

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY BAEZ, JONATHAN BERMUDEZ	)	
JERMAINE GONSALVES, and DEDRICK	)	
LINDSEY on behalf of themselves and all others	)	
similarly situated,	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 20-10753-LTS
	)	
ANTONE MONIZ,	)	
	)	
Respondent.	)	

RESPONDENT'S SUPPLEMENT

Respondent Antone Moniz, Superintendent of the Plymouth County Correctional Facility, by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully submits the four attached declarations that respond to the inaccuracies in the declarations that Petitioners submitted yesterday. Each declarant testifies based on first-hand knowledge.

Respectfully submitted,

ANTONE MONIZ
Superintendent of the Plymouth
County Correctional Facility

By his attorneys,

ANDREW E. LELLING,
United States Attorney

By: /s/ Jason C. Weida
Jason C. Weida
Assistant U.S. Attorney

United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(617) 748-3180
Jason.Weida@usdoj.gov

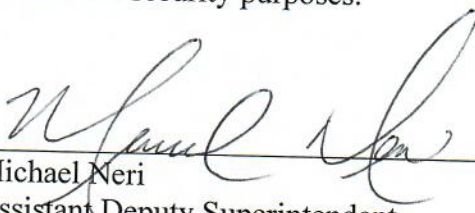
Dated: May 8, 2020

DECLARATION OF ASSISTANT DEPUTY SUPERINTENDENT MICHAEL NERI

I, Michael Neri, provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from records of the Plymouth County Correctional Facility maintained and relied upon by me in the regular course of business:

1. I am an Assistant Deputy Superintendent at the Plymouth County Correctional Facility. I have held that rank for 26 years. I have worked for the Plymouth County Sheriff's Department since 1986. I serve in the role of a Unit Team Manager, overseeing the operations of the housing units within Zone 1 of the Facility, A-1, B units, and C1.
2. I conduct rounds of the units each work day. In my experience, the importance of social distancing is a well-known fact, but I remind the inmates when I observe them breach it. When inmates come too close to me during visits to the units, I physically put my hand up and verbally remind them to keep six feet back.
3. The B units are dormitory style with open floor plans. BN1 considerably under capacity, and security staff recently moved the bunks farther apart.
4. In my rounds of the housing units, I have observed that the officers consistently are wearing masks when they are near the inmates, usually during unit rounds.
5. During recreation periods, there is opportunity for the inmates to spread in the TV area, on the recreation deck when scheduled once per day, and in their bunks. There are nine phones in BN1, and in my observation they are never all in use at the same time.
6. I personally have observed inmates ask for new masks and officers provide them in response.
7. The Department provides gloves to the unit workers and provide gloves to other inmates upon request when they are cleaning.
8. The hand sanitizer in the units is alcohol-free for security purposes.

Executed on 5-8-2020


Michael Neri
Assistant Deputy Superintendent

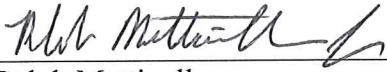
DECLARATION OF ASSISTANT DEPUTY SUPERINTENDENT RALPH MATTIVELLO

I, Ralph Mattivello, provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from records of the Plymouth County Correctional Facility maintained and relied upon by me in the regular course of business:

1. I am an Assistant Deputy Superintendent at the Plymouth County Correctional Facility. I have held that rank for since June of 2019. I have worked for the Plymouth County Sheriff's Department since 1997. I serve in the role of a Unit Team Manager, overseeing the operations of the housing units within Zone 3 of the Facility, all of the units on the third floor.
2. The Department splits meals in the units, with each half eating separately. When inmates receive their meals, the officers usually stay at the officer panel, which is more than six feet away from the inmates. In my observation, the officers have been wearing the masks when they move within six feet of inmates and when they perform their rounds. The Department has authorized officers to supplement the provided masks with masks from home.
3. The Department splits the recreation period in the units, with each half coming out separately to use the dayrooms and recreation decks. The week of May 4, officers flipped over dayroom chairs in the units to create a barrier against inmates moving the chairs too close. We had spread them out on earlier occasions, and they kept moving them together. In the past, when I observed inmates moving the chair closer than six feet, I told them to spread them out. Staff also placed tape around the officer panel to mark off a six foot distance from the panel.
4. I am familiar with Jonathan Bermudez. He is housed in Unit H3, a large unit designed to hold up to 139 inmates. On May 8, 2020, the population of the unit was 66. Each inmate or detainee is in his own cell. On multiple occasions during my rounds of the unit, I have observed Bermudez gathered with several other inmates at a table in the dayroom. On each occasion, I have reminded them to spread out.
5. In Unit H3, there are three sets of phones: four banks of three at back of the unit and one bank of four under each stairwell. The officer panel is far from each set of phones.
6. All inmates are required to wear masks when leaving the unit and when getting their medication.
7. Unit workers are provided gloves to perform their assigned tasks, and officers provide plastic gloves on request when inmates are cleaning their cells. Unit workers clean phones, door handles, and surfaces multiple times per day, and the maintenance and cleaning crews supplement with additional cleaning. Inmates have access to cleaning materials to clean their own cells. Inmates are provided antibacterial soap weekly and as needed and now receive two rolls of toilet paper per week.

