



Inspector's Report (Final)

Eighth COVID-19 Follow Up Inspection
(Fourth Inspection for Current Inspector)

Shelby County Men's Jail

201 Poplar Avenue, Memphis TN 38103

April 25, 2023

On-Site Review February 7-8, 2023

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SHELBY COUNTY MEN'S JAIL - EIGHTH COVID-19 FOLLOW UP INSPECTION
(FOURTH INSPECTION FOR CURRENT INSPECTOR)
APRIL 25, 2023, REPORT (FINAL VERSION)

Independent Inspector
Sabot Consulting

Table of Contents

Introduction.....	3
Executive Summary.....	6
List of Types of Documents / Materials Reviewed.....	8
Noted Documents Not Provided.....	9
Description / Details of Documents / Materials Reviewed.....	10
Inmate / Detainee Interviews.....	33
Housing Unit Walkthrough / Tour Observations.....	43
Staff Interviews.....	44
Vaccination Program.....	48
Vaccination Program Findings.....	60
Vaccination Program Recommendations.....	68
Masks.....	71
Masks Findings.....	72
Masks Recommendations.....	73
Court Expeditor / Population Reduction.....	73
Court Expeditor / Population Reduction Findings.....	75
Court Expeditor / Population Reduction Recommendations.....	76
Medical Isolation Units.....	76
Medical Isolation Units Findings / Recommendations.....	77
Signature Page.....	77

My name is Rick Wells, and this is my fourth COVID-19 inspection report, and the eighth overall, including the reports submitted from the previous court-appointed inspector.

Per the Inspection Order, I am providing my expert opinion on the current health and safety of medically vulnerable Plaintiff-detainees at the Shelby County Jail (Main Jail) including, but not limited to the Facility's compliance with the pertinent Center for Disease Control and Prevention (CDC) and Shelby County Health Department guidelines and other applicable standards. Further, I am providing recommendations regarding plans to move from a COVID-19 pandemic to an endemic (though the nation is still under pandemic status, as addressed below), as Shelby County, the State of Tennessee, and the rest of the nation is set to transition (see below).

On February 15, 2023, the Inspector provided a 10-page document to the Parties regarding high-level notes/findings from the February 7-8, 2023, on-site inspection at the Shelby County Main Jail. The document was not meant to be exhaustive, nor was it intended to serve as a formal report, but as a courtesy informational tool as there was a gap of approximately two (2) weeks between the on-site inspection and the scheduled exit conference (at the time) with the Parties via Zoom. Some of the information included a quote from the Consent Decree (Section XI. 28.) that "This decree will terminate upon the earliest of either (a) a declaration by the CDC and the Tennessee Department of Health that the COVID-19 pandemic is over and/or has ended, or (b) an FDA approved COVID-19 is offered to and administered according to FDA guidelines to all detainees housed at the Jail for a period of more than fourteen (14) days and who accept a vaccination, along with educational materials about the vaccine and non-punitive incentives to take the vaccine." The document also reiterated President Biden's announcement to end the COVID-19 national and public health emergency declarations on May 11, 2023. Although the emergency declarations will be ending soon, and the governmental response to the pandemic is scaling down, no governing authority has officially ended the COVID-19 pandemic, but it appears the pandemic will transition to an endemic status at some point. The Inspector's recommendations took into consideration the CDC Guidelines regarding COVID-19 (Correctional Facilities). The Inspector also interviewed the Health Officer, Shelby County (Shelby County Division of Health Services), and both the Shelby County Main Jail's Medical Administrator and Infection Control Coordinator relative to the transition process. The Inspector's recommendations (as noted in the document) includes the following:

- Policy
 - Standard Operating Procedure 699 COVID-19 Coronavirus Pandemic Response (effective date 3/24/21) must be revised:
 - A draft should be provided for the Inspector's review and comments/recommendations by May 1, 2023.
- Inspector's Recommendations:

- Continue to monitor CDC guidance on vaccine and boosters.
- Maintain sanitization and cleanliness protocols.
- Maintain COVID-19 testing to help prevent the spread of COVID.
- Consider maintaining precautions such as mask wearing, especially if/when case counts are high.
- Employ regular or routine prevention strategies vs. enhanced strategies (based on outbreak levels or when COVID-19 levels are high, when there has been a transmission within the facility):
 - Testing:
 - Those exposed or who are symptomatic.
 - Those who request.
 - County health department should have recommendations regarding routine screening.
 - Masks:
 - PPE's and masks should still be offered (particularly based on risk factors).
 - Enhanced strategies should include a requirement for individual indoor masking.
 - Protocols to provide new authorized masks (e.g., 2-ply cloth, 3-ply cloth, N-95, surgical).
 - Maintain protocols for mask cleaning options (e.g., laundering, self-washing with approved sanitization materials).
 - Infection Control cleaning/sanitization:
 - Conduct standard infection cleaning, control, and disinfection.
 - Maintain supplies for hand cleaning.
 - Post exposure guidance:
 - Test inmates/detainees and staff who have been exposed at least 5 days after exposure (or sooner if they develop symptoms).
 - Require them to wear masks while indoors for 10 days.
 - Isolation guidance:
 - Isolate those who test positive for 10 days since symptoms first appeared.
 - If an individual has a negative viral test, isolation can be shortened to 7 days as-long-as symptoms are improving, and the individual is fever-free for 24-hours.
 - Social distancing/Increased distancing:
 - Enhanced strategy only:
 - Create physical distance/reduce movement between different parts of the facility/jail.
 - Quarantining (based on risk factors).
 - Maintain COVID education:
 - Peer education:

- Extend to all floors and pods (beyond the two [2] current piloted pods).
- Continue posting notices/posters/flyers.
- Continue to provide related education at Intake.
- Provide at least periodic verbal education from counselors, nurses, officers.
- Tracking:
 - Effectively track all related requests:
 - Sick call, COVID-19 testing, COVID-19 vaccines, refusals, no-shows, etc.

Though not articulated in the aforementioned 10-page document, it is important to cite the U.S. Department of Health and Human Services (HHS) Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap (from February 9, 2023) that “Based on current COVID-19 trends, the Department of Health and Human Services (HHS) is planning for the federal Public Health Emergency (PHE) for COVID-19, declared under Section 319 of the Public Health Service (PHS) Act, to expire at the end of the day on May 11, 2023. Our response to the spread of SARS-CoV-2, the virus that causes COVID-19, remains a public health priority, but thanks to the Administration’s whole of government approach to combatting the virus, we are in a better place in our response than we were three years ago, and we can transition away from the emergency phase.”

The Fact Sheet cites some high-level positive statistics regarding vaccination progress nationwide (though not specific to correctional facilities). The Fact Sheet also states, “Addressing COVID-19 remains a significant public health priority for the Administration, and over the next few months, we will transition our COVID-19 policies, as well as the current flexibilities enabled by the COVID-19 emergency declarations, into improving standards of care for patients.” The Fact Sheet also states that access to COVID-19 vaccinations and certain treatments such as Paxlovid and Lagevrio will generally not be affected. Further, it states that FDA’s, EUA’s for COVID-19 products (including tests, vaccines, and treatments) will not be affected.

As identified in previous Inspector reports, the medically vulnerable detainees to which the inspection order applies are defined as follows:

- People 65 years and older.
- People with chronic lung disease or moderate to severe asthma (including chronic obstructive pulmonary disease (COPD) (including emphysema, and chronic bronchitis).
- Idiopathic pulmonary fibrosis and cystic fibrosis.
- People who have serious heart conditions (including heart failure, coronary heart disease, congenital heart disease, cardiomyopathies, and pulmonary hypertension).
- People who are immunocompromised (including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly

- controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications).
- People with severe obesity (body mass index [BMI] of 40 or higher).
 - People with Diabetes.
 - People with chronic kidney disease undergoing dialysis.
 - People with chronic liver disease, including cirrhosis.
 - People with hemoglobin disorders, including sickle cell disease and Thalassemia.
 - All persons currently or in the future held at the jail in pretrial custody during the COVID-19 pandemic who are at increased risk of Covid-19 complications or death because of disabilities as defined in the ADA and Section 504 of the Rehabilitation Act.

As also stated in previous Inspector reports, and pursuant to paragraph 4, Reporting on page 2 of the Consent Decree, Defendants are required to provide the Inspector with a report (documents containing certain information). I believe Defendants have tried to operate in good faith to provide the documents (or most of the documents) as requested in the past. From the previous report, there were some documents that were not provided as they do not exist or defendants dispute providing the documents due to being labor intensive, etc. The Inspector chooses not to elaborate further (at least here) on some of the past documents in question as there has recently been some improvements with some of the documentation (e.g., Expeditor's revised tracking mechanism), and otherwise the Inspector addresses some of the concerns throughout this report, and the County and Main Jail are preparing to transition from a COVID-19 pandemic to endemic, and this is also discussed in this report, including documents and tracking needed moving forward.

The Inspector is planning to conduct another on-site COVID-19 inspection at the Main Jail in late April 2023.

Executive Summary

Outstanding issues examined during the inspection (February 7-8, 2023) included but were not limited to:

- COVID-19 Vaccination Program:
 - Tracking system:
 - e.g., requests, testing, vaccines, dates, etc.
 - Testing (including serial testing).
 - Availability of on-site therapeutics (e.g., Paxlovid):
 - Note: reportedly is now available.
 - COVID-19 Education:
 - Lack of COVID Awareness/Informational meetings/sessions.
 - Lack of confirmed staff responses / disposition of inmates/detainee concerns voiced at Town Hall meetings.
 - Peer Education

- Need to expand beyond just the three (3) pods (two [2] in annex and one [1] on the third floor).
- Masks
 - For one (1) of the pods (during on-site inspection walkthrough) none of the inmates/detainees were wearing their masks.
- Court Expeditor:
 - Tracking mechanism was recently improved (significant improvement).
 - The inspector will need review to for a large period of time to confirm compliance.
 - More information needed regarding the soon-to-be-hired attorney to serve as a back-up to the Expeditor.
- Miscellaneous
 - Staffing levels/vacancies continues to be a concern.

The most recent COVID-related information (report) from defendant's counsel (received on March 10, 2023) includes the following information/data concerning the Shelby County Main Jail:

- As of March 7, 2023, two thousand thirty-seven (2,037) detainees were housed at the Jail.
- A daily count form was provided, outlining the total number of detainees per housing unit. To date, three thousand six hundred and seven (3,607) tests have been administered to detainees at the Jail.
- To date, four hundred and forty-eight (448) detainee tests have rendered positive tests.
- During February of 2023, there were five (5) positive tests.
- As of March 1, 2023, there have been two thousand four hundred and ninety-six (2,496) tests administered to Jail Staff, and as of said date, three hundred and eighty-six (386) staff tests have rendered positive tests.
- Within the past thirty (30) days, eleven (11) Jail staff members have taken leave due to COVID-19-related reasons.
- Within the past thirty (30) days, zero (0) detainees have died who had exhibited symptoms of or tested positive for COVID-19 prior to their death.

The previous Inspector's report (Seventh Inspector's Report) acknowledged receiving (on December 14, 2022) an electronic copy of the United States Court of Appeals for the Sixth Circuit (filed December 14, 2022) thus affirming the United States District Court for the Western District of Tennessee's decision denying the Jail's attempt to terminate the consent decree in the Busby v. Bonner case. The document outlined the opinion of the Circuit Court, which highlighted the District Court's reliance on the Jails past failure to track their efforts toward compliance.

On January 6, 2023, (approximately 24 hours prior to commencing the on-site tour at the Shelby County Main Jail) the Inspector provided electronic notification to the

Parties (including Main Jail administrators) the Inspector would be on-site on January 7 (and possibly January 8) 2023, to conduct the on-site COVID-19 inspection.

On January 7, 2023, the Inspector arrived at the Shelby County Main Jail for a full day inspection. The Inspector was also on-site on January 8, 2023, for a couple of hours to conclude the inspection. The inspection included formal or informal interviews of custody administration personnel, custody staff, Wellpath (medical) staff, staff from the Court Expeditor's Office, and an assigned counselor; interviews of 11 inmates / detainees; and a walking tour of a few housing units. On January 9, 2023, the Inspector conducted a confidential telephone call with an inmate/detainee on quarantine status. In total, 12 inmates / detainees were interviewed. The Inspector selected inmates / detainees from various floors (and pods) and from various types of housing units to be interviewed.

The Inspector interviewed the following personnel while onsite on January 7-8, 2023, and via telephone on January 10, 2023:

- Shelby County Main Jail administrative staff (informal).
- Shelby County Health Officer (Shelby County Division of Health Services – “Health Department”) who comes on-site to the Main Jail to conduct COVID Awareness (Informational) meetings / sessions.
- A Medical Administrator.
- Infection Control Coordinator.
- A Counselor for one (1) of the floors (numerous pods).
- The newly assigned Court Expeditor (and an additional staff member from the Expeditor's office).

Post on-site inspection, the Inspector conducted a remote exit conference with the Parties (including Shelby County Jail administration personnel).

As was the case for the previous draft reports, the Parties will have the opportunity to review the report and provide any comments as they deem necessary.

List of Types of Documents / Materials Reviewed

- Blank example of Town Hall Meeting Resolutions (Resolution to Inmates' Concerns):
 - Medical.
 - Laundry Services.
 - Counselor Services.
 - Inmate Accounts.
 - Programs.
 - Commissary.
 - Food Services.
 - Religious Paralegal & Electronic Law Library Services.
- Town Hall Meeting Schedules/Calendars.
- Town Hall Meeting Attendance Sheets.
- Town Hall Meeting Minutes.

- Peer Education (COVID Prevention Education) Sign-in Rosters for inmates / detainees.
- COVID-19 Peer Education Information (Word version document).
- Offender Management System (OMS) Screens / Inmate Notebook with miscellaneous information.
- Shelby County Sheriff's Office Inmate COVID-19 Vaccination Acknowledgment Forms.
- Shelby County Sheriff's Office memorandum, titled, "COVID-19 Booster Incentive (dated January 13, 2023).
- Wellpath COVID-19 Vaccine Logs (handwritten by Infection Control Nurse)
- CJC COVID Vaccination Lists:
 - Note: lists were provided (for the months of May 2022 – February 2023) as part of the inmate] / detainee COVID-10 vaccination incentive invoice payments and related documentation.
- Documents Related to the Court Expeditor's Office (tracking spreadsheet of Class and Subclass members, and detainees that have not been at the Jail long enough to make the Class and Subclass lists).
- Standard Operating Procedure 699 – COVID Coronavirus Pandemic Response.
- Incentive Payment Documentation.
- Email Regarding Therapeutics.
- Email Regarding Jail Population and Current Number of COVID-19 Cases.

Noted Documents Not Provided (but have been provided in the past)

- COVID Testing Logs / Results:
 - This information has been provided in the past either via Excel spreadsheet or Word version document format.
 - The information normally outlines specific dates inmates / detainees were tested (for COVID-19) during specific calendar months, and shows how many tests rendered positive and negative, as well as other information (as applicable) e.g., "Retest Offered", "Need Retest", "Presumptive Positive Result", etc.
 - This information has allowed the Inspector (in the past) to identify the number of positive and negative test results in any given month within the document production period.
- Responses to Town Hall Meeting Concerns (Town Hall Meeting Resolutions / Interoffice Memorandums).
- COVID Informational Sessions (listing of COVID Informational sessions by housing units).
- Listing of New Face Masks Given to Inmates / Detainees (by housing units and dates).

The Inspector acknowledges that for document production for the inspection, the Inspector did not produce a document production request list, other than what was

outlined in the previous final Inspector's report (Seventh Report) and through email correspondence with Defendants. The Inspector presumed the same types of documents (other than documents that have not changed or where there has not been any related activity) would be provided as has normally been the case.

Description / Details of Documents / Materials Reviewed

Listed below is a description and analysis of the documents / materials I requested and was provided for review (electronically) as well as mention of the documents not provided for this document production period but had been provided for previous inspections.

