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March 27, 2020

Ed Campbell, Director Yakima County Department of Corrections
 Joseph A. Brusic, Yakima County Prosecuting Attorney
 Robert Udell - Yakima County Sheriff
 Yakima County Commissioners
 Matthew Murray – City of Yakima Police Chief
 Jeff Cutter – Yakima City Attorney
 Yakima City Council
 Hon. David A. Elofson – Yakima County Superior Court – Presiding
 Hon. Richard H. Bartheld – Yakima County Superior Court – Criminal Presiding
 Hon. Ruth E. Reukauf – Yakima County Superior Court – Juvenile Presiding
 Hon. Brian K. Sanderson – Yakima County District Court – Presiding
 Hon. Kelley C. Olwell – Yakima Municipal Court – Presiding

Re: COVID-19 Crisis - Additional Relief Requested

Dear Yakima County and City Officials and Judges:

We write to express appreciation for the steps you have taken to address the evolving health care crisis in our community. We also request that you take additional immediate measures to prevent and contain the spread of COVID-19 particularly in our local jails. We welcome the opportunity to discuss these issues and concerns with you.

Incarcerated persons are at increased risk of serious illness or death by COVID-19 due to the risks presented by overcrowding and close proximity in jails.¹ These risks are so acutely present that a dozen individuals escaped from Yakima County Jail in recent days out of fear of contracting COVID-19 in Yakima County Jail.² The health care system in our community is

¹ World Health Organization, Preparedness, Prevention and control of COVID-19 in prisons and other places of detention, interim guidance, at 1 (Mar. 15, 2020), http://www.euro.who.int/data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1.

² Phil Ferolito and Donald W. Meyers, *Yakima County jail official says inmates broke out because they were afraid of coronavirus*, Yakima Herald Republic (Mar. 24, 2020), https://www.yakimaherald.com/news/crime_and_courts/yakima-county-jail-official-says-inmates-broke-out-because-they/article_88faf12d-f460-530c-822b-406bfaa7d219.html.



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already over-taxed with the reduction to one hospital and will be unable to address the increased medical needs absent emergency measures to limit the rapid spread of COVID-19.³

Consistent with the petition in *Colvin et al. v. Inslee, et al.*⁴ pending before the Washington Supreme Court, we request you release all individuals, without bond, identified as at high risk for severe illness caused by COVID-19 including people: 1) who are 50 years of age and older; or 2) who have serious underlying medical conditions including, but not limited to, currently pregnant individuals, those with chronic lung disease or moderate to severe asthma, people with heart disease, people who are immunocompromised due to cancer or other medical conditions or treatment, people with severe obesity, people with any other underlying serious medical conditions such as those with diabetes, renal failure, liver disease, and any other condition specifically identified by CDC either now or in the future as being a particular risk for severe illness caused by COVID-19.

We also request that Yakima County terminate or suspend its intergovernmental service agreement (IGSA) with U.S. Immigration and Customs Enforcement, as other jurisdictions have done, since bringing in new people for detention increases the risk of the virus spreading.

For those persons who continue to be held on money bail or are post-conviction in our local jails, we request the following measures be put into place immediately: 1) institute a one inmate per cell policy instead of double bunking to promote social distancing; 2) provide free soap, CDC-recommended hand sanitizer, and medical care; and 3) provide free access to phone, video and other methods of communication so individuals may stay in contact with family members and loved ones, as well as their attorneys.

Finally, we urge you to consider additional relief to reduce pre-trial detention and detention of those who are within months of their release date. Other communities are already taking these steps and we are willing to provide more specific recommendations. We acknowledge local efforts underway to reduce custodial arrests and urge all law enforcement to reduce arrests for crimes that do not pose an unreasonable safety risk to a specific person or persons. We also understand some jails may have implemented new booking standards and we will be evaluating those changes in policy. For courts, emergency bond calendars should be considered.

These are unprecedented times which merit immediate action to preserve the lives and health of everyone in our community.

³ Dr. Marty Brueggemann, the hospital's chief medical officer: "On April 8, we physicians will be forced to decide which of our neighbors, our friends or family members, will get a chance to live, and which will die." https://www.yakimaherald.com/special_projects/coronavirus/virginia-mason-memorial-calls-on-people-to-stay-home-after/article_4ab7b7d0-43a6-581d-b096-0e464f3c84de.html.

⁴ In the *Colvin* litigation, we have also requested that the Washington State Department of Corrections cease ordering the detention of persons for alleged Community Custody violations. This relief would eliminate holds based on these alleged violations in our local jails.

Sincerely,

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Cc: Paul Kelley – Director Yakima County Department of Assigned Counsel
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