

1 EXPEDITE
2 Hearing set for:
3 Date: Friday, April 23, 2021
4 Time: 9:00 a.m.
5 Judge/Calendar: Judge James Dixon

6 **SUPERIOR COURT OF WASHINGTON**
7 **FOR THURSTON COUNTY**

8 CANDIS RUSH, JUSTIN AUTREY,
9 GREGORY STEEN, THEODORE RHONE, and
10 MICHAEL LINEAR, on behalf of themselves
11 and all others similarly situated,

12 Plaintiffs/Petitioners,

13 vs.

14 WASHINGTON STATE DEPARTMENT OF
15 CORRECTIONS, a state agency; STEPHEN
16 SINCLAIR, Secretary of the Washington State
17 Department of Corrections; WASHINGTON
18 STATE DEPARTMENT OF HEALTH, a state
19 agency; and DR. UMAIR SHAH, Secretary for
20 the Washington State Department of Health;

21 Defendants/Respondents.

CLASS ACTION

No. 21-2-00491-34

DECLARATION OF JIMMEE CHEA

22 I, Jimmee Chea, declare as follows:

- 23
1. I am 41 years old.
 2. My birthday is 11/4/1979.
 3. I am over the age of 18 and am competent to testify as to the contents of this

declaration.

1 **Background**

2 4. I am currently in detention at the Monroe Correctional Complex (MCC) –
3 Washington State Reformatory (WSR) in Monroe, Washington.

4 5. My DOC number is 843065.

5 6. I have been at this facility since February or March of 2020.

6 7. I am currently on Life Without Parole.

7 8. I am housed in the medium security called WSR in B unit.

8 9. Just to give a quick picture: WSR is medium security and is made up of A and B
9 units. B unit, which is where I live, roughly has about 100 people in it with 4 tiers. Max capacity
10 is about 140 people. In B unit, we are all in single man cells at the moment. A unit is basically
11 the same. IMU is the intensive management unit, known as the “hole.” Each pod has about 20
12 people in it and there are at least 13 pods. MSU is the minimum security unit, with C and D
13 units, and has about the same number of people as WSR.

14 10. I serve as a tier representative. This means I attend meetings with DOC staff to
15 get copies of memos and other information that needs to be distributed throughout the facility. It
16 gives us a chance to voice concerns and serve as a bridge between the people that live here and
17 the people that work here.

18 11. I am also employed as a porter. I generally work the morning shift cleaning,
19 sweeping, wiping down the common areas, etc.

20 12. I am also a member of the Asian Pacific Islander Cultural Awareness Group, the
21 Native American Religious Group, and the Concerned Lifers Organizations.

22 **Medical History**

23 13. I do not have any pre-existing medical conditions.

1 **General Conditions**

2 14. Monroe had been lucky all throughout the pandemic. We didn't have any cases.

3 15. However, we knew there were going to be problems eventually. We could see it
4 from the way staff were careless with social distancing and masking among themselves.

5 16. From the beginning, staff were never good with using the personal protective
6 equipment (PPE). They had no problem enforcing the rules on us, and yelling at us to comply,
7 but they wouldn't comply themselves.

8 17. Staff also somehow expect people here to social distance. There just is no way
9 because its impossible. Even when we had no cases, whenever I would go to mainline, I'd be
10 around a crowd of people to go and get food. If I go for recreation, the yard, the gym, there are
11 big crowds. Our cells are open bars and they are about a foot and a half away from each other.
12 We're in here breathing everyone's germs. At the same time, the correctional officers are
13 standing next to each other talking, with their masks down, and then yelling at everyone else to
14 social distance.

15 18. We also don't do enough cleaning and its basically impossible. We just don't
16 have enough porters. I feel like cleaning should be a high priority for everyone in here. For
17 example, we are supposed to be staffed with a minimum of 8 porters, but right now there are
18 only 3 and it has been like that for 8 months. Every time I bring it up, I get brushed off. Another
19 issue is time, we just aren't given time to clean. We can't come out of our cells to clean unless
20 we are on prison call out. I'm on call out in the morning starting at 6:30 am, I'll come out and
21 sweep as fast as I can. By 6:45 staff starts the breakfast run and I have to wait for all the foot
22 traffic to wind down or I'll clean between people. Another option is to wait until people are
23

1 allowed to go to recreation, then the common areas are somewhat empty and I'll sweep, mop,
2 and wipe the phones or other high touch surfaces.

