

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

JACKIE TOWNSEND
Mother and next of kin of
GERALD RANDALL TOWNSEND,
Deceased,
Plaintiff,
VS.
CORRECTIONS CORPORATION OF
AMERICA,
Defendant.

Case No. 3:08-697
JURY DEMAND

DEPOSITION OF PATRICK D. PERRY
TAKEN ON OCTOBER 22, 2008

Prepared by:
Carole K. Briggs, CSR
Briggs & Associates
300 James Robertson Parkway
Nashville, Tennessee 37201

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APPEARANCES:

FOR THE PLAINTIFF:

PHILLIP L. DAVIDSON, ESQUIRE
2400 Crestmoor Road
Suite 107
Nashville, Tennessee 37215

BLAIR DURHAM, ESQUIRE
BEN WINTERS, ESQUIRE
1709 19th Avenue, South
Nashville, Tennessee 37212

FOR THE DEFENDANT:

JOSEPH F. WELBORN, ESQUIRE
ERIN PALMER POLLY, ESQUIRE
2300 One Nashville Place
150 Fourth Avenue, North
Nashville, Tennessee 37219

ALSO PRESENT:

COLIN PLANK, VIDEOGRAPHER
VCE Digital
2604 Foster Avenue
Nashville, Tennessee 37210

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S T I P U L A T I O N

The deposition of Patrick D. Perry, taken on behalf of the plaintiff, at the offices of Durham & Dread, 1709 19th Avenue, South, Nashville, Tennessee, on October 22, 2008, for all purposes allowed under the Federal Rules of Civil Procedure.

It is agreed that Carole K. Briggs, court reporter and notary public for the State of Tennessee at Large, may swear the witness, take his deposition, and afterwards reduce same to typewritten form, and that the reading and signing of the completed deposition by the witness is waived.

All formalities as to notice, caption, certificate, et cetera, are expressly waived. All objections, except as to the form of the question, are reserved to the hearing.

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1 (Whereupon, the foregoing deposition began at
2 9:41 a.m.)
3
4 THE VIDEOGRAPHER: We are on the record at
5 9:41. And this the video-taped deposition of Patrick
6 Perry taken in the matter of Townsend versus Corrections
7 Corporation of America in the United States District
8 Court, Middle District of Tennessee, Nashville Division,
9 Case No. 3:08-697, Jury Demand. Held in the offices of
10 Durham and Blair (sic) on October 22nd, 2008, at the
11 time indicated on the video screen. The court reporter
12 is Carole Briggs from the firm of Briggs and Associates.
13 My name is Colin Plank from the firm of VCE, Inc. will
14 counsel please introduce themselves.
15 MR. DAVIDSON: My name is Phil Davidson, and
16 I represent the plaintiff in this case, Mr. Townsend's
17 estate.
18 MR. DURHAM: Blair Durham, also representing
19 the plaintiff, Mr. Townsend's estate.
20 MR. WELBORN: Joe Welborn and Erin Palmer
21 Polly. We represent CCA.
22 THE VIDEOGRAPHER: Please swear in the
23 witness.
24 /////
25 /////

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1 Whereupon,
2 PATRICK D. PERRY,
3 having been first duly sworn, was examined and deposed
4 as follows:
5 DIRECT EXAMINATION BY MR. DAVIDSON:
6 Q. Would you state your name for the record,
7 please.
8 A. Patrick Dewayne Perry.
9 Q. Mr. Perry, I understand at one point you had
10 worked for Corrections Corporation of America; is that
11 correct?
12 A. That's correct.
13 Q. Through this deposition I'm going to just use
14 the words CCA when I talk about Corrections Corporation.
15 Okay?
16 A. Yes, sir.
17 Q. When did you leave CCA?
18 A. I left CCA officially on April the 9th of
19 2008.
20 Q. And did you have a severance agreement with
21 them when you left?
22 A. Yes, sir.
23 Q. And was there a provision that involved
24 confidentiality?
25 A. Yes, sir, there was.

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1 Q. Okay. Now, I assume that you informed people
2 that you had this deposition today. Did you ever talk
3 to anyone from CCA about this deposition?
4 A. Yes, sir, I did.
5 Q. And who was that?
6 A. I sent an e-mail to the lawyer that had
7 negotiated my severance package which is Aaron C.
8 Martin. And Mr. Martin notified CCA's deputy general
9 counsel who is Steve Grooms. And I was contacted by Mr.
10 Welborn last night.
11 Q. And you came in with Mr. Welborn today. Did
12 you come in with him or --
13 A. No, I came in on my own.
14 Q. All right, I want to ask you some questions
15 about some procedures at CCA that you are familiar with,
16 and to do that, I need to kind of find out what your
17 position was. You are aware that this case involves the
18 death of Mr. Townsend; is that correct?
19 A. That's correct.
20 Q. At the time Mr. Townsend died, I think the
21 complaint alleges that he died on January the 14th of
22 2008. What was your position with CCA?
23 A. I was a captain, equal to a shift supervisor.
24 Q. Explain to me a little bit about what your
25 responsibilities were as shift supervisor.

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1 A. Basically, what the title says, supervising
2 the shift. I was the primary captain on third shift. I
3 supervised every facet of running the facility. I
4 maintained employee time, made all of the major
5 decisions that was in my scope made on the third shift,
6 and I notified the administrative duty officer if we had
7 any unusual occurrences.
8 Q. Third shift was what time?
9 A. The third shift was from 22:00 to 06:00.
10 Q. Twenty-two hundred being ten o'clock?
11 A. Ten o'clock, 10:00 p.m.
12 Q. And who did you report to?
13 A. I reported -- in a normal situation, I
14 reported to the assistant chief of security, Edward
15 Huffines.
16 Q. You say in a normal situation?
17 A. In an unnormal situation, I reported to the
18 administrative duty officer which is the rank of chief
19 of security and above and up to the warden.
20 Q. In your position, I'm sure you were familiar
21 with the policies and procedures that CCA had at that
22 time to run its institutions; is that correct?
23 A. That's correct.
24 Q. I want to talk to you about one of the
25 procedures, a grievance procedure. What type of

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1 grievance procedure did CCA have at the time that we
2 have discussed in January of 2007 -- excuse me. Yeah,
3 January of 2008. I apologize. What was the grievance
4 procedure for inmates?
5 A. An inmate would fill out an inmate request
6 form, turn it in to the officer or correctional
7 counselor, whoever came past the door when they had a
8 grievance. At that point, the information, they made a
9 request form. It would be forwarded to the unit
10 manager. The unit manager would deem it necessary or
11 unnecessary to get in and make a grievance, and then the
12 inmate would be given the grievance, and then the
13 grievance would go from the inmate to the grievance box,
14 from the grievance box, to the grievance coordinator,
15 and then it would be adjudicated.
16 Q. Did this grievance procedure, was it a
17 process that aided CCA's discovery of a grievance or, in
18 your opinion, did it do something else?
19 MR. WELBORN: Object to the form.
20 THE WITNESS: In my opinion -- well, separate
21 from the policy, the part of putting -- making the
22 inmate fill out an information request form was to cut
23 down on the number of grievances that we had at the
24 facility. That number figured into bonuses and the
25 institutional budget and things like that.

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1 BY MR. DAVIDSON:
2 Q. When you say that, if there were a large
3 number of inmate grievances reported, did that have an
4 effect on the budget that that facility received?
5 MR. WELBORN: Object to the form.
6 THE WITNESS: Yes.
7 BY MR. DAVIDSON:
8 Q. How do you know that?
9 A. It was stated in meetings.
10 Q. Do you remember who stated these things at
11 these meetings?
12 A. The warden at the time, Brian Gardner, and
13 different ones. Just, you know, it was more or less
14 just, you know, a briefing coming down from the top to
15 the bottom. And prior to -- I do believe it was August
16 of '07, inmates wasn't required to fill out an inmate
17 request form. They were just given the grievances that
18 they needed.
19 Q. What would happen to these grievances after
20 they were turned in and finally got into the -- I guess
21 the best way to say it is the flow of command there?
22 A. Right. The grievance coordinator would
23 receive the grievances. And by policy, they would
24 investigate them and see the validity of the grievances.
25 And they were -- just dealt with on a case-by-case

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1 basis, and things were handled if needed to be handled.
2 If it wasn't frivolous, we would take action.
3 Q. Where is the location of this facility where
4 you worked?
5 A. 5115 Harding Place.
6 Q. Here in Nashville?
7 A. Yes, sir.
8 Q. And was it given a specific name, any type of
9 designated name?
10 A. CCA Metro Davidson County Detention Facility.
11 Q. You say that you departed CCA. Was your
12 departure from CCA voluntary?
13 A. Yes.
14 Q. In other words, you resigned?
15 A. I resigned in lieu of a severance package,
16 yes, sir, I did.
17 Q. If you would, explain the circumstances of
18 your resignation from CCA.
19 A. On January 31st, I took some documents from
20 an inmate's record and also from the segregation unit
21 and turned them over to Metro Health Department. Those
22 documents were in relation to an inmate named Frank
23 Horton on what I felt to be a mistreatment of Inmate
24 Horton. On January 31st, I came in to work to report
25 for my shift at 21:00 hours, and I was questioned by

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1 Assistant Warden Corlew and sent home on administrative
2 leave where I stayed on administrative leave from
3 January 31st until April, I believe, 9th or 10th. While
4 I was on administrative leave, I was paid. Several, you
5 know, conversations, negotiations or whatever, took
6 place, and then I was paid a severance and I resigned my
7 employment.
8 Q. Did CCA -- was CCA going to reassign you
9 anywhere?
10 A. At one point they wanted to reassign me to
11 Whiteville, Tennessee, and I declined to go there. My
12 wife was working here in Nashville and my son, my
13 stepson, was in school here. And they gave me -- they
14 initially gave me a period of five days to report down
15 there. And it just wasn't feasible for me. Plus, I did
16 not want to move back to that area.
17 Q. And have you had any trouble finding a job
18 since you left CCA?
19 A. In my field, no one will hire me. I've
20 passed the test for the sheriff's department and I've
21 made some calls with TDOC. I haven't had any luck, no,
22 sir.
23 Q. These records that you had, these medical
24 records, what did they concern?
25 A. I did not get Inmate Horton's medical

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1 records. What I got was called a segregation unit 13
2 activity form. And that activity form, along with some
3 of his segregation notes and segregation review, showed
4 that in a fifteen-month period, Frank Horton had been
5 removed from his cell three times. After the first
6 three months of that fifteen-month period, nine months
7 remaining, Frank Horton had not been out of his cell for
8 a shower, for a haircut, for recreation, or to come to
9 the mental health board. He was allowed to refuse that.
10 Frank Horton was pretty much put in his cell and other
11 than being fed three times a day, was pretty much
12 forgotten.
13 Q. And why did you take it upon yourself to go
14 to the Metropolitan Government about this?
15 A. There were many things wrong at CCA. Don't
16 get me wrong, there was a lot of things right. We had
17 lost an assistant warden on or about July of '07, and we
18 had a new warden, assistant warden, brought in by the
19 name of Corlew. At the time that Mr. Corlew came in, I
20 think that we were number one in our division in uses of
21 force, which means that we were actually doing the job
22 or reporting that we had used force. And from all of
23 the ones that I was involved with, 99 percent of the
24 ones that I heard of were necessary and reasonable uses
25 of force.

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1 when Mr. Corlew came on the scene, there was 14
2 a directive given to us that we would stop using force.
3 And force that was reasonable and necessary was still
4 frowned on greatly. Now, we wasn't told that a
5 spontaneous use of force couldn't occur, but when the
6 spontaneous use of force did occur, it was frowned on
7 and we were scrutinized.
8 Because we were not able to go into Mr.
9 Horton's cell and remove him from his cell, and the
10 policy gives us the power, the directives, to force the
11 inmate to shower, to force the inmate to go into
12 recreation, to force the inmate to come from segregation
13 to a mental health review, all of that was pretty much
14 prohibited and Frank was allowed to just sit there.
15 Q. Now, this use of force in the institution
16 there, let's say you had a large number of incidents of
17 use of force at the Nashville facility, would that have
18 any effect on how that facility received funding?
19 MR. WELBORN: Object to the form.
20 THE WITNESS: It had an effect on bonuses
21 that we were issued.
22 BY MR. DAVIDSON:
23 Q. On what?
24 A. Bonuses.
25 Q. Bonuses. Explain that, if you would.

