

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

---

4 JAMES INGRAM,

5                   PLAINTIFF,

6 vs.

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

7 GLEN TURNER, ET AL.,

8                   DEFENDANTS.

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14                   DEPOSITION

15                   OF

16                   GLEN TURNER

17                   APRIL 16, 2009

18  
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20  
21  
22                   ALPHA REPORTING CORPORATION  
23                   KARLA L. SEELY, CSR  
24                   236 Adams Avenue  
25                   Memphis, TN 38103  
                  (901) 523-8974  
                  www.alphareporting.com

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

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

10           The signature of the witness is not waived.

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## 1 A P P E A R A N C E S

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3 FOR THE PLAINTIFF:

4 YOLLANDER HARDAWAY, ESQ.  
5 GLENWOOD P. ROANE, SR., ESQ.  
6 Law Office of Glenwood P. Roane  
7 217 Exchange Avenue  
8 Memphis, Tennessee 38105  
9 (901) 526-1889

8

9 FOR DEFENDANT GLEN TURNER:

10 MICHAEL R. HILL, ESQ.  
11 Flippin, Collins & Hill, PLLC  
12 1066 South Main street  
13 Milan, Tennessee 38358-0679  
14 (731) 686-8355

13

14 FOR DEFENDANT CCA:

15 BRANDON O. GIBSON, ESQ.  
16 MELISSA K. VAN PELT, Esq.  
17 Pentecost & Glenn, PLLC  
18 106 Stonebridge Boulevard  
19 Jackson, TN 38305  
20 (731) 668-5995

18

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1                                   GLEN TURNER,  
2           after having been first duly sworn, was examined and  
3           testified as follows:

4                                   EXAMINATION

5   BY MS. HARDAWAY:

6           Q.       Good morning, Mr. Turner. My name is  
7           Yollander Hardaway. I am one of the attorneys  
8           along with attorney Glen Roane who is  
9           representing James Ingram. And I appreciate your  
10          coming to Memphis this morning. Have you ever  
11          been deposed before?

12          A.       Yes, ma'am. It's been some time ago.

13          Q.       Okay. Under what circumstances were  
14          you previously deposed?

15          A.       I believe it was an inmate lawsuit that  
16          occurred. It's probably been seven to ten years  
17          ago.

18          Q.       Okay. Was that in Memphis or another  
19          city?

20          A.       It was in another city. It was  
21          actually at a correctional facility. I believe  
22          it was at Turney Center Prison in middle  
23          Tennessee.

24          Q.       And what city would that be in middle  
25          Tennessee? What is the name of the correctional

1 facility?

2 A. Turney Center.

3 Q. Can you spell that for me?

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

6 Q. What county was it in?

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

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

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

13 Q. What was the outcome of the case?

14 A. I believe it was dismissed.

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

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

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

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

23 Q. Can you spell Clifton?

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

25 Q. Under what other circumstances were you

1       deposed previously?

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

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

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

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

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

25          Q.       And what did he say was his grievance

1 about that?

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

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

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

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

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

19 Q. Which entailed what duties?

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

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

25 A. I don't remember specifically.

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

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

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

6 A. No, ma'am.

7 Q. Who represented you in that suit?

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

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

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

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

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

18 Q. About how often did he represent you?

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

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

23 A. No, ma'am.

24 Q. Were you friends with him?

25 A. No.

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

2 A. I think he had his own firm.

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

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

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

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

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

12 A. Yes, ma'am.

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

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

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

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

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

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

25 Q. Do you have knowledge as to whether or

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

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

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

7 A. No, ma'am.

8 Q. Okay. Do you know Edward Bryant?

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

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

14 A. Not that I recall.

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

17 A. No, ma'am.

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

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

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

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

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

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

6 A. I really don't know.

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

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

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

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

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

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

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

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

24 Q. And where were you born?

25 A. Charleston, South Carolina.

1 Q. What is your social security number?

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

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

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

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

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

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

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

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

24 MR. HILL: Yes.

25 BY MS. HARDAWAY:

1 Q. And what is the basis for that?

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

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

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

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

25 MR. HILL: We're not refusing to

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

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

6           MR. HILL: That's fine.

7 BY MS. HARDAWAY:

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

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

12          Q.       What is that?

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

18          Q.       Managing consulting for what?

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

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

25          A.       I am providing management consulting to

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

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

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

9 Q. Okay. And where is that located?

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

12 Q. And what is that address?

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

15 Q. Highway 18?

16 A. 18 North.

17 Q. T-U-N-E?

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

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

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

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

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

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

6           A.       I took some time off.

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

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

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

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

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

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

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

5 Q. Do you still have those stocks?

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

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

10 A. No. I have not.

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

13 A. It fluctuated from year to year.

14 Q. So it always went up?

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

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

25 A. We were notified in writing how many

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

3 Q. Now, you are married?

4 A. Yes, ma'am.

5 Q. And her name is?

6 A. Heather.

7 Q. Heather what?

8 A. Turner.

9 Q. And you have children?

10 A. Yes, ma'am.

11 Q. And they are?

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

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

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

19 Q. As what?

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

22 Q. Did she receive stock options?

23 A. No.

24 Q. Did she own CCA stock?

25 A. No.

1 Q. Do you have brothers and sisters?

2 A. Yes, ma'am.

3 Q. Who is Jimmy Turner?

4 A. That is my brother.

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

6 A. He works for CCA.

7 Q. In what capacity?

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

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

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

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

17 A. I started in 1992.

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

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

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

24 A. He was an assistant warden.

25 Q. And where was that?

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

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

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

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

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

11          Q.       Did he have a particular territory?

12          A.       Yes, he did.

13          Q.       And what territory was that?

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

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

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

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

24          A.       No, not any of those states.

25          Q.       Okay. You worked in Texas Corrections

1 at some point, did you not?

2 A. Yes, ma'am.

3 Q. When was that?

4 A. That was from 1987 until 1992.

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

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

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

11 A. He was at one time, yes.

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

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

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

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

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

25 A. Correction officer and sergeant.

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

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

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

11 A. Yes.

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

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

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

1 office?

2 A. He was in the facility.

3 Q. As what?

4 A. Assistant warden.

5 Q. And what was his name?

6 A. Robert Shaw.

7 Q. Is he still with the company?

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

9 Robert in some time.

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

11 or in corporate?

12 A. At a facility.

13 Q. What other brothers and sisters do you

14 have other than Jimmy?

15 A. I have one sister.

16 Q. And her name is?

17 A. Terry Turner.

18 Q. And does she work for CCA?

19 A. No.

20 Q. Has she ever worked for CCA?

21 A. No.

22 Q. Have your parents ever worked for CCA?

23 A. No, ma'am.

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

25 is still Vice President of Operations?

1 A. As far as I know he is.

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

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

7 Q. What part do you not understand?

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

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

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

15 Q. Okay. And when was that?

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

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

23 MS. GIBSON: Object to the form.

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

1 BY MS. HARDAWAY:

2 Q. In Tennessee?

3 A. Yes.

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

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

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

12 A. It would probably have been before.

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

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

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

23 A. Yes.

24 Q. As Chief of Operations or --

25 A. No. He was Vice President of

1 Operations.

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

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

10 Q. Okay. And when was that?

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

14 Q. Did they make the changes before 2008?

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

16 Q. Did they make the changes before 2007?

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

19 Q. So --

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

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

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

8           Q.       And their title was again?

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

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

13          A.       I believe so. Yeah.

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

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

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

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

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

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

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

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

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

24          A.       Yes, ma'am.

25          Q.       And those managing directors were over

1 the wardens?

2 A. Yes, ma'am.

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

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

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

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

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

15 A. What I would imagine it to be?

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

18 A. It was probably worth 150,000.

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

20 A. No. It's gone down.

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

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

25 Q. Anymore relatives, cousins, uncles,

1 anybody else working for CCA?

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

3 Q. Or that ever did?

4 A. No.

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

7 A. Yes, ma'am.

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

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

13 Q. And where was it?

14 A. Shelby County, Tennessee.

15 Q. What was the outcome?

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

19 Q. The next time you were arrested?

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

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

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

1 Q. Okay. What about misdemeanors?

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

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

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

8 Q. Was your ex-wife the prosecutor?

9 A. No.

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

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

14 Q. Were they your checks?

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

17 Q. And you plead guilty?

18 A. Yes.

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

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

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

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

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

5           A.       No, ma'am.

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

8           A.       Uh-huh.

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

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

15          Q.       Tell me about that.

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

18          Q.       Tell me about that.

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

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

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

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

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

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

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

20 A. No.

21 Q. And no other arrests?

22 A. No.

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

1 MS. GIBSON: Object to the form.

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

4 A. Yeah. I'm not understanding.

5 BY MS. HARDAWAY:

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

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

11 Q. Are you finished looking at it?

12 A. Yes, ma'am.

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

15 A. Starting from the very top?

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

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

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

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

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

12           A.       Yes, ma'am.

13       BY MS. HARDAWAY:

14           Q.       And what is an aggravated assault?

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

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

21       BY MS. HARDAWAY:

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

24           A.       My full understanding?

25           Q.       Uh-huh.

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

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

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

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

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

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

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

23       BY MS. HARDAWAY:

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

1           A.       I don't know.

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

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

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

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

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

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

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

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

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

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

1 in Memphis.

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

3 BY MS. HARDAWAY:

4 Q. Is there an address for him?

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

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

8 A. (901) 526-2254.

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

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

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

18 BY MS. HARDAWAY:

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

21 A. Yes.

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

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

1 to perform my duty.

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

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

6 A. The factual basis for what?

7 BY MS. HARDAWAY:

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

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

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

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

22 Q. Did you read it?

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

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

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

3           Q.       Did you read it?

4           A.       Yes, ma'am.

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

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

8           Q.       Where is it?

9           A.       It's at home.

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

12          A.       Yes, I have.

13          Q.       Okay.

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

16                   MR. HILL: All right.

17       BY MS. HARDAWAY:

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

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

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

23          A.       Yes, I did.

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

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

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

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

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

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

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

15          A.       Yes, ma'am.

16          Q.       You do know the reasons?

17          A.       Yes, ma'am.

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

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

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

1           A.       I don't remember.

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

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

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

9   BY MS. HARDAWAY:

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

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

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

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

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

1 James Ingram March 16th, 2007?

2 MS. GIBSON: Object to the form.

3 A. Say your question again.

4 BY MS. HARDAWAY:

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

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

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

13 MS. GIBSON: Object to the form.

14 BY MS. HARDAWAY:

15 Q. I'm sorry. James Ingram?

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

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

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

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

1 16th of 2007?

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

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

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

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

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

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

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

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

20 A. Yes, ma'am.

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

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

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

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

6 BY MS. HARDAWAY:

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

9 A. No, ma'am.

10 Q. Did you strike James Ingram that day?

11 A. Yes, ma'am.

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

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

17 Q. Do you disagree with that?

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

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

22 BY MS. HARDAWAY:

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

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

3                   A.        Do I disagree?

4 BY MS. HARDAWAY:

5                   Q.        Do you agree with it?

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

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

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

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

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

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

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

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

24 BY MS. HARDAWAY:

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

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

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

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

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

21          A.       I did that.

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

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

25          Q.       Was he handcuffed with his hands behind

1 his back?

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

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

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

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

11 A. Yes, ma'am.

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

14 A. Yes, ma'am.

15 Q. Then what happened?

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

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

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

22 Q. By you?

23 A. Yes, ma'am.

24 Q. Go on.

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

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

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

6 A. Yes, ma'am.

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

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

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

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

20 BY MS. HARDAWAY:

21 Q. You can answer the question.

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

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

1 BY MS. HARDAWAY:

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

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

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

9 BY MS. HARDAWAY:

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

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

16 A. Yes.

17 BY MS. HARDAWAY:

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

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

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

24 A. Sometimes.

25 Q. Did you that day?

1           A.       Yes.

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

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

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

17 BY MS. HARDAWAY:

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

21           A.       Yes.

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

1 A. Yes.

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

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

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

7 BY MS. HARDAWAY:

8 Q. Do you have any remorse for that?

9 A. Well, sure.

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

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

14 Q. Why do you have remorse?

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

17 Q. What is the basis for your remorse?

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

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

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

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

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

3 A. A multitude of ways.

4 Q. Such as?

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

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

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

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

17 A. Yes, ma'am.

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

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

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

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

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

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

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

12 A. No. It was unsupervised.

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

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

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

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

22 Q. What about a fine?

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

25 Q. What were the probationary fees? Were

1       they monthly?

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

5           Q.       Which was how much?

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

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

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

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

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

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

1 A. Yes, ma'am.

2 Q. What is that?

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

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

9 A. It covered all employees.

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

12 A. Yes, ma'am.

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

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

18 Q. Those what?

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

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

1 year?

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

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

6 A. It could be.

7 Q. All right.

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

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

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

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

23 A. I believe so. Yeah.

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

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

3 A. Not necessarily.

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

6 A. Not necessarily.

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

9 A. No.

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

12 A. No.

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

15 MS. GIBSON: Object to the form.

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

18 BY MS. HARDAWAY:

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

23 MR. HILL: Object to the form.

24 MS. GIBSON: Object to the form.

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

1 question?

2 BY MS. HARDAWAY:

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

6 A. Yeah.

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

9 MS. GIBSON: Object to the form.

10 A. Yes.

11 BY MS. HARDAWAY:

12 Q. It was within their policy?

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

15 Q. Any of their policies?

16 A. Yes.

17 Q. It was within their policy --

18 A. Uh-huh.

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

21 A. Yes.

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

1 MS. GIBSON: Object to the form.

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

6 BY MS. HARDAWAY:

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

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

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

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

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

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

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

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

14 Q. Well, how specific can we get?

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

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

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

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

24 A. No. I was not disciplined.

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

1 by CCA?

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

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

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

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

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

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

13 MR. HILL: Objection to form.

14 MS. GIBSON: Objection to form.

15 BY MS. HARDAWAY:

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

17 MS. GIBSON: Object to the form.

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

20 BY MS. HARDAWAY:

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

23 A. Yes. CCA conducted an investigation.

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

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

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

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

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

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

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

15                   MR. HILL: Object to the form.

16 BY MS. HARDAWAY:

17          Q.       Did you feel that that was legal?

18          A.       In the context of --

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

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

23 BY MS. HARDAWAY:

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

1 in the face with your fist?

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

4 BY MS. HARDAWAY:

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

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

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

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

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

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

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

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

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

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

25          A.       When you have an incident of that

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

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

13 A. No, not that day.

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

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

20 BY MS. HARDAWAY:

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

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

1 Q. Pretty much.

2 A. Pretty much?

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

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

7 Q. Was there blood?

8 A. A small amount, yeah.

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

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

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

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

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

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

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

25 A. Yes, I did.

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

3 A. No, I didn't.

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

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

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

10 BY MS. HARDAWAY:

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

13 MS. GIBSON: Object to the form.

14 MR. HILL: Object to the form.

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

17 BY MS. HARDAWAY:

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

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

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

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

1 at him.

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

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

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

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

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

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

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

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

1 MS. HARDAWAY: Okay. Noted.

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

4 MS. HARDAWAY: Your objection is  
5 noted.

6 BY MS. HARDAWAY:

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

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

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

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

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

17 MR. HILL: Then let him finish.

18 MS. HARDAWAY: Your objection is  
19 noted.

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

22 BY MS. HARDAWAY:

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

1 objective?

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

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

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

7 Q. But was that your objective?

8 A. No. That was not my objective.

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

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

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

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

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

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

25 Q. Now, you have been wanting to talk

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

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

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

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

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

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

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

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

25          Q.       And you were in the property room?

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

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

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

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

8           A.     Yes, ma'am.

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

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

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

19          A.     The fighting had basically ceased.

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

1 point? They were all restrained at that point?

2 MS. GIBSON: Object to the form.

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

5 BY MS. HARDAWAY:

6 Q. That's the question now.

7 MS. GIBSON: Object to the form.

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

11 BY MS. HARDAWAY:

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

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

16 MS. HARDAWAY: Your objection is  
17 noted.

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

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

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

25 BY MS. HARDAWAY:

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

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

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

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

25          Q.       So you thought there may be some

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

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

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

9 A. Yes, ma'am.

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

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

17 Q. What time did the incident start?

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

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

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

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

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

3           A.       Yes, ma'am.

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

7           A.       Okay.

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

10          A.       Yes, I was.

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

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

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

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

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

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

1 was probably 15.

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

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

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

9 A. Mr. Hinsley.

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

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

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

18 MS. GIBSON: Object to the form.

19 MR. HILL: Object to the form.

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

23 BY MS. HARDAWAY:

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

1 sprayed the inmates?

2 A. Yes, ma'am.

3 Q. Were they put into restraints?

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

6 Q. Okay. And were they --

7 A. It wasn't immediate.

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

11 A. Yes.

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

14 A. I'm trying.

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

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

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

25 A. Before.

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

4 A. Uh-huh.

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

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

14 Q. Is this after they were restrained?

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

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

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

1 department and had them sit on the floor.

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

5 A. Uh-huh.

6 Q. Was that one where --

7 A. That's where the --

8 Q. Events occurred?

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

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

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

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

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

1           then we moved them all to one location.

2           Q.       Okay.  What was that one location?

3           That's what I'm getting at.

4           A.       The main hallway in front of medical.

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

10          A.       That would be correct.  Yes.

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

15          A.       Yes, ma'am.

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

18          A.       Yes, ma'am.

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

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

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

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

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

1 and then brought back to that location.

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

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

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

18 A. I was literally all over the place.

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

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

25 Q. What brought it to a close?

1           A.       Well --

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

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

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

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

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

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

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

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

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

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

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

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

22 A. Yes.

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

1 MS. GIBSON: Object to the form.

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

4 BY MS. HARDAWAY:

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

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

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

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

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

17 A. Yes.

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

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

23 Q. From whom did you obtain information?

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

1           Manager, from Chief of Security, Roberts.

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

4           A.       Yes.

5           Q.       Hinsley and Robertson?

6           A.       Chief of Security, Roberts.

7           Q.       And Robert's first name is?

8           A.       Sara.

9           Q.       Is that different from Sara Rice?

10          A.       Yes.

11          Q.       Different person?

12          A.       Different person.

13          Q.       All right.

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

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

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

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

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

7 MS. GIBSON: Object to the form.

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

10 BY MS. HARDAWAY:

11 Q. The fights had stopped?

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

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

18 A. None that I could see.

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

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

1 talked with Bobby Howell.

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

7 A. Oh, yes, ma'am.

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

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

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

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

22 Q. So you heard it on your radio?

23 A. Yes, ma'am.

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

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

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

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

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

11          A.       Yes.

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

15          A.       Uh-huh.

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

18          A.       Yes.

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

22          A.       Yes.

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

25          A.       Yes.

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

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

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

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

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

22          A.       Yes.

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

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

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

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

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

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

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

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

20          Q.       Which was in the admin area?

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

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

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

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

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

13          Q.       So Bobby chose him?

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

15          Q.       You said "pick me one?"

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

19          Q.       Okay.  And where is that list?

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

22          Q.       He being Bobby Howell?

23          A.       Yes.  It's confidential.

24          Q.       Does Bobby Howell still work there?

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

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

2 MR. HILL: You have to ask her.

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

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

7 BY MS. HARDAWAY:

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

11 A. Yes, ma'am.

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

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

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

17 A. Yes.

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

21 A. I don't know.

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

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

1 discussion about it.

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

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

6 Q. On a monthly basis?

7 A. Yes.

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

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

14 Q. So 40 percent of the population?

15 A. Yes, ma'am.

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

21 A. It was three or four others.

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

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

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

4 Q. Was it Jeremy Green, Voss Johnson?

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

7 Q. Carlos Williams?

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

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

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

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

17 A. Yes.

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

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

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

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

7 Q. Who chose them?

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

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

12 MS. GIBSON: Object to the form.

13 A. Who was there?

14 BY MS. HARDAWAY:

15 Q. Keith Huggins.

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

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

22 A. No, he was not.

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

25 A. No. I believe it was after.

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

3 A. I believe so, yes.

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

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

14 Q. And identify "they."

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

18 Q. But you did the interviews?

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

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

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

4 Q. And then how many in the afternoon?

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

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

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

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

18 A. Yes. Yes, surrounding the incident.

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

1 he said, to the best of your recollection.

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

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

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

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

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

15 Q. Do you recall what he said?

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

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

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

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

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

7 A. Enforcing rules.

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

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

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

14 A. Yes.

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

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

22 Q. Cell units?

23 A. Cell units.

24 Q. So that made him a unit manager?

25 A. Manager.

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

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

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

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

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

21          A.       Rules.

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

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

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

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

3 A. Yes.

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

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

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

20 MS. GIBSON: Object to the form.

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

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

25

1 BY MS. HARDAWAY:

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

7 A. I don't remember specifically.

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

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

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

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

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

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

25 Q. Okay. And what did you ask

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

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

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

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

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

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

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

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

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

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

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

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

5 A. The best I can remember.

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

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

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

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

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

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

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

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

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

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

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

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

2           Q.       Who told you that?

3           A.       Who told me what?

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

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

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

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

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

18          A.       It's on computer.

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

21          A.       The Chapel hallway.

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

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

1 Q. About how many minutes of tape did you

2 --

3 A. No more than probably five.

4 Q. What about the other hallway tapes?

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

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

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

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

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

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

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

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

1 tape that had a vantage point of the hallway?

2 A. Yes.

3 Q. So that part is just briefly?

4 A. Yes, just briefly.

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

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

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

14 A. Uh-huh.

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

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

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

22 A. Yes, ma'am.

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

25 A. I probably looked at it from -- in

1 periods of time that would have spanned probably  
2 an hour's worth of time on tape. I'm trying to  
3 gain an understanding of how inmates entered,  
4 what occurred, how they interacted.

5 Q. So you looked at an hour of tape from  
6 inside the chapel?

7 A. Well, it's not tape. It's hard drive.  
8 You can speed it up, slow it down, jump to the  
9 minutes you want to look at.

10 Q. So it's not tape. It's video?

11 A. It's -- yeah. It's recorded video to a  
12 computer hard drive.

13 Q. So you looked at an hour of video from  
14 inside the chapel later that same day?

15 A. Yes, ma'am.

16 Q. And which hour of chapel tape, from  
17 what time period to what time period?

18 A. Specific time periods would have been  
19 prior to the incident which may have started  
20 around 8:00 a.m., up until after the incident  
21 which would have ran until possibly 9:30 or so, I  
22 think.

23 Q. Did you also look at more than a few  
24 minutes of the chapel hallway tape later on? Did  
25 you get a chance to do that after your interview

1 with Mr. Ingram?

2 A. Yes. After the interview through the  
3 course of that day, the next day, the following  
4 day. I mean, it was all looked at over the  
5 course of several days.

6 Q. Well, later that day did you get a  
7 chance to look at the tape of the chapel hallway,  
8 May 16th?

9 A. Yes.

10 Q. How many hours of that did you view  
11 during the day of May 16th?

12 A. It would have surrounded the incident,  
13 so it would probably have been about an hour and  
14 a half time frame that -- I mean, it doesn't take  
15 an hour and a half to view it. You can view it  
16 in a matter of minutes.

17 Q. And you viewed that tape or video? The  
18 hallway had tape or video?

19 A. Video.

20 Q. Okay. So you viewed that video later?  
21 On May 16th you sat down and looked at it?

22 A. Oh, yes, ma'am.

23 Q. Then any other hallways that you viewed  
24 videotape?

25 A. Not of hallways, no.

1 Q. Any other areas that you viewed from  
2 what happened the morning of May 16th?

3 A. On that day I looked at a few minutes  
4 of handheld video. It wasn't very long on that  
5 day. It was either the following day or the day  
6 after that I looked at some of the handheld  
7 videotapes.

8 Q. Did you look at any of the handheld  
9 videotapes of the chapel hallway that day, May  
10 16th?

11 A. I believe I did. Yes.

12 Q. What do you call a few minutes?  
13 Quantify that for me.

14 A. That was probably five minutes of it of  
15 the tape itself.

16 Q. Okay.

17 A. Directly surrounding when the incident  
18 occurred.

19 Q. Okay. Which hallways were you viewing  
20 the handheld? Which ones did you view?

21 A. The hallways is what I have already  
22 stated, the chapel hallway.

23 Q. The handheld? Because I know we talked  
24 about --

25 A. Oh, the handheld?

1 Q. Uh-huh.

2 A. Well, the handhelds were people holding  
3 handheld video cameras walking around. So it  
4 wasn't specific. It was the one I viewed that  
5 day was directly surrounding the incident in the  
6 chapel hallway. And it was a few minutes of that  
7 on that day. It was not probably until the next  
8 day that I reviewed any other tapes.

9 Q. So handheld tapes you viewed on May  
10 17th?

11 A. The following day I viewed more of the  
12 tapes. Yes.

13 Q. So the handheld videotapes of the  
14 incident you viewed on May 17th, the next --

15 A. No. I viewed --

16 MS. GIBSON: Object to the form.

17 A. I viewed some of it on the 16th.

18 BY MS. HARDAWAY:

19 Q. The handheld videotapes?

20 A. Yeah, a small portion of time, but  
21 didn't do any detailed review of any tapes until  
22 really the following day or the next day.

23 Q. Okay. So my question is, what hallways  
24 were on handheld videotapes that you viewed on  
25 May 16th?

1           A.       The chapel hallway.

2           Q.       Okay. Was that one that Officer Hill  
3 had?

4           A.       I don't remember which officer was in  
5 control of the camera.

6           Q.       What was captured on that handheld  
7 videotape that you viewed on May 16th?

8           A.       It was the direct incident where  
9 inmates began assaulting Assistant Warden Hinsley  
10 and other staff in the hallway, and the OC pepper  
11 spray was administered to the inmates.

12          Q.       So it was the hallway where the fight  
13 against Hinsley occurred?

14          A.       Yes. And -- well, the whole incident  
15 basically began in that hallway. There were more  
16 than one staff member assaulted.

17          Q.       I understand that. But I'm just trying  
18 to see what video you viewed when --

19          A.       It was --

20          Q.       -- and order of how you viewed it.

21          A.       Okay. It was the one in the chapel  
22 hallway where they administered the OC spray.

23          Q.       Okay.

24                    THE WITNESS: Is it possible for us  
25 to take a break?

1 MS. HARDAWAY: You certainly may.

2 (A break was taken.)

