

## **August 25, 2020 Covid-19 Spot Check of the Santa Rita Jail Facility by the Joint Neutral Corrections Operations and Covid-19 Expert**

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## Introduction

On August 25, 2020, I conducted a second unannounced (2-hour notice at 0630hrs) Covid- 19 spot check of the Santa Rita Jail. This spot check is designed to monitor compliance with current CDC/Public Health recommendations, and to monitor the progress of the implementation of the recommendations made as a result of my June 10, 2020 initial SARS-COV-2 (Covid-19) Inspection, and my July 7, 2020 follow up inspection of the Santa Rita Jail Facility.

It is important for me to reiterate here that I am not an epidemiologist, an infectious disease doctor, or a public health doctor. My observations, findings, and recommendations are based on my expertise in corrections operations, and the published CDC **“Interim Guidance on Management of Coronavirus Disease 2019 (Covid-19) in Correctional and Detention Facilities”** that was updated as of July 22, 2020.

As a result, I defer to the Alameda County Department of Public Health and other medical professionals on all matters clinical.

During this spot check, I was accompanied by Assistant Sheriff Madigan, Jail Commander Sanchez, Captain Brodie, and a variety of Lieutenants and Sergeants responsible for specific areas of the jail that I inspected.

## Onsite Observations August 25, 2020

On August 25, 2020 at 0830hrs, Assistant Sheriff Madigan and I met outside the Santa Rita Jail facility (SRJ). We were both properly wearing face masks and social distancing. As is their standard protocol we entered through an anteroom where every person entering the jail goes through a Covid19 screening including getting their temperature taken, answering questions regarding Covid19 symptoms, and everyone is required to properly wear a mask prior to entering the secure perimeter. If the person does not have a mask, they will be issued one at the screening station. The informational signs regarding Covid19 in that area were current, and the screening staff were all properly wearing PPE. In addition to the screening questions, every badge staff member who is assigned to work in the SRJ is now issued a “DEPUTY AND SUPERVISOR REFERENCE HANDBOOK”. This handbook is the result of a recognition that many Deputies and Sergeants that are working mandatory overtime in the jail as a result of critical staff shortages, are not intimately familiar with the interim SRJ operational mandates during the pandemic as well as other critical SRJ functions. The handbook is well done, but there are two issues that should be included in this reference handbook when in the next run of handbooks. These two issues are: The mandatory staff mask station order, and the mandatory inmate mask station order which have been in place for over a month. The thinking behind not including them in this reference handbook was that these two mask station orders are emphasized at every shift briefing and therefore it was not necessary to include them in the reference handbook. There was 100% mask compliance by badge and civilian staff on this follow up visit, and inmates who were working in the kitchen and out of their Pods were 99.99% mask compliant, but I still recommend including those two Station Orders in the reference handbook out of an abundance of caution for the next printing.

Once the Covid19 screening was complete, I met with the ACSO Command staff and other key custody personnel. A new addition to the pre-tour interaction was the addition of the Compliance Unit Captain, Captain Brodie. His unit is a welcome addition to the SRJ staffing model and is consistent with the recommendation Sabot made in the staffing study Sabot did for the ACSO in the spring of this year. Having previously conducted a comprehensive Covid19 inspection and a follow up spot check in July, I asked questions about any changes in practice that had taken place since my last inspection. I also asked Command staff about their progress in implementing the recommendations I made in my June 10, 2020 inspection report at pages 17-20, and my July 7, 2020 follow up inspection at pages 9-11. I will address this topic in more detail later in this report.

A month prior to this unannounced follow up inspection, Commander Sanchez provided me with a copy of a recently implemented stronger worded Station Order that subjects badge staff to discipline if they willfully violate the mandatory mask order, a Station Order mandating that SRJ inmates properly wear their masks when out of their cells/dormitory bunk areas, a video link that is played in the inmate Pods advising them of their obligation to wear a mask when outside their cell/dormitory, and the current inmate transportation policy. The ACSO first took a softer approach to enforcing the mandatory mask issue, and having found it less effective in compelling staff to comply

with the mandatory mask order, the ACSO moved to a Station Order that included disciplinary action for a willful violation of the mask order. Given that I did not see a single officer or civilian staff member not properly wearing their masks, this stronger order clearly is working.

