UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Claire C. Cecchi

v. : Crim. No. 19-877

MATTHEW BRENT GOETTSCHE, et

al

DECLARATION OF ALFARO ORTIZ PURSUANT TO 28 U.S.C. § 1746

I, Alfaro Ortiz, declare as follows:

1. I am the Director of the Essex County Correctional Facility ("ECCF"). I attended Trenton State College in 1974 and I majored in Criminal Justice. I was hired by Essex County in November, 2006 as Deputy Director at ECCF. In 2009, I became the Director of ECCF. As Director, my areas of responsibility include: custodial operations, special investigations division, training division, business office, outside vendor contracts, policy and procedure, scheduling, facility maintenance, information technology, and acting as a liaison to the Essex County payroll and human resources departments as well as all other departments within ECCF.

Background

2. ECCF is located at 354 Doremus Avenue, Newark, New Jersey 07105. ECCF houses on average 2,000 inmates per day, which includes state inmates, federal inmates, and Immigration and Customs Enforcement ("ICE") inmates. ECCF houses inmates in four separate buildings: Buildings 2, 3, 4, and 5. The federal inmates are housed in Buildings 2 and 5.

- 3. ECCF has one kitchen, for the facility. All meals, for both inmates and staff, are prepared in the kitchen. After food preparation, inmate and staff meals are diverted accordingly.
- 4. ECCF permits federal inmates, housed in Building 4, to be outside of their cells during the day, except during inmate counts and lock-downs. ECCF conducts seven inmate counts each day; each count lasts approximately forty-five minutes. ECCF contains an indoor gym and an indoor/outdoor recreation area, which are both available to the federal inmates.
- 5. ECCF is accredited by the American Correctional Association (08/19), as well as the National Commission on Correctional Health Care (accreditation date of 04/16, next inspection scheduled for 4/20).
- 6. ECCF has a formal grievance procedure for inmates, which allows inmates to use touch-screen tablets provided by the jail to file grievances/requests about the conditions at ECCF.

Matthew Brent Goettsche

7. Matthew Brent Goettsche ("Goettsche") has been housed at ECCF since January 7, 2020. During that time, Goettsche has been housed in Building 4E3. Goettsche is housed in a pod that consists solely of federal inmates.

Jobadiah Sinclair Weeks

8. Jobadiah Sinclair Weeks ("Weeks") has been housed at ECCF since January 7, 2020. During that time, Weeks has been housed in Building 4C1. (federal unit). Weeks is housed in a pod that consists solely of federal inmates.

- According to ECCF records, Weeks has lodged 15 requests or 9. grievances with ECCF summarized as follows: (a) at least one complaint regarding a broken sink; (b) approximately four complaints requesting to be switched to a renal diet due to high blood pressure and acid reflux; (c) one request for a bible; (d) a request for a USB drive and an inquiry about the status of a USB drive ordered by Weeks; (e) one complaint regarding voice recognition capability on an ECCF-issued tablet used to communicate electronically with family members; (f) a request for additions to be made to Weeks's visitor list; (g) a complaint about the number of tablets and computers in the ECCF law library; (h) three requests to see an ECCF doctor, including a complaint regarding Weeks' self-identified susceptibility to autoimmune disorders and viruses; (i.) and a complaint regarding air filters in Weeks' housing unit, 4C1. According to ECCF records, Weeks was not formally reprimanded regarding his complaints or actions taken by him with respect to the air filters in housing unit 4C1.
- 10. On or about March 27, 2020, Dr. Lionel Anicette, M.D. provided information regarding Weeks' booking process and physical examination, which took place on or about January 9, 2020. Dr. Anicette indicated that upon entering ECCF, Weeks presented with normal vital signs and reported no medications or allergies. No remarkable findings were made during Weeks' physical examination and there were no plans for any medical regimen following the exam. According to ECCF records, Weeks did not complain of asthma or any other health condition at the time of his physical examination.

