

DECLARATION OF ALVIN BANKS

I, Alvin Banks, certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Alvin Banks. I am 50 years old and of sound mind.
2. I'm currently detained in the East Baton Rouge Parish Prison. I was booked into the jail on July 20, 2020. I have a total bond of \$35,000, and I have a parole hold.
3. Before I was arrested, I lived with my wife in East Baton Rouge in a three-bedroom house. I plan to go back there when I get out. I have two daughters. My youngest is 23 and my oldest is 29. I also have seven grandkids, 4 girls and 3 boys. I used to get to see them all the time and watched them on some weekends before I was arrested. I really miss that. I also used to work as a painter for a contractor doing residential and commercial work in town and around the state.
4. I have high blood pressure, diabetes, and Hepatitis C. The jail knows about my medical conditions.
5. One of the male nurses here told me that because I'm diabetic I have to be careful with the coronavirus. He said I'm lucky I have a strong immune system because I could have died from the virus when I caught it in the jail this past month.
6. When I first came to the jail, they held me in central booking for one or two days. The nurses took my temperature when I got to the jail, but they didn't ask me about any other coronavirus symptoms or give me a coronavirus test. I never got tested until after I caught the coronavirus.
7. The guards held me in a large cell in central booking with about twenty or twenty-one other men. It was very cramped in there. The guards gave us thin mattresses to sleep on, and our mattresses were all touching each other when we were sleeping. We couldn't even be a foot apart. And it was not clean, trust me. No one comes into the cells to clean them. I saw men cleaning the areas outside the cells, but never in my cell while I was there. We didn't even get a mop or broom to clean ourselves.
8. The jail didn't give us masks in central booking. I had a paper mask from the police precinct that arrested me, and I had to make that last for about 6 days. It got all torn up, but I had to keep using it because I didn't have anything to replace it with. I asked the guards for a real mask in central booking, but they told me they didn't have none right then. It took over a week for them to bring me a real cloth mask, and I didn't get one until I was on A3. And when they brought us masks, the masks were previously used by someone else and washed.

9. The guards moved me to the A3 line around July 21st. A3 was a quarantine line for men coming in off the streets. There were six cells on the line, with four people in each cell. Our beds—metal slabs—were about two feet apart. At night, we were locked in our cells together. The toilet in my cell didn't work and was full of urine and feces. We told the guard, but he didn't care and told us we just had to use that toilet at night if we had to go to the bathroom. They wouldn't let us out to use a different toilet at night.
10. During the day, everyone on the line was usually in the day room together, and we were all trying to use the phones. There were three phones, but only two of them worked. Not everyone on the line had mask from the jail, and we were all in the day room together.
11. The line was never very clean, and it was really nasty all the time. It was covered in green and black mold and infested with rats. The guards would come around on some of the mornings and spray down the phones, the day room, and the hallway, but they refused to spray down the cells even when we asked them to. One guard said he wouldn't do it, and he didn't care who we called about it. I asked the evening guard for bleach, and he told us he would get us the bleach after he finished his business. He didn't bring us anything until about midnight or 1 am that night, after everyone was asleep. He just pushed a mop and bucket onto the line. But the mop was already dirty when he brought it to us. We didn't get anything else for cleaning.
12. The guards brought new people onto A3 every day from the street. Some of the new guys coming in didn't have any masks either. And the jail put the new guys on the line without testing them. I know that because they didn't test me or the men I was with when they put us on the line.
13. The nurses came on the line twice a day to bring us our medications for pill call. I told one of the nurses that some of the men the jail brought onto the line were coughing and sneezing, and she brushed me off, saying "it's only the flu, everyone catches the flu." The nurses took our temperatures once a day, but they didn't ask us about any other coronavirus symptoms. The nurses didn't check us for coronavirus—they only checked me because I got really sick. But I never had a temperature.
14. I believe I caught the coronavirus on quarantine. Some of the men on the line didn't have masks, and it took the jail a while to bring us any masks. One of the guys who was coughing a lot was an older man. The other guys on the line were making fun of him and threatening to beat him up because he was hard of hearing and coughing a lot. I told the older man not to mess with those guys and to come talk to me in my cell. He came to my cell every day to talk to me. I wasn't really worried about the coronavirus at that time and didn't know much about it.

