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DECLARATION OF ANNA M HYSELL

I, Anna M. Hysell, declare the following statements under oath and subject to the penalty of perjury:

1. My name is Anna Hysell. I am a Citizen of the United States. My work address is 1201 E. Valley Parkway, Suite 203 in Escondido, California.
2. I am a licensed immigration attorney and a member of the State Bar of California. My bar number is 232564. I graduated from the University of Wisconsin Law School and have been practicing immigration law for 15 years. Upon graduation from law school, I was recruited under the US Attorney General Honors Program and represented the US Department of Justice for the legacy Immigration and Naturalization Service in San Francisco, California, which became the US Department of Homeland Security. I have been in private practice representing immigrants and have extensive experience representing immigrant detainees. I can be reached at (760) 233-0800.
3. I currently represent an individual who is detained at the Otay Mesa Detention Center (OMDC) in civil immigration detention. Her name is Julia Verdin Pineda and she is located in the A pod unit at OMDC. My client is very scared of retribution, however, she has consented to my revealing her name to the Court as she is more frightened of contracting Covid-19 and for her life. She has asked that I provide the information below to the Court about the health and sanitation conditions at the detention facility.
4. I spoke with my client moments ago at 2:15pm today, Friday, April 10, 2020. My client was crying as she relayed an unstable incident at the OMDC that had just

1 occurred around 1pm, when I was expecting her call for a prior scheduled phone
2 appointment.

- 3 5. Before our call, A pod unit manager “N. Torres” (“Torres”) conducted a meeting with
4 the detainees in my client’s A pod unit. During this meeting, Torres, who spoke to
5 the detainees in Spanish, had a large number of facial masks and told my client and
6 the rest of the women in her unit, that they would be provided a mask, *so long as* they
7 signed a document. She passed out the documents to the detainees. The document
8 was only in the English language and no Spanish version was provided.
- 9 6. Torres began to verbally translate the English document into Spanish for the
10 detainees. However, another detainee, Patricia Gallindo, who speaks both Spanish
11 and English, interrupted Torres. She had determined that Torres had skipped a
12 section of the document and failed to translate it to the detainees. Gallindo asked
13 Torres why she skipped that section, and informed the other detainees the contents of
14 the section Torres had skipped. Gallindo informed the detainees that the section
15 Torres skipped stated the detainees by signing the document were releasing Corecivic
16 of any responsibility if the detainees contracted the Covid-19 virus.
- 17 7. This of course upset my client and the other detainees as clearly Torres was not
18 disclosing properly the contents of the document. The inmates insisted Torres
19 provide them a Spanish-language version of the document so that they could read it
20 for themselves. Torres refused and warned the detainees again that they would not
21 receive a mask if they did not sign the document.
- 22 8. My client and the rest of the detainees refused to sign the document. My client and
23 the detainees were therefore not given a mask.
- 24 9. The detainees got angry and demanded the masks. Torres, and other officials then
25 threatened the detainees with pepper spray.
- 26 10. Gallindo and two other detainees from the unit were taken away and placed into
27 confinement.
- 28 11. My client began to cry and tell me that she is very scared. She said that the facility is
not adequately protecting them and that already one person has been infected in her
unit.

- 1 12. I explained to her that a Dr. for ICE has made statements to the District Court of
2 Southern California regarding the facilities and everything they are doing to protect
3 the inmates. I reviewed the statements made by Dr. Phillip Farabaugh as I had a copy
4 of his declaration about the conditions at OMDC.
- 5 13. My client stated that some of Dr. Farabaugh's statements are not true or inaccurate.
- 6 14. My client confirmed that there is no hand sanitizer available in their unit.
- 7 15. My client confirmed that the unit has been provided gallons of a cleaning disinfectant
8 (for cleaning not for hand use), and the detainees are responsible for dispensing the
9 disinfectant themselves into spray bottles to clean the tables in the common areas and
10 the phones. Each cell is supposed to take turns ever hour, to come out of their cell,
11 and clean the common area with the disinfectant. They are not confined to their cells,
12 but many are confining themselves to their cells all day out of fear of contracting
13 Covid-19. My client stated that they are not provided any protective gear like
14 goggles or masks when using the disinfectant which is industrial strength and many
15 detainees are having health issues from it. My client stated that they are not being
16 provided disposable gloves to use the disinfectant to clean. They must reuse the same
17 gloves with the other detainees, so they are having to decide to risk contracting the
18 virus by using the same gloves, or not using gloves at all and risking the damage to
19 their skin from the disinfectant. They are having to use the same rags for cleaning and
20 are not provided new clean rags.
- 21 16. My client confirmed that NO staff cleaning crew or outside cleaning crews are
22 cleaning the units in between shifts.
- 23 17. A woman in her A pod unit fell ill at the beginning of the month. The woman's name
24 was Esperanza Savan. Savan had a fever, body aches and a dry cough. She had
25 requested medical, but had not been seen for at least 7 days. Savan was told by staff
26 to drink warm water with salt. Savan was recently transferred to medical and was not
27 returned. Her belongings were removed from the A pod unit.
- 28 18. Access to medical is daily, but restricted and limited. To request to see medical, you
must wake and put your name on a list that is only available to the detainees between
5am and 6am. If you do not wake up in time to put your name on the list, but need to

1 request medical, you are prohibited from doing so until between 5am and 6am the
2 next day.

3 19. I am extremely proud of my client for bravely consenting to disclosing her name for
4 this Declaration. However, I am profoundly afraid for her. She is a woman of
5 incredible character and has been a model inmate, assisting with translations for
6 inmates and assisting staff for an extensive period. She has been detained since
7 October 24, 2019. I am very fearful for her health, as a woman in her cell (she shares
8 a cell with three other women), is now complaining of aches and has a fever. I am
9 also extremely upset that they have not been provided masks absent signing some sort
10 of release of liability.

11 20. I have reviewed the declaration of Captain Farabaugh and I am afraid that it is not an
12 accurate description of what steps are actually being executed at OMDC.
13 Specifically, there is no hand sanitizer available to my client. There are no cleaning
14 crews cleaning the units between shifts, as only the detainees are left to clean for
15 themselves with non-disposable gloves. They are bribing my client with personal
16 protective equipment to sign a liability release. And they are limiting access to
17 medical by having the sign in capabilities during a limited time period very early in
18 the morning. I do not believe that qualifies as daily access to medical.

19 DATED: April 10, 2020

BY: /S/ Anna M. Hysell

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