


# **EXHIBIT A**





## MEMORANDUM

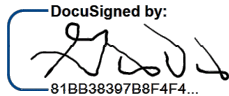
**Date** : May 10, 2021

**To** : CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION - ALL STAFF  
CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES - ALL STAFF  
DIVISION OF JUVENILE JUSTICE - ALL STAFF

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**Subject** : **RECOMMENDED COVID-19 PERSONAL PROTECTIVE EQUIPMENT AND PHYSICAL DISTANCING REQUIREMENTS FOR STAFF AND INMATE-PATIENTS UPDATE (5.7.21)**

This memorandum provides updated guidance on the Novel Coronavirus Disease 2019 (COVID-19) types of Personal Protective Equipment (PPE) and physical distancing requirements at California Department of Corrections and Rehabilitation (CDCR), California Correctional Health Care Services (CCHCS), and Division of Juvenile Justice (DJJ) institutions, headquarters, regional and field offices, fire camps, and youth facilities.

This memorandum supersedes expectations and guidance provided in previous memoranda including:

- "Staff Wearing Facial Coverings and Physical Distancing Requirements in Institutions and Facilities," dated October 27, 2020.
- "Authorized Facial Coverings for All Employees, Contractors, and Visitors Entering CDCR Institutions and DJJ Youth Facilities – Procedure Mask Distribution and Use," dated November 19, 2020,
- "Staff Wearing Facial Coverings and Physical Distancing Requirements at Headquarters, Regional, and Field Office Locations," dated December 4, 2020.
- "Clarification for Offenders Wearing Face Covering," dated December 11, 2020.
- "Recommended Covid-19 Personal Protective Equipment for Staff and Inmate-Patients Update," dated March 18, 2021.

To protect all staff and inmate-patients from transmission of the COVID-19 pathogen, staff and all inmate-patients shall adhere to required proper infection control practices, including frequent hand hygiene, six-foot physical distancing, and adherence to the universal use of face masks.

The PPE recommended for staff and inmate-patient varies to include, but not limited to, masks, gloves, face shields, eye protection, and gowns. The type of PPE that is required also varies depending on location and circumstances to include, but not limited to whether six-foot physical distancing is feasible, the level of contact they have with symptomatic inmate-patients, COVID-19 cases, contaminated/aerosolized material and/or whether activities are indoors or outdoors. This guidance may include PPE recommendations and requirements exceeding Center for Disease Control and Prevention and California Department of Public Health guidelines. Properly worn face coverings shall cover the nose, mouth, and chin. This should be in concert with the practice of maintaining at least six feet of physical distance from others at all times.

### **STAFF AND VISITORS**

All employees, contractors, and visitors working, visiting, or performing duties at CDCR institutions or DJJ facilities must wear either a polypropylene procedure mask (also referred to as a surgical mask), N95, or KN95 mask at all times while, except while:

- 1) Eating or drinking, if a minimum of six feet of physical distance is maintained from all others.
- 2) Alone in an office with the door closed.
- 3) Alone in a tower or enclosed control booth with no others present.
- 4) Outdoors, if a minimum of six feet of physical distance is maintained from all others. An appropriate mask must be kept on person at all times and must be worn if within six feet of others.

Under no circumstances shall a procedure or KN95 mask be worn as a substitute for an N95 respirator, which is required in specific areas of institutions and facilities.

### **HEADQUARTERS, REGIONAL, AND FIELD OFFICE STAFF**

All staff working or performing duties at any CDCR, CCHCS, or DJJ headquarters, regional, and field office location shall practice physical distancing and properly wear facial coverings at all times, except as noted above. Staff may wear a cloth mask, N95, KN95 or polypropylene procedure mask (also referred to as a surgical mask) at these locations. Sleeve-style facial coverings (gaiter masks), bandanas, and facial coverings with exhalation valves or vents shall not be worn. These staff shall adhere to institutional face covering mandates when visiting any of the CDCR institutions or DJJ facilities.