8. There is hand sanitizer available in the units, which the housekeeping sergeant monitors and refills. The sanitizer is alcohol-free for security reasons, because of concern the inmates would drink it.
9. After a unit disturbance in Unit H3, on Sunday, May 3, I went cell-to-cell in the unit on that date, and again on May 4 and May 5. During those visits, I reinforced the rules of the unit, the importance of social distancing, the importance of wearing masks in the dayroom, and offered to answer any questions.

Executed on 5/8/2020



Ralph Mattivello
Assistant Deputy Superintendent

DECLARATION OF ASSISTANT DEPUTY SUPERINTENDENT DONALD BANZI

I, Donald Banzi, provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from records of the Plymouth County Correctional Facility maintained and relied upon by me in the regular course of business:

1. I am an Assistant Deputy Superintendent at the Plymouth County Correctional Facility. I have held that rank for over six years. I have worked for the Plymouth County Sheriff's Department for 32 years. I serve in the role of a Unit Team Manager, overseeing the operations of the housing units within Zone 2 of the Facility, D, E, F, and H units on the first floor of the Facility.
2. On April 28, 2020, I sent a memo to all officers in my zone with directions on social distancing. The memo provided:
 - a. Dayroom chairs will remain 6 feet apart
 - b. No playing of cards in the unit unless all inmates have masks on
 - c. Maintain social (safe) distancing at all times
 - d. Masks have been provided and should be worn anytime you are within six feet of another person
 - e. Masks must be worn any time an inmate leaves the unit

On May 4, the security staff recently tipped over chairs in the dayrooms to serve as barriers to the remaining chairs being too close together. This created a six foot distance between chairs. The staff had moved them six feet apart previously, but the inmates kept moving them back.

3. I have instructed officers in the zone to remind inmates to maintain a social distancing space of six feet. When I enter a unit and observe inmates gathered together without masks, I address it with the officer and then usually address it directly with the inmates. This occurs approximately 3-4 times per week.
4. Detainees Jermaine Gonsalves and Roosevelt Wilkins are housed in Unit H1, large unit designed to house up to 139 inmates. On the morning of May 8, the population of Unit H1 was 62. All of the inmates are in single cells.
5. Anthony Baez is housed in Unit DS1 is a small unit designed to house up to 62 inmates. One the morning of May 8, the population of the unit was 31.
6. I have read the claim of Anthony Baez that he recently was in a cell with four other inmates. That claim is false. A housing/occupancy history report shows that he briefly was housed in a five-man cell with three other inmates from March 23 until April 8. He never was housed with four others. I was present with ADS Kevin DiMarzio when he measured the space between bunks in Baez's cell, and there was more than six feet distance from head to head.