COVID-19 Vaccine Logs (handwritten by Infection Control Nurse):

- The log (form) contains columns for the following information to be entered:
 - Inmate Name.
 - RNI #.
 - First Dose / Second Dose.
- Inmate/detainee initials and last two (2) numbers are listed (below) and includes the following COVID-19 vaccination information:
 - JB #47 – Received first dose (type of vaccine not identified) (date stamped – 12/27/22).
 - GH #00 – (type of vaccine or which dose not identified) (Date stamped – 12/27/22).
 - TM #14 - (type of vaccine or which dose not identified) (Date stamped – 12/27/22).
 - SS #34 - (type of vaccine or which dose not identified) (Marked as 12/21/22).
 - JK #62 – Second dose Pfizer on 12/19/22 (Marked as 12/21/22).
 - HW #19 - (type of vaccine or which dose not identified) (Marked as 12/21/22).
 - JB #27 - (type of vaccine or which dose not identified) (Marked as 12/21/22).
 - TC #71 – J&J Booster (Marked and date stamped as 12/21/22).
 - OS #77 - (type of vaccine or which dose not identified) (Marked and date stamped as 12/21/22).
 - RW #03 - (type of vaccine or which dose not identified) (Marked and date stamped as 12/19/22).
 - JK #91 – Second Pfizer (Marked and date stamped as 12/19/22)
 - MC #82 - (type of vaccine or which dose not identified) (Marked as 12/14/22).
 - JB #27 – J&J (Marked as 12/14/22).
 - QC #67 – Moderna (appears to be for Booster) (Marked as 12/14/22).
 - WH #19 – Second Moderna (Marked as 12/14/22)

- LW #63 - (type of vaccine or which dose not identified) (Marked as 12/14/22).
- QC - #67 - Moderna (appears to be for Booster) (Marked as 12/12/22).
- QR #97 - (type of vaccine or which dose not identified) (Marked as 12/12/22).
- JR #97 – J&J (Marked as 12/12/22).
- KS #76 – Pfizer (Marked as 12/12/22).
- BH #87 – Pfizer (Marked as 12/9/22).
- ZM #22 – J&J (Marked as 12/9/22).
- TB #16 – Pfizer Booster (Marked as 12/9/22).
- MB #34 – Second dose of (type of vaccine not identified) (Marked as 12/9/22).
- MW #19 – Refused (Marked as 12/7/22).
- KS #76 – Pfizer Booster (Marked as 12/7/22).
- MG #95 - (type of vaccine or which dose not identified) (Marked as 12/7/22).
- AL #76 – J&J Booster (Marked as 12/7/22).
- DB #05 – First dose of (type of vaccine not identified) (Marked as 12/5/22).
- JL #33 – Released from custody on 11/30/22 (Marked as 12/5/22).
- There is no electronic or other available data with which to reconcile the information:
 - Data lists approximately 29 inmates / detainees (one [1] was listed twice) that apparently requested COVID-19 vaccinations (to be administered during the month of December 2022).
 - There was no related data provided for any other months during the rating period.
 - The data shows the following number COVID-19 vaccination types as having been administered (in December 2022):
 - Pfizer Initial – Two (2).
 - Pfizer Second Dose – Two (2).
 - Pfizer Booster – Two (2).
 - Moderna Initial – Zero (0).
 - Moderna Second Dose – One (1).
 - Moderna Booster – One (1).
 - J&J – Two (2)..
 - J&J Booster – Two (2).
 - Unclear/Unknown – Two (2) were marked as first dose but didn't indicate which type of vaccination.
 - Unclear/Unknown – One (1) was marked as second dose but didn't indicate which type of vaccination.
 - Unclear/Unknown – About 11 inmates / detainees were not marked as receiving any vaccines, or refusals, or any other pertinent information.

- One (1) inmate/detainee was marked as having been released from custody.
- The data does not show the specific dates the inmates / detainees requested a vaccination, the method of request (e.g., kiosk, paper copy of sick-call request, verbally through counselors, pill-call nurses, or housing officers, or by other means), the specific dates the medical department received the individual requests, how many calendar or business days elapsed from initial requests versus dates the vaccinations were administered.
- For the month of December, there were approximately eight (8) calendar dates represented:
 - This would appear to show that CJC Vaccination Clinic (COVID clinics) were only operating on those approximate eight (8) days that month.
- Vaccine Logs (provided by Defendants subsequent to draft report)
 - December 2022:
 - 30 inmate /detainee names listed for nine (9) different dates:
 - Three (3) Listed as no Nextgen/no TennISS:
 - Perhaps means no vaccines were administered (but unclear).
 - Nine (9) inmate/detainee names do not have any info listed regarding vaccines.
 - Pfizer second dose: two (2) inmates/detainees.
 - Pfizer booster: one (1) inmate/detainee.
 - Moderna booster: believed to be one (1) (but not clear).
 - J&J booster: one (1) inmate/detainee.
 - Second dose (specific type not indicated): one (1) inmate/detainee.
 - Released from custody: Two (2) inmates/detainees.
 - Unclear as to whether vaccines were provided: 10.
 - January 2023:
 - 58 inmate/detainee names listed for:
 - Note: only six (6) different dates are listed during the month but based on the number of COVID-19 Vaccine Log provided, it appears there was vaccines administered on about 13 different dates within the month.
 - Six (6) Listed as no Nextgen/no TennISS:
 - Perhaps means no vaccines were administered (but unclear).
 - Difficult to discern what was administered (allot of old dates with previous vaccination info, but unclear whether updated vaccines or boosters have been provided).

Town Hall Meeting Schedules/Calendars

- November 2022:
 - 11/7/22 – Lower - Level Pods A, B, C, D.
 - 11/14/22 – Lower - Level Pods E, F, G.
 - 11/21/22 – First Floor Pods A, B, C.
 - 11/28/22 – First Floor Pods D, E.
- December 2022:
 - 12/5/22 – Annex Pods F, G, H, J.
 - 12/12/22 – Second Floor Pods A, B, M, N.
 - 12/19/22 – Second Floor Pods C, L, D, E.
 - 12/27/22 – Second Floor Pods G, JM, P, Q.
- January 2023:
 - 1/3/23 – Third Floor Pods A, B, C, H.
 - 1/9/23 – Third Floor Pods D, E, F.
 - 1/17/23 – (Make-Up Day – Third Floor Pods G, K, L.
 - 1/23/23 - Third Floor Pods M, N, P.
 - 1/30/23 - Third Floor Pods Q, R, S.
- February 2023:
 - 2/6/23 – Fourth Floor Pods A, B, C, H.
 - 2/13/23 - Fourth Floor Pods D, E, F.
 - 2/20/23 – Fourth Floor Pods G, K, L.
 - 2/27/23 – Fourth Floor Pods M, N, P.
- March 2023:
 - 3/6/23 – Fourth Floor Pods Q, R, S.
 - 3/13/23 – Fifth Floor Pods A, B, C.
 - 3/20/23 – Sixth Floor Pods A, B, C.
 - 3/27/23 – Lower - Level Pods A, B, C.

Town Hall Meeting Attendance Sheets

- 11/4/22:
 - Pod 6A – Seven (7) attendees.
 - Pod 6C – Two (2) attendees.
- 11/7/22:
 - Lower - Level Pod A – 25 attendees (0910 – 0955 hours).
 - Lower - Level Pod B – 15 attendees (0955 – 1007 hours).
 - Lower - Level Pod C – 15 attendees (1010 – ????? hours).
 - Lower - Level Pod D – 19 attendees (1101 – ????? hours).
- 11/14/22:
 - Lower - Level Pod E – Nine (9) attendees (0930 – ????? hours).
 - Lower - Level Pod F – Five (5) attendees (0915 – ????? hours).
 - Lower - Level Pod G – Three (3) attendees (0900 – ????? hours).
- 12/5/22:
 - Pod 1F – 19 attendees (0906 – 0929 hours).
 - Pod 1G – 18 attendees.
 - Pod 1H – 26 attendees.

- Pod 1J – 14 attendees.

Peer Education (COVID Prevention Education) Attendance Sheets

- 10/4/22:
 - Pod I-F – 24 attendees (1000 hours).
- 10/14/22:
 - Pod I-H – 21 attendees (0930 hours).
- 10/24/22:
 - Pod I-F – 40 attendees (0900 hours).
- 10/27/22:
 - Pod I-H – 17 attendees (0930 hours).
- 11/3/22:
 - Pod I-F – 40 attendees (0930 hours).
- 11/20/22:
 - Pod I-F – 20 attendees (0850 hours).
- 11/21/22:
 - Pod I-H – Nine (9) attendees (0930 hours).
- 12/5/22:
 - Pod I-F – 10 attendees (0900 hours).
- 12/6/22:
 - Pod I-H – Nine (9) attendees (1000 hours).
- 12/14/22:
 - Pod I-F – Seven (7) attendees (1000 hours).

Town Hall Meeting Minutes

- October 24, 2022:
 - Pod 5C:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Eight (8) of 61 inmates / detainees assigned to the pod participated.
 - Two (2) requests for COVID vaccines:
 - CJ #44 (last two [2]).
 - AE #21 (last two [2]).
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Only one (1) shower has hot running water:
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Inmate/detainee requests a mask:
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.

- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. Two (2) inmates / detainees requested COVID vaccines. Nobody had a COVID Testimony to share.
- November 4, 2022:
 - Pod 6A:
 - Seven (7) of 30 inmates/detainees assigned to the pod participated.
 - Clothes are not coming back clean:
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - The pod all declined COVID vaccines.
 - Inmate is putting in sick call requests, but is not being seen:
 - Concerns forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Vaccine Incentive:
 - Inmate / detainee X never received \$20.00 for vaccine.
 - Pod 6C:
 - Only staff from Programs attended:
 - There were no staff from counseling services, laundry services or medical (or COVID).
 - Two (2) of 31 inmates / detainees assigned to the pod participated.
 - Medical:
 - The pod all declined COVID vaccines.
- November 7, 2022:
 - Pod LL-A:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 25 of 35 inmates / detainees assigned to the pod participated.
 - Kiosk:
 - Kiosk out of service.
 - Concerns forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Laundry:
 - It's been more than 14 days since the last wash.
 - Mr. X addressed the concerns.
 - Note: no specific disposition or resolution information provided.
 - Medical:

- Two (2) months and still no response from sick call request.
- Two (2) inmates / detainees requested COVID vaccine:
 - DB #01 (last two [2] numbers).
 - JT #29 (last two [2] numbers).
 - Nurse X addressed all above concerns:
 - Note: no specific disposition or resolution information provided.
- Rats and roaches in Pod / need spraying:
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. Two (2) inmates / detainees requested COVID vaccines. Nobody had a COVID Testimony to share.
- Pod LL-B:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 15 of 29 inmates / detainees assigned to the pod participated.
 - Laundry:
 - Wash once per week, need to wash more often.
 - Clean clothes returned dirty and smelling.
 - Mr. X addressed the concerns:
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - One (1) inmate / detainee requested COVID Booster
 - CD #65 (last two [2] numbers).
 - Not responding to sick call requests.
 - Nurse X addressed concerns, and forwarded to medical staff for COVID follow-up:
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. One (1) inmate / detainee requested a COVID vaccine. Nobody had a COVID Testimony to share.
- Pod LL-C:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 15 of 31 inmates / detainees assigned to the pod participated.
 - Kiosk:
 - Out of service.
 - Officers will not allow inmates / detainees to use.
 - Forwarded to Ms. X for follow-up.

- Note: no specific disposition or resolution information provided.
 - Laundry:
 - Clothes are not washed properly:
 - Mr. X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - Mold is causing headaches.
 - Not responding to sick call requests (multiple complaints).
 - Request for COVID vaccine:
 - LJ #30 (last two [2] numbers).
 - Nurse X addressed concerns and forwarded to medical staff for COVID follow-up.
 - Note: no specific disposition or resolution information provided.
 - Sanitation:
 - Un-sanitized sewer water coming up from the drain into the shower.
 - Rats and roaches in pod / need spraying.
 - Mold effecting breathing.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. One (1) inmate / detainee requested a COVID vaccine. Nobody had a COVID Testimony to share.
- Pod LL-D:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 19 of 33 inmates / detainees assigned to the pod participated.
 - Laundry:
 - Clothes are not washed properly.
 - Mr. X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - Need to respond to sick call request in a timely manner.
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Too hot in pod makes it hard to breathe.
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided

- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No inmate / detainee requested a COVID vaccine. Nobody had a COVID Testimony to share.
- Pod LL-G:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Three (3) of 15 inmates / detainees assigned to the pod participated.
 - Masks:
 - Two (2) inmates / detainees need masks.
 - Officer X addressed the concerns.
 - Note: no specific disposition or resolution information provided.
- November 14, 2022:
 - Pod LL-E:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Nine (9) of 36 inmates / detainees assigned to the pod participated.
 - Laundry:
 - Clothes are not washed properly.
 - Mr. X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - Not responding to sick call requests.
 - Need to speak with health care staff regarding COVID vaccine:
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. One (1) inmate / detainee requested a COVID vaccine. Nobody had a COVID Testimony to share.
 - Pod LL-F:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID
 - Five (5) of 29 inmates / detainees assigned to the pod participated.
 - Medical:
 - Not responding to sick call requests.
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.

- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No inmate / detainee requested a COVID vaccine. Nobody had a COVID Testimony to share.
- November 21, 2022:
 - Pod 1-A:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID
 - Five (5) of five (5) inmates / detainees assigned to the pod participated.
 - Laundry – no concerns.
 - COVID – no concerns.
 - Kiosk machine is down:
 - Forwarded to Ms. Wilson to follow-up.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
 - Pod 1-B:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID
 - Seven (7) of seven (7) inmates/detainees assigned to the pod participated.
 - Kiosk machine is down:
 - Concerns forwarded to staff for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Medical – Nurses take too long to respond to sick call requests:
 - Nurse X addressed the concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
 - Pod 1-C:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Seven (7) of 32 inmates / detainees assigned to the pod participated.
 - No clean laundry:
 - Mr. Thompson addressed the concerns.
 - Note: no specific disposition or resolution information provided.
 - Medical:

- Nurses take too long to respond to sick call requests.
 - Not responding to sick call requests.
 - Nurse X addressed the concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- November 28, 2022:
 - Pod 1-D:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Zero (0) of 35 inmates / detainees assigned to the pod participated.
 - Pod 1-E:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Eight (8) of 29 inmates / detainees assigned to the pod participated.
 - Medical/COVID:
 - Nurses not responding to sick call requests (multiple complaints).
 - Nurses telling inmates personal medical business out loud for other inmates to hear.
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - Sanitization/Cleanliness:
 - Not cleaning out cells or sanitizing pod.
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- December 5, 2022:
 - Pod 1-F:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 19 of 54 inmates/detainees assigned to the pod participated.
 - Takes two (2) weeks to receive clean clothes back from the wash:
 - Forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.

- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 1-G:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 18 of 55 inmates / detainees assigned to the pod participated.
 - Kiosk machine is out of service:
 - Forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Inmate / Detainee X never received \$20.00 for COVID vaccine:
 - Forwarded to Counselor X for follow up.
 - Note: no specific disposition or resolution information provided.
 - Several showers not working (submitted three [3] maintenance requests):
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 1-H:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 27 of 50 inmates / detainees assigned to the pod participated.
 - Not receiving clothes from net bag from wash:
 - Forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - Medical:
 - Not receiving pill-call as scheduled.
 - Nurse X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 1-J:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 14 of 43 inmates / detainees assigned to the pod participated.
 - No related concerns.

- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- December 12, 2022:
 - Pod 2-A:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Four (4) of 16 inmates / detainees assigned to the pod participated.
 - “Living Conditions are horrible”:
 - Forwarded to several staff members for follow-up.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
 - Pod 2-B:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - No related concerns.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
 - Pod 2M:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - One (1) of 10 inmates / detainees assigned to the pod participated.
 - Roaches were crawling up the walls, on the cell doors and all on the floor during the meeting:
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
 - Pod 2N:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Two (2) of 14 inmates / detainees assigned to the pod participated.
- December 19, 2022:
 - Pod 2-C:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 10 of 18 inmates / detainees assigned to the pod participated.

- Kiosk is out of service:
 - Forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 2-D:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Five (5) of 21 inmates / detainees assigned to the pod participated.
 - Kiosk has been out of service for several months:
 - Forwarded to Ms. X for follow-up.
 - Note: no specific disposition or resolution information provided.
- Pod 2-E:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Three (3) of 14 inmates / detainees assigned to the pod participated.
 - Medical:
 - Sick call is always behind; slow responding.
 - Not responding to sick calls.
 - Nurse X addressed the concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 2L:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Three (3) of three (3) inmates / detainees assigned to the pod participated.
 - Laundry:
 - Not receiving correct clothes back from the laundry.
 - Ms. X addressed concerns.
 - Note: no specific disposition or resolution information provided.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- December 27, 2022:
 - Pod 2-G:

- Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
- 13 of 26 inmates / detainees assigned to the pod participated.
- Not being let out or receiving recreation, phones, and showers.
 - Forwarded to Lieutenant X for follow-up.
 - Note: no specific disposition or resolution information provided.
- The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 2-JM:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - 4 of 13 inmates / detainees assigned to the pod participated.
 - The question was asked if anyone was interested in taking COVID Vaccine or Test or needed COVID Education. No one was interested, and no one had a COVID Testimony to share.
- Pod 2-P&Q:
 - Staff representatives from counseling services, laundry services, medical, mental health, and COVID.
 - Zero (0) of 22 inmates / detainees assigned to the pod participated.

COVID-19 Peer Education (Word Version Document)

- Annex 1-F Housing Unit Peer Educators:
 - F.W. #66 (last two [2] numbers of Booking number).
 - J.W. #98 (last two [2] numbers of Booking number).
- Annex 1-H Housing Unit:
 - G.Q. #95 (last two [2] numbers of Booking number).
 - T.H. #31 (last two [2] numbers of Booking number).
- What are the Peer educators saying?
 - The COVID-19 vaccine may not prevent you from getting COVID-19 but it will help to create antibody response in-order to build some protection against the COVID-19 virus.
 - Washing your hands (soap and water), wearing your masks properly (means to protect others in case you are infected), avoiding close contact (limit contact with others and disinfecting your areas [daily]) will help in the spread of COVID-19.
 - Some of the symptoms of COVID-19 – fever or chills – cough – shortness of breath or difficulty breathing – fatigue – muscle or body aches – headache – new loss of taste or smell:
 - Also, that COVID-19 can be spread by people who aren't showing any symptoms.

