

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KEITH SETH, *et al.*,
Individually and on behalf of a class
of similarly situated persons,

Plaintiffs,

v.

MARY LOU MCDONOUGH,
In her official capacity as
Director of the Prince George's County
Department of Corrections,

Defendant.

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Civil Action No. 8:20-cv-01028-PX

ORDER

As discussed in the recorded teleconference today, April 23, 2020:

1. Defendant is ordered to file a Response to Plaintiffs' Motion for a Temporary Restraining Order, ECF No. 3-1, by **April 25, 2020**. Defendant must file as attachments evidence responsive to the topics included in **Attachment A** to this Order.
2. Plaintiffs' Reply is due by April 27, 2020.
3. Parties are to submit a joint recommendation for an Independent Inspector by April 27, 2020. If Parties are unable to agree on an inspector, each party is to propose two recommendations, along with CVs and a letter, no longer than three pages, with supporting grounds for selection.
4. Parties are instructed to file documents containing protected health information and other sensitive information under seal with an accompanying motion.
5. Plaintiffs' Motion to Certify Class, ECF No. 4-1, is held in abeyance until resolution

of Plaintiffs' Motion for a Temporary Restraining Order, ECF No. 3-1.

4/23/2020
Date

/S/
Paula Xinis
United States District Judge

Defendant McDonough, on behalf of Prince Georges County Detention Center (the Facility) shall submit information related to the following topics, by exhibit and/or sworn declaration from leadership within the Facility. This Attachment is illustrative, not exhaustive, and is intended to guide but not limit Defendant's response to the Plaintiffs' Motion for Temporary Restraining Order. Defendant shall file the information as attachments to her Response **due April 25, 2020**. Evidence submitted should be keyed to the topic headings below.

1. All Relevant Written Policies, Practices, Procedures, or Guidance issued to staff, related to COVID-19

Information related to COVID-19 education, awareness, and implementation of protocol for staff and detainees (to include training, education, written postings, and written materials disseminated within the Facility to staff or detainees on all aspects of COVID, such as cleaning, social distancing, symptoms, etc.)

2. Screening and Testing for COVID 19

Screening

- A. Dates Facility began screening visitors, staff, and detainees for COVID-19 symptoms
- B. Procedures used to screen staff, visitors, and detainees for COVID-19 symptoms. If the screening procedure has changed over time, describe changes since March 1, 2020.
- C. Screening, testing, quarantine procedures related to COVID-19 for new detainees

Testing

- D. Number of COVID-19 tests administered to date (staff and detainees) and results (+, -, pending)
- E. Number of tests administered per day since March 1, 2020
- F. Number of COVID-19 test kits available currently
- G. Criteria and manner for determining when to test staff and detainees

3. Response to suspected and confirmed COVID-19 + detainees and staff

- A. Criteria and manner for identifying detainees or staff suspected of having COVID-19 in addition to screening above (e.g. sick call, detainee observation, Officer observation)
- B. Isolation or quarantine procedures for detainees suspected of COVID-19 (to include movement in Facility, where housed, whether exposed in medical unit, bull pen, or other common area with non-COVID detainees in medical for other reasons, and separation protocol, if any)

- C. Conditions of confinement for suspected and confirmed COVID-19 + detainees (*e.g.*, medical, housing, food, hygiene); how implemented (medical unit?); movement in Facility
- D. Criteria for when detainees who had COVID-19 are permitted return to general population, and for when staff who had COVID-19 are permitted return to work
- E. In response to Plaintiffs' "over-detention" claims, *see* ECF No. 3 at 27: Number of detainees held after satisfaction of release criteria and length of each over-detention

4. Detainee Living Conditions during COVID-19

- A. General information on the structure, size, and function of Facility (*e.g.* layout of housing units, cafeteria, medical, visitation); number of available and occupied beds; staffing and occupancy ratio in units
- B. Current number of detainees housed at Facility; broken down by Unit, including Medical, quarantine, isolation
- C. Staffing changes in general housing, medical, quarantine, and isolation as a result of COVID-19 (*e.g.* staff out sick or in quarantine, change in medical personnel)
- D. Detainees' access to counsel – (frequency, duration, privacy - in person, by phone, by mail)
- E. Detainees' communication with family (availability, frequency, claim PID not working, in addition or in lieu of communication with counsel)
- F. Provision of food to detainees (how, what, when, by whom)
- G. Cleaning and sanitation of housing units (who does it, availability of supplies, what kind of supplies)
- H. Hygiene – availability of hot water, showers, soap, cleaning supplies, and other PPE for detainees – provided by Facility (free? How much? How often) versus those that must be purchased by detainee

5. Medical care during COVID-19

- A. Detainee access to medical care - must detainees pay for medical care currently? Historically? If the Facility policy on payment has changed, when and why did it change?
- B. Length of time between sick call and medical attention

- C. Urgent or acute care call process (e.g. what happens if a detainee suddenly becomes acutely ill)
- D. Current capacity of Medical Unit – is the unit fully occupied? Contingency plan?
- E. **Medical Records:** Where and how kept, in what format (e.g. electronic), accessibility to records for Plaintiff counsel in this case, criminal defense counsel, court

6. Grievances

- A. Actual practices to afford detainees access to grievance procedure during COVID-19 pandemic
- B. Number of grievances related to lack of treatment, care, sanitation, housing etc. related to COVID-19 since March 1, 2020 to present.