

# Guards sue CoreCivic over allegedly dangerous workplace amid COVID-19

Two detention officers at Otay Mesa Detention Center have filed separate lawsuits against the facility's operator

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Two detention officers at Otay Mesa Detention Center have filed separate lawsuits against the facility's operator, CoreCivic, for allegedly failing to take reasonable steps to protect their health amid the COVID-19 pandemic. That, they said, created a workplace that was too dangerous for them to do their jobs.

The lawsuits were both filed Thursday in U.S. District Court for Southern California on behalf of the plaintiffs, San Diego County residents Margarita Smith and Gregory Arnold. They come as CoreCivic, the private contractor that operates the Otay detention facility, is fighting an outbreak of COVID-19 among detainees and employees, and an outbreak-related lawsuit by the American Civil Liberties Union (ACLU).

The facility houses detainees in U.S. Immigration and Customs (ICE) custody for civil immigration cases and inmates charged with federal crimes in U.S. Marshals Service custody.

As of Thursday afternoon, there were at least 167 people in custody at the facility who had tested positive for the virus, according to facility documents obtained by The San Diego Union-Tribune. Twenty-two CoreCivic employees and nine medical staff had also tested positive for the virus, the documents said.

When asked about the lawsuits, Amanda Gilchrist, spokeswoman for CoreCivic, said the company has taken "proactive measures to combat the spread of coronavirus."

"Our practices have evolved and changed as the CDC guidance and recommendations have evolved over time and as we learn more about the novel coronavirus," Gilchrist said.

She said the facility has a coronavirus medical action plan, that movement around the facility has been limited, that meals are being served in the housing units instead of the cafeterias and masks are being provided to detainees, inmates and employees.

She said all employees are screened prior to entering the facility.

Otay Mesa Detention Center has become a hot spot for the novel coronavirus. Since the first positive case in an employee there in late March set off the facility's outbreak, it has pushed its zip code to the highest number of COVID-19 cases in San Diego County; about half of that zip code's roughly 325 cases are of detainees and inmates at Otay Mesa.

U.S. Immigration and Customs Enforcement and the private prison companies it contracts with, including CoreCivic, have come under scrutiny around the country for conditions in its facilities during the pandemic. A judge in Los Angeles ordered the federal agency to review those in its custody for high risk of severe symptoms if they catch the virus and to release as many as possible.

On Thursday, in response to an ACLU lawsuit, Judge Dana Sabraw issued a similar order in San Diego specific to Otay Mesa Detention Center, calling for immediate review and release of high-risk ICE detainees held inside. The ACLU has another similar lawsuit calling for release of U.S. Marshals Service inmates held at the facility.

Both CoreCivic employee lawsuits echo many of the complaints that have been reported from detainees and inmates, including that they did not have access to soap because the dispensers ran out and were not refilled and that they were given dirty rags to clean their housing units even during the pandemic. Arnold's lawsuit says that he did not refill the soap dispenser because he could not find refills.

These and other issues, the lawsuits say, were because CoreCivic prioritized profits over safety of its employees and detainees.

According to Arnold's lawsuit, the facility's leadership resisted allowing detention officers to wear face coverings at work through the end of March.

"Defendant expressly prohibited Plaintiff and other employees of Defendant from wearing masks and masks were not provided to the entire staff, including those directly guarding suspected COVID-19 patients," the lawsuit said.

On March 29, employees at Otay Mesa were notified via email that three detainees were sick with unspecified lower respiratory illness symptoms. Center leadership said it had made recommendations to house the symptomatic detainees in their unit and restrict their movement for 14 days.

On March 30, the center's warden sent out an email to staff notifying them that one of their colleagues had a confirmed case of COVID-19.

When Arnold went to speak to the warden about the need for more safety precautions on April 1, he still could not convince them to provide, or at least allow, masks in housing units and other areas of the facility that were not for medical use, the lawsuit said.

“Warden Christopher LaRose told (Arnold) that he did not want the employees wearing masks because he did not want to scare the inmates or other employees,” according to the lawsuit. “Warden LaRose also said that if they wore the masks in the housing units, they would ‘shut us down.’ The USMS had not yet renewed their contract with (CoreCivic).”

After the conversation, Arnold got a painful, intense headache and had to go home, he said in an interview with the Union-Tribune on Thursday. He has been on medical leave ever since, but expects his doctor to release him to return to work in a couple weeks if his condition has improved.

He said he was likely to return to work because it was his job and he has to help support his family.

According to the lawsuit by the other plaintiff, Smith, she quit her job in mid-March after leadership at the facility allegedly refused to provide basic safety interventions.

The measures that the facility did eventually begin to implement were “too little, too late,” the lawsuit says.

<https://www.sandiegouniontribune.com/news/watchdog/story/2020-04-30/guards-sue-corecivic-over-allegedly-dangerous-workplace-amid-covid-19>