

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THURMAN WILLIAMS, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF PRISONS, *et al.*,

Defendants.

Civil Action No. 20-0890 (RC)

**DISTRICT DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR A TEMPORARY RESTRAINING ORDER**

INTRODUCTION

Plaintiffs Thurman Williams and Ronald Boatright seek a temporary restraining order (TRO) against Quincy Booth, Director of the District of Columbia Department of Corrections (DOC), and the District of Columbia (collectively, the District), as well as against defendants Federal Bureau of Prisons (BOP), BOP Director Michael Carvajal, and Hope Village, Inc. (Hope Village). Plaintiffs allege that conditions inside Hope Village, a halfway house in which they are serving court-ordered sentences, violate their rights under the Eighth Amendment and warrant a TRO amid the COVID-19 pandemic.

Plaintiffs cannot make the requisite showing for a TRO against the District because they cannot show a likelihood of success on the merits. First, both Mr. Williams and Mr. Boatright remain in BOP custody in a privately-managed facility. Therefore, both plaintiffs lack standing to bring a claim against the District. Second,

they have not established deliberate indifference on the part of District officials. Third, they have not pled or otherwise shown facts sufficient to establish municipal liability. Fourth, to the extent they seek relief in the form of a writ of habeas corpus, plaintiffs cannot pursue such relief because they have not named the DOC Warden as a defendant. And finally, plaintiffs have not shown a likelihood of irreparable harm absent immediate relief, or that the balance of the equities and the public interest weigh in their favor. Their motion for a TRO should be denied.

BACKGROUND

I. COVID-19 in the District of Columbia

On March 7, 2020, officials announced the District's first confirmed case of COVID-19, an infectious respiratory illness caused by the novel coronavirus that has spread rapidly across the globe since its first detection in humans in late 2019. *See* Press Release, Gov't of the District of Columbia, DC Department of Health Confirms First Coronavirus Case (March 7, 2020), available at <https://coronavirus.dc.gov/release/dc-department-health-confirms-first-coronavirus-case>; D.C. Health, COVID-19 FAQs, available at <https://coronavirus.dc.gov/node/1464356>. Although the virus's sufferers have exhibited a range of symptoms, severe cases have been known to cause shortness of breath, pneumonia and even death. *Id.* The World Health Organization (WHO) has declared the spread of COVID-19 a global pandemic. *See* "WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 – 11 March 2020," World Health Organization, March 11, 2020, available at

<https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

Municipalities across the country have hastened to respond to COVID-19's unprecedented spread in just a few short weeks. Since early March 2020, U.S. cities and states have ordered the closure of schools and non-essential businesses, banned large gatherings and recommended that individuals who do not live in the same household abide by now-familiar "social distancing" measures where feasible. *See, e.g.,* Jesse McKinley and Michael Gold, *Ban on Large Gatherings in N.Y. as Coronavirus Cases Rise Sharply*, N.Y. Times, March 12, 2020, available at <https://www.nytimes.com/2020/03/12/nyregion/coronavirus-nyc-event-ban.html>; Dominic Fracassa, *SF bans large gatherings as nation moves to confront pandemic*, San Francisco Chronicle, March 11, 2020, available at <https://www.sfchronicle.com/bayarea/article/Mayor-London-Breed-bans-all-large-gatherings-15123312.php>.

The District is no exception. On February 28, 2020, more than a week before the District recorded its first case of COVID-19, Mayor Muriel Bowser issued an order preemptively activating the District's Emergency Operations Center and requiring all District agencies to ensure they had up-to-date plans for emergency operations. *See* Mayor's Order 2020-035, February 28, 2020, available at https://dchealth.dc.gov/sites/default/files/dc/sites/doh/page_content/attachments/2020-035-District-Government-Preparation-for-the-Coronavirus-COVID-19.pdf.

While the District prepared in earnest, events unfolded quickly. By March 11,

2020, Mayor Bowser issued a Declaration of Public Emergency and a Declaration of Public Health Emergency based on the WHO declaration of a pandemic, as well as on the outbreaks seen in other cities throughout the world. *See* Mayor’s Order 2020-045, March 11, 2020, available at https://mayor.dc.gov/sites/default/files/dc/sites/mayoromb/release_content/attachments/MO.DeclarationofPublicEmergency03.11.20.pdf; Mayor’s Order 2020-046, March 11, 2020, available at https://mayor.dc.gov/sites/default/files/dc/sites/mayoromb/release_content/attachments/MO.DeclarationofPublicHealthEmergency03.11.20.pdf. Both Declarations have since been extended through at least April 24, 2020, and the District is now under a stay-at-home order. *See* Mayor’s Order 2020-054, March 30, 2020, available at <https://mayor.dc.gov/release/mayor-bowser-issues-stay-home-order>. This case arises in the context of an unprecedented response to an unprecedented situation.

II. DOC’s Contract with Hope Village

DOC is the agency charged with safely and securely housing pretrial detainees, those serving sentences for misdemeanor offenses, and those adjudicated guilty but awaiting sentencing for offenses in the District. DOC is responsible for ensuring “the safekeeping, care, protection, instruction, and discipline of all persons committed to [its] institutions.” D.C. Code § 24-211.02(a). The agency also plays an important role in ensuring the safety of those inside and outside its facilities. *See, e.g.*, 28 DCMR § 500.3 (permitting DOC to take individuals charged with criminal violations into involuntary protective custody who are “found to be in danger from a clear and present threat to that resident’s safety”); *Id.* § 507.10 (allowing DOC to withhold from

residents information “which may endanger any resident(s) or other person(s), or cause a riot, other major disturbance, or damage to property”); *Teamsters Local Union 1714 v. Pub. Emp. Relations Bd.*, 579 A.2d 706, 712 (D.C. 1990) (observing DOC employees “are involved directly with public safety”).

