

DECLARATION OF TROY WRAGG

I, Troy Wragg, 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 67165-019. I was convicted of conspiracy and wire and securities fraud. I have served approximately 17.5 months of my 264-month sentence. My current release date is August 7, 2037. I have no prior offenses of any kind.

2. I am 38 years old. I am classified as a BOP “chronic care inmate” for several serious medical conditions, which are documented in my BOP medical record. My health conditions make me medically vulnerable to COVID-19, and I am terrified that I will not survive if I contract the virus.

3. I have severe epilepsy and suffer from grand-mal seizures that can be so violent and debilitating that I have broken bones during seizures. While in BOP custody in January 2019, I broke my wrist during a seizure and was in a cast for seven weeks. As a result of these seizures, my entire body is incredibly tight and extremely weak. I am prescribed Keppra to treat my epilepsy and, before my incarceration in November 2018, had been on it consistently for four years since my epilepsy diagnosis in November 2014.

4. I need Keppra to survive, but over the past three months, the BOP has not provided me with consistent medication. I have been forced to ration my supply to make it last longer. As a result, my epilepsy has not been controlled and I have suffered frequent seizures. When I have seizures at night, the sound of my bed shaking wakes one of my bunkmates. He jumps down and holds my head to prevent a concussion, and monitors me throughout the episode to make sure I don't die. Between April 8 and April 23, I suffered 12 seizures. I had another

seizure in the early morning hours of April 26, and I recovered to find my bunkmate holding my head again.

5. Contracting COVID-19 would make my conditions worse. From research I did for my compassionate release requests, I learned that symptoms of the virus, especially fever, as well as the physical and emotional stress of being sick, can trigger more seizures. Given the inadequacy of the prison's response to my epilepsy, I am scared that if I do get sick, I won't receive proper care. Beginning April 14, I've made repeated requests (in writing and verbally) to be seen by the medical department. I have submitted two official sick call requests and two electronic cop-out requests, and a corrections officer and a counselor have each made calls on my behalf. As of today, I am still not scheduled to be seen by medical.

6. I also have hypertension and heart disease. I was diagnosed with hypertension in 2011 and had a heart attack in 2012. I take three different medications daily for heart disease and hypertension. Due to my recent seizures and anxiety about COVID-19, my blood pressure has been highly elevated even with medication.

7. Finally, I also have Myasthenia Gravis, a chronic autoimmune neuromuscular disease.

8. I have been in BOP custody since November 2018 and have been at Fort Dix since September 2019. I have completed six programs and have taught four classes as an ACE instructor while at FDC Philadelphia and Fort Dix. Before the COVID-19 outbreak, I was teaching a Business Management and a Business Marketing class to fellow inmates. I am extremely passionate about teaching and helping other inmates further their education. I also completed the Non-Residential Drug Abuse Program ("NRDAP") with a 100%.

9. I am currently housed on the west compound in Building 5812. There are a total of about 250 to 300 men across three floors. The vast majority of rooms at Fort Dix (in both west and east compounds) are 12-man rooms, with approximately 10 two-man rooms per building. We are currently confined to our buildings because of the lockdown, but we are allowed to mingle freely with the 250 to 300 men inside.

10. I sleep on a bottom bunk in a 12-man room on the first floor. Nine of the twelve beds are filled right now. I believe our approximately 430-square-foot room is the smallest in the building. There are six double bunkbeds in that space, approximately five feet apart, as well as twelve lockers and a small table. It is physically impossible for nine of us to get six feet apart in this space, as I know we are supposed to be doing now. I frequently run into my bunkmates by accident because the space is so cramped.

11. On the first floor, there is one bathroom shared by about 50 men (although there may be a handicap bathroom for inmates in wheelchairs which I have not seen). Our main bathroom has approximately five toilets, six urinals, twelve sinks, and four working showers. The bathroom is filthy, with urine all over the floor, and usually cleaned only once per week, twice at most. Because the pipes are leaking, water actively drips on our shoulders when we use the restroom and the floor is corroded. There are only four soap dispensers, which sometimes contain watered-down soap, but they run out daily and are often empty. We are given two four-ounce travel size bottles of all-in-one shampoo/conditioner/shave gel once a month, which is all we get by way of cleaning product. Otherwise, we have to buy soap off commissary. Some people buy bar soap, which costs between \$1 and \$2 each. I usually buy body wash, but it is currently out of stock. People told me there were signs posted in early April instructing us to give

any unused shampoo to an orderly to fill the bathroom soap dispensers. Instead, I give my all-in-ones to my bunkmate who uses it to mop the floor of our room each day.

