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7 *Jeremy Smith, Robert Gamez, Maryanne Chisholm,*
8 *Desiree Licci, Joseph Hefner, Joshua Polson, and*
Charlotte Wells, on behalf of themselves and all others
similarly situated

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15
16 UNITED STATES DISTRICT COURT
17 DISTRICT OF ARIZONA

18 Victor Parsons; Shawn Jensen; Stephen Swartz;
Dustin Brislan; Sonia Rodriguez; Christina
19 Verduzco; Jackie Thomas; Jeremy Smith; Robert
Gamez; Maryanne Chisholm; Desiree Licci; Joseph
20 Hefner; Joshua Polson; and Charlotte Wells, on
behalf of themselves and all others similarly
21 situated; and
Arizona Center for Disability Law,

22 Plaintiffs,

23 v.

24 David Shinn, Director, Arizona Department of
Corrections; and Richard Pratt, Division Director,
25 Division of Health Services Contract Monitoring
Bureau, Arizona Department of Corrections, in their
26 official capacities,

27 Defendants.
28

No. CV 12-00601-PHX-ROS

DECLARATION OF
CORENE T. KENDRICK

1 I, Corene T. Kendrick, declare:

2 1. I am an attorney licensed to practice before the courts of the State of
3 California, and admitted to this Court *pro hac vice*. I am a staff attorney at the Prison Law
4 Office (“PLO”), and an attorney of record to the plaintiff class in this litigation.

5 2. On February 19-20, 2020, I participated in a monitoring tour of ASPC-
6 Tucson, which has an infirmary. On February 19, 2020, I toured the infirmary and spoke
7 with the site medical director, who stated that there were two negative pressure rooms in
8 the infirmary, and showed the rooms to us. Both rooms had patients living in them.

9 3. On July 31-August 1, 2019, I participated in a monitoring tour of ASPC-
10 Lewis, which has a small 13-bed infirmary. On July 31, 2019, I toured Lewis’ infirmary.
11 I did not observe any negative pressure rooms, and the health care staff working in the
12 infirmary confirmed that there are none at Lewis.

13 4. On April 2-4, 2019, I participated in a monitoring tour of ASPC-Perryville.
14 At the time of our tour, the area previously used as an infirmary was being converted into
15 an inpatient mental health facility. The infirmary services had been moved to Lumley
16 Unit, where the patients were in an open dorm setting. There were three isolation/private
17 rooms, that were occupied, and nursing staff confirmed that they were not negative
18 pressure rooms.

19 5. To my knowledge, ADC does not have any infirmary / inpatient medical
20 beds at any facilities other than Florence, Lewis, Perryville, and Tucson prisons.

21 **Exhibits**

22 6. Attached as **Exhibit 1** is a true and correct copy of a document produced by
23 Defendants’ counsel on March 19, 2020, that they Bates-stamped as ADCM1607083, in
24 response to a recurrent document request for all agenda and meeting minutes for the
25 monthly “Director’s meeting” between the ADC Director and the leadership of the health
26 care contractor. This document is dated February 7, 2020, and lists three agenda items;
27 none of which relate to COVID-19.
28

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3 **OF RECORD:**

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2020, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ C. Kendrick



