

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EDWARD BANKS, *et al.*,

Plaintiffs,

v.

QUINCY BOOTH, *et al.*,

Defendants.

Civil Action No. 20-00849 (CKK)

NOTICE IN RESPONSE TO THE COURT'S APRIL 1, 2020 ORDER

Pursuant to the Court's Order of March 31, 2020 and the Minute Order of April 1, 2020, defendants attach declarations from the following Department of Corrections employees, provided in support of defendants' forthcoming Opposition to plaintiffs' Application for Temporary Restraining Order:

1. Lennard Johnson, Warden
2. Dr. Beth Jordan, Medical Director and Health Services Administrator

Additional declarations will be filed later today.

Dated: April 2, 2020.

Respectfully submitted,

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Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
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DECLARATION OF LENNARD JOHNSON

Pursuant to 28 U.S.C. § 1746, I, Lennard Johnson, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration, and testify based on my personal knowledge and information, including information provided to me by other District of Columbia employees in the course of my official duties.

2. I am the Warden of the District of Columbia Department of Corrections' (DOC) correctional housing facilities which are the Central Detention Facility (CDF or Jail), the Correctional Treatment Facility (CTF) and the Central Cell Block. In this role, I am responsible for the care and well-being of all residents housed in DOC's correctional housing facilities. I am also responsible for the supervision of all DOC uniformed staff. I have worked for DOC since November 2014.

3. I am a named defendant in this lawsuit and have reviewed plaintiffs' allegations. I provide this declaration to inform the Court about the efforts by DOC to address resident health and safety at its facilities.

4. On February 28, 2020, the Mayor of the District of Columbia issued an order vesting responsibility for coordinating the District of Columbia's emergency response planning for COVID-19 with the District of Columbia Department of Health (DOH) and Homeland Security and Emergency Management Agency (HSEMA). DOC implements operational and medical procedures based on guidance and recommendations from DOH and HSEMA. On March 6, 2020, DOC's Director, Quincy L. Booth, activated the DOC Incident Command System, where the heads of its various divisions meet daily to discuss COVID-19 preventative measures at the DOC's facilities. Separately, DOC's executive team meets daily to discuss the findings and updates of the Incident Command System. DOC also participates in daily meetings of the Criminal Justice Coordinating Council (CJCC) for the District of Columbia, ensuring the agency shares and receives appropriate information regarding COVID-19 preventative measures with the District's detention stakeholders.

5. To mitigate the spread of the COVID-19 virus throughout its facilities, DOC has taken numerous steps as described in this declaration, including halting all non-lawyer visits to all DOC facilities. All new residents entering a DOC facility are placed on hold for enhance monitoring for 14 days before they are assigned to their permanent housing unit. Additional health-related information will be provided in the Declaration of Dr. Beth Jordan.

6. In addition to its standard facility-cleaning practices, DOC cleans the common spaces and housing unit common areas in its facilities every two hours between 8:00 a.m. and 12:00 a.m. (midnight), and twice each night between 12:00 a.m. and 8:00 a.m., to provide sanitization of high use and high touch areas.

7. Residents have access to cleaning materials to clean their cells, including ECOLAB Peroxide Multi Surface Cleaner and Disinfectant.¹

8. Each resident receives a new bar of soap and a roll of toilet paper every week, free of charge. Residents may also purchase additional soap through DOC's commissary vendor. Every resident in DOC custody has access to a sink to allow for frequent hand washing. The vast majority of resident cells have sinks in them that provide both hot and cold water. At the CTF 8 housing in the D-Building and 5 housing units in the E Building does not have sinks inside individual cells but does have sinks accessible to the residents that provide both hot and cold water.

9. DOC provides residents with clean linens (a towel and sheets) every week. Also, residents can have their washcloths cleaned every week as part of DOC's laundry exchange.

10. Because of shortages both locally and nationwide, DOC lacks a sufficient supply of hand sanitizer to make it available to every resident. Hand sanitizer is available to the residents at CTF in a dispenser mounted on the units' walls. It is not available to residents at CDF because the dispenser is located in the control module. However, as referenced above, the residents housed at CDF receive a fresh bar of soap weekly and have access to sinks with hot and cold water. DOC currently gives high-risk staff priority access to its limited supply of hand sanitizer. High-risk staff are those working in isolation and quarantine units, officers working transportation and escort details with COVID-19 positive and suspect residents, and staff conducting COVID-19 screenings.

11. DOC has modified resident movement and activity at its facilities. Under this modification, DOC residents will only be moved from their housing units for court appearances,

¹ See <https://www.ecolab.com/offerings/all-purpose-cleaning/peroxide-multi-surface-cleaner-and-disinfectant>.

medical and dental appointments, work details and legal visits/calls. And residents of CDF are moved for video conferencing.