Department of Homeland Security OIG Report

- 11. In or around July 2018, a representative from the Department of Homeland Security, OIG visited ECCF and conducted an inspection of the facility.
- 12. The areas of review were: Social Services, Religious Services, Legal Services, Detainee Finances, Medical Care, Safety and Security, Sanitation and Food Service. Shortly after the July 2018 inspection, the DHS OIG issued a Contract Discrepancy Report outlining areas of concern that required action. All areas were immediately addressed (most within 48 hours), and appropriate remedial steps were taken to correct all deficiencies. A letter dated October 4, 2018 was sent to OIG detailing ECCF's actions (Exhibit 1).
- 13. On or about February 13, 2019, OIG released its Report detailing the findings of the July 2018 inspection. In the following areas, the OIG representative did not make any negative findings: Social Services, Religious Services, Legal Services, Detainee Finances, and Medical Care. The three areas of negative findings in the OIG Report are addressed in the paragraphs below.

Finding 1: Loaded Weapon Found Unattended

14. The first finding noted in the OIG report was in the area of Safety and Security and detailed the finding of a weapon in a bathroom within the facility. Contrary to the OIG Report, the weapon was not found by a detainee. Rather, ECCF records show that the weapon was found by a corrections officer who was overseeing a detainee cleaning crew. The corrections officer found the weapon inside an officer bathroom, where it had been left by an officer while he

was using the restroom prior to departing the facility at the end of his shift.

The corrections officer immediately turned the weapon over to the armory sergeant and all proper reports were filed.

15. The officer who left the gun inside the restroom went through the ECCF disciplinary process and was given a 45-day suspension.

Finding 2: Food Safety Issues

- 16. The OIG Report noted certain food safety issues, including moldy bread, packages of bloody defrosted chicken, and a high level of grievances detailing bad food.
- 17. With respect to OIG's food safety concerns, according to Dr. Lionel Anicette, MD and Medical Director of ECCF, "there have been no instances of food-borne outbreaks to include the following pathogens such as E. Coli, Salmonella and Staphylococcus infections" at ECCF over the past ten years. Dr. Anicette's certification is attached as Exhibit 2.
- 18. ECCF has taken aggressive steps to remedy the food handling issues raised by OIG. Specifically, food storage inventory has been properly dated, documented, and packaged in compliance with ICE's standards for food service. Following the OIG's review, the ECCF food services manager was replaced by the food service contractor with a corporate, management-level food services professional, and all employees were re-trained in proper food handling and preparation.
- 19. Moreover, in or around February 2019, the food service vendor instituted a new procedure whereby it voluntarily sends out random samples of

food for testing to ensure there are no issues. Also, Eco-Sure has been retained to conduct food inspection services for the entire food holding and preparation area on a monthly basis; both announced and unannounced.

Finding 3: Facility Conditions

- 20. The OIG Report noted that the ECCF roof showed signs of leaking and showers had mold and chipped paint. At the time of OIG's review, ECCF did have a procedure it was following for effectuating these repairs. However, following OIG's review, ECCF immediately revamped its procedures to speed up the remediation of areas in need of repair.
- 21. ECCF is not aware of anyone contracting an airborne virus on account of conditions at ECCF. However, out of an abundance of caution, in or around February 2019, ECCF contracted with a mold remediation and testing expert, RK Environmental, which conducts complete air testing. The lab results were favorable. (Exhibit 3.) If any areas of concern are identified in the future, ECCF will initiate remediation efforts and conduct quarterly air tests.
- 22. With respect to the showers, ventilation is somewhat limited on account of security concerns. However, ECCF is installing acrylic inserts on shower ceilings to decrease the likelihood of mold development, and inspections of showers have been increased. When ceiling leaks are identified, repairs are immediately effectuated. The area is re-checked within 14 days after the repair is made to ensure that it is repaired and to monitor mold development. The area is painted if no issues are found.

23. With respect to the mattresses, ECCF issues a new mattress to every inmate. ECCF conducts inspections daily and maintains an ample supply of detention-approved mattresses; ECCF has a practice of replacing any mattress identified as damaged. The damaged mattresses referenced in the OIG Report were damaged due to the hiding of contraband by detainees.

ECCF Covid-19 Protocols

24. In early March 2019, ECCF began to take several measures to ensure the health and safety of all inmates, detainees, and staff in light of the COVID-19 global pandemic. ECCF has continued to develop these measures as the situation surrounding COVID-19 continues to rapidly develop.

