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1 **APPEARANCES:**

2 FOR THE PLAINTIFF:

3 CHRISTOPHER N. CHENG, ESQ.
4 SARAH G. STEEGE, ESQ.
5 LAURA L. COWALL, ESQ.
6 HELEN VERA, ESQ.
7 MITZI DEASE-PAIGE, ESQ.

8 FOR THE DEFENDANTS:

9 NICHOLAS F. MORISANI, ESQ.
10 JAMES W. SHELSON, ESQ.
11 TONY R. GAYLOR, ESQ.
12 RAYFORD G. CHAMBERS, ESQ.
13 JOHN C. HALL, II, ESQ.
14 REUBEN ANDERSON, ESQ.

15 ALSO PRESENT:

16 ANTHONY NJOKU
17 MICHAEL DENAULT
18 ELIZABETH SIMPSON
19 DAVID PARRISH
20 SHERIFF TYREE JONES
21 LESLIE FAITH JONES
22 CINDY MOHAN
23
24
25

TABLE OF CONTENTS

Style and appearances.....	1355-1356
WITNESS: ELIZABETH SIMPSON	
Examination by the Court.....	1358
Further Direct by Mr. Cheng.....	1410
Further Cross by Mr. Shelson.....	1415
Further Examination by the Court.....	1451
The United States Rests.....	1455
WITNESS: GARY CHAMBLEE	
Direct by Mr. Morisani.....	1456
Defendants' Exhibit 9-18 entered.....	1497
Cross by Mr. Cheng.....	1498
Redirect by Mr. Morisani.....	1515
Examination by the Court.....	1518
WITNESS: ROBERT EARLE FARR, II	
Direct by Mr. Morisani.....	1534
Cross by Mr. Cheng.....	1564
Redirect by Mr. Morisani.....	1575
Examination by the Court.....	1577
Further Cross by Mr. Cheng.....	1581
Further Redirect by Mr. Morisani.....	1582
Court Reporter's Certificate.....	1586

1 **IN OPEN COURT, FEBRUARY 24, 2022**

2

3 THE COURT: You may be seated.

4 Good morning. Is there anything we need to take up

5 before we begin?

6 All right. Ms. Simpson, you may return to the stand.

7 **EXAMINATION**

8 **BY THE COURT:**

9 Q. I'll remind you you're still under oath and just make

10 sure you're speaking into the microphone because you tend to

11 direct your -- I'll be asking some questions so I know you're

12 going to have your -- you're going to be looking at me, and

13 people might not be able to hear you well because you'll have

14 your back to them. So just make sure you're speaking into the

15 mike.

16 A. Yes, sir.

17 Q. And I know you've been testifying, I guess, since the day

18 before yesterday so we're going to try not to be too long

19 here. But since you've been a monitor, how many sheriffs have

20 there been, if you can recall?

21 A. Four.

22 Q. Either permanent or interim?

23 A. Four sheriffs.

24 Q. Four sheriffs?

25 A. Yes.

1 Q. And those would be?

2 A. Sheriff Mason, Sheriff Vance, Sheriff Crisler, and now
3 Sheriff Jones.

4 Q. And during that same time period, do you know how many
5 County administrators you've had?

6 A. I believe three.

7 Q. And those would be, if you can name them?

8 A. Ms. Davis, Ms. Prince, I want to say, and now
9 Mr. Johnson.

10 Q. Mr. Jones?

11 A. Jones. Jones or Johnson, Jones. Kenny Wayne.

12 Q. And what about Jennifer Riley Collins, wasn't she an
13 administrator for some period of time?

14 A. Yes. So I think that's four.

15 Q. So at least four?

16 A. I believe so.

17 Q. And how many jail administrators have there been at RDC?

18 A. There was Major Rushing, Warden Fielder, sorry,
19 Major Bryan and now, I guess, Mr. Shaw, Major Shaw.

20 Q. And between Bryan and Shaw is?

21 A. Chief Simon.

22 Q. And was there anybody between Fielder or Bryan?

23 A. I believe Crane. Mr. Crane would have been acting jail
24 administrator in that interim.

25 Q. Okay. Do you know who's responsible for appointing the

1 County administrator?

2 A. I would assume the Board of Supervisors.

3 Q. And we know the public, the people are responsible for
4 electing the sheriff?

5 A. That's right.

6 Q. Who is appointed -- who is responsible for appointing the
7 jail RDC administrator?

8 A. Well, the administrator is for all the facilities and I
9 believe the sheriff is responsible for appointing that
10 individual, but I think the Board has to approve the contract
11 with that individual.

12 Q. Okay. And during the same time that the consent decree
13 has been in place, how many persons have been designated to
14 oversee that or be the administrator or whatever the title is
15 over at Henley-Young, if you can recall?

16 A. I -- I heard Mr. Moeser's testimony the other day. Seems
17 like it's four or -- maybe five hires but four people since
18 one came back.

19 Q. No reason to disagree with what Mr. Moeser testified to?

20 A. No reason to disagree.

21 Q. Now, you were appointed to be a monitor by -- through an
22 order by Judge Barbour; is that correct?

23 A. That's correct.

24 Q. Prior to being the monitor, did you have any
25 conversations with persons from Hinds County?

1 A. Yes.

2 Q. And what were those conversations, if any?

3 A. Well, I -- when my name was first presented to Hinds
4 County -- well, I don't know when it was first presented, but
5 at some time after that and before I was appointed,
6 Mr. Teeuwissen, who was the Board attorney at the time, called
7 and asked to meet with me. And so I -- I was in New Orleans
8 at the time so I drove up here, met with Ms. Barker, who was
9 the sheriff's attorney at the time and Sheriff Mason. We
10 drove out to the jail to RDC and I met Major Rushing and
11 probably some other employees at the jail, but I don't
12 remember who. Then I met with Mr. Teeuwissen and Mr. Anthony
13 Simon as well.

14 Q. And Anthony Simon being -- there are two Anthony Simons.

15 A. Yes, sir.

16 Q. So I want to make sure, Anthony Simon being the
17 attorney --

18 A. Yes.

19 Q. -- for the Board of Supervisors?

20 A. Yes.

21 Q. And in any of those meetings with those individuals, did
22 anyone ever question -- did they ever indicate to you that
23 they thought you were not qualified to be a monitor?

24 A. No.

25 Q. And after being selected as a monitor, has anyone from

1 Hinds County questioned your ability to be the monitor?

2 A. No.

3 Q. And in becoming the monitor, what did you understand were
4 your duties and responsibilities?

5 A. Well, it was those that are set out in the settlement
6 agreement to do a baseline visit, see where the facilities
7 were at in terms of compliance with the settlement agreement,
8 then do the three monitoring visits in a year and measure
9 their progress -- the facilities' progress towards compliance
10 with the settlement agreement as well as provide technical
11 assistance when requested or as we felt needed. The
12 settlement agreement also requires our team to provide
13 feedback in addition to the report but to make recommendations
14 in how to move forward towards compliance, and that's what I
15 recall at this time.

16 Q. As the monitor, did you believe you had the authority to
17 hire others to assist you in your duties?

18 A. Yes.

19 Q. And where did that authority come from in your view?

20 A. That's also in the settlement agreement that I can hire
21 consultants to assist with the work.

22 Q. And the consultants whom you've hired, we've heard at
23 least three of them testify: Mr. Parrish, Mr. Moeser, and
24 Mr. Dudley. After retaining each of them, has anyone from
25 Hinds County ever asserted, argued, suggested, objected to --

1 and that's a compound question. Let me ask: Has anyone ever
2 objected to the hiring of any of those individuals?

3 A. No.

4 Q. Anyone from Hinds County?

5 A. No.

6 Q. Okay. Any of the sheriffs?

7 A. No.

8 Q. Any County administrator?

9 A. No.

10 Q. Has anyone from the County or any sheriff asserted to you
11 that they thought that any of those individuals were not
12 qualified to be consultants for you?

13 A. No.

14 Q. At some point in time in your monitoring, like you
15 mentioned, that Major Rushing -- I'm not sure if her title was
16 major, but Ms. Rushing headed up RDC, I believe. She was the
17 jail administrator for RDC; is that correct?

18 A. She was the jail administrator for the jail system, but
19 she was primarily located and, I would say, focused on RDC.

20 Q. But it was for the entire -- for the system?

21 A. That's right.

22 Q. All right. And at some point in time, she was no longer
23 the person in that position?

24 A. That's correct.

25 Q. And what is the reason why you believe that she was no

1 longer in that position?

2 A. Well, she, I believe, resigned when the new sheriff came
3 in and I don't know if that's why, but that was the timing of
4 it.

5 Q. Oh, okay. Did she meet the qualifications to be the jail
6 administrator under the terms of the consent decree?

7 A. No, she did not. I believe she did not meet the
8 education requirement.

9 Q. Okay. And did -- and the person who replaced her was?

10 A. Warden Fielder.

11 Q. Warden Fielder, did he meet those qualifications?

12 A. I believe he did. He did have an education -- excuse
13 me -- and the experience required.

14 Q. Okay. And there was some time before Major Bryan came
15 aboard; is that a fair statement?

16 A. Yes, that's correct.

17 Q. And she was hired when Sheriff Vance was in office; is
18 that correct?

19 A. That's correct.

20 Q. And based on your conversations with the sheriff, based
21 on your -- based on what you learned from your monitoring
22 experience, how did the sheriff administration at least feel
23 about the hiring of Major Bryan?

24 A. It appeared that they were quite excited about having
25 Major Bryan come on board. She was interviewing and, I

1 believe, hired during our June site visit so we were -- we had
2 a remote session with the sheriff and the sheriff's attorney
3 and Major Bryan was there and participated, and it appeared
4 that everybody was quite excited about Major Bryan coming on
5 board.

6 Q. Did the -- in your view, did the sheriff believe she was
7 qualified to be --

8 A. Yes.

9 Q. -- the jail administrator?

10 A. Yes, he expressed that very directly.

11 Q. Do you recall if Ms. Barker expressed those same sort
12 of -- the belief that Major Bryan was qualified to be the jail
13 administrator?

14 A. Yes.

15 Q. Did anyone -- with respect to the people who you dealt
16 with in your capacity as monitor, anyone from Hinds County
17 ever suggest to you that Major Bryan was indeed not qualified
18 to be the jail administrator?

19 A. No, they did not.

20 Q. Now, at one time before Mr. Dudley came on board -- or
21 Dr. Dudley came on board, there was someone else doing the
22 medical portion that you had retained; is that correct?

23 A. That's correct.

24 Q. And who was that individual?

25 A. Her name was Jacqueline Moore.

1 Q. Did anyone from the County, the sheriff or the County
2 object to the hiring of Ms. Moore?

3 A. No.

4 Q. Now, you've testified a little bit about -- well, you've
5 testified some, but I want to ask you a couple of questions
6 about classification --

7 A. Okay.

8 Q. -- of detainees because the detention center is for
9 detainees primarily; correct?

10 A. That's correct.

11 Q. At one time the detention center might have held or did
12 hold State inmates who had been convicted, but they no longer
13 do that, I don't believe; is that correct?

14 A. That's correct.

15 Q. So most of the people here are pretrial detainees?

16 A. That's correct.

17 Q. And pretrial detainees, in your experience, are innocent
18 of any particular crime; correct?

19 A. That's correct.

20 Q. Because they've not been adjudicated guilty of anything?

21 A. That's correct.

22 Q. All right. Now, with respect to classification, I think
23 you testified yesterday that -- well, let me ask you this.

24 What all is used -- what information is used to classify -- to
25 do an appropriate classification for any particular individual

1 who presents himself or herself to the detention center?

2 A. There is an objective classification tool that is used,
3 and it scores different factors. The factors include the
4 severity of the current offense, the criminal history of the
5 individual, whether there have been any escape attempts of the
6 individual. I believe it includes -- and that's part of the
7 institutional history that is scored. Then there are some
8 positive scores, so if a person has been in school and is over
9 a certain age, is -- has lived in the same place for some
10 length of time and then there's also a score, a negative
11 score, if they have a history of substance abuse that's
12 impacted their lives and I think that covers all of the
13 factors.

14 Q. Okay. In getting to those factors, you mentioned
15 criminal history. Would the person's criminal history --
16 well, would the person's history of having been there before
17 have any effect on the person's classification, having been a
18 resident or having been detained there before?

19 A. Well, it's supposed to score prior convictions, but the
20 classification staff generally knows if a person has been
21 charged with a crime but not whether they've been convicted.
22 So it would score -- they would be scored if they were charged
23 with a crime, whether it's in that facility or elsewhere. But
24 typically they would see on the JMS system that a person was
25 previously booked in on a prior charge, and it also looks at

1 institutional history so if -- so that is impacted by whether
2 the person has been there before. But there's not a specific
3 score for, you know, if you've been in the Hinds County Jail
4 system before you get a point. It's related to prior charges
5 and prior institutional history.

6 Q. Is that supposed to be an objective sort of criteria to
7 classify people?

8 A. Yes.

9 Q. And I'm thinking about Justin Mosley, for example.
10 That's an individual who I think the testimony has shown had
11 been detained there before and had also -- I believe the
12 records would show that he had suffered some sort of mental
13 frailties before?

14 A. Yes. Yes.

15 Q. So if Justin Mosley were to come back the second or the
16 third time, would the fact that he had been assessed or
17 diagnosed or treated as if he had suffered from a mental
18 illness before, would that information be available for the
19 persons when he comes back again, or should it be available?

20 A. Yes. There's another part of the classification form
21 that has -- that's not scored, but it should be filled out and
22 it indicates whether the person has any special management
23 issues and that includes gang affiliation, physical
24 impairment, but it also includes mental health issues. So
25 that should be checked and, yes, classification would know

1 if -- through the JMS system, if the person had previous
2 mental health issues.

3 There's also a question -- a list of questions that are
4 asked of the inmates or the people being booked and the
5 classification officer asks those questions and one of the
6 questions is whether there's any mental health history and
7 that questionnaire is included with the classification scoring
8 sheet.

9 Q. Now, I think yesterday you testified other things that
10 might help one to assist in classifying individuals and moving
11 individuals from one unit to another or something. I think
12 yesterday your testimony was that if information comes in from
13 the public -- from a family member, for example, I think you
14 gave the example of a family member having called in and said
15 that they believe or they've heard that a detainee might be in
16 danger or jeopardy. Is it typical to use that information,
17 information like that, to help classify someone?

18 A. Yes. That would very well result in somebody either
19 being moved to another unit or being placed in protective
20 custody. It's not so much a classification category which is
21 usually minimum, medium, and maximum, but there are types of
22 confinement and protective custody is sort of a type of
23 housing, I guess you would say. But, yes, in that situation
24 the individual could very well end up in protective custody.

25 Q. Okay. Well, so help me out. Is classification

1 different? I mean, you mentioned custody status?

2 A. Right. So there's classification levels and then there's
3 custody status, but they're both overseen by the
4 classification division or department.

5 Q. Okay. And performing your monitoring duties, where do
6 you gather your information. Tell me all the places you might
7 gather the information that you have to use to perform your
8 duties. And I realize you've hired consultants to do their
9 specific things and they may look to other sources, but what
10 do you look to to perform your duties?

11 A. Well, there are lots and lots of documents that I review.
12 It includes the incident report spreadsheet that has most of
13 the information from the incident reports, including the
14 narratives and the supplemental narratives in the various data
15 fields that are drawn from the incident report in the JMS
16 system. I look at usually a two-week or a month-long group of
17 documents, including the scoring sheet, the classification
18 scoring sheet, and look at the print out of the -- all the
19 people that have been classified in a certain time period.

20 I look at a packet I get that is called the
21 classification report, and that includes grievance log. It
22 includes the file audits that have been during that month, it
23 includes the classification logs, it includes the
24 indicted/unindicted list. It includes transfers, segregation
25 logs, disciplinary reports.

1 I also look at rapid notifications. I look at the CID
2 reports, the criminal investigation division reports, and as
3 well as a log that they produce. Same with IAD, they have a
4 log and any reports that are provided during that period. I
5 look at the QA reports. I look at the grievances and program
6 requests for usually an identified period. The -- when I'm
7 on-site, I look at the actual inmate files and the
8 classification files looking for the documentation that
9 supports the detention, and, of course, the site visit, I
10 interview quite a few people, including -- with records. It's
11 sort of an interactive visit in that the -- the records
12 supervisor accesses the JMS system while we're talking about
13 the different files. So I'm not looking directly into the JMS
14 system, but she's holding up the individuals as we discuss
15 them, and information comes to me in between site visits
16 through discussions with staff, with attorneys.

17 Oh. Also, I look at documents related to the facility
18 such as updates on the renovations and repairs being done.
19 The -- I look at the master plan although that was produced at
20 one point in time but it's a big document, and I go back to
21 review it.

22 I also get updates on the mental health unit and follow
23 those updates. I'm involved in the policy and procedure
24 process so I know the new policies that have been adopted and
25 that's relevant to the report. And I get records from the --

1 Ms. Moore that includes population reports, length of stay,
2 and to some extent some documents related to people waiting
3 for the State hospital. That's what comes to mind right now.

4 Q. Okay. And during the course of the period of time
5 between one report and the next, do you have conversations
6 with the other consultants about -- the consultants that you
7 have, in particular, Dr. Dudley, Mr. Moeser, and Mr. Parrish?

8 A. Yes, very much so.

9 Q. Okay. And how frequent do you talk to them about what
10 they may be doing?

11 A. Well, typically after a site visit, we actually have a
12 Zoom meeting usually before the exit conference and again
13 after, and when we were doing on-site visits and we're all
14 here, that was in-person before the exit conference, and then
15 lots of e-mails back and forth especially as I'm preparing the
16 report and get their sections. I typically have a lot of
17 questions and either e-mail back and forth or have a phone
18 conversation. And I speak frequently even separate from the
19 report about developments in Hinds County, particularly with
20 Dr. Dudley and Mr. Parrish because I'm more familiar with the
21 adult system.

22 If I get -- if there's a policy that we're reviewing that
23 relates to medical or mental health, I'll be in conversations
24 with Dr. Dudley about it. I may ask him to join a policy
25 discussion similarly with Mr. Parrish with policies that

1 relate to corrections operations. If there's a question that
2 I want his input on, I'll include him in the conversation, and
3 just as questions arise as we get updates, if there's an area
4 where I feel that we or I or we the team should provide some
5 input or some recommendations, I'll touch base with the
6 relevant team member before making that kind of
7 recommendation.

8 Q. Do you look at any public sources for information to
9 guide you in your monitoring responsibilities, for example,
10 public hearings or press reports on things that are affecting
11 the jail, things of that sort? Do you keep up with -- well,
12 do you inform yourself by looking to public sources for
13 information?

14 A. Yes. I subscribe to the Clarion Ledger, so I get that
15 and review it. I also see news reports on television news as
16 well as some of the other web-based sources. And I will, on
17 occasion, review Board minutes of the Board of Supervisors or
18 the Board agenda, and we sometimes hear from members of the
19 public. They are able to contact us and provide their
20 concerns typically. It's often family members or people that
21 have been incarcerated in Hinds County.

22 And I -- I have at different times talked with people at
23 the State hospital about -- about receiving detainees from
24 Hinds County mostly but also the way the system works and
25 restoration, *et cetera*. I've talked with people at Hinds

1 County Behavioral Health mostly around re-entry and discharge
2 planning, and I've talked with individuals in the criminal
3 justice system, not -- not specific to the jail, such as the
4 district attorney, the public defender, the justice court
5 judges, the chief judge of circuit court and others, I
6 believe.

7 Q. All right. And throughout this process, you've always
8 talked with employees with the County; is that correct?

9 A. That's correct.

10 Q. All right. There were questions that came up about an
11 individual who was brought to RDC by, I believe, a Jackson
12 police officer who may have been injured and medical decide --
13 medical's response was he needs to go to the hospital or he
14 needs to get medical attention that we can't provide. Do you
15 recall that testimony?

16 A. Yes.

17 Q. I think Major Bryan was also asked about what her
18 knowledge was about whether or not if an individual presented
19 himself and had been charged with domestic violence, whether
20 or not that person had to be detained?

21 A. That's correct.

22 Q. Now, if that person was taken to the hospital because he
23 suffered injuries, could he not have been held in custody at
24 the hospital?

25 A. Yes, he could have been.

1 Q. I mean, isn't that typically done on individuals who are
2 hurt in the jail, for example, and have to go to the hospital,
3 they still remain in custodial status even when they're in the
4 hospital; correct?

5 A. That's correct.

6 Q. I mean, you just have to assign an officer to make sure
7 that person does not escape, for example; correct?

8 A. That's correct.

9 Q. And the night of that incident, if reading -- if Hinds
10 County's procedure says that -- well, tell me what Hinds
11 County procedures say in that instance when someone presents
12 himself who needs medical attention?

13 A. The medical staff are to make a decision as to whether
14 he's in sufficiently stable condition to be booked. If they
15 conclude that he is not, then the booking staff are not to
16 book the individual but leave him in the custody of the police
17 department.

18 Q. And does the procedure state whether or not the
19 sheriff -- and it may. The policy may state the sheriff can
20 override any decision because ultimately people are in the
21 sheriff's custody. Do the procedures make that point?

22 A. No. No. It leaves that decision in the hands of medical
23 providers because it's a medical decision.

24 Q. Now, you indicated that you inform yourself on the public
25 information that sort of touches on the detention center, and

1 I'll ask you if you recall of a situation back in, I think,
2 September of 2021 where there was a lot of press coverage on a
3 particular individual whose name I don't know, but it was a
4 detainee who was moved from the facility and there was some
5 question as to who authorized the move of that particular
6 individual?

7 A. That's correct.

8 Q. And there was some discussion in the media at least that
9 a person had been directed -- well, that the sheriff had
10 directed someone moved. The sheriff said its typically done
11 all the time, I believe was his response, but there was also a
12 conversation of whether that removal of that inmate had been
13 directed by the president of the Board of Supervisors. Do you
14 recall reading about that?

15 A. Yes, I do.

16 Q. Okay. Now, does the -- if it's true that the president
17 of the Board of Supervisors ordered or asked or requested
18 someone to move, does the policy allow for that type of
19 instruction/direction from the president of the Board of
20 Supervisors?

21 A. The policies don't address that situation. The policies
22 do require that people be housed consistent with their
23 classification level so if it was a request that was
24 inconsistent with the classification level of the individual,
25 it would be contrary to policy.

1 Q. And, I mean, would it be -- is it contrary to policy for
2 a noncorrectional officer other than the sheriff to have a
3 hand in how one is classified or how one would be situated?

4 A. The policies put that decision in the hands of the
5 classification officers and there's no discussion of whether
6 others can make a request, but it does put the decision in the
7 hands of the classification officers.

8 Q. Would you expect, though, in order to run the facility
9 appropriately, would you expect for members of the Board of
10 Supervisors to dictate where one is housed?

11 A. No, I would not expect that. I mean, I would not expect
12 a member of the Board of Supervisors to dictate where someone
13 is housed. That would interfere with the classification
14 process.

15 Q. You testified on direct and maybe even cross-examination
16 about the inappropriate use of force, and I think you were
17 specifically asked if the inappropriate use of force could
18 lead to injuries to detainees. That may have been the
19 question, but can it lead to injuries of a detainee?

20 A. Yes.

21 Q. Can it also lead to injuries of correctional officers?

22 A. Yes.

23 Q. Can it lead to death of a detainee?

24 A. It can.

25 Q. Okay. Can it lead to death of a correctional officer?

1 A. It can.

2 Q. All right. Now, I think on direct and cross-examination
3 you indicated that the PREA -- the person who is the PREA
4 officer, I think -- tell me her name again.

5 A. Ms. Sheena Fields.

6 Q. Ms. Fields?

7 A. Yes, Sheena Fields.

8 Q. I think the testimony was for some period of time she was
9 out?

10 A. That's right.

11 Q. And I believe the testimony was that she was out for an
12 extended period of time, for months?

13 A. Yes, that's correct.

14 Q. Now, during that time, did the County, did the sheriff's
15 office or the detention center appoint -- put in an interim
16 person in that position, or did they just assign her duties to
17 someone else?

18 A. We were notified that her duties had been assigned to, I
19 believe, a lieutenant and maybe several supervisory officers.
20 I don't recall exactly, who but not a dedicated individual,
21 not an individual trained in PREA -- PREA duties.

22 Q. Now, tell me what's so important about PREA, if anything?

23 A. Well, it is important. PREA stands for the Prison Rape
24 Elimination Act. And so the purpose of it is to eliminate or
25 certainly reduce the sexual assaults and violence in

1 incarceration settings, and certainly historically that's been
2 a problem nationally, the inmate-on-inmate but also on
3 staff-on-inmate and inmate-on-staff sexual assaults and
4 violence. So it's very important.

5 Q. And I noticed when I was there, there were placards or
6 signs talking about PREA in various areas throughout the
7 facility; is that correct?

8 A. That's correct.

9 Q. All right. The person who was assigned those duties when
10 Ms. Fields was out, was that person relieved of the other
11 duties that a person would normally do?

12 A. No.

13 Q. Okay. And based on your understanding of what the PREA
14 coordinator does -- I mean, what were -- and I'm sorry. I may
15 have missed it. What were her specific duties as PREA
16 coordinator?

17 A. Well, the duties include ensuring that incoming detainees
18 get an initial orientation. And after they're booked and
19 housed, that they get a more in-depth education regarding the
20 zero tolerance, but also how to report what constitutes
21 inappropriate sexual behavior and so on. It also -- the
22 duties also include providing training in the cadet academy
23 but also ongoing training in in-service. It includes
24 preparing reports regarding PREA allegations, receiving those
25 allegations either directly from the detainee or also from

1 staff members through the grievance system, sort of keeping
2 the cell phone which is linked to the reporting on the kiosk
3 so that those calls go directly to the PREA coordinator,
4 working with the individual after an alleged incident to
5 ensure that they get the services that they need and that they
6 are safe in the facility, coordinating with the service
7 provider, which can either be QCHC, the medical provider at
8 Hinds County, or they also have a contract with the
9 Mississippi Coalition Against Sexual Abuse to provide
10 services. So coordinating with them, ensuring that the
11 policies are followed, keeping record of investigations,
12 coordinating with CID or IAD depending on the nature of the
13 incident to ensure that it's properly investigated. Those are
14 the points that come to mind.

15 Q. Now, I think on direct examination, so this would have
16 been before yesterday, I think, the first day, you talked
17 about an inmate -- in the same sentence with the inmate, you
18 talked about feces.

19 A. Yes, sir.

20 Q. I think that was your testimony. I want to hear more
21 about that.

22 A. This was in the quality assurance report for January.
23 What it says in the report is that the -- there were concerns
24 about the cleanliness of the unit where the SMIs, the severely
25 mentally ill detainees, are typically housed. And then it

1 goes on to read that I believe medical staff reported that
2 there were two detainees on that unit that were found covered
3 in feces and who had notable weight loss and were also covered
4 in sores. And the one individual was -- the sores were in
5 such serious condition he had to go to the hospital for
6 treatment of them.

7 Q. Did they say where this inmate may have been covered in
8 feces?

9 A. You mean where on his body?

10 Q. Uh-huh.

11 A. No. The report just said he was covered in feces, and we
12 only recently got this report. It was after our site visit,
13 and, in fact, I didn't read it until I was here for this
14 hearing so I haven't had the opportunity to follow up on the
15 information in that report.

16 Q. But the report itself that's prepared by the County --

17 A. Yes.

18 Q. -- had that information in it?

19 A. Yes.

20 Q. And that would have been -- you did not learn about that
21 during your visit in January 24th; correct?

22 A. That's correct.

23 Q. You learned about it after?

24 A. That's correct.

25 Q. Okay. So that would have been since January -- you left

1 that facility January 27th or 28th or so; is that correct?

2 A. Yes. I think a few days before that because I did kind
3 of a hybrid visit, but, yes, in that week.

4 Q. Okay. And that was the quality assurance report that is
5 in evidence at P-106, I think.

6 A. That sounds right.

7 Q. Is it appropriate to have inmates covered in their --
8 severely mentally ill inmates covered in feces?

9 A. No, not at all.

10 Q. You indicated that the QA report suggested or said that
11 the person -- at least one individual had sores on his body.
12 Have you been able to -- do you typically, as a part of what
13 you do or what your staff does, obtain the medical records of
14 any of these individuals?

15 A. Dr. Dudley does on occasion when -- yes, we request for a
16 particular individual and then it's usually reviewed
17 electronically, but, yes, he will review the medical records.

18 Q. Now, do the policies of the institution say how often
19 inmates are checked on? I mean, is there a routine that -- is
20 there a routine or a timeliness, a timing that the cells are
21 checked on a daily basis?

22 A. There is, yes. There is a policy, and it's also in the
23 settlement agreement that there's supposed to be a well-being
24 check. The policies say every hour for people in general
25 population and every 30 minutes for people in segregation and

1 every 15 minutes for people in booking.

2 Q. Okay. Does the QA say anything about -- if you recall,
3 does it say anything about what steps the County -- I don't
4 know. Should a quality assurance report say what steps will
5 be done next to avoid that happening again, or is that some
6 other report or some other guidance that's provided?

7 A. The QA report does include recommendations. I don't
8 recall whether there was a recommendation specifically on that
9 although she did talk about the cleanliness of the unit and
10 ensuring that the cleanliness was maintained. She has, I
11 believe in this report and in past reports, talked about the
12 observation logs not being completed accurately and implicit
13 in that is the suggestion, I would say, that the rounds be
14 done and done correctly and timely.

15 Q. Who is responsible for the cleanliness of the cells?

16 A. Well, the housing unit officers would normally be,
17 although as has been talked about, there are often no officers
18 on the unit. There is a sanitation officer, and there are
19 trustee -- inmate trustees that assist with the cleanliness
20 and the detainees themselves assist with keeping it clean, but
21 it would be the housing unit officer that would be responsible
22 for the housing unit and ensuring that it had the necessary
23 cleaning items and that it's being kept clean.

24 Q. Turning to Detainee MR.

25 A. Yes.

1 Q. I believe that's the detainee who back in October was
2 discovered to have been assaulted and killed, to have been --
3 to die from assault injuries, I guess --

4 A. Yes, yes.

5 Q. -- there at the facility, and your investigation
6 revealed, I believe, that the person had been dead for a
7 number of hours?

8 A. That's correct.

9 Q. And I believe the testimony is up to nine hours?

10 A. I -- yes. After writing the interim report and actually
11 just in this last site visit, we were given the IAD reports on
12 the incident, and I believe the IAD report said it was eight
13 hours. I had heard nine hours at the time I wrote that
14 report.

15 Q. Okay. So eight hours. That person was in general
16 population, or was that person --

17 A. Yes, that person was.

18 Q. And in general population that person's well-being check
19 would have occurred at a minimum of one time per hour?

20 A. It should have, yes.

21 Q. And so in an eight-hour period, the person would have
22 been checked on, confirmed to have been checked on eight
23 times?

