



San Diego and
Imperial Counties

March 11, 2020

Warren Montgomery
Warden
Calipatria State Prison
P.O. Box 5001
Calipatria, CA 92233-5001

Dear Warden Montgomery:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in Calipatria State Prison. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in the prison.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the prison administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

I understand California prison officials recently “convened a panel of infectious disease control experts, custody and operations staffers and department planners to help modify” their influenza policies to help address the potential spread of COVID-19.¹ If you have not already done so, I urge you to consult with these officials and the County and California Departments of Public Health to develop plans to address the virus in the facility as soon as possible. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

While the plan should be developed collaboratively by your department and the Departments of Public Health, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in prisons need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff and visitors:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the

¹ Jason Pohl, “California Jails, Prisons on Alert for Coronavirus. Fear It Will ‘Spread Like Wildfire,’” *Sacramento Bee*, March 6, 2020, <https://www.sacbee.com/news/california/article240962761.html>.

people in their custody. Visitors to the facility should also be provided information so they can protect themselves, their families, and others in the facility.

- **Staffing plans:** Regardless of how many staff stay home because they are sick, the prisons will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by prisoners:** Many tasks in prisons, such as food preparation and basic sanitation, are performed by prisoners. The plans for an outbreak must also address how necessary tasks performed by prisoners will continue if large numbers of prisoners are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the prison system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The prison system must be part of this process. The same information that is tracked in the community must be tracked in the prisons.

Please provide a written response to this request within the next two weeks.

Sincerely,

Jonathan Markovitz
Staff Attorney
(619) 398-4193
jmarkovitz@aclusandiego.org

//

CC:

Robin Hodgkin, M.P.A., Director
Imperial County Public Health Department
935 Broadway Street
El Centro, CA 92243

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

Raymond Madden
Warden
Centinela State Prison
P.O. Box 731
Imperial, CA 92251-0731

Dear Warden Madden:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in Centinela State Prison. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in the prison.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the prison administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

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people in their custody. Visitors to the facility should also be provided information so they can protect themselves, their families, and others in the facility.

- **Staffing plans:** Regardless of how many staff stay home because they are sick, the prisons will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
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Robin Hodgkin, M.P.A., Director
Imperial County Public Health Department
935 Broadway Street
El Centro, CA 92243

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

Marcus Pollard
Warden
Richard J. Donovan Correctional Facility
480 Alta Rd
San Diego, CA 92179

Dear Warden Pollard:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in the Richard J. Donovan Correctional Facility. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in the facility.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the prison administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

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- **Education of the staff and visitors:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody. Visitors to the facility should also be provided information so they can protect themselves, their families, and others in the facility.
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- **Staffing plans for services provided by prisoners:** Many tasks in prisons, such as food preparation and basic sanitation, are performed by prisoners. The plans for an outbreak must also address how necessary tasks performed by prisoners will continue if large numbers of prisoners are ill.
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Sincerely,

Jonathan Markovitz
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Nick Macchione
Director
Health and Human Services Agency
County of San Diego
1600 Pacific Highway, Room 206
San Diego, CA 92101
Nick.Macchione@sdcounty.ca.gov

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

Chief Probation Officer Daniel Prince
Imperial County Probation Department
324 Applestill Road, El Centro, California 92243

Dear Officer Prince:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in Imperial county juvenile detention facilities. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in county juvenile detention facilities.

People in detention facilities are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and may be in poor health. Without the active engagement of the detention facility administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

I understand California prison officials recently “convened a panel of infectious disease control experts, custody and operations staffers and department planners to help modify” their influenza policies to help address the potential spread of COVID-19.¹ If you have not already done so, I urge you to consult with these officials and the County and California Departments of Public Health to develop plans to address the virus in the county’s juvenile detention system as soon as possible. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

While the plan should be developed collaboratively by your department and the Department of Public Health, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in the detention facilities need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus, as do their parents or guardians. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff and visitors:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody. Visitors to the facility should also be provided information so they can protect themselves, their families, and others in the facility.

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- **Staffing plans:** Regardless of how many staff stay home because they are sick, the detention facilities will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by detainees:** Many tasks in detention facilities, such as food preparation and basic sanitation, are performed by detainees. The plans for an outbreak must also address how necessary tasks performed by detainees will continue if large numbers of detainees are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the detention system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
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- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The juvenile detention system must be part of this process. The same information that is tracked in the community must be tracked in the detention facilities.

Please provide a written response to this request within the next two weeks.

Sincerely,

Bardis Vakili
Senior Staff Attorney
(619) 398-4485
BVakili@aclusandiego.org

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CC:

Robin Hodgkin, M.P.A., Director
Imperial County Public Health Department
935 Broadway Street
El Centro, CA 92243

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



**San Diego and
Imperial Counties**

March 11, 2020

Chief Probation Officer Adolfo Gonzales
Probation Administration Center
9444 Balboa Ave., Suite 500
San Diego, CA 92123
(858) 514-3148

Dear Officer Gonzales:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in San Diego county juvenile detention facilities. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in county juvenile detention facilities.

