



Inspector's Report (Final)

Fifth COVID-19 Follow Up Inspection
(First Inspection for Current Inspector)
Shelby County Men's Jail
201 Poplar Avenue, Memphis TN 38103
February 22, 2022

On-Site Review December 15, 2021

Submitted to:

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Table of Contents

Introduction.....	3
List of Documents / Materials.....	6
Masks	12
Masks - Findings	19
Masks - Recommendations.....	20
COVID-19 Vaccine Administration / On-Site Availability	21
COVID-19 Vaccine Administration / On-Site Availability - Findings	30
COVID-19 Vaccine Administration / On-Site Availability - Recommendations	32
Vaccine Incentives and Education.....	33
Vaccine Incentives and Education - Findings	53
Vaccine Incentives and Education - Recommendations	56
Population Reduction / Court Expeditor / Staffing	59
Population Reduction / Court Expeditor / Staffing - Findings.....	72
Population Reduction / Court Expeditor / Staffing - Recommendations	75
Hotline Issue	77
Hotline Issue - Findings & Recommendations	77
Serial COVID-19 Testing	77
Serial COVID-19 Testing Findings.....	78
Serial COVID-19 Testing Recommendations.....	79

My name is Rick Wells, and I am a Director for the Criminal Justice Division of Sabot Consulting. I am an expert in prison and jail operations. Experience and expertise includes but is not limited to security assessments, Americans with Disabilities Act (ADA) litigation assessments, American Correctional Association (ACA) related assessments, health care assessments from a non-clinical perspective (primarily pertaining to inmate/detainee access), and other areas.

On November 12, 2021, in the matter of Busby v. Bonner (No. 2:20-cv-2359-SHL), pursuant to Federal Rule of Evidence 706, United States District Judge for The Western District of Tennessee, Western Division, The Honorable Sheryl H. Lipman, appointed me as the Substitute Independent Inspector, in the field of jail and prison operations as it relates to the prevention and mitigation of the spread of infectious diseases and public health in the correctional setting. My appointment was made subsequent to the unfortunate and untimely death of my longtime colleague and friend Mr. Mike Brady. Mr. Brady had previously conducted four (4) COVID-19 follow-up inspections resulting in submitted reports to all parties. However, subsequent to Mr. Brady's latest report (dated August 5, 2021) he conducted another site visit (unsure as to the date) to the Shelby County Main Jail. Unfortunately, I was not able to access any of Mr. Brady's electronic or hand-written notes for the site review or document reviews. After being appointed by the Court, I was provided and reviewed the following documents/materials:

- Mr. Brady's related reports, inclusive of his on-site observations, recommendations, and conclusions;
- Plaintiffs' Motion to Enforce and to Modify Consent Decree;
- Defendants' Response in Opposition to Plaintiffs' Motion to Enforce and to Modify Consent Decree;
- Plaintiffs' Unopposed Motion to Bifurcate Motion to Enforce and to Modify the Consent Decree;
- Court Order Granting Unopposed Motion to Bifurcate Plaintiffs' Motion to Enforce and to Modify Consent Decree;
- Court Order Appointing Rick Wells as Substitute Independent Inspector;
- Defendant's Response in Opposition to Plaintiffs' Contentions of Noncompliance within their Motion to Bifurcate; and
- Defendants' Responses to Mike Brady's Recommendations from his August 5, 2021, Jail Inspection.

The Inspection Order states in pertinent part:

"...The appointed expert shall provide information to the Court responsive to Plaintiffs' Motion for Temporary Restraining Order (ECF No. 2) and render an expert opinion on the current health and safety of medically vulnerable Plaintiff-detainees at the Shelby County Jail ("the jail") in light of the Covid-19 pandemic, including but not limited to the Facility's compliance with the pertinent CDC and Shelby County Public Health guidelines and other applicable standards. The expert's findings shall include, if warranted,

recommendations regarding corrective measures that, in his expert opinion, should be implemented at the jail, to protect the medically vulnerable from the COVID-19 virus at the facility...”.

The medically vulnerable detainees to which the inspection order applies are defined as follows:

1. People 65 years and older;
2. People with chronic lung disease or moderate to severe asthma (including chronic obstructive pulmonary disease (COPD) (including emphysema, and chronic bronchitis);
3. Idiopathic pulmonary fibrosis and cystic fibrosis;
4. People who have serious heart conditions (including heart failure, coronary heart disease, congenital heart disease, cardiomyopathies, and pulmonary hypertension);
5. 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);
6. People with severe obesity (body mass index [BMI] of 40 or higher);
7. People with Diabetes;
8. People with chronic kidney disease undergoing dialysis;
9. People with chronic liver disease, including cirrhosis;
10. People with hemoglobin disorders, including sickle cell disease and thalassemia; and
11. 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.

Pursuant to paragraph 4, Reporting on page 2 of the Consent Decree, Defendants are required to provide me with a report containing certain information. I believe Defendants operated in good faith to provide the documents as requested and to the extent specific requested documents exist. I will outline in the report areas where requested documents were not provided.

Prior to conducting the on-site inspection, I had separate conference calls with plaintiffs' and defendants'. I participated in two (2) status conferences with the Honorable Judge Lipman, plaintiffs', and defendants' via Team's or Zoom meetings. During the November 23, 2021, status conference, the parties were ordered to jointly identify all outstanding issues. Per the Court's order, the parties jointly issued a Joint Notice of Outstanding Issues for Enforcement on December 3, 2021. The items/topics of dispute as listed included:

- COVID-19 Vaccine Administration;

- Vaccine Incentives and Education;
- Population Reduction / Court Expeditor;
- Mandatory Overtime to Ensure Sufficient Recreation Time;
- Increased Out-of-Cell Time;
- Reinstatement of Class Member Hotline;
- Serial COVID-19 Testing;
- Sufficient Medical Isolation Units to House Particularly Vulnerable Inmates/Detainees;
- Hire a Clinical Psychologist to Test Inmates/Detainees for Intellectual and Learning Disabilities; and
- Provide Three (3) Surgical Masks Replaced Weekly or Two Cloth Masks Not Less Than Two-Ply that are Laundered Twice Weekly.

On December 13, 2021, The Court held another status conference with the parties. The Honorable Judge Lipman and the parties discussed the aforementioned Joint Notice of Outstanding Issues for Enforcement on December 3, 2021, to assist in clearly identifying the scope for the upcoming site inspection, which again, would be the first for me as the newly appointed Substitute Independent Inspector. During the status conference, the following items/topics were discussed:

- COVID-19 Vaccines Onsite/Availability
- Incentives and Education
 - Including Intellectual Disabilities / Learning Disabilities
 - White Coat Rally's
 - Town Hall Meetings
 - Peer Education
 - Notices / Posters / Postings
 - Inmate / Detainee Jail Orientation
- Population Reduction / Court Expeditor
- Hot Line (1-800 Hotline)
- Serial COVID-19 Testing
- Masks

I scheduled the onsite inspection for the Shelby County Main Jail for December 15, 2021. I did not request or receive any pre-inspection documents and opted to wait until I arrived onsite. For my initial inspection all parties were informed of the inspection date in advance. However, for all future inspections, notice will be provided to the parties no more than 12-24 hours in advance of the site inspection. On December 15, 2021, I spent approximately 12 hours onsite. The first half of the day was primarily spent interviewing custody personnel, Wellpath medical staff members, and the Court Expeditor. The second half of the day was primarily spent interviewing ten (10) inmates/detainees for various housing units, at least one (1) housing unit officer, and touring the jail floors, many housing units, laundry area, Intake area (including COVID tent area), etc. The ten (10) inmates/detainees interviewed were housed in Lower Level C Pod, First Floor E and F Pods (one [1] each) , Second Floor G Pod, Third Floor G, H, and R Pods (one [1] each),

Fourth Floor C Pod, Fifth Floor B Pod, and Sixth Floor A Pod. In choosing the inmates/detainees to interview, I explained that I wanted a representation from different floors, different housing units, and different type of units, e.g., general population, segregation, protective custody, etc., and that no more than one (1) inmate/detainee from a given unit. Shelby County jail staff selected the inmates/detainees based on my criteria. Of note was that amongst the selected inmates/detainees were trustees or "rock man" workers/porters. The "rock man" workers (as well as all other inmates/detainees interviewed) did appear to be honest with both their concerns and praises surrounding COVID-19 related concerns, the jail, its staff and to my patterned questions. However, for future site inspections, I will select the inmates/detainees, and will increase the number of those to be interviewed to at least 20 inmates/detainees.

While touring I was asking general questions along the way to escorting staff and making general observations. Although my primary focus centered around the items/topics discussed during the December 13, 2021, status conference, it was important that I obtain an overall knowledge of the COVID-19 related staff practices and the jail administration's related expectations. While onsite I requested many documents to which I received much of what I had requested (though not everything was immediately available to provide me). Subsequent to the inspection, review of my notes, and review of the documents provided on-site, I requested additional documents to be provided electronically. Much of what I requested was provided. After reviewing the newly received documents, and a telephone call I conducted with Shelby County Jail administrative staff subsequent to my exit conference I conducted with the parties on January 4, 2022, I asked for clarification for several items/topics, and requested additional documents. Most of the documents I requested was provided (to the extent the documents exists). There were documents that were not provided either due to issues with the Shelby County Server or documents otherwise unable to be sent electronically (possibly due to the large volume). The last of the documents were provided electronically on January 6th and 7th, 2022. I also received USBs via Fed Ex First Overnight Delivery on and the afternoon of January 7, 2022. The USBs contained all or most of the historical documents previously provided to Mr. Brady, as well as additional information, also contained videos and some of the documents I had requested that I had not been provided previously.

This report (final report) considers comments and recommendations from the parties based on my initial draft report. I would like to thank the parties for their time, comments, and recommendations.

List of Documents / Materials Reviewed

Listed below are the documents/materials I requested and was provided for review (whether provided to me while on-site, electronically, or on USB via overnight Fed Ex delivery):

- Countroom Jail Count Report (Date range 7/1/21 – 11/30/21) from the Offender Management System (OMS);

- Daily Count Report - Jail (for 12/15/21);
- Broken down by housing units, with a total population of 2,097;
- Typed note on 12/14/21 to Lt. Styles (by unknown) indicates there are three (3) staff members absent due to COVID-19 at the 201 facility;
- June 10, 2020 Shelby County Sheriff's Office Memo from Assistant Chief James Ross to All Staff;
- Copy of 12/6/21 Aramark invoice (\$80.91) for three (3) cases of oranges for inmates/detainees that have taken the COVID vaccine;
- Shelby County Government Human Resources Compensation Job Description (Court Expeditor);
- Shelby County Sheriff's Office Jail Population Management Report (November 2021) PowerPoint/graphs/charts;
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 16, 2021, 2:30 pm Zoom);
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 9, 2021, 2:30 pm Zoom);
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 2, 2021, 2:30 pm Zoom);
- PowerPoint ("Over 500 Days in Jail") – November 2021 by Jail Population Analyst;
- Word document (7/30/21) – GTL phone prompts;
- Excel Spreadsheet "Vaccinated Inmates 2/2021 – 5/2021";
- COVID Vaccination Clinic List 11/4/21;
- COVID Vaccination Clinic List 11/12/21;
- COVID Vaccinations List 11/16/21 Memphis Shelby County Health Department (MSCHD) (14 – Second Dose Pfizer / 1 – J&J);
- Email chain regarding vaccination dates (questions regarding accuracy of numbers);
- COVID Testing List (Inmates in Facility for 12 Days) – June 1-5, 2021;
- COVID Testing List – June 6-30, 2021;
- Pathology Reports (UT Path) – June 8, 2021 Results;
- Pathology Report (UT Path) – June 10, 2021 Results;
- Wellpath Medical Memo (12/2/21) Regarding Vaccination Protocol;
- Blank copy of Correct Care Solutions (CCS) Medical Physical and Mental Assessment (questionnaire);
- Blank copy of Correct Care Solutions (CCS) Medical History and Physical Assessment with Mental Health (questionnaire);
- Typed Word document from Wellpath staff (no date, although believed to be current) regarding COVID-19;
- Vulnerable Listing document (12/14/21);
- Binex Kits for COVID-19 Order Form (no date);
- Wellpath COVID Consent Form (Patient SARS-COV-2 Vaccination / 2021-2021 Screening & Administration);

- COVID Vaccination (J&J) 12/15/21 – Wellpath;
- Shelby County Criminal Justice Center Intake information (12/15/21);
- Blank copy of Wellpath Coronavirus Supplemental Screening form;
- Shelby County Sheriff's Office memo RE: Contact Information for Staff (for Rick Wells);
- Typed note (12/14/21);
- Shelby County Sheriff's Office memo (6/10/21) RE: On site COVID-19 employee testing on 6/12/21 as a precautionary measure;
- Offender Management System (OMS) Count Report (Date Range 7/1/21 to 11/30/21);
- Jail Daily Count Report (Inmate Count) - 12/15/21: 2,097;
- Shelby County Jail Housing Plan (Classification Matrix);
- List of Court Order Inmates;
- Shelby County – Jail East Daily Booking Log (date range 11/23/21 – 11/24/21):
 - Lists female detainees;
- List of Federal Inmates (Inmates with Federal Detainers) – 104;
- List of Active Inmates with Multiple Arraignments – 11/13/21 – 8 male detainees;
- Email from Court Expeditor (11/24/21) RE: list of Assigned Staff and Inmates for 6/2 Shift Outside Prison Ward November 24, 2021;
- Shelby County Criminal Justice Partners Meetings – 11/16/21, 11/9/21, & 11/2/21;
- Shelby County Correctional Center (SCCC) Pending Listing;
- Janssen Pharmaceutical Companies (J&J) Corporation Fact Sheet for Recipients and Caregivers;
- Moderna US Inc. Fact Sheet for Recipients and Caregivers;
- Pfizer / Biontech Manufacturing Fact Sheet for Recipients and Caregivers;
- Get a COVID-19 vaccine flyer;
- Poster: What to Expect after Getting a COVID-19 Vaccine;
- Notice/Poster (incentive alert) "Rally for COVID-19 Vaccine" – 8/1 – 8/31;
- Notice/Poster: COVID-19 Facts;
- Notice/Poster from Health Department at UCSF: Information for Residents of Correctional Facilities (RE: COVID-19);
- Female Notice/Poster: Working or living in a prison or jail puts you at higher risk of getting COVID-19;
- Female Flyer/Notice/Poster: About COVID-19 Vaccines;
- Notice/Poster: Do Your Part To Stop The Spread;
- Male Flyer/Notice/Poster: About COVID-19 Vaccines;
- Flyer/Notice/Poster: Introducing Pizza Party;
- Emails regarding Vehicle Incentive;
- Notice/Poster: Don't Hesitate, Vaccinate;
- Notice/Poster: Don't Hesitate, Vaccinate! Know the facts!
- Male Notice/Poster: Working or living in a prison or jail puts you at higher risk of getting COVID-19;

- Types note (no date): Three (3) staff members absent due to COVID-19 at the 201 facility;
- COVID Vaccination List (J&J) 12/8/21 - Wellpath;
- COVID Vaccination Clinic 12/8/21 list;
- COVID Vaccinations (J&J) List 11/12/21 - Memphis Shelby County Health Department (MSCHD);
- COVID Vaccinations 11/16/21 MSCHD (14 – 2nd Dose Pfizer / One [1] J&J);
- Email RE: Vaccinations list 11/12/21;
- Copy of \$520.00 Check (vaccination incentive);
- Copy of \$720.00 Check and pay incentive information (for those recently vaccinated);
- Criminal Justice center (CJC) COVID Testing 11/21;
- COVID Vaccinations (J&J) 12/15/21 Wellpath;
- Criminal Justice Center September Testing results (from 9/1/21 – 9/30/21);
- Offender Management System (OMS): Inmates in facility for 12 days – Jail (8/31/21);
- Shelby County Sheriff's Office memo to Mr. Brady (6/29/21);
- Shelby County Sheriff's Office memo RE: Inmate protective masks (4/20/20);
- Shelby County Sheriff's Office memo to all staff (4/16/20) RE: Facial Mask;
- Shelby County Sheriff's Office memo (8/31/20) RE: Video Arraignment Numbers;
- Shelby County Sheriff's Office memo (6/3/20) RE: Coronavirus Employee Testing;
- Shelby County Sheriff's Office memo (4/17/20);
- COVID-19 Litigation Update (8/31/20) – includes emails, memos, procedures, plans, etc.;
- Shelby County Sheriff's Office memo (4/13/21) (in Spanish version) RE: Inmate COVID-19 Vaccination;
- Excel Spreadsheet of Criminal Justice Center COVID-19 Testing – June 2021;
- Shelby County Sheriff's Office memo (3/30/20) RE: Employee Procedure for COVID-19 Related Symptoms;
- Shelby County Sheriff's Office memo (3/11/21) RE: In-Person Meetings and Gatherings;
- Shelby County Sheriff's Office memo (3/20/20) RE: Lower Level Housing for New Arrests;
- Shelby County Sheriff's Office memo (12/16/21) RE: COVID-19 and video;
- Shelby County Sheriff's Office memo (6/9/20) RE: Cleaning and Sanitizing of the Jail/Detention Facilities;
- Notice/Poster "School Age Child Care for Essential Workers" (free);
- Shelby County Sheriff's Office Public Press Release (4/24/20) RE: State Health Department and CDC Test Jail Detainees for COVID-19;
- Shelby County Sheriff's Office memo (5/29/20) RE: Update – Vacation and Travel Policies Effective Immediately;

- Shelby County Sheriff's Office memo (5/1/20) RE: Update – Vacation and Travel Policies Effective Immediately;
- Photos of Notices on Wall;
- Photo of Ad/Seg Hallway;
- Notice/Poster "\$100.00 COVID Vaccination Drawing – Let's get those shots for a chance to win;
- Emails RE: \$100.00 Drawing;
- August 2021 Town Hall Schedule;
- September 2021 Town Hall Calendar
- October Town Hall Calendar;
- December 2021 Town Hall Schedule;
- White Coat Rally – Second Floor G Pod list of attendees (9/23/21 9 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education;
- White Coat Rally - Second Floor P&Q Pods list of attendees (9/23/21 9:35 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education;
- White Coat Rally - Third Floor A Pod list of attendees (9/23/21 10:15 AM) (Dr. Randolph - (Speaker) RE: COVID Prevention / COVID Vaccine Education;
- White Coat Rally - Third Floor M Pod list of attendees (9/23/21 10:50 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education;
- Lower Level Logs RE: Orientation;
- 4 D Pod Log RE: Orientation;
- 4 J Pod Log RE: Orientation;
- 4 N Pod Log RE: Orientation;
- Third Floor R Pod Log RE: Orientation;
- Third Floor S Pod Log RE: Orientation;
- November Town Hall Calendar;
- Shelby County Sheriff's Office memo (12/16/21): COVID-19;
- 2021 COVID-19 checks received;
- Shelby County Sheriff's Office memo (12/16/21) RE: COVID-19 (to Rick Wells);
- Shelby County Sheriff's Office memo (12/16/21) RE: Open Peer Education Suggestions (to Rick Wells);
- Shelby County Sheriff's Office Public Press Release (April 6, 2020) RE: SCSO Detainee Tests Positive for COVID-19;
- Shelby County Sheriff's Office Public Press Release (April 6, 2020) RE: 14 SCSO Employees Tests Positive for COVID-19;
- Blank example of a Shelby County Sheriff's Office Programs Needs Assessment Form (for programs);
- Inmate Orientation Brochure;
- SCSO Attendance Sheet – 10/5/21 9:30 AM / Third Floor R Pod;
- Purple ADA Telecommunications Rights for the Deaf and/or Hard of Hearing;
- SCSO Resources Available for the Deaf Inmates / Detainees for Communication;
- Wellpath Infectious Disease Prevention and Control Policy – HCD-100_B-02;

- CDC COVID-19 Quick Reference Guide;
- Wellpath Coronavirus (COVID-19) Vaccination Preparation Planning Tool (written for personnel);
- Document showing types of groups of Inmates/Detainees the Court Expeditor Provides Assistance (November 30, 2021);
- Photo of satellite nurses station with Plexi-glass;
- Face Masks Issuance – Fifth and Sixth Floors;
- Face Masks Issuance – Fifth and Sixth Floors (August – November 2021) (Offender Management System [OMS]);
- Face Masks Issuance – Fifth and Sixth Floors (August – November 2021);
- Face Masks Issuance – Second Floor (August – November 2021);
- Face Masks Issuance – Third Floor (August – November 2021);
- Face Masks Issuance – First Floor (August – November 2021);
- Face Masks Issuance – Fourth Floor (August – November 2021);
- Face Masks Issuance – Lower Level (August – November 2021);
- Face Masks – December 2021;
- SCSO memo (5/27/20) RE: Inmate Protective Masks (REVISED);
- Standard Operating Procedure 407 Laundry Service Pick-Up and In-House Delivery (revised 11/10/10);
- Bio Vex Material Safety Data Sheet;
- SCSO memo (1/6/20) COVID-19 Follow-Up;
- Two (2) photos of Lower Level Cells with Plexi-glass;
- Photos proving raffle draw for \$100.00;
- Super Bowl Incentive Poster;
- COVID Testing List (Results) 12/1/21 – 12/31/21;
- Vulnerable List (12/14/21);
- Pod Sanitizer Logs (areas sanitized by Environmental cleaning crew);
- Steps to Access the Inmate Request Manager;
- TDOC Release Numbers (11/19/21 – 12/28/21);
- Approximately 31 male inmates/detainees released to TDOC;
- Downtown Jail Facility Staffing (Current – 1/7/21);
- Recreation Time Logs;
- Recreation Time as reflected in the first floor housing unit logs;
- Standard Operating Procedure 699 - COVID-19 Coronavirus Pandemic Response (effective 3/24/21);
- Defendant's Response to the Shelby County Jail Ventilation Report;
- Court Expeditor's Review of Sixty and Over Inmates;
- Review of Delayed Arraignments list;
- Review of Possible COVID Information from Medical list;
- Review of Whiteboard Meeting Spreadsheet;
- Review of COVID Preparation Meeting Spreadsheet;
- Review of Homeless Consortium Spreadsheet;

- Review of Regional Suicide Meetings Spreadsheet;
- Review of Weekly Criminal Justice Partners - COVID Meetings Spreadsheet;
- TDOC Releases;
- Shelby County Class List – 12/22/21;
- Lists of types of lists or documents prepared as part of the Shelby County Sheriff's Office Expeditor's daily reviews;
- Spreadsheet of Defendants/Detainees for Whom the Court Expeditor Provided Assistance; and
- Total # vaccinated in December 2021: 57 detainees.