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1 A. We take every aspect of running a facility, 15
2 i.e. food cost, electricity, uses of force --
3 MR. WELBORN: Same objection to form here.
4 BY MR. DAVIDSON:
5 Q. Go ahead.
6 A. Grievances, certain inmate programs, medical,
7 just everything. And it's averaging in numbers of what
8 the budget was at the beginning of the year, did you
9 exceed the budget, did you meet the budget on things
10 that cost.
11 Now, as far as uses of force go, anyone knows
12 in corrections if you have a number of uses of force,
13 then you'll have a number of grievances and a number of
14 lawsuits and things likes that. And if you fell under
15 those numbers at a certain point in the year, then you
16 got a decent bonus. If you had what CCA calls zero
17 tolerances, which to define zero tolerance is where
18 escape, disturbances, unnatural death, rape, a hostage
19 situation, if you had any of those occurrences in the
20 time frame that they set for bonuses, then it would be
21 the difference between receiving a forty-dollar bonus
22 and receiving a three- or four-hundred-dollar bonus for
23 a person that was in my position as a captain.
24 Q. How were you aware that this was an actual
25 policy of CCA regarding these bonuses?

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1 A. Through meetings. 16
2 Q. Meetings?
3 A. We would have weekly security. Well, I don't
4 know whether they were weekly. Maybe bi-weekly security
5 meetings. We would have department head meetings, and
6 those were pretty much held on a monthly basis unless we
7 were getting ready for an audit or we had some kind of
8 special event going on at the facility.
9 Q. So at these meetings which were held by
10 management?
11 A. Yes, sir.
12 Q. At the CCA facility in Nashville?
13 A. Yes, sir.
14 Q. At these meetings they told you that the less
15 use of force incidents that were reported, the more you
16 would get in bonuses; is that correct?
17 MR. WELBORN: Object to form.
18 THE WITNESS: well, it wasn't stated like
19 that. That would be an dishonest way of stating it.
20 They never said less reported. They said that less
21 occurred.
22 BY MR. DAVIDSON:
23 Q. And if an incident occurred, you were
24 supposed to report it, weren't you?
25 A. Oh, you definitely had to report it.

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1 Q. In Mr. Horton's case, if you had to go into
 2 his cell and forcibly take him out to shower, that would
 3 be considered a use of force?
 4 A. That would be considered a use of force.
 5 Q. I want to ask you about the segregated cells
 6 there. Can you explain what a segregated cell is?
 7 A. A segregated cell is pretty much the same
 8 standard size as every other cell in the facility. It
 9 has a window that provides light. Has a door. The only
 10 difference being that most of the unit doors did not
 11 have what is called a -- the proper term for it, I don't
 12 remember what, but a full flap which means it is
 13 controlled by a key, the door is opened and the inmate
 14 is given his medication, his food or any kind of
 15 paperwork that he needs.
 16 Q. Concerning segregation cells, what criteria
 17 was used to place an inmate in segregation cells?
 18 A. Inmate -- segregation is a mechanism used to
 19 restrict the inmate's movement. An inmate could be
 20 placed in segregation for several reasons. Those
 21 reasons are for protective custody investigation and
 22 then for protective custody; pre-hearing detention for
 23 disciplinary issues; pre-hearing detention for maximum
 24 custody; pre-hearing custody for administrative maximum
 25 custody; and also, precautions for medical situations.

1 Q. Now, let's talk about one of these cells. Do
 2 you have any idea about the size of them, how big they
 3 were?
 4 A. I'm not real good with measurements. That's
 5 something you will have to check into. But each cell in
 6 segregation was equipped with a box, a call box for
 7 inmates to push to speak with an officer, push the
 8 button for help, distress, whatever. And about 90
 9 percent of those boxes were inoperable in the
 10 segregation unit. I do believe that the call box in Mr.
 11 Townsend's cell was inoperable.
 12 MR. WELBORN: Object to form because his
 13 answer is not responsive to what you asked him.
 14 MR. DAVIDSON: I'm going to get back to that
 15 in just a moment.
 16 BY MR. DAVIDSON:
 17 Q. Let's talk specifically about Mr. Townsend
 18 being placed in a segregation cell. Do you remember
 19 what criteria -- first of all, who placed him in the
 20 segregation cell?
 21 A. If I am not mistaken, I was the shift
 22 supervisor on duty when Mr. Townsend was placed in the
 23 segregation. Mr. Townsend was placed in segregation
 24 pre-hearing for administrative maximum custody because
 25 he had high points.

1 Q. He had what?
 2 A. High points.
 3 Q. What does that mean?
 4 A. An inmate's classification is done on a point
 5 system. Classification ranges from institutional
 6 behavior to institutional violence to severity of the
 7 charges, the number of charges, how many times the
 8 inmate has been locked up. And if my memory serves me
 9 correctly, Mr. Townsend had high points because of the
 10 times that he had been admitted to a Metro detention
 11 facility or into the county government, one way or the
 12 other.
 13 Q. So in his case, I want to talk to you just a
 14 little bit more about him. You said there were call
 15 boxes in these segregation units; is that correct?
 16 A. That's correct.
 17 Q. Is this where you could listen in? I say
 18 you, whoever was monitoring the facility could listen
 19 into the cell?
 20 A. That's correct. Even without the inmate
 21 knowing, you could listen in. But they had a button on
 22 the call box to page you if they wanted to speak with
 23 you.
 24 Q. Now, in the cell that Mr. Townsend was in,
 25 was the call box there working or not?

1 MR. WELBORN: Object to the form.
 2 THE WITNESS: No.
 3 BY MR. DAVIDSON:
 4 Q. How do you know it wasn't working?
 5 A. Because most of them weren't working. There
 6 was only like two or three in the whole unit that
 7 worked.
 8 Q. Was there some type of record kept at CCA
 9 that would tell you what call boxes in what cells were
 10 not working?
 11 A. There should be some maintenance records,
 12 maintenance requests in the different offices put in.
 13 Q. Did the inmates that were in these cells,
 14 were they aware that these call boxes were not working,
 15 to your knowledge?
 16 A. Yes, they were.
 17 MR. WELBORN: Object to the form.
 18 BY MR. DAVIDSON:
 19 Q. How do you know that they were aware that --
 20 A. Because the inmates complained about not
 21 being able to get in touch with an officer when they
 22 needed them.
 23 Q. When they were in these segregation cells,
 24 the inmates, was there any other method of security
 25 there other than the call boxes?

1 A. Segregation unit policy states that you must
 2 complete a security check no less than 30 minutes, no
 3 greater time limit than 30 minutes between the two
 4 checks. So we would -- my officers were given an order,
 5 a standing order, to go through and make sure they do
 6 their security checks and document their security checks
 7 every 30 minutes.

8 Q. Did you ever make any complaints to your
 9 superiors regarding the call boxes being inoperable in
 10 the segregation units?

11 A. No, because the segregation unit was not my
 12 scope of responsibility in the big picture.

13 Q. Do you know if anyone, to your personal
 14 knowledge, made any complaints about the call boxes
 15 situation?

16 A. I know an inmate, Brian Falk, was seriously
 17 assaulted around March 2007 by Inmate Charles Williams.
 18 And the nature of our business is we serve pretty much
 19 on a need-to-know basis, but it was a serious assault.
 20 It was an assault serious enough for Brian Falk to leave
 21 in an ambulance and come back with his mouth wired shut
 22 because his jaw had been broke. And he screamed and
 23 hollered about pushing on the button and not getting
 24 help.

25 Q. Now, the purpose of having these call buttons

1 in these cells was this was one of CCA's ways of trying
 2 to protect the inmates that were in those cells,
 3 correct?

4 MR. WELBORN: Object to the form.

5 THE WITNESS: Yes.

6 BY MR. DAVIDSON:

7 Q. I want to talk to you a little bit more about
 8 Mr. Townsend now. Can you tell the jury and the court
 9 what actually happened to Mr. Townsend, to your
 10 knowledge. Who put him in this special needs cell and
 11 how did another inmate get in there with him?

12 MR. WELBORN: Object to the form.

13 MR. DAVIDSON: I'm sorry, excuse me,
 14 segregation cell.

15 MR. WELBORN: Object to the form.

16 BY MR. DAVIDSON:

17 Q. Go ahead.

18 A. Mr. Townsend was originally placed in
 19 segregation because of his status as a pending
 20 administrative maximum custody. In the segregation cell
 21 an inmate can receive a cellmate. I don't have the
 22 knowledge of when or which cellmate he received when he
 23 initially went into segregation. That's pretty much all
 24 I have to say about that question.

25 Q. Well, you knew what kind of -- you had some

1 knowledge of Mr. Townsend, himself, what kind of person
 2 he was?

3 A. No, sir. Prior to putting Mr. Townsend in
 4 segregation, I had never met him. I had never talked to
 5 him. I receive a list from the classification
 6 coordinator of which inmates need to go in segregation
 7 for high points or high bond and things like that. He
 8 was inside a group of maybe 10 or 11 inmates that had to
 9 be put in segregation either for high points or high
 10 bond. Anything exceeding a hundred thousand dollars, we
 11 put them in segregation because they were deemed an
 12 escape risk.

13 Q. Are you familiar with an inmate named Randy
 14 Sullivan?

15 A. Randy Sullivan, no, sir.

16 Q. Ronnie Sullivan?

17 A. Yes, sir, I am.

18 Q. Can you tell me what you knew about Ronnie
 19 Sullivan prior to Mr. Townsend being assaulted by him.

20 A. I also was a captain on duty that night that
 21 segregated Ronnie Sullivan the night that he went to
 22 segregation. He went to segregation because he was
 23 assigned to Unit Juliet with two other inmates. Some of
 24 the cells in Juliet had three bunks, some of them had
 25 two. He had two cellmates that he was making threats to

1 that felt that their safety was in danger, felt that the
 2 inmate was acting erratic and had no, you know, no kind
 3 of good will toward being a cellmate.

4 Sergeant Douglass brought the situation of
 5 Inmate Sullivan to my attention. At that time, I told
 6 Sergeant Douglass to go down and have a talk with the
 7 inmate, all three of them, and explain to them that it
 8 was third shift and we do not usually make moves on
 9 third shift, and if they could live through the night
 10 together, then they would be afforded the opportunity to
 11 speak with the unit management team and get a cell
 12 transfer that way.

13 At that point, Sergeant Douglass came back to
 14 me and told me that he thought that I should go down
 15 there and see what the situation was. Once going down
 16 there, I realized through actually looking at Ronnie
 17 Sullivan, that he was one of our problem inmates. The
 18 name didn't really ring a bell to me, but once I looked
 19 at him, because of the time that he had been put in our
 20 medical observation unit for suicide watch, that he
 21 needed to come out of that cell because it was a serious
 22 problem. At that point, I segregated the inmate,
 23 Sullivan.

24 Q. In other words, you took him out of Mr.
 25 Townsend's cell?

1 A. No, no, no, no, no, he wasn't in the cell
 2 with Mr. Townsend at that point. He was Unit Juliet
 3 with two other inmates that I don't remember their
 4 names. He was moved from Unit Juliet by me, brought to
 5 medical, given a pre-segregation detention physical and
 6 then placed into a segregation cell, not with Inmate
 7 Sullivan. I don't remember who the inmate was I put him
 8 in with, but I put him in there with an inmate who
 9 physically, in my opinion, who could physically take
 10 care of himself with the threatening of the inmate. An
 11 inmate in general population, they don't really have a
 12 choice of who they cell with, but if they don't -- if
 13 they can't make it, you know, if the two are
 14 incompatible, you have two choices - you can either move
 15 the inmate or you can segregate the inmate. And in my
 16 opinion, Ronnie Sullivan was an antagonist in the
 17 situation, so I put him into segregation. Like I said,
 18 I put him in a cell with someone that could physically
 19 deal with him, in my opinion.

20 MR. DURHAM: Just as a matter of
 21 clarification, I believe you said that initially when
 22 you put him in segregation, that you didn't put him in
 23 with Sullivan. But --

24 THE WITNESS: I meant with Townsend. I did
 25 not put him in the cell with Mr. Townsend. That's

1 correct.

