

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:20-cv-00977-PAB

THOMAS CARRANZA;
JESUS MARTINEZ;
RICHARD BARNUM;
THOMAS LEWIS;
MICHAEL WARD;
COLBY PROPPES; and
CHAD HUNTER,

Plaintiffs, on their own and on behalf of a class of similarly situated persons,

v.

STEVEN REAMS, Sheriff of Weld County, Colorado, in his official capacity,

Defendant.

**DEFENDANT’S RESPONSE TO MOTION FOR TEMPORARY RESTRAINING
ORDER, PRELIMINARY INJUNCTION, AND EXPEDITED HEARING [ECF 1]**

Defendant Sheriff Steven Reams (“Sheriff”), the elected Sheriff for the County of Weld, State of Colorado, by and through counsel, Matthew J. Hegarty, Esq., Andrew D. Ringel, Esq., and John F. Peters, Esq., of Hall & Evans, L.L.C., submits his Response to Plaintiffs’ Motion for Temporary Restraining Order ... and Expedited Hearing [ECF 1] and requests Plaintiffs’ Motion be denied in its entirety,¹ as follows:

¹ In compliance with the Court’s April 8, 2020, Minute Order, the Sheriff responds to ECF 1 only insofar as it seeks a temporary restraining order and expedited hearing. The Sheriff reserves the right to respond further to the Motion insofar as it seeks a preliminary injunction. This Response was filed before April 13, 2020, at 9:00 AM MDT.

I. INTRODUCTION AND SUMMARY

ECF 1, Plaintiffs’ Motion for Temporary Restraining Order ... and Expedited Hearing (“Motion”) asks this Court to serve as the Keeper of the Weld County Jail instead of its elected Sheriff. While the current pandemic brought on by the novel coronavirus (“COVID-19”) presents unprecedented challenges for all Americans, no basis exists for this Court to depart from the applicable law governing granting the type of mandatory and systemic injunctive relief Plaintiffs demand from the Sheriff of Weld County. This Court’s evaluation of the facts presented in this Response must be undertaken against the background of the applicable law set forth in this Response. A myriad of legal, factual, and practical barriers exist to the wholesale relief Plaintiffs seek from this Court.

Since the outset of the COVID-19 pandemic, the Sheriff and his deputies have worked hard to determine an appropriate response that sufficiently advances all the different applicable interests—the need to operate the Weld County Jail; the need to protect the safety and health of inmates, detainees, and staff; and the need to protect the public of Weld County and Colorado. As set forth in the Sheriff’s Declaration that accompanies this Response, the Sheriff and his staff have engaged and continue to engage in ongoing efforts to meet all of these goals. The Sheriff and undersigned counsel strongly believe any review of the totality of the Sheriff’s efforts and of the Weld County Sheriff’s Office’s efforts demonstrate appropriate steps have been taken from a wide variety of angles to protect all applicable interests. To the extent any areas of improvement can be identified, the Sheriff welcomes the input of everyone to continue to improve all aspects of the operations of the Weld County Jail. At its bottom, the issue

before this Court is not whether the Sheriff has been able to adopt any specific aspect of the Centers for Disease Control guidelines adopted generally for the entire United States and not specifically suited for the unique circumstances of a correctional facility. Instead, the issue this Court must determine is whether Plaintiffs' constitutional rights have been violated. Fundamentally, based on the entire record before this Court as set forth in this Response, the short answer (and the full answer) to that fundamental question is, "**No.**"

For the below reasons, Plaintiffs' claims are moot, and Plaintiffs' effort suffers from crippling procedural and substantive infirmities. Plaintiffs are thus unable to satisfy the heightened burden necessary to attain injunctive relief at this juncture. Plaintiffs' Motion for Temporary Restraining Order ... and Expedited Hearing must be denied in its entirety.

II. RESPONSE TO PLAINTIFFS' STATEMENT AS TO NOTICE TO DEFENDANT

The Sheriff's counsel disagrees with Plaintiffs' statement in their "Notice to Defendant." The Sheriff's counsel did not "indicate[]" that Defendant opposes the relief sought herein." [ECF 1, at 28]. Rather, counsel for the Sheriff conferred extensively with counsel for Plaintiffs before Plaintiffs filed ECF 1 and counsel were still in the process of conferring when ECF 1 was filed. Nevertheless, upon review of the as-filed version of ECF 1, and for the reasons stated below, the Sheriff's counsel states ECF 1 is opposed.

III. COUNTER-STATEMENT OF FACTS

Filed with this Response is the Declaration of Sheriff Steven Reams, Defendant. [See Decl. of Sheriff Steven Reams, **Exhibit A**]. The Sheriff's Declaration, along with an dossier of attachments comprising emails, protocols, and other documents substantiating the Declaration's contents, sets forth the comprehensive and sustained effort the Weld

County Sheriff's Office ("WCSO"), under the Sheriff's leadership, has brought to bear to address the COVID-19 pandemic and its impact on the operations of the Weld County Jail ("WCJ") and to ensure inmate health and safety as much as reasonably practicable. Beginning in late February 2020, the Sheriff and the WCSO have taken substantial steps to generate, implement, and refine the policies and protocols of the WCSO to address the COVID-19 pandemic. WCSO protocols and processes incorporated national guidelines from the Centers for Disease Control ("CDC"), state directives from the Colorado Department of Public Health and Environment ("CDPHE"), and local information and guidance from the Weld County Health Department ("WCHD"). All decisions made by the Sheriff and the WCSO and adopted at the WCJ related to the COVID-19 pandemic have been made based on an assessment of the health and safety needs of the inmates, WCSO employees, and the public. All decisions made by the Sheriff and the WCSO and adopted at the WCJ related to the COVID-19 pandemic also were made based on distinct operational needs of a jail, the physical plant, structure, and layout of WCJ, and the resources and supplies available to the WCSO. The Sheriff and the WCSO persist in evaluating and responding to the different events which occurred since before COVID-19 became an issue for the WCSO generally and at the WCJ specifically and will continue to do so. [See Sheriff Decl., **Exh. A**, ¶ 6].

Rather than set forth the details of the Sheriff's and the WCSO's response as included in the Sheriff's Declaration, the Court is referred to the Declaration and specific references in the argument below are made to the Declaration as appropriate.

IV. STANDARD OF REVIEW

Plaintiffs incorrectly state the standard for a temporary restraining order (“TRO”) or other injunctive relief, as relevant to the relief Plaintiffs request. Injunctive relief is an extraordinarily drastic remedy and is granted only in cases where the right to relief is clearly established. See ***Goldammer v. Fay***, 326 F.2d 268, 270 (10th Cir. 1964). The movants bear the burden to establish their right to relief. ***Penn v. San Juan Hospital, Inc.***, 528 F.2d 1181, 1185 (10th Cir. 1975). Further, “[TROs] and preliminary injunctions differ in how long they can last. Temporary restraining orders can last no more than fourteen days; preliminary injunctions can last longer. When a temporary restraining order lasts longer than fourteen days, it becomes appealable as a preliminary injunction. This is true even if the district court labels its order a temporary restraining order.” ***Tooele Cnty. v. United States***, 820 F.3d 1183, 1187 (10th Cir. 2016) (footnote omitted) (citation omitted) (concluding District Court violated Anti-Injunction Act by issuing injunctive relief which had effect of enjoining state court proceedings).

The Sheriff agrees that to obtain a TRO (as with a preliminary injunction), Plaintiffs must prove four elements: (1) they will suffer irreparable injury unless the relief issues; (2) the threatened injury outweighs whatever damages the relief might cause the Sheriff’s ability to operate the WCJ; (3) such injunctive relief will not be adverse to the public interest; and (4) Plaintiffs have a substantial likelihood of succeeding on the merits of their case. ***Schrier v. Univ. of Colo.***, 427 F.3d 1253, 1258 (10th Cir. 2005) (affirming denial of injunctive relief); ***Little v. Jones***, 607 F.3d 1245, 1251 (10th Cir. 2010) (same).

Injunctive relief is “extraordinary” and should not issue unless the right to relief is “clear and unequivocal.” **Kikumura v. Hurley**, 242 F.3d 950, 955 (10th Cir. 2001).

Plaintiffs next argue, however, that “where the moving party has established that the three ‘harm’ factors tip decidedly in its favor, the ‘probability of success’ requirement is relaxed[.]” [ECF 1, at 30 (quoting **Star Fuel Marts, LLC v. Sam’s East, Inc.**, 362 F.3d 639, 652-53 (10th Cir. 2004))]. This is the wrong standard. Rather, in these circumstances, Plaintiffs labor under a “heightened burden” for injunctive relief, a burden imposed where the sought-after relief: (1) disturbs the status quo; (2) is mandatory instead of prohibitory; or (3) affords the movant substantially all the relief it may recover after a full merits trial. **SCFC ILC, Inc. v. VISA USA, Inc.**, 936 F.2d 1096, 1098-99 (10th Cir. 1991); accord **O Centro Espirita Beneficente Uniao do Vegetal v. Ashcroft**, 389 F.3d 973, 975 (10th Cir. 2004) (en banc) (“**O Centro**”), *aff’d on other grounds sub nom.*, **Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal**, 546 U.S. 418 (2006); see also **In re HomeAdvisor, Inc. Litig.**, 2019 U.S. Dist. LEXIS 141984, at *11-14 (D. Colo. Aug. 20, 2019) (Brimmer, C.J.) (discussing whether injunction disturbs status quo or is mandatory). Plaintiffs “must make a strong showing both with regard to the likelihood of success on the merits and with regard to the balance of harms, and may not rely on our modified likelihood-of-success-on-the-merits standard.” **O Centro**, 389 F.3d at 976. This is so because “[s]uch disfavored injunctions ‘must be more closely scrutinized to assure that the exigencies of the case support the granting of a remedy that is extraordinary even in the normal course.’” **Schrier**, 427 F.3d at 1259 (quoting **O Centro**, 389 F.3d at 975).

First, the “status quo” is not defined by “the parties’ existing legal rights,” but by “the reality of the existing status and relationships between the parties, regardless of whether the existing status and relationships may ultimately be found to be in accord or not in accord with the parties’ legal rights.” **SCFC ILC**, 936 F.2d at 1100. Second, mandatory injunctions are more burdensome than prohibitory ones because they compel the nonmovant to act affirmatively in a particular way, and hence necessitate potential ongoing supervision to assure the nonmovant is abiding by the injunction. **Id.** at 1099. Third, injunctive relief awarding the movants substantially all the relief to which they may be entitled if it succeeded on the merits echoes the “Sentence first, Verdict Afterwards” procedure parodied in *Alice in Wonderland*, anathema to the American system of jurisprudence. See **id.** at 1099 & n.4. Here, Plaintiffs ask this Court to immediately order the Sheriff and the WCJ to put in place numerous requirements, or alternatively, begin the wholesale release of those incarcerated and detained in the WCJ. Plaintiffs’ requested injunctive relief requires the Sheriff to take affirmative action, making the injunctive relief quintessentially mandatory. Clearly, the requested relief fundamentally would alter the status quo. Among other relief, Plaintiffs ask this Court to order the Sheriff and the WCJ “be required to physically distance all inmates from one another and staff within the [WCJ]” or “alternatively ask this Court to order the transfer of a sufficient number of inmates to electronic home monitoring to allow for appropriate physical distancing within the Weld County Jail.” [ECF 1, at 6-7]. This extraordinary request alters the status quo, either by changing the bond conditions or sentences of dozens to hundreds of inmates,

which the Sheriff has no power to do under state law,² or by requiring the Sheriff to put in place directives to WCJ deputies to forcefully ensure compliance with social distancing.³

Fourth, Plaintiffs ask the Court to immediately order the full relief sought in the Complaint, before any discovery, trial, or dispositive briefing. For all of these reasons, Plaintiffs must meet the heightened standard for disfavored injunctive relief.

Finally, Plaintiffs' demand for injunctive relief is not only subject to the heightened standard of a mandatory injunction. It is also subject to the limitations and requirements of the Prison Litigation Reform Act of 1995 ("PLRA") discussed at length below.

Hence, this Court must subject Plaintiffs' application for injunctive relief to the extraordinary scrutiny it warrants under the circumstances of this case.

V. ARGUMENT

Several substantive and fully applicable statutes and bodies of caselaw, some of which are conspicuously absent from Plaintiffs' Motion, must inform the Court's decision on the propriety of granting the sought-after injunctive relief which would come with a

² As discussed later in this Response, the Court lacks the authority to change inmates' bond conditions and sentences, as only Colorado state courts have jurisdiction over bond conditions and sentences of WCJ inmates; this is not a habeas corpus action but a 42 U.S.C. § 1983 action; and federal courts lack authority to enjoin state courts through a § 1983 action in most circumstances, based on the plain terms of § 1983.

³ Plaintiffs have not given this Court any direction for how the Sheriff could enforce social distancing in the WCJ. Would the Court authorize all necessary force to maintain a six-foot distance between all inmates at all times even in the face of inmate refusal? Would tasers be permitted if inmates refused to socially distance? Could any inmate who refused be put in indefinite solitary confinement? Would deputies acting under the Court Order to ensure social distancing be immune from suit alleging excessive force in ensuring compliance with the Order? As such, Plaintiffs' request to ensure social distancing opens a Pandora's Box of legal conundrums and § 1983 claims, none of which Plaintiffs appear to have considered.

TRO and expedited hearing. When those substantive and fully applicable legal principles are applied to the true and correct timeline and factual scenario presented with this Response, it is apparent Plaintiffs cannot satisfy any of the four elements necessary to grant injunctive relief. Thus, this Court should deny the Motion and should preclude issuance of the sought-after injunctive relief and expedited hearing.

A. The Prison Litigation Reform Act Both Governs and Limits Plaintiffs' Claims

Plaintiffs omit any mention of the PLRA or the impact of the PLRA on their claims and claimed entitlement to injunctive relief against the Sheriff.

Plaintiffs' claims inarguably are subject to the PLRA. See, e.g., **Wolfson v. United States**, 336 F. App'x 792, 794-95 (10th Cir. 2009) ("prisoner" in PLRA includes individuals accused of criminal law violations and those sentenced criminally); 42 U.S.C. § 1997e(h) (defining "prisoner" as "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program").

The PLRA "imposes limits on the scope and duration of preliminary and permanent injunctive relief." **Nelson v. Campbell**, 541 U.S. 637, 650 (2004). The "new standards for injunctive and prospective relief" provided by the PLRA underscores the fact "the PLRA 'strongly disfavors continuing relief through the federal courts; indeed, its fundamental purpose [is] to extricate them from managing state prisons.'" **Porter v. Graves**, 597 F. App'x 964, 967 (10th Cir. 2014) (quoting **Guajardo v. Tex. Dep't of Crim. Justice**, 363 F.3d 392, 394 (5th Cir. 2004)). Specifically, the PLRA provides the following requirements from Congress which governs TROs and both preliminary and permanent injunctive relief:

(a) Requirements for relief.

(1) Prospective relief.

(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

(i) Federal law requires such relief to be ordered in violation of State or local law;

(ii) the relief is necessary to correct the violation of a Federal right; and

(iii) no other relief will correct the violation of the Federal right.

(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

(2) Preliminary injunctive relief. In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings

required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

(3) Prisoner release order.

(A) In any civil action with respect to prison conditions, no court shall enter a prisoner release order unless—

(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

(i) crowding is the primary cause of the violation of a Federal right; and

(ii) no other relief will remedy the violation of the Federal right.

(F) Any State or local official including a legislator or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of prison

facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

18 U.S.C. § 3626.

The injunctive relief provisions of the PLRA have significant implications for the relief requested in Plaintiffs' Motion. First, any TRO or other inchoate injunctive relief "must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm." 18 U.S.C. § 3626(a)(2); see also **Biodiversity Assocs. v. Cables**, 357 F.3d 1152, 1167 (10th Cir. 2004) (PLRA "had set new limits on the power of courts to give injunctive relief to prisoners, requiring (among other things) that any injunctive relief granted be both narrowly drawn to correct the violation of federal rights and also the least intrusive means of correcting the violation. 18 U.S.C. § 3626(a)(1)(A)."); **Martinez v. Maketa**, 2011 U.S. Dist. LEXIS 60711, at *10 (D. Colo. June 7, 2011) ("Prior to granting injunctive relief in a prison conditions case, the Prison Litigation Reform Act requires this Court to find that the relief is narrowly drawn, extends no further than necessary to correct the violation of Plaintiffs' constitutional rights, and is the least intrusive means necessary to correct the violation of Plaintiffs' constitutional rights.").

Second, in crafting such relief, this Court "shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief." 18 U.S.C. § 3626(a)(2). "Under the PLRA, federal courts

are prohibited from becoming involved in the actions of the state's correctional system absent compelling reasons. A court considering whether to grant injunctive relief in a prisoner case must give substantial weight to any adverse impact on public safety or the operation of the criminal justice system.” **Oken v. Sizer**, 321 F. Supp. 2d 658, 666-67 (D. Md.), *cert. denied*, 542 U.S. 917 (2004).

Third, no court can issue a prison release order until it “has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order” and the jail “has had a reasonable amount of time to comply with the previous court orders.” 18 U.S.C. § 3626(a)(3)(a)(i) & (ii); see, e.g., **Roberts v. Cnty. of Mahoning**, 495 F. Supp. 2d 694, 698 (N.D. Ohio 2006) (recognizing requirement under the PLRA “that the Defendants have been given an opportunity to correct the problem of jail overcrowding and have been unable to do so without further intervention by this Court.”).

Fourth, any prison release order requires a court order from a three-judge panel. 18 U.S.C. § 3626(a)(3)(B)-(E); **Brown v. Plata**, 563 U.S. 493, 514 (2011); **United States v. Cook Cnty.**, 761 F. Supp. 2d 794, 797 (N.D. Ill. 2011). The procedures for appointing a three-judge court are found at 28 U.S.C. § 2284.

Fifth, “the PLRA requires that district courts issuing prospective relief in cases involving prison conditions make certain findings in order for that relief to conform to the law.” **Alloway v. Hodge**, 72 F. App’x 812, 815 (10th Cir. 2003). Any failure by a District Court to make these required factual findings under the PLRA is reversible error. **Doe v. Cook Cnty.**, 798 F.3d 558, 564 (7th Cir. 2015).

Any consideration by this Court of Plaintiffs' requested relief must comply with all these provisions of the PLRA. Like the mandatory injunctive relief requested by Plaintiffs here, the PLRA's requirements for injunctive relief also pose a substantial barrier to this Court ordering any such relief.

B. Deference Is Due to the Expertise and Judgment of Correctional Officials

Plaintiffs' request for injunctive relief must also be evaluated in the context of the ability and expertise of the Sheriff to appropriately and effectively operate the Weld County Jail, and the concomitant necessitation for the Court to defer to such expertise.

The Supreme Court of the United States has long recognized the need for federal courts to exercise deference to, and restraint in connection with, operations decisions by correctional officials. "[P]roblems that arise in the day-to-day operation of a corrections facility are not susceptible to easy solutions. Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve order and discipline and to maintain institutional security." ***Bell v. Wolfish***, 441 U.S. 520, 547 (1979); ***Romo v. Champion***, 446 F.3d 1013, 1015 (10th Cir. 1995).

The Supreme Court's deference to prison officials arises in part from the expertise those officials possess. ***Bell***, 441 U.S. at 548; ***Jones v. N.C. Prisoners' Labor Union, Inc.***, 433 U.S. 119, 128 (1977). "[W]e accord prison authorities deference as they undertake that complex job." ***Williams v. Taylor***, 561 F. App'x 695, 699 (10th Cir. 2014). "We must accord substantial deference to the professional judgment of prison administrators, who bear a significant responsibility for defining the legitimate goals of a

corrections system and for determining the most appropriate means to accomplish them.”

Overton v. Bazzetta, 539 U.S. 126, 132 (2003).

The Supreme Court recognizes deference is also appropriate on separation of powers grounds. “[T]he operation of our correctional facilities is peculiarly the province of the Legislative and Judicial Branches of our Government, not the Judicial.” **Bell**, 441 U.S. at 548. “[I]t is not the role of the federal judiciary to scrutinize and interfere with the daily operations of a state prison.” **Peterson v. Shanks**, 149 F.3d 1140, 1144 (10th Cir. 1998). Courts have no power “to supervise prison administration or to interfere with the ordinary prison rules or regulations.” **Banning v. Looney**, 213 F.2d 771, 771 (10th Cir. 1954).

“Application of this deferential standard ensures that ‘prison administrators ..., and not the courts, [are] to make the difficult judgments concerning institutional operations.’” **United States v. Rivera**, 83 F. Supp. 3d 1130, 1133 (D. Colo. 2015) (quoting **Turner v. Safley**, 482 U.S. 78, 89 (1987)). “[T]here is a strong public interest in affording substantial deference to prison officials in managing the daily operations of a prison due to the unique nature, needs and concerns of the prison environment.” **Pinson v. Pacheco**, 424 F. App’x 749, 756 (10th Cir. 2011). “Running a prison is an inordinately difficult undertaking that requires expertise, planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government. Prison administration is, moreover, a task that has been committed to the responsibility of those branches, and separation of powers concerns counsel a policy of judicial restraint. Where a state penal system is involved, federal courts have, as we indicated in **Martinez**,

additional reason to accord deference to the appropriate prison authorities.” **Turner**, 482 U.S. at 85 (citing **Procunier v. Martinez**, 416 U.S. 396, 405 (1974)).

This Court’s evaluation of the Sheriff’s and the WCJ’s response to the COVID-19 pandemic must be undertaken in light of the strong deference this Court must show to jail administrators and officials under these precedents. See, e.g., **Orwig v. Williams**, 2019 U.S. Dist. LEXIS 169556 (D. Colo. Sept. 30, 2019) (Brimmer, C.J.) (evaluating RLUIPA claim under **Turner** in the prison context and recognizing deference due prison officials); **Silverstein v. Fed. Bur. of Prisons**, 704 F. Supp. 2d 1077, 1095 (D. Colo. 2010) (Brimmer, C.J.) (“On issue of prison management and placement of inmates, courts owe prison officials considerable deference.”).

C. Plaintiffs’ Misinterpretation of the Law on Conditions of Confinement Claims

A corrective is necessary about Plaintiffs’ misinterpretation of the law in the Tenth Circuit concerning conditions of confinement claims.

Plaintiffs’ Complaint [ECF 7] attempts two claims under 42 U.S.C. § 1983, both alleging unconstitutional conditions of confinement. The two claims are nearly identical, but Claim 1 is brought under the Fourteenth Amendment for Plaintiffs held as pretrial detainees, and Claim 2 is brought under the Eighth Amendment for Plaintiffs who have been convicted of crimes and are serving sentences. The same standard applies to both these claims. See **Craig v. Eberly**, 164 F.3d 490, 495 (10th Cir. 1998); **Ledbetter v. City of Topeka, Kan.**, 318 F.3d 1183, 1188 (10th Cir. 2003).

Plaintiffs argue different standards apply to pretrial detainees and convicted prisoners and argue **Craig** was abrogated by **Kingsley v. Hendrickson**, 135 S. Ct. 2466

(2015). See [ECF 1, at 32 n.62]. To support this argument, Plaintiffs cite **Abila v. Funk**, 220 F. Supp. 3d 1121, 1181 (D.N.M. 2016) (Browning, J.), and cases from various other Circuits, but not the Tenth Circuit. When Judge Browning decided **Abila**, he did not have the benefit of Tenth Circuit opinions on point. The Tenth Circuit has since observed this argument exists but (repeatedly) declined to address it, as recently as March 26, 2020. See, e.g., **Khan v. Barela**, 2020 U.S. App. LEXIS 9438 (10th Cir. Mar. 26, 2020) (“In this circuit, there is an open question whether, in light of **Kingsley**’s pronouncement regarding excessive-force claims, the subjective component of the **Farmer** test applies to a pretrial detainee’s claims regarding conditions of confinement and inadequate medical care.”); **Burke v. Regalado**, 935 F.3d 960, 991 n.9 (10th Cir. 2019) (recognizing argument but declining to resolve it); **Perry v. Durborow**, 892 F.3d 1116, 1122 n.1 (10th Cir. 2018).⁴ Because the Tenth Circuit has not overruled **Craig**, it remains controlling law for this Court, Plaintiffs are incorrect, and the same deliberate indifference standard applies to claims for both pretrial detainees and convicted inmates.

The applicable standard, therefore, requires all Plaintiffs to satisfy both an objective and a subjective component. **Craig**, 164 F.3d at 495. First, the objective component requires the alleged deprivation be “sufficiently serious.” **Wilson v. Seiter**, 501 U.S. 294, 298 (1991). “[O]nly those deprivations denying the minimal civilized measure of life’s necessities ... are sufficiently grave to form the basis of an Eighth

⁴ See also **Ueding v. Border**, 2019 U.S. Dist. LEXIS 36835 (D. Colo. Mar. 7, 2019) (in case involving pretrial detainee under the Fourteenth Amendment applying **Kingsley** to excessive force claim and **Craig** to conditions of confinement claim); **Hill v. Reardon**, 2018 U.S. Dist. LEXIS 234762 (D. Colo. Nov. 16, 2018) (same).

Amendment violation.” *Id.* at 298. Both the severity and the duration of the allegedly unconstitutional conditions of confinement are taken into consideration as are the totality of the overall conditions of confinement. *Id.* at 304-05; ***Farmer v. Brennan***, 511 U.S. 825, 834 (1994); ***Rhodes v. Chapman***, 452 U.S. 337, 346 (1981).

Second, the subjective component of the inquiry requires the official to have a sufficiently culpable state of mind. “In the context of prison-conditions claims, the required state of mind is one of deliberate indifference to inmate health and safety.” ***Craig***, 164 F.3d at 495. “In other words, the jailer is liable only if he or she knows of and disregards an excessive risk to inmate health and safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Id.* “The test requires both knowledge and disregard of possible risks, a *mens rea* on a par with criminal recklessness. If an official is aware of the potential for harm but takes reasonable efforts to avoid or alleviate that harm, he bears no liability under this standard.” ***Despain v. Uphoff***, 264 F.3d 965, 975 (10th Cir. 2001) (internal citations omitted).

D. Both the Sheriff and This Court Lack Authority to Modify Sentences and Bonds

An explanation is necessary concerning the legal restraints on the Sheriff’s authority to modify sentences and bonds, and this Court’s inability to accept Plaintiffs’ invitation to weaponize the United States Constitution and require the Sheriff to do so.

Plaintiffs ask this Court to order the Sheriff to ensure social distancing the equivalent of CDC guidelines, or alternatively order the release from the WCJ of sufficient inmates to electronic home monitoring to allow for physical distancing of the equivalent

of CDC guidelines within the WCJ. [ECF 1, at 6-7]. This Court cannot order either of these remedies through a temporary restraining order or through other injunctive relief.

First, due to the physical and architectural realities of the WCJ, the only means to guarantee social distancing by at least six feet at all times would be to authorize the Sheriff and his deputies to use all necessary force to ensure all inmates are socially distancing at all times or to order prisoners released. Neither is a viable option for a temporary restraining order or other injunctive relief.⁵

Second, this Court cannot order Plaintiffs or any other inmates released from the WCJ. First, as discussed above, the PLRA imposes multiple requirements before the federal judiciary may issue a prisoner release order. It is not possible for this Court to comply with those requirements in issuing the requested TRO or any related initial-stage injunctive relief because, among other reasons, the Court must first convene a three judge panel, 18 U.S.C. § 3626(a)(3)(B)-(E), must first enter a less intrusive order, and must first give the Sheriff and WCJ a reasonable time to comply. *Id.*, § 3626(a)(3)(a)(i) and (ii). This cannot be achieved in the expedited timeframe which Plaintiffs contemplate for a TRO or related initial-stage injunctive relief. Any prisoner release order therefore would be reversible error in direct violation of the PLRA.

Third, the Court also cannot use injunctive relief in this action to direct Colorado state judges to take any action. See 42 U.S.C. § 1983 (expressly disallowing injunctive

⁵ For instance, would Plaintiffs have all WCSO deputies refrain from all hands-on methods to subdue noncompliant or disruptive inmates or detainees and use only Tasers or pepperball rounds? The Sheriff certainly would not endorse such a course of action and, presumably, neither would this Court.

relief against a judicial officer “for an act or omission taken in such officer’s judicial capacity ... unless a declaratory decree was violated or declaratory relief was unavailable.”); **Knox v. Bland**, 632 F.3d 1290, 1292 (10th Cir. 2011). By fiat of Congress, therefore, in a § 1983 action this Court lacks authority to direct a state court judge to modify an inmate’s or a detainee’s bond, reconsider a sentence, or otherwise direct a state court judge to order the release of a particular inmate.

Fourth, Plaintiffs have not brought this action seeking relief through habeas corpus pursuant to 28 U.S.C. § 2254, which might allow this Court to consider whether individual Plaintiffs’ bonds or sentences were unconstitutional.⁶

And even if this Court had the jurisdiction and authority to modify Plaintiffs’ bonds through this 42 U.S.C. § 1983 action, **Younger** abstention dictates the Court not intervene into an ongoing criminal prosecution. See **Younger v. Harris**, 401 U.S. 37 (1971); **Chapman v. Oklahoma**, 472 F.3d 747, 749 (10th Cir. 2006) (discussing factors to consider regarding **Younger** abstention). This is especially true where crime victim rights would be implicated and potentially violated. See Colo. Const. Art. II, § 16a (“Any person who is a victim of a criminal act, or such person’s designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term ‘critical stages’, shall be defined by the general assembly.”); C.R.S. §§ 24-4.1-302(1)(f) & (h) (victim rights attach to charges of assault in

⁶ Even if Plaintiffs had petitioned for writs of habeas corpus, Plaintiffs likely could not meet the requirements of 28 U.S.C. § 2254(b)(1).

the first and third degree, charges currently pending against Plaintiff Barnum and Carranza, respectively). The victims in these cases have both a constitutional and a statutory right to be informed of all “critical stages,”⁷ *id.* § 302.5(1)(b), and also have the right to be informed when the defendant is released from the county jail, *id.* § 302.5(1)(d), and the right to be heard at a bond hearing, *id.* § 302.5(1)(d)(I), a sentencing or resentencing hearing, *id.* § 302.5(1)(d)(IV), or a sentence modification hearing. *Id.* § 302.5(1)(d)(V). Colorado law requires Colorado state judges to inquire whether the victim is present and wishes to address the court at any of these hearings before the Court rules. *Id.* § 303. While these state statutes are not binding on this Court, *Younger* abstention dictates this Court should be mindful of these and other comity and federalism concerns before directly intervening in state criminal cases.

The Sheriff also lacks unilateral authority to release inmates from the WCJ either under his own authority or pursuant to any order from this Court. While the Sheriff is the custodian of the WCJ, C.R.S. § 30-10-511, all WCJ inmates are there because of lawful state court orders. See, e.g., C.R.S. §§ 18-1.3-202 (Colorado state court may sentence a convicted felon, such as Plaintiff Hunter, to up to ninety days jail as a condition of probation); 16-4-102 (Colorado state court must set bond before trial, which a state judge did for Plaintiffs Carranza, Martinez, Barnum, Lewis, and Ward). Convicted inmates may request sentence reconsideration, see Colo. R. Crim. P. 35(b), and pretrial detainees may

⁷ As relevant here, “critical stages” include: change in bond, sentencing or resentencing, modification to a sentence by Colo. R. Crim. P. 35(a) or 35(b) motion, or “the parole, release, or discharge from imprisonment of a person convicted of a crime.” See Colo. Rev. Stat. §§ 24-4.1-302(2)(c), (h), (j), and (n).

request bond reduction. See C.R.S. § 16-4-109.⁸ Absent state court orders granting this relief, the Sheriff must abide by current court orders and keep inmates in custody at the WCJ. See C.R.S. § 17-26-103 (“keepers of the several county jails ... shall receive and safely keep every person duly committed ... to such jail” and “shall not without lawful authority let out of such jail, on bail or otherwise, any such person”). And the Sheriff cannot release convicted persons before they lawfully serve their sentences. See C.R.S. § 17-26-109 (time computation sheriffs are required to apply in calculating release dates and awarding good time to convicts serving sentences in county jails).

In light of these limitations, the Sheriff took proactive steps that are within his legal authority to reduce the WCJ population. The Sheriff directed his deputies, and made several requests of local law enforcement, not to arrest suspects whenever possible but instead to issue summonses for court dates well into the future. This alone has significantly reduced the number of incoming inmates, resulting in a 35% decrease in jail population since March 1, 2020. But Colorado law still requires law enforcement officers to arrest a suspect when the officers have probable cause for specified crimes. See, *e.g.*, C.R.S. 18-6-803.6(1) (peace officer must arrest after determining there is probable cause for offense involving domestic violence). The Sheriff must, therefore, continue to operate

⁸ Plaintiffs Carranza, Barnum, and Lewis have petitioned for bond modifications to allow reduced security amounts or personal recognizance bonds, pursuant to C.R.S. § 16-4-109. Colorado state judges considered and denied Mr. Carranza’s request on March 18, 2020, Mr. Barnum’s request on March 25, 2020, and Mr. Ward’s request on March 24, 2020. A Colorado state judge reduced the amount of security required on Mr. Lewis’s bond. Plaintiff Hunter has petitioned a Colorado state judge for sentence reduction, but no ruling issued, to the Sheriff’s knowledge. Plaintiffs Ward and Propes are no longer in WCJ custody due to the natural expiration of their confinement under statute and caselaw and, as discussed herein, their claims are moot.

within physical structure of the jail and legal structure of Colorado law, receiving new arrivals—after arrest or sentencing—and detaining them until lawfully allowed to release them pursuant to the requirements of Colorado law and any applicable order of a state court judge. This Court’s evaluation of Plaintiffs’ demand for injunctive relief must be evaluated within these legal constraints on the Sheriff under Colorado law.

