

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHOK BABU, and others,
Plaintiffs,
v.
GREGORY J. AHERN, and others,
Defendants.

Case No. 18-cr-07677-NC

**SUMMARY ORDER FOLLOWING
APRIL 10 STATUS HEARING RE:
SANTA RITA JAIL COVID-19
RESPONSE**

April 10, 2020, 9:00 a.m., telephonic

The Court held a telephonic status hearing on April 10 concerning the Santa Rita Jail COVID-19 response. The Court also considered information reported in the April 9 joint status report at ECF 97.

As ordered by the Court on April 4, Defendants have created a website with daily updates on the COVID-19 response at SRJ. It is available at https://www.alamedacountysheriff.org/admin_covid19.php. The website includes information on pod quarantines, testing and results, entry into the jail, inmate screening, and visitation and phone calls.

As reflected on that website, as of April 9, 2020, Santa Rita Jail houses 1,979 inmates. Twelve inmates and two staff members have tested positive for COVID-19. Ten housing pods from three housing units are under quarantine. As reported at the hearing, 450 inmates are federal detainees and the rest are county detainees. 54 additional county detainees will be released next week based on new judicial council rules.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

At the status hearing, the parties agreed to promptly meet and confer as to the following and the Court hereby ORDERS:

1. Contact person for counsel: The parties should discuss creating a point-of-contact at the County and/or Wellpath for questions from counsel about their clients’ medical issues and SRJ’s COVID-19 response. Counsel appeared at the hearing who are not attorneys in this case and expressed concern for the health and safety of clients housed at SRJ. Some have had difficulty gaining information from SRJ as to their clients’ status. The parties should discuss how to create a streamlined communication process for attorneys with clients at SRJ who need information about their clients’ health. This process should ensure HIPAA compliance.
2. Hospitalizations and hospital transfer plans: Though Wellpath has successfully transferred patients requiring hospitalization from SRJ to local hospitals in the past, there should be a plan for hospital transfer specific to the COVID-19 pandemic due to possible capacity issues at local hospitals and possible challenges with patient transfer caused by SRJ staffing limitations. The parties should include the Alameda County Public Health Department, county hospitals, and Wellpath in this discussion as needed.
3. Phone and video calls: The parties should continue to negotiate the number of minutes and format of free phone and video access offered to inmates. This should include prompt reevaluation of the upcoming April 15 limit for free unlimited phone calls to counsel.
4. Tablets: The parties should make a plan for tablet availability and distribution and should clarify the ability for inmates to use tablets to communicate with counsel and the Court, prioritizing tablet access for housing units in quarantine.
5. Telemedicine: Parties should continue to discuss telemedicine and telepsychiatry policies and related document production and confidentiality designations.
6. Minimum out-of-cell time: Defendants should respond to Plaintiffs’ request for a minimum amount of out-of-cell time for SRJ inmates.

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A further status hearing is set for April 17, 2020, at 9:00 a.m. and will be by telephone only. A transcript will be created. All participants, including the public, may join by calling 888.684.8852, and entering access code 1557087. The April 22 case management conference is vacated.

A joint update is due April 16. This update must include the status of the items listed above. It must also address for the Court the Defendants' plans regarding continued COVID-19 testing for inmates, staff, and contractors at SRJ. Given the twelve positive tests but only six pending tests awaiting results, the Court requires information regarding what protocols are currently determining who is tested at SRJ and whether increased testing will be implemented.

IT IS SO ORDERED.

Dated: April 10, 2020


NATHANAEL M. COUSINS
United States Magistrate Judge