



**UCLA LAW COVID**  
Behind Bars Data Project

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The Honorable Gavin Newsom  
Governor of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

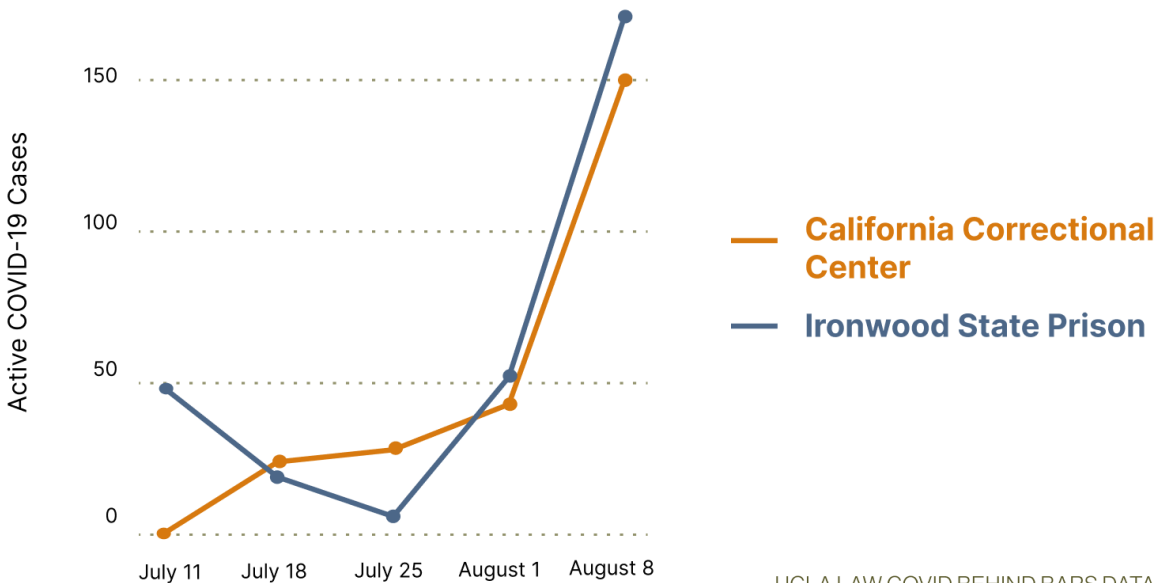
Dear Governor Newsom:

As prison health policy researchers, we write in support of Assembly Bill 960 (Ting), a critical measure that will help protect some of California's most medically vulnerable people by making urgently needed changes to California's compassionate release program. As [COVID continues to be a major source of contagion in carceral settings](#), expanding compassionate release is essential during the ongoing public health emergency. The passage of this legislation will help protect medically vulnerable Californians behind bars. We hope you will sign the bill immediately.

Since the start of the pandemic, the UCLA Law COVID Behind Bars Data Project has studied the impact of the pandemic on people who live and work in prisons and other carceral settings. Our Project serves as the Center for Disease Control and Prevention's contracted provider of [official COVID data](#) from prisons, jails, youth facilities, and immigration detention centers across the United States. Our work demonstrates that **COVID remains a major public health threat in California state prisons:** to the people incarcerated, those who work there, and those living in the surrounding communities. [Ventilation in prisons is poor, and social distancing is difficult or impossible](#) in these densely packed institutions. These factors, along with the difficulty of implementing protective policies (for example, it is unreasonable to expect people in dorms to wear masks while sleeping and eating), make people who are medically vulnerable even more at risk of serious illness and death from COVID.

Over the past year, we have witnessed the dangerous and deadly consequences of a failure to reduce the number of people in California prisons. Statewide, the number of active cases among people incarcerated in California prison rose from 178 cases at the end of December 2021 to 6,629 cases in mid-January, at the peak of the initial Omicron wave. [Crowding and poor ventilation](#) set the stage for widespread infection during the Omicron surge. Outbreaks at California prisons did not stop after the first Omicron surge. This summer, Ironwood State Prison and the California Correctional Center both saw sharp increases in COVID infections. At the California Correctional Center, reported cases went from 0 on July 12 to 150 on August 9. At Ironwood State Prison, reported cases went from 6 on July 26 to 171 on August 9.

## RECENT COVID-19 OUTBREAKS IN CALIFORNIA PRISONS



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[Consistently low rates of vaccination in prisons and among staff](#) – fueled by the [lack of vaccine mandates for California prisons](#) – continue to make prisons further at-risk of outbreaks. As of September 2022, [only 29% of staff and 58% of people in custody are up-to-date on COVID vaccinations](#). While multiple public health interventions are needed to mitigate and prevent COVID outbreaks, and people – particularly people who are medically vulnerable – can still die or become seriously ill despite being vaccinated, [vaccines remain critical tool for reducing the likelihood of severe illness and death from COVID](#).

In total, 84,504 people in California prisons have been diagnosed with COVID, including 32,673 people in 2022 alone. Two hundred fifty-five incarcerated people have died from COVID, including ten people who have died since vaccination was made available to all living and working in California prisons. Statewide, there have been [51,053 COVID cases](#) among prison employees, including 27,721 new COVID cases in 2022. Ten state prison employees have died from COVID, including one new death in 2022.

Incarcerated people are especially likely to have medical conditions that place them at high risk of serious illness or death from COVID. [People in prison experience high rates of infectious diseases](#) like tuberculosis, Hepatitis B and C, and HIV, in addition [chronic conditions like cancer, hypertension, diabetes, asthma, kidney problems and heart problems](#). [COVID is more likely to cause severe illness and death to people with chronic illness](#), making it critical for people in prison with serious illness to be able to access compassionate release.

In theory, current California law allows for compassionate release for people with terminal illness or permanent medical incapacitation in theory, but in practice, [many Californians are prevented from accessing the program](#) due to narrow criteria that excludes many people with serious illness, and administrative failures during the process for granting release. Lack of access to compassionate release has life-threatening consequences for people in California prisons; between January 2015 and April 2021, 304 people sought compassionate release, but [only 53 people \(17%\) were released in time to pass away at home](#). Ninety-one people (30%) died in prison before the compassionate release review was completed. AB 960 allows more people to qualify for compassionate release by expanding the qualifying criteria for someone to be considered to have a serious, advances illness or be permanently medically incapacitated. AB 960 also ensures that courts can review eligible compassionate release requests in a timely manner, and that compassionate release determinations are based on clear medical eligibility and public safety determinations by the courts, a significant improvement from the current system.

There are several other reasons to enact AB 960. Beyond COVID, people in prison are among the most likely to suffer severe illness, be hospitalized, and die from a range of other [chronic conditions](#). Furthermore, the bill has racial justice implications, because incarcerated people are disproportionately [Black or Latinx, having received lengthy sentences](#) at rates that far outpace their white peers. Finally, AB 960 contributes to public health by requiring the release of critical data on the effects of this reform measure. This transparency provision is important, as it allows policymakers and advocates to monitor the outcomes of the bill, ensure successful implementation, and avoid the administrative failures of [other states that implemented similar release reforms](#).

It is critical that you act to expand pathways for compassionate release for people who can be safely released from prison. AB 960 will help the state of California gain control of the pandemic and will protect the health and safety of all who live or work in state prisons.

Sincerely,

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