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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 MARCIANO PLATA, et al.,
14
15 Plaintiffs,
16 v.
17 GAVIN NEWSOM, et al.,
18 Defendants.

CASE NO. 01-1351 JST
DECLARATION OF RALPH DIAZ _____
IN SUPPORT OF DEFENDANTS’
RESPONSE TO PLAINTIFFS’
PROPOSED ORDER RE: QUARANTINE
AND ISOLATION SPACE
Judge: Hon. Jon S. Tigar

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20 I, Ralph Diaz, declare:

21 1. I am the Secretary of the California Department of Corrections and Rehabilitation
22 (CDCR). I was appointed by Governor Gavin Newsom as CDCR’s Secretary on March 27, 2019.
23 Before my appointment as Secretary, I served in several positions at CDCR’s headquarters,
24 including Undersecretary of Operations, Deputy Director of Facility Operations, and Associate
25 Director of High Security Institutions. And before I worked at CDCR’s headquarters, I served as
26 a prison Warden, Correctional Counselor Supervisor, and Correctional Counselor, after starting
27 my career as a Correctional Officer in 1991. I submit this declaration to support Defendants’
28 response to Plaintiffs’ proposed order regarding quarantine and isolation space.

1 2. Around the end of May and beginning of June 2020, incarcerated persons were
2 transferred from California Institution for Men (CIM)—where a large outbreak of COVID-19 was
3 underway—to the State prisons at San Quentin and Corcoran. Even though the transferees had
4 previously tested negative for COVID-19, some of the transferees tested positive for COVID-19
5 after they had arrived at San Quentin and Corcoran. While those transfers resulted in a large-scale
6 outbreak at San Quentin—with 1,111 “resolved” patients and 922 active patients as of July 20,
7 2020—by comparison, 151 patients at Corcoran are “resolved” and only 11 are currently
8 considered active. The units at San Quentin where these transferees were housed consist of open-
9 bar cells along five open tiers. At Corcoran, the transferees were housed in a “270 design”
10 building with solid cell doors.

11 3. CDCR and CCHCS have implemented specific mitigation measures as a result of
12 lessons learned following these and other outbreaks. For example, inter-institution transfers have
13 largely ceased (save for emergent situations), and in particular, an institution with three or more
14 COVID-19-positive incarcerated persons is closed to transfers. CDCR has also issued numerous
15 directives to staff and incarcerated persons alike, setting forth strict expectations with respect to
16 mask wearing, personal hygiene, and facility cleanliness.

17 4. Additionally, CDCR has recently completed statewide baseline COVID-19 testing
18 of all staff and will continue to test staff according to its current staff testing plan. Incarcerated
19 persons are also tested far more frequently than was the case when the outbreak at CIM first
20 started. And CCHCS’s data on testing of the prison population indicates that over 58,000
21 incarcerated persons have now been tested.

22 5. When outbreaks have caused a shortage of regular housing for either isolation or
23 quarantine space, CDCR has effectively used alternative spaces to provide both housing and
24 treatment space during outbreaks, including gymnasiums, chapels, Prison Industry Authority
25 buildings, and tents.

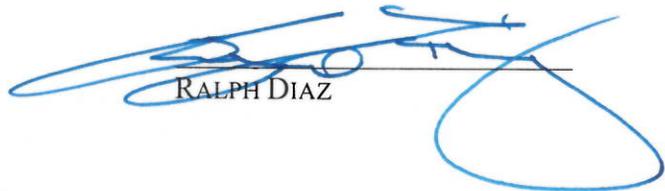
26 6. It is unlikely that the Receiver’s plan for reserving quarantine and isolation space
27 for outbreaks could be implemented without forcing CDCR to release a substantial number of
28 people in addition to the currently planned releases in order to maintain social distancing in the

1 remaining housing units. Conversely, CDCR should not need to release more people than it
2 already plans to release in order to implement its proposal to set aside a housing unit in each
3 prison, or at a minimum 100 beds, which could be supplemented with additional alternative
4 housing in the event of an outbreak.

5 7. It is important to recognize that closing even a single housing unit in many of the
6 prisons will result in higher population densities in the remaining units that continue to house
7 incarcerated persons. Under the Receiver's plan, that compaction would be more extreme, making
8 it more difficult, if not impossible, to allow for the physical distancing which has currently been
9 achieved in housing units.

10 8. Similarly, if the Receiver's plan for creating reserved quarantine and isolation
11 space were implemented, CDCR would likely have no choice but to transfer numerous
12 incarcerated persons between prisons, assuming transfers were permitted by the Receiver. But
13 CDCR's proposal for reserving space would require no or few transfers.

14 I declare under penalty of perjury that I have read this document, and its contents are true
15 and correct to the best of my knowledge. Executed on July 20, 2020, in Sacramento, California.

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