

EXPERT REPORT
ON THE
ORLEANS PRISON PARISH
New Orleans, Louisiana

March 4, 2013

Prepared by:

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EXHIBIT "F"



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I. INTRODUCTION

At the request of the United States Department of Justice (“DOJ”), Civil Rights Division, Special Litigation Section, I was asked to serve as an expert in the areas of corrections, use of force against prisoners, general protection from harm, including environmental and fire safety hazards, and the provision of services to LEP individuals at the Orleans Prison Parish (“OPP”). I was further asked to conduct on-site tours of the OPP and to review records, observe prison conditions, to evaluate OPP’s staffing levels, interview prisoners and staff and to formulate opinions based upon my observations and assessment of the OPP in those areas. I was also asked to evaluate the proposed Consent Judgment in the case of Jones v. Gusman, No. 2:12-cv-859 filed on December 11, 2012, in the United States District Court, Eastern District of Louisiana. I was also asked to evaluate the current conditions of confinement at OPP and offer opinions as to whether or not the proposed Consent Judgment is necessary. And if I find that the Consent Judgment is necessary as a result of my findings, are the provisions targeted to, and the minimal remedial measures necessary to address any deficiencies that I may find. I conducted two on-site inspections of OPP, the first one from April 3-5, 2012 and the second one from December 17-20, 2012. During the April 3-5, 2012 inspection the Consent Judgment was not yet fully developed. However, in my second inspection of December 17-20, 2012, the Consent Judgment had been fully developed and had been filed in the United States District Court.

The United States Department of Justice had issued a findings letter to Marlin Gusman, Orleans Parish Criminal Sheriff on September 11, 2009 regarding an investigation of conditions at OPP pursuant to the Civil Rights of Institutionalized Person Act (“CRIPA”). 42 U.S.C. 1997. In that findings letter, the DOJ found that inmates confined to OPP were not adequately protected from harm, including physical harm from excessive use of force by staff and inmate-

on-inmate violence, as well as inmates facing serious risks posed by inadequate environmental and sanitation conditions, among other condition of confinement inadequacies. After my first inspection of OPP of April 3-5, 2012, the DOJ issued an update to the September 11, 2009 letter of findings of which I provided input resulting from my on-site observations, interviews with OPP staff and prisoners and review and analysis of numerous documents. The updated letter of findings is dated April 23, 2012 and the letter reflects the substance of my April 2012 findings in the areas I reviewed. The April 23, 2012 letter of findings revealed that alarming conditions were found and that the problem described in the initial findings letter persisted or had worsened. In summary, the DOJ reported finding that prisoners were inadequately protected from violence and sexual assault; inadequate staffing and prisoner supervision; inappropriate use of tier reps; facility failures to detect weapons; inappropriate commingling of violent and non-violent prisoners; failure to prevent, detect and correct excessive use of force and officer misconduct; failure to track staff misconduct in an efficient and effective manner; gaps in investigations; failure to provide a functional prisoner grievance system; concerns regarding inadequate services to limited English proficient individuals; among other serious conditions of confinement inadequacies. Finally, resulting from my December 17-20, 2012 site visit of OPP, information obtained from numerous interviews of OPP staff and prisoners and my review and analysis of voluminous OPP documents, I found that the overall conditions of confinement were the same or had worsened from my previous site visit of April 2012 which will be described in this report.

II. PROFESSIONAL QUALIFICATIONS

I have attached as Exhibit A to this report my Curriculum Vitae. The following is a brief summary of my education and experience in the criminal justice field.

I possess an Associate's Degree in Correctional Studies and a Bachelor of Arts in Criminal Justice from the University of New Mexico in Albuquerque, New Mexico. I have been working in the criminal justice field for over thirty-one years.

I have substantial hands-on experience as a correctional administrator and a jail and prison auditor. I commenced my career in the corrections field as a correctional officer and progressed through the ranks to the level of Deputy Secretary of Operations with the New Mexico Corrections Department. While serving as Deputy Secretary, I supervised the Adult Prisons Division, the Probation and Parole Division, the Corrections Academy, the Correctional Industries Division and the Medical and Mental Health Services Bureaus.

I served as a deputy court monitor for the United States District Court of Puerto Rico. This case involved conditions of confinement at all of the intake centers and correctional facilities throughout the Island of Puerto Rico.

I also serve as a court appointed Operations Auditor for the United States District Court of New Mexico. This case involves jail conditions of confinement at the Bernalillo County Detention Center and houses approximately 2500 prisoners.

As my Curriculum Vitae details, I have an intimate knowledge and experience in jail and prison operations, administration and programs.

I have served as a consultant to the Special Litigation Section and the Federal Coordination and Compliance Section of the Civil Rights Division of the United States Department of Justice. I have also provided expert services to the United States Marshals Service of the United States Department of Justice. My work with the Civil Rights Division involves inspections related to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997 ("CRIPA"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d ("Title VI"), primarily

in the areas of protection from harm, conditions of confinement and services for limited English individuals. For the Special Litigation Section, I have conducted operational assessments of some of the largest jail systems in the United States such as the Miami-Dade Correction and Rehabilitation Department; the Orange County Jail in California; the Cook County Jail in Chicago, Illinois; and the Harris County Jail system in Houston, Texas, among many other smaller and midsized jail systems and prisons. For the Federal Coordination and Compliance Section, I am currently working on the MCSO matter regarding Title VI issues. My work with the United States Marshals Service has been in connection with conducting facility operational assessments.

I also served as an expert in conducting conditions of confinement reviews for Pricewaterhouse Coopers (currently IBM Global Services Business Unit). These reviews were pursuant to contracts with the United States Department of Justice concerning non-federal facilities that housed United States Marshals Service and Immigration and Naturalization detainees. The conditions of confinement reviews included several core detention standards for jails. I participated in conducting approximately nineteen (19) conditions of confinement review of jails across America. I was also an active participant to the final revisions of the Conditions of Confinement Review Standards with a final presentation made to the Office of the Federal Detention Trustee and the U.S. Marshals Service in Washington, D.C. Currently, I continue to work as a corrections consultant and am the President of Manuel D. Romero, Inc., located in the town of Belen, in the State of New Mexico. I am also employed with the New Mexico Association of Counties in Santa Fe, New Mexico. For this entity I conduct operational assessments of the jails in New Mexico and provide technical assistance to county officials on jail operations.

III. TESTIMONY AT TRIAL, DEPOSITIONS AND AFFIDAVITS

A listing of the cases in which I have testified at trial or deposition within the preceding four years may be found at pages 18-22 of my Curriculum Vitae attached hereto as Exhibit A.

IV. COMPENSATION

My compensation for this case will total approximately \$30,000.00 including expenses, for inspecting the Facility, reviewing documents, analyzing information, providing testimony and for writing this report.

V. PUBLICATIONS

Contributor, Correctional Health Care: Guidelines for the Management of an Adequate Delivery System (2001).

Contributor, Guidelines for the Development of a Security Program, Second Edition, American Correctional Association (1997).

VI. BACKGROUND

The Orleans Parish Prison ("OPP") is comprised of the original Old Parish Prison, Conchetta, Templeman V, the Temporary Detention Center ("TDC"), the FEMA-supplied windowless canvas-tents ("The Tents"), and the Broad Street work-release facility. Collectively, these facilities housed approximately 2,500 prisoners in December 2012, which included pre-trial detainees, sentenced prisoners, felons, misdemeanants and male and female prisoners.

VII. METHODOLOGY AND FACTS AND DATA CONSIDERED

I reviewed materials provided to me by the DOJ prior to my on-site inspections of OPP. The materials were primarily documents I requested through DOJ to assist in my review and

analysis of OPP. I also reviewed a significant amount of materials after I conducted my on-site inspections of OPP. The materials I reviewed included the following:

1. OPP Incident reports for 2011 and 2012 which includes serious incidents and uses force on prisoners
2. OPP Correctional officer training materials
3. Available Contraband reports for 2011 and 2012
4. OPP Internal memorandums
5. OPP SOD investigative reports for 2011 and 2012 and logs
6. OPP Prisoner grievances for 2011 and 2012 and logs
7. OPP Kitchen health inspection reports
8. OPP buildings' Warden monthly reports from July 2012-November 2012
9. DOJ findings letters to Sheriff Gusman dated September 11, 2009 and April 23, 2012
10. OPP policies and procedures
11. The Consent Judgment filed on December 11, 2012
12. OPP Housing unit logs for 2012
13. OPP Prisoner Handbook
14. Available OPP Deputy security post assignment rosters
15. OPP Prisoner death reports
16. OPP Mailroom weekly reports between July 30, 2012-December 14, 2012
17. Available OPP Prisoner census reports
18. OPP Prisoner classification forms and related classification documents
19. OPP Deputy separation of employment notices

20. Performance-Based Standards for Adult Local Detention Facilities Fourth Edition

In total for the December 2012 assessment, in addition to on-site materials, I reviewed 9 CD's containing OPP documents, which the DOJ provided to me based primarily on my requests for types of materials.

In addition to my review and analysis of those documents above, I conducted two on-site tours of OPP, the first one on April 3-5, 2012 and the second one on December 17-20, 2012. Between both on-site tours of OPP I have visited and inspected all of the facilities under the jurisdiction of the OPP jail system with the exception of the Broad Street Work Release Facility.¹ During my on-site inspections I interviewed inmates at random while touring the facility as well as conducting confidential interviews of inmates that were involved in serious incidents or who chose to be interviewed. During the on-site inspections, I toured inmate housing units, program areas, the kitchens, the intake processing center, areas where toxic and caustic materials are kept, and deputy security posts. During the tour I also informally interviewed correctional staff regarding security post operations.

I relied on the above facts, data, documents and my direct observations of the OPP jail system as well as on my extensive training and experience in the criminal justice field in assessing whether or not OPP is meeting the minimal generally accepted correctional/detention standards for protecting prisoners from harm in a confinement setting. The standards contained in this report are the minimal generally accepted correctional/detention standards.

¹ During my April 2012 on-site visit of OPP the House of Detention ("HOD") was still in operation; however, by my December 2012 the HOD had been vacated of prisoners.

VIII. FACTUAL OBSERVATIONS AND OPINIONS

A. SAFETY AND SECURITY

1. OPP's Prisoner Supervision and Staffing

(a) Deficient Staffing and Supervision of Prisoners

A detention facility should maintain adequate prisoner supervision at all times in order to preserve prisoner safety. Security staff should have continuous personal contact with prisoners in order to be able to detect problems or issues as they arise. There should be continuous staff observation of prisoners within the housing units. A detention facility should use electronic surveillance equipment to supplement, but not replace direct observation of prisoners. Electronic surveillance equipment can also be used to assist in the investigatory process by helping to reconstruct incidents, particularly incidents involving prisoner-on-prisoner violence and use of force incidents. In order to be able to provide adequate prisoner supervision a facility must also be appropriately staffed, especially in the housing units where prisoners spend most of their time while incarcerated. OPP does not provide adequate prisoner supervision of prisoners nor are the facilities adequately staffed to be able to fulfill this function. During my inspections of OPP, I observed a litany of lax security practices and security deficiencies that are resulting in risk of harm to prisoners and actual harm.² During my on-site tours of the OPP I observed a serious lack of inmate supervision within the housing units. Between my April 2012 tour and the December 2012 tour I found that the level of inmate supervision within the housing units had

² For the purpose of this report when I refer to "OPP" I am referring to the Orleans Parish Prison Jail System that includes the various facilities. When I refer to Old Parish Prison Facility I am referring only to the single OPP Jail Building.

worsened. For example, during my December 2012 inspection of the Old Parish Prison there were only 21 security staff assigned, including supervisors for a population of 780 prisoners on the day shift. Each deputy assigned to the housing units has at least two cellblocks he/she are responsible for supervising on different floors and at times they may be required to supervise as many as 4 tiers. Deputies are not allowed to go into a housing unit tier or dormitory without another deputy present which further inhibits prisoner supervision.

This deficiency is exemplified in the following incident. On June 12, 2012 at OPP an inmate was apparently involved in a physical altercation with another inmate on the previous night. The inmate did not report the incident until the morning feed-up. The victim received medical attention for his injuries was reassigned to another building. However, in the course of the investigation it was discovered that the assigned deputy had heard what appeared to be inmates fighting the night before and had requested that rank come to A-3 to assist with a possible incident. The deputy reported that he did not see who was involved in the incident and because he could not walk down the tier by himself and the supervisor did not show up until later in the night to conduct a security check. The deputy reported that he heard inmates saying things such as, "stick your finger in his butt and piss on him". It does not appear that the supervisor attempted to find out what was occurring. Upon investigating the incident the victim reported that the physical altercation occurred because two other inmates tried to steal his commissary. The victim also reported that other inmates thought he was a "rat" because earlier he had gone to the Watch Office on another matter and when he returned to the floor rank came to the floor and allegedly made statements regarding inmates stealing commissary. The victim refused to press charges against his aggressors. Unfortunately, the investigator did not pursue the issue as to why the supervisor did not respond immediately to the deputy's request of a possible incident and the

implications that inadequate staffing has on inmate safety. (See OPSO Reports 000087-000088). This shows deficiencies in prisoner supervision, staffing and in the investigatory process. These deficiencies have negative consequences on inmate safety.

The following two incidents that occurred at the Old Parish Prison further illustrate inadequate prisoner supervision. On May 5, 2012 at OPP an inmate was escorted to the Watch Office with lacerations to the right forehead reportedly as a result of being involved in a physical confrontation with another inmate. The apparent victim refused to provide the name(s) of the assailants. (See OPSO Reports 000093-000094). On May 30, 2012 at OPP there was a report of an altercation among several inmates. As a result of the altercation an inmate reportedly received a laceration to his facial area. The prisoner reported that he fell from his bunk and hit his mouth on the floor. During the investigation the victim reported that while he was sleeping and once he woke up he realized he was being attacked, but could not identify his assailant(s). A search was reportedly conducted of the tier, but no weapon or sharp instrument was recovered. (See OPSO Reports 000101-000102). This shows deficiencies in prisoner supervision, staffing and prisoner safety.

With the exception of the acute mental health units at Templeman V, deputies are not posted in actual OPP housing unit tiers or dormitories, but rather are assigned to housing unit control centers and are required to make half hour or hourly safety and security checks of the various tiers or dormitories. However, in many instances these checks are not actually made or are inconsistent and many a time occur without viewing the prisoner. I also found that due to deputy shortages and lack of enforcement by security supervisors, housing units are left unattended and unsupervised for extended periods of time. For example, at the Old Parish Prison even when security checks are made, they may only be made visually from one end of the cellblock or by

the assigned deputy walking through the outside of the cells in the tier area, thus not being able to fully observe what may be occurring in a housing unit or cell.

At the Conchetta Facility I also found serious problems with respect to prisoner supervision and staffing levels. On the first day of the December 2012 site-visit there were 314 prisoners housed at this facility. The Conchetta Facility houses multi-custody levels of prisoners, including protective custody youth offenders and male adults. The Warden of this facility reported that he had lost 8 employees since July 2012 but had pickup 3 for a loss of 5 staff members. There were 7 deputies scheduled to work on the dayshift of which 2 were working overtime. The night shifts have only 1 supervisor and 5 deputies per shift for the entire facility. There is no direct supervision of prisoners in any of the cellblocks or dormitories. This facility has some cameras but no recording capability. There are also no cameras in the housing units which if available, could help supplement prisoner observation, help deter criminal activity and assist in incident reconstruction. The little surveillance cameras that are available for monitoring other areas of the jail are old and obsolete. Staff reported that DVR system had been inoperable for the past 3 months.

In the Tents, I also found serious problems with prisoner supervision and staffing. During our site-visit of December 2012 there were 596 prisoners living in the Tents. Each tent can house approximately 66 inmates and there is only one deputy assigned to each tent. There is no direct supervision of prisoners and the only time deputies go into the actual living area is during formal counts at shift change, otherwise, safety checks are merely done from the control booth or by walking around the outside catwalks. The line of sight from the tent control centers into the prisoner living area is very poor and obstructed by beds and numerous blind spots. While in one of the tents I asked the supervisor where the cut down tool was kept. The Major

asked the Sergeant as to where the cut down tool was and the Sergeant indicated it was in a “black bag”; however, they could not locate the cut down tool in the black bag. Later while were in Tent 7 and to our amazement, I asked the deputy as to where the cut down tool was kept and he immediately pulled out what appeared to be a folding knife from his pants pocket. It is risky and dangerous for anyone to be carrying this type of weapon in a facility, especially with no accountability.³ Apparently, the only official cut down tool for all 8 Tents is in the black bag of which proved unfindable.