2 MR. WELBORN: Let me object to the form here,
 3 again, because you asked a question, and he gave an
 4 answer that wasn't responsive. And I wouldn't know to
 5 object to it until then. So that's my objection.

6 BY MR. DAVIDSON:

7 Q. Do you know how Mr. Sullivan got in the cell
 8 with Mr. Townsend?

9 A. I know that Mr. Sullivan was moved at some
 10 point after I segregated him. He was placed into
 11 medical observation for suicide watch. During the day
 12 that he was in medical observation, he had stated, you
 13 know, that he was schizophrenic to me and several other
 14 staff members, that he was feeling suicidal or homicidal
 15 or just giving a myriad of threats. That was just his
 16 nature.

17 I guess, you know, through the medical
 18 process, he was -- his status was lowered from suicide
 19 watch back to a segregation status. And he was moved by
 20 the unit team into the cell with Mr. Townsend.

21 Q. Now, what type of -- did you ever have any
 22 feelings about Mr. Townsend being -- having this
 23 gentleman put in there with him?

24 A. No, because I wasn't aware of it.

25 Q. If you had been aware of it, what would you

1 have done?

2 MR. WELBORN: Object to the form.

3 THE WITNESS: I would have talked to Mr.
 4 Townsend. Well, no, actually, if I had been aware that
 5 he was in the cell with Mr. Townsend, I mean, there's
 6 nothing that I could do unless Mr. Townsend complained
 7 or Mr. Sullivan complained. Because in segregation, the
 8 inmate does not have a choice of who they cell with.
 9 The staff has the choice.

10 BY MR. DAVIDSON:

11 Q. Prior to Mr. Townsend being beaten by Mr.
 12 Sullivan, did you ever have any interaction with him to
 13 determine what his mental capabilities were?

14 A. With who?

15 Q. Mr. Townsend.

16 A. No, no more than he asked me a couple of
 17 questions about why he was being segregated. And all 10
 18 or 11 inmates at that point were asking why.

19 Q. Mr. Sullivan, are you aware of any
 20 medications he was receiving or mental health treatment
 21 prior to this?

22 A. I'm aware that my medical observation
 23 officer, as well as my segregation officers, accompanied
 24 a nurse every time Mr. Sullivan was given medication.
 25 And I am aware, like I said, I don't know whether it's

1 true or not, but Mr. Sullivan claimed to be
 2 schizophrenic. He claimed on several occasions to be
 3 homicidal or suicidal.

4 Q. Let me ask you now what your reactions were
 5 and your actions were when you learned that Mr. Sullivan
 6 had assaulted Mr. Townsend?

7 A. The night in question, I was out performing
 8 one of my duties as a shift captain, and that's to check
 9 the perimeter of the fence. I received a call by radio
 10 that an inmate was having a medical emergency. And at
 11 that point, I stopped my fence check and went inside the
 12 facility. When I arrived on the scene, Inmate Sullivan
 13 had been placed into the recreation module inside of the
 14 housing area, inside of the segregation area, and Nurse
 15 Tiffany Corter and another nurse that I don't remember
 16 her name had starting giving Mr. Townsend medical
 17 attention.

18 Q. Did you -- after you learned this, did you
 19 have any meetings with anyone from CCA to talk about
 20 sort of an after-accident report about what had
 21 happened?

22 A. I mean, several hours between the time that I
 23 walked into the cell, realized that Mr. Townsend was in
 24 distress, got him to the hospital, yes, sir, I was a
 25 part of several meetings.

1 Q. Now, the call button that you said was
 2 inoperative in the cell that Mr. Sullivan and Mr.
 3 Townsend shared, had the call button been pushed, how
 4 long would it have taken for CCA personnel to get to
 5 that cell?
 6 MR. WELBORN: Object to the form.
 7 THE WITNESS: Minutes, seconds; just
 8 depending on where they were.
 9 BY MR. DAVIDSON:
 10 Q. And did you have people, did you have
 11 officers, who were walking that floor on that same area
 12 at all times? Maybe not that exact cell, but the same
 13 area?
 14 A. Segregation was a housing unit that was
 15 divided into three sections. Three pods are what
 16 they're called. You had -- at the time we had one
 17 officer that was assigned to a control booth which
 18 received all of the calls from the inmates, received all
 19 of the radio calls, did the security logs and was an
 20 access control point for each one of the housing units
 21 -- I mean each one of the pod doors. There were two
 22 officers on all shifts at all times. These two officers
 23 are patrolling one of these three pods. So what they do
 24 is just, you know, a routine sweep of the area every 30
 25 minutes.

1 Q. Let's say that this button was pushed. This
 2 would indicate to the control tower that someone there
 3 was needing assistance. How would he get in touch with
 4 the other officers? The officer in the control tower,
 5 how would he get in touch with the other officers to
 6 respond to that cell?
 7 A. By radio.
 8 Q. It could have been in a short amount of time,
 9 correct?
 10 MR. WELBORN: Object to the form.
 11 THE WITNESS: Yes.
 12 BY MR. DAVIDSON:
 13 Q. Now, if the monitoring system had been
 14 working in that cell where you could hear what was going
 15 on, could the shift supervisor, whoever is in that
 16 booth, could he have also gotten in touch with the
 17 officers to respond to that cell?
 18 MR. WELBORN: Object to the form.
 19 THE WITNESS: Ask that question again.
 20 BY MR. DAVIDSON:
 21 Q. Just suppose he could hear a fight going on
 22 in there, what would he have done?
 23 A. Well, the control officer is not going to
 24 hear a fight going on. What you have to understand is
 25 there is a cell wall with a door, and there is a pod

1 wall.
 2 Q. I didn't make myself clear. Suppose the
 3 system had been working where you could monitor and hear
 4 what was going on inside the cell, could the control
 5 officer have heard a fight being conducted at that time?
 6 MR. WELBORN: Object to form.
 7 THE WITNESS: Yes.
 8 BY MR. DAVIDSON:
 9 Q. What would he have done when he heard this
 10 fight taking place? What was he supposed to do?
 11 MR. WELBORN: Object to form.
 12 THE WITNESS: Get on the radio and call what
 13 is called a code red -- no, code blue, which is an
 14 inmate-on-inmate fight.
 15 BY MR. DAVIDSON:
 16 Q. Did you have any information that Mr.
 17 Sullivan was making threats toward other inmates prior
 18 to this incident happening?
 19 A. I've documented that Mr. Sullivan had been
 20 involved in fights. Mr. Sullivan had a, albeit brief,
 21 but a very troubled time in the Metro Detention
 22 Facility.
 23 Q. And your knowledge of these threats that he
 24 was making against himself and other inmates was one of
 25 the reasons you wanted him segregated from the general

1 population, correct?
 2 MR. WELBORN: Object to the form.
 3 THE WITNESS: Yes.
 4 BY MR. DAVIDSON:
 5 Q. And that's one of the reasons you were trying
 6 to find a suitable cellmate for him, correct?
 7 MR. WELBORN: Object to the form.
 8 THE WITNESS: Correct.
 9 BY MR. DAVIDSON:
 10 Q. Do you know how long or did you ever find out
 11 how long this meeting took place inside the cell?
 12 A. No, I -- no, sir.
 13 Q. Did CCA have any specific training prior to
 14 the date of this homicide regarding dealing with how to
 15 segregate inmates or how to deal with mental health
 16 issues with inmates?
 17 A. Yes, sir.
 18 Q. And were those given with classes where you
 19 would have lesson plans?
 20 A. That's correct, yes, sir.
 21 Q. I want to get back to when you first learned
 22 about this incident. Did -- who was it -- did you ever
 23 find out who made the decision to put Mr. Sullivan in
 24 the cell with Mr. Townsend?
 25 A. Like I said, it had to be a member of the

1 unit team. At the time, the unit manager of segregation
 2 was Darrell Jones.
 3 Q. Darrell Jones?
 4 A. Yes. And it would have had to have been him
 5 or one of his correctional counselors which would have
 6 been a female by the last name of Pierce. I don't
 7 remember who the other correctional counselor was at the
 8 time, but it would have had to be someone from the
 9 segregation unit management team.
 10 Q. How long a time period was it from the time
 11 that you placed Mr. Sullivan or determined where he was
 12 going to be placed and when you learned about this
 13 incident?
 14 A. If I had to guess, it would be about ten
 15 days.
 16 Q. About ten days?
 17 A. Yes.
 18 Q. You weren't aware that he was in the cell
 19 with Mr. Townsend for about ten days?
 20 A. No, I'm not saying that. What I'm saying is,
 21 is that I placed him into segregation. He went from
 22 segregation to medical observation on to suicide watch.
 23 He came from suicide watch back to segregation. And,
 24 no, sir, I was not aware that he was put in the cell
 25 with Inmate Townsend.

1 Q. All right. Are you aware of anyone from the
 2 Metropolitan Sheriff's Department or any other outside
 3 agency that would come in and give inspections at CCA?
 4 A. The sheriff's department did an audit of the
 5 facility annually. CCA did an audit, had an audit team,
 6 and they did audit the facility annually. HCA did an
 7 audit of the facility. American Corrections Association
 8 did an audit of the facility. I believe it was every
 9 three to four years.
 10 Q. What is the control board?
 11 A. Control board is a mechanism that is out of
 12 the control booth that allows the control officer to
 13 access the cell doors and also allows the control
 14 officer to access the call buttons.
 15 Q. At the time of this incident, where Mr.
 16 Townsend was beaten, was the control board working or
 17 broken?
 18 A. No, sir.
 19 Q. It was not working?
 20 A. No, sir.
 21 Q. How long had it not been working?
 22 A. Those control boards in the entire facility,
 23 including the one in segregation, have been
 24 dysfunctional since I came to Metro Detention Facility.
 25 Q. And, again, just for the record, when did you

1 come to that facility?
 2 A. I came to that facility in July of 2006.
 3 Q. Was there ever an incident where lightning
 4 struck?
 5 A. Lightning struck the facility and a large
 6 portion of the electronics in the facility were
 7 inoperable for several months.
 8 Q. Did the management at CCA attempt to do
 9 anything to repair this control board?
 10 MR. WELBORN: Object to form.
 11 BY MR. DAVIDSON:
 12 Q. To your knowledge?
 13 A. Yes.
 14 Q. What did they do?
 15 A. They went through a lengthy process of doing
 16 bids and coming up with the contracts and a whole myriad
 17 of things. But I mean -- and I'm not -- I wasn't a part
 18 of any of that. So the only thing that I could tell you
 19 was that they put in place some operational procedures
 20 to try to counterman the electronics being messed up,
 21 and they also made preparations to overhaul the system.
 22 MR. DAVIDSON: Can we go off the record for a
 23 minute?
 24 THE VIDEOGRAPHER: We are off the record at
 25 10:26.

1 (Recess observed.)
 2 THE VIDEOGRAPHER: We're back on the record
 3 at 10:36.
 4 BY MR. DAVIDSON:
 5 Q. Mr. Perry, I just have a few questions left
 6 to ask you. How long had you -- you had spent some time
 7 there at this facility in Nashville. Have you ever had
 8 incidents before where inmates got upset and banged on
 9 doors about anything?
 10 A. All the time.
 11 Q. All the time. How long does it take, based
 12 on your experience, for the officers in charge to
 13 respond to a place where inmates are screaming and
 14 banging on doors?
 15 A. Usually, it's pretty immediate, but I say
 16 usually in the sense of the segregation unit, nothing is
 17 really usual. And it just depends on the number of
 18 inmates that have been admitted to the segregation
 19 facility, the state in which the prior shift had left
 20 the segregation unit. You know, if there was trash
 21 everywhere, we had to have inmate workers to come in and
 22 clean the trash up and officers would have to supervise
 23 the inmates. The inmates that worked were not allowed
 24 to be inside of the segregation unit without
 25 supervision. Whether they were gathering uniforms up to

1 wash them, you know, officers doing -- had to escort the 37
2 laundry officer around the unit to pick up laundry. A
3 million things could go wrong or right, and an inmate
4 kicking on the door might not get answered for five
5 minutes, might not get answered for five hours,
6 depending on what you got going on.
7 Q. Well, this incident is alleged to have
8 happened around 2:30 in the morning a.m.
9 A. Uh-huh.
10 Q. And there is evidence that the inmates were
11 beating on the door that somebody was being beaten at
12 that time of the morning. Normally, based on your
13 experience, how long should it have taken the officers
14 there to respond to that?
15 MR. WELBORN: Object to the form.
16 THE WITNESS: Should have been an instant
17 reaction.
18 BY MR. DAVIDSON:
19 Q. Can you think of anything based on your
20 experience at that time of the morning that would have
21 prohibited the people in the control tower or any other
22 officers to not respond properly to something like that?
23 A. If I do recall, Officers Boles and Cunningham
24 were the floor officers, and I do believe that there was
25 an Officer Lewis present in the control room. And they

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1 had had I think a couple of inmates that were admitted 38
2 into the segregation unit that night. And so I would
3 venture to say that from -- in my recollection of
4 talking with them, they were pretty busy that night, but
5 they say, you know, they said that when they heard the
6 calls for distress, they answered.
7 Q. Now, how long after were you notified of the
8 medical need of Mr. Townsend, how long after you learned
9 of that did he actually leave the facility to go to the
10 hospital?
11 A. When I was called down to the cell, it was
12 around that time frame, 2:30, 2:35, somewhere in there.
13 I proceeded to go down to the cell, and the nurses had
14 just began to tend to Mr. Townsend. And I asked them --
15 you know, initially, Ronnie Sullivan had reported to the
16 officer that Mr. Townsend was having a seizure. When
17 Mr. Townsend I guess, you know, when he deemed it safe
18 enough for him to tell what happened, he stated that the
19 inmate, that his cellmate, Mr. Sullivan, had been
20 beating on him. They stood Mr. Townsend up off of his
21 bed to put him in a wheelchair and he started to seize.
22 He was placed back onto his bed. And at that point, the
23 Nurse Corter stated that she thought that he was
24 bleeding internally and that he would not be able to
25 stand.

