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herein as GEO GROUP, INC.) and NATHAN ALLEN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	<b>DEFENDANTS' JOINT STATUS REPORT RE</b>
	)	<b>PLAN TO TEST ALL INCOMING DETAINEES</b>
v.	)	<b>AND POSITIVE COVID-19 TEST OF GEO</b>
	)	<b>OFFICER AT MESA VERDE</b>
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

On or about June 29, 2020, Mesa Verde Detention Facility will be implementing COVID-19 testing for all new arrivals. An Abbott ID Now instrument for Rapid RNA testing has been secured and delivered to Mesa Verde Detention Facility. Training for the medical staff and testing of the new equipment began the week of June 22, 2020. The equipment will provide same day results. New

arrivals will be placed in a holding cell pending their test results.

On June 25, 2020, ICE learned that a GEO officer working at the Mesa Verde Detention Facility tested positive for COVID-19.<sup>1</sup> The employee tested positive based on a specimen collected on June 17, 2020. The employee's last scheduled work day was June 16, 2020. On that day, in accordance with protocol, he was screened for COVID-19 symptoms at the front reception area prior to reporting to work, which was negative, and his temperature was 97.9 degrees Fahrenheit. During his four-hour morning shift, the GEO officer was assigned to cleaning duties, wiping down and sanitizing high-touch surfaces in the common areas of the facility including hallways, administration, and intake. During his shift, the officer wore his personal protective equipment, including a surgical facemask and gloves. He was assisted by one detainee for one and a half to two hours, who was also wearing a surgical facemask. The officer went to one dorm, that of the assisting detaining, only to meet the detainee. The detainee did not have "close contact" with the officer, as defined by the CDC.<sup>2</sup> The detainee remained more than six feet away from the officer when he was assisting him. The officer did not report any symptoms such as coughing prior to or during his shift.

After the completion of the officer's shift, he left work and shortly thereafter began feeling unwell and feverish. The officer notified GEO management staff at Mesa Verde. On June 17, 2020, GEO management instructed that the officer not work for at least ten days and that he had to be asymptomatic without medication for at least three days before returning to work. On June 17, 2020, the officer was tested for COVID-19, and on June 18, 2020, was notified via email that his test was positive. On June 19, 2020, after receiving the testing medical provider's official note, the officer forwarded that note to a GEO human resources employee. However, the human resources employee ended her shift prior to receiving the notification and did not see the email notification until June 25, 2020. (The human resources employee does not have remote access to email and was offsite for training and leave.) On

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<sup>1</sup> The instant notice was not filed immediately upon ICE learning of the positive test because counsel was awaiting additional information regarding the officer's tasks.

<sup>2</sup> The CDC defines "close contact" as "[s]omeone who was within 6 feet of an infected person for at least 15 minutes starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to specimen collection) until the time the patient is isolated." See <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact> (last visited June 26, 2020).

June 25, 2020, after the human resources employee accessed the email notice from the officer, GEO notified ICE of the positive test result.

As of June 26, 2020, the GEO officer is not yet back to work, although he is now asymptomatic. During his shift on June 16, 2020, the officer had contact with three other GEO employees, but not “close contact” as defined by the CDC. All GEO employees were also wearing surgical facemasks.

Although not required by CDC guidelines, a COVID-19 test was offered to the one identified detainee, who accepted and was tested. The test results returned on June 28, 2020, and were negative.

DATED: June 29, 2020

Respectfully submitted,

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United States Attorney

/s/ Adrienne Zack  
ADRIENNE ZACK  
Assistant United States Attorney

DATED: June 29, 2020

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By: /s/ Susan E. Coleman<sup>3</sup>  
SUSAN E. COLEMAN

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Warden of Mesa Verde

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<sup>3</sup> *In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.*