

Lawsuit claims Oakland County Jail conditions put inmates at risk for COVID-19, demands 'vulnerable' be released

- [By Aileen Wingblad awingblad@medianewsgroup.com](mailto:awingblad@medianewsgroup.com); [@awingblad](https://twitter.com/awingblad) on Twitter

Aileen Wingblad/MediaNews Group

A class action federal lawsuit against Oakland County, Sheriff Michael Bouchard and Commander of Corrective Services Curtis Childs was filed Friday in U.S. District Court for the Eastern District of Michigan, alleging unsanitary conditions at the jail are putting inmates at unnecessary risk of contracting COVID-19, and demanding immediate release of inmates deemed "vulnerable" due to underlying health issues.

The lawsuit, filed by Advancement Project National Office, American Civil Liberties Union of Michigan and a number of other organizations, states that county officials are violating the constitutional rights of inmates "by exposing them to an unnecessary risk of infection, illness or death during the coronavirus pandemic."

Phil Mayor, senior staff attorney for ACLU Michigan, said conditions at the Oakland County Jail are "atrocious" and "unhygienic," and that inmates are denied access to soap and cleaning supplies. He also said adequate social distancing is needed, but simply isn't possible at the jail.

Further, he claims that inmates who have complained about the conditions and/or refused to perform certain cleaning duties because they're concerned about being exposed to the virus are facing retaliation by guards — who move them to even dirtier areas of the jail and/or to cells dangerously close to the prisoners quarantined because they tested positive for COVID-19.

Oakland County Undersheriff Mike McCabe called the lawsuit "an insult" and said its claims are absolutely without merit.

"It's bull crap," McCabe said, adding that he'd put the jail and staff against any jail in the country in terms of cleanliness, how it's taken care of and how the inmates are cared for.

"We do everything we can for the safety and security of the inmates," he said.

All inmates are in lock down because of COVID-19, so any claim that some have been moved as retaliation for complaining — or for any reason — is untrue, McCabe said. Those housed in the annex are confined to their cells except for showering, he said, and aren't allowed to congregate in common areas during the day as they normally would, he said.

At the "old jail," which has larger cells that can house up to 10 inmates, cells currently are at about 50 percent capacity. Inmates showing symptoms of the virus are tested, and many have

been, McCabe said. If they test positive, they're moved to a COVID-19 quarantine area — and anyone who came in contact with him or her is quarantined from others, he said.

"We do not let COVID positive inmates stay with those that aren't COVID positive," McCabe said.

As for social distancing, McCabe said "that's impossible at any jail. You just can't give six feet between everybody."

To stem the spread of the virus, the jail undergoes "regular extra cleaning several times a day," he added, with inmates given cleaning supplies three times a day to take care of their cells. Inmates are also provided masks, and deputies wear gloves, N95 masks and shields while in the jail as further precaution.

As of April 17, the Oakland County Jail inmate population was 742. So far, 36 inmates have tested positive for COVID-19, with 31 of them remaining in custody and quarantined at the jail. None have been hospitalized, McCabe said.

One week ago, 23 inmates had tested positive for the virus. The first case was confirmed about three weeks ago.

Oakland County judges have released dozens of inmates early in the past couple weeks due to COVID-19 concerns, provided they meet certain criteria such as not being violent offenders or not having a history of violence. They must also have an underlying health condition and/or have a bond set at less than \$1,000. As of April 17, approximately 130 inmates considered for early release because of COVID-19 concerns have been set free, either released by a judge, bonding out or completing a sentence.

As pointed out by McCabe, only judges have the authority to release inmates early.

House arrest option?

Regardless of the early releases so far, Mayor said, "urgent action" is needed at the jail. As outlined in the lawsuit, that action includes protecting all medically-vulnerable inmates by releasing them from the jail. Those nearing the end of a sentence should simply be sent home, Mayor said, as should anyone in the pretrial stage of their case. Others can be kept on house arrest, he said.

The lawsuit also calls for an immediate order of cease and desist of retaliation that's alleged against inmates who raise health and safety concerns.

Mayor said no medically-vulnerable inmates should be held at the jail — which he likens to serving "a death sentence" due to what he said is a heightened and unnecessary risk of COVID-19 infection.

"Being locked up in jail should not be a death sentence, but that is what people behind bars are facing in the Oakland County Jail and jails across the state because of this pandemic. At the very least, most incarcerated people who are pre-trial, medically frail, or whose sentences end this year should be released immediately," Mayor said. "Meanwhile, Oakland County Jail staff must do everything in their power to protect people remaining in their custody by providing

adequate soap and disinfectant, ensuring social distancing, and thereby ending their unconscionable retaliation against those attempting to protect themselves from the deadly virus.”

Five current inmates are named as plaintiffs in the lawsuit, but Mayor said they are “seeking to represent everybody in jail.”

The criminal justice reform group, Michigan Liberation, contacted the ACLU about the alleged conditions, which eventually led to the federal lawsuit.

Plans for similar lawsuits against other jails and prisons in Michigan are underway, according to Josh Garner, spokesperson for Advancement Project National Office.

To see the lawsuit against Oakland County, go to <https://tinyurl.com/yco8qv13>.