Director Shinn Meeting

2/7/20

1. Aggregate Staffing/FTE Report
2. Contracted Services
3. Court Order-new sanctions

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
AZ Regional Office			
Associate Regional Mental Health Director	1.00	1.00	0.00
Associate VPO	1.00	1.00	0.00
Business Analyst	1.00	2.00	1.00
Director Operations	1.00	2.00	1.00
Education Coordinator	1.00	2.00	1.00
Lead Outpatient UM Reviewer	1.00	1.00	0.00
Office Manager	1.00	1.00	0.00
Recruiter	1.00	1.00	0.00
Regional Behavioral Health Tech	1.00	1.00	0.00
Regional Clinical Pharmacy Director	1.00	1.00	0.00
Regional Dental Director	1.00	1.00	0.00
Regional Director CQI	1.00	1.00	0.00
Regional Director of Nursing	1.00	2.00	1.00
Regional Grievance Coordinator	1.00	1.00	0.00
Regional Infection Control Nurse	1.00	1.00	0.00
Regional Lead Psychology Associate	1.00	1.00	0.00
Regional Medical Director	1.00	1.00	0.00
Regional Mental Health Director	1.00	1.00	0.00
Regional Psychiatric Director	1.00	1.00	0.00
Release / Discharge Planner	1.00	1.00	0.00
Service Desk Analyst	1.00	1.00	0.00
Telehealth Coordinator	1.00	1.00	0.00
Training & Development Mgr	1.00	1.00	0.00
Utilization Review RN	3.00	3.00	0.00
VP of Operations	1.00	1.00	0.00
Associate Regional Medical Director	0.00	1.00	1.00
Medical Records Clerk	0.00	1.00	1.00
QA Director	0.00	1.00	1.00
	27.00	34.00	0.00

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Douglas Complex			
Administrative Assistant	1.00	1.00	0.00
Assistant Director of Nursing	1.00	1.00	0.00
Clinical Coordinator	0.50	1.00	0.50
Dental Assistant	2.00	3.00	1.00
Dental Director	1.00	0.00	-1.00
Dentist	1.00	1.50	0.50
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	1.00	1.00	0.00
Lead Inventory Coordinator	1.00	1.00	0.00
LPN/MA	4.00	4.00	0.00
Medical Director	1.00	0.00	-1.00
Medical Records Clerk	1.00	1.00	0.00
Medical Records Supervisor	1.00	0.00	-1.00
Midlevel Practitioner	1.50	1.00	-0.50
Nursing Assistant / PCT	4.00	3.00	-1.00
Psychology Associate (CLINICIAN)	1.00	1.00	0.00
RN	8.00	8.30	0.30
Scheduler	0.50	0.50	0.00
X-Ray Technician	0.25	0.25	0.00
	33.75	31.55	-4.50

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Eyman Complex			
Administrative Assistant	2.00	2.00	0.00
Assistant Director of Nursing	6.00	6.00	0.00
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	4.00	4.00	0.00
Clinical Coordinator	1.50	0.00	-1.50
Dental Assistant	6.00	5.00	-1.00
Dental Director	1.00	1.00	0.00
Dentist	3.00	3.25	0.25
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	3.00	4.00	1.00
Lead Inventory Coordinator	1.00	1.00	0.00
MH Lead	1.00	1.00	0.00
LPN/MA	30.00	18.00	-12.00
Medical Director	1.00	1.00	0.00
Medical Records Clerk	4.00	3.00	-1.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	1.00	0.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	3.00	-0.50
Mental Health RN	2.00	1.90	-0.10
Midlevel Practitioner	5.50	5.00	-0.50
Nursing Assistant / PCT	9.00	8.00	-1.00
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	3.00	3.00	0.00
Psychology Associate (CLINICIAN)	13.00	8.75	-4.25
Release / Discharge Planner	1.00	1.00	0.00
RN	20.00	9.60	-10.40
Scheduler	3.00	3.00	0.00
Staff Physician	1.00	1.00	0.00
X-Ray Technician	1.00	1.00	0.00
	132.50	101.50	-32.25

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Florence Complex			
Administrative Assistant	2.00	4.00	2.00
Assistant Director of Nursing	6.00	5.00	-1.00
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	4.00	4.00	0.00
Dental Assistant	6.00	5.00	-1.00
Dental Director	1.00	1.00	0.00
Dentist	3.00	3.00	0.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	3.00	4.00	1.00
Lab Technician	0.50	1.00	0.50
Lead Inventory Coordinator	1.00	0.80	-0.20
MH Lead	1.00	1.00	0.00
LPN/MA	30.00	18.20	-11.80
Medical Director	1.00	1.00	0.00
Medical Records Clerk	5.00	4.00	-1.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	0.00	-1.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	4.00	0.50
Mental Health RN	1.00	0.90	-0.10
Midlevel Practitioner	6.00	6.25	0.25
Nursing Assistant / PCT	20.00	16.60	-3.40
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	3.00	0.90	-2.10
Psychology Associate (CLINICIAN)	8.00	7.00	-1.00
Release / Discharge Planner	1.00	1.00	0.00
RN	36.00	22.60	-13.40
Staff Physician	2.00	1.00	-1.00
X-Ray Technician	1.00	1.00	0.00
	152.00	119.25	-37.00