People in detention facilities are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and may be in poor health. Without the active engagement of the detention facility administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

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While the plan should be developed collaboratively by your department and the Departments of Public Health, some of the critical issues that must be addressed are:

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people in their custody. Visitors to the detention center should also be provided information about the virus so they can protect themselves, their families, and others in the facility.

- **Staffing plans:** Regardless of how many staff stay home because they are sick, the detention facilities will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
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Nick Macchione
Director
Health and Human Services Agency
County of San Diego
1600 Pacific Highway, Room 206
San Diego, CA 92101
Nick.Macchione@sdcounty.ca.gov

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

Sheriff Bill Gore
John F. Duffy Administrative Center
9621 Ridgehaven Ct.
San Diego, CA 92123

Dear Sheriff Gore:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in San Diego county jail and detention facilities. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in San Diego county jails.

People in jails are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the jail administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

I understand that Sheriff's department has plans to consult with public health officials about modifying intake, screening, monitoring and placement procedures in light of COVID-19.¹ I further understand California prison officials recently "convened a panel of infectious disease control experts, custody and operations staffers and department planners to help modify" their influenza policies to help address the potential spread of COVID-19.² If you have not already done so, I urge you to consult with these officials and the County and California Department of Public Health as soon as possible to develop plans to address the virus in the jail system. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

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² Jason Pohl, "California Jails, Prisons on Alert for Coronavirus. Fear It Will 'Spread Like Wildfire,'" *Sacramento Bee*, March 6, 2020, <https://www.sacbee.com/news/california/article240962761.html>.

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- **Staffing plans for services provided by inmates:** Many tasks in jails, such as food preparation and basic sanitation, are performed by inmates. The plans for an outbreak must also address how necessary tasks performed by inmates will continue if large numbers of inmates are ill.
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Sincerely,

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Director
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California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

Sheriff Raymond Loera
Imperial County Sheriff's Office
El Centro, CA 92243

Dear Sheriff Loera:

To the extent you may not have already done so, I am writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in Imperial county jail and detention facilities. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in Imperial county jails.

People in jails are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the jail administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

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- **Staffing plans for services provided by inmates:** Many tasks in jails, such as food preparation and basic sanitation, are performed by inmates. The plans for an outbreak must also address how necessary tasks performed by inmates will continue if large numbers of inmates are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the jail system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The jail system must be part of this process. The same information that is tracked in the community must be tracked in the jails.

Please provide a written response to this request within the next two weeks.

Sincerely,

Jonathan Markovitz
Staff Attorney
(619) 398-4193
jmarkovitz@aclusandiego.org

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CC:

Robin Hodgkin, M.P.A., Director
Imperial County Public Health Department
935 Broadway Street
El Centro, CA 92243

Dr. Sonia Angell, Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377



San Diego and
Imperial Counties

March 11, 2020

U.S. Marshal Steven C. Stafford
Southern District of California
U.S. Courthouse Annex
333 W. Broadway, Suite 100 (Plaza)
San Diego, CA 92101
(619) 557-6620

Dear Marshal Stafford:

To the extent this may not have already been done, I am writing to urge you to immediately work with Southern District prison wardens to develop evidence-based and proactive plans for the prevention and management of COVID-19. I request a written response within the next two weeks addressing how you are protecting the health of the people in your custody and the people who work in the facilities.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the prison administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

I understand Senator Kamala Harris recently sent a [letter](#) to Bureau of Prisons Director Michael Carvajal requesting information about BOP's preparation for COVID-19. And state prison officials recently "convened a panel of infectious disease control experts, custody and operations staffers and department planners to help modify" their influenza policies to help address the potential spread of COVID-19.¹ If you have not already done so, I urge you to consult with these officials and the California Department of Public Health to develop plans to address the virus in Southern District facilities as soon as possible. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

While the plan should be developed collaboratively by your department and the Departments of Public Health, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in prisons need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about

¹ Jason Pohl, "California Jails, Prisons on Alert for Coronavirus. Fear It Will 'Spread Like Wildfire,'" *Sacramento Bee*, March 6, 2020, <https://www.sacbee.com/news/california/article240962761.html>.

the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.

- **Education of the staff and visitors:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody. Visitors to the facility should also be provided information so they can protect themselves, their families, and others in the facility.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, the prisons will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by prisoners:** Many tasks in prisons, such as food preparation and basic sanitation, are performed by prisoners. The plans for an outbreak must also address how necessary tasks performed by prisoners will continue if large numbers of prisoners are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
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- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The prison system must be part of this process. The same information that is tracked in the community must be tracked in the prisons.

Additionally, the El Centro Service Processing Center should not start detaining people unless and until the facility has implemented a plan addressing all of the above measures.

Please provide a written response to this request within the next two weeks.

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Sincerely,

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CC:

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