



THE COVID-19 REVIEW SERIES: A SPECIAL THREE-PART REVIEW PREPARED BY THE OFFICE OF THE INSPECTOR GENERAL AT THE REQUEST OF THE CALIFORNIA STATE ASSEMBLY

Part Three: California Correctional Health Care Services and the California Department of Corrections and Rehabilitation Caused a Public Health Disaster at San Quentin State Prison When They Transferred Medically Vulnerable Incarcerated Persons From the California Institution for Men Without Taking Proper Safeguards

In April 2020, the Speaker of the Assembly requested the Office of the Inspector General (the OIG) assess the policies, guidance, and directives the California Department of Corrections and Rehabilitation (the department) had implemented since February 1, 2020, in response to the novel coronavirus disease (COVID-19). Specifically, the Speaker requested we focus on three concerns: 1) the department's screening process for all individuals entering a prison or facility in which incarcerated persons are housed or are present, 2) its distribution of personal protective equipment to departmental staff and incarcerated persons, and 3) how it treats incarcerated persons who are suspected to have either contracted or been exposed to COVID-19. This Fact Sheet presents highlights from the third report in this series, which we published in February 2021.

Introduction

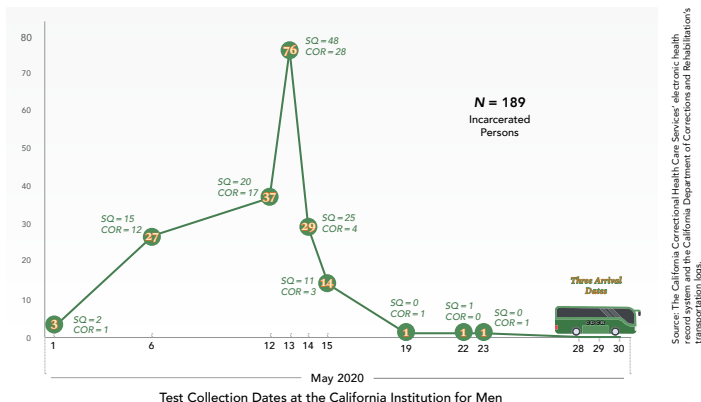
The California Institution for Men was one of the department's first prisons to experience a COVID-19 outbreak. As of May 27, 2020, the department reported 654 confirmed cases among the prison's incarcerated population and 55 cases among its staff. Among the prison's population were many incarcerated persons with various medical conditions, which made them vulnerable to severe

Findings

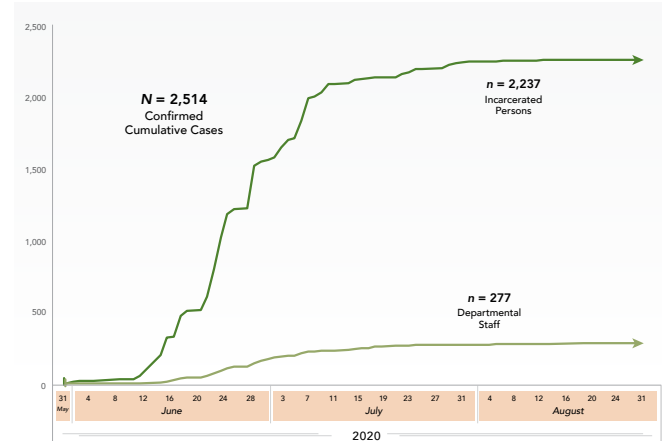
Pressured by CCHCS executives, the California Institution for Men inadequately screened 189 incarcerated persons before transferring them.

- Emails we reviewed showed that CCHCS executives and departmental management pressured the California Institution for Men to rush the transfers of incarcerated persons.
- Despite knowing COVID-19 test results were outdated, CCHCS executives pressured the California Institution for Men to transfer medically vulnerable incarcerated persons.
 - The prison had not tested 172 of the 189 transferred incarcerated persons for COVID-19 for at least two weeks prior to the transfers.

