

DECLARATION OF Kamal Donchy

I, Kamal Donchy, certify
under penalty of perjury that the following statement is true and correct pursuant to 28
U.S.C. § 1746.

1. My name is Kamal Donchy. I am 46

years old. I am currently incarcerated at

Connexion/Central Treatment Facility

in Washington, D.C., in the D-4-A unit. I have been at this facility since

7/26/14.

2. On or about March 13, Officer
Bridget Carter met with the men
housed on my unit. She is the unit
officer. Officer Carter told us that the
coronavirus meant there were new
daily procedures.

3 The new policy was that inmates
were not allowed hand sanitizer.
EXOR 4/4/20

There were hand sanitizer dispensers mounted on the walls. They were taken down and given to COS.

K6 ~~H~~ Officer Carter said anyone who was on the unit had to take part in cleaning the unit.

K6 ~~H~~ As of April 4, 2020, my unit has not been cleaned and sanitized in approximately one week.

5. Inmates on detail do basic sanitation such as sweeping and taking out trash. There was a special sanitation detail in March, but it has been discontinued.
6. The medical staff last came to our unit about a week ago because a resident asked an officer to take his temperature because he felt sick

APC-4/4/20

3

The medical staff were called to the unit, but refused to meet with the sick resident. He was told he had to fill out a sick call slip. I believe that was Monday or Tuesday.

7. Medical staff have never come to my unit to discuss coronavirus. The week before we heard about Coronavirus, the first week of March, medical came to discuss Tuberculosis. They have not come back to speak to us since.

8. Residents on my unit have complained of fever, cough, and shortness of breath but have not been seen by medical.

A of C 4/4/20

9. The only person taken off our unit for medical infirmary care fainted or passed out, and had to be carried off the unit. Previously he was sick but continued to work. This happened the week before last.
10. The facility does laundry only once a week.
11. We were told in the week of March 13, 2020 that we could have cleaning supplies. A week later, the supplies stopped coming. Since the supplies stopped coming I have been unable to clean my cell.
12. I clean my cell with watered down cleaner and my personal shower towel. No strong cleaners or rags or paper towels are available.

A of O 4/4/20
4/4/20

13. The week of March 13, 2020, there were daily broadcasts over the loudspeaker reminding us to clean our cells. Those announcements stopped after 1 week and I have not heard one since.
14. Inmates cannot use hand sanitizer.
15. There are not enough officers to deliver commissary so we cannot order extra soap if we need it. Commissary is late K.C.
16. DOC does not clean common areas every 2 hours.
17. Today at about 10¹⁵am, Lieutenant Holland told us that we would be restricted to our cells 23.5 hours per day. A lot of inmates are locked in with their cellmates.
18. There is no sink in my cell and no toilet in my cell. I cannot wash my hands

AQC 4/4/20

When locked down.

19. The bathrooms are shared by all and are only cleaned once per day.
20. No professional cleaning staff have come in to clean. DOC staff no longer come to our unit to clean.
21. The hand sanitizer units on the walls we are not allowed to use.
22. As fewer and fewer staff help us, I am afraid the facility is breaking down. I am afraid that I will die in CTF.
23. I am preparing for my death. Every day a new person gets sick, and if I get sick, I fear that I will die due to my fragile health.
24. I think things will be a lot worse by next week. The

AJC 4/4/20

Cleaning supplies are gone. The food is cold and inedible.

25. When we are out, ^{of our cells.} 15 people are out at a time. But today that has changed to 5 ^{30 min per day.} we have to do everything in 30 min.
26. We sanitize the phones and desks. DOC Staff do not.
27. DOC Staff are just trying to survive. They do not come in to clean.
28. I believe that I am going to die in here if I do not get help and if conditions are not improved. Other people have told me they are afraid they will die in here if no one helps us, ~~except~~
29. People need to be sent home. There are not enough medical or supplies to go around if we are all left in here.

A 204 4/4/20

30. In 30 minutes we have to use phones, heat food and water, take a shower, and get access to any cleaning supplies. Sometimes there are no cleaning supplies.
31. on Monday or Tuesday I talked to The Washington Post on the phone. An article was published and I am quoted in it.
32. Last night 4/3/19, Lieutenant Icamava took me to medical. I sat for 30 minutes and was not seen.
33. ~~Lieutenant~~ An officer told me that they, the people up top, do not like me in this jail because I talked to The Washington Post. He warned me not to talk to the press or to lawyers investigating the jail. I am talking to you voluntarily and freely but I do fear retaliation.

#Q04 4/4/20

34. I fear retaliation from staff and from the government.
35. I do not know the identity of the staff member who warned me because he wore a mask and I could not see his face.
36. Staff open our legal mail. We fear they are reading it.
37. I cannot reach my lawyer. He does not visit. I cannot call him on the phone. I have a stack of documents for him to read and no way to show them to him. This is because of the new rules about coronavirus. He is a very good lawyer when this is not going on.

[Signature] 4/4/20.

9.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on the 4 day of April 2020, in Washington, D.C.



Kamal B Donchy

~~Central Detention Facility~~
~~1901 D Street SE~~
~~Washington, DC 20003~~

Correctional Treatment Facility
1901 E Street SE
Washington, DC 20003

DECLARATION OF James Guillory

I, James Guillory, certify
under penalty of perjury that the following statement is true and correct pursuant to 28
U.S.C. § 1746.

1. My name is James Guillory JR. I am 19

years old. I am currently incarcerated at

Correctional Treatment Facility

in Washington, D.C., in the D2A unit. I have been at this facility since

August 12, 2019

James Guillory
4/4/20

2. When I was brought down for this legal visit from my unit, an officer told me I should cover my face. I asked what I should use. My unit has no masks available. Inmates have never had access to masks. The CO gave me a paper towel and told me I could use it as a mask.
3. Inmates do not have access to hand sanitizer. For the last 2 weeks, we have been told that if we use the sanitizer dispensers on the unit we will get in trouble.
4. For the last few days, there have only been announcements to clean the units every 3-4 hours. Inmates are supposed to clean when they hear the announcement. The person assigned to clean my unit only cleans when he is hoping to get out of lockdown. No one confirms whether he has cleaned.
5. I and some of the other guys clean when the assigned person doesn't. No one checks.
6. I have never seen professional cleaners come to clean the unit.

