

DECLARATION OF CALVIN KEMP

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

1. My name is Calvin Kemp. I am 54 years old and of sound mind.
2. I am currently detained pretrial in the East Baton Rouge Parish Prison in East Baton Rouge, Louisiana. I have been in the jail since August 27, 2019. I do not have any holds, and I am currently in the jail only because I can't afford my bond of \$350,000. The state has charged me with bank fraud, theft, and forgery for allegedly cashing fake checks totaling \$4,000. I plan on pleading out and paying restitution once I get a court date.
3. Before I was arrested, I experienced a lot of trauma in my life. On August 1, 2001, my family was in a horrible car accident where the car they were in was hit by a train when the gate failed to go down before the train arrived. My wife spent 12 years in a coma with a brain stem injury, before she finally died in 2013. My then five-year-old daughter was cut in half from the impact of the accident, and I had to identify her body. I was told by doctors that my then three-year-old daughter would likely be a vegetable for the rest of her life, but God is good, and she recovered and is now 22 years old. I had two other stepdaughters at the time as well, and I keep in touch with each of my living daughters while I am in the jail. I was a pastor at the time of the accident, but the accident was deeply traumatic for me, and I developed a drug addiction as a result. A lawsuit developed out of this accident, Kemp v. KCS, and the money that I received from the lawsuit is currently in a trust for my family's future.
4. In 2015, I worked in quality control at a plant doing inspections and ultrasounds and x-rays on pipes. I was injured on the job when I was hit by a pipe, and I suffered back and neck pain. I needed surgery but haven't been able to have that surgery yet. Doctors put me on Lortab and Percocet for my pain, but I ultimately wasn't able to afford these medications for as long as I needed them and turned back to the streets for more affordable pain relief. I had remarried at the time, and my wife worked at a beauty salon and a bail-bond company. I also owned a car lot in Baton Rouge. But I lost everything due to my addiction to pain medications from my work accident.
5. Even after all these challenges, I believe that God is good. Things could have been worse, and I try to focus on the blessings I have. I want to get out of jail and work to rebuild my good name. An author and City Councilman named Lael Montgomery even wrote that he looked up to me in his book Avenue Blues.
6. I suffer from diabetes and high blood pressure.
7. During my time at the East Baton Rouge Parish Prison, I have been confined on K2 and Q5-6. I've been on Q5-6 since around February 2020. There are over 90 men on the line right now, and the line can hold about 116 people. Around November 2019, I was also housed in the infirmary because I was having trouble controlling my diabetes in the jail. At that time, the medical staff decided that I needed to be taking insulin because the pills

they were giving me were not working. I also found out that I had acquired Hepatitis A, but they don't know where I got it from.

8. I was one of the first men at the jail to catch the coronavirus, but the jail never confirmed this because they refused to test me. At the time, I was one of the few men who went up front to the medical and intake area every day at noon to get my insulin shot, where I was held in the bullpen. One day around March 12th, fifteen new men coming in off the street were also in the intake area, and one of them was coughing a lot. He coughed on me, and I started feeling sick within the next day or so. Other men on my line got sick a few days later too.
9. I was so sick that I was afraid to go to sleep because I couldn't hardly breathe. I was coughing, I felt like my throat was closing up so much that I was choking, I could hardly breathe, I had muscle aches and pains, and I was light-headed. I couldn't go to the bathroom, and my cellie had to help me get in and out of bed and watch out for me. Because of my diabetes, I have a lower bunk pass, and he even had to help me get in and out of my lower bunk. I was shaking all the time. It was worse than other colds, and I knew something was different.
10. Other men on the line told the guards I was sick, and the nurse pulled me into the hall around March 16th to check my temperature. I had a 101 degree fever, and the nurse told me I had to go up front. She gave me a mask. Guards came onto the line that day all suited up with aprons, face shields, gloves, and masks and moved me to the infirmary. The guards looked like people did when I used to work in a nuclear factory, in full shield masks and everything.
11. I was put in an eight-bed room in the infirmary, where I spent five days. When I got to the eight-bed room, another man was in the room already. He had also come from Q5-6, but he only overlapped with me for my first night. The jail brought another guy, who was in his early 20s and had been confined on Q7-8, into my room in the infirmary for three of the five days I was there. He was also really sick.
12. I hadn't brought any of my property with me to the infirmary, because I didn't know I was going to stay there, so I didn't even have a blanket the first night I was there. I had bad chills that night, and the jail didn't bring me a blanket until around 3 or 4 in the morning.
13. I told the nurses in the infirmary all my symptoms. But no one at the jail ever tested me for coronavirus. They just took my temperature and charged me \$20 for my medical care. I still have the medical slip with this charge.
14. The nurses in the infirmary said I must have the flu, but they don't take men off the line and put them in the infirmary for just the flu. And they don't put on aprons, face shields, gloves, and masks to move guys who just have the flu.
15. I was so sick that I couldn't eat solid food while I was in the infirmary, but the nurses didn't change out my food or provide me liquid substitutes like ensure, even though I asked for them.

