

Cycle of Arrests Leads Woman to Jail at a Dangerous Time

After failing to appear in court on traffic and other charges, a pregnant woman was detained overnight at a Montgomery, Ala., jail, where a coronavirus outbreak has occurred.



By **Jenny Gross**

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The coronavirus was probably already spreading through a jail in Montgomery, Ala., when Diamond Davis, a 27-year-old pregnant woman, was detained there on a recent Sunday.

The reason?

She had failed to show up for a number of court hearings on traffic-related violations and other charges.

“I was crying so much,” said Ms. Davis, recalling the day of her arrest last month. “I was very scared for me and my baby.”

Ms. Davis, who is unemployed, was released late the next day after a judge, via teleconference, assigned her a new court date to discuss the payment plan for fines she owes.

While Ms. Davis’s case would be unremarkable in normal circumstances — each week tens of thousands of people facing low-level charges cycle in and out of jails — her experience reflects the extraordinary risks inmates can face when detained as the coronavirus spreads.

Even as officials across the country are releasing nonviolent inmates, including some who have been convicted, civil rights advocates say the releases are happening on sometimes arbitrary terms and not as often as they should be.

With social distancing difficult, America’s jails and prisons, many of which are overcrowded and unsanitary, have become petri dishes for the coronavirus.

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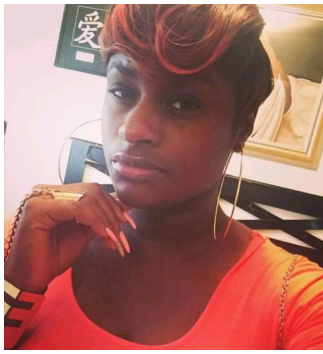
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At Montgomery City Jail, days after Ms. Davis was released, the police reported five positive coronavirus cases among federal inmates, who are held separately from city inmates like Ms. Davis, and five positive cases among nurses and correctional officers, according to local news reports. The number of positive cases has since risen to 21, Michael Briddell, the director of public information for Montgomery, said Wednesday.

Ms. Davis, who had stayed mostly at home in recent months, ventured out on April 19, her 27th birthday, because she wanted her cousin, a beautician, to do her makeup. On her way home, she said, the police flagged her down because her car, which she recently bought, still had temporary license plates from the dealership.

They arrested her and took her to Montgomery City Jail after finding that she was driving without a license or car insurance, had missed court hearings and had failed to pay fines.

Diamond Davis, who is in her first trimester of pregnancy, said she spent a night in a jail cell in April with a woman who was coughing during the night.
Diamond Davis



At the jail, officials denied her request for a mask and gloves, said Ms. Davis, who is in the first trimester of her pregnancy. There was no hot water for hand washing, she and another inmate said. One of the two women in Ms. Davis's cell was coughing. Terrified, Ms. Davis said, she spent the night as far away from that woman as she could.

Mr. Briddell, speaking on behalf of the Montgomery Police Department, said that there had been no complaints about access to hot water and that detainees are given masks. He also said that incoming detainees receive temperature checks, common areas are sanitized and detainees use disposable utensils.

Mr. Briddell said that early in the pandemic, the city took steps to release nearly all nonviolent offenders, adding that the jail held 93 detainees in the last week of April, compared with 115 detainees during the same period a year ago.

"Only the most extreme nonviolent cases are being held," he said.

He said Ms. Davis's case was extreme because she had 16 outstanding warrants.

Claudia Wilner, director of litigation for the National Center for Law and Economic Justice, which advocates economic justice for low-income people, said that overpolicing of black communities had led to the constant issuing of tickets for traffic violations.

This leads to a cycle, she said. People get tickets, and when they do not have money to pay fines, their driver's licenses are suspended. They continue to drive with suspended licenses and fail to show up at court hearings because they cannot afford the fines, and warrants are issued for their arrest. The next time they are pulled over, they are put in jail.

Ms. Davis said that reflected her experience. She said she had failed to appear at past court hearings because she did not have a way to get to court and could not afford the fines she owed.

Mr. Briddell denied that black communities in Montgomery were overpoliced.

The debate over which inmates should be released has played out across the United States, as officials try to balance public safety with public health concerns.

In Chicago, where the Cook County Jail is among the largest known clusters of coronavirus infections, the sheriff released several hundred inmates charged with or convicted of nonviolent crimes. California expedited the release of roughly 3,500 nonviolent inmates who were within 60 days of their release dates.

In a high-profile example, Paul J. Manafort, President Trump's former campaign chairman, was released from federal prison on Wednesday and granted confinement at home because of the coronavirus pandemic.

Martha Morgan, a retired professor at the University of Alabama law school, said that the jailing of people for minor offenses, potentially exposing them to the virus, had put a spotlight on the persistent, underlying problems of poverty and the criminal justice system.

"This is bringing people into places where they could face a death penalty," she said. "Is this reasonable?"

Susan C. Beachy contributed research.