

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

M.C. and T.G., on behalf of themselves and all
similarly situated individuals,

Plaintiffs,

v.

JEFFERSON COUNTY, NEW YORK, et al.,

Defendants.

Case No. 6:22-cv-00190-DNH-ATB

DECLARATION OF S [REDACTED] G [REDACTED]

I, [REDACTED], declare as follows:

1. My name is [REDACTED]. I am 29 years old, and I live in Gouverneur, New York. I was recently detained at the Jefferson County Jail from November 29, 2021, until February 18, 2022. I am currently serving my sentence in a state prison and am in reception at Elmira Correctional Facility. While I was at the Jefferson County Jail, I was denied access to my prescribed Suboxone treatment for my opioid use disorder (“OUD”).

2. My struggles with addiction began when I was a child. At the age of 12 years old, I was sexually assaulted. Around this time, I also developed severe mental health problems. In my early teens, I was diagnosed with anxiety, depression, attention deficit disorder, and bipolar disorder. To cope with the stress of my assault and my mental health issues, I turned to substances. I began consuming alcohol, followed by marijuana and oxycontin in high school. At the age of 17, I started using heroin. I quickly became reliant on drugs to deal with my problems.

3. Opiates ruined my life. Instead of joining the military as I had planned, I dropped out of high school in my senior year, derailing my education and career. Because of my drug addiction, I was kicked out of my home and forced to live out of my car. My daughter was even taken away from her mother and me because of our drug use.

4. I have attempted numerous times to quit using opioids without using medications for OUD, whether attending inpatient rehabilitation or trying to quit “cold turkey” on my own. However, these treatments have never worked. Without medication to manage the opioid cravings, I was not able to remain sober no matter how desperately I wanted to. My addiction took over my life and I ended up in prison.

5. Because I was not able to stay sober despite my past efforts, I knew that I needed to try something else. In January 2020, I was getting out of prison and knew that I would relapse if I did not get treatment. I feared overdosing. I had heard stories of people dying once they were released because their cravings caused them to overdose. My friend informed me about medication-based treatment for OUD and I decided that this might finally help me. As soon as I was released, I met with Dr. Charles Moehs in Watertown, New York to start treatment. He prescribed me Suboxone to treat my OUD.

6. Being on Suboxone helped me begin to turn my life around. I felt normal and no longer craved drugs. I felt less anxious and depressed. I was motivated to take on the world and had the energy to fight for my life. I even started online classes at Miller-Motte College. I studied information technology, hoping to gain skills for a stable job in the future.

7. However, after being on Suboxone for a few months, I decided to wean myself off it because I feared I would become too dependent on treatment. I was unaware that my drug cravings would return if I were to do this, and that my treatment needed to be maintained long

term to help me sustain recovery from OUD. Within one to two months of stopping my treatment, I relapsed. Without my medication, all I could think about was using drugs. All of my attention went to figuring out how I could obtain drugs and when I could next use drugs. This destroyed all the progress I had made, and I dropped out of school. After I relapsed, I was arrested in August 2020 on charges of burglary in the second degree.

8. I was released on bail in June 2021 and soon thereafter entered an inpatient rehabilitation program at Van Dyke Treatment Center in Ovid, New York. After spending a little under 30 days at the rehabilitation program, I transitioned to getting treatment at the Substance Use Disorder Program at Gouverneur Hospital - St Lawrence County. In addition to receiving my Suboxone medication, I met with Nurse Practitioner John Welbourn once a week to assess my progress, get drug tested, discuss my condition and side-effects, and obtain updated prescriptions. I ultimately reached a therapeutic dose of 16 mg of Suboxone per day.

9. Like my earlier experience, Suboxone greatly helped me manage my addiction. This time I understood that I needed to be on Suboxone long term under the supervision of a doctor to ensure that I would not relapse and to maintain my recovery. On Suboxone, my mind felt clear again and I was able to focus. My drug cravings disappeared. I was no longer consumed by depression and mood swings. Instead, I felt motivated to take care of myself. I got a stable job working for my grandfather in construction and made a steady income. I was capable of being responsible and had the energy to improve myself.

10. In the summer of 2021, I pled guilty to charges of attempted burglary in the second degree. And on November 29, 2021, I turned myself in for my sentencing hearing and was taken into custody at the Jefferson County Jail.

11. The Jefferson County Jail deprived me of my Suboxone treatment that had been so critical in helping me sustain my recovery from addiction. When I was booked at the jail, I informed the booking officer, Officer Desormeau, about my Suboxone prescription. I even provided him with the prescription and a note from my physician that explained the necessity of my medication. I asked Officer Desormeau to put this information into a computer system the jail uses to note prescriptions of people entering the facility. However, he initially ignored my requests to input it into the system. Instead, he asked me about whether I had any other medications. After I was very persistent, I believe he finally input the information about my Suboxone prescription.