- Getting vaccinated along with following the recommended ways that you can protect yourself and others offers the best defense against the spread of the disease.

Offender Management System (OMS) Electronic Inmate Screens

- Many were produced for the months of November, December 2022.
- Some examples include references to the following:
 - One-On-One weekly Special Needs Checks of inmates / detainees (including observations of possible signs/symptoms of COVID-19).
 - Inmates / detainees counseled on:
 - Covering mouth when coughing/sneezing.
 - Wash hands regularly.
 - Practice good hygiene.
 - Wear masks.
 - Discussed COVID-19 education information:
 - e.g., preventions such as hand washing, wearing a mask, symptoms, staying six (6) feet apart from others.
 - Complaint of not receiving funds for his receiving his COVID-19 vaccine.
 - Checking on inmates / detainees on quarantine status.
 - Confirming COVID-19 precautions are being taken.
 - Reminders for COVID-19 awareness, precautions, and to inform if there are any signs or symptoms e.g., flu-like symptoms.
 - Confirmation as to whether inmates / detainees have any concerns or are displaying any signs or symptoms and practicing COVID precautions.

Shelby County Sheriff's Office Inmate COVID-19 Vaccination Acknowledgment Form

- Completed / signed forms were provided for the months of November and December 2022, and January and February 2023.
 - November 2022:
 - Accepted vaccination: 23:
 - 1 inmate/detainee received Moderna (second vaccination) about five (5) weeks after request.
 - 1 inmate/detainee received Pfizer booster (unclear when).
 - 1 inmate/detainee received Pfizer (second shot – unclear when).
 - 1 inmate/detainee received J&J booster about eight (8) days after request.
 - 1 inmate/detainee received J&J booster one (1) day after request.

- Not listed in TennISS system: 3 (unclear whether they received vaccinations).
- The status for the remaining 15 is unclear.
 - Declined vaccination: Not provided.
- December 2022:
 - Accepted vaccination: Five (5).
- January 2023:
 - Accepted vaccination: 23:
 - One (1) inmate/detainee not in TennISS.
 - One (1) inmate/detainee received J&J booster four (4) days later.
 - Two (2) inmates/detainees were released three (3) days after request.
 - One (1) inmate/detainee was released about 12 days after request.
 - One (1) inmate/detainee received first Moderna vaccine about 22 days after signing acknowledgment form.
 - One (1) inmate/detainee received the J&J booster.
 - Unclear as to the other two (2) inmates/detainees.
- February 2023:
 - Accepted vaccination: Four (4):
 - Two (2) inmates/detainees were released from custody.
 - Documentation for one (1) inmate/detainee indicates "duplicate."
 - One (1) inmate/detainee was not listed on TennISS.

Documents Related to the Court Expeditor's Office

Based on discussions had during the on-site inspection, the newly assigned Court Expeditor provided about three (3) versions of the updated the tracking mechanism (spreadsheet) to better track work completed regarding working toward early release or possible alternatives to Jail confinement for Class and Sub-Class members, including individuals that are most vulnerable. The electronic spreadsheet captures the Class and Sub-Class members, including their respective:

- Last names.
- First names.
- R&I numbers.

- Housing status.
- Issues/charges.
- Activity.
- Resolution (inclusive with dates).

One of the initial Expeditor's tracking spreadsheets provided captures the information by last name (alphabetized), and by age. One of the initial tracking spreadsheets listed approximately 498 detainees (or former detainees that have been since been released). The current version shows the following resolutions (for the months of February and March 2023):

- Released from custody (includes cases disposed, ROR'd, etc.) – 25.
- Release to TDOC – 13.
- Bond Posted/Released – (Seven) 7.
- Worked out plea deal – One (1).
- Working on case to be NO/TDOC List – One (1).
- Client to go to Treatment – One (1).
- Set to be Released to Jericho Program – One (1).

For the approximate 449 other inmates / detainees listed, the Expeditor's tracking spreadsheet also shows current or recent activity, e.g., monitor, discussions/emails with attorney; case disposed/waiting on TDOC / calls / emails to TDOC, U.S. Marshal hold, waiting on indictment/monitor, monitor court dates, work with attorney/bond hearing, medical release and emails with attorney, waiting on bed at MMHI / calls-emails to CEO at MMHI, go to court/discuss with DA and defense attorney, just indicted/monitor, monitor/trial date set, set for disposition, arraigned on new indictment, set for preliminary, many calls and emails to TDOC, Mental Health Court Program/monitor, Drug Court Program/monitor, work to get court date/bond hearing, work with attorney on court date and bond, fugitive warrants/monitor, medical release/emails with attorney, pending ME / monitor, waiting on indictment/monitor, work with attorney on probation plan, waiting on sentencing, discussed with attorney / ME came back competent, set for disposition/missed court/bond revoked, work with attorney on medical and VA issues, bond hearing set, and set for trial.

Defendants also provided a copy (no date) of a similar tracking spreadsheet titled, "Full Class List" (lists about 542 detainee names) assembled by the former Expeditor based on previous conversations and requests made by the Inspector over previous document production and inspection periods. The document contains similar information including; Last Name, First Name, RNI, Chronic/Type, BMI, Smoker, Age, Diagnosis, Bond, Charges, Factors, Address Court, and Action.

However, the spreadsheet was not provided as part of document production for the previous inspection (Sixth overall) whereas the former Expeditor was still employed at the time. The Inspector acknowledged the Expeditor's tracking information contained was a vast improvement from earlier attempts to quantify the work performed and results toward seeking early releases or alternate forms of incarceration, and further acknowledges that legitimate efforts were made to show the work performed and status of the Class members. Though a great improvement at the time, a couple of concerns with this tracking spreadsheet was that overwhelming majority of the cases were displayed as "Reviewed" (under the "Action" column), with no explanation as to whether further review was necessary or a possibility, and whether such cases were ripe (or still ripe) for seeking early release or alternate methods of incarceration. There were also cases listed as "Some Relief" or "No Relief" but were still unclear as to status toward being ripe for further review. The list showed that approximately 37 detainees had been released, but there were no associated dates, and the reader (Inspector) was unable to determine activity during a given inspection document production period.

The most recent Expeditor tracking spreadsheet provided to the Inspector on or about April 12, 2023, included further improvements based on Inspector recommendations (e.g., dates of arrival and other key dates. Information included the following:

- Lists approximately 498 Class and Subclass members.
- Columns include:
 - Last name
 - First name
 - R&I
 - Housing
 - Issues/Charges
 - Activity
 - Resolution
- As indicated in "Resolution" column (since January 2023 – around the time-period the new Expeditor assumed her role in place of the former Expeditor):
 - Detained: Approximately 17:
 - Note: most or all 17 are listed as "monitor" in the "Activity" column, whereas some could eventually be ripe for seeking early release or alternative placements, although some do not appear to be likely due to the nature of the charges.
 - Released: Approximately 85:
 - Some of the notes (for some of the individuals) either from the "Activity" or "Resolution" columns, indicates; monitor, discuss with attorney, released on bond, released to TDOC, disposed/released, released/ROR, released to U.S. Marshal.
 - Note: for some individuals it merely indicates "Released" (and for some cases to monitor), while for others it specifies, e.g., to TDOC.

- Other: (10 pending release):
 - Pending release to TDOC: 2.
 - Set for release to Jericho Program: 1.
 - Disposed/Waiting on Feds: 2.
 - Client to go to treatment: 1.
 - Bond posted (continue to monitor): 3.
 - Bond posted waiting on indictment – continue to monitor: 1.
- In “Resolution” column, lists approximately numerous individuals as “detained” between.
- List also contains the name of approximately 29 medical cases and other potential class members expedited (not yet on Class or Subclass list)
 - All were released between the dates of 2/27/23 – 4/6/23.
 - Work performed for the named persons include:
 - Quick arraignment dates so individuals could be:
 - ROR'd and released.
 - Released to other agencies (e.g., for fugitive holds).
 - Work to move up court date and get case disposed and individual released.
 - Expedite the individual out.
 - Made call to get and obtain MMHI hospital beds.
 - Worked to get individual into Jericho program (transported and released).
 - Case dismissed for elderly individuals.
 - Bond posted for elderly individuals.
 - Worked and obtained release for medical issues.
 - Individual released to SCCC

Standard Operating Procedure 699 – COVID-19 Coronavirus Pandemic Response (Effective Date: 03-24-2021)

The 16-page policy cites the objective is to establish a uniform procedure to minimize the exposure of employees, inmates / detainees, and the public to COVID-19 within facilities operated by the Shelby County Sheriff's Office (SCSO). The policy outlines key definitions; addresses staff safety and precautions; training and education of staff and inmates / detainees; staff planning and response to COVID-19; responder protection; wearing of personal protection equipment; inmate acceptance, confinement and release procedure; identification, transfer and/or housing of confirmed positive for COVID-19; testing of new arrest with no symptoms prior to relocation to general population or special management housing; in-custody diagnosis; vulnerable inmates / detainees; disposal of bio-hazardous material; laundry service; recreation; emergency-evacuation; population reduction; facility mortality; personnel and inmate wellness accountability; and other topics.

Incentive Payment Documentation

As this draft report was being written, the County provided an invoice (dated March 14, 2023) and a check reimbursement request in the amount of \$320.00 for vaccinated inmates / detainees. The County also provided separate CJC COVID Vaccination Clinic lists (dated February 16, 22, and 24, 2023). The lists show payments owed in the amounts of \$140.00, \$160.00, and \$20.00 respectively, for a total of \$320.00 (thus matching the amounts of the respective invoices).

More recently, the County provided additional related documentation which includes the following:

- Invoice (February 2, 2023), Check Disbursement Request, copy of check for \$40.00, and CJC COVID Vaccination List (dated January 6, 2023).
- Same documentation relative to \$80.00 paid (on February 2, 2023) to vaccinated inmates / detainees.
- Same documentation relative to \$100.00 paid (on January 5, 2023) to vaccinated inmates / detainees with associated COVID Vaccination List (dated December 21, 22, and 28, 2022).
- Same documentation relative to \$100.00 paid (on December 20, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated December 1, 2022).
- Same documentation relative to \$140.00 paid (on December 20, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated November 9, and 16 2022).
- Same documentation relative to \$440.00 paid (on November 8, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated October 12, 18, 20, 24, 25, and 27, 2022).
- Same documentation relative to \$80.00 paid (on October 19, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated September 28, 2022).
- Same documentation relative to \$220.00 paid (on October 25, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated October 4, 5, and 6, 2022).
- Same documentation relative to \$120.00 paid (on September 29, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated September 9 and 21, 2022).
- Same documentation relative to \$20.00 paid (on September 27, 2022) to a vaccinated inmate / detainee.
- Same documentation relative to \$80.00 paid (on September 22, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated September 13 and 14, 2022).

- Same documentation relative to \$100.00 paid (on September 13, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated September 6 and 14, 2022).
- Same documentation relative to \$160.00 paid (on September 13, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated August 24, 25, 30, and September 1 and 2, 2022).
- Same documentation relative to \$340.00 paid (on August 23, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated August 9, 10, 11, 12, 15, 17, and 18, 2022).
- Same documentation relative to \$140.00 paid (on August 11, 2022) to vaccinated inmates/detainees with associated COVID Vaccination List (dated May – August 2022).
- Same documentation relative to \$140.00 paid (on August 4, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated July 22, and 25, 2022).
- Same documentation relative to \$20.00 paid (on July 21, 2022) to a vaccinated inmate / detainee with associated COVID Vaccination List (dated July 13, 2022).
- Same documentation relative to \$100.00 paid (on July 21, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated July 19, 2022).
- Same documentation relative to \$60.00 paid (on July 21, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated July 18, 2022).
- Same documentation relative to \$140.00 paid (on July 12, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated June 7, 2022).
- Same documentation relative to \$80.00 paid (on July 12, 2022) to vaccinated inmates / detainees.
- Same documentation relative to \$240.00 paid (on July 7, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated May 6, 13, and 20, 2022).
- Same documentation relative to \$60.00 paid (on June 30, 2022) to vaccinated inmates / detainees.
- Same documentation relative to \$40.00 paid (on June 28, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated June 17, 2022).

- Same documentation relative to \$80.00 paid (on June 21, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated June 1, and 2, 2022).
- Same documentation relative to \$60.00 paid (on June 21, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated June 13, 2022).
- Same documentation relative to \$100.00 paid (on June 7, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated May 20, and 24, 2022).
- Same documentation relative to \$20.00 paid (on May 31, 2022) to a vaccinated inmate / detainee with associated COVID Vaccination List (dated May 11, 2022).
- Same documentation relative to \$40.00 paid (on May 31, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated May 17, 2022).
- Same documentation relative to \$100.00 paid (on May 31, 2022) to vaccinated inmates / detainees with associated COVID Vaccination List (dated May 12, 2022).

Further, the County provided a SCSO memorandum (dated January 13, 2023) indicating that effective immediately, "Inmates to complete COVID-19 Boosters with the Shelby County Sheriff's Office Jail Division beginning January 13, 2023, will be compensated with a \$20.00 incentive placed on their account."

Email Regarding Therapeutics

As this draft report was being written, the Defendants provided an email indicating that Wellpath has now agreed that they (Wellpath) can and will prescribe Paxlovid when needed, and that what was initially told to the Inspector in that inmates/detainees would need to be sent to Regional One Health (hospital) when in need of therapeutics (e.g., Paxlovid) is not necessarily the case. The email indicates Defendants' understanding that Wellpath can prescribe Paxlovid without Regional One hospital's involvement and will do so if needed. Defendants further cited their understanding that Wellpath does not keep any prescription medication on site except for some prescription pain medications and some prescription detox medications. But while Paxlovid is not on site, it can be obtained similarly to other prescription medications within a few hours of it being ordered.

Email Regarding Jail Population and Current Number of COVID-19 Cases

On March 21, 2023, Defendants sent an email indicating the Jail's population continues to decline, with the number currently at 2,026. Further, the email cited that the Jail currently has zero (0) positive COVID-19 cases, and the number has been at zero (0) for several days.

Inmate / Detainee Interviews

The following information contains bulleted highlights of related information obtained through on-site inmate / detainee interviews conducted on January 7 and 8, 2023 (as provided or claimed by the respective inmates / detainees), and via telephone calls post on-site inspection. Note: Unless otherwise noted in this section or within other areas of the report, the inmate / detainee claims and information was not substantiated or refuted.

Inmate / Detainee #1 (Annex F Pod) (Youth Pod) (Assigned COVID-19 Peer Educator & "Rock-Man" [unit worker]):

- I have had all COVID-19 vaccines / boosters:
 - In 2022 I received my last booster one (1) day after I submitted my request.
- Have lived in the pod since 2017.
- COVID-19 Training:
 - No formal COVID-19 training, but we have always received informal training from officers, counselors, and environmental staff, e.g., washing hands, sanitizing, masks requirements, daily showers, overall cleanliness (of pod and persons).
- COVID-19 Education:
 - Officers, nurses, counselors provide information to us; there are posters posted in the hallway; there are intercom announcements about general cleaning and vaccine shots.
 - COVID clinics are happening.
- Role as COVID-19 Peer Educator:
 - I inform other inmates / detainees about COVID-related safety.
 - We receive COVID-19 updates.
 - We spray disinfectant every hour on the telephones, cell doors, tables, games and game pieces, kiosks, etc.
 - We have a sanitizer on the wall, and we keep it full.
 - I speak to them (inmates / detainees) about taking the vaccine and the benefits of doing so.
 - Me and the other peer educator assist in the Orientation (inmate / detainee) process here in the classroom before they enter the pod upon their arrival.
 - There is no schedule (for peer training), but we provide COVID information to everybody (informally).
 - I have been in the pod longer than everybody, and all the inmates in the unit know me and are aware of my role as a peer educator and "rock-man."
 - They (inmates/detainees) come to talk to me about COVID and other issues.

- Masks are still required, and I pass out new masks monthly (usually about three [3] to each person).
- Everyone has a net laundry bag, and we wash them here in the unit:
 - The 10-6 shift washes them, usually about twice weekly.
 - They can also choose to wash their masks themselves.
- The other inmates can submit vaccine requests, or we can submit form them.
- The air flow in the unit is good.
- Town Hall Meetings:
 - Our most recent meeting was toward the end of 2022 (I attended).
 - Medical staff were present and spoke about COVID.
- COVID Awareness Meetings:
 - "It's been a while."