DOC operates a system consisting of two District-run correctional facilities and three halfway houses run by private contractors. *See* D.C. Department of Corrections, “Correctional Facilities,” available at <https://doc.dc.gov/page/correctional-facilities>. Hope Village is one of those halfway houses. In total, Hope Village houses approximately 300 individuals. *See* Pls.’ Mem. in Supp. of Mot. for TRO and Preliminary Injunction (Pls.’ Mem.) [13] at 9. However, the overwhelming majority of these individuals are in the custody of BOP, which independently contracts with Hope Village to provide services for certain individuals in federal custody. *See* Compl. ¶¶ 30, 34. As of April 4, 2020, DOC houses only 20 residents at Hope Village: one serving a misdemeanor sentence, and 19 pre-trial defendants. *See* Declaration of Renee Alexander (Alexander Decl.), Ex. 1, ¶ 7.¹

The District has contracted with Hope Village for many years to provide services to designated adult males in DOC custody.² *Id.* ¶ 5. The District’s current contract with Hope Village (the Contract) was executed in 2014 and through a series

¹ On April 6, 2020, the one individual in DOC custody serving a misdemeanor sentence filed an unopposed motion in Superior Court seeking his release. *See District of Columbia v. Marcus Downing*, Crim. Case No. 202 CTF 310 (D.C. Super. Ct.).

² All individuals in DOC custody at Hope Village are men; DOC has contracted with a separate halfway house, Fairview, to house women. *See* Alexander Decl. ¶ 3.

of extensions remains in effect through the end of May 2020. *Id.* ¶ 6. The Contract provides that Hope Village “shall provide housing for sentenced misdemeanants and court ordered commitments referred by the D.C. Courts for the transitioning from incarceration to productive community living [and for] establishment/re-establishment of employment pending their eventual release from custody.” Hope Village Contract (Contract), Ex. 2 at 9. The Contract specifies that the District “will screen all potential referrals and send them to [Hope Village] from the District’s Correctional Facilities,” though Hope Village may return a resident to his DOC facility of origin if the “resident’s behavior becomes unmanageable.” *Id.* at 21.

The Contract specifies basic conditions of residents’ living arrangements that Hope Village must provide, including “a minimum of sixty (60) square feet of individualized and secure bedroom space,” “a means for residents to launder their personal clothing,” and “bed linens and towels on a weekly basis” for no charge. *Id.* at 15. The Contract also requires Hope Village to meet various conditions for safety, sanitation, and environmental health specified by District and federal law, including providing new residents with “personal hygiene articles ... such as[] soap, tooth paste [sic] tooth powder or denture cleanser, toilet paper, sanitary napkins, deodorant and shaving equipment” at no cost. *See id.* at 15-16. Hope Village must provide residents with free meals and ensure all food service complies with District and federal law. *Id.* at 18-19. In addition, Hope Village must provide each resident “access to medical services,” including transportation to obtain required treatment. *Id.* at 22.

Regardless of the facility in which they reside, DOC does not have the legal

authority to unilaterally release individuals from its custody. Before the COVID-19 pandemic, District of Columbia law provided DOC discretion to award a limited number of sentencing credits to those serving sentences for misdemeanors, for good behavior, D.C. Code § 24-221.01c(a), and “up to 3 credits per calendar month for each” of certain designated rehabilitation, work detail or other special programs, *id.* § 24-221.01c(b).³ Individuals can also earn “educational good time credits of no less than 3 days a month and not more than 5 days a month” for participating in specified academic or vocational programs.” *Id.* § 24-221.01(a). Until recently, the law expressly stated that “[n]o person shall receive more than 10 credits per calendar month” when combining all of these categories. *Id.* § 24-221.01c(c) (2016).

On March 18, 2020, however, the D.C. Council passed the COVID-19 Response Emergency Amendment Act of 2020 (COVID-19 Emergency Act). *See* D.C. Act 23-247, March 17, 2020, available at <http://lims.dccouncil.us/Download/44469/B23-0718-SignedAct.pdf>. Among other measures, the COVID-19 Emergency Act amended Section 24-221.01c(c) to specify that “during a period for which a public health emergency has been declared ..., [DOC] shall have discretion to award additional credits” to those serving misdemeanor sentences “to effectuate immediate release of persons sentenced for misdemeanors”—with the qualification that this discretion could only be exercised “consistent with public safety.” *See* D.C. Code § 24-221.01c(c) (2020). As noted earlier, of the 20 DOC residents at Hope Village, only one is serving a misdemeanor sentence. *See* Alexander Decl. ¶ 7.

³ Each credit counts as one day of an individual’s sentence.

The Superior Court of the District of Columbia, in response to an “Emergency Motion for an Order to Show Cause Why Persons Serving Misdemeanor Sentences at the Department of Corrections Should Not Be Released Forthwith in Light of the Crisis Created by the COVID-19 Pandemic” filed by the Public Defender Service for the District of Columbia (PDS), ordered expedited responses by the United States Attorney’s Office (USAO) and the Office of the Attorney General for the District of Columbia (OAG). *See In Re Sentenced Misdemeanants*, 2020 CNC 000120 (Super. Ct. of D.C. March 31, 2019) (Order).⁴ The court’s order noted “that nothing in this Order shall prevent the filing of a D.C. SCR Rule 35 motion for sentence reduction to be filed on behalf of an individual defendant serving a misdemeanor sentence” and directed that such motions shall be filed with Judges McKenna and Dayson, and require a response from USAO or OAG within two business days. *Id.* As of this filing, the Superior Court has not yet ruled on PDS’s motion.

III. Hope Village Site Visits

To ensure that Hope Village remains in compliance with the Contract, DOC inspects Hope Village approximately once a month. *See* Alexander Decl. ¶ 8. If conditions are not up to the standards required under the Contract, DOC alerts Hope Village and requires remedial action.⁵ *Id.*

⁴ The USAO and OAG opposed the motion on April 1, 2020. *See* Docket, *In Re Sentenced Misdemeanants*, 2020 CNC 000120 (Super. Ct. of D.C.) (available at <https://www.dccourts.gov/eaccess>).