E. Plaintiffs Must Establish a Custom, Policy, or Practice of the Sheriff Violated their Constitutional Rights for Any Cognizable Claim to Be Successful

Plaintiffs sued the Sheriff in his official capacity, not individually. “A ‘suit against [the Sheriff] in his official capacity as sheriff is the equivalent of a suit against [the] County.’” *Layton v. Bd. of Cnty. Comm’rs*, 512 F. App’x 861, 867 n.4 (10th Cir. 2013) (alteration in original) (quoting *Lopez v. LeMaster*, 172 F.3d 756, 762 (10th Cir. 1999)). To establish liability for Weld County, Plaintiffs must show “deliberate action attributable to the municipality itself is the ‘moving force’ behind the plaintiff’s deprivation of federal rights.” *Bd. of Cnty. Com’rs of Bryan Cnty., Okla. v. Brown*, 520 U.S. 397, 403 (1997) (“*Bryan Cnty.*”); *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978). However, Plaintiffs neither pled such a claim in their operative Complaint, ECF 7, nor made any argument in ECF 1 as to why they are likely to succeed on the merits of such a claim. Veritably, it is because they cannot.⁹

A local government may not be sued under 42 U.S.C. § 1983 for an injury inflicted solely by its employees or agents. *Waller v. City & Cnty. of Denver*, 932 F.3d 1277 (10th

⁹ What’s more, even if Plaintiffs were somehow to amend their Complaint in the future to add a *Monell* municipal liability claim or restructure their allegations to attempt to allege a municipal liability claim, they won’t be entitled to the presumption of fact as to any allegation which contradicts the evidence encompassed by the Sheriff’s Declaration.

Cir. 2019) (affirming Rule 12 dismissal); **Mocek v. City of Alb.**, 813 F.3d 912, 934 (10th Cir. 2015). Municipal liability under § 1983 mandates a constitutional violation “attributable to the municipality itself” and requires a plaintiff to demonstrate (1) the existence of a municipal custom or policy and (2) a direct and causal link between the custom or policy and the violation alleged. **Jenkins v. Wood**, 81 F.3d 988, 993 (10th Cir. 1996). Indeed, to adequately allege municipal liability, a plaintiff must state sufficient nonconclusory facts on: “(1) official policy or custom, (2) causation, and (3) state of mind.” **Schneider v. City of Grand Junction Police Dep’t**, 717 F.3d 760, 769 (10th Cir. 2013).

Custom/Policy/Practice: an “official policy or custom” must take one of five forms:

(1) a formal regulation or policy statement; (2) an informal custom amounting to a widespread practice that, although not authorized by written law or express municipal policy, is so permanent and well settled as to constitute a custom or usage with the force of law; (3) the decisions of employees with final policymaking authority; (4) the ratification by such final policymakers of the decisions—and the basis for them—of subordinates to whom authority was delegated subject to these policymakers’ review and approval; or (5) the failure to adequately train or supervise employees, so long as that failure results from deliberate indifference to the injuries that may be caused.

Waller, 932 F.3d at 1283; **Bryson v. City of Okla. City**, 627 F.3d 784, 788 (10th Cir. 2010). Regardless of the plaintiffs’ specific municipal liability theory, the plaintiffs bear the burden to demonstrate the essential policy or custom. See **Bryan Cnty.**, 520 U.S. at 403 (“In **Monell** and subsequent cases, we have required a **plaintiff** seeking to impose liability on a municipality . . . to identify a municipal ‘policy’ or ‘custom’ that caused the plaintiff’s injury.”) (emphasis added)). The factual basis for an alleged policy or custom must consist of much more than what allegedly happened to the plaintiffs. *E.g.*, **Griego v. City of Alb.**,

100 F. Supp. 3d 1192, 1215 (D.N.M. 2015) (“[A]t the pleading stage, the existence of a **Monell** policy is a ‘conclusion’ to be built up to, rather than a ‘fact’ to be baldly asserted.”).

A custom is a “persistent and widespread” practice which “constitutes the standard operating procedure of the local governmental entity.” **Mitchell v. City & Cnty. of Denver**, 112 F. App’x 662, 672 (10th Cir. 2004). It may also be a series of decisions by a subordinate official of which the supervisor must have been aware. **City of St. Louis v. Praprotnik**, 485 U.S. 112, 130 (1988). Liability attaches in such a case because “the supervisor could realistically be deemed to have adopted a policy that happened to have been formulated or initiated by a lower-ranking official.” *Id.*

“Consistent with the plain meaning of ‘custom,’ proof of an isolated incident does not show a custom.” **King v. Glanz**, 2014 U.S. Dist. LEXIS 84927, at *4-5 (N.D. Okla. June 23, 2014); see **Lankford v. City of Hobart**, 73 F.3d 283, 286 (10th Cir. 1996); **Gates v. Unified Sch. Dist. No. 449**, 996 F.2d 1035, 1041 (10th Cir. 1993). Evidence of how a municipality’s actors acted in just one case is insufficient to establish a persistent and widespread practice that is permanent and well settled (the high threshold necessary to succeed on a municipal liability claim). **Henderson v. City & Cnty. of Denver**, 2014 U.S. Dist. LEXIS 7140, *30 (D. Colo. Jan. 21, 2014); **City of Okla. City v. Tuttle**, 471 U.S. 808, 823-24 (1985) (“Proof of a single incident of unconstitutional activity is not sufficient to impose liability under **Monell**, unless proof of the incident includes proof that it was caused by existing, unconstitutional municipal policy.”).

Causation: the entity, via “deliberate” conduct, must have been the “moving force” behind the alleged injury, requiring both an action “taken with the requisite degree of

culpability” and a “direct causal link” between the action and the alleged deprivation of rights. **Bd. of Cnty. Comm’rs v. Brown**, 520 U.S. 397, 404 (1997); see **Bryan Cnty.**, 520 U.S. at 404; **Canton**, 489 U.S. at 385. And even if a constitutional violation occurred as purportedly alleged, no municipal liability is based on pure *respondeat superior*. See **Monell**, 436 U.S. at 694. Local governments are liable only for their own illegal acts. **Connick v. Thompson**, 563 U.S. 51, 60 (2011). This causation requirement is satisfied if the plaintiffs show “the municipality was the ‘moving force’ behind the injury alleged.” **Bryan Cnty.**, 520 U.S. at 404. As the Supreme Court has made increasingly clear over the past 40 years, proof of a policy claim requires a tight causal connection between the alleged policy and the constitutional injury. In **Monell**, the Court held a plaintiff had to identify a causal nexus between his injury and the municipality’s alleged custom or policy. **Monell**, 436 U.S. at 693-94. And in **City of Canton**, the Court held a viable municipal liability claim required the identified deficiency in a city’s training program must be “closely related to the ultimate injury.” **Canton**, 489 U.S. at 391.

State of Mind: In addition, Plaintiffs must also establish the requisite degree of culpability on the County’s part – namely, the alleged municipal practices were carried out with “deliberate indifference” to their known or obvious consequences. **City of Canton v. Harris**, 489 U.S. 378, 388 (1989); **Bryan Cnty.**, 520 U.S. at 400. The prevailing state-of-mind standard for entity liability in the Tenth Circuit is deliberate indifference “regardless of the nature of the underlying constitutional violation.” **Schneider**, 717 F.3d at 771 n.5. Importantly, for a conditions of confinement case like the above-captioned action, deliberate indifference “is defined differently for Eighth Amendment and municipal

liability purposes.” **Barney v. Pulsipher**, 143 F.3d 1299, 1307 n.5 (10th Cir. 1998). The deliberate indifference standard for prison conditions is a subjective standard, requiring “actual knowledge of a risk by the official.” **Id.** Deliberate indifference for municipal liability, in stark contrast, is an objective standard and requires a risk to be “so obvious that the official [or the entity] should have known of it.” **Id.** That is, to even get to the merits of an Eighth Amendment claim, Plaintiffs must hurdle an extremely high threshold bar.

F. Alleged Violation of the Centers for Disease Control Social Distancing or Other Guidelines Is Not the Equivalent of a Violation of the United States Constitution

The entire thrust of Plaintiffs’ Motion is an effort to establish the Sheriff and the WCJ allegedly failed to adhere to the social distancing and other guidelines set by the CDC. [See *generally* ECF 1]. This Court must reject Plaintiffs’ effort to constitutionalize the CDC guidelines. The issue before this Court is not whether the Sheriff and the WCJ are adhering to the CDC guidelines—although as the Sheriff’s Declaration establishes, they are, to the best of their abilities based on the realities of the daily operations of a jail—but rather, whether the customs, policies and procedures of the WCJ implemented by the Sheriff to address COVID-19 violate the United States Constitution.

It has long been the law that a violation of agency policy, regulation, rule, training, or practice—from any agency—is not the equivalent of a violation of constitutional rights. See, e.g., **Davis v. Scherer**, 468 U.S. 183, 193-96 (1984); **Tanberg v. Sholtis**, 401 F.3d 1151, 1159-60 (10th Cir. 2005); **Herring v. Keenan**, 218 F.3d 1171, 1180 (10th Cir. 2000); **Wilson v. Meeks**, 52 F.3d 1547, 1554 (10th Cir. 1995); **Giannetti v. City of Stillwater**, 216 F. App’x 756, 766 (10th Cir. 2007). No reasoned difference exists to distinguish the CDC’s COVID-19 social distancing and other guidelines from the above

precedent. This Court must focus not on whether the current operations of the WCJ are compliant with the CDC or other health and safety guidelines, but whether they violate the inmates' constitutional rights—two altogether different inquiries.

G. Plaintiffs Have Not Met and Cannot Meet the Legal Requirements Necessary for their Requested Injunctive Relief in the Form of a TRO Here as a Matter of Law.

Keeping all the above principles in mind, as the Court must, Plaintiffs have not satisfied and cannot satisfy any of the four elements necessary to grant injunctive relief. Thus, this Court should deny Plaintiffs' Motion and deny the sought-after injunctive relief in the form of a TRO and of an expedited hearing.

1. Plaintiffs have no likelihood of success on the merits whatsoever.¹⁰

Plaintiffs' two claims against the Sheriff are brought in his official capacity. These claims are therefore asserted against Weld County. See **Layton**, 512 F. App'x at 867 n.4. While ECF 1 discusses the merits of Plaintiffs' claimed constitutional deprivation, ECF 1 omits any discussion or argument as to municipal liability. This is fatal, as Plaintiffs did not even attempt to show they are likely to succeed on a municipal liability claim.

The Court need not even consider this flaw, however, because Plaintiffs cannot prove an underlying deprivation of constitutional rights. See **Ellis v. Ogden City**, 589 F.3d 1099, 1104 (10th Cir. 2009) (municipal "liability will not attach 'where there was no underlying constitutional violation by any of [the municipality's] officers.'" (quoting **Graves**

¹⁰ Plaintiff Ward and Plaintiff Propes have been released from the WCJ due to the natural expiration of their confinement under statute and caselaw. Longstanding Tenth Circuit precedent which this Court must follow dictates their claims for injunctive relief (the only type of relief sought in ECF 1) are moot without possibility of resurrection. *E.g.*, **Green v. Branson**, 108 F.3d 1296, 1300 (10th Cir. 1997).

v. Thomas, 450 F.3d 1215, 1218 (10th Cir. 2006) (alteration in original)). Applying the Eighth Amendment deliberate indifference standard makes this clear, for two reasons.

First, the Sheriff recognizes the seriousness of the COVID-19 pandemic and the potential of the virus to cause a serious health condition if a person falls ill. To the Sheriff's knowledge, none of the Plaintiffs have been sick with COVID-19 or are sick with COVID-19. For simplicity and efficiency, however, the Sheriff is not contesting the objective factor of the Eighth Amendment deliberate indifference standard purely for purposes of this Response, but the Sheriff reserves the right to do so later in the proceedings.

Second, the Sheriff **was not** deliberately indifferent. The WCSO and its leader have taken the COVID-19 crisis quite seriously and implemented many new processes and procedures to protect jail staff and inmates, as more fully described in the Sheriff's Declaration. [See **Exh. A** and its attachments]. Contrary to Plaintiffs' hyperbolic assertions, the Sheriff is and has been aware of the dangers posed by COVID-19, and it is precisely because the Sheriff has been aware of those dangers the WCSO acted quickly and decisively to implement these policies and procedures beginning as far back as February 2020. Because the Sheriff "[took] reasonable efforts to avoid or alleviate that harm, [the Sheriff] bears no liability under this standard." **Despain**, 264 F.3d at 975. **Despain** requires **reasonable** efforts, and the Court must evaluate the actions of the Sheriff and the WCSO in the context of what reasonably can be achieved within a jail. It is undisputed a jail cannot be expected to replicate the conditions of a hospital.¹¹

¹¹ Although even hospitals have been forced to adapt to provide care to COVID-19 patients. See, e.g., Madeline Holcombe, Holly Yan and Eric Lenson, **New York's Central Park and harbor are now home to makeshift hospitals**, CNN, March 30, 2020,

The following represents but a fraction of the many new policies and procedures which the Sheriff and the WCSO put in place to protect staff and inmates from COVID-19 in the WCJ, as more fully detailed in **Exh. A** and its attachments which must be considered as a whole (citations are noted parenthetically by page and paragraph):

- The WCSO implemented multiple policies to allow for social distancing, within the physical limits allowed by WCJ population and its physical plant: March 13, 2020 limits on outside visitors (pp. 7-8, ¶¶ 22-23); multiple iterations of social distancing guidelines for WCSO staff (p. 8, ¶ 25; p. 12, ¶ 44; pp. 13-14, ¶ 49); reduced inmate reclassification (p. 19, ¶ 79); and March 31, 2020, transmission of a then-current list of all inmates for sentence review to the Chief Judge for the Nineteenth Judicial District of Colorado (p. 16, ¶ 65).
- The WCJ employs a professional janitorial staff which has been cleaning and sanitizing, and continues to clean and sanitize, the WCJ (p. 25, ¶ 109); all library books are now cleaned and sanitized after each use (p. 15, ¶ 56); common-use fixtures, such as water fountains, are sanitized multiple times per day (p. 22, ¶ 93); and the WCJ both directed inmates to clean and sanitize toilets before and after each use and provided supplies for that purpose (p. 22, ¶ 94).
- The WCJ has provided to inmates free of charge, continues to provide to inmates free of charge, and will continue to provide to inmates free of charge, sanitation supplies like soap and cleaner (p. 21, ¶ 91); and on February 27, 2020, perceiving

available at: <https://www.cnn.com/2020/03/30/us/new-york-coronavirus-cases-deaths/index.html> (last visited April 11, 2020).

the potential future risk which COVID-19 might pose to the jail, the WCJ began doubling its normal order of Clorox wipes and hand sanitizer (p. 3, ¶ 10).

- The WCJ attempted to procure masks for inmates for weeks, but they proved difficult to obtain (p. 8, ¶ 24; p. 14, ¶ 50); and after nearly a month of trying to obtain masks, the WCJ received a shipment on April 8, 2020, and immediately distributed masks to all inmates, along with guidance on proper use of masks (p. 20, ¶ 83).
- On March 11, 2020, the WCSO instructed Aramark, its food services vendor, to develop a plan in the event of a COVID-19 outbreak at the jail, and the WCSO received that plan from Aramark on March 13, 2020 and verbally requested on March 30, 2020 that Aramark plan to implement it if necessary (p. 6, ¶ 17; p. 7, ¶ 21; p. 16, ¶ 62); on April 6, 2020, the WCJ began requiring inmate trustees, who work in multiple functions in the jail including food preparation, to have their temperature taken before work and to wear masks while working (p. 20, ¶ 81).
- On March 10, 2020, the WCSO requested its medical services vendor to prepare screening tools for COVID-19 for deputies to ask all new arrivals during booking (pp. 4-5, ¶ 14); on March 11-12, 2020, WCSO implemented a screening and isolation protocol for COVID-19 (pp. 5-6, ¶ 15); on March 16, 2020, well before there were any positive COVID-19 tests in the WCJ, the WCSO set aside areas of the WCJ for “screening pods” or multi-day observation of new arrivals (p. 9, ¶ 30); after the WCJ identified its first suspected COVID-19 case in an inmate on March 19, 2020, all other occupants of the inmate’s unit were screened (pp. 11-12, ¶ 43); after the first positive COVID-19 test of an inmate on March 31, 2020, the WCJ

implemented multiple policies to quarantine the podmates of that inmate in the same pod (pp. 17-18, ¶ 68); and the WCSO placed the entire WCJ population on lockdown on April 1, 2020, to reduce any spread of COVID-19 (p. 18, ¶ 69).

- Inmates continue to have the same access to media as they have always had (pp. 23-24, ¶ 103); on April 9, 2020, the WCSO posted reminders of COVID-19 related information (p. 20, ¶ 84); and on April 10, 2020, each inmate was given a flyer on CDC-recommendations for how to use masks (p. 21, ¶ 87).

This summary includes only a portion of the steps the Sheriff and the WCSO have taken to protect the health and safety of inmates and staff at the WCJ. The Sheriff's well-documented actions to combat COVID-19 are significantly more credible than Plaintiffs' own Declarations, which allege vague and unsupported concerns. The Sheriff asks the Court to review his entire Declaration and all attachments. After doing so, the Court must conclude the Sheriff was not deliberately indifferent under the Eighth Amendment standard. Plaintiffs have not, cannot, and will not prove any constitutional deprivation.

More fundamentally, regarding the municipal liability standard which as a matter of law undisputedly applies here, Plaintiffs have made no showing the County is liable. ECF 1 does not specifically articulate which of the five established theories of municipal liability on which Plaintiffs rely, see Section V.E *supra*; it does not address how the Sheriff was deliberately indifferent under the municipal liability standard; and it does not address how any custom, practice, or policy of the Sheriff was the moving force behind Plaintiffs' asserted constitutional violations. In other words, Plaintiffs blithely ignore municipal liability entirely, though the only claims Plaintiffs brought are municipal liability claims.

The Sheriff does not know which theory Plaintiffs would put forth for municipal liability and will not speculate about the relative merits of any potential theories here. But as the Sheriff's Declaration, its attachments, and the above summary thereof show, the Sheriff and WCSO decisionmakers were not deliberately indifferent, categorically, to obvious risks to inmates. To the contrary, relevant decisionmakers acted early and often to ensure a reasonably safe environment within a jail setting. Given the multiple policies and actions taken to address COVID-19 in the WCJ, no potential municipal liability theory could succeed as the moving force behind a constitutional deprivation for Plaintiffs.

Plaintiffs have not made any showing of why they are likely to succeed on their municipal liability claims, let alone the "strong showing" required for this Court to grant disfavored injunctive relief. Plaintiffs are quite unlikely to prevail on the merits at all, much less marshal the required showing of a "substantial" likelihood of success on the merits.

2. For purposes of this Response, the Sheriff does not contest the prospect of irreparable injury which might result from COVID-19 as a general matter.

The Sheriff acknowledges falling ill with COVID-19 poses real and serious health risks to many people worldwide, including Plaintiffs. To the Sheriff's knowledge, however, none of the Plaintiffs is sick with COVID-19. For simplicity and efficiency, however, the Sheriff is not contesting this factor for the purposes of this Response, but reserves the right to do so later in the proceedings.

3. The threatened injury does not outweigh potential harm to WCJ and WCSO.

Plaintiffs argue there is no identifiable harm to the WCJ or WCSO, except minor administrative costs. [ECF 1, at 50]. This is entirely incorrect for several reasons. First, the WCSO assuredly has a strong and judicially recognized interest in maintaining control

over the WCJ without Court supervision. *E.g.*, **Overton**, 539 U.S. at 132; **Bell**, 441 U.S. at 547-48. Mandatory injunctive relief would necessitate ongoing Court supervision to assure the WCSO is abiding by any order. **SCFC ILC**, 936 F.2d at 1099. The WCSO would thus lose the ability to react quickly to changes in circumstances in the WCJ and would have to go to the Court for approval continuously, as the WCJ adapts to the evolving COVID-19 crisis and public health recommendations. Second, the multiple forms of injunctive relief Plaintiffs request, see [ECF 1, at 6-7], would require the WCSO to take many separate actions, the cost and implementation of which are ambiguous. Plaintiffs have not addressed how the Court could, for instance, order a third-party vendor of professional cleaners with no correctional experience to work in a secure facility such as a jail. How quickly would the cleaners have to be hired? Would there be adequate time to vet them for security risks? Would the WCSO be liable if the cleaners were negligent in cleaning and sanitizing? Would Weld County taxpayers be required to pay for the cleaners? And what about the already-employed professional cleaning staff, would they have to be kept on payroll while displaced by this third-party vendor yet have the County continue paying the payroll costs of wages and benefits due County employees?

Plaintiffs also fail to address whether they are asking the Court to order the WCSO to provide each inmate only one mask or a separate mask for each day. As the Court is no doubt aware, there is a nationwide shortage of personal protective equipment (“PPE”), including masks.¹² While the WCSO has worked for weeks to locate PPE—with quite a

¹² See Olga Khazan, **Why We’re Running out of Masks**, The Atlantic, April 10, 2020, available at <https://www.theatlantic.com/health/archive/2020/04/why-were-running-out-of-masks-in-the-coronavirus-crisis/609757/> (last visited April 11, 2020).

few staff members even using homemade masks to conserve WCJ mask supply for inmates, see [Exh. A, p. 24 ¶ 104], the WCSO faces the same hurdles as the rest of the United States in locating and obtaining PPE supplies. Similarly, Plaintiffs fail to address how the WCJ could implement policies enforcing social distancing at all times yet guard against the additional liability the WCSO presumably and otherwise would be alleged to bear for using varying levels of force in carrying out those Court-ordered policies.

As even these few considerations show, Plaintiffs fail to show their interests outweigh the alarming potential of damage to the WCSO, for the very simple reason it did not occur to Plaintiffs to realistically consider the potential damage to the WCSO. And Plaintiffs certainly have not made the “strong showing” required for the Court to grant this disfavored injunctive relief. The Court must conclude Plaintiffs have not met their burden on this “balance of harms” factor.

4. Plaintiffs’ requested injunctive relief would be adverse to the public interest because it unreasonably threatens public safety.

The PLRA requires this Court to “give substantial weight to any adverse impact on public safety” in considering injunctive relief that would release prisoners. 18 U.S.C. § 3626(a)(2); see *also* Section V.A *supra*. Plaintiffs disregarded this requirement and do not discuss public safety or acknowledge public safety risks at any point. Given the architectural and staffing realities of the WCJ, it is neither possible nor advisable for the WCSO to patrol the WCJ to ensure all inmates are at least six feet from all other people at all times. Plaintiffs ask, in the alternative, this Court order prisoners released from the WCJ. [ECF 1, at 7]. Beyond the multiple legal impediments to such an order, see Sections V.A & V.D *supra*, releasing inmates would create an unjustifiable public safety risk. To be

blunt, there are very good reasons Colorado state judges determined WCJ inmates should be confined there and not remain at liberty in the community. A review of the public safety risks which Plaintiffs themselves pose merely underscores this overriding concern:

- Plaintiff Carranza is currently held in the WCJ on a \$1,000 cash or surety bond, facing a charge of assault in the third degree, pursuant to C.R.S. § 18-3-204. Mr. Carranza has failed to appear or failed to comply with court orders six times. His prior criminal history includes arrests for burglary, possession of a controlled substance, forgery, and a sentence to the Colorado Department of Corrections and later arrest for a parole violation, among other arrests. Given his poor record of compliance with court orders and his prior criminal history, he poses a significant community safety risk. This is perhaps why Colorado state judges have already denied two motions for bond modification from Mr. Carranza, filed March 16 and 23, 2020. See **Exhibit A-40** for further information on Mr. Carranza.
- Plaintiff Martinez is currently held on three separate bonds: a \$70,000 cash or surety bond for a charge of escape, a \$50,000 cash or surety bond for a controlled substance charge, and a \$10,000 cash or surety bond for a charge of vehicular eluding. Mr. Martinez has failed to appear or failed to comply with court orders 10 times. His prior criminal history includes arrests for vehicular eluding and possession of a controlled substance, a bond violation, and a sentence to the Colorado Department of Corrections and later arrest for a parole violation, among other arrests. Given Mr. Martinez's record of noncompliance with court orders, his current charge of escape, and his prior criminal history, Mr. Martinez presents an

unjustifiable community safety risk. This likely explains why Colorado state judges have required and aggregate \$130,000 in cash or surety bonds. See **Exhibit A-41** for further information on Mr. Martinez.

- Plaintiff Barnum is currently held in the WCJ on a \$25,000 cash or surety bond, facing a charges of assault in the first degree, pursuant to C.R.S. § 18-3-202, alleging he intentionally caused serious bodily injury to another with a deadly weapon, a statutory crime of violence under Colorado law requiring a sentence to the Colorado Department of Corrections of between 10 and 32 years. See *id.* § 18-1.3-406. Mr. Barnum has failed to appear or failed to comply with court orders thirteen times. His prior criminal history includes six prior arrests for driving under the influence and a sentence to the Colorado Department of Corrections for theft, among other arrests. The serious nature of his current charge and its mandatory prison sentence, Mr. Barnum's poor record of compliance with court orders, and the significant public safety risk posed by multiple DUI offenders make him a significant and unjustifiable public safety risk. He sought a bond modification with the Colorado state court and has a bond hearing scheduled for April 15, 2020. See **Exhibit A-42** for further information on Mr. Barnum.
- Plaintiff Lewis is currently held in the WCJ on a \$500 cash only bond, facing a felony charge of driving under the influence with three or more prior convictions, pursuant to C.R.S. § 42-4-1301, obstructing a peace officer, and possession of a controlled substance, among other charges. He is also held on a \$1,000 cash only bond, facing an allegation that he failed to comply with probation. Mr. Lewis has

failed to appear or failed to comply with court orders five times. His prior criminal history includes four prior arrests for driving under the influence, multiple prior controlled substance related arrests, and an arrest for vehicular eluding, among other arrests. Despite Mr. Lewis's poor record of compliance with court orders and the significant public safety risk of multiple DUI offenders, especially those who elude peace officers, a Colorado state court judge reduced Mr. Lewis's original \$60,000 cash bond to the current \$1,000 cash bond. See **Exhibit A-43** for further information on Mr. Lewis.

- Plaintiff Ward has been released from the WCJ. See **Green**, 108 F.3d at 1296.
- Plaintiff Propes has been released from the WCJ. See **Green**, 108 F.3d at 1296.
- Plaintiff Hunter is currently serving a jail sentence for possession of a weapon by a previous offender, a charge necessarily requiring a prior felony conviction. See C.R.S. § 18-12-108. His scheduled release date is April 26, 2020. He has a sentence reconsideration hearing scheduled for Tuesday, April 14, 2020. See **Exhibit A-46** for further information on Mr. Hunter.

As this information shows, releasing Plaintiffs—at least those who are even still detained—into the Weld County community before a Colorado state court judge has determined they should be released would pose an unjustifiable community safety risk. The community should not be forced to bear the risk of violent offenders, multiple DUI offenders, and offenders who consistently and repeatedly fail to comply with court orders. Plaintiffs' assertion they are at risk of sickness and death in the WCJ does not outweigh the proven threat to community safety of all Plaintiffs who remain housed within the WCJ.

Moreover, this Court should be mindful of comity and federalism, see Section V.D *supra*, and should be loath to override public safety decisions made by Colorado state court judges, who have substantially more information available to them about individual inmates in the WCJ than does this Court, as this Court is well aware from its own experience making similar release decisions in the federal system.

Finally, the COVID-19 crisis has impacted law enforcement as it has every other sector of society. The additional strain upon law enforcement's already heavy burden during this crisis of releasing dangerous offenders in the community is not in the public interest. In summary, the public safety risk of Plaintiffs' sought-after relief strongly outweighs Plaintiffs' interest in the relief, meaning Plaintiffs won't prevail on this factor.

5. If the Court orders injunctive relief, significant security should be required.

Fed. R. Civ. P. 65(c) allows the Court to order a security as a condition of any injunctive relief "to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." The Sheriff asserts any injunctive relief, in the form of a TRO or otherwise, is manifestly inappropriate. But if the Court does order relief, the WCSO may have significant costs to bear—costs which ultimately would be borne by Weld County taxpayers. Thus, to compensate those taxpayers for potentially improvident relief, the Court should order posting of a security interest of at least \$500,000.¹³

¹³ As stated in the Sheriff's Declaration, the WCJ's year-to-date net operating cost through February 29, 2020 is \$77,470 daily, which is the best available figure the Sheriff could give the Court as of April 13, 2020, given data entry limitations. [ECF 1, at 25 ¶ 113]. Multiplying this figure by the 14 days for which a TRO would be active comes out to a total of \$1,084,580. Although imposition of a security posting requirement of even less than half of such a figure in this case still may seem harsh, it would be equally harsh to saddle Weld County taxpayers with the costs of improvidently granted injunctive relief.

This security would account for a wide range of potential (or likely) costs of the requested injunctive relief, such as: hiring an outside cleaning company to clean the jail each day; keeping the already-existing County janitorial staff on payroll and benefits while this third-party vendor does their job; moving more deputies into the jail to enforce inmate social distancing, thereby reducing law enforcement presence in the community; paying the exorbitant cost for already-existent PPE on primary or secondary markets, if the PPE is to be replaced daily; locating and paying for alternate locations to house inmates (if they even exist at this point), such as other jails, if the court orders a reduction in inmate numbers in the WCJ, as the WCSO cannot lawfully release inmates from custody; defending potential lawsuits based on excessive force, prison conditions, or other claims, and on sanctions for violating victim rights, caused by compliance with the Court's Order.

Moreover, as discussed above, several Plaintiffs have cash or surety bonds which Colorado state judicial officers have been unwilling to remove, and the Colorado Supreme Court recently denied a strikingly similar request to order the mass and immediate release of persons in county jails due to the pandemic.¹⁴ Granting injunctive relief without security would be an end run around those bonds, as it could require Plaintiffs' release without payment of security, contravening the considered judgment of Colorado state court judges. For all these reasons, if the Court grants injunctive relief despite the many weighty arguments, authorities, exhibits, and explanation the Sheriff has provided the Court here, the Court should require Plaintiffs to post a security interest of at least \$500,000.

¹⁴ See dockets in Colo. Sup. Ct. Nos. 2020SA116 (and Apr. 3, 2020 Order), 2020SA117 (and Apr. 3, 2020 Order), of which the Court can take judicial notice.

6. Other legal considerations weigh against granting injunctive relief.

First, a temporary restraining order is appropriate only if “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A). Plaintiffs offered the Court neither affidavits signed by all Plaintiffs directly nor a verified complaint signed by all Plaintiffs directly. And besides, the Court must assess their claimed entitlement to a TRO and emergency hearing in light of the state of the facts as of today April 13, 2020, not as of April 7, 2020.

Second, Plaintiffs’ sought-after injunctive relief would place the Sheriff between a proverbial Scylla and Charybdis. The Sheriff would be forced to choose between complying with the narrowness of Colorado state law on detaining inmates pursuant to Colorado state court orders, see Section V.D *supra*, and complying with the breadth of this Court’s orders potentially requiring the release of those inmates. Where an entity defendant like the Sheriff would be “whipsaw[ed]” into attempting to comply with two conflicting directives issued by two different courts, as here, temporary injunctive relief is especially inappropriate. ***Bayaud Enters. v. United States Dep’t of Veteran’s Affairs***, 2019 U.S. Dist. LEXIS 97303, at *15-16 (D. Colo. June 10, 2019) (Krieger, S.J.).

Third, the PLRA’s multiple requirements for injunctive relief as to prisoners such as Plaintiffs and the rest of their WCJ co-inmates, see Section V.A *supra*, significantly weigh against granting Plaintiffs a TRO or other injunctive relief. Granting the relief in contravention of the PLRA’s plain requirements likely would be reversible error, and the Court should decline Plaintiffs’ invitation to meander into the buzzsaw of reversible error.

VI. CONCLUSION

Plaintiffs would have this Court, and the public, believe the Sheriff is plucking his Stradivarius gleefully while the Weld County Jail and its inmates succumb to COVID-19.¹⁵ However, as the above authorities, analysis, exhibits, and explanation demonstrate forcefully, such a characterization is far from the actual truth. Rather, the evidence presented in and along with this Response demonstrates the Sheriff and the Weld County Sheriff's Office have diligently, comprehensively, and appropriately addressed COVID-19 at the Weld County Jail. Every day, Weld County Jail personnel balance the needs of safety and security with the health needs of all the inmates in the Jail and themselves.

In conclusion, for the foregoing reasons, Defendant Sheriff Steven Reams, as the duly elected Sheriff for the County of Weld, State of Colorado, respectfully requests this Court enter an Order: denying Plaintiffs' application for a temporary restraining order and expedited hearing in this matter; and granting all other relief deemed just and proper.

Respectfully submitted this 13th day of April, 2020.

s/ Matthew J. Hegarty

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¹⁵ See Mary Beard, *SPQR, A History of Ancient Rome* 398 (1st paperback ed. 2016) (relaying historical account of the Emperor Nero fiddling whilst Rome burned).

