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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

MARCIANO PLATA, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

CASE NO. 04-1351 JST

**RESPONSE TO THE COURT'S APRIL
29, 2020 QUESTIONS CONCERNING
DORMS**

Crtrm.: 6, 2nd Floor
Judge: Hon. Jon S. Tigar

At the April 29 status conference, the Court asked Defendants to file responses to three questions concerning social distancing practices in CDCR dorms by 5:00 p.m. on May 1, 2020. Defendants respond to those questions below. Because questions one and two are closely related, Defendants address them together. Furthermore, it is difficult to concisely and completely answer the Court's questions, which generally concern numerous different dorms in thirty-five different prisons. Defendants have tried to answer the questions with responsive information that generally holds true across all of the dorms and to provide some exemplars of the various types of directives and guidance that have been issued. Finally, Defendants' responses assume that the Court's questions pertain to regularly operating dorms, and not dorms that are currently operating as quarantine or isolation areas.

I. WHAT STEPS HAS CDCR TAKEN TO ACHIEVE PHYSICAL DISTANCING WHEN DORM INMATES ARE AWAKE, AND WHAT DOES THIS LOOK LIKE DURING DAYTIME HOURS?

The primary step CDCR has taken to allow physical distancing is to ensure that there is adequate space in the dorms for inmates to appropriately distance themselves. As the Court is well aware, CDCR has achieved this by providing for the expedited release of thousands of inmates, and by transferring numerous additional inmates out of dorms to other locations.

The Court correctly observed, however, that achieving appropriate physical distancing among dorm bunks only ensures physical distancing during the periods when inmates are sleeping or otherwise spending time on their bunks. Under normal conditions, dorm inmates only spend about a third of a twenty-four-hour day in their bunks. During daytime hours, they would normally be out of their dorms engaged in various types of programming, including work, school, and other activities.

Now, because of programming restrictions implemented in response to the pandemic, most inmates spend more time in their bunks. Only critical workers continue to perform their jobs. But dorm inmates still do not spend all of their time in their bunks. Inmates

1 living in dorms have greater freedom of movement than inmates housed in cells, and this
2 has not changed since the pandemic began. In other words, dorm inmates are not forced to
3 stay on their bunks throughout the day, and as far as CDCR is aware, neither Plaintiffs'
4 counsel nor the inmates have requested that this type of restriction be implemented.

5 Inmates are free to leave their bunk areas to use facilities in the dorms, such as
6 showers and restrooms. And at designated times, inmates may leave the dorms to use the
7 dayrooms, to recreate on the yard, and to eat at the dining hall. Inmates may also leave the
8 dorms to visit the canteen and get their medications at designated times. But inmates are
9 strongly and repeatedly directed to engage in physical distancing from other inmates
10 anytime they are away from their bunks.

11 Fortunately, just like many people in the community, many inmates seem to be
12 highly motivated to practice physical distancing and to take other precautions—such as
13 wearing their cloth face masks and frequently washing their hands—to protect themselves
14 and prevent the spread of COVID-19. Similar to when people in the community leave
15 their homes to recreate or shop for groceries, the onus is primarily on inmates themselves
16 to maintain physical distancing when they leave their bunk areas, but they receive
17 continuous reminders and messages to do so. Inmates are also responsible for taking other
18 precautions, such as wearing their cloth face masks and washing their hands. Inmates and
19 staff have been repeatedly directed to take these precautions. And when staff see inmates
20 not complying with these directives, they remind them to do so.

21 CDCR cannot micromanage the behavior of every individual inmate every time he or
22 she leaves his or her bunk, and it would not be practical to try to force eight-person cohorts
23 to constantly stay together throughout daytime hours. What CDCR can do, and what it has
24 done, among many other things, is ensure that there is enough space for inmates to achieve
25 appropriate physical distancing all times (not just when they sleep), which they are
26 continuously reminded to do. Defendants will confer with the Receiver regarding whether
27 additional guidance is required concerning these issues and the implementation of the
28

1 eight-person cohorts.

2 On April 29, the Court expressed particular concern about the general practice of
3 permitting one dorm or housing unit at a time to recreate on the yard. In particular, the
4 Court seemed concerned that this practice might not allow for appropriate physical
5 distancing. To the contrary, physical distancing is most easily achievable on the recreation
6 yards because of the abundant outdoor space available there. Dayrooms present more of a
7 challenge, but staff have been directed to restrict the number of inmates in the dayrooms to
8 ensure that appropriate physical distancing is achievable. Similarly, dining hall schedules
9 have been modified to limit the number of inmates eating at the same time to allow for
10 improved physical distancing.

11 The following are directives and measures that have been implemented to protect
12 dorm inmates and prevent the spread of COVID-19:

13 • All inmates and staff in all institutions have been provided cloth face masks
14 and directed to wear masks when moving about the institutions or when they are in
15 dorm settings (*see, e.g.*, Exhibits A-B);

16 • Inmates have been repeatedly and continuously educated about precautions
17 that they must take to prevent the spread of COVID-19 through the inmate advisory
18 councils, public announcement systems, via posters and flyers placed throughout the
19 prisons, verbal directives from custody staff, and video programming broadcast to
20 TVs throughout the prisons (*see, e.g.*, Exhibits C-F);

21 • Staff frequently and continuously remind inmates to physically distance from
22 other inmates and to comply with other rules designed to prevent the spread of
23 COVID-19, such as wearing cloth face masks, washing hands, and cleaning surfaces;

24 • In various areas where inmates must wait in lines—such as canteen lines and
25 medication lines—the prisons have marked six-foot intervals on the ground to help
26 inmates remember to continuously distance themselves from others (*see, e.g.*, Exhibit
27 G);
28