24 A. It should have been -- should have been, yes.

25 Q. Tell me, what is -- I mean, what is a well-being check?

1 I mean, is a well-being check just looking in through the bars
2 and walking by? What is a well-being check?

3 A. Well, to be done correctly, the well-being check should
4 actually ensure that the individual is alive and well, and in
5 this case I believe the video footage -- and, again, this
6 comes from the IAD report. The video footage shows that there
7 was one well-being check during that time frame, and the
8 officer was inside the unit which isn't always the case.
9 Sometimes they just look through the outside, what's called
10 the cage into the unit as a whole.

11 In this instance, the officer was inside the unit and the
12 individual was at that point either laying down or propped
13 against the wall and the officer did not ensure that the
14 individual was still alive.

15 Q. Is the IAD report a part of any of your monitoring
16 reports?

17 A. It will be referenced in our upcoming monitoring report,
18 but like I said, we just received it in January.

19 Q. If in doing the well-being check the officer concluded or
20 surmised that an inmate is having a drug overdose, should
21 action be taken in that regard?

22 A. Yes. Yes, medical should be called and the individual
23 taken to medical or have medical come to the unit, depending
24 on the condition.

25 Q. And if the person is in any apparent distress at all to

1 the person who's doing the well-being check, should any report
2 or something be filed by somebody?

3 A. It would certainly go -- medical would include it in
4 their medical records, but it also should result in an
5 incident report as well as being included in the logs.

6 Q. You testified the other day that persons have expressed
7 concern about the dangerousness of the facility and I think
8 you said you either talked to them specifically. You
9 indicated correctional officers as one source of persons. You
10 may or may not have said members of the public. Did you say
11 members of the public?

12 A. Yes. I would say we've heard from former detainees or
13 their family regarding the facility being dangerous.

14 Q. Right. And the public -- the assault leading up to the
15 death of MR was not the first assault that occurred in that
16 place?

17 A. That's right.

18 Q. There were other assaults that have led to lawsuits
19 against the County --

20 A. That's right.

21 Q. -- correct?

22 A. That's right.

23 Q. To the extent you're able to, do you also inform yourself
24 on other litigation that might have been filed against the
25 County involving the inmates or the detainees?

1 A. I have not sought out that information, but I am aware of
2 other litigation and -- regarding assaults and other
3 conditions.

4 Q. In your conversations with -- you mentioned correctional
5 officers. In your conversations with any Hinds County
6 employees, whether elected or appointed, have any of them in
7 your conversation spoke to you about what they believe might
8 be dangerous conditions inside the facility?

9 A. I'm sorry. With correctional officers?

10 Q. Correctional officers, anyone, the sheriff, any sheriff,
11 anybody within that system, any other Hinds County official.

12 A. Yes, we've certainly heard it from Hinds County Jail
13 employees. Yes, actually I recall, especially during the
14 campaign for sheriff, there was a lot of discussion about the
15 conditions at the jail and recognition by the candidates that
16 the jail was a dangerous place. I think we've heard it
17 uniformly actually in conversations with staff and officials.

18 Q. And periodically and routinely, you are aware that there
19 are coordinated efforts to retrieve contraband at the
20 facility; is that correct?

21 A. Yes.

22 Q. I mean, you know, they do a search, and what are some of
23 the items in doing those -- I don't know what they call them
24 raids --

25 A. Shakedowns.

1 Q. Shakedowns, right. During those shakedowns, what are
2 some of the things you have learned, as monitor, that the
3 sheriff's department or the sheriff or correctional officers
4 have found inside the facility?

5 A. The volume of contraband is really very striking. Lots
6 and lots of cell phones and cellphone chargers, razors,
7 shanks, knives.

8 Q. Hold on. Let's go down step by step. What's wrong with
9 having a cellphone inside a correctional facility?

10 A. It allows for coordination of bringing in contraband. It
11 potentially allows for coordination for an escape. It
12 potentially allows coordination for a hit, an assault either
13 within the jail or outside the jail. So, yes, you definitely
14 don't want cellphones in the jail.

15 The other thing in mentioning cellphones reminds me that
16 we have seen video that the detainees have taken and put it on
17 social media, and that's a source of information for us as
18 well. A strange one but that exists. So, yes, those are the
19 problems with cellphones.

20 Q. And have you seen videos of individuals who claim to have
21 been assaulted there --

22 A. Yes.

23 Q. -- in the facility?

24 A. Yes. Yes, videos of the assault.

25 Q. You mentioned cellphones. I guess, cell chargers are

1 equally wrong because it charges the phones that might be
2 used.

3 A. That's correct.

4 Q. You also mentioned razors.

5 A. Yes.

6 Q. What's wrong with having razors in the facility?

7 A. That's a potential weapon.

8 Q. What about shanks?

9 A. Shanks are definitely a weapon.

10 Q. I think you mentioned knives?

11 A. Yes. Same thing, a weapon.

12 Q. What other contraband, if any?

13 A. Tobacco.

14 Q. What's wrong with having tobacco in the facility?

15 A. Well, in addition to the health effects of tobacco and
16 secondhand smoke, it ends up also being a currency for sort of
17 a black market within the facility.

18 Q. Is there a policy against smoking in the facility?

19 A. Yes.

20 Q. Okay. Any other type of contraband?

21 A. Drugs.

22 Q. Is that -- you say drugs?

23 A. Yes.

24 Q. All drugs? I mean, some drugs are legal; some are
25 illegal, so help me out.

1 A. Mostly illegal drugs, marijuana, to some extent. More
2 often I read spice and opiates. And a lot of times it's not
3 identified. It's a little orange pill or a little white pill
4 or something that's listed in the contraband.

5 Q. And can legal drugs also be a contraband item?

6 A. Yes, if they're not prescribed to that individual. Well,
7 they wouldn't have it on them anyway. Prescribed drugs are
8 dispensed through med pass, so, yes, legal drugs would be
9 contraband.

10 Q. And during, I guess -- I know that part of the report or
11 that part of the consulting was primarily done by Mr. Parrish;
12 is that right?

13 A. Yes, that's correct.

14 Q. Any reason to disagree with any of the findings that
15 Mr. Parrish has presented to you on those subjects with
16 respect to contraband being in the facility?

17 A. No reason to disagree.

18 Q. Would money be a contraband item there?

19 A. Yes, and that is sometimes recovered.

20 Q. Okay. So the inmates are not allowed to -- excuse me --
21 the detainees. I don't want us to be mixing up the two. The
22 detainees, are they not allowed to have money or --

23 A. That's correct.

24 Q. Okay.

25 A. I mean, they can have money on their books, but they

1 can't have physical money.

2 Q. Do you know if the Mason administration -- if Mason did
3 shakedowns, do you recall?

4 A. I think the lack of shakedowns was -- has been an issue
5 all along. They're supposed to be far more regular than they
6 have been but there are periods of time when they've been
7 somewhat regular. But then there are periods of time even
8 recently when shakedowns haven't occurred in various units for
9 long periods of time, months.

10 Q. But each time there is a shakedown that has occurred
11 during the time that you've been a monitor, you will have
12 learned of it in some way; correct?

13 A. Correct. There should be an incident report as well as a
14 shakedown log that records the shakedown.

15 Q. And are you aware the sheriff's department has conducted
16 a shakedown and did not find anything?

17 A. It may have occasionally happened. It's probably -- I
18 think it's probably happened at the work center. It's rare at
19 RDC for them to find nothing. I don't think there's been a
20 shakedown without finding some contraband.

21 Q. At RDC in particular?

22 A. Yes, yes. And I should say that shakedowns are supposed
23 to be video recorded with a GoPro camera, it's called. But
24 the GoPro cameras at RDC have not functioned for some time and
25 so the shakedowns have not been recorded.

1 Q. Is that part of the -- recorded based on the agreement
2 the parties have, or is that part of the policy that has been
3 implemented by the sheriff's department, the videotaping?

4 A. I think it is in policy. I'm not sure if it's in the
5 settlement agreement.

6 Q. Okay. Now, there was some discussion on direct and
7 cross-examination with respect to the current, the next,
8 Frank Shaw?

9 A. Yes.

10 Q. And his -- again, we don't know what his -- I'm not
11 specifically sure what his specifically title is at this
12 point. I believe he may be interim or either acting jail
13 administrator because I think there has been an affirmative
14 representation that they're going to do a nationwide --
15 they're going to do a search for a permanent person. That may
16 or may not have changed. I don't know. They'll tell us.

17 You testified that you don't believe he meets the
18 criteria set out in the consent decree or the settlement
19 agreement. I think you in particular pointed to paragraph 38.
20 Tell me why you don't believe Mr. Shaw meets the criteria to
21 be jail administrator.

22 A. The criteria in the settlement agreement requires, I
23 believe it's five years' experience, supervisory experience in
24 a large jail, and Mr. Shaw's experience, it looks from his
25 resume to be exclusively in prisons not jails.

1 Q. Oh, okay. And what's the difference between a prison and
2 a jail?

3 A. From a management standpoint and, again, I would probably
4 defer to Mr. Parrish, but I'm knowledgeable about the
5 difference as well. From a management standpoint, they're
6 very different.

7 A jail has very rapid people coming and going, so a lot
8 of bookings in a day, a lot of releases in a day, which is
9 very different from the prison setting. So booking and
10 release operates completely differently, 24/7, which is
11 typically not the case in a prison.

12 People are coming directly off the streets so you have a
13 lot of potential substance use issues, potentially medical
14 issues, unaddressed mental health issues, and they're not
15 coming from a facility where they've been assessed and
16 treated. They're coming right off the streets so you don't
17 necessarily know what you're getting, and they have to be
18 assessed promptly and sort of figure out what it is that might
19 be an issue for them.

20 Whereas, again, in a prison most individuals have been in
21 another facility or under some level of supervision, and
22 they've been assessed. They're stable. You know who they are
23 coming in. There is a classification process in prison, but
24 most prison systems are -- the classifications are just
25 divided by facility so you don't have the full mix of

1 different classification levels in one facility.

2 Typically in prison you don't have males and females,
3 whereas in jails you often do. You don't have the level of
4 programming and sort of routine in a jail that you have in a
5 prison setting.

6 Property is a different issue. You have to ensure that
7 property is -- is held and maintained and released with the
8 individual again potentially in short periods of time.

9 You have a lot of transport issues, transport to court,
10 and there are some transport issues in prisons, but in a jail
11 that can be -- you know, depending on the size of the jail,
12 that could be a pretty large number on a daily basis. So
13 those are some of the issues that come to mind.

14 Q. Right. Prison offers programming that jails do not?

15 A. Typically do not. I mean, programming in a jail, it's
16 expected to be short term, although in Hinds County, it's not
17 always that short term, but it will be more limited and
18 typically no vocational opportunities. Ideally some
19 therapeutic activities but much, much less programming than in
20 a prison system.

21 Q. Right. I think the law acknowledges that jails -- that
22 prisons provide more by way of programming than jails do
23 because prisoners are expected to be there for a much longer
24 period of time?

25 A. That's correct.

1 Q. There are a number of services that persons might get in
2 prison that they will not, including therapeutic services that
3 they -- that are just not available to them in jails; is that
4 correct?

5 A. That's correct. I mean, ideally, typically therapeutic
6 services are available in jails. But, yes, other services,
7 occasional, educational opportunities are typically more
8 available in prisons, if not exclusively available in prisons.

9 Q. And you mentioned that, you know, the rapid turnaround.
10 Someone should be arrested and because, again, they're
11 innocent, ultimately in many instances, released.

12 A. Yes.

13 Q. And I think you said they're generally held a little bit
14 longer in Hinds County; I think we all can agree?

15 A. Yes, yes. And, Your Honor, you raised a good point
16 there. Because they are detainees, they can't actually be
17 punished, and so some of the rules with respect to what you
18 can impose upon detainees are different from what you can
19 impose upon convicted prisoners.

20 Q. Now, with respect to the information that you review and
21 receive about the quality of life, if you will, of the
22 inmate -- of the detainees, I think you rely on information
23 that you might get from the public. You might get it from
24 other sources. I think there's been testimony like in Justin
25 Mosley's case where his mother said she was calling in, I

1 think, a number of times, I think.

2 Do the records or anything show where there is some
3 rapport for inmates to come to the staff and report to the
4 correctional officers things that are affecting them in some
5 way, whether they're reporting on another inmate or whether
6 they're reporting on a correctional officer or whether they're
7 reporting on things that are out of whack in a facility?

8 Should the records reflect that there's -- well, should the
9 correctional officers have a rapport, if you will, with the
10 inmates?

11 A. So some of those communications, if made orally, may or
12 may not be included in an incident report. We actually see
13 frequent incident reports where a detainee states to the
14 correctional officer that he is in fear for his life.
15 Typically in that situation they're asking to be moved to a
16 different unit or to be put in protective custody. So that
17 kind of statement ends up in an incident report, and like I
18 said, we see a lot of those. I mean, I think there are
19 probably statements made between the detainees and the staff
20 that do not end up in an incident report for whatever reason.

21 There's also a grievance system, as we've talked about,
22 and they can -- the detainees can submit a grievance or a
23 programming request which is a different type of
24 communication, and that goes into the kiosk system. And those
25 grievances and requests are kept electronically, but they can

1 be printed out and reviewed.

2 Q. Now, you've been a monitor on this case since 2016; is
3 that correct?

4 A. That's correct.

5 Q. And from 2016 at least until the end of 2019, I think the
6 only document in place that the parties -- was it your
7 understanding the parties had agreed to the settlement
8 agreement?

9 A. Yes.

10 Q. Okay. And what is that -- the lawyer for Hinds County
11 signed off on the agreement?

12 A. I don't recall the signatures, but I would assume so,
13 yes.

14 Q. Okay. And the record will reflect, if you look at it,
15 that the attorney for the sheriff's department signed off on
16 the settlement agreement as well?

17 A. That could be. I haven't looked at the signature lines,
18 but it sounds right.

19 Q. Okay. But that was the agreement that was in place?

20 A. Yes.

21 Q. For a number of years?

22 A. Yes.

23 Q. For at least through December 2019; is that your
24 understanding?

25 A. Yes, yes.

1 Q. What happened to cause the next order to be in place?

2 Because there's a stipulated order.

3 A. That's correct.

4 Q. So what led to the parties entering a stipulated order?

5 A. The Department of Justice filed a motion for contempt for
6 failure to comply with the terms of the settlement agreement,
7 and a hearing was set. It was briefed, I believe, and a
8 hearing was set and a stipulated order was agreed to
9 immediately prior to the hearing.

10 Q. Okay. And with respect to that stipulated order -- well,
11 that stipulated order, did the parties consult with you about
12 the terms or the conditions that ought to have been placed in
13 that -- or that would be placed in any stipulated order?

14 A. Yes. I actually worked with Mr. Teeuwissen, the board
15 attorney and Ms. Barker, the sheriff's attorney to flesh out
16 an initial draft of their proposal to the Department of
17 Justice for the stipulated order. Once it was conveyed to the
18 Department of Justice, I really wasn't involved in the
19 conversations from that point on.

20 Q. But what was the purpose of the stipulated order as
21 you -- I mean. What was the purpose of the stipulated order?

22 A. My understanding of what the parties were looking for was
23 sort of a discrete set of concrete steps that would move them
24 towards compliance, so something less than the 170 whatever
25 paragraphs of the settlement agreement, something that was

1 more manageable, concrete and with specified timelines.

2 Q. And during the course of the -- under the provisions of
3 the -- between the time -- during the time before the parties
4 entered the stipulated order, was the Court holding regular
5 status conferences with the parties?

6 A. Yes, I believe so. Yes.

7 Q. And at the status conferences, what would occur at the
8 status conferences if you attended?

9 A. I did attend the status conferences. My recollection is
10 that it was normally a report by myself on progress towards
11 the compliance with the settlement agreement and then
12 typically some discussions by the counsel regarding where they
13 were at and what barriers they were experiencing or what
14 concerns they had about not moving towards compliance more
15 promptly.

16 Q. Based as a monitor -- during the time between the
17 settlement agreement and the time of the stipulated order, as
18 a monitor do you believe that the County was in full
19 compliance with the terms of the settlement agreement?

20 A. No.

21 Q. Okay. Turning to the time that the stipulated order has
22 been in place, do you believe as a monitor that the County has
23 been in full compliance with the terms of the stipulated
24 order?

25 A. No.

1 Q. And as a monitor do you believe that some oversight is
2 still justified from -- some oversight of persons not -- some
3 oversight is justified, whether it's the Court or a receiver,
4 a compliance officer, a monitor, that some oversight is
5 justified even today with respect to the jail system there in
6 Hinds County?

7 A. Yes, most definitely.

8 Q. And why is that?

9 A. Because even with oversight we have not seen progress
10 towards compliance at any kind of reasonable rate, and there
11 has not been what appears to be a commitment to provide the
12 resources, both human and financial, to obtain compliance.

13 Q. Now, this is the last question. Then we're going to take
14 a 15-minute break because I'll have to consult with my lawyers
15 to see if I've missed anything that I need to ask.

16 Your rate of pay --

17 A. Yes.

18 Q. -- your rate of pay and the rates of pay for the
19 consultants that assisted you --

20 A. Yes.

21 Q. -- did you discuss your rate of pay at any point with the
22 County?

23 A. Yes.

24 Q. You did?

25 A. I don't know that there was a full discussion, but there

1 was certainly disclosure in the budget that I prepared of what
2 the rate of pay was.

3 Q. And was that budget presented to any County officials
4 prior to them hiring you?

5 A. I believe so. It might be that they had agreed to the
6 appointment before the budget was presented, but I believe the
7 budget was presented first. It was around the same time.

8 Q. Did the attorneys ever -- did the attorneys for the
9 County or the sheriff ever tell you they thought your rate was
10 unreasonable?

11 A. No.

12 Q. That your rate was too high?

13 A. No.

14 Q. That they were not willing to pay that rate?

15 A. No.

16 Q. Did they ever tell you they thought that that rate was
17 unfair?

18 A. No.

19 Q. For you or your consultants?

20 A. No, they never did.

21 Q. Did they ever tell you that that's a rate that they could
22 not afford to pay?

23 A. No.

24 Q. Have you charged the County for any work that you did not
25 do?

1 A. No.

2 Q. Do you believe that any of your consultants have charged
3 work to the County that they did not perform?

4 A. No.

5 THE COURT: At this time we're going to take a
6 15-minute break. Ms. Simpson, you may step down. No need to
7 discuss with anyone about your testimony.

8 We'll be in recess for 15 minutes -- I don't think I
9 have any more -- well, I can't say that because my lawyers
10 might have some more questions, but if I do, I don't think
11 there will be many, and then I'll be returning to the
12 United States. We'll be in recess.

13 (A brief recess was taken.)

14 THE COURT: You may be seated.

15 I have no further questions.

16 THE WITNESS: Your Honor, may I mention something in
17 connection with an earlier answer to one of your questions?

18 THE COURT: Oh, please.

19 THE WITNESS: You had asked if there had been any
20 objection from Hinds County individuals regarding me or my
21 team's qualifications. At least I understood your question to
22 be about our qualifications, and there has not been any
23 objection to our qualifications.

24 Shortly after Major Bryan came on, she had a
25 conversation with Mr. Parrish after which she complained, I

1 would say, about his demeanor. And that complaint was
2 conveyed to me by Ms. Barker and it was discussed and resolved
3 and there did not continue to be any problems between
4 Mr. Parrish and Major Bryan. In fact, they've gotten along
5 quite well, or had gotten along quite well, or my team with
6 Ms. Barker. But I wanted to make sure that -- I didn't know
7 if your question was limited to qualifications or if it also
8 included this discussion we had about demeanor.

9 THE COURT: Okay. Any -- well, I was specifically
10 talking about qualifications, but in that regard, any other
11 reports on Mr. Dudley, Mr. Moeser, the other medical person
12 who was there before, Mr. Dudley?

13 THE WITNESS: No, not that I recall.

14 THE COURT: Okay.

15 BY THE COURT:

16 Q. Oh, I did not ask this question. I want to make sure I'm
17 clear on this inmate committee thing that you learned about
18 apparently. Tell me about this inmate committee. Because I
19 think I heard testimony -- and correct me if I'm wrong -- one
20 was inmates being assigned to issue meals. I thought I also
21 heard some testimony about inmates deciding who might be next
22 up to be assaulted and, therefore, that person is not entitled
23 to be in our particular unit or whatever. Tell me about this
24 inmate committee system that you have -- that your reports or
25 that your notes or whatever it is that you've learned about

1 that system, please tell me.

2 A. At some point, I believe, in 2021 -- I'm not sure when we
3 received a document from the jail that was said to be a list
4 of the inmates/detainees that created the most difficult
5 management problems for whatever reason, and it listed the
6 detainee. I think it listed whether they were on the mental
7 health caseload. It might have had some other columns, and
8 then it had a column for notes. And on various of the
9 detainees, it was -- it would say, you know, noncompliant with
10 medication or whatever the issue might be, and on a number of
11 them, it said, "Is on the inmate committee."

12 And that was the first I'd heard of that. The person who
13 prepared that list was Lieutenant George, the administrative
14 lieutenant. And so in talking with her, I believe, during the
15 site visit, I asked what the inmate committees were, and she
16 was the one that told me that in the various housing units
17 that there is a committee of detainees that essentially run
18 the unit and among other things they decide if there's someone
19 on the unit that they don't want on the unit. And if that's
20 the case, they will harass, steal from, assault that inmate
21 essentially until that detainee requests to be moved.

22 In some -- in one incident report, they actually took
23 that target detainees' property and took it out of the cell
24 and put it next to the cage door in advance of him even asking
25 to be moved but made the message clear.

1 And it is somewhat related to the issue of detainees
2 being the ones passing out food because the committee may also
3 decide that you don't get a tray. So you don't -- you don't
4 eat that meal or that day, which is why it was important to
5 move away from having the detainees passing out the food.
6 That's not proper procedure anyway and unfortunate that at
7 least in the recent site visit it appears has backslid some.

8 So that's how the inmate committees were described to me,
9 and since then I usually make a point on the site visits to
10 confirm whether the inmate committees are still functioning.
11 And in this most recent site visit, that was confirmed, that
12 these -- they are still functioning, particularly, I think it
13 was said, on A1, A3, and C3 at least one person reported that
14 they pretty much run those units, but they are potentially
15 present on every unit. And I think I have the A units
16 correct. I think it was A1 and A3.

17 Q. That was still in existence when you had your most recent
18 visit?

19 A. Yes, yes.

20 Q. Now, on this most recent visit, I just want to be clear.
21 On this most recent visit, you still found that there were
22 cell doors that were not locking?

23 A. Yes, again, that's an area that Mr. Parrish covers. But
24 certainly on A-Pod, they haven't been repaired at all. So
25 they don't lock. But some of the doors on B-Pod were not --

1 cell doors and some of the doors, like going out to the rec
2 yard or in between units, *et cetera*, there were still doors
3 that did not lock. In fact, the door going into B-Pod from
4 the great hall hasn't worked for years. It's just propped
5 open.

6 Q. Now, with respect to the inmate committee, does -- as
7 you've learned as recent as January, how does the existence of
8 those committees affect how the prison -- excuse me -- how the
9 jail is operated, or how does it affect the ability to reach
10 full compliance with the terms of the stipulated order and/or
11 consent decree?

12 A. Well, it certainly results in housing decisions not being
13 made by classification because in that situation it's the
14 detainees that are deciding where somebody gets housed. It
15 also contributes to the safety and welfare of the detainees,
16 particularly the ones that are targeted by these committees.

17 Q. And you are aware, I think, that I toured the facility in
18 August of 2019?

19 A. Yes.

20 Q. You were there then, I believe.

21 A. That's correct.

22 Q. So was Mr. Parrish, I think. And I also toured the
23 facility in January of 2022. Many of the cells don't have
24 lights in them.

25 A. That's correct, or functioning lights.

1 Q. Functioning lights, how does that affect the ability for
2 the officers to -- well, does it affect the ability of the
3 officers to do wellness checks in any way?

4 A. Yes, it would because without lights and particularly the
5 old cell doors, it's very difficult to see in those windows
6 anyway, and if its dark in there it's very difficult. You
7 really can't see what's going on in the cell from outside.

8 Q. And why is it important to see what's going on in the
9 cell?

10 A. Because lots of things could be going on. There could be
11 contraband. There could be fights. Somebody could be
12 injured, could be ill, could be overdosing. So, yes, you need
13 to see what's -- in the well-being checks, you need to be able
14 to see the individual.

15 Q. Are the cells generally occupied by more than one inmate
16 or more than one detainee -- excuse me?

17 A. In the segregation unit, it's one person per cell. In
18 the general population units, I believe it's two people in the
19 cell.

20 Q. Do you recall in 2019 after the visit that we had the
21 Court raising the issue about in several of the units, or
22 maybe in all of the units in RDC at the time, there were no
23 tables and chairs -- or no tables on which the inmates could
24 eat?

25 A. That's correct.

1 Q. Do you recall --

2 A. Yes.

3 Q. -- me raising that issue at the detention facility
4 itself?

5 A. Yes.

6 Q. Do you also recall me raising the issue at the status
7 conference?

8 A. Yes.

9 Q. In 2019?

10 A. Yes.

11 Q. Okay. When you were last there in 2022, do you believe
12 that issue had been addressed?

13 A. No, it had not.

14 Q. And where would you -- where are the detainees expected
15 to eat their meals?

16 A. Well, they either eat them in their cells or they sit on
17 the stairs or they possibly potentially sit on the floor.

18 Q. I heard you mention, I think, in your testimony -- I know
19 there's been testimony in the course of this trial about
20 plumbing might be an issue from time to time?

21 A. Yes.

22 Q. Is that plumbing inside of the cells?

23 A. Yes, there are toilets inside the cells and they
24 sometimes -- sometimes they're stopped up by the detainees,
25 but they sometimes leak. The showers have been sort of a

1 consistent problem.

2 Q. And if you -- describe for me -- and I know maybe
3 Mr. Parrish may be the person who -- or maybe the official.
4 You've been in one of those cells before?

5 A. Yes, I've been in them before. You're right.
6 Mr. Parrish normally covers the facility issues, but I've been
7 in them.

8 Q. Just give me a description of what the cell looks like.

9 A. Well, these are just pretty plain. I think in the
10 general population units, I think there's, like, a bunk bed
11 and there's a toilet. There's no table or chairs. They're
12 pretty small, I assume they meet the ACA criteria, but they're
13 definitely small. They're dark. There's no outside lighting.
14 As you mentioned, the interior light often doesn't work. I
15 guess, that's how I'd describe them.

16 Q. Okay. And do you recall the Court raising the issue of
17 persons having to sit inside of their cells and eat their
18 meals in the same room where the plumbing is not working?

19 A. Yes.

20 THE COURT: I have no further questions. The
21 United States may proceed.

22 Thank you, Ms. Simpson.

23 THE WITNESS: You're welcome.
24
25

FURTHER DIRECT EXAMINATION

BY MR. CHENG:

Q. Ms. Simpson, earlier in your testimony, you talked about classification versus custody level. Could you clarify what the difference is between those?

A. There's a -- you can be classified as minimum, medium, or maximum, and that is based on the objective score and designates the level of security that you should be considered in the housing decision. Custody status is -- can be protective custody, disciplinary segregation, administrative segregation, kind of a special needs-type designation.

Q. So are these decisions all made by the classification staff?

A. Yes. Yes. It can and probably should involve input from housing unit officers or the mental health staff, depending on what's at issue.

Q. So if we say something like A1 or A3, would one of those units have a classification level?

A. In theory. But that's one of the problems at RDC is -- I believe A1 and A3 are actually gang pods.

Q. In terms of the documents you reviewed, did those also include investigations or mortality reviews?

A. Yes, there are some. Yes.

Q. Are there death records or packages prepared for deaths that you review?

1 A. Yes. I mean, mostly I have those documents from other
2 locations, but they have at times put together a packet of all
3 documents related to an individual who has died.

4 Q. When we were talking -- when we were hearing you talk
5 about the PREA process --

6 A. Yes.

7 Q. -- the PREA coordinator has a cellphone; is that right?

8 A. That's correct.

9 Q. What is that cellphone for?

10 A. The kiosk system is -- has, as I understand it, I'm not
11 great with technology but it has -- can program in certain
12 numbers. It's usually like 888 or 999, something like that,
13 and by that programming have the call go directly to a
14 particular location, in this case the PREA officer's
15 cellphone.

16 Q. So if someone has a complaint or wants to report
17 something about PREA, they would call that cellphone number?

18 A. Not that cellphone number. They would go to the kiosk
19 and dial -- I forget what the numbers are -- like, 888 or
20 something, and the kiosk would forward it to that cellphone.

21 Q. So when the PREA coordinator was out, who had the
22 cellphone?

23 A. The PREA coordinator.

24 Q. Did someone else have the cellphone while she was out?

25 A. No.

1 Q. So if any messages came in, where were they going?

2 A. They were going to that cellphone.

3 Q. Would the acting PREA coordinators have had access to
4 that cellphone?

5 A. I'm told they did not.

6 Q. You also talked about cellphones being found during the
7 shakedowns and that there are lots of them. When you say
8 "lots," can you give sort of a number? Are we talking 5 to
9 10, 11 to 20, 20 or more?

10 A. It varies. On any given shakedown, I think I've
11 certainly seen it be more than 10 from a unit. I know
12 Mr. Parrish has described to me seeing three milk crate
13 containers full of cellphones that had been obtained in a
14 shakedown.

15 Q. Under the policy for investigations, do investigations
16 start only if someone inside the jail reports an incident?

17 A. They should not be limited to that.

18 Q. So if Ms. Mosley or a family member from outside reports
19 an assault or a beating or some event to the jail, under the
20 policy would there be an expectation that an investigation
21 could still be opened?

22 A. Yes.

23 Q. And if an investigation report is not found, would that
24 raise any concerns?

25 A. Well, it would raise the concern that the complaint was

1 not investigated, and there could potentially have been
2 wrongdoing that is not being addressed.

3 Q. Earlier you also talked about the differences between
4 jails and prisons, and one of the issues was, like, how much
5 time people spend in prisons versus jails. Do you recall?

6 A. That's correct.

7 Q. So is there a sort of a benchmark or some way to
8 determine, you know, how long are people normally held in
9 jails?

10 A. Well, there's the average length of stay, but that's an
11 average. So you have people that are booked and released
12 fairly quickly and those that stay much longer than that
13 average length of stay. I -- it depends on how functional the
14 criminal justice system is in the area, but normally I would
15 say you would expect your longest people to be in a jail
16 18 months to 2 years, and that would be an unusual -- that
17 would be a very serious charge with somebody who couldn't be
18 safely released.

