

1 XAVIER BECERRA, State Bar No. 118517
Attorney General of California
2 ADRIANO HRVATIN, State Bar No. 220909
Supervising Deputy Attorney General
3 KYLE A. LEWIS, State Bar No. 201041
ELISE OWENS THORN, State Bar No. 145931
4 TYLER V. HEATH, State Bar No. 271478
LUCAS L. HENNES, State Bar No. 278361
5 Deputy Attorneys General
1300 I Street, Suite 125
6 P.O. Box 944255
Sacramento, CA 94244-2550
7 Telephone: (916) 210-7318
Fax: (916) 324-5205
8 E-mail: Elise.Thorn @doj.ca.gov
Attorneys for Defendants

ROMAN M. SILBERFELD, State Bar No. 62783
GLENN A. DANAS, State Bar No. 270317
ROBINS KAPLAN LLP
2049 Century Park East, Suite 3400
Los Angeles, CA 90067-3208
Telephone: (310) 552-0130
Fax: (310) 229-5800
E-mail: RSilberfeld@RobinsKaplan.com
Special Counsel for Defendants

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13
14 **RALPH COLEMAN, et al.,**

15 Plaintiffs,

16 v.

17 **GAVIN NEWSOM, et al.,**

18 Defendants.
19

2:90-cv-00520 KJM-DB (PC)

**DEFENDANTS' RESPONSE TO
JULY 28, 2020 ORDER AND NOTICE OF
SUBMISSION OF DOCUMENTS UNDER
SEAL**

20 **INTRODUCTION**

21 On July 22, 2020, the Court in *Plata v. Newsom*, Case No. 4:01-cv-1351-JST (N.D. Cal.),
22 issued an order adopting a modified version of Defendants' proposal to set aside isolation and
23 quarantine space at California's state prisons. On July 28, 2020, this Court issued an order
24 directing Defendants work with the Special Master throughout the identification and
25 implementation of the new quarantine bed space to ensure no further harms results to the delivery
26 of mental health care to members of the *Coleman* class. (ECF No. 6791.) That order also
27 requires Defendants to provide the following information using the maps filed under seal on
28 July 15, 2020, ECF No. 6777: (1) the specific identification of the location of any unit or units at

1 each prison proposed to be vacated to comply with the *Plata* court quarantine space order;
2 (2) whether any *Coleman* class members reside in any units proposed to be vacated and, if so,
3 how many reside in each unit and what is their mental health classification level; and (3) if there
4 are *Coleman* class members who defendants propose to move, where do defendants propose to
5 move them and what level of mental health care will they receive in their proposed new location.
6 (ECF No. 6791 at 5.)

7 The July 28 order calls for Defendants to provide information that the California
8 Department of Corrections and Rehabilitation (CDCR) does not track and report on a regular
9 basis. CDCR conducted a manual review and collection of the data to respond to the Court's
10 requests. The data collected is compiled in Exhibit A, which includes a letter from CDCR and a
11 table setting forth information regarding the number of *Coleman* class members who transferred
12 out of the space set aside for isolation and quarantine on July 29-30, 2020, the number of class
13 members who reside in those locations as of July 31, 2020, and the class members' level of care.
14 The chart also includes comments on the location of the isolation and quarantine space and the
15 types of housing some class members were transferred to.

16 In response to the Court's first inquiry, Defendants also provide the specific identification
17 of the location of the units at each prison proposed to be vacated to comply with the *Plata* court
18 quarantine space order on the respective prison's maps filed concurrently herewith under seal.

19 **NOTICE OF SUBMISSION OF DOCUMENTS UNDER SEAL**

20 Under this District's Civil Local Rule 141, Defendants give notice that they are filing the
21 copies of the maps encompassed by the Court's July 28, 2020 order under seal, will file the
22 documents via e-mail with the Court, and serve the parties with copies of the documents.

23 ///

24 ///

25 ///

26

27

28

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

CERTIFICATION

Defendants' counsel certifies that she reviewed the following orders relevant to this filing:

ECF No. 6791.

Dated: July 31, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ADRIANO HRVATIN
Supervising Deputy Attorney General

/s/ Elise Owens Thorn

ELISE OWENS THORN
Deputy Attorney General
Attorneys for Defendants

CF1997CS0003

Exhibit A

OFFICE OF LEGAL AFFAIRS

Jennifer Neill
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



July 31, 2020

Adriano Hrvatin, Esq.
Elise Owens Thorn, Esq.
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-5500

VIA EMAIL ONLY

RE: COLEMAN MAPS- ISOLATION AND QUARANTINE SPACE

Dear Mr. Hrvatin and Ms. Thorn:

On July 28, 2020, the *Coleman* Court ordered that “[n]ot later than Friday, July 31, 2020 at noon, defendants shall file the following information: (1) Using the most recent monthly maps filed under seal, ECF No. 6777, specific identification of the location of any unit or units at each prison proposed to be vacated to comply with the *Plata* court quarantine space order; (2) Whether any Coleman class members reside in any units proposed to be vacated and, if so, how many reside in each unit and what is their mental health classification level; (3) If there are Coleman class members who defendants propose to move, where do defendants propose to move them and what level of mental health care will they receive in their proposed new location.” (ECF No. 6791 at 5).

