

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TENNESSEE
3 WESTERN DIVISION

4 JAMES INGRAM,

5 PLAINTIFF,

6 vs.

NO: 2:07-CV-02798-JDB-STA

7 GLEN TURNER, ET AL.,

8 DEFENDANTS.

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14 DEPOSITION

15 OF

16 GLEN TURNER

17 APRIL 16, 2009

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1 The deposition of GLEN TURNER was taken on
2 this, the 16th day of April, 2009, on behalf of the
3 Plaintiff, pursuant to notice and consent of counsel,
4 beginning at approximately 10:00 a.m. at the law firm
5 of Glenwood P. Roane, Sr., 217 Exchange Avenue,
6 Memphis, Tennessee.

7 This deposition is taken in accordance with
8 the terms and provisions of the Federal Rules of
9 Civil Procedure.

10 The signature of the witness is not waived.

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1 facility?

2 A. Turney Center.

3 Q. Can you spell that for me?

4 A. T-U-R-N-E-Y Center. And I believe
5 it's -- the city, I believe, is Only, Tennessee.

6 Q. What county was it in?

7 A. I have no idea. I want to say that
8 it's either Perry or Humphreys, but I'm not sure
9 which one it falls in.

10 Q. What was the basis of the inmate suing?

11 A. I really don't remember. It was long
12 ago.

13 Q. What was the outcome of the case?

14 A. I believe it was dismissed.

15 Q. And did you remain the attorney for a
16 period of time after that or what happened?

17 A. No. That is just the location that the
18 deposition occurred at.

19 Q. Where were you working when the
20 incident that you were being sued about occurred?

21 A. I believe I was at South Central
22 Correctional Center in Clifton, Tennessee.

23 Q. Can you spell Clifton?

24 A. C-L-I-F-T-O-N.

25 Q. Under what other circumstances were you

1 deposed previously?

2 A. I believe that's the only one where I
3 had a formal deposing session.

4 Q. And what other lawsuits whether you
5 were deposed in them or not -- in your official
6 capacity, in what other lawsuits have you been
7 named as a defendant?

8 A. There has been several. I don't recall
9 any -- I mean, there has been numerous. In the
10 position of a warden, you get named in every Writ
11 of Habeas Corpus and everything. I'm just named,
12 and the state takes care of them. So there has
13 been -- you know, depending on the type of suit,
14 I don't really recall how many there has been.

15 Q. Right. The one in which you were
16 deposed which you testified involved an incident
17 at South Central in Clifton, was it excessive
18 force? What was the basis for you being deposed?

19 A. No, ma'am. It was not -- it was not
20 related to any use of force incident. I believe
21 it was when I was disciplinary board chairman, a
22 position I held for a short term. And I believe
23 it was related to a disciplinary against the
24 inmate, related to a disciplinary issue.

25 Q. And what did he say was his grievance

1 about that?

2 A. I really don't even remember. It might
3 have been -- most commonly those things are due
4 process type issues.

5 Q. Was the accusation against you not
6 giving him due process or what was it?

7 A. No. I don't think it was -- as I
8 recall, it wasn't directly against me. I was
9 named in the suit, and I don't recall what the
10 suit was specifically about.

11 Q. What position did you hold at South
12 Central in Clifton at the time of the incident
13 that the suit was about?

14 A. The best I can recall I was
15 Disciplinary Board Chairman which would be the
16 rank of what they call a senior correctional
17 officer, and I was the disciplinary board
18 chairman for a period of time there.

19 Q. Which entailed what duties?

20 A. I actually held disciplinary board
21 hearings for inmates who had committed rule
22 violations in the institution.

23 Q. And his complaint was concerning the
24 disciplinary hearing?

25 A. I don't remember specifically.

1 Q. You said it was about due process or
2 lack thereof.

3 A. I said it may have been about due
4 process. I don't remember specifically.

5 Q. Do you recall the name of that suit?

6 A. No, ma'am.

7 Q. Who represented you in that suit?

8 A. I think our attorney at the time was
9 Tom Anderson.

10 Q. Okay. Would that be Judge Thomas
11 Anderson now who sits on the bench in the Western
12 District?

13 A. I believe it is the same person, yes.

14 Q. Okay. Did he represent you in other
15 lawsuits?

16 A. I'm sure that he did at some point,
17 yes.

18 Q. About how often did he represent you?

19 A. I really don't recall. It wasn't that
20 many.

21 Q. Okay. Did you know him other than in
22 the capacity as your lawyer?

23 A. No, ma'am.

24 Q. Were you friends with him?

25 A. No.

1 Q. Was he with a firm at that time?

2 A. I think he had his own firm.

3 Q. Okay. Did he -- was he regarded as
4 counsel for the facility when he represented you?

5 A. I believe so. Yes, ma'am.

6 Q. And would that have also been for CCA,
7 counsel for CCA?

8 A. I don't know how that business
9 arrangement was set up.

10 Q. When he represented you, was that when
11 you were working for CCA?

12 A. Yes, ma'am.

13 Q. Do you remember about what year that
14 was?

15 A. It would have been between 1992 and
16 1995.

17 Q. Okay. And what happened after 1995
18 that that would have changed?

19 A. Oh, well, the only thing that would
20 have changed is I moved in positions. I worked
21 for several CCA facilities.

22 Q. Okay. Did he represent you or did he
23 continue representing CCA after 1995?

24 A. I believe he did. Yes, ma'am.

25 Q. Do you have knowledge as to whether or

1 not he continued representing you until he was
2 put on the bench?

3 A. I don't have specific knowledge of
4 that. No.

5 Q. Do you remember what year it was that
6 he ceased representing you?

7 A. No, ma'am.

8 Q. Okay. Do you know Edward Bryant?

9 A. The name is familiar, but I can't say
10 that I know an Edward Bryant.

11 Q. Okay. Is it familiar because he would
12 have been involved as an attorney in any
13 situation that you were involved in?

14 A. Not that I recall.

15 Q. Okay. Do you know from where you have
16 head that name?

17 A. No, ma'am.

18 Q. Okay. Whether or not it would have
19 involved you giving a deposition, have you been
20 involved in other cases where inmates would have
21 named you as a perpetrator or a decision maker?

22 A. As a decision maker, yes, ma'am.

23 Q. And would you have given statements in
24 those cases?

25 A. I don't think I have given direct

1 statements so much as, you know, the normal
2 process of response to interrogatories, that sort
3 of thing.

4 Q. About how many times do you think you
5 have provided that type of information?

6 A. I really don't know.

7 Q. Okay. Can you give me an estimate?

8 A. I don't think I could give a fair
9 estimate. I mean, like I say, in the world of
10 corrections, because you're at a facility, you
11 may be named.

12 Q. I understood you the first time you
13 said that. But what I'm asking you is, has it
14 been a dozen times, two dozen times, two times,
15 100 times?

16 A. I don't think I could even make a fair
17 estimate.

18 Q. Okay. So would that be more than
19 twelve times?

20 A. Again, I don't think I can make a fair
21 estimate of numbers.

22 Q. Okay. What is your date of birth?

23 A. It's October 11th, 1962.

24 Q. And where were you born?

25 A. Charleston, South Carolina.

1 Q. What is your social security number?

2 MR. HILL: And when we do that, can
3 we do that off the record, please? Do
4 you have a problem with that?

5 MS. HARDAWAY: I don't know why we
6 would have to.

7 MR. HILL: Because I don't want it
8 out in the public since it's his Social
9 Security number. I don't have a problem
10 giving it to you.

11 MS. HARDAWAY: Well, apparently you
12 have because it was redacted on every
13 sheet of paper that I've gotten, and I
14 have read over a thousand of them so far.

15 MR. HILL: I didn't redact it.

16 MS. HARDAWAY: Okay. We're not
17 going off the record. Are you refusing
18 to answer the question?

19 MR. HILL: I'm not going to provide
20 it on the record. I will be glad for him
21 to provide it to you.

22 MS. HARDAWAY: Are you refusing to
23 answer the question?

24 MR. HILL: Yes.

25 BY MS. HARDAWAY:

1 Q. And what is the basis for that?

2 A. The basis for releasing my Social
3 Security number into a public record is the
4 position that I held. That information going
5 back into a penal institution and being provided
6 to an inmate would allow for other inmates to
7 have access to my personal information which has
8 always been closely guarded. And we've always
9 made efforts in corrections to closely guard the
10 personal information because there are people
11 incarcerated for the purpose of identify theft.
12 There have been issues where corrections
13 officials have had inappropriate liens placed
14 against their property and all kinds of things
15 because personal information was obtained.

16 Q. You certainly have records that have
17 inmates' Social Security numbers on them freely
18 released.

19 A. But once an inmate commits a criminal
20 act and is incarcerated, that information is -- I
21 mean, it's public information.

22 Q. All right. We'll just -- so you're
23 refusing to answer that question. Okay. We'll
24 just --

25 MR. HILL: We're not refusing to

1 answer it. We're refusing to answer it
2 on the record. I told you that we will
3 provide it.

4 MS. HARDAWAY: This is a deposition,
5 and we'll just let the judge decide that.

6 MR. HILL: That's fine.

7 BY MS. HARDAWAY:

8 Q. What is your present job that you hold
9 now?

10 A. I am owner and operator of Turnco
11 Enterprises, LLC.

12 Q. What is that?

13 A. It is a business that I started last
14 year that does two functions. One, I'm doing
15 internet sales for sporting goods, hunting
16 equipment, and then I'm also doing management
17 consulting.

18 Q. Managing consulting for what?

19 A. I currently have a contract with two
20 marinas located on the Tennessee River where I'm
21 providing management consulting to them and
22 operating as an acting general manager for the
23 two facilities.

24 Q. I'm sorry. Can you say that again?

25 A. I am providing management consulting to

1 two marinas that are located on the Tennessee
2 River, and I'm serving as the general manager at
3 both of those marinas.

4 Q. Okay. Do you consult them about
5 security? What is it you consult --

6 A. I consult them about operations,
7 business functions, staffing, general operation
8 of their business.

9 Q. Okay. And where is that located?

10 A. Turnco Enterprises, LLC, is located out
11 of my home.

12 Q. And what is that address?

13 A. It's 23215 Highway 18 North, Toone,
14 Tennessee.

15 Q. Highway 18?

16 A. 18 North.

17 Q. T-U-N-E?

18 A. T-O-O-N-E, Tennessee, and the zip code
19 is 38381.

20 Q. When did you leave Corrections
21 Corporation of America?

22 A. September of 2007. I believe the
23 official date was September 17th.

24 Q. And when did you begin operating Turnco
25 Enterprises?

1 A. I started my business in -- I
2 officially formed the LLC in March of last year,
3 2008.

4 Q. What did you do in between
5 September 2007 and March 2008?

6 A. I took some time off.

7 Q. Did you do anything like traveling or
8 what did you do?

9 A. I did me a little bit of traveling. I
10 spent a lot of time with my family. I played
11 Mr. Mom at home for a while and enjoyed being off
12 after a twenty year stretch in corrections.

13 Q. Did you -- what was your compensation
14 package at CCA? Was it straight salary? Did you
15 get bonuses? Did you have stock options?

16 A. We had a straight salary. We did have
17 an employee bonus program for all of our
18 employees, and I did receive stock options based
19 on performance.

20 Q. And what was the structure of how you
21 received stock options? What determined what
22 percentage, what number, how often you could?

23 A. It was a once a year. We received them
24 once a year. The exact structure of who received
25 what, I wasn't privy to that information, how

1 they determined who received a certain number of
2 shares that they received. But all wardens
3 throughout CCA were included in the stock option
4 program.

5 Q. Do you still have those stocks?

6 A. I still own some stock, yes, but I no
7 longer have options.

8 Q. Okay. Have you purchased any since you
9 ceased working for CCA?

10 A. No. I have not.

11 Q. Did you receive the same number every
12 year? Did it fluctuate?

13 A. It fluctuated from year to year.

14 Q. So it always went up?

15 A. No. It actually got cut out for
16 several years. We didn't receive any options.
17 And then it started back up. And, again, I don't
18 know what the corporate offices use to determine
19 who received what shares, what they base that on.

20 Q. How are you notified about options you
21 had? Were you just told this many shares of
22 stock is now in your name or were you given the
23 opportunity to purchase it at a discounted rate?
24 How did that work?

25 A. We were notified in writing how many

1 shares we were given each year. We were not
2 given a discounted purchase option.

3 Q. Now, you are married?

4 A. Yes, ma'am.

5 Q. And her name is?

6 A. Heather.

7 Q. Heather what?

8 A. Turner.

9 Q. And you have children?

10 A. Yes, ma'am.

11 Q. And they are?

12 A. I have two stepchildren, Landon, Carly,
13 and a daughter with my wife, and her name is
14 Colby.

15 Q. Okay. And your wife, did your wife
16 ever work for CCA?

17 A. She did at one period of time back
18 around 1997 to 1998 for a short period.

19 Q. As what?

20 A. She worked as a mailroom clerk and an
21 administrative clerk.

22 Q. Did she receive stock options?

23 A. No.

24 Q. Did she own CCA stock?

25 A. No.

1 Q. Do you have brothers and sisters?

2 A. Yes, ma'am.

3 Q. Who is Jimmy Turner?

4 A. That is my brother.

5 Q. And what does he do for a living?

6 A. He works for CCA.

7 Q. In what capacity?

8 A. He's currently vice president of
9 operations.

10 Q. How long has he been Vice President of
11 Operations?

12 A. I really don't know. I don't remember
13 when he took that position, but it's been several
14 years.

15 Q. And you say you started in 1992? Is
16 that when you started CCA? When did you start?

17 A. I started in 1992.

18 Q. Was he already there before you
19 started?

20 A. Yes, ma'am. He held a position with
21 CCA.

22 Q. What was that position that he held
23 when you started?

24 A. He was an assistant warden.

25 Q. And where was that?

1 A. I believe he was at the Metro Detention
2 Facility in Nashville, Tennessee.

3 Q. And how long after you started in 1992
4 did he become vice president?

5 A. It was several years. It was probably
6 eight to ten years.

7 Q. So around 2000 he would have been Vice
8 President of Operations?

9 A. I thing so. I think that's pretty
10 close. Yeah.

11 Q. Did he have a particular territory?

12 A. Yes, he did.

13 Q. And what territory was that?

14 A. Most of his facilities were in Texas,
15 Oklahoma, Georgia and Florida.

16 Q. And where were the rest of them? You
17 said "most." Where were the rest of them?

18 A. Texas, Oklahoma, Georgia and Florida.
19 The largest number of them were in Texas, but
20 then he has facilities in the other states as
21 well.

22 Q. Did you ever work for him in any of the
23 other states?

24 A. No, not any of those states.

25 Q. Okay. You worked in Texas Corrections

1 at some point, did you not?

2 A. Yes, ma'am.

3 Q. When was that?

4 A. That was from 1987 until 1992.

5 Q. And was that a Texas state run facility
6 or was that a privately operated facility?

7 A. I worked for the Texas Department of
8 Criminal Justice.

9 Q. Okay. And your brother was not part of
10 that department?

11 A. He was at one time, yes.

12 Q. Was it during that -- did it overlap at
13 all during the time that you were there?

14 A. Yes. He was with the Texas Department
15 of Criminal Justice also but at another facility
16 in the southern part of the state. And then he
17 left and went to CCA prior to me going to CCA.

18 Q. And when he was at the other facility
19 in Texas, what position did he hold?

20 A. Well, he held several positions, the
21 same thing I did. I think his last position was
22 as a -- either captain or a major.

23 Q. And the positions that you held in
24 Texas were?

25 A. Correction officer and sergeant.

1 Q. And why did you leave Texas from your
2 last job in Texas? Why did you leave your last
3 job?

4 A. Well, I came across the opportunities
5 with CCA, and I was the last family member in
6 Texas. All of my family had migrated back up
7 this way back to the Tennessee area, and I wanted
8 to get closer to my family.

9 Q. And your brother had already gone to
10 CCA?

11 A. Yes.

12 Q. How did you get your job at CCA? How
13 did you find out there was an opening?

14 A. Well, it was just kind of by chance. I
15 actually came up to visit my parents who live
16 outside of Memphis, and a friend of mine had come
17 to work for CCA and was at the Clifton facility,
18 and he asked me to come over and visit with him
19 while I was in the area and show me the new
20 facility that he had just opened. And it was
21 through discussions with him and the warden at
22 the time that they offered me a position with
23 CCA.

24 Q. And this friend was working in the
25 facility or was he working in the corporate

1 office?

2 A. He was in the facility.

3 Q. As what?

4 A. Assistant warden.

5 Q. And what was his name?

6 A. Robert Shaw.

7 Q. Is he still with the company?

8 A. As far as I know. I haven't talked to

9 Robert in some time.

10 Q. Do you know if he works in the facility

11 or in corporate?

12 A. At a facility.

13 Q. What other brothers and sisters do you

14 have other than Jimmy?

15 A. I have one sister.

16 Q. And her name is?

17 A. Terry Turner.

18 Q. And does she work for CCA?

19 A. No.

20 Q. Has she ever worked for CCA?

21 A. No.

22 Q. Have your parents ever worked for CCA?

23 A. No, ma'am.

24 Q. And as we sit here today, your brother

25 is still Vice President of Operations?

1 A. As far as I know he is.

2 Q. All right. Has he ever had
3 responsibilities that would include Tennessee,
4 CCA operations in Tennessee in any capacity?

5 A. I don't really understand your
6 question.

7 Q. What part do you not understand?

8 A. I just don't understand. State your
9 question to me again.

10 Q. Okay. Has your brother ever had any
11 responsibilities over any Tennessee operations
12 that CCA would have?

13 A. Well, I think it's hard for me to
14 speculate, but, yes, I think at some time he did.

15 Q. Okay. And when was that?

16 A. I'm not sure. I don't know that I
17 could appropriately answer that question. I'm
18 answering for him.

19 Q. I'm not asking you to answer any
20 questions for him or anybody else. I'm asking
21 you if to your knowledge he ever had any
22 responsibilities over any CCA facilities?

23 MS. GIBSON: Object to the form.

24 A. Yes. He did have responsibility over
25 CCA facilities.

1 BY MS. HARDAWAY:

2 Q. In Tennessee?

3 A. Yes.

4 Q. And you don't know what those
5 responsibilities were?

6 A. No, ma'am. I can't say. With the
7 position he held, I can't say what his exact
8 responsibilities were.

9 Q. Was that before or after he had a
10 territory that you already described on the
11 record?

12 A. It would probably have been before.

13 Q. Okay. But you don't know if that was
14 before you came to Tennessee or not? I'm just
15 trying to help you get the time frame straight.

16 A. I think at one period of time he held a
17 position that would have had indirect
18 responsibility because there were people under
19 him. He wasn't directly supervising people at
20 Tennessee facilities.

21 Q. He was over people who did? Is that
22 what you're saying?

23 A. Yes.

24 Q. As Chief of Operations or --

25 A. No. He was Vice President of

1 Operations.

2 Q. Vice President of Operations. Excuse
3 me. So as Vice President of Operations, he had
4 supervision over persons who worked in Tennessee;
5 is that correct?

6 A. He had supervision over what was known
7 as managing directors. They have had several
8 different titles or regional directors who in
9 turn supervise the facilities directly.

10 Q. Okay. And when was that?

11 A. I really -- that could have been from
12 2000 up until they made different changes at the
13 corporate office.

14 Q. Did they make the changes before 2008?

15 A. I mean, it was long before 2008.

16 Q. Did they make the changes before 2007?

17 A. Yes, ma'am. I want to say it was
18 probably around 2003, along in that area.

19 Q. So --

20 A. When they split the vice presidents the
21 way that they are structured now.

22 Q. So the people over whom he had
23 management supervision who were in Tennessee, the
24 positions they held were in the facilities or in
25 corporate here in Tennessee?

1 A. Well, I think technically you would
2 call them in corporate although they didn't work
3 out of the corporate office. They weren't
4 physically located there. Most of them actually
5 worked out of a home base, and then they traveled
6 to their different facilities that they
7 supervised.

8 Q. And their title was again?

9 A. The most recent title was Managing
10 Director.

11 Q. Then when he was over them, that was
12 the title?

13 A. I believe so. Yeah.

14 Q. Okay. So they were Management
15 Director, and they traveled to the different
16 facilities, and then what did they oversee?

17 A. They oversaw the wardens and the
18 operation at the individual facilities.

19 Q. So then the wardens were under the
20 chain of command that led back to your brother
21 here in Tennessee up until 2003; is that correct?

22 A. Well, that would have been throughout
23 the company, yes, not just in Tennessee.

24 Q. Explain that. I didn't understand your
25 statement.

1 A. Well, it's not just Tennessee. The way
2 the corporate structure was set up in the
3 hierarchy of the leadership ladder, I guess
4 however you want to word it, is you had the CEO,
5 the operations person. You had executive vice
6 presidents, then vice presidents under that, then
7 managing directors, and they broke out to the
8 staff that they supervise. Then wardens and
9 assistant wardens and on down the chain.

10 Q. So are you saying that -- and I'm not
11 trying to put words in your mouth. I'm trying to
12 understand. Are you saying that prior to 2003
13 then as COO, your brother, Jimmy Turner, was over
14 all of the managing directors of all the CCA
15 before they broke it out? Would that be fair?

16 A. Yes, ma'am, but he didn't hold the
17 position of COO. He held the position of Vice
18 President of Operations.

19 Q. Vice President of Operations. So as
20 Vice President of Operations, your brother, Jimmy
21 Turner, up until 2003 was over all the managing
22 directors of all the CCA facilities in all the
23 regions?

24 A. Yes, ma'am.

25 Q. And those managing directors were over

1 the wardens?

2 A. Yes, ma'am.

3 Q. Okay. I understand now. Do you know
4 why they would have broken that out in 2003?

5 A. Well, I think it's just to basically
6 share the workload because it had gotten so large
7 with the number of facilities throughout the
8 United States.

9 Q. Okay. And do you know how many CCA has
10 in Tennessee offhand?

11 A. In Tennessee? Let's see. I want to
12 say now it's five. It might be six.

13 Q. Okay. What would you imagine your
14 stock to have been worth when you left?

15 A. What I would imagine it to be?

16 Q. What do you testify that your stock was
17 worth?

18 A. It was probably worth 150,000.

19 Q. Has it gone up? Has it gone down?

20 A. No. It's gone down.

21 Q. Do you know about how much? You don't
22 have to answer that.

23 A. It's a good thing. Enough to make you
24 cry.

25 Q. Anymore relatives, cousins, uncles,

1 anybody else working for CCA?

2 A. Not that I'm aware of, no.

3 Q. Or that ever did?

4 A. No.

5 Q. All right. Have you ever been
6 arrested?

7 A. Yes, ma'am.

8 Q. Will you tell me the circumstances of
9 those arrests, and will you tell me what they
10 were for first?

11 A. I was arrested for a DUI charge back in
12 about 1981.

13 Q. And where was it?

14 A. Shelby County, Tennessee.

15 Q. What was the outcome?

16 A. I was found guilty of it. I lost my
17 driver's license for a while and did my little
18 probation time and went on.

19 Q. The next time you were arrested?

20 A. I believe that's about the only one.

21 Q. Have you ever been charged with a crime
22 other than DWI?

23 A. The only other crime I've been charged
24 with was the official oppression charge that I
25 received in 2007.

1 Q. Okay. What about misdemeanors?

2 A. I wasn't arrested, but I had --

3 Q. I didn't ask you if you were arrested.
4 I asked if you were charged with any other
5 crimes.

6 A. Oh. I had a bad check charge from an
7 ex-wife in Texas in about 1986.

8 Q. Was your ex-wife the prosecutor?

9 A. No.

10 Q. Okay. So the bad check charge was
11 from?

12 A. Her writing bad checks that I had to
13 claim.

14 Q. Were they your checks?

15 A. They were my checks, but she signed my
16 name to them.

17 Q. And you plead guilty?

18 A. Yes.

19 Q. Okay. Was it an Alford plea or did you
20 just plead guilty?

21 A. I don't remember how they worded it. I
22 mean, basically I just paid the check, paid the
23 fine, and went on.

24 Q. But you pled guilty to it? You didn't
25 say "I didn't really do it"?

1 A. No. It was a whole lot cheaper and
2 easier to just go ahead and do it.

3 Q. Okay. Any other charges that you told
4 me about?

5 A. No, ma'am.

6 Q. Okay. And so you mentioned something
7 about official oppression.

8 A. Uh-huh.

9 Q. What was that? Tell me about the
10 official oppression charge.

11 A. I was charged with an official
12 oppression as a result of an investigation
13 conducted by TDOC Internal Affairs in September
14 of -- the charge was in September of 2007.

15 Q. Tell me about that.

16 A. It was as the result of an incident
17 that occurred at the facility.

18 Q. Tell me about that.

19 A. It was as a result of an incident that
20 occurred during a May 16th incident that occurred
21 at the facility.

22 Q. That's repeating what you already said.
23 Can you tell me about this incident that occurred
24 May 16th at the facility?

25 A. Yes, ma'am. On May 16th we had a large

1 disturbance in our facility involving between 25
2 and 30 inmates who failed to follow direct
3 instruction from staff who in turn ended up
4 assaulting staff members sending two of them to
5 the hospital. It was a group of inmates that
6 were also designated as members of the Vice Lord
7 gang. As a result of that and other incidents
8 that occurred that day, I ended up receiving that
9 charge.

10 Q. I'm not going to move to strike an
11 answer yet or tell you that that is not
12 responsive, but how is that -- how is what the
13 inmates did the cause of your getting an official
14 oppression charge? Was it not based on something
15 you did?

16 A. It was based on an incident that
17 occurred between myself and your client,
18 Mr. Ingram.

19 Q. All right. And so any other charges?

20 A. No.

21 Q. And no other arrests?

22 A. No.

23 Q. Okay. What about violations? Were you
24 accused of violations ever in regard to the May
25 16th incident?

1 MS. GIBSON: Object to the form.

2 MR. HILL: What are you talking
3 about, what violations?

4 A. Yeah. I'm not understanding.

5 BY MS. HARDAWAY:

6 Q. Okay. I'm going to show you the Bates
7 number 1406, Report of Investigation, and I'll
8 let you look at it. Can you tell me when you're
9 finished?

10 A. No. I was not charged with it.

11 Q. Are you finished looking at it?

12 A. Yes, ma'am.

13 Q. And can you read into the record what
14 this says? It's not very long.

15 A. Starting from the very top?

16 Q. That would be a good place to start.

17 A. It says Report of Investigation. Case
18 number SUB-07-050. Subject: Glen
19 Turner-TRNGLDR1, Hardeman County Correctional
20 Facility, 2520 Union Springs Road, Post Office
21 Box 549, Whiteville, Tennessee 38075.
22 Investigating Agent: Jerry Lester. Allegations:
23 Warden Glen Turner is alleged to having assaulted
24 inmate James Ingram, number 358113 on May 16th,
25 2007, following a disturbance in the chapel.

1 This case was verbally authorized by
2 Commissioner George Little on July 19th, 2007
3 after becoming aware of the allegations. It says
4 Violations: TCA 39-13-102 Aggravated Assault, a
5 Class C Felony, TCA 39-16-402 Official
6 Misconduct, a Class E felony.

7 Q. Okay. And you have been in the
8 criminal system long enough that you know what an
9 aggravated assault is, right?

10 MR. HILL: Object to the form of the
11 question.

12 A. Yes, ma'am.

13 BY MS. HARDAWAY:

14 Q. And what is an aggravated assault?

15 MR. HILL: Object to the form of the
16 question.

17 A. My interpretation of an aggravated
18 assault without knowing verbatim what the legal
19 terminology is, it generally is an assault that
20 involves a weapon.

21 BY MS. HARDAWAY:

22 Q. Is that your full understanding of
23 aggravated assault?

24 A. My full understanding?

25 Q. Uh-huh.

1 A. I mean, that's what I would assume that
2 it is.

3 Q. Okay. And what about official
4 misconduct? What is your understanding about
5 that?

6 A. I really don't know the exact
7 definition of it, but it would be somebody who
8 failed in the performance of their professional
9 duty.

10 Q. Okay. Now -- and we'll come back to
11 some of these things later. Have we exhausted --
12 were there any other things that you were
13 investigated for in relationship to this other
14 than the aggravated assault and the official
15 misconduct violations? Official oppression isn't
16 listed on here, right?

17 A. It's not listed on that sheet, no.

18 Q. So what was the basis for your
19 eventually being charged with official
20 oppression?

21 MR. HILL: Object to the form of the
22 question.

23 BY MS. HARDAWAY:

24 Q. Was it based on the facts underlying
25 these violations?

1 A. I don't know.

2 Q. Okay. How were you charged? Were you
3 handed an indictment? How were you charged?

4 A. I was notified that the possibility of
5 charges existed.

6 Q. Not the possibility. How were you
7 charged?

8 A. Oh. I was notified by the assistant
9 attorney.

10 Q. How were you notified? Did you go to
11 court? Did he send you a letter? Did he invite
12 you to dinner? The question is, how were you
13 notified of what your charges were?

14 A. I was notified through an attorney that
15 I had placed on retainer who had had some
16 discussions with the Assistant District Attorney
17 in Hardeman County.

18 Q. Okay. So who is your attorney for
19 that?

20 A. I will look at his card. I don't
21 remember his name. I haven't talked to him in a
22 while. Milton McGee, Jr.

23 Q. Okay. What law firm was he with or is
24 he?

25 A. It's got Skouteris & Magee located here

1 in Memphis.

2 MR. HILL: S-K-O-U-T-E-R-I-S.

3 BY MS. HARDAWAY:

4 Q. Is there an address for him?

5 A. 50 North Front, Suite 590, Memphis,
6 Tennessee 38103.

7 Q. And he has a phone number on that card?

8 A. (901) 526-2254.

9 Q. So, now, he tells you you're charged
10 with official oppression. Did he tell you what
11 it was?

12 MR. HILL: We will object to
13 anything that he would discuss with his
14 attorney regarding that.

15 A. I'm sorry. What do you mean did he
16 tell me what it was? I don't understand your
17 question.

18 BY MS. HARDAWAY:

19 Q. Did he not explain to you what official
20 oppression was?

21 A. Yes.

22 Q. Okay. And what did you understand
23 official oppression to be?

24 A. I guess the best way I could explain
25 the way I understood it was basically a failure

1 to perform my duty.

2 Q. And what was the factual basis for
3 that?

4 MR. HILL: Object to the form of the
5 question.

6 A. The factual basis for what?

7 BY MS. HARDAWAY:

8 Q. The factual basis for the charge that
9 you failed to perform your duties.

10 A. I guess I'm not understanding what
11 you're asking. Are you asking me to speculate
12 what the District Attorney and others did or --

13 Q. No. I'm not asking you to speculate
14 about anything, and I won't be asking you to
15 speculate about anything all day. I'm only
16 asking you what the factual basis was for the
17 charge of you failing to perform your duties.
18 You, Glen Turner.

19 A. The only factual basis I can say is the
20 investigative report that the District Attorney
21 had. That's what I was informed.

22 Q. Did you read it?

23 A. No. I never saw a copy of it.

24 Q. Did you ever read the charges that were
25 against you?

1 A. The only charge that was against me was
2 official oppression.

3 Q. Did you read it?

4 A. Yes, ma'am.

5 Q. Okay. Do you have a copy of it?

6 A. I have a copy of what was given to me
7 by the Court.

8 Q. Where is it?

9 A. It's at home.

10 Q. Have you ever given a copy of it to
11 your attorney?

12 A. Yes, I have.

13 Q. Okay.

14 MS. HARDAWAY: I'm going to ask that
15 I get a copy of that.

16 MR. HILL: All right.

17 BY MS. HARDAWAY:

18 Q. Now, how was that disposed of, the
19 charge of official oppression?

20 A. It was done through a diversion, a
21 pretrial diversion.

22 Q. Did you go in front of a judge?

23 A. Yes, I did.

24 Q. And what happened when you went in
25 front of the judge?

1 A. It was a pretty simple process.
2 Basically he read some information off of what he
3 had. He asked me if I understood what I was
4 doing.

5 Q. What information did the judge read to
6 you?

7 A. I guess whatever was on that form that
8 they gave me.

9 Q. You pled guilty to something, and you
10 don't know what you pled guilty to?

11 A. Yes, ma'am. I know what I pled guilty
12 to.

13 Q. You don't know the reasons why you were
14 standing there pleading guilty?

15 A. Yes, ma'am.

16 Q. You do know the reasons?

17 A. Yes, ma'am.

18 Q. And the reasons you were pleading
19 guilty, can you tell me?

20 A. The information that they read off of
21 the sheet which was -- I mean, I don't remember
22 verbatim what he said to me which was for the
23 charge of official oppression.

24 Q. Did he ask you to admit to any facts in
25 order to take your guilty plea?

1 A. I don't remember.

2 Q. You don't remember something as
3 important as pleading guilty to a crime?

4 MR. HILL: Object to the form of the
5 question.

6 A. Yes, ma'am. I remember pleading guilty
7 to the crime, but I don't remember verbatim
8 everything that was said to me that day.

9 BY MS. HARDAWAY:

10 Q. How much of it do you -- just tell me
11 the part that you do remember as the factual
12 basis for you pleading guilty.

13 A. He asked me if I understood the charge
14 that was being presented to me, and I told him
15 that I did. He read some more information, and
16 he explained to me the pretrial diversion. And
17 he explained to me what that entailed, and then
18 he asked me if I understood. I pled guilty, and
19 that was pretty much it.

20 Q. Did he ask you about the facts that
21 occurred May 16, 2007?

22 A. I don't remember specifically what he
23 asked me if he did ask me anything about that.

24 Q. Do you remember if you were there
25 because of the facts concerning the incident with

1 James Ingram March 16th, 2007?

2 MS. GIBSON: Object to the form.

3 A. Say your question again.

4 BY MS. HARDAWAY:

5 Q. Do you remember if you were there
6 pleading to official oppression because of the
7 incident May 16th, 2007 with James Ingram?