### **INMATE-PATIENTS**

Inmate-patients shall continue to use approved facial coverings made according to California Prison Industry Authority standards. Additionally, they may be provided procedure or KN95 masks. All inmate-patients on institutional grounds shall wear the approved facial coverings at all times, except while:

- 1) In assigned cell or in their immediate assigned bunk area.
- 2) Eating or drinking, if a minimum of six feet of physical distance is maintained from all others.
- 3) Showering, bathing, shaving, or performing oral hygiene in common areas, if a minimum of six feet of physical distance is maintained from all others.
- 4) Outdoors, if a minimum of six feet of physical distance is maintained from all others. An appropriate facial covering must be kept on person at all times and must be worn if within six feet of others.
- 5) Participating in outdoor firefighter training, such as the Forestry Training Program.

When staff observe inmate-patients failing to adhere to facial covering or physical distancing directives, the inmate-patient will be directed to return to their assigned housing. Further violations will result in corrective action and progressive discipline, including the following:

- Verbal Counseling
- Counseling Only Rules Violation Report
- Rules Violation Report

#### **REASONABLE ACCOMMODATIONS AND RELIGIOUS ACCOMMODATIONS**

Staff unable to wear an approved face covering due to a medical, mental health, or developmental disability shall notify their supervisor and Return-to-Work Coordinator to engage in the interactive process. Staff requesting a religious accommodation shall contact their local Equal Employment Opportunity Coordinator. Staff who have submitted a request for reasonable or religious accommodation due to the inability to comply with CDCR/CCHCS face covering or Personal Protective Equipment guidelines may request permission to remain off work using leave credits or an unpaid leave of absence pending a determination on their request. The Department shall engage in the interactive process with staff to ensure that a timely reasonable or religious accommodation determination is made.

#### **REQUIREMENTS FOR NON-COMPLIANCE**

All departmental supervisors and managers are responsible for ensuring subordinate staff consistently wear approved facial coverings correctly and practice physical distancing. When managers or supervisors observe a subordinate employee failing to adhere to facial covering or physical distancing directives, corrective action shall be taken in accordance with Department Operations Manual, Article 22, Employee Discipline, section 33030.8, Causes for Corrective Action. Progressive discipline includes the following:

- Verbal Counseling
- Employee Counseling Record (CDC Form 1123)
- Letter of Instruction
- Adverse Action or Rejection During Probation, dependent on the employee's tenure.

Additionally, supervisors and managers shall document each instance of non-compliance with any directives contained within this memorandum on facial coverings and physical distancing to track repeat offenses and take corrective and adverse actions, as appropriate.

For each instance of staff non-compliance, supervisors and managers shall immediately notify the respective Employee Discipline Unit, Employee Advocacy and Prosecution Team, Office of Legal Affairs, CDCR, or Performance Management Unit (PMU), CCHCS. The Non-Compliance Tracking Log shall be completed with information provided by each supervisor or manager and maintained by the respective Employee Discipline Unit, Employee Advocacy and Prosecution Team, Office of Legal Affairs, CDCR, or PMU, CCHCS. The Non-Compliance Tracking Log shall be retained until further notice and will be requested for, unannounced as well as regularly scheduled, audits or reviews.

Supervisors and managers who fail to enforce these directives shall also be subject to progressive discipline.

As a reminder, the Employee Discipline Unit or your area's assigned Health Care Employee Relations Officer in PMU are available to provide assistance throughout the progressive discipline process.

### **DISTRIBUTION AND STORAGE**

Each institution and youth facility shall maintain an inventory of no less than two days' supply at each entrance gate at all times. Additional distribution locations throughout the institution or facility where staff may obtain extra masks throughout their shift or when working a double shift shall be established by the institution's Warden and Chief Executive Officer (CEO) or Superintendent for DJJ facilities.

