

Exhibit C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VERNON JONES, et al.

Petitioners,

v.

20-CV-00361 LJV

CHAD WOLF, in his official capacity as Acting Secretary,
U.S. Department of Homeland Security;

THOMAS E. FEELEY, in his official capacity as Field
Office Director, Buffalo Field Office, U.S. Immigration
& Customs Enforcement; and

JEFFREY SEARLS in his official capacity as
Administrator, Buffalo Federal Detention Facility.

Respondents.

DECLARATION OF JEFFREY SEARLS

Pursuant to the provision of 28 U.S.C. § 1746, I, JEFFREY SEARLS, hereby declare and state as follows:

1. I am an Officer in Charge (“OIC”) with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) at the Buffalo Federal Detention Facility (“BFDF”). I have held this position since September 2018. Prior to this position, I was the Assistant Officer in Charge from May 2017 to September 2018. I have worked in other positions within ICE since March 2001.

2. I make this declaration in response to the Court’s orders dated April 2 and April 3, 2020, and to provide additional information to the Court.

3. Firstly, I hereby confirm that the plan suggested by Dr. Montalvo in his declaration dated April 3, 2020, has been implemented to the fullest extent possible.

Specifically, the actions in paragraphs 2 and 3 of that declaration have been fully undertaken. Unfortunately, due to logistical constraints and restrictions placed upon the facility, Petitioners Concepcion, Falodun, and Sow were not given single occupancy cells as planned, and have been placed in the communal dorms. Importantly, all Petitioners have been moved to locations in which they can practice “social distancing,” as planned by Dr. Montalvo and required by the Court.

4. With regard to the individual Petitioners identified as “vulnerable individuals” in Dr. Montalvo’s April 3, 2020 declaration, I confirm the following:

- a. **Jubril Adelakun:** This Petitioner has been moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- b. **Dween Afarel Blackman:** This Petitioner has been moved to the A2 unit and given his own cell.
- c. **Aldwin Brathwaite:** This Petitioner has been moved to the B1 unit and given his own cell.
- d. **Eric Commissiong:** This petitioner has been moved to the A2 unit and given his own cell.
- e. **Danilo Concepcion:** This Petitioner has been moved to the B2 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- f. **Jonathan Espinal-Polanco:** This Petitioner has been moved to the B1 unit and given his own cell.
- g. **Idada Falodun:** This Petitioner has been moved to the B2, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- h. **Curry Wendell Forbes:** This Petitioner has been moved to the B1 unit and given his own cell.
- i. **Necati Harsit:** This Petitioner has been moved to the A2 unit and given his own cell.

- j. **Juan Carlos Lainez Mejia:** This Petitioner has been moved to the A2 unit and given his own cell.
 - k. **Patrick Maduabuchi Nwankwo:** This Petitioner has been moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
 - l. **Ricardo Quintanilla-Mejia:** This Petitioner has been moved to the B1 unit and given his own cell.
 - m. **Ibrahima Sory Sow:** This Petitioner has been moved to the B3 , which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable l.
5. Additionally, Assistant United States Attorney Khalil has relayed to me questions posed by the Court, and I provide the following information in response:
- a. The BFDF is separated into 10 units.
 - b. Units A1, A2 and Unit B1 are single cell, double occupancy rooms, meaning they ordinarily contain two people in one room. These rooms each have their own sink and toilet. The cells in these units form a two-story ring around a central “quad” or open space, where dining and other activities can take place, and detainees can walk around, and, under normal circumstances, congregate.
 - i. Unit A1 is currently the “intake unit” for males, where incoming male detainees will be held for 14 days and checked for COVID-19 symptoms. If new detainees are introduced, or a detainee becomes symptomatic, the 14-day period restarts. There are presently 31 detainees in A1, which has a maximum capacity of 88 detainees.¹
 - ii. Unit A2 currently has 68 detainees, with a maximum capacity of 92 detainees.
 - iii. Unit B1 currently has 72 detainees, with a maximum capacity of 92 detainees.
 - c. Units B2 and B3, and Units C1, C2, C3, and C4 are open dormitory units where detainees are free to move about the dorm with little restriction. These units consist of one large open quad with bunks in one area, while the remainder of the area remains largely open space.