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1 At that point, we had a -- I instructed my 39
2 officer in the central control booth, which is the nerve
3 center for the whole facility, to get on the phone, dial
4 911 and get an ambulance en route to the facility. At
5 that point, Mr. Townsend was left on his bed and the
6 nurse just attended to him as best she could until the
7 paramedics arrived.
8 The paramedics arrived approximately 10
9 minutes after we made the call, and he was taken from
10 the facility to Meharry General Hospital. So I would
11 venture to say probably about maybe 20 minutes.
12 Q. Did you ever learn afterwards how long it was
13 from the time that the control board knew there was a
14 fight until they responded to the cell?
15 MR. WELBORN: Object to the form.
16 THE WITNESS: No.
17 BY MR. DAVIDSON:
18 Q. I want to talk about what you did after this
19 incident happened. What actions did you take after this
20 incident happened in terms of your reporting to CCA and
21 dealing with this incident?
22 A. By CCA policy, incidents fall into three
23 categories. Mr. Townsend would have fallen under the
24 category of a Priority 1 which was a serious incident
25 involving an inmate that had to be transported out to a

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1 hospital. And in that Priority 1, by the procedures 40
2 that we go by, certain notifications are needed to be
3 made.
4 The first call I made was to the
5 administrative duty officer which was Mr. Corlew. I
6 called him while the paramedics were -- had began
7 working on Mr. Townsend to inform him. At the time that
8 I called him, which naturally a person that works from
9 9:00 to 5:00 would be asleep, at first he didn't give me
10 a lot of support. He was quite belligerent with me.
11 Quite irritated with the fact that I had called him. At
12 the same -- between talking to Mr. Corlew, I had a
13 problem that night. I did not have a weapons certified
14 officer on the facility grounds with the exception of my
15 perimeter officer. So I had to call in an officer by
16 the name of Bobby Simons to come in. Because when we
17 transport an inmate outside of the secure confines of
18 the facility, at least one of your officers has to have
19 a weapon on him, which we use a .38 revolver.
20 I got Officer Simons there before the
21 ambulance was to leave. And as -- when they left, I
22 kept calling Mr. Corlew, informing him, you know,
23 updating him of the situation with Mr. Townsend. And
24 like I said, it was a, you know, a total -- it was very
25 awkward because we're told to report, report, report,

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1 report. And it felt bad being on the other end dealing ⁴¹
2 with that ego.
3 Q. Did you ever make any reports to the
4 assistant warden regarding what the nature of this
5 incident was?
6 A. The assistant warden was the administrative
7 duty officer. Yes, sir, I did.
8 Q. Did you ever make a report to him and tell
9 him that you thought this was a homicide?
10 A. Not at that point, no, sir. It didn't -- no,
11 sir, not at that point. I did later on, but not at that
12 point.
13 Q. How did you do that, through e-mail?
14 A. No. I'm flying this without reading my
15 statements and any incident reports or anything. At
16 about 0:16, Mr. Townsend was pronounced dead at
17 Vanderbilt Hospital. At that point, I called the
18 assistant warden, Corlew, and told him that the inmate
19 had expired. And at that point, his whole demeanor
20 changed, and then it became a situation of, oh, shit.
21 The last time, you know, it was just, for the most part,
22 covering our ass.
23 And I was instructed to do several things
24 which I had already done, to keep the inmate isolated,
25 Inmate Sullivan isolated. I was told to secure the cell

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1 door that Mr. Townsend and Inmate Sullivan had shared. ⁴²
2 Place an officer, which this is by policy, place an
3 officer at the door with a log, logging people in and
4 out of the cell, which no one was authorized to go into
5 that cell unless authorized by the assistant warden,
6 Corlew.
7 At the time, the head warden, Warden Gardner,
8 was scheduled to be at a warden's conference. He
9 briefly -- he called me around, I probably would say
10 about 6:45, and instructed me to -- gave me a list of
11 people to e-mail. And at that time told me to e-mail
12 them the specifics of what happened. And in the subject
13 heading of the e-mail, I put on the e-mail, possible
14 homicide inmate-on-inmate, yes, sir.
15 Q. What was their response at CCA when you
16 mentioned this was a possible homicide?
17 A. Well, around about eight o'clock, maybe --
18 no, around about maybe eight o'clock to maybe 8:25,
19 there was a teleconference. Me, Warden Corlew, and one
20 -- two other people were present in the warden's office.
21 And I think on the other end was the vice president of
22 operations for our unit which was Mr. Conray. I think
23 Mr. Grooms was on the line and a couple of other people.
24 And the first thing that they wanted to state was --
25 MR. WELBORN: I'm going to object to this

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1 because it involved counsel for CCA. It's ⁴³
2 attorney/client privilege, and I don't believe it's
3 appropriate to go into.
4 BY MR. DAVIDSON:
5 Q. Was there an attorney from CCA there at that
6 time during this conversation?
7 A. No, I didn't meet with the attorney until
8 around about nine o'clock. I don't remember the
9 gentleman's name, but he came in and he took a statement
10 from each one of us.
11 Q. What I meant, during this conversation you
12 had, this conference you just were talking about, was
13 there a lawyer present at that time?
14 A. I never saw anybody, but I am sure that Mr.
15 Grooms was on the phone and involved in that
16 conversation.
17 Q. And he's an attorney?
18 A. He's CCA deputy general counsel.
19 Q. All right. Let me go back, then, to your
20 conversations with the assistant warden. Did he ever
21 question your assessment that this was a homicide?
22 A. No.
23 Q. Did he ever --
24 A. I mean --
25 Q. Did you ever get the feeling from talking to

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1 any CCA personnel that they were concerned about this ⁴⁴
2 being classified as a homicide and wanted to maybe
3 classify it as something else?
4 A. The higher-up people did.
5 Q. Who was that?
6 A. The people that were on the other end of that
7 phone.
8 Q. Did anyone ever tell you to reclassify this
9 into something else?
10 A. No, I was never told to reclassify it. I was
11 just told in around about 11 o'clock, we were told to
12 stop.
13 Q. Who told you to stop?
14 A. The order came down from CCA corporate for me
15 and everyone else at the facility to stop taking notes,
16 stop writing things down, stop investigating, stop --
17 everything was a stop right then, and we were told that
18 it would be handled by someone else.
19 Q. Did anyone ever tell you why you were to do
20 that?
21 A. In that business, you don't ask why.
22 Q. Have you seen this type of behavior take
23 place before when an incident happened by CCA?
24 A. No.
25 Q. A couple of questions on -- did you ever --

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1 can you go into detail and tell me about any complaints
 2 you had made prior to this incident happening about
 3 safety conditions there in the Nashville facility.
 4 A. Never went on record as making any
 5 complaints. There again, in that business, you don't
 6 complain. You go along, get along or you get moved
 7 along.
 8 Q. Tell me, if you can remember, you named some
 9 names, but if you can remember who the guards were that
 10 were on duty at the time of this incident?
 11 A. Had Officer Boles, Officer Cunningham, and I
 12 do believe the lady that was in the booth, her name was
 13 Officer Lewis.
 14 Q. And the nurses that were on the medical --
 15 A. Nurse Tiffany Corter, and there was another
 16 nurse, but she was new. It was like her first night on
 17 duty. So I don't remember her name.
 18 Q. Then I want to go back and ask you about,
 19 again, did you send an e-mail out after this incident to
 20 CCA regarding --
 21 A. I sent an e-mail out to several of the vice
 22 presidents and lead counsel, making them aware that --
 23 of the situation, yes, sir.
 24 Q. When you say aware of the situation, what did
 25 you make them aware of?

1 A. I made them aware that at approximately 0:16,
 2 that Inmate Townsend had expired. I made them aware
 3 that it was a possible homicide. And I used the word
 4 possible because I'm not a medical examiner.
 5 Q. Did you get any e-mails back regarding your
 6 e-mail?
 7 A. I never received an e-mail back.
 8 Q. I want to make sure before I get through that
 9 I understand the basis of your testimony. If I repeat a
 10 question, I apologize. Prior to this incident
 11 happening, you had placed Mr. Sullivan in segregation?
 12 A. That's correct.
 13 Q. And the reasons that you did that were what,
 14 again?
 15 A. Because he was having verbal altercations and
 16 problems with the two cellmates that he had had in Unit
 17 Juliet.
 18 Q. When you say -- and I apologize. When you
 19 say problems with two cellmates, can you be a little
 20 more specific?
 21 A. He was threatening them, saying that they
 22 couldn't move around in the cell, saying that the light
 23 couldn't be cut off in the cell, saying that, you know,
 24 that -- telling them that he would beat them up and that
 25 he was bad and dangerous and all kinds of things. He

1 was making all kinds of threats toward them.
 2 MR. WELBORN: Object to the form. There is
 3 no foundation.
 4 BY MR. DAVIDSON:
 5 Q. Well, did you ever document any of these
 6 things that Mr. Sullivan was supposed to have said or
 7 done?
 8 A. No. I do believe that I wrote Mr. Sullivan
 9 up for refusing a cell assignment which was the easiest
 10 and the laziest way to do what I did and placed him into
 11 segregation.
 12 Q. Who else at CCA was aware of Mr. Sullivan's
 13 propensities for violence you've testified to?
 14 A. Anybody that --
 15 MR. WELBORN: Object to the form.
 16 BY MR. DAVIDSON:
 17 Q. Say again?
 18 A. Anybody that dealt with him.
 19 Q. Was he given a psychological evaluation when
 20 he was placed into the CCA?
 21 A. I do not know. I know that he visited with
 22 the psychiatrist there because he had been on suicide
 23 watch several times.
 24 Q. Was there any particular document in CCA that
 25 governs how inmates are placed in segregation, what the

1 criteria is?
 2 A. Policy No. 10 covers special -- Policy No. 10
 3 covers segregation. Special management of inmates, is
 4 what it's called.
 5 Q. And based on this policy and your experience
 6 in CCA, do you feel like that this was a man that needed
 7 to be in segregation?
 8 A. Which man?
 9 Q. Sullivan.
 10 A. Definitely.
 11 Q. Now, also I want to make sure I understand
 12 your testimony about Mr. Townsend. Again, what
 13 interaction did you have with Mr. Townsend prior to his
 14 homicide, prior to him being killed?
 15 A. He was one of the inmates that I had
 16 segregated. I do believe I segregated him for pending a
 17 hearing for administrative maximum custody for high
 18 points.
 19 Q. Can you describe what Mr. Townsend looked
 20 like?
 21 A. He was a small man. Dark eyes, white man, of
 22 course. Just -- I'd venture to say a normal person.
 23 Q. Was he frail looking?
 24 A. Yes.
 25 Q. Describe Mr. Sullivan.

