

EXHIBIT S

Declaration of Kyle Lamar Paschal-Barros

I, Kyle Lamar Paschal-Barros, declare as follows

1. I have been incarcerated at Northern Correctional Institution (“NCI”) since approximately September 28, 2019. I am 25 years old. I am housed in unit 1W of NCI. To my knowledge, there are approximately 50 people on my unit.
2. This unit houses people who are in administrative segregation, so the conditions are more restrictive than conditions in other units. People on my unit get between 15 and 90 minutes out of cell per day.
3. Anytime I leave my cell I’m shackled. I wear leg irons, tether chains with o-rings on either ends, and handcuffs. I’ve never seen prison staff clean any of these shackles, and sometimes I find substances on them.
4. On Monday, Wednesday, and Friday inmates on my side of the tier get 15 minutes to shower. We shower individually, and there is one shower for eight people. Inmate workers, called “tiermen,” spray the shower with a weak cleaning product called Lemonal once per day after everyone has used the shower. The showers are not cleaned between each use.
5. Twice a week we get 15 minutes to use the phones. Prison staff do not clean or sanitize the phones between uses, nor do they provide us with materials to clean or sanitize the phone. We take it upon ourselves to wipe them down before using them. We use napkins and sometimes a solution made of Lemonal, soap, and shampoo that we get from tiermen.
6. Tiermen mop the tiers one time per week. They use watered down bleach, and have only one bucket of water to mop the entire 50-cell unit.

7. I am housed in solitary confinement; I do not share my cell with anyone. My cell has a bunk, a small window, and a sink that's connected to the toilet. There is a metal door with a thin window and a slot through which prison staff pass me my meal trays. My cell is ventilated with two vents, one that lets air in and one that lets air out. I have never seen these vents cleaned or sanitized, and they contain dust, grime, and mold.

8. My sleeping area is not cleaned or sanitized by staff. Three times per week we are provided with 6-8 ounces of LEMONAL in a styrofoam cup and some napkins to clean our cells. I use it to clean my entire cell including: cell surfaces, the floor, the sink, the toilet, my bunk, and the cell door. This is not enough product for me to clean all of my surfaces, so I mix LEMONAL and shampoo to finish cleaning my floor. Once per week staff provide us with a small hand brush and dustpan to sweep the floors of our cells, and a toilet brush to use on our toilets. I do not know if these brushes are cleaned between each use.

9. The staff does not provide inmates with soap for free unless we are indigent. Inmates who are not indigent are required to buy soap themselves from the commissary.

10. I am indigent, and so I am able to request one bar of soap once a week when an officer comes through my tier to distribute commissary from the "indigent cart." I get up to two bars of soap per week. This is all of the soap I'm provided to meet my needs. I use it to wash my hands, wash my body, and clean clothes within my cell. I do not have access to hand sanitizer.

11. I first became aware of the COVID-19 pandemic sometime in February. Toward the middle of March, staff began posting notices that visitation and programming

--like group therapy and chaplain services--were being cancelled in order to institute social distancing. They also passed out a flyer that explained social distancing and other methods to prevent spreading the virus. Aside from cancelling programming and visitation, I haven't seen any steps DOC has taken to institute social distancing.

12. Since mid-March, I have observed staff members often wearing gloves and masks. Their masks are fabric, and appear to be made out of the same material that our uniforms are made of. I have not observed them washing their hands more often, and only a few officers carry hand sanitizer.

13. I believe that the commissary officer for my unit was diagnosed with COVID-19. The commissary officer is a staff member that rolls the commissary cart through the tier once per week and gives the inmates the products they purchase with their commissary money; he interacts with approximately 30 inmates per week. I last saw the usual commissary officer during his rounds three weeks ago. Two weeks ago another officer began making commissary rounds on my unit. When I asked what happened to the usual officer, the new officer told me that he'd been diagnosed with COVID-19 and transferred out of the unit.

14. No one else has been quarantined or transferred off the unit.

15. At the beginning of April, prison staff issued each inmate one face mask. The mask appears to be made out of the same khaki material as our uniforms. I once tried washing the mask in my sink, using the provided soap, but it didn't dry well and began to smell like mildew. I now have to send my mask to the laundry to be cleaned.

16. We are all required to wear this mask anytime we are outside of our cells. When I once asked a counselor what the masks were going to do to help me, he

responded, "They do not work. We're just handing them out."

17. I have had asthma my whole life and my symptoms include coughing, wheezing, and occasional difficulty breathing. I take two medications for my asthma: Ventolin, a fast-acting "rescue" inhaler that I take as needed, and Asthmanex, a combined steroid inhaler that prevents asthma symptoms long-term. I have been diagnosed with asthma the entire time I've been in DOC custody, and I have received treatment this entire time.

18. Since I became aware of the global COVID-19 crisis in February, I have asked DOC staff more than five times about what kinds of policies they have to protect me and people like me who have respiratory disease. So far, no DOC employee has described concrete procedures that they've undertaken to protect prisoners with respiratory disease, and I haven't noticed any policy changes related to my asthma.

19. I'm especially concerned for my well being because of the DOC's use of NCI units as a COVID-19 quarantine ward.

20. I became aware within the past week that DOC is using NCI units 2W and 3W for the COVID-19 quarantine unit. I am concerned that we will be breathing the same air as people housed in the quarantine unit, and that we'll be at higher risk of contracting the virus.

21. I used to attend programming in the dayrooms of those units, and have been in those units as recently as early March. I saw that the cells in those units are identical to the cells in my unit. There are two vents in each cell, one that takes air in, and one that takes air out. I believe that NCI has a centralized AC system, and it seems unlikely that the air from the quarantine unit could be filtered to prevent the virus from

spreading to other parts of the prison.

22. From what I've seen, it looks like DOC is turning NCI into a red zone of the COVID-19 crisis. They don't seem to be taking it seriously for myself and others.

23. I declare under penalty of perjury that the foregoing is true and correct. I would testify to the same statements above if called to do so in court.

24. I have authorized Faith Barksdale to affix my signature to this affidavit for me, because I am incarcerated, and it would take a minimum of seven days for me to receive a document in the mail, sign it in front of a notary, and return it by mail.

Executed this 17th day of April, 2020.

s/Kyle Lamar Paschal-Barros

by Faith Barksdale