

The Honorable Robert J. Bryan

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UGOCHUKWU GOODLUCK NWAUZOR,
FERNANDO AGUIRRE-URBINA,
individually and on behalf of all those
similarly situated,

Plaintiffs/Counter-Defendants,

v.

THE GEO GROUP, INC.,

Defendant/Counter-Claimant.

Case No. 3:17-cv-05769-RJB

**DECLARATION OF COLIN L. BARNACLE
IN SUPPORT OF THE GEO GROUP, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

I, Colin L. Barnacle, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. I am the attorney for The GEO Group, Inc. ("GEO") in the above-captioned matter. I am over the age of eighteen (18), and I am competent to testify in this matter.

2. Attached are true and correct copies of the following exhibits:

EXHIBIT A: Attached as Exhibit A is the declaration of Tae D. Johnson dated August 1, 2018 and filed in *State of Washington v. The GEO Group, Inc.*, Case No. 17-cv-05806, on August 3, 2018 at ECF No. 91.

EXHIBIT B: Attached as Exhibit B are excerpts from the deposition of Colleen Melody, the 30(b)(6) designee of the Washington Attorney General's Office taken August 10, 2018.

EXHIBIT C: Attached as Exhibit C is the declaration of Bruce Scott dated January 2, 2020, previously filed in this action on January 2, 2020 at ECF No. 228.

1 **EXHIBIT D:** Attached as Exhibit D are excerpts from the deposition of Erwin Delacruz
2 taken December 2, 2019.

3 **EXHIBIT E:** Attached as Exhibit E are excerpts from the deposition of David Tracy
4 taken December 3, 2019.

5 **EXHIBIT F:** Attached as Exhibit F are excerpts from the deposition of Bruce Scott, the
6 30(b)(6) designee for GEO, taken December 10, 2019.

7 **EXHIBIT G:** Attached as Exhibit G is the declaration of Jesus Lopez Paez dated August
8 31, 2018 and filed in *State of Washington v. The GEO Group, Inc.*, Case No. 17-cv-05806, July
9 2, 2019 at ECF 253-22.

10 **EXHIBIT H:** Attached as Exhibit H are excerpts from the deposition of Alisha
11 Singleton taken January 31, 2019.

12 **EXHIBIT I:** Attached as Exhibit I are excerpts from the deposition of Marc Johnson
13 taken December 3, 2019.

14 **EXHIBIT J:** Attached as Exhibit J are excerpts from the deposition of Michael Heye
15 taken December 4, 2019.

16 **EXHIBIT K:** Attached as Exhibit K are excerpts from the deposition of William
17 McHatton taken February 1, 2019.

18 **EXHIBIT L:** Attached as Exhibit L are excerpts from the deposition of Bertha
19 Henderson taken January 30, 2019.

20 **EXHIBIT M:** Attached as Exhibit M are excerpts from the deposition of Leonardo
21 Jaramillo taken June 18, 2019.

22 **EXHIBIT N:** Attached as Exhibit N are excerpts from the deposition of Oguchukwu
23 Nwauzor taken June 19, 2018.

24 **EXHIBIT O:** Attached as Exhibit O are excerpts from the deposition of Fernando
25 Aguirre-Urbina taken June 11, 2018.

26 **EXHIBIT P:** Attached as Exhibit P are excerpts from the deposition of Ryan Kimble,
27 the 30(b)(6) designee for GEO, taken July 9, 2018.

1 **EXHIBIT Q:** Attached as Exhibit Q are excerpts from the deposition of Byron Eagle
2 taken December 5, 2019.

3 **EXHIBIT R:** Attached as Exhibit R are excerpts from the deposition of Sean Murphy
4 taken December 19, 2019.

5 **EXHIBIT S:** Attached as Exhibit S are excerpts from the deposition of Debra Eisen
6 taken December 13, 2019.

7 **EXHIBIT T:** Attached as Exhibit T are excerpts from the 30(b)(6) deposition of Taylor
8 Wonhoff taken August 22, 2019.

9 **EXHIBIT U:** Attached as Exhibit U are excerpts from the deposition of Iolani Menza
10 taken June 27, 2019.

11 **EXHIBIT V:** Attached as Exhibit V is the declaration of Noe Baltazar Noe dated May
12 21, 2019 and filed in *State of Washington v. The GEO Group, Inc.*, Case No. 17-cv-05806, on
13 July 2, 2019 at ECF 253-22.

14 **EXHIBIT W:** Attached as Exhibit W are excerpts from the deposition of Bruce Scott
15 taken May 20, 2019.

16 **EXHIBIT X:** Attached as Exhibit X are emails between Sandy Mullins, Tammy Fellin,
17 Suchi Sharma, Lynne Buchannan, Elizabeth Smith and other individuals from Washington's
18 Department of Labor & Industries.

19 Dated this 27th day of March, 2020 at Denver, Colorado.

20 Akerman, LLP

21 s/ Colin L. Barnacle
22 Colin L. Barnacle, (Admitted *pro hac vice*)
23 Attorney for Defendant The GEO Group, Inc.

PROOF OF SERVICE

I hereby certify on the 27th day of March 2020, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **DECLARATION OF COLIN L. BARNACLE IN SUPPORT OF THE GEO GROUP, INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** via the Court's CM/ECF system on the following:

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Nick Mangels

EXHIBIT A

THE HONORABLE ROBERT J. BRYAN

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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT TACOMA**

9
10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 THE GEO GROUP, INC.,

14 Defendant.

Case No.: 3:17-cv-05806-RJB

DECLARATION OF TAE D. JOHNSON
ASSISTANT DIRECTOR, CUSTODY
MANAGEMENT DIVISION,
ENFORCEMENT AND REMOVAL
OPERATIONS (ERO) UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE) DEPARTMENT
OF HOMELAND SECURITY (DHS)

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19 I, Tae D. Johnson, make the following statement under oath subject to the penalty of perjury
20 pursuant to the laws of the United States and the State of Washington:

- 21
22 1. My name is Tae D. Johnson. I am competent to testify in these matters in that I am over the
23 age of majority and I am familiar with the subjects discussed herein.
24 2. I am a member of the Senior Executive Service serving as the Assistant Director, Custody
25 Management Division, Enforcement and Removal Operations (ERO), U.S. Immigration and
26 Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS), in Washington,
27 D.C. I have held this position since January 2, 2011. My current work address is: 500 12th
28 Street Southwest, Washington, D.C. 20536.
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32 DECLARATION OF TAE JOHNSON
ENFORCEMENT AND REMOVAL OPERATIONS
33 UNITES STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

- 1 3. I hold a Bachelor of Science degree in accounting from Salisbury University in Salisbury,
2 Maryland.
- 3 4. In 1992, I began my federal career in Salisbury, Maryland with the former Immigration and
4 Naturalization Service (INS). For the past 20 years, I have served as a detention enforcement
5 officer, a supervisory detention enforcement officer, a supervisory immigration enforcement
6 agent and deportation officer with INS and ICE.
- 7 5. Since 2011, while at ICE headquarters, I have served as a Unit Chief of the detention standards
8 compliance unit, as Chief of Staff for the Office of Detention Policy and Planning, as Special
9 Assistant to the Assistant Secretary for ICE, and as Deputy Chief of Staff for the Executive
10 Associate Director for ERO.
- 11 6. In my current position as Assistant Director, I oversee and direct the Custody Management
12 Division, which provides policy and oversight for the administrative custody of more than
13 41,000 detainees daily and roughly 375,000 detainees annually. The Custody Management
14 Division oversees and manages ICE detention operations to provide for the safety, security and
15 care of detainees in ICE custody. The ICE detention system consists of more than 250 local
16 and state facilities operating under intergovernmental service agreements, contract detention
17 facilities, ICE-owned facilities and facilities operated by the Bureau of Prisons.
- 18 7. ICE arranges for detention services through three primary types of arrangements. Service
19 Processing Centers (SPCs) are government-owned facilities and are operated directly by ICE.
20 Contract Detention Facilities (CDFs) are contractor-owned-and-operated facilities at which
21 ICE has contracts with private services providers. Intergovernmental Service Agreements
22 (IGSAs) are agreements between ICE and a state or political subdivision of a state, such as a
23 local government. (8 U.S.C. §1103(11)(A)). Sometimes the state or political subdivision then
24 enters into a subcontractor agreement for a private contractor to operate the facility.
- 25 8. Northwest Detention Center (NWDC) in Tacoma, Pierce County, Washington is a CDF, and
26 is within my chain of authority. NWDC operates pursuant to a performance-based contract,
27 which is a results-oriented method of contracting focused on outputs, quality, and outcomes.
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32 DECLARATION OF TAE JOHNSON
33 ENFORCEMENT AND REMOVAL OPERATIONS
UNITES STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

1 Performance-based contracts do not designate *how* a contractor is to perform the work, but
2 rather establishes the expected outcomes and results that the government expects. It is then the
3 responsibility of the contractor to meet the government's requirements at the price the vendor
4 quoted. The NWDC contract is also a firm-fixed price contract, which means that GEO
5 responded to the government's requirements by quoting fully burdened rates (i.e. bed day rate,
6 transportation rate, etc.) at which it would perform the requirements outlined in the contract's
7 Performance Work Statement (PWS). When contracting for detention services in the Seattle
8 Field Office region, ICE sought a firm-fixed price performance-based contract for a full-service
9 facility that would provide the safe and secure detention, transportation, detention
10 management, and ancillary services for up to 1,575 adult detainees.

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12 9. I am aware that the State of Washington filed a lawsuit, *State v. GEO*, U.S. District Court
13 Western District of Washington ECF Case No. 3:17-cv-05806-RJB, making certain wage-
14 related claims against ICE's contractor, The GEO Group, INC. (GEO). I am also aware that
15 in a related action, *Nwauzor v. GEO*, U.S. District Court Western District of Washington,
16 ECF Case No. 3:17-cv-05806-RJB, ICE detainees filed a class action lawsuit against GEO
17 alleging an entitlement to minimum wages for participating in the VWP.
18

19
20 10. Aliens whom ICE officers and agents arrest for civil immigration violations are those for
21 whom ICE has probable cause to believe are removable from the United States.¹ When an
22 individual is detained in ICE custody, ICE provides for their care and custody under the
23 agency's detention standards. These standards provide for the health and welfare of ICE's
24 detainees.² ICE ensures its custodial supervision obligations are met through a set of
25 standards and inspections to ensure all types of its facilities implement and adhere to ICE's
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30 ¹ See generally 8 U.S.C. § 1357 (2018); see also, 8 U.S.C. § 1101(a)(3), "[t]he term "alien" means any person not a
citizen or national of the United States."

31 ² See, e.g., <https://www.ice.gov/factsheets/facilities-pbnds>

1 contractual requirements and detention standards. The agency's first set of national detention
2 standards were originally issued in September 2000 to facilitate safe, secure, and humane
3 conditions of confinement, access to legal representation and safe and secure operations
4 across the detention system. The standards established consistency of program operations
5 and management expectations, accountability for compliance and a culture of
6 professionalism.
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9 11. One of the many aspects of ICE's detention standards is the Voluntary Work Program.

10 Among other purposes, the VWP enables detainees to receive an allowance of no less than
11 \$1 per day that they can then save or spend on commissary items. The purpose of the
12 Voluntary Work Program of the 2011 Performance-Based National Detention Standards
13 (PBNDS)³ is to provide detainees opportunities to work and earn money while detained,
14 subject to the number of work opportunities available and within the constraints of the safety,
15 security, and good order of the facility. The intent of the Voluntary Work Program is to
16 reduce the negative impact of confinement through decreased idleness, improved detainee
17 morale, and fewer disciplinary incidents. Money earned through the program also allows
18 detainees to buy commissary goods, and pay for phone calls, etc."
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22 12. ICE administers the VWP in its own Services Processing Centers ("SPCs") and according to
23 the PBNDS. According to the NWDC contract with ICE, GEO should manage a detainee
24 work program.⁴ The contract states that Detainee labor shall be used in accordance with the
25 detainee work plan developed by the Contractor, in this case GEO, and will adhere to the ICE
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29 ³ The Performance-Based National Detention Standards (PBNDS) establishes consistent conditions of confinement,
30 program operations, and management expectations to ensure a safe and secure a detention environment for staff and
31 detainees in the ICE detention system.

⁴ See ICE/GEO NWDC Contract.

1 PBNDS on the Voluntary Work Program.⁵ The contract also states that “[d]etainee labor
2 shall be used in accordance with the detainee work plan developed by the Contractor and will
3 adhere to the ICE PBNDS on Voluntary Work Program. The detainee work plan must be
4 voluntary, and may include work or program assignments for industrial, maintenance,
5 custodial, services, or other jobs...Detainees shall not be used to perform the responsibilities
6 or duties of an employee of the Contractor.”⁶
7

8
9 13. Under a 1950 law codified at 8 U.S.C. § 1555(d), ICE is authorized to pay “allowances (at
10 such rate as may be specified from time to time in the appropriation Act involved) to aliens,
11 while held in custody under the immigration laws, for work performed.” The Agency receives
12 an appropriation from which it can make these payments. The amount of the payments was
13 most recently specified in the appropriations act for Fiscal Year 1979, which set it at a
14 maximum of \$1 per day. Pub. L. No. 95-431. Congress set this rate in 1979 and has not
15 adjusted it since. Per the terms of the contract, as well as the authority provided above, the
16 reimbursement for the Voluntary Work Program is \$1.00 per day per detainee. The PNBDS
17 also provides that detainees who participate in the VWP shall receive no less than \$1 per day
18 for their participation. ICE reimburses GEO \$1 per day per detainee for the VWP, the
19 amount to which GEO is entitled under the contract, and pursuant to the authority provided
20 above. Per PBNDS, GEO then pays the detainee directly. This is the same rate that ICE
21 provides to detainees in its own SPC facilities.
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26 14. The NWDC contract states “the contractor shall comply with all applicable federal, state, and
27 local laws...”⁷ Additionally, within the VWP section of the NWDC contract, the contract
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30 ⁵ See *Id.*

31 ⁶ See *Id.*

32 ⁷ See *Id.*

1 states that “the detainee work program shall not conflict with any other requirements of the
2 contract and must comply with all applicable laws and regulations.”⁸

3
4 15. ICE involved stakeholders to develop its PBNDS. The workgroup relied upon national
5 correction standards from the American Correctional Association (“ACA”). State and local
6 jails similarly follow ACA standards.

7
8 16. PBNDS, including Standard 5.8 that describes the expected outcomes and practices of the
9 VWP, reflect performance standards for ICE detention.

10
11 17. ICE audits NWDC for PBNDS compliance, including compliance with VWP objectives and
12 protocols. ICE reports to Congress its efforts to implement and enforce PBNDS standards at
13 NWDC and other facilities. ICE’s enforcement of PBNDS has been a priority given ICE’s
14 commitment to the fair and humane treatment of ICE detainees.

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16 18. ICE’s series of detention standards apply to all types of ICE processing facilities. Regardless
17 of which type of facility arrangement ICE selects, all detainees at all ICE facilities are at all
18 times in the lawful custody of ICE. Accordingly, ICE relies on its contractors to perform in
19 accord with contract requirements at contract facilities. At the NWDC, ICE occupies a
20 significant portion of the facility unrelated to GEO’s detention services to fulfill its
21 operational objectives to include its federal immigration courts. ICE has unfettered access
22 to the secure areas and the detainees. The NWDC is subject to DHS audits, third party
23 inspections, and civil rights inspections. Detainees have access to hotlines Monday thru
24 Friday during waking hours by which they can report complaints about VWP participation,
25 other tasks assigned to them, or any other facility related grievances. ICE reviews and
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31 ⁸ See *Id.*

1 resolves detainee complaints that ICE receives, according to its established procedures and
2 protocols, which includes any complaints about the VWP or detainee work at the NWDC.

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4 19. NWDC has implemented and conforms to current PBNDS. The PBNDS requires that
5 detainees receive at least \$1.00 (USD) per day for work performed in the VWP.

6
7 20. ICE employs a full-time detention services manager at NWDC whose primary responsibility
8 is to ensure the facility is in compliance with the PBNDS requirements, including those
9 related to the VWP.

10
11 21. ICE also employs a contracting officer's representative ("COR") who works full-time at
12 NWDC. The COR's primary duty is to monitor GEO's performance to ensure that all of the
13 technical requirements under the contract are met by the delivery date or within the period of
14 performance, and at the price or within the estimated cost stipulated in the contract.

15
16 22. With GEO's monthly invoice, GEO's Assistant Warden for Administration at the NWDC
17 provides the COR an itemization of participants in the VWP, which includes detainee
18 number, name, date of participation, work performed, and amount paid. The COR reviews
19 this itemization and the corresponding totals of \$1.00 per day per participant. The COR
20 verifies that the line item on the invoice matches the proper contract line item number for the
21 VWP on the contract. If the supporting paperwork for the entire invoice meets ICE standards,
22 the COR signs the invoice to approve payment.
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25 23. GEO may not otherwise expend the funds allocated for the reimbursement for the \$1 per day
26 allowance for detainee participation in the VWP. If a detainee participates in the VWP, the
27 \$1 per day allowance must be provided to the detainee. Per the PBNDS, the facility shall
28 have an established system that ensures detainees receive the pay owed them before being
29 transferred or released.
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32 DECLARATION OF TAE JOHNSON
33 ENFORCEMENT AND REMOVAL OPERATIONS
UNITES STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

1 24. The NWDC contract set the quantity of \$1.00 reimbursements at 114,975 per option year.

2 GEO shall not exceed that quantity without prior approval by the contracting officer. This
3 approval can be sought by GEO and would be memorialized through a bi-lateral contract
4 modification.
5

6 25. The \$1.00 per day allocation and reimbursement rate for VWP participation is consistent with
7 national detention standards applied similarly at state and local levels where ICE detainees
8 often are placed.
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12 I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and
13 correct to the best of my knowledge, information and belief.
14

15 DATED: August 1, 2018

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19 TAE D. JOHNSON
20 Assistant Director
21 Custody Management Division
22 Enforcement and Removal Operations
23 U.S. Immigration and Customs Enforcement
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32 DECLARATION OF TAE JOHNSON
33 ENFORCEMENT AND REMOVAL OPERATIONS
UNITES STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

EXHIBIT B

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 17-cv-05806-RJB
Plaintiff,)	
)	
vs.)	
)	
THE GEO GROUP, INC.,)	
)	
Defendant.)	
)	
)	

30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF
COLLEEN MELODY
 August 10, 2018
 Fircrest, Washington

Taken Before:
 Laura A. Gjuka, CCR #2057
 Certified Shorthand Reporter

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A P P E A R A N C E S

For the Plaintiff:

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Also Present:

ANYA PERRET

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25EXAMINATION INDEXEXAMINATION BY:PAGE NO.

Ms. Mell

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EXHIBIT INDEXEXHIBIT NO.DESCRIPTIONPAGE NO.