8 A. I was there pleading against official
9 oppression, yeah.

10 Q. And was that why you were charged with
11 official oppression because of the incident with
12 James Turner?

13 MS. GIBSON: Object to the form.

14 BY MS. HARDAWAY:

15 Q. I'm sorry. James Ingram?

16 A. I guess I can only assume that. Yes.

17 Q. Would you not have read the document
18 and what it would have said if it would have said
19 anything about the incident with James Ingram
20 having anything to do with your charge? Would
21 you not have read it?

22 A. I read what they presented to me, what
23 my attorney gave me to read. Yes, ma'am.

24 Q. And on what you read, did it have any
25 bearing or information about the incident May

1 16th of 2007?

2 A. About the incident on May 16th, yes, I
3 believe so.

4 Q. And what do you mean when you use the
5 word "incident"?

6 A. Well, we had an entire incident that
7 day that took place.

8 Q. Was it the entire incident that took
9 place that day that you were pleading guilty to
10 or was it what you did that day that you were
11 pleading guilty to?

12 A. Well, I'm sure if I was being charged,
13 it was what I did that day.

14 Q. And what did you do that day that you
15 were being charged for?

16 A. The charge that I was standing there
17 pleading guilty to was official oppression.

18 Q. That's the charge you were standing
19 there pleading to?

20 A. Yes, ma'am.

21 Q. What did you do on May 16th, 2007 that
22 lead to the charge?

23 MR. HILL: Object to the form of the
24 question.

25 A. I guess I'm not -- I'm not truly

1 understanding your question, but I think the best
2 way that I can say it is that there was an entire
3 incident that occurred that day, and it wasn't
4 just one incident with James Ingram that occurred
5 that day.

6 BY MS. HARDAWAY:

7 Q. Did you strike somebody other than
8 James Ingram that day?

9 A. No, ma'am.

10 Q. Did you strike James Ingram that day?

11 A. Yes, ma'am.

12 Q. Was that the incident that led to the
13 charge?

14 A. I'm sure it was based on the
15 investigative report that the District Attorney
16 received.

17 Q. Do you disagree with that?

18 MR. HILL: Object to the form of the
19 question.

20 A. I never saw the report so I can't say
21 whether I agree or disagree with the report.

22 BY MS. HARDAWAY:

23 Q. Do you disagree with that being the
24 factual basis of why you were charged with
25 official oppression?

1 MR. HILL: Object to the form of the
2 question.

3 A. Do I disagree?

4 BY MS. HARDAWAY:

5 Q. Do you agree with it?

6 A. I'm sure that that had some relevance
7 to it. Yeah.

8 Q. The "that" that you're referring to is
9 what?

10 A. The incident that occurred between
11 myself and Mr. Ingram.

12 Q. What was the incident? Describe that
13 to me.

14 A. Well, the incident began with a large
15 group of inmates --

16 Q. I'm not asking you that. Excuse me.
17 From the time that you are alone in the room with
18 James Ingram on May 16th, 2007, start there and
19 describe the incident.

20 MR. HILL: Object to the form of the
21 question.

22 A. I was never alone in a room with James
23 Ingram.

24 BY MS. HARDAWAY:

25 Q. Who else was in the room with you?

1 A. There was two correctional officers,
2 Mr. Strickland, Mr. Mayhue, and the STG
3 coordinator, Bobby Howell.

4 Q. Now, describe to me what happened when
5 you were in the room with those people and James
6 Ingram starting there.

7 A. I was attempting to interview
8 Mr. Ingram to find out his involvement and the
9 reasons for the disturbance that just had
10 occurred at the facility. Mr. Ingram and I were
11 attempting to have a discussion about his
12 involvement in that incident and his assaults on
13 staff members. During one portion of the
14 interview I felt that Mr. Ingram was not
15 understanding the importance of what was going
16 on. I was attempting to get him to cooperate,
17 and Mr. Ingram was knocked out of a chair to the
18 floor.

19 Q. Who knocked him out of the chair? Who
20 did that part?

21 A. I did that.

22 Q. Okay. Was he assaulting you in any way
23 when you knocked him out of the chair?

24 A. No. He wasn't assaulting me.

25 Q. Was he handcuffed with his hands behind

1 his back?

2 A. He was not handcuffed. He was in
3 plastic restraints.

4 Q. Were his hands restrained behind his
5 back?

6 A. They were loosely restrained behind his
7 back. Plastic restraints do not completely --

8 Q. I didn't ask you whether they were
9 loosely or not. Were his hands restrained behind
10 his back when he was in the chair?

11 A. Yes, ma'am.

12 Q. Okay. And were they restrained behind
13 his back when you knocked him out of the chair?

14 A. Yes, ma'am.

15 Q. Then what happened?

16 A. He went down to the floor. I basically
17 --

18 Q. Did he go on his own or was that the
19 result of you knocking him onto the floor?

20 A. That was the result of him being pushed
21 out of a chair. Yeah.

22 Q. By you?

23 A. Yes, ma'am.

24 Q. Go on.

25 A. He went down to the floor. He was on

1 his -- the left side of his body on the floor. I
2 knelt down over the top of him, and I struck him
3 one time on the right side of his face.

4 Q. Were his hands still restrained behind
5 his back when you did that?

6 A. Yes, ma'am.

7 Q. Now, I'm going to ask you again. Do
8 you know what the basis was for you being charged
9 with official oppression, the factual basis?

10 A. As it was explained to me by my
11 attorney --

12 Q. I'm not asking you what was explained
13 to you. My question is, do you, Glen Turner,
14 know what the factual basis was for you, Glen
15 Turner, being charged with official oppression?
16 Do you know that?

17 MR. HILL: Ms. Hardaway, we're going
18 to end this deposition soon if you don't
19 drop the tone with him.

20 BY MS. HARDAWAY:

21 Q. You can answer the question.

22 MR. HILL: And I object to the form
23 of the question.

24 A. Again, it was based on the
25 investigative report --

1 BY MS. HARDAWAY:

2 Q. It's a yes or no question. Yes or no.
3 Do you know the factual basis?

4 MR. HILL: Object to the form of the
5 question.

6 A. No, because I never saw the
7 investigative report that was presented to the
8 District Attorney.

9 BY MS. HARDAWAY:

10 Q. Does your common sense indicate to you
11 it had something to do with you knocking James
12 Ingram out of a chair while his hands were still
13 restrained behind his back?

14 MR. HILL: Object to the form of the
15 question.

16 A. Yes.

17 BY MS. HARDAWAY:

18 Q. Your answer is, yes, what? Yes, you
19 understand that it had something to do with that?

20 A. Well, you said based on my common
21 sense. Yes.

22 Q. Okay. And you do follow your common
23 sense, don't you?

24 A. Sometimes.

25 Q. Did you that day?

1 A. Yes.

2 Q. So you think it was just fine to knock
3 a restrained prisoner out of his chair? You
4 thought that was using your common sense?

5 MR. HILL: Object to the form of the
6 question.

7 A. During the course of what went on that
8 day and the history of that facility -- and the
9 protection of staff and other inmates because
10 James Ingram wasn't the only inmate involved in
11 an incident that day. There were actually
12 roughly 185 other inmates involved in that
13 incident that day and over two hundred staff
14 members involved in that incident that day
15 including two that were sent to the hospital in
16 ambulances. Yes.

17 BY MS. HARDAWAY:

18 Q. Yes, your answer is, yes, you were
19 justified in knocking a restrained inmate out of
20 a chair. Is that your answer?

21 A. Yes.

22 Q. Okay. And you were justified in
23 striking that inmate in the face based on your
24 answer? You were justified in striking him in
25 the face?

1 A. Yes.

2 Q. Okay. So you have no remorse for that
3 then?

4 MR. HILL: Object to the form of the
5 question.

6 A. I didn't say I didn't have any remorse.

7 BY MS. HARDAWAY:

8 Q. Do you have any remorse for that?

9 A. Well, sure.

10 Q. Is that because you lost your job or
11 because of what you did?

12 A. It doesn't have been anything to do
13 with my job.

14 Q. Why do you have remorse?

15 A. Well, there is right and wrong in the
16 world, but there is right at the time.

17 Q. What is the basis for your remorse?

18 A. Well, the basis for my remorse is it
19 could have been handled in a different manner,
20 but at that point in time --

21 Q. How could it have been handled in a
22 different manner?

23 A. Well, we could armchair quarterback it
24 all day long.

25 Q. I'm not asking you to play football.

1 I'm asking you to tell me how could it have been
2 handled in a different manner.

3 A. A multitude of ways.

4 Q. Such as?

5 A. I don't know. The interview could have
6 went different. He could have been more
7 cooperative. He could have been more truthful
8 and forthcoming with why my staff were assaulted
9 that day.

10 Q. And what could you have done
11 differently that day?

12 A. Well, probably not let -- not conducted
13 myself the way did.

14 Q. Do you think it's important to be
15 forthcoming in an interview when a person is
16 asking you questions?

17 A. Yes, ma'am.

18 Q. Okay. So let's talk about the
19 policies. I'm sorry. Let's not leave that. So
20 you say you were on diversion. What does that
21 mean?

22 A. Well, the way I understood it is that
23 if I successfully completed my basic probationary
24 period, at the end of that time that the charges
25 against me would be expunged which they were.

1 Q. Okay. So you started a probationary
2 period from when to when?

3 A. September 17th, I think it was. Or
4 18th of 2007 until September 17th, 18th of 2008.

5 Q. What did you have to do during your
6 probational period?

7 A. I was unsupervised. I mean, I didn't
8 have to do anything other than not get in any
9 other trouble, I guess.

10 Q. You guess? Did you have a probation
11 officer?

12 A. No. It was unsupervised.

13 Q. Did the judge give you any
14 instructions?

15 A. Nothing other than that. I was on no
16 restricted form of probation. It was
17 unsupervised and really no restriction.

18 Q. So you didn't have to pay any
19 restitution or --

20 A. I didn't have to pay any restitution.
21 I had to pay court costs.

22 Q. What about a fine?

23 A. Probationary fees or whatever it was or
24 fine, whatever it was.

25 Q. What were the probationary fees? Were

1 they monthly?

2 A. No. I paid it all at one time. So I
3 don't remember. I think you could pay it
4 monthly, but I paid all mine at one time.

5 Q. Which was how much?

6 A. I think the total cost was around five
7 hundred dollars.

8 Q. And the fees -- I mean, fines -- did
9 you say you had fines?

10 A. I don't know if there was a fine
11 associated with it. As I remember, I paid the
12 whole thing at one time including the fees, and
13 it was around five hundred dollars.

14 Q. And you don't know if you had a fine
15 associated with it?

16 A. I don't remember the breakdown of the
17 cost.

18 Q. Okay. And just to be clear, before I
19 move on, a document from which Mr. Turner was
20 reading is Bates stamp 1406 which I received from
21 Ms. Gibson as part of the Department of Tennessee
22 Department of Correction Internal Affairs
23 Investigative Report. All right. When you were
24 employed by CCA, did you get a document called a
25 Code of Conduct?

1 A. Yes, ma'am.

2 Q. What is that?

3 A. Basically it is a document that
4 outlines the expectations of the corporate office
5 for staff in the performance of their duties.

6 Q. All right. Did that govern you? Did
7 that cover you? You said "staff." Did that
8 govern you?

9 A. It covered all employees.

10 Q. Okay. So it covered the wardens as
11 well?

12 A. Yes, ma'am.

13 Q. Okay. And you signed something showing
14 that you had received it, correct?

15 A. If you're talking about a specific
16 document, I would have to see it because I signed
17 several of those throughout the year.

18 Q. Those what?

19 A. Well, we had different versions, I
20 guess, you would say of Codes of Conduct or
21 expectations, whichever you want to call them.

22 Q. Okay. I'm going to show you Bates
23 stamp page 1492. That's an attractive cover.
24 Does that look like the cover of the one that was
25 the version you got or were they the same every

1 year?

2 A. No. They changed throughout the years,
3 but this is just the cover of it. This is not
4 the document.

5 Q. Is that the cover, the one you had?

6 A. It could be.

7 Q. All right.

8 A. Like I said, I signed several of them.

9 Q. And I'm not trying to trick you. I'm
10 just trying to make sure we're operating on the
11 same page. Let's go through some of this. Okay.
12 Do you recall part of that Code of Conduct
13 referring to what you should do to report
14 misconduct and seeking guidance when misconduct
15 occurs on the job at CCA? Do you recall that at
16 all?

17 A. I recall some of it, yes. But, again,
18 without looking at the document, I don't think I
19 could be too specific.

20 Q. Was it part of a Code of Conduct there
21 to report misconduct as soon as you became aware
22 of it?

23 A. I believe so. Yeah.

24 Q. Okay. And would you consider knocking
25 a restrained inmate out of a chair and then

1 punching him while he's still down on the floor
2 misconduct?

3 A. Not necessarily.

4 Q. Did you consider when you did it
5 misconduct?

6 A. Not necessarily.

7 Q. Necessarily or unnecessarily, did you
8 consider it misconduct when you did that?

9 A. No.

10 Q. Okay. Did you consider it a violation
11 of CCA policy?

12 A. No.

13 Q. So your understanding is that CCA would
14 have condoned or did condone what you did?

15 MS. GIBSON: Object to the form.

16 A. I can't say whether they did or didn't
17 condone anything.

18 BY MS. HARDAWAY:

19 Q. Did you consider it in conformance with
20 CCA's policy that you did what you did by
21 knocking Mr. Ingram out of the chair and just
22 striking him when he was down on the floor?

23 MR. HILL: Object to the form.

24 MS. GIBSON: Object to the form.

25 A. I'm sorry. Could you repeat your

1 question?

2 BY MS. HARDAWAY:

3 Q. Let's take it in parts. Was it within
4 CCA policy when you knocked Mr. Ingram out of the
5 chair?

6 A. Yeah.

7 Q. And it was within CCA policy when you
8 struck him when he was on the floor?

9 MS. GIBSON: Object to the form.

10 A. Yes.

11 BY MS. HARDAWAY:

12 Q. It was within their policy?

13 A. Which policy? CCA has more than one
14 policy.

15 Q. Any of their policies?

16 A. Yes.

17 Q. It was within their policy --

18 A. Uh-huh.

19 Q. -- to do it while he was restrained
20 with his hands behind his back?

21 A. Yes.

22 Q. Okay. And who trained you that you
23 could knock a restrained individual on to the
24 floor and strike him? Where did you get that
25 policy from? Is it written somewhere?

1 MS. GIBSON: Object to the form.

2 A. Again, there is literally hundreds of
3 policies that govern the operation of a
4 correctional institution. You couldn't narrow it
5 down to one.

6 BY MS. HARDAWAY:

7 Q. Where did you get the basis for your
8 saying it was within CCA's policy for you to
9 knock a handcuffed -- and that's what I mean by
10 restrained -- a handcuffed inmate out of a chair
11 and strike him while he was on the floor? Where
12 did you get that from? What is your basis for
13 saying that was part of CCA's policy? That was
14 not misconduct?

15 A. Well, there is multiple policies that
16 govern different facets of correctional
17 operations that include use of force incidents,
18 incidents that occur. There is a multitude of
19 policies.

20 Q. Okay. So tell me which one of those
21 govern -- you know, says that it's okay for you,
22 the warden, to knock a handcuffed inmate on to
23 the floor and punch him?

24 A. I don't think there is a policy that
25 says that that's okay.

1 Q. Okay. What is your basis for saying
2 that it was within CCA's policy?

3 A. Well, the basis would not only be CCA's
4 policy but the state of Tennessee's policy for
5 use of force for the protection of staff, inmates
6 and others.

7 Q. Well, let's just stick to CCA for now.
8 What part of CCA policy would govern you knocking
9 an inmate who is restrained out of a chair on to
10 the floor, getting over him and punching him?
11 What CCA policy?

12 A. Well, there is not a specific policy
13 that's that specific.

14 Q. Well, how specific can we get?

15 A. Well, I guess you would have to read
16 the policies.

17 Q. Why don't you tell me which one to go
18 and read?

19 A. Well, you would have to read more than
20 one. You would have to read a whole bunch of
21 them.

22 Q. So did your conduct cause you to be in
23 any way disciplined by CCA?

24 A. No. I was not disciplined.

25 Q. Okay. Did it cause you to be suspended

1 by CCA?

2 A. I was not suspended. I was placed on
3 administrative leave.

4 Q. What was the reason that you were
5 placed on administrative leave?

6 A. For an investigation involving the May
7 16th incident.

8 Q. And would that involve you knocking
9 Mr. Ingram out of a chair and punching him?

10 A. I'm sure that was a portion of it.

11 Q. Okay. And did they tell you bravo,
12 great job --

13 MR. HILL: Objection to form.

14 MS. GIBSON: Objection to form.

15 BY MS. HARDAWAY:

16 Q. -- at the end of the investigation?

17 MS. GIBSON: Object to the form.

18 A. They didn't tell me any of the results
19 of the investigation.

20 BY MS. HARDAWAY:

21 Q. Okay. Did CCA conduct the
22 investigation?

23 A. Yes. CCA conducted an investigation.

24 Q. And they didn't tell you any of the
25 results?

1 A. No. I was never given any results,
2 direct results of the investigation.

3 Q. So do you believe that you should still
4 be working there?

5 A. No. I made a personal choice not to be
6 working for CCA.

7 Q. So CCA in no way encouraged you to
8 resign?

9 A. No. I received no encouragement to
10 resign. My resignation was my own choice.

11 Q. Okay. So do you feel that what you did
12 was legal when you knocked Mr. Ingram to the
13 floor while he was restrained and punched him
14 while he was on the floor and still restrained?

15 MR. HILL: Object to the form.

16 BY MS. HARDAWAY:

17 Q. Did you feel that that was legal?

18 A. In the context of --

19 MR. HILL: Hold on. Object to the
20 form of the question. Go ahead.

21 A. In the context of a correctional
22 setting, yes.

23 BY MS. HARDAWAY:

24 Q. Why is it within the context of a
25 correctional setting that you can beat an inmate

1 in the face with your fist?

2 MR. HILL: Object to the form of the
3 question.

4 BY MS. HARDAWAY:

5 Q. Why is that okay when they are
6 restrained? Just because it's in a prison?

7 A. Well, I'm not truly understanding your
8 question, but I think the best way to understand
9 it is when you have an incident of that
10 magnitude, there are going to be incidents of use
11 of force that are going to occur to maintain
12 control and reestablish control of a correctional
13 setting.

14 Q. How did what you did to Mr. Ingram --
15 and we have already described what you did on the
16 record -- how did that regain control of the
17 institution?

18 A. Well, it's -- you would have to
19 understand the entire incident as a whole, not
20 just that five minutes of time of the incident.
21 And you would have to understand the history of
22 an institution where a staff member was murdered
23 several years prior.

24 Q. I'm not asking you about the history
25 several years prior because I don't think your

1 counsel will let me go into that kind of thing.
2 But what I'm asking is how -- what relationship,
3 what direct impact, what direct causation or link
4 was there between you acting as you did toward
5 Mr. Ingram and regaining control of the
6 institution? How did that help you regain
7 control?

8 A. Well, I guess the best way to
9 understand it is that when you have an incident
10 of that magnitude, you -- there is a lot of
11 information that has to be gathered very quickly
12 because the entire facility is affected. And,
13 basically, you have to basically gain an
14 understanding from the inmates that you need
15 direct information. You need it quickly. I
16 mean, it's just all part of the whole entire
17 process, I guess is my point.

18 Q. I don't think I understand how what you
19 did to him furthers the best interest of the
20 institution.

21 A. I guess you would have to be in a
22 correctional setting to truly understand it.

23 Q. Well, since I'm not, explain it to me
24 here.

25 A. When you have an incident of that

1 magnitude that involves that many inmates and
2 that many staff, there are many factors going
3 through everyone's mind at the time the incident
4 occurs whether it is a diversion or something
5 more serious, whether you have got a staff member
6 somewhere in the facility being drug into a cell
7 and murdered, whether you have got another inmate
8 that could be getting murdered because these
9 inmates acted in concert to cause a problem.

10 Q. Was there anybody murdered that day?
11 I'm sorry to interrupt, but was there anybody
12 murdered that day?

13 A. No, not that day.

14 Q. Okay. So that day for the problem you
15 were addressing May 16th, how did how you acted
16 toward him further the best interest of the
17 institution? That's my question.

18 MR. HILL: And if you will let him
19 finish, he'll probably answer it.

20 BY MS. HARDAWAY:

21 Q. I'm asking about that day. I'm not
22 asking about the history or things that didn't
23 happen. I'm asking about May 16th.

24 A. Well, do you understand the entire
25 incident that occurred that day?

1 Q. Pretty much.

2 A. Pretty much?

3 Q. So my question to you is, what you did
4 by knocking him down -- and his eye was bloody,
5 was it not?

6 A. He had a small cut over his left eye.

7 Q. Was there blood?

8 A. A small amount, yeah.

9 Q. Okay. And was there blood on the floor
10 that was cleaned up later?

11 A. Yes, ma'am, and there was blood on the
12 floor that was cleaned up from my staff members
13 who were assaulted that day also.

14 Q. But in that room when you knocked him
15 on the floor, you hit him hard enough that there
16 was blood coming from his eye, correct?

17 A. Yes, ma'am, a small amount.

18 Q. All right. And there was blood on the
19 floor, blood on the wall that your coworkers --

20 A. I don't recall any blood on the floor
21 or blood on the walls.

22 Q. All right. You actually dabbed blood
23 with some kind of a tissue or object off of him,
24 didn't you?

25 A. Yes, I did.

1 Q. Okay. And then you threw the toilet
2 tissue roll at him afterwards, didn't you?

3 A. No, I didn't.

4 Q. Okay. And so if one of your co-workers
5 said that, they just made that up?

6 MR. HILL: Object to the form of the
7 question.

8 A. I don't know whether they are making it
9 up or not.

10 BY MS. HARDAWAY:

11 Q. Okay. If they said they saw you do it,
12 are they lying?

13 MS. GIBSON: Object to the form.

14 MR. HILL: Object to the form.

15 A. I don't know whether they are lying or
16 not.

17 BY MS. HARDAWAY:

18 Q. Okay. But you're saying you never did
19 it. You never threw any kind of tissue at him or
20 anything else at him that day?

21 A. I don't recall throwing anything at
22 him.

23 Q. Could you just have not remembered that
24 you did that?

25 A. I said I don't recall throwing anything

1 at him.

2 Q. Okay. Could you have done it and you
3 just don't remember?

4 A. I don't recall throwing anything at
5 him.

6 Q. All right. So we're still trying to
7 find out how it furthers the best interest of
8 this institution for you to strike him, draw
9 blood, and then throw something at him as alleged
10 in some of these other reports.

11 A. When you have an incident of that
12 magnitude, you have to gain information quickly.
13 This group of inmates was a group of inmates
14 known as the Vice Lords which is a gang both on
15 the streets and in the prison.

16 Q. Okay. You're not being responsive to
17 my question.

18 MR. HILL: Yes, he is. If you
19 will --

20 MS. HARDAWAY: What's the basis of
21 your objection?

22 MR. HILL: Because you won't let him
23 finish. You don't like his answer, and
24 you won't let him finish. Let him
25 finish.

1 MS. HARDAWAY: Okay. Noted.

2 MR. HILL: And then you can ask a
3 followup question.

4 MS. HARDAWAY: Your objection is
5 noted.

6 BY MS. HARDAWAY:

7 Q. I'm not asking about anybody else but
8 Mr. Ingram. I'm not asking about other inmates.

9 MR. HILL: You're asking how that
10 furthered -- what he did, how it
11 furthered it.

12 MS. HARDAWAY: Do you have an
13 objection?

14 MR. HILL: Yes, that you won't let
15 him finish the answer.

16 MS. HARDAWAY: Okay. That's noted.

17 MR. HILL: Then let him finish.

18 MS. HARDAWAY: Your objection is
19 noted.

20 THE WITNESS: Okay. What was your
21 question?

22 BY MS. HARDAWAY:

23 Q. Let me try to ask it this way. Were
24 you striking him and pushing him down in order to
25 get him to tell you something? Was that your

1 objective?

2 A. I would say that was part of it, yeah.

3 Q. And you felt by striking him he would
4 then tell you something? Was that it?

5 A. I didn't know whether he would or
6 wouldn't.

7 Q. But was that your objective?

8 A. No. That was not my objective.

9 Q. You said you were trying to collect
10 information. From him?

11 A. He was the person I was interviewing at
12 the time. Yes, ma'am.

13 Q. And striking him had something to do
14 you collecting information?

15 A. I would say that striking him -- I
16 guess I'm not understanding your question. I
17 feel like you're twisting my words.

18 Q. I don't want to do that. Did striking
19 him have anything to do with your trying to get
20 information from him?

21 A. I was trying to get his attention to
22 understand the gravity of the situation and to
23 get him to understand that the information that
24 we needed was needed.

25 Q. Now, you have been wanting to talk

1 about these other things. So now is a good time
2 to do that. At the point that you were calling
3 the prisoners in to the office or what would you
4 call that room where you were with him?

5 A. The official name for the room is it's
6 a captain's office or shift supervisor's office.

7 Q. And that is sort of located behind the
8 storage room?

9 A. No. It's actually located in the
10 intake area of the facility. When you go into
11 the intake area, there is two holding cells.
12 There is the captain's or shift supervisor's
13 office and the property room in that area.

14 Q. So it was an office within the property
15 room?

16 A. Well, it's not actually in the property
17 room. It's next to the property room.

18 Q. You have to go through the door of the
19 property room and then go through the door of the
20 place where you were with him?

21 A. No. You go into the door of the intake
22 area. The intake area is the entire area.
23 Within the intake area is holding cells, the
24 office, and the property room.

25 Q. And you were in the property room?

1 A. No. I was in the shift supervisor's
2 office.

3 Q. Okay. And that's behind the property
4 room?

5 A. No. It's next to the property room.

6 Q. Is there a door off a hallway to get to
7 this room?

8 A. Yes, ma'am.

9 Q. Okay. So you took him into this room
10 or you had someone bring him into this room. And
11 at the time that you had someone bring him into
12 the room, I think there were two officers that
13 led him in; is that correct?

14 A. There were two officers that escorted
15 him in. Yes.

16 Q. Okay. Was there any fighting going on
17 in the halls at that point? Had any fighting
18 that had occurred previously ceased?

19 A. The fighting had basically ceased.

20 Q. Okay. You have answered my question.
21 And had you started decontaminating prisoners and
22 getting them out of those -- had your staff to
23 get them out of their clothes and they were
24 seated and all restrained in the hall or some of
25 them had been taken back to their cells at that

1 point? They were all restrained at that point?

2 MS. GIBSON: Object to the form.

3 A. Am I going to be allowed to answer my
4 question?

5 BY MS. HARDAWAY:

6 Q. That's the question now.

7 MS. GIBSON: Object to the form.

8 A. We were in the process of doing all
9 those things you just said, but it doesn't happen
10 in the blink of an eye. We were --

11 BY MS. HARDAWAY:

12 Q. Okay. You're not being responsive to
13 me. What I'm asking you is this:

14 MR. HILL: Ms. Hardaway, if you
15 don't stop this, we're going to stop it.

16 MS. HARDAWAY: Your objection is
17 noted.

18 MR. HILL: Listen to me. Let him
19 finish with his question before you ask
20 another question.

21 MS. HARDAWAY: You're not being
22 responsive to me, Mr. Turner.

23 THE WITNESS: I'm trying to be
24 responsive to you.

25 BY MS. HARDAWAY:

1 Q. Okay. Were all the inmates already
2 restrained at the time that you called for
3 Mr. Ingram to come or be brought to you for
4 questioning?

5 A. I can assume that they were all in the
6 process of, but I cannot say that they all
7 specifically were because this is a process.
8 It's not a blink of an eye thing. There was a
9 whole lot of activity that was going on that
10 morning that included the lockdown of the entire
11 institution, that included bringing inmates in
12 off of wreck yard, bring work crews in, making
13 sure the facility is secure. So I personally
14 cannot say that every inmate was definitely
15 restrained and definitely sitting in the hallway,
16 but that process was going on.

17 Q. In the hallway that was directly across
18 from where you were waiting for inmates to be
19 brought in to this room to you, were all the
20 inmates restrained that were in that hallway?

21 A. I can assume that -- the ones that I
22 saw were, but I don't know that all of them had
23 been moved from the incident location to that
24 location at that point in time.

25 Q. So you thought there may be some

1 inmates somewhere else doing something that you
2 didn't see? Is that what you're saying?

3 A. Yes, ma'am. It's a very large
4 institution, and there is a lot of things that
5 have to happen before you move from one step to
6 the other.

7 Q. All right. So at some point you were
8 out in the hall, correct?

9 A. Yes, ma'am.

10 Q. Okay. And what was going on when you
11 were out in the hall?

12 A. I think we would have to narrow it down
13 to more of a point in time because I was in the
14 hallway several times from the time the incident
15 actually occurred throughout the day. I wasn't
16 in the hallway just --

17 Q. What time did the incident start?

18 A. It was just before nine a.m., as I
19 recall.

20 Q. Okay. And what time was it when you
21 were questioning Mr. Ingram?

22 A. It was within 25 to 30 minutes after
23 the incident occurred.

24 Q. Okay. So that's that all day that you
25 were talking about from when the incident started

1 until you were questioning him? You said things
2 were going on all during the day?

3 A. Yes, ma'am.

4 Q. Okay. I'm asking about from the time
5 the incident started until you were questioning
6 Mr. Ingram. That's the time period.

7 A. Okay.

8 Q. Were you in the hall prior to your
9 questioning Mr. Ingram?

10 A. Yes, I was.

11 Q. Okay. And what did you see and observe
12 in the hall?

13 A. Well, the first thing that I saw when I
14 entered the hallway was Unit Manager Rusty
15 Harvell lying on the ground semi-conscious, one
16 of our staff.

17 Q. How did you enter the hallway? Did
18 someone call you and ask you to come? Did you
19 hear something?

20 A. It was a radio signal that goes out
21 that's called a code, code one, which is an
22 officer needs assistance.

23 Q. Okay. And there were two officers that
24 needed assistance. One you said was Mr. Harvell?

25 A. No. There was more than two. There

1 was probably 15.

2 Q. Okay. And there were two you said that
3 went -- that were injured, I think you previously
4 said?

5 A. There were more than two injured.
6 There were two that had to leave the facility by
7 ambulance.

8 Q. Okay. And that was Mr. Harvell and --

9 A. Mr. Hinsley.

10 Q. Hinsley. All right. So you're in the
11 hall. Were the inmates sprayed with some
12 chemical, some agent, some gas? What was it?

13 A. It was OC pepper spray. They were --
14 it was administered to the group of inmates who
15 began assaulting staff members in the hallway.

16 Q. And after you all pepper sprayed the
17 inmates, were they put into restraints?

18 MS. GIBSON: Object to the form.

19 MR. HILL: Object to the form.

20 A. I didn't pepper spray anybody. I
21 responded to the incident after radio calls went
22 out.

23 BY MS. HARDAWAY:

24 Q. After your staff -- would that be a
25 better way to put it, after your staff pepper

1 sprayed the inmates?

2 A. Yes, ma'am.

3 Q. Were they put into restraints?

4 A. It was a period of time after the
5 incident. Yes, they were.

6 Q. Okay. And were they --

7 A. It wasn't immediate.

8 Q. I didn't say immediate. I just asked
9 if they were put into restraints after they were
10 sprayed.

11 A. Yes.

12 Q. If you listen to my question, I think
13 we'll communicate pretty well.

14 A. I'm trying.

15 Q. So after they were put into restraints,
16 were they lined up in the hallway? What
17 happened?

18 A. Well, to go through the whole events
19 that occurred, when the incident occurred in the
20 chapel hallway that involved the 25 to 30 inmates
21 who exited the chapel without authorization and
22 then refused to follow directions of staff --

23 Q. Was that before or after they were
24 pepper sprayed?

25 A. Before.

1 Q. Okay. But my question, my question
2 was, after they were pepper sprayed, were they
3 put into restraints. And you said yes, right?

4 A. Uh-huh.

5 Q. So that's where we are now. And then
6 what happened with the inmates after they were
7 put in these restraints? You know, how did you
8 all gather them together?

9 A. Well, various staff -- the inmates when
10 they were pepper sprayed began dispersing. One
11 group of inmates went down and assaulted Unit
12 Manager Harvell more than he had already been
13 assaulted.

14 Q. Is this after they were restrained?

15 A. No. This was prior to them being
16 restrained.

17 Q. Listen to my question. After they were
18 restrained. After they were restrained, what did
19 the staff do with the inmates after they were
20 restrained?

21 A. Various staff went inmate by inmate
22 basically conducting a very rough pat search of
23 them, placed plastic restraints on them, assisted
24 them to a standing position, and then moved them
25 to the hallway directly in front of the medical

1 department and had them sit on the floor.

2 Q. Okay. Can you tell me which hallways
3 were involved? One has been called throughout
4 the documentation the chapel hallway.

5 A. Uh-huh.

6 Q. Was that one where --

7 A. That's where the --

8 Q. Events occurred?

9 A. That's where some of the events
10 occurred. Yes.

11 Q. Okay. Then where else were they
12 gathered and helped to their feet, as you said?
13 What other hallway?

14 A. It would have been what we call our
15 main hallway which runs across the front of the
16 facility which is where our medical department,
17 central control, that area is.

18 Q. All right. Were the inmates restrained
19 in both these hallways and then you were moving
20 them all toward one area?

21 A. Well, they were restrained wherever
22 they were at. If they were ordered to lay on the
23 ground whether it was in the chapel hallway, in
24 the chapel, the main hallway, that's where the
25 staff assisted them to a standing position, and

1 then we moved them all to one location.

2 Q. Okay. What was that one location?

3 That's what I'm getting at.

4 A. The main hallway in front of medical.

5 Q. All right. So all of those inmates
6 that were in the chapel hallway were put in
7 restraints and then moved to the main hallway; is
8 that correct? I'm not trying to put words in
9 your mouth.

10 A. That would be correct. Yes.

11 Q. And then inmates who were in other
12 hallways that needed to be restrained, after they
13 were restrained, they were also moved to that
14 main hallway?

