

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|--------------------------|
| THOMAS REMICK, <i>et al.</i> | : | |
| and all others similarly situated, | : | |
| | : | CIVIL ACTION NO. 20-1959 |
| Plaintiffs-Petitioners, | : | |
| | : | (Schiller, J.) |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA; and | : | |
| BLANCHE CARNEY, in her official | : | |
| capacity as Commissioner of Prisons, | : | |
| | : | |
| Defendants-Respondents. | : | |

DECLARATION OF AMY TAYLOR

I, Amy Taylor, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated on A Unit at ASD in the Philadelphia Department of Prisons.
2. I have asthma.
3. From the start of my incarceration until August 12, 2020, I was housed at Riverside Correctional Facility (RCF). Since August 2020, I have been housed on six housing units in three different facilities.
4. I was moved to Mod-3 on August 12, 2020, then to ASD on August 13, 2020, then back to Mod-3 on August 18, 2020, and, finally, back to ASD on September 14, 2020.
5. During my first stint at ASD, I was initially housed on A Unit and then moved to B Unit.

6. A and B Units at ASD each consist of 8 cubicles. Most of the cubicles have five bunk beds. Each cubicle is surrounded by partial walls that are approximately 6.5 feet high.

7. During my first stint at ASD, back in August, there were about 60 women housed on A Unit when I got there. One of the Deputy Commissioners came through and got very angry at the sergeants and lieutenants and told them to move some of us off the unit.

8. When I was on B Unit, there were about 40 women housed there, about 5 women in each cubicle.

9. There are currently about 45–50 people on A Unit. My cubicle has six women in it, and so do most of the others.

10. When I was first moved back to ASD, in mid-September, there were eight women in my cubicle on A Unit, three on top bunks and five on bottom bunks.

11. I was on a top bunk even though I have a bottom-bunk pass due to a torn rotator cuff in my shoulder and a wrist injury. I was also on a top bunk when I was in Mod-3 because there were not enough top bunks for all the women that needed them.

12. There is a dayroom on A Unit, where we are allowed to go to hang out or watch TV whenever we want, except during count.

13. There is also a larger common area at ASD, called a “multi-purpose room,” where women from all the units go to get medicine, for sick call, and to get meals.

14. There is no enforcement of social distancing.

15. Some women wear face masks, and some do not.

16. From June 18, 2020 until September 24, 2020, I only had one face mask. New masks were not given out to the women I was housed with that whole time. Finally, on September 24, they gave out new masks at ASD.

17. When I was at RCF and used to ask for more masks, the COs would tell me “no” and to stop asking. They acted annoyed that I was asking for something.

18. On August 17, 2020, Commissioner Blanche Carney walked through my unit at ASD and told us all to “be patient.” She said we would eventually each get four face masks.

19. All the time, I see staff not wearing masks or wearing them without their mouths and noses covered.

20. When I was at RCF, I regularly saw COs, sergeants, maintenance staff, and medical staff not wearing face masks.

21. On Friday, August 14, 2020, I saw two nurses at ASD not wearing face masks while they were working. In June, when I was at medical, the CO at the desk was not wearing a mask. On July 20, when I went to medical, none of the nurses at triage were wearing masks.

22. I am also concerned about the mixing of women from different housing units, especially since a lot of people are not wearing masks. On August 20, 2020, I was transported in a van back to RCF for a dental appointment. Neither the staff member driving the van nor the other incarcerated woman in the van with me was wearing a face mask. At RCF, I was put in a holding cell with two women from other units at ASD and some newly admitted women who were at RCF. Some of them were not wearing face masks.

23. On September 15, 2020, I was transported in a van from ASD to DC for a video visit with an attorney. There were four other incarcerated women in the van with me (plus a CO and the driver), and none of the incarcerated women were wearing masks. None of the women were from my unit. Three of them were from the intake quarantine unit and one was from B Unit at ASD. When we got to DC, we were all put in the same cell to wait. None of them were wearing masks in the cell either.

24. Last week (the week of September 21, 2020), I was transported to DC for a dental appointment. This time, there were seven other incarcerated women in the van with me, from multiple different units at ASD and Mod-3. Again, none of them were wearing masks in the van.

