



March 18, 2020

County Commissioners Al French, Josh Kerns, and Mary Kunev  
Sheriff Ozzie Knezovich  
Prosecuting Attorney Larry H. Haskell  
Mayor Nadine Woodward  
City Council President Breean Beggs  
Superior Court Presiding Judge Harold D. Clarke III  
District Court Presiding Judge Jeffrey R. Smith  
Municipal Court Presiding Judge Matthew Antush  
Spokane Regional Board of Health Member Dr. Bob Lutz  
Regional Law and Justice Administrator Maggie Yates  
Jail Director Michael Sparber

**RE: Mitigating COVID-19 Pandemic Risks in Spokane County Jail  
Early Release & Reduced Custody as Public Health Protection**

Dear Spokane County & City Officials,

As you are aware, the COVID-19 public health emergency continues to escalate throughout Washington State. We understand that you are all working hard to respond to the ever-evolving needs that this health crisis is creating, and we thank you for your efforts. We are reaching out to you as Spokane County and City officials, including executives, judges, prosecutors, law enforcement officers, and correctional administrators, to urge you to take immediate steps to prevent the introduction of COVID-19 into Spokane County Jail, and to mitigate the risk of exposure to as many individuals in correctional custody as possible during this crisis. We care deeply for the members of our community who are currently housed at SCJ, and we are writing to you out of concern for their safety and wellbeing.

The danger that COVID-19 poses to the people living under SCJ's care cannot be overstated. Current projections of the spread of this virus indicate that as many as 50% of people living in the United States could become infected, with roughly 20% of that number requiring intensive hospital care.<sup>1</sup>

Prisons and jails are particularly ill-suited to address the current pandemic. People who are incarcerated are an extremely vulnerable demographic when it comes to communicable disease, particularly COVID-19. Spokane County Jail is regularly significantly over capacity, forcing those in custody to be housed in extreme proximity. While we commend the efforts that SCJ staff are making to train residents on handwashing etiquette to prevent the spread of COVID-19, the efficacy of such measures are entirely dependent upon access to soap, hot water, single-use towels, or alcohol-based hand-sanitizer, items which are notoriously hard to access (or prohibited) for those in custody. Residents have limited access to insufficient medical

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<sup>1</sup> See, [https://www.washingtonpost.com/health/coronavirus-forecasts-are-grim-its-going-to-get-worse/2020/03/11/2a177e0a-63b4-11ea-acca-80c22bbee96f\\_story.html](https://www.washingtonpost.com/health/coronavirus-forecasts-are-grim-its-going-to-get-worse/2020/03/11/2a177e0a-63b4-11ea-acca-80c22bbee96f_story.html).

care. Furthermore, many of the individuals who are in custody at Spokane County Jail have underlying health conditions, or are over the age of 60, which place them at a higher risk of serious illness or death if exposed to COVID-19.

#### **I. Immediate Releases are Necessary to Prevent Uncontrollable Outbreak at SCJ**

Condemning the individuals housed at SCJ to possible serious illness or death as a result of this pandemic is unconscionable. It is critical for you to act swiftly to reduce the likelihood of a massive outbreak of COVID-19 in the Spokane County Jail. We have identified **six immediate actions** that should be taken to significantly reduce the population of people housed at the SCJ, and as a result, dramatically mitigate the risk of exposure to COVID-19 for this vulnerable group:

- 1) Release without bond any individual being held on a low bond;**
- 2) Release without bond any individual over the age of 60 years, and anyone with a serious medical condition (e.g., heart disease, lung disease, diabetes, or immunocompromised);<sup>2</sup>**
- 3) Enact an immediate prohibition on arresting or jailing individuals for failure to appear (FTA), legal financial obligations (LFO), or contempt of court matters;**
- 4) Enact an immediate prohibition on the imposition of bail for any but the most serious violent felonies;**
- 5) Immediately quash all warrants in all cases but the most serious violent felonies; and**
- 6) Prohibit jailing on drug charges or other low-level offenses.**

By taking swift action to reduce the population of the Spokane County Jail, you will greatly increase the capacity, both in terms of the physical facility and the staff employed there, to better protect and respond to this emergent health crisis. For example, releasing the pre-trial population alone (which at any given time is approximately 70% of the SCJ total population) would dramatically increase the space and resources available. However, the current population of the jail makes social distancing a physical and logistical impossibility and making those housed at the jail particularly vulnerable to a massive outbreak if/when an exposure to COVID-19 occurs.

Taking these steps is especially critical to protect elderly individuals and those with underlying health conditions. The CDC has identified that risks associated with COVID-19 are more severe for these groups, often resulting in the need for significant medical intervention. Even with extraordinary measures, there is an exponentially higher risk of death for these vulnerable

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<sup>2</sup> Center for Disease Control and Prevention, [People at Risk for Serious Illness from COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html), (last accessed March 13, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>.

individuals. Not only will release remove this population from the extreme risk of infection they face in jail but reducing the overall population will provide more flexibility to SCJ custody and medical staff in relation to housing placements and other exigencies that SCJ will undoubtedly have to implement in the coming months.