15 A. Yes, ma'am.

16 Q. Okay. So you have all the inmates now
17 restrained and in that hallway, correct?

18 A. Yes, ma'am.

19 Q. And what was the next step? Were they
20 then told to get out of the clothes that were
21 sprayed or --

22 A. Well, then an entire process begins
23 where medical staff would come through and
24 examine them. If they needed immediate
25 decontamination, they were decontaminated. But

1 the exchanging of clothes was not as immediate.
2 I mean, it took a period of time for that to
3 happen. But there is a whole process that you
4 have to go through following an incident, a large
5 process.

6 Q. I understand there is a process. I'm
7 asking you to walk me through it. Okay? Once
8 they were restrained and they were all in the
9 main hallway, and you say then the
10 decontamination, was that just getting them to
11 exchange those clothes for something else and
12 maybe giving them some kind of a towel?

13 A. Well, it basically depends on their
14 degree of the effects of the OC pepper spray. OC
15 pepper spray only requires decontamination by air
16 and water. Just wash it away. So as the -- and
17 I wasn't there and specifically didn't do all
18 these functions. As the nurse or staff member
19 walked through and evaluated the inmate, if they
20 needed immediate attention, they would have been
21 pulled out of the line because the effects would
22 have been stronger on them than others. They
23 would have took them in to medical, performed
24 some -- you know, the decontamination process, if
25 they needed their eyes washed out or whatever,

1 and then brought back to that location.

2 Q. And still in the restraints. Were they
3 then stood up against the wall or sat down in
4 that hall, that main hallway?

5 A. They were brought back to that location
6 and sat down, and then there was a period of time
7 where inmates had to be moved around in
8 segregation to make available beds for these
9 inmates. And then eventually they were taken
10 from that location and processed into the
11 segregation unit.

12 Q. Okay. So by the time all these inmates
13 were in restraints and in that main hallway,
14 where were you from the time they were gathered
15 in that main hallway? Were you already back in
16 the room behind the intake room, then asking the
17 staff to bring each inmate for you to question?

18 A. I was literally all over the place.

19 Q. At what point did you get into that
20 room where you asked to have inmates brought to
21 you? Was it after all the individuals were in
22 that main hallway and restrained?

23 A. I believe it was as that was coming to
24 a close.

25 Q. What brought it to a close?

1 A. Well --

2 Q. Does that mean they were already
3 restrained or does that mean that he already had
4 had the medical people --

5 A. No. It was only to a point where they
6 had already been restrained, and they were moving
7 them to the location. I mean, specifically,
8 again, I don't know if all of them had been
9 completely moved and sat down because I had other
10 duties and functions that I had to do. I mean, I
11 had to secure the -- ensure the rest of the
12 security of the facility was intact. We had
13 inmates that were out on the wreck yard that had
14 to be moved back in to the institution and locked
15 down. We had inmates out on work crews that had
16 to be brought in. I had to make phone
17 notifications to my boss and to TDOC. There was
18 a lot of things going on.

19 Q. And you did that and finished that up
20 before you went into the room or were you still
21 calling people while you were in the room?

22 A. I did that throughout the process of
23 the entire morning and the incident. I mean, you
24 don't -- it's not as cut and dry as you have the
25 ability to sit down and finish this task and go

1 to the next task. I was receiving phone calls.
2 I was giving instruction. I was doing a little
3 bit of everything. I had staff setting up a
4 command center. There was a lot of things going
5 on.

6 Q. Okay. Between the time that it
7 started -- which was about what, 8:45, 8:50,
8 would you say?

9 A. It was shortly before nine o'clock.

10 Q. And then the time that you questioned
11 Mr. Ingram which you said was about what time?

12 A. Time-wise I would say it was 25, 30
13 minutes after the incident occurred. I really
14 don't know exactly what time it was.

15 Q. So you questioned him about 9:30?

16 A. I'm approximating. I mean, I don't
17 know for sure.

18 Q. Okay. So in that block of time, I'm
19 trying to ascertain when you actually -- well,
20 let me ask you this way. Was Mr. Ingram the
21 first person that was called back to the room?

22 A. Yes.

23 Q. Okay. So if other people were seen on
24 the tape going from the hallway into that area,
25 why would that be?

1 MS. GIBSON: Object to the form.

2 A. I don't know that any of them went into
3 that area.

4 BY MS. HARDAWAY:

5 Q. Okay. Where were they taken to change
6 clothes? Was it in that room?

7 A. No. It was probably in the medical
8 department.

9 Q. Okay. Is the medical department close
10 by?

11 A. It was right directly across the
12 hallway from where most of those inmates were
13 seated.

14 Q. So Mr. Ingram was the very first person
15 that you questioned, the very first inmate, very
16 first inmate that you questioned?

17 A. Yes.

18 Q. Who did you question on your staff
19 before you called Mr. Ingram in?

20 A. Well, I didn't question anyone. I was
21 trying to obtain information from them based on
22 the ones that were directly there. I spoke --

23 Q. From whom did you obtain information?

24 A. It was various staff from Assistant
25 Warden Hinsley, from Dorothy Robertson, Unit

1 Manager, from Chief of Security, Roberts.

2 Q. Hold on. Hinsley, Robertson. And this
3 is all before you talked with inmate Ingram?

4 A. Yes.

5 Q. Hinsley and Robertson?

6 A. Chief of Security, Roberts.

7 Q. And Robert's first name is?

8 A. Sara.

9 Q. Is that different from Sara Rice?

10 A. Yes.

11 Q. Different person?

12 A. Different person.

13 Q. All right.

14 A. Sara Rice was another one. It was
15 various staff. It was a multitude of staff that
16 I was trying to get information from. And there
17 were several COs that were in the hallway. There
18 were several sergeants in the hallway. I don't
19 remember all the specific names. There was quite
20 a few.

21 Q. So you were actually questioning them
22 while they were still running around with folders
23 and --

24 A. Yes, ma'am. That's kind of the process
25 you have to do when you're trying to get a

1 facility under control. It's not questioning.
2 You're trying to obtain as much quick information
3 as you can to ascertain the situation that just
4 occurred.

5 Q. Okay. So by the time you got down
6 there, there were still fights actively going on?

7 MS. GIBSON: Object to the form.

8 A. Not that I could visibly see from the
9 position that I entered the hallway.

10 BY MS. HARDAWAY:

11 Q. The fights had stopped?

12 A. Yes, but the situation was not under
13 control. No inmates were restrained. There was
14 no absolute control of the situation at that
15 point.

16 Q. I understand. But there were no fights
17 going on?

18 A. None that I could see.

19 Q. All right. So we have got you asking
20 Hinsley, Robertson, Roberts, Sara Rice. Who else
21 before you talked with Mr. Ingram?

22 A. James Esther. And there were a couple
23 of the sergeants that were out in the hallway
24 that were directly involved in the incident, and
25 I can't remember their names specifically. And I

1 talked with Bobby Howell.

2 Q. You talked with all these people. The
3 incident started a little before 9:00, and you
4 were questioning Mr. Ingram, you think, around
5 9:30. So you had already talked to all these
6 people by 9:30; is that correct?

7 A. Oh, yes, ma'am.

8 Q. All right. Do you remember who
9 notified you over the radio?

10 A. It was a general call from our central
11 control. It wasn't a specific individual. The
12 procedure that is in place there is one staff
13 member at the location of the incident puts out a
14 call, and then Central Control repeats that call
15 so other staff hear and can give assistance.

16 Q. Did you have a policy where people were
17 instructed, somebody on your staff, to
18 specifically make sure you get a call or do you
19 have a radio or --

20 A. No. I had a radio. There wasn't a
21 specific instruction.

22 Q. So you heard it on your radio?

23 A. Yes, ma'am.

24 Q. And you were in that part of the prison
25 already or you had come from somewhere else?

1 A. I had come from the administrative
2 office area which is in the front of the
3 facility.

4 Q. How long does it take you to get from
5 one area to the other?

6 A. From my office to the main hallway it
7 would probably take less than a minute.

8 Q. So just to be clear, you were talking
9 to these individuals that you named while they
10 were still in the hall, correct?

11 A. Yes.

12 Q. The fight had stopped, restraints were
13 on the way, I guess. You were in the process of
14 restraining people?

15 A. Uh-huh.

16 Q. The inmates were laying on the floor at
17 this point?

18 A. Yes.

19 Q. And then the restraints were being
20 placed on their hands behind their back while
21 they were on the floor?

22 A. Yes.

23 Q. And you were out there in the hall
24 while that was going on?

25 A. Yes.

1 Q. Then the persons in the chapel hall
2 were moved to the main hall, and you were out
3 there when that was going on?

4 A. I was out there for portions of that,
5 not the entire process.

6 Q. Where did you go when you were not out
7 there?

8 A. I went back to the admin area for a
9 moment to make sure that the command center was
10 being set up. I instructed certain people to
11 make certain phone calls that are required by
12 policy. I went back out to the hallway to ensure
13 that the facility was undergoing its proper
14 lockdown process. I went to the back hallway to
15 ensure that inmates were coming in from the wreck
16 yard and being properly locked down. I mean, I
17 was moving all over the place so it wasn't
18 centered in one spot.

19 Q. Okay. And then at some point you
20 entered the area where you were going to talk
21 with Mr. Ingram; is that right?

22 A. Yes.

23 Q. Okay. How long were you in that area
24 before you began talking with Mr. Ingram? Did
25 you go right away?

1 A. It was right away. It was -- no, I
2 mean --

3 Q. I mean, did he come in right away
4 after?

5 A. Yeah. I mean, I think we basically
6 walked in the room about the same time.

7 Q. Okay. And whose idea was it for you to
8 call Mr. Ingram in first?

9 A. Well, during my initial trying to
10 figure out what had happened and identifying the
11 group of inmates that were involved, because it
12 involved a group of inmates that are known gang
13 members, my STG coordinator, Security Threat
14 Group coordinator, gang officer, Bobby Howell,
15 was close to me at one point, and I instructed
16 Bobby to get me a list of the known leaders of
17 the Vice Lords.

18 Q. And where did he go to get that?

19 A. I'm assuming he went to his office.

20 Q. Which was in the admin area?

21 A. It's actually -- yeah, you can call it
22 that. It's adjacent to the visitation area where
23 his office is, which it's a short step off of
24 that main hallway. He had to go through --

25 Q. So that took him like a minute or --

1 A. Oh, yeah. No real period of time.

2 Q. All right. So who was it or how was
3 it -- who was it that said, you know, talk to
4 Mr. Ingram first, or did you make that decision
5 yourself?

6 A. When I asked Mr. Howell to get his list
7 of known leaders and when he returned to me, we
8 briefly went over the list. Mr. Ingram's name
9 was top of that list. And since he was
10 identified in the hallway, I said, well, go,
11 Bobby, you know, pick me one, and that's who he
12 went and got.

13 Q. So Bobby chose him?

14 A. I guess you could say it was --

15 Q. You said "pick me one?"

16 A. Right. I said pick me one of the
17 leaders you know is out here in the hallway. And
18 that's what he did.

19 Q. Okay. And where is that list?

20 A. Well, that would be a list that he
21 maintains of who the active leaders are.

22 Q. He being Bobby Howell?

23 A. Yes. It's confidential.

24 Q. Does Bobby Howell still work there?

25 A. As far as I know, yes, ma'am.

1 Q. Okay. I would like to get that list.

2 MR. HILL: You have to ask her.

3 MS. HARDAWAY: I would like to get
4 that list.

5 MS. GIBSON: You can send me a
6 request.

7 BY MS. HARDAWAY:

8 Q. Okay. And so the list that we're
9 talking about is a list that is maintained by
10 Bobby Howell?

11 A. Yes, ma'am.

12 Q. And it is a list of all gang members or
13 just a list of the Vice Lords?

14 A. Oh, it's a list of all gang members
15 throughout the institution that we maintain.

16 Q. And this existed May 16th of 2007?

17 A. Yes.

18 Q. And was it referred to during the
19 investigation of this case either in the
20 investigation by CCA or TDOC?

21 A. I don't know.

22 Q. Did you have this exchange with the
23 TDOC or a CCA investigator or representative
24 about this list at all during the process?

25 A. I don't remember if I had any specific

1 discussion about it.

2 Q. But you do know it exists because you
3 saw it?

4 A. Yes, ma'am. I saw it generally on a
5 monthly basis.

6 Q. On a monthly basis?

7 A. Yes.

8 Q. All right. So was it like dozens of
9 pages, hundreds of pages, two pages?

10 A. The best I can recall, we had -- out of
11 our population, roughly 40 percent were either
12 confirmed or suspected gang members. So that's a
13 pretty good size.

14 Q. So 40 percent of the population?

15 A. Yes, ma'am.

16 Q. Of all the people that you did question
17 other than Mr. Ingram, how -- well, let me ask
18 you, how many other people did you question other
19 than Mr. Ingram by calling them back into the
20 room and asking them --

21 A. It was three or four others.

22 Q. Okay. And who were those three or four
23 others?

24 A. Oh, I think Mr. Chaplain. I was
25 involved in his interview. The other inmate, I

1 don't recall his name. And there is an inmate I
2 interviewed later that day, and, I'm sorry, I
3 don't recall his name either.

4 Q. Was it Jeremy Green, Voss Johnson?

5 A. I really don't remember his name. I
6 could identify him.

7 Q. Carlos Williams?

8 A. No. I don't remember specifically.

9 Q. All right. Why did you choose to
10 interview the others or was that also Bobby
11 Howell?

12 A. At one point during the day when my
13 investigator, Keith Huggins, arrived at the
14 facility because he was not there earlier --

15 Q. No. Wait. Now, let's be clear about
16 the time period. You say during the day.

17 A. Yes.

18 Q. How much later would you have been
19 interviewing other inmates after your interview
20 with Mr. Ingram? Did you do some in the
21 afternoon or did you continue just in that block
22 of time, one right there --

23 A. No. I did just a couple in the
24 morning, and then I did do a couple in the
25 afternoon.

1 Q. Okay. To help me out, let's take the
2 couple that you finished that morning first.
3 Leave the afternoon off. We'll get to that. How
4 did you choose the two that you interviewed after
5 Mr. Ingram other than Mr. Ingram that morning?

6 A. Okay. I actually did not choose them.

7 Q. Who chose them?

8 A. Bobby Howell and my investigator, Keith
9 Huggins, made those choices.

10 Q. Okay. So he was there that morning
11 already?

12 MS. GIBSON: Object to the form.

13 A. Who was there?

14 BY MS. HARDAWAY:

15 Q. Keith Huggins.

16 A. He was not there when the incident
17 occurred. He arrived later in the morning, but I
18 don't remember specifically what time it was.

19 Q. Was he already there when you were
20 standing next to Mr. Howell with that list of
21 inmates who were Vice Lords?

22 A. No, he was not.

23 Q. Did he arrive during the time that you
24 had Mr. Ingram in the room?

25 A. No. I believe it was after.

1 Q. Okay. Did he arrive after Mr. Ingram
2 but before the next inmate was called in?

3 A. I believe so, yes.

4 Q. Okay. And then -- now, pick up where I
5 interrupted. I was trying to understand. So
6 then Mr. Huggins then gave you some advice about
7 who else to interview?

8 A. No. He didn't give me any advice.
9 Basically I let them choose who they were going
10 to interview based on the structure, so to speak,
11 of the Vice Lord gang. I mean, they had to make
12 the decision of who they were going to interview
13 next.

14 Q. And identify "they."

15 A. Mr. Howell and Mr. Huggins. I didn't
16 direct them who to interview. I let them make
17 their own choice.

18 Q. But you did the interviews?

19 A. No. I didn't specifically do the
20 interviews. I stepped in on two of their
21 interviews. That was with Mr. Chaplain and
22 another inmate. And then I did a couple of
23 interviews in the afternoon with -- actually, it
24 was somebody with -- I can't remember who I did
25 them with -- later in that day.

1 Q. So Ingram, Chaplain, a third inmate
2 that morning?

3 A. I stepped in on those interviews, yeah.

4 Q. And then how many in the afternoon?

5 A. I know one specifically, but I think it
6 was two.

7 Q. And you don't remember their names?

8 A. No. I don't remember specifically who
9 they were.

10 Q. And all of the interviews that you have
11 just referenced were in relation to the incident
12 that started ten minutes before -- a few minutes
13 before 9:00 and concluded 30, 35 minutes later.
14 You were interviewing these inmates about that
15 block of time, what occurred during that block of
16 time, the incident. That was the reason for
17 interviewing them?

18 A. Yes. Yes, surrounding the incident.

19 Q. Okay. What did you ask Mr. Ingram when
20 you were questioning him? Do you remember the
21 first thing you asked? If we can walk -- you
22 tend to generalize, and I tend to want to take
23 things in order. If you can tell me what
24 happened when Mr. Ingram walked into the room,
25 what you said, what he said, what you said, what

1 he said, to the best of your recollection.

2 A. Now, specifically, I don't think I
3 could recall exactly what was said by each of us.

4 Q. What about yourself? Can you say
5 what -- who started? Who spoke first?

6 A. Oh, I'm sure I'm the one that spoke
7 first.

8 Q. And what did you say, do you think?

9 A. I probably asked for his name and
10 number and had him verbalize that to me. And
11 then I'm sure I went on to ask him about what was
12 going on, why did this occur, what happened. But
13 specific direct questions, I mean, I don't recall
14 specific direct questions.

15 Q. Do you recall what he said?

16 A. I mean, basically he claimed that he
17 was not involved, that he did not do anything, he
18 didn't assault staff members, he didn't do
19 anything at all. But he did say that it was a
20 retaliation against Unit Manager Harvell is why
21 they had the disturbance that they had. I
22 remember those things.

23 Q. And, now, why would they -- who is
24 unit -- what unit was Harvell over first of all?

25 A. He was over what we call units J, K,

1 and I, which is one section of housing units in
2 the facility. The facility was under a unit
3 management structure and broken down into
4 subunits, so to speak.

5 Q. And you say this is some kind of
6 retaliation for him --

7 A. Enforcing rules.

8 Q. -- enforcing rules? And when you say
9 J, K and I, are those units?

10 A. Those are housing units, cell
11 locations.

12 Q. Okay. And he's over all three of those
13 cell locations?

14 A. Yes.

15 Q. Okay. And if you put them in the
16 aggregate, then what do you call that? Do cell
17 locations make up the unit?

18 A. Well, they were broke down. They were
19 alphabetically. We had G -- F, G, H, I, J, K,
20 and then we had L and M. And he was over J and K
21 units.

22 Q. Cell units?

23 A. Cell units.

24 Q. So that made him a unit manager?

25 A. Manager.

1 Q. Okay. And so what other things did he
2 say? Did he say like what rules they didn't like
3 that he enforced or --

4 A. I'm sure I asked him what rules that
5 were upsetting them, and, basically, I mean, the
6 response that I recall getting was standard
7 housing unit rules. So they have rules that they
8 have to live by, you know, just certain things.
9 I mean, you can't hang up something blocking your
10 cell window, and you can't trade property with
11 other inmates. And, you know, it's just the
12 standard stuff.

13 Q. Okay. And so you-all dialogued back
14 and forth about what they can hang up and what
15 they cannot hang up. Mr. Ingram was talking
16 about Mr. Harvell's rules?

17 A. No, I don't think it was specifically.
18 It's just rules.

19 Q. He just said rules. He didn't say
20 stuff you can hang up?

21 A. Rules.

22 Q. And then did you ask him what rules?

23 A. I don't remember whether I did
24 specifically or not.

25 Q. Okay. But you do remember that he said

1 to you it was in retaliation for how Mr. Harvell
2 enforced the rules?

3 A. Yes.

4 Q. Okay. And then what was said? Who
5 said what?

6 A. I really don't recall the whole thing,
7 but he claimed that he was not involved and he
8 didn't have nothing to do with it, that he didn't
9 know what was going on. It went along those
10 lines. And I said that I knew that he did, that
11 he was there, he participated, staff had told me
12 he participated and that he was a direct
13 participant in what had happened and he had
14 knowledge of why it occurred the way it did.

15 Q. Okay. Now, if he told you he didn't
16 know anything about it, then why would he also
17 state that he knew that it was about retaliation
18 against Mr. Harvell for enforcing rules in the
19 unit?

20 MS. GIBSON: Object to the form.

21 MR. HILL: Object to the form of the
22 question.

23 A. I don't know why he would say that, but
24 that's what he said.

25

1 BY MS. HARDAWAY:

2 Q. Okay. All right. Did you put that in
3 your -- did you put the statement that he said it
4 was in retaliation of Mr. Harvell because of
5 rules? Did you put that in any statement that
6 you gave TDOC or CCA?

7 A. I don't remember specifically.

8 Q. Okay. But your memory would have been
9 a lot clearer closer to that time of the incident
10 than it is now here in 2009, two years later,
11 right?

12 A. Well, I think anybody's mind would have
13 been clearer closer to something than two years
14 later.

15 Q. Okay. But listen to my question. I'm
16 asking you about your memory, your mind, not
17 anybody else.

18 A. Yes. It would have been clearer closer
19 to the incident.

20 Q. And the next person I was going to ask
21 you about is -- okay. So then Chaplain, was
22 Chaplain the very next person?

23 A. Chaplain, I believe, was the next
24 person interviewed.

25 Q. Okay. And what did you ask

1 Mr. Chaplain? Well, first of all, have we
2 exhausted everything and talked about -- have you
3 told me everything that you asked Mr. Ingram and
4 everything he answered? Is there anything else?

5 A. The best that I can remember at this
6 time.

7 Q. So then there was Mr. Chaplain. And
8 you interviewed him?

9 A. I stepped in on the interview. I
10 didn't begin or end the interview.

11 Q. Who was in the interview with
12 Mr. Chaplain?

13 A. As best I can recall, it was Mr. Howell
14 and Mr. Huggins. I don't remember if anybody
15 else was in there or not.

16 Q. Okay. Did you hear any of their
17 questioning of him? Did they start it?

18 A. Yeah. They started the interview.
19 And, yes, I did hear some of their questions, but
20 specifically I don't remember what they asked.

21 Q. Okay. Well, what did you ask?

22 A. I believe I asked him because he was
23 relatively new to the facility kind of some
24 background questions of where he came from, what
25 other facilities he had been at, how much time he

1 had served, some of those types of questions.
2 Because he was new to the facility, I was not
3 familiar with that inmate.

4 Q. And that's all you asked him about?

5 A. The best I can remember.

6 Q. Just his history, not about what
7 happened that day?

8 A. No, because they were in that line of
9 questioning, and I didn't want to interrupt their
10 line of questioning. And I just wanted some
11 history of who this guy was because he was
12 relatively new.

13 Q. Why didn't you ask Mr. Ingram what his
14 history was?

15 A. Mr. Ingram had been around Hardeman
16 County for a while. He was kind of a known
17 inmate. He wasn't one that I did not know who he
18 was. And typically what I did when I sat down
19 and was conducting the interview, I had a
20 computer in front of me and I could pull up
21 information. That's why I asked his name and
22 number. I could pull up information about that
23 inmate as we talked and see his history, and I
24 could obtain that information without asking him
25 a specific question.

1 Q. All right. And what about the third
2 inmate? What did you ask the third inmate about?

3 A. I really don't remember. I don't know
4 that I asked him a whole lot. I just stepped in
5 on the interview and stepped back out to take
6 care of some other things.

7 Q. Do you remember anything that you asked
8 any of the other inmates about? You said there
9 were more in the afternoon.

10 A. I talked to one in the afternoon, and I
11 don't remember who he was. And that line of
12 questioning was why the assault on Harvell
13 because it was pretty vicious, and trying to
14 narrow it down again more of what was leading up
15 to that whole incident with him.

16 Q. Now, who were the inmates who actually
17 attacked Mr. Harvell?

18 A. The initial attacker was Mr. Chaplain.
19 And there was another inmate standing next to
20 him. I don't recall his name. And then they
21 initially struck him and knocked him to the
22 ground. And then an entire group of inmates came
23 at him after that and continued to kick him and
24 stomp him while he was on the ground.

25 Q. Now, you did not see that, correct?

1 A. I did not see that action. No.

2 Q. Who told you that?

3 A. Who told me what?

4 Q. The action that you just described
5 about what happened with Mr. Harvell, who told
6 you that?

7 A. Well, it wasn't just told. It was on
8 the video camera system. I could see it through
9 that.

10 Q. Had you reviewed the videotapes before
11 you interviewed Mr. Ingram?

12 A. Just very, very briefly to see the --
13 the one hallway camera that we had, I looked at
14 it just very briefly to kind of gain an
15 understanding of how the incident occurred.

16 Q. How did you view it? Was it on
17 computer or did somebody bring --

18 A. It's on computer.

19 Q. Okay. And which hallway was that that
20 you reviewed?

21 A. The Chapel hallway.

22 Q. Okay. What time period -- what period
23 of time on the tape were you viewing?

24 A. Right around the initial cause of the
25 incident.

1 Q. About how many minutes of tape did you

2 --

3 A. No more than probably five.

4 Q. What about the other hallway tapes?

5 A. The main hallway itself does not
6 have -- did not have a still security camera in
7 it. The chapel hallway did and inside the chapel
8 had one.

9 Q. Did you view any tape from inside the
10 chapel?

11 A. I looked at it. I don't recall at what
12 point I looked at it, but, yes, I did look at it
13 to see what the inmates did prior to exiting the
14 chapel going into the hallway.

15 Q. How many minutes of that did you view?

16 A. Specifically I don't remember. It was
17 just a few initially, but later on --

18 Q. Don't take me too -- let's stay -- what
19 you viewed before you interviewed Mr. Ingram,
20 that's where we are now. What tapes did you --

21 A. Before I interviewed Mr. Ingram, I
22 don't think I looked at the chapel tape. I think
23 it was after that.

24 Q. And before, just to be clear, before
25 you interviewed Mr. Ingram, did you look at a

1 tape that had a vantage point of the hallway?

2 A. Yes.

3 Q. So that part is just briefly?

4 A. Yes, just briefly.

5 Q. But, now, when you did get around to
6 interviewing the tape inside the chapel, how many
7 minutes of that did you look at?

8 A. What period of time are we at now so I
9 will answer your question correctly?

10 Q. Okay. Now, you already said that you
11 did not look at the tape from the camera inside
12 the chapel before you interviewed Mr. Ingram,
13 right?

14 A. Uh-huh.

15 Q. You said after you interviewed him, at
16 some point you looked at the tape?

17 A. After I interviewed Mr. Ingram,
18 throughout the course of that entire day, I
19 looked at several different tapes.

20 Q. Okay. And at one point, one of those
21 tapes was the tape from inside the chapel?

22 A. Yes, ma'am.

23 Q. How many minutes of that did you look
24 at?

25 A. I probably looked at it from -- in

1 periods of time that would have spanned probably
2 an hour's worth of time on tape. I'm trying to
3 gain an understanding of how inmates entered,
4 what occurred, how they interacted.

5 Q. So you looked at an hour of tape from
6 inside the chapel?

7 A. Well, it's not tape. It's hard drive.
8 You can speed it up, slow it down, jump to the
9 minutes you want to look at.

10 Q. So it's not tape. It's video?

11 A. It's -- yeah. It's recorded video to a
12 computer hard drive.

13 Q. So you looked at an hour of video from
14 inside the chapel later that same day?

15 A. Yes, ma'am.

16 Q. And which hour of chapel tape, from
17 what time period to what time period?

18 A. Specific time periods would have been
19 prior to the incident which may have started
20 around 8:00 a.m., up until after the incident
21 which would have ran until possibly 9:30 or so, I
22 think.

23 Q. Did you also look at more than a few
24 minutes of the chapel hallway tape later on? Did
25 you get a chance to do that after your interview

1 with Mr. Ingram?

2 A. Yes. After the interview through the
3 course of that day, the next day, the following
4 day. I mean, it was all looked at over the
5 course of several days.

6 Q. Well, later that day did you get a
7 chance to look at the tape of the chapel hallway,
8 May 16th?

9 A. Yes.

10 Q. How many hours of that did you view
11 during the day of May 16th?

12 A. It would have surrounded the incident,
13 so it would probably have been about an hour and
14 a half time frame that -- I mean, it doesn't take
15 an hour and a half to view it. You can view it
16 in a matter of minutes.

17 Q. And you viewed that tape or video? The
18 hallway had tape or video?

19 A. Video.

20 Q. Okay. So you viewed that video later?
21 On May 16th you sat down and looked at it?

22 A. Oh, yes, ma'am.

23 Q. Then any other hallways that you viewed
24 videotape?

25 A. Not of hallways, no.

1 Q. Any other areas that you viewed from
2 what happened the morning of May 16th?

3 A. On that day I looked at a few minutes
4 of handheld video. It wasn't very long on that
5 day. It was either the following day or the day
6 after that I looked at some of the handheld
7 videotapes.

8 Q. Did you look at any of the handheld
9 videotapes of the chapel hallway that day, May
10 16th?

11 A. I believe I did. Yes.

12 Q. What do you call a few minutes?
13 Quantify that for me.

14 A. That was probably five minutes of it of
15 the tape itself.

16 Q. Okay.

17 A. Directly surrounding when the incident
18 occurred.

19 Q. Okay. Which hallways were you viewing
20 the handheld? Which ones did you view?

21 A. The hallways is what I have already
22 stated, the chapel hallway.

23 Q. The handheld? Because I know we talked
24 about --

25 A. Oh, the handheld?

1 Q. Uh-huh.

2 A. Well, the handhelds were people holding
3 handheld video cameras walking around. So it
4 wasn't specific. It was the one I viewed that
5 day was directly surrounding the incident in the
6 chapel hallway. And it was a few minutes of that
7 on that day. It was not probably until the next
8 day that I reviewed any other tapes.

9 Q. So handheld tapes you viewed on May
10 17th?

11 A. The following day I viewed more of the
12 tapes. Yes.

13 Q. So the handheld videotapes of the
14 incident you viewed on May 17th, the next --

15 A. No. I viewed --

16 MS. GIBSON: Object to the form.

17 A. I viewed some of it on the 16th.

18 BY MS. HARDAWAY:

19 Q. The handheld videotapes?

20 A. Yeah, a small portion of time, but
21 didn't do any detailed review of any tapes until
22 really the following day or the next day.

23 Q. Okay. So my question is, what hallways
24 were on handheld videotapes that you viewed on
25 May 16th?

1 A. The chapel hallway.

2 Q. Okay. Was that one that Officer Hill
3 had?

4 A. I don't remember which officer was in
5 control of the camera.

6 Q. What was captured on that handheld
7 videotape that you viewed on May 16th?

8 A. It was the direct incident where
9 inmates began assaulting Assistant Warden Hinsley
10 and other staff in the hallway, and the OC pepper
11 spray was administered to the inmates.

12 Q. So it was the hallway where the fight
13 against Hinsley occurred?

14 A. Yes. And -- well, the whole incident
15 basically began in that hallway. There were more
16 than one staff member assaulted.

17 Q. I understand that. But I'm just trying
18 to see what video you viewed when --

19 A. It was --

20 Q. -- and order of how you viewed it.

21 A. Okay. It was the one in the chapel
22 hallway where they administered the OC spray.

23 Q. Okay.

24 THE WITNESS: Is it possible for us
25 to take a break?

1 MS. HARDAWAY: You certainly may.

2 (A break was taken.)

3 BY MS. HARDAWAY:

4 Q. We have had a brief break, and I just
5 want to say that if anybody, including and
6 especially and mostly the court reporter, sees
7 they need a break, then definitely speak up
8 because I may just keep going.

9 Now, I want to move to what happened.
10 Well, first of all, let's just kind of wrap up
11 when you viewed the tapes, and then we'll kind of
12 catch back up here. We established before we
13 took our break that you looked at a few minutes
14 which you, I believe, said was about five minutes
15 of the handheld tape of the chapel hallway later
16 in the day on May 16th, correct?

17 A. Yes, ma'am.

18 Q. But it was after your interview with
19 Mr. Ingram?

20 A. Yes, ma'am.

21 Q. And correct me if I'm wrong. That's
22 the only handheld video, handheld video, that you
23 looked at on May 16th. That's the day of the
24 incident. The handheld.

25 A. As best as I can recall. Yes.

1 Q. Okay. And so any other handheld video
2 you would have seen subsequent to May 16th?

3 A. Yes, ma'am.

4 Q. Okay. Other than the two camera views
5 that we have talked about that were not handheld
6 videos -- and let me go through what I understand
7 the two to be. We talked about a stationary --
8 was it a stationary camera inside of the chapel?
9 You viewed that on May 16th, correct?

10 A. Yes, ma'am.

11 Q. And you viewed the stationary video
12 from the chapel hallway on May 16th; is that
13 correct?

14 A. Yes, ma'am.

15 Q. What other stationary cameras,
16 surveillance equipment, video, still cameras, any
17 other visual documentation did you view other
18 than what we have already talked about on May
19 16th?

20 A. I think that was about it on May the
21 16th.

22 Q. Okay. Did you read any written
23 documentation or statements or anything of the
24 kind, reports, memos about the incident on May
25 16th that we haven't talked about? Because I

1 don't think we have talked about any written
2 statements that you might have had anybody write
3 for you on May 16th.

4 A. On May the 16th concerning the
5 incident, no, because most of the written
6 statements probably weren't prepared until and
7 gathered together until after May 16th.

8 Q. Okay. And we've talked about a list of
9 gang members that you viewed on May 16th, and
10 that was done before you interviewed Ingram?

11 A. No. I didn't actually view the list.
12 I told Bobby to get his list and identify for me
13 the Vice Lord leaders who were in the group of
14 inmates that were involved in the disturbance.

15 Q. Okay. Previous to the break I thought
16 you testified you saw that Mr. Ingram's name was
17 first on the list.

18 A. No. I instructed Mr. Howell to go get
19 his list and identify for me the leaders. I
20 didn't take time to sit there and view the
21 document.

22 Q. So you don't know whether Mr. Ingram
23 was first on the list or second on the list or
24 where he was on the list?

25 A. Where he was on the list, no, I don't

1 know. I based that on what Mr. Howell told me.

2 Q. Okay. What if any other document did
3 you look at on May 16th other than -- or refer to
4 or have Mr. Howell or anyone else refer to for
5 you on May 16th regarding the incident?

6 A. On May the 16th, specifically I don't
7 remember, but there would have been a lot of
8 things that could have been reviewed that's
9 normal in an incident of that magnitude. There
10 is information that comes into what we call our
11 command post that is established when we have
12 that large of an incident that I may have looked
13 at briefly. It wasn't written statements about
14 the incident, but it's information that comes in
15 to the command post such as the number of inmates
16 who need medical attention who were scheduled for
17 doctors appointments that day. Just a whole
18 various array of things that may have been
19 presented to me briefly.

20 Q. Does that come -- the command post,
21 does it come through a computer, computer screen,
22 or e-mail?

23 A. No. It's going to be -- it's a
24 gathering of different documents.

25 Q. Where is the command post?

1 A. The command post is established in --
2 our command post was always established in the
3 facility conference room.

4 Q. And are there certain people who then
5 remain in the conference room while this is going
6 on?

7 A. Yes. There are staff who are assigned
8 to specific duties concerning the command post
9 who will remain on that post until they are
10 relieved by their staff.

11 Q. So are they talking on the phone and
12 asking questions and writing it down?

13 A. Well, yes, they are, but it's about a
14 whole lot of things, not just solely the
15 incident.

16 Q. I know, but just get me through that
17 thing first.

18 A. Okay.

19 Q. The people who are in the conference
20 room, are they gathering information by asking
21 people things on their radio or phones?

22 A. Yes. It could be phone, radio, direct
23 communication, verbal communication.

24 Q. Okay. And then they are relaying it to
25 you by you coming in and meeting with them?

1 A. I come in briefly and meet with them or
2 they could radio me something. There is various
3 ways to communicate.

4 Q. At what point between a few minutes
5 before nine and 9:30 was a command post set up or
6 was it set up during that time period?

7 A. I would say that it was in the process
8 of being set up during that time period.

9 Q. And the process would be what? Step by
10 step.

11 A. Step by step establishment of a command
12 post is --

13 Q. Not a command post. That day. What
14 happened that day with that command post? Okay?

15 A. Okay. The process would have been
16 specific staff would have been assigned to
17 specific duties. We follow the system called ICS
18 which is a command system. Each one of those
19 staff members who are assigned those specific
20 roles have certain tasks that they have to
21 undertake. And basically in a nutshell version,
22 you have an incident manager who was basically
23 supervising the entire incident and flow of
24 information in and out of the command post. You
25 have someone who --

1 Q. Can you put names on these people?

2 You're saying people and a supervisor.

3 A. Not without reviewing the incident log
4 and reviewing the incident report. I mean, I
5 can't remember who specifically was assigned to
6 what.

7 Q. The incident log. Okay. And that's
8 what you would have had one of your staff or what
9 you would have ended up reporting?

10 A. One of the staff assigned to the
11 command post would have maintained the incident
12 log.

13 Q. But you don't know if it was Rice or
14 just who you -- who is your go-to person when
15 there is an incident? Can you remember during
16 that time frame?

17 A. I didn't have a particular go-to
18 person. I had my staff trained to function in
19 multiple roles.

20 Q. What was the next level? Did you count
21 on or was it understood that a certain level of
22 person -- you know, whoever the assistant warden
23 was on that shift or whoever the unit manager
24 was, would help you get that command post set up?
25 That would be the person that would carry that

1 out? Is that what I understood, a level of
2 person even if it wasn't a particular person?

3 A. No, not necessarily.

4 Q. Well, what did you tell your staff?
5 "When we have an ICS, here's what we do." Did
6 you have meetings with them and tell them that?

7 A. Yeah. We had different meetings, but
8 it could be to the level of a sergeant being the
9 incident commander. They were trained in how to
10 establish the command post once they received
11 instructions to do that.

12 Q. Okay. When you were training them
13 about that, did you say, "And if you're here, Mr.
14 Rice, that's your job, or if you're on duty, Ms.
15 Hill, that's your job"?

16 A. Not to that degree of being specific.
17 I mean --

18 Q. So it's ad hoc. Whoever you told,
19 that's who you would set it up no matter what.

20 A. Depending on how the incident occurred.
21 Yes.

22 Q. Okay. So for this incident, how did
23 you decide who set up the command post?

24 A. I don't remember specifically who I
25 told to go up and begin the setup of the command

1 post. And I don't remember who was assigned to
2 what specific role.

3 Q. Okay. But you know somewhere between
4 nine and 9:30 there was one that was being set
5 up?

6 A. Yes, ma'am.

7 Q. Okay. And you talked about finding out
8 who had doctor's appointments?

9 A. Yes, ma'am. There is a whole array of
10 things that you have to go through because
11 functions for other inmates and staff have to
12 continue. You have to make sure they eat,
13 obviously. You have to figure out how many
14 inmates are away from the facility, what kind of
15 inmate transports, what kind of traffic you're
16 going to have in and out of the facility that
17 day. You have to go through if inmates are
18 receiving medications, how are we going to get
19 those medications to the inmates. Inmates have
20 to be able to shower. It's a whole wide, broad
21 spectrum of how the facility continues to operate
22 under a lockdown status and what things do you
23 have hanging out, what resources do you need.

24 Q. How long did it remain on a lockdown
25 status?

1 A. I think we went five days.

2 Q. All right. How soon did you start
3 asking people to get you documentation about what
4 happened? Was it that day that you asked for the
5 statements, the reports? How soon did you start
6 gathering?

7 A. I personally didn't gather the
8 information, but I believe that the instruction
9 that was given to them --

10 Q. Did you give the instruction?

11 A. No. I didn't give specific instruction
12 for that. It was probably given through the
13 command post.

14 Q. And we don't know who the command post
15 leader was.

16 A. Not without looking at the command log
17 because it can change hands.

18 Q. Okay. Go on.

19 A. But I'm sure that they gave me an
20 instruction. And that's part of the function of
21 the command center is to also help gather some of
22 those statements and things of staff.

23 Q. When did you first start seeing
24 statements or reports from your staff?

25 A. I didn't see any specifically, I don't

1 think, until the incident report was presented to
2 me for my signature which would have been several
3 days after the incident actually.

4 Q. Okay. Who presented it to you?

5 A. Generally the incident reports were put
6 together with the help of the Chief of Security,
7 and the investigators would help put the whole
8 entire report together.

9 Q. The Chief of Security?

10 A. Yes.

11 Q. Is that what you said? And who was
12 that?

13 A. Sara Roberts. And Michelle Brush who
14 worked in the investigator's office would help
15 pull the whole entire report together because
16 it's a large document once it's completed.

17 Q. B-R? Rush or Brush?

18 A. Brush, B-R-U-S-H.

19 Q. Sara Roberts, Michelle Brush --

20 A. I don't remember who else might have
21 been involved.

22 Q. Okay. So you then sent that somewhere,
23 the investigative report?

24 A. I didn't send it, but the process is
25 that the report has to be -- a copy of the report

1 has to be provided to the Tennessee Department of
2 Corrections, and a copy of the report is provided
3 to the corporate office within a certain time
4 period.

5 Q. And what is the time period for what
6 you sent to TDOC, Department of Corrections?

7 A. The initial -- well, there are time
8 limits for different incidents, and this incident
9 contained different time limits because of --

10 Q. What was the time limit for this
11 incident?

12 A. Well, you have to understand the whole
13 process. If you have any incident involving use
14 of force, you have a certain amount of time to
15 send that report. If you have an incident
16 involving the use of chemical agents, there is a
17 certain time for that report. So because
18 chemical agents were used, a preliminary report
19 had to be presented to them within 24 hours, just
20 that preliminary.

21 Q. And did you do that?

22 A. It was completed. Yes. It was given
23 to Eric Hardison who is the TDOC liaison officer
24 that was on duty at the facility.

25 Q. You went to Eric Hardison?

1 A. Yes.

2 Q. Who is the TDOC --

3 A. TDOC, Tennessee Department of
4 Corrections Commissioner's designee is the
5 official title. And that was a preliminary
6 report because of the use of OC pepper spray and
7 then with the understanding that a finalized
8 report would be presented at a later date.

9 Q. When was that, the finalized one we'll
10 call it?

11 A. I don't remember when it was given to
12 them exactly.

13 Q. Do you remember your time frame?

14 A. Typically it was seven days for an
15 incident of this nature.

16 Q. Do you remember if it left out of there
17 and went to where it was supposed to go?

18 A. I can only hope that my staff did the
19 right thing because I didn't do it specifically.

20 Q. Did you sign off on it?

21 A. I did sign the report. Yes.

22 Q. And you think you did it within seven
23 days?

24 A. I believe I did, but I don't remember
25 without looking at it to be for sure.

1 Q. Okay. And you call that document what?

2 A. That is called an incident report.

3 Q. All right. You sent that to corporate?

4 A. Yes.

5 Q. And you sent it to TDOC?

6 A. Yes.

7 Q. Straight from your facility, not
8 filtered through corporate?

9 A. No. It actually goes straight to the
10 TDOC person who is at the facility. It doesn't
11 get sent to Nashville or anything. It goes
12 directly to the TDOC Commissioner's designee.

13 Q. Okay. And you didn't just sign off on
14 it? You read it?

15 A. Yes, ma'am.

16 Q. Okay. And what comprised the incident
17 report? Was it all the statements that were
18 taken?

19 A. It should have been, yes.

20 Q. Of the staff and inmates?

21 A. Yes.

22 Q. And what else?

23 A. There is medical documentation that
24 goes into it. There is summary that goes into
25 it. There is --

1 Q. Summary?

2 A. Of the incident.

3 Q. Written by --

4 A. It would have been a combination of the
5 investigators and the two security officers.

6 Q. You read it, right?

7 A. Uh-huh.

8 Q. Well, what was it? You said, "I would
9 think," as if you didn't know, as if you didn't
10 see it.

11 A. No. It's a culmination of the written
12 reports is what it is, to come to a summary of
13 the entire incident.

14 Q. So far we have statements of staff. We
15 have statements of inmates. We have medical
16 documentation and a summary of the incident.
17 What else?

18 A. There are some other specific TDOC
19 forms. I don't remember their names, with the
20 use of chemical agents that have to be included.
21 I don't remember all the document names, but it's
22 quite a few different documents.

23 Q. Okay. And you did read it and you did
24 sign off on it, so if you read it and you signed
25 off on it, would that mean that it was accurate

1 and complete to your knowledge?

2 A. To the best of my knowledge, yes.

3 Q. Was it your responsibility to make sure
4 it was accurate and it was complete?

5 A. It was my responsibility to review it
6 and ensure that it contained all the portions
7 that it needed.

8 Q. Was it your responsibility to ensure
9 that it was accurate and complete before you
10 signed it?

11 A. I guess you could say that. Yes.

12 Q. Is your answer yes that it was your
13 responsibility or no it was not your
14 responsibility?

15 A. Well, it wasn't just specifically my
16 responsibility. I signed it, forwarded it on,
17 and other people at corporate office reviewed it.
18 Legal counsel could review it. So to say it was
19 solely my responsibility, no. But did I sign it?

20 Q. I didn't use the word "solely" in my
21 question. Listen to my question. When you
22 signed off on it, you, Glen Turner, before it
23 left, before it went to corporate, when you
24 signed off on it, was it your responsibility to
25 make sure that it was accurate and complete?

1 A. Yes.

2 Q. Okay. Did you read all the statements,
3 Inmate/Resident-Incident Statement? It looks
4 like the form number is 51C1. Did you read those
5 which you say comprised part of the incident
6 report?

7 A. I can't say that I read every single
8 one of them.

9 Q. Okay. What about the
10 Employee/Civilian-Incident Statement which looks
11 like it's called 5-1C that were by your testimony
12 contained in the incident report? Did you read
13 those, the employee/civilian-incident statements?

14 A. I wouldn't say that I read every single
15 one of them.

16 Q. Okay. Do you remember which ones you
17 read?

18 A. Not specifically.

19 Q. Do you remember how many of them you
20 read?

21 A. Not specifically. That's a large
22 report.

23 Q. Did you usually read half of your
24 report before you sent it off, a third of it?

25 A. It depends on the report itself.

1 Q. Well, what about this one? Did you
2 read half of it, a third of it?

3 A. I don't remember specifically. I'm
4 sure I looked through it pretty well, but --

5 Q. Okay. And the medical documents. Did
6 you look to see if the medical documentation was
7 part of the report that left and went to
8 corporate that you signed off on?

9 A. I did look to see that the medical
10 documents were there. Yes.

11 Q. And the forms for the use of chemical
12 agents and so forth that needed to be filled out,
13 did you look to see if they were part of the
14 report before you signed it and mailed it out?

15 A. I could have. Yes.

16 Q. Okay. The forms that say
17 Accident/Incident/Traumatic Injury Report
18 CCA-Hardeman County, are those the medical
19 reports that you're referring to? May I show you
20 one?

21 A. Yes.

22 Q. I will show you page 1118 which is
23 Bates stamped.

24 A. Yeah. This is actually a standard form
25 used by the Tennessee Department of Corrections

1 that is a -- it's what it says it is. It's an
2 Accident Injury Traumatic Injury Report Form.

3 Q. So when you listed medical documents as
4 part of the incident report that goes, is that
5 what you referred to or something else?

6 A. Yes. That is what I'm referring to. I
7 would not review them individually because I'm
8 not a doctor or a nurse. But I would ensure that
9 they are included in the report.

10 Q. Okay. And I do understand that you're
11 not a doctor or a nurse, but were you reading
12 them?

13 A. No. I can't say that I sat and read
14 every one of those. No.

15 Q. Okay. Did you have any other way of
16 knowing which inmates had injuries to them, to
17 their person, to their bodies? If you didn't
18 read these, what was your other -- how did you
19 know that all the injuries to the inmates were
20 reported in this incident report if you didn't
21 read this form that I have shown you an example
22 of, page 1118? How would you know if you hadn't
23 read such a form as this?

24 A. Well, I don't guess I would have known,
25 but there wasn't a lot of injuries noted during

1 the course of the incident. I mean, that report
2 basically just, you know, culminates all
3 paperwork together.

4 Q. All that paperwork? And what is the
5 purpose of all this paperwork? I mean, is it to
6 given corporate accurate information about what
7 happened at the incident -- during the incident?

8 A. It's to provide them with the
9 information surrounding the incident. Yes.

10 Q. Okay. Did you make -- well, have we
11 exhausted all the documentation that you said,
12 statements of the staff, statements from the
13 inmates, the medical documents, the summary of
14 the incident which would have been written by the
15 investigators in this case coordinated by Sara
16 Roberts and Michelle Brush? Have you exhausted
17 all that would have been included in the incident
18 report?

19 A. The best I can remember without looking
20 through it. Yes.

21 Q. All right. I mean, how long were you a
22 warden with CCA?

23 A. From 1999 until 2007.

24 Q. Okay. So is it -- have you done dozens
25 of incident reports?

1 A. Oh, probably more than a dozen.

2 Q. Probably hundreds. Would that be fair?

3 A. That might be fair considering all the
4 places I looked.

5 Q. So would you say that you had a working
6 knowledge of how to put an incident report
7 together? Would that be fair?

8 A. Yes, ma'am. That would be fair.

9 Q. And would part of that knowledge be the
10 documentation that would comprise an incident
11 report that you knew what goes in there?

12 A. Yes, ma'am.

13 Q. Okay. And you did it for several
14 years. And you have only been away for a year
15 and a half now, right?

16 A. Yes, ma'am.

17 Q. So you still remember what goes in an
18 incident report, correct?

19 A. I remember the basis of what goes in
20 it, but I haven't sat down and put together
21 myself an incident report in years. Even as a
22 warden my job was to review to ensure that
23 documents were together and perform the checklist
24 that goes with it and send it on its way.

25 Q. Okay. So to your knowledge

1 everything -- you have listed everything that you
2 know that goes in one to your knowledge?

3 A. As best I can recall. Yes.

4 Q. All right. Did you put anything in
5 this report about hitting or pushing Mr. Ingram
6 to the floor? Did you put anything in the
7 incident report about that?

8 A. No, I did not.

9 Q. Okay. Did you report that Mr. Ingram
10 had an injury of any kind as part of this
11 incident report?

12 A. Not as part of the incident report.

13 Q. And we'll get to the rest of it, but
14 that's my question now. Okay? What is a Use of
15 Force Checklist? Is that something that would go
16 into the incident report?

17 A. As I recall, yes.

18 Q. Okay. Is this Bates stamp page 1118,
19 is that the Use of Force Checklist that went with
20 the incident report that we've been talking
21 about?

22 A. I believe it is, yes.

23 Q. Okay. 1118? Is there just one of
24 these that goes up with each incident report or
25 is there one connected with each inmate that's

1 involved in the incident that goes up?

2 A. One with the entire report, I believe.

3 Q. Okay. So all of these things that were
4 checked on Bates 1118, if all of these things
5 occurred, then you signed the incident report.
6 You signed those boxes that are checklist as to
7 what occurred and then --

8 A. No. When I sign the incident report,
9 I'm saying that the incident report is a complete
10 packet of information. The person who signed
11 this would be saying that these things happened.

12 Q. Okay. And are you over -- pronounce
13 her name for me -- Burchette?

14 A. Burchette.

15 Q. Burchette? B-U-R-C-H-E-T-T-E?

16 A. I believe that would be correct.

17 Q. And her position was?

18 A. I believe she was a clerk for the chief
19 of security.

20 Q. Okay. Is she still there?

21 A. I don't have any idea.

22 Q. Okay. Are you responsible -- do you
23 have -- let me rephrase that. Do you have
24 supervisory responsibility over Sara?

25 A. Sara who? There are several Saras on

1 that document.

2 Q. Sara N. B-U-R-C-H-E-T-T-E that we just
3 talked about.

4 A. Indirect, yes. As a warden you had
5 responsibility over everyone in your institution.

6 Q. Okay.

7 A. But not in a direct path.

8 Q. So only one Use of Force Checklist goes
9 up with this incident report, right?

10 A. Yes.

11 Q. All right. And so is that considered
12 like a pretty important part of reporting the
13 incident to report the use of force and all the
14 things that accompany it that are on this
15 checklist? Is that not a pretty significant
16 thing to report when you're sending an incident
17 report up, use of force?

18 A. Well, that's just a checklist that goes
19 with that entire document.

20 Q. Right.

21 A. I mean, there is more ways to report
22 things than -- it's not that specific, I don't
23 think, to understand the report.

24 Q. You're saying -- correct me if I'm
25 wrong. You're saying to corporate we covered all

1 of this. In other words, reading from Bates
2 1118: When this goes up as part of the incident
3 report that you signed off on prepared by
4 somebody you supervise, you're saying all staff
5 and inmates involved in the use of force will
6 report to the medical department for medical
7 evaluations. And you say the time to be
8 completed 0910 hours. You're saying that, right?
9 Complete by Glen Turner. That's what's on this
10 sheet?

11 A. Uh-huh.

12 Q. So by signing that, that's what you're
13 telling corporate happened as part of this
14 incident, correct?

15 A. Yes, ma'am.

16 Q. All right. And you're saying you're
17 going to contact ADO and Chief of Security within
18 fifteen minutes of the situation being
19 controlled, that that's what happened in this
20 incident, correct?

21 A. Yes.

22 Q. Notify TDOC within one hour of
23 incident. And here you put Eric Hardison.
24 You're saying that you sign off that that's what
25 happened in here, right?

1 MS. GIBSON: Object to the form.

2 A. The person who signed that form is
3 saying that those things happened. Not me.

4 BY MS. HARDAWAY:

5 Q. And you are that person's supervisor,
6 and you're the person who approves all the
7 portions of this incident report when you sign
8 off on it. The buck stops with you in other
9 words?

10 MS. GIBSON: Object to the form.

11 A. Well, not necessarily. If I didn't
12 specifically sign my name to a document, then I'm
13 not responsible for the contents of that
14 particular document. When I sign off on an
15 incident report, I'm signing off that it is
16 complete and whole, not that I reviewed every
17 page.

18 BY MS. HARDAWAY:

19 Q. Okay. And as far as the Use of Force
20 Checklist, would you have reviewed this before
21 you signed the incident report?

22 A. I don't remember if I reviewed that
23 specifically or not. I'm sure I probably glanced
24 at it.

25 Q. You glanced at it. You have done

1 hundreds of these. Would you usually glance at
2 them or would you read it?

3 A. Well, it depends on the portion of the
4 document. That's an internal facility form.

5 Q. The Use of Force Checklist?

6 A. Well, that's not an official document
7 with the state of Tennessee or CCA. That's a
8 document that was developed to help keep staff on
9 track to ensure things were accomplished that are
10 required to be accomplished.

11 Q. So continuing, it says on here, "Take
12 photographs of all involved in the use of force,"
13 correct? That's part of this checklist?

14 A. Yes, ma'am.

15 Q. Okay. And you do that by 1000 hours,
16 it says here. Time completed, it was done by
17 1000 hours.

18 A. That's what she put on the document.

19 Q. Okay. Collect traumatic injury reports
20 from medical. 1120 hours that was done, right?

21 A. That's what she put on the document. I
22 did not complete that document.

23 Q. Okay. And I won't read the rest of it
24 just in the interest of time, but that's Bates
25 stamp 1118. Why did you not include the medical

1 report about James Ingram and his injury?

2 A. I didn't gather all the medical reports
3 together.

4 Q. You hit him, right? You hit him.

5 A. I had an incident with him. Yes.

6 Q. You hit him. You struck him with your
7 fist, correct?

8 A. I had an incident with him. Yes.

9 Q. Did you strike him with your fist?

10 A. I think you established that earlier.
11 Yes.

12 Q. Yes? Okay. So you also have testified
13 earlier there was blood, correct?

14 A. Yes.

15 Q. Okay. Is that not an injury?

16 A. Yes, it's an injury.

17 Q. Okay. Since you were the one who did
18 it, you were the one who injured him, why
19 wouldn't you make that information part of this
20 report?

21 A. Well, I believe there is a document in
22 there from Mr. Ingram. I don't know if there is
23 or isn't at this point.

24 Q. Not from him, but why wouldn't you make
25 a part of the incident report what happened with

1 you striking Mr. Ingram and causing him to bleed
2 a part of the report? You, the person who did
3 it, you who had the knowledge of it, why would
4 you not include that?

5 A. Because that is a culmination of the
6 entire incident that happened.

7 Q. All right. Are you aware of whether or
8 not -- well, first of all, did Mr. Ingram then
9 ask you to give him medical treatment?

10 A. I don't recall if he asked me
11 specifically or not, but after my incident with
12 Mr. Ingram I directed a staff member to get a
13 nurse to go in segregation and check him out.

14 Q. Isn't it true that when Mr. Ingram was
15 on the floor he said, "I'm hurt," that one of the
16 people -- two of the people who wrote incident
17 reports, part of this incident report that you
18 signed off on said he was on the floor and said
19 "I'm hurt"? Isn't that true?

20 A. I don't recall him saying that to me.

21 Q. Do you recall that being a statement
22 made by two of the persons who were in the room?

23 A. No, I don't.

24 Q. Do you recall him saying, "I want
25 medical attention"?

1 A. I don't recall that specifically, but I
2 am sure that he got it.

3 Q. Do you recall making the statement to
4 him, "You're not getting any today," or you're
5 not getting any now?

6 A. No. I don't recall that specifically.

7 Q. Do you remember telling him -- telling
8 the people in the room, the officers in the room,
9 to take him straight to segregation?

10 A. Yes. I told them to take him straight
11 to segregation.

12 Q. Okay. Now, at what point do you
13 testify now that you instructed a nurse to go and
14 see him?

15 MS. GIBSON: Object to the form.

16 A. I did not specifically instruct a
17 nurse. I instructed a staff member to get a
18 nurse to go into segregation and check him out.

19 BY MS. HARDAWAY:

20 Q. When?

21 A. Immediately following the incident as
22 we were exiting the intake area.

23 Q. Okay. And who was that staff person
24 that you immediately instructed?

25 A. I don't remember which staff person it

1 was.

2 Q. Okay. And did you check, follow up to
3 see if your instructions had been followed and to
4 see if a nurse went into segregation to see to
5 his eye that you had caused the injury to? Did
6 you follow up on that?

7 A. No. I don't specifically remember
8 directly following up on it.

9 Q. Indirectly did you?

10 A. Indirectly I got information later that
11 day that a nurse had checked him.

12 Q. How much later that day?

13 A. I don't remember.

14 Q. Were you in your office when a call was
15 taken from a nurse that saw Mr. Ingram that
16 evening, and it was reported that he said you
17 struck him? Were you in your office then?

18 MS. GIBSON: Object to the form.

19 MR. HILL: Object to the form.

20 A. I believe I was in my office at that
21 time. Yes.

22 BY MS. HARDAWAY:

23 Q. Yes?

24 A. I believe I was, yes.

25 Q. Who was that person? Was her name

1 Heather that took that call?

2 A. No.

3 Q. Who was it?

4 A. I want to say it was Assistant Warden
5 Sara Rice.

6 Q. Sara Rice? And did she tell you at
7 that time what the call was about?

8 A. Yes, she did.

9 Q. What did she say?

10 A. That she had talked to a nurse. I
11 don't remember the nurses' names, but -- and that
12 the nurse had reported that when she went and
13 checked him that I had struck him.

14 Q. The nurse reported that you had struck
15 him or the nurse reported he had told her that?

16 A. That he had told her that.

17 Q. Okay. So Sara said that to you?

18 A. Yes.

19 Q. And what did you say to Sara?

20 A. I don't remember exactly what I said to
21 her, but I think it was on the lines of, "Well,
22 he has been checked by medical. That's what I
23 want right now." And then we went on to other
24 things.

25 Q. Okay. Do you remember being asked by

1 either Sara or her conveying the question from
2 the person on the other line, I'm not sure which,
3 but do you remember the question coming up during
4 that conversation what that person should do as
5 far as reporting it further?

6 A. Not as far as reporting anything
7 further. I think it was phrased to me more along
8 the lines of what should she do. And I believe
9 Sara told her, "You go ahead and do what you're
10 supposed to do."

11 Q. What did you say?

12 A. I don't remember saying anything.

13 Q. Okay. And did you give further
14 instruction about what she was supposed to do,
15 what that meant, "Go ahead and do what you're
16 supposed to do" about reporting it? Did you give
17 further instruction?

18 A. No. I wasn't speaking to her on the
19 phone. Sara was.

20 Q. Okay. But she was conveying to you
21 each side of the conversation?

22 A. No. She was not conveying to me. It
23 wasn't like that. It wasn't her asking -- the
24 nurse asking her a question and her asking me a
25 question. Sara basically told her you go ahead

1 and do what you're supposed to do. Not without
2 me telling her to.

3 Q. All right. At some point did you send
4 someone to get a copy of that medical report that
5 the nurse wrote down what happened to James
6 Ingram on?

7 A. No. I never sent anyone after the
8 report.

9 Q. You never asked anyone to get any of
10 the medical documentation of Mr. Ingram from the
11 medical area?

12 A. No. I didn't ask anyone to get any
13 report.

14 Q. Did you instruct anybody to do that?

15 A. No, I didn't.

16 Q. Are you aware of anybody doing that?

17 A. I'm aware that somebody brought me a
18 copy of his report.

19 Q. Who was that?

20 A. I believe it was Sara Rice.

21 Q. And does Sara Rice work there now?

22 A. No. I don't believe so.

23 Q. Do you know where she does work?

24 A. I'm not sure where she's working now.

25 Q. Was she disciplined for anything that

1 happened in connection with this incident of May
2 16th of 2007?

3 A. I have no knowledge of any disciplinary
4 action that happened to any of the employees.

5 Q. Have you heard whether or not she was
6 demoted or disciplined in any way? Have you
7 heard?

8 A. I can say that I've heard, but that
9 would be hearsay. I didn't hear it from her.

10 Q. Who did you hear it from?

11 A. I don't recall.

12 Q. Well, what did you hear?

13 A. I heard that she was offered a
14 demotion. Specifically why I don't know. And
15 that she wasn't actually terminated. She refused
16 to accept a demotion and resigned her position.

17 Q. Was the demotion in connection with the
18 May 16th incident?

19 A. I don't know specifically.

20 Q. The people who were in the room with
21 you -- hold on.

22 MS. GIBSON: Howell, Strickland and
23 Mayhue.

24 BY MS. HARDAWAY:

25 Q. Let's take Mr. Mayhue first. What was

1 his position?

2 A. He was a correctional officer.

3 Q. And does that -- does he supervise
4 anybody, a unit manager or just regular
5 corrections officer?

6 A. No. He's just a regular corrections
7 officer.

8 Q. Was he one of the persons that got
9 Mr. Ingram and brought him to the area where you
10 were?

11 A. Yes, ma'am.

12 Q. And who else was with him?

13 A. Robert Strickland.

14 Q. Okay. And what is his rank?

15 A. His rank was correctional officer. He
16 was a canine officer over tracking dogs.

17 Q. Any reason why you asked them to get
18 him?

19 A. No. No specific reason.

20 Q. Okay. And who else was in the room
21 with you?

22 A. Bobby Howell who was the STG
23 coordinator.

24 Q. And then later on Mr. Huggins came in
25 and out or came in?

1 MS. GIBSON: Object to the form.

2 A. After the interview was complete.

3 BY MS. HARDAWAY:

4 Q. And that was Bobby Howell? And what is
5 Mr. Huggin's name?

6 A. Keith Huggins.

7 Q. Keith Huggins. Anybody else in there
8 when you were --

9 A. No, ma'am.

10 Q. -- questioning him?

11 MS. GIBSON: Object to the form.

12 BY MS. HARDAWAY:

13 Q. All right. So there is no one else in
14 the room with you when you were interviewing Mr.
15 Ingram other than Mayhue, Strickland, Howell.
16 And at some point Huggins came in later, right?

17 MS. GIBSON: Object to the form.

18 A. The only people that were in the room
19 when I interviewed Mr. Ingram was Bobby Howell
20 Robert Strickland, and Cayla Mayhue. No one else
21 other than myself was in the room.

22 BY MS. HARDAWAY:

23 Q. Okay. Did you tell them to report what
24 happened in the room? Did you ask them to write
25 reports about what happened in the room?

1 A. No. I did not specifically ask them to
2 write reports.

3 Q. Did you see any reports that they wrote
4 that went up with the incident report about what
5 happened in the room?

6 A. No.

7 Q. Do you know if they made reports about
8 it before the TDOC investigation?

9 A. No.

10 Q. They did not?

11 A. I don't know.

12 Q. Before the TDOC started -- that was
13 called an Internal Affairs Investigation; is that
14 correct?

15 A. I believe that's what Tennessee calls
16 it. Yes.

17 Q. Before that investigation -- you were
18 going to tell me earlier that you had told that
19 to somebody in corporate. And the name of the
20 person to whom you reported in corporate was?

21 MS. GIBSON: Object to the form.

22 A. I don't remember that question. I'm
23 sorry.

24 BY MS. HARDAWAY:

25 Q. Did you report what happened with

1 Mr. Ingram to someone in corporate?

2 A. Yes, I did.

3 Q. Who was that?

4 A. Kevin Myers.

5 Q. And he was?

6 A. He was my direct supervisor, and he was
7 a managing director, I believe, is the title he
8 uses.

9 Q. You reported it in writing or verbally?

10 A. Verbally.

11 Q. What did you tell him?

12 A. I told him about the incident that had
13 occurred.

14 Q. Yeah, I know that already, but what
15 exactly did you say to him?

16 A. I told him -- I basically detailed the
17 incident to him, what happened when I interviewed
18 Mr. Ingram.

19 Q. Okay. Tell me the details that you
20 told him.

21 A. That during the course of my interview
22 that Mr. Ingram was -- that I knocked Mr. Ingram
23 out of the chair and went down on the floor with
24 Mr. Ingram and struck him one time.

25 Q. Did you include in what you told Kevin

1 Myers that Mr. Ingram was shackled -- was
2 handcuffed with flexi-cuffs at the time?

3 MS. GIBSON: Object to the form.

4 A. I don't recall specifically whether I
5 did or didn't.

6 BY MS. HARDAWAY:

7 Q. Did he ask you whether or not he was
8 restrained?

9 A. I don't remember whether he did or
10 didn't.

11 Q. Did he ask you why it happened, how it
12 happened?

13 A. Well, no, he didn't have to ask.
14 Really, the how it happened, I explained that to
15 him. And I don't really think he got into a
16 discussion of why it happened.

17 Q. Well, here's what I'm trying to
18 understand. Did he understand that it was not a
19 back and forth where he hit you and you hit him
20 back? Did he understand that you hit him even
21 though he had not struck at you first? Did he
22 understand that? Did you convey that to him?
23 Let me ask you that. Did you convey that to him
24 that --

25 A. I think I conveyed it to where he could

1 understand it, yes. But what he understood, you
2 would have to ask him.

3 Q. Exactly. That's how that works. Okay.

4 MR. HILL: You might want to be more
5 clear.

6 MS. HARDAWAY: All right. I think
7 he understands me just fine. And he's
8 the deponent.

9 BY MS. HARDAWAY:

10 Q. Now, who else other than Kevin Myers
11 did you make this report to?

12 A. That's the only person I made a report
13 to.

14 Q. And what's the protocol after that? Is
15 he then supposed to report it to someone else?

16 A. You would have to ask him what the
17 specific protocols are. I don't believe I could
18 answer that appropriately.

19 Q. Okay. Did he give you any feedback
20 whether that was acceptable to CCA, to the
21 company?

22 A. No, he did not.

23 Q. Did he admonish you in any way?

24 A. No. I don't believe he did at that
25 point in time.

1 Q. Did he give you any admonishment later?

2 A. No.

3 Q. Did you ever find out that he reported
4 it to somebody else at CCA later?

5 A. I found out that he reported it to
6 someone, but I'm not specific of who.

7 Q. How did you find that out?

8 A. I believe he told me that he reported
9 it on up the line to someone.

10 Q. How long after it occurred did you find
11 that out?

12 MS. GIBSON: Object to the form.

13 A. After our phone conversation?

14 BY MS. HARDAWAY:

15 Q. Uh-huh.

16 A. I would say it was in the next day or
17 so.

18 Q. How did he tell you that, verbally or
19 in writing?

20 A. It was verbally communicated over the
21 phone.

22 Q. What else did he say? Did he say why
23 he did?

24 A. No. I think the why is assumed, but I
25 mean, he would have to report to someone.

1 Q. Why would we assume that?

2 A. Well, if you get a piece of information
3 like that, you're going to report it to someone
4 up the line.

5 Q. Did he ever ask you to put anything in
6 writing about it?

7 A. No.

8 Q. As we sit here today, have you ever
9 been asked by CCA to put anything in writing
10 about what happened?

11 A. I have never been asked by anyone to
12 put anything in writing.

13 Q. Did you give a statement to TDOC?

14 A. I gave a verbal statement to TDOC.

15 Q. Did they then put it in writing?

16 A. Yes, ma'am, they did.

17 Q. Did you sign it?

18 A. Yes. I signed it.

19 Q. Well, that's what I mean. So let's go
20 back over the questions I asked you about CCA.
21 Did you ever sign a statement or acquiesce to the
22 content of the statement to anybody at CCA?

