

Reply Declaration of Tammatha Foss

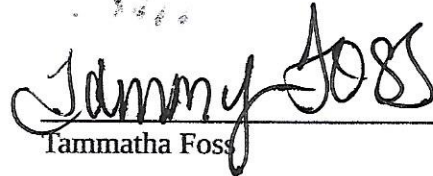
I declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am Tammatha Foss, Director, Corrections Services at California Correctional Health Care Services (CCHCS). I was appointed to that role, which involves coordinating between the Receivership and CDCR, in November 2020. Prior to November 2020, I worked at CDCR for twenty-four years in a variety of roles from corrections officer to acting warden.
2. Every day, across all CDCR institutions, there are hundreds of employees working in areas to which they are not regularly assigned. Each institution has relief officers with no permanent post who fill different vacancies from day to day, including substituting for other officers who are not working due to vacation, training, and sick leave. Some are scheduled in advance and others are held in reserve for unanticipated vacancies. For example, California State Prison, Solano has 102 such relief officers and Ironwood State Prison has 92 relief officers. When the number of an institution's relief officers is insufficient to meet the vacancies, or when officers have traded shifts, the need is met through having additional, non-relief officers work overtime. Corrections officers working overtime typically do so in posts to which they are not permanently assigned.
3. Staff are often temporarily assigned to medical facilities. For example, not including Health Care Access escorts, at Ironwood State Prison, there were 193 shifts in clinics covered by correctional officers not regularly assigned to them in August 2021. At California State Prison, Solano, in August 2021, there were 116 shifts in clinics covered by correctional officers not regularly assigned to them.
4. Incarcerated persons who are housed in, and spend almost all their time in, areas not covered by the CDPH August 19 order mandating vaccination of staff in healthcare facilities integrated into correctional institutions, regularly come to clinics and have close contact there with staff and other incarcerated persons.
5. Medical facilities and yards often share facilities with the entire institution, such as cafeterias, yards, and programming spaces. Incarcerated persons residing in a medically focused area of an institution, when healthy enough to participate in activities, have contact with staff and incarcerated persons from other yards when in the yard, in classrooms, in transportation to off-site medical appointments, or in group health appointments such as Enhanced Outpatient Program ("EOP") groups for mental health.
6. Program modifications have been very disruptive from the beginning of the pandemic and remain so today. For example, in August 2021 at Pelican Bay State Prison, due to COVID-19 outbreaks among incarcerated persons and staff shortages due to isolations and quarantines, Facility A and Facility B both had modified programming for all 31 days, Facility D had modified programming for 17 days (Facility C and the Minimum Support Facility each did not have modified programming).
7. If required to implement a mandatory vaccination policy for incarcerated persons, CDCR staff would begin with discussion of the mandate and further education about vaccination

beyond what has already been provided, followed by medical and mental health evaluations of incarcerated persons who refused vaccination. Ultimately, enforcement of a vaccination mandate for those who continued to refuse vaccination would require corrections officers to extract unwilling incarcerated persons from their cells, presenting a significant security risk to both corrections officers and incarcerated persons. Cell extractions are conducted by five custody officers in protective equipment who simultaneously rush into the cell to restrain and remove the incarcerated person from the cell. Custodial officers and incarcerated persons have been injured in these extractions, which are performed only where absolutely necessary due to the risks involved.

8. A constructive relationship between incarcerated persons and prison administrators and staff is critical to maintaining a safe prison environment. Poor relations raise tensions and risk outbreaks of violence that threaten the safety of incarcerated persons and staff. Constructive relations, on the other hand, lower tensions and improve inmate compliance with staff instructions and institution policies, making prisons safer and enabling recreational, medical, and educational programming. A mandatory vaccination order applying to all incarcerated persons would risk profoundly disrupting this relationship of trust between CDCR staff and incarcerated persons.

Executed on this 10th day of September, 2021, at Sacramento, California.


Tammatha Foss