

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

QUINTON GRAY, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

COUNTY OF RIVERSIDE,
Defendant.

CASE NO. EDCV13-0444 VAP (OP)

CLASS ACTION

ORDER REVISING COVID-19 PLAN

On April 4, 2020, this Court granted Plaintiffs' Emergency Motion to Enforce the Consent Decree and ordered Defendant to develop and implement a plan to minimize the spread of COVID-19 in the Riverside County jails, consistent with the guidance of the Centers for Disease Control and Prevention and the Court experts. ([Dkt. 193.](#)) On July 23, 2020, the Court ordered Defendant to implement the plan that the parties had negotiated. ([Dkt. No. 202.](#))

1 On October 14, 2020, the parties filed a “Stipulation for Order to Revise the COVID-
2 19 Plan”. ([Dkt. 203.](#)) An Order approving the stipulated revision was signed by the Court
3 the same day. ([Dkt. 204.](#))
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5 At present, COVID-19 restrictions have been lifted statewide. Additionally, the
6 Parties have reported that the local conditions of the jail and the Riverside County
7 community at large have shifted to such a degree that the parties have agreed that several
8 measures of the original COVID-19 Plan are no longer required. Therefore, the Parties
9 sought to revise the COVID-19 plan in an effort to increase out-of-cell time and to allow
10 those in custody to return to a more normal routine. The Parties negotiated in good faith and
11 agreed that a revision of the Defendant’s COVID-19 plan to include *only the following*
12 *provisions* would serve those interests:
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- 15 a. Persons in custody are provided cloth masks, soap, water, and cleaning and
16 disinfecting materials for their cells and dayrooms. Dayrooms are kept clean
17 and disinfected by a combination of persons in custody workers, custody staff,
18 and the persons in custody themselves.
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- 20 b. All persons who are housed within the Riverside County jail system will be
21 provided one (1) bar of soap each week by Defendant free of cost.
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- 23 c. Defendant will continue to provide a surgical mask to each person upon
24 booking. Two (2) cloth masks will be provided to each person in custody at
25 the time of housing. Persons in custody are instructed to take care of their
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1 masks and if a mask becomes lost or damaged, persons in custody are to ask a
2 housing unit deputy for a replacement.

- 3 d. Every person assessed for booking into the county jails or juvenile facilities is
4 screened for potential symptoms and exposure related to COVID-19. The
5 intake assessment process identifies and tests any person with viral symptoms
6 as soon as they are booked. This assessment process is updated and distributed
7 to all staff whenever additional information is provided by CDC concerning
8 newly identified symptoms, etc.
9
10 e. As noted above, Defendant will continue testing all persons in custody at the
11 time of booking. Defendant will test all persons in custody who present with
12 symptoms consistent with CDC screening criteria for COVID-19 and will test
13 any person in custody who requests a test, regardless of symptoms or known
14 exposure.
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16 f. All persons in custody suspected of or who have tested positive for COVID-19
17 infection are isolated in housing units with other persons sharing the same
18 status. No persons in custody will be placed in dorms or cells or pods with
19 people of a different status (negative, positive, or suspected cases). People on
20 isolation because of positive or suspected cases have the same access to
21 dayroom time, phone, showers, reading and writing materials, medical and
22 behavioral health services as they would if not so isolated. Jail clinical staff has
23 been trained in testing protocols and procedures and testing kits are available
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1 at the jail. Areas have been identified to isolate any persons under investigation
2 (PUIs), and plans are in place to safely transport persons in custody requiring
3 hospitalization to the medical center.
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5 g. Defendant will continue to make best efforts to house persons in custody who
6 are 65 years old and older and have comorbidities (to include heightened risk
7 factors according to the Centers for Disease Control and Prevention) in one-
8 and two-man cells. All persons in custody with comorbidities, regardless of age
9 have been identified and records of their current status are in review by the
10 medical providers. All persons in custody requesting medical care are being
11 seen by the in-house providers.
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14 h. Persons in custody with known close contact (within the past 14 days) with a
15 confirmed positive case in-custody will be tested as soon as identified and
16 possible (goal within 72 hours). Close contact is defined by the CDC as:
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18 a. being within approximately 6 feet (2 meters) of a COVID-19 case for a
19 total of at least 15 minutes in a 24-hour period; close contact can occur
20 while caring for, living with, visiting, or sharing a healthcare waiting
21 area or room with a COVID-19 case, OR
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23 b. having direct contact with infectious secretions of a COVID-19 case
24 (e.g., being coughed on)
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26 i. Defendant will continue to offer and make available COVID-19 vaccines
27 and boosters to all persons housed within the Riverside County jail system.
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1 j. Defendant will continue to provide to Plaintiffs' counsel the following data
2 on a bi-weekly basis:

3 i. A summary data sheet which includes the:

- 4 1. Total number of tests performed
- 5 2. Total number of confirmed cases
- 6 3. Number of persons in custody on quarantine/medical isolation
- 7 4. Persons in custody sent to hospital for COVID-19 complications
8 and/or suspected complications and persons hospitalized for other
9 reasons who test positive for COVID-19
- 10 5. Number of deaths suspected to be due to Covid-19 or
11 complications of COVID-19 and number of deaths from non-
12 COVID-19 causes of people who had COVID-19 at time of death
- 13 6. Vaccines administered (since 1/1/2021)

14 ii. The location, name, age, and symptoms of all persons in custody
15 currently positive for COVID-19.

16 iii. The number of staff being tested for COVID-19.

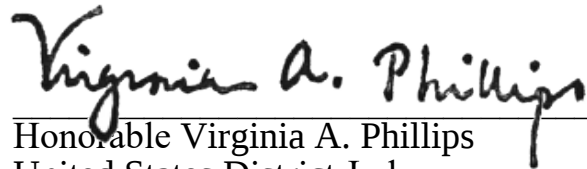
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18 The Court agrees. Based upon the record in this case, the Court finds that this relief
19 meets the requirements of 18 U.S.C. § 3626: the relief is narrowly drawn, extends no further
20 than necessary to ensure the protection of the federal constitutional and statutory rights of
21 Plaintiffs, and is the least intrusive means necessary to accomplish those objectives.
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1 Within 120 days from the date of this Order, the Parties shall submit to this Court a
2 joint report on the status of the remaining provisions of the COVID-19 Plan and whether
3 any revision to the same is necessary.
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6 **IT IS HEREBY ORDERED** that Defendant's COVID-19 Plan is amended as
7 reflected in the Joint Stipulation submitted by the Parties and stated herein.
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13 Dated: June 24, 2022

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Honorable Virginia A. Phillips
United States District Judge