There is a lack of control and accountability of security equipment. For example, in Tent 1 I observed handcuff keys in a cabinet that was not locked. I also observed that line of sight into the prisoner living areas from the Tent control booths is limited and poor. I noted that there is a lack of surveillance equipment that if available could supplement prisoner observation. I also noted that there is a lack of a formal security inspection program in place.

In Tent 3, the emergency lanterns were either inoperable or the deputy did not know how to use it. The lanterns were full of dust which apparently they are not regularly inspected for functionality. Also, in this tent, a brief review of the Tent activity log revealed that apparently there was no deputy assigned to work the 630 pm to 630 am shift on December 15, 2012 because there were no deputy entries in the activity log. I also reviewed a deputy disciplinary action whereby on October 17, 2012 a deputy ordered another deputy to conduct a shakedown of another Tent which lead to leaving his assigned Tent “unmanned, unsecured and with no Security in place.” These are serious safety and security breakdowns. (See OPSO IAD 001548)

³ Exemplifying this problem, I reviewed a deputy disciplinary action whereby a deputy on or about May 3, 2012 was involved in a physical confrontation with another deputy at Templeman V he was observed with a folding knife in his hand and another deputy broke up the confrontation. (See OPSO IAD 000812-000932).

The Templeman V Facility houses the mentally ill prisoners and female prisoners. During our December 2012 inspection there were approximately 240 prisoners housed at this facility. There is also a serious staffing problem at this facility. For example, there are five female prisoner pods for general population and special management housing, exclusive of the mental health pods, and there are only 2 deputies assigned to supervise approximately 136 prisoners. There are some cameras in the mental health pods that are monitored by the control center deputy. However, they do not adequately capture the inside of the cells; there are still many blind spots. Furthermore, one of the camera monitors was not working, another one had to be manually shifted to be able to obtain a view and another one was fuzzy. Shockingly, there are no cut down tools kept in any of the control centers including the mental health pods. Our escorting supervisor thought there was a cut down tool in the Watch Office but it could not be found. She reported that she thought one had been ordered, but never came in. This is a serious lapse for prisoner safety.

The lack of adequate prisoner supervision is exemplified in the following incident. On June 23, 2012 at Templeman V Facility a detective was conducting a routine security check on Dorm A-3 when he noticed an inmate lying on the ground bleeding from the back of his head. The inmate was transported to an outside hospital for treatment. The aggressor was identified and admitted to assaulting the other inmate. It appears that other inmates would routinely steal items from the victim. Reportedly, the victim sustained serious injury and was in intensive care at the outside hospital for seven days and was put on a ventilator and diagnosed with intraventricular hemorrhage to the brain due to injuries sustained from being punched in the face and blunt trauma to the back of the head due to striking the back of his head on a metal bench. (See OPSO Reports 000174-000175). This shows deficiencies in prisoner supervision, staffing,

prisoner safety and perhaps with the classification process. These deficiencies ultimately implicate harm to prisoners.

The Temporary Detention Center (TDC) has four housing units with two dorms in each for a bed capacity of 528 prisoners. Housing Unit 4 East houses prisoners from another county and is manned by deputies from that county. This facility is relatively new and does not have the serious physical plant problems as the other OPP Facilities. However, this facility is also seriously understaffed. There are only 7 deputies assigned to each shift for manning the housing units. There is no direct supervision of prisoners, rather deputies are assigned to the housing unit control centers and are required to make hourly safety and security checks of prisoners.

The following incident is indicative of inadequate prisoner supervision at TDC. On April 18, 2012 at the TDC Facility an inmate sustained a broken arm as a result of an attack by other inmates. The victim reported to the investigating detective that over the course of several weeks he had been harassed and physically attacked. Initially the inmate reported the incident as an accident. As a result of his injuries, the inmate had to be transported to an outside hospital for treatment. The aggressor in this incident was identified and was charged with second degree battery. (See OPSO Reports 000172-000173). This shows deficiencies in prisoner supervision, staffing and prisoner safety. Ultimately, these failures result in harm to prisoners.

Overall, based on my review of OPP investigation reports, incident reports, and other OPP documents, I found the amount of inmate-on-inmate violence and injury sustained by prisoners as a result of the violence occurring at OPP alarming. The number of prisoner-on-prisoner acts of violence that are occurring OPP is startling and very high considering the size of

the jail system. Unfortunately, prisoner-on-prisoner violence flourishes in a dysfunctional jail system as I have described in this report.⁴

(b) *The Inappropriate Use of Tier Reps*

The deficiencies in not having adequate staffing are made up by the use of “Tier reps” within OPP. During this most recent tour of the OPP Jail System, I found that tier reps continue to have considerable control over other prisoners which is a dangerous practice. Tier reps help to maintain order within the housing units and often make recommendations to staff to remove certain prisoners from a particular housing unit. Their motives may not always be in the best interest of the facility but rather for self-serving reasons. Tier reps are charged with the responsibility to pass out food to other inmates with little or no staff supervision. Tier reps often are responsible for handing service forms to other prisoners which is also inappropriate and gives them even more power over other prisoners. At the TDC Tier reps are allowed to have individual cells as opposed to a bed in the dormitories which gives them more status over other prisoners and better and safer conditions. An example of the immense power that tier reps possess is exemplified in Investigative Reports dated June 19, 2012 and September 27, 2012. (See OPSO Reports-000287-00292 and 000310-0311). The June 19, 2012 report is disturbing on several levels. A lieutenant reported that a male Captain was watching a specific female inmate showering at the Templeman V Facility. The reporting lieutenant further reported that the Captain took an inmate of the tier at night after lock down and escorted her to a medical office for elapsed periods of time. The lieutenant also reported that a number of inmates had witnessed

⁴ In addition to my own review, the DOJ provided me with information that for a 1-year period, OPP’s incident reports revealed approximately 700 prisoner fights and assaults. If accurate, this number is extremely high for this size facility and very disturbing.

the alleged events on numerous occasions and had reported those incidents to her. The inmate who was allegedly involved in the shower incidents denied that the Captain was acting inappropriately. This inmate was a tier rep while at Templeman 5 and she reportedly was moved from one dorm to another because of the good job she was doing. During the course of the investigation, she admitted that other inmates felt she had too much control on the dorm. She indicated that if she had a problem with an inmate listening to the rules or challenging her as a rep, she would inform the Captain to have them moved off the dorm and the Captain would remove those inmates from the dorm. There are several other disturbing allegations contained within this investigative report. Even given the strong evidence to support serious misconduct against the Captain, the case was closed due to insufficient evidence, the lack of witnesses, the statement taken and because the Captain retired from the OPSO on October 4, 2012. The Captain allegedly involved in this case was not interviewed due to him being on medical leave and supposedly because of the advice of his doctor that he was unable to report because of his medical leave involving stress. The September 27, 2012 investigative report was initiated as a result of a grievance that two female prisoners filed alleging that tier reps on dorm B-4 are disrespectful and openly engage in sexual activities at the Templeman 5 Facility. The assigned investigator made an unannounced visit and reported observing the tier reps from the deputy's control module and was able to confirm the allegations made in the grievance. Those tier reps were reassigned to other dormitories. It was further alleged that the tier reps were disrespectful toward other inmates and would engage in sexual acts in their cell while other inmates were present. Also, the grieving prisoners alleged that the reps tried to serve the meals while being naked or barely dressed.

Even more disturbing is how prisoners exert power over other prisoners through intimidation and control. For example, on July 12, 2012 two prisoners were transferred from the Tents to the Templeman V Facility. One of the inmates reported that he told staff he was suicidal because he feared for his life after observing a prisoner stab another prisoner. He further reported that when SOD showed up and placed the inmates in the shower, apparently after the stabbing incident, one of the Tier reps was flushing weapons in the toilet. He further reported that the bath Tier reps allow inmates to pick on other inmates and also give weapons to other inmates. (See Incident Report No. 30996).

Prisoners should never be allowed to exercise control over other prisoners in a jail setting and only invites disastrous results as described above. It is my opinion, based on my observations, that an informal culture has been established by OPP staff in using prisoner tier reps to make up for deficient staffing realities to help supplement facility order, which is a dangerous and reckless practice.

(c) Inadequate Contraband Prevention and Detection

A fundamental security component in a jail setting is contraband control. The purpose of an adequate contraband control program is to be able to prevent and detect contraband in the facility by conducting frequent searches in all areas of the facilities and by ensuring that prisoner searches are conducted properly and thoroughly. It should also be the policy and practice of jail staff to ensure that a jail is kept free from contraband, especially contraband that can be used to injure other prisoners. To that end, Jails should control contraband by ensuring that staff are adequately trained and re-trained on conducting proper searches of prisoner and facility areas, ensure that there is adequate security equipment available to assist in the search process, ensure

that staff conduct daily inspections of prisoner cells and common areas, ensure that at least random monthly shakedowns of cells and common areas occur, ensure that there is an adequate policy and procedure in place for guiding jail staff on the contraband control program, and ensure that the physical plant is in a state of good repair in order to help minimize contraband materials for prisoner access.

In my review of the SOD Contraband Reports between February and November 2012 I found that there were 12 cell phones found throughout the OPP Facilities.⁵ The abundance of cell phones within a jail is indicative of systemic security failures. In the Contraband Reports I also noted several confiscations of drugs and other types of contraband. (See OPSO Contraband Reports 000001-000055). Even more alarming is the ease whereby prisoners are able to obtain and fabricate homemade weapons (shanks) to use as offensive and defensive weapons to harm other prisoners. The following are some specific examples that I was able to glean from incident reports, from the period of December 2011-December 2012, whereby shanks were confiscated or used in acts of violence by prisoners.

- Incident No. 29575 OPP, tier A-4, a shank was found inside an inmate's baby powder bottle.
- Incident No. 29606 HOD, Tenth Floor, an inmate sustained multiple stab wounds to the head, neck, and shoulder, but the weapon was not recovered.

⁵ I also reviewed the disciplinary record an employee that was found to be having a romantic relationship with an inmate, conversing and texting via a cell phone with the inmate during on duty and off duty hours and alerted the inmate that SOD was present thus allowing the inmate to conceal the cell phone, among other violations. The female employee resigned on April 12, 2012 while under disciplinary investigation. (See OPSO IAD 000645-000654). Also on October 12, 2012 a supervisor received information that a deputy was receiving calls from a high profile inmate at OPP from a maximum security tier via a cell phone. The deputy admitted his wrongdoing. This is a serious breach of security and safety. (See OPSO IAD 001505-001511).

- Incident No. 29664 OPP, tier D-1, a shank was found in a crutch.
- Incident No. 29676 OPP, tier A-4, a shank was discovered on an inmate's bunk
- Incident No. 29846 HOD, recreation yard, an inmate armed with a shank was fighting with another inmate.
- Incident No. 29875 OPP, B-3, an inmate was observed by staff picking up a shank that had dropped out of his pants.
- Incident No. 29920 HOD, South Cell O, an inmate was found with 2 shanks.
- Incident No. 29970 OPP B-3 Hallway, after a pat search of an inmate, a shank was discovered next to his genital area.
- Incident No. 29987 OPP C-1, an inmate admitted that the shank found in the mattress of another inmate belonged to him.
- Incident No. 29070 HOD, Tenth Floor, after a stabbing incident a shank was recovered inside a cooler that was inside an inmate's cell, apparently fabricated from a metal piece inside of a shoe.
- Incident No. 29117 OPP, tier C-2, after a shakedown staff recovered 4 metal shanks on the window area of a cell.
- Incident No. 29135 HOD, Tenth Floor, an inmate was stabbed repeatedly by another inmate, but the weapon was not found.
- Incident No. 29139 OPP, after a shakedown 9 shanks were found in inmate cells.
- Incident No. 29161 HOD, after a fight between inmates, a shoe shank was recovered.

- Incident No. 29168 OPP, tier A-4, upon conducting a security check a shank was found after an inmate dropped it by his bunk.
- Incident No. 30414 OPP First Floor, a shank was found in the property of an inmate.
- Incident No. 30598 Conchetta, Dorm 2-1, after two inmates reported that they wanted to commit suicide, security staff found 2 shanks inside the slippers of one of the inmates.
- Incident No. 30707 OPP, A-4, an inmate claimed that another inmate had pulled out a shank on him.
- Incident No. 30748 OPP, tier C-2, Right Side, an inmate received a puncture wounds to the head, left arm, chest, back and left hand.
- Incident No. 30836 OPP, tier B-2, Left Side and Right Side, a search was conducted after the brutal stabbing of an inmate and staff recovered 10 shanks.
- Incident No. 30965 OPP, D-2, after an inmate complained of other inmates assaulting him, 2 shanks were recovered.
- Incident No. 31273 Templeman V Facility, an inmate was found in possession of a broken broom stick with a towel wrapped around it.
- Incident No. 30089 HOD, Fifth Floor, an inmate was repeatedly stabbed by another inmate with a shank, unclear if the shank was found.
- Incident No. 30227 OPP, an inmate was found in possession of 2 sharpened metal objects.

- Incident No. 30228 Conchetta, First Floor Hallway, security staff found a shoe shank that had been sharpened to a point on one end in the property of an inmate.
- Incident No. 30237 Templeman V Facility, A-3 cell 16, a shank was found in the shoes of an inmate.
- Incident No. 30246 OPP, C-1, a shank was found in the pajama pocket of an inmate.
- Incident No. 30341, OPP Main Hallway, a shank was found in an inmate's property.
- Incident No. 30372 OPP, B-2, upon searching an inmate, staff found a piece of metal bent into a u-shape and sharpened at both ends tied around the inmate's penis.
- Incident No. 30383 OPP, Main Hallway, a shank was found inside an inmate's shampoo bottle.
- Incident No. 31372 Tent 6, a deputy reported that upon hearing a heated argument between two inmates, he observed one of the inmates remove an object from underneath a mattress that appeared to be a shank or homemade knife, but was not recovered.
- Incident No. 31408 Templeman V Facility, staff recovered 2 weapons.

The risks of harm and actual harm to prisoners, largely resulting from the rampant presence of shanks throughout OPP is exemplified in the numerous serious prisoner-on-prisoner

incidents that I reviewed.⁶ For example, on December 7, 2012, at the Conchetta Facility a deputy notified supervisors that “back up was needed” on the Third Floor 3-2 Dorm. When three supervisors responded to the call for help a deputy opened the tier door and an inmate “fell out of the door”. After the inmate was shackled a supervisor noticed blood on the inmate’s back. The inmate was asked to remove his shirt and a supervisor noticed that the inmate had “several puncture wounds to the upper back and lower back area”. The victim reportedly did not identify the assailant(s). As a result of the injuries the inmate sustained he was transported to an outside hospital for treatment of multiple puncture wounds to the back. The incident report does not address as to whether or not a weapon was recovered. (See OPSO Incident Report 121912-000001-000002).

Also, on December 9, 2012, at the Conchetta Facility a deputy informed supervisors that she observed several inmates strapping up on dorm 2-1 and that another inmate had grabbed a broom and was in a stance position. Two deputies reportedly observed two inmates engaged in a physical altercation. When the staff went into the dorm they observed one of the inmates was swinging a broom and another inmate with a towel in his hand swinging at the other inmate. The inmates were instructed by staff to separate and one of the inmates charged at the other and a supervisor observed that the inmate had a shank. The armed inmate was sprayed with chemical agents and dropped the shank to the floor. Upon one of the supervisors retrieving the shank from the floor, he observed another shank on the floor. The shanks were confiscated and another inmate-on-inmate fight was in progress. One of the inmates was observed with several puncture

⁶ In addition to my own review, the DOJ provided me with information that for a 1-year period, OPP’s incident reports revealed approximately 30 stabbings. If accurate, this number is extremely high for this size facility and very disturbing.

wounds to the right ear and face; another inmate was observed with several puncture wounds to the neck area; and yet another inmate was observed with several puncture wounds to the back area. After the fracas was over, staff recovered another shank on the tier that an inmate had kicked under a bunk. The inmates in the dorm were instructed to go to the shower area to see if any other inmate needed medical attention. As a result, staff observed yet another inmate in the shower with several puncture wounds and was escorted to receive medical attention. After the incident was apparently under control a shakedown was conducted of the dorm and another shank was recovered. All four victims were taken to an outside hospital for treatment. One of the inmates sustained multiple puncture wounds to the neck; another inmate sustained puncture wounds to the back area; another inmate sustained multiple wounds to the chest; and the last inmate sustained lacerations the right ear, left arm and a possible fracture of the right hand. (See OPSO Incident Report 121912-000003-000005)

On October 1, 2012 at the Conchetta Facility an altercation between two inmates was reported. The apparent victim walked to the dorm door with blood on his shirt. The inmate sustained a moderate puncture wound to his right shoulder and had to be taken to an outside hospital for treatment. The victim initially reported that he had been involved in an altercation with another inmate, but during the course of the investigation he reported that an unknown inmate had stabbed him while he was in his rack asleep with a blanket over his head. The victim refused to press charges against the assailant and there were no apparent witnesses so the case was closed. (See OPSO Reports 000108-00109).