3 BY MS. HARDAWAY:

4 Q. We have had a brief break, and I just  
5 want to say that if anybody, including and  
6 especially and mostly the court reporter, sees  
7 they need a break, then definitely speak up  
8 because I may just keep going.

9 Now, I want to move to what happened.  
10 Well, first of all, let's just kind of wrap up  
11 when you viewed the tapes, and then we'll kind of  
12 catch back up here. We established before we  
13 took our break that you looked at a few minutes  
14 which you, I believe, said was about five minutes  
15 of the handheld tape of the chapel hallway later  
16 in the day on May 16th, correct?

17 A. Yes, ma'am.

18 Q. But it was after your interview with  
19 Mr. Ingram?

20 A. Yes, ma'am.

21 Q. And correct me if I'm wrong. That's  
22 the only handheld video, handheld video, that you  
23 looked at on May 16th. That's the day of the  
24 incident. The handheld.

25 A. As best as I can recall. Yes.

1 Q. Okay. And so any other handheld video  
2 you would have seen subsequent to May 16th?

3 A. Yes, ma'am.

4 Q. Okay. Other than the two camera views  
5 that we have talked about that were not handheld  
6 videos -- and let me go through what I understand  
7 the two to be. We talked about a stationary --  
8 was it a stationary camera inside of the chapel?  
9 You viewed that on May 16th, correct?

10 A. Yes, ma'am.

11 Q. And you viewed the stationary video  
12 from the chapel hallway on May 16th; is that  
13 correct?

14 A. Yes, ma'am.

15 Q. What other stationary cameras,  
16 surveillance equipment, video, still cameras, any  
17 other visual documentation did you view other  
18 than what we have already talked about on May  
19 16th?

20 A. I think that was about it on May the  
21 16th.

22 Q. Okay. Did you read any written  
23 documentation or statements or anything of the  
24 kind, reports, memos about the incident on May  
25 16th that we haven't talked about? Because I

1 don't think we have talked about any written  
2 statements that you might have had anybody write  
3 for you on May 16th.

4 A. On May the 16th concerning the  
5 incident, no, because most of the written  
6 statements probably weren't prepared until and  
7 gathered together until after May 16th.

8 Q. Okay. And we've talked about a list of  
9 gang members that you viewed on May 16th, and  
10 that was done before you interviewed Ingram?

11 A. No. I didn't actually view the list.  
12 I told Bobby to get his list and identify for me  
13 the Vice Lord leaders who were in the group of  
14 inmates that were involved in the disturbance.

15 Q. Okay. Previous to the break I thought  
16 you testified you saw that Mr. Ingram's name was  
17 first on the list.

18 A. No. I instructed Mr. Howell to go get  
19 his list and identify for me the leaders. I  
20 didn't take time to sit there and view the  
21 document.

22 Q. So you don't know whether Mr. Ingram  
23 was first on the list or second on the list or  
24 where he was on the list?

25 A. Where he was on the list, no, I don't

1 know. I based that on what Mr. Howell told me.

2 Q. Okay. What if any other document did  
3 you look at on May 16th other than -- or refer to  
4 or have Mr. Howell or anyone else refer to for  
5 you on May 16th regarding the incident?

6 A. On May the 16th, specifically I don't  
7 remember, but there would have been a lot of  
8 things that could have been reviewed that's  
9 normal in an incident of that magnitude. There  
10 is information that comes into what we call our  
11 command post that is established when we have  
12 that large of an incident that I may have looked  
13 at briefly. It wasn't written statements about  
14 the incident, but it's information that comes in  
15 to the command post such as the number of inmates  
16 who need medical attention who were scheduled for  
17 doctors appointments that day. Just a whole  
18 various array of things that may have been  
19 presented to me briefly.

20 Q. Does that come -- the command post,  
21 does it come through a computer, computer screen,  
22 or e-mail?

23 A. No. It's going to be -- it's a  
24 gathering of different documents.

25 Q. Where is the command post?

1           A.       The command post is established in --  
2           our command post was always established in the  
3           facility conference room.

4           Q.       And are there certain people who then  
5           remain in the conference room while this is going  
6           on?

7           A.       Yes.  There are staff who are assigned  
8           to specific duties concerning the command post  
9           who will remain on that post until they are  
10          relieved by their staff.

11          Q.       So are they talking on the phone and  
12          asking questions and writing it down?

13          A.       Well, yes, they are, but it's about a  
14          whole lot of things, not just solely the  
15          incident.

16          Q.       I know, but just get me through that  
17          thing first.

18          A.       Okay.

19          Q.       The people who are in the conference  
20          room, are they gathering information by asking  
21          people things on their radio or phones?

22          A.       Yes.  It could be phone, radio, direct  
23          communication, verbal communication.

24          Q.       Okay.  And then they are relaying it to  
25          you by you coming in and meeting with them?

1           A.       I come in briefly and meet with them or  
2 they could radio me something. There is various  
3 ways to communicate.

4           Q.       At what point between a few minutes  
5 before nine and 9:30 was a command post set up or  
6 was it set up during that time period?

7           A.       I would say that it was in the process  
8 of being set up during that time period.

9           Q.       And the process would be what? Step by  
10 step.

11          A.       Step by step establishment of a command  
12 post is --

13          Q.       Not a command post. That day. What  
14 happened that day with that command post? Okay?

15          A.       Okay. The process would have been  
16 specific staff would have been assigned to  
17 specific duties. We follow the system called ICS  
18 which is a command system. Each one of those  
19 staff members who are assigned those specific  
20 roles have certain tasks that they have to  
21 undertake. And basically in a nutshell version,  
22 you have an incident manager who was basically  
23 supervising the entire incident and flow of  
24 information in and out of the command post. You  
25 have someone who --

1 Q. Can you put names on these people?

2 You're saying people and a supervisor.

3 A. Not without reviewing the incident log  
4 and reviewing the incident report. I mean, I  
5 can't remember who specifically was assigned to  
6 what.

7 Q. The incident log. Okay. And that's  
8 what you would have had one of your staff or what  
9 you would have ended up reporting?

10 A. One of the staff assigned to the  
11 command post would have maintained the incident  
12 log.

13 Q. But you don't know if it was Rice or  
14 just who you -- who is your go-to person when  
15 there is an incident? Can you remember during  
16 that time frame?

17 A. I didn't have a particular go-to  
18 person. I had my staff trained to function in  
19 multiple roles.

20 Q. What was the next level? Did you count  
21 on or was it understood that a certain level of  
22 person -- you know, whoever the assistant warden  
23 was on that shift or whoever the unit manager  
24 was, would help you get that command post set up?  
25 That would be the person that would carry that

1 out? Is that what I understood, a level of  
2 person even if it wasn't a particular person?

3 A. No, not necessarily.

4 Q. Well, what did you tell your staff?  
5 "When we have an ICS, here's what we do." Did  
6 you have meetings with them and tell them that?

7 A. Yeah. We had different meetings, but  
8 it could be to the level of a sergeant being the  
9 incident commander. They were trained in how to  
10 establish the command post once they received  
11 instructions to do that.

12 Q. Okay. When you were training them  
13 about that, did you say, "And if you're here, Mr.  
14 Rice, that's your job, or if you're on duty, Ms.  
15 Hill, that's your job"?

16 A. Not to that degree of being specific.  
17 I mean --

18 Q. So it's ad hoc. Whoever you told,  
19 that's who you would set it up no matter what.

20 A. Depending on how the incident occurred.  
21 Yes.

22 Q. Okay. So for this incident, how did  
23 you decide who set up the command post?

24 A. I don't remember specifically who I  
25 told to go up and begin the setup of the command

1 post. And I don't remember who was assigned to  
2 what specific role.

3 Q. Okay. But you know somewhere between  
4 nine and 9:30 there was one that was being set  
5 up?

6 A. Yes, ma'am.

7 Q. Okay. And you talked about finding out  
8 who had doctor's appointments?

9 A. Yes, ma'am. There is a whole array of  
10 things that you have to go through because  
11 functions for other inmates and staff have to  
12 continue. You have to make sure they eat,  
13 obviously. You have to figure out how many  
14 inmates are away from the facility, what kind of  
15 inmate transports, what kind of traffic you're  
16 going to have in and out of the facility that  
17 day. You have to go through if inmates are  
18 receiving medications, how are we going to get  
19 those medications to the inmates. Inmates have  
20 to be able to shower. It's a whole wide, broad  
21 spectrum of how the facility continues to operate  
22 under a lockdown status and what things do you  
23 have hanging out, what resources do you need.

24 Q. How long did it remain on a lockdown  
25 status?

1           A.       I think we went five days.

2           Q.       All right.  How soon did you start  
3 asking people to get you documentation about what  
4 happened?  Was it that day that you asked for the  
5 statements, the reports?  How soon did you start  
6 gathering?

7           A.       I personally didn't gather the  
8 information, but I believe that the instruction  
9 that was given to them --

10          Q.       Did you give the instruction?

11          A.       No.  I didn't give specific instruction  
12 for that.  It was probably given through the  
13 command post.

14          Q.       And we don't know who the command post  
15 leader was.

16          A.       Not without looking at the command log  
17 because it can change hands.

18          Q.       Okay.  Go on.

19          A.       But I'm sure that they gave me an  
20 instruction.  And that's part of the function of  
21 the command center is to also help gather some of  
22 those statements and things of staff.

23          Q.       When did you first start seeing  
24 statements or reports from your staff?

25          A.       I didn't see any specifically, I don't

1 think, until the incident report was presented to  
2 me for my signature which would have been several  
3 days after the incident actually.

4 Q. Okay. Who presented it to you?

5 A. Generally the incident reports were put  
6 together with the help of the Chief of Security,  
7 and the investigators would help put the whole  
8 entire report together.

9 Q. The Chief of Security?

10 A. Yes.

11 Q. Is that what you said? And who was  
12 that?

13 A. Sara Roberts. And Michelle Brush who  
14 worked in the investigator's office would help  
15 pull the whole entire report together because  
16 it's a large document once it's completed.

17 Q. B-R? Rush or Brush?

18 A. Brush, B-R-U-S-H.

19 Q. Sara Roberts, Michelle Brush --

20 A. I don't remember who else might have  
21 been involved.

22 Q. Okay. So you then sent that somewhere,  
23 the investigative report?

24 A. I didn't send it, but the process is  
25 that the report has to be -- a copy of the report

1 has to be provided to the Tennessee Department of  
2 Corrections, and a copy of the report is provided  
3 to the corporate office within a certain time  
4 period.

5 Q. And what is the time period for what  
6 you sent to TDOC, Department of Corrections?

7 A. The initial -- well, there are time  
8 limits for different incidents, and this incident  
9 contained different time limits because of --

10 Q. What was the time limit for this  
11 incident?

12 A. Well, you have to understand the whole  
13 process. If you have any incident involving use  
14 of force, you have a certain amount of time to  
15 send that report. If you have an incident  
16 involving the use of chemical agents, there is a  
17 certain time for that report. So because  
18 chemical agents were used, a preliminary report  
19 had to be presented to them within 24 hours, just  
20 that preliminary.

21 Q. And did you do that?

22 A. It was completed. Yes. It was given  
23 to Eric Hardison who is the TDOC liaison officer  
24 that was on duty at the facility.

25 Q. You went to Eric Hardison?

1 A. Yes.

2 Q. Who is the TDOC --

3 A. TDOC, Tennessee Department of  
4 Corrections Commissioner's designee is the  
5 official title. And that was a preliminary  
6 report because of the use of OC pepper spray and  
7 then with the understanding that a finalized  
8 report would be presented at a later date.

9 Q. When was that, the finalized one we'll  
10 call it?

11 A. I don't remember when it was given to  
12 them exactly.

13 Q. Do you remember your time frame?

14 A. Typically it was seven days for an  
15 incident of this nature.

16 Q. Do you remember if it left out of there  
17 and went to where it was supposed to go?

18 A. I can only hope that my staff did the  
19 right thing because I didn't do it specifically.

20 Q. Did you sign off on it?

21 A. I did sign the report. Yes.

22 Q. And you think you did it within seven  
23 days?

24 A. I believe I did, but I don't remember  
25 without looking at it to be for sure.

1 Q. Okay. And you call that document what?

2 A. That is called an incident report.

3 Q. All right. You sent that to corporate?

4 A. Yes.

5 Q. And you sent it to TDOC?

6 A. Yes.

7 Q. Straight from your facility, not  
8 filtered through corporate?

9 A. No. It actually goes straight to the  
10 TDOC person who is at the facility. It doesn't  
11 get sent to Nashville or anything. It goes  
12 directly to the TDOC Commissioner's designee.

13 Q. Okay. And you didn't just sign off on  
14 it? You read it?

15 A. Yes, ma'am.

16 Q. Okay. And what comprised the incident  
17 report? Was it all the statements that were  
18 taken?

19 A. It should have been, yes.

20 Q. Of the staff and inmates?

21 A. Yes.

22 Q. And what else?

23 A. There is medical documentation that  
24 goes into it. There is summary that goes into  
25 it. There is --

1 Q. Summary?

2 A. Of the incident.

3 Q. Written by --

4 A. It would have been a combination of the  
5 investigators and the two security officers.

6 Q. You read it, right?

7 A. Uh-huh.

8 Q. Well, what was it? You said, "I would  
9 think," as if you didn't know, as if you didn't  
10 see it.

11 A. No. It's a culmination of the written  
12 reports is what it is, to come to a summary of  
13 the entire incident.

14 Q. So far we have statements of staff. We  
15 have statements of inmates. We have medical  
16 documentation and a summary of the incident.  
17 What else?

18 A. There are some other specific TDOC  
19 forms. I don't remember their names, with the  
20 use of chemical agents that have to be included.  
21 I don't remember all the document names, but it's  
22 quite a few different documents.

23 Q. Okay. And you did read it and you did  
24 sign off on it, so if you read it and you signed  
25 off on it, would that mean that it was accurate

1 and complete to your knowledge?

2 A. To the best of my knowledge, yes.

3 Q. Was it your responsibility to make sure  
4 it was accurate and it was complete?

5 A. It was my responsibility to review it  
6 and ensure that it contained all the portions  
7 that it needed.

8 Q. Was it your responsibility to ensure  
9 that it was accurate and complete before you  
10 signed it?

11 A. I guess you could say that. Yes.

12 Q. Is your answer yes that it was your  
13 responsibility or no it was not your  
14 responsibility?

15 A. Well, it wasn't just specifically my  
16 responsibility. I signed it, forwarded it on,  
17 and other people at corporate office reviewed it.  
18 Legal counsel could review it. So to say it was  
19 solely my responsibility, no. But did I sign it?

20 Q. I didn't use the word "solely" in my  
21 question. Listen to my question. When you  
22 signed off on it, you, Glen Turner, before it  
23 left, before it went to corporate, when you  
24 signed off on it, was it your responsibility to  
25 make sure that it was accurate and complete?

1 A. Yes.

2 Q. Okay. Did you read all the statements,  
3 Inmate/Resident-Incident Statement? It looks  
4 like the form number is 51C1. Did you read those  
5 which you say comprised part of the incident  
6 report?

7 A. I can't say that I read every single  
8 one of them.

9 Q. Okay. What about the  
10 Employee/Civilian-Incident Statement which looks  
11 like it's called 5-1C that were by your testimony  
12 contained in the incident report? Did you read  
13 those, the employee/civilian-incident statements?

14 A. I wouldn't say that I read every single  
15 one of them.

16 Q. Okay. Do you remember which ones you  
17 read?

18 A. Not specifically.

19 Q. Do you remember how many of them you  
20 read?

21 A. Not specifically. That's a large  
22 report.

23 Q. Did you usually read half of your  
24 report before you sent it off, a third of it?

25 A. It depends on the report itself.

1 Q. Well, what about this one? Did you  
2 read half of it, a third of it?

3 A. I don't remember specifically. I'm  
4 sure I looked through it pretty well, but --

5 Q. Okay. And the medical documents. Did  
6 you look to see if the medical documentation was  
7 part of the report that left and went to  
8 corporate that you signed off on?

9 A. I did look to see that the medical  
10 documents were there. Yes.

11 Q. And the forms for the use of chemical  
12 agents and so forth that needed to be filled out,  
13 did you look to see if they were part of the  
14 report before you signed it and mailed it out?

15 A. I could have. Yes.

16 Q. Okay. The forms that say  
17 Accident/Incident/Traumatic Injury Report  
18 CCA-Hardeman County, are those the medical  
19 reports that you're referring to? May I show you  
20 one?

21 A. Yes.

22 Q. I will show you page 1118 which is  
23 Bates stamped.

24 A. Yeah. This is actually a standard form  
25 used by the Tennessee Department of Corrections

1       that is a -- it's what it says it is. It's an  
2       Accident Injury Traumatic Injury Report Form.

3           Q.       So when you listed medical documents as  
4       part of the incident report that goes, is that  
5       what you referred to or something else?

6           A.       Yes. That is what I'm referring to. I  
7       would not review them individually because I'm  
8       not a doctor or a nurse. But I would ensure that  
9       they are included in the report.

10          Q.       Okay. And I do understand that you're  
11       not a doctor or a nurse, but were you reading  
12       them?

13          A.       No. I can't say that I sat and read  
14       every one of those. No.

15          Q.       Okay. Did you have any other way of  
16       knowing which inmates had injuries to them, to  
17       their person, to their bodies? If you didn't  
18       read these, what was your other -- how did you  
19       know that all the injuries to the inmates were  
20       reported in this incident report if you didn't  
21       read this form that I have shown you an example  
22       of, page 1118? How would you know if you hadn't  
23       read such a form as this?

24          A.       Well, I don't guess I would have known,  
25       but there wasn't a lot of injuries noted during

1 the course of the incident. I mean, that report  
2 basically just, you know, culminates all  
3 paperwork together.

4 Q. All that paperwork? And what is the  
5 purpose of all this paperwork? I mean, is it to  
6 given corporate accurate information about what  
7 happened at the incident -- during the incident?

8 A. It's to provide them with the  
9 information surrounding the incident. Yes.

10 Q. Okay. Did you make -- well, have we  
11 exhausted all the documentation that you said,  
12 statements of the staff, statements from the  
13 inmates, the medical documents, the summary of  
14 the incident which would have been written by the  
15 investigators in this case coordinated by Sara  
16 Roberts and Michelle Brush? Have you exhausted  
17 all that would have been included in the incident  
18 report?

19 A. The best I can remember without looking  
20 through it. Yes.

21 Q. All right. I mean, how long were you a  
22 warden with CCA?

23 A. From 1999 until 2007.

24 Q. Okay. So is it -- have you done dozens  
25 of incident reports?

1           A.       Oh, probably more than a dozen.

2           Q.       Probably hundreds.  Would that be fair?

3           A.       That might be fair considering all the  
4 places I looked.

5           Q.       So would you say that you had a working  
6 knowledge of how to put an incident report  
7 together?  Would that be fair?

8           A.       Yes, ma'am.  That would be fair.

9           Q.       And would part of that knowledge be the  
10 documentation that would comprise an incident  
11 report that you knew what goes in there?

12          A.       Yes, ma'am.

13          Q.       Okay.  And you did it for several  
14 years.  And you have only been away for a year  
15 and a half now, right?

16          A.       Yes, ma'am.

17          Q.       So you still remember what goes in an  
18 incident report, correct?

19          A.       I remember the basis of what goes in  
20 it, but I haven't sat down and put together  
21 myself an incident report in years.  Even as a  
22 warden my job was to review to ensure that  
23 documents were together and perform the checklist  
24 that goes with it and send it on its way.

25          Q.       Okay.  So to your knowledge

1 everything -- you have listed everything that you  
2 know that goes in one to your knowledge?

3 A. As best I can recall. Yes.

4 Q. All right. Did you put anything in  
5 this report about hitting or pushing Mr. Ingram  
6 to the floor? Did you put anything in the  
7 incident report about that?

8 A. No, I did not.

9 Q. Okay. Did you report that Mr. Ingram  
10 had an injury of any kind as part of this  
11 incident report?

12 A. Not as part of the incident report.

13 Q. And we'll get to the rest of it, but  
14 that's my question now. Okay? What is a Use of  
15 Force Checklist? Is that something that would go  
16 into the incident report?

17 A. As I recall, yes.

18 Q. Okay. Is this Bates stamp page 1118,  
19 is that the Use of Force Checklist that went with  
20 the incident report that we've been talking  
21 about?

22 A. I believe it is, yes.

23 Q. Okay. 1118? Is there just one of  
24 these that goes up with each incident report or  
25 is there one connected with each inmate that's

1 involved in the incident that goes up?

2 A. One with the entire report, I believe.

3 Q. Okay. So all of these things that were  
4 checked on Bates 1118, if all of these things  
5 occurred, then you signed the incident report.  
6 You signed those boxes that are checklist as to  
7 what occurred and then --

8 A. No. When I sign the incident report,  
9 I'm saying that the incident report is a complete  
10 packet of information. The person who signed  
11 this would be saying that these things happened.

12 Q. Okay. And are you over -- pronounce  
13 her name for me -- Burchette?

14 A. Burchette.

15 Q. Burchette? B-U-R-C-H-E-T-T-E?

16 A. I believe that would be correct.

17 Q. And her position was?

18 A. I believe she was a clerk for the chief  
19 of security.

20 Q. Okay. Is she still there?

21 A. I don't have any idea.

22 Q. Okay. Are you responsible -- do you  
23 have -- let me rephrase that. Do you have  
24 supervisory responsibility over Sara?

25 A. Sara who? There are several Saras on

1       that document.

2           Q.       Sara N. B-U-R-C-H-E-T-T-E that we just  
3       talked about.

4           A.       Indirect, yes. As a warden you had  
5       responsibility over everyone in your institution.

6           Q.       Okay.

7           A.       But not in a direct path.

8           Q.       So only one Use of Force Checklist goes  
9       up with this incident report, right?

10          A.       Yes.

11          Q.       All right. And so is that considered  
12       like a pretty important part of reporting the  
13       incident to report the use of force and all the  
14       things that accompany it that are on this  
15       checklist? Is that not a pretty significant  
16       thing to report when you're sending an incident  
17       report up, use of force?

18          A.       Well, that's just a checklist that goes  
19       with that entire document.

20          Q.       Right.

21          A.       I mean, there is more ways to report  
22       things than -- it's not that specific, I don't  
23       think, to understand the report.

24          Q.       You're saying -- correct me if I'm  
25       wrong. You're saying to corporate we covered all

1 of this. In other words, reading from Bates  
2 1118: When this goes up as part of the incident  
3 report that you signed off on prepared by  
4 somebody you supervise, you're saying all staff  
5 and inmates involved in the use of force will  
6 report to the medical department for medical  
7 evaluations. And you say the time to be  
8 completed 0910 hours. You're saying that, right?  
9 Complete by Glen Turner. That's what's on this  
10 sheet?

11 A. Uh-huh.

12 Q. So by signing that, that's what you're  
13 telling corporate happened as part of this  
14 incident, correct?

15 A. Yes, ma'am.

16 Q. All right. And you're saying you're  
17 going to contact ADO and Chief of Security within  
18 fifteen minutes of the situation being  
19 controlled, that that's what happened in this  
20 incident, correct?

21 A. Yes.

22 Q. Notify TDOC within one hour of  
23 incident. And here you put Eric Hardison.  
24 You're saying that you sign off that that's what  
25 happened in here, right?

1 MS. GIBSON: Object to the form.

2 A. The person who signed that form is  
3 saying that those things happened. Not me.

4 BY MS. HARDAWAY:

5 Q. And you are that person's supervisor,  
6 and you're the person who approves all the  
7 portions of this incident report when you sign  
8 off on it. The buck stops with you in other  
9 words?

10 MS. GIBSON: Object to the form.

11 A. Well, not necessarily. If I didn't  
12 specifically sign my name to a document, then I'm  
13 not responsible for the contents of that  
14 particular document. When I sign off on an  
15 incident report, I'm signing off that it is  
16 complete and whole, not that I reviewed every  
17 page.

18 BY MS. HARDAWAY:

19 Q. Okay. And as far as the Use of Force  
20 Checklist, would you have reviewed this before  
21 you signed the incident report?

22 A. I don't remember if I reviewed that  
23 specifically or not. I'm sure I probably glanced  
24 at it.

25 Q. You glanced at it. You have done

1 hundreds of these. Would you usually glance at  
2 them or would you read it?

3 A. Well, it depends on the portion of the  
4 document. That's an internal facility form.

5 Q. The Use of Force Checklist?

6 A. Well, that's not an official document  
7 with the state of Tennessee or CCA. That's a  
8 document that was developed to help keep staff on  
9 track to ensure things were accomplished that are  
10 required to be accomplished.

11 Q. So continuing, it says on here, "Take  
12 photographs of all involved in the use of force,"  
13 correct? That's part of this checklist?

14 A. Yes, ma'am.

15 Q. Okay. And you do that by 1000 hours,  
16 it says here. Time completed, it was done by  
17 1000 hours.

18 A. That's what she put on the document.

19 Q. Okay. Collect traumatic injury reports  
20 from medical. 1120 hours that was done, right?

21 A. That's what she put on the document. I  
22 did not complete that document.

23 Q. Okay. And I won't read the rest of it  
24 just in the interest of time, but that's Bates  
25 stamp 1118. Why did you not include the medical

1 report about James Ingram and his injury?

2 A. I didn't gather all the medical reports  
3 together.

4 Q. You hit him, right? You hit him.

5 A. I had an incident with him. Yes.

6 Q. You hit him. You struck him with your  
7 fist, correct?

8 A. I had an incident with him. Yes.

9 Q. Did you strike him with your fist?

10 A. I think you established that earlier.  
11 Yes.

12 Q. Yes? Okay. So you also have testified  
13 earlier there was blood, correct?

14 A. Yes.

15 Q. Okay. Is that not an injury?

16 A. Yes, it's an injury.

17 Q. Okay. Since you were the one who did  
18 it, you were the one who injured him, why  
19 wouldn't you make that information part of this  
20 report?

21 A. Well, I believe there is a document in  
22 there from Mr. Ingram. I don't know if there is  
23 or isn't at this point.

24 Q. Not from him, but why wouldn't you make  
25 a part of the incident report what happened with

1       you striking Mr. Ingram and causing him to bleed  
2       a part of the report? You, the person who did  
3       it, you who had the knowledge of it, why would  
4       you not include that?

5           A.       Because that is a culmination of the  
6       entire incident that happened.

7           Q.       All right. Are you aware of whether or  
8       not -- well, first of all, did Mr. Ingram then  
9       ask you to give him medical treatment?

10          A.       I don't recall if he asked me  
11       specifically or not, but after my incident with  
12       Mr. Ingram I directed a staff member to get a  
13       nurse to go in segregation and check him out.

14          Q.       Isn't it true that when Mr. Ingram was  
15       on the floor he said, "I'm hurt," that one of the  
16       people -- two of the people who wrote incident  
17       reports, part of this incident report that you  
18       signed off on said he was on the floor and said  
19       "I'm hurt"? Isn't that true?

20          A.       I don't recall him saying that to me.

21          Q.       Do you recall that being a statement  
22       made by two of the persons who were in the room?

23          A.       No, I don't.

24          Q.       Do you recall him saying, "I want  
25       medical attention"?

1           A.       I don't recall that specifically, but I  
2 am sure that he got it.

3           Q.       Do you recall making the statement to  
4 him, "You're not getting any today," or you're  
5 not getting any now?

6           A.       No. I don't recall that specifically.

7           Q.       Do you remember telling him -- telling  
8 the people in the room, the officers in the room,  
9 to take him straight to segregation?

10          A.       Yes. I told them to take him straight  
11 to segregation.

12          Q.       Okay. Now, at what point do you  
13 testify now that you instructed a nurse to go and  
14 see him?

15                   MS. GIBSON: Object to the form.

16          A.       I did not specifically instruct a  
17 nurse. I instructed a staff member to get a  
18 nurse to go into segregation and check him out.

19 BY MS. HARDAWAY:

20          Q.       When?

21          A.       Immediately following the incident as  
22 we were exiting the intake area.

23          Q.       Okay. And who was that staff person  
24 that you immediately instructed?

25          A.       I don't remember which staff person it

1 was.

2 Q. Okay. And did you check, follow up to  
3 see if your instructions had been followed and to  
4 see if a nurse went into segregation to see to  
5 his eye that you had caused the injury to? Did  
6 you follow up on that?

7 A. No. I don't specifically remember  
8 directly following up on it.

9 Q. Indirectly did you?

10 A. Indirectly I got information later that  
11 day that a nurse had checked him.

12 Q. How much later that day?

13 A. I don't remember.

14 Q. Were you in your office when a call was  
15 taken from a nurse that saw Mr. Ingram that  
16 evening, and it was reported that he said you  
17 struck him? Were you in your office then?

18 MS. GIBSON: Object to the form.

19 MR. HILL: Object to the form.

20 A. I believe I was in my office at that  
21 time. Yes.

22 BY MS. HARDAWAY:

23 Q. Yes?

24 A. I believe I was, yes.

25 Q. Who was that person? Was her name

1 Heather that took that call?

2 A. No.

3 Q. Who was it?

4 A. I want to say it was Assistant Warden  
5 Sara Rice.

6 Q. Sara Rice? And did she tell you at  
7 that time what the call was about?

8 A. Yes, she did.

9 Q. What did she say?

10 A. That she had talked to a nurse. I  
11 don't remember the nurses' names, but -- and that  
12 the nurse had reported that when she went and  
13 checked him that I had struck him.

14 Q. The nurse reported that you had struck  
15 him or the nurse reported he had told her that?

16 A. That he had told her that.

17 Q. Okay. So Sara said that to you?

18 A. Yes.

19 Q. And what did you say to Sara?

20 A. I don't remember exactly what I said to  
21 her, but I think it was on the lines of, "Well,  
22 he has been checked by medical. That's what I  
23 want right now." And then we went on to other  
24 things.

25 Q. Okay. Do you remember being asked by

1       either Sara or her conveying the question from  
2       the person on the other line, I'm not sure which,  
3       but do you remember the question coming up during  
4       that conversation what that person should do as  
5       far as reporting it further?

6           A.       Not as far as reporting anything  
7       further. I think it was phrased to me more along  
8       the lines of what should she do. And I believe  
9       Sara told her, "You go ahead and do what you're  
10      supposed to do."

11          Q.       What did you say?

12          A.       I don't remember saying anything.

13          Q.       Okay. And did you give further  
14      instruction about what she was supposed to do,  
15      what that meant, "Go ahead and do what you're  
16      supposed to do" about reporting it? Did you give  
17      further instruction?

18          A.       No. I wasn't speaking to her on the  
19      phone. Sara was.

20          Q.       Okay. But she was conveying to you  
21      each side of the conversation?

22          A.       No. She was not conveying to me. It  
23      wasn't like that. It wasn't her asking -- the  
24      nurse asking her a question and her asking me a  
25      question. Sara basically told her you go ahead

1 and do what you're supposed to do. Not without  
2 me telling her to.

3 Q. All right. At some point did you send  
4 someone to get a copy of that medical report that  
5 the nurse wrote down what happened to James  
6 Ingram on?

7 A. No. I never sent anyone after the  
8 report.

9 Q. You never asked anyone to get any of  
10 the medical documentation of Mr. Ingram from the  
11 medical area?

12 A. No. I didn't ask anyone to get any  
13 report.

14 Q. Did you instruct anybody to do that?

15 A. No, I didn't.

16 Q. Are you aware of anybody doing that?

17 A. I'm aware that somebody brought me a  
18 copy of his report.

19 Q. Who was that?

20 A. I believe it was Sara Rice.

21 Q. And does Sara Rice work there now?

22 A. No. I don't believe so.

23 Q. Do you know where she does work?

24 A. I'm not sure where she's working now.

25 Q. Was she disciplined for anything that

1           happened in connection with this incident of May  
2           16th of 2007?

3           A.       I have no knowledge of any disciplinary  
4           action that happened to any of the employees.

5           Q.       Have you heard whether or not she was  
6           demoted or disciplined in any way? Have you  
7           heard?

8           A.       I can say that I've heard, but that  
9           would be hearsay. I didn't hear it from her.

10          Q.       Who did you hear it from?

11          A.       I don't recall.

12          Q.       Well, what did you hear?

13          A.       I heard that she was offered a  
14          demotion. Specifically why I don't know. And  
15          that she wasn't actually terminated. She refused  
16          to accept a demotion and resigned her position.

17          Q.       Was the demotion in connection with the  
18          May 16th incident?

19          A.       I don't know specifically.

20          Q.       The people who were in the room with  
21          you -- hold on.

22                    MS. GIBSON: Howell, Strickland and  
23                    Mayhue.

24          BY MS. HARDAWAY:

25          Q.       Let's take Mr. Mayhue first. What was

1 his position?

2 A. He was a correctional officer.

3 Q. And does that -- does he supervise  
4 anybody, a unit manager or just regular  
5 corrections officer?

6 A. No. He's just a regular corrections  
7 officer.

8 Q. Was he one of the persons that got  
9 Mr. Ingram and brought him to the area where you  
10 were?

11 A. Yes, ma'am.

12 Q. And who else was with him?

13 A. Robert Strickland.

14 Q. Okay. And what is his rank?

15 A. His rank was correctional officer. He  
16 was a canine officer over tracking dogs.

17 Q. Any reason why you asked them to get  
18 him?

19 A. No. No specific reason.

20 Q. Okay. And who else was in the room  
21 with you?

22 A. Bobby Howell who was the STG  
23 coordinator.

24 Q. And then later on Mr. Huggins came in  
25 and out or came in?

1 MS. GIBSON: Object to the form.

2 A. After the interview was complete.

3 BY MS. HARDAWAY:

4 Q. And that was Bobby Howell? And what is  
5 Mr. Huggin's name?

6 A. Keith Huggins.

7 Q. Keith Huggins. Anybody else in there  
8 when you were --

9 A. No, ma'am.

10 Q. -- questioning him?

11 MS. GIBSON: Object to the form.

12 BY MS. HARDAWAY:

13 Q. All right. So there is no one else in  
14 the room with you when you were interviewing Mr.  
15 Ingram other than Mayhue, Strickland, Howell.  
16 And at some point Huggins came in later, right?

17 MS. GIBSON: Object to the form.

18 A. The only people that were in the room  
19 when I interviewed Mr. Ingram was Bobby Howell  
20 Robert Strickland, and Cayla Mayhue. No one else  
21 other than myself was in the room.

22 BY MS. HARDAWAY:

23 Q. Okay. Did you tell them to report what  
24 happened in the room? Did you ask them to write  
25 reports about what happened in the room?

1           A.       No. I did not specifically ask them to  
2 write reports.

3           Q.       Did you see any reports that they wrote  
4 that went up with the incident report about what  
5 happened in the room?

6           A.       No.

7           Q.       Do you know if they made reports about  
8 it before the TDOC investigation?

9           A.       No.

10          Q.       They did not?

11          A.       I don't know.

12          Q.       Before the TDOC started -- that was  
13 called an Internal Affairs Investigation; is that  
14 correct?

15          A.       I believe that's what Tennessee calls  
16 it. Yes.

17          Q.       Before that investigation -- you were  
18 going to tell me earlier that you had told that  
19 to somebody in corporate. And the name of the  
20 person to whom you reported in corporate was?

21                   MS. GIBSON: Object to the form.

22          A.       I don't remember that question. I'm  
23 sorry.

24 BY MS. HARDAWAY:

25          Q.       Did you report what happened with

1 Mr. Ingram to someone in corporate?

2 A. Yes, I did.

3 Q. Who was that?

4 A. Kevin Myers.

5 Q. And he was?

6 A. He was my direct supervisor, and he was  
7 a managing director, I believe, is the title he  
8 uses.

9 Q. You reported it in writing or verbally?

10 A. Verbally.

11 Q. What did you tell him?

12 A. I told him about the incident that had  
13 occurred.

14 Q. Yeah, I know that already, but what  
15 exactly did you say to him?

16 A. I told him -- I basically detailed the  
17 incident to him, what happened when I interviewed  
18 Mr. Ingram.

19 Q. Okay. Tell me the details that you  
20 told him.

21 A. That during the course of my interview  
22 that Mr. Ingram was -- that I knocked Mr. Ingram  
23 out of the chair and went down on the floor with  
24 Mr. Ingram and struck him one time.

25 Q. Did you include in what you told Kevin

1 Myers that Mr. Ingram was shackled -- was  
2 handcuffed with flexi-cuffs at the time?

3 MS. GIBSON: Object to the form.

4 A. I don't recall specifically whether I  
5 did or didn't.

6 BY MS. HARDAWAY:

7 Q. Did he ask you whether or not he was  
8 restrained?

9 A. I don't remember whether he did or  
10 didn't.

11 Q. Did he ask you why it happened, how it  
12 happened?

13 A. Well, no, he didn't have to ask.  
14 Really, the how it happened, I explained that to  
15 him. And I don't really think he got into a  
16 discussion of why it happened.

17 Q. Well, here's what I'm trying to  
18 understand. Did he understand that it was not a  
19 back and forth where he hit you and you hit him  
20 back? Did he understand that you hit him even  
21 though he had not struck at you first? Did he  
22 understand that? Did you convey that to him?  
23 Let me ask you that. Did you convey that to him  
24 that --

25 A. I think I conveyed it to where he could

1 understand it, yes. But what he understood, you  
2 would have to ask him.

3 Q. Exactly. That's how that works. Okay.

4 MR. HILL: You might want to be more  
5 clear.

6 MS. HARDAWAY: All right. I think  
7 he understands me just fine. And he's  
8 the deponent.

9 BY MS. HARDAWAY:

10 Q. Now, who else other than Kevin Myers  
11 did you make this report to?

12 A. That's the only person I made a report  
13 to.

14 Q. And what's the protocol after that? Is  
15 he then supposed to report it to someone else?

16 A. You would have to ask him what the  
17 specific protocols are. I don't believe I could  
18 answer that appropriately.

19 Q. Okay. Did he give you any feedback  
20 whether that was acceptable to CCA, to the  
21 company?

22 A. No, he did not.

23 Q. Did he admonish you in any way?

24 A. No. I don't believe he did at that  
25 point in time.

1 Q. Did he give you any admonishment later?

2 A. No.

3 Q. Did you ever find out that he reported  
4 it to somebody else at CCA later?

5 A. I found out that he reported it to  
6 someone, but I'm not specific of who.

7 Q. How did you find that out?

8 A. I believe he told me that he reported  
9 it on up the line to someone.

10 Q. How long after it occurred did you find  
11 that out?

12 MS. GIBSON: Object to the form.

13 A. After our phone conversation?

14 BY MS. HARDAWAY:

15 Q. Uh-huh.

16 A. I would say it was in the next day or  
17 so.

18 Q. How did he tell you that, verbally or  
19 in writing?

20 A. It was verbally communicated over the  
21 phone.

22 Q. What else did he say? Did he say why  
23 he did?

24 A. No. I think the why is assumed, but I  
25 mean, he would have to report to someone.

1 Q. Why would we assume that?

2 A. Well, if you get a piece of information  
3 like that, you're going to report it to someone  
4 up the line.

5 Q. Did he ever ask you to put anything in  
6 writing about it?

7 A. No.

8 Q. As we sit here today, have you ever  
9 been asked by CCA to put anything in writing  
10 about what happened?

11 A. I have never been asked by anyone to  
12 put anything in writing.

13 Q. Did you give a statement to TDOC?

14 A. I gave a verbal statement to TDOC.

15 Q. Did they then put it in writing?

16 A. Yes, ma'am, they did.

17 Q. Did you sign it?

18 A. Yes. I signed it.

19 Q. Well, that's what I mean. So let's go  
20 back over the questions I asked you about CCA.  
21 Did you ever sign a statement or acquiesce to the  
22 content of the statement to anybody at CCA?

23 A. No, ma'am.

24 Q. Was there ever a meeting held with you  
25 about what happened by someone in CCA?

1           A.       I don't know if you would call it a  
2 meeting. I was interviewed by the investigator  
3 for CCA.

4           Q.       Who was that?

5           A.       The last name was Dagley.

6           Q.       Male or female?

7           A.       Mike Dagley. He's a male.

8           Q.       Okay. And let's just kind of finish  
9 this part, and then we'll probably take a break  
10 if that's okay with everybody. Do you remember  
11 about what time frame this was? And by that I  
12 mean in relationship to when you reported it to  
13 Mr. Myers. How long was it after that that Mike  
14 Dagley interviewed you about the incident with  
15 Mr. Ingram?

16          A.       I want to say it was several weeks. I  
17 don't remember specifically, but it was a period  
18 of time.

19          Q.       Did he tape it?

20          A.       No. I don't believe so.

21          Q.       Did he take notes?

22          A.       He took notes. Yeah.

23          Q.       Was anybody with him?

24          A.       There was somebody with him, a female,  
25 and I don't remember her name.

1 Q. And you called him a CCA investigator.  
2 Did he have any other title?

3 A. Official title, I wouldn't know what  
4 that was.

5 Q. Okay. And the woman, did you know what  
6 her title was?

7 A. I mean, she was introduced to me, but I  
8 don't know that she held any title.

9 Q. Okay. Can we get a copy of the notes  
10 that were taken at that time?

11 MS. GIBSON: You can send me a  
12 request for that. It will be objected  
13 to. I'm just going to put that out there  
14 for you.

15 MS. HARDAWAY: I'm not surprised at  
16 all.

17 MS. GIBSON: It's attorney work  
18 product.

19 BY MS. HARDAWAY:

20 Q. Okay. So, do you know now, does that  
21 refresh your memory, was Mr. Dagley an attorney?

22 A. I believe he was.

23 Q. All right. So when this investigator  
24 came down and talked with you, they took written  
25 notes. About how long was it?

1           A.       How long was what?

2           Q.       The interview.

3           A.       I don't remember. I will just say an

4 hour, but I don't really remember how long it

5 was.

6           Q.       Did they both ask you questions?

7           A.       No. Most of the -- no. The questions

8 came from Mr. Dagley.

9           Q.       Did she write notes down also?

10          A.       I don't know whether she wrote anything

11 or not. I didn't pay any attention to her.

12          Q.       Who else that worked for CCA came down

13 or came over or came to you and talked to you?

14          A.       That's the only person I've talked

15 with.

16          Q.       Okay. And you say you thought that was

17 several weeks after the incident?

18                   MS. GIBSON: Object to the form.

19          A.       That was several weeks after I reported

20 the incident to Mr. Myers.

21 BY MS. HARDAWAY:

22          Q.       All right. And no one else from CCA

23 contacted you to do an interview after

24 Mr. Dagley?

25          A.       No, ma'am.

1 Q. And this woman whose name you don't  
2 know?

3 A. Huh-uh.

4 Q. What was the result of your having been  
5 interviewed by Mr. Dagley? Did you get anything  
6 from CCA or contacted by them ever again about  
7 this incident?

8 A. I was contacted one other time, and I  
9 went to Nashville and had a secondary meeting  
10 with Mr. Dagley that just lasted a few brief  
11 minutes.

12 Q. What was that about?

13 A. I believe it was just some follow-up  
14 questions, and that was it.

15 Q. Was that before you were served with  
16 this lawsuit or after?

17 A. Which lawsuit?

18 Q. The one we're in here about now.

19 A. It was before.

20 Q. What were the follow-up questions?

21 A. I don't remember specifically.

22 Q. Well, what were the questions, period?  
23 I mean, you know, the first interview. Not just  
24 the follow-up questions. But let's go back to  
25 when he came down with the women, what did he ask

1           you about? What did you tell him?

2           A.       I mean, I don't remember verbatim every  
3           question.

4                    MS. GIBSON: I'm going to object.  
5           Let me launch my objection. I'm going to  
6           object to this line of questioning on the  
7           basis of attorney work product that any  
8           questions and any discussions that were  
9           had between Mr. Turner and Mr. Dagley  
10          were in anticipation of litigation and  
11          therefore are priveledged by the Attorney  
12          Work Product Doctrine and the  
13          attorney/client privilege.

14                   MS. HARDAWAY: It's noted.

15          A.       Specific questions, I don't remember.  
16          I mean, it was concerning the overall incident  
17          that happened at the facility that day.

18   BY MS. HARDAWAY:

19          Q.       Did he ask you anything about your  
20          striking James Ingram?

21                   MS. GIBSON: Object to the form of  
22          the question. And, again, asserting the  
23          attorney/work product privilege and the  
24          attorney/client privilege.

25          A.       Yes, he did.

1 BY MS. HARDAWAY:

2 Q. And what did you tell him?

3 MS. GIBSON: The same objection.

4 MS. HARDAWAY: It's continued.

5 We'll let that be a continuing objection.

6 Go ahead. You can answer.

7 A. I'm sorry. What was your question  
8 again?

9 BY MS. HARDAWAY:

10 Q. What did you tell him?

11 A. Just he asked me if I had struck him,  
12 and I told him that I did.

13 Q. That doesn't take an hour. What else?

14 A. Well, I don't remember the whole line  
15 of questioning. I mean, when you're getting  
16 interviewed, it's a stressful situation not just  
17 for the interviewee but the interviewer. I mean,  
18 I don't remember all the specific questions that  
19 I was asked. There is no way I could sit here  
20 and detail to you every question I have been  
21 asked in that interview.

22 Q. Okay. Can you remember any others  
23 other than -- you have already said to me you  
24 told him you struck him. What else did he ask  
25 you about? Did he ask you why? I mean --

1           A.       I don't think he went into why so much.  
2           He asked who he was in the room.  Some of the  
3           same questions we've covered today, what staff  
4           were present, what did I do that day, what all  
5           did I go through that day.  It was, I mean, a  
6           wide variety of questions.  Specific questions, I  
7           don't know.

8           Q.       Did he make any comments to you or have  
9           any discussion with you about the rules of  
10          conduct with the company?

11          A.       No.  I don't think he did because  
12          he's -- I don't believe he did at all.

13          Q.       Okay.  And then you went and talked  
14          with him again in Nashville, and he didn't ask  
15          you to sign anything then?

16          A.       No.  I was never asked to sign  
17          anything.

18          Q.       Did he ask you questions when you went  
19          to Nashville specifically about what happened  
20          with Mr. Ingram?

21          A.       No.

22                   MS. GIBSON:  Assert the same  
23                   objection since it's a different  
24                   conversation.

25                   MS. HARDAWAY:  Okay.

1           A.       No. I think it was just follow-up  
2           questions about who was present and staff  
3           questions kind of along those lines. It wasn't  
4           specific about that.

5   BY MS. HARDAWAY:

6           Q.       Okay. And the time that you went to  
7           Nashville for the followup questions, was that  
8           before you had been served with this lawsuit?

9           A.       Yes. It was before the lawsuit. Yes.

10          Q.       And was it before the TDOC  
11          investigation?

12          A.       I believe it was actually after or in  
13          the same ballpark time frame of what was their  
14          investigation.

15          Q.       Okay.

16          A.       It was after my meeting with TDOC. Had  
17          they concluded their investigation, I don't know,  
18          but it was after I had met with them and Mr.  
19          Dagley that I went to Nashville and met with them  
20          again.

21          Q.       Okay. Did they ask you anything about  
22          your interview with TDOC?

23          A.       No, they did not.

24          Q.       Did anyone else other than Mr. Dagley,  
25          some woman whose name we don't know, and Kevin

1 Myers who worked for CCA or on behalf of CCA  
2 contact you about the incident with Mr. Ingram?

3 A. No.

4 Q. Never?

5 A. No.

6 Q. Did any of the persons who worked for  
7 CCA other than the three you have already talked  
8 about or on behalf of CCA ever send you any  
9 documentation, notes, memos, copies of any notes,  
10 copies of any written statements, or any other  
11 documents concerning the incident with  
12 Mr. Ingram?

13 A. No.

14 Q. Did the incident with Mr. Ingram in any  
15 way influence any way that you were treated as an  
16 employee after it was reported to CCA? Were you  
17 demoted, disciplined, anything other than just  
18 being placed on administrative leave?

19 A. No. The only thing was I was placed on  
20 administrative leave.

21 Q. And did they give that to you in  
22 writing placing you on administrative leave?

23 A. No. It was verbally communicated.

24 Q. And who communicated that to you?

25 A. Kevin Myers.

1 Q. Do you remember the day that your  
2 administrative leave started?

3 A. It was either in June around the 24th  
4 or July around the 24th. Specifically I can't  
5 recall.

6 Q. Before or after the TDOC investigation  
7 started?

8 A. It was just after when I had my  
9 interview with them.

10 Q. Them being TDOC?

11 A. Yes, ma'am. TDOC.

12 Q. Was it before the lawsuit was started?

13 A. Yes, ma'am. It was before the lawsuit.

14 Q. Did he tell you why you were being  
15 placed on administrative leave?

16 A. Yes, he did.

17 Q. And what did he say?

18 A. Just kind of the typical verbiage of  
19 due to an ongoing investigation, it's better for  
20 you not to be at the facility so you're being  
21 placed on administrative leave.

22 Q. Did Kevin Myers -- tell me his position  
23 again.

24 A. Managing Director.

25 Q. Okay. Did he report to your brother?

1 A. No.

2 Q. Okay. Did he ever report to your  
3 brother?

4 A. Define "ever."

5 Q. E-V-E-R. Ever when he worked for CCA?  
6 MS. GIBSON: Object to the form.

7 A. I can't talk for Kevin Myers. I'm  
8 sorry. I can't answer questions for Kevin Myers.

9 BY MS. HARDAWAY:

10 Q. Do you ever recall knowing whether or  
11 not he reported to your brother within the  
12 business of CCA?

13 A. Specifically I don't feel like I can  
14 answer that question because I didn't -- I'm not  
15 Kevin Myers. I don't know who he reported to.

16 Q. I know you're not Kevin.

17 A. Well, I didn't work next to Kevin in a  
18 cubicle so I don't know who he reported to. He  
19 was at different facilities. I was at different  
20 facilities. We all reported to different people.

21 Q. Okay. As a managing director, what  
22 years was he a managing director?

23 A. I don't remember specifically.

24 Q. Had he been there as a managing  
25 director since you got there?

1           A.       No. I don't remember when he took the  
2           position. He had been a managing director for a  
3           couple of years, but I don't remember when he  
4           took the position.

5           Q.       Okay.

6                    MS. GIBSON: Do you think this is a  
7           good time to take a break?

8                    MS. HARDAWAY: Okay. Do you all  
9           want to take a break? I mean, if you  
10          don't, we don't have to.

11                   THE WITNESS: I would like to take a  
12          break.

13                               (A lunch break was taken.)

14   BY MS. HARDAWAY:

15           Q.       Mr. Turner, we talked about video this  
16           morning, and I want to make clear and then I will  
17           leave it alone. It's your recollection that  
18           there is video of what was being taped in the  
19           chapel during the time between a few minutes  
20           before 9:00 and 9:30, correct?

21           A.       Yes.

22           Q.       Okay. And I think that's the one that  
23           Ms. Gibson and I were discussing this morning. I  
24           can't get it to play. The one inside the chapel  
25           is the one I have not seen. One of the disks

1       that she mailed to me I was unable to get to play  
2       in the machine, and we tried it in the computers.  
3       So we need to replace that, and if there is some  
4       cost for that, just let me know.

5               I know in looking at those there is a --  
6       one of those has a viewer, and then there was  
7       some of the others that had a different kind of  
8       viewer. Do you know if the chapel has the  
9       different viewer?

10       A.       That's what I was just sitting here  
11       trying to think as well.

12               MR. HILL: I thought I was going to  
13       have the same problem with that, too.

14               THE WITNESS: I think they all  
15       function off of that Pelco viewer, the  
16       stationary cameras. Now, the handheld  
17       cameras work on like a Windows media  
18       player.

19               MR. HILL: That's right.

20               THE WITNESS: But the stationary  
21       cameras require that Pelco, I believe, in  
22       order for them to work.

23               MS. HARDAWAY: And we got that  
24       machine open. I saw the word Pelco. So  
25       I don't know why I didn't open the other

1           unless in transit perhaps or maybe I got  
2           fingerprints on it. I don't know enough  
3           about that. I would love to see that.

4           Ms. Van Pelt, will you tell her? We  
5           had started that discussion earlier  
6           before we started the deposition, but she  
7           left. And if necessary, we can e-mail  
8           her again. We sent a fax yesterday.

9           MS. VAN PELT: I will convey it to  
10          her, but if you just want to e-mail her  
11          as well.

12 BY MS. HARDAWAY:

13          Q.       All right. I just wanted to get that  
14          straight. The policy with CCA on incident  
15          reporting, what was corporate's -- what was CCA  
16          corporate's policy concerning how incidents were  
17          reported, incidents of use of force with inmates?  
18          And let me explain what I'm asking you further.  
19          If there were a number of incidents that occurred  
20          in a day, would you wait until the end of the day  
21          and report them in the aggregate or would you do  
22          it at the end of the week or would you do it  
23          monthly or all three?

24          A.       It was -- generally, they were done at  
25          the end of the day.

1 Q. Okay. And were there such things as  
2 monthly reports of force, incidents of force?

3 A. No.

4 Q. All right. Was there a distinction  
5 made about the levels of force? For example, so  
6 you understand my question, were there categories  
7 either A, B, C, D or 1, 2, 3, say, if you were  
8 trying to get an inmate out to take a shower and  
9 he just didn't want to come and you're pulling  
10 him as opposed to you used a night stick on an  
11 inmate because there was a fight and you were  
12 breaking it up? Are there different levels of  
13 force?

14 A. Yes, but not in that policy. The  
15 incident reporting policy has reporting  
16 requirements for types of incidents not specific  
17 to generally just use of force, but any kind of  
18 incident that could occur. In the use of force  
19 continuum, that's where you have a little more  
20 descriptive -- not necessarily reporting, but  
21 what defines a use of force.

22 Q. You've lost me.

23 A. Two different policies.

24 Q. Okay. And the last one, explain the  
25 last one.

1           A.       In the use of force policies, there are  
2           not necessarily definitions. I don't know what  
3           you would call them, but there is descriptions of  
4           types of use of force.

5           Q.       Right.

6           A.       And in that policy it gives you, I  
7           guess, information and instruction on how you  
8           respond to incidents and what level of force can  
9           be used.

10          Q.       Okay. And with that -- I guess this  
11          might be the policy that I've read, but you  
12          mean -- when you say different types of force,  
13          you mean whether or not you use the spray versus  
14          whether or not you use your hands versus --

15          A.       Right.

16          Q.       Okay. That I understand. But I guess  
17          what I'm asking is, when you make these incident  
18          reports, they are not categorized by severity of  
19          the response that you made as the staff person  
20          for CCA, the actions that the staff person for  
21          CCA took?

22          A.       They are categorized, but not based on  
23          use of force. They are categorized by the type  
24          of incident.

25          Q.       All right. And so does CCA make the

1 number of incidents known to the wardens at the  
2 end of the month or at the end of the year at  
3 their facility and maybe have a chart and compare  
4 it to other facilities so you can see how you're  
5 doing with your number of incidents?

6 A. I believe they did have such a  
7 document, yes. I don't remember what it was  
8 called, but it wasn't just -- it didn't just  
9 cover incidents. It covered other facets of the  
10 operation as well, too.

11 Q. And your first level supervisor would  
12 be that managing --

13 A. Yes, the managing director.

14 Q. -- director? And would he talk to you  
15 about the number of incidents you had, say, if he  
16 was having an evaluation with you at the end of  
17 the year?

18 A. Well, it's kind of a yes and no. We  
19 would talk about performance of the facility, but  
20 when he sat down with me about individual  
21 performance, the discussion was concerning  
22 individual job performance. There was another  
23 mechanism by where the performance of the  
24 facility was reviewed by corporate staff members  
25 including the managing director.

1 Q. Was that more in an open meeting?

2 A. Yeah. It was more an open meeting  
3 type. The report was not individual to my  
4 facility if I was the warden. It was of the  
5 facilities in a region in a comparison of those  
6 facilities.

7 Q. Okay. So they watched the numbers at  
8 the corporate? They watch the numbers?

9 A. I'm sure they do.

10 Q. Okay. And when you receive your -- did  
11 you receive evaluations by -- twice a year,  
12 biannually, or once a year?

13 MR. HILL: You meaning him or --

14 BY MS. HARDAWAY:

15 Q. You. You, Mr. Turner.

16 A. Me, individually, I would receive them  
17 annually if I receive them at all.

18 Q. Annually. What effect did your  
19 evaluations have on your compensation?

20 A. I'm not sure that it had a direct  
21 effect or not. It wasn't explained to me that --  
22 we had a program in place for performance  
23 evaluations for all employees. Based on your  
24 performance evaluation, you could receive an  
25 annual pay raise of how you scored in that

1 performance evaluation.

2 Q. That's what I'm asking.

3 A. Yeah. I mean, you had the possibility  
4 of receiving whatever they determined for the  
5 year as the maximum pay increase or the minimum  
6 pay increase based on your performance  
7 evaluation. And that was for all employees in  
8 the company.

9 Q. Now, what about bonuses?

10 A. As far as bonuses now, I don't know how  
11 they determined -- it wasn't based on the  
12 performance evaluation. The only think linked to  
13 the performance evaluation was the raise program  
14 as far as I know. Now, I don't know if they used  
15 any of that information in the corporate office  
16 to determine that or not.

17 Q. Did you add bonuses once a year or more  
18 often?

19 A. Once a year annually.

20 Q. Now, who handled those? Did that come  
21 from your managing director, you know, deciding  
22 "In my region I'm going to give this much to the  
23 warden at Blytheville, this much to the warden at  
24 Hardeman," or did you all get the same amount of  
25 bonus?

1           A.       I don't know that we all got the same  
2 amount of bonus, and I don't know how the money  
3 was given out and how it was distributed.  
4 Information that I was not privy to.

5           Q.       Okay.  Would it be correct to say that  
6 there was some guidance either individually or in  
7 meetings or on paper?  There was some guidance  
8 from corporate as to what a warden could do to  
9 get a bonus -- would that be fair -- to give you  
10 incentive to work toward a bonus?

11          A.       There was, and it was more an open  
12 meeting session.  It was your bonus might be  
13 based somewhat on the performance of your  
14 facility, if you did well on your ACA audit,  
15 different things like that.  But a specific  
16 policy or written document that says you do these  
17 things, no, there was not such a thing.

18          Q.       What criteria -- what types of  
19 things -- what factors were used in your facility  
20 audits?

21          A.       In facility audits?

22          Q.       Facility evaluations?

23          A.       Well, facility audits, we were audited  
24 annually by TDOC.  We're audited annually by our  
25 corporate office and once every three years by

1 the American Corrections Association. Each one  
2 of those audits contains certain numbers of  
3 standards that we had to meet.

4 Q. Okay. Let's talk about CCA.

5 A. For example, CCA, there was more than  
6 700 different audit items that we have to adhere  
7 to.

8 Q. Were the number of incidents included  
9 as one of the factors?

10 A. As one of the factors, I don't believe  
11 it was. It was included in the overall review of  
12 the facility but not as a factor.

13 Q. By CCA?

14 A. Yeah.

15 Q. What kind of review grade would you get  
16 or score would you get based on the number of  
17 incidents? How would they bring that into  
18 consideration?

19 A. I don't think they brought it into  
20 consideration for a scoring. I think they looked  
21 more at whether you had increased or decreased  
22 your number of incidents. But a flat number, I  
23 don't think, was ever a factor in it.

24 Q. Were you more likely to get a bonus if  
25 the number of incidents was decreased?

1           A.       I don't -- I'm not -- I don't think  
2           that the number of incidents is what they truly  
3           looked at. I think it's more the type of  
4           incidents because you could have a thousand  
5           incidents of something very small. And they  
6           didn't just look at number, say, in a flat 100  
7           incidents versus a 105 incidents last year so you  
8           decreased by five. They looked at the type of  
9           incidents because with inmates you can't control  
10          incidents. You can take steps to prevent them,  
11          and you can prevent the degree of the incident.  
12          So an absolute number factor, I don't think they  
13          utilized.

14          Q.       And they used these incident reports  
15          and read them to determine the severity of the  
16          incidents?

17          A.       I would assume. Yes.

18          Q.       And the incident reports are referring  
19          to that packet called incident reports that we  
20          discussed before the break. And you already  
21          listed out that it includes medical reports,  
22          statements from witnesses.

23          A.       Depending on the type of incident.  
24          Yes.

25          Q.       Okay. So they would look at those

1 incident reports and determine the severity, and,  
2 of course, they would look at the number of  
3 incident reports, I guess, and that would have  
4 something to do with how your facility was rated?

5 A. No.

6 MR. HILL: Object to the form.

7 MS. VAN PELT: Object to form.

8 A. It would not have to do with how the  
9 facility was rated. I think it was more tracking  
10 trends in what is happening in a facility. You  
11 know, not flat numbers. In the world of  
12 corrections you can't really say this facility  
13 had sixty accidents, this facility had 50  
14 incidents, so this facility with 50 is doing  
15 better because their 50 may have been inmate  
16 murders and deaths and staff stabbings while the  
17 one that had 60 might have been inmates who were  
18 just doing simple rule violations. They didn't  
19 compare that way, and they didn't use that kind  
20 of numbering.

21 BY MS. HARDAWAY:

22 Q. Specific to incidents with use of  
23 force, how did they take that into consideration  
24 in rating the facility?

25 MS. VAN PELT: Object to the form.

1           A.       I really don't know. I mean, I really  
2       can't say how they took that to rating with the  
3       facility.

4 BY MS. HARDAWAY:

5           Q.       Okay. Did you have some understanding  
6       yourself about what influenced you getting a  
7       bonus?

8           A.       Yes. I had an understanding what  
9       influenced my bonus.

10          Q.       And those were your goals, what you  
11       were going to do and what you were not going to  
12       do so that you could get a bonus?

13          A.       Not necessarily my goals. I mean, what  
14       influenced that. But there is -- again, there is  
15       only certain things that you could control.

16          Q.       Okay. And what did you know that  
17       influenced whether or not you were getting a  
18       bonus?

19          A.       I would say the largest factor of  
20       influence was your financial performance because  
21       we were a for-profit company. That and how you  
22       utilized your staffing, your staffing ratios. It  
23       was more financially based more so than  
24       incidents.

25          Q.       Did the number of inmates that you had,

1 did that influence your financial situation?

2 A. Well, it's kind of a yes and no. Yes  
3 because the more inmates you have the way we  
4 contracted, the more money you're going to make  
5 as a facility. No because they knew what my  
6 maximum count could be, and I couldn't exceed  
7 that. We were bound by contract with the state  
8 of Tennessee to maintain a certain level of  
9 population. The state of Tennessee controlled  
10 that level of population. So I had no control  
11 over how many inmates I had. They could run me  
12 up to 2,016 or they could run me down to 100  
13 based on the contract. That was up to the state  
14 of Tennessee to make that happen.

15 Q. Would you make more money if you had  
16 2,016 than if you had 100?

17 A. Well, obviously, yes.

18 Q. Okay. And obviously to you because  
19 you're in that business. Explain why that's  
20 obvious. Is it because they pay by the bed, they  
21 pay by the day, they pay by the meal served?

22 A. They pay by the inmate. They pay a per  
23 day rate per inmate per inmate day. So if you  
24 have 100 inmates, they pay a certain rate at 100  
25 inmates per day for the time that they are there.

1 Monthly I think is the way they billed.

2 Q. Do they bill -- does CCA bill -- that's  
3 the "they" we were talking about, right, CCA?  
4 That's how CCA bills?

5 A. Yes. CCA, the corporate offices.

6 Q. Corporate offices. They bill more if  
7 it's a maximum security prisoner per day as  
8 opposed to a minimum security prisoner per day?

9 MS. VAN PELT: Object to the form.

10 A. No, not necessarily. The way the  
11 contracts are written is for the facility as a  
12 whole, and then what is that facility going to  
13 hold. If they are going to hold maximum custody  
14 inmates, then they may charge them more if that's  
15 part of the contract. If they are going to hold  
16 minimums, they may charge them a different rate.  
17 It's all based on the need of the inmate, the  
18 services that have to be provided. What do you  
19 have to do with that inmate. What is the going  
20 rate for that type of inmate. Because different  
21 inmates require different levels of care, so to  
22 speak. What our contract with the state of  
23 Tennessee when I was at Hardeman County -- my  
24 contract actually stipulated that I could not  
25 house maximum security inmates. I could not

1 house close custody inmates. I can only house  
2 minimum restrict, minimum direct, and medium  
3 custody inmates.

4 BY MS. HARDAWAY:

5 Q. What is close? What is that?

6 A. It's another level of custody that an  
7 inmate has. Your quote, unquote, best inmate  
8 would be your minimum inmate, and it goes down  
9 the scale to maximum. So you go minimum -- and  
10 in Tennessee it was minimum direct, minimum  
11 restrict, minimum, medium, close, and then  
12 maximum.

13 Q. Okay. And what does "close" mean?

14 A. That they require close security. It's  
15 an abbreviatory thing that they have used for  
16 years, I guess. But a close inmate is an inmate  
17 who has behavioral problems, but he's allowed to  
18 be in an area that is similar to a normal general  
19 population where inmates can kind of move around  
20 freely but they are under very close supervision.

21 Q. As opposed to maximum where they are  
22 segregated?

23 A. Yes, ma'am.

24 Q. Can you explain to me -- well, first of  
25 all, let's establish something here. Did you say

1 to him that you were going -- did you say to  
2 James Ingram that you were going to max him out?

3 A. Yes, ma'am. I had a standard routine  
4 of anytime I sat down with an inmate who had been  
5 involved in something to explain to them the  
6 consequences of their actions. To let them know  
7 here's where you stand, here's what you're  
8 facing, here's what could happen to you.

9 Q. Who does that mean, "max you out?"

10 A. Well, basically what maxing someone out  
11 is is you take them from their current status and  
12 you place them in -- under Tennessee policy and  
13 procedures, the state of Tennessee's policies and  
14 procedures, in a maximum custody status because  
15 they pose a direct threat to the security and  
16 order of the institution, staff and other  
17 inmates.

18 Q. And for how long would they be in the  
19 maximum security?

20 A. It would depend on the individual  
21 situation. It depends on the individual inmate  
22 and his behavior once he's in that custody  
23 status.

24 Q. What about Mr. Ingram? How long was --  
25 when you said you were going to max him out, was

1       that for a temporary period to teach him a lesson  
2       about whatever you thought he did May 16th or  
3       were you saying you were going to try to have him  
4       totally reclassified and remain in maximum  
5       security the rest of his time?

6           A.       No.    The standard procedure for an  
7       incident like that is all of the participants in  
8       that incident were immediately placed on an  
9       administrative segregation status which they call  
10      in their terminology max custody.   So what we do  
11      is we remove them from the general population.  
12      We segregate them from the rest of the population  
13      for security reasons.

14          Q.       Okay.  Let me interrupt you because I  
15      don't want the record to confuse what they call  
16      max.  I want you to stick to describing what you  
17      meant when you told Mr. Ingram you were going to  
18      max him out so that it's clear when we go back  
19      and read what you meant when you said you were  
20      going to max him out.  And what I'm asking you  
21      about what you meant is, was that for the rest of  
22      his time that he was going to be there or was  
23      that to put him somewhere temporarily as  
24      punishment?  What did you mean when you said you  
25      were going to max him out?

1           A.       What I meant when I said I was going to  
2           max him out was take him from his current status,  
3           place him in administrative segregation until the  
4           investigation ended this incident and his  
5           disciplinary processes could be completed. At  
6           that point the classification process takes over,  
7           and they determine whether or not he stays in  
8           that custody. "They" being state of Tennessee  
9           would determine whether or not he stays in that  
10          custody.

11          Q.       Okay. So walk me through the procedure  
12          that you took, you, Mr. Turner took, from the  
13          time you told Mr. Ingram that until the time that  
14          he left Hardeman and went to Henning where he is  
15          now. What procedure did you take to see to it  
16          that he was moved out of that status into another  
17          status, out of that facility into another  
18          facility? Walk me through that, what you did.

19          A.       Basically what I did with him and the  
20          other inmates involved is there is a form that  
21          has to be filled out for what they call a max  
22          placement hearing.

23          Q.       So you filled out a form?

24          A.       I did not personally fill out the form.  
25          It was filled out by my investigators and my

1 classification coordinator, and they brought it  
2 to me for my approval.

3 Q. And so you directed them to fill it  
4 out?

5 A. Yes.

6 Q. And who was that?

7 A. That would have been -- in this case it  
8 would have been Bobby Howell, Michelle Brush,  
9 Keith Huggins, and Ray Sweeney, who was the  
10 classification supervisor.

11 Q. You filled out a form, and that form  
12 was called -- you just said the name.

13 A. It's a Max Placement Form. It has a  
14 specific number in Tennessee. I don't recall  
15 what that number is.

16 Q. And you signed it?

17 A. Yes. I reviewed it, and I signed it.  
18 And from that point it goes --

19 Q. Wait. When did you sign it, same day,  
20 next day? When?

21 A. I believe it was the following day on  
22 the 17th.

23 Q. Okay. Go on.

24 A. That form then goes to the disciplinary  
25 board chairman with a disciplinary board panel

1 who is comprised of the board chairman and two  
2 other staff members in the facility.

3 Q. Wait. Who were "they"?

4 A. Oh, I don't remember without looking at  
5 the form.

6 Q. Okay. Go on.

7 A. And the TDOC commissioner's designee  
8 who is Eric Hardison -- who was Eric Hardison at  
9 the time. They then call that inmate out and  
10 conduct a hearing based on the information on  
11 that form. And then they also make a  
12 determination whether they approve or deny or  
13 disapprove the admin seg placement.

14 Q. So they call the inmate out into a  
15 hearing area?

16 A. Yes.

17 Q. And what do they do, just read to it  
18 him or do they ask him to sign it or what do they  
19 do?

20 A. The way it is supposed to work is they  
21 read it to him. They ask him basically his side  
22 of it. They ask him if he has any questions.  
23 The TDOC liaison officer who has to ultimately  
24 approve the max placement has that opportunity to  
25 ask questions as well. And then they make their

1 approval. The TDOC commissioner's designee signs  
2 off on it, and then that inmate will remain in  
3 that status.

4 Q. Okay. Let's just kind of make sure the  
5 record is clear. I want to know what was done  
6 with Mr. Ingram. And that's my fault. I let you  
7 stray when I used the word what happens with the  
8 inmate. With Mr. Ingram, was he called out for a  
9 hearing?

10 A. As far as I know, yes. I did not do it  
11 myself.

12 Q. Did you direct that it be done?

13 A. Not specifically to Mr. Ingram, but  
14 I -- I mean, the direction when they receive the  
15 form, it is assumed that they have to call the  
16 inmate out and give him the hearing. That's the  
17 process.

18 Q. Okay. So you are actually a supervisor  
19 over the board, the disciplinary board. They  
20 would take your direction?

21 A. No. They can't take my direction.

22 Q. Okay.

23 A. I mean, basically the way the Tennessee  
24 policy works is I can't tell them what to do with  
25 a hearing or what to do with the outcome of

1 anything. That's why we have a panel of  
2 employees who sit on that, and they make the  
3 determinations. Ultimately, I can't even approve  
4 it. I can recommend it. The TDOC commission's  
5 designee has to approve any action like that  
6 against an inmate.

7 Q. Who is responsible for seeing to it  
8 that Mr. Ingram -- who was responsible for seeing  
9 to it that Mr. Ingram got a hearing? Is that the  
10 board chairman?

11 A. The board chairman. Yes, ma'am.

12 Q. And then what happened?

13 A. After he had his hearing, I'm sure he  
14 was returned to segregation, and then I had had  
15 some conversations with the assistant  
16 commissioner of corrections.

17 Q. Who was -- is that Mr. Little, Mr.  
18 Hodge?

19 A. No. Actually I spoke with Jim Dickman  
20 which I think he was in an acting role at that  
21 time. And we had had discussions about getting  
22 some of those inmates that were involved out of  
23 the facility as quickly as possible which is very  
24 routine when you have an incident of this  
25 magnitude to kind of scatter them out. And once

1 I -- once Eric Hardison turned over the list of  
2 names of those who had been approved for the max  
3 placements, then the determinations were made to  
4 transfer some of those inmates to other  
5 institutions.

6 Q. Okay. But, again, talking about  
7 Mr. Ingram. So you think that he would have had  
8 a hearing?

9 A. Yes.

10 Q. And you, yourself, spoke to Jim  
11 Dickman?

12 A. Uh-huh.

13 Q. And you spoke to him for advice or did  
14 you make a recommendation to him?

15 A. No. We just spoke about the list, the  
16 entire list of inmates that were involved and a  
17 breakdown of determining based on the state of  
18 Tennessee's availability of beds for inmates who  
19 were on maximum custody where he could put them.  
20 And, you know, the determination was made to send  
21 immediately nine inmates out of the facility  
22 because that's the beds they had available. And  
23 then the other inmates would have to go as space  
24 became available.

25 Q. What criteria do you use if you use the

1 criteria? What criteria did you use or consider  
2 in deciding to send Mr. Ingram out of the  
3 facility?

4 A. Based on information that my  
5 investigators had given me of who was in a  
6 leadership role within the Vice Lord group that  
7 were involved in the incident, that list of  
8 names.

9 Q. Was it who had an overall leadership  
10 role or was it a leadership role that day?

11 A. Overall leadership.

12 Q. Why did you think it was the Vice Lords  
13 that were the reason and not just some inmates  
14 that didn't like the unit manager's house rules?  
15 Why did you think it had to do with the Vice  
16 Lords?

17 A. Well, there was a pretty common  
18 function that went on in our facility for a  
19 period of time where the Tohline service which is  
20 actually supposed to be a Muslim Koran study  
21 group -- we had observed that inmates that were  
22 attending that were all members of the Vice Lord  
23 gang because we had them documented. We did that  
24 with all of our services to monitor where inmates  
25 could get together.

1           The way our facility was set up, inmates  
2           could not generally have common contact with some  
3           inmates in the facility unless they went to these  
4           religious services because of the way our  
5           schedules functioned. Inmates kind of lived and  
6           worked together. They recreated together. So  
7           the inmate on G unit may not ever see an inmate  
8           who lives on J unit because of the way the  
9           schedules work out. So we monitor those kind of  
10          get-togethers. We monitor visitation. We  
11          monitor those things to see where our gang  
12          members were meeting up.

13          Q.       Well, how did you know that those were  
14          gang members and not people praying? How did you  
15          know that or did you just think that?

16          A.       I know that because the inmates that  
17          attended, most of them were documented members of  
18          the Vice Lords.

19          Q.       How did you document? How do you  
20          document a Vice Lord? Do you like ask them and  
21          they say yeah?

22          A.       There is an entire process that is a  
23          state of Tennessee policy that in the state of  
24          Tennessee, gang members are classified as  
25          security threat group members. And they are put

1       into two classifications, suspect and confirmed.  
2       Suspect member generally is caught on their  
3       initial classification when they come in to the  
4       TDOC system. They are put through what's known  
5       as an STG questionnaire. Their tattoos are  
6       reviewed. Information from law enforcement  
7       agencies is utilized, and there is a point  
8       structure that is used where the inmate has to  
9       accumulate a certain number of points. I believe  
10      it's ten. Under ten points he is considered a  
11      suspect member. He may have a gang related  
12      tattoo. He may have an association with a known  
13      gang member. He may have written communication  
14      with another gang member that has been monitored.

15           Q.       Do you put that in his Department Of  
16      Corrections file or do you keep it somewhere  
17      else?

18           A.       It's kept in a separate file that is  
19      known as their Security Threat Group file.  
20      Again, it's all bound by the state of Tennessee's  
21      policy on security threat groups, but a separate  
22      file is maintained.

23                   MS. HARDAWAY: And I am going to ask  
24                   for a copy of the Security Threat Group  
25                   file.

1 MS. VAN PELT: If you will submit a  
2 request.

3 MS. HARDAWAY: Well, I'm asking you  
4 now on the record.

5 BY MS. HARDAWAY:

6 Q. Okay. Other than this profile that you  
7 all have or confirmation procedure when the  
8 inmates first come into the prison, what else?  
9 Do you observe how they act after they get into  
10 the prison?

11 A. Oh, yes, ma'am. They are monitored.  
12 Security Threat Group members have to be  
13 monitored on every disciplinary charge they  
14 receive. They have to be monitored with their  
15 associations. With that list that we referred to  
16 earlier of gang members, we determine how many  
17 are living in what unit in each facility. It's  
18 something we have to monitor very closely with  
19 that large of a gang population. Gang  
20 populations can cause you a problem very quick in  
21 a correctional setting, so you monitor their  
22 activities very closely.

23 Q. Okay. And so you monitored James  
24 Ingram's activities closely?

25 A. I monitored all of the gangs'

1 activities.

2 Q. My question is, did you monitor James  
3 Ingram's activities closely?

4 A. Him personally, no, but as groups, yes.

5 Q. What did James Ingram display in his  
6 behavior that would lead you to think that he was  
7 a member of the Vice Lords in the facility?

8 A. Who he associated with.

9 Q. And who was it that he associated with  
10 that made you think that?

11 A. Specific inmate names I don't remember,  
12 but he associated and was routinely seen with  
13 other members of the Vice Lord gang.

14 Q. Was he seen with inmates who were not  
15 members of the Vice Lord gang?

16 A. Oh, I'm sure he was at certain times,  
17 but you monitor certain activities.

18 Q. Okay. You answered my question. There  
19 is only so many people that you can -- and you  
20 can tell me if this is correct or not. There is  
21 only so many people you can associate with when  
22 you're locked up, correct? You can't move to a  
23 new neighborhood.

24 A. No. That's not correct.

25 Q. You can move to a new neighborhood when

1       you're --

2           A.       Sure you can.

3           Q.       You can just walk in there and say, "I  
4       don't like cell G. I will move to cell H or unit  
5       H"?

6           A.       If you follow the right process and  
7       based on your behavior, based on your  
8       participation in programs, yes, you can.

9           Q.       So he participated in all the programs  
10       that he needed to participate in in order to be  
11       eligible for parole, and he completed all the  
12       prerelease programs. Would you agree with that?

13          A.       I don't know that for sure. I don't  
14       know what programs he participated in  
15       specifically.

16          Q.       Was there a pod if that's the correct  
17       word or cell unit where people who were  
18       participating in prerelease programs lived?

19          A.       We did have a prerelease pod, yes,  
20       ma'am.

21          Q.       Okay. Isn't it true that he lived in  
22       that prerelease pod?

23          A.       I don't remember his exact cell  
24       location.

25          Q.       Isn't it true that he completed enough

1 or all that was necessary in order to I guess  
2 graduate from the prerelease program if that's  
3 the right word?

4 A. I don't know specifically whether he  
5 did graduate or not.

6 Q. Do you have any reason to think he  
7 didn't?

8 A. I don't have any reason to think he  
9 did. I mean, without reviewing his file, I  
10 couldn't give you that information.

11 Q. Was it a prerequisite before you could  
12 be considered for parole?

13 A. No. It was not.

14 Q. Okay. But you don't know whether or  
15 not he did?

16 A. Specifically to him, no. Without  
17 reviewing his file, I couldn't specifically tell  
18 you.

19 Q. Well, how often -- how long would those  
20 classes be? If he had taken them, would he be  
21 taking them every day? How long would it take  
22 him to complete the prerelease program?

23 A. I want to say that the program we had  
24 in place was probably 12 weeks. It was several  
25 months long.

1 Q. And he would go to it every day, once a  
2 week? How often?

3 A. Well, basically, they lived in it is  
4 kind of how it worked. They did all of their  
5 classes in that pod in that cell block where they  
6 lived.

7 Q. So he would be associating with those  
8 people when he was in the prerelease pod if  
9 that's where he was. That was his testimony two  
10 days ago, but it will be what it is. He would  
11 have to associate with those people that he lived  
12 with in the prerelease program in that pod.

13 MR. HILL: Object to the form of the  
14 question.

15 BY MS. HARDAWAY:

16 Q. Is that correct?

17 A. He could associate with who he wanted  
18 to.

19 Q. If he lived in that same pod with them,  
20 does that mean that that's how he went on  
21 recreational or educational ventures? I mean, is  
22 that when he was released? Were they all  
23 released to go to an educational class or to go  
24 to recreation at the same time?

25 A. Not all of them. He would have

1       recreated with inmates from other cell blocks in  
2       that same location.

3           Q.       He would not have had recreation with  
4       other people in a prerelease pod?

5           A.       Oh, yeah. They would have been there,  
6       too. But that pod would have went with other  
7       pods that were not prerelease pods.

8           Q.       Okay. So he would have associated with  
9       them, wouldn't he? What do you call associating  
10      with one another as an inmate?

11          A.       In the context of being a gang member  
12      or in the context of just being an inmate?

13          Q.       In the context of being an inmate.  
14      What do you recall associating with one another?

15          A.       Well, I tried to answer that question,  
16      and you cut me off a little earlier. But what  
17      happens in the correctional setting is inmates  
18      tend to break down in groups. They break down in  
19      groups racially. They break down in groups by  
20      their gang affiliation. They break down in  
21      groups by predators versus victims. They break  
22      down in groups based on the ones that want to do  
23      the right things and the ones who want to spend  
24      their time in trouble. I mean, they break down  
25      in their own little associating groups whether

1 they are in a program or not.

2 Q. And what do you call an associating  
3 group? That's what I'm asking.

4 A. Well, like your gang members is a good  
5 example. Gang members are going to run with gang  
6 members and not associate much with other people.  
7 Association is their free time, not their  
8 required time. When they have to be in school,  
9 sure, they are going to be sitting next to a guy  
10 who is not a gang member because they have to  
11 complete that program. But when they have their  
12 free time, they are not going to necessarily  
13 associate with the guy sitting next to them in  
14 school. They are going to go associate with  
15 their other people that they feel comfortable  
16 with.

17 Q. And do you have somebody walking around  
18 writing down who somebody is spending their free  
19 time with?

20 A. Oh, it's observation all the time. You  
21 have staff from correctional officers who  
22 supervise the pods to the unit management teams  
23 to the recreation officers to the chow hall  
24 officers. Everybody notices who is hanging out  
25 with who. One of your best indicators in a

1 prison is how inmates walk down a hallway when  
2 it's chow time. If they're loud and noisy and  
3 everybody is cutting up and laughing, it's going  
4 to be a good day. If they're walking in a single  
5 file line with their heads down and quiet,  
6 something is fixing to happen. You can tell  
7 behaviors and you can predict problems based on  
8 observation of your inmates and how they're  
9 behaving and who they are associating with  
10 because you may see a guy who --

11 Q. Here's my question.

12 MR. HILL: Let him finish.

13 BY MS. HARDAWAY:

14 Q. My question is --

15 MR. HILL: Hold on. When he's  
16 answering a question, don't ask another  
17 question until he gets through.

18 MS. HARDAWAY: I am conducting this  
19 deposition, not you.

20 MR. HILL: You won't be much longer  
21 if you don't stop.

22 MS. HARDAWAY: Well, then we will go  
23 to the judge.

24 MR. HILL: We will. That will be  
25 quite fine.

1 BY MS. HARDAWAY:

2 Q. Let me ask you very specifically to  
3 answer the question that I ask you.

4 MR. HILL: He is.

5 BY MS. HARDAWAY:

6 Q. Mr. Turner, how -- what's the recording  
7 of this observation? You have people who are  
8 walking around making notes about who is talking  
9 to who, who is spending their free time with  
10 whom. That's what I'm asking you.

11 A. You do have people who make notes in  
12 logbooks that are on their posts. You have  
13 people who verbally relay information to their  
14 direct supervisors. You have people who verbally  
15 or written submit things to the STG coordinator  
16 about gang activity. I mean, there is multiple  
17 ways. Mostly it's just observation of watching  
18 who is with you and who is up to what.

19 Q. What did Mr. Ingram do other than talk  
20 to people who you say were in gangs?

21 A. I guess you would have to ask  
22 Mr. Ingram. I can't speak for him.

23 Q. I'm not asking him. I'm deposing you.

24 A. I cannot answer who Mr. Ingram spent  
25 his time in prison associating with.

1 Q. Did you see him throwing any gang signs  
2 that day?

3 A. Did I personally see him?

4 Q. You, Mr. Turner.

5 A. No, I did not.

6 Q. Was it reported to you that he threw  
7 some gang signs?

8 A. No.

9 Q. Okay. Were there people in the chapel  
10 other than gang members?

11 A. There may have been a few who were not  
12 confirmed or on the suspect list.

13 Q. So what was it other than this vague  
14 description that you have told me three or four  
15 times so far today? What was it about Mr. Ingram  
16 and what you call his association that made you  
17 so sure he was a member of a gang?

18 A. His Security Threat Group file  
19 indicates that he reached a certain level of  
20 points to be listed as either a suspect or a  
21 confirmed gang member. That is a policy that is  
22 established by the state of Tennessee.

23 Q. All right. And I'm asking you what  
24 activity, what did he do, that gave you an  
25 indication that he should be assigned these

1 points after -- you say you did some confirmation  
2 when he first got there. I'm asking about what  
3 he did, what actions he did, how he acted that  
4 would make you think that he was a gang member.  
5 Are you saying that just because he was confirmed  
6 when he came in you just assumed that for the  
7 rest of the time?

8 A. It's not an assumption. If you see an  
9 inmate whether it's Mr. Ingram or another inmate  
10 who spends 90 percent of his free time  
11 associating with known gang members, then that is  
12 a good indicator that he is associating with  
13 known gang members. If you see him come to chow  
14 or come to the dinner meal where we had  
15 generalized seating and he goes out of his way to  
16 get in line with known gang members and doesn't  
17 sit with people who are not known gang members,  
18 then you can assume that that's where he's  
19 associating and spending the majority of his  
20 time.

21 Q. You can assume that. Okay. So did you  
22 see him, Mr. Ingram, only sitting with gang  
23 members at -- by "chow," you mean meals?

24 A. I'm sure I saw him at one time or  
25 another because I used to attend the chow hall

1 pretty regular.

2 Q. When you say one time or another, was  
3 that -- you just testified when you see members  
4 that spend 90 percent of their time. If you only  
5 saw him every now and then, how can you say he  
6 spent 90 percent of his time --

7 A. You asked me how that could be  
8 associated, and that's what I explained to you.

9 Q. I'm asking you the activity that you  
10 observed or that you know was documented that  
11 would say other than some label being given him  
12 when he first got there that he participated in  
13 gang activity?

14 A. Well, I believe that he pled guilty to  
15 participation in Security Threat Group activity  
16 for the incident that occurred that day which  
17 would admit him to being part of the gang and the  
18 activity that took place that day.

19 Q. And before that you already had labeled  
20 him a Security Threat Group threat?

21 A. I didn't label him anything. The state  
22 of Tennessee and their policies labeled him what  
23 he was.

24 Q. Okay. So other than a piece of paper  
25 that came later that had nothing to do -- you

1       didn't even know it existed yet. It had nothing  
2       to do with your considering him a Security Threat  
3       Group yet. He hadn't pled guilty to any of that  
4       yet.

5           A.       Uh-huh.

6           Q.       What activities other than that piece  
7       of paper that he was coerced into signing -- do  
8       you object to the form of that?

9           MR. HILL: You better believe it.

10          MS. HARDAWAY: You, too?

11          MS. VAN PELT: Yes.

12   BY MS. HARDAWAY:

13          Q.       What other than that piece of paper do  
14       you have to document --

15          A.       His Security Threat Group file.

16          Q.       Okay. And nothing else?

17          A.       No.

18          Q.       And what is in that Security Threat  
19       Group file other than that confirmation with the  
20       points on it that existed when he first got there  
21       that you created when he first got there?

22          MS. VAN PELT: Object to the form.

23          A.       I didn't create any file. The state of  
24       Tennessee creates the files.

25

1 BY MS. HARDAWAY:

2 Q. Okay. Other than that file that you  
3 say the state of Tennessee created which gave  
4 that impression when he got there -- this is what  
5 you're saying?

6 A. Uh-huh.

7 Q. Was that a yes?

8 A. Yes, ma'am. That was a yes. And I'm  
9 going to ask you not to be condescending to me.

10 Q. And I'll ask you not to give me a hard  
11 time about this.

12 MR. HILL: You've given him plenty  
13 of hard time today.

14 BY MS. HARDAWAY:

15 Q. If you're going to be evasive, I can --

16 A. I'm not being evasive. I'm doing  
17 everything to answer your question.

18 Q. Okay. Everything you can? Okay.

19 MR. HILL: Ms. Hardaway, I'm telling  
20 you. You're getting very close --

21 MS. HARDAWAY: Don't use that tone  
22 with me.

23 MR. HILL: You have used a tone the  
24 entire day.

25 MS. HARDAWAY: You don't have to

1 tell me in that tone anything.

2 MR. HILL: I've about had it.

3 MS. HARDAWAY: He is not a friendly  
4 witness.

5 MR. HILL: Nobody mandates that he  
6 has to be a friendly witness. But if you  
7 keep on with your condescending attitude,  
8 we are going to be leaving.

9 MR. ROANE: Well, one thing he has  
10 to do, he has to answer the question.  
11 She is just asking him the question over  
12 and over again.

13 MR. HILL: Yes. She is asking the  
14 same question.

15 MS. HARDAWAY: You know what? We'll  
16 just go to the judge.

17 MR. HILL: That will be fine.

18 MR. ROANE: He just needs to answer  
19 the question.

20 MS. HARDAWAY: And I don't  
21 appreciate your condescending attitude or  
22 your condescending tone to me.

23 MR. HILL: Well, I apologize, but  
24 I've had to put up with yours all day  
25 long.

1                   MS. HARDAWAY: No. You're causing  
2                   it.

3                   MR. ROANE: Wait a minute now. I've  
4                   been through more depositions, I'm sure,  
5                   than you have been through, sir, given  
6                   the fact that I've been practicing law  
7                   for 45 years. Okay? Now, let me tell  
8                   you something. When she asks him about a  
9                   Security Threat Group file, when she asks  
10                  the question, all he has to do is answer  
11                  it. He doesn't have to go all around  
12                  with a whole lot of who shot John. Just  
13                  answer the question. We want to get out  
14                  of here. We don't want to keep you here.

15                  MR. HILL: He's answering the  
16                  question.

17                  MR. ROANE: Okay. Well, that's what  
18                  we asked him to do. Okay?

19                  MR. HILL: And that's what he's  
20                  doing.

21                  MR. ROANE: And she's been much  
22                  calmer than I would be if I was sitting  
23                  there doing the examining. Let me assure  
24                  you. Okay?

25

1 BY MS. HARDAWAY:

2 Q. Mr. Turner, I'm trying to do my job.

3 A. I understand.

4 Q. And I'm trying to get some answers.

5 A. I understand.

6 Q. Okay. It is not my way to make sport  
7 of arguing with people. Okay? So if you listen  
8 to my question specifically and you answer my  
9 question specifically, then I think we're going  
10 to communicate better. You're one to give  
11 generalities. I'm wanting to talk about James  
12 Ingram. So let's make that our agreement. If  
13 you can answer them specifically, then there  
14 won't have to be so many follow-ups, 30 questions  
15 just get to one answer. Okay? If you don't  
16 understand it, you let me know what part of it  
17 you don't understand, and I will try to clarify  
18 it for you. Okay?

19 A. Yes, ma'am.

20 MS. HARDAWAY: But I'm going to  
21 conduct my own deposition. You will not.

22 MR. HILL: You're not much longer if  
23 you don't stop.

24 MS. HARDAWAY: Okay? You won't  
25 conduct my deposition.

1                   MR. HILL: We will not be here much  
2                   longer if you don't stop.

3 BY MS. HARDAWAY:

4           Q.       So let me try to see if we have reached  
5           any resolution about the Security Threat Group  
6           designation. Is this a true statement? You base  
7           your categorization of James Ingram as a member  
8           of a gang based on the Security Threat Group file  
9           that came from the state of Tennessee.

10          A.       Yes, ma'am.

11          Q.       Okay.

12          A.       And the Security Threat Group policy  
13          that governs that file. There is a specific  
14          state of Tennessee policy that explains in detail  
15          how you get to that point with an inmate.

16          Q.       And once they are at that point, they  
17          can't behave in any other way that would redeem  
18          them or have you view them. It's just being  
19          inmates trying to do their time, make parole, and  
20          get out and move on?

21                   MR. HILL: Object to the form of the  
22                   question.

23 BY MS. HARDAWAY:

24          Q.       Is that true?

25          A.       I'm sorry. Can you repeat that?

1           Q.       Once they are in that group, the  
2       Security Threat Group, there is nothing that they  
3       can do after that in their behavior, their  
4       demeanor in prison that will take them out of  
5       that Security Threat Group. Is that a fair  
6       statement?

7           A.       The state of Tennessee does have a  
8       process, and it's detailed in that policy where  
9       an inmate can renounce his membership in a gang.  
10      He has to attend a specific program that's  
11      located only at a couple of facilities throughout  
12      the state. Once he successfully completes that  
13      program, then he can do a renouncement of his  
14      membership of the gang affiliation he has.

15          Q.       Is that offered at -- was that offered  
16      at Hardeman?

17          A.       No, ma'am. It was only offered at -- I  
18      don't remember the facilities, but it was only  
19      like two in the state that had it. And they can  
20      go through that process, but then they are  
21      continued to be monitored after that to make sure  
22      they live up to their contract, so to speak, of  
23      renouncing their membership.

24          Q.       So that wasn't available to him at  
25      Hardeman?

1           A.       No.  It was only available at like two  
2           facilities throughout the state.  He could have  
3           put in and made the request to go to that  
4           program.  That's the way the process worked.  
5           That's a state of Tennessee function.  It wasn't  
6           a CCA function.

7           Q.       Who -- did someone go to him and --  
8           yeah.  Let's stick with him.  Did someone go to  
9           Mr. Ingram at any point when he was at Hardeman  
10          and say, "Do you want to go to the renouncement  
11          program and here's what it means, here's how it  
12          works," and give him that option?

13          A.       I don't know if anybody went to him  
14          specifically, but most of the inmates, you know,  
15          they understood the programs that were available.  
16          He could have went to his counselor.  I don't  
17          know whether it happened or not, but he could  
18          have went to his counselor during his annual  
19          reclassification process or anytime that he  
20          needed something and said, "Hey, look.  I want to  
21          get in that program, or is that program  
22          available."  There are things that were common  
23          knowledge as far as programs that were available  
24          to inmates.

25          Q.       But how do you know what he knew?

1           A.       I don't know what he knew. I'm just  
2 saying that's what he could have done.

3           Q.       Okay. But you don't know that that was  
4 ever explained to him.

5           A.       I don't know if it was ever explained  
6 to him, but it should have been explained to him  
7 when he went through his confirmation process as  
8 you called it when they sat down and did his  
9 questionnaire and his interview about the gang  
10 affiliation. It should have been explained to  
11 him then that that is available. If not, it  
12 could have been explained to him during his  
13 annual reclassification process. There were  
14 several mechanisms where an inmate could learn  
15 about information or it would have been expressed  
16 to him. Whether it was done specifically with  
17 him or not, I don't know.

18          Q.       So you never observed him having these  
19 meals with gang members more than what, you said,  
20 every now and then or how many times did you  
21 observe him?

22          A.       I have 2,000 inmates in there. I mean,  
23 I observe different inmates doing different  
24 things.

25          Q.       But we're talking about Mr. Ingram in

1 this deposition.

2 A. Okay. Well, I will say no.

3 Q. Did you ever see him throwing a gang  
4 sign?

5 A. Him specifically? No.

6 Q. Did you attend the Islamic Tohline  
7 services? Did you go and observe them?

8 A. No. I didn't attend many of the  
9 religious services and those types of gatherings  
10 of inmates because in the position of a warden,  
11 if you walk in, you immediately disrupt.

12 Q. Well, how is it that you know who was  
13 there? Is that what you use the sign-in sheet  
14 for to see if gang members are attending the  
15 Tohline services?

16 A. We had a routine where all religious  
17 services, all gatherings of inmates like that had  
18 a sign-in sheet, and the inmates were required to  
19 sign in. And that information could then be held  
20 by the chaplain and transferred to the STG  
21 coordinator and other staff. Even unit managers  
22 would want to see who is attending different  
23 services.

24 Q. Could or was? You said it could be.

25 A. Oh, it was.

1 Q. It was?

2 A. It was.

3 Q. Okay. So they use -- the staff at CCA,  
4 Hardeman, used a sign-in sheet in and out of the  
5 chapel to look at the names of who signed into  
6 the service?

7 A. Uh-huh.

8 Q. And compared it with if they were in  
9 the Security Threat Group file.

10 A. Yes.

11 Q. So if you were Islamic and you wanted  
12 to go and pray, you were going to get associated  
13 with gang members if other gang members were  
14 there?

15 A. No.

16 Q. I mean, was there a non-gang Islamic  
17 service and a gang Islamic service?

18 A. No, not specifically. Tohline was not  
19 a prayer service. Tohline was what they -- they  
20 being the inmates used as a Koran study. The  
21 Jurn'ah service on Fridays is their day that they  
22 had a prayer. They also had Ramadan once a year.

23 Q. All right.

24 A. So there were different services for  
25 different things.

1           Q.       So let me just rephrase it.  If you  
2           were Islamic and you wanted to participate in  
3           Islamic services, those were the services that  
4           you had a choice of whether it was for bible  
5           study or praying.  There weren't non-gang and  
6           gang Islamic services, were there?

7           A.       There weren't non-gang and gang  
8           anything at the institution.

9           Q.       Okay.  So how would you distinguish  
10          whether he was going to associate with gangs or  
11          going to learn about the Koran or pray in the  
12          Islamic tradition?  Just because there were gang  
13          members?  How do you jump to the assumption that  
14          it was his opportunity to associate with gangs?

15          A.       Well, I never said I jumped to that  
16          assumption.

17          Q.       Why then do you all use the sign-in  
18          sheet to compare to the threat group file if  
19          you're not making an assumption that there is a  
20          connection?

21          A.       The way our facility operated, the only  
22          places where inmates could come together that  
23          they didn't normally live with because of the way  
24          our facility broke down was religious services.

25          Q.       I heard you the first time you said

1       that.  And what I'm asking you -- I heard that.  
2       I understand that.  But if you are religious and  
3       you wanted to go to a service and you had to sign  
4       in, how are you going to distinguish as the  
5       administrator or one of your staff members  
6       distinguish if they were going there to pray as  
7       opposed to they were going there because there  
8       were gang members?  They don't have a choice of  
9       going to another Islamic service.

10       A.       No, they don't have a choice of going  
11       to another service because only a certain number  
12       of services were offered for any religion.  But  
13       the chaplain also observed their behavior.  The  
14       staff who monitored -- the security staff who  
15       monitored would observe their behavior.  And if  
16       you had a group of inmates who were actually  
17       doing what they were supposed to be doing and  
18       another group of inmates over here who are  
19       sitting here huddled up talking, not  
20       participating, that's the information you're  
21       looking for.  But you want to have a breakdown of  
22       all the inmates that attend.  And then you can go  
23       back to those observations and determine, okay,  
24       these guys are just doing what they are supposed  
25       to be doing.  These guys are not.

1           Q.       Where will I find those observations  
2           where Mr. Ingram was observed not doing what he  
3           was supposed to be doing?  What file, what  
4           document, what group of documents do I look for?  
5           What logs do I look for where somebody has  
6           recorded that he was not doing what he was  
7           supposed to be doing at these services?

8           A.       I don't know what logs you could -- I  
9           mean, I don't know what documents you could look  
10          for.  A lot of our security stuff was transmitted  
11          verbally.

12          Q.       And then what did they do with it?  
13          When it went to -- was his name Keith or Kevin?  
14          Was he the Security Threat Group person?

15          A.       Bobby Howell.

16          Q.       Bobby Howell.  When it went to him,  
17          what did he do with it?  Did he write it down?

18          A.       Well, I'm sure he probably kept - I  
19          mean, he kept his own records of certain things.

20          Q.       Where are those records?

21          A.       You would have to ask --

22          Q.       Is that anything other than the threat  
23          group file?

24                   MS. VAN PELT:  Object to the form.

25          A.       I think you would have to specifically

1 ask Bobby Howell what he did with his records.

2 BY MS. HARDAWAY:

3 Q. Okay. So I'm asking for the records of  
4 Bobby Howell which are comprised of notes of  
5 information given to him about gang activity.

6 A. I guess that's what you're asking for.

7 Q. Are those the notes that you're  
8 referring to where somebody would give him  
9 information?

10 A. But the information may have been  
11 transferred verbally. I may be, "Hey, I saw  
12 inmate Smith and inmate Jones getting together,  
13 and there's no way they should have been  
14 together," or it's just different transmittal of  
15 information.

16 Q. Okay. So when they come and they tell  
17 you I think Mr. Ingram has been engaging in  
18 enough activity that we can say he's a security  
19 threat -- he's a Security Threat Group member,  
20 you just believe it. You don't say what's your  
21 proof. You just believe it if Bobby Howell tells  
22 you that?

23 A. No. I don't just believe it because  
24 the STG policy requires that they meet a certain  
25 criteria before you can label them as a gang

1 member.

2 Q. But if I understand you correctly, he  
3 was labeled as a gang member by the state of  
4 Tennessee when he came there.

5 A. I don't know who actually did it, but  
6 it's based on the policy requirements that have  
7 to be followed.

8 Q. So are you saying it could have been  
9 done by the CCA personnel?

10 A. Oh, it could have, yes. That was one  
11 of their duties and responsibilities.

12 Q. Okay. So Mr. Ingram -- just to be  
13 clear, Mr. Ingram's Security Threat Group status  
14 may have come from a CCA evaluation of him, not  
15 the Department of Corrections, Tennessee  
16 Department of Corrections evaluation?

17 MS. VAN PELT: Object to the form.

18 A. It would have been the same regardless  
19 of who the employee was. And if you don't mind  
20 me elaborating for a second so maybe you can  
21 understand the way our policies function. Under  
22 our contract with the state of Tennessee, we had  
23 two types of policies. We had CCA policies, and  
24 we had state of Tennessee policies. The state of  
25 Tennessee had to approve every policy that was in

1           our policy manual. And with our contract they  
2           mandated certain policies of their's that we had  
3           to follow so our staff functioned the same as one  
4           of their staff members.

5   BY MS. HARDAWAY:

6           Q.       Right. So if you're a staff member  
7           that was paid by CCA and was evaluating based on  
8           Tennessee policy, Tennessee Department of  
9           Corrections policy, if they were evaluating the  
10          inmates when they came in and the answers on the  
11          evaluation yielded points that they thought, oh,  
12          this person has enough points they become a  
13          Security Threat Group member, the CCA employee  
14          would then assign that person to that  
15          classification security threat group.

16          A.       Right.

17                   MS. VAN PELT: Object to the form.

18   BY MS. HARDAWAY:

19          Q.       So it could have been a CCA staff  
20          member that evaluated Mr. Ingram and came up with  
21          that classification that Mr. Ingram was a  
22          Security Threat Group member?

23          A.       It could have been, but without  
24          reviewing the file, I couldn't tell you.

25          Q.       Okay. But it's not just something the

1 state of Tennessee says to you all, "Here's a new  
2 inmate. He's STG. You don't have to worry about  
3 it. Take our word for it." It could have just  
4 been that CCA did that evaluation of him after he  
5 got into the CCA system, and that's how he got  
6 labeled that?

7 MS. VAN PELT: Object to the form.

8 BY MS. HARDAWAY:

9 Q. As a Security Threat Group.

10 A. Yes. It could have been a CCA  
11 employee, but it would have been under the  
12 context of the state of Tennessee policy.

13 Q. Policy. I understand that. All right.  
14 And a CCA employee following the TDOC policy, I'm  
15 asking you would he write down what observations  
16 caused him to make Mr. Ingram a Security Threat  
17 Group person or did you just verbally tell each  
18 other that? I mean, I'm asking if there was  
19 something written down somewhere.

20 A. Yes, ma'am. The STG file contains the  
21 criteria and the points he scored for each  
22 category that would allow him to be placed in  
23 that group.

24 Q. And I understood that. You told me  
25 that before. And that's when he first got there,

1 right?

2 A. I don't know exactly when that occurred  
3 during his incarceration because sometimes events  
4 can happen such as what happened with this entire  
5 incident where you have people who were not  
6 currently listed as a suspect member or a  
7 confirmed member and because of their behavior or  
8 action in an incident, you may discovery that  
9 they're a member. It's not automatically a  
10 classification -- initial classification process.  
11 It could happen ten years into their  
12 incarceration, that they have managed not to be  
13 discovered and they are discovered by their  
14 behavior or their actions or something that they  
15 are involved in.

16 Q. We know from this morning that  
17 Mr. Howell already considered Mr. Ingram as a  
18 member of the Security Threat Group, right?

19 A. Yes, ma'am.

20 Q. All right. Okay. But I guess if we  
21 stay here all night we're not going to know what  
22 behaviors he displayed that you know about that  
23 would cause him to have been a member of the  
24 Security Threat Group. You don't know?

25 A. I mean, no. I mean, other than the

1 information was that was in his STG file, the  
2 information that was presented to me by the  
3 Security Threat Group coordinator, Bobby Howell,  
4 did I spend hours and hours in the facility  
5 observing James Ingram? No, I didn't. But  
6 that's the information and the criteria that I  
7 have that says he is a Security Threat Group  
8 member.

9 Q. Okay. So you really just took  
10 Mr. Howell's word for it?

11 MR. HILL: Object to the form of the  
12 Question.

13 A. No. I took the word of the process of  
14 the Security Threat Group policy in the file, not  
15 just an individual's word, because they have to  
16 do certain things. The employee has to complete  
17 that certain process and have information to back  
18 up those individual criteria levels to give him  
19 the points that make him a gang member, not just  
20 somebody's word.

21 BY MS. HARDAWAY:

22 Q. After he -- after Mr. Howell brought  
23 the list and you let him go and select Mr. Ingram  
24 because he was a member of the Security Threat  
25 Group list, did you ask to see any backup

1 information or question Mr. Howell any further  
2 about why Mr. Ingram was a member of the Security  
3 Threat Group list? Did you go any further into  
4 it with Mr. Howell?

5 A. No, I didn't.

6 Q. Did you go into it with anybody else  
7 ever during Mr. Ingram's tenure at Hardeman and  
8 discuss what it was that would cause him to be a  
9 Security Threat Group member?

10 A. I can't say that I did specifically for  
11 Mr. Ingram, no.

12 Q. Okay. But you said before we took our  
13 break that he was known, known to you to be a  
14 member of a gang?

15 A. Yes, ma'am.

16 Q. Was he known to you because you had  
17 seen his name in that file before or because of  
18 some activity?

19 A. Because his name appeared on the  
20 monthly report that I received from Bobby Howell  
21 of the confirmed and suspected members that we  
22 had in our facility.

23 Q. Did that monthly report -- did you read  
24 it? Did you read the report?

25 A. Yes.

1 Q. Okay. Did it say why each member's  
2 name was on there?

3 A. No. It didn't say why each member's  
4 name was on there.

5 Q. So it was just a list that came across  
6 your desk every day, every month?

7 A. Based on the Security Threat Group  
8 files that he had to maintain, yes.

9 Q. Did he give you the files or he just  
10 gave you the list?

11 A. He gave me the list because it would  
12 have been over 500 files.

13 Q. So you just saw the list was my  
14 question. You didn't see any backup information.  
15 Every month he gave you a list of people without  
16 inquiring as to why they were still on that list.  
17 You just took it. "Yeah, these people are a  
18 Security Threat Group because they are on this  
19 list."

20 A. No.

21 MR. HILL: Object to the form of the  
22 question.

23 A. No, I did not.

24 BY MS. HARDAWAY:

25 Q. What part of what I said -- you know,

1 here's what I'm asking. Did you ever go behind  
2 the names on the list and actually look in those  
3 files and, say, "Oh, they did this, they did  
4 that. So-and-so associates with so-and-so." Did  
5 you ever yourself go and look?

6 A. On certain individuals, yes, I did.

7 Q. Did you ever do that for James Ingram?

8 A. Specifically for him, no, I don't  
9 believe I did.

10 Q. All right. So to be clear, it's just  
11 because you saw his name on the list. You never  
12 went beyond that list to delve any further into  
13 why James Ingram himself was on that list?

14 A. I didn't have to because of the process  
15 in place.

16 Q. So your answer is, no, you did not?

17 A. No. I did not specifically for him.

18 Q. All right. That's all I was asking.  
19 Was there anyone else from the Hardeman County  
20 Correctional Facility other than you who was  
21 responsible for reporting incidents such as the  
22 one wherein you struck Mr. Ingram? Is it the  
23 responsibility of others there?

24 A. Yes, I assume it is.

25 Q. Okay. Is that part of the code of

1           conduct?

2           A.       I believe it is.  Yes.

3           Q.       How does the Quality Assurance Program  
4           work?  Is that related to that conversation we  
5           had earlier about how your facility was  
6           evaluated?  Was that the quality assurance or is  
7           that something else?

8           A.       It's one of the processes.  Yes.

9           Q.       And the quality assurance program was  
10          internal to CCA?

11          A.       Yes.

12          Q.       Explain that.

13          A.       Well, you have -- we had audits  
14          annually that were based on, oh, some 700-odd  
15          standards that the facility had to meet.  And  
16          it's, you know, a review of records and documents  
17          throughout different processes in the facility  
18          that we went through annually.

19          Q.       Was that tied to your bonuses?

20          A.       No, I don't believe so directly.

21          Q.       Indirectly was it tied to your bonuses?

22          A.       It may have been.  I mean, again, I  
23          don't know what are the exact criteria other than  
24          the standard bonus program that was in place for  
25          all employees, that -- it was tied to it based on

1 a certain score level if I remember correctly,  
2 you know, how well you did on it with the bonus  
3 program. And that was for all the employees, not  
4 just the warden because all of our employees  
5 receive bonuses.

6 Q. And it was based on the score level of  
7 what you refer to quality assurance?

8 A. Well, yeah. That was one of the  
9 criteria for it is, you know, how the facility  
10 did on their quality assurance audit, how they  
11 did financially, how they did -- you know, there  
12 is several different criterias that had to be  
13 met.

14 Q. And one of those factors I think you  
15 have already said was the number of incidents  
16 that were reported that occurred in that  
17 facility; is that right?

18 A. Not -- again, it's not necessarily one  
19 of the factors because you can't control the  
20 number of incidents. They would look at the  
21 types of incidents, not necessarily numbers. You  
22 didn't get a bonus because you had less number of  
23 incidents one year to the next. It didn't work  
24 that way.

25 Q. But the types of incidents that

1 occurred at the facility was part of the  
2 criteria --

3 A. I'm sure that that's part of what they  
4 used to --

5 Q. -- that was used to determine the score  
6 on the Quality Assurance Report?

7 A. No, not types of incidents, no.

8 Q. What did you say, kind of incident?

9 A. Well, no. And they didn't really lock  
10 at your total number of incidents in Quality  
11 Assurance.

12 Q. I didn't say total number. I used your  
13 word. You said types.

14 A. Well, even types of incidents. We're  
15 talking about two different things. Bonus plan  
16 or Quality Assurance audit? I'm confused.

17 Q. Were the bonuses tied to the score you  
18 got in the Quality Assurance audit?

19 MS. VAN PELT: Object to the form.

20 A. Not just to the score, but to the score  
21 plus other criteria that was laid out.

22 BY MS. HARDAWAY:

23 Q. Was the score part of it?

24 A. It was a -- I'm sure it was part of it.

25 MS. VAN PELT: Object to the form.

1 BY MS. HARDAWAY:

2 Q. So what would be your annual bonus,  
3 say, for 2006?

4 A. For 2006?

5 Q. Uh-huh.

6 A. I think I got a couple thousand  
7 dollars.

8 Q. In 2007?

9 A. It was about the same.

10 Q. At some point while you were working  
11 for CCA, did the method of calculating the  
12 bonuses change?

13 MS. VAN PELT: Object to the form.

14 A. Well, the program itself changed year  
15 to year. The criteria that had to be met changed  
16 from year to year, and that was, you know, a  
17 determination by the corporate office of what  
18 criteria they were going to use from one year to  
19 the next.

20 BY MS. HARDAWAY:

21 Q. And how did you know it changed? Did  
22 they send you something saying the criteria is  
23 different?

24 A. Yes.

25 Q. For the bonuses?

1           A.       Yes.   For the Employee Bonus Program.

2           Q.       They sent it to you in writing?

3           A.       They sent it to all the employees, I  
4 believe.

5           Q.       And then it would say what the criteria  
6 was?

7           A.       I believe so.   Yes.

8           Q.       Was that called -- was that document  
9 called something in particular?

10          A.       I don't remember it being called  
11 anything.   I mean, it was the Employee Bonus  
12 Program.   Not anything specific to any one  
13 document.

14          Q.       Do you remember ever seeing a criteria  
15 for bonuses that would have been in effect for  
16 2006 and 2007?

17          A.       I'm sure I looked at it.   Yes.

18          Q.       Do you remember if it had anything  
19 to -- did it include in its criteria the  
20 incidents that were reported from the  
21 institutions?

22          A.       I don't remember exactly.

23          Q.       Okay.   And who would have sent that  
24 out?   Who in corporate would have sent it out?

25          A.       It would have come from the Chief

1 Operating Officer, I believe.

2 Q. Would it be like a memo or an e-mail?

3 A. It was in a memo form, memo-type  
4 document.

5 Q. And you recall it for 2006 and 2007?

6 A. I'm sorry.

7 Q. You recall one for 2006 and 2007?

8 A. Yes, ma'am. I'm sure that there was  
9 one that was sent out.

10 Q. I'm going to ask for a copy of that.

11 MS. VAN PELT: If you will send  
12 Brandon a request.

13 MS. HARDAWAY: But I'm also asking  
14 for it now.

15 MR. HILL: You don't still have  
16 copies of any of that, do you?

17 THE WITNESS: No.

18 BY MS. HARDAWAY:

19 Q. Okay. So what were the safeguards if  
20 there were any safeguards in place within CCA to  
21 ensure that incidents like what happened with you  
22 and James Ingram was reported to CCA? Was there  
23 a policy?

24 A. I guess I'm not really understanding  
25 what you're saying.

1 Q. Was there a policy about reporting  
2 incidents like what happened with you and Mr.  
3 Ingram?

4 A. Yes.

5 Q. There was a policy about reporting  
6 that?

7 A. Yes, the incident reporting policy.

8 Q. Did it include something being put in  
9 writing? I mean --

10 A. Depending on the level of the incident,  
11 yes.

12 Q. Was that an incident that the policy  
13 would require to be put in writing?

14 A. Yes.

15 Q. But you only verbalized it to Mr. --

16 A. Yes.

17 Q. Was there a policy whereby you did not  
18 put that in writing you were to be disciplined in  
19 some way? That being the incident with you and  
20 James Ingram?

21 A. Would you state your question again,  
22 please?

23 Q. Was there some policy or rule that if  
24 you did not report an incident like that incident  
25 that happened with you and James Ingram that you

1 would be disciplined in some way for not  
2 reporting it?

3 A. I don't think there is a specific -- a  
4 quote, unquote specific policy that says you  
5 would be disciplined. It just says that that's  
6 what you're required to do.

7 Q. So how long were you at CCA before you  
8 became the warden at Hardeman County? How long  
9 had you worked for CCA?

10 A. Began in 1992, July 1992. And I was --  
11 my first warden position wasn't at Hardeman  
12 County. I became a warden in 1999. And I  
13 returned to Hardeman County as a warden in 2002.

14 Q. 1999 you were at the place in Clifton?

15 A. No. I was at Lawrenceville, Virginia.

16 Q. Why did you leave there?

17 A. I was asked by the company to go to  
18 Boise, Idaho for a facility startup and serve as  
19 the warden there and starting up that facility.

20 Q. Did you have any lawsuits filed against  
21 you in Lawrenceburg?

22 A. I don't recall any. Lawrenceville.

23 Q. Lawrenceville?

24 MR. HILL: You're saying against him  
25 individually?

1 MS. HARDAWAY: I think he  
2 understood.

3 BY MS. HARDAWAY:

4 Q. What did you understand me asking?

5 A. Me individually?

6 Q. Okay. What was the criteria that was  
7 used to appoint an employee as a warden --

8 MS. VAN PELT: Object to the form.

9 BY MS. HARDAWAY:

10 Q. -- in CCA? What was the criteria? Did  
11 you have to have a degree in Criminal Justice or  
12 anything like that?

13 A. When you say "criteria," the minimum  
14 qualifications that you had to have?

15 Q. Minimum qualifications. Uh-huh.

16 A. You had to have a certain number of  
17 years in corrections, a certain number of years  
18 in management, and/or the degrees that they  
19 require. I don't remember specifically what it  
20 is.

21 Q. And would degrees be in any particular  
22 area of study?

23 A. I don't think it had a particular area  
24 of study. Again, I don't remember specifically  
25 what the --

1 Q. Would with it be a bachelors or masters  
2 level, do you know?

3 A. I believe it was -- it was no more than  
4 a bachelors level as I can recall. But it was  
5 experience, positions held, and/or educational  
6 experience.

7 Q. So about how many years of experience  
8 was required? You said a certain number.

9 A. I want to say it was seven or more  
10 that's coming to mind, but, again, without  
11 reviewing it, I don't remember specifically what  
12 it said.

13 Q. Did you start at an entry level  
14 position with CCA? What was your first position  
15 held with CCA?

16 A. Senior Correctional Officer.

17 Q. Is that considered an entry level?

18 A. No. It's considered a supervisory  
19 position. It was at the time.

20 Q. So that's the position that you were  
21 appointed to in 1992?

22 A. Yes, ma'am.

23 Q. Were you involved in any incidents of  
24 abuse when you were at South Central?

25 MR. HILL: Object to the form of the

1 question.

2 A. None that I recall.

3 BY MS. HARDAWAY:

4 Q. When you were at South Central, did you  
5 have occasions where you were accused of abusing  
6 an inmate?

7 A. Not that I specifically recall.

8 Q. Okay. When you were at South Central,  
9 did you yourself engage in striking any inmates?

10 A. I had use of force incidents when I was  
11 at South Central.

12 Q. Were you the perpetrator of the force,  
13 the use of force? Was it you, yourself?

14 A. No.

15 Q. Who was it?

16 A. Well, use of force incident could be in  
17 response to an inmate's actions. I mean, there  
18 was a lot of incidents.

19 Q. And were you the one who responded to  
20 an inmate yourself? Are those the incidents  
21 you're referring to? Or a subordinate was  
22 responding to the inmate?

23 A. It could have been either/or. I mean,  
24 I was involved in use of force incidents there.

25 Q. Okay. So I'm asking about the use of

1 force incidents that you were involved in  
2 yourself physically. Okay? At South Central.

3 A. Okay.

4 Q. All right. Did any of that result in  
5 harm to inmates?

6 A. No.

7 Q. Okay. Did you strike them as part of  
8 the use of force? What was the type of use of  
9 force?

10 A. I really don't remember specifically.  
11 I mean, I was involved in several use of force  
12 incidents there and inmate stabbings and group  
13 disturbances. I mean, I can't specifically  
14 recall every incident that occurred.

15 Q. Well, you wouldn't have done the  
16 stabbing?

17 A. No.

18 Q. Okay. I'm asking what your actions  
19 were towards the inmates at South Central,  
20 incidents you had to report.

21 A. Well, I can't -- I mean, unless you get  
22 into a specific incident that occurred, I don't  
23 know that I can answer that question.

24 Q. What would happen with those incident  
25 reports? What did happen with those incident

1 reports? Did they get reported to corporate?

2 A. At that time in the position that I  
3 held, I can't say what happened to those reports  
4 other than I did what I was required to do at my  
5 level at that time.

6 Q. Which was what, as far as reporting?

7 A. Was reporting it to the shift commander  
8 who completed the overall incident report.

9 Q. And then do you recall what happened  
10 with any of those reports after a commander  
11 received them? Did he send them up higher? Did  
12 anybody come and interview you about them?

13 A. I mean, I don't know. I mean, that  
14 wasn't my role.

15 Q. You don't know whether or not anybody  
16 came and interviewed you about them, interviewed  
17 you about the incidents?

18 A. I don't remember anything -- I mean,  
19 not anything specifically. Again, you would have  
20 to get to a specific incident.

21 Q. Okay. Do you remember an inmate named  
22 Michael Smith that would have escaped from  
23 Hardeman Correctional?

24 A. Michael Smith? Yes. I recall that  
25 name.

1 Q. Did you go out on a search for him or  
2 did you participate in his apprehension in any  
3 way?

4 A. I believe I was involved in the search.

5 Q. And were you there when he was caught?

6 A. I would need some more specifics about  
7 the incident, when it occurred, because we had a  
8 couple of incidents where a single inmate  
9 escaped, and I participated in searches and I  
10 don't remember whose name was who's.

11 Q. July 26th, 1997?

12 A. Yes. I participated in that.

13 Q. Were you there when he was caught?

14 A. I was. I was present when he was  
15 apprehended. Yes.

16 Q. Did you have physical contact with him  
17 when he was apprehended?

18 A. I believe I placed handcuffs on that  
19 inmate while an officer held a gun on him.

20 Q. And did you kick him while he had  
21 handcuffs on him?

22 A. No, ma'am.

23 Q. Who else was there when Mr. Smith was  
24 apprehended?

25 A. At the immediate point in time, the

1 officer who had him at gun point was -- last name  
2 was German, Billy German.

3 Q. Who else was there?

4 A. There was several law enforcement  
5 officials who were there also. I don't remember  
6 exactly who they were.

7 Q. What happened? Was there a report of  
8 that incident?

9 A. I'm sure there was. Yes.

10 Q. Did you make the report?

11 A. I did not. I wasn't responsible for  
12 the entire report at that time.

13 Q. Did you make a report about what  
14 happened when Mr. Smith was apprehended?

15 A. I'm sure that I probably did.

16 Q. Okay. And then were you questioned at  
17 any time or interviewed at any time later or  
18 asked to supplement your report at any time later  
19 about the apprehension of Michael Smith?

20 A. I don't recall that. No.

21 Q. In 2000, was there some kind of  
22 altercation with some Wisconsin inmates at  
23 Hardeman County?

24 A. I wouldn't know. I was not at Hardeman  
25 County in the year 2000.

1 Q. While you were at Hardeman County --  
2 let's just say that's the wrong year. While you  
3 were at Hardeman County, do you recall a time  
4 when you had Wisconsin inmates in residency?

5 A. There was a period of time that there  
6 were Wisconsin inmates there. Yeah.

7 Q. When you were there?

8 A. Yeah.

9 Q. And what would have been your position  
10 that you held at that time?

11 A. Assistant Warden.

12 Q. Okay. And do you recall having an  
13 incident or more than one incident with use of  
14 force with those Wisconsin inmates?

15 A. Me personally, no.

16 Q. Do you recall reports being made of any  
17 of your staff using force against any of those  
18 Wisconsin inmates?

19 A. Not specifically. I mean, I'm sure  
20 there were some incidents that occurred, but  
21 unless you get to a specific incident, I can't  
22 say that I recall or don't recall it.

23 Q. Was there an incident where somebody,  
24 you or a member of your staff, allegedly stepped  
25 on or actually stood on an inmate, a Wisconsin

1 inmate?

2 A. Not that I recall.

3 Q. Okay. Or placed their foot on the back  
4 of an inmate's head and exerted pressure?

5 A. Not that I recall.

6 Q. Could you have forgotten such a thing?  
7 You keep saying "not that I recall."

8 A. Well, yeah, I could have because --

9 Q. You don't say "no, I never did that."

10 A. -- that's been a long time ago. I  
11 mean, you're generalizing incidents that  
12 occurred.

13 Q. I'm not generalizing. I'm  
14 specifically -- you told me the --

15 A. No, I did not. No.

16 Q. Now, when you were at South Central,  
17 was there an occasion where tear gas or pepper  
18 spray, a chemical agent, was dispersed in a  
19 housing unit when you left the inmates in the  
20 housing unit for an extended period time after  
21 that?

22 A. No, ma'am. I never administered any  
23 chemical agents while I was assigned to South  
24 Central.

25 Q. Did you have any of your staff

1 administer chemical agents?

2 A. No, ma'am.

3 Q. Did they do it whether it was at your  
4 behest or not?

5 A. No, ma'am.

6 Q. Were you ever working in any facility  
7 wherein you or one of your staff dispersed  
8 chemical agents into a housing unit and the  
9 inmates weren't taken out immediately after?

10 A. No.

11 Q. Have you ever received a misconduct or  
12 disciplinary report about any of your actions  
13 since you have been with CCA, formal or informal?

14 A. What do you mean by formal or informal?

15 Q. Any kind of misconduct report or  
16 disciplinary report.

17 A. Not that I can recall, no.

18 Q. Okay. And were you ever demoted while  
19 you were with CCA?

20 A. Demoted? No.

21 Q. Okay. Were you ever suspended while  
22 you were with CCA?

23 A. No.

24 Q. Were you ever put on administrative  
25 leave while an investigation was conducted about

1       some incident that you were involved in with CCA  
2       other than with Mr. Ingram?

3           A.       Nothing other than that.

4           Q.       Okay.  What's the oversight  
5       responsibility of your contract monitor at  
6       Hardeman County, or what was it when you were  
7       there?

8           A.       As I understand it, their  
9       responsibility is to ensure that we're following  
10      our contract.  I mean, it's their job to go out  
11      and check behind employees and documents and  
12      different things.  I mean, they have their own  
13      rules of instruction from the state to follow,  
14      and they had certain things that they had to  
15      check on a certain time basis.  I don't know  
16      whether it was a weekly or monthly or whatever  
17      basis.

18          Q.       Should you have reported the incident  
19      with you and Mr. Ingram to the contract monitor  
20      after it happened?

21          A.       Not directly I shouldn't have, no.

22          Q.       Should you have given them a copy of  
23      it?

24          A.       In the same context of any other  
25      incident reporting, yes.  I didn't have --

1           Q.       Yeah. I'm just asking -- I don't know  
2       what this context is or -- that's making it way  
3       too complicated. I'm just asking, the contract  
4       monitor, would you have given the contract  
5       monitor, should you have given the contract  
6       monitor a copy of the incident report that  
7       happened between you and James Ingram? A copy,  
8       because I don't think there was the copy. You  
9       didn't make an incident report about that, did  
10      you?

11          A.       There were two state employees at our  
12      facility. The contract monitor there had their  
13      role function, and the commissioner's designee  
14      had his role function. An incident report went  
15      to the commissioner's designee, not the contract  
16      monitor.

17          Q.       Did you provide the -- is that a TDOC  
18      staff member that you're talking about, the  
19      commissioner's designee?

20          A.       Yes.

21          Q.       Did you give the commissioner's  
22      designee a report of what happened between you  
23      and James Ingram?

24          A.       No, I did not.

25          Q.       Should you have?

1           A.       Yes.

2           Q.       Do monitors -- do they conduct their  
3           own inspections throughout or do they just get  
4           reports from you all about what's happening  
5           throughout the facility?

6           A.       They have access to anything in the  
7           facility, any files, any documents. They can go  
8           out and conduct their own.

9           Q.       Was that common for them to do that at  
10          Hardeman or did they just rely upon your reports?

11          A.       No. It was common for them to go out  
12          and observe and check documents and other things.  
13          They were required to do that.

14          Q.       Do you know -- did you tell any of your  
15          staff to tell the TDOC monitors -- the TDOC  
16          commissioner designee about what happened between  
17          you and Mr. Ingram? Did you tell one of your  
18          staff to make that report?

19          A.       No, I did not.

20          Q.       Okay.

21                   MS. HARDAWAY: We'll take a break.

22                               (A break was taken.)

23          BY MR. HARDAWAY:

24          Q.       We're back on the record. I'm going to  
25          show you Bates stamp number 1442. Actually, what

1 I had you look at, Mr. Turner, was Bates stamp  
2 pages 1142 and 1143. Do you recall what this  
3 document is or having seen it before?

4 A. It's -- I mean, I don't recall what the  
5 document is other than it's a letter that was  
6 addressed to me. And it's been faxed also, but  
7 --

8 Q. Who is the letter from and what is the  
9 date of the letter?

10 A. The letter is from Glenwood P. Roane,  
11 Senior, and the date of the letter is June 25th,  
12 2007.

13 Q. And you had a chance to read it?

14 A. Yes, I have.

15 Q. Okay. And what's the letter about?

16 A. It's about -- do you want me to read  
17 the letter or do you want me to just --

18 Q. You can if you want.

19 A. It's a letter that is alleging that  
20 Mr. Ingram was involved in an incident with me on  
21 May the 16th.

22 Q. Okay. Perhaps I can elaborate. This  
23 letter is telling you that this firm represents  
24 Mr. Ingram in the incident, correct? You saw  
25 that on the letter?

1           A.       I saw that on that letter, yes, ma'am.

2           Q.       All right.  And he indicated to you at  
3           that time that he was requesting a copy of any  
4           videotapes of the area where the incident  
5           happened, an explanation of your involvement with  
6           Mr. Ingram's injuries, and the name of all  
7           witnesses to the incident and the statements of  
8           Sergeants Taylor and Brown as well as the  
9           transcripts of any hearing that was conducted by  
10          you, Mr. Turner, and your personnel.  He also  
11          asked for the authority for the transfer of  
12          Mr. Ingram to the state penitentiary at Henning  
13          and what corrective action would be initiated to  
14          ensure that the infractions would be prevented in  
15          the future.  Did you ever respond to this letter?

16          A.       No.  That letter was actually -- I did  
17          not respond to this letter.  This letter is dated  
18          and stamped received at the Department of  
19          Corrections commissioner's complex.

20          Q.       Are you saying that you never got a  
21          copy of the letter?

22          A.       I did get a copy of this letter.  Yes.

23          Q.       Okay.  So my question was not where it  
24          was received.  My question was did you respond to  
25          attorney Roane after you received this letter

1 from him?

