

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

TAMMY TAYLOR and JOHN TAYLOR, §
individually, and as next-of-kin to §
the deceased, STEPHEN SULLIVAN, §

Plaintiffs, §

v. §

Case No. _____

CORECIVIC OF TENNESSEE, LLC, §
as owner and operator of WHITEVILLE §
CORRECTIONAL FACILITY, FELICIA §
JONES, RA’KESHA SPENCER, C.J. §
SWAIN, DOMINIQUE BURKS, §
TYLER ROBINSON, COREY MOON, §
GREGORY JACKSON, VINCENT §
VANTELL, JOB JACKSON, §
CURTAVIOUS NEAL, JOHN PARHAM, §
and JANE ERVIN, §

Defendants. §

JURY DEMANDED

COMPLAINT

For their Complaint against the Defendants, the Plaintiffs state to the Court and the Jury as follows:

I. INTRODUCTION

1. On June 16, 2021—after being denied his anti-seizure medication—Stephen Sullivan suffered two refractory seizures at Whiteville Correctional Facility, a private prison operated by CoreCivic of Tennessee, LLC (“CoreCivic”). During Mr. Sullivan’s second seizure, Mr. Sullivan suffered a serious head injury that caused his brain to swell.

2. In advance of Mr. Sullivan’s preventable death on June 17, 2021, the Defendants ignored multiple urgent requests for medical assistance made by both Mr.

Sullivan himself and on Mr. Sullivan's behalf by other inmates who recognized that Mr. Sullivan required urgent medical attention.

3. The Defendants specifically ignored Mr. Sullivan's first two seizures on June 16, 2021, and they additionally ignored a developing blood clot in Mr. Sullivan's leg for which he had sought urgent medical attention. Although Mr. Sullivan needed to be hospitalized immediately as a result of these serious medical issues, the Defendants declined to hospitalize Mr. Sullivan on June 16, 2021, and they did not afford him any medical treatment on June 16, 2021 at all.

4. On the morning of June 17, 2021, Mr. Sullivan suffered his third seizure in two days. The Defendants responded to Mr. Sullivan's third seizure, among other things, by dropping Mr. Sullivan from a height of approximately 3 feet while carrying him on a back board; mocking Mr. Sullivan's weight; complaining that they did not want to get Mr. Sullivan's vomit on them; complaining about the smell of Mr. Sullivan's vomit; delaying Mr. Sullivan's hospitalization; and twice administering Mr. Sullivan an anti-overdose treatment despite their actual knowledge that he was not overdosing and had not consumed drugs. Upon his delayed arrival at a hospital approximately two hours later, Mr. Sullivan was pronounced dead.

5. CoreCivic—which changed its name from Corrections Corporation of America in 2017 after that name became synonymous with the most insidious aspects of America's private prison industry—is the nation's most notorious private prison operator. To maintain its profit margin—and as a result of its chronic and profit-motivated deliberate indifference to inmate health and safety—CoreCivic serially underinvests in prison staff, security, and inmate healthcare at its prisons, leading to predictable and horrific results year after year. Accordingly, among many other complaints, this Court

has repeatedly been made aware of “inadequate medical staffing that was endemic of broader issues with staffing levels at CoreCivic facilities” generally, it has been made aware of the federal BOP’s “complaints about poor health services” at multiple CoreCivic facilities, it has been made aware of CoreCivic’s “failures to maintain accurate records of medication administrations,” and it has been made aware of at least one “inadequate emergency response in the case of an inmate who eventually died.” *See, e.g., Grae v. Corr. Corp. of Am.*, 330 F.R.D. 481, 486–87 (M.D. Tenn. 2019).

6. Due to CoreCivic’s pattern of deliberate indifference to inmates’ serious health needs, repeated pleas to provide Mr. Sullivan medical assistance went unanswered.

7. Mr. Sullivan was not hospitalized on June 16, 2021—even after experiencing a second seizure that caused him to suffer a serious head injury—because critical staff members were not present to address his medical needs and because hospitalizing Mr. Sullivan presented an inconvenient and expensive imposition that the Defendants hoped to avoid.

8. If Mr. Sullivan been hospitalized as necessary on June 16, 2021, and if the Defendants had not delayed Mr. Sullivan’s hospitalization after he suffered his third seizure on June 17, 2021, Mr. Sullivan would not have died.

II. PARTIES

9. Plaintiffs Tammy Taylor and John Taylor are the parents and next-of-kin to the decedent Stephen Sullivan, a 24-year-old man who died while incarcerated at Defendant CoreCivic’s Whiteville Correctional Facility on June 17, 2021. The Plaintiffs are citizens of Tennessee and residents of Trousdale County, Tennessee.

10. Defendant CoreCivic of Tennessee, LLC, is a private prison corporation. CoreCivic owns and operates Whiteville Correctional Facility, the private prison that

ignored Plaintiff's medical emergency resulting in his death. CoreCivic is a citizen of Tennessee with its principal place of business and corporate headquarters located in Williamson County, Tennessee, at 5501 Virginia Way, Brentwood, TN, 37027-7680. CoreCivic may be served through its registered agent at CoreCivic of Tennessee, LLC, Registered Agent: C T CORPORATION SYSTEM, 300 MONTVUE RD, KNOXVILLE, TN 37919-5546.

11. Defendant Felicia Jones is a citizen of Tennessee who is employed as a nurse at CoreCivic's Whiteville Correctional Facility.

12. Defendant Ra'Keshia Spencer is a citizen of Tennessee who is employed as a nurse at CoreCivic's Whiteville Correctional Facility.

13. Defendant C.J. Swain is a citizen of Tennessee who is employed as a correctional officer at CoreCivic's Whiteville Correctional Facility.

14. Defendant Dominique Burks is a citizen of Tennessee who is employed as a case manager at CoreCivic's Whiteville Correctional Facility.

15. Defendant Tyler Robinson is a citizen of Tennessee who is employed as a correctional officer at CoreCivic's Whiteville Correctional Facility.

16. Defendant Corey Moon is a citizen of Tennessee who is employed as a correctional officer at CoreCivic's Whiteville Correctional Facility.

17. Defendant Gregory Jackson is a citizen of Tennessee who is employed as a correctional officer at CoreCivic's Whiteville Correctional Facility.

18. Defendant Vincent Vantell is a citizen of Tennessee who is employed as the warden at CoreCivic's Whiteville Correctional Facility.

19. Defendant Job Jackson is a citizen of Tennessee who is employed as a correctional officer at CoreCivic's Whiteville Correctional Facility.

20. Defendant Curtavious Neal is a citizen of Tennessee who is employed as a case manager at CoreCivic's Whiteville Correctional Facility.

21. Defendant John¹ Parham is a citizen of Tennessee who is employed as a sergeant at CoreCivic's Whiteville Correctional Facility.

22. Defendant Jane² Ervin is a citizen of Tennessee who is employed as a nurse at CoreCivic's Whiteville Correctional Facility.

III. JURISDICTION AND VENUE

23. This Court has jurisdiction over the Plaintiffs' federal claims in this civil action pursuant to 28 U.S.C. § 1331.

24. This Court has supplemental jurisdiction to adjudicate the Plaintiffs' state law claims related to the Plaintiffs' federal claims in this action pursuant to 28 U.S.C. § 1367(a).

25. As the judicial district in which one or more Defendants reside, and all Defendants being residents of the State of Tennessee, venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1).

26. As the judicial district in which Defendant CoreCivic makes its calculated, profit-motivated decisions to underinvest in staffing and healthcare in its Tennessee facilities, venue is independently proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) as the district in which a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred.

27. The Plaintiffs have authority to maintain their own claims individually and

¹ John is a pseudonym. Defendant Parham's actual first name is unknown. Plaintiffs will amend their Complaint to state Defendant Parham's first name once it is ascertained through discovery.

² Jane is a pseudonym. Defendant Ervin's actual first name is unknown. Plaintiffs will amend their Complaint to state Defendant Ervin's first name once it is ascertained through discovery.

to maintain this wrongful death action as next-of-kin to the deceased pursuant to Tenn. Code Ann. § 20-5-107(a).

IV. FACTUAL ALLEGATIONS

28. At all times relevant to this Complaint, Stephen Sullivan was an inmate housed at Whiteville Correctional Facility, a private, for-profit prison managed and operated by Defendant CoreCivic.

29. On June 16, 2021, Mr. Sullivan complained to Defendant CoreCivic of severe pain in his right calf, which was visibly “bruised and had a knot.” Mr. Sullivan had also complained about the same calf pain during the preceding days, but he had not received any medical attention in response.

30. With the assistance of his cellmate—Mr. Christopher Covington—Mr. Sullivan filed a medical request detailing the severe pain, bruise, and knot in his calf and indicated to the Defendants that he required emergency medical assistance regarding it. Given the visible severity of Mr. Sullivan’s calf condition and the distress he was experiencing regarding it, Mr. Covington also filed a similar medical request on Mr. Sullivan’s behalf thereafter.

31. The Defendants did not provide Mr. Sullivan any medical attention or treatment for Mr. Sullivan’s calf condition on June 16, 2021, or at any time before or afterward.

32. After filing a medical request regarding the pain, bruising, and knot in his right calf on June 16, 2021, Mr. Sullivan suffered a refractory seizure.

33. Mr. Sullivan’s seizure was predictable and avoidable. Mr. Sullivan suffered seizures since birth, and he was diagnosed with a seizure disorder at the age of 16. Prior to his incarceration at Whiteville Correctional Facility, Mr. Sullivan was prescribed

Depakote to treat his seizures.

34. In the days leading up to his death, however, Defendant CoreCivic denied Mr. Sullivan his anti-seizure medication. Defendant CoreCivic denied Mr. Sullivan his anti-seizure medication because Whiteville Correctional Facility was severely understaffed and because staff members were spread too thin to ensure compliance with their duty to provide inmates constitutionally adequate health care, including providing prescribed medication.

35. While Mr. Sullivan was seizing, his cellmate recognized that Mr. Sullivan was having a seizure, turned Mr. Sullivan on his side, and attempted to hold him steady. Thereafter, another inmate ran to get medical help.

36. Although the inmate who ran to get help for Mr. Sullivan yelled for help and banged on the window to get the attention of a guard, counselor, or any other employee who could obtain aid for Mr. Sullivan, no employee of Defendant CoreCivic responded to provide medical treatment or to inquire about what had occurred. The reason why no employee responded or was available to provide medical attention to Mr. Sullivan was because Whiteville Correctional Facility was severely understaffed. As a consequence, there were no employees “in the booth, there’s nobody in the celly port, nothing.”

37. Such understaffing is rampant throughout CoreCivic’s Tennessee facilities in general and at Whiteville Correctional Facility in particular. In recent years, CoreCivic has been assessed “millions” of dollars in liquidated damages penalties by the Tennessee Department of Correction for understaffing and other contractual non-compliance at its Tennessee facilities.³

³ See **Ex. 1** (Deposition of Tony Parker), at 20:9–23.

38. Generally speaking, the less money that CoreCivic spends on staff, inmate healthcare, and inmate safety at Whiteville Correctional Facility, the higher CoreCivic's profit margin. In all instances, CoreCivic acts to maximize profit for the benefit of its shareholders.

39. After suffering his first seizure, Mr. Sullivan eventually stabilized in his cell with the aid of his cellmate, Mr. Covington. No Defendant provided Mr. Sullivan any medical assistance on June 16, 2021, after his first seizure.

40. Later in the day on June 16, 2021, Mr. Sullivan suffered a second refractory seizure, causing him to fall from his top bunk.

41. The fall caused Mr. Sullivan to hit his head and suffer a visible, bloody contusion to his head. While Mr. Covington moved Mr. Sullivan's bed mat to the ground to provide him a more comfortable place to lay down, another inmate went to go seek medical aid for Mr. Sullivan. After falling from his top bunk and hitting his head while seizing, Mr. Sullivan vomited.

42. Once Mr. Sullivan stopped seizing, Mr. Covington ran for help as well. Mr. Covington was able to locate Defendant C.J. Swain, a correctional officer employed by Defendant CoreCivic.

43. At approximately 3:22 p.m., Mr. Covington indicated to Defendant Swain that "his celly needed medical attention." Mr. Covington specifically explained that Mr. Sullivan had just suffered a second seizure, that no one was around or responded to provide help after his first seizure, and that Mr. Sullivan required urgent medical attention.

44. Defendant Swain responded that he would get Defendant Dominique Burks, who was a counselor at the prison. Mr. Covington emphasized that Mr. Sullivan needed

medical assistance, not a counselor.

45. Defendant Swain notified Defendant Burks that Mr. Sullivan was seriously ill. However, Defendant Swain did not provide Mr. Sullivan any assistance himself; he carried on with conducting his count despite knowing that Mr. Sullivan urgently needed medical attention; and he took no further action to ensure that Mr. Sullivan was provided the prompt—or any—medical care that he urgently required on June 16, 2021.

46. Defendant Swain provided no medical assistance to Mr. Sullivan and did not assist in obtaining medical assistance for Mr. Sullivan because he concluded that, at that time, Mr. Sullivan appeared “responsive [and] alert.”

47. When Defendant Burks later came by Mr. Sullivan’s cell, Defendant Burks “advised [Mr. Covington] to move and inmate Sullivan picked his head away from the cover and he then put it back down under the cover.” Defendant Burks’s handwritten report makes no mention of any further action being taken to ascertain what type of medical emergency Mr. Sullivan was experiencing or to determine what type of medical care he needed, and no medical care was provided.

48. Defendant Burks did not take any action to assist Mr. Sullivan on June 16, 2021. Movement of Mr. Sullivan’s head from his bed was the only action that Defendant Burks observed and documented. Defendant Burks made no further inquiry into the fact that Mr. Sullivan had just suffered two seizures, had vomited, or had fallen from his top bunk and injured his head. Despite Mr. Sullivan’s serious medical needs, Defendant Burks provided Mr. Sullivan no medical assistance whatsoever.

49. Instead of calling for medical assistance that Mr. Sullivan urgently needed or taking Mr. Sullivan to receive medical treatment from medical staff members, Defendant Burks ordered Mr. Sullivan and Mr. Covington to lockdown in their cell. Mr.

Covington “pointed out all the vomit [and] said yet again [Mr. Sullivan] needs medical attention.”

50. In response to Mr. Covington identifying and emphasizing Mr. Sullivan’s urgent need for medical attention, Defendant Burks again “told [Mr. Covington] to lockdown.” Mr. Covington “told her no because it was [Mr. Sullivan’s] life at stake.”

51. Rather than calling for medical assistance that Mr. Sullivan urgently needed, and despite Mr. Sullivan’s urgent need for medical assistance having been specifically communicated to Defendant Burks, Defendant Burks threatened to take both Mr. Covington and Mr. Sullivan “to the hole”—meaning in penal solitary confinement—for refusing an order to lockdown.

52. In response, Mr. Sullivan asked Mr. Covington to comply with Defendant Burks’ order because “he didn’t want to go to the hole,” where Mr. Sullivan feared he would not be able to get medical attention.

53. Despite Mr. Covington’s pleas to Defendant Swain, Defendant Burks, and others that Mr. Sullivan needed immediate medical attention, and despite Defendant Burks assuring Mr. Sullivan she would advise medical to help him, “no one ever came to assist.”

54. On June 16, 2021, Mr. Sullivan indicated to Defendant Ervin—a nurse at the facility—that he had suffered seizures and been throwing up that day. Defendant Ervin did not provide Mr. Sullivan any medical treatment, either, and made no further inquiries.

55. Thus, Mr. Sullivan’s two seizures; the developing blood clot in his calf; and Mr. Sullivan’s serious head injury were all left untreated on June 16, 2021—even though Mr. Sullivan urgently needed to be hospitalized and his urgent need for medical attention had been communicated repeatedly to multiple Defendants.

56. The following morning, on June 17, 2021, Mr. Covington retrieved breakfast for himself and Mr. Sullivan. Another inmate asked Mr. Sullivan how he was doing from the day before, because “the whole pod [knew] that he had a seizure.”

57. While eating breakfast, when Mr. Sullivan attempted to fill his water cup, Mr. Sullivan’s “leg ‘gave out’ and he kind of went down to his butt.”

58. Although Mr. Covington attempted to stabilize Mr. Sullivan, “all of the sudden he went limp [and] hit his head on the wall [and] began to shake as if he was having another seizure.”

59. Once again, because Whiteville Correctional Facility was severely understaffed and critical posts that Defendant CoreCivic was obligated to keep staffed were vacant, needed staff members were not around. Accordingly, once more, an inmate ran to get help while Mr. Covington “held [Mr. Sullivan] as he shook and vomited.”

60. While waiting for help, Mr. Sullivan “lost the color in his face [and] his lips were blue.”

61. At 7:51 a.m. on June 17, 2021, a medical code was called to alert staff that medical treatment was needed in Mr. Sullivan’s cell. This represented the first time after Mr. Sullivan complained of urgent leg pain and suffered three seizures in a two-day period that a medical code was called, and it was the first time that any medical assistance was even attempted.

62. Defendant Parham eventually arrived at Mr. Sullivan’s cell in response to the medical code call. Upon arrival, Defendant Parham did not facilitate Mr. Sullivan’s immediate hospitalization. Instead, he made “jokes about how bad the cell smelled because [Mr. Sullivan] had vomited.”

63. Without having any reason to believe that Mr. Sullivan had consumed

drugs, Defendant Parham “asked [Mr. Covington] what drugs [Mr. Sullivan] was on.”

64. In response, Mr. Covington informed Defendants Corey Moon and Job Jackson—who had arrived by that point—and Defendant Parham that Mr. Sullivan “doesn’t get high [and] definitely [wasn’t] overdosing.”

65. Further staff members including Correctional Officer Tyler Robinson, Case Manager Curtavious Neal, Shift Supervisor Captain Corey Moon, Correctional Officer Gregory Jackson, Correctional Officer Job Jackson, and Nurse Ra’Kesha Spencer arrived in response to Mr. Sullivan’s medical code call thereafter.

66. Upon arrival, all Defendants “assumed it was an overdose” and treated it as such despite having been specifically advised of Mr. Sullivan’s multiple seizures and despite Mr. Covington’s repeated assurances that Mr. Sullivan does not use drugs and was not overdosing.

67. Despite overwhelming contrary evidence, the Defendants nonetheless assumed that Mr. Sullivan was overdosing; they treated him as if he were overdosing; and they acted as if Mr. Sullivan did not present an urgent medical need that required immediate hospitalization as a consequence.

68. The Defendants reflexively assumed that Mr. Sullivan was overdosing because inmate overdoses are a common occurrence at CoreCivic facilities, where drug distribution is rampant and CoreCivic staff members participate in it.

69. Due to CoreCivic’s poor working conditions and low compensation, CoreCivic employees regularly smuggle drugs into CoreCivic prison facilities—including Whiteville Correctional Facility—to sell to inmates and to supplement their income. *See, e.g., Former Hardeman County Correctional Officer Sentenced After Being Found Guilty of Smuggling Drugs into Whiteville Correctional Facility*, WREG NEWS CHANNEL

3 (October 20, 2020), <https://wreg.com/news/former-hardeman-county-correctional-officer-sentenced-after-being-found-guilty-of-smuggling-drugs-into-whiteville-correctional-facility/>.

70. Eventually, Defendants Moon, Jackson, and Parham placed Mr. Sullivan on a back board to transport him for medical treatment for what they incompetently assumed was a drug overdose despite overwhelming contrary evidence.

71. Defendant Jackson left and returned to his office once Mr. Sullivan was placed on the back board with no indication that Mr. Sullivan was being properly treated or treated at all.

72. While being carried on the back board, Mr. Sullivan vomited off the side of the board while being carried at a height of at least 3 feet off the ground.

73. After Mr. Sullivan vomited, one of the Defendant Officers holding the board by Mr. Sullivan's head "let go of the board [and] stepped out of the path of the vomit. This caused all the other personnel to drop him, so he was dropped from about 3 feet high at the top of the stairs."

74. Despite multiple Defendants witnessing—or participating—in Mr. Sullivan being dropped from a height of three feet because an officer did not want to get vomit on him, all Defendants who prepared incident reports after Mr. Sullivan's death willfully omitted that fact from their incident reports in an effort to conceal it.

75. Defendant CoreCivic has also illicitly withheld public records and concealed video footage of the incident under the guise of security concerns that CoreCivic is actually aware are not genuine.

76. Defendants Moon, Jackson, and Parham waited several minutes to pick Mr. Sullivan back up and resume transporting him for overdose treatment. The delay was

attributable to the Defendants joking about Mr. Sullivan's weight and the smell of his vomit. The Defendant Officers eventually picked Mr. Sullivan up again once they had made "jokes about what they [were] going to do and how bad...it stunk" because of the vomit.

77. Despite having been told numerous times that Mr. Sullivan had not consumed any drugs and was not overdosing, and despite the fact that Mr. Sullivan did not have any "documented history indicating drug abuse[,] Defendant Nurse Ra'Kesha Spencer administered a dose of Narcan—an anti-overdose treatment—at 8:27 a.m. in lieu of hospitalizing Mr. Sullivan. Defendant Nurse Felicia Jones assisted in the administration of Narcan to Mr. Sullivan.

78. Because Mr. Sullivan had not consumed drugs and was not overdosing, the dose of Narcan that the Defendants provided Mr. Sullivan made no conceivable medical sense under the circumstances; it did not help Mr. Sullivan; and it served only to further delay Mr. Sullivan's urgently needed hospitalization.

79. Despite having been told numerous times that Mr. Sullivan had not consumed any drugs and was not overdosing, despite the fact that Mr. Sullivan did not have any "documented history indicating drug abuse[,] and despite the fact that the first dose of Narcan had done nothing to improve Mr. Sullivan's serious medical condition, Defendant Spencer administered Mr. Sullivan a second dose of Narcan at 8:30 a.m.

80. Because Mr. Sullivan had not consumed drugs and was not overdosing, though, the second dose of Narcan Defendant Spencer provided Mr. Sullivan made no conceivable medical sense under the circumstances; the second dose did not help him, either; and it, too, served only to further delay Mr. Sullivan's urgently needed hospitalization.

81. At approximately 8:30 a.m., correctional officer Defendant Tyler Robinson and case manager Defendant Curtavious Neal arrived at the medical treatment room.

82. Approximately five minutes later, Mr. Sullivan began to vomit again and became unresponsive.

83. Thereafter, Mr. Sullivan was “placed on a stretcher and became alert again.”

84. At 8:40 a.m., Mr. Sullivan once again became unresponsive “with no pulse or respirations. CPR was initiated and local EMS was called.”

85. An ambulance arrived by 8:45 a.m. and transported Mr. Sullivan to Bolivar General Hospital while medics performed CPR. Defendants Neal and Robinson went to the hospital with EMS and Mr. Sullivan, but they did not provide any information to medics related to Mr. Sullivan’s seizures.

86. Mr. Sullivan arrived at the hospital at 9:24 a.m. Four minutes later, at 9:28 a.m., a doctor pronounced Mr. Sullivan dead.

87. At no time on June 16, 2021 or June 17, 2021 did any employee of Defendant CoreCivic administer any useful medical aid to Mr. Sullivan, who was experiencing an urgent, multi-issue medical emergency over an approximately 24-hour period that required urgent hospitalization.

88. Following Mr. Sullivan’s death, Defendants Dominique Burks, Gregory Jackson, Felicia Jones, Corey Moon, Curtavious Neal, Tyler Robinson, Ra’Kesha Spencer, and C.J. Swain all generated incident reports that concealed and were calculated to conceal both their incompetent response to Mr. Sullivan’s urgent medical needs and their deliberate indifference to Mr. Sullivan’s serious medical conditions.

89. The Defendants’ incident reports uniformly omitted mention of Mr. Sullivan’s first or second seizures the day before his death, despite the fact that the

Defendants received multiple reports from multiple inmates regarding them.

90. The Defendants' incident reports uniformly omitted mention of Mr. Sullivan's calf pain and bruising, despite the fact that the Defendants received reports from Mr. Sullivan and his cellmate requesting emergency medical care regarding it.

91. The Defendants' incident reports uniformly omitted mention of the fact that the Defendant Officers Corey Moon, Job Jackson, and Sergeant Parham dropped Mr. Sullivan during his transport.

92. The Defendants' incident reports uniformly omitted mention of Mr. Sullivan's serious head injury.

93. The Defendants' incident reports uniformly omitted mention that they had delayed Mr. Sullivan's medical treatment because they were occupied with joking about his weight and complaining about the smell of his vomit.

94. Mr. Sullivan's cellmate, Mr. Covington, meticulously documented the Defendants' reckless misconduct and deliberate indifference to Mr. Sullivan's medical need in a personal notebook, including documenting specific employees, dates, and times "regarding this and other incidents." Mr. Covington began documenting situations in the notebook when he was previously refused medical care that he had requested for his own unrelated concerns.

95. Aware that Mr. Covington had meticulously documented the Defendants' deliberate indifference to Mr. Sullivan's serious medical needs, Defendant CoreCivic, through its employees, illicitly seized Mr. Sullivan's notebook and are believed to have spoliated it. Despite the facts that Mr. Covington had properly ordered and received the notebook through the mail and that it was a legal and permissible item for him to have in his cell, Mr. Covington has never been able to get his confiscated notebook and the

information contained in it returned to him. He has requested it back, and he has been refused.

96. Defendant CoreCivic and its employees have additionally punished and retaliated against Mr. Covington since that time. While Mr. Covington was being held up front waiting to give a statement regarding what had occurred, his cell was supposed to be locked off from all other inmates. Instead, CoreCivic employees opened the cell and it was ransacked, with most of Mr. Covington's personal belongings such as his television being taken. Although Mr. Covington notified CoreCivic's employees and asked for his things back, Mr. Covington received no assistance.

97. Given the traumatic nature of Mr. Sullivan's death and having witnessed Mr. Sullivan die a preventable death due to the Defendants' deliberate indifference to Mr. Sullivan's serious medical needs, Mr. Covington nonetheless maintains a vivid memory of many details nearly a full year later and has provided multiple consistent statements regarding them. Mr. Covington's statements and his recollection of events are attached hereto as **Exhibit #2**, **Exhibit #3**, and **Exhibit #4** and are incorporated into this Complaint by reference.

98. After conducting an autopsy of Mr. Sullivan, Medical Examiner Juliette Scantlebury, M.D., identified "no signs of trauma, foul play, abuse, neglect nor alcohol and drug use."

99. Significantly, though, Mr. Sullivan's visible, seizure-induced head contusion—photographed by Mr. Sullivan's mother at Mr. Sullivan's funeral home after his death and pictured below—was not mentioned anywhere in the Medical Examiner's report. The Medical Examiner did, however, observe that Mr. Sullivan had cerebral edema, which resulted from his seizure-induced head injury.



100. Also significantly, the Medical Examiner was not provided an accurate account of events by the Defendants, which necessarily affected her resulting summary, interpretations, and cause of death determination.

101. Of particular note, the Medical Examiner's report makes no mention of the two seizures Mr. Sullivan suffered the day before his death or his head injury resulting from one of them. Instead, the Medical Examiner's report states that Mr. Sullivan reportedly "was not feeling well for several days."

102. At Mr. Sullivan's autopsy, Dr. Scantlebury identified "speriginous adherent thrombi," or blood clots adhering to the pulmonary arteries in both lungs. Accordingly—and notwithstanding Mr. Sullivan's additionally observed cerebral edema—she concluded that Mr. Sullivan's cause of death was likely a "pulmonary thromboembolism," a phenomenon caused by blood clots, often from the legs, traveling to the lungs.

103. Although a pulmonary embolism is treatable, it requires prompt treatment

to avoid serious injury or death. It also cannot be treated with Narcan.

104. Given Mr. Sullivan's observed cerebral edema and his serious head injury preceding it, it is probable that Mr. Sullivan's actual cause of death was a cerebral edema caused by Mr. Sullivan's seizure-induced head injury. It is also probable that if the Medical Examiner had been given accurate clinical history regarding Mr. Sullivan and the events leading up to his death, she would have reached a different cause of death determination.

105. Although cerebral edema is treatable, it requires prompt treatment to avoid serious injury or death. Cerebral edema cannot be treated with Narcan, either.

106. If Mr. Sullivan had been promptly hospitalized for his serious medical needs on June 16, 2021, rather than having those serious medical needs ignored and left untreated, Mr. Sullivan would not be dead.

107. If Mr. Sullivan had been promptly hospitalized for his serious medical needs on June 17, 2021, rather than having his treatment delayed by, *inter alia*, the Defendants' higher-priority needs to joke about his weight; to complain about his vomit; and their unjustifiable assumption that Mr. Sullivan needed to be treated for an overdose that all evidence indicated he was not experiencing, Mr. Sullivan would not be dead.

V. CAUSES OF ACTION

CLAIM #1: 42 U.S.C. § 1983—DEFENDANTS' DELIBERATE INDIFFERENCE TO MR. SULLIVAN'S MEDICAL NEEDS ON JUNE 16, 2021

108. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

109. The Defendants have a constitutional duty imposed by the Eighth and Fourteenth Amendments to provide adequate medical treatment to inmates in their

custody and care while exercising the traditional state function of imprisoning inmates.

110. Because Defendant CoreCivic performs a traditional state function while operating a state prison, at all times relevant to this Complaint, Defendant CoreCivic and all other Defendants in this action acted under color of state law.

111. The Eighth Amendment imposes several minimum requirements on prison officials, including requiring them to: (i) provide humane conditions of confinement, (ii) ensure that inmates receive adequate medical care, and (iii) take reasonable measures to guarantee the safety of inmates.

112. An inmate's Eighth Amendment claim based upon deliberate indifference to medical needs is "akin to recklessness," and it carries both objective and subjective components.

113. On June 16, 2021, Mr. Sullivan had an objectively serious need for medical treatment that the Defendants failed to provide.

114. Mr. Sullivan's painful, bruised, and knotted calf—regarding which the Plaintiff and his cellmate reported a need for emergency medical care on June 16, 2021 and in preceding days—was a medical condition that was "sufficiently serious" to warrant treatment.

115. Mr. Sullivan's two seizures and resulting head injury on June 16, 2021 were medical conditions that were "sufficiently serious" to warrant treatment.

116. On June 16, 2021, Mr. Sullivan had an objectively serious need to be hospitalized for his serious medical conditions, but the Defendants declined to hospitalize him or provide him any medical treatment at all.

117. Through their deliberate indifference to Mr. Sullivan's serious medical needs on June 16, 2021, the Defendants failed to provide Mr. Sullivan with

constitutionally adequate medical care in violation of the Eighth Amendment.

118. At minimum, Defendants Swain, Burks, and Ervin were specifically informed of Mr. Sullivan's serious medical needs on June 16, 2021, but they entirely ignored and disregarded them.

119. Acting with deliberate indifference to Mr. Sullivan's serious medical needs, the Defendants consciously and willfully declined to provide Mr. Sullivan any medical treatment on June 16, 2021 whatsoever.

120. On June 16, 2021, as a result of, *inter alia*, Mr. Sullivan's specific request for emergency medical attention; pleas from other inmates to provide Mr. Sullivan emergency medical attention; and the Defendants' knowledge of Mr. Sullivan's two seizures; the Defendants subjectively perceived facts from which to infer a substantial risk to Mr. Sullivan's health; they in fact drew an inference; and they disregarded the risk.

121. From June 16, 2021 until Mr. Sullivan's death, the Defendants were actually aware of Mr. Sullivan's medical history; they knew that he had been prescribed and required medication to control his seizures; they knew that his medication had not been provided to him; and they knew that as a result of one of his resulting seizures, Mr. Sullivan suffered a significant head injury. These medical needs were sufficiently serious to warrant immediate intervention and treatment.

122. The risks of serious harm that Mr. Sullivan faced as a result of being deprived of his anti-seizure medication; as a result of his resulting seizures; and as a result of his serious seizure-induced head injury were obvious to at least several Defendants on June 16, 2021.

123. On June 16, 2021, the Defendants consciously disregarded all of the Plaintiff's serious medical needs by failing to provide him his anti-seizure medication and

by failing to provide him any medical treatment whatsoever.

124. The Defendants' deliberate indifference to Mr. Sullivan's medical needs on June 16, 2021 and failure to hospitalize him exacerbated Mr. Sullivan's ever-worsening condition; allowed his brain to swell; allowed blood clots to form and travel through Mr. Sullivan's body; and ultimately, resulted in Mr. Sullivan's death.

125. In contrast to the State of Tennessee, Defendant CoreCivic is not entitled to Eleventh Amendment immunity and may be held liable under § 1983 if its official policies or customs resulted in the Plaintiffs' injuries.

126. Defendant CoreCivic has an unconstitutional policy or practice of maintaining chronically inadequate staffing levels, which prevent inmates like Mr. Sullivan from receiving prompt medical attention when they experience medical emergencies like those Mr. Sullivan experienced on June 16, 2021.

127. Defendant CoreCivic has an unconstitutional policy or practice of underinvesting in medical care and providing deficient medical treatment to inmates at its facilities because it is cheaper to do so.

128. Due to Defendant CoreCivic's policies and practices of maintaining chronically inadequate staffing and providing deficient medical care—issues documented in, among other things, an OIG Audit and a BOP after-action report following a prison riot that led to multiple deaths and serious injuries at a federal facility, *see* Office of the Inspector General, *Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi* (December 2016), <https://oig.justice.gov/reports/2016/a1708.pdf>—in 2016, the federal government announced a policy that it would phase out contracts with CoreCivic.

129. Because CoreCivic had misrepresented its actual performance and the

quality of its services to shareholders, Defendant CoreCivic's parent corporation was thereafter sued for and recently paid \$56 million to settle a shareholder fraud class action claim arising from these issues. See Travis Loller, *CoreCivic to settle shareholders lawsuit for \$56 million*, THE TENNESSEAN (April 20, 2021), <https://www.tennessean.com/story/news/2021/04/20/corecivic-lawsuit-private-prison-operator-settle-56-million/7302711002/>.

130. Similar deficiencies at CoreCivic's Tennessee facilities are reported but left unremedied year after year after year.⁴

⁴ See, e.g., Cassandra Stephenson, *Inmate death ruled homicide in a Tennessee CoreCivic prison where rate is twice as high as TDOC's, records show*, JACKSON SUN (Jan. 28, 2020), <https://www.jacksonsun.com/story/news/crime/2020/01/28/corecivics-tennessee-prisons-have-twice-homicide-rate-tdocs/2776928001/> ("The corporation's four Tennessee facilities hold roughly 35% of the state's prison population but accounted for about 63% of the state's prison homicides."); Prison Legal News, *CoreCivic Prisons in Tennessee Have Twice as Many Murders, Four Times the Homicide Rate as State-Run Facilities*, PLN (Aug. 6, 2019), <https://www.prisonlegalnews.org/news/2019/aug/6/corecivic-prisons-tennessee-have-twice-many-murders-four-times-homicide-rate-state-run-facilities/> ("from 2014 through June 2019, there were twice as many murders in the four Tennessee prisons operated by CoreCivic (formerly Corrections Corporation of America) than in the 10 prisons run by the Tennessee Department of Correction (TDOC). Also, the homicide rate in CoreCivic facilities was over four times higher than the rate for TDOC prisons."); Brinley Hineman, *After Tennessee prison suicide, CoreCivic counselor fabricated health records of treatment: TDOC*, THE TENNESSEAN (Aug. 25, 2020), <https://www.tennessean.com/story/news/crime/2020/08/26/after-tennessee-prisoners-suicide-corecivic-worker-faked-health-records/3404186001/>; Demetria Kalodimos, *Woman says she paid off gangs to keep son safe in prison*, WSMV (Oct. 5, 2017), https://www.wsmv.com/news/woman-says-she-paid-off-gangs-to-keep-son-safe-in-prison/article_a4e670ea-78be-5087-86e5-a65ecd485475.html; Joseph Wenzel, *Over 1,200 staff, inmates test positive for COVID-19 at Trousdale Turner Correctional Center*, WSMV (May 1, 2020), https://www.wsmv.com/news/over-1-200-staff-inmates-test-positive-for-covid-19-at-trousdale-turner-correctional-center/article_568c03d2-8bde-11ea-a447-4b7eaabeb67b.html; Adam Tamburin, *Tennessee prison inmate dies after fight at Trousdale Turner*, THE TENNESSEAN (Jan. 26, 2020), <https://www.tennessean.com/story/news/2020/01/26/tennessee-prison-inmate-dies-after-fight-trousdale-turner-correctional-center/4581013002/>; Dave Boucher, *New Tennessee CCA prison stops taking inmates amid 'serious issues,'* THE TENNESSEAN (May 24, 2016), <https://www.tennessean.com/story/news/politics/2016/05/24/new-tennessee-private-prison-stops-taking-inmates/84867834/>; Chris Conte, *Prisons for profit: Concerns mount about Trousdale Turner Correctional Center, operator CoreCivic*, WTVF (Jun. 13, 2019), <https://www.newschannel5.com/longform/prisons-for-profit-concerns-mount-about-trousdale-turner-correctional-center-operator-corecivic>; Staff Report, *Scathing state audit slams Tennessee prisons, CoreCivic for staffing, sexual assaults, and deaths in jails*, WTVF (Jan. 10, 2020), <https://www.newschannel5.com/news/scathing-state-audit-slams-tennessee-prisons-corecivic-for-staffing-sexual-assaults-and-deaths-in-jails>; Jamie McGee, *CoreCivic shareholders granted class action status in fraud lawsuit*, THE TENNESSEAN (May 27, 2019), <https://www.tennessean.com/story/money/2019/03/27/corecivic-class-action-securities-fraud-lawsuit/3289913002/>; Chris Gregory, *Family seeks answers in loved one's death at Trousdale prison*, LEBANON DEMOCRAT (Jan. 2, 2021), <https://www.lebanondemocrat.com/hartsville/family-seeks-answers->

[in-loved-ones-death-at-trousdale-prison/article_1ffe90f7-0e9f-5021-bb94-9ec1b4d23139.html](https://www.wsmv.com/news/inmates-at-corecivic-prisons-say-they-sometimes-go-months-without-medical-care/article_8d28e630-bd12-5f1c-8b68-92b9336553e1.html); Demetria Kalodimos, *Inmates at CoreCivic prisons say they sometimes go months without medical care*, WSMV (Jun. 22, 2017), https://www.wsmv.com/news/inmates-at-corecivic-prisons-say-they-sometimes-go-months-without-medical-care/article_8d28e630-bd12-5f1c-8b68-92b9336553e1.html; Prison Legal News, *Incorrect Cause of Tennessee Prisoner's Death Reported by CoreCivic Employees*, PLN (Jun. 7, 2018), <https://www.prisonlegalnews.org/news/2018/jun/7/incorrect-cause-tennessee-prisoners-death-reported-corecivic-employees/>; Staff Report, *Private prison company CoreCivic's history of problems in Tennessee*, THE TENNESSEAN (Jan. 16, 2020), <https://www.tennessean.com/story/news/local/2020/01/17/private-prison-corecivic-history-problems-tennessee/4470277002/>; Stephen Elliott, *State audit criticizes CoreCivic facilities*, THE NASHVILLE POST (Nov. 14, 2017), <https://www.nashvillepost.com/business/prison-management/article/20982796/state-audit-criticizes-corecivic-facilities>; Matt Blois, *CoreCivic reports \$25M in profits as COVID infects 2,500+ inmates*, THE NASHVILLE POST (Jun. 30, 2020), <https://www.nashvillepost.com/business/prison-management/article/21138792/corecivic-reports-25m-in-profits-as-covid-infects-2500-inmates>; Steven Hale, *Problems Persist at Tennessee's Mismanaged Prisons*, THE NASHVILLE SCENE (Jan. 22, 2020), <https://www.nashvillescene.com/news/features/article/2111586/problems-persist-at-tennessees-mismanaged-prisons>; Dave Boucher, *CoreCivic investigating ex-officer's allegations of negligent deaths at private prison*, THE TENNESSEAN (Dec. 12, 2017), <https://www.tennessean.com/story/news/2017/12/12/corecivic-investigating-ex-officers-allegations-negligent-deaths-private-prison/946196001/>; Elizabeth Weill-Greenberg, *'Just Let Him Kick'*, THE APPEAL (Sep. 6, 2018), <https://theappeal.org/just-let-him-kick/>; Brinley Hineman, *Murfreesboro man charged in prison cellmate's death at Trousdale*, DAILY NEWS JOURNAL (Feb. 20, 2020), <https://www.dnj.com/story/news/2020/02/20/murfreesboro-man-jacob-kado-charged-death-prison-cell-mate-ernest-hill-trousdale-turner/4818354002/>; Ethan Illers, *Man killed during inmate-on-inmate altercation at Trousdale Turner prison*, WSMV (Jun. 16, 2019), https://www.wsmv.com/news/man-killed-during-inmate-on-inmate-altercation-at-trousdale-turner-prison/article_8d8b6806-9066-11e9-b749-7b44cac1c002.html; Jeremy Finley, *Recorded conversations reveal life inside prison ravaged by COVID-19*, WSMV (May 6, 2020), https://www.wsmv.com/news/investigations/recorded-conversations-reveal-life-inside-prison-ravaged-by-covid-19/article_91ef5b06-8fe2-11ea-9b75-f36db06e1ab1.html; Demetria Kalodimos, *Gang activity, security a concern at Trousdale Turner facility*, WSMV (Jun. 21, 2017), https://www.wsmv.com/news/gang-activity-security-a-concern-at-trousdale-turner-facility/article_df82a358-7073-552e-b5e4-9feb2e9cf8bc.html; Steven Hale, *Tennessee's Largest Prison Still Appears as Troubled as Ever*, THE NASHVILLE SCENE (Feb. 13, 2019), <https://www.nashvillescene.com/news/features/article/21047078/tennessees-largest-prison-still-appears-as-troubled-as-ever>; Jessie Williams, *Trousdale Turner Corrections Officer Arrested*, MACON COUNTY CHRONICLE (Feb. 5, 2019), <https://www.maconcountychronicle.com/news/5680-trousdale-turner-corrections-officer-arrested>; Brett Kelman, *At Tennessee's largest prison, diabetic inmates say they are denied insulin to 'maximize profits'*, THE TENNESSEAN (Aug. 7, 2018), <https://www.tennessean.com/story/news/2018/08/07/corecivic-diabetic-inmates-denied-insulin-trousdale-turner/925297002/>; Natalie Allison, *Lawmakers hear from prison rape survivor, parents of man who hanged himself in CoreCivic facility*, THE TENNESSEAN (Dec. 19, 2018), <https://www.tennessean.com/story/news/politics/2018/12/19/tennessee-legislators-hear-rape-suicide-corecivic-prison/2355556002/>; Dave Boucher, *Private prison chief: 'We've got work to do' at Trousdale facility*, THE TENNESSEAN (Dec. 13, 2016), <https://www.tennessean.com/story/news/2016/12/13/private-prison-chief-weve-got-work-do-trousdale-facility/95223230/>; Demetria Kalodimos, *Former chaplain describes conditions inside TN prison*, WSMV (Jun. 19, 2017), https://www.wsmv.com/news/former-chaplain-describes-conditions-inside-tn-prison/article_9b30af82-8297-5101-b11f-b5fd9270bf18.html; Chris Gregory, *Trousdale Turner employee charged with smuggling contraband*, LEBANON DEMOCRAT (Apr. 23, 2020), https://www.lebanondemocrat.com/hartsville/trousdale-turner-employee-charged-with-smuggling-contraband/article_6b865daf-fbc8-5a59-9a35-e84b61ace2e4.html; Andy Cordan, *Prison corrections officer in Trousdale County arrested carrying drugs*, WKRN (Jan. 20, 2021), <https://www.wkrn.com/news/prison-corrections-officer-in-trousdale-county-arrested-carrying-drugs/>; Dave Boucher, *Gangs, insufficient staffing plague troubled Tennessee private prison, state audit finds*, THE TENNESSEAN (Nov. 14, 2017), <https://www.tennessean.com/story/news/politics/2017/11/14/tennessee-private-prison-operated-by->

131. Defendant Vantell—who was the warden of Whiteville Correctional Facility at the time of Mr. Sullivan’s preventable death—was aware of and complicit in Defendant CoreCivic’s policies and practices of chronically understaffing and providing deficient medical care to inmates. He also personally observed their effects every single day he served as warden.

