

Judge Asked to Cure Pest Problems at San Francisco Bay Area Jail

Inmates filed troubling reports of pest infestation in the kitchen of an Alameda County jail, but the county says it has passed its health inspections with flying colors.

NICHOLAS IOVINO / February 11, 2021



(Pixabay via Courthouse News)

SAN FRANCISCO (CN) — Cockroaches in sloppy joes. Razors in oatmeal. Rat feces on sandwich bread. These are just a few complaints from inmates asking a federal judge to require health and safety improvements at one of the nation's largest jails.

“People should not be in fear of eating rodent feces in their food,” civil rights lawyer Yolanda Huang argued in a virtual court hearing Thursday.

Huang represents a class of male prisoners at Alameda County’s Santa Rita Jail in Dublin, California. Constructed in 2006, the jail houses up to 4,000 inmates and hosts an industrial kitchen that prepares up to 16,000 meals per day for its inmates and other nearby detention centers.

Lead plaintiff Daniel Gonzalez sued the Alameda County Sheriff’s Office in November 2019 claiming a spate of constitutional violations, including that inmates are given unsafe food and inadequate medical care, kept in unsanitary conditions, offered insufficient outdoor recreation time, denied contact with lawyers and family, charged exorbitant fees for phone calls, and have been retaliated against for complaints of mistreatment.

This past November, U.S. Magistrate Judge Jacqueline Scott Corley dismissed the bulk of claims with leave to amend, but she refused to dismiss claims regarding contaminated food, inadequate sanitation and one inmate’s claim of retaliation for filing a grievance.

On Thursday, Corley heard arguments on the inmates’ motion for a preliminary injunction to make the jail and its private contractor Aramark, which runs the kitchen, change their health and safety practices.

The jail says it has hired pest control services for the kitchen five days per week since October 2019, and it disputes claims that it fails to properly store food or clean meal trays.

“We’re seeking a solution to a problem that doesn’t exist,” said Jonathan Belaga, a private attorney with the firm Skane Mills who represents the sheriff’s department.

An Alameda County health inspector testified in a declaration that the kitchen is “well run,” compares favorably in terms of cleanliness to other commercial facilities and that no vermin or pests were found when she inspected the facility in August 2020.

The jail also cited a report by an outside consultant who inspected the kitchen and food storage area several times over five months in 2020 and found it was “clean and well maintained” and “free of any sign of pestilence or rodents.”

Aramark also denied allegations that one of its kitchen supervisors pulled bugs out of food with her bare hands, dusted rat feces off meal trays and said eating a cockroach is “OK.” Aramark general manager Robin Weiss said she personally investigated an inmate’s complaint of maggots in his beans and found the “maggots” were actually the skin that separates from cooked navy beans.

Another Aramark employee denied he “did nothing” when a mouse jumped out of a box of cookies and “giggled” when an inmate said pigeons were flying around the kitchen. The same employee also denied witnessing a cockroach in a bag of sloppy joe sauce.

Despite those counterarguments, Huang insisted Thursday that the jail will always have birds, rodents, insects and other vermin infiltrating the kitchen because the kitchen lacks solid doors. The open entryway is covered by vertically hanging sheets of plastic that do not reach the ground.

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“The jail should be required to do what every commercial food establishment in the state of California does — make sure insects and rodents cannot walk in and fly in at their leisure,” Huang said.

Belaga said the kitchen must remain accessible to workers and robotic carts that carry food trays to different units of the jail. He cited a pest control worker’s written testimony that he never caught rodents inside the kitchen but catches a few rats outside the building each month.

Judge Corley refused to accept that testimony as signifying the kitchen has zero pest problems.

“He’s saying they haven’t caught any rats, but the implication is they catch mice,” Corley said.

Belaga replied that it’s technically impossible to keep 100% of pests out of every kitchen, even ones with solid, concrete walls.

“Ultimately whether there’s a door or isn’t a door, the [county] Department of Environmental Health has found the kitchen does pass the safety requirements,” Belaga said.

Huang replied that the jail needs to install solid doors because efforts to mitigate the pest problems are failing.

“For them to say our workaround works is sort of a false statement because it’s obviously not working when you have a repeat problem over and over,” Huang said.

After about 30 minutes of debate, Judge Corley took the arguments under submission.

The judge also authorized inmates to start seeking evidence for claims that she refused to dismiss from the lawsuit this past November. Huang said she would like to arrange for an independent inspection of the kitchen as part of that process.

In a separate class action filed by female inmates at Santa Rita Jail, a federal judge [ordered](#) the sheriff’s department in 2019 to stop depriving women inmates of their sleep by keeping lights on all night, making them take medication at 2:30 a.m. and 4 a.m. and running disruptive employee training drills in the pre-

dawn hours.

In 2019, a woman settled another [lawsuit](#) against the jail claiming she was held in a cell with walls stained with feces and blood, denied menstrual pads or tampons and forced to bleed on her clothing and a concrete bench, where a “puddle” of blood formed. Another [case is pending](#) over a woman who gave birth in a Santa Rita Jail cell after allegedly being denied proper medical care.

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