1 • Staff have been directed to enforce physical distancing in the dayrooms and
2 to restrict the number of inmates in the dayrooms to ensure there is sufficient space
3 for physical distancing (*see, e.g.*, Exhibits H-K);

4 • Dining-hall schedules have been modified to limit the number of inmates in
5 the dining hall to allow for better physical distancing (*see, e.g.*, Exhibits L-M);

6 • Throughout the day, announcements are made over public-announcement
7 systems in some dorm locations reminding inmates to take precautions to prevent the
8 spread of COVID-19;

9 • Enhanced cleaning is mandated throughout the dorms, bathrooms, showers,
10 dayrooms, dining halls, and on the yards, including the cleaning of telephones, dining
11 areas, and yard equipment after each use (*see, e.g.*, Exhibits C-D, H, K-N).

12 **II. WHAT STEPS IS CDCR TAKING TO LIMIT THE NUMBER OF STAFF THAT**
13 **INTERACT WITH INMATES IN THE DORMS ON A DAILY BASIS?**

14 There have been no formal policy changes to limit the number of staff who interact
15 with inmates in dorms. Under normal operating procedures, however, custody staff are
16 assigned to a particular post based on a bid system that includes primary and relief posts.
17 Under the current system, the employee retains their post for three years unless they leave
18 the post for various reasons or the post is deactivated. Under the primary post, an officer is
19 assigned to the same area five days a week. In the event of sickness or an unscheduled
20 absence, staff from the overtime pool or relief posts are called in to assist. Thus, under this
21 system, the staff working in a particular dorm stays fairly consistent for extended periods.
22 Additionally, custody staff who work in the dorms—like all staff—are screened on their
23 way into the prisons each day, engage in social distancing throughout the day, and are
24 required to wear cloth face masks while working in the dorms.

25 It would not be feasible to make all dorm assignments permanent and completely
26 static because the prisons need to have the flexibility to send custody staff to locations
27 where they are needed, which can change from day to day due to staff illness, leave,
28

1 emergencies, changes in programming, staffing shortages, promotions, and transfers,
2 among other reasons. This flexibility is even more essential during the current pandemic.

3 To the extent this question also concerned medical staff, it should be noted that
4 medical staff are not normally assigned to dorms. They are assigned to a particular yard or
5 facility within a prison that serves a number of housing units. Dorm inmates who have
6 medical appointments typically go to these yard medical clinics for appointments with
7 medical staff, and this general practice has not changed during the pandemic. It is a
8 longstanding practice to minimize changes to the primary care teams on each yard in order
9 to foster continuity of care.

10
11 DATED: May 1, 2020

XAVIER BECERRA
Attorney General of California

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13
14 By: /s/ Damon McClain

15 DAMON MCCLAIN
16 Supervising Deputy Attorney General
17 NASSTARAN RUHPARWAR
18 Deputy Attorney General
Attorneys for Defendants

19 DATED: May 1, 2020

HANSON BRIDGETT LLP

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21
22 By: /s/ Paul Mello

23 PAUL B. MELLO
24 SAMANTHA D. WOLFF
Attorneys for Defendants

EXHIBIT A



CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



MEMORANDUM

Date: April 15, 2020

To: Wardens
Chief Executive Officers

From:

Original Signed By
Connie Gipson
Director, Division of Adult Institutions
California Department of Corrections and Rehabilitation

Original Signed By
R. Steven Tharratt, MD, MPVM, FACP
Director of Health Care Operations and Statewide Chief Medical Executive
California Correctional Health Care Services

Subject: CALPIA CLOTH FACE BARRIER/MASK

As an on ongoing effort to prevent further exposure of COVID-19, the following information is intended to provide guidance on the use of cloth masks by staff and inmates/patients who are performing day-to-day activities within our institutions. This guidance is not a substitute for health care and custody staff following current Centers for Disease Control and Prevention or county health department recommendations in dealing with suspected, quarantine or diagnosed patients. Staff and inmates/patients are required to wear a face barrier once a supply of two (2) face barriers/masks per correctional staff and inmate/patient has been delivered to the institution. Staff may bring in their own face coverings as previously communicated.

Staff working or performing duties on institutional grounds shall wear a cloth face covering at a minimum. In addition, maintaining social distancing requirements when moving about the institution for routine tasks is still recommended. These masks are not intended for direct patient care scenarios.

Inmates shall use a cloth face covering within the institution during the following activities:

- Any situation that requires movement outside of cell or while in a dorm setting
 - During interactions with other inmates (ex: yard time, canteen, dayroom)
 - Movement to and from for health care appointments
 - Movement to and from medication administration areas
-

MEMORANDUM

Page 2 of 2

Wardens and Chief Executive Officers should work together in developing an informational directive to all staff and inmate/patients on this wear requirement. Institutions, CIM, LAC, CHCF, have received their masks and therefore this expectation is effective immediately.

If you have any questions, please email DOCCOVID19@cdcr.ca.gov.

EXHIBIT B

State of California

Department of Corrections and Rehabilitation

M e m o r a n d u m

Date: April 29, 2020

To: California Correctional Institution Staff

Subject: **CLOTH FACE BARRIER/MASK EXPECTATIONS**

In an effort to prevent further exposure of COVID-19, CDCR and CCHCS are mandating the use of cloth face coverings for staff and inmates at all institutions. Based on this direction, staff and inmates will be provided Prison Industry Authority (PIA) reusable cloth barrier masks and will be expected to wear them when on-grounds for any reason. Masks will be issued to staff and inmates in two phases, as noted below. If staff prefer to provide their own masks, they may do so; however, masks must not violate policy regarding logos, offensive pictures/text, camouflage, etc.