## **II. Steps Necessary to Protect Those Released from Custody**

In order to promote the health and safety of the individuals released from Spokane County Jail in response to the COVID-19 crisis, it is imperative to ensure that individuals are given meaningful connection and access to community services. These releases should be coordinated with local and state public health agencies and social service providers to ensure that medically fragile people leaving SCJ's custody receive an appropriate continuum of care. Coordinated care will ensure that the most vulnerable members of our communities are protected and reduce the likelihood of unnecessary spread of the virus.

**In order to ensure this, city and county officials should coordinate with local healthcare and service providers to ensure that people with pre-existing conditions who are particularly at risk, and any individuals who may have been exposed to COVID-19, are immediately connected with appropriate medical support, as well as other essential services and housing upon their release from SCJ custody.** People who are at particular risk should be identified prior to their release and the appropriate services should be rallied to those individuals. These releases should be coordinated with local and state public health agencies and social service providers to ensure that medically fragile people leaving SCJ's custody receive an appropriate continuum of care. Coordinated care will ensure that the most vulnerable members of our communities are protected and reduce the likelihood of unnecessary spread of the virus.

While the emphasis now is on responding to the immediate public health emergency presented by the spread of the COVID-19 virus, we also acknowledge the need to continue to advance these practices for all individuals regardless of their charge, and not solely due to any immediate public health crisis. There is also a need for a long-term, systemic shift in the use of incarceration, and that there always have been – and will be – ongoing issues that make carceral facilities dangerous and harmful to the individuals housed there, and as a result, for the community at large. We hope that taking these protective measures now will facilitate ongoing conversations about additional reform steps that can be taken in the future.

## **III. Steps Necessary to Protect Those Who Remain in Custody**

For those who cannot or will not be released from custody, the following measures should be put into place immediately:

### **1) Adopt a standard of care for individuals in SCJ custody that meets or exceeds the recommendations for care in the community.**

People living in the Spokane County Jail must be provided at least the same level of medical care that people living outside jails receive. In order to ensure that people are seeking medical care when appropriate, SCJ should immediately suspend all medical co-

pays, not only those associated with COVID-19. SCJ must issue clear standards that meet current best practices regarding testing for the virus and follow-up medical care; it must also train staff to implement these measures effectively. The National Commission on Correctional Health Care recommends that correctional facilities should look to the CDC's recommendations for long-term care facilities for best practices on keeping residents safe from exposure and further transmission of this potentially life-threatening illness.<sup>3</sup>

To the extent that SCJ will continue to hold people facing serious medical crises in custody, it must be able to meet their needs. There must be adequate medical services, supplies, and practitioners available. SCJ must ensure that it has enough personal protective equipment for staff and people in custody, ventilators, intensive care beds, negative pressure rooms, quarantine and medical isolation areas, and practitioners who are skilled in treating the extremely sick people who will undoubtedly soon be requiring care.<sup>4</sup>

## **2) Implement social distancing measures to the extent possible.**

Releasing as many people as possible is the most likely strategy to mitigate risks to the most vulnerable people in custody. SCJ should also implement social distancing, one of the most effective measures to prevent the spread of COVID-19. To that end, SCJ should cease transfer of residents between institutions unless medically necessary.

Additionally, SCJ should immediately assess its resident schedules (e.g., programming, dining, yard, movement etc.) to assess what measures can be taken to limit large gatherings within the facility. **However, these efforts should not result in prolonged, widespread lockdowns.** Any lockdowns or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration. Releasing many people will likely relieve much of the need for long term isolation or lockdowns.

## **3) End costs/copays for phone and video visitation.**

Regardless of the current public health crisis, the exorbitant costs associated with phone, email, and video visitation in jail facilities is unacceptable. However, at this time of great social disruption and widespread fear, when Spokane County Jail has ceased in-person visitation, denying people access to family and loved ones because they are unable to afford these charges is particularly unconscionable. There should be no cost or obstacles to maintaining family contact, despite the prohibition placed on in-person visitation. SCJ must accordingly take all necessary steps during this public health crisis to ensure that people can maintain contact with their spouses, children and other family

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<sup>3</sup> Center for Disease Control and Prevention, [Preparing for COVID-19: Long-term Care Facilities, Nursing Homes](https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html), (last accessed March 17, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html>.

<sup>4</sup> National Commission on Correctional Health Care, [Infection Disease Prevention and Control \(P-B-01\)](https://www.ncchc.org/filebin/news/Infection_Prevention_and_Control.pdf), (2014), [https://www.ncchc.org/filebin/news/Infection\\_Prevention\\_and\\_Control.pdf](https://www.ncchc.org/filebin/news/Infection_Prevention_and_Control.pdf).

members without being forced to pay for that right.

