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21 IN THE UNITED STATES DISTRICT COURT
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
23 OAKLAND DIVISION

24 **MARCIANO PLATA, et al.,**
25
26 Plaintiffs,
27
28 v.
29 **GAVIN NEWSOM, et al.,**
30 Defendants.

01-cv-01351-JST

**DECLARATION OF CONNIE GIPSON
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
EMERGENCY MOTION REGARDING
PREVENTION AND MANAGEMENT OF
COVID-19**

31 I, Connie Gipson, declare:

32 1. I am employed by the California Department of Corrections and Rehabilitation
33 (CDCR) as the Director of CDCR's Division of Adult Institutions. This declaration supplements

1 the declaration that I provided in the *Three Judge Panel* on March 31, 2020 (ECF No. 3240). I
2 provide it to update the Court and the Parties on additional, new, or modified measures that
3 CDCR has implemented since my prior declaration to prevent the spread of COVID-19 in
4 CDCR's institutions and to explain CDCR's response action plan if an outbreak occurs. A true
5 and correct copy of my previous declaration (ECF No. 3240) is attached hereto as Exhibit A.

6 2. In my last declaration I discussed the activation of the Department Operations Center
7 (DOC), which is a centrally located command center where CDCR and California Correctional
8 Health Care Services experts monitor information, prepare for known and unknown events, and
9 exchange information centrally in order to make decisions and provide guidance quickly in
10 response to the COVID-19 situation. The DOC continues to function well and to accomplish
11 various important tasks. For example, the DOC worked with the California Prison Industry
12 Authority to coordinate the manufacture and distribution of face masks. DOC has also assisted in
13 the acquisition of cots and bedding that can be used in the gymnasiums. And DOC has continued
14 to develop plans to deal with staffing issues that could arise as a result of COVID-19, including
15 by reaching out to retired staff and compiling a list of staff who are willing to transfer to prisons
16 in need of assistance.

17 3. In my last declaration I discussed CDCR's Pandemic Operational Guidelines and the
18 various levels of operational conditions that they describe. Those guidelines remain unchanged.
19 And based on current staffing levels and conditions throughout the system, the institutions
20 continue to operate under the guidelines at the Bravo operational level. The Bravo operational
21 level mandates increased modifications to program activities, transportation, and population to
22 minimize exposure, to address isolation situations and quarantines, and to address staff limitations
23 impacting daily operations.

24 **Updates on CDCR's and CCHCS's Preventative Measures**

25 4. Since my last declaration, CDCR has continued to assess the situation in the
26 institutions and has modified some of the previous measures and added several new measures to
27 prevent outbreaks and the spread of COVID 19 in the prisons. Those new or modified measures
28 include:

1 a. On March 31, 2020, CDCR announced an expedited release plan to improve
2 the institutions' capacity to respond to the threat posed by COVID-19 by accelerating the release
3 of eligible inmates who had 60 days or less to serve on their sentences and are not (1) currently
4 serving time for a violent crime as defined by law, (2) a person required to register as a sex
5 offender under Penal Code section 290, or (3) a person serving time for a domestic violence
6 offense. In total, CDCR anticipates releasing 3,496 inmates under this accelerated release plan.
7 On April 3, 2020, CDCR began releasing inmates under this plan. As of the end of day on April
8 12, 2020, a total of 3,418 inmates have been released from institutions across the system. CDCR
9 anticipates that the releases will be completed on April 13, 2020.

10 b. On April 7, 2020, I issued a memorandum implementing a mandatory 14-day
11 statewide modified program to reduce staff and inmate exposure to COVID 19. The purpose of
12 this modified program is to prevent opportunities for the spread of COVID-19 and to protect the
13 health and safety of inmates and staff. The memorandum provides direction regarding how
14 movement will occur within the institution to (1) maximize social distancing, (2) prevent inmates
15 in different housing units from mixing, (3) reduce yard and dayroom capacity to facilitate social
16 distancing, and (4) detail the provision of phone calls, canteen, education, and other programs.
17 While these restrictive measures are mandatory, the incarcerated population will still have access
18 to medication, mental health and medical care services, yard time, packages, and cell-front
19 religious programming. Attached as Exhibit B is a true and correct copy of the memorandum.

20 c. All institutions have placed markings on the floor in communal areas marking
21 six feet between each space. These markings were placed in the housing units near kiosks and
22 telephones, and on the yard for medication pass. They serve as prompts and reminders for
23 inmates to maintain physical distance from others as they wait for services in these areas.
24 Attached as Exhibit C are true and correct pictures of these markings at various institutions.