23 A. No, ma'am.

24 Q. Was there ever a meeting held with you
25 about what happened by someone in CCA?

1 A. I don't know if you would call it a
2 meeting. I was interviewed by the investigator
3 for CCA.

4 Q. Who was that?

5 A. The last name was Dagley.

6 Q. Male or female?

7 A. Mike Dagley. He's a male.

8 Q. Okay. And let's just kind of finish
9 this part, and then we'll probably take a break
10 if that's okay with everybody. Do you remember
11 about what time frame this was? And by that I
12 mean in relationship to when you reported it to
13 Mr. Myers. How long was it after that that Mike
14 Dagley interviewed you about the incident with
15 Mr. Ingram?

16 A. I want to say it was several weeks. I
17 don't remember specifically, but it was a period
18 of time.

19 Q. Did he tape it?

20 A. No. I don't believe so.

21 Q. Did he take notes?

22 A. He took notes. Yeah.

23 Q. Was anybody with him?

24 A. There was somebody with him, a female,
25 and I don't remember her name.

1 Q. And you called him a CCA investigator.
2 Did he have any other title?

3 A. Official title, I wouldn't know what
4 that was.

5 Q. Okay. And the woman, did you know what
6 her title was?

7 A. I mean, she was introduced to me, but I
8 don't know that she held any title.

9 Q. Okay. Can we get a copy of the notes
10 that were taken at that time?

11 MS. GIBSON: You can send me a
12 request for that. It will be objected
13 to. I'm just going to put that out there
14 for you.

15 MS. HARDAWAY: I'm not surprised at
16 all.

17 MS. GIBSON: It's attorney work
18 product.

19 BY MS. HARDAWAY:

20 Q. Okay. So, do you know now, does that
21 refresh your memory, was Mr. Dagley an attorney?

22 A. I believe he was.

23 Q. All right. So when this investigator
24 came down and talked with you, they took written
25 notes. About how long was it?

1 A. How long was what?

2 Q. The interview.

3 A. I don't remember. I will just say an
4 hour, but I don't really remember how long it
5 was.

6 Q. Did they both ask you questions?

7 A. No. Most of the -- no. The questions
8 came from Mr. Dagley.

9 Q. Did she write notes down also?

10 A. I don't know whether she wrote anything
11 or not. I didn't pay any attention to her.

12 Q. Who else that worked for CCA came down
13 or came over or came to you and talked to you?

14 A. That's the only person I've talked
15 with.

16 Q. Okay. And you say you thought that was
17 several weeks after the incident?

18 MS. GIBSON: Object to the form.

19 A. That was several weeks after I reported
20 the incident to Mr. Myers.

21 BY MS. HARDAWAY:

22 Q. All right. And no one else from CCA
23 contacted you to do an interview after
24 Mr. Dagley?

25 A. No, ma'am.

1 Q. And this woman whose name you don't
2 know?

3 A. Huh-uh.

4 Q. What was the result of your having been
5 interviewed by Mr. Dagley? Did you get anything
6 from CCA or contacted by them ever again about
7 this incident?

8 A. I was contacted one other time, and I
9 went to Nashville and had a secondary meeting
10 with Mr. Dagley that just lasted a few brief
11 minutes.

12 Q. What was that about?

13 A. I believe it was just some follow-up
14 questions, and that was it.

15 Q. Was that before you were served with
16 this lawsuit or after?

17 A. Which lawsuit?

18 Q. The one we're in here about now.

19 A. It was before.

20 Q. What were the follow-up questions?

21 A. I don't remember specifically.

22 Q. Well, what were the questions, period?
23 I mean, you know, the first interview. Not just
24 the follow-up questions. But let's go back to
25 when he came down with the women, what did he ask

1 you about? What did you tell him?

2 A. I mean, I don't remember verbatim every
3 question.

4 MS. GIBSON: I'm going to object.
5 Let me launch my objection. I'm going to
6 object to this line of questioning on the
7 basis of attorney work product that any
8 questions and any discussions that were
9 had between Mr. Turner and Mr. Dagley
10 were in anticipation of litigation and
11 therefore are priveledged by the Attorney
12 Work Product Doctrine and the
13 attorney/client privilege.

14 MS. HARDAWAY: It's noted.

15 A. Specific questions, I don't remember.
16 I mean, it was concerning the overall incident
17 that happened at the facility that day.

18 BY MS. HARDAWAY:

19 Q. Did he ask you anything about your
20 striking James Ingram?

21 MS. GIBSON: Object to the form of
22 the question. And, again, asserting the
23 attorney/work product privilege and the
24 attorney/client privilege.

25 A. Yes, he did.

1 BY MS. HARDAWAY:

2 Q. And what did you tell him?

3 MS. GIBSON: The same objection.

4 MS. HARDAWAY: It's continued.

5 We'll let that be a continuing objection.

6 Go ahead. You can answer.

7 A. I'm sorry. What was your question
8 again?

9 BY MS. HARDAWAY:

10 Q. What did you tell him?

11 A. Just he asked me if I had struck him,
12 and I told him that I did.

13 Q. That doesn't take an hour. What else?

14 A. Well, I don't remember the whole line
15 of questioning. I mean, when you're getting
16 interviewed, it's a stressful situation not just
17 for the interviewee but the interviewer. I mean,
18 I don't remember all the specific questions that
19 I was asked. There is no way I could sit here
20 and detail to you every question I have been
21 asked in that interview.

22 Q. Okay. Can you remember any others
23 other than -- you have already said to me you
24 told him you struck him. What else did he ask
25 you about? Did he ask you why? I mean --

1 A. I don't think he went into why so much.
2 He asked who he was in the room. Some of the
3 same questions we've covered today, what staff
4 were present, what did I do that day, what all
5 did I go through that day. It was, I mean, a
6 wide variety of questions. Specific questions, I
7 don't know.

8 Q. Did he make any comments to you or have
9 any discussion with you about the rules of
10 conduct with the company?

11 A. No. I don't think he did because
12 he's -- I don't believe he did at all.

13 Q. Okay. And then you went and talked
14 with him again in Nashville, and he didn't ask
15 you to sign anything then?

16 A. No. I was never asked to sign
17 anything.

18 Q. Did he ask you questions when you went
19 to Nashville specifically about what happened
20 with Mr. Ingram?

21 A. No.

22 MS. GIBSON: Assert the same
23 objection since it's a different
24 conversation.

25 MS. HARDAWAY: Okay.

1 A. No. I think it was just follow-up
2 questions about who was present and staff
3 questions kind of along those lines. It wasn't
4 specific about that.

5 BY MS. HARDAWAY:

6 Q. Okay. And the time that you went to
7 Nashville for the followup questions, was that
8 before you had been served with this lawsuit?

9 A. Yes. It was before the lawsuit. Yes.

10 Q. And was it before the TDOC
11 investigation?

12 A. I believe it was actually after or in
13 the same ballpark time frame of what was their
14 investigation.

15 Q. Okay.

16 A. It was after my meeting with TDOC. Had
17 they concluded their investigation, I don't know,
18 but it was after I had met with them and Mr.
19 Dagley that I went to Nashville and met with them
20 again.

21 Q. Okay. Did they ask you anything about
22 your interview with TDOC?

23 A. No, they did not.

24 Q. Did anyone else other than Mr. Dagley,
25 some woman whose name we don't know, and Kevin

1 Myers who worked for CCA or on behalf of CCA
2 contact you about the incident with Mr. Ingram?

3 A. No.

4 Q. Never?

5 A. No.

6 Q. Did any of the persons who worked for
7 CCA other than the three you have already talked
8 about or on behalf of CCA ever send you any
9 documentation, notes, memos, copies of any notes,
10 copies of any written statements, or any other
11 documents concerning the incident with
12 Mr. Ingram?

13 A. No.

14 Q. Did the incident with Mr. Ingram in any
15 way influence any way that you were treated as an
16 employee after it was reported to CCA? Were you
17 demoted, disciplined, anything other than just
18 being placed on administrative leave?

19 A. No. The only thing was I was placed on
20 administrative leave.

21 Q. And did they give that to you in
22 writing placing you on administrative leave?

23 A. No. It was verbally communicated.

24 Q. And who communicated that to you?

25 A. Kevin Myers.

1 Q. Do you remember the day that your
2 administrative leave started?

3 A. It was either in June around the 24th
4 or July around the 24th. Specifically I can't
5 recall.

6 Q. Before or after the TDOC investigation
7 started?

8 A. It was just after when I had my
9 interview with them.

10 Q. Them being TDOC?

11 A. Yes, ma'am. TDOC.

12 Q. Was it before the lawsuit was started?

13 A. Yes, ma'am. It was before the lawsuit.

14 Q. Did he tell you why you were being
15 placed on administrative leave?

16 A. Yes, he did.

17 Q. And what did he say?

18 A. Just kind of the typical verbiage of
19 due to an ongoing investigation, it's better for
20 you not to be at the facility so you're being
21 placed on administrative leave.

22 Q. Did Kevin Myers -- tell me his position
23 again.

24 A. Managing Director.

25 Q. Okay. Did he report to your brother?

1 A. No.

2 Q. Okay. Did he ever report to your
3 brother?

4 A. Define "ever."

5 Q. E-V-E-R. Ever when he worked for CCA?
6 MS. GIBSON: Object to the form.

7 A. I can't talk for Kevin Myers. I'm
8 sorry. I can't answer questions for Kevin Myers.

9 BY MS. HARDAWAY:

10 Q. Do you ever recall knowing whether or
11 not he reported to your brother within the
12 business of CCA?

13 A. Specifically I don't feel like I can
14 answer that question because I didn't -- I'm not
15 Kevin Myers. I don't know who he reported to.

16 Q. I know you're not Kevin.

17 A. Well, I didn't work next to Kevin in a
18 cubicle so I don't know who he reported to. He
19 was at different facilities. I was at different
20 facilities. We all reported to different people.

21 Q. Okay. As a managing director, what
22 years was he a managing director?

23 A. I don't remember specifically.

24 Q. Had he been there as a managing
25 director since you got there?

1 A. No. I don't remember when he took the
2 position. He had been a managing director for a
3 couple of years, but I don't remember when he
4 took the position.

5 Q. Okay.

6 MS. GIBSON: Do you think this is a
7 good time to take a break?

8 MS. HARDAWAY: Okay. Do you all
9 want to take a break? I mean, if you
10 don't, we don't have to.

11 THE WITNESS: I would like to take a
12 break.

13 (A lunch break was taken.)

14 BY MS. HARDAWAY:

15 Q. Mr. Turner, we talked about video this
16 morning, and I want to make clear and then I will
17 leave it alone. It's your recollection that
18 there is video of what was being taped in the
19 chapel during the time between a few minutes
20 before 9:00 and 9:30, correct?

21 A. Yes.

22 Q. Okay. And I think that's the one that
23 Ms. Gibson and I were discussing this morning. I
24 can't get it to play. The one inside the chapel
25 is the one I have not seen. One of the disks

1 that she mailed to me I was unable to get to play
2 in the machine, and we tried it in the computers.
3 So we need to replace that, and if there is some
4 cost for that, just let me know.

5 I know in looking at those there is a --
6 one of those has a viewer, and then there was
7 some of the others that had a different kind of
8 viewer. Do you know if the chapel has the
9 different viewer?

10 A. That's what I was just sitting here
11 trying to think as well.

12 MR. HILL: I thought I was going to
13 have the same problem with that, too.

14 THE WITNESS: I think they all
15 function off of that Pelco viewer, the
16 stationary cameras. Now, the handheld
17 cameras work on like a Windows media
18 player.

19 MR. HILL: That's right.

20 THE WITNESS: But the stationary
21 cameras require that Pelco, I believe, in
22 order for them to work.

23 MS. HARDAWAY: And we got that
24 machine open. I saw the word Pelco. So
25 I don't know why I didn't open the other

1 unless in transit perhaps or maybe I got
2 fingerprints on it. I don't know enough
3 about that. I would love to see that.

4 Ms. Van Pelt, will you tell her? We
5 had started that discussion earlier
6 before we started the deposition, but she
7 left. And if necessary, we can e-mail
8 her again. We sent a fax yesterday.

9 MS. VAN PELT: I will convey it to
10 her, but if you just want to e-mail her
11 as well.

12 BY MS. HARDAWAY:

13 Q. All right. I just wanted to get that
14 straight. The policy with CCA on incident
15 reporting, what was corporate's -- what was CCA
16 corporate's policy concerning how incidents were
17 reported, incidents of use of force with inmates?
18 And let me explain what I'm asking you further.
19 If there were a number of incidents that occurred
20 in a day, would you wait until the end of the day
21 and report them in the aggregate or would you do
22 it at the end of the week or would you do it
23 monthly or all three?

24 A. It was -- generally, they were done at
25 the end of the day.

1 Q. Okay. And were there such things as
2 monthly reports of force, incidents of force?

3 A. No.

4 Q. All right. Was there a distinction
5 made about the levels of force? For example, so
6 you understand my question, were there categories
7 either A, B, C, D or 1, 2, 3, say, if you were
8 trying to get an inmate out to take a shower and
9 he just didn't want to come and you're pulling
10 him as opposed to you used a night stick on an
11 inmate because there was a fight and you were
12 breaking it up? Are there different levels of
13 force?

14 A. Yes, but not in that policy. The
15 incident reporting policy has reporting
16 requirements for types of incidents not specific
17 to generally just use of force, but any kind of
18 incident that could occur. In the use of force
19 continuum, that's where you have a little more
20 descriptive -- not necessarily reporting, but
21 what defines a use of force.

22 Q. You've lost me.

23 A. Two different policies.

24 Q. Okay. And the last one, explain the
25 last one.

1 A. In the use of force policies, there are
2 not necessarily definitions. I don't know what
3 you would call them, but there is descriptions of
4 types of use of force.

5 Q. Right.

6 A. And in that policy it gives you, I
7 guess, information and instruction on how you
8 respond to incidents and what level of force can
9 be used.

10 Q. Okay. And with that -- I guess this
11 might be the policy that I've read, but you
12 mean -- when you say different types of force,
13 you mean whether or not you use the spray versus
14 whether or not you use your hands versus --

15 A. Right.

16 Q. Okay. That I understand. But I guess
17 what I'm asking is, when you make these incident
18 reports, they are not categorized by severity of
19 the response that you made as the staff person
20 for CCA, the actions that the staff person for
21 CCA took?

22 A. They are categorized, but not based on
23 use of force. They are categorized by the type
24 of incident.

25 Q. All right. And so does CCA make the

1 number of incidents known to the wardens at the
2 end of the month or at the end of the year at
3 their facility and maybe have a chart and compare
4 it to other facilities so you can see how you're
5 doing with your number of incidents?

6 A. I believe they did have such a
7 document, yes. I don't remember what it was
8 called, but it wasn't just -- it didn't just
9 cover incidents. It covered other facets of the
10 operation as well, too.

11 Q. And your first level supervisor would
12 be that managing --

13 A. Yes, the managing director.

14 Q. -- director? And would he talk to you
15 about the number of incidents you had, say, if he
16 was having an evaluation with you at the end of
17 the year?

18 A. Well, it's kind of a yes and no. We
19 would talk about performance of the facility, but
20 when he sat down with me about individual
21 performance, the discussion was concerning
22 individual job performance. There was another
23 mechanism by where the performance of the
24 facility was reviewed by corporate staff members
25 including the managing director.

1 Q. Was that more in an open meeting?

2 A. Yeah. It was more an open meeting
3 type. The report was not individual to my
4 facility if I was the warden. It was of the
5 facilities in a region in a comparison of those
6 facilities.

7 Q. Okay. So they watched the numbers at
8 the corporate? They watch the numbers?

9 A. I'm sure they do.

10 Q. Okay. And when you receive your -- did
11 you receive evaluations by -- twice a year,
12 biannually, or once a year?

13 MR. HILL: You meaning him or --

14 BY MS. HARDAWAY:

15 Q. You. You, Mr. Turner.

16 A. Me, individually, I would receive them
17 annually if I receive them at all.

18 Q. Annually. What effect did your
19 evaluations have on your compensation?

20 A. I'm not sure that it had a direct
21 effect or not. It wasn't explained to me that --
22 we had a program in place for performance
23 evaluations for all employees. Based on your
24 performance evaluation, you could receive an
25 annual pay raise of how you scored in that

1 performance evaluation.

2 Q. That's what I'm asking.

3 A. Yeah. I mean, you had the possibility
4 of receiving whatever they determined for the
5 year as the maximum pay increase or the minimum
6 pay increase based on your performance
7 evaluation. And that was for all employees in
8 the company.

9 Q. Now, what about bonuses?

10 A. As far as bonuses now, I don't know how
11 they determined -- it wasn't based on the
12 performance evaluation. The only think linked to
13 the performance evaluation was the raise program
14 as far as I know. Now, I don't know if they used
15 any of that information in the corporate office
16 to determine that or not.

17 Q. Did you add bonuses once a year or more
18 often?

19 A. Once a year annually.

20 Q. Now, who handled those? Did that come
21 from your managing director, you know, deciding
22 "In my region I'm going to give this much to the
23 warden at Blytheville, this much to the warden at
24 Hardeman," or did you all get the same amount of
25 bonus?

1 A. I don't know that we all got the same
2 amount of bonus, and I don't know how the money
3 was given out and how it was distributed.
4 Information that I was not privy to.

5 Q. Okay. Would it be correct to say that
6 there was some guidance either individually or in
7 meetings or on paper? There was some guidance
8 from corporate as to what a warden could do to
9 get a bonus -- would that be fair -- to give you
10 incentive to work toward a bonus?

11 A. There was, and it was more an open
12 meeting session. It was your bonus might be
13 based somewhat on the performance of your
14 facility, if you did well on your ACA audit,
15 different things like that. But a specific
16 policy or written document that says you do these
17 things, no, there was not such a thing.

18 Q. What criteria -- what types of
19 things -- what factors were used in your facility
20 audits?

21 A. In facility audits?

22 Q. Facility evaluations?

23 A. Well, facility audits, we were audited
24 annually by TDOC. We're audited annually by our
25 corporate office and once every three years by

1 the American Corrections Association. Each one
2 of those audits contains certain numbers of
3 standards that we had to meet.

4 Q. Okay. Let's talk about CCA.

5 A. For example, CCA, there was more than
6 700 different audit items that we have to adhere
7 to.

8 Q. Were the number of incidents included
9 as one of the factors?

10 A. As one of the factors, I don't believe
11 it was. It was included in the overall review of
12 the facility but not as a factor.

13 Q. By CCA?

14 A. Yeah.

15 Q. What kind of review grade would you get
16 or score would you get based on the number of
17 incidents? How would they bring that into
18 consideration?

19 A. I don't think they brought it into
20 consideration for a scoring. I think they looked
21 more at whether you had increased or decreased
22 your number of incidents. But a flat number, I
23 don't think, was ever a factor in it.

24 Q. Were you more likely to get a bonus if
25 the number of incidents was decreased?

1 A. I don't -- I'm not -- I don't think
2 that the number of incidents is what they truly
3 looked at. I think it's more the type of
4 incidents because you could have a thousand
5 incidents of something very small. And they
6 didn't just look at number, say, in a flat 100
7 incidents versus a 105 incidents last year so you
8 decreased by five. They looked at the type of
9 incidents because with inmates you can't control
10 incidents. You can take steps to prevent them,
11 and you can prevent the degree of the incident.
12 So an absolute number factor, I don't think they
13 utilized.

14 Q. And they used these incident reports
15 and read them to determine the severity of the
16 incidents?

17 A. I would assume. Yes.

18 Q. And the incident reports are referring
19 to that packet called incident reports that we
20 discussed before the break. And you already
21 listed out that it includes medical reports,
22 statements from witnesses.

23 A. Depending on the type of incident.
24 Yes.

25 Q. Okay. So they would look at those

1 incident reports and determine the severity, and,
2 of course, they would look at the number of
3 incident reports, I guess, and that would have
4 something to do with how your facility was rated?

5 A. No.

6 MR. HILL: Object to the form.

7 MS. VAN PELT: Object to form.

8 A. It would not have to do with how the
9 facility was rated. I think it was more tracking
10 trends in what is happening in a facility. You
11 know, not flat numbers. In the world of
12 corrections you can't really say this facility
13 had sixty accidents, this facility had 50
14 incidents, so this facility with 50 is doing
15 better because their 50 may have been inmate
16 murders and deaths and staff stabbings while the
17 one that had 60 might have been inmates who were
18 just doing simple rule violations. They didn't
19 compare that way, and they didn't use that kind
20 of numbering.

21 BY MS. HARDAWAY:

22 Q. Specific to incidents with use of
23 force, how did they take that into consideration
24 in rating the facility?

25 MS. VAN PELT: Object to the form.

1 A. I really don't know. I mean, I really
2 can't say how they took that to rating with the
3 facility.

4 BY MS. HARDAWAY:

5 Q. Okay. Did you have some understanding
6 yourself about what influenced you getting a
7 bonus?

8 A. Yes. I had an understanding what
9 influenced my bonus.

10 Q. And those were your goals, what you
11 were going to do and what you were not going to
12 do so that you could get a bonus?

13 A. Not necessarily my goals. I mean, what
14 influenced that. But there is -- again, there is
15 only certain things that you could control.

16 Q. Okay. And what did you know that
17 influenced whether or not you were getting a
18 bonus?

19 A. I would say the largest factor of
20 influence was your financial performance because
21 we were a for-profit company. That and how you
22 utilized your staffing, your staffing ratios. It
23 was more financially based more so than
24 incidents.

25 Q. Did the number of inmates that you had,

1 did that influence your financial situation?

2 A. Well, it's kind of a yes and no. Yes
3 because the more inmates you have the way we
4 contracted, the more money you're going to make
5 as a facility. No because they knew what my
6 maximum count could be, and I couldn't exceed
7 that. We were bound by contract with the state
8 of Tennessee to maintain a certain level of
9 population. The state of Tennessee controlled
10 that level of population. So I had no control
11 over how many inmates I had. They could run me
12 up to 2,016 or they could run me down to 100
13 based on the contract. That was up to the state
14 of Tennessee to make that happen.

15 Q. Would you make more money if you had
16 2,016 than if you had 100?

17 A. Well, obviously, yes.

18 Q. Okay. And obviously to you because
19 you're in that business. Explain why that's
20 obvious. Is it because they pay by the bed, they
21 pay by the day, they pay by the meal served?

22 A. They pay by the inmate. They pay a per
23 day rate per inmate per inmate day. So if you
24 have 100 inmates, they pay a certain rate at 100
25 inmates per day for the time that they are there.

1 Monthly I think is the way they billed.

2 Q. Do they bill -- does CCA bill -- that's
3 the "they" we were talking about, right, CCA?
4 That's how CCA bills?

5 A. Yes. CCA, the corporate offices.

6 Q. Corporate offices. They bill more if
7 it's a maximum security prisoner per day as
8 opposed to a minimum security prisoner per day?

9 MS. VAN PELT: Object to the form.

10 A. No, not necessarily. The way the
11 contracts are written is for the facility as a
12 whole, and then what is that facility going to
13 hold. If they are going to hold maximum custody
14 inmates, then they may charge them more if that's
15 part of the contract. If they are going to hold
16 minimums, they may charge them a different rate.
17 It's all based on the need of the inmate, the
18 services that have to be provided. What do you
19 have to do with that inmate. What is the going
20 rate for that type of inmate. Because different
21 inmates require different levels of care, so to
22 speak. What our contract with the state of
23 Tennessee when I was at Hardeman County -- my
24 contract actually stipulated that I could not
25 house maximum security inmates. I could not

1 house close custody inmates. I can only house
2 minimum restrict, minimum direct, and medium
3 custody inmates.

4 BY MS. HARDAWAY:

5 Q. What is close? What is that?

6 A. It's another level of custody that an
7 inmate has. Your quote, unquote, best inmate
8 would be your minimum inmate, and it goes down
9 the scale to maximum. So you go minimum -- and
10 in Tennessee it was minimum direct, minimum
11 restrict, minimum, medium, close, and then
12 maximum.

13 Q. Okay. And what does "close" mean?

14 A. That they require close security. It's
15 an abbreviatory thing that they have used for
16 years, I guess. But a close inmate is an inmate
17 who has behavioral problems, but he's allowed to
18 be in an area that is similar to a normal general
19 population where inmates can kind of move around
20 freely but they are under very close supervision.

21 Q. As opposed to maximum where they are
22 segregated?

23 A. Yes, ma'am.

24 Q. Can you explain to me -- well, first of
25 all, let's establish something here. Did you say

1 to him that you were going -- did you say to
2 James Ingram that you were going to max him out?

3 A. Yes, ma'am. I had a standard routine
4 of anytime I sat down with an inmate who had been
5 involved in something to explain to them the
6 consequences of their actions. To let them know
7 here's where you stand, here's what you're
8 facing, here's what could happen to you.

9 Q. Who does that mean, "max you out?"

10 A. Well, basically what maxing someone out
11 is is you take them from their current status and
12 you place them in -- under Tennessee policy and
13 procedures, the state of Tennessee's policies and
14 procedures, in a maximum custody status because
15 they pose a direct threat to the security and
16 order of the institution, staff and other
17 inmates.

18 Q. And for how long would they be in the
19 maximum security?

20 A. It would depend on the individual
21 situation. It depends on the individual inmate
22 and his behavior once he's in that custody
23 status.

24 Q. What about Mr. Ingram? How long was --
25 when you said you were going to max him out, was

1 that for a temporary period to teach him a lesson
2 about whatever you thought he did May 16th or
3 were you saying you were going to try to have him
4 totally reclassified and remain in maximum
5 security the rest of his time?

6 A. No. The standard procedure for an
7 incident like that is all of the participants in
8 that incident were immediately placed on an
9 administrative segregation status which they call
10 in their terminology max custody. So what we do
11 is we remove them from the general population.
12 We segregate them from the rest of the population
13 for security reasons.

14 Q. Okay. Let me interrupt you because I
15 don't want the record to confuse what they call
16 max. I want you to stick to describing what you
17 meant when you told Mr. Ingram you were going to
18 max him out so that it's clear when we go back
19 and read what you meant when you said you were
20 going to max him out. And what I'm asking you
21 about what you meant is, was that for the rest of
22 his time that he was going to be there or was
23 that to put him somewhere temporarily as
24 punishment? What did you mean when you said you
25 were going to max him out?

1 A. What I meant when I said I was going to
2 max him out was take him from his current status,
3 place him in administrative segregation until the
4 investigation ended this incident and his
5 disciplinary processes could be completed. At
6 that point the classification process takes over,
7 and they determine whether or not he stays in
8 that custody. "They" being state of Tennessee
9 would determine whether or not he stays in that
10 custody.

11 Q. Okay. So walk me through the procedure
12 that you took, you, Mr. Turner took, from the
13 time you told Mr. Ingram that until the time that
14 he left Hardeman and went to Henning where he is
15 now. What procedure did you take to see to it
16 that he was moved out of that status into another
17 status, out of that facility into another
18 facility? Walk me through that, what you did.

19 A. Basically what I did with him and the
20 other inmates involved is there is a form that
21 has to be filled out for what they call a max
22 placement hearing.

23 Q. So you filled out a form?

24 A. I did not personally fill out the form.
25 It was filled out by my investigators and my

1 classification coordinator, and they brought it
2 to me for my approval.

3 Q. And so you directed them to fill it
4 out?

5 A. Yes.

6 Q. And who was that?

7 A. That would have been -- in this case it
8 would have been Bobby Howell, Michelle Brush,
9 Keith Huggins, and Ray Sweeney, who was the
10 classification supervisor.

11 Q. You filled out a form, and that form
12 was called -- you just said the name.

13 A. It's a Max Placement Form. It has a
14 specific number in Tennessee. I don't recall
15 what that number is.

16 Q. And you signed it?

17 A. Yes. I reviewed it, and I signed it.
18 And from that point it goes --

19 Q. Wait. When did you sign it, same day,
20 next day? When?

21 A. I believe it was the following day on
22 the 17th.

23 Q. Okay. Go on.

24 A. That form then goes to the disciplinary
25 board chairman with a disciplinary board panel

1 who is comprised of the board chairman and two
2 other staff members in the facility.

3 Q. Wait. Who were "they"?

4 A. Oh, I don't remember without looking at
5 the form.

6 Q. Okay. Go on.

7 A. And the TDOC commissioner's designee
8 who is Eric Hardison -- who was Eric Hardison at
9 the time. They then call that inmate out and
10 conduct a hearing based on the information on
11 that form. And then they also make a
12 determination whether they approve or deny or
13 disapprove the admin seg placement.

14 Q. So they call the inmate out into a
15 hearing area?

16 A. Yes.

17 Q. And what do they do, just read to it
18 him or do they ask him to sign it or what do they
19 do?

20 A. The way it is supposed to work is they
21 read it to him. They ask him basically his side
22 of it. They ask him if he has any questions.
23 The TDOC liaison officer who has to ultimately
24 approve the max placement has that opportunity to
25 ask questions as well. And then they make their

1 approval. The TDOC commissioner's designee signs
2 off on it, and then that inmate will remain in
3 that status.

4 Q. Okay. Let's just kind of make sure the
5 record is clear. I want to know what was done
6 with Mr. Ingram. And that's my fault. I let you
7 stray when I used the word what happens with the
8 inmate. With Mr. Ingram, was he called out for a
9 hearing?

10 A. As far as I know, yes. I did not do it
11 myself.

12 Q. Did you direct that it be done?

13 A. Not specifically to Mr. Ingram, but
14 I -- I mean, the direction when they receive the
15 form, it is assumed that they have to call the
16 inmate out and give him the hearing. That's the
17 process.

18 Q. Okay. So you are actually a supervisor
19 over the board, the disciplinary board. They
20 would take your direction?

21 A. No. They can't take my direction.

22 Q. Okay.

23 A. I mean, basically the way the Tennessee
24 policy works is I can't tell them what to do with
25 a hearing or what to do with the outcome of

1 anything. That's why we have a panel of
2 employees who sit on that, and they make the
3 determinations. Ultimately, I can't even approve
4 it. I can recommend it. The TDOC commission's
5 designee has to approve any action like that
6 against an inmate.

7 Q. Who is responsible for seeing to it
8 that Mr. Ingram -- who was responsible for seeing
9 to it that Mr. Ingram got a hearing? Is that the
10 board chairman?

11 A. The board chairman. Yes, ma'am.

12 Q. And then what happened?

13 A. After he had his hearing, I'm sure he
14 was returned to segregation, and then I had had
15 some conversations with the assistant
16 commissioner of corrections.

17 Q. Who was -- is that Mr. Little, Mr.
18 Hodge?

19 A. No. Actually I spoke with Jim Dickman
20 which I think he was in an acting role at that
21 time. And we had had discussions about getting
22 some of those inmates that were involved out of
23 the facility as quickly as possible which is very
24 routine when you have an incident of this
25 magnitude to kind of scatter them out. And once

1 I -- once Eric Hardison turned over the list of
2 names of those who had been approved for the max
3 placements, then the determinations were made to
4 transfer some of those inmates to other
5 institutions.

6 Q. Okay. But, again, talking about
7 Mr. Ingram. So you think that he would have had
8 a hearing?

9 A. Yes.

10 Q. And you, yourself, spoke to Jim
11 Dickman?

12 A. Uh-huh.

13 Q. And you spoke to him for advice or did
14 you make a recommendation to him?

15 A. No. We just spoke about the list, the
16 entire list of inmates that were involved and a
17 breakdown of determining based on the state of
18 Tennessee's availability of beds for inmates who
19 were on maximum custody where he could put them.
20 And, you know, the determination was made to send
21 immediately nine inmates out of the facility
22 because that's the beds they had available. And
23 then the other inmates would have to go as space
24 became available.

25 Q. What criteria do you use if you use the

1 criteria? What criteria did you use or consider
2 in deciding to send Mr. Ingram out of the
3 facility?

4 A. Based on information that my
5 investigators had given me of who was in a
6 leadership role within the Vice Lord group that
7 were involved in the incident, that list of
8 names.

9 Q. Was it who had an overall leadership
10 role or was it a leadership role that day?

11 A. Overall leadership.

12 Q. Why did you think it was the Vice Lords
13 that were the reason and not just some inmates
14 that didn't like the unit manager's house rules?
15 Why did you think it had to do with the Vice
16 Lords?

17 A. Well, there was a pretty common
18 function that went on in our facility for a
19 period of time where the Tohline service which is
20 actually supposed to be a Muslim Koran study
21 group -- we had observed that inmates that were
22 attending that were all members of the Vice Lord
23 gang because we had them documented. We did that
24 with all of our services to monitor where inmates
25 could get together.

1 The way our facility was set up, inmates
2 could not generally have common contact with some
3 inmates in the facility unless they went to these
4 religious services because of the way our
5 schedules functioned. Inmates kind of lived and
6 worked together. They recreated together. So
7 the inmate on G unit may not ever see an inmate
8 who lives on J unit because of the way the
9 schedules work out. So we monitor those kind of
10 get-togethers. We monitor visitation. We
11 monitor those things to see where our gang
12 members were meeting up.

13 Q. Well, how did you know that those were
14 gang members and not people praying? How did you
15 know that or did you just think that?

16 A. I know that because the inmates that
17 attended, most of them were documented members of
18 the Vice Lords.

19 Q. How did you document? How do you
20 document a Vice Lord? Do you like ask them and
21 they say yeah?

22 A. There is an entire process that is a
23 state of Tennessee policy that in the state of
24 Tennessee, gang members are classified as
25 security threat group members. And they are put

1 into two classifications, suspect and confirmed.
2 Suspect member generally is caught on their
3 initial classification when they come in to the
4 TDOC system. They are put through what's known
5 as an STG questionnaire. Their tattoos are
6 reviewed. Information from law enforcement
7 agencies is utilized, and there is a point
8 structure that is used where the inmate has to
9 accumulate a certain number of points. I believe
10 it's ten. Under ten points he is considered a
11 suspect member. He may have a gang related
12 tattoo. He may have an association with a known
13 gang member. He may have written communication
14 with another gang member that has been monitored.