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Lewis Complex			
Administrative Assistant	2.00	2.00	0.00
Assistant Director of Nursing	6.00	5.00	-1.00
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	4.00	3.00	-1.00
Clinical Coordinator	1.00	1.00	0.00
Dental Assistant	6.00	6.75	0.75
Dental Director	1.00	1.00	0.00
Dentist	3.00	2.75	-0.25
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	0.00	-1.00
Inventory Coordinator	4.00	4.00	0.00
Lead Inventory Coordinator	1.00	1.00	0.00
MH Lead	1.00	1.00	0.00
LPN/MA	34.00	20.20	-13.80
Medical Director	1.00	1.00	0.00
Medical Records Clerk	3.00	2.00	-1.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	1.00	0.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	2.75	-0.75
Mental Health RN	2.00	1.90	-0.10
Midlevel Practitioner	6.00	7.00	1.00
Nursing Assistant / PCT	14.00	15.60	1.60
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	3.00	1.00	-2.00
Psychology Associate (CLINICIAN)	12.00	8.00	-4.00
Release / Discharge Planner	1.00	1.00	0.00
RN	30.00	17.00	-13.00
Scheduler	1.50	1.00	-0.50
Staff Physician	2.00	0.75	-1.25
X-Ray Technician	1.00	1.00	0.00
Dental Hygienist	0.00	1.00	1.00
	150.00	114.70	-39.65

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Perryville Complex			
Administrative Assistant	2.00	2.00	0.00
Assistant Director of Nursing	6.00	5.00	-1.00
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	3.00	3.00	0.00
Clinical Coordinator	1.00	1.00	0.00
Dental Assistant	6.00	8.00	2.00
Dental Director	1.00	1.00	0.00
Dentist	4.00	2.75	-1.25
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	2.00	3.00	1.00
Lab Technician	0.50	2.00	1.50
Lead Inventory Coordinator	1.00	1.00	0.00
MH Lead	1.00	1.00	0.00
LPN/MA	24.00	21.30	-2.70
Medical Director	0.80	1.00	0.20
Medical Records Clerk	4.00	4.00	0.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	0.00	-1.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	4.25	0.75
Mental Health RN	5.20	3.80	-1.40
Midlevel Practitioner	5.00	5.50	0.50
Nursing Assistant / PCT	14.00	13.00	-1.00
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	2.00	1.75	-0.25
Psychology Associate (CLINICIAN)	10.00	5.00	-5.00
Release / Discharge Planner	1.00	1.00	0.00
RN	30.00	23.50	-6.50
Scheduler	1.00	1.00	0.00
Staff Physician	1.20	0.50	-0.70
X-Ray Technician	0.50	1.00	0.50
Dental Hygienist	0.00	1.00	1.00
	136.70	123.35	-20.80