3 19. The outbreaks in Monroe started around November or December of 2020 in the
4 minimum unit. From what I know, it started from DOC bringing someone back from the hospital
5 and placing this person directly back in his unit. Not quarantine. This person, being back in his
6 unit, interacted with people and was walking all around within his unit. DOC eventually figured
7 out what was going on and took him and the others who were in close contact to IMU to
8 quarantine.

9 20. A friend of mine who is minimum unit had a similar experience. He felt sick and
10 was taken to medical where he was tested. DOC told him he was good to return to his unit, so he
11 did. He was back in his unit interacting with people and even went on religious call out. Later
12 that night, DOC took him from his cell and placed him in IMU. His entire unit was also placed
13 on quarantine. By then it was too late, over 100 people ended up sick. We started hearing stories
14 in the medium unit. We were hearing how it was spreading from D unit and then to C unit.

15 21. At this time, A and B units were fine. We didn't have any cases. Then we started
16 seeing people from minimum in the gym. They had been on quarantine for 14 or 20 days and
17 now were being let out and even going through the medium unit. They were telling us C and D
18 were basically empty and the people who were there never caught it.

19 22. We had some concerns in A and B, but there was nothing we could do. These
20 were DOC decisions. Then about a week later people started testing positive. Once that
21 happened, DOC put us on quarantine. DOC was now letting people from IMU, the people who
22 had originally tested positive, come and clean our units.

1 23. While we were on quarantine, we were all being tested from January 17th to
2 February 2nd. In total about 70 people tested positive and those people who were testing positive
3 were being moved to the gym.

4 24. Prison officials and medical staff were going cell to cell with a list of people who
5 had tested positive. As they were walking by, I asked them if I was going to be moved and the
6 staff told me no. I asked how they knew and they just told me I wasn't on the list. I didn't know
7 my test results at this time, so I asked again how they knew for sure. I was only told that if I
8 wasn't on the list then I must not have tested positive. I was told I was good.

9 25. Later that night, prison officials came to my cell door and told me to pack up. I
10 asked them why and I was told I must have tested positive because I was on this list. I asked
11 them about earlier, and they just repeated that I was now on the list. I asked staff if they were
12 sure, and they just said yes. I wasn't feeling any symptoms, but I packed up my things and I was
13 taken to the gym.

14 26. By the time I got to the gym, there was like 80 plus people. There were four to
15 five rows of cots going down the length of the gym, about a foot and a half or two feet apart from
16 each other. I remember thinking I could touch the next cot if I reached over.

17 27. Conditions at the gym were just what they had to be. We were given two bottles
18 of water every meal, and we had access to a porta shower, porta potties. Most people had about
19 3-5 sets of clothing with them. At first, DOC was confused on how we were going to wash our
20 clothes. I ended up hand washing my clothes when I was in the shower. Eventually, DOC
21 brought a laundry cart marked COVID and people would throw clothes in there and get them
22 back in about two days. DOC also handed out deodorant and everyone brought their own
23 hygiene items.

1 28. I was initially at the gym for a day, and then moved to the IMU. After getting to
2 IMU, I was placed in one pod for about 20 minutes, then I was moved again to another pod but
3 this time to a place reserved for people who had NOT tested positive. I was confused and
4 alarmed. I felt like I was risking getting people sick. I kept asking staff and medical personnel
5 what was going on, but no one would tell me anything. A few days later I started feeling sick. I
6 lost my sense of smell and taste, headaches, and all that. I alerted the nurses going by doing
7 temperature checks, but my temperature was normal, so they didn't pay attention to me. The next
8 day they test me, and then they move me to another place for people who have tested positive.
9 My symptoms got worse and then about a week later they moved me back to the gym.

10 29. I was finally able to get a nurse to talk to me at the gym about what had happened.
11 I gave her my name and about two days later they send me all of my lab results and I see that all
12 my tests had been negative. I couldn't believe I was testing negative. I asked the CUS and the
13 Sergeant about this and they both said I should never have been moved to the gym in the first
14 place. Not only did DOC get me sick, but they made me spread it to other people.

15 30. From the gym, I was moved to IMU and eventually back to B unit.

16 **DOC Vaccine Efforts**

17 31. As a tier representative, whenever DOC puts out any information for everyone to
18 read, I get copies of it first along with the other tier reps. I also get a chance to have discussion
19 directly with staff about it and hear questions even staff have.

20 32. What I know about the vaccine is that it is not mandatory. And the first people to
21 get it in here was staff, essential workers, and people with health issues.

22 33. Even though I work as a porter, I was not offered the vaccine. I hear some porters
23 were, but not me.

1 34. DOC recently put up a sign up sheet for the vaccine. It is basically a form with
2 lines on it for people to put their name on.

