

STATEMENT OF WITNESS

(Criminal Justice Act 1967, ss 2,9/M.C. Rules, 1968, r.58)

Statement of : J. E. Yancey Ellis
Age of witness
(if over 18 enter 'over 18') : Over 18
Occupation of witness: Attorney
Address: Carmichael Ellis & Brock, PLLC, 108 N. Alfred Street,
1st Floor, Alexandria, Virginia 22314.

This statement, consisting of 4 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. This statement responds to the First Declaration of Gordon D. Kromberg, signed on January 17th, 2020, and also updates my first Declaration, signed on December 17th, 2019, in respect of conditions at the Alexandria Detention Centre (ADC) in Virginia.

A. Administrative Segregation

2. Mr. Kromberg's evidence on ADC starts at paragraph 82. To my knowledge, several assertions made by Mr. Kromberg are incorrect or incomplete. He states at **paragraphs 86 and 87** that detainees in administrative segregation have access to programmes, can speak through the windows and doors of their cells and can be jointly in the common room when it is deemed safe.
3. The ADSEG unit to which I referred in my first statement where I believe Mr. Assange will be housed has 4-6 small units and is referred to as "1X" or "X"

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block.” Right next to 1X is “1Y” or “Y block.” There are two other administrative segregation units on the upper floors of the jail near the general population sections that are used for inmates with disciplinary violations. Those units are typically used temporarily to remedy the disciplinary issue. There are deputies stationed in those units for supervision. Mr. Kromberg’s statement could be true for those upper units. In my view however Mr. Assange will likely not be placed in the upper units but rather in the 1X ADSEG (or 1Y) unit permanently.

4. There are no deputies stationed in 1X ADSEG because the inmates are either locked down, or only one inmate is in the common area at a time. This would be more akin to protective custody and is the most restrictive ADSEG unit. I have been inside of this unit on more than two dozen occasions. On some occasions when I had to meet with a client, I was told that another inmate was on break and needed to be placed inside of his cell so I could speak with my client. Multiple clients were never permitted in the common area at the same time. My clients were never permitted to participate in programmes from 1X ADSEG. However, the specific clients I had may very well have been deemed security risks. I cannot envision any situation in which the jail would allow Mr. Assange to be in a common area with another 1X ADSEG inmate. For inmates that are in protective custody, the jail does not allow these inmates to congregate.

5. At paragraph 87 Mr. Kromberg states that “*Inmates in administrative segregation are able to speak to one other [sic] through the doors and windows of their cells.*” While this is technically true, it is practically impossible. In 1X ADSEG the cell doors are made of thick steel and the “windows” are a transparent, thick plexiglass material with no slots or holes. I have tried to speak to my clients through these doors and it is very difficult, even when standing several inches away. I find it implausible that inmates could really communicate in this way, unless they constantly screamed at loud volumes. I would routinely have to ask for a deputy sheriff to open the cell’s food tray slot in order to be able to speak with a client.

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6. In my opinion, 1X ADSEG unit is essentially the same as solitary confinement. Additionally, the Court is likely to defer to the jail staff on the proper conditions in which to house your client. Therefore, the U.S. District Court is unlikely to order any change to what the Jail determines is appropriate should Mr. Assange try to challenge these conditions.

B: Adequate medical and psychological care

7. Mr Kromberg's gives assurances that Mr. Assange will receive adequate mental health care at paragraphs 88-93 of his first declaration, and that adequate medical care and suicide prevention measures are available at ADC.

8. The mental health care and treatment options are limited at ADC. The jail has a mental health unit, but Mr. Assange will likely not be housed there for security reasons. Inmates with mental health issues can receive medications, such as antipsychotics or anti-anxiety medications, assuming they have a valid prescription or a validly filled prescription. This will present some difficulties for Mr. Assange initially because he likely will not have a valid prescription from a U.S. doctor. I'm not sure how the jail will handle pre-prescribed medicine.

9. I have had very few clients with mental health issues get better while at ADC. Some were able to maintain their current functioning level, while many others decompensated to the point of needing care at a state hospital. Several of my clients as stated above had to wait days or weeks to see a medical doctor and be prescribed medication.

10. The access to psychiatrists or psychologists at the ADC is very limited and so it may be some time before he is able to meet with someone. Some inmates related that it was many days or weeks until they got to speak to a medical doctor or psychiatrist.

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11. The jail provides medical care through a contracting agency, so there are no medical staff employed by the jail. An inmate's daily access to mental health care is likely limited to nurses and social workers. I have had many clients who decompensated rapidly without seeing a doctor, to the point of urinating or defecating in their cells (not in a toilet), which were not cleaned for several hours or longer. If an inmate decompensates to the point of being perceived to be a danger to himself or others, he would likely be sent to a different prison/jail for daily psychiatric services. In the federal system, inmates are often sent to FMC Butner. Also, inmates are sometimes forcibly medicated at facilities like Butner. If an inmate decompensates to the point that he/she is assessed as not being able to stand trial and the inmate will not take medication, the US Attorney can move the Court to allow forcible medication by injection, which is often approved.

12. Additionally, there will likely be very limited interaction with other people. Mr. Assange will see the deputy sheriffs many times a day but with almost no verbal interaction. In ADSEG, if on his one to two-hour break, he may attempt to speak with other inmates through their cell doors, but as stated above that type of communication is very difficult. Some of my clients have told me that they received breaks in the ADSEG late at night when other inmates were sleeping. Currently, there is no outside visitation by the public at the ADC due to the coronavirus pandemic. Attorneys can speak to their clients on the attorney phone line during three windows (0800 to 1045, 1300 to 1600, 1900 to 2200) and limited "in-person" visitation has begun using end-to-end video conferencing. However, since the attorney phone is in the common area, there must be a deputy available to give the inmate access if inside ADSEG and the inmate is in his cell.

13. The procedures for inmates who are suicidal are also limited. These inmates are placed in a green security suit ("turtle suit") that limits their ability to carry out self-harm (or tasks like brushing one's teeth) and are checked out more

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frequently than other inmates. The inmate typically remains in the turtle suit until the period of suicide watch is over. The level of psychiatric care for suicidal inmates is the same as above. If the inmate is deemed a danger to himself, he would be sent to a different facility for daily psychiatric care. Additionally, inmates on suicide watch are not permitted shoe strings, pens, pencils, and other items that might be used for self-harm.

In my experience the mental health care at ADC is very limited. To call these measures "adequate" is quite a stretch in the normal sense of the word. The ADC's mental health procedures are not in place to treat and care for inmates. The procedures seem designed to maintain the appearance of a minimal level of functioning. However, in practice, they do not provide an unwell defendant with the level of support needed to be able to properly engage with the criminal justice process.

Dated the 14 day of July 2020



Signed

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