Time Line of COVID-19 Testing of Incarcerated Persons Transferred From the California Institution for Men on May 28, 29, and 30, 2020



Cumulative Cases of COVID-19 Among Both the Incarcerated Population and Departmental Staff at San Quentin State Prison From May 31, 2020, Through August 31, 2020



morbidity and mortality from COVID-19 disease. Between May 28 and May 30, 2020, in an effort to protect those individuals from the virus, California Correctional Health Care Services (CCHCS) and departmental management transferred 189 incarcerated persons to Corcoran and San Quentin.

From: California Institution for Men Medical Executive
Sent: Wednesday, May 27, 2020 8:23 PM
To: California Institution for Men Supervising Nurse
Cc: California Institution for Men Physician and Nurse Executive
Subject: Re: DLT CIM HRM Transfers Out

No reswabbing.

California Institution for Men Medical Executive
(Official Title)
CIM

On May 27, 2020, at 8:12 PM, California Institution for Men Supervising Nurse wrote:

Good Evening Medical Executive and Physician. Some of the test dates are at the beginning of May 1st week. Does the test dates matter for tomorrow's transfer? Is there a re-swabbing criteria to be met before transfer?

From: Departmental Headquarters Manager
Sent: Thursday, May 28, 2020 7:56 AM
To: Corcoran Manager
Subject: RE: DLT CIM HRM Transfers Out

Yes, saw your email and we are aware. This is a very difficult time for everyone. CCHCS said **MOVE THEM NOW** and we are trying to comply. We will have an answer back to you this morning regarding the testing.

Thank you and your staff...

From: Corcoran Manager
Sent: Thursday, May 28, 2020 7:55 AM
To: Departmental Headquarters Manager
Subject: RE: DLT CIM HRM Transfers Out

Yes, received the names from CIM last night and sent to our R&R/Medical last night as well. Standing by for tomorrow's names. Also, not sure if you have had a chance to look at my email regarding our concern with the time lapse in testing. Some of the inmates we are receiving today tested over two weeks ago.



Findings (continued)

- Lacking guidance, the California Institution for Men likely screened incarcerated persons for symptoms of COVID-19 too soon before their transfers to properly identify symptomatic individuals.
 - The prison screened 55 of the incarcerated persons who were to be transferred to San Quentin at least six hours before they boarded the transportation buses.

The department transferred incarcerated persons on buses without allowing for the proper amount of physical distance between incarcerated persons.

- CCHCS executives approved increasing the number of passengers on a bus from 19 persons to 25.

From: CCHCS Medical Executive
Sent: Wednesday, May 27, 2020 1:20 PM
To: CCHCS Director
Subject: RE: 114 CIM inmates to COR 03B

Are the group all going to the same place? If so we would be ok with a larger group with face coverings. The benefit of a more rapid move in this specific situation appears to outweigh the risks

Initial

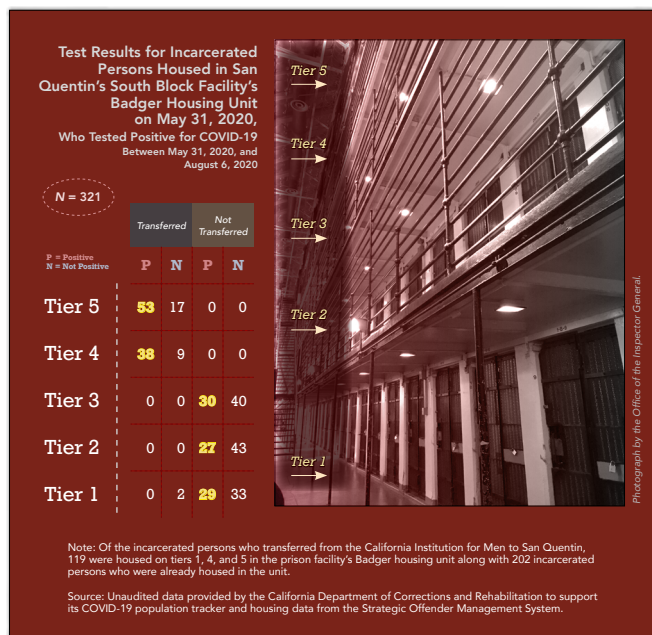
From: CCHCS Director
Sent: Wednesday, May 27, 2020 1:12 PM
To: CCHCS Medical Executive
Subject: FW: 114 CIM inmates to COR 03B