Phase 1 (April 2020)

Staff – 2 masks each

Inmates – 2 masks each

Phase 2 (May 2020)

Staff – To Be Determined

Inmates – 3 masks each

Staff and inmates are required to wear a face barrier once a supply of two (2) face barriers/masks per staff and inmate has been delivered to the institution. Staff will be expected to launder their facemasks as needed. Inmate facemasks will be laundered in accordance with current laundering schedules.

These masks are not intended for direct care scenarios. All Health Care (Primary Care) workers performing services to inmates are required and expected to use PPE, surgical masks and N95s as prescribed (see attached guidelines). **NOTE:** *PIA cloth masks are not to be used in place of PPE when rendering primary care (medical, mental health and dental) services.*

Staff working or performing duties on institutional grounds *shall*, at a minimum, wear a cloth face covering. It is the expectation that all staff and inmates continue to make every effort to maintain and practice social distancing (6 feet apart) at all times. Staff are not required to wear a mask while in their office alone, with the door closed. Staff assigned to Control Booths and Towers are not required to wear their mask if they are alone. If the office door is open or someone enters the area, masks shall be worn by all parties.

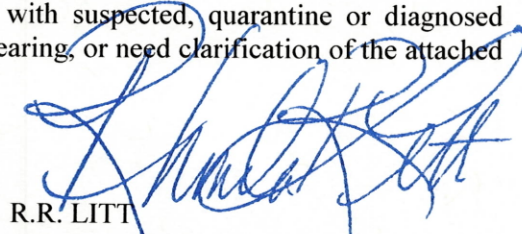
The inmate population is not required to wear a mask if they are alone (single-celled) in their cell. The inmate population is required to wear cloth masks during the following activities:

- Movement outside of cell or while in a dorm setting for any reason
- During interactions with other inmates (yard, canteen, dayroom, dining halls, etc.)
- Movement to and from health care appointments and medication administration areas

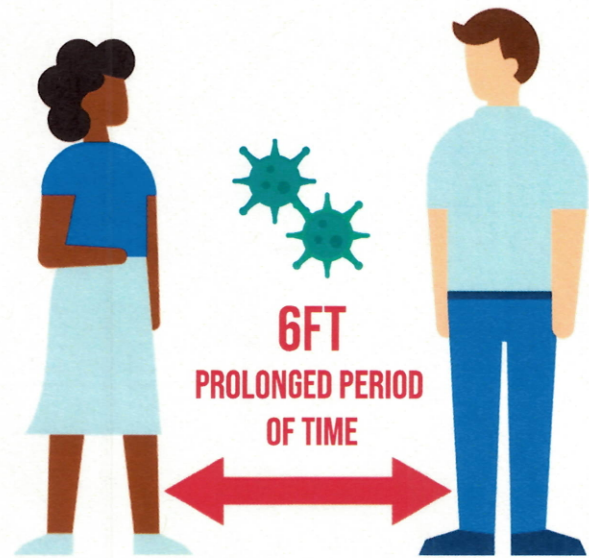
All staff and inmates are reminded to continue disinfecting their work and living spaces frequently with either Cell Block 64 and cleaning cloths or by using disinfecting wipes (if available).

This guidance is not a substitute for staff following current Centers for Disease Control and Prevention or county health department recommendations in dealing with suspected, quarantine or diagnosed patients. If you are unclear what type mask you should be wearing, or need clarification of the attached guidelines, please ask your supervisor.

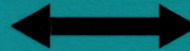

W. J. SULLIVAN
Warden


R.R. LITT
Chief Executive Officer

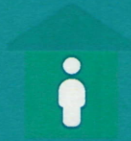
COVID-19 STAFF PPE GUIDE



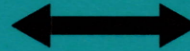
**SCREENER LESS THAN 6 FEET FROM
STAFF OR VISITOR**



**SURGICAL MASK,
EYE PROTECTION,
HAND HYGIENE**



**PERSON LESS THAN 6 FEET FROM
QUARANTINED INDIVIDUAL**



**SURGICAL MASK,
EYE PROTECTION,
HAND HYGIENE
(GLOVES IF CONTACT)**



**PERSON LESS THAN 6 FEET FROM
SUSPECT INDIVIDUAL**



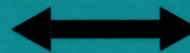
**SURGICAL MASK,
EYE PROTECTION,
GLOVES, HAND HYGIENE**



**PERSON LESS THAN 6 FEET FROM
CONFIRMED COVID-19 CASE**



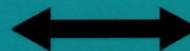
**PERSON LESS THAN 6 FEET FROM CONFIRMED
COVID-19 CASE & AEROSOL PRODUCING
PROCEDURE (COVID-19 TESTING, CPR ETC.) OR
HIGH CONTACT PATIENT CARE (BATHING, ETC.)**



**RESPIRATOR N95,
EYE PROTECTION,
GOWN, GLOVES**



**PERSON ACCOMPANYING ANY PATIENTS
WITH RESPIRATORY SYMPTOMS IN
TRANSPORT VEHICLE**



**RESPIRATOR N95,
EYE PROTECTION,
GOWN, GLOVES**

EXHIBIT C

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: April 29, 2020

To: M. E. SPEARMAN
Associate Director
General Population Males Mission
Division of Adult Institutions

Subject: **CALIPATRIA STATE PRISON COVID-19 COMMUNICATION WITH INMATE ADVISORY COUNCIL**

This memorandum serves as proof-of-practice advising Calipatria State Prison (CAL) management, i.e., Warden, Chief Deputy Warden, Facility Captains and Administrative Assistant/Public Information Officer, again met with its Inmate Advisory Council (IAC) in an effort to ensure understanding and awareness relative to the Department's COVID-19 efforts. Additionally, CAL management verified/validated that its communication with the population occurs on a natural continuum, in real time.