James Dillberry
4/4/20

7. I have only ever seen the COs clean their ~~own~~ desk, not anywhere ~~else~~ on the unit.
8. I get a tablet to do schoolwork that has been used by other inmates. It is not cleaned or sanitized between uses.
9. I put in a sick call slip 3 ~~Saturdays~~ ^{weeks} ^{ago}, on a weekday. I ~~to~~ took 2 weeks to get seen by sick call. I did ^{not} ^{so} get taken to the infirmary.
10. I have chronic bronchitis. Medical has not evaluated my breathing or my coughing since we first heard about coronavirus.
11. No one from medical has ever met with us to discuss coronavirus.
12. COs advise us to wash our hands every day.
13. Everything I know about social distancing or the dangers of being around other people is what I saw on TV news.

James Dillberry
4/4/20

14. No one from DOC has ever told us about social distancing. There are no signs about social distancing. We have to stay in our cells. A lot of people on other units have cellmates.
15. The only signs on the walls talk about washing hands and coughing into your elbow.
16. There are no signs up or announcements made to know what the symptoms of coronavirus are. I learned the symptoms from a part of my biology homework at Georgetown Prism Scholars. We were learning about coronavirus before it arrived in the United States.
17. I hear people on my unit coughing. Some people are sick. Sick call does not examine them and they are not sent to medical.
18. Some of the staff have masks and paper suits that they bring from home. There are masks on our unit for residents.

James Silberry
4/4/20

19. Toilet paper we get free access to. I get soap from commissary. No Doc staff has ever offered me soap. I do not know how I would get soap if I needed it.
20. ~~Thurs~~ Thursday, 2 days ago, I asked for a rag to clean my cell. We were told to clean our cells for room inspection. The CO told me there were no rags either on our unit or in the supply closet, which is kept locked. I ended up using an old ripped up rag. The rag looked ~~clean~~ stained and not clean.
21. There is no sink in my cell. There is no soap provided at the unit sinks. People share their personal soap so that we can have soap at the sinks.
22. No one is telling us how many people have Coronavirus. I believe based on what other inmates have told me that coronavirus patients are housed in many different units including medical, SHU-B, and the C building.

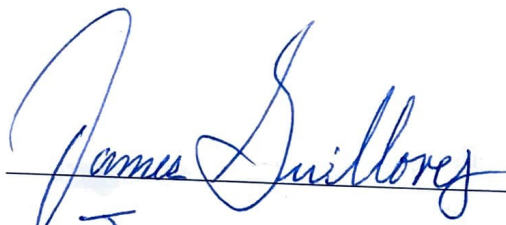
James Guillory
4/1/20

23. Our food is delivered on trays from CDF. The lady who brings our lunches does not wear gloves. I am afraid to drink the juice in case there are germs.
24. When cos sneeze or have bad coughs, no one questions them about their symptoms or takes them off our unit.
25. I feel worried. I believe I will get Coronavirus ~~is~~ because of the conditions in here. The precautions being taken are too late and are not effective. I am worried that if I get coronavirus in here I will die. I could put in a medical request if I get sick with coronavirus and by the time anyone comes to check on my symptoms I could be dead.
26. The ~~milk~~^{food} they bring us from the jail is cold and the milk is spoiled and not kept on ice. I am afraid that if I drink the milk I will get sick. I am hungry because I am afraid to eat all of the food. The food tastes spoiled.

James Quilley
4/4/20

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on the 4th day of April 2020, in Washington, D.C.


James Guillory Jr.

~~Central Detention Facility~~
~~1901 E Street SE~~
~~Washington, DC 20003~~

Correctional Treatment Facility
1901 E Street SE
Washington, DC 20003

DECLARATION OF David Randolph

I, David Randolph, certify
under penalty of perjury that the following statement is true and correct pursuant to 28
U.S.C. § 1746.

1. My name is David Randolph. I am 20

years old. I am currently incarcerated at

Central Detention Facility

in Washington, D.C., in the NE2 unit. I have been at this facility since

March 19, 2020

April, 4/
2020

David Randolph

- 2) When I was brought over to the jail. I was on intake for 5 days. After intake I was taken to NE 2.
- 3) I do not ^{DR} ~~know~~ know what quarantine is. No one ever told me that I was being separated from other people to make sure I'm not sick.
- 4) I have sent about seven medical slips asking to see the doctor because my immune system is messed up.
- 5) I was coughing up blood for two days this week. I have not seen a doctor. I have been telling sick call but they just walk past me.
- 6) Right now I just feel sick and my eyes and throat hurt.
- 7) I am locked in my cell 23 hours a day
- 8) my cell mate has a cough. ^{DR} ~~I am~~ He has been asking for the doctor

David Randolph

4/4/20

but no one takes him.

- 9) Since I got here, the staff tell us nothing about the coronavirus. On the TV they say the coronavirus is getting worse.
- 10) The staff ignore us so they don't have to come near us.
- 11) I have an inhaler for asthma.
- 12) I know you have to be six feet away from people to be safe from coronavirus. I learned that from the news.
- 13) I can't stay six feet from people in here.
- 14) I only have soap because someone another inmate gave it to me. The DOC has never given me soap. The DOC did not give out soap last week to me.
- 15) I feel scared because I don't want to catch it. I'm scared I'm going to catch it. I'm always in a room with somebody. I'm afraid I'll get

David Randolph

4/4/20

4 page

Real sick and be throwing up. I don't know any other symptoms of Coronavirus. I did not know that coughing was a symptom until my lawyer just told me.

16) This is the first time I have met my attorney in real life. We have not been able to talk about my case. I have never seen my police report.

17) No one has been moved off the unit because they are sick. Lots of guys on my unit are coughing including the guy in the cell next to mine.

18) I'm not getting treated right. I don't feel safe.

19) One time my chest felt tight in intake. I told them ^{stop} and they did not take me to medical and refused to give me water.

David Randolph 4/4/20

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on the 4 day of April 2020, in Washington, D.C.

David Randolph

Central Detention Facility
1901 D Street SE
Washington, DC 20003

~~Correctional Treatment Facility~~
~~1901 E Street SE~~
~~Washington, DC 20003~~

1

DECLARATION OF Micheal Cohen II

I, Micheal Cohen II, certify
under penalty of perjury that the following statement is true and correct pursuant to 28
U.S.C. § 1746.