Inmate / Detainee #2 (Annex H Pod)

- At SCJ for about 18 months.
- COVID-19 Vaccines / Boosters:
 - Received initial COVID vaccination in the community but have not requested any vaccine shots since arriving at the Jail.
 - Inmates who request vaccines receive them right away.
- COVID-19 Education:
 - The day shift "Rock-Man talks to us about COVID:
 - Not scheduled, but informally.
 - He answers our questions.
 - COVID videos air on television at 8 AM and 3 PM daily.
 - Intercom announcements are made regarding masks and hand washing.
 - The pod counselor walks through the pods at least twice weekly and talks to us about COVID.
- COVID-19 Vaccine/Booster Incentives:
 - Staff announce the \$20.00 incentive on the intercom.
 - There are flyers posted in the hallway.
 - Several guys in the pod received their funds within two (2) weeks of taking a vaccine.
- Masks:
 - We are required to wear them when outside of our cells.
 - We have washers and dryers, and the night shift "rock-man" washes them.
 - We keep two (2) black masks (2-ply cloth) and we renew them every two (2) weeks:
 - We just ask the officers, and it's never a problem.
 - We don't have to wash masks ourselves because we always receive new ones.
- Kiosks/Request Process:
 - Inmates that request vaccines / boosters are seen the same day or by the next day to receive the vaccine / booster.

- Previous Quarantine Status
 - I have been put on COVID quarantine status twice within the past 18 months (for 14 days):
 - The entire pod was on quarantine status due to an outbreak.
 - There were no concerns regarding privileges.

Inmate / Detainee #3 (Annex H Pod) (Assigned COVID-19 Peer Educator & “Rock-Man” [unit worker]):

- Assigned to the unit since February 2019.
- Sanitization / Cleanliness:
 - We disinfect with Bio-Vex.
 - We spray/wipe all handles, knobs, doors, kiosks, etc.
- Peer Educator:
 - I am one (1) of the three (3) inmates portrayed in the COVID-19 videos that is aired twice daily.
 - I orient new arrivals about COVID (e.g., COVID testing, COVID vaccines, mask, cleanliness / sanitization, and not spreading the virus), and other topics (e.g., clothing, etc.).
 - There has not been any new training for us.
 - No pay or sentence credits offered.
 - A counselor previously wrote a letter to the sentencing Judge regarding my COVID-19 assignment, but it didn't receive any favor from the Court.
- COVID-19 Education:
 - There are posters posted.
 - There are intercom announcements made by staff.
 - Officers and counselors talk to us about COVID.
- Incentives:
 - Some inmates complain it takes weeks or months to get paid.
- Town Hall Meetings:
 - Conducted in our pod every 2-3 months.
 - Medical staff are present, but they don't discuss COVID.
- COVID Awareness/Informational Meetings:
 - The doctor came about a year ago.
- Vaccines / Testing:
 - Sick call was backed-up for months.
 - Medical staff are now quick to follow-up with scheduled appointments for tests or vaccine administration:
 - Worst case scenario is a few days.
- Masks:
 - Was wearing a 2-ply black cloth mask during the interview.
 - Inmates just need to ask for a new mask, and they receive them (two [2] at-a-time).
 - Laundering:

- Inmates keep one (1) and can wash one (1) in their net laundry bag.
- We have washers and dryers to use daily:
 - The “Rock-man” washes them in the washer, but we can also send out to be laundered.
- Counselors and officers enforce mask requirements.
- Notices / Posters:
 - COVID-19 announcements are made over the intercom every hour (on the hour), such as “COVID cleaning in progress.”

Inmate / Detainee #4 (Annex 1 J)

- At SCJ since 12/2022:
 - In housing unit since 6/6/22.
- Vaccines / Vaccination Status:
 - Not vaccinated (by choice).
- COVID-19 Education:
 - Mask mandates are regularly enforced.
 - Notices are posted.
 - Intercom announcements (e.g., mask requirements, COVID cleaning reminders).
 - Staff provide verbal information to us if we ask.
- Town Hall Meetings:
 - I have heard of them, but not sure as to what they are.
 - I have never heard of one being done in our pod.
- COVID Awareness / Informational Meetings:
 - Never heard of it.
- Inmate / Detainee Peer Educators:
 - I am not aware of any, and not sure about the process.
- Masks:
 - Wearing 2-ply black cloth mask.
 - All we have to do is ask the officers if we want a new mask.
 - Laundering:
 - I have seen information posted, but I have never seen it practiced.
 - I could probably put in my net bag and get them washed.
 - We can wash ourselves, but not sure about Bio-Vex.
- Incentive:
 - I am aware of the \$20.00 commissary incentive to vaccinate.
- Kiosk:
 - The medical kiosk does not work (since December 2022):
 - Pill call nurse has request forms available daily.

Inmate / Detainee #5 (Annex 1 H Pod)

- At SCJ for about two (2) years:
 - In unit for about 18 months.

- Vaccination Status:
 - Received second shot (Pfizer) at the Main Jail about one (1) year ago.
 - Requested booster about six (6) months ago, and again about one (1) month ago via the kiosk:
 - I received a written response the following day indicating it was turned over to COVID, but never heard anything else.
- In January I submitted several written (paper) medical kites when the kiosk was broken, and I never received a response, a sick call appointment, or doctor's appointment.
- Peer Educator:
 - I don't know anything about it.
- COVID Education:
 - Posters are posted.
 - Intercom announcements are made hourly.
 - Videos are played daily at 8 AM and 3 PM.
 - Officers and counselors enforce mask requirements.
- Masks:
 - Wearing a beige / green 2-ply cloth mask.
 - I have two (2) of them.
 - No concerns with acquiring new masks from staff.
 - Laundering:
 - We have washing machines in the unit.
- Town Hall Meetings:
 - There is a lack of follow-up to our identified concerns.
 - The most recent was about six (6) weeks ago:
 - Medical staff was present, but it was not COVID-19-related.
 - They spoke about sick call in general.
 - Laundry staff are not always present.
- COVID Awareness / Informational Meeting:
 - It's been over a year since the last meeting.
- Incentives:
 - About three (3) or four (4) inmates in my pod have not been paid in about three (3) or four (4) weeks.
- Miscellaneous / General:
 - Sometimes it is dusty and difficult to breathe.

Inmate / Detainee #6 (General Population)

- At SCJ since 12/6/22.
- In housing unit for three (3) weeks.
- Vaccines / Vaccination Status:
 - Received initial shot in the community.
 - Verbalized interest in second vaccination with a pod officer, but there was never any follow-up:
 - Counselor was supposed to follow-up (but never did).

- COVID Education:
 - There is no verbal education or training.
 - Posters are posted.
 - Staff make intercom announcements.
 - Videos are played twice each day.
- Kiosk:
 - I was not aware of the kiosk process to submit a sick call request to get a vaccination.
- Masks
 - Wearing a black 2-ply cloth mask.
 - I don't have any other masks and was not aware we could have two (2) masks.
 - Some staff don't wear masks.
 - Laundering:
 - I wash my own mask.
 - I don't use Bio-Vex, just a de-greaser.
 - Neither me nor my cellmate have a net laundry bag.
- Town Hall Meetings:
 - There has not been a Town Hall meeting in my pods in the two (2) months I have been at the Jail.
- Covid Awareness / Informational Meetings:
 - I have never heard of them.
- Guest Speakers:
 - We have not had any since I arrived at the Jail.
- Sick Calls:
 - I was not aware of the sick call process to request a COVID test or vaccine.
- Incentives:
 - I am aware of the incentives.

Inmate / Detainee #7 (General Population)

- At SCJ since 12/19/22.
- Have been in the pod for about two (2) weeks.
- Vaccines / Vaccination Status:
 - Not vaccinated (by choice).
- COVID Education:
 - Videos air twice each day.
 - Intercom announcements are made regularly.
 - Received a packet of information (including COVID-related) during Orientation.
 - Staff do not provide verbal COVID education.
- Masks:
 - Wearing 2-ply black cloth mask:
 - I only have one (1).
 - I didn't know I could have two (2).

- The last time I asked for a new one, staff only gave me one (1) mask.
- Laundering:
 - I wash my mask myself.
 - I use soap.
 - There is no Bio-Vex offered to us.
 - I was not aware I could have my mask laundered.
- Sick Calls:
 - The process is not as fast as it should be.
 - For some inmates it takes two (2) weeks to get to sick call.
- Town Hall Meetings:
 - I know about them.
 - We have not had any in any of my pods since I arrived at the Jail.
 - There is no schedule posted.
- COVID Awareness / Informational Meetings:
 - I have never heard of it.
- Guest Speaker:
 - None since I have been at the Jail (in my pods).
- Incentives:
 - I was not aware of any.
- Kiosk:
 - The one (1) to submit sick call requests is not working.

Inmate / Detainee #8 (General Population)

- At SCJ since 1/7/21.
- In housing unit for about one (1) year.
- Vaccines / Vaccination Status:
 - I had the J&J in the community, and the booster here at the Jail.
- COVID Education:
 - No staff verbal education.
 - Videos are played daily.
 - Staff make Intercom announcements regularly.
- Masks:
 - Wearing 2-ply black cloth.
 - I have five (5) or six (6) of them.
 - Twice per month we receive two (2) new masks each.
 - We can ask for new masks anytime.
 - We can get new masks or wash them ourselves.
- Incentives:
 - I received my \$20.00 timely (no concerns).
 - Allot of inmates refuse to test out of fear of having to go to quarantine. status for positive test result.
- Town Hall Meetings:
 - We had a meeting a couple of months ago.

- They used to be held more often, but staffing shortages has limited the number of times they provide the meetings.
- The schedules are usually posted, or the officers tell us.
- Both medical personnel and laundry staff participate.
- Staff do a good job following up on our concerns and questions.
- COVID Awareness / Informational Meetings:
 - Never heard of them.
- Guest Speaker:
 - I have no knowledge.

Inmate / Detainee #9 (General Population)

- At SCJ since 8/5/22.
- In housing unit for about five (5) months.
- Vaccines / Vaccination Status:
 - Had first and second shots (Pfizer) here at the SCJ.
- COVID Education:
 - Videos air daily.
 - Staff make regular intercom announcements.
 - No staff verbal education, except reminders about mask requirements.
- Incentives:
 - I received my \$20.00 commissary funds.
 - I have not heard of any inmate complaints.
- Town Hall Meetings:
 - The most recent was in October (four [4] months ago).
 - We are not permitted to ask all the questions that we want to ask, and there is usually no resolution to our concerns.
 - Medical staff participate.
 - Regarding COVID, they only spoke about wearing masks.
- COVID Awareness / Informational Meetings:
 - Never heard of it.
- Guest Speakers:
 - None that I am aware of.
- Kiosks:
 - They just fixed the kiosk for submitting sick call requests (it was broken for about five [5] months).
- Vaccination / Testing Requests:
 - COVID-19 requests used to take about a week, but not sure about now.

Inmate / Detainee #10 (Annex 1 F)

- At SCJ since 1/22/21.
- In housing unit for about six (6) months.
- Vaccines / Vaccination Status:
 - Not vaccinated (by choice).

- COVID Education:
 - Videos play daily.
 - Staff make intercom announcements regularly (e.g., COVID cleaning).
 - No verbal COVID education.
- Peer Educators:
 - I am aware of the pod inmate peer educators.
 - We can talk to the two (2) peer educators anytime (informal).
- Masks:
 - Wearing 2-ply black cloth mask.
 - I have multiple masks.
 - Staff give out new masks sometimes.
 - I usually get a new mask whenever I go out-to-court.
 - Laundering:
 - I choose to get new ones rather than to wash.
 - We can wash them in the washing machine if we choose (the Rock-man washes them for us).
- Sick Calls:
 - No problems, no back log.
- Kiosks:
 - The kiosks are functional and we have access to paper copies of sick calls requests.
- Incentives:
 - I am aware, and there are no concerns.
- Town Hall Meetings:
 - We have them every couple of months.
 - I have attended.
 - No schedules are posted, staff just come in unannounced (always in the mornings).
 - Medical representatives speak about COVID-19.
- COVID Awareness / Informational Meetings:
 - Never heard of them.
- Guest Speakers:
 - Project Pat was here about three (3) weeks ago:
 - Other guests have been here as well.

Inmate / Detainee #11 (General Population)

- At SCJ for about two (2) weeks:
 - In housing unit for about two (2) weeks.
- Vaccines / Vaccination Status:
 - Received first Moderna shot on in the community in 2021.
 - I am aware I can get a second vaccine here at the SCJ, but I have not requested one yet.
- COVID Education:
 - During the Orientation process there is some related education.

- Videos are played daily.
- Staff make intercom announcements, but it is difficult to understand them (I don't hear well).
- Overall staff do a good job (they are trying).
- Incentive:
 - I am aware.
- Testing:
 - Most inmates don't want to test out of fear of getting "beat up."
 - There is pressure because nobody wants to be placed on quarantine status.
- Town Hall Meetings:
 - Not aware of it.
- COVID Awareness / Informational Meetings:
 - Not aware of it.
- Guest Speaker:
 - Not aware of any.
- Masks:
 - Wearing a 2-ply black cloth mask:
 - I have two (2) of them.
 - Staff issue new masks without any problem.
 - Laundering:
 - We can send out with our net laundry bags.
 - I choose to wash my masks myself, with Bio-Vex.
- Kiosks:
 - They both work fine.
 - We have access to COVID information and can request testing and vaccines.

Inmate / Detainee #12 (General Population)

- At SCJ since 11/29/22:
 - In housing unit for about two (2) months.
- Vaccines / Vaccination Status:
 - Not vaccinated (by choice).
- Quarantine Status:
 - I am currently on quarantine status for (for about four [4] days now) and was previously on quarantine status for 14 days (entire housing unit).
 - Inmates don't want to test (fear of going on quarantine status).
 - We are receiving all our privileges during quarantine, and the same was true for my previous quarantine time.
 - It's hard to get to court on quarantine status, but they have video court.
- COVID Education:
 - At Intake / Orientation I received a packet with information including COVID prevention, etc.

- Counselors provide us COVID information.
- Notices are posted.
- Masks:
 - Wearing a beige / green 2-ply cloth mask.
 - I have multiple masks.
 - Staff provide us with new masks without any problem.
 - Laundering:
 - I wash my masks myself sometimes:
 - I use shampoo or county-owner soap.
 - I am not sure about Bio-Vex availability.
 - Am not aware of laundering in net laundry bags.
- Town Hall Meetings:
 - I have heard of them but have not been to one.
- COVID Awareness / Informational Meetings:
 - Never heard of them.
- Guest Speakers:
 - None that I am aware of.
- Incentives:
 - I am aware.
- Sick Calls:
 - I am aware of the process.
 - It took 10 days for one (1) inmate to get his COVID vaccination.
- Kiosks:
 - Both are functional.

Housing Unit Walkthrough / Tour Observations (selected housing pods)

The following information contains bulleted highlights of related information obtained through on-site housing unit tours / walkthroughs of selected housing pods while on-site on February 7-8, 2023.

Annex – J Pod

- COVID-19 Education (Posters/Notices/Flyers):
 - About COVID-19 Vaccines.
 - Stay safe from COVID-19 Vaccines.
 - Do Wear a Mask That
 - COVID-19 Vaccines are Important.
 - Attention: Vaccines now On-site (Incentives – see Counselor).
 - Attention: \$100.00 Incentives (drawings, three (3) weekly).
 - COVID-19 Vaccination Will
 - Free COVID-19 Vaccine.
 - What You Need to Know About the Variants (four [4] pages).
 - How to Take Off a Mask.
 - What You Can Do if You Are at Higher Risk of Severe Illness from COVID-19.

- To Stay Safe from COVID-19.
- COVID-19 Facts.
- Face Mask Required (stay six [6] feet apart, wash hands often, stay home if sick).
- Share Facts About COVID-19.
- Proper Way to Sanitize and Clean Showers.
- Safety Checklist During COVID-19.
- Easy Steps to Clean Hands.
- Social Distancing for Residents and Congregate Settings.
- COVID-19 Facts.
- COVID-19.
- Share Facts About COVID-19.
- Washer and Dryer in the pod.

Fifth Floor (B-Pod)

- The COVID-19 notices / posters / flyers have all been removed by inmates / detainees.
- The bulletin board with hard-plastic covering contains documents as placed by counselors, but nothing related to COVID-19.

Third Floor (G-Pod)

- Two (2) hand-sanitizers (with sanitizer).
- The inmates / detainees were not wearing masks and had to be told (by staff) to put their masks on as I entered the pod.
- Notices / Posters / Flyers:
 - Easy Steps to Clean Hands.
 - Face Mask Required.
 - Mask Requirements.
 - Cover Coughs and Sneezes.
 - Do Wear a Mask That....
 - Share Facts About COVID-19.
 - Do Your Part to Stop the Spread.
 - What You Need to Know About Variants (four [4] pages).
 - Attention: \$100.00 Incentive (three [3] winners).
 - How to Take Off a Mask.
 - Stay Safe From COVID-19 – Get A COVID-19 Shot.
 - COVID-19 Facts (English and Spanish versions).
 - Cover Cough (English and Spanish versions).
 - Proper Way to Sanitize and Clean Showers.
- Town Hall Meeting Schedule:
 - January 2023 schedule.
 - Old schedule (April 2020) .