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Phoenix Complex			
Administrative Assistant	1.00	1.00	0.00
Assistant Director of Nursing	3.00	2.00	-1.00
Behavioral Health Tech	5.00	4.75	-0.25
Clinical Director (Ph.D)	1.00	0.00	-1.00
Dental Assistant	3.00	2.75	-0.25
Dental Director	1.00	1.00	0.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	1.00	2.00	1.00
Lab Technician	0.50	1.00	0.50
Lead Inventory Coordinator	1.00	0.00	-1.00
LPN/MA	3.00	4.00	1.00
Medical Director	1.00	0.00	-1.00
Medical Records Clerk	3.00	4.00	1.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	3.00	-0.50
Mental Health RN	15.80	17.10	1.30
MH RN Charge	1.00	1.00	0.00
Midlevel Practitioner	4.00	4.00	0.00
Nursing Assistant / PCT	5.75	2.00	-3.75
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	4.00	4.00	0.00
Psychology Associate (CLINICIAN)	11.00	8.00	-3.00
RN	12.00	11.40	-0.60
Scheduler	0.50	0.00	-0.50
Staff Physician	1.00	2.00	1.00
X-Ray Technician	1.00	1.00	0.00
	88.05	81.00	-12.85

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Safford Complex			
Administrative Assistant	1.00	1.00	0.00
Assistant Director of Nursing	2.00	2.00	0.00
Dental Assistant	2.00	2.00	0.00
Dental Director	1.00	1.00	0.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	1.00	1.00	0.00
Lead Inventory Coordinator	1.00	1.00	0.00
LPN/MA	6.00	1.00	-5.00
Medical Director	1.00	1.00	0.00
Medical Records Clerk	1.00	1.00	0.00
Medical Records Supervisor	1.00	1.00	0.00
Midlevel Practitioner	1.00	2.00	1.00
Nursing Assistant / PCT	4.00	3.75	-0.25
Psychology Associate (CLINICIAN)	1.00	1.00	0.00
RN	8.00	11.10	3.10
Scheduler	0.50	0.75	0.25
X-Ray Technician	0.25	0.25	0.00
	34.75	33.85	-5.25

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Tucson Complex			
Administrative Assistant	2.00	2.00	0.00
Assistant Director of Nursing	8.00	5.50	-2.50
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	6.00	6.00	0.00
Clinical Coordinator	1.00	1.00	0.00
Dental Assistant	6.00	6.25	0.25
Dental Director	1.00	1.00	0.00
Dentist	3.00	2.00	-1.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	0.00	-1.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	3.00	4.00	1.00
Lab Technician	2.00	2.00	0.00
Lead Inventory Coordinator	1.00	1.00	0.00
MH Lead	1.00	1.00	0.00
LPN/MA	40.00	34.30	-5.70
Medical Director	1.00	1.00	0.00
Medical Records Clerk	6.00	6.00	0.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	1.00	0.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.50	4.00	0.50
Mental Health RN	2.00	2.00	0.00
Midlevel Practitioner	8.00	8.00	0.00
Nursing Assistant / PCT	19.00	24.40	5.40
Psychiatrist (PROVIDER)	1.00	2.00	1.00
Psychologist (CLINICIAN)	4.00	3.00	-1.00
Psychology Associate (CLINICIAN)	14.00	11.00	-3.00
Release / Discharge Planner	2.00	2.00	0.00
RN	36.00	21.40	-14.60
Scheduler	1.00	2.00	1.00
Staff Physician	2.00	0.75	-1.25
X-Ray Technician	1.00	1.00	0.00
Dental Hygienist	0.00	0.20	0.20
	180.50	159.80	-30.05

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Winslow Complex			
Administrative Assistant	1.00	2.00	1.00
Assistant Director of Nursing	2.00	2.00	0.00
Dental Assistant	2.00	2.00	0.00
Dental Director	1.00	1.00	0.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	1.00	0.00	-1.00
Lead Inventory Coordinator	1.00	1.00	0.00
LPN/MA	4.00	2.80	-1.20
Medical Director	1.00	1.00	0.00
Medical Records Clerk	1.00	0.00	-1.00
Medical Records Supervisor	1.00	1.00	0.00
Midlevel Practitioner	2.00	1.00	-1.00
Nursing Assistant / PCT	3.00	4.00	1.00
Psychology Associate (CLINICIAN)	1.00	1.00	0.00
RN	6.00	13.00	7.00
Scheduler	0.50	1.00	0.50
X-Ray Technician	0.50	0.50	0.00
	31.00	36.30	-4.20

POSITION	CONTRACT FTE	HIRED FTE	FTE VARIANCE
Yuma Complex			
Administrative Assistant	2.00	3.00	1.00
Assistant Director of Nursing	5.00	5.00	0.00
Assistant Facility Health Administrator	1.00	1.00	0.00
Behavioral Health Tech	3.00	3.00	0.00
Clinical Coordinator	1.00	1.00	0.00
Dental Assistant	4.00	5.00	1.00
Dental Director	1.00	0.00	-1.00
Dentist	2.00	1.00	-1.00
Director of Nursing	1.00	1.00	0.00
Facility Health Administrator	1.00	1.00	0.00
Healthcare Delivery Facilitator	1.00	1.00	0.00
Inventory Coordinator	2.00	2.00	0.00
Lab Technician	2.00	1.00	-1.00
Lead Inventory Coordinator	1.00	1.00	0.00
MH Lead	1.00	1.00	0.00
LPN/MA	10.00	8.75	-1.25
Medical Director	1.00	1.00	0.00
Medical Records Clerk	3.00	4.00	1.00
Medical Records Supervisor	1.00	1.00	0.00
Mental Health Clerk	1.00	1.00	0.00
Mental Health Midlevel (NP / PA) (PROVIDER)	3.00	3.00	0.00
Mental Health RN	1.00	1.00	0.00
Midlevel Practitioner	4.00	5.00	1.00
Nursing Assistant / PCT	6.00	13.50	7.50
Psychiatrist (PROVIDER)	1.00	1.00	0.00
Psychologist (CLINICIAN)	1.00	0.00	-1.00
Psychology Associate (CLINICIAN)	9.00	7.50	-1.50
Release / Discharge Planner	1.00	1.00	0.00
RN	14.00	12.50	-1.50
Scheduler	0.50	1.00	0.50
Staff Physician	1.00	0.00	-1.00
X-Ray Technician	1.00	1.00	0.00
	86.50	89.25	-9.25
TOTAL FTE VARIANCE	1052.75	924.55	128.20
TOTAL NEGATIVE VARIANCE			-195.80
TOTAL FTE VARIANCE:			
DIFFERENCE BETWEEN TOTAL NUMBERS OF FTE STAFF REQUIRED UNDER THE CONTRACT (1052.75) AND TOTAL NUMBER OF FTE STAFF CURRENTLY EMPLOYED			
TOTAL NEGATIVE VARIANCE:			
NUMBER OF SPECIFIC FTE POSITIONS REQUIRED UNDER THE CONTRACT (1052.75) THAT ARE UNFILLED BY FACILITY AND POSITION			

Declaration of Dr. Marc Stern

I, Marc Stern, declare as follows:

1. I am a physician, board-specialized in internal medicine, specializing in correctional health care. I most recently served as the Assistant Secretary for Health Care at the Washington State Department of Corrections. I also have considerable familiarity with the immigration detention system. I served for four years as a medical subject matter expert for the Officer of Civil Rights and Civil Liberties, U.S. Department of Homeland Security, and as a medical subject matter expert for one year for the California Attorney General's division responsible for monitoring the conditions of confinement in Immigration and Customs Enforcement (ICE) detention facilities. I have also served as a consultant to Human Rights Watch in their preparation of two reports on health-related conditions of confinement in ICE detention facilities. In those capacities, I have visited and examined more than 20 ICE detention facilities and reviewed hundreds of records, including medical records and detention death reviews of individuals in ICE detention. Attached as Exhibit A is a copy of my curriculum vitae.
2. COVID-19 is a serious disease and has reached pandemic status. At least 132,758 people around the world have received confirmed diagnoses of COVID 19 as of March 13, 2020, including 1,629 people in the United States. At least 4,955 people have died globally as a result of COVID-19 as of March 13, 2020, including 41 in the United States. These numbers will increase, perhaps exponentially.
3. COVID-19 is a novel virus. There is no vaccine for COVID-19, and there is no cure for COVID-19. No one has immunity. The only way to control the virus is to use preventive strategies, including social distancing.
4. The time course of the disease can be very rapid. Individuals can show the first symptoms of infection in as little as two days after exposure and their condition can seriously deteriorate in as little as five days (perhaps sooner) after that.
5. The effects of COVID-19 are very serious, especially for people who are most vulnerable. Vulnerable people include people over the age of 50, and those of any age with underlying health problems such as – but not limited to – weakened immune systems, hypertension, diabetes, blood, lung, kidney, heart, and liver disease, and possibly pregnancy.
6. Vulnerable people who are infected by the COVID-19 virus can experience severe respiratory illness, as well as damage to other major organs. Treatment for serious cases of COVID-19 requires significant advanced support, including ventilator assistance for respiration and intensive care support. An outbreak of COVID-19 could put significant pressure on or exceed the capacity of local health infrastructure.
7. Detention facilities are congregate environments, i.e. places where people live and sleep in close proximity. In such environments, infectious diseases that are transmitted via the air or touch are more likely to spread. This therefore presents an increased danger for the spread of COVID-