1. My name is Micheal Cohen II. I am 42

years old. I am currently incarcerated at

Central Detention Facility

in Washington, D.C., in the NE-3 unit. I have been at this facility since

7-7-2018.

Mr. Cohen

4-4-2020

2. I suffer from asthma. I carry an inhaler. I have an asthma attack about once a week.
3. The first time I heard about coronavirus was on the news in January.
4. No one from DOC has ever met with me or my unit to discuss coronavirus or COVID with me or any other residents.
5. No one from Unity Health has ever met with me or my unit to discuss COVID with me or any other residents.
6. An inmate on my unit was locked into his cell 73 cell about 2 days ago. He was quarantined. The staff did not tell us anything. I learned this from another inmate. He was suspected of having coronavirus. I do not know if medical saw him. I do not know if he went to the infirmary. I never saw anyone go into his cell to provide medical care.
7. There are at least 5 people on my unit who are coughing frequently. No one from the staff approaches them when they

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4-4-2020

- Cough to ask them to cover their mouths or to offer medical care.
8. When I use the phone to call my loved ones, I have to stand right next to other inmates, including inmates who are coughing.
 9. The phones we use are not cleaned or sanitized between each use.
 10. There is a backup at the infirmary so that it will take time to be seen.
 11. If I put in a sick call slip, I will not be seen by sick call for 2-3 days.
 12. I work in the kitchen. I have seen others who work in the kitchen complain of being sick and ask to go to the infirmary. One of the kitchen staff was coughing. Another inmate in the kitchen was sick with flu like symptoms. Neither of them were seen by sick call or the infirmary. Both inmates kept working in the kitchen while sick.
 13. If I tell a CO that I am too sick to go to work, I am told to go to work anyway. The only way to get out of

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work for illness is if the Infirmary or sick call gives you a slip. But since we can't get to the infirmary or sick call the day we begin to feel sick, we are forced to work sick or we face punishment.

14. Kitchen workers' declarations of being sick are ignored. Inmates are working in the kitchen today who are coughing. Inmates are working in the kitchen today who have told CJs that they have diarrhea.
15. We are now making food in the CDF kitchen for both CDF and CTF.
16. In the kitchen we get hairnets and beard guards and gloves. We do not get masks. We wear white clothes. We get back different ones every day. Sometimes they don't seem like they have been washed between shifts because when we go to put them on there are dirty clothes and old hairnets in the bin we get the white kitchen clothes out of.
17. The CJs told me that they get their temperatures taken on the way into the building. They did not say whether they have to take surveys. If you pass the survey you get

M.E.I
4-4-2020

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P. 5

a green or pink dot sticker to put on your badge. I have seen people inside the facility without a dot sticker on their badges every day since that procedure started.

18. Once new inmates are assigned to a permanent housing unit, if they later get ^{reassigned} ~~reassigned~~ to detail, they move to our unit ^{with Quarantining} to see whether they have gotten sick since entering the jail.
19. There are signs up in our unit that describe COVID-19. The signs do not tell us what the symptoms are. The signs tell us not to spread misinformation about COVID, but the signs do not give us the correct information we should know.
20. There are signs up in the unit with the lighthearted slogan "keep calm and wash your hands." I feel that the signs trivialize what is going on.
21. Staff assume that we get information about COVID from the news or from family phone calls. People whose real time is not during the news or who don't talk to family wouldn't be able to find out if corona

M-LP

4-4-2020

has gone airborne or mutated or could otherwise hurt us in some new way.

22. When we travel from our unit to work, we are packed 10 people into an elevator about 6 feet by 6 feet wide.
23. When inmates or staff bring food trays to the units, the inmates are not wearing masks. Some staff do not wear gloves.
24. The staff do not have access to masks. Some of them wear homemade masks they bring from home. One staff member on a unit (I think it was South 1) was wearing a red bandana over his face today. The white shirts, only some wear masks.
25. When inmates exhibit symptoms they are not being taken seriously or given treatment promptly.
26. I filed a complaint on March 29, 2020, about un-screened inmates being transferred to my unit. On April 1, 2020, the grievance was returned to me with no response. I spoke to Deputy Warden K. Landerkin on ^{APPROX. MAR 28th} April 1. She told me that they will not stop transferring inmates between units.

M-2P 4-4-2020

There is no reason to stop transferring inmates, she said, because medical has not given us a reason to stop transferring inmates between units.

27. Video visitation still takes place. Loved ones come to the video visiting center. The DOC Staff member who works in the video visiting center to screen loved ones making a visit came in person to my unit about two weeks ago. He was not wearing gloves or a mask.
28. Inmates, not DOC staff, clean common areas of housing units. Inmates clean a few times a day, using the same dirty rags each time they clean. The rags are ~~changed~~^{reused} laid on a rail to dry at the end of each day as though they are to be utilized the next day.
29. The cleaning solution is refilled by the detail workers. The DOC staffer who refills the bottles left yesterday before the cleaning inmates could refill the bottles from the large jug he brought to refill, and so many of the cleaners had no cleaning solution yesterday.

M. L. 4-4-2020

30. I have never heard an announcement advising people to clean. I have not heard such an announcement either in person or over the PA system telling people to clean.
31. No one inspects the inmates work after they clean to see if the areas are clean.
32. There is a closet of cleaning supplies on my unit meant for inmates to use to clean their cells. That closet is kept locked. COs frequently deny access to the closet when an inmate asks for cleaning supplies. I saw someone ask for cleaning supplies and get denied yesterday.
33. We have sinks in our cells. There is no communal sink to wash hands when we are having communal rec time. I cannot wash my hands after playing chess or using the phones without sacrificing the remainder of my rec time. The doors to the cells are opened every hour on the hour, so if I ask to wash my hands I am told to wait until the hour mark during rec time.
34. My sink has warm and cold water. It does not get hot.
35. We get one roll of toilet paper per week. It is not enough for a week.

