

# **EXHIBIT U**

### Declaration of Ken Pierce

I, Ken Pierce, declare as follows:

1. I have been incarcerated at Carl Robinson Correctional Institution since around December 2018. I am 39 years old. I was in dorm 3A until about a week ago. Now I am in dorm 5D. To my knowledge, there are around 90 people housed in this dorm, and that is the same for all dorms.
2. Two days ago, a guy in the dorm was removed because he had symptoms of coronavirus. Yesterday, the Lieutenant came in and announced to the whole dorm that the guy had tested negative, but then he said that the prison authorities were putting our dorm on quarantine anyways. So our quarantine just started yesterday, April 14, 2020.
3. I feel skeptical that the Lieutenant was telling the truth when he said that the guy they removed because he had symptoms tested negative. That's because yesterday, two more people were removed from the dorm because they had symptoms, too. I was talking to one of them before he was removed. He looked really sick. I see him every day, so I know how he normally looks, and he really different. He was sweaty and pale. I could tell something was not right. I told him that he should tell the guards that he was sick and that they should remove him. He said he had gone to the guard station several times already and told them this, and that eventually, they agreed to remove him from the dorm. He was sitting there with his things packed, ready to go. He said he wanted to leave as quickly as possible so that he wouldn't get other people sick. But he had to wait for the staff,

and so he sat in the dorm for a few hours while he was symptomatic. I do not know if he tested positive for coronavirus.

4. I feel like it is just a matter of time until we all get infected with the virus. Like I said, there are 90 people in one big, open dorm, and we all sleep in bunks. Being in quarantine means that we usually don't leave the dorm anymore. For example, now we eat on our laps, sitting on our bunks, instead of going to the cafeteria, where we normally eat with people from other dorms, because of the quarantine. But even so, we are close together all the time. You can count the tiles on the floor to see how close we are to each other, because the tiles are each 12-inch squares. Me and some of the other guys with bunks near mine recently counted the tiles around our bunk beds. By our count, there are 10 people within four feet of each of us every time we go to sleep. When we're not in our bunks, we can either walk around the dorm, or go to the little dayroom that is attached. But there is not much more space where we can go.
5. I have not observed any efforts to make the dorm more sanitized since the beginning of the outbreak. We haven't been given extra cleaning supplies; we get the same amount of cleaning stuff every week as we have before the pandemic, and the inmate workers still clean the dorm three times per day. The inmates are doing their best on their own to keep the dorm as clean as possible, but it's hard to do with 90 guys packed in one room. The one exception is that some guards have bought Lysol themselves, I believe with their own money, and brought it in for us to use. I don't think this has been very effective, though, because a staff member has to supervise inmates while they use it, so that rarely happens.

6. I have not observed any changes to the protocols for cleaning showers. We have seven shower stalls. They are cleaned three times per day. But the showers are not cleaned after each use, so people use showers that have not been disinfected.
7. We also usually do not free soap. The staff has told us that we have to pay for soap from the commissary so long as we have any money in our accounts. I got one free bar of soap because I complained about it. If I hadn't complained, I don't think I would have gotten the bar of soap for free.
8. Every person in my dorm was given one mask. The masks are made of cloth. The outer part is the same material that they use to make our "prison tans," and the inner part is made of a t-shirt material. We haven't been ordered to use them; we are told to use them at our own discretion. I would guess that about five or six people in the dorm use the masks, out of 90 guys.
9. The guards also have masks. I would guess that about 85% of the guards wear masks and gloves. I also see them using hand sanitizer really often, either inside the guard station or in bottles attached to their belts. I am not allowed to use hand sanitizer, because I am an inmate. I have also been told that the guards have their temperatures checked before they come into the prison every day, though I do not see this.
10. The only guidance I have received from staff about how to protect myself from coronavirus is from informational flyers. Those flyers say, if I remember correctly, that we should wash our hands and cover our mouths and noses when we sneeze or cough. I have not been told to keep a distance of 6-8 feet between me and other

people, or to “socially distance.” I assume this is because it would be impossible, because the dorm is so crowded.

11. I am worried about what will happen if I get sick with coronavirus and need to seek medical treatment. In my experience, it can take months to see a doctor, even when there is not a global pandemic going on. For example, I have a bad ear canal, so sometimes it gets infected and bleeds. Last year, my ear got infected and started bleeding. I tried to see someone from medical, but no one would see me for two days. So I had to spend two days in the dorm with a bleeding ear. After that, a nurse gave me antibiotics, but I have still never seen an ENT doctor, even though I requested it. I have watched other guys wait for months to see a doctor. Sometimes, you never see a doctor.
12. I worry about my family. For example, my mother is a doctor in the ER in Middlesex Hospital. I am worried that she will get infected while I am still in prison.
13. I am in prison because I committed a non-violent crime. I have been approved for release to a halfway house since October 16, 2019, but now I have been told that the halfway houses are not accepting people from prison, so I can't be released to one. I know I committed a crime, and that's why I'm here. But I also feel like I earned my release date. I think there are about ten people in my dorm who were approved for release and are in prison for non-violent offenses, but now, they're stuck in here, just like me. If they let us go, like they are approved to do, it would make more space for everyone else, and the other prisoners and the staff would be

safer. Right now, I feel like I am just sitting here waiting to get sick, and there is nothing I can do to protect myself.

14. 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.

15. I have authorized Sophia Angelis 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 15 day of April, 2020.

Ken Pierce

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