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 13th day of April, 2020, on or before 9:00 AM MDT, a true and correct copy of the foregoing **DEFENDANT'S RESPONSE TO MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND EXPEDITED HEARING [ECF 1]** was electronically filed with the Clerk of Court which will send notification of such filing to the following email addresses:

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:20-cv-00977-PAB

THOMAS CARRANZA;
JESUS MARTINEZ;
RICHARD BARNUM;
THOMAS LEWIS;
MICHAEL WARD;
COLBY PROPEL; and
CHAD HUNTER,

Plaintiffs, on their own and on behalf of a class of similarly situated persons,

v.

STEVEN REAMS, Sheriff of Weld County, Colorado, in his official capacity,

Defendant.

DECLARATION OF SHERIFF STEVEN REAMS

I, Sheriff Steven Reams, being of lawful age and duly sworn under penalty of perjury pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I have personal knowledge of the matters set forth in this Declaration.
2. I currently serve as the duly elected Sheriff for the County of Weld, State of Colorado. I have served in this position for a total of five (5) years.
3. Before beginning my tenure as Weld County Sheriff on January 25, 2015, I was employed with the Weld County Sheriff's Office ("WCSO") for eighteen (18) prior years and served in many positions: master control operator, Detentions Division officer, patrol deputy after earning Peace Officer Standards Training ("POST") certification, detective,

commander, Detentions Division deputy bureau chief, Patrol Division deputy bureau chief, Public Safety bureau chief, and Detentions Division bureau chief.

4. I earned a bachelor's degree in criminal justice from Colorado Technical University in 2007, and I also completed the FBI National Academy in 2007.

SUBSTANTIAL STEPS WHICH WCSO TOOK TO COMBAT COVID-19

5. I am individually familiar with the protocols and processes which the WCSO as a whole generated, implemented, and refined in response to the global, national, and local public health threat posed by the novel coronavirus ("COVID-19"), because I was personally involved in generating, implementing, refining, and approving such protocols and processes in consultation with a team of WCSO staff and local public health officials.

6. Such protocols and processes also incorporated national guidelines from the federal Centers for Disease Control ("CDC"), and state directives from the Colorado Department of Public Health and Environment ("CDPHE"), among others. I am not aware of any specific guidelines adopted by any federal or state public health authority specifically governing how COVID-19 should be addressed in a correctional facility setting. All decisions I have made and the WCSO has adopted at the Weld County Jail ("WCJ") related to the COVID-19 pandemic have been made based on an assessment of the health and safety needs of the inmates and detainees (hereinafter collectively "inmates"), WCSO employees, and the public. All decisions I have made and the WCSO has adopted at the WCJ related to the COVID-19 pandemic have also been made based on the distinct operational needs of a jail; the physical plant, structure, and layout of WCJ; and the resources and supplies available to the WCSO. As this Declaration establishes, I and the WCSO continue to evaluate and respond to different events which have

occurred since COVID-19 became an issue for the WCSO generally and at the WCJ specifically and we will continue to do so.

7. Prior to February 27, 2020, the WCSO became aware of the growing number of COVID-19 infections which were occurring worldwide, although as yet there were fewer than 20 reported positive infection tests in the United States¹ and Weld County had not yet experienced any reported cases of COVID-19.

8. Thereafter the WCSO took substantial steps to generating, implementing, and refining such protocols and processes in a manner intended to protect the health and safety of WCJ inmates, WCSO personnel, and the Weld County public.

9. On February 27, 2020, I directed the WCSO Detentions Division Captain and the Administrative Division Captain to review the WCSO's policies on Inmate Screening and Evaluations and on Communicable Diseases, and to begin to update them as needed, in the event there was an outbreak of COVID-19 either in Weld County proper or the WCJ and for the WCSO to be positioned to respond in a manner most protective of the health and safety of WCJ inmates, WCSO personnel, and the Weld County public. These two captains confirmed to me they followed my directive.

10. Also on February 27, 2020, the WCSO began doubling its usual order of Clorox wipes, toilet paper, and hand sanitizer for use at the WCJ, because the WCSO perceived national trends which might lead to a shortage of such items and the WCSO wanted to do everything it could to ensure sufficient supply on hand.

¹ See, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html#2019coronavirus-summary> (last visited April 13, 2020).

11. On March 4, 2020, the Weld County Department of Human Resources in consultation with Weld County Health Department (“WCHD”) sent a lengthy substantive email to all Weld County staff advising them, although neither the State of Colorado nor Weld County experienced any reported cases of COVID-19, certain additional safety precautions must be taken by all Weld County employees (inclusive of WCSO), including: frequent cleaning of hands by washing them or using an alcohol-based hand sanitizer when soap and water are not available; covering noses and mouths when coughing and sneezing; avoiding close contact with those exhibiting cold or flu-like symptoms; and staying home from their duties if they show symptoms of any sickness. [See **Exh. A-1.**]

12. On March 5, 2020, at my direction, WCSO Captains began planning contingencies for the potential effect of COVID-19 on the WCSO and its operations, including the operations of the WCJ.

13. On March 6, 2020, WCSO leadership collaborated with Jon Echols, President of WCSO medical services vendor Turn Key Health Clinics (“TKHC”), on the development of screening tools and protocols for the WCJ’s anticipated response for COVID-19. This was a preemptive response to what WCSO leadership believed would potentially be an urgent need in the coming weeks and to establish a collaborative reaction specific to the WCJ as to possible spread of COVID-19. I met separately with Mr. Echols to discuss and confirm the same information with him which WCSO leadership just discussed with him.

14. On March 10, 2020, the WCSO requested screening tools from TKHC for booking deputies to utilize to ask questions of persons being booked at the WCJ related to risk factors of COVID-19 prior to admission to the WCJ, to secure the booking side of the WCJ along with furnishment of a process for nursing staff intervention if the questions

being posed to persons being booked received positive responses. The requested tools and processes were provided to the WCSO by TKHC and started to be used by booking deputies in short order after receipt of those tools and processes. [See **Exh. A-2.**]

15. On March 11, 2020, WCSO personnel sent a lengthy email to the County Department of Buildings and Grounds outlining the procedures which the WCSO intended to implement at the WCJ beginning March 12, 2020, including but not limited to:

- a. Enhanced arrest screening procedures, including questions related to symptomology which if a positive response was generated would lead to the performing of a more targeted assessment by medical staff to include isolation of the arrestee from the rest of the WCJ population if it was determined appropriate for the arrestee to be admitted to the WCJ;

- b. Enhanced in-custody screening procedures by which any and all inmates who complained of symptoms appearing even potentially related to COVID-19 would be immediately screened by medical staff, and if medical staff deemed such inmates were experiencing symptoms potentially related to COVID-19, such inmates would be immediately isolated per the “Respiratory Isolation Preparedness” protocol recommended by TKHC.

- c. While isolated this way, inmates would be confined to “negative airflow” room for a minimum of 14 days or otherwise in accordance with CDC guidelines, ensuring no inmate would be held even in quarantine past mandatory release date;

- d. If the number of inmates needing to be isolated due to COVID-19 exceeded the capacity of the negative airflow rooms, such inmates would all transition to a housing unit designated as an isolation unit in which no inmates

would be permitted except those whom medical staff deemed to be experiencing symptoms potentially related to COVID-19; and

e. The WCSO would cooperate fully with outside public entities, including medical staff contacting appropriate public health authorities for various purposes, to include completion of proper testing for COVID-19, having on hand all needed equipment, and collaboration with local public health authorities.

[See **Exh. A-3.**] The isolation protocol actually took effect March 11, 2020, a day earlier than expected. All other foregoing steps were implemented as of March 12, 2020.

16. Also on March 11, 2020, the WCSO posted a sign at its back gate advising arrestees they would have to answer questions about recent travel outside of the United States, which of course would place them at higher risk of infection for COVID-19 and, in connection with this sign, directed control deputies to ask local law enforcement who arrest individuals who are then typically placed in the WCJ to implement mandatory arrestee questioning concerning travel outside of the United States in the prior 30 days to ensure a more targeted assessment and evaluation of such arrestees. [See **Exh. A-4.**]

17. Also on March 11, 2020, the WCSO instructed Aramark, its food services vendor, to develop a plan for a decrease in its staff, or potentially a decrease in the Inmate Trustee population who assisted with food services, to ensure food services continued and still met all dietary standards in the event of a COVID-19 outbreak in the WCJ.

18. On March 12, 2020, the WCSO updated its command staff contact list for purposes of preparing to check in with WCSO personnel who called in sick from work to ensure adequate staffing of the WCJ.

19. Also on March 12, 2020, the WCSO contacted the Weld County Office of Emergency Management (“WCOEM”) for guidance on cleaning out vehicles of WSCO Patrol Division personnel in which a suspected COVID-19-infected arrestee was present and guidance on appropriate PPE for Detentions Division personnel who would have to staff any COVID-19 containment units which might be created at WCJ. [See **Exh. A-5.**]

20. Also on March 12, 2020, the WCSO learned a North Colorado Medical Center employee tested positive for COVID-19. The WCSO immediately issued guidance to its Patrol Division to take extra precautions for public health and safety, including ensuring PPE was present in all vehicles and keeping hands clean and away from one’s face.

21. On March 13, 2020, the WCSO received from Aramark the safety plan which the WCSO had requested to ensure continuity of service to inmates amid a pandemic yet ensure protection of inmates and staff as much as reasonably possible. [See **Exh. A-6.**]

22. Also on March 13, 2020, in an effort to implement social distancing guidelines well before the CDPHE or Colorado Governor Jared Polis issued any guidance or directive on this topic, the WCSO suspended all religious volunteer activity for 30 days or until further notice to reduce the exposure of WCSO staff, inmates, and the general public. This suspension, which is neutral and generally applicable, remains in effect today.

23. Also on March 13, 2020, the WCSO suspended all professional visitor activity inside the WCJ except for attorney visits and people needing to conduct official law enforcement business and, subject to availability, permitted people outside of these two limited groups to meet with inmates via videoconference. In accordance with this suspension, the WCSO also strongly encouraged attorneys and law enforcement to visit via videoconference subject to availability but left the option open to meet in professional

visiting rooms if those individuals desired and implemented the provision of sanitizing supplies for video equipment to professional visitors wanting to visit via video. The purpose of this protocol was to minimize unnecessary traffic in the WCJ to reduce the risk of exposure to staff, inmates, and the general public while still maintaining access requirements for attorneys and healthy business flow of operations. [See **Exh. A-7.**]

24. Also on March 13, 2020, along with making efforts to source PPE on its own prior to and including March 13, 2020, the WCSO contacted WCOEM to request fifty (50) PPE masks for use in potential quarantine units within the WCJ. [See **Exh. A-8.**]

25. Also on March 13, 2020, in an effort to implement social distancing guidelines well before the CDPHE or Governor Polis issued any guidance or directive on this topic, the WCSO published an internal notice to its Detentions Division advising of its efforts to prepare for any spread of COVID-19, including: a request to local law enforcement within Weld County to limit the number of arrestees for the foreseeable future and, if at all and as much as possible, issue a summons and release if the offense is not one for which WCJ confinement would be mandated by state statute; communication of the suspension decisions as to religious volunteer activity and other-than-professional visits; leaving official uniforms at the WCJ to minimize contaminant exchange between home and the WCJ; recommending a pattern and practice of social distancing for all Detentions Division personnel; and listing common symptoms of COVID-19 which may appear 2-14 days after exposure, including fever, cough, and shortness of breath. [See **Exh. A-9, Exh. A-10.**]

26. Also on March 13, 2020, the WCSO received a response from WCOEM as to its request for guidance on precautions for WCSO Patrol Division and Detentions Division personnel to take for safety of arrestees, inmates,, among others. WCOEM

recommended: each WCSO Patrol Division vehicle be equipped with disposable gloves, a disposable isolation gown, a NIOSH-approved particulate respirator (N-95 or higher-level respirator), and eye protection (goggles or disposable face shield fully covering front and sides of face); and Patrol Division and Inmate Transport vehicles be equipped with extra masks for arrestees, inmates, to use while in the vehicles, along with decontamination of the vehicle after each such use using an EPA-approved cleaner. The WCSO began to implement these recommendations later that day. [See **Exh. A-11.**]

27. Also on March 13, 2020, the WCSO generated a video briefing for Detentions Division personnel who may not have read the internal notice published earlier in the day yet, to provide an advisement about the contents of said notice. [See **Exh. A-12.**]

28. On March 14, 2020, WCSO ranking officers created a COVID-19-specific working binder to ensure consistency of protocols and procedures between shifts.

29. Also on March 14, 2020, the WCSO determined almost none of its personnel met requirements for telework due to the need to maintain adequate staff for effective service to inmates at the WCJ.

30. On March 16, 2020, well before the WCSO had record of any staff, inmate, in the WCJ either showing outward symptoms of or testing positive for COVID-19, the WCSO set aside portions of its facilities at the WCJ for “screening pods,” or transfer units into which new arrestees would be housed for several days for observational purposes before being released to be housed in the WCJ general population.

31. Also on March 16, 2020, to protect the health and safety of inmates in the WCJ, the WCSO directed the substantial limiting of Detentions Division personnel

movement within the WCJ by assigning such personnel to a single specific unit for a much longer period of time.

32. Also on March 16, 2020, in cooperation with the Weld County Public Defender Office (“Weld PD”), the WCSO implemented the use of court phones for public defenders.

33. Also on March 16, 2020, the WCSO issued an internal directive to all WCSO personnel reiterating the need to practice social distancing, frequent handwashing, and immediate contact of primary care provider if fever and cough existed. [See **Exh. A-13.**]

34. Also on March 16, 2020, the WCSO disseminated a Pandemic Health Emergency and Public Health Order which issued from the WCDPHE Executive Director earlier on this day, which also included a supplemental transmission later on this day on a ban of gatherings of more than 10 individuals, along with employee self-certification forms for all WCSO personnel to use relating to COVID-19 symptoms. [See **Exh. A-14.**]

35. Also on March 16, 2020, the WCSO made plans to implement new printed COVID-19-specific directives to inmates who were released from the WCJ in light of the Weld County Justice Services Department closing its lobbies.

36. Also on March 16, 2020, the WCSO published an internal notice to all WCSO personnel advising: modifications in communicating of shift briefings to ensure quicker transmission of such information; reminding about Detentions Division personnel now being assigned to the same housing unit as much as reasonably possible until further notice; taking steps to remain at the WCJ to eat meals during shifts. [See **Exh. A-15.**]

37. On March 17, 2020, the WCSO published a notice to all inmates advising them the WCJ facility limitations associated with COVID-19 would be deemed unable to be grieved to ensure inmate health and safety. [See **Exh. A-16.**]

38. Also on March 17, 2020, the WCSO received and implemented additional guidance from TKHC concerning more complete list of potential COVID-19 symptoms to observe in inmates, and to contact medical staff immediately if any of the symptoms were observed so WCJ medical professionals could make a medical judgment about whether the inmate needed to be transported to the hospital to be evaluated and screened for their fitness to be in the WCJ population, including if an inmate registered a positive response to even one of several substantive screening questions, said inmate was to be given a mask immediately and immediately transported to an isolation cell. [See **Exh. A-17.**]

39. Also on March 17, 2020, the WCSO issued a substantive explanation to the Weld PD explaining the reasons why an accusation the WCSO allegedly denied the Weld PD access to one of the Weld PD's inmate clients was materially untruthful.

40. Also on March 17, 2020, the WCSO issued an internal directive to all WCSO Detentions Division personnel reiterating the need to cooperate with counsel of record for WCJ inmates, whether public defenders or other legal representation, and issuing multiple directives to WCSO staff to ensure such cooperation occurred.

41. On March 18, 2020, the WCSO made the difficult decision to suspend its Jail Based Behavioral Services program until further notice due to sudden and extreme limitations on community resources and cascading business closures.

42. On March 19, 2020, the WCSO received communication from TKHC indicating TKHC was hiring "float nurses" for PRN purposes had a stockpile of face masks and latex gloves, and was constantly monitoring and following public health and safety guidelines.

43. Also on March 19, 2020, the WCSO published an internal notice of its isolation and testing of its 1st suspected case of COVID-19 among WCJ inmates; the person had

a low-grade fever, non-productive cough, and several comorbidities; and the person's entire housing unit was screened, person by person. [See **Exh. A-18.**]

44. Also on March 19, 2020, the WCSO issued a supplemental social distancing and related restrictions directive to all WCSO personnel, including: limited interaction and alternating schedule from command staff, maintaining 6-foot distance from each other at all times and as much as reasonably possible; required washing of hands when entering and exiting units for any reason; restricting inmate movement between units as much as reasonably possible for purposes of inmate health and safety; forbidding inmate unit mixing during internal and medical transports; forbidding the use of gyms by inmates until further notice to limit the prospect of cross-contamination; requiring "hour outs" to be in groups per booking date; and cleaning and sanitizing the "hour out" area after each group leaves and before the next group enters. [See **Exh. A-19.**] I personally also sent a notice to all chiefs of police within Weld County requesting, although Governor Polis' order closing bars and restaurants technically permitted arresting business owners or patrons who did not comply with the order, that only summonses be issued as the WCSO wanted to conserve bed space for those truly in need of confinement. [See **Exh. A-20.**]

45. On March 20, 2020, the WCSO learned multiple front range county detention facilities, including Adams, Arapahoe, Boulder, Clear Creek, Douglas, El Paso, Fremont, Gilpin, Jefferson, Kit Carson, Lincoln, Morgan, and Yuma Counties, would no longer be accepting transfer writs.

46. Also on March 20, 2020, the WCSO published an internal notice of its isolation and testing of its 2nd and 3rd suspected case of COVID-19 among WCJ inmates; the 2nd person only had a mid-range fever but was also complaining of chest pain and

tachycardia; the 3rd person had a non-productive cough, a fever, and body aches; both persons tested negative for the flu; and the entire housing units from which both of these persons came were screened, person by person. [See **Exh. A-21.**] And on March 20, 2020, almost a week before Governor Polis issued the Stay At Home Order, I personally sent a notice to all chiefs of police within Weld County predicting the possibility of such an Order and requesting, though such an Order may technically permit arresting persons who did not comply with it, that only summonses be issued as the WCSO wanted to conserve bed space for those truly in need of confinement. [See **Exh. A-22.**]

47. On March 21, 2020, the WCSO published another internal directive on new guidelines for mental health services to inmates, including: assigning counselors to specific units for general counseling and giving inmates self-help materials; suspending individual counseling except where determined necessary by a Clinical Supervisor from medical staff, and directing inmates to submit an Inmate Request Form if an urgent need existed; providing a self-report questionnaire for inmates to complete and return in the event a medication review was warranted to minimize face-to-face contact; and assigning daily routine welfare checks to a specific non-designated counselor. [See **Exh. A-23.**]

48. Also on March 21, 2020, the WCSO was notified of a possible COVID-19 exposure point in the POST certification academy, which suspended operations on March 17, 2020, and advising all personnel must be vigilant to notice symptoms such as fever, cough, and shortness of breath, of which WCSO personnel were told. [See **Exh. A-24.**]

49. On March 23, 2020, the WCSO issued another supplemental social distancing and related restrictions directive to all WCSO personnel, including: ensuring broadly to house inmates in a safe, humane, and wholesome environment; continuing to maintain a

6-foot distance from each other at all times and as much as reasonably possible; rescheduling all WCSO personnel meetings to be done via Skype call or video conference; doing everything they can to keep the inmate population healthy; and advising WCSO personnel would be subject to random interrogation to make sure they were following social distancing guidelines. [See **Exh. A-25.**]

50. Also on March 23, 2020, the WCSO ordered 500 surgical-quality masks from TKHC for persons who even potentially were exposed to COVID-19. [See **Exh. A-26.**]

51. On March 24, 2020, the WCSO issued an internal directive about new COVID-19 guidelines for Inmate Classification Specialists, including sanitizing visiting kiosks after each inmate leaves and before the next one enters; and strategic selection of visiting kiosk to balance privacy concerns and social distancing guidelines. [See **Exh. A-27.**]

52. On March 24, 2020, the WCSO received notification from the Chief Judge for the 19th Judicial District of temporarily suspending execution on all writs issued to the WCSO by a 19th JD judicial officer to transport defendants and witnesses in all criminal, civil, misdemeanor, and traffic cases between March 24, 2020, and May 15, 2020.

53. On March 25, 2020, the WCSO issued another supplemental social distancing and related restrictions directive to all WCSO personnel. [See **Exh. A-28.**]

54. On March 25, 2020, the WCSO received reports of three male inmates and two female inmates, recently booked into the WCJ, potentially being exposed to COVID-19 during a facility transfer unrelated to the WCSO. These five inmates were assessed by medical staff immediately and were observed by medical staff not to have any symptoms of COVID-19, be it fever, cough, or shortness of breath. Medical staff cleared all such inmates to remain in their living units.

55. Also on March 25, 2020, the WCSO received a report of a WCSO deputy testing positive for COVID-19, the first such instance within the WCSO. The WCSO immediately issued an internal directive to all WCSO personnel advising of the positive test, reiterating the extreme importance of maintaining social distancing guidelines, providing an official CDC link for staff to review to remind themselves of the possible symptoms already communicated to them multiple times previously, and asking each WCSO employee to take their temperature before coming into work. [See **Exh. A-29.**]

56. On March 26, 2020, the WCSO implemented a COVID-19-related procedure for the use and sterilization of library books borrowed by WCJ inmates, including sanitizing books in a secure area in the WCJ after each book was returned as finished by inmates and before each book was returned to the WCJ library. [See **Exh. A-30.**]

57. Also on March 27, 2020, TKHC advised the WCSO its prior order for 500 surgical masks, which the WCSO made back on March 23, 2020, out of an abundance of caution and out of concern for the health and safety of persons within the WCJ, had been seized by the government of China, which is where the masks were manufactured. THKC further advised it already was exploring alternative means of acquiring the masks and shipping them to the WCSO, and the WCSO also continued to explore ways to acquire the masks in the event the alternative means did not result in a shipment.

58. Also on March 27, 2020, the WCSO implemented a protocol to gather more information from personnel who called in sick, both to check on their welfare and to ensure adequate staff at the WCJ to maintain effective service to inmates. [See **Exh. A-31.**]

59. Also on March 27, 2020, the WCSO learned of another inmate showing early symptoms of possible COVID-19 infection, the WCSO immediately took the inmate to the

hospital, the entire pod was sanitized during night shift, and WCSO staff supervising this particular pod were issued masks because they were a likely cross-contamination source due to their ability to more freely travel between pods and common areas.

60. On March 28, 2020, the WCSO learned of the first positive case of COVID-19 at the Weld County branch of Intervention Community Corrections Services.

61. On March 29, 2020, the WCSO notified all its personnel of COVID-19 testing facilities for symptomatic law enforcement of which it learned this day.

62. On March 30, 2020, the WCSO received verbal notification from Aramark, in follow-up concerning a request which the WCSO made on March 11, 2020, the WCSO verbally directed Aramark to put its “emergency menu” food safety plan to go into effect in the event sufficient inmate trustees were not available to assist in food preparation.

63. Also on March 30, 2020, a male entered the WCSO public lobby and advised he tested positive for COVID-19 but 19th Judicial still ordered him to report to the WCJ for booking so he was coming to the WCJ to turn himself in. The WCSO immediately contacted 19th Judicial and was able to obtain a personal recognizance bond for this male so he could return to his home and self-quarantine like he was supposed to do. The male never made it past the lobby, and the WCSO sanitized the lobby after he left.

64. Also on March 30, 2020, revised and updated County staff isolation guidelines were published, which the WCSO ensured all staff received. [See **Exh. A-32.**]

65. On March 31, 2020, in response to a request from the Chief Judge for the 19th Judicial District for judicial sentence review, the WCSO sent to said Chief Judge a list of all inmates then in custody within the WCJ.

66. Also on March 31, 2020, the WCSO suspended all use and functions of WCSO Parole staff within the WCJ in an effort to further reduce movement and interaction.

67. Also on March 31, 2020, the WCSO released an inmate who the day prior had regressed from work release back to his home to self-quarantine, because the inmate had been on furlough from work release due to a presumptive positive COVID-19 diagnosis yet admitted himself to WCJ's Medical Observation Unit with a mid-grade fever. On March 31, 2020, medical staff determined this inmate should be self-quarantining at home and so he was released to self-quarantine at home.

68. Also on March 31, 2020, the WCSO received notice of the first confirmed case of COVID-19 in the WCJ inmate population.² As a result, the WCSO immediately placed all inmate members of this confirmed-case inmate's small pod into quarantine, as follows:

- a. all inmates in the quarantined pod were to be kept separate from all others in the WCJ whenever possible;
- b. all inmates in the quarantined pod were to be kept separate from each other, within reason, while in the quarantined pod;
- c. all inmates of the quarantined pod were to be subject to lockdown, 23 hours in and 1 hour out, with same-cell occupants out only with each other daily;

² This is the inmate alleged to have been "coughing up blood" and "not treated." However, such allegations are untrue. This inmate was the one who was first isolated and tested on March 27, 2020; he was transported to the hospital for other underlying comorbidities; while there he was treated for those conditions; he was given a COVID-19 test out of an abundance of caution; he was returned to the WCJ because he had not yet tested positive and the hospital would not keep him under observation at such time; only a few days after returning to the WCJ were the positive test results revealed; and he was transported back to the hospital immediately, where he is believed to currently reside as of the date of this Declaration.

- d. no inmate in the quarantined pod was permitted to leave the pod unless it was for release from custody, to attend court, or to see medical staff;
- e. no new inmates were to be introduced into the quarantined pod;
- f. all inmates coming out of intake were to be diverted to other pods;
- g. staff were directed to limit their exposure to the quarantined pod;
- h. all meals served to the quarantined pod would be on Styrofoam trays which would be disposed of in trash bags after use and without reuse;
- i. all inmates in the quarantined pod were required to clean and sanitize all areas and equipment used during their “hour out”; and
- j. all staff who either heard of or witnessed an inmate experience illness symptoms in either the quarantined pod or any other pod was directed to contact medical staff ASAP so appropriate screenings could commence. [See **Exh. A-33.**]

69. On April 1, 2020, the entirety of the WCJ went on lockdown protocol (23 hours in, 1 hour out, etc.) to reduce any possible spread of COVID-19 within the WCJ.

70. Also on April 1, 2020, to reduce movement and interaction and do as much as possible to ensure inmate health and safety, WCJ medical staff were directed to perform only essential clinic visits and to perform such visits only in the pods unless deemed medically necessary to be done in the WCJ medical clinic.

71. Also on April 1, 2020, the WCSO implemented protocols to divert all inmates to new transfer units to increase observation time of incoming inmates, eliminate entrance of new inmates to all other units to increase observation of all units, and otherwise do as much as possible to ensure inmate health and safety.

72. Also on April 1, 2020, the WCSO suspended reclassification between pods to prevent inmate movement throughout the WCJ for inmate health and safety.

73. Also on April 1, 2020, the WCSO began tracking all sick call personnel and all sick inmates in the entirety of the WCJ, including detailing with whom they were in contact and with whom they were working with prior to their diagnosis, and with whom they have been in contact with since they have been out sick (personnel) or sick (inmates).

74. Also on April 1, 2020, the WCSO learned all new municipal warrants issued by the Greeley Police Department would now be converted automatically into personal recognizance bond for a return date at least two months in the future.

75. On April 2, 2020, the WCSO generated and published to all inmates a video from its Jail Captain for COVID-19 information-sharing purposes. [See **Exh. A-34.**]

76. Also on April 2, 2020, the WCSO suspended the introduction of new inmate trustees into pods and made each inmate trustee the designated in-pod inmate cleaner and sanitizer for their individual pod, in an effort to reduce inmate interaction.

77. Also on April 2, 2020, a day before Governor Polis recommended all citizens to wear at least cloth masks in public, the WCSO provided all WCSO personnel with single-use N-95 masks and encouraged the use of cloth masks to conserve supplies.

78. Also on April 2, 2020, the WCSO was advised Weld County Building and Grounds staff would need to limit their work within the WCJ to essential services due to a desire to ensure public health and safety and to defer all other maintenance.

79. On April 3, 2020, the WCSO implemented further reduced reclassification protocols between pods to further prevent inmate movement in the WCJ for inmate health and safety, reiterating the previously-deemed-mandatory social distancing protocols.

80. On April 4, 2020, the WCSO set up staff decontamination stations outside quarantine units which staff were required to use prior to entry, including sanitization of all medical and food service carts, sanitizing bottom of shoes, stepping and not wiping shoes on towel to remove excess spray, sanitizing hands with hand sanitizer, walking slowly and carefully and washing hands. [See **Exh. A-35.**]

81. On April 6, 2020, the WCSO implemented a protocol requiring inmate trustees, none of whom were as yet even mildly symptomatic for a symptom of COVID-19 (except two of them who had immediately been removed from the trustee program upon exhibiting quite mild symptoms), to have their body temperature taken before beginning work and to wear masks which the inmate trustees were required to wear at all times while working.

82. On April 7, 2020, the WCSO implemented a protocol requiring all WCSO staff to have their body temperature taken before beginning work and mandating if they were running even a low-grade fever, they must seek outside medical attention immediately.

83. On April 8, 2020, the WCSO finally received its shipment of 500 masks which it ordered from TKHC back on March 23, 2020. WCSO personnel immediately distributed a mask to each inmate and communicated expectations to inmates on how the masks were supposed to be used properly.

84. On April 9, 2020, signs were posted in English and Spanish in all housing units about COVID-19, and signs were hung for all WCSO personnel reminding them of the COVID-19-related information they previously were given. [See **Exh. A-36, Exh. A-37.**]

85. On April 10, 2020, all WCSO deputies were issued reusable goggles which were to be worn when interacting with inmates or when in isolation or medical units.

86. Also on April 10, 2020, Daniel Williams (counsel for Plaintiffs), Dr. Carlos Franco-Paredes (Plaintiffs' expert witness), Dr. Valerie Smith (WCHD), and someone from the Weld County Attorney's Office were given a tour of the WCJ for approximately 3 hours and 15 minutes including donning and doffing of personal protective equipment, during which time all participants were escorted by two WCSO personnel for their safety and security, were permitted to view whatever areas they desired of WCJ operations, and were permitted to ask all questions they desired on the WCSO response to COVID-19.

87. Also on April 10, 2020, all WCJ inmates were each given their own flyer stating CDC-recommended mask use and COVID-19 precautions, and still further signs were posted within the WCJ with additional information on COVID-19, and these efforts were intended to increase inmate awareness of disease prevention methods. [See **Exh. A-38.**]

88. Also on April 10, 2020, WCSO personnel attended a COVID-19 webinar from TKHC with recommendations confirming the efficacy of WCSO's actions. [**Exh. A-39.**]

ADDITIONAL ASPECTS OF THE WCSO'S MEASURED RESPONSE TO COVID-19

89. The WCSO intends to keep refining procedures at the WCJ, within supply-chain and state-law limitations, to continue to ensure the high levels of inmate health and safety which already exist, both for the duration of this pandemic and on into the future.

90. As of well before this pandemic and continuing into the foreseeable future, inmates were, are, and will be given opportunity to wash their hands several times daily.

91. Sanitation supplies (hand soap, soap dispensers, and hospital-grade cleaner) already have been free of cost, are free of cost, and will continue to be free of cost to inmates. Sanitation supplies are also provided on demand to every inmate within WCJ security measures and allowing for the inertia which being on lockdown necessitates.

92. With respect to hand sanitizer, however, not only has it been almost impossible to find, but also it is not able to be distributed to inmates due to its high ethanol content — i.e, there is a substantial risk inmates could attempt to get drunk or high on it or actually get drunk or high on it.

93. Sinks, toilets, drinking fountains, tables, and other potential common exposure areas inmates routinely use in the WCJ are sanitized multiple times a day.

94. Inmates have been directed, when they make use of the toilet in common areas, to use bottles of hospital-grade cleaner stationed near the toilet for this purpose to clean the toilet both before they use the toilet and after they use the toilet.

95. This mandate on inmates applies to all toilets in all inmate common areas.

96. Inmate mattresses are cleaned routinely with the same type of hospital-grade cleaner as the cleaner used on toilets. Inmate mattresses can be cleaned as frequently as the inmate chooses (within reason) are always decontaminated after use, and are cleaned by inmate trustee workers or by Detentions Division staff.

97. One minimum security housing unit in particular holds 60 inmates, all of whom have been directed to follow this toilet-sanitizing procedure.

98. Laundry-cleaning measures within the WCJ also have been stepped up since April 1, 2020, such that laundry items are laundered inside the pod first and then at the general WCJ laundry facilities second, meaning laundry items are in effect laundered twice; and laundry items from the quarantine units and the MedObs units are aired for 72 hours prior to being subject to this laundering protocol.

99. WCJ medical staff and nurses are going door-to-door for med rounds and making personal contact with each inmate, so inmates have a prime opportunity to address with medical professionals any possible symptom they experience.

100. Due to the present scarcity of COVID-19 tests, the WCSO is having to triage who to test (as evidenced by the screening question protocols set forth above and attached), and the WCSO has placed multiple requests to TKHC and to the Weld County Health Department for additional tests but has received no additional tests.

101. Moreover, inmates over the age of 55, inmates with comorbidities including but not limited to heart issues, lung issues, and smokers, and inmates who are pregnant already receive an increased amount of medical attention in the WCJ from the date they arrive at the WCJ, so they are being more closely monitored. This monitoring includes all Plaintiffs who would fall within any such category. The protocols of WCJ medical staff in relation to inmates with such medical conditions would be consistent with their need for treatment. If an inmate is in a risk category and the inmate make such fact known to medical upon screening and routine visits, then the inmate would receive the necessary medical supervision for the inmate's condition.

102. Although all symptomatic inmates are being housed together in the same quarantine unit without any non-symptomatic inmates (per the above-stated protocol), it is not outside the realm of possibility for inmates to hide their symptoms and to decline to tell the truth about their health when asked about it directly by WCJ medical personnel.