¹ Information current as of April 4, 2020 at 2:00 PM.

- i. Unit B2 currently has 53 detainees, with a maximum capacity of 72 detainees.
 - ii. Unit B3 currently has 40 detainees, with a maximum capacity of 72 detainees.
 - iii. Unit C1 is currently the “intake unit” for females, where incoming female detainees will be held for 14 days and checked for COVID-19 symptoms. If new detainees are introduced, or a detainee becomes symptomatic, the 14-day period restarts. There are presently 2 detainees in C1, which has a maximum capacity of 72 detainees.
 - iv. Unit C2 is a female-only dorm. It currently has 36 detainees, with a maximum capacity of 72.
 - v. Unit C3 is a male-only dorm, it currently has 40 detainees with a maximum capacity of 72.
 - vi. Unit C4 is a male-only dorm, it currently has 37 detainees with a maximum capacity of 72.
- d. BFDF also has a Special Housing Unit (“SHU”), which can accommodate 64 detainees. It presently has 10 detainees. The SHU is used for disciplinary segregation, medical observation, and administrative segregation which includes protective custody. Unlike the regular housing units, the SHU does not have any “quad” area or space for detainees to congregate under normal times. Detainees in this section are generally restricted to single-occupancy cells.

6. Presently, BFDF has approximately 388 detainees, and has a maximum capacity of 716 detainees.² It is therefore at 54% capacity, allowing for much more space per detainee than under usual conditions.

7. With respect to the question posed by the Court on April 3, 2020, Petitioners Nwankwo and Adalokun were planned to be placed in communal dorms out of logistical necessity. Petitioners Concepcion, Falodun and Sow were planned to be alone in double

² The general capacity of the BFDF is 636 detainees, using regular beds only. The 716 number would include the addition of 48 temporary “boat beds” and 32 beds to the SHU.

occupancy rooms, but logistics did not allow for that. They have also been placed in dormitory settings, but still have the ability to engage in social distancing.

8. The logistical issues involved in moving the “vulnerable individuals” are many. In addition to maintaining social distancing, the BFDF has to abide by certain rules with respect to detainee populations. Specifically, Performance-Based National Detention Standards³ mandate that low level detainees not be housed with high and medium-high level criminal detainees. Currently, high and medium high level detainees are housed in the two general population celled dorms, A2 and B1. Petitioners Adalakun, Concepcion, Falodun, Nwankwo and Sow are lower level criminals and immigration violators, who cannot be placed in the celled units due to their lower classification and will be placed in dorm housing.

9. Additionally, due to space constraints—stemming predominantly from the dedication of two housing units to serving as quarantine units—the only remaining single-occupancy cells for the above Petitioners would be in the SHU, which would restrict them to being in a cell for the majority of the day, and subject them to much higher restrictions on their movement and liberty. In the open housing dorm, Petitioners can maintain social distancing, while still having access to the open area of the dormitory. They will not be limited to a cell or bunk, and can engage in some activities within the dorm, social distancing permitting. They will have much greater freedom of movement than they would if they were limited strictly to a SHU cell.

³ These are the rules for detention that the BFDF must abide by for housing detainees. The BFDF is also also American Correctional Association Accredited and must meet standards set by that entity as well. The PBNDS are more stringent and the BFDF is one of the few jails/detention centers in the country that meet them. Upon information and belief, the BFDF is the only detention facility in New York State that meets the most up to date version, PBNDS 2011.

10. Lastly, I can confirm that the BFDf remains free of confirmed and suspected cases of COVID-19 as of April 4, 2020, at 2:00 PM.

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

Dated: April 4, 2020
Batavia, New York



JEFFREY SEARLS