1 A. Mr. Sullivan was approximately six feet,
 2 muscular, but with a small frame, a real wiry
 3 individual.
 4 Q. And based on your experience at CCA, your
 5 experience with dealing with inmates in the past, would
 6 you have placed Mr. Sullivan in the same cell as Mr.
 7 Townsend?
 8 A. No.
 9 Q. Why?
 10 A. Being that Mr. Townsend was in segregation
 11 for pending a hearing for high points, that he wasn't a
 12 problematic inmate, that it didn't appear that he would
 13 have been able to handle himself should Mr. Sullivan
 14 start back, you know, acting out with his violence
 15 toward his cellmates in the past, I wouldn't have done
 16 it. Mr. Sullivan was pending a hearing for maximum
 17 custody segregation for too many disciplinary. And I
 18 would have found someone that was in disciplinary, doing
 19 time for a disciplinary problem, or someone who was
 20 pending max with disciplinary problem, and I would have
 21 put Mr. Sullivan in the cell with them.
 22 Q. What forms were used, and I'm talking about
 23 written forms, were used in terms of documentation to
 24 determine where an inmate was to be placed within inside
 25 CCA?

1 A. There wasn't no forms to be used to do that.
 2 What you did was you would find a cell that was suitable
 3 for the situation, be it out of the general pop or
 4 segregation. You would place that inmate in that cell
 5 and you would add him onto your inmate roster. Those
 6 rosters in segregation were kept by paper and they were
 7 also maintained electronically through the jail
 8 management system.
 9 Q. But was there a -- I assume that when an
 10 inmate is brought into CCA, they are given an
 11 assessment?
 12 A. Yes, they are immediately assessed by
 13 medical. And then if there is an immediate alert, it
 14 will come -- our inmates did not come directly from the
 15 street. They came from the CJC which is the Criminal
 16 Justice Complex. If they had a special instruction that
 17 the inmate needed to be segregated or that the inmate
 18 was sick or the inmate was whatever, we would do things
 19 according to that. Now, initially, the Unit Hotel is
 20 where you put -- where we will put all of our intakes.
 21 And through a period of about ten days, the
 22 classification coordinator will go through their files,
 23 go through whatever information she had on them, and
 24 then she or he or whatever is in the position will
 25 determine then whether the inmate went to a different

1 general population housing unit, whether he went to
 2 segregation because he had a high bond. Any bond in
 3 excess of a hundred thousand dollars, we'll put an
 4 inmate in segregation under administrative maximum
 5 custody. If the inmate had high points, he would go to
 6 segregation under administrative maximum custody until
 7 his points went down.
 8 And, you know, if they had any special needs,
 9 they would be sent to a special needs housing unit which
 10 was either Foxtrot or sent to segregation.
 11 Q. Is there a policy in CCA that covers when an
 12 inmate is to be placed in special needs?
 13 A. Yes, sir, there is.
 14 Q. Are there guidelines in that policy?
 15 A. Yes, sir, there are.
 16 Q. Do you know the number of that policy?
 17 A. That would also be Chapter 10. Chapter 10
 18 covers all special needs.
 19 Q. Was Mr. Townsend a special needs prisoner?
 20 A. He had high points, so he was considered an
 21 inmate that was to be admitted into a segregation unit.
 22 Q. Well, would a special needs prisoner be --
 23 let's say a special needs prisoner, there are many
 24 different definitions of special needs, correct?
 25 A. That's correct.

1 Q. Was Mr. Townsend's definition, was it for
 2 mental problems or physical problems, to your knowledge?
 3 MR. WELBORN: Object to the form.
 4 THE WITNESS: No.
 5 BY MR. DAVIDSON:
 6 Q. It was just based on what?
 7 A. He had high points.
 8 Q. Just one other question -- I've got to make
 9 sure I understand what you've testified to -- is that
 10 based upon your experience as captain and command of
 11 this unit here at this time, again, what was the purpose
 12 of having the control boxes inside one of these cells?
 13 A. It was twofold: One was for surveillance, if
 14 you wanted to listen to an inmate; and the other was for
 15 an inmate to call you if he was in distress or needed
 16 toilet paper or anything. You know, they can't talk
 17 through walls and doors, so that was the way they talked
 18 to us.
 19 Q. Were these in every cell in CCA?
 20 A. No, they were in every cell in segregation.
 21 They were in every housing unit that was set up with a
 22 block situation. Which means if there was a cell with a
 23 cell door, there was a control box in that cell. Now,
 24 there are other units inside of CCA, inside of the Metro
 25 Detention Facility, that are open-bay-door type. And

1 those inmates were able to, you know, have pretty easy
 2 access to an officer.
 3 MR. DAVIDSON: Okay. I have no further
 4 questions.
 5 MR. WELBORN: Mr. Perry, I've got some
 6 questions for you.
 7 MR. DURHAM: Can we go off the record?
 8 THE VIDEOGRAPHER: We're off the record at
 9 11:04.
 10 (Recess observed.)
 11 THE VIDEOGRAPHER: Back on the record at
 12 11:10.
 13 BY MR. DAVIDSON:
 14 Q. Mr. Perry, can you describe what you observed
 15 when you first came to the cell where Mr. Townsend was?
 16 A. When I got there, Mr. Townsend was laying on
 17 his bunk. He -- as a rule, when you're dealing with an
 18 inmate in segregation, any time you go into the cell,
 19 any time the cell door is open, they are placed in
 20 restraints. The first thing I thought was there was a
 21 security breach because Mr. Townsend was not restrained.
 22 His cellmate was secured in the recreation module, but
 23 Mr. Townsend had blood coming from his mouth where it
 24 appeared to me it was coming from one of his lips. The
 25 inmate appeared to be hurt, but he did not appear to be

1 hurt beyond what, you know, would expect to be a life-
 2 threatening situation. I asked my officers why he
 3 wasn't restrained, and they told me that he wasn't able
 4 to get up. They had tried to call him to the door
 5 several times and he wasn't able to.
 6 Beyond that, the inmate stated, you know, he
 7 had been beaten and that he didn't feel so well. So at
 8 that point, we -- when I say we, the staff there that
 9 was present at that time made every effort to get him in
 10 time to help that need.
 11 Q. I want to talk just briefly about the -- what
 12 computer do you use to send your e-mail that you've
 13 already talked about?
 14 A. It was the computer that was there at CCA.
 15 CCA's internal network.
 16 Q. But where was the computer located?
 17 A. I do believe that I used the computer that
 18 was in the administrative area to send the e-mail.
 19 MR. DAVIDSON: Counsel, I want to make sure
 20 that computer is preserved so we can examine it.
 21 BY MR. DAVIDSON:
 22 Q. Do you know who was on the e-mail list that
 23 you sent that e-mail to?
 24 A. No, but I did not delete the e-mail that was
 25 sent. But, however, I was locked out, you know, as an

1 employee that is put out on administrative leave and in
 2 pending, you know, my resignation. Prior to that, when
 3 I was in good standing with the company, I could access
 4 that e-mail system from home or L & N Cafe or wherever,
 5 and I could also access it in the facility. I was
 6 locked out of that.
 7 Q. Do you know who made the decision to send Mr.
 8 Townsend to Meharry instead of Vanderbilt?
 9 A. The ambulance service.
 10 Q. Was he handcuffed when he left the CCA?
 11 A. Any time an inmate leaves the secure facility
 12 going out on any kind of transport, they are restrained.
 13 Mr. Townsend was restrained with leg irons. He was
 14 restrained with handcuffs, a black box which connects
 15 the handcuffs and the belly chain.
 16 Q. And you've talked earlier about high points.
 17 What does that mean?
 18 A. In the classification system, which is pretty
 19 much federally mandated, an inmate's institutional
 20 history, his number of arrests, severity of his crime.
 21 I think I covered institutional behavior. All of that
 22 is taken into account, the number of times that they've
 23 been inside of a correctional facility or arrested. All
 24 of that is taken into account and a number comes out.
 25 And based on the way that CCA did it, I do believe the

1 points went from a one being the -- well, zero --
 2 actually, it could go negative. It could go from a
 3 negative to ten being the highest. And if an inmate had
 4 over -- I believe over six points, he went directly to
 5 segregation as soon as he was able to be classified.
 6 Q. You mentioned earlier about what you observed
 7 in the cell. Was there anything else you saw or heard
 8 or observed in the cell that was unusual at that time?
 9 A. At the time I didn't think that, you know,
 10 that the situation was as serious as it was, but -- I
 11 don't mean to get nostalgic or anything, but this
 12 inmate, Townsend, spoke to me and everybody else that
 13 was present. I do believe Officer Cunningham, Officer
 14 Boles and Nurse Corter was there, and the other nurse,
 15 too, and he said to us that Townsend had beat him.
 16 Q. You mean that Sullivan did?
 17 A. I mean that Sullivan had beat him. And I've
 18 been around death several times. And I've never
 19 encountered a situation where roughly three hours later
 20 a person would be dead. But he did get a chance to say
 21 that, you know, he wasn't -- it wasn't natural. You
 22 know, it was a situation where he was beaten to death.
 23 Q. Within segregation itself, I'm talking about
 24 the area of the designated segregation cells, was there
 25 a cell that was designated highest class of segregation

1 where this guy really had to be kept away from the
 2 population?
 3 A. It was actually -- I want to say it was
 4 anywhere between five to six cells that had been
 5 retrofitted with an alternative lock because the lock
 6 systems inside of CCA Metro Detention Facility were not
 7 of the highest quality. And an inmate could manipulate
 8 those locks for those doors to come open. And they
 9 retrofitted several of the doors where they could not be
 10 manipulated to be opened. And inside of those cells
 11 were maximum custody inmates that had already been
 12 classified, that there was no -- it wasn't even open to
 13 interpretation that they were dangerous. One of those
 14 cells housed Frank Horton. Another one of those cells
 15 housed the inmate that had escaped in March by tunneling
 16 out of the walls. Another inmate was housed in -- there
 17 were several inmates that were housed in there that were
 18 absolutely, positively that you did not want a door to
 19 pop open on you. You did not want an inmate to be able
 20 to manipulate that door in any kind of way or you knew
 21 you were going to have trouble.
 22 Q. Were they by themselves?
 23 A. Those inmates were housed by themselves.
 24 Q. Should Mr. Sullivan have been housed by
 25 himself.

1 MR. WELBORN: Objection.
 2 THE WITNESS: I can't make that
 3 determination.
 4 BY MR. DAVIDSON:
 5 Q. Well, is there some form or some document,
 6 some guideline that CCA used to make that determination,
 7 a matrix of any type?
 8 A. Yeah, classification.
 9 Q. Okay. And you may or may not know this, but
 10 do you know why the repairs were not done to the call
 11 system or the control board there prior to this incident
 12 happening?
 13 A. I can't answer that, either.
 14 MR. DAVIDSON: No further questions.
 15 CROSS EXAMINATION BY MR. WELBORN:
 16 Q. Mr. Perry, I've got a few questions for you,
 17 starting off with something that you were just asked
 18 about. Mr. Davidson asked you several times or referred
 19 several times in questioning you to Mr. Sullivan beating
 20 Mr. Townsend.
 21 A. Uh-huh.
 22 Q. Did he not?
 23 A. Yes, he did.
 24 Q. And you just referred to Mr. Townsend saying
 25 there that Mr. Sullivan had beat him?