In addition to the stronger mandatory mask order for staff, an additional order was put in place requiring all inmates who come out of their cells to wear their masks, or they will not be allowed out of their cells or dormitories. As I have written many times since I have started conducting these Covid-19 inspections, inmates who are housed in a dormitory setting will never be fully compliant with wearing masks or properly social distancing. It is a fool's errand to attempt to enforce either one of those CDC recommendations while the inmates are inside their dormitory living areas. However, it is much easier to enforce the mask order to inmates when they wish to come out of their cells/dormitories for recreation time, etc. The potential loss of that privilege is a meaningful consequence for inmates, and on this follow up inspection, all but one of the inmates outside their cells/dormitories were mask compliant. The single inmate out of his dormitory living area that was not, was quickly admonished and he immediately became mask compliant.

The Compliance Unit as recommended in the SRJ staffing study completed by Sabot Consulting on April 19, 2020 is now in its early stages of implementation. The staffing, independence and integrity of the SRJ Compliance Unit is critical to the successful implementation and durability of the prospective *Babu v. Ahern, et.al.* remedial plans, other core competencies required for the SRJ to operate safely, and to deliver the programs, services, and activities to the inmates in their care, custody, and control. The Compliance Unit also plays a big role in enforcing the Covid-19 response mandates in the SRJ. Assistant Sheriff Madigan, Captain Brodie, and I had a post inspection debrief where I emphasized the importance of the Compliance Unit's role, its integrity, its independence and its willingness to speak truth to power no matter what the subject. As it relates to the prevention and mitigation of the spread of the Covid-19 virus in the jail, I encouraged Captain Brodie to develop an internal audit tool and send his staff out into the living units regularly to monitor compliance with Covid-19 response plan. The Compliance Unit should report those findings back to the SRJ Command Staff so they can take immediate corrective action where there are episodic or systemic problems. I believe Captain Brodie is up to the task and understands the importance of his Unit's role. Assistant Sheriff Madigan is also supportive of that approach.

Assistant Sheriff Madigan, Commander Sanchez, and Captain Lockett-Fahimi are conducting random Covid -19 spot checks in the SRJ at different times of the day and evening and on different shifts. These random spot checks emphasize the importance of compliance with the Covid-19 response mandates and sends a clear message to staff that it is a priority to the Command staff and to the ACSO.

In the Outpatient Housing Unit, Commander Sanchez added a Deputy in addition to a Sergeant to ensure that the OPHU patient/inmates that are medically able are getting out of cell time in an amount equal to their security/privilege level. These inmates are escorted to a Pod that matches their security level for their dayroom time each day. On this inspection, I did not review any of the Pod logs to verify the out of cell time due to

time constraints, but on my next spot check I will verify the out of cell time via the housing unit logs.

Immediately after meeting with the ACSO Command staff, and key custody personnel, I met with Wellpath HSA Jen Diaz in her office. I was accompanied by Assistant Sheriff Madigan, Commander Sanchez, and Captain Brodie. I asked HSA Diaz to show me the binder where Wellpath keeps all of their directives, multi-disciplinary Covid-19 meeting minutes, Public Health notes, changes recommended by the CDC, and Line Charts. The binder was well organized, and it contained all the necessary information that supported the changes made by Wellpath as the CDC and Public Health learned more about the Covid-19 virus up to the time of my follow up inspection on August 25, 2020. One very important change that Wellpath has implemented is the new testing protocol offering Nasopharyngeal tests to all inmates within 48 hours of their booking in SRJ and again on day 10. It is my non-clinical expert opinion that this new testing protocol will go a long way toward reducing/mitigating the spread of this highly contagious disease within the SRJ facility when combined with the other Covid-19 prevention measures already in place at the SRJ. It should be noted that the CDC modified their recommendation for medical isolation down from fourteen days to ten days, but Wellpath has chosen, in consultation with Public Health to keep the medical isolation of newly incarcerated inmates, Covid-19 positive inmates, and Covid-19 exposed inmates at fourteen days. This was a wise decision.