12. Men from the top two floors spend much of their time on our floor because we have four TV rooms, as well as all of the building's computers and telephones. The TV rooms on the first floor are the most active. The main TV room is closest to my room. It has a total of twelve computers, and the building's eight phones line the wall of a narrow adjoining room. At any given time now, there are usually about 30 to 40 people in a TV room, but I have seen a lot more, probably closer to 100 when we watch the news, especially during coverage of the COVID-19 pandemic. Men from other floors use our bathroom as well. I believe our bathroom is the most used bathroom in the building.

13. When we walk to meals at the dining hall, it is impossible to stay six feet apart. The whole building is ushered together to the dining hall at the same time. Staff announce meal time on the loudspeaker, and all 250 to 300 of us are herded to the dining hall to pick up our food and bring it back to our building to eat in our rooms. We only have five minutes to get to the dining hall and five minutes to get back. It is impossible to social distance.

14. I have been following the updates from the BOP about the COVID-19 outbreak at the camp. I have heard that Building 5851, which is the laundry facility, is also being used to house inmates who have tested positive. It is at the far end of the west compound.

15. I believe prison staff move around the compound and go between the camp and main facility. I have also heard that corrections officers from the camp are now working in my building. Sometimes the corrections officers and other staff do not wear masks.

16. We began receiving one mask per week in mid-April, but have not received any gloves. When the elastic band on my mask snapped last week, I was told I could not get a new one. Staff only recently began mandating that inmates wear masks for meal pick-up at the dining hall.

17. We have virtually no cleaning supplies. We are provided no chemicals or cleaning agents, hand sanitizers, or spray bottles. We are not provided any towels to wipe surfaces down and have to use the four small rolls of toilet paper, which shred easily, given out once a month. Some people use toilet paper they buy off commissary, but many commissary items are often out of stock.

18. Staff have started doing temperature checks, but they are inconsistent and occur only about every two or three days. During the check, staff come to our room, and we line up at the door.

19. On April 17, I was using one of the computers in the main TV room on my floor. I heard another inmate, who was sitting right behind me, say that he was not feeling well. He complained that his chest hurt and he was short of breath. About four or five minutes later, a medical staff person and a corrections officer came in and asked him questions. The sick inmate left with them, and I have not seen him since. Many people in my building are worried about exposure to the virus. We have been talking about news of an inmate in Building 5811 who fainted during temperature checks and was dragged out of his room on April 23.

20. On April 25, we all filed out to the dining hall as usual to pick up lunch. I saw medics going in and out of Building 5851 with at least 20 stretchers in a matter of 30 seconds. Although I was still far away, it was terrifying to see men who appeared extremely sick and

nonresponsive. A corrections officer yelled at my bunkmate and me: “Keep it moving, get to chow and get back, that’s all you should be worried about.”

21. Since then, a lot of people have been talking about this incident. I experience the feeling here to be one of tension, helplessness, and hopelessness. People have opened up to me. They feel like the end is here, like we are going to die. We all laugh and joke about things from time to time, but it is simply to mask the sheer torture that we are feeling internally.

22. This morning, at 8:30am, the first floor of our building was released for monthly commissary, supply pickup, and linen exchange. I walked up to the first floor of Building 5851. Staff opened the door and I dropped my dirty linens into a bin. An inmate worker handed me clean linens in return. When I looked up, I saw more than ten inmates at the second and third floor windows. Some were in a window together, some alone. Some but not all were wearing masks. Two were pounding at the windows trying to get our attention, yelling for us. I’ve been talking with my bunkmates and we are in shock. What I saw there has changed me.

23. I have applied to Warden Ortiz three times requesting Compassionate Release and Home Confinement. I wrote the first letter on March 23. The warden denied my requests on April 24, saying he understood my fear about COVID-19 but they were taking precautions. I also wrote requests to the Attorney General and my case manager.

24. If I were released, I would return to a safe and stable home environment with my wife in Perryville, Maryland. At home, I have a cardiologist, neurologists, and a psychiatrist who are very familiar with my chronic medical conditions and much better equipped to take care of me if I do contract COVID-19.

25. Fort Dix’s handling of the infection here, especially given my medical vulnerabilities, has left me panicked, afraid, and at times depressed. I have trouble sleeping and

often have nightmares when I do sleep. I believe that my chance of contracting COVID-19 is very high, especially now that there are people in the west compound who have it. I often cry when I call my wife now. We worry that contracting COVID-19 would be a death sentence for me.

/s/ Troy Wragg (by consent)

I, Tess Borden, certify that I reviewed the information contained in this declaration with Troy Wragg by telephone on April 28, 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
Tess Borden (260892018)
American Civil Liberties Union of
New Jersey Foundation
P.O. Box 32159
Newark, New Jersey 07102
(973) 854-1733
tborden@aclu-nj.org