19 Q. And in Hinds County Jail, are there people being held
20 longer than you would expect in a jail?

21 A. Definitely.

22 Q. And if someone's held for longer periods of time in a
23 jail, would you expect certain programs or services or
24 treatment because they're long-term inmates that might be
25 different if they were short-term?

1 A. That would be ideal certainly. I mean, there have been
2 people there for -- I know I've seen up to six years, maybe
3 even longer, and if somebody's going to be in a facility for
4 that long, you would want programming.

5 Q. How about for things like mental health treatment, if
6 they're in there waiting for beds for mental health care?

7 A. You know, whatever reason they're in there, you would
8 want adequate mental health care, not only for them but for
9 the safety of the staff and the functioning of the facility.

10 Q. And we talked earlier about how these are mostly pretrial
11 detainees so they're awaiting criminal prosecution.

12 A. Yes.

13 Q. Are there also people who are technically civil detainees
14 whose criminal charges have either been dismissed or not
15 pending at all or just waiting for some type of civil
16 commitment?

17 A. That's what I understand. There are people who had
18 charges remanded but they remain in the jail for civil
19 commitment.

20 MR. CHENG: Thank you, Ms. Simpson.

21 THE COURT: You can take your time, Mr. Shelson.

22 MR. SHELSON: May I proceed, Your Honor?

23 THE COURT: Yes, you may. Yes, you may.

24

25

FURTHER CROSS-EXAMINATION

BY MR. SHELSON:

Q. Good morning, Ms. Simpson.

A. Good morning.

Q. I promise to take less time than yesterday.

A. Thank you.

Q. The Court asked you whether the County has ever questioned whether you were qualified to be the mediator. Do you remember that?

A. The monitor, yes.

Q. Excuse me, the monitor. Thank you.

When was approximately the first time you were designated as an expert in this case?

A. I don't know that there is a designation of expert except in the course of this proceeding. I was designated as a monitor.

Q. Right. And so do you know whether the County is objecting that you're not qualified to be the monitor or whether it's objecting to the sufficiency of the expert designation that in fairness you did not prepare?

A. I think what's involved in this proceeding is the designation as an expert.

Q. Okay. Now, you probably don't recall this, but I showed you yesterday the order of appointment appointing you as monitor and it's ECF-11.

1 A. I recall that.

2 Q. Do you recall the joint memorandum that's ECF-10 that
3 preceded that order?

4 A. I do not.

5 Q. Okay. I can read them if you'd like me to, but I'll
6 represent to you that you were designated as an expert in this
7 case -- excuse me -- you were tendered as an expert in this
8 case in four subject matter areas by the United States. Do
9 you know whether any of those four subject matter areas are
10 listed or referenced in the memorandum in ECF-10?

11 A. I do not. I'm not sure I've read the memorandum.

12 Q. And did you review the County's motion to strike the
13 United States' expert designation in this case which I think
14 is ECF-134 and the associated memoranda?

15 A. I believe I did read that memoranda.

16 Q. And do you recall the County raising the issue of whether
17 the United States' summaries of opinions you would offer in
18 this hearing were sufficiently disclosed by the United States?

19 A. I recall reading that in the memo, yes.

20 Q. And until the United States designated you as an expert,
21 which I believe occurred in February 2022, there was no
22 opportunity for the County to raise any issues regarding the
23 sufficiency of the United States designating you as an expert?

24 A. Right. With respect to that designation, there wouldn't
25 have been an opportunity to object until it was made.

1 Q. Right. And so do you agree that back in 2016, when you
2 were appointed as monitor, the County had absolutely no reason
3 to know that in February 2022 you would be designated as an
4 expert by the party adverse to the County in this proceeding?

5 A. I don't actually know that. I think monitors, when there
6 is a court proceeding during the course of a case that's under
7 a settlement agreement with monitors, I think it's not
8 uncommon for monitors to be called upon to testify. So if
9 there was a concern about their qualifications or their
10 expertise, that would potentially be something to think about
11 at the time they are selected as monitor or monitoring team,
12 but I don't -- that's, to some extent, supposition. I'm not
13 sure I can answer your question.

14 Q. So in October of 2022, did the County know what subject
15 matters you would be designated as an expert in by the
16 United States in February of 2022?

17 A. No.

18 Q. Did -- in October -- well, in the fall of 2016 when you
19 were appointed monitor, did the County have any information on
20 the sufficiency of the United States' disclosures regarding
21 the summaries of opinions that you would give in
22 February 2022?

23 A. No.

24 Q. All right. So in your reading of the consent decree or
25 the settlement agreement, P-1, is there a difference between a

1 consultant and a monitor?

2 A. I think the lead monitor is referred to as the monitor
3 and the team would be the consultants, I believe.

4 Q. Okay. Would you look at P-1 settlement agreement,
5 paragraph 141, page 55.

6 A. What paragraph did you say?

7 Q. Paragraph 141.

8 A. Okay.

9 Q. Have you had a chance to review paragraph 141?

10 A. Yes.

11 Q. So having reviewed it, you believe Dr. Dudley,
12 Mr. Parrish, and Mr. Moeser are consultants within the meaning
13 of paragraph 141?

14 A. Yes, it doesn't use the word "consultant," but it says,
15 "The monitor may contract or consult with other individuals or
16 entities to assist in the evaluation of compliance," and I
17 would say that's Dr. Dudley, Mr. Parrish, and Mr. Moeser.

18 Q. So just to be clear, we looked at this yesterday. This
19 is the consent decree, the settlement agreement, P-1,
20 paragraph 17, page 7, the definition of a monitor. So it's
21 your testimony that Dr. Dudley, Mr. Parrish, and Mr. Moeser
22 are not monitors in this case?

23 A. By that definition it would include the team.

24 Q. So you read monitor in paragraph 17 and the people you
25 can contract with or consult with in paragraph 141 to -- can

1 be the same thing?

2 A. I don't know.

3 Q. Okay. And so I think you testified yesterday that you
4 don't know of any order appointing Dr. Dudley, Mr. Parrish, or
5 Mr. Moeser as monitors; is that correct?

6 A. I don't know if there was an order or if the -- I didn't
7 read the order you showed me yesterday very closely if that
8 approves a team or just me.

9 Q. The order that does appoint you, do you know whether it
10 says anything about your qualifications?

11 A. I don't recall but I -- yes, I don't recall.

12 Q. And the record will reflect it, but if there are no
13 orders on the docket appointing Dr. Dudley, Mr. Parrish, or
14 Mr. Moeser, then obviously there is no order setting forth
15 their qualifications, is there?

16 A. That would be true.

17 Q. All right. I'd like to direct your attention,
18 Ms. Simpson, back to the settlement agreement, P-1,
19 paragraph 38, page 11, please.

20 A. Yes.

21 Q. I won't belabor this because we went over it yesterday,
22 but let's focus on the term "large jail." Was it your
23 testimony yesterday that you don't know one way or the other
24 whether Major Bryan satisfied that criterion?

25 A. I don't recall the number of detainees in the jails that

1 she managed, and I don't know that there's a clear definition
2 of large jail. So my testimony would be the same, yes.

3 Q. And since there's -- well, since -- there's no definition
4 of "large jail" at all, is there?

5 A. In the settlement agreement?

6 Q. Correct.

7 A. That's correct.

8 Q. So, well, there being no definition, it's an unknown of
9 exactly what that's referring to, isn't it?

10 A. Unless there's an outside standard, but I'm not sure
11 there is.

12 Q. If there is, it is incorporated into the settlement
13 agreement?

14 A. Not by reference.

15 Q. Okay. There was a discussion about interim and acting.
16 Do you know -- well, I'll come back to that.

17 Do you agree that not all qualified hires work out for
18 what they were hired to do?

19 A. Yes.

20 Q. So you agree that no matter how qualified a person is,
21 that person still has to perform in his or her job?

22 A. Yes.

23 Q. All right. The Court asked you about the number of
24 sheriffs and JAs and, I believe, County administrators during
25 the time you've been a monitor. Do you recall that?

1 A. Yes.

2 Q. All of that -- all of that change, at least with respect
3 to the sheriffs and the Board of Supervisors, is a function of
4 the democratic process; correct?

5 A. Yes, with respect to the Board of Supervisors and the
6 sheriff, that's true.

7 Q. All right. And since I believe you testified that it's
8 your understanding that the Board of Supervisors appoint the
9 County administrators at least indirectly the -- who as the
10 County administrator is likewise a function of the democratic
11 process?

12 A. It's a little more attenuated, but there's a relation
13 there.

14 Q. The voters elect the people who pick the County
15 administrator?

16 A. That's correct.

17 Q. And if the people of Hinds County want to change the
18 sheriff, they can do that when they vote; correct?

19 A. When an election comes up, yes.

20 Q. And the same thing for the Board of Supervisors?

21 A. Yes.

22 Q. All right. Justin Mosley, do you recall being asked
23 about that by the Court?

24 A. Yes.

25 Q. Do you understand that -- one way or the other whether

1 the County is disputing that Mr. Mosley had SMI?

2 A. I didn't realize the County was disputing that, though.

3 Q. I don't think they are. That's my point.

4 A. Oh, okay.

5 Q. So have you reviewed P-90, which is about a 740-page
6 exhibit that's been admitted into evidence and that consists
7 of Mr. Mosley's medical and related records, have you reviewed
8 that?

9 A. Have I reviewed it? No.

10 Q. Do you know whether the County affirmatively diagnosed
11 him with SMI?

12 A. If the County what?

13 Q. Affirmatively diagnosed him as having a serious mental
14 illness?

15 A. I believe that he was on the mental health caseload. As
16 to what his diagnosis was, I don't know.

17 Q. Okay.

18 A. Or I don't recall. I did know at one point.

19 Q. That's fine if you don't know. So do you know whether
20 while he was at -- while Mr. Mosley was at RDC he was
21 prescribed by the County -- he was prescribed antipsychotics
22 by the County mental health personnel?

23 A. I don't know the course of his medical history well
24 enough to answer that.

25 Q. Do you know whether Mr. Mosley was administered

1 antipsychotic medication by the County mental health staff?

2 A. That sounds familiar. I recall reading Dr. Dudley's
3 summary of his mental health care. It sounds familiar, but I
4 don't really know the details.

5 Q. Do you know whether at the time of his death Mr. Mosley
6 was housed in booking?

7 A. Yes.

8 Q. All right. Do you know why he was being held in booking?

9 A. I do.

10 Q. What is your understanding?

11 A. There had been an incident in the housing unit that he
12 had been in. I don't recall if it was during med pass or some
13 other occasion, but he inappropriately touched a female
14 officer.

15 Q. And so it's your understanding that Mr. Mosley was in
16 booking for the reason you just testified to as opposed to
17 indications of suicide?

18 A. That's -- I mean, they're not mutually exclusive, but I
19 don't believe he was on suicide watch.

20 Q. You mentioned to the Court that -- I think you did --
21 that you subscribe to the Clarion Ledger?

22 A. Yes.

23 Q. Did you happen to see the article that was published in
24 the Clarion Ledger on January 18, 2022? And I'll be glad to
25 show it to you on my cellphone anyway. The headline is

1 Yazoo City federal prison has nearly 500 inmates with
2 COVID-19, most among federal prisons. Did you read that
3 article?

4 A. I did not read that article.

5 Q. Were you aware that nearly one-third of the inmate
6 population at the Yazoo City federal prison has COVID-19?

7 A. I was not.

8 Q. Do you know whether that facility is under a consent
9 decree?

10 A. I do not.

11 Q. Okay. Do you remember when the Court asked you about the
12 person who was admitted to RDC by the sheriff who had an issue
13 about whether that person needed to be treated first at a
14 hospital?

15 A. Yes.

16 Q. Okay. This is -- this is P-13. I'm not sure if this is
17 in your notebook or not, but in any event, can you see it
18 on -- well, can you see it on the monitor?

19 A. Yes.

20 Q. Okay. Thanks. I'm going to refer you to page 14 --
21 excuse me -- page 4 of Exhibit P-13, and I won't belabor this
22 because I think we covered it with Dr. Dudley, but this is the
23 individual we're talking about, and do you see there the
24 highlighted part where it says was taken to UMMC and refused
25 treatment?

1 A. Yes.

2 Q. Okay. So this individual was, in fact, taken to the
3 hospital; is that correct?

4 A. That's correct.

5 Q. Okay. So when you testified to the Court about the --
6 about what policy applies to this situation, what policy were
7 you referring to?

8 A. I believe it's in the prebooking policy, although it
9 might also be in the health care services policy.

10 Q. So what does the policy say when a detainee is taken to a
11 hospital for treatment and he refuses treatment, and by that I
12 mean, what happens next with regard to whether or not the
13 individual is booked at RDC?

14 A. The medical staff at the facility still need to make
15 their own judgment as to whether he is in sufficient condition
16 to be booked. I believe what most facilities do in this
17 situation is they have a form that is signed by the hospital
18 staff that the individual is safe to be discharged from the
19 hospital or to leave the hospital, and I don't believe Hinds
20 County has developed such a form. But that's -- I believe
21 that's what most facilities do in that situation. But, like I
22 said, medical still has to use their independent judgment as
23 to whether the individual should be booked into the facility.

24 Q. So if -- if an individual is taken to the hospital and
25 refuses treatment, then comes to RDC, and the medical staff

1 thinks that person should be evaluated at a hospital, does the
2 policy you're referencing require that the individual be taken
3 back to the hospital a second time?

4 A. Well, if the -- if the criminal justice system
5 coordinated, the police would know that's what's needed to
6 book the individual into the jail. So when such a process is
7 established, the police could get that form signed at the
8 hospital before bringing him in to booking.

9 Q. But my question is: Does the policy that you referenced
10 require that?

11 A. No. It requires that they not be booked, but that is one
12 way that other jurisdictions handle that situation.

13 Q. But, I mean, how do we avoid limbo here, you know?

14 A. By develop -- oh, sorry.

15 Q. He refused treatment, and either you're testifying they
16 have to take him back a second time or not?

17 A. They don't necessarily have to take him back a second
18 time if the process is developed where the form agreed upon by
19 the hospital, the police, the jail, is used by the -- the
20 police officer can present it to the hospital that this person
21 has refused treatment but is in sufficient condition to be --
22 to leave the hospital safely. But there is the potential for
23 limbo if the jail says the person can't be booked and the
24 hospital won't sign such a form, the person is in the custody
25 of the police, and it would be their responsibility to deal

1 with that until the person is medically cleared to be booked.

2 Q. And State law will speak for itself on this issue and the
3 Court can make this determination, but if State law does, in
4 fact, require individuals charged with domestic violence to be
5 booked into jail, then is -- is it your testimony that State
6 law should be disregarded in this instance and an individual
7 not booked into the jail?

8 A. I guess I would want to see the State law and whether it
9 says they have to be booked or they have to be arrested. This
10 is not to say that they should be released. It's just that
11 they remain in the custody of the police department as opposed
12 to the jail until the person can be safely booked.

13 Q. All right. And do you know what injury this person had?

14 A. I think your document suggested it was a possible broken
15 hand.

16 Q. And do you know whether this individual actually had a
17 broken hand?

18 A. I don't.

19 Q. Do you know whether it was actually unsafe for this
20 individual to be booked into the jail from a medical point of
21 view?

22 A. No, I wouldn't make a medical opinion.

23 Q. Okay. Let's talk about PREA, and you talked about there
24 was a period of time when the PREA coordinator was on leave?

25 A. Yes.

1 Q. Was that during the time period that Major Bryan was jail
2 administrator?

3 A. Yes.

4 Q. Would you have liked to see Major Bryan appoint a
5 dedicated interim PREA coordinator?

6 A. Yes.

7 Q. I believe you told the Court that there were a number of
8 individuals who dealt with PREA issues while Ms. Fields was on
9 leave?

10 A. Yes. Well, we were informed of that, and I did see -- I
11 don't recall if it was December or January, but there was a
12 report that was done in the form of an incident report by one
13 of the individuals that I believe was taking on some of those
14 duties.

15 Q. Okay. And did you tell the Court that you would have
16 liked to seen that person relieved of the other duties that he
17 or she normally would do?

18 A. I think I was asked if the person was relieved of their
19 other duties. I'm not sure if I was asked for my opinion.

20 Q. Okay. Fair enough. Did you testify that the person was
21 not relieved of his or her other duties?

22 A. That's correct.

23 Q. Excuse me. Do you think Major Bryan should have done
24 that?

25 A. I think that the duties probably were not -- did not

1 require full-time assignment particularly in those
2 circumstances. I would actually be more concerned that the
3 individual didn't get any sort of training related to PREA
4 other than what officers have generally had, but training with
5 respect to being a PREA coordinator and having duties in that
6 area.

7 Q. Do you know whether Major Bryan reported to anyone that
8 she assumed all of the PREA related duties during Ms. Fields'
9 absence because Major Bryan was a PREA auditor?

10 A. I think at one point I did hear that she had assumed
11 those duties and then subsequently had an e-mail identifying,
12 I think, two individuals that were assuming those duties.

13 Q. Did you ever specifically follow up with Major Bryan
14 regarding the details of all of that?

15 A. I think we had either an e-mail exchange or it might have
16 been covered in one of our phone conversations.

17 Q. Do you know whether Major Bryan ever denied PREA services
18 to a detainee while Ms. Fields was on leave?

19 A. I know that that was reported and I asked her about that
20 and she had a different rendition of what happened.

21 Q. Did anyone advise you during your most recent site visit
22 that Major Bryan was the PREA person during the period that
23 Ms. Fields was on leave?

24 A. Oh, well, I did talk with Sheena Fields on our site
25 visit. I don't recall if she said that or not, and I don't

1 think I would have heard it from anyone else.

2 Q. Are there PREA compliance officers at RDC other than
3 Ms. Fields?

4 A. I think there is somebody that might be designated that.
5 I've never seen any work product from anybody other than
6 Ms. Fields with respect to PREA.

7 Q. And are there PREA compliance officers at the work center
8 or Henley-Young?

9 A. I believe there is at Henley-Young and I think
10 Ms. Jackson is -- may be designated as such at the work
11 center. Again, I haven't seen any work product from her
12 related to PREA.

13 Q. I want to ask you next about the January 2022 quality
14 assurance summary and the incident or the part that the Court
15 asked you about.

16 A. Yes.

17 Q. At the bottom of page 5, if you just read this paragraph
18 to yourself and tell me when I need to turn the page, because
19 I want to ask you some questions about it.

20 A. Yes. Just that first paragraph, yes, I'm done.

21 Q. Okay. Do you see this second sentence where it says,
22 "During rounds, it was observed"?

23 A. Yes.

24 Q. Does it say -- does it identify who observed what
25 follows?

1 A. I would read that as the mental health staff rounds which
2 they do for SMIs.

3 Q. But -- if your reading is correct, does it identify who
4 on the mental health staff made these observations?

5 A. No, not the particular individual.

6 Q. And does -- and you testified that you have not verified
7 one way or the other the information in this paragraph; is
8 that correct?

9 A. That's correct.

10 Q. So even assuming this is accurate, does it say how long
11 the two individuals were covered in feces before they were --
12 before it was detected?

13 A. No, it does not.

14 Q. Does it identify how long the individual or individuals
15 had been experiencing sores before that issue was detected?

16 A. No, it does not.

17 Q. To be clear, these quality assurance summaries, in your
18 review of them, have you found that the underlying data
19 regarding things such as incidents and assaults and so on is
20 not accurate?

21 A. From my review of the incident reports compared to the
22 numbers in the QA reports, it is typically -- the numbers are
23 usually underreported in the QA report.

24 Q. So something like this paragraph that we're looking at
25 now that begins with "Mental health staff reported," would you

1 like to see some amount of factual substantiation rather than
2 just conclusions?

3 A. From my work I would probably ask Dr. Dudley to review
4 the medical records.

5 Q. Would the monitoring team like to see some factual
6 substantiation in these reports?

7 A. I think that the -- it would be good as is put in the
8 settlement agreement that there be data compilations to
9 accompany the narrative. I don't know that the narrative
10 itself has to have proof of everything that's stated in it.

11 Q. Okay. So did you interview Major Bryan on your last
12 visit to the jail?

13 A. Yes, I did.

14 Q. Did she tell you anything about this paragraph on page 5
15 of the January 2022 quality assurance report that we're
16 talking about now?

17 A. No, she did not.

18 Q. If this occurred as stated in the report, would you have
19 expected her to?

20 A. It does seem like that should have been a reported
21 incident somewhere. I don't know if I asked a question that
22 called for that information, but, yes, I would have liked to
23 have learned about that during the site visit.

24 Q. Let me shift gears to MR. Do you know who I'm talking
25 about that the Court asked you about?

1 A. Yeah.

2 Q. Well, you were present both times that Major Bryan
3 testified so far; is that correct?

4 A. That's correct.

5 Q. And did you hear her confirm that Sheriff Jones fired
6 three detention officers in connection with the MR incident?

7 A. Yes, I did.

8 Q. And do you know of any disciplinary action that Major
9 Bryan took with respect to that incident?

10 A. No.

11 Q. And is it your understanding that Major Bryan feels
12 aggrieved by the sheriff's decision to fire those three
13 individuals?

14 A. It's my understanding that she believes she should have
15 been involved in the decision.

16 Q. All right. You disagree with the sheriff's decision to
17 fire those three individuals?

18 A. I only recently read the IAD reports. They were only
19 recently provided. I would want to look at them closer. I
20 certainly agreed that -- agree that discipline was
21 appropriate. Whether there were extenuating circumstances or
22 retraining, I would not at this point express an opinion on
23 that. I would also want to know the officers more and what
24 their history with the jail was and their disciplinary
25 history. I think all of that would need to be taken into

1 account in making a disciplinary decision.

2 Q. All right. The Court, in connection with asking you
3 about whether the facility was dangerous, asked you some
4 questions about speaking to various people with the County.
5 Do you recall that?

6 A. Yes.

7 Q. All right. And I know you don't know the exact number,
8 but the County employs an awful lot of people, doesn't it?

9 A. I believe so.

10 Q. And so the universe, even in the context of your County
11 employees, in the context of your monitoring activities,
12 that's a lot of people, isn't it?

13 A. Yes.

14 Q. Okay. And so in talking to County employees generally in
15 the context of your activities as the monitor, did anyone tell
16 you that it's a dangerous facility, but we're not going to do
17 anything about it or words to that effect?

18 A. No.

19 Q. I want to ask you next about contraband. Generally how
20 do you learn that there's contraband at RDC?

21 A. How do I learn personally?

22 Q. Yes.

23 A. Well, reviewing incident reports. In many of the
24 incident reports, there's presence of contraband. More to the
25 point is they do records shakedowns and record, write down

1 that the shakedown has occurred and contraband has been found.

2 And they do an incident report for shakedowns as well.

3 Q. So to the extent that shakedowns are conducted and
4 contraband is found, that -- the shakedown provision of the
5 settlement agreement is being adhered to?

6 A. I think that the provision has a -- I'd have to look at
7 it, but I think there's a provision as to how often shakedowns
8 are supposed to be done.

9 Q. Right. But -- but if there's -- if there's a shakedown
10 and it finds contraband, the shakedown did what it was
11 intended to do?

12 A. That's right.

13 Q. Okay. So is it your understanding -- and I don't mean
14 just that these little words are in there, but is it your
15 understanding under the settlement agreement there's no
16 provision to the effect that there shall be no contraband in
17 the facility?

18 A. I don't think there's such a provision.

19 Q. And there is a provision, though, that shakedowns should
20 be conducted at certain intervals?

21 A. I believe that's correct.

22 Q. So in applying these provisions of the settlement
23 agreement in your evaluations, do you view the presence of
24 contraband as essentially being a strict liability-type issue
25 in the sense that if there's contraband in there, then the

1 County's in violation of the agreement?

2 A. No.

3 Q. Okay. You believe that the County can be -- well, strike
4 that.

5 Do you believe that the County can ensure that no
6 contraband makes its way into RDC?

7 A. I don't believe there can be something to prevent any and
8 all contraband. Some contraband is going to make its way into
9 the facility.

10 Q. Are there -- are there jail investigators assigned to
11 RDC?

12 A. Yes.

13 Q. How many currently?

14 A. Right now there's two CID investigators, and at the time
15 of the site visit, there was not an IAD investigator, although
16 there was one slated to fill that position.

17 Q. Was one of the two CID officers recently added?

18 A. Yes.

19 Q. Okay. And do you have an understanding one way or the
20 other whether the addition of that second CID officer is to
21 assist with issues such as attempting to reduce the
22 introduction of contraband into the facility?

23 A. I know that at least one of the CID investigators made
24 recommendations with respect to contraband mitigation efforts.
25 I -- I did not know it was a newly assigned officer.

1 Q. Right. And I'm sorry. I'm not asking you specifically
2 newly assigned officers -- officer did that. What I'm asking
3 you is: Is it your understanding that the duties of the CID
4 officers at RDC include attempting to reduce contraband into
5 the facility?

6 A. I know they've taken that on. I don't know what their
7 job description is.

8 Q. Okay. Let's talk about Frank Shaw. Was it your
9 testimony that there's more programs, at least generally
10 speaking, in prisons than in jail?

11 A. That's typical, yes.

12 Q. So how could all of that indicate Frank Shaw is not
13 qualified to be the jail administrator in your opinion?

14 A. It does not.

15 Q. I want to go back to paragraph 38 of the settlement
16 agreement. Exhibit P-1, page 11. I believe you were asked --
17 well, there was reference made to whether Mr. Shaw is interim
18 or acting jail administrator?

19 A. Yes.

20 Q. Do you understand there to be a substantive distinction
21 between the word "acting" and "interim"? I'll strike that.

22 I looked it up. The definition I found of acting is
23 temporarily doing the duties of another? Would you agree
24 that's --

25 A. That sounds right.

1 Q. -- the definition?

2 An interim you find as entered for the intervening --
3 strike that -- enter for the intervening period, provisional
4 or temporary. Is that a fair definition of interim?

5 A. That sounds right.

6 Q. Do you see a substantive difference between the two?

7 A. I guess, in hearing those definitions, I would say an
8 acting person maintains their original title but is serving --

9 Q. Temporarily?

10 A. -- temporarily serving someone else's position, whereas
11 the interim actually holds that position.

12 Q. So let's look at the last sentence of paragraph 33.

13 "When the jail administrator is absent or if the position
14 becomes vacant, a qualified deputy administrator with
15 comparative education, training and experience must serve as
16 acting jail administrator."

17 Did I read that correctly?

18 A. Yes.

19 Q. So the jail administrator position became vacant when
20 Major Bryan resigned; is that correct?

21 A. Well, I understand there's a dispute as to whether she
22 resigned or was terminated, but it did become vacant.

23 Q. Okay. So when it did become vacant, do you believe this
24 second sentence of paragraph 38 applies to an interim or
25 acting jail administrator?

1 A. I understand the wordsmithing is important here, but I
2 would say it applies to the acting jail administrator, which I
3 understood to be Chief Simon.

4 Q. And you don't think this provision could apply to
5 Frank Shaw if he is the acting jail administrator?

6 A. I guess I think of him as the interim jail administrator
7 or currently the jail administrator, not the acting jail
8 administrator.

9 Q. And if -- so on that distinction you just drew, it would
10 turn for you on whether this sentence applied to Frank Shaw or
11 not?

12 A. I believe he's been hired as the jail administrator so
13 he's not an acting jail administrator, but I could be wrong
14 there.

15 Q. Okay. You don't know the terms of his retention, do you?

16 A. No.

17 Q. The Court asked you a couple of times whether the County
18 is in full compliance with the settlement agreement. Do you
19 recall that?

20 A. Yes.

21 Q. Okay. So is "full compliance" a compliance term that's
22 actually used in the settlement agreement?

23 A. I don't know if it's used in paragraph 164. No, it's
24 substantial compliance.

25 Q. Okay. So I'm asking you strictly in the context of when

1 you told the Court this morning that the County is not in full
2 compliance. When you said that, how are you defining "full
3 compliance"?

4 A. Compliance with the provisions of the settlement
5 agreement, not partial but full substantial...

6 Q. The Court asked you some questions about whether the
7 County ever objected to your rate of pay. Do you recall that?

8 A. Yes.

9 Q. All right. And the Court asked you whether the County
10 ever told you that it could not afford your rate. Do you
11 recall that?

12 A. Yes.

13 Q. All right. And so when you became -- when you initially
14 became the monitor in the fall of 2016, was there just one
15 monitor?

16 A. Well, there was my team.

17 Q. Well, how long -- I mean, on the day you were appointed
18 monitor by Judge Barbour, were the three team members retained
19 at that point?

20 A. I don't recall at what point I had retained the team,
21 whether it was before or after that appointment.

22 Q. Okay. I'll move on. So do you know one way or the other
23 whether -- when you became monitor in the fall of 2016,
24 whether the County knew it would still be under the settlement
25 agreement in February 2022?

1 A. I do not know.

2 Q. And do you know whether the County's concern at this
3 point is with your rate of pay or whether the possibility of
4 there being a receiver, an office of the receiver with staff
5 and legal and the four-person monitoring team in place all at
6 once, all at the County's expense?

7 MR. CHENG: Objection. Compound.

8 THE COURT: Rephrase your question, Mr. Shelson, if you
9 will.

10 MR. SHELSON: Yes, sir.

11 BY MR. SHELSON:

12 Q. Do you know if the County's concern is with your rate of
13 pay or that they may also have to pay for a receiver?

14 A. I think they are concerned about the cost of a receiver.

15 Q. Do you know if the County is also concerned about funding
16 an office of the receiver?

17 A. I haven't heard specific discussion about that, but,
18 yeah, it would be in connection with the cost of a
19 receivership generally.

20 Q. As would the staff and legal costs of the receiver?

21 A. Yes.

22 Q. And so going forward, there are potentially costs on the
23 horizon for the County that are in addition to the cost of the
24 monitoring team?

25 A. Yes.

1 Q. The Court asked you about length of stay at RDC?

2 A. Yes.

3 Q. Okay. And I think you agreed yesterday that there is
4 a -- no standard in the settlement agreement that specifies a
5 length of stay for RDC?

6 A. That's correct.

7 Q. And I believe you told the Court that -- well, in your
8 answer to the Court, did you refer to a national standard?

9 A. There's a national average for length of stay.

10 Q. And what's the source of that?

11 A. The Bureau of Justice Statistics.

12 Q. Okay. Are the Bureau of Justice Statistics incorporated
13 by reference into the settlement agreement?

14 A. No.

15 Q. The Court also asked you about programming for detainees
16 in the context of long-term and short-term detentions. Do you
17 recall that?