25. There are sinks in the dayroom on my unit for us to use to wash our hands after we go to the bathroom, but the soap dispensers are usually empty.

26. Bars of soap are not given out to us every week.

27. Laundry has been a problem too. Each cubicle is assigned one day a week for laundry. The washing machine is small, so I usually have to choose whether to wash my clothes or my sheets because there is not enough space or time to wash it all each week.

28. The jail has laundry detergent for us to use, but it usually runs out before everyone has had their chance to do laundry. When the detergent runs out, only women who have bought detergent from commissary are able to do laundry.

29. The common areas of my housing unit, including the toilets, showers, and tables in the dayroom, are not cleaned four times a day. Usually, they are only cleaned once, around 10:30am. Sometimes some other women and I clean some of these areas at night. It's not our job to clean, and we don't get paid for the work, but we do it anyway.

30. I have had outdoor recreation time only about seven times in the seven weeks since I left RCF, in a fenced-in concrete "yard," with no balls or jump rope or anything to do. I had outdoor rec three times between August 12 and August 27, 2020; twice between August 27 and September 15, 2020; and twice since September 15, 2020. We were outside for about 30 minutes each time. I feel achy from the lack of exercise, and it is affecting other women physically too.

31. We have not had any Law Library access since we were moved out of RCF. The staff recently told us that the "Law Library" was officially open in the multi-purpose room at ASD,

but the computer is not up and running yet, so we can't actually do anything. We need Law Library access to find out information about our criminal cases and to file things in court *pro se*.

32. There have been a lot of fights on my unit lately. It seems like there have been more fights at ASD during the two weeks I have been back here than there were the whole time I was at RCF.

33. Stress is building up among the women because they have not seen their children and their families in months. Court dates keep getting postponed, and there aren't any groups or programming, and it is really getting to us. People are on edge and are feeling really anxious.

34. When there are fights, a lot of the time, the COs do not even try to break them up. They just let the women fight. It seems like the COs don't even care anymore.

35. A few days ago, they swapped about 10 women between A Unit and B Unit because of the fighting.

36. I have needed a refill for my asthma pump since I was at RCF. I put in about ten sick call slips in the first five weeks after the move, between August 12 and September 15, 2020, but staff still did not give me a refill. Finally, on September 18, 2020, I was seen by a nurse. Then on September 28, 2020, I finally saw a doctor. The doctor put in an order for my asthma pump refill, and said it would be available the next night.

37. There is a lack of privacy when women are seen for medical and mental health appointments. This is a problem at ASD and at Mod-3.

38. At Mod-3, a psychologist or psychiatrist came onto the unit to conduct mental health check-ups at a table in the hallway outside the cells. I was able to hear the conversations from inside my cell, and I heard the doctor asking women questions about things like their self-harming behavior and sexual assaults they had experienced. Several of the women the doctor was

supposed to see refused to come out for their appointments because of the lack of privacy. Regular sick call visits were also conducted at the tables in the hallway. This continued until I left Mod-3 on September 14, 2020.

39. At ASD, mental health visits and FIR¹ evaluations occur at tables in the multi-purpose room. If you are called out for an appointment with a nurse, you wait in the multi-purpose room and can hear these conversations.

40. The staff have been trying to make Mod-3 and ASD appear in better condition than they really. At Mod-3, they painted over the mold that was on the wall without cleaning it first. On the night of September 1, 2020—the night before the lawyers for the Plaintiffs in this lawsuit were coming for their tour—the staff kept us up all night while they waxed and buffed the floors and spray-painted over the mold. The fumes were horrible. When I was transferred back to ASD, I also saw staff painting over mold and rust.

41. Mod-3 was a horrible place to be housed and seemed unsafe for human habitation. There was black mold and chipping paint everywhere, as well as spiders, roaches, and wasps.

42. We were housed two to a cell, in tiny cells that are about half the size of the cells at RCF. The cell was so small that I could almost touch both walls at once.

