

EXHIBIT C

Declaration of Emmitt L. Sparkman

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RHONDA JONES *et al.*,

Plaintiffs,

v.

VICTOR HILL *et al.*,

Defendants.

CIVIL ACTION

NO. 1:20-CV-2791-ELR-CCB

**EXPERT DECLARATION OF
EMMITT L. SPARKMAN**

I, Emmitt L. Sparkman, being competent to make this declaration and having personal knowledge of the matters stated herein, declare under penalty of perjury that the following is true and correct:

1. I am over 21 years of age. The statements contained in this declaration are based on my personal knowledge, or on information that experts in the field of corrections would reasonably rely on in forming an opinion and are true and correct to the best of my knowledge.

I. Expert Qualifications

A. Correctional Experience

1. I am a corrections consultant and subject matter expert with over forty-four years of experience working in adult and juvenile institutional and community corrections. My curriculum vitae is attached as Appendix A.
2. I have extensive experience in the operation of correctional facilities, in the development of offender classification policies and procedures, and in the oversight of agency offender classification systems.
3. My experience in prison and corrections administrative positions includes responsibility for managing the custody, control, and treatment of incarcerated people housed in long-term segregation and on death row.
4. I have held line and supervisory positions at correctional facilities in the states of Texas, Kentucky, and Mississippi. These positions include: correctional officer, probation officer, education consultant, correctional captain, correctional major, intake-detention superintendent, director of education, director of security, warden, superintendent, and deputy commissioner.
5. My experience includes working in both the public and private corrections sectors. I served as a warden of two private pre-release centers in

Texas (1990s), a 936-bed state medium-security prison in Kentucky (1992-1996), and a 1,000-bed private medium-security prison in Mississippi (1996-2001).

6. In June 2001, I was named the Superintendent of the Mississippi State Penitentiary, a prison complex with 18 prisons that included a 1,000-bed supermax prison (Unit 32), housing death row and the highest risk prisoners in the custody of the Mississippi Department of Corrections. I served in that position from June 2001 until December 2002.

7. I was appointed the Deputy Commissioner of Institutions for the Mississippi Department of Corrections in November 2002 and served in that position until May 2013. As Deputy Commissioner for Institutions, I was responsible for three state prison complexes, five private prisons, and fifteen regional prisons. I also had responsibility for the classification, records, employee training, treatment, facilities/engineering, and agriculture departments of the Agency.

8. Protecting prisoners from infectious diseases was one of my job responsibilities at every correctional facility at which I worked. As a correctional supervisor and administrator, I had to be prepared to respond to various communicable diseases and conditions, including avian influenza, scabies, head lice, Methicillin-resistant *Staphylococcus aureus* (MRSA), and many others. To

give just a few examples, as Deputy Commissioner for the Mississippi Department of Corrections, I received technical assistance from the National Institute of Corrections to implement policies and procedures (including quarantine/isolation policies) relating to preparedness for avian influenza. Additionally, I have experience in the development and implementation of policies, training, and educational efforts to address outbreaks of MRSA within a state prison system.

B. Expert Experience

9. I have been a consultant to the states of Illinois, Maryland, Colorado, Oklahoma, New Mexico, and South Carolina, assisting them to develop strategies to reduce the use of long-term segregation and improve conditions of confinement in segregation units. I participated in an evaluation of the use of administrative segregation by the Federal Bureau of Prisons in 2014.

10. I serve as an implementation panel member responsible for monitoring the settlement agreement between the South Carolina Department of Corrections and the plaintiffs in *T.R., et al. v. South Carolina Department of Corrections, et al.*, C/A No. 2005-CP-40-2925, in the Court of Common Pleas for the Fifth Judicial Circuit, regarding conditions of confinement for mentally ill prisoners.

11. I serve as a subject matter expert for the Court Monitors in *Nunez v. City of New York, et al.*, 11 Civ. 5845 (LTS) (JCF) and *United States of America v. Territory of the Virgin Islands et al.*, Civil No. 86-cv-265.

12. I have been a certified American Correctional Association auditor since 1995. I have conducted numerous accreditation audits for the Federal Bureau of Prisons and state correction systems and have served both as an audit team member and as an audit chairperson.

13. Appendix A includes a list of all my publications in the last ten years, all the cases in which I have testified in the last four years, and my fee schedule.

II. Assignment

14. I have been asked by Plaintiffs' counsel to offer my opinion on whether the measures the Clayton County Jail is taking to mitigate the spread of COVID-19 are minimally adequate and in line with the standards on which reasonable correctional administrators would rely in addressing the pandemic. I conclude that they are not. I was retained in this matter on June 5, 2020.

III. Documents Reviewed

15. I have reviewed and relied upon the following documents in forming the opinions set forth in this declaration.

- a. Report by the Georgia Department of Community Affairs listing Clayton County Jail capacity and population (dated June 2020);
- b. Document titled “Current Inmate Statistics” (dated April 30, 2020);
- c. Documents from the Georgia Department of Public Health regarding the nature and scope of the COVID-19 outbreak at the Clayton County Jail (dated June 11, 2020 and July 9, 2020);
- d. Clayton County Sheriff’s Office Daily Rosters for all shifts (dated from April 10, 2020 to April 16, 2020);
- e. Document from Sheriff’s Office titled “New Free Time Schedule” (dated April 1, 2020);
- f. Document from Sheriff’s Office titled “Steps Taken to Prevent and If a Mass Outbreak Occurs” (undated);
- g. Documents provided by the Clayton County Sheriff’s Office in response to Plaintiffs’ requests for:
 - i. Copies of all policies, guidance, and information provided to Clayton County Jail detainees and/or staff members on or after March 1, 2020, concerning the coronavirus, COVID-19, and/or infectious diseases.

- ii. Copies of all policies, procedures, memoranda, bulletins, emails, and/or similar records, dated on or after March 1, 2020, reflecting steps that the Clayton County Sheriff's Office is taking to prevent and/or address the spread of the coronavirus, COVID-19, and/or infectious diseases in the Clayton County Jail.
- iii. Copies of all policies, procedures, plans, and similar documents concerning steps that the Clayton County Sheriff's Office will take in the event of a mass outbreak of the coronavirus, COVID-19, and/or other infectious diseases at the Clayton County Jail.
- h. Declarations by current and former Clayton County Jail detainees, including the following:¹

¹ I reviewed eleven (11) detainee declarations to assist in the preparation of my declaration. These detainees were currently or had previously been incarcerated in the Clayton County Jail, and their ages ranged from 27 years of age to 72 years of age. There were three (3) female and eight (8) male detainee declarations. Several detainees reported having significant medical problems. Older adults and people with certain medical conditions (e.g. lung disease, chronic obstructive pulmonary disease (COPD), heart disease, hypertension, diabetes, cancer, or a weakened immune system) are at higher risk of serious illness or death from the coronavirus. (Centers For Disease Control and Prevention, People with Certain Medical Conditions, (July 17, 2020): <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical->

- i. Declaration of Barry Watkins (dated June 21, 2020);
 - ii. Declaration of Randolph Mitchell (dated June 21, 2020);
 - iii. Declaration of Rhonda Jones (dated June 21, 2020);
 - iv. Declaration of Michael Singleton (dated June 24, 2020);
 - v. Declaration of C.C. (dated June 25, 2020);
 - vi. Declaration of J.H. (dated June 25, 2020);
 - vii. Declaration of M.B. (dated June 3, 2020);
 - viii. Declaration of F.S. (dated June 18, 2020);
 - ix. Declaration of A.W. (dated June 21, 2020);
 - x. Declaration of W.L.M. (dated July 7, 2020);
 - xi. Declaration of D.H. (dated July 14, 2020).
- i. Detainees' grievances related to COVID-19 (provided by Sheriff's Office to Plaintiffs' counsel on June 25, 2020);
 - j. Other Documents
 - i. Centers for Disease Control and Prevention, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (March 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>
 - ii. Centers for Disease Control and Prevention, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (updated July 14, 2020),

[conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html)). In this declaration, I refer to named plaintiffs by their full names and to other detainees by use of their initials.

<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

- iii. Centers for Disease Control and Prevention, *Interim Considerations for SARS-CoV-2 Testing in Correctional and Detention Facilities*, (July 7, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html>.
- iv. American Correctional Association. Performance-Based Standards for Adult Local Detention Facilities. Fourth Edition.

IV. Factual Background Regarding the Clayton County Jail

16. The Clayton County Jail is a 100,355 square foot facility. It has a maximum capacity of 1,920 detainees. (Georgia Department of Community Affairs, “County Jail Inmate Information Report,” June 2020.) As of June 2020, it had an inmate population of 1,847. (*Id.* at 8.)

17. The Clayton County Sheriff is responsible for the jail operation. The Jail Operation Division consists of two (2) sections: Jail Administrative Operations and Jail Security Operations. Jail Administrative Operations consists of several administrative units that provide the background administrative work that occurs in the jail, including supervision of contractors who perform services inside the jail. Outside services include medical, maintenance, property, commissary, and food service. Jail Administrative Operations staff perform the non-security functions

for the jail. Jail Security Operations consists of three (3) teams and the Special Response Team (SRT).

18. Jail Security teams are broken down into three (3) groups of correctional officers, each working an eight-hour shift. The security teams are responsible for dealing with the detainees on a one-to-one basis, ensuring that they comply with rules, receive meals, and are in good health. Booking and release of detainees, as well as court and medical appearances, are also the responsibility of the security teams.²

V. The Clayton County Jail's Failure to Take Steps to Mitigate the Spread of COVID-19

19. It is generally accepted in the corrections field that prison and jail administrators must take any infectious disease extremely seriously. People in jail live in close proximity to one another and share showers, sinks, toilets, and other fixtures, so once a single detainee becomes infected with a communicable condition, others are likely to become infected too. A virus can spread very quickly in a jail.

20. In determining a plan to respond to the potential spread of an infectious disease, prison and jail administrators frequently look to both the

² Website of the Clayton County Sheriff's Office, <http://www.claytonsheriff.com/JOD.html> (last accessed July 22, 2020).

National Institute of Corrections and the Centers for Disease Control and Prevention (CDC) for guidance. Both entities are authoritative sources on which correctional administrators commonly rely. Correctional administrators also look to the standards promulgated by the American Correctional Association (ACA) in making the policies and developing procedures that govern their facilities.

21. Adherence to public health guidelines governing mitigation of COVID-19 in jails is critical because of the substantial health risks involved and because some infected people do not show symptoms of having the virus. The unmitigated spread of coronavirus inside a jail puts detainees, staff members, and the community at risk.

22. Over the last several months, we have seen COVID-19 spread rapidly in jails in Chicago, New York City, and elsewhere. These outbreak events show the urgent need for all jails to adopt preventative strategies to slow the spread of the virus. Specifically, jail administrators should follow the CDC's *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*. The CDC issued an initial guidance document in March 2020, and it updated its guidance in July 2020.

