

IN THE  
**Indiana Supreme Court**

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No. 20S-MS-234

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IN THE MATTER OF: )  
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PETITION REQUESTING THE INDI- )  
ANA SUPREME COURT TO ENGAGE )  
IN EMERGENCY RULEMAKING TO )  
ADDRESS THE ISSUE OF IMPRIS- )  
ONED PERSONS AND THE COVID-19 )  
CRISIS )

**DECLARATION OF DR. KRISTEN DAUSS**

My name is Kristen Dauss, I am over the age of eighteen, of sound mind, and am competent to testify about all of the facts in this declaration, based on my personal knowledge.

1. I am the Chief Medical Officer for the Indiana Department of Correction (“IDOC”).
2. I have held my position of Chief Medical Officer since March of 2019. Prior to my position as Chief Medical Officer, I was the Regional Psychiatry Director for the IDOC and provided direct patient care through the Division of Youth Services.
3. I hold a bachelor’s Degree from Indiana University Bloomington and a Medical Degree from Morehouse School of Medicine in Atlanta, Georgia. I completed a triple board residency in general pediatrics, general psychiatry, and adolescent psychiatry at Indiana University School of Medicine.
4. Through my experience and training, I am able to examine systems of care and integrate physical and behavioral health needs to treat patients.
5. The Indiana Department of Correction manages infectious diseases in correctional facilities through a comprehensive approach which includes prevention, testing, appropriate treatment, education, and infection control measures.

6. In compliance with all Executive Orders issued by Governor Eric Holcomb in response to COVID-19, and consistent with CDC and Indiana Department of Health guidelines for the prevention and treatment of those affected by COVID-19, IDOC has taken significant steps to address the threat of COVID-19 to the staff and inmates at all facilities.
7. Ongoing steps to prevent and stop the spread of COVID-19 within the Indiana prison population are outlined below:

*Medical Precautions*

8. The temperature of all IDOC staff and permitted visitors exhibiting signs of sickness must be taken and any persons with temperatures of over 100.5 degrees are sent home or otherwise restricted from contact.
9. Starting as early as March 6, 2020, IDOC has taken steps to ration supplies of masks, thermometers, sanitizer and other needed supplies.
10. IDOC has sent instructions to all staff regarding primary infectious disease prevention efforts such as cough etiquette, hand hygiene, environmental management, and recognition of the indications of infection within their surrounding environment.
11. IDOC instruction to all staff includes emphasized continuous sanitation details and wiping down all hard surfaces, including sometimes-overlooked items such as radios, keys, and entrance and exit markers.
12. IDOC has developed if/then “decision trees” for all facilities to use if staff or inmates display symptoms, or test positive for COVID-19, to ensure proper protocols are clearly communicated and that appropriate steps are being methodically followed.
13. IDOC facilities have placed sanitation stations at strategic locations near entrances to permit all who enter to sanitize immediately before entering common areas.
14. All relevant IDOC staff have received and reviewed plans for isolating symptomatic inmates from each facility. These plans include contingency plans if large numbers would become infected simultaneously.
15. Each IDOC Warden is advised to prepare for large scale quarantine scenario, such as by repurposing gymnasiums, warehouses, and disconnected housing units into quarantine facilities.

16. IDOC is taking inventory of all emergency beds (and requesting additional cots) to be dispersed primarily to facilities with dormitory housing units for use in the event facilities need to convert gymnasiums and other programming space into quarantine or treatment/recovery space.
17. Relevant IDOC staff have reviewed food inventory and service contingency plans, as well as contingencies for medical, commissary, and other important or critical services.
18. IDOC has taken a census of all solid door cells that facilities can use for quarantine in the event an inmate becomes infected.
19. Indiana Correctional Industries is working with the Indiana Manufacturers Association and others to assist in the production of personal protective equipment (PPE), garments, and accessories and is manufacturing greater quantities of sanitizer for distribution to IDOC facilities.

#### *Intake and Inmate Movement Procedures*

20. All offender out-of-state travel is cancelled, except for critical transfers such as extraditions.
21. Only necessary offender transports and transfers are permitted (e.g. emergency medical, disciplinary transfers, transfers from intake). Restricted movement includes non-emergency surgeries, regular offender transfers based on offender requests, and some classification movements.
22. All inmate working crews are suspended.
23. All non-essential offender work-release is cancelled.
24. All in-service training is suspended.
25. Critical inmate workers have been identified (e.g. food services, PPE manufacturing, key maintenance) for movement to separate housing units to limit the possibility that several may be out of commission at one time if an inmate were to become infected.
26. Intake units are working to separate new offenders into smaller cohorts by date of arrival to limit the spread of any potential COVID-19 positives while new offenders are being processed.
27. IDOC facilities monitor new offender transfers during admissions and orientation before assigning new offenders to a bed in general population.

