

**DECLARATION OF ANA BOTELLO,
ASSISTANT FEDERAL PUBLIC DEFENDER, PHOENIX, ARIZONA**

1. I, Ana Botello, make the following declaration based on my personal knowledge and declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.
2. I am a licensed attorney and member in good standing of the Arizona bar. I am currently employed as an Assistant Federal Public Defender (AFPD) for the District of Arizona. I have been an AFPD for over seven years, the past five and a half in the Phoenix Office.
3. Most of the clients I have represented and currently represent are in the custody of the United States Marshals Service (USMS) at the Central Arizona Detention Center (CADC) in Florence, Arizona. It is located at 1155 North Pinal Parkway, Florence, AZ 85132. CADC is privately-owned by CoreCivic, which contracts with USMS.

In-Person Visits at CADC

4. I visit clients in person at CADC about one to four times per month. I can enter CADC with my laptop without prior permission. If I enter with my laptop, I sign an electronic log indicating that I've entered the facility with my computer and provide a description of the items (i.e. charging cables, external hard drives and wired headphones) that I am bringing in with me on the log provided.
5. Most of my visits occur in a large single community room setting with small tables—like a cafeteria with various guards, other attorneys, inmates and family members nearby. These are what one can call “contact” visits and allow me to shake my client’s hand. The family members present in this room are typically visiting their inmate relatives through a clear plexiglass screen and telephone and are not allowed contact.
6. Because this community room can sometimes be noisy and not very private, I am able to meet with clients in a more private room upon request—for example, if I need to review audio, video or sensitive information. The private room is usually a small room with sufficient space for a small table for two to four chairs that is located in the same community room, but which has a door with a window. While more private and less noisy, one can still hear outside conversations as the rooms usually do not have an enclosed roof or ceiling and instead have a roof made out of wire fence material.
7. In some specific instances, I am able to visit with my clients in more private and quiet settings if I make prior arrangements by email. For example, for my clients that are in medical units, mental health units, or juveniles, I have been able to visit them directly in their units. A staff member will escort me (and my belongings including electronics) to the specific units where my clients are housed and allow me to visit them outside their pods within the unit. CADC requires that we make prior arrangements by email at least 24 hours in advance, but in these instances I try to make arrangements at least a week before my

visit to ensure there is adequate staffing. These tend to be rare instances where my client's age or medical/behavioral needs require such a visit. These visits usually last no longer than an hour.

8. In other instances, like when my clients are in segregated housing or sex offender units, I am not taken into the actual unit, but escorted to an unused office, barber shop room or storage room with a table and chairs near my client's unit that are in the hallways outside of the unit/pods. For these visits, I usually send an email at least 24 hours prior to my visit. In the confirmation email response, I am advised that my client is in a special unit and that I will require a staff person from CADC to escort me to the specific unit to meet with my client at a specific time.
9. During these visits, a CADC staff person will usually wait outside of the room where we are meeting facing away from us. Similarly, these units last no longer than one hour. But, if the staff person does not have another visit scheduled in the room and they have capacity to stay, I have been able to visit with my clients in this specific room for longer time periods.
10. I have personally rarely needed to spend more than an hour on such visits with my clients, but I have retained experts to evaluate my clients suffering from mental illness who have requested this setup for up to four hours. These experts have similarly been allowed to bring in laptops and other preapproved equipment.

Video Teleconference (VTC) Visits at CADC

11. When I am unable to make visits in person, I have the ability to schedule and conduct free VTC visits with my clients from the FPD office or Sandra Day O'Connor Federal Courthouse in Phoenix. To my knowledge, these free VTC visits are allowed for all FPD and Criminal Justice Act (CJA) court-appointed attorney visits. I prefer to use the VTC system (with an added audio line) for visits that require an interpreter because it allows the interpreter to join without having to make a three-hour round trip from Phoenix to Florence. This is especially important when the interpreter is for a rare language or dialect where a local interpreter is not available.
12. These visits require a strict 48-hour or two business days' notice and are set up through one FPD administrative staff person. FPDs in Phoenix submit a request internally, and that administrator reaches out to the court staff and CoreCivic facility to schedule a VTC visit for us. VTC visits are scheduled in time allotments of 30 minutes, one hour, or an hour and a half and during certain hours for certain pods. I click a link emailed to me to join the VTC from my computer, or dial-in using a phone. My clients at CADC are taken to a small room that includes a telephone with a video screen mounted on a wall and a chair for them to sit.

Phone Calls at CADC

13. Because we have access to VTC and in-person visits, I do not often rely or use phone calls to communicate with my clients. However, there are times when emergencies arise that I have utilized the option to relay a message (via the warden's assistant's email who relays it to a correction's officer in the pod) for a client to call us as soon as possible.
14. In the event of an emergency, I have been able to speak to my client on the phone by contacting the warden's assistant. The warden has approved my requests for an emergency phone call usually within the same day when such a situation has arisen and I have been able to speak with my client sometimes from a CADC staff member's office. Such emergency situations include, for example, deaths in my client's family.

Legal Mail at CADC

15. I can bring documents for my clients to in-person visits, and typically will leave legal mail with them during my visits if I have documents to share with them. The legal mail is enclosed in a manila envelope and checked by the guards to make sure there isn't anything other than paper in the envelope. I can also have clients sign and review documents during my in-person visits.
16. I have also sent and received legal mail via the postal mail system from my clients at CADC. At most, there is a delay of about two-to-three business days in clients receiving mail I sent, and I have had very few complaints about mail delays from my clients.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of October, 2022 in Phoenix, Arizona.



Ana Botello