12. DOC has placed posters and signage throughout DOC's facilities to remind staff and residents about measures they should take to prevent the spread of COVID-19.

13. I am in regular contact with DOC's Operations Support team. Attached to this declaration is a current list of COVID-19-related supplies that DOC has in stock, their estimated depletion dates, and the status of pending orders.

14. DOC continues to modify operations consistent with guidance and recommendations from its medical staff. As a result, the steps above are subject to change or modification based on this guidance and changing conditions.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 4/2/20


LENNARD JOHNSON

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DECLARATION OF BETH JORDAN

Pursuant to 28 U.S.C. § 1746, I, Beth Jordan, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration, and testify based on my personal knowledge and information, including information provided to me by other District of Columbia employees in the course of my official duties.

2. I am Medical Director and Health Services Administrator for the District of Columbia Department of Corrections (DOC). I have worked for DOC since June 2013. In these roles, I oversee the healthcare contract, assuring that Unity Health Care is fulfilling its contractual duties and adhering to medical standards set forth by DOC's accrediting bodies, the National Commission on Correctional Health Care (NCCHC) and the American Correctional Association (ACA). I also serve to provide the best medical guidance to DOC on a variety of issues, often involving the opinions of other District Agency Medical staff as well as national subject matter experts on correctional medicine issues. My educational background includes an M.D. from the University of Arizona, where I also completed my residency. For nearly five years I was on the Internal Medicine staff at the Mayo Clinic.

3. I provide this declaration to inform the Court about efforts by DOC to address resident health and safety at its facilities in light of COVID-19.

4. DOC implements operational and medical procedures in response to COVID-19 based on guidance and recommendations from the District of Columbia Department of Health (DOH) and the Centers for Disease Control (CDC). I have also been closely in contact with Dr. Anne Spaulding, a subject matter expert on Infections Diseases/Correctional Health for the NCCHC.

5. Beginning on March 13, 2020, DOC implemented a policy that everyone entering a DOC facility is screened for symptoms potentially indicative of COVID-19, using a thermometer and a screening survey. A nurse takes temperatures and staff members take the written surveys. DOC staff conducting the screenings wear masks and gloves and DOC maintains a written record of each screening.

6. Upon arrival at a DOC facility, new inmates/residents receive a written screening for COVID-19 symptoms and have their temperature taken. If that screening is positive, medical staff are called and additional screening occurs and possible treatment is provided as indicated by qualified medical staff in the Inmate Reception Center, shortly after the inmate arrives at our facility.

7. All new residents entering a DOC facility are quarantined for 14 days before they are assigned to their permanent housing unit. Everyone on quarantine has their temperature checked twice daily.

8. DOC's medical staff meets regularly with staff and residents to discuss COVID-19 preventive measures.

9. I meet daily with our healthcare contractor, Unity Health Care, to discuss the health of inmates and the measures being taken to prevent the spread of COVID-19. I am also in regular contact with DOH to discuss similar issues.

10. Additionally, both the Medical Director of Unity Health Care and I communicate regularly by phone and email with one of the country's leading experts on infectious diseases and correctional health, Dr. Anne Spaulding from Emory University. Dr. Spaulding is a point person for NCCHC on COVID-19. Dr. Spaulding and DOC/Unity Health Care are working on research together and she knows the DOC facilities well. We spoke by phone yesterday and discussed the measures DOC has implemented; she stated she was "highly satisfied" with what DOC is doing and had no suggestions for additional measures that DOC could take (except for the hope of more rapid testing, the lack of which is a nationwide problem).

11. DOC conducted its first COVID-19 test on March 15, 2020. DOC medical staff take swabs from individuals being assessed and send them to DOH for testing. Inmates who test positive are placed in isolation and checked by medical staff at least twice daily. As of this declaration, DOC has conducted 22 tests—12 have come back positive, 4 negative, and we are awaiting the results on an additional 6. These numbers are changing hourly. Tests results take anywhere from 24 hours to several days to receive. DOC has been inquiring with DOH about how to faster access Point of Care testing, most recently on April 1, 2020.

12. Currently, DOC tests patients according to DOH guidelines. DOH does not recommend testing for every inmate, only those who manifest certain symptoms, like fever, cough or shortness of breath.

13. It is my professional opinion that DOC, as instructed by DOH guidance, is taking appropriate medical steps to prevent the spread of COVID-19 at its facilities. DOC's medical

contractor, Unity Health Care, works constantly to continue providing the residents with access to necessary medical care and DOC continues working to keep staff safe with regular prevention guidance and access to appropriate and available PPE.

14. I regularly review DOC's medical operations and modify them consistent with guidance and recommendations from DOH and CDC. Consequently, the information above is subject to change or modification based on this guidance and changing conditions.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 4-2-2020

Beth Jordan, MD
BETH JORDAN, MD.