132. Even so, Defendant Vantell consciously neglected to remedy Whiteville Correctional Facility’s chronic understaffing and deficient medical care policies despite his personal knowledge of the extraordinary and frequently fatal consequences that resulted from them.

133. Due in whole or in part to the above policies and CoreCivic’s conscious decision to prioritize profit over providing constitutionally adequate staffing and inmate health care, Mr. Sullivan did not receive any medical treatment for his serious medical needs on June 16, 2021—even though he required immediate hospitalization and despite the fact that immediate hospitalization would have saved his life.

CLAIM #2: 42 U.S.C. § 1983—DEFENDANTS’ DELIBERATE INDIFFERENCE TO MR.
SULLIVAN’S MEDICAL NEEDS ON JUNE 17, 2021

134. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

[corecivic-blasted-ongoing-problems-new-state-audit/858884001/](https://www.tennessean.com/story/news/2021/02/03/trousdale-turner-inmate-aaron-blake-adams-dead-family-wants-answers/4290646001/); Keith Sharon and Adam Tamburin, *'This is unreal': Family seeks answers in death of Trousdale Turner prison inmate*, THE TENNESSEAN (Feb. 2, 2021), <https://www.tennessean.com/story/news/2021/02/03/trousdale-turner-inmate-aaron-blake-adams-dead-family-wants-answers/4290646001/>; Alex Corradetti, *Investigation underway following death of inmate at Trousdale Turner Correctional Center*, WKRN (Sep. 8, 2021), <https://www.wkrn.com/news/investigation-underway-following-death-of-inmate-at-trousdale-turner-correctional-center/>; Chris Gregory, *Former Trousdale Turner corrections officer indicted*, LEBANON DEMOCRAT (Oct. 7, 2021), https://www.lebanondemocrat.com/hartsville/former-trousdale-turner-corrections-officer-indicted/article_aac20d8d-16e5-5edc-9e7e-d5fd9f8bfd0e.html; Levi Ismail, *NAACP calls for closure of Trousdale Turner Correctional Center, cites 'barbaric treatment' of Black men*, WTVF (Nov. 11, 2021), <https://www.newschannel5.com/news/naACP-calls-for-closure-of-trousdale-turner-correctional-center-cites-barbaric-treatment-of-black-men>.

135. On June 17, 2021, the medical care that Mr. Sullivan received from the Defendants was so minimal and deficient as to amount to no meaningful treatment at all.

136. Even after employees of Defendant CoreCivic responded to Mr. Sullivan's cell after his third seizure on June 17, 2021, they delayed his hospitalization by spending time complaining about the smell of Mr. Sullivan's vomit and making jokes about his weight instead of affording him prompt and urgently needed medical care.

137. After Mr. Sullivan vomited following his third seizure, despite his visibly dire medical needs, and despite his severe head injury and brain swelling, the Defendant Officers Corey Moon, Job Jackson, and Parham dropped Mr. Sullivan to the ground from a height of at least 3 feet in order avoid touching vomit, and they continued to complain and make jokes about the odor thereafter in lieu of affording him prompt and urgently needed medical care.

138. On June 17, 2021, all Defendants acted with subject and objective deliberate indifference to Mr. Sullivan's serious medical needs; none of them provided any medical care that was of any use in treating Mr. Sullivan's seizures, the blood clot in his leg, or his seizure-induced head injury; all Defendants delayed Mr. Sullivan's hospitalization and deprived Mr. Sullivan of the opportunity to receive timely and effective medical treatment; and all Defendants actively took steps to conceal their deliberate indifference to Mr. Sullivan's serious medical needs after Mr. Sullivan died a preventable death for which the Defendants do not want to be held accountable.

139. At all times on June 17, 2021, Mr. Sullivan had an objectively serious need for medical treatment that the Defendants failed to provide.

140. At all times on June 17, 2021, the Defendants subjectively perceived facts from which to infer a substantial risk to Mr. Sullivan's health, they in fact drew an

inference, and they disregarded the risk.

141. At all times on June 17, 2021, the Defendants consciously disregarded Mr. Sullivan's serious medical needs by delaying his hospitalization and failing to timely hospitalize him.

142. At all times on June 17, 2021, the Defendants consciously disregarded Mr. Sullivan's serious medical needs by baselessly treating him as if he were overdosing and treating him with anti-overdose medication despite being informed that Mr. Sullivan had not consumed drugs and, instead, had suffered multiple seizures and had a serious and painful knot in his calf.

143. The Defendants' deliberate indifference to Mr. Sullivan's serious medical needs, their willful decisions to delay his hospitalization, and their failure to hospitalize Mr. Sullivan immediately, at minimum, after he suffered his third seizure in a 24-hour period resulted in Mr. Sullivan's otherwise preventable death.

CLAIM #3: TENNESSEE HEALTH CARE LIABILITY ACT AND DECLARATORY JUDGMENT
REGARDING THE INAPPLICABILITY OF CERTIFICATE AND PRE-SUIT NOTICE REQUIREMENTS IN
FEDERAL COURT

HEALTH CARE LIABILITY CLAIMS

144. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

145. Defendant CoreCivic is, for purposes of this action, a "health care provider" as that term is defined by Tenn. Code Ann. § 29-26-101(2).

146. When treating Mr. Sullivan, CoreCivic had a provider-patient relationship with him.

147. Mr. Sullivan had no role in selecting who specifically would provide medical care to him.

148. Defendant CoreCivic had a duty to provide Mr. Sullivan appropriate medical care and treatment.

149. Defendant CoreCivic failed to comply with the applicable recognized standard of acceptable professional care (“standard of care”) when it provided care and treatment to Mr. Sullivan.

150. The ways in which Defendant CoreCivic failed to comply with the applicable standard of care include, but are not limited to, failing to treat Mr. Sullivan after he filed an emergency medical report regarding his calf condition; failing to treat Mr. Sullivan’s seizure-induced head contusion; misdiagnosing Mr. Sullivan as experiencing a drug overdose after he suffered his third seizure in a 24-hour period despite having no evidence that he was actually experiencing an overdose (and in fact having evidence that he was specifically *not* experiencing an overdose); and failing to diagnose or treat, in any respect, Mr. Sullivan’s developing blood clot in his calf.

151. All of the above acts also constituted reckless conduct, and all Defendants undertook efforts to conceal what actually occurred.

152. As a direct and proximate result of the Defendants’ actions, Mr. Sullivan died.

DECLARATORY JUDGMENT THAT HCLA STATUTORY CERTIFICATE AND PRE-SUIT NOTICE REQUIREMENTS ARE INAPPLICABLE TO CLAIMS FILED IN FEDERAL COURT

153. Pursuant to *Albright v. Christensen*, 24 F.4th 1039, 1045–48 (6th Cir. 2022), the statutory certificate of good faith and pre-suit notice requirements of Tennessee’s Health Care Liability Act conflict with the Federal Rules of Civil Procedure and accordingly do not apply in federal court.

154. Thus, pursuant to 28 U.S.C. § 2201, the Plaintiffs seek a declaration that the

statutory certificate of good faith and pre-suit notice requirements of Tennessee's Health Care Liability Act conflict with the Federal Rules of Civil Procedure and do not apply to or preclude the Plaintiffs' state law tort claim in this action.

CLAIM #4: LOSS OF CONSORTIUM

155. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

156. Tennessee allows for an award of filial consortium and other damages for the death of one's child under Tenn. Code Ann. § 20-5-113. *See Hancock v. Chattanooga-Hamilton Cty. Hosp. Auth.*, 54 S.W.3d 234, 236 (Tenn. 2001).

157. The Defendants' wrongful acts, faults, omissions, and tortious misconduct caused the Plaintiffs to suffer filial consortium and other damages arising from the death of their beloved son.

158. Accordingly, the Plaintiffs are entitled to an award of damages including the pecuniary value of Mr. Sullivan's life and the loss of their son's attention, guidance, care, protection, companionship, cooperation, affection, and love.

VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for the following relief:

1. That proper process issue and be served upon the Defendants, and that the Defendants be required to appear and answer this Complaint within the time required by law;
2. That the Plaintiffs be awarded all compensatory, consequential, and incidental damages to which Plaintiffs are entitled in an amount not less than \$2.5 million;
3. That the Plaintiffs be awarded punitive damages in an amount not less than \$7.5

million;

4. That the Plaintiffs be awarded their reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b);
5. That this Court declare that the statutory certificate of good faith and pre-suit notice requirements of Tennessee's Health Care Liability Act conflict with the Federal Rules of Civil Procedure and do not apply to or preclude their state law tort claim in this action;
6. That a jury of 12 be empaneled to try this cause;
7. That pre-judgment and post-judgment interest be awarded to the Plaintiffs;
8. That the Plaintiffs be awarded all further relief to which they are entitled.

Respectfully submitted,

/s/ Daniel A. Horwitz
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Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BOZA PLEASANT-BEY,)	
)	
Plaintiff,)	
)	
v.)	No. 3:19-cv-00486
)	
)	
STATE OF TENNESSEE, ET AL,)	
)	
Defendants.)	

The Deposition of: TONY PARKER
 April 21, 2021

JANIE W. GARLAND
Briggs & Associates
222 Second Avenue North, Suite 340M
Nashville, Tennessee 37201
(615) 714-5350

1 The deposition of TONY PARKER was taken by
2 counsel for the Plaintiff, by notice, via Zoom, on
3 April 21, 2020, pursuant to the provisions of the
4 Federal Rules of Civil Procedure.

5 All formalities as to notice, caption,
6 certificate, reading and signing of the deposition
7 are waived. All objections, except as to the form of
8 the questions, are reserved to the hearing.
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1 THE COURT REPORTER: Good morning. We are
2 on the record. Today is April 21, 2021 at 10:03
3 a.m. At this time I would ask counsel to please
4 introduce yourself, who you represent, and that you
5 agree to take this deposition via Zoom. We will
6 start with Ms. Herzfeld.

7 MS. HERZFELD: Tricia Herzfeld and Janna
8 Maples representing the plaintiff, and we consent to
9 take this deposition via Zoom.

10 MR. AUMANN: Good morning. This is Tom
11 Aumann, and I represent the Tennessee Department of
12 Correction, the defendants in this case, and we
13 consent to take the deposition via Zoom.

14 MR. WELBORN: Joe Welborn and Erin Polly,
15 we represent CoreCivic and we consent.

16 TONY PARKER,
17 having been first duly sworn, testified as follows:
18 EXAMINATION BY MS. HERZFELD:

19 Q. Sir, could you state your name and spell
20 it for the record, please?

21 A. Yes. My name is Tony Parker, T-O-N-Y,
22 P-A-R-K-E-R.

23 Q. What is your position?

24 A. I'm the commissioner of the Department of
25 Corrections.

1 Q. Have you ever given a deposition before?

2 A. I have.

3 Q. How many times?

4 A. I don't know the exact number of times.

5 Probably ten or more.

6 Q. How long have you been commissioner of the
7 Department of Corrections?

8 A. Since 2016, June of 2016.

9 Q. When you gave those depositions before,
10 were you given the rules, that you need to say yes
11 and not shake your head, you know, uh-huh or huh-uh,
12 do you remember all those rules?

13 A. I do remember those rules. I sometimes
14 have a hard -- trouble remembering and following
15 them, but, yes, I do remember those.

16 Q. I'll try to remind you so you don't
17 forget, how does that sound?

18 A. Thank you.

19 Q. Okay. Great. And if you need to take a
20 break at any point, just let me know. Are you in
21 your office today?

22 A. I am.

23 Q. Okay. Great. Do you have anybody else
24 around you as you're taking this deposition, or are
25 you alone in your office?

1 A. I'm alone in my office.

2 Q. Okay. Great. Have you given a deposition
3 via Zoom before?

4 A. I have.

5 Q. Great. So you've been giving depositions
6 through the pandemic. How many Zoom depositions
7 have you given?

8 A. I think one or two via Zoom. The last one
9 was, I don't know, a few months ago.

10 Q. Okay. And what type of case was it?

11 A. It was a case involving an inmate at
12 Riverbend, a death row inmate.

13 Q. Okay. Have you ever given a deposition
14 regarding Trousdale?

15 A. Not that I remember.

16 Q. What did you do to prepare for your
17 deposition today?

18 A. I talked to my counsel and I've briefly
19 looked over some -- the complaint as well as some of
20 the policies that apply.

21 Q. Okay. And who is your counsel?

22 A. Mr. Aumann with the AG's office.

23 Q. Okay. And when did you meet with
24 Mr. Aumann?

25 A. Couple days ago, I believe.

1 Q. And how long did you meet with him?

2 A. Approximately 30 to 40 minutes.

3 Q. Did you do that over the phone or in
4 person or Zoom?

5 A. Zoom, Webex, Zoom.

6 Q. Whatever it is, Teams, Zoom, Webex, one of
7 those things. And was there anybody else present
8 during that meeting?

9 A. There was another attorney, but I don't
10 remember the lady's name.

11 Q. Was your understanding that she was also
12 with the Attorney General's Office?

13 A. Yes.

14 Q. In preparation for your deposition today,
15 did you speak with any lawyers from CoreCivic?

16 A. No.

17 Q. When you said you looked over some
18 policies, do you recall which policies you looked
19 over?

20 A. It related to religious services.
21 Primarily religious service-related policies.

22 Q. Okay. And did you look over any policies
23 that did not have to do with religious services?

24 A. I looked over some documentation relating
25 to the compliance, our compliance division. I

1 reviewed our organizational structure for the
2 Department, general information such as that.

3 Q. Okay. Did you choose the documents that
4 you looked at or did your counsel choose those?

5 A. I'm sorry?

6 Q. The documents that you reviewed, did
7 somebody choose those for you to review or did you
8 just kind of look at stuff on your own?

9 A. I think the attorneys sent me some
10 information that I looked at, but I also looked at
11 others on my own, too.

12 Q. Okay. And you said you've been
13 commissioner since June of 2016?

14 A. That's correct.

15 Q. And before that, what was your position?

16 A. I was assistant commissioner of prisons
17 for the State of Tennessee.

18 Q. And you did that for about what, a little
19 under nine years?

20 A. Yeah. Well, I think it was more like five
21 or six years.

22 Q. Okay. And what did you do before then?

23 A. Before I was assistant commissioner of
24 prisons, I was a correctional administrator in the
25 west region.

1 Q. Okay. And what did that job entail?

2 A. Basically oversight and supervision of the
3 wardens for the facilities in the west region of the
4 state; Northwest Correctional Complex, West
5 Tennessee State Penitentiary, Martin Luttrell, those
6 facilities there in the west region.

7 Q. When you had that position, where did you
8 office?

9 A. Where did I -- I didn't understand you.

10 Q. Where did you office, where was your
11 office when you had that position? Were you in
12 Nashville or some place else?

13 A. I was in West Tennessee. My office was
14 really and truly in the vehicle that I rode in each
15 day because I stayed on the road every day. I
16 visited a different facility each day, so I really
17 didn't have a site that had an office space in it.

18 Q. So you were a road warrior?

19 A. I was on the road most days.

20 Q. Okay. Before you were a correctional
21 administrator, what did you do before then?

22 A. I was a warden.

23 Q. Where were you a warden?

24 A. Northwest Correctional Complex and West
25 Tennessee State Penitentiary.

1 Q. Okay. Did you go to college or any
2 college at all?

3 A. Yes. I graduated from Dyersburg State
4 Community College with an associates in criminal
5 justice. I graduated from the University of
6 Tennessee at Martin with a bachelor's in criminal
7 justice. And I graduated from the Naval
8 Post-Graduate School in Monterey with a master's
9 degree in security studies.

10 Q. Okay. What year were each of your
11 degrees?

12 A. 2013, I believe or '15 for my master's
13 program, '95 for my bachelor's program, and '93 for
14 the associate's program. Those are approximate
15 dates. I think they're pretty accurate.

16 Q. Okay. And since you got the associate's
17 degree in Dyersburg, have you had any positions that
18 have been outside of the corrections department
19 industry?

20 A. No.

21 Q. You've always worked in corrections?

22 A. That's correct.

23 Q. Have you always worked for TDOC or have
24 you worked for someone else?

25 A. I've always been with TDOC since I was 19.

1 Q. Okay. And did you start out as a
2 corrections officer?

3 A. I did.

4 Q. Where did you start?

5 A. Lake County Regional Correctional Facility
6 in West Tennessee.

7 Q. Are you from west Tennessee originally?

8 A. I am.

9 Q. Whereabouts?

10 A. Lake County is where I grew up. Lake and
11 Obion County. I live in Obion County now.

12 Q. Are you in Nashville giving this
13 deposition now?

14 A. I am. I'm in my office in headquarters.
15 I mean, everybody is back to work, right? Are you
16 not in the office? I mean, we should be back, you
17 know, in full fledge working in the office, right?

18 Q. I mean, I've been here every day. There
19 are plenty of people I think have not, but I've been
20 in my office every single day. I haven't missed a
21 beat, so glad to hear you haven't either.

22 Okay. Other than that one meeting with
23 your attorney that lasted 30 to 45 minutes, you
24 haven't met with anyone else in preparation for your
25 deposition today?

1 A. No.

2 Q. Okay. Great. And what is it that you
3 understand that this lawsuit is about?

4 A. The lawsuit is about the alleged -- an
5 inmate that's at Trousdale Turner who is alleging he
6 has been denied religious items. And also, I
7 understand in the complaint that there is an
8 allegation of a -- I guess an 8th Amendment
9 violation.

10 Q. Do you know what the nature of the 8th
11 Amendment violation is?

12 A. I'm sorry?

13 Q. Do you know what is alleged to be the
14 nature of the 8th Amendment violation?

15 A. From what I read, the -- he is alleging an
16 unsafe environment, violence, some things that were
17 noted in some compliance reports for critical posts
18 not being covered, things like that that makes it
19 unsafe, is the allegation.

20 Q. And Trousdale, is that a facility that is
21 owned by TDOC?

22 A. No, it's not.

23 Q. Who owns Trousdale?

24 A. You know, I'm assuming that CoreCivic owns
25 the property, the facility. I don't know about the

1 land specifically. That could be -- the county
2 could have some ownership there. I'm not sure.

3 Q. Okay. And what is TDOC's role vis-à-vis
4 Trousdale, the Trousdale facility?

5 A. Would you repeat the question? I didn't
6 understand it.

7 Q. Sure. What is TDOC's role vis-à-vis, the
8 Trousdale facility?

9 A. We contract with Trousdale County who in
10 turn subcontracts with CoreCivic for the operation
11 of the Trousdale facility to house TDOC inmates
12 there at that facility.

13 Q. Explain that a little bit to me. So TDOC
14 contracts with Trousdale County? How does that
15 work?

16 A. We contract with the county for the
17 housing of inmates, and then it's my understanding,
18 in turn, they subcontract out with CoreCivic for the
19 operation of that facility that houses about 2500
20 inmates.

21 Q. Why is it that TDOC doesn't contract just
22 directly with CoreCivic for the running of that
23 facility?

24 A. Well, we only have one contract that is
25 directly with CoreCivic, and that is for the South

1 Central Facility, and there's some legislation that
2 only allows TDOC to contract with a private vendor
3 from one facility. We contract with the counties
4 for the others there at Trousdale and also Hardeman
5 County. There's two facilities at Hardeman County
6 that we contract with the county.

7 Q. Where does that leave TDOC, what happens
8 at Trousdale? Do you have an obligation to know
9 what's going on at that facility?

10 A. Yes. We have contractor monitors in place
11 there at the private facilities that oversee policy
12 compliance, things like that.

13 Q. Okay. I'm going to back up a little bit.
14 So are TDOC policies supposed to be enforced at
15 Trousdale even though it's a CoreCivic facility?

16 A. Yes.

17 Q. And maybe could you just explain to me a
18 little bit of how that structure works. Pretend
19 like I've never walked into a prison and I have no
20 idea. How is it that TDOC and CoreCivic work
21 together to manage this facility?

22 A. So as I've said, we have a contract in
23 place for the operation and management of that
24 facility in Trousdale County, as well as the ones in
25 Hardeman County for the maintenance and the

1 operation of the Trousdale facility. The Department
2 of Corrections has policies in place that covers
3 different divisions of corrections, whether it be
4 security policies, whether it's requirements of food
5 service, ACA standards, things like that, and we
6 have inspection processes that go on from time to
7 time in our facilities. And there is a set of
8 regulations and requirements that CoreCivic has to
9 meet. We have contract monitors that, again, work
10 every day there at the facility to check compliance
11 with policy.

12 Now, policy is developed here in central
13 office. There is a review process for our policies.
14 Our state policies come out of central office, I
15 sign all state policies, they're distributed to all
16 of our facilities across the state. They have an
17 effective date, and the requirements of those
18 policies kind of drive the operations of our state
19 facilities, as well as other facilities in the state
20 of Tennessee as it relates to correctional
21 operations.

22 And that's kind of a hodgepodge
23 explanation of how that works, but that's primarily
24 it.

25 Q. Thank you for that. Just to get a little

1 more basic. So the prisoners that are held at
2 Trousdale, those are prisoners who have been
3 sentenced by the State of Tennessee; is that
4 correct?

5 A. Correct. Those are inmates that spend --
6 sentenced to the custody of the State, and TDOC
7 inmates are housed there at Trousdale, that's
8 correct.

9 Q. So that's why TDOC would then have some
10 control and responsibility over those inmates,
11 because they've been sentenced to be in TDOC's care
12 essentially; is that right?

13 A. Right. Correct.

14 Q. But I just want to make sure I understand
15 it. But in some circumstances, TDOC does not
16 operate the facility directly, you contract with a
17 different company or through the county to another
18 company like CoreCivic to run that facility and care
19 for those inmates; is that right?

20 A. We contract with the county who
21 subcontracts with CoreCivic for the operation of
22 that facility.

23 Q. Okay. But TDOC still has -- still has
24 responsibilities for those inmates that are in the
25 care of that CoreCivic facility; is that right?

1 A. Yes. I mean, when the inmate is convicted
2 and sentenced to State custody, we -- yes, we have
3 responsibility for that.

4 Q. Okay. And who is the warden at Trousdale?

5 A. The -- I will have to check with the
6 assistant commissioner. The prior warden was Warden
7 Byrd. Now, I'm sure, he was on leave for a period
8 of time. I'm not sure if he's still there or not.

9 Q. You had mentioned before about contract
10 monitors being at the facility, contract monitors
11 are TDOC employees?

12 A. Yes, they are.

13 Q. What are their jobs?

14 A. Their jobs are to monitor compliance,
15 compliance with policy, state policy, the records,
16 compliance for ACA standards, things like that that
17 reflect our policies in general.

18 Q. If something was to be out of compliance,
19 they would report that back to TDOC?

20 A. Yes. That's reported back to TDOC, as
21 well as to the facility administration, to
22 CoreCivic, to request a plan of corrective action
23 for the non-compliant finding.

24 Q. And who is responsible for making sure
25 that that plan of action is implemented?

1 A. Well, the State of Tennessee through the
2 Department of Corrections, we hold the contract of
3 the vendor responsible for compliance with the plan
4 of corrective action.

5 Q. Okay. Who would be responsible for
6 ensuring that they are compliant with the plan of
7 corrective action?

8 A. TDOC monitors that through our contract
9 monitoring process and our monitors that are on
10 site. At the end of the day, we check compliance,
11 if plans of corrective actions have not been met,
12 then TDOC holds the vendor responsible through
13 corrective actions, liquidated damages, et cetera.

14 Q. When you say corrective actions,
15 liquidated damages, et cetera, what do you mean?

16 A. Well, by corrective actions, I mean the
17 steps that's taken by the party to address whatever
18 finding it may be, whether it's a finding related to
19 security violation or a post-order violation or
20 whatever violation it may be, the plan of corrective
21 action has to be met and has to be accepted. The
22 vendor has to follow through with what they say
23 they're going to do to resolve the issue to meet the
24 policy requirement, and that our compliance monitors
25 check for compliance to verify that that has

1 happened. If it has not happened, then we follow
2 through with further action related to, you know,
3 liquidated damages, et cetera, for the violation.

4 Q. When you say liquidated damages, what do
5 you mean by that?

6 A. It's a monetary penalty that has to be
7 paid by the vendor where funds are held back for a
8 violation that has not been corrected.

9 Q. And do you know how much money, if any, in
10 the liquidated damages that CoreCivic has had to pay
11 for the Trousedale facility?

12 MR. AUMANN: Objection. Objection to
13 form. You can go ahead and answer.

14 THE WITNESS: You know, I do not know. I
15 couldn't tell you right now exactly how much that
16 is, so for a specific number, I don't have that in
17 front of me.

18 BY MS. HERZFELD:

19 Q. Do you have an estimate?

20 MR. AUMANN: Same objection. Form. You
21 can go ahead and answer.

22 THE WITNESS: It's in the millions of
23 dollars, but I don't know the exact number.

24 BY MS. HERZFELD:

25 Q. Do you know what those liquidated damages

1 with CoreCivic and Trousdale have been for, who
2 types of violations?

3 A. Yes. It's a multitude of things related
4 to staffing patterns, critical posts in some cases
5 not being covered. Again, I would have to review
6 some of the paperwork to give you specifics on that,
7 but it's -- all violations are failure to meet
8 corrective action plans for a multitude of different
9 requirements.

10 Q. Okay. Other than getting to the
11 liquidated damages portion of it, what else could
12 TDOC do to ensure compliance with the contract? Is
13 there any other tools that you have?

14 A. We work with CoreCivic just like we
15 work -- that I work with our facilities or our
16 compliance teams work with our facilities across the
17 state. It's the same process, as far as monitoring
18 our facilities. We have a compliance section that
19 does that, and, you know, we work with the vendor,
20 we work with our state facilities to review policy
21 to help -- to make sure there is no issues that --
22 or issues that we might could resolve to help in the
23 management of a correctional environment. It's very
24 complex work. It's very difficult work, and it's
25 hard to explain unless you've been there and worked

1 in that environment. But we feel like having those
2 contract monitors in place to work with the facility
3 to help with compliance is the primary tool that we
4 use at the state level to help them ensure
5 compliance.

6 Q. So I just want to back up a little bit.
7 So we talked about the contract monitors making a
8 report that somebody's out of compliance and, you
9 know, a follow-up on that, so that's one type of
10 corrective action that TDOC can take to ensure
11 compliance of the contract; is that right?

12 A. That's correct.

13 Q. And then you also said that there's
14 liquidated damages, there's a liquidated damages
15 provision that you can exercise to ensure compliance
16 with the contract; is that right?

17 A. Correct.

18 Q. What other tools does TDOC have to ensure
19 compliance of the contract?

20 A. I believe that's about it.

21 Q. Okay. So I want to make sure I
22 understand. So if there was a violation of the
23 contract and you've kind of gone back and forth with
24 the contract monitors and you've gotten to the point
25 of liquidated damages, does the number just keep

1 going up and up until finally, hopefully somebody
2 corrects it or what happens?

3 A. Again, I think we work with the vendor to
4 try to ensure that they come into compliance, right.
5 It's hard to explain that. You may have an issue
6 with say, for instance, a vendor may have an issue
7 with filling a critical post and we -- there's a
8 violation there, there's liquidated damages, could
9 be liquidated damages imposed, but then we work with
10 the vendor. The vendor advises us that they're
11 working to fill positions. They may take some
12 action on their part to be able to hire more people,
13 to bring more people on board, which ultimately
14 corrects the corrective action or meets the
15 corrective action that's been put in place.

16 And at some point, they could have another
17 downswing in employee numbers and that violation
18 could come up again, so we would continue to work
19 with the vendor to try to ensure compliance. I
20 guess that's my explanation for that.

21 Q. What if it doesn't work, what other tools
22 do you have available?

23 A. That's our process. That's -- that's the
24 tools that we have available, the contract monitors,
25 enforcing compliance with the vendor, and working

1 with the vendor on a daily basis to ensure
2 compliance.

3 Q. Is it your understanding that TDOC has a
4 responsibility to ensure that the constitutional
5 rights of prisoners are being protected when they're
6 in TDOC's custody and care?

7 A. Yes.

8 Q. That includes when a prisoner is at any
9 facility within Tennessee; is that right?

10 A. Within Tennessee?

11 Q. Yes, sir.

12 A. Repeat that question, please. I'm sorry.

13 Q. I'll rephrase it. So TDOC's
14 responsibility is to ensure that the constitutional
15 rights of prisoners are being protected, would also
16 includes prisoners that are at Trousdale; is that
17 right?

18 A. That's correct.

19 Q. So if you had a situation where liquidated
20 damages wasn't bringing TDOC in compliance, your
21 position is there's nothing else -- I'm sorry, I'm
22 going to back up and say that again. Your position
23 is that if liquidated damages are not bringing
24 CoreCivic into compliance with some rules violation,
25 something that's going on, that there's not another

1 option for TDOC to come in at that point?

2 A. Well --

3 MR. AUMANN: Objection to form. You can
4 go ahead.

5 THE WITNESS: Ultimately, I mean, I think
6 that, you know, TDOC would come in, we could look at
7 the possible stepping away from the contractor,
8 removal of the contract at some point, yes. That is
9 another option that we would have.

10 BY MS. HERZFELD:

11 Q. Could you take over the facility?

12 A. Well, we could. There's some language in
13 the contract that will allow us to take over the
14 facility or the management of the facility, yes.

15 Q. Has TDOC ever had to do that?

16 A. No, we have not.

17 Q. Has there ever been a conversation that
18 you're aware of that has explored the possibility of
19 TDOC taking over Trousdale?

20 A. No, there has not.

21 Q. What about a partial takeover?

22 A. No.

23 Q. Okay.

24 MR. AUMANN: Object to form. You can go
25 ahead.

1 BY MS. HERZFELD:

2 Q. To your knowledge, has there ever been any
3 conversations about any tools TDOC would have to
4 bring Trousdale into compliance other than
5 liquidated damages?

6 A. None other than what I've already
7 mentioned.

8 Q. So to be clear, I just want to make sure I
9 understand, so vis-à-vis Trousdale, the Trousdale
10 facility and CoreCivic, the only conversations that
11 you're aware of to ensure compliance of the contract
12 has been utilization of the contract monitors and
13 liquidated damages provision of the contract; is
14 that right?

15 A. That and other -- other than the other
16 things that I have mentioned such as, again,
17 providing oversight through our contract monitors,
18 our correctional administrator who oversees those
19 facilities and working with the vendor to ensure
20 compliance. That's it.

21 Q. Okay. You personally ever have any
22 interaction with the contract monitors at Trousdale?

23 A. No. I would say they -- very seldom. I
24 may see them during a site visit or something like
25 that, or I may have conversations with the inspector

1 general for the Department related to secondhand
2 information through the contract vendors for
3 Trousdale and private facilities, but, no, not
4 direct interaction with them on a daily basis or
5 even a weekly basis, no.

6 Q. Do you know what a noncompliance report
7 is?

8 A. Yes.

9 Q. What is it?

10 A. It's a report that the contract monitors
11 complete to put the vendor on notice of a
12 noncompliant issue.

13 Q. Do you review the noncompliance report
14 from Trousdale?

15 A. Not every one, no.

16 Q. Which ones do you review?

17 A. From time to time, I'll see a report for
18 noncompliance. Those are usually directed through
19 the contract monitors, through the IG, and then sent
20 to the vendor for a plan of corrective action and
21 given a period of time for that plan of corrective
22 action to take place. Most of the time, the ones I
23 see end up where there has not been -- the plan of
24 corrective action has failed, there was no action
25 taken or the action did not resolve the issue and

1 liquidated damages would be taken. At that point, I
2 would see a letter that I sign that goes through --
3 to the county for withholding funds for the
4 liquidated damages.

5 Q. Okay. And you had to do that for
6 Trousdale?

7 A. Yes.

8 Q. How many times?

9 A. I don't remember.

10 Q. More than two?

11 A. Yes.

12 Q. Would you say more than a dozen?

13 A. Probably. I'm not sure, though. I would
14 have to go back and look at the documentation to
15 give you an accurate number.

16 Q. Who oversees the contract monitors at
17 Trousdale?

18 A. They are supervised through the compliance
19 office ultimately that lies with the inspector
20 general for the Department.

21 Q. Who does the inspector general for the
22 Department report to?

23 A. He reports to me.

24 Q. Who is the inspector general for the
25 Department?

1 A. Kelly Young.

2 Q. How long has Kelly Young been in that
3 position?

4 A. Since about March or April of last year.

5 Q. Who was in the position before Kelly
6 Young?

7 A. Kelly was the first individual in that
8 position. That IG position was created by me last
9 year. It's a new position for the Department. In
10 prior years, the Office of Investigation and
11 Compliance supervised the contract monitors for the
12 Department.

13 Q. Who would that have been?

14 A. The director of the Office of
15 Investigation and Compliance is Donna Turner.

16 Q. Is Donna Turner still in that position?

17 A. Yes. She is over the law enforcement
18 division. Now it's the Office of Investigation and
19 Conduct. We took the compliance section out --
20 they -- contractor monitors, they work for Kelly
21 Young.

22 Q. Okay. And why --

23 A. Under the supervision of Kelly Young.

24 Q. Why did you create that new position?

25 A. We felt like it was a better fit for the

1 Department to separate the contract monitoring,
2 contract compliance section for the Department and
3 remove it from -- at the time, fiscal services used
4 to supervise contract administration, and we felt
5 like we wanted to separate contract administration
6 from the fiscal division of the Department, so when
7 we created the IG position, which is over contract
8 and contract monitoring, we felt it appropriate to
9 also put those contract monitors for the private
10 prisons under his shop, also.

11 Q. So before you created this new position,
12 did you feel like the contracts were being
13 adequately monitored or was there room for
14 improvement?

15 A. No, I felt like we were monitoring the
16 contracts correctly, but you have to think about,
17 you know, the State of Tennessee, Department of
18 Corrections, I'm talking about other contracts,
19 also. Contracts with -- regarding health services,
20 contracts regarded mental health services, contracts
21 regarding inmate telephone service, things like
22 that. And our premise was to move -- we didn't want
23 the fiscal director or the chief financial officer
24 for the Department who was over the money side of
25 the house also looking at contract compliance and

1 contract administrations as a whole for the
2 Department. So we shifted that and created a new
3 position, and that was also part of the corrective
4 action plan that we put in place as a Department in
5 regards to the comptroller's audit, the latest
6 comptroller's audit.

7 Q. Okay. Have you ever met with the
8 executives at CoreCivic?

9 A. Yes.

10 Q. Which executives?

11 A. Are you talking about meetings since I've
12 been commissioner?

13 Q. Yes, sir.

14 A. I've met with Damon Hunter, I've met with
15 Patrick Swindle, I've met with Jerry Langford, and
16 it could be others. I can't remember to be sure,
17 but that's some of the ones I've met with.

18 Q. Have you met with these individuals in
19 person or over the phone?

20 A. Both.

21 Q. Okay. And where have you met with them?

22 A. Well, at different locations. I've seen
23 these people at conventions, ACA conventions, I've
24 seen them at the facility before when I was on a
25 facility tour. I've seen them there. I've met with

1 them in central office from time to time, so a
2 multitude of places.

3 Q. When you say central office, do you mean
4 TDOC central office?

5 A. Yes. That's correct.

6 Q. Have you been to CoreCivic headquarters
7 here in Nashville?

8 A. No, I have not.

9 Q. Have you ever socialized with any of the
10 individuals that work at CoreCivic?

11 A. Socialized?

12 Q. Yes. Have you gone for a meal?

13 A. Gone for meal at the facility?

14 Q. Have you gone for a meal with any of
15 individuals that you just talked about?

16 A. No, not that I recall. No.

17 Q. Okay. What about a drink?

18 A. Not that I recall, no.

19 Q. A social event like a baseball game or
20 anything like that?

21 A. The only thing, I guess a social event,
22 that could qualify as a social event would be if, in
23 my participation with the correctional leaders
24 association, which is an association of all the
25 state corrections commissioners in the country, I

1 might see them at one of those events from time to
2 time, but, no, not that I can recall ever going to a
3 social event just with one of those individuals from
4 CoreCivic, no.

5 Q. Have you ever been to an event that's been
6 sponsored by CoreCivic?

7 A. I could have. I don't remember a specific
8 event, but when we go to a convention and have an
9 event that, you know, 300 people is at, I don't know
10 that -- I can't say for sure if CoreCivic did or did
11 not in some way sponsor some of those events for the
12 conference. I'm not sure.

13 Q. Do you have the cell phone number of any
14 of the individuals that you just talked about,
15 Mr. Hunter, Swindle or Langford?

16 A. Probably so. I probably have 4 or 500
17 cell phone numbers in my cell phone, so it's very
18 possible.

19 Q. Do you know if you've ever texted any of
20 those individuals?

21 A. Not that I recall.

22 Q. Okay. What about e-mail, have you
23 e-mailed with any executives at CoreCivic?

24 A. More than likely I have, but I don't know.
25 I don't remember any specific incident of e-mailing

1 or texting those individuals.

2 Q. What about Jason Medlin, do you know Jason
3 Medlin?

4 A. I do.

5 Q. Do you have Jason Medlin's cell phone
6 number?

7 A. Yes, I'm sure I do.

8 Q. Have you ever texted with Mr. Medlin?

9 A. Very possible. I text -- back when
10 Jason -- Jason used to be kind of a regional guy
11 over the facilities even back to my time when I was
12 the correctional administrator and Jason come to
13 Tennessee, it's possible that I would have texted
14 with him then, and, you know, I text -- I
15 communicate with so many people, I would have to go
16 back and review the records to be sure, but it's
17 possible I did.

18 Q. How many cell phones do you have?

19 A. I have one.

20 Q. Is that a TDOC issued cell phone or your
21 personal cell phone?

22 A. That's my personal cell phone.

23 Q. And do you from time to time conduct state
24 business on your personal cell phone?

25 A. I do.

1 Q. Do you get paid or reimbursed at all for
2 that cell phone?

3 A. I do not.

4 Q. Do you make it a habit of backing up work
5 information, work communications that you have on
6 that cell phone?

7 A. I do not.

8 Q. Do you know what the document retention
9 policy is for the State of Tennessee?

10 A. I would have to go back and review that.

11 Q. Do you know what the document retention
12 policy is for TDOC, how long?

13 A. I'm not sure.

14 Q. Okay. But I want to make sure I
15 understand it. You don't include communications
16 you've had on your cellular phone and holding onto
17 documents under the document retention policy for
18 TDOC?