First Name

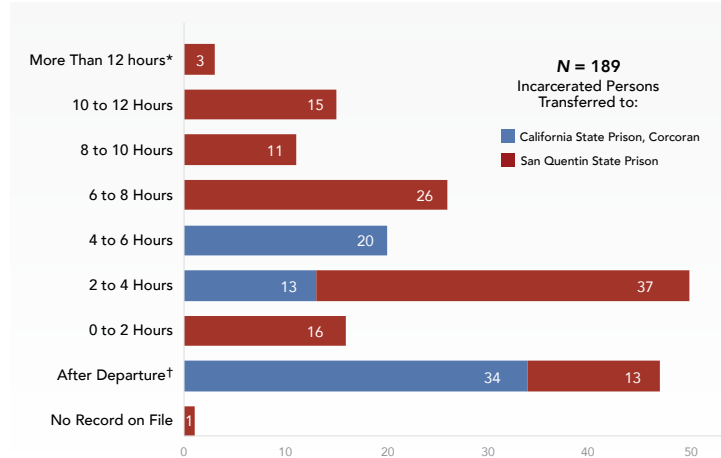
See below. If DAI can move of our CIM HR inmates in groups larger than 19 (those housed in the same dorm), would you be opposed to upping the number of patients on the buses, knowing they're negative and have been housed together?

San Quentin was not equipped to properly quarantine or isolate incarcerated persons with suspected and confirmed cases of COVID-19, and the prison failed to take actions that could have mitigated the resulting widespread outbreak.

- One hundred and nineteen incarcerated persons who transferred into San Quentin were housed in the prison's Badger Housing Unit, which contains open bar cells where air could move and circulate.
- Within the first few weeks, 15 incarcerated persons who transferred from the California Institution for Men tested positive for COVID-19.
- Of the 321 incarcerated persons housed in San Quentin's Badger Housing Unit on May 31, 2020, 177 tested positive for COVID-19 from May 31 through August 6, 2020.
- The prison allowed staff to work and move throughout the prison, likely transmitting the virus from location to location.
 - By the end of August 2020, 2,237 incarcerated persons and 277 staff members at San Quentin had contracted COVID-19.



Duration of Time Between When California Institution for Men Health Care Staff Screened Transferring Incarcerated Persons for COVID-19 Signs and Symptoms and When the Incarcerated Persons Departed the Prison



* One entry was 25 hours before departure.

† Screening time recorded in the department's electronic health record system was after the bus departure time recorded on the transportation logs.

Sources: The California Correctional Health Care Services' electronic health record system and the California Department of Corrections and Rehabilitation's transportation logs.

After confirming cases of COVID-19, both San Quentin and Corcoran failed to properly conduct contact-tracing investigations, risking the further spread of COVID-19.

- San Quentin did not conduct contact tracing for the transferred incarcerated persons who tested positive; the prison stated there were too many positive cases over a short period of time to conduct contact tracing.
- Corcoran conducted contact tracing; however, it did not make a strong effort to identify all close contacts, and recorded only incarcerated persons in the cell/bunks near the infected person.

“By all accounts, the COVID-19 outbreak at San Quentin has been the worst epidemiological disaster in California correctional history.”

Source: California First District Court of Appeals ruling on October 20, 2020. *In re Von Staich* (2020) 56 Cal.App.5th 53, 57, review granted and cause transferred *sub nom.* *Staich* on H.C. (Cal., Dec. 23, 2020, No. S265173) 2020 WL 7647921.

Notable Results

Our review found the department's efforts to prepare for and execute the transfers of 67 medically vulnerable incarcerated persons to California State Prison, Corcoran, and 122 to San Quentin State Prison were deeply flawed, and risked the health and lives of the medically vulnerable incarcerated persons whom the department was attempting to protect, as well as the staff transferring the incarcerated persons and those who worked at both prisons.