16. The only medical care I got in the infirmary was Tylenol every 12 hours at shift change. That helped my fever go down for a little while, but my fever would spike again after about three hours, and I had to wait about seven hours to get more medicine at the next shift change. The nurses also took our temperatures every 12 hours, and I got some unknown antibiotics for about two days—the nurses didn't tell me what they were. But that's the only medical treatment I got. Even though I was struggling to breathe, I got no breathing treatments, not a one.
17. They treated us like we were on quarantine in the infirmary, and the room was nasty. The toilets, sinks, and showers were right in the room with us, without any barriers. The toilets were nasty. They were filthy, and one of the two toilets was clogged with feces and smelled terrible. I reported this to the guards, but they didn't send anyone in to clean it. They told me I had to clean the toilet myself, even though I was incredibly sick and so weak that I could hardly stand up. The jail didn't give me anything to clean the room. The guards kept saying they would bring cleaning supplies, but they never did. I had to put newspaper down onto the toilet to sit on it.
18. The nurses and the guards only checked on us at shift change. If we needed attention between shift change, we had to pound on the window to get their attention. That was hard because I was so weak while I was in the infirmary.
19. After five days in the infirmary, Nurse Fields moved me back to Q5-6. I was still sick when they moved me back—even though my fever had gone down, I was still coughing and had other symptoms too. I didn't want to go back to the line and expose the men there to whatever I had, but I couldn't argue with the nurse because I'm in jail.
20. I saw the other men on the line getting sick after I got back on the line, and I'm worried that I got them sick because I was still sick. One of the men who went to the hospital for coronavirus is the guy who cut my hair. He got so sick that people thought he was dead. Several of the men who were sent to Angola for having the coronavirus were some of my closest friends on the line.
21. At one point this spring, probably around early June, the line got down to about 40 people, but the guards have been bringing more people onto the line for at least the last month. They brought in about 50 people in a month recently, and the line started getting real full again by the end of July.
22. The guards have gotten real lax since they think they've beaten the coronavirus. They don't ever tell us to be six feet apart—never. They're still taking guys to court downtown in a 13-person van, where people are right next to each other like sardines.
23. The bedroom on Q5-6 is real close and congested. We can't get away from each other or be six feet away from other people in the bedroom—we're always right next to each other. Most of the bunks are full. Our beds are about three feet apart and are bolted to the ground. The jail has made no efforts to move the beds around for social distancing. Most of the guys on the line are older and have a lower bunk pass from the jail. Social distancing is real bad in the bedroom.

24. Right around when the inspection happened in June, the guards told us to put our masks on and to sleep head-to-foot. We never heard that instruction before, and we haven't heard it since they've started filling up the line again.
25. We can't socially distance in the day room either. There are four benches on each side of the room and five tables in the middle of the room, and everyone sits right next to each other on the benches and at the tables. No one wants to stand up all day to watch tv. The day room is particularly full in the afternoons when everyone is awake—we're stacked on top of each other then, and it's impossible to social distance. The benches and tables are bolted down, and the guards have never told us to spread out.
26. We have to be in the day room for roll call and shift change, and we can't be six feet apart then. We're more like six inches apart, stacked up at the door like sardines. I don't think there's a way for us to be six feet apart and still hear the guards call our names like we're supposed to. If you don't answer when they call your name, they'll chew you out, so you have to be right there to hear them because they don't talk loud enough for us to be farther apart.
27. We also have to be in the day room to collect our chow three times a day. We have to line up right behind each other in the day room. The guards tried to speed up the chow line by bringing in two coolers and having us stand in two lines right next to each other. This just means more of us are closer together. The jail doesn't give me the diabetic meals I need, even after I've brought this to their attention, and I've had a lot of problems with my blood sugar levels in the jail. And one time recently, I even heard that guards ordered kitchen workers to pull food out of the trash to feed the guys inside.
28. Pill call happens twice a day in the day room. Everyone is jammed up in line right next to each other like the unemployment office. We're only about one foot apart in line, if that. Some of the nurses won't give us our pills if we're not in this line right up on each other.
29. Pill call can take 20 to 45 minutes, depending on who is working. Ms. Snowden, an older lady who is mean to us, takes a long time. I get pills at the morning and evening pill calls, and I have to take them right in front of the nurse. I can't wash my hands before I take my pills. I also get an insulin shot for my diabetes. The nurse gives me my shot. Most of the nurses don't change their gloves before or after giving me my shot. One nurse just started changing her gloves in early June, after one guy's wife called the medical department to complain about this.
30. I go to the infirmary around noon every day to get a third insulin shot. I think I'm the only one in the Q building who gets a third shot. The nurses usually wear gloves when giving me my noon shot, but they don't usually wear masks. I also get a monthly exam with the doctor up front in the medical/intake area. Not everyone gets these exams, only some of the diabetics I know do.
31. When I go up front for my exam, the guards put me in a tank in central booking with people who just came off the street the same day or the day before. Some of the guys