23. In both versions of the *Interim Guidance* document, the CDC lists a number of reasonable measures that jails should take in order to minimize the

spread of COVID-19. While some of these measures are directed at a jail's medical provider, many other recommended measures (such as those dealing with sanitation, the stocking of supplies, daily schedules, inmate and staff education efforts, and others), come within the purview of a jail's administrative and security staff.

24. From my review of the documents listed above, it is my opinion that the Clayton County Sheriff has failed to implement measures that any reasonable correctional administrator would know to implement in the context of the COVID-19 pandemic and the particular outbreak at his facility. Further, the Clayton County Jail has not followed CDC recommendations in several key respects.

These failures fall into several categories, including:

- a. Absence of a written policy regarding COVID-19;
- b. Impossibility of "social distancing" in overcrowded cells;
- c. Failure to encourage social distancing in common areas;
- d. Inadequate cleaning and sanitation;
- e. Inadequate quantities of soap and lack of hand sanitizer;
- f. Failure to provide clean laundry;
- g. Failure to provide face coverings to detainees;
- h. Failure to educate detainees about COVID-19;
- i. Barriers to submitting medical requests and grievances;
- j. Failure to identify, isolate, and care for people with COVID-19;
- k. Improper quarantine/isolation practices; and

1. Failure to suspend work release and “Weekender” program.

25. These categories are discussed in turn below.

A. Absence of a Written Policy Regarding COVID-19

26. At this point in the course of the COVID-19 pandemic, all correctional facilities (let alone one housing almost 2,000 people) should have written policies describing the measures that staff members and detainees are expected to take to prevent the spread of COVID-19.

27. The Clayton County Jail does not appear to have any COVID-19-specific policy. I have examined the materials provided by the Sheriff’s Office in response to Plaintiffs’ counsel’s request for COVID-19-related standard operating procedures, bulletins, or other policy documents. The documents provided by the Sheriff’s Office consist of various emails, a link to a COVID-19-related webinar, and a perfunctory document titled “Steps Taken to Prevent and If a Mass Outbreak Occurs.” This last document appears to be an aspirational list of measures to address COVID-19 in the jail, many of which have not been actually implemented according to numerous, consistent detainee declarations.

28. None of these documents, in any event, is a standard operating procedure in any sense of that term with which I am familiar. None sets forth steps that staff and detainees are expected to follow to reduce virus transmission.

Neither have I seen evidence that the Jail has a more general emergency plan to address novel and unexpected diseases such as COVID-19. Every jail should have such a plan, and the ACA ALDF standards requires it.³ The Clayton County Jail should adopt written policies and procedures that conform to CDC guidelines to address the risks posed by COVID-19.

B. Impossibility of “Social Distancing” in Overcrowded Cells

29. In my corrections experience, contagious diseases and bacteria can spread rapidly under normal jail conditions. MRSA, for example, could quickly spread through an entire housing unit if left unchecked. In responding to a serious communicable disease like COVID-19, any jail administrator would understand that it is imperative to change the practices in the facility to promote social distancing and minimize detainees’ physical contact with each other and with staff.

³ The ACA requires correctional facilities to have a “communicable disease and infection control program,” which should include “a written plan that addresses the management of infectious and communicable diseases.” (ACA Standards, “Communicable Disease and Infection Control Program, 4-ALDF-4C-14”, Performance Based Standards for Adult Local Detention Facilities (4th ed.)) The plan should incorporate “procedures for prevention, education, identification, surveillance, immunization (when applicable) treatment, follow-up, isolation (when indicated) and reporting requirements to applicable local, state, and federal agencies.” (*Id.*)

30. In their declarations, numerous Clayton County Jail detainees stated that they were housed three-to-a-cell in cells designed for only two people. For example, Plaintiff Barry Watkins is one of three people housed in a two-man cell. (Watkins Decl. ¶ 8.) Plaintiff Rhonda Jones sleeps on the floor of a two-person cell with three people in it. (Jones Decl. ¶ 6.) Detainee F.S. slept on the floor during her entire incarceration in a cell designed for two people, but housing three people. (F.S. Decl. ¶ 9.) W.L.M stated: “Most if not all of the cells in my dorm have three people in each two-person cell. One person sleeps on the floor in each of these cells.” (W.L.M. Decl. ¶ 12.)

31. Despite the COVID-19 pandemic, the jail remains at 96% capacity, which is a root cause of so many people sleeping on the floors of overcrowded cells. It is not possible for detainees to practice social distancing while confined to small cells with two other people in them. It is particularly worrying that older people and medically vulnerable people are housed in overcrowded cells in a facility where so many people have tested positive for COVID-19.⁴

⁴ Plaintiff Rhonda Jones indicated in her declaration she is a 58-year-old female with significant health problems, including chronic obstructive pulmonary disease (COPD) and hepatitis C. (Jones Decl. ¶¶ 2-3.) She has been hospitalized for pneumonia two times in the last eight months. (*Id.*) Yet she is one of three people in a cell designed for two people (*id.* ¶ 6) in a jail with surging cases of COVID-19.

32. Detainees are required to remain in their cells for most of the day and are only allowed out for one to two hours per day, sometimes less often. (Watkins Decl. ¶ 9 (stating that he is permitted out of his cell for about 60-90 minutes each day).)⁵

33. Even in the absence of a global pandemic, the Jail's policy of housing detainees three to a two-man cell (requiring one person to sleep on a thin mat on the floor) is a threat to public health and to security. ACA ALDF standards require mattresses to be 12 inches off the floor for obvious reasons, preventing the individual from having contact with unhealthy floor conditions.⁶ Housing three persons to a cell creates very unhealthy and dehumanizing conditions for the individuals to perform basic hygiene and toilet functions. Placing three persons in a cell rated for two persons frequently results in disagreements/altercations

⁵ Detainees report that they are infrequently, if ever, allowed outside for fresh air. M.B. described only being allowed outside one time in the last year for fresh air. (M.B. Decl. ¶ 9.) Many detainees reported no time in the yard at all for the duration of their incarceration. (Watkins Decl. ¶ 12 (“In 21 months at the jail, I have never been allowed out into the ‘yard.’”).)

⁶ ACA ALDF standards require that each person confined in a cell is provided “a sleeping surface and mattress that allows the inmate to be at least 12 inches off the floor.” (ACA, “Cell/Room Furnishings, Standard 4-ALDF-1A-11,” Performance Based Standards for Adult Local Detention Facilities (4th ed.).)

between detainees. These conflicts can jeopardize safety and security of the incarcerated persons and staff.

34. Recognized national jail standards have established the recommended minimum encumbered and unencumbered square footage to be provided to each detainee in a cell.⁷ From the descriptions in detainees' declarations, the cells do not meet these minimum square footage standards for each detainee.

C. Failure to Encourage Social Distancing in Common Areas During “Free Time,” Meal Distribution, Medication Distribution, and Transport within the Facility

35. Reasonable correctional officials know that in an infectious disease scenario, steps must be taken to reduce close contact between people who are infected or possibly infected. In the age of COVID-19, correctional administrators should encourage social distancing wherever possible, in particular for older detainees and people with certain health conditions. The CDC's most recent

Interim Guidance document states:

Although social distancing is challenging to practice in correctional and detention environments, it is a cornerstone of reducing transmission of respiratory diseases such as COVID-19. People who have been infected with SARS-CoV-2 but do not have symptoms can still spread the infection, making social distancing even more important. (CDC *Interim Guidance*, p. 4 (Mar. 23, 2020).)

⁷ (American Correctional Association. Performance-Based Standards for Adult Local Detention Facilities (4th ed.).)

36. The first thing jail administrators can do to help achieve social distancing is to review who is in a jail and take steps to release people, consistent with public safety, where possible. It does not appear that such efforts have been made at the Clayton County Jail, which is even now at about 96% capacity. As just one example, at the time this case was filed, Plaintiff Mitchell, age 72, had served about 10 months of a 12-month sentence for a misdemeanor. (Mitchell Decl. ¶¶ 2-3, 21.) This was so even though the Sheriff had the authority to release him under Georgia’s “good time” statute.

37. Given that the jail is at capacity and experiencing a COVID-19 outbreak, jail administrators should review the jail roster to determine who can be released. They should involve their medical and classification staff in the process. The medical staff should be asked to make a list of people most vulnerable to serious illness or death from COVID-19. The classification staff should look at the roster to recommend who can be released consistent with law and public safety. Jail administrators should examine those findings and release people accordingly where possible.

38. To protect those who remain incarcerated, jail administrators are encouraged by the CDC to “[i]mplement social distancing strategies to increase the physical space between incarcerated/detained persons (ideally 6 feet between all

individuals, regardless of symptoms), and to minimize mixing of individuals from different housing units.” (CDC *Interim Guidance* (July 7, 2020).) Jails should further “[m]ake a list of possible social distancing strategies that could be implemented as needed at different stages of transmission intensity.” (*Id.* at 5.)

39. Here too, only minimal efforts to achieve social distancing have been made in detainee housing areas in the Clayton County Jail. While the jail changed its “free-time” schedule to permit smaller groups out of their cells at a time, social distancing is not required or even encouraged when “free time” is allowed, according to the declarations I reviewed. Since out-of-cell time is limited, detainees must hurriedly take showers and use communal telephones and kiosks before being returned to their cells. (Singleton Decl. ¶ 4.) As noted below, detainees reported no education about social distancing, so people crowd together during the limited “free time” hours. (*Id.* (“Officers do not impose social distancing during these times, nor do they provide us with masks.”); Watkins Decl. ¶ 11 (“People do not keep six feet of distance between them, particularly when using the showers, phones, or the kiosk.”).)

40. At other times of day, jail staff do not encourage or require social distancing at all. “Pill call” line operates as it did before the pandemic, with crowds of detainees lining up close to each other to await their medication.

(Mitchell Decl. ¶ 7; Watkins Decl. ¶ 14; W.L.M. Decl. ¶ 10.) People with diabetes line up to receive insulin and/or blood glucose level monitoring in lines of 20-30 people (or 50-75 people if several dorms are released at once). (Watkins Decl. ¶ 27; *see also* W.L.M. Decl. ¶ 9 (stating that during “diabetic call” he would stand near about 30 other people in a closely packed group or single file line.))

41. During movement for afternoon meals, detainees line up in crowds, with no efforts by officers to impose social distancing. (Mitchell Decl. ¶ 7; Singleton Decl. ¶ 4; Watkins Decl. ¶ 13.) While waiting for medical appointments, detainees wait in a crowded waiting area. (Mitchell Decl. ¶ 15.)

42. Another risky practice is the manner in which people are moved through the jail for video court appearances. (Singleton Decl. ¶ 11.) People are held together in large, crowded holding cells, and in many instances the detainees crowded together lack masks. (*Id.* (stating that he waited for court in a holding cell with about 25 other detainees, only 6 or 7 of whom were wearing masks).)