103. Further, the media consumption of WCJ inmates continues unabated. Inmates are still furnished with all regular newspapers they were otherwise provided prior to the start of the COVID-19 pandemic; their TVs are available and used and they are

able to get news from the outside world as to the pandemic; and video updates from the WCSO periodically are published to inmates to update them on the situation generally.

104. And WCSO Detentions Division personnel are doing their part to conserve masks for the inmate population by wearing their own cloth masks within the WCJ.

BIG DECLINE IN WCJ INMATE POPULATION GIVEN LEGAL RESTRICTIONS

105. As of 8:00 AM April 13, 2020, the WCJ is down to 513 inmates, a 35% reduction in population since March 1, 2020, and that may decrease by end of day today.

106. A total of 68 inmates currently housed in the WCJ have been sentenced to serve their period of incarceration within the Colorado Department of Corrections (“CDOC”), but the CDOC has implemented a temporary yet mandatory moratorium on accepting new intakes from county jails, meaning these inmates must stay put at WCJ.

107. A total of 408 inmates currently housed in the WCJ are pretrial detainees, meaning their criminal trials have yet to be held and are not likely to be held in the near future given the Chief Judge of the 19th Judicial District vacated all trials through and including May 15, 2020, meaning these inmates must stay put at WCJ. As Sheriff, I do not possess any legal authority to modify or revoke these pretrial detainees’ bonds which are set by the state court judge. Nor do I as Sheriff possess any legal authority to permit any of these inmates to serve their pretrial period at home or any other detention facility other than the WCJ. Any such decision would have to be made by the state court judge.

108. This leaves a total of 37 inmates currently housed within the WCJ who have been sentenced to serve their period of incarceration at the WCJ. It is most, but not all, of these inmates who make up the above-referenced “inmate trustee” population who work at WCJ in food services and are given a small degree of janitorial duties.

109. However, the WCSO employs its own staff of janitors assigned to the WCJ who handle the vast majority of janitorial and sanitizing duties within the WCJ.

110. Regardless, it is only these 37 inmates who have even a slight probability of early release from the WCJ, but almost all of them either pleaded guilty to or were convicted after a trial of offenses which counsel strongly against early release given the WCSO's concurrent need to protect a community which is on lockdown, such as assaults, domestic violence crimes, drug offenses, DUIs, and failures to comply with court orders.

111. These 42 inmates are being released as they complete their sentences and each inmate is receiving the maximum amount of good time available to them based on their crime and classification status, but I have no authority to reduce their sentences unilaterally; statute requires them to move the state court judge for a sentence reduction.

112. The WCJ currently could house 1177 inmates. However, with regard to whether the physical plant of the WCJ could accommodate giving six feet of space at all times to all inmates by housing inmates either single-celled in housing units with double occupancy cells or by housing inmates two to a cell for each housing unit with four-person or six-person cells, the WCJ would have room to house only 350 inmates in this manner. Thus, it is impossible within the laws of mathematics and of physics to maintain six feet of distance between all inmates at all times within the WCJ given the number of inmates which my office is statutorily and judicially required to continue housing there.

113. Also, the WCJ's year-to-date net operating cost is \$77,470 daily through February 29, 2020, which does not account for certain utilities-type expenses like electric, water, trash, insurance, etc. This is the most current figure I can offer the Court at present because, although a March 2020 daily average will give the Court a more accurate sense

of the WCJ's reduction in operational costs due to significant attrition in inmate population since March 1, 2020, I simply do not have those figures to give the Court at this time.

114. Further, on February 1, 2020, the WCJ housed 796 inmates. From February 1, 2020 to April 11, 2020, WCJ daily bookings totaled 1765 additional inmates for a cumulative total of 2561 inmates who have been in the custody of the WCJ at some point in that time. Of those 2561 inmates, ten (10) total have tested positive for COVID-19, an overall infection rate of 0.39% of all persons in the custody of the WCJ at some point since February 1, 2020, and twenty-five (25) total have been quarantined (some of whom have tested negative and others who are awaiting test results) an overall quarantine rate of 0.98% of all persons in the custody of the WCJ at some point since February 1, 2020.

IMPORTANT, PUBLICLY AVAILABLE INFORMATION ON INMATE PLAINTIFFS

115. It seems vital to provide the Court with publicly available information on the Plaintiffs for the Court generally, and to evaluate the significant public safety issues at stake specifically. What is included in my Declaration is limited to information otherwise available to a member of the public not employed with law enforcement or the judiciary.

116. Inmate Plaintiff Thomas Carranza has a lengthy arrest record, which is attached to this Declaration as **Exhibit A-40**. Carranza currently is housed in the WCJ on Third Degree Assault charges, his next scheduled court date is not until May 4, 2020, and he filed two motions for personal recognizance bond, both of which were denied.

117. Inmate Plaintiff Jesus Martinez has a lengthy arrest record, which is attached to this Declaration as **Exhibit A-41**. Martinez currently is housed in the WCJ on Escape, Controlled Substance, and Vehicular Eluding charges, including a Parole hold without bond, and his next scheduled court date is not until June 22, 2020.

118. Inmate Plaintiff Richard Barnum has a lengthy arrest record, which is attached to this Declaration as **Exhibit A-42**. Barnum currently is housed in the WCJ on charges of First Degree Assault with Deadly Weapon; Second Degree Assault with Deadly Weapon, Felony Menacing (two counts), and First Degree Trespass of Auto with Intent to Commit Crime, and his next scheduled court date is April 15, 2020.

119. Inmate Plaintiff Thomas Lewis has a lengthy arrest record, which is attached to this Declaration as **Exhibit A-43**. Lewis currently is housed in the WCJ on charges of Driving Under the Influence with Three or More Priors, Possession of Controlled Substance, Obstructing a Peace Officer, Driving After Revocation Prohibited, Possession of Drug Paraphernalia, and Failure to Comply with Probation, and his next scheduled court date is May 18, 2020.

120. Inmate Plaintiff Michael Ward was released from the WCJ on April 9, 2020. His arrest record and current charges are attached to this Declaration as **Exhibit A-44**. His next scheduled court date for charges of First Degree Trespass to Auto is April 14, 2020, and his next scheduled court date for charges of Failure to Comply with Probation for Third Degree Assault is May 6, 2020.

121. Inmate Plaintiff Colby Propes was released from the WCJ on April 7, 2020. His lengthy arrest record is attached to this Declaration as **Exhibit A-45**. His next court date is May 18, 2020, on charges of Driving Under Revocation (4), Interlock Violation (2), Careless Driving, Blocking Railroad Crossing, Identity Theft, Theft, Criminal Possession of Financial Device, Criminal Possession of Identification Documents, Unauthorized Use of Financial Transaction Device, First Degree Aggravated Motor Vehicle Theft,

Obstructing a Police Officer, Possession of a Controlled Substance, Possession of Drug Paraphernalia, Failure to Display Proof of Insurance, and Lane Violation.

122. Inmate Plaintiff Chad Hunter has a lengthy arrest record, which is attached to this Declaration as **Exhibit A-46**. Hunter currently is housed in the WCJ on charges of Driving Under Revocation, Driving Without Insurance, and Defective Headlights, for which his next scheduled court date is July 31, 2020; and Failure to Comply with Warrant for: Displaying Unlawful License Plate, Driving Without Insurance, Driving Under Revocation, Possession of Weapon by Previous Offender; Possession of Drug Paraphernalia, Possession of Controlled Substance, and Possession of Forged Instrument, for which his next scheduled court date is April 14, 2020.

123. Cumulatively, none of the charges these Plaintiffs are facing counsel one iota in favor of their early release before it would otherwise be statutorily required or otherwise be ordered by a state court judge.

124. Finally, the WCJ has never housed nine inmates in a single cell in my more than five-year tenure as Sheriff of Weld County.

I understand the statements written in this Declaration are given under penalty of perjury. All of the foregoing statements are true and correct to the best of my knowledge. Pursuant to 28 U.S.C. § 1746 I declare, under penalty of perjury under the laws of the United States of America, the foregoing is true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

Dated and executed this 13th day of April, 2020.

s/ Steven Reams
Steven Reams, Sheriff of Weld County

EXHIBIT A-1

From: Human Resources <humanresources@CO.WELD.CO.US>
Sent: Wednesday, March 4, 2020 4:22 PM
To: ALLWELD@LISTSERV.CO.WELD.CO.US
Subject: Coronavirus (COVID-19) Employee Message

Human Resources continues to examine potential impacts of the highly publicized Coronavirus (abbreviated “COVID-19”) to employees. With Dr. Wallace’s expertise and our local Health Department’s guidance and resources, we know there are no reported Coronavirus (COVID-19) cases in either Weld County or the state of Colorado.

The Health Department offers up-to-date information accessible from the County department link on the internet at https://www.weldgov.com/departments/health_and_environment.

Dr. Wallace maintains the risk of exposure in Weld County is very low at this time, and, there is no recommendation for use of surgical masks in the general population. Masks used incorrectly will not offer protection from contracting the infection or spreading it to others. Use of masks should be limited to situations ordered by health professionals and in which clear instructions for proper use have been given to the person.

Although we can’t predict how the illness will affect us in the future, we do know we can implement the following safety precautions for any virus or illness:

- *frequently cleaning our hands by washing them or using an alcohol-based hand rub when soap and water are not available*
- *covering our noses and mouths when coughing and sneezing*
- *avoiding close contact with those exhibiting cold or flu-like symptoms*
- *staying home when we’re sick*
- *getting an annual flu vaccine if you haven’t had one.*

EXHIBIT A-2

From: Matthew Elbe <melbe@weldgov.com>
Sent: Wednesday, March 11, 2020 3:17 PM
To: DD Sergeants <DDSergeants@co.weld.co.us>
Cc: dowens@turnkeyhealthclinics.com
Subject: COVID19 Screening in Booking

Sgts.,

Starting tonight at midnight, all arrestees need to have screening questions (see attached document) asked of them while in the booking vestibule prior to coming in on the secure side of booking. If the arrestee answers any of the questions in the positive, medical must be contacted immediately and a more targeted screening assessment will be completed before the arrestee can enter the booking area. This will require booking Deputies and Corporals to interact with inmates to get these questions answered. These forms must be given to medical staff even if there is not a positive response to any of the questions. Booking deputies must keep these forms in a folder and nursing staff will pick them up when they are down there screening inmates as these will become a permanent record in their medical chart.

Medical has isolation protocols they will institute should that be necessary in line with what we did for the flu recently. Negative airflow rooms will be used first, and if the population of suspected cases grows past the capacity of those rooms, then we will have to open housing unit/s as isolation units/s. Know that this is a possibility.

Please make sure Booking Deputies are aware of their responsibility in regards to this, that they make appropriate notification of medical to positive responses to questions and they ensure that medical gets all the screening forms back.

Thanks all – I appreciate your attention to this matter.

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



EXHIBIT A-2

CORONA VIRUS SCREENING

NAME/ NOMBRE: _____ DOB: _____

1. DO YOU HAVE FEEL YOU HAVE A FEVER, FLU LIKE SYMPTOMS **AND** A COUGH OR SHORTNESS OF BREATH?
¿SIENTE QUE SIENTE QUE TIENE FIEBRE, GRIPE COMO SÍNTOMAS Y UNA TOS O CORTA DE RESPIRACIÓN?

YES/SI NO

2. HAVE YOU TRAVELED OUTSIDE THE US IN THE LAST MONTH?
¿HAS VIAJADO FUERA DE LOS ESTADOS UNIDOS EN EL ÚLTIMO MES?

YES/SI NO

3. HAVE YOU BEEN EXPOSED BY ANOTHER INDIVIDUAL DIAGNOSED WITH OR SUPPECTED TO HAVE COVID-19?
¿HA SIDO EXPUESTO POR OTRO DIAGNOSTICO INDIVIDUAL O SUFICIENTE COVID-19?

YES/SI NO

IF YES TO ANY OF THE ABOVE, NOTIFY MEDICAL STAFF TO CONDUCT PRESCREENING CLEARANCE

DEPUTY: _____ DATE: _____

MEDICAL SCREENING (ONLY IF INDICATED):

VS: TEMP _____ RR: _____ SPO2: _____ BP: _____

ISOLATION: YES NO

NURSE: _____ DATE/TIME: _____

EXHIBIT A-3

From: Matthew Turner
Sent: Wednesday, March 11, 2020 3:35 PM
To: Toby Taylor <ttaylor@weldgov.com>; Steven Reams <sreams@weldgov.com>
Subject: RE: COVID-19

Toby,

Please find the attached operations plan regarding our reaction to communicable diseases that has been modified to specifically deal with COVID-19.

We have had these plans in place for many years to deal with Influenza, H1N1, Ebola and a whole list of other illnesses that have made their way through our area. My staff is extremely capable of handling this issue and we are not worried about our response to this issue. Just two months ago we were able to contain a breakout of Influenza within our facility without any need for external services or support.

We initiated talks with our medical vendor last week to ensure that we were properly planning for an event should we be presented with one.

As stated in the memo, dissemination of specific information regarding operational procedure to interact with any communicable disease could represent a significant risk to the safety, security and orderly operations of the Weld County Jail. Details regarding any such procedures will be released as needed on a need to know basis.

Thanks,

Captain Matt Turner
Weld County Sheriff's Office
Detentions Division
970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

From: Toby Taylor <ttaylor@weldgov.com>

Sent: Wednesday, March 11, 2020 7:35 AM

EXHIBIT A-3

To: Steven Reams <sreams@weldgov.com>; Matthew Turner <mturner@weldgov.com>

Subject: COVID-19

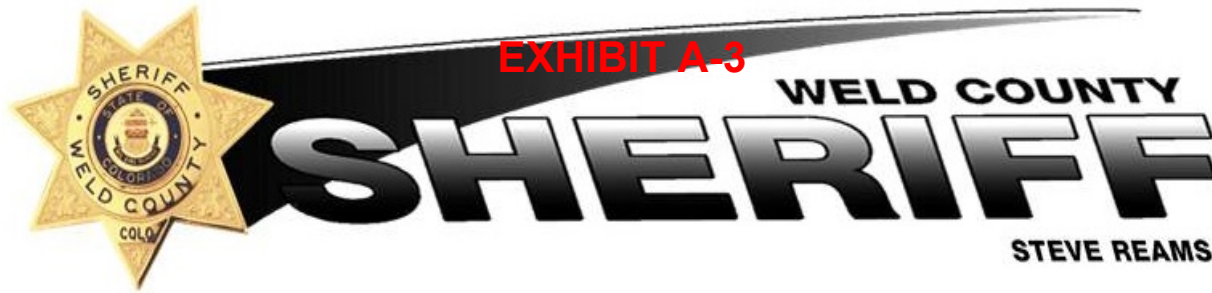
With the COVID-19 ramping up, our Public Health folks are needing to understand how the Jail and Jail medical provider plans to cope with this outbreak.

I have been requested to outreach to you so we know how the medical contractor is approaching this issue. Public Health needs to know there is access for their staff to test and isolate any suspected cases within the jail. This is to balance the protecting other inmates from spread as well as minimizing risk to deputies and staff working in the jail.

In addition, what are the protocols with staff should potential cases arise.

Please discuss this item with the medical provider contractor. Once you have some indication, please let me know so I can funnel into the larger plan for dealing with this issue. In addition, I will make myself available for any discussion or meeting that is needed to get ahead of this one.

Toby Taylor, Director
Weld County Department of Buildings & Grounds
Weld County Veterans Services
1105 H Street
P.O. Box 758
Greeley, CO 80632
P: 970.400.2023
F: 970.304.6532
ttaylor@weldgov.com



COVID-19 Response Plan

Dissemination of specific information regarding operational procedure to interact with any communicable disease could represent a significant risk to the safety, security and orderly operations of the Weld County Jail. Details regarding any such procedures will be released as needed on a need to know basis.

The Detentions Division is aware of COVID19 and the potential effects it could have on the operations of the jail, Weld County Sheriff's Office staff and the inmate population. Any responses to the effects COVID19 could have on the jail need to remain fluid as information is gained and the situation continues to develop. The Weld County Sheriff's Office maintains a proactive approach in planning for potential impacts of communicable diseases such as COVID19, should they begin to effect jail operations.

Arrest Screening:

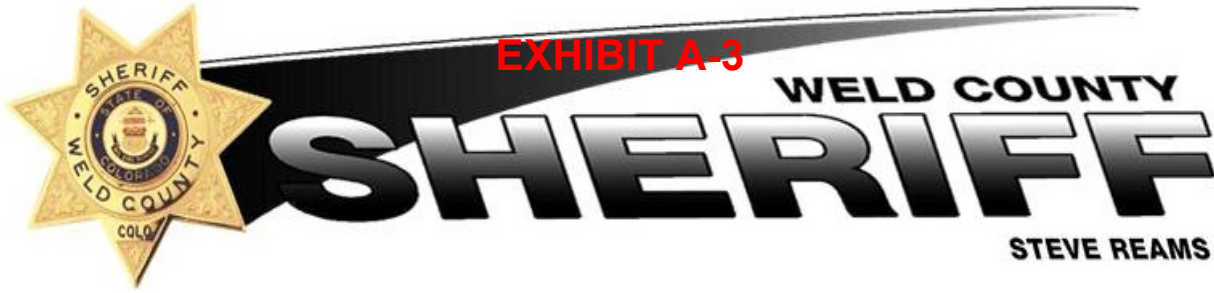
- Beginning 03/12/2020 all arrestees will be asked screening questions related to symptomology possibly associated with COVID19. If a presumptive positive response is gained from these screening questions, medical staff will perform a more purposeful and targeted assessment to determine:
 - o The appropriateness of clearing the arrestee for admission to the jail
 - o The need to potentially isolate the individual from the rest of the jail population

In-custody Screening:

- Any and all in custody inmates complaining of symptoms potentially related to COVID19 will be immediately screened by medical staff to determine the potential need for isolation.
- Inmates deemed by medical staff to be experiencing symptoms potentially related to COVID19 will be isolated following our medical vendor's (Turnkey) protocol for "Respiratory Isolation Preparedness".

Isolation Protocol:

- Negative airflow rooms will be utilized to house inmates in isolation when/if needed.
- If the population of inmates needing to be isolated exceeds the capacity of the negative airflow rooms, a designated housing unit/s will be used as an isolation unit.
- Isolation of these inmates will be for 14 days or otherwise in accordance to CDC guidelines.



- o If an inmate is scheduled for release, or bonds out of jail, quarantine procedures will be halted. No inmate will be held past their release date due to a presumptive positive response gained from this screening.

Cooperation with Outside Entities:

- Medical staff will contact the appropriate health authorities to obtain and ensure proper testing is completed for COVID19 and all reporting requirements are adhered to.
- Medical staff will work with the State Department of Health and any and all other governmental agencies to ensure they have all necessary equipment, testing kits and reporting procedures completed.
- If needed, medical staff and the Weld County Sheriff's Office Detentions Division will contact local health authorities, to include Weld County Public Health in determining appropriate actions and, if needed, appropriate management of COVID19 in the jail.

Captain Matt Turner

Weld County Sheriff's Office

Detentions Division

970-400-2838

EXHIBIT A-4

IF ARRESTEE ANSWERS YES TO ANY OF THE QUESTIONS,
PROCEED TO BOOKING GARAGE, STAY IN THE VEHICLE,
A BOOKING OFFICER WILL COME TO THE VEHICLE.
IN THE LAST 30 DAYS
1. HAS THE ARRESTEE TRAVELED OUTSIDE THE COUNTRY
2. HAS THE ARRESTEE BEEN IN CONTACT WITH ANYONE,
WHO TRAVELED OUTSIDE OF THE COUNTRY?

NORTH JAIL COMPLEX
PRISONER / DELIVERY

NO
TRESPASSING
VIOLATORS
WILL BE
PROSECUTED
NO
TRESPASE
LOS
VIOLADORES
SERAN
PROCESADOS

EXHIBIT A-5

From: Matthew Turner
Sent: Thursday, March 12, 2020 1:40 PM
To: Roy Rudisill <rrudisill@weldgov.com>
Subject: RE: PPE

Awesome. Can you also find out what chemical I would need to use to clean out a patrol car that may have a sick person on board?

Thanks,

Matt

From: Roy Rudisill <rrudisill@weldgov.com>
Sent: Thursday, March 12, 2020 1:33 PM
To: Matthew Turner <mturner@weldgov.com>
Subject: RE: PPE

Let me work with the Health Department on that, I'm assuming it would be a mask as you would not be providing medical care but I'll confirm with the HD.

*Roy Rudisill, Director
Office of Emergency Management
1150 O St. Greeley, Co
970-381-0417 Mobile
970-304-6540 Office*



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From: Matthew Turner <mturner@weldgov.com>
Sent: Thursday, March 12, 2020 1:24 PM

To: Roy Rudisill <rrudisill@weldgov.com>

Subject: PPE

EXHIBIT A-5

Roy,

If I needed to outfit a pod or two at my facility to work as a containment site for arrestees who have tested presumptive positive for COVID-19.... What type of PPE should my deputies/staff members wear?

Thanks,

Captain Matt Turner

Weld County Sheriff's Office

Detentions Division

970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-6

From: Matthew Elbe <melbe@weldgov.com>
Sent: Friday, March 13, 2020 10:56 AM
To: Matthew Turner <mtturner@weldgov.com>; Marcy Roles-Foos <mroles@weldgov.com>
Subject: FW: Coronavirus Plan

Hey Guys,

Here is information from Aramark on their initial plans and tier threat system related to COVID 19.

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



From: Arvidson, Elizabeth <Arvidson-Elizabeth@aramark.com>
Sent: Friday, March 13, 2020 9:15 AM
To: Matthew Elbe <melbe@weldgov.com>
Cc: Braun, Olivia <Braun-Olivia@aramark.com>
Subject: Coronavirus Plan

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lt Elbe,

I wanted to provide to you our Pandemic plan for Coronavirus. I am also including information regarding the new disinfectant that is being delivered by Diversey. We are currently working on a menu to address a shortage of staff, in the event that occurs. I will get that sent out as soon as it become available. Please let me know if you have any questions. Thank you.

THINKSMART
BEFORE YOU START

Elizabeth Arvidson, ND, RD, LD | Aramark | District Manager| West Region|Correctional Services
2828 Whitewing Way; Castle Rock, CO 80108

EXHIBIT A-6

M 440-396-9623 or 720-635-3700

EMAIL arvidson-elizabeth@aramark.com | WEB www.aramark.com | FACEBOOK [aramark](https://www.facebook.com/aramark) | TWITTER [@aramark](https://twitter.com/aramark)

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PLEASE PRINT RESPONSIBLY

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

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EXHIBIT A-6

Global
Pandemic Plan

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail



EXHIBIT A-6

This pandemic plan provides general guidance for an Aramark response to the threat of pandemic coronavirus COVID-19. The guidance is based on the information available at the time of publication of this pandemic plan, and may be subject to change as additional information becomes available.

Updated 3/6/20 @ 1pm EST

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Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

INTRODUCTION

This document is an outline for Aramark's primary pandemic management strategies. It provides resources and guidance on recommended actions. It also provides guidance on developing a full "Business Continuity Plan".

The guidance in this document will be updated as new information is received. These updates will include the latest guidance from regulatory agencies and our strategic partners.

PRIMARY RESOURCES

Specific Coronavirus questions can be sent to:	coronavirusquestions@aramark.com
Aramark's dedicated Coronavirus web resources:	Aramark Coronavirus resources
Center for Disease Control (CDC) virus website:	CDC - Coronavirus
Supply Chain Coronavirus update:	Supply Chain Coronavirus
Supply Chain Distribution Managers map:	Supply Chain RDMs
Safety & Risk Coronavirus resources:	Safety & Risk Coronavirus
Safety & Risk Contacts:	Safety & Risk Contacts
Region Point of Contact (POC):	<puck-stacey@aramark.com>
District Point of Contact (POC):	<arvidson-elizabeth@aramark.com>
Account Point of Contact (POC):	<braun-olivia@aramark.com>
Client Point of Contact (POC):	<melbe@weldgov.com>

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

COORDINATION & RESPONSIBILITIES

ARAMARK RESPONSE COMMITTEE (ARC)

The Aramark Response Committee (ARC) leads the strategy and coordination of all Coronavirus activities for the global organization. Their responsibilities are:

- Coordinate Aramark response to the outbreak, protecting the health and safety of our employees, clients, customers, and the public
- Monitor the impact of the outbreak
- Monitor the global situation, adopting best practice from experts (CDC, WHO, etc.)
- Proactively develop plans so we are prepared should the situation escalate

ARC representation includes Human Resources, Operations/OpX, Safety, Risk Management, Finance, Global Security, Legal/Compliance, Communications, and Supply Chain.

BUSINESS UNIT TASK FORCE

Each Line of Business President has activated a Business Unit Task Force to lead the Coronavirus communication, prevention, planning, and response activities within their business. Their responsibilities are:

- Ensure Pandemic Plans address the specific needs of the business unit, its employees, clients, and customers
- Represent the business in identifying critical needs for the ARC to address
- Cascade information to the business, collect feedback, and coordinate all site level needs

The Correctional Services Business Unit Task Force Leader is Stacey Puck, AVP Operational Excellence.

POINTS OF CONTACT (POC)

Primary points of contact have been created at the LOB, Region, District and Account Levels to ensure alignment of strategies and resources.

The Account level POC, generally the Front Line Manager, is primarily responsible for running their business based on client needs and executing the Pandemic Plan. Their responsibilities are:

- Become familiar with the Pandemic Plan and other resources published to <https://www.aramark.net/coronavirus>
- Customize the Pandemic Plan as needed to address specific client needs, including any client business continuity plan
- Stay up to date on new guidance disseminated by the ARC and LOB Taskforce
- Ensure existing SOPs are followed, in addition to the site-specific Pandemic Plan actions.

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

PANDEMIC PLAN OVERVIEW

This Pandemic Plan is organized by categories of escalation – with appropriate activities targeted for each level of Coronavirus threat.

- **Level One – Lowest threat level**
 - *i.e., no current suspected cases*
 - Enhanced emphasis on hygiene and sanitation
- **Level Two – Imminent threat level**
 - *i.e., confirmed cases in nearby areas, or suspected cases in the facilities we operate in*
 - Virus spread mitigation activities
- **Level Three – Highest threat level**
 - *i.e., confirmed cases in the facilities we operate in*
 - Active quarantine infection situations

Information is also included to address business continuity planning in the areas of Supply Chain and Staffing.

This plan is not designed to be all comprehensive or to address every possible scenario. Individual site customization is encouraged to ensure that all client and customer needs are addressed.

EXHIBIT A-6

LEVEL ONE ACTIVITIES – ENHANCED EMPHASIS ON HYGIENE & SANITATION

The activities in the section below are intended to enhance Aramark's rigorous hygiene and sanitation standards as an extra level of security against virus transmission. These processes align with the CDC's guidance for virus control to date.

L1: EMPHASIZE / RETRAIN HYGIENE STANDARDS**Associate Health**

Associates who are experiencing any symptoms of respiratory illness are not permitted to work.

Symptoms to watch for include:

- Persistent cough and/or sneezing
- Fever
- Shortness of breath or breathing difficulties

Associate Health Resources: [Associate Health Quick Standard](#) & [Associate Illness Log](#)

Employees must notify management if they believe they may have been in contact with an infected individual or if they have traveled to a country with significant Covid-19 cases (see [CDC list](#))

Hand Hygiene

Hand hygiene is the most important tactic to prevent infection. Focus on reinforcing:

- Proper handwashing
- Avoiding touching mouth, nose and eyes
- Use of hand sanitizer
- Until the Coronavirus threat has passed, we are requiring all employees performing food service duties to wash their hands every ~15 minutes; recommending that each site utilize a timer to help reinforce this expectation.

Hand Hygiene Resources: [CDC - Handwashing: Clean Hands Save Lives](#), [Aramark - Washing Hands & Arms SAFE Brief](#), [Aramark - Hand Washing Poster](#)

Respiratory Hygiene

Respiratory hygiene standards must also be strictly adhered to and enforced.

- Cover mouth with clean tissue when coughing or sneezing. Dispose of tissue immediately.
- When tissues are not available, cough into bend of elbow. Not hands.

Respiratory Hygiene resources: [Respiratory Infections: Associate Hygiene](#), [Respiratory Infections: Workplace Hygiene](#)

Hygiene standards should be reinforced with your associates on a weekly, if not daily, basis. Post these work aids in visible locations (e.g., near bulletin board, time clocks)

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail**L1: INCREASED CLEANING FREQUENCY OF HIGH-TOUCH AREAS (FOOD SERVICE)**

To further reduce the risk of spreading germs, cleaning schedules will be adjusted to increase the frequency of cleaning high-touch areas. This includes both the back of house and front of house areas. Coordination between Aramark and Facilities resources must be aligned to ensure full facility coverage.

High touch areas include:

- Doorknobs, push bars, and adjacent areas around entrances and exits
- Napkin & utensil dispensers
- Touch screens
- Countertops, tabletops and chairs
- Hand rails
- Condiment stands
- Dish drop areas
- Phones, computers, i-pads, etc.

Each location should create an individual list of potential high-touch areas and adjust the cleaning schedules and frequency accordingly. Use an Aramark approved disinfectant on all hard surfaces. Your current, primary daily disinfectant (e.g., Diversey Quat) is sufficient for this activity.

L1: INCREASED FREQUENCY OF UTENSIL/PAN ROTATION (FOOD SERVICE)

Service utensils (tongs, spoons, spoodles, etc.) at self-serve stations should be considered high-touch surfaces and changed out every hour to prevent cross contamination. Until the Coronavirus threat has passed, all self-service utensils should be rotated and washed every ~20 minutes.

Dining utensils (knives, forks and spoons) are also high touch areas. Utensils should be stored in smaller numbers with holding vessels rotating out frequently.

Service pans should be changed out and washed frequently.

L1: INCREASED TRAINING AND AUDITS OF ALL HYGIENE STANDARDS

Daily training on Pandemic Plan hygiene standards should be included in all pre-service meetings. Contingent (temporary) labor and visiting support staff must be trained on all standards before working in the facility.

Managers and supervisors must conduct hygiene spot-check audits a minimum of 3 times per day.

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail**L1: INCREASED MONITORING OF DISHWASHING PROCEDURES (FOOD SERVICE)**

An improperly working dish machine can spread disease. To prevent this, follow Aramark's Cleaning and Sanitation standards.

On a daily basis, confirm that dish machines and three compartment sink are properly working/set up, reaching correct temperatures, have correct quantities of detergent/sanitizer by testing and checking logs, ensure corrective actions are being taken if standard is not met.

Here is an additional resource: [Cleaning & Sanitation Quick Standard](#)

EXHIBIT A-6

This pandemic plan provides general guidance for an Aramark response to the threat of pandemic coronavirus COVID-19. The guidance is based on the information available at the time of publication of this pandemic plan, and may be subject to change as additional information becomes available.

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LEVEL TWO ACTIVITIES – IMMEDIATE THREAT MITIGATION OPTIONS

This section identifies actions that can potentially be implemented when the threat of virus transmission increases at a particular location (diagnosed infections in the close vicinity).

L2: REDUCE PERSON TO PERSON CONTACT (FOOD SERVICE)**Minimize Communal Seating Areas**

- Aramark recommends minimizing use of communal seating areas to reduce extended close contact between potentially infected people

Social Distancing

- Modify the frequency and type of face-to-face employee encounters (e.g., no hand-shaking, substituting teleconferences for face-to-face meetings, staggering breaks, posting infection control guidelines)
- Promote social distancing between employees and customers to maintain six-foot spatial separation between individuals

L2: REDUCE CONTAMINATION POINTS (FOOD SERVICE)**Convert from Re-Usable Trays & Cups/Sporks to all Disposable Wares**

- Eliminate use of reusable trays and cups/sporks
- Convert to disposable single-use styro trays and cups

High-Touch Area Cleaning

- We are already performing increased frequency of cleaning for high-touch areas (which is a Level 1 activity)
- In addition to this, you should use Oxivir for cleaning of non-food contact surfaces that are also high-touch areas.
- You will be “force-shipped” containers of Oxivir wipes as an initial supply, and will be required to re-order based on your needs.

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail**L2: CONFIRM ARAMARK ASSOCIATE HEALTH PRIOR TO THEIR SHIFT**

Perform individual confirmation of associate health prior to starting their shift.

These measures may include:

- Standard observation of illness, as you would during normal operation
 - o Coughing, sneezing, wheezing, sweating, shivering
 - o Use these aids to help make the determination: Associate Health Quick Standard and Associate Illness Log
- Asking associates standard questions to confirm the absence or risk factors/symptoms:
 - o Are you experiencing fever, cough, or shortness of breath?
 - o Do you believe you have come into contact with an infected individual?
 - o Have you traveled to a country with significant COVID-19 cases (see CDC list) or have you had contact with someone who has?
- *If an associate answers one of these questions affirmatively, or is visibly ill, you should:*
 - o Tell the associate not to report to work or send him or her home;
 - o Seek guidance from Human Resources for next steps; and
 - o Report the situation to coronavirusquestions@aramark.com or the Aramark Employee Hotline.

These measures may NOT include:

- Taking an employee's temperature or performing any other medical examination;
 - o If a client requests that we perform temperature screening on employees, report the situation to coronavirusquestions@aramark.com or the Aramark Employee Hotline for further guidance
- Requiring employees who do not display COVID-19 symptoms and are not subject to any risk factors to seek testing/provide medical documentation that they are free from illness
- Excluding employees from work on an ongoing basis without first engaging Human Resources (and Labor Relations, where the employee belongs to a union)

If you begin this practice, it must be applied consistently and evenly across all staff, without regard to ethnicity, race, national origin, or any other protected characteristic.