19 A. If I have --

20 MR. AUMANN: Objection to form. You can
21 go ahead.

22 THE WITNESS: If I had documents or
23 information on my phone, if there is a request for
24 those, then that would be included in any request
25 for information that I might have.

1 BY MS. HERZFELD:

2 Q. But you don't routinely back it up and
3 save it?

4 A. The account -- just like my e-mails on the
5 phone is the account that I had with the state
6 throughout, so the e-mails on my phone for business
7 is the same Outlook account that I use in my office.

8 Q. But for texting or call logs of whom
9 you've called, those things would not be preserved
10 from your cell phone; is that right?

11 A. I don't take any additional -- any
12 additional activity to back those up, no, I do not.

13 Q. Do you know if there's an auto delete
14 policy or anything on your cell phone?

15 A. I do not.

16 Q. And if you pay the bill yourself, do you
17 know if those bills are logged some place, call
18 logs?

19 A. If they're what? I'm sorry.

20 Q. Do you turn them over to the State to be
21 logged, your call logs?

22 A. No, I do not.

23 Q. Have you ever socialized with Mr. Medlin?

24 A. Define socialize. Again, Jason would be
25 at some of these conventions that I -- we don't

1 socialize on a friendship level, I guess. It's
2 primarily business with the exception of if I see
3 Jason or if I see Patrick at a convention and say
4 hello, they may be in the same room with me at an
5 event, but, no, I do not socialize on a social level
6 really with any of those people that you mentioned.

7 Q. Okay. Great. And have you received
8 anything of value from anyone at CoreCivic?

9 A. No.

10 Q. Is there a policy in place that would
11 prevent you from accepting something of value from
12 someone at CoreCivic?

13 A. Well, it's -- yes, there is a -- I would
14 have to look at the details, but, yeah, it would not
15 be appropriate for me to receive items of value from
16 CoreCivic.

17 Q. Okay. Why is it that that wouldn't be
18 appropriate?

19 A. Because we oversee the contract, we
20 oversee business that we have with those people.

21 Q. And likewise, it wouldn't be appropriate
22 for anyone that reports to you to receive something
23 of value from CoreCivic; is that right?

24 A. Correct.

25 Q. And if you found out that someone that

1 worked for you was receiving something of value from
2 CoreCivic, how would you react to that?

3 A. I would have that investigated, looked
4 into, and we would follow the policies and the laws
5 of the State of Tennessee.

6 Q. Okay. Great. What types of topics have
7 you discussed with executives from CoreCivic?

8 A. Repeat that question, please.

9 Q. You said before that you, you know, spoke
10 with a couple of different executives that you named
11 off at CoreCivic; is that right?

12 A. Yes.

13 Q. What types of things would you talk to
14 them about?

15 A. It would be, you know, corrections in
16 general. I don't remember the specifics of
17 conversations like that. It would be corrections
18 related. You know, we might -- someone might ask
19 about, you know, your family doing okay, yes, you
20 know, things like that, just in general
21 conversation, but it would be primarily, you know,
22 corrections industry type topics, things like that.

23 Q. Nothing of a personal nature other than,
24 how is your family?

25 A. Yeah. No. Correct.

1 Q. Do you know if you have ever spoken to any
2 executives at CoreCivic about the Trousdale
3 facility?

4 A. Did I ever what? I'm sorry.

5 Q. Speak to any executives at CoreCivic about
6 the Trousdale facility?

7 A. It's very possible that we could have
8 mentioned something about Trousdale. I think I
9 would -- it would be natural for me if they had a
10 question, although I don't remember any specific
11 question or conversation, but it would be very
12 common if they, you know, had a question about a
13 facility or if there was a particular issue about
14 one of those private facilities that we could have
15 had a conversation.

16 Q. Okay. Have you ever personally had a
17 conversation with the contract monitors at Trousdale
18 about how things have been going?

19 A. It's possible that I could have over the
20 years, but I don't remember any specific details of
21 a conversation that I would have had.

22 Q. Okay. In general, who have you spoken to
23 about the Trousdale facility?

24 A. Most of my conversations about facility
25 operations would be with the assistant commissioner

1 of prisons for the Department.

2 Q. Who is that?

3 A. Lee Dotson.

4 Q. Do you have an opinion of how things are
5 going at Trousedale?

6 A. I think Trousedale is a very difficult
7 facility to manage. I think that there's been
8 issues at Trousedale. That's obvious by the report,
9 the compliance reports, but I would also say that to
10 be fair that I have issues in the state facilities,
11 also. When you talk about the difficulty of hiring
12 correctional officers and the number of vacancies
13 that we have at the state level. Trousedale has
14 significant challenges, just like I do at some of my
15 state facilities. It's been a difficult, you know,
16 year. I would also say that, you know, at
17 Trousedale, it's still a relatively new facility,
18 even though it's been open since '16, from a
19 correctional practitioner standpoint, it takes
20 several years to establish a facility as an older
21 facility, one that's more settled.

22 We went through some of the same things at
23 Northwest Correctional Complex when we opened it
24 back in the '90s. When you take inmates from across
25 the state and move them, you tend to have more

1 inmate issues, but, again, to answer your question,
2 I think Trousdale has significant challenges that
3 they've been working on.

4 Q. You think Trousdale is safe?

5 A. I think Trousdale is safe. I do. It's
6 just like any correctional environment, it's not a
7 matter of when -- if bad things are going to happen,
8 it's a matter of when, because of the individuals
9 you have inside that facility that have violent
10 histories, that have a tendency for violence that
11 have -- could have mental health issues. All of
12 those things play into the complexities that we deal
13 with in corrections in every state. When you talk
14 about corrections departments, it's really a complex
15 non-forgiving environment, really.

16 Q. You said that the warden at Trousdale was
17 Warden Byrd?

18 A. Yes. I think -- I don't know. I
19 apologize. I'd have to go back and talk to Lee,
20 because I think there's been an administrative
21 change there recently, but I would have to go back
22 and look.

23 Q. How recent?

24 A. I think within the last few weeks.

25 Q. Okay. What was the administrative change?

1 A. It's my understanding, the warden was
2 replaced there, or being replaced, in the process of
3 being replaced. Again, this is conversation that
4 I've had with the AC of prisons that work for me,
5 and I don't remember the detail of the conversation.

6 Q. Do you know why he was being replaced?

7 A. There was a use of force there that was in
8 question and that the warden was directly involved
9 in.

10 Q. He was directly involved in the incident
11 itself?

12 A. It was my understanding that's the case,
13 yes.

14 Q. What was the incident?

15 A. I don't remember the details of the
16 incident. I'd have to go back and review the
17 documents on that.

18 Q. What documents would you review?

19 A. I would review the -- well, when I said
20 documents, I would have to talk to the AC of prisons
21 to get the details and the investigation report.

22 Q. Okay. And do you know if Warden Byrd has
23 been absent from Trousdale for weeks at a time?

24 A. I'm not sure. Again, I would have to talk
25 with the AC of prisons about that.

1 Q. And who was managing the facility when
2 Warden Byrd has been out?

3 A. Again, I would have to talk with the AC of
4 prisons to verify that.

5 Q. You don't have an idea off the top of your
6 head?

7 A. I do not, no.

8 Q. And you knew you were giving a deposition
9 about the Trousdale facility today; is that right?

10 A. That's correct.

11 Q. But you didn't familiarize yourself with
12 that information for your deposition today?

13 A. I did not, no.

14 Q. Warden Byrd, was he a TDOC employee or a
15 CoreCivic employee?

16 A. He was a CoreCivic employee.

17 Q. Did you have any involvement in
18 recommending that he be removed from his position?

19 MR. AUMANN: Objection to form. You can
20 go ahead.

21 THE WITNESS: That would have been a
22 discussion between the AC of prisons, the assistant
23 commissioner of prisons, Lee Dotson and myself, yes.

24 BY MS. HERZFELD:

25 Q. Okay. And what was that discussion?

1 A. That we feel like that there needed to be
2 a leadership change there with Mr. Byrd.

3 Q. Okay. And what was the nature of why you
4 thought there needed to be a leadership change with
5 Mr. Byrd?

6 A. It involved the incident, the use of force
7 incident there at the facility.

8 Q. Did that have to do with someone being
9 pepper sprayed and shot with beanbag rounds?

10 A. That's correct, yes.

11 Q. Were there any other concerns about Warden
12 Byrd or was that the only one?

13 A. Well, that was the primary concern that we
14 had in reviewing the information that we received,
15 but, again, I don't remember the specific details.
16 I'd have to go back and review the incident, the
17 investigation report.

18 Q. Did you have other concerns about Warden
19 Byrd?

20 A. No. Not in particular, no.

21 Q. So you didn't have concerns about other
22 incidents using excessive force?

23 A. No --

24 MR. WELBORN: Object to the form.

25 BY MS. HERZFELD:

1 Q. Did you meet with any executives at
2 CoreCivic about reassigning Warden Byrd?

3 A. No, I did not.

4 Q. What about anyone at CoreCivic, did you
5 talk to anybody at CoreCivic about reassigning
6 Warden Byrd?

7 A. All my conversations that I recall were
8 with my assistant commissioner of prisons.

9 Q. Do you know if your assistant commissioner
10 had any conversations with anyone at CoreCivic about
11 replacing Warden Byrd?

12 A. It's my understanding that Lee Dotson had
13 conversations with some of the supervisors of the
14 warden. Now, I don't know specifically if that
15 would be Jason or Patrick Swindle, but I'm sure he
16 did, yes.

17 Q. Okay. Do you know who is going to be the
18 new warden at Trousedale?

19 A. I would have to -- again, I would have to
20 review the documents and talk to Lee Dotson.

21 MS. HERZFELD: We've been going for about
22 an hour. Let's take a break for about five minutes.

23 (Brief break observed.)

24 BY MS. HERZFELD:

25 Q. Moving on to the religion claims, if

1 you'll look at your screen right in front of you,
2 you should see what is policy number 116.08; do you
3 see that?

4 A. I do.

5 Q. And are you familiar with that policy?

6 A. Somewhat familiar, yes.

7 Q. Is that the policy having to do with
8 religious diet program and feast?

9 A. That's correct.

10 Q. Can you see it on the screen in front of
11 you?

12 A. Yes.

13 Q. Okay. Do you see it has an effective date
14 of January 1st, 2016; is that right?

15 A. That's correct.

16 Q. In the upper left-hand corner, it says
17 approved by, and who is that?

18 A. That would be Derrick Schofield.

19 Q. And who is Derrick Schofield?

20 A. He is the previous commissioner of
21 corrections for the State of Tennessee.

22 Q. And when he approved the policy, are those
23 policies still in place?

24 A. Yes. That policy is still effective. I
25 don't know if it's a new policy or not, but, yes,

1 it's still in place.

2 Q. Okay. And do you know if this is the most
3 up-to-date version of this policy?

4 A. I'll check.

5 Q. Mr. Parker?

6 A. Yes.

7 Q. Are you looking in your computer?

8 A. I am looking at my paperwork. I'm sorry.

9 Q. No. That's okay. It's hard because we're
10 doing these over Zoom, and I'm trying to keep the
11 record to what we've got right in front of you, so
12 maybe I'll back up and withdraw my question and I'm
13 going to ask it again; does that work?

14 A. Sure.

15 Q. Okay. Great. So what I've shown you here
16 on this screen is policy 116.08 with an effective
17 date of January 1, 2016. I'll submit to you that I
18 believe there is an updated version of this policy,
19 but for the purposes of my question, I'm going to
20 stick with this one right here, okay?

21 A. Okay.

22 Q. And you can see it right there?

23 A. Yes.

24 Q. Okay. Very good. If we will scroll down,
25 I don't have -- give me one second here. We can

1 scroll down to Section VI D2. See right there.

2 Section VI, Religious Holiday Feast, Menu Program;
3 do you see where I'm at?

4 A. I do.

5 Q. Then D2. Do you see where it's at number
6 2 right there?

7 A. I do.

8 Q. Okay. Could you read 2 for me, please?

9 A. Says, TDOC will serve a special meal
10 through food service provided to all population for
11 the following feasts to be observed. A, Christian,
12 (Christmas, Easter); and B, Muslim, (Ramadan and the
13 Feast of Abraham).

14 Q. Are you familiar with the Feast of
15 Abraham?

16 A. Somewhat. Not in detail, no.

17 Q. What do you understand it to be?

18 A. Again, it's an observance that the Islamic
19 faith practices for a special meal. I don't know
20 the specifics or the meaning as far as in a
21 religious context.

22 Q. Have you also heard of the Feast of Eid?

23 A. Yes.

24 Q. Do you know that to be the same thing?

25 A. It could be. You know, my recollection of

1 that is the breaking of the fast, being Ramadan. As
2 a warden, there would be a meal for the Muslim or
3 the Islamic faith, people practicing that faith.
4 That's my recollection.

5 Q. And you mentioned Ramadan. Do you know
6 what Ramadan is?

7 A. Yes. Somewhat.

8 Q. What's your understanding?

9 A. I'm sorry?

10 Q. What is your understanding of what is
11 Ramadan?

12 A. Ramadan is usually an observance, if I'm
13 not mistaken, it usually lasts about a month where
14 people of Islamic faith practice a period of fasting
15 and not eating, fasting during a particular time of
16 the day, usually during the day, and then following
17 that, the breaking of the fast or the end meal would
18 be prepared for them as they come out of the holy
19 month of Ramadan to be able to have a meal that's
20 celebrating I guess the breaking of the fast.

21 Q. And going back -- thank you for that. Did
22 I interrupt you? So looking back at number 2 that's
23 on your screen there where it says, through food
24 service provided to all populations. Do you know
25 what that means?

1 A. Yeah. So that -- I would consider that
2 being a special meal that was provided through the
3 food service operation at the facility for the
4 particular meals that are mentioned there in A and
5 B.

6 Q. And who handles food service for
7 Trousdale?

8 A. Trousdale, the facility would be
9 responsible for the food service operations. I'm
10 not for sure if they have a vendor or if they do it
11 themselves.

12 Q. Okay. Who would know the answer to that
13 question?

14 A. People at Trousdale. I'm sure that if I
15 were to ask my contract administrator or the
16 contract monitors, they could tell me, but I'm not
17 familiar especially with who manages and supervises
18 the food service operation.

19 Q. Okay. If you'll look back with me to the
20 screen, if we go back to VI A. We have VI A,
21 religious diet requirements shall be met as follows,
22 see that?

23 A. I do.

24 Q. If you go VI A 2, could you read that for
25 me, please?

1 A. Kosher, Halal, and the House of Yahweh
2 meals shall be provided in accordance with the
3 common fare menu developed by the food service
4 director, TDOC dietician, and in consultation and
5 approval by a qualified religious adviser to ensure
6 adherence to religious requirements and to ensure
7 nutritional adequacy.

8 Q. And do you know what Halal foods are?

9 A. Those primarily are foods that do not
10 contain pork or derivatives of pork or cooked with
11 alcohol, things like that.

12 Q. Okay. Do you know what this policy means
13 by, in accordance with common fare menu. What is
14 common fare menu?

15 A. I don't know. I'm not familiar with that.

16 Q. Okay. This portion of the policy
17 references qualified religious adviser. Who is
18 TDOC's qualified religious adviser?

19 A. So we have a director of religious
20 services that supervises, oversees the religious
21 programs and protocols for the Department who works
22 for the assistant commissioner of rehabilitation for
23 the Department. I also know that in the past, there
24 have been opportunities for the director of
25 religious services to speak to or to consult with

1 outside religious advisers. Say, for instance, an
2 Imam possibly for the Islamic group or things like
3 that, as far as to provide consultation relating to
4 requirements of people practicing the Islamic faith,
5 as well as some other religious affiliations, also.

6 So I don't know specifically who that
7 person would be. That would be a question probably
8 for the director of religious services.

9 Q. So I want to make sure I understood that
10 answer. So there's an opportunity to consult with
11 someone to make sure that the food is in conformance
12 with the Muslim faith. Did I understand your answer
13 right?

14 A. I think the Department of Corrections has
15 the option of seeking information relating to
16 specific religious services as far as the
17 requirements of the tenets of a faith, requirements
18 of that practicing that faith, to consult with
19 outside religious leaders, I would say. The example
20 I would give would be like an Imam or something that
21 would be able to advise the director of religious
22 services and the Department on specific
23 requirements.

24 Q. And do you know if TDOC has consulted with
25 a religious adviser about the Halal foods?

1 A. I do not. I know years ago, we had
2 conversations, I know, and that was a service that
3 was provided years ago, I think when I was AC of
4 prisons, but I'm not sure today if they continue to
5 do that or if they're still using the same
6 regulations and advice that we received back then.

7 Q. Who would know that?

8 A. The director of religious services would
9 be a good one to talk to, or the assistant
10 commissioner of rehabilitation for the Department.

11 Q. And would consulting someone on the
12 religious requirements of a meal be a best practice
13 that TDOC should be adhering to?

14 A. I think the requirements of particular
15 faith groups reaching out to a recognized religious
16 leader is -- would be a best practice to -- if the
17 Department felt like it needed some guidance or
18 direction in particular -- answering particular
19 questions or issues related to the practice of a
20 particular faith group, that that would be something
21 that we would engage in. We've done that before, as
22 I've said, and, yes, I would have no issue with that
23 whatsoever.

24 Q. Do you know what percentage approximately
25 of prisoners in TDOC custody at any given time are

1 Muslim?

2 A. No, I don't know that. I don't know.

3 Q. All right. Would you say each facility
4 that you've ever been involved in has had a
5 population of practicing Muslim prisoners?

6 A. Yes. That would be a fair statement, yes.

7 Q. So it's not like a particularly unusual
8 religion for --

9 A. No, it's not unusual. It's not an unusual
10 religion. It's one that I have found, though, that
11 have in the past been hard to recruit and have
12 certified volunteers that come in and help lead
13 those services. It's been difficult for years to
14 find outside sources and volunteers that were
15 willing to come in and assist the Department with
16 the administration of those services.

17 Q. But we're talking about food services
18 right now, so as far as food goes, it's not like,
19 you know, having to have Halal food is something
20 terribly unusual that you're going to have to find
21 somebody specialized in some strange corner of the
22 country.

23 A. No, I didn't mean --

24 MR. AUMANN: Object to form.

25 BY MS. HERZFELD:

1 Q. So it's a pretty usual and recognized type
2 of food, Halal; is that right?

3 A. Yes. I would say so.

4 Q. Are you familiar with Kosher food?

5 A. Somewhat.

6 Q. What do you understand Kosher food to be?

7 A. Food prepared a particular way, special
8 guidelines. It's usually, if I'm not mistaken, it's
9 associated with Jewish faith, and I don't remember
10 the specifics of the requirements for Kosher meals.

11 Q. Do you know which outside vendors the
12 prisons in Tennessee use for their food services?

13 A. Yes. We use -- the State of Tennessee,
14 Department of Corrections uses Aramark for our food
15 service operation.

16 Q. Do you know if Aramark has Halal foods?

17 A. I believe they do. I believe so. Again,
18 that's -- again, to be absolutely certain, I would
19 ask our AC of prisons and rehab services, but I'm
20 assuming they do, yes.

21 Q. Have you heard of Trinity Food Service?

22 A. I have heard of that, yes.

23 Q. Do you know who they are?

24 A. They're a vendor that provides food
25 service operations.

1 Q. Do you know if they contract with
2 CoreCivic?

3 A. I do not, no.

4 Q. Do you know if TDOC has ever had Muslim
5 individuals or a Muslim cleric look over the menu
6 that Aramark serves for Muslim foods or Halal foods?

7 A. It's possible, but I'm not for sure.

8 Q. Who would know the answer to that?

9 A. Again, the director of religious services
10 for the Department of Corrections or the assistant
11 commissioner of rehabilitation.

12 Q. You'd agree with me who is an observant
13 Muslim, they have a constitutional right to have a
14 Halal meal that is in conformance with their
15 religious observance?

16 MR. AUMANN: Objection to form. You can
17 ahead.

18 MR. WELBORN: Same objection.

19 THE WITNESS: Yes. As far as I'm
20 concerned, yes.

21 BY MS. HERZFELD:

22 Q. Who is responsible at TDOC for ensuring
23 that CoreCivic complies with a Halal menu for a
24 devout Muslim in their care?

25 A. So, again, that is something that is in

1 our policy. The commissioner of the Department of
2 Corrections and the State of Tennessee would be
3 responsible for monitoring compliance with state
4 policy.

5 Q. Okay. And specifically that monitoring of
6 compliance with the policy would be done through the
7 contract monitors of the facility?

8 A. That's correct.

9 Q. Do you know of any other actions that
10 would be taken to ensure that compliance of the
11 contract for foods in conformance of one's religious
12 observance?

13 A. Other than the things that I mentioned
14 earlier with our monitoring inspection process,
15 things like that, addressing any inmate grievances
16 that we may come into contact with. Those would be
17 the primary mechanisms that we would use.

18 Q. Would you say that the majority of
19 prisoners in TDOC are Christian?

20 MR. AUMANN: Objection to form.

21 THE WITNESS: I don't know. That's a
22 question I guess, you know, we would have to poll
23 and it would depend on someone's opinion of what is
24 a Christian, what is not a Christian versus Muslims.
25 I would think that -- again, it would be speculation

1 on my part, but, typically, you would probably have
2 more people participating in Christian activities
3 than would Islamic activities or Jewish activities,
4 whatever.

5 BY MS. HERZFELD:

6 Q. Do you know of any specific diets that
7 followers of the Christian faith follow?

8 A. No. Not any specific diet, no.

9 Q. Have you ever determined that a facility
10 housing TDOC inmates did not offer Halal foods for
11 inmates during the two feasts that we just talked
12 about in this policy?

13 A. Repeat that question, please. I'm sorry.
14 It broke up.

15 Q. Sure. Have you had a circumstance where
16 you've been made aware of a facility that houses
17 TDOC inmates that has not provided the feasts that
18 we just talked about in this policy?

19 A. No, I have not.

20 Q. Okay. And we'll move over to the next
21 policy. And there is Exhibit 2.

22 MS. HERZFELD: Janie, I should have said
23 before that the other one was Exhibit 1.

24 (WHEREUPON, the
25 previously-mentioned document was

1 marked as Exhibit Number 1.)

2 MS. HERZFELD: And this will be Exhibit 2.

3 (WHEREUPON, the

4 previously-mentioned document was

5 marked as Exhibit Number 2.)

6 BY MS. HERZFELD:

7 Q. This is the same policy, 116.08, effective
8 date of September 30, 2019; do you see that, sir?

9 A. I do.

10 Q. This one is approved by -- is that you?

11 A. That's correct.

12 Q. Okay. Great. I'll submit to you that
13 this is the updated policy. See where it says
14 supersedes just to the right? See where I'm at?

15 A. Yes.

16 Q. This one is for religions diet program; is
17 that right?

18 A. That's correct.

19 Q. And the effective date is September 30,
20 2019?

21 A. Yes.

22 Q. Do you know why this policy was updated or
23 what changes were made to it?

24 A. Our policies are reviewed throughout the
25 year and every year. Our policies, we update those

1 on a three-year cycle, so it's not uncommon to have
2 an updated policy. As far as the changes in the
3 policy, I do not know specifically the individual
4 changes from a previous policy to this policy, but
5 it's not uncommon for policies to be upgraded or
6 modified and updated.

7 Q. And if they're updated, are they always
8 modified or sometimes do you just refresh them with
9 a new date with no change?

10 A. Yes. We would reissue a policy with a new
11 effective date that had no changes. That's very
12 possible, too.

13 Q. Do you happen to know if that was the case
14 when this policy was updated?

15 A. I do not know specifically, no.

16 MS. HERZFELD: Next will be Exhibit 3.

17 (WHEREUPON, the
18 previously-mentioned document was
19 marked as Exhibit Number 3.)

20 BY MS. HERZFELD:

21 Q. I'll give you control of the screen so you
22 can take a look at Exhibit 3. Let me know when
23 you've had time. It's a collective exhibit. We've
24 put a couple of things together and made it one
25 exhibit just for ease of use.

1 Mr. Parker, let me know when you have had
2 an opportunity to read them.

3 A. Okay. Thank you.

4 Q. Uh-huh.

5 A. Okay. I've read it.

6 Q. Great. And these memos generally talk
7 about Ramadan guidelines; is that correct?

8 A. That's correct.

9 Q. In looking at the second memo -- we'll
10 take control back over, if that's okay.

11 The second memo is to institutional
12 wardens, chaplains and food service supervisors from
13 Ed Welch, and Bobby Straughter. Do you know who
14 those individuals are?

15 A. I do.

16 Q. Who are they?

17 A. So Ed Welch, at the time was the assistant
18 commissioner of rehab services. Bobby Straughter
19 was the assistant commissioner of operational
20 support for the Department of Corrections. Both of
21 those are Department of Corrections employees.

22 Q. Are they responsible for compliance with
23 religious requirements at the facility?

24 A. Yeah. Ed Welch, at the time, was the AC
25 of rehab services who supervises the religious

1 services programs for the Department.

2 Q. So religious services comes under the
3 rehab services umbrella?

4 A. Yes.

5 Q. Great. Do you see that second memo there
6 that we were just looking at that is dated March 19,
7 2018?

8 A. Yes.

9 Q. Okay. If you see item two in that memo
10 there, I'm pointing to it like you can see it, but
11 you can't. But if you look at number two right
12 there, All food items will be prepared through the
13 food services vendors e.g. Aramark/Trinity at each
14 institution. No outside food items will be allowed
15 from certified volunteers. Did I read that
16 correctly?

17 A. Yes.

18 Q. Do you know if that has always been TDOC
19 policy or if it was new in 2018?

20 A. I'm not sure. I don't know.

21 Q. Okay. When it says, no outside food items
22 will be allowed from certified volunteers, do you
23 know what that means?

24 A. So that would mean that -- my
25 interpretation of that would be that the food

1 service vendor would be preparing the meal and
2 therefore no certified volunteer could bring in
3 anything additional for the meal, or I guess
4 providing meal in lieu of the food service vendor
5 providing a meal.

6 Q. Okay. We will move now to Exhibit Number
7 4.

8 (WHEREUPON, the
9 previously-mentioned document was
10 marked as Exhibit Number 4.)

11 BY MS. HERZFELD:

12 Q. Do you know who Jon Shonebarger is?

13 A. I do not.

14 Q. Have you ever seen this document before,
15 an affidavit from Mr. Shonebarger?

16 A. I have not.

17 Q. If you will turn with me, go down just a
18 little bit. It says here that Mr. Shonebarger, if
19 you look at Number 3, was -- is the chaplain at
20 Trousdale, working for CoreCivic. Does that refresh
21 your memory as to who he might be?

22 A. I don't know him personally. I don't know
23 him in his role as chaplain, but according to this
24 document, it says he's the chaplain there at
25 CoreCivic. I have no reason to doubt that.

1 Q. And you've never had any conversation with
2 Mr. Shonebarger to your knowledge?

3 A. No.

4 Q. If you will go with me to paragraph 8. So
5 Mr. Shonebarger here says, if you'll read along with
6 me, In 2018, TDOC and CoreCivic policy was changed
7 to disallow food items to be brought in by
8 volunteers, period. The change was made in response
9 to complaints of some religious groups, i.e.
10 Christians, receiving more food at feasts due to a
11 higher number of volunteers in the area bringing in
12 food, while other religions, with fewer or no
13 volunteers in the area were not receiving the same
14 amount of extra food. The authorized vendor at TTCC
15 and for all CoreCivic prisons in Tennessee is
16 Trinity. Did I read that correctly?

17 A. Yes.

18 Q. Do you have any knowledge of a change in
19 TDOC or CoreCivic policy to disallow foods being
20 brought in from volunteers?

21 A. No, I do not.

22 Q. Do you know of a time when food was
23 allowed to be brought in by volunteers?

24 A. I would say that years ago. Okay. And I
25 don't remember how long ago, but at the time in west

1 Tennessee, it would make sense to me that if the
2 vendor -- if the food service vendor could not
3 prepare the meal, the appropriate meal for the
4 holiday or whatever the case might be, that we
5 could -- we had the option of using a certified
6 volunteer to provide services to assist for that.

7 But, again, if the vendor, the food
8 service vendor, i.e. for us, would be Aramark. If
9 they would provide the meal, then certainly we would
10 rather have them provide the meal than having a
11 vendor bring it in from the outside.

12 Q. Okay. Do you know how one becomes a
13 certified volunteer?

14 A. Sorry?

15 Q. Do you know how one becomes a certified
16 volunteer?

17 A. There is a process where they apply to be
18 a certified volunteer. There is a background check,
19 there's some requirements that have to be met.
20 They're approved through the director of religious
21 services, the assistant commissioner of rehab
22 services, you know, and the -- we have a policy on
23 that relating to certified volunteers for the
24 Department.

25 Q. And before this time when there was this

1 change in policy, did you have to be a certified
2 volunteer to donate food to the facility or could
3 any volunteer do that?

4 A. I don't remember specifically. In most
5 cases, people who brought in or assisted with these
6 services would have been certified volunteers with
7 the Department.

8 Q. Okay. If you'll look with me at paragraph
9 9. Therefore in 2018, to ensure fairness and equal
10 treatment to all religions, all outside foods were
11 prohibited including religious items provided by
12 volunteers. Did I read that correctly?

13 A. Correct.

14 Q. Do you recall there being complaints from
15 Muslim prisoners that they weren't receiving the
16 same types of -- the same types of meals and foods
17 being donated as Christian prisoners?

18 A. I don't remember any specific complaints
19 related to that. No, I do not.

20 Q. Okay. If you'll go down with me to
21 paragraph 10. Food service and religious staff at
22 TTCC work to ensure that Muslim inmates receive
23 meals during Ramadan before sunrise and after
24 sunset, which do not conflict with their religious
25 requirements. Do you know anything about that?

1 A. I do not.

2 Q. Okay. Number 11. Muslim inmates have
3 available to them Halal food items. Do you have any
4 knowledge about that?

5 MR. AUMANN: Objection to form. You can
6 go ahead.

7 THE WITNESS: No, I mean, that's his
8 statement. I don't know any details about that, no.

9 BY MS. HERZFELD:

10 Q. Do you know if it's true or not at
11 Trousdale?

12 A. I do not.

13 Q. Okay. Number 12, Muslim inmates have
14 available during Ramadan vegetarian options provided
15 before sunrise and after sunset. Did I read that
16 correctly?

17 A. Yes, you did.

18 Q. Do you have any personal knowledge whether
19 or not that's true at Trousdale?

20 A. I do not.

21 Q. Do you know if Halal meals incorporate
22 meat and not just vegetables?

23 A. I do not.

24 Q. Okay. Do you know if TDOC consulted with
25 any religious leaders, elders or Muslims about

1 providing only vegetarian foods to Muslims during
2 Ramadan?

3 A. I do not. Again, it's possible that they
4 could have consulted with resources, but the
5 specifics of that, I would not have knowledge of or
6 I don't have knowledge of.

7 Q. Okay. If you go down to number 13, do you
8 see where it says, All food items must be purchased
9 and provided by authorized vendors. Volunteers
10 cannot bring in outside food. This is a policy
11 which applies equally to all inmates of all
12 religious faiths at TICC. See that?

13 A. I do.

14 Q. Do you know if that's still TDOC's policy?

15 MR. AUMANN: Objection to form. You can
16 go ahead.

17 THE WITNESS: As far as I know, that's
18 still the policy, yes.

19 BY MS. HERZFELD:

20 Q. Okay. Do you know anything about care
21 packages being received at Trousdale?

22 A. Care packages?

23 Q. Yes, sir.

24 A. Define care packages.

25 Q. Do you know if people are allowed to drop

1 off gifts or packages for prisoners at Trousdale?

2 A. Not that I'm aware of.

3 Q. Would it be appropriate if people were
4 allowed to do that?

5 A. So I guess my -- I would have a question
6 for you. I would need you to define what a care
7 package is specifically, what you're referring to as
8 a care package or give me an example.

9 Q. Why don't I back it up. So if someone
10 wanted to drop off literature for each prisoner at
11 Trousdale, is that something that would be okay, to
12 your knowledge?

13 A. Drop off literature?

14 Q. Yes, sir.

15 A. No. Normally people don't come to a
16 facility and just drop off an item for an inmate.
17 That's not -- that would not be appropriate, if
18 that's what you're referring to.

19 Q. Yeah. I think maybe what I'm referring
20 more to is like if there was a group, like if my
21 church wanted to, you know, we've got some prayer
22 material and pamphlets and we're trying to reach
23 more people and my church group wanted to bring by
24 some pamphlets that, you know, talk about the types
25 of prayers that, you know, we would like to engage

1 in with various prisoners and we wanted to drop that
2 off for all prisoners to see if anyone was
3 interested, is that something that that group could
4 communicate with prisoners in the facility through
5 doing that?

6 A. I would have to look at the policies
7 related to that. We would -- again, any kind of
8 request, special requests, things like that, they
9 have to go through the chaplain. The chaplain would
10 have to consult with the warden, the leadership of
11 the facility, and then we have a -- TDOC would have
12 a director of religious services who would filter
13 and review any kind of special request like that.
14 It would be reviewed at that level with the warden
15 and...

16 Q. Okay.

17 A. As well as the leadership for the
18 Department as far as the assistant commissioner of
19 rehab services and the religious services committee,
20 things like that.

21 Q. Okay. What about if I have like a mom's
22 group and my mom's group decided that we were going
23 to make cookies and wanted to give cookies to
24 everyone at the facility. What would be the
25 procedure that, you know, my group of moms, you

1 know, moms who love cookies, could bring cookies to
2 the prison to be distributed to the prisoners?

3 A. That would be a problem there, because
4 you're talking about a food service item that would
5 be coming in that, I'm assuming you're not a
6 certified volunteer, it's just somebody that's going
7 to bring in items that we don't know what is
8 contained in the items, so that would be an issue, a
9 problem.

10 Q. Okay. What if my mom's group wanted to go
11 and buy a bunch of Girl Scout cookies. We've got,
12 you know, 25 boxes of Girl Scout cookies we want to
13 donate to prisoners. Could we just talk to somebody
14 and, you know donate those boxes of cookies?

15 A. That would be unusual. That would be a
16 real unusual request for such, and, again, you know,
17 I've always been, as commissioner, I would say we
18 would look at people who wanted to help inmates or
19 help facility inmate activities, whether it be
20 religious or rehabilitation in nature, to review the
21 intent and also review the security issues that
22 might go along with that particular question.

23 Again, if we're talking about an issue
24 related to religious services, that would have to be
25 filtered through the chaplain, through the warden,

1 through the director of religious services. There's
2 several review processes that would have to take
3 place before anything like that would be approved.

4 Q. Okay. And even if the chaplain or someone
5 approved, say cookies coming in from my Bible study
6 group to give to prisoners, that would seem like
7 that's in conflict with the TDOC policy we just read
8 about that talks about no outside food except
9 through the vendors; is that right?

10 MR. AUMANN: Objection to form.

11 THE WITNESS: Yes, it is.

12 BY MS. HERZFELD:

13 Q. Okay. Do you know what a Khuffain is?

14 A. I'm sorry? (Court reporter asks for
15 clarification.)

16 Q. K-H-U-F-A-I-N [sic]. Do you know what
17 Khuffain is? Have you ever heard of that?

18 A. I do now. I understand it's some type of
19 headdress that males wear, Islamic inmates wear. I
20 found that out in my conversations with the
21 attorneys in looking at the information.

22 MR. AUMANN: Just to interject,
23 Commissioner Parker, again, the attorney-client
24 privilege, just make sure not to reveal the contents
25 of any discussions that you had with your attorneys.

1 BY MS. HERZFELD:

2 Q. Have you -- did you talk about perhaps or
3 have you familiarized yourself at all with a special
4 type of sock that Muslims wear during prayer?

5 A. I saw that in the complaint. I'm not
6 familiar with it.

7 Q. If I submitted to you that the Khuffain
8 would be socks that are worn during prayer, does
9 that sound like in, and this isn't supposed to be
10 like a memory test, does that sound like something
11 you might have heard of?

12 A. Yes.

13 Q. Okay. Great. We'll go ahead and look at
14 the next exhibit, which I think should be Exhibit 5.

15 (WHEREUPON, the
16 previously-mentioned document was
17 marked as Exhibit Number 5.)

18 BY MS. HERZFELD:

19 Q. I will submit to you that this is the TDOC
20 Bates Number 442, and it's Policy number 504.01,
21 with the effective date of November 1st, 2019; do
22 you see that, Mr. Parker?

23 A. I do.

24 Q. What is the subject of this policy?

25 A. Inmate personal property.

1 MR. AUMANN: Can I just interject? I
2 think you said Exhibit 5, but I think this is
3 Exhibit 7 that you've got marked.

4 MS. HERZFELD: I think it's 5. (Court
5 reporter clarifies.)

6 MR. AUMANN: I was looking at the 7 dot
7 PDF. My mistake then. All right.

8 BY MS. HERZFELD:

9 Q. No problem. So the effective date of this
10 policy was November 1st, 2019; is that right?

11 A. Right.

12 Q. And it was approved by you?

13 A. Yes.

14 Q. And if you'll go down with me to Section
15 VI D, and we'll start at the beginning. See where
16 we're at on the screen?

17 A. I do.

18 Q. So it says, By July 1st of each year the
19 commissioner/designee will publish a list of
20 personal property that inmates are permitted to have
21 in their possession. This list may be revised as
22 frequently as needed. All inmates are required to
23 be in compliance with the approved property list.
24 Televisions, radios, tape players, typewriters,
25 stands and musical instruments, et cetera, et

1 cetera.

2 Do you see where I am?

3 A. Yes, I do.

4 Q. And did I read that correctly?

5 A. You did.

6 Q. Do you know how that list of personal
7 property items is developed every year?

8 A. Somewhat. It's generated from a review of
9 the -- in the field, as well as the assistant
10 commissioners for the Department.

11 Q. And do you have any personal involvement
12 in the development of that list?

13 A. No, I do not.

14 Q. We'll move on to the next exhibit, please.

15 (WHEREUPON, the
16 previously-mentioned document was
17 marked as Exhibit Number 6.)

18 BY MS. HERZFELD:

19 Q. Do you recognize this document, sir?

20 A. Yes.

21 Q. What do you know it to be?

22 A. It's a memo that has my name there related
23 to inmate religious property.

24 Q. Okay. And do you see who drafted this
25 memo?

1 A. I'm sorry?

2 Q. Who drafted it, who is the author?

3 A. It's got my name on it. I'm not sure that
4 I drafted it or someone in the assistant
5 commissioners office drafted it.

6 Q. And you approved it. Are those your
7 initials?

8 A. That's my initial, yes.

9 Q. What is the date?

10 A. September 11, 2017.

11 Q. If you will go down with me just a little
12 bit on Page 2, there's a list of items that Muslims
13 are permitted to own. Do you see where we're at?

14 A. Yes.

15 Q. It says that there's a Hijab, two, solid
16 white head covering for female Muslims. Do you see
17 that?

18 A. I do.

19 Q. And then a Kufi, two, solid white, black
20 or gray?

21 A. Yes.

22 Q. Miswak sticks, up to ten sticks. Do you
23 know what Miswak sticks are?

24 A. Vaguely. I don't know specifically what
25 they're used for, but I do recognize that as an item

1 for the Islamic faith group.

2 Q. And plastic prayer beads, one, solid
3 color?

4 A. Yes.

5 Q. And then a prayer rug. Does that sound
6 right?

7 A. That's correct.

8 Q. And then we'll go on to the next document.
9 Exhibit 7.

10 (WHEREUPON, the
11 previously-mentioned document was
12 marked as Exhibit Number 7.)

13 BY MS. HERZFELD:

14 Q. Okay. You see this is a memo dated
15 December 20, 2019 with the subject, Inmate Religious
16 property?

17 A. Yes.

18 Q. And are you -- is this a memo from you?

19 A. It is.

20 Q. Okay. Go down to Page 2. This is for
21 inmate religious property allowed for Muslims. Do
22 you see that?

23 A. I do.

24 Q. Again, here we have the Hijab, Kufi,
25 Miswak sticks, plastic prayer beads and the prayer

1 rug; is that right?

2 A. That's correct.

3 Q. You recognize these as being the same five
4 items that were listed in the last exhibit that we
5 looked at, the 2017 inmate religious property memo?

6 A. Yes.

7 Q. And to your knowledge, since you've been
8 commissioner, are those the only items specific to
9 Muslims that have been allowed per policy?

10 A. That's correct.

11 Q. If you will go with me to the next
12 document, which I think will be Exhibit 8.

13 (WHEREUPON, the
14 previously-mentioned document was
15 marked as Exhibit Number 8.)