Listed below are details from my findings and recommendations from observations, document reviews, staff interviews, and inmate/detainee interviews.

Masks

Inmate / Detainee Interviews:

Of the ten (10) inmates / detainees interviewed, five (5) were wearing black cloth masks, four (4) were wearing two (2) – ply (beige and white) masks, and one (1) was wearing an N-95 mask. The lone inmate / detainee wearing the N – 95 mask stated that he works in the clinic area and was provided the N-95 mask. It appeared the cloth masks were single-layer masks, and when asked, a couple of the inmates/detainees indicated they were single-layer, and that staff do not provide two (2) – ply masks. Defendants' assertion (subsequent to the inspector's draft report) that all masks provided are either two (2) - ply or three (3) – ply is noted. However, during the site inspection and when discussed with staff, it was not made clear as to whether the masks were single-layer or (2) ply (or three (3) – ply). Further, as outlined in this section of the report (below), some inmates/detainees indicated the black cloth masks are single-layer, and staff indicated the same. As outlined in more detail (below), staff informed me that administration personnel are working quickly to revise the mask process from the current process (at the time of the inspection) of having high risk / vulnerable inmates/detainees either wearing the two (2) – ply colored (beige and white) masks, or, they wear ("double-up") the single-layer black cloth masks until which time they (inmates/detainees) can be issued two (2) – ply masks. Staff also conveyed that this process is being extended to all inmates/detainees housed at the main jail. As also outlined below, I was apprised the black cloth masks are being phased-out and that all inmates/detainees will be issued the two (2) – ply colored (white and beige) masks.

While onsite I requested and received a packaged mask, for later inspection, but unfortunately I left the mask on my work desk upon departing the jail. I will have to inspect the black cloth mask closer to confirm during the next site inspection.

Subsequent to the draft report, defendants' counsel also indicated there was documentation provided concerning these practices. It is unclear as to which documentation is being referred to, but all associated documentation will be requested for the next inspection and reviewed accordingly. Of the five (5) inmates / detainees

interviewed wearing the black cloth masks, three (3) said they also have a two (2) – ply (beige and white) mask, and two (2) of them only have the black cloth masks. Of the four (4) inmates / detainees interviewed wearing the two (2) – ply (beige and white) masks, two (2) stated they also have the black cloth masks, and one (1) mentioned he did not have any other masks. Some of the comments included:

- I can ask for a mask any day and they are immediately available;
- We get new masks every so-often, and we can have them laundered;
- Last week was the first-time staff passed out new masks in a while, and I washed my mask myself;
- Only we can wash the masks because they get washed with white clothes in the laundry and nobody wants to do that;
- Staff periodically pass out new masks;
- Staff do not give us the two (2) – ply masks;
- I wash myself, and staff are not offering new masks;
- Staff give out new masks, but I don't know anything about whether and they can be laundered.

Observations / Documentation / Staff Interviews:

While on-site, I interviewed staff regarding face masks. Upon arrival at the Main jail, inmates / detainees are provided surgical masks until they are classified and housed accordingly. This was confirmed as I walked through the Intake / Booking area where inmates / detainees awaiting processing were wearing surgical masks. Staff indicated inmates / detainees in the housing unit have black cloth masks or two (2) – ply cloth masks (beige and white) and have the option of having them laundered. Note: as stated above, the black cloth masks will be inspected more closely at the next scheduled site inspection to confirm whether they are single -layer or two (2) ply masks (or three [3] – ply). Staff indicated masks are collected in the housing units on Mondays, Tuesdays, and Wednesdays for laundering, and returned on the same shift. Staff acknowledged that the laundering method is not widely used, and most inmates / detainees opt to wash the masks themselves or request new masks from housing staff. One of the jail administrators informed me that the two (2) types of masks (black cloth, and two (2) - ply colored (beige and white) cloth masks are provided to inmates / detainees based on what is in stock at any given time, but the preference is to issue the two (2) – ply (beige and white) masks. She indicated that inmates / detainees do not have a choice in the matter. I walked through the laundry area (though it was after business hours). Reportedly a retired officer is assigned to the area and supervises three (3) inmates / detainees over the sewing operation. The two (2) – ply masks (beige and white) are made in this area. Laundering is done in the area, but reportedly the housing units have up to four (4) washers and dryers each, which allows for the inmates / detainees to wash the masks themselves if they so choose.

Subsequent to the on-site inspection (December 15, 2021) and exit conference (via Zoom meeting) on January 4, 2022, I spoke to administration staff to obtain confirmation or clarity on several issues, including COVID-19 masks. I was informed there are periodic monthly schedules for passing out the masks to inmates / detainees, and that a sergeant issues the masks to the respective housing units. I was also apprised that as of late December or early January, jail administration personnel are working quickly to revise the mask process within the next 30 days (though there has not yet been a written memorandum or policy/procedural change on the matter). That is; currently identified high risk / vulnerable inmates / detainees reportedly wear either two (2) – ply cloth masks, or double-up (wear two (2) single layer black cloth masks) until they can be issued the two (2) – ply masks. Reportedly this practice is being extended to all inmates / detainees within the Main Jail. I was also told that the single black cloth masks are being phased-out and all inmates / detainees will be issued the two (2) – ply (white and beige) colored masks. There was no known timeframe given for the phase-out, and it is unclear whether the aforementioned 30-day period included the phase-out of the reported single-layer black cloth masks.

Standard Operating Procedure 699 - COVID-19 Coronavirus Pandemic Response (effective 3/24/21) defines Personal Protective Equipment (PPE), and indicated for the purpose of the policy, PPE is designated as a facemask (Facemask, and/or surgical mask), face shields, eye goggles, (when required), disposal medical gloves, disposal gowns, one-piece coveralls, and shoe covers).

Documents reviewed included the following:

- SCSO memo (5/27/20) RE: Inmate Protective Masks (REVISED)
 - Includes the following directives/information:
 - 2-10 PM staff will ensure that all inmate/detainee masks are sprayed with bio-vex immediately after lock-down daily;
 - All inmates will spray a short burst of bio-vex on their face mask to sanitize it. This process must be documented in the pod's log-book as well as in the OMSE;
 - Every Monday on the 2-10 shift, security staff assigned to lower level, first, second, and third floors will collect the face masks and place them in labeled laundry bags;
 - Every Tuesday on the 2-10 shift, security staff assigned to the fourth, fifth, and sixth floors will collect the face masks and place them in labeled laundry bags;
 - The laundry bags will be collected on the 10-6 shift and washed in the First Floor Annex washers and dryers under direction of the jails laundry trustees;
 - Security staff will supervise laundry trustees during this process; and
 - The laundry bags will be returned to the floors before the 10-6 shift ends.

- Shelby County Sheriff's Office memo to all staff (4/16/20) RE: Facial Mask
 - Facial mask will be worn by EVERYONE at all times while inside the Shelby County Jail
- Standard Operating Procedure 407 Laundry Service Pick-Up and In-House Delivery (revised 11/10/10)
 - Definition (Net Bag [white])
 - Small mesh/net bag provided to inmates allowing them to place their personal items such as t-shirts, underwear and/or socks to be sent to the laundry for cleaning
 - No specific language relative to COVID-19 face masks.

SCSO also provided the following documentation demonstrating the issuance of face masks to inmates / detainees between 9/27/21 – 12/8/21:

- Face Masks – Fifth and Sixth Floors
 - 47 masks provided on 9/27/21
 - 6B
 - 210 masks provided on 10/6/21
 - 5B, 5C
 - 6A, 6B, 6C
 - 153 masks provided on 10/8/21
 - 5A, 5B, 5C
 - 57 masks provided on 10/9/21
 - 5A, 5B, 5C
 - 112 masks provided on 10/14/21
 - 5A, 5B
 - 107 masks provided on 10/15/21
 - 5A, 5C
 - 142 masks provided on 10/23/21
 - 5A, 5B, 5C
 - 261 masks were provided on 10/24/21
 - 5A, 5B, 5C
 - 6A, 6B, 6C
 - 327 masks were provided on 10/25/21
 - 5B, 5C
 - 6A, 6B, 6C
 - 37 masks were provided on 10/26/21
 - 5B
 - 167 masks were provided on 11/19/21
 - 5A, 5B, 5C
 - 58 masks were provided on 11/20/21
 - 5C
 - 149 masks were provided on 11/21/21

- 5B
 - 6A
 - Seven (7) masks were provided on 11/23/21
 - 5B
 - 154 masks were provided on 11/26/21
 - 5A, 5B, 5C
 - Five (5) masks were provided on 11/29/21
 - 6A
 - 89 masks were provided on (date unknown)
 - 5B
 - 243 masks were provided on 12/8/21
 - 5A, 5B, 5C
 - 6A, 6B
- Face Masks – Fifth and Sixth Floors (August – November 2021) (Offender Management System [OMS])
 - 63 masks were provided on 8/4/21
 - 6A, 6C
 - 138 masks were provided on 9/24/21
 - 5A, 5B, 5C
 - 49 masks were provided on 10/14/21
 - 5C
 - 46 masks were provided on 10/20/21
 - 6C
 - 196 masks were provided on 10/22/21
 - 5A, 5B
 - 6A, 6B, 6C
 - 83 masks were provided on 10/24/21
 - 5A, 5B
 - 148 masks were provided on 12/8/21
 - 6A, 6B
- Face Masks – Fifth and Sixth Floors (August – November 2021)
 - 41 masks were provided on 10/27/21
 - 6A
 - 198 masks were provided on 10/28/21
 - 5A, 5B, 5C
 - 6A
 - 189 masks were provided on 10/29/21
 - 5A, 5C
 - 6A, 6C
 - 59 masks were provided on 10/30/21
 - 5A
 - 139 masks were provided on 10/31/21

- 5B, 5C
 - 6A
 - 51 masks were provided on 11/3/21
 - 5B
 - 290 masks were provided on 11/12/21
 - 5A, 5B
 - 5C
- Face Masks – Second Floor (August – November 2021)
 - 194 masks were provided on 8/18/21
 - 2A (each inmate/detainee received two [2] masks), 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2J, 2K, 2L, 2M, 2N, 2P, 2Q
 - JM-C, JM-D, JM-F, JM-G, JM-H
 - 185 masks were provided on 8/19/21
 - 2A (each inmate/detainee received two [2] masks)
2B, 2C, 2D, 2E, 2F, 2G, 2H, 2J, 2K, 2L, 2M, 2N, 2P, 2Q
 - 154 masks were provided on 12/8/21
 - 2A, 2B, 2C, 2D, 2E, 2G, 2H, 2K, 2L, 2M, 2N, 2P, 2Q
- Face Masks – Third Floor (August – November 2021)
 - 579 masks were provided on 12/8/21
 - 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3K, 3L, 3M, 3N, 3P, 3Q, 3R, 3S
- Face Masks – First Floor (August – November 2021)
 - 548 masks were provided for 274 inmates/detainees (two [2] each on 8/17/21):
 - 1A (each inmate received two [2] masks);
 - 1B (each inmate received two [2] masks);
 - 1C (each inmate received two [2] masks);
 - 1D (each inmate received two [2] masks);
 - 1E (each inmate received two [2] masks);
 - 1F (each inmate received two [2] masks);
 - 1G (each inmate received two [2] masks);
 - 1H (each inmate received two [2] masks); and
 - 1J (each inmate received two [2] masks).
- Face Masks – Fourth Floor (August – November 2021)
 - 581 masks were provided on 9/2/21:
 - 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 4L, 4M, 4N, 4P, 4Q, 4R, 4S
 - 585 masks were provided on 10/21/21:
 - 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 4L, 4M, 4N, 4P, 4Q, 4R, 4S
- Face Masks – Lower Level (August – November 2021)
 - 227 masks were provided on 9/29/21:

- LL-A, LL-B, LL-C, LL-D, LL-E, LL-F, LL-G
- 452 masks were provided on 12/8/21 (nearly all inmates/detainees received two [2] masks):
 - LL-A, LL-B, LL-C, LL-D, LL-E, LL-F, LL-G, LL-H, LL-J, LL-M
- Face Masks – December 2021
 - 234 masks were provided on 12/8/21:
 - LL-A, LL-B, LL-C, LL-D, LL-E, LL-F, LL-G, LL-H, LL-J, LL-M
 - 244 masks were provided on 12/8/21:
 - 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J
 - 154 masks were provided on 12/8/21:
 - 2A, 2B, 2C, 2D, 2E, 2G, 2H, 2K, 2L, 2M, 2N, 2P, 2Q
 - 579 masks were provided on 12/8/21:
 - 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3K, 3L, 3M, 3N, 3P, 3Q, 3R, 3S
 - 197 masks were provided on 12/8/21
 - 5A, 5B, 5C
 - 94 masks were provided on 12/8/21
 - 6A, 6B

While on-site, I interviewed jail administration staff to determine whether current practices follow the aforementioned May 27, 2020 memo (Inmate Protective Mask – Revised), or whether there have been modifications to the related practices. The inspector was provided the following information:

- Initially, inmates/detainees were provided one (1) mask. They still have the option of having their mask(s) laundered.
- But now they have more than one (1) mask each. Staff provide cleaning materials for inmates/detainees to clean their own masks if they choose, or they can have them laundered. Each housing unit reportedly maintains bio-vex solution multi-purpose cleaner and is available to inmates/detainees upon request.
- The current laundry schedule for masks is Mondays, Tuesdays, and Wednesdays during the 10-6 shift. Officers gather the masks and take them to the annex. The masks are laundered and returned to the inmates/detainees during the same shift
- Most inmates/detainees reportedly don't choose to have their masks laundered.
- All masks are laundered together. The inmate / detainee names or initials are located inside the mask.

During the inspection, I walked through all or most of the ten (10) housing units that the inmates / detainees interviewed were housed in and toured several other housing units. For one (1) of the units (Fifth Floor A Pod) none of the inmates / detainees (estimated at 30-40) were wearing any face masks or coverings. Upon our entrance into the unit, the

inmates / detainees were prompted to put their masks on to which they complied. The inmates / detainees in all other units toured were wearing their masks if outside their assigned cells. I estimate that between 70 – 80 percent of the inmates / detainees outside their assigned cells as well as those in open dormitory settings were wearing the black cloth mask.

Findings:

Of primary concern is whether or not the black cloth masks are single-layer or two (2) - ply or three (3) – ply. It is noted that subsequent to the onsite inspection defendant's contend the black masks are two (2) - ply. However, during the onsite inspection some of the inmates / detainees indicated the black masks are single-layer. SCSO jail staff have also indicated that administration personnel are working quickly to revise the mask process from the current process (at the time of the inspection) of having high risk / vulnerable inmates/detainees either wearing the two (2) – ply colored (beige and white) masks, or, they wear ("double-up") the single-layer black cloth masks) until which time they (inmates/detainees) can be issued two (2) – ply masks. Staff also conveyed that this process is being extended to all inmates / detainees housed at the main jail. I was apprised the black cloth masks are being phased-out and that all inmates / detainees will be issued the two (2) – ply colored (white and beige) masks. While onsite I requested and received a packaged mask, for later inspection, but unfortunately I left the mask on my work desk upon departing the jail. I will have to inspect the black cloth mask closer to confirm during the next site inspection. However, outlined below (in the Recommendation Section) is information regarding N-95 masks).

During my walkthrough inspection, an estimated 70-80 percent of the inmates / detainees in the pods and dormitories were wearing the black cloth masks. Of the ten (10) inmates / detainees I interviewed, five (5) of the ten (10) were wearing the black cloth masks. There were some inconsistencies regarding the quantity of masks each inmate / detainee possessed, as well as inconsistencies with the types of masks issued. Except for housing unit 5A (fifth floor pod A), all of the inmates / detainees I observed in the units outside of their assigned cells had their masks on. Although I don't believe it was a point of contention after I was appointed temporary inspector for the case, I still have some concern in the housing units given the old-style open cells bars and the open dormitories, and the raised concerns regarding the spreading of the aerosolized COVID-19 Delta (and Omicron) variant. This concern ties directly into Mr. Brady's expressed concerns in having serial testing (as outlined in his last report and identified later in this report).

Most inmates / detainees interviewed either were not aware they could launder their masks or opt to wash them (themselves) for various reasons. Although information outlined above addresses various dates whereas new masks are issued, there does not appear to be consistency. Local policy indicates masks can be collected from specific floors/units and Mondays, and can be collected for the remaining units/floors on Tuesdays. It is noted and appreciated that such policy governs this practice, however, I

was not provided a written schedule or other documentation showing a set schedule, therefore I am unable to reconcile the aforementioned issuance against such a schedule. It is unclear whether such schedule exists. I did not see any written documentation to demonstrate proof that inmates/detainees are made aware as to their option of having the masks laundered. Defendant's information (subsequent to the site inspection) that SCSO will continue to educate staff regarding the requirement for two (2) and three (3) – ply masks to be properly worn at all times, and that SCSO is actively confirming the single-layer masks are not in circulation, is noted. Likewise, defendant's subsequent information that SCSO is in the process of displaying posters in each pod concerning masks and their proper use, and that SCSO is creating posters to provide inmates / detainees clearer instructions on how to obtain new masks and how to launder them, is noted. Based on my general observations while onsite, and from what staff and inmates/detainees told me I was pleased to hear that SCSO administrative staff are modifying their jail practice regarding the phasing-out of the black cloth masks and going exclusively to the two (2) – ply (beige and white) colored masks.

Recommendations:

SCSO Main Jail administration must follow through with the reported plans to phase-out all single-layer cloth mask. SCSO must confirm when all single-layer masks are completely out of jail circulation. I will carefully inspect all masks types reportedly in circulation during my next site inspection. The specific mask requirement must be placed in policy or a written directive with associated timelines for full implementation. Defendant's must show proof of practice as to the reported education (or continued education) of staff regarding the mask mandate for two (2) and three (3) – ply masks to be properly worn at all times, and their proper use. Defendant's must also show proof that the related posters/notices are posted in the housing pods, including any information containing clear instructions on how to obtain new masks and how (and when) to launder them (e.g., weekly schedules), and how and when to obtain new masks from staff, as there was obvious confusion amongst the inmate / detainee population. But subsequent to the site inspection, defendant's identified that three (3) – ply surgical masks and N95's are provided to inmates / detainees. With CDC experts now recommending the N95 masks (or equivalent) for high risk situations, SCSO must identify provide its policy, written directive, or written memo or plan, and the status to incorporate into the Shelby County Jail setting.