During the discussions, it was apparent the information discussed during the March 2020 Warden's Quarterly IAC continues to be relevant. Additionally, the IAC verified they have regular meetings with and an open door with each Facility Captain.

Each Facility IAC verified they have access to recreation yard, canteen, packages, cleaning supplies, showers and phones. Additionally, their congregate areas are cleaned regularly, inclusive of showers and phones.

Lastly, during each facility visit, both staff and inmates were wearing their face barrier/mask.

Should you require additional information, please contact me at 760-348-6000.



W. L. MONTGOMERY
Warden
Calipatria State Prison

EXHIBIT D

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : April 10, 2020

To : ALL INMATES
Wasco State Prison-Reception Center

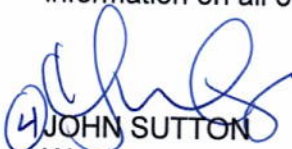
Subject: COVID-19 PRECAUTIONS AT WASCO STATE PRISON-RECEPTION CENTER

This memorandum is intended to provide the inmate population with updated information regarding the precautions being taken at Wasco State Prison-Reception Center (WSP-RC), and statewide, to protect the inmate population.

- All staff is being screened by medical staff, including having temperatures taken, each time they enter the prison. Additionally, staff assigned outside the secure perimeter is screened every day before they can report to their worksite. Staff with a temperature over 100 degrees or with other symptoms are not allowed to work.
- Prison Industry Authority (PIA) has begun producing cloth masks for the inmate population. Those masks will arrive next week and will be issued to all WSP-RC inmates. Masks will be laundered daily, 7 days a week, to ensure all inmates have a clean mask each day.
- CDCR is allowing staff to wear cloth masks in order to minimize the potential for the spread of germs within institutions.
- CDCR has closed completely to intake from counties. This means no new inmates will be coming in to the reception center from county jails until further notice.
- Movement between institutions has been decreased to only minimal, critical transports.
- All housing units are being cleaned and sanitized a minimum of 6 times per day. These cleanings are being logged by housing unit staff and porters.
- Yard and dayroom schedules have been modified to allow for smaller groups to be out, enabling inmates to distance themselves from each other.

All inmates are reminded to practice social distancing as much as possible, in keeping with your housing situation (keep 6 feet between you and others), wash your hands after touching any common areas and before touching your face or eating, and to let staff know right away if you feel sick. You can fill out a CDCR 7362 or notify your housing officer.

The administration at WSP-RC wants the inmate population to know that we are doing everything within our power to provide as safe an environment as possible for both staff and inmates. If your family members have questions about what is happening inside California prisons, they are encouraged to visit <https://www.cdcr.ca.gov/covid19/>. This site contains information on all of the statistics and measures being taken statewide.


JOHN SUTTON
Warden

Wasco State Prison-Reception Center

EXHIBIT E

INMATES MUST USE A CLOTH FACE COVERING WHEN



- In dorm settings

- Moving outside of cell

- Interacting with other inmates
(ex: yard time, canteen, dayroom)

- Attending health care
appointments

- In medication
administration areas

You may be
asked to
remove the
face covering
for
identification
purposes

EXHIBIT F

SOCIAL DISTANCING

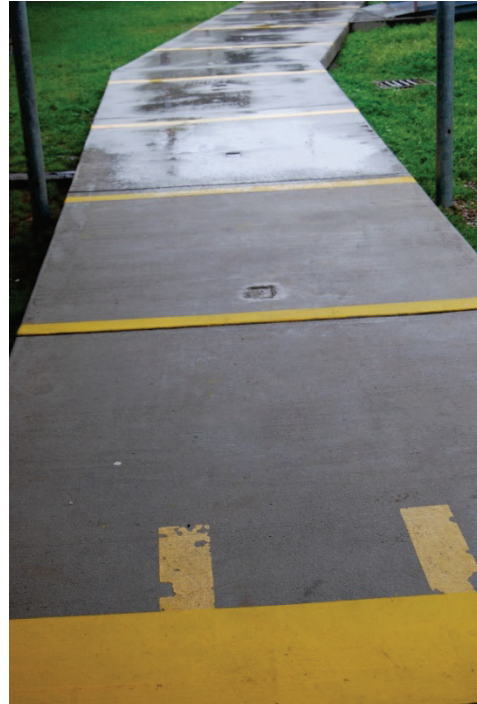


The distance between
you and COVID-19 is

SIX FEET

EXHIBIT G

California Rehabilitation Center –
Pill line at Facility B



Chuckawalla Valley State Prison – Yard



Salinas Valley State Prison –
Facility D Patio



California Correctional Center



EXHIBIT H

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : March 24, 2020

To : All Staff
California Institution for WomenSubject: **ILLNESS MITIGATION PROTOCOLS**

The purpose of this memorandum is to inform all staff and inmate population at the California Institution for Women (CIW) of the efforts required to mitigate the spread of illness to staff, inmates and anyone approved to enter institutional grounds.

MOVEMENT:

- Movement shall be announced on the radio, released, and received at destination. There shall be no cell-to-cell visiting. Inmates participating in the Pawsitively Unified Rescue and Release (PURR) and Puppy Programs shall have access to the backyards to relieve animals. Inmates with approved wash slots shall have access to laundry clotheslines.