Each institution's Chief Support Executive and Associate Warden, Business Services, or Chief Financial Officer for DJJ, shall develop a local operational procedure to ensure a ready supply of procedure masks are available and replenished at entry points and the additional distribution locations throughout the day.

Institutions and DJJ facilities shall ensure warehouse staff accept all procedure mask inventory delivered to their location and identify local processes for managing and anticipating needed inventory for staff. Institutions that exceed typical storage capacity may need to consider non-typical storage locations (e.g., gymnasiums, vocational education areas) for procedure masks, while adhering to standard storage requirements.

### **DISPOSAL OF PROCEDURE MASKS**

Procedure masks are not intended to be used for more than one shift. Additionally, if an employee's mask is damaged or soiled, or if breathing through the mask becomes difficult, the employee shall remove the mask, discard it safely, and replace it with a new one. To safely discard a mask, the employee shall take the elastic from around the ears, avoid touching the front of the mask, as it may be contaminated, and place the mask in a non-bio hazard waste bin. The employee shall then wash their hands with soap and water or use hand sanitizer as soon as possible.

### **SUPPLY AND SUSTAINABILITY**

PPE shall be ordered using established processes by submitting either a Purchase Requisition for CCHCS or Resource Request Message (ICS 213 RR) for CDCR. All transactions shall be recorded in Systems, Applications and Products (SAP) in a timely manner.

### **PPE USE IN SPECIFIC LOCATIONS**

**Please be aware that eye protective face shields do not constitute a facial covering.** Eye protection, gowns, surgical masks, and N95 respirators should be worn within the attached appendix, "PPE Utilization Guidance in Specific Locations." Gowns can be assessed for their requirement, based on part with the activities listed above and the guidance below.

Staff, inmate-workers, or volunteers should wear the recommended PPE for that assignment, in addition to the minimum required facial covering (N95 respirator, surgical mask, cloth mask). N95 respirator and eye protection (goggles, safety glasses that cover the entire eye and sides of the face or face shields with side coverage) are indicated when engaged in activities with a high-risk area of transmission or high likelihood of infection (e.g. Health Facility Maintenance Worker).

### **N95 RESPIRATOR LENGTH OF TIME FOR USE**

The length of time an individual could safely wear the N95 respirator may be different from person to person. The N95 respirator should only be worn for a **maximum of eight hours**. Should an employee work in excess of eight hours, a new N95 should be donned. However, if at anytime the respirator becomes damp/wet, visually dirty, or if an individual has difficulty breathing through the respirator after a short time (e.g. half an hour), he/she should remove and discard the respirator.

### **ATTACHMENTS:**

### Appendix 1: PPE Utilization Guidance in Specific Locations

The following guide refers to the staff, inmate workers, and residents in and around these locations. The PPE recommendations do NOT apply to the inmate/patients who are the population in question.