⁵ In exceptional cases, DOC could terminate the Contract as defaulted. Alexander Decl. ¶ 9. If that were to happen, the judge who assigned each DOC pre-trial resident to Hope Village would determine where to place that resident; DOC

Since the COVID-19 outbreak began, DOC officials have been in daily contact with Hope Village to monitor its contractual compliance. *Id.* ¶ 11. The DOC’s Office of Community Corrections (DOCOCC) conducted a site visit to Hope Village on March 26, 2020, to investigate claims that residents had fallen ill and that the facility lacked a sufficient supply of personal hygiene and cleaning products. *See* COVID-19 Hope Village Investigation Report (DOCOCC Report), Attachment A to Ex. 1 at 1. In that visit, however, DOCOCC officials found “that Hope Village is in compliance with hygiene and cleaning products for staff and residents,” citing evidence—confirmed by photographs taken during the inspection—of “large quantities of cleaning products, toilet paper, paper towels, soap, food, and snacks.” *Id.*; Alexander Decl. ¶ 13. Officials observed that “Hope Village also had large quantities of masks and gloves for staff and residents.” DOCOCC Report at 2; Alexander Decl. ¶ 13. Officials found that one Hope Village resident was tested for COVID-19 based on flu-like symptoms, but the test came back negative; he was assigned to an apartment by himself out of an abundance of caution.⁶ *Id.* As of DOC’s March 26, 2020 site visit, there were “[n]o other residents who have complained of flu-like symptoms.” *Id.*

Hope Village nevertheless implemented several precautions. Residents and staff were given COVID-19 information “via a Resident Meeting and staff meeting” in which “[p]recautions, symptoms and social distancing were discussed.” *Id.* To give

would transfer those serving misdemeanor sentences to either the Central Detention Facility (CDF) or Correctional Treatment Facility (CTF) to finish their sentences. *Id.*

⁶ As noted below, it appears at least two additional residents may have been tested, but as of March 26, 2020, none of the tests had come back positive.

residents ample space to practice social distancing during meals, Hope Village converted an empty apartment living room area into additional dining space for residents. *Id.*; Alexander Decl. ¶ 13. DOC found that Hope Village had begun taking additional precautions in response to individual resident concerns. For example, one resident had complained that at breakfasts, food service staff would put out a single bowl of jam with a single serving spoon for all residents to use. DOCOCC Report at 2. Inspection officials found that in response, food service staff changed their practice and began putting jam directly onto residents' serving trays. *Id.* at 3. Ultimately DOCOCC "left with the impression that the allegations noted regarding lack of supplies, food etc. were false and Hope Village has more than adequate supplies to keep staff and residents safe during the COVID-19 Pandemic." *Id.*; Alexander Decl. ¶ 14. DOC officials nevertheless issued a number of recommendations for how Hope Village could improve its precautions against COVID-19 and has continued to urge that additional appropriate precautions be taken. DOCOCC Report at 3; Alexander Decl. ¶ 14.

The District of Columbia Corrections Information Council (CIC) independently conducted its own site visit to Hope Village on March 26, 2020, and published its findings to the public.⁷ *See* DC Corrections Information Council, "RE: CIC Visit to

⁷ CIC is "an independent monitoring body mandated by the US Congress and the DC Council to inspect, monitor, and report on the conditions of confinement at facilities where DC residents are incarcerated." *See* DC Corrections Information Council, "About the DC Corrections Information Council," available at <https://cic.dc.gov/page/about-cic>; *see also* D.C. Code § 24-101.01. CIC is governed by an Executive Director appointed by the Mayor and a three-member board consisting of one member appointed by the Mayor with the advice and consent of the D.C.

Hope Village on Thursday, March 26, 2020” (CIC Report), available at https://cic.dc.gov/sites/default/files/dc/sites/cic/release_content/attachments/Now%20Hope%20Village%20CIC%20Statement%203_27_20%20-compressed.pdf.

CIC observed that as of its visit, three residents had been tested for COVID-19; two tested negative, and one still awaited results. *Id.* at 1. No staff had been tested because “there were no concerns about staff health.” *Id.* CIC found Hope Village to have “an adequate supply of hygiene and cleaning products for staff and residents,” noting that its conclusion was independent of DOC’s similar finding. *Id.* at 4. Residents had access to “cleaning supplies including disinfectant” for their use “at any time,” and each resident had their own bar of soap. *Id.* at 5. Hope Village was still conducting programs such as “drug treatment and transitional skills journaling” but had begun conducting them in smaller groups to facilitate social distancing. *Id.* at 6. Mental health services continued to be provided, and residents could go outside “for 30 minutes at a time to get fresh air.” *Id.*

IV. Plaintiffs’ Allegations

Plaintiffs are two individuals currently residing at Hope Village in BOP custody. Plaintiff Williams was transferred to Hope Village from Federal Correctional Institution–Schuylkill, Complaint [9] ¶ 25, and plaintiff Boatright was transferred from Federal Correctional Institution–Sheridan, *id.* ¶ 28. Plaintiffs have brought this lawsuit against BOP, BOP Director Michael Carvajal, the District, DOC Director

Council, and the other two appointed directly by the D.C. Council. *See* D.C. Code § 24-101.01(b)(2)(A), (b)(3).

Quincy Booth, and Hope Village. *Id.* ¶¶ 30-34.

Plaintiffs' Complaint presents a number of general allegations about Hope Village's response to COVID-19. Plaintiffs allege that the conditions in Hope Village "disregard all medical and public health directives for risk mitigation," and that Hope Village "does not encourage or practice social distancing in its facilities." *Id.* ¶ 40. In addition, plaintiffs allege deficiencies in COVID-19 screening, *id.* ¶¶ 43-44, the provision of ample space to practice social distancing, *id.* ¶ 46, and the provision of hygienic and cleaning supplies, *id.* ¶¶ 48-55. Plaintiffs also allege that residents have not received access to on-site medical care or information about mitigating COVID-19 risk. *Id.* ¶¶ 62-64. Plaintiffs allege that this has occurred despite BOP guidance instructing private facilities on how to prevent the spread of COVID-19. *Id.* ¶¶ 71-73.

