

- UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

for frozen products and perishables. There is also an additional cooler/freezer and dry food storage area located in the modular building's kitchen (kitchen is not an active working kitchen) we only have one main kitchen for food and meal preparation.

4. At BCHOC, meals are prepared by staff in two shifts. The first shift which prepares breakfast for all inmates and detainees at the facility, is comprised of approximately 20 individuals. Two are full time BCHOC staff and 18 are inmates. Also, there is a correctional officer on each shift to oversee the safety in the kitchen. The two BCHOC staff not only assist in food preparation, but also supervise the various inmates who are on the morning kitchen staff. The second shift prepares the lunch and supper meals and there are two full time BCHOC staff and 13-15 inmates (depending on meals being served) and once correctional officer to oversee the safety in the kitchen.
5. During every phase of preparing the meals for the facilities occupants, all kitchen staff wear hair nets, masks and gloves. Kitchen staff have always used gloves and hair nets, and beard guards in meal preparation, but with the pandemic, BCHOC ordered kitchen staff to wear masks at all times.
6. In light of the medical conditions of many of the inmates and detainees, numerous meals are prepared based on medical staff instructions, with each inmate's/detainee's name on the meal. The meals are placed in separate Styrofoam containers if it is a cold meal, or in separate plastic hot trays covered with plastic lids and then placed in a meal cart by staff wearing masks and gloves. The meal carts are then transported to each immigration detainee Unit where they are disseminated to the detainees by a detainee volunteer worker who also wears a mask and gloves, supervised by a

- Correctional Officer. The entire covered tray is handed to each detainee who will take it back to their table or bunk and removes the hard plastic lid (this is a change for sanitary purposes). Prior to Covid-19 the detainee worker would remove the plastic lid for security and accountability purposes. Once the detainee finishes eating they return the hard plastic tray along with the plastic lid to the meal cart to be returned to the kitchen for cleaning and sanitizing.
7. At no time through the entire process of the meal preparation and delivery of the meals is staff without masks and gloves for safety reasons.
 8. In fact, all inmates and detainees are required to wear masks throughout the day, except when they are sleeping in their beds. This requirement is monitored by BCHOC staff in all units, who are also required to wear masks during their entire shifts.
 9. It is my opinion, BCHOC has implemented very strict and practical policy and safety measures that ensure the health of all its inmates and detainees during this pandemic. These measures have been articulated in prior declarations submitted to this Court, as well as herein. To date, BCHOC has not experienced a single COVID-19 case in its detained population. In comparison, the State of Massachusetts has experienced over 41,199 COVID-19 cases, with 1852 confirmed cases in Bristol County as of April 21, 2020. *See An Updating Overview of Coronavirus in Massachusetts, Dylan Dwyer, Boston.com, April 21, 2020.*
 10. Currently, there are 83 immigration detainees housed at BCHOC. Of this total, 12 are in Unit A, 27 are in Unit B, 36 are in 2 East, while 5 are in EB. We have 4 males in Restrictive Housing for disciplinary offenses and 1 female in female Restrictive

Housing for disciplinary. As this Court is well aware, the BCHOC has a capacity to house 212 immigration detainees: 132 at the ICE building, 64 in 2 East and 16 in EB. We are now almost 60% below capacity. In this regard, sleeping and living arrangements in all Units where detainees reside permit for social distancing recommended by the Center for Disease Control (“CDC”) to occur on a full time basis. In addition, as mentioned above, every detainee, inmate, and BCHOC staff member is required to wear a face mask at all times while in the facility. With these and the other safeguards reported to the Court, maximum steps have been taken to minimize the risk of a COVID-19 infection and any spread. It has now been almost a month since the litigation began with Plaintiffs (and their experts) claiming that widespread infection at BCHOC was inevitable. That has not happened. If in the unlikely event an infection does occur, the facility is equipped with the tools to address the issue promptly and appropriately.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS TWENTY
THIRD DAY OF APRIL, 2020.

/s/ Steven Souza
STEVEN SOUZA,
Superintendent,
Bristol County House of Corrections