43. Clayton County Jail procedures should be revised to require six feet between all persons during movement whenever possible. Out-of-cell activities, including meal service, medication distribution, and other activities, should be staggered to ensure detainees and staff can remain six feet apart. As noted below, staff and detainees should receive education to emphasize the importance of social

distancing. Management and supervisory staff should be vigilant in monitoring and enforcing social distancing where possible.

D. Inadequate Cleaning and Sanitation Regimen

44. In my experience, regular cleaning and sanitation efforts are critical to maintaining a safe environment for inmates. Jails should, under normal circumstances, have a regular housekeeping plan to address sanitation matters. This is important in part because unclean living areas promote the spread of infectious diseases, viruses, and bacteria. One of the important duties of prison and jail administrators is to develop a cleaning plan, stock adequate supplies of chemicals and cleaning materials, train inmates and staff in how to use cleaning supplies, and supervise the cleaning of all areas of the facility. Given the seriousness and prevalence of COVID-19, any jail administrator would understand the need for intensive sanitation measures during this time.

45. Not surprisingly, the CDC has provided detailed recommendations regarding the need for “intensified cleaning and disinfecting procedures” in light of COVID-19. (CDC *Interim Guidance* (July 7, 2020).) In pertinent part, the guidelines state:

Even if COVID-19 has not yet been identified inside the facility or in the surrounding community, implement intensified cleaning and disinfecting procedures according to the recommendations below.

These measures can help prevent spread of SARS-CoV-2 if introduced, and if already present through asymptomatic infections. (*Id.*)

Adhere to CDC recommendations for cleaning and disinfection during the COVID-19 response. Monitor these recommendations for updates. (*Id.* at 9.)

Several times per day, clean and disinfect surfaces and objects that are frequently touched, especially in common areas. Such surfaces may include objects/surfaces not ordinarily cleaned daily (*e.g.*, doorknobs, light switches, sink handles, countertops, toilets, toilet handles, recreation equipment, kiosks, telephones, and computer equipment). (*Id.*)

Use household cleaners and EPA-registered disinfectants effective against SARS-CoV-2, the virus that causes COVID-19 as appropriate for the surface. . . . Clean according to label instructions, to ensure safe and effective use, appropriate product dilution and contact time. (*Id.*)

Ensure adequate supplies to support intensified cleaning and disinfection practices and have a plan in place to restock rapidly if needed. (*Id.*)

46. Detainee declarations and grievances consistently report that the intensified cleaning regimen recommended by the CDC is not occurring in the Clayton County Jail.

47. Housing unit areas and fixture surfaces such as tables, restroom areas, walls, phones, and kiosks are not cleaned before and after use. (Singleton Decl. ¶ 4 (stating that “[c]ommon areas, kiosks, and phones are not cleaned or wiped down in between uses.”); F.S. Decl. ¶ 12 (stating that common areas were cleaned infrequently, and that phones and kiosks were not cleaned between uses); W.L.M. Decl. ¶ 13 (same).)

48. Cleaning supplies, such as sponges and clean rags, are in short supply. (Mitchell Decl. ¶ 10.) Plaintiff Mitchell stated that he had to use toilet paper to wipe his sink basin and other fixture surfaces due to the clean rags or sanitary disinfectant wipes not being available. (*Id.* ¶ 9.) Barry Watkins similarly stated: “The only thing we can use to clean our cells is our towel or spare bits of toilet paper.” (Watkins Decl. ¶ 24.)

49. Cleaning fluids are also in short supply. (Mitchell Decl. ¶ 9 (stating that a mop bucket is brought around infrequently and reporting that on a recent morning, an orderly brought him a bucket of dirty water with no mop); F.S. Decl. ¶ 13 (stating that a mop was brought around once per week and that there was a “race to use the mop before the water became dirty and unusable, which happened quickly.”).)

50. The failure to provide cleaning supplies is also problematic because plumbing problems at the jail lead to toilet water flooding certain cells or pooling in the housing unit common rooms. (C.C. Decl. ¶ 17-18.) One detainee described being placed in a cell with “an overpowering smell of feces from an overflowing toilet.” (W.L.M. Decl. ¶ 11.) Another detainee described having to urinate in the sink for weeks because of a broken toilet. (C.C. Decl. ¶ 17.) Plaintiff Rhonda Jones stated that toilet water with a “putrid odor” leaks out of the base of her toilet,

that she sleeps on a thin mattress on the floor, and that she put blankets on the cell floor to sop up the toilet water. (Jones Decl. ¶¶ 6, 12.)

51. In short, the “intensified cleaning” recommended by the CDC does not appear to be happening at the Clayton County Jail. On the contrary, the declarations I have reviewed describe poorly performed cleaning and sanitizing on an infrequent basis.

52. Staff and detainees must be provided an adequate amount of cleaning chemicals and supplies to ensure staff and detainees can frequently clean all areas and surfaces before and after each use.

53. Improved cleaning is especially needed for areas where people with COVID-19 have been housed. (CDC *Interim Guidance* (July 7, 2020) (stating that jails should “[t]horoughly and frequently clean and disinfect all areas where individuals with confirmed or suspected COVID-19 spend time.”).)

E. Inadequate Quantities of Soap and Lack of Hand Sanitizer

54. Permitting detainees to have access to sufficient quantities of soap and other personal hygiene items is critical to personal health inside a jail. That is true at any time but is particularly true during a pandemic. Under pre-pandemic circumstances, correctional administrators may ration or limit certain supplies, such as soap or toothpaste, to a certain amount for a period of time. At a jail where

many people are testing positive for COVID-19, however, any reasonable correctional administrator would know to modify the procedures, especially procedures pertaining to the rationing of soap.

55. The CDC guidance recognizes the importance of ensuring an adequate supply of soap. The CDC recommends that correctional facilities should provide no-cost, liquid or foam soap to incarcerated persons. (CDC Interim Guidelines, p. 9.) Jails must “[e]nsure a sufficient supply of soap for each individual.” (*Id.* at 7.)

56. Detainees at the Clayton County Jail report that they do not have anywhere near enough soap. Specifically, detainees report that they are issued four ounces of liquid soap per week, an amount that detainees use for showering, in-cell cleaning, and laundering. (Singleton Decl. ¶ 6 (stating that he uses his soap to shower, clean his towel, and clean his cell floor); Watkins Decl. ¶ 15 (stating that he must use his soap for handwashing, showering, washing clothes, and cleaning his cell, and that the four ounces provided “does not last any of us for the whole week.”); C.C. Decl. ¶ 12 (stating that he is not given chemicals or disinfectant to clean his cell, and that “I do my best to clean with my personal issued soap”); F.S. Decl. ¶ 14 (stating that the small amount of liquid soap provided was the only material with which to clean cells, wash hands, and use in the shower).)

57. On occasion, no soap is provided at all. (C.C. Decl. ¶ 13 (stating that on May 21, 2020, no one in his dorm received soap at weekly “hygiene call,” meaning that most people in the dorm went without soap for the week).)

58. The amount of soap provided at the Clayton County Jail is woefully inadequate to ensure the kind of frequent hand washing needed to stop the spread of a contagious illness. If a person runs out of soap, more should be provided, and it should be provided immediately. This is not a time to maintain strict adherence to existing procedures about soap quantity. Soap, paper towels, and other hygiene items should be readily available upon request for detainees.

59. Further, detainees at the Clayton County Jail are not provided access to hand sanitizer. The CDC urges correctional facilities to “[c]onsider relaxing restrictions on allowing alcohol-based hand sanitizer . . . where security concerns allow.”

60. In my professional opinion, under the exigent circumstances of this pandemic, hand sanitizer should be allowed and is critical to controlling spread of the coronavirus inside correctional facilities. In the free world, people typically have access to soap and a sink, and they can wash hands as needed. A jail is a different environment. Detainees may not have control over handwashing practices. People may not have access to a sink and soap as they move around the

jail to places like the medical unit or video court. Crowding around a common sink for handwashing is itself to be avoided. For these reasons, as recommended by the CDC, detainees should be provided an unlimited supply of alcohol-based sanitizer.

61. I understand that correctional facilities sometimes avoid the provision of alcohol-based sanitizer because of the risk that a person could consume it. But the coronavirus threat substantially outweighs the security risk, especially at a jail where 72 people have tested positive for COVID-19. Hand sanitizer can be stationed in areas where correctional officers have a direct line of sight. Multiple correctional agencies have suspended the prohibition on detainees having access to hand sanitizer during the coronavirus pandemic, and for good reason.

F. Failure to Provide Clean Laundry

62. In a large correctional facility, it is imperative to have procedures in place to provide for routine laundering of clothing, towels, linens, and other items. The provision of clean laundry is crucial to avoiding the spread of virus, bacteria, and parasites, and also helps to preserve people's sense of wellbeing and dignity. For these reasons, ACA ALDF standards contain detailed guidance on the

provision of clothing and bedding, and the intervals at which those items should be laundered (weekly, for example, for sheets and towels).⁸

63. As with cleaning, under the present circumstances, laundering procedures should be intensified. Not surprisingly, the CDC recommends special precautions for handling laundry of those with COVID-19. (CDC *Interim Guidance* (July 7, 2020).) The CDC also recommends that face coverings should be “routinely” laundered. (*Id.* at 9.)

64. Routine laundry service of jumpsuits, sheets, towels, and like items appears to be a problem at the Clayton County Jail. Declarant M.B. described having to wear a dirty jumpsuit for a month, and female detainees without monetary funds did not have access to clean undergarments. (M.B. Decl. ¶ 11.) Plaintiff Barry Watkins described having to wear unclean jumpsuits and underwear. (Watkins Decl. ¶ 17-19 (stating that his underclothes had not been taken to be laundered in over a month, that sheets are “rarely cleaned,” and that his

⁸ ACA standards require that inmates are issued suitable, clean bedding and linens, including 2 sheets, pillow and pillowcase, one mattress not to exclude a mattress with an integrated pillow, and sufficient blankets to provide comfort under existing temperature controls. (ACA, “Bedding Issue, Standard 4-ALDF-4B-02,” Performance Based Standards for Adult Local Detention Facilities (4th ed.)) This ACA standard further requires “[a] provision for linen exchange, including towels, at least weekly.” (*Id.*)

towel had not been laundered in 21 months).) Declarant W.L.M. noted that he had never been issued a towel or washcloth, stated that he used his socks as a towel, and noted that he had gone without sheets for the last 6 weeks. (W.L.M. Decl. ¶¶ 15-16.) Requiring detainees to wear dirty jumpsuits, to shower with dirty towels, and to wear dirty face coverings will undermine the goal of promoting good hygiene practices. The Jail should comply with CDC guidelines and ACA ALDF standards relating to laundering, especially laundering of facemasks and other items belonging to infected persons.