Although plaintiffs raise three claims for relief, the only claim against the District is an Eighth Amendment claim under 42 U.S.C. § 1983, alleging that the District has failed to guarantee its post-conviction detainees "the right to reasonable safety." *Id.* ¶¶ 94-96, 90. Plaintiffs additionally seek to certify a class consisting of "[a]ll persons who were, as of the filing date of the complaint in this case, or will be in the future, confined in Hope Village." *Id.* ¶ 87. As relief, plaintiffs seek a declaration that the conditions at Hope Village "place Plaintiffs at an unreasonable risk of contracting serious illness." *Id.* ¶ 102. They seek injunctive relief in the form of seven changes in the operations at Hope Village, *id.* ¶ 103, a writ of habeas corpus ordering "the immediate release of Plaintiffs and sufficient members of the Plaintiff Class to ensure that the remaining residents can effectively practice social distancing

and safe sanitation measures,” *id.* ¶ 104, an order for “all Defendants to immediately release Plaintiffs,” *id.* ¶ 105, and any other relief deemed “just and equitable,” *id.* ¶ 107.

V. Procedural History

Plaintiffs filed their lawsuit on April 2, 2020. *See* Compl. [1]. Along with the Complaint, plaintiffs filed a motion for a temporary restraining order and a motion for preliminary injunction. *See* Mot. for Temporary Restraining Order [3]; Mot. for Preliminary Injunction [4]. Plaintiffs then filed an Emergency Motion To Shorten Defendants’ Time in Which To Respond to Plaintiffs’ Temporary Restraining Order Motion [6].⁸ On April 3, 2020, the Court ordered all defendants to respond to plaintiffs’ motion for a TRO by April 6, 2020 at 5:00 p.m. *See* Minute Order of April 3, 2020.

LEGAL STANDARD

A temporary restraining order “is ‘an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.’” *Sherley v. Sebelius*, 644 F.3d 388, 393 (D.C. Cir. 2011) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)). “The same standards apply for both temporary restraining orders and preliminary injunctions.” *Experience Works, Inc. v. Chao*, 267 F. Supp. 2d 93, 96 (D.D.C. 2003).

A plaintiff seeking a TRO must establish that: (1) “he is likely to succeed on the merits”; (2) “he is likely to suffer irreparable harm in the absence of preliminary

⁸ Plaintiffs later filed corrected versions of these original filings.

relief”; (3) “the balance of equities tips in his favor”; and (4) “an injunction is in the public interest.” *Sherley*, 644 F.3d at 392. Because injunctive relief is an extraordinary remedy, a plaintiff seeking such relief must prove all four prongs of the standard before relief can be granted. *In re Navy Chaplaincy*, 738 F.3d 425, 428 (D.C. Cir 2013); *Winter*, 555 U.S. at 22. The plaintiff bears the burden of doing so. *Davis v. Pension Benefit Guar. Corp.*, 571 F.3d 1288, 1292 (D.C. Cir. 2009).

“The usual role of a preliminary injunction is to preserve the status quo pending the outcome of litigation.” *Cobell v. Norton*, 455 F.3d 301, 314 (D.C. Cir. 2006) (quoting *Dist. 50, United Mine Workers of Am. v. Int’l Union, United Mine Workers of Am.*, 412 F.2d 165, 168 (D.C. Cir. 1969)); *see also* *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) (*CFGC*) (same). Where, instead, a plaintiff seeks a “mandatory injunction”—*i.e.*, one that would compel a positive act by the defendant—courts generally require the plaintiff to meet a higher standard and show “extreme or very serious damage” or that plaintiff is “clearly entitled” to immediate relief. *Sweis v. U.S. Foreign Claims Settlement Comm’n*, 950 F. Supp. 2d 44, 48 (D.D.C. 2013) (citations omitted); *see also* *Elec. Privacy Info. Ctr. v. U.S. Dep’t of Justice*, 15 F. Supp. 3d 32 (D.D.C. 2014).

ARGUMENT

I. Plaintiffs Are Unlikely To Succeed on the Merits Because They Lack Standing To Seek Relief Against the District.

Plaintiffs have not carried their burden to show they are likely to succeed on the merits of their case against the District, and that alone is fatal to their motion for a TRO. Demonstrating a likelihood of success on the merits is a free-standing

requirement. *Sherley*, 644 F.3d at 393 (internal quotation marks omitted). Failing to meet the burden on this prong “is alone sufficient to defeat” a motion for emergency injunctive relief. *Smith v. Henderson*, 944 F. Supp. 2d 89, 96 (D.D.C. 2013). The Court need not conclude that plaintiffs will definitely lose on the merits, only that they have not met the demanding burden of showing a clear entitlement to immediate, extraordinary relief. *Sweis*, 950 F. Supp. 2d at 48. To overcome this burden, plaintiffs must show not merely that success is a “possibility” but that it is “likely.” *Winter*, 555 U.S. at 20-22. Plaintiffs have not shown a likelihood of success on the merits against the District for the following reasons.

As discussed below, plaintiffs’ Eighth Amendment claim against the District cannot be sustained. But, as an initial matter, plaintiffs must demonstrate standing to seek relief from the District. Every plaintiff in federal court must meet the constitutional minimum for Article III standing by showing an injury, causation and redressability. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992). The third of these, redressability, requires showing “a likelihood that the requested relief will redress the alleged injury.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 103 (1998). “[A] plaintiff must demonstrate standing for each claim he seeks to press and for each form of relief that is sought.” *Davis v. FEC*, 554 U.S. 724, 734 (2008) (internal quotation marks omitted) (quoting *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006)). “[T]he burden lies on the Plaintiffs to show that jurisdiction is proper as to the claims against each defendant” *Gem Cnty. Mosquito Abatement Dist. v. E.P.A.*, 398 F. Supp. 2d 1, 7 n.5 (D.D.C. 2005).

In particular, a plaintiff lacks standing to seek relief from any defendant who cannot provide the specific relief the plaintiff seeks. *See Justice v. Kuhnapfel*, 985 F. Supp. 2d 334, 337 (E.D.N.Y. 2013) (plaintiff could not seek injunction against state court and government officials to retain custody of child where “[b]oth the Court and Defendants lack the power to return [the child] to Plaintiff”); *Mayo Clinic v. Elkin*, Civil Action No. 09-322, 2010 WL 5421322, at *3 (D. Minn. Dec. 27, 2010) (quoting *Toth v. United Auto. Aerospace & Agr. Implement Workers of Am.*, 743 F.2d 398, 404 (6th Cir. 1984)) (“A plaintiff may only obtain recovery from ‘a person or entity whose actions may be causally linked to the alleged injury, and from whom relief or remedy is possible.’”); *Cerilli v. Cay*, Civil Action No. 14-1551, 2015 WL 4603460, at *2 (D. Conn. Jul. 29, 2015) (plaintiff could not seek injunction against correctional facility custodial staff seeking changes to current medical treatment since “[t]his request ... cannot be satisfied by the defendants, who are not medical staff and are located at different correctional facilities”). That is precisely the case here vis-à-vis the District.

