

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEROME DUVALL, *et al.*,
Plaintiffs,

v.

LAWRENCE HOGAN, JR., *et al.*,
Defendants.

Civil Action No. ELH-94-2541

ORDER

In the Court's Order of June 19, 2020 (ECF 671) denying plaintiffs' emergency motion for relief in light of the COVID-19 pandemic (ECF 645; ECF 652), I directed the parties to file a status report by June 30, 2020, "apprising the Court as to the conditions of BCBIC in light of COVID-19." ECF 671.

On June 30, 2020, the Court received separate status reports from each side. ECF 672 (Defendants); ECF 673 (Plaintiffs). The submissions paint starkly different portraits of the conditions at BCBIC.

According to defendants, the population of BCBIC is "down slightly," with the male population at 85 percent capacity and the female population at 35 capacity. ECF 672 at 1. Further, defendants posit that the population of BCBIC is unlikely to increase because the Baltimore City State's Attorney recently recalled about 600 open arrest warrants. *Id.* at 4. Regarding efforts at BCBIC to abate the COVID-19 virus, defendants explain that the State is conducting a pilot program to "quick test" detainees and correctional staff and is also developing a standard operating procedure for "medical workers" who interact with those detainees most vulnerable to COVID-19. *Id.* at 3-4.

In contrast, plaintiffs contend that defendants have shown “a troubling lack of urgency, even as cases of COVID-19 at [BCBIC] spiral upward.” ECF 673 at 2. Plaintiffs contend that no meaningful effort has been made to reduce BCBIC’s population, observing that 642 detainees were housed at BCBIC as of June 29, 2020—“essentially unchanged from the count on the day of the hearing (647), and far higher than the May 1 tally of 555.” *Id.* at 3. And, plaintiffs complain that defendants have neither implemented universal testing nor taken steps to ensure detainees can practice social distancing. *Id.* at 3-4. Moreover, plaintiffs assert that defendants have not provided any “written policies governing the monitoring and treatment” of at-risk detainees. *Id.* at 4.

Accordingly, upon review of the parties’ status reports and pursuant to the Court’s authority to enforce the Settlement Agreement (ECF 541-2), it is this 2nd day of July, 2020, by the United States District Court for the District of Maryland, **ORDERED**:

- 1) By **July 16, 2020**, defendants shall develop a written policy governing the monitoring and treatment of detainees at heightened risk of experiencing complications for COVID-19, and provide a copy of those policies to plaintiffs’ counsel by **July 17, 2020**; and
- 2) Counsel are directed to file another status report, due by **July 20, 2020**, apprising the Court as to the conditions of BCBIC in light of COVID-19.

/s/
Ellen L. Hollander
United States District Judge