18 A. Yes.

19 Q. And did you testify that it would be ideal to have
20 programming for long-term detainees?

21 A. Yes.

22 Q. Is programming for long-term detainees required by the
23 settlement agreement?

24 A. There are certainly therapeutic services are required
25 which would include what you might call programming, such as

1 groups and things like that. I don't recall if there -- I
2 don't believe there's a requirement for, like, vocational
3 programming or educational programming. There is for youth,
4 of course, but I don't think there is in the settlement
5 agreement for adults.

6 Q. So in terms of the County's compliance with the
7 settlement agreement, are we here about what would be ideal or
8 about what the settlement agreement actually requires?

9 A. What the settlement agreement requires.

10 Q. In the context of the County's compliance, are we here
11 about what would be a best practice or what the settlement
12 agreement actually requires?

13 A. It's what the settlement agreement requires, but as
14 you've mentioned, not everything is defined, and so there has
15 to be some judgment as to what is required when determining
16 compliance.

17 Q. Have you reviewed any information regarding Frank Shaw's
18 qualifications to be the jail administrator other than your
19 review of his CV?

20 A. No. I take that back. I don't -- it's not directly
21 related, but I did read the opinion from the lawsuit against
22 the Eastern Mississippi Correctional Institute, which I
23 understand he was employed there, although I don't know the
24 chronology as to when he was employed and when that litigation
25 occurred.

1 Q. And was that -- was that opinion authored by
2 Judge Barbour?

3 A. Could be. I didn't look to see who authored it.

4 Q. Okay. Well, based on your reading of the order you just
5 mentioned, did the Court make any assessment regarding
6 Mr. Shaw's performance?

7 A. Again, I skimmed it. I don't -- I didn't know the
8 chronology of when he was employed and when the litigation
9 commenced and when it concluded. I didn't know his role in
10 that time frame.

11 Q. Okay. So we can agree that the order will speak for
12 itself?

13 A. Yes.

14 Q. And the Court asked you some questions about what I would
15 characterize as remedy, and I -- this isn't verbatim, but I
16 summarized. I wrote down you testified that you believe some
17 oversight continues to be justified because even with
18 oversight we have not seen progress for compliance at a
19 reasonable rate?

20 A. That's correct.

21 Q. Okay. And then you continued that you believe there's a
22 lack of commitment for resources and personnel?

23 A. Yes.

24 Q. So when you say that you believe there's a lack of
25 commitment to resources, what more precisely are you referring

1 to?

2 A. Well, there's been a number of examples, most recently
3 the failure to get the furnishings for a mental health unit,
4 the work that has not been done to complete B-Pod renovations,
5 the failure to have tables and chairs, the failure to get
6 GoPro cameras, just a lot of things that never materialized.

7 Q. I'm not going to go through all those, but did you, for
8 example, in your last site visit speak with the County
9 administrator about the GoPro cameras?

10 A. Yes.

11 Q. Did he give you an explanation of his perspective on
12 that?

13 A. I can't recall specifically. It might have been that
14 they have been ordered but not received. I don't know if that
15 was the case with the GoPro cameras.

16 Q. Now, let me ask about one more. B-Pod, do you know -- do
17 you know the status -- do you know why the construction on
18 B-Pod has been paused?

19 A. I don't.

20 Q. And then so that commitment to personnel, what more
21 specifically do you have in mind there?

22 A. I think some of the measures that we've talked about to
23 increase staffing are needed to retain sufficient staff, and
24 we've also talked about needing to hire a staff person for the
25 CJCC so some of the systemic changes that are needed are

1 pursued. Those are the ones that come to mind.

2 Q. So some measures to retain staff. What measures do you
3 have in mind?

4 A. I believe the ones that we've talked about, the career
5 ladder, potentially retention bonuses, increasing salary, cost
6 of living raises.

7 Q. Did you say "retention bonuses"?

8 A. Yes.

9 Q. Do you know one way or the other whether, under State
10 law, the County can pay bonuses whether retention bonuses or
11 other type of bonuses?

12 A. I do not.

13 Q. On the issue of remedy, do you have any facts which would
14 indicate what the rate of progress would be under a receiver?

15 A. No.

16 MR. SHELSON: May I have a moment to confer, Your
17 Honor?

18 THE COURT: Okay.

19 BY MR. SHELSON:

20 Q. I'm almost finished, Ms. Simpson.

21 Do you know one way or the other whether the County is
22 conducting a search for a full-time jail administrator?

23 A. I do not.

24 Q. If the County is conducting a search for a full-time jail
25 administrator, would that indicate to you that Mr. Shaw is an

1 interim or acting administrator?

2 A. I would say that makes him an interim administrator, not
3 an acting administrator.

4 Q. What is your understanding that -- regarding the number
5 of detention staff as of the last site visit?

6 A. I believe at the end of January it was reported to be
7 191.

8 Q. And were those 191 individuals at Major Bryan's disposal
9 to deploy as she saw fit when she was jail administrator?

10 A. I think that was one of the concerns is that she wasn't
11 given the authority to make personnel decisions, but they were
12 in theory under her.

13 Q. Well, do you know -- did you ever question Major Bryan's
14 failure to redeploy those 191 individuals to cover shifts in
15 A-Pod?

16 A. We continuously expressed concern that housing units are
17 not being supervised. 191 is way below the number needed to
18 provide adequate supervision in the jail, and for the most
19 part, we have not questioned how that minimal staff has been
20 deployed, given that she doesn't have the staffing to cover
21 the jail.

22 Q. Okay. So I'm not asking you to be clear whether any
23 redeployment would have met the benchmarks in the staffing
24 analysis. Okay? Do you know whether Major Bryan could have
25 deployed any detention staff to augment the shifts covering

1 A-Pod?

2 A. I don't know.

3 Q. Did you ever have any discussions with Major Bryan
4 regarding whether given that there were not enough staff to
5 fully cover detention shifts under the staffing analysis
6 that -- whether it was a possibility to send detainees to
7 facilities in neighboring counties?

8 A. I do not have any knowledge that had been suggested until
9 this litigation actually.

10 MR. SHELSON: Thank you, Ms. Simpson. That's all the
11 questions I have. Thank you, Your Honor.

12 THE COURT: All right. Thank you, Mr. Shelson. I do
13 have a couple other points just for the record to show.

14 First of all, I think yesterday, Mr. Shelson, this
15 witness was cross-examined on the -- I think a compliance
16 director draft of a report that is not in evidence, I don't
17 think. I think she participated in the drafting of an order
18 about a compliance director or a compliance coordinator. I
19 think you cross-examined her with respect to that point.

20 MR. SHELSON: Yes, sir. There was an e-mail from DOJ
21 and attached to it was a proposed order that was circulated to
22 Ms. Simpson among others, and I just --

23 THE COURT: I'm not asking you to make it an
24 affirmative exhibit. I'm just asking you to give it to the
25 Court to make it a part of the record for ID only because she

1 was questioned about it.

2 MR. SHELSON: Yes, sir. We can do that, Your Honor.

3 THE COURT: It doesn't have to be now.

4 MR. SHELSON: Yes, sir. We'll do that.

5 THE COURT: Before the record is closed on it. That's
6 all.

7 MR. SHELSON: Anything else, Your Honor?

8 THE COURT: I guess I might have been confused with
9 using the words "interim" and "acting." I know Mr. Simon was
10 something, and I know Mr. Shaw is something. I just don't
11 know exactly what they are because I don't think there's
12 anything in the record right now that shows what either
13 person's title is other than what persons have been
14 speculating as to what it might be. So I don't know if the
15 County intends to put on proof of what -- of what their actual
16 positions are.

17 I don't even know if it matters, but I may have been
18 the one that's been confusing the terms because at a --
19 because I know at a status conference I was told that
20 Mr. Simon was there and that they were working on getting a
21 new person in, that the contract had to be approved by the
22 Board of Supervisors, and I assume that meeting of the Board
23 of Supervisors just occurred. And this person was supposed to
24 start -- or maybe it occurred sometime after the status
25 conference, I think, and that person reported on Monday. I

1 think that's what we heard last week. So I don't know what
2 the titles are, and to the extent I've confused what the
3 titles are, that might be on me.

4 MR. SHELSON: No, sir. We're not faulting the Court.
5 So just to digress, so I don't see a substantive difference
6 between the two terms. Ms. Simpson does, but neither of us is
7 the decider. So to maybe clear it up, I think this issue came
8 up a few status conferences ago, I think maybe February 1st.
9 So here's what happened. Mr. Siler and Mr. Hall addressed the
10 Court's questions that day, and at the time they were
11 finalizing the retention of Mr. Shaw on a temporary basis.

12 He could not regardless because of a prior commitment.
13 He could not come to the facility until this past Monday. So
14 somebody had to fill in for, I think it was roughly that
15 two-week period, and that was Captain Simon.

16 So I don't know acting or interim with Mr. Simon, but
17 that was the whole point. There had to be somebody in place
18 until Mr. Shaw could get there to be the jail administrator on
19 a temporary basis to allow time for a search for a full-time
20 jail administrator.

21 THE COURT: Okay. I presume --

22 MR. SHELSON: So I'm not -- I don't -- I'm just -- I
23 frankly don't know if his exact title is acting or interim,
24 but I can find out.

25 THE COURT: Right. I assume there might be some

1 testimony since that person is here now, what his job is or
2 what his title is, I mean.

3 Okay. I guess I'm through for you right now,
4 Mr. Shelson. But there are a couple of other things I do want
5 to ask Ms. Simpson while you're still on the stand.

6 **FURTHER EXAMINATION**

7 **BY THE COURT:**

8 Q. You were asked by Mr. Shelson about the FCC Yazoo City
9 and the 500 prisoners who are there who contracted COVID. The
10 reports are they contracted COVID, and there's not a consent
11 decree, I believe was the question that Mr. Shelson asked, and
12 you said, no, you're not aware.

13 A. I'm not aware.

14 Q. Are you aware that they're under any stipulated order?

15 A. Not that I know of.

16 Q. Are you aware that they have been found to have been
17 accused of violating the constitutional rights of the inmates
18 and thus being -- I don't know if DOJ would sue itself because
19 that's the Bureau of Prisons up there, but is there any
20 indication that they've been taken to court for that?

21 A. I have not followed that situation so I don't know.

22 Q. Okay. We've been talking about retention staff and
23 ladders and pay raises and all of that. Since you are an
24 expert in this, if there has been testimony that the County is
25 in the process of building a new jail or in the process of

1 building a new jail -- I believe there's some testimony to
2 that effect; right?

3 A. Yes. There's been a master planning process that
4 outlined various options and I believe the plan is to go
5 forward on one of the options that involves building a new
6 jail.

7 Q. Okay. And building a new jail, if they were to start
8 building a new jail today, does that say anything about where
9 they are with respect to today on how they are treating the
10 particular detainees who are in their custody right now?

11 A. No, it does not.

12 Q. And how long has the fact that if -- if the Board of
13 Supervisors decided in Tuesday's meeting, this past Tuesday's
14 meeting to adopt all of the things that they need to adopt in
15 your view to increase staffing, if they were to do bonuses,
16 whether that -- assuming they are allowed by law, if they were
17 to do pay increases, if they were to do the stepladder
18 increases, if they did all of that in the last three days, the
19 last two weeks or the last month or the last two months, what
20 does that say about the existing situation at the detention
21 center?

22 A. Nothing as to the conditions right now.

23 THE COURT: All right. Now, anybody wish to follow up
24 on those two points?

25 MR. CHENG: No, Your Honor.

1 THE COURT: Mr. Shelson?

2 MR. SHELSON: No, sir.

3 THE COURT: And then this is for the attorneys.

4 So I'm through with you now, Ms. Simpson, I think. You
5 can sit there, but it's for the attorneys and we'll be done.

6 I know and this may be a point -- this may be a legal
7 point for the attorneys to think about when we think about not
8 necessarily remedy but when we think about authority and who's
9 who and all that and there may be some argument on this, but
10 whether Ms. Simpson is an expert, I turn to -- I point the
11 lawyers to Docket Entry No. 9, the Joint Motion to Appoint
12 Elizabeth Simpson as Monitor, "Plaintiff United States of
13 America and Defendants Hinds County, collectively the parties,
14 Hinds County, et al. hereby jointly and respectfully request
15 this court appoint Elizabeth Lisa Simpson as the monitor in
16 this case. Under the terms of the settlement agreement
17 ("agreement"), the monitor will serve as a court-appointed
18 expert to ensure implementation of and compliance with the
19 agreement. See settlement agreement, paragraph 136, Docket
20 No. A-1. In support of this motion, the parties submit a
21 memorandum of law and attach a proposed order."

22 And, again, that will be a subject of debate and
23 argument about -- and argument about what that means, but I
24 also, in that vein, want to turn the parties to Docket Entry
25 No. 10, which is the Memorandum of Law that was in support of

1 the joint motion to appoint Elizabeth Lisa Simpson as monitor
2 and in Footnote 1 on page 1, the settlement agreement also
3 states that "The monitor may retain subject matter experts to
4 assist her in evaluating various provisions of the agreement."
5 Settlement agreement, paragraph 141, Docket B-1.

6 "For instance, the monitor may retain a medical health
7 professional to assist her in assessing the defendants'
8 compliance with the mental health provisions in the agreement.
9 It is the parties' understanding that Ms. Simpson will retain
10 several subject matter experts to assist her particularly in
11 the areas of medical and mental health, juveniles and
12 security."

13 Again, we can argue about that later, but I think the
14 fact that Ms. Simpson has testified as an expert as this
15 court -- the court-appointed expert that I inherited from
16 Judge Barbour allows her or qualifies her to be an expert on
17 the parties' joint motion to -- for the Court to fulfill its
18 obligation of this case that has been filed and that has been
19 in this court since 2016.

20 It is now 12 :46. Again, we can take up all those
21 issues when we're arguing about the law, the facts, and
22 everything else in this case. But it's 12:46 right now. If
23 you will, we will report back at 2:00.

24 At that time, I guess the United States will be
25 prepared to rest, I think, and then the -- Hinds County should

1 be prepared to start -- to call its first witness to the
2 extent -- obviously a party is not required to call anyone,
3 but I think there will be, so the County ought to be prepared
4 to start its case. So let's just start back at 2:05.

5 (A lunch recess was taken.)

6 THE COURT: You may be seated. All right. I turn
7 to -- we're back in court. Thank you.

8 Is there anything we need to take up before we start?

9 In that case I turn to the United States. What says
10 the United States?

11 MR. CHENG: The United States rests at this time, Your
12 Honor, reserving the right to bring in rebuttal witnesses.

13 THE COURT: Okay. All right. Thank you.

14 Does the Hinds County wish to call any witnesses?

15 MR. MORISANI: Yes, sir, Your Honor.

16 THE COURT: Okay.

17 MR. MORISANI: The County would call Gary Chamblee as
18 its first witness.

19 THE COURT: All right.

20 MR. MORISANI: Your Honor, may I place a few exhibits
21 on his --

22 THE COURT: Yeah.

23 MR. MORISANI: Thank you.

24 (Whereupon, the witness was placed under oath.)

25 THE COURT: Well, we know your microphone works.

1 Mr. Chamblee, the court reporter is taking down
2 everything that's being said.

3 THE WITNESS: Yes, sir.

4 THE COURT: So please speak at a pace at which she can
5 keep up with you. Allow the lawyers to finish their questions
6 before you begin to speak so that the two of you will not be
7 speaking at the same time, and make sure all your responses
8 are verbal.

9 If you're going to nod or shake your head, please give
10 some sort of oral answer with that, and I'll try to monitor
11 whether you're saying "uh-huh" or "huh-uh" and we'll just try
12 to avoid that, but for the record, could you state and spell
13 your name.

14 THE WITNESS: Gary Chamblee, that's G-a-r-y,
15 C-h-a-m-b-l-e-e.

16 THE COURT: Thank you so much.

17 MR. MORISANI: May I proceed, Your Honor?

18 THE COURT: You may.

19 MR. MORISANI: Thank you.

20 **GARY CHAMBLEE,**

21 **having been first duly sworn, was examined and**
22 **testified as follows...**

23 **DIRECT EXAMINATION**

24 **BY MR. MORISANI:**

25 Q. Mr. Chamblee, if you will, please describe your

1 background for the Court.

2 A. I've been working for Benchmark Construction for the last
3 25 years, studied electrical engineering at Mississippi State
4 University, electronics at RETS Electronics. I've been in
5 construction since '72.

6 THE COURT: And you can remove your mask while you're
7 testifying.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Yes.

10 BY MR. MORISANI:

11 Q. You said you've been in construction since 1972; is that
12 correct?

13 A. Yes.

14 Q. I guess that puts us right around 50 years?

15 A. Yeah, unfortunately.

16 Q. And what year did you begin with Benchmark?

17 A. '97.

18 Q. And you've been employed with Benchmark ever since?

19 A. Yes.

20 Q. I guess throughout your employment with Benchmark, what
21 roles have you had?

22 A. Well, I started out as superintendant, but that only
23 lasted a couple of months but mainly just project management.

24 Q. And I guess, what type of work have you been doing for
25 Benchmark during that time?

1 A. We started out in commercial construction, but for the
2 last 20 years, I've just been dealing with detention
3 facilities.

4 Q. And when you say "detention facilities," are you
5 referring to jails, prisons, or both?

6 A. Mainly jails, detention facility -- county, county
7 detention facilities.

8 Q. Okay. About how many detention facilities would you say
9 you've worked on during that time?

10 A. We've probably done 18 to 20.

11 Q. And what does your work -- when we say work on detention
12 facilities, what does that consist of?

13 A. That's new construction we've done as far as designing,
14 done the programmings, stuff like that and actually
15 constructed the facility.

16 Q. Have you also -- have you done anything else besides
17 design and construction, anything else?

18 A. We've done some renovations, and we've done some
19 evaluation on some facilities, also.

20 Q. What are -- if you can, just give us a couple of examples
21 of the facilities that you've worked on?

22 A. Renovation?

23 Q. Sure.

24 A. We've done Panola County. Of course, we've done -- we
25 did some evaluations at Walnut Grove Juvenile Facility,

1 Wilkinson, Parchman.

2 Q. And you'd also consider Raymond Detention Center as well?

3 A. Yes.

4 Q. And is your -- based on your own perception and opinion,
5 is Benchmark qualified to serve as a contractor, managing the
6 work that's being performed at the RDC?

7 A. Yes.

8 MR. CHENG: Objection, Your Honor. Calls for opinion
9 testimony.

10 THE COURT: Objection overruled.

11 The question was: Do you -- based on your perception,
12 are you qualified to manage work basically?

13 MR. MORISANI: Yes, sir.

14 THE COURT: Overruled.

15 BY MR. MORISANI:

16 Q. And I should have clarified this for the record, but when
17 we say RDC, can we agree it's Raymond Detention Center?

18 A. Yes, sir.

19 Q. Okay. Now, how often would you go to the RDC, would you
20 say?

21 A. Two, three times a week.

22 Q. And why is it that you're having to go to RDC that often?

23 A. Ongoing issues, whether its maintenance or upgrades made
24 to the facility.

25 Q. And what -- I guess, what -- tell us what specifically is

1 Benchmark's role when it comes to the renovations at RDC?

2 A. Well, we're just -- we're not performing the work. We're
3 just overseeing the work. Anything that is required to be
4 done, we go out, solicit proposals from qualified vendors and
5 get those proposals. And once the work has been approved to
6 proceed, we oversee, make sure it's done correctly, proper
7 materials.

8 Q. Is it safe -- it sounds to me like -- I guess, would you
9 describe it as sort of managing the work that's being done?

10 A. What we're asked to manage, yes.

11 Q. Okay. And as far as the -- you mentioned vendors. Is
12 there some sort of license trade for working on detention
13 facilities?

14 A. Not as -- you know, as far as a detention license, I
15 don't think so. I mean, you have detention contractors but --

16 Q. But go ahead.

17 A. -- and security contractors, but you've got roofing,
18 plumbing, electrical, HVAC, but there's a little bit different
19 ways and means when you're working in a detention facility.

20 Q. And that's what I'm getting at, different ways and means.
21 Is it -- are you there to sort of make sure that those ways
22 and means are adequate for a detention facility?

23 A. Yes, sir.

24 Q. Because not any contractor can do the work in a detention
25 facility, correct?

1 A. Correct. They usually have experience if they've worked
2 in a detention facility. I just -- I just make sure that I
3 see the materials that they're going to use, make sure that
4 they're, let's say, detention-grade materials if needed.

5 Q. Would you consider -- the process, in doing that, would
6 you consider it almost a little bit like quality control
7 almost?

8 A. Correct.

9 Q. And sort of the eyes and ears for the County in that
10 respect?

11 A. Yes.

12 Q. And I guess, how many different vendors -- I might refer
13 to them from time to time as contractors, but how many
14 different vendors would you say that Benchmark is overseeing
15 at RDC currently?

16 A. At this time probably seven or eight. Seven or eight,
17 yeah.

18 Q. What about throughout the life of Benchmark's involvement
19 at RDC, how many contractors would you say that you have
20 overseen?

21 A. Probably 40, 50, somewhere.

22 Q. Okay. And I realize I didn't clarify either. I guess
23 when did Benchmark start having involvement with the RDC?

24 A. January 2020.

25 Q. Okay. Now, does Benchmark do anything -- once a vendor

1 does work, performs work at the RDC, does benchmark have any
2 involvement, any review of that work or anything?

3 A. Yes, you know, we have a person on-site. I have a
4 superintendent on-site. If there's any problems or anything,
5 he communicates with me. He has daily reports that he fills
6 out and takes pictures, and then the vendor will send me the
7 invoice and I'll approve or disapprove and forward it to the
8 County to be paid.

9 Q. And we'll talk a little bit about it later, but the
10 pictures that you referenced -- well, I guess let's back up.
11 Before we talk about the pictures, the individual that's there
12 on-site, he's a Benchmark employee?

13 A. Yes.

14 Q. And he's the one taking pictures?

15 A. Yes.

16 Q. I guess, what is done with those pictures once they're
17 being taken?

18 A. It's just a software that we have on his phone that he's
19 able to do daily reports that details who's there, the vendor
20 that's there working, what they're doing, what they're working
21 on, and he'll just take pictures of the work.

22 Q. Of the work. Okay. And if along the way you or the
23 gentleman who's on-site all the time, the Benchmark employee
24 who is on-site all the time, if along the way you identify
25 work that needs to be done, what, if anything happens from

1 there?

2 A. We just notify the jail administrator and the facilities
3 supervisor.

4 Q. Notify them of what, the work that needs to be done?

5 A. Yeah. We'll notify them of any problems that, you know,
6 may arise. Yeah.

7 Q. And do you -- as far as any other on-site checking or
8 anything like that, that you do, is there anything else you do
9 besides what you've talked about?

10 A. Well, I do inspections for the insurance, MASIT, the
11 County's insurance company.

12 Q. And when you do those insurance inspections, what are the
13 kind of things you're looking for, I guess?

14 A. Your normal fire safety inspections, roof inspections,
15 you know, kitchen vent hoods, fire extinguishers, stuff like
16 that.

17 Q. Is it safe to say life safety issues?

18 A. Yes.

19 Q. And does Benchmark ever on occasion have its own
20 employees that are doing work at the facilities?

21 A. Very rarely. I can name two occasions that we did.

22 Q. And --

23 A. Three. I'm sorry. Three occasions.

24 Q. Okay. Do you recall what the type of work was on those
25 three occasions that Benchmark was actually doing?

1 A. Yes, we built the officer workstations in B-Pod in the
2 dorm units. We replaced the polycarbonate glazing in the view
3 windows in the cells in B-Pod and the broken ones in C-Pod and
4 we helped with the -- removing the trash out of the cells in
5 A-Pod.

6 Q. And when it's not Benchmark doing the work, does
7 Benchmark have any sort of -- does Benchmark perform any type
8 of review or just any sort of check on the materials that a
9 vendor might be using?

10 A. Yes. When a vendor is performing work out there, we make
11 sure that the materials that they're using are correct and
12 installed properly to the manufacturer's spec.

13 Q. Would it also include checking to see whether those are
14 detention-grade materials?

15 A. Oh, yes. Depending on what it is, you know, whether it
16 might be a plumbing fixture that's in an inmate's cell or
17 detention-grade light fixtures, stuff like that, you know,
18 tamper proof screws, fasteners.

19 Q. Okay. And during this process that we've been talking
20 about, do you have occasion to meet with officials from the
21 County, whether it be employees at the facility, the jail, or
22 folks, you know, downtown at the County offices?

23 A. Yes.

24 Q. And how many times would you say over the past two
25 years -- I think you said it was January 2020 when y'all

1 started?

2 A. Right.

3 Q. Since January 2020 how often would you say you've met
4 with County employees regarding the RDC?

5 A. At least once a month. I would say at least once a
6 month, but there's been occasions there were more, especially
7 when we had work going on in pods that were occupied.

8 Q. Okay. And would you say you meet more or less frequently
9 with folks actually at the facility?

10 A. I meet more with the people at the facility.

11 Q. Do you have any sort of approximation of how many times
12 you've met with people at the facilities in the past two
13 years?

14 A. Probably at least, you know, twice a month, maybe 40 or
15 50 times.

16 Q. Okay. You've met with them a good deal, haven't you?

17 A. Yes, sir.

18 Q. And I guess, how often would you say -- and I may have
19 asked you this earlier. If I didn't, I apologize -- or if I
20 did, I apologize. About how often over the past two years
21 have you personally been out there to the RDC?

22 A. Two or three times a week.

23 Q. And the -- I want to talk a little bit now about a
24 document I believe is already in evidence. It's the
25 stipulated order. Its PX-2?

1 MR. MORISANI: Your Honor, if I may approach him, I did
2 not leave this document with him.

3 THE COURT: All right. No problem.

4 BY MR. MORISANI:

5 Q. And, Mr. Chamblee, I'll represent to you this is the
6 Court's stipulated order.

7 A. Right.

8 Q. It was filed January 26, 2020. Have you seen this
9 document before?

10 A. Yes, sir.

11 Q. Now, this may be -- it may get a little tedious. I want
12 to -- I'll try to move us along the best I can, but I want to
13 walk through some of the provisions in this order. Okay?
14 The -- and as we go, I want to ask you just a little bit about
15 what the County may have done related to each provision.
16 Let's look first at page 3, if you will, of the stipulated
17 order. Its PX-2, and we're going to look at item Roman
18 Numeral No. I, Section A, No. 1, and if you'll just take a
19 moment to read this provision and let me know when you're
20 ready, I'll have a couple questions.

21 A. Okay.

22 Q. Has Benchmark overseen any work related to this provision
23 in the stipulated order?

24 A. Yes.

25 Q. Okay. Tell us about that.

1 A. Okay. The B- and C-Pod had -- those doors have been
2 converted and connected to an electronic -- or touch screen
3 control panel in the control room. A-Pod, any doors were
4 converted to swing doors, but they are not connected to the
5 new electronic control panel.

6 Q. And let me just -- for the clarity of the record, you
7 said B and C have been converted.

8 A. Right.

9 Q. Can you just clarify, converted to what?

10 A. To an electronic touchscreen control panel. They were
11 converted from -- any sliders were converted to swing doors
12 and they're electronically controlled in B- and C-Pod.

13 Q. So I want to make sure I understand that. Any sliding
14 door was converted to a swing door?

15 A. Right in Item No. 1.

16 Q. Okay. Was there any work done on -- in B- and C-Pod, was
17 there any work done on control room doors or housing unit
18 entry doors?

19 A. Yes.

20 Q. What was done to those doors?

21 A. They were converted to swing doors if they weren't
22 already and then hooked into the new electronic control panel.

23 Q. Same question for any rec doors, recreation doors,
24 isolation doors or cage doors, same question.

25 A. Yes.

1 Q. They were all converted?

2 A. Yes.

3 Q. Okay. Are they also on the electronic panel?

4 A. Yes.

5 Q. Okay. And so I guess, can you just for the benefit of
6 the record, can you just explain -- now that the doors are on
7 the electronic panel, can you explain how they operate now?

8 A. Well, the officer has a touch screen monitor in his
9 control room. He can open and lock the doors from the touch
10 screen, or they can also be opened with a key.

11 Q. Okay. And that just, again, for clarity that -- the
12 electronic panel can allow you to lock them or unlock them;
13 correct?

14 A. Correct.

15 Q. Based on your personal knowledge and your own perception,
16 has the work required by Roman Numeral I, Section A, No. 1
17 been completed in B and C pods?

18 A. Yes.

19 Q. And in addition to this work, was there any work done to
20 the lights on B-Pod?

21 A. Yes.

22 Q. Can you tell the Court about that?

23 A. B-Pod, when we went in there, didn't have any lights in
24 the cells. So we had a vendor install new detention-grade
25 light fixtures. We had to install wiring and everything in

1 the cells in B-Pod plus we check all the emergency lights the
2 exit lights. We put in a containment fence outside of B-Pod,
3 got a fire alarm in B-Pod working now.

4 Q. Was there any work done on the fixtures in B-Pod?

5 A. New fixtures were put in.

6 Q. Can you describe for the Court what you mean by new
7 fixture wi- --

8 A. When we went in to B-Pod, there was no light fixtures in
9 the cell. The wires were gone, the light fixtures were gone
10 so we had them put in new light fixtures.

11 Q. If in B-Pod you found a cell with a missing sink or a
12 broken toilet, what would you do?

13 A. Well, those were repaired, and I think we put in six
14 shower units in B-Pod.

15 Q. Okay.

16 A. New shower units.

17 Q. Was there any work done on the -- or related to the HVAC
18 system in B-Pod?

19 A. They converted all the pneumatic controls to electric
20 controls and put in thermostats in B-Pod.

21 Q. Okay. And to your knowledge, as you sit here today, just
22 based on your own experience with the stipulated order, was
23 that -- was any of that work we just described, this
24 additional work, was it required by the stipulated order?

25 A. In some instances, no, but, you know, the lights, we

1 could consider that a life safety issue.

2 Q. Okay. Let's look back now at page 3 in that stipulated
3 order. We're going to look at Roman Numeral I, Section A,
4 No. 2. If you just take a moment to read that provision, let
5 us know when you're ready. I have a couple more questions
6 about that.

7 A. Okay.

8 Q. I guess, tell the Court, if you would -- this provision,
9 it deals with reinforcement of C-Pod cell doors. I guess,
10 tell the Court, if you will, what was done to the C-Pod cell
11 doors?

12 A. There was a strip of steel added to the jamb to prevent
13 the detainee from pushing the door open. It's a sliding door
14 so when it closed, it was a strip of steel so it was more
15 secure.

16 Q. And you mentioned sliding doors. Were those sliding
17 doors replaced with swing doors as well?

18 A. No, sir. Not in C-Pod.

19 Q. So in C-Pod. Okay. So I guess, based on your personal
20 knowledge and your own perception, has the work required by
21 Roman Numeral I, Section A, No. 2 been completed?