16 BY MS. HERZFELD:

17 Q. This is a collective exhibit. Starts with
18 Bates Number CCI000642 and it goes through
19 CCI000658. I'll let you take control so you can
20 take a minute to look through it if you'd like.

21 A. Okay.

22 Q. Have you had an opportunity to review the
23 document?

24 A. I've looked, scanned over it, yes.

25 Q. And would you agree that these are a

1 series of documents dealing with Mr. Pleasant-Bey's
2 requests for religious accommodations?

3 A. Yes.

4 Q. On the very first page, if you look at
5 that very first one, which I think you're on, we're
6 going to take control back over, it's dated
7 12/27/17. Do you see it there in the right-hand
8 corner?

9 A. That's correct.

10 Q. And does this look like a letter from
11 Mr. Pleasant-Bey, who is the plaintiff in this case?

12 A. That's correct.

13 Q. Do you see that the subject says,
14 religious accommodation request submitted?

15 A. Yes.

16 Q. If we scroll down to the page that is
17 Bates Stamp CCI000647, right here, do you see that
18 under, sixth accommodation request, there's a
19 request for Kuffain socks?

20 A. Correct.

21 Q. And Kuffain socks, you've described as
22 leather socks?

23 A. Yes.

24 Q. Do you know anything about those leather
25 socks being utilized during prayer?

1 A. I do not.

2 Q. Do you know if they're utilized any time
3 outside of prayer?

4 A. I do not.

5 Q. All right. Have you been involved in
6 discussions with anyone about whether Muslim inmates
7 should be allowed to own or use Kuffain?

8 A. No.

9 Q. Do you know if Kuffain has ever been
10 permitted at TDOC facilities?

11 A. Not to my knowledge.

12 Q. Okay. You've been with TDOC for how long?

13 A. 38 years.

14 Q. And during that time, you've never known
15 if Kuffain has been permitted for Muslim prisoners?

16 A. That's not familiar. I didn't know what
17 those were, so I'm not familiar with them, but I
18 don't remember those in my time with corrections.

19 Q. Okay. Do you know if TDOC consulted with
20 any religious advisers who are Muslim or specialized
21 in the Muslim faith about the importance of the
22 Kuffain to their faith?

23 A. I don't know if they did or not.

24 Q. Okay. Who would know?

25 A. More than likely the director of religious

1 services at the time would know, possibly.

2 Q. Okay. Do you see that second and third
3 sentence on this page where it states, I was
4 informed that the thin material used to make Kuffain
5 could be used to make gloves to climb over a gate
6 with. Inmates are allowed to wear leather shoes,
7 which could be used to make a more durable pair of
8 gloves; do you see that?

9 A. I do.

10 Q. Do you know anything about this rationale
11 for not permitting Muslim inmates to own or wear
12 Kuffain?

13 MR. AUMANN: Objection to form. You can
14 go ahead.

15 THE WITNESS: I do not know anything
16 specifically about Kuffain socks. I do know that
17 from a security standpoint, you have to be very
18 careful about approving or allowing any type of
19 leather-type material like that that could be used
20 to aid in an escape. To me, and based on my
21 experience in security within the Corrections
22 Department, that it's definitely something that
23 would have to be carefully looked at and considered.

24 BY MS. HERZFELD:

25 Q. And do you know if anyone has ever done

1 that in TDOC?

2 A. In relation specifically to socks?

3 Q. Yes, sir.

4 A. I do not know.

5 Q. If you will take a look with me, we're
6 going to go to the next exhibit, which is Exhibit 9.

7 (WHEREUPON, the
8 previously-mentioned document was
9 marked as Exhibit Number 9.)

10 BY MS. HERZFELD:

11 Q. Can you take a look at this for me,
12 please, sir? Do you recognize this document? You
13 have control so you can move it.

14 A. Okay. This is a document that is
15 published related to inmate personal property, items
16 that inmates are allowed to have within the
17 Department.

18 Q. Okay. That memo is dated November 1,
19 2019; is that right?

20 A. That is right.

21 Q. And the subject is inmate personal
22 property?

23 A. Yes.

24 Q. And the author is Lee Dotson, that's the
25 assistant commissioner of prisons; is that right?

1 A. That's correct.

2 Q. And does he work for you?

3 A. He works for the Department, yes, as the
4 assistant commissioner. Yes.

5 Q. And he reports directly to you?

6 A. He reports directly to me through the
7 chief of staff with the Department, yes.

8 Q. What does this memo describe?

9 A. Describes the personal property that
10 inmates may have in their possession within the
11 Department.

12 Q. Okay.

13 A. Within the -- the amount, also, within a
14 6 cubic foot measurement.

15 Q. Okay. So I'm assuming that someone goes
16 through and there's meetings about what is and what
17 is not permitted?

18 A. Yes. This is another document or another
19 I guess subject that's reviewed from time to time
20 and updated or modified, if necessary.

21 Q. Okay. And the things that are on this
22 list and approved, they are not considered to be
23 security threats; is that right?

24 MR. AUMANN: Object --

25 THE WITNESS: No, unless there is an item

1 that, you know, based on an incident somewhere that
2 we determined to be an issue or security threat.

3 BY MS. HERZFELD:

4 Q. Okay. But I don't think I quite heard
5 your answer before, but generally the stuff that's
6 on this list is not considered to be a security
7 threat if it's permitted in the facility?

8 A. Generally not. That's correct.

9 Q. So if we look at the first item that's
10 listed on this, the first thing that is listed, it
11 says, socks; do you see that?

12 A. I do.

13 Q. And it's actually 12 pairs of socks, any
14 combination of white and gray; do you see that?

15 A. I do.

16 Q. And socks are not considered to be, in
17 general, a security threat?

18 A. Correct.

19 Q. And do you see the second item there, the
20 second item listed says shoes; do you see that?
21 Three pair?

22 A. I do.

23 Q. And within that description, it also talks
24 about leather shoes; is that right?

25 A. That's correct.

1 Q. And they can't have -- inmates can't have
2 leather shoes?

3 A. Correct.

4 Q. And then if you see there in item eight,
5 is a belt; is that right?

6 A. That's correct.

7 Q. Can inmates have leather belts?

8 A. Correct.

9 Q. Okay. Then item number 11, it says
10 billfold; do you see that?

11 A. I do.

12 Q. Can inmates have leather billfolds?

13 A. Yes.

14 Q. Okay. And item 16 says, watch; do you see
15 that?

16 A. I do.

17 Q. Watch and band, it actually says. Can
18 inmates have a leather watch band?

19 A. Yes.

20 Q. I'll go for just a little bit longer, and
21 then we'll take a lunch break. Does that sound
22 okay?

23 A. Sure.

24 Q. Okay. Great. Do you know what the Koran
25 is?

1 A. I do.

2 Q. What is the Koran?

3 A. Koran is a book of -- religious book, a
4 text book that is associated with the Islamic faith
5 that they use in their services for the practice of
6 their faith.

7 Q. Do you know the Koran to be an important
8 text to Muslims?

9 A. Yes.

10 Q. Have you ever become aware of a situation
11 in which inmates at a facility were instructed that
12 they cannot purchase the Koran, could purchase the
13 Bible?

14 A. No.

15 Q. Okay. Did you ever hear about an incident
16 at Trousedale where inmates were instructed that they
17 could not purchase a Koran from Union Supply?

18 A. No.

19 Q. If there was a time inmates at Trousedale
20 were told they could not purchase a Koran from Union
21 Supply but they were still able to purchase a Bible
22 From Union Supply, would that be of concern to you?

23 A. Yes.

24 Q. Would it be a violation of TDOC policy if
25 inmates were not permitted to purchase the Koran but

1 were permitted to purchase the Bible from Union
2 Supply?

3 MR. AUMANN: Objection to form.

4 MR. WELBORN: Same objection.

5 THE WITNESS: I would have serious
6 concern -- I would have serious concern with the
7 fact that if inmates were truly being denied access
8 to the religious text, the Koran, and told they
9 could not have access to it versus having access to
10 the Bible.

11 BY MS. HERZFELD:

12 Q. Okay. So do you know that prisoners can
13 purchase religious texts from Union Supply?

14 A. Correct.

15 Q. And Union Supply is an authorized vendor
16 of TDOC; is that right?

17 A. That's right.

18 Q. And so if someone was told that they could
19 purchase a Bible but they could not purchase a Koran
20 from Union Supply, would that be a violation of TDOC
21 policy?

22 MR. AUMANN: Objection. You can go ahead.

23 THE WITNESS: I would have all kinds of
24 questions related to that. First of all, was the
25 Koran available, and was -- what was the reason why

1 someone could not access or buy the Koran. Assuming
2 both were available and approved items through the
3 vendor, I would certainly want to make sure that the
4 inmate had access to the Koran just like I would for
5 inmates having access to the Bible.

6 BY MS. HERZFELD:

7 Q. Okay. And I understand that, but when you
8 say "access," I'm not sure what you mean.

9 A. Access meaning that they would have the
10 Koran available or they would have -- they could
11 purchase the Koran. So, again, I would expect
12 inmates to have equal access to the Koran and the
13 Bible.

14 Q. So if there was a time when the facility
15 was saying, you can have no access to one of those
16 texts, that would be a violation of TDOC policy; is
17 that right?

18 A. That's correct.

19 Q. Are facilities required to have copies of
20 religious texts in the library and available to
21 inmates through the chaplain?

22 A. You know, I'm not sure if we say a
23 requirement. I do know that they have access in
24 most cases. The chaplain's office would have access
25 to religious texts and certainly it's very common

1 for the chaplains to have extra copies for someone
2 who may not can afford or does not have a copy of a
3 religious text to give to an inmate.

4 Q. Okay. And if chaplains had access to one
5 type of religious text, you'd expect them to get
6 access to all types of religious texts upon request
7 of a prisoner; is that right?

8 MR. AUMANN: Objection. You can go ahead.

9 THE WITNESS: Every effort should be made
10 to provide the inmate with religious texts.

11 BY MS. HERZFELD:

12 Q. And why is that?

13 A. Well, it's important that they have
14 religions texts to practice their faith.

15 Q. Okay. Give me just one minute, please.

16 Okay. I think this is a good time to take
17 a break for lunch. If we could take 45 minutes,
18 come back at 1:00.

19 (Lunch break observed.)

20 BY MS. HERZFELD:

21 Q. Back on the record after a short lunch
22 break.

23 Mr. Parker, do you feel okay to continue
24 testifying?

25 A. Yes.

1 Q. Great. And during your lunch break, did
2 you think at all about the questions and answers
3 that we have gone through in the morning?

4 A. I tried not to, but...

5 Q. Are there any of your answers you would
6 like to change?

7 A. No. Not that I'm aware of, no.

8 Q. Great. So if we could go back to Exhibit
9 Number 7, we're going to put that up on the screen.
10 That's the 2019 inmate religious property memo. Do
11 you see that?

12 A. Yes.

13 Q. Do you see where it says under all inmates
14 on the first page, number 3 states, prayer oil,
15 maximum of 3 ounces, must be kept in the cell at all
16 times, and may not be taken to group gatherings.
17 Did I read that correctly?

18 A. Yes.

19 Q. Then the next section is underlined,
20 prayer, religious oil, can only be purchased from
21 approved TDOC vendors. Oil must remain in the
22 original bottles purchased from approved TDOC
23 vendors. Outside oils from any other vendors are
24 not allowed due to safety, security concerns.
25 Outside oils may not be donated, sent in or brought

1 in by volunteers. Did I read that correctly?

2 A. Yes.

3 Q. Do you know how many TDOC approved vendors
4 there are that sell prayer oil?

5 A. It's my understanding that the vendor that
6 provides the oils are the Union Supply, the contract
7 vendor that we have that provides inmate property.

8 Q. So Union Supply. Do you know if there are
9 any other approved vendors that sell prayer oil?

10 A. Not that I'm aware of.

11 Q. Do you know if there are any other
12 approved vendors to buy anything from TDOC or is
13 Union Supply the only one?

14 A. Union Supply is the only one that I'm
15 aware of.

16 Q. Okay. How does TDOC determine which
17 vendors it approves?

18 A. So through the RFP process, through the
19 State of Tennessee, there is a RFP and vendors can
20 apply and respond to the RFP and that is a
21 coordinated effort between the Department, central
22 procurement office, the State of Tennessee, through
23 the purchasing regulations through the State.

24 Q. Okay. Are you involved at all in that
25 approval process?

1 A. Not directly, no. That is, again, handled
2 through the -- primarily through the office of the
3 rehabilitative services with central procurement,
4 and which is with F&A but the Department of
5 Corrections initiates their RFP, of course, through
6 the service, so to that extent, I would be, I guess.

7 Q. Are you familiar with Union Supply from
8 your time at TDOC?

9 A. Am I familiar with what? I'm sorry. I
10 didn't understand.

11 Q. With Union Supply?

12 A. Yes.

13 Q. Do you know if there is a contract with
14 Union Supply?

15 A. To my understanding, there is.

16 Q. Is that between TDOC and Union Supply?

17 A. Yes.

18 Q. Where can I find a copy of that contract,
19 who would have it?

20 A. Probably the -- Kelly Young, in the Office
21 of Inspector General would have a copy, or CPO would
22 have a copy of it.

23 Q. Okay. Do you know if the contract with
24 Union Supply is exclusive?

25 A. I believe so. I believe it is. Again, I

1 would have to check on that to verify, but I'm
2 pretty sure it is.

3 Q. During your time at TDOC, have you ever
4 known any other company that inmates could purchase
5 items from, other than Union Supply?

6 A. Yes, but it's been years ago. You know,
7 in 38 years, I can remember before Union Supply was
8 here, I can remember back to the time when inmates
9 purchased from other areas of the state or other
10 vendors, but that's been years and years ago.
11 Primarily since I've been the assistant warden or
12 assistant commissioner, Union Supply has had the
13 contract for inmate property for the State.

14 Q. Do you know if Union Supply offers a range
15 of Halal foods?

16 A. I'm not sure.

17 Q. Do you know if they offer any Halal foods?

18 A. I'm not sure.

19 Q. Are you aware that there are specific
20 Muslim vendors that inmates could order from?

21 A. Again, the only one I'm familiar with
22 Union Supply.

23 Q. So in other states or other jurisdictions,
24 you don't know anything about there being specific
25 Muslim vendors?

1 A. I'm sure there could be, but, again, I
2 have no personal knowledge of those.

3 Q. Do you know if there is any Muslim-focused
4 vendors that are approved by TDOC?

5 A. Not that I'm aware of.

6 Q. Are you familiar with a company called
7 Medina?

8 A. I've heard of them.

9 Q. What is Medina?

10 A. I've heard that name associated in the
11 past with inmates, Muslim inmates, and Medina having
12 Islamic-related things, either goods or services,
13 but I don't remember the specifics of it. It's been
14 so long, and I just know in my time in corrections,
15 I've heard that name, that company, associated with
16 Muslim inmates.

17 Q. Okay. Do you know if Medina is a
18 bookstore for Islamic books?

19 A. Could be. I'm not sure.

20 Q. Have you ever heard of something called
21 Halalco?

22 A. No.

23 Q. Okay. Are Muslim women in TDOC custody
24 permitted to wear a Hijab?

25 A. It's -- if it's on the property list, and

1 I believe it is, they would be allowed to do that,
2 yes.

3 Q. If you'll look at that property list here
4 that you have in front of you, it does say, Hijab,
5 two, solid white head covering for female Muslims;
6 is that right?

7 A. That's correct.

8 Q. So are Hijabs considered a security threat
9 in and of themselves?

10 A. Not for the female population there that's
11 allowed to wear those, no.

12 Q. Do you understand that Muslim men also
13 wear certain garments to cover themselves?

14 A. I do.

15 Q. Do you know if it's permitted to have a
16 Muslim study class or pod in TDOC?

17 A. A Muslim study class?

18 Q. Uh-huh.

19 MR. AUMANN: Objection to form. You can
20 go ahead.

21 THE WITNESS: Not that I'm aware of that
22 it's prohibited. It would have to be, I'm
23 assuming -- again, the policy related to those types
24 of activities would have to be followed, but I don't
25 know of anything that prohibits that.

1 BY MS. HERZFELD:

2 Q. Okay. Do you know of any garments that
3 Muslim men are permitted to wear while in TDOC
4 custody?

5 A. The things that's listed in the property
6 list, the items.

7 Q. So that would be the Kufi?

8 A. Yes.

9 Q. Do you see anything else for Muslim men?

10 A. That they would wear?

11 Q. Yes, sir.

12 A. No. That's all I see.

13 Q. Okay. Have you ever been involved in any
14 discussions about what Muslim men can or cannot wear
15 while in TDOC custody?

16 A. None that I recall.

17 Q. Okay. Are you familiar with a group
18 called Men of Valor?

19 A. I am, yes.

20 Q. What do you know Men of Valor to be?

21 A. It's a group of people who -- it's
22 Christian based here in Nashville that have a
23 service, a program, I believe it's at Riverbend, and
24 they provide a reentry program for inmates in the
25 state of Tennessee.

1 Q. Do you know at all about any involvement
2 of Men of Valor at Trousedale?

3 A. They may be. I don't have any, you know,
4 direct knowledge, specific knowledge of that. They
5 very well may have a program there at Trousedale.
6 I'm not sure.

7 Q. Have you ever heard of pod assignments
8 having to do with someone's affiliation with Men of
9 Valor?

10 A. No, I have not.

11 Q. At any facility?

12 A. No.

13 Q. Have you ever heard of housing assignments
14 having to do with someone's affiliation with Men of
15 Valor?

16 A. That would be -- I have not, no.

17 Q. Who would make the decision about housing
18 assignments, who is housed together at a facility?

19 A. That would be the facility warden and the
20 administration at that facility.

21 Q. Okay. You don't get involved at that
22 level?

23 A. No. Not unless -- not unless -- I mean,
24 that's a very complicated question, because you're
25 talking about housing assignments, you know,

1 security classifications could drive housing
2 assignments. Certain programs such as, you know,
3 therapeutic communities, treatment communities that
4 deal with drug and alcohol treatment could drive
5 housing assignments. I'm not familiar with any
6 specific religious program that would drive or
7 mandate a particular housing assignment.

8 Q. So your official title is commissioner of
9 corrections; is that right?

10 A. That's correct.

11 Q. So what is it that you do in your position
12 as commissioner of corrections to ensure that all
13 prisoners are able to exercise their religious
14 freedom?

15 A. Well, the Department of Corrections
16 establishes policies, basically, things that we've
17 been talking about that are published and that we
18 monitor and that we, through our oversight at the
19 State level, adhere to, as well as -- and policies
20 are established based on TCA code, it's established
21 on ACA standards, things like that, and best
22 practices.

23 Q. I guess my question is, you know, beyond
24 having policies and the contract monitors, is there
25 any --

1 A. Hold on one second. The computer behind
2 me is throwing a fit.

3 MS. HERZFELD: We can go off the record a
4 minute.

5 (Off-the-record discussion held.)

6 MS. HERZFELD: Janie, could you read back
7 my last question for me, please.

8 (Requested portion of record read.)

9 BY MS. HERZFELD:

10 Q. Beyond having policies and contract
11 monitors, what else do you do as the commissioner of
12 the Department of Corrections to ensure that
13 prisoner's religious freedoms are being protected?

14 A. Again, monitoring our policy compliance
15 ensuring that we have an infrastructure set up to
16 stay current with law, with regulations, and then
17 ensuring that there is a process of review and of
18 adherence to those policies at both our state
19 facilities as well as our CoreCivic facilities.

20 Q. Have you ever intervened to solve a
21 dispute or complaint about religious accommodations
22 for a prisoner?

23 A. It's possible that I could have through
24 the grievance process or through some other process,
25 but I don't remember any specific occurrence, but

1 it's very possible that I may have.

2 Q. Under the contract, are you able to get
3 liquidated damages for violations of the policy
4 regarding religious freedoms of prisoners?

5 MR. AUMANN: Objection to form. You can
6 go ahead.

7 THE WITNESS: Yes. I mean, any of the
8 requirements of our state policies that CoreCivic
9 are required to adhere to and the things that we
10 inspect at the state level through annual
11 inspections processes, monthly inspection processes,
12 we are able to do that.

13 BY MS. HERZFELD:

14 Q. Okay. And have you ever been -- do you
15 have any knowledge of any time that liquidated
16 damages were sought for violations of the policy
17 having to do with religion?

18 A. I don't have personal knowledge of that.
19 I don't know that it has or has not taken place, but
20 I don't have any personal knowledge of it.

21 Q. Okay. Is the grievance process important
22 to be able to address religious concerns for
23 prisoners?

24 A. Yes.

25 Q. Why is that?

1 A. If the inmates -- obviously, it's an
2 important piece of the process and the function in
3 corrections for inmates to have access to the
4 grievance process to be able to bring forth issues,
5 concerns, related to the operation or things that
6 are allowed or not allowed or their grievances,
7 basically, to the administration or to those that's
8 in charge, whether that be at the warden level or at
9 the state level.

10 Q. Tell me everything that you do in your
11 position as commissioner of corrections to oversee
12 the director of religious services.

13 A. Well, through the organizational chart, so
14 you have the commissioner at the top of the chart,
15 then you have your -- the people who work under the
16 commissioner's authority. We have 6,400 staff that
17 works in this department, and you have assistant
18 commissioners, you have deputy commissioners, you
19 have directors, so at that director level, the
20 director of religious services, they work directly
21 for the assistant commissioner of rehab services who
22 answers directly to the chief of staff and
23 through -- up through the commissioners, so we have
24 processes in place where, you know, we work
25 together. They work under my authority as

1 commissioner through the Department.

2 Q. So if I understood that correctly, you
3 supervise someone who directly supervises someone
4 who directly supervises the director of religious
5 services; is that right?

6 A. That's correct.

7 Q. Okay. So would you ever have any personal
8 involvement with overseeing the director of
9 religious services?

10 A. No, not normally. I would not, no.

11 Q. Have you ever known about any time that
12 the director of religious services position has been
13 reprimanded?

14 A. No.

15 Q. What about any concerns with performance
16 for the director of religious services, whoever it
17 may be?

18 A. None that I can remember or aware of.

19 Q. Have you ever heard about anybody making a
20 determination or having a concern that TDOC was not
21 providing enough oversight concerning religious
22 accommodations for prisoners?

23 A. No.

24 Q. Has there ever been any lawsuit that
25 you're aware of having to do with religious services

1 finding TDOC at fault?

2 A. Not that I'm aware of or that I can
3 remember.

4 Q. Do you know if TDOC has ever settled a
5 case for religious accommodations with any prisoners
6 through your tenure?

7 A. I don't know. Not that I'm aware of or
8 that I can remember.

9 Q. Okay. I'm going to show you the next
10 document, which is Exhibit 1.

11 MS. HERZFELD: This is TDOC 000324, is the
12 beginning page. It's policy 501.01 dated May 1,
13 2018.

14 (WHEREUPON, the
15 previously-mentioned document was
16 marked as Exhibit Number 10.)

17 BY MS. HERZFELD:

18 Q. Do you see that?

19 A. I do.

20 Q. Did you approve of this policy?

21 A. Yes.

22 Q. And the subject of this policy -- can you
23 see the subject matter of this policy?

24 A. Inmate grievance procedures, I'm sorry.

25 Q. That's okay. What is your role in inmate

1 grievance procedures?

2 A. My role is limited, other than we have --
3 I have a designee that reviews inmate grievances at
4 the final appeal stage for the Department.

5 Q. Who is that designee?

6 A. It's the assistant commissioner of prisons
7 is who does that, in that shop.

8 Q. Who is that person?

9 A. Lee Dotson.

10 Q. Lee Dotson. Do you agree that grievances
11 are an important part of the process in managing
12 prisons?

13 A. Yes.

14 Q. Why is it important to have effective
15 grievance procedures for prisoners?

16 A. Again, it gives the inmate population a
17 way to formally bring forth complaints or concerns
18 related to their -- to all things related to their
19 being in facilities as well as services provided or
20 not provided.

21 Q. Can you think of any risks that would
22 occur if you didn't have an effective grievance
23 procedure, what problems that could cause?

24 A. Yeah, I mean, grievances are an
25 established standard in corrections, best practice.

1 That is recognized through ACA standards, as well as
2 other standards. I mean, inmate grievance
3 procedures have been around a long time.

4 Q. If you didn't have them, what kind of
5 problems do you think that might cause?

6 A. Well, it would obviously cause serious
7 issues with the population where there is not a
8 formal mechanism for inmates to bring concern, as
9 well as a review of a process to try to resolve
10 issues at the lowest level and to make sure that,
11 you know, there is an appeal process, where it's not
12 only always just one opinion. It's reviewed at
13 different levels to ensure that the most appropriate
14 response is provided for inmate grievances.

15 Q. Would you say that the inmate grievance
16 procedure allows you to kind of have a window, eyes
17 and ears as to what's going on in that facility?

18 A. Somewhat, yes.

19 Q. And if you didn't have an effective
20 grievance process, would you be concerned that
21 there's perhaps violations going on in a facility
22 that you wouldn't know about up in Nashville?

23 MR. AUMANN: Objection. Form. You can go
24 ahead.

25 THE WITNESS: So, again, the inmate

1 grievance process and procedures are critical to
2 TDOC, to any state corrections agency. Inmate
3 grievance procedures, the inmate grievance process
4 had to be in place for the operation of a
5 corrections department.

6 BY MS. HERZFELD:

7 Q. And have you reviewed at all the
8 compliance of the appropriate grievance procedure
9 for Trousdale since you've been commissioner?

10 A. I'm sorry. Repeat the first part of that?

11 Q. Sure. Have you reviewed at all
12 Trousdale's compliance with TDOC grievance
13 procedures since you've been commissioner of TDOC?

14 A. I have not specifically, no.

15 Q. Have you had any conversations with anyone
16 about noncompliance of appropriate grievance
17 procedures at Trousdale?

18 A. I have not.

19 Q. If someone told you that a facility's
20 grievance process had never been in compliance with
21 TDOC policies, would that concern you?

22 A. It would.

23 Q. So if someone told you that Trousdale's
24 grievance policies and procedures have never been in
25 compliance with TDOC policies for grievances, would

1 that be concerning to you?

2 MR. AUMANN: Object to the form.

3 BY MS. HERZFELD:

4 Q. What would you do if you received such
5 information in response?

6 A. I would go to the compliance section of
7 the Department, the IG department and speak to him
8 about the process to find out why and for what
9 reason or what area they're not in compliance,
10 regardless, if it was a state facility or a
11 CoreCivic facility.

12 Q. Would you consider that to be a serious
13 concern?

14 A. Yes. Again, it would be a concern, and I
15 would want to know the specifics of the grievance
16 issue and why they were not in compliance and what
17 area they were not in compliance with.

18 Q. Okay. If you'll take a look back at the
19 screen. If you look under definition, on Page 1,
20 see there's an explanation of calendar days there?

21 A. Yes.

22 Q. Do you see that it refers to a triggering
23 event in that explanation?

24 A. Yes.

25 Q. What is a triggering event?

1 A. So the triggering event would be the issue
2 at hand or the allegation made for a particular time
3 and place and date.

4 Q. What if the grievance is something that is
5 broken, do you have seven days to grieve it from the
6 date that it broke, or would it be seven days from
7 the date that you discovered it? How would the
8 triggering event come into play there?

9 MR. AUMANN: Objection. Form. You can go
10 ahead.

11 THE WITNESS: So I think that -- let me
12 read this.

13 BY MS. HERZFELD:

14 Q. Sure. Take your time.

15 A. So the triggering event would be the date
16 the event occurred or whatever the issue occurred
17 on. Did that answer your question?

18 Q. Sort of. So say an inmate is saying, hey,
19 this shower is broken, I want to grieve the fact
20 that the shower is broken. What would be the
21 triggering event day to make it appropriate for a
22 grievance?

23 A. So the day that the inmate knew that the
24 shower was broken, then whatever -- he would -- I'm
25 assuming he would file a grievance that day or the

1 next day, that would be the triggering event.

2 Q. Okay. Very good.

3 A. He couldn't wait a month, two months,
4 and -- to address the issue, you know.

5 Q. Okay. So it would be when he discovers
6 it, not necessarily when it broke?

7 A. Yes.

8 Q. Okay. If you look at Page 2, look at
9 Section VI, C1, do you see the grievance review
10 process described there?

11 MR. AUMANN: Tricia, could you share that
12 exhibit in the chat for us?

13 MS. HERZFELD: Sure.

14 THE WITNESS: I see the first level, the
15 grievance review process, yes.

16 BY MS. HERZFELD:

17 Q. Do you see the second paragraph on Page 3?
18 It states, All copies of the form must be legible
19 and intact. Grievance forms which are improperly
20 completed or contain insufficient information for
21 processing shall be returned to the inmate with
22 instructions as to proper completion. It should not
23 be logged as received, which starts the deadline
24 times running until the corrected version is
25 submitted; do you see that?

1 A. I do.

2 Q. What does that last sentence mean?

3 A. So the time limit should not be held
4 against the offender, you should send it back and
5 the individual should have an opportunity to
6 resubmit the corrected version.

7 Q. To make sure that it's correct?

8 A. Yes.

9 Q. Okay. And where are grievances logged at?

10 A. They are logged usually with the grievance
11 chair in their office, the grievance chairperson,
12 when they come in, and also in -- I believe they're
13 logged in the computer system, also.

14 Q. In the computer system, you mean TOMIS?

15 A. Yes.

16 Q. And why are grievances logged, why does
17 that practice occur?

18 A. Well, to keep track of them, to keep a
19 perpetual record of the grievance.

20 Q. And why is that important?

21 A. It's important to maintain the integrity
22 of the process and to record the grievances.

23 Q. Why is it important to log the grievances?
24 Is it important from a TDOC standpoint?

25 A. Well, again, to properly track the

1 grievance in regard to policy requirements for time
2 lines, whether it's a five-day turnaround or a
3 seven-day response or a 30-day response time.
4 Tracking the grievances at each level and the dates
5 are important to maintain that process.

6 Q. Does that help to keep the facility
7 accountable to answer any complaints that are coming
8 in from prisoners?

9 A. Yes, somewhat. But, again, for the
10 grievance process, it's laid out, there's timelines
11 and deadlines associated with the filing of
12 grievances of the response to grievances. It's
13 critical that you have a way to track, to log and to
14 track the grievance as it goes through the process.

15 Q. And why are those timelines critical,
16 tracking those timelines?

17 A. Just like I just said, if you're following
18 the policy in relation to the timelines and the
19 requirements of timelines for the policy, you want
20 to make sure that you have an accurate record of
21 when the forms are received, how long did it take to
22 get a response from the initial grievance, what was
23 the response time for the hearing, things like that.

24 Q. And that would be for a bunch of reasons,
25 right, because that's the policy, you need to follow

1 it, right?

2 A. Yes.

3 Q. And also because prisoners have to go
4 through a certain grievance procedure for certain
5 claims if they're going to file a lawsuit; is that
6 right?

7 A. Yes. That is the grievance process that
8 they follow, yes.

9 Q. So if you will continue looking at this
10 paragraph here, it states that if a grievance is
11 improperly completed, contains insufficient
12 information, the grievance is returned with the
13 inmate with instructions to complete the grievance;
14 is that right? Hand it back, redo it, give it back
15 to us.

16 A. Correct.

17 Q. Are you aware of any instances in which a
18 prisoner has submitted an incomplete grievance but
19 the grievance has not been returned to the prisoner
20 with instructions to complete it?

21 A. No.

22 Q. Is failure to return a grievance to the
23 prisoner with instructions as to proper completion a
24 violation of TDOC policy?

25 A. Yes.

1 Q. If you turn with me to Page 4, look at
2 item 6, paragraph H, matters inappropriate to the
3 grievance procedure; do you see where I'm at?

4 A. I do.

5 Q. Then listed under section H, there's a
6 list of items that are inappropriate for the
7 grievance process; is that right?

8 A. That's right.

9 Q. I want to explore that a little bit so I
10 can understand what's grievable and what's not,
11 okay? Are safety concerns appropriate for the
12 grievance process?

13 A. I'm sorry, would you ask that again?

14 Q. Sure. Are safety concerns appropriate for
15 the grievance process?

16 A. Yes.

17 Q. Okay. What about concerns about level of
18 staffing, is that appropriate for the grievance
19 process?

20 A. Yes. I would think so, yes.

21 Q. Do you see here that it mentions
22 inappropriate grievance notification, number CR
23 3689?

24 A. I do.

25 Q. What is that?

1 A. That's a document that is used for
2 notification of an inappropriate grievance.

3 Q. We'll go to the next exhibit, which I
4 think should now be Exhibit 11.

5 (WHEREUPON, the
6 previously-mentioned document was
7 marked as Exhibit Number 11.)

8 BY MS. HERZFELD:

9 Q. It's marked TDOC 000438, title, Tennessee
10 Department of Corrections, inappropriate grievance
11 notification. Did I read that correctly?

12 A. Yes.

13 Q. Do you recognize this document?

14 A. I do.

15 Q. Is that the inappropriate grievance
16 notification that was referenced in the previous
17 exhibit?

18 A. Yes.

19 Q. So when we were speaking earlier, we
20 talked about the fact that insufficiently complete
21 grievances are not logged; that's right, right?

22 A. Correct.

23 Q. How about grievances that are considered
24 inappropriate for the grievance process, are those
25 logged somewhere?

1 A. Again, I would have to review the policy,
2 but I'm thinking that they are brought in and they
3 could be logged and flagged as inappropriate and
4 this response would go back to the offender making
5 them aware that's it's not appropriate. Again, I
6 would have to go back and look at the policy
7 specifically.

8 Q. So let's go back to the previous exhibit
9 and take a look at that policy. I'll give you
10 control so you can take a look at it, and maybe you
11 could direct me to where, if anywhere, it talks
12 about logging inappropriate grievances.

13 A. Well, now that I think about it, an inmate
14 grievance -- a grievance that's inappropriate for
15 the process, I don't know that it would be
16 considered grievance, but let me look at this and
17 see.

18 Q. Take your time.

19 A. I don't see where it says that they're to
20 be logged, so I'm assuming not then. With the
21 notification that's sent back to the inmate, it may
22 be that they're not required to be logged. I'm not
23 sure.

24 Q. Okay. So when you say you're not sure if
25 they're required to be logged, you don't know if

1 they'd be required to be logged with the grievance
2 coordinator or entered into TOMIS; is that right?

3 A. That's correct.

4 Q. Do you know if an inmate can appeal the
5 decision if they get something saying it's an
6 inappropriate grievance, inappropriate subject
7 matter for a grievance, if they can appeal that?

8 A. Yes, I believe they can.

9 Q. Okay. And do you know if they have to
10 appeal it, are they required to?

11 A. No, I don't think they are required to.

12 MR. AUMANN: Objection.

13 THE WITNESS: And I answer that question
14 based on, you know, what I can remember as -- from
15 being a warden and answering or looking at
16 grievances that had previously been determined to be
17 inappropriate for the grievance process. I know I
18 used to review those from the grievance chairperson
19 just to make sure that I agreed with their
20 determination.

21 BY MS. HERZFELD:

22 Q. Okay. Do you know how a prisoner would
23 appeal a notification of an inappropriate grievance?

24 A. I don't recall. I do -- like I said, I do
25 remember in the past reviewing those to ensure that

1 the chairperson's designation of an inappropriate
2 grievance was correct, but I can't remember the
3 details of the procedure.

4 Q. Okay. This is the grievance policy that
5 you have in front of you; is that right?

6 A. Correct.

7 Q. Could you take a look at it again and tell
8 me if it tells you how it is that one would appeal a
9 designation that something is an inappropriate
10 grievance?

11 A. So it says that if the chairperson
12 determines a matter to be non-grievable, the
13 grievant may appeal that decision as outlined in
14 handbook TDOC inmate grievance procedures.

15 Q. Are you familiar with that handbook?

16 A. Somewhat.

17 Q. Before we get to the handbook, while we're
18 still on the matter of this policy, do you know if a
19 prisoner were to appeal a notification of
20 inappropriate grievance, if that appeal is required
21 to be logged somewhere?

22 A. I'm not sure.

23 Q. I'll let you take some time to look at
24 this policy and you can let me know if it indicates
25 in here whether there's a requirement that an appeal

1 of a notification of non-grievable is required to be
2 logged anywhere. Take your time.

3 A. I don't see anything.

4 Q. Okay. Let me know when you're done and
5 we'll take over the screen again.

6 A. You can take it back over.

7 Q. So next I'll show you what I think is
8 Exhibit 12.

9 (WHEREUPON, the
10 previously-mentioned document was
11 marked as Exhibit Number 12.)

12 BY MS. HERZFELD:

13 Q. This document is titled TDOC inmate
14 grievance procedures. Have you seen this document
15 before?

16 A. It's possible that I have, yes.

17 Q. Do you recognize this as being the inmate
18 grievance procedures handbook?

19 A. Yes.

20 Q. I'll go ahead and let you take over the
21 screen and take a look at that and perhaps you can
22 tell me if it says anywhere in this handbook if or
23 how one would go about appealing a notification that
24 something is not grievable. You can take your time.

25 A. Again, I would say that I don't see

1 where -- anything that addresses specifically the
2 appeal process for how it's logged for a grievance
3 that's determined to be inappropriate for the
4 grievance process. And I would want to check
5 further, I guess with -- to get clarification where
6 when it says, all grievances are logged, if that
7 included even those that were determined to be
8 inappropriate, so I don't know. I'm not sure about
9 that.

10 Q. Okay. But I guess that's my question
11 because you're the commissioner of the Department of
12 Corrections, and we've read through these, so, I
13 mean, my question is, if something is rejected for
14 being inappropriate to grieve, I think your
15 testimony before was you didn't see a requirement
16 that it be logged. So my question is, does the
17 Department log those or does it not?

18 A. I don't know.

19 Q. And appeal of denial of a grievance
20 because it was inappropriate to grieve, I'm assuming
21 you don't know if those are required to be logged or
22 not either?

23 A. Correct. I would have to talk and check
24 with some people and look at some more documents.

25 Q. Okay. What about whether or not an appeal

1 of a notification that a grievance is inappropriate
2 to grieve, if that is required to exhaust someone's
3 administrative remedies; do you know the answer to
4 that?

5 A. I'm assuming that items that have been
6 identified as inappropriate for the grievance
7 process, once the form, the notification has been
8 returned to the inmate, again, I'm not sure that
9 there's any other review of that decision.

10 Q. Okay. So I want to make sure -- I guess I
11 didn't really quite understand your answer there.
12 So I'm trying to figure out, in looking at this TDOC
13 policy and inmate grievance handbook, if someone
14 gets a grievance returned that says this is
15 inappropriate to grieve, is there a required
16 additional process in order to exhaust that issue?

17 MR. AUMANN: Objection to form.

18 THE WITNESS: I don't see anything that is
19 written here that I've seen today that would
20 indicate so.

21 BY MS. HERZFELD:

22 Q. Okay. Great. Thanks so much. Have you
23 ever heard any complaints specifically about the
24 grievance process at Trousedale?

25 A. No, I have not.

1 Q. Do you ever speak to prisoners directly in
2 your role as commissioner of Department Of
3 Corrections?

4 A. I do.

5 Q. Okay. In what context?

6 A. During visits at the facilities primarily
7 now.

8 Q. Okay. How often would you say that you're
9 in contact with prisoners directly in speaking with
10 them?

11 A. Well, over the last year, it's been very
12 seldom, because our visits and our contact in the
13 facilities have been somewhat limited with COVID.
14 But on a normal year, normal basis, I usually try to
15 get out once or twice, three times maybe, and visit
16 the facilities in the state.

17 Q. Have you ever heard any prisoners talking
18 about how their grievances aren't answered?

19 A. I have heard complaints from my -- again,
20 38 years in corrections, it's -- I have heard
21 complaints about an inmate who was dissatisfied with
22 a grievance decision. You know, that's a common --
23 one of the common things I used to hear as a warden
24 from time to time but nothing specifically that I
25 can recall in relation to Trousdale, as far as

1 inmate grievances.

2 Q. Okay. Is part of your position as
3 commissioner of TDOC, are you involved in audits
4 from time to time?

5 A. My involvement in the audit process is to
6 ensure that we have a process of audit for
7 compliance through the IG's office and that that is
8 an ongoing process. That pretty much extends my
9 participation in the audit process, other than the
10 review of any types of appeals that I might see or
11 that we may have final say so as a Department
12 regarding liquidated damages.

13 Q. And explain to me what you mean by an
14 audit that would have to deal with liquidated
15 damages. I think I probably just don't understand
16 that. Could you explain it to me?

17 A. Again, when you say "audit," I'm talking
18 about an annual inspection process or the ongoing
19 audit process that our compliance people at the
20 CoreCivic facilities do with any vendor, not just
21 CoreCivic, but with our food service vendors or
22 others, where there's an issue of noncompliance
23 that's found during the audit and the issue of
24 noncompliance may not have been resolved and there
25 would be a need or a requirement for liquidated

1 damages.

2 Q. Okay. And you said there's annual audits,
3 is that for certification?

4 A. No. We have an annual inspection process
5 for policy that we do in the Department of
6 Corrections, but, again, compliance, audit
7 compliance is an ongoing process with our vendors
8 that we have contracts with.

