

AFFIDAVIT OF ANTHONY MARKS

STATE OF WEST VIRGINIA
COUNTY OF RALEIGH, To Wit:

I, Anthony Marks, being of sound mind and over the age of eighteen (18), do solemnly swear that the following are true and correct statements based on my personal knowledge:

1. My name is Anthony Marks. I am a former employee of the West Virginia Division of Corrections and Rehabilitation (“DCR”).
2. From September 2021 until January 2022, I was a correctional officer at Southern Regional Jail (“SRJ”) in Beaver, West Virginia.
3. I am personally familiar with, and have knowledge of, DCR policy, SRJ policy, the living conditions at SRJ, and how inmates are treated at SRJ.
4. During my time at SRJ, overcrowding was a widespread and ongoing problem at the facility. It was a regular occurrence to have three (3), four (4), or more inmates living in a two-person cell (approximately 120 square feet).
5. SRJ was so overcrowded, inmates were forced to live and sleep on the dayroom (the common area in the middle of a pod) floor or on the floor in front of individual cells.
6. Living and sleeping on the dayroom floor exposes inmates to both health and safety risks. It is also a PREA violation (Prison Rape Elimination Act, 28 CFR § 115).
7. When inmates were forced to live/sleep on the dayroom floor, they had no access to individual sinks or toilets.
8. I am aware of inmates at SRJ being attacked and injured by other inmates because they are living in the dayroom and not protected by a locked cell.
9. Suicide cells at SRJ were also very overcrowded.

10. SRJ had only two (2) cells designated for inmates on suicide watch. I am aware of as many as twelve (12) inmates being placed in a suicide cell together at one time (approximately 120 square feet) and left there for days.

11. At SRJ, inmates were commonly given inadequate portions of food.

12. At SRJ, inmates were regularly given spoiled milk.

13. At SRJ, inmates were commonly given what appeared to be undercooked or rotten meat.

14. At SRJ, inmates were regularly served food on dirty/unsanitary trays.

15. During my time at SRJ, there were widespread and ongoing problems with the water/plumbing at the facility.

16. At any given time, numerous inmate cells (often over crowded) at SRJ had no running water.

17. I am aware of inmate cells that had no running water the entire time I worked at SRJ.

18. If an inmate does not have running water in his/her cell, he/she can go up to six (6) hours (or longer) without access to drinking water during lockdown.

19. If an inmate cell does not have running water, the inmates are supposed to be provided bottled drinking water during lockdown. This rarely (if ever) happened at SRJ.

20. In cells that did have running water, many only had hot water.

21. In cells that did have running water, the water often ran constantly (*i.e.*, cannot be turned off).

22. Some inmate cells at SRJ had the sink or toilet completely torn out of the wall.

23. During my time at SRJ, broken toilets (that do no flush) was also a widespread and ongoing problem at the facility.

24. At any given time, numerous inmate cells at SRJ (often overcrowded) had toilets that did not flush or were otherwise broken.

25. Broken toilets in inmate cells at SRJ commonly became infested with bugs or maggots.

26. I am aware of inmate cells that had no functioning toilet the entire time I worked at SRJ.

27. Water leaking from broken sinks and toilets was also a widespread and ongoing problem at SRJ.

28. At any given time, numerous inmate cells at SRJ had water (from a broken sink or toilet) leaking onto the floor.

29. Because virtually all of the cells were overcrowded, inmates at SRJ commonly slept in sink or toilet water (and sometimes toilet waste) on the floor of their cell.

30. At SRJ, cells that are adjacent to showers commonly had water seeping in through the ceiling, walls, and floor.

31. Many of the showers at SRJ either did not work, only had hot water, or ran constantly.

32. At SRJ, hygiene items (*e.g.*, toilet paper, soap, shampoo, tooth paste, etc.) are supposed to distributed to inmates daily. However, this rarely happens.