MCP 4/4/2020

36. Laundry is once per week, but there are no laundry bags, so you can't wash your clothes if you can't find one or didn't get one when you came in. It has been months since new inmates got laundry bags.
37. If you are at work when the laundry service comes around, there is no way to get your clothes laundered.
38. Inmates wash clothes in their sinks and toilets. They do that because the laundry service often gives people staph infections because clothes do not come back clean. I get pimples that I was told were a staph infection when I use the laundry in the jail.
39. I have never seen professional cleaners who were not inmates cleaning.
40. The cleaning supplies are watered down. I was on the programming unit at CTF from October 2018 to October 2019. One of our chores was to water down the cleaning solution for my unit, 25% cleaner, 75% water.
41. ~~we~~ ^{not} I have no access to hand sanitizer. There is hand sanitizer in the kitchen but nowhere else at CDF. At CTF, the hand sanitizer dispensers were filled with surface cleaner like Orange Glo, instead of with sanitizer.

-M-~~CH~~
4-4-2020

- 11/10 P.10
42. Inmates need more guidance on contamination such as dirty mop heads and dirty water ~~from~~^{not} that is used throughout the unit
43. I know about social distancing from the news. No staff or anyone who works at DOC has ever told me about it. It's laughable to talk about it here because it's impossible here.
44. In the kitchen, I am only a few inches from other inmate kitchen staff.
45. When the CTF kitchen closed, the CTF kitchen staff were brought over to work at the CDF kitchen. Many of those staff are sick or coughing. I move my work station in the kitchen to try to avoid being near kitchen staff from CTF.
46. DOC assumes that we know what is going on, but we have little information about this illness.
47. When we have rec on modified schedules, the unit is not adequately cleaned between rec shifts.
48. Some cleaners volunteer in the kitchen and then do not clean.

M. L. P.
4-4-2020

49. I do not believe that DOC knows that people can be asymptomatic carriers. I learned about asymptomatic carriers only from phone calls with loved ones. I think DOC does not know because they act like if someone isn't obviously sick there is no risk.
50. No one tells us what is going on. The signs do not tell us. If I were in lockdown and had lost TV or phone privileges I would have no idea what corona is.
51. People on my ^{unit} still give each other high fives. People still eat and drink each other's food and beverage bottles. Staff do not warn people these things are unsafe.
52. The kiosk that we order commissary from is almost never cleaned. It was visibly dirty with fingerprints when I saw it earlier today.
53. No one has told us not to lick our fingers.
54. Other inmates cough on me or in my vicinity.
55. Four of the ~~DOC~~ ^{contract} staff from Summit in the kitchen have coughs. They continue to come to work. They have been sick ten days. I saw all four of them in the

M-I 4-4-2020

4-4-2020

Kitchen today.

56. I think I'm going to die. Because I am asthmatic, ~~I~~ believe I am going to contract COVID, and that I will receive grossly inadequate medical care. I am very scared that I am going to die within just a few months of my release date.
57. I am concerned that the cbs will stop coming to work because they don't get the proper equipment to feel safe being around us.
58. I know that CDC guidelines say we should stay 6 feet apart and there shouldn't be gatherings of 10 or more people. Those guidelines are not followed. They are putting my health and safety at risk.
59. They will lock us down and isolate people for punishment but they ^{are not} properly isolating people who have symptoms even though they clearly know how to.
60. I believe I could die in jail. I've been in jail 21 months and I just want to go home alive. I fear that I will not live to see my June release date.

MCP 4-4-2020

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on the 14th day of April 2020, in Washington, D.C.

 Michael Cohen II

Central Detention Facility
1901 D Street SE
Washington, DC 20003

~~Correctional Treatment Facility~~
~~1901 E Street SE~~
~~Washington, DC 20003~~

4-4-2020

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EDWARD BANKS, *et al.*,

Plaintiffs-Petitioners,

v.

QUINCY BOOTH, in his official capacity
as Director of the District of Columbia
Department of Corrections, *et al.*,

Defendants-Respondents.

No. 1:20-cv-00849 (CKK)

DECLARATION OF JEAN JOHNSON

1. My name is Jean Johnson. I am competent to make this declaration and I make these statements based on personal knowledge.
2. I work as a clerical assistant for the D.C. Department of Corrections (DOC) and have an office in the Correctional Treatment Facility (CTF). I have held this position since May 2019.
3. This March, I reported to work all but three days until March 18, 2020. That evening, after reflecting on the lack of preparedness at the CTF and the way DOC responded to past health emergencies, I realized that I could not go back to the facility. I began using sick leave on March 19, 2020. My sick leave expired on March 26, 2020 and I started on unpaid leave that day. Now that I am not earning income, I am scared about my ability to afford basic necessities. But I am more afraid of the risks to my life and health that come from continued work at the CTF.
4. DOC does not respond well to medical emergencies in the best of times. On three occasions since December 2019, including two since late January 2020, I saw staff or inmates fall to the ground from heat, exhaustion, or a medical condition and noticed that they did not receive

medical attention for nearly fifteen minutes.

5. The start of the covid-19 crisis did not bring increased urgency. For example, on March 13, I brought a mask to work to protect myself from the virus. A correctional officer told me not to wear the mask because it might scare the inmates. Before I ceased coming to the facility on March 19, I did not see any other staff or inmates wearing masks or protective gowns.
6. I have concerns about the general hygiene at CTF. The building has a strong odor and mold covers many surfaces.
7. The only individuals I have ever seen clean the facility are inmates and I have never seen them receive any training or instruction on how to sanitize effectively. I have never seen an inmate wear a protective mask or a gown when cleaning.
8. DOC officials have made it difficult for me and my colleagues to contribute to social distancing efforts. On March 31, 2020, I asked my supervisor if I could work from home. My supervisor said that DOC “is not a teleworking agency” and that it would not allow employees in my position to work remotely.
9. My duties consist of entering data and organizing optional programs. Although programmatic work requires me to be at the facility, it is my understanding that DOC has cancelled optional programs in light of the covid-19 crisis. As for the data entry, this work could easily be done from home. It is my understanding that DOC has the technological capacity to allow employees to access administrative systems remotely and has a stockpile of laptops with those systems loaded onto them. If the Department allowed me to borrow such a laptop, or instructed me on how to connect to those systems through my personal computer, I could work from home without any problems.
10. Each time staff members enter the facility, they may bring traces of the virus inside. Those

particles will spread easily. For example, staff members must place their bare hands on a biometric scanner to clock in when they start work. Walking through corridors often requires passing through a set of secure doors. When staff members pass through one door, they must press a button and wait for a central control to open the second, they often stand in small groups in a narrow space, with little distance between them. Similarly, inmates and staff can only move through individual housing units via three elevators (the staircases are locked), and each elevator is no larger than a queen-sized bed.