15. I got sick pretty quickly after the older man started coming in my cell to talk. My stomach and my head started hurting, I was having diarrhea and going to the bathroom a lot, and I was burping up a lot—my burps had a really bad smell, like I had passed gas. I lost my appetite and stopped eating. My eyeballs were so sore I thought they might pop out of my head. I was also hot and cold all the time, even with the air conditioning on. I was so sick that I just laid in bed for days and would wake up soaking wet. I thought I was going to die.
16. I was sick for a several days before the nurses would even see me. They kept telling me to fill out a medical request so they could get money out of my account for the appointment.
17. Around July 27th, another guy on the line named Travis Day came by my cell and saw me in my bed. He said, “man, what’s wrong with you? You used to come mingle with us and talk and laugh and play cards. I heard you coughing a lot last night—that sounds like the coronavirus.” He kicked and beat on the door to the line until an officer came back. He told the officer I was sick, but the officer didn’t do anything. Instead, he threatened to spray Mr. Day with mace and put him in lockdown if he kicked the door anymore. But kicking the door was the only way we had to get the guards’ attention on A3. Mr. Day again said that I was sick. Finally, the guard took me out of there to medical.
18. When the guard brought me to medical, one of the nurses—I believe her last name is Trustclara—asked me about my symptoms and said, “you’ve got coronavirus.” She tested me and had the guards put me on B2 right away, where the jail was holding people while they waited for their coronavirus test results. B2 was dirty like A3. I was there alone overnight until my results came back positive. Then the guards moved me to B3 on July 28th. I heard from the older man that he went through B2 after me. He said he caught coronavirus from another guy on the A3 line.
19. B3 is a solitary confinement line where the jail holds men who tested positive for coronavirus. It’s in a part of the jail that was condemned two or three years ago—so is A3 and B2. There is mold all over the walls on these lines, and the jail just paints over it. The lines are also infested with rats and mice, and I had to throw my stuff at them at night to keep them away from my bed.
20. For about the first five days I was on B3, I was there alone. I spent the first few days just in my bed all the time because I was so sick. I still thought I could die back there. One day, Nurse Trustclara came in and said, “Do you want to live? You got to get up and get moving around.” So I got up and started cleaning the line, even though I still felt really sick. Moving around was the first thing that helped me feel better—a lot more than the aspirin and vitamin C that the nurses gave me. That was all they gave me for the coronavirus.