Exhibit No. 24

10 pages, Notice of Deposition

154

Exhibit No. 25

2 pages, Various Emails, 2014

177

1 BE IT REMEMBERED that on the 10th of August,
2 2018, 9:06 a.m., at 1019 Regents Boulevard, Fircrest,
3 Washington, before LAURA A. GJUKA, CCR# 2057, Washington
4 State Certified Court Reporter residing at University
5 Place, authorized to administer oaths and affirmations
6 pursuant to RCW 5.28.010.

7 WHEREUPON the following proceedings were had,
8 to wit:

9 * * * * *

10
11 COLLEEN MELODY, having been first duly sworn by
12 the Court Reporter, was examined and
13 testified as follows:

14
15 EXAMINATION

16 BY MS. MELL:

17 Q State your name for the record.

18 A Colleen Melody.

19 Q What's your address?

20 A My business address is 800 Fifth Avenue, suite 2000,
21 Seattle, Washington 98104.

22 Q Okay. What's your personal address?

23 MS. CHIEN: Objection. Is there a reason
24 you need her personal address?

25 MS. MELL: Not if you're going to accept

1 service if I need to --

2 THE WITNESS: Yes, we accept service
3 through our --

4 MS. CHIEN: Through the business address.

5 BY MS. MELL:

6 Q When you say "we accept service," if you're not there
7 and I need to subpoena you, the Attorney General's
8 office will accept service for you?

9 A Yeah.

10 MS. CHIEN: Yes.

11 BY MS. MELL:

12 Q Okay. And your phone number?

13 A (206) 464-5342.

14 Q And that's work?

15 A That's my direct line at work.

16 Q What is your position?

17 A I'm a unit chief for the civil rights unit at the
18 Washington State Attorney General's Office.

19 Q How many people are in the civil rights unit?

20 A Thirteen.

21 Q And who are those people comprised of? I don't need to
22 know their names, I just need to know what they do.

23 A They're attorneys and support staff that include
24 investigator, paralegal, legal assistant, staff members.

25 Q Who is the investigator?

1 THE WITNESS: The Attorney General's
2 office doesn't operate any detention facilities. So,
3 no, I don't have that information.

4 BY MS. MELL:

5 Q I know you've said that. But I want to find out
6 specifically whether or not Attorney General Ferguson
7 factored that into the analysis here applicable to this
8 case.

9 MS. CHIEN: Objection, work product,
10 attorney-client privilege.

11 THE WITNESS: The civil rights unit's
12 position, the Attorney General's Office position, is
13 that that's irrelevant. So it doesn't matter what the
14 staffing model is at a correctional facility. That's
15 not subject to the minimum wage statute that we're
16 enforcing. It wouldn't bear on our analysis --

17 BY MS. MELL:

18 Q How do you figure out who works there then? Attorney
19 General Ferguson has said he has got a *parens patriae*
20 interest in having Washington citizens work in the
21 facility. Who? How many people? How is that decided?

22 MS. CHIEN: Objection, misstates the
23 testimony.

24 THE WITNESS: You're talking about a
25 remedy? Are you asking what kind of --

1 A Because it's owned and -- the building, the land,
2 everything about it is owned by a private entity that
3 has entered in a contract with ICE so that it can make
4 money off the contract.

5 Q Who occupies it?

6 A Occupies it? I think -- I think some ICE staff work
7 there, GEO staff work there, detainee workers work
8 there, and detainees sleep and live there while they are
9 detained by the immigration statutes.

10 Q Do you know what the relationship is between the
11 Department of Corrections and the detention center,
12 Northwest Detention Center?

13 MS. CHIEN: Objection, beyond the scope.

14 THE WITNESS: Did you say Department of
15 Corrections?

16 BY MS. MELL:

17 Q Uh-huh.

18 A No.

19 Q Do you know that the state of Washington passed
20 legislation to use the Northwest Detention Center to
21 reduce its detention obligations?

22 MS. CHIEN: Objection, beyond the scope of
23 this deposition.

24 THE WITNESS: I don't know whether that's
25 true or not.

C E R T I F I C A T E

1
2 I, Laura Gjuka, a Certified Court Reporter in
3 and for the State of Washington, residing at
4 University Place, Washington, authorized to administer
5 oaths and affirmations pursuant to RCW 5.28.010, do
6 hereby certify;

7 That the foregoing Verbatim Report of Proceedings
8 was taken stenographically before me and transcribed
9 under my direction; that the transcript is a full, true
10 and complete transcript of the proceedings, including
11 all questions, objections, motions and exceptions;

12 That I am not a relative, employee, attorney or
13 counsel of any party to this action or relative or
14 employee of any such attorney or counsel, and that I am
15 not financially interested in the said action or the
16 outcome thereof;

17 That upon completion of signature, if required, the
18 original transcript will be securely sealed and the same
19 served upon the appropriate party.

20 IN WITNESS HEREOF, I have hereunto set my hand this
21 20th day of August, 2018.

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25 _____
Laura Gjuka, CCR No. 2057

EXHIBIT C

The Honorable Robert J. Bryan

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UGOCHUKWU GOODLUCK NWAUZOR,
FERNANDO AGUIRRE-URBINA,
individually and on behalf of all those
similarly situated,

Plaintiffs/Counter-Defendants,

v.

THE GEO GROUP, INC.,

Defendant/Counter-Claimant.

Case No. 3:17-cv-05769-RJB

**DECLARATION OF BRUCE SCOTT IN
SUPPORT OF DEFENDANT THE GEO
GROUP, INC.'S MOTION FOR SUMMARY
JUDGMENT**

DECLARATION OF BRUCE SCOTT

I, Bruce Scott, hereby declare:

1. I am the Assistant Facility Administrator of the Northwest ICE Processing Center (“NWIPC”), a facility that is operated by the GEO Group (“GEO”). I have personal knowledge of the matters set forth herein. If called as a witness, I could and would testify competently thereto under oath.
2. In my role, I am responsible for administration of the NWIPC.
3. I am familiar with the operations of the NWIPC and the operations related to its detainees and employees.
4. All detainees at the NWIPC, who participate in the Voluntary Work Program (“VWP”), are in the legal custody of ICE.
5. The NWIPC has never allowed a non-detainee to participate in the VWP.

1 6. All participants in the VWP are detainees in the custody of ICE.

2 7. All participants in the VWP live within the NWIPC.

3 8. All participants in the VWP sleep within the NWIPC.

4 9. All detainees, at no cost to them, are provided a living area, clothing, bedding,
5 regular meals, and healthcare.

6 10. GEO does not classify any participants in the VWP as employees.

7 11. GEO does not currently have a formal system in place for uniformly tracking how
8 many hours each detainee participates in the VWP per day.

9 12. GEO operates in a number of different jurisdictions and has regional human
10 resources departments that work with in-house and outside counsel to ensure compliance with
11 relevant employment laws as they relate to GEO's employees.

12 13. GEO currently has approximately 340 employees at the NWIPC.


13 14. If GEO's detainees at the NWIPC were to be classified as employees, this would
14 result in at least 400 additional employees on any given day.

15 15. To accommodate that number of additional employees, GEO would need to hire
16 additional human resources personnel, including those with expertise obtaining work
17 authorization paperwork.

18 16. Additionally, GEO would eventually need to restructure and renegotiate the
19 pricing of its contracts with ICE to account for the increased cost.

20 17. Implementing these changes, and the associated costs, would be a significant
21 burden.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct and that I executed this Declaration on the 2nd day of January,
24 2019, in Tacoma, WA.

25
26 

27 Bruce A. Scott Jr., Declarant

EXHIBIT D

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14 Also present: LINDSEY LEWIS, VIDEOGRAPHER

15

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E X H I B I T S

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No.	Description	Page/Line
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3

300	Internal/External Job Posting, Food	20 13
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	Services Supervisor NWDC - GEO-Nwauzor	
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	054190-054191	
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301	GEO OJT for Food Service Manager -	37 4
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	GEO-Nwauzor 026284-026292	
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8

302	Policy and Procedure Manual, Chapter:	41 5
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	Food Service, Title: Food Service	
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	Operations - GEO-Nwauzor 031202-031236	
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303	Food Cost Summary - GEO-Nwauzor 040015	90 1
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12

304	Northwest Detention Center Detainee Job	93 14
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	Descriptions	
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14

305	Kitchen Worker Orientation Checklist -	109 15
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	GEO-Nwauzor 004619-004629	
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306	Detainee/Staff Health and Hygiene -	112 25
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17

	GEO-Nwauzor 177020-177022	
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18

307	Detainees Removed from Kitchen Per IDP	116 19
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19

	Sanctions - GEO-Nwauzor 084945-084946	
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308	Northwest Detention Center Daily	119 5
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21

	Detainee Worker Pay Sheet - GEO-Nwauzor	
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	065428-065429	
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309	Pod Porters, October 22, 2015 -	120 15
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	GEO-Nwauzor 026921-026953	
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BY
MR. WHITEHEAD
MS. SCHEFFEY
MS. BRENNEKE
MR. WHITEHEAD

Page/Line
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127 16
129 15
140 22

(Note: * Denotes phonetic spelling.)

1 -----

2 ERWIN K. DELACRUZ: Witness herein, having been
3 duly sworn, testified as follows:

4 E-X-A-M-I-N-A-T-I-O-N

5 BY MR. WHITEHEAD:

6 Q. Good morning, Mr. Delacruz.

7 A. Good morning.

8 Q. We met a moment ago and introduced ourselves off
9 the record, but for the benefit of the record, I'd like to
10 introduce myself again. My name's Jamal Whitehead. I
11 represent the class of civil immigration detainees that
12 have brought an action against The GEO Group, your current
13 employer.

14 A. Yes.

15 Q. Mr. Delacruz, could you state and spell your
16 name for the record, please.

17 A. My name -- spell my name is Erwin, E-R-W-I-N,
18 last name Delacruz, D-E-L-A-C-R-U-Z.

19 Q. Do you have a middle name?

20 A. Karl --

21 Q. And that's --

22 A. -- K-A-R-L.

23 Q. Mr. Delacruz, what is your date of birth?

24 A. Is December 31st, 1959.

25 Q. And your current address?

1 And there's a lot of times, when there's not
2 enough detainees, I push them to -- I let them -- the cooks
3 have -- have all the detainees, and I will then doing it by
4 myself.

5 Q. And so that's one example, the rations.

6 I guess what I'm looking for is a list, and you
7 can speak at a high level, but I'm looking for the type of
8 work that you direct the detainee workers in.

9 A. Yeah, it's rotating rations, bringing them in,
10 rotating the -- all the rations that are coming in.

11 And then -- then the cleanup phase, checking
12 behind my supervisors to making sure that the objectives of
13 cleaning and sanitizing the kitchen is complete. And if I
14 see anything wrong, I just -- okay, this needs to get done,
15 or empty the trash, or as easy as wiping down a table.

16 Q. Okay, anything else?

17 A. Or even the breakdown for the next day. Pulling
18 items from the dry room, putting them on carts so it makes
19 the next day a much smoother operation in getting all the
20 food out on time and just -- and the prep work, a lot of
21 the prep work needs to get done.

22 And we direct the detainees to helping us
23 offload, load, retrieving bags, boxes from the freezer, and
24 the dry room, and so forth.

25 Q. Anything else?

1 them, I just want to get the job done.

2 Q. When you say they might not be able to do it --

3 A. No, sometimes he might be a disabled person, you
4 know, and I -- and I -- and I understand that, and I says,
5 Just give me -- you don't have to. It's just -- it's just
6 a courtesy.

7 Q. So assuming available workers, and barring some
8 medical condition, your expectation though is that if you
9 give a directive or direction to a detained worker, that
10 they follow it; is that correct?

11 MS. SCHEFFEY: Object to form.

12 A. No. No.

13 Q. You have no expectation that they follow your
14 directions?

15 A. No, because sometimes they just -- it's up to
16 them, and they're -- and they're doing it because they're
17 voluntarily working in there.

18 Q. And are there repercussions if a detained worker
19 refuses to do the work?

20 A. Oh, no.

21 Q. There are no repercussions?

22 A. No. If he feels like he can't do the job, then
23 he can go somewhere else in the facility, in the kitchen,
24 to work there.

25 Q. So if a detained worker consistently refused to

1 (Reporter requested clarification.)

2 A. Cleanup and -- and get -- and prepare for the
3 next meal or the next day.

4 Q. Given GEO's current staffing levels, could you
5 accomplish the mission in a timely manner if you take out
6 the detainee workers?

7 A. For -- I would just say for six months, we
8 didn't have any viable personnel, and we was doing it. I
9 was washing pots and pans, and I kept driving on, because I
10 know that we gotta get these personnel here fed, wash
11 dishes, washing pans, putting away rations, a lot of times
12 by myself, and the cooks cook the whole meal by themselves,
13 and we all pull together and get the job done.

14 Q. And that certainly speaks to your
15 professionalism that you were able to make it through, but
16 was that the ideal scenario?

17 A. There's never an ideal scenario. Missions
18 always change.

19 Q. All things being equal, would it be easier to
20 accomplish the mission with detainee workers in the mix?

21 MS. SCHEFFEY: Object to form.

22 A. You know, not really, but it's -- it's there to
23 help us maintain the standards for the -- for the policies
24 that we're under for GEO.

25 Q. Well, I mean, I don't see washing pots and pans

1 answer, which will open up a different ball of wax, the
2 expectation is that you answer my question.

3 A. Okay.

4 Q. All right, so --

5 A. I just didn't understand what -- what you mean.

6 It -- I -- if I have to roll up my sleeves,
7 that's -- that's regardless, it's the policy, and to get
8 things done, and I'm going to jump in the kitchen, and I'm
9 going to work it, and I'm going to do what I have to do to
10 get -- because without the pans, you can't pan out the next
11 meal.

12 Q. I understand that.

13 So you did this you said for six months. What
14 if that were the permanent situation, there were no
15 detainee workers, could you accomplish the mission in a
16 timely manner without hiring more GEO personnel?

17 MS. SCHEFFEY: Object to form.

18 A. No, we can continue to drive on. We can
19 continue to function.

20 Q. Would you expect a raise?

21 A. No.

22 Q. So you would take on additional responsibilities
23 with no expectation of additional --

24 A. No.

25 Q. -- compensation?

1 A. They -- they prepare -- they prepare the next
2 meal as they come in, and serve, bring in the detainees,
3 also get everything set up for that meal to be served.

4 Q. Do they do the actual cooking?

5 A. Yes.

6 Q. And that's true even when there are detainee
7 workers in the kitchen --

8 A. Yes, they do.

9 Q. And the cook supervisors, they report to Ms.
10 Henderson?

11 A. Yes.

12 Q. How many cook supervisors are there currently?

13 A. There's three on each shift, but there's --
14 there's ten -- ten cook -- ten cook supervisors, one
15 manager, one assistant manager, and one clerk. There's 13
16 in total.

17 Q. So the total kitchen personnel is 13 people?

18 A. Yes.

19 Q. Two managers, being yourself and Ms. Henderson?

20 A. Yes.

21 Q. Ten cook supervisors?

22 A. Yes, correct.

23 Q. And then one clerk?

24 A. Yes.

25 Q. And then on the second page of Exhibit-302,

1 MS. SCHEFFEY: Object to form.

2 A. We only ask them to do things that's easy to do,
3 nothing technical. Just get the boxes in, or put them
4 away, or help me lift this over, put it in the pot. Just
5 to get that portion, it's pretty much straightforward.

6 Q. Even so, GEO provides them with basic training,
7 on-the-job training?

8 A. Yes, it's on-the-job training.

9 So people -- not everybody's a five star chef
10 that goes there, but they're all walks of life. So it's
11 not discriminatory at all, it's just I would like to -- I'd
12 love when people are there, and they help us, and that's
13 the main objective.

14 And then, you know, it's -- it's part of the
15 time to get them out of the pod if -- if they see fit,
16 because they volunteer -- voluntarily came to work in the
17 kitchen, and a lot of times they stay there, they do.

18 Q. And again, when we say voluntary, I mean, they
19 volunteered to work in return for pay; correct?

20 A. Yes, if -- if that's what their goal is, to get
21 paid, then that's fine.

22 Q. I mean, they weren't working for free?

23 A. Yeah, of course not.

24 MS. SCHEFFEY: Object to form.

25 Q. Of course not, right.

1 So GEO provides on-the-job training as it
2 relates to sanitation --

3 A. Mm-hm.

4 Q. -- correct?

5 A. Yes.

6 MS. SCHEFFEY: Object to form.

7 Q. GEO provides on-the-job training as it relates
8 to cooking the food; correct?

9 MS. SCHEFFEY: Object to form.

10 A. No, cooks are the ones that do the cooking, they
11 just helping.

12 Q. I understood you to say that there was
13 on-the-job training in three respects, sanitation?

14 A. Yes.

15 Q. I got that right?

16 A. Yeah.

17 Q. And I thought cooking was part of it as well?

18 MS. SCHEFFEY: Object to form.

19 A. It's only to help us produce -- or -- or help in
20 the labor part to bringing the food on -- into the pots and
21 stuff, and -- I mean, to the -- to the kettles, and -- and
22 to get all that done. And yeah, we help them, and they
23 learn a little, and they learn also how to put it in, and
24 how to cook it, how long we should cook it. It's just part
25 of the program.

1 A. That could -- that could -- number is constantly
2 changing. We could go from two to four to six to 12 at the
3 most. It's because people gets -- they're leaving, and
4 they might work there for three, four months, and then the
5 Tuesday morning they have left.

6 Q. Well, as best you can remember, tell me how many
7 there are right now on the morning shift.

8 A. About eight. Eight for the morning shift, maybe
9 about 12 for lunch shift, and about 20 for the dinner
10 shift.

11 Q. I'm getting confused on my shift names now.

12 A. Ah.

13 Q. So you said 12 on lunch?

14 A. Twelve, which -- because there's three --
15 there's four detainee shifts.

16 Q. Okay.

17 A. There you go.

18 I apologize for that.

19 Q. All right. So that lunch -- well, let me -- let
20 me just ask that question.

21 A. Yeah.

22 Q. So what you described to me earlier were the --

23 A. Was all the cooks.

24 Q. One at a time.

25 A. I'm sorry.

1 Q. Do you know what quota refers to in this
2 context?

3 A. None. It's just what's the wording is expecting
4 or what he -- what he might think, because it's developed
5 by the FSA or approved by the warden. I have no -- I don't
6 know what -- what he meant.

7 Q. FSA, is that Food Service Administrator?

8 A. Yes.

9 Q. And that would be Ms. Henderson?

10 A. Yes.

11 Q. So based on what you see here, you believe it's
12 either Ms. Henderson or the warden that would set the
13 quota?

14 MS. SCHEFFEY: Object to form.

15 A. It's just what they might think, not me.

16 Q. Do you have any sense of what the quota is right
17 now?

18 A. No, because people always are coming in and
19 leaving, so it's -- it's not a permanent -- permanent
20 location or -- like it's not really -- it's not a permanent
21 time line because they also are leaving, either being
22 deported or -- or being let -- let free because of bond, or
23 whatever the case may be, medical, or whatever the case may
24 be, that people always are moving around, they're always
25 leaving, coming and going.