Population in the location	Staff, Residents, and Inmate work protection needed from the populations in the locations				
	N95 Respirator	Surgical or Procedure Mask	Eye Protection	Gloves <sup>2</sup>	Gowns <sup>2,4</sup>
<b>The Receiving and Release Processing (RRP) Areas and/or Reception Centers (RC)</b>					
Symptomatic or asymptomatic Inmate/Patient (I/P) or confirmed/suspected COVID-19 I/P or in quarantine (Always wear an N95 in RRP and RC areas)	√	N/A	√	√	√
Areas where I/Ps are incoming from institutions/jail <sup>3</sup>	√	N/A	√	√	√
<b>Custody Escort</b>					
Escorting symptomatic or asymptomatic confirmed/suspected COVID-19 I/P or quarantined I/P	√	N/A	√	√	√
Escorting asymptomatic I/P <sup>3</sup> who is not quarantined or a suspect or confirmed case	N/A	√	√ <sup>2</sup>	√	N/A
<b>Transportation Vehicle</b>					
All persons involved in vehicular transfers	√	N/A	√	√	N/A
<b>All Those Working in the Correctional Treatment Center (CTC)</b>					
If the CTC houses patients who have either influenza-like illness or suspected/confirmed COVID	√	N/A	√*	√*	√*
If the CTC has NO patients who have either influenza-like illness or suspected/confirmed COVID	N/A	√	√*	√*	√*
<i>*If involved in close contact with patient</i>					
<b>Outpatient Housing Unit (OHU)</b>					
Symptomatic or asymptomatic confirmed/suspected COVID-19 I/P or quarantined I/Ps	√	NA	√	√	√
Asymptomatic I/P <sup>3</sup> who is not quarantined or a suspect or confirmed case and who is not sharing OHU airspace/ventilation with symptomatic, quarantined, or confirmed/suspected I/Ps	NA	√	√ <sup>2</sup>	√	√
<b>Quarantine/Precautionary Quarantine/Isolated Areas</b>					
Symptomatic or asymptomatic I/P, symptomatic or asymptomatic confirmed/suspected COVID-19 I/P or quarantined I/P (Always wear an N95 in Quarantine and Isolation areas)	√	N/A	√	√	√
Pre/Post transfer Quarantine (no known exposure)	√	N/A	√	√	N/A
<b>Control Booth</b>					
Symptomatic or asymptomatic confirmed/suspected COVID-19 I/P or quarantined patient	√	N/A	√	√ <sup>2</sup>	√ <sup>2</sup>
Asymptomatic I/P <sup>3</sup> who is not in quarantine or a suspect or confirmed case	N/A	√	√ <sup>2</sup>	√	N/A
<b>Anyone Present During</b>					
Procedure on a confirmed/suspected COVID-19 case that may generate respiratory aerosols	√	N/A	√	√	√
Collection of diagnostic respiratory specimens	√	N/A	√	√	√

Population in the location	Staff, Residents, and Inmate work protection needed from the populations in the locations				
	N95 Respirator	Surgical or Procedure Mask	Eye Protection	Gloves <sup>2</sup>	Gowns <sup>2,4</sup>
<b>Field Staff (e.g., DAPO)<sup>1</sup> or Inmate Workers</b>					
During face-to-face interview: Symptomatic I/P, quarantined or confirmed/suspected COVID-19 I/P	√	N/A	√	√	√
During face-to-face interview: Asymptomatic I/P <sup>3</sup> who is not in quarantine	N/A	√	√ <sup>2</sup>	√	N/A

<sup>1</sup> A cloth mask is not PPE. A face mask includes surgical mask, procedure mask, medical mask, KN95 respirators, etc.

<sup>2</sup> Field staff should identify the risk levels and adhere to standard precautions and determine the level of transmission-based precautions.

<sup>3</sup> PPE user should determine the reliability of the "Asymptomatic patient status" when the patient claims he/she has no symptoms.

<sup>4</sup> Gowns can be assessed for their requirement. Activities involving aerosol-generating procedures, the possibility of splashes and sprays, close contact activities, such as close bedside care and bathing, or direct handling of infectious waste require gowns.

<sup>5</sup> Field staff should identify the exposure risk levels and consider the outbreak and employee and resident case rate of the institution or housing unit.

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# **EXHIBIT B**



Regional Offices

Sacramento

Bakersfield

Rancho Cucamonga

## Face Covering and Physical Distancing Follow-up Monitoring

### Introduction

In October 2020, the Office of the Inspector General (the OIG) issued a public report regarding the California Department of Corrections and Rehabilitation's (the department) compliance with face covering and physical distancing requirements for staff and incarcerated persons. The report identified frequent noncompliance by both staff and incarcerated persons, lax enforcement efforts by departmental supervisors and managers, and questioned the prudence of loosening of face covering requirements in June 2020. In response to the report, United States District Court Judge Jon Tigar invited the OIG to conduct follow-up monitoring at the department's prisons to observe and report whether staff and incarcerated persons have come into compliance with the department's current requirements. Below are the results of our monitoring activities between April 7, 2021, and May 6, 2021.