43. The toilet in the cell was about 2 feet off the ground, had no seat, and was filled with rust.

44. There was no functioning air conditioning or ventilation, and the vent in my cell was covered in rust.

45. There was no hot water in my cell or anywhere else on the unit except the shower.

¹ The Forensic Intensive Recovery program (“FIR”) is “a prison deferral initiative that offers eligible participants substance abuse treatment in lieu of incarceration.” <https://www.forensicservicesphilly.org/programs/forensic-intensive-recovery>.

46. There was only one shower on the unit for all 28 women to use, and there was lots of mold in it.

47. The water in the sink in my cell barely came out, and you have to continuously hold down a button for any water at all to come out. Therefore, I was unable to properly wash my hands.

48. Some of the women at Mod-3 were regularly calling their families and advocacy organizations to report on the conditions, and they were encouraging other women to do the same.

49. On or around August 19, 2020, Sergeant Bynum came on the unit with a large can of mace and approached three of the women who had been most actively complaining to people on the outside about the conditions. All three were handcuffed and taken to the hole.

50. A lot of the women at Mod-3 were afraid to call the hotline set up by the Plaintiffs' lawyers in this case because they were afraid of retaliation by jail staff.

51. One time in late August, when I was on Unit A at Mod-3, Major Lacombe, who I believe is the Acting Warden, came on the unit with a man wearing a suit. Women started complaining to him about the conditions on the unit, and he said he wasn't there to answer questions. He said something like, "What I can do is only let three cells out a time." When he said this, people stopped complaining. Major Lacombe said we should be grateful we were at least getting our mail.

52. During that same walk-through by Major Lacombe, a woman complained to him that she had no running water at all in her cell. Major Lacombe said that if she was telling him she didn't have water, he would have to write up the CO who was working and that the CO might get suspended. The CO was standing right there, and Major Lacombe asked the woman if she still wanted to say she didn't have any water. The CO almost started crying. It wasn't her fault the woman's sink didn't work. The woman stopped complaining about not having water.

Pursuant to 28 U.S.C. § 1746, I, Amy Taylor, declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of September, 2020.



Amy Taylor

**IN THE UNITED STATES DISTRICT COURT
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DECLARATION OF JACUAR J. STOKES

I, Jacquar J. Stokes, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated at Curran-Fromhold Correctional Facility (CFCF).
2. I am currently housed on Unit D1P3.
3. On September 10, 2020, I was taken to the courthouse (CJC) for the first time since the beginning of COVID-19.
4. There is no law library access in CFCF, and I was completely unprepared for what turned out to be an extradition hearing regarding my possible transfer to New Jersey custody.
5. I did not get to speak to my lawyer before the court date. The wait for a legal phone call here in CFCF is over three weeks.
6. The transport to the courthouse did not include COVID-19 transmission prevention measures.

7. For example, I was put on a bus with 16 other inmates to go to court. There was no social distancing on the bus.

8. The bus clearly had not been cleaned. I had to move seats because there was sticky stuff all over the first seat I found.

9. Once we got to the courthouse, I was placed in a very small cell with 5 other inmates. I waited there to see the judge for over 3 hours.

10. I was then put back on a bus with more than 12 inmates to return to the jail. Again, the bus was dirty and there was no social distancing.

11. In general, the conditions in CFCF are impacting my access to the courts and my ability to fight my case.

12. For example, I was transferred to Mod-3 in July because of COVID-19, only to be transferred back to CFCF in August.

13. I have an infected wisdom tooth that needs to be extracted. But I am not receiving medical or dental treatment of any kind.

14. Insufficient staffing is a big impediment to our wellbeing. We are kept in our cells for days at a time and told this is because there are not enough COs on duty.

15. Soap continues to be a problem. Apart from my unexplained transfer to Mod-3, I have been at CFCF since June 1, 2020, and have only received 5 bars of soap. That's just over one bar of soap per month.

16. When we ask for additional soap, COs say there is not any and they refuse to contact supervisors regarding the shortage.

17. Housing units are not cleaned four times a day. Unit workers clean commonly used areas at most twice a day.

18. We are not given the cleaning supplies needed to clean our cells. We have to beg for cleaning supplies when they are available. The staff allows their workers to steal most of the disinfectant.