On June 28, 2012 at OPP an inmate was stabbed by another inmate just five minutes upon entering the tier. The victim sustained two small puncture wounds to the left side of his back. The assigned deputy reported that while conducting a security check she heard someone

scream and running from the rear of the tier with his property. The victim reported that he walked onto the tier and was putting his belongings on his bed when he was attacked from behind by an unknown inmate and then ran to the front of the tier for fear of his life. The inmate reported he did not know who attacked him nor did he wish to find out and refused to cooperate further with the investigation. It is unknown in the investigation whether or not attempts were made to locate the weapon. (See OPSO Reports 000099-000100)

On May 21, 2012 at OPP an inmate was attacked by another inmate on tier C-2 and sustained several stab wounds to the back. During feed-up the victim ran to the front door of the tier stating he had to be removed from the tier because he had been stabbed by an unknown inmate. The victim refused to cooperate with the investigation.

On March 6, 2012 at the HOD a physical altercation occurred between two inmates in a recreation yard. A supervisor reported that one of the inmates may have been in possession of a shank during the altercation. One of the involved inmates sustained a laceration to the back of his head and a laceration to his neck and was taken to an outside hospital for treatment, but apparently refused it. There is no indication as to whether or not staff made attempts to recover the weapon used in this assault. (See OPSO Reports 000104-000105)

On May 11, 2012 at OPP there was a call for back-up on tier A-4 as a result of a physical altercation. When the supervisor entered the tier he observed an inmate standing on a table in the dayroom yelling and bleeding while another inmate was at the back of the tier holding two shanks. This inmate turned the shanks over to staff. One of the involved inmates sustained lacerations to the back of the neck, left hand, right shoulder and left ear and was treated both at the facility and at an outside hospital for his injuries. The other inmate sustained lacerations to the right temple area, back and left shoulder and also received medical treatment at

the facility and at an outside hospital for his injuries. One of the inmates reported that while he was asleep in his bunk an unknown male stabbed him multiple times. He then got up and attacked his assailant and apparently both struggled over the shank. It is unknown as to whether or not other shanks were recovered and as to the source of the shanks that were recovered. (See OPSO 000116-000117)

On June 29, 2012 at OPP a supervisor reported that a physical altercation had occurred at his facility. Apparently two inmates were involved in a physical altercation. One of the inmates sustained multiple stab wounds to his neck, back, head, arms and chest area. The injured inmate reported that his assailant had used two knives during the incident. The assigned deputy reported that he was not aware that the involved inmates had exchanged words before. He further that the tier was locked down without any problems and after the morning feed-up he noticed blood stains on the underwear of one of the inmates and that at 0640 he observed the inmate trying to clean himself up and subsequently removed him from the tier. Later on the deputy reported that he noticed fresh cuts around the neck of another inmate. A shakedown was conducted of the dorm and staff recovered three shanks in the dayroom. (See OPSO Reports 000125-000127)

On September 30, 2012 at OPP an inmate was reportedly involved in a physical altercation with another inmate. The injured inmate sustained puncture wounds to both sides of his face and the supervisor reported that shanks may have been involved in the altercation. The injured inmate had to be taken to an outside hospital for treatment for his injuries. The assailant(s) were not identified. (See OPSO Reports 000128-000129)

On July 19, 2012 at OPP there was a back-up call on tier B-4. A responding detective found an inmate standing at the tier gate bleeding from puncture wounds to the upper back and

shoulder areas. The reported that while asleep in his bunk he suddenly felt something sharp stabbing him on the back and immediately ran to the tier door to call for the deputy on duty. He reported he did not know who attacked him. The inmate received treatment for his injuries at an outside hospital. There were no shanks recovered. (See OPSO Reports 000166-000167)

On September 11, 2012 at OPP tier D-3 there was a physical altercation involving four inmates. One of the inmates sustained a large laceration to the top of his head and scratches to his face. Another inmate was observed with swollen and bloody lips and an enlarged jaw. Both injured inmates were treated at the facility and then transported to an outside hospital for medical treatment. It appears that a shank was used in the altercation. The investigation does not address as to whether or not attempts were made to recover the shank or its source. (See OPSO Reports 000181-000183).

The above incidents show deficiencies not only in contraband control, but also in prisoner supervision, staffing, the classification process, the investigatory process and prisoner safety. The risks of harm and actual harm to prisoners, resulting from these deficiencies is exemplified in the numerous serious prisoner-on-prisoner incidents that I reviewed.

During my tours of the Old Parish Prison or any other jail within OPP, I did not observe any cell or area searches for contraband being conducted nor any other type of prisoner search with the exception of the intake center and even those were problematic due to the BOSS Chair still being inoperable from my last tour of April 2012. The BOSS chair is designed to detect metal on persons when they sit on it. The Acceptance Deputy reported that the BOSS chair “works sometimes and sometimes not.” In order to exemplify this problem I reviewed SOD report dated September 20, 2012 whereby a female prisoner at Templeman V was caught with a cell phone in her bra. The prisoner readily admitted that before being transferred from the IPC

she placed the cell phone in her underwear and waited until she arrived at Templeman V to use it. Certainly this is a serious breach in security. I also observed that staff and prisoners are not routinely searched or screened upon entering or exiting a particular facility. These are serious lapses in security and have negative implications on prisoner and staff safety.

While touring the Tents, staff reported that they have been finding shanks that are coming from the soles of prisoner shoes. However, I did not detect that OPP officials were attempting to remedy this problem. Furthermore, I reviewed a staff disciplinary action whereby on October 17, 2012 a deputy brought in medication, snacks and metal utensils to his work assignments in Tents 8. The metal objects were never recovered according to investigation. This incident involved the same deputy that allowed another deputy to leave his security post unmanned as described in the previous paragraph of this report. (See OPSO IAD 001551). This incident is illustrative of the lax security procedures on contraband control.

I also found in the area of general security that there is no type of formal security inspection program in place at any OPP facility. Therefore, security deficiencies are not systematically addressed which leads to unsafe and unsecure conditions. Security inspections should occur on a daily basis, they should be well documented, they should be reported to management staff and formal corrective action should be taken and documented on any reported security deficiency.

The proposed Consent Judgment has provisions on prisoner safety and supervision, security staffing, and contraband control.⁷ Based on my experience and minimal generally

⁷ The proposed Consent Judgment does not contain specific provisions regarding the appropriate use of Tier reps, but if all the necessary safety and supervision systems are in place and operating properly, the reliance on Tier reps by OPP staff must be eliminated.

accepted correctional standards, the proposed Consent Judgment's requirements are the minimal necessary and targeted to remedy OPP's particular prisoner supervision and staffing deficiencies.

2. OPP'S Prisoner Classification System

A prisoner classification system has several components commencing from arrival to the jail system and throughout the incarceration period of the prisoner. Newly committed prisoners should be separated from the general population during the admission process according to their unique security and safety needs as well as medical and mental health needs. An adequate classification system is a fundamental management tool to aid in providing a reasonable safe environment in a correctional facility. The primary goal of classification system is to determine the degree of supervision required to control each prisoner and to maintain the safety and security of the facility and the community.

Once a prisoner is processed he/she should receive an initial classification that considers safety, security, safety and medical and mental health issues. Prior to being placed in a general population setting, the prisoner should receive an orientation to the jail system in a language that is understood by the prisoner. After the orientation process the prisoner should undergo a formal classification process that takes into consideration issues such as, severity of offense, prior convictions, prior incarcerations, escape history, past institutional behavior, history of assaultive behavior, mental and emotional stability, medical status, vulnerability to other prisoners, predatory behavior and personal characteristics such as, age, gender, residence, and employment. Moreover, a prisoner's classification must be updated to reflect behavior while incarcerated. Typically, prisoners are divided into high, medium, and low security classifications, and thereafter receive the appropriate level of freedom and staff supervision for that classification

level. The prisoner should then be housed in a facility or area of a facility where those needs can be met. The prisoner classification process should also provide for periodic reviews of the prisoners classification status to determine if any changes need to be made to his/her classification status usually driven by behavior or other significant issues surrounding their incarceration. A prisoner classification system should also be validated for reliability on a periodic basis to ensure it is operating properly. There should also be adequate staffing levels to administer and implement the prisoner classification system. Unfortunately, OPP has significant problems with their classification system on many levels. For example, there are only two deputies assigned to classify prisoners at the IPC. Staff reported that even though the new classification system commenced approximately 9 months prior, it still remains as a work in progress. It appears that attempts have been made to validate the new classification internally, but there has been no outside empirical validation undertaken of the classification system. There is not a formal reclassification process built into the classification system. Thus many prisoners who have been at OPP for extended periods of time have not undergone a periodic reclassification process. Many a time after an inmate has been involved in a violent incident, they are simply moved to another housing unit and it is unclear whether or not staff review their classification status.

Apparently, there appears to be a lack of prisoner supervision upon intake or a failure to detect potential conflict as illustrated by the following incident. On June 19, 2012 at the IPC two inmates in a holding cell were involved in an altercation. One of the inmates had to be treated for his injuries at an outside hospital. Apparently the victim was struck in the face with the foot of the other inmate while he was lying down. It was reported the victim could not be interviewed because he cannot speak or hear. It was later learned that the victim suffered

multiple facial fractures and a temporal bone fracture as a result of the physical altercation. The investigation does not address as to whether or not there were inmate or staff witnesses to the incident or if the victim was subsequently interviewed with a language specialist. (See OPSO Reports 000188-000189). Classification staff reported that it is difficult to properly separate prisoners according to a designated classification status, especially at the Old Parish Prison and primarily due to not having an adequate number of cells to match the prisoners' classification status.⁸

The inadequate prisoner classification system is especially concerning at the Old Parish Prison. The Old Parish Prison houses maximum security prisoners, un-sentenced prisoners, youthful offenders, disciplinary prisoners, prisoners in administrative segregation, general population prisoners and prisoners with medical issues. There are no single cells for housing high risk prisoners and therefore, they are mixed with other prisoners within the housing units. This is a risky and dangerous practice and results in further contributing to prisoner-on-prisoner violence. There are numerous blind spots in the housing units that further contribute to inadequate prisoner supervision and observation.

The classification system at Templeman V is operated different than in some of the other OPP Facilities. For example, female prisoners are housed according to the amount of their bonds as opposed to an objective classification assessment scheme. This practice defies an objective classification system and in all likelihood OPP officials are mixing violent and non-violent prisoners together without regard to considering objective behavior-based factors for determining

⁸ However, any classification system can be manipulated by staff and endanger other prisoners. For example, at OPP on August 9, 2012 a deputy allegedly allowed an inmate who was assigned to Tier C-4 and on to Tier C-3 so the inmate could hug and shake hands with other inmates who happened to be a high profile inmate. (See OPSO IAD 001372-001398).

the appropriate level of custody of the prisoner as previously described in this report. Any jail system should have a unified and standardized process for classifying and housing prisoners.

The proposed Consent Judgment has provisions on custodial placement within OPP that includes the requirements to implement an objective and validated classification system that assigns prisoners to housing units by security levels, among other valid factors, in order to protect prisoners from unreasonable risk of harm. Based on my experience and minimal generally accepted correctional standards, the proposed Consent Judgment's requirements are the minimal necessary and targeted to remedy OPP's particular prisoner classification deficiencies.

3. OPP's Accountability Systems

Accountability systems are fundamental and necessary in any jail system to ensure that prisoner and staff safety is preserved. Accountability systems are designed to ensure that management staff are fully informed of any issues or problems that may be affecting prisoner and staff safety and when identified that they are addressed in a prompt and effective manner. Some of those accountability systems include the use of force component, investigations, incident reporting and the prisoner grievance process.

(a) Use of Force

The use of legitimate force in a jail setting is a necessary component for ensuring that order is maintained at all times within the jail system both for the protection of prisoners and staff. Uniform and coherent use of force policies and procedures and adequate staff training provide the basic structure for the use of force component. The use of force policies and procedures must outline the circumstances in which force is appropriate, require that force be promptly reported by anyone that employed or witnessed the use of force, that force is promptly

reviewed and investigated and that management staff take appropriate corrective or remedial measures on any policy violations or from the use of excessive or inappropriate force, among other necessary requirements. In order for management staff to be able to assess whether or not the use of force is component is operating properly and judiciously, they must have adequate tracking systems in place be able to track it.

In the area of use of force against prisoners, little has changed from my April 2012 to my December 2012 on-site visit of the OPP. During my December 2012 on-site visit of OPP, facility staff that I interviewed regarding the use of force topic reported that they have been working on trying to implement the provisions of the Consent Judgment. However, changing a system that has deep and engrained problems with the use of force component is not an easy undertaking. For example, staff are now required to write and submit a use of force report if they had any involvement in the incident. It is certainly too early to tell if in fact this new procedure will be adhered to by staff because it has only recently been implemented. The review process for use of force incidents is also in its infancy stages of implementation and it is unknown at this time whether or not facility staff will adhere to it. OPP has not yet developed an automated early intervention system for tracking staff members who use force against prisoners on a regular basis. An automated early intervention system is designed to help management and investigative staff monitor employees who use frequent force against prisoners and to assess its legitimacy. It is also designed to be able to detect problems with particular staff at an early stage before they escalate into more serious problems.

The excessive use of force continues at OPP as exemplified in the following case. On June 1, 2012 a detectives received information from a Captain who is assigned as Watch Commander at Templeman V Facility regarding a physical altercation between him (the Captain)

and a prisoner. Apparently, the prisoner disobeyed orders from the Captain to return to his dorm, but the prisoner allegedly refused. The Captain reported that the prisoner resisted as he tried to restrain him. The Captain admitted that during his attempt to restrain the prisoner, he grabbed a pair of shackles and placed them around the prisoner's neck and then began to squeeze them. Apparently the prisoner ran back into the dorm and back-up arrived and attempts were reportedly made to restrain the prisoner. The Captain reported that the prisoner threw a water cooler and a wet-vac at him then armed himself with a broom. The Captain reported that he notified SOD of the incident and requested their assistance. A detective and other SOD members arrived in the dorm and were able to restrain the prisoner without incident. The detective then interviewed the involved prisoner and he admitted that he was wrong for running off of the dorm, but that he was not wrong for defending himself. The prisoner further reported that he felt neglected because staff were refusing his request to go to medical. The prisoner further reported that he only resisted because the Captain placed shackles around his neck and tried to choke him and that when he got back to the dorm he picked up the broom to defend himself from the Captain. The prisoner further alleges that another deputy was taunting him and then grabbed him and slammed him onto the tier's metal table. The prisoner then reported that he got into an altercation with this deputy and head-butted and struck the deputy with a closed fist in the mouth. At this point the prisoner reported that he grabbed a broom to protect himself and demanded to see SOD. The detective reported that he tried to obtain incidents reports from deputies involved in this incident, but he only obtained the Captain's incident report and use of force form. The detective makes an observation that the Captain neglected to mention using the shackles at any point in his report. The detective reported that he tried to make contact with one of the involved deputies but as of the completion of his report he had not shown up to work and was reportedly on medical leave as

a result of a broken nose. It is unknown as to whether or not the detective interviewed anyone else during the course of the investigation, but it appears that he did not. It is also unknown what happened to the Captain for, in my opinion, using excessive force on a prisoner and failing to accurately report it. Also, there did not seem to be any further follow-up on the deputies that failed to write incident reports and use of force reports. (See Jones Sheriff 0000129-0000130).