The SCSO must continue to work to ensure appropriate staffing levels to achieve and sustain safety and compliance in many areas, including have sufficient staff to properly observe and enforce necessary mask mandates. Jail administration must also ensure unit managers and supervisors maintain a strong presence in touring the housing units to ensure housing officers enforce the mask mandates and associated COVID-19 related policy and directive requirements.

It is recommended that Wellpath / SCSO follow Mr. Brady's recommendations for serial testing in accordance with the Performing Broad-Based Testing for SARS-CoV-2 in Congregate Settings) as outlined again later in this report.

COVID-19 Vaccine Administration / On-Site Availability

Inmate / Detainee Interviews:

Related comments included:

Inmate / Detainee #1: He has been at the jail for one (1) week and was vaccinated at the jail for a prior stay and is awaiting implementation for the booster shot.

Inmate / Detainee #2: He has been at the jail for approximately a year and in his particular unit for about six (6) months. He has had the J&J vaccination.

Inmate / Detainee #3 (Note: Possible Intellectual Disability): He has been at the jail for approximately five (5) months. He claimed he had a COVID-19 shot in the community earlier in 2021 but does not know which type of vaccine he received. He stated that nobody (in the jail) has spoken to him regarding testing or vaccines.

Inmate / Detainee #4: He has been at the jail for approximately 22 months and claims to have had his first COVID-19 shot in 2020 while at the jail, but declined his second shot.

Inmate / Detainee #5: He has been at the jail for approximately seven (7) years, is not vaccinated, and has refused COVID-19 testing.

Inmate / Detainee #6: He has been at the jail for approximately three (3) years, has had two (2) COVID-19 shots in jail, and wants the booster (if implemented). He added that some staff don't encourage shots because they don't believe in it, and he doesn't believe medical staff are too encouraging either.

Inmate / Detainee #7: He stated had his J&J shot in June. He said that his assigned counselor and some of the officers do encourage inmates / detainees to get vaccinated and tested. He stated he was the only detainee in his pod that has had the shot. This was not verified.

Inmate / Detainee #8: He has been at the jail for approximately five (5) years, and had his J&J shot approximately three (3) or four (4) months ago. He submitted a request through the Kiosk, and it took about one (1) to two (2) weeks to get the shot.

Inmate / Detainee #9: He has been at the jail for approximately seven (7) months, he is not vaccinated, but takes COVID-19 tests. He stated most inmates / detainees refuse testing because they fear positive test results and have to quarantine for 14 days and lose out on program.

Inmate / Detainee #10: He has been at the jail for approximately ten (10) days, and he claims he had the COVID-19 shots in the community, but also indicated he was scheduled for the J&J shot the following day (subsequent to our interview).

Observations / Documentation / Staff Interviews:

While on-site, I interviewed several Wellpath healthcare employees. I was informed that as of December 2, 2021, the Shelby County Main Jail now stores COVID-19 vaccines on-site. Reportedly the Infection Control Nurse oversees the storage in the medical department. Shelby County and Wellpath use the TennISS system to request doses / additional doses. The State of Tennessee reportedly disseminates the vaccines to the Shelby County Jail. Based on what I observe to be in place and/or not in place during my next site visit, I will request such documentation information needed, and obtain a better understanding as to SCSO storage space / accommodations and shelf-life information. I did not specifically request to see the stored J&J vaccine doses, therefore cannot confirm the storage and quantity of the doses being maintained. This will be closely examined during the next inspection.

At the time of the site inspection, the Main Jail was reportedly still using the first batch of requested J&J vaccines. Wellpath staff informed me that the J&J vaccine is the only approved vaccine being requested and stored on-site, as it is reportedly easier to store, and batch orders can be ordered for less doses than that of the Pfizer or Moderna vaccine does, which is reportedly more conducive to the shelf-life and the numbers that the Shelby County Main Jail can reasonably use. As for the Pfizer vaccine (and possibly the Moderna vaccine), the SCSO and Wellpath are reportedly trying to obtain authorization to order vaccines in smaller doses (similar to what J&J reportedly allows for). During the site inspection I was told that up to that point in time such ordering (for smaller batches) for Pfizer and Moderna was not permitted. I did not interview the Infection Control Nurse, nor request or receive applicable documentation as to State of Tennessee (or Shelby County) requirements governing batch orders of vaccine doses, nor was any pertinent documentation provided. I will interview the Infection Control Nurse at the next site inspection and view the vaccine storage area. I will also request specific documentation / information (and clarification) relative to SCSO's position that they need to order vaccines in smaller doses (reportedly more conducive to proper storage and administering to inmates / detainees) and thus reportedly can only order and gain approval to receive the J&J vaccine as opposed to the Pfizer and Moderna vaccines.

Subsequent to the site inspection, defendant's claim that the Pfizer and Moderna vaccines are now onsite at the jail as well. However, defendant's admit the Pfizer and Moderna vaccines are solely for those inmates / detainees that were previously vaccinated (with those respective vaccines) prior to being housed at the jail. I cannot confirm the storage at the present time, but will confirm at the next site inspection. For the next inspection, SCSO must provide documentation to support its position for currently

not having a storage of Pfizer and Moderna vaccine doses onsite to administer to inmates / detainees and to give them an option (other than J&J) for initial vaccinations (and subsequent vaccinations). Documentation and information must also provide insight as to an estimated timeline as to when the Pfizer and Moderna vaccines can reasonably be expected to be stored onsite and in circulation for initial and subsequent vaccinations. Further, documentation must demonstrate all attempts for past ordering of the Pfizer and/or Moderna vaccines (for the purpose of initial and subsequent vaccinations).

When asked, staff informed me that Wellpath personnel review the TennISS system once an inmate / detainee requests to be vaccinated, to ensure he has not previously had the vaccine. According to Wellpath staff, nine (9) vaccinations have been administered (as of the date of my on-site inspection) since the inception of on-site storage on December 2, 2021. Reportedly, none of the inmates / detainees have had to wait to have their vaccine administered. Staff also added that second shots are also administered. For future site inspections, SCSO must provide documentation (for the period after the previous site inspection was conducted) to show dates of inmate / detainee vaccine request dates (or dates inmates / detainees agreed to be vaccinated) versus the dates of actual administered vaccinations.

During the site inspection, I was informed that within the mass batch of the J&J vaccine, each vile contains four (4) doses, and once opened, there is a six (6) hour window for use. As such, Wellpath staff reportedly schedule inmates / detainees for shots accordingly. There is a concern that inmates / detainees though reportedly are scheduled for vaccinations accordingly, there is a likelihood or possibility they may not be receiving their requested (or agreed upon) vaccines the same day, within a few days, within a week, or perhaps even longer. It is unclear whether at least four (4) inmates / detainees must request (or agree) to have a vaccine administered before Wellpath personnel will open a vile to administer the shots. Likewise, it is unclear as to how many days may elapse before inmates / detainees are provided the vaccine. For example, if two (2) inmates / detainees request (or agree) to receive a vaccination, how many days might those two (2) inmates / detainees have to wait until two (2) additional inmates / detainees request (or agree) to receive the vaccination? Or, is there a cap on the amount of hours that may elapse without other inmates / detainees volunteering for vaccine shots, before the two (2) inmates / detainees that requested the vaccines actually receive the shots (e.g., 12 hours, 24 hours, 48 hours, three [3] days, seven [7] days, etc.)?

Mr. Brady previously recommended that SCSO be able to administer shots within 24-hours of an inmate / detainee request. For the next site inspection, SCSO must provide any written directive, memorandum, or other appropriate documentation addressing the issue. This ties directly into the aforementioned future document request regarding dates of inmate / detainee vaccination request dates whereas inmates / detainees agreed to be vaccinated versus the dates of actual administered vaccinations. Vaccination shots should be administered immediately if possible, but certainly not more than 24 hours after such request or agreement by a respective inmate / detainee.

Regarding booster shots; Wellpath staff added that the necessary logistics are currently being worked out to begin administering the shots, but there is no timetable yet. When asked whether the booster (once approved) will be a full dose or half dose, staff was not certain as to which, but indicated SCSO and Wellpath will follow the Centers for Disease Control and Prevention (CDC) recommendations. The SCSO must provide relevant update / status documentation for the next scheduled site inspection. For notices / posters / education, please see the section titled, Incentives and Education.

Standard Operating Procedure 699 - COVID-19 Coronavirus Pandemic Response (effective 3/24/21), addresses Training & Education of Staff and Inmates / Detainees, and provides the following language:

- Staff Planning and Response COVID-19:
 - SCSO and Wellpath will identify personnel at increased risk for COVID-19 complications and handle them on a case-by-case basis. References to SCSO, Policy 199-Infection Control, and Wellpath Policy HCD-10_b-02 Infectious Disease Protection; and
 - Employees who develop COVID-19-like symptoms while on duty will be relieved from their assigned task and instructed to report to their medical provider and provide medical clearance before returning to their assigned duties (refer to SCSO Policy 301.04 Employee Leave and Attendance Section F.3).
- Testing of New Arrest with No-Symptoms before Relocation to General Population or Special Management Housing:
 - The contract medical provider will:
 - Before completion of the 14-day isolation, obtain a list of new arrests identified during intake processing with no COVID-19;
 - Offer a COVID-19 test if they display symptoms or request a test and await results;
 - Based on results, notify the appropriate staff of the recommended relocation;
 - If the inmate/detainee tests positive for COVID-19, the inmate/detainee will be reassigned as discussed in this policy; and
 - If the inmate/detainee tests negative for COVID-19, the inmate/detainee will be assigned based on their classification.
- In-Custody Diagnosis:
 - General information contained.
- Vulnerable Inmates/Detainees:
 - Contract medical provider staff:

- Identify all in-custody inmates/detainees who are identified as having medical conditions that make them vulnerable or at risk for COVID-19;
 - Other related duties contained;
- If an inmate/detainee in this category exhibits signs of COVID-19, the contract medical provider staff:
 - Notify the Provider on Call, Medical Director, and Health Services Administrator (HAS) immediately, and the Medical Director who makes the medical call for housing based on symptoms;
 - Notify the pod officer and the floor supervisor of the need to transfer the inmates/detainees to the designated unit for inmates/detainees displaying symptoms of COVID-19;
 - Initiate the transfer order to place the inmate/detainee in the designated pods identified by classification;
 - Continue to monitor inmates/detainees not exhibiting signs of COVID-19 and treat on a case-by-case basis; and
 - Contains additional information, e.g., Behavioral Health assessments, and mental health referrals.

Other documents reviewed included the following:

- Total # vaccinated in December 2021: 57 detainees.
- Typed Word document from Wellpath staff (no date, although believed to be current) regarding COVID-19
 - Information includes:
 - Number of positive cases for COVID-19 since the pandemic began – 214
 - Number of detainees tested for COVID-19 – 2,296
 - Availability of vaccine on site – Daily
 - Total number of detainees who have had the vaccine – 969
 - What types of vaccines are currently being utilized:
 - Currently have J&J on site. We do have the ability to order Pfizer and/or Moderna. Currently waiting for the clearance to order them in lesser doses.
 - If a detainee had been vaccinated with Pfizer or Moderna will the facility follow-up with what they have already began their vaccination - Yes
 - Wellpath staff can follow up regarding a detainee's previous vaccination. Wellpath personnel have access to the TennISS information system for vaccines verify previous doses.
 - Is the Booster available - Not at this time
 - The Shelby County Sheriff's office and Wellpath are waiting for approval from MSCHD and TennISS.

- The consent form utilized to sign for the vaccine. Can be provided upon request.
- Is COVID-19 education offered/provided by medical personnel - Yes
 - Have had White Coat Rally's for the detainee population
 - Have education sheets the detainees are given when they receive the vaccine
 - Information is provided and the vaccine is offered via the health care providers during visits.
 - Wellpath staff give the detainees the opportunity to sign up/request the vaccine during the Town Hall meetings that are held. Wellpath staff educate and talk about being vaccinated.
- COVID Vaccination (J&J) 12/15/21 – Wellpath
 - Lists 20 Detainee names and booking numbers.
- Vulnerable Listing document (12/14/21)
 - Identifies approximately 23 detainees with various medical concerns rendering the detainees as high risk or vulnerable for COVID-19;
 - No release dated listed.
- COVID Vaccination List (J&J) 12/8/21 - Wellpath
 - Lists 8 detainee names and numbers.
- COVID Vaccination Clinic 12/8/21 list
 - Lists 7 detainee names and numbers.
- Wellpath Medical Memo (12/2/21) Regarding Vaccination Protocol
 - COVID-19 vaccines are stored on site (Shelby Criminal Justice Center);
 - Daily vaccination is available and administered on site by Wellpath Medical staff.
- Wellpath Coronavirus (COVID-19) Vaccination Preparation Planning Tool (written for personnel):
 - Includes info RE:
 - Topics include:
 - COVID-19 Vaccination Storage and Administration Preparedness;
 - COVID-19 Vaccine Preparedness and Response Plan Activation;
 - COVID-19 Vaccine Education and Training Plan; and
 - COVID-19 Vaccination Preparedness and Response Coordination Plan.

- Binex Kits for COVID-19 Order Form (no date – but very recent)
 - Shows 3,200 ordered.
- COVID Testing List (Results) 12/1/21 – 12/31/21
 - Overall
 - 128 negative test results;
 - 22 positive test results;
 - 1 presumptive positive test result; and
 - 2 identified as “rejected”.
 - Daily breakdown
 - 12/1/21
 - 6 negative
 - 12/2/21
 - 9 negative
 - 12/3/21
 - 6 negative
 - 12/4/21
 - 4 negative
 - 12/6/21
 - 9 negative
 - 12/7/21
 - 3 negative
 - 12/8/21
 - 6 negative
 - 12/9/21
 - 4 negative
 - 12/10/21
 - 9 negative
 - 12/11/21
 - 7 negative
 - 12/13/21
 - 6 negative
 - 1 rejected
 - 12/14/21
 - 2 negative
 - 12/15/21
 - 7 negative
 - 12/16/21
 - 3 negative
 - 12/17/21
 - 3 negative
 - 12/18/21
 - 3 negative

- 1 positive
 - 12/20/21
 - 7 negative
 - 1 presumptive positive
 - 12/21/21
 - 3 negative
 - 12/22/21
 - 10 negative
 - 1 positive
 - 12/23/21
 - 3 negative
 - 12/27/21
 - 7 negative
 - 6 positive
 - 12/28/21
 - 5 negative
 - 3 positive
 - 12/29/21
 - 4 negative
 - 3 positive
 - 12/30/21
 - 1 negative
 - 5 positive
 - 12/31/21
 - 1 negative
 - 3 positive
 - 1 rejected
-
- COVID Vaccinations List 11/16/21 Memphis Shelby County Health Department (MSCHD) (14 – Second Dose Pfizer / 1 – J&J).
 - Email regarding Vaccinations list 11/12/21:
 - Lists a few dates for August and September 2021.
 - COVID Vaccinations (J&J) List 11/12/21 - Memphis Shelby County Health Department (MSCHD):
 - Lists 6 detainee names and numbers.
 - Criminal Justice Center (CJC) COVID Testing 11/21:
 - Lists approximately 155 detainees with negative results; and
 - Lists 3 as “pending-no results.

- COVID Vaccination Clinic List 11/4/21
 - Lists 7 detainee names, numbers, and housing location.
- COVID Vaccination Clinic List 11/12/21
 - Lists 6 detainee names, numbers, and housing location.
- Email chain regarding vaccination dates (questions regarding accuracy of numbers)
 - August 26, 2021: 15
 - September 9, 2021: 23 (possibly)
 - September 23, 2021: 25
- Criminal Justice Center September Testing results (from 9/1/21 – 9/30/21)
 - Positive result: 26
 - Negative result: 135
 - Invalid: 1
 - No Order: 9
- Shelby County Sheriff's Office memo (6/10/21) RE: On site COVID-19 employee testing on 6/12/21 as a precautionary measure
 - Also, emails:
 - COVID-19 employee testing scheduled for:
 - 6/17/20
 - 7/29/20
 - 8/26/20
 - 9/23/20
 - 10/28/20
 - 11/18/20
 - 12/16/20
 - 1/27/21
 - 2/24/21
 - 3/24/21
 - 4/28/21
 - 5/26/21
 - 6/23/21
 - 7/28/21
 - 8/25/21
 - 9/22/21
 - 10/27/21
 - 11/23/21
 - 12/21/21

- Excel Spreadsheet of Criminal Justice Center COVID-19 Testing – June 2021:
 - Identifies 109 negative tests (inmates/detainees);
 - Identifies one (1) positive test (inmate/detainee); and
 - Identifies one (1) as “unable to run specimen” (inmate/detainee).

Findings:

Wellpath personnel informed me that currently the J&J vaccine is the only approved vaccine being requested and stored on-site (as of December 2, 2021), and they are still using the initial batch ordered. Reportedly the J&J vaccine is easier to store, and batch orders can be ordered for less doses which is more conducive to the shelf-life and the numbers that Shelby County Main Jail can reasonably use. The inspector did not observe the storage of the J&J vaccines, and did not interview the Infection Control Nurse who oversees the process. During the next site inspection I will interview the Infection Control Nurse and inspect the storage area / space, and obtain more information as to the quantity of batch doses stored as well as for the storage shelf-life.

Defendant's have not provided any proof as to any attempts to order either Pfizer or Moderna vaccine doses for onsite storage for initial and subsequent vaccinations to be administered, nor have they produced specific documentation or information to substantiate its stance (to this point in time) that Pfizer and Moderna vaccines cannot be stored onsite in smaller batches as that of the J&J vaccine (to reportedly be more conducive to administering to the jail inmate / detainee population), and that such ordering has not been permitted by Shelby County or the State of Tennessee. Wellpath personnel claimed they are trying to obtain authorization to order vaccines in smaller doses (similar to what J&J allows for). However, defendant's also now claim that the Pfizer and Moderna vaccines are now stored onsite (for second doses for inmates / detainees that have received the initial doses in the community). However, no evidence has been provided. It is unclear whether Wellpath is actively trying to obtain authorization to order mass doses of Pfizer and/or Moderna vaccine doses for initial (and subsequent) administering. To either end, SCSO / Wellpath must provide documented proof.

Subsequent to the site inspection, defendant's claim that the Pfizer and Moderna vaccines are now onsite at the jail as well. However, defendant's admit the Pfizer and Moderna vaccines are solely for those inmates / detainees that were previously vaccinated (with those respective vaccines) prior to being housed at the jail. I cannot confirm the storage at the present time, but will confirm at the next site inspection. For the next inspection, SCSO must provide documentation to support its position for currently not having a storage of Pfizer and Moderna vaccine doses onsite to administer to inmates / detainees and to give them an option (other than J&J) for initial vaccinations (and subsequent vaccinations). Documentation and information must also provide insight as to an estimated timeline as to when the Pfizer and Moderna vaccines can reasonably be expected to be stored onsite and in circulation for initial and subsequent vaccinations.

Further, documentation must demonstrate all attempts for past ordering of the Pfizer and/or Moderna vaccines (for the purpose of initial and subsequent vaccinations).

Reportedly Wellpath staff review the TennISS system once an inmate / detainee requests to be vaccinated, to ensure he has not previously had the vaccine. According to Wellpath staff, nine (9) vaccinations have been administered (as of the date of my on-site inspection) since the inception of on-site storage on December 2, 2021. Reportedly, none of the inmates / detainees have had to wait to have their vaccine administered. Staff also added that second shots are also administered. However, for future site inspections, SCSO must provide documentation (for the period after the previous site inspection was conducted) to show dates of inmate / detainee vaccine request dates (or dates inmates / detainees agreed to be vaccinated) versus the dates of actual administered vaccinations.

