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## DECLARATION OF HANNAH WEIKERT

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I, Hannah Weikert, declare the following based on my personal knowledge. I am submitting this declaration in support of the class action suit on behalf of inmates in the El Paso County Jail.

1. My name is Hannah Weikert and I am currently incarcerated in the El Paso County Jail. I am held pre-trial on identity theft charges. I cannot afford to pay bond to be released.

2. I am 13-weeks pregnant. I have had severe asthma since I was a baby and I have been hospitalized for asthma several times in the past. I have been prescribed a steroid to take daily and nebulizer to use daily for my asthma, and I have an emergency inhaler at home. I have not gotten the steroid, nebulizer, or inhaler while I'm in the jail. I am also a smoker and I am considered obese—my body mass index is somewhere between 38.9 and 41, depending on fluctuations in my weight. Due to my underlying conditions, I am at high risk for a negative outcome from COVID-19.

3. I entered the jail on September 29, 2020. An intake officer took my temperature but did not ask me about whether I was having COVID symptoms and he did not test me for COVID. I was housed in Alpha ward for three days and then put directly into ward E-1.

4. In E-1, I was housed in a bay with ten other inmates, who slept on bunk beds within a few feet of where I slept. I could touch my arms out to the people who sleep in bunks next to mine. The common phones and tables on ward E-1 were cleaned at night but not in between uses. Most deputies did not allow me to clean phones and tables when I asked. There was soap in the bathroom but when we ran out, it would take days for the deputies to refill the soap.

5. People on my ward started coming down with COVID-19 symptoms in October and November. Before November, we had no masks and were prohibited from wearing masks on the ward.

6. In the end of October or beginning of November, the National Guard came into the jail and began testing everyone on my ward for COVID-19. Anyone who tested positive stopped being tested. I was tested nine times because I got a few negative test results. Seven out of the ten people on my bay tested positive. At this point, I was sleeping within a few feet of COVID-positive inmates. Even though I had tested negative and even though I am high risk because I am pregnant and have asthma, the jail still did nothing to move me away from the people who tested positive.

7. At some point in November, I started getting fevers. Every time my fever got high, I broke out in hives all over my body. I also had bad headaches and I lost my sense of taste and smell. I had difficulty breathing and would wheeze for air. On one of my COVID-19 tests, I tested positive. A deputy told me at some point in mid-November that I had tested positive. There were both positive and negative inmates on E-1.

8. I only got a mask after the National Guard starting testing everyone. This was way too late. I got one cloth mask. I wash my mask myself to ensure that it's clean.

9. On November 24, 2020, I was moved from ward E1 to ward F4, a ward where most everyone has COVID-19. On ward F4, I am housed within a few feet of others; common areas and surfaces are not regularly cleaned and sometimes not even cleaned at night; and we continue to have soap shortages in the bathroom. When I was moved, I was nervous that I would be re-exposed to COVID-19.

10. I have not been seen by a doctor and nobody has taken my oxygen levels. The deputies come around to our bunk beds to take our temperature, usually once at night and once in the morning when their shifts change. That's how I confirmed that I had fever numerous times.

11. I have kited for Benadryl for my hives, an inhaler for my wheezing, and Tylenol for my fevers. I never got Bendaryl, and when I complained about my hives, the jail staff told me to shower. I also never got an inhaler. I did get Tylenol on days when I had a high fever, but it often took the jail staff hours to provide me with it and I would suffer with severe chills and sweats until I received it.

12. Before the COVID-19 outbreak in the jail, I received extra food because I am pregnant. Once the COVID-19 outbreak began, however, I stopped getting extra food. While I was experiencing COVID symptoms, I was getting cold cereal and sandwiches that were not filling. These were the same meals that everyone else was getting. The jail never resumed providing me with extra food and I am concerned that I am not being fed enough during my pregnancy.

13. On Saturday, November 28, 2020, a woman was brought into F4 who had not been there before. A deputy told me and the other inmates that she had COVID-19 and had come from the hospital. This woman collapsed the same day she arrived, and after some inmates put her into her assigned bed, which was right near mine, she began moaning and screaming and seemed unable to breathe. Me and other inmates kept trying to get this woman medical help. I sat her up in bed to try to help her. We asked the deputies and nurses for help and we filed grievances. Nobody came to help her. That night, the deputies finally called an ambulance. I watched the paramedics put an oxygen tube down her throat. I think I saw her die, and I later

learned from a deputy that she did die. I am really upset by this experience and the lack of medical attention provided at this jail.

14. Between December 1<sup>st</sup> and 3<sup>rd</sup>, I started feeling really sick again. I am now wheezing and coughing once again. I have hives again all over my body and my eyes are swollen. I kited medical on Wednesday, December 2, asking for Tylenol, an inhaler, and Benadryl. I got a response, scheduling me for a sick call.

15. On December 3 at around 8 PM, when the deputy took my temperature, I learned that I had a high fever of 102.9. I asked the deputy to help me repeatedly. A nurse came to give me Tylenol the next morning at 4:30 AM, over eight hours after I got the high fever.

16. On December 4, I woke up freezing every few hours during the night. I slept through the deputies taking my temperature and do not know whether I still had the high fever. I did not get any Tylenol. I fear that my symptoms are still getting worse and that I will continue to have high fever and not get any medication or basic monitoring.

17. On December 8, I saw a nurse who said that I might have strep throat. I kited that day, asking for another COVID test, because I think I could still be having COVID symptoms.

18. New people are still being brought onto the ward and some of them told me that they had not been quarantined before being brought into the ward. The jail has not separated people who are negative for the virus from those who are positive and the new inmates come right onto the same bays with people who are experiencing symptoms. The jail continues to move people between pods. I remain concerned that new inmates will continually expose me to COVID-19 and perhaps to higher viral loads. I am also concerned that the jail is exposing new inmates to COVID-19, since many of us who are already in the ward still have it.

19. I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

I, Arielle Herzberg, certify that I reviewed the information contained in this declaration with Hannah Weikert via a video visit on December 9, 2020 and that she certified that the information contained in this declaration was true and correct to the best of her knowledge. I am unable to meet in-person with Ms. Weikert as a result of the COVID-19 pandemic. *See Fenty v. Penzone*, No. CV-20-01192-PHX-SPL, Docket No. 67 (D. Ariz. Nov. 13, 2020) (approving declarations in similar circumstances); *Urdaneta v. Keeton*, No. CV-20-00654-PHX-SPL (JFM), 2020 WL 2319980, at \*5 (D. Ariz. May 11, 2020) (same).

*s/ Arielle Herzberg*  
Arielle Herzberg, Esq.  
ACLU of Colorado