33. When hygiene items were distributed, correctional officers commonly piled them up in the middle of pod and let the inmates fend for themselves. This “free for all” practice resulted in inmates fighting over basic hygiene items and some inmates going without.

34. During my time at SRJ, broken cell windows were a widespread and ongoing problem at the facility. At any given time, there were multiple inmate cells with broken windows, which made them unusable.

35. The failure to repair these windows (so the cells can be used) contributed to the overcrowding problem at SRJ.

36. During my time at SRJ, there were widespread and ongoing problems with broken cell doors at the facility.

37. At any given time, numerous inmate cells at SJR had doors that were broken or did not lock. This is a major safety concern (for inmates and correctional officers) and also violates PREA.

38. I am aware of incidents at SRJ where an inmate was attacked or beaten by another inmate because his cell door was broken or did not lock.

39. During my time at SRJ, black mold was a widespread and ongoing problem at the facility.

40. There was black mold in inmate cells, inmate showers, and grew on the clothing of inmates.

41. I am not aware of SRJ doing anything to address the black mold problem, other than simply painting over it.

42. Every inmate pod at SRJ has a "tower" where a correctional officer is stationed. Intercoms or "call boxes" from inmate cells are routed to the tower. This allows inmates to communicate with the correctional officer in the tower and vice versa.

43. In many of the inmate cells at SRJ, the intercom or "call box" did not work. This posed a serious risk for inmates, who are unable to report an emergency (*e.g.*, fight, injury, medical

problem, etc.). If an emergency occurred, inmates were only able to kick their cell door or yell for help if they need assistance. This is also a PREA violation.

44. The buttons and intercoms on the communication board/panel in each tower at SRJ were so old and degraded, they either did not work or barely functioned. This posed a serious risk for inmates, who are unable to report an emergency (*e.g.*, fight, injury, medical problem, etc.). This also posed a serious risk for correctional officers, who have to respond to inmates kicking doors or yelling for help without knowing what is transpiring. This also a PREA violation.

45. During my time at SJR, inmates were commonly prevented from filing grievances.

46. At SRJ, if an inmate wants to file a grievance, a correctional officer is supposed to provide a form to the inmate to complete and return to the correctional officer. Once received, the correctional officer is supposed to provide the completed form to a supervisor for filing.

47. Instead of asking a correctional officer for a grievance form, inmates at SRJ were required to write one officer – Ben Houches – and request a form from him.

48. Paper grievance forms at SRJ were commonly withheld from inmates who request them.

49. At SRJ, inmates are supposed to be offered one hour per day of recreation time (uncirculated air). However, during my time at SRJ, recreation time was regularly withheld from inmates.

50. I am aware of an entire pod of inmates going months without being offered recreation time.

51. During my time at SRJ, several inmate pods were infested with rats and rat feces.

52. At SRJ, the heating and air conditioning regularly went out for weeks at a time.

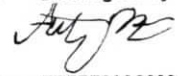
53. Supervising correctional officers and jail administrators – including Superintendent Francis – are fully aware of the aforementioned problems at SRJ.

54. Attached hereto as Exhibit 1 is a November 11, 2021 e-mail sent to Superintendent Francis (and others) with a cell-by-cell accounting of the ongoing problems at SRJ.

55. Moreover, every week Superintendent Francis and his team do a visual inspection of each pod at SRJ.

56. This affidavit is true and correct to the best of my knowledge.

Affiant further saith not.

DocuSigned by:

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Anthony Marks

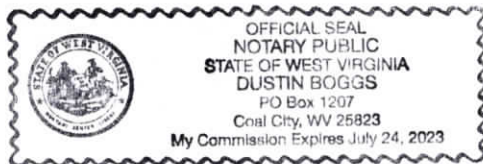
8/8/2022

Date

Taken, subscribed, and sworn before me by Troy Carter,
this 8 of ~~July~~ Aug, 2022.

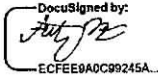

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[NOTARY SEAL]



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Notary Events	Signature	Timestamp
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure