

Dec 16, 2020 queenseagle.com

NY Attorney General seeks court order in COVID probe of Queens private jailer

State Attorney General Letitia James has taken New York City's lone private jail contractor to court after the corporation stonewalled subpoenas related to the springtime surge of COVID-19 inside its Springfield Gardens lockup. James began investigating the Queens Detention Facility, operated by the massive private corporation GEO Group, in May following a series of reports by the Eagle describing conditions that fueled a surge of COVID-19 behind bars. At least 39 inmates and 32 staff members in the 222-bed jail contracted COVID-19 as sick and healthy inmates shared bunk beds or slept side-by-side in the jail's seven open dormitories. The jail, located in an industrial zone near JFK Airport, gained attention when a federal judge released its most famous inmate, Brooklyn rapper Tekashi 69, over concerns about COVID-19. Despite the drastic spike in cases, the corporation largely stopped testing inmates for COVID-19 in mid-April. In court documents filed Tuesday, James said that GEO Group had ignored her office's subpoenas and refused to release documents relevant to her investigation into whether the company "failed to take adequate measures to protect and provide care for Detainees during the COVID-19 crisis, in possible violation of the United States Constitution." She is seeking an order from a Manhattan Supreme Court judge that would force GEO Group to provide the documents. James' complaint cites "allegations that GEO exposed Detainees and Staff to an unreasonable risk of contracting COVID-19 by failing to provide sufficient personal protective equipment, sanitize dormitory units and linens, enable and enforce social distancing, or separate sick Detainees from those who exhibited no symptoms." The Attorney General's Office issued the first subpoenas on May 26, but GEO Group declined to comply, responding that its contract with a federal agency shields it from state oversight, the court filings state. GEO Group contracts with the U.S. Marshals Service to operate the jail, where it houses cooperating witnesses who are awaiting their own trials and sentencing in federal court. A federal judge in April ordered GEO Group to provide twice weekly reports on the number of people testing positive for COVID and to indicate the steps the company took to mitigate the public health crisis. GEO Group did not immediately respond to a request for comment Tuesday. James said the corporation was still subject to state laws pertaining to jail safety. "Far too often, for-profit detention facilities, like GEO, prioritize their bottom line, and not transparency, accountability, or the wellbeing of incarcerated individuals," said Attorney General James. "GEO has a clear responsibility to the staff and detained individuals in the Queens Detention Facility to promote a safe environment that follows the COVID-19 city, state, and federal guidelines and laws." The Eagle broke the story about the conditions and outbreak at the jail in April after inmates and their loved ones described COVID-sick detainees sharing bunk beds and dorms with non-symptomatic inmates. Staff and inmates did not have personal protective equipment and so many guards were calling out sick that one officer had to patrol multiple units at a time, they said. "Everyone's coughing, sneezing on top of each other," said one inmate April 3. "We're not practicing social distancing because you cannot do social distancing in this jail because everyone is so on top of each other." Over the next two weeks, six inmates, the wives of two others and three defense attorneys contacted the Eagle to describe the worsening conditions inside the jail. A handful of inmates filed a federal civil rights lawsuit, which they later pulled, reportedly because they feared losing favorable deals from federal prosecutors. Jail staff initially isolated sick inmates in the jail's eight-cell segregated housing/solitary confinement unit, but the number of cases quickly overwhelmed capacity in "the SHU," inmates said. Five other dorms — A, B, C, D and E — were used to "house multiple quarantined contacts not displaying signs and symptoms," the jail's warden wrote in a letter to Rep. Gregory Meeks in April. Inmates disputed that warden's account and said sick and healthy inmates were mixed together throughout the jail. One man said he had tested positive for COVID-19 and was concerned about spreading the illness to health inmate with whom he shared a bunk bed. "This is the worst I've ever felt in my life," the inmate said. "They're not giving us the proper care that I think they should be giving us."