1 Q. Well, Ms. Henderson has been deposed in this
2 lawsuit, and I'll represent to you that she said the quota
3 was about 30 detainee workers per shift; do you have any
4 reason or basis to dispute the quota of about 30 detainee
5 workers a shift?

6 A. No. No.

7 Q. Does that sound about right to you?

8 MS. SCHEFFEY: And I'm going to object to form
9 and tell you that you only can answer -- you only have to
10 answer if you know.

11 A. Yeah, and I -- I don't know, because every day
12 is different, and the amount of people that comes in is
13 different because it's a voluntary program.

14 Q. Now, you had mentioned to me earlier that there
15 was a period, I think you said there was a six-month
16 period, where there were no viable workers; do you recall
17 saying something like that?

18 A. Yes.

19 Q. When was that?

20 A. 2017, 2018, somewhere in that time frame. Like
21 the last three months of 2017 and the first three months of
22 2018. Anyway, because it's always -- you never know.

23 Q. And why is it?

24 What's your understanding why there were no
25 viable workers?

1 A. No one volunteered or wanted to work in the
2 kitchen.

3 Q. Do you have any sense of why?

4 A. I -- I really don't. It's if we get them, we
5 get them.

6 It's like laundry. Laundry gets the same
7 personnel out of the work program as everybody else, so
8 they -- everybody -- either they -- either the people
9 volunteer to work there or they don't, but that's -- that's
10 probably what it is, they just didn't want to volunteer.

11 Q. Well, I'll represent to you that this lawsuit
12 was filed in September 2017; do you think that has anything
13 to do with the drop off or decline in workers --

14 MS. SCHEFFEY: Object to form.

15 Q. -- in the kitchen?

16 MS. SCHEFFEY: Sorry.

17 A. No, I don't think so.

18 Q. How can you say that with certainty?

19 A. Because it's individuals.

20 MS. SCHEFFEY: Object to form.

21 Q. And so during the six-month period where there
22 were no viable workers, what did you do to get by?

23 A. We pulled together and continue to do what we
24 have to do. Because we have to feed the people that are in
25 there, and that's our objective is to feed the personnel

1 A. Just follow the instructions given to them by
2 the cook supervisors, and accomplish the mission that's --
3 or accomplish the procedures that needs to get done.

4 Q. Can you tell me what the detainee workers do
5 with respect to food preparation?

6 A. Is that they're preparing -- they're helping
7 prepare the meal with the cook.

8 Q. And when you say they help prepare the meal,
9 what does that mean?

10 A. Getting boxes, or putting in the vegetables in
11 the pot, or -- or as simple as panning up -- prepping items
12 for the next day.

13 Q. And prepping items for the next day; cutting up
14 ingredients, for example?

15 A. Mostly it's panning up preformed items onto
16 sheet pans --

17 Q. And --

18 A. -- like chicken patties, or fish patties, those
19 type of products.

20 Q. And that's literally placing the product on the
21 pan?

22 A. On the sheet pans, correct.

23 Q. Okay, so getting boxes, putting vegetables in
24 the pan, panning up --

25 A. Yes.

1 Q. -- what else do the detainee workers do with
2 respect to preparing the meals?

3 A. Accumulating -- or help in the dry storage room,
4 placing the items that is needed with the cook onto the
5 carts so they can bring it all out. Or even in the
6 freezer, pulling stock out of the freezer, and putting them
7 on carts, and bringing them into the cooking area.

8 Q. What else?

9 And again, I'm limiting this question only to
10 food preparation.

11 A. Mm-hm.

12 Preparing sandwiches.

13 Q. Again, just to get into the details, I mean, are
14 we talking about putting the deli meat between the bread?

15 A. The bread, putting the meat on, the cheese, and
16 preparing sack lunches with the cup, and the juice packet,
17 and the fruit, and wrapping them together.

18 Q. What else?

19 A. Just the cooking area?

20 Q. Yes, just -- just food preparation.

21 A. And that's about -- that's about covers it.

22 And of course -- of course panning them up after
23 the food is all done, and getting them into four-inch,
24 six-inch pans, hotel pans, and putting -- placing them in
25 the warmer.

1 A. No, that's about it.

2 Q. All right, so if the detainee workers didn't
3 carry out all of these tasks that you just described for
4 me, would it than fall on GEO staff to do these jobs?

5 A. Yes.

6 Q. And it's your testimony that GEO staff could
7 carry out all of those functions and execute the mission,
8 as you call it, in a timely fashion even without the help
9 of detainee workers?

10 MS. SCHEFFEY: Object to form.

11 A. Correct.

12 Q. Is it at least fair to say though that the
13 detainee workers are an important part of the kitchen
14 operation?

15 MS. SCHEFFEY: Object to form.

16 A. No.

17 Q. Well, what would you say?

18 A. If we get them -- it's a voluntary program. If
19 we get the detainees -- if they volunteer to work there,
20 then that's fine. If they don't, then -- then it falls on
21 us.

22 Q. How many meals does GEO serve a day?

23 A. Three.

24 Q. In terms of actual plates or trays of food?

25 A. Trays, three, breakfast, lunch, and dinner.

1 Q. Did I already ask?

2 A. Yeah. That's okay.

3 Q. It's tough.

4 Can you tell me about a time that you fired a
5 kitchen detainee worker?

6 A. I don't fire them. A lot of times they just
7 don't show up for work, and they voluntarily -- they
8 voluntarily don't want to work. They voluntarily don't
9 want to work.

10 Now, there's another time when there was
11 misconduct, when the horseplay would turn into almost a
12 fight, so you have to break them up, and they're going to
13 get sent back. You don't need a fight in the kitchen. So
14 I immediately jumped in and said, Okay, stop. You go --
15 you're going back to your pod right now.

16 Q. And this is you personally breaking up a fight?

17 A. They -- they were ready to go to -- they were
18 ready to go to that moment. The best thing is to stop it
19 immediately because you're stopping the whole operation. I
20 got 45 seconds in my thing too. If I don't get the line
21 going, then -- then it gives time for them to think. No,
22 there's no time to think; move them, get them out of the
23 way, get another officer to take them, get -- there's other
24 security officers at the door ready to pull the carts and
25 bring in other detainees from other pods, and the best

1 would week -- or would work?

2 A. It's usually written in -- I -- I think it's
3 written in there it's seven days a week.

4 Q. Is there a time clock for detainee workers to
5 punch in and out of?

6 A. No, they -- when they in-process through the
7 security officer or the desk officer, that's -- that means
8 they're physically there, and then we turn in the -- like a
9 time sheet to the lieutenant's office, and that's forwarded
10 to the work program so they know that they're there.

11 Q. Okay. And the desk officer, I've heard you
12 mention that title a few times, is there a desk officer
13 stationed in the kitchen, or is it someone in the pods?

14 A. It's another cook officer because there's three
15 on each shift; so one cooking, one prepping, and one is a
16 desk officer, or you can call him pod officer.

17 Q. All right. So it's one cook supervisor
18 supervising the cook?

19 A. Mm-hm.

20 Q. One cook supervisor supervising the food
21 preparation?

22 A. Right.

23 Q. And then the third --

24 A. And the -- and the -- and the serving.

25 Q. And the serving?

1 A. And then the third officer is on the desk.

2 Q. And is it the case that he or she is literally
3 seated at a desk?

4 A. No, he's roaming -- he's doing his security
5 checks like he's supposed to, and then -- and prepping some
6 items at his desk at the same time, and overlooking the
7 detainees in the sanitation area.

8 Q. How long is the detainee morning shift?

9 A. From 4 to 8.

10 Q. And is it the case that a detainee worker
11 assigned to that shift would work 4 to 8?

12 A. Sometimes if there's an IMS or anything, an
13 emergency within, it shuts down, so he can't leave. That
14 would be probably maybe the extreme that they have to stay
15 in the kitchen a little bit longer.

16 Q. But as a general rule, the detainee workers
17 would work the length of the shift, in the case of the
18 morning, 4 a.m. to 8 a.m.?

19 MS. SCHEFFEY: Object to form.

20 A. It varies. It could be 4 to 8, but then if --
21 if they didn't get -- they needed to get a few more things
22 done, and then it might go a little over, but that's about
23 all. Maybe the trash, we need to dump the trash or
24 something, it could be anything, or even there was an IMS
25 during feeding, and it shut down the facility altogether

1 to work morning or afternoon.

2 Q. And then once that schedule is set, can a worker
3 then just voluntarily, without filling out a form or
4 talking to anyone, work a different shift?

5 A. He would have to fill out a form to let us know
6 or let us -- to let us know that he wants to switch shifts.
7 He can't just change shifts because people are moving and
8 being accountable throughout the day. So all of a sudden
9 he's in the -- what's he doing in the kitchen? Not
10 supposed to be in the kitchen. And then now we gotta go
11 face to face, which is a card to face during -- to make the
12 count correct, and then to make sure that the people that
13 you have are who you have, because he can't just mosey
14 around the facility.

15 So the best thing is to -- he puts in his
16 request to change, or he asks us, Could I change my shift?
17 Okay, let's go into the work program, go ahead and fill out
18 the forms, and send it in, and -- and then in a week, he
19 probably will -- can shift and change to either the
20 breakfast to lunch, or from lunch to breakfast, or from
21 dinner to breakfast.

22 Q. But in that scenario you've just described then,
23 the detainee worker would need to seek authorization to
24 switch shifts; is that fair to say?

25 A. Because in the first part, he asked to be on

1 A. Oh, oh, Evaluation Program?

2 Q. Yes.

3 Do you see that?

4 A. Yes.

5 Q. What does that refer to?

6 A. I really don't know.

7 Q. Is it the case that GEO does a skills assessment
8 before workers are hired into the kitchen?

9 A. No.

10 Q. Is it the case that GEO conducts performance
11 reviews as people work in the kitchen?

12 A. No.

13 Q. Let's look at the very last page of Exhibit-305.

14 A. What page that you're on, the second one?

15 Q. The very last page.

16 A. Oh, the very last one, sorry.

17 Q. The heading on this one is Kitchen Worker Skills
18 Checklist.

19 Are you with me?

20 A. Yes.

21 Q. What is the purpose of this document, as you
22 understand it?

23 A. That he can -- that we'll show him how to mop
24 floors, how to wash -- you know, it's an OJT, wash the
25 walls maybe, freezer, how it's swept not mopped with -- you

1 know, with water. The loading dock procedure, which is
2 really I bring in the food, so only off-loading pallets.
3 The trash cans, where they go, make sure that they're
4 covered. The restroom is cleaned. The mop room or the mop
5 closet is straight and orderly. And then dish room,
6 everything is -- the hot/cold -- the wash/rinse, and
7 sanitary tanks are -- are filled, including meat slicers,
8 ovens, if -- to clean equipment. It's more like a famil --
9 familiarity to these areas if they never worked in a
10 kitchen at all, because it's an OJT anyway, so --

11 Q. And OJT refers to on-the-job training?

12 A. On-the-job training.

13 Q. So to summarize then, all of the pages here that
14 make up Exhibit-305, I mean, these are just the various
15 checklists, rules, and requirements that GEO asks its
16 kitchen detainee workers to meet?

17 MS. SCHEFFEY: Object to form.

18 A. To perform a task that if -- that they can do.
19 If he can't do it, then there's other things that he can
20 do. If he -- if he can't wash walls, well can he mop
21 floors? You know, it's -- it's a vast amount of things
22 that can be done in the kitchen that need to be done with
23 the minimum amount of people that we have or the maximum
24 amount of people we have.

25 (Exhibit-306 marked.)

1 in their pod?

2 A. No.

3 Sometimes when I do -- when I do go out to -- if
4 I'm not -- when I've got my two detainees or one detainee
5 with me, I says, you know, the first thing is, How you
6 been? How are you doing? What have you been up to? You
7 know, the human approach. And -- and I ask them, You like
8 working here? And they -- a lot of them do, say, Oh, good,
9 I got out of the -- you know, the pod themselves, just to
10 get out, you know, just to get out and go somewhere else
11 instead of in the pod. And they -- they kind of like to
12 get out. And I don't -- I don't blame them, you know, they
13 get out of the -- you stuck in this pod all day and just to
14 went to the kitchen, and it's work.

15 Q. And is it also true that some of the food
16 workers can eat slightly greater portions of food if
17 they're assigned to the kitchen and there are -- there's
18 excess food for that meal?

19 MS. SCHEFFEY: Object to form.

20 A. Really it's like at the end of the meal, we
21 have -- we make sure that we have enough food for them, and
22 if there's any extra vegetables, they're more than happy to
23 get it, more than happy to get any -- anything else that
24 they would like, but we -- the meat items, we'll -- we'll
25 make sure that they have enough. And then we're -- we're

EXHIBIT E

1 APPEARANCES:

2 For the Plaintiffs: JAMAL N. WHITEHEAD, ESQ.

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14 Also Present: LINDSAY HITCHCOCK, VIDEOGRAPHER

15

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17 Assistant Attorney General

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22

23

24

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E X H I B I T S

2

No.	Description	Page/Line
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3

310	Plaintiffs' Second Amended Notice of	8 22
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4

Videotaped Deposition of David Tracy

5

311	Job Description, Job Title: Sergeant -	19 11
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GEO-Nwauzor 000340-000341

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312	Northwest Detention Center -	25 3
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8

Organizational Chart - GEO-Nwauzor

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044059-044067

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313	Policy and Procedure Manual, Chapter:	29 8
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11

Detainee Services and Programs, Title:

12

Voluntary Work Program - GEO-Nwauzor

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016419-016426

14

314	Volunteer Work Program Agreement	50 25
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15

315	Northwest Detention Center Detainee Job	55 3
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16

Descriptions

17

316	Northwest Detention Center Pod Porter	77 4
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Job Descriptions - GEO-Nwauzor

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078053-078054

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317	Email dated October 26, 2017, from Nels	100 11
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Riach to Alisha Singleton and others -

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GEO-Nwauzor 038934

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E X A M I N A T I O N

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BY
MR. WHITEHEAD
MS. MELL
MR. WHITEHEAD
MS. MELL

Page/Line
10 4
90 5
93 1
104 4

(Note: * Denotes phonetic spelling.)

1 the document front and back there.

2 Do you see the Primary Duties and
3 Responsibilities there on the first page?

4 A. Yes.

5 Q. And do you agree that those were your primary
6 duties and responsibilities as sergeant?

7 A. I would say the overall primary duty is to
8 ensure the safety and security of all individuals inside
9 the building.

10 Q. Certainly overarching, but as to the specific
11 duties and responsibilities, would you agree there that
12 that was an accurate statement of your duties and
13 responsibilities as sergeant?

14 MS. MELL: Object to the form of the question --

15 A. Yes.

16 MS. MELL: -- asked and answered.

17 Q. I'm sorry, your answer was yes?

18 A. Yes.

19 Q. Is there anything that you would add to this
20 list?

21 MS. MELL: Object to the form.

22 A. There's other things that could be added but not
23 necessary. These are the primary duties.

24 Q. I'd like for you to look at the tenth bullet
25 down for me. It's the one that reads, "Directs work,

1 A. There's -- with inside the units, they kind of
2 have their own. The other detainees, once they get a new
3 job, they kind of explain to them how it works. So, for
4 example, the food porter, he works when the food comes.
5 That's what his job -- you know, that's what his job is.
6 He can't do his job when there's no food there. So when
7 it's time for food, you know, you might have to go wake him
8 up or let him know, if he's outside playing basketball, or
9 whatever, meals -- meals are up.

10 Q. So in that way then, you're directing whoever
11 that food porter is to show up to work?

12 MS. MELL: Object to the form of the question,
13 totally mischaracterizes his testimony.

14 A. Can you repeat your question one more time?

15 Q. Sure.

16 You told me that with the food porter, for
17 example, that they can only work when the food arrives, and
18 that if they're asleep or in recreation, that you go to get
19 help; did I get that right?

20 A. Yeah, let them know that, you know, the meals
21 are ready, ask them to go to the kitchen. Not making them
22 go to the kitchen, because they don't have to do it, they
23 can always put a request in to not work anymore.

24 Q. All right, you mentioned janitor, closet access;
25 do you remember that?

1 the main hallways that -- throughout the facility.

2 Q. Did you ever direct or supervise detainee
3 workers performing those evening cleaning tasks?

4 A. Yes, just on the basis that you're out on the
5 actual floor while they're working. You're not so hovering
6 over them, Hey, you missed a spot here, or like that, but
7 you're physically out there with them. You can see what
8 they're doing.

9 Q. And that's as a detention officer, where the
10 direction and supervision is more hands on?

11 A. Same as a supervisor. Supervisor would leave
12 the office. He's not stuck in the desk all day.

13 Q. And when you say supervisor, are you referring
14 to sergeant?

15 A. Sergeant, I'm sorry. Sergeant.

16 Q. And laundry, did you provide any direction or
17 supervision to detainee workers working in laundry?

18 A. Yes.

19 Q. Tell me about that.

20 A. They are trained on how to use the washing
21 machine, the dryer, how to clean the equipment.

22 Q. Anything else in terms of the direction and
23 supervision that you provided the detainee workers in the
24 laundry?

25 A. When I personally worked in laundry, I worked

1 with them. So it was very hands on, you know, right next
2 to them.

3 Q. Meaning you were doing the laundry right
4 alongside them?

5 A. Yes.

6 Q. How long did you work in laundry?

7 A. A rough estimate, possibly a year.

8 Q. You said that the detainee workers were trained
9 on how to use the washer and dryer; did I get that right?

10 A. Correct.

11 Q. And this is training that GEO provides to the
12 detainee workers?

13 A. The officer in charge of laundry would be the
14 one doing it.

15 Q. This is GEO's officer; correct?

16 A. Correct.

17 Q. Okay. And that GEO would provide the detainee
18 workers training on how to clean the equipment; correct?

19 A. Correct.

20 When I say clean, I'm not talking about like
21 taking apart the machine, but I'm talking about like the
22 dryers, the lint trap. Not like actually taking apart of
23 machine and cleaning out the machine.

24 Q. Okay. Fair enough.

25 And GEO provided all of the laundry detergent to

1 Q. And when we talk about visitation, intake, we're
2 talking about cleaning those areas; is that right?

3 A. Yeah, usually it's, for the most part, just, you
4 know, wiping down the windows and taking a dust -- you
5 know, dry mopping it with a dust mop and then with a wet
6 mop afterwards. That's the extent of cleaning. Maybe take
7 the garbage -- you know, the garbage out, or just replace
8 the bags in the garbage.

9 Q. What about medical, did you ever direct and
10 supervise detainee workers working or cleaning the medical
11 unit?

12 A. Not to my knowledge.

13 Q. Library?

14 A. No.

15 Q. Recreational --

16 A. Can I go back to library?

17 Q. Sure.

18 A. I never worked in the library, but we had a
19 floor detail inside the hallway of the library.

20 Q. All right, so you've mentioned the living areas,
21 laundry, visitation, intake, you said essentially every
22 unit --

23 A. Yeah.

24 Q. -- anywhere else that you've directed and
25 supervised detainee workers?

1 A. Recreation yards.

2 Q. Anywhere else?

3 A. Intake, laundry.

4 I'm sure there is, but ...

5 Q. Can you give me a rough estimate on how long it
6 would take a detainee worker to carry out their cleaning
7 assignment in the living areas?

