



Caged in COVID

2021 Report: Health Crisis in the Santa Clara County Jails

As of January 11th, 2021 there have been a reported **127** individuals detained in the Santa Clara County Jails who have contracted the deadly COVID-19 virus. At the start of this year, there has been an astonishing increase in COVID-19 cases from 17 reported on December 31st, 2020 to 127 on January 11th, 2021. This period, occurred nine months after the Public Health Department of Santa Clara County initiated the first Health Order protocols to limit contamination and prevent outbreaks. Despite having multiple outbreaks over this nine month period, Santa Clara County Jail administrators have not shown any signs of learning from mistakes which facilitated the outbreaks, nor displayed any indication that they have any intention of changing their behavior to prevent future outbreaks or mitigate the current crisis.

Meanwhile, those incarcerated have done everything within their power to survive and protect one another in already horrific conditions. They are confined in not only a congregated setting that is perfectly designed to advance the spreading of the virus, but in jails that had already exhibited such inhumane treatment that they are currently under the auspices of a federal consent decree. There simply is no population in the County that is in more peril, or more vulnerable to COVID-19, than those incarcerated in our jails.

During the anxiety filled period since the first COVID-19 outbreak reported in the summer of 2020 -- through phone calls, letters, and accounts from families -- horror stories from inside were shared to County decision-makers that qualitative narratives to the climbing numbers of contamination. The descriptions were consistent --those inside cannot socially distance; do not have adequate hygiene and cleaning supplies; jail staff do not abide by County public health mandates (such as wearing masks), and; those who are COVID-19 positive receive no elevated care despite their conditions.

Cycle of Neglect

Through grievances, medical requests, even hunger strikes - those inside the jails have exhausted every possible measure available to them to get jail administrators to implement health and safety protocols. Families and supporting community advocacy groups have held public demonstrations garnering [local](#) and [national media attention](#), held meetings with the Sheriff's Department, and reached out to county leaders such as Board of Supervisors and the heads of the Public Health Department.

Such efforts, ultimately, have not resulted in needed change within the jails, as is evidenced through the repeated COVID-19 outbreaks. In fact, after initiated reports of conditions inside the jail were communicated to the County's Department of Public Health -- incidents of the detained being denied showers and correctional officers mocking those incarcerated for flagging violations of safety protocols -- families called on physicians from Public Health to do an inspection of the jail. This occurred in April of 2020. The escorted tour of the facilities did not result in a change of behavior or attitude by jail staff. And in fact, in December of 2020, right before a major outbreak in the jail was reported, a [Mercury News article](#) revealed that jail staff were posting photos of themselves partying, swapping beers, and willfully conducting themselves in a way that would spread the infection.

During this time, concerned families would e-mail jail administration about the accounts they were hearing from loved ones inside. When responses were given, administrators would assure the family that all actions were being taken to remedy the health and safety situation. Yet, the accounts of mistreatment, irresponsibility, and infection increases would continue to persist. So the approach of alerting administration became a cyclical tactic in futility.

Chronicling Mistreatment and Health Violations

To break out of the pattern of an individual or a singular family alerting jail administration of a specific concern, only to have that alarm go unheeded -- families and advocates produced the following report compiling survey responses along with testimonial accounts from those inside and their families on the outside for a quantitatively informed statement on the conditions inside the jails.

The data that was collected points to a mandate for a more significant and structural intervention by those outside of the Sheriff's Administration to provide public health standards for those incarcerated and to address medical necessities, as well as a fundamental need for mass releases and a plan to

prevent more people from going into the jail. Such a holistic and urgent intervention requires action from numerous county actors to use their respective authority.

- The Santa Clara County Department of Public Health and Custody Health must develop and share what their plan is to ensure those inside the jails are up to health and medical treatment standards.
- The Santa Clara County District Attorney's Office must work with the Public Defender's Office to expedite mass releases.
- The Santa Clara County Presiding Judge must prepare the court to facilitate immediate releases and extend decarceral policies such as the Zero Bail model.
- The Santa Clara County Re-Entry Center must be ready to use its' resources to support people coming out of jail.
- Policing agencies in Santa Clara County must use "cite and release" options instead of forcing people into confinement in the jail pre-trial.
- The Santa Clara County Sheriff's Department must respond to the needs and demands of the incarcerated, their supporting communities, and County officials who are working to prevent the spread of COVID-19 and save lives.