9 Q. Okay. I'm going to show you what I think
10 we've marked as Exhibit 12. (Court reporter
11 clarifies.)

12 (WHEREUPON, the
13 previously-mentioned document was
14 marked as Exhibit Number 13.)

15 (Off-the-record discussion held.)

16 BY MS. HERZFELD:

17 Q. So back on the record. Mr. Parker, do you
18 see this document TDOC003537?

19 A. I do.

20 Q. The document that we have in front of you
21 as Exhibit 13?

22 A. Yes.

23 Q. Do you see that the date is August 3,
24 2020?

25 A. Yes.

1 Q. The subject says TTCC compliance audit
2 final summary. Do you see where I'm at?

3 A. I do.

4 Q. Do you know TTCC to be an abbreviation for
5 Trousdale Correctional Facility?

6 A. That's correct.

7 Q. This is a compliance audit final summary.
8 Have you seen this document before?

9 A. Yes.

10 Q. And is this the type of audit you were
11 talking about, the periodic audit compliance
12 contract?

13 A. Yes. If you could go down, this appears
14 to be the compliance -- the annual compliance audit.
15 I would have to look further to see to be sure.

16 Q. I think we've given you control of the
17 document, so you can go ahead and take a look, move
18 it along.

19 A. This would be the annual inspection
20 process.

21 Q. Okay. If you will go with me to the page
22 that's marked TDOC003540, so it's just a couple more
23 down for you. That one. Go down just a little bit
24 further. Right there. See where it says,
25 administration VI title 6, item 5?

1 A. Yes.

2 Q. Then it says Title VI, grievance, TOMIS
3 entries. Do you see that?

4 A. Yes.

5 Q. Then it says issue of the Title VI
6 grievances reviewed, eight grievances filed between
7 June 26, 2019 and September 27, 2019 did not receive
8 a response. Five grievances filed between August 8,
9 2019 and October 3, 2019 were responded to on
10 November 6, 2019. Did I read that correctly?

11 A. Yes.

12 Q. And why is that a violation?

13 A. Because it violates the time period in the
14 TDOC grievance process for a response to a
15 grievance.

16 Q. Is it concerning that eight grievances
17 filed during that period did not receive a response
18 at all?

19 A. Yes.

20 Q. Then it says corrective action plan. Now,
21 who would be involved in putting together the
22 recommendation for the corrected action plan?

23 A. The facility leadership and the people at
24 Trousedale.

25 Q. When you say the people at Trousedale, does

1 that include the contract monitors?

2 A. Primarily, it would be the facility's
3 responsibility to state what the plan of corrective
4 action would be, and they could have discussions
5 with the contract monitors on-site. They could be
6 involved in that, but primarily the corrective
7 action plan, the responsibility for that lies with
8 the vendor.

9 Q. And so I want to make sure I understand
10 how this process works. So they come up with a
11 corrective action plan and then do they submit that
12 to someone at TDOC for approval?

13 A. Yeah. They submit that to the compliance
14 section for the approval.

15 Q. Would that approval happen in writing?

16 A. Yes.

17 Q. Do you know what that document would be
18 called?

19 A. I do not. It may be memo form, but
20 usually the corrective action plan is stated, as
21 well as our review of their corrective action plan
22 for compliance.

23 Q. And do you know who has input in approving
24 a proposed corrective action plan by CoreCivic?

25 A. I don't know that -- it would be the

1 compliance section of the Department. And when you
2 say the approving, again, approval of the corrective
3 action plan, you know, that's really a question I
4 would want to talk with the IG about in relation --
5 if approving is the right word to use there. I know
6 the corrective action plan is submitted and we
7 review that corrective action plan and then check
8 for compliance with the corrective action plan, so,
9 again, it's a little bit out of my lane on that.

10 Q. So I guess that's what I'm trying to
11 figure out is if it's -- I think maybe it could be
12 one or two ways or maybe a third, but I don't
13 understand. So you say, hey, there's a violation,
14 here's the violation that's been found, CoreCivic
15 then says here's our proposed corrective action
16 plan. You, as you're sitting here today, you don't
17 know if somebody says, okay, that looks like a good
18 plan, go forward with it and we'll monitor
19 compliance.

20 A. No. Let me give you an example of what
21 I'm talking about. So I can give you an example of
22 where we would say this corrective action plan is
23 not appropriate. Let me just give you an example.
24 Let's say for instance we had a violation of count
25 procedures or something like that and the corrective

1 plan submitted, you know, was not timely. Obviously
2 we would reject that with the understanding that the
3 corrective action plan submitted is not timely;
4 therefore, you know, there would have to be a
5 modification in that plan.

6 Q. Okay. And so I think what I'm taking then
7 from your answer is that if a proposed corrective
8 action plan is submitted by CoreCivic, TDOC has the
9 ability to reject that proposed corrective action
10 plan; is that right?

11 A. Yes. I believe so, yes.

12 Q. Okay. So then the next step that TDOC
13 would take is, would you have someone whose
14 responsibility it would be to ensure that the
15 corrective action plan is being adhered to?

16 MR. AUMANN: Objection. You can go ahead.

17 THE WITNESS: Our compliance monitors at
18 the facility with oversight of that corrective
19 action plan.

20 BY MS. HERZFELD:

21 Q. Would they have to make some sort of
22 regular reports to say, you know, hey, Trousdale
23 has, for example, four different items that they're
24 on a corrective action plan for and here is my
25 periodic update as to their progress on working on

1 this corrective action plan?

2 A. Yes. The progress and the monitoring of
3 the corrective action plan would be documented.

4 Q. Okay. And that would be by the contract
5 monitors?

6 A. Yes. In the compliance section, yes.

7 Q. And if I wanted to know how much input
8 TDOC has in the development of a corrective action
9 plan, who would I ask?

10 A. That would be a conversation with the
11 individuals in the IG's office over compliance.

12 Q. Okay. When you gave me an example before
13 of a time when TDOC could say, hey, this plan isn't
14 going to work because there's a timeliness issue,
15 for example, outside of something like timeliness,
16 would TDOC ever have input into a proposed
17 corrective action plan at a more substantive level,
18 like, we don't think your plan is really going to
19 work to remedy the issue, or we think your plan
20 needs to be a little bit more aggressive, because,
21 you know, we don't think this is going to get to the
22 heart of the problem as quickly as it needs to be.
23 Does TDOC get involved more at that level?

24 A. Well, obviously, I think -- yes. We
25 would -- if there was discussion with the contractor

1 and the -- I'm sorry, with the people on-site
2 monitoring compliance, it's very possible there
3 could be a discussion about a proposed corrective
4 action plan. That's not something that would be,
5 certainly not prohibited.

6 Q. Okay. But it's possible, right?

7 A. Yes.

8 Q. So if I really wanted to know the very
9 specifics about corrective action plans and
10 compliance with a contract at a particular facility,
11 is it your testimony that the contract monitors
12 assigned to that facility would be in the best
13 position to provide that information?

14 A. Well, I think that the -- yes. The people
15 who are on-site monitoring the activities at the
16 facility could speak to the corrective actions and
17 the adherence to a corrective action plan, yes.

18 Q. Is there anyone else that you think would,
19 you know, in the latter that would have a better
20 position than the contract monitors on-site to make
21 that determination?

22 A. Well, other than, you know, people
23 on-site, the correctional administrator who works
24 for the State that's over those facilities, the
25 administration at the facility, as well as the

1 people in the inspector general's office for the
2 Department.

3 Q. And did the auditors that conduct these,
4 are they TDOC employees?

5 A. Primarily, yes, they are. They're TDOC
6 employees who travel that conduct these audits
7 across the state. Let me look at the list here.
8 Yes, these are primarily TDOC employees for the
9 Department.

10 Q. Okay. So they are in your department,
11 they're in TDOC?

12 A. Yes.

13 Q. Okay. Do you know what is a compliance
14 audit preliminary report?

15 A. Can you show me a copy of one?

16 Q. I don't know that I have one. Do you know
17 what a preliminary report is as opposed to a final?

18 A. I believe the preliminary report is the
19 initial report that lists the items. Then there is
20 a process of discussion and an appeal for any
21 findings, and then we follow back up with a
22 secondary inspection to check for corrective
23 actions, items, and then there's a final report
24 listed.

25 Q. Okay. So I want to make sure I

1 understand. So it sounds like they're kind of
2 giving more of a -- that CoreCivic would be given
3 more of an informal warning of, hey, there's an
4 issue here, you have the opportunity to correct it
5 before that final report were to come down?

6 A. No, I wouldn't say that. I think that
7 would not be accurate. We have the inspection,
8 which produces the report and the issues of
9 noncompliance based on the findings from the audit
10 team. If there is a disagreement about an
11 interpretation of a policy or process, if I'm not
12 mistaken, there is a time, and this would apply to
13 any facility, not just CoreCivic, any correctional
14 facility, as well as our probation and parole
15 division, there would be an opportunity for a
16 rebuttal regarding a finding, and then that could be
17 adjusted.

18 Now, what I'm not for sure about is if
19 that's in the preliminary or the final report, but,
20 again, that's a question that the IG's office could
21 certainly better answer than I can.

22 Q. Okay. Great. Do you know what a critical
23 response form is?

24 A. That's a response to a critical finding at
25 the facility.

1 Q. Okay. What is a critical finding?

2 A. Critical finding is one of those findings
3 that has been labeled as critical by the Department
4 as a serious violation that needs to be corrected as
5 soon as possible.

6 Q. Okay. I'm going to hand you what is --
7 I'm going to show you on the screen what we're going
8 to mark as Exhibit 14. This is labeled TDOC002955.

9 (WHEREUPON, the
10 previously-mentioned document was
11 marked as Exhibit Number 14.)

12 BY MS. HERZFELD:

13 Q. It's dated 12/30/2020. Did I read that
14 correctly?

15 A. That's correct.

16 Q. This looks like it's from a TDOC auditor,
17 Zachary Pounds; is that correct?

18 A. That's correct.

19 Q. Do you know who Mr. Pounds is?

20 A. I'm somewhat familiar with Mr. Pounds,
21 yes.

22 Q. I'm sorry, that's to Mr. Pounds, and it's
23 from the Raymond Byrd, who was the warden at
24 Trousdale at the time; is that right?

25 A. Yes.

1 Q. The subject says, critical response form.
2 Yes?

3 A. Yes.

4 Q. Okay. So is this what you were talking
5 about when we were talking about critical response
6 from earlier?

7 A. This looks like a response from the warden
8 to the auditor division related to a critical
9 finding.

10 Q. Okay. So let's go down and look and see
11 what that critical audit finding was. Do you see
12 the subject of the critical finding?

13 A. Yes.

14 Q. What is it?

15 A. Grievance procedures.

16 Q. Okay. What does it say the issue is?

17 A. Supervisors' response not being completed
18 within the required time frame of seven working
19 days.

20 Q. So that would be an example of a critical
21 finding in an audit and then this would be
22 CoreCivic, the warden's response to that proposed
23 corrective action?

24 A. Yes.

25 Q. Okay. And in this one it says that the

1 proposed corrective action during the January 20,
2 2021 operations meetings and the department head
3 meeting, the assistant warden of operations, chief
4 of security or designee will reeducate shift
5 supervisors and department heads on grievance
6 procedures and the importance of timely response.
7 All training will be documented in the meeting
8 minutes and on a 4-2A training activity attendance
9 roster. Did I read that correctly?

10 A. That's correct.

11 Q. Do you know if TDOC had any input into
12 this plan of corrective action?

13 A. I do not know.

14 Q. Do you know if that is an acceptable plan
15 of corrective action?

16 A. I would have to confer with the audit team
17 related to the specific finding in the plan of
18 corrective action.

19 Q. Then it looks like it goes further.
20 Starting the week of January 4, 2021, grievance
21 responses will be due back to the grievance
22 coordinator within 48 hours. The grievance
23 coordinator will notify the assistant warden of
24 operations of any grievances that she has not
25 received a response to within that time frame. The

1 assistant warden of operations will follow up with
2 the responsible supervisors to ensure responses are
3 completed and returned to the grievance coordinator
4 promptly. Further noncompliance will result in
5 additional training, counseling, and/or disciplinary
6 action that's appropriate. Did I read that
7 correctly?

8 A. Yes.

9 Q. Do you know if Trousdale has complied with
10 its plan of corrective action regarding grievance
11 procedures as outlined in this document?

12 A. I do not. I would have to check with the
13 IG's office to make what determination.

14 Q. And if they had not complied with their
15 plan of corrective action, what would happen next?

16 A. Well, if the plan of corrective action has
17 not been followed and adhered to, then the -- there
18 would be a noncompliance report filed and the
19 possibility of liquidated damages could occur.

20 Q. Okay. And I wanted to find out
21 information on where that's happened, where would I
22 look?

23 A. The office of investigator -- I'm sorry,
24 inspector general with the Department.

25 Q. Okay. Then in talking about something

1 like noncompliance for grievances, which we
2 discussed earlier where we were talking about
3 grievances, we talked about how incredibly important
4 they are, right?

5 A. Correct.

6 Q. And that's important from a facility
7 standpoint so you can document what's going on and
8 make sure that you have the appropriate
9 documentation of concerns of the prisoners; is that
10 right?

11 A. Correct.

12 Q. That's for the protection of the facility
13 but also for the good working order at the facility?
14 Yes, sir?

15 A. I'm sorry, I didn't hear you.

16 Q. That is -- you know, we had discussed
17 before that's so that the facility can continue
18 working in good order; is that right?

19 A. Well, it's an important process just like
20 I said before, to ensure that inmates have an avenue
21 to express their concerns, any problems that they
22 associate with their stay there, as well as if they
23 observe where, you know, policy may not be followed,
24 if they have an avenue to express their concerns and
25 grievances to the leadership of the facility. So,

1 yes, it is important. It's critical.

2 Q. And it's important for the prisoner, too,
3 if they're trying to get help for a particular
4 issue, right?

5 A. Correct.

6 Q. And that would be their primary avenue to
7 try to get help for that issue, is by going through
8 the grievance process; is that right?

9 A. I'd say yes. The grievance process would
10 be one avenue. There's other avenues, whether it's
11 talking to staff or -- there's a lot of ways for
12 inmates to express an issue or make a request, but
13 the grievance process is certainly an important
14 process for the inmates to use to document
15 grievances or bring forth issues to the
16 administration of the facility.

17 Q. And that's the formal process that's in
18 place for them to do that?

19 A. Yes.

20 Q. So I guess my question is, when you do a
21 plan on corrective action on something like
22 grievances not being returned and those deadlines
23 not being followed, and if, you know, that
24 corrective action plan works or it doesn't, you know
25 you just said that what you can get is liquidated

1 damages, and I guess my question is, what happens to
2 those prisoners' grievances that weren't responded
3 to?

4 MR. WELBORN: Object to the form.

5 MR. AUMANN: Same objection. You can
6 answer.

7 THE WITNESS: Again, that would be a
8 question that I would want to ask the warden and
9 administration of that staff. First of all, why it
10 was not being followed at the beginning, why the
11 policy was not being adhered to, and then as far as
12 the corrective action, assuming that it had been
13 addressed, what procedures were in place to ensure
14 that it does not happen going forward or that we
15 don't have a policy violation going forward.

16 BY MS. HERZFELD:

17 Q. And I understand that from like a policy
18 perspective, making sure that the policy is being
19 followed or has been remedied if there was a problem
20 in the past. But my question is very specific for
21 the very specific grievances that were not taken
22 care of according to policy. What is done to those
23 individuals whose grievance were not followed or
24 responded to?

25 A. What do you mean when you say, what is

1 done to those individuals?

2 Q. Well, so, I mean, as you know, a prisoner
3 has to go through a grievance process in order to
4 exhaust, to file a lawsuit in court for example,
5 right?

6 A. Right.

7 Q. So if, you know, I'm Prisoner Jane Doe and
8 I have filed a grievance with Trousdale, and it's
9 one of those grievances that have been identified by
10 this inspection report that says it wasn't responded
11 to, what happens to Jane Doe's grievance?

12 A. Well, there should be follow-up. The
13 facility should follow up if they know that someone
14 filed a grievance and the process was not followed,
15 that there should be follow-up at the facility level
16 with that individual to address the grievance at
17 hand or to address the issue at hand.

18 Q. Because you're trying to fix not only the
19 systemic problem but also to correct any law in the
20 process for an individual; is that right?

21 A. Yes. You're trying to address and
22 evaluate the complaint or whatever the issue is that
23 the inmate brings forward.

24 Q. And where would I find documentation of
25 the corrective action that's taken towards each

1 inmate whose grievance wasn't processed
2 appropriately at Trousdale in this circumstance, for
3 example?

4 A. I don't know that the policy directly
5 adheres to that. I would start with the warden of
6 the facility and the leadership of the facility
7 level to see what was done in relation to follow-up
8 with the inmate.

9 Q. And in this circumstance, it looks like
10 this is from Warden Byrd; is that right?

11 A. That's correct.

12 Q. Warden Byrd is no longer the warden at
13 Trousdale?

14 A. Correct.

15 Q. Okay. Do you know if at any point TDOC
16 would stop trying to work with CoreCivic on a
17 noncompliance issue, like at some point, you just
18 say forget it, we'll just take the liquidated
19 damages and move on?

20 A. No. We would not settle for that. At the
21 end of the day, we continue -- liquidated damages
22 are assessed, but that in itself would never totally
23 satisfy the issue of a noncompliance finding. We
24 would continue to work and try to resolve or help in
25 any way we could resolve the issue for

1 noncompliance. And we would expect the same, we
2 would expect the issue to be resolved by the vendor.

3 Q. So with liquidated damages, where do those
4 go?

5 A. Could you be more specific in your
6 question? I'm sorry.

7 Q. Sure. So we've gotten to the point where
8 you've assessed liquidated damages pursuant to the
9 contract at CoreCivic, and that money is taken from
10 CoreCivic back to TDOC, I'm assuming; is that right?

11 A. That money -- well, the monies are
12 withheld from the payment to the county, so that
13 money goes -- stays in the general fund or with the
14 Department of Corrections.

15 Q. Okay. So the money doesn't go from one to
16 the other and then back again, it's just you kind of
17 take a deduction of your next payment; is that
18 right?

19 A. Yes.

20 Q. What about any of those liquidated damages
21 would go to help the actual prisoner whose issue
22 might have caused the noncompliance?

23 A. What's your question? When you say what
24 about it, what do you mean?

25 Q. I think I understand that the liquidated

1 damages are, you know, to get the contractor into
2 compliance, that's the purpose of liquidated
3 damages, yes?

4 A. Yes. It's a sanction that we use or part
5 of the process where we withhold funds, but as far
6 as turning around and providing those funds to the
7 inmate, is that your question?

8 Q. No, it's not. I'm just trying to figure
9 out what happens to the inmate if these policies are
10 not being followed, the contract is not being
11 followed, that has an impact on the inmate, right?

12 MR. WELBORN: Object to the form.

13 THE WITNESS: It could, yes, depending on
14 the argument or the issue at hand, yes, it could
15 have an effect on the inmate.

16 BY MS. HERZFELD:

17 Q. So I guess I'm trying to figure out what
18 remedy an inmate would have at that point.

19 A. I think the inmate has the remedy of why
20 we're here today. I mean, a lawsuit or legal action
21 or the grievance process or whatever the case may
22 be.

23 Q. Right. But then if part of the issue for
24 noncompliance with the grievance process isn't
25 working appropriately, doesn't that kind of put an

1 inmate in a catch 22?

2 MR. AUMANN: Objection. Form.

3 MR. WELBORN: Object to form.

4 THE WITNESS: Well, again, yes, it would
5 in a particular incident. I think it would be
6 difficult, it would be problematic when the process
7 was not followed or the policy was not followed, it
8 would be problematic. But, begin, I think we would
9 look for a systemic issue as it relates to
10 grievances or any other violation, and there is
11 things you have to consider in evaluating those.
12 But I understand your point, but, yes, it could have
13 a negative effect on the offender and his ability to
14 seek action, I guess.

15 BY MS. HERZFELD:

16 Q. What types of circumstances would it take
17 for TDOC to come in and take over a facility from a
18 contractor? At what level does it have to get to
19 before you would consider exercising that option?

20 MR. AUMANN: Objection. Form.

21 MR. WELBORN: Object to form.

22 THE WITNESS: That's a very complicated
23 question and consideration. That would have to be,
24 in my opinion as commissioner and my personal
25 opinion, I guess, professional opinion, a serious

1 systemic lack of leadership and multiple, multiple
2 violations of life safety issues at a facility for
3 that to happen, for us to -- for me to step in and
4 say, I want to call a contract breach and take the
5 necessary steps to look at taking over a
6 correctional facility.

7 BY MS. HERZFELD:

8 Q. I mean, does TDOC really even have the
9 ability to do that? The employees at a particular
10 facility wouldn't be your employees, right? I mean,
11 practically, how would one come in and take over a
12 facility?

13 MR. AUMANN: Object to the form.

14 THE WITNESS: There's processes in place
15 where we would have to look at a resumption of
16 control plan where obviously I would have to be in
17 conversations with other individuals at the
18 governor's level, at the legislative level, within
19 State government, with the vendor, and we would look
20 at the process of how funds would be made available
21 for the State of Tennessee to take over a facility
22 and resume -- or assume the management and control
23 of that facility and inmates. It would be very
24 complicated.

25 BY MS. HERZFELD:

1 Q. Sounds like a pretty long process, it
2 couldn't happen very quickly?

3 A. Well, I don't know exactly how long it
4 would take. I think that -- you know, there's
5 multiple people at play here. You've got the people
6 I just mentioned along with F&A budget and others
7 that would have to be in this discussion and the
8 time it would be take to get agreements in place,
9 understandings in place and written procedures in
10 place to take over the facility. It would not
11 happen overnight probably.

12 Q. And have you ever been involved in any
13 conversation where anyone at the state level has
14 indicated, you know, thought process for taking over
15 Trousdale or any other contracted facilities in the
16 state?

17 A. No. Other than the, you know, plans that
18 we would have in place for the South Central
19 facility, the facility that we own there in Clifton,
20 business resumption plans, things like that, but,
21 no, I have not.

22 Q. Okay. Did anybody ever mention any
23 concerns about CoreCivic continuing to monitor the
24 Trousdale facility after the comptroller's audit?
25 Were you involved in any conversations about that?

1 MR. AUMANN: Objection.

2 THE WITNESS: You know, I've had --
3 there's been complaints from some of the
4 legislators, some concerns. I said complaints, I
5 guess the work concerns would be a better way to
6 describe that from some of the lawmakers, questions
7 for me as commissioner related to staffing issues,
8 things like that. One of the things I always try to
9 do is look at the issues that any facility is having
10 and compare those with what we're seeing statewide,
11 as well as what we're seeing across the nation when
12 it comes to particular issues. Whether that be, you
13 know, inmate suicides or staffing shortages or
14 mental health issues, whatever the case may be.

15 And, you know, when you look at a state
16 like Tennessee, I know one of -- you know the first
17 comptroller's audit that I was involved with as
18 commissioner, the issue of staffing come up, and at
19 the time, the State, we were -- the economy was very
20 good. It's still very good, and it makes it hard to
21 hire people, not just at CoreCivic, but at every
22 state prison within Tennessee as well as in other
23 states.

24 So you have to consider those things when
25 you look at the issue at hand or whatever the

1 noncompliant issue may be. So all of those things
2 have to be weighed when you're looking at issues of
3 noncompliance.

4 MS. HERZFELD: Okay. Let's go off the
5 record and take a five-minute break.

6 (Brief break observed.)

7 BY MS. HERZFELD:

8 Q. Okay. Back on the record. Commissioner
9 Parker, are you familiar with the comptroller of the
10 treasury audit for TDOC facilities?

11 A. Yes.

12 Q. What role, if any, do you have in the
13 audits?

14 A. I have -- other than being the
15 commissioner of the Department and as far as the
16 audit process itself, I have very little control in
17 regard to the audit itself.

18 Q. Do you have meetings with anyone while
19 it's going on, or do you meet with the auditors,
20 review papers, or you kind of get it when it's
21 finished and then start meetings too --

22 A. Well, my team meets from time to time with
23 the auditors from the comptroller's office, and, you
24 know, throughout that process, depending on how long
25 they're with us, we could be briefed maybe once or

1 twice regarding -- I don't know that I would call it
2 briefing so much as sometimes questions, needing for
3 them to ask questions or clarifications about
4 certain things. But, usually, we are notified of a
5 draft report that's sent to us once the audit is
6 complete and the decisions are being made regarding
7 the final report from the comptroller's office.

8 Q. And who is in charge of that process, is
9 it the comptroller himself?

10 A. The comptroller and his auditors. He has
11 different people over different sections of his
12 office that oversee audits of state and local
13 governments and others.

14 Q. And if you'll -- we'll put Exhibit 15 on
15 the screen.

16 (WHEREUPON, the
17 previously-mentioned document was
18 marked as Exhibit Number 15.)

19 BY MS. HERZFELD:

20 Q. Exhibit 15, and I'll let you go ahead and
21 take control of it. Do you recognize this document?

22 A. Yes.

23 Q. What is it?

24 A. Hold on. I'm trying to get this -- it's
25 the performance audit. I can't get it to move. I

1 don't know if I have control of it or not. There we
2 go.

3 Dated November 2017, comptroller's
4 performance audit of the Department of Corrections.

5 Q. Do you know this as being the first
6 comptroller's audit regarding Trousdale or the
7 second comptroller's audit regarding Trousdale?

8 A. I believe this is the first audit that I
9 remember where Trousdale was specifically mentioned
10 in the audit.

11 Q. And you were commissioner in November of
12 2017?

13 A. Yes.

14 Q. And you're familiar with this report?

15 A. Yes.

16 Q. If you will go with me to Page 4 of the
17 report where it says audit highlights. There you
18 go. That contains a list of findings. Do you see
19 the first one right there? Says Trousdale Turner
20 Correctional Center and Whiteville Correctional
21 Facility managed by CoreCivic operate with fewer
22 than approved correctional officer staff, did not
23 have all staffing rosters, did not follow staffing
24 pattern guidelines and one left critical post
25 unstaffed. Did you see that?

1 A. Yes.

2 Q. Is your understanding that that was the
3 conclusion from the -- one of the conclusions from
4 the first audit by the comptroller?

5 A. That's correct.

6 Q. Ad then it goes on to say, shortages in
7 correctional officer staff may have prevented two
8 CoreCivic facilities, Trousdale Turner Correctional
9 Center and Whiteville Correctional Facility from
10 meeting staffing obligations, and may have limited
11 their ability to effectively manage the inmate
12 populations assigned to them. Did I read that
13 correctly?

14 A. Yes.

15 Q. Correctional officer staffing was often
16 less than operationally planned and Trousdale Turner
17 had unstaffed critical posts on several days. Both
18 facilities have rosters that did not match state --
19 approved staffing patterns and both facilities were
20 consistency short staffed. Did I read that
21 correctly?

22 A. That's correct.

23 Q. Do you consider that to be a serious
24 deficiency in those two facilities?

25 MR. AUMANN: Objection to form. You can

1 go ahead.

2 THE WITNESS: The deficiency stated there,
3 yes, any time you cannot cover all critical posts,
4 it is serious. I remember the nuances of some of
5 these findings, and this finding in particular, that
6 we addressed at the time of our corrective action,
7 and -- but, yes, to answer your question, I would
8 consider that a finding that I would consider
9 serious, yes.

10 BY MS. HERZFELD:

11 Q. What types of problems based on your
12 experience of over 30 years in corrections can come
13 from not having adequate staffing in a correctional
14 facility?

15 A. Again, having the staff available to
16 effectively manage a facility is important, is
17 critical. Do staffing shortages happen from time to
18 time? Yes, they do. Are there processes in place
19 to address staffing shortages or a vacancy? Yes.
20 There are processes in place where you either reduce
21 or move posts that may be identified as being a
22 critical post and stop the activity in a particular
23 area and move officers from one post to another to
24 cover critical posts. That's a common practice that
25 you would see in corrections.

1 But, you know, you want to make sure all
2 your critical posts are covered. Obviously, when
3 you have inmates in areas that need to be
4 supervised, you want to make sure you have the
5 staffing in place to supervise those offenders.

6 Q. And that's a safety issues, because as you
7 said before, there's, you know, violent and
8 dangerous criminals that are being housed at
9 facilities like Trousdale; is that right?

10 MR. AUMANN: Object to the form.

11 MR. WELBORN: Same objection.

12 THE WITNESS: Yeah, there are inmates that
13 obviously have violent tendencies at all of our
14 facilities across the state, so, yes, it's important
15 to have critical posts covered.

16 BY MS. HERZFELD:

17 Q. And that's a safety issue?

18 A. It could be, yes.

19 Q. Do you know if CoreCivic has ever been in
20 compliance with critical staffing requirements as
21 Trousdale?

22 MR. AUMANN: Objection to form. You can
23 go ahead.

24 MR. WELBORN: Same objection.

25 THE WITNESS: Yes. I think there's been

1 times when obviously that all their critical posts
2 were covered at the facility.

3 BY MS. HERZFELD:

4 Q. Do you know when those times were?

5 A. I don't have it written down. I do
6 remember periods of time when the staffing at
7 Trousdale was probably -- when you look at
8 vacancies, was some of the lowest we had in the
9 state, but I don't remember the specific time frame
10 for those periods.

11 Q. Do you know if you've ever had all
12 critical posts covered at Trousdale on a monthly
13 basis at any time during the past three years?

14 A. I'm not sure. I would have to go back and
15 look at compliance reports, again, with the IG's
16 office, so I would have to look at that.

17 Q. If you had a facility like CoreCivic that
18 was consistently unable -- CoreCivic at Trousdale,
19 that was consistently unable to meet staffing of
20 critical posts, would that be a significant safety
21 concern for you as commissioner of corrections for
22 the State?

23 A. It would be a concern with me, yes, just
24 like it is a concern with some of my state
25 facilities where we're having issues with the

1 staffing. If we had areas that could not be staffed
2 or we were running short of staff, I would want to
3 know what processes or what's being done, what
4 issues or what things are being addressed to
5 mitigate some of the issues that follow a shortage
6 of staff.

7 So in other words, are you shutting down,
8 closing particular housing units, are you
9 temporarily postponing activities in a particular
10 area where you do not have a staff member to cover a
11 particular post, things like that. How those posts
12 are being covered would be of importance to me to
13 know what's been going on, or what kind of processes
14 you're putting in place to help mitigate the risk.

15 Q. And what of those types of plans, if any,
16 have been put in place at Trousdale over the past
17 three years in response to a lack of critical post
18 coverage?

19 A. I'm not aware of any specific ones, other
20 than the fact that I do know in this particular
21 audit, there was some posts that were identified as
22 critical posts. And I'll give you an example, one
23 had to do with one of the gate officers, I believe,
24 and the issue was never considered that during a
25 particular point or a particular time during a

1 24-hour period, there was no inmate movement in that
2 area, so that officer was moved from that post to
3 cover another post. That's an example of a
4 situation where there was an action taken to
5 mitigate the risk for that area or for another area
6 where a post needed to be covered. So you shifted
7 your population or your staffing assignments to
8 another area to cover a critical post and this post
9 may have been left uncovered, but you have to
10 consider there was no inmate activity in that area
11 at the time.

12 Same thing would apply to your sally port.
13 Once your sally port area is closed after 4:00, it
14 may be a critical post up until that time, but after
15 that period of time, it's certainly appropriate to
16 move staff from that post and use them in a
17 different location during that work site.

18 Q. Are you saying that some critical posts
19 aren't always critical posts?

20 A. That's correct.

21 Q. Where could I find those notes of what is
22 sometimes, not always a critical post but sometimes
23 a critical post? Where would I find that written
24 down?

25 A. Usually that's identified in the staffing

1 assignment schedules and the rosters for the
2 facility that -- I'll give you an example. Could be
3 designated with an asterisk and it -- just like for
4 example, the example I gave you where if you had a
5 visitation, visitation would be considered a
6 critical post when visitation was ongoing. If
7 visitation is not in process on a particular day,
8 even though visitation may be listed on a roster,
9 it's not a critical post because you don't have
10 visitation occurring that day.

11 So, again, those would be found with the
12 post assignment schedules for the facilities.

13 Q. So who would make the determination that a
14 critical post isn't really a critical post that day,
15 who would be responsible for that?

16 A. That would be a determination made at the
17 facility with oversight from the assistant
18 commissioner of prisons for the Department of
19 Corrections.

20 Q. Okay. So to use your example that
21 visitation may be a critical post when there's
22 visitors there, but it's not a critical post when
23 there's not, is that not provided for in the
24 definitions of what's a critical post under the
25 contract?

1 A. I'm not sure about that. I know the
2 contract requires that the post assignments be
3 submitted. It would also require that those posts
4 that are critical versus non-critical be identified,
5 and it would also -- it would include the
6 designation of any post that might be critical when
7 inmate activity was going on in a particular area.

8 But, again, that's something I would have
9 to look at or we would find with the assistant
10 commissioner of prisons here at the Department of
11 Corrections.

12 Q. So the assistant commissioner of prisons
13 in connection with somebody at the facility would
14 make a determination to reclassify something from a
15 non-critical post to a critical post and a critical
16 post to a non-critical post? Do I understand you
17 correctly?

18 MR. WELBORN: Object to the form.

19 MR. AUMANN: Same objection.

20 THE WITNESS: Again, it would be
21 identified on the staffing rosters, the staffing
22 assignments, security staffing assignments.

23 BY MS. HERZFELD:

24 Q. Okay. Let's move on to the second
25 finding. See the second finding there? CoreCivic

1 staffing reports for two facilities, Trousdale
2 Turner Correctional Center and Hardeman County
3 Correctional Center continues numerous errors, so
4 information about hires, terminations and vacancies
5 may not be reliable. Did I read that correctly?

6 A. Yes.

7 Q. And we were just talking about how you're
8 directing me to specific staffing rosters and
9 reports about what is critical, what was filled and
10 what was not; is not right?

11 A. Correct.

12 Q. So I guess if those are not reliable, what
13 other things could we look at to know what posts
14 were filled and what posts were not?

15 MR. AUMANN: Object to the form.

16 MR. AUMANN: You can go ahead.

17 THE WITNESS: Again, the staffing reports
18 that's referenced here, I believe are the staffing
19 reports at the facility that contained the names of
20 officers assigned to a particular post each day. It
21 gets really confusing because there is staffing
22 reports and rosters that's submitted to TDOC from
23 CoreCivic that list all of the posts. If I'm not
24 mistaken, it's been a few years, but these staffing
25 reports that's referenced here is a list of

1 particular posts along with individual names that
2 were assigned on a particular date for a particular
3 post.

4 BY MS. HERZFELD:

5 Q. So that would tell you if those posts are
6 filled or not filled on a particular day; is that
7 right?

8 A. That's correct.

9 Q. That would be important to know if you've
10 got critical posts covered at a facility on a
11 particular day, right?

12 A. Yes.

13 Q. If those posts -- if those reports aren't
14 reliable, how can you know if they truly were
15 covered?

16 A. It would be hard to know.

17 Q. Why is it important that you have complete
18 and accurate reporting coming to TDOC from your
19 contractors, like CoreCivic?

20 MR. AUMANN: Objection to form.

21 THE WITNESS: Obviously, we want accurate
22 reports sent to where -- with the exception of
23 having our contract monitors in place to make sure
24 that we're getting accurate documentation and
25 information about the operation of the facility.

1 BY MS. HERZFELD:

2 Q. Do you really know what's going on with
3 the facility, I mean, at a TDOC level absent the
4 reports coming from the facility?

5 A. I feel like we have a good understanding
6 and a good report, accurate reports coming from the
7 facility, yes. I think our contractor monitors do a
8 good job of monitoring and, you know, addressing
9 issues at Trousdale, as well as the other
10 facilities.

11 Q. The contract monitors that you have at
12 Trousdale, are they responsible for ensuring that
13 there is any issues with religious rights, that
14 those contract provisions are being followed?

15 A. Would you repeat that, please? I
16 misunderstood part of what you said.

17 Q. Sure. The contract monitors that you have
18 at Trousdale, would part of their responsibility be
19 to ensure that the religious rights that someone has
20 pursuant to TDOC policy are being followed?

21 A. Yeah. Their responsibility is so to have
22 review and oversight of all TDOC policies that apply
23 to that facility to ensure compliance.

24 Q. So that would include religion?

25 MR. AUMANN: Objection to form.

1 BY MS. HERZFELD:

2 Q. Would that include grievance?

3 A. Yes.

4 Q. Would that include critical staffing
5 posts?

6 A. Yes.

7 Q. Would that include mandatory overtime of
8 employees?

9 MR. AUMANN: Objection to form. You can
10 go ahead.

11 THE WITNESS: The mandatory overtime of
12 employees, I would say is an internal function of
13 CoreCivic and the management of that facility. What
14 we would be concerned about is and have oversight on
15 is the filling of security posts and covering of
16 critical posts.

17 BY MS. HERZFELD:

18 Q. And that would be under the purview of
19 your contract monitors; is that right?

20 A. Yes. Yes.

21 Q. If you'll go with me now to the third
22 finding. Says Trousdale Turner Correctional
23 Center's management continued noncompliance with
24 contract requirements and department policy
25 challenges the Department's ability to effectively

1 monitor the private prison. After merely two years
2 in operation, Trousdale Turner Correctional Center
3 still did not comply with some of the Department of
4 Corrections' policies and contract requirements.

5 While the Department's contract monitoring efforts
6 regularly report to facility shortcomings, cuts in
7 monitoring staff may reduce the Department's ability
8 to effectively monitor key contract requirements.

9 This lack of effective monitoring has resulted in
10 situations that may undermine the Department's
11 ability to achieve its stated mission and could
12 result in harm to inmates. Did I read that
13 correctly?

14 A. You did.

15 Q. Can you tell me today if Trousdale Turner
16 Correctional Center is in compliance with all terms
17 of the contract?

18 MR. AUMANN: Objection to form. You can
19 go ahead.

20 THE WITNESS: There may still be issues of
21 noncompliance at Trousdale. As of today, again, I
22 just think about staffing, again, issues of
23 staffing. One of the things that we see that's a
24 habitual problem across the state as well as in
25 other states, so for me, I don't think I can sit

1 here and say one hundred percent that Trousdale nor
2 could I say that any state facility is in 100
3 compliance with every policy we have in the system.

4 BY MS. HERZFELD:

5 Q. What other areas do you know Trousdale not
6 to be in compliance with at the present time?

7 A. I don't know. I would have to talk to the
8 contract monitors to give you an answer on that. I
9 just used the example of staffing as one that I know
10 has been a persistent problem with all of our
11 facilities as a pretty safe bet that there is issues
12 there still with staffing.

13 Q. What is the solution to that? If you
14 continue to say, okay, keep working on it, then you
15 deal with liquidated damages and you say keep
16 working on it, like, when does that end? To what
17 end do you finally get appropriate staffing at the
18 facility?

19 A. That's a great question, because I deal
20 with the same issue -- I deal with the same issue at
21 the State level. I just today announced a bonus
22 program that provides up to \$10,000 in bonuses for
23 people who want to come to work for the Department
24 of Corrections. Last year, we faced, you know, the
25 issue of COVID and the fact that -- the effect that

1 we saw with COVID, this is not -- if we just talk
2 about staffing, it's not a problem just associated
3 with the vendor here. We're talking about a
4 systemic issue that you can find in any state in
5 America with the shortage of staffing. So, you
6 know, if I had the answer to that, I would probably
7 be doing something other than what I'm doing.

8 But to try to answer your question the
9 best I can, we have to continue to work on it. If
10 there is a, you know, a secret sauce out there, I
11 don't know what it is, but I think we have to work
12 to make the job more attractable to a younger work
13 force. I think we have to consider the economy in
14 the State of Tennessee, and, you know, try to pay
15 our officers more, and also work to help the staff
16 address issues that's unique to the corrections
17 environment.

18 Q. So you've mentioned bonuses in paying
19 people more as a way to potentially get more people
20 to work at the facility, I mean, right now, I bet
21 you, and you tell me what you think, do you think if
22 you paid each corrections officer \$100,000 you would
23 have these types of vacancies that you have right
24 now?

25 MS. HERZFELD: Objection to form. You can

1 go ahead.

2 THE WITNESS: No, I don't think so.

3 BY MS. HERZFELD:

4 Q. So if CoreCivic was paying people at
5 Trousdale significantly more money, do you think it
6 would be likely that those positions would be
7 filled?

8 MR. WELBORN: Object to the form.

9 MR. AUMANN: Same objection.

10 THE WITNESS: Well, I do know there was a
11 time when CoreCivic paid more than what we made at
12 the state level. And I think those types of issues,
13 I mean, yeah, it helps until something changes in
14 the economy or the workforce, but I would also say
15 that corrections environment is a difficult place to
16 work. Not everyone is cut out for it. And when you
17 consider the amount of jobs that's available in the
18 state, it makes it very difficult to recruit and
19 retain people to work in prisons.

20 BY MS. HERZFELD:

21 Q. Do you know anything in the contract or in
22 TDOC policy that would prevent CoreCivic from paying
23 people more in order to get more people to come and
24 work at Trousdale?