FEEDING:

- Feeding shall be assigned seating and timed pursuant to CIW Operational Procedure 130. Inmates shall be seated in rows. Inmates shall be provided at least 15 minutes to consume meals. Americans with Disabilities Act (ADA) inmate's eating time shall be individually evaluated to allot for extra time to consume meals if necessary. Meal Release: Inmates should wash their hands thoroughly before leaving their housing units for meal service. Inmates shall travel in single-file lines to and from dining rooms. Inmates shall line up on paved sidewalks while waiting to enter the culinary. The hand-railed waiting areas shall not be utilized during feeding*. Diabetic and Medical Diet inmates shall be released from all housing units, prior to commencement of other releases; thereafter, housing units shall be released in rotation order. ADA and Golden Program Inmates shall eat with their assigned units. *ADA inmates shall be seated first with their unit, to avoid prolonged wait times. Inmate Disability Assignment Program (IDAP) Workers shall be utilized as necessary, and be seated near ADA tables. Inmates are to remain seated until directed to exit the dining room. Inmates shall be released by rows. Dining Room Cleaning: Culinary porters shall clean tables immediately after each use with approved disinfectant products. Dining room surfaces, seats, hand-rails and counters shall be cleaned continuously throughout feeding. A thorough final cleaning of all dining room surfaces shall be conducted upon the conclusion of meal service with approved cleaning products. The Yard/Culinary Sergeant shall oversee dining room Seating and Cleaning. The Program 1 & 2 Sergeants shall enforce Inmate lines and social distancing. The Program 1 Lieutenant shall oversee the entire process.

DUCATS:

- Ducats shall be timed to limit no more than ten (10) inmates in any waiting area, at any time. Any delays to medical appointments shall be immediately elevated to the Health Care Access (HCA) Lieutenant.

VISITING:

- Only Legal and Court-ordered visitation shall take place.

WORKERS:

- All workers report to assignments as NORMAL, except Prison Industry Authority (PIA); the PIA Garment Factory is limited to a maximum of thirty (30) inmate workers in the building, maintaining social distancing. Physical Fitness Training shall be conducted outdoors.

All Staff
Illness Mitigation Protocols
Page 2

MODIFIED AND SUSPENDED PROGRAMS/ACTIVITIES/SERVICES:

- Education Academic and Vocational programs provided in classrooms/shops are *modified* to non-classroom activities only. Rehabilitative Achievement Credits and Department of Rehabilitative Programs, classes, and activities are *suspended*, including Self-Help Groups; Building Maintenance; Electronics; Cosmetology; Face-to-Face College; Cognitive Behavioral Interventions; Grant Programs; PIA Carpentry; and, PIA Construction Labor, etc.

SHOWERS:

- Showers shall be limited to cell-partners, two cells at a time, per tier. Housing unit porters shall clean all shower surfaces and seats after each use with approved cleaning products.

HEALTH CARE SERVICES:

- At no time shall inmates be denied access to medical care. Health Care Services, Escorted Treatment Area access, and Medication Administration shall continue. Inmates shall wait single-file at Medication Lines (med-lines) to be closely monitored and strictly enforced by staff, overseen by the HCA Sergeant. Only patients receiving services shall present to med-lines.

LAW LIBRARY:

- Recreation Library and Law Library is restricted to no more than ten (10) inmates. Priority Legal Users shall have priority to library use.

DAYROOM:

- Dayrooms shall be reserved for use approved by the Captain, restricted to ten (10) participants. Teachers and Chaplains may assemble inmates by schedule, limited groups of 10 inmates or less. Housing unit porters shall clean all dayroom surfaces and seats after each use with approved disinfectant cleaning products.

RECREATION:

- Recreation shall be on the Main Recreation and Circle yard. Unit Back-Yards are closed with the exception of PURR, Puppy Program and Laundry Clothesline access as necessary. The Physical Education Teacher shall be available to provide activities

CANTEEN:

- Inmates shall complete order forms for pickup by Canteen staff in their housing units each Monday. Canteen staff shall package orders, and summon up to twenty (20) inmates at a time while maintaining social distancing for order pickup at the Canteen, per current draw schedule.

PACKAGES:

- Inmates shall be educated to the Property Room to pick-up Personal and Quarterly packages.

PHONE CALLS/KIOSKS:

- Normal phone and kiosk sign up shall continue. Housing unit porters shall clean all phone and kiosk surfaces and seats after each use with approved cleaning products.

RELIGIOUS SERVICES:

- Religious services shall be provided by Chaplains at cell-front or in dayrooms by schedule, limited groups of 10 inmates or less.

HYGIENE AND CLEANLINESS:

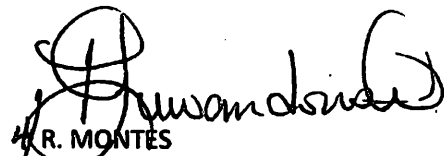
- All staff and inmates shall take extraordinary measures to assure personal hygiene and area cleanliness. Frequent cleaning of all common contact surfaces shall continue throughout each shift with approved disinfectant products. The following measures shall be taken to help prevent the spread of illness:
 - Wash your hands with soap and warm water regularly.
 - Cover your cough or sneeze with your sleeve, or tissue. Dispose of tissue and wash your hands afterwards.

**All Staff
Illness Mitigation Protocols
Page 3**

- Avoid touching eyes, nose or mouth, especially with unwashed hands.
- Practice social distancing when possible.

These illness mitigation protocols shall remain in effect until further notice.

If you have any questions regarding this information, please contact Don Glucksman, Associate Warden, Custody, Housing and Program Services, at extension 4933.