EXHIBIT A-6

This pandemic plan provides general guidance for an Aramark response to the threat of pandemic coronavirus COVID-19. The guidance is based on the information available at the time of publication of this pandemic plan, and may be subject to change as additional information becomes available.

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L2: EMPLOYEE EXCLUSION PROCEDURES

In a "Level 2" situation, it is likely you will need to exclude an associate from work on an ongoing basis; this is a decision that must be made with the support of Human Resources. If you identify an associate who has risk factors for COVID-19, is displaying symptoms of COVID-19, or who believes that he or she may be infected or has been exposed, you must:

- send the associate home immediately;
- seek guidance from Human Resources for next steps on dealing with the affected associate; and
- report the situation to coronavirusquestions@aramark.com or the Aramark Employee Hotline.

Human Resources will assist you with navigating through multiple issues, including:

- whether the employee should be excluded from the workplace and for how long;
- whether the employee can work from home during the exclusion period;
- whether/how the employee should be paid during the exclusion period;
- whether the employee can (or must) use vacation or PTO time while he or she is out;
- whether Labor Relations needs to be involved in the decision-making process; and
- what documentation is required before the associate is permitted to return to work.

The Associate should maintain contact with the Account or Location Manager and inform of any change in condition. Coordination for any Remote Work Assignments and any pay options will be with the supervisor and HR Partner.

EXHIBIT A-6

LEVEL THREE ACTIVITIES – ACTIVE QUARANTINE/INFECTION SITUATIONS

This section identifies actions to be implemented when there is an active quarantine and/or infection situation onsite.

L3: DELIVERING FOOD TO QUARANTINED INDIVIDUALS (FOOD SERVICE)

Aramark accounts may need to prepare food for quarantined individuals. Prior to performing this service:

- Select & train employees who will be involved in the preparation/delivery of quarantine meals.
- Collect dietary restrictions for each quarantined individual through a designated means. This information must not be collected by Aramark directly and in-person from the quarantined individual(s). Any information collected shall remain confidential.

A cycle menu of items conducive to delivery will be developed

- Some meals should be based on non-perishable food items to limit the number of deliveries (peanut butter, crackers, trail mix, dried fruits, granola bars, etc.)
- Beverages should include packaged items (bottled water) as well as fluids with electrolytes (Pedialyte, Gatorade, etc.)
- Include disinfectant wipes with quarantine meals

When preparing meals for delivery you will need to

- Use the collected dietary restriction information to ensure the meal being prepared meets the requested requirements/restrictions by the quarantined individuals
- Label each meal with the individual's delivery location, initials, and dietary restriction information
 - **Confidentiality Note:** Please use initials and not the individual's full name on the container
- Do not prepare the meal more than two hours in advance of when it is to be delivered; follow current catering protocol for maintaining proper temperature prior to and during delivery
- Hand off the meal to the designated location or client person (or 3rd party that client designates) doing the final stage of delivery. Aramark will not be responsible for the final delivery of the meal to any infected individual and/or quarantined area. Under no circumstances should Aramark associates be delivering meals directly to an infected individual or quarantined area.

Legal Authorities for Isolation and Quarantine Resource: [CDC Isolation & Quarantine](#)

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

L3: DECONTAMINATION / REMEDIATION

If your client site has a confirmed COVID-19 case:

- Remediation/disinfecting under these circumstances is outside the scope of our contracts
- It requires a higher level of training, equipment, protection and products that need to be considered; there are also regulatory implications
- While Aramark does not perform these services, we have a list of preferred partners who are experts in this area that we can recommend
- Any contractual/financial arrangement should be between the client and the preferred partner
- Prepare for potential business interruption and how/if to address with the client

For environments that have become compromised and require specialized treatment, we have a relationship with Rolyn. For assistance from Rolyn, please call the 24/ Emergency Number: (800)808-1553. In Canada? Call (301)468-1883. For more information, please visit: www.rolyn.us

Rolyn

Infection Prevention and Control Remediation

Available in the continental US, Hawaii and Canada

If your facility has been affected, Rolyn, an Avendra partner, is able to provide decontamination services to destroy the virus using state-of-the-art technology.

Rolyn's national rapid response environmental team is specially trained and equipped to respond to any biohazard event, including COVID-19 causing coronavirus. Rolyn maintains stocked response trailers and can mobilize immediately.

If you have a suspected case, immediately report it to the CDC Hotline: 800-CDC-INFO or (800)-232-4636.



Infection Prevention Solutions

- ▢ Fast decontamination of large facilities
- ▢ Short dwell time (30 seconds or less)
- ▢ 100% biodegradable, no carcinogens or poisonous residuals
- ▢ Environmentally friendly
- ▢ Safe for sensitive equipment

Technology

Safe-to-use activated hydrogen peroxide and/or chlorine dioxide.

Efficacy

Decontaminate against Coronavirus, MRSA, HIV-1, Hepatitis B, Hepatitis C, Ebola, MERS, CRE, E. coli, Norovirus, H1N1, Legionella pneumophila, Salmonella, Listeria, mold, mildew, and more.

For assistance from Rolyn, please call the 24/7 Emergency Number: (800) 808-1553. In Canada? Call (301) 468-1883. For more information, please visit www.rolyn.us.

EXHIBIT A-6

BUSINESS CONTINUITY PLANNING**SUPPLY CHAIN****Supply Chain Emergency Response Protocols**

- Supplier and distributor partners are required to have contingency/emergency preparedness plans in place.
- Supply Chain helps coordinate emergency supplies and escalates critical needs.
- Shelters, first responder locations, Healthcare, Educational, and Correctional facilities are prioritized.
- Supply Chain gathers contingency updates from all supplier and distributor partners:
 - Provides email updates with emergency resources to LOB leadership for cascading to the field.
 - Depending on severity and impact, hosts conference calls with Sysco leadership, OPCOs, and Aramark LOB leadership.
 - LOB presidents are provided regular updates related to operational impact.
 - Supplier and distributor partners are required to communicate directly with affected locations.

Emergency Inventories

- It is recommended that accounts maximize available storage facilities to hold supplies in case of emergency disruption is service – bottled water, non-perishable foods and snacks
- A minimum 5-7 supply of food should be targeted.

Shelf Stable Meals

- For those accounts that wish to hold emergency stores of longer term shelf stable items, such as ready to eat meals, we are recommending the following options:
 - Ex Plus – 3-4 year shelf life; self-heating
 - aPack – 3-4 year shelf life (if stored at room temp), self-heating
- If you wish to place a large order, please contact your Director of Distribution

Local Vendors

- Identify alternative products from Sysco to replace items normally sourced through small-business local vendors who might be more prone to service disruptions.

Protective Masks

- The CDC does not recommend the use of protective masks for healthy individuals.
- Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health workers and people who are taking care of someone in close settings (at home or in a health care facility).

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

STAFFING NEEDS & SCENARIOS

Contingency plans for variability in staff availability are necessary to ensure service continuity.

Transportation

- Develop a transportation plan for staff in case of disruption to public transportation systems (subways, buses, trains, etc.)
 - Identify employees who drive and offer incentives to encourage carpooling
 - Adjust schedules so employees who live in close proximity can commute together
 - Look into renting a vehicle to assist with employee transport
 - Note that some vehicle sizes require a DOT certified driver

Staffing Accessibility

- Contingent staffing may be utilized. Ensure the staffing provider understands and follows the requirements in the Pandemic Plan
- Cross-utilize office and support staff for service roles as need
- Coordinate with Aramark accounts from other LOBs in the area to share resources
- Alter service based on available staff (close stations, reduce hours, close locations, simplify menus, convert to grab and go (or in an emergency, MREs)
- Partner with client organization to determine availability of housing for employees willing/needed to stay overnight or for extended periods

CRITICAL SERVICES

Identify critical activities (i.e. key elements of your business that must be maintained)

Review the likely impact of a pandemic on your clients' requirements, for example, increased demand for hygiene & cleaning products and services, reduced service demand due to absenteeism among client workforce.

Determine the extent to which your business could operate in a pandemic event and what service modifications would be required, for example, reduced or non-availability of supplies/ services, high absenteeism.

Utilize the COVID-19 Pandemic Planning Checklist

EXHIBIT A-6

Coronavirus Planning

Intended for Aramark Operations in Correctional Services
Weld County Jail

FINANCIAL IMPACT & OTHER RECORD KEEPING

The comptroller or other Aramark employees responsible for the financial reporting shall complete the financial forecasting smartsheet provided to you by your Finance leadership. Such report shall be updated and shared with regional leadership on a weekly basis (or as otherwise agreed to by your RFD). The fields in the smartsheet may require assessment on potential service interruption/cancellation or postponement. To the extent you have questions about forecasting these events or understanding the terms of the contract as it relates to these events, please reach out to your RFD.

EXHIBIT A-6

This pandemic plan provides general guidance for an Aramark response to the threat of pandemic coronavirus COVID-19. The guidance is based on the information available at the time of publication of this pandemic plan, and may be subject to change as additional information becomes available.

Updated 3/6/20 @ 1pm EST

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Aramark Response Committee Coronavirus

To: Site Level Points of Contact (POC)
csc: Line of Business (LOB) Leads for Coronavirus; Supply Chain
From: Aramark Response Committee (Coronavirus)
Re: Oxivir TB Wipes and Use of Appropriate Sanitizers and Disinfectants
Date: March 9, 2020

The safety and well-being of our clients, customers, guests and employees is our top priority during the current Coronavirus (or COVID-19) situation. As you execute your Pandemic Plan for COVID-19, we want to ensure you have all the tools necessary, including cleaning supplies.

Your site should already have products on hand that are within your current chemical program. In addition to this, **all Food and Facility service locations will be receiving a tub of Oxivir TB Wipes.** This is intended to be a “starter supply” if your location is considered a “LEVEL 2” Coronavirus threat as described in the Pandemic Plan and referenced below. Please reserve this product for “LEVEL 2” situations only.

The Oxivir TB Wipes product is an EPA-Registered disinfectant has a 1 minute contact time. It is easy to use and requires limited training for our Aramark associates. Ensure your FLAs have read and understand the directions for use on the packaging before beginning any cleaning. If you are delayed in receiving the product and are in a “LEVEL 2” situation, please continue to use your existing procedures and chemicals for all locations.

As a reminder, we have three levels that should guide your account’s response:

LEVEL 1 – Lowest threat level

- *i.e., no current suspected cases*
- Enhanced emphasis on hygiene and sanitation of high touch points
- Use current procedures/chemicals for cleaning & sanitizing (avoid specialized product such as Oxivir)

LEVEL 2 – Imminent threat level

- *i.e., suspected cases in the facilities we operate in*
- **Food Service Locations** may use specialized product such as Oxivir TB Wipes for disinfecting; **focus first on Front of House (where guests, customers, clients enter, dine and leave) cleaning with this product, where it is most impactful.** If used on food contact surfaces, you will need to rinse with potable water and then use your sanitizer
- **Facility Service Locations** should use procedures/protocols outlined in the Facilities Pandemic Plan

LEVEL 3 - Highest threat level

- *i.e., confirmed cases in the facilities we operate in*
- Do not attempt to clean – Use a Third Party Vendor per your Pandemic Plan

The Oxivir TB Wipes are currently being shipped to North American’s (our distributor) central storage warehouse in Chicago. It will then be shipped to your site. We anticipate these shipments will arrive on or before 3/20/20. We will keep you informed of anticipated arrival times. Due to limited supply, we

EXHIBIT A-6



Aramark Response Committee Coronavirus

stress that you use Oxivir TB Wipes only in LEVEL 2 situations, focusing on Front of House where it is most impactful.

Aramark is also working closely with our suppliers and distributors to establish our own inventory of critical cleaning products. This inventory will support the needs of accounts requiring critical and urgent product supply. If you are unable to secure supply of critical product, reach out to your LOB Lead for Coronavirus, who will help prioritize critical needs.

Many of our client sites have inquired about the use of other "EPA approved disinfectants" in our supply chain management system. The table below are the products currently sourced by Aramark through our chemical supplier, Diversey and Ecolab. However, we do understand that there are additional EPA approved disinfectants sold by other companies and many clients are requesting we source them. Please contact your Supply Chain Regional Director to evaluate the feasibility of sourcing these products for use. If sourced and used, please follow the training and "how to use" procedures. Do note that as you await supply of any of these products, you should continue using your current cleaning procedures and chemicals. These procedures and products are extremely effective.

See the [Aramark Coronavirus website](#) and the [Supply Chain advisory update](#) for the latest information and resources.



EPA Recommended Disinfectants for COVID-19 (Level 2+)

- The CDC has stated that, "Products with EPA approved emerging viral pathogens claims are recommended for use against Coronavirus (COVID-19)."
- Diversey and Ecolab have products that can claim efficacy when used according to label directions with the longest viral kill time. Below are some of those products

Registration Number	Manufacturer	Mfg ID	Product	Formulation	Contact Time
70627 56	Diversey, Inc.	4277283	OXIVIR TB	RTU	1 Minute
70627 60	Diversey, Inc.	5388471	OXIVIR TB WIPES	WPE	1 Minute
70627 74	Diversey, Inc.	100850916	OXIVIR L	RTU	1 Minute
70627 77	Diversey, Inc.	100850824	OXIVIR L WIPES	WPE	1 Minute
70627 72	Diversey, Inc.	100812725	AVERT SPORICIDAL DISINFECTANT CLEANER	RTU	1 Minute
70627 24	Diversey, Inc.	4329	VIREX™ III / 256	DILUTABLE	10 Minutes
1677 238	Ecolab Inc.	6100791	PEROXIDE MULTI SURFACE CLEANER AND DISINFECTANT	DILUTABLE	45 seconds
1639 83 1677	Ecolab Inc.	6143556	TB DISINFECTANT CLEANER RTU	RTU	3 Minutes
1677 237	Ecolab Inc.	6000005	OXYCIDE DAILY DISINFECTANT CLEANER	DILUTABLE	Residual Only
1677 226	Ecolab Inc.	6002314	VIRASEPT	RTU	4 minutes

EXHIBIT A-6



SAFETY DATA SHEET



Oxivir TB Wipes
Ready to Use Surface Cleaner & Intermediate Level Disinfectant, General
Virucide, Tuberculocide

Revision: 2019-05-13

Version: 03.0

1. IDENTIFICATION

Product name: Oxivir TB Wipes
 Ready to Use Surface Cleaner & Intermediate Level Disinfectant, General Virucide, Tuberculocide

Product Code: 5995422

SDS #: MS0801359

Recommended use:

- Industrial/Institutional
- Disinfectant Cleaner
- This product is intended to be used neat

Uses advised against: Uses other than those identified are not recommended

Manufacturer, importer, supplier:

US Headquarters Diversey, Inc. 1300 Altura Rd., Suite 125 Fort Mill, SC 29708 Phone: 1-888-352-2249 SDS Internet Address: https://sds.diversey.com	Canadian Headquarters Diversey Canada, Inc. 3755 Laird Road Units 8-11 Mississauga, Ontario L5L 0B3 Phone: 1-800-668-7171
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Emergency telephone number: 1-800-851-7145; 1-651-917-6133 (Int'l)

2. HAZARDS IDENTIFICATION

Classification for the undiluted product

This product is not classified as hazardous according to OSHA 29CFR 1910.1200 (HazCom 2012-GHS) and Canadian Hazardous Products Regulations (HPR) (WHMIS 2015-GHS).

Hazard Statements

None required.

Precautionary Statements

None required.

Health hazards not otherwise classified (HHNOC) - Not applicable**Physical hazards not otherwise classified (PHNOC)** - Not applicable

3. COMPOSITION/INFORMATION ON INGREDIENTS

Classified Ingredients

Ingredient(s)	CAS #	Weight %
Benzyl alcohol	100-51-6	1 - 5%
Hydrogen peroxide	7722-84-1	> 0.1 - < 1%
Dodecylbenzene sulfonic acid	68584-22-5	> 0.1 - < 1%

*Exact percentages are being withheld as trade secret information

Oxivir TB Wipes
 Ready to Use Surface Cleaner &
 Intermediate Level Disinfectant, General
 Virucide, Tuberculocide

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EXHIBIT A-6

4. FIRST AID MEASURES**Undiluted Product:**

Eyes: Rinse with plenty of water. If irritation occurs and persists, get medical attention.

Skin: No specific first aid measures are required.

Inhalation: No specific first aid measures are required.

Ingestion: Rinse mouth with water.

Most Important Symptoms/Effects: No information available.

Immediate medical attention and special treatment needed: Not applicable.

5. FIRE-FIGHTING MEASURES

Specific methods:

No special methods required

Suitable extinguishing media:

The product is not flammable. Extinguish fire using agent suitable for surrounding fire.

Specific hazards:

None known.

Special protective equipment for firefighters: As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

Extinguishing media which must not be used for safety reasons: No information available.

6. ACCIDENTAL RELEASE MEASURES

Personal precautions:

Put on appropriate personal protective equipment (see Section 8.).

Environmental precautions and clean-up methods:

Clean-up methods - large spillage. Absorb spill with inert material (e.g. dry sand or earth), then place in a chemical waste container. Use a water rinse for final clean-up.

7. HANDLING AND STORAGE

Handling: Avoid contact with skin and eyes. FOR COMMERCIAL AND INDUSTRIAL USE ONLY.

Storage: Keep tightly closed in a dry, cool and well-ventilated place.

Aerosol Level (if applicable): Not applicable.

8. EXPOSURE CONTROLS / PERSONAL PROTECTION**Exposure Guidelines:**

Ingredient(s)	CAS #	ACGIH	OSHA
Hydrogen peroxide	7722-84-1	1 ppm (TWA)	1 ppm (TWA) 1.4 mg/m ³ (TWA)

Undiluted Product:

Engineering measures to reduce exposure:

Good general ventilation should be sufficient to control airborne levels.

Personal Protective Equipment

Eye protection:

No personal protective equipment required under normal use conditions.

Hand protection:

No personal protective equipment required under normal use conditions.

Skin and body protection:

No personal protective equipment required under normal use conditions.

Respiratory protection:

No personal protective equipment required under normal use conditions.

Hygiene measures:

Handle in accordance with good industrial hygiene and safety practice.

9. PHYSICAL AND CHEMICAL PROPERTIES

Physical State: Wipes

Evaporation Rate: No information available

Odor threshold: No information available.

Melting point/range: Not determined

Color: Clear White

Odor: Cherry Almond Surfactant

Boiling point/range: Not determined

Decomposition temperature: Not determined

Oxivir TB Wipes

Ready to Use Surface Cleaner & Intermediate Level Disinfectant, General Virucide, Tuberculocide

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EXHIBIT A-6

Autoignition temperature: No information available
 Solubility in other solvents: No information available
 Density: 8.42 1.01
 Bulk density: No information available
 Flash point (°F): >200°F > 93 °C
 Viscosity: No information available
 VOC: 0 %^{*}
 Flammability (Solid or Gas): Not applicable
 Sustained combustion: Not applicable
 Explosion limits: - upper: Not determined - lower: Not determined 3

Solubility: Insoluble
 Relative Density (relative to water): 1.01
 Vapor density: No information available
 Vapor pressure: No information available
 Partition coefficient (n-octanol/water): No information available
 Elemental Phosphorus: 0.10 % by wt.
 pH: 3
 Corrosion to metals: Not corrosive to metals

^{*} - Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Article 2, Consumer Products, Sections 94508

10. STABILITY AND REACTIVITY

Reactivity:	Not Applicable
Stability:	The product is stable
Hazardous decomposition products:	None reasonably foreseeable.
Materials to avoid:	Do not mix with any other product or chemical unless specified in the use directions.
Conditions to avoid:	No information available.

11. TOXICOLOGICAL INFORMATION

Information on likely routes of exposure:

Skin contact, Inhalation, Eye contact

Delayed, immediate, or chronic effects and symptoms from short and long-term exposure

Skin contact: Unlikely to be irritant in normal use.

Eye contact: May be mildly irritating to eyes.

Ingestion: No information available.

Inhalation: No information available.

Sensitization: No known effects.

Target Organs (SE): None known

Target Organs (RE): None known

Numerical measures of toxicity

ATE - Oral (mg/kg): >5000

ATE - Dermal (mg/kg): >5000

ATE - Inhalatory, mists (mg/l): >20

12. ECOLOGICAL INFORMATION

Ecotoxicity: No information available.

Persistence and Degradability: No information available.

Bioaccumulation: No information available.

13. DISPOSAL CONSIDERATIONS

Do not contaminate water, food, or feed by storage or disposal.

Waste from residues / unused products (undiluted product):

This product, as sold, if discarded or disposed, is not a hazardous waste according to Federal regulations (40 CFR 261.4 (b)(4)). Under RCRA, it is the responsibility of the user of the product to determine, at the time of disposal, whether the waste solution meets RCRA criteria for hazardous waste. Dispose in compliance with all Federal, state, provincial, and local laws and regulations.

Pesticide Storage:
Refer to product label.

Pesticide Disposal:
Refer to product label.

Container Disposal:
Refer to product label.

RCRA Hazard Class (undiluted product): Not Regulated.

14. TRANSPORT INFORMATION

DOT/TDG/IMDG: The information provided below is the full transportation classification for this product. This description does not account for the package size(s) of this product, that may fall under a quantity exception, according to the applicable transportation regulations. When shipping dangerous goods, please consult with your internal, certified hazardous materials specialist to determine if any exceptions can be applied to your shipment.

DOT (Ground) Bill of Lading Description: NOT REGULATED

IMDG (Ocean) Bill of Lading Description: NOT REGULATED

15. REGULATORY INFORMATION

International Inventories at CAS# Level

All components of this product are listed on the following inventories: Canada (DSL).

U.S. Regulations

CERCLA/ SARA

Ingredient(s)	CAS #	Weight %	CERCLA/SARA RQ (lbs)	Section 302 TPQ (lbs)	Section 313
Hydrogen peroxide	7722-84-1	> 0.1 - < 1%		1000	

Canadian Regulations

This product is a Canadian DIN registered product and is subject to certain labeling requirements for disinfectants under national regulations. These requirements differ from the classification criteria and hazard information required for safety data sheets (SDS), and workplace labels of non-disinfectant products by the HPR (WHMIS 2015). This SDS was prepared in accordance with the HPR (WHMIS 2015) criteria, which may result with differences between the label and SDS language.

DIN No. : 02283530

16. OTHER INFORMATION

NFPA (National Fire Protection Association)

Rating Scale: (Low Hazard) 0 - 4 (Extreme Hazard)

Health 0
Flammability 0
Instability 0
Special Hazards -

Revision: 2019-05-13
Version: 03.0

Reason for revision: Not applicable
Prepared by: North American Regulatory Affairs
Additional advice: • Contains an added fragrance, see "Odor" heading in section 9 for specific description

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Oxivir TB Wipes
Ready to Use Surface Cleaner & Intermediate Level Disinfectant, General Virucide, Tuberculocide

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EXHIBIT A-6

EXHIBIT A-7

From: Faustina Mueller <fmuelled@weldgov.com>
Sent: Friday, March 13, 2020 3:54 PM
To: Booking Supervisors <BookingSupervisors@co.weld.co.us>
Cc: Brittany Fern <bfern@weldgov.com>
Subject: MEMO to public/visitors

Hello,
Can you please post this memo up in the windows in the lobby as well as the bond desk lobby?

Thank you,
Mueller



In light of the recent concerns regarding COVID-19, The Weld County Sheriff's Office has implemented several measures to ensure that the community, the inmate population, and our employees remain as healthy as possible.

Effective today, all face to face profesional visits with clients in the North Jail Complex, have have been suspended until further notice. This includes, though not limited to religious volunteers, vendor contractors, inmate program volunteers, etc.

Attorneys, investigators, paralegals, law enforcement personnel, and anyone deemed to be visiting for official law enforement business are still permitted to have face to face visits. During the check in process for scheduled visits, booking staff should offer or encourage the option to meet with the inmate via our visiting monitors in the lobby. This will have to be cooridinated with personal visits and will be the visitors choice.

If a visitor agrees to a visit via the monitors, a paper towel sprayed with disenfectant will be provided to wipe the monitor phone prior to.

There may be a professional visitor that is not as clearly defined as permitted or not. In the event this occurs, please notify the on duty sergeant to make the decision.

Sergeant Faustina Mueller

Weld County Sheriff's Office

Detentions Division

970-400-4180

EXHIBIT A-7

From: Matthew Elbe <melbe@weldgov.com>
Sent: Friday, March 13, 2020 3:25 PM
To: DD Deputies <DDDeputies@co.weld.co.us>; DD Inmate Services <DDinmateservices@co.weld.co.us>; DD Supervisors <DDSupervisors@co.weld.co.us>
Cc: dowens@turnkeyhealthclinics.com; Braun, Olivia <Braun-Olivia@aramark.com>
Subject: Professional Visitor Restrictions (COVID-19)
Importance: High

Effectively Immediately*

Good Afternoon All,

Please see the attached memo regarding precautions being taken related to COVID-19 (Corona Virus) as it pertains to professional visitors in the jail facility.

We understand that this may create some extra work on the part of some to facilitate these restrictions, however acting reasonably at this time with the intent of protecting our staff, our community, our facility, and the inmate population is paramount.

Please know that the recent days have been significantly consumed by determining reasonable steps to take as the situation with COVID-19 develops in our community and this is expected to continue as we account for and plan how to do our part in managing this health concern.

Please take personal precautions to protect yourself, your peers, your family, your friends and your community by employing the basic hygiene precautions that have been broadcast in every forum over the last week or so.

Please know that as additional information arises, there will continue to be coordinated responses and these will be communicated to you.

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



WELD COUNTY SHERIFF

EXHIBIT A-7

STEVE REAMS

TO: Weld County Sheriff's Office Staff

FROM: Captain Matt Turner

DATE: 03/13/2020

SUBJECT: COVID-19 (Corona Virus) Professional Visitor Operational Precautions

*****EFFECTIVE IMMEDIATELY*****

In an effort to temper the potential effects of COVID-19 (Corona Virus) on our staff, the jail facility, our community and the inmate population, the following measures will be taken and are effective immediately until further notice:

- All professional visitors for inmates that are not attorneys, someone serving a legitimate law enforcement purpose, or someone providing a service that directly affects the operations of the jail must visit with the inmate/s via video through the visiting kiosks in the lobby area as available.
 - o If there is question about who meets the above criteria, staff should consult with an on-duty sergeant.
 - o Those professional visitors meeting the above criteria shall be offered the option of visiting via video with the inmate/s through the visiting kiosks in the lobby area when available.
 - Any professional visitor choosing to visit via video, shall be offered appropriate sanitizing materials for the video visiting kiosks.
- All religious volunteer services for the inmate population will be suspended for the next 30 days or until further notice.
- Any additional restrictions or information regarding this developing situation related to COVID-19 will be communicated in a similar fashion.

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

EXHIBIT A-8

From: Matthew Turner
Sent: Friday, March 13, 2020 11:16 AM
To: Roy Rudisill <rrudisill@weldgov.com>
Subject: RE: Thanks

I meant to include that, sorry. We were thinking that 50 should be a safe number.

From: Roy Rudisill <rrudisill@weldgov.com>
Sent: Friday, March 13, 2020 11:15 AM
To: Matthew Turner <mturner@weldgov.com>
Subject: RE: Thanks

Do you have an idea of a number? 30-40??

*Roy Rudisill, Director
Office of Emergency Management
1150 O St. Greeley, Co
970-381-0417 Mobile
970-304-6540 Office*



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From: Matthew Turner <mturner@weldgov.com>
Sent: Friday, March 13, 2020 11:14 AM
To: Roy Rudisill <rrudisill@weldgov.com>
Subject: Thanks

Roy,

Thanks for the info.... And I will try and update my VM to say that I am a captain.... I have been meaning to do that.

Would there be a way to get a supply of masks? I shouldn't need that many, but this way I could issue them to inmates to test presumptive positive to COVID-19.

EXHIBIT A-8

Thanks,

Captain Matt Turner
Weld County Sheriff's Office
Detentions Division
970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-9

From: Matthew Turner
Sent: Friday, March 13, 2020 3:58 PM
To: DD Deputies <DDDeputies@co.weld.co.us>; DD Sergeants <DDSergeants@co.weld.co.us>
Subject: COVID 19

Team,

A few of you may have heard about COVID-19 (Coronavirus) and the impact that it is having on our country. If you have not heard about it, please tell me where you have been hiding so that I can go there and take a break from all this stuff.

I have heard a lot of rumors floating around, and what I need all of you to understand is that we need to be cautious of information sources during this time. Stay informed, but make sure your information is from credible sources. As for our operations, if you don't hear news from your command staff or official releases from the Weld County Government, I would be hesitant to put any faith in it. We will update you on any procedural changes that may affect us as they happen. There are too many "what if's" at this time to make a predetermined plan; we will react to this situation as it develops and communicate with all of you when necessary.

The Sheriff has sent a message to the Chiefs in our area, requesting that they limit the number of people they arrest during this time period. We have asked that, if possible, municipalities cite and release if the offense is not a mandatory arrest. THIS DOES NOT MEAN THAT WE ARE TURNING PEOPLE AWAY; our doors will remain open. Do not get into debates with arresting officers on this topic.

We are working on a plan to limit the number of professional visitors within our facility. We are going to suspend all religious volunteers for the next 30 days. Professional visitors will be accommodated through the visiting kiosks. We will still allow attorneys and personnel performing law enforcement tasks to have access to our facility, but we will ask that they consider doing their business through the visiting kiosk.

I am going to make a recommendation that many of you may not enjoy. Right now it is only a recommendation, but there is a chance that it could be mandated in the future IF we have an outbreak in our facility. I am going to start doing this myself.... So please know that I am with all of you on this. I recommend that everyone come to work in civilian clothing and change into uniform here. Leave your boots in your locker and wash your uniform frequently... DO NOT CONTAMINATE YOUR HOME!! Again, I know that this is inconvenient, but it is smart. If you don't want to do this, I would recommend stripping your uniform in your garage before going into your home. When I was the Civil Sergeant I did this any time I helped with an eviction... because most of those days required me to be in very dirty environments.

I would like to address a few things that were mentioned in the message you all received from the commissioners, more specifically the "what can you do" section.

WHAT CAN YOU DO?

First, don't let fear override common sense. All the disinfectant wipes may be out of stock at the stores, but there are still bottles of cleaner sprays. The hand sanitizer may not be available, but there is still plenty of soap. The point is: don't panic, be practical.

EXHIBIT A-9

This is huge. Sickness can be avoided by doing some very basic things...

- 1) Wash your hands frequently
 - a. Do this as often as possible!
- 2) Don't touch your face
 - a. This is tough! I want to touch my face right now!
- 3) Practice social distancing – meaning don't stand so close to other people
 - a. This one is also tough.... But this is not a time to hang out with large groups of people.
- 4) Stay home if you feel sick
 - a. Don't overreact with this. We need each and every one of you to be successful here. If you feel that you are showing all the signs of COVID-19, don't bring it to work.

The following symptoms may appear **2-14 days after exposure.**

- 5) Fever
- 6) Cough
- 7) Shortness of breath

thanks,

Captain Matt Turner
Weld County Sheriff's Office
Detentions Division
970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-10

From: Steven Reams <sreams@weldgov.com>
Sent: Friday, March 13, 2020 8:07 AM
To: Todd Norris
Subject: Covid 19 and the jail

Todd,

Can you please share this message to the chiefs?

Chiefs,

The best explanation I have been given for limiting large group gatherings is not to stop the spread of the Covid 19 virus but simply to delay the spread in hopes that the end of the flu and cold season will get here with spring weather. I share this information to you because the weld county jail is one of those large group areas that we obviously believe can be impacted by the Covid 19 virus. We currently don't have any inmates or staff that have tested positive but I believe it is only a matter of time. The jail is well equipped and prepared to deal with these types of situations but if we can avoid going through an outbreak then we would prefer to do so.

I'm sure that many of you are taking extra precautions with the way that you are instructing your staff to handle certain situations and I would only request that you consider adding arrest considerations into the mix. By all means, if a person needs to come to jail then bring them on in...we all know that some situations just need to result in a trip to the county jail. In situations where a summons can be utilized (especially if your suspect is likely a carrier of Covid 19) then please consider avoiding the jail.

By no means are we telling you not to bring someone to jail if that is what needs to happen. I'm simply asking that if you have a suspect that is obviously sick and your agency can avoid transporting them and booking them into the county jail it probably benefits us all. Thanks for your consideration and be safe out there!

Sheriff Reams

EXHIBIT A-11

From: Curtis Hall <chall@weldgov.com>
Sent: Friday, March 13, 2020 4:47 PM
To: Matthew Turner <mturner@weldgov.com>
Cc: Roy Rudisill <rrudisill@weldgov.com>; Toby Taylor <ttaylor@weldgov.com>; David Springer <dspringer@weldgov.com>; Mike Livengood <mlivengood@weldgov.com>; Kelly Leffler <kleffler@weldgov.com>
Subject: FW: PPE

Below is the information we have to date pertaining to PPE and cleaning a patrol vehicle.