11. These and similar features of the facility make it easy to for the virus to spread from person to person and makes DOC's refusal to allow more employees to work from home deeply disturbing.

I, Michael Perloff, certify that I have read the foregoing to Ms. Johnson and that she affirmed that the foregoing is true and correct on April 3, 2020. I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 4, 2020

/s/ Michael Perloff

Michael Perloff
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street NW, 2nd Floor
Washington, D.C. 20005

EXHIBIT I

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

EDWARD BANKS, <i>et al.</i> ,	:	
	:	
Plaintiffs-Petitioners,	:	
	:	
v.	:	No. 1:20-cv-849
	:	
QUINCY BOOTH, <i>et al.</i> ,	:	
	:	
Defendants-Respondents.	:	

**DECLARATIONS OF J. MICHAEL HANNON, ESQ. AND FRATERNAL
ORDER OF POLICE /DEPARTMENT OF CORRECTIONS LABOR COMMITTEE**

On this 2nd day of April, 2020, I, J. Michael Hannon, Esq., do hereby declare:

1. I am the founding partner at HANNON LAW GROUP, LLP, which represents Fraternal Order of Police/Department of Corrections (“FOP/DOC LC”) in their Motion for Leave to File an *Amicus Curiae* brief filed in the above captioned case.

2. My firm, HANNON LAW GROUP, LLP, has served as Legal Counsel for the FOP/DOC LC from 2006 through the present in a variety of matters.

3. I submit this declaration in support of the FOP/DOC/LC’s *Amicus Curiae* brief.

Educational Background and Professional Experience of J. Michael Hannon

4. After earning my Bachelor of Arts degree from Princeton University in 1972, I attended graduate school at the University of Michigan, where I earned a Masters in American Studies in 1976. I then earned my Juris Doctor degree from The Catholic University of America, Columbus School of Law in 1980.

5. I was admitted to the Bar of the District of Columbia in 1981 and the Bar of Maryland in 1982. I am also admitted to practice before the United States Supreme Court, the U.S. Court of Appeals for the District of Columbia Circuit, U.S. Court of Appeals for Veterans

Claims, U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of Columbia, United States District Court for Maryland, and U.S. District Court for Colorado.

6. From 1980 to 1981, I served as Law Clerk to the Honorable Frank Q. Nebeker of the District of Columbia Court of Appeals.

7. From 1981 to 1988, I served as an Assistant United States Attorney for the District of Columbia where I investigated and prosecuted violent and white-collar offenders. From 1983 to 1985, I was responsible for the investigation and prosecution of homicide and sex offense cases in the Superior Court. I was promoted to the Special Prosecutions Section where I investigated and prosecuted racketeering, international fraud, and terrorism cases in the United States District Court for the District of Columbia.

8. In 1988, I entered private practice as a Partner at the law firm Thompson O'Donnell, LLP, where I practiced for 18 years. During that time, I argued the first appeal before the United States Supreme Court from the United States Court of Appeals for Veterans Claims in October of 1994. The Supreme Court ruled unanimously in favor of my veteran client, overturning a 70-year practice by the Department of Veterans Affairs of denying compensation to medically injured veterans. *See Brown v. Gardner*, 513 U.S. 115 (1994).

9. I founded HANNON LAW GROUP, LLP, in May of 2006, to expand the range of legal resources available to my clients.

10. I have participated in over 200 jury trials, bench trials, arbitrations, mediations, and other forms of litigation.

11. On March 27, 2020, I attended a national virtual conference hosted by the Department of Homeland Security and Centers for Disease Control (CDC) on the proper protocols for correctional facilities and personnel. The written guidelines are attached as Exhibit B to our *Amicus* brief.

12. Pursuant to these guidelines and in the absence of any guidance for inmates and staff with regard to modifying operations in the face of COVID-19, the FOP/DOC LC and their counsel developed a COVID-19 protocol in compliance with CDC guidelines on March 28, 2020.

13. The protocol included the following requirements:

- a. All individuals in the facility must maintain more than 6' distance from any other person (for staff-once arriving at the parking lot and throughout the shift and for inmates throughout the facility), unless provided with appropriate personal protective equipment (PPE).
- b. Physical searches of another person must not be conducted without the use of a mask, gloves, and if appropriate, gown.
- c. Upon reporting for duty at any DOC facility entrance, Union members must complete a COVID-19 report form and provide it to the Member posted at the entrance who is conducting the temperature check. If no medical staff is at

the entrance to take the temperature of the entering Member, that Member must not enter the Jail.

- d. Members should not accept assignment to a Housing Unit unless hand disinfectant, face masks, gloves, and disinfectant wipes are available in the bubble.
- e. Members will not leave the bubble when inmates are on the floor of the unit. This means that 30-minute security checks will not take place during the time that inmates are on the floor.
- f. Members may conduct security checks without PPE when inmates are in their cells.
- g. Members may not deliver food trays to inmate cells without being provided face masks and gloves.
- h. Members must routinely clean all surfaces in the bubble during their shift.
- i. Case Managers may not report to their offices if face masks, gloves, hand disinfectant, and cleaning disinfectant is not available in the office.
- j. Case Managers may not meet with inmates in their offices unless the inmate is provided and wears a face mask and gloves.
- k. Case Managers must disinfect surfaces in the office before and after meeting with each inmate.

- l. If a Member observes that the Housing Unit is not properly cleaned and disinfected, the Member should contact a supervisor and an Officer of the Labor Committee or Shop Steward.
- m. Members must not accept a post in a Quarantine Unit unless provided with an N95 or equivalent face mask, eye protection, gloves, gown, hand disinfectant, and cleaning disinfectant.
- n. A Member may not escort an inmate without being provided with a face mask, eye protection, and gloves.
- o. Members assigned to any form of inmate transport requiring contact with inmates may not report to post if not provided with face mask, gloves, hand disinfectant, cleaning wipes, and eye protection.
- p. Members concerned that the vehicle has not been disinfected should request disinfectant of the vehicle from a supervisor and contact an Officer of the Labor Committee or Shop Steward, if not provided.
- q. Members at any post must engage in distancing.
- r. No member may be required to contact an inmate unless provided with appropriate PPE, depending on whether the inmate is in general population (face mask, eye protection and gloves) or quarantined (face mask, eye protection, gloves and gown).