held in central booking have coughs and colds, but they aren't being tested for coronavirus, and I'm still being exposed to them. The guards aren't often wearing their masks in central booking either. I'm really upset about all this—I don't want to get sick again! I've raised my concerns to the doctor and nurses, but they just give me an attitude when I do. This happened to me on the last Friday in May, and I haven't been back up there since then, but I know it's happened to other men too, including guys from my line who go up front for court. The guys come right back to Q5-6 after being in tanks with the new detainees.

32. All the men on the line share 2 urinals, 6 toilets, 6 showers, and 8 sinks. The urinals are backed up, so we have to use the toilets to urinate, and they're really nasty. We have to put toilet paper on the toilet seats to use them, and we have to share toilets with men who have medical conditions like boils on their skin.
33. The guards leave no disinfectant for us to clean. We just get regular soap. The guards bring in a mop bucket in the morning and evening and take it back out after we use it, so we can't clean the bathroom between each other. The water in the mop buckets is light brown when the guards bring it to us. They don't clean the buckets or mops real good, and we have to use the same uncleaned mop for several days in a row. We get one bucket of water in the morning and one in the evening, and we have to use that single bucket on the whole line, including the bathrooms, the toilets, and bedrooms. This isn't sanitary. The guards don't bring us any extra chemicals, just whatever the hall man pours into the mop bucket up front before they bring it onto the line. That's all we get to clean our own spaces too. The guy who cleans our line asks for more cleaning supplies from the guards all the time, but he never gets them.
34. Guards used to spray down the phones with bleach or some other chemicals every day, but now they spray down the phones about once a week. But so many guys use the phones every day. The guards also sprayed down the toilets and drains every day for about a week around when the inspection happened in early June, but then they started just coming every week, and now it's closer to twice a month. The toilets are real unhygienic because everyone uses them every day.
35. The jail gives us soap and toilet paper every week, but we often run out of both during the week. When we do, we have to go to the key to bug the guards for more soap. It takes them a long time to respond, sometimes several hours, depending on the shift. One time, they brought us only small, single-use bars and said that was all they had for us. The soap we get inside is just regular soap, not antibacterial. They tell us this is all they got. If we need more toilet paper during the week, though, we have to buy it from commissary because the guards won't give us more than one roll.
36. When the pandemic started, the guards brought us a lot of soap to share at the bathroom sinks, but they don't do that anymore. They probably stopped doing this in early July.
37. The jail is filthy. Rusty colored, moldy water drips from the ceiling and dirty condensation drips from the AC units all the time, all over the place. While I was in the infirmary for my diabetes around November 2019, a man came in from Q7-8 with a

stomach infection because mildewed ceiling water dripped into his coffee cup and he didn't notice before drinking it. He was in the hospital for 24 days from that, and he almost died.

38. The guards don't wear masks and gloves all the time anymore, no way. A lot of them come onto the line without their masks, and we have to tell them to put their masks on because they're coming in from the streets every day. They send over food sometimes without a mask. I haven't seen anyone who works at the jail wearing body suits since they moved me to the infirmary when I was sick at the beginning of the pandemic.
39. The jail gave some guys real masks, and the rest of us just got bandanas. The guards were changing out the bandanas every three days or so for a little while, but lately it's been more like 7-10 days, and the guards don't make us turn them in regularly. We have to ask them to change out our masks these days. We don't get any gloves or hand sanitizer.
40. I'm worried about the coronavirus getting back into the jail because I've heard that cases are rising again in Baton Rouge. I was very sad to hear about Judge Chip Moore on the 19th Judicial District Court catching coronavirus—I went to high school with him. That definitely hit home for me.
41. If I'm released into the community, I would go to an outpatient rehab facility to treat my addiction, where would I have enough space to quarantine if I needed to. 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 Calvin Kemp on August 14, 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 Calvin Kemp, and he approved and authorized my signature below on August 14, 2020.

By: 
Miriam Nemeth
Date: August 14, 2020