

## **DECLARATION OF JOSHUA JONES**

1. My name is Joshua Jones, and I am the Senior Litigator at Federal Defenders of San Diego, Inc. (“FSDSI”). I am a licensed attorney in California and have practiced primarily federal criminal defense since 2008.

2. FSDSI represents indigent people charged with federal crimes in the Southern District of California, the majority of whom are incarcerated prior to conviction and sentencing.

3. Due to the outbreak of COVID-19, a highly contagious and deadly virus, our ability to consult with our clients has been severely restricted. The MCC suspended legal visitation on March 13, 2020. In addition it has been difficult to get information regarding the conditions at the various facilities where our clients are housed. On March 23, 2020, our office sent letters to the wardens of the local jails requesting that they implement plans to help prevent an outbreak of COVID-19. Thus far, the MCC is the only facility to have responded. As a result, we have restricted our attorneys from entering any of the jail facilities for their own safety and the safety of our clients.

4. Due to widespread reporting and medical opinions that incarcerated individuals are particularly vulnerable to an outbreak of COVID-19, our office is extremely concerned about the health of our FSDSI clients.

5. As a result of this concern, I created a questionnaire and directed our attorneys to ask their detained clients about conditions at the facilities where they are incarcerated. This declaration summarizes what our clients have observed at the CCA (Core Civic), GEO (Western Region Detention Facility), and MCC and reported to our attorneys in the last two weeks. At CCA 9 clients provided information. At GEO 8 clients provided information. At MCC 10 clients provided information.

6. I do not have personal knowledge of the conditions in any of these facilities. My knowledge of these conditions is based on information relayed to me through attorneys working in my office. That said, where accounts corroborated each other or were corroborated by other circumstances, I have attempted to so indicate.

### **Information Regarding Conditions at MCC**

7. **Social distancing is impossible at MCC.** Many respondents state they have unavoidable contact with guards and other inmates at the MCC throughout the day. Some report 24/7 or all-day contact with others. Based on the phrasing of the questionnaire, “contact” may in some instances refer to being within 6 feet of another person.

8. **Sleeping arrangements preclude social distancing at the MCC.** Floors vary in population density. For example, lowest reported number of cell-mates is 2 people per cell on the 9<sup>th</sup> floor. On the 7<sup>th</sup> floor, a dense, dorm-style floor, each range is comprised of two different sleeping units that have free movement between them. One has 14 bunks for 28 people, and as of March 26, was completely full. The other has 15 bunks for 30 people. Respondents say the bunks are “an arms distance” or “practically . . . two feet” from one another. People move freely between the two areas. More than one person reported being “packed like sardines”; another person described it as “amazingly cramped.”

9. **Social distancing is not practiced in communal areas or at mealtimes.** In day rooms, 28 or more people will move freely in the area and sit immediately next to each other while watching television. When eating, people sit shoulder to shoulder with up to 8 people at a table.

10. Guards do walk-throughs all day long and, according to most reports,

come into close contact with detainees. Most respondents had not seen any guards wearing masks. Only some guards wear gloves. Detainees wear neither.

11. **Information about COVID-19 is limited.** Many respondents say the only information they've received about COVID-19 is from watching television. Some say that they have heard to wash their hands and shower more regularly; others say they have received no instructions about covering their mouths or washing hands.

12. **There are hygiene problems at MCC.** Some respondents have not had access to hand sanitizer, and others reported that communal dispensers are frequently out of soap.

13. Some detainees had to resort to buying soap. Prices range from \$1.15 to \$2.60. Reports indicate that access to the commissary has been reduced over the last few weeks and one respondent said access may now be cut off due to inventory.

14. Showers are communal and are not sanitized between uses. On dense floors, as many as 58 people share the same shower or range of showers. Chemical cleaners are not available to detainees who want to clean showers between uses. Shower cleanings occur once a day, but not at a clearly designated time.

15. Some detainees report that they do not have adequate supplies to clean their own space.

16. Bathrooms are shared. One respondent indicated that when under lockdown, as many as 120 detainees might share one bathroom.

17. **The MCC is not systematically checking detainees for COVID-19.** Several individuals reported that the last time they had their temperature taken was at booking. Others state that it would be difficult to ask to have their temperature taken, because of the number of people on the floor.

**18. Indications that COVID-19 may already be present in MCC.**

Several respondents stated they have observed dry coughing and other COVID-19 symptoms in multiple other MCC detainees. One respondent said that some newly arrived male detainees are coughing up blood and spitting it into open top trash cans.

19. One respondent observed a detainee who was coughing for four days, sleeping all the time, and exhibiting extreme fatigue and weakness. The sick detainee “went man down” and had to be carried to the bathroom by other detainees and then back to his bed. The detainee is no longer on the floor; the respondent thinks he was taken to the SHU. The respondent expressed concern because the sick detainee had been around everyone else on an extremely populated floor and had a habit of squeezing people’s shoulders in greeting.

**20. The lack of communication and systematic testing is problematic because people are not reporting symptoms.** According to several respondents, male and female detainees are coughing but not reporting symptoms. Some are reluctant to report because they do not want to go to the Special Housing Unit (“SHU”), i.e. solitary confinement. Others working in the kitchen don’t report symptoms because they don’t want to be written up as a “no show” and lose their jobs.

21. Those who do report symptoms are not treated quickly or separated from the general population. One respondent stated that a nurse told three coughing detainees to drink water and rest.

**22. Respondents have observed few changes in response to the ongoing pandemic.** Apart from restricting outside visitors, reducing commissary access, and limiting recreational time on the roof, respondents have observed little to no change in how MCC operates since the COVID-19 outbreak.

23. The individuals interviewed said they were worried by what they saw on the news and in the MCC. No one feels safe from the spread of a contagious disease.

### **Information Regarding Conditions at GEO**

24. **Social distancing is impossible at GEO.** Respondents state they cannot maintain a six-foot social distance from other detainees and staff. One reported that it is impossible not to touch other detainees.

25. **Sleeping arrangements preclude social distancing at GEO.** Detainees at GEO sleep in close quarters, in beds spaced three to four feet apart. One respondent reports sleeping just a few feet away from a well-trafficked hallway.

26. **Social distancing is not practiced in communal areas or at mealtimes.** Detainees eat communally and close together. For example, one respondent reports lining up close together at meal times and eating at a single table with six other people.

27. They also spend downtime together. Two respondents report that their units of up to 36 people spend most of the day in cramped TV rooms, which are too small to allow for social distancing.

28. No detainee reports living in a single-person cell. The highest reported number of detainees per cell is 11 people in a 12 person cell.

29. Guards continue to perform physical searches of detainees, ranging from patdowns to full searches. One respondent has been strip searched in the last two weeks. Another respondent reports standing shoulder to shoulder with other detainees once per day for count.

30. Detainees wear gloves only while cleaning. Neither detainees nor

guards wear masks.

31. **There are hygiene problems at GEO.** Every respondent said there is no in-unit hand sanitizer.

32. Respondents receive free soap: one bar a week. One person reported that people tend to share the same bar of soap. In a March 27 interview, another stated that GEO was out of soap two weeks prior and did not commission it until the following week.

33. It is difficult to get more soap if needed. One respondent said he was unsure of how to get more soap, other than organizing with other detainees. Another expressed concern that detainees won't be able to get more soap because he believes GEO is about to restrict or end commissary access.

34. Showers are communal and are not sanitized between uses.

35. Rags for cleaning communal areas are reused for about a week at a time.

36. **GEO houses detainees at high risk of serious illness or death.** Respondents report comorbidities like diabetes, high blood pressure, cancer, and asthma.

37. **Indications that COVID-19 may already be present in GEO.** Almost all the men and women interviewed stated they have observed dry coughing and other COVID-19 symptoms in other GEO detainees. Two respondents reported experiencing symptoms themselves, including fever and coughing.

38. One respondent reported that a detainee with a cough and a fever asked to see a doctor but was refused. According to another respondent, GEO was slow to order a medical examination for a very sick detainee and did not treat two others with fevers for five days.

39. **Detainees at GEO do not feel safe.** The individuals interviewed said they were worried by what they saw on the news and in the GEO facility. No one feels safe from the spread of a contagious disease. As one detainee stated, “I feel like I’m going to die here.”

### **Information Regarding Conditions at CCA**

40. On March 31, 2020, a respondent stated that CCA had held a town hall where the inmates were informed that a CCA employee had tested positive for COVID-19.