22 A. Yes.

23 Q. Let's look at Roman Numeral I, Section A, No. 3, same
24 thing. If you'll just take a moment to review it, I have a
25 couple of questions.

1 A. Okay.

2 Q. I want to make sure, too, that -- make sure I don't leave
3 something a little muddy in the record. In C-Pod the -- am I
4 correct in understanding your testimony that all control room
5 doors, housing unit entry doors, recreation yard doors,
6 isolation doors, and cage doors have been converted from the
7 swing doors to the sliding doors; correct?

8 A. That's correct.

9 Q. But the cell pod doors in C-Pod are still sliders?

10 A. That's correct.

11 Q. But you added the metal to reinforce them; correct?

12 A. That's correct.

13 Q. So now, shifting back to No. 3 on here, I guess, tell the
14 Court, I guess, has Benchmark overseen any work related to
15 this provision dealing with the B-Pod doors and control of
16 those doors?

17 A. Yes. Okay.

18 Q. Yeah, go ahead. You can tell the Court about it.

19 A. All right. In B-Pod we converted all the doors in the
20 horseshoe, what I call -- which is your housing unit doors,
21 cage doors, control room doors, then the rec yard doors, exit
22 doors, whatever they were, if they were sliding, they were
23 converted to swing.

24 Q. Okay.

25 A. There was locks put on both sides. In B3 and B4, the

1 cell doors were converted to swing doors.

2 Q. Okay.

3 A. And everything was hooked to a new electronic control
4 panel.

5 Q. And was there any work done on that -- you know, at the
6 facility you have the great hall and off of the great hall --

7 A. Right. You've got the entrance door.

8 Q. Yeah. Was any work done on B-Pod's entrance door?

9 A. Yes.

10 Q. Tell the Court about the work that was done on the B-Pod
11 entrance door.

12 A. It's a swing door that's operated off the control room
13 door.

14 Q. It's an electromechanical lock?

15 A. Yes.

16 Q. Okay. And I guess, based on your personal knowledge and
17 your own perception, has the work required by Roman Numeral I,
18 Section A, No. 3 been completed?

19 A. Yes, sir.

20 Q. All right. Let's move down one to Roman Numeral I,
21 Section A, No. 4 on PX-2. If you'll take a moment to review
22 that, I have a couple questions.

23 A. Okay. Go ahead.

24 Q. Has Benchmark overseen any work related to the fire hoses
25 at RDC?

1 A. Yes, sir.

2 Q. Can you tell us about that work?

3 A. Okay. There was 14 fire hoses, 7 were installed in C-Pod
4 and 7 in B-Pod. They were -- we had the inspector come out
5 and certify them.

6 Q. And based on -- I guess, based on your personal knowledge
7 and your perception, has the work on the fire hoses in B-Pod
8 and C-Pod been completed?

9 A. Yes, sir.

10 Q. I understand -- I guess as we sit here today, are there
11 any of the hoses in B-Pod or C-Pod that are not working right
12 now?

13 A. There's one in the horseshoe in B-Pod. B-Pod, yes, sir.
14 There is.

15 Q. Okay.

16 A. My understanding is somehow the cabinet got damaged and
17 the hose is laying in the control room. The hose with the
18 valve and everything is in the control room.

19 Q. As you sit here today, do you know how that happened?
20 How that damage happened?

21 A. Only by what I was told.

22 Q. But you don't have any personal knowledge how it
23 happened, do you?

24 A. No, sir.

25 Q. And let's move now to Roman Numeral I, Section A, No. 5.

1 Same thing, if you'll take a moment to review that, I have a
2 couple of questions.

3 A. Okay.

4 Q. I guess, can you just explain, is there any such thing as
5 a CML locking mechanism?

6 A. The CML is the name of the company that installed the
7 locking mechanism. They didn't manufacture it, no.

8 Q. Okay. Okay. It's an electromagnetic locking mechanism,
9 though?

10 A. Yes, it's -- electromechanical.

11 Q. Electromechanical, excuse me. And, I guess, has
12 Benchmark overseen any work related to this provision in the
13 stipulated order?

14 A. Yes, they converted B3 and B4 -- CML converted B3 and B4
15 to swinging doors. They went through -- and during that time,
16 they went through all the doors, the sliders and everything.
17 They made sure they were operating. The one thing that we
18 didn't do was the strip of steel like we did in C-Pod. B-Pod
19 had a different design and manufacturer of doors, and it was
20 not required. It wouldn't have done any good. We did
21 actually ask them to do some other work to make up for the
22 cost that they had provided for doing that. So we had them do
23 some other work.

24 Q. What other work did you have them do?

25 A. Doors. The mechanical room doors in the pods, we had

1 them work on those and provide new ones.

2 Q. And just if you can, tell us what was done to those
3 mechanical room doors on those pods?

4 A. They were new doors installed, new doors locks.

5 Q. And as far as the -- you mentioned the steel strip wasn't
6 added. What pods in -- I'm sorry, what units in Pod B, you
7 know --

8 A. 1 and 2, Units 1 and 2.

9 Q. Those are the two units that did not have the steel strip
10 added?

11 A. That's correct.

12 Q. And did you talk to anybody about that?

13 A. I believe I informed Mr. Parrish, yes.

14 Q. Did he -- did he have any issue with not adding those
15 steel strips to B1 and B2 doors?

16 A. I don't believe so.

17 Q. And based on your personal knowledge and your perception
18 of the work, has the work required by Roman Numeral 1,
19 Section A, No. 5 been completed?

20 A. Yes.

21 Q. Let's move down to Roman Numeral I, Section A, No. 6. If
22 you'll take a moment to review that, I have a couple of
23 questions.

24 A. Okay.

25 Q. I guess, what work has Benchmark overseen related to

1 A-Pod, recreation yard doors and cage doors?

2 A. CML converted those to swing doors.

3 Q. From the sliders?

4 A. That's correct. Any door that was a slider, they
5 converted to a swing.

6 Q. Let's move now to Roman Numeral I --

7 A. Other than the cell doors.

8 Q. Sure, sure. Let's move now to -- I guess, in the cell
9 door -- that's a good point. For the cell doors in Unit A,
10 what would be the most important thing, the one necessary
11 thing you would need before you could change the locking
12 mechanisms and the doors out in Pod A?

13 A. I'm sorry. Ask that question again.

14 Q. Sure, sure. You mentioned the work wasn't done on the
15 cell doors in Pod A, and I guess my question is, what would be
16 the most important thing you would need to happen with Pod A
17 before you could get into those cells and work on the locking
18 mechanisms of those cell doors?

19 A. I guess we just need to decide if they're going to use
20 A-Pod first.

21 Q. Would it help to have the detainees removed out of Pod A?

22 A. Yes.

23 Q. And then once it's empty, you could get in there and work
24 on those cell doors?

25 A. That's correct.

1 Q. And I guess, let's move now to Roman Numeral I,
2 Section A, No. 7. If you'll take a moment to review that,
3 just let me know when you're ready.

4 A. Okay.

5 Q. Has Benchmark overseen any work related to the holding
6 cell doors in the booking area?

7 A. Yes.

8 Q. Tell us about that.

9 A. Okay. The four doors that -- or four cells that are
10 across from booking, we modified or CML modified those doors
11 where they have a full-view panel at the bottom and top.

12 Q. All right. Let's move now to page 4. Well, I guess, was
13 there any other work done in booking?

14 A. We just made sure all the locks were operating correctly.

15 Q. And let's move now to page 4, Roman Numeral II,
16 Section A. It's No. 4 that I'm looking at?

17 A. Okay.

18 Q. And this No. 4 deals with the work center. Now, we're
19 sort of transitioning from the RDC to the work center, and it
20 deals with the alarm system. And I guess my question is: Has
21 Benchmark overseen any work related to the alarm system and
22 fire exits at the work center?

23 A. Yes.

24 Q. Can you tell us what that is?

25 A. They installed door monitoring switches on the doors, the

1 exit doors in each housing unit, installed the camera at each
2 one of the doors, and I believe that was -- as far as this
3 this is what was done at Item 4.

4 Q. Okay. What about the camera system at the work center?
5 Has Benchmark overseen any work related to it?

6 A. Yes, we had the recorders replaced, the recorders and a
7 few of the cameras that needed replacing.

8 Q. Was there any work done on the server that had the
9 camera --

10 A. Servers, recorders. I'm sorry.

11 Q. I can repeat -- I'll repeat my question.

12 Mr. Chamblee, I know we're having sort of a conversation
13 here, but if you'll just wait for me, I'll finish the question
14 and then you can go ahead and answer. I guess, was any work
15 done on the servers that the camera system at the work center
16 use?

17 A. Yes.

18 Q. Tell us about that.

19 A. Well, the servers and the recorders were a self-contained
20 unit.

21 Q. Okay.

22 A. So they were replaced. They were replaced with a new
23 digital system that's capable of taking digital cameras, even
24 though there's still analog cameras at the facility.

25 Q. Was any work done related to -- well, let me strike that

1 and re-ask it. Were any cameras added at the work center?

2 A. Four.

3 Q. Go ahead.

4 A. At each exit door in the units.

5 Q. Now, based on your personal knowledge and your perception
6 of the work, has the work required by Roman Numeral II,
7 Section A, No. 4 been completed?

8 A. Yes.

9 Q. Now, Mr. Chamblee, are you familiar with the master plan
10 that's referred to? It begins -- if we go back a page, I
11 skipped over this by accident, but it begins on the very
12 bottom of page 3, paragraph B, and it goes over to page 4.
13 You have numbers 1, 2, 3, and 4.

14 A. Yes.

15 Q. My question is: Are you familiar at all with the master
16 plan that's referred to in those paragraphs?

17 A. Yes.

18 Q. And I guess for the record, it's Roman Numeral I,
19 Section B and 1 through 4. Have you had any involvement with
20 the master planning process, Mr. Chamblee?

21 A. Yes.

22 Q. Can you tell us what that involvement is?

23 A. Just working with County officials and the architects on
24 designing a new facility and renovations to the existing
25 facility.

1 Q. Have you provided any guidance during that -- in that
2 process?

3 A. Yes, sir.

4 Q. What's that guidance relate to?

5 A. I got them to not put sliding doors in, to design all
6 swinging doors, go to a single-story facility in Phase 1A --
7 1A, yeah.

8 Q. When you say -- just for the clarity of the record, when
9 you say that, are we talking about a different facility?

10 A. Yes, sir.

11 Q. That's the new facility; right?

12 A. Right.

13 Q. Okay. Just in general, though, with respect to the work
14 under the -- pursuant to the master plan, have you provided
15 any guidance, for example, related to materials?

16 A. Yes.

17 Q. What have you done with respect to materials in terms of
18 providing guidance?

19 A. Mostly the electronics and security equipment and the
20 doors.

21 Q. And as far as construction means and methods, have you
22 provided any guidance related to that?

23 A. Yes. Yes.

24 Q. Can you describe what an example of that would be?

25 A. Just a concrete structure. Yeah.

1 Q. Okay. And how many meetings -- well, I guess, let me ask
2 it this way: Have you attended any meetings related to the
3 master plan?

4 A. Yes.

5 Q. How many would you say?

6 A. We normally have two a week -- two a month.

7 Q. And how long do you think that's been going on?

8 A. That's been going on for at least 18 months.

9 Q. So about 36 --

10 A. Probably longer than that.

11 Q. At least 36 meetings?

12 A. Probably so. Yes, sir.

13 Q. And that's related to the master plan?

14 A. Yes, sir.

15 Q. All right. Now, did COVID-19 have any impact on the
16 repair work at the RDC?

17 A. We did experience a little delay in some materials. We
18 did shut -- the facility was closed to us on two different
19 occasions once -- I want to say it was in the latter part of
20 2020 and the first part of 2021. They had some outbreaks. So
21 we were shut down from working there.

22 Q. Can you give the Court just an estimate, an approximation
23 of how many months the facility may have been shut down where
24 you couldn't access it?

25 A. Weeks, a couple months maybe.

1 Q. And despite the -- go ahead.

2 A. I'm not sure that the facility was closed down for that
3 long a period of time but to reschedule -- the company they
4 were using was from out of town. So it was a scheduling
5 conflict there, but there was -- it was probably a couple
6 months.

7 Q. Okay. Did you experience any issues with just manpower
8 during COVID-19 at its height?

9 A. Still am.

10 Q. Do what?

11 A. Still am.

12 Q. Now, I want to talk a little bit about the fire detection
13 and suppression -- fire detection and suppression at the RDC.
14 I guess, is there a fire sprinkler system anywhere at the RDC?

15 A. Yes.

16 Q. Where at the RDC?

17 A. It is located in the laundry room, kitchen, and
18 mechanical room.

19 Q. And what about housing units, Pods A, B, and C, have they
20 ever had a fire sprinkler system?

21 A. Not according to the plans nor have I seen any evidence
22 of one.

23 Q. What do those units have for fire suppression?

24 A. Just fire hoses.

25 Q. And what other work has been performed related to RDC's

1 fire detection and suppression system?

2 A. We went through and got all the fire pumps, fire
3 sprinkler riser, all that's been either replaced or
4 refurbished and certified.

5 Q. Was any work done on the backup fire pump?

6 A. Both fire pumps have been rebuilt or -- yeah, they were
7 both rebuilt.

8 Q. So -- and the fire pump, what does it feed? What its
9 purpose, the fire pump?

10 A. Fire sprinkler and fire suppression, which is the fire
11 hoses.

12 Q. And you mentioned certifying --

13 A. We had a vendor that is capable of certifying fire
14 sprinkler risers and fire equipment come in and certify
15 everything.

16 Q. The fire pumps, the fire hoses?

17 A. Fire pumps, fire hoses.

18 Q. The fire sprinklers?

19 A. Fire sprinklers, fire riser, valves.

20 Q. Was any work done in the kitchen area related to fire
21 detection or suppression?

22 A. Other than the certification of the fire sprinkler, we
23 had the Vent-A-Hoods, made sure they were certified,
24 inspected. That was done last year.

25 Q. Was any work done to the ancillary system?

1 A. It was brought up to -- you know, brought it up to code
2 and certified. I think it had a leak in it at one time.

3 Q. But today it's certified --

4 A. Right.

5 Q. It's working?

6 A. It's working.

7 Q. Okay. And I guess you -- I think you alluded to it
8 earlier, fire alarms. I guess, do you -- I guess, tell us
9 about, is there any other work being done related to fire
10 alarms at the RDC?

11 A. Yes. We just got through having the fire alarm put
12 online in B-Pod. We're trying to get the rest of the
13 facility -- the fire alarm installed in it, throughout the
14 whole facility.

15 Q. And do we -- do we have -- we already -- am I correct in
16 thinking we already have a contract for the devices --

17 A. Right.

18 Q. -- related to the fire alarm equipment --

19 A. Right.

20 Q. -- in B and C?

21 I'm sorry. In A and C?

22 A. A and C and the -- the whole facility. They have the
23 room.

24 Q. Okay. And what's left to do with respect to the fire
25 alarms in A -- in Pod A and Pod C?

1 A. We need to coordinate with the officials to get in there
2 and do the cabling for the fire alarms.

3 Q. And once the fire alarms are installed in Pods A and C,
4 what will be the product of the fire detection and suppression
5 system?

6 A. It will -- and once we get it done in the -- the whole
7 facility, it would be -- it would be back to the way it was
8 designed in the beginning.

9 Q. Well, it be a complete system per the design?

10 A. Yeah, per the original design, yes.

11 Q. And as far as just -- we talked about the stipulated
12 order and some of the work that's been done there. Can you
13 tell us about the work that's currently being done at the
14 Raymond Detention Center?

15 A. Let's see. We're just finishing up replacing ceilings
16 throughout administration, mainly in the kitchen. We're
17 having an environmental study done in the kitchen area to make
18 sure that it's safe. We're working on fire alarm, working on
19 the roof. Let's see we've got some work that we're doing on
20 the chillers.

21 Q. And you mentioned the roof. I just wanted to clarify.
22 All right. What -- has the -- has work taken place on the
23 roof above the kitchen?

24 A. Yes, that's been completed.

25 Q. And you mentioned the kitchen ceiling tiles have also

1 been replaced now?

2 A. Right. The grid and ceiling tiles have been replaced.

3 Q. Where if, at all, are we doing roof work on the roof now
4 at the RDC?

5 A. A-Pod.

6 Q. And what kind of work is being done on the roof in A-Pod.

7 A. Well, we had some breaches in A-Pod, so we're waiting on
8 some decking, which is a structural material to put in A-Pod
9 so we can get it watertight.

10 Q. All right. And then as far as the cameras, has any work
11 been done on the cameras? Is any work being done on the
12 cameras currently?

13 A. Yes, sir. We just cut through -- you know, we've
14 replaced the servers. We've replaced all the workstations.
15 We're going to sit down and we've already evaluated which
16 cameras are working, which ones are not, and we're in the
17 process of getting a drawing put together so we can put a
18 price together on getting it upgraded.

19 Q. The camera system?

20 A. Right.

21 Q. Okay. And has there been any work done with respect to
22 padded cells at the RDC?

23 A. I'm sorry?

24 Q. Has there been any work done recently with respect to
25 padded cells at the RDC?

1 A. They're going to install some padded cells next week.

2 Q. And where are those padded cells going to be installed?

3 A. There's two of them going in the female side of medical.

4 Q. Anywhere else?

5 A. No.

6 Q. Okay. And the -- as far as the water supply for RDC, has
7 there been any -- or is there any work going on with respect
8 to the water supply for RDC?

9 A. Well, we've rebuilt the primary pump. It's complete.
10 We're waiting on a new secondary pump. It will be in, I
11 think, March the 11th.

12 Q. Okay. Any other work that's currently ongoing at RDC?

13 A. I do have -- I'm trying to get some -- a few doors
14 situated at RDC, not that work's going on, but we're in
15 progress of getting that done.

16 Q. Is it replacement of doors or just --

17 A. No, it's locks, mainly locks.

18 Q. How many doors would you say?

19 A. I've got approximately 20 doors in medical, four doors in
20 booking, and two doors in B-Pod and two doors in C-Pod.

21 Q. And it's work related to the locking mechanisms?

22 A. Yes, we're trying to identify all the problems right now.

23 Q. Okay. And so I take it, though, the work is intended to
24 correct any issues with those locking mechanisms on those
25 doors?

1 A. Right.

2 Q. Now, I want to talk a little bit about work related to
3 the mental health unit at the Raymond Detention Center. I
4 guess where will the mental health unit be located at RDC?

5 A. We had done some work for Kathryn Bryan in B1 isolation.

6 Q. That's -- B1 is where the mental health unit will be?

7 A. B1 isolation.

8 Q. B1 isolation?

9 A. Yes.

10 Q. And what work related to the mental health unit in B1
11 isolation has been completed as we sit here today?

12 A. We just did some renovations in the control room for an
13 office for the mental health workers. We did some
14 modifications to some existing visitation areas so that the
15 mental health nurse could communicate with the detainee.

16 Q. Has there been any work done with respect to the doors in
17 B1 isolation, the cell doors?

18 A. Yeah, we're -- yes, we -- at the Major's direction, we
19 removed all the doors except for one.

20 Q. Okay. And as far as other things within those cells in
21 B1 isolation, have you removed anything else?

22 A. Just incidentals, you know, a TV, TV mounts. We
23 installed a view partition in front of the shower, you know,
24 for privacy, a privacy partition.

25 Q. Those incidentals you mentioned, are those things that

1 could be used by a detainee to harm himself?

2 A. Yes, there's just -- you know, just protrusions, pieces
3 of metal that are sticking out, anything that could --
4 somebody could harm themselves with, yes.

5 Q. That's the kind of stuff that we're removing, right?

6 A. Right.

7 Q. Okay. And what's the status of the nursing station? Has
8 that been built out in B1 isolation?

9 A. Yes.

10 Q. Is that the nursing station off the control room in B?

11 A. Yes, yes.

12 Q. And are you familiar with the term "trash dumpster cells"
13 Mr. Chamblee?

14 A. Yes.

15 Q. What is that referring to?

16 A. That was some cells in A-Pod that were being used as a
17 trash cell.

18 Q. I guess were they sealed up?

19 A. The doors were welded shut, yes.

20 Q. Okay. But they weren't sealed up; right?

21 A. That's correct.

22 Q. And I guess, how was the trash getting in those cells?

23 A. They have windows -- or the windows were broken out or
24 there was just places underneath the doors. They could throw
25 stuff, had a little opening about maybe six or eight inches

1 tall at the bottom.

2 Q. And has the County done anything about these cells?

3 A. Yes, they went in and cleaned them all out. We went
4 back, sealed the doors, put plates over the windows, and at
5 the bottom, trying to prevent any more trash being
6 accumulated.

7 Q. And you said we -- I guess, how did we seal the bottoms
8 of the doors?

9 A. We put a metal plate at the bottom and welded it on there
10 and also over the window.

11 Q. And I guess, to your knowledge, as someone who's inside
12 RDC, you know, a whole lot of time, are there any trash
13 dumpster cells at the facility at this time?

14 A. Not that I'm aware of.

15 Q. Have those welded plates, have they been able to keep
16 things from getting shoved under that door and through the
17 windows?

18 A. Yes, sir.

19 Q. Were there any cells -- when the County went in and
20 opened those cells up and cleaned them out, were there any
21 cells the County could put back online through repairs?

22 A. I believe there was possibly eight, seven to nine, seven,
23 eight, or nine. Yeah, there was about eight of them, I think.

24 Q. Okay. With respect to the others, were they just -- they
25 were pretty badly damaged, never put them back online?

1 A. Either the plumbing fixture was damaged or there was
2 breaches in the walls. We didn't have enough time to do the
3 repairs so we just sealed the cell back up.

4 Q. Okay. And I want to talk now -- we sort of talked a
5 little bit about it earlier, but the work center, I want to a
6 talk a little bit about the work center. I take it you've
7 been to the work center?

8 A. Oh, yes.

9 Q. And how often would you say you've been there?

10 A. Probably at least once a month, maybe twice a month.

11 Q. Is it safe to say you're familiar with the physical
12 plant conditions?

13 A. Yes.

14 Q. At the work center?

15 A. Yes.

16 Q. What work is currently being done at the work center
17 today?

18 A. We're waiting -- let's see -- we're waiting on HVAC Units
19 one and eight to be replaced. We're supposed to have the
20 control board for the sprinkler system installed next week.

21 Q. Okay. And that's the fire sprinkler system?

22 A. Yes.

23 Q. At the work center?

24 A. Yes.

25 Q. Okay.

1 A. Repaired the fire alarm here within the last couple of
2 weeks.

3 Q. Any work done on the vent hoods or the ancil system --

4 A. Yeah, all that's been inspected, repaired, and certified.

5 Q. Are we going to have the -- I guess, is the intent to
6 have the fire alarm system certified once it's completed, the
7 work on the --

8 A. Well, it's got a working fire alarm system right now.
9 It's just in trouble mode.

10 Q. Okay.

11 A. It's in trouble mode. We've got some devices that need
12 to be replaced. So once we replace those devices, it will be
13 fine.

14 Q. It will remain certified; correct?

15 A. Yeah.

16 Q. In your opinion -- based on your knowledge of the work
17 center, what is your opinion of the work center?

18 A. We just about replaced all the units on the roof. We got
19 two more to go.

20 Q. When you say "the units," you're talking about the HVAC
21 units?

22 A. Right.

23 Q. Now, there's a third facility that I want to talk about
24 and I don't think we've talked about it yet. Are you familiar
25 with Henley-Young --

1 A. Yes, sir.

2 Q. -- Patton?

3 A. Yes, sir.

4 Q. And have you been involved in any way with any of the
5 work at Henley-Young?

6 A. Yes, sir.

7 Q. How often would you say that you go to Henley-Young in
8 your role as a Benchmark employee?

9 A. Probably twice a month.

10 Q. When is the last time you were at Henley-Young?

11 A. Let's see, it was Tuesday.

12 Q. All right. Can you describe for the court some of the
13 work that's being done at Henley-Young?

14 A. Right now they're repairing the roof at Henley-Young.
15 You said "ongoing work" or --

16 Q. Yeah, ongoing work on the roof work?

17 A. I think that we've got it pretty well in shape right now.

18 Q. What's the overall physical plant condition at
19 Henley-Young?

20 A. Good. Good.

21 Q. Has there been any work done as far as maintenance issues
22 at Henley-Young recently?

23 A. Well, since Benchmark's been involved, you know, we added
24 the classrooms. We -- they've upgraded the door controls.

25 All the door controls have been replaced. Intercom stations.

1 Visitation, HVAC rooftop units have been replaced, a lot of
2 them have. I don't know how many are left up there, but the
3 majority of the rooftop units have been replaced. And we've
4 done ongoing stuff repaired sally ports and there's an
5 environmental study going on there also.

6 Q. Okay. Now, Mr. Chamblee, I've placed some exhibits there
7 to your left. It's documents -- it's exhibits -- for the
8 record, it's D-9 through D-18. They've been premarked as D-9
9 through D-18?

10 A. Yes, sir.

11 Q. And if you'll just take a moment to look through those, I
12 just -- I want to ask you a couple questions about those.

13 A. Okay. These --

14 Q. I was going to ask you: Do you recognize those
15 documents?

16 A. Yes.

17 Q. What are they?

18 A. These are our invoices.

19 Q. When you say "our invoices," the Benchmark --

20 A. Benchmark's invoices.

21 Q. Okay. And what's the date of that first invoice, D-9?

22 A. March 3rd, 2021.

23 Q. And is it -- is the date of D-18, the very last one at
24 the bottom, is the date -- or I guess, tell us what the date
25 is on that invoice, D-18, Defendants' 18?

1 A. December the 3rd, 2021.

2 Q. Okay. And as you sit here -- you know, you're welcome to
3 look through these invoices, but my question is -- or I guess,
4 let's -- if you will, can you pull out D-13? It's the
5 July 1st invoice.

6 A. Okay.

7 Q. And if you'll turn with me to -- there's a number on the
8 bottom of that document.

9 A. Yes, sir.

10 Q. Can you turn to page D-230?

11 A. 230?

12 Q. Yes, sir. D-230.

13 A. Okay.

14 Q. And this is a little redundant, but I'm going to display
15 it on the Elmo as well.

16 And, Mr. Chamblee, we talked a little bit about -- and if
17 you can flip to D-231 as well. We talked a little bit earlier
18 about the fire dumpsters -- the trash dumpster cells. Is --
19 as you flip through there, this invoice, the July 1st invoice
20 in D-13, is this reflective of the work that was done on those
21 trash dumpster cells?

22 A. Yes, sir.

23 Q. These are -- are these the pictures you were saying
24 earlier that the Benchmark employee takes?

25 A. Yes, sir. This is done by my superintendent,

1 Willie Edmond and he -- this is a program or an app we have on
2 his phone. He's able to take pictures and detail work going
3 on.

4 Q. Okay. And then I take it he submits those pictures, that
5 documentation in these invoices?

6 A. It goes out as -- it goes out as an e-mail.

7 Q. Okay.

8 A. And it's sent to a designated group of people such as
9 myself. I believe our quality assurance person in the office
10 also gets it.

11 Q. Okay.

12 A. And I believe a few other people in our office get it.

13 Q. Okay. And as far as these invoices, D -- these exhibits
14 before you, are they true and correct copies of the invoices?

15 A. They -- yes, they appear to be the same. They consist of
16 time sheets and --

17 Q. Okay.

18 A. -- and daily reports, yes.

19 Q. That's a good point. Let me ask you this, too: Are
20 these the only invoices that the County gets related to work
21 Benchmark is overseeing?

22 A. No.

23 Q. What invoices do these reflect?

24 A. These are just Benchmark's invoices.

25 Q. What other invoices --

1 A. All the vendors -- when the County authorizes work to be
2 done, whether it's through a purchase order or a contract that
3 we draw up between the County and the vendor, the vendor then
4 submits their invoices to us. We approve them or disapprove
5 them and forward them to the County.

6 Q. So in addition to these, the County gets those vendor
7 invoices as well?

8 A. Right.

9 Q. But those aren't reflected here; correct?

10 A. Right.

11 MR. MORISANI: Your Honor, we'd move to admit D-9
12 through D-18 into evidence.

13 THE COURT: Any objection from the United States?

14 MR. CHENG: D-9 through D-18 will be received in
15 evidence.

16 (Defendants' Exhibits 9 through 18 entered.)

17 BY MR. MORISANI:

18 Q. Now, Mr. Chamblee, since the County retained Benchmark,
19 has the County been paying Benchmark for its construction
20 management services?

21 A. Yes, sir.

22 Q. And how much money has the County spent on the work that
23 Benchmark has overseen at the RDC to date?

24 A. At RDC?

25 Q. At RDC only for now.

1 A. Just the invoices that we, Benchmark, has approved has
2 been around 3.2 million.

3 Q. And do you know how much the County has spent on work
4 that Benchmark has overseen related to all facilities? And
5 when I say that, I mean related to the RDC, Henley-Young. We
6 talked about the work center but also the Jackson Detention
7 Center?

8 A. Yes, sir. It's a little under 4.3 million altogether at
9 all four facilities.

10 Q. In your opinion, is the County ignoring the physical
11 plant conditions at the Raymond Detention Center?

12 A. I don't think so.

13 Q. And in your opinion, is the County ignoring the physical
14 plant conditions at the work center?

15 A. Huh-uh, no, sir.

16 Q. And in your opinion, is the County ignoring the physical
17 plant conditions at Henley-Young?

18 A. No, sir.

19 MR. MORISANI: Your Honor, if I may briefly confer, I
20 think I may be finished.

21 THE COURT: All right.

22 MR. MORISANI: No further questions, Your Honor.

23 THE COURT: All right.

24 **CROSS-EXAMINATION**

25 **BY MR. CHENG:**

1 Q. Good afternoon, Mr. Chamblee. How are you doing?

2 A. Pretty good, sir.

3 THE COURT: Make sure you -- make sure you adjust your
4 microphone. Make sure it's on.

5 MR. CHENG: Thank you, Your Honor.

6 BY MR. CHENG:

7 Q. Can you hear me?

8 A. Yes, sir.

9 Q. Mr. Chamblee, I heard your testimony about all the work
10 you've been doing. Are you suggesting that the work is
11 finished at the Hinds County Jail?

12 A. No, sir.

13 Q. What additional work still needs to be done?

14 A. We --

15 Q. Is that too big a question?

16 A. Yeah.

17 Q. Should I -- so let's break it up. For doors, security
18 doors, what additional work still needs to be done to make the
19 detention center comply with the Court orders?

20 A. Well, I feel comfortable B- and C-Pod, we're through with
21 the doors there. We do need to -- and I'm working on that
22 right now, is medical, the doors in medical and the doors in
23 booking.