8 A. It, honestly, depends on the person. There's --
9 you know, for example, I work in segregation right now. We
10 have a detainee that was previously there, he would take an
11 hour or two hours just to sweep and mop, but part of that
12 is because we feel like he liked not being stuck inside the
13 cell, and he's very meticulous with everything he did,
14 everything was slow. And the guy that cleans now maybe
15 takes 15 or 20 minutes to do the exact same job.

16 Q. So anywhere from 15 to 20 minutes to one to two
17 hours?

18 A. Depending on the individual.

19 Q. What about the laundry, how long would a
20 detainee worker shift last in the laundry unit?

21 A. Again, it depends on the detainees. Depends on
22 the officer running laundry. I would say for me, maybe --
23 just an approximation of time, maybe two and a half to
24 three and a half hours.

25 Q. And how many detainee workers would work on a

1 laundry shift that you would supervise, for example?

2 A. Roughly one to four.

3 Q. And the cleaning, how long would it take to --
4 for a detainee worker to finish their assignment in the
5 visitation room?

6 A. Approximately 20 to 30 minutes.

7 Q. What about intake?

8 A. I would say roughly the same time, 20 to 30
9 minutes.

10 Q. What about the rec yard?

11 A. I would say just in general, the normal
12 cleaning, just the sweeping, mopping, that type of thing,
13 roughly 20 to 30 minutes in -- in every area.

14 Q. Now, the time estimates that you've just given
15 me, do you base them on your firsthand observation as a
16 detention officer or sergeant?

17 A. Yes.

18 Q. Now, we've talked a lot about the direction and
19 supervision that you provide. What role, if any, does ICE
20 play in directing and supervising the detainee work?

21 A. I believe -- well, they're not -- there's no
22 supervision from an ICE officer, but the only thing I
23 believe is that they set the dollar a day that works into
24 the voluntary worker program.

25 Q. Sure, and we'll certainly talk about the dollar

1 Q. And in fact, I mean, there are consequences if
2 detainees don't comply with GEO's rules and regulations for
3 the detainee work?

4 MS. MELL: Object to the form of the question.

5 A. I mean, if -- if they don't want to work, they
6 don't have to work. If they don't want to do the job, they
7 don't -- they don't have -- they don't have to do it.

8 Q. That's right, but if a detainee worker was doing
9 a lousy job consistently, GEO would have the right to
10 terminate that worker's assignment; correct?

11 MS. MELL: Object to the form of the question.

12 A. I can't just say, You're not doing a good job,
13 you're not working anymore. They would have to refuse to
14 do it, and then they would either sign a refusal to work
15 form, which is the same thing as them quitting, or I would
16 submit the refusal to work form, and write down that they
17 refused to sign it, but there's no punishment for I don't
18 want to do this job.

19 Q. There's punishment or discipline for let's say
20 fighting during a detainee worker shift; correct?

21 MS. MELL: Object to the form.

22 A. There's punishment for fighting.

23 Q. Or stealing?

24 A. Correct.

25 (Exhibit-314 marked.)

1 A. Nguyen.

2 Q. Spell that one for me.

3 A. N-G-U-Y-E-N, guessing.

4 Q. Anyone else?

5 A. Not that I can think of.

6 Q. Now, the -- you said that Mr. Edgecomb and Mr.
7 Nguyen are current janitors?

8 A. Correct.

9 Q. Can you distinguish for me the work that these
10 two do as opposed to the janitorial services that the
11 detainee workers do?

12 MS. MELL: Object to the form.

13 A. They have access to parts of the facility where
14 detainees wouldn't be able to go.

15 Q. Are you aware of any other distinction?

16 A. Not to my knowledge. I'm not a janitor. I'm
17 not sure what the difference is.

18 Q. And as you sit here today, the first thing that
19 you can think of though is that the janitors have access to
20 areas that the detainee workers can't go; correct?

21 MS. MELL: Object to form.

22 A. Correct.

23 They also have keys.

24 Q. Can you tell me the areas that the janitors can
25 go that the detainee workers can't?

1 A. Would you like a list or --

2 Q. Sure.

3 A. Break room, male locker room, female locker
4 room, courts, immigration, warehouse, maintenance, loading
5 dock, front lobby, employee restrooms, visitation
6 restrooms, outside in the dog run, perimeter, upstairs in
7 immigration, through emergency doors, parking lot, on the
8 property.

9 I'm sure there's more, I just --

10 Q. But the common theme though among all the items
11 that you just listed for me is that detainees can't go
12 there?

13 A. Correct.

14 Q. Now, are you aware of the janitors cleaning in
15 areas that detainees have access to?

16 A. Medical, but parts that they wouldn't have
17 access to.

18 Q. All right, so again, are you aware of the
19 janitors cleaning areas that the detainee workers have
20 access to?

21 A. I mean, if they see something on the ground,
22 they might pick it up, if you consider that cleaning, but I
23 would think all the officers would do the same thing. So
24 technically, we all clean.

25 Q. I get that, and that certainly makes sense. I

1 pods, who would?

2 A. I -- I don't know.

3 Q. Do you think the detainee workforce is an
4 important part of carrying out the operations at the
5 Northwest Detention Center?

6 MS. MELL: Object to the form of the question.

7 A. I think it's a benefit to the population. They
8 gain some -- a sense of pride from it, they gain the sense
9 of I'm not stuck here. It gives them -- you know, just
10 like everybody else, you know, everybody else works. You
11 know, they have their normal job, that type of thing. This
12 gives them a sense of I'm not just stuck in here, I have
13 this, this objective or goal that I have to do. And it
14 helps them out financially. I think it's a benefit to --
15 sorry -- the population overall.

16 Q. Do you think GEO gets something out of it too
17 though?

18 MS. MELL: Object to the form of the question.

19 A. I'm sure they do.

20 Q. I guess that's what I'm driving at. I mean, do
21 you think that the work that GEO gets from the detainee
22 workers is important?

23 MS. MELL: Object to the form of the question.

24 A. Yes.

25 Q. It's important to the operation of the facility?

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of)
all those similarly situated,)
)
Plaintiffs,)

No. 17-cv-05769-RJB

vs.)

THE GEO GROUP, INC., a Florida)
corporation,)
)
Defendant.)

VIDEO DEPOSITION UPON ORAL EXAMINATION OF
BRUCE A. SCOTT, JR.
AS A RULE 30(b)(6) DESIGNEE OF
THE GEO GROUP, INC.

810 Third Avenue, Suite 500
Seattle, Washington

DATE: Tuesday, December 10, 2019

REPORTED BY: Donald W. McKay, RMR, CRR, CCR 3237

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A P P E A R A N C E S

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LINDSEY LEWIS
Videographer

1 I N D E X

2 EXAMINATION BY PAGE

3
4 MR. WHITEHEAD..... 6

6 E X H I B I T S

7 NUMBER DESCRIPTION PAGE

8
9 Exhibit 353 Plaintiffs' Amended Notice of 9
10 Videotaped Rule 30(b)(6) Deposition
11 to The GEO Group12 Exhibit 354 GEO's Fed. R. Civ. P. 26(a)(1) Initial 13
13 Disclosures14 Exhibit 355 Untitled spreadsheets 23
15 (GEO-Nwauzor 084666)

16 Exhibit 356 Contract - Statement of Work 32

17 Exhibit 357 Defendant The GEO Group, Inc.'s 43
18 Responses to Plaintiff Chao Chen's
19 First Interrogatories and Requests
20 for Production21 Exhibit 358 Composite - Billing from The GEO Group 55
22 to DHS ICE23 Exhibit 359 Monthly Voluntary Worker Program 61
24 Spend - 2005-201625 Exhibit 360 Spreadsheet titled Northwest ICE 64
Processing Center Facility Financial
StatementsExhibit 361 Performance-based National Detention 93
Standards 2011Exhibit 362 Batch Listing - Batch No. 3683 - 96
04/18/2006

1 E X H I B I T S (continued)

2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 363	Memorandum dated April 12, 2012, to	104
4		Associate Warden McHatton from	
5		Classification, Singleton and Heye,	
6		re: Voluntary Work Program 2011 PBNDS	
7	Exhibit 364	E-mail chain dated August 30, 2014,	106
8		to Lowell Clark from Bill McHatton,	
9		re: Voluntary Work Program	
10	Exhibit 365	Letter dated May 30, 2018, to Peter	110
11		Edge from (redacted)	
12			
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1 Seattle, Washington; Tuesday, December 10, 2019

2 10:13 a.m.

3

4 THE VIDEOGRAPHER: We're now on the record.

5 Today's date is December 10, 2019. The time is
6 now 10:13 a.m.

7 This is the video-recorded deposition of Bruce
8 Scott, 30(b)(6) representative for The GEO Group, Inc.,
9 in the matter of Ugochukwu Goodluck Nwauzor, et al.,
10 versus The GEO Group, Inc., pending in the United States
11 District Court, Western District of Washington at
12 Seattle, Case No. 17-cv-05769-RJB.

13 This deposition is at the request of the
14 plaintiff.

15 My name is Lindsey Lewis, your videographer,
16 here with Don McKay, your court reporter. We represent
17 Seattle Deposition Reporters.

18 This deposition is taking place at Schroeter
19 Goldmark & Bender, 810 Third Avenue, Suite 500, Seattle,
20 Washington, 98104.

21 Will counsel please identify and state your
22 appearances for the record.

23 MR. WHITEHEAD: Good morning. Jamal Whitehead
24 on behalf of Mr. Nwauzor and the certified class.

25 MS. ROE: Rebecca Roe with Jamal Whitehead.

1 MS. MELL: Joan Mell. GEO.

2 Bruce Scott, witness, 30(b)(6).

3 MR. POLOZOLA: My name is Lane Polozola. I am
4 counsel for the State of Washington in a separate
5 consolidated lawsuit, Washington versus GEO.

6 THE VIDEOGRAPHER: Will the court reporter
7 please administer the oath.

8

9 BRUCE A. SCOTT, JR. called as a witness in the
10 above-entitled cause, being
11 first duly sworn, testified
12 as follows:

13

14 E X A M I N A T I O N

15 BY MR. WHITEHEAD:

16 Q. Good morning, Mr. Scott. We met yesterday when
17 I deposed you in your individual capacity. I will
18 introduce myself again, though, for the benefit of the
19 record. I'm Jamal Whitehead. I represent Mr. Nwauzor,
20 as well as Mr. Aguirre-Urbina in their lawsuit against
21 The GEO Group.

22 Mr. Scott, could you please state and spell your
23 name for the record.

24 A. Bruce Arnold Scott, Jr. B-R-U-C-E, A-R-N-O-L-D,
25 S-C-O-T-T, J-R.

1 line item, of barber shop activities for three months,
2 if we knew it was going to be three months. There could
3 be other options that GEO looks at.

4 Q. In terms of the options that GEO would look at
5 in the event of a long-term volunteer worker stoppage,
6 whether it be in the kitchen or any of the other jobs,
7 would one of the considerations be looking to an outside
8 contracting agency to perform the functions that were
9 previously performed by the detainee workers?

10 MS. MELL: Object to the form.

11 THE WITNESS: That could be one of many options
12 that were weighed.

13 MR. WHITEHEAD: Lane, can I see your 314.

14 MR. POLOZOLA: 314.

15 MR. WHITEHEAD: Yes, please.

16 Joan, I'm happy to print off another copy, if
17 you'd like. But Exhibit 314 is the Volunteer Work
18 Program Agreement. This is a copy of it. May I show
19 the witness or would you prefer that we print another
20 copy and check it in as another exhibit?

21 MS. MELL: I'm not sure what you're asking.
22 It's already an exhibit, you're just pulling it out of
23 your exhibit binder?

24 MR. WHITEHEAD: Because we don't have the -- the
25 court reporters did not bring the previous exhibits --

1 contribution in maintaining the Northwest Detention
2 Center?

3 A. Detainees often take very much pride in the work
4 that they do. This is just a way of thanking them for
5 volunteering and working inside the facility, that is on
6 a voluntary basis.

7 Q. And it's an important part of the facility's
8 operations. Correct?

9 A. It covers a number of required standards in the
10 ICE contract and standards. Cleanliness is an important
11 role in any facility, and detainees take great pride in
12 living in a clean facility.

13 Q. Do they play an important role in keeping the
14 Northwest Detention Center clean?

15 A. They're one of many roles that assist in that,
16 but -- again, I can read the sentence. I don't want to
17 read outside the sentence. The sentence says, "We thank
18 you for your important contributions to maintaining this
19 facility." We appreciate the voluntary activities that
20 they do to keep themselves from not being idle and doing
21 the great work that they do.

22 Q. Is it true that GEO assigns detainee workers to
23 individual work details?

24 A. No.

25 Q. How does that work?

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, hereby certify:

That the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully;

That the transcript of the deposition is a full, true and correct transcript to the best of my ability;

That I am neither an attorney for, nor a relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days upon its completion and submission, unless waiver of signature was indicated in the record.



Donald W. McKay, RMR, CRR
Washington Certified Court Reporter No. 3237
License effective until: 07/02/2020

EXHIBIT G



CERTIFICATE OF ACCURACY

I certify that the Declaration of Jesus Lopez Paez was translated into English by a translator and editor working for Multilingual Connections who are both competent and qualified to perform translation into this language. I attest that the final target file is an accurate and complete translation of the original Spanish version.

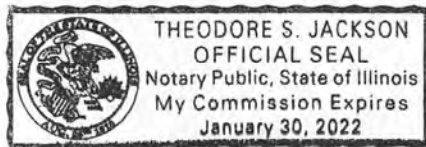
Kara Davis
Team Lead and Contract Manager
Multilingual Connections, LLC

9/20/18
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me on
Thursday, September 20, 2018, in
Evanston, County of Cook, State of Illinois.
Notary Public Theodore S. Jackson



The Honorable Robert J. Bryan

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff

v.

THE GEO GROUP, INC.,

Defendant

CIVIL ACTION No.
3:17-cv-05806-RJB

DECLARATION OF
JESUS LOPEZ PAEZ

I, Jesús López Páez, declare the following:

- 1- I am over eighteen years of age, have personal knowledge of and am competent to testify on the issues contained herein.
- 2- I have been in the Northwest Detention Center (NWDC) since September 26, 2017.
- 3- I began working in the Voluntary Work Program in November 2017 and I have been working continuously since then in a variety of jobs.
- 4- I decided to work because I needed money to stay in touch with my family and make phone calls to my wife and children, as well as to buy things from the commissary. GEO calls the work program “voluntary”, but I really have no choice but to work for \$1/day because I need the money and there is no other way to earn it.

- 1 5- In the commissary, I buy food to eat, including noodles, chicken breast
2 and soft drinks. Sometimes I buy food in the commissary because I am
3 hungry. Other times, I buy food to have some variation in my diet.
- 4 6- When I first arrived at the NWDC, I was assigned to live in Pod C-2. I
5 became aware that I could get a job when a GEO guard asked me if I
6 wanted to work in the pod. I said “yes,” and he placed me on the waitlist.
7 I was called to work when someone else quit their job, since I was the
8 next person on the list.
- 9 7- Before I was allowed to work, I was given a form that said something
10 about the fact that the work was voluntary and that I would be paid
11 \$1/day. I did not have time to read everything that was on the paper. I was
12 required to sign it, or initial it, before starting to work, and that is what I
13 did.
- 14 8- My first job was that of bathroom and shower cleaner. I did this job for a
15 couple of months. I did not receive training, but they told me to ask the
16 person who had been doing the work before me so that I would know
17 what to do.
- 18 9- There were 4-5 showers that I had to clean every day. Sometimes the
19 GEO guards also asked me to clean the bathrooms, including the 4 toilets.
20 Normally, cleaning the showers and cleaning the bathrooms are separate
21 tasks and two people would do the work each shift. When I did both jobs
22 in one day, I would work for more hours and I would still be paid only \$1
23 /day.
- 24 10- GEO gave us a spray bottle, buckets, bleach, gloves, mops and a rubber
25 squeegee.
26

1 11- There were three shifts for the bathroom and shower cleaners: the
2 morning shift at 11 a.m., the afternoon shift at [*handwritten: 4:20 p.m.*
3 *JLP*] and the night shift at 9:30 p.m. I was assigned to the 11:00 a.m.
4 shift. The work took about 30 to 40 minutes to complete. Every day, the
5 GEO officer on duty told me what to do and how to do it, which showers
6 needed more cleaning and if I had to clean the toilets as well.

7 12- On more than five occasions, I had to work all three shifts when no other
8 detainee wanted to do those jobs. I agreed to do it because I wanted us to
9 have clean bathrooms, and if I did not do it, no one else would. I was also
10 worried that I would lose my job if I said no. Even though I was working
11 three shifts, I still got paid only \$1/day.

12 13- I became tired of working double or triple shifts cleaning the showers and
13 bathrooms. I told the GEO guard that even though I did want to work, I
14 did not want to work multiple jobs anymore. The GEO guard on the
15 morning shift fired me from my position of shower cleaner and told me
16 that there was someone else willing to do the job if I didn't want to do it.

17 14- I told the guard assigned to the afternoon shift that I wanted to work and
18 that I needed to be assigned to another job. He told me that there was an
19 opening for a food server position, so I placed my name on the waitlist for
20 that job.

21 15- Before beginning work as a food server, I had to sign a Voluntary Work
22 Program agreement. I did not receive a job description with the position's
23 list of duties, although I know that descriptions of the work for each
24 position do exist.

25 16- I worked as a food server/food porter for approximately 4 months. I was
26 assigned to the position of Food Server # 2, and as such I had to clean the

1 tables before each meal, distribute the food trays to the detainees in the
2 unit, and clean the tables and floors after each meal, three times per day. I
3 had to wake up every morning at 5:30 or 6:00 a.m. to work on the
4 morning shift. Food Server # 1 would go to the kitchen to collect the food
5 trays and bring them to the unit. As Food Server # 2, I had to put the
6 orange juice, tea and spoons on the trays and give them to the detainees.
7 There were around 85 detainees in my unit that I had to serve. After they
8 all finished eating, I had to clean the unit's tables and the floors. There
9 were 10 long picnic benches and 2 round tables for 6 people that I cleaned
10 during each meal, before and after the meal, as well as the floor area that
11 got dirty during the meal. This position required me to work for about one
12 hour three times per day for a total of three hours per day every day of the
13 week.

14 17- After I had been working as a food server for quite some time, another
15 detainee told me he thought I was doing additional work that was not
16 necessary according to the job description of a food server, but I had no
17 way of knowing that because I was not provided with a job description.

18 18- I quit my job as a food server after a GEO officer who was supervising
19 me treated me poorly and I did not want to have any more contact with
20 him.