Moreover, while I was in HSA Diaz's office, I noticed a flow chart on the wall, and when I asked about it, HSA Diaz explained that it was a planning chart for the flu season which will be a double whammy in the SRJ. This is something that all corrections facilities should be thinking about this year in advance of the normal influenza season.

Wellpath continues to hold multi-disciplinary Covid-19 meetings with SRJ Command staff, with input from Public Health as needed. They also continue to color code all the inmate housing units and dedicate considerable resources to preventing/mitigating the introducing of the Covid-19 virus into the jail. Wellpath has an abundance of PPE reserves and is forward thinking in the acquisition of those resources. The success of their efforts and that of the SRJ Command staff are reflected in the small number of Covid-19 positive cases in the SRJ – at the time of my inspection, there were 3 asymptomatic positive inmates in the SRJ (.0015 percent of the total SRJ population of 1950) down from 110 in mid-July, and 24 in mid-August. The jail population numbers are climbing in part because as of August 24, 2020 CDCR is accepting only a small number of inmates that have been sentenced to prison from select county jails. In the SRJ those CDCR new commitments represent approximately 100 inmates. This is very concerning to me.

After meeting with Wellpath, I inspected the ITR where inmates are screened and booked into the SRJ. On the way to the ITR, I observed all badge staff and civilian staff properly wearing face masks. In the ITR I observed the same screening tent outside the secure ITR intake area. This day was particularly busy and there were two nurses doing the Covid-19 screening. All the arrestees, law enforcement officers and medical staff were wearing appropriate PPE and talking quietly so there was some modicum of privacy. I also

inspected the booking area and observed the area to be clean and all staff to be appropriately wearing PPE. The only concern I have is when inclement weather hits in late September/October. What will the ACSO do when the bad weather hits? In my expert opinion, it is critical that the pre-screening of arrestees remain out of the interior of the ITR if possible, to avoid the inadvertent introduction of the virus into the jail.

For this spot check, I intentionally scheduled the unannounced inspection in the morning so I could see the kitchen operation in full swing. The last two times I conducted an inspection, by the time I got to the kitchen operation there were very few inmates and Aramark staff in the kitchen working. On this follow up inspection, I wanted to spend extra time in the kitchen area to observe/inspect the food preparation, clean up, freezers, and dry storage areas for cleanliness, social distancing, and mask compliance.

Upon arrival to the food preparation area in the kitchen, which is very large, I was met by the SRJ Sergeant, and the Aramark Kitchen Supervisor who were in charge of the kitchen operations. I observed that there were a significant number of inmates working on the food preparation line, cleaning, and performing a multitude of other tasks within my sight line. The food prep lines are not designed to accommodate the social distancing that is recommended by the CDC and Public Health. Thus, inmates and Aramark staff were shoulder to shoulder in an assembly line fashion. All the inmate kitchen workers, SRJ badge staff, and the Aramark staff were properly wearing their masks, but I could see one food service worker whose mask would slide down to the tip of her nose and she would promptly bring it back up. In a correctional setting metal is not allowed to form the mask around the nose like we wear when we are out in public (hopefully). In my expert opinion, Aramark and the ACSO must find a mask to provide to their employees and to inmate kitchen workers that fit tightly around the nose and that keeps the mask in place, so the mask does not drop down below the nose area. Even if the masks need to be distributed and collected every shift because they have metal in the nose piece, in my expert opinion, properly fitting masks are a critical component of the SRJ Covid-19 prevention/mitigation efforts.

I asked to see the cold storage area, and upon inspection the cold storage/freezers were clean and organized. The frozen food items I could see were not past their expiration dates. There were inmate kitchen workers cleaning the floors while I was in that area which the Aramark Supervisor told me occurred regularly.