24 Q. And A-Pod, do they actually have inmates in A-Pod?

25 A. Yes, sir.

1 Q. So if A-Pod is to be rendered safe, what type of door
2 work has to be completed there?

3 A. Well, first of all, they need to determine if they're
4 going to use A-Pod as a -- the doors -- the cell door is not
5 operational so they're really not doing anything right now,
6 so...

7 Q. Do they have inmates in the areas where the doors are not
8 operational in A-Pod?

9 A. The cell doors not operational. All the other doors are
10 operational in A-Pod, the housing unit doors.

11 Q. But do they have inmates in the housing units where the
12 cell doors are not working?

13 A. Yes.

14 Q. And are there doors to the hallways or from the hallways
15 of Raymond Detention Center that need to be repaired?

16 A. From the great hall?

17 Q. Yes.

18 A. Right now I have all those doors working. B-Pod, C-Pod,
19 and A-Pod doors working.

20 Q. And when did those get put into operation?

21 A. C-Pod -- C-Pod and B-Pod, those doors have been working
22 for awhile. A-Pod, that door malfunctioned here a couple of
23 months ago, and we got it repaired again in December.

24 Q. And how about the alarm and smoke detectors in the jail,
25 how are those? What still needs to be done with those?

1 A. Cabling. We're working on getting the cabling done right
2 now.

3 Q. So even though you have some of the alarm parts, are the
4 alarms actually working?

5 A. We have a functioning fire alarm in B-Pod.

6 Q. And how about C- or A-Pod?

7 A. No, sir.

8 Q. How about at the work center, are the alarms and
9 detectors working at the work center?

10 A. Yes, sir.

11 Q. Is the sprinkler working at the work center?

12 A. It will be next week. We'll get that control board in.

13 Q. How about the control panels for the doors, the
14 electronic control panels, what still needs to be done for the
15 electronic control panels?

16 A. We have central, B-Pod and C-Pod. Those are up and
17 running as of right now.

18 Q. And how about B-Pod?

19 A. It's C, B-Pod, C-Pod, and central are working right now.

20 Q. How about A-Pod?

21 A. A-Pod, no, sir. It's not working.

22 Q. And you mentioned something about the fire hoses. The
23 pumps are working, but are the hoses actually installed where
24 they're supposed to be installed at Raymond?

25 A. Yes, sir. In B-Pod, C-Pod, and the administration area,

1 yes, they are.

2 Q. Okay. How about A-Pod?

3 A. No, sir.

4 Q. Have the defendants ever put in security vestibules over
5 at Raymond?

6 A. At RDC?

7 Q. Yes.

8 A. They did in the housing units.

9 Q. The cages?

10 A. Yes, sir.

11 Q. But did they put one in for master control?

12 A. No, sir.

13 Q. And did they put one in like right outside of the control
14 rooms --

15 A. No, sir.

16 Q. -- to each of the housing pods? And even though repairs
17 have been made at Raymond, are there any physical features of
18 Raymond that continue to make it sort of an unsafe facility or
19 unable to hold inmates?

20 A. There's some structural issues.

21 Q. Like the roof?

22 A. Yeah.

23 Q. Are there issues with the roof?

24 A. Yes, sir.

25 Q. Have those issues been eliminated?

1 A. No, sir.

2 Q. And what are those issues with the roof?

3 A. At one point they came in and put in a metal ceiling
4 throughout the facility, and it's -- it presents some issues
5 with its structure.

6 Q. And when you say "presents some issues with its
7 structure," do you mean, is it unable to be secured, or what
8 is the issue?

9 A. Being secure.

10 Q. Was it an issue about the materials that are being used
11 or the design?

12 A. Design.

13 Q. And what -- we're lay folks, but is there some way to
14 explain what the design issue was?

15 A. Well, there's a pole -- they installed poles to support
16 the steel ceilings. My understanding, the inmates are going
17 up those poles, through the roof and out the roof.

18 Q. So the inmates can climb the poles up to the roof?

19 A. Yes, sir.

20 Q. How do they cut through the roof?

21 A. I'm not sure, sir, but they are. Somebody is.

22 Q. How about the walls and the grouting, are there issues
23 with the Raymond Detention Center walls and grouting?

24 A. Yes, sir. The walls are hollow-core CMU blocks.

25 Q. What's wrong with that?

1 A. They -- I would think they'd need to be filled with
2 concrete.

3 Q. Otherwise the inmates can just break through those, too?

4 A. Yes, sir.

5 Q. And I know -- again, I know you've done tons of work
6 here, but are you saying the work was completed by the
7 deadlines set by the Court orders?

8 A. No, sir.

9 Q. Why were there delays getting things done?

10 A. I'm not sure. We just didn't have the time to do it.
11 And when I came on board, there was not enough time to
12 complete all that.

13 Q. Have all of your invoices been paid by the County on
14 time?

15 A. We're pretty up-to-date, yes, sir.

16 Q. I think we heard something about a work stoppage on
17 B-Pod. Do you know anything about that?

18 A. A work stoppage?

19 Q. Yeah, that they've stopped work on B-Pod?

20 A. I'm not aware of it.

21 Q. All right. Let me move on. I think we also heard you
22 testify -- well, actually the stoppage was in December. Does
23 that sound familiar, 2021?

24 A. In 2021?

25 Q. Right.

1 A. We were pretty much through with B-Pod in December. You
2 know, we were doing some things like adding those workstations
3 in the units, each individual units. We did some work in the
4 mental health in December, but as far as I know, we were
5 pretty much through with all the work in B-Pod.

6 Q. You also mentioned earlier the mental health unit. I
7 think the reference was to B1 iso. So the mental health unit
8 is actually B1, right, not just the iso unit?

9 A. And my understanding is that they were transforming
10 the -- transforming the B1 iso into the mental health. Now,
11 if they were doing the whole B1 unit, I wasn't -- I wasn't
12 aware of that. That may have been a communication problem on
13 my fault.

14 Q. And I guess in trying to create office space for mental
15 health staff so that the staff could talk with detainees,
16 could you describe what the goal was? What were you trying to
17 do with the space?

18 A. We were asked just to provide a -- you know, there was a
19 lot of equipment and stuff in that room that we had to take
20 off the walls and put in a door so they could close the door,
21 and this is in the control room area. And we got some
22 electrical, fixed the lights.

23 Q. So were these renovations that made it possible for staff
24 to do sort of one-to-one interviews with the patients?

25 A. That was the intent, my understanding, yes, sir.

1 Q. But were you adding additional -- a large classroom
2 space or space for group therapy or program space?

3 A. No, sir.

4 Q. I think you also mentioned Ms. Bryan worked with you?

5 A. Yes.

6 Q. At the January 2022 meeting with the CML folks to talk
7 about the master plan, do you recall that meeting? There was
8 a virtual tour --

9 A. Yes, yes.

10 Q. -- and a conference call. Hadn't seen everybody in a
11 while but you were on video?

12 A. Right.

13 Q. At the time were some nice things said about Ms. Bryan
14 and her input into some of the renovations and plans for the
15 new jail?

16 A. Yes, sir.

17 Q. Was she helpful in guidance for what could be done to
18 make the plans better?

19 A. Yes, sir.

20 Q. Now, even after repairs are made, do they get broken by
21 the inmates in the jail?

22 A. Oh, yes, sir.

23 Q. Do they get broken at a pretty high rate or pretty
24 frequently?

25 A. You have to understand, I only hear about it once -- you

1 know, once they do a work order. So I guess it is -- you
2 know, pretty common.

3 Q. Ever get one of those moments, like, we just fixed this
4 and its broken again, right?

5 A. Yes, sir.

6 Q. Okay. And, you know, you think it's possible the reason
7 you have to keep going back in is because the inmates are
8 given a little too much free rein to damage this gear and the
9 equipment that's been put in?

10 A. I'm not sure about that.

11 Q. When your teams are in there, have you seen inmates sort
12 of get out of their housing units or get a little too close to
13 your work teams?

14 A. Well, normally, especially in A- and C-Pod, when we're in
15 there working, the inmates are in the rec yard. While we're
16 actually in the housing unit working, they put them in the rec
17 yard. In C-Pod they're able to lock them down into the cells.
18 So it's a little bit easier now that we've got the C-Pod and
19 B-Pod operational.

20 Q. But A-Pod is still --

21 A. Yeah, they have -- we have to wait until, you know, the
22 weather is good or they usually lead them out to the rec yard.

23 Q. And as you worked on this master plan, is the assumption
24 going to be that once the new facilities are opened, they're
25 going to have to be fully staffed?

1 A. Yes, sir.

2 Q. And as you were planning renovations for Raymond
3 Detention Center, was there also a plan for how inmates would
4 be moved into different housing units as they were reopened?

5 A. Yes, sir.

6 Q. And as those units were reopened, they had to be staffed,
7 correct?

8 A. Yes, sir.

9 Q. Do inmates still break the locks in B- or C-Pod?

10 A. Right now in C-Pod we have two sliding doors that are not
11 working. One of them, it looks like somebody has put
12 something inside it.

13 Q. Do you provide any guarantees or warranties for your
14 workmanship or the work that's done by your vendors?

15 A. Yes, there is.

16 Q. Can we assume that the standards for those doors and
17 sliders are good standards?

18 A. Yes, sir. A little bit difficult to provide a warranty
19 for an electromechanical device. You know, you need to keep
20 it properly maintained and stuff.

21 Q. So is maintenance important, too, to keep those systems
22 working?

23 A. Yes.

24 Q. Do you know how the maintenance system works for the
25 County to maintain those doors and locks?

1 A. No, sir. I did have a company come in in December and
2 train two of the maintenance workers.

3 Q. This is the two maintenance workers that have been
4 assigned to work at the jail?

5 A. Yes, sir.

6 Q. When did they actually get assigned?

7 A. I think it was around October or November.

8 Q. Over the time you've been working here, have there been
9 some occasional surprises that got in the way of trying to get
10 things done?

11 A. I mean, just your normal everyday --

12 Q. Right.

13 A. -- maintenance issues.

14 Q. I think that's happened when you've got a big project.
15 That may interfere with construction and the COVID-19
16 pandemic, and the supply chain shortages.

17 A. Yeah, yes, sir.

18 Q. And then at one point, didn't Jackson, like, lose water?

19 A. Yes, sir.

20 Q. Did that affect your work as well?

21 A. No, sir. We didn't have a problem at RDC or anything
22 like that.

23 Q. That's good.

24 A. We did -- we did install a booster pump at Henley-Young.

25 Q. Because Henley-Young lost water?

1 A. Yeah, they've always had a problem with the water.

2 Q. How long have they had problems with their water supply?

3 A. Probably for -- ever since it was constructed. I do know
4 there's plans -- there's a design going on right now for a new
5 water tower and well for Henley-Young plus the new facility.

6 Q. And sometimes when leaders change in the organizations
7 you're dealing with, does that also affect getting approvals
8 for changes or fixes?

9 A. Could you repeat that?

10 Q. Sure. Sometimes when leaders change, you know, like, if
11 there's a new sheriff or a new Board --

12 A. Yes.

13 Q. -- does that also affect -- impede progress?

14 A. Yes, everybody has different priorities.

15 Q. Now, for somebody in your business, though, do you have
16 to build into your plan ways to deal with those types of
17 delays?

18 A. It can be challenging, yes, sir.

19 Q. But with some planning, is that something that helps
20 with --

21 A. Yes.

22 Q. -- dealing with unforeseen circumstances?

23 A. Yes, yes.

24 Q. If you don't have a plan, when something goes wrong, what
25 happens?

1 A. It shuts down.

2 Q. There's been some talk about all the money that's spent
3 on the jail. If they don't spend the money for these types of
4 repairs, could there be even more damage to the physical
5 plant?

6 A. Yes, sir.

7 Q. If the doors don't work, inmates can do even more
8 damage --

9 A. Yes.

10 Q. -- to the rest of the plant?

11 A. Yes, sir.

12 Q. If we could bring up Plaintiff's Exhibit 33 and turn to
13 page 44 to 47, which on the plan itself is 38 to 41. And
14 there's a binder behind you. It's sometimes easier to look at
15 the binder if you want to go through pages 44 through 47.

16 THE COURT: If you want a piece of paper, the
17 Government will get it for you, if you prefer that, or if you
18 can see the screen.

19 A. I can see it.

20 BY MR. CHENG:

21 Q. If we could page through to 44 through 47. Just let us
22 know when you're ready, and we'll move through the pages.

23 A. You said page 44?

24 Q. They're showing it for you. So it's Exhibit No. 33. Our
25 page is 44, but the actual master plan page is page 38. Does

1 that make sense? So it starts with life safety issues?

2 A. Yes, sir.

3 Q. And if we could go to the next page, do you recognize the
4 master plan?

5 A. Yes, sir.

6 Q. It continues onto the next page. And the next page.

7 So those items listed before, were those items that were
8 recommended for the master plan as possible things to fix but
9 which were never actually approved?

10 A. Yes, sir. Yeah.

11 Q. So for example is there any plan to put in a sprinkler
12 system at the Raymond Detention Center?

13 A. No, sir.

14 Q. And even the work center, which you said it's in pretty
15 good condition, right?

16 A. Yes, sir.

17 Q. It does still need some upgrades; right?

18 A. Yes, sir.

19 Q. So, for instance, it wasn't really built to be a jail,
20 was it?

21 A. No, sir.

22 Q. So it still needs a secure perimeter fence?

23 A. It does have a perimeter fence. It doesn't have a sally
24 port.

25 Q. Okay.

1 THE COURT: Mr. Chamblee, you need to make sure you
2 turn your microphone towards you -- no, no, that's fine.

3 No, no. Just turn it towards you. Just make sure the
4 court reporter can hear you.

5 MR. CHENG: I've been doing that all week.

6 BY MR. CHENG:

7 Q. So it does need a sally port, right?

8 A. Yes, sir.

9 Q. Are there other things it needs to make it more secure if
10 it's going to serve as a jail?

11 A. Yes, sir.

12 Q. Let's bring up Plaintiff's Exhibit 26. Have you worked
13 with Georgia Detention Services?

14 A. Yes, sir.

15 Q. What is your working relationship with them?

16 A. They did a good job, yes, sir.

17 Q. So one of their things they did was they wrote this
18 report where they mention in the first paragraph, "Upon entry
19 the first notice was the gates being left open for workers to
20 go in and out along with all the doors through B block into
21 the hallway were all propped open."

22 So even the doors and locks worked on the great hall, if
23 they're left open, does that defeat the security?

24 A. Say the last part again.

25 Q. So even if the locks and doors technically work --

1 A. Yes, sir.

2 Q. -- if the staff leave them open, does that defeat the
3 security features?

4 A. I'm sorry. Say that last --

5 Q. Does that defeat the security features?

6 A. Yes, sir. I will say that that Gate B that was in B3,
7 that is how we use that B3 to bring material in and out of the
8 B-Pod.

9 Q. What is B3 material?

10 A. B3, we were using B3 as a staging area for all the
11 vendors, whether it was the ones working on the fire alarm or
12 the ceiling tile or just -- we were using B3 as a staging
13 area.

14 Q. Okay. So workers were going back and forth through
15 B-Pod?

16 A. Yes, sir. B3. Yes, sir.

17 Q. B3. Okay. Are there going to be maintenance issues even
18 in well-operated facilities?

19 A. Yes, sir.

20 Q. Would you consider the Raymond Detention Center to be a
21 well-operated facility?

22 A. It has a lot of issues, maintenance issues.

23 Q. Okay. Thank you, Mr. Chamblee.

24 MR. MORISANI: May I proceed, Your Honor?

25 THE COURT: You may.

REDIRECT EXAMINATION

BY MR. MORISANI:

Q. Mr. Chamblee, to close the loop on that last question you got, every facility is going to have maintenance issues, isn't it?

A. That's correct.

Q. And when you were asked a couple questions about the fire sprinkler system, is it feasible to put, to install a fire sprinkler system into the living units at RDC with the condition of the facility it's in today?

A. I don't believe so.

Q. And is that because installing a fire sprinkler system in those living units would require tearing those living units apart, wouldn't it?

A. Pretty much.

Q. And the money, you were asked about money being spent. What is that money being spent -- when its paid to Benchmark, what is that money being spent to do at the RDC?

A. Repeat that again.

Q. I'll see if I can rephrase it. Is that money being spent to keep the RDC in operation?

A. What money?

Q. The money that's being paid to Benchmark, you were asked about the invoices and the money that was being spent, being paid to Benchmark, and I guess my question is: Is that money

1 being spent for Benchmark's work; correct?

2 A. Yes.

3 Q. And the money is then being spent to keep the facility in
4 operation, is it not?

5 A. Yes. Well, make repairs, yes, and renovations.

6 Q. To keep it habitable?

7 A. Yes.

8 Q. And you testified a little bit about -- or you were asked
9 about the roof, and as I appreciate it, when was the last time
10 Benchmark was at the RDC working on the roof?

11 A. This week.

12 Q. Okay. In what pod are we talking about, when we're
13 talking about working on the roof, what pod?

14 A. Right now we're presently on A-Pod.

15 Q. Okay. Is that the same pod where folks are accessing the
16 roof?

17 A. Yes.

18 Q. And is the work -- so the work's being done to keep that
19 roof secured; correct?

20 A. Yes.

21 Q. Okay. To prevent that from continuing to happen; right?

22 A. Yes.

23 Q. And also the -- you were asked about, I think, fire hoses
24 in Pod A, and are there fire hoses installed in the horseshoe
25 on Pod A?

1 A. No.

2 Q. Okay. Are there -- well, let me ask you this: As far as
3 the -- the -- well, did -- did COVID-19, did it -- you were
4 asked about delays in work. Do you recall that?

5 A. Yes.

6 Q. Did COVID-19 contribute to those delays?

7 A. Yes.

8 Q. And did the supply chain issues that came about as a
9 result of COVID-19 contribute to that delay?

10 A. Yes.

11 Q. And has -- at any point in time, has Sheriff Jones
12 instructed you to alter your work schedule or work plans at
13 the RDC?

14 A. No, sir.

15 Q. And you mentioned earlier you were having trouble hiring
16 folks, staff. Why is that?

17 A. I don't know. It's just hard to -- everybody's suffering
18 from manpower, everybody.

19 Q. Okay.

20 A. All the vendors.

21 MR. MORISANI: Your Honor, I have no further questions.

22 THE COURT: All right. We're going to take a 15-minute
23 break right now. Mr. Chamblee, I'm going to ask that you step
24 down and do not discuss your testimony with anyone and when we
25 return, I'll have a few questions for you.

1 (A brief recess was taken.)

2 THE COURT: You may be seated.

3 **EXAMINATION**

4 **BY THE COURT:**

5 Q. Mr. Chamblee, I have a few questions --

6 A. Yes, Your Honor.

7 Q. -- that I'll ask. You're still under oath?

8 A. Yes, sir.

9 Q. And after I finish, the United States will be able to
10 follow up based on the questions that I ask, and so will
11 Hinds County.

12 A. Okay.

13 Q. All right. I believe your testimony was that you began
14 to work on this project if you -- and I'm going to call it a
15 project. Benchmark was hired by the County beginning
16 January 2020; is that correct?

17 A. Yes, Your Honor.

18 Q. Okay. All right. And what was Benchmark's understanding
19 as to what task it was supposed to perform?

20 A. Well, we were -- my understanding was that we were trying
21 to help them out with the physical plant or the buildings,
22 RDC, JDC, to get them out from under the consent decree, and
23 the stipulated order is what they were asking for in the
24 stipulated order.

25 Q. Okay. And you were -- you were asked, had Sheriff Jones,

1 for example, I believe one of the final questions, had Sheriff
2 Jones instructed you or given you instructions on changing --
3 not changing work orders but directing you to do -- I can't
4 remember the question, but it was -- I think you were asked if
5 Sheriff Jones was asked -- reassigned certain projects to you
6 or something to that effect?

7 A. Yes, sir.

8 Q. I mean, do you recall the question?

9 A. Yes, sir, I do.

10 Q. Okay. And do you recall what that question was?

11 A. Something that Sheriff Jones directed me in doing
12 anything as far as stopping work?

13 Q. Right. Stopping work or the priorities or whatever?

14 A. Yes, sir.

15 Q. And stopping work. And your answer to that was?

16 A. No, sir.

17 Q. No?

18 A. Right.

19 Q. So January of 2020, there have been a few other sheriffs
20 in place. Have any other sheriffs -- would your answer to
21 that question that was directed as to Sheriff Jones, if that
22 answer were asked about any of the other two sheriffs, what
23 would your answer be?

24 A. No, sir.

25 Q. Who did Benchmark get its instructions from as to what

1 order the priorities should be taken?

2 A. Well, in 2020 when we first started, I went through and
3 made my own priority list, and I pretty much was dealing with
4 Major Fielder, Rick Fielder at the time, and Ms. Collins who
5 was the County administrator at that time.

6 Q. Okay. And that's Ms. Jennifer Riley-Collins?

7 A. Yes, sir. Yes, Your Honor.

8 Q. So you dealt with Fielder?

9 A. Yes, sir.

10 Q. He was the jail administrator at that time; correct?

11 A. Yeah, he was -- he was the interim jail administrator and
12 then he became the jail administrator in the summer of 2020.

13 Q. Okay. So who do you take your instructions from today?

14 A. I have not met the new jail administrator yet.

15 Q. But you expect to be directed in what you need to do by
16 the jail administrator?

17 A. Yes, Your Honor.

18 Q. Okay. Do you also expect the County administrator to be
19 involved in any way?

20 A. Yes, Your Honor.

21 Q. Okay. All right. And I think your testimony was that
22 Benchmark rarely had to do any work, and I think you
23 identified three specific areas that you worked, that you did
24 the workstations in B-Pod, Benchmark did?

25 A. Yes, Your Honor.

1 Q. Benchmark did something with the glazing of the windows
2 in B-Pod?

3 A. Correct.

4 Q. And removed trash in C-Pod?

5 A. Correct. We had a welder come in. I got a welder that
6 works for me. He came in and cut open the doors and welded
7 and sealed them back.

8 Q. Sealed them back. Are those -- are they still sealed?

9 A. Yes, Your Honor.

10 Q. So they're not capable of being used to house inmates
11 then, are they?

12 A. No, they're not.

13 Q. And I know you testified earlier about all the different
14 jails throughout the state in Panola County. I think you
15 mentioned as many as 18 --

16 A. Yes, sir.

17 Q. -- to 20 facilities that you worked at?

18 A. Yes, sir.

19 Q. Any other facilities have cell doors which were welded
20 shut?

21 A. There is a facility down in Lincoln County.

22 Q. Okay. Of the ones that you -- of the 18 or 20 that
23 you've worked in, you've only seen one where cell doors were
24 welded shut?

25 A. Yes, Your Honor.

1 Q. So you would not think that would be a common thing;
2 right?

3 A. No.

4 Q. With respect to the cells being used for storage of
5 trash, because that's what they were used for; right?

6 A. Yes, Your Honor.

7 Q. How common have you seen that done?

8 A. I haven't, Your Honor.

9 Q. You haven't?

10 A. No, sir.

11 Q. Now, when you work in these -- I think you testified
12 A-Pod is under -- either under current renovation or was at
13 one time, and when you-all are performing your work there --
14 and if I got the pod wrong, just correct me.

15 A. Okay.

16 Q. But when you-all are working in there, the detainees are
17 moved to the recreational area?

18 A. Yes, Your Honor.

19 Q. How long is your work day?

20 A. Well, the -- the work that we had to do didn't take a
21 full day to do. We -- the only thing that we've had to do in
22 those pods, we repaired some duct work to get the air
23 conditioning going, but -- and other than the -- when we went
24 in there to do trash or the doors that we had to change to
25 swing doors.

1 Q. But during the time that you did that work --

2 A. Right.

3 Q. -- how long did it take?

4 A. I want to say that the longest that we were in there
5 working at one time is when we were in there working on the
6 doors and converting a few doors to swing doors and some of
7 those inmates were moved to another unit and some of them were
8 put outside.

9 Q. And when you say "put outside," the recreation area --

10 A. In the rec yard.

11 Q. But the recreational --

12 THE COURT: I'm sorry. Candice, I apologize.

13 THE REPORTER: It's okay, Judge.

14 BY THE COURT:

15 Q. -- area is outside, is it not?

16 A. Yes, Your Honor.

17 Q. Is it covered?

18 A. Yes, Your Honor.

19 Q. It is covered?

20 A. Yes.

21 Q. But it's outside between the two units?

22 A. Yes.

23 Q. Okay. So if it's raining when y'all were doing the work,
24 the detainees would not be rained on?

25 A. Correct. And we didn't schedule anything when it was

1 raining.

2 Q. Okay.

3 A. We only scheduled when it was a clear day.

4 Q. Now, when you came on in January of 2020 to begin --
5 well, were you given a copy of the stipulated order?

6 A. Yes, Your Honor.

7 Q. Okay. And did you use it as an opportunity to go around
8 and see what all needed to be done?

9 A. Yes, Your Honor. I was -- I got the consent decree and
10 the stipulated order, and that's how I performed my list.

11 Q. Okay. And on that first day, what did -- what did you
12 have to do to inform yourself of what was needed to do what
13 was needed on the list?

14 A. I'm sorry, sir?

15 Q. Okay. At some point in time, you were given the list.
16 It could have been before you arrived there. I don't know.
17 It could have been the date that you arrived. But upon
18 getting the list, what did you do?

19 A. Well --

20 Q. What did Benchmark do?

21 A. Well, I immediately started negotiating the contract with
22 CML and Hinds County. We had a lot that was going on the
23 first three or four months that we were hired, and I was
24 communicating a lot with Ms. Collins at that time. You know,
25 we had those classrooms that we were doing at Henley-Young.

1 We were trying to get the contracts settled between CML and
2 Hinds County. We were working on the main items that were in
3 the stipulated order. That's -- that was our priority because
4 they had a time limit on them.

5 Q. Okay. And you said the first three or four months you
6 were negotiating contracts?

7 A. Right. Negotiating the contract between CML and Hinds
8 County or the vendor that we purchased -- they purchased the
9 trailers, getting electrical to the trailers, getting
10 plumbing, getting sidewalks done, removing fence, putting up
11 fence. I spent time on -- when we first were hired, they
12 had -- they had a contract with the fence company, but the
13 fence that they were going to install wasn't going to -- it
14 wasn't going to help them anyway. So we sat down and
15 developed a layout for the fence so that they could use the
16 fence to contain the inmates instead of just throwing up a
17 fence. It's just a little planning.

18 Q. And what did you learn about that fence? I mean, I guess
19 its good to mention that. When was that fence that you had
20 learned about-- that was set to go in place, I presume?

21 A. Yes, sir.

22 Q. It was set to be built; right?

23 A. Yes, sir.

24 Q. Okay. When was that fence set to be built, if you know?

25 A. Like I said, they already had a contractor purchase order

1 when we were hired, but when I looked at what they were doing,
2 I didn't see how it was going to benefit them. So we just
3 relaid out the fence so that they would be able to get the
4 best bang for their buck, I guess, you know, be able to use
5 the fence accordingly instead of the way it was originally
6 laid out.

7 Q. Okay. And when you say you don't believe it would have
8 benefited them --

9 A. That's correct.

10 Q. -- tell me what that means.

11 A. Well, it wasn't going to serve any purpose as far as
12 keeping the inmates in. So what I did is I sat down and I
13 went with the fence contractor and we laid it out so that they
14 could use the fence. If they had an emergency, a fire or
15 something like that, they could let the inmates out of the
16 pods and still keep them in a contained area instead of
17 running wild throughout -- you know, if you've ever been to
18 the facility, it's a pretty big area around the jail that's
19 fenced in, and this way we were able to keep them contained
20 more.

21 Q. Any reason to believe that had you not started on your
22 job in January 2020 that that fence would have not been built
23 like they had ordered it to be built?

24 A. It probably would have been built the way they originally
25 thought it was, yes, Your Honor. We did change it --

1 Q. Okay.

2 A. -- when we were hired, yes, sir.

3 Q. Any other changes that you thought were necessary based
4 on your objective review that started in January of 2020?

5 A. Well, just working with the administrator or the wardens,
6 that's -- that's where I get my ideas, is when you've got an
7 administrator and you have to look at these and say, "Okay.
8 What's your plans? What do you think you need?" And then I
9 can help them out then.

10 Q. Okay. And when you say "an administrator," are you
11 talking about the jail administrator --

12 A. Yes, Your Honor.

13 Q. -- or you talking about the County administrator?

14 A. Yes, Your Honor.

15 Q. The jail administrator?

16 A. Yes, Your Honor.

17 Q. Okay. All right. Now, are there any existing plumbing
18 problems at RDC?

19 A. Well, there -- you know, just -- other than your -- like
20 I said, we've got the secondary water pump coming back online
21 here in the next couple of weeks, but just normal toilet
22 stopped up, water leaks here and there. They had a major leak
23 in the kitchen when we first came on from that steamer, they
24 had a boiler in there. It was pretty hazardous. But they
25 did, they shut the boiler down. We put in gas kettles instead

1 of steamer kettles and stuff. So I feel like, you know,
2 they've got -- they're approaching the hazards as they see
3 them.

4 Q. And there's been some questions about sprinklers and
5 issues with some of the facility not having sprinklers?

6 A. Right.

7 Q. Based on your experience with having worked at other
8 facilities, do you think it's dangerous not to have sprinklers
9 in a place that houses so many people?

10 A. Well, to be honest, Your Honor, I don't know at the time
11 the building was designed if that -- you know, you will need
12 to ask somebody if that was the code or not. But all of our
13 facilities have sprinklers.

14 Q. All of your what?

15 A. Facilities have sprinklers.

16 Q. The ones you've worked on?

17 A. Yes.

18 Q. The last 18 or 20 of them?

19 A. Yes, Your Honor.

20 Q. How far back was the oldest one built?

21 A. 1999, 1998.

22 Q. Okay. When you came on to the job in January of 2020,
23 looking at the facility on your first day, whatever day that
24 was, based on what you saw, is it likely -- is it likely that
25 all that needed to be done occurred no later than

1 December 2019?

2 A. All that needed to be --

3 Q. All that needed to be done the day that you came on to
4 the job, would you say that the work that needed to be done
5 all happened December 2019? You came on in January of 2020,
6 right?

7 A. Yes, Your Honor.

8 Q. My question is: Did it -- I know you don't know when it
9 all started, but did it appear that what needed to be done all
10 happened the month before?