G. Failure to Provide Cloth Face Coverings to Detainees

65. In my opinion, following the CDC's guidance and issuing face coverings would be a high priority for any jail administrator concerned with preventing the spread of COVID-19. Because of the difficulty of social distancing in jails, uniform mask use among detainees and staff would be an obvious and relatively inexpensive safeguard that any reasonable jail administrator would implement

66. The CDC guidelines state that all detainees and staff should be encouraged "to wear a cloth face covering as much as safely possible" to prevent virus transmission "through respiratory droplets." (CDC *Interim Guidance* (July 7, 2020).) The CDC also urges facilities to "ensure sufficient stocks" of hygiene

items including “cloth face coverings” and to “have a plan in place to restock as needed.” (*Id.* at 7.) The CDC guidelines characterize “wearing cloth face coverings” as “critical in preventing further transmission.” (*Id.* at 8.) Jails should “[p]rovide cloth face coverings at no cost to incarcerated/detained individuals and launder them routinely.” (*Id.* at 9.)

67. Contrary to the CDC guidance, multiple Clayton County Jail detainees stated that they were not provided sanitary masks, and they had to improvise and make their own from dirty and/or worn clothing, towels, and rags. For example, M.B. said that she asked a jail officer to provide her a mask and was refused, so used “a scrap of old, ripped underwear around [her] face as a makeshift mask.” (M.B. Decl. ¶ 13.) Plaintiff Michel Singleton stated on June 24 that only newly arrived detainees had masks, and that he constructed his out of a torn sheet. (Singleton Decl. ¶ 8.) Plaintiff Randolph Mitchell stated that he asked an officer for a mask, but the officer replied that masks were “only for officers and trustees.” (Mitchell Decl. ¶ 20.) Mr. Mitchell resorted to purchasing a mask (made of a torn T-shirt and the elastic from a pair of underwear) from another detainee in exchange for two packages of soup. (Mitchell Decl. ¶ 19.) Declarant C.C. stated that “[a]lmost no one has face masks to protect them from COVID-19. The only people who get real masks are those at intake.” (C.C. Decl. ¶ 22.)

68. Appropriate face coverings and PPE must be provided to staff and detainees, as recommended by the CDC. Staff and detainees should be required to wear a face covering when they are in an area with another person.

69. Sufficient quantities of PPE should be available for wearing and routine issue. Staff and detainees should be educated on wearing face coverings and PPE, how to take them on and off, and how to launder and/or disinfect them.

H. Failure to Educate and Inform Detainees About COVID-19

70. Slowing the transmission of a communicable disease in a prison or jail setting requires education of staff and detainees. When I was a Deputy Commissioner in Mississippi, I saw firsthand the importance of educating and training staff and detainees to mitigate the rapid spread of MRSA. To slow transmission, staff and detainees needed to know the symptoms of MRSA, good hygiene and laundering practices, what to do if a person developed MRSA, and so on. We developed and conducted staff trainings and created informational material, based on CDC and other guidelines.

71. The same educational principles apply here, but even more urgently. First, there should be a mandatory training for all staff on preventative measures.⁹

⁹The staff training can be computer-based. The substance of the training should be in accordance with CDC guidelines.

Second, jail administrators need to make sure that detainees are educated regarding COVID-19. The CDC recommends that correctional administrators should “[p]ost signs throughout the facility” explaining COVID-19 prevention measures and should “communicate this information verbally on a regular basis.” (CDC *Interim Measures*, p. 6.) According to the CDC, the signage and verbal communications should be aimed at the following:

- a. ensuring that all persons in the jail know the symptoms of COVID-19 and how to respond if they develop symptoms;
- b. ensuring that all persons wear face coverings, avoid sharing dishes and utensils, and wash hands regularly;
- c. providing clear information to detainees about the need to increase social distancing. (*See id.*)

72. Correctional administrators should also “[e]nsure that materials can be understood by non-English speakers and those with low literacy and make necessary accommodations for those with cognitive or intellectual disabilities and those who are deaf, blind, or have low vision.” (*Id.*) Given the scope of the Jail’s outbreak (and the likelihood that some detainees cannot read posted signs), other methods of information dissemination should also be used, like regular public

announcements over the intercom system, an informational video on close circuit television, and/or the use of a designated telephone line to provide information.

73. None of the above appears to be happening at the Clayton County Jail based on the declarations and grievances I reviewed. On the contrary, detainee declarations provided consistent information that detainees were not receiving any coronavirus information or education of any kind.

74. According to the detainee declarations, no COVID-19-related signage is posted in the jail and the administration has not taken any other steps to inform detainees about how they can protect themselves from the coronavirus. (Mitchell Decl. ¶ 22 (“I have not received any information from jail staff about COVID-19 or how to protect myself. There are no signs in the dorm about protecting ourselves from COVID-19.”); Singleton Decl. ¶ 11 (“I have not received any information from the jail staff about COVID-19, or how to protect myself.”); Watkins Decl. ¶ 32 (“Officers in the jail have given us no information at all about COVID-19 and its symptoms.”); F.S. Decl. ¶ 19 (“[T]hose of us incarcerated in the jail were not told anything about the disease’s symptoms or how to slow the spread of the virus by the jail staff.”); W.L.M. Decl. ¶ 17 (“I have received no information about COVID-19 from the jail.”).)

75. The jail is also lacking in sound and clear procedures for detainees to report coronavirus symptoms to medical and/or non-medical staff. In short, based on the declarations I have reviewed, the CDC's recommendations regarding detainee education have not been followed.

I. Barriers to Submitting Medical Requests and Grievances

76. Detainees must have unimpeded access to submit grievances regarding conditions of confinement, particularly related to medical care. Staff should provide a substantive response to grievances in a timely manner. At this moment, it is more important than ever that detainees be able to report illness, request cleaning supplies, or otherwise communicate with jail staff about matters relating to COVID-19.

77. The Clayton County Jail requires detainees to electronically submit conditions of confinement complaints and medical requests via kiosks located in the detainee housing units. Multiple detainee declarations described an inability and/or difficulty accessing the complaint system and making medical requests using the kiosk.

78. For example, M.B. reported a history of breast cancer and thyroid problems. (M.B. Decl. ¶ 12.) She also experienced possible coronavirus symptoms, but she was not able to contact the jail's medical department to report

those symptoms. (*Id.* ¶ 18.) Her attempts to access the kiosk were unsuccessful because she was “on restriction” for a disciplinary violation (allegedly being in someone else’s cell). (*Id.* ¶ 19.)

79. Similarly, Plaintiff Randolph Mitchell stated that he tried to file a grievance about the jail’s failure to protect people from COVID-19, but the kiosk system would not accept his grievance. (Mitchell Decl. ¶ 24 (“The kiosk screen showed that I had ‘used up’ all my grievances and could not file any more.”).)

80. When detainees do file grievances, they often receive no response. In the grievances I reviewed, 22 out of 29 grievances had no response from staff members. Other grievances received vague responses, such as “I will address your concerns” or “thank you for the information.”

81. Detainees also stated that the Clayton County Jail did not issue them an Inmate Handbook. (Mitchell Decl. ¶ 23.) Typically, correctional facilities provide handbooks with information about the jail, particularly the procedures for accessing services such as healthcare and the process to request assistance from jail officials.

82. Denying a detainee access to the kiosk to submit grievances or complaints related to conditions of confinement because of disciplinary sanctions

is extremely problematic. Blocking detainees' access to the kiosk will make it more difficult for people to report symptoms of COVID-19.

J. Failure to Identify, Isolate, and Care for People With COVID-19

83. Any reasonable correctional administrator would know that a person infected with the coronavirus should not be housed in the same cell with an uninfected person. Any reasonable correctional administrator would also know that people experiencing active symptoms of COVID-19 should be isolated (so that they do not infect other people) and provided with medical care.

84. In accordance with these principles, the CDC states that “[f]acilities should make every possible effort to individually quarantine cases of confirmed COVID-19, and close contacts of individuals with confirmed, or suspected COVID-19.” (CDC *Interim Guidance* (July 7, 2020).) The CDC further states that “[i]ncarcerated/detained persons who are close contacts of someone with confirmed or suspected COVID-19 . . . should be placed under quarantine for 14 days.” (*Id.* at 18.)

85. According to the declarations I have reviewed, these measures are not being followed in the Clayton County Jail. Rather people report being left in their cells with cellmates who have active symptoms of COVID-19.

86. One detainee, W.L.M., described being placed into a cell with a man who appeared to be experiencing symptoms of COVID-19 (difficulty breathing, cold sweats, and diarrhea) and had just been tested for the virus. (W.L.M. Decl. ¶ 18.) W.L.M. began experiencing symptoms of the virus not long thereafter. (*Id.* ¶ 21.) He describes a horrific experience of becoming extremely ill, stating:

The two weeks after my COVID-19 test, including the time we were under lockdown, were some of the darkest days of my life. I began to experience severe symptoms and excruciating pain. I had such severe bowel problems that I did not stand to urinate for approximately nine days because of my inability to hold down food and water. I went through 14 rolls of toilet paper in approximately ten days. I would have to beg an officer for more toilet paper on my way back from diabetic call each night. I lost about fifteen pounds over those two weeks. I was weak and fatigued, and I struggled to make it back and forth from medical during diabetic call. Worst of all, I had immense difficulty breathing.

One night during those two weeks stands out as the most terrifying night of my life. Approximately ten days after I first began experiencing these symptoms, on or around May 23, 2020, my condition took another turn for the worse. At approximately 1:00 a.m., I began to feel severe pain in my lungs; it felt as if my lungs were going to collapse. I could not breathe. I began to bang on my cell door because the emergency call button in my cell does not work. My cellmate, E.R., told me that banging on the door would not work either: no one was coming to help. I believed I was going to die that night.

Eventually, the banging on the door caught the attention of a trustee (“inmate worker”), who was cleaning in my dorm. I began to wave toilet paper in the cell door window to flag him down. Through the crack in my door, I told him that I was having difficulty breathing and asked him to get an officer. The trustee went to the officer booth. When he returned, he told me that the officer had told him that I had to wait until count to speak with

an officer. At this point in the night, the next count was over six hours away. I did not think I was going to make it another six hours. (*Id.* ¶¶ 28-30.)

87. Another detainee, Plaintiff Barry Watkins, reported that he attempted to summon an officer after his cellmate, who had symptoms of COVID-19, started vomiting in his cell. (Watkins Decl. ¶ 39.) The officer responded that he would not come to the cell unless the cellmate was “passed out or bleeding.” (*Id.*) It was two days before the cellmate was called to the medical unit. (*Id.* ¶ 40.) When Mr. Watkins himself experienced symptoms including a cough, aches, diarrhea, and extreme fatigue, a nurse took his temperature, said he had no fever, and sent him back to his cell. (*Id.* ¶ 37.)

