

Declaration of Ms. Tammatha Foss

I declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

I. Background and Qualifications

1. My name is Tammatha Foss, Director, Corrections Services at California Correctional Health Care Services (CCHCS). In that role, I coordinate activities between the Receivership and CDCR. I was appointed to serve in my current role in November 2020.
2. I have worked at the California Department of Corrections and Rehabilitation (CDCR) for twenty-five years in a variety of roles. From 1996 to 2009, I was a corrections officer at Pelican Bay State Prison. After serving in administrative roles at San Quentin State Prison and CDCR Headquarters from 2009 to 2016, I was appointed chief deputy warden at High Desert State Prison, where I served from 2016 to 2018. From 2018 to 2019, I was acting warden at Salinas Valley State Prison. In 2019, I was appointed as Associate Director of Female Offenders Programs and Services.

II. Introduction of COVID-19 to CDCR Institutions

3. From my duties in my current and prior roles within the CCHCS and CDCR, I am familiar with how corrections officers and incarcerated persons interact on a daily basis. Corrections officers have frequent, daily, close contact with incarcerated persons. Corrections officers work in the housing units in which incarcerated persons live and provide them with services throughout the day. In many cases, corrections officers provide incarcerated persons their meals, distribute their mail, and perform daily safety checks. When incarcerated persons go out to the yard—an outdoor space within the grounds of a facility—which they generally do twice each day, corrections officers pat them down to ensure they do not have contraband both on their way to and from the yard. Incarcerated persons are also handcuffed and escorted by a corrections officer, with the officer maintaining physical contact to guide the incarcerated person, when not in a secure environment, such as moving to another part of the institution or to an outside medical appointment. Those in administrative segregation are typically handcuffed when out of their cells. When performing their jobs, corrections officers are within six feet of incarcerated people frequently throughout their shifts; it is not possible for corrections officers to perform their job with social distancing precautions.
4. Corrections officers perform their work throughout the institution and cannot typically remain at one duty station because the allocation of staff resources is adjusted to meet the needs of the institution. Officers working their ordinary shifts are often reassigned to cover higher-need vacant positions. For example, a gym officer may be reassigned for the day to guard a clinic in order to keep the clinic operating. There are often insufficient staff resources within one housing

unit or one yard to accommodate these institutional needs without moving staff throughout the institution. Emergency transports are also a near daily occurrence at each institution, and any available officer may be assigned to assist in that transport. Corrections officers also frequently work overtime in housing units and yards to which they are not ordinarily assigned, based on availability and need of the institution.

III. CDCR Facilities

5. A majority of incarcerated persons in CDCR custody are housed in dormitories that are too crowded to allow for social distancing. These accommodations typically have one hundred to two hundred bunk beds per room in close proximity to one another. To provide more distance during the COVID-19 pandemic, bunk beds have been grouped together into cohorts of eight beds. Within a cohort, the beds are within six feet of each other, but the cohorts are spaced six feet apart from other cohorts.
6. Some incarcerated persons are housed in cells, typically two-person cells. Most cells have perforated doors or bars rather than solid doors.
7. If there is no current COVID-19 outbreak, incarcerated persons spend their days in a variety of environments, none of which is conducive to social distancing. Typically, incarcerated people spend the day at job assignments in the institution, in classrooms, in the yard, or in the dayroom. In most of these environments, incarcerated people are with only those people who are in the same housing unit. However, in the yard and in jobs, incarcerated people will come into close contact with people from other housing units. The institutions do not contain sufficient yard or work spaces or sufficient staff to provide each housing unit separate yard and work space.
8. In some institutions incarcerated people are served meals in their cells. Generally, however, incarcerated people eat in a dining hall. Generally, those dining halls have tables of four, at which incarcerated persons sit close together with others from the same housing unit. During the COVID-19 pandemic, the tables have been spaced at least six feet apart from one another.
9. Bathroom facilities vary by housing type. Every cell has its own toilet and sink and several cells share a single shower. Dormitory housing has group bathrooms, generally with a shower area with six shower heads, a large sink area, and a common bathroom. It is common for several residents to be in these common bathrooms at a time.
10. Incarcerated people will often be in close contact with residents of their own and other housing units and yards while waiting for services such as laundry, pill distribution, telephones, and classrooms. Medical programs also often bring incarcerated people from different housing units into close contact, such as Enhanced Outpatient Program (“EOP”) groups for mental health, or instances

where ten to twenty incarcerated people wait together in a holding area to be called in for medical appointments. When visitation is available, incarcerated people are held in a holding area after completing visitation and are often in close contact there with people from other housing units. Although visitation was suspended from March 2020 through April 2021, since April, limited visitation has been available in institutions without a recent outbreak consistent with the Roadmap to Reopening plan.

11. Incarcerated people also share a large number of high-touch objects and surfaces such as telephones, showers, tables and chairs, door handles, and water fountains. While some of these surfaces, such as showers and telephones, are now cleaned between each use, many are not.

I declare that the foregoing is true and correct.

Executed on this 4th day of August, 2021, at Sacramento, California.

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Tammatha Foss
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Tammatha Foss