19. I do not have four masks. I have only one mask. I've only had one mask since June 2, 2020.

20. Damaged masks are not replaced. My mask ripped and I have to piece it together myself.

21. Recreation periods are extremely inconsistent. Whether we receive any recreation on a given day depends on how many officers show up to work. On weekends, none of the regular officers report to work. On pay weeks, it is more of the same.

22. Sometimes the recreation rotation is run in reverse, which leads to drastically unequal recreation time between inmates. For example, if the COs run recreation for the flats on a Friday and we're all on lockdown for the entire weekend, because the Monday recreation schedule begins with the flats, those of us on the mezzanine may not have access to showers or phones for twice as long as the people on the flats.

23. Because of the haphazard system just described, I was forced to go 5 days without recreation time. That means 5 days without a shower and without access to the telephone.

24. I was locked in my cell for two days straight on September 26 and 27, 2020.

25. Because I am indigent and cannot afford a laundry bag, the laundry workers will not wash my cloths.

Pursuant to 28 U.S.C. § 1746, I, Jacquar J. Stokes, declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of September, 2020.


Jacquar J. Stokes

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DECLARATION OF DANIEL MARSHALL

I, Daniel Marshall, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated at Curran-Fromhold Correctional Facility (CFCF).
2. I am currently housed on Unit A2P2.
3. I have received three bars of soap since June 10, 2020. When soap runs out, I am unable to acquire more. Inmates are stuck without soap until the COs decide to pass out more.
4. Housing units are not cleaned in accordance with the June memo we received. They are barely cleaned once a day. The showers are cleaned, at most, twice a week.
5. The phones are cleaned before recreation and maybe again after recreation, if someone is reminded to clean them. The phones are not cleaned between uses.
6. The cells are not cleaned twice a week. We are barely allowed out for recreation—and the COs use that fact to prevent us from cleaning the cells.
7. I only have two masks. I have asked for additional masks and been denied.

8. The COs do not replace damaged masks. Maybe they would if it was an inmate's last mask that got damaged. I asked to replace my damaged mask and was denied.

9. The staff do not consistently wear their masks inside the facility. COs often walk around with their masks half on and half off.

10. On many days, we are not permitted to leave our cells for any amount of time.

11. For example, on August 19, 21, 22, 24, and 26, 2020 we received no time out of our cells. No explanations were provided, except on August 21. On that day, we were told that there would be no recreation because not enough guards were present at the facility.

Pursuant to 28 U.S.C. § 1746, I, Daniel Marshall, declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of September, 2020.


Daniel Marshall

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DECLARATION OF WALLACE LARDANI

I, Wallace Lardani, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am 29 years old and currently incarcerated at Riverside Correctional Facility (RCF).
2. I am incarcerated as a pretrial detainee because I cannot afford to pay my bail.
3. I am currently housed on Unit H.
4. Not all people incarcerated in this facility are given 45 minutes of out-of-cell time per day. People housed in punitive custody are not permitted to leave their cells every day for the required amount of time. For example, on August 26, 2020, Correctional Officer Nieves only allowed people held in punitive status 15 minutes of out-of-cell time and we were only permitted to shower.
5. As a result of the lack of out-of-cell time, people housed in punitive status are frequently unable to use the phone and speak to their loved ones.

6. Staff does not pass soap out to everyone once per week.
7. If we request soap, it depends on the correctional officer whether or not it is provided. Some staff members tell us to ask someone else on the next shift. We often have to beg for soap before we receive it.
8. The housing unit is not cleaned four times per day. The unit is cleaned at most once per day during the first shift.
9. Phones are not cleaned after every use. They are cleaned once in the morning and then not again for the rest of the day, despite use by many incarcerated people. They put the spray bottles and wipes away before we come out for recreation.
10. I have not received cleaning supplies to clean my cell since I was transferred to RCF. When I ask for supplies, I am told to wait. I am still waiting.
11. Staff members only replace damaged masks if they have them on hand on the unit. If not, staff members do not arrange for a replacement.
12. Most staff members do not wear their masks properly and do not cover their mouths and noses.
13. On July 23, 2020, while still housed in the Detention Center, I requested cleaning supplies to clean my cell from Correctional Officer Nieves. He told me that I had to choose between taking a shower and cleaning my cell. When I stated that the *Remick* settlement agreement requires we be permitted both showers and cell cleaning, CO Nieves responded that he would take my radio because I was making issues about cleaning. He then confiscated my radio, my dinner, and my pens.