R. MONTES
Warden (A)
California Institution for Women

EXHIBIT I

Memorandum

Date: April 2, 2020

To: All Inmates
California Institution for Women

Subject: **REDUCTION OF PARTICIPANTS TO YARD/DAYROOM (REVISION)**

In response to the current Coronavirus 2019 (COVID-19) pandemic and out of an abundance of caution, the California Institution for Women (CIW) is taking necessary precautions in an effort to mitigate the spread of illness to staff, inmates and anyone approved to enter institutional grounds. CIW's Main Recreation and Circle yards access shall be released by units based on a rotating day/night schedule; each session shall only be accessible to half of the General Population housing units. Assigned staff shall monitor the Main Yard for social distancing.

Social distancing strategies should be implemented as much as possible for all individuals. General strategies for all individuals, regardless of clinical risk, will need to be tailored to the available space in the facility and the needs of the population and staff. While not all strategies will be feasible in all facilities, examples include:

- Maintaining a distance of six feet between individuals.
- Not congregating in groups of ten or more individuals.
- Suspending group programs where participants are likely to be in close contact.

How is COVID-19 spread?

COVID-19 is spread person-to-person. According to the Centers for Disease Control and Prevention (CDC), spread is happening mainly between people who are in close contact, within six feet of each other, via respiratory droplets produced when an infected person coughs or sneezes. The droplets land on the noses and mouths of other people, who then inhale them. CDC says it may be possible for the virus to spread by touching a surface or object with the virus and then a person touching their mouth, nose or eyes, but this is not thought to be the main method of spread. As the virus was discovered just a few months ago, more research is required to learn more about the spread pattern of the virus. The incubation period ranges from two to 14 days after exposure (most cases occurring at approximately five days). People are thought to be most contagious when they are most symptomatic (sickest). Some spread might be possible before people show symptoms.

How do I protect myself and others?

There is currently no vaccine to prevent nor medication to directly treat COVID-19. The best way to protect yourself is to avoid being exposed to the virus that causes COVID-19. CDC recommends maintaining personal preventative actions such as:

- Avoiding close contact with those who are sick;
- Not touching your eyes, mouth or nose, especially with unwashed hands;
- Washing your hands often with soap and warm water for last least 20 seconds;
- Clean objects and surfaces that are frequently touched;
- Limit your exposure to others if you are sick;
- Cover your coughs and sneezes with a tissue; and

All Inmates

Reduction of Participants to Yard/Dayroom (Revision)

Page 2

- Do not share food, drinks, utensils or toothbrushes.

Inmates shall adhere to the social distancing directive. If inmates fail to adhere to the social distancing directive, the inmate may receive a Rules Violation Report for the specific act of *Failing to follow a Direct Order*.

On alternating days, the following units shall have access to either day/night yard:

- Miller, Latham, Emmons, Harrison, Outpatient Housing Unit
- Wilson, Barneberg, Support Care Unit, Forestry

Hours for each session shall be:

- Day (D) 0745 hours – 1530 hours
- Night (N) 1745 hours – 1945 hours

The dayroom shall be closed due to other activities taking place in the area which prevent social distancing inclusive of the following:

- Kiosks (two)
- Phones
- Laundry room wash slots
- Porter Activities

Other dayroom activities may be scheduled as required, in numbers not exceeding ten, as per our current guidance memorandum.

If you have any questions, please contact Housing Captain H. Padilla at extension 5972.



R. MONTES

Warden (A)

California Institution for Women

Attachments

Attachment A – Monthly Yard Schedule

Attachment B – Coronavirus/COVID-19 Facts and FAQs

EXHIBIT J

Memorandum

Date : April 22, 2020

To : All Staff
All Inmates

Subject : **CONTINUED PROGRAM CLOSURES/MODIFICATIONS DUE TO COVID -19**

In an effort to minimize the impact of the COVID-19 the California Department of Corrections and Rehabilitation (CDCR) and Valley State Prison (VSP) have implemented the changes noted below.

- All Inmate Visiting has been suspended with the exception of Legal Visits.
- All rehabilitative programs to include Volunteer, Self-help, Education, Vocation, Division of Rehabilitative Programs (DRP)(including ISUDT) , Special Events, large group services, Youth Offender Program (YOP), and Face-to-Face College, has been suspended. (The Office of Correctional Education is working to provide in-cell educational programs so as to not interrupt educational credit-earning.).
- Chapel Services will be conducted at the cell front through rounds conducted by religious staff. Any religious holidays shall be conducted in cell.
- Dayroom and Yard programs have been modified to limit the number of participants and to afford Social Distancing. (Each Housing Unit will have a posted Yard and Dayroom schedule).
- Inmate Canteen and Package Delivery shall continue, subject to modification as needed to ensure Social Distancing
- Additional Cleaning supplies have been distributed within the institution to facilitate frequent sanitation of work, dining and housing areas.

It is extremely important that good hygiene is practiced to include frequent handwashing and living quarters are maintained in a sanitary manner. Social Distancing should be practiced as much as possible. All instructions for preventive measures must be followed. Current health care guidelines must be adhered to and now more than ever we must work cohesively to keep everybody safe. This is no easy task, but we know we are up to the challenge.


