



April 21, 2020

**BY ELECTRONIC MAIL ONLY**

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**Re: Parsons v. Shinn – COVID-19**

Dear Tim:

Our review of the eOMIS records of *Parsons* class members who have been tested for the virus causing COVID-19 reveals that these patients – both those who have tested positive, and those who are symptomatic and whose results are pending – are being housed together in the Florence-Kasson Mental Health Unit and watch area.

First, this is a dangerous practice that is inconsistent with guidance from the Centers for Disease Control and Prevention (CDC):

The Essex County Jail also “cohorts” detainees who have been exposed to individuals who have tested positive for COVID-19—that is, houses them together with one another, and separate from the rest of the population. Ortiz Decl. ¶ 20. But cohorting in this manner does nothing to stop the spread of untested cases; indeed, in some situations, it might exacerbate the spread of disease, as asymptomatic but infected detainees mingle with uninfected ones. Such a practice is not in compliance with Centers for Disease Control and Prevention (“CDC”) guidelines, which recommend that “[o]nly individuals who are laboratory confirmed COVID-19 cases should be placed under medical isolation as a cohort. **Do not cohort confirmed cases with suspected cases or case contacts.**” *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, Centers for Disease Control and Prevention (Apr. 9, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

*Valenzuela Arias v. Decker*, No. 20 CIV. 2802 (AT), 2020 WL 1847986, at \*4 (S.D.N.Y. Apr. 10, 2020) (emphasis added) (granting temporary restraining order releasing detainees because of risk of COVID-19 transmission in detention facility).

**ADC should immediately cease housing persons who have tested positive in the same unit as those who have not tested positive, at Florence and at any other prison where this is being done. Please confirm when this practice has been halted.**

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PLEASE RESPOND TO  
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Second, according to ADC's Daily Count Sheet, the Kasson MHW unit is the only mental health watch unit in the Florence complex. **Please state whether class members who are on watch are still being housed in the Florence-Kasson MHW unit, alongside those who have tested positive for COVID-19. If they are not, please state where patients who are on watch are being housed. In addition, if class members participating in the behavioral health programs at Kasson have been moved out of Kasson to make room for the people under isolation and quarantine, we request a list of all class members who have been moved out of Kasson, including the date of their transfer and the facility to which they were transferred.**

Thank you for your prompt attention.

Very truly yours,



David C. Fathi

cc: All counsel

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