Additionally, we plan for this to be our last cycle for these monitoring activities, thus this will be the OIG's final report in this series. We believe our face covering and physical distancing monitoring activities are no longer vital due to changed circumstances, specifically: (1) the department's recently relaxed face covering mandates make monitoring more difficult, especially outdoors where individuals are not always required to wear face coverings; (2) as public health guidance continues to relax face covering requirements, we anticipate that the department will also likely continue to relax its requirements; (3) the department reports significantly fewer cases of COVID-19 among its staff and incarcerated population compared to the number of cases reported at the height of the pandemic; and (4) the number of individuals the department reports as having been vaccinated for COVID-19, especially among the incarcerated population.

### Unannounced Monitoring Visits and Video Review

Our staff conducted unannounced visits at 11 prisons. These visits focused on face covering and physical distancing compliance among staff and incarcerated persons. Our staff visited various locations throughout each prison visited. Although most staff and incarcerated persons adhered to the department's requirements, we still observed significant noncompliance at several prisons. Our most significant observations are detailed on the next page.

Based on our observations we assigned each prison two ratings, one for staff's compliance and one for the incarcerated population's compliance. The ratings are defined on the next page, at the end of the table. For reference, we have also included the prisons' active cases and vaccination rates for staff and the incarcerated population, as reported on the department's website.

Facility	Staff Face Covering Compliance		Incarcerated Population Face Covering Compliance		Active Cases (according to the department's website as of May 19, 2021)		Vaccination Rates (according to the department's website as of May 19, 2021)	
	April 2021	Change from Prior Visit*	April 2021	Change from Prior Visit*	Staff	Incarcerated Persons	Staff	Incarcerated Persons
California City Correctional Center	Full Compliance	^	Partial Compliance	^	1	0	37%	61%
California Health Care Facility	Partial Compliance	No Change	Significant Noncompliance	No Change	0	3	54%	84%
California Medical Facility	Partial Compliance	^	Partial Compliance	^	5	0	55%	76%

Facility	Staff Face Covering Compliance		Incarcerated Population Face Covering Compliance		Active Cases (according to the department's website as of May 19, 2021)		Vaccination Rates (according to the department's website as of May 19, 2021)	
	April 2021	Change from Prior Visit*	April 2021	Change from Prior Visit*	Staff	Incarcerated Persons	Staff	Incarcerated Persons
California Rehabilitation Center	Full Compliance	^	Significant Noncompliance	v	5	0	44%	74%
California State Prison, Los Angeles County	Partial Compliance	^	Partial Compliance	^	5	0	45%	63%
California State Prison, Solano	Substantial Compliance	^	Significant Noncompliance	No Change	3	0	46%	59%
Kern Valley State Prison	Substantial Compliance	v	Partial Compliance	v	4	0	39%	60%
Mule Creek State Prison	Full Compliance	^	Significant Noncompliance	v	6	0	42%	84%
North Kern State Prison	Full Compliance	No Change	Substantial Compliance	^	6	3	40%	47%
San Quentin State Prison	Full Compliance	No Change	Significant Noncompliance	v	1	0	53%	78%
Wasco State Prison	Substantial Compliance	v	Full Compliance	^	4	3	38%	44%

\*These 11 prisons were not previously a part of the same monitoring cycles. Prior visit is from either February 2021 or March 2021.

#### Compliance Rating Definitions – Staff

<b>Full Compliance</b>	Zero non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Substantial Compliance</b>	Typically, three or fewer non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Partial Compliance</b>	Typically, 4 to 10 non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Significant Noncompliance</b>	Many non-compliant individuals (more than 10) observed without face coverings or improperly wearing face coverings.