4 R. FISHER, JR.
Warden
Valley State Prison

EXHIBIT K

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: April 22, 2020

To: All staff and Inmates

Subject: **UPDATED: COVID-19 INMATE YARD AND DAYROOM SCHEDULE SOCIAL DISTANCING PLAN**

To assist with social distancing due to Covid-19, Valley State Prison (VSP) will be implementing a modified Facility Yard and Dayroom schedule for Facilities B, C, and D (Facility A will remain unmodified). Effective immediately, and until further notice, the Main Yard will be closed for recreation programming. In addition, sports activities which may result in contact or incidental contact (i.e. basketball, handball, softball, football, etc.) are suspended on the Facility Yard. Inmates may play catch, shoot baskets, or play games that will not incur contact and allows for social distancing. The following schedules shall be adhered to for Facility Yard and Dayroom:

Facilities B, C and D will run a recreation yard on a rotational basis consisting of only one entire Housing Unit for 2 hours each. For example: Housing Unit 1 will have recreation yard from 0900 – 1100 hours or at the completion of the feeding process; Housing Unit 2 will have recreation yard from 1100 – 1300 hours; Housing Unit 3 will have recreation yard from 1300-1500 hours; and Housing Unit 4 will have recreation yard from 1900-2100 hours. The following day the yard schedule will begin with Housing Unit 2. The Third day will begin with Housing Unit 3 and so on until further notice.

Dayrooms will be modified to allow for one wing to have access to dayroom activities in two hour intervals. Every two hours, there shall be a recall and rotation. Telephone calls will be normal regardless of assigned dayroom program rotation, but the phones shall be sanitized after each use.

For example: Dayroom program for A wing will begin at approximately 0900-1100 hours or at the completion of the feeding process; dayroom program for B wing from 1100-1300 hours; C wing will have program from 1300-1500 hours; and D wing will have program from 1900-2100 hours. The following day the dayroom schedule will begin with B wing. The third day will begin with C wing and so on until further notice.

This memorandum supersedes all prior modified program memorandums related to Covid-19. Please refer any questions or concerns to your immediate supervisor or Housing Sergeant.


R. FISHER Jr.

Warden

Valley State Prison

EXHIBIT L

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: March 25, 2020

To: All Concerned

Subject: **EAST FACILITY SOCIAL DISTANCING**

This memorandum is in response to direction received from CDCR Headquarters on March 24, 2020. Effective immediately, the CMC East Facility is implementing procedures in an effort to attain and promote Social Distancing.

It is understood that bed space is already at maximum distance by design, and housing units are limited in space. However, we have an opportunity, for the safety of all persons, to manage access to specific locations and activities. The difficulty in complying with these expectations is acknowledged. The following modifications will be implemented for the shortest amount of time necessary:

- Two (2) to a dining room table with staggered seating. Tables shall be wiped down between seatings.
- Inmates in the medication line or waiting to be called into the clinic are to distance themselves from the person in front and on each side as feasible.
- Day/Television Rooms to be occupied at 50% capacity, and all occupants shall be seated.
- Showers and Restrooms shall be operated at 50% capacity.
- One (1) Housing Unit out during the day and one (1) out in the evening. This schedule will rotate daily to allow equal amounts of day/night yard time.

Yard/Recreation

- Only two (2) persons at a table. Those waiting for a turn may stand by, but shall distance themselves.
- While walking, standing or engaging in sporting activities on the yard, distancing will be dependent upon those in proximity and self-regulated. Absolutely no grouping.
- Phones will be utilized according to the programming schedule and the phone sign up schedule. All inmates waiting will adhere to the six feet social distancing mandate. All phones will be wiped clean by designated inmates between calls.

Compliance to the above by all staff and inmates is necessary and essential. Your continued patience and cooperation during this ongoing and fluid COVID-19 situation is greatly appreciated.

Should you have any questions, please contact D. McAlister, Associate Warden, Level III Housing, at extension 7534.



J. GASTELO
Warden

California Men's Colony

EXHIBIT M

State of California

California Department of Corrections and Rehabilitation

Memorandum

Date : April 21, 2020

To : All Concerned

Subject: **COVID-19 PRECAUTIONARY MEASURES AND PROGRAM CHANGES – UPDATED**

Effective April 22, 2020, Folsom State Prison (FSP) will close the Program Status Report (PSR). However, FSP will implement the following precautions; these changes will remain in effect until further notice. Since there is a constant influx of new information, this is subject to change.

The following program changes will be in effect until further notice:

Division of Rehabilitative Programs (DRP)

All DRP programs are cancelled until further notice. This includes the Integrated Substance Use Disorder Treatment (ISUDT) program as well as Cognitive Behavioral Intervention.

Religious Services/ Self-Help and Volunteer Run Programs

Cancelled until further notice. Chaplains will conduct rounds in the units.

Visiting

All visiting, including family visiting, is cancelled until further notice.

Education

Law Library – Library will be accessible through Paging. Until further notice, access to the law library for all FSP/FWF inmates will be provided through Paging in accordance with California Code of Regulations, Title 15, Section 3123(c) and FSP Department Operations Manual Supplement 101120. Requests for legal materials (Forms, cases, etc.) and photocopies intended for the court should be submitted to the attention of library staff through the institutional mail. All requests should include a signed Trust Withdrawal Form (CDC-193).

Education Packets – FSP Education and Career Technical Education Homework Packets will be available to students in the Main Education Building Monday through Friday from 0800 to 1430. Completed homework packets will be returned to the same location the following week. Folsom Women's Facility (FWF) education packets will be available to students directly from their teachers on Wednesdays from 0800 to 1430.

All Testing – All testing including GED, CASAS, College, Transitions, E-Learning and Test of Adult Basic Education are postponed until further notice.

Physical Education – All Physical Education programs are postponed.

COVID-19 Precautionary Measures and Program Changes

Page 2

Phone Program

Normal phone program will be run; however, phones will be disinfected between each use.