Curtis Hall
Deputy Director
Public Works
1111 "H" street
Greeley CO 80632
970-400-3721



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From: Kelly Leffler <kleffler@weldgov.com>
Sent: Friday, March 13, 2020 3:58 PM
To: Roy Rudisill <rrudisill@weldgov.com>; Toby Taylor <ttaylor@weldgov.com>
Cc: Michelle Raimer <mraimer@weldgov.com>; Ryan Rose <rrose@weldgov.com>; Curtis Hall <chall@weldgov.com>; Patti Russell <prussell@weldgov.com>
Subject: RE: PPE

As far as PPE for our Patrol First responders, the recommendations from the CDC are going to be:

- Disposable Gloves
- Disposable isolation gown
- NIOSH- approved particulate respirator (N-95 or higher-level respirator)
- Eye protection (goggles or disposable face shield that fully covers the front and sides of the face.

Ideally it would be nice to have each First Responder vehicle equipped with a set of all 4 of the above items. The Sheriff's office has 58 first responder vehicles.

EXHIBIT A-11

As far as decontamination for the Patrol vehicles as well as Inmate transport, making sure that anyone that is transported in those vehicles that is confirmed or suspected to have COVID-19 have a mask on as well. Once they are out of the vehicle putting the vehicle through decontamination by cleaning with one of the appropriate cleaners from this link https://www.epa.gov/sites/production/files/2020-03/documents/sars-cov-2-list_03-03-2020.pdf

For Human Services, they have stated that they have approximately 28 people who could potentially be entering into a household for an in home visit. I would recommend that they use proper precautions by contacting the household prior to the visit and asking the appropriate questions to assure their safety, ie. Is anyone in the household traveled, been in contact with someone who has tested positive for COVID-19, or is anyone symptomatic? If the answer is yes to any of these questions, I would recommend if at all possible avoiding the visit. If unable to avoid, make sure they are taking proper precautionary measures by washing hands, avoid touching the face and keep at least 6 feet away from the individuals.

There are no recommendations present from the CDC on decontamination of vehicles, outside of those that are carrying patients that are symptomatic or at risk for testing positive for COVID-19. When it comes to our fleet vehicles it is important to remind employees to use the everyday practices of washing hands and wiping down the inside of vehicle with the disinfectant provided by Building and Grounds.

Please let me know if there is any way I can be of assistance. In communicating today with the various departments, I know you are in communication and working directly with the individual departments, but I am willing to assist in any way possible.

Kelly Leffler

Employee Health and Productivity Specialist

Human Resources

1150 "O" Street

Greeley, CO 80631

Phone: (970) 400-4220

Cell: (970) 518-6106

Fax: (970) 352-9019



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From: Roy Rudisill <rrudisill@weldgov.com>

Sent: Friday, March 13, 2020 8:34 AM

To: Kelly Leffler <kleffler@weldgov.com>; Toby Taylor <ttaylor@weldgov.com>

Cc: Michelle Raimer <mraimer@weldgov.com>; Curtis Naibauer <cnaibauer@weldgov.com>; Ryan Rose <rrose@weldgov.com>

Subject: RE: PPE

Kelly, when you get an idea of what they will need for PPE, let me know so I can add it to my list for a resource request.

EXHIBIT A-11

*Roy Rudisill, Director
Office of Emergency Management
1150 O St. Greeley, Co
970-381-0417 Mobile
970-304-6540 Office*



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From: Kelly Leffler <kleffler@weldgov.com>
Sent: Friday, March 13, 2020 8:09 AM
To: Toby Taylor <ttaylor@weldgov.com>
Cc: Michelle Raimer <mraimer@weldgov.com>; Curtis Naibauer <cnaibauer@weldgov.com>; Roy Rudisill <rrudisill@weldgov.com>; Ryan Rose <rrose@weldgov.com>
Subject: Re: PPE

I am on it!!!
Thanks Toby

Sent from my iPhone

On Mar 13, 2020, at 8:00 AM, Toby Taylor <ttaylor@weldgov.com> wrote:

Kelly/Michelle,

As the safety section for the COG now, we need assistance with the following items:

1. Equipment and Personnel are putting together decontamination procedures for vehicles (patrol, PW, and inmate transport). They need the minimum recommended PPE.
2. The Human Services folks have staff that do home visits. They have requested the recommended PPE for performing these activities.

Please consult with the Health Department on what is recommended and when so these two items can be addressed.

Toby Taylor, Director
Weld County Department of Buildings & Grounds

Weld County Veterans Services
1105 H Street
P.O. Box 758
Greeley, CO 80632
P: 970.400.2023
F: 970.304.6532
ttaylor@weldgov.com

EXHIBIT A-11

EXHIBIT A-12

**EXHIBIT A-12 CONSISTS OF A SINGLE VIDEO FILE
GENERATED BY THE WCSO ON OR ABOUT MARCH 13, 2020
BEING PROVIDED TO THE COURT UNDER SEPARATE COVER
WITH A COPY BEING SENT TO ALL COUNSEL OF RECORD**

EXHIBIT A-13

From: Steven Reams <sreams@weldgov.com>
Sent: Monday, March 16, 2020 1:08 PM
To: SheriffsOffice <SheriffsOffice@co.weld.co.us>
Subject: Covid 19 and Sheriff's Office Operations

To all,

The Board of County Commissioners will be issuing some orders for the processing of business in the County in the upcoming hours. Your immediate divisions supervisors will also be providing more specific information about how our operations will be impacted.

There are some important pieces of information for all of us to be mindful of:

Wash your hands frequently!

Limit your exposure to crowds and social functions

If you are experiencing the combination of a fever and cough, immediately schedule an appointment with your primary care doctor and call your supervisor for further guidance for work issues

Wash your hands again!

Bring your lunch to work, don't plan on restaurants being available for dine in functions

Wash your hands some more!

Even if you are infected with Covid 19, you are likely not at serious risk unless you are above 65 years old and have other underlying medical conditions. We will continue to adjust county operations as needed depending on what goes on in the community.

Remember, limit your social circles and your chance of exposure!

Sheriff Reams

EXHIBIT A-14

From: Weld Media <WELDMEDIA@LISTSERV.CO.WELD.CO.US> **On Behalf Of** Jennifer Finch
Sent: Monday, March 16, 2020 3:50 PM
To: WELDMEDIA@LISTSERV.CO.WELD.CO.US
Subject: FW: News Release: Pandemic Health Emergency Declared
Importance: High

From: Eric Aakko <eaakko@weldgov.com>
Sent: Monday, March 16, 2020 3:27 PM
Subject: News Release: Pandemic Health Emergency Declared
Importance: High

FOR IMMEDIATE RELEASE

March 16, 2020

Contact: Eric Aakko
Public Information Officer
(970) 400-2380; (970) 673-2893 (mobile)

Pandemic Health Emergency and Public Health Order Issued by Weld County

Weld County – By the order of Mark E. Wallace, MD, MPH, Executive Director of the Weld County Department of Public Health and Environment, and the County Health Officer, a Pandemic Health Emergency and Public Health Order is issued. “The main reason for this declaration is we need to reduce the impact and spread of the COVID-19 virus in Weld County,” said Dr. Wallace. The declaration will also help protect high-risk populations like older adults, pregnant women, and people who are immunocompromised or with chronic health conditions. “This declaration will also help protect our Weld County work force and their families,” said Wallace.

The Public Health Order requires social distancing be enacted. **Social distancing means people stay at least 6 feet away from each other, and all events of 10 people or more are cancelled. All events at the following locations are prohibited, regardless of the number of attendees: day-care centers, child-care centers, private schools (including pre-schools), private day schools, community recreation centers, ice rinks, and libraries. “Event” does not include places of employment. Restaurants may need to switch to limited seating or switch to drive-thru or take-out orders. This order is effective until April 8, 2020.**

Other preventive actions for preventing influenza, the common cold, and COVID-19 include:

- Clean and disinfect frequently touched objects with regular household cleaning products.
- Frequently wash your hands with soap and water for at least 20 seconds, especially after going to the bathroom and before eating; a hand sanitizer can help if hand washing is not available.
- Cover your cough with your elbow or sneeze into a tissue, then throw the tissue in the trash.
- Stay home if you are sick. If you work or go into the community sick, many may get sick.
- Limit close contact with people and keep a distance of at least 6 feet.

The current treatment for most people who get COVID-19 is rest, recovery, and self-isolation at home. About 80% of people who become ill will recover on their own. The seriously ill may require hospitalization or other care.

For more information

For general questions about COVID-19 in Colorado, call the state CO HELP line at 303-389-1687 or 1-877-462-2911 or email at COHELP@RMPDC.org. For updated COVID-19 information, including the full declaration and Public Health Order visit: www.weldhealth.org.

###

Eric Aakko, MS MCHES

Division Director

Health Education, Communication, and Planning

Department of Public Health and Environment

1555 North 17th Ave, Greeley, Colorado

970.400.2380



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ListServ



DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

EXHIBIT A-14

1555 North 17th Avenue
Greeley, CO 80631
www.weldhealth.org



Public Health
Prevent. Promote. Protect.

FOR IMMEDIATE RELEASE

March 16, 2020

Contact: Eric Aakko
Public Information Officer
(970) 400-2380; (970) 673-2893 (mobile)

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###

EXHIBIT A-15

From: Matthew Elbe <melbe@weldgov.com>
Sent: Monday, March 16, 2020 8:37 PM
To: DD Deputies <DDDeputies@co.weld.co.us>; DD Supervisors <DDSupervisors@co.weld.co.us>; DD Inmate Services <DDinmateservices@co.weld.co.us>
Subject: Continued COVID-19 Response
Importance: High

Detentions Division Personnel,

COVID-19 continues to dominate the media headlines, conversations with family and friends, conversations at work, and certainly meetings and discussions about our work in the Detentions Division and the services we provide as law enforcement professionals. As indicated in previous communications, we continue to meet about this issue and its effects on us as people, its effects on us as staff, its affects on us as public safety service providers, its effects on the inmate population and our facility as a whole. Efforts are being made to stay out in front of this as much as possible and to enact reasonable and measured proactive decisions and appropriate responses to this developing situation.

Guidance on this issue is gained from our collaborative leadership team within the Weld County Sheriff's Office and Weld County as an entity. I would encourage you all to take the time to read the attached news release by Weld County if you have not read it already.

More specifically for us in the Detentions Division, please read the attached memo from your Command Staff regarding our continued responses to COVID-19 as it relates to jail operations and our unique role that we serve in the jail. It is not lost on me during times like this just how vital you are in providing effective public safety services for Weld County. Even amidst all of what is going on with this health and social issue... we have work to do, that nobody else will do, that is more important than what most people realize. Please know that we are right there with you, we know what the work you do means, and we thank you for being that part of our community that does the job no matter what.

Take the time to read these attachments, ask questions, and be informed. Additional communication will come out as necessary as this situation continues to develop. Stay safe, wash your hands, and make good choices.

Thanks everyone,

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817

melbe@weldgov.com



EXHIBIT A-15



DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

EXHIBIT A-15

1555 North 17th Avenue
Greeley, CO 80631
www.weldhealth.org



Public Health
Prevent. Promote. Protect.

FOR IMMEDIATE RELEASE

March 16, 2020

Contact: Eric Aakko
Public Information Officer
(970) 400-2380; (970) 673-2893 (mobile)

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For more information

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###



WELD COUNTY SHERIFF

EXHIBIT A-15

STEVE REAMS

TO: Detentions Division Personnel
FROM: Detentions Division Command Staff
DATE: 03/16/20
SUBJECT: Continued COVID-19 Response

In an effort to continue communication about the Detention Division's COVID-19 response as this situation evolves in our community, please see the below information regarding restrictions and changes in general practices that will be implemented as indicated below:

Visitation

- Effective 03/17/2020 there will no longer be personal visitation for inmates. This will be in effect until further notice.
- Effective 03/17/2020 professional visitors will be more tightly restricted to include only attorneys, members of law enforcement conducting legitimate law enforcement business or professional visitors serving a legitimate purpose for an inmate's court process (competency evaluations, etc.).
 - o All allowed professional visitors will be strongly encouraged to use video visitation.
 - A specific tracking log of the units and the inmates professional visitors visit must be kept.
 - o All other professional visitors will be restricted from the facility until further notice.
 - o If there are questions about if a professional visitor can gain entrance into the jail, please contact on on-duty Sergeant.

Inmate Management

- Effective 03/17/2020 at 0000hrs, all male arrestees will be moved to M-pod once the booking process is complete for a transition period prior to moving to G/P. This is in an effort to have more time to screen and determine potential cases of COVID-19. There is not a set time frame inmates will be in M-pod prior to joining G/P and this will be dependent on numbers. Inmates will be screened by medical prior to joining G/P from M-pod.
- Effective 03/17/2020 at 0000hrs, all female arrestees will be moved to unit 207 once the booking process is complete for a transition period prior to moving to G/P. This is in an

Southwest Substation
 4209 WCR 24 1/2
 Longmont, Colorado 80504
 (720) 652-2415
 Fax (720) 652-4217

Headquarters
 1950 O Street
 Greeley, Colorado 80631
 (970)356-4015
 Fax (970)304-6467
 Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
 2950 9th Street
 Fort Lupton, Colorado 80621
 (303) 857-2465
 Fax (303) 637-2422



WELD COUNTY SHERIFF

EXHIBIT A-15

STEVE REAMS

effort to have more time to screen and determine potential cases of COVID-19.

There is not a set time frame inmates will be in unit 207 prior to joining G/P and will be dependent on numbers. Inmates will be screened by medical prior to joining G/P from unit 207.

- Arrangements are being made to make this housing unit available for this purpose, please discuss details with your Sergeant or supervisor if you have questions.
- The isolation protocol is still in effect, if needed, that was disseminated last week. Decisions about inmates needing to be isolated is a medical decision and we will take direction from medical on this.
 - If you have questions about the isolation procedure or units to be used if need be, please direct those questions towards your Sergeant or supervisor.

Personnel Operations

- Effective immediately AOT is canceled until further notice. Missed hours for these days will be discussed with the Sergeant group to ensure paychecks are not negatively impacted as much as possible.
- Effective 03/17/2020 duty/housing unit assignments for Deputies will remain the same as much as possible until further notice. Take direction from your Sergeant on this, but these will be minimally rotated between staff.
- Effective 03/17/2020 there will be no shift briefings until further notice. Your Sergeants will communicate with you what your duty station assignment is and you are expected to report directly to that spot for pass on from the Deputy you are relieving. Your Sergeants will communicate briefing type information through other modes of communication.
- Effective 03/17/2020 all staff is asked to be mindful of where they go for lunch breaks and should strongly consider remaining at the North Jail Complex to minimize interaction in community settings. Plan on bringing a lunch, adding a meal tray from the kitchen to your pod count for yourself, going home if you can, etc. These actions are in line with the recent State and County actions released regarding how we access services in our community.

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970) 356-4015
Fax (970) 304-6467
Toll Free (800) 436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

EXHIBIT A-16

From: Cory Channell <cchannell@weldgov.com>
Sent: Tuesday, March 17, 2020 4:15 PM
To: DD Deputies <DDDeputies@co.weld.co.us>
Subject: COVID-19 confinement conditions - Nongrievable issue

Deputies in Unit 7 and M-pod, please print this memo and post it in your housing unit.

Thank you!!!

Sergeant Cory Channell
Detentions Division
Weld County Sheriff's Office
2110 O Street, Greeley, CO 80631
970-400-3925
cchannell@weldgov.com





SHERIFF

WELD COUNTY

EXHIBIT A-16

STEVE REAMS

Detentions Division Security Memorandum

Issuing Authority: WCSO Command Staff
Topic: COVID-19 – Non-grievable issue
Effective: March 17, 2020

NOTICE

On 3/17/2020, new arrestees started being housed in specified housing units to reduce the impact and spread of the COVID-19 Virus throughout the jail population. The duration that inmates could stay in these units range from 1-14 days.

The CDC is aggressively responding to the global outbreak of COVID-19 and is preparing for the potential of it being spread in the United States.

Command Staff at the Weld County Jail has implemented precautionary measures to help prevent/slow the spread of COVID-19 in the facility. This includes holding new arrestees in specified housing units until a final medical screening can be done prior to the inmate being moved to general population.

The confinement conditions associated with these precautionary measures cannot be grieved. Any grievances associated with these measures will be rejected.

EXHIBIT A-17

From: Matthew Turner
Sent: Tuesday, March 17, 2020 9:43 AM
To: Steven Reams <sreams@weldgov.com>; Donnie Patch <dpatch@weldgov.com>
Cc: Michael Knee <mknee@weldgov.com>; Joshua Noonan <jnoonan@weldgov.com>
Subject: FW: COVID-19 Update

FYI, here is some stuff from our medical vendor, might be good for our patrol guys as well.

From: Matthew Elbe <melbe@weldgov.com>
Sent: Tuesday, March 17, 2020 9:39 AM
To: Matthew Turner <mturner@weldgov.com>
Subject: FW: COVID-19 Update

FYI,

Some additional information from our medical provider that I think is appropriate. Not a lot of difference in what we do if someone was in "obvious distress" from anything else, but this is specifically related to COVID-19.

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



From: Cory Turco <cturco@turnkeyhealthclinics.com>
Sent: Monday, March 16, 2020 3:55 PM
To: Cory Turco <cturco@turnkeyhealthclinics.com>; Allie Ah Loy <allie@turnkeyhealthclinics.com>; Donna Newman <dnewman@turnkeyhealthclinics.com>; William Cooper <wcooper@turnkeyhealthclinics.com>
Subject: COVID-19 Update

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

As we receive more information about the spread of COVID-19 (coronavirus), we want to follow up with some clarification regarding the Coronavirus Screening Tool. To clarify, our screening does not require medical staff to request an inmate be sent to the hospital for a FIT (Fit for Jail Screening) just because they have a fever or respiratory complaints, alone.

EXHIBIT A-17

Medical staff will only be requesting FITs if the inmate appears seriously ill. Otherwise, they will continue to follow the previously established screening guidelines.

Emergency warning signs associated with COVID-19 indicating a need for FIT are as follows:

- Difficulty breathing or shortness of breath
- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face
- Appears seriously ill

The medical staff have been instructed that unless the inmate is in obvious distress a provider will be called to authorize the FIT. **This is imperative to ensure we do our part to lessen the strain on community resources.**

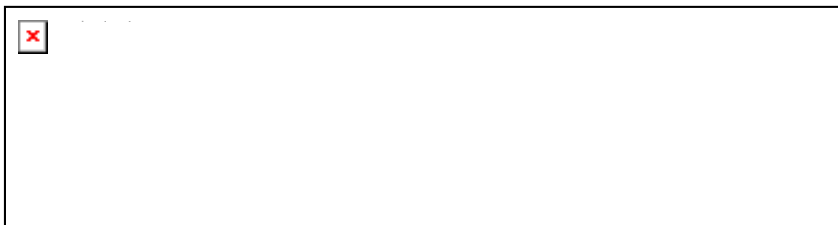
Absent any of the above findings, our screening guidelines provide that if an inmate flags positive for Questions 2 (history of traveling to/from Europe or Asia), 3 (close contact with someone who's traveled to/from Europe or Asia), 4 (contact with confirmed coronavirus case), or 5 (fever, cough, shortness of breath, or other symptoms of lower respiratory illness), then the staff will place a mask on the inmate and request detention staff immediately escort them to a reverse isolation cell. If your facility does not have a reverse isolation cell the inmate should be placed in a cell by themselves as far away from the rest of the inmate population as possible.

Please let us know if you have any questions, or if any other point of clarification is needed. We appreciate you, and we are here for you!

Respectfully,

Cory

Cory D. Turco, BSN, RN, CCHP
Regional Nurse Manager - Arkansas / Colorado / Texas
Cell 520-331-6089
Fax 405-561-5607
cturco@turnkeyhealthclinics.com



Visit our website [HERE](#).

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EXHIBIT A-18

Begin forwarded message:

From: Dustin Owens <dowens@weldgov.com>

Date: March 19, 2020 at 1:01:35 PM MDT

To: Matthew Elbe <melbe@weldgov.com>, Stephanie Tornquist <stornquist@weldgov.com>, Jon Echols <jechols@turnkeyhealthclinics.com>, Donna Newman <dnewman@turnkeyhealthclinics.com>, "cturco@turnkeyhealthclinics.com" <cturco@turnkeyhealthclinics.com>, William Cooper <wcooper@turnkeyhealthclinics.com>

Cc: Teresa Sipola <tsipola@weldgov.com>, "KLAURIE@TURNKEYHEALTHCLINICS.COM" <KLAURIE@TURNKEYHEALTHCLINICS.COM>

Subject: COVID-19 FIRST PATIENT

Hello Everyone,

I am writing to let everyone know we isolated and tested our first patient. Test will be sent off today to quest.

Patient presents with a temp of 99.9, non-productive cough. This patient also has a significant past medical history with several comorbidities.

We will be screening the entire housing unit the individual came out of in the next few minutes as well.

Thank you,

Dustin Owens, RN CCHP

Health Services Administrator
Weld County North Jail Complex
2110 O Street
Greeley, CO 80631
Office: 970-400-3946
Cell: 402-210-8954
Main: 970-356-4015

EXHIBIT A-19

From: Matthew Turner
Sent: Thursday, March 19, 2020 2:03 PM
To: DD Sergeants <DDSergeants@co.weld.co.us>
Subject: COVID 19 response

Team,

In response to the COVID 19 threat, we need to make a few operational changes immediately. Most of these changes revolve around the idea of social distancing. I realize that we cannot do this 100%.... but we should strive to do what we can.

Please make sure that all of the below restrictions are enacted immediately.

Command Staff:

- Command staff will limit interaction as much as possible. We do not want all of us to get sick if one of us gets sick.
- **If you need to speak with a member of command staff, use the phone or the radio.**
- The Lieutenants will begin to work on an alternating schedule. You will only have 1 LT on site at any time. The other LT will work from home. The LT working from home will respond to work if necessary when directed by the Division Captain.
- Captain Turner will be limiting his time at the office as well, but will be available by cell phone, email, smoke signal, telepathy and Jedi meditation. Captain Turner will be working from home when not in the office.

Sergeants:

- Sergeants should limit contact with each other as often as possible. Again, we do not want all of you to get sick if one of you gets sick and spreads it.
- Operate out of separate offices if possible. If not, practice social distancing and use a 6-foot gap when possible.
- Sergeants should be moving throughout the facility checking on their shifts. Practice social distancing, but make sure that things are running properly.
- **Deputies MUST wash their hands before entering a unit for any reason.**
- **Deputies MUST wash their hands when leaving a unit for any reason.**
- **If you need to contact each other, use the phone or radio**

Deputies:

- Deputies should limit their movement throughout the facility when possible.
- Practice social distancing when possible.
- **Deputies MUST wash their hands before entering a unit for any reason.**

- Deputies **MUST** wash their hands when leaving a unit for any reason.
- If deputies need to communicate, use the phone or radio.
- Rovers should be, if possible, assigned to a specific side of the facility to limit their travel throughout the facility.

EXHIBIT A-19

Inmates/Operations:

- Inmate movement between units should be heavily restricted if not stopped period.
 - o Inmates moved from a unit, taken to any area of the jail should only be taken with inmates from the same unit – **DO NOT MIX UNITS DURING TRANSPORTS**
 - This may not work for court transports but should be done if possible.
 - o We do not have enough masks for inmates to have one.
 - o Inmates taken to medical should only be moved with inmates from their unit. **DO NOT MIX UNITS DURING MEDICAL TRANSPORTS**
- Recreation time (gyms) **WILL NOT** be conducted until further notice.
 - o The need to clean after each gym to eliminate the chance of cross contamination puts too much strain on staff.
- Inmates in the transition units should do hour outs in their groups according to the day they booked into jail.
 - o Cleaning should be completed after each group
- The deputy working in MO will be issued a mask, though it is not necessary
 - o **The mask does not stop COVID 19**
 - o We have a limited number of masks.

Thanks,

Captain Matt Turner

Weld County Sheriff's Office

Detentions Division

970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-20

From: Steven Reams

Sent: Thursday, March 19, 2020 9:10 AM

To: Todd Norris <TNorris@frederickco.gov>; adam.turk@greeleypd.com; armueller@eatonco.org; BGarcia@millikenco.gov; Brent Newbanks <bnewbanks@townofmead.org>; bphillips@townofjohnstown.com; Carl Blesch <cblesch@weldgov.com>; CDwyer@PlattevilleGov.org; charvey@lasalletown.com; Chris Caldwell <cwcaldwell@fbi.gov>; chris.krause@unco.edu; chris.schaefer@state.co.us; dan.volz@state.co.us; David Gottschalk (dgottschalk@kerseygov.com) <dgottschalk@kerseygov.com>; dennis.pumphrey@unco.edu; DMontgomery@firestoneco.gov; Donnie Patch <dpatch@weldgov.com>; eric.a.dreher@ice.dhs.gov; gary.eyer@state.co.us; Ian Whittington <ian.whittington@state.co.us>; Jay Hirokawa <jsh8541@aol.com>; Jeremy Black <jblack@townofgardencity.com>; jeff.french@state.co.us; jfryar@fortlupton.org; john.camper@state.co.us; kstewart@erieco.gov; mark.jones@greeleypd.com; mark.white@state.co.us; melissa.gallardo@state.co.us; mike.zeller@greeleypd.com; Michael Rourke <mrourke@weldgov.com>; MSkaggs@CityofDacono.com; psouthard@brightonco.gov; rbrandt@evanscolorado.gov; rklimek@windsorgov.com; Robb Miller <rmiller@weldgov.com>; Roy Rudisill <rrudisill@weldgov.com>; RStrang@TownofAult.org; Russell Reed <rreed@townofseverance.org>; tesandstedt@fbi.gov; Thomas Gates <Thomas.Gates@BNSF.com>; tmccoy@lochbuie.org; Thomas Walde <twalde@weldgov.com>

Subject: closing of restaurants, bars etc

Chiefs,

As you well know, the Governor used his authority during a state of emergency to close various businesses in the state. I have been asked by many citizens (as I'm sure you have) about who can enforce said closures and what happens if someone doesn't comply. It doesn't take much research to know that local law enforcement can take action to cite/arrest persons/business owners that don't comply with the closure order (class 1 misdemeanor).

All that said, the Sheriff's Office is not focusing on these types of enforcement actions and we don't intend to due to the regular call volume that we are handling. In addition, if you do decide to interact with persons/businesses for these closures, please don't transport anyone to the county jail on this type of charge as we want to maintain bed space for the folks that are truly in need of confinement.

Hope you are all weathering the storm as best as possible!

Sheriff Reams

EXHIBIT A-21

From: Dustin Owens <dowens@weldgov.com>

Sent: Friday, March 20, 2020 1:54 PM

To: Matthew Elbe <melbe@weldgov.com>; Stephanie Tornquist <stornquist@weldgov.com>; Jon Echols <jechols@turnkeyhealthclinics.com>; Donna Newman <dnewman@turnkeyhealthclinics.com>; cturco@turnkeyhealthclinics.com; William Cooper <wcooper@turnkeyhealthclinics.com>; Flint Junod <fjunod@turnkeyhealthclinics.com>; Matthew Turner <mturner@weldgov.com>

Cc: KLAURIE@TURNKEYHEALTHCLINICS.COM; Teresa Sipola <tsipola@weldgov.com>; Bryan Reichert <breichert@turnkeyhealthclinics.com>

Subject: ISOLATION - #2, #3

Hello Everyone,

Patient Number 2 – [NAME REDACTED] 32 years old. Been in custody since 02/10/2020

He is being isolated based on temp. He is running 100.4 to 102.4. Flu test was negative.

He is not exhibiting any other symptoms related to COVID or flu, however he is experiencing HTN, Tachycardia. C/O chest pain, “fast heart beat I cant slow down”, “feels really hot and my head is pounding”, reports mild nonproductive cough.

Patient Number 3 – [NAME REDACTED] 27 years old. Been in custody since 12/10/2019

He is isolated based on temp. he was running 100.4. he is currently 98.4

Flu test was negative. C/O fever, cough, body aches and lethargy.

All 3 patients are from different housing units.

Thank you,

Dustin Owens, RN CCHP

Health Services Administrator
Weld County North Jail Complex
2110 O Street
Greeley, CO 80631
Office: 970-400-3946
Cell: 402-210-8954
Main: 970-356-4015

EXHIBIT A-22

From: Steven Reams

Sent: Friday, March 20, 2020 8:36 AM

To: Todd Norris <TNorris@frederickco.gov>; adam.turk@greeleypd.com; armueller@eatonco.org; BGarcia@millikenco.gov; Brent Newbanks <bnewbanks@townofmead.org>; bphillips@townofjohnstown.com; Carl Blesch <cblesch@weldgov.com>; CDwyer@PlattevilleGov.org; charvey@lasalletown.com; Chris Caldwell <cwcaldwell@fbi.gov>; chris.krause@unco.edu; chris.schaefer@state.co.us; dan.volz@state.co.us; David Gottschalk (dgottschalk@kerseygov.com) <dgottschalk@kerseygov.com>; dennis.pumphrey@unco.edu; DMontgomery@firestoneco.gov; Donnie Patch <dpatch@weldgov.com>; eric.a.dreher@ice.dhs.gov; gary.eyer@state.co.us; Ian Whittington <ian.whittington@state.co.us>; Jay Hirokawa <jsh8541@aol.com>; Jeremy Black <jblack@townofgardencity.com>; jeff.french@state.co.us; jfryar@fortlupton.org; john.camper@state.co.us; kstewart@erieco.gov; mark.jones@greeleypd.com; mark.white@state.co.us; melissa.gallardo@state.co.us; mike.zeller@greeleypd.com; Michael Rourke <mrourke@weldgov.com>; MSkaggs@CityofDacono.com; psouthard@brightonco.gov; rbrandt@evanscolorado.gov; rklimek@windsorgov.com; Robb Miller <rmiller@weldgov.com>; Roy Rudisill <rrudisill@weldgov.com>; RStrang@TownofAult.org; Russell Reed <rreed@townofseverance.org>; tesandstedt@fbi.gov; Thomas Gates <Thomas.Gates@BNSF.com>; tmccoy@lochbuie.org; Thomas Walde <twalde@weldgov.com>

Subject: RE: closing of restaurants, bars etc

Chiefs,

It appears pretty imminent that the Governor will be issuing a shelter in place order. There is some legal debate as to whether he truly has the authority to do that but regardless, I want to keep you all in the loop as best as possible. Just like the other orders, this will not be an enforcement effort from my folks and we still don't have room for these types of charges in the jail.

As a situational awareness issue, we are in the midst of trying to get some test results on inmates and officers associated with the jail so that operation will likely become strained if we aren't blessed with some really good luck. I hope you are all doing well and enjoying the snow storm distraction!

Reams

From: Steven Reams

Sent: Thursday, March 19, 2020 9:10 AM

To: Todd Norris <TNorris@frederickco.gov>; adam.turk@greeleypd.com; armueller@eatonco.org; BGarcia@millikenco.gov; Brent Newbanks <bnewbanks@townofmead.org>; bphillips@townofjohnstown.com; Carl Blesch <cblesch@weldgov.com>; CDwyer@PlattevilleGov.org; charvey@lasalletown.com; Chris Caldwell <cwcaldwell@fbi.gov>; chris.krause@unco.edu; chris.schaefer@state.co.us; dan.volz@state.co.us; David Gottschalk (dgottschalk@kerseygov.com) <dgottschalk@kerseygov.com>; dennis.pumphrey@unco.edu; DMontgomery@firestoneco.gov; Donnie Patch <dpatch@weldgov.com>; eric.a.dreher@ice.dhs.gov; gary.eyer@state.co.us; Ian Whittington <ian.whittington@state.co.us>; Jay Hirokawa <jsh8541@aol.com>; Jeremy Black <jblack@townofgardencity.com>; jeff.french@state.co.us; jfryar@fortlupton.org; john.camper@state.co.us;

kstewart@erieco.gov; mark.jones@greeleypd.com; mark.white@state.co.us; melissa.gallardo@state.co.us; mike.zeller@greeleypd.com; Michael Rourke <mrourke@weldgov.com>; MSkaggs@CityofDacono.com; psouthard@brightonco.gov; rbrandt@evanscolorado.gov; rklimek@windsorgov.com; Robb Miller <rmiller@weldgov.com>; Roy Rudisill <rrudisill@weldgov.com>; RStrang@TownofAult.org; Russell Reed <rreed@townofseverance.org>; tesandstedt@fbi.gov; Thomas Gates <Thomas.Gates@BNSF.com>; tmccoy@lochbuie.org; Thomas Walde <twalde@weldgov.com>

Subject: closing of restaurants, bars etc

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Hope you are all weathering the storm as best as possible!

Sheriff Reams

EXHIBIT A-23

From: Sam Kaneta III <skaneta@weldgov.com>
Sent: Saturday, March 21, 2020 3:02 PM
To: PD Deputies <PDDeputies@co.weld.co.us>; DD Deputies <DDDeputies@co.weld.co.us>
Subject: Possible exposure point

Ladies and Gentlemen,

During this unusual time, I want to thank you all for your patience and understanding. There are many challenges each day, and as always, you pull together and drive on like the true professionals you are. Thank you and keep up the tremendous job you're doing.

While your POST academy has been postponed, please understand that we hope to continue your academy at the earliest opportunity. We must wait on information and decisions from the State, but our intent is to continue to provide that service to you.

*** A possible exposure point has happened with personnel associated with the academy. Because of that, I urge you to be vigilant for any symptoms such as fever, cough and shortness of breath. Here is a link to the CDC website specific to this pandemic.

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

***If you are experiencing these symptoms, please report such to your supervisor so appropriate steps can be taken. If you have the ability, please check your temperature before coming in to work. A fever of 100.4, and associated symptoms require certain protocols. Please take care of yourself, each other and stay safe.