21 19- I was transferred to Unit G3. Once I was there, I applied for work and
22 was assigned to clean the visiting area. The GEO security guards who
23 assigned me to this area gave me a tour of the area that I had to clean and
24 told me what to do. They told me that I had to clean the hallways, the
25 visiting areas and the bathrooms. I had to mop floors and pick up the trash
26 of the visiting area. I had to do this work every night at 8:00 p.m.

1 20- GEO gave us mops, buckets, brooms, gloves and garbage bags to do this
2 work.

3 21- I did the job of cleaning the visiting areas for one and a half months. I
4 decided to stop doing this work because it interfered with my religious
5 activities. I am a leader in my unit's church and I lead religious services
6 at 3:00 p.m. and 8:00 p.m. every day. I changed my schedule cleaning the
7 visiting area to 7:00 p.m. so that I would be able to perform the religious
8 service at 8:00 p.m. But one night, the GEO guards made me work late,
9 so I missed the night service. That is why I decided to look for other job
10 opportunities.

11 22- While I was between work assignments, the GEO security guards asked
12 me if I was willing to wax and buff the floors of the visiting areas. I
13 accepted this job, which also paid \$1 per day. I asked them if they could
14 also give me a sandwich, but they told me they could not, that GEO was
15 no longer able to give food in exchange for this job. I waxed and buffed
16 the floors of the visiting area for 4 hours each day, for a total of four days.

17 *[text crossed out and initialed "JLP"]*

18 23- The job of waxing and buffing was very strenuous and tiring. GEO did
19 not provide us with masks and I felt very dizzy from inhaling the
20 chemicals from the products we had to use to remove the old wax before
21 applying the new wax.

22 24- In the past, I had waxed floors outside of the NWDC. I remember that I
23 was paid \$900 for 8 hours of work waxing and buffing floors in a yoga
24 studio. However, GEO only paid us \$1/ day for our work waxing and
25 buffing floors.
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25- The next job I got was cleaning the floor on the dining area in my unit.

This work requires me to work every night after dinner, approximately from 6:30 to 7:00 p.m. I do it once per day.

26- In the past, I also applied to work in the kitchen because I heard that you could eat more and better food if you worked in the kitchen. The GEO guards explained that they could not hire me to work in the kitchen because last year I had knee surgery while I was detained at the NWDC and I have not yet fully recovered.

27- We work hard at the NWDC every day to keep it clean and working. We should be compensated fairly. \$1/ day is not a fair payment for what we contribute to the operation of the NWDC.

I certify under penalty of perjury under the laws of the United States and the State of Washington that the above is true and correct.

Dated this 31st day of August of 2018 in Tacoma, Washington.

JESUS LOPEZ PAEZ

EXHIBIT H

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)
 PLAINTIFF,) NO. 3:17-CV-05806-RJB
 VS.)
 THE GEO GROUP, INC.,)
 DEFENDANT.)
)
)

DEPOSITION UPON ORAL EXAMINATION OF
ALISHA SINGLETON

10:00 A.M.

JANUARY 31, 2019

800 FIFTH AVENUE, SUITE 2000

SEATTLE, WASHINGTON



REPORTED BY: BETSY E. DECATER, RPR, CCR 3109



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SEATTLE, WASHINGTON; JANUARY 31, 2019

10:00 A.M.

--oOo--

ALISHA SINGLETON,
sworn as a witness by the Certified Court Reporter,
testified as follows:

EXAMINATION

BY MS. CHIEN:

Q. Can you state your name for the record?

A. Alisha Singleton.

Q. And have you ever been previously deposed?

A. No.

Q. So I'm Marsha Chien. I'm one of the attorneys for the State, and to my left is La Rond Baker, who's also an attorney, and Caitie Hall, who's our legal assistant. So I have a couple of housekeeping matters, and then I'll just get into it.

I think probably your attorney told you this, but the way depositions work is that it's all written transcript. So they don't see any head nods or shakes. So sometimes I might ask you to verbalize a head nod as yes or no. And the other aspect is that no interrupting when I am posing a question so that the record is really



1 Q. You mentioned that you get requests from detainee
2 workers for jobs.

3 Do you get requests from detainee workers for
4 specific jobs or just for any job?

5 A. It could be a variation of both. Some ask for
6 specific ones, some request for any work.

7 Q. Do you try to give detainee workers the job they
8 request?

9 A. Yes. It's a voluntary work program. So if
10 they're requesting a specific job to work voluntarily
11 and they're allowed to do that based on the requirements
12 of that area, then absolutely.

13 Q. Are some jobs more popular than others?

14 A. I wouldn't necessarily say so. It just depends.

15 Q. What does it depend on?

16 A. I get requests daily, so I just process them as I
17 receive them.

18 Q. Do you get more requests for kitchen than for pod
19 workers?

20 A. I couldn't quantify that.

21 Q. I don't need you to quantify it. I'm just asking
22 for more or less?

23 A. I don't know specifically. I receive requests
24 daily, so I don't know.

25 Q. So yesterday did you receive more requests for



1 assuming you create and you give them a copy, this is
2 the waiting list?

3 A. It's on the bottom of the actual detail list.

4 Q. So if they have a waiting list but they only have
5 the hard copy, they don't have access to your Excel
6 spreadsheet?

7 A. Correct.

8 Q. Who has access to that Excel spreadsheet?

9 A. I'm not sure who all would have access to it.

10 Q. Who uses it on a daily basis?

11 A. Me and Michael Heye.

12 Q. Anybody else?

13 A. Not that I'm aware of.

14 Q. Who told you to maintain a waiting list?

15 A. Per the ICE PBNDS.

16 Q. PBNDS instructs GEO to maintain a waiting list?

17 A. The ICE PBNDS instructs us to offer jobs in the
18 order that requests are received.

19 Q. And so did you -- and that necessarily required a
20 waiting list?

21 A. If a job is not available in that specific area,
22 then that would entail they have to go on the list for
23 the next opening to become available.

24 Q. Does the PBNDS require waiting lists for each job
25 as opposed to all of the jobs at once?



1 into your selection process?

2 A. No.

3 Q. Do you have the authority to ask about a detainee
4 worker's attitude and behavior?

5 A. I'm not a supervisor.

6 Q. This says, detainee selection, the work program
7 supervisor. Who's the work program supervisor?

8 A. There's not a specific supervisor. We run the
9 work program, there's two people in there. We have
10 never been designated as one or the other.

11 Q. So could you both be a voluntary work program
12 supervisor?

13 A. Correct.

14 Q. So I think this is referring to the work program
15 supervisor. So do you have the authority to ask about a
16 detainee's attitude and behavior?

17 A. Possibly.

18 Q. Can you turn to page 4, and it says Hours of
19 Work. In that section, it says, "Unexcused absences
20 from work or unsatisfactory work performance may result
21 in removal from the voluntary work program."

22 Who decides when somebody's work performance is
23 unsatisfactory?

24 A. As long as they show up and they do the job, then
25 that's deemed sufficient.



1 A. Correct.

2 Q. Why is there a difference between those two?

3 A. That would have been information that I received
4 as direct from my direct supervisor.

5 Q. So the Bill McHatton is the one telling you the
6 bathroom cleaners have to work during a specific time?

7 A. I'm not sure if it was Bill McHatton because I'm
8 not sure how far back the practice goes.

9 Q. But somebody in his position?

10 A. Yes.

11 Q. And then you said food servers; is that right?

12 A. Correct.

13 Q. And then is there laundry as well?

14 A. Pod laundry, correct.

15 Q. And what do the pod laundry folks do?

16 A. In the regular units, the male units, the pod
17 laundry workers, they're typically going to be
18 responsible for just distributing laundry when it comes
19 into the units. So the laundry goes out in their little
20 mesh bags to be cleaned and they just hand them to the
21 correct person.

22 Q. And these categories of pod porters, have those
23 been the same categories throughout your entire tenure
24 as classification officer?

25 A. I'm not sure. I can't specifically recall if



1 A. I don't recall. I don't think at the very
2 beginning that we did.

3 Q. Did you suggest a refusal to work form?

4 A. I don't recall. I don't recall when it was
5 created.

6 Q. Was it created in the last year?

7 A. No. It was prior to that.

8 Q. Last five years?

9 A. Possibly.

10 Q. Last ten years?

11 A. Possibly.

12 Q. Who told you to use the refusal to work form?

13 A. I don't recall. I don't recall when it was
14 created to be able to recall a conversation about the
15 usage of it.

16 Q. You just remember starting to use this refusal to
17 work form?

18 A. I just know it's a part of the voluntary work
19 program as of today.

20 Q. You see in the fifth up -- the fifth bullet point
21 up from the bottom and says "you cannot fire workers."
22 You see that?

23 A. Correct.

24 Q. Why can't you fire workers?

25 A. Because they're voluntary.



1 A. I'm not sure what you're asking as far as
2 removed.

3 Q. Have detainee workers ever been removed from
4 working in the voluntary work program?

5 I'm trying not to say fired because I think you
6 said you can't fire detainee workers. But I'm
7 assuming -- I'm asking whether or not detainee workers
8 have been removed from the voluntary work program?

9 A. There have been some detainees removed for
10 various disciplinary sanctions.

11 Q. Is that the only reason?

12 A. And refusing to work.

13 Q. And refusing to work?

14 A. Those are the only two times that I can recall at
15 the moment where they're taken off a detail.

16 Q. What about for poor performance?

17 A. No. I've never taken anybody off a detail due to
18 poor performance. If he didn't want to complete the job
19 and opted to refuse to work and complete the job, then
20 that was a choice he made.

21 Q. So when does something -- when is something poor
22 performance and when is something refusing to work?
23 What makes that decision?

24 A. As long as they show up and make a valid attempt
25 to do the job and it's completed and they come back the



1 REPORTER'S CERTIFICATE

2 I, BETSY E. DECATER, the undersigned Certified Court
3 Reporter, pursuant to RCW 5.28.010 authorized to
4 administer oaths and affirmations in and for the State
5 of Washington, do hereby certify that the sworn
6 testimony and/or proceedings, a transcript of which is
7 attached, was given before me at the time and place
8 stated therein; that any and/or all witness(es) were
9 duly sworn to testify to the truth; that the sworn
10 testimony and/or proceedings were by me stenographically
11 recorded and transcribed under my supervision, to the
12 best of my ability; that the foregoing transcript
13 contains a full, true, and accurate record of all the
14 sworn testimony and/or proceedings given and occurring
15 at the time and place stated in the transcript; that a
16 review of which was reserved; that I am in no way related
17 to any party to the matter, nor to any counsel, nor do I
18 have any financial interest in the event of the cause.

19 WITNESS MY HAND and DIGITAL SIGNATURE this 12th day
20 of February, 2019.

21 

22 _____
23 BETSY E. DECATER, RPR
24 Washington Certified Court Reporter, CCR 3109
25 bdecater@yomreporting.com



EXHIBIT I

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21 206-287-4182

22

23

24

25

1 case.

2 MS. MELL: And again, you're here for the same
3 reasons as expressed previously in the prior deposition?

4 MR. POLOZOLA: As expressed previously, I'm here
5 because the cases have been consolidated and the court
6 ordered parties in all cases to be present or participate,
7 if they wish, so I'm here to witness the deposition.

8 -----

9 MARC A. JOHNSON: Witness herein, having been
10 duly sworn, testified as follows:

11 E-X-A-M-I-N-A-T-I-O-N

12 BY MR. WHITEHEAD:

13 Q. Good afternoon, Mr. Johnson.

14 A. Good afternoon.

15 Q. I introduced myself moments ago off the record,
16 but I will do so again for benefit of the record.

17 A. Okay.

18 Q. My name is Jamal Whitehead, and I am one of the
19 attorneys representing Mr. Nwauzor and Mr. Aguirre-Urbina
20 in their action against The GEO Group.

21 Sir, could you state and spell your full name
22 for the record.

23 A. Sure, it's Marc Andrew Johnson, M-A-R-C
24 A-N-D-R-E-W, I don't spell my middle name a lot, and then
25 Johnson, J-O-H-N-S-O-N.

1 Q. In what way?

2 MS. MELL: Object to the form of the question.

3 A. If -- it would -- it would get done regardless
4 if the detainees did it or not. It's not a mandatory
5 thing.

6 Q. But certainly the work they do helps out?

7 MS. MELL: Object to the form of the question.

8 A. Yes.

9 Q. Now, as a detention officer, do you believe that
10 part of your job is directing the work and providing
11 training and supervision of the detainee workers in the
12 Voluntary Work Program?

13 MS. MELL: Object to the form.

14 A. Yes, it's a collateral job.

15 Q. When you say collateral, what do you mean?

16 A. As a detention officer, we're doing multiple
17 things at once, you know. The main focus is safety and
18 security, but a part of that is, you know, making sure that
19 order is maintained and cleanliness is maintained in the
20 units and other areas wherever you're assigned, so yes.

21 Q. All right. Well, let's take a look at
22 Exhibit-313. Now, at the top there, this appears to be an
23 excerpt from GEO's Policy and Procedure Manual. This is
24 the Chapter: Detainee Services and Program, Title:
25 Voluntary Work Program.

1 A. With regards to cleaning, I mean, it just
2 depends on if I'm assigned that task.

3 As a shift supervisor, you're in charge -- or a
4 lieutenant, you're in charge of the whole building. So,
5 you know, periodically I'll check in, but I can't focus my
6 whole time on that one thing. And then having -- as an
7 officer, you know, I've been assigned to a detail, hey,
8 we're doing this detail, so that was my -- my -- one of my
9 main focuses.

10 As the pod officer, same thing, you know, I'm --
11 I'm in charge of the security and the safety of everyone,
12 but it's that collateral duty to make sure we get the
13 meals, everyone gets a meal, we clean up after the meals.

14 Q. Tell me about the details that you've been
15 assigned with respect to the Voluntary Work Program.

16 A. Like it's mainly just there's a trash pickup at
17 night -- I've primarily worked graveyard shift for my ten
18 years. I did work swing shift, but for the most part, I've
19 been on graveyard.

20 On graveyard they do a trash pickup at night.
21 The units place the trash in trash bags outside the unit,
22 and then detainees go around and pick it up and collect it
23 by the loading dock. So we've supervised the movement.
24 Sometimes they have to take an elevator, which you have to
25 ride escorted.

1 Q. Now, with respect to the painting, is GEO
2 training the detainee workers on proper painting technique?

3 A. Yeah, similar to the other jobs.

4 Q. What about the -- the buffing, waxing, and
5 stripping of the floors, how long does that typically take?

6 A. It can take -- again, it varies. It can take
7 two hours to, you know, four or five hours.

8 Q. And it just depends on how much, you know,
9 buffing, waxing, and stripping, you know, how much ground
10 essentially they've got to cover?

11 MS. MELL: Object to the form.

12 A. Yes.

13 Q. And they, of course, being the detainee workers?

14 A. Yes.

15 I've also seen it where the detainees, you know,
16 they -- they're motivated to -- to do more, you know, or go
17 longer than one would reasonably expect to complete it.

18 Q. And what do you take from that?

19 A. That they enjoy the work there, they're
20 motivated, and you know, it's kind of self-driven.

21 Q. Do these workers that are self-driven and do a
22 good job, do they make more money?

23 A. No.

24 Q. Is there an opportunity for them to make more
25 money as, you know, stellar performers?

1 categories?

2 A. ICE is the overall authority. So they mandate
3 how the program functions, and approve any program updates,
4 and they also manage or authorize, you know, job hiring.
5 Sometimes there's worker disputes, like if someone gets
6 fired, you know, they can appeal to ICE, and ICE will say
7 this person gets to work again or -- or not.

8 Q. All right, well maybe we'll take it one at a
9 time then for each of the categories here.

10 So kitchen worker, can you tell me about the
11 ways of which you're aware that ICE provides direction or
12 supervision to kitchen detainee workers?

13 A. I mean, like I said, ICE mandates how many
14 kitchen workers, I believe, work each shift, the maximum
15 number, and then ICE, in coordination with the medical
16 department, they have to be authorized by medical to work
17 in the kitchen.

18 Q. What makes you believe that ICE mandates the
19 number of kitchen workers?

20 A. I believe that's something I was told before.

21 Q. Who? Who told you that?

22 A. I believe it was someone in classification
23 during our annual refresher training, I was told ICE
24 mandates all the jobs. There's only a fixed amount of
25 jobs.

1 MS. MELL: Again, object to the form.

2 A. I mean, they're, you know -- it's -- it's -- ICE
3 is -- ICE is the client. They -- they say what goes. So,
4 you know, I've seen detainees appeal to ICE to have stuff
5 changed, and they've done that, or ICE has mandated
6 changes, you know.

7 Q. Do you believe though that GEO handles more of
8 the day-to-day hands-on work of the facility?

9 MS. MELL: Object to the form of the question.

10 A. I mean, yeah.

11 Q. And that includes the direction and supervision
12 of the detainees and the detainee workers --

13 MS. MELL: Object --

14 Q. -- correct?

15 MS. MELL: Object to the form of the question.

16 A. According to the PBNDS.

17 Q. That's GEO's role, to do the hands-on work of
18 managing the detainees, including the detainee work?

19 MS. MELL: Object to the form of the question.

20 A. Yes.

21 Q. Now, how is it that detainees are assigned to
22 work in the VWP?

23 A. I don't under -- the BWP?

24 Q. The VWP?

25 A. Oh, sorry, the Voluntary Work Program?

1 It's in the detainee handbook. I believe it's
2 in the ICE national detainee handbook, and they're apprised
3 in the orientation videos as well that there are job
4 opportunities, and they can send a kite or a detainee
5 request to be placed on a waiting list for a job. And I'm
6 sure living in the units, you know, they -- they make
7 acquaintances with people that are workers -- excuse me --
8 or you know, they see people working and -- and want to do
9 that, that job.

10 Q. If a detainee has attitude or behavioral issues,
11 does GEO have the discretion not to hire that detainee into
12 the -- the Voluntary Work Program?

13 MS. MELL: Object to the form.

14 A. No.

15 I mean, if they have demonstrated behavior
16 issues like, you know, misconduct stuff, they will be
17 reclassified into a higher class, and that limits their
18 opportunities, but if -- if -- if you're looking for like a
19 characterization of overall, hey, that person's kind of a
20 jerk, we -- we don't not hire them because of that.

21 Q. Do you know whether or not you have the ability
22 or authority to pass on a worker for those reasons?

23 MS. MELL: Object to the form.

24 A. No, we don't. We can't pass.

25 MS. MELL: Counsel, I'm just going to need a

1 MS. MELL: Object to the form.

2 A. Well, it lists the -- the certain things, but it
3 says they impact not that they will affect, they just
4 impact it.

5 Q. And do you see a distinction between impact
6 versus affect?

7 A. Yes.

8 Q. Tell me, what is that distinction?

9 A. If it had an effect, I would interpret that to
10 be we could pick and choose who we wanted, whereas this
11 just says it will have an impact.

12 From what I understand, the worker -- once you
13 submit a request to be a worker, you go on a waiting list,
14 and GEO can't jump around on the list; it's first in, first
15 out, so to speak.