Wellpath staff indicated that for the mass batch of the J&J vaccines, each vile contains four (4) doses, and once opened, there is a six (6) hour window for use. Wellpath staff reportedly schedule inmates / detainees for shots accordingly. But there is a concern that inmates / detainees though reportedly are scheduled for vaccinations accordingly, there is a likelihood or possibility they may not be receiving their requested (or agreed upon) vaccines the same day, within a few days, within a week, or perhaps even longer. It is unclear whether at least four (4) inmates / detainees must request (or agree) to have a vaccine administered before Wellpath personnel will open a vile to administer the shots. Likewise, it is unclear as to how many days may elapse before inmates / detainees are provided the vaccine. For example, if two (2) inmates / detainees request (or agree) to receive a vaccination, how many days might those two (2) inmates / detainees have to wait until two (2) additional inmates / detainees request (or agree) to receive the vaccination? Or, is there a cap on the amount of hours or days that may elapse without other inmates / detainees volunteering for vaccine shots, before the two (2) inmates / detainees that requested the vaccines actually receive the shots (e.g., 12 hours, 24 hours, 48 hours, three [3] days, seven [7] days, etc.)? Mr. Brady previously recommended that SCSO be able to administer shots within 24 hours of an inmate / detainee request. For the next site inspection, SCSO must provide any written directive, memorandum, or other appropriate documentation addressing the issue. This ties directly into the aforementioned future document request regarding dates or inmate / detainee vaccination request dates whereas inmates / detainees agreed to be vaccinated versus the dates of actual administered vaccinations. Vaccination shots should be administered immediately if possible, but certainly not more than 24 hours after such request or agreement by a respective inmate / detainee.

Wellpath staff stated that the necessary logistics are currently being worked out to begin administering the vaccine booster shots, but there is no timetable as of yet. When asked whether the booster (once approved) will be a full dose or half dose, staff was not certain as to which, but indicated SCSO and Wellpath will follow the Centers for Disease Control and Prevention (CDC) recommendations. The SCSO has not provided any relevant

status, documentation, or information. For notices /posters / education, please see the section titled, Incentives and Education.

Recommendations:

It is commendable that the SCSO Main Jail reportedly now has the J&J vaccines stored on-site for use, and reportedly has Pfizer and Moderna vaccine doses stored onsite (for inmates / detainees that has their initial vaccine administered in the community). However, proof of practice documentation (demonstrating storage and quantities for all vaccines) must be provided during the next site inspection. I will interview the Infection Control Nurse and observe the storage area of stored vaccine doses. It is unclear whether Wellpath is actively trying to obtain authorization to order mass doses of Pfizer and/or Moderna vaccine doses for initial (and subsequent) administering. To either end, SCSO / Wellpath must provide documented proof. If Wellpath contends they are not being permitted by the State of Tennessee or Shelby County to order Pfizer and/or Moderna vaccines for purposes of mass storage for initial (and subsequent) vaccinations to be administered, and if they reportedly are unable to order in smaller mass doses (similar to that of the J&J vaccines) that is feasible to use, they must provide related proof of practice documentation. Specifically, SCSO / Wellpath must show all prior efforts to order, and must produce written requirements or documentation showing denial, documentation showing ordering the requirements or parameters for ordering and obtaining the vaccines, and any known or estimated timelines as to when the vaccines can reasonably be expected to be stored onsite and in circulation for initial and subsequent vaccinations.

Unless SCSO / Wellpath has mass doses (sufficient for onsite usage) of Pfizer, Moderna, and J&J stored onsite during the next site inspection, SCSO / Wellpath must show proof of practice as to their reported past and present efforts to seek authorization to order the Pfizer and Moderna vaccines.

For the next site inspection, SCSO / Wellpath must provide documentation (for the time period since the previous site inspection was conducted) to show dates of inmate / detainee vaccine request dates (or dates inmates / detainees agreed to be vaccinated) versus the dates of actual administered vaccinations.

For the next site inspection, SCSO / Wellpath must provide documentation (for the time period since the previous site inspection was conducted) to show proof of practice of timelines from the time of inmate / detainee requests (or agreement) to have COVID-19 vaccinations administered to them until which time they are scheduled, and ultimately receive the vaccinations. Timelines should be immediate or certainly no longer than 24 hours from the time of request (or agreement) to receiving the vaccinations. SCSO / Wellpath must also produce any related written directive, memorandum, or other appropriate documentation addressing the issue (e.g., required timelines).

Further, SCSO and Wellpath must continue to work out the logistics to obtaining and administering the booster shots, and estimated timelines for implementation. SCSO and Wellpath must also provide clarity as to which specific type(s) of vaccine booster will be ordered and administered.

Mr. Brady previously recommended the jail use a nasal pharyngeal test-based strategy, otherwise known as a PCR test for better accuracy of testing results. As cited above, SCSO provided documentation indicating the ordering of 3,200 Binex kits. For the next site inspection, clarification will be needed as to how these tests are being used, including clarity whether initial testing at Intake is being conducted with the BinexNOW antigen tests.

Vaccine Incentives and Education

(includes Intellectual and Learning Disabilities / Orientation / Notices, Posters, Postings) White Coat Rally's, Town Hall Meetings, and Peer Education)

Inmate / Detainee Interviews:

Inmate / Detainee #1: Stated staff often put-up notices/posters and help get them vaccinated.

Inmate / Detainee #2: Mentioned the many posters have been up for a while and are helpful. Even after an explanation as to what they were, he claimed he has not heard of either White Coat Rally's or Town Hall meetings.

Inmate / Detainee #3: This inmate / detainee could possibly have an intellectual disability or a learning disability. He claimed to be a ninth-grade dropout, was assigned to special education while in school, claims to be able to read "only a little", and claims difficulty understanding / comprehension. He claims to not be aware of the COVID-19 related notices / posters, and that no staff has spoken to him about testing or vaccines.

Inmate / Detainee #4: Though an intellectual disability is not likely, this inmate / detainee may have a learning disability. He claims to have completed the tenth grade, was assigned to special education, maintains difficulty with understanding / comprehension, has trouble with reading and writing, and had difficulty understanding jail Orientation. He did say that posters / notices are written at sixth grade-level and he understands them for the most part. He is aware of Town Hall meetings to which he attended one (1) in March or April. He explained they are facilitated by heads of different departments (e.g., laundry, mail, environmental, commissary, and grievances, etc.). At the meeting he attended, the division representatives spoke about issues including COVID-19. He also stated there have not been any Town Hall meetings in the last seven (7) months in his housing unit. Even after an explanation as to what it is, he had never heard of White Coat Rally's. He did say that without warning or advisement, about two (2) or three (3) months ago staff took an entire unit to the gym to talk with medical staff. Nobody knew in advance. He

explained he was unable to attend as he was at work at the time. Lastly, he added that there are numerous daily public address announcements throughout most days in the housing unit regarding COVID-19. He did not elaborate as to the specific type of information conveyed.

Inmate / Detainee #5: Even after an explanation explaining what they are, he said he had never heard of White Coat Rally's. Regarding Town Hall Meetings, he stated they just pop up (no advanced notice), staff simply yell and ask the inmates / detainees if they want to do a Town Hall meeting. He stated most inmates / detainees opt out because they lose their pod time. He believes inmates / detainees should not have to make a choice between pod, family and phone calls and getting their issues handled. He also added there is no peer group education. He heard that a musician/rapper was at the jail a couple of months ago but heard that only 25 inmates / detainees were permitted to attend.

Inmate / Detainee #6: He stated after Mr. Brady's site inspection in August, most or many of the notices / posters were taken down throughout the third floor. He added that the same officer that put many of them up was also taking them back down after the inspection.

Inmate / Detainee #7: He was aware of the Town Hall Meetings. He stated the inmates / detainees participate from inside their assigned cells. It is unclear whether this is due to the unit housing inmates / detainees on protective custody status. He indicated the most recent meeting was conducted in October, but he is unsure as to how often they are offered. He indicated these are not scheduled, but rather staff come into the unit and ask the inmates / detainees if they want a meeting. One concern he added, it that this usually occurs in the morning whereas the inmates / detainees do not want to attend. Even after I explained what it was, he had never heard of White Coat Rally's. Regarding notices / posters, he stated most of them have been posted for a while, but recently more have been posted, especially as pertaining to the new variant.

Inmate / Detainee #8: He stated information on the Omicron variant was recently posted, but all other postings have been up for a while. Even after an explanation as to what they are, he had never heard of White Coat Rally's. Regarding Town Hall Meetings, he explained they are multidisciplinary, with representatives from the mailroom, a floor counselor, kitchen, laundry, etc. When asked, he said COVID-19 is not on the agenda, and there is no medical staff representation. He claims there was only one (1) meeting in the last six (6) months (about two [2] months ago) in the dayroom. He said it wasn't scheduled, it was just "out of the blue", and that Inmates / detainees don't go because "nothing changes" He had heard that a musician / rapper recently came in on the third floor, but not in his unit. He is aware of COVID-19 vaccination incentives, by viewing notices / posters, including a drawing in December for \$100.00.

Inmate / Detainee #9: Even after explanations as to what they are, he has never heard of either Town Hall Meetings or White Coat Rally's. He mentioned there are no peer

educators, and further added that to his knowledge nobody has come in from the outside (no rappers, athletes, or anyone), other than a church group.

Inmate / Detainee #10: Even after explanations as to what they are, he has never heard of either Town Hall Meetings or White Coat Rally's. He acknowledged COVID-19 related posters / notices in the housing units. He did say that healthcare and custody staff encourage them to get vaccinated, and overall staff do a good job and take COVID seriously.

Documentation / Staff Interviews / Observation:

While on-site, staff answered numerous questions as pertaining to incentives, education, notices/postings, orientation, and intellectual and learning disabilities. Regarding inmate / detainee orientation, custody staff informed me that some information is provided by the Intake nurse e.g., access to kiosk, and general access to care information, etc., but most of the orientation information is given by the assigned counselors. The counselors generally provide the verbal orientation information, which is conducted in the housing units upon being assigned to the lower level and can be done in a group setting or individually. The orientation is required to be provided within 14 days of housing in the lower level prior to rehousing to the general population or special housing. Reportedly the following related information is given to the inmate / detainee: several COVID-19 related notices / handout information e.g., Wellpath COVID-19 Post Vaccination Education, Shelby Vaccination Acknowledgment form, and a Shelby County Sign-in Sheet to sign. Reportedly inmates / detainees receive orientation a second time once housed in general population. An orientation video, titled, "Roll-up Your Sleeves and take the Vaccine" is played four (4) times daily on the television loop as well as at Intake.

I asked about reasonable accommodations for inmates / detainees that may have a barrier to effective communication, particularly where cognitive issues may be of concern, e.g., intellectual disability and learning disability, as well as inmates / detainees that may be illiterate or have a low reading level. Having a quality orientation process will prove meaningless for individuals with disabilities if reasonable accommodations or adaptive support services are not provided. Staff stated the assigned counselor provides any needed accommodation or assistance. Reportedly, inmates with disabilities are placed on the Special Needs List. If an inmate / detainee is listed on the Special Needs list, he will reportedly receive orientation individually.

Subsequent to the on-site inspection and after the January 4, 2021, exit conference with all parties (via Zoom), I spoke to a SCSO Main Jail custody staff member who indicated education staff receive a weekly list (assumed to be the aforementioned Special Needs List) of inmates / detainees with disabilities or special needs, and reportedly education staff provide assistance to those up to the age of 22. I was told there is a new Program Manager who also serves as PREA and ADA Coordinator. I was informed that every seven (7) days there is follow-up for inmates / detainees with disabilities. However, it is

unclear as to what the follow-up entails, and whether this pertains to specific programs, education, or in general for all program needs. Lastly, I was also apprised that in January 2022, the new Program Manager will instruct her staff (to take affect within 30 days) to track, monitor, and provide assistance to inmates with disabilities who need reasonable accommodations / assistance.

Standard Operating Procedure 699 - COVID-19 Coronavirus Pandemic Response (effective 3/24/21), addresses Training & Education of Staff and Inmates / Detainees, and provides the following language:

- Staff and inmates/detainees will receive training in:
 - COVID-19 fundamentals;
 - Hand hygiene, coughing/sneezing, etiquette, and community mitigation (i.e., social distancing):
 - How to protect yourself, your family, and the agency;
 - Proper use of PPE;
 - Refraining from using hands to touch eyes, nose, or mouth;
- Staff Supervisors will be given directions to pass down to their staff as updates and changes take place:
 - Literature/distribution;
 - Inmates/detainees;
 - Orientation will be conducted by SCSO supervisory staff and Wellpath staff:
 - CDC video presentation throughout the day in housing units and the Intake Processing area;
- SCSO will follow established protocols for inmates/detainees with language barriers and/or communication issues (refer to SCSO, Policy 836-Inmate Rights); and
- Counselors will provide educational COVID-19 material for the inmates being housed:
 - Other general information contained.

Incentives / Education / Notices & Postings

During my walking tour of the housing units and various other parts of the jail, e.g., Intake / Booking, etc., one of the first things I noticed was the variety and volume of notices / posters posted throughout the housing units and various parts of the jail. During my tour I stopped and read many of the notices / posters. As part of post tour document production, I requested and received copies to allow me to examine each of them more closely. Listed below are the notices / posters provided by SCSO:

- Get a COVID-19 vaccine flyer;

- Poster: What to Expect after Getting a COVID-19 Vaccine
- Notice/Poster (incentive alert) "Rally for COVID-19 Vaccine" – 8/1 – 8/31
- Notice/Poster: COVID-19 Facts
- Notice/Poster from Health Department at UCSF: Information for Residents of Correctional Facilities (RE: COVID-19)
- Notice/Poster: Do Your Part To Stop The Spread
- Male Flyer/Notice/Poster: About COVID-19 Vaccines
- Flyer/Notice/Poster: Introducing Pizza Party
- Notice/Poster: Don't Hesitate, Vaccinate!
- Notice/Poster: Don't Hesitate, Vaccinate! Know the facts!
- Male Notice/Poster: Working or living in a prison or jail puts you at higher risk of getting COVID-19
- Notice/Poster "School Age Child Care for Essential Workers" (free)
- Notice/Poster "\$100.00 COVID Vaccination Drawing – Let's get those shots for a chance to win
- Super Bowl Incentive

SCSO custody staff informed me that incentives are provided to inmates / detainees in attempt to have them get a COVID-19 vaccination. Several examples of incentive offered were explained. I was told that a \$20.00 commissary incentive is offered as well as chance to win a drawing for a \$100.00 prize. I was also informed that since May 2021 (retroactive to February 2021) there was a Christmas Holiday drawing for three winners for \$100.00 each, with an option to have the money placed on their jail account or authorize a family member to pick it up at the jail as a holiday gift. I was also apprised that in September 2020 there was a pizza party for the housing unit with the highest percentage of COVID-19 vaccinated inmates / detainees. Reportedly, there was a drawing in early June 2021 for a new car, and those eligible included inmates / detainees vaccinated between February – May 2021. Nationally known and Memphis native musician / rapper Project Pat was at the jail speaking with inmates / detainees on October 5, 2021. There have reportedly been talks in the works since June 2021 to reschedule the guitarist for singer Bruno Mars. Lastly, inmates / detainees reportedly receive oranges to eat after vaccinations, and have also been provided Gatorade to drink. Proof of practice documentation regarding some of the aforementioned incentives were provided for review, e.g., copies of checks, invoices for oranges, and posters / notices relative to monetary drawings and pizza parties, etc. However, there is some uncertainty or questions as to whether all commissary payments and/or monetary prizes for drawings have actually been awarded (e.g., checks/money awarded to inmate / detainee jail trust accounts) to the reported winning recipients. From the documents received for the site inspection, I was unable to confirm whether all promised prizes and other incentives, e.g., oranges, etc., were provided or awarded to all inmates/ detainees who should have received the promoted incentives. For the next site inspection, SCSO must provide all documentation for all commissary payments made, commissary payments pending or otherwise not made, monetary and other promoted gifts from drawings provided, and

those pending or otherwise not provided, and any other incentives that were promoted and provided / not provided (and if not provided, the reasons for such). Specifically, relevant proof of practice documentation will need to be provided from the initial awards to the present time period.

During my inmate / detainee interviews, I received mixed information as to whether custody and Wellpath staff are helpful and positively promote the COVID vaccinations to inmates / detainees or not. As cited above, one of the inmates / detainees interviewed stated that some staff don't encourage the vaccination shots because they don't believe in it, and he doesn't believe medical staff are too encouraging either. It is unclear whether any staff members told the inmate / detainee that they don't believe in the vaccinations, or whether the inmate / detainee is making that assumption based on conversations and / or actions of staff. Also, I don't know who the staff members are, and have no way of confirming or refuting this claim. However, such actions (if true) are very concerning, and go against Mr. Brady's prior recommendations (to which I concur) as outlined in previous reports, as to the necessity to have a culturally competent education and vaccine program. All staff should have been trained and should be knowledgeable as to COVID and the jail's COVID protocols, vaccination program, and overall COVID education as it relates to the jail environment. Even the staff who are not necessarily trained to conduct small group or one-on-one education sessions to inmates / detainees, all staff should be encouraged to motivate inmates / detainees to educate themselves regarding COVID and the vaccination program and to request the vaccinations. I understand that staff or going to have differing opinions, but for the staff members who don't want to promote the vaccination program must refrain from discouraging inmates / detainees from requesting and obtaining the vaccination. Such staff should at minimum refer inmates / detainees to knowledgeable and trained staff that educate the inmates / detainees to motivate them and strongly encourage them to get vaccinated.

I received copies of the notices / posters after my walking tour of the SCSO Main Jail, therefore I was unable to confirm that all are posted in every housing unit and other key areas of the jail. However, it was evident that every housing unit had numerous notices / posters posted throughout the areas. As stated above, nine (9) of the ten (10) inmates / detainees were familiar with the notices / posters. Listed below is some information as well as notes from my review of the postings (note: some of the notices / posters were also provided in Spanish language versions):

- Get a COVID-19 vaccine flyer
 - Colorful (catchy to the eye), easy to read, with pictures
 - Very brief and designed for lower reading level
 - Quick-hit points include:
 - It's safe and free;
 - It will help protect you and your family;
 - You might get side effects. But you should feel better in a few days;
 - and

- Get the first vaccine you can.
- Poster: What to Expect after Getting a COVID-19 Vaccine:
 - Colorful (catchy to the eye) with pictures;
 - It's somewhat busy, but relatively easy to read for some lower reading levels; and
 - Includes information on common side effects, asking the facility healthcare provider for help, helpful tips, and keys to remember, e.g., side effects, needing two (2) shots to work, time for the body to build protection, the importance of wearing masks and maintaining a distance of at least six (6) feet away from others as much as possible, and washing hands often.
- Notice/Poster (incentive alert) "Rally for COVID-19 Vaccine" – 8/1 – 8/31:
 - Very brief, colorful, eye-catching, easy to read, and effective; and
 - Indicates the great response in the offering of COVID-19 incentives and the jail is extending the offer for the credit of \$20.00 on a detainee's commissary account to show appreciation for continuing to help keep the facility safe through the pandemic.
- Notice/Poster: COVID-19 Facts:
 - Written in a fairly busy nature, somewhat colorful with a few pictures, with valuable information;
 - Although written at a relatively lower reading level, the notice could be intimidating or difficult to read for some, especially those with intellectual disabilities or a very low reading level;
 - Key points include:
 - Clean laundry (according to laundry schedule) is provided twice weekly. Detainees may have their facemask sent out to be washed weekly on their floor's assigned day, or detainees may wash their masks themselves;
 - Disposable masks are issued on a regular basis for up to 21 days after their initial arrest while being quarantined. Once reassigned to permanent housing two (2) cloth masks will be issued for the detainees to maintain;
 - Soap is passed out twice weekly (Mondays and Thursdays on the 6-2 shift);
 - Face masks must be worn at all times when out of the assigned cell;
 - Communicate with housing unit/pod officer if facemask has been damaged;
 - Cleaning supplies are available on a consistent basis throughout the day for the cleaning of cells/bunk areas;
 - Housing units are being sanitized twice weekly by Environmental staff; and