The ECCF Facility

- 25. The ECCF facility was designed with Air Handlers and a Purge system in every housing unit, including the housing units where Goettsche and Weeks are housed, which enables ECCF to re-circulate the air within the facility every 4 hours. The Air Handler brings in 100 % outside air into the unit and the Purge system exhausts 100 % of the air in the unit out.
- 26. The ECCF facility was further designed with zero pressure rooms that are available in the ECCF infirmary to house any individuals affected by COVID-19.

Initial Measures

- 27. At the outset of concerns regarding COVID-19, ECCF took the following measures:
 - a. Suspended all classes being conducted by volunteers or parttime workers;

- b. Transitioned from a 3-month to a 6-month inventory of supplies for all needed items;
- c. Educated ECCF staff regarding protocols and best practices to prevent the spread of COVID-19;
- d. Established a new protocol in conjunction with the Port Authority Police for the handling of prisoners from Newark Airport;
- e. Established a new protocol to be followed by the ECCF Medical Department for the handling of inmates or detainees who may suffer from underlying health conditions. This protocol includes daily monitoring of these inmates and the establishment of a plan to remove the inmates from the rest of the population should the need arise. The Medical Department has further transitioned to telemedicine for all outside consultations and has postponed all elective Medical Procedures;
- f. Increased monitoring of all inmates and detainees for symptoms or signs of illness;
- g. Educated inmates and detainees on the importance of hand washing and best practices to prevent the spread of COVID-19;
- h. Established and cleared a designated quarantine area;
- i. Worked with ECCF's food service provider to ensure the following:
 - i. 30 days of meals will be on hand at the facility;
 - ii. Available freezer space for 14 days of frozen meals;
 - iii. Extra staff to work in the ECCF kitchen;
 - iv. Sanitization of the ECCF kitchen every hour;
 - v. All items in the Officers Dining Room are "grab and go." There are no longer self-serve items;
 - vi. Established a transportation plan for employees in the event public transportation is curtailed.
- j. Suspended all outside work programs for inmates and detainees, such as the SLAP program;

- k. Suspended all religious services conducted by outside volunteers;
- Hired additional staff to provide additional cleaning and sanitizing of the facility and implemented all CDC recommended cleaning and disinfection protocols beyond normal activity;
- m. Transitioned all attorney and contact visits to window visits only and expanded the window visit schedule;
- n. Limited entrance to ECCF for staff and employees to a single, monitored door;
- o. Initiated health screening for all Corrections Officers, civilians, and outside vendor staff every time they enter the building. This screening includes the taking of temperatures. Anyone who exhibits any signs is not allowed to enter the jail;
- p. Posted CDC and Department of Health signs throughout ECCF, including all housing units, employee entrances, workstations and the visitor lobby area. These signs provide educational information encouraging proper washing of hands and other infection avoidance best practices;
- q. Added a nurse to the pre-booking process so that every detainee and inmate who enters the facility is given a health check that includes taking his or her temperature before entering the building. This pre-booking process also includes a full screening questionnaire.

Subsequent Measures

- 28. Following the implementation of the measure described above, ECCF has continued to establish additional precautionary measures as the situation regarding COVID-19 continues to develop. For example:
 - a. During the week of March 16, 2020, ECCF contracted with a lab vendor to acquire 50 testing kits for COVID-19. ECCF anticipates that this will be an initial order with additional testing kits to be provided to ECCF as kits become available;

- b. On or about March 19, 2020, ECCF (a) implemented a regular call amongst all County Wardens to discuss best practices; and (b) canceled all assembled "roll calls" for officers at the start of their shifts;
- c. On or about March 21, 2020, the ECCF office of Inmate/Detainee Advocate began relaying email messages from attorneys directly to their clients to set up phone conferences;
- d. As of March 22, 2020, ECCF disallowed visitation for all family and friends of ECCG inmates and detainees;
- e. On or about March 23, 2020, ECCF implemented the following:
 - Assigned an officer at the Facility's Visitor entrance to ensure that only Lawyers, Essex County Corrections Staff and Newark City Buses enter and exit the grounds;
 - ii. Established a policy that any newly confined inmates and detainees entering the facility will be quarantined for 14 days, as opposed to the original 3 days, to ensure they don't display any symptoms related to COVID-19 before being assigned to a housing unit. These inmates and detainees have their temperatures taken twice daily;
 - iii. Modified inmate and detainee recreation groups to limit close interaction with other inmates and detainees;
 - iv. Implemented further actions regarding the ECCF kitchen area to ensure food safety;
 - v. Coordinated with the US Marshals to implement video conferencing within ECCF, within proximity to inmates and detainees, so that they can continue to have their cases heard. This will further minimize movement and contribute to social distancing.
- f. On or about March 24, 2020, ECCF began operating its kitchen using all civilians and stopped using detainee/inmate labor.