Pursuant to 28 U.S.C. § 1746, I, Wallace Lardani, declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of September, 2020.

Wallace Lardani
Wallace Lardani

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DECLARATION OF ISSAC EVANS

I, Issac Evans, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated at the Philadelphia Industrial Correctional Center (PICC).
2. I am currently housed on Unit E.
3. At the entry of Unit E, there is a bad ceiling leak. It has been leaking for months, and mold is developing. The leaking roof is a hazard to our health. I'm worried the ceiling will fall and inmates will get hurt.
4. The housing unit and common areas are not regularly cleaned. I saw the guards clean their area one or two months ago. But that is it.
5. The phones are cleaned at times. But not after every use. It depends on which COs are working.

6. Free soap has not been provided every week. It is usually given out every two weeks, instead. In mid-August, I received free soap on consecutive weeks for the first time.

7. When inmates run out of soap and ask for more, the C.O.'s say there is no more soap.

8. We are not given supplies to clean our cells twice a week. Usually, on Saturdays, we are given some cleaning supplies. But what we are given is so watered down that it is not effective at all. At times, we go weeks without cleaning our cells.

9. A shortage of toilet paper is also a problem. On September 11, 2020, for example, I asked C.O. Johnson for toilet paper. Because she said no, I had to wipe myself with my sock.

10. We do not get an opportunity to shower every day. One of the showers is used as a bathroom, so we only have three showers for the entire unit.

11. We are not given four masks. I have two masks, and one of them is in really bad shape. Those we are given are cheap and rip the first time they are worn. The straps on the jail-provided masks are particularly weak.

12. The C.O.'s do not replace damaged masks. They expect us to keep washing the cheap and broken ones we have.

13. I ask for a new mask each week. I have yet to receive one.

14. I often see C.O.'s, white shirts, and other staff without masks on.

15. C.O. Jones, C.O. Olanyi, C.O. Fofona, C.O. Stubbs, Cert Team C.O. Sits, C.O. Oliver, C.O. Albey, C.O. Murphy, C.O. Smith, and C.O. Johnson routinely take off their masks for hours at a time.

16. On September 11, 2020, the three nurses in the medical department did not have masks on.

17. On September 24, 2020, I saw several staff members without masks on:
 - a. Around 7:40am, C.O. Albey was serving breakfast with no mask on;
 - b. Around 8:30am, in the medical department, C.O. Jones was not wearing a mask, and the nurses and other medical staff were not wearing masks either;
 - c. The nurse that gave out medications around 8:50am was not wearing a mask;
 - d. Around 3:15pm and 5:15pm, C.O. Johnson wasn't wearing her mask.

18. This day is just one example. On September 20, 21, 22, 23, 25, and 26, 2020, I also saw several staff members without masks on, including on September 20 and 23, 2020, when C.O. Fofona was serving meals with no mask on.

19. I was not permitted to leave my cell on Saturday, August 15, 2020. This was the fourth Saturday in a row that I was not permitted to leave my cell. Extended lockdowns have continued into September. They are exacerbated by the fact that some COs deny us recreation time for personal reasons.

20. From the afternoon of Friday, September 25 through Monday, September 28, 2020, I did not get out of my cell at all—no shower, no phone calls, no exercise. I can't clean myself in a sink with cold water. This is not fair. It's very stressful to be locked in a cell for three days straight.

21. Every time we are let out of our cells, we have to sign a paper. But on many occasions, the C.O.'s forge our signatures to make it look like everybody is getting out of their cells.

Pursuant to 28 U.S.C. § 1746, I, Issac Evans, declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of September, 2020.



Issac Evans