12. Even though I had a prescription for Suboxone, and I specifically requested access to my medication, the jail refused to provide me with Suboxone.

13. As I feared, without Suboxone, I began suffering from excruciating withdrawal symptoms. I had cold sweats, felt freezing, and suffered from the chills. I had constant diarrhea and vomited frequently. I had severe headaches. I could barely sleep, sleeping at most for two hours a night. I even heard voices and hallucinated. Without Suboxone, I had painful cravings for drugs and experienced terrifying nightmares. My withdrawal from Suboxone was significantly worse than any experience I had had of withdrawal from heroin.

14. After a few days of being in custody, I had an initial appointment with the medical staff. However, when I asked the Registered Nurse, Ron, for Suboxone, he laughed in my face. He sarcastically told me good luck and that I would have to suffer through withdrawal. The nurse's response made it clear to me that the jail would not give me my medication no matter how badly I needed it.

15. As my withdrawal symptoms persisted, I reached out to the medical staff again using the jail's kiosk system. The only way to communicate with the nurses or to schedule an appointment is through the kiosks, which deliver an electronic message to the medical staff. I informed them that I was suffering from withdrawal and needed access to Suboxone. Instead of sending a message or providing a follow up appointment, the nurses only sent me some ibuprofen, which did not help whatsoever. They did not even let me meet with them to explain what I was going through.

16. Within my first week at the jail, I tried in vain to file a grievance about getting access to Suboxone. To file a grievance, you must request a grievance form from a pod officer and explain what you want to grieve. The pod officer then informs Sergeant Larkin about the request to determine whether it is a grievable issue. When I requested a grievance form from my pod officer, he informed me that I could not file a grievance because the issue of access to OUD medication was non-grievable. He told me that he was not even going to ask the sergeant because he knew that someone had already filed a grievance about the same issue. According to the pod officer, that made the issue non-grievable.

17. Around December 2021, I tried to file a separate grievance about the nursing staff's unresponsiveness and my inability to access medication and medical appointments through the kiosks. However, Sergeant Larkin again did not allow me to file a grievance. He determined it was a non-grievable issue because someone else at the jail had already filed a grievance about it. He told me that I would be able to meet with the medical staff and that they would provide some medication but never followed through.

18. The jail also prevented me from filing a grievance on a third occasion. On February 11, 2022, I learned that officers had opened confidential legal mail from my lawyers

without my knowledge, photocopied it, and destroyed the stamped return envelope. Instead of giving me my unopened envelope, Officer Patterson provided me with a photocopy of my legal paperwork, including forms such as HIPAA releases. I informed my pod officer that the jail was not allowed to open my confidential legal mail and notified him that the stamped envelope I was expecting was missing. I told him that I wanted to file a grievance. He contacted Sergeant Larkin and I went to the sergeant's office later to discuss the issue. Sergeant Larkin claimed that they mistook my legal mail for regular mail—even though it was clearly marked “LEGAL MAIL” and “CONFIDENTIAL”—and opened it under that belief. He also said that they destroyed the envelope because they believed there might be drugs under the stamp. He offered me a new stamped envelope as compensation, but I said that this was a bigger issue; they should not have opened my confidential mail. Despite my insistence on filing a grievance, Sergeant Larkin refused to let me file one, saying that it was not grievable because what the jail did was just a mistake.

19. Despite my attempts to access Suboxone, I did not have treatment for OUD for over three months. Until the end of my time at Jefferson County Jail, I was still suffering from withdrawal. I did not feel right in my body. I struggled with sleeping and usually only slept around three hours a night. My anxiety was severe, and my depression worsened. I constantly craved drugs despite my desire to remain sober.

20. I learned from officers that the Jefferson County Jail took one person to a local clinic to get his daily dosage of OUD medication. Yet, I also know that the officers punished this individual for exercising his rights by holding him in quarantine. While they claimed that he needed to be isolated because he left the facility for his treatment, I frequently heard officers say that he was quarantined as punishment for petitioning the court for his treatment.

21. Suboxone has saved my life. I fear that I would be dead now if I had not sought out treatment. Suboxone is the only thing that has given me the energy to live. Without Suboxone, I obsessively think about using drugs all the time; I am powerless over my thoughts. The treatment not only alleviates my symptoms and improves my mental health, but it also makes my drug cravings disappear. Because the Jefferson County Jail deprived me of my medication, I unnecessarily suffered excruciating withdrawal symptoms and am now more susceptible to relapsing. Because of the lapse in my treatment, I fear that I will overdose and die, as so many of my friends have. I will now have to start all over again in fighting my addiction and beginning treatment because of the Jefferson County Jail's practice, putting my life in grave danger.

22. Staff of the New York Civil Liberties Union ("NYCLU") have read this declaration to me verbatim. I declare under penalty of perjury that the foregoing is true and correct, and I have authorized the NYCLU to place my signature on the declaration.

Executed on: February 25, 2022
Watertown, NY

/s/ [REDACTED]