11 A. It was hard for me to tell, but as far as the
12 deficiencies, yes, it was done before 2020.

13 Q. Done before 2020?

14 A. Yes, Your Honor.

15 Q. Some of the deficiencies done in your estimate before
16 2019?

17 A. Can I -- and when you're asking me, what exactly are you
18 referring to was done?

19 Q. I'm talking about all the things that you're having to
20 fix starting in 2020?

21 A. Yes, Your Honor.

22 Q. You were given a list of priorities.

23 A. Oh, yes, Your Honor.

24 Q. Do you believe that all of those priorities only came to
25 be the month before?

1 A. Oh, I don't believe so, no, sir.

2 Q. I mean, like you say, there was something wrong with the
3 roof, for example; right?

4 A. Yes, Your Honor.

5 Q. Is it likely that whatever was wrong with the roof had
6 been wrong with the roof for more than 30 days?

7 A. Yes, Your Honor.

8 Q. Okay. So let's go back 30 days or 60 days?

9 A. It appears they had had a problem for a long time.

10 Q. Okay. That's all I'm just trying to figure out. In
11 other words when it came to you, to try to get it fixed, a lot
12 of the stuff needed to be repaired for a long time. Would
13 that be correct, based on your working with people around
14 there and hearing and/or seeing things?

15 A. Yes, and there's -- there's a difference between
16 maintenance items that probably needed to be done --

17 Q. Right.

18 A. -- and items such as the fire alarm system, or the -- you
19 know, getting the fire sprinkler system up. I could see where
20 the roof would be an ongoing issue throughout its lifetime.
21 It would, you know, just like any roof, any roof on your
22 house, you're always going to have to do maintenance on it and
23 stuff. But as far as addressing stuff like the fire alarm
24 and, you know, the problems that they had with the -- I mean,
25 that could have been done -- you know, started earlier, yes,

1 sir.

2 Q. It could have been started earlier?

3 A. Yes, sir.

4 Q. 2019?

5 A. Sure.

6 Q. 2018?

7 A. Sure.

8 Q. 2017?

9 A. From whenever it was, deemed you know, inadequate.

10 Q. Based on -- you've indicated that you have things coming
11 in. You have work orders in place. There are some other
12 things that need to be done; is that correct?

13 A. Yes, Your Honor.

14 Q. All right. Will they all be fixed by July of 2022 in
15 five months?

16 A. I do not know, sir. I do not know.

17 Q. Can they all be fixed by July 2022?

18 A. And, again, it would have to -- if you're talking about
19 adding a fire sprinkler system or things like that --

20 Q. I'm talking about the things on your stipulated order
21 that the County has -- the County has told you the things in
22 the stipulated order are what your priority is; right?

23 A. Right.

24 Q. Will the priority items as you see them, can they all be
25 done by July of 2022?

1 A. It will be close but, Your Honor, but the majority of the
2 items in the stipulated order have been done. It's the
3 consent decree I'm working on now.

4 Q. It's the consent decree you're working on now?

5 A. Life safety issues.

6 Q. Life safety issues?

7 A. Yes, Your Honor.

8 Q. Will all those be done by July of 2022, those in the
9 consent decree, the things you deem life safety issues?

10 A. At this time I'm not able to say that they will be done.

11 Q. I think you testified earlier about lights. And I just
12 want to -- are there working lights in each of the cells in
13 all of the pods where there are detainees kept?

14 A. No, sir. In A-Pod there's not.

15 THE COURT: Thank you, Mr. Chamblee. I have no further
16 questions, but I do turn to the United States to see if they
17 have any follow-up based on the questions that I've asked.

18 MR. CHENG: I have no questions, Your Honor. Thank
19 you.

20 THE COURT: Hinds County?

21 MR. MORISANI: Your Honor, if I may briefly confer just
22 one second.

23 THE COURT: Yes, you may.

24 MR. MORISANI: Your Honor, we have no further
25 questions.

1 THE COURT: All right. Thank you, Mr. Chamblee. You
2 may step down and return to whatever duties you need to return
3 to at 4:20 in the afternoon.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: All right. Who is the County's next
6 witness?

7 MR. MORISANI: Your Honor, we would call Rob Farr.
8 Your Honor, may I place a --

9 THE COURT: Yeah.

10 MR. MORISANI: -- a stack of these?

11 THE COURT: Right. Place your left hand on the Bible
12 and raise your right hand.

13 (Whereupon, the witness was placed under oath.)

14 THE COURT: You may remove your mask to testify. So I
15 just ask that you speak loudly and clearly enough for the
16 court reporter to hear you and speak at a pace at which she
17 can keep up with you. Please allow, sir, the lawyers to
18 finish their questions, and Mr. Morisani is going to slow down
19 a little bit so that the two of you won't be speaking at the
20 same time because it makes it difficult. And if you're going
21 to nod or shake your head in response to questions, just give
22 me a verbal response as well, but to start this process off,
23 would you please state and spell your name for the record?

24 THE WITNESS: Robert Earle Farr, II. Robert,
25 R-o-b-e-r-t, Earle, E-a-r-l-e, Farr, F-a-r-r, and II.

1 THE COURT: Thank you, sir. You may proceed,
2 Mr. Morisani.

3 MR. MORISANI: Thank you, Your Honor.

4 ROBERT EARLE FARR, II,
5 having been first duly sworn, was examined and
6 testified as follows...

7 DIRECT EXAMINATION

8 BY MR. MORISANI:

9 Q. Mr. Farr, where are you employed?

10 A. I'm employed at Cooke Douglass Farr Lemons Architects
11 Plus Engineers, PA.

12 Q. Can you agree as we go through today the examination, if
13 I refer to CDFL, I'm referring to Cooke Douglass Farr?

14 A. I certainly would agree.

15 Q. And if you would, please tell the Court what CDFL does.

16 A. CDFL is an architectural engineering design firm based in
17 Jackson. We provide architectural and engineering development
18 for the built environment.

19 Q. And what kind of experience does CDFL have with respect
20 to detention facilities?

21 A. The firm and myself, for the last 46 years, has been
22 involved with correctional facilities that started with the
23 development of the Central Mississippi Detention Center at
24 Whitfield. We were a part of the master planning group and
25 part of the implementation for the architectural and

1 engineering development for that center.

2 We also provided the design, strategy and development for
3 the South Mississippi Correctional Facility for the State of
4 Mississippi along with our other team members, and we were
5 part of the design and development team for the federal
6 facility at Yazoo City.

7 We have also provided design services, both planning and
8 strategic in construction period services for 13 county
9 justice facilities in the state of Mississippi from --
10 covering from the Delta through the Coast and up into
11 Arkansas.

12 Q. And I guess, what is your role with CDFL?

13 A. I'm a senior managing principal. I'm a design
14 strategist. I also provide quality control review and cost
15 estimating.

16 Q. And when did CDFL first became involved with Hinds County
17 as it relates to the Raymond Detention Center?

18 A. We were asked to be part of the team that was being
19 assembled by the County in response to the stipulated order in
20 December 2019. Our first engagement with the County was in
21 January of 2020 to answer the requirements of the stipulated
22 order.

23 Q. Did the County first contact CDFL in December of 2019?

24 A. 2019 was the initial discussions in conjunction with our
25 partner Benchmark Construction as construction manager. We

1 were working together to assist the County in addressing the
2 requirements that were outlined in the stipulated order.

3 Q. And what role did CDFL ultimately take up with the County
4 as it relates to the stipulated order?

5 A. The initial commission was to act as the architectural
6 corrections consultant for the work specified in the
7 stipulated order as per the stipulated order's requirements
8 and working in conjunction with the construction manager to
9 outline the requirements beyond and including the stipulated
10 order that would be required for the repairs at Raymond
11 Detention Center.

12 Q. And did it also -- well, I guess, is it safe to say that
13 CDFL has been working with the County since January of 2020?

14 A. Yes, we've been engaged with the County on an ongoing
15 basis since January of 2020.

16 Q. Now, are you the only person from CDFL that's working
17 with the County?

18 A. No. Our entire architectural and engineering team has
19 had opportunities to support the County's endeavors. That
20 includes my son, Robert Earle Farr, III, AIA, who is an
21 architect, our engineering staff, Jessie Browning, PE, our
22 electrical, and Ben Fulton for mechanical. We also have
23 engaged our construction administration group, Rob Herald, and
24 another senior partner, Chris Myers, AIA, as part of the
25 service to the County.

1 Q. Now, when you hear the phrase "master plan" and I think
2 you may have used it as well describing some of the prior work
3 that CDFL had done, what does that phrase "master plan" mean
4 to you?

5 A. Well, the general concept of master planning is to
6 provide analysis of the needs, identify the requirements and
7 offer options to meet the requirements that have been
8 developed as the plan is unfolded. So the concept of planning
9 is to establish a direction that a progressive and appropriate
10 approach would be taken to meet a specific need. The concept
11 to master in that regard would be an overarching approach
12 toward linking all of the requirements together and providing
13 optional directions for that development.

14 Q. And in this situation the plan is being prepared for
15 Hinds County; correct?

16 A. Yes, as part of the stipulated order, there was a
17 requirement for the County to enter into a master plan for the
18 detention system.

19 Q. And I take it CDFL has experience developing such plans?

20 A. CDFL has experience. I personally have had experience in
21 that regard, but in the particular needs of the detention
22 master planning, we reached to an ongoing relationship that we
23 have with HDR, which is a national/international design
24 organization based in Omaha, Nebraska. We have had an ongoing
25 relationship with their detention group out of Dallas, Texas,

1 and so we asked them to be part of the dialogue because they
2 brought an expansive knowledge of not only the current
3 requirements of the ACA, American Criminal Association, and
4 the development of best practices but they offered access to
5 the ability to do data analysis of the County's population,
6 its incarcerated population, and process of dealing with our
7 needs for medical and mental health.

8 Q. And I appreciate you mentioning that. One thing I wanted
9 to just clarify, in your response you said "the ACA." That's
10 the American --

11 A. -- Correctional Association, yes.

12 Q. -- Correctional Association. Now, so HDR was brought in.
13 Was anyone else brought in in addition to CDFL and HDR for the
14 design issues?

15 A. We have -- let me look at my -- I can't remember the
16 gentleman's name, but --

17 Q. Sure. That's exhibit --

18 A. -- also part of the team was Mark Martin from MJM who
19 consulting on staffing.

20 Q. So as part of the -- well, now, I guess, as part of this
21 process, has a master plan been developed for Hinds County?

22 A. Yes, the team provided the master plan from the
23 beginning, meeting in April of 2020, and submitted the initial
24 draft for the County's review in December, November/December
25 of 2020 when the board then -- the Board of Supervisors

1 adopted the master plan January 15th of 2021.

2 Q. And I take it when the Board adopted it, that's where we
3 find the master planning report. I think I laid an exhibit
4 there. It's below your folder. It's there. There's an
5 exhibit in there if you could just state it for the record.

6 A. This is the Final Jail Master Plan Recommendations as
7 adopted by the County dated January 15, 2021.

8 Q. And that's PX-33 just for the record; correct?

9 A. (Nods affirmatively.)

10 Q. Now, I guess, can you talk a little bit about what the
11 purpose was for that report?

12 A. The master plan was outlined in a series of five steps.
13 It was developed about best practices and planning goals where
14 we state the concept of how the County should pursue in
15 integrating the national best practices and developing
16 standards that would allow that to be achieved. It had an
17 assessment of current facilities as part of the overall
18 development, looking at what the three current detention
19 centers were functioning like at the time and how were they
20 comprised. It had a capacity and needs analysis where we were
21 looking at the demographics of the County, the incarceration
22 rates within the County itself, and the detention capacities
23 of the existing facilities. It had a facility program
24 development where we were looking at what would be needed to
25 meet those capacity requirements in the future, and we were

1 looking at a 25- to 30-year horizon. So we're looking at how
2 the County's detention system could develop to meet the needs
3 of the community and looking forward into that horizon, and
4 then we developed a series of options as to directions the
5 County could take to meet those recommendations.

6 Q. And with -- now, I understand, if I heard you correctly,
7 that there was an assessment of the existing facility;
8 correct?

9 A. Yes. Part of the planning effort was to assess the
10 existing facilities to determine their capacity, conditions,
11 and methodologies to meet the projected requirements of the
12 detention system itself.

13 Q. And when you say "facilities," just so that the record is
14 clear, would that have included the Raymond Detention Center,
15 Henley-Young, and then at the time was being used, Jackson
16 Detention Center?

17 A. There were actually four areas of interest which you've
18 already indicated, the Raymond Detention Center, the work
19 center, the Jackson Detention Center, and Henley-Young as the
20 juvenile center.

21 Q. Now, in addition to that assessment, there was also -- I
22 think you mentioned there was planning regarding a new
23 facility; is that correct?

24 A. Well, the intent of it was to explore the viability of
25 either reinvesting in the existing facilities or the potential

1 for creating a replacement facility. Any time you're
2 operating in the adult population three detention centers, you
3 are not effectively meeting the needs of your staffing
4 requirements because of the cost implications. So one of the
5 arrangements was what would be involved if you could
6 consolidate the three into a single facility. It's also a
7 consideration due to the uniqueness of having the Raymond
8 Detention Center and the work detention center 18 miles from
9 the demographic center of the community, adding additional
10 travel time, staff time, and cost that would -- is required to
11 manage the current facilities.

12 Q. Now, with respect to -- well, I guess, one question,
13 follow-up question about what you just mentioned. It sounds
14 like it would be more difficult to operate three separate
15 adult facilities rather than just having them consolidated in
16 a single facility; is that correct?

17 A. Well, that was the analysis of the plan is that there was
18 not -- the efficiencies were lost in managing three
19 facilities.

20 Q. Now, with particular regard to constructing a new
21 facility, what did the report provide?

22 A. The report recommended that the most effective way to
23 meet the requirements of the detention system for Hinds County
24 would be to develop a new facility that could be used -- could
25 be developed in stages that would allow for the consolidation

1 to a single facility.

2 Q. Did it provide for any sort of, I guess, any number of
3 options for the County to consider with respect to a new
4 facility?

5 A. The plan put forth four options for consideration that
6 went all of the intent of eventually being able to
7 consolidate, but the options included a major rebuild of the
8 Raymond facility which would be problematic because of the
9 issues that were developed in the facility analysis to the
10 creation of a -- what's being referred to as a central
11 detention center that would be closer to the demographic of
12 the County inside the city limits of Jackson. That would
13 allow for a much more cost effective and timely management of
14 detainees and intake and release.

15 Q. And as far as the -- I want to talk more about the option
16 that the County ultimately chose, but before we do that, what
17 impact, if any, did COVID-19 have on developing the master
18 plan?

19 A. Well, COVID-19, of course, had an impact on all
20 development on every activity of our collective lives, but it
21 did impact us in the ability to have access to the exiting
22 facilities. The impact is we had several instances where the
23 sheriff's staff was in quarantine. We had instances where the
24 monitors were unable to make site visits because of COVID. So
25 we had no face-to-face activity even with the monitors or the

1 Department of Justice during that time frame. But it did
2 impact the review, development and strategy timeline. I think
3 we overcame that over time by maximizing the availability of
4 technology and to address how we could move forward without
5 having the ability to do it face to face.

6 Q. And thinking of moving forward, ultimately was a master
7 planning committee created?

8 A. The stipulated order required a master planning committee
9 to be part of the overall planning process, and, yes, the
10 committee was formed, COVID did have an impact on the ability
11 of the committee to act as a whole. We had quite a bit of
12 change of personnel during the development of the master plan.
13 We had the untimely death of the sheriff. We had an interim
14 sheriff appointed for that period of time, but we did manage
15 to work successfully with all the parties that we would need
16 to have access to their information.

17 Q. Now, you've talked a little bit a moment ago about an
18 assessment of the existing facilities, and I want to sort of
19 bore down into those assessments just a little bit. What
20 problems, if any, were identified during the functional
21 assessment of RDC?

22 A. Well, there are a plethora of them within the development
23 of the review. Many of the initial ones were established in
24 the stipulated order, and we were, you know, charged with
25 validating the ability of the County to meet those

1 requirements. Many of those were dealt with the security
2 operations, the ability to manage the cell doors, protecting
3 the core section of the housing units by changing the sliding
4 doors out to swing doors. Those were security components that
5 were based in the hardware aspects of it.

6 We also discovered there were operational problems within
7 that management where we had inadequate capacity in the
8 control boards and they had been to be upgraded for the
9 electronic controls and that was based in C-Pod, which there
10 were three pods in the Raymond Detention Center known as
11 Alpha, Bravo and Charlie. Alpha was in operation, and Bravo
12 was in operation. At the time we started the assessment,
13 C-Pod, Charlie, was actually in the state of repair and
14 undergoing renovation.

15 So we dealt with those items. We dealt with the -- we
16 looked and evaluated the life safety requirements of the
17 facility, which had been damaged in subsequent previous inmate
18 disturbances, and we evaluated how we could bring the fire
19 detection and smoke detection systems up to operational
20 integrity.

21 We looked at the ability to bring the CCT, the closed
22 circuit television controls, up to operational integrity
23 inside of the overall complex, and we went beyond that in our
24 analysis of starting to understand how the building's
25 infrastructure was functioning, and there are many issues

1 within the building's actual infrastructure. The air
2 conditioning system, the ventilation system, the electrical
3 system, the lighting system.

4 The Raymond Detention Center was at its end of usable
5 life without significant investment, and maintenance had been
6 an ongoing concern and systematic problem for keeping the
7 systems operating. You add, too, the inmate impact on the
8 facility, and you had a whole series of infrastructure
9 concerns.

10 We have plumbing leaks, plumbing concerns where we have
11 flooding. We have systemic problems within the original
12 construction of the facility. The exterior walls are not
13 grouted.

14 The roof has been problematic, water intrusion for a long
15 period of time causing concerns for environmental elements of
16 mold and mildew collection for that, and ability to meet the
17 requirements of just quality housing were a challenge in the
18 existing pods. When you go into the support areas of the
19 facility and there were --

20 Q. Before we jump into the support areas, before we leave, I
21 want to stay in the housing units for a moment. You mentioned
22 something. I just wanted to see if you can elaborate. You
23 mentioned systemic problems with the construction.

24 A. Yes, sir.

25 Q. What -- if you could just enumerate those problems, what

1 are we looking at there?

2 A. Well, the facility was built or occupied in '94. The
3 access to -- well, a couple of major areas, the perimeter
4 walls are not grouted, meaning there are concrete masonry
5 units that are open cell concrete block. The cells were not
6 grouted. So there's not a consistent structural wall for the
7 ability to actually penetrate the perimeter wall and exit the
8 facility is possible.

9 The roof itself was a pre-engineered metal structure and
10 was not joined to the other adjacent wall structures. So we
11 were having water intrusion at the perimeters of the wall and
12 roof junctions, accompanying that. Those are systemic.
13 They're really not correctable without rebuilding in the
14 process.

15 We found where we had grout in the original construction
16 had been placed in some -- by mistake hopefully, placed in
17 some of the drainage systems. So we had consistent backup of
18 that, and they were unable to clean those out for proper
19 function for them.

20 The mechanical system, as far as the original design, you
21 would access all of the air handling units from the housing
22 pods, and you had no real access to plumbing chases as opposed
23 to contemporary design for those. So anything that broke, you
24 had to enter into the housing units to address them to clean
25 them out, unstop things that get stopped up.

1 One of the more difficult elements was the ability to
2 manage and maintain the air handling units that provided the
3 environmental controls within the pods because they were
4 inside of the pod security area causing concerns for their
5 maintenance and activity. In fact, there had been times we
6 had identified where detainees had actually gotten into the
7 mechanical systems and had a bit of destruction to them. So
8 these are systemic, organizational pieces that are based on
9 the layout and original design of the building.

10 Q. Is it safe to say that that original design was poor?

11 A. It is not contemporary to today's requirements or needs.
12 So, yes, I think you could make the analysis the original
13 conceptional development of the facility in 1992 to 1994 had
14 some systemic flaws in it, yes.

15 Q. Now, you mentioned, too, plumbing issues. I think you
16 mentioned mechanical system issues, electrical system issues.
17 These were all things -- I guess, how were these things
18 identified? Was there an assessment done on those systems as
19 well?

20 A. We provided an assessment working with the jail staff who
21 knew many of these ongoing concerns. It had also been
22 significant destruction in the 2012 incident with the
23 detainees that had actually destroyed some of the building
24 systems and they had been replaced, but they were then
25 vulnerable to additional disruption if not managed correctly

1 forward.

2 We discovered the fire detection system was not
3 functioning in all areas. We discovered that there was a loss
4 of lighting in some of the pods where light fixtures had been
5 removed, security light fixtures had been removed and not
6 properly replaced. So there was some continual system-related
7 struggles that the center was undergoing.

8 Q. And were these -- you know, these issues regarding
9 mechanical, electrical, plumbing, the CCTV, the closed caption
10 TV, were they all part or, I guess, uncovered during the
11 physical plant assessment that's discussed in the master
12 planning report?

13 A. They were defined and annotated in the master plan
14 effort, yes.

15 Q. And you also talked -- I think when we got going with all
16 this, I think you talked about issues with just the layout and
17 the capacity. I guess, were there any issues related to the
18 intake and release area of the facility?

19 A. There certainly are. There are concerns about the
20 current design for security, the intake in the booking side is
21 open. In fact, some of them were actually pointed out in the
22 stipulated order where the booking cells are not in direct
23 supervision of the booking counter, not providing direct
24 visual access to people who are being processed. There are
25 concerns that the central control is embedded in the

1 initial -- in the central booking section where -- without
2 proper security sally ports in place.

3 So there is a potential for a loss of control by someone
4 who entered the central control from the booking before they
5 had been properly classified and triaged, coming in. So those
6 were concerns for the structure. So the overall plan itself
7 is inherently flawed, in our opinion, based on contemporary
8 standards where that proper management can't be negotiated
9 without significant, if not just complete rebuilding of that
10 section of it.

11 The general support areas were also reviewed. The
12 medical clinic or medical area in contemporary time is
13 undersized and was not actually being totally utilized at the
14 beginning of this analysis. The kitchen and support for food
15 service and laundry were in need of significant investment and
16 repair to bring them online. Those were brought forward in
17 the facility analysis. Many of those were in process by the
18 County's maintenance people in trying to address those, but we
19 were able to explain how that could be effected to it.

20 We also discovered sections of the fire suppression
21 system that were not indicated in the stipulated order that
22 needed to be updated and put it back into function. And the
23 fire suppression system operates in the support areas of the
24 facility under the B occupancy as opposed to the I occupancy
25 under the code, and those were discovered to be nonfunctioning

1 at the time and efforts were made to bring those back online.

2 Q. And can you just explain the B versus the I? Is that --

3 A. I is institutional occupancy under the current
4 international building code where you'd -- housing and
5 sleeping. B is an office building fundamentally. So medical
6 clinics, officing, food service, those fit under the B.
7 Intake and release and booking fit under the B. So you're not
8 in a 24-hour situation in those. From the code standpoint
9 those are the two primary divisions between the overall
10 development of the facility.

11 Q. And these -- is it fair to sort of -- well, I guess, was
12 there any issue with classification and housing under the new
13 classification policy when we're looking at the RDC?

14 A. We expressed the opinion in the analysis that the
15 facilities did not allow for the operations of the detention
16 system to utilize their classification properly, that you did
17 not have clear and manageable separation between the different
18 classifications of detainees, that you didn't have the
19 flexibility that you would desire to be able to separate high
20 risk from minimum risk to low risk, from medical concerns to
21 behavioral concerns, that the existing plant did not have the
22 flexibility to allow for the classification to be properly
23 utilized.

24 Q. And were these issues, the food service area you
25 mentioned, intake, release, classification, the capacity

1 issues, the layout, were these all issues that were identified
2 in the functional assessment that's contained in the master
3 planning report?

4 A. In both the functional assessment and the operational
5 component, yes.

6 Q. Now, Mr. Farr, is continuing to use the RDC a viable,
7 long-term option for the County?

8 A. In the opinion of the team, as we'd produced the plan
9 that the sustainability of RDC without really rebuilding it
10 completely was not sustainable, that the contemporary
11 requirements of best practices were not easily or even
12 potentially manageable within the confines of the existing
13 building at the Raymond Detention Center.

14 Q. And can some of those systemic problems that we talked
15 about a moment ago, can they be solved at RDC?

16 A. Virtually everything can be addressed, but it would take
17 a complete rebuilding in our opinion of the housing pods to
18 accommodate the best practices that would be brought forward,
19 and that would literally be taking them down and rebuilding
20 them.

21 Q. And you talked earlier about the location of the
22 facility. If you did that, if you rebuilt the facility, that
23 location's not going to change; correct?

24 A. We did express significant concerns about the efficiency
25 of the location and how that added additional strain on both

1 the staffing time and cost to manage the detention system, so
2 the location would not move in that situation. So it did not
3 answer the question about how you would best provide a
4 consolidation of systems management.

5 Q. And I want to sort of shift gears now. We've talked
6 about RDC. I guess, talk a little bit about what the County
7 is doing to address how it will safely and securely house
8 pretrial detainees in the long term?

9 A. Well, the Board of Supervisors adopted what we referenced
10 as option two in the master plan, and I'll explain option two.
11 Option two is a staged development of a new facility. The
12 intent was to locate it on land that they were leasing and did
13 lease from the Jackson Public School System, 16th section land
14 that's available undeveloped in an area that is properly zoned
15 for a detention center in an area that is easy access to the
16 demographic center of the community and easy access to the
17 interstate, easy access to the courthouses that are currently
18 located downtown in the CBD, Central Business District.

19 The option two envisioned this could -- this new facility
20 could be developed in stages. We had determined that the work
21 center in Raymond -- and the stages are based on the capacity
22 and the ability of the County to fund a new facility at one
23 time, and so part of the option -- option A -- option one --
24 excuse me -- is basically build a new 722-bed facility on the
25 new site and do it at one time.

1 Option two conceptualizes creating a facility that moves
2 all operations of the detention system to the new facility and
3 provides up to 600 beds in that facility to allow for maximum
4 medical mental health classification, the intake, the release,
5 all centralized in one place, developed in one phase. That
6 would allow -- that would leave the work center as an option
7 for the County to continue operating for a period of time.
8 Option two also envisions that eventually as quickly as
9 possible the facility would be expanded to complete the total
10 number of beds and the total operation so that it could be
11 consolidated in one location, that is the option the County
12 adopted and is currently pursuing in the development stages.

13 Q. How many -- you mentioned there was a phase where you
14 would have -- and if I've got the number wrong, please tell
15 me. There was a phase, I take it it's Phase 1 where you had
16 600 beds; is that correct?

17 A. The original option two envisioned a Phase 1 that would
18 have 400 beds plus all the supporting required administrative,
19 management and medical mental health. In the subsequent
20 development we've expanded that to look at a 600-bed facility
21 that would allow for a replacement of the 596 beds that are
22 currently provided at Raymond.

23 So the intent is in what we reference as Phase 1 to be
24 able to accommodate a facility that would allow for in as
25 quick a period of time as possible the closure of the Raymond

1 Detention Center.

2 To do that, we are currently projecting that to be done
3 in two construction phases. We call it Phase 1A, Phase 1B,
4 and that is based on funding streams that would be in place.
5 We're looking at the construction start by November of 22 and
6 a construction completion of Phase 1A and 1B by June of '26.
7 But the potential interphase that we would be able to operate
8 the initial 200 beds and all of the operational components of
9 the facility in June of '25.

10 Q. So that would be Phase 1A in June of --

11 A. Phase 1A and Phase 1B. Phase 1A will develop that
12 600-bed capacity, complete facility, only leaving the work
13 center as a flexible space for however the County's management
14 would like to use it until Phase 2 could be completed.

15 Q. And when is Phase 2 projected to be completed?

16 A. We would project Phase 2 to be another 18 months based on
17 funding stream. So you would be looking into June -- January
18 of '28.

19 Q. Okay. So let me -- I want to make sure the record's
20 clear. So by June 2025, the projection is 200 beds and all
21 administrative space at the new facility; correct?

22 A. That's correct.

23 Q. By June of '26, the projection is four -- I'm sorry
24 600 beds at the new facility?

25 A. Including the medical and mental health component.

1 Q. And then the completion would be January of '28 -- 2028
2 and you'd have 792 beds?

3 A. 792 beds is the total target for the facility, yes.

4 Q. Now, I want to talk more specifically about some of these
5 areas in the new facility. Let's start, I guess, with the rec
6 area. Will the new facility have recreation areas for the
7 detainees?

8 A. Absolutely, working with best practices under the ACA,
9 each housing unit will have its individual rec area that is
10 managed by detention staff in that housing unit and would
11 allow for flexibility within the overall management of the
12 structure.

13 Q. What about the medical unit? What are some of the
14 features of the new facility's medical unit?

15 A. The medical unit is developed with three major
16 components, male and female mental health acute services, and
17 an infirmary that would actually act as the medical clinic.
18 All three of those are supported by a central clinical support
19 area where staff would be housed and be able to work
20 effectively to support the components of the medical mental
21 health section. The infirmary would allow for both physical
22 and mental action, but the medical component is not a
23 hospital. It is a triage clinic that would allow for services
24 to be provided detainees and evaluation in crisis for medical
25 components.

1 The mental health area is viewed as an acute services
2 section to use as an interdiction in crisis mode to allow the
3 staff to stabilize individuals who are showing extreme mental
4 difficulty, allowing that to be both treated in an open ward
5 but also in an isolation section and basically hospital rooms
6 to accommodate their needs on both the male/female side so
7 that those are separated.

8 The infirmary is developed in a modular way so that any
9 individual room and sections could be used for male or female,
10 depending on how they entered into the infirmary to be able to
11 keep the sex component separated during any treatment areas.
12 Though, it's a significant impact on the ability of the County
13 to meet the medical and mental health needs of the detainees.
14 You know, you're going from four treatment rooms at Raymond to
15 24 treatment sections in the new infirmary, and you went from
16 no mental health capacity at Raymond to 24 on the male side
17 and 12 on the female side with a series of those being in
18 potential isolation sections.

19 The other capacity of that in the plan is to use the
20 housing units, and flexibility is important in this facet of
21 it because sometimes we're seeing as much as 40 percent of the
22 detainee population of having mental health component, mental
23 health issues, but to use the housing pods as stepdown areas
24 so that once people are stabilized, they would be able to be
25 placed in a safe and secure housing environment that would be

1 managed by the detention staff and not necessarily put back in
2 the general population.

3 So that's an approach when the overall concept of all the
4 medical and mental health needs of the facility would be an
5 enhancement, a dramatic change from the current structure.

6 Q. Would the medical unit have an acute care clinic?

7 A. Yes. The acute components are actually set up inside of
8 the male and female mental health sections.

9 Q. Okay. How many beds are we talking about in the acute
10 care -- or I'll call it ACU?

11 A. The ACU has a capacity in the plan for 24 on the male
12 side and 12 on the female side.

13 Q. I guess, what's the bed capacity on the infirmary that
14 you mentioned?

15 A. Infirmary is 24. That's open ward and individual
16 isolation. There is no isolation, like infectious disease
17 isolation in the current facility. So the infirmary would
18 have the capacity as would the acute care centers to have
19 environmental isolation also at a critical point of medical
20 care. So particularly in this time of COVID, you can actually
21 separate and isolate in proper airstreams.