1 A. That's correct.
 2 Q. And Mr. Townsend, as we know, died?
 3 A. Yes, sir.
 4 Q. And would you agree that if Mr. Sullivan did,
 5 in fact, do that to Mr. Townsend, beat him and that Mr.
 6 Townsend died as a result, that would be a criminal act?
 7 A. Without a doubt, yes, sir.
 8 Q. Now, as I understand it, you started working
 9 at the CCA Metro Detention Facility in July or August of
 10 2006?
 11 A. That's correct.
 12 Q. And at the time of this incident, you were
 13 the shift captain?
 14 A. That's correct.
 15 Q. Which meant, basically, you were the
 16 supervisor of that shift?
 17 A. The third shift; it's not the status of
 18 warden.
 19 Q. But you were the shift supervisor for third
 20 shift?
 21 A. That's correct.
 22 Q. How long had you been in the position of
 23 shift supervisor for third shift?
 24 A. Designated on third shift, about three
 25 months. The time before that, I was a floater between

1 second and third.
 2 Q. How long had you been a floater between
 3 second and third shift?
 4 A. Another maybe three or four months prior to
 5 that.
 6 Q. And what position did you hold prior to being
 7 a shift supervisor?
 8 A. I was a lieutenant and the security threat
 9 group coordinator.
 10 Q. When you were the lieutenant in the security
 11 threat group -- a security threat group, can you explain
 12 what that is?
 13 A. Prison gangs.
 14 Q. And that's primarily keeping up with who's in
 15 what gang?
 16 A. Yes, sir.
 17 Q. Is that primarily -- are you in an office
 18 when you're doing most of that work or where are you?
 19 A. Actually, it varies between being in the
 20 office and being intricately involved in the intake
 21 process.
 22 Q. So in that position, you were in the office
 23 reviewing files on inmates to see if they were parts of
 24 gangs; that's one thing you were involved in?
 25 A. Well, no, what -- the main part of being a

1 security threat group coordinator is interviewing the
 2 inmate and looking at their bodies for tattoos.
 3 Q. So that would happen in intake?
 4 A. That would happen in the intake process or
 5 shortly thereafter.
 6 Q. So you would interview various inmates at
 7 various times either when they came in the facility or
 8 after, shortly after, to look for tattoos, to ask some
 9 questions about whether they were in a gang and those
 10 type of things?
 11 A. Yes, sir, and then I would refer to the
 12 institutional file to see if, you know, a -- I mean a
 13 past -- I'm searching for what I'm trying to say. If
 14 they had any past problems or looking at our filing
 15 system of the security threat group files and looking in
 16 the security threat group archive, and also I had a
 17 matrix of the inmates that were active in the system and
 18 inactive that had been released to make sure that they
 19 didn't -- it was actually a triple situation. Triple,
 20 we did go back to see if I could dig anything up on
 21 them.
 22 Q. So the position of security threat group, how
 23 long did you hold that position?
 24 A. I held that position for about four months.
 25 I also was the transportation -- I was in charge of the

1 transportation, worked with the -- I was the supervisor
 2 of the transportation coordinator and I had the intake.
 3 I was in charge of the intake as well.
 4 Q. Okay. When you say transportation, that
 5 means taking inmates to court, to the doctor, wherever
 6 they needed to go outside of the facility?
 7 A. That's correct.
 8 Q. So during that time when you were in that
 9 position both as the lieutenant of the security threat
 10 group as well as the transportation officer --
 11 A. Transportation supervisor.
 12 Q. Transportation supervisor, you were involved
 13 in transportation, taking inmates out, or going through
 14 paperwork or interviewing inmates and trying to
 15 determine whether they were in a gang?
 16 A. Right.
 17 Q. And the reason it's important in a prison to
 18 keep up with who is in a gang is just to keep control of
 19 the situation?
 20 A. To keep control, yes, sir.
 21 Q. And then so for the six or seven months prior
 22 to this incident, that's when you were a shift captain?
 23 A. That's correct?
 24 Q. And with respect to Mr. Townsend, as I
 25 understood your testimony, you spoke to him as part of a

1 group that came in or that was going into seg?
 2 A. Right, they had been at the facility maybe
 3 seven to ten days. And after, you know, checking their
 4 histories and looking at their classification and things
 5 like that, they were put on a list to be segregated
 6 pending a hearing for administrative maximum custody.
 7 Q. Okay. And so you were involved in a
 8 conversation with him as well as others at that point?
 9 A. As to why they were going into segregation
 10 and how long it would be before they had their hearing,
 11 how long it would be before they were released, you
 12 know, just a myriad of questions.
 13 Q. And other than that instance and then when
 14 you saw him the morning of the incident on January 14th,
 15 2008, you had no other conversations with Mr. Townsend?
 16 A. No.
 17 Q. When inmates at the facility needed medical
 18 care or mental health care, you weren't the person to
 19 provide that care?
 20 A. No.
 21 Q. You weren't involved in that care?
 22 A. No, it was covered under HIPAA.
 23 Q. You don't know, for example, any medical
 24 conditions of Mr. Sullivan or Mr. Townsend?
 25 A. I heard Mr. Sullivan state that he was

1 schizophrenic.
 2 Q. Other than that, you don't know any medical
 3 conditions of either one of those individuals?
 4 A. After Mr. Townsend was killed, to my
 5 understanding, I found out through a conversation that
 6 he had had some medical problems.
 7 Q. Let me tie it back to the time frame then.
 8 During the time that you were -- prior to January 14th,
 9 you didn't -- you weren't aware of any medical
 10 conditions --
 11 A. No.
 12 Q. -- of either inmate, either Mr. Sullivan or
 13 Mr. Townsend?
 14 A. Mr. Sullivan said that he was schizophrenic.
 15 Q. Other than him saying --
 16 A. No.
 17 Q. You weren't involved in their medical or
 18 health care?
 19 A. No, no more than being in charge of a shift
 20 where Mr. Sullivan was housed in medical observation for
 21 suicide watch.
 22 Q. Right. And when an inmate was sent to
 23 medical, to either medical observation or the medical
 24 unit, those are two different units?
 25 A. Right.

1 Q. They were under the care and supervision of
 2 doctors or nurses when they were there?
 3 A. Nurses and correctional officers.
 4 Q. So there would actually be a corrections
 5 officer in those areas?
 6 A. There should be no time in the correctional
 7 facility that an inmate is not supervised by a
 8 correctional officer at some point.
 9 Q. And those people, those correctional
 10 officers, that were in those units, that wasn't your
 11 job? You weren't a correctional officer for the medical
 12 observation or the medical unit?
 13 A. No, but they worked for me.
 14 Q. When you were shift captain, shift
 15 supervisor, I take it you were pretty busy during your
 16 shift?
 17 A. Very.
 18 Q. Tell me what you would do, typically, on a
 19 shift.
 20 A. You would -- a captain was responsible for
 21 getting to the facility 15 to 30 minutes prior to taking
 22 on that shift so as to make any -- so to be briefed by
 23 the person that you relieved and make any adjustments to
 24 your roster for where you're going to assign
 25 correctional officers to go. So I would do that on a

1 nightly basis. I would conduct roll call, brief my
 2 officers as to anything that was going on in the
 3 facility. I always stressed to them that safety,
 4 safety, safety was the way to go, and to please, you
 5 know, make sure that we all left the shift the way we
 6 came to the shift or better. After that, you know,
 7 given the assignments to go to their respective places
 8 where they were going to be assigned that night, and the
 9 number one priority under normal circumstances would
 10 have been to immediately start doing rounds, visiting
 11 the housing units. The policy for Metro was that we
 12 visited every post on every shift.
 13 After the lightening strike happened, the
 14 shift captains were restricted in where they could go
 15 inside the facility. And that was that we couldn't
 16 visit any other units, that we had to stay in between
 17 our area where master control could have a visual on us
 18 at all times. So the lieutenants and the sergeants were
 19 given the task of visiting the units. I did shift
 20 paperwork, supervised counts. Most of what you do is
 21 just to react to the situation.
 22 Q. Where -- were you located somewhere centrally
 23 within the facility?
 24 A. I was located right outside of master control
 25 in what we called the captain's desk. The captain's

1 desk is right there in the middle where you can see down
 2 both main hallways of the facility.
 3 Q. You can see down what they call the long hall
 4 and the short hall?
 5 A. Exactly.
 6 Q. So let me go back through this. Until the
 7 lightening strike, you would do rounds --
 8 A. Inside the facility.
 9 Q. In every unit?
 10 A. Uh-huh.
 11 Q. After the lightening strike, you didn't do
 12 the rounds; the sergeants and the lieutenants did that?
 13 A. I was not supposed to do the rounds. I broke
 14 protocol several times and went down there, especially
 15 where I had a new officer, just to let them know that
 16 they had my support and they could see me, and in the
 17 situations where we had extreme circumstance. When my
 18 officer called for me -- in which the chain of command
 19 works in a facility the same way it works in the
 20 military. When an officer has a situation, they call
 21 their sergeant. When the sergeant can't handle the
 22 situation, they call the lieutenant. When the
 23 lieutenant can't handle the situation, they call the
 24 captain.
 25 Now, me being a former military person, I

1 demanded that people follow the chain of command. When
 2 an officer called me directly on the radio, over the
 3 sergeant and the lieutenant, I responded to that
 4 situation because I always knew that it was necessary
 5 for me to be there.
 6 Q. Is it fair to say that after the lightening
 7 strike, that other than occasionally breaking protocol,
 8 you didn't do rounds like you had done before?
 9 A. That's correct.
 10 Q. And that your sergeants and lieutenants would
 11 be the ones going to the various units?
 12 A. That's correct.
 13 Q. And how often would they make rounds into the
 14 units?
 15 A. They were required to go in there at least
 16 once.
 17 Q. Once per shift?
 18 A. Once per shift. But as a sergeant, you had
 19 to verify counts. So you went into each shift -- I mean
 20 into each unit at least three times -- no, at least four
 21 times - once for rounds and three other times to verify
 22 counts and for any business that, you know, that a
 23 sergeant will have to go into a unit as well as a
 24 lieutenant. A lot of times we'd only have but one
 25 sergeant on the shift, so the lieutenant served as a

1 sergeant on the long hall, and the only other sergeant
 2 that you had served as a sergeant on the short hall.
 3 Q. When you mentioned -- you talked about
 4 counts. You said you supervised counts. During this
 5 time when the sergeants and lieutenant would do it, is
 6 that actually receiving the information from them?
 7 A. No, the information was given to us -- the
 8 count was called in by the officer by phone.
 9 Q. And that would be called in to you?
 10 A. No, it would be called in to the count
 11 officer. Now, if I was short, I would be the count
 12 officer.
 13 Q. And then the other thing you said you did,
 14 you said you do paperwork, shift paperwork?
 15 A. Shift paperwork, evaluations, a myriad of
 16 things.
 17 Q. When was the lightening strike?
 18 A. I'm going to say that that happened around
 19 November, around the time frame of November. And I also
 20 did a perimeter walk every night as well.
 21 Q. What is that?
 22 A. A perimeter walk. Walk the fence.
 23 Q. You would do that?
 24 A. Yes, sir.
 25 Q. Inside or outside the fence?

1 A. Inside and out.
 2 Q. That's a pretty long walk?
 3 A. Yes, sir, it is.
 4 Q. How long would it take you to do that?
 5 A. If we weren't messing around, probably about
 6 maybe 15 minutes.
 7 Q. So when you say November, are you talking
 8 November of '07?
 9 A. November of '07.
 10 Q. Was when the lightening strike occurred?
 11 A. Yes.
 12 Q. And then am I understanding you correctly,
 13 before that lightening strike, you actually did rounds?
 14 A. I sure did.
 15 Q. Which means you would go into the units on
 16 the long and short hall once per round?
 17 A. Once per night unless I was called to that
 18 unit to take care of a situation.
 19 Q. And when you would go, for example, to Unit
 20 Juliet -- and you're working third shift most of this
 21 time from 10:00 p.m. to 6:00 a.m. What would you do
 22 when you would go into that unit?
 23 A. I would go to the unit and the first thing I
 24 would do was review the log book, ask the officer if
 25 they needed any paperwork, ask them if they needed

1 anything of me. And at that point, I would tell them
 2 what I needed of them. If I saw something that needed
 3 to be corrected, I would have it corrected. I was a
 4 stickler on having a unit clean. If the inmate wasn't
 5 out working, I demand that they get them out and start
 6 working.
 7 Then I would perform a security check. I
 8 would go around to each door. If an inmate was laying
 9 in there asleep, I left them along, as long as I saw
 10 them breathing, flesh. That's CCA's policy, to count
 11 living, breathing bodies. As long as I saw them living
 12 and breathing and under no distress, I can go to the
 13 next cell. If the inmate wanted to have a conversation
 14 with me, how are you doing tonight, or so and so didn't
 15 do this for me or, you know, whatever, what the
 16 situation was, I would address it. I would talk to
 17 them.
 18 Q. So you would do that in each unit once a
 19 night?
 20 A. Once a night.
 21 Q. And the units, we said the long and short
 22 hall. What units are on those, the long and short hall?
 23 A. The short hall I had Unit Bravo, Charlie
 24 Delta and Echo. The long hall had segregation and Fox-
 25 trot, but they weren't a part of the unit team of the

1 long hall. Segregation and Foxtrot was its unit team.
 2 Then you had Hotel, Juliet, Lima and Kilo.
 3 Q. Which were the ones on the short hall, did
 4 you say?
 5 A. Bravo, Charlie, Delta, Echo.
 6 Q. And then when you weren't making the rounds,
 7 you were attending to the things that you had to at your
 8 post?
 9 A. Right.
 10 Q. At the desk, paperwork, the supervised
 11 counts, those type of things?
 12 A. Those type of things, yes.
 13 Q. All right. Let's go to the night of January
 14 the 14th or the morning of January 14th. As I
 15 understand from your testimony, there were two nurses
 16 present when you got to the scene?
 17 A. That's correct.
 18 Q. And that one was Nurse Corter, and there was
 19 another nurse you don't remember?
 20 A. Right, she had just started that night.
 21 Q. Officer Boles, he was there?
 22 A. Officer Boles.
 23 Q. Officer Cunningham?
 24 A. Yes, sir.
 25 Q. Any other officers that you remember?