To begin, plaintiffs have asked for a variety of injunctive relief measures, most of which would require Hope Village to adjust aspects of the living conditions inside the facility. *See* Compl. ¶ 103. Because the District is unable to make these changes directly, there is no relief the District can provide. *See Cerilli*, 2015 WL 4603460, at *2.⁹

⁹ As discussed below, the District cannot be vicariously liable either. *See* Section III below.

Plaintiffs also seek either a writ of habeas corpus or an injunction releasing them and others from Hope Village. *See* Compl. ¶¶ 104-05. Neither of the two plaintiffs, however, is in the custody of the District. *See* Compl. ¶¶ 25, 28 (stating that plaintiffs were transferred to Hope Village from federal correctional institutions). The District is without authority to release them. And although plaintiffs filed this case as a putative class action, “there is no class of plaintiffs before the Court at this time towards whom relief could be directed.” *Russell v. Barry*, Civil Action No. 87-2072, 1987 WL 15697, at *2 (D.D.C. Jul. 30, 1987). To the extent plaintiffs seek the release of others, this Court should not grant relief to parties not before it. *See Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.”); *Garnett v. Zeilinger*, 301 F. Supp. 3d 199, 205 n.4 (D.D.C. 2018) (“[I]t is not clear that the Court can or should issue class-wide injunctive relief without a certified class.”); *Dorfmann v. Boozer*, 414 F.2d 1168, 1171 n.8 (D.C. Cir. 1969) (preliminary injunction “should not have been issued before the action was certified as a class action” where injunction “worked a transfer of money belonging to persons who were not within the jurisdiction of the court”).

To the extent plaintiffs ask the District to release as many people as possible so that the remaining residents at Hope Village can practice social distancing, DOC has no power to unilaterally release anyone in its custody beyond the authority granted to it by the COVID-19 Emergency Act—which only permits DOC to increase

sentencing credits for those serving misdemeanor sentences. *See* D.C. Code § 24-221.01c(c) (2020). Even if it were to use that authority to the fullest extent possible, the District could only release one individual from Hope Village; 19 of the 20 residents in its custody at Hope Village are pretrial detainees, and the District has no legal authority to release them.

Plaintiffs cannot show redressability and are therefore unable to show they have standing to seek any relief from the District. Without standing to seek relief, they cannot show a likelihood of success on the merits of their claims.

II. Plaintiffs Are Unlikely To Succeed on the Merits Because They Cannot Show the District Acted with Deliberate Indifference.

Even if they have standing, plaintiffs fail to establish that the District violated the Eighth Amendment by subjecting them to constitutionally inadequate conditions of confinement. To establish an Eighth Amendment violation of this kind, plaintiffs must demonstrate “acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.” *Brown v. District of Columbia*, 514 F.3d 1279, 1283 (D.C. Cir. 2008) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Here, plaintiffs cannot show that the District acted with “deliberate indifference” toward the risks posed by the COVID-19 pandemic.

To show deliberate indifference under these circumstances, plaintiffs “ha[ve] to allege that officials had subjective knowledge of [a] serious medical need and recklessly disregarded the excessive risk to inmate health or safety from that risk.” *Baker v. District of Columbia*, 326 F.3d 1302, 1306 (D.C. Cir. 2003) (quoting *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)). Mere negligence is insufficient to show

deliberate indifference. *Brown*, 514 F.3d at 1283. The test is a subjective one; “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he [or she] must also draw the inference.” *Farmer*, 511 U.S. at 837.

DOC does not dispute the gravity of COVID-19 or its duty to ensure the well-being of individuals in its custody at Hope Village. *See* D.C. Code § 24-211.02(a). But plaintiffs are simply incorrect that the District has not taken adequate steps to address the risks posed by the pandemic. *See* Pls.’ Mem. in Support of App. for TRO [13] at 17-19. On the contrary, the record demonstrates that DOC investigated the conditions at Hope Village by conducting a site visit on March 26, 2020, at which it “found that Hope Village is in compliance with hygiene and cleaning products for staff and residents.” *See* Alexander Decl. ¶ 14. These findings were confirmed by CIC’s independent site visit on March 26, 2020. *See* CIC Report at 4. The record demonstrates that the District has met its obligation to ensure that Hope Village is in compliance with the Contract and is taking appropriate actions to address any health and safety concerns brought to its attention. *See* DOCOCC Report at 2; Contract at 15-16 (stating Hope Village’s obligation to provide adequate health and safety amenities); *id.* at 22 (requiring Hope Village to ensure residents’ access to medical care). Furthermore, since the outbreak, DOC officials have been in daily contact with Hope Village to monitor its contractual compliance. Alexander Decl. ¶ 11. The District has conducted active oversight of the health and safety of Hope Village’s actions to ensure the safety of its residents during the pandemic. Any

assertion that the District has shown deliberate indifference to the risks posed by COVID-19 is belied by the facts.

Although the “deliberate indifference” inquiry is ultimately subjective, courts may properly go beyond officials’ mental states and also consider “the constraints facing the official[s]” for context. *Wilson v. Seiter*, 501 U.S. 294, 303 (1991); *see Helling v. McKinney*, 509 U.S. 25, 37 (1993) (“The inquiry into [deliberate indifference] also would be an appropriate vehicle to consider arguments regarding the realities of prison administration.”). Here, the significant constraints on housing those in DOC custody and the measures the District has ensured Hope Village is taking (in spite of those constraints) preclude a finding of deliberate indifference. *See Hines v. Youssef*, Civil Action No. 13-00357, 2015 WL 164215, at *5 (E.D. Cal. Jan. 13, 2015) (finding no deliberate indifference when “Plaintiff has failed to show that the policy Plaintiff contends should have been adopted was within the range of policies that the proposed Defendants could reasonably have promulgated.”). For example, Hope Village is designed for residents to live in shared spaces. *See Contract* at 15. To adhere as closely as possible to social distancing recommendations, Hope Village has made more space available for meals and offered private rooms for individuals who show symptoms of an illness. Alexander Decl. ¶ 13. Additionally, group sessions—for drug treatment and skills building—are being conducted in smaller groups with residents siting several seats apart. *Id.* ¶ 6.