- s. No Member may be required to escort or guard an inmate outside the Jail who is symptomatic or positive for COVID-19.
- t. Any Member required to escort or guard an inmate outside the Jail who is not infected or symptomatic must be provided with face mask, eye protection and gloves.

The DOC had provided minimal guidance, and continues to refuse to offer proper health and safety protocols for the staff or the inmates.

Professional Experience of Benjamin Olubasusi

14. Benjamin Olubasusi is a Correctional Officer at the D.C. Department of Corrections (DOC), and has achieved the rank of Corporal. Cpl. Olubasusi has been an employee of the DOC for approximately ten (10) years.

15. Throughout his tenure, he has worked in various posts inside the DOC's Central Detention Facility (CDF), including Northwest One (NW1) (maximum security unit), Southwest Two (SW2) (maximum security unit), South One (1) (Restrictive Housing Unit).

16. Cpl. Olubasusi currently is serving as the Chairperson of the FOP/DOC LC, having been elected to that position in May, 2019.

17. Corporal Olubasusi has witnessed that social distancing is not be followed by the inmates in the quarantine unit, who are individuals identified as having had contact with an inmate who tested positive for COVID-19. As of March 31, 2020, there were approximately 50 inmates on one unit and approximately 40 on the other. In each of these units, the inmates were

required to go on recreation together in close proximity. They were guarded by only one officer, who had only a mask and gloves. The officer was required to stand in close proximity of potentially infected individuals.

18. Cpl. Olubasusi has witnessed personally that Union members assigned to the quarantine unit do not have gowns or face shields, when working in an area where inmates have come in close contact with COVID-19-infected inmates.

19. Cpl. Olubasusi has asked Director Booth for Labor/Management meetings to discuss the impact of and response to COVID-19 on staff and inmates in the DOC facilities, and has been refused at every request.

20. Cpl. Olubasusi requested that management of Unity Health Care and DOC medical staff, including Beth Jordan, M.D., meet with the FOP/DOC LC Executive Board to discuss the proper health protocols for staff and inmates for COVID-19, and has been refused to date.

Professional Experience of Arnold Hudson

21. Arnold Hudson is a Correctional Officer at the D.C. Department of Corrections (DOC), and has achieved the rank of Corporal. Cpl. Hudson has been an employee of the DOC for over 28 years.

22. Throughout his tenure, he has worked in various posts and positions, including at the Lorton, VA facilities from 1991 to 1997 in Maximum Security from 1991 to 1993, in South

One (S1) (Status Block) and South Three (S3) (Mental Health) from 1993 to 1997. In 1997, he began working in the CDF and from that time, he has been assigned to the Laundry division.

23. Cpl. Hudson currently is serving as the Vice-Chairperson of the FOP/DOC LC, having been elected to that position in May, 2019.

24. Cpl. Hudson has tested positive for COVID-19, and is on administrative leave. He has informed the DOC about his positive result, but to date has not been contacted for contact tracing for quarantine of either staff or inmates in close contact with him.

25. It has been reported to Cpl. Hudson as recently as April 2, 2020, that only one officer is assigned in the Special Management Unit – B (SMU-B), where all inmates who have tested positive for COVID-19 have been housed. The officer assigned to SMU-B is provided with disposable mask, gloves and gown, but is required to reuse the eye shield. The officer assigned to SMU-B is required to feed the infected inmates and take them for their showers.

Professional Experience of Jannease Johnson

26. Jannease Johnson is a Correctional Officer at the D.C. Department of Corrections (DOC), and has achieved the rank of Sergeant. Sgt. Johnson has been an employee of the DOC for over 28 years.

27. Throughout her tenure, she has worked in various posts and positions. She worked at the Youth Center in Lorton, VA from June, 1992 until it closed in 2000. From 2000 to date, she has worked at the CDF as Relief Officer, Count Book and Compliance Officer,

Southeast Two Officer-In-Charge (OIC), Command Center OIC, Major's Aide, and Adjustment Board Chair.

28. Sgt. Johnson currently is serving as the Executive Secretary of the FOP/DOC LC, having been elected to that position in June, 2018.

29. Sgt. Johnson personally has witnessed cleaning crews in the CDF that only clean the administrative side of the DOC facilities. The cleaners use the same rag to wipe down everything they are instructed to wipe down with bleach. All were wearing gloves; some had masks.

30. It was reported to Sgt. Johnson by a Correctional Officer assigned to escort the cleaning staff that Deputy Warden Landerkin had instructed that Officer not to take the cleaning crew to the infirmary. It was also reported to Sgt. Johnson that those cleaners use the bathroom while cleaning, and do not wash their hands before going back to cleaning duties.

31. Front line Correctional Officers have reported to Sgt. Johnson completely unsanitary conditions, complete lack of ventilation, and that they have to fight with management to get Personal Protective Equipment.

32. Sgt. Johnson has witnessed inmates, as recently as April 1, 2020, travelling within the facilities and during their assigned recreation periods without practicing any social distancing. The inmates were "elbow to elbow" in proximity to each other.

33. It has been reported to Sgt. Johnson that there are at least ten (10) inmates displaying symptoms in Southeast Two (SE2) with no PPE for the officers assigned there, no quarantine for the inmates, and no guidance from DOC medical staff.

Professional Experience of Lawanda Reddick

34. Lawanda Reddick is a Correctional Officer at the D.C. Department of Corrections (DOC), and has achieved the rank of Corporal. Cpl. Reddick has been an employee of the DOC for approximately twelve (12) years.

35. Throughout her tenure, she has worked in various posts inside the DOC's CDF. Currently, she is assigned to Receiving and Discharge (R&D), where Correctional Officers receive new intakes and court returns, and also send inmates out to other jurisdictions, court or other facilities.

36. Cpl. Reddick currently is serving as a Chief Shop Steward of the FOP/DOC LC, having been elected to that position in May, 2019.

37. The post to which she is currently assigned (R&D) has masks available, but only for incoming inmates. No Correctional Officers are provided masks. DOC Management (Deputy Warden Landerkin) has informed the staff assigned to R&D that masks are for incoming inmates and not for Correctional Officer use.

38. The City is not being truthful on how inmates coming into the facilities are processed. Inmates are having their temperatures taken only. No other procedures are in place to screen incoming inmates.

