

**What are the symptoms of COVID-19?** Symptoms usually start 4 or 5 days after a person is infected with the virus. But in some people, it can take up to 2 weeks for symptoms to appear. Some people never show symptoms at all. When symptoms do happen, they can include one or more of the following:

- Fever
- Cough
- Trouble breathing
- Shortness of breath
- Feeling tired
- Shaking or chills
- Muscle aches
- Headache
- Sore throat
- Problems with sense of smell or taste
- digestive problems like nausea or diarrhea.

For most people, symptoms will get better within a few weeks. But some people continue to have some symptoms for weeks or months. This seems to be more likely in people who are sick enough to need to stay in the hospital. Doctors are still learning about the long-term effects of COVID-19.

**Am I at risk for getting seriously ill?** It depends on your age and health. In some people, COVID-19 leads to serious problems like pneumonia, not getting enough oxygen, heart problems, or even death. This risk gets higher as people get older. It is also higher in people who have other health problems like serious heart disease, chronic kidney disease, type 2 diabetes, chronic obstructive pulmonary disease (COPD), sickle cell disease, or obesity. People who have a weak immune system for other reasons (for example, HIV infection or certain medicines), asthma, cystic fibrosis, type 1 diabetes, or high blood pressure might also be at higher risk for serious problems.

**What should I do if I have symptoms?** Contact medical staff. Tell any staff member at any time if you have an urgent or emergency medical problem.

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# CDCR PATIENTS: CONFIRMED COVID-19 AND OUTCOMES

Chart from CDCR website, Monday, October 12, 2020  
 Please note the different column headings.  
 (please see other side for other prisons)



Institution	Institution Name	Confirmed	New In Last 14 Days	Active In Custody	Released While Active	Resolved	Deaths
ASP	Avenal State Prison	2,933	275	276	81	2,569	7
SQ	CA State Prison, San Quentin	2,239	1	1	58	2,152	28
CRC	CA Rehabilitation Center	1,578	274	289	47	1,242	0
CVSP	Chuckawalla Valley State Prison	1,397	44	56	23	1,314	4
CIM	CA Institution for Men	1,390	119	138	36	1,193	23
FSP	Folsom State Prison	1,331	65	78	12	1,240	1
CCI	CA Correctional Institution	839	5	8	55	776	0
CCC	CA Correctional Center	660	0	0	34	626	0
COR	CA State Prison Corcoran	361	1	1	3	356	1
CIW	CA Institution for Women	352	0	0	10	341	1
SATF	Substance Abuse Treatment Facility	338	7	8	4	326	0
CMC	CA Mens Colony	304	2	5	6	292	1
WSP	Wasco State Prison	281	4	6	32	243	0
VSP	Valley State Prison	265	63	77	5	183	0
LAC	CA State Prison, LA County	193	0	0	1	192	0
CTF	Correctional Training Facility	168	26	44	6	117	1
SVSP	Salinas Valley State Prison	115	33	39	2	73	1
ISP	Ironwood State Prison	108	24	27	5	76	0
NKSP	North Kern State Prison	85	2	3	1	81	0
CEN	Centinela State Prison	61	0	1	4	56	0
<b>State Total</b>		<b>15,183</b>	<b>964</b>	<b>1,082</b>	<b>441</b>	<b>13,591</b>	<b>69</b>

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ISP	Ironwood State Prison	108	24	27	5	76	0
NKSP	North Kern State Prison	85	2	3	1	81	0
CEN	Centinela State Prison	61	0	1	4	56	0
MCSP	Mule Creek State Prison	45	0	0	1	43	1
CAL	Calipatria State Prison	26	0	0	9	17	0
SCC	Sierra Conservation Center	18	0	0	2	16	0
CCWF	Central CA Women's Facility	16	0	0	0	16	0
SAC	CA State Prison, Sacramento	16	0	2	3	11	0
KVSP	Kern Valley State Prison	15	1	3	0	12	0
CMF	CA Medical Facility	12	5	5	0	7	0
PVSP	Pleasant Valley State Prison	12	11	11	0	1	0
CHCF	California Health Care Facility	7	0	1	0	6	0
CAC	California City Correctional Facility	4	0	0	0	4	0
HDSP	High Desert State Prison	4	0	0	0	4	0
RJD	R.J. Donovan Corr. Fac. Rock Mtn.	4	1	1	0	3	0
SOL	CA State Prison, Solano	4	0	0	1	3	0
DVI	Deuel Vocational Institution	1	1	1	0	0	0
PBSP	Pelican Bay State Prison	1	0	1	0	0	0
<b>State Total</b>		<b>15,183</b>	<b>964</b>	<b>1,082</b>	<b>441</b>	<b>13,591</b>	<b>69</b>