This study is the results of compiling survey responses of people inside, and interviewed people who were recently released. To do this, we sent surveys with 90 questions to those inside and to their families to answer. The survey question asked for a comprehensive look at the ways the County Jails were responding to or ignoring the safety guidelines necessary for protecting everyone inside from COVID-19. To our knowledge, this is the only existing dataset in the County that details the reality of incarceration in Santa Clara County during COVID-19. **Below are some of the findings from the responses gathered.**

According to the Santa Clara County Public Health regulations: *"Revised Social Distancing Protocols are mandatory for all businesses and governmental entities in the County that are operating. Failure to comply with the Revised Social Distancing Protocol requirements is a violation of the Order, and may result in fines and other penalties."*

Data from Responses to Survey and Interviews

Inability to Socially Distance According to Public Health Mandates

85%

of people surveyed **are in bunks in dorm settings that are less than 6 feet apart**, the basic distance standard set by the Santa Clara County Public Health Department.

"[I am housed in a] dorm setting at M-8-C Elmwood. There are approximately 65 beds and approximately 61 beds full. Last week, every bed was full. The bunks are 2 1/2 feet apart. No room at all for social distancing - if your neighbor coughs it goes right in your face."

"It was especially difficult to stay 6 feet away from others in the restrooms, in the bunks, when watching TV and when using the phones. Especially the phones since they are literally two feet from each other."

90%

of people surveyed said they are **in contact with people outside of their housing unit**.

97%

of people surveyed **are not able to stay 6 feet away** from others at all times.

95%

of people surveyed said that the **phones are not cleaned between uses**.

Insufficient Cleaning and Hygiene Supplies

100%

of the people surveyed have said **they do not have enough materials** to keep themselves or their units **clean and sanitized.**

100%

of people surveyed **are forced to share bathrooms with no sanitation in between uses,** and with no ability to social distance while using the toilet or shower.

“As far as laundry - if there is an outbreak in a part of the jail, they are aware of it but they still had to wash the clothing that was infected. Food - in order to serve food there were around 40+ inmates working in the kitchen, shoulder to shoulder in the assembly line. City health officials had everyone space out within 6 ft but as soon as the photoshoot was over (for Public Health) everything went back to normal.”

Disregard by Jail Staff to Mitigate Spread of COVID-19

85%

of people surveyed said **jail staff do not consistently wear their masks.**

“Out of 8-12 officers about 3 or 4 would wear their masks constantly. The rest would just wear them around their neck. They would only put a mask on if there was an incident.”

100%

of people surveyed said **jail staff are rotating between housing units.**

Insufficient Medical Treatment

56%

of people surveyed were **moved** or **taken to court** while waiting for their test results.

55%

of people surveyed either **didn't receive results from a COVID test** or had to seek the results themselves.

“[When I tested COVID-19 positive], my experience was very frightening. I did not shower for 4 days. I was not given clean clothes. The same number of days I was in lockdown. For over 96 hours continuously, no cleaning supplies were provided. No medication except Tylenol. Food handed through the door.”

Personal Accounts from Loved Ones Inside and Families

Since December 2020, there has been an escalation of firsthand accounts from people in the Main Jail and Elmwood both in the Men's and Women's facilities about further COVID-19 outbreaks. Due to the high volume of COVID-19 positive cases, men who are quarantining are currently being housed in the Women's facility. Below is a small sample of accounts that have been collected and shared with administration throughout the past nine months.

During the 1st COVID-19 outbreak in June 2020, a person on the 5th floor of the Main Jail Complex, along with nine other gentlemen tested positive with COVID-19. In the quarantine unit they were deprived from taking a shower for about a week and given a bucket to share and bathe in.

"He was not sentenced to death by COVID and he was not sentenced to be stripped of basic rights to shower and maintain hygiene. He should be allowed to take showers and maintain hygiene especially during a pandemic" - (Mother)

Although the Santa Clara County Inmate Rulebook states, "Inmates are not required to clean up bodily fluids. If someone is sick, notify an officer to request a Biohazard Team to clean up the area. Bodily fluids can carry disease, including HIV/AIDS." there have been numerous accounts of people with COVID-19 positive with symptoms, many who have been moved to cells filled with feces, urine and -- on one account -- bloody band-aids, and being forced to clean the cells with insufficient cleaning supplies while sick with the virus. These cells are not fit for human habitation much less are they fit for a person who is sick.