88. Yet another detainee, F.S., described her cellmate (C.H.) experiencing coronavirus symptoms, to the point where C.H. was coughing up blood and needed help to get up to use the toilet. (F.S. Decl. ¶¶ 23-24.) Although F.S. reported the symptoms to an officer, no one removed C.H. from the cell and C.H. did not receive medical treatment. (*Id.* ¶ 24.) F.S. stated that she later began experiencing pounding headaches, sore throat, chills and vomiting. (*Id.* ¶ 25.) When she pressed the call button in her cell for staff assistance, no one responded. (*Id.*) She told an officer who was taking count about her symptoms and she was advised to submit a medical request. (*Id.*) A week after she submitted a medical request stating her symptoms and need for urgent medical care, a nurse saw her during pill

call and gave her Tylenol. (*Id.*) She was not isolated and not tested for COVID-19. (*Id.* ¶ 27)

89. In his declaration, J.H. indicated he believed he was exposed to COVID-19 in the jail, and that he experienced symptoms of COVID-19, including fever, shortness of breath, sore throat, body aches, and fatigue. (J.H. Decl. ¶ 30.) He was never tested despite making several requests, and he was not isolated. (*Id.* ¶¶ 30-31.) While symptomatic, he was taken to await video court and placed in a waiting area with about 20 other people, only 10 of whom had jail-issued masks. (*Id.* ¶¶ 30-31.)

90. Responding to a disease outbreak within a correctional facility is a multidisciplinary effort. It is imperative that jail medical staff make frequent contact with the detainee population. Jail administrators must verify that medical staff are making regular rounds. Detainees who reports symptoms of COVID-19 should be evaluated immediately. Officers should not direct symptomatic detainees to submit a medical request to be seen several days or a week later. That is an unacceptable response in a jail with a known incidence of infectious disease.

91. The Jail should ensure that detained individuals receive medical evaluation and treatment at the first signs of COVID-19 symptoms. If the Jail is not able to provide such evaluation and treatment, a plan should be in place to

safely transfer the individual to another facility or local hospital. The initial medical evaluation should determine whether a symptomatic individual is at higher risk for severe illness from COVID-19.

K. Improper Quarantine/Isolation Practices

92. The CDC quarantine guidelines state:

Facilities should make every possible effort to individually quarantine cases of confirmed COVID-19, and close contacts of individuals with confirmed, or suspected COVID-19. Cohorting multiple quarantined close contacts could transmit SARS-CoV-2 from those who are infected to those who are uninfected. Cohorting should only be practiced if there are no other available options. If cohorting of close contacts under quarantine is absolutely necessary, symptoms of all individuals should be monitored closely, and individuals with symptoms of COVID-19 or who test positive for SARS-Cov-2 should be placed under medical isolation immediately. (CDC *Interim Guidance*, p. 19 (Mar. 23, 2020).)

93. The CDC also recommends that if a person is an asymptomatic close contact of someone with COVID-19, the person should be monitored for symptoms at least once per day (and ideally twice per day) for fourteen days. (*Id.* at 10.) Additionally, the CDC counsels correctional administrators to “[e]nsure that medical isolation for COVID-19 is distinct from punitive solitary confinement of incarcerated/detained individuals, both in name and in practice.” (*Id.* at 15.) This is important because incarcerated people may be hesitant to report COVID-19 symptoms if they are placed in the same housing unit used for disciplinary segregation.

94. The quarantine procedure described by detainee C.C. is not in accordance with CDC guidelines. (C.C. Decl. ¶¶ 4-10, 14.) C.C. described being placed on quarantine in “the hole” (a segregation or lockdown unit) because his cellmate had COVID-19 symptoms. (*Id.* ¶ 5.) He states that he was quarantined with his symptomatic cellmate and another man, in a dirty segregation cell. (*Id.*) He was locked down for 23 hours per day or more while in quarantine. (*Id.* ¶ 14.) C.C. became ill while in quarantine. (*Id.* ¶ 6.)

95. The Jail’s failure to follow CDC quarantine guidelines can result in the spread of COVID-19, endangering staff, detainees, and the general public.

K. Failure to Suspend Work Release and “Weekender” Program

96. To help stop the spread of COVID-19, jail administrators need to limit the number of people coming into their facilities. To that end, the CDC encourages jails to “[c]onsider suspending work release and other programs that involve movement of incarcerated/detained individuals in and out of the facility, especially if the work release assignment is in another congregate setting” (CDC *Interim Guidance*, at p. 8 (Mar. 22, 2020.)) The Clayton County Jail continues to operate its “weekender” jail program and work release program. This program increases the risk that COVID-19 will be brought into the facility. Its suspension should be a top priority.

VI. Conclusions and Recommendations

97. The outbreak at the Clayton County Jail is at a critical juncture, with 72 detainees having tested positive for the virus as of July 10, 2020. This is a dangerous situation and urgent action is required to protect detainees, staff, and the community.

98. Many of the people who wrote declarations talked about what is like to be housed at the Clayton County Jail and to be fearful about catching the virus there. Some have recounted their experiences of becoming ill in the jail under unacceptable conditions of confinement. In their grievances and declarations, detainees express their fears of dying of COVID-19 inside the jail.

99. For the reasons discussed above, I recommend that the Clayton County Jail should:

- a. Provide comprehensive education to all detainees and staff with on-going updates on how to protect oneself from COVID-19 as well as the status of infections within the jails;
- b. Post educational COVID-19-related signs in compliance with CDC recommendations;
- c. Provide no cost access to sufficient quantities of hand soap and paper towels, and provide additional soap to detainees immediately upon request;
- d. Eliminate medical co-pays for the duration of the pandemic;
- e. Provide alcohol-based hand sanitizer in locations where dispensers can be regularly viewed by staff;

- f. Provide for continual, around the clock cleaning of all commonly shared areas, especially the toilet areas in dormitory settings;
- g. Provide CDC-approved cleaning supplies so that prisoners can clean their cells and personal dormitory areas;
- h. Provide cloth face coverings for detainees and staff, and provide direction on how to use cloth face coverings, how to keep them clean and how to get another when necessary;
- i. Ensure a schedule for regular laundering of cloth masks;
- j. Search for opportunities to expand bed space for prisoners;
- k. Seek to eliminate dangerous crowding during medication and meal distribution and at transport to video court;
- l. Suspend work release and other programs that involve movement of incarcerated people in and out of the facility;
- m. Survey the facility for places where prisoners historically stand in line and expand those lines so that detainees are 6 feet apart;
- n. Continue to make efforts to reduce the jail population.

100. I reserve the right to clarify and revise my opinions if I am provided additional information in the case.

I swear under penalty of perjury that the information given herein is true and correct and I understand that a false answer to any item my result in a charge of false swearing.

Sworn by me this 23rd day of July, 2020.

s/ Emmitt L. Sparkman

APPENDIX A

EMMITT L. SPARKMAN

[REDACTED]
Olive Branch, Mississippi 38654

[REDACTED]
[REDACTED] **@gmail.com**

EXPERIENCE:

9/16 – Present

Self-Employed-Correctional Consultant

[REDACTED]
Olive Branch, Mississippi 38654

Provide consulting, technical assistance and subject matter expert services in the field of corrections.

6/01 – 8/16

Mississippi Department of Corrections
723 North President Street
Jackson, Mississippi 39202-3097

Director of Education (5/13-8/16)

Mississippi State Penitentiary
P. O. Box 1057
Parchman, Mississippi 38738

Planned, directed and coordinated Academic and Vocational Programs for the prison complex. Selected Education Program equipment and maintains equipment inventories. Prepared and maintained the annual budget. Responsible for developing Academic and Vocational goals for students/offenders in coordination with the overall Agency Education Program. Supervised professional and clerical staff engaged in providing Academic and Vocational instruction to the offender population.

Deputy Commissioner-Institutions (11/02-5/13)

Central Office
723 North President Street
Jackson Mississippi 39202-3097

Direct the Institution Division of the Department of Corrections with a population of approximately 21,000 offenders and 2500 employees consisting of (3) state institutions, (5) private prisons, and (15) regional prisons. The Deputy Commissioner for Institutions is responsible for the programs and services for state offenders incarcerated in state institutions, private facilities, regional facilities and county jails. The Institution Division has an annual operating budget exceeding 200 million dollars.

Superintendent (2/10-5/12)

Mississippi State Penitentiary
P. O. Box 1057
Parchman, Mississippi 38738

Direct the operations of a prison complex with 6 correctional facilities and 1000 employees housing a maximum population of 3500 offenders. The prison complex consists of two areas supervised by a Warden reporting to the Superintendent. Minimum to maximum custody offenders including death row were incarcerated at the institution. The Superintendent manages an annual operating budget of approximately 70 million dollars.

Superintendent (6/01 - 11/02)

Mississippi State Penitentiary
P. O. Box 1057
Parchman, Mississippi 38738

Directed the operations of a prison complex with 18 correctional facilities and 1580 employees housing a maximum population of 5551 offenders. The prison complex consisted of five areas with each area supervised by a Warden reporting to the Superintendent. Minimum to maximum custody offenders including death row were incarcerated at the institution. The Superintendent managed an annual operating budget of approximately 70 million dollars.

9/96 - 6/01

**Wackenhut Corrections Corporation
4200 Wackenhut Drive #100
Palm Beach Gardens, Florida 33410**

Warden

Marshall County Correctional Facility
P.O. Box 5188
Holly Springs, MS 38634

Managed daily operations of a 1,000-bed medium security institution by contract for the Mississippi Department of Corrections. Ensure compliance with established Corporate and Department of Corrections policies and procedures. Responsible for a \$10.4 million annual budget and a staff of 241 employees.

11/92 - 8/96

**Kentucky Department of Corrections
Adult Correctional Institutions
P. O Box 2400
Frankfort, KY 40601**

Warden

Northpoint Training Center
P.O. Box 479, Burgin, KY 40310

Managed daily operations of a 938-bed medium security institution to ensure compliance with established policies and procedures. Maintained fiscal policy and supervised staff of more than 280 employees. Was responsible for a \$10.6 million annual budget.

5/90 - 10/92

**Concept, Incorporated
P.O. Box 333
Louisville, Kentucky 40201**

Facility Director

Pre-Parole and Intermediate Sanction Facility
Mineral Wells, Texas and Pre-Parole Facility
Bridgeport, Texas.

Served as Facility Director of a 600-bed male Pre-Parole Facility, 200-bed male Intermediate Sanction Facility in Mineral Wells, Texas and a 100 bed Female Pre-Parole Facility in Bridgeport, Texas. Responsible for overall management of the facilities with 290 employees and annual budgets exceeding ten million dollars. Initial employment was as Deputy Director of Security and promoted progressively to Facility Director over three institutions.

