

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

ARISTOTELES SANCHEZ MARTINEZ  
MICHAEL ROBINSON  
PETER OWUSU  
Stewart County Detention Center  
146 CCA Road  
Lumpkin, GA 31815

and

JOSEPH LLOYD THOMPSON  
ANSUMANA JAMMEH  
KAREN LOPEZ  
NILSON FERNANDO BARAHONA MARRIAGA  
SHELLEY DINGUS  
Irwin County Detention Center  
132 Cotton Drive  
Ocilla, GA 31774

Petitioners/Plaintiffs,

v.

MICHAEL DONAHUE  
Warden, Stewart Detention Center  
146 CCA Road  
P.O. Box 248  
Lumpkin, GA 31815;

and

DAVID PAULK  
Warden, Irwin County Detention Center  
132 Cotton Drive  
Ocilla, GA 31774;

and

THOMAS GILES  
Field Office Director U.S. Immigration and Customs  
Enforcement  
Atlanta Field Office,  
180 Ted Turner Drive, SW, Suite 522  
Atlanta, GA 30303;

Case No.

MATTHEW T. ALBENCE  
Deputy Director and Senior Official Performing the Duties  
of the Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, D.C. 20536;

and

CHAD WOLF  
Acting Secretary  
Department of Homeland Security,  
3801 Nebraska Avenue, NW  
Washington, D.C. 20016;

and

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
500 12th Street, SW  
Washington, D.C. 20536;  
Respondents/Defendants.

### **DECLARATION OF DAVID PAULK**

My name is David Paulk and I serve as the Warden at Irwin County Detention Center. I am an adult resident of Georgia, I am over 21 years of age, and I am competent to testify and have personal knowledge regarding the matters set forth in this Declaration.

#### **Introduction**

1. I am presently employed as the Warden of Irwin County Detention Center (ICDC). My duties and responsibilities include oversight and management of all ICDC's operations. This includes the steps recently taken to maintain the health of all staff and detainees and prevent the spread of COVID-19, as further described below.
2. ICDC takes the health and safety of its staff and detainees seriously. As such, it takes all requisite measures to adhere to standards required to ensure humane conditions. In addition to the usual cleaning and sanitizing measures already in place, ICDC has instituted additional measures to ensure the health of its staff and detainees in light of the spread of COVID-19.
3. To date, no confirmed cases of COVID-19 have occurred within ICDC internal security staff. One outside transportation officer tested positive for COVID-19. In response, all CDC guidelines were immediately implemented and all staff who had contact with this individual were tested and sent home until the results become available. No detainees came into direct contact with this officer. One detainee has tested positive for COVID-19; however, this

detainee was just recently transported to ICDC. The detainee was transported in required PPE gear and kept in isolation due to ICDC being notified that there was a very high risk he had been exposed prior to arrival. This detainee was then transferred to medical isolation for testing, and at no point was this detainee in contact with any other detainee or security staff member.

#### **Enhanced Intake Procedure**

4. Upon entrance into the facility, every individual, including staff and new inmates, once processed into the facility, is advised to stand six feet apart from one another; no crowding or grouping is allowed throughout the facility. At processing, all inmates must complete a temperature check and a questionnaire designed to determine whether anyone is at risk of having contracted COVID-19. If an inmate has temperature over 100.4 degrees, or a positive response to any of the health risk questions, that individual is sent to be assessed by the facility's medical staff to determine appropriate action. The individual will not be released into the facility's general population until clearance is provided by the Medical Director.