1 A. No. Well, actually, I had a Sergeant
 2 Gardner. He was there intermittently. He wasn't there
 3 throughout the whole process. And I want to say
 4 Sergeant Douglass was there throughout the whole process
 5 from beginning to end.
 6 Q. Sergeant Douglass?
 7 A. Yes. And I do believe that Sergeant -- no,
 8 they were the only two there. And my lieutenant that
 9 night would have been Barnett. And I pretty much left
 10 Barnett to do all of the rest of the operating of the
 11 facility and all of that and I handled this situation
 12 myself.
 13 Q. So when you got there, as I understand it,
 14 the people you just mentioned, including the officers
 15 and nurses, were on the scene?
 16 A. And the sergeant, Sergeant Douglass.
 17 Q. And the sergeant. And Mr. Sullivan was in
 18 one of the rec cages outside the cell?
 19 A. Yes, the module. We don't say cage.
 20 Q. All right, in the rec module outside the
 21 cell, and Mr. Townsend was still in the cell?
 22 A. That's correct.
 23 Q. And he was being attended to by the nurses?
 24 A. Yes, he -- yes.
 25 Q. And you didn't have any conversations with

1 Mr. Sullivan at that time?
 2 A. No, no, I didn't.
 3 Q. In fact, you never had any conversations with
 4 Mr. Sullivan about Mr. Townsend at all, correct?
 5 A. Mr. Sullivan made a -- said to me that he
 6 wanted to go back into his cell. As Mr. Townsend was
 7 exiting, he wanted to go back in the cell because at the
 8 time, he only had pants on. He didn't have a shirt on.
 9 He stated that he was cold. He said, I'm cold as a
 10 mother-fucker and I want to go back there and lay down.
 11 And I stated to him that due to the severity of the
 12 situation that was going on, I couldn't allow him to go
 13 back into the cell, and that -- I might, you know, I
 14 might suffer from this later. I told him, I said, you
 15 fucked up.
 16 Q. You told Mr. Sullivan that?
 17 A. Yes. That's all -- that's the only thing
 18 that was said between him and me at that time.
 19 Q. And other than what you just described, you
 20 had no conversations with Mr. Sullivan about Mr.
 21 Townsend at all at that time or before this incident?
 22 A. No.
 23 Q. Mr. Perry, I want to differentiate when I ask
 24 you these questions here about what you may have
 25 overheard from somebody about someone or some thing and

1 what you actually saw.
 2 A. Okay.
 3 Q. Okay? And I want to ask you what you
 4 actually have observed or saw. Did you ever observe or
 5 see Mr. Sullivan get in a fight with another inmate?
 6 A. No.
 7 Q. Did you ever observe Mr. Sullivan making
 8 threats directed toward another inmate?
 9 A. Yes.
 10 Q. Who was that inmate?
 11 A. Donnell Cunningham.
 12 Q. Besides Mr. Cunningham, did you ever hear Mr.
 13 Sullivan make any threats to any other inmate?
 14 A. Not directly, no.
 15 Q. And you said Donnell Cunningham. Where did
 16 that occur?
 17 A. This was in medical observation. And Donnell
 18 Cunningham is another inmate, another special needs
 19 problematic inmate, that frequently goes in medical
 20 observation on suicide watch as a means of an extra
 21 precaution of controlling him, that I am aware.
 22 Q. Were they in separate cells?
 23 A. Yes, they were.
 24 Q. Did you -- do you remember what they said to
 25 each other?

1 A. Just back and forth about you weak, fuck you,
 2 I'm going to kill you. Just, you know, these two were
 3 very volatile. And, I mean, for me to be able to say
 4 exactly what words were passed, I don't know. I heard,
 5 you know, the two of them saying fuck you, you know,
 6 just meet me at such and such a place once you get out,
 7 things of that nature.
 8 Q. But you don't remember exactly what they
 9 said?
 10 A. I remember both of them saying fuck you and I
 11 remember both of them saying, you know, I'll kill you,
 12 and blah, blah.
 13 Q. Other than Mr. Cunningham, do you remember
 14 Mr. Sullivan making any threats to anyone else?
 15 A. Not that I saw, no, sir.
 16 Q. Earlier in your testimony in questions from
 17 Mr. Davidson, you said something that if complaints were
 18 made by an inmate during your shift, you could move the
 19 inmates from cells. You had the authority to do that?
 20 A. Around the general population, I could around
 21 inside of segregation, I could. Now, the only authority
 22 that I did not have was to release an inmate from the
 23 medical observation unit out into general population or
 24 release an inmate from segregation out into the general
 25 population. Those orders came directly from the unit

1 team of segregation.

2 Q. So within segregation, if an inmate has a

3 complaint and they voice it to you, you can move them

4 within segregation if you think it's appropriate to do

5 that?

6 A. Yes, sir, I could.

7 Q. And as I understand it, you weren't aware of

8 Mr. Townsend or Mr. Sullivan being in the same cell?

9 A. No, I wasn't.

10 Q. And they made no complaints, either one of

11 them, about who they were in the cell with?

12 A. They didn't make any to me, because at that

13 time, I wasn't doing the rounds.

14 Q. Now, we talked -- you were asked some

15 questions by Mr. Davidson about this call button that

16 you said is in each cell. You didn't test every call

17 button in every cell, correct?

18 A. No, I did not.

19 Q. You didn't test this call button in the cell

20 where Mr. Sullivan and Mr. Townsend were?

21 A. No, sir, I did not.

22 Q. Now, as far as the questions that Mr.

23 Davidson asked you about listening in, listening in only

24 occurs if the officer in the control unit wants to

25 listen in, correct? It's not a -- he doesn't have a

1 speaker in there listening in on every cell all the

2 time?

3 A. That's correct.

4 Q. It's just if I want to want to listen in to

5 that cell, he could punch a button and go listen to that

6 cell?

7 A. The officer or maybe the internal -- I mean

8 the STG coordinator will want to come down and surveil

9 an inmate for many different reasons.

10 Q. When you would make rounds, you or your

11 officers or the officers under you would be in the

12 units, whether it's you making rounds, they were in

13 there because that was their job to be in there?

14 A. Right.

15 Q. Inmates talked to you through the door,

16 through the window, correct?

17 A. That's correct.

18 Q. There is a window in each door?

19 A. A very small window in each cell door.

20 Q. But they routinely talked to you when you

21 would make your rounds?

22 A. They wouldn't actually talk to you. I'm hard

23 of hearing because I've had so many rounds go off around

24 me. They would not talk to you through the window or

25 through the door. I would always have an inmate to come

1 over to the crack of the door and speak to me to where I

2 could understand what he was saying. Some people had

3 good enough hearing to stand there straight at the

4 window and speak to them, but I always spoke to them

5 through the crack.

6 Q. So whether it was through the crack or

7 through the window with somebody else, they were able to

8 communicate with either you or whoever else was working

9 in the unit?

10 A. Right, that's correct.

11 Q. Again, I want to get back to what you

12 actually observed or were involved in when I'm asking

13 these questions.

14 A. Right.

15 Q. The decision to put Mr. Townsend and Mr.

16 Sullivan together in a cell, you were not involved in

17 that decision?

18 A. No.

19 Q. You testified about who you think would have

20 been involved in that, but you weren't actually involved

21 in any discussions with those folks, correct?

22 A. I was not.

23 Q. Okay. After this incident on January the

24 14th, were reports, the 5-1 reports prepared?

25 A. Correct, yes, sir.

1 Q. would you --

2 A. Well, actually, the 5-1B was done by me. I

3 had started on the 5-1A. Of course, the 5-1C is the

4 witness statement. That naturally comes from everybody

5 involved. When Corlew took over doing the 5-1A,

6 Assistant Warden Corlew, and around about the time of 11

7 o'clock, he had to stop as well because we were all

8 ordered to stop.

9 Q. And in the 5-1B, you said that those are the

10 witness statements?

11 A. No, the 5-1C is the witness statement. The

12 5-1B is a notification form. It's like a blurb of

13 things to come from the 5-1A which is the incident, the

14 main sheet of the incident take.

15 Q. 5-1A is kind of a summary of the witness

16 statements and the 5-1B, is that what it is?

17 A. The 5-1A is the incident statement -- I mean

18 the incident report. It gives all of the demographics

19 of the inmates and the officers and nurses and

20 everything that's involved. The 5-1A is the document

21 that paints the whole picture. It tells you any and

22 everything you want to know down to what an inmate was

23 -- the inmates involved, what they were incarcerated

24 for. A 5-1B was just a quick summary to -- a form that

25 you could fax the different individuals right then and

1 let them know, hey, here is the problem and I'm going to
 2 have a complete 5-1 packet to follow this.
 3 Now, in a priority situation, a Priority 1
 4 situation, you had immediate telephone notification,
 5 which I did to the ATO, and you would have 24 hours to
 6 get the whole entire packet complete all the way from a
 7 5-1A which is the incident report down to I believe it
 8 went to a 5-1G. I don't remember what each one of those
 9 were.
 10 Q. The 5-1C are the witness statements?
 11 A. Witness statements, that's correct.
 12 Q. What you gathered from the witnesses?
 13 A. Yes, all of the witnesses, including even if
 14 you're the person that does the 5-1A, in your own words,
 15 you still have to file a 5-1C as well.
 16 Q. Okay. Now, you mentioned one situation with
 17 Mr. Sullivan where he was in Unit Juliet. And I believe
 18 you said the officers in that unit called you down
 19 because of problems he was having with two cellmates?
 20 A. The officer called the sergeant and the
 21 sergeant came to me, spoke with me. I gave him what I
 22 thought would be a remedy for the situation. It didn't
 23 work, so I went down there myself.
 24 Q. And did you actually observe --
 25 MR. WELBORN: Let's take a break here.

1 THE VIDEOGRAPHER: We're off the record at
 2 11:54.
 3 (Recess observed.)
 4 THE VIDEOGRAPHER: We are back on the record
 5 at 12:07. This is the beginning of Tape 2 of the
 6 video-taped deposition of Patrick Perry.
 7 BY MR. WELBORN:
 8 Q. Mr. Perry, before we took a quick break, we
 9 were talking about the situation in Unit Juliet which is
 10 a general population unit, by the way, isn't it?
 11 A. Juliet was a general population unit, but it
 12 was a semi-special unit as well.
 13 Q. And we were talking about the situation where
 14 Mr. Sullivan was in a cell with two cellmates, and you
 15 were called or contacted by Sergeant Douglass about them
 16 not getting along, basically?
 17 A. Right.
 18 Q. You weren't down there before being contacted
 19 by Sergeant Douglass and actually observed what went on
 20 between Mr. Sullivan and his two cellmates?
 21 A. No.
 22 Q. You were just told by Sergeant Douglass what
 23 had been related to him by the officers in the unit?
 24 A. That's correct.
 25 Q. So after that, you go down and you assess the

1 situation?
 2 A. Yes.
 3 Q. And you make the determination that you need
 4 to separate these inmates?
 5 A. That's correct.
 6 Q. And you did that?
 7 A. Yes, sir.
 8 Q. So at that time, you moved Mr. Sullivan to
 9 another cell?
 10 A. I moved Mr. Sullivan to segregation.
 11 Q. Did the other two inmates stay in the same --
 12 stay there or did you separate those two as well?
 13 A. They stayed in their cell.
 14 Q. So at that time, just to go back over this,
 15 you, as an officer and a captain at this facility, made
 16 a determination that it would be in these inmates' best
 17 interest to separate Mr. Sullivan from them?
 18 A. That's correct.
 19 Q. You made that decision and did that?
 20 A. Yes, sir.
 21 Q. Assistant Warden Corlew, when did he start at
 22 the facility? Do you remember?
 23 A. He came to the facility around about
 24 September.
 25 Q. of '07?