25 A. No. I don't know of anything that would

1 prohibit that.

2 Q. If you will go down to the bottom of the
3 page, there is a sentence listed under the heading,
4 observation. Do you have it? See that? There you
5 go.

6 It says, The Audit also discusses the
7 following issues. The Department should annually
8 publish the correction officer turnover rate and
9 clearly identify which classifications are included
10 in its annually published correction officer
11 turnover rate. Page 18. Did I read that correctly?

12 A. Yeah.

13 Q. Do you know what they mean by "turnover
14 rate"?

15 A. Yes. It's the turnover of our staff, the
16 amount of turnover we are seeing in the Department
17 of Corrections.

18 Q. Do you know if there's a floor or ceiling
19 for turnover rate established through TDOC or
20 through a contract?

21 A. I do not.

22 Q. Do you know who is in charge of checking
23 to see to monitor those turnover rates?

24 A. Well, this observation, if I'm not
25 mistaken, I think it's talking about the Tennessee

1 Department of Corrections. We track our turnover
2 rates within our facilities of state employees, so
3 I'm not sure this is in reference to CoreCivic, but
4 any and all observations of tracking of data would
5 be handled through the audit division under the IG
6 for the Department.

7 Q. Okay. Do you know why the comptroller
8 suggested that TDOC publish the information
9 annually?

10 A. To make sure that we -- the public knows
11 and the general assembly is aware of what the
12 turnover rate is with our staff.

13 Q. Does TDOC publish that information now?

14 A. We publish that information. We have it
15 in our annual report and Brian Hughes also tracks
16 that information, and we report that regularly to
17 the committees that I answer to in the general
18 assembly, state and local government and the senate
19 and corrections sub in the house.

20 Q. Is there a place I can go online to find
21 it?

22 A. Might could look at our -- on our website
23 as far as the statistical abstract for the
24 Department of Corrections.

25 Q. When you make that report, your annual

1 report for TDOC, does that include information for
2 the CoreCivic facilities within the state?

3 A. My annual report reflects Tennessee
4 Department of Corrections staff, as it relates to
5 employee interaction.

6 Q. Where could I find that information for
7 CoreCivic-operated facilities?

8 A. I think some of the information would be
9 found in the statistical abstract such as incident
10 reports, things like that, but I'm not sure about
11 the employee data.

12 Q. Do you know why TDOC doesn't require that
13 CoreCivic provides its turnover rates in a formula
14 that can be published?

15 A. I don't know that we don't. I'm not aware
16 of any, but, again, that's -- those are private
17 employees, not State employees, so I would have to
18 look into that to give you an accurate answer to
19 that.

20 Q. Have you ever had a conversation with
21 anyone at CoreCivic about collecting that
22 information and making it public as part of your
23 report?

24 A. No.

25 Q. Why not?

1 A. I just haven't.

2 Q. Hasn't come up?

3 A. No.

4 Q. If you'll look at Page 18 -- I'm sorry,
5 Page 12. See that very last paragraph down there,
6 section that's in the blue box?

7 A. Yes.

8 Q. Could you read that statement for me,
9 please?

10 A. Staffing is arguably the most critical
11 element to safety inside our prisons and the total
12 interaction between staff and inmates is what
13 determines the level of safety within the facility.
14 The American Correctional Officer Intelligence
15 Network Impacts of Understanding.

16 Q. Do you agree with that statement?

17 A. Not in total, no.

18 Q. What part do you not agree with?

19 A. Well, where it says staffing is arguably
20 the most critical element to safety inside our
21 prisons. That's questionable. Although staffing is
22 important, granted there's other things that also
23 contribute to safety and security inside of the
24 facility. The total interaction between staff and
25 inmates is what determines the level of safety

1 within the facility. You know, that's -- it's a
2 very complex environment, and to say that, you know,
3 one issue is arguably the most critical element of
4 safety inside our facilities, is a pretty strong
5 statement that, again, I don't know that I would
6 totally agree with. Although it is critical, it is
7 important, I don't know that it would be the most
8 important.

9 Q. Can you think of an element that would be
10 more crucial to safety inside your prisons than
11 staffing?

12 A. Well, you know, it all works together.
13 Compliance of safety protocols, the covering
14 critical posts, staffing levels would play into
15 that, the leadership at the facility, adherence to
16 safety regulations, fire safety regulations, things
17 like that.

18 Q. Is any of that possible if you don't have
19 adequate staff?

20 MR. WELBORN: Object to the form.

21 MR. AUMANN: Same objection.

22 THE WITNESS: Again, adequate staffing is
23 an element that goes into the mixture of all the
24 things that you have to ensure safety inside a
25 facility. I mean, you can have every post covered,

1 you can have every post covered and have a
2 100 percent compliance rating at any facility and
3 still have a situation happen that people would say
4 is unsafe or someone, you know, could get hurt or
5 even killed. That's possible.

6 BY MS. HERZFELD:

7 Q. So as the commissioner and director -- as
8 the commissioner of the Department of Corrections
9 for the State of Tennessee, is it your position that
10 there is adequate staffing at Trousdale to keep the
11 prisoners safe?

12 MR. AUMANN: Objection to form.

13 THE WITNESS: It's my position as
14 commissioner, yes, if I felt like that the staffing
15 level at Trousdale created a situation where that
16 facility was totally unsafe, then, yes, there would
17 be other steps that I would have to follow to
18 address that, but my position is, is that the things
19 that's done to mitigate the risk are appropriate,
20 yes.

21 BY MS. HERZFELD:

22 Q. And that's for the entire time that you've
23 been commissioner, that's been your position; is
24 that right?

25 A. Yes.

1 Q. Okay. Just a minute please.

2 (Off-the-record discussion held.)

3 BY MS. HERZFELD:

4 Q. Back on the record. I think this will be
5 Exhibit 16.

6 (WHEREUPON, the
7 previously-mentioned document was
8 marked as Exhibit Number 16.)

9 BY MS. HERZFELD:

10 Q. Mr. Parker, if you take a look at this. I
11 think it starts at the top, says, Location:
12 Trousdale Turner Correctional Center, to Brandon
13 Bellar, Trousdale County attorney from Jon Walton,
14 TDOC contract monitor of compliance. Do you see
15 this document?

16 A. I do.

17 Q. It's dated February 25, 2021; do you see
18 that?

19 A. Correct.

20 Q. It says the audit period for monthly
21 staffing December 1st, 2020 to December 31st, 2020.
22 Quarterly items October 1, 2020 through
23 December 31st, 2020; do you see that?

24 A. Correct. Yes.

25 Q. TDOC employees making observations: CMC

1 Jon Walton. Do you know what CMC stands for?

2 A. Contract monitoring and compliance, I'm
3 assuming.

4 Q. Do you know Jon Walton to be one of the
5 contract monitors at Trousdale?

6 A. You know, I don't know him personally, but
7 I'm assuming that's -- I have no reason to doubt
8 that's who it is.

9 Q. Have you seen this report before?

10 A. I'm sorry, was that a question?

11 Q. Yes, sir. Have you seen this report
12 before?

13 A. I may have. It's possible.

14 Q. Take a look at this report. Looks like
15 he's reporting some noncompliance issues. We'll go
16 past a bunch of them, and get to noncompliance
17 number 3. See where we're at on the screen?

18 A. I do.

19 Q. Noncompliance Number 3, Applicable
20 Monitoring Instrument: Staffing item 2b Essential.

21 Check every daily shift roster for all
22 shifts for the previous month. Verify that all
23 critical posts are staffed as required. Did I read
24 that correctly?

25 A. Yes.

1 Q. Then it says, Noncompliance Issue. Would
2 you read that for me, please, sir?

3 A. Noncompliance Issue: All critical posts
4 shall be staffed as required; however, multiple
5 critical posts were not covered during the
6 monitoring period for the month of December. There
7 were 31 days in the month of December, which the
8 shift rosters reflected 733 critical posts were not
9 filled on time or were left vacant during the
10 security shifts.

11 Q. That's 733 critical posts that were
12 problematic during this period of time. Does that
13 concern you, sir?

14 A. Yes, that's --

15 MR. AUMANN: Object to form. You can go
16 ahead.

17 THE WITNESS: Yes, that is concerning.
18 BY MS. HERZFELD:

19 Q. Do you think that could cause a safety
20 issue at the facility, sir?

21 A. It could, yes.

22 Q. Do you think that's a very high number of
23 unfilled or improperly filled critical posts for a
24 facility during a 31-day period?

25 MR. AUMANN: Objection to form.

1 THE WITNESS: That seems like a high
2 number, yes.

3 BY MS. HERZFELD:

4 Q. Do you know if there were any violent
5 incidents that happened at Trousdale during the
6 month of December of this past year?

7 A. I would have to go back and look to
8 verify, but I'm not sure at this point in time, but
9 I would have go back and verify.

10 Q. Do you know of a single month that there's
11 not been a violent incident at Trousdale, sir?

12 A. Again, I would have to go back and look at
13 incident reports to give you an accurate answer to
14 that.

15 Q. Looking at this noncompliance report where
16 there's 733 critical posts that were not filled on
17 time or were left vacant during the security shifts,
18 is it still your testimony that Trousdale is
19 adequately staffed to ensure the safety of the
20 prisoners?

21 MR. AUMANN: Objection to form. You can
22 go ahead.

23 THE WITNESS: So, again, I would say that
24 obviously 733 critical posts not being filled is an
25 issue. It's a concern to me as commissioner of the

1 Department. Again, I would want to know the details
2 of these posts and when they were not filled and
3 what activities were going on at the time, and were
4 there any additional procedures taken to ensure the
5 safety of the area where these posts were not
6 filled. So there is other information I would want
7 to know about this.

8 BY MS. HERZFELD:

9 Q. Just want to make sure that I understand
10 your testimony. We know that there were the TDOC
11 contract monitors that -- that there were 733
12 critical posts that were not filled on time or left
13 vacant during the security shifts during a 31-day
14 period of time in December. And it's your testimony
15 that that does not create a safety issue at
16 Trousdale during the month of December?

17 MR. AUMANN: Objection. Form.

18 MS. POLLY: Joe, I see you're objecting,
19 but you're muted.

20 MR. WELBORN: Object to form.

21 THE WITNESS: Obviously, again, it's
22 concerning to me to make a statement that a facility
23 is unsafe, again, I would want to know more details
24 about the critical posts, where they were located,
25 what other situations or what other actions were

1 taken to mitigate the risk of a critical post not
2 being filled before I was to give an answer for that
3 question.

4 BY MS. HERZFELD:

5 Q. Okay. So then below that report is a
6 chart of the various posts. Does that give you the
7 type of information that you're looking for, sir?

8 A. Again, I would want to know the post, what
9 activity was going on at what particular time the
10 post was not covered. I'm assuming that these posts
11 are listed in shifts, so the time the shift started
12 to the time the shift ended. I would want to know
13 if they were left unattended for the entire shift or
14 for -- you know, if you had an officer that was one
15 minute late arriving to a post, those are some of
16 the things I would want to know.

17 Q. Well, sir, I'm wondering what it is you
18 did as the commissioner of the Department of
19 Corrections in response to this report in December.
20 It's now April.

21 MR. AUMANN: Objection to form.

22 THE WITNESS: Repeat your question,
23 please.

24 BY MS. HERZFELD:

25 Q. Sure. It's now April, would you agree?

1 A. Yes.

2 Q. April 2021?

3 A. Correct.

4 Q. And this report is for December of 2020,
5 so that's just about three or four months ago; is
6 that right?

7 A. That's correct.

8 Q. So since this report came out with 733
9 critical posts being unfilled or inappropriately
10 filled for some period of time, what did you do in
11 response to this report?

12 MR. AUMANN: Objection to form.

13 THE WITNESS: I would again have to check
14 with the IG's office to see what kind of corrective
15 action plan was put in place and what kind of action
16 we took as a Department in relation to the
17 corrective action plan, whether it was or was not
18 followed.

19 BY MS. HERZFELD:

20 Q. Keep scrolling down for me. You have
21 control. You can take a look at the entire report
22 and tell me what was done in response to those 733
23 unfilled critical posts, which I think are all
24 detailed in this report.

25 A. Well, let me say again, this report that

1 I'm looking at, I haven't reviewed previously.
2 Again, I would find that with my IG's office. I
3 would need to talk to the IG before I -- you know,
4 to answer your question appropriately.

5 Q. Sir, do you think it's concerning that
6 you're the head of Department of Corrections and
7 your staff knew that there was an issue at Trousdale
8 where there were 733 critical posts unfilled or
9 inappropriately filled in December and that wasn't
10 brought to your attention?

11 MR. WELBORN: Object to the form.

12 MR. AUMANN: Objection to form.

13 THE WITNESS: Well, again, bringing it to
14 my attention would be through the IG's office. I
15 would be very concerned if the inspector general and
16 his staff were not made aware of it. I'm not made
17 aware of every single incident or finding that the
18 compliance section may find in a facility.

19 BY MS. HERZFELD:

20 Q. So you don't -- I want to understand this.
21 At what level would something have to be from an
22 understaffing perspective that it would merit
23 attention at your level, sir?

24 MR. AUMANN: Objection to form.

25 THE WITNESS: I think it would be a

1 staffing issue where there were major disruptions at
2 a facility that caused a -- some type of issue at
3 the facility on a particular day that would not be
4 handled at the assistant commissioner level or the
5 inspector general's level for the Department.

6 BY MS. HERZFELD:

7 Q. What about homicide, sir, if there were
8 homicides at that facility in December and also a
9 shortage of critical staffing posts at 733, is that
10 something that would be brought to your attention?

11 A. I get notified of homicides within the
12 Department, but not always the issue of certain
13 posts not being filled on a particular day or during
14 a particular period.

15 Q. Do you think there could be a correlation
16 of violence at the facility in December of 2020 and
17 a lack of coverage of critical posts?

18 MR. WELBORN: Object to form.

19 MR. AUMANN: Objection to form.

20 THE WITNESS: Well, I don't know. It's
21 possible. There could be a correlation. That
22 would, you know, obviously take further study into
23 that.

24 BY MS. HERZFELD:

25 Q. Sir, when I've asked you questions about

1 this report, you said you need more information. I
2 guess my question is, does that mean your office
3 doesn't include all the information necessary to
4 evaluate a particular situation within the report
5 itself?

6 A. No. What I would say is I would want to
7 have a chance to really thoroughly look at this
8 report and study it and in conversation with my IG
9 and the staff that did the inspection.

10 Q. I guess my question is, why haven't you
11 read it before now?

12 MR. AUMANN: Object to the form.

13 THE WITNESS: Again, the staff that works
14 for the IG handles this along with the assistant
15 commissioner of prisons. There has not -- it has
16 not been brought to my attention, the issue of 733
17 criminal posts not being filled during this time
18 period.

19 BY MS. HERZFELD:

20 Q. Do you think that should have been brought
21 to your attention, sir?

22 A. Well, again, it depends on the
23 circumstances surrounding these 733 positions, when
24 they were found not filled, what were the
25 circumstances surrounding those 733 occurrences, all

1 that has to be considered.

2 Q. I think all that information is in the
3 report, sir?

4 MR. AUMANN: Object to form.

5 THE WITNESS: Like I said --

6 MR. WELBORN: Same objection.

7 THE WITNESS: -- I haven't reviewed it.

8 BY MS. HERZFELD:

9 Q. You can take your time and review the
10 report right now, if you'd like.

11 A. I need time to study the report and talk
12 to my staff about it.

13 Q. Okay. At what level of unfilled critical
14 positions would it merit just based on number,
15 number alone, without having to do more information,
16 that you think that would merit being brought to
17 your attention?

18 MR. AUMANN: Object to form. You can go
19 ahead.

20 THE WITNESS: I don't know that there's a
21 number. Again, there is other things that have to
22 be considered in considering what you're talking
23 about, and I've already explained that.

24 BY MS. HERZFELD:

25 Q. Do you know how many stabbings there were

1 at Trousdale in December?

2 A. No, I do not.

3 Q. Do you know how many inmate-on-inmate
4 assaults there were in December?

5 A. No, I do not.

6 Q. Do you know how many sexual assaults there
7 were in December?

8 A. No, I do not.

9 Q. Who would be responsible for monitoring
10 that from TDOC's perspective?

11 A. The contract monitors there at the
12 facility along with the inspector general and the
13 assistant commissioner of prisons for the
14 Department.

15 Q. Who is responsible for ensuring that the
16 plan of corrective action that is identified in this
17 document is actually being followed?

18 A. Again, the contract monitors in compliance
19 with the assistant commissioner of prisons that
20 works for the Department of Corrections.

21 Q. But you wouldn't have any personal
22 responsibility for that?

23 A. Absolutely. I'm the commissioner of the
24 Department.

25 Q. So you're responsible for what your folks

1 do?

2 A. Yes.

3 Q. Okay. Do you know how many inmate on
4 officer incidents there were in December of 2020?

5 A. At Trousdale?

6 Q. Yes, sir.

7 A. No, I do not.

8 Q. Do you know how many fights there were
9 between gang members or various STG's (phonetic)
10 there were in 2020?

11 A. I do not.

12 Q. Do you know how many issues there were
13 between the Vice Lords and the Bloods or the Crips
14 at Trousdale during December of 2020?

15 A. I do not.

16 Q. Would you want to be housed in a facility
17 that didn't have 733 critical posts manned at all
18 times, sir?

19 MR. AUMANN: Objection to form.

20 THE WITNESS: I wouldn't want to be housed
21 in any facility in TDOC or in a CoreCivic facility.
22 Obviously, that's not somewhere I'd want to be.

23 MS. HERZFELD: I don't think I have
24 anymore questions. That's my examination of the
25 witness. Thank you.

1 MR. WELBORN: Let's take a break real
2 quick.

3 (Brief break observed.)

4 EXAMINATION BY MR. WELBORN:

5 Q. Commissioner Parker, my name is Joe
6 Welborn. We met before, but I represent CoreCivic
7 along with my law partner, Erin Polly. I've got a
8 few questions for you. I'm not going to be that
9 long, so I hope you don't think you're going to be
10 here for a couple more hours, at least with me.

11 I want to get a little more on your
12 background. I got that you were warden at some
13 point of Northwest Correctional Facility and the
14 West Tennessee State Penitentiary; is that right?

15 A. That's correct.

16 Q. If you can, kind of give me a -- I know
17 you started in corrections when you were 19, give me
18 kind of the levels you went through, how you
19 progressed position to position until you became
20 warden.

21 A. I started in 1983 in -- I think it was
22 June of 1983, as correctional officer. I had about
23 three or four years as a correctional officer, was
24 promoted to correction corporal, stayed in that
25 position for a few years, promoted to correctional

1 sergeant, correctional lieutenant, correctional
2 captain at two facilities there in west Tennessee at
3 Lake County Regional, Northwest Correctional
4 Complex. I was promoted to assistant warden of
5 security at the -- or assistant warden of operations
6 at West Tennessee High Security in Lauderdale
7 County, and then promoted to deputy warden at
8 Northwest Correctional Complex, promoted to warden
9 there at the facility at Northwest, and then
10 eventually served as warden at West Tennessee State
11 penitentiary for two terms, and then promoted to
12 correctional administrator over the west region, and
13 then assistant commissioner of prisons for the
14 Department of Corrections, and eventually
15 commissioner.

16 Q. Okay. It sounded like you actually worked
17 on the staff in, is it three different facilities?

18 A. That's correct. I -- well, actually, two
19 facilities at different times had different names.

20 Q. Okay. And then as the -- I forgot what
21 you called it, the correctional administrator over
22 the West Regional Facilities, would it be fair to
23 say that you were in those facilities quite often?

24 A. Yes.

25 Q. Across all of west Tennessee?

1 A. Correct.

2 Q. And in your position as -- and forgive me
3 if I have this wrong, the assistant commissioner of
4 prisons, would it fair to say that you were in
5 various prisons across the whole state in that
6 position?

7 A. That's correct.

8 Q. And I know you talked about this, but I
9 want to talk about it in little bit more detail.
10 You talked about staffing being a challenge in all
11 facilities, in this state and across the country; is
12 that correct?

13 A. Yes, that's correct.

14 Q. When you were working on staff at the two
15 facilities in west Tennessee, did you guys
16 constantly have a challenge of keeping people --
17 enough staff hired?

18 A. Yes. There were periods of time even
19 back, you know, in the '90's, early 2000's, that we
20 saw that the challenge of hiring staff really, you
21 had positive correlation there with the economy
22 really. I mean, if you had a strong economy --
23 well, I guess it would be a negative correlation.
24 Strong economy, you would have very difficult times
25 filling positions. If you had an economy that went

1 south and jobs were hard to find, we could fill
2 positions in corrections, yes.

3 Q. Would you have instances where just on a
4 day-to-day basis somebody -- people just wouldn't
5 show up to work and you had to figure out how to
6 make things work, short staffed?

7 A. Yes. We -- that was a common occurrence
8 as a shift commander. You know, you start with a
9 roster of people who were assigned to work and if
10 people didn't show up, you ended up having to
11 require people to work overtime or mandating they
12 work overtime. Or it may require you to, you know,
13 close a particular activity for a particular day to
14 ensure that you have the appropriate staffing for
15 that eight-hour shift.

16 Q. Did you have instances where you would
17 have to, not only close like let's say rec or
18 whatever, visitation or whatever it may be, but
19 where you might have to keep the prisoners in their
20 cell, the inmates in their cell for any period of
21 time when you were short staffed?

22 A. You know, that -- again, that's one of the
23 things that you would do to mitigate risk; although
24 I would say that it happens, it's not the best
25 thing, because you want to avoid locking inmates

1 down for any long periods of time. But in some
2 cases, that's required if the staffing is not
3 available.

4 Q. That's not ideal, it's not unusual, that
5 that might have to occur; is that fair?

6 A. Yes, it happens.

7 Q. And, you know, we're talking -- I'm
8 familiar with prisons a little bit. You're way more
9 familiar with prisons than I am, but because this
10 may be seen by a jury, jurors may not be familiar
11 with how prisons are set up, for example, but you've
12 got cells, individual cells that may house two
13 inmates or more, right?

14 MS. HERZFELD: Object to the form.

15 THE WITNESS: Right.

16 BY MR. WELBORN:

17 Q. And in a lot of instances, those will be
18 placed in a pod where you have a day or an activity
19 room; is that accurate?

20 MS. HERZFELD: Object to the form.

21 BY MR. WELBORN:

22 Q. Go ahead.

23 A. That's correct.

24 Q. So when we're talking about ideally, you
25 have inmates out in the day room or activity room so

1 they can move about during the day, and at night,
2 they go into their cells. Is that kind of how it
3 works?

4 A. Correct. Most facilities have an activity
5 roster that there's activities or things, programs
6 that go on certain times of the day. Usually
7 there's a schedule that's followed, yes.

8 Q. So having dealt with staffing issues for
9 38 years in corrections, did Trousdale have those
10 same challenges?

11 A. Well, the staffing issues that we see at
12 Trousdale as compared to one of my facilities in
13 west Tennessee are similar. You know, we have a
14 significant amount of vacancies at one of our
15 facilities that houses medium custody inmates in
16 west Tennessee and that's -- it's significant. You
17 know, I said earlier, it's a challenge. It's a
18 challenge I wish we didn't have to face in
19 corrections. It's a wicked problem really. There's
20 no easy answer, there's no obvious answer, but one
21 of the things we know that we have to do at the
22 state level is to try to be competitive in the job
23 market. That's one of the reasons, you know, just
24 today, we announced these bonuses that we're putting
25 in place to try to hire staff to fill these

1 positions.

2 So it seems to be an ongoing challenge,
3 certainly in the last few years that I can remember
4 in corrections. One of the most significant
5 challenges that we face.

6 Q. And in addition to the economy and the job
7 market, there are other reasons why it's challenging
8 to keep a full staff; is that right?

9 A. Yes. Just the nature of corrections
10 environment in itself, it's very stressful and it's
11 a challenging work environment, to say the least.

12 Q. Are you familiar at all with the steps
13 that CoreCivic took at Trowsdale to increase its
14 hiring levels?

15 A. Not personally. Those are issues that the
16 IG's office would be more familiar with than I
17 would. I know at one time, there was additional
18 wages or additional pay offered. I know that there
19 was staff from other areas brought in to help
20 supplement vacancies there or fill vacancies, but
21 the details of those would, you know, be with the
22 compliance team and the IG's office.

23 Q. Fair enough. You know, I want to talk
24 about the religious issues that were brought up, but
25 before I do that, is that -- I want to go over a few

1 questions about the contract. As I understand it,
2 TDOC contracts directly with Trousdale County, and
3 then Trousdale County subcontracts with CoreCivic
4 with that facility; is that right?

5 A. That's correct.

6 Q. And it's my understanding from looking at
7 the contract that TDOC has with Trousdale County,
8 with respect to TDOC policies that are applicable to
9 that facility, they are enumerated in the contract.
10 Do you agree with that?

11 A. I'm sorry. You broke up. Would you
12 repeat that?

13 Q. Yeah. And it may be on my end, I'm sorry,
14 but it's my understanding from looking at the
15 contract between TDOC and Trousdale County that with
16 respect to the TDOC policies that are applicable to
17 the Trousdale facility, those are enumerated in the
18 contract?

19 A. I think that's correct, yes.

20 Q. So while TDOC has a lot of policies, they
21 may not all be applicable to a particular facility,
22 they're enumerated in the contract; is that
23 accurate?

24 A. I believe that's accurate, yes. Again,
25 that's something that I would want to confer with

1 IG's office, but I believe that's correct. I am
2 familiar that there's some policies that the vendor
3 would not necessarily be required to adhere to.

4 Q. Just with I think the first exhibit, and I
5 didn't keep up with the numbers, that's more my
6 fault, but you were asked about a policy, 116.08,
7 and I think it dealt with religious meals. Do you
8 know whether that is a TDOC policy that applies at
9 Trousdale per the contract?

10 A. I do not.

11 Q. The interesting thing here is that we have
12 been in this deposition since 10:00 this morning, so
13 about a little over six hours, and you were asked
14 very little about the plaintiff in this case,
15 Mr. Pleasant-Bey. And I know you don't know him,
16 but you were asked questions about -- general
17 questions about religious issues; do you recall
18 that?

19 MS. HERZFELD: Object to the form.

20 BY MR. WELBORN:

21 Q. What you can buy, what you can have and
22 those type of things.

23 MS. HERZFELD: Object to the form.

24 BY MR. WELBORN:

25 Q. Do you remember those questions?

1 MS. HERZFELD: Object to the form.

2 THE WITNESS: Yes.

3 BY MR. WELBORN:

4 Q. Again, I know you don't know Mr.
5 Pleasant-Bey, but if I told you that he's had a
6 Koran, hope I'm saying that right, since he's been
7 there, his own personal Koran, he's had access to
8 one in the law library, has been able to buy one
9 from Union Supply for the last several years, would
10 that comply with TDOC policy?

11 MS. HERZFELD: Object to the form.

12 THE WITNESS: Yes, it would.

13 BY MR. WELBORN:

14 Q. If I were to tell you he wears, on a daily
15 basis, a Kufi, he can buy prayer beads, he can buy
16 prayer oil, he prays when he wants to, he has a
17 prayer rug, would that comply with TDOC policy?

18 MS. HERZFELD: Object to the form.

19 THE WITNESS: Yes.

20 BY MR. WELBORN:

21 Q. If I was to tell you that he goes to
22 Islamic services on a weekly basis, would that
23 comply with TDOC policy?

24 A. Yes.

25 Q. With respect to the socks you were asked

1 about, the leather socks, in going through the
2 documents, did you see in there that that was taken,
3 I think to the TDOC, and the TDOC either agreed or
4 signed off on that being a security issue?

5 MS. HERZFELD: Object to the form.

6 THE WITNESS: I didn't see that in the
7 documentation, no.

8 BY MR. WELBORN:

9 Q. Can you understand or do you believe that
10 could pose a security issue, leather socks?

11 A. The issue of leather, it would be the same
12 issue with leather gloves, leather socks. Anything
13 that you could put on your hands or your arms that
14 you could fashion to put -- and still have movement
15 of your hands, and the main threat there is being
16 able to use it to facilitate some type of an escape
17 or assault dealing with razor wire or things like
18 that. That's one of the reasons we would not allow
19 inmates to have leather gloves.

20 I read somewhere about, you know, a
21 leather tennis shoe or that was in the policy where
22 we allowed inmates to have tennis shoes of leather.
23 Obviously a tennis shoe on your hand is not as
24 pliable and wouldn't be able to be used in the same
25 manner as a sock that would fit over your hand, from

1 my experience as being a correctional officer and in
2 the ranks of security and supervision, that in
3 itself would be a concern. I could understand that.

4 Q. And if the administrators from CoreCivic
5 at the facility determined that was a security risk
6 and folks that work under you at TDOC consider that
7 a security risk, would you believe that's a
8 reasonable determination?

9 A. Yeah. I mean, I would -- again, I would
10 want to look at the documentation and the arguments
11 for and against it, but I could -- knowing what I
12 know and what I've heard, it doesn't sound
13 unreasonable to me.

14 Q. You were asked a lot of questions about
15 staffing and safety and whether you consider
16 Trousdale safe. Do you remember those questions?

17 A. Yes.

18 Q. Now, again, get back to Mr. Pleasant-Bey,
19 if I was to tell you since he's been at this
20 facility, I believe since April of 2018, that he,
21 other than one run-in with an inmate that resulted
22 in no significant injury, he hasn't been hurt,
23 injured in any way. With respect to safety as to
24 him, would you think he's safe at this facility as
25 far as you can tell?

1 MS. HERZFELD: Object to the form.

2 THE WITNESS: Well, again, yeah, it would
3 appear so. In regards to a particular inmate, yes,
4 but just like I answered before, I would certainly
5 want to look at where if there was multiple
6 vacancies, it would be relevant for me to consider
7 the overall effect of that on a particular housing
8 unit or an area, so I would also add that to your
9 question. It would be very relevant, where he lives
10 and making sure that we have adequate staffing for a
11 particular unit.

12 BY MR. WELBORN:

13 Q. You were asked questions about grievances
14 and the noncompliance reports about grievances, and
15 I may be off on these numbers, I may have them
16 backwards because I'm not looking at the document
17 right now, but it said something like there were
18 five grievances during some period of time that were
19 not responded to and eight were late or maybe I have
20 the numbers turned around. Do you remember those
21 questions?

22 A. Yes.

23 Q. And that covered a few months' period of
24 time as I understand it; is that right?

25 A. I believe that's correct.

1 Q. So while -- based on your experience, and
2 I know you haven't been gone and looked at the
3 grievance logs with respect to this facility, but
4 would it be fair to say that over a two, three,
5 four-month period, there could be hundreds of
6 grievances filed at a facility?

7 A. You know, well there could be, depending
8 on the facility, depending on the inmate population,
9 depending on the situation at any particular
10 facility, there could be multiple grievances filed
11 during a period of time, yes. That's fair.

12 Q. Do inmates ask for things a lot, based on
13 your experience?

14 MS. HERZFELD: Object to the form.

15 THE WITNESS: So, yeah, I mean, it's not
16 uncommon for inmates to make requests.

17 BY MR. WELBORN:

18 Q. And it's pretty common for them to file
19 grievances if those requests aren't met, correct?

20 A. I think that's one of the avenues they
21 have that you see in corrections, that many times
22 inmates will file grievances when they're not
23 satisfied with an answer or when they may be denied
24 a particular issue. That's common, I would say.

25 Q. So with respect at least to the

1 noncompliance report we went over with respect to
2 the grievances, while there were five to eight,
3 let's just say 13 in this instance, there could be
4 many more that were where the policy was actually
5 followed, there were timely responses and everything
6 was done the way it should have been done.

7 MS. HERZFELD: Object to the form.

8 THE WITNESS: Could have been, yes.

9 BY MR. WELBORN:

10 Q. I think that's all I've got. Thanks.
11 Nice to meet you.

12 A. Nice to meet you.

13 MR. AUMANN: I have a couple of quick
14 follow-up questions, Mr. Parker.

15 EXAMINATION BY MR. AUMANN:

16 Q. Very early in the deposition, you were
17 asked how long you met with myself and my cocounsel
18 in preparation for the deposition. I think you said
19 30 to 40 minutes; do you remember that?

20 A. Yes.

21 Q. Could -- from your recollection, could it
22 actually have been closer to two and a half to three
23 hours?

24 A. I guess it could have. You know my day
25 usually flies by pretty quick. I don't -- it's

1 possible. It's possible.

2 Q. Maybe it was just that it felt like time
3 just passed talking with me.

4 A. Well, it certainly felt like time passed
5 quicker with you than it has today.

6 Q. Understandable. Just a couple of other
7 quick questions, Mr. Parker. I want to share with
8 you on the screen, this is -- I think I have it
9 right. Let's see. Inmate grievance procedures
10 document, which I think is Exhibit 12. If I'm wrong
11 about that, please feel free to correct me.

12 Okay. TDOC grievance procedure document.
13 Mr. Parker, do you remember being asked questions
14 about that?

15 A. I do.

16 Q. And I think you were asked questions as to
17 whether the inmate grievance procedures document
18 provides for an appeal process for those grievances
19 that have been deemed inappropriate or
20 non-grievable. Do you remember that discussion?

21 A. Yes.

22 Q. So I'm going to let you take control, if
23 you can.

24 A. For some reason it's not allowing me to
25 move.

1 Q. That's because I have not gotten to where
2 I can take control of it. Here we go. You know
3 what, I'm just going to go ahead and take the bull
4 by the horns and lead you. So I'm going to direct
5 your attention to Page 7. See where it says first
6 level of review?

7 A. No. The document that I'm looking has not
8 moved. It looks like it's the inmate personal
9 property document.

10 Q. Oh. Let's see. I'm wondering if -- well,
11 this is embarrassing.

12 MS. HERZFELD: Tom, it happens to the best
13 of us.

14 MR. AUMANN: I have in front of me the
15 inmate procedures document. But you all are seeing
16 something different? Okay.

17 MS. HERZFELD: I am not tech savvy enough
18 to try to help you figure it out. I can barely even
19 handle doing this on my own side.

20 MR. AUMANN: All right. I have it on my
21 other monitor. That's why. I think we'll get this
22 now.

23 Okay. Now, you seeing a different
24 document, the inmate personal property memo? Is
25 that the one on the screen for you guys?

1 A. We're seeing, not the memo, but the
2 policy.

3 Q. Okay.

4 MR. AUMANN: Can we just go off the record
5 for a minute while I get this set up?

6 (Off-the-record discussion held.)

7 BY MR. AUMANN:

8 Q. Do you see the grievance -- extension of
9 grievances, First Level of Review?

10 A. Yes.

11 Q. All right. Okay. So, Commissioner
12 Parker -- are we back on the record now?

13 All right. Commissioner Parker, looking
14 at this document, what I believe is Exhibit 12,
15 Inmate Grievance Procedures, I'm going to refer you
16 to Page 7 of the document where it says, First Level
17 of Review.

18 A. Yes.

19 Q. This is discussing the first level of
20 review for grievances in general; is that correct?

21 A. That's correct.

22 Q. And actually, I should say all
23 grievances -- first paragraph begins, All grievances
24 with the exception of those alleging Title VI
25 violations.

1 A. Correct.

2 Q. So if we go down to Page 8, which is still
3 under the First level Of Review category, you see
4 the third paragraph down, it says -- it starts with,
5 Matters deemed to be inappropriate?

6 A. Yes.

7 Q. Okay. And that sentence says, Matters
8 deemed to be inappropriate to the grievance process,
9 an abuse of procedure, or non-grievable at level I
10 may be appealed by inmates; do you see that?

11 A. Yes, I do.

12 Q. Okay. And it continues, Such grievances
13 being forwarded to Level III should include legible
14 copies of the signed response of the supervisor of
15 the employee or area that is the subject of the
16 grievance, if applicable, and should cite the number
17 and date of the previous grievance, if it has been
18 appealed to Level III, or a copy of the previous
19 grievance if it was not appealed to Level III. Do
20 you see that?

21 A. Yes.

22 Q. Then it says, The assistant commissioner
23 of prisons office shall then make a final response
24 and return the grievance to the chairperson for
25 normal processing, if grievable, or for logging and

1 return to the grievant if non-grievable. Do you see
2 that?

3 A. I do.

4 Q. Okay. And then, Copies of all grievances
5 deemed inappropriate shall be kept on file at the
6 institution. Do you see that?

7 A. I do.

8 Q. Okay. So does that discussion inform you
9 as to whether there is a process for inappropriate
10 or non-grievable -- or grievances deemed
11 inappropriate or non-grievable, that it is subject
12 to an appeal process?

13 A. Yes, it does.

14 Q. Okay. All right.

15 MR. AUMANN: That's all the questions that
16 I have.

17 MS. HERZFELD: I don't have any
18 follow-ups. You're free to go.

19 FURTHER THIS DEPONENT SAITH NOT
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REPORTER'S CERTIFICATION

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, Janie W. Garland, LCR#111, licensed court reporter, in and for the State of Tennessee do hereby certify that the above deposition was reported by me via Zoom and that the foregoing pages of the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number following my name below.

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Christopher Covington #518271
P.O. Box 679
Whiteville, TN
38075

MEMPHIS TN 380
6 MAY 2022 PM 3 L

Daniel A Horwitz
Horwitz Law PLLC
4016 West lawn Drive.

Memphis TN 38075
37209

Sorry about my handwriting

1

Sir

OK I'm Not gonna hold
anything Back my Names Christopher
Timothy ~~Allen~~ Allen Covington #00518271
I'm 31 I was Cellies wif
excuses my ~~language~~ language But
Big Shitty That's What I Knewed
him By was his Nick Name
he was a Good Dude I'm Sorry
Sir But This is hard for me
to Talk about It's Not often
you have to watch Some one
Die in front of you. any
ways here goes Sir I Don't
know the exact Date any more
I had a Black Book wif Note's
and every thing about this in
It But Security took it from
me. on the day Big Shitty well let's
start By that. the Day By
Sir about 2:45 15 mins By
Court Big Shitty Started to have
a Seizure Sir I tried to get
the guards to Call medical
couldn't get it Done so I held
him on his left side till he was
done he threw up on the cell floor.

after about 15 mins of Bein
 coherent and Being able to Talk
 to me he Started to have
 a 2nd Seizure I held him threw
 It again when he Stated he
 was OK and Knew where he was
 It was almost lockdown Time
 Count Time. after 3 o'clock the
 Officer Stated to me that I
 Needed to secure my Door I refused
 to do so and told them I quote "I'm
 not Shutting my Door TIL medical
 Comes Back here my Cellie has
 had Two Seizure Now and I've
 Been trying to get medical for
 over 15mins now. the officer responed
 I'll let miss BURKS the counselor know
 it I Stated No fuck that call
 medical she can't do shit. well
 Some Time Shortly after that
 miss BURKS came on the unit.
 demanding I lock Down and Shup
 my Door I told her fuck That my
 cellie needs to go to medical she
 ask why so I told her look
 he was still laying in the
 floor at the time I had

moved his mat to the floor
 So he would Be Comfortable. as
 She was looking in I Stated
 to her See the Puke, he has
 had Two Seizures we have Been
 trying to get medical Since
 at 2:45. It was now after 3:10
 She Stated I'll let them know
 I Stated hell No get them
 Back here. he needs them. She
 Stated Im gonna call and have
 you and him took to the
 hole for refusing to ~~follow~~ follow
 my orders. Big Shitty said "Bruh"
 Don't get your self in trouble
 for me. I said Screw that Bruh
 Your Not OK. you need to see
 medical. he said She gonna call
 She said. I Stated miss Burks
 Im Serious let them know she
 Stated Im gonna finish this
 count in here and Imma call
 them I said ok. Shitty said ~~chew~~ ^{chris} ^{me} ^{AWA} ^{conington}
 shut the door I said ok and shut
 the door. After She walked off
 I cleaned up the puke and gave Shitty
 a cup of water. later that night I helped

him get Back on the Bunk.
the next morning trays run I don't
know the time still early is all
I know I freaked out never
looked at the clock at the time
The next morning Trays run I walk
out the cell go holler at my
homie he walks back in the cell with
me my cellie was sitting up on
his bed ask me if I would
hold his tray he was gonna get
Dawn hands me his tray Step's
down grabs his cup Step's to the
Sink to get some water turns
around and in the process reaches
down and grabs at a spot on
the back of his right leg he had
been complaining about and writing
medical for over a week about. he rubs
his leg and kinda slowly fell
to his butt he stated my leg
just hurts then fell over snacking
and snoring he hit his head on
the wall as he was falling
from the sitting position. I threw
the tray on his top Bunk
Pearl Coast and told my homie

get medical. Now he ran down
 Beating on the windows No one
 came ~~to~~ my cellie started shaking
 and said What happened I said
 You fell out hold on I'm gettin
 medical. I raised hell for about
 10 mins finally gettin medical
 Back there after seeing every
 one comin I ran back
 up stairs to find my cellie
 layin in the floor Blue with a
 Pile of Puke Beside him the CO's
 came in and said Whats wrong
 is he ODing I said fuck no
 he's had another seizure he
 had two yesterday if you
 did your fucking jobs you would
 know that. the kicked me out
 of the cell and was in the
 I could hear them making
 jokes about how the puke stunk
 and one male officer stated hell
 if he wasn't so big he might not
 have no medical issues. So I
 started cussing them out they got
 him on a gurney and started trying
 to carry him out all of a sudden

he Set up and threw UP off
 of the Side off the Curmuck
 and his Body went limp. he fell
 Back and never moved again. the
 Co's Dropped the Board he was
 Strapped to one of them saying Damn
 he's a Big Boy might need help one
 replied saying hell I JUST DONT WANT
 THAT STINKY SHIT TO GET ON ME. I
 Stated Big the man the fuck
 UP and get him to medical fuck
 that shit he aint moving, I was
 told to mind my own business that
 was the Officer's not me. they
 finally left with him mins later.
 and I was shut out of my
 Cell, and Took UP front
 and questioned. Sir Sorry this
 is Hard on me I have Night
 more all the Time I feel like
 It's my fault. Some how IS it?
 Could I or Done more. Sorry I'm
 not the same after this. If you
 need anything else let me know

Thank

you

Chris Carington

Transcript of Interview

Vita Zelikov interview of Christopher Covington
at Whiteville Correctional Facility, Whiteville, Tennessee

Transcribed from a digital file entitled:

"Statement-of-Christopher-Covington-6-7-22"

June 7, 2022

Transcribed by:

Laurie McClain
615-351-6293
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1 MS. ZELIKOV: This is Vita Zelikov with
2 Inquisitor. Today's date is June 7th, 2022. It is
3 2:15 p.m. This interview is taking place at Whiteville
4 prison in Tennessee. Also present is Private Investigator
5 Jennifer Hoff, with Inquisitor, assisting with the
6 interview, and will also assist with notary -- notary
7 services.