25 d. Inmate transfers have been sharply reduced to only allow essential movement
26 in and out of the institutions. This has occurred with coordination between the Division of Adult
27 Institutions, the Statewide Mental Health Program, and California Correctional Health Care
28 Services. For example, starting on April 7, 2020, transfers from Reception Centers have been

1 suspended through April 22, 2020. Any transfers that are required are conducted in a manner that
2 maintains social distancing for both staff and inmates.

3 e. To improve physical distancing in dorms, CDCR developed and implemented a
4 plan to transfer some inmates from the dorms to available spaces throughout the prisons. As
5 described below, a number of those planned transfers have already been completed.

6 f. CDCR is also currently assessing whether there is additional space within the
7 institutions that may be used to house inmates, such as gymnasiums. Those spaces must first be
8 approved by the State Fire Marshal to be used as housing. Further, cots must be purchased and
9 the staffing needs for each location must be assessed so that the Division of Adult Institutions can
10 ensure that safety and security will be maintained and that inmates' essential needs can be met.
11 At this time, nineteen potential sites have been identified and about 600 cots have already been
12 procured. To date, the State Fire Marshal has approved occupancy for twelve gymnasiums and
13 two visiting rooms located at Mule Creek State Prison, Central California Women's Facility,
14 Pleasant Valley State Prison, Salinas Valley State Prison, San Quentin State Prison, California
15 State Prison – Solano, and California State Prison – Los Angeles County. CDCR is continuing to
16 determine how these spaces might be used to improve physical distancing.

17 g. CDCR has continued to provide information and education to inmates
18 regarding COVID-19 and CDCR's efforts to prevent its spread. Video message updates are
19 provided to inmates via the institution television network, and senior correctional staff have been
20 instructed to meet with their respective Inmate Advisory Councils, either individually or in small
21 groups where social distancing can be maintained, at each institution to ensure the inmates are
22 getting important information about COVID-19.

23 h. The California Prison Industry Authority has begun producing hand sanitizer
24 for use by both staff and the incarcerated population, both alcohol and alcohol-free. CALPIA has
25 also started producing reusable cloth barrier masks to meet some of the supply needs of staff and
26 inmates. As of April 10, 2020, CALPIA is producing about 22,000 barrier masks per day, and
27 has begun distributing the masks to the institutions for both staff and inmate use.

28 **Dorm Transfer Plans and the Receiver's April 10 Memorandum**

1 5. As discussed above, CDCR developed a plan, to transfer inmates from some of the
2 dorms to available space in other prison to create more space and to allow greater physical
3 distancing in the dorms. The plan contemplated transferring inmates from dorms in Chuckawalla
4 Valley State Prison, Substance Abuse Treatment Facility, California Rehabilitation Center,
5 Folsom State Prison B Facility, California State Prison – Solano, California Correctional Center,
6 and Sierra Conservation Center. The Receiver was fully apprised of these plans.

7 6. As of April 11, 2020, the following planned transfers were completed:

- 8 • 150 inmates from Chuckawalla Valley State Prison to Ironwood State Prison (A4);
- 9 • 150 inmates from Chuckawalla Valley State Prison to Ironwood State Prison (A5);
- 10 • 100 inmates from Substance Abuse Treatment Facility to CSP Corcoran;
- 11 • 52 inmates from California Correctional Center to camps;
- 12 • 143 inmates from Sierra Conservation Center to camps; and
- 13 • 43 inmates from Folsom State Prison B Facility to Female Community Reentry
14 Facility;

15 7. The remaining transfers, which are in various stages of completion, should be
16 completed by Thursday, April 16. The remaining planned transfers are:

- 17 • 57 inmates from Chuckawalla Valley State Prison to CSP Corcoran;
- 18 • 361 inmates from California Rehabilitation Center to CSP Corcoran; and
- 19 • 226 inmates from CSP Solano to Deuel Vocational Institution;

20 8. On April 10, 2020, the Receiver and CCHCS issued a memorandum that placed
21 restrictions on transfers of inmates. That memorandum is attached as Exhibit M to the
22 Declaration of Secretary Diaz in support of Defendants’ opposition to Plaintiffs’ emergency
23 motion. The Receiver’s memorandum prohibits CDCR from authorizing or undertaking transfers
24 of inmates between institutions without first obtaining approval from the Health Care Placement
25 Oversight Program and the California Correctional Health Care Services’ public health team.
26 Accordingly, CDCR will continue to work closely with the Receiver to obtain approval for any
27 additional dorm transfers.
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