28. IDOC continuously monitors inmates for symptoms.
29. All counties must complete a medical triage report through which they certify that inmates delivered for processing at intake have been assessed, and have not displayed symptoms or fever (more than 100 degrees) in the past 24 hours, or they will not be admitted at intake. All intake from a county with a staff member testing positive for COVID-19 has been restricted. If the person testing positive is a parole violator, or otherwise a responsibility of the IDOC with symptoms at intake, the person will be placed into a designated quarantined area.
30. Wardens are being instructed to place marks on floor six feet apart so staff waiting to enter/exit do not come in close contact unnecessarily.
31. All volunteer services such as volunteer-lead religious services, and support groups such as AA, have been suspended since 03.19.2020.

#### *Visitation Policies*

32. IDOC has suspended visitation at all prisons and juvenile detention facilities. Most offenders have e-tablets to use for communications and IDOC is permitting extended use of housing unit kiosks that support video visitation.
33. IDOC's Industries Division is printing signs to place at facility entry points advising of COVID-19 entrance restrictions.
34. IDOC is encouraging the use of telephone and videoconference equipment by courts, public defenders and other attorneys to access their clients housed in IDOC facilities.
35. Updated website with information on visitation restrictions and contemporaneous information on other steps being taken <https://www.in.gov/idoc/3150.htm>.

#### *IDOC Response to positive COVID-19 cases*

36. As of noon, on April 6, 2020, the IDOC has confirmed that a total of six offenders have tested positive for COVID-19.
37. The positive COVID-19 test results were at the Indiana Women's Prison in Marion County, Edinburgh Correction Facility in Johnson County and the Plainfield Correctional Facility in Hendricks County.

38. In response to the positive COVID-19 tests, IDOC is working with the Indiana State Department of Health to test those at risk of exposure and assist with infection control practices and surveillance.
39. The offenders who tested positive have been isolated in an effort to stop the spread of disease. Each facility is equipped with isolated locations to house suspected COVID-19 cases and confirmed COVID-19 cases. Offenders with signs and symptoms of COVID-19 will be housed in an isolated unit and considered suspected cases. Offenders with confirmatory positive tests for COVID-19 will be housed in an isolated unit and are considered confirmed cases. Food is delivered directly to the isolation units.
40. Offenders who may have been exposed to the offenders who tested positive, but are not yet symptomatic, have also been quarantined to stop the spread of disease.
41. Offenders in quarantine are routinely monitored by medical staff for symptoms.
42. Personal protective equipment is being provided to offenders and staff as well as ensuring access to hand soap and/or sanitizer.
43. Those who have tested positive for COVID-19 are doing well and are exhibiting mild symptoms; no hospitalization because of COVID-19 symptoms has been required of offenders or staff.

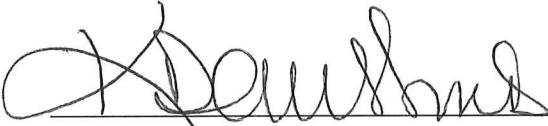
#### *Continuous Planning*

44. As requested by courts and advocates, IDOC staff have been compiling data and reports by county listing inmates that are older, in lower security classes, close to release, not convicted of violent crimes or sex offenses, or match other criteria that individual courts have requested. So far, IDOC has sent such data to seven counties, including Starke, Marion, Porter, Putnam, Vermillion, Hendricks and Noble counties. IDOC expects that courts may follow up in some cases with amended sentencing orders.
45. All IDOC Wardens and Division Directors are ordered to participate in daily video/teleconference calls to discuss issues and next action steps.
46. All IDOC Wardens and Division Directors are required to register to receive continuous updates using a link to Indiana's State Department of Health.

47. IDOC regularly consults with the Governor's task force based on the information collected to determine the best course of action is being taken to remain up to date on the ever-changing COVID-19 protocols.
48. IDOC has established a periodic conference call schedule with the Indiana Sheriff's Association and key sheriffs and staff to compare notes and discuss COVID-19 issues.
49. IDOC is consistently reviewing laws and policies to identify those that are not consistent with CDC and Indiana Department of Health guidance that the Governor could suspend should the need arise (e.g. restrictions preventing greater use of home detention for pre-trial detainees charged with lower level felonies.)
50. IDOC is developing a long-term plan for continuing religious services in a safe manner using video streaming, offender-led services, religious programming via e-tablets.
51. IDOC is working with Family & Social Services Administration to qualify offenders for food stamps and Medicaid immediately upon release.

**I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.**

Date: April 6, 2020



Dr. Kristen Dauss  
Chief Medical Officer  
Indiana Department of Correction