41. **Sleeping arrangements are better at CCA than at most facilities, but are still shared.** Respondents generally report 2 to 3 detainees per cell and describe their cells as small. One respondent estimated his cell was 6x9, another estimated 8x10. Another respondent notes that social distancing is difficult in the dayrooms, where there are few tables and people sit close to others.

42. **Social distancing is most at issue during meal times, known as “chow.”** Dining tables are circular and seat 7 people close together. Respondents state the tables were full until recently. One respondent stated chow was crowded enough that there were not enough tables for everyone. CCA has now moved to a three people per table rule, with a chair between each person and reorganized the feeding schedule to reduce the number of people at chow at any given time.

43. **CCA’s process of moving detainees to chow, which involves crowding 20-25 people into a locked room, defeats its other social distancing measures.** Respondents report lining up to leave their pod and then squeezing 20-25 people into a locked sallyport until the next door is opened into the dining area. Multiple respondents expressed discomfort with the cramped conditions of the sallyport, where everyone is shoulder to shoulder and touching. One respondent

stated he no longer goes to chow, so as to avoid contact in the sallyport.

44. **CCA provides information about COVID-19, but many respondents find the information insufficient.** CCA organized a lecture about coronavirus and what people should do to take care of themselves. Doctors visited and said that numerous people were tested, but no one tested positive. One respondent states that the lecturer told them that the virus spreads through touch and physical contact, not air vents.

45. Another respondent states that CCA is limiting the questions people can ask, and that they're learning more about the coronavirus from the news than CCA staff.

46. **CCA relies on volunteer-based cleaning.** Respondents report that they each have a stick of free soap, and most report that they do not have hand sanitizer. People must pay if they want shower soap or anything more than stick soap. One respondent said there is no place to wash hands in the dining room, and that he and his cellmate share the small white soap bar for their cell.

47. Detainees have cleaning supplies, including disinfectant and a rag.

48. Showers are not sanitized between uses. Respondents interviewed close to a week ago state that showers were washed once a day; respondents interviewed more recently state it has changed to twice a day. One respondent reports the showers are pressure washed once a week. It is unclear if showers are actually sanitized with chemical cleaning solution.

49. Cleaning and wiping down surfaces is volunteer based. One respondent reports it depends on the officer in charge and whether they order it. Cleaning is happening more frequently now than a week ago, once every hour in some cases.

50. One respondent said he worries because not all detainees are taking

precautions; a lot of people do not wash their hands. Another worried that not all detainees shower.

51. People working in the kitchen aren't given masks, even when they ask for them out of concern that they'll get people sick.

52. One respondent stated that the facility ran out of toilet paper.

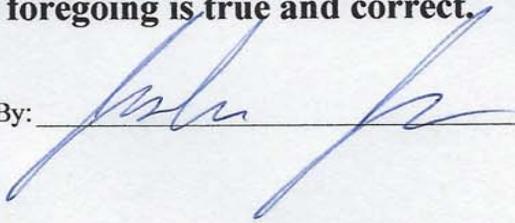
53. **Confirmation that COVID-19 is already present in CCA.** One respondent reports observing another detainee with a bad dry cough and said he sees sick people all the time. Another respondent in medical learned that two people in a pod were exhibiting COVID-19 symptoms and were moved to a different pod. That respondent sees guards wearing robes and masks coming out of the pod the two sick detainees were moved to. Another respondent reported similar sightings at that pod, and that he had been told it was isolated because of coronavirus. He sees that four or five people are in isolation there. Yet another reported a few people had been moved out of his pod, potentially for coronavirus related reasons.

54. Respondents report that at least two guards are conspicuously absent. One guard has not been in for two weeks, and other guards won't say why. Another said she would not come in if there were confirmed cases of COVID-19 at CCA, and has also been absent.

55. **CCA is making changes, but detainees remain afraid that guards are sick and bringing COVID-19 into the jail.** Respondents report that the jail has become less crowded recently. People are being released, and they're not bringing in new people. They have also noticed that the jail is separating vulnerable people, pregnant individuals and those with respiratory issues, from the rest of the population. However, respondents remain nervous that guards are bringing the disease in. They do not feel safe from the virus' spread.

**I state under penalty of perjury that the foregoing is true and correct.**

**Executed on:** March 31, 2020

By:  \_\_\_\_\_