16 Q. Now, there's a black bar towards the end, and I
17 redacted out someone's name there, but if you look above
18 that black bar, the last sentence of that paragraph, right
19 above it, it reads, "We thank you for your important
20 contribution to maintaining this facility."

21 Did I read that correctly?

22 A. Yes.

23 Q. Do you believe that the detainee workers make an
24 important contribution to maintaining the Northwest
25 Detention Center?

1 Q. Excessive absenteeism?

2 A. Yes.

3 Q. Misconduct and horseplay?

4 A. Yes.

5 Q. Theft?

6 A. Yes.

7 Q. Unsatisfactory work performance?

8 A. Yes.

9 Q. Now, in each of those instances, would it be GEO
10 that initiates the termination or disciplinary proceedings
11 against the detainee worker?

12 A. It depends.

13 Q. What does it depend on?

14 A. I mean, the reason.

15 Q. Well, my question drives more at who the actor
16 is that would initiate the proceedings; is it GEO or
17 someone else?

18 A. A majority of the time it would be GEO.

19 Q. And if not GEO, who?

20 A. It could be ICE.

21 Q. And if I remember from earlier, you said that
22 you cannot think of a time in which ICE initiated
23 termination or discipline against a Voluntary Work Program
24 participant; did I get that right?

25 A. Not specifically, no.

1 A. Just a -- a sup -- I believe it's any
2 supervisor, sergeant or lieutenant, or it may just be a
3 lieutenant.

4 Q. So what's the difference between IDP and UDC?

5 A. The UDC is like a lower level infraction, an IDP
6 is for a more serious infraction.

7 Q. Can you give me an example of a more serious
8 infraction that would go to IDP?

9 A. So for fighting, two people fighting would go to
10 an IDP, whereas like a simple theft would just be a UDC.

11 Q. What about poor performance in the Voluntary
12 Work Program, would that be UDC or IDP?

13 A. You don't get written up for a poor performance.

14 Q. Now, the UDC determinations, to your knowledge,
15 do those go to ICE at any point?

16 A. I don't believe they do. They go in your
17 detainee file.

18 Q. And the IDP proceedings, ICE is a part of it?

19 A. Correct.

20 Q. As a detention officer, do you take attendance
21 for the detainee workers that are under your -- your
22 charge?

23 A. Yeah, I would verify when they're supposed to
24 work and did they complete the work satisfactorily.

25 Q. And that's -- is that back to the worker pay

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C-E-R-T-I-F-I-C-A-T-E

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I, the undersigned Registered Professional Reporter and Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination was taken stenographically before me and transcribed under my direction;

That the witness was duly sworn by me, pursuant to RCW 5.28.010, to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days, upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, 2019.

Heidi Aspelund



NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661

EXHIBIT J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
 FERNANDO AGUIRRE-URBINA,)
 individually and on behalf of all)
 those similarly situated,)
 Plaintiffs,)
 vs.) No. 17-cv-05769-RJB
 THE GEO GROUP, INC., a Florida)
 corporation,)
 Defendant.)

** Transcript Contains Portions Designated Confidential **

** See Index on Page 4 **

Videotaped Deposition Upon Oral Examination of
 MICHAEL T. HEYE

10:04 a.m.

Wednesday, December 4, 2019

810 Third Avenue, Suite 500

Seattle, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

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21 206-287-4182

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23 SYDNEY BAY

24

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016346-016350

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MS. MELL	122 1

C O N F I D E N T I A L T E S T I M O N Y

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(Note: * Denotes phonetic spelling.)

1 Seattle, Washington; Wednesday, December 4, 2019

2 10:04 a.m.

3 -----

4 THE VIDEOGRAPHER: We're now on the record.

5 Today's date is December 4th, 2019. The time is now 10:04
6 a.m.

7 This is the video recorded deposition of Michael
8 Heye in the matter of Ugochukwu Goodluck Nwauzor, et al.,
9 vs. The GEO Group, Inc., pending in the United States
10 District Court, Western District of Washington, at Tacoma,
11 case number 17-cv-05769-RJB. This deposition is at the
12 request of the plaintiff.

13 My name is Lindsey Lewis, your videographer,
14 here with Keri Aspelund, your court reporter. We represent
15 Seattle Deposition Reporters.

16 This deposition is taking place at Schroeter
17 Goldmark & Bender, 810 Third Avenue, Suite 500, Seattle,
18 Washington 98104.

19 Will counsel please identify and state your
20 appearances for the record.

21 MR. WHITEHEAD: Good morning. Jamal Whitehead
22 on behalf of the private plaintiffs, the class of Mr.
23 Nwauzor and those that he represents.

24 MS. MELL: Joan Mell representing the GEO
25 defendants. Mr. Heye is from the facility.

1 MS. CHIEN: And this is Marsha Chien, and I
2 represent the State of Washington in a consolidated case.

3 THE VIDEOGRAPHER: Will the court reporter
4 please administer the oath.

5 -----
6 MICHAEL T. HEYE: Witness herein, having been
7 duly sworn, testified as follows:

8 E-X-A-M-I-N-A-T-I-O-N

9 BY MR. WHITEHEAD:

10 Q. Good morning, Mr. Heye.

11 A. Hello.

12 Q. We met a moment ago off the record, but I would
13 like to introduce myself for benefit of the record. My
14 name's Jamal Whitehead. I represent Mr. Nwauzor and the
15 class of civil immigration detainees that he represents in
16 a private lawsuit against the GEO corporation.

17 Could you please state and spell your name for
18 the record.

19 A. It's Michael Heye, M-I-C-H-A-E-L, and last name
20 is Heye, H-E-Y-E.

21 Q. And your middle name, Mr. Heye?

22 A. Thomas --

23 Q. What's --

24 A. -- T-H-O-M-A-S.

25 Q. And your date of birth, please.

1 matter here, right, but I'm just asking could theft lead to
2 the termination of a detainee worker?

3 A. Yes and no. It has and it hasn't on both parts,
4 depending on the circumstances and what the disciplinary
5 process outcome has come out about from it.

6 Q. Now, you said something about earlier that
7 detainee workers cannot be terminated; did I get that
8 right?

9 A. No, cannot be fired. You can't tell a detainee
10 that he's fired.

11 Q. What about --

12 A. Because officers like to, quote-unquote, say,
13 You're fired, which you cannot do.

14 Q. What about termination, can GEO terminate
15 detainee workers?

16 A. In policy and procedure, there's a stipulation
17 in there that the warden can remove a detainee from a
18 worker program.

19 Q. So that's yes, you're agreeing with me?

20 A. On how you want to stipulate it? How you want
21 to say it? Well, warden can.

22 Q. The warden --

23 A. That's what I'm saying, the warden can.

24 Q. The warden is an extension of GEO.

25 So I'll try one more time, and then I'll --

1 facility."

2 Do you see that?

3 A. I do.

4 Q. Do you agree that the volunteer detainee workers
5 make important contributions to maintaining the Northwest
6 Detention Center?

7 A. I always thank them when they're cleaning and
8 keeping the place nice and clean, yes.

9 And this is a very told old form, isn't it?

10 Yep.

11 Q. So to my question, do you believe that the
12 detainee workers make an important contribution to
13 maintaining the facility?

14 MS. MELL: Object to the form of the question.

15 A. They don't maintain the facility, but they do
16 contribute to keeping it clean.

17 Q. What's the distinction you draw between cleaning
18 and maintaining?

19 A. Maintaining?

20 Q. Mm-hm. Yes.

21 A. We keep the facility running and operational,
22 that's maintaining.

23 Q. We being GEO and its personnel?

24 A. GEO and its personnel, so that everybody is safe
25 and secure and that the maintenance is kept up, yes.

1 slots, and you slot people into the slots --

2 A. Mm-hm.

3 Q. -- but in terms of the schedule, the hours of
4 day that people are assigned to work, how is that
5 determined?

6 A. I don't know. The hours were also on there at
7 the same time that the schedule was put out. So graveyard
8 is graveyard, they start whenever they need to, I guess, at
9 lights out on graveyard, because that's -- when I was a pod
10 officer, that's when graveyard started, when lights out.

11 Q. Well, what happens if everyone says that, you
12 know, I -- I want to work morning shift in the kitchen?
13 What do you do, if anything, as a classification officer
14 from there?

15 A. Then I would --

16 MS. MELL: Object to the form.

17 A. I just put them on the list and specify what
18 shift they want.

19 Q. Well, is there any communication back to the
20 detention officer, Hey, this shift is full, but we have
21 some availability for a shift later in the day?

22 A. No, when they are -- when they apply for
23 kitchen, they'll either specify what shift they want or
24 they don't. And if they don't, then when I call the pod
25 officer, I just say I have these. So when we go to ask the

1 detainee if he wants an assignment, I'll call the pod
2 officer and say, Talk to detainee so and so and see if he
3 wants breakfast, lunch, or dinner. Or I only have lunch or
4 dinner, see if they'll take either one of those. That's
5 how the assignments are filled in to the kitchen. If
6 there's space available, I will tell them there's space
7 available. If there's no space available, then they either
8 specify, No, I want to wait for breakfast, and I put them
9 on a list, and when breakfast becomes available, then I'll
10 call them back and see if they want to work then or take
11 the assignment.

12 Q. What are IDP sanctions?

13 A. I -- that's disciplinary through the seg
14 officer.

15 Q. Let me take it one level up, I guess, what is
16 IDP?

17 A. Something disciplinary procedure. Now you're
18 telling me acronyms I don't remember.

19 I don't remember.

20 MS. MELL: That's fine. That's an answer.

21 A. I don't remember what IDP --

22 Q. It's a panel related to disciplinary --

23 A. Correct. That I do know. I just don't know
24 what the acronym is.

25 Q. Do you have any involvement with the IDP

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C-E-R-T-I-F-I-C-A-T-E

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I, the undersigned Registered Professional Reporter and Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination was taken stenographically before me and transcribed under my direction;

That the witness was duly sworn by me, pursuant to RCW 5.28.010, to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days, upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December, 2019.

Heidi Aspelund



NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661

EXHIBIT K

*e*FFICIENT[®]

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In the Matter of
STATE OF WASHINGTON

VS

THE GEO GROUP, INC.

WILLIAM A. MCHATTON

02/01/2019



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)
 PLAINTIFF,) NO. 3:17-CV-05806-RJB
 VS.)
 THE GEO GROUP, INC.,)
 DEFENDANT.)
)
)

DEPOSITION UPON ORAL EXAMINATION OF
WILLIAM A. MCHATTON

10:00 A.M.

FEBRUARY 1, 2019

800 FIFTH AVENUE, SUITE 2000

SEATTLE, WASHINGTON



REPORTED BY: BETSY E. DECATER, RPR, CCR 3109



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SEATTLE, WASHINGTON; JANUARY 31, 2019

10:00 A.M.

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WILLIAM A. MCHATTON,
sworn as a witness by the Certified Court Reporter,
testified as follows:

EXAMINATION

BY MS. BAKER:

Q. Good morning, Mr. McHatton. My name is La Rond Baker, as you know, and I'm an assistant attorney general for the State of Washington and counsel on this matter. Next to me is Marsha Chien, who's also an attorney on this case, and later on you will likely meet Andrea Brenneke who is another attorney on the case. She may come down.

Will you please state your full name and address for the record?

A. William A. McHatton. My address, physical or mailing?

Q. Mailing is fine.

A. P.O. Box 1968 Eatonville, Washington 98328.

(Off the record.)

Q. (BY MS. BAKER) Have you been deposed before?



1 A. Yeah. It was the guy who replaced me, Bruce
2 Scott.

3 Q. And was there a previous chief of security before
4 Bruce Scott?

5 A. Yes.

6 Q. If you don't recall, that's okay, but I will --

7 A. Jaramillo, J-a-r-a-m-i-l-l-o.

8 Q. Do you know how long Bruce Scott was in that
9 position?

10 A. I would prefer not to guess.

11 Q. Okay. So as associate warden, did you have
12 responsibility for ensuring that GEO officers supervised
13 detainee workers in the voluntary work program?

14 A. The way I heard your question is did I have
15 supervision responsibility over the officers who --
16 dotted line. Direct would come from the chief and
17 captain and the lieutenant, chief lieutenant.

18 Q. Did you develop training for the GEO officers
19 that oversaw the detainee workers in the voluntary work
20 program?

21 A. I believe that's included within the academy.

22 Q. Can you tell me what that means?

23 A. What I just said?

24 Q. That's correct.

25 A. Before and into the -- before an individual



1 officer is placed on the job, he or she must complete I
2 believe it to be approximately six-weeks training
3 academy, plus I think it's two weeks on-the-job training
4 before he or she is assigned a shift and a post, et
5 cetera.

6 Q. And it's your understanding that supervising
7 detainee workers is part of the training that GEO
8 officers receive in the academy?

9 A. I believe it is.

10 Q. Do you know if there are particular policies or
11 documents that GEO guards would receive as part of their
12 training regarding supervising detainee workers in the
13 voluntary work program?

14 A. My recollection of the way it was originally in
15 the compliance is that, for example, Alisha Singleton or
16 Michael Heye, they have been pretty much -- Alisha was
17 the original classification officer, and then I guess
18 Michael Heye was added to that role. And so Alicia was
19 lead.

20 And so either one of those two would conduct a
21 class as part of the academy, and they would use the NDS
22 or the PBNS or our own policies. They handed out one
23 or both.

24 Q. And so when you say they would use your own
25 policies --



1 like a detainee worker who did paint in the facility for
2 The GEO Group, can you tell me what they did, what
3 training there might have been for that position?

4 A. The -- no, not without -- I wouldn't be
5 comfortable answering that.

6 Q. Did detainee workers paint outside of the living
7 areas, so the hallways in the facility or the kitchen
8 area in the facility?

9 A. The hallways per se were maintained by the
10 maintenance department. We had a voluntary work program
11 assignment in the hallways of -- have you been there?

12 Q. Uh-huh.

13 A. Have you seen the artwork that's on many of the
14 walls?

15 Q. Actually, I've only been in the attorney rooms.
16 I've not actually been inside. Marsha has.

17 A. Marsha has, is that what you said?

18 (Off the record.)

19 Q. (BY MS. BAKER) So you were talking about the
20 hallways and maintaining the hallways?

21 A. Maintaining the hallways is conducted by the
22 maintenance department.

23 Q. And the maintenance department, are those
24 detainee workers?

25 A. No. That was GEO staff.



1 Q. So detainee workers would not paint the walls of
2 the hallway; is that correct?

3 A. There's artwork on the walls of the hallways
4 within the facility.

5 Q. That detainee workers painted?

6 A. Created.

7 Q. Created.

8 So in terms of earlier, and I'm just trying to
9 understand sort of how painting the -- how the painting
10 detail works, earlier you indicated that detainee
11 workers will sometimes paint inside of the living units?

12 Are there ever times where detainee workers paint
13 outside of their living units?

14 A. Not to my recollection.

15 Q. So detainee workers --

16 A. Would you rephrase the question, please, or ask
17 it again?

18 Q. So earlier you indicated that detainee workers
19 will paint inside of their housing units.

20 Do detainee workers ever paint, not murals, not
21 artwork, but do painting outside of their living units?

22 A. I do not recall that they did.

23 Q. Do you know whether or not detainee workers would
24 paint the attorney-client -- the attorney meeting rooms?

25 A. The attorney-client rooms?



1 to ensure that personal hygiene requirements are met
2 within the facility; is that correct?

3 MR. PUSATERI: Object to form.

4 A. Again, just like food service, if there weren't
5 any detainee workers, we would still have to do this
6 job.

7 Q. If there were no detainee workers in the laundry,
8 how would you meet the standard?

9 A. Assign additional staff to it.

10 Q. So there would be more GEO employees that would
11 have to be hired to be able to meet the standard?

12 A. Probably not.

13 Q. Can you tell me then what would happen?

14 A. There's utility positions.

15 Q. I don't know what that means.

16 A. That's left over from old DOC days. Extra posts,
17 extra people on staff, in accordance with the staffing
18 plan that can be pulled off of and placed where they're
19 needed.

20 Q. And would that individual GEO employee be paid
21 more than a dollar per day for their labor in the
22 laundry?

23 A. Yes.

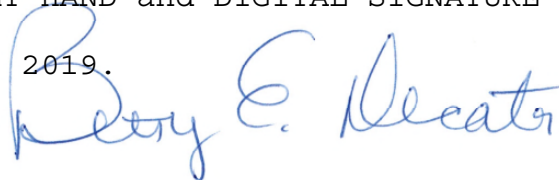
24 Q. Would you also authorize overtime, if necessary,
25 in order to meet the obligations under the PBNDS



1 REPORTER'S CERTIFICATE

2 I, BETSY E. DECATER, the undersigned Certified Court
3 Reporter, pursuant to RCW 5.28.010 authorized to
4 administer oaths and affirmations in and for the State
5 of Washington, do hereby certify that the sworn
6 testimony and/or proceedings, a transcript of which is
7 attached, was given before me at the time and place
8 stated therein; that any and/or all witness(es) were
9 duly sworn to testify to the truth; that the sworn
10 testimony and/or proceedings were by me stenographically
11 recorded and transcribed under my supervision, to the
12 best of my ability; that the foregoing transcript
13 contains a full, true, and accurate record of all the
14 sworn testimony and/or proceedings given and occurring
15 at the time and place stated in the transcript; that a
16 review of which was reserved; that I am in no way
17 related to any party to the matter, nor to any counsel,
18 nor do I have any financial interest in the event of the
19 cause.

20 WITNESS MY HAND and DIGITAL SIGNATURE this 13th day
21 of February, 2019.



22
23 _____
24 BETSY E. DECATER, RPR
Washington Certified Court Reporter, CCR 3109
bdecater@yomreporting.com

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EXHIBIT L

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)
 PLAINTIFF,) NO. 3:17-CV-05806-RJB
 VS.)
 THE GEO GROUP, INC.,)
 DEFENDANT.)
)
)

DEPOSITION UPON ORAL EXAMINATION OF
BERTHA HENDERSON

10:08 A.M.

JANUARY 30, 2019

800 FIFTH AVENUE, SUITE 2000

SEATTLE, WASHINGTON



REPORTED BY: BETSY E. DECATER, RPR, CCR 3109



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SEATTLE, WASHINGTON; JANUARY 30, 2019

10:08 A.M.

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BERTHA HENDERSON,
sworn as a witness by the Certified Court Reporter,
testified as follows:

EXAMINATION

BY MS. BRENNEKE:

Q. So before we start the inquiry today, I just want to put on the record that counsel for defendants, Michael Pusateri, and we have a couple of things we just want to let you know and make sure you understand, which is we've had two depositions in this case and we already have deposition exhibits up to No. 25. So we may ask you to look at those, and then we're going to start any exhibits today at 26 and we'll do it as continuing exhibits in an effort of reduce redundancy and waste.

A. Okay.

Q. And then the second thing is that in this case there's a protective order entered that's intended to protect confidential documents and records, and GEO has identified a number of records as confidential. In order to show them to people, we have been asked and we



1 have agreed to have people sign an exhibit that says you
2 will also maintain confidentiality. Instead of doing
3 that now, your counsel has said he'll go over that with
4 you and make sure you're honoring those agreements and
5 that's enough for us.