21. After about five days, the guards brought the older man onto B3 with me. He was really sick with the coronavirus. He would cough so hard that he sometimes choked. I felt like it was my duty to look out for him. One day, he was coughing and choking so hard that he was about to pass out. I banged on the door to the line with the broom to try to get the guards' attention, but no came back to help us. Finally, I had to call my wife to get the older man medical attention. I told him, "you're not going to die on me. I'm going to speak up for you." I spoke up for us every day.
22. I was afraid the older man would die if he stayed in bed all day, because of what the nurse had told me, so I would get him up to move and have him clean his cell every day. I cleaned the line with him all day, every day that we were back there. I had to beg for bleach from the guards to clean the line, and I was sometimes able to get some from the hall man. I made that last and used it to clean the phones, the line, my bed, everything. The jail never washed my bedclothes, and I had to do that myself in the bucket the guards brought in for me to mop the line with. I would empty the bucket and refill it with fresh water and add a little cleaner from the hall man to wash my bedclothes. The guards never took the mop bucket off the line, so the bucket never really got clean—I cleaned the bucket myself in the shower.
23. One of the guards on B3 tried to put my food tray on the floor. I stopped him and asked him to put it on my bed. Another time, while I was on A3, Sergeant Kemp called me the N word when I went to pick up my food tray. He said, "don't bring your infected [n*****] ass over here breathing on me." I asked, "What did you say?" He said, "Don't bring your infected ass over here breathing on me." He wouldn't say the word again.
24. After the sergeant was racist to me, my wife called Captain Peterson. He said that he would come see me, but he never did. The warden wouldn't even come see us. One of the guards told me that no one with rank would come back to the quarantine lines to see us. The jail wouldn't even serve us commissary back there.
25. I tried to file grievances while I was in quarantine and coronavirus lockdown—one against Sergeant Kemp on A3 and another about the lack of masks on B3. But the guards wouldn't give me the forms. They let me know that my grievances weren't going to go through, that it wasn't going to happen.
26. On August 12, 2020, after I tested negative twice, the jail moved me to Q5-6, where I am currently confined. The older man was still very sick and was still on the B3 line when I left. I'm worried that I left him all alone with no one to care for him.
27. There's mold all over the Q5-6 line, and when it rains, it rains in here too—they have buckets everywhere. I heard that this line previously had a bunch of people sick with the coronavirus.

28. I haven't been getting any of my Hepatitis C medicine since I've been in the jail. I don't know why the nurses aren't giving it to me. Without my medicine, my stomach always hurts and is hard-like. My stomach is really sore all the time. It's hard to get up and down from the top bunk because I have to slide down on my stomach. When I wake up, my hands and feet are numb too, maybe from my diabetes. I've told the nurses all my problems. They told me to do emergency sick forms, but I've never heard back from any of those forms. The guards and nurses are scared to touch us or get too close to us in here because of the coronavirus.
29. The medical staff also tells me that they've run out of my high blood pressure and diabetes medicines sometimes, usually they're just too lazy to look for it. When they say I've run out, they sometimes give me someone else's medicine or sometimes I have to go without. I'm not getting my diabetic snack, either. The guards tell me I'm not on the list to get those snacks because I don't get insulin shots. But I do take pills every day, and before I got to the jail, I was taking insulin shots. I don't know why the medical staff took me off the shots when I got here. They just do what they want to do. I've asked to be put on the list for shots and diabetic snacks, but the nurses tell me I have to see the doctor first.
30. I haven't ever seen the doctor since I've been here. I asked the nurse to put in a request for me to see the doctor while I was on A3. I watched her do the request form, but I never saw the doctor. I asked the nurse twice about the form, but all she said was that she had put it in. I put in another request to see the doctor this week, after I got to Q5-6.
31. I got better medical care in the DOC than I do in this jail. The DOC doesn't want to be sued, so they made sure I get my Hepatitis C shots. It's so bad in here that I'd almost rather be there, so I could get all the medicines I need.
32. I think the guards are trying to keep us from talking to the attorneys in this case and from telling our families what's really going on in here. They sometimes shut off the phones after we talk to attorneys in this case, and in the middle of a call with my wife, the phone just hung up when I started describing what was going on in the jail. I think the guards were listening. They wouldn't let us use phones the next day.
33. They don't care about us in here. This stuff is messing with my mind, and I'm really stressed out all the time about the conditions in here. I'm tired of it. It really hurts me. I almost want to plead guilty because they're going to end up killing me in here.
34. If I was released from the jail, I would be able to stay away from people who were sick and buy myself alcohol-based cleaning supplies. I would also have access to clean water, healthy food, and medical care of my choice if I needed it.

This declaration was orally sworn to by Alvin Banks on August 17, 2020, because the East Baton Rouge Parish Prison is currently not permitting documents to be exchanged for signature.

Under penalty of perjury, I declare that I have read the foregoing in its entirety to Alvin Banks on August 17, 2020.

By: 

Miriam Nemeth

Date: August 17, 2020