ECCF Covid-19 Cases

As of the date of this Declaration, ECCF has identified the following positive cases of COVID-19 regarding ECCF inmates, detainees, and staff: (a) two inmates in Delaney Hall. Delaney Hall is located across the street from the ECCF facility and is not part of the same building where Goettsche and Weeks are currently housed; (b) a detainee in medical observation at UMDNJ¹; (c) three staff members; (d) two sergeants; and (e) one nurse. Additionally, an ECCF Lieutenant is exhibiting symptoms, but has not tested positive. All staff who were in proximity of those testing positive have been sent home to self-quarantine for the recommended 14-day time frame. There are currently no positive cases of COVID-19 amongst the ECCF inmate population.

I, Alfaro Ortiz, declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on: 3/27/20

¹ This detainee was sent to the hospital after he was in an altercation and required sutures for a laceration in his lip. All of his vitals at that time were well within normal limits.

EXHIBIT 1



COUNTY OF ESSEX

DEPARTMENT OF CORRECTIONS ESSEX COUNTY CORRECTIONAL FACILITY

354 Doremus Avenue – Newark, New Jersey 07105 973-274-7818 --- 973-274-6987 (Fax)

Joseph N. DiVincenzo, Jr.

Essex County Executive

Alfaro Ortiz, Jr.
Director

October 4, 2018

Michele R. Estevez, Acting COR Newark Field Office U.S. Immigration & Customs Enforcement (ICE) 970 Broad Street Newark, NJ 07107

RE: Contract Discrepancy Reports (CDRs) # 24 (Notifications) and # 25 (Unfavorable Findings – OIG Inspection)

Ms. Estevez:

Pursuant to your request for additional information relevant to Essex County's response to CDRs # 24 and # 25, please find the below information which specifically addresses the following concerns that ERO Newark has cited.

CONCERNS RAISED:

- What mechanism is in place to ensure that deficiencies will not recur and that conditions can be maintained long term?
- What type of written procedures have been implemented and what type of reporting is required by staff?
- How has the staff been advised of the new procedures and reporting requirements?
- Which staff members will be held accountable for maintaining compliance with these areas?
 - o How will they report their findings of compliance checks?
 - o How frequently are these checks conducted and reported?

RESPONSE CONCERNING CDR # 24 (Notifications):

CDR # 23 concerning Immediate Notifications was received by Essex County on September 8, 2017. The CDR cited specific incidents where ICE did not receive an immediate notification as is mandated in the IGSA.

Essex County's response to CDR # 23 included the development of a notification protocol, which outlines specific procedures and responsibilities for incidents that require notification to the Administration. The notification protocol (Attached) was emailed to all supervisors in the facility on 9/15/17. Director's Memorandum # 17-8 (Notification Protocol), (Attached), which mirrors the prior email, was issued on September 18, 2017 and distributed to all commanders.

During the Warden's monthly supervisory meeting, I personally trained all attendees on the requirements set forth in the Notification Protocol. Furthermore, the Notification Protocol was covered in roll call training for a period of two weeks upon issuance.

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As outlined in the protocol, Tour Commanders (Desk Lieutenants) will be held strictly accountable for compliance with the tenets of this directive.

CDR #24 pertained to a specific incident, where a detainee reported to the OIG that he had found a gun during a cleaning detail. As was addressed in my response to CDR # 24, reports and subsequent investigation conclude that an officer had left his duty weapon in a restroom, which was recovered by one of our officers, upon inspection, prior to allowing detainee cleaning personnel to enter, as per protocol. As indicated prior, we did not feel that this incident required a notification to ICE, being ICE detainees were not involved with the recovery of the weapon.

Future incidents of this nature where ICE detainees are in the vicinity of the incident will be treated as ICE related incidents and will require an immediate notification as per protocol.