15 Q. Do you put that in his Department Of
16 Corrections file or do you keep it somewhere
17 else?

18 A. It's kept in a separate file that is
19 known as their Security Threat Group file.
20 Again, it's all bound by the state of Tennessee's
21 policy on security threat groups, but a separate
22 file is maintained.

23 MS. HARDAWAY: And I am going to ask
24 for a copy of the Security Threat Group
25 file.

1 MS. VAN PELT: If you will submit a
2 request.

3 MS. HARDAWAY: Well, I'm asking you
4 now on the record.

5 BY MS. HARDAWAY:

6 Q. Okay. Other than this profile that you
7 all have or confirmation procedure when the
8 inmates first come into the prison, what else?
9 Do you observe how they act after they get into
10 the prison?

11 A. Oh, yes, ma'am. They are monitored.
12 Security Threat Group members have to be
13 monitored on every disciplinary charge they
14 receive. They have to be monitored with their
15 associations. With that list that we referred to
16 earlier of gang members, we determine how many
17 are living in what unit in each facility. It's
18 something we have to monitor very closely with
19 that large of a gang population. Gang
20 populations can cause you a problem very quick in
21 a correctional setting, so you monitor their
22 activities very closely.

23 Q. Okay. And so you monitored James
24 Ingram's activities closely?

25 A. I monitored all of the gangs'

1 activities.

2 Q. My question is, did you monitor James
3 Ingram's activities closely?

4 A. Him personally, no, but as groups, yes.

5 Q. What did James Ingram display in his
6 behavior that would lead you to think that he was
7 a member of the Vice Lords in the facility?

8 A. Who he associated with.

9 Q. And who was it that he associated with
10 that made you think that?

11 A. Specific inmate names I don't remember,
12 but he associated and was routinely seen with
13 other members of the Vice Lord gang.

14 Q. Was he seen with inmates who were not
15 members of the Vice Lord gang?

16 A. Oh, I'm sure he was at certain times,
17 but you monitor certain activities.

18 Q. Okay. You answered my question. There
19 is only so many people that you can -- and you
20 can tell me if this is correct or not. There is
21 only so many people you can associate with when
22 you're locked up, correct? You can't move to a
23 new neighborhood.

24 A. No. That's not correct.

25 Q. You can move to a new neighborhood when

1 you're --

2 A. Sure you can.

3 Q. You can just walk in there and say, "I
4 don't like cell G. I will move to cell H or unit
5 H"?

6 A. If you follow the right process and
7 based on your behavior, based on your
8 participation in programs, yes, you can.

9 Q. So he participated in all the programs
10 that he needed to participate in in order to be
11 eligible for parole, and he completed all the
12 prerelease programs. Would you agree with that?

13 A. I don't know that for sure. I don't
14 know what programs he participated in
15 specifically.

16 Q. Was there a pod if that's the correct
17 word or cell unit where people who were
18 participating in prerelease programs lived?

19 A. We did have a prerelease pod, yes,
20 ma'am.

21 Q. Okay. Isn't it true that he lived in
22 that prerelease pod?

23 A. I don't remember his exact cell
24 location.

25 Q. Isn't it true that he completed enough

1 or all that was necessary in order to I guess
2 graduate from the prerelease program if that's
3 the right word?

4 A. I don't know specifically whether he
5 did graduate or not.

6 Q. Do you have any reason to think he
7 didn't?

8 A. I don't have any reason to think he
9 did. I mean, without reviewing his file, I
10 couldn't give you that information.

11 Q. Was it a prerequisite before you could
12 be considered for parole?

13 A. No. It was not.

14 Q. Okay. But you don't know whether or
15 not he did?

16 A. Specifically to him, no. Without
17 reviewing his file, I couldn't specifically tell
18 you.

19 Q. Well, how often -- how long would those
20 classes be? If he had taken them, would he be
21 taking them every day? How long would it take
22 him to complete the prerelease program?

23 A. I want to say that the program we had
24 in place was probably 12 weeks. It was several
25 months long.

1 Q. And he would go to it every day, once a
2 week? How often?

3 A. Well, basically, they lived in it is
4 kind of how it worked. They did all of their
5 classes in that pod in that cell block where they
6 lived.

7 Q. So he would be associating with those
8 people when he was in the prerelease pod if
9 that's where he was. That was his testimony two
10 days ago, but it will be what it is. He would
11 have to associate with those people that he lived
12 with in the prerelease program in that pod.

13 MR. HILL: Object to the form of the
14 question.

15 BY MS. HARDAWAY:

16 Q. Is that correct?

17 A. He could associate with who he wanted
18 to.

19 Q. If he lived in that same pod with them,
20 does that mean that that's how he went on
21 recreational or educational ventures? I mean, is
22 that when he was released? Were they all
23 released to go to an educational class or to go
24 to recreation at the same time?

25 A. Not all of them. He would have

1 recreated with inmates from other cell blocks in
2 that same location.

3 Q. He would not have had recreation with
4 other people in a prerelease pod?

5 A. Oh, yeah. They would have been there,
6 too. But that pod would have went with other
7 pods that were not prerelease pods.

8 Q. Okay. So he would have associated with
9 them, wouldn't he? What do you call associating
10 with one another as an inmate?

11 A. In the context of being a gang member
12 or in the context of just being an inmate?

13 Q. In the context of being an inmate.
14 What do you recall associating with one another?

15 A. Well, I tried to answer that question,
16 and you cut me off a little earlier. But what
17 happens in the correctional setting is inmates
18 tend to break down in groups. They break down in
19 groups racially. They break down in groups by
20 their gang affiliation. They break down in
21 groups by predators versus victims. They break
22 down in groups based on the ones that want to do
23 the right things and the ones who want to spend
24 their time in trouble. I mean, they break down
25 in their own little associating groups whether

1 they are in a program or not.

2 Q. And what do you call an associating
3 group? That's what I'm asking.

4 A. Well, like your gang members is a good
5 example. Gang members are going to run with gang
6 members and not associate much with other people.
7 Association is their free time, not their
8 required time. When they have to be in school,
9 sure, they are going to be sitting next to a guy
10 who is not a gang member because they have to
11 complete that program. But when they have their
12 free time, they are not going to necessarily
13 associate with the guy sitting next to them in
14 school. They are going to go associate with
15 their other people that they feel comfortable
16 with.

17 Q. And do you have somebody walking around
18 writing down who somebody is spending their free
19 time with?

20 A. Oh, it's observation all the time. You
21 have staff from correctional officers who
22 supervise the pods to the unit management teams
23 to the recreation officers to the chow hall
24 officers. Everybody notices who is hanging out
25 with who. One of your best indicators in a

1 prison is how inmates walk down a hallway when
2 it's chow time. If they're loud and noisy and
3 everybody is cutting up and laughing, it's going
4 to be a good day. If they're walking in a single
5 file line with their heads down and quiet,
6 something is fixing to happen. You can tell
7 behaviors and you can predict problems based on
8 observation of your inmates and how they're
9 behaving and who they are associating with
10 because you may see a guy who --

11 Q. Here's my question.

12 MR. HILL: Let him finish.

13 BY MS. HARDAWAY:

14 Q. My question is --

15 MR. HILL: Hold on. When he's
16 answering a question, don't ask another
17 question until he gets through.

18 MS. HARDAWAY: I am conducting this
19 deposition, not you.

20 MR. HILL: You won't be much longer
21 if you don't stop.

22 MS. HARDAWAY: Well, then we will go
23 to the judge.

24 MR. HILL: We will. That will be
25 quite fine.

1 BY MS. HARDAWAY:

2 Q. Let me ask you very specifically to
3 answer the question that I ask you.

4 MR. HILL: He is.

5 BY MS. HARDAWAY:

6 Q. Mr. Turner, how -- what's the recording
7 of this observation? You have people who are
8 walking around making notes about who is talking
9 to who, who is spending their free time with
10 whom. That's what I'm asking you.

11 A. You do have people who make notes in
12 logbooks that are on their posts. You have
13 people who verbally relay information to their
14 direct supervisors. You have people who verbally
15 or written submit things to the STG coordinator
16 about gang activity. I mean, there is multiple
17 ways. Mostly it's just observation of watching
18 who is with you and who is up to what.

19 Q. What did Mr. Ingram do other than talk
20 to people who you say were in gangs?

21 A. I guess you would have to ask
22 Mr. Ingram. I can't speak for him.

23 Q. I'm not asking him. I'm deposing you.

24 A. I cannot answer who Mr. Ingram spent
25 his time in prison associating with.

1 Q. Did you see him throwing any gang signs
2 that day?

3 A. Did I personally see him?

4 Q. You, Mr. Turner.

5 A. No, I did not.

6 Q. Was it reported to you that he threw
7 some gang signs?

8 A. No.

9 Q. Okay. Were there people in the chapel
10 other than gang members?

11 A. There may have been a few who were not
12 confirmed or on the suspect list.

13 Q. So what was it other than this vague
14 description that you have told me three or four
15 times so far today? What was it about Mr. Ingram
16 and what you call his association that made you
17 so sure he was a member of a gang?

18 A. His Security Threat Group file
19 indicates that he reached a certain level of
20 points to be listed as either a suspect or a
21 confirmed gang member. That is a policy that is
22 established by the state of Tennessee.

23 Q. All right. And I'm asking you what
24 activity, what did he do, that gave you an
25 indication that he should be assigned these

1 points after -- you say you did some confirmation
2 when he first got there. I'm asking about what
3 he did, what actions he did, how he acted that
4 would make you think that he was a gang member.
5 Are you saying that just because he was confirmed
6 when he came in you just assumed that for the
7 rest of the time?

8 A. It's not an assumption. If you see an
9 inmate whether it's Mr. Ingram or another inmate
10 who spends 90 percent of his free time
11 associating with known gang members, then that is
12 a good indicator that he is associating with
13 known gang members. If you see him come to chow
14 or come to the dinner meal where we had
15 generalized seating and he goes out of his way to
16 get in line with known gang members and doesn't
17 sit with people who are not known gang members,
18 then you can assume that that's where he's
19 associating and spending the majority of his
20 time.

21 Q. You can assume that. Okay. So did you
22 see him, Mr. Ingram, only sitting with gang
23 members at -- by "chow," you mean meals?

24 A. I'm sure I saw him at one time or
25 another because I used to attend the chow hall

1 pretty regular.

2 Q. When you say one time or another, was
3 that -- you just testified when you see members
4 that spend 90 percent of their time. If you only
5 saw him every now and then, how can you say he
6 spent 90 percent of his time --

7 A. You asked me how that could be
8 associated, and that's what I explained to you.

9 Q. I'm asking you the activity that you
10 observed or that you know was documented that
11 would say other than some label being given him
12 when he first got there that he participated in
13 gang activity?

14 A. Well, I believe that he pled guilty to
15 participation in Security Threat Group activity
16 for the incident that occurred that day which
17 would admit him to being part of the gang and the
18 activity that took place that day.

19 Q. And before that you already had labeled
20 him a Security Threat Group threat?

21 A. I didn't label him anything. The state
22 of Tennessee and their policies labeled him what
23 he was.

24 Q. Okay. So other than a piece of paper
25 that came later that had nothing to do -- you

1 didn't even know it existed yet. It had nothing
2 to do with your considering him a Security Threat
3 Group yet. He hadn't pled guilty to any of that
4 yet.

5 A. Uh-huh.

6 Q. What activities other than that piece
7 of paper that he was coerced into signing -- do
8 you object to the form of that?

9 MR. HILL: You better believe it.

10 MS. HARDAWAY: You, too?

11 MS. VAN PELT: Yes.

12 BY MS. HARDAWAY:

13 Q. What other than that piece of paper do
14 you have to document --

15 A. His Security Threat Group file.

16 Q. Okay. And nothing else?

17 A. No.

18 Q. And what is in that Security Threat
19 Group file other than that confirmation with the
20 points on it that existed when he first got there
21 that you created when he first got there?

22 MS. VAN PELT: Object to the form.

23 A. I didn't create any file. The state of
24 Tennessee creates the files.

25

1 BY MS. HARDAWAY:

2 Q. Okay. Other than that file that you
3 say the state of Tennessee created which gave
4 that impression when he got there -- this is what
5 you're saying?

6 A. Uh-huh.

7 Q. Was that a yes?

8 A. Yes, ma'am. That was a yes. And I'm
9 going to ask you not to be condescending to me.

10 Q. And I'll ask you not to give me a hard
11 time about this.

12 MR. HILL: You've given him plenty
13 of hard time today.

14 BY MS. HARDAWAY:

15 Q. If you're going to be evasive, I can --

16 A. I'm not being evasive. I'm doing
17 everything to answer your question.

18 Q. Okay. Everything you can? Okay.

19 MR. HILL: Ms. Hardaway, I'm telling
20 you. You're getting very close --

21 MS. HARDAWAY: Don't use that tone
22 with me.

23 MR. HILL: You have used a tone the
24 entire day.

25 MS. HARDAWAY: You don't have to

1 tell me in that tone anything.

2 MR. HILL: I've about had it.

3 MS. HARDAWAY: He is not a friendly
4 witness.

5 MR. HILL: Nobody mandates that he
6 has to be a friendly witness. But if you
7 keep on with your condescending attitude,
8 we are going to be leaving.

9 MR. ROANE: Well, one thing he has
10 to do, he has to answer the question.
11 She is just asking him the question over
12 and over again.

13 MR. HILL: Yes. She is asking the
14 same question.

15 MS. HARDAWAY: You know what? We'll
16 just go to the judge.

17 MR. HILL: That will be fine.

18 MR. ROANE: He just needs to answer
19 the question.

20 MS. HARDAWAY: And I don't
21 appreciate your condescending attitude or
22 your condescending tone to me.

23 MR. HILL: Well, I apologize, but
24 I've had to put up with yours all day
25 long.

1 MS. HARDAWAY: No. You're causing
2 it.

3 MR. ROANE: Wait a minute now. I've
4 been through more depositions, I'm sure,
5 than you have been through, sir, given
6 the fact that I've been practicing law
7 for 45 years. Okay? Now, let me tell
8 you something. When she asks him about a
9 Security Threat Group file, when she asks
10 the question, all he has to do is answer
11 it. He doesn't have to go all around
12 with a whole lot of who shot John. Just
13 answer the question. We want to get out
14 of here. We don't want to keep you here.

15 MR. HILL: He's answering the
16 question.

17 MR. ROANE: Okay. Well, that's what
18 we asked him to do. Okay?

19 MR. HILL: And that's what he's
20 doing.

21 MR. ROANE: And she's been much
22 calmer than I would be if I was sitting
23 there doing the examining. Let me assure
24 you. Okay?

25

1 BY MS. HARDAWAY:

2 Q. Mr. Turner, I'm trying to do my job.

3 A. I understand.

4 Q. And I'm trying to get some answers.

5 A. I understand.

6 Q. Okay. It is not my way to make sport
7 of arguing with people. Okay? So if you listen
8 to my question specifically and you answer my
9 question specifically, then I think we're going
10 to communicate better. You're one to give
11 generalities. I'm wanting to talk about James
12 Ingram. So let's make that our agreement. If
13 you can answer them specifically, then there
14 won't have to be so many follow-ups, 30 questions
15 just get to one answer. Okay? If you don't
16 understand it, you let me know what part of it
17 you don't understand, and I will try to clarify
18 it for you. Okay?

19 A. Yes, ma'am.

20 MS. HARDAWAY: But I'm going to
21 conduct my own deposition. You will not.

22 MR. HILL: You're not much longer if
23 you don't stop.

24 MS. HARDAWAY: Okay? You won't
25 conduct my deposition.

1 MR. HILL: We will not be here much
2 longer if you don't stop.

3 BY MS. HARDAWAY:

4 Q. So let me try to see if we have reached
5 any resolution about the Security Threat Group
6 designation. Is this a true statement? You base
7 your categorization of James Ingram as a member
8 of a gang based on the Security Threat Group file
9 that came from the state of Tennessee.

10 A. Yes, ma'am.

11 Q. Okay.

12 A. And the Security Threat Group policy
13 that governs that file. There is a specific
14 state of Tennessee policy that explains in detail
15 how you get to that point with an inmate.

16 Q. And once they are at that point, they
17 can't behave in any other way that would redeem
18 them or have you view them. It's just being
19 inmates trying to do their time, make parole, and
20 get out and move on?

21 MR. HILL: Object to the form of the
22 question.

23 BY MS. HARDAWAY:

24 Q. Is that true?

25 A. I'm sorry. Can you repeat that?

1 Q. Once they are in that group, the
2 Security Threat Group, there is nothing that they
3 can do after that in their behavior, their
4 demeanor in prison that will take them out of
5 that Security Threat Group. Is that a fair
6 statement?

7 A. The state of Tennessee does have a
8 process, and it's detailed in that policy where
9 an inmate can renounce his membership in a gang.
10 He has to attend a specific program that's
11 located only at a couple of facilities throughout
12 the state. Once he successfully completes that
13 program, then he can do a renouncement of his
14 membership of the gang affiliation he has.

15 Q. Is that offered at -- was that offered
16 at Hardeman?

17 A. No, ma'am. It was only offered at -- I
18 don't remember the facilities, but it was only
19 like two in the state that had it. And they can
20 go through that process, but then they are
21 continued to be monitored after that to make sure
22 they live up to their contract, so to speak, of
23 renouncing their membership.

24 Q. So that wasn't available to him at
25 Hardeman?

1 A. No. It was only available at like two
2 facilities throughout the state. He could have
3 put in and made the request to go to that
4 program. That's the way the process worked.
5 That's a state of Tennessee function. It wasn't
6 a CCA function.

7 Q. Who -- did someone go to him and --
8 yeah. Let's stick with him. Did someone go to
9 Mr. Ingram at any point when he was at Hardeman
10 and say, "Do you want to go to the renouncement
11 program and here's what it means, here's how it
12 works," and give him that option?

13 A. I don't know if anybody went to him
14 specifically, but most of the inmates, you know,
15 they understood the programs that were available.
16 He could have went to his counselor. I don't
17 know whether it happened or not, but he could
18 have went to his counselor during his annual
19 reclassification process or anytime that he
20 needed something and said, "Hey, look. I want to
21 get in that program, or is that program
22 available." There are things that were common
23 knowledge as far as programs that were available
24 to inmates.

25 Q. But how do you know what he knew?

1 A. I don't know what he knew. I'm just
2 saying that's what he could have done.

3 Q. Okay. But you don't know that that was
4 ever explained to him.

5 A. I don't know if it was ever explained
6 to him, but it should have been explained to him
7 when he went through his confirmation process as
8 you called it when they sat down and did his
9 questionnaire and his interview about the gang
10 affiliation. It should have been explained to
11 him then that that is available. If not, it
12 could have been explained to him during his
13 annual reclassification process. There were
14 several mechanisms where an inmate could learn
15 about information or it would have been expressed
16 to him. Whether it was done specifically with
17 him or not, I don't know.

18 Q. So you never observed him having these
19 meals with gang members more than what, you said,
20 every now and then or how many times did you
21 observe him?

22 A. I have 2,000 inmates in there. I mean,
23 I observe different inmates doing different
24 things.

25 Q. But we're talking about Mr. Ingram in

1 this deposition.

2 A. Okay. Well, I will say no.

3 Q. Did you ever see him throwing a gang
4 sign?

5 A. Him specifically? No.

6 Q. Did you attend the Islamic Tohline
7 services? Did you go and observe them?

8 A. No. I didn't attend many of the
9 religious services and those types of gatherings
10 of inmates because in the position of a warden,
11 if you walk in, you immediately disrupt.

12 Q. Well, how is it that you know who was
13 there? Is that what you use the sign-in sheet
14 for to see if gang members are attending the
15 Tohline services?

16 A. We had a routine where all religious
17 services, all gatherings of inmates like that had
18 a sign-in sheet, and the inmates were required to
19 sign in. And that information could then be held
20 by the chaplain and transferred to the STG
21 coordinator and other staff. Even unit managers
22 would want to see who is attending different
23 services.

24 Q. Could or was? You said it could be.

25 A. Oh, it was.

1 Q. It was?

2 A. It was.

3 Q. Okay. So they use -- the staff at CCA,
4 Hardeman, used a sign-in sheet in and out of the
5 chapel to look at the names of who signed into
6 the service?

7 A. Uh-huh.

8 Q. And compared it with if they were in
9 the Security Threat Group file.

10 A. Yes.

11 Q. So if you were Islamic and you wanted
12 to go and pray, you were going to get associated
13 with gang members if other gang members were
14 there?

15 A. No.

16 Q. I mean, was there a non-gang Islamic
17 service and a gang Islamic service?

18 A. No, not specifically. Tohline was not
19 a prayer service. Tohline was what they -- they
20 being the inmates used as a Koran study. The
21 Jurn'ah service on Fridays is their day that they
22 had a prayer. They also had Ramadan once a year.

23 Q. All right.

24 A. So there were different services for
25 different things.

1 Q. So let me just rephrase it. If you
2 were Islamic and you wanted to participate in
3 Islamic services, those were the services that
4 you had a choice of whether it was for bible
5 study or praying. There weren't non-gang and
6 gang Islamic services, were there?

7 A. There weren't non-gang and gang
8 anything at the institution.

9 Q. Okay. So how would you distinguish
10 whether he was going to associate with gangs or
11 going to learn about the Koran or pray in the
12 Islamic tradition? Just because there were gang
13 members? How do you jump to the assumption that
14 it was his opportunity to associate with gangs?

15 A. Well, I never said I jumped to that
16 assumption.

17 Q. Why then do you all use the sign-in
18 sheet to compare to the threat group file if
19 you're not making an assumption that there is a
20 connection?

21 A. The way our facility operated, the only
22 places where inmates could come together that
23 they didn't normally live with because of the way
24 our facility broke down was religious services.

25 Q. I heard you the first time you said

1 that. And what I'm asking you -- I heard that.
2 I understand that. But if you are religious and
3 you wanted to go to a service and you had to sign
4 in, how are you going to distinguish as the
5 administrator or one of your staff members
6 distinguish if they were going there to pray as
7 opposed to they were going there because there
8 were gang members? They don't have a choice of
9 going to another Islamic service.

10 A. No, they don't have a choice of going
11 to another service because only a certain number
12 of services were offered for any religion. But
13 the chaplain also observed their behavior. The
14 staff who monitored -- the security staff who
15 monitored would observe their behavior. And if
16 you had a group of inmates who were actually
17 doing what they were supposed to be doing and
18 another group of inmates over here who are
19 sitting here huddled up talking, not
20 participating, that's the information you're
21 looking for. But you want to have a breakdown of
22 all the inmates that attend. And then you can go
23 back to those observations and determine, okay,
24 these guys are just doing what they are supposed
25 to be doing. These guys are not.

1 Q. Where will I find those observations
2 where Mr. Ingram was observed not doing what he
3 was supposed to be doing? What file, what
4 document, what group of documents do I look for?
5 What logs do I look for where somebody has
6 recorded that he was not doing what he was
7 supposed to be doing at these services?

8 A. I don't know what logs you could -- I
9 mean, I don't know what documents you could look
10 for. A lot of our security stuff was transmitted
11 verbally.

12 Q. And then what did they do with it?
13 When it went to -- was his name Keith or Kevin?
14 Was he the Security Threat Group person?

15 A. Bobby Howell.

16 Q. Bobby Howell. When it went to him,
17 what did he do with it? Did he write it down?

18 A. Well, I'm sure he probably kept - I
19 mean, he kept his own records of certain things.

20 Q. Where are those records?

21 A. You would have to ask --

22 Q. Is that anything other than the threat
23 group file?

24 MS. VAN PELT: Object to the form.

25 A. I think you would have to specifically

1 ask Bobby Howell what he did with his records.

2 BY MS. HARDAWAY:

3 Q. Okay. So I'm asking for the records of
4 Bobby Howell which are comprised of notes of
5 information given to him about gang activity.

6 A. I guess that's what you're asking for.

7 Q. Are those the notes that you're
8 referring to where somebody would give him
9 information?

10 A. But the information may have been
11 transferred verbally. I may be, "Hey, I saw
12 inmate Smith and inmate Jones getting together,
13 and there's no way they should have been
14 together," or it's just different transmittal of
15 information.

16 Q. Okay. So when they come and they tell
17 you I think Mr. Ingram has been engaging in
18 enough activity that we can say he's a security
19 threat -- he's a Security Threat Group member,
20 you just believe it. You don't say what's your
21 proof. You just believe it if Bobby Howell tells
22 you that?

23 A. No. I don't just believe it because
24 the STG policy requires that they meet a certain
25 criteria before you can label them as a gang

1 member.

2 Q. But if I understand you correctly, he
3 was labeled as a gang member by the state of
4 Tennessee when he came there.

5 A. I don't know who actually did it, but
6 it's based on the policy requirements that have
7 to be followed.

8 Q. So are you saying it could have been
9 done by the CCA personnel?

10 A. Oh, it could have, yes. That was one
11 of their duties and responsibilities.

12 Q. Okay. So Mr. Ingram -- just to be
13 clear, Mr. Ingram's Security Threat Group status
14 may have come from a CCA evaluation of him, not
15 the Department of Corrections, Tennessee
16 Department of Corrections evaluation?

17 MS. VAN PELT: Object to the form.

18 A. It would have been the same regardless
19 of who the employee was. And if you don't mind
20 me elaborating for a second so maybe you can
21 understand the way our policies function. Under
22 our contract with the state of Tennessee, we had
23 two types of policies. We had CCA policies, and
24 we had state of Tennessee policies. The state of
25 Tennessee had to approve every policy that was in

1 our policy manual. And with our contract they
2 mandated certain policies of their's that we had
3 to follow so our staff functioned the same as one
4 of their staff members.

5 BY MS. HARDAWAY:

6 Q. Right. So if you're a staff member
7 that was paid by CCA and was evaluating based on
8 Tennessee policy, Tennessee Department of
9 Corrections policy, if they were evaluating the
10 inmates when they came in and the answers on the
11 evaluation yielded points that they thought, oh,
12 this person has enough points they become a
13 Security Threat Group member, the CCA employee
14 would then assign that person to that
15 classification security threat group.

16 A. Right.

17 MS. VAN PELT: Object to the form.

18 BY MS. HARDAWAY:

19 Q. So it could have been a CCA staff
20 member that evaluated Mr. Ingram and came up with
21 that classification that Mr. Ingram was a
22 Security Threat Group member?

23 A. It could have been, but without
24 reviewing the file, I couldn't tell you.

25 Q. Okay. But it's not just something the

1 state of Tennessee says to you all, "Here's a new
2 inmate. He's STG. You don't have to worry about
3 it. Take our word for it." It could have just
4 been that CCA did that evaluation of him after he
5 got into the CCA system, and that's how he got
6 labeled that?

7 MS. VAN PELT: Object to the form.

8 BY MS. HARDAWAY:

9 Q. As a Security Threat Group.

10 A. Yes. It could have been a CCA
11 employee, but it would have been under the
12 context of the state of Tennessee policy.

13 Q. Policy. I understand that. All right.
14 And a CCA employee following the TDOC policy, I'm
15 asking you would he write down what observations
16 caused him to make Mr. Ingram a Security Threat
17 Group person or did you just verbally tell each
18 other that? I mean, I'm asking if there was
19 something written down somewhere.

20 A. Yes, ma'am. The STG file contains the
21 criteria and the points he scored for each
22 category that would allow him to be placed in
23 that group.

24 Q. And I understood that. You told me
25 that before. And that's when he first got there,

1 right?

2 A. I don't know exactly when that occurred
3 during his incarceration because sometimes events
4 can happen such as what happened with this entire
5 incident where you have people who were not
6 currently listed as a suspect member or a
7 confirmed member and because of their behavior or
8 action in an incident, you may discovery that
9 they're a member. It's not automatically a
10 classification -- initial classification process.
11 It could happen ten years into their
12 incarceration, that they have managed not to be
13 discovered and they are discovered by their
14 behavior or their actions or something that they
15 are involved in.

16 Q. We know from this morning that
17 Mr. Howell already considered Mr. Ingram as a
18 member of the Security Threat Group, right?

19 A. Yes, ma'am.

20 Q. All right. Okay. But I guess if we
21 stay here all night we're not going to know what
22 behaviors he displayed that you know about that
23 would cause him to have been a member of the
24 Security Threat Group. You don't know?

25 A. I mean, no. I mean, other than the

1 information was that was in his STG file, the
2 information that was presented to me by the
3 Security Threat Group coordinator, Bobby Howell,
4 did I spend hours and hours in the facility
5 observing James Ingram? No, I didn't. But
6 that's the information and the criteria that I
7 have that says he is a Security Threat Group
8 member.

9 Q. Okay. So you really just took
10 Mr. Howell's word for it?

11 MR. HILL: Object to the form of the
12 Question.

13 A. No. I took the word of the process of
14 the Security Threat Group policy in the file, not
15 just an individual's word, because they have to
16 do certain things. The employee has to complete
17 that certain process and have information to back
18 up those individual criteria levels to give him
19 the points that make him a gang member, not just
20 somebody's word.

21 BY MS. HARDAWAY:

22 Q. After he -- after Mr. Howell brought
23 the list and you let him go and select Mr. Ingram
24 because he was a member of the Security Threat
25 Group list, did you ask to see any backup

1 information or question Mr. Howell any further
2 about why Mr. Ingram was a member of the Security
3 Threat Group list? Did you go any further into
4 it with Mr. Howell?

5 A. No, I didn't.

6 Q. Did you go into it with anybody else
7 ever during Mr. Ingram's tenure at Hardeman and
8 discuss what it was that would cause him to be a
9 Security Threat Group member?

10 A. I can't say that I did specifically for
11 Mr. Ingram, no.

12 Q. Okay. But you said before we took our
13 break that he was known, known to you to be a
14 member of a gang?

15 A. Yes, ma'am.

16 Q. Was he known to you because you had
17 seen his name in that file before or because of
18 some activity?

19 A. Because his name appeared on the
20 monthly report that I received from Bobby Howell
21 of the confirmed and suspected members that we
22 had in our facility.

23 Q. Did that monthly report -- did you read
24 it? Did you read the report?

25 A. Yes.

1 Q. Okay. Did it say why each member's
2 name was on there?

3 A. No. It didn't say why each member's
4 name was on there.

5 Q. So it was just a list that came across
6 your desk every day, every month?

7 A. Based on the Security Threat Group
8 files that he had to maintain, yes.

9 Q. Did he give you the files or he just
10 gave you the list?

11 A. He gave me the list because it would
12 have been over 500 files.

13 Q. So you just saw the list was my
14 question. You didn't see any backup information.
15 Every month he gave you a list of people without
16 inquiring as to why they were still on that list.
17 You just took it. "Yeah, these people are a
18 Security Threat Group because they are on this
19 list."

20 A. No.

21 MR. HILL: Object to the form of the
22 question.

23 A. No, I did not.

24 BY MS. HARDAWAY:

25 Q. What part of what I said -- you know,

1 here's what I'm asking. Did you ever go behind
2 the names on the list and actually look in those
3 files and, say, "Oh, they did this, they did
4 that. So-and-so associates with so-and-so." Did
5 you ever yourself go and look?

6 A. On certain individuals, yes, I did.

7 Q. Did you ever do that for James Ingram?

8 A. Specifically for him, no, I don't
9 believe I did.

10 Q. All right. So to be clear, it's just
11 because you saw his name on the list. You never
12 went beyond that list to delve any further into
13 why James Ingram himself was on that list?

14 A. I didn't have to because of the process
15 in place.

16 Q. So your answer is, no, you did not?

17 A. No. I did not specifically for him.

18 Q. All right. That's all I was asking.
19 Was there anyone else from the Hardeman County
20 Correctional Facility other than you who was
21 responsible for reporting incidents such as the
22 one wherein you struck Mr. Ingram? Is it the
23 responsibility of others there?

24 A. Yes, I assume it is.

25 Q. Okay. Is that part of the code of

1 conduct?

2 A. I believe it is. Yes.

3 Q. How does the Quality Assurance Program
4 work? Is that related to that conversation we
5 had earlier about how your facility was
6 evaluated? Was that the quality assurance or is
7 that something else?

8 A. It's one of the processes. Yes.

9 Q. And the quality assurance program was
10 internal to CCA?

11 A. Yes.

12 Q. Explain that.

13 A. Well, you have -- we had audits
14 annually that were based on, oh, some 700-odd
15 standards that the facility had to meet. And
16 it's, you know, a review of records and documents
17 throughout different processes in the facility
18 that we went through annually.

19 Q. Was that tied to your bonuses?

20 A. No, I don't believe so directly.

21 Q. Indirectly was it tied to your bonuses?

22 A. It may have been. I mean, again, I
23 don't know what are the exact criteria other than
24 the standard bonus program that was in place for
25 all employees, that -- it was tied to it based on

1 a certain score level if I remember correctly,
2 you know, how well you did on it with the bonus
3 program. And that was for all the employees, not
4 just the warden because all of our employees
5 receive bonuses.

6 Q. And it was based on the score level of
7 what you refer to quality assurance?

8 A. Well, yeah. That was one of the
9 criteria for it is, you know, how the facility
10 did on their quality assurance audit, how they
11 did financially, how they did -- you know, there
12 is several different criterias that had to be
13 met.

14 Q. And one of those factors I think you
15 have already said was the number of incidents
16 that were reported that occurred in that
17 facility; is that right?

18 A. Not -- again, it's not necessarily one
19 of the factors because you can't control the
20 number of incidents. They would look at the
21 types of incidents, not necessarily numbers. You
22 didn't get a bonus because you had less number of
23 incidents one year to the next. It didn't work
24 that way.

