

DECLARATION OF MICHAEL SCRONIC

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

1. I am currently incarcerated in the low security satellite camp at the Federal Correctional Institution at Fort Dix. My Federal Bureau of Prisons Register Number is 79605-054. I was convicted of securities fraud and have served 17 months of my 96-month sentence. My current release date is September 18, 2025. This is my first offense.

2. I am 48 years old. I have a history of skin cancer, childhood asthma, and abnormal heart symptoms. In 1991, I had a tumor removed from my chest and was told to return to a pathologist regularly. In April 2018, I had Mohs Micrographic surgery to remove another tumor on my chest, which left a wound about the size of a silver dollar. Pathologists reported a skin cancer diagnosis. In November of that year, one month before I entered BOP custody, I was seen for follow up at the Memorial Sloan Kettering Cancer Center in New York City. As a young child, I had recurring serious asthma attacks. My mother has told me stories about me being a bubble boy. From what my family has told me, my breathing condition meant they had to have the house sterilized and install a vaporizing tent over my bed. For years as a small child, I am told I used steroidal medications. I understand these medications are immunosuppressing and that prolonged use can make a person immunocompromised. My medical records from my last physical in 2018 document that I had a cardiac murmur, heart palpitations, elevated blood pressure, and shortness of breath.

3. I have been at the Fort Dix Camp since I entered BOP custody. I have taught three classes to other inmates here through BOP programs: Pre-Calculus, Calculus, and Machine Logic. I have also participated in other programs, including Non-Residential Drug and Alcohol

Treatment, Parenting, Horticulture, Turf Science, Hydroponics, Drug Education, Psychology, Yoga Wellness, Guitar, Civil War History, Anatomy and Blueprints.

4. Until April 25, I was housed in the A-wing of the Camp. A-wing is a backward-C shaped room tightly lined with two-person bunk beds. Although population size changes, until March of this year, there were approximately 140 of us housed in A-wing.

5. I was in the middle section of the C-shape. Where I was, the beds were in rows three bunks deep. My bunk was the middle of three. To my right and to my left there was a bunk, not more than two feet from me. If we all reached out we could touch each other. There was an adjoining bunk at my head. For me, no one had been in that bed for about six months, but for most people, it means they sleep with their heads within one foot of another person's head. At my feet, three feet away, was yet another bunk. This three-foot space was the only corridor through which people would walk. It was physically impossible to get more than six feet away from each other.

6. The bathrooms in A-wing were filthy. The ceiling leaked, there was urine on the floor, and the floors and the showers had mold growing on them. We used to have to buy soap off commissary but, after commissary was terminated on April 6, liquid soap was provided in the bathrooms. Accessible from both A-wing and B-wing are communal common areas including TV rooms, computers, telephones, and the cafeteria.

7. We have been given no gloves. The rules on wearing masks have gone from masks being forbidden to masks being mandatory.

8. On March 30, we received a Notice to Inmate Population regarding Kitchen Attire that read: "Inmates will not be permitted to enter the kitchen on either the East or West compounds for meals with their faces concealed with makeshift masks due to COVID-19

concerns. Unless deemed necessary by Health Services staff, facial masks of any kind will not be tolerated outside of working areas.”

9. Soon after, we had a town hall to discuss COVID-19 within the BOP. A senior staff person told us that no masks could be worn at any time because the officers need to identify us for their own safety.

10. On April 9, we received a Memorandum for Inmate Population from the nurse, with subject “Notice to Camp Offenders - 2nd Positive COVID-19 Case.” It read:

Please be advised, a 2nd camp offender has been determined to be positive for COVID-19 and a third Camper has been isolated for evaluation of symptoms and is awaiting COVID-19 test results. Both offenders have been removed from Camp quarantine and placed in isolation, where they are receiving treatment.

Consequently, the Camp quarantine will continue through April 21, 2020 given the new COVID-19 confirmed case and the 3rd potential case. Your continued cooperation is essential to protecting your health and the health of the institution.