#### Compliance Rating Definitions – Incarcerated Persons

<b>Full Compliance</b>	Zero non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Substantial Compliance</b>	Typically, five or fewer non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Partial Compliance</b>	Typically, 6 to 10 non-compliant individuals observed without face coverings or improperly wearing face coverings
<b>Significant Noncompliance</b>	More than 10 non-compliant individuals observed without face coverings or improperly wearing face coverings

#### Additional factors that could influence a rating other than the number of non-compliant individuals:

- Total number of individuals in the location. For example, two non-compliant individuals in a location among 150 total people was viewed more favorably than two non-compliant individuals in a location among three total people.
- If staff was observed quickly correcting the incarcerated persons who were not properly wearing face coverings.
- Physical distancing among non-compliant individuals. For example, if we observed three separate individuals not properly wearing masks outside and far away from other people, that was viewed more favorably than three individuals not properly wearing masks in close proximity to each other.

- Number of locations visited. We instructed staff to visit at least five locations, but many visited more than five. For example, if we visited 10 locations and saw five non-compliant individuals, that was viewed more favorably than visiting five locations and observing five non-compliant individuals.

### Significant Observations

Below are our staff's additional significant observations from both our visits focusing on face covering and physical distancing compliance, as well as from our staff during our other routine monitoring activities:

- **California State Prison, Solano (April 22, 2021):** The OIG once again observed noncompliance with face covering requirements by incarcerated culinary workers. The OIG witnessed this ongoing issue in both the main culinary (four incarcerated workers) and a secondary culinary location (two incarcerated workers). In neither location did the OIG hear or see departmental staff instruct the incarcerated culinary workers to don their face coverings correctly.

Additionally, of the seven locations observed by the OIG, we observed face covering noncompliance by incarcerated persons in six of those locations. Not once did we observe departmental staff instruct any of the incarcerated persons to don their face coverings in the appropriate manner.

- **Kern Valley State Prison (April 30, 2021):** The OIG observed a teacher exit a classroom with students inside. The teacher did not have a face covering on of any kind, and he proceeded down the hall with several other staff members. When asked to put his face covering on, the teacher responded that it was "in another room." The teacher then went to an office to retrieve and don his face covering, raising the question of whether he had a face covering in his possession while in the classroom with his students.
- **San Quentin State Prison (April 28, 2021):** The OIG observed more than 60 incarcerated persons not wearing face coverings correctly.
- **Multiple Prisons:** The OIG observed an improvement in staff compliance at six of eleven prisons, including rating the following five prisons as fully compliant:
  - California City Correctional Facility
  - California Rehabilitation Center
  - Mule Creek State Prison
  - North Kern State Prison
  - San Quentin State Prison

### Review of Disciplinary Actions

Related to the department's face covering and physical distancing requirements, we requested and received copies of disciplinary actions taken by the department's adult prisons against staff, as well as corrective actions and rules violation reports issued by prisons to incarcerated persons, for noncompliance that occurred from April 1 through May 4, 2021. The actions are summarized below by facility and type of action:

Prison	STAFF					INCARCERATED POPULATION	
	Verbal Counseling	Written Counseling	Letters of Instruction	Referrals for Investigation or Punitive Action	Punitive Actions	Corrective Counseling	Rules Violation Reports
Avenal State Prison	15	0	0	0	0	4	0
California City Correctional Facility	2	1	2	0	0	7	0
California Correctional Center	0	0	1	0	0	0	18
California Correctional Institution	3	0	0	0	0	1	0
California Health Care Facility	0	0	4	0	0	0	0
California Institution for Men	3	0	0	0	0	2	1
California Institution for Women	0	0	0	0	0	2	4