The rapidly changing nature of public health recommendations is also significant. When applying the deliberate indifference standard, the relevant official’s

state of mind “must be measured by the official’s knowledge at the time in question, not by ‘hindsight’s perfect vision.” *Kulkay v. Roy*, 847 F.3d 637, 643 (8th Cir. 2017); *see also Jackson v. Lightsey*, 775 F.3d 170, 178 (4th Cir. 2014) (Section 1983 complaint against prison doctor properly dismissed where “hindsight suggests that [his] treatment decisions may have been mistaken, even gravely so”). In its oversight of Hope Village, the District has reacted to new information swiftly and recommended policies aimed at limiting COVID-19’s potential harm to residents based on the best available knowledge. *See* DOCOCC Report at 3; Alexander Decl. ¶ 14. As noted, the District performs monthly inspections of Hope Village and quickly arranged an additional visit to the site in light of the pandemic to ensure Hope Village was taking adequate measures. Alexander Decl. ¶ 8. Additionally, DOC has increased its monitoring of Hope Village’s compliance with the Contract since the COVID-19 outbreak, including daily contact with Hope Village to discuss the status of the residents’ safety and measures taken to mitigate the risk. *Id.* ¶ 11. These measures show that the District’s oversight of the conditions at Hope Village have evolved with new information and ensures that Hope Village continues to have the best available information for updating its policies and keeping pace with the changing informational landscape.

Plaintiffs cannot show they are entitled to a TRO without showing it is “likely,” and not merely “possible,” that their claims will succeed. *Winter*, 555 U.S. at 20-22. Because they have not done so with respect to their Eighth Amendment claim against the District, their motion for a TRO should be denied.

III. Plaintiffs Are Unlikely To Succeed Against the District Because They Cannot Establish Municipal Liability Under Section 1983.

In addition, plaintiffs have not alleged any facts as to the District's liability under Section 1983. Municipal liability under Section 1983 cannot be predicated on a *respondeat superior* theory. *Monell v. Dep't of Soc. Servs. of New York*, 436 U.S. 658, 690-91 (1978). Rather, “[p]laintiffs who seek to impose liability on local governments under § 1983 must prove that ‘action pursuant to official municipal policy’ caused their injury.” *Connick v. Thompson*, 563 U.S. 51, 60 (2011) (*quoting Monell*, 436 U.S. at 691).

The D.C. Circuit has identified four ways official municipal policy can be demonstrated: (1) “the explicit setting of a policy by the government that violates the Constitution;” (2) “the action of a policy maker within the government;” (3) “the adoption through a knowing failure to act by a policy maker of actions by his subordinates that are so consistent that they have become ‘custom,’”; and (4) “the failure of the government to respond to a need (for example, training of employees) in such a manner as to show ‘deliberate indifference’ to the risk that not addressing the need will result in constitutional violations.” *See Baker*, 326 F.3d at 1306-07 (citations omitted). Each theory has its own “elements,” which a Section 1983 plaintiff bears the burden of pleading. *Blue v. District of Columbia*, 811 F.3d 14, 20 (D.C. Cir. 2015); *accord Hodges v. District of Columbia*, 975 F. Supp. 2d 33, 54 (D.D.C. 2013) (“The fact that [a] claim arises under section 1983 does not relieve [plaintiff] of the obligation to satisfy the criteria established in *Iqbal* and *Twombly*.”).

Plaintiffs have alleged no theory that their Eighth Amendment claim against the District arises from a policy, the actions of a policymaker, a custom, or the failure to train employees. Nor could they. As discussed above, the District did its due diligence to ensure that Hope Village was responding appropriately to the COVID-19 outbreak. *See* Section II above. The deficiencies plaintiffs allege in Hope Village’s COVID-19 response do not implicate the District, and plaintiffs have not articulated any theory of how it could be otherwise. *See City of St. Louis v. Praprotnik*, 485 U.S. 112, 128 (1988) (city not liable where former municipal employee failed to “contend that anyone in city government ever promulgated, or even articulated” an “unconstitutional municipal policy”); *Blue*, 811 F.3d at 20 (“If the plaintiff fails to identify the type of municipal policy at issue, the court would be unable to determine ... whether the plaintiff had provided plausible support for her claim. Although the court could try to surmise which theory of municipal liability has the strongest support in the complaint, this is not [the court’s] role”).

IV. Plaintiffs Are Unlikely To Succeed in Their Request for Habeas Relief Because They Have Not Sued the DOC Warden.

As discussed above, plaintiffs are both being held in federal custody, not in the custody of DOC. *See* Section I above. But regardless, to the extent plaintiffs seek the release of themselves or others through a writ of habeas corpus, they must seek that relief from the DOC Warden, who is not named as a defendant in this case. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical confinement—‘core challenges’—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not ... some

other remote supervisory official.”)¹⁰ “[T]here is generally only one proper respondent to a given prisoner’s habeas petition,” namely, “the person’ with the ability to produce the prisoner’s body before the habeas court.” *Id.* at 434-35 (quoting 28 U.S.C. § 2242). *See also Stokes v. United States Parole Comm’n*, 374 F.3d 1235, 1238 (D.C. Cir. 2004) (limitation of habeas relief to the one individual holding the petitioner in custody is “inflexible”). In addition to the deficiencies identified above, plaintiffs cannot succeed on the merits if the named defendants cannot provide the relief they seek. *See* Section I above.

