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**LA DEFENSA**



March 18, 2020

Los Angeles Police Department Chief Michel Moore  
Police Commission President Eileen Decker  
Police Commission Vice President Shane Murphy Goldsmith  
Police Commissioner Dale Bonner  
Police Commissioner Steve Soboroff  
Police Commissioner Sandra Figueroa-Villa  
100 West 1st Street  
Los Angeles, CA 90012

Los Angeles City Attorney Michael Feuer  
City Hall East, Suite 800  
Los Angeles, CA 90012

*Sent via Email*

**RE: COVID-19 Containment in Los Angeles**

Dear Los Angeles City Attorney Michael Feuer, Los Angeles Police Department Chief Michel Moore, and Los Angeles Police Commissioners,

Heightened concern over the COVID-19 pandemic has gripped our communities. Just this month, a state of emergency was declared in response to California's first COVID-19 death. Each day, the number of people infected with the virus in Los Angeles County continues to rise. Our major universities and LAUSD have suspended classes, employees are being encouraged to telecommute, and consumers are stocking their homes with enough food, water, and medical supplies to survive a multi-week quarantine. However, insufficient preparation has been taken to protect against the spread of COVID-19 through one of the largest and most vulnerable institutions in our community, the Los Angeles County jail system, or exposure to the virus by and from police officers at points of citation and arrest.

LAPD has responded to the coronavirus by shifting operations to increase the number of officers on the streets. We share concerns voiced by other community organizations that the current public health crisis does not require increasing police presence. But especially with greater deployments, the Department must take steps to ensure that the increased number of officers do not simply perform increased arrests for minor offenses that will undermine public health and safety rather than protect it.

Our county jails are the most populated jails in the country, with a daily average of 17,000 people. Near the end of last year, the jail system was at 136% capacity, as six of the seven facilities were overpopulated by as much as 87%. The individuals crowded into our jails are medically vulnerable and held in close contact with each other, without frequent and adequate access to water and soap. In a context where medical care is deficient, housing conditions are squalid and individual needs are neglected, this is a recipe for the rapid spread of disease. City lock-ups may suffer from similar problems. The Los Angeles Police Department made more than 6,300 arrests in January 2020, many of which were processed through City of Los Angeles jails.

This situation puts our entire county at risk. Each day, jails, unlike prisons, see a large number of people arrested and confined, while many others are released back to their community. The revolving door of incarcerated individuals, coupled with the daily influx of jail staff, vendors and medical professionals who return home, provides multiple avenues for COVID-19 to enter the jail and exit back into our neighborhoods and homes.

Moreover, the processes of detention and arrest by themselves limit the ability of affected people and law enforcement to exercise recommended precautions such as avoiding or limiting all physical contact; staying several feet away from other people; and washing hands after coughing, sneezing, or coming into contact with potentially exposed surfaces, objects, or people. Being forced to appear in public spaces such as courts due to a citation can lead to similar exposure to public health risks.

COVID-19 poses the greatest risk to the elderly and those who are immunocompromised because of preexisting medical conditions. In L.A. County, we have an aging jail population that the Sheriff's Department has described as "unwell." In 2019, it was reported that 21% of the jail population was 45 or older. People in this age group are at the greatest risk for COVID-19, yet pose the least public safety risk to our communities. By keeping vulnerable individuals behind bars, we are increasing the likelihood that COVID-19 will not only spread throughout the jail system, but that the virus will be routinely transmitted to even larger populations outside jail facilities.

Finally, when vulnerable individuals are released from county jail facilities, it is imperative that we ensure that they are not forced into houselessness. Our houseless community is at heightened risk of not only contracting COVID-19, but of dying from the virus.

Given the urgency of this situation, we call on the Los Angeles City Attorney and the Los Angeles Police Department to act immediately to protect the lives of Los Angeles residents – including not only those arrested and taken into custody, but also LAPD officers, jail staff, and the family members and communities of all these individuals. With COVID-19 threatening the health and lives of untold numbers of Angelenos, arrest, transport, and confinement in a jail facility for even a few hours, could turn into a death sentence for many.

To this end, we urge the City Attorney and LAPD to act in accordance with the recommendations below:

**Los Angeles Police Department, Police Commissioners and Chief Michel Moore:**

- 1) Discontinue ticketing, detaining, and arresting people for low-level offenses and “quality of life” crimes, except in extraordinary circumstances. Such minor offenses pose at most minimal threats to public safety, which are far outweighed by the health risks to both the individuals and the larger community that are created by jailing people or requiring them to appear at crowded courthouses in a few weeks, potentially during the height of the pandemic’s effect in Los Angeles.
- 2) In particular, discontinue the filing of criminal charges or infractions related to a person’s unhoused status and other enforcement actions criminalizing houselessness, including enforcement of Los Angeles Municipal Code sections 41.18(d), 85.02 and 56.11, as called for by the “Services Not Sweeps” campaign. Stop towing RVs and other vehicles that people are using for shelter for debt collection, unpaid registration, minor parking violations, and in other cases where there is no public safety need. People experiencing homelessness currently struggle with the increased risk of disease spread and potential for increased severity of symptoms of the disease itself. Crowding into temporary shelters subverts the goal of social distancing. People living on the streets or in vehicles should be allowed to mitigate these risks without being subject to criminal law enforcement.
- 3) If police do take enforcement action, they should issue citations instead of arrest and booking for all people accused of misdemeanors, absent an extremely compelling reason for custodial arrest, like the imminent risk of serious physical harm to another person. Absent such a compelling reason to arrest on a felony charge that outweighs the health risk of incarceration, default to charging a misdemeanor for all “wobbler” offenses, pursuant to Penal Code section 17(b), in order to allow citation and release pursuant to Penal Code section 853.6. Citation and release will keep people from entering jail facilities where they may be exposed to illness or where they may themselves expose others.
- 4) If police do take enforcement action, limit the number of people arrested, booked, and detained in close proximity to other people by:
  - a. Issuing citations instead of arresting and booking people accused of misdemeanors, absent a known risk of serious physical harm to another person;
  - b. Issuing citations instead of arresting and booking people for warrants related to any crime that are not serious or violent felonies, absent a known risk of serious physical harm to another person;