Prison	STAFF					INCARCERATED POPULATION	
	Verbal Counseling	Written Counseling	Letters of Instruction	Referrals for Investigation or Punitive Action	Punitive Actions	Corrective Counseling	Rules Violation Reports
California Medical Facility	0	0	8	0	0	27	11
California Men's Colony	8	0	1	0	0	0	0
California Rehabilitation Center	1	0	0	0	0	62	11
California State Prison, Corcoran	6	6	8	0	0	0	3
California State Prison, Los Angeles County	1	0	0	0	0	0	2
California State Prison, Sacramento	0	1	5	0	0	107	31
California State Prison, Solano	0	0	5	0	0	0	51
California Substance Abuse Treatment Facility and State Prison, Corcoran	6	4	3	0	0	81	24
Calipatria State Prison	0	1	0	0	0	3	0
California State Prison, Centinela	0	0	0	0	0	2	4
Central California Women's Facility	0	3	0	0	0	0	4
Chuckawalla Valley State Prison	0	0	0	1	0	4	0
Correctional Training Facility	4	1	1	0	0	0	0
Deuel Vocational Institution	5	3	0	0	0	0	0
Folsom State Prison	3	0	0	0	0	0	0
High Desert State Prison	0	0	3	0	0	1	0
Ironwood State Prison	0	1	0	0	0	0	0
Kern Valley State Prison	0	4	0	0	0	0	2
Mule Creek State Prison	4	0	0	0	0	0	0
North Kern State Prison	7	0	0	0	0	34	6
Pelican Bay State Prison	4	0	12	0	0	0	0
Pleasant Valley State Prison	10	0	1	0	0	0	2
Richard J. Donovan Correctional Facility	4	0	1	0	0	0	0
Salinas Valley State Prison	1	0	0	0	0	0	0
San Quentin State Prison	0	0	1	0	0	17	4
Sierra Conservation Center	0	3	0	0	0	2	1
Valley State Prison	3	0	0	0	0	2	0
Wasco State Prison	1	5	0	0	0	8	5
<b>Totals</b>	<b>91</b>	<b>33</b>	<b>56</b>	<b>1</b>	<b>0</b>	<b>366</b>	<b>184</b>

### Significant Observations

- Substance Abuse Treatment Facility and State Prison, Corcoran (April 14-19, 2021):** Between April 14-19, 2021, fourteen incarcerated persons working inside Facility D's Prison Industry Authority bread and peanut butter and jelly shops received written counseling or rules violations for failing to properly wear facial coverings. Similarly, between April 16-19, 2021, twenty six incarcerated persons received written counseling or rules violations for failing to properly don facial coverings in Facility D's work change area.

- **Avenal State Prison:** Fourteen staff members, including a member of the prison's executive management, "forgot" to wear face coverings while attending an off-grounds work event. All received verbal counseling.

### **Repeated Violations**

According to the documentation provided by the department, 23 staff members that reoffended during this reporting period. The 23 staff members were from 13 different prisons and included both custody and non-custody staff. Penalties for repeat offenders varied among the prisons and, with one exception, ranged from verbal counseling to written letters of instruction. At Chuckawalla Valley State Prison, a staff member had four total instances of noncompliance and received a salary reduction after the third instance of noncompliance. The salary reduction was issued prior to this reporting period, and there is additional disciplinary action pending for the fourth instance of noncompliance, which occurred during this reporting period. This can be contrasted with a staff member at North Kern State Prison who had five total instances of noncompliance. This staff member received only verbal counseling for each of four documented instances of noncompliance. However, based on unclear records provided by the department, we could not determine the nature of action taken, if any, for the fifth instance of noncompliance. Thus, the nature of corrective action implemented in response to repeated violations of facial covering and physical distancing policy requirements varied among prisons, but almost all repeat offenders identified during this reporting period received corrective action in the form of verbal counseling, a written employee counseling record, or a written letter of instruction.

### **Self-Monitoring Documentation (Noncompliance Tracking Logs)**

On October 27, 2020, the department issued directives that regional health care executives and associate directors, or their designees, must conduct visits to observe compliance with face coverings and physical distancing within 30 days, and on a 120-day interval thereafter. In our January 13, 2021, and April 27, 2021, reports we analyzed the department's compliance with these directives through the initial 30-day deadline and the first 120-day deadline. Because the department is not required to report compliance with the directives until July 2021, or 120 days from their last deadline for compliance observations, we did not analyze any additional data for this final report.