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### **COVID-19: CDCR's early release programs (October 12, 2020)**

In response to COVID-19, to reduce the prison crowding, CDCR in March released approximately 3,500 people early who were within 180 of their parole date. In July, CDCR awarded 12 weeks of time credit to most people. It also started three programs to release people early, using California Government Code section 8658, which allows, but does not require, the CDCR Secretary to remove or release people in an emergency. CDCR in early October ended two of the programs that started in July. **The only current CDCR early release program is for some people who are within 180 days of release.**

#### **Current Early Release Program**

##### **Early release for some people with 180 days or less to serve (all prisons, on-going).**

According to CDCR, incarcerated people must meet **all** of the following criteria to be considered for this kind of early release:

- Have 180 days or less to serve on their sentence
- Are not currently serving time for domestic violence, or a violent or serious crime as defined by law
- Have no current or prior sentences that require them to register as a sex offender under Penal Code 290
- Not have a California Static Risk Assessment score indicating a high risk for violence
- Must submit to COVID-19 testing

As of 10/7/20, CDCR says 5,726 people have been released under this program.

#### **One-Time and Discontinued (No Longer Happening) Early Release Actions and Programs**

**12 Weeks of Time Credit:** In July, everyone received a one-time special award of 12 weeks of time credits, unless they (1) were condemned or serving LWOP, or (2) were found guilty of a Rules Violation Report between March 1 and July 5, 2020 (or are found guilty of a pending RVR from that period). The credits were awarded under Title 15, section 3042.6, which allows CDCR to give credit to those who provide exceptional assistance in maintaining prison safety and security.

**Please see other side of page for information on other discontinued early release programs.**

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**Discontinued (No Longer Happening) Early Release Actions and Programs**

**Early release for some people with less than one year to serve and housed at certain prisons (program ended September 30, 2020).**

This early release program applied to people at Central California Women's Facility (CCWF), California Health Care Facility (CHCF), California Institution for Men (CIM), California Institution for Women (CIW), California Men's Colony (CMC), California Medical Facility (CMF), Folsom State Prison (FOL), CSP-Los Angeles County (LAC), Mule Creek State Prison (MCSP) and Richard J. Donovan Correctional Facility (RJD), CSP-Solano (SOL), and San Quentin State Prison (SQ). People in those prisons were considered if they were not currently serving time for domestic violence or a violent crime as defined by law, had no current or prior sentences that required them to register as a sex offender, and did not have an assessment indicating a high risk for violence. According to CDCR, 508 people were released early under this program. Unfortunately, the law does not require CDCR to continue this program.

**Early release consideration for some age 65 or above or with medical conditions that create an especially high risk of serious complications if infected with COVID-19 (program ended in early October).**

CDCR said this program applied to all with a Weighted COVID Risk Score of four points or higher<sup>1</sup> who were not condemned or serving LWOP, were considered a low risk for violence, and were not high risk sex offenders. CDCR says 6,599 people were eligible for early release consideration. However, for various reasons it only considered 1,335 for release. The CDCR Secretary approved only 45 for release, and recommended that the Governor grant a sentence reduction to another 12. We are very disappointed that CDCR released so few people who have a high risk of serious problems infected with COVID-19. Unfortunately, the law did not require CDCR to consider or release more people, or prohibit it from stopping the program.

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We are sorry, but we are not able to help you be considered for or to get released. If you believe you are eligible for release consideration, we advise you to contact your correctional counselor through open line, a Form 22, or a CDCR 602. -- **Prison Law Office (October 2020)**

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<sup>1</sup> The COVID Weighted Risk Score Factors (with points in parentheses) used by CDCR medical officials are: Age 65+ (4), Advanced Liver Disease (2), High Risk Cancer (2), COPD (2), Immunocompromised (2), Persistent Asthma (1), Chronic Lung Disease (including Cystic Fibrosis, Pneumoconiosis, or Pulmonary Fibrosis) (1), Chronic Kidney Disease (CKD) (1), Stage 5 CKD or receiving dialysis (1), Diabetes (1), High Risk Diabetes (1), Heart Disease (1), High Risk Heart Disease (1), Hemoglobin Disorder (1), HIV/AIDS (1), Poorly Controlled HIV/AIDS (1), Hypertension (1), Neurologic Conditions (1), Obesity (1), Other High Risk Chronic Conditions (1), and Pregnancy (1).