3 35. DOC does have posted notes talking about some of the basic vaccine side effects.
4 I don't know if there is any other information that should be provided because I don't know what
5 people should know about the vaccine.

6 36. I personally don't want to take the vaccine because I don't know enough about it.
7 My trusted source of information in here is the tv. Now that we had an outbreak, I hear on the tv
8 that there are no benefits to risking the side effects of the vaccine because we all basically have
9 antibodies now. We just came off of quarantine two weeks ago so I wonder why take the risk of
10 having long term consequences from a vaccine that was only recently created. I have a friend
11 who works as an administrator at a hospital and I am able to call her from time to time. I ask her
12 about the vaccine and even she is hesitant about it. I trust her opinion.

13 37. As a tier rep, I have heard most people's opinion on it from at least my unit. I'd
14 say its mixed, but the majority are for it. Some people are not and unfortunately, no one knows
15 what is good about the vaccine. Its just a lot of confusion because we hear about the antibodies
16 once you've had covid and we are hearing that there are new strains where the vaccine does not
17 do anything. I do encourage some of our older residents to take the vaccine because I hear they
18 are the ones who are most at risk and have the most medical conditions. As for everyone else, I
19 think it is their own decision to make and its their own health and body so I try to stay out of it.

20 38. I ask staff if they have taken it, but its also a personal decision so I only ask folks
21 I have a good relationship with. From the people I feel confident enough to ask, they say they
22 took it, but its only a handful of them.

1 39. DOC says they hope people decide to take it, but not much else. We have asked
2 what will happen to people who decide to NOT take it, and they just say that people won't take it
3 then. I have no idea what that means.

4 40. Right now, there are no active cases of COVID and there are even some people
5 who never got it.

6 41. I feel like Covid is coming from careless staff, either in how they treat themselves
7 or how they treat us. We live in a bubble at Monroe because there is no way we can go out and
8 catch COVID. We are in a secured environment around the same people 24/7. But new COs
9 come in and out every day. We've now seen with our own eyes what happens when people don't
10 take COVID seriously, and we're the ones who ended up catching it.

11 42. I think it is important for everyone to have the vaccine available to them, so
12 people can make up their own minds about it. There just isn't enough information about it, so we
13 are all just left wondering. And now we are hearing about new strains coming out.

14 43. Between the carelessness of staff, the lack of information, the lack of vaccines,
15 and absence of planning from DOC, we're set up to have another outbreak here.

16 **Who I Am**

17 44. This whole time, I have to endure being treated lesser than human beings by
18 DOC. Everyone's health and safety has basically been put on the back burner for this whole last
19 year. And now, after the outbreak, we are treated as if we are the ones bringing it into the
20 facility.

21 45. DOC would like to basically leave us in our cells and forget about us. Not come
22 out at all. They would prefer that we have zero contact with family. We can't go to school, we
23 can't have any programming, and many of us aren't able to work. All of these restrictions affect

1 us mentally and emotionally. People are frustrated. People don't want to die in prison. We have
2 seen people go to medical and not come back and we're left to wonder and hope they have not
3 passed away.

4 46. We were sentenced for our crimes and we are serving that time. No one was ever
5 sentenced to suffer or die from neglect.

6 47. Columbia Legal Services has permission to use my declaration to try and help the
7 situation here in DOC given this dangerous public health crisis.

8
9 I declare under penalty of perjury under the laws of the State of Washington that the
10 following statements are true and correct to my best knowledge and belief:

11 *I am unable to sign this document as it was prepared in Seattle, Washington, but I have*
12 *had it read to me over the telephone and authorize Tony Gonzalez to sign it on my behalf.*

13 Dated this 26th day of March 2021 in Monroe, Washington.

14
15 


16 Jimmee Chea, by Tony Gonzalez, WSBA #47771

CERTIFICATION RE AUTHORIZATION TO SIGN
ON BEHALF OF DECLARANT

I, Tony Gonzalez, declare under penalty of perjury under the laws of the State of Washington:

1. I am counsel for the petitioners in this action.
2. Due to urgency and limitations on access to the declarants due to the current public health crises, distance, shortened time, and prison procedures, I was unable to obtain physical signatures from the declarants.
3. I personally spoke with Jimmee Chea over the telephone on March 26, 2021. I drafted Mr. Chea's declaration while on the telephone with him. At the conclusion of the call, I read Mr. Chea's declaration to him, and Mr. Chea stated to me that he believed the contents of this attached declaration to be true and correct, and authorized me to sign the declaration on his behalf.

DATED this 26th day of March, 2021 at Wenatchee, Washington.



Tony Gonzalez, WSBA #47771