

AFFIDAVIT OF TROY CARTER

**STATE OF WEST VIRGINIA
COUNTY OF RALEIGH, To Wit:**

I, Troy Carter, 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 Troy Carter. I am a current employee of the West Virginia Division of Corrections and Rehabilitation (“DCR”).

2. I am currently a correctional officer (Lieutenant) and shift supervisor at Southern Regional Jail (“SRJ”) in Beaver, West Virginia. I have worked at SRJ since October 2020.

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. 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.

5. In many of the inmate cells at SRJ, the intercom or “call box” does not work. This poses a serious risk for inmates, who are unable to report an emergency (*e.g.*, fight, injury, medical problem, etc.). If an emergency occurs, inmates are only able to kick their cell door or yell for help if they need assistance. This is also a PREA violation (Prison Rape Elimination Act, 28 CFR § 115).

6. The buttons and intercoms on the communication board/panel in each tower at SRJ are so old and degraded, they either do not work or barely function. This poses a serious risk for inmates, who are unable to report an emergency (*e.g.*, fight, injury, medical problem, etc.). This also poses 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. *See* Videos Recordings, attached hereto as Exhibit 1.

7. The problems with call boxes inside inmate cells and the communication boards/panels inside the towers at SRJ have been brought to the attention of management – including Superintendent Michael Francis (“Superintendent Francis”) – on numerous occasions, but nothing has been done to fix the problem.

8. When an inmate arrives at SRJ, he/she is supposed to be given a laundry bag. However, laundry bags are rarely provided to inmates, because the jail regularly runs out and does not order more.

9. Laundry (and laundry bags) are important for inmates. Without a laundry bag, if an inmate sends his/her clothes out to be washed by the jail, the odds are he/she will not get the correct clothes back. If an inmate sends his/her personal clothing (purchased with commissary funds) out to be washed without a laundry bag, the odds are he/she will have the personal clothing stolen by other inmates.

10. As a result, the vast majority of inmates at SRJ have to wash their clothes by hand, either in a sink or mop bucket.

11. When an inmate arrives at SRJ, he/she is supposed to be given a mat to sleep on. However, many inmates at SRJ are not provided a mat.

12. Since virtually every cell at SRJ is overcrowded, inmates commonly sleep on the concrete floor without a mat. *See* Photographs attached hereto as Exhibit 2.

13. Overcrowding is a widespread and ongoing problem at SRJ. It is a regular occurrence to have three (3), four (4), or more inmates living in a two-person cell (approximately 120 square feet).

14. SRJ is so overcrowded, inmates are 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.

15. Living and sleeping on the dayroom floor exposes inmates to both health and safety risks. It is also a PREA violation.

16. When inmates are forced to live/sleep on the dayroom floor, they have no access to individual sinks or toilets.

17. 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.

18. I am aware of inmates at SRJ being raped or sexually assaulted by other inmates because they are living in the dayroom and not protected by a locked cell.

19. I am aware of as many as sixteen (16) inmates living on the dayroom floor of a pod at one time.

20. Broken cell windows are a widespread and ongoing problem at SRJ. At any given time, there are multiple inmate cells with broken windows, which makes them unusable. *See Ex. 1.*

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

22. There are widespread and ongoing problems with the water/plumbing at SRJ.

23. At any given time, numerous inmate cells at SRJ have no running water. *See Ex. 1.*

24. 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.

25. In cells that do have running water, many only have hot water.

26. In cells that do have running water, the water often runs constantly (*i.e.*, cannot be turned off). *See* Ex. 1.

27. Water leaking from broken sinks and toilets is also a widespread and ongoing problem at SRJ. *See* Ex. 1 and 2.

28. At any given time, numerous inmate cells at SRJ have water (from a broken sink or toilet) leaking onto the floor. *See* Ex. 1 and 2.

29. Because virtually all of the cells are overcrowded, inmates at SRJ commonly sleep in sink or toilet water on the floor of their cell.

30. Broken toilets (that do not flush) are also a widespread and ongoing problem at SRJ. *See* Ex. 1 and 2.

31. At any given time, numerous inmate cells at SRJ (often overcrowded) have toilets that do not flush or are otherwise broken. *See* Ex. 1 and 2.

32. Broken toilets in inmate cells at SRJ commonly become infested with bugs or maggots. *See* Ex. 1 and 2.

33. At SRJ, cells that are adjacent to showers commonly have water seeping in through the ceiling, walls, and floor. *See* Ex. 1.

34. Many of the showers at SRJ either do not work, only have hot water, or run constantly. *See* Ex. 1.

35. The presence of black mold is a widespread and ongoing problem at SRJ.

36. There is black mold in inmate cells, inmate showers, and grows on the clothing of inmates. *See* Ex. 1 and 2.

37. Issues with black mold at SRJ have been brought to the attention of management – including Superintendent Francis – on numerous occasions. His answer to the black mold problem at SRJ has been to have inmate trustees paint over it.

38. At SRJ, the air conditioning regularly goes out for weeks at a time, especially during summer months. For inmates living in over-crowded cells with hot water running constantly, this creates an unhealthy environment.

39. Spoiled milk is commonly served to inmates at SRJ.

40. There are widespread and ongoing problems with broken cell doors at SRJ. At one point, approximately seventy-five percent (75%) of the cell doors at SRJ were broken or did not lock. This is a major safety concern (for inmates and correctional officers) and also violates PREA.

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

42. At SRJ, inmates are commonly placed in isolation suicide cells as a form of punishment, even though the inmates are not suicidal.

43. Suicide cells at SRJ are also very overcrowded.

44. SRJ has only two (2) cells designated for inmates on suicide watch. I am aware of as many as sixteen (16) inmates being placed in a suicide cell together at one time (approximately 120 square feet) and left there for days.

45. The water in the suicide cells at SRJ does not always work and showers are commonly withheld due to correctional officer understaffing.

46. Superintendent Francis is aware of the problem of overcrowding in the suicide cells at SRJ. I have received e-mail communications from him regarding this issue.

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

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

49. 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.

50. Paper grievance forms at SRJ are commonly withheld from inmates who request them.

51. Superintendent Francis has ordered correctional officers to not provide inmates with grievance forms. Grievances are to be handled by only one correctional officer – Ben Houches.

52. Inmates at SRJ also have the ability to file a grievance using an electronic kiosk. However, most of the kiosks at SRJ are usually broken (or turned off).

53. Superintendent Francis – who has the sole authority to revoke an inmate’s telephone privileges – often does so for petty and unjustified reasons. For instance, when word started to get out about the conditions at SRJ, inmates who were found to be speaking out had their telephone privileges revoked.

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

55. Attached hereto as Exhibit 3 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.

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

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

Affiant further saith not.

DocuSigned by:
Troy Carter
0D051500B370491
Troy Carter

7/28/2022
Date

Taken, subscribed, and sworn before me by Troy Carter,
this 28 of July, 2022.

[Signature]
Notary Public

[NOTARY SEAL]

