

San Quentin Ordered to Reduce Prison Population by Half Over Virus Fears

It wasn't clear how many inmates might be released early or transferred to other facilities, given that San Quentin houses some of California's most dangerous prisoners.

By Rebecca Griesbach and Timothy Williams

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Cell by cell the coronavirus snaked its way through San Quentin State Prison over the summer, eventually sickening 2,200 people and killing 28. The outbreak, among the deadliest in the nation's prison system, forced officials to erect giant tents on the prison's grounds to isolate the sickened inmates.

Now, adding to its troubles, San Quentin, California's oldest and most notorious prison, must either release or move nearly 1,500 inmates.

The requirement was part of a sharply worded state appellate court ruling handed down on Tuesday that is likely to reverberate in prison systems and governor's mansions across the country. While coronavirus infection rates have ebbed and swelled among civilian populations for months, the rates of virus cases have been rising steadily in prisons and jails since the pandemic began.

More than 200,000 prison and jail inmates have been infected and nearly 1,300 have died from the coronavirus, according to a [New York Times database](#). The outbreak at San Quentin, which is 168 years old, helped focus attention on how quickly the virus can spread in cramped, unsanitary conditions.

Court orders San Quentin prison to sharply cut inmate population after COVID outbreak/Los Angeles Times/San Quentin State Prison/(Eric Risberg / Associated Press)

By [RICHARD WINTON](#), STAFF WRITER /OCT. 21, 2020

California corrections officials must release or transfer more than 1,000 inmates from the state's notoriously outdated San Quentin prison after showing "deliberate indifference" to prisoners' health during an outbreak of the novel coronavirus, an appeals court ruled this week.

Under the decision issued late Tuesday by a three-judge panel from the 1st District Court of Appeal, the Bay Area facility can house "no more than 1,775 inmates" — half of what the prison's population was in June and a drop of more than a third from the roughly 2,900 people currently housed there.

[The ruling](#) comes in a case filed by an inmate in May that challenged the prison's ability to prevent an outbreak of the virus. Within a few weeks, the number of infections among prisoners had begun to soar as the virus spread unchecked through the state's oldest prison, infecting more than 2,200 prisoners and killing at least 28.

"By all accounts, the COVID-19 outbreak at San Quentin has been the worst epidemiological disaster in California's correctional history. And there is no assurance San Quentin will not experience a second or even third spike," Presiding Justice J. Anthony Kline wrote in the opinion. "Failure to immediately adopt and implement measures designed to eliminate double celling, dormitory-style housing and other measures to permit physical distancing between inmates is morally indefensible and constitutionally untenable."

The court found that, despite being aware that many San Quentin inmates were particularly vulnerable to the virus because of their age or underlying health conditions, officials from the California Department of Corrections and Rehabilitation failed to adequately reduce the prison's population by transferring or granting early parole to a large number of inmates. The court noted that a panel of physicians recommended the population be halved after visiting the prison.

8th death row inmate dies at San Quentin as COVID-19 surge continues in prison

July 22, 2020

The inmate who filed the case, Ivan Von Staich, is serving a life sentence for killing the husband of his ex-girlfriend. Von Staich's lawyers, saying he had a lung condition that made him vulnerable to contracting COVID-19, the sometimes deadly illness caused by the virus, argued that the prison conditions amounted to cruel and unusual punishment under the Constitution because it was impossible for inmates to maintain safe distances from one another and observe other safeguards.

The appeals court ordered that Von Staich be released or transferred to another prison. A parole board last week recommended he be released on parole, although Gov. Gavin Newsom could veto the recommendation.

In addition, the judges ruled that prison officials must provide sufficient social distancing for all the inmates in San Quentin. To do so, they found, the number of people housed in the facility had to be cut through transfers to other facilities or releases.

In response to the ruling, the corrections department released a statement Wednesday saying it was in the process of determining how to accomplish the ordered reduction. The department could appeal the decision to the state Supreme Court and ask it for a restraining order to put the inmate reduction on hold.

“We respectfully disagree with the court’s determination, as CDCR has taken extensive actions to respond to the COVID-19 pandemic,” the statement said. “Since March, the department has released more than 21,000 persons, resulting in the lowest prison population in decades.”

Since March 12, California’s overall prison population has declined by 22,629 inmates and as of Tuesday stood at 92,414, according to corrections department statistics.

Corrections officials argued the toll the coronavirus is now taking in state prisons has declined dramatically, with 474 new cases reported across the whole system on Tuesday and only one inmate at San Quentin testing positive over the past month. In all, more than 14,000 inmates have contracted the illness.

But the appeals court noted that California’s deadliest outbreak in a prison began in June when 121 inmates were transferred to San Quentin from another prison that was experiencing a surge of cases. That facility, the California Institution for Men in Chino, [selected 700 inmates for transfer](#) but failed to adequately test them before they left and some carried the virus to other prisons around the state.

Inmates who went through that experienced [described the terror and helplessness](#) they felt as the virus raged and, one by one, fellow prisoners got sick and in some cases died.

In making their ruling, the judges singled out San Quentin from the state’s other 24 prisons, finding its age and antiquated design made it a particularly dangerous place to be locked up during the pandemic. The ruling did not specify how San Quentin must go about reducing its population.

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Oct. 11, 2020

At a prison with “exceedingly poor ventilation, extraordinarily close living quarters, and inadequate sanitation ... the continued use of double cells and congregate living spaces is not merely negligent, it is reckless,” the court wrote. The panel advised that the corrections department consider expediting the release of inmates over 60, who have served 25 years of their sentences and are eligible for parole.

‘Worst epidemiological disaster’: Court blasts San Quentin’s handling of COVID-19, orders prison’s population halved

Court asks CDCR to consider releases, but opens door to transfers

By [NATE GARTRELL](#) | ngartrell@bayareanewsgroup.com | Bay Area News Group

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SAN QUENTIN — In a ruling blasting “deliberate indifference” at the California Department of Correction and Rehabilitation that resulted in 29 coronavirus-related deaths at San Quentin, a California appeals court has ordered the prison to reduce its population by roughly half.

However, the decision allows San Quentin inmates to be transferred to other California prisons — the very maneuver that appears to have caused the deadly, months-long outbreak at San Quentin.

The order from the First District Appellate Court calls for the prison to reduce its population of inmates — reported to be 3,547 in June of this year — down to 1,775. The decision encourages the prison to release people and includes new mechanisms for people older than 60 to be freed, but also allows the transfers.

CDCR may transfer people from San Quentin to other facilities that are “able to provide the necessary physical distancing” and other measures to stop the spread of the virus. But the prison system was also ordered to expand parole eligibility to people serving life who are older than 60, an age group that has [demonstrated drastically lower recidivism rates](#), even for people with convictions for violence.

“Respondents (CDCR) are free to employ the means they determine will most quickly achieve the necessary population reduction,” the decision says.

A spokeswoman for the agency said simply that prison officials are working to “determine the next steps.” The court’s decision could be appealed to the California Supreme Court.

Jay Jordan, the executive director for Californians for Safety and Justice — a group that advocates for decarceration and crime prevention — said he views the decision as a continuation rulings by other branches of government, like the passage of Propositions 47 and 57, that have consistently trended away from the so-called “tough on crime” era of the 1990s, a cause of the state’s prison overpopulation.

“I hope (CDCR) does take the long view and uses what’s on the books, like Prop. 57, to release these people,” Jordan said. “We don’t want to see them transferred. That’s why San Quentin became a petri dish.”

CDCR’s decision in May to transfer hundreds of people from California Institution for Men in Chino — at the time the prison with the worst virus outbreak — to San Quentin was “the catalyst” for San Quentin’s outbreak, the decision says. What followed was “the worst epidemiological disaster in California correctional history” — nearly 3,000 virus cases and the deaths of 28 inmates and one corrections officer.

“The CIM inmates sent to San Quentin had not been tested for up to a month before the transfer,” the judges wrote. “Some of the transferred inmates immediately felt ill after entering San Quentin and several tested positive shortly after arrival.”

As the outbreak hammered death row and spread to more than half the population, officials at San Quentin approved some releases, set up outdoor tents on recreation yards, and confined other prisoners to their cells for days on end. They did not follow the advice of public health experts, who were recommending a 50 percent reduction as early as June.

CDCR spokeswoman Dana Simas said in an email that “we respectfully disagree with the court’s

“CDCR has taken extensive actions to respond to the COVID-19 pandemic. Since March, the department has released more than 22,000 persons, resulting in the lowest prison population in decades,” she said, later adding, “As of today, CDCR’s COVID-19 cases are the lowest they have been since May (477 cases reported today, and over 14,000 resolved), with San Quentin recording only one new case among the incarcerated population in nearly a month.”

Statewide, the statewide prison population remains at around 8,000 people past its design capacity, according to a CDCR report released Oct. 14.

“Prisons and jails have become de facto mental health treatment centers and drug treatment centers. That’s what they’ve become,” Jordan said. He later added, “Until we start to look at why people are going to prison, we’re going to continue to have this problem.”