In accordance with this order, attached are maps of the 31 institutions where space has been set aside for isolation and quarantine space. Several of the institutions relocated the Temporary Mental Health Units (TMHU) to accommodate the isolation and quarantine space. These relocations are noted on the chart following the maps. Otherwise, the maps remain unchanged. Any additional updates to TMHU locations or other mental health housing that the maps previously identified will be made in Defendant’s August 15, 2020 filing.

In addition to the revised maps, Defendants have included a chart that provides information responsive to the Court’s second request. The California Department of Corrections and Rehabilitation (CDCR) does not generally report on the movement of general population inmate or movement of inmates within an institution. CDCR also does not generally report on the movement of patients in the Correctional Clinical Case Management System (CCCMS) or Enhanced Outpatient Program (EOP), unless those patients are housed in a desert institution or have exceed a transfer timeline as required by the Program Guide or Court order.¹

¹ The desert institutions are California City Correctional Facility, Calipatria State Prison, California Correctional Center, Centinela State Prison, Chuckawalla Valley State Prison, and Ironwood State Prison.

To complicate matters, movement out of the designated isolation and quarantine space is ongoing and is not anticipated to be completed until August 14, 2020. Despite this, CDCR was able to run a query to gather information on the number of *Coleman* class members who have transferred out of the buildings identified for use as quarantine and isolation space on July 29 and 30, 2020. CDCR was also able to gather the number of class member who are housed in those units as of the morning of July 31, 2020. This information is available in the chart following the maps. The chart also includes the mental health level of care for the class members.

In response to the Court's third request, the data provided shows that the majority of class members that either have moved or are currently housed the designated isolation and quarantine space are in the CCCMS level of care. Mental health care for patients at the CCCMS level of care is regularly available at all institutions, except the desert institutions. Even at the desert institutions, CDCR has allocated a small number of mental health staff to provide services to the limited number of patients who reside there until they transfer. All patients that have or will be moved out of the buildings identified for use as quarantine or isolation space are anticipated to be re-housed within their own institution and often on the same yard. These patients will continue to receive at least the level of mental health care they received in their previous housing assignment.

We hope the information provided is helpful to the Court.

Respectfully,

/s/ Melissa C. Bentz

Melissa C. Bentz
Attorney
Office of Legal Affairs
California Department of Corrections and Rehabilitation

DOCUMENTS FILED UNDER SEAL
(Maps)

Institution	Location and type of reserved space	Number of Bed(s)	Type of Housing	Number of MHSDS Patients Who Have Moved*	Level of Care*	Number of MHSDS Patients Remaining**	Level of Care**	Comments
ASP	Facility A Housing Unit 120	192	Cell	0	-	33	CCCMS	-
CAC	Facility A, Building 2, A and B Pod	168	Cell	0	-	0	-	One of the TMHUs at CAC was previously in Facility A, Building 2. The TMHU has now been relocated to Facility B, Building 2. The TMHU location has been updated on the map.
CAL	Facility A Building 5	198	Cell	0	-	0	-	The isolation and quarantine units are also designated on the map as a TMHU. CAL has designated a few cells in that unit as TMHU beds in case a patient referred to an inpatient level of care requires isolation or quarantine.
CCC	Facility C, Building 3	200	Cell	0	-	0	-	The isolation and quarantine units are also designated on the map as a TMHU. CCC has designated a few cells in that unit as TMHU beds in case a patient referred to an inpatient level of care requires isolation or quarantine.
CCI	Facility E Clark Hall (124 beds); Facility D Building 9 (24 beds)	148	Facility E- Dorm Facility D- Cell	0	-	7	CCCMS	-
CCWF	Facility A, Building 503	200	Cell	25	22 CCCMS; 3 EOP	30	29 CCCMS; 1 EOP	Facility A, Building 503 is an Reception Center building. Two of the three EOP patients were re-housed in a GP building and one was re-housed in an EOP building. One of the TMHUs at CCWF was previously located in Facility A, Building 503. The TMHU has now been relocated to Building 705, 805, and 812. The TMHU beds in Building 805 are wet cells that are not in the MHCB. The TMHU location has been updated on the map.
CEN	Facility A Building 5	184	Cell	0	-	0	-	The isolation and quarantine units are also designated on the map as a TMHU. CEN has designated a few cells in that unit as TMHU beds in case a patient referred to an inpatient level of care requires isolation or quarantine.
CIM	Facility B Building 1	102	Cell	4	3 CCCMS; 1 EOP	46	24 CCCMS; 22 EOP	The EOP patient who was moved was re-housed in an MHCB. The isolation and quarantine units are designated on the map as a TMHU. However, the TMHU beds are in a separate location within the building that is isolated from the rest of the unit. There will be no interaction between the patients in the TMHU and those in the isolation/quarantine units.
CIW	Housing Unit A RCU	220	Cell	4	CCCMS	75	CCCMS	-
CMC	Facility C, Building 5	300	Cell	7	CCCMS	11	4 CCCMS; 7 EOP	-
CMF	W-1 (41 beds); W-3 (42 beds); S-3 (18 beds)	101	Cell	0	-	3	1 CCCMS; 2 ICF	S-Wing at CMF has three separate sections. Sections 1 and 2 (S-1 and S-2) are PIP beds. Section 3 (S-3) was an ASU section; however, that section has been vacated to create a quarantine/isolation unit. There will be no interaction between the patients in the PIP and those in S-3.
COR	Facility 3B Buiding 02	200	Cell	0	-	12	11 CCCMS; 1 EOP	-