6 But I just want to let you know that some of the
7 stuff we're talking about is confidential and you
8 wouldn't want to talk about it outside of the deposition
9 in that sense.

10 A. Yeah.

11 MS. BRENNEKE: Are we good?

12 MR. PUSATERI: We are.

13 Q. (BY MS. BRENNEKE) So now let's go on to you.

14 A. All right.

15 Q. My name is Andrea Brenneke, and I represent the
16 State of Washington as one the assistant attorney
17 generals.

18 MS. CHIEN: I'm Marsha Chien. I'm also one of
19 the attorneys.

20 MS. BAKER: La Rond Baker also an assistant
21 attorney general.

22 Q. (BY MS. BRENNEKE) So we all represent -- I mean,
23 we're all working together as a team. I'll be doing
24 most of the questioning today. We're just taking turns.

25 A. Okay.



1 Q. So could you please state your name and spell it?

2 A. Bertha Henderson, B-e-r-t-h-a, H-e-n-d-e-r-s-o-n.

3 Q. And do you also go by a nickname?

4 A. Bert, B-e-r-t, yes.

5 Q. And is it okay if I call you Ms. Henderson?

6 A. That's fine.

7 Q. So what is your address?

8 A. 9014 Wildwood Avenue SW, Lakewood, Washington
9 98498.

10 Q. What is your current employer and position?

11 A. Northwest Detention Center, and I'm the food
12 service manager.

13 Q. And is Northwest Detention Center a corporation,
14 private corporation owned and operated by GEO?

15 A. GEO.

16 Q. So GEO is your actual employer?

17 A. Yes, correct.

18 Q. And Northwest Detention Center is your location?

19 A. Location, correct.

20 Q. Have you ever had your deposition taken before?

21 A. No.

22 Q. Okay. So let me just explain a little bit about
23 what this is. This is our opportunity to ask you
24 questions and to learn what you know.

25 A. Okay.



1 if you wanted a different opportunity?

2 A. Yes.

3 Q. Did you receive any training for your food
4 service manager position when you were hired?

5 A. With GEO?

6 Q. Yes.

7 A. Yes. We went through a six-week academy.

8 Q. At a corporate location?

9 A. The location was in Tacoma.

10 Q. And who produced -- I'm sorry, who conducted the
11 training?

12 A. It would have been the training director.

13 Q. Was it one-on-one training or --

14 A. No. It was a group.

15 Q. So other food service managers also were there
16 from other facilities?

17 A. No. When we were hired, there was six of us in
18 the academy and they were my -- the cooks and cooks that
19 were in the academy, and we went through that training
20 for six weeks before we actually started at GEO at the
21 facility.

22 Q. So it was you and other kitchen staff in the GEO
23 facility?

24 A. Yes.

25 Q. At Northwest Detention Center?



1 gets a certain portion of each part of the meal,
2 correct?

3 A. Correct. According to the menu, yes.

4 Q. And then all of that goes onto a cart that is
5 then brought into the pods; is that right?

6 A. That's correct. We satellite feed.

7 Q. So people are actually eating in their
8 residential areas in their dining spaces?

9 A. Correct. We don't have a chow hall, so we call
10 it satellite feeding.

11 Q. Satellite feeding?

12 A. Yes.

13 Q. Okay. Did the GEO staff have to work longer
14 hours in order to compensate for the detainee worker
15 drop in numbers?

16 A. They're already working a ten-hour shift. Most
17 of my cooks work ten-hour shifts and two work eight-hour
18 shifts.

19 Q. Did you ask them to work overtime or extra time
20 during that -- during this period when the detainee
21 workforce has been lower?

22 A. Well, with the overlap, it's covered. So there's
23 always that overlap there. So, again, they work two
24 tens and then an eight hour, and then also there's my
25 supervisor that's also there.



1 REPORTER'S CERTIFICATE

2 I, BETSY E. DECATER, the undersigned Certified Court
3 Reporter, pursuant to RCW 5.28.010 authorized to
4 administer oaths and affirmations in and for the State
5 of Washington, do hereby certify that the sworn
6 testimony and/or proceedings, a transcript of which is
7 attached, was given before me at the time and place
8 stated therein; that any and/or all witness(es) were
9 duly sworn to testify to the truth; that the sworn
10 testimony and/or proceedings were by me stenographically
11 recorded and transcribed under my supervision, to the
12 best of my ability; that the foregoing transcript
13 contains a full, true, and accurate record of all the
14 sworn testimony and/or proceedings given and occurring
15 at the time and place stated in the transcript; that a
16 review of which was waived; that I am in no way related
17 to any party to the matter, nor to any counsel, nor do I
18 have any financial interest in the event of the cause.

19 WITNESS MY HAND and DIGITAL SIGNATURE this 11th day
20 of February, 2019.

21 

22 _____
23 BETSY E. DECATER, RPR
24 Washington Certified Court Reporter, CCR 3109
25 bdecater@yomreporting.com



EXHIBIT M

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EXAMINATION BY: PAGE

Ms. Baker ----- 4

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Tumwater, Washington; June 18, 2019

1:36 p.m.

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LEONARDO JARAMILLO,
sworn as a witness by the certified court reporter,
testified as follows:

E X A M I N A T I O N

BY MS. BAKER:

Q. Good afternoon, Mr. Jarmillo.

A. Good afternoon.

Q. As you know, my name is LaRond Baker. I'm an assistant general in the Civil Rights Division of the Attorney General's Office representing Washington in the lawsuit challenging Geo's practice of paying detainee workers a dollar a day for work that they perform in the Voluntary Work Program. Would you please state your full name and work address for the record.

A. My work address? I have to pull this out to give you the right address. Leonardo Jarmillo. I work at the Mason County Juvenile Detention Center in Shelton.

Q. We don't need the exact address. I think that's good.



1 people to want to participate?

2 A. It wasn't anything about encouraging, no.

3 Q. Why did you provide the extra food for
4 individuals who were buffing the floors or painting the
5 walls?

6 A. All the thing is, if there was work, they
7 would get something in return. It was not just the one
8 crew. We'd make sure that they were all treated fairly.

9 Q. But this was on top of the dollar that they
10 received?

11 A. Yes.

12 Q. Why did you feel the need give them more than
13 just a dollar for their work?

14 A. Because a lot of them would work, not for the
15 dollar. They worked for a chance to come out of their
16 rooms. A lot of detainees that worked, that worked,
17 would tell -- they'd tell me, You know, I don't come to
18 work for a dollar. I can't care about the dollar. You
19 can give that to somebody else. I want to get out of my
20 room.

21 Q. Right.

22 A. That was their -- that was what they wanted to
23 do.

24 Q. Did they also want extra food?

25 A. No. It was something that was available. And



1 through the academy. It's a five-week academy. So a
2 lot of this is brought out during the academy.

3 Q. During the academy Geo officers are trained
4 how to supervise detainee workers?

5 A. That's their job.

6 Q. Their job is to supervise detainee workers?

7 A. Especially if you're a unit officer, you're
8 going to be working, supervising detainees in all
9 aspects of whatever it is.

10 Q. Why is that?

11 A. It's their job. It's what they were hired
12 onto. They were hired to -- part of our job is direct
13 supervision.

14 Q. Direct supervision of detainee workers?

15 A. Any detainee, direct supervision.

16 Q. Did you ever directly supervise detainee
17 workers in the pods or living areas?

18 A. When I was an officer.

19 Q. But that was not at the Northwest Detention
20 Center; is that correct?

21 A. Yes, it was.

22 Q. You were an officer at the Northwest Detention
23 Center?

24 A. Yes, I was.

25 Q. What years was that?



1 that is marked as Exhibit 1 of your deposition. It's a
2 document that's called Geo World. It's the first
3 quarter of 2017. Are you familiar with this document?

4 A. Never seen this.

5 Q. You've never seen it before? Can you turn to
6 page 8.

7 A. (Witness complies.)

8 Q. Take a second to look at the article "Murals
9 Brighten Walls and Spirits." Have you seen this article
10 before?

11 A. Yes, ma'am.

12 Q. What it is?

13 A. It's detainees who are artists would -- it
14 started with one detainee wanting to paint on the wall a
15 mural. And once he started painting, then other
16 artists, you know, would request to paint something on
17 the wall. And they would go through the -- they'd
18 submit a request to the law librarian who'd bring it to
19 me. And I'd take a look at it along with the picture
20 that he wants to draw. And I'd take it to the warden.
21 I'd give it to the warden. The warden goes up to ICE.
22 And they'd talk about it. If it's approved, it's
23 approved and we will get the detainee and say, Okay,
24 you're good to go.

25 Q. So just to break it down a little bit,



1 Detainees would do -- they would not let me do what I
2 needed to do, because I was the type of person that I
3 started my career with Geo and through my career till I
4 ended, I did whatever any detainee did, any officer did.
5 And I always had that standard to myself that I would
6 never, just because I put on a different shift or
7 different badge than the officers or the detainees, that
8 I would never put myself above any of them.

9 And that's what I always told detainees that I
10 supervised as well: You're no -- I'm no better than you
11 are. Just because I got a different uniform, I still do
12 the same things you do. So I gained their respect.
13 That was probably, like I said, the best 25 years of my
14 life, working with detainees. And I never had a
15 detainee complain to me about anything.

16 Like I said, a lot of times, detainees would
17 always tell me: I don't work for the dollar. I don't
18 care about the dollar. I care about coming out of my
19 room, having something to do instead being stuck in my
20 room. Give my dollar to somebody else. I don't care.
21 He just wanted to do something. A lot of times, walking
22 the units, they'd ask me for something to do just so
23 they can keep themselves busy.

24 So, again, everybody is entitled to their, to
25 their opinions. I don't have any opinion either way.



1 REPORTER'S CERTIFICATE

2 I, JACQUELINE L. BELLOWS, the undersigned
3 Certified Court Reporter pursuant to RCW 5.28.010 authorized
4 to administer oaths and affirmations in and for the State of
5 Washington, do hereby certify that the sworn testimony
6 and/or proceedings, a transcript of which is attached, was
7 given before me at the time and place stated therein; that
8 any and/or all witness(es) were duly sworn to testify to the
9 truth; that the sworn testimony and/or proceedings were by
10 me stenographically recorded and transcribed under my
11 supervision, to the best of my ability; that the foregoing
12 transcript contains a full, true, and accurate record of all
13 the sworn testimony and/or proceedings given and occurring
14 at the time and place stated in the transcript; that a
15 review of which was requested; that I am in no way related
16 to any party to the matter, nor to any counsel, nor do I
17 have any financial interest in the event of the cause.

18 WITNESS MY HAND AND DIGITAL SIGNATURE this
19 22nd day of June, 2019.
20

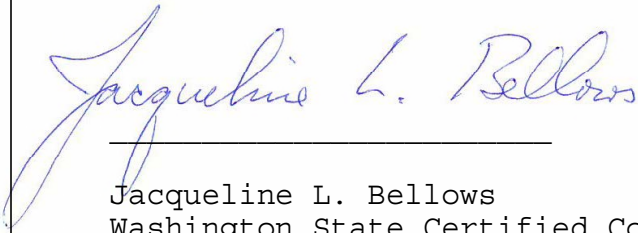
21 
22 _____
23 Jacqueline L. Bellows
24 Washington State Certified Court Reporter, No. 2297
25 jbellows@yomreporting.com



EXHIBIT N

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THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

CHAO CHEN, individually and)	
on behalf of all those)	No. 3:17-cv-05769-RJB
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE GEO GROUP, INC., a)	
Florida corporation,)	
)	
Defendant.)	

VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION OF
NWAUZOR UGOCHUKWU
June 19, 2018
Fircrest, Washington

Taken Before:

Laura A. Gjuka, CCR #2057
Certified Shorthand Reporter

A P P E A R A N C E S

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Also Present:

MICHAEL HEHENKAMP
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EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

Mr. Deacon

5

EXHIBIT INDEX

(No exhibits marked for identification.)

1 BE IT REMEMBERED that on the 19th of June,
2 2018, 9:11 a.m., at 1019 Regents Boulevard, Fircrest,
3 Washington, before LAURA A. GJUKA, CCR# 2057, Washington
4 State Certified Court Reporter residing at University
5 Place, authorized to administer oaths and affirmations
6 pursuant to RCW 5.28.010.

7 WHEREUPON the following proceedings were had,
8 to wit:

9 * * * * *

10 VIDEOGRAPHER: Good morning. We are on
11 the record. This is a videotaped deposition. Today's
12 date is June 19th, 2018, and the time is 9:11 a.m. My
13 name is Michael Hehenkamp, working with Sound Vision
14 Video Productions in Tacoma, Washington. This
15 deposition is being held at 1019 Regents Boulevard,
16 Suite 204, in Fircrest, Washington 98466. The case is
17 Chen versus The GEO Group.

18 Present for the plaintiff is Adam Berger. Present
19 for the defense and noticing the deposition is
20 Joan Mell. Also present is Charles Deacon. The witness
21 is Ugochukwu Nwauzor. The court reporter today is
22 Laura Gjuka who will now swear in the witness and
23 proceed with the deposition.

24 MR. DEACON: We have another appearance
25 here.

1 VIDEOGRAPHER: And also present is
2 Meena Menter.

3 MS. MELL: You do need to answer orally.

4 MR. DEACON: Do you agree to --

5 THE WITNESS: What?

6 MR. DEACON: You are sworn under oath to
7 tell the truth.

8 THE WITNESS: Yeah, I will swear on the
9 truth.

10 MR. BERGER: Yeah. You have to answer
11 orally and say, "I do."

12 THE WITNESS: I do.

13

14 UGOCHUKWU NWAUZOR, having been first duly sworn
15 by the Court Reporter, was
16 examined and testified as
17 follows:

18

19 EXAMINATION

20 BY MR. DEACON:

21 Q Mr. Goodluck, my name is Charlie Deacon, and I'm taking
22 your deposition here today because you have sued my
23 client, The GEO Group. Do you understand that?

24 A (Witness nods head.) Yeah.

25 Q You have to say yes or no.

1 A Yes, sir.

2 Q Okay. You understand that you have been designated as a
3 class representative in a class action lawsuit against
4 The GEO Group for your time at Northwest Detention
5 Center?

6 A Yeah.

7 MR. BERGER: And, Goodluck, if you could
8 just speak up --

9 THE WITNESS: Yeah.

10 MR. BERGER: -- to make it easier on the
11 court reporter --

12 THE WITNESS: Yeah.

13 MR. BERGER: -- and so the video captures
14 it. Thanks.

15 BY MR. DEACON:

16 Q why are you suing my client?

17 A For the work I did for GEO.

18 Q The work you did?

19 A Yeah.

20 Q what work did you do for GEO?

21 A when I was in detention, I cleaned the shower.

22 Q Okay. You cleaned the shower?

23 A Yeah.

24 Q In your pod?

25 A Yeah. In my pod, yeah.

1 Q Okay. And how often did you clean the shower in your
2 pod?

3 A I clean it every day.

4 Q Okay. Every day you were there?

5 A Yeah, every day.

6 Q Okay. And how long did it take you to clean your
7 shower?

8 A One hour plus.

9 COURT REPORTER: Sorry?

10 THE WITNESS: One hour plus.

11 BY MR. DEACON:

12 Q One hour plus?

13 A Yeah.

14 Q Did you sign up to do that, to clean the shower?

15 A Yeah, I signed up.

16 Q Okay. And was that part of a voluntary work program?

17 A (Unintelligible).

18 COURT REPORTER: I'm sorry?

19 THE WITNESS: It's not (unintelligible)
20 program.

21 COURT REPORTER: I didn't understand you,
22 I'm sorry. "It's not..."

23 THE WITNESS: It's voluntary work.

24 BY MR. DEACON:

25 Q Oh, so this was just the housekeeping policy?

1 Q Was there somebody working with you to clean the
2 showers --

3 A No --

4 Q -- or did you do it by yourself?

5 A -- by myself.

6 Q Okay. Did someone clean them in the morning too?

7 A Yeah. Other people clean the morning; some clean in the
8 night.

9 Q Okay.

10 A Yeah.

11 Q Okay. So the showers were cleaned three times a day?

12 A I know that I clean -- let me just be upfront. Mine is
13 afternoon.

14 Q Okay.

15 A Other people do their own job on their own time.

16 Q Okay. But did you see that the showers were also
17 cleaned in the morning?

18 A In the morning?

19 Q Yes.

20 A I clean afternoon, then other people clean in the
21 evening.

22 Q Okay. So you cleaned in the afternoon, but somebody
23 else cleaned the same showers in the evening?

24 A The evening?

25 Q Yes.

1 A Yeah. Excuse me, I made a mistake. I clean in the
2 afternoon.

3 Q Right.

4 A Other people clean in the night. After the shower might
5 be used in the night, I'm the one that's going to clean
6 it the next day. Nobody clean in the morning.

7 Q Nobody clean in the morning?

8 A Nobody clean in the morning.

9 Q Okay. So they were cleaned in the afternoon and at
10 night?

11 A In the afternoon. Because in the morning, when I --
12 when they clean in the night, it's going to be -- it's
13 going to be cleaned in the morning for people to use.
14 Then after people using it, I'm the one going to clean
15 it.

16 Q Okay.

17 A Yeah.

18 Q All right. So tell me, how would you clean the showers?
19 what did you do?

20 A Yeah. I use -- there is one rubber -- you take
21 chemical, you know. Take a chemical and mop. There is
22 1, 2, 3, 4, like, five segments, different, different
23 rooms for shower. Then I use the chemical and the
24 rubber, mop the wall. You know, clean the ground. You
25 know, a lot of -- when people use, a lot of mess. You

1 see a lot of things which I cannot, you know -- you
2 know, a lot of mess in there.

3 Q So you would clean that -- clean up whatever is in the
4 shower?

5 A Yeah.

6 Q Okay. Did -- did you do anything other than cleaning
7 showers?

8 A My job is clean the shower.

9 Q Okay.

10 A Yeah. And also I have other people who work in the
11 kitchen, work in the barbershop. That one is outside
12 the pod.

13 Q You were inside the pod?

14 A I work inside the pod.

15 Q Okay. You did not work in the kitchen?

16 A I didn't work in the kitchen.

17 Q You did not work in the barbershop?

18 A No, I didn't work in the barbershop. I didn't work in
19 the laundry.

20 Q You did not work in the laundry?

21 A Yeah, I have other people work in other areas.

22 Q Okay. Just to make sure, you did not work in the
23 laundry?

24 A Yeah, they work in the laundry.

25 Q Okay. The only thing you did was clean the showers in

1 your pod in the afternoon for about an hour?

2 A Yeah.

3 Q Okay. No other jobs?

4 A That's my job.

5 Q So the entire time you were there, that's what you did?

6 A Yeah.

7 Q Was there any period of time from when you first went in
8 to orientation to the time you started -- before you
9 could -- you could start cleaning the showers?

