

OFFICE OF THE SHERIFF
Contra Costa County

Custody Services Bureau
 1850 Muir Rd.
 Martinez, CA 94553
 (925) 655-0000



DAVID O. LIVINGSTON
 Sheriff-Coroner

Michael V. Casten
 Undersheriff

DATE: February 18, 2021
TO: David O. Livingston, Sheriff-Coroner
FROM: Steve Simpkins, Assistant Sheriff, Custody Services Bureau
SUBJECT: Public Protection Committee Presentation 1/25/2021

The following information was presented to the Public Protection Committee on January 25, 2021, in response to questions posed by the Racial Justice Oversight Body (RJOB questions italicized):

- 1. Implement cite and release policies for offenses which pose no immediate physical threat to the community.***
- 2. Release all individuals who are being detained solely because they can't afford cash bail, unless they pose a serious threat to public safety.***

On March 25, 2020, the Office of the Sheriff sought authorization from the Presiding Judge of the Contra Costa Superior Court to "cite release" certain non-violent felony and non-violent misdemeanor arrestees, to include bench warrants, despite a "no cite release" provision on such warrants. Between these cite releases, and the early releases authorized by Sheriff Livingston of eligible sentenced inmates, 40 inmates were released from custody. Additionally, all agencies were asked by Sheriff Livingston to limit the number of arrestees to be transported and booked at the MDF and to cite release in lieu of booking, if possible.

The above-mentioned court authorization was replaced by the statewide Adoption of Emergency Rules, aka "Zero Bail", on April 6, 2020. This rule established an emergency bail schedule of \$0 for all misdemeanors and felony offenses, except for certain offenses (violent felonies, domestic violence, DUI's, and certain firearm offenses). The bail schedule was modified again in June of 2020 in keeping with the health orders at that time.

These steps were repeated in December of 2020 upon an outbreak at the MDF to include an emergency bail schedule from the Presiding Judge.

As of January 15, 2021, we have released 1,574 arrestees who were eligible for \$0 bail.

- 3. Reduce the jail population to ensure that there are sufficient medical quarantine beds, and enough staff, to promote the health and safety of staff, those incarcerated, and visitors.***

In January and February 2020 (pre COVID-19), the Sheriff's Office received an average of 1,753 arrestees being booked at the MDF. The monthly average of arrestees booked between March 1, 2020, and December 31, 2020, (during pandemic) is 946, a drop of nearly 50%.

The average daily inmate population in February 2020 (pre Covid-19) of all physical facilities combined was 1,093. The average daily inmate population in December 2020 (during pandemic) of all physical facilities was 795. That is a 27% sustained reduction in the average daily inmate population. This morning's population was 715 (1/22/2021).

All employees assigned to the jail facilities are mandated to test for COVID-19 every two weeks. All persons entering the facilities must be screened for COVID-19 related symptoms (temperature check, cough, respiratory symptoms, etc.) All employees who wanted vaccines have received them. Detention Health has also begun vaccinations of inmates.

4. Identify and release the following people immediately, unless doing so would pose a serious risk to the physical safety of the community:

Individuals who are elderly; Populations that the CDC has classified as vulnerable (those with asthma, cancer, heart disease, lung disease, and diabetes); People in local jails who are within 6 months of completing their sentence; and, People incarcerated due to technical violations of probation and parole.

All inmates who are eligible for release have been released. For those who remain in custody, there are two housing units designated for the medically vulnerable population where no other inmates are housed. The inmates who are medically vulnerable are identified by Detention Health based on current CDC guidelines and criteria.

5. Revisit past lengthy sentences and support release for those individuals who can safely return to the community.

Based upon the steps mentioned thus far, all inmates who are eligible for release have been released and the inmate population is regularly reviewed for those who might qualify for an early release under the authority of the Sheriff. Many inmates are housed under judicial orders and cannot be released by the Sheriff. The Public Defender & District Attorney's Offices both contributed significantly to the effort to reduce the inmate population by obtaining stipulated release orders from the court.

Additional COVID data:

Total number of bookings from March 1, 2020 through December 31, 2020 was 9,462.

The aggregate total of COVID + inmates is 225 (1/22/2021). This number does NOT reflect current population, it is the running total since the pandemic began.

70 Sheriff's Office employees from the Custody Services Bureau have tested positive since the pandemic began – all have recovered and are back to work except for the most recent 3 who are out for quarantine