These types of incidents will continue to occur until there is a fundamental change in the use of force component at OPP, including policy and procedure adherence, operating the use of force component with a policy that all staff understand and are trained in it, ensuring that there is a credible use of force review process as well as a credible investigative process for use of force incidents and to hold staff who use inappropriate or excessive use of force against prisoner accountable for their actions. During the December 2012 on-site visit OPP staff reported that they are required to purchase their own OC spray with exception of the first issue. This is not a good correctional practice because the organization loses control and accountability over the chemical agents and can also result in undetected abuse of chemical agents.

(b) *Investigations Process*

The investigative process in a jail system is a fundamental component of the overall accountability system. Adequate investigations are meant to help management staff in identifying operational deficiencies as well as identifying staff or prisoner misconduct. If this was being done in a qualitative and consistent manner and if staff corrected identified problems, it would help in reducing further harm to prisoners. OPP's investigative process of the incidents

is merely reactive and fails to identify operational breakdowns in the systems of which are many.⁹

In my review of numerous OPP incidents and investigations, as well as many other serious incidents I noted the failure of investigative staff and supervisors in identifying obvious operational breakdowns in the system such as: staffing inadequacies; problems related to classification and prisoner housing assignments; problems with seeking out the source of how and what materials prisoners are using to fabricate shanks; the lack of identifying problems related to the absence of video surveillance equipment; inability to articulate identifiable staff training issues; the lack of developing corrective action plans; lack of identifying problems posed by poor physical plant designs; the lack of identifying blind spots within the housing units; a failure to identify policy and procedure deficiencies; among many other operational and administrative issues revealed in these violent incidents. Instead, the investigations are primarily focused on trying to identify the aggressor(s) and the victim(s) and thus the pattern of prisoner-on-prisoner violence continues to persist and even worsen. The deficiencies I identified with the investigative process and the lack of identifying serious administrative and operational issues and the lack of taking corrective action measures during the course of investigation is not limited to the type of incidents discussed in the previous paragraphs of this report.

The deficiencies I identified also extend to cases of prisoner-on-prisoner sexual abuse/misconduct. For the purpose of this report I reviewed approximately 48 SOD investigative

⁹ It is worth noting that the investigatory Special Operations Division, or SOD, does not investigate many serious violent incidents. The SOD investigates prisoner-on-prisoner incidents to determine whether criminal charges against a prisoner are appropriate. However, in April 2012, the SOD reported that it only investigates incidents with a "significant injury," and that required the injured prisoner to get stitches. This threshold does not appropriately capture many incidents of serious injury that do not happen to result in stitches.

reports that were generated between February 6, 2012 and October 18, 2012 of alleged prisoner-on-prisoner, prisoner-on-staff and/or staff-on-prisoner sexual abuse/misconduct. In my experience in investigating, monitoring and inspecting prisons and jails throughout America, the sheer number of allegations occurring at OPP of sexual abuse/misconduct among prisoners is unprecedented. The actual number of sexual abuse/misconduct cases may even be greater than this reporting because of unreliable reporting mechanisms and the expressed fear demonstrated by prisoners and their reluctance to report acts of sexual abuse/misconduct for fear of their safety from further violence by their perpetrators as demonstrated in my review of the these cases. Again and identical to other forms of prisoner-on-prisoner violence, OPP staff will not be able to deter sexual abuse/misconduct in the facilities until fundamental reforms are made to the investigative process and until they start to systematically identify and correct the myriad of operational and administrative deficiencies I have identified in this report. In my review of the 48 sexual abuse/misconduct cases I detected a pattern of acceptable sexual misconduct among prisoners by staff. In many cases, prisoners are engaging in sexual misconduct in plain view of deputies and nothing is done. Many of the investigative reports reveal that prisoner openly engage in sexual encounters in their cells and shower areas. I saw no evidence of OPP staff attempting to deter or discourage such misbehavior. In many cases, the investigator could not determine if actual sexual intercourse may have taken place between prisoners due to the lack of forensic evidence so the cases are deemed unfounded or are closed pending further information. The standard used by the sexual misconduct investigators seems to be that short of having forensic evidence in the form of DNA or documented injury to a body orifice, there was no sexual misconduct. However, in many cases prisoners readily admitted to having engaged in some form of sexual activity but it seems that staff accept it. Investigators apparently also do not

consider that a prisoner may not report initial encounters of sexual abuse due to fear of their safety and further acts of sexual abuse and thus, the forensic evidence may no longer be available.

For example, on July 10, 2012 information was received by detectives that an inmate at Templeman V facility was making complaints of misconduct of a staff member. The inmate alleged to the detective that a deputy was encouraging another inmate to show him his private parts as well as to the deputy. The deputy, in the course of the investigation admitted that other inmates in the dorm were encouraging an inmate to play with his penis in front of another inmate's cell, but denied that he had given such instructions. The deputy further stated that he remembered that an inmate had requested to see rank regarding the incident. The deputy further reported that he had reported the incident to control deputy. The deputy was given a Certified Voice Stress Analysis and apparently responded truthfully to relevant questions. The case was closed and a recommendation was made that the two involved inmates be separated. No charges were filed because the reporting inmate did not wish to press charges. In my review of this case, it is apparent that the involved deputy was aware that some form of sexual misconduct was occurring and did nothing to prevent it. Furthermore, it does not appear that when this type of incident is investigated, that consideration is given to handle the situation administratively to deter sexual misconduct by using the inmate disciplinary process in cases where perhaps it did not meet the criteria for a criminal offense. I also believe that this case illustrates the level of acceptance that OPP staff have for sexual misconduct among prisoners. (See OPSO Reports 000243-000244). Similarly, I reviewed another incident that was reported at the Conchetta Facility on May 23, 2012 regarding sexual misconduct between inmates. Initially, the inmate reported that he had been raped by another inmate, but apparently recanted his story according to

a supervisor. The supervisor further reported that the reporting inmate had been transferred to Templeman V Facility because he was suicidal. During the course of the investigation, the reporting inmate reportedly admitted to performing oral sex on another inmate and that it was voluntarily and was not forced to do anything against his will. The inmate further reported that he wanted to be moved from Conchetta because he was being harassed by other inmates and did not feel comfortable there. He reported that the sexual acts occurred in the shower and was being sexually harassed by other inmates in the tier. The other involved inmate reportedly admitted to receiving oral sex from the reporting inmate. There were no criminal charges filed in this case and the corrective action was only to advise the reporting inmate to be removed from Conchetta and transferred to another facility to avoid any further confrontation. Again, the case may not have risen to the level of a criminal act, but even consensual sex between inmates is inappropriate and should at least be addressed administratively. Also, the investigation does not examine whether or not the reporting inmate was vulnerable to this type of sexual acts by other inmates. The issue of where the sex reportedly occurred was not addressed. Inmates should not be allowed to shower together. Lastly, there is an apparent lack of supervision within this housing unit that was not addressed. (See OPSO Report 000231-00232). I also reviewed an investigative report whereby an inmate filed a grievance alleging that there were a number of inmates on the tier having sexual relationships at OPP. During the course of the investigation at least three inmates reported that there was sexual activity occurring on the tier and in the shower. However, the investigator concluded that due to the lack of evidence and the statements taken from all inmates involved, the case was closed. There was no apparent attempt by the investigator to interview additional inmates and the assigned deputies. The issue of where the alleged sexual misconduct was occurring was also apparently not pursued. Again, it seems that

there is an acceptable level of tolerance for sexual misconduct among inmates by staff at OPP. (See OPSO Reports 000241-000242) in another case of alleged sexual abuse; a female inmate was arrested on criminal charges of sexual battery. The incident came to light through an inmate grievance by a female alleging that she had been sexually assaulted several times by the time she wrote the grievance. The assaults allegedly took place on the tenth floor of the HOD in April 2012. The inmate alleged that her cellmate had witnessed the incident and further stated that the inmate she was complaining about had grabbed her breasts and vagina at least on three occasions. The inmate also reported that she had notified two deputies and a lieutenant of the alleged incidents and provided the names of these staff members to the investigator. It appears that only one of these staff members was interviewed by the investigator. The alleged perpetrator denied the allegations made against her. The deputy that was interviewed admitted that she had overheard the alleged perpetrator several times refer to the victim as her "ho" as well as making other sexual comments towards the victim. The deputy further reported that the victim had previously reported one of the incidents to her that occurred while she was off duty. This deputy further reported that another deputy had written a report after a grievance had been turned in to her by the victim and that it had been given to other supervisors. However, the investigative report does not indicate as to when this occurred nor if these supervisors were interviewed or not. This deputy concluded by telling the investigator that she did not know if any other deputies saw or read the grievance provided by the victim. Again, it does not appear that staff take sexual misconduct, even if in the form of verbal sexual comments by inmates towards other inmates seriously or attempt to stop this type of inappropriate behavior before it escalates. (See OPSO Reports 000325-000327)

There are many more instances where prisoners are claiming that they were sexually abused by other inmates, and sometimes with weapons involved that are not being investigated to their logical conclusion. None of the investigative reports that I reviewed contained meaningful recommendations to management staff on how to deter any form of sexual misconduct among prisoners even in instances where some form of sexual misconduct was found or was evident. I believe there is not a “zero tolerance” policy in practice against any type of sexual misconduct between prisoners and/or staff on prisoners in the OPP Facilities as reflected in my review of the sexual misconduct investigations.

Taken in total and due to the level of operational and administrative dysfunction of the OPP’s accountability systems, the jails are unsafe for prisoners to live in as well as for staff to work in. The fear expressed by prisoners for their safety within the OPP jails as evidenced in the investigative reports is daunting. (See OPSO Reports 000056-000344).

The proposed Consent Judgment has provisions on developing and implementing adequate use of force policies and procedures, use of force training, use of force reporting, the use of force review process, early intervention requirements, investigations, among others. Based on my experience and minimal generally accepted correctional standards, the proposed Consent Judgment’s requirements are the minimal necessary and targeted to remedy OPP’s particular accountability systems deficiencies.

B. ENVIRONMENTAL CONDITIONS AND FIRE SAFETY

Environmental and fire safety conditions are appalling within the OPP facilities. Many of the housing units are dilapidated and difficult to maintain. Prisoners have a right to be protected from unreasonable risk of harm within their living environment. Prisoners should be able to live

in a safe, clean and healthy environment. They should have access to controlled cleaning supplies and materials for keeping their cells, showers and common areas clean and sanitary as well as their clothing, bedding and mattresses. There should be effective vermin and pest control practices in place to help reduce health risks. Inmates should have access to functioning toilets, washbasins and showers. They should have proper lighting in their cells and common areas. The facility should be free of fire, electrical and physical plant hazards. Facility staff should be ensuring that prisoners are familiar with fire evacuation procedures and for ensuring that emergency keys and locking mechanisms are inspected and tested on a frequent basis for functionality. OPP facilities do not meet these minimal standards.

For example, at the Old Parish Prison there is substantial rust and metal deterioration in the housing units. I observed paint peeling off the walls. There are problems with the ventilation system and there is considerable moisture on the housing unit walls and ceilings. Some housing units had problems with doors and locking mechanisms. During the December 2012 inspection, a prisoner sat on a stainless seat of a table and the table collapsed and was unanchored from the floor. The bolts that anchored the table to the floor had rusted and deteriorated. Staff reported that prisoners hide contraband in the holes and crevices of where the tables are supposed to be anchored. (This incident occurred in D-4 housing unit). Also at the Old Parish Prison prisoner showers are filthy and have growth of mold and mildew. The inmate cells are rife with graffiti, trash and debris which are symptomatic of inadequate prisoner supervision. There is no formal security, safety and sanitation inspection program in place therefore, OPP staff are not able to systematically identify, track and correct deficiencies in these areas. There is a total lack of control and accountability of dangerous toxic and caustic materials. The shed where caustic, toxic and flammable materials were stored was in disarray and the inventory was

outdated and inaccurate. There is no formal process for the cleaning and sanitizing of prisoner mattress between uses which in turn results in a potential health risk from disease to prisoners. There is not a reliable key control program in place or emergency key identification. There are no cut down tools available in the housing units for suicide prevention purposes. I observed inmates washing their clothes and towels in the showers which is unsanitary and can create health risks. The facility is old and the cellblocks were designed with only one entry and exit which presents a fire safety and security concerns for evacuations or security measures. The fire and smoke alarm system has been inoperative for approximately 6 months and therefore, facility staff rely on a fire watch system for filling this inadequacy. However, during my tour I did not observe anyone conducting a fire watch.

I found the Conchetta facility to be very unsanitary, especially the living areas, cells and shower areas. Similar to security, there is no formal sanitation inspection program in place for systematically addressing sanitation deficiencies. Prisoner mattresses are not cleaned and sanitized between uses which creates a serious health risk for prisoners. I also noted considerable graffiti in the cells which again is indicative of inadequate prisoner supervision. There is not a reliable key control system in place at Conchetta. For example, I asked the Warden to obtain an emergency key for a fire exit door in Unit 1-1 to verify if the locking mechanism was operable. It took approximately 9 minutes for a supervisor to find the emergency key; however, the key the supervisor brought would not unlock the locking mechanism. Approximately 7 minutes later, the supervisor returned with another emergency key and this key could also not unlock the locking mechanism. Upon ending the inspection of this facility, the Warden was able to locate the apparent correct emergency keys in his office. This key was able to open the Unit 3-T emergency door; however, it could not unlock the emergency

door in Unit 1-1. I noted that there was debris in the locking mechanism of which in all likelihood was as a result of sabotage by prisoners. This is a serious breakdown in safety and security stemming from a lack of having a reliable key control program in place that if available, would include regular inspections of all emergency doors and locking mechanisms along with corrective action measures on noted deficiencies. Also, in the area of fire safety, I noted that there have also been problems with the fire alarm and smoke detection system for several months. Supposedly there are two deputies assigned as fire watch officers; however, I did not see anyone conducting fire watch tours during my inspection of this facility.¹⁰ I noted long extension cords that are used in the dayrooms which pose a safety and security risk. Similar to the Old Parish Prison, there is no fire safety person assigned to oversee fire safety at this facility. There is not a fire safety inspection program in place or a system for the regular testing of fire safety equipment. There is no evidence to suggest that there is a reliable fire drill program at this facility or at any other facility in OPP.

During my tour of the tents, I found them to be stuffy, with poor ventilation (many of the vents were clogged with debris), leaking showers, non-functioning toilets, toilets that were leaking, inoperable sinks and sinks not anchored to the floor where inmates can easily hide contraband and dismantle the sink hardware and use them for weapons. The fire smoke and fire

¹⁰ However it does not appear that all deputies take the conducting of fire watches seriously. For example, a deputy was recommended for disciplinary action on August 22, 2012 at OPP. On August 21, 2012 the OPSO Fire Inspector, the State Fire Marshall and high echelon OPP staff went to Tier D-2 and observed clothes hanging on the windows, covers over the bunks, storage bags not being used and shoes all over the place. Furthermore, they observed that the fire watch sheet at approximately 0900 was already logged out for the end of the watch from 1900 to 0700 hours. A Major was also counseled over the incident. (See OPSO IAD 001399-001401). Similarly, on August 21, 2012 the State Fire Marshall's Office and the Fire Inspector conducted a surprise inspection of the Tents and discovered that the fire watch was already completed for the entire shift and it was only 1100 hours in the morning. (See OPSO IAD 001681- 001695).

alarm system are also not functioning properly at the tents. Staff and prisoners reported that emergency doors are frequently locked with shackles because during power outages, these doors pop open. A fire safety plan is not in place at this facility or at any OPP facility according to the Fire Safety Officer. However, it is also unrealistic to expect that one fire safety officer for the entire OPP Jail System can perform all of the necessary duties associated with a credible fire safety program.