Staff Interviews (selected staff members)

Medical Administrator & Infection Control Coordinator

- Transitioning from COVID-19 Pandemic to Endemic:
 - We recommend mask mandates remain in-place.
 - Suggest testing protocols stay in-place.
 - Suggest vaccine protocols stay in-place.
 - The County is reportedly agreeable to keeping the protocols in-place.
- Therapeutics:
 - No written policy.
 - The Medical Provider handles will handle on a case-by-case basis.
 - An inmate/detainee in need of therapeutics would be admitted to Regional 1 Health (outside hospital).
 - To date, there has not been a need for Paxlovid, and there has not been any related requests.
 - Most current cases for COVID-19 are asymptomatic.
- Town Hall Meetings:
 - Medical personnel are not present at all meetings.
 - The Medical Administrator, Mental Health Director, and/or Director if Nursing are now required to participate in the meetings (since the beginning of 2023).
 - A counselor attends and provides general baseline COVID-19 access information.
 - The attending counselor now provides the Medical Administrator all healthcare related requests/concerns (electronically) immediately after the meetings are concluded.
- Confirmation of COVID Information:
 - We reconcile against the tracking logs.
 - We only provide the J&J vaccine if specifically requested by the patients.
 - We have a high volume of sick-calls / sick-call requests (aver 2,000 patients).
 - Many are repeats / duplicates.
 - We average about 70-80 sick-call requests per day:
 - Staff stay on top of this daily.
 - We determine emergent versus non-emergent requests.
 - We have the capability to see approximately 130-140 sick-calls daily.
 - Non-emergent sick calls are seen on the same day of request, or the following day, but no later than 72-hours after request.
 - At most, about 10 percent of sick-call requests are COVID-19 related (for testing or vaccination).

Health Officer, Shelby County (Shelby County Division of Health Services) (phone call conducted on 1/10/23)

- Shelby County Plans for Transitioning from COVID-19 Pandemic to Endemic (in the community):
 - Reminding people that COVID-19 still exists and is affecting people.

- Recommending those vulnerable, not fully vaccinated, and for individuals in poorly ventilated and/or crowded areas to wear their masks.
- Recommendations for the Shelby County Main Jail during the transition:
 - Continue to encourage inmates/detainees to get vaccinated.
 - Inmates/detainees should be given the same basic information as the public receives as to how to protect themselves (vaccine information).
 - Have masks available for individuals who choose to wear them.
 - New arrivals should quarantine for perhaps seven (7) days (not 14 days) before releasing them to the general population:
 - Or test them and keep them on quarantine status for about five (5) days, then re-test (though this option could prove expensive).
 - Testing must be available if there are COVID-19 symptoms.
 - No more social distancing requirements.
 - Visitors should wear masks (but the decision rests with the Jail administration).
 - The FDA is looking to make vaccines available as an annual vaccine.
- COVID Awareness / Informational Meetings:
 - There has been no increase in the number of sessions scheduled (about the same as before).
 - I have not been to the Main Jail over the last couple of months:
 - I have been asked (by Jail staff), but have not been able to come due to scheduling conflicts.
 - During my last visit, there was not much inmate / detainee interest.
 - Most individuals that are not vaccinated at this point are not wanting to be convinced otherwise, unless they change their mind on their own:
 - In the community, we are nowhere near where we were regarding the number and percentages of positive tests and COVID rates.
 - There is not as many illnesses, infections, or much overcrowding in hospitals in the community.
 - People will now be less inclined to get vaccinated now that we are moving toward an endemic.
- Therapeutics (e.g., Paxlovid):
 - Question:
 - If inmates / detainees have-to-use, is there a need only to do so in a community hospital, as an admit?
 - Answer:
 - If an inmate / detainee is positive (for COVID), has severe enough symptoms, and requires the medication (only recommended for severe cases or for those who are compromised) they should be taken to Regional I Health (County hospital).

- Such an inmate / detainee would need to be evaluated at the outside hospital, and the evaluation may or may not lead to an admission to the outside hospital.

Annex (First Floor) Counselor

- Role / Responsibilities (as related to COVID):
 - Provide COVID education:
 - Keep inmates / detainees abreast of COVID information (daily)
 - e.g., masks, cleanliness, washing hands, symptoms, medical information, pass out information / materials including Orientation packet / sheets (with acknowledgment form).
 - Selecting Peer Educators.
 - Participate in Town Hall Meetings.
 - Follow-up on concerns/questions from Town Hall Meetings.
- COVID Education Training:
 - We conduct training weekly (or try to) for each pod.
 - We have training sign-in rosters.
 - Control Center ("186") provides related intercom announcements every hour (on the hour).
- Peer Educators:
 - I was not part of the selection process:
 - Perhaps the Counselor supervisors selected them, but not sure.
- Town Hall Meetings:
 - We have them in the pods on a quarterly basis.
 - I make verbal announcements in the pods.
 - I post related signage at least one (1) week prior to scheduled meetings, which allows the inmates/detainees time to think about their questions or concerns.
 - Town Hall staff representatives inform me (verbally or in writing) as to any questions or concerns:
 - I document my resolution(s), including how I dealt with the situation, who I dealt with (e.g., medical staff, etc.).
 - I follow-up when I receive complaints or requests from inmates/detainees.
 - I document my actions and resolution in the electronic OMS Educational drop-down menu (we type our notes).
- COVID Awareness / Informational Meetings:
 - The doctor explains that vaccination request forms are on-site and are forwarded to the medical department for follow-up.
- Masks:
 - Staff pass them out regularly, inmates / detainees simply need to ask housing staff.
 - Laundering:
 - Laundering (of masks) is offered twice weekly.

- Kiosks:
 - All kiosks in the Annex are functional, except one (1) which is being repaired:
 - We also have hard copies of medical request forms.

Court Expeditor (and colleague)

- She is new to the position (since about 1/5/23).
- Still being trained and learning the duties of the position.
- New Bail Order / Bail Hearings:
 - Goes into effect on 2/15/23.
 - Part of the Order deals with medical.
 - We try to keep the inmates / detainees from getting on the list:
 - Arraignment.
 - Release form (medical fills out).
 - Wellpath / other issues.
- I have Class and Sub-class list:
 - But I monitor all detainees who are set for arraignment (or for attorneys) and move to ensure quick court dates.
- Tracking List:
 - Note: we discussed what the Inspector is looking for in a simple but complete tracking system.
 - She said she will keep a simple at-a-glance tracking list (of Class and Sub-Class members) with appropriate action/status columns, including adding columns for issues and resolutions.
 - She indicated she will also have a second tracking list that shows her work (what she did and ability to keep detainees names off the Class and Sub-Class list).
- Contact with Medical Department:
 - I maintain email correspondence with the medical department.
- I deal with the Court and the attorneys.
- I am involved with task groups, and White Board meetings.
- A second attorney will be hired soon as a back-up to my position (primarily) and assist as necessary.

Vaccination Program

Inmate / Detainee Interviews

The Inspector interviewed 12 inmates / detainees regarding the vaccination program (e.g., vaccination status/history, education, and types of related meetings). Four (4) of the 12 indicated they have not been vaccinated (all by their own choice). Seven (7) of the other eight (8) individuals have been vaccinated to some degree. Note: the information for the other individual was not obtained. The breakdown for the seven (7) inmates / detainees is as follows:

- Have had all vaccination and boosters.

- Had initial vaccination in the community:
 - Requested second shot here at the Jail but there was no follow-up.
- Received second shot at the Jail and requested a booster about a month ago but have not heard back.
- Received the booster here at the Jail.
- Received both first and second shots here at the Jail.
- Had the initial shot in the community but have not requested a second shot here at the Jail.

The inspector asked the 12 inmates / detainees about COVID-related education. The inmates/detainees provided the following information:

- Videos played at intake and on television twice daily – Eight (8) of 12.
- Public address system / intercom announcements – 10 of 12:
 - Inmates cited masks requirements, general cleaning (reminders), vaccines, and hand washing.
- Notices/posters/flyers – Six (6) of 12:
 - Note: Two (2) of the three (3) cited the Intake / Orientation Packet with COVID-19 vaccination, testing, and educational information.
- Intake/Orientation – Three (3) of 12.
- Related verbal education by staff – Six (6) of 12:
 - From officers – three (3) of the six (6).
 - From counselors – Four (4) of the six (6).
 - From nurses – One (1) of the six (6).
 - From “staff” – One (1) of the six (6).
 - From peer educator – One (1).
- No verbal education by any staff – Four (4) of 12.

Regarding Town Hall Meetings, 11 of the 12 inmates / detainees were asked about Town Hall meetings. 10 of the 11 were aware the meetings exist, but the other individual had only been at the Main Jail for about two (2) weeks. Two (2) of the 11 had heard of the meetings but were not sure what they are about, or whether COVID is discussed. Six (6) of the 11 acknowledged meetings in their respective pods within the past one (1) – four (4) months. Four (4) of the 11 stated that either none have been conducted in their respective pods, or they were not aware that any had been conducted. Six (6) of the 11 acknowledged medical staff presence at the meetings, but two (2) of the six (6) stated medical staff representatives do not discuss anything related to COVID, and the third inmate / detainee indicated medical staff talk about sick call (but not as related COVID), one (1) of the six (6) stated that medical staff only talk about the mask requirements, and two (2) of the six (6) stated medical staff do speak about COVID. Other related comments included: there is a lack of follow-up or resolution of the identified concerns (two [2] inmates / detainees); the schedules are usually posted (two [2] individuals); schedules are not posted (one [1] individual); staff do a good job following up on our concerns and questions (one [1] individual); we are not permitted to ask the

questions that we want to ask (one [1] individual); laundry staff participate (one [1] individual); and laundry staff are not always present.

Regarding COVID Awareness (Informational) meetings / sessions, 11 of the 12 inmates/detainees were asked about their awareness of such meetings. Eight (8) of 11 had never heard of the meetings. Two (1) of the 11 stated it had been a year or more since the last meeting, and one (1) of 11 stated, "it's been awhile."

Regarding outside guest speakers / celebrities, seven (7) of the 12 were asked whether they were aware of such meetings taking place at the Jail. Six (6) of the seven (7) inmates/detainees stated they were not aware of any guest speakers at the Jail, while the seventh individual stated that rapper / musician Project Pat was at the Jail about three (3) weeks prior.

Regarding incentives to vaccinate, 10 of the 12 inmates / detainees were asked related questions. Eight (8) of the 10 individuals are aware that incentives are offered. Other comments included: some inmates complain it takes weeks or months to get paid (one [1] individual); and about three (3) or four (4) inmates in my pod have not been paid in about three (3) or four (4) weeks. Note: the Inspector provided the names (as given by the inmate / detainee interviewed), and Jail administration immediately follow-up and determined that the wait had only been a couple of weeks for the individuals, but were going to monitor the situation. Additional individual comments included: I received my \$20.00 timely (no concerns); allot of inmates refuse to test out of fear of having to go to quarantine status for positive test result; I received my \$20.00 commissary funds, and I have not heard of any inmate complaints.

Regarding kiosks, eight (8) of the 12 inmates/detainees were asked related questions. Four (4) of the eight (8) individuals acknowledged that both kiosks in their respective pods are operational (though one [1] of the individuals stated the medical kiosk was recently repaired after being broken for about five [5] months); Two (2) of the eight (8) individuals stated their respective medical kiosks are not functional; and one (1) individual was not aware of the kiosk process to submit a sick call request to get a vaccination. Some of the inmates / detainees acknowledged that paper request forms are also available to request COVID testing or vaccinations (including from the pill call nurse); and one (1) individual stated that inmates / detainees that request vaccines / boosters are seen the same day or by the next day to receive the vaccine/booster.

Regarding sick calls, four (4) of the 12 inmates / detainees were asked related questions. Three (3) of the four (4) were aware of the sick-call process (including to request COVID testing or vaccines). Additional individual comments included: it took 10 days for one (1) particular inmate to get his COVID vaccination; the process is not as fast as it should be; for some inmates it takes two (2) weeks to get to sick call; and no problems, and no back-log with the sick call process.

Regarding inmate / detainee peer educators, the Inspector interviewed two (2) assigned peer educators (from separate pods – 1-F [inmate / detainee #1] and 1-H [inmate / detainee #3]). Both acknowledged there has not been any new training for them as related to COVID-19, and there is no pay or sentencing credits given for their work, though one of the peer educators acknowledged a counselor previously wrote a letter to his sentencing Judge regarding his COVID-19 assignment, but it didn't receive any favor from the Court. The workers stated they receive COVID update information. One (1) of the two (2) workers stated he is one (1) of the three (3) inmates / detainees in the COVID-related video shown twice daily on the televisions. The workers stated they provide COVID-related information to inmates / detainees (including new arrivals / orientation) including COVID-related safety; COVID testing; COVID vaccines (and benefits); masks and mask requirements; cleanliness / sanitization (not spreading the virus); and other topics (e.g., clothing, etc.). One (1) of the workers stated he has been in the pod longer than everybody, and all inmates / detainees in the pod know him and are aware of his role as a peer educator and “rock-man.” Aside from assisting in the inmate / detainee Orientation process, the peer educators acknowledged there is not a formal schedule (to provide peer training) but they provide COVID-19 information to the inmates / detainees (informally), and individuals approach them to ask questions and talk about COVID and other issues. One (1) of the peer educators added the following information relative to his assignment: we spray disinfectant every hour on the telephones, cell doors, tables, games and game pieces, kiosks, etc.; we have a sanitizer on the wall, and we keep, it full; masks are still required, and I pass out new masks monthly (usually about three [3] to each person); everyone has a net laundry bag, and we wash them here in the unit (the 10-6 shift washes them, usually about twice weekly, and they can also choose to wash their masks themselves); the other inmates can submit vaccine requests, or we can submit for them.

Regarding the two (2) inmates / detainees interviewed from pods I-H and 1-F that are not assigned as peer educators (Detainee's #2 and #10 respectively), they provided information relative to the assigned peer educators. Inmate / Detainee #2 stated the day shift “Rock-Man” (also peer educator) talks to them about COVID-19, the discussions are informal but not scheduled, and he answers their questions. Inmate/Detainee #10 stated he is aware of the two (2) pod peer educators, and they (inmates / detainees) can talk to them anytime (informally).

Staff Interviews

The Inspector interviewed several staff members relative to the COVID-19 Vaccination program, including the Shelby County Main Jail's Medical Administrator, Infection Control Coordinator, and Annex (First Floor) Counselor. Additional Jail custody personnel were interviewed informally. The Inspector also interviewed the Shelby County Health Officer (Shelby County Division of Health Services) via telephone (post on-site inspection).

Medical Administrator & Infection Control Coordinator:

In summary of the interviews (as captured in more detail above), the medical personnel acknowledged that medical representatives have not always been present for scheduled Town Hall meetings, but are now doing so, with either the Medical Administrator, Director of Nursing and/or Mental Health Director required to attend (since the beginning of 2023). Further, a counselor also attends, provides general baseline COVID-19 access information to the attendees, and provides the Medical Administrator all healthcare related requests / concerns (electronically) immediately after the meetings conclude.

Regarding confirmation of COVID-19 information, they explained they only administer the J&J vaccine if specifically requested by an inmate / detainee, and the person is otherwise eligible to receive it. Regarding sick calls, and relative to complaints regarding the timeliness (or lack thereof), the medical personnel explained there is a high volume of requests, but there is no longer a back log in terms of facilitating timely sick calls. Reportedly there is a high volume of sick calls amongst the approximate 2,000 patients, though many are often duplicate requests. They indicated the medical department receives on average about 70-80 sick call request per day, and that staff are now staying on top of it daily. Reportedly they have-the-ability to see approximately 130-140 sick calls patients daily, and non-emergent sick calls are seen anywhere from same day to the following day, but no more than 72-hours after the request is received. They added that about 10 percent of sick call requests are COVID-19-related.

During the on-site interviews, and regarding therapeutics, they acknowledged there is no written policy as to how to deal with such requests. They stated that in practice the Medical Provider will handle requests or needs on a case-by-case basis, but any patient in need would be admitted to Regional 1 Health (outside community hospital). They stated to date there has not been a need for Paxlovid (or other therapeutic medications), nor have there been any requests.

Regarding a Jail plan to transition from a COVID-19 pandemic to endemic, they stated it was their position they would recommend mask mandates remain in-place, and both COVID-19 testing, and vaccine protocols stay in-place, and that Shelby County is agreeable to keeping those protocols in-place.

Pod Counselor (Annex – First Floor):

Regarding COVID-19 education and training, she indicated the Control Center provides hourly intercom announcement information, she makes intercom announcements, she provides general education to the inmates / detainees as well as passes out Orientation packets (with an acknowledgment form), she conducts weekly training with sign-in rosters, and participates in Town Hall meetings. Reportedly the Town Hall meetings are conducted in the pods quarterly, she posts notices at least one (1) week in advance, and she makes related intercom announcements. She stated that Town Hall representatives (from other disciplines) inform her (verbally or in writing) as to any questions or concerns, and

she documents her actions/resolutions. She stated she follows-up with all inmate / detainee related complaints and requests and documents her actions in the electronic OMS.

Regarding inmate / detainee peer educators, she admitted that she was not involved in the hiring process for the four (4) assigned peer educators as part of the pilot program in the Annex - First Floor area.

