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**Civil Rights Organizations Debunk Myths of No COVID-19 Cases in East Baton Rouge Parish Prison**

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Impacted people behind bars share harrowing stories of coronavirus outbreaks, unsanitary conditions

Baton Rouge, LA – Last night, several civil rights and racial justice organizations pushed back on efforts by the Sheriff and Warden of the East Baton Rouge Parish Prison to silence the detainees trapped inside the facility and to hide from community members and taxpayers what the organizations say is really happening in the jail. The Sheriff and Warden, defendants in a federal lawsuit filed by the advocates, claim that the jail has the coronavirus pandemic under control, but the plaintiffs and other witnesses in the jail insist that nothing is farther from the truth and that, in fact, the jail is experiencing a second wave of active coronavirus cases. They say the jail is refusing to test individuals (including asymptomatic individuals who can also transmit the virus), to track the spread of the virus, or to enforce critical protective rules such as social distancing and mask-wearing. When asked if they would undertake widely accepted safety measures like this, officials working in the jail said, “Why would we?” The plaintiffs and their witnesses call East Baton Rouge Parish Prison one of the nation’s deadliest jails and say they want the world to see what’s happening behind closed doors.

The named defendants are the City of Baton Rouge/Parish of East Baton Rouge, Sheriff Sid Gautreaux, and Dennis Grimes, warden of the East Baton Rouge Parish Prison. The lawsuit, Belton v. Gautreaux, was filed by Advancement Project National Office, the Center for Constitutional Rights, The Fair Fight Initiative, Hogan Lovells LLP, and local civil rights attorneys in the U.S. District Court for the Middle District of Louisiana. It argues that East Baton Rouge Parish officials are violating the constitutional rights of people in the jail by exposing them to risk of infection, illness, and death during the coronavirus pandemic.

[CLICK HERE TO READ FULL REPLY]—link to the brief

Since the plaintiffs filed their complaint on May 27, 2020, the number of people diagnosed with COVID-19 in East Baton Rouge Parish has more than tripled, from 3,319 to more than 11,000 by August 6, 2020. As to be expected with such a contagious virus, cases are again reappearing in the jail, contrary to the defendants’ assertion in their motion to dismiss that no new male detainees have been diagnosed, and exposed individuals have been moved into general population. Simply declaring, as the defendants do, that the pandemic in the jail is under control without testing ignores the fact that, if proper surveillance testing were done, a great number of detained people may be shown to have the virus.

Along with the opposition to the motion to dismiss, attorneys filed several declarations from plaintiffs and witnesses at the jail.

“I spent about 45 days on B3, one of the coronavirus lockdown lines that had been condemned before the virus hit. I missed court dates, including one where I was supposed to take a plea deal for time served and two years of parole,” said 25-year-old Plaintiff Devonte Stewart, who developed high blood pressure after being exposed to COVID-19. “While I was on B3, the jail brought at least 12 other men onto the line with me, and we all shared the same space, even while I was trying to recover. Some of the guys never even got tested for coronavirus. The jail regularly moved guys on and off the line.”

Witness Jocquenee Bernard said “They don’t have the virus under control inside this jail. The jail…recently spray painted a sign on the wall about social distancing. But you can’t social distance up in here—it’s still crowded, and there are almost 120 people on the line on top of each other all the time…There are guys who came back from other quarantine or lockdown cells, and they’re also bringing in new people off the street. Now, we’re almost back to full capacity.”

And another witness Billy Pettice, whose temperature spiked to at least 105 degrees while he had COVID-19, said he wants to be released to be able to access safer conditions.

“The guards are very lax in how they’re running the jail—it’s very poorly run, and they’re nonchalant toward the conditions and toward us,” said Mr. Pettice. “Nothing has really improved since the attorneys did their inspection in this case in early June. If anything, things have gotten worse. I’m worried that I’ll get coronavirus again.”

Miriam R. Nemeth, Senior Staff Attorney in the Justice Project at Advancement Project National Office and lead attorney on the case said, “The Sheriff would have people believe that everything is just fine inside the East Baton Rouge Parish Prison. Nothing could be further from the truth. What we are hearing from our community members in the jail are horrifying, gruesome, and abusive accounts of how people are being treated. This has been the case for months during the coronavirus pandemic and even prior to that. We—along with our partners at the East Baton Rouge Parish Prison Reform Coalition and VOTE—continue to demand the release of as many people as possible to save the lives of both those in jails and those in the surrounding. In fact, it’s time to close this jail once and for all and move to an entirely new model of public safety.”

Social distancing—the only effective remedial measure against transmission—is impossible in the jail, which is otherwise decrepit, unhygienic, and unsafe.

“By the Sheriff’s admission, the place where prison officials are housing community members with COVID-19 — even before the pandemic — is ‘deplorable,” said Baher Azmy, Legal Director of the Center for Constitutional Rights. “For the health of these incarcerated individuals, and the broader community — including family members worried sick about their loved ones — the Jail should be working to release those most medically vulnerable and repair the conditions that leave others at serious risk of harm.”

In addition to immediate release, the lawsuit also asks the court to order East Baton Rouge Parish officials to adopt comprehensive measures to protect the safety and health of the people in the jail—particularly the population of medically vulnerable people who are more at risk of contracting the virus. Social distancing–recommended by public health officials as the single most effective weapon against the risk of infection–is impossible in East Baton Rouge Parish Prison because more than 1,000 community members are currently held at the facility.

The lawsuit also outlines the following conditions inside the facility: individuals experiencing shortness of breath, a fever, or loss of taste or smell are not immediately tested or quarantined, if they are at all; staff are not consistently wearing protective personal equipment such as gloves and masks or providing cleaning and hygiene supplies needed to protect people from the virus; jail staff are not enforcing rules to keep people safe; and retaliation from jail staff against those seeking medical intervention to protect against infection.

“The guys tell us that the big dorms—the Q lines—have about 100 people in them, just as the jail did before the pandemic,” said David Utter, Executor Director of the Fair Fight Initiative. “As the pandemic rages in the community, the Baton Rouge criminal injustice apparatus operates as if these were normal times, detaining people unnecessarily for excessively long periods of time. It is simply outrageous.”

To read declarations, background and profiles of the people bringing the case and witnesses, visit this Center for Constitutional Rights resource page.

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Advancement Project National Office, founded in 1999, is a next generation, multi-racial civil rights organization with a mission to fulfill America’s promise of a caring, inclusive and just democracy.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach.

The East Baton Rouge Parish Prison Reform Coalition (EBRPPRC) advances solutions and works collaboratively with criminal justice coalitions to reduce mass incarceration and to uphold the basic human rights of those incarcerated at the East Baton Rouge Parish Prison and their families through education, advocacy, transparency and accountability.

Fair Fight Initiative works through litigation and community advocacy to expose mistreatment in the law enforcement system and to end mass incarceration.

Hogan Lovells is a global law firm committed to providing pro bono legal assistance on behalf of underserved populations, and has long represented incarcerated individuals seeking justice. The firm is presently assisting with several matters addressing the treatment of individuals detained in the wake of the COVID-19 crisis.

Press Contact

Contact: David Utter, Executive Director

[david@fairfightinitiative.org](mailto:david@fairfightinitiative.org)