- Also includes information regarding the kiosk, religious services, counselor services, and medical services (including maintaining at least six [6] feet for social distancing, and hand washing information).
- Notice/Poster from Health Department at UCSF: Information for Residents of Correctional Facilities (RE: COVID-19):
 - Three (3) page document;
 - Very busy read, but contains great information;
 - This document could certainly be intimidating or difficult to read for some, especially those with intellectual disabilities or low reading level;
 - Key points include:
 - Covid-19 vaccines – The Basics, general vaccine information including whether COVID-19 vaccine is safe, risks, side effects, masks, various references, and other information.
- Notice/Poster: Do Your Part To Stop The Spread:
 - Very colorful (catchy to the eye), easy to read, with pictures;
 - Very brief and designed for all to read;
 - Four (4) quick-hit points include:
 - Get vaccinated;
 - Wear a mask;
 - Try to stay six (6) feet from others; and
 - Wash hands often.
- Male Flyer/Notice/Poster: About COVID-19 Vaccines:
 - Colorful (catchy to the eye), easy to read, with pictures;
 - Brief and designed for lower reading levels;
 - Four (4) quick-hit points include:
 - COVID-19 vaccines are safe and effective;
 - The shots will help protect you from getting very sick, being hospitalized, or dying;
 - You may have some side effects after you are vaccinated, like a fever, chills, sore muscles, or feeling tired. This is normal and lasts only a few days;
 - Even after you get the vaccine, protect yourself and others:
 - Wear a mask;
 - Stay at least six (6) feet away from other people when possible; and
 - Wash your hands often.
- Flyer/Notice/Poster: Introducing Pizza Party:
 - Colorful (catchy to the eye), extremely easy to read, with picture of a pizza;
 - Introduces a pizza party;

- Asks if the detainee has had his shot;
- Pizza party will be held for the housing unit with the highest vaccination rate; and
- Let's get vaccinated.
- Notice/Poster: Don't Hesitate, Vaccinate!:
 - Colorful (catchy to the eye) with picture;
 - Although fairly easy to read, it may be difficult for those with intellectual disabilities or very low reading levels;
 - Three Key Reasons YOU should get the COVID-19 Vaccination:
 - Help keep detainees for getting COVID-19;
 - Be a safer way to help build protection; and
 - Be an important tool to help stop the pandemic.
- Notice/Poster: Don't Hesitate, Vaccinate! Know the facts!:
 - Colorful (catchy to the eye) with picture;
 - Although fairly easy to read, it may be difficult for those with intellectual disabilities or very low reading levels;
 - Includes five (5) facts:
 - COVID-19 vaccines will not give you COVID-19;
 - COVID-19 vaccines will not cause you to test positive in COVID-19 viral tests;
 - People who have had COVID-19 may still benefit from getting vaccinated;
 - Getting vaccinated can help prevent getting sick with COVID-19; and
 - Receiving an mRNA vaccine will not alter your DNA.
- Male Notice/Poster: Working or living in a prison or jail puts you at higher risk of getting COVID-19.
- Notice/Poster "School Age Child Care for Essential Workers" (free).
- Notice/Poster "\$100.00 COVID Vaccination Drawing – Let's get those shots for a chance to win:
 - Colorful, eye-catching poster with large print in lower reading level / easy read language; and
 - Incentive:
 - Indicates a drawing, get COVID shots for a chance to win (three [3] names to be drawn) for a chance to win \$100.00 to their (inmate/detainee) account, or have the option to give the \$100.00 prize to a designated family member for the holidays.
- Super Bowl Incentive:

- Colorful, brief, easy-to-read flyer "Introducing Super Bowl LVI Party";
- Have you had your shot?
- Super Bowl Party will be held for the housing unit with the highest vaccination rate!!!!; and
- Have the opportunity to watch the WHOLE SUPER BOWL GAME!

I received emails and photos of checks written / issued to inmates / detainees confirming the incentive prizes advertised. Examples included:

- Photos proving raffle draw for \$100.00
 - Showing the drawing of three (3) inmate/detainee names.
- Emails regarding \$100.00 Drawing.
- 2021 COVID-19 checks received:
 - \$900.00:
 - COVID Vaccination list 7/22/21:
 - Lists 45 detainees x \$20.00 each (total \$900.00).
 - \$720.00:
 - J&J Vaccination List 8/5/21:
 - Lists 36 detainees x \$20.00 each (\$720.00).
- Shelby County Sheriff's Office memo (12/16/21) regarding COVID-19 (to Rick Wells):
 - SCSO will continue to have incentives going forward to encourage the Main Jail population to take the vaccines for their safety and well-being as well as the staff and volunteers.
- Three (3) Photos proving raffle draw winners (inmate / detainee names) for \$100.00.
- Email regarding Vehicle Incentive
 - Indicates adding related forms to the kiosk for the inmates/detainees to see the incentive being offered during May 2021 for completing the COVID-19 Vaccine. All inmates/detainees that have already taken the COVID-19 Vaccination while housed at the Shelby County Jail are registered for the drawing.
- Copy of 12/6/21 Aramark invoice (\$80.91) for three (3) cases of oranges for inmates/detainees that have taken the COVID vaccine.
- Copy of \$520.00 Check (vaccination incentive).

- Copy of \$720.00 Check and pay incentive information (for those recently vaccinated).

Additional related documents and photos provided included:

- Janssen Pharmaceutical Companies (J&J) Corporation Fact Sheet for Recipients and Caregivers.
- Moderna US Inc. Fact Sheet for Recipients and Caregivers.
- Pfizer / Biontech Manufacturing Fact Sheet for Recipients and Caregivers.
- Shelby County Sheriff's Office memo (4/13/21) (and Spanish version) regarding Inmate COVID-19 Vaccination.
- Several Photos of Notices Posted on Walls:
 - I was unable to read five (5) of the six (6) notices/posters unable or identify whether these are the same notices/posters viewed on site and/or provided as part of document production to me;
 - One (1) of the six (6) notices is a poster featuring six (6) separate illustrations of hand washing. This was not provided as part of document production to the Inspector; and
 - The poster is colorful with pictures, and very brief easy read / lower level language.

White Coat Rally's / Town Hall Meetings / Peer Educators / One-on-One / Small Group Education

While interviewing staff on-site, I was informed that Town Hall meetings are conducted every Monday, the jail schedule is rotated, and each housing unit repeats the schedule approximately every six (6) to eight (8) weeks. I was told that all inmates / detainees within a scheduled unit may attend, and consent forms are brought to the meetings in the event a respective inmate / detainee would like to sign-up and participate. The SCSO did not provide copies of specific schedules, nor did I note any during my site inspection. Inmates / detainees must be apprised of scheduled meetings White Coat Rally's and Town Hall meetings in advance. Such scheduled meetings and rallies should reasonably be posted, and inmates/ detainees that may have difficulty reading and / or comprehending must receive assistance from staff. All inmates / detainees should have reasonable advanced notice, and all should have the opportunity to attend and participate in such events. As cited above, there were numerous inmates / detainees who were unaware at to the existence of White Coat Rallies, and there were concerns with Town Hall meetings as well, particularly with early morning time frames, and not being apprised in advance. Subsequent to the site inspection, defendant's indicated SCSO will be renaming the White Coat Rally's to "COVID Awareness Rallies." I concur with this name change. This

will certainly be monitored to determine whether more inmates / detainees attend the meetings. But again, advanced notice is key to expecting greater attendance and participation numbers. Related documentation will be reviewed for the next site inspection. That is, I will be requesting all schedules and notices provided for Town Hall meetings and White Coat Rallies / COVID Awareness Rallies since the last site inspection, and will be requesting and examining inmate / detainee sign-in rosters. During the site inspection, SCSO indicated that each housing unit / pod receives Town Hall meetings at least every six (6) to eight (8) weeks. I will be examining the schedules and sign-in sheets to confirm whether these meetings are taking place as such.

Subsequent to the site visit, defendant's also acknowledged they will request Dr. Randolph to visit as many pods as possible moving forward, and that the events will be announced, posted, and documented with sign-in sheets. I must reiterate the importance of scheduling the visits in advance and providing written and verbal notice to the inmates / detainees. I look forward to reviewing such information for the next site inspection in hopes to identify improvement in this area. Subsequent to the site inspection, defendant's cited a January 25, 2022 COVID Awareness Rally, and identified two (2) additional rallies on February 1, and 8, 2022, and that additional rallies will be scheduled in the future (depending on Dr. Randolph's schedule). For the next site inspection I will examine all related postings, schedules, sign-in sheets, etc., for all related rallies that have been conducted since the last inspection, as well as for those hard scheduled to be conducted soon.

Subsequent to the site inspection, defendant's indicated that Town Hall meetings will continue to be scheduled throughout the facility, and notices will be posted in each pod, announcing the date / time of the next meeting. Reportedly, these events will also be announced and documented with sign-in sheets for speakers and inmates / detainees, and minutes will be secured regarding raised concerns where practical. To that extent, COVID-related topics / issues including vaccine education have been, and for the foreseeable future, will continue to be discussed at each Town Hall meeting. Similarly to that of the newly named COVID Awareness Rallies, for the next site inspection I will examine all related postings, schedules, sign-in sheets, etc., that have been conducted since the last inspection, as well as for those hard scheduled to be conducted soon.

Subsequent to the site inspection, defendant's indicated the video depicting peer discussions of COVID-related topics / issues will continue to be displayed throughout the facility, and at Town Hall meetings. As part of the next inspection, I will confirm the continued video schedule.

Subsequent to the site inspection, defendant's indicated SCSO plans to further develop a manner for counselors / pod officers to conduct informal pod meetings, whereby inmate / detainee volunteers will be afforded an opportunity to speak about their vaccination experiences, as well as the myriad of incentives being offered / provided. I concur with this plan, as an additional means to get-the-word-out to inmates / detainees regarding the

COVID vaccinations. This will allow for meaningful education and dialogue in a small group setting. This obviously must not take the place of Town Hall meetings or White Coat Rallies / COVID Awareness Rallies, but to serve as another means to effectively educate the inmate / detainee population in a small group setting. For the next site inspection, I will request to review all related documents (since the last inspection), e.g., policy, memo or written directive; schedules, sign-in sheets, specific documents or education materials provided to inmates / detainees and / or such materials and specific COVID-related covered in any small group setting, etc.

Although I strongly concur with the small group approach, I challenge SCSO / Wellpath to also strongly consider using an inmate / detainee peer educator process for small group settings. Inmates / detainees are all different and respond to authority or jail personnel differently based on a variety of factors, e.g., mistrust for government and / or law enforcement entities, culture, past experiences, peer pressure, etc. Carefully selected and screened inmate / detainee peer educators can be trained by County health officials or from Wellpath staff to conduct the training. As the vast majority of the jail population is African American, jail administration must train a sufficient number of African American inmates / detainees amongst the jail's floors and housing units / pods as well. There should also be a representation from all races housed at the jail. Trained inmate / detainee COVID peer educators must also have the latitude to offer large group, small group and one-on-one information sessions. It is my professional opinion that this option would serve well to give inmates / detainees the comfort of knowing they can speak with a knowledgeable peer on the subject and possibly feeling they can speak freely to ask questions and convey any concerns. Again, this should be just an option in the arsenal of providing relative training / information.

One-on-one communications with inmates / detainees relative to COVID is also necessary and would certainly prove effective. Whether completed by assigned counselors, or healthcare staff, and trained inmate / detainee peer educators (as cited above) etc., such training / information dissemination can be completed in a quiet and possibly confidential setting without outside pressure or interference and will enable one-on-one attendees to ask questions and raise any concerns freely. Although I will be closely examining the orientation process (conducted by counselors) at the next inspection, I will also be examining any efforts by SCSO / Wellpath to provide one-on-one education. As Mr. Brady has recommended in the past, one-on-one education / communications to discuss such related topics as to the medical consequences of failing to get the vaccine and explaining the benefits are effective and necessary aspects of vaccine education. To that end, I will be requesting all related information, e.g., policy, memo or written directive; schedules, sign-in sheets or, other documentation showing completion; and copies of documentation / materials provided to the participants, or such materials discussed. Similar to what I recommended (above) relative to my recommendation for SCSO / Wellpath to strongly consider inmate / detainee peer educators for small groups, the same recommendation holds true for one-on-one education. This could also prove to be an effective tool to allow inmates / detainees to

learn from and speak to a knowledgeable, screened and trained peer educator without intimidation or fear of other inmates / detainees, and to speak to someone they may trust more or with whom they may feel they can speak with more freely.

In an effort to learn about the Shelby County Penal Farm (as related to COVID protocols), for the next site inspection (in hopes of better understanding their related protocols and larger success rate with vaccination administration), I will be requesting documentation / information regarding the vaccination information and data for the Shelby County Penal Farm, including their education materials and processes, outreach information, and their incentives provided.

Subsequent to the site inspection, defendant's indicated that SCSO continues to review options for additional notices / posters / materials with the aim of displaying materials that are easy to comprehend. For the next site inspection I will request to review any new or revised related notices / posters / materials. I would like to remind SCSO / Wellpath that I will be looking for materials to be written at or below the sixth grade level, materials that do not pose intimidation to the reader (especially those with intellectual or learning disabilities, low reading levels, etc.). Obviously all meaningful efforts to produce new training material whether posters / notices, etc., are necessary the education process, but it is equally or more important to ensure all inmates / detainees are actually receiving the information and not assuming they walk past such posters and automatically read and understand the material. Inmates / detainees must also have an avenue to ask questions (and at least feel like they have an avenue to do such).

Mr. Brady addressed (at length) cultural competency and the importance of having culturally competent education materials and that meaningful education must take place, and has not been taking place. I concur with Mr. Brady's assessment in this area. Mr. Brady previously recommended that housing pod officers be trained to provide culturally competent education to the inmates / detainees amongst the various floors and housing pods. To this point I have not seen evidence to support that the education materials are culturally competent or delivered to inmates / detainees in a meaningful manner by trained staff. In this section of the report I have spoken about COVID Awareness Rallies (formerly White Coat Rallies), Town Hall meetings, orientation by trained counselors, small group sessions by trained staff, one-on-one sessions by trained staff, and my strong recommendation to carefully screen and train peer educators amongst the floors and housing pods (to which all races should be represented to the extent possible, and certainly a large representation of African American trained inmates / detainees due to the jail population). Regardless if mode or materials, all information must be culturally competent (and ADA compliant).

Also, as I have mentioned in this report, some of posters / notices are written at or below the sixth grade level, but a few of the notices were not written at such reading levels, and some of the notices / posters can certainly be intimidating to some readers, e.g., those with intellectual disability, learning disability, low reading level, etc. I was certainly

impressed with the large variety of posters / notices throughout the jail. But I encourage jail administration to re-examine the notices / posters that are not written at appropriate levels and modify or create appropriate level notices.

As I have previously stated, and as Mr. Brady also echoed in his reports, such materials must also be ADA Compliant. That is: easy read material (at or below sixth grade level, as cited above), large print material, and again, this material must be delivered one-on-one / face-to-face. As described earlier in this section of the report, one of the inmates / detainees interviewed with whom I suspect may have an intellectual disability, indicated that no staff member had spoken to him about COVID, vaccinations, etc. This was obviously alarming. I feel I need to reiterate that ALL inmates / detainees must receive adequate and culturally competent COVID-related training / information, and this certainly holds true for inmates / detainees with disabilities and low reading levels.

Also, with regard to COVID related notices / posters / education materials, one (1) of the inmates / detainees interviewed stated that after one of Mr. Brady's prior site inspections, staff removed the posters / notices from the walls throughout the third floor of the jail. In all fairness to SCSO, none of the other nine (9) inmates / detainees made the same or similar allegation for their respective floors. I was unable to confirm or refute this claim. However, it was disturbing to hear this particular claim. At minimum SCSOM must understand that such actions would be unacceptable and should never happen, especially without jail command staff approval with specific reasons for removal. All COVID-related posters / notices / materials must remain in place once approved by jail administration personnel for posting. They must not be removed subsequent to my inspections being completed, or at any other time after such.

Subsequent to the site inspection, defendant's cited that at Intake, all inmates / detainees are offered the opportunity to report information about their special needs, inability to read, and / or other disabilities. If a detainee indicates a need, his information / request will be relayed to housing / classification, as well as to the special needs team which includes mental health, and said individuals will work to address his specific needs. Defendant's also cited that when counselors conduct orientation with inmates / detainees, they attempt to obtain such information and assess any special needs so that they may be addressed, if necessary. If counselors identify an inmate / detainee with a special need, the related information is forwarded to the aforementioned special needs team. Reportedly, the Population Manager provides a list of approximately 500 new detainees each week to the assigned Shelby County Schools instructor who then researches to determine who meets the criteria for IDP. As a result, said instructor adds approximately 50 inmates / detainees to her class each week. I do not recall being apprised of the "Special Needs Team" while onsite for the inspection. For the next site inspection I will inquire and request any related information / documentation as necessary. For the next site inspection, I will request documentation / information pertaining to the Population Manager's list (or IDP list, or any other list that may exist) identifying inmates / detainees that have special accommodations needs relative to learning, reading, understanding,

etc. I will also request a list of all inmates / detainees that was scheduled for or otherwise received inmate / detainee orientation since the last site inspection, and documentation / information listing any special needs and accommodations provided during the process (as related to the delivering of COVID information).

Subsequent to the onsite inspections, defendant's provided that attorneys have requested and continue to request court-ordered forensic mental health evaluations. Said evaluations for the General Sessions Court are paid for by the Shelby County Government, and said evaluations for the Criminal Courts are paid for by the State. Defendant's also added that Wellpath personnel request evaluations and treatment at Memphis Mental Health Institute and Regional One Hospital for mental health patients who are in crisis, as needed. I appreciate this information. To the extent the evaluations can provide insight or information relative to a list of inmates / detainees that need assistance in learning, reading, understanding, etc., I will request such information for the next inspection. Although evaluations for intellectual disabilities (cognitive deficits and adaptive support deficits) certainly fall under the mental health umbrella, the evaluation process must be conducted by a clinical psychologist trained to understand intellectual disabilities, and who is familiar with testing and evaluation instruments for both cognitive and adaptive deficits. For the next site inspection, and to the extent it exists, I will request all related information that identifies inmates / detainees with intellectual disabilities, and their adaptive support needs, including blank copies of testing / assessment instruments used. Of particular note is that the overwhelming majority of intellectually disabled inmates / detainees either cannot read and write or have difficulty reading, writing, and / or comprehending.

To date, the Town Hall meetings are only for general population inmates / detainees, and not those in restrictive type housing. Reportedly inmates / detainees in restrictive housing or segregated housing receive some related information during orientation. When asked about inmate / detainee peer educators, I was informed that SCSO does not use peer educators to deliver COVID-19 related information.

I requested and obtained various documents, memos, and emails relative to Town Hall Meetings, White Coat Rally's, and peer education. Documents and information received included:

- December 2021 Town Hall Schedule:
 - 12/6/21 – None scheduled;
 - 12/13/21 – 4th Floor A, B, C, H Pods;
 - 12/20/21 – 4th Floor D, E, F, G Pods; and
 - 12/27/21 – 4th Floor K, L, M, N Pods.

- November Town Hall Calendar:
 - 11/1/21 – 3rd Floor A, B, D, D Pods;
 - 11/8/21 – 3rd Floor E, F, G, H Pods;

- 11/15/21 – 3rd Floor K, L, M, N Pods;
- 11/22/21 – 3rd Floor P, Q, R, S Pods; and
- 11/29/21 – None scheduled.
- October Town Hall Calendar:
 - 10/4/21 – 3rd Floor A, B, C, D Pods;
 - 10/11/21 – 3rd Floor E, F, G, H Pods;
 - 10/18/21 – 3rd Floor K, L, M, N Pods; and
 - 10/25/21 – 3rd Floor P, Q, R, S Pods.
- September 2021 Town Hall Calendar:
 - 9/6/21 – Holiday / None Scheduled;
 - 9/13/21 – 2nd Floor B, C, D, E Pods;
 - 9/20/21 – 2nd Floor F, G, P, Q Pods; and
 - 9/27/21 – 3rd Floor A, B, C, D Pods.
- August 2021 Town Hall Schedule:
 - 8/2/21 – 4th Floor P, Q, R, S Pods;
 - 8/9/21 – 5th Floor A, B, C Pods;
 - 8/16/21 – 6th Floor A, B, C Pods;
 - 8/23/21 – Lower Level A, F, G Pods; and
 - 8/30/21 – Annex F, G, H, I Pods.
- White Coat Rally - 2nd Floor G Pod list of attendees (9/23/21 9 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education:
 - 22 attendees.
- White Coat Rally - 2nd Floor P&Q Pods list of attendees (9/23/21 9:35 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education:
 - 5 attendees.
- White Coat Rally - 3rd Floor A Pod list of attendees (9/23/21 10:15 AM) (Dr. Randolph - (Speaker) RE: COVID Prevention / COVID Vaccine Education:
 - 21 attendees.
- White Coat Rally - 3rd Floor M Pod list of attendees (9/23/21 10:50 AM) (Dr. Randolph - Speaker) RE: COVID Prevention / COVID Vaccine Education:
 - 21 attendees.
- SCSO Attendance Sheet – 10/5/21 9:30 AM / 3rd Floor R Pod:
 - 21 detainee attendees

- Shelby County Sheriff's Office memo (12/16/21) RE: Open Peer Education Suggestions (to Rick Wells):
 - Indicated SCSO does not have peer education at the jail. However, the jail administration is open to any suggestions to implementation to enhance the transfer of information by their peers.