- c. Issuing citations instead of arresting and booking people for technical violations of probation or parole that do not involve allegations of serious physical harm to another person;
  - d. Immediately releasing people held in police station jails with a citation to appear in court, unless they are accused of a serious or violent felony and there is a known risk of serious physical harm to another person.
- 5) Provide quality health-care to all persons in your custody, including transferring to a hospital any person who is too ill for jail medical staff to effectively treat.
  - 6) Coordinate with City and County medical staff to identify those in LAPD custody who are most potentially vulnerable to Covid-19, and develop a plan to prioritize their rapid release.
  - 7) Ensure that all holding cells within LAPD locked facilities are not over-crowded and that prisoners have sufficient space to practice appropriate social distancing. Perform regular and thorough cleaning of all lock-up facilities, police vehicles, and items that are used by multiple people for arrest or booking. Ensure that all prisoners have access to adequate sanitary equipment and hygiene supplies and are instructed on proper cleaning habits.
  - 8) Extend paid sick leave to all employees, including those with temporary/part-time employment status. Ensure that LAPD officers and other employees are given sick leave as necessary and are not allowed to work while sick.
  - 9) Support community demands from the “Services Not Sweeps” campaign and specifically decline to file criminal charges or infractions for violations related to a person’s unhousted status, including violations of L.A.M.C. 41.18(d), 85.02, and 56.11.

**Los Angeles City Attorney, Michael Feuer:**

- 1) Decline criminal charges whenever possible. For charges not declined, reduce as many as possible to citations or non-warrant, non-arrest charges, with return dates that are at least 6 months from the date of alleged incident.
- 2) Advocate for the release of all medically fragile adults and adults over the age of 50 in the interest of justice, absent some compelling reason to keep them in custody. Jails 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 county jails are at higher risk for serious complications from a viral infection like COVID-19. Releasing these vulnerable groups from jail will reduce the need to provide complex medical care or transfers to hospitals when staff will be stretched thin.
- 3) Advocate for the immediate release of anyone charged with an offense that does not involve a serious physical safety risk to the community.
- 4) Agree to release all accused people without bail, absent a determination that the person poses a threat of serious bodily injury to another identifiable person or persons if released. Agree to recall cases in which people remain in pretrial custody due to bail having been set and to release those who are not determined to pose a threat of serious bodily injury to an identifiable person or persons if released.
- 5) Decline to request jail time as a sentence for people convicted of crimes, absent a compelling public safety rationale that outweighs the potential health consequences of keeping someone in jail. Require prosecutors to articulate in court the potential health consequences of a jail sentence. Agree to delays in surrender dates for all jail sentences.

- 6) Agree to not request bench warrants calling for arrests in response to failures to appear in court.
- 7) Extend paid sick leave to all employees, including those with temporary/part-time employment status.
- 8) Support community demands from the “Services Not Sweeps” campaign and specifically decline to file criminal charges or infractions for violations related to a person’s unhousted status, including violations of L.A.M.C. 41.18(d), 85.02, and 56.11.

We cannot wait for confirmation that COVID-19 has entered our jails before making the decision to act. We urge the City Attorney and Police Department to take immediate and decisive steps now to save lives. We will support you in taking the bold, but necessary, action to protect the health of every Angeleno, including the most vulnerable.

Sincerely,

ACLU of Southern California	Initiate Justice
Advancement Project California	JusticeLA
All of Us or None	La Defensa
Bend the Arc	LA Voice
Black Lives Matter Los Angeles	Los Angeles Public Defenders Union
Brotherhood Crusade	March and Rally Los Angeles
California Coalition for Women Prisoners	National Immigration Law Center
Children’s Defense Fund California	National Council of Jewish Women Los Angeles
Coalition for Humane Immigrant Rights	Never Again Action - Los Angeles
Community Coalition	Public Counsel
Dignity and Power Now	Reform L.A. Jails
Drug Policy Alliance	SEIU 2015
Fair Chance Project	SEIU Local 99
Families United to End LWOP - FUEL	Southern Christian Leadership Conference - Southern California
Freedom for Immigrants	Stop LAPD Spying
Frontline Wellness Network	Success Stories Program
Human Rights Watch	The Bail Project
Immigrant Legal Resource Center	

The Justice Collaborative

The Strategy Center

The Youth Justice Coalition

Trans Latin@ Coalition

White People 4 Black Lives