Please continue to observe infection prevention and control measures including sanitizing high touched surfaces, frequent hand washing, avoid touching your eyes, nose and mouth and people presenting with an ill appearance. Also be sure to cover your cough using a tissue and report any symptoms of fever, cough or shortness of breath. Finally, it is strongly recommended that you dawn your surgical mask upon issue. Be reassured, that all offenders removed from Camp for evaluation or for treatment of COVID-19 will not be returned until they are determined to be free of COVID-19.

COVID-19 is a respiratory illness spread from person to person through the respiratory droplets of an infected person. There is no vaccine or antiviral medication to treat this disease, prevention is key.

11. On April 11, we received a Notice to the Inmate Population. It read:

Date: April 11, 2020
From D. Ortiz, Warden
Subject: Protecting Yourself and others

In order to maintain the health of staff and inmates, the following is expected from all inmates: wear your surgical face masks! Since social distancing is not possible in this environment, masks will help keep you and others from spreading viruses.

In order to maintain the health of staff and inmates, the following is expected from ALL inmates:

wash hands with soap and water for at least 20 seconds
avoid touching your eyes, nose and mouth with unwashed hands
clean and disinfect all surfaces with the approved chemical
cover your cough/sneeze with tissue, immediately throw tissue in the trash and wash your hands
wear your surgical face masks! Since Social Distancing is not possible in this environment, masks will help keep you and others from spreading viruses.
report symptoms (coughing, sneezing, fever, fatigue, etc. to Health services and/or any staff)

We all must do our part in protecting ourselves and others from spreading COVID-19!

12. On April 13, we received a Memorandum to the Inmate Population from the nurse, subject line "COVID-19 Update." It read:

Please be advised, there are 6 inmates who have tested positive for COVID-19. All the offenders who tested positive were from Camp. They have been placed in isolation, where they are receiving treatment.

Please continue to observe infection prevention and control measures including sanitizing high touched surfaces, frequent handwashing, avoid touching your eyes, nose and mouth. Also, be sure to cover your cough using a tissue and immediately dispose of the used tissue. Report any symptoms of fever, cough or shortness of breath.

Finally, it is strongly recommended that you wear your mask. Be reassured, that all offenders removed from the Camp for evaluation or for treatment of COVID-19 will not be returned until they are determined to be free of COVID-19.

COVID-19 is a respiratory illness spread from person to person through the respiratory droplets of an infected person. There is no vaccine or antiviral medication to treat this disease, prevention is key.

13. On April 16, we received another Notice to the Inmate Population from Warden Ortiz, with subject line "Mandatory use of face coverings." It read: "It is mandatory that all inmates will wear face coverings provided by staff. Inmates in non-compliance may be subject to disciplinary action."

14. There is not real effort to keep the prison sanitized that I have observed. We have been told to sanitize our work and living areas but we do not have the necessary supplies to do so. We have not been provided any sanitizers, detergents, or paper towels.

15. On April 6, a 75-year-old inmate was removed from A-wing. I have heard he was later released and is now hospitalized. This inmate was a food server and had been visibly sick for days before being removed from population.

16. On April 8, they mixed up A-wing and B-wing populations. Sixty-three men from the camp were designated to B-wing because they were being considered for release and had to be quarantined. The remaining 162 or so of us were designated to A-wing, in more crowded conditions than previously. Over the next week or two, 14 people from A-wing and one older man from B-wing were removed because they had COVID-19 symptoms. Of those, I heard at least 11 tested positive.

17. This month, four inmates have lost consciousness at different times in the camp; I have observed two of those incidents. I have seen people showing what I know to be common symptoms of COVID-19 including coughing, sweating, feverishness, and vomiting.