1985 - 1990

**Brazoria Co. Alcohol/Education Program
P.O. Box 1300, Angleton, TX 77516-1300**

Instructor

Served in this position while employed by the Brazoria County Juvenile and Adult Probation Departments. Instructed persons required by the Courts to attend Alcohol Education Classes. Developed lesson plans. Maintained class records and appropriate statistics. Evaluated participants to determine probability of future alcohol problems and made appropriate referrals.

1988 - 1989

**Brazoria County Juvenile Probation Department
County Road 171, Angleton, TX 77515**

Detention Superintendent/Intake Supervisor

Supervised three Juvenile Probation Officers, twelve detention workers and support staff. Directed daily operations. Screened new referrals and reviewed cases forwarded to the District Attorney. Implemented programs and services required by the Brazoria County Juvenile Board of Judges and Texas Juvenile Probation Commission.

1984 - 1988

**Brazoria County Adult Probation Department
P.O. Box 1300, Angleton, TX 77516-1300**

Intensive Supervision Officer

Supervised high-risk probationers. Ensured all prospective candidates for intensive supervision met the stated eligibility criteria. Developed and implemented supervision plans. Prepared pre-sentence and post-sentence investigations. Provided quarterly reassessment reports to the Texas Adult Probation Commission Case Classification System and Strategies for Case Supervision System.

Initial employment was a Probation Officer supervising 170 misdemeanor and felony adult probationers. Conducted office visits for probationers and made field contacts. Initiated revocation proceedings and prepared pre-sentence investigations.

1975 - 1984

**Texas Department of Corrections
P.O. Box 99
Huntsville, Texas 77342**

Major of Correctional Officers (1982 - 1984)

Ramsey II Unit, Rosharon, TX 77583

Supervised 175 uniformed personnel on a unit with 1,000 high-risk inmates. Directed the operation of all departments within facility. Planned and maintained overall security.

Captain of Correctional Officers (1981-1982)

Ferguson Unit, Midway, TX 77852

Essentially the same duties as that of Major. Supervised 240 employees and 2,500 first-offender inmates between ages 17-21.

Education Consultant (1978 - 1981)

Eastham Unit, Lovelady, TX 75851

Scheduled college level academic/vocational classes. Supervised staff of 20-25 instructors and provided security for staff and inmates in facility of 3,000 multi-recidivist inmates. Coordinated programs through Lee College, Baytown and Windham School System, Huntsville, Texas.

Correctional Officer II (1976 - 1978)

Maintained security in academic/vocational areas under direction of the Educational Consultant. Assumed duties in his absence.

Correctional Officer I (1975 - 1976)

Custodial supervision of 400 inmates.

PROFESSIONAL TRAINING:

PRISON RAPE ELIMINATION ACT (PREA) STANDARDS AUDITOR TRAINING, Bureau of Justice and the PREA Resource Center, Completed June 2013.

EMERGENCY PREPAREDNESS INCIDENT COMMAND SYSTEM FOR CORRECTIONS, National Institute of Corrections, United States Department of Justice, Completed August 2008

ADVANCED MANAGEMENT STRATEGIES FOR PRISON DISTURBANCES, National Institute of Corrections, United States Department of Justice, Completed 1996.

MOTIMER-FILKINS COURT PROCEDURES FOR IDENTIFYING PROBLEM DRINKERS EVALUATOR'S COURSE, Texas Adult Probation Commission and Texas Commission of Alcoholism. Certified March 1986.

STRATEGIES FOR CASE SUPERVISION, Texas Adult Probation Commission and Texas Commission of Alcoholism, Completed December 1985.

CASE CLASSIFICATION, Texas Adult Probation Commission, Completed July 1985.

ALCOHOL RELATED TRAFFIC OFFENDER EDUCATION, Certification Administrator/Instructor Course, Sam Houston State University, Huntsville, Texas, Completed January 1985.

ADULT BASIC PROBATION OFFICERS WORKSHOP, Texas Probation Training Academy, Criminal Justice Center, Sam Houston State University, Huntsville, Texas, Completed April 1984.

EVELYN WOODS READING DYNAMICS COURSE, Huntsville, Texas, Completed April 1979.

PROFESSIONAL SERVICES:

- 8/95 - Present **Certified Auditor**, Accreditation Program, American Correctional Association, 206 North Washington Street, Alexandria, Virginia.
- 8/95 – 8/96 **Adjunct Instructor**, Criminal Justice, Correctional Services, Eastern Kentucky University, Richmond, Kentucky.

EDUCATION:

- 1993 - 1999 EASTERN KENTUCKY UNIVERSITY, Richmond, KY;
M. S. in Criminal Justice-General Studies
- 1981 TEXAS A&M UNIVERSITY, Bryan/College Station, TX; 36 hours in
Correctional Supervisor Training
- 1975 - 1978 SAM HOUSTON STATE UNIVERSITY, Huntsville, TX; B.S. in
Criminology and Corrections
- 1974 - 1975 ALVIN COMMUNITY COLLEGE AND PARIS JUNIOR COLLEGE,
Paris, TX
- 1970 - 1974 CLARKSVILLE (Texas) HIGH SCHOOL

PROFESSIONAL ACHIEVEMENTS:

- WARDEN OF THE YEAR, 2002, North American Association of Wardens and Superintendents
- CRIMINAL JUSTICE PROFESSIONAL OF THE YEAR, 2001, Mississippi Association of Professionals in Corrections
- WARDEN OF THE YEAR, 1997, Wackenhut Corrections Corporation.
- EDUCATION CONSULTANT OF THE YEAR, 1981, Texas Department of Corrections.

PROFESSIONAL AFFILIATIONS:

American Correctional Association
North American Association of Wardens and Superintendents

PERSONAL:

Date of Birth: [REDACTED] 1956
Health: Excellent
Marital Status: Married

Publications

Terry A. Kupers et al, "Beyond Supermax Administrative Segregation: Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs." *Criminal Justice and Behavior*, Volume 36 Number 10, October 2009. Copyright 2009 International Association for Correctional and Forensic Psychology.

Emmitt L. Sparkman, Kevin I. Minor, and James B. Wells, "A Comparison of Job Satisfaction Among Private and Public Employees." Copyright 2000 by Roxbury Publishing Company.

Thesis

Job Satisfaction of Kentucky Correctional Employees: A Comparison of Private and Publicly Operated Prisons, Eastern Kentucky University, December, 1999.

Presented Publications

"A Comparison of Job Satisfaction Among Private and Public Employees," Academy of Criminal Justice Sciences Annual Meeting; New Orleans, Louisiana, March 2000. Kevin I. Minor PhD, James B. Wells, PhD and Emmitt L. Sparkman

Conference/Training Presentations

"What Works? Best Practices in Reentry Initiatives". Panel Presenter. Reentry Symposium. Mississippi Department of Corrections. June 21, 2018.

"Reform Efforts in the United States". Panel Presenter. International and Interdisciplinary Perspectives on Prolonged Solitary Confinement". University of Pittsburg School of Law. April 15-16, 2016.

"Using Administrative Segregation to Manage Offenders". American Correctional Association, Winter Conference Workshop: January 28, 2013 Houston, Texas.

"Southern Legacies: North American Association of Wardens and Superintendents-Wardens of the Year Experiences". North American Association of Warden and Superintendents, 2009 Training Conference. April 9, 2009 Memphis, Tennessee.

"Hurricane Katrina: The Mississippi Department of Corrections Experience". 4th Annual Correctional Security Conference. October 2007 Cincinnati, Ohio.

"A Look Inside Death Row". American Correctional Association, 136th Congress of Correction Workshop: August 16, 2006 Charlotte, North Carolina.

"The Mississippi Department of Corrections Hurricane Katrina Experience". National Institute of Corrections/Maryland Department of Public Safety and Correctional Services Conference of Regional Interstate Emergency Agreements: May 8-10, 2006 Baltimore, Maryland.

Expert Witness

Nancy Kennedy, as Special Administrator of the Estate of Jessica Joy Kennedy vs. Kenny Boone, individually and in his official capacity as Sheriff of Florence County, Florence County Sheriff's Office and Deputy Sheriff Shelia Reed. C/A No.: 2:18-cv-00043-AMQ-MGB. In the United States District Court for the District of South Carolina Florence Division. Defendant Expert Jail Operations. Case Review. (Pending)

Jason Dunn v Management Training Corporation and John and Jane Does 1-100. In the United States District Court for the Southern District of Mississippi Western Division. Plaintiff Expert Prison Operations. Case Review. (pending)

Trevell Garner v County of Orangeburg, Sheriff Leroy Ravenell in his official capacity as Sheriff of Orangeburg County, Orangeburg County Detention Center, and Southern Health Partners, Inc. State Case: 2017-CP-38-01148. Defendant Expert Jail Operations. Case Review. Case Settled.

Gary Locklear, individually and a Personal Representative of the Estate of Roy Locklear vs. Marlboro County Sheriff's Office, Marlboro County Detention Center, Dr. Charles Bush, Southern Health Partners, and South Carolina Law Enforcement Division: C/A No.: 2016-NI-34-00003. In the Court of Common Pleas, Fourth Judicial Circuit County of Marlboro: C/A No.: 2017-CP-34-00064. Defendant Expert Jail Operations. Case Review. (pending)

Ahmad Ajaj v United States of America; Federal Bureau of Prisons: Civil Action No. 15-cv-00992-RBJ-KLM. Plaintiff Expert Prison Operations. Case Review, Expert Report, Deposition, and Trial Testimony.

Steven Spencer vs. South Carolina Department of Corrections. Case No.: 202015-CP-3-0229. In the Court of Common Third Judicial Circuit. Defendant Expert Prison Operations. Case Review. Case Settled.

Rodney Parker SCDC #315646, Plaintiff, v Warden Stevenson; Major Sutton; Captain Washington; Lt. Jackson; Sgt. Esterline; Sgt. JC Williams; Ofc. Beckett; Ofc. McCoy; Ofc. Suarez; Ofc. Dooley; Nurse K. McCullough; and Nurse Jane Doe, Defendants: Civil Action No.: 5:13-cv-02795-TLW-KDW. In the United States District Court. For the South Carolina Florence Division. Defendant Expert Prison Operations. Case Review and Expert Report. Case Settled.

Maxine Massey, individually and on behalf of the Estate of Thurston Massey, Deceased, v Orangeburg County Detention Center, the County of Orangeburg, South Carolina Department of Public Safety-Highway Patrol Officer Matthew D. Ocasio, individually And/or in a representative capacity, Vernetia Dozier, individually and/or in a representative capacity, Defendants: Case Number: 9:16-cv-03478-JMC-BM In the United States District Court. For the District of South Carolina Orangeburg Division. Defendant Expert Jail Operations. Case Review and Expert Report. Case Settled.