At Templeman V facility I noted serious problems with sanitation in the living areas and shower areas. The showers, especially in the mental health pods are appalling. Some of the mental health cells have tile floors and the prisoners have removed many of the tiles. I observed tile shards in cells where suicidal prisoners are housed. This is a serious safety and security problem. In order to further illustrate the seriousness of having tile floors in inmate housing units, I reviewed an incident that occurred September 10, 2012 at the Templeman V Facility, tier A-4 whereby an inmate was observed throwing broken floor tile pieces at a deputy through the food slot of his door. Reportedly, the inmate assaulted the deputy. However, there is no type of corrective action noted in this investigative report to suggest that proactive measures were taken to remove the tiles from the floors in order to prevent prisoners from using them to cause self-harm or harm to others. (See SOD Investigative Report dated September 10, 2012 OPSO Reports-000060-061). Similar to other OPP facilities, prisoners could not recall ever participating in a fire drill at Templeman V.

During the December on-site tour of OPP I also inspected the food service and delivery areas. The OPSO has a major construction project underway for a new kitchen and warehouse. Although the facility and equipment will be new, there are issues I identified in the current food service department that if not addressed, they can be transported to the new facility and become

problematic. For instance, I observed that there is not a formal process for the conducting and documenting of prisoner or staff daily health checks. At the temporary kitchen food service workers did not have test strips available to check if the proper amount bleach was being used to properly rinse and sanitize utensils and pans. I found that the final rinse temperature of the dishwasher was below the acceptable level. At the main kitchen there were no posted fire exit diagrams. The hot water in the bath rooms was slow in heating up to an acceptable range as well as at the sink stations in the work areas. I observed a lack of control over cleaning chemicals and a lack of inventory control of cleaning chemicals. The main kitchen also has considerable holes in the structure where rodents and insects can come into the kitchen.

The dilapidated facilities, along with broken plumbing, faulty electrical systems, broken furnishing and fixtures, tile floors within the mental health unit and the lack of control over caustic and toxic materials is causing increased presence of contraband and weapons within OPP. Additionally, overall the environmental and fire safety conditions described above are presenting a serious risk of harm to prisoners.

The proposed Consent Judgment has provisions on ensuring that prisoners are provided with constitutionally adequate sanitation and environmental conditions as well as provisions for ensuring that prisoners are protected from fire and related hazards within OPP. Based on my experience and minimal generally accepted correctional standards, the proposed Consent Judgment's requirements are the minimal necessary and targeted to remedy OPP's particular sanitation and environmental conditions and fire and life safety deficiencies.

C. DISCRIMINATION AGAINST LATINO PRISONERS

I found that there are no formal services for LEP or Limited English Proficiency prisoners at OPP. OPP should have a formal plan or method for identifying LEP prisoners at intake as well as throughout their incarceration. OPP should ensure that LEP prisoners have timely and meaningful access to services as well as maintaining language assistance policies and procedures. OPP staff should be trained on language assistance provisions and there should be sufficient numbers of bilingual staff available to assist LEP prisoners. There should also be adequate and sufficient signs posted throughout OPP, as well as forms such as grievances forms, in languages LEP prisoners can read and understand.

At OPP, LEP prisoners are not tracked at intake or during their incarceration. There is reportedly only one Spanish speaking deputy assigned to work in booking for all the shifts at the IPC. LEP prisoners are not identified or tracked in the AS400 inmate management system. There are no language lines or other services for LEP prisoners at intake. The Acceptance Deputy reported that they process approximately 5-6 LEP prisoners per shift. Other prisoners who may speak limited English often help the booking staff interpret for LEP prisoners. This prisoner involvement causes issues of confidentiality that may be breached as well as not knowing whether or not the prisoner is interpreting correctly. The Acceptance Deputy also reported that there is a book with "catch phrases" that booking staff use to help process LEP prisoners, but that book could not be readily found. The only Spanish signage I observed in the booking area was the PREA posters. They maintain a few forms in Spanish, but they are mostly medical related forms. The prisoner grievance forms are also not available in Spanish.

There is not a system in place in the Tents for tracking and providing language services to LEP prisoners. There are no apparent Spanish speaking staff at this facility. I spoke with two

LEP prisoners who did not understand the English language; one was from Mexico and the other from Honduras. Both of these prisoners seemed to be having a difficult time due to their lack of understanding the English language and their inability to access staff members or language services to assist with general incarceration issues. Further complicating the language barriers is that the prisoner grievance forms are not translated into the Spanish language.

At Conchetta there is also no method for tracking LEP prisoners. There is reportedly only one staff member who can speak the Spanish language. With the exception of PREA posters of which are in the English and Spanish language, I did not observe any Spanish signage.

Similar to other OPP facilities, there are no language services available for LEP prisoners or any type of tracking for these individuals at Templeman V.

There are many problems associated in not having a meaningful LEP program. For example, LEP prisoners can miss out on programs and services that may offered to non-LEP prisoners because they did not understand the announcement that is made in English. LEP prisoners may not understand important commands such as to evacuate a building, to cease a particular behavior or to communicate routine incarceration issues.

OPP should be providing timely and meaningful access to services at OPP to all prisoners at OPP, regardless of their national origin or limited ability to speak, write, or understand English.

The proposed Consent Judgment has provisions on ensuring that prisoners are provided with timely and meaningful access to services. It has provisions for ensuring that OPP maintains adequate language assistance policies and procedures and provides language assistance training and sufficient bilingual staff to be able to respond to the needs of LEP prisoners. Based on my experience and minimal generally accepted correctional standards, the proposed Consent

Judgment's requirements are the minimal necessary and targeted to remedy OPP's particular discrimination practices against Latino prisoners.

IX. SUMMARY OF FINDINGS OF OPP DEFICIENCIES

In summary, through direct observation, document review, interviews, and other evaluation I found the following major deficiencies within the OPP Jail System:

1. A serious lack of prisoner supervision.
2. Deficient staffing and deployment practices.
3. A lack of effective and sufficient video surveillance equipment.
4. A lack of prisoner suicide prevention practices.
5. Severe problems with controlling contraband, including a lack of adequate contraband screening equipment and practices.
6. Actual harm to prisoners resulting from ineffective safety and security systems
7. Inappropriate use of Tier reps
8. Misclassification of prisoners, improper housing practices and an ineffective prisoner classification system.
9. Inferior use of force accountability systems, including data tracking and an Early Intervention System
10. Inferior and ineffective investigative accountability systems
11. Poorly designed and aged facilities.
12. Severe physical plant deterioration.
13. Severe plumbing, electrical and ventilation problems.
14. Faulty locking mechanisms.

15. Unsanitary and unhealthy living conditions.
16. Serious problems with emergency key management, control and accountability.
17. Serious problems with the control of caustic, toxic and flammable materials.
18. A lack of procedures for cleaning and sanitizing prisoner mattresses between uses.
19. Problems with health and sanitation practices in food service.
20. An overall inadequate security program.
21. A Severe lack of providing services to LEP prisoners coupled with a lack or system of identification and tracking LEP prisoners.

X. CONCLUSION

Based upon my direct observations OPP, my extensive review and analysis of documents, staff and prisoner interviews, my opinion is that this jail system continues to deteriorate in almost every aspect of conditions of confinement. Prisoners continue to be the victims of actual harm and substantial risk of harm to their safety evidenced in this report. The facilities are not safe for prisoners to live in or for staff to work in. The minimal systems for operating a constitutionally acceptable jail are non-existent or have not yet been fully developed and therefore are incapable of deterring harmful conditions. I believe that the Proposed Consent Judgment's requirements are the minimal necessary and targeted to remedy the myriad of operational and administrative deficiencies I found within the OPP jail system. I also believe that in some instances, the Proposed Consent Judgment requirements do not go far enough in addressing the deep and engrained problems I found in the jail system. For example, the Proposed Consent Judgment does not contain provisions for addressing the myriad of security, fire safety and sanitation issues identified in this report in a comprehensive manner. The expectations of the parties for addressing the operational and programmatic aspects of the New Jail, and the new kitchen facility, are not contained in the Proposed Consent Judgment. Also absent from the Proposed Consent Judgment are provisions for repairing and upgrading the current aging facilities in order to make them safer and for improving overall conditions of confinement. Finally, the Proposed Consent Judgment does not contain provisions for addressing population control in a comprehensive manner.

Respectfully submitted,

Manuel D. Romero 3/4/13
Manuel D. Romero

MANUEL DAVID ROMERO

EDUCATION

- 1982–1989 University of New Mexico Albuquerque, NM
- B.A., Criminal Justice.
 - A.S., Correctional Studies.

MILITARY

- 1970–1977 United States Air Force Honorable Discharge

LANGUAGES

English, Spanish

PROFESSIONAL MEMBERSHIPS

American Correctional Association Professional Member

American Jail Association

PROFESSIONAL EXPERIENCE

2000–Present Manuel D. Romero Inc. (Formerly known as Manuel Romero Consulting Services.) Belen, New Mexico

President and owner/Corrections Consulting Services *

- Develop comprehensive reports on correctional institutional operations.
- Develop corrective action/compliance plans.
- Provide expert testimony in court cases on correctional issues.
- Provide recommendations for achieving acceptable prison and jail standards.
- Provide auditing, monitoring and management strategies for governmental agencies, courts and private institutions on correctional matters.
- Conduct operational and staffing analysis of jails, prisons and juvenile institutions.
- Review facility design plans.

* Attached is a listing of some of the specific services performed, correctional facilities visited and inspected (Section I, pages 7-15), and a listing of testimony at trial, depositions, affidavits and expert reports developed for specific court cases. (Section II, pages 16-20).

2007–Present N.M. Association of Counties Santa Fe, NM

Loss Prevention Specialist

- Conduct operational assessments of county jails throughout NM.
- Develop sample jail policies and procedures.
- Provide technical assistance to jails throughout NM.

1999–2000 GRW Corporation Brentwood, TN

Vice President

- Provided consulting services for adult and juvenile facilities.
- Conducted operational reviews of detention facilities.
- Conducted inspections of detention facilities.
- Developed cost analysis and staffing plans for proposed facilities.

1996–1999 New Mexico Corrections Department Santa Fe, NM

Deputy Secretary of Operations

- Supervised:

Adult Prisons Division Medical Services
Probation and Parole Division Mental Health Services
Corrections Industries Division Substance Abuse Programs
Corrections Academy Division Special Investigations

- Played a key role in vacating the Duran Consent Decree.
- Was the Corrections Department lead in designing new correctional facilities, renovations, and in the design of a multi-million dollar Mental Health Treatment Center.
- Additionally:
 - Responsible for budgeting and personnel issues.
 - Coordinated with other agencies in areas of mutual interest.
 - Conducted inspections of correctional facilities.
 - Developed and implemented operational and program strategies.
 - Conducted after action reports of major incidents.
 - Oversaw capital improvement projects.

1995–1996 New Mexico Corrections Department Santa Fe, NM

Director of Adult Prisons

- Supervised:

State Prison Operations (Wardens) Classification Bureau
Health Services Bureau Safety Program
Compliance Bureau Environmental Programs
Education Bureau Inmate Records

- Oversaw the operational aspects of the Duran Consent Decree.
- Administered Major Contracts for:
 - Inmate Medical Treatment Food Service
 - Women’s Prison County Jail Agreements
- Responsible for one-hundred and seven million dollar budget for the Adult Prisons Division.

1994-1995 New Mexico Corrections Department Santa Fe, NM
Deputy Director, Adult Prisons Division

- Supervised:
Health Services Bureau Education Bureau
Compliance Bureau Safety Program
- Assisted the Director in overseeing prison operations.
- Oversaw the operational aspects of the Duran Consent Decree.

1992-1993 Administration of Corrections Ponce, Puerto Rico
Complex Administrator, (Warden)

- Provided supervision to six correctional institutions, wardens and staff.
- Established the organizational structure for a correctional complex.
- Implemented a comprehensive court stipulation addressing all areas of prison management.
- Developed and implemented a comprehensive training program for staff.
- Developed and implemented policy and procedures for all aspects of prison management.
- Prepared and presented comprehensive reports for the Commonwealth, Plaintiffs' Counsel and the Federal Court on progress with court-ordered mandates.

1992 United States District Court San Juan, Puerto Rico
Consultant to the Court

- Appointed as a security and staffing court expert by the US District Court in Puerto Rico.
- Inspected correctional facilities and submitted finding of fact and recommendations to the Office of the Court Monitor.

1991-1992 New Mexico Corrections Department Santa Fe, NM
Deputy Director

- Supervised:
Health Services Bureau Education Bureau
Compliance Bureau Safety Program
- Monitored contractual services.
- Assisted the Director of Adult Prisons.
- Oversaw the operational aspects of the Duran Consent Decree. Appointed as the chief negotiator for the New Mexico Corrections Department for the Settlement Agreement resulting in the vacating of four (4) prisons from the Consent Decree.

1989–1991 United States District Court San Juan, Puerto Rico

Deputy Court Monitor

- Responsible for monitoring the Morales Feliciano vs. Hernandez Colon Prison case involving thirty-two (32) correctional facilities and approximately 10,000 inmates, including pre-trial detainees, sentenced male and female adults, young male and young female adults.
- Audited and inspected correctional facilities throughout Puerto Rico.
- Provided written recommendations to the Federal Court for improving the prison system.
- Created comprehensive reports on inmate classification, inmate programs, use of force, security and general compliance.
- Conducted investigations and finding of facts and reports for the Federal Court.

1987–1989 Central New Mexico Correctional Facility Los Lunas, NM

Associate Warden

- Supervised the following institutional programs:
 - Medical and Mental Health Services Education Department
 - Recreation Department Classification Department
 - Inmate Records Religious Services
 - Visiting Program Inmate Self Help Groups
 - Citizen Volunteer Programs

1981–1987 Central New Mexico Correctional Facility Los Lunas, NM

Institutional Compliance Monitor/Correctional Officer

Held positions of Correctional Officer, Lieutenant, and Correctional Administrator.

As a Correctional Officer:

- Worked security posts, responsible for inmate supervision and maintaining of security.

As a Lieutenant and Correctional Administrator:

- Established the Office of the Compliance Monitor.
- Supervised Compliance Office operations.
- Developed and maintained Policies and Procedures.
- Investigated Duran Consent Decree violations.
- Coordinated and prepared compliance reports for the Central Office and the Special Master in the Duran Consent Decree.
- Provided training and consultation on compliance matters.
- Developed corrective action plans.

TRAINING

2012	OSHA Compliance and Workplace Safety	National Seminars
2011	Juvenile Justice Training	Ami Kids
2011	Suicide Prevention Seminar	Lindsay Hayes
2010	Administering Small and Medium Size Jails	National Institute of Corrections
2010	Jails as Part of County Government	National Institute of Corrections
2009	Executive Leadership/Succession Planning	American Jail Association
2007	Employment Law Seminar	New Mexico Association of Counties
2007	HIV Update/TB in Jails	New Mexico Dept. of Health
2007	Jail Diversion/Mental Health Awareness	Interagency Forensic Network
2007	Microsoft Outlook/Intermediate	New Mexico Association of Counties
2000	Monitoring Protocols	Pricewaterhouse Coopers / USDOJ
1999	Civil Rights Training	General Services Division Santa Fe, NM
1998	Training for Deputy Secretaries	National Institute of Corrections
1998	Thinking Outside the Lines National Seminars	Rockhurst College
1997	Critical Incident Exercise Planning	S.N.M.C.F.
1996	Training for Deputy Secretaries	National Institute of Corrections
1995	Training Seminar for Staffing Management Concepts	Hatrack
1995	Training Seminar for Deputy Directors	National Institute of Corrections
1990	Prisoners Rights Law Seminar/Prison Rights Project	John Boston
1988	Public and Media Training for Staff Trainers	US Dept. of Justice
1987	Chemical Agents Training	Law Enforcement Academy
1987	Relief Factor Management Systems Training	Hatrack
1985	Tactical Hostage Negotiations	Dept. of Energy Training Academy
1984	Training for Staff Trainers	National Institute of Corrections
1984	Hostage Negotiations Seminar	Federal Bureau of Investigations
1981	Correctional Officer Basic Training	NM Corrections Academy

1981	Correctional Officer Orientation, on the job training	C.M.N.C.F.
1973	Non-Commissioned Officer Leadership School	US Air Force
1970	Aircraft Maintenance Specialist Training	Chanute Air Force Base
1970	Air Force Basic Training	San Antonio, TX

ADDITIONAL PROFESSIONAL ACTIVITIES

2010 Appointed as Chairman of the New Mexico Association of Counties Professional Adult Detention Standards Council.

2007 Appointed by the New Mexico Attorney General (Gary K. King) to the Task Force on Correctional Facilities Oversight.

2001 Acknowledged as a member of the publication advisory group in the publication "Correctional Health Care: Guidelines for the Management of an Adequate Delivery System." (Prepared under cooperative agreement number 98PO2GIH4 from the National Institute of Corrections, U. S. Department of Justice. *B. Jaye Amo, PHD., CCHP-A, Author*)

1997 Acknowledged as a correctional professional who provided significant assistance in the revision to the publication "Guidelines for the Development of a Security Program", Second Edition for the American Correctional Association .