V. Plaintiffs Have Not Shown That the Remaining Factors Weigh in Their Favor.

Aside from the merits of plaintiffs’ claims, “failure to demonstrate irreparable harm is grounds for refusing to issue a [TRO], even if the other three factors ... merit such relief.” *Nat’l Min. Ass’n v. Jackson*, 768 F. Supp. 2d 34, 50 (D.D.C. 2011) (citation and internal quotation marks omitted); *see also CFGC*, 454 F.3d at 297 (observing that there is “a high standard for irreparable injury”). “[P]roving irreparable injury is a considerable burden, requiring proof that the movant’s injury is certain, great and actual—not theoretical—and imminent, creating a clear and present need for extraordinary equitable relief to prevent harm.” *Power Mobility Coal. v. Leavitt*, 404 F. Supp. 2d 190, 204 (D.D.C. 2005) (citations and internal quotation marks omitted). If a party fails to make a sufficient showing of irreparable injury, a court may deny a motion for preliminary relief without considering the other factors. *CityFed Fin.*

¹⁰ An exception to this rule exists “in the military context where an American citizen is detained outside the territorial jurisdiction of any district court.” *See id.* n.9.

Corp. v. Office of Thrift Supervision, 58 F.3d 738, 747 (D.C. Cir. 1995).

Additionally, injunctive relief that “goes well beyond simply maintaining the status quo ... is particularly disfavored.” *Stanley v. Univ. of S. Calif.*, 13 F.3d 1313, 1320 (9th Cir. 1994). It is a “judicially inflicted injury,” and many circuits therefore make the movant’s already high burden even “more stringent.” *O Centro Espirita Beneficente Uniao do Vegetal v. Ashcroft*, 389 F.3d 973, 978 (10th Cir. 2004) (citing cases); *see also Sweis*, 950 F. Supp. 2d at 47 (where relief requested would change rather than preserve the status quo, plaintiffs must show “extreme or very serious damage” or that they are “clearly entitled” to immediate relief).

To date, there have been no confirmed cases of COVID-19 in Hope Village, *see* Alexander Decl. ¶ 13, and efforts are underway to minimize the risk that virus transmission occurs. *See* Section III above. Plaintiffs have not shown that they will suffer imminent harm absent an order requiring the release of Hope Village residents in DOC’s custody; as noted above, the one individual in DOC custody serving a misdemeanor sentence has filed an unopposed motion in Superior Court seeking his release. Plaintiffs fail to meet their burden of demonstrating irreparable harm.

Even if plaintiffs could show a likelihood of success on the merits and that irreparable harm would result without a TRO, they must additionally show both that “the balance of equities tips in their favor,” and that “an injunction is in the public interest.” *Sherley*, 644 F.3d at 392; *In re Navy Chaplaincy*, 738 F.3d at 428 (plaintiffs cannot use strong showing on some factors to make up for weak showing on others). These two factors “merge when the Government is the opposing party” and are thus

analyzed together. *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 10 (D.C. Cir. 2019) (citation and internal quotation marks omitted). “[W]here the Court has a less intrusive means” of ensuring legal compliance, “the public interest would weigh towards choosing such options, especially where ... the plaintiffs seek a mandatory (‘do this’) rather than prohibitory (‘don’t do this’) injunction.” *Garnett v. Zeilinger*, 313 F. Supp. 3d 147, 160 (D.D.C. 2018).

DOC recognizes the gravity of COVID-19 and its duty to ensure the well-being of its 20 residents at Hope Village. However, given that there have been no confirmed cases of COVID-19 at Hope Village, requiring DOC to unilaterally release those residents—even assuming it had such authority—would present an unwarranted intrusion into the agency’s operations. There is a well-established public interest in permitting the government to carry out its authorized functions where doing otherwise would needlessly upend its operations. *See Benisek v. Lamone*, 138 S. Ct. 1942, 1945 (2018) (finding lower court could have reasonably concluded that ordering redrawing of electoral district map would have contravened public interest where “injunction might have worked a needlessly chaotic and disruptive effect upon the electoral process” (citation and internal quotation marks omitted)); *Garnett*, 313 F. Supp. 3d at 160 (public interest “would disfavor the Court’s interference” in legal process of administering food stamp benefits “in light of [federal agency’s] expertise and role” in carrying it out). This is especially true in the midst of a public health emergency. The balance of the equities and the public interest weigh in DOC’s favor and counsel against granting a TRO.

CONCLUSION

For the foregoing reasons, the Court should deny plaintiffs' motion for a temporary restraining order against the District.

Dated: April 6, 2020.

Respectfully submitted,

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EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THURMAN WILLIAMS, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF PRISONS, *et al.*,

Defendants.

Civil Action No. 20-00890 (RC)

DECLARATION OF RENEE ALEXANDER

Pursuant to 28 U.S.C. § 1746, I, Renee Alexander, 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 Chief of the Office of Community Corrections of the District of Columbia Department of Corrections (DOC). I have worked for DOC for approximately one year; prior to that, I worked in similar positions in the Maryland prison system for more than 25 years.

3. My staff and I administer the contracts that DOC has with two halfway houses in the District of Columbia (the District): Hope Village for men and Fairview for women. We review inmate files and cases to make sure placements are appropriate, oversee the halfway houses' compliance with the contract, and regularly inspect the facilities for contract compliance.

4. I provide this declaration to inform the Court about DOC's contract with Hope Village and DOC's monitoring of living conditions there.

5. DOC has had a contract with Hope Village for many years; it is the only accredited halfway house for men in the District. DOC contracts with Hope Village to provide pretrial and pre-release community correctional services.

6. DOC's current contract with Hope Village was executed in August 2014 and has been extended through a series of option years and modifications. Most recently, DOC extended the contract until May 31, 2020. The contract requires Hope Village, among other things, to comply with DOC policies and program statements and to conform to American Correctional Association (ACA) Standards and Accreditation.

7. Typically, DOC contracts for approximately 30 residents at Hope Village at a time, but DOC's population has been lower recently. Currently, DOC has placed 20 residents at Hope Village—one sentenced misdemeanant and 19 court-ordered pre-trial defendants.

8. DOC inspects Hope Village, on average, every month. On rare occasions in the past, living conditions were found not to be up to contract standards. When that happens, DOC alerts the Hope Village staff to the deficiencies and requires remedial action.

