

DECLARATION OF LEONARD BOGDAN

I, Leonard Bogdan, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at the Federal Correctional Institution at Fort Dix. My Federal Bureau of Prisons Register Number is 07918-088. I was convicted of conspiracy to commit fraud, mail fraud, and money laundering and have served over 13 years of my 360-month sentence. Given good time credits, my current release date is August 17, 2032, meaning I have in practice already served over half my sentence. I have no prior offenses of any kind.

2. I am 68 years old. I have numerous serious medical conditions documented in my BOP medical record and am classified as a BOP “chronic care inmate.” Since being incarcerated at Fort Dix, I developed a nodule on my thyroid which causes a rapid heart beat and was diagnosed by the Fort Dix doctor as a “potentially cancerous nodule, thyroid.” He prescribed medications that are beta-blockers, which I take twice a day to slow my heart. Without them, my resting heart rate is 120 beats per minute. I also have a type of heart disease related to the valves of my heart, which was diagnosed by the Fort Dix doctor as “bundle branch block, bifascicular.” I have hypertension, high cholesterol, and skin cancer on the top of my head which was diagnosed by the Fort Dix doctor as “actinic keratosis.” I have extensive physical disability due to a severe case of scoliosis, which impacts my internal organs. Because of the twisting of my spine, my ribcage has been contorted to press on my lungs and cause me chronic shortness of breath, which is also noted in my BOP medical file. The scoliosis has caused some displacement of my kidneys as well, which was observed by an outside doctor who visited me at Fort Dix and is noted in my medical file.

3. For a combination of these conditions, I have been transported at least four times per year to various regional hospitals, including St. Francis Medical Center, Robert Wood Johnson University Hospital, and Deborah Lung and Heart Center, and other specialty offices. These conditions make me medically vulnerable and afraid for my life of getting infected with COVID-19.

4. I have been at Fort Dix since 2013 and have logged over 9,000 programming hours since my incarceration starting in 2007. At Fort Dix, I work as the clerk for the officer in charge of programming in the education department. Since I arrived in 2013, I have served as a tutor for GED students, primarily in math and English, as well as helping proctor and provide materials for the adult continuing education classes and the TPC (Transition from Prison to Community) program.

5. I am currently housed in Building 5841 on the west side of the prison, in what is considered the Honor Unit, also known as the Admissions and Orientation dorm. When new people come to Fort Dix, they come to this unit. I am the clerk who helps the team and counselor process new inmates.

6. My building, like all others in the prison to my knowledge, is divided into three floors. The capacity of the building is 374, which I believe is typical of buildings on both the west and east sides of the prison. The vast majority of rooms in these buildings are 12-man rooms, although we have two-man rooms as well. We have 230 people housed here, and so are not at full capacity, but I believe other buildings are fuller.

7. I am lucky to be in a two-man room, but I still have contact with shared space and surfaces with hundreds of other people in my building each day. All 230 of us have free movement within the building to congregate in the common areas and each other's rooms. There

are four TV rooms for the building: two large and two small. The computers that people use to email family are also in the large TV rooms. Everyone wants to watch TV to find out information about the virus, so at any given time, you have over 30 men watching TV in each small room and over 50 in each large room, not to mention the people waiting around to use the computers. There are two telephone rooms of approximately 13 by 13 feet for the whole building, which each have three phones on the wall two feet apart from each other. There is always a line of people waiting for the phones. With the TV rooms and phone rooms, I have observed no attempt by prison staff to enable social distancing or to stagger use. I use the computers and/or phones on a daily basis, sometimes multiple times each day. I try to clean them myself between uses but am not sure it is sufficient to kill the virus.

8. On my floor, I share bathroom facilities with 87 other men, and nothing prevents other people from other floors from using them if they are on our floor. There are four bathrooms with a combined total of approximately 10 urinals, 14 stalls, and 8 showers for the floor. The urinals, stalls, and showers are all right next to each other, so you are within a foot or two of another man using the facilities. I have not observed any attempts by prison staff to stagger use of the showers or otherwise assign people to certain bathrooms, to limit contact with others.

9. Since March 17 when the limited movement and lockdown at Fort Dix began, we have stopped eating our meals in the cafeteria. Instead, all 230 of us go to the cafeteria three times a day to pick up food and bring it back to the building. There is an announcement right before we have to leave, and everyone crowds into the single exit and adjoining hallway, because we have only five minutes to vacate the building. We are hurried along by prison staff and then are often waiting for some time in line all together to pick up the food. All 230 of us then congregate back at the building to wait for the doors to open. Most people then eat their food in

the TV room or in the twelve-man rooms. Three times a day, I am therefore in a mix of 230 men moving in a group to pick up food. We are not able to practice social distancing. We are not able to keep six feet apart during this time.

10. No one in this building has told me they have been tested for the virus. We are not receiving any information about testing or the rate of infection spread, which makes me feel anxious and uncertain. Over the past month and a half, three people in my building have had symptoms such as coughing, headaches and body aches, and have been removed from the building for a couple days and then returned to the unit. One of them told me, however, that he was diagnosed with bronchitis. He was not tested for COVID-19.

11. I know they are housing people who are sick with the virus in the building next to mine, Building 5851, which is the laundry facility. They have brought sick people from the camp into that building, which means bringing people inside the West Compound where we can be exposed to them. Corrections officers also go between buildings and between the main facility and the camp. About three weeks ago, all the officers I see started wearing masks.

12. I applied to the Fort Dix Warden David Ortiz for Compassionate Release over a year ago. It was denied because I had not served 50 percent of my sentence. I appealed it administratively to the BOP regional office and got a final denial from Washington, D.C. this past February. On March 30 when I saw Attorney General William Barr's memo, I applied to the warden for Home Confinement due to COVID-19. I was never told I would be considered for Home Confinement or how they were considering people. On April 20, I received a paper from my case manager saying I was denied Home Confinement because I had not served 50 percent of my sentence. I did not know that was the standard for Home Confinement. However, because I

have to serve 85 percent of my 30-year sentence, I am already over halfway done. I have already served over 13 years and my current release date is August 2032.

13. Of the 230 people I live with, I do not know anyone who has been sent to Home Confinement since the Attorney General memo. Three weeks ago, ten people here were called to the case manager who told them they were under consideration for release. They have not left the building yet or been placed in isolation pending release.

14. If I were released, I would return home to my wife in West Virginia. We are financially secure. I will be 69 years old in July and would retire.

/s/ Leonard Bogdan (by consent)

I, Tess Borden, certify that I reviewed the information contained in this declaration with Leonard Bogdan by telephone on April 26, 2020 and that, at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

/s/ Tess Borden
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