"(Loved One) along with everyone that tested positive were moved to 6A to unsanitary cells with feces on the wall, molded food, dried urine... (Loved One) should not have to clean other people's feces, especially during a pandemic and while COVID positive. (Loved One) has said he feels like he can't breathe, out of breath, coughing, with headaches and vomiting. This is not the standard care for any human especially while COVID positive showing symptoms. (Loved One) needs the correct medical attention." - (Wife)

"During a 2 week period, she was not given a change of clothes. She insisted to not be in the same cell as someone with COVID positive but was told she did not have a choice. (Loved One) then began to feel fever, headache, chest pains, trouble breathing, sore throat, stomach ache, muscle aches, and shortness of breath. (Loved One) was not provided any care. The cell she was moved into was filthy littered with dirty bloody band-aids everywhere at the time she was

moved in. She was only given a small wash rag dabbed in cleaning solution to clean the entire cell. She was not provided hygienic and basic toiletries due to staff trying to avoid contact with inmates." - (Wife)

One telling account comes from the mother of (*Loved One*), who in fear of her son catching the virus, actually bought and donated over 8,000 surgical masks from July 2020 to December 2020 for both her son and others who are incarcerated. This kind gesture was only met with utter disappointment after receiving the news that her son was COVID-19 positive after an outbreak in M-8. Others have reported that people inside have been using the same masks for months. The woman has e-mail receipts confirming the donations were received. And despite the donations, those inside have masks that they use for months on end, that they are told to wash in the sink that they all use for multiple cleaning and hygiene tasks. They should be given new masks after every use or day, given the risks in a carceral setting.

"I have donated a total of 8,000 disposal surgery masks beginning on July 9, 2020... I was desperately wanting to help with the situation, mask shortage and concern for my son and other inmates to prevent the spread of COVID... It's a very heart breaking thing to watch your family member being incarcerated, but it's pure torture to see him being put in to dangerous situations, and watch him hopelessly endure COVID. Last time I checked, he was not sentenced to death/torture; or to get COVID19 positive." - (Mother).

On one account, (*Loved One*), refused to be tested after feeling symptoms of COVID-19 due to the lack of care and inhumane conditions of those who have tested positive.

"He also informed me that he had refused to take the COVID 19 test because he was concerned about the unsanitary conditions of being rehoused in the jails quarantine floor or the infirmary which have been reported to be filthy with bodily fluids while COVID positive. During the quarantine period, he informed me that some individuals in the unit were left in their cells for longer than 24 hours without being allowed to shower, make phone calls, visits with family, have zoom calls with their attorneys or time for exercise. Although quarantine is important, it should not be treated like solitary confinement as a disciplinary action. His housing unit was on quarantine/lockdown for 26 days." -(Mother)

Contextualizing the Urgent Call for Intervention

These conditions and experiences are not uncommon in carceral settings around the country. Prisons and jails have been experiencing outbreaks, ever since the pandemic began. The CDC recently released a report detailing a local spread of COVID-19 at a correctional facility in Vermont upon the instance of a transfer, which brought six individuals who were infected into a state prison that prior had no outbreaks, sparking an outbreak which reached correctional officers and incarcerated folks alike. The report concluded, “In correctional settings...public health officials should consider transmission-risk implications of cumulative exposure time within such settings.”

In a press conference in early December 2020, Santa Clara County deputy health officer Dr. George Han spoke of the sharp increases of COVID-19 in congregate settings -- including long-term care facilities, skilled nursing homes, homeless shelters and detention centers—in recent weeks. He says, “It’s difficult to do the kind of social distancing that you would want in a regular situation, and so the virus has a chance to spread more easily in congregate settings. These outbreaks are an unfortunate reminder that increases in community transmission of COVID-19 threaten our most vulnerable communities. Along with rising cases and increasing hospitalizations, this should serve as an alarm bell for each of us to take every possible step to reduce the spread of COVID-19.”

The Santa Clara County health officials have already acknowledged that detention centers are hotbeds for the spread of the virus. As our data shows, people have not been able to practice measures recommended by the CDC to avoid virus spread. This is particularly necessary as many incarcerated people are at a higher risk of contracting and being vulnerable to the virus. According to a study done by the National Commission on COVID-19 and Criminal Justice, incarcerated individuals are four times more likely to become infected than people in the general population. Overall, COVID-19 mortality rates among incarcerated folks are higher than in the general population. This has already been seen this regionally, in San Quentin Prison, where one of the largest outbreaks in the country occurred. There, more than 2,100 individuals contracted the virus, and 28 people died from the outbreak that occurred over the summer.

Santa Clara County cannot risk inaction or hesitance to protect the most vulnerable in the county. It is imperative that actions are taken to further and dramatically reduce our jail populations while simultaneously protecting the lives and welfare of those detained.