9. If conditions were found to be truly intolerable, DOC could direct Hope Village to remediate issues immediately or move residents to another room or apartment at the facility. DOC also has the option to reduce the contract price, charge

the contractor the costs incurred by the District directly related to the lack of performance, or terminate the contract for default. If that were to occur, for pretrial residents, DOC would notify the judge who issued the order in the resident's case, and the judge would determine what to do with the resident. For residents completing misdemeanor sentences, DOC would transfer the resident back to the Central Detention Facility (CDF) or Correctional Treatment Facility (CTF) to finish the rest of his sentence.

10. DOC has been closely monitoring Hope Village's compliance with the contract since the COVID-19 outbreak. My staff and I are in daily contact with Hope Village about the outbreak.

11. I personally conducted a walk-through with my staff of Hope Village on March 26, 2020, to investigate claims of a lack of hygienic and cleaning products. Attached to this declaration is a copy of the Inspection Report we issued following the walk-through.

12. As noted in the Inspection Report, we found that the facility had ample quantities of hygiene and cleaning products for both staff and residents. The facility also had a large quantity of masks and gloves for staff and residents.

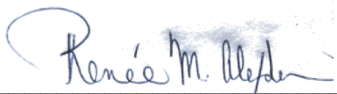
13. Residents and staff are regularly informed about conditions of the outbreak and were briefed in meetings (one for residents and one for staff) on how to take proper precautions. As described in the Inspection Report, Hope Village has taken various measures to reduce the risk of spreading COVID-19, such as

eliminating the use of shared serving utensils at meals and adding additional dining space so that residents can practice social distancing.

14. DOC made specific recommendations to Hope Village after its walkthrough regarding screening and providing more information to residents about the outbreak. Ultimately, DOC found that Hope Village has more than adequate supplies to keep staff and residents safe during the COVID-19 Pandemic.

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 4/6/2020



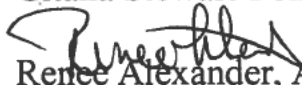
RENEE ALEXANDER

ATTACHMENT A

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**



TO: Wanda Patten, Deputy Director, Operations
Gitana Stewart-Ponder, Deputy Director, Administration

FROM:  Renee Alexander, Administrator, OCC

SUBJECT: COVID-19 Hope Village

DATE: March 27, 2020

As requested Office of Community Corrections staff visited Hope Village on March 26, 2020 to investigate the claims of “ill” Hope Village residents and lack of hygiene and cleaning products. The Reentry Action Network (RAN) disseminated an e-mail that called for organizations to donate the following goods to Hope Village:

- Bottled Water- RAN was told that residents are drinking out of the sink
- Hand sanitizer
- Disinfecting wipes/sprays/liquid
- Toilet paper
- Paper towels
- Hand soap
- Other toiletries such as tooth brushes, toothpaste, floss, body wash
- Snacks

Upon investigation on March 26, 2020, it was found that Hope Village is in compliance with hygiene and cleaning products for staff and residents. A tour of the facility’s storerooms revealed large quantities of cleaning products, toilet paper, paper towels, soap, food, and snacks. In addition to the pantry in the kitchen, Hope Village has converted Room #204 into a storage area for non-perishable food items.

Hope Village does not supply bottled water to residents; however, bottled water is available for purchase from the vending machine and water is available from the soft drink/juice dispenser in the kitchen.

Toilet paper is provided to residents on Tuesdays and Fridays. Personal hygiene products such as toothbrushes, toothpaste, floss and body wash is normally purchased by the residents; however, if a resident is in need Hope Village maintains a supply of “welfare/indigent kits” that contain a toothbrush, toothpaste, razor, deodorant and a hair comb.

Effective Monday, March 23, 2020 Hope Village began a drop –off schedule that allows residents to have one family member to drop off necessities. Per Mr. Wilmer, necessities are bottled water, hygiene items such as disinfectant wipes, hand sanitizer, hand soap and snacks (such as hard candy). Attached is notification sent to residents on March 20, 2020 that includes the drop-off schedule. During the visit, OCC staff witnessed family members deliver the necessities.

Hope Village also had large quantities of masks and gloves for staff and residents. Attached to this report are pictures of the various items.

There is one BOP resident currently assigned to an apartment to himself who was suspected of having COVID-19 due to flu-like symptoms; however, per Ms. Wilmer, Director, he was tested and does not have COVID-19; but as a precaution, he has been separated. No other residents who have complained of flu-like symptoms.

Residents and staff have been provided information on COVID-19 via a Resident Meeting and staff meeting. Precautions, symptoms and social distancing were discussed. Additionally residents have access to the media via televisions in the rooms.

To aide with social distancing, Hope Village has turned an empty apartment living room area into a dining area for residents. Therefore, in addition to main dining room, residents utilize this area (Room 203) to eat their meals.

One resident complained of how the jelly/jam is served. He advised that the jelly/jam is put into a big bowl and residents dip the jelly/jam from the bowl with each resident using/touching the same spoon. Dietary staff advised that the complaint was previously communicated and that as of breakfast the morning of

March 26, 2020, Dietary staff now put the jelly/jam on the serving trays. The serving trays are washed and disinfected after every use.

There are four (4) recommendations for Hope Village to potentially better manage during the COVID-19 Pandemic:

- Screen staff, residents and any visitors who come in the building. The screening would consist of a questionnaire similar to the one DC DOC uses daily. Attached is a copy of a screening tool used by BOP for inmates.
- Take temperatures of staff, visitors and residents daily, as a high temperature is a symptom of COVID-19. Temperatures must be taken with a “no touch” thermometer.
- Post more signage in the buildings regarding prevention of COVID -19, and symptoms throughout the building. I forwarded the flyers used by DOC to Hope Village and Fairview a couple of weeks ago. The flyers could be posted in every room and common area. If Hope Village has the budget, they could make them in to posters as DOC did,
- Mr. Wilmer advised that Hope village has a working intercom system that can broadcast to every building. That system could be used to send messages throughout the day of universal precautions, and signs and symptoms of COVID-19.

Office of Community staff left with the impression that the allegations noted regarding lack of supplies, food etc. were false and Hope Village has more than adequate supplies to keep staff and residents safe during the COVID-19 Pandemic.

CC: Lennard Johnson, Warden, CDF/CTF
Michele Jones, Deputy Warden, CTF
Joe Wilmer, Director, Hope Village
Office Community Corrections