25 Q. But the types of incidents that

1 occurred at the facility was part of the
2 criteria --

3 A. I'm sure that that's part of what they
4 used to --

5 Q. -- that was used to determine the score
6 on the Quality Assurance Report?

7 A. No, not types of incidents, no.

8 Q. What did you say, kind of incident?

9 A. Well, no. And they didn't really lock
10 at your total number of incidents in Quality
11 Assurance.

12 Q. I didn't say total number. I used your
13 word. You said types.

14 A. Well, even types of incidents. We're
15 talking about two different things. Bonus plan
16 or Quality Assurance audit? I'm confused.

17 Q. Were the bonuses tied to the score you
18 got in the Quality Assurance audit?

19 MS. VAN PELT: Object to the form.

20 A. Not just to the score, but to the score
21 plus other criteria that was laid out.

22 BY MS. HARDAWAY:

23 Q. Was the score part of it?

24 A. It was a -- I'm sure it was part of it.

25 MS. VAN PELT: Object to the form.

1 BY MS. HARDAWAY:

2 Q. So what would be your annual bonus,
3 say, for 2006?

4 A. For 2006?

5 Q. Uh-huh.

6 A. I think I got a couple thousand
7 dollars.

8 Q. In 2007?

9 A. It was about the same.

10 Q. At some point while you were working
11 for CCA, did the method of calculating the
12 bonuses change?

13 MS. VAN PELT: Object to the form.

14 A. Well, the program itself changed year
15 to year. The criteria that had to be met changed
16 from year to year, and that was, you know, a
17 determination by the corporate office of what
18 criteria they were going to use from one year to
19 the next.

20 BY MS. HARDAWAY:

21 Q. And how did you know it changed? Did
22 they send you something saying the criteria is
23 different?

24 A. Yes.

25 Q. For the bonuses?

1 A. Yes. For the Employee Bonus Program.

2 Q. They sent it to you in writing?

3 A. They sent it to all the employees, I
4 believe.

5 Q. And then it would say what the criteria
6 was?

7 A. I believe so. Yes.

8 Q. Was that called -- was that document
9 called something in particular?

10 A. I don't remember it being called
11 anything. I mean, it was the Employee Bonus
12 Program. Not anything specific to any one
13 document.

14 Q. Do you remember ever seeing a criteria
15 for bonuses that would have been in effect for
16 2006 and 2007?

17 A. I'm sure I looked at it. Yes.

18 Q. Do you remember if it had anything
19 to -- did it include in its criteria the
20 incidents that were reported from the
21 institutions?

22 A. I don't remember exactly.

23 Q. Okay. And who would have sent that
24 out? Who in corporate would have sent it out?

25 A. It would have come from the Chief

1 Operating Officer, I believe.

2 Q. Would it be like a memo or an e-mail?

3 A. It was in a memo form, memo-type
4 document.

5 Q. And you recall it for 2006 and 2007?

6 A. I'm sorry.

7 Q. You recall one for 2006 and 2007?

8 A. Yes, ma'am. I'm sure that there was
9 one that was sent out.

10 Q. I'm going to ask for a copy of that.

11 MS. VAN PELT: If you will send
12 Brandon a request.

13 MS. HARDAWAY: But I'm also asking
14 for it now.

15 MR. HILL: You don't still have
16 copies of any of that, do you?

17 THE WITNESS: No.

18 BY MS. HARDAWAY:

19 Q. Okay. So what were the safeguards if
20 there were any safeguards in place within CCA to
21 ensure that incidents like what happened with you
22 and James Ingram was reported to CCA? Was there
23 a policy?

24 A. I guess I'm not really understanding
25 what you're saying.

1 Q. Was there a policy about reporting
2 incidents like what happened with you and Mr.
3 Ingram?

4 A. Yes.

5 Q. There was a policy about reporting
6 that?

7 A. Yes, the incident reporting policy.

8 Q. Did it include something being put in
9 writing? I mean --

10 A. Depending on the level of the incident,
11 yes.

12 Q. Was that an incident that the policy
13 would require to be put in writing?

14 A. Yes.

15 Q. But you only verbalized it to Mr. --

16 A. Yes.

17 Q. Was there a policy whereby you did not
18 put that in writing you were to be disciplined in
19 some way? That being the incident with you and
20 James Ingram?

21 A. Would you state your question again,
22 please?

23 Q. Was there some policy or rule that if
24 you did not report an incident like that incident
25 that happened with you and James Ingram that you

1 would be disciplined in some way for not
2 reporting it?

3 A. I don't think there is a specific -- a
4 quote, unquote specific policy that says you
5 would be disciplined. It just says that that's
6 what you're required to do.

7 Q. So how long were you at CCA before you
8 became the warden at Hardeman County? How long
9 had you worked for CCA?

10 A. Began in 1992, July 1992. And I was --
11 my first warden position wasn't at Hardeman
12 County. I became a warden in 1999. And I
13 returned to Hardeman County as a warden in 2002.

14 Q. 1999 you were at the place in Clifton?

15 A. No. I was at Lawrenceville, Virginia.

16 Q. Why did you leave there?

17 A. I was asked by the company to go to
18 Boise, Idaho for a facility startup and serve as
19 the warden there and starting up that facility.

20 Q. Did you have any lawsuits filed against
21 you in Lawrenceburg?

22 A. I don't recall any. Lawrenceville.

23 Q. Lawrenceville?

24 MR. HILL: You're saying against him
25 individually?

1 MS. HARDAWAY: I think he
2 understood.

3 BY MS. HARDAWAY:

4 Q. What did you understand me asking?

5 A. Me individually?

6 Q. Okay. What was the criteria that was
7 used to appoint an employee as a warden --

8 MS. VAN PELT: Object to the form.

9 BY MS. HARDAWAY:

10 Q. -- in CCA? What was the criteria? Did
11 you have to have a degree in Criminal Justice or
12 anything like that?

13 A. When you say "criteria," the minimum
14 qualifications that you had to have?

15 Q. Minimum qualifications. Uh-huh.

16 A. You had to have a certain number of
17 years in corrections, a certain number of years
18 in management, and/or the degrees that they
19 require. I don't remember specifically what it
20 is.

21 Q. And would degrees be in any particular
22 area of study?

23 A. I don't think it had a particular area
24 of study. Again, I don't remember specifically
25 what the --

1 Q. Would with it be a bachelors or masters
2 level, do you know?

3 A. I believe it was -- it was no more than
4 a bachelors level as I can recall. But it was
5 experience, positions held, and/or educational
6 experience.

7 Q. So about how many years of experience
8 was required? You said a certain number.

9 A. I want to say it was seven or more
10 that's coming to mind, but, again, without
11 reviewing it, I don't remember specifically what
12 it said.

13 Q. Did you start at an entry level
14 position with CCA? What was your first position
15 held with CCA?

16 A. Senior Correctional Officer.

17 Q. Is that considered an entry level?

18 A. No. It's considered a supervisory
19 position. It was at the time.

20 Q. So that's the position that you were
21 appointed to in 1992?

22 A. Yes, ma'am.

23 Q. Were you involved in any incidents of
24 abuse when you were at South Central?

25 MR. HILL: Object to the form of the

1 question.

2 A. None that I recall.

3 BY MS. HARDAWAY:

4 Q. When you were at South Central, did you
5 have occasions where you were accused of abusing
6 an inmate?

7 A. Not that I specifically recall.

8 Q. Okay. When you were at South Central,
9 did you yourself engage in striking any inmates?

10 A. I had use of force incidents when I was
11 at South Central.

12 Q. Were you the perpetrator of the force,
13 the use of force? Was it you, yourself?

14 A. No.

15 Q. Who was it?

16 A. Well, use of force incident could be in
17 response to an inmate's actions. I mean, there
18 was a lot of incidents.

19 Q. And were you the one who responded to
20 an inmate yourself? Are those the incidents
21 you're referring to? Or a subordinate was
22 responding to the inmate?

23 A. It could have been either/or. I mean,
24 I was involved in use of force incidents there.

25 Q. Okay. So I'm asking about the use of

1 force incidents that you were involved in
2 yourself physically. Okay? At South Central.

3 A. Okay.

4 Q. All right. Did any of that result in
5 harm to inmates?

6 A. No.

7 Q. Okay. Did you strike them as part of
8 the use of force? What was the type of use of
9 force?

10 A. I really don't remember specifically.
11 I mean, I was involved in several use of force
12 incidents there and inmate stabbings and group
13 disturbances. I mean, I can't specifically
14 recall every incident that occurred.

15 Q. Well, you wouldn't have done the
16 stabbing?

17 A. No.

18 Q. Okay. I'm asking what your actions
19 were towards the inmates at South Central,
20 incidents you had to report.

21 A. Well, I can't -- I mean, unless you get
22 into a specific incident that occurred, I don't
23 know that I can answer that question.

24 Q. What would happen with those incident
25 reports? What did happen with those incident

1 reports? Did they get reported to corporate?

2 A. At that time in the position that I
3 held, I can't say what happened to those reports
4 other than I did what I was required to do at my
5 level at that time.

6 Q. Which was what, as far as reporting?

7 A. Was reporting it to the shift commander
8 who completed the overall incident report.

9 Q. And then do you recall what happened
10 with any of those reports after a commander
11 received them? Did he send them up higher? Did
12 anybody come and interview you about them?

13 A. I mean, I don't know. I mean, that
14 wasn't my role.

15 Q. You don't know whether or not anybody
16 came and interviewed you about them, interviewed
17 you about the incidents?

18 A. I don't remember anything -- I mean,
19 not anything specifically. Again, you would have
20 to get to a specific incident.

21 Q. Okay. Do you remember an inmate named
22 Michael Smith that would have escaped from
23 Hardeman Correctional?

24 A. Michael Smith? Yes. I recall that
25 name.

1 Q. Did you go out on a search for him or
2 did you participate in his apprehension in any
3 way?

4 A. I believe I was involved in the search.

5 Q. And were you there when he was caught?

6 A. I would need some more specifics about
7 the incident, when it occurred, because we had a
8 couple of incidents where a single inmate
9 escaped, and I participated in searches and I
10 don't remember whose name was who's.

11 Q. July 26th, 1997?

12 A. Yes. I participated in that.

13 Q. Were you there when he was caught?

14 A. I was. I was present when he was
15 apprehended. Yes.

16 Q. Did you have physical contact with him
17 when he was apprehended?

18 A. I believe I placed handcuffs on that
19 inmate while an officer held a gun on him.

20 Q. And did you kick him while he had
21 handcuffs on him?

22 A. No, ma'am.

23 Q. Who else was there when Mr. Smith was
24 apprehended?

25 A. At the immediate point in time, the

1 officer who had him at gun point was -- last name
2 was German, Billy German.

3 Q. Who else was there?

4 A. There was several law enforcement
5 officials who were there also. I don't remember
6 exactly who they were.

7 Q. What happened? Was there a report of
8 that incident?

9 A. I'm sure there was. Yes.

10 Q. Did you make the report?

11 A. I did not. I wasn't responsible for
12 the entire report at that time.

13 Q. Did you make a report about what
14 happened when Mr. Smith was apprehended?

15 A. I'm sure that I probably did.

16 Q. Okay. And then were you questioned at
17 any time or interviewed at any time later or
18 asked to supplement your report at any time later
19 about the apprehension of Michael Smith?

20 A. I don't recall that. No.

21 Q. In 2000, was there some kind of
22 altercation with some Wisconsin inmates at
23 Hardeman County?

24 A. I wouldn't know. I was not at Hardeman
25 County in the year 2000.

1 Q. While you were at Hardeman County --
2 let's just say that's the wrong year. While you
3 were at Hardeman County, do you recall a time
4 when you had Wisconsin inmates in residency?

5 A. There was a period of time that there
6 were Wisconsin inmates there. Yeah.

7 Q. When you were there?

8 A. Yeah.

9 Q. And what would have been your position
10 that you held at that time?

11 A. Assistant Warden.

12 Q. Okay. And do you recall having an
13 incident or more than one incident with use of
14 force with those Wisconsin inmates?

15 A. Me personally, no.

16 Q. Do you recall reports being made of any
17 of your staff using force against any of those
18 Wisconsin inmates?

19 A. Not specifically. I mean, I'm sure
20 there were some incidents that occurred, but
21 unless you get to a specific incident, I can't
22 say that I recall or don't recall it.

23 Q. Was there an incident where somebody,
24 you or a member of your staff, allegedly stepped
25 on or actually stood on an inmate, a Wisconsin

1 inmate?

2 A. Not that I recall.

3 Q. Okay. Or placed their foot on the back
4 of an inmate's head and exerted pressure?

5 A. Not that I recall.

6 Q. Could you have forgotten such a thing?
7 You keep saying "not that I recall."

8 A. Well, yeah, I could have because --

9 Q. You don't say "no, I never did that."

10 A. -- that's been a long time ago. I
11 mean, you're generalizing incidents that
12 occurred.

13 Q. I'm not generalizing. I'm
14 specifically -- you told me the --

15 A. No, I did not. No.

16 Q. Now, when you were at South Central,
17 was there an occasion where tear gas or pepper
18 spray, a chemical agent, was dispersed in a
19 housing unit when you left the inmates in the
20 housing unit for an extended period time after
21 that?

22 A. No, ma'am. I never administered any
23 chemical agents while I was assigned to South
24 Central.

25 Q. Did you have any of your staff

1 administer chemical agents?

2 A. No, ma'am.

3 Q. Did they do it whether it was at your
4 behest or not?

5 A. No, ma'am.

6 Q. Were you ever working in any facility
7 wherein you or one of your staff dispersed
8 chemical agents into a housing unit and the
9 inmates weren't taken out immediately after?

10 A. No.

11 Q. Have you ever received a misconduct or
12 disciplinary report about any of your actions
13 since you have been with CCA, formal or informal?

14 A. What do you mean by formal or informal?

15 Q. Any kind of misconduct report or
16 disciplinary report.

17 A. Not that I can recall, no.

18 Q. Okay. And were you ever demoted while
19 you were with CCA?

20 A. Demoted? No.

21 Q. Okay. Were you ever suspended while
22 you were with CCA?

23 A. No.

24 Q. Were you ever put on administrative
25 leave while an investigation was conducted about

1 some incident that you were involved in with CCA
2 other than with Mr. Ingram?

3 A. Nothing other than that.

4 Q. Okay. What's the oversight
5 responsibility of your contract monitor at
6 Hardeman County, or what was it when you were
7 there?

8 A. As I understand it, their
9 responsibility is to ensure that we're following
10 our contract. I mean, it's their job to go out
11 and check behind employees and documents and
12 different things. I mean, they have their own
13 rules of instruction from the state to follow,
14 and they had certain things that they had to
15 check on a certain time basis. I don't know
16 whether it was a weekly or monthly or whatever
17 basis.

18 Q. Should you have reported the incident
19 with you and Mr. Ingram to the contract monitor
20 after it happened?

21 A. Not directly I shouldn't have, no.

22 Q. Should you have given them a copy of
23 it?

24 A. In the same context of any other
25 incident reporting, yes. I didn't have --

1 Q. Yeah. I'm just asking -- I don't know
2 what this context is or -- that's making it way
3 too complicated. I'm just asking, the contract
4 monitor, would you have given the contract
5 monitor, should you have given the contract
6 monitor a copy of the incident report that
7 happened between you and James Ingram? A copy,
8 because I don't think there was the copy. You
9 didn't make an incident report about that, did
10 you?

11 A. There were two state employees at our
12 facility. The contract monitor there had their
13 role function, and the commissioner's designee
14 had his role function. An incident report went
15 to the commissioner's designee, not the contract
16 monitor.

17 Q. Did you provide the -- is that a TDOC
18 staff member that you're talking about, the
19 commissioner's designee?

20 A. Yes.

21 Q. Did you give the commissioner's
22 designee a report of what happened between you
23 and James Ingram?

24 A. No, I did not.

25 Q. Should you have?

1 A. Yes.

2 Q. Do monitors -- do they conduct their
3 own inspections throughout or do they just get
4 reports from you all about what's happening
5 throughout the facility?

6 A. They have access to anything in the
7 facility, any files, any documents. They can go
8 out and conduct their own.

9 Q. Was that common for them to do that at
10 Hardeman or did they just rely upon your reports?

11 A. No. It was common for them to go out
12 and observe and check documents and other things.
13 They were required to do that.

14 Q. Do you know -- did you tell any of your
15 staff to tell the TDOC monitors -- the TDOC
16 commissioner designee about what happened between
17 you and Mr. Ingram? Did you tell one of your
18 staff to make that report?

19 A. No, I did not.

20 Q. Okay.

21 MS. HARDAWAY: We'll take a break.

22 (A break was taken.)

23 BY MR. HARDAWAY:

24 Q. We're back on the record. I'm going to
25 show you Bates stamp number 1442. Actually, what

1 I had you look at, Mr. Turner, was Bates stamp
2 pages 1142 and 1143. Do you recall what this
3 document is or having seen it before?

4 A. It's -- I mean, I don't recall what the
5 document is other than it's a letter that was
6 addressed to me. And it's been faxed also, but
7 --

8 Q. Who is the letter from and what is the
9 date of the letter?

10 A. The letter is from Glenwood P. Roane,
11 Senior, and the date of the letter is June 25th,
12 2007.

13 Q. And you had a chance to read it?

14 A. Yes, I have.

15 Q. Okay. And what's the letter about?

16 A. It's about -- do you want me to read
17 the letter or do you want me to just --

18 Q. You can if you want.

19 A. It's a letter that is alleging that
20 Mr. Ingram was involved in an incident with me on
21 May the 16th.

22 Q. Okay. Perhaps I can elaborate. This
23 letter is telling you that this firm represents
24 Mr. Ingram in the incident, correct? You saw
25 that on the letter?

1 A. I saw that on that letter, yes, ma'am.

2 Q. All right. And he indicated to you at
3 that time that he was requesting a copy of any
4 videotapes of the area where the incident
5 happened, an explanation of your involvement with
6 Mr. Ingram's injuries, and the name of all
7 witnesses to the incident and the statements of
8 Sergeants Taylor and Brown as well as the
9 transcripts of any hearing that was conducted by
10 you, Mr. Turner, and your personnel. He also
11 asked for the authority for the transfer of
12 Mr. Ingram to the state penitentiary at Henning
13 and what corrective action would be initiated to
14 ensure that the infractions would be prevented in
15 the future. Did you ever respond to this letter?

16 A. No. That letter was actually -- I did
17 not respond to this letter. This letter is dated
18 and stamped received at the Department of
19 Corrections commissioner's complex.

20 Q. Are you saying that you never got a
21 copy of the letter?

22 A. I did get a copy of this letter. Yes.

23 Q. Okay. So my question was not where it
24 was received. My question was did you respond to
25 attorney Roane after you received this letter

1 from him?

2 A. No, I did not.

3 Q. Is there any reason why not?

4 A. Because the documents and the items
5 that he was asking for, that kind of request
6 would have to be through the Tennessee Department
7 of Corrections, and they would have to provide
8 that information under the Public Information
9 Act. I could not. I as a warden did not have
10 the authority to release such information.

11 Q. Did you respond and tell him such?

12 A. No, I did not.

13 Q. Why not?

14 A. It was not untypical to receive those
15 kind of letters from various people requesting
16 those kind of things. And, again, I wasn't in a
17 position of authority to release that kind of
18 information that was being requested. And also
19 the letter is cc'd to the -- I believe to the
20 commissioner on there.

21 Q. So you just ignored it. You didn't
22 respond?

23 A. I didn't just ignore it, but, no, I did
24 not respond to it.

25 Q. So what else did you do in regard to

1 it? Did you forward it to anybody?

2 A. I don't remember whether I did or
3 didn't. I don't remember what I did with it.

4 Q. Well, if you didn't do anything with
5 it, wouldn't that be ignoring it?

6 MR. HILL: Object to the form of the
7 question.

8 A. I don't think that's necessarily
9 ignoring it. It's information that I'm not
10 authorized to release, so there is nothing I can
11 do with it.

12 BY MS. HARDAWAY:

13 Q. Okay. You could not forward it to
14 someone else and ask them to release that
15 information?

16 A. I couldn't ask them to release the
17 information. I could forward the information to
18 them. It would be up to them to release it or
19 not.

20 Q. But you didn't do any of those things?

21 A. No, I did not.

22 Q. Okay.

23 MS. HARDAWAY: Can I get that
24 marked.

25 (Whereupon, the above-mentioned

1 document was marked as Exhibit
2 Number 1 to the testimony of the
3 witness and attached hereto.)

4 BY MS. HARDAWAY:

5 Q. I want to show you what has been Bates
6 stamped as 1456. Have you seen that before?

7 A. Yes, ma'am.

8 Q. And what is this document? You had a
9 chance to look at it. What is it?

10 A. That's another accident injury --
11 Traumatic Injury Report.

12 Q. But whose? Whose is it? What inmate's
13 is it?

14 A. James Ingram is the name that's listed
15 on it.

16 Q. And what does it say as the comment of
17 what his complaint was to the nurse in that
18 report?

19 A. Well, what's written here says, "Man, I
20 was assaulted by the warden."

21 Q. Okay. And what's the date on it?

22 A. 5/16/07.

23 Q. Is there a signature at the bottom?

24 A. Yes.

25 Q. Whose signature is it?

1 A. It looks to me like to be Jeanette
2 Spencer.

3 Q. And was she the nurse there?

4 A. She was a nurse there. Yes.

5 Q. Okay. Have you ever seen this before?

6 A. I believe I have.

7 Q. Okay. And before we broke for lunch
8 this morning, you indicated that you had asked
9 somebody to retrieve a medical report. Is this
10 what you were referring to or something else?

11 A. I didn't ask anybody to retrieve a
12 medical report. A medical report was brought to
13 me.

14 Q. And it was brought to you by Ms. Rice?

15 A. I believe so. Yes.

16 Q. Okay. Is this the medical report that
17 was brought to you by Ms. Rice?

18 A. I believe that's a copy of it, yes.

19 Q. Okay. I think we might have marked
20 this. I'm going to make sure. And this looks
21 like a second page of it. So just to make sure,
22 we might put both pages in. I'm going to ask you
23 to look at that first and tell me if that's --

24 A. It is actually not a second page, but
25 it's usually used as a second page. Yes, ma'am.

1 Q. Okay. And it's a second page to what
2 we have just marked as Exhibit 2, Bates stamp
3 1456, and it's stamped at the bottom Bates stamp
4 1457; is that correct?

5 A. That's the number that is on here.
6 Yes, ma'am.

7 Q. Okay. And what kind of injury is
8 indicated? Is that a sheet that has diagrams of
9 human bodies so that you can indicate the
10 injuries and where they are?

11 A. Yes, ma'am.

12 Q. Okay. And that's using a medical
13 facility to note what part of the body there is
14 an injury on?

15 A. Yes, ma'am.

16 Q. Okay. And what does it say there as to
17 the specific patient?

18 A. It says List Injuries. Number 1, it
19 says, "Laceration to left eye."

20 Q. Okay. Does it say anything else?

21 A. No, ma'am, not in the written portion.
22 No.

23 Q. Okay. And what patient name is down
24 there at the bottom?

25 A. It says Ingram, James. James Ingram.

1 Q. And who is it signed by?

2 A. Jeanette Spencer.

3 Q. And what is the date on it?

4 A. 5/16/07 at 11:25 a.m.

5 Q. Okay. I'm going to ask that this be
6 page 2 of Exhibit 2. I'm going to show you page
7 1458 and ask you to look at that document and
8 read it.

9 A. I'm sorry. You want me to read it?

10 Q. Please. To yourself.

11 A. (Witness complies.) Okay.

12 (Whereupon, the above-mentioned
13 document was marked as Exhibit
14 Number 2 to the testimony of the
15 witness and attached hereto.)

16 BY MS. HARDAWAY:

17 Q. Have you seen this before?

18 A. No, I haven't.

19 Q. Okay. Does this have a patient's name
20 at the top of that document?

21 A. Yes, it does.

22 Q. Okay. That looks like something that's
23 printed out and computer generated. Whose name
24 does it have?

25 A. It has James Ingram at the top.

1 Q. Okay. And does it have noted some type
2 of medical assessment -- medical indication of
3 what the injury is to that patient?

4 A. Yes, it does.

5 Q. Can you read that into the record what
6 the observation was?

7 A. 2CM laceration to left eye. Bruise
8 with dried blood. DEN IES vision problems.
9 Moderate amount of swelling noted. Alteration in
10 comfort. Cleaned with NS. No further TX
11 required at this time.

12 Q. Could that D-E-N be denied vision
13 problems?

14 A. Denies vision problems. Yes. It goes
15 down on the second line.

16 Q. And it indicates that there is swelling
17 there; is that correct?

18 A. It indicates moderate amount of
19 swelling noted.

20 Q. Okay. What's the date on that?

21 A. The date on this is 5/16, 2007 at
22 9:00 a.m.

23 MS. HARDAWAY: This is Bates number
24 1458, and we can either make this number
25 3 of Exhibit 2 or hearing no objection,

1 we'll make it Exhibit 3.

2 MR. HILL: I would ask that it be
3 made without the highlights on that.

4 MS. HARDAWAY: We can make a copy of
5 that.

6 (Whereupon, the above-mentioned
7 document was marked as Exhibit
8 Number 3 to the testimony of the
9 witness and attached hereto.)

10 BY MS. HARDAWAY:

11 Q. I'm going to show you what's been
12 marked as Bates -- well, what is numbered as
13 Bates 1459. Well, it's a two-page document so I
14 will show you 1460, and I will ask you to read
15 that. I will let you start with that second
16 paragraph out loud unless you want to start with
17 the first. That's fine with me. And continue
18 through to the end of that document.

19 A. Would you show me where exactly you
20 would like to start?

21 Q. Sure. First of all, why don't we just
22 identify this. At the top it says Tennessee
23 Bureau of Investigation investigative report.
24 The first paragraph, does it say who is giving
25 that statement in the first sentence? Whose

1 statement it is?

2 A. Yes, ma'am. It says this is a written
3 statement of Bobby Howell white male, 43, as
4 given to Special Agent Corey B. Graves of the
5 Tennessee Bureau of Investigation and Special
6 Agent In Charge, Jerry Lester, of the Department
7 of Corrections on 11:50 a.m., at the location of
8 Highway 64, Whiteville, Tennessee, a/k/a
9 Tennessee Technology Center.

10 Q. Okay. And on the second page is it
11 signed?

12 A. Yes, ma'am. There is a signature on
13 it.

14 Q. And who signed the statement?

15 A. The name printed under the signature is
16 Bobby Howell.

17 Q. All right. Why don't you start in the
18 first paragraph where it says an individual,
19 James Ingram, was pulled into a room.

20 MR. HILL: I'm going to object to
21 having him read that. You can ask him
22 questions about it, but just reading it
23 into the record --

24 MS. HARDAWAY: I do want you to read
25 it.

1 MR. HILL: I object.

2 A. An individual, James Ingram, was pulled
3 into a room, the operations office located off of
4 intake. This is a particular area located in C
5 building. This room as I recall was a 3-sided
6 solid wall with one window and concrete floors,
7 possibly even tile. Continue?

8 BY MS. HARDAWAY:

9 Q. Yes.

10 A. Robert Strickland, K-9 and Caleb
11 Mayhue, CO, brought Ingram into the room
12 previously described. Ingram was advised to sit
13 in a chair which was located within. While
14 seated in the chair Ingram was restrained by
15 cuffs either standard of flex behind his back.
16 Warden Turner began to question Ingram about his
17 involvement in the dispute. Ingram denied having
18 any specific involvement.

19 After repeated denials by Ingram, Turner
20 grabbed Ingram by his hair. Ingram had
21 dreadlocks. Turner made a comment about being
22 old school. As a result Turner put Ingram on the
23 floor and inquired again if he wanted to be old
24 schooled. While on the ground Turner struck
25 Ingram twice with a closed right hand. Ingram

1 sustained an obvious injury to his head where a
2 red substance was present while he was on the
3 ground. Turner took tissue or something of the
4 sort and wiped away the fluids.

5 Despite continued questioning by Turner,
6 Ingram denied all knowing of the event. After
7 the event with Ingram, it was so ordered by
8 Turner to Strickland that Ingram be placed into
9 segregation. From recollection there was no
10 orders to send Ingram into medical for
11 evaluation. I conducted no additional followup
12 on medical attention Ingram would have received.
13 If Ingram did sustain injury as a result of the
14 accident, which I know he did, there is
15 documentation within medical to document it as
16 policy and procedures stipulates.

17 Q. That's enough. All right. So does
18 that refresh your memory at all that Mr. Bobby
19 Howell who you've testified you rely upon for
20 information and act upon his information that you
21 made statements to him that you were old school?
22 You made statements to Ingram that you were old
23 school?

24 MR. HILL: Object to the form of the
25 question.

1 A. I'm not understanding the question.

2 BY MS. HARDAWAY:

3 Q. Does this refresh your memory? Did you
4 make statements to Mr. Ingram about being old
5 school?

6 A. I don't believe you have ever asked me
7 the question if I said that to him or not, but,
8 yeah, I believe I did say that to him.

9 Q. Okay. And it says here you struck him
10 twice. You said this morning you struck him
11 once.

12 A. I struck him one time.

13 Q. Okay. I want to show you Bates numbers
14 1461 and 1462 dated July 24th, 2007. It has a
15 signature of Keith Huggins on it. I want to give
16 you an opportunity to look at that first.

17 A. (Witness Reads document.)

18 Q. You have had a chance to read this
19 document, correct?

20 A. Yes, ma'am.

21 Q. All right. Now, it says here Voss
22 Johnson was next. He was interviewed after
23 Mr. Ingram. This has been given by Mr. Huggins.
24 He says he was present when Bobby was cleaning up
25 blood that was on the floor and on the wall. You

1 saw that in here?

2 A. Yes, ma'am. I saw that in here.

3 Q. Does that refresh your memory from this
4 morning when you didn't recall if there was blood
5 on the wall from you hitting Mr. Ingram?

6 A. I still don't recall. I don't recall
7 at all if there was blood on the wall or on the
8 floor.

9 Q. Okay. It says: "After Howell finished
10 cleaning the blood up, we had to continue
11 interviews. From recollection, Voss Johnson was
12 next. While present for the entire interview
13 with Johnson, I was able to observe and hear
14 Turner make a statement to Johnson, 'Do you want
15 to go old school with you'? Turner made an
16 action with his right hand which held a radio
17 towards the person of Johnson. At this moment
18 Bobby and I caught a glimpse of one another
19 recalling what had previously occurred."

20 Do you recall making those statements to
21 Voss Johnson?

22 A. No. I don't recall making those
23 statements to Voss Johnson.

24 Q. Do you recall raising your right hand
25 with the radio in it?

1 A. No, I do not.

2 Q. As if you were going to strike him?

3 A. No, I do not.

4 Q. Okay. It also says here: "There has
5 been no outside discussion of the incident in
6 regard to reporting citing the relationship the
7 warden has with corporate as his brother is Vice
8 President of the corporation. It stands to
9 reason that if the event was reported, then
10 Turner's brother would discover who reported it.
11 This is known by all employees and is a general
12 worry for all."

13 You saw that in here?

14 A. I saw that in there. Yes, ma'am.

15 Q. Okay. Do you have any reason to think
16 that this was not accurate?

17 MR. HILL: Object to the form.

18 A. I can't say whether that's accurate or
19 not. That's a statement that he gave to other
20 investigators, not to me.

21 BY MS. HARDAWAY:

22 Q. Okay. I'm going to ask that we make
23 Howell's Exhibit Number 4 and that we make
24 Huggins Exhibit Number 5.

25 MR. HILL: I don't have a problem

1 with it as far as identification, but as
2 far as an exhibit to be testified to --
3 if you want to do it for identification.

4 (Whereupon, the above-mentioned
5 documents were marked as Exhibit
6 Numbers 4 and 5 to the testimony of
7 the witness and attached hereto.)

8 BY MS. HARDAWAY:

9 Q. I'm going to hand you Bates page number
10 1496 and ask you to look at those parts that are
11 highlighted. One is entitled Reporting
12 Misconduct and seeking Guidance, and the other is
13 entitled Conflicts of Interest Corporate
14 Opportunities and Gifts. I would like for you to
15 read that.

16 A. (Witness complies.)

17 Q. Okay. Now, is this the code of conduct
18 that you recall from -- you said you got a Code
19 of Conduct book when you were there?

20 A. Uh-huh.

21 Q. This says that Reporting Misconduct and
22 Seeking Guidance -- that's the title of this
23 section. "Report and if possible prevent
24 misconduct. Seek guidance if you have questions.
25 If you become aware of misconduct, you must

1 report it. You should also take reasonable steps
2 whenever possible to prevent violations before
3 they occur. If you are concerned that conduct
4 may be unlawful or unethical but are not sure,
5 seek guidance. Confidentiality and
6 non-retaliation policies apply for those who
7 report misconduct or seek guidance."

8 So is that how you understood the policy
9 in terms of reporting misconduct when you were
10 there?

11 A. Yes.

12 Q. Okay. And you still don't see that it
13 was necessary under this policy for you to
14 report -- let me ask you this way. Would you
15 agree that you should have reported what happened
16 with Mr. Ingram and encouraged those other
17 individuals who were in the room to also give a
18 report about it under this?

19 A. Yes.

20 Q. Shouldn't your staff have also reported
21 what happened with you and Mr. Ingram?

22 A. Yes.

23 Q. Do you agree with this statement that
24 they were chilled because they didn't feel that
25 they would be safe to report against you because

1 of your brother's position in the company?

2 MR. HILL: Object to the form of the
3 question.

4 A. No, I do not agree with that statement.

5 BY MS. HARDAWAY:

6 Q. All right. Had someone reported that
7 to corporate or to the Department of Corrections
8 designee in a timely manner, and you set out
9 those time frames this morning, would that have
10 been the more appropriate thing to do rather than
11 wait for the Tennessee Department of Corrections
12 to start an Internal Affairs investigation?

13 MR. HILL: Object to the form of the
14 question.

15 A. If you're asking me if it was
16 appropriate, then, yes, it would have been
17 appropriate.

18 BY MS. HARDAWAY:

19 Q. More appropriate?

20 A. I'm sorry. I don't understand your
21 question.

22 Q. Well, don't you think it was like a
23 cover-up of what happened between you and Mr.
24 Ingram for no one to report it? It just got
25 covered up?