Regarding kiosks (to access sick call-in request of a COVID-19 test or vaccine, or to request medical evaluation due to signs or symptoms), she stated that all kiosks in the Annex are functional, except one (1) which is pending repairment. She also reiterated that the pods also have paper copies of medical sick call request forms.

The Shelby County Health Officer (Shelby County Division of Health Services): Though he acknowledged that Jail administration staff have reached out to him, he has not been to the Jail in over a couple of months, and there has been no overall increase in the frequency of COVID-19 Awareness / Informational meetings/sessions. He added that during his last visit there was not much interest. He believes due to the much lower illness and infection rates and positive tests in the community, and because we are moving toward an endemic (rather than a pandemic) individuals (including inmates / detainees) are less inclined to get vaccinated now.

Regarding therapeutics (e.g., Paxlovid), the question was asked of him as to whether there is a need to only send and admit inmates / detainees to community hospitals in the event they need therapeutic medication. He stated that if an inmate / detainee is positive (for COVID), has severe enough symptoms, and requires the medication (only recommended for severe cases or for those who are compromised) they should be taken to Regional I Health (County hospital). Such an inmate / detainee would need to be evaluated at the outside hospital, and the evaluation may or may not lead to an admission to the outside hospital.

When asked about Shelby County's Plans for Transitioning from COVID-19 pandemic to endemic (in the community), he cited reminding people that COVID-19 still exists and is affecting people, and recommending those vulnerable, not fully vaccinated, and for individuals in poorly ventilated and/or crowded areas to wear their masks.

He was also asked about any recommendations he might have for the Shelby County Main Jail during the transition. He recommended to continue to encourage inmates / detainees to get vaccinated; inmates / detainees should be given the same basic information as the public receives as to how to protect themselves (vaccine information); have masks available for individuals who choose to wear them; new arrivals should quarantine for perhaps seven (7) days (not 14 days) before releasing them to the general population, or, test them, and keep them on

quarantine status for about five (5) days, then re-test (though this option could prove expensive), and testing must be available if there are COVID-19 symptoms; no more social distancing requirement; visitors should wear masks (but the decision should rest with the Jail administration); and the FDA is looking to make vaccines available as an annual vaccine.

Onsite Observations & Document Reviews:

As detailed earlier in the report, and as pertaining to the COVID-19 vaccination program, The Inspector reviewed numerous related documents produced by the County, including:

- Town Hall Meeting Schedules/Calendars (November 2022 – March 2023).
- Town Hall Meeting Attendance Sheets (January – July 2022).
- Town Hall Meeting Minutes (November – December 2022 [4 dates only for 13 pods]).
- Peer education (COVID Prevention Education) sign-in rosters for inmates/detainees.
- COVID-19 peer education information (Word version document) includes information that the four (4) assigned peer educators (from the two [2] piloted pods) will provide to other inmates / detainees housed within the two (2) respective pods.
- Offender Management System (OMS) Screens/Inmate Notebook with miscellaneous information.
- Shelby County Sheriff's Office Inmate COVID-19 Vaccination Acknowledgment Forms.
- Shelby County Sheriff's Office memorandum, titled, "COVID-19 Booster Incentive (dated January 13, 2023).
- Wellpath COVID-19 Vaccine Logs (handwritten by Infection Control Nurse).
- CJC COVID Vaccination Lists.
- Documents related to the Court Expeditor's office (tracking spreadsheet).
- Standard Operating Procedure 699 – COVID Coronavirus Pandemic Response.
- Incentive payment documentation.
- Email regarding therapeutics.
- Email regarding Jail population and current number of COVID-19 Cases.

Regarding Town Hall Meeting Schedules / Calendars for November 2022 – March 2023 show the following:

- November:
 - Shows four (4) dates with a total 12 meetings in 12 different pods.
 - Meetings conducted on lower level (Annex) and first floor.
- December:
 - Shows four (4) dates with a total 16 meetings in 16 different pods.
 - Meetings conducted on lower level (Annex) and second floor.

- January:
 - Shows five (5) dates with a total 16 meetings in 16 different pods.
 - Meetings conducted on the third floor.
- February:
 - Shows four (4) dates with a total 13 meetings in 13 different pods.
 - Meetings conducted on the fourth floor.
- March:
 - Shows three (3) dates with a total 12 meetings in 12 different pods.
 - Meetings conducted on the fourth, fifth, sixth, and lower-level floors.

In all, over an approximate five (5) month period, Town Hall meetings were conducted on all floors, including at about 69 different pods. All meetings were conducted during the morning hours.

Town Hall Meeting attendance sheets/rosters for November 4, 7, and 14, 2022, and for December 5, 2023, show the following:

- For the four (4) dates, meetings were conducted on the lower-level and first floors, in 13 pods, with approximately 177 inmate / detainee attendees.

There were no Town Hall Meeting attendance sheets/rosters provided for any meetings for November 21 or 28, 2022, for the four (4) dates in December 2022 that would correspond to the scheduled meetings for that time-period. The inspector realizes that document production was due in December, so it was unrealistic for the County to provide documents for meetings scheduled after December 2022.

In summary of the above-mentioned Town Hall Meeting Minutes, documentation shows the medical department, counseling services, and laundry representatives were represented for nearly all meetings. The exception was for the meetings conducted in pods 6-A and 6-C (on November 4, 2022), whereas there were no staff representatives from any of the three (3) disciplines. From the time-period of October 24, 2022 – December 27, 2022, there were meeting minutes for about 10 different dates, including from approximately 31 different pods, for approximately 258 attendees (out of about 797 inmates / detainees assigned to those respective pods). Documentation shows approximately seven (7) attendees requested COVID-19 vaccines (one [1] of which was for a booster shot). However, although documentation indicated assigned staff were following-up, there was no confirmation as to vaccines being administered (for these specific inmates / detainees), nor was any associated time-line information (for providing vaccines) provided.

Some of the concerns identified at Town Hall meetings (from the document reviews) by inmates/detainees included:

- Sick Call Requests:

- Medical not responding to sick call requests (at all or in a timely manner) and / or inmates / detainees are not being seen – complaints from at least 11 of the 31 pods reporting:
 - In at least two (2) of the 11 pods there were multiple inmates / detainees with the same complaints.
- Other Medical Related Complaints:
 - Mold is causing headaches and effecting breathing (one [1] pod).
 - Nurses telling inmates personal medical business out loud for other inmates/detainees to hear.
- Cleanliness / Sanitization / Maintenance / Vector Control / Ventilation – Complaints from eight (8) of the 31 pods reporting:
 - Showers: (complaints from two [2] pods):
 - Only one (1) shower has hot running water.
 - Several showers not working.
 - Vector (complaints from three [3] pods):
 - Rats and roaches in Pod / need spraying.
 - Roaches were crawling up the walls, on the cell doors and all on the floor during the Town Hall meeting.
 - Rats and roaches in pod / need spraying.
 - Sanitization / Cleaning (complaints from two [2] pods):
 - Un-sanitized sewer water coming up from the drain into the shower.
 - Not cleaning out cells or sanitizing pod.
 - Ventilation / heat (complaint from one [1] pod):
 - Too hot in pod makes it hard to breathe.
 - General:
 - “Living Conditions are horrible” (specifics are unclear).
- Laundry (complaints from eight [8] pods):
 - Clothes are not coming back clean / dirty / smell / not washed properly (from six [6] pods).
 - It's been more than 14 days since the last wash.
 - Wash once per week, need to wash more often.
 - Not receiving clothes from net bag from wash.
 - Not receiving correct clothes back from the laundry.
- Kiosks (complaints from seven [7] pods):
 - Kiosk not functional/out of service:
 - Note: one (1) specific complaint alleged it was out of order for several months.
 - Note: some complaints were clear that the kiosk in question was the kiosk to submit sick call requests, while others were not clear as to which kiosk was out of order.
 - Officers will not allow inmates / detainees to use kiosk.
- Incentives:
 - Inmate / detainee never received \$20.00 for vaccine (two [2] complaints).
- Masks (complaints from two [2] pods/three [3] inmates / detainees):

- Inmate / detainee requests a mask.
- Two (2) inmates / detainees need masks.
- Other:
 - Not being let out or receiving recreation, phones, and showers.

As outlined earlier, the County did not provide any completed responses to Town Hall Meetings other than general language indicating identified staff members were following-up on the complaints/concerns (but no confirmed dispositions).

As stated earlier, the County did not provide any documentation regarding COVID Awareness / Informational meetings / sessions.

Regarding COVID-19 education, the Inspector noted many CDC-approved and / or County-approved COVID-19-related notices / posters / flyers posted throughout the Jail, including in cell blocks, dormitories, housing unit common areas, clinic areas, etc. All inmates / detainees interviewed that were asked related questions, all were aware of the notices, and most of the inmates / detainees acknowledged they were helpful and part of the COVID education process. The Inspector notes that though the Jail's pods contain many related COVID-19 notices, there were some inconsistencies as to which notices were posted in different pods. Also, as identified earlier, one (1) of the three (3) pods the Inspector randomly selected for a walkthrough did not have any related notices posted. Staff indicated the inmates / detainees took them down, and staff were going to re-post.

Regarding the inmate / detainee COVID-19 Peer Education component, the County has implemented the pilot peer education program for Pods 1-F and 1-H. The County has informed the Inspector of the intent to likely expand the program to the remainder of the pods throughout the Main Jail. Subsequent to the onsite inspection, the County has since provided documentation (including sign-in rosters) for one (1) pod on the jail's third floor (R pod), thus showing two (2) newly hired peer educators for the pod, and about 61 named inmates/detainees in the pod that received peer education COVID-related information. However, it is unclear as to a timeline for expanding the program to the remainder of the Jail. Currently, the three (3) pods (from the Annex and third floor) each have two (2) assigned peer educators. The SCSO has expressed that implementing a peer education program is a significant undertaking, and it will take a voluminous amount of time and staff hours to implement for each of the 60 pods in the Jail. Nevertheless, the SCSO has further indicated their efforts to implement the program throughout the Jail and will continue to update the Inspector on the progress.

As stated earlier, the peer educators also serve as unit workers ("Rock-Man" workers), and they do not currently receive any compensation or sentencing credits for serving in the position.

As identified in greater detail earlier, the County provided (as part of document production) general information as to what information the peer educators provide to the other inmates / detainees, as related to COVID-19 prevention, cleanliness, sanitizing, wearing masks, and COVID-19 symptoms, and vaccination.

As also identified earlier, the Inspector interviewed two (2) assigned peer educators (one [1] each from Pods 1-F and 1-H) and two (2) inmates / detainees (one [1] each from each of the two [2] pods). There has been no formal training provided to the workers. They operate from informal training received in the past from staff, through intercom announcements, notices / posters / flyers, and information they have been taught and learned as unit workers regarding cleanliness, sanitization, etc. Of the two (2) inmates / detainees interviewed from the two (2) respective pods, only one (1) of them knew there were assigned COVID-19 peer educators in the pod.

As part of document production, the County provided peer education (COVID Prevention Education) attendance sheets for 10 dates, for the period covering October 4, 2022 – December 14, 2022. The attendance sheets covered Pod 1-F (six [6] sessions – approximately 141 attendees) and Pod 1-H (four [4] sessions – approximately 56 attendees). Though not confirmed, it appears that the attendance sheets were for new inmate / detainee Orientation (the COVID-19 portion), which is conducted by both staff and selected peer education workers. As stated above, SCSO recently provided sign-in rosters for the lone pod on the third floor (R pod) that recently established a peer educator program.

Regarding incentive payment documentation, and as described in greater detail earlier, the County provided numerous invoices, check reimbursement requests, and CJC COVID Vaccination Clinic lists, for invoice payments paid to inmate / detainee commissary funds as-a-result of accepting and receiving COVID-19 vaccines. Documentation shows payments made each-and-every month for the period covering May 2022 - February 2023. In totality, the amount of about \$3,760.00 was paid during the 10-month period, for approximately 188 inmates / detainees.

Regarding other incentives, SCSO recently provided information that SCSO intends on implementing the new basketball incentive on or by May 1, 2023, and will continue to update the Inspector on the progress.

Regarding COVID-19 vaccinations administered by Wellpath staff, COVID-19 Vaccine Logs (handwritten by Infection Control Nurse) were provided for the month of December 2022 (as described in greater detail earlier). The data shows the following:

- There is no electronic or other available data with which to reconcile the information.

- Data lists approximately 29 inmates / detainees (one [1] was listed twice) that apparently requested COVID-19 vaccinations (to be administered during the month of December 2022).
- There was no related data provided for any other months during the rating period.
- The data shows the following number of COVID-19 vaccination types as having been administered (in December 2022):
 - Pfizer Initial – Two (2).
 - Pfizer Second Dose – Two (2).
 - Pfizer Booster – Two (2).
 - Moderna Initial – Zero (0).
 - Moderna Second Dose – One (1).
 - Moderna Booster – One (1).
 - J&J – Two (2).
 - J&J Booster – Two (2).
 - Unclear/Unknown – Two (2) were marked as first dose but didn't indicate which type of vaccination.
 - Unclear/Unknown – One (1) was marked as second dose but didn't indicate which type of vaccination.
 - Unclear/Unknown – Though on the list, about 11 inmates / detainees were not marked as receiving any vaccines, or refusals, or any other pertinent information.
 - One (1) inmate / detainee was marked as having been released from custody.
 - The data does not show the specific dates the inmates / detainees requested a vaccination, the method of request (e.g., kiosk, paper copy of sick-call request, verbally through counselors, pill-call nurses, or housing officers, or by other means), the specific dates the medical department received the individual requests, or how many calendar or business days elapsed from initial requests versus dates the vaccinations were administered.
 - For the month of December, there were approximately eight (8) calendar dates represented:
 - This would appear to show that CJC Vaccination Clinic (COVID clinics) were only operating on those approximate eight (8) days that month.

There were no COVID Testing Logs / Results or data provided for review.

Regarding the Offender Management System (OMS) Electronic Inmate Screens, for the many completed documents that were provided for the months of November and December 2022, it appears staff were (are) conducting (at minimum) weekly special needs checks, including conducting one-on-one checks for signs/symptoms of COVID-19 and we all as providing reminders geared toward prevention and precautions.

Regarding Shelby County Sheriff's Office Inmate COVID-19 Vaccination Acknowledgment Form, documentation for November and December 2022, show 12 inmates / detainees signed the form as requesting a COVID vaccination, but notes indicate only four (4) received the vaccines (J&J initial – one [1], J&J booster – one [1], Moderna initial – one [1], and Pfizer second – [1]). There was no corresponding vaccine information for the other eight (8) inmates/detainees that accepted.

Regarding the Standard Operating Procedure 699 – COVID-19 Coronavirus Pandemic Response (Effective Date: 03-24-2021), as outlined earlier, the objective of the procedure is to establish a uniform procedure to minimize the exposure of employees, inmates / detainees, and the public to COVID-19 within facilities operated by the Shelby County Sheriff's Office (SCSO), and includes requirements for safety, precautions, training, education, staff planning and response, personal protective equipment, housing for confirmed cases, testing, vulnerable inmates/detainees, laundry service, and other requirements.

Regarding therapeutics, during the Inspector's interview of the Medical Administrator and Infection Control Coordinator, they reiterated there is no related written policy, the medical provider handles on a case-by-case basis, an inmate / detainee in need of therapeutics would be admitted to Regional 1 Health (outside county hospital), and to date, there has not been a need (or a request) for Paxlovid. During the interview with the Shelby County Health Officer, he stated that if a patient is positive (for COVID), has severe enough symptoms, and requires the medication (only recommended for severe cases or for those who are compromised) they should be taken to Regional I Health (community hospital). He further added that such a patient would need to be evaluated at the outside hospital, and the evaluation may or may not lead to an admission to the outside hospital. However, As detailed earlier, defendants provided a recent email (post onsite inspection, and after the interviews of the Main Jail Medical Administrator and Infection Control Coordinator, and the Shelby County Health Officer) regarding therapeutic medications. The email indicates Wellpath has now agreed that they can and will prescribe Paxlovid when needed, it may not be necessary to send patients to Regional One hospital when in need for therapeutics (e.g., Paxlovid), and Wellpath can prescribe Paxlovid without Regional One hospital's involvement and will do so if needed. Wellpath does not keep any prescription medication on site except for some prescription pain medications and some prescription detox medications. But while the Paxlovid medication is not maintained on-site, it can be obtained similarly to other prescription medications within a few hours of it being ordered.

Findings:

Of positive note, the County continues to administer all three (3) types of vaccines (Pfizer, Moderna, and J&J), including booster shots for each type. The County reportedly continues to encourage the use of the Pfizer or Moderna vaccine in light of the current guidance and will provide a J&J vaccine only if specifically

requested by a patient (and they are otherwise eligible). The same level of concern from the previous report no longer exists to be a concern in terms of noticeably lower Moderna vaccines provided.