39. At Roll Call, Cpl. Reddick witnessed an entire shift of Correctional Officers being told by management (Deputy Warden Landerkin) that the Officers are exempt from the social distancing requirement imposed by the Mayor and CDC because they work for the DOC.

40. Correctional Officers also have been told that the risk of contracting COVID-19 is just part of their job, and that is why they have health insurance.

Professional Experience of Cherno Mballow

41. Cherno Mballow is a Correctional Officer at the D.C. Department of Corrections (DOC), and has achieved the rank of Corporal. Cpl. Mballow has been an employee of the DOC for approximately six (6) years.

42. Throughout his tenure, he has worked in various posts inside the CDF. Currently, he works DOC auxiliary posts and environmental. He assists in preparing the units for inspection by the D.C. Department of Health (DOH).

43. Cpl. Mballow currently is serving as a Chief Shop Steward of the FOP/DOC LC, having been elected to that position in May, 2019.

44. Cpl. Mballow has seen severe shortage in personal protective equipment, to include masks, gloves, gowns and eye shields.

Operational Activities at the DOC

45. As of the date of this declaration, the DOC continues to operate in many respects as business as usual. Very few changes to the daily operations have been implemented in preparation for and in response to COVID-19.

46. No actual changes in protocols for cleaning of individuals or physical locations, or distribution of cleaning, sanitizing or disinfecting products have been communicated clearly to the staff or inmates or executed.

47. No actual changes in protocols for cleaning of individuals or physical locations handling of inmate food preparation or distribution of food have been communicated clearly to the staff or inmates or executed.

48. There is no true quarantine. Cell mates of inmates who have tested positive for COVID-19 remain in General Population. The 65 inmates who had contact with the U.S. Marshal assigned to the D.C. Court and who tested positive initially were quarantined, but then two days later were released back to general population. Six of those 65 inmates have tested positive for COVID-19.

49. Inmates continue to meet with case managers and treatment specialists in violation of the social distancing requirements as of April 1, 2020, and without any protective equipment.

50. There was an Open Letter sent to the DOC staff on April 2, 2020 by Dr. Keena Blackmon. The letter was from Director Quincy Booth regarding COVID-19 testing for DOC staff. The letter states, in part, "Correctional Officers are highly encouraged to take advantage of the coronavirus (COVID-19) screenings and should contact the Infection Control Group at (202) 844-5994 or infection.control@dc.gov to schedule an appointment." Sgt. Johnson called upon receipt of the letter, and was informed, "I don't know why your agency told you to call the

number because we only service DC Fire and EMS.” The representative also told Sgt. Johnson that the DOC should contact DOH. She was refused an appointment.

Responses to Declaration of Dr. Beth Jordan on April 2, 2020

Counsel for the FOP/DOC LC received the Declaration of Dr. Beth Jordan on April 2, 2020, and refutes the following representations made to this Court based on the personal knowledge of the above identified FOP/DOC members as communicated to him.

51. (Dr. Jordan Declaration #3) The DOC does not implement operational and medical procedures in response to COVID-19 based on guidance from the CDC.

52. (Dr. Jordan Declaration #5) Sgt. Johnson personally witnessed as recently as April 2, 2020, that the screening procedure outlined by Dr. Jordan is not what is occurring. The screening survey is a three-question form that is left on a table for individuals to complete; it is optional, not required. The DOC staff that screen entrants to the facility may or may not be wearing gloves and a mask. The thermometer is not being used properly, and often does not work. In addition, the logistical nature of the front entrance makes it impossible for employees to stand 6 feet apart.

53. (Dr. Jordan Declaration #6) At the Inmate Reception Center (IRC), the incoming inmates wait in a waiting room before being seen at a glass window, where they talk to the staff by phone. It is unknown if the inmates are practicing social distancing while waiting to be seen. Once the inmates are past that checkpoint, they are taken to at least three different stations (including having their photos taken and being strip searched) where there is contact with staff who are not protected with gloves or masks or gowns or eye protection.

54. (Dr. Jordan Declaration #7) All new inmates are assigned to South Two unit. The maximum time that new inmates were housed in that unit was 72 hours until on or about March 25, 2020, when the policy changed to 14 days. It was reported to Cpl. Hudson that as recently as April 2, 2020, that no new inmates have been placed in quarantine for 14 days. As of April 2, 2020, the longest any new inmate has been housed in South Two is eight days. Some of these new inmates were housed in a single cell and some have cellmates. The officers assigned to that unit do not have any PPE.

55. (Dr. Jordan Declaration #8) No members of the Union leadership have witnessed any meetings held by DOC's medical staff with staff and residents. Cpl. Olubasusi has requested a meeting with DOC's medical staff to include Dr. Jordan, but his requests have been ignored or refused. It is very unlikely that DOC's medical staff has met with DOC staff and residents on a regular basis. To do so, medical staff would have to enter 38 separate Housing Units. It is also unlikely because meeting with inmates in groups of ten would take days.

56. (Dr. Jordan Declaration #11) It was reported to Cpl. Olubasusi, Cpl. Hudson and Sgt. Johnson as recently as April 2, 2020, that there are only two units within the DOC facilities that are housing positive inmates—SMU-B and Medical 82. As of today, there were reported 13 inmates in SMU-B and two of the 12 inmates in Medical 82 have tested positive. The official number of inmates who have tested positive that has been released to the public is six. It has been reported to Sgt. Johnson that two inmates have been quarantined in the Protective Custody Housing unit, presumably for COVID-19-related symptoms. If as Dr. Jordan declared there are

22 inmates who have been tested, the whereabouts of all 22 is unknown. It has been reported to Sgt. Johnson that at least one of the inmates whose test results are pending is in general population. We do not know where all of these 22 inmates are at this time in the DOC facility. Per the Department of Health Director's public statements, individuals who have had COVID-19 exposure but have tested negative still should quarantine for 14 days. There is no evidence this is happening with the inmates who have tested negative or the ones with test results pending.

57. (Dr. Jordan Declaration #13) Based on the personal observations of Cpl. Olubasusi, Cpl. Hudson, Sgt. Johnson, Cpl. Reddick, Cpl. Mballow and the dozens of staff who have reported to them, the DOC is not providing either the staff or the residents access to necessary medical care or working to keep staff safe with regular (or any) prevention guidance or access to appropriate PPE.