Orientation

SCSO provided an Inmate / Detainee Orientation Brochure for review. Information included:

- Kiosk access and request forms, and other general information;
- Prison Rape Elimination Act (PREA);
- COVID-19:
 - How to Protect Yourself and Others (Coronavirus);
 - Written at relatively low reading level / fairly easy to follow;
 - Contains pictures and large print easy-to-follow headings;
 - Sections include:
 - How it spreads;
 - Washing hands;
 - Avoid close contact;
 - Clean and disinfect;
 - Other related information;
 - Blank example of Wellpath COVID-19 Post Vaccination Patient Education form:
 - Could be difficult reading for those with intellectual or learning disabilities, and those with low reading levels
 - Information includes:
 - What to expect after getting a COVID-19 vaccine;
 - Common side effects may or may not include;
 - What to do to reduce discomfort;
 - What would a more serious reaction look like;
 - Notify custody and medical if you need immediate medical care or experiencing any of the following symptoms;
 - Important reminders;
 - Don't Hesitate, Vaccinate notice (Three key reasons You should get the COVID-19 Vaccination):
 - Eye catching, photo, relatively easy read:
 - Information includes:
 - Help keep you from getting COVID-19;
 - Be a safer way to help build protection;
 - Be an important tool to help stop the pandemic;
 - Don't Hesitate, Vaccinate notice - Know the facts!:

- Could be difficult reading for those with intellectual or learning disabilities, and those with low reading levels
 - Information includes:
 - Fact: COVID-19 vaccines will not give you COVID-19;
 - Fact: COVID-19 vaccines will not cause you to test positive in COVID-19 viral tests;
 - Fact: People who have had COVID-19 may still benefit from getting vaccinated;
 - Fact: Getting vaccinated can help prevent getting sick with COVID-19;
 - Fact: Receiving an mRNA vaccine will not alter your DNA;
 - Blank example of a Shelby County Sheriff's Office Inmate COVID-19 Vaccination Acknowledgment Form;
 - SCSO document containing contact information for various services, e.g., homeless meal schedule, emergency shelters, churches, community health education services, dental and optometry services, and mental health services, transitional support housing, substance abuse / support groups, life skills / HISET classes and testing, employee assistance, reentry assistance, and more;
 - SCSO Smart – Card Signature Form:
 - Indicates receipt of (while at jail) a copy of the COVID Prevention and COVID Vaccine education, and a copy of the SCSO Reentry Smart card / Agency List from Counseling Services of the SCSO Jail, Programs Department, and was informed of the information available on the Jail Kiosk;
 - Blank example of a SCSO Attendance Sheet, including for Assessment & Orientation, Comprehensive Education (PREA), and COVID Prevention / COVID Vaccine Education.
- Shelby County Sheriff's Office memo (12/16/21) RE: COVID-19 and video
 - Videos play at least four (4) times daily for inmate/detainee viewing:
 - Twice during the 0600 – 1400 hours shift;
 - Twice during the 1400 – 2200 hours shift;
 - As related to COVID-19, the video contains the following:
 - NBA Vaccination promo with Barack Obama;
 - Prison Rape Elimination Act;
 - Tuskegee Legacy;
 - Roll up your sleeves; and
 - Video is delivered by way of main control center staff and played at designated times, and a log is maintained.

SCSO provided pages of housing unit log books showing that Orientation was provided. Logs were received from the following housing units:

- Lower Level;
- Third Floor R Pod Log RE: Orientation;
- Third Floor S Pod Log RE: Orientation;
- Fourth Floor D Pod Log RE: Orientation;
- Fourth Floor J Pod Log RE: Orientation; and
- Fourth Floor N Pod Log RE: Orientation.

SCSO also provided a Shelby County Sheriff's Office memo (12/16/21): COVID-19, which indicated the following:

- Inmates view a video at least 4 times daily:
 - Twice between 0600-1400 hours shift;
 - Twice between 1400-200 hours shift;
 - As it relates to COVID-19:
 - NBA Vaccination Promo with Barack Obama;
 - Prison Rape Elimination Act (PREA);
 - Tuskegee Legacy;
 - Roll up your sleeves;
 - The video is delivered by way of our main control center assigned staff to play at a designated time and document the areas logbook of the occurrences as they take place.

Intellectually Disabled / Learning Disabled / Low Reading Levels

SCSO provided the following documentation and information:

- Blank copy of Correct Care Solutions (CCS) Medical Physical and Mental Assessment (questionnaire):
 - Asks if the patient has a physical disability or developmental disability.
- Blank copy of a CCS Medical History and Physical Assessment with Mental Health (questionnaire):
 - Contains questions pertaining to hearing, mobility, vision impairments/disabilities.
- Shelby County Criminal Justice Center Intake information (12/15/21):
 - The form contains various intake healthcare (medical and mental health), PREA, risk related, and other questions; and
 - There are questions pertaining to special education classes in school, grade level, and history of developmental disability services.

- Blank example of a Shelby County Sheriff's Office Programs Needs Assessment Form (for programs):
 - Includes questions pertaining education level and learning disabilities.

Findings:

Regarding incentives, it appears that SCSO has been innovative has made a solid effort in this area. As outlined above, there have been numerous awards of \$20.00 of commissary credit added to inmate / detainee accounts due to getting COVID-19 vaccinations for COVID-19; drawing for larger cash prizes for housing units with the highest percentage of vaccinated inmates / detainees; a drawing for a new car; an upcoming Super Bowl party also for the unit with the highest percentage of vaccinated inmates / detainees, as well as other incentives. There seems to be a genuine buzz with the inmates / detainees for these incentives. Staff have done a good job with this developing the flyers / notices encouraging and advertising the incentives. Proof of practice documentation regarding some of the aforementioned incentives were provided for review, e.g., copies of checks, invoices for oranges, and posters / notices relative to monetary drawings and pizza parties, etc. However, there is some uncertainty or questions as to whether all commissary payments and/or monetary prizes for drawings have actually been awarded (e.g., checks/money awarded to inmate / detainee jail trust accounts) to the reported winning recipients. From the documents received for the site inspection, I was unable to confirm whether all promised prizes and other incentives, e.g., oranges, etc., were provided or awarded to all inmates/ detainees who should have received the promoted incentives. For the next site inspection, SCSO must provide all documentation for all commissary payments made, commissary payments pending or otherwise not made, monetary and other promoted gifts from drawings provided, and those pending or otherwise not provided, and any other incentives that were promoted and provided / not provided (and if not provided, the reasons for such). Specifically, relevant proof of practice documentation will need to be provided from the initial awards to the present time period.

As for COVID-19 education and materials, including the notices / posters, I first want to recognize the hard work that SCSO Main Jail staff have exercised. There is certainly an abundance of very valuable material. The housing units and other areas of the jail e.g., Intake / Booking, and other areas were flooded with notices / postings on the walls and bulletin boards. I was unable to confirm or refute the inmate / detainee claim that after one of Mr. Brady's prior site inspections, staff (allegedly the same staff member who posted the notices / posters) removed the posters / notices from the walls throughout the third floor of the jail. If true, it is certainly disturbing. At minimum SCSOM must understand that such actions would be unacceptable and should never happen, especially without jail command staff approval with specific reasons for removal. All COVID-related posters / notices / materials must remain in place once approved by jail administration personnel for posting. They must not be removed subsequent to my inspections being completed, or at any other time after such. As I outlined above, most of the notices / posters / material

is written at or below the sixth-grade level. As I also indicated, some of the material was not written at or below the sixth-grade level, and / or the amount of language or the abundance of language on a few of the notices / flyers can easily be intimidating for someone who may have an intellectual disability, for some with a learning disability, and for inmates / detainees with a lower reading level. Wellpath / SCSO administration staff must re-examine the notices / posters that are not written at appropriate levels and modify or create appropriate level notices. Regardless if mode or materials, all information must be ADA compliant (e.g., easy-read materials and at sixth grade or below level, large print), and information must be delivered via a one-on-one face-to-face method.

Most people in society and in our prisons and jails are at least somewhat knowledgeable regarding the ADA, disabilities, and reasonable accommodations, for civilian and inmates / detainees with disabilities such as mobility, hearing, vision, speech, etc., as those types of disabilities are more easily recognized as is their accommodation needs. That is widely not the case with people with intellectual disabilities, learning disabilities, and even those with lower reading level ability whereas there may be a barrier to achieving effective communication. To first understand who needs such accommodations and specifically what type of accommodations, there must be a legitimate process in place to identify or confirm such disabilities, and more importantly, the accommodation needs. Whether pertaining to due process related events, healthcare encounters, inmate / detainee orientation, education, reentry or self-help classes, work assignments, religious services participation, the ADA federal law (e.g., Title II) mandates such accommodations. Ideally, SCSO should have an evaluation and testing process in place by a qualified and training clinical psychologist to evaluate for both cognitive deficits and adaptive deficits (to also identify specific adaptive support needs for a particular inmate / detainee). Yes, the general Intake screening and associated questionnaires asked by Intake nurses is the starting point. But simply then referring to a mental health clinician without adequate evaluation testing (using recognized screens and tests) for both cognitive deficits and adaptive deficits (and identifying adaptive specific support needs) will not lead to proper identification and reasonable accommodation needs / adaptive support needs. Although SCSO did a tremendous job providing me the majority of the documents I requested, I did not receive a Special Needs List. I wanted to see what such a list currently looks like in terms of the numbers and accommodations needs for intellectually disabled and learning-disabled inmates / detainees.

I concur with Mr. Brady's prior concerns and recommendations regarding cultural competency and the importance of having culturally competent education materials and that meaningful education must be in place, but has not been taking place. Mr. Brady previously recommended that housing pod officers be trained to provide culturally competent education to the inmates / detainees amongst the various floors and housing pods. To this point I have not seen evidence to support that the education materials are culturally competent or delivered to inmates / detainees in a meaningful manner by trained staff. SCSO jail administration staff (for the next site inspection) show evidence that that culturally competent training / information is being provided in the pods. In general, staff

education is not consistently taking place to ensure inmates / detainees read, understand, and even are aware that all the different literature or notices / postings / flyers exist. Moreover, there is no consistency for one-on-one face-to-face or small group education being conducted to allow the inmates detainees to have questions answered or for them to feel free to ask questions. Wellpath / SCSO must ensure trained staff provide such training in the pods, but must also must strongly consider my recommendations to carefully screen and train inmate / detainee peer educators. Wellpath / SCSO has indicated plans to further develop a manner for counselors / pod officers to conduct informal pod meetings, whereby inmate / detainee volunteers will be afforded an opportunity to speak about their vaccination experiences, as well as the myriad of incentives being offered / provided. I concur with this plan, as an additional means to get-the-word-out to inmates / detainees regarding the COVID vaccinations. This will allow for meaningful education and dialogue in a small group setting. This obviously must not take the place of Town Hall meetings or COVID Awareness Rallies (formerly White Coat Rallies), but to serve as another means to effectively educate the inmate / detainee population in a small group setting. For the next site inspection, I will request to review all related documents (since the last inspection), e.g., policy, memo or written directive; schedules, sign-in sheets, specific documents or education materials provided to inmates / detainees and / or such materials and specific COVID-related covered in any small group setting, etc.

Wellpath / SCSO provided documented proof that Town Hall meetings and White Coat Rallies are scheduled and take place. However, there is certainly no identified consistency in how all units are scheduled and receive the meetings / rallies. At minimum there are inconsistencies in scheduling and conducting meetings and rallies every six (6) to eight (8) weeks per pod as indicated by staff. This will be reviewed closely for the next site inspection. Most of the ten (10) inmates / detainees interviewed either were not aware of one (1) or both types of meetings / rallied (particularly the White Coat Rally's), and certainly did not have confidence in the process, and had concerns that when the meetings are offered, they are done so early, during program time, and done so in an unannounced fashion without legitimate warning. When scheduled, only general population inmates / detainees currently have the option of attending either of these types of meetings. SCSO does not currently use inmate / detainee peer educators for any purpose. Inmates / detainees must be apprised of scheduled meetings White Coat Rally's (now officially referred to as Covid Awareness Rallies) and Town Hall meetings in advance. It is presumed that the name change is meant help alleviate any confusion as to the purpose of the rallies. This will be monitored to see if there is any noted improvement in attendance and participation. Such scheduled meetings and rallies should reasonably be posted, and inmates/ detainees that may have difficulty reading and / or comprehending must receive assistance from staff. All inmates / detainees should have reasonable advanced notice, and all should have the opportunity to attend and participate in such events. Wellpath / SCSO should also make a legitimate effort as to not schedule all meetings / rallies early in the morning (especially without sufficient notice) due to a variety of factors, including medications that many inmates / detainees take, etc.

But again, advanced notice is key to expecting greater attendance and participation numbers. Related documentation will be reviewed for the next site inspection. That is, I will be requesting all schedules and notices provided for Town Hall meetings and White Coat Rallies / COVID Awareness Rallies since the last site inspection, and will be requesting and examining inmate / detainee sign-in rosters.

Recommendations:

The following is not an exhaustive list for all documents that will be requested for the next site inspection, but is relevant to this section of the report. For the next site inspection, Wellpath / SCSO must provide the following:

- Proof of payment or delivery of all promoted incentives / items won or otherwise promised since the last site inspection:
 - This includes status and reasons related to any promoted incentives items won that were not delivered or provided since the last inspections;
- Proof of culturally competent COVID-related education delivery as well as associated materials;
- Copies of schedules, sign-in sheets, minutes, agenda items, proof of advanced notices for to inmates / detainees, and related notices / posters as related to Town Hall meetings and COVID Awareness rallies / White Coat Rallies and any other visits for educational purposes by healthcare professionals since the last site inspection;
- Updated details regarding plans for counselors and pod officers to conduct informal pod meetings (small group meetings), whereby inmate / detainee volunteers will be afforded an opportunity to speak about their vaccination experiences, as well as the myriad of incentives being offered / provided:
 - To the extent such meetings have begun, then SCSO / Wellpath must provide related information, e.g., policy / memo / written directive, schedules, sign-in sheets, notices / postings, etc.;
- Similarly to the bullet above, any information as to staff one-on-one face-to-face training / communications (other than inmate / detainee orientation) with inmates / detainees regarding COVID and vaccinations;
- Information regarding COVID and vaccination information provided to inmates / detainees during the orientation process (e.g., specific material delivered [e.g., does it include the benefits of taking the vaccine, and possible health and other consequences for not taking the vaccine], proof as to how it is delivered to disabled inmates / detainees with possible communication barriers, the numbers of inmates / detainees amongst the floors and pods that received the information, etc.);
 - Also include a list of all inmates / detainees that received orientation since my onsite inspection (including those still at the jail and those who are no longer at the jail)

- Information as to any consideration given to utilizing carefully screened and trained inmate / detainee peer educators;
- Information relative to the Shelby County Penal Farm's COVID and vaccination protocols / processes, education materials, outreach information, and incentives provided;
- Revised / new notices / posters / materials since the last inspection;
- Status as to any training / information provided to housing pod staff (and other staff) to ensure:
 - Culturally competent education / materials are provided to inmates / detainees;
 - ADA compliant education / materials are provided to inmates / detainees;
- Confirmation that COVID and vaccination related posters / notices are not removed after being posted;
- Information regarding the Special Needs Team, e.g., what multi-disciplinary staff positions or mental health division personnel positions comprise the team, what is the specific function of the team, listing of which disabled inmates / detainees has the team worked with since the last inspections (as related to COVID), Population Manager's list, does the team exclusively with mentally ill inmates / detainees, or does it extend to those with intellectual disabilities, learning disabilities, those with low reading levels, etc.;
- While onsite at the next site inspection, I will inquire as to the court-ordered forensic mental health evaluations;
- Listing of all mentally ill, intellectually disabled and learning disabled inmates / detainees as well as those with low known reading scores housed at the jail;
- All testing / evaluation instruments for intellectually disabled inmates / detainees and learning disabled inmates / detainees:
 - If there are no such instruments, then provide information as to how such inmates / detainees are verified as having such a disability.

SCSO must ensure COVID Awareness Rallies (formerly White Coat Rallies) and Town Hall meetings are scheduled equally amongst the housing unit pods. Staff must provide advanced written notice (and preferably ongoing public address system announcements as well) to ensure the inmate / detainee population is aware the events exist and as to the specific schedules. SCSO must ensure that COVID-19 is on the Town Hall meeting agenda, and that the COVID Awareness Rally agenda strictly pertains to COVID-19. Wellpath / SCSO should also strongly consider scheduling the events in administrative segregation and other types of restrictive housing units. Careful consideration could be given to having the inmates / detainees remain inside their cells or be placed in individual temporary holding cells, etc. Wellpath / SCSO should also strongly consider carefully screened and trained inmates / detainees to serve as peer educators to deliver COVID-19 information and to answer any questions.

There is a concern that not all promoted payments, prizes and / or incentives have been paid or provided to all inmates / detainees that have won or otherwise. Wellpath / SCSO must ensure that all promoted monies, prizes, and / or incentives are provided to inmates / detainees who win drawings or otherwise warrant such awards.

Staff must be trained with regard to COVID and the vaccination protocols, and must also be trained to positively promote the program, or at minimum refer inmates / detainees to staff that are trained, knowledgeable and will positively promote the vaccination program and educate the population. Wellpath / SCSO must ensure that materials and education provided is culturally competent within the jail's population to which the vast majority is African American with most likely many concerns and uncertainties toward the vaccines (for numerous reasons, some of which have been cited in this report as well as in Mr. Brady's previous reports. All staff must be trained and should be knowledgeable as to COVID and the jail's COVID protocols, vaccination program, and overall COVID education as it related to the jail environment.

As my bullet list (above) in essence represents, Wellpath / SCSO simply must do a better job with regard to COVID Awareness Rallies, Town Hall meetings, small group sessions, one-on-one face-to-face training / information sessions, explaining posters / notices and COVID and vaccination information in general (including incentives and benefits of receiving the vaccine, and health risks by not receiving the vaccination), training of staff, staff promoting the vaccination program, inmate / detainee orientation process (as related to COVID information), culturally competent materials and delivery, and ADA compliant materials and delivery. And again, strong consideration must be given to adopting a peer education program. Staff must refrain from removing COVID-related posters/ notices after being posted.

SCSO should have a process in place to properly identify inmates / detainees with intellectual disabilities. Ideally, SCSO should have an evaluation and testing process in place by a qualified and training clinical psychologist (on staff) to evaluate for both cognitive deficits and adaptive deficits (to also identify specific adaptive support needs for a particular inmate / detainee). Until which time this such staffing and testing could be worked out, in the interim there should be processes to obtain relative regional center information, etc., that may prove helpful. Regarding learning disabilities, SCSO ideally should either have testing in place, or at minimum a mechanism for basic academic testing and a process to allow inmates / detainees to have transcripts, individualized education program, special education information etc., to be interpreted and confirmed by appropriate education and /or mental health staff. All inmates / detainees confirmed with having an intellectual disability and learning disability should be placed on a tracking list along with their specific reasonable accommodation or adaptive support needs to help ensure staff provide the needed accommodations for orientation as well as other processes as previously outlined. The SCSO should also follow-up and provide updates as to the Program Manager / ADA Coordinator / PREA Coordinator to track, monitor, and

to provide assistance to inmates with disabilities who need reasonable accommodations / assistance.

Population Reduction / Court Expeditor / Staffing

Inmate / Detainee Interviews:

Inmate / Detainee #1: He stated there are no problems with inmates / detainees getting to appointments, and no concerns with accessing or using the kiosk or accessing medical staff. He mentioned the kiosk was inoperable for about a week, but the workaround was that healthcare staff were in the housing unit two (2) to three (3) times weekly and responded to their related requests. Overall, he believes staff do a good job.

