

EXHIBIT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

Case No. 1:19-cv-370-EAW

v.

JEFFREY SEARLS, in his official capacity
as Acting Assistant Field Office Director and
Administrator, Buffalo Federal Detention
Center,

Respondent.

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 opposition to Adham Hassoun’s motion for transfer to home confinement and to provide additional information to my Declaration of March 30, 2020.

3. I provide this declaration based on my personal knowledge, belief, reasonable inquiry, and information obtained from various records, systems, databases, other DHS

employees, employees of DHS contract facilities and information portals maintained and relied upon by DHS in the regular course of business.

4. Since the onset of reports of Coronavirus Disease 2019 (COVID-19), ICE epidemiologists have been tracking the outbreak, regularly updating infection prevention and control protocols, and issuing guidance to field staff on screening and management of potential exposure among detainees.

5. ICE follows the guidance issued by the Centers for Disease Control and Prevention (“CDC”) and the World Health Organization (“WHO”) to safeguard those in its custody and care.

6. The BFDF is making every effort to avoid introduction of COVID-19 to the facility and to limit the possibility of exposure for all detainees and staff.

7. The BFDF has taken measures to limit the number of people present at the facility. It has reduced the number of ICE staff present handling administrative roles and working in other areas not affecting the facility’s ability to monitor and respond to COVID-19, and that do not compromise the ability to ensure the safety of detainees generally. It has also reduced the number of detainees held at the facility to slightly more than half of capacity and is continuing to evaluate detainees for potential release.

8. No visitors, other than legal counsel, may come to the facility and all persons coming to the campus, including employees and delivery persons, must have their temperature taken before being allowed onto the facility.

9. Legal counsel for detainees are provided visits in a no-contact room that features a window barrier separating detainees from attorneys. Nearly all attorneys have been cooperative with this approach, with only two Buffalo attorneys insisting on meeting in rooms

without a window separation. Such attorneys who refuse to use the no-contact rooms are required to wear personal protective equipment (“PPE”), including face masks and gloves, to limit the transmission of any illness or infection that attorneys may have from spreading to their clients.

10. Nearly all immigration court proceedings are now conducted at BFDF with Immigration Judge Aikman seated on the bench and all participants appearing via teleconference or video teleconference. The only exceptions are for the same two Buffalo attorneys who have insisted on meeting with their clients in rooms without a window separation. For proceedings involving these two attorneys, the BFDF has maintained social distancing and limited the persons present in the Courtroom. For these proceedings, the facility has required that the attorney be seated at one table, the detainee be seated at another table on the other side of the room, security stands towards the back of the courtroom and a Spanish interpreter, if needed, sits in the front of the courtroom near the bench.¹ Counsel for the government have appeared via videoconference. To the extent that any attorneys continue to make in person appearances in future cases, BFDF will continue to maintain social distancing requirements.

11. All witnesses in immigration court proceedings have appeared remotely since March 5, 2020.

12. Adham Hassoun is presently in the Special Housing Unit (“SHU”), which has beds for 32 detainees, but, like the rest of the facility, is now well-below capacity. It currently houses 13 detainees.

¹ Interpreters for other languages appear telephonically.

13. All cells in the SHU have solid metal doors and glass windows. All cells have individual toilets and sinks, along with soap and shampoo for cleaning. These are regularly restocked.

14. Hassoun's cell has its own shower.

15. Detainees in the SHU have access to three tablets and can use a computer in the SHU law library. These areas and all common areas are cleaned daily by the SHU cleaner.

16. In addition, the SHU maintains disinfectant and cleaning materials at the detention officers' desk, which can be used by detainees to clean areas at any time.

17. The specific disinfectants available for cleaning, Fresh Breeze – TB RTU Tuberculacidal and Hi-Con Neutral Disinfectant & Detergent, are both registered in New York for use against COVID-19.

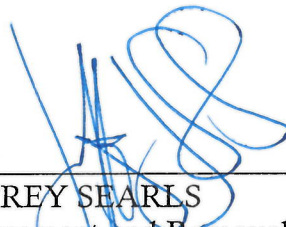
18. These disinfectants are available for Hassoun's use at any time.

19. Hassoun is currently in the medical isolation cell in the SHU because he asserts that he is engaged in a hunger strike, though he continues to eat some meals.

20. If Hassoun discontinues his hunger strike, he will remain housed in a solitary cell in the SHU due to his having made threats toward another detainee following the February 14, 2020 religious service.

I declare under penalty of perjury that the foregoing is true and correct based on my knowledge and belief.

Executed on April 8th, 2020 at Batavia, New York

A handwritten signature in blue ink, consisting of several loops and a vertical stroke, positioned above a horizontal line.

JEFFREY SEARLS
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement