



March 15, 2020

**SENT VIA EMAIL**

Sheriff Pat Garrett  
Washington County Sheriff's Office  
[Patrick\\_Garrett@co.washington.or.us](mailto:Patrick_Garrett@co.washington.or.us)

District Attorney Kevin Barton  
Washington County District Attorney's Office  
[Kevin\\_Barton@co.washington.or.us](mailto:Kevin_Barton@co.washington.or.us)

Dear Sheriff Garrett and District Attorney Barton:

We have unconfirmed information that a deputy working in the Washington County Jail may have contracted the COVID-19 virus. We are also aware that today the jail was closed to all visits, including professional visits, due to an unspecified emergency. We are writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in Washington County Jail. This letter is not intended to alarm or stigmatize anybody in the county, but rather to demand action and transparency rooted in facts. We would like to meet with you next week to discuss how you are protecting the health of the people in your custody and the people who work in the jail.

People in jails are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the jail administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

We ask that you immediately reach out to the County Health Department to develop plans to address the virus in the jail environment. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives of both those in custody and staff.

While the plan should be developed collaboratively by your department and public health professionals together, some of the critical issues that must be addressed are:

- **Release of people in custody who are not a danger to the community:** In the vulnerable jail setting, many Oregonians could be unnecessarily exposed to COVID-19. We strongly urge the DA's office and Sheriff's office to work together to allow release of those in custody who are not a danger to the community, including the elderly and those with already compromised health.<sup>1</sup> We also strongly urge the DA's office to direct its deputies to not oppose motions for pre-trial release when a judge has not found an accused person to be a danger to the community. Relatedly, we strongly urge that the DA's office work with defendants to secure non-custodial sentences where possible.
- **Education of the people in your custody:** People housed in jails need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, the jail will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus. We appreciate that this may impact visitation. Non-contact visitation options should be maintained as much as possible. **All efforts should be undertaken to ensure people in custody can maintain their rights to counsel and access to courts.**
- **Staffing plans for services provided by prisoners:** Many tasks in jails, such as food preparation and basic sanitation, are performed by people in custody. The plans for an outbreak must also address how necessary tasks performed by people in custody will continue if large numbers of them are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene and cleaning supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the jail will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in*

---

<sup>1</sup> People over 60 years of age have heightened vulnerability to mortality. Pre-existing conditions including diabetes, high blood pressure, chronic cardiovascular conditions, pulmonary conditions (e.g. asthma, cystic fibrosis, COPD, etc.), chronic renal conditions, and pregnancy all create heightened vulnerability to mortality as a result of COVID-19.

*prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.

- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. Oregon's jail and prison systems must be part of this process. The same information that is tracked in the community must be tracked in the prisons.

Consistent with the above demands, we have enclosed a letter from the Washington Association of Sheriffs and Police Chiefs that provides further guidance. The author of that letter, Dr. Marc Stern, is a professor at the University of Washington, School of Public Health and a corrections healthcare expert.

Finally, the public has a right to know how county law enforcement is acting to protect the health and safety of their loved ones. We ask that the DA's office and the Sheriff's Department keep the public regularly informed about its decisions and how those decisions are made, including their foundation in public health science.

Please let us know when you will be available to discuss your plans with us. We would appreciate a prompt response acknowledging receipt of this letter and proposing times to talk by March 17, 2020. In the meantime, you can reach us by contacting the members of our coalition listed below.

Sincerely,

Kelly Simon  
Interim Legal Director  
ACLU of Oregon  
503-564-8511  
[ksimon@aclu-or.org](mailto:ksimon@aclu-or.org)

Shaun McCrea  
Executive Director  
Oregon Criminal Defense Lawyers Association  
541-6868-8716  
[smccrea@ocdla.org](mailto:smccrea@ocdla.org)

Juan Chavez  
Civil Rights Project Director & Attorney  
Oregon Justice Resource Center  
503-944-2270 ext. 212  
[jchavez@ojrc.info](mailto:jchavez@ojrc.info)

Andy Ko  
Executive Director  
Partnership for Safety & Justice  
503-335-8449  
[andy@safetyandjustice.org](mailto:andy@safetyandjustice.org)

Paul Solomon  
Executive Director  
Sponsors, Inc.  
541-485-8341  
[pjsolomon@sponsorsinc.org](mailto:pjsolomon@sponsorsinc.org)