A continuing major concern is the lack of a single meaningful tracking mechanism to effectively track dates of inmate / detainee arrival, individuals who accepted and were administered a specific type of vaccine upon arrival, and aside from new arrivals, the individuals that request a COVID-19 test or vaccine at any time (including dates the requests were received by medical staff), and the types of vaccines administered (including the specific type). The Inspector acknowledges the County's previous stance on the matter, in that it would be extremely difficult to track due to the very high volume of inmate / detainee movement both in and out of the Jail on a regular basis. However, the Inspector disagrees with the County's position on this issue. As stated in the last report, the County has begun providing some of the related information, but it has not been consistent and does not appear to be exhaustive. Absent complete information, the Inspector has been and will continue to be unable to accurately identify the percentages of inmates / detainees that request and receive COVID-19 vaccinations (and COVID-19 tests). As was also identified in the previous Inspector's report, there has been ongoing concerns regarding the apparent a low vaccine acceptance rate toward achieving herd immunity within the Jail. As previously reported, the Jail's daily vaccination data does not capture specific names, numbers, and percentages regarding vaccination rates amongst the Jail's population, including those deemed to be medically vulnerable. Again, the County must effectively track COVID-19 vaccinations daily, including dates of requests (including dates the Infection Control Nurse or medical department receive the requests), the specific type of vaccine requested (whether identified at the time of request or at the time of receiving the vaccine), logging of the requests, date the Infection Control Nurse or medical department scheduled the inmate / detainee for a vaccination (should be same day or within 24 hours of request), and the date the requested vaccine was administered. Timeliness from request to receiving the vaccination at minimum appears to not be inconsistent, as numerous inmates / detainees continue to voice complaints (to the Inspector and via the Town Hall meetings) or otherwise indicated they have submitted sick call requests (some reportedly on numerous occasions) to receive vaccines (including boosters) and the process sometimes reportedly takes a lengthy period of time, or as in many reported cases, the inmates / detainees do not receive responses to their sick calls requests. Some of the reported sick call requests were specific to COVID-19 vaccines, while others were not (or perhaps not). However, when a percentage of inmates / detainees do not have confidence in the process due to late healthcare staff responses or no responses at all, it would stand-to-reason that it could reasonably serve a deterrent to inmates / detainees submitting requests for COVID-19 testing or vaccines if they otherwise might be inclined to do so. The tracking information must also include any delays and reasons for delays beyond the same day or within 24 hours of request (if applicable). Tracking information / data must also indicate whether there were any missing days or days whereas there were no requests received, and no

vaccines administered (including whether there were no COVID clinics operational on any given days [particularly weekdays]). As also mentioned in the previous report, it would also be extremely helpful if the tracking information included a listing of the inmates / detainees housed at the Jail (during the rating period); the names of inmates / detainees that were already vaccinated in the community; those that received an initial vaccination at the Jail; and those who are eligible for initial, subsequent doses, and booster shots.

Regarding the functioning of COVID clinics, and as previously reported, the County asserts COVID clinics are taking place daily (Mondays – Fridays). For future tracking and proof of practice efforts, the County must show that COVID clinics occur daily to which the Inspector's recommended tracking practices would capture. This could confirm that COVID-related request and logging processes are immediate (or on same day of request), and the COVID clinics are held daily (Monday – Friday), and the timeline the vaccinations (including boosters) are administered (should be within 24 hours of request). The tracking should identify the dates (if applicable) whereas COVID clinics were not running, including the reason(s), (e.g., medical staffing shortages, and / or custody staffing shortages including a lack of escorting staff / officers). If there are staffing concerns causing or contributing to a lack of related services, the County must identify what is being done to eliminate the problem and to ensure there are no related delays in the COVID vaccination process. The tracking information must also indicate if there were any dates within a given month whereas there were no COVID vaccinations or boosters administered due to no current requests, and that the County is otherwise caught-up with all recent requests. The tracking system must show COVID-19 vaccine request and vaccination activity (shots administered) and/or applicable explanations (e.g., no COVID clinics, no COVID vaccines / boosters administered, no COVID vaccine / booster requests, including any related reason for lack of activity, etc.) for each calendar date within a given month (at minimum on all weekdays [other than holidays]).

Regarding inmate / detainee knowledge of COVID-19 vaccinations and boosters, there has been noted continued improvement as to their vaccine options, the availability of booster shots, and that they have the option of the three (3) types of vaccines available (including for booster shots). The inmates / detainees interviewed continue to be aware of the COVID-19 related posters / notices / flyers / brochures, and acknowledged COVID-19-related videos, while most individuals also acknowledged the benefit of the intercom announcements.

As detailed above, some of the inmates / detainees stated staff provide COVID-19 educational information, and some acknowledged receiving COVID Vaccination and Testing information packet from the medical department during the Intake process. Most of the inmates / detainees interviewed acknowledged the Town Hall meetings (a couple of inmates / detainees interviewed had only recently arrived at the Jail), and some have attended at least once. The County also once again confirmed the phone prompt (as detailed in the previous Inspector's report) will

continue, and County personnel will continue to inform inmates / detainees as to the types of COVID-19 vaccines available via various means.

Regarding the COVID Awareness / Informational meetings / sessions, there are continued concerns, as the meetings have not occurred in at least the last past couple of months, and most of the inmates / detainees interviewed were not aware of the meetings/sessions.

The posting of Town Hall meeting schedules remains problematic, or at least inconsistent. As has been the case for the previous inspections, some pods have current postings, others have old posting, and some do not have schedules posted. However, the Inspector understands that any given pod may not be currently scheduled with a specific date, and therefore it may not be feasible to have a schedule posted at such a time. Again, most of the inmates / detainees interviewed were aware of the meetings, and some had participated in the past, but some indicated there is no schedule.

There has been noted improvement regarding the representatives / facilitators of the Town Hall meetings from the involved disciplines, e.g., medical, laundry, and counselor services. As stated earlier in this report, from the review of documents, there was only one (1) meeting whereas all the identified disciplines were not present. As also stated earlier, medical administration staff indicated medical now maintains a presence and involvement at all meetings.

Regarding confirmation that issues raised at Town Hall meetings are addressed, the County is still widely not providing proof of resolution or disposition for complaints made at Town Hall meetings, other than indicating that appropriate staff were following up.

The Inspector notes Defendants position as to Defendants being unclear as to why the Inspector noted (in the draft report) that the Inspector did not believe the Jail demonstrated best efforts in addressing all related inmate/detainee concerns raised during Town Hall Meetings. Defendants also state they are unclear as to why this finding was made and are unaware of any COVID-19 related concerns raised during Town Hall Meetings that have gone unaddressed. It remains their position that all concerns raised during Town Hall Meetings related to COVID-19 are and have been promptly addressed by medical or other appropriate staff.

Of positive note is that the inmate / detainee COVID-19 Peer Education program has been initiated. On the surface, the pilot program for Pods 1-F and 1-H appears to be at least somewhat effective as the two (2) peer educators interviewed appear knowledgeable and continue to communicate and educate fellow inmates / detainees, e.g., during new inmate / detainee Orientation and on-a-daily basis. There has been no formal or no new related training information provided to the assigned peer educators. As outlined above, the County provided inmate / detainee attendance rosters as proof of practice. Because the rosters submitted

were for relatively small to very large groups, it appears the sign-in sheets may only be completed for groups of new arrivals / Orientation (though unclear). It is also unclear whether sign-in rosters are (or will be) completed for individual education / information provided, whether the meetings take place per inmate / detainee request, or by chance encounter. Currently the County does not offer any incentives for the assigned peer educators, or at least not in the form of pay or sentencing credits. As identified above, SCSO recently activated the peer education program in one of the pods (R pod) on the third floor as well.

Regarding COVID-19 incentives (to vaccinate) the number of related complaints (from document reviews and inmate / detainee interviews) for related commissary compensation continues to trend to much fewer complaints. As outlined earlier, there were still a few complaints.

Functional kiosk usage continues to be a concern in some of the pods for inmates / detainees to easily / quickly request a sick call form to request a COVID-19 test and/or vaccine/booster.

As reported in the previous Inspector's report, the Main Jail (with the acknowledgment of the County health department) has expressed possible plans to propose allowing detainees who are vaccinated the opportunity to play basketball / sports and other events / activities without wearing masks, as an additional incentive to vaccinate. Without having received specific details, in general, the Inspector has concurred with the proposal (to the extent the regular programming and access to meaningful outside yard, gymnasium, and recreational activities and time would not adversely affect the rest of the inmate / detainee population). As stated above, SCSO recently provided information that SCSO intends on implementing the new basketball incentive on or by May 1, 2023, and will continue to update the Inspector on the progress.

Regarding COVID Testing Logs / Results for the document production period, the County did not provide any related documents for this Inspection period to identify the number of COVID-19 tests administered (and on what specific dates), the number and percentages of negative results as well as for positive results. Information provided above captures data from the Wellpath COVID-19 Vaccine Logs (handwritten by Infection Control Nurse), listing the names of inmates / detainees that either received COVID-19 Vaccinations or refused. This is helpful information but does not capture all the information needed as is explained earlier in this report to capture the meaningful data needed, including for accurate vaccination rates and other information identified above.

Given the County's updated position on being able to quickly obtain and provide CDC-approved therapeutic medications (e.g., Paxlovid) to COVID-19 patients in need (without the need to take a patient and possibly admit the patient to Regional I hospital), this is a very key and positive step. However, the County has not

provided related documentation, such as local policy and/or administrative directive.

Staffing shortages / vacancies remains a concern. As related to the COVID-19 vaccination program, and from previous inspections, staff admitted that staffing shortages sometimes cause delays in getting inmates / detainees seen by the medical department, including for COVID vaccines, sick calls, etc. Though medical personnel now contend there is no longer a back log of sick calls, the amount of inmate / detainee complaints coupled with the lack of a meaningful tracking component (as identified above) makes it difficult to assess.

Regarding serial testing, the Inspector still has not received or reviewed any documented proof as to serial testing currently taking place at the Main Jail (or ever having taken place in the past, despite repeated recommendations by the current and previous Inspectors to do so). SCSO has indicated serial testing has been attempted but despite their claimed best efforts the Jail has not been able to conduct serial testing because detainees have refused to be tested, and if detainees refuse to be tested, SCSO does not believe they can force them to be tested. SCSO acknowledges that SCSO or Wellpath has not documented detainee refusals to test when serial testing has been attempted, but now reports that "moving forward, it will document all serial testing attempts/refusals. SCSO further reports that since they previously reported this intent (January 18, 2023), the Jail has seen only 10 COVID-19 positive detainees. Two (2) of those detainees tested positive prior to coming to the Jail. The remaining detainees tested positive at or shortly after intake. Thus, none of the detainees that tested positive in the first quarter of this year were housed in general population at the time they tested positive for COVID-19, and thus had not had contact with other detainees housed in general population.

SCSO also pointed out they believe it is important to consider another point, in that anytime a detainee tests positive, he is removed from the pod and placed in isolation. Additionally, the pod where he was housed goes on quarantine for a period of 14 days. During the quarantine period, all detainees within the quarantined pod are checked daily for symptoms of COVID-19 and are offered a COVID-19 test. Notably, the Jail's quarantine period of 14 days is longer than what is currently required/recommended by the CDC, which recommends quarantine for 5-10 days. It is the Jail's position that the extra time on quarantine assists the Jail in preventing any spread of COVID-19 in-light-of detainees consistently refusing to be tested via serial testing.

SCSO further pointed out they believe the biggest hurdle the Jail has had in convincing detainees on quarantine to undergo serial testing is their fear of being moved from their pod and being placed in isolation. Detainees generally do not want the disruption of being moved away from their pod mates, and as a result, routinely refuse to submit to a COVID-19 test when they are showing no symptoms, and SCSO cannot force any detainee to undergo a COVID-19 test.

In-light-of the information cited above, SCSO requested the Inspector remove the conclusion that the Jail has not demonstrated best efforts regarding implementing and carrying out serial testing. Again, SCSO contends the Jail has attempted serial testing, but inmates/detainees have refused to be tested. The Jail's longer than recommended quarantine period (when detainees are daily evaluated for COVID-19 symptoms) provides the Jail further means to prevent spread in light of those refusals – SCSO notes the Jail's low COVID-19 positive numbers reflect that it has had significant success in preventing spread, something that is further evidenced by the fact that the Jail has had no COVID-related hospitalizations in at least over 12 months. And moving forward, SCSO / Wellpath will endeavor to document refusals when serial testing is attempted so that said documentation can be provided to the Inspector.

The Inspector's notes SCSO's position and related arguments made. The Inspector maintains the testing numbers still appear to be quite low considering the size of the Jail's population. In review of the updated CDC guidelines for Homeless Service Sites & Correctional Facilities (updated November 29, 2022), the guidelines still reflect that "Because of congregate living arrangements in homeless shelters and correctional and detention facilities, the risk of COVID-19 transmission is higher in these settings compared with the general population. In addition, there is a high prevalence of certain medical conditions associated with severe COVID-19 among people experiencing homelessness and among people who are incarcerated, increasing the risk for severe outcomes from COVID-19 in these populations." The Inspector continues to note the updated CDC guidelines (for shelters and correctional and detention facilities) that states in part, "...because of the potential for rapid, widespread transmission of SARS-CoV-2 in these settings, some facilities may prefer to continue implementing quarantine protocols for residents, staff, and / or volunteers who have been exposed to someone with COVID-19. Facilities can base their quarantine policy on their risk tolerance, including factors such as the health of their staff and resident populations and the impact of quarantine on mental health and staffing coverage." The updated guidelines address housing (including quarantining either individually or cohorted with others), and addresses testing. Regarding testing, the updated guidelines state, "Serial testing may be used during cohorted quarantine. Within quarantine cohorts, serial testing every 3-7 days can identify new cases early. If new cases are identified in the cohort, the quarantine period should restart. Serial testing can be used for all residents in a cohort, or prioritized for people who are more likely to get very sick from COVID-19 to identify infections early and assess them for treatment promptly." There is also additional information contained pertaining to movement, duration, and monitoring.

In conclusion of the Vaccination Program Findings section, the Inspector finds the following:

- The Main Jail has:

- Now reportedly agreed to provide CDC-approved therapeutics (e.g., Paxlovid) to inmates / detainees to treat symptoms of COVID-19:
 - The County must provide documentation to that end, e.g., policy and/or administrative directive.
- Implemented a COVID-19 Peer Education program for inmates / detainees in three (3) pods (Annex 1-F and 1-H Pods, and Third Floor R Pod) as a pilot program:
 - The County should extend the program to all pods within the Jail.
 - Note: the County currently does not provide pay compensation or sentencing credits for the positions.
- Made improvements in providing inmates / detainees sufficient advanced notice of Town Hall meetings, though there are still some apparent inconsistencies.
- Made efforts to schedule COVID Awareness (Informational) sessions:
 - The Inspector notes the effort and that the Main Jail administration cannot control or dictate the Shelby County Health Officer's availability to conduct the sessions.
- Improved efforts to ensure all inmates / detainees are aware of available COVID vaccinations (including booster shots).
- Improved the Town Hall meeting process to ensure staff from medical services, laundry services, and counseling services are present for the meetings:
 - Note: at the present time the Inspector does not have any major concerns with the frequency of the meetings, as this also seems to have improved.
- Provided proof of commissary payments (COVID vaccination incentives) paid (dating back to May 2022 to present):
 - The Inspector acknowledges the number of related complaints (e.g., from Town Hall meeting minutes) has also gone down tremendously.
 - There were a couple of isolated complaints noted in the documentation materials, and for those it was reported that appropriate staff were following up.
- The Main Jail has not:
 - Demonstrated best efforts to track and document COVID-19 testing requests versus administration dates, and COVID-19 vaccine administration (including requests versus administration).
 - Note: The Main Jail's COVID-19 vaccination and testing rates appear to be quite low. This could be associated with the lack of a sufficient tracking process (as identified above).
 - The Main Jail has demonstrated inconsistencies or missing information relative to the sick calls and sick call request process (which obviously ties into COVID-19 concerns). This issue also correlates to a lack of a solid tracking process.

- Demonstrated (or at least having shown proof of) best efforts in addressing all related inmate / detainee concerns raised during Town Hall meetings (lack of disposition for documented cases of related complaints made at Town Hall Meetings).
- Demonstrated best efforts regarding implementing and carrying out serial testing (lack of documentation showing attempts, including documented testing and documented refusals) as has repeatedly been recommended.
- The Main Jail must:
 - Ensure kiosks are functional, and inmates / detainees have ample access to submit sick call requests, e.g., for COVID-19 testing and vaccines / boosters.

Recommendations:

1. Tracking (COVID Vaccination Rates /COVID testing): By May 1, 2023, provide data (for the period of January – February 2023) that captures testing / serial testing, and current COVID Vaccination rates (percentages) of inmates / detainees housed at the Main Jail, as well as other related data, to include:
 - All vaccination requests:
 - Dates testing / vaccine requests received by medical staff.
 - Dates of testing / vaccinations administered on-a-daily basis (including types of vaccinations).
 - Confirmation that COVID clinics are operating daily (weekdays).
 - Clarification whether there is missing data from any specific days.
 - Clarification as to whether there are any delays in the process on any given days (including plans for resolving such delays).
 - Tracking must also include the above listed information as related to COVID testing.
2. Therapeutics: By May 1, 2023, provide a written policy, administrative directive, or other documentation that outlines the staff requirements and protocols for the Main Jail medical provider to provide CDC-approved therapeutics (e.g., Paxlovid) to treat symptoms of COVID-19.
3. Therapeutics: By May 1, 2023, provide a blank example (or an actual example if therapeutics have been requested and/or administered) of a related electronic tracking mechanism relative to therapeutics, to include:
 - All inmate / detainee requests (including names, numbers, housing assignments).
 - Medical staff responses to the requests.
 - Dates of requests.
 - Dates (and types) of therapeutic medications administered at the Main Jail.