**4) Ensure that every person at SCJ, staff, residents, visitors, and volunteers alike, has uninhibited access to soap, running water, single-use towels, and alcohol-based hand sanitizer to minimize the spread of COVID-19 throughout the facility.**

We want to underscore how important these steps are to effectively address this crisis. To this end, SCJ should ensure that all people, including those in segregation, suicide watch, and infirmaries, have access to hot water and soap. It should also immediately suspend any prohibition on the possession of alcohol-based hand sanitizer and provide all people living in the jail with an adequate supply of essential hygiene products at no cost.

**5) Adopt a standard of care for individuals in SCJ custody that meets or exceeds the recommendations for care in the community.**

People living in the Spokane County Jail must be provided at least the same level of medical care that people living outside jails receive. In order to ensure that people are seeking medical care when appropriate, SCJ should immediately suspend all medical co-pays, not only those associated with COVID-19. SCJ must issue clear standards that meet current best practices regarding testing for the virus and follow-up medical care; it must also train staff to implement these measures effectively. To the extent that SCJ will continue to hold people facing serious medical crises in custody, it must be able to meet their needs. There must be adequate medical services, supplies, and practitioners available. SCJ must ensure that it has enough personal protective equipment for staff and people in custody, ventilators, intensive care beds, negative pressure rooms, quarantine and medical isolation areas, and practitioners who are skilled in treating the extremely sick people who will undoubtedly soon be requiring care.<sup>5</sup>

**6) Ensure that people in custody and their families receive updated, comprehensive, timely and thorough information.**

Many people living in Spokane County Jail lack basic information about how to protect themselves, or what to expect should they become infected. SCJ must issue appropriate, thorough, regularly updated, and accessible instructions and directives to all people under its care, as well as their family members. SCJ must take steps to ensure that this information is accessible to people for whom English is not their primary language, those who lack literacy skills, those in segregation, and people with cognitive or sensory disabilities who may require assistance in accessing this crucial information.

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<sup>5</sup> National Commission on Correctional Health Care, [Infection Disease Prevention and Control \(P-B-01\)](https://www.ncchc.org/filebin/news/Infection_Prevention_and_Control.pdf), (2014), [https://www.ncchc.org/filebin/news/Infection\\_Prevention\\_and\\_Control.pdf](https://www.ncchc.org/filebin/news/Infection_Prevention_and_Control.pdf).

**IV. Request for a Meeting**

We understand that we are all struggling to keep up with this rapidly changing situation, and we believe that the above steps are needed. We would like to find a time for us to meet, remotely, within the next few days to address these requests and share information. Please have your staff contact either Liz Moore at [lmoore@pjals.org](mailto:lmoore@pjals.org) or Curtis Hampton at [dogwood077@comcast.net](mailto:dogwood077@comcast.net) to set up such a meeting as soon as possible.

Sincerely,

s/ Terri Anderson  
Interim Executive Director  
Tenants Union of WA  
*Smart Justice Spokane Executive Committee*

s/ Curtis Hampton  
Spokane Community Against Racism  
*Smart Justice Spokane Executive Committee*  
Co-Chair

s/ Anne Martin  
Director  
Greater Spokane Progress  
*Smart Justice Spokane Executive Committee*

s/ Rev. Rick Matters  
Spokane Community Against Racism  
*Smart Justice Spokane Executive Committee*

s/ Liz Moore  
Director  
Peace & Justice Action League of Spokane  
*Smart Justice Spokane Executive Committee*  
Co-Chair

s/ Carmen Pacheco-Jones  
Living With Conviction  
*Smart Justice Spokane Executive Committee*

s/ Kurtis Robinson  
President  
Spokane NAACP #1137  
Just Lead Washington, BOD  
*Smart Justice Spokane Executive Committee*

s/ Cam Zorroza  
Attorney at Law  
*Smart Justice Spokane Executive Committee*

s/ David Carlson  
Director of Advocacy  
Disability Rights Washington

s/ Merf Ehman  
Executive Director  
Columbia Legal Services

s/ Michele Storms  
Executive Director  
ACLU of Washington

s/ Angel Tomeo Sam  
Bail Disruptor  
The Bail Project/Spokane Site

s/ Sabrina Ryan  
Bail Disruptor  
The Bail Project/Spokane Site

## **Smart Justice Spokane Coalition Member Organizations**

ACLU/Washington · All Saints Lutheran Church · Center for Justice · Chihak & Associates - Disability Attorneys · Community Building Foundation · Community-Minded Enterprises · Fulcrum Institute Dispute Resolution Clinic · Greater Spokane Progress · KYRS/Thin Air Community Radio · League of Women Voters Spokane Area · NAMI Spokane - National Alliance on Mental Illness · Neighborhood Alliance of Spokane · Northwest Fair Housing Alliance · Peace and Justice Action League of Spokane · SEIU Healthcare 775 NW · Smith-Barbieri Progressive Fund · Spokane Branch Unit 1137 NAACP · Spokane Center for Independent Living · Spokane Community Against Racism · Spokane Tribe of Indians · Unitarian Universalist Church of Spokane · University Legal Assistance, Gonzaga Law School · Washington Community Action Network · Washington Education Association, Eastern Washington · Washington NORML · Washington State Council of City & County Employees - Local 270 AFSCME