The next area I inspected was the dry storage area which is located upstairs in the kitchen area. This area is very large and there were rows and rows of dry goods stored in this area. I walked down every aisle and looked under the storage racks to see if there were any signs of mice/rat droppings or other common pests in a unit this large. The aisles were clean and free of debris, and I found no signs of mice/rat/pest activity/droppings under any of the storage racks. I asked Assistant Sheriff Madigan how often pest control came and treated this area and he told me that they come to the kitchen area every day. I also asked if there were any rodent traps in place in this area. I was shown several rodent traps strategically placed around the dry storage area.

Finally, I asked how frequently Public Health Inspected the kitchen. Assistant Sheriff Madigan told me they conduct annual inspections, and that Public Health had just conducted an inspection on August 12, 2020. Assistant Sheriff Madigan stated that the draft report would be out in September or October. I asked the Aramark Supervisor if Public Health found any major issues with any aspect of the kitchen operation and she represented to me that there were some minor issues with broken tile that needed to be replaced, but nothing regarding cleanliness or dated food. I asked that I be sent a copy of that draft report when it came out. Assistant Sheriff Madigan agreed to provide it to me.

I reminded the Aramark Supervisor that while social distancing may not be possible on the food assembly line, social distancing is important and possible during kitchen worker breaks and mealtimes. I emphasized the importance of enforcing the social distancing rules during breaks and mealtimes because the masks will be taken off while eating and drinking. It is believed that the last cluster of positive inmates originated in the kitchen area.

We then moved to inspect the housing pods. I inspected selected male and female housing pods at every security level, and every color. In each of the housing pods I asked about education materials, soap and mask distribution, cell/dormitory cleaning schedules, high touch surface cleaning, and laundry exchange.

As recommended in my last follow up report, the SRJ classification staff have discontinued the use of dormitory settings for medical isolation/exposed/positive inmates. In addition, in the practice of using an Orange Unit (vulnerable inmates) for Blue Ad Seg overflow female inmates has also been discontinued. Both significantly reduce the risk of an inadvertent introduction of the virus into the jail.

As is my practice, on these follow up Covid-19 inspections, I interview staff and inmates in each of the housing units and conduct random spot checks of cells/dormitories for soap, masks, cleaning supplies, Covid-19 education materials that are at a 6<sup>th</sup> grade reading level.

Since my last inspection on July 7, 2020, the overtime badge staff are more informed and knowledgeable about the importance of making soap, cleaning supplies, and masks readily available to inmates. I observed boxes of soap and masks in each of the Pods I inspected, and the Deputies staffing those Pods understood that additional soap and/or masks should be given to any inmate upon request. Cell cleaning occurs daily at 0800hrs and at 1800hrs. Cleaning supplies are provided and there are more frequent mophead changes and cleaning solution changes. An additional towel is handed out for cell cleaning during laundry exchange, so the inmates are no longer required to use their shower towels for cleaning. Hand sanitizers are passed out daily at lunch time. Anti-bacterial soap is passed out once a week but is available upon request. Disposable face masks are passed out on Sunday with lunch and replacements are available upon request. Deputies and Supervisors are required to verify the quarantined areas display the appropriate color-coded posters and are updated daily. In areas where quarantined inmates or new book inmates are housed the pod/dayroom and shower must be cleaned in between inmate recreation times.



There were inmate pod workers in each of the housing units I inspected except in the IOL units and in the medical isolation/quarantine areas where the housing unit Deputies do the cleaning of high touch surfaces/showers. Public Health had recommended not having pod workers in those areas for fear of an inadvertent transmission of the virus to or from the inmates/pod workers in those units. However, on the date of this inspection Public Health had approved using recovered positive inmates for up to 90 days in those units which should alleviate the extra workload that was heretofore required of Deputies. A robust inmate pod worker is critical to cleaning high touch surfaces and showers after every use.

