

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABDY NIZEYIMANA, on behalf of)	
himself and all others similarly situated,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 20-10685-ADB
)	
ANTONE MONIZ, Superintendent of the)	
Plymouth County Correctional Facility)	
)	
Respondent.)	

RESPONDENT’S STATUS REPORT

Respondent Antone Moniz (“Respondent”), Superintendent of the Plymouth County Correctional Facility (“PCCF”), by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully submits this status report to inform the Court and parties of the below developments.

General Developments

1. PCCF’s Testing Practice.

Over the last several days, PCCF personnel have been in discussions with the Massachusetts Department of Public Health (“DPH”) regarding PCCF’s testing practice. Based on those discussions, and in light of the uptick in positive employee cases reflected in Respondent’s recent status reports, PCCF has determined to reevaluate its testing practice. The details of how exactly PCCF will reevaluate its testing practice are still being worked out in consultation with DPH. At present, PCCF intends, within the next few days, to perform asymptomatic testing for all inmates in one of PCCF’s dormitory style units. Over the next few days, PCCF will continue

to reevaluate its testing practice in consultation with DPH. Respondent intends to provide the Court with a further update with more details early next week.

2. State Guidance Regarding Quarantine Protocols for First Responders.

In a recent status report, Respondent provided the Court with a copy of guidance, dated May 7, 2020, from the “Massachusetts COVID-19 Command Center” describing quarantine protocols for healthcare personnel and others. Doc. # 282-2. In that status report, Respondent explained that, based on that written guidance, PCCF’s medical staff identified as close contacts “will quarantine only if they experience symptoms.” Doc. # 282 at 2. Recently, on November 20, 2020, the Massachusetts Executive Office of Health and Human Services (“HHS”), which oversees DPH, and the Massachusetts Executive Office of Public Safety and Security (“EOPSS”) issued a letter “to confirm that, consistent with Massachusetts COVID-19 Command Center guidance, EMS providers and first responders are not required to quarantine following an exposure to COVID-19, provided the EMS provider or first responder is not experiencing any COVID-19 symptoms and continues to self-monitor for symptoms.” Nov. 20, 2020 Letter, attached as Exhibit A hereto. In other words, both HHS and EOPSS have confirmed that the earlier guidance applies not only to healthcare personnel, but also to “first responders.” Under Massachusetts law, “first responders” are individuals “trained to administer first aid under M.G.L. c. 111, § 201 and are not certified and working as EMS first responders.” 105 CMR 171.040. PCCF security staff, including correction officers and others, satisfy that definition of first responders. Accordingly, PCCF security staff—just like PCCF medical staff—“are not required to quarantine following an exposure to COVID-19,” provided they are “not experiencing any COVID-19 symptoms and continues to self-monitor for symptoms.” Ex. A.

New Positive Test Results

On November 20, 2020, a medical officer nurse tested positive for COVID-19. Through its contact tracing efforts, PCCF identified the following close contacts:

- Three inmates. One of the inmates, who is an ICE detainee but is not a class-member in this case, was tested on intake pursuant to the new ICE guidelines (Doc. # 282-1), with a negative result, and was tested again after contact with the nurse based on contact with a booking officer, again with a negative result. A second inmate, who is a class member in this case, was tested at the hospital, with a negative result. The third inmate, a county pretrial detainee, has been released and will be notified of the close contact.
- Six correction officers, a sergeant, a lieutenant, two nurses, a doctor, and a nurse practitioner. PCCF has quarantined the security officers and directed them to test, and one was already quarantined due to another trace. Pursuant to the November 20 guidance from HHS and EOPSS (Ex. A), PCCF has returned security officer contacts to duty during their quarantine, provided they continue to meet the criteria described above. To date, the nurse practitioner has tested negative; the sergeant and the doctor have tested positive.
- One out-of-work contact with a lieutenant who is in a relationship with the nurse. PCCF quarantined the lieutenant and directed him to test. On November 20, 2020, PCCF received notice that the lieutenant tested positive. Through its contact tracing efforts, PCCF identified close contacts with 18 correction officers and five lieutenants. PCCF quarantined all employees and directed them to test. PCCF has

returned security officer contacts to duty during their quarantine, provided they continue to meet the criteria described above.

Separately, the following employees have tested positive for COVID-19:

- On November 20, 2020, PCCF received notice that an employee for a contract inmate telephone vendor tested positive. The contractor had not been inside PCCF within 48 hours of his test and was asymptomatic at the time of the test.
- On November 20, 2020, PCCF received notice that a captain tested positive after close contact with a positive family member. The captain works in the administration section of PCCF and does not work directly with inmates. PCCF confirmed no close contacts at PCCF (inmates or staff).
- On November 20, 2020, a medical officer nurse tested positive. The nurse had not been at PCCF since November 13, 2020. Through its contact tracing efforts, PCCF identified close contact with one inmate. The inmate tested negative. The trace also identified close contact with two nurses who tested positive, one described above and another who tested positive on November 18, 2020, as described in the November 20 status report (Doc. # 282). This employee's contact with the other nurses occurred before the others tested or exhibited symptoms. The trace also revealed contact with a correction officer and a sergeant, both quarantined due to another trace. The sergeant subsequently tested positive.
- On November 22, 2020, a correction officer tested positive. Through its contact tracing efforts, PCCF identified close contacts with four correction officers and a lieutenant. PCCF quarantined the employees and directed them to test. PCCF has

returned the security staff contacts to duty, provided they continue to meet the criteria described above. The trace did not identify any close contacts with inmates.

- On November 22, 2020, PCCF received notice that two communications officers tested positive. Both employees work outside PCCF. The first officer initially tested positive with a rapid antigen-based test, subsequently confirmed with a PCR-based test. PCCF's trace identified no close contacts at PCCF, but identified an out-of-work contact with the second officer who is in a relationship with the first. The trace for the second officer identified close contact with three communications officers. PCCF quarantined all three employees and directed them to test.

Respectfully submitted,

ANTONE MONIZ
Superintendent of the Plymouth
County Correctional Facility

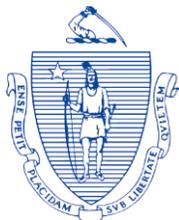
By his attorneys,

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Dated: November 25, 2020

EXHIBIT A



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November 20, 2020

Dear Emergency Medical Services Providers, Police, and Fire:

Thank you for all you have done each and every day, for the past nine months, to keep our residents safe while also managing and responding to the COVID-19 pandemic. The challenges COVID-19 has presented are ones none of us asked for, but nevertheless ones that you've risen to. We continue to thank you for these ongoing efforts.

Acknowledging the continued critical public safety role you all play, this letter is to confirm that, consistent with [Massachusetts COVID-19 Command Center guidance](#), EMS providers and first responders are not required to quarantine following an exposure to COVID-19, **provided the EMS provider or first responder is not experiencing any COVID-19 symptoms and continues to self-monitor for symptoms.**

We encourage you all to remain vigilant about using appropriate personal protective equipment, wearing face coverings, maintaining 6 feet of distance from those around you except when absolutely necessary, and staying home if you feel sick.

We appreciate your ongoing response to this unprecedented pandemic and work to ensure you not only protect the public, but yourselves as well.

Sincerely,

Handwritten signature of Marylou Sudders in black ink.

Marylou Sudders

Handwritten signature of Thomas Turco in black ink.

Thomas Turco