Sam Kaneta III
Weld County Sheriff's Office
1950 O Street
Greeley, CO 80631
970-400-2877



EXHIBIT A-24

From: Sam Kaneta III <skaneta@weldgov.com>
Sent: Saturday, March 21, 2020 3:02 PM
To: PD Deputies <PDDeputies@co.weld.co.us>; DD Deputies <DDDeputies@co.weld.co.us>
Subject: Possible exposure point

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Sam Kaneta III
Weld County Sheriff's Office
1950 O Street
Greeley, CO 80631
970-400-2877



EXHIBIT A-25

From: Matthew Elbe <melbe@weldgov.com>

Sent: Monday, March 23, 2020 1:49 PM

To: DD Sergeants <DDSergeants@co.weld.co.us>; Stephanie Tornquist <stornquist@weldgov.com>

Subject: Social Distancing

All,

We are in weird times and I know you probably don't want to read anything more about Corona Virus/COVID-19/social distancing/grocery stores being out of toilet paper/favorite restaurants being shutdown/etc. BUT...

You are required to do your part to keep yourself healthy, your peers healthy, your staff healthy, and the inmate population healthy. That is, in part, the essence of our operational objective "...hold prisoners in a safe, humane, wholesome environment...", and we cannot do this unless we first ensure OUR environment is safe, humane, and wholesome.

So with that, I need you all to distance yourself as much as possible from your peers while at work – physically. During this time, we have to consider the necessity of being in each other's offices to do our daily business. I know how social we all are and what great ideas, solutions and plans come from conversations had in offices with each other as a group – but we have to be smart about this. If you as a Sergeant group get wiped out from this on a shift or a side of the week, the void left will be challenging for us to fill. We already have staff that are affected by this and we have to think of the need to be around each other in every interaction we want to have right now. Please know that I am somewhat of the belief that if someone is going to get this, they are going to get it. BUT, that does not mean we are void of responsibility to do what we can to not get it or spread it to others.

I personally have been working on this. I have rescheduled all of meetings to be done via Skype, I hold all my meetings with the Captain while sitting in a chair in his doorway, and have set up 7 of my peers and subordinates on Skype to be able to do video conference in place of physically meeting with each other.

Guys and Ladies, we need your help to stay healthy. Keep your distance from your peers, use phone, use email, use Skype when you can, shout between offices, sit in doorways, work from 2East (yes 2 East), separate yourself from your peer in the same office for the time being, clean your work area, clean someone else's work area if you work there, do everything you can to stay healthy, to keep your family healthy, to keep your peers healthy, to keep your staff healthy and to keep the inmate population healthy.

I trust that you all will come up with individual plans to make this happen, but know that I will question you, if necessary, about the necessity of face to face meetings or being in close proximity to each other in order to do my part in keeping us healthy. If Skype is easier for you to communicate with me, Lt. Roles, or the Captain – the IM component is great and easier than email – we are happy to do this. To access Skype go to the start menu of your computer, find Skype for Business, sign in with your email address that ends in .co.weld.co.us and you're in. Find contacts, add them to your

favorites or other contact list by right clicking on the name when you search for it and you can begin to message effortlessly.

EXHIBIT A-25

We need all of you in the roles you have been selected for during these tough times and your staff need you as well. Make good choices, please. And let me know if I can help or if you have ideas to help distance ourselves and still get the job done. Thanks all,

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



EXHIBIT A-26

From: Matthew Elbe
Sent: Monday, March 23, 2020 11:50 AM
To: Cory Turco <cturco@turnkeyhealthclinics.com>
Subject: RE: COVID-19 Surgical Masks

Mr. Turco,

Please add an order of 500 masks for Weld County. I appreciate you thinking of us for this order and we will now have some for use if needed. Thanks again,

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com

From: Cory Turco <cturco@turnkeyhealthclinics.com>
Sent: Monday, March 23, 2020 11:29 AM

To: Jon Echols <jechols@turnkeyhealthclinics.com>; Flint Junod <fjunod@turnkeyhealthclinics.com>; Donna Newman <dnewman@turnkeyhealthclinics.com>; Cory Turco <cturco@turnkeyhealthclinics.com>

Subject: COVID-19 Surgical Masks

EXHIBIT A-26

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Turn Key has secured a vendor that can supply ear loop surgical masks in quantity. The masks are 50 cents each and come in boxes of 10. We will be placing an order for our healthcare workers and wanted to extend an offer to each of our Custody Partners to obtain masks for custody staff.

Can you please let me know by 10:00 AM tomorrow if you would like us to order masks for your staff and if yes how many you would like ordered on your behalf. Turn Key will pay for the order and then bill you the cost of the masks at 50 cents each.

Respectfully,

Cory

Cory D. Turco, BSN, RN, CCHP

Regional Nurse Manager - Arkansas/Colorado/Texas

Cell 520-331-6089

Fax 405-561-5607

cturco@turnkeyhealthclinics.com

EXHIBIT A-27

From: Stephanie Tornquist <stornquist@weldgov.com>
Sent: Tuesday, March 24, 2020 8:21 AM
To: DD Sergeants <DDSergeants@co.weld.co.us>; Hope Subia <hsubia@weldgov.com>
Subject: Temporary Procedure for Classification Interviews
Importance: High

Good Morning, Sergeants and Hope:

We are doing all we can in Inmate Services to temporarily change our processes to limit movement and limit the potential of exposure to COVID 19. Attached is the procedure we have established that will go into effect today. Please let the Deputies know we are moving forward and what to expect with this. If you have questions or concerns, please let me know. I appreciate the patience as we start this as we may have some kinks to smooth over.

Thank you.

Stephanie Tornquist MS, LPC
Director of Inmate Services
Weld County Detention Facility
(970) 400-3937

EXHIBIT A-27

Temporary Procedure for Classification Interviews:

1. Each Classification Specialist will create a list of those Inmates they need to meet with to include:
 - a. Name (last name, first name)
 - b. Name Number
 - c. Location
2. Classification staff will coordinate with one another on when they will be doing interviews as there are a limited number of visiting kiosks in the pods (most have 2 kiosks).
3. An email will be sent to the Pod Deputy and to BookingStaff@co.weld.co.us to include the list of individuals and what time they will begin.
4. Classifications will contact the Pod to ensure the Deputy received the list.
5. The Pod Deputy will be responsible for getting the Inmates to the visiting kiosk and ensuring the area is cleaned every time a new Inmate utilizes it.
6. The Classifications Specialist will check in with the front desk to coordinate the following:
 - a. Determine the best visiting kiosk to utilize in the lobby. This should include the following considerations:
 - i. Strategically choose one that will provide for privacy.
 - ii. Maintain appropriate distance between one another at the kiosks.
 - b. The approximate length of time needed as this time can be set.
 - c. Work with the front desk as to when you need to switch pods.
 - d. Inform the front desk when finished.
7. Prior to starting, the Classification Specialist will clean the kiosk they are using to complete the interviews and will clean it once completed.

EXHIBIT A-28

From: Matthew Turner
Sent: Wednesday, March 25, 2020 8:59 AM
To: DD Sergeants <DDSergeants@co.weld.co.us>
Subject: READ THIS

Sgts,

I realize that many of us hate what is happening in our country right now.

I realize that many of us don't want to participate in the fear that is motivating many people in our country right now.

But I also realize that there is a ***real threat***.

As of this morning:

COLORADO:

- 912 cases
- 84 hospitalized
- 35 counties
- 7,701 people tested
- 11 deaths
- 7 outbreaks at residential and non-hospital health care facilities

<https://covid19.colorado.gov/case-data>

Globally:

- 440,326 cases
- 19,752 deaths
- **THIS MORNING** India's Prime Minister imposed a nationwide lockdown for the next 21 days starting this morning..... **effecting 1.3 BILLION people**. The lockdown is so great that they **do not know if they will be able to get food or water to people**.

EXHIBIT A-28

Sorry for the long email but this needs to get reinforced.... We are in weird times and I know you probably don't want to read anything more about Corona Virus/COVID-19/social distancing/grocery stores being out of toilet paper/favorite restaurants being shutdown/etc. BUT...

You are required to *lead* and do your part to keep yourself healthy, your peers healthy, and your staff healthy. Our operational objective is to "provide effective law enforcement services with honor and integrity". We cannot be *effective* if we are sick and out of action. As leaders, we must ensure our environment is as safe and wholesome as possible.

So with that, I need you all to distance yourself as much as possible from your peers while at work – physically. During this time, **we must consider the necessity of being in each other's offices** to do our daily business. *I know how social we all are and what great ideas, solutions and plans come from office conversations – but we must be smart about this.* If you as a Sergeant group get wiped out from this on a shift or a side of the week, the void left will be challenging to fill. We already have staff that are affected by this and we must think of the need to be around each other in every interaction we want to have right now. I hope this virus doesn't get worse, but it probably will before things get better. We are responsible to do what we can to not get it or spread it to others.

Your Lieutenants and I have personally worked on this. We have started using Skype for Business to minimize face to face interactions. All employees have access to Skype. I encourage you when time allows to find a training video online and then use it to develop proficiency. Encourage your deputies to do the same. Some computers don't have video, but the IM and audio are still available, and it's easier than email. This is useful when a group meeting is needed. Skype is even available on your iPhone. If Skype is easier for you to communicate with me or your Lieutenants – the IM component is great and easier than email – we are happy to do this (**my skype is currently active on my desktop**). To access Skype, go to the start menu of your computer, find Skype for Business, sign in with your email address that ends in .co.weld.co.us and you're in. Find contacts, add them to your favorites or other contact list by right clicking on the name when you search for it and you can begin to message effortlessly.

We need your help to stay healthy. Keep your distance from your peers, use phone, use email, use Skype when you can, shout between offices, sit in doorways, separate yourself from your peer in the same office for the time being, clean your work area, clean someone else's work area if you work there, do everything you can to stay healthy, to keep your family healthy, to keep your peers healthy, and to keep your staff healthy.

I trust that you all will come up with individual plans to make this happen, but know that I will question you, if necessary, about the necessity of face to face meetings or being in close proximity to each other in order to do my part in keeping us healthy. I expect you to do the same with your deputies and all employees.

I understand that our job requires us and our deputies to have contact with inmates and the public – I understand, but let's be smart about it. Are we keeping safe distances? Do we really need to talk to this person inside a cell, can they be asked to come out to the GP area?

We need all of you in the roles you have been selected for during these tough times and your staff need you as well. Make good choices, please. And let me know if I can help or if you have ideas to help distance ourselves and still get the job done.

This threat is not over – we are in the middle of the battle right now and we need to make sure that we are not getting complacent.

You have all done so well, and reacted amazingly to this threat and we are able to say that there is no outbreak in our facility. If we get complacent, this will change quickly.

Thanks, take care, and wash your hands.

EXHIBIT A-28

Captain Matt Turner

Weld County Sheriff's Office

Detentions Division

970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-29

From: Matthew Turner

Sent: Wednesday, March 25, 2020 4:50 PM

To: DD Deputies <DDDeputies@co.weld.co.us>; DD Sergeants <DDSergeants@co.weld.co.us>; Booking Supervisors <BookingSupervisors@co.weld.co.us>; Booking Staff <BookingStaff@co.weld.co.us>; DD Inmate Services <DDinmateservices@co.weld.co.us>; DD Court Services <DDCourtServices@co.weld.co.us>; Dustin Owens <dowens@weldgov.com>

Subject: POSSIBLE EXPOSURE

Team,

We are experiencing a very odd time, and learning how to conduct ourselves in relation to COVID 19 is a heavily debated subject. People have become polarized in their reactions; some are terrified, buying toilet paper by the truck load. Others are not at all worried, and think that life can continue as if nothing is happening.

I am asking that we try to find a middle ground on this topic. Because of where we work and what we do, we need to be careful and cautious while remaining optimistic that we will see the end of this.

That said, one of our employees in the jail has tested positive for COVID 19. I am going to protect this person's identity, and I ask that all of you do the same. It doesn't matter what shift they worked, or where they were assigned. What matters is that we all work in close proximity to each other; we need to be smart about this.

Today I have noticed that people are still hanging out in groups, and doing activities that put them in close proximity to each other.

As of this morning, in Colorado there were 912 cases and 11 deaths from COVID 19. Other places in the world have been hit harder. This morning India locked down 1.3 Billion people in a nationwide quarantine. I don't want that to happen to our country.

Please watch yourself and those around you for symptoms of COVID 19. Even if you don't have symptoms, you need to distance yourself from others as much as possible. Please refer to the link below for more information on the symptoms associated with this epidemic.

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

***If you are experiencing these symptoms, please report such to your supervisor so appropriate steps can be taken. If you have the ability, please check your temperature before coming in to work. A fever of 100.4, and associated symptoms require certain protocols. Please take care of yourself, each other and stay safe.

Captain Matt Turner

Weld County Sheriff's Office

Detentions Division

970-400-2838

EXHIBIT A-29

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-30

From: Stephanie Tornquist <stornquist@weldgov.com>

Sent: Thursday, March 26, 2020 11:38 AM

To: _Template User SO Detentions; Aaron Yochim <ayochim@weldgov.com>; Adam Dougherty <adougherty@weldgov.com>; Adam Geoffroy <ageoffroy@weldgov.com>; Adam Krabbenhoft <akrabbenhoft@weldgov.com>; Adam Mickiewicz <amickiewicz@weldgov.com>; Adam Petty <apetty@weldgov.com>; Adam Van Eaton <avaneaton@weldgov.com>; AJ Hastings <ahastings@weldgov.com>; Alex Mendibles <amendibles@weldgov.com>; Alexander Hunter <ahunter@weldgov.com>; Alexis Hein-Nutz <aheinnutz@weldgov.com>; Alexis Murillo <amurillo@weldgov.com>; Amy Anderson <aanderson@weldgov.com>; Andrew Cole <acole@weldgov.com>; Andrew Kenny <akenny@weldgov.com>; Andrew Lindell <alindell@weldgov.com>; Andrew Santos <asantos@weldgov.com>; Andrew Villalobos <avillalobos@weldgov.com>; Andrew Wilson <awilson@weldgov.com>; Anna Erickson <aerickson@weldgov.com>; Anson Bennett <abennett@weldgov.com>; Anthony Ligas <aliges@weldgov.com>; Anthony Smith <amsmith@weldgov.com>; Antonio Diaz <adiaz@weldgov.com>; Austin Hood <ahood@weldgov.com>; Austin Iverson <aiverson@weldgov.com>; Austin Thompson <athompson@weldgov.com>; Ayshia Clark-Deleeuw <aclarkdeleeuw@weldgov.com>; Barbie Wood <bwood@weldgov.com>; Benjamin Johnson <bjohnson@weldgov.com>; Brandi Bendele <bbendele@weldgov.com>; Brandi Smith <bsmith@weldgov.com>; Breanna Thompson <bthompson@weldgov.com>; Brian Bartnik <bbartnik@weldgov.com>; Broc Sorrells <bsorrells@weldgov.com>; Brooke Norris <bnorris@weldgov.com>; Bruce Sunada <bsunada@weldgov.com>; Cameron Caraballo <ccaraballo@weldgov.com>; Carla Escobar <cescobar@weldgov.com>; Cary Overholt <coverholt@weldgov.com>; Cesar Polanco <cpolanco@weldgov.com>; Chad Benoit <cbenoit@weldgov.com>; Charles Eggers <ceggers@weldgov.com>; Chris Meyer <cmeyer@weldgov.com>; Christian Nix <cnix@weldgov.com>; Christina Hebbeler <chebbeler@weldgov.com>; Christopher Connor <cconnor@weldgov.com>; Christopher Dalzell <cdalzell@weldgov.com>; Christopher Kimball <ckimball@weldgov.com>; Christopher Morehouse <cmorehouse@weldgov.com>; Christopher Schroeder <cschroeder@weldgov.com>; Christopher Soper <csoper@weldgov.com>; Christopher Spraker <cspraker@weldgov.com>; Cody Kollath <ckollath@weldgov.com>; Collin Schaefer <cschaefer@weldgov.com>; Connor Stecker <cstecker@weldgov.com>; Cory Channell <cchannell@weldgov.com>; Cory Fleming <cfleming@weldgov.com>; Crystal Moore <cmoore@co.weld.co.us>; Dana Patrick <dpatrick@weldgov.com>; Daniel Fuentes <dfuentes@weldgov.com>; Daniel Stepp <dstepp@weldgov.com>; Daniel Wetsch <dwetsch@weldgov.com>; Darrick Adair <dadair@weldgov.com>; David Badley <dbadley@weldgov.com>; David Carrillo <dcarrillo@weldgov.com>; David Clarke <dclarke@weldgov.com>; David Grijalva <dgrijalva@weldgov.com>; David McFarlane <dmcfarlane@weldgov.com>; David Vogl <dvogl@weldgov.com>; Deena Martinez <dmartinez@weldgov.com>; Derek Crawford <dcrawford@weldgov.com>; Derek Knott <dknott@weldgov.com>; Desarae Burson <dburson@weldgov.com>; Devin Danforth <ddanforth@weldgov.com>; Donnie Patch <dpatch@weldgov.com>; Dustin Petzold <dpetzold@weldgov.com>; Emerson McDaniel <emcdaniel@weldgov.com>; Eric Vanloo <evanloo@weldgov.com>; Ericka Juarez-Medill <ejuarez-medill@weldgov.com>; Everardo Bretado Pena <ebretado@co.weld.co.us>; Faustina Mueller <fmueller@weldgov.com>; Gabriel Gallegos <ggallegos@weldgov.com>; Gabriel Gatzke <ggatzke@weldgov.com>; Gerald Cornwell Jr. <gcornwell@weldgov.com>; Gordon Sallee Jr. <gsallee@weldgov.com>; Grant Hawkins <ghawkins@weldgov.com>; Gregory Schneider <gschneider@weldgov.com>; Gretchen Meyers <gmeyers@weldgov.com>; Guadalupe Garza <ggarza@weldgov.com>; Hailey Thomas <hthomas@weldgov.com>; Holly

EXHIBIT A-30

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EXHIBIT A-30

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Cc: Daisy Romero <dromero@weldgov.com>; Stephen Amaya <samaya@weldgov.com>; Lea Burden <lburden@weldgov.com>; Brandon Williams <bwilliams@weldgov.com>

Subject: Temporary Procedure for Library Books

Good Morning, Everyone:

With the objective of limiting exposure of COVID-19 while providing library books to Inmates, we have a new temporary procedure that will be effective today. Steve and Daisy are working on getting books prepared for delivery. We are hoping to have books delivered today or tomorrow at the latest. Thank you for all of your help.

Stay healthy and safe!

Stephanie Tornquist MS, LPC
Director of Inmate Services
Weld County Detention Facility
(970) 400-3937



WELD COUNTY SHERIFF

EXHIBIT A-30

STEVE REAMS

Date: March 26th, 2020

To: Weld County Sheriff's Office – North Jail Complex

From: Stephanie Tornquist

For the purpose of limiting exposure to COVID 19, the following is a temporary procedure created to continue to allow for Inmates to have access to library books.

1. Program Specialists will provide an assortment of books to each housing unit by placing them outside the unit door each Thursday after 1pm.
2. Deputies will need to collect these books from Inmates and bag all of these in a sealed black garbage bag. The bag will then be placed outside the unit door by 10am on Thursdays.
3. Program Specialist will then pick these up in the morning by 11am.
4. The books picked up from the units by Program Specialists will be placed on a cart.
5. Program Specialists will contact the on-duty Sergeant to assign a SOG Deputy to take the books to be sanitized in the Armory.
6. The SOG Deputy will place the books into the sanitizer and return two hours later. These books will then be placed into a new black bag.
7. The sanitized books will be placed outside the 2E Library door for the Program Specialists.

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

EXHIBIT A-31

From: Matthew Turner
Sent: Friday, March 27, 2020 8:38 AM
To: DD Sergeants <DDSergeants@co.weld.co.us>
Subject: Deputy Sick Call

Team,

If a deputy calls in sick, we need to ask the following questions until this pandemic is over.

1. Are you being quarantined
 - a. What date will you be released from quarantine
2. Are you being tested for COVID 19?
 - a. Advise the deputy to update you on the results
 - b. When you get the results send the information up the chain of command. This represents a risk to the safety and security of the facility and we need to know this information.
 - c. Do not transmit these results through the DD Sergeant group and do not transmit this information to the deputies or other staff.

This information is necessary for you to know how to plan for staffing, and necessary for us as a group to plan for additional measures in the case that we have an outbreak of COVID 19 here in the jail.

Thanks,

Captain Matt Turner
Weld County Sheriff's Office
Detentions Division
970-400-2838

"Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success."

-Earnest Shackleton, 4 Burlington St

EXHIBIT A-32

From: Human Resources <humanresources@CO.WELD.CO.US>

Sent: Monday, March 30, 2020 4:47 PM

To: ALLWELD@LISTSERV.CO.WELD.CO.US

Subject: Self-Isolation Guidelines

Hello Weld County Employees,

Attached are the Self-isolation guidelines for your reference when self-isolation is necessary.

Thanks,

Human Resources
Weld County Government
1150 O Street
Greeley, CO 80631

(970) 400-4234
humanresources@weldgov.com



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EXHIBIT A-32

SELF-ISOLATION GUIDELINES

A commonsense approach shall be used during self-isolation. Preventing the spread of Coronavirus Disease 2019 (COVID-19) in homes, residential communities and workplaces is the goal of self-isolation. Self-isolation can be done as a result of experiencing symptoms or as a result of being a caregiver to someone experiencing symptoms of COVID-19. The following guidelines will aid in a commonsense approach if you need to self-isolate.

SELF-ISOLATION – WHEN?

In order to stop other people from getting COVID-19 (called Community Spread), each of the following should perform self-isolation:

- If you are well, but you have been in close contact with a case of COVID-19
- If you have symptoms (fever, cough and shortness of breath)

If these conditions exist, complete the Weld County Employee Self-Certification Form for COVID-19 Symptoms.

RESTRICT MOVEMENTS – HOW?

Self-Isolation involves restricting of movements described below:

- Restricted movements mean avoiding contact with other people as much as possible by staying at home
- You can still go outside for walks, runs or cycles on your own. But you should not spend time in close contact with other people. Close contact is within 6 feet of other people.
- Do not go to work or school
- Do not use public transportation
- Do not go to meetings, social gatherings, group events or crowded places
- Do not have visitors at your home
- Do not go shopping - where possible, order your groceries online or have some family or friends drop them off (outside your home)
- If you must shop for items of sustenance and are not symptomatic, go during off-hours where there are fewer crowds
- If having food or goods delivered to your house, pay for them electronically so that no money (cash) exchanges hands

EXHIBIT A-32

- Keep away from older people or anyone with long-term medical conditions
- Do not travel outside the Country or areas considered to be high risk
- Limit contact as much as possible. This also means limiting contact with persons living in your residence. Stay 6 feet away from other individuals at all times
- Cover coughs and sneezes with your upper sleeve or a tissue, and then discard the tissue immediately in a trash basket. Never cough in the direction of someone else
- Wash your hands with soap and water, or use alcohol-based hand rubs after coughing or sneezing or throwing a used tissue in the garbage
- Avoid sharing household items. Do not share drinking glasses, towels, eating utensils, bedding, or any other items until you are no longer asked to self-isolate
- Keep your surroundings clean. While the virus is not spread very well from contact with soiled household surfaces, try to clean surfaces that you share with others, such as door knobs, telephones, and bathroom surfaces (or any other object that you sneeze or cough on), with a standard household disinfectant such as disinfectant wipes. Wash your hands after cleaning the area.
- Visit loved ones by electronic devices instead of in person
- Cancel or postpone conferences and large meetings

ENDING SELF-ISOLATION

Self-Isolation and restricted movement generally end when the following conditions are met:

- This restriction of movement should last 14 days upon potential exposure through contact with a person demonstrating COVID-19 symptoms or;
- If self-isolation was due to your symptoms, you shall ensure at least 3 days (72 hours) have passed since recovery. Recovery is defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath). Your health care provider or a public health order may advise or require a longer period of isolation or conditions for return to work (e.g., wearing a mask at work until all symptoms are fully resolved) or;
- Medical testing results in an alternate diagnosis (e.g., tested positive for influenza). The criteria for return to work should be based on that diagnosis in consultation with the health care provider who made that diagnosis since COVID-19 has been shown to co-exist with other infections in some people.

EXHIBIT A-32

ILLNESS IN HOME – NOW WHAT?

Household members, intimate partners, and caregivers in a non-healthcare setting may have close contact with a person with symptomatic, laboratory-confirmed COVID-19 or a person under investigation. Close contacts should monitor their health; they should call their healthcare provider right away if they develop symptoms suggestive of COVID-19 (e.g., fever, cough, shortness of breath)

Close contacts should follow these recommendations:

- Make sure that you understand and can help the patient follow their healthcare provider's instructions for medication(s) and care. You should help the patient with basic needs in the home and provide support for getting groceries, prescriptions, and other personal needs.
- Monitor the patient's symptoms. If the patient is getting sicker, call his or her healthcare provider. If the patient has a medical emergency and you need to call 911, notify the dispatch personnel that the patient has, or is being evaluated for COVID-19.
- Household members should stay in another room or be separated from the patient as much as possible. Household members should use a separate bedroom and bathroom, if available.
- Prohibit visitors who do not have an essential need to be in the home.
- Household members should care for any pets in the home. If possible, do not handle pets or other animals while sick. Wash your hands well after caring for any pets.
- Make sure that shared spaces in the home have good air flow, such as by an air conditioner or an opened window, weather permitting.
- Perform hand hygiene frequently. Wash your hands often with soap and water for at least 20 seconds or use an alcohol-based hand sanitizer that contains 60 to 95% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- The patient should wear a facemask when you are around other people. If the patient is not able to wear a facemask (for example, because it causes trouble breathing), you, as the caregiver, should wear a mask when you are in the same room as the patient.
- Wear a disposable facemask and gloves when you touch or have contact with the patient's blood, stool, or body fluids, such as saliva, sputum, nasal mucus, vomit, urine.
- Throw out disposable facemasks and gloves after using them. Do not reuse.
- When removing personal protective equipment, first remove and dispose of gloves. Then, immediately clean your hands with soap and water or alcohol-based hand sanitizer. Next,

EXHIBIT A-32

remove and dispose of facemask, and immediately clean your hands again with soap and water or alcohol-based hand sanitizer.

- Avoid sharing household items with the patient. You should not share dishes, drinking glasses, cups, eating utensils, towels, bedding, or other items. After the patient uses these items, you should wash them thoroughly
- Clean all “high-touch” surfaces, such as counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables, every day. Also, clean any surfaces that may have blood, stool, or body fluids on them.
- Use a household cleaning spray or wipe, according to the label instructions. Labels contain instructions for safe and effective use of the cleaning product including precautions you should take when applying the product, such as wearing gloves and making sure you have good ventilation during use of the product.
- Wash laundry thoroughly.
- Immediately remove and wash clothes or bedding that have blood, stool, or body fluids on them.
- Wear disposable gloves while handling soiled items and keep soiled items away from your body. Clean your hands (with soap and water or an alcohol-based hand sanitizer) immediately after removing your gloves.
- Read and follow directions on labels of laundry or clothing items and detergent. In general, using a normal laundry detergent according to washing machine instructions and dry thoroughly using the warmest temperatures recommended on the clothing label.
- Place all used disposable gloves, facemasks, and other contaminated items in a lined container before disposing of them with another household waste. Clean your hands (with soap and water or an alcohol-based hand sanitizer) immediately after handling these items. Soap and water should be used preferentially if hands are visibly dirty.
- As a caregiver, monitor yourself for signs of possible infection, including fever (100.4 degrees F or 38.0 degrees C or higher, measured twice a day), cough or difficulty breathing.

EXHIBIT A-32

STRESS AND COPING

The outbreak of coronavirus disease 2019 (COVID-19) may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger.

Everyone reacts differently to stressful situations. How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in.

People who may respond more strongly to the stress of a crisis include

- Older people and people with chronic diseases who are at higher risk for COVID-19
- Children and teens
- People who are helping with the response to COVID-19, like doctors and other health care providers, or first responders
- People who have mental health conditions including problems with substance use

Stress during an infectious disease outbreak can include

- Fear and worry about your own health and the health of your loved ones
- Changes in sleep or eating patterns
- Difficulty sleeping or concentrating
- Worsening of chronic health problems
- Increased use of alcohol, tobacco, or other drugs

People with preexisting mental health conditions should continue with their treatment and be aware of new or worsening symptoms. Additional information can be found at the Substance Abuse and Mental Health Services Administration website at: <https://www.samhsa.gov/disaster-preparedness>

Taking care of yourself, your friends, and your family can help you cope with stress. Helping others cope with their stress can also make your community stronger.

THINGS YOU CAN DO TO SUPPORT YOURSELF

- Take breaks from watching, reading, or listening to news stories, including social media. Hearing about the pandemic repeatedly can be upsetting.
- Take care of your body. Take deep breaths and stretch. Try to eat healthy, well-balanced meals, exercise regularly, get plenty of sleep, and avoid alcohol and drugs.
- Make time to unwind. Try to do some other activities you enjoy.
- Connect with others. Talk with people you trust about your concerns and how you are feeling.

REDUCE STRESS IN YOURSELF AND OTHERS

Sharing the facts about COVID-19 and understanding the actual risk to yourself and people you care about can make an outbreak less stressful.

When you share accurate information about COVID-19 you can help make people feel less stressed and allow you to connect with them.

EXHIBIT A-32

FOR PARENTS

Children and teens react, in part, on what they see from the adults around them. When parents and caregivers deal with the COVID-19 calmly and confidently, they can provide the best support for their children. Parents can be more reassuring to others around them, especially children, if they are better prepared.

Not all children and teens respond to stress in the same way. Some common changes to watch for include

- Excessive crying or irritation in younger children
- Returning to behaviors they have outgrown (for example, toileting accidents or bedwetting)
- Excessive worry or sadness
- Unhealthy eating or sleeping habits
- Irritability and “acting out” behaviors in teens
- Poor school performance or avoiding school
- Difficulty with attention and concentration
- Avoidance of activities enjoyed in the past
- Unexplained headaches or body pain
- Use of alcohol, tobacco, or other drugs

There are many things you can do to support your child

- Take time to talk with your child or teen about the COVID-19 outbreak. Answer questions and share facts about COVID-19 in a way that your child or teen can understand.
- Reassure your child or teen that they are safe. Let them know it is ok if they feel upset. Share with them how you deal with your own stress so that they can learn how to cope from you.
- Limit your family’s exposure to news coverage of the event, including social media. Children may misinterpret what they hear and can be frightened about something they do not understand.
- Try to keep up with regular routines. If schools are closed, create a schedule for learning activities and relaxing or fun activities.
- Be a role model. Take breaks, get plenty of sleep, exercise, and eat well. Connect with your friends and family members.

FOR RESPONDERS

Responding to COVID-19 can take an emotional toll on you. There are things you can do to reduce secondary traumatic stress (STS) reactions:

- Acknowledge that STS can impact anyone helping families after a traumatic event.
- Learn the symptoms including physical (fatigue, illness) and mental (fear, withdrawal, guilt).
- Allow time for you and your family to recover from responding to the pandemic.
- Create a menu of personal self-care activities that you enjoy, such as spending time with friends and family, exercising, or reading a book.
- Take a break from media coverage of COVID-19.
- Ask for help if you feel overwhelmed or concerned that COVID-19 is affecting your ability to care for your family and patients as you did before the outbreak.

EXHIBIT A-32

FOR PEOPLE WHO HAVE BEEN RELEASED FROM QUARANTINE

Being separated from others if a healthcare provider thinks you may have been exposed to COVID-19 can be stressful, even if you do not get sick. Everyone feels differently after coming out of quarantine. Some feelings include:

- Mixed emotions, including relief after quarantine
- Fear and worry about your own health and the health of your loved ones
- Stress from the experience of monitoring yourself or being monitored by others for signs and symptoms of COVID-19
- Sadness, anger, or frustration because friends or loved ones have unfounded fears of contracting the disease from contact with you, even though you have been determined not to be contagious
- Guilt about not being able to perform normal work or parenting duties during quarantine
- Other emotional or mental health changes

Children may also feel upset or have other strong emotions if they, or someone they know, has been released from quarantine. You can help your child cope.

Call your healthcare provider if stress gets in the way of your daily activities for several days in a row.

This guidance does not constitute, substitute for, or supersede medical advice from a health care provider or a public health isolation or quarantine order from the jurisdiction in which you reside.

EXHIBIT A-33

From: Matthew Elbe <melbe@weldgov.com>

Sent: Tuesday, March 31, 2020 4:01 PM

To: DD Supervisors <DDSupervisors@co.weld.co.us>; DD Deputies <DDDeputies@co.weld.co.us>; DD Inmate Services <DDInmateservices@co.weld.co.us>; DD Court Services <DDCourtServices@co.weld.co.us>; DD Control <DDControl@co.weld.co.us>

Subject: COVID-19 Confirmation

Importance: High

Fearless Staff,

We have just received confirmation of the first confirmed COVID-19 case of an inmate in our facility. As concerning as this is, I cannot overlook the measures you all have taken to only have this be the first.

Please know that the belief is that this is still very much in its infancy in our community and certainly in our jail – we are very much on the upside of the hill right now. This point needs to be emphasized to all of us so that we continue to take the necessary precautions to prevent the spread of this amongst each other, within our families and within the inmate population. We all have to be on our game with this and if you have not been taking precautions as you should, please start now.

The inmate came out of unit [REDACTED] and as a result the following actions are being taken effective immediately...