I continue to be concerned that the GP units and other higher security units are only being cleaned twice a day. In fairness, in one of the Orange Male Units, there was a pod worker who cleaned after every use. In my expert opinion, this should be occurring in every housing unit to maximize the prevention/mitigation of the spread of the virus. I am aware that there are studies that suggest that very little transmission occurs as a result of high touch surface contamination, but in an abundance of caution I recommend the more frequent high touch surface cleaning. This, in my opinion is even more important in a dormitory setting where inmates are using common toilets, sinks, phones, etc. Having said that, I defer to public health and other medical experts on what is appropriate.

Earlier in this report, I indicated I asked the SRJ Command staff the status of implementing the recommendations I made in my June 10, 2020 report. Here are their informal responses:

- **Recommendation:** The ACSO should find a way to allow inmates in the OPHU to get out of their cells for some unstructured dayroom time or outdoor exercise.

**Response:** The ACSO has assigned additional personnel (a Sergeant and a Deputy) to the OPHU to ensure that those inmates who are medically cleared are afforded out of cell time consistent with their security level.

**I find this recommendation to be completed.**

- **Recommendation:** The ACSO needs to be more vigilant in its enforcement of properly wearing masks and social distancing in the kitchen.

**Response:** The ACSO has issued a Station Order that outlines specifically the criteria for mask compliance by staff while working inside the secure perimeter. This Station Order makes it clear that non-compliance with the mask order will result in discipline of non-compliant staff. The ACSO has also issued a station order mandating inmates wear their masks while out of their cells/dormitory living area.

**I find this recommendation to be completed.**

- **Recommendation:** Create a Covid-19 prevention fact sheet that is given to every new inmate upon arrival in the housing unit. The fact sheet must be at a 6<sup>th</sup> grade reading level. The fact sheet should be available in English and Spanish at a minimum. The fact sheet should be available in large print for those who have

vision problems. The fact sheet should be available in audio format for inmates who cannot see large print. Inmates should be told if they are having a hard time reading or understanding the information provided, they can ask for assistance from a Housing Unit Deputy or another classification as long as that classification is readily available to assist the inmate.

**Response:** The SRJ Command staff have created a Covid-19 prevention fact sheet which I have reviewed and commented on. It is at a 5<sup>th</sup> grade reading level, and it handed out to each inmate upon arrival to their housing unit. It is also available in the inmate tablets. It also informs the inmates that they may ask a Deputy for assistance if they have difficulty understanding what is on the sheet. I did not ask about the large print, audio, or other formats. I will ask about those formats during my next spot check.

**I find this recommendation to be completed.**

- **Recommendation:** In my experience, there needs to be a greater supervisor presence on the decks and in the living units to ensure the policies, procedures, and practices are consistently being followed. I recognize and also observed during this inspection that the Santa Rita Jail Facility is currently understaffed with Sergeants. I recommend that the ACSO immediately begin to stand up the Compliance Unit. The ACSO can have the Compliance Unit Captain and the Compliance Unit staff have a regular presence on the living units to ensure staff are wearing the PPE properly, are cleaning properly, are providing the information discussed above uniformly and in a timely fashion. The Compliance Unit could easily develop an internal self-auditing tool to use for internal compliance audits. I also recommend that the Santa Rita jail Commander and the Santa Rita Jail Captain conduct random cell and living unit spot checks on the different teams. I believe their unannounced spot checks will go a long way toward ensuring strict compliance.

**Response:** The SRJ Command staff have directed the housing unit Sergeants and Lieutenants to strictly enforce the Covid-19 policies, procedures, and practices in addition to their other duties or be subject to discipline. The SRJ Command staff are in the process of standing up the Compliance Unit. I met the newly promoted Captain who will be in charge of that unit, and I was impressed by him. The Assistant Sheriff, SRJ Commander, and the SRJ Captain are conducting random cell and living unit spot checks.

**I find this recommendation to be completed.**

- **Recommendations:** Neither an Ombudsman or an Inmate Advisory Council is required, but both would go a long way toward resolving inmate related issues informally and reducing the workload of an already overburdened badge staff. The IAC would allow the inmates an informal process in which to air their complaints, make recommendations for improvements and problem solving. You may be surprised how much you could learn from the inmate population, how

much the tension level would be reduced, and how much staff time would be saved by implementing these two initiatives. They work well at CDCR and in the Santa Clara County Jail.

