

3. In my current law practice, I represent 14 men serving life sentences who are seeking parole. The majority of my clients have resided at SBCC at some point during their incarceration and one presently resides in the Secure Treatment Program (STP).

4. All of my parole clients have been assigned to me by CPCS where the performance standards require that I visit my clients at least once a month. Regular communication through visits and phone calls is the core of my work with clients. Because of the lockdown, I was not able to see my client in the STP on or around January 17, 2020, which marked one month since my prior visit. Additionally, my client and I had a phone call scheduled for January 15, 2020, but he was not permitted to contact me because of the lockdown. When he was finally able to call me on January 27, 2020, he expressed distress that he had been unable to call me during the prior two-and-a-half weeks. I visited with my client the next day in a non-contact visit, which is required for all visits with individuals in the STP.

5. Notably, the STP is a segregation tier in unit M3 on the top level of the prison, two floors above where the assaults on staff occurred in general population on January 10, 2020. Despite the fact that the men in the unit had nothing to do with the staff assault and the law prohibits the Department of Correction (DOC) from subjecting individuals with serious mental illness to solitary confinement conditions, the prisoners in the STP were subjected to lockdown for most of the time between January 10 and January 26, 2020. My client reported that no prisoner in the unit had phone access to call lawyers or loved ones. They had no canteen, no email, and no access to sick slips. Meal portions were small and cold. The STP typically conducts 12 to 13 sessions of group therapy per week. My client reported that during the period of lockdown, there were only four therapy groups. My client also reported that he was not permitted to shower for six days from January 13 to January 18. None of the men have been permitted outside on the recreation deck per protocol. My client reports that since January 10, there have been at least eight incidents of self-injurious behavior by individuals in the unit, with at least one resulting in hospitalization.

6. I received a phone call from my client on the afternoon of Monday, February 3. He told me that he had just (that day) received a memo dated January 30, 2020 that explained housing changes. He read the policy out loud to me over the phone.

7. My client currently does not have his legal paperwork. This issue began when he arrived at SBCC, long before the recent lockdown. My client was moved to SBCC from MCI-Cedar Junction (Walpole) on November 15, 2019. At Walpole, he had his legal paperwork, personal mail, photographs, books, and a television. Since his arrival to SBCC, he has not received any of the above-mentioned property, including his legal paperwork. Despite the fact that 103 CMR 403.10 (Approved Inmate Property) has long permitted prisoners to have the above-mentioned items and the memo dated January 30, 2020 reinforces this authorization, these items have not been returned to him. As a result, there are legal issues regarding his case from 15 years ago that he is not able to provide me.

8. Because of my professional experience working at SBCC and my current work with multiple men who have resided there, I am familiar with the building and the distinctions between the North and South housing units. The Southside consists of units G, H, J, and K. The Northside consists of units L, M, N, and P. (See Exhibit A.)

9. Based on my experience working at SBCC and information from my clients, I am aware that prior to the January 2002 change in housing dynamics, prisoners were *strictly* separated between the North and South sides based on gang or neighborhood affiliations. Individuals from opposing sides were prohibited from interacting with each other because it was considered a safety risk. For this reason, all activities (with the rarest exception) were conducted separately between the two sides, including time spent in the chow hall, programming, religious services, gym, yard, and library. Additionally, visits with family were held on opposite days, and attorneys could only meet with clients in the contact visiting room on certain days if a prisoner from the opposing side had an attorney visit taking place. The separation of individuals on opposing sides was considered necessary for prisoner safety.

Signed under the pains and penalties of perjury this 7th day of February 2020.



Lisa Newman-Polk, BBO#665570

Souza-Baranowski Correctional Center (SBCC)

Three floors



**First floor (basement level) = G1/H1 and J1/K1 (South side)
L1/M1 and N1/P1 (North side)**

**Second floor (entrance/main level) = G2/H2 and J2/K2 (South Side)
L2/M2 and N2/P2 (North side)**

**Third floor (top level) = J3/K3 (South side segregation)
L3 (North side segregation) and M3 (Secure Treatment Program (STP))**