2 A. No, I did not.

3 Q. Is there any reason why not?

4 A. Because the documents and the items  
5 that he was asking for, that kind of request  
6 would have to be through the Tennessee Department  
7 of Corrections, and they would have to provide  
8 that information under the Public Information  
9 Act. I could not. I as a warden did not have  
10 the authority to release such information.

11 Q. Did you respond and tell him such?

12 A. No, I did not.

13 Q. Why not?

14 A. It was not untypical to receive those  
15 kind of letters from various people requesting  
16 those kind of things. And, again, I wasn't in a  
17 position of authority to release that kind of  
18 information that was being requested. And also  
19 the letter is cc'd to the -- I believe to the  
20 commissioner on there.

21 Q. So you just ignored it. You didn't  
22 respond?

23 A. I didn't just ignore it, but, no, I did  
24 not respond to it.

25 Q. So what else did you do in regard to

1 it? Did you forward it to anybody?

2 A. I don't remember whether I did or  
3 didn't. I don't remember what I did with it.

4 Q. Well, if you didn't do anything with  
5 it, wouldn't that be ignoring it?

6 MR. HILL: Object to the form of the  
7 question.

8 A. I don't think that's necessarily  
9 ignoring it. It's information that I'm not  
10 authorized to release, so there is nothing I can  
11 do with it.

12 BY MS. HARDAWAY:

13 Q. Okay. You could not forward it to  
14 someone else and ask them to release that  
15 information?

16 A. I couldn't ask them to release the  
17 information. I could forward the information to  
18 them. It would be up to them to release it or  
19 not.

20 Q. But you didn't do any of those things?

21 A. No, I did not.

22 Q. Okay.

23 MS. HARDAWAY: Can I get that  
24 marked.

25 (Whereupon, the above-mentioned

1 document was marked as Exhibit  
2 Number 1 to the testimony of the  
3 witness and attached hereto.)

4 BY MS. HARDAWAY:

5 Q. I want to show you what has been Bates  
6 stamped as 1456. Have you seen that before?

7 A. Yes, ma'am.

8 Q. And what is this document? You had a  
9 chance to look at it. What is it?

10 A. That's another accident injury --  
11 Traumatic Injury Report.

12 Q. But whose? Whose is it? What inmate's  
13 is it?

14 A. James Ingram is the name that's listed  
15 on it.

16 Q. And what does it say as the comment of  
17 what his complaint was to the nurse in that  
18 report?

19 A. Well, what's written here says, "Man, I  
20 was assaulted by the warden."

21 Q. Okay. And what's the date on it?

22 A. 5/16/07.

23 Q. Is there a signature at the bottom?

24 A. Yes.

25 Q. Whose signature is it?

1           A.       It looks to me like to be Jeanette  
2       Spencer.

3           Q.       And was she the nurse there?

4           A.       She was a nurse there.   Yes.

5           Q.       Okay.  Have you ever seen this before?

6           A.       I believe I have.

7           Q.       Okay.  And before we broke for lunch  
8       this morning, you indicated that you had asked  
9       somebody to retrieve a medical report.  Is this  
10       what you were referring to or something else?

11          A.       I didn't ask anybody to retrieve a  
12       medical report.  A medical report was brought to  
13       me.

14          Q.       And it was brought to you by Ms. Rice?

15          A.       I believe so.  Yes.

16          Q.       Okay.  Is this the medical report that  
17       was brought to you by Ms. Rice?

18          A.       I believe that's a copy of it, yes.

19          Q.       Okay.  I think we might have marked  
20       this.  I'm going to make sure.  And this looks  
21       like a second page of it.  So just to make sure,  
22       we might put both pages in.  I'm going to ask you  
23       to look at that first and tell me if that's --

24          A.       It is actually not a second page, but  
25       it's usually used as a second page.  Yes, ma'am.

1 Q. Okay. And it's a second page to what  
2 we have just marked as Exhibit 2, Bates stamp  
3 1456, and it's stamped at the bottom Bates stamp  
4 1457; is that correct?

5 A. That's the number that is on here.  
6 Yes, ma'am.

7 Q. Okay. And what kind of injury is  
8 indicated? Is that a sheet that has diagrams of  
9 human bodies so that you can indicate the  
10 injuries and where they are?

11 A. Yes, ma'am.

12 Q. Okay. And that's using a medical  
13 facility to note what part of the body there is  
14 an injury on?

15 A. Yes, ma'am.

16 Q. Okay. And what does it say there as to  
17 the specific patient?

18 A. It says List Injuries. Number 1, it  
19 says, "Laceration to left eye."

20 Q. Okay. Does it say anything else?

21 A. No, ma'am, not in the written portion.  
22 No.

23 Q. Okay. And what patient name is down  
24 there at the bottom?

25 A. It says Ingram, James. James Ingram.

1 Q. And who is it signed by?

2 A. Jeanette Spencer.

3 Q. And what is the date on it?

4 A. 5/16/07 at 11:25 a.m.

5 Q. Okay. I'm going to ask that this be  
6 page 2 of Exhibit 2. I'm going to show you page  
7 1458 and ask you to look at that document and  
8 read it.

9 A. I'm sorry. You want me to read it?

10 Q. Please. To yourself.

11 A. (Witness complies.) Okay.

12 (Whereupon, the above-mentioned  
13 document was marked as Exhibit  
14 Number 2 to the testimony of the  
15 witness and attached hereto.)

16 BY MS. HARDAWAY:

17 Q. Have you seen this before?

18 A. No, I haven't.

19 Q. Okay. Does this have a patient's name  
20 at the top of that document?

21 A. Yes, it does.

22 Q. Okay. That looks like something that's  
23 printed out and computer generated. Whose name  
24 does it have?

25 A. It has James Ingram at the top.

1 Q. Okay. And does it have noted some type  
2 of medical assessment -- medical indication of  
3 what the injury is to that patient?

4 A. Yes, it does.

5 Q. Can you read that into the record what  
6 the observation was?

7 A. 2CM laceration to left eye. Bruise  
8 with dried blood. DEN IES vision problems.  
9 Moderate amount of swelling noted. Alteration in  
10 comfort. Cleaned with NS. No further TX  
11 required at this time.

12 Q. Could that D-E-N be denied vision  
13 problems?

14 A. Denies vision problems. Yes. It goes  
15 down on the second line.

16 Q. And it indicates that there is swelling  
17 there; is that correct?

18 A. It indicates moderate amount of  
19 swelling noted.

20 Q. Okay. What's the date on that?

21 A. The date on this is 5/16, 2007 at  
22 9:00 a.m.

23 MS. HARDAWAY: This is Bates number  
24 1458, and we can either make this number  
25 3 of Exhibit 2 or hearing no objection,

1 we'll make it Exhibit 3.

2 MR. HILL: I would ask that it be  
3 made without the highlights on that.

4 MS. HARDAWAY: We can make a copy of  
5 that.

6 (Whereupon, the above-mentioned  
7 document was marked as Exhibit  
8 Number 3 to the testimony of the  
9 witness and attached hereto.)

10 BY MS. HARDAWAY:

11 Q. I'm going to show you what's been  
12 marked as Bates -- well, what is numbered as  
13 Bates 1459. Well, it's a two-page document so I  
14 will show you 1460, and I will ask you to read  
15 that. I will let you start with that second  
16 paragraph out loud unless you want to start with  
17 the first. That's fine with me. And continue  
18 through to the end of that document.

19 A. Would you show me where exactly you  
20 would like to start?

21 Q. Sure. First of all, why don't we just  
22 identify this. At the top it says Tennessee  
23 Bureau of Investigation investigative report.  
24 The first paragraph, does it say who is giving  
25 that statement in the first sentence? Whose

1 statement it is?

2 A. Yes, ma'am. It says this is a written  
3 statement of Bobby Howell white male, 43, as  
4 given to Special Agent Corey B. Graves of the  
5 Tennessee Bureau of Investigation and Special  
6 Agent In Charge, Jerry Lester, of the Department  
7 of Corrections on 11:50 a.m., at the location of  
8 Highway 64, Whiteville, Tennessee, a/k/a  
9 Tennessee Technology Center.

10 Q. Okay. And on the second page is it  
11 signed?

12 A. Yes, ma'am. There is a signature on  
13 it.

14 Q. And who signed the statement?

15 A. The name printed under the signature is  
16 Bobby Howell.

17 Q. All right. Why don't you start in the  
18 first paragraph where it says an individual,  
19 James Ingram, was pulled into a room.

20 MR. HILL: I'm going to object to  
21 having him read that. You can ask him  
22 questions about it, but just reading it  
23 into the record --

24 MS. HARDAWAY: I do want you to read  
25 it.

1                   MR. HILL: I object.

2           A.       An individual, James Ingram, was pulled  
3           into a room, the operations office located off of  
4           intake. This is a particular area located in C  
5           building. This room as I recall was a 3-sided  
6           solid wall with one window and concrete floors,  
7           possibly even tile. Continue?

8 BY MS. HARDAWAY:

9           Q.       Yes.

10          A.       Robert Strickland, K-9 and Caleb  
11          Mayhue, CO, brought Ingram into the room  
12          previously described. Ingram was advised to sit  
13          in a chair which was located within. While  
14          seated in the chair Ingram was restrained by  
15          cuffs either standard or flex behind his back.  
16          Warden Turner began to question Ingram about his  
17          involvement in the dispute. Ingram denied having  
18          any specific involvement.

19                 After repeated denials by Ingram, Turner  
20          grabbed Ingram by his hair. Ingram had  
21          dreadlocks. Turner made a comment about being  
22          old school. As a result Turner put Ingram on the  
23          floor and inquired again if he wanted to be old  
24          schooled. While on the ground Turner struck  
25          Ingram twice with a closed right hand. Ingram

1       sustained an obvious injury to his head where a  
2       red substance was present while he was on the  
3       ground. Turner took tissue or something of the  
4       sort and wiped away the fluids.

5               Despite continued questioning by Turner,  
6       Ingram denied all knowing of the event. After  
7       the event with Ingram, it was so ordered by  
8       Turner to Strickland that Ingram be placed into  
9       segregation. From recollection there was no  
10      orders to send Ingram into medical for  
11      evaluation. I conducted no additional followup  
12      on medical attention Ingram would have received.  
13      If Ingram did sustain injury as a result of the  
14      accident, which I know he did, there is  
15      documentation within medical to document it as  
16      policy and procedures stipulates.

17      Q.       That's enough. All right. So does  
18      that refresh your memory at all that Mr. Bobby  
19      Howell who you've testified you rely upon for  
20      information and act upon his information that you  
21      made statements to him that you were old school?  
22      You made statements to Ingram that you were old  
23      school?

24               MR. HILL: Object to the form of the  
25      question.

1           A.       I'm not understanding the question.

2 BY MS. HARDAWAY:

3           Q.       Does this refresh your memory? Did you  
4           make statements to Mr. Ingram about being old  
5           school?

6           A.       I don't believe you have ever asked me  
7           the question if I said that to him or not, but,  
8           yeah, I believe I did say that to him.

9           Q.       Okay. And it says here you struck him  
10          twice. You said this morning you struck him  
11          once.

12          A.       I struck him one time.

13          Q.       Okay. I want to show you Bates numbers  
14          1461 and 1462 dated July 24th, 2007. It has a  
15          signature of Keith Huggins on it. I want to give  
16          you an opportunity to look at that first.

17          A.       (Witness Reads document.)

18          Q.       You have had a chance to read this  
19          document, correct?

20          A.       Yes, ma'am.

21          Q.       All right. Now, it says here Voss  
22          Johnson was next. He was interviewed after  
23          Mr. Ingram. This has been given by Mr. Huggins.  
24          He says he was present when Bobby was cleaning up  
25          blood that was on the floor and on the wall. You

1 saw that in here?

2 A. Yes, ma'am. I saw that in here.

3 Q. Does that refresh your memory from this  
4 morning when you didn't recall if there was blood  
5 on the wall from you hitting Mr. Ingram?

6 A. I still don't recall. I don't recall  
7 at all if there was blood on the wall or on the  
8 floor.

9 Q. Okay. It says: "After Howell finished  
10 cleaning the blood up, we had to continue  
11 interviews. From recollection, Voss Johnson was  
12 next. While present for the entire interview  
13 with Johnson, I was able to observe and hear  
14 Turner make a statement to Johnson, 'Do you want  
15 to go old school with you'? Turner made an  
16 action with his right hand which held a radio  
17 towards the person of Johnson. At this moment  
18 Bobby and I caught a glimpse of one another  
19 recalling what had previously occurred."

20 Do you recall making those statements to  
21 Voss Johnson?

22 A. No. I don't recall making those  
23 statements to Voss Johnson.

24 Q. Do you recall raising your right hand  
25 with the radio in it?

1 A. No, I do not.

2 Q. As if you were going to strike him?

3 A. No, I do not.

4 Q. Okay. It also says here: "There has  
5 been no outside discussion of the incident in  
6 regard to reporting citing the relationship the  
7 warden has with corporate as his brother is Vice  
8 President of the corporation. It stands to  
9 reason that if the event was reported, then  
10 Turner's brother would discover who reported it.  
11 This is known by all employees and is a general  
12 worry for all."

13 You saw that in here?

14 A. I saw that in there. Yes, ma'am.

15 Q. Okay. Do you have any reason to think  
16 that this was not accurate?

17 MR. HILL: Object to the form.

18 A. I can't say whether that's accurate or  
19 not. That's a statement that he gave to other  
20 investigators, not to me.

21 BY MS. HARDAWAY:

22 Q. Okay. I'm going to ask that we make  
23 Howell's Exhibit Number 4 and that we make  
24 Huggins Exhibit Number 5.

25 MR. HILL: I don't have a problem

1           with it as far as identification, but as  
2           far as an exhibit to be testified to --  
3           if you want to do it for identification.

4                       (Whereupon, the above-mentioned  
5           documents were marked as Exhibit  
6           Numbers 4 and 5 to the testimony of  
7           the witness and attached hereto.)

8 BY MS. HARDAWAY:

9           Q.       I'm going to hand you Bates page number  
10          1496 and ask you to look at those parts that are  
11          highlighted. One is entitled Reporting  
12          Misconduct and seeking Guidance, and the other is  
13          entitled Conflicts of Interest Corporate  
14          Opportunities and Gifts. I would like for you to  
15          read that.

16          A.       (Witness complies.)

17          Q.       Okay. Now, is this the code of conduct  
18          that you recall from -- you said you got a Code  
19          of Conduct book when you were there?

20          A.       Uh-huh.

21          Q.       This says that Reporting Misconduct and  
22          Seeking Guidance -- that's the title of this  
23          section. "Report and if possible prevent  
24          misconduct. Seek guidance if you have questions.  
25          If you become aware of misconduct, you must

1 report it. You should also take reasonable steps  
2 whenever possible to prevent violations before  
3 they occur. If you are concerned that conduct  
4 may be unlawful or unethical but are not sure,  
5 seek guidance. Confidentiality and  
6 non-retaliation policies apply for those who  
7 report misconduct or seek guidance."

8 So is that how you understood the policy  
9 in terms of reporting misconduct when you were  
10 there?

11 A. Yes.

12 Q. Okay. And you still don't see that it  
13 was necessary under this policy for you to  
14 report -- let me ask you this way. Would you  
15 agree that you should have reported what happened  
16 with Mr. Ingram and encouraged those other  
17 individuals who were in the room to also give a  
18 report about it under this?

19 A. Yes.

20 Q. Shouldn't your staff have also reported  
21 what happened with you and Mr. Ingram?

22 A. Yes.

23 Q. Do you agree with this statement that  
24 they were chilled because they didn't feel that  
25 they would be safe to report against you because

1 of your brother's position in the company?

2 MR. HILL: Object to the form of the  
3 question.

4 A. No, I do not agree with that statement.

5 BY MS. HARDAWAY:

6 Q. All right. Had someone reported that  
7 to corporate or to the Department of Corrections  
8 designee in a timely manner, and you set out  
9 those time frames this morning, would that have  
10 been the more appropriate thing to do rather than  
11 wait for the Tennessee Department of Corrections  
12 to start an Internal Affairs investigation?

13 MR. HILL: Object to the form of the  
14 question.

15 A. If you're asking me if it was  
16 appropriate, then, yes, it would have been  
17 appropriate.

18 BY MS. HARDAWAY:

19 Q. More appropriate?

20 A. I'm sorry. I don't understand your  
21 question.

22 Q. Well, don't you think it was like a  
23 cover-up of what happened between you and Mr.  
24 Ingram for no one to report it? It just got  
25 covered up?

1                   MR. HILL: Object to the form of the  
2                   question.

3                   A.        No. I do not think it was a cover-up.

4 BY MS. HARDAWAY:

5                   Q.        You didn't encourage any of your staff  
6                   to report it, correct?

7                   A.        No, I did not encourage any of them to  
8                   report it.

9                   Q.        And part of your responsibility would  
10                  have been to encourage your staff to include that  
11                  in a report that they made about the incident?

12                  A.        (No response.)

13                  Q.        If they are going to make a report  
14                  about any of the incident May 16, shouldn't they  
15                  have included that?

16                  A.        They should have included it, but it  
17                  was not my responsibility to encourage them  
18                  anything they placed in their reports.

19                  Q.        I'm going to show you Bates number  
20                  1503, Additional Responsibilities of Managers and  
21                  Corporate Officers. What does that paragraph say  
22                  about your responsibility as a manager?

23                  A.        Do you want me to read it out loud?

24                  Q.        Yeah, because I'm asking the question  
25                  what does it say.

1           A.       "Managers must ensure that the  
2           employees they supervise understand and comply  
3           with the company's standards of conduct. In this  
4           regard, the company's corporate officers and  
5           others who have significant oversight  
6           responsibility (for example, facility wardens)  
7           have particular responsibility for setting the  
8           right example or tone and for enforcing the  
9           company's conduct standards. If you or any of  
10          the employees supervise have questions or  
11          concerns about conduct or actions they may be  
12          covered by the Code of Conduct, or if you or the  
13          employees you supervise have questions about the  
14          applicability or interpretation of these  
15          principals and standards set forth in the Code,  
16          you should seek guidance as discussed next under  
17          Reporting Misconduct and Seeking Guidance."

18          Q.       Okay. So isn't it a fair statement  
19          that under this section of your Code of  
20          Conduct -- was this also part of the Code of  
21          Conduct that was enforced when you were employed  
22          there? This is -- you recognize that this is  
23          still part of the same book?

24          A.       I'm sure it is, but without reviewing  
25          my personnel file to see exactly which one I

1 signed, I can't say for sure.

2 Q. Well, your attorney has a copy of your  
3 personnel file, correct?

4 A. I'm sure he does.

5 Q. So you have had ample opportunity to  
6 review your personnel file, right?

7 MR. HILL: Object to the form of the  
8 question.

9 A. No. I have not had ample opportunity  
10 to review my personnel file. I have not had  
11 access to it.

12 BY MS. HARDAWAY:

13 Q. So he's not gone over that with you?

14 MR. HILL: Object. Don't answer  
15 that.

16 BY MS. HARDAWAY:

17 Q. You have not reviewed your personnel  
18 file since your attorney has obtained it?

19 A. No. I have not reviewed my personnel  
20 file.

21 Q. Did you ask?

22 MR. HILL: Don't answer that. Quit  
23 asking him about any discussions that we  
24 have had.

25 BY MS. HARDAWAY:

1 Q. Okay. At any rate, it says that  
2 managers must ensure that the employees they  
3 supervise understand and comply with the  
4 company's standards of conduct. Were you not  
5 obligated to ensure that your staff who were in  
6 that room and knew that you had struck and  
7 injured a restrained inmate, were you not  
8 obligated to make sure that that was included in  
9 the report based on this?

10 A. Based on that, yes.

11 MS. HARDAWAY: Okay. I think I'm  
12 going to mark this section.

13 (Whereupon, the above-mentioned  
14 document was marked as Exhibit  
15 Number 6 to the testimony of the  
16 witness and attached hereto.)

17 BY MS. HARDAWAY:

18 Q. I'm going to show you Bates stamp  
19 number 1504. The last paragraph on that page, if  
20 you could read that, please. You can read it out  
21 loud or you can read it to yourself.

22 MS. HARDAWAY: I think you have a  
23 copy of that, Mr. Hill. Do you not have  
24 your copies here?

25 MR. HILL: What does that matter

1           whether I have a copy of it here or not?

2           MS. HARDAWAY: Well, I don't know  
3           why you're holding on to mine.

4           MR. HILL: Because you've handed it  
5           to the witness, and I want to look at it.

6           MS. HARDAWAY: Well, why don't you  
7           get your copies out, and that will make  
8           things go a lot faster if you don't mind.

9 BY MS. HARDAWAY:

10          Q.       You've had a chance to read the section  
11          of the Code of Conduct that says Reporting  
12          Misconduct and Seeking guidance which is Bates  
13          stamped 1504.

14          A.       I read one paragraph. Yes, ma'am.

15          Q.       Okay. All right. And it says here  
16          that employees are advised that neither the  
17          general counsel nor any other attorney employed  
18          or retained by the company is an attorney for any  
19          particular company employee. Accordingly,  
20          communications between a company attorney and an  
21          employee do not establish an attorney/client  
22          relationship between the attorney and the  
23          employee. And any privilege that applies to the  
24          communications is the company's and as such may  
25          be waived at the company's discretion.

1 Information received through such communications  
2 with other company personnel may be used by the  
3 company or may be required to be disclosed in  
4 some type of legal proceedings.

5 MS. HARDAWAY: Can we go off the  
6 record for a minute?

7 (Whereupon, the above-mentioned  
8 document was marked as Exhibit  
9 Number 7 to the testimony of the  
10 witness and attached hereto.)

11 BY MS. HARDAWAY:

12 Q. All right. So when you were being  
13 interviewed by Mr. Mike Dagley and a woman whose  
14 name you don't remember from CCA, did you in any  
15 way think that you were being interviewed by them  
16 with them acting as your counsel in any way?

17 A. No.

18 Q. Okay. And have you ever sought counsel  
19 from Mike Dagley for him to represent you in this  
20 matter?

21 A. No.

22 MS. VAN PELT: Object to the form.

23 A. No. That's the first time I had ever  
24 met or spoken with that man.

25

1 BY MS. HARDAWAY:

2 Q. All right. And were you aware that  
3 when general counsel, another attorney, employee  
4 has communication with you, were you aware that  
5 this Code of Conduct set out whether or not they  
6 were representing you? Were you aware of this  
7 while you worked there?

8 A. I mean, it was in the document. I  
9 guess you could say I was aware, but he was  
10 pretty clear when I met with him that he was not  
11 representing me.

12 Q. He was?

13 A. Right.

14 Q. Okay. Did he state anything to you  
15 such as, "I'm preparing for litigation" or  
16 anything like that?

17 MS. VAN PELT: Object to the form.

18 A. I'm sorry?

19 BY MS. HARDAWAY:

20 Q. Did he state anything in the nature of  
21 we're prepared for litigation, give you any  
22 indication like that?

23 A. No, ma'am.

24 Q. I'm going to show you Bates stamp  
25 number 1526. This is the document that is part

1 of the Investigative Report of the Tennessee  
2 Bureau of Investigation. It's the written  
3 statement of Caleb Adam Eugene Mayhue. Can you  
4 look at this and review this, particularly, this  
5 second paragraph? Review the whole thing if you  
6 wish.

7 A. (Witness complies.)

8 Q. Mr. Turner, it says here that  
9 Mr. Mayhue, Adam Eugene Mayhue was in the room  
10 when you were questioning Mr. Ingram. Mr. Ingram  
11 denied knowing anything about it. And it says  
12 here you placed Mr. Ingram in a choke hold. Do  
13 you recall that?

14 A. No, I do not.

15 Q. It says, "Mr. Ingram went to the floor,  
16 was struck by Turner with a closed fist." I  
17 believe you have already said you remember that.  
18 It says "I noticed Howell tense up like the event  
19 was a surprise to him. Turner places both hands  
20 on Ingram's shirt and motions Ingram into the  
21 wall causing contact between his back and the  
22 wall. Ingram replies, 'Oh, man, I'm hurt.'  
23 Turner notices the injury to Ingram's left eye  
24 above his brow, applied pressure to the area and  
25 placed Ingram back in the same chair and began

1 questioning him again."

2 It said, "With the same replies, Turner  
3 throws the same roll of tissues used to stop the  
4 bleeding at Ingram. The questioning at this  
5 point was over."

6 Do you recall -- now, does that refresh  
7 your memory at all that you threw a roll of  
8 tissue at Mr. Ingram?

9 A. No, it does not.

10 Q. Okay. And it says that you slid him --  
11 that you grabbed him and slid him toward the wall  
12 causing contact between his back and the wall.  
13 Do you recall doing that, sliding him toward the  
14 wall?

15 A. No, ma'am.

16 Q. Okay. If Mr. Ingram also testified  
17 Tuesday that you were trying to slam his head  
18 into the wall by sliding his whole body toward  
19 the wall, you would still say that's inaccurate?

20 A. Yes, ma'am.

21 Q. Okay. Do you think that Mr. Mayhue or  
22 Mr. Strickland or Mr. Howell, that they have  
23 anything against you that you know of?

24 MR. HILL: Object to the form of the  
25 question.

1           A.       I wouldn't know whether they do or do  
2       not.

3   BY MS. HARDAWAY:

4           Q.       Have you known them to be truthful  
5       people in the past?

6           A.       I can say as far as interactions with  
7       them, I would hope that they are, yes.  But were  
8       they always?  I don't know.

9           Q.       To your knowledge, were any pictures  
10       taken of Mr. Ingram before he left the facility?

11          A.       Not to my knowledge.

12          Q.       To your knowledge were there pictures  
13       taken of injuries to the officers who were  
14       injured?

15          A.       I believe there was.  Yes.

16          Q.       Was it protocol to take pictures of all  
17       injuries whether they were inmates or personnel?

18          A.       You did the best that you could  
19       depending on the situation and the particular  
20       injury that occurred.

21          Q.       So is that a yes?

22          A.       It's what I stated.

23          Q.       I'm asking you if that's yes or no.  
24       Was it your protocol at Hardeman to take pictures  
25       of injuries whether it was staff or whether it

1 was inmates?

