



**Court Watch Los Angeles Statement on the Passing of Interpreter Sergio Cafaro**

January 15, 2021

The death of Sergio Cafaro, an interpreter who worked at Clara Shortridge Foltz Criminal Justice Center (known as CCB), the criminal court in downtown Los Angeles, was directly tied to the Los Angeles Superior Court's (LASC) refusal to allow court staff to quarantine after being exposed to COVID-19.

Court Watch Los Angeles has come to understand how Mr. Cafaro likely became infected with COVID-19, and that the outbreak amongst CCB court interpreters is tied to an incoherent LASC policy that limits what they consider to be a COVID-19 "exposure" so dramatically that court staff around LA County have been denied requests to quarantine when they have been exposed to COVID-19 per CDC guidelines. Mr. Cafaro's death was preventable, and the circumstances of his infection are just one example of Los Angeles Superior Court's dangerous COVID-19 policies. At ten months into this devastating pandemic, it is clear that Los Angeles Superior Court's COVID-19 policies have prioritized keeping courthouses staffed and running over keeping people safe.

Members of the public are not screened for COVID-19 when entering the courthouses. There are no temperature checks or questions about symptoms. From reports we have received throughout the last ten months, individuals with COVID-19 symptoms such as coughs and fevers routinely appear in court out of fear of getting a bench warrant, being arrested, and facing a COVID-19 exposure in LA County jails, where thousands of incarcerated individuals remain in cages during this catastrophic pandemic. The CCB outbreak that led to Sergio Cafaro's death likely started with a COVID-19 positive individual who was experiencing symptoms, and appeared in court at CCB in late November. Two court employees who work in the courtroom this individual appeared in subsequently tested positive.

LASC has failed to effectively inform court staff, attorneys, and others who work in the courthouses, when they have been exposed to someone who has tested positive. According to reports we received from attorneys and other court staff across LA County, this is due to a policy that limits what LA Superior Court considers to be a COVID-19 "exposure." Because only certain staff members are alerted of possible COVID-19 exposure based on LA Superior Court's definition, staff members have been forced to rely on word of mouth to actually keep each other informed of COVID-19 exposures at work.

In the case of the COVID-19 interpreter outbreak at CCB that likely led to Mr. Cafaro's infection, an interpreter assigned to the courtroom where two staff members tested positive for COVID-19 was not informed of the potential exposure from these employees. On December 7th, that interpreter learned by word of mouth that one of these employees tested positive. The interpreter then requested to take time off to quarantine, but the Interpreter Services Division denied their request. Consequently, this interpreter did not quarantine and continued to come to work from December 7th to 10th. During these four days, they worked alongside numerous co-workers, including 18 other interpreters. On December 10th, they tested positive.

LASC leadership has been denying many staff requests for paid leave to quarantine after COVID-19 exposure. According to reports we received, interpreters are met with admonishment for "violating safety guidelines" when they report a likely COVID-19 exposure that meets CDC guidelines (talking within six feet for more than 15 minutes). For most attorneys and interpreters, communicating with clients from six feet away, wearing masks, is

impossible. This practice of blaming staff for COVID-19 exposures that are inherent in their job has created a dangerous chilling effect. Interpreters are fearful of being punished for reporting COVID-19 exposures.

After the exposure, 18 interpreters sought paid leave to quarantine. The Interpreter Services Division only granted paid sick leave for the full two weeks to a few people. Others received paid leave for only part of their quarantine and some received no paid leave at all, despite doctor notes confirming their need to quarantine. We ask Los Angeles Superior Court: Was the denial of these 18 interpreters' requests to quarantine rooted in a public health determination, or the fact that the courthouse would not be able to operate without interpreters present?

Denying paid leave for quarantine forces employees who do not have personal sick time, or fear retaliation for taking time off, to come into work. For these reasons, three interpreters did not take any time off of work at all. One of those individuals was Sergio Cafaro. On December 18th, 10 days after his last exposure, he started feeling sick. He then tested positive for COVID-19 on December 21th, meaning he came into work for several days while having COVID-19, exposing numerous other people.

Sergio Cafaro passed away from COVID-19 on January 12th. His death was very likely caused by a confluence of Los Angeles Superior Court's dangerous practices, from their failure to screen members of the public entering the courthouse, to their refusal to inform all staff who are actually exposed to COVID-19 of their exposure, to their refusal to allow staff who have been exposed to quarantine. Likewise, court leadership has denied simple accommodation requests from immunocompromised attorneys to reduce their chances of exposure. These practices go beyond mere incompetence or neglect -- LASC has clearly implemented COVID-19 protocols that are aimed at keeping courthouses staffed and running, not at keeping people safe.

When one COVID-19 positive individual came to court sick and infected two members of the court staff, the outbreak could have been contained if everyone exposed had been informed and granted paid sick time to quarantine. Instead, countless people were exposed to COVID-19 and at least one person has died in the wake of the outbreak. This is only one of many chains of COVID-19 spread across the Los Angeles Superior Courthouses. Every day there are new reports of COVID-19 cases. It is clear that, if LASC were actually permitting staff members to quarantine appropriately, the current court operation would be unsustainable.. COVID-19 is far too widespread.

Instead, court hallways and courtrooms remain full. Prosecutors continue to file charges at pre-pandemic levels, bringing hundreds of people into the LA Superior Criminal Courts every week. Traffic court and eviction court continue to operate partially in person. Accurate and meaningful information about COVID-19 cases in LASC is not made available to the public, court employees, and attorneys. The LA Superior Court has had nearly an entire year to implement accurate reporting protocols to keep all court employees and members of the public safe. The Court's continued lack of transparency continues to beg the question -- are COVID-19 protocols designed to save lives, or to keep the courts open? .

LASC interpreters have demanded through their union that,"That the Superior Court, and its divisions, comply with COVID-19 protocols and properly notify when there has been a reported exposure- not merely have to rely on word of mouth, and impose, when necessary, quarantines in order to protect the health of all Courthouse employees consistent with CDC guidelines," and, "[t]hat the Superior Courts, and its divisions, timely grant full paid leave to those employees who have had to quarantine."

The LASC buildings are not safe for anyone. We stand with LASC interpreters and echo their demands. We further demand that LASC immediately shut down for all nonessential proceedings and operations and that the Los Angeles City Attorney's Office and Los Angeles District Attorney's Office stop filing charges for low level offenses and stop pursuing pretrial detention and incarceration. It is clear that the continued operation of the courts at this scale is incompatible with the health and safety of the hundreds of people who work there, and the countless members of the public beckoned to appear every day.