Antonio Andres Lechuga, Plaintiff, vs. Maricopa County Sheriff Joe Arpaio; Detention Officer Kevin Holsom and Spouse Holsom, husband and wife, Defendants: Case 16-CV-01178-PHX-DJH (JZB). In the United States District Court. District of Arizona. Defendant Expert Jail Operations. Case Review. Case Settled.

Antonio Andres Lechuga v. Maricopa County, et al: Case No. 16-01724-PHX-DJH (JZB). In the United States District Court. District of Arizona. Defendant Expert Jail Operations. Case Review. Case Settled.

Christie Ellis, As Guardian of Kendrick C. Watson vs. Tim Helder, Washington County Sheriff; Randall Denzer, Chief Jail Administrator; Lauren Jones, Jailer; James Morse, Jailer; Corporal T. Cobb, Officer; Mark Cuzick, Jailer; Brandon Muggy, Jailer; and John and Jane Does 1-5: Case 5:16-cv-05056-TLB. United States District Court. Western District of Arkansas. Fayetteville Division. Plaintiff Expert Jail Operations. Case Review. Case Settled.

Miguel Angel Herrera Alderete v. Joseph M. Arpaio, in his official capacity as Sheriff of Maricopa County Arizona, et al.: Case 2:16-cv-01175-SPL-DMF. United States District Court, District of Arizona. Defendant Expert Jail Operations. Expert Report. (Pending)

Antonio Crawford vs. Chris Hunt, Sgt; E. Bittinger, DHO; Tony Smith, Captain; Tracy Sims, Contraband Officer, and David Craig III, Sgt.: C/A No.: 8:15-cv-01362-MGL-JDA. In the District Court of the United States, District of South Carolina, Anderson/Greenwood Division. Defendant Expert Prison Operations. Case Review and Expert Report. Case Settled.

Sandra Johnson, individually and as Personal Representative of the Estate of Charles Tucker, Plaintiff, vs. Warden Willie L. Eagleton, Officer Chaka Ray, Officer Rolando Raigoza, Lieutenant Ronald Brayboy, South Carolina Department of Corrections, Defendants: C/A No. 0:15-15-cv-04934-JFA-PJG. In the United States District Court, District of South Carolina, Florence Division. Defendant Expert Prison Operations. Case Review and Expert Report. Case Settled.

The Estate of Robert Vallina, et al. Plaintiffs, v. The County of Teller Sheriff's Office and its Detention Facility, et al. Case No. 15-cv-01802-RM-CBS, filed in the United States District Court, for the District of Colorado. Defendant Expert Jail Operations. Case Review and Expert Report. Case Dismissed on Summary Judgment.

Boatwright v Barnwell County Detention Center County, et. al, In the Court of Common Pleas: State Case: 2015-CP-06-00364. Defendant Expert Jail Operations. Case Review and Expert Report. Case Settled.

Justin Conrad v. Captain Donnie Stonebreaker, et. al, United States District Court, District of South, Columbia Division: Case No.: 4:15-cv-03374-RMG-TER: and Justin Conrad v. South Carolina Department of Corrections et. al, In the Court of Common Pleas: Case No.: 2014-CP-31-190. Defendant Expert Prison Operations. Case Review and Expert Report. Case Settled.

Richard Campodonico v. Captain Donnie Stonebreaker et. al, United States District Court, District of South, Columbia Division: Case No.: 4:15-cv-03373-RMG-TER and Richard Campodonico v. South Carolina Department of Corrections et. al, In the Court of Common Pleas: Case No.: 2014-CP-31-192. Defendant Expert Prison Operations. Case Review and Expert Report. Case Settled.

Angela Parker Chavis, Individually and as Personal Representative the Estate of James Parker, Plaintiff vs. Willie Bamberg, Lt. Kim Fisk, Sgt. Christopher James, Ofc. Latoya Echols, and Ofc. Harrie Mintz, Defendants. United States District Court. District of South Carolina. Orangeburg Division. C/A No.: 0:16-cv-00240-DCN-PJG. Defendant Expert Jail Operations. Case Review. (Pending)

Angela Parker Chavis, Individually and as Personal Representative the Estate of James Parker, Plaintiff vs. Orangeburg County, et al. State of South Carolina. County of Orangeburg. In the Court of Common Pleas. 2015-CP-38-00302. Defendant Expert Jail Operations. Case Review. (Pending)

Johnny Eason, Individually and as Personal Representative of the Estate of Shannon Eason, Plaintiff vs. Willie Bamberg, Capt. Leola McCutchen, Sgt. Shaletha Murphy, Lt. Carolyn Murdock, Ofc. Tahsha Jarrett, and Ofc. Toni Bradley. United States District Court. District of South Carolina. Orangeburg Division. C/A No.: 9:16-CV-748.RBH-BM. Defendant Expert Jail Operations. Case Review. Case Settled.

Johnny Eason, Individually and as Personal Representative of the Estate of Shannon Eason, Plaintiff vs. Orangeburg County, et al. State of South Carolina. County of Orangeburg. In the Court of Common Pleas. 2015-CP-38-00608. Defendant Expert Jail Operations. Case Review. Case Settled.

Lymisha Ryant, Individually and as Personal Representative of the Estate of Tony Glen Tyler, Plaintiff. v. Willie Bamberg, Sgt. Edward Rawls, Roy Brooks, Melanie Williams, Harrie Mintz, Defendants. United States District Court. District of South Carolina. Orangeburg Division. Civil Action No: 5:15-cv-02035-JMC-PJG. Defendant Expert Jail Operations. Case Review. Case Settled.

June Green, as Personal Representative of the Estate of Vernon Green, Jr. vs. South Carolina Department of Mental Health, et al. In the Court of Common Pleas for the Fifteenth Judicial District, County of Richland, the State of South Carolina. C/A No. 2015-CP-400-6222. Defendant Expert Correctional Facility Operations. Case Review. Case Settled.

Deddrick Ervin vs. South Carolina Department of Corrections. In the Court of Common Pleas for the Fourteenth Judicial District, County of Allendale, the State of South Carolina. Civil Action No.: 2014-CP-03-185. Defendant Expert Correctional Facility Operations. Case Review, Expert Report and Deposition. Case Settled.

Joseph Raymond Poole as Personal Representative for the Estate of Joseph Raymond Poole II v. South Carolina Department of Corrections, Joseph McFadden as Warden for the Lieber Correctional Institution and Lieber Correctional Institution. In the Court of Common Pleas for the Fifteenth Judicial Circuit, County of Richland, the State of South Carolina C/A No. 2014-CP-18-2021. Defendant Expert Prison Operations. Case Settled.

Andrei Lele v. Maricopa County, a political subdivision of the State of Arizona: Sheriff Joseph Arpaio, in his official capacity as the Sheriff of Maricopa County. In the Superior Court of the State of Arizona. In and for the County of Maricopa County. Complaint No.: CV2014-054268. Defendant Expert Jail Operations. Case Review and Expert Report. Case Settled.

Lymisha Ryant, Individually and Personal Representative of the Estate of Tony Glenn Tyler v. Orangeburg County, South Carolina et al. In the Court of Common Pleas. Case No.: 2014-CP-38-962. Defendant Expert Jail Operations. Case Review. Case Settled.

Jenny Hearn, Individually and as a Personal Representative of Nathaniel P. Hearn v. Orangeburg County et al. In the Court of Common Pleas. Case No.: 2014-CP-38-96. Defendant Expert Jail Operations. (Pending)

Daniel Nichols v. Sheriff Joseph Maricopa County, et al. The United States District Court In and For the District of Arizona. Case No. 2:15-CV-01609-DJH. Defendant Expert Jail Operations. Case Review. Case Settled.

Michael J. Richard v. Maricopa County et al. The United States District Court. District of Arizona. Case No: CV14-02319-PHX-SPL. Defendant Expert Jail Operations. Case Review. (Pending)

Frank Staples v. Richard W. Gerry, Warden, New Hampshire State Prison, et al. Complaint: Case Number 14-cv-473- JL. Defendant Expert Prison Operations. Expert Report. Case Dismissed.

Melissa Poore, et al. v. Avalon Corrections Services, Inc., d/b/a Turley Residential Center, LLC, et al. Complaint: Case Number CJ-2013-3747. Plaintiff Expert Failure to Protect. Expert Report. Case Settled.

Russell Walker, Individually, and on behalf of the statutory beneficiaries of Douglas Walker, deceased; and Estate of Douglas Walker, an entity established under the probate laws of the State of Arizona v. Sheriff Joseph Arpaio, et al. Complaint: Case

Number 2:15 CV-00226-SPL. Defendant Expert Classification. Case Review, Deposition, and Trial Testimony. Jury Verdict for the Plaintiff.

Mary Ellen Klatt, as the Personal Representative of the Estate of John Klatt v. Sheriff Joseph Arpaio, et al. Complaint: 2:14 CV-02711-SPL. Defendant Expert Classification. Case Review and Deposition. Jury Verdict for the Plaintiff.

Levi Bing v South Carolina Department of Corrections, et al. In the Court of Common Pleas. Third Judicial District. Case No.: 2011-CP-31-0216. Defendant Expert Prison Operations. (Pending)

Michael Furtick v Lt. Kim Fisk, Officer Terrance Williams, Officer Chico Salley, and Officer LaQuanna Shanee Aiken. In the United States District Court for the District of South Carolina, Orangeburg Division: Docket No.: 4:14-cv-2884-BHH-TER. Defendant Expert Prison Operations. Case Review. Case Settled.

Brandon Glover v Jimmie Antonio Williams, et al. In the Court of Common Pleas: Civil Action No.: 2014-CP-31-126. Defendant Expert Prison Operations. (Pending)

Anthony L. Mann v Lt. C. Failey, et al. In the United States District Court for the District of South Carolina: Civil Action No. 011-cv-02232-RMG. Defendant Expert Prison Operations. Expert Report. Trial and Partial Jury Verdict for Plaintiff.

Bryan Clyburn v South Carolina Department of Corrections et al. In the Court of Common Pleas: Civil Action No. 2014-CP-27-018. Defendant Expert Prison Operations. Case Review. Case Settled.

Jonathan Bradley Lisle v South Carolina Department of Corrections et al. In the Court of Common Pleas: Civil Action No. 2014-CP-40-6208. Defendant Expert Prison Operations. Summary Judgment for the Defendants.

Christopher Ford v South Carolina Department of Corrections et al. In the Court of Common Pleas: Civil Action No. 2013-CP-18-1238. 2014. Defendant Expert Prison Operations. Summary Judgment for Defendants Prior to Trial.

Christopher Lemear v. William Wrenn, Commissioner, et al. Merrimack County Superior Court Docket No. 217-2013-CV-00372. Defendant Expert. Prison Operations and Classification. Case Review and Expert Report. 2014. Case Dismissed.

Leaphart v. South Carolina Department of Corrections et al. Civil Action Number: 2012-CP-35-40. Case Review for Defendants. 2014. Case Settled.