1 MR. HILL: Object to the form of the
2 question.

3 A. No. I do not think it was a cover-up.

4 BY MS. HARDAWAY:

5 Q. You didn't encourage any of your staff
6 to report it, correct?

7 A. No, I did not encourage any of them to
8 report it.

9 Q. And part of your responsibility would
10 have been to encourage your staff to include that
11 in a report that they made about the incident?

12 A. (No response.)

13 Q. If they are going to make a report
14 about any of the incident May 16, shouldn't they
15 have included that?

16 A. They should have included it, but it
17 was not my responsibility to encourage them
18 anything they placed in their reports.

19 Q. I'm going to show you Bates number
20 1503, Additional Responsibilities of Managers and
21 Corporate Officers. What does that paragraph say
22 about your responsibility as a manager?

23 A. Do you want me to read it out loud?

24 Q. Yeah, because I'm asking the question
25 what does it say.

1 A. "Managers must ensure that the
2 employees they supervise understand and comply
3 with the company's standards of conduct. In this
4 regard, the company's corporate officers and
5 others who have significant oversight
6 responsibility (for example, facility wardens)
7 have particular responsibility for setting the
8 right example or tone and for enforcing the
9 company's conduct standards. If you or any of
10 the employees supervise have questions or
11 concerns about conduct or actions they may be
12 covered by the Code of Conduct, or if you or the
13 employees you supervise have questions about the
14 applicability or interpretation of these
15 principals and standards set forth in the Code,
16 you should seek guidance as discussed next under
17 Reporting Misconduct and Seeking Guidance."

18 Q. Okay. So isn't it a fair statement
19 that under this section of your Code of
20 Conduct -- was this also part of the Code of
21 Conduct that was enforced when you were employed
22 there? This is -- you recognize that this is
23 still part of the same book?

24 A. I'm sure it is, but without reviewing
25 my personnel file to see exactly which one I

1 signed, I can't say for sure.

2 Q. Well, your attorney has a copy of your
3 personnel file, correct?

4 A. I'm sure he does.

5 Q. So you have had ample opportunity to
6 review your personnel file, right?

7 MR. HILL: Object to the form of the
8 question.

9 A. No. I have not had ample opportunity
10 to review my personnel file. I have not had
11 access to it.

12 BY MS. HARDAWAY:

13 Q. So he's not gone over that with you?

14 MR. HILL: Object. Don't answer
15 that.

16 BY MS. HARDAWAY:

17 Q. You have not reviewed your personnel
18 file since your attorney has obtained it?

19 A. No. I have not reviewed my personnel
20 file.

21 Q. Did you ask?

22 MR. HILL: Don't answer that. Quit
23 asking him about any discussions that we
24 have had.

25 BY MS. HARDAWAY:

1 Q. Okay. At any rate, it says that
2 managers must ensure that the employees they
3 supervise understand and comply with the
4 company's standards of conduct. Were you not
5 obligated to ensure that your staff who were in
6 that room and knew that you had struck and
7 injured a restrained inmate, were you not
8 obligated to make sure that that was included in
9 the report based on this?

10 A. Based on that, yes.

11 MS. HARDAWAY: Okay. I think I'm
12 going to mark this section.

13 (Whereupon, the above-mentioned
14 document was marked as Exhibit
15 Number 6 to the testimony of the
16 witness and attached hereto.)

17 BY MS. HARDAWAY:

18 Q. I'm going to show you Bates stamp
19 number 1504. The last paragraph on that page, if
20 you could read that, please. You can read it out
21 loud or you can read it to yourself.

22 MS. HARDAWAY: I think you have a
23 copy of that, Mr. Hill. Do you not have
24 your copies here?

25 MR. HILL: What does that matter

1 whether I have a copy of it here or not?

2 MS. HARDAWAY: Well, I don't know
3 why you're holding on to mine.

4 MR. HILL: Because you've handed it
5 to the witness, and I want to look at it.

6 MS. HARDAWAY: Well, why don't you
7 get your copies out, and that will make
8 things go a lot faster if you don't mind.

9 BY MS. HARDAWAY:

10 Q. You've had a chance to read the section
11 of the Code of Conduct that says Reporting
12 Misconduct and Seeking guidance which is Bates
13 stamped 1504.

14 A. I read one paragraph. Yes, ma'am.

15 Q. Okay. All right. And it says here
16 that employees are advised that neither the
17 general counsel nor any other attorney employed
18 or retained by the company is an attorney for any
19 particular company employee. Accordingly,
20 communications between a company attorney and an
21 employee do not establish an attorney/client
22 relationship between the attorney and the
23 employee. And any privilege that applies to the
24 communications is the company's and as such may
25 be waived at the company's discretion.

1 Information received through such communications
2 with other company personnel may be used by the
3 company or may be required to be disclosed in
4 some type of legal proceedings.

5 MS. HARDAWAY: Can we go off the
6 record for a minute?

7 (Whereupon, the above-mentioned
8 document was marked as Exhibit
9 Number 7 to the testimony of the
10 witness and attached hereto.)

11 BY MS. HARDAWAY:

12 Q. All right. So when you were being
13 interviewed by Mr. Mike Dagley and a woman whose
14 name you don't remember from CCA, did you in any
15 way think that you were being interviewed by them
16 with them acting as your counsel in any way?

17 A. No.

18 Q. Okay. And have you ever sought counsel
19 from Mike Dagley for him to represent you in this
20 matter?

21 A. No.

22 MS. VAN PELT: Object to the form.

23 A. No. That's the first time I had ever
24 met or spoken with that man.

25

1 BY MS. HARDAWAY:

2 Q. All right. And were you aware that
3 when general counsel, another attorney, employee
4 has communication with you, were you aware that
5 this Code of Conduct set out whether or not they
6 were representing you? Were you aware of this
7 while you worked there?

8 A. I mean, it was in the document. I
9 guess you could say I was aware, but he was
10 pretty clear when I met with him that he was not
11 representing me.

12 Q. He was?

13 A. Right.

14 Q. Okay. Did he state anything to you
15 such as, "I'm preparing for litigation" or
16 anything like that?

17 MS. VAN PELT: Object to the form.

18 A. I'm sorry?

19 BY MS. HARDAWAY:

20 Q. Did he state anything in the nature of
21 we're prepared for litigation, give you any
22 indication like that?

23 A. No, ma'am.

24 Q. I'm going to show you Bates stamp
25 number 1526. This is the document that is part

1 of the Investigative Report of the Tennessee
2 Bureau of Investigation. It's the written
3 statement of Caleb Adam Eugene Mayhue. Can you
4 look at this and review this, particularly, this
5 second paragraph? Review the whole thing if you
6 wish.

7 A. (Witness complies.)

8 Q. Mr. Turner, it says here that
9 Mr. Mayhue, Adam Eugene Mayhue was in the room
10 when you were questioning Mr. Ingram. Mr. Ingram
11 denied knowing anything about it. And it says
12 here you placed Mr. Ingram in a choke hold. Do
13 you recall that?

14 A. No, I do not.

15 Q. It says, "Mr. Ingram went to the floor,
16 was struck by Turner with a closed fist." I
17 believe you have already said you remember that.
18 It says "I noticed Howell tense up like the event
19 was a surprise to him. Turner places both hands
20 on Ingram's shirt and motions Ingram into the
21 wall causing contact between his back and the
22 wall. Ingram replies, 'Oh, man, I'm hurt.'
23 Turner notices the injury to Ingram's left eye
24 above his brow, applied pressure to the area and
25 placed Ingram back in the same chair and began

1 questioning him again."

2 It said, "With the same replies, Turner
3 throws the same roll of tissues used to stop the
4 bleeding at Ingram. The questioning at this
5 point was over."

6 Do you recall -- now, does that refresh
7 your memory at all that you threw a roll of
8 tissue at Mr. Ingram?

9 A. No, it does not.

10 Q. Okay. And it says that you slid him --
11 that you grabbed him and slid him toward the wall
12 causing contact between his back and the wall.
13 Do you recall doing that, sliding him toward the
14 wall?

15 A. No, ma'am.

16 Q. Okay. If Mr. Ingram also testified
17 Tuesday that you were trying to slam his head
18 into the wall by sliding his whole body toward
19 the wall, you would still say that's inaccurate?

20 A. Yes, ma'am.

21 Q. Okay. Do you think that Mr. Mayhue or
22 Mr. Strickland or Mr. Howell, that they have
23 anything against you that you know of?

24 MR. HILL: Object to the form of the
25 question.

1 A. I wouldn't know whether they do or do
2 not.

3 BY MS. HARDAWAY:

4 Q. Have you known them to be truthful
5 people in the past?

6 A. I can say as far as interactions with
7 them, I would hope that they are, yes. But were
8 they always? I don't know.

9 Q. To your knowledge, were any pictures
10 taken of Mr. Ingram before he left the facility?

11 A. Not to my knowledge.

12 Q. To your knowledge were there pictures
13 taken of injuries to the officers who were
14 injured?

15 A. I believe there was. Yes.

16 Q. Was it protocol to take pictures of all
17 injuries whether they were inmates or personnel?

18 A. You did the best that you could
19 depending on the situation and the particular
20 injury that occurred.

21 Q. So is that a yes?

22 A. It's what I stated.

23 Q. I'm asking you if that's yes or no.
24 Was it your protocol at Hardeman to take pictures
25 of injuries whether it was staff or whether it

1 was inmates?

2 A. It was protocol to take photographs if
3 you were able to take photographs.

4 Q. Was there any reason why you couldn't
5 have taken a photograph of Mr. Ingram?

6 A. No.

7 Q. Or had someone do it?

8 A. Not that I'm eye aware of.

9 (Whereupon, the above-mentioned
10 document was marked as Exhibit
11 Number 8 to the testimony of the
12 witness and attached hereto.)

13 BY MS. HARDAWAY:

14 Q. Okay. I'm going to show you Bates
15 stamp number 1481 and 1482. Is this an accurate
16 copy of your resume?

17 A. It was probably accurate at one time,
18 but I don't know where this copy was received
19 from.

20 Q. Have you seen that copy of your resume
21 before?

22 A. Yes, but it's been several, several
23 years ago.

24 Q. Is it the copy of the resume you
25 submitted to CCA for a position there?

1 A. No, it's not.

2 Q. Do you know how it would have gotten
3 into your personnel file?

4 A. I believe it was required. It was
5 required that I submit one generally annually
6 that went with the ACA files. How this one got
7 into my personnel file, I'm unsure.

8 Q. What's inaccurate about it?

9 A. Well, the only thing that's inaccurate
10 about it is it only goes up to -- from 1995 to
11 present. And so it's not dated so I don't know
12 what present is. It only covers up to the West
13 Tennessee Detention Facility. And from that
14 point I've served at other facilities before I
15 got back to Hardeman County. I mean, it's an
16 older version of my resume.

17 Q. Is there anything else on there that's
18 inaccurate?

19 A. No.

20 Q. So other than the fact that it's only
21 up to date insofar as the dates that are on it,
22 is it accurate?

23 A. To the best of my recollection. Yes.

24 (Whereupon, the above-mentioned
25 document was marked as Exhibit

1 Number 9 to the testimony of the
2 witness and attached hereto.)

3 BY MS. HARDAWAY:

4 Q. Okay. Thank you. I'm going to show
5 you Bates stamp page number 1483. It says The CC
6 Way Performance Summary. It has your name on it.
7 Do you recognize that document?

8 A. I recognize it as a performance
9 evaluation, yes, but it doesn't state the date
10 and the period that it covers.

11 Q. Okay. What would be there where that's
12 blacked out? Would that be the date that it
13 covers?

14 A. It would be the year that it covers, I
15 believe, if I remember right.

16 Q. Okay. Do you know of any reason why
17 that would be redacted, the year that that
18 evaluation covers?

19 A. No, ma'am, I don't. But there also
20 should be a page where I signed it that should be
21 dated.

22 Q. Okay.

23 A. It's a multipage form.

24 Q. Okay. It is a multipage form, but I
25 just wondered why they would redact that.

1 MS. HARDAWAY: That's 1483. Who has
2 the original of these evaluations?

3 MS. VAN PELT: I don't know.

4 MS. HARDAWAY: Does CCA not have
5 originals of their evaluations, the
6 unredacted versions?

7 MS. VAN PELT: Possibly.

8 MS. HARDAWAY: Is your page 1483
9 redacted as well?

10 MS. VAN PELT: I'm not 100 percent
11 sure.

12 BY MS. HARDAWAY:

13 Q. Did anybody report at all to you that
14 James Ingram participated in attacking any staff
15 member?

16 A. Yes. I received verbal notification
17 from two staff members, James Esther and Dorothy
18 Robertson, that he was directly involved in
19 assaulting staff.

20 Q. Was it their statement to you that he
21 actually struck a staff person?

22 A. Yes.

23 Q. Who did they say he struck?

24 A. Assistant Warden Jeremy Hinsley.

25 Q. That's Dorothy Robertson's statement?

1 A. That was her verbalized statement to
2 me. Yes.

3 Q. Okay. Did you have them put that in
4 their written statement?

5 A. I didn't tell employees what to put in
6 their written statements.

7 Q. You wouldn't have told them to include
8 the name of any persons who struck a staff
9 member?

10 A. I didn't tell anyone what to put in any
11 of those written statements.

12 Q. So who was charged with actually
13 assaulting the officers?

14 A. I don't know what the outcome of any of
15 the charges were.

16 Q. The outcome of the charges? You don't
17 know what inmates were charged or you don't know
18 the outcome of the charges?

19 A. I don't know what inmates were
20 officially charged. All of the legal proceedings
21 were handled by the Tennessee Department of
22 Corrections Internal Affairs Division, so I'm not
23 sure who was charged and the outcome of those
24 cases.

25 Q. But you're aware that some inmates

1 were?

2 A. I'm aware by hearsay that some inmates
3 were, but I don't know specifically who was.

4 Q. Okay. And you know that Mr. Ingram was
5 not?

6 A. No. I don't know that for sure.

7 Q. All right. Did anyone report to you
8 that he did anything else? He said those two
9 individuals reported to you that he struck them.
10 Did they say he did anything else?

11 A. Not that I remember specifically.

12 Q. That he instigated it or --

13 A. That was a statement by -- I believe it
14 was Esther that when Mr. Ingram and another
15 inmate came off of their hands on the wall
16 position that he basically told the other inmates
17 that they needed to begin assaulting staff. And
18 it was stated by something to the effect that one
19 of them said, "Are we going to do this now," and
20 Mr. Ingram responded, "Yeah, let's do it."

21 Q. Okay. Well, Mr. James Esther's
22 statement has been provided, and it's Bates
23 number 915. I see this statement that he made
24 about the other inmate who said "let's do it" was
25 James Ingram. I don't see anything in here that

1 says he struck anybody.

2 MR. HILL: Is that a question?

3 MS. HARDAWAY: It's going to be if
4 you give me an opportunity.

5 BY MS. HARDAWAY:

6 Q. Did you read Mr. Esther's statement?

7 A. I don't remember whether I did or
8 didn't at the time.

9 Q. Although it was part of that incident
10 report that went up?

11 A. It's part of the incident report you
12 have there. Yes, ma'am.

13 Q. That went to corporate?

14 A. Yes, ma'am.

15 Q. Okay. But neither of the people that
16 you say said he struck somebody put that in their
17 report. You don't find that odd?

18 MR. HILL: Object to the form of the
19 question.

20 BY MS. HARDAWAY:

21 Q. Do you find that odd?

22 A. No, ma'am. I don't find that odd
23 because that was verbalized to me, not given to
24 me in a written form.

25

1 BY MS. HARDAWAY:

2 Q. Well, I'm looking at Dorothy
3 Robertson's statement. She named other people
4 who actually struck the staff.

5 A. Okay. What's your question?

6 Q. Why wouldn't she have put that in
7 writing?

8 MR. HILL: Object to the form of the
9 question.

10 A. I can't respond for Dorothy Robertson.
11 I'm sorry.

12 BY MS. HARDAWAY:

13 Q. But she's one of the people that you
14 said told you that.

15 A. She did verbalize to me. Yes, ma'am.

16 MS. HARDAWAY: All right. Let me
17 just take a minute.

18 (A break was taken.)

19 MS. HARDAWAY: We can go back on the
20 record.

21 BY MS. HARDAWAY:

22 Q. In your answers to interrogatories, why
23 did you not list the theft by check charge in
24 your answers?

25 A. No particular reason. It had just been

1 so long ago I didn't think it was that important.

2 Q. What is the city and state where your
3 Texas Department of Criminal Justice job was?

4 A. The city was Tennessee Colony, Texas.

5 Q. Okay. And were you a Federal Express
6 handler here in Memphis?

7 A. I worked at the hub in Memphis, and I
8 was a courier out of Jackson, Tennessee.

9 Q. Do you remember the name of your
10 supervisor at the Texas Department of Criminal
11 Justice?

12 A. I had several.

13 Q. Can you give me one? That was asked in
14 your interrogatory.

15 A. I really don't recall. I mean, I had
16 several. I don't recall any specifics.

17 Q. You don't know the name of not one
18 person that was your supervisor?

19 A. Well, I remember names of people that I
20 worked with, but I don't remember whether they
21 were exactly my direct supervisor or not.

22 Q. Who were some of the people you worked
23 with?

24 A. John Renfro, Gary Riggs. And at times
25 we were of the same rank.

1 Q. Okay. Did you see any inmates on the
2 floor in the chapel on the video when you viewed
3 the video of the camera that was stationary in
4 the chapel? Did you see any inmates on the floor
5 during the time of the mayhem, riot, altercation?

6 A. Not until after the altercation had
7 happened and some went in there and were ordered
8 by staff to lay down on the ground.

9 Q. Was Mr. Ingram one of the people that
10 was on the floor in the chapel?

11 A. He initially was not on the floor in
12 the chapel, but as staff came and ordered them to
13 lay down, he laid down as the others did.

14 Q. Was he standing in the chapel before he
15 was ordered to lay down?

16 A. For a brief period of time, yes. I
17 believe he was.

18 Q. He was already in the chapel before
19 they came in and ordered him to lay down? Is
20 that what you're saying?

21 A. He and other inmates. Yes, ma'am.

22 Q. Okay. About what time do you think
23 that time -- if you can remember time stamp on
24 the video?

25 A. I honestly can't remember the time

1 stamp at that point.

2 Q. Okay. Did the TDOC commissioner's
3 designee confer with you at all about your
4 recommendation to transfer James Ingram to
5 another facility?

6 A. Our discussion was in the nature of a
7 group of inmates, not specifically about one
8 inmate that were identified as leaders or direct
9 participants that needed to be removed from the
10 facility as quickly as possible. I didn't have a
11 direct conversation specifically about James
12 Ingram with him. It was about a group of
13 inmates.

14 Q. Okay. And the "him" for the record?

15 A. The TDOC commissioner's designee.

16 Q. Who was?

17 A. Eric Hardison at the time.

18 Q. Okay. Did you have that conversation
19 with him after you made the recommendation but
20 before the board concurred or after?

21 A. I don't remember at what point in that
22 process we were in when we had those discussions.

23 Q. Were you given tests of any sort before
24 you were hired as a CCA employee whether they
25 were aptitude, psychological, physical?

1 A. State your question again.

2 Q. With you given tests before you were
3 hired as a CCA employee?

4 A. The only test that I can recall was an
5 MMPI that I was given during my hiring process
6 with CCA.

7 Q. Uh-huh.

8 A. Well, it should be a part of the
9 employment record.

10 Q. Your personnel file?

11 A. Personnel file, I mean.

12 Q. Any other tests, Criminal Justice?

13 A. No, ma'am. No tests or anything like
14 that that I can recall.

15 Q. I'm also requesting that MMPI.

16 MS. VAN PELT: If you'll submit a
17 request.

18 BY MS. HARDAWAY:

19 Q. Okay. Did you have to go to any kind
20 of training school before you were hired?

21 A. Not before I was hired. After I was
22 hired.

23 Q. How long was it and where was it?

24 A. It was at the facility, South Central
25 Correctional Facility. And it was a certain

1 number of hours, and I don't remember what the
2 hours requirement was then. It was --

3 Q. Days, weeks?

4 A. It was at least three weeks worth of 40
5 hour weeks.

6 Q. Okay. And did they cover use of force?

7 A. I'm sure they did, yes, ma'am.

8 Q. And did they cover the Code of Conduct?

9 A. I don't recall that. No.

10 Q. Okay. Did you have any other kind of
11 training before you became a warden?

12 A. Nothing specific, no.

13 Q. Did they have any kind of management
14 track class, warden track, supervisor track?

15 A. No, not really, other than -- I mean,
16 you had the opportunity to attend certain kinds
17 of training here and there. There wasn't a
18 specific thing that you had to attend in order to
19 obtain another position.

20 Q. Were you trained in -- how did you
21 learn what different statuses such as -- what the
22 different offenses were such as felony,
23 misdemeanor, what the seriousness of the crimes
24 were and how that warranted where you put inmates
25 according to what they were convicted of? Was

1 there any training about that?

2 A. Yes, ma'am. There was training with
3 the next part of the classification processes of
4 inmates. And there was training that was given,
5 and there was a document called a Classification
6 User's Guide that would help explain some of
7 those processes that our classification people
8 had to follow.

9 Q. How many hours of training did you have
10 on that?

11 A. I don't know that I ever had any
12 formalized training. I did study on my own.

13 Q. Is it a big book or brochure?

14 A. It's not a small one. It's a pretty
15 good size document.

16 Q. Hundreds of pages?

17 A. I don't recall it being hundreds of
18 pages, but it's a pretty good size.

19 Q. And you studied that on your own?

20 A. Yes, ma'am.

21 Q. And that was after you became a warden
22 or before?

23 A. That was before I became a warden.

24 Q. So really there was no special training
25 at the management level for you to become a

1 warden or assistant warden?

2 A. There wasn't a specific set path of
3 training that you had to accomplish, no.

4 Q. And you don't -- do you remember the
5 names of any of the lawsuits where you were
6 named, Glen Turner, as the defendant that
7 involved use of force?

8 A. No, I don't.

9 Q. Do you have any financial interest now
10 in CCA?

11 A. I don't know.

12 Q. Other than the stock that you have
13 already told me about?

14 A. No.

15 Q. Do your children hold any stock in
16 their names?

17 A. No, ma'am.

18 Q. Who answered these interrogatories?

19 A. I did.

20 Q. Did you consult any documents?

21 A. Most of mine was from memory because I
22 didn't have access to documents.

23 Q. That's most. What about the rest?

24 A. No. I mean, all of the ones that I
25 responded to that were sent to me by my attorney

1 I did from memory because I didn't have access to
2 documents.

3 Q. So you didn't respond to all of them,
4 just the ones that he wanted you to respond to?

5 A. No. I responded to all of them.

6 Q. All right. And so you didn't ask to
7 review your personnel file in order to help you
8 remember answers to any of these?

9 A. No, I didn't.

10 Q. Okay. And why do you say you're
11 entitled to immunity for what you did?

12 MR. HILL: Object to the form of the
13 question. It calls for a legal
14 conclusion.

15 A. I guess I'm not understanding your
16 question.

17 BY MS. HARDAWAY:

18 Q. When you claimed in your response that
19 you were entitled to immunity for what you did to
20 James Ingram, why do you think you're entitled to
21 be protected by immunity?

22 MR. HILL: Same objection.

23 A. Well, I think I'm protected immunity
24 because of the position that I held and the
25 responsibilities that I had at the time.

1 BY MS. HARDAWAY:

2 Q. You don't believe you should be made to
3 answer for what you did to him?

4 MR. HILL: Object to the form of the
5 question.

6 BY MS. HARDAWAY:

7 Q. Do you feel that you should be made to
8 answer for what you did to James Ingram?

9 A. I have already answered for what
10 happened with me and James Ingram in the form of
11 a criminal charge.

12 Q. Would that be the charge of official
13 oppression?

14 A. Yes, ma'am.

15 Q. Did you take any documents with you in
16 files after you left the CCA?

17 A. No, ma'am.

18 Q. You never saw a picture of Mr. Ingram's
19 injuries to his face after you struck him and
20 knocked him down, right?

21 A. I'm sorry?

22 Q. You never saw -- you never saw any
23 pictures of Mr. Ingram's injuries to his face,
24 his eye, after you knocked him down and struck
25 him, did you?

1 MR. HILL: Object to the form of the
2 question.

3 BY MS. HARDAWAY:

4 Q. Did you ever look at any pictures of
5 Mr. Ingram's eye after you struck him and knocked
6 him down, knocked him down and then struck him?

7 MR. HILL: Object to the form of the
8 question.

9 A. I guess I'm still not understanding
10 quite what you're asking.

11 BY MS. HARDAWAY:

12 Q. Did you ever see any pictures of his
13 injuries after your altercation with him?

14 A. I saw a photo that was presented to me
15 by my attorney during the course of the charge
16 that I got for official oppression. That's the
17 only thing I ever saw.

18 Q. What did his eye look like when you saw
19 it?

20 A. It didn't look like anything was wrong
21 with it to me.

22 Q. And you never went to see him
23 afterwards? You never actually laid eyes on
24 Mr. Ingram after you assaulted him, did you?

25 A. I had no other contact with Mr. Ingram

1 after our incident with each other.

2 Q. Did anybody ever suggest to you that
3 you resign?

4 A. No.

5 Q. Did anybody ever suggest to you that
6 you could not continue in your position as warden
7 based on what happened with Mr. Ingram?

8 A. No.

9 Q. From based upon your years with CCA,
10 did you feel like you had any other choice other
11 than hand in your resignation after TDOC filed
12 against you?

13 A. I don't understand your question.

14 Q. Did you feel you had any other choice
15 other than hand in your resignation after TDOC
16 filed against you?

17 A. Filed what against me?

18 Q. That the allegations of Mr. Ingram were
19 true and that you had struck him and that you
20 needed to be criminally charged?

21 A. I guess I'm still not understanding
22 your question. Help me out here.

23 Q. Did you find that your actions against
24 Mr. Ingram and the findings of the TDOC
25 investigation left you with no choice but to

1 resign from your position?

2 A. No.

3 Q. No what?

4 A. No. I don't feel like that's the only
5 position that I had.

6 Q. So you feel like you could have
7 continued there, and CCA would have left you in
8 place as a warden?

9 MR. HILL: Object to the form of the
10 question.

11 MS. VAN PELT: Object to the form.

12 A. I don't know what they --

13 BY MS. HARDAWAY:

14 Q. Do you feel that? Is that your
15 opinion?

16 A. No. That's not my opinion. No.

17 Q. Do you think they would have fired you
18 eventually?

19 MR. HILL: Object to the form of the
20 question.

21 MS. VAN PELT: Object to the form.

22 A. I don't know what they would have done.

23 BY MS. HARDAWAY:

24 Q. Do you think they would have
25 disciplined you eventually?

1 MR. HILL: Object to the form of the
2 question.

3 MS. VAN PELT: Objection.

4 A. I don't know what they would have done.
5 I never had any of those type of discussions with
6 them.

7 BY MS. HARDAWAY:

8 Q. You did not keep your handbook or any
9 manuals after you left the employ of CCA; is that
10 correct?

11 A. No, ma'am. I kept no records. The
12 only thing I left with was personal items from my
13 office.

14 MS. HARDAWAY: Can we go off the
15 record for a minute.

16 (A break was taken.)

17 BY MS. HARDAWAY:

18 Q. Let's go back on. What is an Internal
19 Affairs hold? Have you ever heard that term?

20 A. No, ma'am.

21 Q. Okay. Do you know what it means for an
22 inmate in segregation not to be able to use the
23 phone once a month until they have been in
24 segregation for a certain period of time? Have
25 you ever heard of that?

1 A. Well, there is a policy in place for
2 inmates that are in segregation that they are not
3 allowed to just have access to the phone. They
4 have to request access to the phone. If an
5 inmate is serving punitive time which is
6 disciplinary time for a rule violation, generally
7 they do not have access to a phone. If an inmate
8 is in a different status such as max custody just
9 being held in a segregation unit, then he can
10 request access to a phone.

11 Q. And will he get it? Is he entitled to
12 it?

13 A. He's entitled to it, but it's generally
14 based on his behavior. So if he's doing the
15 right thing, yeah, they will let him use the
16 phone.

17 Q. So when Mr. Ingram went to maximum
18 security at Western State from Hardeman, was he
19 going because of a punitive -- was he placed
20 there punitive placement or some other kind of
21 placement?

22 A. No. It was not punitive. Basically he
23 was placed in administrative segregation which is
24 kind of a holding pattern for all the
25 investigation and just any disciplinary charges

1 that may be coming to them. That's handled. And
2 then his status if he receives a disciplinary
3 charge and is found guilty of it, then could
4 change to punitive. And then based on whatever
5 the outcome of that was, he may go back to the
6 status of just administrative segregation.

7 Q. Was he based on what you just said and
8 based on your recommendations, was he entitled to
9 use the phone in the first 30 days then?

10 A. At West Tennessee?

11 Q. Uh-huh.

12 MS. VAN PELT: Object to the form.

13 A. I don't know the exact policies for
14 West Tennessee so I couldn't answer that
15 question.

16 BY MS. HARDAWAY:

17 Q. Well, if he went there as part of just
18 being in administrative segregation in a holding
19 pattern, would he be entitled to use the phone?

20 A. I don't know if they would or wouldn't
21 let him use the phone.

22 Q. Just to be clear, Mr. Ingram's
23 testimony was that he asked for medical
24 treatment, and your response was, "You're not
25 going to get it, not today." Do you deny that or

1 admit that?

2 A. I deny that. I don't recall making
3 that statement.

4 Q. Do you recall kicking an inmate while
5 he was in the hallway?

6 A. I did not kick an inmate.

7 Q. Did TDOC ask you about that?

8 A. Yes, they did.

9 Q. Okay.

10 MS. HARDAWAY: I don't believe I
11 have anything else. Your attorney may.

12 EXAMINATION

13 BY MR. HILL:

14 Q. When you were entered the hallway, what
15 was the first thing you saw when you entered that
16 hallway?

17 A. The first thing I saw when I entered
18 the hallway was Unit Manager Rusty Harvell laying
19 on the ground semi-conscious and staff attending
20 to his injuries.

21 Q. And then what did you see as you moved
22 your way down the hall?

23 A. I saw Assistant Warden Jeremy Hinsley
24 who appeared to be dazed, and it was apparent
25 that he, too, had been assaulted. I saw various

1 inmates on the floor, the smell of the chemical
2 agents that had been administered, a little bit
3 of chaos that was coming under control as the
4 aftermath of the incident.

5 Q. Did your discovery of the assistant
6 warden being assaulted as far as that have any
7 effect on you?

8 A. Yes. It did have an effect because if
9 an inmate is bold enough, brave enough to assault
10 an assistant warden, a person in high authority,
11 they're an immediate danger to staff in lower
12 positions. They have no regard for position or
13 rank. Their goal is to harm staff regardless of
14 their position and rank.

15 Q. Did that concern you as to all the
16 inmates that would have been in that area at that
17 time?

18 A. Yes. It concerned me for all the
19 inmates and all the staff throughout the facility
20 because that's very nontypical to have a higher
21 level employee being assaulted by inmates because
22 inmates know that that's going to lead to a
23 different kind of response out of a facility
24 because of who they are assaulting and how they
25 are assaulting.

1 Q. You were asked about the exhibit -- the
2 statement that Mr. Esther made?

3 A. Yes, sir.

4 Q. That information that he had as it
5 related to any statements that Mr. Ingram made,
6 would you have had that information at the time
7 that you interrogated Mr. Ingram?

8 A. Not at that immediate time. No.

9 Q. What time did you have any of that
10 information?

11 A. It was probably after I interviewed
12 Mr. Ingram.

13 Q. What about any information that you
14 spoke to Ms. Robertson?

15 A. I believe that was conveyed to me after
16 I interviewed him.

17 Q. After the interview with Mr. Ingram,
18 did you do any other investigation to determine
19 the level of the involvement of different
20 participants?

21 A. Indirectly, not directly. Just
22 discussions with other staff trying to determine
23 how embedded the situation was for the members of
24 the Vice Lords. There was a lot of concern about
25 we had the facility on lockdown. We have to be

1 concerned about retaliation by inmates who
2 weren't involved, retaliation by other gangs for
3 one gang doing something that they weren't
4 supposed to do. So, yes, I mean, I looked into
5 all of it because I had to be concerned about the
6 facility as a whole and the staff as a whole.

7 MR. HILL: Okay. That's all I've
8 got.

9 MS. VAN PELT: I have nothing.

10 (WHEREUPON, THE DEPOSITION WAS
11 CONCLUDED AT APPROXIMATELY 5:45
12 P.M.)

13 (FURTHER AFFIANT SAITH NOT.)

14 (SIGNATURE NOT WAIVED)

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AMENDMENT SHEET

I, GLEN TURNER deponent in this deposition, hereby certify that I have examined the foregoing 310 pages and find them to contain a full, true, and accurate transcription of the testimony as given by me on April 16, 2009, in Memphis, Tennessee.

Page	Line	Correction (If Any)
_____	_____	_____
_____	_____	_____
_____	_____	_____
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This the _____ day of _____, 2009.

GLEN TURNER

State of _____

County of _____

Sworn to and subscribed before me, this the _____ day of _____, 2009.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

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C E R T I F I C A T E

STATE OF TENNESSEE:
COUNTY OF SHELBY:

I, KARLA L. SEELY, CSR, and Notary Public,
Shelby County, Tennessee, CERTIFY:

1. The foregoing proceedings were taken
before me at the time and place stated in the
foregoing styled cause with the appearances as noted.

2. Being a Court Reporter, I then reported
the proceedings in Stenotype, to the best of my skill
and ability, and the foregoing pages contain a full,
true and correct transcript of my said Stenotype
notes then and there taken;

3. I am not in the employ of and am not
related to any of the parties or their counsel, and I
have no interest in the matter involved.

4. I FURTHER CERTIFY that this transcript is
the work product of this court reporting agency and
any unauthorized reproduction and/or transfer of it
will be in violation of Tennessee Code Annotated
39-14-104, Theft of Services.

WITNESS MY SIGNATURE, this, the _____ day of
_____, 2009.

KARLA L. SEELY, CSR
Notary Public for the
State of Tennessee

My Commission Expires:
April 17, 2010