1993 Developed and implemented a \$200,000.00 Federal Grant at the Ponce Correctional Complex in Puerto Rico that served as the first pre-release program in the correctional system

1989 As project administrator, developed and proposed a \$161,945.00 Federal Grant that would attempt to reduce recidivism by developing parenting skills for inmates and their families. Grant was awarded for a three-year period and was implemented at the Central New Mexico Correctional Facility.

AWARDS RECEIVED

1988 Institutional Professional Letter of Commendation

1987 Institutional Professional Letter of Appreciation

1986 Institutional Professional Letter of Commendation Corrections Dept. Meritorious Service Award

- 1985 Institutional Professional Letter of Commendation
- 1984 Institutional Letter of Appreciation
- 1984 New Mexico Corrections Department Employee of the Year Nominee

I. Specific services performed, correctional facilities visited and inspected and expert reports. (Because I have been requested in the past to list some areas separately and due to the fact that some of those areas overlap, there may be repetition between Section I., Specific services performed, correctional facilities visited and inspected and Section II., Testimony at trial, depositions, affidavits and expert reports developed for specific court cases.) Updated January 24, 2013.

2012/(2007-2012) In addition to Manuel D Romero Inc., as a Loss Prevention Specialist for the N.M. Association of Counties in Santa Fe, NM throughout the year I conduct operational assessments of county jails throughout New Mexico. I also develop sample jail policies and procedures as well as provide technical assistance to jails throughout New Mexico on an ongoing basis.

2012/(2005-2012) Selected as an Auditor by Plaintiffs and Defendants on February 21, 2005 to evaluate and monitor Defendants' compliance with the terms of Stipulated Settlement Agreement between Plaintiffs and Defendants in the McClendon, et. al., vs. the City of Albuquerque, et. al., Civ-95-0024 MV/ACT, United States District for the District of New Mexico. Developed an Operations Auditors Report September 29, 2005 and a findings letter on October 1, 2007. 2005-2009- Continued inspecting, evaluating and developing verbal Status Reports. Reappointed as Court Evaluator on Conditions of Confinement on December 7, 2011 by the Federal Court. Developed expert report on February 6, 2012. Ongoing process of inspecting, evaluating and developing verbal and written Status Reports on a regular basis throughout 2012. Defendants' Counsel, Jeff Baker; Plaintiffs' Counsel, Zachary Ives and Mark Donatelli.

2012/Retained by United States Department of Justice, Civil Rights Division in March 2012 to review employment practices in the California Department of Corrections and Rehabilitation. Conducted site visits of the Wasco State Prison, North Kern State Prison and the Solano State Prison on December 5-6, 2012. Lead Attorney, Raheemah Abdulaleem.

2012/(2010/2012) Inspected the Erie County Jail system in Buffalo, NY for the United States Department of Justice Civil Rights Division on November 29-December 3, 2010. Inspected the Erie County Jail on June 5-7, 2012, developed an expert report. Inspected the Erie County Jail on November 27-29, 2012. Inspected the Erie County Jail on December 7-8, 2012, developing an expert report. Lead attorney, Zazy Lopez.

2012/(2009-2012) Inspected the Harrison County Jail in Gulfport Mississippi on February 10-13, 2009, for the United States Department of Justice, Civil Rights Division, developed an expert report. Inspected the Harrison County Jail on January 4-7, 2010, developed an expert report. Inspected the Harrison County Jail on August 30-September 2, 2010, developed an expert report. Developed an expert report on August 29, 2011. Inspected the Harrison County Jail on November 14-16, 2012. Developing an expert report. Lead attorney, Christopher Cheng.

2012/(2011-2012) Developed an expert report on June 25, 2010 for Plaintiff's Counsel in the case of Collins, Jaramillo, K. Chavez and A Chavez vs. Bustamante, Carr, Cooper, Hickson, Ulibarri, Hernandez, Perez, Cecil, Jones, Corrections Corporation of America and Correctional Medical Services. Case No. 09-cv-634 JH/WDS, in the United States District Court for the District of New Mexico. Deposed on November 16, 2010 and September 1, 2011. Testified in Federal Court on November 9 and 13, 2012. Lead attorney, Mark Fine.

2012/(2011-2012) Inspected the Lake County Jail in Indiana on April 25-28, 2011 for the United States Department of Justice, Civil Rights Division, developed an expert report. Inspected the Lake County Jail on September 26-30, 2011, developed an expert report. Inspected the Lake County Jail on April 30-May 3, 2012, developed an expert report. Inspected the Lake County Jail on October 8-11, 2012, developed an expert report. Lead attorney, William Maddox.

2012/(2009-2012) Inspected the Sebastian County Jail in Fort Smith Arkansas for the United States Department of Justice, Civil Rights Division on June 15-18, 2009, developed an expert report. Inspected the Sebastian County Jail on December 1-3, 2009, developed an expert report. Inspected the Sebastian County Jail on August 24-25, 2010, developed an expert report. Inspected the Sebastian County Jail on June 14-16, 2011, developed an expert report. Inspected the Sebastian County Jail on August 7-9, 2012, developed an expert report. Lead attorney, Christopher Cheng.

2012/(2009-2012) Inspected the Wilson County Jail in Lebanon, Tennessee for the United States Department of Justice, Civil Rights Division on January 13-16, 2009, developed an expert report. Inspected the Wilson County Jail on August 5-6, 2009, developed an expert report. Inspected the Wilson County Jail on February 16-19, 2010, developed an expert report. Inspected the Wilson County Jail on September 22-24, 2010, developed an expert report. Developed an expert report on June 10, 2011. Developed a final compliance letter on May 31, 2012. Lead attorney, Michelle Leung.

2012/Inspected the Golden Grove Correctional Facility on March 6-9, 2012 for the United States Department of Justice, Civil Rights Division, developed an expert report. Inspected the Golden Grove Correctional Facility on May 22-24, 2012. Lead Attorney, Emily Gunston.

2012/Inspected the Orleans Prison Parish in New Orleans, Louisiana on April 3-5, 2012 for the United States Department of Justice, Civil Rights Division. Inspected the Orleans Prison Parish on December 17-20, 2012. Lead Attorney, Corey Sanders.

2012/(2010-2012) Developed an expert report on April 22, 2010 for Plaintiff's Counsel in the case of Spurlock, Carrasco and Carrera vs. Anthony Townes, Barbara Wagner and Corrections Corporation of America. Case No. 1:09-cv-00786WJ-DJS, in the United States District Court for the District of New Mexico. Deposed on June 30, 2010. Testified in Federal Court on February 6, 2012. Lead attorney, Paul Kennedy.

2011/(2008-2011) Inspected the Miami-Dade County Jail in Miami, Florida for the United States of Justice, Civil Rights Division on June 9-13, 2008. Developed an expert report. Inspected the Miami-Dade County Jail on November 30-December 2, 2011. Lead attorney, Regina Jansen.

2011/Developed an expert report on November 7, 2011 for Plaintiff's Counsel in the case of Ronald Dawson vs. Jennings County Sheriff, Indiana, Cause No. 40D01-1010-CT-325, Jennings Superior Court. Plaintiff's Counsel, Steve Oliver.

2011/Conducted an assessment of the Maricopa County Sheriff's Office regarding limited English proficient individuals. The assessment was conducted pursuant to the Title VI of the Civil Rights Act of 1964 ("Title VI") for the United States Department of Justice, Civil Rights Division. Conducted a visit on January 24-28, 2011, developed an expert report in August 31, 2011. Lead attorney, Nicole Hedrick.

2011/(2006-2011) Retained on April 7, 2006, as an expert to assist in evaluating the Commonwealth of Puerto Rico's implementation of a Consent Decree for the United States Department of Justice, Civil Rights Division. Inspected (3) three juvenile institutions on August 28-29, 2006. Inspected 7 (seven) juvenile institutions in the Commonwealth of Puerto Rico on March 28-30, 2007 and on April 11-13 2007. I evaluated juvenile issues related to protection from harm, in the form of abuse, mistreatment, and neglect. I also assessed the incident management policies and practices in the Commonwealth's juvenile facilities relating to abuse and mistreatment allegations. Submitted a Declaration on April 30, 2007 in the case of United States vs. Commonwealth of Puerto Rico, et al. Civil Action No. 94-2080(CCC) for the United States Department of Justice, Civil Rights Division. Submitted an Affidavit on February 22, 2008 regarding Staffing, Supervision of Youth, and Control of Contraband and an expert report on May 27, 2008. Inspected a juvenile facility (Ponce Boy's) on July 28-29, 2009, developed a summary report. Inspected two youth facilities on December 14-15, 2009, developed an expert summary report on January 26, 2010. Inspected four youth facilities on December 13-17, 2010, developed an expert report March of 2011 and submitted a Declaration on August 7, 2011. Lead attorneys, Shaheena Simons and Luis Saucedo.

2011/(2003-2011) Inspected the Oklahoma County Jail in Oklahoma City for the United States Department of Justice, Civil Rights Division, in May and August 2003 (2 visits), developed an expert report. Inspected on April 25-27, 2007, developed an expert report. Inspected the Oklahoma County Jail on March 15-17, 2010, developed an expert report. Inspected the Oklahoma County Jail on May 16-18, 2011, developed an expert report. Lead attorneys, Chris Cheng and Verlin Deerinwater.

2011/(2009-2011) Inspected the Orange County Jail in Santa Ana, California for the United States Department of Justice, Civil Rights Division on April 13-17, 2009, developed an expert report. Inspected the Orange County Jail on September 27-30, 2010. Developed an expert report February 6, 2011. Lead attorney, Zazy Lopez.

2011/Developed an expert report on January 18, 2011 for Plaintiffs' Counsel in the case of Ramirez vs. Trujillo/CCA. Case No. CV 10-0448(DJS/ACT), in the United States District Court for the District of New Mexico. Lead attorney, Mark Fine.

2011/Inspected the Walnut Grove Youth Correctional Facility in Walnut Grove, Miss. on January 10, 2011 for the United States Department of Justice, Civil Rights Division, developed an expert report. Lead attorney, Regina Jansen.

2010/Conducted a site-visit to the Evins Regional Juvenile Center on July 15-16, 2010, located in McAllen, Texas for the United States Department of Justice, Civil Rights Division. In the case of United States of America vs. State of Texas et. al. Case No. 7:08 cv 00038, in the United States District Court for the Southern District of Texas McAllen Division. Lead attorney, Sheridan England.

2010/(2007-2010) Inspected the Dougherty County Jail in Albany, Georgia for the United States Department of Justice, Civil Rights Division on August 20-23, 2007, developed an expert report. Inspected the Dougherty Jail in Albany Georgia on March 29-31, 2010, developed an expert report. Lead attorney, Arethea Coles and Zazy Lopez.

2010/Developed an expert report on January 13, 2010 for Defendant's Counsel in the case of the Estate of Brenda Sue Smith vs. Lenawee County, et al. Case No. 2:09-cv-10648-DML-MJH, in

the United States District Court for the Eastern District of Michigan – Southern Division. Lead attorney, James Bodary.

2009/(2002-2009)/Inspected the Santa Fe County Jail in Santa Fe, New Mexico for the United States Department of Justice, Civil Rights Division in 2002 (prepared report). Inspected on May 11-13, 2004 and on July 7-9, 2004 (developed an expert report). Inspected on March 29-31, 2005 (developed a Status Report). Inspected on July 6-7, 2005 (developed an Expert Report). Inspected on February 14-16, 2006 (developed an Expert Report). Inspected on August 1-3, 2006 (developed an expert report). Inspected on March 13-15, 2007 (developed an expert report). Inspected on February 19-21, 2008 (developed an expert report). Inspected on June 24-25, 2008 (developed an informal report). Inspected on October 14-15, 2008 (developed an expert report). Inspected on April 21-22, 2009 (developed an expert report). Inspected on October 6-7, 2009. Lead attorney, Kerry Krentler Dean.

2009/Inspected the Marion County Jail in Ocala, Florida for the United States Department of Justice, Civil Rights Division on August 24-28, 2009, developed an expert report. Lead attorney, Sheridan England.

2009/Developed an expert report on March 11, 2009 for Defendant's Counsel in the case of Borck vs. Lanowee County, Civil No. 07-CV 15124, In The United States District Court of Michigan. Lead attorney, James W. Bordary.

2009/(2008-2009) Deposed in the case of Rickey Ray Simpson vs. NMCD and Wexford Health Sources CIV- No. 07-942-BRB/WDA, In The US District Court for the District of New Mexico on February 3, 2009. Developed an expert report for Plaintiffs Counsel on November 24, 2008. Plaintiffs Counsel, Mark Fine/Kirtan Khalsa.

2008/Inspected the Harris County Jail in Houston, Texas for the United States Department of Justice, Civil Rights Division on July 8-12, 2008 and on August 4-8, 2008. Developed an expert report. Lead attorney, Chris Cheng.

2008/Deposed on March 11, 2008 at the request of Defendants Counsel and summoned by Plaintiffs Counsel to testify as the McClendon Auditor in the case of Donala Chavez on behalf of David M. Bush vs. The City of Albuquerque, CIV-07-476, United States District Court of New Mexico. Defendants Counsel, Kathryn Levy

2007/Inspected the Cook County Jail in Chicago, Illinois for the United States Department of Justice, Civil Rights Division on June 18-21, 2007 and July 24-27, 2007. Developed an expert report. Lead attorney, Kerry Krentler.

2007/Retained by Plaintiffs Counsel in the Hutto Family Detention Center Case, Civ. No. A-07-CA-164-SS. Developed an expert report on June 2007. Plaintiffs Counsel, Vanita Gupta. (Case settled.)

2007/Inspected the Worcester County Jail in West Boylston, Massachusetts for the United States Department of Justice, Civil Rights Division on February 13-15, 2007 and, May 9-10 2007. Developed an expert report. Lead attorney, Tammi Simpson.

2007/Retained by Defendants Counsel in a wrongful death action at the Dona Ana County Detention Center and developed an expert report on May 3, 2007 in the case of Avalos vs. Dona

Ana County, et al. United States District Court of New Mexico, Civ. No. 06-0836 RB/LAM. Defendant's Counsel, Rusty Babington. (Case settled.)

2007/Developed an expert report on March 1, 2007 for Defendant's Counsel in the case of Gonzalez vs. The City of New York, et al. Civil Case No. 6182(BSJ)(GWG), United States District Court Southern District of New York. Defendant's Counsel, John H. Graziadei. (Case settled.)

2007/Testified as Plaintiff's Expert on February 6, 2007 in the case of Robert Gallagher vs. Michael Sousa, Al Saucier and Gregory Turner, et al. Civil Case No. 00-CV-11859 (RWZ), United States District of Massachusetts. Plaintiff's Counsel, Stephen Hrones. (Case dismissed.)

2007/(2006-2007)/Inspected the intake process of 29 New Mexico County Detention Centers (Adult and Juvenile Centers) for the New Mexico Association of Counties between December 2006 and July 2007.

2006/Deposed as Plaintiff's Expert on October 19, 2006 and developed an expert report on July 24, 2006 for Plaintiff's Counsel in the case of Justin Joseph Rueb vs. Adams County Jail, Case NO: 99-cv-1093-REB-PAC, United States District Court of Colorado. Plaintiff's Counsel, Chad King, Denver, Colorado. (Case settled.)

2006/Developed a preliminary draft expert report on November 2, 2006 for Plaintiff's Counsel in the case of Rudy Lujan vs. Corrections Corporation of America Crowley County Correctional Facility, Civil Action No. 06-cv-00054-REB-BNB, United States District of Colorado. Plaintiff's Counsel, Bill Trine. (Case settled)

2006/Developed an expert report on May 2, 2006 and deposed as Plaintiff's Expert on August 21, 2006 in the case of Carranza-Reyes vs. Park County Jail, Civil Action No. 2005-WM-377(BNB), United States District Court of Colorado. Plaintiff's Counsel, Bill Trine, Boulder Colorado. (Case settled.)