2 A. It was protocol to take photographs if  
3 you were able to take photographs.

4 Q. Was there any reason why you couldn't  
5 have taken a photograph of Mr. Ingram?

6 A. No.

7 Q. Or had someone do it?

8 A. Not that I'm eye aware of.

9 (Whereupon, the above-mentioned  
10 document was marked as Exhibit  
11 Number 8 to the testimony of the  
12 witness and attached hereto.)

13 BY MS. HARDAWAY:

14 Q. Okay. I'm going to show you Bates  
15 stamp number 1481 and 1482. Is this an accurate  
16 copy of your resume?

17 A. It was probably accurate at one time,  
18 but I don't know where this copy was received  
19 from.

20 Q. Have you seen that copy of your resume  
21 before?

22 A. Yes, but it's been several, several  
23 years ago.

24 Q. Is it the copy of the resume you  
25 submitted to CCA for a position there?

1           A.       No, it's not.

2           Q.       Do you know how it would have gotten  
3 into your personnel file?

4           A.       I believe it was required. It was  
5 required that I submit one generally annually  
6 that went with the ACA files. How this one got  
7 into my personnel file, I'm unsure.

8           Q.       What's inaccurate about it?

9           A.       Well, the only thing that's inaccurate  
10 about it is it only goes up to -- from 1995 to  
11 present. And so it's not dated so I don't know  
12 what present is. It only covers up to the West  
13 Tennessee Detention Facility. And from that  
14 point I've served at other facilities before I  
15 got back to Hardeman County. I mean, it's an  
16 older version of my resume.

17          Q.       Is there anything else on there that's  
18 inaccurate?

19          A.       No.

20          Q.       So other than the fact that it's only  
21 up to date insofar as the dates that are on it,  
22 is it accurate?

23          A.       To the best of my recollection. Yes.

24                   (Whereupon, the above-mentioned  
25 document was marked as Exhibit

1                   Number 9 to the testimony of the  
2                   witness and attached hereto.)

3 BY MS. HARDAWAY:

4           Q.       Okay. Thank you. I'm going to show  
5           you Bates stamp page number 1483. It says The CC  
6           Way Performance Summary. It has your name on it.  
7           Do you recognize that document?

8           A.       I recognize it as a performance  
9           evaluation, yes, but it doesn't state the date  
10          and the period that it covers.

11          Q.       Okay. What would be there where that's  
12          blacked out? Would that be the date that it  
13          covers?

14          A.       It would be the year that it covers, I  
15          believe, if I remember right.

16          Q.       Okay. Do you know of any reason why  
17          that would be redacted, the year that that  
18          evaluation covers?

19          A.       No, ma'am, I don't. But there also  
20          should be a page where I signed it that should be  
21          dated.

22          Q.       Okay.

23          A.       It's a multipage form.

24          Q.       Okay. It is a multipage form, but I  
25          just wondered why they would redact that.

1 MS. HARDAWAY: That's 1483. Who has  
2 the original of these evaluations?

3 MS. VAN PELT: I don't know.

4 MS. HARDAWAY: Does CCA not have  
5 originals of their evaluations, the  
6 unredacted versions?

7 MS. VAN PELT: Possibly.

8 MS. HARDAWAY: Is your page 1483  
9 redacted as well?

10 MS. VAN PELT: I'm not 100 percent  
11 sure.

12 BY MS. HARDAWAY:

13 Q. Did anybody report at all to you that  
14 James Ingram participated in attacking any staff  
15 member?

16 A. Yes. I received verbal notification  
17 from two staff members, James Esther and Dorothy  
18 Robertson, that he was directly involved in  
19 assaulting staff.

20 Q. Was it their statement to you that he  
21 actually struck a staff person?

22 A. Yes.

23 Q. Who did they say he struck?

24 A. Assistant Warden Jeremy Hinsley.

25 Q. That's Dorothy Robertson's statement?

1           A.       That was her verbalized statement to  
2 me.   Yes.

3           Q.       Okay.  Did you have them put that in  
4 their written statement?

5           A.       I didn't tell employees what to put in  
6 their written statements.

7           Q.       You wouldn't have told them to include  
8 the name of any persons who struck a staff  
9 member?

10          A.       I didn't tell anyone what to put in any  
11 of those written statements.

12          Q.       So who was charged with actually  
13 assaulting the officers?

14          A.       I don't know what the outcome of any of  
15 the charges were.

16          Q.       The outcome of the charges?  You don't  
17 know what inmates were charged or you don't know  
18 the outcome of the charges?

19          A.       I don't know what inmates were  
20 officially charged.  All of the legal proceedings  
21 were handled by the Tennessee Department of  
22 Corrections Internal Affairs Division, so I'm not  
23 sure who was charged and the outcome of those  
24 cases.

25          Q.       But you're aware that some inmates

1       were?

2           A.       I'm aware by hearsay that some inmates  
3       were, but I don't know specifically who was.

4           Q.       Okay.  And you know that Mr. Ingram was  
5       not?

6           A.       No.  I don't know that for sure.

7           Q.       All right.  Did anyone report to you  
8       that he did anything else?  He said those two  
9       individuals reported to you that he struck them.  
10       Did they say he did anything else?

11          A.       Not that I remember specifically.

12          Q.       That he instigated it or --

13          A.       That was a statement by -- I believe it  
14       was Esther that when Mr. Ingram and another  
15       inmate came off of their hands on the wall  
16       position that he basically told the other inmates  
17       that they needed to begin assaulting staff.  And  
18       it was stated by something to the effect that one  
19       of them said, "Are we going to do this now," and  
20       Mr. Ingram responded, "Yeah, let's do it."

21          Q.       Okay.  Well, Mr. James Esther's  
22       statement has been provided, and it's Bates  
23       number 915.  I see this statement that he made  
24       about the other inmate who said "let's do it" was  
25       James Ingram.  I don't see anything in here that

1 says he struck anybody.

2 MR. HILL: Is that a question?

3 MS. HARDAWAY: It's going to be if  
4 you give me an opportunity.

5 BY MS. HARDAWAY:

6 Q. Did you read Mr. Esther's statement?

7 A. I don't remember whether I did or  
8 didn't at the time.

9 Q. Although it was part of that incident  
10 report that went up?

11 A. It's part of the incident report you  
12 have there. Yes, ma'am.

13 Q. That went to corporate?

14 A. Yes, ma'am.

15 Q. Okay. But neither of the people that  
16 you say said he struck somebody put that in their  
17 report. You don't find that odd?

18 MR. HILL: Object to the form of the  
19 question.

20 BY MS. HARDAWAY:

21 Q. Do you find that odd?

22 A. No, ma'am. I don't find that odd  
23 because that was verbalized to me, not given to  
24 me in a written form.

25

1 BY MS. HARDAWAY:

2 Q. Well, I'm looking at Dorothy  
3 Robertson's statement. She named other people  
4 who actually struck the staff.

5 A. Okay. What's your question?

6 Q. Why wouldn't she have put that in  
7 writing?

8 MR. HILL: Object to the form of the  
9 question.

10 A. I can't respond for Dorothy Robertson.  
11 I'm sorry.

12 BY MS. HARDAWAY:

13 Q. But she's one of the people that you  
14 said told you that.

15 A. She did verbalize to me. Yes, ma'am.

16 MS. HARDAWAY: All right. Let me  
17 just take a minute.

18 (A break was taken.)

19 MS. HARDAWAY: We can go back on the  
20 record.

21 BY MS. HARDAWAY:

22 Q. In your answers to interrogatories, why  
23 did you not list the theft by check charge in  
24 your answers?

25 A. No particular reason. It had just been

1           so long ago I didn't think it was that important.

2           Q.       What is the city and state where your  
3           Texas Department of Criminal Justice job was?

4           A.       The city was Tennessee Colony, Texas.

5           Q.       Okay.  And were you a Federal Express  
6           handler here in Memphis?

7           A.       I worked at the hub in Memphis, and I  
8           was a courier out of Jackson, Tennessee.

9           Q.       Do you remember the name of your  
10          supervisor at the Texas Department of Criminal  
11          Justice?

12          A.       I had several.

13          Q.       Can you give me one?  That was asked in  
14          your interrogatory.

15          A.       I really don't recall.  I mean, I had  
16          several.  I don't recall any specifics.

17          Q.       You don't know the name of not one  
18          person that was your supervisor?

19          A.       Well, I remember names of people that I  
20          worked with, but I don't remember whether they  
21          were exactly my direct supervisor or not.

22          Q.       Who were some of the people you worked  
23          with?

24          A.       John Renfro, Gary Riggs.  And at times  
25          we were of the same rank.

1 Q. Okay. Did you see any inmates on the  
2 floor in the chapel on the video when you viewed  
3 the video of the camera that was stationary in  
4 the chapel? Did you see any inmates on the floor  
5 during the time of the mayhem, riot, altercation?

6 A. Not until after the altercation had  
7 happened and some went in there and were ordered  
8 by staff to lay down on the ground.

9 Q. Was Mr. Ingram one of the people that  
10 was on the floor in the chapel?

11 A. He initially was not on the floor in  
12 the chapel, but as staff came and ordered them to  
13 lay down, he laid down as the others did.

14 Q. Was he standing in the chapel before he  
15 was ordered to lay down?

16 A. For a brief period of time, yes. I  
17 believe he was.

18 Q. He was already in the chapel before  
19 they came in and ordered him to lay down? Is  
20 that what you're saying?

21 A. He and other inmates. Yes, ma'am.

22 Q. Okay. About what time do you think  
23 that time -- if you can remember time stamp on  
24 the video?

25 A. I honestly can't remember the time

1 stamp at that point.

2 Q. Okay. Did the TDOC commissioner's  
3 designee confer with you at all about your  
4 recommendation to transfer James Ingram to  
5 another facility?

6 A. Our discussion was in the nature of a  
7 group of inmates, not specifically about one  
8 inmate that were identified as leaders or direct  
9 participants that needed to be removed from the  
10 facility as quickly as possible. I didn't have a  
11 direct conversation specifically about James  
12 Ingram with him. It was about a group of  
13 inmates.

14 Q. Okay. And the "him" for the record?

15 A. The TDOC commissioner's designee.

16 Q. Who was?

17 A. Eric Hardison at the time.

18 Q. Okay. Did you have that conversation  
19 with him after you made the recommendation but  
20 before the board concurred or after?

21 A. I don't remember at what point in that  
22 process we were in when we had those discussions.

23 Q. Were you given tests of any sort before  
24 you were hired as a CCA employee whether they  
25 were aptitude, psychological, physical?

1 A. State your question again.

2 Q. With you given tests before you were  
3 hired as a CCA employee?

4 A. The only test that I can recall was an  
5 MMPI that I was given during my hiring process  
6 with CCA.

7 Q. Uh-huh.

8 A. Well, it should be a part of the  
9 employment record.

10 Q. Your personnel file?

11 A. Personnel file, I mean.

12 Q. Any other tests, Criminal Justice?

13 A. No, ma'am. No tests or anything like  
14 that that I can recall.

15 Q. I'm also requesting that MMPI.

16 MS. VAN PELT: If you'll submit a  
17 request.

18 BY MS. HARDAWAY:

19 Q. Okay. Did you have to go to any kind  
20 of training school before you were hired?

21 A. Not before I was hired. After I was  
22 hired.

23 Q. How long was it and where was it?

24 A. It was at the facility, South Central  
25 Correctional Facility. And it was a certain

1           number of hours, and I don't remember what the  
2           hours requirement was then. It was --

3           Q.       Days, weeks?

4           A.       It was at least three weeks worth of 40  
5           hour weeks.

6           Q.       Okay. And did they cover use of force?

7           A.       I'm sure they did, yes, ma'am.

8           Q.       And did they cover the Code of Conduct?

9           A.       I don't recall that. No.

10          Q.       Okay. Did you have any other kind of  
11          training before you became a warden?

12          A.       Nothing specific, no.

13          Q.       Did they have any kind of management  
14          track class, warden track, supervisor track?

15          A.       No, not really, other than -- I mean,  
16          you had the opportunity to attend certain kinds  
17          of training here and there. There wasn't a  
18          specific thing that you had to attend in order to  
19          obtain another position.

20          Q.       Were you trained in -- how did you  
21          learn what different statuses such as -- what the  
22          different offenses were such as felony,  
23          misdemeanor, what the seriousness of the crimes  
24          were and how that warranted where you put inmates  
25          according to what they were convicted of? Was

1           there any training about that?

2           A.       Yes, ma'am.  There was training with  
3           the next part of the classification processes of  
4           inmates.  And there was training that was given,  
5           and there was a document called a Classification  
6           User's Guide that would help explain some of  
7           those processes that our classification people  
8           had to follow.

9           Q.       How many hours of training did you have  
10          on that?

11          A.       I don't know that I ever had any  
12          formalized training.  I did study on my own.

13          Q.       Is it a big book or brochure?

14          A.       It's not a small one.  It's a pretty  
15          good size document.

16          Q.       Hundreds of pages?

17          A.       I don't recall it being hundreds of  
18          pages, but it's a pretty good size.

19          Q.       And you studied that on your own?

20          A.       Yes, ma'am.

21          Q.       And that was after you became a warden  
22          or before?

23          A.       That was before I became a warden.

24          Q.       So really there was no special training  
25          at the management level for you to become a

1 warden or assistant warden?

2 A. There wasn't a specific set path of  
3 training that you had to accomplish, no.

4 Q. And you don't -- do you remember the  
5 names of any of the lawsuits where you were  
6 named, Glen Turner, as the defendant that  
7 involved use of force?

8 A. No, I don't.

9 Q. Do you have any financial interest now  
10 in CCA?

11 A. I don't know.

12 Q. Other than the stock that you have  
13 already told me about?

14 A. No.

15 Q. Do your children hold any stock in  
16 their names?

17 A. No, ma'am.

18 Q. Who answered these interrogatories?

19 A. I did.

20 Q. Did you consult any documents?

21 A. Most of mine was from memory because I  
22 didn't have access to documents.

23 Q. That's most. What about the rest?

24 A. No. I mean, all of the ones that I  
25 responded to that were sent to me by my attorney

1 I did from memory because I didn't have access to  
2 documents.

3 Q. So you didn't respond to all of them,  
4 just the ones that he wanted you to respond to?

5 A. No. I responded to all of them.

6 Q. All right. And so you didn't ask to  
7 review your personnel file in order to help you  
8 remember answers to any of these?

9 A. No, I didn't.

10 Q. Okay. And why do you say you're  
11 entitled to immunity for what you did?

12 MR. HILL: Object to the form of the  
13 question. It calls for a legal  
14 conclusion.

15 A. I guess I'm not understanding your  
16 question.

17 BY MS. HARDAWAY:

18 Q. When you claimed in your response that  
19 you were entitled to immunity for what you did to  
20 James Ingram, why do you think you're entitled to  
21 be protected by immunity?

22 MR. HILL: Same objection.

23 A. Well, I think I'm protected immunity  
24 because of the position that I held and the  
25 responsibilities that I had at the time.

1 BY MS. HARDAWAY:

2 Q. You don't believe you should be made to  
3 answer for what you did to him?

4 MR. HILL: Object to the form of the  
5 question.

6 BY MS. HARDAWAY:

7 Q. Do you feel that you should be made to  
8 answer for what you did to James Ingram?

9 A. I have already answered for what  
10 happened with me and James Ingram in the form of  
11 a criminal charge.

12 Q. Would that be the charge of official  
13 oppression?

14 A. Yes, ma'am.

15 Q. Did you take any documents with you in  
16 files after you left the CCA?

17 A. No, ma'am.

18 Q. You never saw a picture of Mr. Ingram's  
19 injuries to his face after you struck him and  
20 knocked him down, right?

21 A. I'm sorry?

22 Q. You never saw -- you never saw any  
23 pictures of Mr. Ingram's injuries to his face,  
24 his eye, after you knocked him down and struck  
25 him, did you?

1                   MR. HILL: Object to the form of the  
2                   question.

3 BY MS. HARDAWAY:

4           Q.       Did you ever look at any pictures of  
5           Mr. Ingram's eye after you struck him and knocked  
6           him down, knocked him down and then struck him?

7                   MR. HILL: Object to the form of the  
8                   question.

9           A.       I guess I'm still not understanding  
10          quite what you're asking.

11 BY MS. HARDAWAY:

12          Q.       Did you ever see any pictures of his  
13          injuries after your altercation with him?

14          A.       I saw a photo that was presented to me  
15          by my attorney during the course of the charge  
16          that I got for official oppression. That's the  
17          only thing I ever saw.

18          Q.       What did his eye look like when you saw  
19          it?

20          A.       It didn't look like anything was wrong  
21          with it to me.

22          Q.       And you never went to see him  
23          afterwards? You never actually laid eyes on  
24          Mr. Ingram after you assaulted him, did you?

25          A.       I had no other contact with Mr. Ingram

1 after our incident with each other.

2 Q. Did anybody ever suggest to you that  
3 you resign?

4 A. No.

5 Q. Did anybody ever suggest to you that  
6 you could not continue in your position as warden  
7 based on what happened with Mr. Ingram?

8 A. No.

9 Q. From based upon your years with CCA,  
10 did you feel like you had any other choice other  
11 than hand in your resignation after TDOC filed  
12 against you?

13 A. I don't understand your question.

14 Q. Did you feel you had any other choice  
15 other than hand in your resignation after TDOC  
16 filed against you?

17 A. Filed what against me?

18 Q. That the allegations of Mr. Ingram were  
19 true and that you had struck him and that you  
20 needed to be criminally charged?

21 A. I guess I'm still not understanding  
22 your question. Help me out here.

23 Q. Did you find that your actions against  
24 Mr. Ingram and the findings of the TDOC  
25 investigation left you with no choice but to

1 resign from your position?

2 A. No.

3 Q. No what?

4 A. No. I don't feel like that's the only  
5 position that I had.

6 Q. So you feel like you could have  
7 continued there, and CCA would have left you in  
8 place as a warden?

9 MR. HILL: Object to the form of the  
10 question.

11 MS. VAN PELT: Object to the form.

12 A. I don't know what they --

13 BY MS. HARDAWAY:

14 Q. Do you feel that? Is that your  
15 opinion?

16 A. No. That's not my opinion. No.

17 Q. Do you think they would have fired you  
18 eventually?

19 MR. HILL: Object to the form of the  
20 question.

21 MS. VAN PELT: Object to the form.

22 A. I don't know what they would have done.

23 BY MS. HARDAWAY:

24 Q. Do you think they would have  
25 disciplined you eventually?

1                   MR. HILL: Object to the form of the  
2                   question.

3                   MS. VAN PELT: Objection.

4           A.        I don't know what they would have done.  
5           I never had any of those type of discussions with  
6           them.

7 BY MS. HARDAWAY:

8           Q.        You did not keep your handbook or any  
9           manuals after you left the employ of CCA; is that  
10          correct?

11          A.        No, ma'am. I kept no records. The  
12          only thing I left with was personal items from my  
13          office.

14                   MS. HARDAWAY: Can we go off the  
15                   record for a minute.

16                               (A break was taken.)

17 BY MS. HARDAWAY:

18          Q.        Let's go back on. What is an Internal  
19          Affairs hold? Have you ever heard that term?

20          A.        No, ma'am.

21          Q.        Okay. Do you know what it means for an  
22          inmate in segregation not to be able to use the  
23          phone once a month until they have been in  
24          segregation for a certain period of time? Have  
25          you ever heard of that?

1           A.       Well, there is a policy in place for  
2 inmates that are in segregation that they are not  
3 allowed to just have access to the phone. They  
4 have to request access to the phone. If an  
5 inmate is serving punitive time which is  
6 disciplinary time for a rule violation, generally  
7 they do not have access to a phone. If an inmate  
8 is in a different status such as max custody just  
9 being held in a segregation unit, then he can  
10 request access to a phone.

11          Q.       And will he get it? Is he entitled to  
12 it?

13          A.       He's entitled to it, but it's generally  
14 based on his behavior. So if he's doing the  
15 right thing, yeah, they will let him use the  
16 phone.

17          Q.       So when Mr. Ingram went to maximum  
18 security at Western State from Hardeman, was he  
19 going because of a punitive -- was he placed  
20 there punitive placement or some other kind of  
21 placement?

22          A.       No. It was not punitive. Basically he  
23 was placed in administrative segregation which is  
24 kind of a holding pattern for all the  
25 investigation and just any disciplinary charges

1 that may be coming to them. That's handled. And  
2 then his status if he receives a disciplinary  
3 charge and is found guilty of it, then could  
4 change to punitive. And then based on whatever  
5 the outcome of that was, he may go back to the  
6 status of just administrative segregation.

7 Q. Was he based on what you just said and  
8 based on your recommendations, was he entitled to  
9 use the phone in the first 30 days then?

10 A. At West Tennessee?

11 Q. Uh-huh.

12 MS. VAN PELT: Object to the form.

13 A. I don't know the exact policies for  
14 West Tennessee so I couldn't answer that  
15 question.

16 BY MS. HARDAWAY:

17 Q. Well, if he went there as part of just  
18 being in administrative segregation in a holding  
19 pattern, would he be entitled to use the phone?

20 A. I don't know if they would or wouldn't  
21 let him use the phone.

22 Q. Just to be clear, Mr. Ingram's  
23 testimony was that he asked for medical  
24 treatment, and your response was, "You're not  
25 going to get it, not today." Do you deny that or

1 admit that?

2 A. I deny that. I don't recall making  
3 that statement.

4 Q. Do you recall kicking an inmate while  
5 he was in the hallway?

6 A. I did not kick an inmate.

7 Q. Did TDOC ask you about that?

8 A. Yes, they did.

9 Q. Okay.

10 MS. HARDAWAY: I don't believe I  
11 have anything else. Your attorney may.

12 EXAMINATION

13 BY MR. HILL:

14 Q. When you were entered the hallway, what  
15 was the first thing you saw when you entered that  
16 hallway?

17 A. The first thing I saw when I entered  
18 the hallway was Unit Manager Rusty Harvell laying  
19 on the ground semi-conscious and staff attending  
20 to his injuries.

21 Q. And then what did you see as you moved  
22 your way down the hall?

23 A. I saw Assistant Warden Jeremy Hinsley  
24 who appeared to be dazed, and it was apparent  
25 that he, too, had been assaulted. I saw various

1 inmates on the floor, the smell of the chemical  
2 agents that had been administered, a little bit  
3 of chaos that was coming under control as the  
4 aftermath of the incident.

5 Q. Did your discovery of the assistant  
6 warden being assaulted as far as that have any  
7 effect on you?

8 A. Yes. It did have an effect because if  
9 an inmate is bold enough, brave enough to assault  
10 an assistant warden, a person in high authority,  
11 they're an immediate danger to staff in lower  
12 positions. They have no regard for position or  
13 rank. Their goal is to harm staff regardless of  
14 their position and rank.

15 Q. Did that concern you as to all the  
16 inmates that would have been in that area at that  
17 time?

18 A. Yes. It concerned me for all the  
19 inmates and all the staff throughout the facility  
20 because that's very nontypical to have a higher  
21 level employee being assaulted by inmates because  
22 inmates know that that's going to lead to a  
23 different kind of response out of a facility  
24 because of who they are assaulting and how they  
25 are assaulting.

1 Q. You were asked about the exhibit -- the  
2 statement that Mr. Esther made?

3 A. Yes, sir.

4 Q. That information that he had as it  
5 related to any statements that Mr. Ingram made,  
6 would you have had that information at the time  
7 that you interrogated Mr. Ingram?

8 A. Not at that immediate time. No.

9 Q. What time did you have any of that  
10 information?

11 A. It was probably after I interviewed  
12 Mr. Ingram.

13 Q. What about any information that you  
14 spoke to Ms. Robertson?

15 A. I believe that was conveyed to me after  
16 I interviewed him.

17 Q. After the interview with Mr. Ingram,  
18 did you do any other investigation to determine  
19 the level of the involvement of different  
20 participants?

21 A. Indirectly, not directly. Just  
22 discussions with other staff trying to determine  
23 how embedded the situation was for the members of  
24 the Vice Lords. There was a lot of concern about  
25 we had the facility on lockdown. We have to be

1 concerned about retaliation by inmates who  
2 weren't involved, retaliation by other gangs for  
3 one gang doing something that they weren't  
4 supposed to do. So, yes, I mean, I looked into  
5 all of it because I had to be concerned about the  
6 facility as a whole and the staff as a whole.

7 MR. HILL: Okay. That's all I've  
8 got.

9 MS. VAN PELT: I have nothing.

10 (WHEREUPON, THE DEPOSITION WAS  
11 CONCLUDED AT APPROXIMATELY 5:45  
12 P.M.)

13 (FURTHER AFFIANT SAITH NOT.)

14 (SIGNATURE NOT WAIVED)

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AMENDMENT SHEET

I, GLEN TURNER deponent in this deposition, hereby certify that I have examined the foregoing 310 pages and find them to contain a full, true, and accurate transcription of the testimony as given by me on April 16, 2009, in Memphis, Tennessee.

Page	Line	Correction (If Any)
_____	_____	_____
_____	_____	_____
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This the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
GLEN TURNER

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

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C E R T I F I C A T E

STATE OF TENNESSEE:  
COUNTY OF SHELBY:

I, KARLA L. SEELY, CSR, and Notary Public,  
Shelby County, Tennessee, CERTIFY:

1. The foregoing proceedings were taken  
before me at the time and place stated in the  
foregoing styled cause with the appearances as noted.

2. Being a Court Reporter, I then reported  
the proceedings in Stenotype, to the best of my skill  
and ability, and the foregoing pages contain a full,  
true and correct transcript of my said Stenotype  
notes then and there taken;

3. I am not in the employ of and am not  
related to any of the parties or their counsel, and I  
have no interest in the matter involved.

4. I FURTHER CERTIFY that this transcript is  
the work product of this court reporting agency and  
any unauthorized reproduction and/or transfer of it  
will be in violation of Tennessee Code Annotated  
39-14-104, Theft of Services.

WITNESS MY SIGNATURE, this, the \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

\_\_\_\_\_

KARLA L. SEELY, CSR  
Notary Public for the  
State of Tennessee

My Commission Expires:  
April 17, 2010