7. The Department conducts split meals in the units, so approximately half of the unit is out at one time.
8. I have read the claim of Anthony Baez that approximately 36 people eat together in the unit. That claim is false. The entire population of the unit is 31, and the inmates are split for meals.
9. I have read the claim of both Baez and Wilkins that there has been no change to recreation. Those claims are false. The Department conducts split recreation, so approximately half the unit is out for recreation at one time.
10. The Department has made multiple distributions of masks to inmates and staff. I maintain a box of 50 in case someone needs a mask, and replace the box approximately weekly. I keep masks on my person in case someone needs a mask. Inmates have asked me personally for masks, and I have provided them. Officers and supervisors have asked me for masks, and I have provided them. In my observation, the officers wear masks when they are near the inmates.
11. In the housing units, the unit workers disinfect the housing units after each recreation period. In addition to the traditional cleaning schedule, unit workers disinfect the entire unit after lunch before the other inmates come out for their afternoon recreation. Also supplementing the traditional cleaning, the maintenance crew fogs the unit every other day, and the cleaning crew fogs the sally ports and visit areas every other day.
12. The Department issues antibacterial soap each week, and I have instructed officers to provide additional soap as needed. Hand sanitizer is available in each unit. The sanitizer is alcohol-free for security reasons. Now that the supply chain has improved, inmates receive two rolls of toilet paper per week.

Executed on MAY 8, 2020



Donald Banzi
Assistant Deputy Superintendent

DECLARATION OF ASSISTANT DEPUTY SUPERINTENDENT KEVIN DIMARZIO

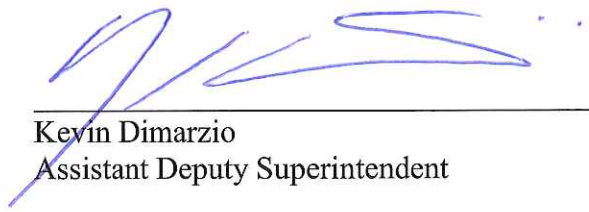
I, Kevin Dimarzio, provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from records of the Plymouth County Correctional Facility maintained and relied upon by me in the regular course of business:

1. I am the Assistant Deputy Superintendent of Operations at the Plymouth County Correctional Facility. I have held that position since December of 2019. I have worked at the Plymouth County Sheriff's Department since 2008.
2. I was directly involved with the distribution of masks to all inmates and detainees on April 6, 14, 21, and 30. The Department conducted another distribution today, May 8, at 1pm. For each, I conducted a housing analysis for each unit, separated the appropriate number of masks for each unit, and arranged distribution. I also have made sure there are extra supplies located through the Facility.
3. Since April 15, there has been hand sanitizer available for inmates in every unit. The Department strategically placed the dispensers so that the inmates would have access prior to eating and prior to receiving medications. The housekeeping sergeant regularly checks the dispensers and refills them. The sanitizer is alcohol-free for security purposes. It is my understanding that the Facility prohibits inmate access to alcohol in the Facility because of its flammable nature and because of the risk that they will drink it in a toxic manner.
4. Dedrick Lindsey is assigned to BN1, a dormitory unit designed to house up to 60, with 52 current beds. On May 8, the population of the unit is 15. There are 13 octagon tables seating four and eight dayroom chairs.
5. I have read the claim of Lindsey that the bunks in his unit are not six feet apart. That claim is false. On April 23, I personally went to Lindsey's unit. Along with a lieutenant, I personally moved the beds apart to create more space. I personally measured the space from every single bunk in the unit to make sure there was six feet from the next. I took a picture of one measurement, which I understand was submitted to the Court. While I was in the unit, Lindsey spoke to me and claimed that the bunks were not six feet apart, holding out his arms to demonstrate. I trusted the tape measure.
6. I have read the claim Anthony Baez that he sleeps closer than six feet from his cellmates. On April 22, I went to Baez's cell and took measurements. Measuring from head to head, Baez's bed was nine feet from one bed in the cell and 12 feet from the other.
7. I have read Baez's claim that he eats with approximately 36 people. The claim is false. The total population of the unit is 31, and the meals are split. Baez eats with his tier, 14 total on May 8. The 14 inmates and detainees have access to eight rectangle tables seating six each, plus any available dayroom chairs.

8. I have read Roosevelt Wilkins' claim that as he spoke on the phone with his attorney on May 7, he counted eight officers in the unit, with only one wearing a mask. The claim is false. I spoke to Inner Perimeter Security (IPS) Major John Sarris to examine camera footage to evaluate the claim. Sarris reported that Wilkins spoke to his attorney from 10:39-44 (non-recorded call), and that cameras revealed only the two unit officers were in the unit at the time, and that both were wearing masks. Sarris reported that there had been other four additional officers in the unit earlier in the day to distribute canteen, and those officers wore masks, as well.

Executed on

05/08/2020



Kevin Dimarzio

Assistant Deputy Superintendent