**Response:** The SRJ Command is committed to creating an Inmate Advisory Council. They have asked for and I have provided a set of CDCR regulations and Departmental Operation Manual sections regarding how an IAC operates and I am in the process of obtaining the Santa Clara County IAC policies and procedures to share with the SRJ Command staff. It is my opinion that the Compliance Captain can also serve as the Ombudsman. This will allow the SRJ Command staff to field questions, comments, and concerns from the public, advocates, attorneys, and families in a centralized location. Having the ADA unit, the Grievance and Appeal Unit, Gang Unit, Multi-Service Deputy Unit, and the ACA. It is my opinion that the SRJ Command staff see the wisdom of creating an IAC and will get there sooner than later.

**The ACSO is committed to establishing an IAC so I find this recommendation to be in progress, but not complete.**

- **ACSO ACTION:** Because of the mandatory overtime program the SRJ has implemented, there is not a consistent Housing Unit Deputy assigned to many housing units. The SRJ Command staff recognize this as a challenge and on their own initiative, they have created a housing unit booklet that lays out the responsibilities of the Housing Unit Deputy at each security level including the Housing Unit Deputy's responsibilities regarding laundry, cleaning, masks, soap, and hand sanitizer distribution. These booklets will be placed in every housing unit officer's station. This will go a long way toward ensuring there are consistent practices taking place in every housing unit.

**I find this initiative to be completed with encouragement that they include the mandatory Station Orders in the "DEPUTY AND SUPERVISOR REFERENCE HANDBOOK" in the next printing.**

- **Recommendation:** The ASCO needs to be more vigilant in its enforcement of properly wearing masks and social distancing in the kitchen. The ACSO should develop a contingency plan for kitchen workers to socially distance when equipment breaks or in other emergencies.

**I find this recommendation to be completed and that social distancing on the meal preparation assembly line is not practical, but is during breaks/meals.**

- **Recommendation:** Create a Covid19 prevention fact sheet that is given to every new inmate upon arrival in the housing unit. The fact sheet reading level must be at a 6<sup>th</sup> grade reading level. The fact sheet should be available in English and Spanish at a minimum. The fact sheet should be available in large print for those who have vision problems. I recommend a font of 16 for the large print. The fact sheet should be available in an audio format for inmates who cannot see large print. The audio format can be made available in the tablets as can the large print.

Inmates should be told that if they are having a hard time reading or understanding the information provided, they can ask for assistance from a Housing Unit Deputy or another classification as long as that other classification is readily available to assist the inmate. Particular attention should be given to the Developmentally Disabled population to ensure the information is effectively communicated to them.

**I find this recommendation to be completed.**

- **Recommendation:** Create a fact sheet that is uniformly handed out to every inmate when they arrive at their assigned Housing Unit. This fact sheet must also be available in large print, audio, in Spanish and English, and in the tablets. Housing Officers should give inmates an orientation on how the Housing Unit Program works (out of cell time, laundry exchange, religious services, education programs, etc.). Particular attention should be given to the Developmentally Disabled population. This population may require regular prompts to clean their cells, wash their hands, shower, etc.

**I find this recommendation to be completed.**

- **Recommendation:** Create a fact sheet or video that explains the Covid19 response plan from beginning to end. Run it on the TV multiple times a day and make it available in the tablets. It is my expert opinion that this increase in information will exponentially reduce the fear-based complaints, the stress and fear of the inmates, and the staff time required to deal with these complaints.

**Unknown status of this recommendation.**

- **Recommendation:** During this dangerous time try to transport no more than 2 or 3 inmates at the same time if possible. I recognize that as the courts open back up and begin demanding in person court appearances this will become more challenging if not downright impossible. This will become a challenge sooner than later if the State Supreme Court rescinds Emergency Rule 4 - Emergency Bail. I have reviewed and commented on the interim proposed transportation plan. I have not reviewed the final plan, but in discussions with SRJ Command staff it is my understanding they are currently transporting inmates consistent with that plan. I recommend that Red, Blue and Yellow inmates should never be transported unless it is an emergency, to a hospital or in response to a court order. Video arraignments, and video preliminary hearings should continue until the Covid19 virus has an effective vaccine. I recognize this is beyond the control of the ACSO.