- Timelines for providing the therapeutics (after such requests), and reasons for any delays (if applicable), etc.
4. Therapeutics:
 - a. Based on the nationwide Test to Treat Initiative, CDC Guidance states there should be robust testing and use of these treatments. The program is essential to effective use of the therapeutic medicines. SCSO/Wellpath should follow the CDC Guidance.
 - b. References include:
 - i. CDC COVID-19 Treatments and Medications (updated February 10, 2023):
 1. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/treatments-for-severe-illness.html>
 - ii. Department of Health and Human Services, Test to Treat:
 1. <https://aspr.hhs.gov/TestToTreat/Pages/default.aspx>
 5. Peer Educators: By May 1, 2023, provide the following:
 - Written plan outlining the expansion of the current piloted Peer Education program (beyond the two [2] pods in the Annex and one [1] pod on the third floor that currently have the program) to all other housing pods within the Main Jail.
 - The plan should include:
 - Tentative dates for roll-out to the various floors and pods (including selection, hiring, and training for peer educators).
 - Training materials (even if training is informal) and who administered the training.
 - The names / numbers and housing units for all assigned peer educators.
 - Update as to plans to incentivize the positions (e.g., pay, sentencing credits, or other incentives).
 6. Town Hall Meetings: By May 1, 2023, provide proof (for January – March 2023) of staff responses/proof of resolution to inmate / detainee complaints/concerns.
 7. Additional Incentives: To the extent the plan is still feasible and planned by the Main Jail, by May 1, 2023, provide information regarding SCSO's plan to use access to basketball (and other sports activities if applicable, without masks) as an additional incentive for inmates / detainees to vaccinate.
 8. Ensure kiosks are functional, and inmates / detainees have ample access to submit sick call requests, e.g., for COVID-19 testing and vaccines / boosters.

Further Recommendations as the County and Main Jail prepare to transition from a COVID-19 pandemic to an endemic (though no authority has officially ended the pandemic as of yet):

1. Standard Operating Procedure 699 COVID-19 Coronavirus Pandemic Response (effective date 3/24/21) must be revised:
 - a. A draft should be provided for the Inspector's review and comments/recommendations by May 1, 2023.
2. Continue to monitor CDC guidance on vaccine and boosters.
3. Maintain sanitization and cleanliness protocols.
4. Maintain COVID-19 testing to help prevent the spread of COVID.
5. Consider maintaining precautions such as mask wearing, especially if/when case counts are high.
6. Employ regular or routine prevention strategies vs. enhanced strategies. For enhanced strategies (when applicable):
 - a. Should be added to supplement the prevention strategies for everyday operations when COVID-19 Community Levels are high.
 - b. Any time there has been transmission within the facility itself, or based on the assessment of other facility-specific factors that increase risk. For example:
 - i. Poor ventilation.
 - ii. Frequent residential turnover (such as inmates/detainees).
 - iii. Outside visitors.
 - iv. Locations where people sleep close together.
 - v. Higher proportion of residents or staff vulnerable.
 - vi. Any COVID cases identified within the facility.
 - c. Increase and improve ventilation as much as possible:
 - i. Identify, obtain, an test enhanced ventilation options in advance of higher risk periods to be ready to deploy when needed.
 - ii. Short-term and long-term tools to improve ventilation in buildings can be found on the CDC website.
 - d. Routine testing can identify infections early, which is especially important for people who are eligible for treatment.
 - i. Those exposed or who are symptomatic.
 - ii. Those who request.
 - iii. County health department should have recommendations regarding routine screening.
 - e. Require universal indoor masking regardless of vaccination status.
 - f. Enhanced cleaning and disinfection.
 - g. Isolation guidance (in accordance with CDC guidelines).
 - h. Increase distance:
 - i. Create physical distance in congregate areas where possible.
 - ii. Reduce movement and contact between different parts of the facility and between the facility and community.
7. Masks:

- a. PPE's and masks should still be offered (particularly based on risk factors).
 - b. Enhanced strategies should include a requirement for individual indoor masking.
 - c. Protocols to provide new authorized masks (e.g., 2-ply cloth, 3-ply cloth, N-95, surgical).
 - d. Maintain protocols for mask cleaning options (e.g., laundering, self-washing with approved sanitization materials).
8. Infection Control cleaning/sanitization:
- a. Conduct standard infection cleaning, control, and disinfection.
 - b. Maintain supplies for hand cleaning.
9. Post exposure guidance:
- a. Test inmates / detainees and staff who have been exposed at least five (5) days after exposure (or sooner if they develop symptoms).
10. Isolation guidance:
- a. Isolate those who test positive for 10 days since symptoms first appeared.
 - b. If an individual has a negative viral test, isolation can be shortened to seven (7) days as-long-as symptoms are improving, and the individual is fever-free for 24-hours.
11. Social distancing / Increased distancing:
- a. Enhanced strategy only:
 - i. Create physical distance / reduce movement between different parts of the facility / jail.
12. Quarantining (based on risk factors).
13. Maintain COVID education:
- a. Peer education:
 - i. Extend to all floors and pods (beyond the three [3] current pods).
 - b. Continue posting notices / posters / flyers.
 - c. Continue to provide related education at Intake.
 - d. Provide at least periodic verbal education from counselors, nurses, officers.
14. Tracking:
- a. Effectively track all related requests:
 - i. Sick call, COVID-19 testing, COVID-19 vaccines, refusals, no-shows, etc.
15. Follow all applicable CDC and county health department related guidelines.

Masks

Inmate / Detainee Interviews:

Of the 12 inmates / detainees interviewed, all were wearing authorized 2-ply or 3-ply cloth masks. Of the 12 individuals, two (2) claimed to have only one (1) mask and were unaware they could ask pod officers for additional masks.

The following data is based on inmate / detainee “Yes” responses from the 12 interviews. Note: Though most questions asked were asked of all inmates / detainees, there were some exceptions. Questions asked included:

- Choose to wash masks themselves, have laundered, or ask and receive new masks – 11 of 11.
- Staff provide anti-bacterial soap and / or Bio-Vex (for masks) – One (1) of five (5):
 - Note: Two (2) of the five (5) indicated “No”, and two (2) of the five (5) were uncertain.
- Officers provide new masks – Nine (9) of 11.

Observations / Documentation / Staff Interviews:

During the on-site inspection, in one (1) of the pods, none of the inmates / detainees were wearing their masks. As the inspector entered the pod, a staff member instructed the inmates / detainees to wear their masks.

During the on-site walkthrough, the Inspector heard intercom announcements in as related to COVID-19, including reminders to wear COVID-19 masks.

Findings:

Overall, the Main Jail has consistently improved with enforcing the mask mandates, but there was concern with the lone pod that was not enforcing the requirement on the date and time for the Inspector’s on-site pod walkthrough. It is unclear whether this specific pod is generally not enforcing the mandate, or if perhaps a single shift or single housing officer is not enforcing it. Moreover, the Inspector is unsure whether other pods are not enforcing the mandate (although there is no proof to that end). But again, the other pods were observed to be compliant, and all 12 inmates / detainees interviewed were with wearing authorized masks.

Although the Main Jail did not provide lists (as they have in the past) showing specific dates that new masks were issued to inmates / detainees in specific pods, the Inspector does not deem this as a concern, as all inmates / detainees appeared to be wearing authorized masks (with the noted exception above), and nearly all inmates / detainees interviewed acknowledged having multiple masks, and that housing officers provide new masks regularly, and also when asked by inmates / detainees.

There are still some concerns as to whether pod officers provide Bio-Vex or anti-bacterial soap for masks and sanitizing. Pod officers must ensure this is available for use (as needed) and that inmates / detainees are aware of the availability. The County has indicated in the past that this is provided.

The Inspector notes Defendant statement that the SCSO will remain diligent in enforcing the mask mandate throughout all housing units. Additionally, the SCSO will continue to offer laundering services for masks at the facility and provides detainees access to net laundry bags for the same. The SCSO reportedly also continues to inform detainees of the availability of laundry services via announcements, postings, and discussions with pod officers. For detainees who elect to hand-wash their masks, the SCSO will continue afford them with ample supplies to do so including anti-bacterial soap.

Recommendations:

1. Anti-Bacterial Soap / Bio-Vex: By May 1, 2023, provide proof of practice that staff are regularly providing anti-bacterial soap and Bio-Vex for sanitization and cleanliness of masks (in all housing pods).
 - a. Show proof for the month of February.
2. Enforce mask mandate for all floors, all pods, all inmates / detainees.

Also, see Vaccination Program (section) recommendations (above) for additional recommendations pertaining to masks as the county and Main Jail prepares to transition from a COVID-19 pandemic to an endemic.

Court Expeditor / Population Reduction

Observations / Documentation / Staff Interviews:

During the prior on-site inspection (Seventh Busby v. Bonner Inspection), the former Expeditor causally mentioned that she may not be in the position much longer, but she did not elaborate any further. At some point after that (and prior to the most recent on-site inspection - Eighth Busby v. Bonner Inspection), Defendants informed the Inspector that the Expeditor was no longer employed at the Main Jail, and the SCSO was working to hire another attorney into the position. While on-site at the most recent inspection (February 7-8, 2023), the Inspector was introduced to the newly hired Expeditor at the time of the interview with her. She indicated that she had been in the position for about a month and had primarily been training and learning the duties of the position. During the interview, the Inspector and new Expeditor discussed the Inspector's long-standing major concern regarding the need to streamline and improve the practice of tracking the work completed regarding working toward early release or possible alternatives to Jail confinement for Class and Sub-Class members, including individuals that are most vulnerable. During the interview, the new Expeditor indicated she had reviewed the previous Inspector's report (inclusive of Expeditor tracking system concerns) and had reviewed the former Expeditor's tracking documents (including documents or similar documents that had been provided to the Inspector for the previous inspection[s]). The Inspector and new Expeditor discussed the issue of effectively tracking the work performed (including for Class and Sub-Class members, and the most vulnerable), and the importance of having a simple yet

thorough tracking mechanism. She indicated she believed she had a good understanding as to what the Inspector was looking for and that she had some simple ideas to improve the existing tracking system to easily capture that information. The Inspector indicated past frustrations (from the current and former Inspectors) that somewhat large volumes of documents had previously been produced, to the extent it was extremely difficult to effectively assess the information. The Inspector informed the new Expeditor that a simple (but thorough) at-a-glance tracking document should suffice.

Defendants provided a copy of the new Expeditor's revised tracking document for review. The document was the same or similar document (spreadsheet) recently used by the former Expeditor with some modifications. The Inspector provided some minor (but very helpful) recommendations to which at least one (1) of the recommendations was captured. The document includes; inmate / detainee Class and Sub-Class member names, R&I numbers, housing status, issues/charges, and activity, and resolution (inclusive with dates). Per the Inspector's request, the Expeditor is now beginning to enter the initial dates of arrival and other significant dates throughout the various activities during each respective case. The Expeditor's tracking spreadsheet captures (sorts) the above referenced information by last name (alphabetized), and by age. The revised tracking spreadsheet lists approximately 498 detainees (or former detainees that have been since been released). The current version shows the following resolutions (for the months of February and March 2023):

- Released from custody (includes cases disposed, ROR'd, etc.) – 25
- Release to TDOC – 13
- Bond Posted/Released – (Seven) 7
- Worked out plea deal – One (1)
- Working on case to be NO/TDOC List – One (1)
- Client to go to Treatment – One (1)
- Set to be Released to Jericho Program – One (1)

The revised tracking list appears to be easier to follow and better captures the related work being performed (as addressed earlier in the report). The former tracking list often showed the disposition as "Reviewed", "Some Relief" and "No Relief" with no further explanation. Again, the revised version appears to better capture the work and status of the respective cases. The Inspector looks forward to reviewing an update version soon which will capture a larger time-period.

On March 21, 2023, Defendants sent an email indicating the Jail's population continues to decline, with the number currently at 2,026. Further, the email cited that the Jail currently has zero (0) positive COVID-19 cases, and number has been at zero (0) for several days.

SCSO previously provided a copy of the Standing Bail Order (generated from the General Sessions Judge) – Dated: 8/15/22. While on-site the new Expeditor indicated a new Standing Bail Order was to take effect in early 2023, but the

Inspector did not receive a copy for review. The Inspector looks forward to receiving a copy. It is currently unclear as to how this may affect the Expeditor's role and to ultimately assist in reducing the chronic care populations and jail population.

Findings:

The Inspector recognizes the hard work the former Expeditor placed in her challenging role and is thankful for her time and wishes her well in her new endeavors. At the same time, the Inspector feels confident in the new Expeditor and her revised tracking mechanism (as detailed above and earlier in the report) will better capture her work, including further reducing the Jail population including Class and Sub-Class members and certainly the medically vulnerable population. Similarly, to what the former Expeditor had conveyed, the new Expeditor indicated she is also working diligently toward getting inmates / detainees released before they make the Class and Sub-Class lists.

Based off recent revised versions of the Expeditor's tracking spreadsheet, the Expeditor is now including some key dates and information that more easily identifies activity and dispositions of cases reviewed/worked toward release or alternate placements. The Expeditor also includes a list of names (29 names on the most recent tracking list) of detainees she obtained release for who were not at the jail long enough to make the Class and Subclass lists.

The Expeditor and her colleague (during the interview) indicated SCSO was working to hire another attorney to serve as a back-up to the new Expeditor in her absence. When asked whether the person would merely serve as a back-up, or whether they would spend at least a portion of their time assisting the Expeditor with her related duties, they indicated they were not sure, but believed the duties would primarily center around serving as a back-up.

In conclusion of the Court Expeditor / Population Reduction Findings section, the Inspector finds the following:

The Main Jail has hired a new Expeditor and it appears the tracking component has improved to include most of the Inspector's past and present recommendations to clearly (and more easily) identify and track all efforts to evaluate the eligibility of Class and Subclass members for early or restrictive release, and ultimately to show proof of inmates / detainees ultimately provided early release (or alternative placements).

The Inspector is very appreciative of the new Expeditor's recent response to the Inspector's related requests for tracking improvement in this area. Based on the new Expeditors efforts, at least there is now a short window of almost three (3) months of meaningful and quantifiable data to exam with regard to the Expeditor's efforts to examine the cases for Class and Subclass members as well as for those

not yet listed as Class or Subclass members, and ultimately to obtain or seek early release or alternate placements, including for the most vulnerable, and to help reduce jail population. However, there have been related concerns (for both Inspector's) since the inception of this case. The Inspector is very encouraged by the work and tracking efforts of the new Expeditor, but it is the Inspector's position that the recent tracking efforts (including modifications to the tracking process) need to be examined (by the Inspector) for a longer period of time (e.g., six [6] months) so that the SCSO can reasonably show best efforts have been demonstrated toward related Consent Decree requirements. The Inspector looks forward to viewing the tracking mechanism as part of document production for the new Inspection to view for a larger time-period.

Recommendations:

1. Expeditor's Class and Sub-Class Tracking List: By May 1, 2023, provide a current version of the list to the Inspector for review.
2. Expeditor's Class and Sub-Class Tracking List: By May 1, 2023, include Main Jail arrival dates (Inspector notes some of the related dates are now being included) and other key dates (as part of Expeditor's work performed) for all new arrivals and Expeditor's activity from April 10, 2023, to present, and to continue doing the same moving forward.
3. Tracking of Inmates / Detainees Before Placement on the Class and Sub-Class Tracking List: By May 1, 2023, provide an example of the most current list of tracking efforts completed (including for the month of April) to obtain early releases or alternative placements before Class and Sub-Class members make it to the Class and Sub-Class tracking list (Inspector notes the Expeditor is now including this information).
4. Provide an update regarding hiring another attorney, and clarity as to the role (e.g., specific duties and estimated percentage of work hours to assist the Expeditor, and whether the individual will serve as the Expeditors back-up in the event of vacation, sick-leave, work travel, or other absences).
5. SCSO Plans to Reduce Jail Population: By May 1, 2023, provide an update (if any) as to specific plans (that have not already been produced to the Inspector) to reduce the Main Jail's inmate/detainee jail population.

Medical Isolation Units

Inmate / Detainee Interviews:

Two (2) of the 12 inmates /detainees interviewed indicated there was / is no concern with receiving privileges while on COVID-19 quarantine status. Note: one (1) of the inmates / detainees was currently on quarantine status at the time of the interview (telephonic) and one (1) had admittedly been on COVID-19 quarantine on two (2) separate occasions in the past.

Findings:

No concerns

Recommendations:

None

Submitted on behalf of Sabot Technologies, inc. dba Sabot Consulting to the
Shelby County Sheriff's Office.

Richard Wells

April 25, 2023

Rick Wells
Consultant/Independent Inspector
Sabot Consulting

Date