22 Q. Sort of switching back to the mental health unit, what is
23 the bed capacity in the mental health unit in the new
24 facility?

25 A. The acute center -- well, the way the flexibility is

1 developed and the strategy is that you could take one of the
2 housing units which would be the single-story units that would
3 house between 48 and 60, depending on which housing unit you
4 chose, and be able to operate that as a mental health unit.

5 Q. Okay. So you could, I guess, in theory, you could have,
6 if you chose, a 60-bed unit and you could have 120 if you
7 chose two units?

8 A. If the population required that, you'd be able to manage
9 it in that direction, yes.

10 Q. And I think you mentioned a high security for males; is
11 that correct?

12 A. Certainly you would have to have a maximum security
13 section that would require separation all within the
14 perimeters of management, but individual cells and managed on
15 a time basis within the structure, still using the concept of
16 maximizing direct supervision.

17 Q. What's the bed -- the number of beds in that high
18 security area?

19 A. Sixty-eight is the projected number.

20 Q. Now, I guess, tell me just a little -- tell the -- I
21 guess, for the benefit of the Court, are there any plans to
22 address the water situation at the new facility?

23 A. Well, as all of us that live in Jackson know, we have
24 concerns about the durability of our water system, and the
25 site that has been proposed and chosen does have water

1 pressure problems that we've already identified because
2 Henley-Young has water pressure concerns. So the County has
3 initiated development using their CARES dollars to start the
4 development of an aquifer in an elevated water tank that would
5 serve the detention center site and the Henley-Young site with
6 an independent water system that is separated from the City's
7 water structure.

8 Q. And I guess, what's the total projected cost of the
9 construction of this new facility?

10 A. Well, the facility currently is projected at
11 approximately 123 million at total development. The water
12 tower, water well and utility access and support of
13 Henley-Young is projected at approximately ten and a quarter
14 million so you're looking at approximately \$133 million
15 investment to accommodate the total plan.

16 Q. And as far as the Raymond Detention Center, the County is
17 certainly not ignoring that facility in the meantime; correct?

18 A. No, the ongoing investments in the Raymond Detention
19 Center are intended to keep it functioning through the '26
20 time frame and to make sure that the facility meets the
21 requirements of both the stipulated order and the consent
22 decree that is possible. It is managing the continuing
23 challenges of keeping that facility operational, but the
24 investment is being made in it to accommodate those, and
25 investments in some of the areas that were identified in the

1 physical analysis that were security driven, you have to
2 address those to be able to maintain and continue a safe
3 facility.

4 Q. And just to wrap it up, Mr. Farr, in your opinion, based
5 on your own perception, has Hinds County completed the work
6 from the stipulated order as it concerns the master plan?

7 A. In my opinion, the County has fulfilled the requirements
8 of the master plan. There is a facility plan that has been
9 developed with the strategy outlined and the County has
10 adopted that plan and that also includes investments into the
11 work center and the Raymond Detention Center.

12 I believe we go back and mention that part of the initial
13 efforts of the plan was to close the Jackson Detention Center
14 so we're only focused on -- that was an immediate
15 recommendation because of the systemic problems with that
16 facility. So we're focused on those two existing facilities
17 and how to move forward with that and then the recommendation
18 as to create the centralized facility. So, in my opinion, the
19 County has fulfilled that master planning effort.

20 Q. And in your opinion, Mr. Farr, has Hinds County ignored
21 the issue of how it will safely and securely house pretrial
22 detainees in the future?

23 A. Since our involvement with the County in December of '19
24 moving forward in to 2020, the County has been moving
25 aggressively to address the needs of the facilities and to

1 bring them into compliance with the stipulated order and to
2 work diligently to get to a point that the consent decree is
3 satisfied.

4 MR. MORISANI: May I briefly confer, Your Honor?

5 BY MR. MORISANI:

6 Q. And one final question, just to clarify the record, what
7 steps -- you know, we talked a lot about the future plans of
8 the new facility, but where is the County -- I guess, what
9 steps is the County taking today currently with respect to
10 that new facility?

11 A. Well, the County issued a professional services contract
12 to our company in July of '21 to proceed with the -- what
13 we're calling the early site development, which is the water
14 supply system and for the development of the documents to
15 allow for pricing and construction of the new facility as
16 we've outlined in our multiple phases. So at this time we are
17 proceeding aggressively with the development of the pricing
18 documents, working in conjunction with the construction
19 manager who they've also hired, so the team is in place to
20 accommodate and meet the requirements of this direction.

21 Our goal, our more than a goal, our mandatory completion
22 of our pricing documents is August 1st of 2022 with
23 anticipated construction beginning -- that's for the new
24 facility with construction to begin by November of '22. We
25 will have the water tower and the well documents onto the bid

1 market by the end of April with an anticipated start of the
2 development for the water support and the early site by June
3 of '22.

4 Q. And -- go ahead. Finish up.

5 A. The County is aggressively pursuing those as their plans
6 to meet the requirement and establish the new central
7 detention center.

8 Q. Is it safe to say that today, currently, we are working
9 on the schematic documents related to this new facility?

10 A. We're past schematics. We're working on the early site
11 package of the new facility.

12 Q. And when the facility is complete, the new facility is
13 complete, would you characterize that facility as being state
14 of the art?

15 A. It will be -- yes, state of the art is a good term. It
16 will meet the best practices that are established by the ACA
17 and benefit the County in the ability to manage and develop a
18 structure that will fulfill the requirements of the detention
19 system, yes.

20 Q. And, I guess, one final question. We talked earlier
21 about the fire sprinkler system at the RDC and the fact
22 that -- the housing units do not have a fire sprinkler system;
23 correct?

24 A. That's correct.

25 Q. At the time that the RDC was constructed back in '92

1 through '94, was that facility without fire sprinklers, was
2 that consistent with the code at the time?

3 A. At the code, the code -- at that time, the code did not
4 require a fire sprinkler system in the housing units. It did
5 address the fire suppression system which was contained with
6 the stand pipe and the hose reels that would allow for fire
7 fighting inside of the housing units. Part of the stipulated
8 order was that those fire reels be reinstalled, which they
9 have been. So under the code of 1992-'94, the housing
10 components did not require the direct fire sprinkler system.

11 The construction of the housing units make it problematic
12 to be able to install a secure fire sprinkler system in those
13 housing units without rebuilding them at this point.

14 MR. MORISANI: Your Honor, I have no further questions.

15 THE COURT: All right. Is the Government prepared to
16 cross-examine this witness?

17 MR. CHENG: Yes, Your Honor.

18 THE COURT: I mean, how long do you think it will be?
19 Your mike is not on.

20 MR. CHENG: I think about a half hour, Your Honor.

21 THE COURT: Okay. If that's good with court reporter.
22 That's good with the court reporter?

23 THE REPORTER: Yes, sir.

24 THE COURT: Okay. This will give us one less witness
25 to have to deal with tomorrow, and I'll say on the front end,

1 I don't think I have any questions for this witness.

2 **CROSS-EXAMINATION**

3 **BY MR. CHENG:**

4 Q. Good afternoon.

5 THE COURT: Make sure the microphone is on, Mr. Cheng.

6 BY MR. CHENG:

7 Q. Good afternoon, Mr. Farr. I think at one point you were
8 looking at a document when you were trying to identify who
9 your consultants were.

10 A. Yes.

11 Q. Is that the master plan?

12 A. Yes, that's the master plan. It's identical to the
13 element entered in evidence.

14 Q. Very good. And you enlisted a consultant to help you
15 with the corrections staffing analysis?

16 A. Yes.

17 Q. And who is that?

18 A. I will refer so I get it completely correct. It is Mark
19 Martin from MJM.

20 Q. Do you know what Mr. Martin's background is in?

21 A. He is a -- has been in correction services for most of
22 his adult life. He also sits on the ACA recommendation -- or
23 ACA panels dealing with staffing activities for those related
24 to support.

25 Q. Has he been a former jail administrator?

1 A. I believe he has.

2 Q. And with what facility?

3 A. That I don't know. I would have to research that to tell
4 you.

5 Q. You also worked with jail administrators in Hinds County
6 on the master plan?

7 A. We did, yes. Major Fielder initially and then
8 Major Bryan in the ensuing period of that. They were the two
9 that were primarily involved in the development of the plan.

10 Q. And are we entering a critical phase now as we move
11 towards the construction of the jail?

12 A. We are. You know, we've had great dialogue with -- well,
13 in the interim with Major Bryan, when she was on staff of the
14 planning to develop strategies about what was needed and
15 required. Currently Chief Simon is filling that role for us
16 and answering -- being a resource base and a sounding board
17 working within the staff of the centers, yes.

18 Q. And, Ms. Bryan, when she was the jail administrator
19 during the most recent virtual site visit, I believe you were
20 the one who said that she had been helpful with the master
21 planning process; is that right?

22 A. Well, the master plan -- the master plan was actually
23 created and approved prior to her approval and appointment.
24 So we were working with the sheriff's office, Major Fielder,
25 when he was in that position establishing the direction of the

1 master plan, and that was in the analysis phase, when we were
2 going through and doing the facility reviews and developing
3 and learning what they saw from the inside, you know, things
4 that you would not normally be able to understand unless you
5 were actually operating the facility.

6 Q. So what was Ms. Bryan's contribution?

7 A. Ms. Bryan actually worked with us more appropriately as
8 we were developing the design of the new facility.

9 Q. So was she assisting, for example, in trying to figure
10 out the configuration for the medical and mental health units?

11 A. Yes, we had that as part of our conceptual development,
12 and so she was part of discussion about how to validate the
13 directions that the team had organized and placed in position,
14 recognizing that the County currently did not have a facility
15 of the scope and scale that we were proposing in the
16 development of the facility. So that was beneficial because
17 in the end she brought in the medical team that had been part
18 of the County's development to go through and analyze the
19 needs and how the flows would work and what would the capacity
20 requirements be so, yes.

21 Q. Until the new facility is completed, will they still need
22 to have some type of medical and mental health facility in the
23 current facility?

24 A. Absolutely, yes.

25 Q. And are you aware that the Raymond Detention Center is

1 supposed to have a mental health unit?

2 A. It's supposed to, yes. It had been reconstructed
3 recently and re -- been put back in to more serviceable
4 operation recently.

5 Q. What is the capacity or at least the planned capacity for
6 Raymond Detention Center's mental health unit?

7 A. Currently it's four treatment spaces, so that's the
8 current status of that.

9 Q. That's if they just use the isolation cells, right, but
10 if they were to open one of the pods for capacity --

11 A. To take the pods -- if there are opportunities to take
12 some of the pods and place them into what we would -- what you
13 would reference as a mental health services area where you
14 would have more direct supervision and the opportunity to meet
15 those immediate needs and particularly separating population,
16 so, yes, that is plausible.

17 Q. If we could be a little careful. I think sometimes you
18 answer before I finish the question. It makes it a little
19 more challenging for Ms. Crane. So I'll try to be a little
20 slower, and we'll see what we can do.

21 If they were to open up one of the pods, what is the
22 anticipated capacity for the mental health pods?

23 A. My memory is that we could get 12 units -- well,
24 depending on how many pods you would use, so...

25 Q. And how many housing areas are there in the medical area

1 of the jail?

2 A. Housing units, there really isn't any housing per se in
3 the medical unit. You have treatment rooms and four isolation
4 rooms.

5 Q. So those four isolation rooms, how many people could they
6 handle in the medical unit?

7 A. It would be four.

8 Q. So in the new facility, there are going to be, I believe,
9 something like 24, 12 acute medical and mental health beds; is
10 that right?

11 A. The plan is for 24 male acute treatment areas and
12 12 acute mental health female areas.

13 Q. Are those only for acute mental health, or do they also
14 include medical?

15 A. And there's 24 units, 24 beds in the infirmary, which
16 would be the clinic.

17 Q. So in theory, there could be up to 48?

18 A. 48 plus 12, so it would be 60. 60 places that you could
19 interface with a detainee, yes.

20 Q. Now, besides Mr. Simon, are you currently dealing with
21 Mr. Shaw as a point of contact for the master planning
22 process?

23 A. Mr. Shaw started his tenure on the 21st, and we have not
24 had the opportunity to have a work session with him. We have
25 been working with Sheriff Jones as an overview of the planning

1 process.

2 Q. And under the current master plan, there is a recognition
3 that the work center, even though you're going to keep
4 operating it, it isn't really appropriate at this time as a
5 jail; is that right?

6 A. That is correct.

7 Q. And what still needs to be done to render it appropriate
8 as a jail facility?

9 A. We have recommended additional sally ports both for
10 arrival and departure. We have recommended additional
11 security divisions inside of the work center to allow for more
12 secure separation, allowing it to be more appropriately
13 addressed as a jail. Those are articulated in the planning
14 document.

15 Q. And there was some discussion earlier about the support
16 service areas inside the Raymond Detention Center. What
17 issues still remain in terms of getting those areas
18 operational?

19 A. They have been returned to an operational status on the
20 environmental side, meaning the air conditioning, the fire
21 detection system, the flooring, general building maintenance
22 components have been underway and are continuing to be
23 addressed all the way from the removal of the grease from the
24 grease trap to re-establishing the fire suppression system in
25 the kitchen hood, so that's an ongoing process.

1 Q. But are appliances still needing to be replaced or
2 reinstalled?

3 A. There are appliance upgrades that are required -- should
4 be required.

5 Q. Does that include the laundry room?

6 A. That does include the laundry.

7 Q. You talked earlier about the lifespan of the Raymond
8 Detention Center and how it's approaching the end of its
9 lifespan. If maintenance had been better over the course of
10 its life, would its lifespan have been extended?

11 A. In my opinion, it is at that period where systems are
12 going to require replacement. It may become more acute based
13 on maintenance components, but it is at that 25-year plus age
14 where equipment has to be addressed.

15 Q. But once it's addressed, would that help extend its
16 lifespan?

17 A. It would within that, but there are some -- at least in
18 our opinion, systemic components of it that are making it more
19 difficult to maintain. The lack of access that is not in the
20 housing units is a significant part of that where it becomes a
21 deterrent for maintenance to be properly handled.

22 Q. Have you or the County come up with sort of a maintenance
23 priority plan to try to get those systems intact and keep them
24 in place?

25 A. Yes. Working with the construction manager and with the

1 County's maintenance components, we're trying to build a
2 preventive maintenance approach so that you can make sure
3 you're addressing things before they become critical.

4 Q. Is that a work in progress?

5 A. That's definitely a work in progress.

6 Q. With the mental health, acute mental health units and the
7 pods that might be set up for mental health patients, does
8 your planning also address the mental health staffing that's
9 required for those units?

10 A. We have made projections of the requirements for that and
11 the original plan outlined what the staffing requirements
12 would be. That will also be an ongoing development to be able
13 to find and hire, in my opinion, the proper staff for those.

14 Q. And at this time does the jail have that number of staff?

15 A. To my knowledge, no.

16 Q. And his master plan also includes projected security
17 staffing requirements; correct?

18 A. It does.

19 Q. So can we actually identify what page option two begins
20 on in PX-33?

21 A. Option two is summarized on page 112 -- apologize.
22 111 -- nope, nope. I'm looking. Yes, option two, I apologize
23 again. It actually begins on 108.

24 Q. Is that page 108 of the plan or page 108 of the exhibit?

25 A. Of the -- of the --

1 Q. Plan itself, I believe.

2 A. Yeah. It's 108 of the plan book.

3 Q. So I believe that would be Plaintiff's Exhibit 33, page
4 114 if we could bring that up. So is it accurate to say the
5 estimated staffing is 256.5 full-time employees?

6 A. That was of the -- yes, that was of the plan's approach
7 towards the benefit of that based on the staffing analysis,
8 yes.

9 Q. And the staffing analysis is the one produced by the
10 monitors and Ms. Bryan?

11 A. No. That staffing analysis was produced by Mark Martin.

12 Q. I see. So even a separate staffing analysis confirmed
13 you'll need about 256 staff?

14 A. Yes, I believe so.

15 Q. Thank you. And I take it at this time the County does
16 not have 256 detention officers; is that right?

17 A. I'm not -- on a daily basis I'm not aware of the exact
18 number of the detention staff.

19 Q. But over time when you've been working with them on the
20 master plan, have they ever had 256 staff?

21 A. To my remembrance, no.

22 Q. I'm sorry for asking, but have the defendants paid your
23 bills on time?

24 A. They have.

25 Q. And at this time have they already confirmed the

1 financing to build the new jail?

2 A. They have, to my knowledge, or within our plan there is a
3 strategy to accommodate the financing. It will require action
4 of the Board to raise millage.

5 Q. And the Board, has it actually raised the millage yet?

6 A. The Board has raised the millage one time of a plan for
7 millage increase. So one of the millage increases is in
8 place.

9 Q. How many more still need to be approved?

10 A. It will be three more.

11 Q. So at this time the financing is not yet fully in place
12 for the new jail; correct?

13 A. That would be correct.

14 Q. And just to be clear, I think you mentioned it before,
15 but if everything goes as planned, when will the new jail be
16 completed?

17 A. In our projections the Phase 1 will be June of '25 for
18 the first phase of that. Phase 2 -- we call it Phase 1A and
19 Phase 1B. Phase 1B would provide the 600 beds, and that would
20 be June of '26.

21 Q. And meanwhile they have to keep using the older
22 facilities; right?

23 A. Yes.

24 Q. And you're all trying to come up with some sort of
25 temporary measures to keep the current facilities operational

1 and satisfactory; correct?

2 A. There's an ongoing effort to continue the investment in
3 the facilities to, one, keep them operating and, two, to make
4 the improvements to the facilities that meet the outline of
5 the plan.

6 Q. And you earlier talked about how the master plan meets
7 the requirements of the stipulated order. Do you remember
8 that?

9 A. Yes, sir.

10 Q. You're not suggesting that just by having the plan
11 they've complied with the Court's orders, are you?

12 A. No. That was not my intent.

13 Q. They still have to actually get things built?

14 A. Yes, sir.

15 Q. And even with the interim measures they've got in place,
16 do you remember coming to court and talking a little bit about
17 the master plan at one of the status conferences?

18 A. Yes.

19 Q. And you refer to sort of the choices being made as -- I
20 believe the term was "the best of the worst options"?

21 A. Within the sequence of how to get to the end product,
22 yes.

23 Q. All right. Thank you.

24 THE COURT: Any redirect of this witness?

25 MR. MORISANI: Just briefly, Your Honor, if I may?

1 THE COURT: You may.

2 **REDIRECT EXAMINATION**

3 **BY MR. MORISANI:**

4 Q. Mr. Farr, I just want to clarify something that my friend
5 from the DOJ asked you. I'm going to place on the ELMO PX-2
6 and I just -- it's the stipulated order for the record, PX-2,
7 back up here. Can you see that okay?

8 A. Yes.

9 Q. Okay. Now, I think he asked you a question about the
10 master planning requirement of the stipulated order. Do you
11 require (sic) that?

12 A. Yes.

13 Q. And I think he asked you something along the lines of it
14 requires something to be built; correct?

15 A. Well, the master plan provides the options for the
16 approach to meet the requirements of the plan, yes.

17 Q. And what I want to ask you about is the stipulated order
18 paragraph. It's on page -- it begins on the bottom of page 3.
19 It's paragraph Roman Numeral I, and then its paragraph B -- or
20 Section B, I should say, and zoom in just a little bit.

21 Now, the -- is it -- and, Mr. Farr, you can read
22 paragraph or Section B, and let me know when you're ready and
23 I'll turn the page. I'd like for you to read the three -- or
24 the four subparagraphs.

25 A. Yes, okay.

1 Q. And the four subparagraphs are here at the top, one, two,
2 three, four. If you'll just take a moment to look at those, I
3 just have a single question.

4 A. Okay.

5 Q. Now, do you see anywhere in Roman Numeral I, Section B,
6 paragraphs 1 through 4 a requirement that anything be built?

7 A. No.

8 Q. There certainly are renovations talked about in
9 subparagraph 2; correct?

10 A. That is correct.

11 Q. And we talked earlier in your direct about the
12 renovations that are ongoing at the RDC; correct?

13 A. That is correct.

14 Q. And Benchmark would know a lot about those renovations;
15 correct?

16 A. We've been in a collaborative development with Benchmark,
17 yes.

18 Q. And with respect to implementing the master plan, those
19 steps that you described that we're currently undertaking
20 right now, that's implementation of the master plan; is it
21 not?

22 A. Those are the steps that are required to implement the
23 master plan in my opinion.

24 MR. MORISANI: No further questions, Your Honor.

25 THE COURT: I do have one question, and I apologize.

EXAMINATION**BY THE COURT:**

Q. But, Mr. Farr, you mentioned that in response to the question from the Government about the current facility at RDC. You said it's at the end of its lifespan. That was roughly your testimony that repairs would be more acute and have to -- things break down, I believe, is what your testimony is.

I guess, based on that answer, what do you anticipate the lifespan of the building of the new facility that you-all are -- that is in the plan of being built? In other words -- and go ahead, answer that first.

A. Yes, sir. We utilize a planning horizon of 30 years for a facility that we anticipate meeting the needs of its use. There's two facets to that. If it is developed in a strategy that allows for flexibility in the future, that could extend well past the 30 years as an operational center. However, the building systems that are integral to the facility will have a 25- to 30-year lifespan before they are required to be significantly modified or replaced.

There is always a maintenance and ongoing effort to keep those systems functioning properly. So from a planning standpoint, we use that 30-year horizon at a time that additional investment would be required to extend the life of a facility into the future. I hope that addresses your intent

1 question.

2 You can look at facilities that have lasted 250 years,
3 and they're still functioning properly if they have the
4 infrastructure updated in the sequence of use.

5 Q. And taking that -- the system updated and all of that
6 with respect to the existing facility, if -- is there
7 anything -- because it's at the end of its lifespan, I
8 believe, is what's your testimony. Is there anything the
9 County could have done to extend its lifespan?

10 A. The continuing maintenance of the facility would help in
11 the expansion of that, but we are at a point that mechanical
12 components of the systems are beyond their usable life and
13 will require replacement.

14 Q. Okay. You said "the kettle"?

15 A. The --

16 Q. "Kettle components"?

17 A. Mechanical.

18 Q. Oh, mechanical components.

19 A. The motor drivers, the control systems, they require
20 replacement.

21 Q. Will there be motor control systems and stuff in the new
22 facility?

23 A. There will be, but we have been able to advance those
24 systems in the interim years. We've moved from fundamentally
25 pneumatics which are hoses and air compressors to digital

1 which run through the Ethernet. So we've made great strides
2 in the ability to maintain and extend the viability of
3 building systems in the last 25 years.

4 So we see those as very positive steps for all of our
5 investments, going forward. We still have bearings and belts
6 and things that just wear out that have to be constantly
7 evaluated and bring forward.

8 Q. Will the -- I guess those who are involved in planning
9 and maintaining a facility such as this, I guess you're not
10 the first one to suggest, I guess, I don't know, that the
11 lifespan for this facility is 25 or 30 years. Would you be
12 the -- I mean, you're involved in this in the business. Are
13 there others who are informed of what the lifespan of this
14 facility is?

15 A. I would assert there would be, sir, that you would see a
16 similar opinion based on the functional operation and the
17 current condition of it. And I'm not asserting that if you
18 had an ongoing replacement structure that you couldn't extend
19 that longevity. I do assert that some of the original
20 planning decisions that were made in the facility have made
21 that much more difficult and in some cases even problematic
22 that they would be successful.

23 Q. And if you had been a part of this -- and I don't want to
24 use the word "team" because I'm not suggesting you're on
25 anybody's side, but if you had been a part of -- if you had

1 been consulted 15 years ago, would you have been advising the
2 County to start planning for the end of the life of this
3 facility?

4 A. In my opinion, looking at how the facility was originally
5 designed and organized, yes, sir.

6 Q. And in that regard, you would have taken steps to replace
7 it sooner than now?

8 A. That would have been one of the options that would be
9 available.

10 Q. And, again -- not again, because I didn't ask this,
11 but -- but are there any routine maintenance issues that if
12 they're taken care of would extend the life of any -- well,
13 this particular facility, and when I say -- I'm talking about
14 RDC.

15 A. Yes, sir. Routine maintenance is critical to the
16 longevity of all facilities, and that is particularly
17 important in dealing with a correctional facility and any
18 place that we house individuals for a 24-hour period.

19 Q. And the fact that you house these individuals for 24-hour
20 periods, does that tend to expose the facility to damage and
21 other things, you know, if those persons are there unattended?

22 A. Yes, sir.

23 Q. All right. I did say I didn't have any follow-up, but I
24 did so the Government is free to.

25 MR. CHENG: I just have a couple more questions. Of

1 course, I forgot to turn on the mike.

2 **FURTHER CROSS-EXAMINATION**

3 **BY MR. CHENG:**

4 Q. In the master plan on page 114, there are some costs
5 listed for option two, like 68 million for a new jail,
6 2.9 million. Does that include maintenance costs?

7 THE COURT: Hold on a second.

8 MR. MORISANI: I just would object. This is outside of
9 anything that Your Honor asked him about.

10 THE COURT: I just asked him about maintenance, though,
11 I think.

12 MR. MORISANI: He's asking about costs, though --

13 THE COURT: No, he's free to follow up.

14 BY MR. CHENG:

15 Q. Does that include maintenance costs?

16 A. That does not include maintenance costs.

17 Q. I see. So this is just the money it's going to cost for
18 a new --

19 A. This is an initial investment estimate.

20 Q. And is any of this federal money?

21 A. No, sir.

22 Q. Does the federal government provide -- is this CARES Act
23 money? Does that provide for maintenance?

24 A. No, sir.

25 Q. It's only for the construction?

1 A. It's for the initial investment.

2 Q. About how much money will be put towards the construction
3 for the federal money?

4 A. Well, we have that as the water system. So we are
5 anticipating ten and a quarter million being part of that
6 discussion.

7 MR. CHENG: All right. Thank you very much, Mr. Farr.

8 THE COURT: All right. Mr. Morisani?

9 MR. MORISANI: Thank you, Your Honor.

10 **FURTHER REDIRECT EXAMINATION**

11 **BY MR. MORISANI:**

12 Q. Mr. Farr, the maintenance issues that the Court had asked
13 you about, am I correct in understanding that those
14 maintenance issues, that maintenance that you were asked about
15 would not do anything to replace or prolong the lifespan of
16 mechanical components that are at the end of their life; is
17 that correct?

18 A. That would be a reasonable statement. When the systems
19 have reached their usable direction, life, they will generally
20 require replacement. Incremental replacement is also an
21 option.

22 Q. And the maintenance issues that the Court had asked
23 about, is that not precisely what Benchmark in conjunction
24 with CDFL is there at RDC doing now?

25 A. Yes.

1 MR. MORISANI: No further questions, Your Honor.

2 THE COURT: All right. But maintenance is required
3 through the life of the facility; right?

4 THE WITNESS: Yes, sir.

5 THE COURT: Okay. All right. Okay.

6 Mr. Farr, you may step down, sir. Thank you so much
7 for your testimony.

8 MR. MORISANI: I was going to ask, may we finally
9 excuse this witness?

10 THE COURT: Yes, he's finally excused.

11 MR. MORISANI: And I forgot to do that with
12 Mr. Chamblee. Is that --

13 THE COURT: He's finally excused as well.

14 THE WITNESS: Thank you, Judge.

15 THE COURT: Thank you, sir.

16 We're at the end of the day, I know. Road map as far
17 as tomorrow, do we -- the County know who its witnesses are?

18 MR. SHELSON: Yes, sir. And we told, yesterday,
19 United States that tomorrow -- well, our next three witnesses
20 are Calhoun, Kenny Jones, and the sheriff. Mr. Calhoun is
21 having a medical procedure in the morning. So we just would
22 like to flip the order, Kenny Jones go first, then
23 Mr. Calhoun, then the sheriff.

24 THE COURT: Okay. All right.

25 MR. ANDERSON: Could I visit with counsel and

1 co-counsel before we decide on that, Your Honor?

2 THE COURT: Yes. I mean, I don't need to know who -- I
3 just need to know the gentlemen who's going and in what order.

4 MR. SHELSON: So, Your Honor, that will be the order.
5 Mr. Kenny Jones, Credell Calhoun, and then the sheriff.

6 THE COURT: Okay. All right. And after that does the
7 County expect to call any other witnesses?

8 MR. SHELSON: The County does not, Your Honor.

9 THE COURT: All right.

10 MR. CHENG: Your Honor, we brought up the issue
11 yesterday about whether or not the monitors -- we brought up
12 the issue yesterday of whether the monitors could participate
13 virtually, Your Honor. I haven't been able to converse with
14 Mr. Shelson. We mentioned it briefly, but haven't had a
15 chance to talk.

16 THE COURT: Have the parties come to an agreement on
17 that?

18 MR. SHELSON: We think Mr. Parrish should stay, Your
19 Honor. I'm kidding, Your Honor. Your Honor, we're fine with
20 that, but since the remote experience -- I don't know if
21 they're going to call on any of the monitors in rebuttal, but
22 to the extent they do, if they would have hard copies of P-1,
23 P-2, P-41 available, we would be all right with them appearing
24 remotely if necessary.

25 THE COURT: Okay. And if there are any other

1 exhibits -- I know right now you say those three, but if there
2 are any other exhibits, I think we'll be able to make sure
3 that they have access to them in some way; is that correct?

4 MR. SHELSON: Right, yeah. Just in particular, P-1,
5 the consent decree and the P-41, the fifteenth monitoring
6 report, they're voluminous. And so we're asking that they do
7 so because it's hard to show them a 64- or 150-page document
8 via Zoom.

9 THE COURT: All right. Can DOJ accommodate them in
10 that request?

11 MR. CHENG: Yes, I think they may already have them,
12 but we'll be happy to send it to them as well.

13 THE COURT: Okay. All right. So are they excused
14 today, since they won't be testifying tomorrow?

15 MR. SHELSON: That's fine with the defendants, Your
16 Honor.

17 THE COURT: Okay. All right.

18 MR. CHENG: That's fine with us, too.

19 THE COURT: Okay. If you want to participate remotely
20 tomorrow, you may, and for the rest of the trial. And I'm so
21 sorry about the uncomfortable seats that are out there in the
22 audience. I know they're uncomfortable. I've heard that
23 before. But we'll see. But is there anything else we need to
24 take up?

25 We will start up tomorrow morning at 9:00 a.m.

COURT REPORTER'S CERTIFICATE

I, Candice S. Crane, Official Court Reporter for the United States District Court for the Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed case at the time and place indicated, which proceedings were stenographically recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS, the 24th day of February, 2022.

/s/ Candice S. Crane, RPR CCR

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