**I find this recommendation to be completed.**

- **Recommendation:** Universally, competent experts recommend using a test-based strategy if testing resources are available in the community. Because there are a large number of asymptomatic inmates who are booked in the SRJ, I recommend that Wellpath move to a test-based strategy and offer nasal

pharyngeal tests to inmates at day two and day ten. This will go a long way in enhancing detection of the virus and preventing the inadvertent introduction of the virus into the SRJ.

**I find this recommendation to be completed. Wellpath is testing on days 2/10.**

- **Recommendation:** It is my expert opinion and recommendation that the inmate test refusers in each cohort should be removed and housed separately from the remaining cohort. This would go a long way toward minimizing the inadvertent spread of the virus in the jail through asymptomatic test refusers. How long they should remain in medical isolation is a public health decision.

**Public Health rejected this recommendation.**

- **Recommendation:** It is my recommendation that the SRJ Classification Unit end the practice of using Orange Units as overflow housing for Blue Ad Seg females. It makes no sense to expose the other inmates to a potentially positive inmate who is in medical isolation.

**I find this recommendation to be completed.**

- **Recommendation:** The SRJ must be hyper-vigilant about cleaning the common areas and high touch surfaces in between each use in every living unit. While this is challenging and labor intensive, it is important in the effort to prevent/mitigate the spread of this deadly virus within the inmate population.

**I find this recommendation to be incomplete. I defer to Public Health on this recommendation.**

- **Recommendation:** In my expert opinion, no dormitory should ever be used as a medical isolation unit or quarantine unit. Lack of solid walls and doors, inability to enforce social distancing, closed ventilation, and common toilets, sinks, and showers, make this setting an ineffective medical isolation setting. This practice significantly increases the likelihood of spreading the virus through asymptomatic inmate test refusers to other inmates.

**I find this recommendation to be completed.**

## Findings and Recommendations From August 25, 2020

- **Finding:** The Compliance Unit has now been formed, and one of its important functions is to develop internal compliance self-assessment/audit tools for a variety of litigation related issues, and policies, procedures and practices that are key to the safe and effective operation of the SRJ. While it is in its embryonic stage of development, the Compliance Unit can immediately add another layer of monitoring to the SRJ's compliance with the CDC, Public Health, and this expert's Covid-19 recommendations.
  - **Recommendation:** It is my expert opinion that under the leadership of Captain Brodie, this unit can immediately develop a robust self-assessment/audit tool to monitor the ongoing compliance with the SRJ Covid-19 response in its current form and as it evolves. This will add significant rigor to the ongoing efforts of the ACSO to protect staff and inmates from contracting this highly contagious virus that will be with us for the foreseeable future. The presence of the Compliance Unit staff (which I recommend wear a polo shirt affixed with their names and unit affiliation along with an embroidered ACSO badge, and Khakis) in the housing units meeting with inmates, staff, and observing compliance with policies, procedures and practices will have a calming effect on the inmate population as well as providing the SRJ command staff real time data from which they can develop corrective action plans.
  
- **Finding:** In the non-medical isolation/quarantine Pods, cleaning the common areas and high touch surfaces is only occurring once in the morning and once in the evening.
  - **Recommendation:** While I recognize there are studies that conclude that there is a low probability of contracting the Covid-19 virus from high touch surfaces like phones, tables, sinks, and toilets, it is my recommendation that the ACSO utilize Pod workers to increase the frequency of common areas, showers, toilets, sinks, dayroom tables, and phones to a level that is practical , but more frequent. I recommend after every use. Having said that, I defer to Public Health as to the frequency and extent of the cleaning needed.
  
