

Defendants' Exhibit A

From: [Barrow, Roscoe@CDCR](mailto:Barrow_Roscoe@CDCR)
To: [Steven Fama](mailto:Steven.Fama@CDCR); [Kelso, Clark@CDCR](mailto:Kelso_Clark@CDCR); Kelso; Bick, Dr. Joseph@CDCR; Dovey, John@CDCR; [CDCR CCHCS Health Care Compliance Support Section](mailto:CDCR_CCHCS_Health_Care_Compliance_Support_Section); Kanan, Renee@CDCR
Cc: [Paul B. Mello](mailto:Paul_B._Mello); [Samantha Wolff](mailto:Samantha_Wolff); [Damon McClain](mailto:Damon_McClain); [Iram Hasan](mailto:Iram_Hasan); [Martin Dodd](mailto:Martin_Dodd); Stafford, Carrie@CDCR; Scofield, Bryant; [Alison Hardy](mailto:Alison_Hardy); [Sara Norman](mailto:Sara_Norman); [Sophie Hart](mailto:Sophie_Hart); [Rana Anabtawi](mailto:Rana_Anabtawi); dspector@prisonlaw.com; Toche, Diana@CDCR; Foss, Tammy@CDCR; Ostling, Linda; Benavidez, Suzanne@CDCR; [Jamie Dupree](mailto:Jamie_Dupree); Hartmann, Sarah@CDCR; Saich, Lara@CDCR; Gouldy, DeAnna@CDCR; Hart, Robin@CDCR; Le, Amanda@CDCR; Martinez, Leticia@CDCR; Blackwood, Allan@CDCR; Oltean, Amanda@CDCR; Galang, Andrea@CDCR; Lopez, Kristine@CDCR; [Michael Brodheim](mailto:Michael_Brodheim); [Isabela Avila Breach](mailto:Isabela_Avila_Breach)
Subject: RE: Plata: request to meet and confer re patient vaccine incentive survey results / decision to not offer incentives etc.
Date: Thursday, March 24, 2022 11:12:48 AM
Attachments: [image001.png](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Plata Counsel:

The Receiver has asked that I communicate the following response to the request noted in Steve Fama's email below:

Thank you very much for the offer to meet and confer regarding patient COVID-19 vaccine incentives. As you know, we have been aggressive in our education of patients, encouraging them to accept vaccination, resulting in the 82% statewide vaccination rate noted in the survey. Offering incentives to the entire prison population will require a significant investment of staff time and other resources to implement these incentives. Though we are respectful of patients who are firm in their decisions not to vaccinate, health care staff have consistently reminded patients of the benefits of vaccination and will continue to use their professional judgment in providing that education. The high patient vaccination rate reflects that education is the most successful approach to encourage patients to take ownership of their health care. We also recognize that, although the omicron variant is highly transmissible – even for the fully vaccinated – it is far less lethal than was the delta variant. Although I do not believe that a meet-and-confer on this topic would be worthwhile, I am still considering the efficacy of vaccine fairs and other ways to provide education to our patient population, so that they may make well-informed health care decisions.

Roscoe Barrow

Director and Chief Counsel

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CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

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From: Steven Fama <sfama@prisonlaw.com>

Sent: Tuesday, March 22, 2022 12:43 PM

To: Kelso, Clark@CDCR <Clark.Kelso@cdcr.ca.gov>; Kelso <ckelso@pacific.edu>; Bick, Dr. Joseph@CDCR <Joseph.Bick@cdcr.ca.gov>; Kirkland, Richard@CDCR <Richard.Kirkland@cdcr.ca.gov>; CDCR CCHCS Health Care Compliance Support Section <HCComplianceSupport@cdcr.ca.gov>; Barrow, Roscoe@CDCR <Roscoe.Barrow@cdcr.ca.gov>; Kanan, Renee@CDCR <Renee.Kanan@cdcr.ca.gov>

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Subject: Plata: request to meet and confer re patient vaccine incentive survey results / decision to not offer incentives etc.

CAUTION: This email originated from outside of CDCR/CCHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear CCHCS and CDCR:

Thank you for the 3/14/22 memorandum (copy attached) regarding, among other things, the results of the survey undertaken of patients who have so far decline COVID vaccination. We'd like to meet and confer with the Receiver, CCHCS, and CDCR staff regarding this matter. As we understand the survey results, substantial percentages of patients, ranging from approximately 40% to

more than 85% depending on the option, said they definitely or possibly would get vaccinated if incentives such as sentence credits, cash, canteen or tablet credits, or special meals were offered. As such we would like to discuss why, as the memorandum indicates, there are no plans to offer additional incentives to patients, since we understand other detention facilities have done so, and given that CDCR has offered additional paid sick leave and cash prizes to *staff* who get vaccinated.

Also, the results indicated approximately one-third of those surveyed stated they had additional questions about the vaccine. We'd like to discuss whether the continuing vaccine education efforts referenced in the memorandum are specifically targeting the people who said they'd like more information and, if so, how that has been or will be operationalized.

Thanks in advance for your help in scheduling this meet and confer.

Sincerely,

Steven Fama
Staff Attorney
Prison Law Office

Defendants' Exhibit B

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: February 12, 2021

To: Associate Directors, Division of Adult Institutions
Wardens

Subject: **INMATE HOUSING AND JOB ASSIGNMENT STATUS DURING TEMPORARY QUARANTINE OR ISOLATION DUE TO CHANGE OF COVID-19 STATUS**

As we continue to follow Covid-19 guidelines from the California Department of Public Health and the Centers for Disease Control and Prevention to mitigate the spread of Covid-19 within the prisons, inmates' refusals to relocate into appropriate quarantine or isolation housing based on their Covid-19 status has increasingly become a challenge. Understanding that an inmate's cell or bunk area is their living space, inclusive of their personal property, inmates may be reluctant to relocate. Additionally, inmates who have a work assignment may be concerned that they may lose their assignment due to the change in location.

Effective immediately, for inmates who are required to move for placement in quarantine or isolation housing, if the person has a work assignment, with or without a pay number, every effort will be made to retain the inmate in the assignment. If this is not possible, (e.g., the person is relocated to a different yard, or workers are needed for essential jobs; e.g., culinary) once released from quarantine or isolation housing, the inmate will be placed at the top of the appropriate wait list and assigned accordingly. This applies to inmates who remain at the same prison. Inmates will be allowed to take all of their personal property with them when required to relocate to quarantine or isolation housing.

Upon release from quarantine or isolation housing, if the inmate requests to be moved back to their original housing, whenever possible, every effort should be made to return the inmate back to the original unit, if their original cell is not available.

Inmates who comply with directions for placement in quarantine or isolation housing and upon release from such housing, will be afforded one additional video visiting session, based on availability. Institutions shall incorporate and establish a process for this to occur in the appropriate operational procedure.

Ensure this information is shared with staff and the inmate population.

Please continue to work with your health care staff in regards to providing patient education regarding an inmate's Covid-19 status and appropriate housing needs. If you have any questions, please contact your respective Associate Director.


CONNIE GIPSON
Director
Division of Adult Institutions

cc: Kimberly Seibel Charles W. Callahan Patrice Davis