1 A. Of '07, yes. Around about the same time --
 2 right about the same time that I made captain.
 3 Q. So when you became a shift captain, that was
 4 kind of correlated when Mr. Corlew came in?
 5 A. That's correct.
 6 Q. Time-wise?
 7 A. Time-wise, yes, sir.
 8 Q. Again, I want to go back to some things that
 9 Mr. Davidson asked you about. And he asked you about
 10 bonuses, and you talked about bonuses and budgets in
 11 response to some questions that Mr. Davidson asked you?
 12 A. Yes, sir.
 13 Q. And it had to do with the performance of the
 14 facility?
 15 A. That's correct.
 16 Q. Now, as an employee at that facility, you
 17 were not involved in the budget process, correct?
 18 A. Incorrect. Things that had to do with
 19 security and operations, yes, sir, I was.
 20 Q. Tell me specifically what you were involved
 21 in with respect to budgeting at that facility.
 22 A. Well, overtime was a very, very intricate
 23 part of what I did. As a shift captain, I oversaw the
 24 laundry. At one point in time, laundry was done during
 25 the day, and they changed it to night because of certain

1 power. They used either water or electricity was
 2 cheaper to run during the night than it was during the
 3 day. Security equipment, radios, handcuffs,
 4 accountability, all of that counted toward the budget.
 5 Q. Okay. I guess my question is more specific
 6 than that. You weren't involved in setting the budget
 7 for the facility? What you're --
 8 A. No, no.
 9 Q. What you're describing for me is if you had
 10 people working overtime, you had to report that to
 11 somebody?
 12 A. Actually report it and manage it. If someone
 13 got an hour overtime, I would have to get them an hour
 14 off the clock to compensate for their time so they
 15 wouldn't be paid overtime.
 16 Q. With respect to bonuses, you weren't involved
 17 in setting bonuses for anyone?
 18 A. No, sir, I wasn't involved in setting
 19 bonuses. No, sir, I wasn't.
 20 Q. And you can't -- your knowledge with respect
 21 to any statements or anything about bonuses was
 22 statements that were made in some meetings by, you know,
 23 various people? You weren't actually -- you weren't
 24 involved or have never seen any policy or anything like
 25 that with respect to bonuses?

1 A. There is no policy with respect to bonuses.
 2 Q. You weren't involved in the calculation of
 3 any bonuses?
 4 A. Well, a person's evaluation and performance
 5 evaluation was taken into consideration of their
 6 bonuses, and I did evaluation.
 7 Q. So you had people that worked under you that
 8 you evaluated?
 9 A. That's correct.
 10 Q. That evaluation may go off to somebody who's
 11 going to decide whether this person gets a bonus as well
 12 as various other factors?
 13 A. Raises and promotions and all of that.
 14 Q. You weren't actually involved in calculating
 15 bonuses?
 16 A. No.
 17 Q. And you don't know exactly how bonuses are
 18 calculated if there is one received?
 19 A. I know the certain criteria that us, as
 20 correctional professionals, were instructed to keep in
 21 mind that affected our bonuses and affected everybody's
 22 bonus in the facility. And that was the zero tolerance
 23 system and certain other things.
 24 Q. What is the zero tolerance?
 25 A. The five zero tolerances that I talked about

1 before: Escapes; hostage situation; rape, because there
 2 is no sex in the correctional facility; disturbances;
 3 and, deaths other than natural causes.
 4 Q. So you are aware of some things that may be
 5 considered in whether there would be a bonus; if there
 6 was, how much?
 7 A. That's correct.
 8 Q. But you weren't involved in how that's
 9 actually calculated?
 10 A. No.
 11 Q. You mentioned an inmate named Brian Falk?
 12 A. Yes.
 13 Q. And an incident he had with a Charles -- and
 14 I don't have his last name.
 15 A. Williams.
 16 Q. Charles Williams. Did you actually observe
 17 that incident or is that something that someone told you
 18 about?
 19 A. I observed the aftermath of it. I saw Inmate
 20 Falk leave in an ambulance. And I was the -- one of the
 21 officers that transported Inmate Charles Williams to
 22 Meharry to have a rape kit drawn on him. And, yeah, I
 23 was involved in parts of the investigation and the
 24 aftermath of it.
 25 Q. But you didn't actually observe what went on

1 between the two?
 2 A. Nobody actually observed it.
 3 MR. WELBORN: Okay. That's my only question.
 4 That's all of the questions that I have. Thank you.
 5 MR. DAVIDSON: I have just some follow-up
 6 questions.
 7 REDIRECT EXAMINATION BY MR. DAVIDSON:
 8 Q. What staff member, to your knowledge, decided
 9 on when an inmate should be -- let me back up. Who
 10 decides when an inmate should be taken off of suicide or
 11 homicide watch?
 12 A. The psychiatrist.
 13 Q. Do you know who made that decision in Mr.
 14 Sullivan's case?
 15 A. I don't remember the psychiatrist's name.
 16 Q. Did you ever observe or hear Mr. Sullivan
 17 make threats to himself?
 18 A. No.
 19 Q. Was Mr. Sullivan, to your knowledge, in some
 20 type of a gang there?
 21 A. No, sir, not to my knowledge. That doesn't
 22 mean it wasn't so, but not to my knowledge.
 23 Q. Have you ever, while you've been at CCA, has
 24 any other inmate been killed?
 25 A. In 1997, I was a correctional officer at

1 Hardeman County Correctional Facility, and inside of our
 2 protective custody unit there was an inmate named
 3 William Christianson. He was an inmate that was on
 4 protective custody, and he was mostly confined to a
 5 wheelchair and he used a walking cane as well. His
 6 cellmate, I think his last name was Townsend as well, he
 7 became upset with him and beat his brains out with a
 8 typewriter, broke his walking stick, cut his throat,
 9 punched holes in the back of his neck. It was pretty
 10 bad; ugly, ugly situation. I do remember that one.
 11 It's been a couple of others, but they were
 12 situations where, you know, people were stabbed on the
 13 rec yard and stuff. There is a main difference between
 14 -- CCA Metro Detention Facility is an extension of the
 15 county jail system. CCA, Hardeman County Correctional
 16 Facility, where I worked prior, and Whiteville
 17 Correctional Facility were an extension of a state
 18 facility. You had more dangerous inmates. You had
 19 inmates that actually, you know, were there for two or
 20 three life sentences, and they had a lot more freedom to
 21 roam the facility and to go out in bigger numbers on the
 22 rec yard because they were doing life sentences and
 23 stuff like that. So there was a whole lot more.
 24 Q. Let me ask you, we talked about what you
 25 could see or how you communicate with inmates inside

1 these segregation cells. You really couldn't see in any
 2 of those windows, could you?
 3 MR. WELBORN: Object to the form.
 4 BY MR. DAVIDSON:
 5 Q. You couldn't?
 6 A. No.
 7 Q. Why couldn't you?
 8 A. The type of glass that they use in those
 9 windows, after so long, they become foggy. And I think
 10 there is a space in between them. And it's very, very
 11 hard to see in those cells, especially at night. You
 12 know, you will have to shine a flashlight in there to
 13 see what was really going on unless the inmate had his
 14 own light on. Now, the lights were controlled from both
 15 sides of the doors. You could cut an inmate's light on
 16 involuntarily or an inmate could cut on his light
 17 voluntarily.
 18 Now, the other side of that is, the inmates
 19 knew how to trick the lights out. They would bring the
 20 light switch up halfway where the circuit couldn't
 21 connect, and you could sit there all night long and flip
 22 that light on the outside and you could never see inside
 23 the cell.
 24 Q. So they had some control there?
 25 A. Yeah.

1 Q. When the 11:00 a.m. stop order came in this
 2 case, you talked about, had the 5-1 packet been
 3 completed?
 4 A. No.
 5 Q. Was it ever?
 6 A. I don't know.
 7 Q. Let's talk a little bit about your training
 8 just for the record here. Tell us about your training
 9 in the area of corrections.
 10 A. Basically, officer courses, in-classroom four
 11 weeks. Well, most people spent a week to two weeks on
 12 OJT. Now, when I started at Hardeman, we didn't have
 13 inmates, so there wasn't no such thing at OJT. I
 14 learned by greeting inmates, the first inmates to that
 15 facility off the bus. Then after, you know, you go
 16 through OJT. You have yearly classes that they call
 17 in-service that you're required to re-certify in CPR and
 18 PREA updates, which is the Prison Rape Elimination Act,
 19 and just things that you legally need to stay in
 20 corrections.
 21 Now, as you specialize in certain areas, you
 22 get training in those certain areas. Anything new to
 23 come down the pipe or anything such as an update in
 24 confidentiality or updating information technology,
 25 policies, stuff like that, they will bring you in, give

1 you a class or have you sign a roster. I did weapons
 2 training with Buford Tune. Also chemical agents and
 3 chemical irritants, training was given to me at the
 4 facility for that as well.
 5 Q. Would it be fair to say that you had a form
 6 of in-service training every year?
 7 A. Yes, sir.
 8 Q. And how many years prior to your leaving CCA
 9 had you been a correctional officer?
 10 A. I served three different stints with CCA
 11 cumulative to, I would say, probably eight years.
 12 Q. And you were in the military?
 13 A. Yes, sir, I was.
 14 Q. What branch?
 15 A. Army.
 16 Q. What branch in the army?
 17 A. Military police.
 18 Q. How long were you in the military police?
 19 A. Two-and-a-half years.
 20 Q. A couple of last questions. Could either Mr.
 21 Townsend's or Mr. Sullivan's medical condition have put
 22 them in another form of segregation such as medical
 23 observation? In other words, could either one of them's
 24 mental condition, to your knowledge, put them in by
 25 themselves or in another type of --

1 MR. WELBORN: Object to the form.
 2 THE WITNESS: Mr. Sullivan had just come off
 3 of suicidal watch. At the present time, Mr. Sullivan
 4 had not communicated to me or my staff that he was
 5 feeling suicidal or homicidal. So the answer to that
 6 question is no.
 7 BY MR. DAVIDSON:
 8 Q. Are you personally aware of anyone else at
 9 the CCA facility being aware of Mr. Sullivan's threats
 10 to himself or other inmates?
 11 A. The psychiatrist --
 12 MR. WELBORN: Object to the form.
 13 THE WITNESS: -- the nurses, any other
 14 captains that were there when I worked there. Pretty
 15 much all three shifts of correctional officers that
 16 worked segregation. Anybody that came in contact with
 17 Ronnie Sullivan knew he was a problem.
 18 MR. DAVIDSON: I have no further questions.
 19 THE VIDEOGRAPHER: This concludes the
 20 deposition at 12:25.
 21 FURTHER DEPONENT SAITH NOT.
 22
 23
 24
 25

1 CERTIFICATE
 2
 3 STATE OF TENNESSEE)
 4 COUNTY OF DAVIDSON) SS.
 5
 6 I, CAROLE K. BRIGGS, Shorthand Reporter and
 7 Notary Public within and for the State of Tennessee at
 8 Large, duly commissioned and qualified, do hereby
 9 certify that PATRICK D. PERRY, the deponent herein, was
 10 by me first and duly sworn to testify to the truth, the
 11 whole truth and nothing but the truth touching upon and
 12 concerning the matters in controversy in this cause; and
 13 his examination was reduced to typewriting under my
 14 supervision; that the deposition is a true record of my
 15 stenographic notes; and that said witness waived reading
 16 and signing the deposition.
 17 I further certify that I am not a relative,
 18 counsel or attorney of either party nor employed by any
 19 of the parties in this case or otherwise interested in
 20 the event of this action.
 21 IN WITNESS WHEREOF, I have hereunto affixed my
 22 hand and official seal on this 4th day of November 2008.
 23
 24 CAROLE K. BRIGGS, Shorthand
 25 Reporter and Notary Public,
 State of Tennessee at Large
 My Commission Expires: 11/26/11