8 I'm here with Christopher Covington. And his date
9 of birth --

10 MR. COVINGTON: 7-8-91.

11 MS. ZELIKOV: 7-8-91. And his TDOC ID number is
12 00518271. His full name is Christopher Timothy Covington.

13 Christopher, have you agreed to provide a
14 recorded statement today? Would you --

15 MR. COVINGTON: Yes.

16 MS. ZELIKOV: Okay. We've been talking for about
17 40 minutes about -- as this relates to the death of
18 Stephen Earl Sullivan. Is that correct?

19 MR. COVINGTON: Yes.

20 MS. ZELIKOV: Okay. And do you -- have any
21 threats or promises been made to you to provide this
22 statement today?

23 MR. COVINGTON: No.

24 MS. ZELIKOV: Okay. And we have explained to you
25 that we're working on behalf of attorney Daniel Horwitz, who

1 represents the family of Mr. Sullivan?

2 MR. COVINGTON: Yes.

3 MS. ZELIKOV: Okay. Are you currently under any
4 medications or influence of any drugs?

5 MR. COVINGTON: No.

6 MS. ZELIKOV: Okay.

7 MR. COVINGTON: My psyche meds, but that wouldn't
8 affect anything.

9 MS. ZELIKOV: Okay.

10 MR. COVINGTON: I mean...

11 MS. ZELIKOV: And since this incident occurred,
12 which was on June 17, 2021, have you experienced issues here
13 in -- in your incarceration as a result of this incident?

14 MR. COVINGTON: Yes.

15 MS. ZELIKOV: Okay. Was that -- was that a result
16 from the staff?

17 MR. COVINGTON: Yes.

18 MS. ZELIKOV: Okay. And --

19 MR. COVINGTON: That and -- when I said, you know,
20 me not being able to sleep half the time, and...

21 MS. ZELIKOV: So you were traumatized --

22 MR. COVINGTON: Yes.

23 MS. ZELIKOV: -- because you witnessed someone
24 die.

25 MR. COVINGTON: I didn't witness, I didn't -- I

1 held him while he died.

2 MS. ZELIKOV: Right. And you have had nightmares
3 since --

4 MR. COVINGTON: Yeah.

5 MS. ZELIKOV: -- then, had trouble sleeping.
6 Okay. And --

7 MR. COVINGTON: I've had to up my psyche meds and
8 -- and deal with the medical here, and it's just about
9 getting my meds. And half the time I can't get my meds,
10 and...

11 MS. ZELIKOV: Okay. And you have had issues with
12 them taking your personal property from you since this
13 incident?

14 MR. COVINGTON: Yes.

15 MS. ZELIKOV: Okay. Okay. So
16 Stephen Earl Sullivan, did you -- what is his nickname?

17 MR. COVINGTON: Big Shitty.

18 MS. ZELIKOV: Big Shitty. Okay. And you were
19 housed with him for two months prior to the incident?

20 MR. COVINGTON: Yes.

21 MS. ZELIKOV: Okay. And you all -- you guys had a
22 good relationship?

23 MR. COVINGTON: Yes.

24 MS. ZELIKOV: Okay. Did you ever know of Sullivan
25 to have any health problems from the time you first started

1 being cellies with him?

2 MR. COVINGTON: No.

3 MS. ZELIKOV: When do you remember the first time
4 he made a mention about some pain or complained of how he
5 was feeling?

6 MR. COVINGTON: Before the incident, probably no
7 later than a week.

8 MS. ZELIKOV: Okay. You had stated during our
9 initial conversation that he wasn't a person to really
10 complain. So for him to make a complaint, you thought it
11 was a big deal.

12 MR. COVINGTON: Yeah.

13 MS. ZELIKOV: Okay. Do you remember what he first
14 started mentioning the week before, the calf muscle --

15 MR. COVINGTON: That he had a pain in his leg in
16 the back of his calf muscles.

17 MS. ZELIKOV: The right leg?

18 MR. COVINGTON: Yes. I'm pretty sure it was the
19 right leg.

20 MS. ZELIKOV: And he showed it to you --

21 MR. COVINGTON: Yes.

22 MS. ZELIKOV: -- is that right? Okay.
23 What do you remember him saying?

24 MR. COVINGTON: That it was frozen, had a little
25 knot. It had a little knot at first, and then he -- the

1 next day, like as he was joking about it, and it kept
2 getting worse. It went frozen.

3 MS. ZELIKOV: And do you know if he tried to seek
4 medical help at that time?

5 MR. COVINGTON: He did mention it to
6 Counselor Burkes (phonetic) saying he needed to see medical.
7 And she told him that he needed to fill out a medical form,
8 a medical request. And --

9 MS. ZELIKOV: Did he do so?

10 MR. COVINGTON: Yeah. He put -- actually, we both
11 filled one out and put "emergency" on the top of it, for an
12 emergency sick call, and it was never answered.

13 MS. ZELIKOV: It was never answered.

14 MR. COVINGTON: No.

15 MS. ZELIKOV: And you filled one out as well.

16 MR. COVINGTON: I filled -- I filled one out to
17 help him, to show him how the first time, yes.

18 MS. ZELIKOV: Okay.

19 MR. COVINGTON: And the second time he put it in,
20 he wrote it out himself.

21 MS. ZELIKOV: So and then this pain got worse,
22 consistently got worse leading up to this?

23 MR. COVINGTON: Yes.

24 MS. ZELIKOV: Okay. Then prior to all of this,
25 again, did you ever know him to have seizures?

1 MR. COVINGTON: No.

2 MS. ZELIKOV: Okay. Have --

3 MR. COVINGTON: He never had one -- he never had
4 one prior to the day before him having the seizures that he
5 did.

6 MS. ZELIKOV: So the day before, which was
7 June 16?

8 MR. COVINGTON: Yes.

9 MS. ZELIKOV: Okay. And there -- did -- you I
10 discussed initially in our conversation that there's a lot
11 overdose that happens here, and a lot of the guards
12 sometimes assume someone suffered from that.

13 Did you ever know Sullivan --

14 MR. COVINGTON: No, not sometimes --

15 MS. ZELIKOV: -- to ever get high or --

16 MR. COVINGTON: -- it --

17 MS. ZELIKOV: -- or --

18 MR. COVINGTON: -- the first they do is assume
19 that.

20 MS. ZELIKOV: Okay.

21 MR. COVINGTON: When something happens, they --
22 that's the first thing they do is run in, Oh, look, he's
23 overdosing.

24 No, he's having a seizure.

25 MS. ZELIKOV: Uh-huh.

1 MR. COVINGTON: That's happened multiple times
2 with people in the pods.

3 MS. ZELIKOV: Did they have any reason to suspect
4 he was high? Did you ever know him to be high?

5 MR. COVINGTON: No. He had never failed a drug
6 test, nothing. They had no reason to suspect that.

7 MS. ZELIKOV: Okay. And do you -- and they did
8 suspect that, obviously, the day they came in.

9 MR. COVINGTON: Yes.

10 MS. ZELIKOV: They gave him Narcan.

11 MR. COVINGTON: Yes.

12 MS. ZELIKOV: Okay. So let me --

13 MR. COVINGTON: Could the Narcan have been what
14 made him throw up at the end -- like as -- as they dropped
15 the Gurney?

16 MS. ZELIKOV: Narcan has been known to have
17 adverse effects after being administered, especially
18 somebody who already had a problem.

19 MR. COVINGTON: Okay.

20 MS. ZELIKOV: And if somebody didn't need Narcan
21 and received it, that can cause issues.

22 That's why I was asking. And you know for sure
23 after being cellmates with him for so long that he didn't
24 get high.

25 MR. COVINGTON: No, he did not.

1 MS. ZELIKOV: Okay. Okay. So the day before, you
2 mentioned there was the fall. The day --

3 MR. COVINGTON: No, the fall was the day of.

4 MS. ZELIKOV: Two days -- oh.

5 MR. COVINGTON: No, the fall was the day of.

6 MS. ZELIKOV: The fall was the day of. Okay. So
7 two days --

8 MR. COVINGTON: It wasn't really a --

9 MS. ZELIKOV: -- before --

10 MR. COVINGTON: It wasn't really a fall. It was
11 -- he kind of like --

12 MS. ZELIKOV: -- he hit something.

13 MR. COVINGTON: -- wobbled -- wobbled down to his
14 ass -- excuse my language.

15 MS. ZELIKOV: Right. It's okay.

16 MR. COVINGTON: But he wobbled down to his butt,
17 and he -- kind of like as he grabbed his leg, he sat down.

18 MS. ZELIKOV: Okay.

19 MR. COVINGTON: And then that's when -- as he sat
20 down he grabbed his leg, and he fell over on his butt.

21 MS. ZELIKOV: Yes, and hit his head.

22 MR. COVINGTON: Yeah. And he was like --

23 MS. ZELIKOV: And y'all were there?

24 MR. COVINGTON: Yes.

25 MS. ZELIKOV: But the day prior there was two

1 seizures.

2 MR. COVINGTON: Yes.

3 MS. ZELIKOV: Okay. Walk me through this.

4 MR. COVINGTON: I don't remember the exact time.

5 I'm -- probably a little after 2:30, maybe a few minutes

6 before 2:30, I had just walked back into the cell. And he

7 was on the floor. So he might have had a seizure before

8 that, you know what I mean, before the -- the second one --

9 or the first one, that I noticed. I mean, like he was --

10 MS. ZELIKOV: And you walked in --

11 MR. COVINGTON: -- sitting on the floor.

12 MS. ZELIKOV: Okay.

13 MR. COVINGTON: And I walked in. And I was

14 talking to him. I was like, What's that -- or, What's up?

15 You all right?

16 And he's like, Yeah, I'm fine. And that's

17 literally all he said. And then he started -- and he fell

18 over and started shaking, having a seizure.

19 And I used to have a grandmother that took

20 seizures, so I know -- I can tell what a seizure is.

21 MS. ZELIKOV: You know what it is.

22 MR. COVINGTON: You know what I mean?

23 MS. ZELIKOV: Uh-huh.

24 MR. COVINGTON: So I grabbed him and I held him.

25 And I rolled him over to his left side, and I held him until

1 he got done shaking, and -- you know what I mean?

2 And the whole time I was hollering, I was
3 hollering for my neighbors. I was hollering, Wife, because
4 that was the guy who lived next to me. So I was -- I was
5 like --

6 MS. ZELIKOV: Is that Preacher?

7 MR. COVINGTON: No. Preacher --

8 MS. ZELIKOV: Not --

9 MR. COVINGTON: -- was in the downstairs.

10 MS. ZELIKOV: Okay.

11 MR. COVINGTON: Wife was my neighbor.

12 MS. ZELIKOV: Wife, okay.

13 MR. COVINGTON: And I was hollering the whole time
14 and I was hollering, Wife, Wife? Well, Wife come to my
15 door. And I'm like, Wife, get medical, man, my celly just
16 had a seizure.

17 Well, he -- I'm -- I don't know which steps or
18 whatever, but I know he started -- he ran downstairs and was
19 beating on the window and telling them, Hey, we need medical
20 in here, a guy's had a seizure.

21 Nobody --

22 MS. ZELIKOV: No one came.

23 MR. COVINGTON: Nobody ever came. I don't know --

24 MS. ZELIKOV: Where is Max [indiscernible]?

25 MR. COVINGTON: I don't know.

1 MS. ZELIKOV: Okay. Is he still here?

2 MR. COVINGTON: Yes.

3 MS. ZELIKOV: Do you know his cell number?

4 MR. COVINGTON: No. I mean, I don't know

5 because --

6 MS. ZELIKOV: [indiscernible].

7 MR. COVINGTON: -- I don't even know if he's in

8 the same pod anymore. I'm not in touch with

9 [indiscernible].

10 MS. ZELIKOV: Okay. That was almost a year ago.

11 Okay.

12 So then you ran downstairs. You asked them to

13 alert medical, and nobody ever came.

14 MR. COVINGTON: No. I mean, no -- nobody ever

15 came at all.

16 MS. ZELIKOV: And that was that --

17 MR. COVINGTON: And he -- he's come -- he come

18 back up here and was like, Bro, there's not even anybody in

19 the booth. There's nobody in the celly port, nothing.

20 And at the time he had done stopped

21 [indiscernible] and he wasn't even having a seizure no more.

22 You know what I mean? I was sitting there talking to him.

23 He was all right.

24 MS. ZELIKOV: He seemed fine. Okay. Did he

25 like --

1 MR. COVINGTON: And then --

2 MS. ZELIKOV: -- that night, into the next day,
3 did he say he was having headaches, or could you tell he
4 didn't feel good? Was he able to eat dinner?

5 MR. COVINGTON: No. I mean, no, he didn't eat --
6 well, he ate dinner that night.

7 MS. ZELIKOV: Okay.

8 MR. COVINGTON: But it was like -- like 10 minutes
9 later [indiscernible] sitting there talking to him, he fell
10 off the bunk, like off of my bottom bunk, because we were
11 sitting on my bottom bunk. I was sitting there talking to
12 him. And he started having another seizure, and just fell
13 off. And I caught him as he was falling.

14 MS. ZELIKOV: Okay.

15 MR. COVINGTON: And that's when he -- that's when
16 he had his second seizure.

17 MS. ZELIKOV: On the 16th?

18 MR. COVINGTON: Yeah. And in the process, like
19 after [indiscernible] seizure, he was throwing up
20 everywhere, all over the floor. So I don't know --

21 MS. ZELIKOV: Had he thrown up earlier for the
22 first seizure?

23 MR. COVINGTON: No.

24 MS. ZELIKOV: Okay. So this one was worse,
25 considerably worse than the first one.

1 MR. COVINGTON: Yeah.

2 MS. ZELIKOV: And this was in the evening after
3 dinner.

4 MR. COVINGTON: Yeah. This was probably -- I
5 remember when I ran downstairs and was beating on the window
6 myself and trying to get somebody back there, it was almost
7 3:00 o'clock, because that's count time, that's how I
8 remember it.

9 MS. ZELIKOV: Okay.

10 MR. COVINGTON: And there was nobody -- once
11 again, nobody in the cellies port. Nobody in the building.
12 I ran back upstairs to check on -- check on Shitty, and he
13 -- I mean, he was laying there. He wasn't -- he wouldn't
14 get out of the floor because he said he was too weak, he
15 didn't want to move. But he wasn't having a seizure no
16 more.

17 MS. ZELIKOV: Okay. The seizure stopped.

18 MR. COVINGTON: So I moved -- I moved his mat from
19 the top bunk down to the floor against the wall right here,
20 and got his pillow. And I -- I literally held -- dragging
21 -- I dragged him, literally, over to the wall on his bunk so
22 he could lay there.

23 And I run back downstairs. And when I got back
24 downstairs, there's a booth right here that they watch us
25 from.

1 MS. ZELIKOV: Uh-huh.

2 MR. COVINGTON: There was a woman -- I can't
3 remember her name. I had all of it -- I had it all written
4 in a black book, all the officers and everything.

5 MS. ZELIKOV: But they took it.

6 MR. COVINGTON: Yeah, I had all the officers that
7 worked that day and everything, and all the times that I
8 could remember.

9 MS. ZELIKOV: And that was the only copy you had?

10 MR. COVINGTON: Yeah.

11 MS. ZELIKOV: And it was taken.

12 MR. COVINGTON: But --

13 MS. ZELIKOV: Do you know what day it was taken
14 from you?

15 MR. COVINGTON: No. It was during the shakedown.
16 It was two months later.

17 MS. ZELIKOV: Two months later?

18 MR. COVINGTON: Uh-huh.

19 MS. ZELIKOV: Okay.

20 MR. COVINGTON: But there was a woman --

21 MS. ZELIKOV: But again, nobody was able to help.

22 MR. COVINGTON: No, there was a woman in the
23 booth. And I started hitting and hollering -- or hitting
24 the window and telling her, Hey, y'all need to get back
25 there. It's the second seizure my celly has done fucking

1 had.

2 Excuse my language, but I -- that's exactly what

3 I --

4 MS. ZELIKOV: Yeah.

5 MR. COVINGTON: -- told her. So I mean --

6 MS. ZELIKOV: Okay. Yeah.

7 MR. COVINGTON: But I -- I said, Y'all just get
8 back here. It's the second fucking seizure my celly has
9 done had. I said, You all need to get somebody back here.

10 And she said, What are you talking about? I said,
11 What do you mean, what am I talking about? I said, My celly
12 just had another seizure. I said, You all ain't been in the
13 celly port enough, and so I didn't get to tell y'all about
14 the first one.

15 MS. ZELIKOV: Okay.

16 MR. COVINGTON: I said, Y'all ain't been nowhere.
17 I couldn't let you all know. Like that.

18 And she was like, Well, I'll get Ms. Burkes in
19 there and let her know. I said, No, Ms. Burkes is a
20 counselor. I mean, I don't need a counselor. I need
21 medical.

22 And she said something through the window, but I
23 couldn't hear it through the glass.

24 MS. ZELIKOV: Okay.

25 MR. COVINGTON: And she turned around and walked

1 out -- out the door, back into the celly port.

2 And I went back upstairs and I told Shitty, I
3 said, Shitty, I'm not -- I'm not locking down, Bro, until I
4 get medical back here for you -- because it was
5 3:00 o'clock --

6 MS. ZELIKOV: Uh-huh.

7 MR. COVINGTON: -- and it was counting time.

8 MS. ZELIKOV: Right.

9 MR. COVINGTON: So I know within 15 minutes they'd
10 be coming through to do --

11 MR. COVINGTON: Right.

12 MS. ZELIKOV: -- the walk-through. And I mean --
13 well, he said, Okay, at the time.

14 MR. COVINGTON: Well, it was like -- I remember it
15 was like 3:05, 3:07, I heard the front door open -- well, I
16 heard the door open -- or the cell -- or the pod door pop.
17 So I turned around and looked, and it's Ms. Burkes coming
18 in.

19 MS. ZELIKOV: The counselor.

20 MR. COVINGTON: Yeah. And I told her -- I told
21 Counselor Burkes -- I was like, Ms. Burkes, What's up, man?
22 I been -- y'all need to -- and exactly the words I said, I
23 said, You need to get that bitch out of the booth. I said,
24 She's been trying to -- I've been trying to get medical back
25 here. I said, My celly has had two seizures. Like that.

1 MS. ZELIKOV: Yeah.

2 MR. COVINGTON: And she's like, What are you
3 talking about? I said, What do you mean, what am I talking
4 about? She told me -- she -- she said she was going to let
5 you know that you need to contact medical. She's like,
6 Well, let's go -- let's go check on him.

7 So she walks upstairs with me. And I'm standing
8 outside the cell because I -- I figured that if I walked in
9 the cell, she'd just shut me in there. So I'm standing
10 here, I'm outside the door. She's standing here. Shitty is
11 still laying on the floor.

12 And she's like, What's wrong? And I was like,
13 What do you mean, what's wrong, Ms. Burkes? The man has
14 had two seizures. I said, Look at the puke on the floor.
15 You can't see all the puke?

16 MS. ZELIKOV: Oh, that's -- that's right.

17 MR. COVINGTON: So tell me -- yeah, I hadn't
18 cleaned the puke or nothing up. I hadn't had time.

19 Then -- then she's like, Yeah, I see it. I said
20 -- she's like, Are you sure he just ain't sick?

21 I said, Oh, man, are you all fucking incompetent
22 around here? Exactly what I told her. I said, Y'all -- are
23 y'all that fucking incompetent that you all can't believe
24 that if somebody telling you they were having a seizure?

25 And she's like, Well, I'll let medical know.

1 I was like, No, don't let medical know. I said,
2 You need to get on the radio and you need to call medical.
3 I said, You're just saying you're going to let medical know,
4 but you're going to walk out of here and medical is never
5 going to be contacted.

6 And she's like, You need to get in your cell,
7 Covington. You need to lock down now.

8 And I said, I'm not locking down until -- I said,
9 I'm not locking -- I refuse to lock down until y'all get
10 medical back here.

11 She said, Well, I'm going to take you and your
12 celly both to the hole.

13 MS. ZELIKOV: So she threatened the hole. Okay.

14 MR. COVINGTON: And Shitty looked at me and said,
15 Chevy -- because that's what they call me --

16 MS. ZELIKOV: Chevy?

17 MR. COVINGTON: Yeah. He's like, Chevy, that
18 ain't worth it, Bro, come on.

19 I was like, Yeah, it is worth it, Bro. It's your
20 life.

21 MS. ZELIKOV: Right.

22 MR. COVINGTON: And --

23 MS. ZELIKOV: Sorry [indiscernible]. It is clear
24 how traumatic this has been for you [indiscernible]. So
25 take your time. I'm sorry that we're having to bring up

1 these difficult memories.

2 MR. COVINGTON: He told me -- I told him it is
3 worth it, it's his life. And he said -- he said -- he said,
4 No, I'm fine.

5 MS. ZELIKOV: I mean, she never [indiscernible]
6 anything at that point, because nobody ever came, right?

7 MR. COVINGTON: No.

8 MS. ZELIKOV: Sorry [indiscernible]. So at that
9 point --

10 MR. COVINGTON: I'm sorry.

11 MS. ZELIKOV: No. Don't apologize. I'm so sorry.
12 Thank you for being so honest. I mean --

13 MR. COVINGTON: You bet.

14 MS. ZELIKOV: -- [indiscernible].

15 MR. COVINGTON: Sitting there telling me --

16 MS. ZELIKOV: He at that point --

17 MR. COVINGTON: -- he's like -- he was like,
18 Lock down. Come on, Bro.

19 And I was like, No, I'm not locking down. And
20 he's like, You got to trust her, Bro, she said she's going
21 to contact medical.

22 Then I made a joke with him, and I said, Trust
23 her, I said, fuck you, you've already had two seizures. I
24 said -- I said, and you want to talk about trust

25 And he said, I'm -- I'm feeling all right for

1 right now, Bro. And he said, After count [indiscernible] if
2 they come back here, we'll -- we'll try to get me up to
3 medical.

4 MS. ZELIKOV: So he wanted to trust the process at
5 that point [indiscernible] --

6 MR. COVINGTON: Because he didn't want to go to
7 the hole. He didn't trust them, I know that. He just -- he
8 didn't want to go to the hole.

9 MS. ZELIKOV: And that was -- okay. So did
10 anything else happen that evening?

11 MR. COVINGTON: I just went in. I shut the door.
12 And he told me -- he was like, Bro, he said, Will you try to
13 help me get on the top bunk?

14 I said, Yeah. I told him, I'm like, Yeah. I
15 said, we got to change your shirt, Bro, it's got puke on it.
16 So I got a towel --

17 MS. ZELIKOV: So they didn't come clean that up?

18 MR. COVINGTON: No. I cleaned it up. And she
19 shut me in my cell. And I used my towel. I used my -- all
20 my stuff to clean the puke up, because I had
21 [indiscernible].

22 MS. ZELIKOV: Wow.

23 MR. COVINGTON: And I got him his towel, I got him
24 a shirt out. He grabbed my hand. I helped him stand up,
25 and he sat on my bunk. I picked his mat up and stuff and I

1 put it back on the top bunk.

2 And I asked him, I said -- I was joking around,
3 you know, I said, You're a little too fat for me for picking
4 up. How you going to -- how you going to get on the top
5 bunk?

6 And then he was like, Man, I don't know. So I was
7 like, well, I -- I get an idea. Hold on. And I had a big
8 tote and a little tote. So I took and dumped everything out
9 of the big tote and everything out of the little tote. And
10 the little tote was his, the big tote was mine. And I made
11 him a set of steps.

12 MS. ZELIKOV: [indiscernible].

13 MR. COVINGTON: And it helped him get up higher,
14 and he -- he got back on the top bunk for a while.

15 MS. ZELIKOV: Okay.

16 MR. COVINGTON: But they come through for count --

17 MS. ZELIKOV: What time was that?

18 MR. COVINGTON: Count is 3:00 -- the counts are at
19 3:00 -- between 3:00 and 3:30. I mean, so she come
20 [indiscernible] after Ms. Burkes left --

21 MS. ZELIKOV: Oh, okay.

22 MR. COVINGTON: -- she was going to count me while
23 she was in the pod. They didn't even contact medical at the
24 time. She finished doing her count in the pod. They come
25 through for count. The doors roll after counts clear.

1 MS. ZELIKOV: Okay.

2 MR. COVINGTON: And nobody -- still there was no
3 [indiscernible]. And I told Shitty, I said, Come on, Bro,
4 we're going to try to go to medical.

5 He was like, No, just leave it alone. He's like,
6 You know it's already after 5:00 o'clock, so it's going to
7 be a shift change now anyways. That's going to be their
8 excuse.

9 MS. ZELIKOV: Okay. So nothing else that evening?
10 Y'all went to sleep?

11 MR. COVINGTON: Well, no. We -- count was --
12 count cleared, and I come out. I got our trays and I
13 brought him his tray. And I think I -- I don't know for
14 sure --

15 MS. ZELIKOV: [indiscernible].

16 MR. COVINGTON: Yeah. I'm not for sure, but I
17 think he come down and -- and tried to call his mom, and his
18 mom wouldn't answer or something. And he come back up to
19 the cell. And he -- he acted -- he looked like he was fine
20 -- was doing fine. I mean --

21 MS. ZELIKOV: He looked [indiscernible]. Okay.
22 Did he mention the leg at that point [indiscernible]?

23 MR. COVINGTON: No, not that day.

24 MS. ZELIKOV: Okay. And then you guys slept --

25 MR. COVINGTON: Yeah.

1 MS. ZELIKOV: -- [indiscernible] that night.

2 Okay.

3 And then the next day, was the 17th.

4 MR. COVINGTON: The next -- the next morning,
5 barely breakfast had ran, as soon as they brought breakfast
6 to our door --

7 MS. ZELIKOV: What time was that?

8 MR. COVINGTON: Man, I don't know. But I'll tell
9 you, breakfast usually comes -- sometimes it -- anywhere
10 between 4:00 and 6:00. But I know it was -- I know it
11 was --

12 MS. ZELIKOV: Okay.

13 MR. COVINGTON: -- later.

14 MS. ZELIKOV: Okay.

15 MR. COVINGTON: I know it wasn't -- it was -- it
16 was probably about 6:00 or 6:30.

17 MS. ZELIKOV: Okay.

18 MR. COVINGTON: Because the doors had rolled.
19 They let out for rec.

20 MS. ZELIKOV: Okay. Okay.

21 MR. COVINGTON: And --

22 MS. ZELIKOV: And then what happened?

23 MR. COVINGTON: I got my tray, I got his tray. I
24 handed him his tray on the top bunk. My friend Preacher had
25 come up there and knocked.

1 MS. ZELIKOV: Okay. Preacher, you said his
2 name --

3 MR. COVINGTON: His name is Daniel.

4 MS. ZELIKOV: -- is Daniel. And he is an inmate
5 that has since [indiscernible].

6 MR. COVINGTON: Yes. Yes.

7 MS. ZELIKOV: Okay. And what -- he was -- what
8 did he -- so he witness -- what did he witness?

9 MR. COVINGTON: Well, he come up there -- he --
10 yeah, he didn't mean to -- he was standing in there the
11 whole time, and he witnessed it when -- from him getting off
12 the bunk and everything.

13 But I handed Daniel -- or I handed Shitty his
14 tray. And I told him, I said, Hold on. I'm going to go out
15 here and talk to Preacher and see what Preacher wants. I'll
16 let you eat.

17 And I -- I set his tray -- I set his tray on the
18 top shelf, I mean, because he was still laying down.

19 MS. ZELIKOV: So he was on the top.

20 MR. COVINGTON: I'm saying I handed him his tray,
21 but I put his tray --

22 MS. ZELIKOV: Okay.

23 MR. COVINGTON: -- up there. So I put his tray up
24 on the top shelf.

25 MS. ZELIKOV: Okay.

1 MR. COVINGTON: And as soon as his tray was up
2 there I went back to see what Preacher wants.

3 And I went out there talking to Preacher. And I
4 come back in, and Preacher wanted to use my shower shoes so
5 he could take a shower. I remember that.

6 And I'm standing there, and I'm like, Bro, you got
7 to give me a minute. I ain't brushed my teeth. I ain't got
8 no coffee, you know, nothing like that.

9 MS. ZELIKOV: Uh-huh.

10 MR. COVINGTON: And he was like -- and he was
11 making a joke, and he said, Just give me the damn shower
12 shoes [indiscernible]. He said, Hey, well, I can't brush my
13 teeth or nothing until I take my shower.

14 MS. ZELIKOV: Uh-huh.

15 MR. COVINGTON: And when I walked back in Shitty
16 was sitting up on the bunk, holding his tray, eating.

17 MS. ZELIKOV: He was eating?

18 MR. COVINGTON: Yeah.

19 MS. ZELIKOV: Okay.

20 MR. COVINGTON: And I was talking to Preacher.
21 And he told me he wanted to go down and get something to
22 drink. So I told him to hand me his tray, and he handed me
23 his tray. And he got off the bunk. And I set his tray -- I
24 turned around, and I set his tray on the table --

25 MS. ZELIKOV: Uh-huh.

1 MR. COVINGTON: -- where the TV is. I had my TV
2 in there. I had the TV hanging up --

3 MS. ZELIKOV: Uh-huh.

4 MR. COVINGTON: -- on the wall so that way the
5 bottom and top bunk can see it. [indiscernible].

6 MS. ZELIKOV: And you said the cell was about
7 5' by 7', right, for a reference?

8 MR. COVINGTON: No, it's -- it's like -- the width
9 is -- like wide-wise it's probably -- probably 7 foot.

10 MS. ZELIKOV: Okay.

11 MR. COVINGTON: And it's probably -- it's probably
12 not -- from the wall -- I can't go all the way to the wall
13 because of the bunk. You know what I mean?

14 MS. ZELIKOV: Right.

15 MR. COVINGTON: But I had -- it's probably about
16 16 foot [indiscernible].

17 MS. ZELIKOV: Oh, Okay. Okay. Just so we
18 [indiscernible]. Okay. Okay.

19 Go ahead. I'm sorry.

20 MR. COVINGTON: And --

21 MS. ZELIKOV: So he got down.

22 MR. COVINGTON: Yeah. He got down off the bunk.
23 And after he got down, he was looking around, and he was
24 like, Bro, where's my water cup at?

25 And then I went -- I went -- turned around to

1 reach up on the top of the shelf, and I got his water cup.
2 I handed him his water cup. I stepped out of the way so --
3 because I was standing between him and the sink.

4 MS. ZELIKOV: Okay.

5 MR. COVINGTON: So I got out of his way so he
6 could go to the sink and get his water. Preacher was
7 standing over by the door, waiting on me to give him -- the
8 showers shoes to him.

9 MS. ZELIKOV: Okay.

10 MR. COVINGTON: And now Preacher looks at him and
11 asks him, he said, Bro, you all right from yesterday?

12 Because the whole pod knowed that he had a
13 seizure.

14 MS. ZELIKOV: Right.

15 MR. COVINGTON: You know what I mean, he was
16 trying to get medical.

17 He was like, Yeah, I'm fine. I'm -- I'm all
18 right. And he made a joke. Exactly what he said -- I
19 remember the exact words he said. He said, Oh, hell, this
20 is exactly what happens when you're at fucking Whiteville.

21 Well, he filled his cup up. And at this time
22 Preacher stood by the door. I'm at the head of my bed. And
23 he's at the sink. He throws his cup up and takes a drink,
24 and turns around. And as he was turning, it -- I don't
25 know, it was kind of like -- I don't want to say fell,

1 because he -- he kind of like --

2 MS. ZELIKOV: His legs kind of gave out.

3 MR. COVINGTON: Yeah. Like yeah, you could say
4 his legs kind of gave out.

5 MS. ZELIKOV: Okay.

6 MR. COVINGTON: Like his legs gave out, and he
7 kind of went down to his butt. You know what I mean?

8 MS. ZELIKOV: Okay. Yeah. So not like a full
9 fall, just like --

10 MR. COVINGTON: Yeah.

11 MS. ZELIKOV: Okay.

12 MR. COVINGTON: Kind of went down to his butt.

13 And as he did, I grabbed him by the shoulders, and was like,
14 You all right, Bro? And he's like, I'm good.

15 Well, no more in the time that I let him go, as
16 soon as I let him -- like my hands come over his shoulder,
17 and I looked up to Preacher. And Preacher was like -- he
18 made -- he kind of made a face like, Man, is he all right?
19 You know what I mean?

20 MS. ZELIKOV: Right.

21 MR. COVINGTON: And --

22 MS. ZELIKOV: So he didn't look so good at that
23 point.

24 MR. COVINGTON: No. I mean, he -- he had dropped
25 his water [indiscernible]. You know what I mean? That's

1 how I kind of knew.

2 MS. ZELIKOV: Right.

3 MR. COVINGTON: You know what I mean? He was
4 telling me he was all right, but he had dropped his water
5 cup as he was going down.

6 MS. ZELIKOV: Yeah. Okay.

7 MR. COVINGTON: And Preacher was like -- looking
8 at me like, Man, he's not -- he ain't [indiscernible] but
9 wasn't shaking or nothing. He was sitting up. He was
10 talking.

11 MS. ZELIKOV: He wasn't shaking yet.

12 MR. COVINGTON: Yeah. Uh-huh.

13 MS. ZELIKOV: Okay.

14 MR. COVINGTON: And then -- and like no more than
15 the time my hands left his shoulders from me holding me up,
16 he -- he -- he just -- everything in him, it's like it just
17 went out of him.

18 MS. ZELIKOV: Then all of a sudden he just went
19 limp.

20 MR. COVINGTON: He just -- he fell over. And when
21 he did he -- he hit his head on the wall. Because I
22 remember telling -- I remember telling medical, I mean, and
23 the TDOC Investigator Hill (phonetic) that when -- I was
24 like, Man, when he fell over he hit his head on the wall.
25 You all might want to check that.

1 MS. ZELIKOV: Was he completely unconscious when
2 -- when he had that fall -- when he hit his head?

3 MR. COVINGTON: Well, no. He fell. He hit his
4 head, and then like he just started shaking like he was
5 going into another seizure.

6 MS. ZELIKOV: And what did you guys do at that
7 point?

8 MR. COVINGTON: I grabbed him and I asked Preacher
9 to run downstairs. I told Preacher, I said, Man, get
10 medical. And then Preacher ran downstairs, and was beating
11 on the windows and shit to get medical. And -- and I was
12 dealing with all that. I don't know exactly how long it
13 took him to get back here. You know what I mean?

14 MS. ZELIKOV: You said at least 15 minutes.

15 MR. COVINGTON: Yeah.

16 MS. ZELIKOV: And you were holding him.

17 MR. COVINGTON: Yeah. I had done got him -- I had
18 done got his mat and everything and put it back on the floor
19 so he'd be comfortable that day.

20 MS. ZELIKOV: Did he throw up again, that third
21 seizure?

22 MR. COVINGTON: Yeah. He had throwed up on
23 everything. When medical -- you know what I mean? Like --

24 MS. ZELIKOV: Was this seizure worse than the two
25 you witnessed the day before?

1 MR. COVINGTON: Yeah.

2 MS. ZELIKOV: How long do you think it lasted,
3 this one?

4 MR. COVINGTON: Over a minute.

5 MS. ZELIKOV: So from the time the seizure ended
6 until medical arrived, what was the situation?

7 MR. COVINGTON: Me -- me walking back and forth.
8 Like him laying here. He had stopped shaking. And I mean,
9 and it -- he didn't look good. Like he didn't have his
10 color or nothing. Like he --

11 MS. ZELIKOV: [indiscernible].

12 MR. COVINGTON: Yeah.

13 MS. ZELIKOV: Okay.

14 MR. COVINGTON: And his lips just kind of looking
15 like -- looking bloated. And that's why I asked him, I was
16 like Bro, Shitty, you all right? You -- you know what I
17 mean?

18 MS. ZELIKOV: Yeah.

19 MR. COVINGTON: He was like, Yeah, I'm all right.

20 And I handed him his water cup because he asked
21 for something to drink. And like I -- I remember handing
22 him his water cup. And I was like -- well, Preacher is like
23 -- he was like, Bro, I'm going to go get a shower real quick
24 and I'll try to get medical.

25 So he wasn't even in there no more.

1 MS. ZELIKOV: Uh-huh.

2 MR. COVINGTON: And he said -- he was like
3 [indiscernible] he was like, I'm going to try and get
4 medical back here.

5 And at the time when I had left the cell there
6 wasn't no puke on the floor or nothing.

7 MS. ZELIKOV: Okay.

8 MR. COVINGTON: Well, by the time I had to come
9 back up to let him know that I had seen somebody out in the
10 celly port and told them, I was like, Well, I -- they
11 said --

12 MS. ZELIKOV: Said, I can't talk now. Preacher
13 already talked.

14 MR. COVINGTON: Yeah. I said, Bro, I said I'm --
15 I told him, they said they're calling medical, and medical
16 should be on their way.

17 And the person that was inside that I seen, she
18 was serious about it. Like she got on the radio and called,
19 you know, in a minute. And then when I come back up there,
20 he was laying on his left side, I remember, because of the
21 way the wall is, he had to be on his left side.

22 MS. ZELIKOV: Okay.

23 MR. COVINGTON: He was laying on his left side,
24 and there was puke out in front of him. And I was like,
25 Bro, did you have another seizure? What's up?

1 He was like, I don't know, man. I don't know.

2 And that's all he said, and he just -- he laid
3 back and closed his eyes, and I then heard the door pop.
4 And I stepped back out of the cell. And the officer --
5 Lord, I don't even know his name. He's a sergeant, still
6 works here now.

7 MS. ZELIKOV: Okay. That's who came.

8 MR. COVINGTON: Yeah. He -- he was the first one
9 in the door. He was the one of them that was making jokes
10 about it.

11 MS. ZELIKOV: He was making jokes.

12 MR. COVINGTON: Yeah.

13 MS. ZELIKOV: Do you remember what he was saying?

14 MR. COVINGTON: As they -- they were making jokes
15 about, I don't know, how fat he was, and maybe he -- maybe
16 that's why he's having the seizures, because he's
17 overweight.

18 MS. ZELIKOV: So was he trying to assist him, or
19 was he waiting on them?

20 MR. COVINGTON: No. He come in, and they kicked
21 me out of the cell. Like -- like they -- they told me I
22 needed to leave the cell. And I was like, I'm not leaving
23 the fucking cell until medical gets here [indiscernible].

24 I'm standing by the door, and he's trying to argue
25 with me. And then --

1 MS. ZELIKOV: Uh-huh.

2 MR. COVINGTON: -- by that time two more officers
3 had come in, and was sticking up for him, and they was like
4 coming up to me, You need to go sit down on the tables down
5 there, and blah, blah, blah.

6 I said, I'm not even going down the steps. And
7 the whole time I was cussing him, you know, like, well, I
8 was cussing them and telling them that if they had --

9 MS. ZELIKOV: Yeah.

10 MR. COVINGTON: -- been doing their damn job that
11 he wouldn't laying on the floor and -- you know what I mean?

12 And I remember them making jokes about how bad the
13 cell stunk because he throwed up. And they was talking
14 about, Man, it stinks in here, blah, blah. Where the hell
15 is medical at so we can get this over with, blah, blah, like
16 that.

