

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION  
No. [REDACTED]

[REDACTED]

v.

MASSACHUSETTS PAROLE BOARD

**AFFIDAVIT OF LISA NEWMAN-POLK IN SUPPORT OF  
PLAINTIFF'S MOTION FOR RECONSIDERATION**

I, Lisa Newman-Polk, do hereby depose and state:

1. I am an attorney and I have been licensed to practice law in Massachusetts since 2006.

2. I am also a social worker and have been licensed as an LCSW in Massachusetts since 2012. From 2013 to 2014, I worked as a mental health clinician a Souza-Baranowski Correctional Center.

3. In my current law practice, I represent 12 men serving life sentences in the Department of Correction (DOC).

4. On January 7, 2020, I was appointed to represent [REDACTED] in his juvenile lifer parole revocation proceeding.

5. In addition to Mr. [REDACTED], I have three other clients housed at MCI-Norfolk. Two of these clients have definitively tested positive for COVID-19. I learned on Friday, November 6, that a third client is sick with known symptoms and believes he has the virus. I am waiting to hear whether he has tested positive. This leaves Mr. [REDACTED] as likely my only client at MCI-Norfolk who has not yet contracted the disease.

6. As of Friday afternoon, November 6, DOC reported to the Committee for Public Counsel Services (CPCS) that MCI-Norfolk had 140 positive cases, with more test results expected this past weekend. CPCS does not have an updated report as of the signing of this affidavit, but my conversations with colleagues and clients indicate that the number of positive cases is at least 225 and likely higher. Numerous staff have also tested positive.

7. Mr. [REDACTED] remains in unit 6-3 in a five-man cell. He reports that last week people who tested positive were placed in his unit to quarantine. Mr. [REDACTED] has been trying to stay inside his cell in an effort not to contract the virus. Medical has inconsistently provided Mr. [REDACTED] and other prisoners their insulin. Mr. [REDACTED] has also not been taking his other medications because it requires walking a distance from his unit and he is afraid of contracting COVID-19 and has difficulty walking. Mr. [REDACTED] has not been provided his diabetic meals since the recent lockdown began a few weeks ago.

8. Yesterday morning I had separate conversations with my two clients at MCI-Norfolk who I know tested positive for COVID-19. They provided the following information, consistent with reports from other clients to their lawyers:

- a. Prisoners who have tested positive are being moved to probation units one and two (P-1 and P-2), as well as the orientation unit (8-2).
- b. P-1 and P-2 are dorm-style units attached to each other with a capacity to hold approximately 80 prisoners. Approximately 70 men have been living in the units on quarantine, sharing only three urinals and three toilets. Prior to their use for quarantine, P-1 and P-2 had been shut down for some time. The units are filthy with dust everywhere. They appear not to have been cleaned for years and there are no janitors designated to clean them. The quarantined prisoners who

are well enough are doing what they can to clean the units; however, they have not been provided proper cleaning supplies.

- c. The DOC issued a memo stating that prisoners who test positive for COVID-19 will be isolated or housed together for 10 days until free of symptoms for 24 hours without the use of Tylenol or Motrin. Medical staff are taking temperatures and oxygen levels daily in the quarantine units. After 10 days, prisoners who self-report no symptoms will be moved back to their regular units without further testing confirming they are negative for the virus. One client noted that for this system to work effectively, prisoners must report their symptoms accurately. This client noted that in addition to the filth, the P1 and P2 units are noisy with a television playing constantly. Thus, many prisoners are eager to move back to their cells as soon as possible, creating an incentive to downplay symptoms.
- d. There are some prisoners who have mild symptoms, others who feel ill, and several who have been taken to the hospital by ambulance.
- e. Approximately 60 prisoners were released from the P-1 and P-2 units back into population this past weekend and a new group of approximately the same number were then placed in the units. One of my clients was in the group that was released to population on Saturday, November 7, while another client was in the group that moved into the units on Sunday, November 9. Both men reported approximately 70 men in their respective cohorts.
- f. I do not have clients in the other quarantine unit, 8-2, and therefore do not have information about the conditions in that environment, nor estimates of the number of individuals who have tested positive and been isolated in that unit.

- g. Prisoners are required to wear masks. However, unless they are diagnosed with having COVID-19—at which time they are issued an N-95 mask—prisoners are only permitted to wear single-layer cloth masks that have been made at MCI-Norfolk. For many of the prisoners, these masks do not fit properly because they are one size and cannot be adjusted.
- h. Correctional staff are also required to wear masks; however, my clients in prisons across the Commonwealth have reported that while some officers are vigilant about wearing their masks per protocols, others are not.

Signed under the pains and penalties of perjury this 10th day of November, 2020.



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Lisa Newman-Polk