

Lawsuit reveals deadly conditions for Washington D.C. jail inmates during the pandemic

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A class-action lawsuit brought against the Washington D.C. Department of Corrections (DoC) demonstrates the horrendous conditions facing the prison population in the United States during the COVID-19 pandemic.

The lawsuit, *Edward Banks, et al v. Quincy Booth, et al*, was filed last year as the pandemic first surged throughout the United States. The plaintiffs, four inmates at the Washington D.C. Jail in the southeast of the city, allege that the DoC is engaging in “violat[ions of] their constitutional rights under the Fifth and Eighth Amendments by failing to ensure safe conditions in the face of the COVID-19 pandemic.”

The lawsuit’s affidavit states inmates and staff “have no masks, insufficient gloves, no gowns, no disinfectants, and [that] no comprehensive cleaning occurs regularly.” Residents “coming into the Jails are not screened for Symptoms of COVID-19” and “are not required to engage in any of the behaviors which the Mayor recommends for the general population, such as ‘social distancing’, repeated hand-washing, and health monitoring.”

The affidavit details the shocking treatment received when an inmate reports being sick: “These inmates were not ‘quarantined’ in any meaningful manner. They were housed two to a cell, and the corrections officers on the unit were not provided with any [personal protective equipment] or other means for protection against infections.”

It explains further that, “[r]esidents perceive quarantine as punitive because the conditions of the quarantine are even worse than conditions of punitive solitary confinement... Residents are thus deterred from self-reporting COVID-19 symptoms.” The prison has

remained in a state of lockdown for over a year.

Lawyers for the plaintiffs included an exhibit on the conditions at the D.C. Jail which further explained that the DoC was “dangerously under-equipped and ill-prepared to manage a COVID-19 outbreak.”

Dr. Jaime Meyer, an Assistant Professor of Medicine at Yale, notes that D.C. inmates “are dipping their hands and cups into a communal cooler of juice” and “that there are 40-50 men sleeping in a single unit, many of whom have respiratory symptoms consistent with COVID-19 infection.” Further, the doctor notes that the “current HVAC system has significant design problems that inhibit proper airflow.”

The D.C. jail remains under an imposed medical lockdown. In January, a Washington D.C. court denied the Department of Corrections’ appeal to stop an injunction on its practices during the pandemic. A July court injunction demanded that the jail provide inmates with access to medical care and that other basic public health measures be instituted. As of this reporting it is unclear if any of these measures have been taken.

The D.C. Jail houses approximately 1,600 inmates and has two large, connected facilities with people constantly moving between both buildings at all times leaving everyone at an increased risk. During the pandemic, no attempts were made either to downsize the buildings’ populations by moving them out or granting parole, as had been done elsewhere in the country.

There were additional allegations of jail officials acting “indifferent” towards unreasonably risking the safety of everyone in these facilities. The union of the facility’s correctional officers had unanimously voted “no confidence” in the D.C. Jail’s leadership for

“guaranteeing and accelerating the rampant spread of COVID-19.”

Two professors from George Mason University declared in an opinion in the *Washington Post* last month that “[i]t is urgent that we end the coronavirus lockdown in the D.C. Jail.” Authors Shannon Elizabeth Fyfe, an adjunct professor at the Antonin Scalia School of Law and Andrew Peterson of the Institute for Philosophy and Public Policy, declare that to continue the policy “is inhumane and inconsistent with public health guidance.”

According to a 2018 report by Prison Policy Initiative, D.C. is one of the most incarcerated cities in the world. Local jails have an annual incarceration of at least 12,000 different people and with a rate of about 1,153 people per 100,000 residents for both prisons and jails in a city of a little over 700,000 people.



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