

EXHIBIT 4

Declaration of Warden R. Washburn

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

WILHEN HILL BARRIENTOS, et al.,

Plaintiffs,

v.

CORECIVIC, INC.,

Defendant.

Civil Action No. 4:18-cv-00070-CDL

DECLARATION OF WARDEN R. WASHBURN

I, Russell Washburn, hereby state the following based upon my personal knowledge, make the following Declaration:

1. I am over the age of 18 years and competent to testify to the matters set forth in this Declaration.

2. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness, could competently testify to these facts.

3. I have been employed by CoreCivic, Inc. since 1996. For the past 12 years, I have held the position of Warden at several CoreCivic facilities. On August 17, 2020, I was appointed the president of the North American Association of Wardens & Superintendents. (NAAWS).

4. Effective April 1, 2020, I became Warden of the Stewart Detention Center (“SDC”), in Lumpkin, GA. SDC is owned and operated by CoreCivic, Inc. CoreCivic is the service provider for an Intergovernmental Service Agreement between Stewart County, Georgia and U.S. Immigration and Customs Enforcement.

5. Many of the COVID-19 protocols and practices that were described in my April 10, May 3, May 7, and May 27, 2020 Declarations in the matter of *Martinez v. Donahue* (M.D. Ga. No. 7:20-cv-00062-CDL-MSH) and about which I provided testimony to the Court on April 10, 2020 are still in place at the Stewart Detention Center.

6. While SDC has current capacity of 2,040 ICE detainees, on April 12, 2021, the facility was operating at approximately 14% of that capacity, with only 289 ICE detainees present at the facility.

7. Due to the low-capacity rate, only 11 of the 27 housing pods are open. Four of those 11 open housing pods are for new arrivals, who are placed on a 14-day COVID-19 quarantine.

8. The most recent positive detainee test result was on March 22, 2021. Since the beginning of the COVID-19 pandemic 132 staff and 560 detainees at SDC have tested positive for COVID-19.

9. In addition to reduced capacity, the length of time between a detainee's reception and discharge at the facility has reduced dramatically.

10. The Georgia Department of Public Health has allocated 2180 doses of the Moderna COVID-19 vaccine to the Stewart Detention Center. Dispensing instructions are that dose one and dose two of the vaccine must be administered a minimum of 28-days apart from each other. Further, a person receiving the vaccine is not considered fully-vaccinated until 15 days following the second administration of the vaccine.

11. Between receipt of the vaccine and April 8, 2021, SDC administered the vaccine to 173 facility personnel (166 have received both doses); and 380 ICE detainees (80 received a second dose). In addition, 700 doses were transferred to another correctional facility in Georgia,

to ensure that it was used within the recommended time period. As of April 8, 2021, SDC had 680 doses of the vaccine in its inventory.

12. To ensure that the vaccine issued is used before it expires, SDC now offers it to detainees during their intake medical screenings.

13. Further, all newly received detainees are housed separately and are not permitted contact with any other detainee for 14-days following their arrival at the facility. The purpose of this is to limit the possibility that a detainee arriving at SDC from another facility, can introduce COVID-19 from another facility.

14. The reason so few detainees have received the second dose, is that most are discharged from SDC less than 28-days after they receive the first dose. Detainee discharges are not delayed because a detainee has not completed the full vaccination process. Rather, detainees who are discharged are provided with the record of the first dose of the vaccine they received, advised, and provided and other appropriate documentation so that he she may seek the second dose from another provider.

15. Of the 289 detainees at SDC on April 12, 2021, 200 of them (69%) have been offered the COVID-19 vaccine. Of those current detainees, more than one in five of those offered it (41 detainees), have refused any COVID-19 vaccine. On April 12, 2021, 17 detainees (5.8%) were offered the vaccine and agreed to receive it; their vaccine is scheduled to be administered on April 13, 2021. Of the current detainees who have been received the vaccine, 89 detainees (30.8%) have received only the first dose, and 53 (18.3%) have received the first and second doses. Twenty-six (26) detainees (8.9%) currently at SDC are deemed fully vaccinated, meaning, they received the second dose more than 15 days ago.