2006/Developed an expert on August 11, 2006 for Defendant's Counsel in the case of Ashley Lemier v Gary Adkins, et al., Case No. CIV 05-1113 MV/LFG, United States District Court of New Mexico. Defendant's Counsel, Slease & Martinez, P.A., Bill Slease. (Case settled)

2006/Retained by Defendant's Counsel as an expert in the case of Jeramaine Shaw vs. Broward Sheriff's Office, Civil Action No. 03-61287 CIV-ALTONAGA. Defendant's Counsel, Justin D. Grosz, Fort Lauderdale, Florida. (Case dismissed.)

2006/(2002-2006)/Inspected the McPherson and Grimes Correctional Facilities in New Port, Arkansas for the United States Department of Justice, Civil Rights Division in 2002 (prepared report). Inspected on March 23-24, 2004 (submitted progress report). Inspected on February 1-3, 2005 (developed a Status Report). Inspected on May 22-23, 2006 (developed an expert report).

2006/(2002-2006)/Inspected the Cleveland Division of Police Holding Cells in Cleveland, Ohio, for the United States Department of Justice, Civil Rights Division in 2002 (prepared report). Inspected on August 3-4, 2004 (developed a Status Report) and on February 14-15, 2005 (developed a Status Report). Inspected on August 1-2, 2005 (developed an expert report). Inspected on March 30-31, 2006 (developed expert report). Inspected on November 28-29, 2006.

2005-2006/Conducted on-site visit to Eddy County Jail on October 15-16, 2005, developed an expert report on November 28, 2005, and deposed as Defendants' Expert on January 26, 2006 in

the case of Rami Colwell vs. Leslie Johnson and Tony Halpain, Civ-05-450 WJ/RHS, United States District Court of New Mexico. Defendant's Counsel, Slease & Martinez, P.A., Bill Slease. (Case settled.)

2005/Retained as an expert witness for Defendant's in the case of Cooper, Estate of Morton v. Washtenaw County, Civ-04-72849(LP-Z) United States District Court, Eastern District of Michigan, Southern Division, Defendant's Counsel, Ian James Reach. Developed one (1) expert report on September 2, 2005. (Case dismissed.)

2005/Retained by Counsel for Petitioner on behalf of Liberty Behavioral Health Corporation, vs. Department of Children and Family Services Case no. 05-54CF, State of Florida, Law Firm of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A. Deposed for Petitioner on August 23, 2005 and testified at administrative hearing on August 24, 2005.

2005/Inspected the Saint Elizabeth's Mental Health Hospital in Washington, D. C. for the United States Department of Justice, Civil Rights Division on June 20-24, 2005. Developed an expert report. Lead attorney, Jey Yon Jung.

2005/Provided technical assistance to Liberty Healthcare Corporation in reviewing and revising the Florida Civil Commitment Center security manual and provided staff training strategies on June 17, 2005.

2005/Developed one (1) expert report on May 16, 2005 and deposed as Plaintiff's Expert on June 8, 2005 in the case of Kenneth Robinson vs. Coweta County, GA., et al., Civil Case No 1:02-CV-1120 BBM, In the United States District Court for the Northern District of Georgia, Atlanta Division. Plaintiff's Counsel, Belinda Jones.

2005/Retained as Plaintiff's Expert Witness in the case of Inmates vs. Crowley County Correctional Facility, Corrections Corporation, April 13, 2005. Plaintiffs' Counsel, Bill Trine.

2005/(2003-2005)/Retained as an expert witness for Defendant in August 2003 and conducted a site visit to Rikers Island Correctional Complex in September 2003, conducted a site visit to Rikers Island Correctional Complex in October 2004, developed an expert report December 23, 2004, deposed as Defendants' Expert on March 2, 2005 for defendants on the use of force in the case of Adam Ingles vs. The City of New York, 01 Civ 8279(DC), class action, United States District Court, Southern District of New York. Defendants' Counsel, Heidi Grossman and Arthur Larkin. (Case settled.)

2004-2005/Retained as a security consultant and Interim Safety Director by Liberty Healthcare Corporation, Bala Cynwyd, Pennsylvania to provide direct assistance and to develop and implement a security and safety system at the Florida Civil Commitment Center, Sexual Predator Facility, Arcadia, Florida, August 2004-February 2005.

2004-2005/Retained as an expert witness for Plaintiff's in the case of Kitchen vs. Humphrey, Civil Action No. 1:03-CV-8-1(WLS), United States District Court for the Middle District of Georgia Albany Division. Developed expert report on December 13, 2004. Deposed as Plaintiff's expert on April 22, 2005. Plaintiff's Counsel, King & Spalding LLP, Melissa Howard.

2004/Retained as operational advisor by Rick Pendery, Executive Director for the "Second Chance Program". ("Second Chance Program" is the development of an inpatient drug treatment program in New Mexico.)

2004/Retained as an expert witness for Defendant's in the case of Juberville vs. Washtenaw County, Case No: 03-73475. Defendant's Counsel, Reach, Ranney and Carpenter, P.C.

2004/Inspected the Carrizales-Rucker Detention Center located in Olmito, Texas, for operational and security related issues and developed a preliminary expert report in March 2004. Re-inspected June 2-3, 2004 on behalf of Cameron County, Texas, regarding the Carrizales-Rucker Detention Center on operations and security in the case of Cameron County vs. Landmark Organization, L.P., et al., 404th Judicial District of Cameron County, Texas. Counsel, Trey Martinez. (Case settled)

2004/Inspected the Phillips State Prison in Buford, Georgia as expert witness for Plaintiff in the case of Bobby James Johnson and Richard Ralph vs. James E. Donald and Michelle Martin, Civil Action File Nos:1:04-CV-0886-JEC and 1:04-CV-00257-JEC, respectively, United States District Court, Northern District of Georgia. Report developed. Deposed as Plaintiffs' Expert in July 2004. Plaintiffs' Counsel, Sarah Geraghty, Southern Center for Human Rights, Atlanta, Georgia.

2004/Retained by the United States Marshals Service to conduct an operations assessment of the Northeast Ohio Correctional Facility in Youngstown, Ohio. Conducted an on site inspection on March 10-11, 2004. Developed a status report.

2004/Deposed as Plaintiff's Expert on January 23, 2004 in the case of Pamela Yazzie vs. New Mexico Corrections Department and Aramark Correctional Services, Inc., Civil Case No 1492 (BB/DJS), United States District Court, District of New Mexico. Plaintiffs' Counsel, Merit Bennet. (Case settled)

2003-2004/Retained as an expert witness for Plaintiff in October 2003. Deposed as Plaintiff's Expert on March 17, 2004, in the case of Fry vs. Suthers; Al Abduljalil; Buxman; Smith; Bell; and Craig, United States District Court of Colorado, Civil Action No. 99-MK-2388(CBS) Plaintiffs' Counsel, Andrew Brake. (Case dismissed)

2003-2004/Retained as an expert witness on October 2003 for Plaintiffs' Counsel (Southern Center for Human Rights, Atlanta Georgia). Developed a consulting report. Inspected the Madison County Jail in Huntsville, Alabama May 24-25, 2004 pursuant to an agreement between Plaintiffs' and Defendants' Counsel in the Marshall vs. Dorning CV-78C-5010-NE class action. Plaintiffs' Counsel, Lisa Kung and Gretchen Rohr. (Case settled)

2003/Developed an expert report on November 11, 2003 for Plaintiffs in the Robert Gallagher vs. Gregory Turner, Michael Sousa, Al Saucier, Michael Powers, Janice Pina, Larry Dubois, Michael T. Malony, Paul B. Murphey, Peter Murphy and Adam Rosier, Civil Case No. 00-CV-11859 RWZ, United States District Court of Massachusetts. Plaintiffs' Counsel, Stephen Hrones.

2003/Retained by the United States Marshals Service in October 2003 to conduct an operational assessment of the Willacy County Detention Regional Facility. Conducted on site visit on October 15-16, 2003. Developed an expert report in November 2003.

2003/Deposed as Plaintiff's Expert on September 02, 2003 in the case of Sandra Martinez vs. United States of America, Civil Case No. 02-1178 MCA/WWD (ACE), United States District Court, District of New Mexico. Plaintiff's Counsel, Jason Bowles.

2003/Developed one (1) expert report in July 2003 for Plaintiffs' Counsel in the Sandra Martinez and Paula Vallo vs. United States of America, Civil Case No.-02-1178 MCA/WWD (ACE), United States District Court, District of New Mexico. Plaintiffs' Counsel, Jason Bowles.

2003/Developed one (1) expert report in May 2003 for Plaintiff's Counsel in the Pamela Yazzie vs. New Mexico Corrections Department and Aramark Correctional Services, Inc., Civil Case No. 1492 (BB/DJS), United States District Court, District of New Mexico. Plaintiff's Counsel, Merit Bennet. (Case settled)

2003/Developed an expert report in May 2003 regarding an inmate death at the Yuma County Jail in Arizona for Plaintiff's Counsel in Mikkelson vs. Yuma County, Civil Case No. 02-2252-PHX-JAT, United States District Court, District of Arizona. Plaintiff's Counsel, Beale, Michael's and Slack. (Case settled)

2003/Reviewed Use of Force Issues at the Orange County Jail in Goshen, New York for Plaintiffs' Counsel. Developed two (2) expert reports in March 2003 regarding use of force issues at the Orange County Jail for Plaintiffs in the case of Merriweather vs. Sherwood; Civil Case No. 77CIV3421 (CM)(MDF), Class Action, United States District Court, Southern District of New York. Plaintiffs' Counsel, Scott Thornton. (Case settled)

2003/(2000-2003)/Retained by Plaintiffs' Counsel in the case of Morales Feliciano vs. Commonwealth of Puerto Rico [Civil No. 79-4 (PG)]. In 2000 inspected the following facilities in Puerto Rico: Bayamon 292 • Bayamon 308 • Bayamon 448 • Bayamon 1072 • Bayamon Wackenhut • Camp La Pica • Camp Punta Lima • Camp Zarzal • Guayama CCA • Guerrero Annex 304 • Guerrero Main • Mayaguez Detention Center • Ponce 246 • Ponce Main • Ponce Max • Ponce Young Adults • Ponce Women's • Ponce Adults CCA • Ponce Intake Center • Ponce Young Adults CCA • Rio Piedras 448 • Rio Piedras 504 • Rio Piedras 352 Kitchen • Sabana Hoyos 384 • Sabana Hoyos Camp • Sabana Hoyos Intake Center. Developed a comprehensive report on conditions of confinement of the Puerto Rico Correctional System, both government operated and privately run facilities for Plaintiffs' Counsel.

In 2001 inspected the following facilities in Puerto Rico (some up to four times): Bayamon 308 Facility Intake Center • Bayamon 448 Facility • Bayamon 1072 Facility • Bayamon 1072 Detoxification Center • Ft. Allen Correctional Facility • Guavate Correctional Camp • Guayama 296 Facility • Guayama 945 Facility • Guerrero Facility • Ponce Correctional Complex • Sabana Hoyos Camp • Sabana Hoyos 384 Facility • Sabana Hoyos Intake Center • State Penitentiary Intake Center • State Penitentiary Main Facility • State Penitentiary UTI Unit • State Penitentiary 352 Facility • Vega Alta Facility for Women. In 2001 developed four conditions of confinement reports of Puerto Rico Correctional Facilities for Plaintiffs' Counsel.

In 2002 inspected the following correctional facilities in Puerto Rico for Plaintiffs' Counsel: Ponce New Intake Center • Ponce Women's Facility • Ponce Minimum Facility • Ponce Main Facility • Ponce 1000 Facility • Ponce Maximum Facility • Bayamon New Intake Center • Bayamon 448 Facility • Juana Diaz (Fort Allen) • Vega Alta Women's Facility • Punta Lima Facility • Bayamon 1072 Correctional Facility • Bayamon 308 Intake • Guerrero Intake Center • Guayama 500 Correctional Facility • Mayaguez Detention Center • Rio Piedras Intake Center • Sabana Hoyos Correctional Facility • Zarzal Educational/Correctional Facility • Rio Piedras 352 Correctional Facility • Ponce Intake Center and Modular Detention Units • Rio Piedras Correctional Complex Kitchen (352 Correctional Facility). Developed a conditions of confinement report of Puerto Rico Correctional Facilities for Plaintiffs' Counsel.

2003 Inspected the following facilities in Puerto Rico for Plaintiffs' Counsel: Rio Piedras Intake Center • Ponce Correctional Complex • Bayamon 308 Correctional Facility • Bayamon 501 Correctional Facility • Bayamon 1072 Correctional Facility • Guerrero Intake Center. Plaintiffs' Counsel, Carlos Garcia Gutierrez.

2002/Participated in the revision of the Conditions of Confinement Review Standards for the Department of Justice, pursuant to a contract with IBM Global Services Business Unit (formerly PricewaterhouseCoopers). Also participated in the presentation of Conditions of Confinement Review Standards to the Office of the Federal Detention Trustee and the United States Marshals Service in Washington, D.C.

2002/Reviewed and analyzed a staffing plan and developed a report for the United States Marshals Service for a proposed correctional facility.

2001-2002/In 2001 conducted conditions of confinement reviews for PricewaterhouseCoopers (Pursuant to contracts with the US Department of Justice) for the institutions listed below where US Marshal and Immigration and Naturalization Service detainees are held. Dona Ana County Detention Center, Las Cruces, NM • CSC Seattle, Seattle, WA • Denver CDF, Aurora, CO • Elizabeth CDF, Elizabeth, NJ • Queens CDF (Wackenhut), Jamaica, NY • Davis County Jail, Farmington, UT • Laredo Processing Center, Laredo, TX • Web County Detention Center, Laredo, TX • Houston Processing Center, TX • North Alameda County, Oakland, CA • Sacramento County Jail, Sacramento, CA • Avoyelles Parish Prison, Marksville, LA • Mecklenburg County Jail, Charlotte, NC • Hillsborough County Jail, Tampa, FL • West Tennessee Detention Facility, Mason, TN. In 2002 conducted conditions of confinement reviews for PricewaterhouseCoopers (Pursuant to contracts with the US Department of Justice) for the institutions listed below where United States Marshals and Immigration and Naturalization Service detainees are held. • Western Regional Detention Facility at San Diego • San Diego Correctional Facility

2000/Retained by the New Mexico Legislative Corrections Oversight Committee as a Corrections expert and advisor. Attended committee hearings, developed a security staffing report on New Mexico Correctional Facilities for the NM Legislative Corrections Oversight Committee and provided testimony regarding NM prison operations.

2000/Inspected the following facilities in New Mexico: Valencia County Detention Center • Quay County Detention Center • Dona Ana County Detention Facility • Guadalupe Correctional Facility, Wackenhut • Lincoln County Detention Center • Laguna Tribal Jail

2000/Inspected the following facilities in various states: San Bernadino County Detention Center, San Bernadino, CA • Florence Arizona CCC Detention Center • Odessa Detention Center, Texas • Southern Nevada Correctional Center, NV • Tri-County Detention Center, Ullin, Illinois • Joplin City Jail, MO • La Bette Correctional Conservation Camp (male and female), KS

1999/(1981 to 1999) Inspected and visited the following New Mexico State Prisons several times: CNMCF • CMRU • CMU • PNM-MRU • PNM South • PNM North • PNM Main • RCC • SNMCF • SNM-MRU • WNMCF • Ft. Stanton Correctional Facility • CCA Torrance Facility • CCA Women's Facility • Cibola County Detention Center • Hobbs Facility, Wackenhut • Santa Rosa Facility, Wackenhut

1999/Inspected the Hattyville Correctional Facility in Belize

1998/Inspected the following facilities: Mental Health Unit of the San Carlos Facility in Pueblo, Colorado • Three Juvenile Detention Facilities in New Mexico

1995/Inspected the following facilities: Dallas County Jail in Texas • Ft. Worth County Jail in Texas • San Miguel County Jail in Las Vegas, New Mexico.

