



February 11, 2021

Board of State and Community Corrections  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833

Re: Protecting Californians in Jails and Juvenile Facilities Amid the COVID-19 Crisis

Dear Board Members,

We are writing to express serious concerns with a dual crisis facing California's local jails and youth correctional facilities: rampant outbreaks among incarcerated persons and a chronic lack of accurate data. In April 2020, we previously wrote the Board of State and Community Corrections (BSCC) to request this agency collect COVID-19 facility data. After many months of advocacy by CJCJ and our partners, BSCC started collecting these data on July 20, 2020. This is critical information to understand the impact of COVID-19 in our communities. Unfortunately, we still do not know the scope of testing and infections in California's jails and juvenile facilities. This threatens the health of all Californians and BSCC must take immediate action to address these issues.

The Center on Juvenile and Criminal Justice (CJCJ) is a private non-profit organization that promotes humane criminal justice policies to reduce incarceration and foster long-term public safety in California. CJCJ achieves this mission through the development of model programs, technical assistance, and policy analysis.

**The BSCC has massively underreported one of the country's largest correctional COVID-19 total outbreaks in Fresno County Jail. This erodes public confidence in the agency's oversight and research responsibilities.**

We were shocked to learn that Fresno County Jail has one of the largest COVID-19 total case numbers of any correctional facility in the United States—a development seemingly unknown to BSCC. CJCJ only discovered the scope of this issue because of media reports, rather than from the BSCC, which regularly collects COVID-19 testing data from this facility. The New York Times finds that Fresno County's Jail has reported 3,985 cases total.<sup>1</sup> The Fresno County Sheriff's Office confirmed to the Fresno Bee that the jail has reported at least 3,800 positive COVID-19 tests since April 2020.<sup>2</sup>

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<sup>1</sup> The New York Times. (2021). Coronavirus in the U.S.: Latest Map and Case Count (as of February 10, 2021). At: <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

<sup>2</sup> The Fresno Bee. (2021). Does Fresno jail lead nation in COVID cases? Sheriff challenges New York Times on data. At: <https://www.fresnobee.com/news/local/article248981650.html>.

We do not understand why the BSCC's COVID-19 Data Dashboard reports a maximum of 610 positive tests for this jail from July 19, 2020 through January 16, 2021.<sup>3</sup> In late August, the Fresno County Sheriff's Office told KQED that a minimum of 1,115 individuals tested positive for COVID-19 since June.<sup>4</sup> While BSCC did not begin collecting data until mid-July, there is no reasonable explanation for this massive undercount, unless Fresno County Jail tested over 3,000 positive cases between April and mid-July before BSCC started collecting data. However, The Fresno Bee reported that 764 people total tested positive in the jail by July 17.<sup>5</sup>

The California State Legislature created BSCC to serve as one of the state's leading criminal and juvenile research agencies.<sup>6</sup> In July 2020, the BSCC's COVID-19 Data Dashboard began publishing COVID-19 testing data for local correctional facilities over weekly reporting periods. These facility-level data include *Number of Incarcerated in the Facility*, *Total Number Tested*, and *Total Confirmed Positive*, among other categories. BSCC staff receive county data submissions, but we have serious concerns about how they ensure quality control.<sup>7</sup>

The BSCC must immediately address these concerns with the accuracy of their COVID-19 Data Dashboard. This is the only statewide resource for tracking COVID-19 testing information for California's jails and juvenile facilities. Fresno Sheriff's Department Public Information Officer Tony Botti confirmed with our office that the Fresno County Jail has reported more than 3,800 positive tests between April 2020-January 12, 2021. We ask that you immediately revise Fresno's COVID-19 testing data in the agency's dashboard and review other facility information to ensure accuracy.

**The BSCC must provide greater leadership to ensure counties report consistent and accurate data on COVID-19. These data should include testing, facility procedures, and distribution of vaccines.**

We continue to have serious concerns about numerous counties reporting limited COVID-19 testing data. This includes some counties failing to report any information. These data are necessary to strengthen public health practices and prevent future outbreaks. Otherwise, advocates, families,

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<sup>3</sup> See Board of State and Community Corrections. (2021). COVID-19 Data Dashboard. Adult Data COVID-19 Dashboard 2.5.21 file. At: <http://www.bscc.ca.gov/covid-19-data-dashboard-landing-page/>.

<sup>4</sup> KQED. (2021). Why a Massive COVID-19 Outbreak at Fresno County Jail Flew Under the Radar. At: <https://www.kqed.org/news/11835340/why-a-massive-covid-19-outbreak-at-fresno-county-jail-flew-under-the-radar>.

<sup>5</sup> The Fresno Bee. (2020). Inside Fresno County Jail during coronavirus pandemic: 'It's sad and it's scary'. At: <https://www.fresnobee.com/news/local/article244098117.html>.

<sup>6</sup> See Penal Code § 6027 (PEN § 6027). (a) It shall be the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions. At: [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=6027](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=6027).

<sup>7</sup> See Board of State and Community Corrections. (2021). COVID-19 Data Dashboard. "The BSCC screens the reported COVID-19 data to ensure accuracy of the data submitted. The BSCC's screening process includes checking for anomalies, ensuring compliance to California Health and Human Services Agency data de-identification guidelines, and technical assistance if necessary. When anomalies are found, BSCC reaches out to the county data reporter to discuss the data and make modifications if necessary. Ultimately, the BSCC relies on the counties to provide accurate data as the BSCC does not have audit authority."

medical professionals, and researchers must learn of COVID-19 outbreaks through media reports and anecdotal stories. We also ask that you expand the COVID-19 Data Dashboard to now include distribution of vaccinations to individuals confined in jails and juvenile facilities, along with facility staff.

We hope the board will consider these recommendations to protect all Californians confined in local facilities amid the COVID-19 pandemic.

Respectfully,

A handwritten signature in blue ink that reads "Brian Goldstein". The signature is written in a cursive style and is positioned to the left of a vertical line.

Brian Goldstein  
Director of Policy and Development  
Center on Juvenile and Criminal Justice