Dayroom

Folsom Women's Facility (FWF) and the Folsom Minimum Support Facility will reduce the numbers allowed in order to facilitate social distancing.

Work Assignments

Critical Workers Only. Prior to releasing a critical worker, the housing unit tier/floor officer shall ask the screening questions. (See Memo dated April 10, 2020, Screening of Critical Inmate Workers).

Receiving and Release

Packages/property will be distributed as normal.

Medical

Priority healthcare visits will be scheduled by building in accordance with yard release. Medication release will be controlled to ensure social distancing.

Showers

Facility A will Shower half of their population per day as scheduled by their assigned unit. Workers will be showered daily. Movement to and from the showers will be controlled in order to facilitate social distancing and constant cleaning.

Lower Yard/Prison Industry Authority (PIA)

All inmate access to the lower yard is suspended until further notice. Starting April 22, 2020, Upper Yard PIA will be running a limited crew in Metal Fabrication and the Print Shop. Please see the critical worker list for applicable inmates.

Yard

In order to facilitate social distancing, yard will run one building at a time. Unit 1 A/B side and C/D side will access the yard separately. The Main Yard capacity is reduced to 375 and Mini Yards 1, 2 and 5 are reduced to a capacity 75. Please see attached "Yard Schedule for COVID-19 Modified Program" (revision date April 7, 2020). The FWF will run yards by dorm pods separately. The capacity for the dorm yards will be reduced to a capacity of 25. Please see attached schedule for FWF Yard schedule (revision date April 7, 2020).

Feeding

Feeding will be a controlled release; however, in order to facilitate social distancing, only two per table will be allowed and by building (cleaning each table upon use), limiting cross traffic. Unit 1 will feed A/B then C/D securing and cleaning between. Orientation feeding will be at 1400 hours. The FWF will feed dorm pods separately, cleaning between each pod.

COVID-19 Precautionary Measures and Program Changes

Page 3

The following precautionary measures will be in effect until further notice:

Social Distancing

All movement will be conducted in a way to enhance social distancing.

Social distancing is deliberately increasing the physical space between people to avoid spreading illness. Staying at least six feet away from other people lessens your chances of catching COVID-19.

Cleaning

Program will be modified on March 21, 2020, for enhanced institutional cleaning. Additionally, porters should be continuously cleaning housing units, phones, offices, etc.

Other Precautionary Measures

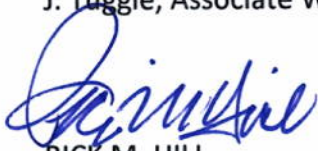
Wash hands with soap and water, use hand sanitizer, avoid touching your eyes, nose or mouth with unwashed hands, and avoid close contact with people who are sick.

Cloth Face Barrier/Masks

Inmates shall wear a cloth mask covering during any situation that requires movement outside of the cell or while in the dorm setting, to include all interactions with other inmates (ex: yard time, canteen, dayroom), movement to and from health care appointments, and movement to and from medication administration areas (exceptions to this requirement include while eating and showering).

Screening of all staff will be conducted upon entering the facility.

If you have any questions or require additional information, please contact J. Tuggle, Associate Warden Operations (A) at extension 3052.



RICK M. HILL

Warden

Folsom State Prison

Attachments

EXHIBIT N

Memorandum

Date: April 8, 2020

To: Associate Directors, Division of Adult Institutions
Wardens

Subject: **COVID-RELATED CLEANING PROTOCOLS FOR INSTITUTIONS**

The California Department of Corrections and Rehabilitation's priority is to protect the health and well-being of our staff and the offender population as well as providing a safe environment. The purpose of the memorandum is to reduce staff and inmate exposure to the coronavirus (COVID-19) within our institutions by providing guidance on cleaning and disinfection protocols as recommended by the Centers for Disease Control and Prevention (CDC). Due to the current COVID-19 pandemic, and out of an abundance of caution, we are distributing information on best practices for cleaning and disinfecting your work areas.

According to the CDC definitions, retrieved March 3, 2020, from: <https://cdc.gov/Coronavirus/2019-ncov/comunity/organizations/cleaning-disinfection>:

Cleaning - refers to the removal of dirt and impurities, including germs, from surfaces. Cleaning alone does not kill germs. But by removing the germs, it decreases their number and therefore any risk of spreading infection.

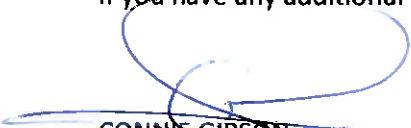
Disinfecting - works by using chemicals, for example EPA-registered disinfectants, to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs. But killing germs remaining on a surface after cleaning further reduces any risk of spreading infection.

Staff are to ensure that assigned porters are thoroughly cleaning communal areas (dayrooms, showers, restrooms, offices, etc.) a minimum of twice per shift during second and third watches with the option to clean more often if needed. The area porters will initial the cleaning schedule template (see attachment) documenting the time it was complete. Staff will sign the sheet verifying that they have reviewed and ensured the additional cleaning was completed. As we increase our cleaning times, we must continue to practice social distancing when possible.

It is recommended staff increase the frequency in which they disinfect the touchpoints (i.e. telephones, tables, door knobs, desk areas, etc.) by using Sani Guard 24/7 in their work area. Once the Sani Guard has been applied to a surface, it should be allowed to set for 10 minutes to maximize its effectiveness.

Attached is essential information on the cleaning solutions used in the institutions, and dilution ratios for mixing Cell Block and Sani Guard 24/7.

If you have any additional questions, please contact your Mission Associate Director.



CONNIE GIPSON
Director
Division of Adult Institutions