<https://sanfrancisco.cbslocal.com/2020/10/20/court-orders-release-transfer-1700-san-quentin-prison-inmates-covid-outbreak/>

Court Orders Immediate Release Or Transfer 1,700 San Quentin Prison Inmates Over COVID Outbreak

SAN FRANCISCO (CBS SF) — A state appeals court ordered San Quentin State Prison on Tuesday to immediately cut its inmate population by half, which would require transferring or releasing about 1,700 inmates, citing the state’s inability to manage a deadly COVID-19 outbreak at the prison.

The First District Court of Appeal in San Francisco ruled that the California Department of Corrections and Rehabilitation (CDCR) and San Quentin Prison Acting Warden Ron Broomfield “have acted with deliberate indifference and relief is warranted,” Presiding Justice J. Anthony Kline wrote in the court opinion.

- [Read the full court ruling \(.pdf\)](#)

The ruling stemmed from a case involving 64-year-old Ivan Von Staich, who along with his 65-year-old cellmate, tested positive for the virus in July. Lawyers for Von Staich, who was convicted of murder in Southern California in 1983 and sentenced to life in prison with the possibility of parole, said he had a lung condition that made him vulnerable to contracting COVID-19, the sometimes deadly illness caused by the virus.

The appeals court ordered that Von Staich, who was recommended to be released by a parole board last week, be released or transferred to another prison.

In August, the same appeals court ordered CDCR to justify its refusal to remove inmates with heightened COVID-19 risk factors from the 150-year-old prison.

“I think this is a very good day, this is a day of victory in terms of trying to fight this disease and helping people that don’t really have a voice in the way things are done,” said UC Hastings Professor of Law Hadar Aviram.

Aviram filed arguments supporting the inmates.

“San Quentin is an antiquated, dilapidated facility that has no ventilation and no room for people, and when this all started, it was still overcrowded to the tune of about 108%,” she added.

There have been more than 2,200 confirmed cases of COVID-19 among San Quentin inmates and 28 inmate deaths. In addition, nearly 300 San Quentin staff members have been infected, resulting in one death. Tuesday’s court ruling called the outbreak “the worst epidemiological disaster in California correctional history.”

The appeals court ordered CDCR to reduce the prison population to 50% of what it was in June, which was about 3,400 inmates. The reduction was originally [recommended in an urgent memo to prison officials](#) in June by public health experts after visiting the facility during the height of the outbreak.

That review cited the unique architecture and age of San Quentin, its “exceedingly poor ventilation, extraordinarily close living quarters, and inadequate sanitation,” as well as some 1,400 inmates having at least one COVID-19 risk factor, such as age or infirmity.

Tuesday’s court ruling said the CDCR was in violation of the Eighth Amendment, which prohibits cruel and unusual punishment.

“The Eighth Amendment violation currently existing due to insufficient space for the necessary physical distancing will continue unless and until the population at San Quentin can be reduced to the 50 percent level,” the ruling says.

The appeals court said removal of inmates by either release on parole or transfer to another prison was necessary to reduce the population to no more than 1,775 inmates. Releases could also be granted to inmates who have been convicted of violent offenses, the order said.

“If necessary to achieve this reduction, respondents are ordered to revise their expedited release programs to include inmates over age 60, who have served at least 25 years of their sentences and are eligible for parole, such as life prisoners eligible for parole and second or third strike prisoners, even if such prisoners are serving a sentence for a violent offense,” the order stated.

CDCR spokesperson Dana Simas told KPIX 5 in an email that “we respectfully disagree with the court’s determination, as CDCR has taken extensive actions to respond to the COVID-19 pandemic.”

“Since March, the department has released more than 21,000 persons, resulting in the lowest prison population in decades. Additionally, we have implemented response and mitigation efforts across the system,” said Simas. “As of today, CDCR’s COVID-19 cases are the lowest they have been since May (474 cases reported today, and over 14,000 resolved), with San Quentin recording only one new case among the incarcerated population in nearly a month.”

The outbreak of COVID-19 at San Quentin was set off by a transfer of prison inmates in May from the California Institution for Men (CIM) in Chino as part of an inmate reduction response to the COVID-19 outbreak there. San Quentin officials later acknowledged the transferred inmates were not tested for the coronavirus upon arrival to San Quentin, and for days used the same showers and ate in the same dining hall as other inmates.

On Tuesday, CIM reported a 24th inmate had died on Oct. 15 at an outside hospital from what appear to be complications related to COVID-19. CIM and San Quentin account for a total of 52 out of the 71 CDCR inmate deaths from the coronavirus.