Inmate / Detainee #2: When asked about staffing and recreation time, he stated they (inmates / detainees) don't come out of the pod as there is no outdoor yard ever provided. Regarding dayroom, it's offered sometimes during the day, and usually about four (4) hours on average. He believes staffing shortages are causing a backlog with obtaining and attending medical appointments, and such appointments do not happen as frequently as before.

Inmate / Detainee #3: No relevant information provided.

Inmate / Detainee #4: No relevant information provided.

Inmate / Detainee #5: He stated they do not receive any natural sunlight and have not received outside yard since the COVID-19 pandemic occurred. He said staff admit to staffing shortages as being a reason why outside yard is no longer offered. Regarding pod / recreation time, he acknowledged three (3) to four (4) hours are provided on most days. He said inmates / detainees can access the kiosk without issues, but it is hard to get seen by medical staff (medical appointments).

Inmate / Detainee #6: Regarding staffing shortages or perceived shortages, he said inmates / detainees no longer come out daily, and rarely on weekends. He claimed that after Mr. Brady's August site visit, they come out for recreation time less frequently, and there had not been any outside yard since before COVID-19 began approximately two (2) years ago. In fact, he said the two (2) reasons they are told (for no outside yard access) is due to staffing shortages and temperatures.

Inmate / Detainee #7: He claims there has not been any outside yard provided in two (2) to three (3) years, and recreation (pod) time is provided daily for about one (1) hour.

Inmate / Detainee #8: When asked about outside yard, he stated, "I can't remember, it's been over a year." Regarding dayroom / recreation time, he acknowledged it has improved over the last two (2) to three (3) months, to which they now receive it daily.

When asked about his perception regarding staffing shortages and if so, how he feels it affects him, he stated inmates / detainees can't clean their cells properly, it's more difficult to receive showers, and it's more difficult to get to the kiosk to make complaints. He also made a general complaint about the poor ventilation system in the jail.

Inmate / Detainee #9: He believes there are significant staffing shortages. Inmates / detainees have not been offered outside yard the entire seven (7) months that he has been at the jail. He did not have any concerns with recreation time, as he lives in a very large open dormitory.

Inmate / Detainee #10: He indicated there is no outdoor yard offered. He acknowledged there are no indoor recreation concerns as he lives in a large open dormitory.

Though not confirmed, one (1) of the inmates / detainees interviewed stated he has received information from medical staff that severe staffing shortages has thus caused Wellpath medical staff to be approximately 970 sick calls behind. He also claimed that staff indicated to him that roughly 19 officers will be leaving service or the jail by the end of the month (December).

Documentation / Staff Interviews / Observations:

Expeditor

Standard Operating Procedure 699 - COVID-19 Coronavirus Pandemic Response (effective 3/24/21), addresses Population Reduction, and provides the following language:

- Release on Non-Violent Offenders
 - SCSO will release inmates/detainees in accordance Orders issued by the Municipal/Traffic and criminal District Courts;
 - Release of inmates/detainees quarantined for either a presumptive positive or confirmed case of COVID-19. The contract medical provider staff:
 - Contact the Infectious Disease provider hotline for guidance;
 - In conjunction with Infectious Disease, provider, determine if the inmate/detainee has an adequate home quarantine living situation;
 - If the housing condition is not adequate, the Infectious Disease provider will obtain assistance from the Intake Supervisor to arrange to house;
 - If testing is recommended, collect the sample of a presumptive positive case of COVID-19 and submit it to the CDC laboratory in accordance with established procedures;
 - Await directive from the CDC on the location to transport the presumptive positive COVID-19 case if the inmate/detainee does not have suitable housing to be released to;

- Court Ordered or Bond Release:
 - Includes related protocols for the records clerk and medical provider.

Based on my interview with the Shelby County Expeditor, her position was originally created in 2018 and it was funded and active as of approximately February 2019. Although it's an attorney position, the role of the employee reportedly does not function as an attorney. Population reduction was a reason for development of the position, and the position includes identifying low bonds, and those possibly eligible for low bonds, and research healthcare issues particularly for vulnerable and at-risk patients. Staff interviewed also added that the Expeditor does not get involved until a detainee is booked into the jail.

I examined the job description, titled, "Shelby County Government Human Resources Compensation Job Description" (Expeditor). Contained requirements of the position included the following:

- Position Summary section indicates the position (Expeditor) "works under general supervision to facilitate the reduction of time between an inmate's admission into the Jail and release";
- Minimum qualification include being an attorney in good standing in Tennessee with five (5) years of experience in the criminal justice system;
- Various duties and responsibilities are identified, some examples include:
 - Develops and organizes strategic challenges and interventions to address admissions and releases in a timely manner;
 - Meets with the Expediting Team weekly to conduct a review of inmates;
 - Reviews daily population reports;
 - Review and screens admissions for alternative detention program or release;
 - Advocates for expedient court proceedings by monitoring court calendars and communicating with Judges, defense attorneys, district attorneys, and other specialists;
 - Advocates for expedient case processing by monitoring and reviewing charges, bonds, representation of counsel, and other factors;
 - Collaborates regularly with county personnel and other stakeholders, including defenders, prosecutors, medical/mental health professionals and Judges to meet operational objectives;
 - Assists in the development and implementation of strategies to return to court those individuals subject to warrants (or in jeopardy of being subject to such) in manners that minimize the need to detain or the issuance of warrants; and
 - Maintain accurate records of all instances of contact and other coordinator or expeditor related activities in "OMS and Odyssey" as applicable.

In interviewing the Expeditor, and in review of various documents requested and received, the following outlines the types of lists or documents prepared as part of the Shelby County Sheriff's Office Expeditor's daily reviews:

- New Arrest Report:
 - To determine whether there are any arrestees whose cases can be arraigned;
 - Speak to prosecutor and possibly the Judge to see whether the Court can appoint an attorney. Often the Expeditor reportedly asks the Public Defender if they can request an appointment;
 - Prison Ward List / Email:
 - The Court Expeditor checks this list for detainees who have Court appearances and whether the court, prosecutor, or an attorney needs to be notified about their status. She also provides reportedly provides information to the court when requested as to the detainees who are hospitalized. Video and camera equipment are often required for the arraignment(s) of hospitalized detainees to avoid lengthy continuances;
 - Daily Communication Log (Law Enforcement /Jail Related Incident Reports):
 - The Court Expeditor reviews the log for detainees who may require release or when/if the court needs to be notified of anything specific related to the detainee;
 - Count Log/Email:
 - She monitors the daily population counts on each shift at the Main Jail and Jail East to see what and/or if anything is needed to reduce the population;
 - Emails regarding the 60 and older population:
 - Anytime someone is arrested, she receives an email so she can check their bond and court status to determine if they are released or if she needs to apprise the court that an older person is on the docket along with any other issues/concerns associated with the detainee's stay in jail;
 - White Board List:
 - The Court Expeditor attends White Board meetings and reviews the list which indicates the medical conditions of detainees of which the court or the detainee's attorney needs to be aware;
 - D and E Felony List:
 - She reviews the list to see what is needed for the Public Defenders to keep the cases moving forward without unnecessary delay(s);
 - Tennessee Department of Corrections List:
 - The list allows the Court Expeditor to see the number of TDOC inmates in Shelby County custody and if there are any pending court cases or if they're ready to be returned. Frequently the Court Expeditor reportedly notifies the TDOC that the inmate is, in fact

- ready to be picked up, or she will request that the inmate be picked up if they're only being detained for court appearances or as a witness to other criminal cases;
- U.S. Marshall's List:
 - This list indicates the number of inmates who are in the Shelby County Jail and have federal court cases or if they are at the jail for holding purposes. The Court Expeditor also uses the list to see when the inmates are going to be picked up, and will occasionally request that the Marshalls come and get them if they have been at the Shelby County Jail for a prolonged period of time;
 - Shelby County Corrections List:
 - The list shows the Court Expeditor who has been sentenced to the Shelby County Correctional Center (SCCC). The Court Expeditor can therefore ensure the SCCC is timely picking up the sentenced inmates;
 - Delayed Arraignment List:
 - This list is generated twice weekly (Wednesday and Sunday evenings), and it allows the Court Expeditor to see who has been in jail and not arraigned. She can then request that the court accelerate/reschedule the arraignment;
 - Detainer List:
 - This list is generated from OMSE and helps determine whether there are any detainers that the Court Expeditor can work on getting removed. However, if they are still active, when a detainee is ready to be released, there will be holds;
 - Other Work Tasks (e.g., Jail Population, COVID Concerns):
 - Cases from the Shelby County Jail Population List and Odyssey that have been Held to State but have not been indicted and reviewed to get the status updates, or the Court Expeditor will ask the grand jury personnel to speed up the process;
 - The Court Expeditor looks at the charges and court dates of all detainees in Shelby County custody from other jurisdictions, and determine if there are any delays. If so, she will contact the clerks and ask to put the matters on the docket as soon as possible. The Court Expeditor will also ask the Public Defender's Office to get appointed in an effort to get the matter disposed;
 - The Court Expeditor reportedly notifies the Court of any COVID issues as it relates to detainees to ensure the safety of the courts and detention facilities;
 - The Court Expeditor assists with getting COVID tests for detainees to confirm their status so they can go to various facilities or appointments;
 - Occasionally, the Court Expeditor assists with encouraging detainees to submit to COVID testing;

- Anytime there is a detainee in Shelby County custody with medical, age related, special needs, or anything that requires a release, the Court Expeditor notifies defense counsel (if one has begun representation – if not, she attempts to get one appointed, the prosecutor, and together address the court(s) about their concerns, and ask for help to complete the release.
- Attendance for Weekly and Monthly Meetings:
 - Weekly:
 - Criminal Partners Meeting:
 - This group was created to address COVID-19 issues within the criminal justice system. Attendees discuss any concerns with jail populations as well as ideas for reducing the population through various means;
 - Jail Treatment Meeting:
 - Participants discuss concerns about special needs inmates and mental health detainees;
 - Monthly:
 - Suicide Prevention Regional Meeting:
 - The Court Expeditor attends to learn more about suicide and to gather information to share with the jail detainee population and staff; and
 - Bi-Monthly COVID Preparation Meeting (with the Health Department):
 - Attendees discuss COVID issues as well as support and safety issues as it relates to the jail population.

The Shelby County Sheriff's Office (SCSO) provided a document showing the types of groups of inmates / detainees the Expeditor assists (November 30, 2021). Information contained included:

- Delayed Arraignment: 194 inmates / detainees (from July 2021 to November 30, 2021);
- 60 years of Age and Older List: 64 inmates / detainees (from July 2021 to November 30, 2021);
- Possible COVID Information: 17 inmates / detainees (from July 2021 to November 30, 2021); and
- Tennessee Department of Corrections (TDOC) Releases: 142 inmates / detainees (from July 2021 to November 30, 2021):
 - Some spreadsheets were provided confirming some of the numbers.

Documentation pertaining to the Expeditor's review of the sixty and over aged inmates / detainees included the following information:

- From 7/6/21 to 11/30/21;
- Lists 64 inmates / detainees;
- Categories listed include:
 - Date, Name, Age, Booking Number, Records Accumulated (yes or no), Is There An issue for Release (yes or no), Issue of Release, and Counsel Contacted and Date of Contact;
- Types of issues for release includes:
 - No bond had to be made;
 - Was released;
 - Of the 64 cases, approximately 58 were male detainees;
 - Of the approximate 58 male cases, six (6) inmates / detainees are still in custody:
 - Of the six (6) still in-custody, four (4) are November cases;
 - It's difficult to discern whether those cases that resulted in release were directly related to the efforts of the Court Expeditor.

The Expeditor's Delayed Arraignments list included the following information:

- From 6/20/21 to 11/28/21;
- Lists 221 inmates / detainee names (some names appeared numerous times on different dates [in some cases up to seven times]), therefore the list of actual detainees is somewhat less than the 221 names listed;
- 178 of the 221 names were males;
- Categories listed include:
 - Date, Name, R&I and Booking Number, Court Contact for Acceleration of Setting, Arrangement of Court Appearance, and Reason for Delay;
- "Arrangement of Court Appearance" category (box):
 - All entries for were listed as "no";
- "Court Contact for Acceleration of Setting" category (box):
 - Of the 178 male inmate / detainee entries, for this section (boxes), 161 of the 178 were listed as "yes";
 - "Reason for Delay" category (box):
 - Identified reasons for delay included, but were not limited to the following:
 - Unsure, mental health issues, out for surgery, in quarantine, in detox, isolation, got released, and released ROR;
 - Of the 178 male entries, 167 were listed as "unsure"; and
 - Of the 178 male entries, one (1) was listed as "got released."

SCSO provided a spreadsheet titled, " Defendants/Detainees for Whom the Court Expeditor Provided Assistance." Information included:

- Dates covered are from December 2020 to October 2021;
- Sections include, name/RNI number, date of incarceration, and issue involved / contact or action taken by expeditor with possible outcome

- Includes information relative to four (4) detainees (this list does not include detainees sent to drug treatment facilities):
 - Case #1:
 - The Expeditor contacted the Judge and public defender's office to express concerns regarding the detainee's mental health. The Judge released him. his original bond was \$500.00. The case is still pending.
 - Case #2:
 - The Court Expeditor assisted in obtaining medical clearance for a detainee so he could be released to the Mississippi Department of Corrections. Due to COVID concerns, the detainee was transferred after he cleared his quarantine period.
 - Case #3:
 - There were concerns with the detainee's physical health. The Court Expeditor contacted the Judge, prosecutor, and the public defender's office. The court appointed a public defender and reduced the bond from \$25,000.00 to \$15,000.00 but would not ROR release him. However, the detainee made bond on 11/4/21, and his case is still pending.
 - Case #4:
 - The Court Expeditor was made aware that the detainee was dying and wanted to donate organs. The Court Expeditor contacted the detainee's attorney and the prosecutor's office to see if they could get an ROR release. The detainee's attorney filed a petition. The Judge ROR released the detainee, but the detainee unfortunately dies that same day.
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 16, 2021, 2:30 pm Zoom):
 - Current jail population (total DOC population): 1,377 (increase);
 - Pre-trial: 389 bonds set; 104 release on own recognizance (ROR); 27% increase;
 - COVID-19 data:
 - 0 male inmates, 0 staff;
 - Currently 77% of inmates are vaccinated at the Division of Corrections compared to last reporting statistic of 70%;
 - Division of Corrections used the following incentives to increase vaccination numbers:

- 1) \$20.00 added to an inmate's account for first time vaccination;
- Chick-Fil-A meals;
- Mayor Lee Harris agreed to provide a BBQ meal if 70% of the Division of Corrections population was vaccinated. Since the goal was met, the BBQ meal will be delivered Friday;
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 9, 2021, 2:30 pm Zoom):
 - Current jail population (total DOC population): 1,365 (decrease);
 - Pre-trial: 398 bonds set; 94 release on own recognizance (ROR); 24% increase;
 - COVID-19 data:
 - 0 male inmates, 9 staff;
- Shelby County Criminal Justice Partners Meeting Agenda and Meeting Notes (November 2, 2021, 2:30 pm Zoom):
 - Current jail population (total DOC population): 1,370 (decrease);
 - Pre-trial: 333 bonds set; 61 release on own recognizance (ROR); 18% decrease; and
 - COVID-19 data:
 - 1 male inmate, 9 staff.
- Shelby County Criminal Justice Partners Meetings – 11/16/21, 11/9/21, & 11/2/21
 - The Court Expeditor attended two (2) of the three (3) meetings
 - 11/16/21 meeting notes:
 - Cites increase in jail population (male and female) – 2,171 (males)
 - 104 releases on own recognizance (ROR) – 27% increase
 - COVID-19 data
 - Division of Corrections – Nine (9) staff
 - Zero inmates/detainees
 - Currently 77% of inmates/detainees are vaccinated compared to the previous statistic of 70%
 - Incentives used to increase vaccination numbers:
 - \$20.00 added to an inmate/detainee's account for first time vaccination
 - Chick-Fil-a meals
 - Mayor Lee Harris agreed to provide a barbeque meal if 70% of the Division of Corrections population was vaccinated. Since the goal was met, the barbeque will be delivered Friday
 - 11/9/21 meeting notes:
 - Cites increase in jail population (male and female) – 2,133 (males)
 - 94 releases on own recognizance (ROR) – 24% increase
 - COVID-19 data

- Division of Corrections – Nine (9) staff
- Zero inmates/detainees
- 11/2/21 meeting notes:
 - Cites decrease in jail population (male and female) – 2,124 (males)
 - 61 releases on own recognizance (ROR) – 18% decrease
 - COVID-19 data
 - Division of Corrections – Nine (9) staff
 - One (1) inmate/detainee
- List of Federal Inmates (Inmates with Federal Detainers) – 104
- List of Active Inmates with Multiple Arraignments – 11/13/21 – 8 male detainees

Shelby County Main Jail Population / Count

SCSO provided numerous documents relative to jail population counts. Some of the relevant documents included the following:

- Shelby County Class List – 12/22/21
 - Approximately 407 inmates/detainees
 - Approximately 25 detainees live in dormitory housing
 - Approximately 382 detainees live in celled housing, and approximately 300 of which had a cellmate.
- Daily Count Report - Jail (for 12/15/21):
 - Broken down by housing units, with a total population of 2,097;
- PowerPoint (“Over 500 Days in Jail”) – November 2021 by Jail Population Analyst
 - Pie chart showing individuals in jail over 500 days:
 - 731 – 1,095 days: 212 (36%)
 - 501 – 730 days: 187 (32%)
 - 1096 – 1460 days: 103 (18%)
 - 1461 – 1825 days: 50 (8%)
 - Over 5 years: 36 (6%)
- Shelby County Sheriff’s Office Jail Population Management Report (November 2021) PowerPoint/graphs/charts:
 - Shows average daily population (males) for 2018 through 2021:
 - Graph shows steady average decrease in jail population from 2018 to 2019, 2019 to 2020. However, in 2021 the population increased above the average monthly numbers for the months of April through November as compared to the same months in 2020;
 - Average Daily Population chart demonstrates the following:

- Male average daily population in October 2021 as 2,148 up to 2,161 in November 2021 (up 1%);
- Male average daily population for 2020 as 2,022, to 2021 as 2,039 (up 1%);
- Number of Bookings - Males chart demonstrates the number of bookings for each month from 2018 through November 2021:
 - The bookings for 2021 for the months of March through November were between 1475 - 1681 for each month through November;
 - In November 2021 the monthly total exceeded that of the same month in 2020;
- Number of Releases – Males chart illustrates the number of releases for each month form the period of 2018 through October 2021:
 - January 2021 releases: 1,304;
 - February 2021 releases: 996;
 - March 2021 releases: 1,592;
 - April 2021 releases: 1,513;
 - May 2021 releases: 1,508;
 - June 2021 releases: 1,580;
 - July 2021 releases: 1,640;
 - August 2021 releases: 1,579;
 - September 2021 releases: 1,537;
 - October 2021 releases: 1,446; and
 - November 2021 releases: 1,491;
- Average Length of Stay graph shows data for the period of 2018 – November 2021:
 - The graph illustrates that for several months of 2021 the average length of stay was longer than the same months in 2020, and also shows other months whereas the average length of stay was shorter in duration than the same months in 2020;
- Misdemeanor Citation Stats chart shows data for the period of May 2021 through November 2021;
- Misdemeanor Citation Stats shows data for the period of 2017 through November 2021;
- Male Bookings Stats (chart and graph) shows data for the period of May through October 2021:
 - 55% were felonies, 38% were misdemeanors, 5% were unknown, and 2% were civil; and
- Felony Bookings from 11/12/20 through 11/30/21 for Jail East Locations:

- For the period of April 2021 through November 2021, there were between 797 – 917 felony bookings (males) within any given month.
- Countroom Jail Count Report (Date range 7/1/21 – 11/30/21) from the Offender Management System (OMS):
 - Highest daily count: 9/17/21 – 2,236;
 - Lowest daily count: 7/3/21 – 1,950;
 - Highest daily count for 11/30/21: 2,194; and
 - Although the highest number was from 11/30/21, the count numbers have been steadily increasing (albeit slight), and certainly has not been decreasing.
- Offender Management System (OMS) Count Report (Date Range 7/1/21 to 11/30/21)
 - 7/1/21 detainee count total: 1,966 – 1,983
 - 8/1/21 detainee count total: 2,035 – 2,044
 - 9/1/21 detainee count total: 2,115 – 2,130
 - 10/1/21 detainee count total: 2,122 – 2,136
 - 11/1/21 detainee count total: 2,148 – 2,158
 - 11/30/21 detainee count total: 2,133 – 2,146
- TDOC Numbers (11/19/21 – 12/28/21):
 - Approximately 31 male inmates / detainees released to TDOC
- TDOC Releases:
 - From 7/2/21 – 12/3/21; and
 - Identifies approximately 143 male and female detainees/inmates transferred from Shelby County to the TDOC.
- Shelby County Sheriff's Office memo to Mr. Brady (6/29/21):
 - Average daily bookings (38) and daily release (24) as of lately.
- Shelby County Sheriff's Office Public Press Release (4/24/20) RE: State Health Department and CDC Test Jail Detainees for COVID-19
 - Indicates the following (in part):
 - Efforts have been taken in working with the Attorney General's Office and the Public Defender's Office to reduce the jail population. There are 1,757 detainees in the Shelby County Jail, which is about 63% of its capacity.