CRC	Facility D Dorm 410 (78 beds); Dorm 311 (77 beds)	155	Dorm	0	-	5	CCCMS	-
CTF	Central Facility Y wing	258	Cell	2	CCCMS	21	CCCMS	-
CVSP	Facility D Building 11	192	Dorm	0	-	0	-	-
DVI	Facility B, G-wing	264	Cell	14	CCCMS	0	-	-
HDSP	Facility C, Building 1	128	Cell	2	CCCMS	0	-	-
ISP	Facility C, Building 1	200	Cell	0	-	0	-	-
KVSP	Facility D, Building 6	128	Cell	0	-	25	CCCMS	-
LAC	Facility C, Building 5	200	Cell	0	-	1	CCCMS	One of the TMHUs at LAC was previously in Facility C, Building 5. The TMHU has now been relocated to Facility D, Building 4 and 5 and in the STRH. The TMHU location has been updated on the map.
MCSP	Facility A Building 2	200	Cell	28	27 CCCMS; 1 EOP	16	15 CCCMS; 1 EOP	The EOP patient who was moved was re-housed in an EOP Building.
NKSP	Facility D, Building 3	198	Cell	0	-	0	-	-
PBSP	Facility A Building 1	128	Cell	0	-	0	-	One of the TMHUs at PBSP was previously located in Facility A, Building 1. The TMHU has now been relocated to Facility A, Building 2.
PVSP	Facility D Building 5	200	Cell	1	CCCMS	1	CCCMS	On May 13, 2020, PVSP relocated the TMHU location to Facility D, Building 4. The TMHU location has been updated on the map.
RJD	Facility D, Housing Unit 20	200	Cell	24	CCCMS	44	CCCMS	-
SAC	Facility A, Building 2 (20 beds); Facility B, Building 1 (48 beds); Facility C Building 8 (128)	196	Cell	0	-	0	-	The housing units at SAC are divided into three separate sections (A, B, and C). Facility A, Building 2 is a Psychiatric Services Unit (PSU). Sections A and C will remain PSU, while Section B has been vacated to create a quarantine/isolation area. Facility B, Building 1 is an MHCB and EOP building. Section B will remain an MHCB unit. Sections A and B have been vacated for use as quarantine and isolation sections. The inmates in these separate sections will not have any interaction.
SATF	Facility E, Building 2	200	Cell	8	CCCMS	32	29 CCCMS; 3 EOP	-
SOL	Facility B, Building 7	200	Cell	1	CCCMS	2	CCCMS	-
SVSP	Facility C, Building 7	128	Cell	16	CCCMS	0	-	-
VSP	Facility A Building 4 (88); Facility B Building 4	344	Facility A- Cell Facility B- Dorm	9	8 CCCMS; 1 EOP	13	6 CCCMS; 2 EOP; 5 MHCB	The EOP patient who was moved was re-housed in an EOP building. The isolation and quarantine units are designated on the map as a TMHU. However, the TMHU beds are in a separate location within the building that is isolated from the rest of the unit. There will be no interaction between the patients in the TMHU and those in the isolation/quarantine units.
WSP	Facility B Building 1	200	Cell	0	-	23	22 CCCMS; 1 EOP	-

* Information provided shows the number of class members transferred out of the buildings identified for use as quarantine and isolation space on July 29 and 30, 2020. This information does not include patients who may have transferred before July 29, 2020 and does not include those patients who remain housed in those units.

** Information provided shows the number of class members housed in the buildings identified for use as quarantine and isolation space as of the morning of July 31, 2020. As noted in the comments, there are some buildings with separate sections that will house both patients in isolation and/or quarantine and other inmates, such as patients in a TMHU. There are also some buildings that were previously vacated that have started to re-house patients under quarantine or isolation in these designated spaces. The numbers these columns represents all patients in the building, even those who may not transfer to a different housing unit and those who have transferred in due to their need for isolation or quarantine.