Responses to Declaration of Warden Lennard Johnson on April 2, 2020

Counsel for the FOP/DOC LC received the Declaration of Warden Lennard Johnson on April 2, 2020, and refutes the following representations made to this Court.

58. (Warden Johnson Declaration #4) Cpl. Olubasusi, Cpl. Hudson, Sgt. Johnson, Cpl. Reddick, Cpl. Mballow are unaware of what the DOC Incident Command System is; however, there have been no meetings whatsoever with the FOP/DOC LC leadership (the union being a key detention stakeholder) to discuss COVID-19 preventative measures at the DOC's facilities. There have been no notices of any of the meetings referenced in this paragraph, and the FOP/DOC LC would like to participate in meetings regarding the working conditions for the staff. In addition, the FOP/DOC LC would like to be informed as to the details regarding,

minutes of and outcomes from any meetings of the DOC Incident Command Team and the daily meetings of the Criminal Justice Coordinating Council (CJCC) for the District of Columbia.

59. (Warden Johnson Declaration #5) The DOC has taken minimal steps to mitigate the spread of the COVID-19 virus; in fact, the measures taken are likely to result in the rapid spread of the virus. To date, the Mayor of the District of Columbia has released publicly that one DOC staff member has tested positive for COVID-19; however, this has not been communicated to the DOC staff. Cpl. Olubasusi, Cpl. Hudson and Sgt. Johnson are aware of at least three DOC staff members who have tested positive and alerted the DOC. No contact tracing has been done for at least one if not all of these staff members with regard to whether inmates or other staff should be quarantined.

60. (Warden Johnson Declaration #6) It was reported to Sgt. Johnson as recently as April 2, 2020, that the only scheduled sanitization that occurs is an announcement over the Public Address (PA) system that requests inmates to participate in cleaning their areas. The PA system is not designed to be heard throughout the facility and all Housing Units, and there are no clear instructions or policies for how inmates are supposed to clean their areas. There are no consequences for inmates who choose not to clean. There are no instructions given to inmates for what is considered a “high use” and “high touch” areas for special cleaning.

61. (Warden Johnson Declaration #7) It was reported to Cpl. Olubasusi and Sgt. Johnson as recently as April 2, 2020, that the cleaning materials for residents to clean their own cells are not generally available to the residents. They are under lock and key, and the residents

have to request them, if they are even aware that they exist. The ECOLAB Peroxide that is used may not be sufficient to ensure proper sanitization. It takes anywhere from 45 seconds to five minutes for the cleaning solution to kill germs effectively, depending on the concentration used. There is no evidence that any staff or inmates have been made aware of this requirement.

62. (Warden Johnson Declaration #8) Not all inmates have sinks in their cells. For those inmates who do not, they have to ask an officer to let them out of their cell to be able to use a sink. It is the personal experience of Cpl. Olubasusi and Sgt. Johnson that inmates do not regularly ask to do this. Given that inmates are currently allowed out of their cells only 2 ½ hours a day, there is likely very little inmate hand cleaning taking place for those inmates.

63. (Warden Johnson Declaration #9) The residents often carry their washcloths in and around their housing unit. There is no requirement to keep them in an individual cell. While the inmates can request that the washcloth be laundered, Cpl. Hudson's personal experience is that many do not. In addition, there is no requirement to wash the jumpsuits that the inmates wear. Many do not put out their jumpsuits for laundering, and are not required to do so.

64. (Warden Johnson Declaration #10) Hand sanitizer is available in CTF in a wall dispenser; however, any inmate that wishes to use it must be out of their cell to do so, which requires the inmate to ask and an officer to release them. High-risk staff may have "priority access" to hand sanitizer, but Cpl. Olubasusi and Sgt. Johnson are unaware of any staff who are aware of that fact. There is no "priority access" to proper PPE for any high-risk staff who come in contact with high risk residents, and what PPE there is completely insufficient. In SMU-B, for

example, the unit which houses inmates who test positive for COVID-19, the “protective” suits given to the staff are made out of paper and made only to protect from non-hazardous material and dry particulates. (<http://www.cellucap.com/index.php?display=yes&productid=68>). These are not CDC approved gowns.

65. (Warden Johnson Declaration #11) Some activities for the residents have been curtailed; however, they are allowed in-house recreation each day, and it occurs in groups, not individually. There is no social distancing encouraged.

66. (Warden Johnson Declaration #13) There was no attachment with a current list of COVID-19-related supplies. In any event, the FOP/DOC LC Executive Board is unaware of sufficient PPE, cleaning/disinfecting supplies or hand sanitizer for the staff or the residents. Cpl. Olubasusi, Cpl. Hudson and Sgt. Johnson are unaware of what the DOC’s Operations Support Team is; however, repeated attempts by FOP/DOC LC officials to ascertain the inventory of the COVID-19-related supplies has been denied.

67. (Warden Johnson Declaration #13) On March 31, 2020, I J. Michael Hannon called the FEMA liaison to state governments. The FEMA liaison maintains data on the PPE shipped from the United States stockpile to each state. The FEMA liaison reported that the following were shipped to the District of Columbia from the stockpile: Surgical masks 314,601; N95 masks 132,437; Gloves 383,760; Gowns 55,657; Face shields 67,644; and Coveralls 3,550. HANNON LAW GROUP has monitored the Mayor’s daily press briefings, and to our

knowledge the Mayor has never provided statistics as to the amount of PPE available to the District of Columbia.

I HEREBY SWEAR under the penalty of perjury that the foregoing is true and correct as to the knowledge attributed to me.

s/J. Michael Hannon

Cpl. Benjamin Olubasusi¹

Cpl. Arnold Hudson, Sr.

Sgt. Jannease Johnson

Cpl. Lawanda Reddick

Cpl. Cherno Mballow

¹ Original signatures will be filed with the Court tomorrow.

Dated: April 2, 2020

Respectfully submitted,

HANNON LAW GROUP, LLP

/s/ J. Michael Hannon

J. Michael Hannon, #352526

333 8th Street, NE

Washington, DC 20002

Tel: (202) 232-1907

Fax: (202) 232-3704

jhannon@hannonlawgroup.com

*Attorneys for Fraternal Order of
Police/Department of Corrections Labor
Committee*