- **Finding:** The jail population hovers around 1950 inmates, and that makes social distancing and modified programming (bringing inmates out for dayroom time and yard time in smaller groups to accommodate social distancing) far more challenging. Social distancing is a cornerstone of the CDC recommendations. In addition, this means that in the dormitory settings the inmates are sleeping closer together. If there is an inmate who becomes positive in a dormitory setting, the likelihood of it spreading like wildfire within that dorm before it is detected is

extremely high. There is also a high risk it will spread to the adjacent dorm because the front walls of the dormitories are steel grates, and the higher the SRJ population, the more living units reach capacity and social distancing/programming becomes more challenging. I defer to the Alameda County Public Health regarding the risk of the virus spreading to an adjacent dorm and the increased risk of spreading the virus as a result of the increase of the inmate population in the SRJ.

Moreover, because CDCR is only accepting a small number of inmates sentenced to state prison from select counties, the SRJ population has increased by over 100 inmates.

The higher the inmate population rises, the greater risk of less solid door cell space being available to properly isolate the newly incarcerated inmates and the vulnerable population. SRJ has been very successful in preventing/mitigating the spread of Covid-19 in the SRJ thus far, but the ever increasing inmate population will challenge their ability to comply with CDC and Public Health Guidelines for medical isolation and social distancing.

- **Recommendation #1:** During my Covid-19 inspections of other jails, I have found that the jails that are the most successful in preventing/mitigating the spread of the Covid-19 virus among their jail population have maintained populations that are 50-60 percent of their BSCC rated capacity. Admittedly there is no magic number that ensures success or predicts failure, but experience tells us that having adequate space for medical isolation, social distancing and clustering the vulnerable inmates increases the chances of preventing/mitigating the spread of Covid-19 among the inmate population.

In the SRJ, there are several Pods offline because of ADA construction and will be for the foreseeable future, so I recommend that the SRJ try to keep its population in the low to mid 1800s or lower to ensure there is sufficient space to accommodate population spikes and continued compliance with CDC and Public Health guidelines. There are a number of ways to safely reduce the current SRJ inmate population and the ACSO should consider using them when adequate bed space becomes an issue.

- **Recommendation #2:** The Alameda County Superior Court also has a variety of sentencing options available to them to assist the ACSO in controlling the size of the SRJ inmate population without compromising public safety. I recommend that the ACSO and the Alameda County Superior Court consider using those tools more aggressively when necessary to control the size of the SRJ population. I am happy to discuss those options with the parties if they are interested.

## Conclusion

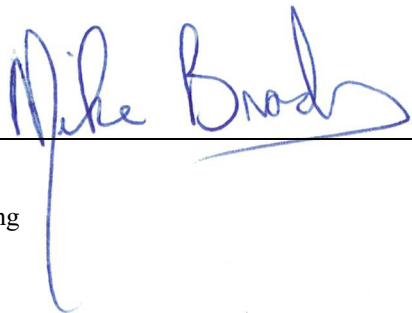
The ACSO and Wellpath continue to modify their Covid-19 response plan as new information and recommendations come to their attention. The ACSO and Wellpath have been cooperative, transparent, and responsive to this expert. It continues to be challenging to manage a jail and its healthcare delivery system in and of itself, and when you add the ongoing unprecedented and ever-changing challenge of preventing/mitigating the spread of the Coronavirus 19 in a custodial setting, it becomes exponentially more challenging.

The ACSO and Wellpath have been open-minded and responsive to my ongoing recommendations and they have clearly documented proof that they are following and adapting to the recommendations of CDC and Alameda County Public Health as they evolve. However, this is no time to fly the “Mission Accomplished” banner and take a victory lap. Continued hypervigilance in the fight against this virus is critical for the foreseeable future.

My fear is that the threat of this virus will be with us for the foreseeable future and as the public, anxious for their lives to return to normal, rejects the science, gets complacent, and lets down its guard, there will be huge spikes in positive cases in our cities and counties. When, not if, that happens, we can expect to see a statistically larger number of Covid-19 inmates booked into the SRJ going forward, and we need to be prepared to combat those spikes.

## Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the County of Alameda.



Mike Brady  
Director  
Sabot Consulting

September 7, 2020

Date