16. Despite the availability and facility's ongoing efforts to encourage personnel to vaccinate, only about 50% of staff have elected to receive the vaccine. There are currently 333 effective personnel at the facility, and 173 have at least received the first vaccine. CoreCivic cannot require its employees to be vaccinated.

17. Entry into the facility is very limited, and although in-person legal visits permissible, most visits occur on the phone or virtually due to COVID-19.

18. Moreover, as of April 12, 2021, ICE has not relaxed its suspension of all social tours, contractor inspections, and in-person visits by religious volunteers or on the limitations in place on the number of Legal Orientation Program ("LOP") participants at the facility, and non-LOP legal rights group presentations offered by volunteers

19. The low-capacity rate has also affected participation in the Voluntary Work Program ("VWP").

20. Due to the average length of stay being but a few days, very few detainees participate in the VWP.

21. For example, on April 8, 2018, I observed only six detainees working in the kitchen, as opposed to the average 100 detainees that are normally assigned to cover three meal shifts when the facility operates at full capacity.

22. As such, an in-person inspection seeking to view conditions of the VWP and to discuss with detainees their experiences may provide little value.

23. An all-day inspection of SDC is also unnecessary, in light of the limited amount of time it takes to view the facility.

24. For example, on May 18, 2020, an organized virtual tour of SDC occurred in the matter of *Martinez v. Donahue*. The comprehensive tour included inspection of the front

entrance, check point, five housing units (both dormitory and cell-style), the main hallways outside of the housing units (including the commissary window), chow hall, main hallways, intake, pill line window, and the medical unit.

25. The virtual tour took under two hours to complete.

26. Unlike a virtual tour, which causes minimal interruption, an in-person tour places a significant burden on the facility.

27. SDC is a secure facility that operates on a strict and defined schedule. An in-person tour would require SDC personnel to amplify the safety and security precautions in place, such as enhanced monitoring, of all individuals participating in the tour and the detainees.

28. Introducing numerous individuals into areas such as the kitchen, laundry and medical facilities would disrupt operations in those areas, especially now, where the facility needs to maintain its schedule to compensate for the few participants in the VWP.

29. In addition, ICE personnel at Stewart have discontinued going into multiple housing areas on a daily basis to speak with detainees. When they desire to speak to a detainee, a CoreCivic staff member escorts the detainee to a telephone where they can speak with the ICE employee.

30. Further, I understand that that COVID-19 virus can remain on surfaces for an extended period of time. I am concerned that any item brought by an outside person into the secure area of the facility—including, but not limited to: personal effects, writing materials, electronic devices, or even PPE—might be contaminated and pose a risk of introducing COVID-19 and compromise the health and welfare of the SDC detainee population and facility personnel.

31. While the current trend of downward COVID-19 cases gives us encouragement that we are making strong movement in the right direction with respect to this pandemic, I am deeply concerned that any change would put the facility back at a positive risk for heightened COVID-19 infections. Absent full vaccination of all SDC staff and detainees, any inspection of the facility which involves outside parties (particularly anyone who utilizes air travel to get to Lumpkin, Georgia), entering multiple housing areas or the chow hall, and/or in-person contact meetings between detainees assigned to more than one housing pod, would permit the COVID-19 virus to spread among multiple housing units at the facility.

32. It is my considered professional opinion that the physical safety, health, well-being and possibly lives of the rather large percentage of staff and detainees who are not, and who are unlikely to be fully vaccinated at the time of any site inspection, are not worth the risk of permitting an in-person site inspection by a large group of experts and attorneys at SDC. This is particularly true here, where those individuals may have been present in other facilities or locations in the weeks before the inspection, are unlikely to quarantine for 14-days in Lumpkin prior to coming to the facility, and therefore may introduce COVID-19 or one of its variants into the facility.

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

Executed this 13 day of April, 2021 in Lumpkin, Georgia



Warden R. Washburn