18. On April 20, an inmate collapsed as a nurse and senior staff member walked through the camp during temperature check. People screamed for help, and I went over and witnessed the following: The senior staff member sprayed the fallen inmate with disinfectant, his whole body and then his head. An inmate yelled, "What are you doing? He needs help!" The senior staff member responded, "I'm disinfecting him first." The nurse took off the inmate's mask, and it had blood and green vomit in it. The senior staff member sprayed the inmate's bed and pillow afterward. Eventually, I yelled, "Get him out of here. He needs help now!" The nurse

asked the officers for a stretcher. They came back with a wheelchair and he was eventually rolled to the camp's medical office. I heard he left medical 20 minutes later with an IV in his arm.

19. On April 21, an inmate kitchen worker who had been visibly sick for almost a week told officers he needed medical attention around 8:30 pm. They responded, "we'll wait until count is finished." Count finished at 9:30 pm. There is no nurse on site at the camp, so he sat across from the nurse's office waiting. Because he is a good friend of mine, I checked on him during this time. At one point, he told the officer he needed his asthma inhaler. The officer asked if he could get it from his locker, and he said he was too weak to stand up. So I walked the officer to his locker to get his inhaler, which he then took. Around 10:20 pm, he saw a nurse for about 15 minutes. By 11 pm, he was removed from the unit. I haven't seen or heard about him since.

20. From April 8 to April 24, we were physically separated from inmates in B-wing, but the wings were allowed to use the same common areas, including TVs, phones, computers, and cafeteria, just at different times. I worried that there was insufficient cleaning in between.

21. We also continued to communicate through a glass door between the wings. Many of my friends were now among those in A-wing, and I learned that a lot of people there had symptoms including coughing, fever, and sweating.

22. On April 22, the 62 men remaining in B-wing were tested for COVID-19. On April 24, they received their results. I heard – from inmates and the nurse – that 21 of them were positive. Many were my friends.

23. Later that day, everyone in B-wing was moved to the main facility. I heard the positives were sent to the same building other positives had gone, and that the negatives were sent to the Unicor Warehouse. We were informed that inmates in A-wing, my unit, with last

names beginning M through Z would be moved to the now empty B-wing. That night, I watched two officers clean that empty wing and carry out bags of trash.

24. We moved on the morning of April 24. We were left to choose whatever bunks we wanted, and we all tried to choose ones spaced apart. We were not allowed to bring our mattresses or our lockers with us, despite the fact we were afraid the prison didn't have the manpower or the time to thoroughly disinfect the area they were moving us to. I was scared to sleep on the mattress of someone who just tested positive for COVID-19. One of the men tried to drag his mattress over. I heard an officer say, "Give me your ID. You're going to get written up."

25. We were not tested for COVID-19 at the time of the move. We received no information about what was happening to us.

26. Since then, I have not been tested and do not know of anyone still in the camp who has been tested. People are afraid to notify the prison about symptoms because those who have symptoms are sent to isolation, and we know nothing about the isolation unit or the treatment they get there.

27. In mid-to late April, multiple inmates were giving incident reports for minor behavior who, as far as I had observed, had not been subjected to discipline previously. For instance, four inmates were lying in their beds and did not hear call for count. They received a disciplinary report as a result. I believe that any inmate with an incident report in the last 12 months will not be considered for home confinement release, according to BOP policy.

28. On April 6 and April 9, I wrote to my BOP case manager requesting Compassionate Release. I also wrote to the Warden with this request, and my sister separately wrote to him about it. I have not yet received a response. Currently, I believe that I am not in any plans to be released by Fort Dix. I have not been on any "lists" as of yet. Until recently, I had

observed that other inmates' compassionate release requests were being responded to with blank forms, with only the person's name on top. Yesterday and today, inmates started getting denials for the following reasons: not 50% time served, incident reports, and a violent offense in their history, even decades old. I have yet to hear anything on mine.

29. If I were released from Fort Dix, I would live with my sister and her two children in Brooklyn and pursue teaching. Before my incarceration, I had received an offer to be a teaching fellow in high school math. I had deferred that offer at the time and hope to explore it further.

/s/ Michael Scronic (by consent)

I, Tess Borden, certify that I reviewed the information contained in this declaration with Michael Scronic by telephone and, as to ¶¶ 8-13 and ¶ 18, by correspondence, 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