1992-1989/As Deputy Court Monitor, developed several comprehensive reports on conditions of confinement of the Puerto Rico Correctional System for the United States District Court, District of Puerto Rico in the areas of : Use of Force, Inmate Classification, Inmate Activity, General Conditions, Security, Staffing, Inmate Discipline and Access to Courts. Conducted investigations and findings of fact reports for the Federal Court. Provided written recommendations to the Federal Court for improving the prison system in the Commonwealth of Puerto Rico. Visited and inspected approximately 38 Correctional Facilities in the Commonwealth of Puerto Rico.

I have also visited but not formally inspected the following facilities:

2000/CCA Women's Facility Grants, New Mexico

1999/Cook County Jail, Chicago, Illinois

1998/California State Prison, San Quentin, California

1995/Kirkland Correctional Institution, South Carolina • United States Naval Consolidated Brig, South Carolina • Arizona State Prison, Arizona • Various facilities in Texas (seeking bed space for New Mexico)

1993/Metropolitan Detention Center (Federal Bureau of Prisons), Puerto Rico

1992/Jamaica (minimum and medium security facilities)

Testimony at trial, depositions, affidavits and expert reports developed for specific court cases: Updated September 5, 2011.

1. 2012/(2010-2012) Developed an expert report on June 25, 2010 for Plaintiff's Counsel in the case of Collins, Jaramillo, K. Chavez and A Chavez vs. Bustamante, Carr, Cooper, Hickson, Ulibarri, Hernandez, Perez, Cecil, Jones, Corrections Corporation of America and Correctional Medical Services. Case No. 09-cv-634 JH/WDS, in the United States District Court for the District of New Mexico. Deposed on November 16, 2010 and September 1, 2011. Testified in Federal Court on November 9 and 13, 2012. Lead attorney, Mark Fine.
2. 2012/(2010-2012) Developed an expert report on April 22, 2010 for Plaintiff's Counsel in the case of Spurlock, Carrasco and Carrera vs. Anthony Townes, Barbara Wagner and Corrections Corporation of America. Case No. 1:09-cv-00786WJ-DJS, in the United States District Court for the District of New Mexico. Deposed on June 30, 2010. Testified in Federal Court on February 6, 2012. Lead attorney, Paul Kennedy.
3. 2011/Developed an expert report on November 7, 2011 for Plaintiff's Counsel in the case of Ronald Dawson vs. Jennings County Sheriff, Indiana, Cause No. 40D01-1010-CT-325, Jennings Superior Court. Plaintiff's Counsel, Steve Oliver.
4. 2011/Developed an expert report on January 18, 2011 for Plaintiffs' Counsel in the case of Ramirez vs. Trujillo/CCA. Case No. CV 10-0448(DJS/ACT), in the United States District Court for the District of New Mexico. Lead attorney, Mark Fine.
5. 2010/Developed an expert report on January 13, 2010 for Defendant's Counsel in the case of the Estate of Brenda Sue Smith vs. Lenawee County, et al. Case No. 2:09-cv-10648-DML-MJH, in the United States District Court for the Eastern District of Michigan-Southern Division. Lead attorney, James Bodary.
6. 2009/Developed an expert report on March 11, 2009 for Defendant's Counsel in the case of Borck vs. Lanawee County, Civil No. 15124. In The United States District of Michigan. Defendants Counsel, James W. Bordary.
7. 2009/Deposed in the case of Rickey Ray Simpson vs. NMCD and Wexford Health Sources CIV- No. 07-942-BRB/WDA, In The US District Court for the District of New Mexico on February 3, 2009. Plaintiffs Counsel, Mark Fine and Kirtan Khalsa.
8. 2008/Developed an expert report for Plaintiffs Counsel in the case of Rickey Ray Simpson vs. NMCD and Wexford Health Sources CIV. No. 07-942-BRB/WDS, In The US District Court for the District of New Mexico on November 24, 2008. Plaintiffs Counsel, Mark Fine/Kirtan Khalsa.
9. 2008/Submitted an Expert Report in the case of United States vs. Commonwealth of Puerto Rico, et al. Civil Action No. 94-2080 (CCC) on May 27, 2008 regarding Staffing,

Supervision of Youth, and Control of Contraband for the United States of Justice, Civil Rights Division. Lead attorney, Luis Saucedo.

10. 2008/Deposed on March 11, 2008 at the request of Defendants Counsel and summoned by Plaintiffs Counsel as the McClendon Auditor in the case of Donala Chavez on behalf of David M. Bush vs. the City of Albuquerque, CIV-07-476, United States District Court of New Mexico. Defendants Counsel, Kathryn Levy.
11. 2008/Submitted an Affidavit in the case of United States vs. Commonwealth of Puerto Rico, et al. Civil Action No. 94-2080(CCC) on February 27, 2008 for the United States Department of Justice, Civil Rights Division. Lead attorney, Luis Saucedo.
12. 2007/Developed an expert report on June 22, 2007 for Plaintiffs Counsel in the case of Re: Hutto Family Detention Center, Civ. No. A-07-CA-164-SS, United States District Court for the Western District of Texas Austin Division. Plaintiffs Counsel, Vanita Gupta. (Case settled.)
13. 2007/Developed an expert report on May 3, 2007 for Defendant's Counsel in the case of Avalos vs. Dona Ana County, et al. Civ. No. 06-0836 RB/LAM, United States District Court of New Mexico. Defendant's Counsel, Rusty Bagington. (Case settled.)
14. 2007/Submitted a Declaration in the case of United States vs. Commonwealth of Puerto Rico, et al. Civil Action No. 94-2080(CCC) on April 30, 2007 for the United States Department of Justice, Civil Rights Division. Lead attorney, Luis Saucedo.
15. 2007/Developed an expert report on March 1, 2007 for Defendant's Counsel in the case of Gonzalez vs. The City of New York, et al. Civil Case No. 6182(BSJ)(GWG), United States District Court Southern District of New York. Defendant's Counsel, John H. Graziadei. (Case settled.)
16. 2007/Testified as Plaintiff's Expert on February 6, 2007 in the case of Robert Gallagher vs. Michael Sousa, Al Saucier and Gregory Turner, et al. Civil Case No. 00-CV-11859 (RWZ), United States District of Massachusetts. Plaintiff's Counsel, Stephen Hrones.
17. 2006/Deposed as Plaintiff's Expert on October 19, 2006 in the case of Justin Joseph Rueb vs. Adams County Jail, Case No: 99-CV-1093-REB-PAC, United States District Court of Colorado. Plaintiff's Counsel, Chad King, Denver, Colorado. (Case settled.)
18. 2006/Deposed as Plaintiff's Expert on August 21, 2006 in the case of Carranza-Reyes vs. Park County Jail, Civil Action No. 2005-WN-377(BNB), United States District Court of Colorado. Plaintiff's Counsel, Bill Trine. (Case settled.)
19. 2006/Developed an Expert Report on August 11, 2006 for Defendant's Counsel in the case of Ashley Lemier v Gary Adkins, et al., CIV 05-1113 MV/LFG, United States District Court of New Mexico. Defendant's Counsel, Bill Slease. (Case settled.)
20. 2006/Developed an expert report on July 24, 2006 for Plaintiff's Counsel in the case of Justin Joseph Rueb vs. Adams County Jail, Case NO: 99-cv-1093-REB-PAC, United States District Court of Colorado. Plaintiff's Counsel, Chad King, Denver, Colorado. (Case settled.)

21. 2006/Developed an expert report on May 2, 2006 for Plaintiff's Counsel in the case of Moises Carranza-Reyes vs. Park County Jail, Civil Action No. 2005-WM-377 (BNB), United States District Court of Colorado. Plaintiffs' Counsel, Bill Trine, Boulder Colorado. (Case settled.)
22. 2006/Deposed as Defendants' Expert on January 26, 2006 in the case of Rami Colwell vs. Leslie Johnson and Tony Halpain, Civ-05-450 WJ/RHS, United States District Court of New Mexico. Defendants' Counsel, Bill Slease. (Case settled.)
23. 2005/Developed an expert report on November 28, 2005 for Defendants' in the case of Rami Colwell vs. Leslie Johnson and Tony Halpain, Civ-05-450 WJ/RHS, United States District Court of New Mexico. Defendant's Counsel, Bill Slease. (Case settled)
24. 2005/Developed the First Operations Auditors Report in McClendon, et. al., vs. the City of Albuquerque, et. al., Civ-95-0024 MV/ACT, United States District Court of New Mexico on September 29, 2005. Defendants' Counsel Jeff Baker, Plaintiffs' Counsel, Brian Pori.
25. 2005/Developed one (1) expert report for Defendant's on September 2, 2005 in the case of Cooper, Estate of Morton v. Washtenaw County, Civ-04-72849(LP-Z) United States District Court, Eastern District of Michigan, Southern Division, Defendant's Counsel, Ian James Reach. (Case dismissed.)
26. 2005/Deposed for Petitioner on August 23, 2005 and testified at administrative hearing on August 24, 2005 on behalf of Liberty Behavioral Health Corporation, vs. Department of Children and Family Services Case no. 05-54CF, State of Florida, Law Firm of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A .
27. 2005/Deposed as Plaintiff's Expert on June 8, 2005 in the case of Kenneth Robinson vs. Coweta County, GA., et al., Civil Case No 1:02-CV-1120 BBM, In the United States District Court for the Northern District of Georgia, Atlanta Division. Plaintiff's Counsel, Belinda Jones.
28. 2005/Developed one (1) expert report on May 16, 2005 for Plaintiff's in the case of Kenneth Robinson vs. Coweta County, GA., et al., Civil Case No 1:02-CV-1120 BBM, In the United States District Court for the Northern District of Georgia, Atlanta Division. Plaintiff's Counsel, Belinda Jones.
29. 2005/Deposed as Plaintiff's expert on April 22, 2005 in the case of Kitchen vs. Humphrey, Civil Action No. 1:03-CV-8-8 (WLS), United States District Court for The Middle District of Georgia, Albany Division. Plaintiff's Counsel, Melissa Howard.
30. 2005/Deposed as Defendants' expert on March 2, 2005, on the use of force in the case of Adam Ingles vs. The City of New York, 01 Civ 8279(DC), class action, United States District Court, Southern District of New York. Defendants' Counsel, Heidi Grossman and Arthur Larkin. (Case settled.)
31. 2004/Developed one (1) expert report on December 23, 2004 in the case of Adam Ingles vs. The City of New York, 01 Civ- 8279(DC), class action, United States District Court, Southern District of New York. Defendants' Counsel, Heidi Grossman and Arthur Larkin. (Case settled.)

32. 2004/Developed one (1) preliminary expert report in March 2004 on behalf of Cameron County, Texas, regarding the Carrizales-Rucker Detention Center on operations and security. Cameron County vs. Landmark Organization, L.P., et al., 404th Judicial District of Cameron County, Texas. Counsel, Trey Martinez. (Case settled.)
33. 2004/Developed one (1) expert report on December 14, 2004 in the case of Kitchen vs. Humphrey, Civil Action No. 1:03-CV-8-1(WLS), United States District Court for the Middle District of Georgia Albany Division. Plaintiff's Counsel, Melissa Howard.
34. 2004/Inspected the Phillips State Prison in Buford, Georgia as expert witness in the case of Bobby James Johnson and Richard Ralph vs. James E. Donald and Michelle Martin, Civil Action File Nos:1:04-CV-0886-JEC and 1:04-CV-00257-JEC, respectively, United States District Court, Northern District of Georgia. Developed an Expert Report. Deposed as Plaintiffs' Expert in July 2004. Plaintiffs' Counsel, Sarah Geraghty, Southern Center for Human Rights, Atlanta, Georgia.
35. 2004/Inspected the Madison County Jail in Huntsville, Alabama pursuant to an agreement between Plaintiffs' and Defendants' Counsel in the Marshall vs. Dorning CV-78C-5010-NE class action. Site visit conducted May 24 and 25, 2004. Developed a consulting report. Plaintiffs' Counsel, Lisa Kung and Gretchen Rohr.
36. 2004/Deposed as Plaintiff's Expert on March 17, 2004, in the case of Fry vs. Suthers; Al Abdulajalil; Buxman; Smith; Bell; and Craig, United States District Court of Colorado, Civil Action No. 99-MK-2388(CBS) Plaintiff's Counsel, Andrew Brake. (Case dismissed.)
37. 2004/Deposed as Plaintiff's Expert on January 23, 2004 in the case of Pamela Yazzie vs. New Mexico Corrections Department and Aramark Correctional Services, Inc., Civil Case No 1492 (BB/DJS), United States District Court, District of New Mexico, Plaintiff's Counsel, Merit Bennet. (Case settled.)
38. 2003/Developed one (1) expert report on November 11, 2003 for Plaintiff in the Robert Gallagher vs. Gregory Turner, Michael Sousa, Al Saucier, Michael Powers, Janice Pina, Larry Dubois, Michael T. Malony, Paul B. Murphey, Peter Murphy and Adam Rosier, Civil Case No. 00-CV-11859 RWZ, United States District Court of Massachusetts. Plaintiff's Counsel, Stephen Hrones.
39. 2003/Deposed as Plaintiff's Expert in September 02, 2003 in the case of Sandra Martinez vs. United States of America, Civil Case No. 02-1178 MCA/WWD (ACE), United States District Court, District of New Mexico. Plaintiff's Counsel, Jason Bowles.
40. 2003/Developed one (1) expert report in July 2003 for Plaintiff in the Sandra Martinez and Paula Vallo vs. United States of America, Civil Case No.-02-1178 MCA/WWD (ACE), United States District Court, District of New Mexico. Plaintiffs' Counsel, Jason Bowles.
41. 2003/Developed an expert report in May 2003 for Plaintiff in the Pamela Yazzie vs. New Mexico Corrections Department and Aramark Correctional Services, Inc., Civil Case No. 1492 (BB/DJS), United States District Court, District of New Mexico. Plaintiff's Counsel, Merit Bennet. (Case settled.)

42. 2003/Developed one (1) expert report in May 2003 regarding an inmate death at the Yuma County Jail in Arizona for Plaintiff in Mikkelson vs. Yuma County, Civil Case No. 02-2252-PHX-JAT, United States District Court, District of Arizona. Plaintiff's Counsel, Beale, Michaels and Slack. (Case settled.)
43. 2003/Developed two (2) expert reports in March 2003 regarding use of force issues at the Orange County Jail for Plaintiffs in the Merriweather vs. Sherwood; Civil Case No. 77CIV3421 (CM)(MDF), United States District Court, Southern District of New York. Plaintiffs' Counsel, Scott Thornton. (Case settled.)
44. 2003/Submitted a Declaration on February 17, 2003 to the United States District Court Northern District of Georgia Atlanta Division for Plaintiffs in the Fluellen vs. Wetherington; Civil Case No. 1:02-cv-479. Plaintiffs' Counsel, Tamara Serwer.
45. 2000 to 2002/Developed comprehensive conditions of confinement reports and attached affidavits to the following as Plaintiffs' Expert in the case of Morales Feliciano vs. Commonwealth of Puerto Rico [Civil No. 79-4 (PG)]. In March 2002 conducted an assessment of conditions of confinement of ten (10) Administration of Corrections Correctional Facilities, including the Intake Facilities. In October 2001 conducted an assessment of conditions of confinement of the Administration of Corrections Intake Centers. In March 2001 developed two (2) Expert Reports assessing the conditions of confinement of nineteen (19) correctional facilities. In January 2001 conducted an assessment of conditions of confinement of the Administration of Corrections Intake Facilities. In October 2000 conducted an assessment to determine if twelve (12) correctional facilities could be removed from court oversight. Plaintiffs' Counsel, Carlos Garcia Gutierrez.
46. 2000/Deposed as Plaintiffs' Expert Witness in October 2000 in the Morales Feliciano vs. Pedro Rossello Gonzales prison case. [Civil No. 79-4 (PG)] Plaintiffs' Counsel, Carlos Garcia Gutierrez.
47. 1999/Testified as a fact witness for Plaintiff in March 1999 in the United States District Court of Puerto Rico in the Morales Feliciano vs. Pedro Rossello Gonzales prison case. [Civil No. 79-4 (PG)] Plaintiffs' Counsel, Carlos Garcia Gutierrez.
48. 1997/Submitted affidavit to the United States District Court for the District of New Mexico on February 19, 1997, regarding overcrowding conditions within the New Mexico Corrections Department. Duran vs. Johnson (Civil Action No. 77-721-JC) Defendants' Counsel, Rob Booms.