Tolen v. South Carolina Department of Corrections et al. Civil Action Number: 2012-CP-35-39. Case Review for Defendants. 2014. Case Settled.

Leaphart v Warden Leroy Cartledge et al: Civil Action Number 1:13-cv-01564-DCN-SVH. Case Review for Defendants. 2014. Case Settled.

Tolen v Warden Leroy Cartledge et al: Civil Action Number 1:13-cv-01565-DCN-SVH. Case Review for Defendants. 2014. Case Settled.

Susan Piazzola, as Personal Representative of the Estate of Saverio E. Piazzola v. Lieber Correctional Institution and South Carolina Department of Corrections et al, Civil Action Number: 2012-CP-18-2151. Case Review for Defendants. 2013-2014.

John Doe Plaintiff vs. Board of County Commissioners of Payne County and Advanced Correctional Healthcare, Inc. Case No. CIV-13-108-F. Plaintiff Expert: Case Review, Expert Report and Witness for Trial (No Testimony)-Jail Classification and Operations. 2013-2014. Jury Verdict for the Defendants.

George Ruiz et al. v. Edmund G. Brown, Jr., et al. United States District Court, Northern District of California, Docket Number: 09-05796 CW. Plaintiff Expert-Corrections. 2013-2015. Case Settled.

Mack Myers v Paula Rector Jackson, et al. 0:12-cv-02526-TMC-PJG. Defendant Expert: Case Review and Expert Report-Corrections Facilities Management and Operations. 2013-2014. Dismissed with Parties Reaching a Non-Monetary Settlement.

Russell Dawson v. South Carolina Department of Corrections et al, Civil Action Number: 2010-CP-18=1922 and Russell Dawson v. McKiver Bodison, Warden et al, Civil Action Number 8:11-1781-JFA-JDA, Claim Number: 77177. Case Review for Defendants. 2013.

Odella May Smith, Personal Representative of the Estate of Eddie Hue Smith, Jr., v. Arkansas Department of Corrections, et al: Number: 12-0500-CC Arkansas State Claims Commission. Defendant Expert: Testified on Correctional Facility Security and Operations. October 10, 2012. (Reduced Monetary Award for Loss Claim)

Louis Henderson, et al, v. Kim Thomas, Commissioner, Alabama Department of Corrections, et al: Civil Action Number: 2:11cv224-MHT Middle District Alabama. Deposition for Plaintiff-Care, Custody, and Control Mississippi Department of Corrections HIV/AIDS Offenders. June 5, 2012.

Baxter Felix Vinson, Jr., v. Sharonda Sutton, et al: Civil Action Number: 0:10-847-CMC-PJG. Defendant Expert-Correctional Facilities Management and Operations.

Alice A. Walker, as Personal Representative of the Estate of Daniel Preston Walker v South Carolina Department of Corrections et al; Case Number: 2008-CP-31-0131. Defendant Expert-Correctional Facilities Management and Operations (Case Settled).

Thomas S. Marchese v Sheriff of Horry County, et al: C/A No. 4:08-cv-03706-TLW. Defendant Expert-Correctional Facilities Management and Operations (Case Settled).

Charles Thomas #180540 v. South Carolina Department of Corrections: Civil Action No. : 2008-CP-27-00441. Defendant Expert-Correctional Facilities Management and Operations (Case Settled).

Norman Bradley v. Just Care, Inc. d/b/a Columbia Care Center: Civil Action No. : 08-CP-40-7714. Defendant Expert- Correctional Facilities Management and Operations (Case Settled).

Frederick T. McKnight as Personal Representative of the Estate of Brooks Leon Thomas vs. South Carolina Department of Corrections et al.; Civil Action No. 3:07-3311-MJP. Defendant Expert-Correctional Facilities Oversight and Management (Case Settled).

Julie E. Brabazon, as Personal Representative for the Estate of Jason Michael Gross v. South Carolina Department of Corrections: In the United States District Court for the District of South Carolina, Greenville Division: C/A No. 07-CP-43-2043, Claim Number 35018. December 2008. Defendant Expert-Correctional Facilities Oversight and Management (ongoing).

Robbie Simmons, as Personal Representative for the Estate of Gazzara D. Carson v. South Carolina Department of Corrections: C/A No. 04-CP-34-0413, Claim Number 18467. November 2008. Defendant Expert-Correctional Facilities Oversight and Management (ongoing).

Shylena Martin as Personal Representative of the Estate of Charles Martin v. South Carolina Department of Corrections et al: In the United States District Court for the District of South Carolina, Greenville Division; 6:07-CV-03409-GRA (Survival Action) and 6:07-CV-03422-GRA (Wrongful Death Action) Claim Number T38057. May 2008. Defendant Expert-Correctional Facilities Oversight and Management (ongoing).

Deborah Davis, Arthur Bowens, Eric Tate, Keisha Burgess, Earlene Howell and Barbara Beard v. The GEO Group Inc.: In the United States District Court for the Northern District of Mississippi, Western Division; Cause Number 3:06cv85-M-A. May 2007. Defendant Expert Report-Correctional Staff Searches. (Trial-Jury Verdict for the Defendants).

George Brown v South Carolina Department of Corrections, John Ozmint, Director, George Hagan, Head Warden and John Doe Correctional Officers. Federal Case Number 1:06-cv-01423-RBH. April 2007. Defendant Expert Report-Correctional Facility Operations. (Case Settled).

Charles Brooks v Richard Stringer, Sheriff of Marion County et al. Civil Action No. 2:04cv120KS-RHW. October, 2006. Defendant Expert Report-Correctional Facility Operations.

Richard D. Passman v Sheriff Joel Thames and CNA Surety. No. 2:05CVB5KS-JMR. February, 2006. Defendant Expert Report-Correctional Facility Operations.

Willie L. Brooks v Edward Neal Martin, American National Bail Bonding Agency, Inc. et al. No. 3:05CV191HTW-JCS. January, 2006. Defendant Expert Report-Offender Commitment and Release Procedures.

Moore v. Fordice, et al. 4:90CV125-JAD. June, 2004. Defendant Expert-Trial, Corrections Issues.

Wanda Langford, Administrator of the Estate of Michael Langford v Union County, Mississippi et al. No. 3:00CV152-P-A (Defendant Expert, Jail Operations and Suicide) Prepared and submitted an expert witness report, attended and participated in the Federal Court Trial. November, 2003. (Case was settled during trial prior to expert testimony being given).

Russell v Robert L. Johnson et al (Mississippi Department of Corrections) No. 1:02CV261-JAD. February, 2003. Defendant Expert-Trial, Testified on Correctional Issues.

Underwood v WCC No. 3:01CV179-JAD. January, 2003. Defendant Expert-Trial, Testified on Correctional Administration, Security and Accreditation. (Jury Verdict for the Defendants).

Consulting

Miller v Alabama Cases. Juvenile Life Without Parole Resource Project. Consult and Evaluate Mississippi Department of Corrections Prison Records for Antonio McDowell, David Moody and Dillon Seals. January 2019.

State of Mississippi v. Joshua Miller. Case No. 8542-1-2. Consulting and Court Testimony for the Defendant. July 2018.

United States Department of Homeland Security. Office of Civil Rights and Civil Liberties Division. Conditions of Confinement, Subject Matter Expert. June 2018 to Present.

Pulaski County, Little Rock, Arkansas. Consultant for JFA Institute. Retained to Participate in an Assessment of the Pulaski County, Arkansas Criminal Justice System. January 2018 to present.

Sacramento County Jail, Sacramento, California. Consultant for JFA Institute. Retained to Participate in an Assessment of the Sacramento County Jail, Total Separation (T-SEP) Units Inmate Classification and Operations Procedures. March 2017.

Georgia Department of Corrections. Consultant. Retained to provide technical assistance for the Georgia Prisoner Reentry Evidence Based Practices at the Lee State Prison, Georgia Department of Corrections. July 2016-September 2017.

Georgia Department of Corrections. Consultant for the Michigan Council on Crime and Delinquency, Inc., Center for Justice Innovation. Retained to assist with the Georgia Prisoner Reentry Evidence Based Practices at the Lee State Prison, Georgia Department of Corrections. February 2016-June 2016.

United States District Court Southern District of New York. Subject Matter Expert for the Court Appointed Monitor. Mark Nunez, et al. v. City of New York et al. 11 Civ. 5845 (LTS) JCF. October 2015. (ongoing).

South Carolina Department of Corrections. Retained Consultant. In T.R., P.R., and K.W., on behalf of themselves and other similarly situated; and Protective and Advocacy for People with Disabilities, Inc. v. South Carolina Department of Corrections et al. C/A No.: 2005-CP-40-2925. In the Court of Common Pleas Fifth Judicial Circuit. 2014-2016.

Louisiana Department of Public Safety and Corrections. Consultant for JFA Institute. Retained to Participate in an Assessment of the Louisiana Department of Public Safety and Corrections Certified Treatment and Rehabilitation Programs. June-July 2014.

Arkansas Department of Community Corrections. Consultant for JFA Institute. Retained to Participate in an Evaluation of Community Corrections Supervision and Conduct an Assessment of the Omega Technical Violator Center. December 2013.

Federal Bureau of Prisons. Consultant for JFA Institute and CNA. Retained to Participate in the Review of the Federal Bureau of Prisons Use of Administrative Segregation. 2013-2014.

Indiana Department of Corrections. Provided Technical Assistance to JFA Institute Reviewed and Made Recommendations for Indiana Department of Corrections Administrative Segregation. 2013.

Oklahoma Department of Corrections. Participated in a Review and Made Recommendations on the Oklahoma State Penitentiary-Administrative Segregation. 2012.

Colorado Department of Corrections. Provided Technical Assistance on Offender Classification and Administrative Segregation. 2011-2012.

National Institute of Corrections-Colorado Department of Corrections. Evaluated and Provided Technical Assistance on Administrative Segregation of Offenders. 2011.

Mexico Federal Penitentiary System. Evaluated and Provided Technical Assistance on the American Correctional Association Accreditation Process. May 2011.

Vera Institute of Justice: Segregation Reduction Project. Design and Implement Segregation Policy Changes for Illinois, Maryland, and New Mexico Department of Corrections. 2010 to 2013.

Georgia Department of Corrections. Evaluated Correctional Staffing at Selected Georgia Department of Corrections Prisons. July 2007.

Georgia Department of Corrections. Trained Executive Staff on Staffing Strategies and submitted Recommendations for Staffing Correctional Facilities. November-December 2006.

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Fee Schedule

Initial Consultation:	No Charge
Expert Services:	\$195 per hour plus expenses*
Depositions & Court Testifying	\$1750 per day flat fee plus expenses*
Travel:	½ Hourly Rate plus expenses*

Billings occur monthly and are due within 30 days of the date of the invoice

*Party the service is being provided is responsible for expenses.