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June 20, 2020

Ms. Keely Martin Bosler, Director
Department of Finance
Room 1145, State Capitol
Sacramento, California 95814

Dear Ms. Bosler:

In a letter dated June 17, 2020, you notified the Joint Legislative Budget Committee (JLBC), pursuant to Section 36.00, Chapter 2, Statutes of 2020, of your intention to augment a non-budget act item of appropriation to assist state and local governments in reducing the spread of the COVID-19 outbreak.

Specifically, Item 5225-604-0001 is augmented by \$16,886,215 for the California Department of Corrections and Rehabilitation (CDCR) to reimburse counties for housing inmates due to the temporary stoppage of prison intake initially announced by executive order on March 24, 2020. This is the third augmentation bringing the total to \$31,215,233.

Given the severity of the COVID-19 crisis and the state's legal obligation to reimburse counties for housing inmates that have been referred to state prison, I concur with the spending request. However, I am extremely concerned about the plans to resume intake as well as the levels of intake because cases of COVID-19 continue to increase at alarming rates at some of the department's institutions. For the health and safety of everyone involved, it is imperative that the department take extraordinary precautions to ensure that newly admitted inmates, current inmates and staff are not and do not become COVID-19 positive.

As I mentioned in my previous letter, just as the state is requiring counties to meet specific criteria as conditions of reopening, the department should be held to a similar standard. We need to make sure that increasing the inmate population will not result in an increased number of cases.

I am concerned that the plans to ramp up the pace of intake to eventually begin to admit approximately 700 inmates a week will lead to further spread of the disease among inmates and staff. I am similarly worried that the department has not been able to successfully curtail the spread of COVID-19 at some institutions and thus, a healthy person being transferred in, could

get sick at the institution as COVID-19 continues to spread. At the end, the failure to ensure strict intake protocols and safe and healthy living conditions could result in more people suffering from sickness, increased prison health care costs and potentially the loss of life.

The department needs to demonstrate that it has policies and procedures in place that protect the health and safety of staff and inmates – and its data needs to show that policies and procedures are working. Given the problems that the department encountered after admitting inmates from Los Angeles County, I urge the department to develop strict protocols with each county to ensure that individuals transferred from county jails to state prison are negative for COVID-19 before they are transported to a state institution. To that end, I request the department provide the JLBC with the guidelines that it has established for resuming intake, the protocols it has established with counties to ensure new inmates are not COVID-19 positive, and how it plans to ensure the isolation of the 700 inmates it admits each week. Finally, I respectfully ask that the Administration halt intake from counties until the department can ensure that only inmates who have tested negative for COVID-19 can be safely transferred to state institutions.

Sincerely,

A handwritten signature in black ink that reads "H. Mitchell". The signature is written in a cursive, slightly slanted style.

Holly J. Mitchell
Chair

cc: Members of the Joint Legislative Budget Committee