Staffing

Downtown Jail Facility Staffing (Current – 1/7/21)

- 560 staff (custody and non-custody);
- Unknown as to how many vacant positions; and
- Unknown as to the quantity of overtime hours being worked each day, week, month on average.

- Shelby County Sheriff's Office memo (8/31/20) RE: Video Arraignment Numbers
 - Covers the period of 6/30/20 – 8/31/20
 - 6/30/21 – four (4) inmates/detainees for General Sessions, and eight (8) for Criminal Court
 - July 2020 - 202 inmates/detainees for General Sessions, and 89 for Criminal Court
 - August 2020 - 86 inmates/detainees for General Sessions, and 96 for Criminal Court

Population

The Shelby County Main Jail Population has increased, not decreased. With the current jail population and somewhat steady increase in the population, the dynamic continues to pose concerns for effective social distancing. SCSO one of the few requested documents that I did not receive was the SCSO administrative plan for reducing the Main Jail population.

Staffing Shortages

Staff have acknowledged the staffing shortages, and likewise have admitted inmates / detainees have not been attending outside yard for a lengthy time-period. There are concerns with the ability to contain the COVID-19 virus with significant staffing and space shortages. All inmates / detainees stated either they have never been provided natural sunlight or outside yard, or they have not been offered outside yard in a year or longer. Admittedly it was a late request, but I requested four (4) specific days (all in December) of housing unit logs to monitor indoor recreation / pod time provided. Due to the late request, I narrowed my request to one (1) specific day in December (December 7, 2021). That is logs for every housing unit for that day to show recreation time offered. However, I only received the logs for the housing units for one (1) floor.

There were a few other concerns noted from my inmate / detainee interviews. A few inmates / detainees mentioned it takes longer to be seen by the medical department now. There were a few other isolated comments as outlined above. One (1) worthy of mentioning is that he was informed by staff that Wellpath medical staff are approximately 970 sick calls behind. He was also told that about 19 officers were slated to leave the jail during the month of December. Neither figure has been confirmed or refuted yet. The video arraignments and video court appears to be working well and an effective tool to ease staffing shortage the burden to at least a small level. I requested and received staffing numbers for custody and non-custody staff, but it is unclear as to how many

vacant positions there are at the Main Jail, and to what extent daily / weekly / monthly overtime is being used, and what positions are being left vacant, and what positions are cross-covering for other positions.

Findings:

Subsequent to the site inspection, defendant's provided some comments regarding the Expeditor, her related role, and other related information. Defendant's provided that SCSO developed inmate / detainee population reduction plans and thousands of warrants were dismissed, and that SCSO continues to ask / remind the agencies to maintain this practice of issuing summonses. But defendant's further added that due to the number of individuals that failed to report to Court as scheduled, warrants have continued to be issued with no bond, which has resulted in an increase in arrests. Defendant's added that as a result of continued efforts to reduce the inmate / detainee population, formalized weekly Criminal Justice Partners (CJP) meetings began, which addressed COVID-19 issues, among other items. Also cited was that the Shelby County Government is working to reinstate an electronic monitoring system through pretrial services to aid in the release of additional detainees, and that the risk assessment tool for setting bond is going to be reviewed. Defendant's acknowledge the prior list the Expeditor prepared for Mr. Brady contained only the names of inmates / detainees that she (for certain) knew she had assisted for release, but reportedly is not an accurate reflection of her work as a whole, which remains to expedite. Defendant's further articulated that the Expeditor will continue working with outside agencies and entities to seek early release for detainees with low bonds, will continue communicating with Wellpath staff in identifying at risk / medically vulnerable detainees who may be candidates whose cases could be expedited, and will continue attending inter-disciplinary group meetings. In addressing my concerns, defendant's also articulated that the SCSO will work with the Expeditor to develop more sophisticated tracking tools / methods to further document her work / success in expediting cases and limiting the jail's population. Regarding staffing, defendant's added that eight (8) new corrections deputies have recently graduated either the academy, or an accelerated training curriculum as lateral transfers. Reportedly another academy class commences in March 2022. Defendant's provided additional information as related to video court, as well as other related information. I appreciate the aforementioned information and updates as provided by defendants' counsel, however it does not take away from my concerns as outlined below. With that said, I do appreciate the effort in bringing in more custody staff to help ease the staffing issue. I will await the related requested information (for the next site inspection), but I strongly believe these identified hires will not do enough to solve the jail's problems with staffing (as outlined in this report). As I have also outlined in this report (below), until there is a sophisticated and accurate tracking system which outlines the Expeditor's related work (specific examples outlined in greater detail, below), I will unable to indicate any level of compliance with the Expeditor's performance in relation to the consent decree.

During the site inspection, the Expeditor seems genuinely motivated with her job. There are at least three (3) staff members who reportedly work with the Expeditor out of her office. Reportedly, the position was initially designed pre-COVID, but the Consent Decree contains specific guidelines as to the Expeditor's role. The Expeditor and another staff member from the Expeditor's office hold on to their understanding (as they did under when Mr. Brady was the appointed inspector) that the positions do not fall under the jurisdiction of the consent decree. However, the position is charged with evaluating the class and subclass members on a regular basis to determine whether to present them for possible release (at least those that would likely not be deemed a threat to the community), possible alternative sentencing, thus to help lower the jail population by targeting inmates / detainees with certain lower-level crimes, and at risk or vulnerable inmates / detainees. However, this should not be confined to merely a very small percentage of merely the most vulnerable (e.g., inmates / detainees over the age of 60, those deemed terminal, etc.), as much of the data suggests. From the data that was provided, it was extremely difficult to reconcile the cases that was actually presented against those that ultimately resulted in early release. Simply put, there was so much data provided that it was frustrating trying to piece it together to better understand the cases she identified versus those discussed for early release, lower bond hearings, alternative sentencing, etc. As I have outlined in this report, there were a very few select cases identified that resulted in release over an approximate 18-month period (more information outlined below). The Expeditor's office staffing of three (3) may not be sufficient to effectively and consistently identify possible candidates from the class and subclass. But without an effective tracking mechanism to comprehend the work being done (or not being done), the cases selected, and the ultimate outcomes / dispositions, etc., it is difficult to accurately determine whether the three (3) staff members are enough to effectively perform the requirements under the consent decree. It is difficult to ascertain whether it's a workload issue, a tracking concern, or both. From document reviews and staff interviews, it is quite possibly both.

The Expeditor's office must develop and implement a better tracking mechanism to easily identify those inmates / detainees considered for release. lower bonds, or alternative placements, as to what entities she consults for each individual case, and what the outcome or disposition is (e.g., from the court, public defender's office, district attorney's office, Wellpath, etc.). There is still not enough evidence to demonstrate that inmates / detainees who are immunocompromised with serious medical and / or mental health conditions or disabilities are being considered for early release, lower bonds, alternative sentencing options [e.g., home confinement, community treatment facilities], etc. (or at least not enough evidence to show that enough is work is being done to that end). In the simplest of terms, I (as the inspector) or other interested stakeholders should not have to review mounds of various types of documents to gain a general snap-shot idea as to the work that is being done in this area, and the general outcome or dispositions. The Expeditor's office must find a simpler format with which to effectively log and track the related information. For the next site inspection, the Expeditor must provide documented proof as to all efforts made (and outcomes / dispositions) since the last inspection with

regard to examining the class and subclass for vulnerability, possible release, alternative sentencing or community treatment / housing, lower bonds for release, etc. Such information should be contained in a simple tracking format to effectively review, quantify, and easily understand each step of then process as well as the entities involved. Related tracking information must also include all cases at least considered to any level but ultimately without Expeditor recommendation to the court, public defender's office, district attorney's office, etc.

I was able to secure a job description (as outlined above) and other documents that I was told it did not exist just a short time ago. I credit the Expeditor's office with developing and providing these documents. Additionally, there were numerous other documents provided, most of which have been outlined in this report (above). As also previously stated, there were examples of multi-disciplinary work group meetings the Expeditor attends to work (at least to some level) toward jail population reduction, and various other agencies and entities with which she works in collaboration with to work towards reducing the jail population. She also works internally with key Wellpath staff in obtaining lists of names of potential candidates that are considered as health risks to be housed in the jail and therefore should possibly be considered for early release. But again, to effectively reduce the population, the pool of candidates must be expanded over that of the merely the 60 and older population or those inmates / detainees deemed to be the most at risk for health concerns. As I have eluded to, I believe the Expeditor works hard. But from the many related documents reviewed and through staff interviews, my overall assessment is that there does not appear to be sufficient recorded data to effectively show the work the Expeditor appears to be doing.

The jail population has steadily been increasing rather than decreasing. From the many documents reviewed, and as stated above, it's extremely difficult to quantify or measure specific cases whereas the Expeditor referred the cases for consideration for early release versus the outcome, whether released based on the referral or not released based on the referral. Again, there are documents showing cases examined for inmates / detainees over the age of 60, and other related documents, but overall, it's extremely difficult to measure. It's difficult to ignore the lack of data (or understanding the mounds of material provided), the steadily increasing jail population, and a particular document, titled, "Defendants/Detainees for Whom the Court Expeditor Provided Assistance." The data provided for four (4) cases covering the time-period of December 2020 to October 2021. It shows only four (4) cases that the Expeditor assisted and was successful in either getting the inmate released or transferred to another jurisdiction. One of the inmates / detainees was deemed as medical vulnerable, but unfortunately died the same day he was released. I certainly do not disagree with Mr. Brady's prior citation he believed there were hundreds of inmates / detainees who were good candidates for alternate placement. At minimum it appears there are too many different mechanisms to effectively track the cases worked, and the ultimate outcome of the cases (whether they correlate to early releases or not), and not a single effective tracking component to measure success. Presently, I cannot confirm that the Expeditor's office is doing all that can be done to help

reduce the SCSO jail population to a more manageable size, with considerations give to COVID and the consent decree. I do not see evidence to support that the Expeditor is effectively fulfilling the requirements of the position itself and to that of the consent decree. Perhaps with a better tracking mechanism in the future, I may be able to see this item differently. Likewise, I do not see evidence to support that the Expeditor's office has adopted Mr. Brady's prior recommendations as related to population reduction (most of which have been discussed in this report).

Staffing and staffing shortages are very concerning and widely known by staff and inmates / detainees throughout the main jail. Without exception, every inmate / detainee interviewed indicated either they have never been offered outside yard, or, it's been over a year or much longer (for those that have been at the jail for a longer period of time) since they have been offered yard. Staff admitted that this is a problem and that the staffing shortages (at least in part) are contributing factors to this concern. Although indoor pod recreation / leisure time is available, the fact that outside yard (inclusive with the opportunity for large muscle group activities / exercise) is not available certainly causes the class and subclass to members to locked inside their assigned respective cells or more time inside their respective dormitories, thus also creating less opportunities for social distancing. As Mr. brady pointed out in his last report, inmates / detainees being confined inside their cells or living areas for 24 hours per days for extended periods of time negatively impacts the mental and physical well-being of this already immunocompromised class and subclass population.

Recommendations:

The following is not an exhaustive list for all documents that will be requested for the next site inspection, but is relevant to this section of the report, For the next site inspection, Wellpath / SCSO must provide the following:

- Any updated material (since the last inspection or otherwise not produced) pertinent to the Expeditor (Expeditor's office) as related to the consent decree, role of working to reduce the jail population, role in identifying vulnerable inmates / detainees (e.g., those who are / may be compromised immunocompromised with serious medical / mental health conditions and disabilities), working with outside entities, working with Wellpath, etc. Note: At minimum I am looking for a more manageable and a sort of an at-a-glance Excel spreadsheet or similar single document to easily and accurately reflect (track) the status of related work performed:
 - Documentation should include consolidated tracking to easily identify the work being performed, including cases for class and subclass members for consideration for early release or alternative placement (including specific inmate / detainee names and their specific conditions / factors), cases not presented for consideration (past the Expeditor's office), cases presented

for consideration, including to which entities, and the dispositions of the cases, etc.; and

- The SCSO updated written plan for reducing the jail population;
- Housing yard / pod time logs for all housing units (for several select days):
 - Specific dates will be identified at a later date;
- Written plan and / or update to phase-in and provide outside exercise yards to assist in more social distancing opportunities;
- Updated information as to back log of Wellpath sick calls and medical appointments; and
- Update as to specific vacant positions (custody and healthcare staff); and
- Risk assessment tool (regarding bonds).

The Shelby County Main Jail population had been increasing rather than decreasing which continues to pose legitimate concerns for social distancing. As indicated above, I am requesting the SCSO written plan for reducing the Main Jail population. The Expeditor should continue working with outside agencies and entities to seek early release for those with low bonds, etc., and by communicating with Wellpath staff in identifying at risk inmates / detainees deemed at medical vulnerable, and others who may be candidate to seek early release. However, as I have described, there simply isn't enough data to show that the efforts are sufficient to identify the vulnerable (not just the select few most vulnerable or those inmates / detainees 60 years of age and older), but all who may be at risk being housed within the jail operations given COVIS concerns. To the contrary, the data and information provided would demonstrate a lack of sufficient work in this area. I am hopeful (but not optimistic) that an effective and accurate single tracking mechanism may show otherwise. The Expeditor should also continue attending the inter-disciplinary group meetings, but I only saw a few examples of such meetings. It is recommended that the Expeditor and other staff within the office work together to develop a better mechanism to better track the work that is being done to better understand the results, and whether such work, directly contributes to any population reduction. But with the increasing population, that does not appear to be the case.

Despite the staffing shortages, the jail administration must examine the reinstatement of outside exercise yard to assist in providing for more social distancing opportunities. It is recommended the jail administration provide a plan to at least slowly phase-in the return of outside yard activities. I asked for copies all logs for all housing units for December 7, 2021, showing inside recreation time offered. As mentioned above, I only received for one (1) floor (first floor). This will be re-examined as part of the next site inspection.

It is unclear whether Wellpath staff are behind in inmate / detainee sick calls requests, and if so, to what extent. If they are behind, it is further recommended that Wellpath inform as to what degree they are behind, and a plan to work the back log. I also recommend the jail administration provide specific information as to current vacant custody and non-custody positions, where those positions are assigned to, plans for filling the positions, to

what extent daily / weekly / monthly overtime is being used, and what positions are currently cross-covering for other positions.

Hotline Issue (1-800 HOTLINE)

Observations / Documentation / Staff interviews:

Both staff and inmates / detainees agree that the hotline is no longer available.

Subsequent to the draft report, defendants' counsel cited that the Court has addressed this issue within its recent Order, confirming that Defendant's have no obligation to furnish a toll-free number, and that plaintiffs' counsel continues to maintain numerous mechanisms to connect with inmates / detainees at the jail, aside from a defendant-funded toll-free number, including but not limited to communications via telephone, the mailing system, and in-person meetings.

Findings:

This is no longer an apparent issue.

Recommendations:

This is no longer an apparent issue.

Serial COVID-19 Testing

Observations / Documentation / Staff Interviews:

While on-site I asked questions of Wellpath and custody staff surrounding Mr. Brady's final visit and ascertained the status of Serial Covid-19 testing currently or recently. The staff provided very little information, and virtually no information of relevant substance. As such, it does not appear that Mr. Brady's related COVID serial testing recommendations were acted upon. According to Mr. Brady's last report, and in accordance with CDC guidance on Performing Broad-Based Testing for SARS – CoV-2 in Congregate Settings, he requested the following:

- Serial testing of any quarantined cohort (i.e., group of detainees who have been exposed to COVID-19 who are all quarantining together) should occur every three (3) to seven (7) days regardless of their COVID-19 vaccination status until testing identifies no new cases in the cohort for 14 days since the most recent positive result;
- Testing for any exposed staff every three (3) to seven (7) days;

- Adjusting the testing interval based on the stage of the outbreak: three (3) days for a faster outbreak stage, and five (5) to seven (7) days for when transmission has slowed; and
- Removing anyone who tests positive from the quarantine cohort for medical isolation, and re-starting the 14-day quarantine period for the rest of the cohort.

Subsequent to issuing the draft report, defendants' counsel indicated based on the 14-day quarantine at entry of the facility, coupled with the strict classification requirements due to safety and security concerns, said testing strategy may prove to be impracticable at a pre-detention facility with high turnover, like the jail. Nevertheless, testing will continue to be offered as follows: (1) during intake; (2) on the 12th day of quarantine; and (3) whenever requested by a detainee.

Although I did not tour the isolation units, I requested and received close-up photos of the Plexi-glass over the cell doors in the unit, and I spoke to staff. From examining the photos and speaking to staff I don't have any immediate concerns. The Plexi-glass was square in shape and covered the entire width of the respective cell doors, as well as the entire upper half of the cell doors, and they are bolted to a frame on the outside of the cell doors. The Plexi-glass appears to offer sufficient protection more so than a face shield and mask combined would provide yet allows for adequate communication to take place. Though I was unable to examine the thickness of the Plexi-glass from the photo, I was told by staff that is reasonably thick and offers a good degree of protection. I otherwise did not see any concerns from the photo. I will examine in person at the next scheduled inspection.

Findings:

The staff provided very little information, and virtually no information of relevant substance. As such, it does not appear that Mr. Brady's related COVID serial testing recommendations were acted upon. According to Mr. Brady's last report, and in accordance with CDC guidance on Performing Broad-Based Testing for SARS – CoV-2 in Congregate Settings, he requested the following (to which I concur and request will request a status and update at the next site inspection, despite defendants' counsel testing strategy information [as identified in this section [above]]):

- Serial testing of any quarantined cohort (i.e., group of detainees who have been exposed to COVID-19 who are all quarantining together) should occur every three (3) to seven (7) days regardless of their COVID-19 vaccination status until testing identifies no new cases in the cohort for 14 days since the most recent positive result;
- Testing for any exposed staff every three (3) to seven (7) days;
- Adjusting the testing interval based on the stage of the outbreak: three (3) days for a faster outbreak stage, and five (5) to seven (7) days for when transmission has slowed; and

- Removing anyone who tests positive from the quarantine cohort for medical isolation, and re-starting the 14-day quarantine period for the rest of the cohort.

The isolation Plexi-glass affixed to the isolation unit cell doors appears to offer a solid protective barrier to prevent the spread of the virus, and provides comfort to staff and inmates / detainees, yet allows for sufficient communications.

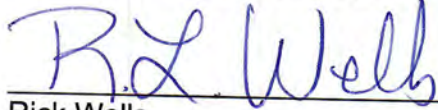
Recommendations:

As described in Mr. Brady's last report and in accordance with CDC guidance on Performing Broad-Based Testing for SARS – CoV-2 in Congregate Settings, I concur with his recommendation for the following:

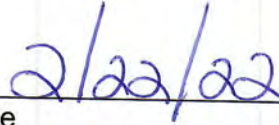
- Serial testing of any quarantined cohort (i.e., group of detainees who have been exposed to COVID-19 who are all quarantining together) should occur every three (3) to seven (7) days regardless of their COVID-19 vaccination status until testing identifies no new cases in the cohort for 14 days since the most recent positive result;
- Testing for any exposed staff every three (3) to seven (7) days;
- Adjusting the testing interval based on the stage of the outbreak: three (3) days for a faster outbreak stage, and five (5) to seven (7) days for when transmission has slowed; and
- Removing anyone who tests positive from the quarantine cohort for medical isolation, and re-starting the 14-day quarantine period for the rest of the cohort.



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



Rick Wells
Independent Inspector
Sabot Consulting



Date