



**COMMUNITY
LEGAL SERVICES**
IN EAST PALO ALTO

September 2, 2020

The Honorable Gavin Newsom
Governor of the State of California

The Honorable Ralph Diaz
Secretary of the California Department of Corrections

Via Email

Dear Governor Newsom and Secretary Diaz,

Community Legal Services in East Palo Alto (CLSEPA) urges Secretary Diaz not to exclude those convicted of Penal Code section 290 offenses from the early parole and release program designed to mitigate the effects of the COVID-19 pandemic. We appreciate the efforts the Department of Corrections has made to reduce the prison population and relieve overcrowding. Reducing overcrowding reduces the risk of infection to those who are incarcerated and to those who are released. People convicted of sexual offenses listed under P.C. section 290 subd. (c) are currently excluded from release. We urge you to reconsider that decision. The offenses under P.C. section 290 subd. (c) vary widely. By lumping all offenders together, the Department has overlooked individual circumstances that should be considered to fairly decide which individuals can be safely released.

Individuals should be selected for early release in consideration of both their risk of recidivism and their risk of developing severe complications from COVID-19.

Public safety concerns—not blanket exclusions—should guide the Department's release decisions. People who pose less of a concern for public safety include those: (1) within one year of their release date, (2) who were under age 25 when they were convicted / committed their offense, (3) who have been assessed as low-risk for recidivism using a SARATSO score or similar tool, (4) who have two or fewer non-violent P.C. 290 subd. (c) convictions (see P.C. 667.5 for a listing of violent felonies), (5) who have maintained a prison record clear of violations for five years or longer, or (6) people who are older than 55 years.

The Department should also consider the risk to the incarcerated person posed by COVID-19. COVID-19 has spread alarmingly in prisons. All of those held in the close quarters of the corrections system are at greater risk of infection from COVID-19; some of those are at greater risk of death or serious long-term effects from the disease. The Department should weigh advanced age and pre-existing medical conditions in favor of early release.

A prison sentence should not mean a death sentence. We certainly appreciate that the Department of Corrections did not intentionally put incarcerated people—and your own employees—in harm's way. But the state has a special obligation to protect those whom it confines. And now that you know of the risk, you should consider all factors relevant to both public safety and the individual's safety in making a holistic determination for release, instead of excluding some completely from this relief.

Sincerely,

/s/ Katrina Logan

Katrina Logan
Directing Attorney
Economic Advancement Program