Unit [REDACTED]

- Unit [REDACTED] is now on “quarantine” until further notice. Quarantine means that the inmates in that area are to be kept separate from all others in the jail whenever possible and should be kept separate from each other, within reason, while in the pod. No new inmates are to be introduced into the quarantined unit.
- Inmates in [REDACTED] must be locked down in their cells with HOUTs provided to two cells at a time once every 24 hours. The same two cells must be the same two cells out together every day for their HOUT.
- No inmates will be transferred into [REDACTED] until further notice.
- Inmates currently housed in [REDACTED] should not leave the housing unit unless it is for release from custody, to attend court, or to see medical. If you believe an inmate needs to leave the unit otherwise, please staff the reason with your sergeant (KSEP issues and other anomalies will be dealt with on an individual basis). There should be no inmate transferred from unit [REDACTED] to another unit for general housing!!
- All inmates coming out of Intake who are classified as HMED or MAXM cannot go into [REDACTED] and must be diverted to [REDACTED], [REDACTED] or [REDACTED].
- Limit all exposure to [REDACTED] unless you are assigned there or approved to give breaks in there.
- All meals being served to [REDACTED] will be served on Styrofoam trays. These trays are to be disposed of in trash bags in the pod and thrown out with the trash.

- Prior to inmates going back to their cells after their HOUT, have them clean the areas they used, tables, phones, etc. appropriately.
- If you hear of or believe that an inmate in [REDACTED] is ill, or any unit for that matter, please let medical now ASAP so appropriate screenings can commence.

EXHIBIT A-33

Please review these actions again and ask questions if you have them. Again, I cannot thank you enough for all the flexibility you all have had and the willingness to complete our necessary tasks during this time. Although this may not be over for us, I know that we have the resolve to see this through. We need to make good choices – please do your part.

Thanks everyone!!

Lieutenant Matt Elbe
Detentions Division
Weld County Sheriff's Office
2110 O Street Greeley, CO 80634
970-400-3817
melbe@weldgov.com



EXHIBIT A-34

**EXHIBIT A-34 CONSISTS OF A SINGLE VIDEO FILE
GENERATED BY THE WCSO ON OR ABOUT APRIL 2, 2020
BEING PROVIDED TO THE COURT UNDER SEPARATE COVER
WITH A COPY BEING SENT TO ALL COUNSEL OF RECORD**

EXHIBIT A-35

From: Michael Thompson <mthompson@weldgov.com>
Sent: Saturday, April 4, 2020 3:57 PM
To: DD Deputies <DDDeputies@co.weld.co.us>
Subject: DECONTAMINATION STATIONS

Folks,

There are **Decontamination Stations** set up inside the doorways of Units [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

DECONTAMINATION STATION

Use **HALT Spray** and **Hand Sanitizer** **BEFORE** you Leave the Housing Unit

1. Spray wheels of carts (all surfaces) medical and food service
2. Spray bottom of shoes with HALT until damp/wet
3. Step on towel -DO NOT WIPE - Step on the towel to remove excess spray
4. Sanitize hands with Sanitizer
5. Walk carefully as you leave.
6. GO WASH YOUR HANDS

If you enter one of these units with Sergeant Approval, please be aware of the following steps.

1. Spray wheels of carts (all surfaces) medical and food service
2. Spray bottom of shoes with HALT until damp/wet
3. Step on towel -DO NOT WIPE - Step on the towel to remove excess spray
4. Sanitize hands with Sanitizer
5. Walk carefully as you leave.
6. GO WASH YOUR HANDS

Housing Unit deputies - Please enforce this process with people leaving your housing unit.

This is yet another way we are working as a team to "Stop the Spread."

EXHIBIT A-35

Thank you!

Michael S. Thompson

Detentions Sergeant
Weld County Sheriff's Office
2110 'O' Street
Greeley, CO 80631
970-356-4015 ext 4304
970-815-1063 mobile
mthompson@weldgov.com



"lava minibus tuis"

Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.

EXHIBIT A-36 PREVENTING ILLNESS

How to Protect Yourself & Others

Everyone Should



Clean your hands often

- [Wash your hands](#) often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- **Avoid touching your eyes, nose, and mouth** with unwashed hands.

Avoid close contact

- **Avoid close contact** with people
- Put **distance between yourself and other people**.
- Keeping distance from others is especially important for [people who are at higher risk of getting very sick](#).

Cover your mouth and nose with a face mask when around others

- Everyone will wear a face mask when they have to go out of their cell.
- The cloth face mask is meant to protect other people.
- Continue to keep about 6 feet between yourself and others. The face mask is not a substitute for social distancing.

Cover coughs and sneezes

- **If you are in your cell and do not have on your issued face mask, remember to always cover your mouth and nose** with a tissue when you cough or sneeze or use the inside of your elbow.
- **Throw used tissues** in the trash.
- Immediately **wash your hands** with soap and water for at least 20 seconds.

Clean and disinfect

- **Clean AND disinfect [frequently touched surfaces](#) daily**. This includes tables, doorknobs, countertops, handles, desks, phones, toilets, faucets, and sinks.

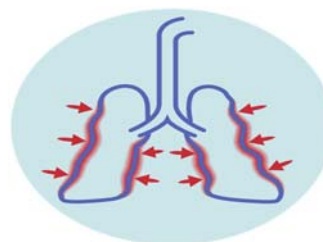
If you have these symptoms, report them to medical:



Fever



Cough



Shortness of breath

EXHIBIT A-36

EXHIBIT A-36

PREVENCIÓN DE ENFERMEDADES

Cómo protegerse y proteger a otros Todos deberían



Limpia tus manos con frecuencia

- [Lávese las manos](#) frecuentemente con agua y jabón durante al menos 20 segundos, especialmente después de haber estado en un lugar público, o después de sonarse la nariz, toser o estornudar.
- Evite tocarse los ojos, la nariz y la boca con las manos sin lavar.

Evitar el contacto cercano

- Evite el contacto cercano con personas
- Ponga distancia entre usted y otras personas.
- Mantener distancia de los demás es especialmente importante para las [personas que corren un mayor riesgo de enfermarse gravemente](#).

Cubra su boca y nariz con una mascarilla cuando esté cerca de otros

- Todos usarán una máscara facial cuando tengan que salir de su celda.
- La máscara facial de tela está diseñada para proteger a otras personas.
- Continúe manteniendo unos 6 pies entre usted y los demás. La máscara facial no es un sustituto del distanciamiento social.

Cubra la tos y los estornudos

- Si está en su celda y no tiene su máscara facial emitida, recuerde siempre cubrirse la boca y la nariz con un pañuelo de papel cuando tosa o estornude o use la parte interna del codo.
- Tire los pañuelos usados a la basura.
- Lávese inmediatamente las manos con agua y jabón durante al menos 20 segundos.

Limpiar y desinfectar

- Limpie y desinfecte [las superficies frecuentemente tocadas](#) diariamente. Esto incluye mesas, pomos de puertas, encimeras, manijas, escritorios, teléfonos, inodoros, grifos y fregaderos.

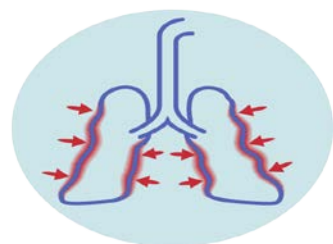
Si tiene estos síntomas, repórtelos al médico:



Fiebre



Tos



Falta de aliento

EXHIBIT A-37

When you are SICK with COVID-19 symptoms, ISOLATE yourself from contact with others.



Weld County Health Department

Sick people are the source of infection to other people.

- **ISOLATION** means separating sick people with COVID-19 from people who are not sick.



- **Who should be isolating themselves?**

- Anyone who has tested positive for COVID-19.
- Anyone who has symptoms of fever OR cough OR sore throat OR shortness of breath. Some people with COVID-19 have only mild symptoms, or their illness starts out as mild but gets worse over several days.

- **What does it mean to isolate yourself?**

- Stay home and stay away from others. In general, a person's residence is the preferred setting for isolation. Pay particular attention to stay away from seniors, people with weak immune systems, and people with chronic health problems.
- Do not go to work outside of your home.
- Do not go to school or child care.
- Do not go to public places.
- Try to make arrangements for someone to drop off necessary supplies outside your home.



- **Monitor your symptoms**

- If you are concerned about the severity of your symptoms, call your health care provider before seeking medical care in person.
- If your condition requires calling 911, tell the 911 operator that you have or might have COVID-19.
- Discussions about COVID-19 testing should be made with your health care provider.



- **How long do you have to stay home and stay away from others?**

- You have had no fever for at least 3 days without using fever-reducing medication.

AND

- Your symptoms have greatly improved for at least 3 days.

AND

- At least **7 days** have passed since your symptoms first appeared. **If after 7 days, fever is still present OR respiratory symptoms are not improving, then stay home for 10 full days.**



- Health care workers, first responders, and people who work in a long term care facility have additional instructions. You must immediately report your positive test result or report your illness to your health care facility supervisor. Follow the facility instructions and protocols for how long to stay home and when you are permitted to return to work. This may be 10 days after symptoms first appeared.
- Because of the rapid increase in COVID-19 cases, public health is asking sick persons to voluntarily comply with isolation. However, public health agencies have the legal authority to issue a public health order to mandate isolation.



More information on back....

www.weldhealth.org

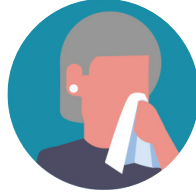
Updated 3/30/2020

EXHIBIT A-37

When you have been EXPOSED to someone who is sick with COVID-19 symptoms, you are at risk for developing illness

• How can an exposure to COVID-19 happen?

- COVID-19 is spread primarily when an infected, sick person coughs or sneezes and releases respiratory droplets near other people. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.
- Exposure to COVID-19 can happen when you are in close contact with someone who has symptoms. Public health experts define close contact as being within 6 feet for 10 minutes or more with someone who is sick, or being coughed or sneezed on in the face.
- There is still much to learn about whether COVID-19 can be spread from touching contaminated surfaces. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes without washing their hands.
- After an exposure, it can take up to 14 days for COVID-19 symptoms to develop if the exposure leads to infection.



• QUARANTINE after an exposure means keeping a safe distance from others just in case symptoms begin at any point. It also means monitoring your health for symptoms

• Who should follow quarantine instructions?

- Anyone who had an exposure to someone who tested positive for COVID-19 or was exposed to someone likely to have COVID-19. That includes household members, or anyone else meeting criteria for close contact at work or other settings.

• How long do you need to follow quarantine?

- Close contacts of persons with confirmed or likely COVID-19 should self-quarantine for 14 days from the time of their last contact with the person.

• What does it mean to monitor your health?

- Take your temperature once or twice a day to be sure you do not have a fever, (greater than 100.4 °F) and whenever you feel feverish.
- Watch for symptoms of COVID-19, including a new
 - Fever OR
 - Cough OR sore throat OR shortness of breath.
 - Other additional symptoms that could be early signs of infection include body aches, extreme tiredness, runny nose, or chest congestion.
- As the pandemic continues, more and more people might be exposed and you might not even realize that an exposure occurred. Be safe and monitor your health every day.



• What are the instructions for quarantine?

- Refer to your supervisor for policies regarding work, work at home, or exclusion from work.
- Avoid public places.
- Avoid traveling by airplane, ship, long distance bus, or train.
- Avoid using public transportation or ride-sharing services.
- If you do not have fever or respiratory symptoms, you may participate in limited outdoor activities as long as you practice social distancing.

• What if you develop symptoms while in quarantine?

- You might have COVID-19. Consult with your healthcare provider.
- Stay home and follow isolation instructions even if you are not tested for COVID-19.
- If you are concerned about the severity of your symptoms, call your health care provider before seeking medical care in person.
- If your condition requires calling 911, tell the 911 operator that you might have COVID-19.



Home Care Advice for COVID-19



Weld County Health Department

EXHIBIT A-37

FOLLOW THE STEPS BELOW: If you are sick with COVID-19 or think you might have it, follow the steps below to help yourself and to protect other people around you.

Stay home except if you need medical care



- **Stay home:** People who are mildly ill with COVID-19 are able to recover at home. Do not leave home, except to get medical care. Do not visit public areas. Visitors, other than caregivers, are not recommended to be in your home.
- **Avoid public transportation:** Avoid using public transportation, ride-sharing, or taxis.

Monitor your symptoms

- **Stay in touch with your doctor.** Be sure to get care if you feel worse or you think it is an emergency.

Call ahead before visiting a doctor



- **Seek medical attention, but call first:** If you need medical care, call your doctor's office and tell them you have or may have COVID-19. For medical emergencies, call 911 and notify the dispatch personnel about your illness. This will help protect health care providers and emergency medical responders.
- **Wear a facemask:** If possible, put on a facemask before you enter the building. If you can't put on a facemask, try to keep a safe distance from other people (at least 6 feet away). This will help protect the people in the office or waiting room.

Wear a facemask if you are sick

- **If you are sick:** If possible, wear a facemask when you are around other people.



Separate yourself from other people in your home



- **Stay away from others:** As much as possible, you should stay in a specific "sick room" and away from other people in your home. Use a separate bathroom, if available.
- **Limit contact with pets & animals:** You should restrict contact with pets and other animals, just like you would around other people. Although there have not been reports of pets or other animals becoming sick with COVID-19, it is still recommended that people with the virus limit contact with animals until more information is known.

Cover your coughs and sneezes



- **Cough or sneeze into your sleeve:** Or cover your mouth and nose with a tissue when you cough or sneeze. Throw used tissues in a lined trash can.
- **Wash hands:** Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.

Everyone in your home should clean hands often



- **Wash hands:** Wash your hands often with soap and water for at least 20 seconds. This is especially important after blowing your nose, coughing, or sneezing; going to the bathroom; and before eating or preparing food.
- **Hand sanitizer:** If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Use soap and water if your hands are visibly dirty.
- **Avoid touching:** Avoid touching your eyes, nose, and mouth with unwashed hands.

Home Care Advice for COVID-19

EXHIBIT A-37



Weld County Health Department

Avoid sharing personal household items

- **Do not share:** Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home. Wash dishes, drinking glasses, cups and utensils well with soap and water or put in the dishwasher.



Clean commonly touched surfaces everyday

- **Clean and disinfect:** Routinely clean commonly touched surfaces in your “sick room” and bathroom. Let a caregiver clean and disinfect commonly touched surfaces in other areas of the home.



If a caregiver or other person needs to clean and disinfect a sick person's bedroom or bathroom, they should wear a mask and wait as long as possible after the sick person has used the bathroom.

Commonly touched surfaces include phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, and bedside tables.

- **Clean and disinfect areas that may have blood, stool, or body fluids on them.**
- **Household cleaners and disinfectants:** Clean the area or item with soap and water or another detergent if it is visibly dirty. Then, use a household disinfectant.

Be sure to follow the instructions on the label to ensure safe and effective use of the product. Many products recommend keeping the surface wet for several minutes to ensure germs are killed. Many also recommend precautions such as wearing gloves and making sure you have good ventilation during use of the product.

Most EPA-registered household disinfectants should be effective.

When to stop home isolation

- **People with COVID-19 who are recovering from their illness** can leave home under the following conditions:



- You have had no fever for at least 3 days (without the use medicine that reduces fevers)
- **AND** Other symptoms have improved for at least 3 days
- **AND** At least 7 days have passed since your symptoms first appeared

If after 7 days, fever is still present OR respiratory symptoms are not improving, then stay home for 10 full days.

In all cases, follow the guidance of your healthcare provider and local health department if they provide additional advice.

If you develop **emergency warning signs for COVID-19** get **medical attention immediately.**

Emergency warning signs include*:

- **Difficulty breathing or shortness of breath**
- **Persistent pain or pressure in the chest**
- **New confusion or inability to arouse**
- **Bluish lips or face**

*This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning.

Call 911 if you have a medical emergency: If you have a medical emergency and need to call 911, notify the operator that you have or think you might have, COVID-19. If possible, put on a facemask before medical help arrives.



Weld County Health Department

www.weldhealth.org

EXHIBIT A-38

PREVENTING ILLNESS

Clean your hands often

- [Wash your hands](#) often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- **Avoid touching your eyes, nose, and mouth** with unwashed hands.

Avoid close contact

- **Avoid close contact** with people
- Put **distance between yourself and other people** (Keep at least 6 feet between you and other when possible).
- Keeping distance from others is especially important for [people who are at higher risk of getting very sick](#).

Cover your mouth and nose with a face mask when around others

- Everyone will wear a face mask when they have to go out of their cell.
- The cloth face mask is meant to protect other people.
- Continue to keep about 6 feet between yourself and others. The face mask is not a substitute for social distancing.

Cover coughs and sneezes

- **If you are in your cell and do not have on your issued face mask, remember to always cover your mouth and nose** with a tissue when you cough or sneeze or use the inside of your elbow.
- **Throw used tissues** in the trash.
- Immediately **wash your hands** with soap and water for at least 20 seconds.

Clean and disinfect

- **Clean AND disinfect** [frequently touched surfaces](#) **daily**. This includes tables, doorknobs, countertops, handles, desks, phones, toilets, faucets, and sinks.

If you have these symptoms, report them to medical:

Fever

Cough

Shortness of breath

PREVENCIÓN DE ENFERMEDADES

EXHIBIT A-38

Limpia tus manos con frecuencia

- [Lávese las manos](#) frecuentemente con agua y jabón durante al menos 20 segundos, especialmente después de haber estado en un lugar público, o después de sonarse la nariz, toser o estornudar.
- Evite tocarse los ojos, la nariz y la boca con las manos sin lavar.

Evitar el contacto cercano

- Evite el contacto cercano con personas
- Ponga distancia entre usted y otras personas. (Mantenga a lo menos 6 piez de distancia cuando sea posible).
- Mantener distancia de los demás es especialmente importante para las [personas que corren un mayor riesgo de enfermarse gravemente](#).

Cubra su boca y nariz con una mascarilla cuando esté cerca de otros

- Todos usarán una máscara facial cuando tengan que salir de su celda.
- La máscara facial de tela está diseñada para proteger a otras personas.
- Continúe manteniendo unos 6 pies entre usted y los demás. La máscara facial no es un sustituto del distanciamiento social.

Cubra la tos y los estornudos

- Si está en su celda y no tiene su máscara facial emitida, recuerde siempre cubrirse la boca y la nariz con un pañuelo de papel cuando tosa o estornude o use la parte interna del codo.
- Tire los pañuelos usados a la basura.
- Lávese inmediatamente las manos con agua y jabón durante al menos 20 segundos.

Limpiar y desinfectar

- Limpie Y desinfecte [las superficies frecuentemente tocadas](#) diariamente. Esto incluye mesas, pomos de puertas, encimeras, manijas, escritorios, teléfonos, inodoros, grifos y fregaderos.

Si tiene estos síntomas, repórtelos al médico:

Fiebre

Tos

Falta de aliento

EXHIBIT A-39

From: April Farmer <afarmer@turnkeyhealthclinics.com>
Sent: Thursday, April 9, 2020 11:15 AM
To: Matthew Elbe <melbe@weldgov.com>; Matthew Turner <mtturner@weldgov.com>
Cc: Steven Reams <sreams@weldgov.com>
Subject: Fwd: COVID-19 Webinar Weekly Update for Law Enforcement & Correctional Health

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there!

We attended an online webinar last week hosted by NCCHC and MCSA regarding COVID-19 in law enforcement. They are hosting another webinar tomorrow (April 10th) at 11am your time. If you can attend, it is geared more for correctional administration rather than medical staff even though it is about the virus. Thought it may be helpful. Please let me know if you need anything right now. Hope all is well!

Thank you,
April Farmer
Client Liaison



2612 Beaver Bend Dr.
Plano, TX 75025
Cell: (214) 674-9959
afarmer@turnkeyhealthclinics.com
www.turnkeyhealthclinics.com

----- Forwarded message -----

From: William Cooper <wcooper@turnkeyhealthclinics.com>
Date: Thu, Apr 9, 2020 at 12:00 PM
Subject: Fwd: COVID-19 Webinar Weekly Update for Law Enforcement & Correctional Health
To: <afarmer@turnkeyhealthclinics.com>, <ledwards@turnkeyhealthclinics.com>, Rhett Burnett <rburnett@turnkeyhealthclinics.com>, <dhickman@turnkeyhealthclinics.com>
Cc: <fjunod@turnkeyhealthclinics.com>, <dnewman@turnkeyhealthclinics.com>, <allie@turnkeyhealthclinics.com>

Corrected date on this one!

Sent from my iPhone



WELD COUNTY SHERIFF

EXHIBIT A-40
STEVE REAMS


Name	Thomas Edward Carranza
Age	55
Height / Weight	5'10 / 180 lbs
Hair / Eyes	Brown / Brown

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 01/11/2020

Weld County Case 20M119 - \$1,000 Cash or Surety Bond

OPEN COURT CASES:

Weld 20M119 - Greeley PD 20G002712

Arrest Charge: 3' Assault

Next Court: 05/04/2020 – Motions Hearing

Bond: \$1,000 Cash or Surety

Notes:

- Motion filed in this case 03/16/2020 for PR bond due to Covid-19, denied 03/17/2020
- Motion filed in this case 03/23/2020 for PR bond due to Covid-19, denied 03/31/2020

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrested involving FTA/FTC warrants: 6

1988: Theft

1989: DUI

1990: 2' Burglary

1992: Theft, Possession of Drug Paraphernalia

1994: Conditional Release Violation, Possession of Drug Paraphernalia, DUI

1997 (CA): Arrest for 2' Burglary Warrant out of CO

1998: Department of Correction sentence for 2' Burglary

1999: DUR, Traffic, Parole Violation

2000: Traffic

2001: DUI

2002: Marijuana, Possession of Drug Paraphernalia

2004: Escape

2005: 2' Burglary, 2' Trespass, Harassment, Department of Correction sentence for 1' Trespass

2006: Parole Violation

2015: Theft; Forgery

2020: 3' Assault

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
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Fax (970)304-6467
Toll Free (800)436-9276
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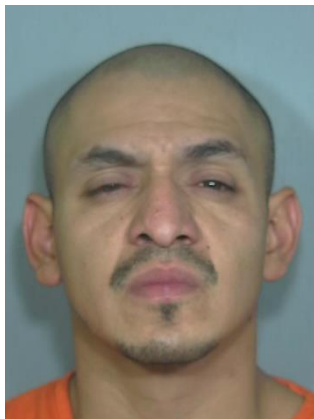
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WELD COUNTY SHERIFF

EXHIBIT A-41

STEVE REAMS



Name	Jesus Martinez, Jr
Age	33
Height / Weight	5'06" / 168 lbs
Hair / Eyes	Black / Brown

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 11/14/2019

Weld County Case 19T3247 – \$1,000 PR (posted)

Weld County Case 19CR2988 – \$10,000 Cash or Surety

Weld County Case 19CR2989 – \$50,000 Cash or Surety

Weld County Case 19CR3230 – \$70,000 Cash or Surety

Parole Hold – No Bond

OPEN COURT CASES:

Weld 19CR3230 - Parole

Arrest Charge: Escape

Next Court Date: 06/22/2020 – Disposition Hearing

Bond: \$70,000 Cash or Surety

Weld 19CR2989 – Greeley PD 19-17976B

Arrest Charge: Controlled Substance

Next Court Date: 06/22/2020

Bond: \$50,000 Cash or Surety

Weld 19CR2988 – Greeley PD 19-17976A

Arrest Charge: Vehicular Eluding

Next Court Date: 06/22/2020

Bond: \$10,000 Cash or Surety

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrests involving FTA/FTC warrants: 10

2006: Possession Controlled Substances, Traffic

2007: Traffic

2009: Eluding, HTO, Reckless Driving; Probation Violation; Bond Revocation; Department of Corrections sentence for Possession of Controlled Substances

2012: Parole Violation; Possession of Controlled Substances

2017 (ND): Reckless Driving

2019: Parole Violation; Vehicular Eluding; Possession of Controlled Substances; Escape

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WELD COUNTY SHERIFF

EXHIBIT A-42
STEVE REAMS


Name	Richard Steven Barnum
Age	54
Height / Weight	6'00" / 180 lbs
Hair / Eyes	Blonde / Blue

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 10/15/2019

Weld County Case 18CR1187 - \$25,000 Cash or Surety Bond

OPEN COURT CASES:

Weld 18CR1187 – Greeley PD 18G038915

Arrest Charges: 1' Assault w/Deadly Weapon-SBI; 2' Assault w/Deadly Weapon-Cause Injury; Felony Menacing; Felony Menacing; 1' Trespass of Auto w/Intent to Commit Crime

Next Court: 04/15/2020 – Hearing on Bond

Bond: \$25,000 Cash/Surety

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrested involving FTA/FTC warrants: 13

1986: DUI

1988: DUI

1992: Harassment-DV

1993: DUI

1994: DUI

1998: Traffic-HTO; Possession of Controlled Substance, Possession of Drug Paraphernalia

1999: Traffic

2000: Harassment-DV; Possession of Drug Paraphernalia; Possession of Controlled Substance; 3' Assault-DV; Violation of Restraining Order; Traffic

2001: Possession of Controlled Substance; Forgery

2003: Possession of Forged Instruments, Receive Stolen Property

2004: Public Order Crimes, Department of Correction sentence for Theft

2012: Traffic, DUID, Forgery

2014: DUI, Traffic

2019: 1' Assault with Deadly Weapon

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WELD COUNTY SHERIFF

EXHIBIT A-43

STEVE REAMS



Name	Thomas Bellin Lewis
Age	60
Height / Weight	5'10" / 185 lbs
Hair / Eyes	Gray / Blue

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 01/03/2020

Weld County Court 20CR527(20M39) – \$500 Cash

Larimer County Court 18CR409 – \$100 PR (posted)

Weld County Court 15CR2405 – \$1,000 Cash

OPEN COURT CASES:

Weld 20CR527 – 20G000694

Arrest Charge: DUI w/3+ Priors, Possession of Controlled Substance, Obstructing a Peace Officer, DARP, Possession of Drug Paraphernalia

Next Court Date: 05/18/2020 – Disposition Hearing

Bond: \$500 Cash Only

Weld 2015CR2405 – Windsor PD 15-17217

Arrest Charge: FTC with Probation

Next Court Date: 05/18/2020 – Disposition Hearing

Notes: Motion filed 03/19/2020 requesting bond to be converted to PR due to COVID-19, bond changed from \$60,000 to \$1000 Cash

Larimer 2018CR409 – Larimer County SO 18-1274

Arrest Charge: FTC warrant for Possession of Controlled Substance

Next Court Date: 04/28/2020 – Re-Sentence

Bond: \$100 PR – Posted 03/19/2020

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WELD COUNTY SHERIFF

EXHIBIT A-43

STEVE REAMS

Thomas Lewis continued

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrests with FTA/FTC warrants: 5

1982 (CA): Disturbance by Loud/Unreasonable Noise

1985 (CA): False Identification to Peace Officer

1992 (CA): Cruelty-Elder/Dep Adult with GBI/Death, Battery with SBI; Possession of Controlled Substance

1993 (CA): Theft; Possession Controlled Substance (3 arrests), Possession of Hypodermic Needle; Petty Theft

1999 (GA): Harassing Phone Calls

2006 (CA): Possession of Controlled Substance; Vehicle Theft, Receive Stolen Property

2010: Dangerous Drugs Dist/Manu/Poss; DUI, Traffic

2012: DUI

2014: DUI, Traffic

2015: Vehicular Eluding, DUI, HTO, Traffic

2018 Possession of Dangerous Drugs, Tampering with Evidence, DUR, Traffic

2020 DUI, Possession Controlled Substances, Careless Driving, HTO, Eluding; Probation Violation

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WELD COUNTY SHERIFF

EXHIBIT A-44

STEVE REAMS



Name	Michael Andrew Ward
Age	31
Height / Weight	6'00" / 140 lbs
Hair / Eyes	Blonde / Blue

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 03/05/2020

Weld Court Case 19CR2664 – Released

Weld Court Case 19T4990 – Released

Adams County Case 19M1906 - \$1500 Cash or Surety

OPEN COURT CASES:

Weld County 19CR2664 – Dacono PD 19DP05603

Arrest Charge: 1' Trespass of Auto, Violation of Criminal Protection Order

Next Court Date: 04/14/2020 - Hearing

Notes: Pled Guilty 04/09/20 to Violation of Protection Order released on Probation

Adams County 19M1906 – Thornton PD 19-2625A

Arrest Charge: FTC with Probation for 3' Assault

Next Court Date: 05/06/2020

Bond: \$1500 Cash or Surety

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrested involving FTA/FTC warrants: 5

2009 (WY): Burglary; Fail to Comply Child Support; Traffic; Probation Violation

2019: 3' Assault-DV; DUR

2020: 1' Criminal Trespass of Auto, Violation of Restraining Order, 2' Tampering

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WELD COUNTY SHERIFF

EXHIBIT A-45

STEVE REAMS



Name	Colby David Propes
Age	44
Height / Weight	6'00" / 205 lbs
Hair / Eyes	Brown / Brown

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 02/18/2020 – Released 04/07/2020

OPEN COURT CASES:

Weld 19T3259 – 19G038971

Arrest Charge: DUR, Careless Driving

Next Court Date: 05/18/2020 – Sentencing Hearing

Bond: \$1,000 PR (posted)

Weld 19T2185 – 19W005201

Arrest Charge: DUR, Interlock Violation, Traffic Violation

Next Court Date: 05/18/2020 – Disposition Hearing

Bond: \$1,000 PR (posted)

Weld 19T1999 – 19G024495

Arrest Charge: Block Rail Road Crossing, DUR, Interlock Violation

Next Court Date: 05/18/2020 – Disposition Hearing

Bond: \$1000 PF (posted)

Weld 19CR3249 – Greeley 19G019771

Arrest Charge: ID Theft, Theft, Criminal Possession Financial Device, Criminal

Possession Identification Documents, Unauthorized Use of Financial Transaction Device

Next Court Date: 05/18/2020 Sentencing Hearing

Bond: \$25,000 Cash or Surety, 04/01/2020 Bond Reinstated with Surety

Weld 19CR3003 – Evans PD 19-18452

Arrest Charges: 1' Aggravated Motor Vehicle Theft, Obstructing Police Officer

Next Court Date: 05/18/2020 – Sentencing Hearing

Bond: \$5,000 Cash or Surety, 04/01/2020 Bond Reinstated with Surety

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WELD COUNTY SHERIFF

EXHIBIT A-45

STEVE REAMS

Colby Propes Continued

Weld 19CR950 – Greeley PD 19-6102

Arrest Charges: Possession Controlled Substance, Possession of Drug Paraphernalia,
DUR, Failure to Display Proof of Insurance, Lane Violation

Next Court Date: 05/18/2020 – Disposition Hearing

Bond: \$20,000 Cash or Surety, 04/01/2020 Bond Reinstated with Surety

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrests with FTA/FTC warrants: 8

1997 (IN): Dealing Cocaine, Possession of Cocaine; Resisting, Possession Paraphernalia

1999 (IN): Possession Controlled Substance, Possession Marijuana, Possession Paraphernalia

2000 (IN): Possession of Marijuana, Possession of Paraphernalia; Carry Handgun No License,
Resist Law Enforcement

2003: Traffic, Resisting Arrest

2004: DUI; DUS, Traffic, Restraining Order Violation, Reckless Driving; HTO

2005: HTO, DUI, Traffic

2006: DUR

2008: DARF

2013: HTO

2019: DUR, Violation of Interlock, Traffic; Possession of Drug Paraphernalia, Possession of
Controlled Substances; Aggravated Motor Vehicle Theft, Obstruct Police; ID Theft,
Theft, Possession of ID Document, Possession of Financial Transaction Device, Illegal
Use of Credit Cards

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WELD COUNTY SHERIFF

EXHIBIT A-46

STEVE REAMS



Name	Chad Cristen Hunter
Age	46
Height / Weight	5'09" / 135 lbs
Hair / Eyes	Brown / Blue

WELD COUNTY SHERIFF'S OFFICE RECORD:

Arrested 03/08/2020 – Weld County 19CR335

Scheduled Release Date 04/26/2020

OPEN COURT CASES:

Weld 19T5691 – 19W029690

Arrest Charge: DUR, No Insurance Driver, Defective Headlights

Next Court Date: 07/31/2020

Bond: \$500 PR (Posted)

Weld 2019CR335 – 19EP01791

Arrest Charge: FTC Warrant for: Display Unlawful License Plate, No Insurance Owner, DUR, Possession of Weapon by Previous Offender; Possession of Drug Paraphernalia, Possession of Controlled Substance, Possession of Forged Instrument

Next Court Date: 04/14/2020 – Reconsideration of Sentence

ARREST RECORD (Summary of charges, obtain criminal history for full details):

Arrested involving FTA/FTC warrants: 5

2001: Harassment

2002: Probation Violation

2003: Assault/Menacing, Criminal Mischief, 3' Trespass; Aggravated Motor Vehicle Theft, Probation Violation

2004: False Info to Pawnbroker, Theft, Probation Violation

2005: Conditional Release Violation

2006: Department of Correction sentence for Criminal Mischief and False Info to Pawnbroker

2007: Parole Violation; Escape

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WELD COUNTY SHERIFF

EXHIBIT A-46

STEVE REAMS

Chad Hunter Continued

2009: 2' Burglary, 1' Aggravated Vehicle Theft
2011: Parole Violation; False Info to Pawnbroker
2012: Department of Correction sentence for False Info to Pawnbroker
2013: Conditional Release Violation, Parole Violation
2016: Shoplifting/Theft; Possession of Controlled Substances, Possession of Drug Paraphernalia;
Escape
2017: Traffic
2019: Possession Controlled Substance, 1' Possession of Forged Document, Prohibited Use of
Weapon, Traffic

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