#### **Enhanced Cleaning Regimen**

5. In addition to the usual cleaning procedures in place, the facility now implements additional, mandatory sanitization checklists and policies. For example, ICDC has purchased chemical cleaners on the list of approved products issued by the CDC to use to kill the virus. All units are required to undergo sanitization procedures throughout the dorms and common areas multiple times each day, including bathrooms, air vents, kitchens, and dining areas. Food carts and food prep areas are sanitized on a regular basis and are monitored daily by staff and by the local health department.
6. Likewise, all equipment used by detainees for attorney access (monitors, iPads, phones, etc.) are wiped down and sprayed with Lysol and/or CDC approved equivalents between each and every use. Given the shortage of available hand sanitizer, additional handwashing signs and hand soap dispensers have also been installed in every unit. Gloves are provided to all staff and detainees assigned to clean these areas. Further, all staff have been provided masks to wear while in the facility and directed to wear them.
7. All group showers are pressure washed daily, and CDC-approved chemicals are available for detainees to clean showers on an intermittent basis in 2-4 person cells. Additionally, approved sanitizer is sprayed in the shower units multiple times daily. Damaged or non-cleanable curtains are replaced upon detainee request and as is otherwise needed.
8. All ICDC transportation vehicles and equipment are sanitized in between each use. The transportation staff have been provided with and employ all proper PPE materials.
9. Detainees are allowed to purchase hygiene items from the commissary whenever they wish. Additionally, detainees are provided daily access at no charge to soap, shampoo, lotions, etc. as mandated under Performance-Based National Detention Standards (P.B.N.D.S.).

#### **Enhanced Social Distancing and Critical Inmate Release**

10. A number of ICDC inmates whom I understand were determined to be particularly vulnerable to serious illness or death if infected by COVID-19 have already been removed from the facility.
11. ICDC houses other detainees whom it has determined to be particularly vulnerable to serious illness or death if infected by COVID-19 but whom I understand are not eligible for release based on their offenses have been placed in units with fewer detainees in order to create maximal social distancing opportunities. Moreover, all ICDC unit counts have been reduced to the greatest extent possible to facilitate social distancing among inmates.
12. ICDC has been able to accomplish this because it is not currently at maximum capacity. Unfortunately, while detainees have been afforded every opportunity and are repeatedly advised by staff to practice social distancing measures in addition to CDC recommended handwashing procedures, detainees often choose not to follow this protocol.

### **Medical Emergency Protocol**

13. ICDC is staffed with all necessary medical personnel with any additional needs or projected shortage filled via multiple established contracts with professional nursing agencies in the region. Any detainee may request a medical appointment via the provided Detainee Request Form, verbally through their daily interaction with an assigned Case Manager, via an iPad in units so equipped, or they may submit a Detainee Request Worksheet to immigration. Additionally, detainees may use the preexisting grievance system via Detainee Request Forms and/or iPads. Administrative personnel conduct daily inspections and walk throughs five days a week, and detainees have access to those individuals in order to voice any complaints for follow-up by staff. The medical staff respond to all requests for medical attention within the time frames mandated by P.B.N.D.S. or sooner in order to triage and treat detainees. If a complaint is reported to be critical, it is expedited on the facility's daily sick call roster, and the detainee will be seen the same day or immediately, if necessary.
14. Should a medical emergency occur, detainees notify a staff member, who then initiates a pre-existing protocol to provide assistance. Medical staff are trained to respond to such calls in minutes and to provide immediate treatment. In critical situations, Emergency Medical Technicians are stationed less than 150 yards away from the facility to transport detainees to local hospitals. Additionally, Life Flight Helicopters are able to arrive and depart directly from ICDC grounds.
15. There are four (4) hospitals within an approximate 20-mile radius of the facility: Irwin County Hospital, Tiff Regional Medical Center, Dorminy Medical Center, and Coffey Regional Medical Center. To the best of my knowledge and based on my experience, each is fully equipped to handle medical emergencies.
16. ICDC is a non-narcotic facility. Detainees arriving with narcotics or alleging that they were taking narcotics previously are processed through the facility physician, at which point an alternative medication is ordered consistent with established facility policy. Otherwise, detainee

complaints in reference to medication are reviewed by the appropriate medical staff. All facility medical staff must adhere to a list of approved medications provided by ICE medical staff.

17. Based on the information provided herein and my knowledge of the people trained to undertake these protocols, I believe ICDC is and will remain capable of taking all adequate safeguards to protect staff and the inmate population from a COVID-19 outbreak at the facility.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 9<sup>th</sup> day of April, 2020



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David Paulk