17 MS. ZELIKOV: And they were making fun of him.

18 MR. COVINGTON: And medical -- medical had come to
19 the door. And they was hollering down to me, What kind of
20 drugs is he on? And I was like, Man, he's not on no damn
21 drugs.

22 MS. ZELIKOV: So they immediately assumed he was
23 on drugs.

24 MR. COVINGTON: Yes. And that's when I started
25 telling him, I was like -- I told them, I said, Man, you

1 know, he don't even get high.

2 And that's when I brought up the day before. I
3 said, Hell, the man had two seizures yesterday. If y'all
4 was -- if y'all had been doing y'all's job y'all had knowed
5 that.

6 MS. ZELIKOV: Wow. Did they [indiscernible] at
7 all?

8 MR. COVINGTON: No. They didn't care.

9 MS. ZELIKOV: Did you see -- is that when they
10 administered the Narcan?

11 MR. COVINGTON: I didn't see them administering
12 the Narcan. I was --

13 MS. ZELIKOV: But you told them he doesn't get
14 high.

15 MR. COVINGTON: Yeah. I --

16 MS. ZELIKOV: You made that statement. Right?

17 MR. COVINGTON: -- told him. Yeah, it was -- it
18 was dead clear, the man does not get high. He's not
19 overdosing. He's had seizures.

20 When medical come to the door before they went up
21 the steps. Because see, I'm in 201. There's 12 cells up
22 top, 12 cells on the bottom.

23 MS. ZELIKOV: Uh-huh.

24 MR. COVINGTON: A set of steps here and a set of
25 steps here. As soon as you come up the steps, my cell is

1 right here.

2 MS. ZELIKOV: Okay.

3 MR. COVINGTON: I'm the first cell. I'm in 201.

4 So as the medical is coming up the steps, I told him -- I
5 was like -- they was like, Tell me what happened. I was
6 like, Man, he's had-- he's had another seizure. Another
7 one. And he had two yesterday.

8 MS. ZELIKOV: Right.

9 MR. COVINGTON: And they was like, All right. And
10 Ms. -- Ms. Davis is her name, I remember that. I remember
11 her.

12 MS. ZELIKOV: Is she medic person?

13 MR. COVINGTON: Yeah. She still works her.

14 MS. ZELIKOV: What -- did she assume it was an
15 overdose?

16 MR. COVINGTON: I mean, no. She asked me what
17 happened.

18 MS. ZELIKOV: Okay.

19 MR. COVINGTON: And her name --

20 MS. ZELIKOV: So she was the only one that was
21 [indiscernible].

22 MR. COVINGTON: No.

23 MS. ZELIKOV: Okay. So did -- then at that point
24 did they take him out of the cell? Or what was the next --

25 MR. COVINGTON: No. At that -- I mean, they was

1 in the cell -- medical got in there, and they was in the
2 cell doing whatever they was doing for minutes. Like, I
3 don't know, I'm going to say a good five minutes.

4 MS. ZELIKOV: Okay.

5 MR. COVINGTON: And then they finally come back
6 down the steps and got a Gurney thing, it was like board.
7 They got the board and carried it up the steps and put him
8 on the board.

9 And then the officer said they administered
10 Narcan, so I guess that's what they was in there doing the
11 whole time.

12 MS. ZELIKOV: So they took him out of your view
13 while they were putting him on the Gurney.

14 MR. COVINGTON: He was -- he was -- no, he was
15 already out of my view. He was in the cell with --

16 MS. ZELIKOV: Okay.

17 MR. COVINGTON: -- the officers and medical.

18 MS. ZELIKOV: Okay.

19 MR. COVINGTON: And that's had to have been when
20 they administered Narcan, because I didn't --

21 MS. ZELIKOV: You didn't see it.

22 MR. COVINGTON: Yeah, I just didn't see it. I
23 mean...

24 MS. ZELIKOV: And then what happened after that?

25 MR. COVINGTON: The -- he was coming out of the --

1 he was coming out of the -- they was carrying him out of the
2 -- out of the room, on the board, to the top of the steps.

3 And I remember the officer just like got to the
4 top of the steps like they was about to walk down. And he
5 kind of sat up a little bit, so I knowed he was alive.

6 And then they kind of -- he kind of set up just a
7 tad bit. And when he did, he rolled to his left side a
8 little bit, and puked.

9 MS. ZELIKOV: Again?

10 MR. COVINGTON: Yeah, at the top of the steps.

11 MS. ZELIKOV: While he was on the Gurney.

12 MR. COVINGTON: Yeah. He puked [indiscernible]
13 like puked off of the board, like while he was on the board
14 [indiscernible] the officer that was holding him right here
15 by his head, dropped him, just let him go and stepped back,
16 like just let the whole board go and stepped back.

17 And when they did -- when he did that, it caused
18 everybody else that was holding the board -- and he's a
19 bigger dude --

20 MS. ZELIKOV: Right.

21 MR. COVINGTON: -- as I said. He -- he's bigger
22 than me. And I weigh --

23 MS. ZELIKOV: How much do you think he weighed?

24 MR. COVINGTON: Well, I weigh -- I weigh 234.

25 MS. ZELIKOV: Okay.

1 MR. COVINGTON: He was shorter, but he had more of
2 a gut on him.

3 MS. ZELIKOV: Uh-huh.

4 MR. COVINGTON: And then he worked out and stuff,
5 so it was -- it was -- you know what I mean, it was firm
6 gut.

7 MS. ZELIKOV: Right.

8 MR. COVINGTON: And --

9 MS. ZELIKOV: So he stepped back after he threw
10 up.

11 MR. COVINGTON: Yeah.

12 MS. ZELIKOV: Okay.

13 MR. COVINGTON: He -- he --

14 MS. ZELIKOV: Now --

15 MR. COVINGTON: He dropped the board and like
16 stepped out of the way so he wouldn't get hit by the puke.
17 And when he did, it throwed everybody else off that was
18 holding him --

19 MS. ZELIKOV: Holding him, yeah.

20 MR. COVINGTON: -- so everybody else dropped at the
21 same time. And they just like probably -- and you guys
22 think, if they're standing upholding him, they're
23 3.5 feet --

24 MS. ZELIKOV: Right.

25 MR. COVINGTON: -- 4 feet off the ground, and just

1 dropped him.

2 MS. ZELIKOV: Just dropped him. [indiscernible]
3 how did he react?

4 MR. COVINGTON: I was [indiscernible] right at the
5 top of the stairs.

6 MS. ZELIKOV: And he fell at least 3 feet, he fell
7 on his legs.

8 MR. COVINGTON: Yeah, but he was still on the
9 Gurney.

10 MS. ZELIKOV: Oh, fell on the board, so, yeah.
11 Oh, my, goodness.

12 Okay. Then did they pick him back up?

13 MR. COVINGTON: Yeah, minutes later.
14 [indiscernible] jokes about what they was going to do, and
15 how bad -- how bad it stunk, and --

16 MS. ZELIKOV: They were still joking.

17 MR. COVINGTON: Yeah, because I was telling them
18 -- I was like -- I remember, and there was other people in
19 the pod that said -- telled everybody to step behind the
20 door, and I was sitting on the table.

21 And I was like, Man, you all are fucking -- y'all
22 just got him strapped to the board sitting at the top of the
23 steps. I said, Get the man on the damn Gurney and get him
24 to medical.

25 And they was joking about it, telling me I needed

1 to shut up, that it ain't none of my business, and just all
2 kinds of stuff.

3 MS. ZELIKOV: And you were traumatized this whole
4 time.

5 MR. COVINGTON: Yeah.

6 MS. ZELIKOV: [indiscernible] you'd been helpful
7 [indiscernible]. Okay.

8 So then did they finally wheel him away?

9 MR. COVINGTON: Yeah. Well, they -- they finally
10 picked him back up. The officer asked for another set of
11 gloves and put another set of gloves over -- on so that he
12 had two sets of gloves on.

13 And they -- they finally -- they picked him back
14 up and got him down the steps. And they struggled with him
15 on the board. And I said, You got to think. And there's --
16 I think it was five officers --

17 MS. ZELIKOV: Carrying him?

18 MR. COVINGTON: -- three on one side. Yeah, three
19 on -- if I'm standing at the top of the steps, looking
20 down --

21 MS. ZELIKOV: Right.

22 MR. COVINGTON: -- it would have been on my right
23 side. So it's, yeah, three on his right side and two on his
24 left.

25 MS. ZELIKOV: Right.

1 MR. COVINGTON: And I think there was one medical
2 nurse at the end trying to hold up the board at his feet.
3 But I -- I mean, I just remember -- I -- I remember when
4 they picked the board up, I seen his arm fall off the board
5 and just like -- it just like fell, like he didn't have no
6 life anymore, he was dead at the top of the steps.

7 MS. ZELIKOV: So you think that's when he actually
8 expired?

9 MR. COVINGTON: Yeah, I did -- I did, until
10 TDOC Hill was questioning me, and had mentioned something
11 about was he making a -- was he -- or -- was he making a
12 gurgling sound, is how he said it, or something like that.

13 MS. ZELIKOV: Uh-huh.

14 MR. COVINGTON: Was he making a gurgling sound
15 when he -- when he was having a seizure, or whatever?

16 And I said, What do you mean, a gurgling sound?

17 He said, He was -- he said that on the way, on the
18 board, on the way back up to medical -- or no -- he said,
19 Snoring, is what he said. He said, Was he snoring?

20 And I said, What do you mean, was he snoring? He
21 was snoring when he had his seizures -- and I didn't mention
22 that, but he did.

23 MS. ZELIKOV: Okay.

24 MR. COVINGTON: He said -- I said, What do you
25 mean, snoring, like he was asleep?

1 And he said -- he said, Yeah, that's what it --
2 that's what he sounded like.

3 And I said, Well, he'd snore when he was having
4 the seizures.

5 He said, Okay. Well, see, that's what I was
6 wondering.

7 I said, So are you telling me he had another
8 seizure on the way to medical? And I ask the investigator,
9 TDOC Hill --

10 MS. ZELIKOV: Uh-huh.

11 MR. COVINGTON: -- the investigator. He was
12 having me up front, questioning me.

13 MS. ZELIKOV: Uh-huh.

14 MR. COVINGTON: I said, So you're telling me he --
15 he had another seizure on the way to medical? He said, I'm
16 not telling you that. I can't tell you that. But he said,
17 But he was snoring. Exactly what he said. So I mean, I
18 took it to -- I --

19 MS. ZELIKOV: So that would have been after they
20 took him down, after you saw him.

21 MR. COVINGTON: Yeah. I took the hint that, yeah,
22 he'd had another seizure, you know what I mean?

23 MS. ZELIKOV: Which would have been the fourth
24 one.

25 MR. COVINGTON: Yeah.

1 MS. ZELIKOV: So after -- did you -- did you see
2 him again after that, or that was it?

3 MR. COVINGTON: No. No. When they put him on the
4 board and walked out with him, and I never seen him again.

5 MS. ZELIKOV: When did they interview you, the
6 next day?

7 MR. COVINGTON: No. They -- they shut my cell
8 immediately, wouldn't let me back in my cell. And left in
9 the pod for -- left the pod locked down, and I was out in
10 the pod for like 45 minutes.

11 And they -- then an officer come and got me and
12 took me up front. And I was sitting there -- I sat in the
13 cage up front for hours. I know hours. It was -- I
14 couldn't -- I went to the cage up front around 8:00 o'clock,
15 a little after 8:00, and I didn't get questioned until after
16 1:00 o'clock.

17 MS. ZELIKOV: After 1:00 p.m. --

18 MR. COVINGTON: Yeah.

19 MS. ZELIKOV: -- on the 17th.

20 And that was Investigator Hill, of TDOC?

21 MR. COVINGTON: Yeah.

22 MS. ZELIKOV: That was the first person that
23 talked to you --

24 MR. COVINGTON: Besides --

25 MS. ZELIKOV: -- I mean, outside of the --

1 MR. COVINGTON: Besides --

2 MS. ZELIKOV: -- [indiscernible] --

3 MR. COVINGTON: -- officers asking me what
4 happened, and -- and did he overdose, and -- and just
5 assuming shit. You know what I mean?

6 MS. ZELIKOV: And you made it clear that he was
7 not overdosing.

8 MR. COVINGTON: Plenty of times, to everybody,
9 yeah. [indiscernible] --

10 MS. ZELIKOV: And that you had --

11 MR. COVINGTON: I told them that he never got
12 high.

13 MS. ZELIKOV: -- [indiscernible] the day before.

14 MR. COVINGTON: No, Jackson -- Jackson had come
15 and drug tested me before I spoke to TDOC Hill.

16 MS. ZELIKOV: How was that drug test?

17 MR. COVINGTON: I failed it for marijuana.

18 MS. ZELIKOV: What day was that?

19 MR. COVINGTON: The same day, the 17th.

20 MS. ZELIKOV: But he was clear, Sullivan.

21 MR. COVINGTON: Yeah.

22 MS. ZELIKOV: And you told them that.

23 MR. COVINGTON: Yeah. I mean, they -- they --

24 MS. ZELIKOV: And you told them that he --

25 MR. COVINGTON: -- they just -- they told me they

1 want to --

2 MS. ZELIKOV: -- [indiscernible].

3 MR. COVINGTON: Yeah. They told me they wanted me
4 drug tested and stuff, because I guess like I said, I guess
5 they assumed it was an overdose. You know what I mean?

6 MS. ZELIKOV: Let's see. Yeah, they have the date
7 of death at 9:28 a.m. on that --

8 MR. COVINGTON: 9:28?

9 MS. ZELIKOV: Uh-huh, a.m., on June 17th.

10 MR. COVINGTON: Oh, yeah, so he was alive when he
11 left the -- when he left the -- the unit and stuff. He was
12 alive while I was up front in the cage, then.

13 MS. ZELIKOV: [indiscernible]. 25-year-old man
14 -- man, nauseous and vomiting before being unresponsive.
15 Pulmonary thromboembolism [indiscernible]. Thrombi in both
16 lungs were noted. Let's see. [indiscernible].

17 [indiscernible voices.]

18 MR. COVINGTON: Nothing --

19 MS. ZELIKOV: I'm just looking over the --

20 MR. COVINGTON: -- [indiscernible] --

21 MS. ZELIKOV: -- toxin [indiscernible].

22 MR. COVINGTON: -- no toxin. He didn't get high.

23 MS. ZELIKOV: [indiscernible].

24 [indiscernible voices.]

25 UNIDENTIFIED FEMALE: Uh-huh.

1 MS. ZELIKOV: [indiscernible].

2 UNIDENTIFIED FEMALE: Huh-uh.

3 MS. ZELIKOV: Okay.

4 MR. COVINGTON: And he --

5 MS. ZELIKOV: You -- then you didn't see the
6 Narcan being administered?

7 MR. COVINGTON: No.

8 MS. ZELIKOV: But we know it was given.

9 You guys have tried to, along with two other
10 inmates, to [indiscernible].

11 MR. COVINGTON: There was -- there was many other
12 inmates that -- that hit the window while I was upstairs
13 with him after they realized he had a seizure. You know
14 what I mean? Because they -- people don't -- you know what
15 I mean? It's still -- it's prison, but it's --

16 MS. ZELIKOV: Right.

17 MR. COVINGTON: -- people do still care. Do you
18 know what I mean? I mean, there is --

19 MS. ZELIKOV: And those people --

20 MR. COVINGTON: -- there was people hitting the
21 window --

22 MS. ZELIKOV: -- are going to help --

23 MR. COVINGTON: -- because I told them, I was like
24 [indiscernible] I said, He had seizure, you all try to help
25 and get medical back here. And there's other people at the

1 window at this time.

2 MS. ZELIKOV: Okay. And they were trying to
3 help --

4 MR. COVINGTON: And this whole time --

5 MS. ZELIKOV: -- [indiscernible] because they know
6 nobody helped.

7 MR. COVINGTON: Yeah. Yeah.

8 MS. ZELIKOV: Just really quick, you had also
9 mentioned that you had some experience with seizures before
10 due to a grandmother?

11 MR. COVINGTON: Yeah.

12 MS. ZELIKOV: Is that right. Okay.

13 So you know what they look like, and you knew --

14 MR. COVINGTON: Yes.

15 MS. ZELIKOV: -- what to look for.

16 And you immediately told the personnel that there
17 was seizure. You -- you had --

18 MR. COVINGTON: Yes.

19 MS. ZELIKOV: -- no doubt. You knew what it
20 was --

21 MR. COVINGTON: Yeah.

22 MS. ZELIKOV: -- because you'd seen it before.

23 And --

24 MR. COVINGTON: And like said, if they had done
25 what they were supposed to, they would know that from the

1 day before.

2 MS. ZELIKOV: And had they helped the day before,
3 obviously he [indiscernible].

4 MR. COVINGTON: If they had helped the day before,
5 then they -- they would have known about the -- he'd have
6 been able to tell them about the blood clot and stuff --

7 MS. ZELIKOV: Uh-huh.

8 MR. COVINGTON: -- in his leg.

9 UNIDENTIFIED FEMALE: [indiscernible].

10 MS. ZELIKOV: We're to trying to do it as fast as
11 we can. [indiscernible] --

12 MR. COVINGTON: No, they got to do out-count.

13 UNIDENTIFIED FEMALE: What's your [indiscernible]?

14 MS. ZELIKOV: Oh.

15 MR. COVINGTON: 518.

16 UNIDENTIFIED FEMALE: What [indiscernible]?

17 UNIDENTIFIED FEMALE: We know.

18 MR. COVINGTON: [indiscernible].

19 UNIDENTIFIED FEMALE: Okay. We're good.

20 MR. COVINGTON: 518.

21 UNIDENTIFIED FEMALE: Okay. What [indiscernible]?

22 MR. COVINGTON: GA101.

23 UNIDENTIFIED FEMALE: [indiscernible].

24 UNIDENTIFIED FEMALE: GA101.

25 MR. COVINGTON: Yes, ma'am.

1 UNIDENTIFIED FEMALE: And what was the last name
2 again?

3 MR. COVINGTON: Covington. [indiscernible].
4 [indiscernible voices.]

5 MS. HOFF: Can you get a time line
6 [indiscernible]?

7 MS. ZELIKOV: And then you said that it took at
8 least 15 minutes before they responded. [indiscernible] --

9 MR. COVINGTON: That's something I feel like it
10 should be [indiscernible].

11 MS. ZELIKOV: Yes. And no response the day
12 before.

13 MR. COVINGTON: None.

14 MS. ZELIKOV: And let me just go back to where you
15 -- you said -- did you say he was on the right bottom side
16 of his head?

17 MR. COVINGTON: I feel like -- I mean, I'm not
18 100 percent on this, I mean, but I felt that like kind of
19 towards the -- the --

20 MS. ZELIKOV: On the left side.

21 MR. COVINGTON: -- the left side, like maybe
22 middle upper right.

23 MS. ZELIKOV: Okay.

24 MR. COVINGTON: Right at the back of his skull.

25 MS. ZELIKOV: Was there any blood?

1 MR. COVINGTON: No.

2 MS. ZELIKOV: There was -- there was not. Okay.

3 Did you get -- and -- and Preacher saw, too, that
4 he [indiscernible].

5 MR. COVINGTON: Yeah.

6 MS. ZELIKOV: Okay.

7 MR. COVINGTON: And I mean, it wasn't -- at the
8 time it wasn't something that I feel like you -- you know
9 what I mean, because it happened as he -- as he fell. You
10 know what I mean? And --

11 MS. ZELIKOV: Right. He didn't scream out.

12 MR. COVINGTON: No. Well, he didn't have a
13 chance. He started have a seizure.

14 MS. ZELIKOV: Right. Immediately went into a
15 seizure.

16 MR. COVINGTON: Yeah.

17 MS. HOFF: [indiscernible] wall.

18 MS. ZELIKOV: He hit his head on the wall. Did
19 he --

20 MR. COVINGTON: Yeah.

21 MS. ZELIKOV: -- keep hitting his head during the
22 seizure, on the floor?

23 MR. COVINGTON: No, because I was holding him.

24 MS. ZELIKOV: You were holding him. Okay. And
25 you had held -- held him before for other seizures.

1 MR. COVINGTON: Yes, ma'am.

2 MS. ZELIKOV: Okay. And again, you heard various
3 officers making jokes about the body and his weight during
4 this --

5 MR. COVINGTON: Yes.

6 MS. ZELIKOV: -- trying situation, while you were
7 trying to get help. And other inmates witnessed that as
8 well.

9 MR. COVINGTON: Yes.

10 MS. ZELIKOV: Okay. And you continued to say you
11 didn't want to leave, you wanted to make sure he was given
12 proper care.

13 MR. COVINGTON: Yeah. But that wasn't -- I mean,
14 they wouldn't allow me to do nothing, because they was
15 already in there.

16 MS. ZELIKOV: Right. [indiscernible] And then
17 they wouldn't let you back in your cell. But you had a
18 [indiscernible] referring to the -- referring to the black
19 book with notes about this incident.

20 MR. COVINGTON: No. They was -- I started -- I
21 mean, when I started it was -- it was a daily planner.

22 MS. ZELIKOV: Oh.

23 MR. COVINGTON: -- that I had bought from
24 somebody. It was a calendar, but it had a notes part in the
25 back of it.

1 MS. ZELIKOV: Uh-huh.

2 MR. COVINGTON: And I was starting to write notes,
3 because I knew about how when I'd asked to come to my cell
4 and get my stuff, and that I started -- like I said, I
5 started where I was having nightmares, and I couldn't sleep.

6 MS. ZELIKOV: Okay.

7 MR. COVINGTON: And I was asking to go to medical.
8 And I think I might have one or two pages before I got the
9 book that I had wrote down in. But I -- that I'd asked to
10 go to medical, I'd asked to see the mental health, and
11 [indiscernible] I was refused.

12 MS. ZELIKOV: Okay. And that's what they took.

13 MR. COVINGTON: Yeah.

14 MS. ZELIKOV: You never have recovered that.

15 MR. COVINGTON: No.

16 MS. ZELIKOV: They've taken your --

17 MR. COVINGTON: Yes.

18 MS. ZELIKOV: It was your property.

19 MR. COVINGTON: Yeah. It was taken during a
20 search.

21 MS. ZELIKOV: And that book had a important
22 evidence for this matter at hand.

23 And you've requested that back, and
24 [indiscernible] --

25 MR. COVINGTON: Yes.

1 MS. ZELIKOV: -- the request has been denied.

2 MR. COVINGTON: They told me that everything
3 taken was shut down, can't be took back because it
4 shouldn't have been in the cell.

5 MS. ZELIKOV: But you're -- but you were allowed
6 to have journals --

7 MR. COVINGTON: Yeah,

8 MS. ZELIKOV: -- in your cell before?

9 MR. COVINGTON: Yeah. It come through the mail.
10 It was ordered and come through the mail, yeah.

11 MS. ZELIKOV: Okay. And again, had you had that
12 journal now, it would have been helpful in this case; is
13 that correct?

14 MR. COVINGTON: Yeah. It had times and everything
15 in it.

16 MS. ZELIKOV: Okay.

17 MR. COVINGTON: Like -- like dates, and what --
18 like what time -- like I remember I wrote down -- I wrote
19 down the -- the time that I had when I walked out -- or I
20 mean that I've -- not walked out -- but I had come back from
21 basically talking to TDOC, because I wanted to try to call
22 my mom. It was 1:56.

23 MS. ZELIKOV: Oh, okay.

24 MR. COVINGTON: I remember that. It was like -- I
25 mean --

1 MS. ZELIKOV: So you remember the times -- the
2 whole time line is in there.

3 MR. COVINGTON: Yeah.

4 MS. ZELIKOV: Starting from the day before. Okay.

5 And then after this incident is when you were then
6 in contact with Sullivan's mother, and then eventually --

7 MR. COVINGTON: Yeah, but I was -- I kind of got
8 in contact with her a month and a half.

9 MS. ZELIKOV: Okay. To send her his property,

10 MR. COVINGTON: Yeah.

11 MS. ZELIKOV: -- some Bibles and pictures.

12 MR. COVINGTON: That's when they found
13 [indiscernible] at me in my cell --

14 MS. ZELIKOV: A month and a half.

15 MR. COVINGTON: -- to get -- to get what was left
16 of my property.

17 MS. ZELIKOV: After they'd taken --

18 MR. COVINGTON: Yeah.

19 MS. ZELIKOV: -- personal items from you. Okay.

20 MR. COVINGTON: No, actually, the other inmates,
21 in my cell, like they would come through. Like they -- they
22 call it redlining. They redlined my cell, which means that
23 nobody is supposed to be allowed in it.

24 MS. ZELIKOV: Okay.

25 MR. COVINGTON: But there wasn't nothing put on

1 the door saying not to open the door or nothing. So when
2 they opened the door from in the booth, and I'm still up
3 front, they push a button and all the doors roll open.

4 So what happened was, they pushed a button and all
5 the doors rolled, and I was still up front, and they went in
6 and ransacked my cell, took the TV, and took everything, all
7 my shoes -- all -- everything.

8 MS. ZELIKOV: Wow. And you obviously made
9 grievances about that I'm sure.

10 MR. COVINGTON: Yeah.

11 MS. ZELIKOV: And you've had issues ever since
12 because of this incident.

13 MR. COVINGTON: I feel like because they've spent
14 -- they -- they haven't stated because of the incident, but
15 I feel like it is, yeah.

16 MS. ZELIKOV: Uh-huh. And again, just to
17 summarize, you feel your -- because of the initial medical
18 reports you both filled out, and then leading up to these
19 seizures, and all of the efforts to contact medical and get
20 everybody on board, that this incident could have been
21 avoided.

22 MR. COVINGTON: Yeah.

23 MS. ZELIKOV: Is that -- could have been --

24 MR. COVINGTON: Yeah.

25 MS. ZELIKOV: -- I mean, if he had been treated

1 properly.

2 MR. COVINGTON: I mean, I'll -- I'm not a doctor.
3 I can't say that, you know, I mean, that death would have
4 been avoided, or whatever --

5 MS. ZELIKOV: Uh-huh.

6 MR. COVINGTON: -- because I don't -- I don't know
7 what all happened. But I feel like if he had seen medical it
8 would have helped.

9 MS. ZELIKOV: That it -- right. Okay.

10 Is there anything that we have not covered on your
11 statement so far? I know we covered a lot. But have I not
12 asked you anything that's important that you want to make
13 sure is on the record?

14 MR. COVINGTON: No. I mean, like I said, the
15 TDOC, he'll come up here and question me.

16 MS. ZELIKOV: Uh-huh.

17 MR. COVINGTON: And I told him the same thing,
18 that I -- that -- I even stated had to him that he had that
19 -- that my -- that Shitty had had two seizures the day
20 before, and he -- he acted surprised, like he didn't know
21 anything. You know what I mean?

22 MS. ZELIKOV: Okay. And the proper care was not
23 taken for this inmate, considering you asked for it the day
24 before.

25 MR. COVINGTON: Yeah.

1 MS. ZELIKOV: Again, has everything you said this
2 whole time been the truth, to the best of your knowledge?

3 MR. COVINGTON: Yes. Yes, ma'am.

4 MS. ZELIKOV: And also we have -- in taking the
5 statement, we've also prepared from a handwritten
6 declaration from you, that you've agreed to sign. And
7 basically it's that -- you know, it's your statement, that
8 you have personal knowledge of the facts set forth in this
9 declaration, and you're competent to testify regarding them,
10 standard penalty [indiscernible] and you've agreed to sign
11 this.

12 MR. COVINGTON: Yes, but I'm going to read it
13 first.

14 MS. ZELIKOV: Okay. Okay. We'll do that, and
15 then that -- it will be --

16 MR. COVINGTON: If that's all right.

17 MS. ZELIKOV: Huh?

18 MR. COVINGTON: I said I'd like to read it first.

19 MS. ZELIKOV: Absolutely, yes. And it will be
20 signed. It's probably 3:00 o'clock now, so it will be a
21 little bit after that.

22 But again, you've understood why we're here, the
23 purpose of this interview, who we're working for. And we
24 appreciate your helping today [indiscernible] what's going
25 on.

1 This concludes the recorded portion of this
2 statement. It is 3:06 p.m., on June 7, 2022, with
3 Vita Zelikov, private investigator.

4 And the next portion will be the signing of the
5 handwritten declaration.

6 (End of recording.)

7 * * * * *

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I, Laurie McClain, Transcriber,

DO HEREBY CERTIFY that the foregoing proceedings
were transcribed by me from a digital file, and the
foregoing proceedings constitute a true and correct
transcript of said recording, to the best of my ability.

I FURTHER CERTIFY I am not a relative or employee
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relative or employee of such attorney or counsel, nor do I
have any interest in the outcome or events of this action.

Date 06/13/2022


Laurie McClain
Transcriber

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MY NAME IS CHRISTOPHER COVINGTON, I HAVE PERSONAL KNOWLEDGE OF THE FACTS SET FORTH IN THIS DECLARATION, I AM COMPETENT TO TESTIFY REGARDING THEM, AND I SWEAR UNDER PENALTY THAT THEY ARE TRUE.

- SULLIVAN WAS MY CELLMATE APPROXIMATELY 2 MONTHS PRIOR TO HIS DEATH. A/K/A "BIG SHITTY"
- I HAD NO KNOWLEDGE OF SULLIVAN HAVING ANY SEIZURES UNTIL THE DAY BEFORE HE DIED; HE HAD TWO SEIZURES THE DAY BEFORE HIS DEATH.
- THERE WAS NO ASSISTANCE FROM ANYONE TO HELP SULLIVAN THAT DAY.
- SULLIVAN BEGAN COMPLAINING OF A PAIN IN HIS RIGHT Calf AREA AND HE NEVER COMPLAINED BEFORE.
- IT WAS BRUISED ? HAD A KNOT
- THE PAIN BECAME WORSE ? MENTIONED IT TO A COUNSELOR BURKS ? FILLED OUT A MED REQUEST ? LABLED IT AN EMERGENCY.
- SULLIVAN NEVER WAS KNOWN TO "GET HIGH" & NEVER FAILED A DRUG TEST. IT IS ALWAYS ASSUMED BY PRISON STAFF THAT THERE'S AN OVERDOSE.
- THE DAY BEFORE HIS DEATH HE HAD 2 SEIZURES
- I WAS HOLDING HIM ? ANOTHER INMATE "WHACK" RAN TO GET MEDICAL & SAID NO ONE EVER CAME TO ASSIST.
- ~~SULLIVAN STARTED ANOTHER SEIZURE AFTER DINNER.~~ CC
- HE FELL OFF THE BUNK ? VOMITED - I HELPED DRAG HIM TO A MAT TO HELP HIM. HE SAID HE WAS OKAY BUT IT WAS THE SECOND SEIZURE SO I ASKED FOR HELP. NO ONE HAD BEEN AROUND FOR THE FIRST SEIZURE.
- I HAD A NOTEBOOK WITH EVERYONE'S NAME & NOTES REGARDING WHAT HAPPENED ; IT WAS COMPROMISED BY SECURITY.

- I FINALLY SPOKE TO COUNSELOR BURKS ABOUT GETTING MEDICAL TO COME HELP. I POINTED OUT ALL THE VOMIT & SAID YET AGAIN HE NEEDS MEDICAL ATTENTION.
- SHE TOLD ~~HIM~~^{ME} TO LOCKDOWN AND COVINGTON TOLD HER NO BECAUSE IT WAS HIS LIFE AT STAKE.
- NO ONE EVER CAME TO ASSIST.
- SULLIVAN TOLD COVINGTON LET IT GO AND COVINGTON COULD NOT BECAUSE HE FELT LIKE SULLIVAN'S LIFE WAS AT STAKE.
- I CLEANED UP THE MESS, HELPED HIM STAND UP AND MADE HIM A SET UP STEPS OUT OF "TOTES" SO HE COULD GET UP ON HIS BUNK.
- I STILL NEVER WAS ABLE TO GET MEDICAL FOR HIM.
- SULLIVAN LOOKED AS IF HE FELT A LITTLE BETTER.
- THE NEXT MORNING, AROUND 6:00-6:30 AM. I GOT HIS TRAY & MY TRAY FOR BREAKFAST. I SAW PREACHER (DANIEL) (NOW DECEASED)² HANDED SULLIVAN HIS TRAY ON THE TOP SHELF & WENT OUT TO SPEAK TO PREACHER.
- I WENT BACK INTO CELL & SULLIVAN WAS EATING BUT WANTED TO GET DOWN TO GET SOMETHING TO DRINK. SO HE GOT OFF BUNK TO GET HIS WATER CUP. I GOT HIS WATER CUP FOR HIM & SULLIVAN WENT TO GET WATER. EVERYONE KNEW HE HAD A SEIZURE.
- HE FILLS HIS WATER CUP UP AND HIS LEG "GAVE OUT" AND WENT DOWN ON HIS BUTT. I GRABBED HIS SHOULDERS TO STABILIZE HIM. HE DROPPED HIS WATER. AND ALL OF THE SUDDEN HE WENT LIMP & HIT HIS HEAD ON THE WALL & BEGAN TO SHAKE AS IF HE WAS HAVING ANOTHER SEIZURE. PREACHER LEFT TO GO GET MEDICAL & I HELD HIM AS HE SHOOK & VOMITED.

- HE LOST THE COLOR IN HIS FACE & HIS LIPS WERE BLUE. I HANDED HIM HIS WATER CUP.
- PREACHER + I WENT TO FIND SOMEONE FROM MEDICAL.
- HE WAS LYING ON HIS LEFT SIDE AND I ASKED WHAT HAPPENED AND HE SAID I DON'T KNOW.
- A SEARGANT CAME + WAS MAKING JOKES ABOUT HOW FAT HE WAS + SAID THAT'S WHAT CAUSED HIS SEIZURES.
- MAKING JOKES ABOUT HOW BAD THE CELL SMELLED BECAUSE HE HAD VOMITED. THEY ASKED ME WHAT DRUGS HE WAS ON + I TOLD THEM HE DOESN'T GET HIGH + DEFINITELY NOT OVERDOSING.
- AS MEDICAL CAME, MS. DAVIS ASKED ME WHAT HAPPENED BUT ALL OTHER MEDICAL ASSUMED IT WAS AN OVERDOSE.
- THEY WENT AND GOT A BACK BOARD + I WAS NOT ABLE TO SEE WHAT THEY WERE DOING.
- THEY WERE CARRYING HIM OUT + SULLMAN SAT UP A LITTLE & TURNED + VOMITED WHILE LEANING TO THE SIDE. THE ONE OFFICER LET GO OF THE BOARD + STEPPED OUT OF THE PATH OF VOMIT. THIS CAUSED ALL THE OTHER PERSONNEL TO DROP HIM, SO ~~WE~~ HE WAS DROPPED FROM ABOUT 3 FEET HIGH AT THE TOP OF THE STEPS.
- CC - ~~THEY TOLD ME TO MOVE~~ ^{I WAS SITTING ON A DOWNSTAIRS TABLE WHEN} ~~THEY~~ FINALLY PICKED HIM UP. THERE WERE FIVE OFFICERS - ONE MEDICAL NURSE. I SAW HIS ARM FELL OFF THE SIDE AS IF HE HAD NO LIFE IN HIM.
- HE WAS SNORING WHEN HE HAD SEIZURES. AND IT SOUNDED LIKE AFTER SPEAKING TO AN INVESTIGATOR HE MAY HAVE HAD ANOTHER SEIZURE ON THE WAY TO MEDICAL.
- THEY TOOK ME TO THE CAGE OF PRISON @ 8 PM

I spoke to investigator Hill + provided a statement around 1am.

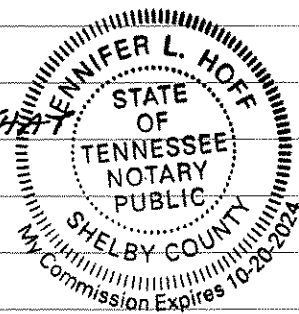
- I FAILED A DRUG TEST FOR MARIJUANA BUT HE NEVER GOT HIGH. I TOLD THEM THAT NUMEROUS TIMES.
- THERE WERE OTHER INMATES TRYING TO GET HELP SINCE THEY KNEW NO ONE CAME TO HELP THE DAY BEFORE.
- NO RESPONSE THE DAY BEFORE FROM MEDICAL + IT TOOK AT LEAST 15 MIN. FOR PERSONNEL TO ARRIVE THE DAY OF HIS DEATH.
- I HAD A DAILY PLANNER THAT HAD A "NOTES" SECTION THAT I WROTE IN THAT I WAS REFUSED MEDICAL. IT HAS BEEN CONFISCATED AND NOT RETURNED. IT HAD DATES + TIMES IN REGARDS TO THE TIMELINE OF EVENTS REGARDING THIS + OTHER INCIDENTS.
- I HAVE SUFFERED FROM TRAUMA FROM HOLDING SULLIVAN AS HE WAS DYING + KNOWING HIS LIFE COULD HAVE BEEN SAVED IF MEDICAL PERSONNEL TREATED HIM PROMPTLY.
- I ALSO FEEL THAT I HAVE BEEN TREATED UNFAIRLY DUE TO MY REPORTS REGARDING THE CONCERN I HAVE FOR SULLIVAN NOT RECEIVING THE CARE HE REQUIRED.

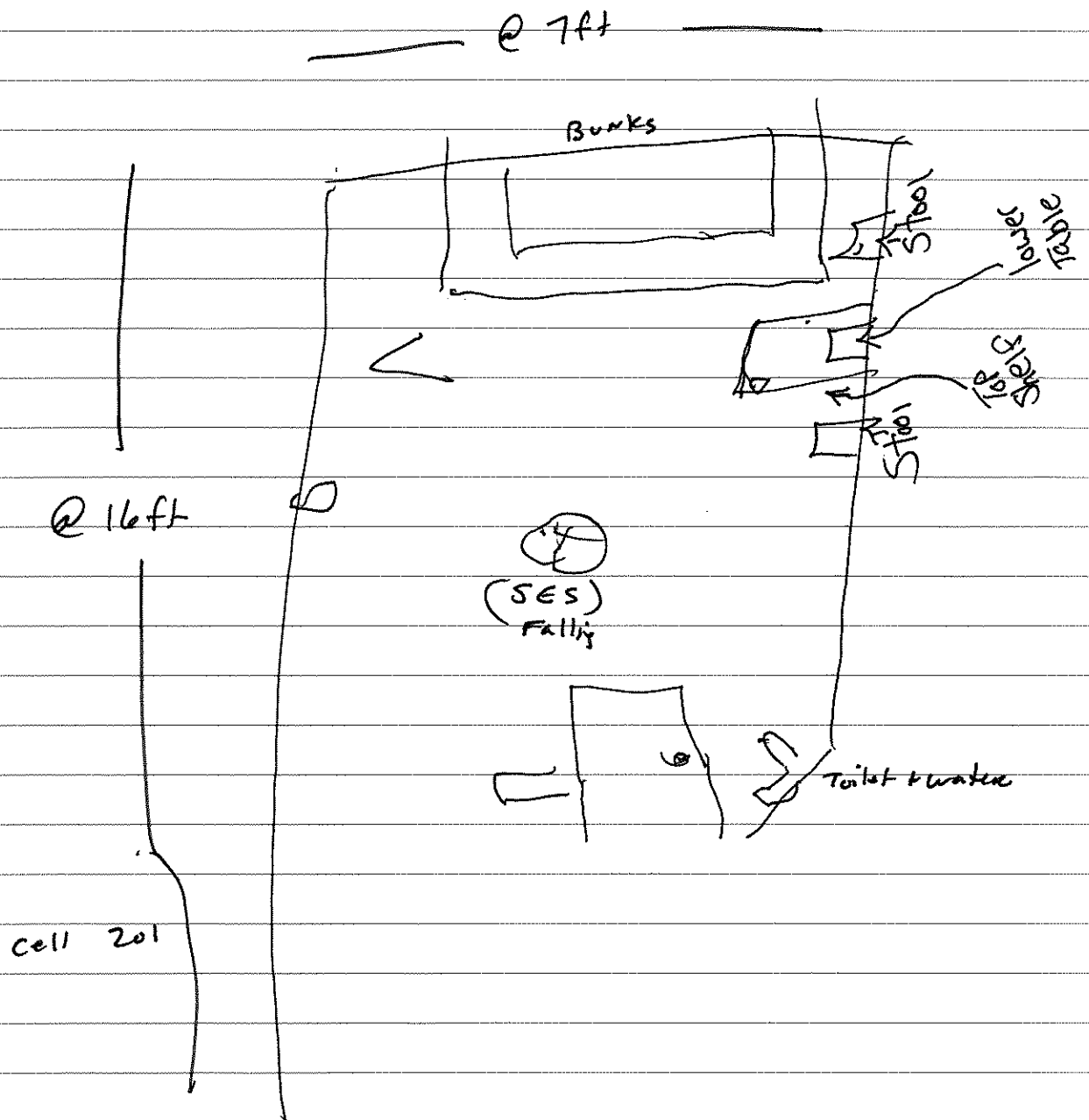
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE + CORRECT.

EXECUTED ON JUNE 7, 2022.

Chris Carston 3:21

THE foregoing document was acknowledged before me on the 7th day of June, 2022.





Christopher Corry's Diagram of Cell

Chris Constan

6-7-21