RESPONSE CONCERNING CDR # 25 (Unfavorable findings - OIG Inspection):

CDR # 25 concerned deficiencies found in multiple areas of the facility. The deficiencies cited were corrected immediately and the following reporting requirements have been established to ensure future compliance.

Food Services / Kitchen

- The Quality Assurance Coordinator and ACA consultant have been tasked with providing weekly inspections
 of the main kitchen which includes inventory and storing of food products.
- All deficiencies are documented and addressed with the food service vendor.

Housing Units:

- Inspection reports have to be completed daily by the housing unit officer and the building sergeant. (Attached)
- The Quality Assurance Coordinator and the ACA consultant have been tasked with completing weekly
 inspection reports. All deficiencies cited will be addressed with the officer and supervisor of the respective
 housing units. (Attached)

Intake:

- Shelving has been assembled in ICE Intake for the storage and easy accountability of detainee uniforms and clothing needs. All sizes are maintained with inventory requirements for replenishment.
- A secondary storage room has been developed with all sizes of clothing stored. Once clothing is depleted to a
 documented level, replenishing occurs for maintenance purposes.
- Lotion and shampoo are inventoried as well and are supplied in all care packages.
- Intake sergeants and the Chart Lieutenant are held strictly accountable for maintaining supplies.

Segregation Unit – SHU:

- A new strip search policy has been brought to the attention of all supervisors who in turn have translated the
 tenets to the officer staff. The policy clearly delineates that strip searches are not authorized unless reasonable
 suspicion is clearly documented to include the reason for the search on all strip search forms. "As per policy"
 will no longer be accepted as the reason for the search
- The SHU sergeant reviews all strip search forms for completeness and accuracy. All deficiencies are addressed at that time.

Detainee Sanctions:

The Quality Assurance Coordinator has been instructed to ensure that all sanctions imposed are reviewed and those that do not comply with PBNDS standards are addressed immediately.

The Essex County Correctional Facility prides itself on maintaining the highest standards of the industry. Please be assured that we will take the required steps to ensure future compliance.

If you require additional information, please contact me at 973-274-6850.

Respectfully,

Anthony S. Perillo, Deputy Director

Julion Jeries

Director, ICE Program

Essex County Correctional Facility

cc. A. Ortiz, Director ECCF

Putting Essex County First

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

EXHIBIT 2



Essex County Correctional Facility 354 Doremus Avenue Newark, NJ 07105

From: Dr. Lionel Anicette MD, Medical Director

To: Director Alfaro Ortiz Date: February 18, 2019 RE: Health and Food Safety

During my ten year tenure as the Medical Director of the Essex County Correctional Facility and in commission of my role as the manager of the Continuous Quality Improvement program, I certify that during this period of providing clinical oversight that there have been no instances of food-borne outbreaks to include the following pathogens such as E. Coli, Salmonella and Staphylococcus infections. This is evidenced via review of our regularly reviewed infection control reports, medical provider encounters and feedback from our affiliated local tertiary referral hospitals.

Respectfully.

Dr. Lionel Anicette MD

Medical Director

EXHIBIT 3

From: McVicker, Barry
To: Boyd, David

Subject: Fwd: QLAB Report(s): Essex County Correctional Facility

Date: Tuesday, April 2, 2019 5:44:46 PM

FYI only for now

Sent from my iPhone

Begin forwarded message:

From: M MCGUINNESS <mguinni69@verizon.net<mailto:mguinni69@verizon.net>>

Date: April 2, 2019 at 5:38:57 PM EDT

To: "Howley, Ron" <rhowley@dcoenergy.com<<u>mailto:rhowley@dcoenergy.com</u>>>,

"rkenvironmental@entermail.net<<u>mailto:rkenvironmental@entermail.net</u>>"

<rkenvironmental@entermail.net<mailto:rkenvironmental@entermail.net>>, Meredith/H Dieda

<mdieda.rk@gmail.com<mailto:mdieda.rk@gmail.com>>,

<bmcvicker@dcoenergy.com<<u>mailto:bmcvicker@dcoenergy.com</u>>>
Subject: Fwd: QLAB Report(s): Essex County Correctional Facility

Hi Ron,

Results from last Friday are attached. The counts are very low and are considered excellent. They compare favorably with the reference samples. No further action is necessary.

