

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BROOME

JUSTICE AND UNITY FOR THE SOUTHERN
TIER;

Plaintiff,

AFFIDAVIT

-against-

DAVID HARDER, Broome County Sheriff,

Defendant,

WILLIAM MARTIN, being duly sworn, declares under penalty of perjury as follows:

1. I am one of the co-founders of Justice and Unity for the Southern Tier (JUST). I make this affidavit in support of JUST's motion to impose sanctions for contempt against Sheriff Harder.
2. This affidavit is based on my personal knowledge and conversations with other JUST members and persons visiting loved ones in the Broome County Jail (Jail).
3. On September 29, 2022—the day in-person visitation re-opened at the Jail—myself and other members of JUST arrived at the Jail early to provide visitors with free coffee and donuts. At approximately 8:45 a.m.--while waiting for visitation to restart-- I had a conversation with a woman who was hoping to visit her husband at the Jail. She had gone up to the Jail visitation entrance and was directed to the Sheriff's administration office entrance, on another far side of the building, in order to sign up for a visit that morning. There she was told that visitation would not open until 12:00 p.m.

4. After my encounter with the woman, I walked up to the Jail to find the visitation entrance locked, and saw a visitation schedule posted on the door. I took a picture of the schedule. I was confused because the schedule was significantly different from the jail's previous visitation schedule. Attached hereto as Exhibit A is a true and correct copy of the picture I took of the jail's visitation schedule.

5. Prior to visitation starting I had discussions with several people who were hoping to visit their loved ones in the morning and were confused about the start time of visitation. Several reported calling the jail earlier in the week and on the morning of September 29th to find no answer. Finally, at 12:30 p.m. in-person visitation resumed.

6. I was in the lobby of the Jail as people were signing up for visits. There were approximately over 20 people waiting to see their loved ones. I signed up for a visit as well but those of us who were last on the sign up list did not all get in until after a first group left at 1:30, when another hour of visits, not on the schedule, was announced and took place between 1:30 and 2:30. This second group was less than half the size of the visiting room.

7. There are no safety precautions in place for the visits at the Jail. There are no screening procedures i.e. temperature checks or questionnaires; social distancing; or a mask requirement. None of the corrections officers I saw had masks on.

8. The new visitation schedule reduces the number of days and available hours for people to visit their loved ones at the Jail. It will also severely limit the number of people JUST can visit and therefore assist.

9. Under the new schedule there are far fewer opportunities for our members to visit people held at the Jail. Sheriff Harder cut the number of days to visit from five to

three, and available visitation time from the past practice, as recorded in the official Inmate Handbook, from over 40 hours per week to 15 hours. It is common sense that fewer days and less visitation time means fewer visits will occur.

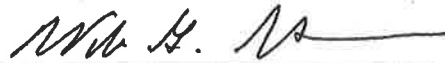
10. In the short time Sheriff Harder's reduced schedule has been in effect, many of our members have had to delay visiting because they weren't available during the few available times. Other members who were able to visit once, were unable to visit a second time. In the past persons could visit for thirty minutes, which would be charged as thirty minutes against inmates' two hour weekly limit; apparently now any visit is recorded as a full hour. This too limits the number of times persons can visit.

11. Our organization has also heard from many people frustrated with the shortened schedule. They complain about not being able to visit regularly during the few available times. The Jail houses many persons from around the state whose loved ones are not local residents and must travel far to the Jail. This is especially true for persons from across the upstate region who are boarded in for the Federal government and other counties. One woman works in Syracuse, for example, and must take unpaid time off of work in order to visit her husband.

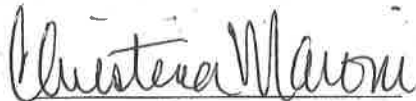
12. Prior to the COVID-19 pandemic, I would routinely visit people at the jail. It would not be uncommon for me or other members of JUST to visit 4 or more people in one week. Now that visitation has restarted JUST plans to re-staff our Jail visitation project. Under the visitation project JUST members visit people held at the Jail regularly and assist them in any way we can. However, under the Sheriff's new schedule the amount of people JUST will be able to visit will be greatly reduced.

13. I do not understand why Sheriff Harder is refusing to comply with the Court's order.

Dated: October 6, 2022
Binghamton, New York


William Martin

Sworn and subscribed to before me
this 6th day of October, 2022


Notary Public

CHRISTINA M. MARONI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6361648
Qualified in Onondaga County
Commission Expires July 17, 2024

EXHIBIT A

Broome County Sheriff's Correctional Facility

VISITING HOURS

With the exception of the initial visit, all visits will be contact visits unless otherwise specified. Any violation of the visitation rules can result in restriction of your visiting privileges. The visiting schedule is as follows:

General Housing

Tuesday	12:30 PM - 1:30 PM 6:30 PM - 9:30 PM
Wednesday	12:30 PM - 1:30 PM 6:30 PM - 9:30 PM
Thursday	12:30 PM - 1:30 PM 6:30 PM - 10:30 PM

I/Max-Female & Special Housing	Tuesday	1:30 PM - 2:30 PM
	Wednesday	9:30 PM - 10:30 PM

D-Pod / Restricted / Medical	Tuesday	1:30 PM - 2:30 PM
	Wednesday	9:30 PM - 10:30 PM

Visitors must pre-register with the Sheriff's Administration front desk officer between the hours of 9:00 AM - 3:00 PM Monday - Friday at (607)778-1192 for scheduled visitation hours based on inmates current housing location.

Inmate visitation will be closed Mondays, Fridays, Saturdays, Sundays and on all Broome County Holidays. The facility reserves the right to change, alter or re-assign visitation times as needed.

Broome County Sheriff's Correctional Facility

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General Housing	<i>Pods A, B, C, E, G, H, I</i>	
	Tuesday	12:30 PM - 1:30 PM 6:30 PM - 9:30 PM
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