19 if and when it is introduced into the facility. To the extent that detainees are housed in close quarters, unable to maintain a six-foot distance from others, and sharing or touching objects used by others, the risks of spread are greatly, if not exponentially, increased as already evidenced by spread of COVID-19 in another congregate environment: nursing homes and cruise ships.

8. Social distancing in ways that are recommended by public health officials can be difficult, if not impossible in detention facilities, placing people at risk, especially when the number of detainees is high.

9. For detainees who are at high risk of serious illness or death should they contract the COVID-19 virus, release from detention is a critically important way to meaningfully mitigate that risk. Additionally, the release of detainees who present a low risk of harm to the community is also an important mitigation strategy as it reduces the total number of detainees in a facility. Combined, this has a number of valuable effects on public health and public safety: it allows for greater social distancing, which reduces the chance of spread if virus is introduced; it allows easier provision of preventive measures such as soap for handwashing, cleaning supplies for surfaces, frequent laundering and showers, etc.; and it helps prevent overloading the work of detention staff such that they can continue to ensure the safety of detainees.

10. The release of detainees, especially those with increased health-related vulnerability, also supports the broader community because carceral and detention settings, regardless of the level of government authorities that oversee them, are integral parts of the community's public health infrastructure. Reducing the spread and severity of infection in a Federal immigration detention center slows, if not reduces, the number of people who will become ill enough to require hospitalization, which in turn reduces the health and economic burden to the local community at large.

11. As a correctional public health expert, I recommend release of eligible individuals from detention, with priority given to the elderly and those with underlying medical conditions most vulnerable to serious illness or death if infected with COVID-19.

12. Conditions related to COVID-19 are changing rapidly and may change between the time I execute this Declaration and when this matter appears before the Court. One of the most worrisome changes would be confirmation of a case of COVID-19 within the detention center, either among staff or detainees. In the event of this occurring, and eligible detainees being quarantined or isolated due to possible exposure to the virus, I recommend that the detainee(s) be tested for the virus if testing is available. Armed with the results of that test if it is available, or in the absence of other instructions from the health authority of the municipality to which they will be returning or the Washington State public health authority, those who can easily return to a home without exposure to the public, should be released to that home for continued quarantine or isolation for the appropriate time period. All others can be released to appropriate housing as directed or arranged in coordination with the relevant health authority.

13. I have reviewed Plaintiffs' complaint and on the basis of the claims presented, conclude that Plaintiffs have underlying medical conditions that increase the risk of serious illness or death if exposed to COVID-19. Due to the risks caused by the congregate environment in immigration

detention, compounded by the marked increase in risk conferred by their underlying medical conditions, I recommend their release.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this __15th__ day in March, 2020 in Tumwater, Washington.

A handwritten signature in black ink, appearing to read "Marc Stern", is written over a horizontal line.

Dr. Marc Stern