Best,

Mike McGuinness, CIH, CET, CIAQP, ABIH-IEQ

Sent from my iPhone





256 Bridge Street, Metuchen, NJ 08840, USA

Company Name: RK Environmental

Please select:

Fax Report () or Email Report ()

Project ID: Essex County Corrections

Chain of Custody

Telephone No.: 908-454-6316

Toll Free Tel/Fax: 888-QLab-Wei (888-752-2934) Tel: 856-489-0011 www.QLabUSA.com

Company Contact: McGuinness. Michael

Col	Company Address: 401 St. James Ave, Phillipsburg, NJ	/e, Phillipsburg, NJ	Fax No.:					Date/Time sampled:	N	129/19: :
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ase 2	Common Analysis Codes:	Fungi, Direct Exam: (1) Spore Trap: FD-01HP; (2) Tape-lift: FD-02HP; (3) Swab, Bulk, Dust: FD-04HP. Fyngi, Culture: (1) Andersen/plate: FC-11; (2) Swab, Bulk, Dust: FC-12	ore Trap: <u>FD</u> dersen/plate	-01HP; (2) Tap : FC-11; (2) Sv	e-lift: vab, B	FD-02 ulk, Du	st: FC: (3)	Swab, Bulk, Dust: F	D-04HF	
Sul	Submitted by: (sign)	John Sinon (print) Adam Simon	(print)	Adam	5	Man	Da	Date submitted: 3	129,19	

Received by: (sign) _

(print) WAYNE WANG

Date and time received:

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19-cr-00877-CCC Document 75-1 Filed 03/27/20 Page 21 of 22 Page ID: 1748 Clab, 256 Bridge St, Metuchen, NJ 08840

QLab Job No.:

AccuScience™ Analysis Report

info@qlabusa.com www.QLABusa.com

ME190329-11

3/29/2019

sis Report AIHA EMPAT Lab ID: 178794

Analysis: AccuScience Premium Level 3 Fungal Spore Count™

Client: RK Environmental

RK Environmental

Phillipsburg, NJ

Date Received:

Date Analyzed:

