

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEROME DUVALL, *et al.*,

*

Plaintiffs,

*

v.

*

Civil Action No. ELH-94-2541

LAWRENCE HOGAN, *et al.*,

*

Defendants.

*

DECLARATION OF DAVID C. FATHI

I, David C. Fathi, declare:

1. Attached hereto as **Exhibit 1** is a photo, provided by Defendants, showing bunk beds in BCDC that are less than six feet apart.

2. Attached hereto as **Exhibit 2** is a photo, provided by Defendants, showing beds in BCDC that are less than six feet apart.

3. Attached hereto as **Exhibit 3** is a June 10, 2020 email from Defendants' counsel Laura Mullally, stating that a staff member at BCDC has died of COVID-19.

4. Attached hereto as **Exhibit 4** is a June 6, 2020 email to the parties from Dr. Michael Puisis, the independent medical monitor in this case, attaching Eric Reinhart and Daniel Chen, "Incarceration And Its Disseminations: COVID-19 Pandemic Lessons From Chicago's Cook County Jail," *Health Affairs* 39, No. 8 (2020). This article concludes that "cycling through Cook County Jail alone is associated with 15.7 percent of all documented novel coronavirus disease (COVID-19) cases in Illinois and 15.9 percent in Chicago as of April 19, 2020."

5. Attached hereto as **Exhibit 5** is a document provided by Defendants, titled "COVID-19 Environmental Compliance Safety Officer Audit Standard Operating Procedures"

and dated April 22, 2020. This document provides that “the Environmental Compliance Safety Officer(s) shall ensure that ... [a]ll staff and inmates maintain a distance of 6 feet, unless it deems [sic] necessary for officers to perform their job functions.”

6. Attached hereto as **Exhibit 6** is a June 12, 2020 email from Laura Mullally, showing that 34 detainees, 34 staff, and 14 vendor staff have tested positive for COVID-19 as of that date. The accompanying spreadsheet shows that the Jail's population on June 12 was 654, with some housing units at 100% of capacity.

7. Attached hereto as **Exhibit 7** and filed under seal is a spreadsheet, provided by Defendants, showing as of June 10, 2020, all current detainees in the Jail and, for each detainee, the pending charges. This document shows that 179 detainees have misdemeanor charges only.

8. Attached hereto as **Exhibit 8** is a June 2, 2020 email from Jan Goslee, Executive Vice President / General Counsel of the Housing Authority of Baltimore City. The email describes " 250 vouchers for issuance to eligible sole member household ex-offenders participating in a re-entry program operated by the Mayor’s Office of Homeless Services."

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 15, 2020.

/s/David C. Fathi
David C. Fathi