

## Santa Rita Report: April 5, 2020

*Please address any related inquiries to [iwoc.oakland@gmail.com](mailto:iwoc.oakland@gmail.com)*

### **“A Double Fight in Alameda County: Confronting the ACSO funding grab and the COVID-19 crisis”**

Advocates and attorneys continue to keep a close eye on developments at Santa Rita after a nurse with private contractor Wellpath tested positive for Covid-19 last week. On April 4, the jail announced the first inmate case, claiming that the person, formerly housed in Unit 7D, is being treated in the jail’s medical unit and that their roommates have been quarantined. The Sheriff’s press release did not discuss how the jail and its medical contractor, Wellpath, plan to shield individuals with health risks. To advocates and attorneys, this is proof that “social distancing is not workable in a correctional facility.”

Attorneys with Rosen, Bien, Galvan, & Grunfeld argued in an April 2 hearing that the jail is fundamentally unsafe and its population must be reduced further. Attorney Greg Thomas, who represents the Alameda County Sheriff’s Office, disagreed, claiming that Santa Rita is not unsafe. “It is difficult to practice social distancing in hospitals as well,” he said, stating further that the jail will not release any more prisoners unless specifically ordered to by the courts. Attorney Jeffrey Bornstein reminded the court that jails are second only to nursing homes in risk for infection. Once one inmate tests positive, he said, “it will spread like wildfire.”



Advocates are concerned that the jail continues to prioritize increasing the ranks of sworn officers over the welfare of inmates. After a massive mobilization by the public to condemn backdoor funding for the Alameda County Sheriff's Office, the Board of Supervisors has postponed its vote on the Sheriff's proposed \$85 million budget increase until Tuesday, April 21. 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 inmates who have reported elevated body temperatures and breathing problems.

José Bernal, with Ella Baker Center, strongly discouraged Supervisor Valle against visiting the jail during a pandemic, arguing that an epidemiologist or medical doctor unaffiliated with Wellpath would be better-equipped to assess the situation. "We can debate and disagree over which officials have authority over jail policies right now, what is not up for debate is who has control over the budget," he says, adding that "the Board of Supervisors has the authority to lift all cost over commissary, hygiene items and phone calls."

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Many advocates contend that elected officials' guided 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. One kitchen worker and plaintiff in *Ruelas v. County of Alameda* reported in January that the only time she witnessed service of the bathroom's leaky sinks and toilets was immediately prior to an official visit.

Attorney Yolanda Huang warns that advocates must compare what officials and attorneys for the Sheriff's Office say and compare it with what is actually happening inside the jail. During this visit, deputies will undoubtedly wear masks and observe mandatory "social distancing." However, a woman inside Santa Rita 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 inmates 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. Inmates may be provided with surgical masks (with metal nose bridge removed), which only block about 44% of particles.

The April 2 status hearing is the latest in a series of weekly updates on Covid-19. These hearings convene a task force consisting of ACSO attorneys, US Marshals, federal and local probation, representatives from Wellpath, federal and local public defenders, and Santa Rita Undersheriff Madigan to brief Judge Cousins on the jail's response to the pandemic. During this hearing, Attorney Kara Janssen pointed out that while the jail has reported only one case of Covid-19, there have been only seventeen tests so far, and that Santa Rita's private medical provider, Wellpath, continues to follow outdated CDC guidelines such as investigating whether people newly booked into the jail have had contact with an infected person or recently traveled to China, Japan, Iran, or South Korea.

ACSO Attorney Greg Thomas stated on April 2 that the jail will continue to “cooperate with all justice stakeholders at state and federal levels.” However, attorneys with Rosen, Bien, Galvan & Grunfeld and the Public Defender’s Office have repeatedly pointed out that little has been done at these levels to address the estimated 400-500 people who remain incarcerated in Santa Rita without access to trial, due to an order by California Chief Justice Tani Cantil-Sakauye that authorized courts to extend deadlines for arraignments and preliminary hearings. 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.”

Attorneys and advocates with Santa Rita Solidarity remind the public that Sheriff Ahern has the authority to release people in the event of an emergency. The question is whether he considers the outbreak to be an emergency.

*“Our community needs to remain vigilant and be prepared to demand an adequate, comprehensive, and humane response — as we should be demanding in regards to all cases of medical neglect and the ongoing health and sanitation crisis inside the jail. Such a response would entail suspending arrests, closing the jail, and releasing elders and medically vulnerable people — a goal that our commitment to abolition has always compelled us to strive for. Support for our incarcerated community members, in light of indifference and mismanagement by the state, should be a part of any community emergency preparedness plan.”*

– from our SRJ Bulletin No.1