



Written by [Raven Clabough](#) on April 1, 2020

## D.C. “Stay-Home” Order Includes Jail Time, Fines for Violators, Despite Efforts to Depopulate Jail

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Overzealous and overreaching efforts by the mayor of Washington, D.C., will likely do more harm than good as they could serve to increase the spread of COVID-19, not tame it.



Mayor Muriel Bowser is threatening residents of the Washington, D.C.-area with 90 days in jail if they leave their houses in her “stay-home order” issued on March 30. Violators would also be subjected to \$5,000 fines, the *New York Post* reports.

Mayor Bowser’s order resembles the many “stay-at-home” orders being issued by local and state governments. Residents are asked to stay in their houses unless they need to engage in essential activities such as purchasing food and household goods, seeking medical care, working at essential business, or engaging in recreational activities such as walking and exercising and caring for family members or pets in another household, so long as those activities respect social-distancing guidelines.

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And like many of the stay-at-home orders issued across the country, Bowser’s includes harsh enforcement guidelines that violate civil liberties and could potentially increase the spread of the virus by jailing violators.

Ironically, efforts to curb the spread of the virus have included early release for non-violent inmates in many areas across the country. This has been particularly true in Washington, D.C., where several inmates at the D.C. Department of Corrections tested positive for COVID-19 and dozens more have been quarantined, according to local CBS affiliate WUSA9, prompting members of D.C.’s government to ask police to make fewer arrests to manage the spread of the virus. Bowser’s order undermines those efforts.

[Emergency legislation](#) dated March 17 from the D.C. Council even authorizes the Department of Corrections to release individuals sentenced on misdemeanor charges and speeds up the release of inmates by giving them double credits for taking various life classes offered by the jail. A jail spokeswoman told the *Washington Post* 20 inmates have already been released under the restructuring.

The *Washington Post* reports the district has made efforts to reduce the jail’s population, including encouraging police to issue citations instead of making arrests, depending on the crime. D.C. Police Chief Peter Newsham also said D.C.’s Metropolitan Police Department (MPD) expanded the criteria to determine which arrestees are released, in an effort to bring fewer individuals to court, where there has also been a positive test for coronavirus.

Federal and local prosecutors have also increased the number of cases they have dismissed, the



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*Washington Post* reports.

The ACLU of D.C. and the Public Defender Service for the District of Columbia even [filed](#) a class-action lawsuit on Monday to seek the appointment of an expert to help depopulate the city's jail of individuals at high-risk of debilitating effects from coronavirus, including the elderly and health-compromised inmates. The suit claims the Department of Corrections did not adequately screen or test inmates for COVID-19 and has not done enough to prevent the spread of the virus. It claims a "rapid and systematic downsizing" of the jail population is the "only strategy" to ensure the health and safety of the jailers and staff.

Monica Hopkins, executive director of the ACLU of the District of Columbia, was flabbergasted by Mayor Bowser's order, which would only serve to increase the jail population. "When we saw this order, we thought, 'You want to send them where?'" said Hopkins. "People being arrested for that causes all sorts of problems that are antithetical to the goals of lessening the virus."

In addition to possibly worsening the spread of the virus, the order is concerning for civil libertarians who recognize the dangers of entrusting government with such power. And with a homeless population of 6,500, it is unclear just how the MPD would be able to enforce the order without overpopulating the jail. It's also unclear whether the MPD intends to issue warnings for a first offense.

President Trump said at a Monday press conference that federal officials have permitted local autonomy to make decisions to mitigate the spread of the virus, as they constitutionally should, "We're letting the governors do in their state pretty much what they want, with our supervision, and they consult with us in all cases."

But critics are saying Bowser's order goes too far. "This is insane. Criminal penalties?" [tweeted](#) Mercedes Schlapp, President Trump's advisor to his reelection campaign.

Still, Mayor Bowser is adamant that her order will help slow the spread of the virus. "Our message remains the same: stay home," said Mayor Bowser in a statement on Monday. "Staying at home is the best way to flatten the curve and protect yourself, your family, and our entire community from COVID-19. Many people want to know how they can help right now, and for most people this is how — by staying home."

Unfortunately, Washington, D.C., is [not the only area](#) to impose such a strict orders. Maryland Governor Larry Hogan also issued a heavy-handed stay-at-home order that could jail violators up to a year in prison and includes a \$5,000 fine. Twenty-seven states have issued stay-at-home directives, according to CNBC, but Maryland's is considered one of the strictest. Alaska, Washington, and Hawaii have also issued orders that include lengthy jail time for violators, as well as heavy fines.

Some orders are bordering on the absurd. In Colorado, for example, [failing to wash hands](#) for long enough is an offense with penalties equal to heroin possession, a fine up to \$1,000 and a year in jail, Arapahoe District Attorney George Brauchler opined.

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