Phillipsburg, NJ

Contact: McGuinness, Michael

Date Analyzed: 4/1/2019

A/1/2019

Project ID: Essex County Correctional Facility

Date Sampled: 3/29/2019

Reviewed by: WT Approved by: Wei-Chih Tang, Ph.D., Lab Director

Lab Sample No. ME190329-11(1) ME190329-11(2) Sample ID 2679472 Z679466 Sample Coation 23 BR Lower OAR Sample Type (Device) Air (Allergenco-D) Air	Reviewed by: W I	Approv	ed by: Wei-	Chin Ta	ng, Ph.D	., Lab Directi	ונ	La	an	
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Stachybotrys (I)	2. Indoor Hydrophilic Fungi [#]	DL :	= 13; LQL = 270	cts/m³	DL =	= 13; LQL = 270	cts/m³			
Ulocladium (I)										
Memnoniella (I) Trichoderma (I) Scopulariopsis (I) DL = 13; LQL = 270 cts/m³ Jothers DL = 13; LQL = 270 cts/m³ Hyphal fragment (O,I) DL = 13; LQL = 270 cts/m³ Alternaria (O,I) Alternaria (O,I) Cercospora (O) Curvularia (O,I) Drechslera/Bipolaris-like (O) Epicoccum (O) Epicoccum (O) 1 13 20 Fusarium (O,I) Myxomycetes/Smuts/Periconia (O,I) Nigrospora (O) Pithomyces (O) Rusts (O) Trace Skin Cells Rating Medium Trace	Chaetomium (I)									
Trichoderma (I) Scopulariopsis (I) 3. Others Hyphal fragment (O,I) Alternaria (O,I) Cercospora (O) Curvularia (O,I) Drechslera/Bipolaris-like (O) Epicoccum (O) Tusarium (O,I) Myxomycetes/Smuts/Periconia (O,I) Nigrospora (O) Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium DL = 13; LQL = 270 cts/m³ DL = 13; LQL	Ulocladium (I)									
Scopulariopsis (I) Scopulariopsis (I) Scopulariopsis (I) Scopulariopsis (I) Scopulariopsis (I) Skin Cells Rating Medium Trace Scopulariopsis (I) Skin Cells Rating DL = 13; LQL = 270 cts/m³ DL = 13; LQL = 27	Memnoniella (I)									
DL = 13; LQL = 270 cts/m³	Trichoderma (I)									
Hyphal fragment (O,I)	Scopulariopsis (I)									
Alternaria (O,I) Cercospora (O) Curvularia (O,I) Drechslera/Bipolaris-like (O) Epicoccum (O) 1 13 20 Fusarium (O,I) Myxomycetes/Smuts/Periconia (O,I) Nigrospora (O) Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	3. Others	DL :	= 13; LQL = 270	cts/m³	DL =	= 13; LQL = 270	cts/m³			
Cercospora (O) Curvularia (O,I) Drechslera/Bipolaris-like (O) Image: Common of the common o	Hyphal fragment (O,I)									
Curvularia (O,I) Drechslera/Bipolaris-like (O) Epicoccum (O) 1 13 20 Fusarium (O,I) Myxomycetes/Smuts/Periconia (O,I) Image: Control of the	Alternaria (O,I)									
Drechslera/Bipolaris-like (O) 1 13 20 Epicoccum (O) 1 13 20 Fusarium (O,I) (O,I) (O,I) Myxomycetes/Smuts/Periconia (O,I) (O,I) (O,I) Pithomyces (O) (O,I) (O,I) Rusts (O) (O,I) (O,I) Unknown (O,I) (O,I) (O,I) Skin Cells Rating Medium Trace	Cercospora (O)									
Epicoccum (O)	Curvularia (O,I)									
Fusarium (O,I) Myxomycetes/Smuts/Periconia (O,I) Nigrospora (O) Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	Drechslera/Bipolaris-like (O)									
Myxomycetes/Smuts/Periconia (O,I) Nigrospora (O) Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	Epicoccum (O)	1	13	20						
Nigrospora (O) Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	Fusarium (O,I)									
Pithomyces (O) Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	Myxomycetes/Smuts/Periconia (O,I)									
Rusts (O) Unknown (O,I) Skin Cells Rating Medium Trace	Nigrospora (O)									
Unknown (O,I) Skin Cells Rating Medium Trace	Pithomyces (O)									
Skin Cells Rating Medium Trace	Rusts (O)									
·	Unknown (O,I)									
·	Skin Cells Rating		Medium			Trace				
Note	-		<u> </u>			<u> </u>				

^{*:} cts/smp: counts per sample. **: All concentrations are rounded to two digits of significant figures. Total concentrations/percentages may not be equal to the sum of individual concentrations/percentages due to rounding. #: Water-loving indoor fungi (min Aw ≥0.89). Absence of hydrophilic fungi does not exclude the possibility of a water damage history. DL: detection limit (analytical sensitivity). LQL: Lower quantitation limit = 20 x DL. Upper quantitation limit depends on sample conditions. ## Asp/Pen-like spores: Loose: 1 to 2 spores; Chain: 3 to 9 spores; Cluster: 10 spores or more. O: Mostly outdoor origin with rare exceptions; I: Mostly indoor origin with rare exceptions. Distinct Outdoor Type (DOT): Distinct outdoor Asp/Pen spores that can be easily differentiated from indoor Asp/Pen spores. DOT is specific to the batch of samples collected at the same time and cannot be used for other batches.

Case 2:19-cr-00877-CCC Document 75-1 Filed 03/27/20 Page 22 of 22 PageID: 1749 QLab, 256 Bridge St, Metuchen, NJ 08840

AccuScience™ Analysis Report info@qlabusa.com www.QLABusa.com AIHA EMPAT Lab ID: 178794

3/29/2019

4/1/2019 4/1/2019

ME190329-11

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QLab Job No.:

Date Received:

Date Analyzed:

Date Reported:

Analysis: AccuScience Premium Level 3 Fungal Spore Count™

Client: RK Environmental

Phillipsburg, NJ

Contact: McGuinness, Michael

Project ID: Essex County Correctional Facility

Date Sampled: 3/29/2019

Reviewed by: WT Approved by: Wei-Chih Tang, Ph.D., Lab Director

Please see original data for complete interpretation.

