

# US Supreme Court defends deadly jail conditions in California

By Marc Wells  
10 August 2020

In a 5–4 vote last week, the US Supreme Court stayed an injunction originally granted on May 26 on the basis of a class-action lawsuit brought by over 3,000 inmates to protect them against COVID-19 in the pandemic. The suit sought to force Sheriff Don Barnes and Orange County, California, to take urgent steps to remedy conditions in Orange County jails, a four-facility penitentiary complex. The Supreme Court ruling reflects the contempt of the ruling class for constitutional rights and its indifference for human life.

The *Ahlman v. Barnes* complaint granted injunction in May alleged various causes of action, such as unconstitutional conditions of confinement and unconstitutional punishment in violation of the Fourteenth Amendment and, where applicable, in violation of the Eighth Amendment to the US Constitution. It also alleged discrimination on the basis of disability in violation of Title II of the Americans with Disabilities Act and of Section 504 of the rehabilitation Act. The District Court concluded that the risk of harm in the jail was “undeniably high.”

The lawsuit sought the immediate release of vulnerable and disabled people in jail, plus the demand to expand social distancing, care, testing and personal protective equipment (PPE). It also sought additional releases to bring the jail population to a level that is compatible with public health experts’ recommendations.

At the time of this writing, the Orange County Sheriff’s Department alleges that all inmates and staff are tested for the coronavirus. This claim is contradicted by facts presented in the complaint, as well as inmates’ reports, taken into account by the District and Appeals’ courts, that the facility was not testing all suspected cases and that at least one symptomatic inmate was left in areas with inmates displaying no symptoms. The Orange County jails complex has run 3,133 tests, with 489 positive results.

In *Ahlman v. Barnes*, the plaintiff alleged that limits in the jail’s design and capacity preclude full social distancing, with beds less than six feet apart. Symptomatic inmates mingle in common areas. Cleaning supplies are insufficient to disinfect living areas, with several cases of supplies not received for days. Moreover, on many occasions, inmates were not tested after exposure to an infected individual.

Remarkably, the original injunction specifically focused on deliberate indifference on the part of the defendant, who was alleged to have made an intentional decision with respect to the conditions that put inmates at substantial risk of suffering serious harm, evinced by the high number of confirmed infections. The injunction agreed that the defendant was not even complying meaningfully with the meek Centers for Disease Control and Prevention (CDC) guidelines, which focus on prevention and management and don’t even contemplate a situation where hundreds within the inmate population have indeed been infected.

The accounts of several inmates depicted highly dangerous housing conditions and were a determining factor in the lower courts’ decision to grant injunction.

- Melissa Ahlman, 32, one of the plaintiffs in *Ahlman v. Barnes*, is a nursing mother, pumps milk for her baby several times a day and shares housing with other women nursing, some with diabetes, others with autoimmune disease. She has to wait in a crowded area among sick inmates who are seeking medical treatment. “I wonder what will happen if I get sick and it spreads to my baby through my milk,” Ahlman declared. “And I worry that I will get sick in here and not be able to come home to her.”

- Cynthia Campbell, 64, has rheumatoid arthritis, a painful autoimmune condition affecting joints and at times the liver, kidneys and heart. The jail conditions force her to come into closer than six feet contact with

other inmates, even when she goes for her medical treatment: “Between myself and the three diabetic cellmates, I believe that we are constantly at risk to contract COVID because of our increased interaction with deputies and other inmates every time we go to medical.”

- Monique Castillo, 43, has type 1 diabetes and is insulin dependent. She’s picked up by guards four times a day and taken to the medical room. Because of that, she fears exposure: “When I travel to the waiting area of the medical office, there are many times that there are too many people in the waiting area to properly distance myself. When we wait to see a doctor, we sit on benches that are close together.”

- Don Wagner, 68, survived cancer and is dangerously exposed to COVID-19, especially when he visits the inmates’ medical station for regular monitoring of blood pressure and thyroid levels. He complained about lack of PPE: “We are not given gloves. We were not given masks either, instead we were given sheets to cut up and bandanas to use. We were not even given these materials until two weeks ago.” He is given a bar of soap a week and has no money to buy any additional cleaning supplies.

- Cecibel Caridad Ortiz, 31, has type 1 diabetes and shares her medical module with six other people: “There are two women who use canes, one who uses a walker, two who are nursing mothers, one who is not autoimmune, and three of us who are diabetic.” She’s been provided one single-use face mask that she had to use for three weeks.

- Enrique Hernandez, 42, explained it’s impossible to maintain social distancing: “The beds are very close together, only a couple of inches apart. If people sleep with their heads facing each other, their heads will touch. I sleep with my feet facing a cellmate’s feet, and our feet touch each other’s during the night.”

The conditions that prevail in the Orange County jails are widespread in California and throughout the US. There have been 8,726 confirmed COVID-19 cases among inmates in the California prison system, with 52 deaths. California’s oldest prison, San Quentin, has been the ground of numerous complaints, with nearly 2,200 infections. As of the end of July, the number of inmates’ deaths rose to 13. “Inhumane conditions” were widely reported by inmates as part of a petition sent to a local Fox television station.

California jails and prisons conditions are so dire that state prison employees represented by the Service Employees International Union (SEIU) filed a health and

safety grievance on July 28 against the state corrections department and its health care system, alleging staffers’ exposure to “uncontrolled” coronavirus outbreaks inside state-run prisons. Additionally, hundreds of guards and prison staff have also contracted the virus.

The Supreme Court decision denies the right to safety during a deadly pandemic and at the same time shows contempt for the lives of the poor and destitute. This is an expression of the ideology of the ruling class, which is indifferent to the suffering of working people and loss of lives, as clearly evidenced by the back-to-work and back-to-school policies.

In her dissenting opinion, Justice Sonia Sotomayor, joined by Justice Ruth Bader Ginsburg, highlighted the jails’ awareness of the facts and knowledge that the pandemic was spreading rapidly.

As the dissenting opinion states, “[I]nmates described being transported back and forth to the jail in crammed buses, socializing in dayrooms with no space to distance physically, lining up next to each other to wait for the phone, sleeping in bunk beds two to three feet apart, and even being ordered to stand closer than six feet apart when inmates tried to socially distance.”

In a section of the dissenting opinion that speaks more to the crisis of bourgeois democracy than to its virtues, Justice Sotomayor wrote, “It has long been said that a society’s worth can be judged by taking stock of its prisons. That is all the truer in this pandemic, where inmates everywhere have been rendered vulnerable and often powerless to protect themselves from harm.”

Indeed, there remains no significant constituency within the ruling class for democratic rule. The most modest demand, such as the guarantee of survival, safe living and working conditions, is viewed with hostility. “Life, liberty and the pursuit of happiness” are no longer basic rights, they are privileges reserved only to the rich.

As social inequality accelerates, so does the reactionary response of the bourgeoisie through the agencies of its state in an attempt to defend its class privileges against the antagonist, the working class.

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