10 A Excuse me?

11 Q Bad question. Let me -- did you have to wait for a job
12 to open?

13 A Yeah. This is the way. Sometime they going to bring
14 people there is job for. You guys, we need people in
15 laundry, we need people in kitchen, we need people in
16 different area of detention. Then we have instruction
17 we should come in and sign. I got my own in my pod.
18 The guy that was doing the job, I don't know whether
19 deported or I don't know, but he leave the job. Then
20 the opportunity come for me to grab it. That's how I
21 got the job.

22 Q Okay. So you grabbed the job because it became open?

23 A It's open. A lot of people got it through that way. Or
24 sometimes they bring the paper. You know, if you want
25 to work in the laundry, if you want to work in the

1 barbershop. I had as any opportunity, you know, start.

2 Q Okay. Did you sign up to work in the voluntary work
3 program more than once?

4 A Voluntary work? Yeah. We do sometimes voluntary work
5 in our pod. We do it. And the G-4 -- G-2 go and
6 investigate when I was there, we are the best, you know,
7 best apartment. Very neat and very conditioned.

8 Q So you kept -- the people in G-2 keep their pod nice and
9 clean?

10 A Yeah, we win a lot of gift.

11 Q Okay.

12 A Yeah.

13 Q So you were recognized for doing a good job keeping your
14 living area clean?

15 A That is general job. When we do voluntary job, it's
16 different from the -- the shower. Voluntary job, don't
17 do anything in shower.

18 Q Okay.

19 A We clean the whole area. You know, clean microwave,
20 clean the TV, you know, remove all the cob web in the --
21 you know, the entire area. The shower is different from
22 voluntary job.

23 Q So the people in G-2 took pride in keeping their living
24 space clean?

25 A Yeah. Also it's not every day that we done our job,

1 Saturday, yeah.

2 Q What other activities did you do when you were at
3 Northwest Detention Center?

4 A Not detention center I was -- not do anything other than
5 to read my Bible. Because I don't know what's going to
6 be my status because I was living in fear. I don't
7 know -- yeah.

8 Q You didn't -- you didn't know how long you would be
9 there?

10 A I don't know how long I'm going to be there.

11 Q Okay. Did you go use the recreation yard?

12 A Yeah. Yeah. I follow, you know, not every time. I go
13 outside, try to have sunlight, you know.

14 Q Get some exercise?

15 A Exercise, you know. Some play football outside there,
16 but I was afraid of doing all those things so I will not
17 injure myself.

18 Q Okay. Do you ever communicate with your family back in
19 Nigeria?

20 A Yeah.

21 Q How do you communicate with them?

22 A I use the -- it's a phone in the -- in the pod. Yeah.

23 Q Okay. So you were able to use a phone in the pod at
24 Northwest Detention Center to call your family --

25 A Yeah.

1 Q Okay.

2 A But a woman came -- I don't know they call it -- kind of
3 trying to know my problem about depression.

4 Q Uh-huh.

5 A It's not mental. I don't know.

6 Q Depression. That's what I'm talking about.

7 A Yeah, depression. A woman came. Because when you say
8 mental, I didn't have mental. You know, a woman came
9 for depression, you know. I met a lady.

10 Q Okay.

11 A Yeah.

12 Q Was the lady the only person that you ever got
13 counseling from when you were at Northwest Detention
14 Center?

15 A Yeah. She is the only one that's --

16 Q Okay.

17 A And the help of the church. The help of the church.

18 Q And the church too?

19 A Yeah, I talk to pastors.

20 Q All right. Did you -- when you talked to the pastors at
21 church, was that only on Sunday or did you go different
22 days of the week too?

23 A Some people go, you know, Saturdays, Sundays. I can't
24 remember the day we -- but I know Sunday -- Saturday or
25 Sunday I go to church in detention.

1 Center, did they provide you any medications to take for
2 your depression?

3 A No, it's --

4 Q Just talking?

5 A It's talk and they tell me what to do and some books to
6 read, you know.

7 Q Some books to read?

8 A Yeah.

9 Q Did you read those books?

10 A Yeah, there is one book I read. Also, I can't remember,
11 through some friends in the detention I borrowed in
12 library -- in our pod, we have some novels good to --
13 you know, to read when you're, like, feeling not okay.
14 Trying to get myself reading books.

15 Q Okay.

16 A Yeah.

17 Q So you had some books you could read right in your
18 living area?

19 A Yeah. We have a book, you know, box in detention.

20 Q You had books you could read there?

21 A Yeah.

22 Q Did you also go to the library to read some books?

23 A No, I don't go to library.

24 Q Okay. Did she give you a book to read then, the
25 counselor? You mentioned she told you a book to read.

1 Q what's that?

2 A I never dream for that, no.

3 Q Okay. who showed you how to do the -- cleaning the
4 showers?

5 A The guy before me. I met the guy when he was working
6 there before me.

7 Q Okay. Because he was leaving, he was -- he showed you
8 how to do it?

9 A No, he is also working there. He is doing the same job.

10 Q Oh, the guy who works the night?

11 A Are you talking about Marriott or -- I don't know what
12 you're talking about.

13 Q Okay. You took a job to clean the living area in your
14 own pod. who showed you how to do that?

15 A In the detention?

16 Q Yes.

17 A Okay. A guy showed me.

18 Q who?

19 A One guy showed me in the pod.

20 Q was that the person who was already cleaning the
21 showers?

22 A I don't know, but the guy have the idea.

23 Q Okay.

24 A The guy have the idea. But I don't know if he had work,
25 have the experience before, but when -- when I took the

C E R T I F I C A T E

1
2 I, Laura Gjuka, a Certified Court Reporter in
3 and for the State of Washington, residing at
4 University Place, Washington, authorized to administer
5 oaths and affirmations pursuant to RCW 5.28.010, do
6 hereby certify;

7 That the foregoing Verbatim Report of Proceedings
8 was taken stenographically before me and transcribed
9 under my direction; that the transcript is a full, true
10 and complete transcript of the proceedings, including
11 all questions, objections, motions and exceptions;

12 That I am not a relative, employee, attorney or
13 counsel of any party to this action or relative or
14 employee of any such attorney or counsel, and that I am
15 not financially interested in the said action or the
16 outcome thereof;

17 That upon completion of signature, if required, the
18 original transcript will be securely sealed and the same
19 served upon the appropriate party.

20 IN WITNESS HEREOF, I have hereunto set my hand this
21 25th day of June, 2018.

22
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25 _____
Laura Gjuka, CCR No. 2057

EXHIBIT O

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THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

CHAO CHEN, individually and)	
on behalf of all those)	No. 3:17-cv-05769-RJB
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE GEO GROUP, INC., a)	
Florida corporation,)	
)	
Defendant.)	

DEPOSITION UPON ORAL EXAMINATION OF
FERNANDO AGUIRRE-URBINA
June 11, 2018
Tacoma, Washington

Taken Before:

Laura A. Gjuka, CCR #2057
Certified Shorthand Reporter

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Also Present:

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EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

Ms. Mell

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EXHIBIT INDEX

EXHIBIT NO.

DESCRIPTION

PAGE NO.

Exhibit No. 21

18 pages, Siegley v.
Aguirre-Urbina Dissolution of
Marriage paperwork

86

Exhibit No. 22

19 pages, Personal Restraint
Petition

86

Exhibit No. 23

1 page, Volunteer Work Program
Agreement

276

1 BE IT REMEMBERED that on the 11th of June,
2 2018, 9:08 a.m., at 1623 East J Street, Washington,
3 before LAURA A. GJUKA, CCR# 2057, Washington State
4 Certified Court Reporter residing at University Place,
5 authorized to administer oaths and affirmations pursuant
6 to RCW 5.28.010.

7 WHEREUPON the following proceedings were had,
8 to wit:

9 * * * * *

10 VIDEOGRAPHER: This is the video-recorded
11 deposition. Today's date is June 11th, 2018. The time
12 is 9:08. My name is Dave Hansen. I'm subcontracted by
13 Sound Vision Video Production, 4821 North 14th Street,
14 Tacoma, Washington 98406, phone number 253-905-4941.

15 The deposition today is being held at 1623 East J
16 Street, Tacoma, Washington, the case is Chen versus
17 GEO Group. Present for the plaintiff,
18 Devin Theriot-Orr, Adam Berger. Present for the
19 defense, Joan Mell, Charles Deacon. The witness is
20 Fernando Urbina. The court reporter is Laura Gjuka who
21 will now swear in the witness.

22 FERNANDO AGUIRRE-URBINA, having been first duly sworn
23 by the Court Reporter, was
24 examined and testified as
25 follows:

EXAMINATION

BY MS. MELL:

Q State your name.

A Fernando Aguirre.

Q what's the Urbina?

A Urbina is my second last name.

Q So how do you refer to yourself? what's your legal name?

A Fernando Aguirre Urbina.

Q Do you hyphenate it?

A what's hyphenate?

Q Do you put a dash in between the two names?

A Yes.

Q Okay. And is Aguirre your mother's maiden name?

A Yes. No, Urbina.

Q Urbina is your mother's?

A Yes.

Q And Aguirre is who?

A My father's.

Q Okay. And where are they?

A The Yakima valley.

Q How long have they been there?

A I'm not sure at this time. Probably 20 years.

Q what are their names?

A Anna.

1 worse; the diphenhydramine is more to take if the
2 cetirizine doesn't take them fully away.

3 Q Are you on it today?

4 A I took it yesterday. So maybe it is still in my system.

5 Q What dose?

6 A 25 milligrams.

7 Q Did you take it at the same time as the cetirizine?

8 A No.

9 Q When did you take it?

10 A Around 12:00 o'clock at night.

11 Q At night?

12 A Yeah.

13 Q So early this morning?

14 A Yes.

15 Q And you were up at that hour?

16 A Yes, I was.

17 Q Why were you up at 12:00 a.m.?

18 A So maybe it's the detention, but I could -- I have a
19 problem with sleeping. I can't sleep. I don't want to
20 stress my body out more by forcing it to sleep, so I
21 will listen to talk radio. I will -- and commercials
22 during talk radio, I will read a page of the Bible, and
23 I will also express myself through poetry.

24 Q Okay. So at 12:00 a.m. you're able to listen to talk
25 radio?

1 him?

2 A No.

3 Q Okay. One of the things you were telling me earlier was
4 how you spend your day. What activities do you engage
5 in?

6 A So when I wake up, I'll take my vitamins. I drink a lot
7 of water. I'll have lunch. Around 2:00 o'clock I'll
8 attempt to exercise for one or two hours. Around
9 4:00 o'clock we have count. I have a Bible study.
10 After count, I try to play dominoes with some friends or
11 watch TV, try to find something to do.

12 Q Do you do anything else?

13 A I like to write a lot of poetry.

14 Q How often do you clean up after yourself?

15 A I've become better at that. Yeah, you know, it's one of
16 our turns -- one of -- so I live with four people in one
17 cell. So every day it's a different person's turn to
18 clean. Maybe it's, I don't know, anxiety or something,
19 but I like to organize everything, you know?

20 Q Is that your OCD?

21 A Maybe it's just compact energy and I need to burn it
22 somehow. So I just start --

23 Q How many psychological evaluations have you had?

24 A So any evaluations, I know I've had more than -- one for
25 sure. I used to have monthly checkups with a provider,

1 A Sorry, yes. I'm a little slow. Sorry.

2 Can you repeat the question?

3 Q why did you do any of the activities you were asked to
4 do?

5 A To work? well, I mean, I wanted a job. It gave me a
6 little bit of fulfillment.

7 Q How long were you here before you decided to participate
8 in any activities?

9 A I don't --

10 MR. THERIOT-ORR: Objection, ambiguous.

11 THE WITNESS: I don't remember. That
12 was -- I've been here since 2012. I don't remember.

13 BY MS. MELL:

14 Q How much time have you been here without doing anything?

15 A That's a good question. I don't know.

16 Q what are you doing today? Are you doing any of those
17 activities today?

18 A Are you asking of work?

19 Q I don't know. I want to know, are you going to
20 participate in anything that you have been asked to do
21 by GEO today?

22 A So you're asking me about work, right?

23 Q well, I don't know. what do you call work?

24 A Yeah, I'm going to work today.

25 Q You think that work is doing what?

1 A work is doing what? I mean, obviously you fill out,
2 what's it called, what's required of you, sign it, and
3 then you do your job.

4 Q So what do you expect to do today?

5 A Pick up garbage.

6 Q when?

7 A Around 11:45.

8 Q Are you speaking about 11:45 p.m.?

9 A Yes.

10 Q And what garbage do you pick up?

11 A The garbage outside of the pods.

12 Q what garbage is outside of the pods?

13 A The garbage put out.

14 Q So are you speaking about garbage that's in plastic
15 bags?

16 A Yes.

17 Q Okay. So you're not picking up the garbage, you're
18 picking up the plastic bag that the garbage is in?

19 A Yeah.

20 Q And what are you doing with it?

21 A So we get the plastic bags, put them in the bin, take
22 them to where the bins need to be and -- yeah.

23 Q So what does that mean, "take to where the bins"?
24 You're just pushing the bags down the hallway?

25 A So I had to go get the garbage from the units, you know.

1 A A couple hundred dollars.

2 Q why?

3 A It's expensive being in here.

4 Q what do you spend your money on?

5 A Food.

6 Q what kind of food?

7 A Rice, a lot of soy sauce, hot sauce, sugar, coffee,
8 candy. whatever is available.

9 Recently we were given some tablets, so now we could
10 listen to music and like message and stuff. But it's
11 pretty expensive, 5 cents a minute. I mean, it adds up.

12 Q Are you given rice to eat without having to pay for it?

13 A Yes.

14 Q Are you given soy sauce to eat without having to pay for
15 it?

16 A Not constantly. And if it's on there, I never tasted
17 it.

18 Q Are you given hot sauce without having to pay for it?

19 A No, I don't think so.

20 Q Are you given sugar without having to pay for it?

21 A Yes, sweetener.

22 Q Are you given coffee without having to pay for it?

23 A A small little pouch.

24 Q what contribution, if any, do you make to the meals you
25 are served every day?

1 brought here.

2 Q You contribute because you're present here?

3 A Bed space. I believe so. That's my personal belief
4 though.

5 Q So the mere fact that you exist on the inside is enough
6 to pay for the food?

7 MR. THERIOT-ORR: Objection,
8 mischaracterizes prior testimony.

9 THE WITNESS: I mean, to me, I don't know.
10 It's probably business. You know what I mean? So...

11 BY MS. MELL:

12 Q So that part of the business isn't dependent upon you
13 picking up the garbage, right?

14 A What do you mean?

15 Q The fact that you're entitled to a meal and the bed
16 payment would pay for your meal has nothing to do with
17 you picking up garbage? If you pick up the garbage or
18 not, you're entitled to a meal?

19 A Yeah. This facility is extremely closed out. We do not
20 have enough freedom. So, I mean, having a job, it kind
21 of gives me a little something to do. Maybe it will
22 take my mind off of a lot of stresses that I already
23 have, or it will allow me to focus on something
24 different. So having a job, I mean, it's -- we don't
25 have much to do here. There is not -- there is not any

1 THE WITNESS: What do you mean?

2 BY MS. MELL:

3 Q You did not feel that the pay was a big enough concern
4 that you complained about it?

5 MR. THERIOT-ORR: Same objection.

6 THE WITNESS: Like I said, I'm not, you
7 know, one to complain, you know, about a lot of stuff.
8 I guess I just accepted that this is just how things are
9 right now.

10 BY MS. MELL:

11 Q And, in fact, you signed up to get \$1 per day, correct?

12 A I signed a -- I mean, I signed a form, yes. I don't
13 remember exactly the -- is that the pay? Yes, that's
14 the pay, \$1.

15 Q You knew when you signed up that you would get nothing
16 more than \$1 per day?

17 A Yeah. That was very clear that it was \$1 per day.

18 Q And you chose to accept that condition without
19 complaint?

20 A Being the only thing available, what other choice -- you
21 know, what other -- what other options did I have?

22 Q To sit in your bunk and not do anything.

23 A Like I previously stated, having a job allowed me to
24 take my mind off of a lot of things that I was going
25 through.

1 So then I'll make my way back to the elevator where
2 we'll get escorted down. Then I will go to the golf
3 pod. I mean, the fox pod, sorry. I will do the same
4 thing. If there is boxes that are not bagged, we put
5 those in there also. If there is plastic bags, again,
6 bags of clothing or trays, well, then we do that.

7 Q How long does that loop take you?

8 A It could take an hour. Less than an hour sometimes.

9 Q You don't do it by yourself?

10 A So there is -- it starts at A -- the pods A, B, C, D, E,
11 F, G. So there will be some that gets the other pods,
12 and then there will be some individuals that do the
13 mopping, the sweeping.

14 And then certain times of the month or certain times
15 of the year, either -- there is visiting people -- we
16 will paint the walls. We will also -- the same detail
17 will wax the floors. So we'll get the wax. If it's --
18 the floors are messed up.

19 Q Okay, but you're way off track from what I asked you.

20 A It's the same crew. It depends what they --

21 Q I think I asked you if you work alone?

22 A Okay. work alone? No, I said there is several people.

23 So some of them will get the A pods, B pods, and C pods.

24 Q So you don't even have to do all of this stuff?

25 A No. All of it? No, we split it up.

1 housing unit, correct?

2 A Yes. My job does not require me to go into the unit.

3 That is another detainee's job.

4 Q Okay. So to the extent of what you do, you pick up
5 what's already been accumulated in one location, and you
6 put it into a cart that allows you to transport it to a
7 different location?

8 A Put it into a cart and move it?

9 Q Yes.

10 A Yeah.

11 Q Okay. So last night, did you do this?

12 A Yes.

13 Q What time?

14 A Around 11:40, 11:50.

15 Q So at 11:40 you went to the podium?

16 A My co-worker had already arrived with the carts, so I
17 didn't have to go to the podium until I was done.

18 Q So when you said your "co-worker already arrived with
19 the carts," what does that mean? Arrived where?

20 A To my unit.

21 Q All right. So you just went to the door of your unit
22 and met him?

23 A Yeah.

24 Q And then you and this person, co-worker, whose name is
25 Lane?

1 A GEO. I mean, this is where I live. This is where I
2 work. I believe so. You know, this is my point of
3 view. This is what I think, you know?

4 Q who do you think pays the dollar a day?

5 A GEO probably.

6 Q Don't you think that people like me pay it by paying
7 taxes --

8 MR. THERIOT-ORR: Objection,
9 argumentative.

10 BY MS. MELL:

11 Q -- to pay for the facility to pay GEO?

12 A Yeah, but see -- I mean, like I said -- I mean, like
13 when I was growing up, like I said, after every check
14 that I would get, remember how I told you that I would
15 get money taken out? Well, I mean, I remember them
16 taking out -- one check stub I remember it said \$50.52
17 for Social Security. I'm never going to get that money
18 back. And that's just -- that's just one of me. You
19 know what I mean? That's just one of me. A lot of
20 people working and contributing to Social Security that
21 we're not going to receive. So, I mean, I'm
22 contributing in a way also.

23 Q How have you not benefited by Social Security?

24 A Isn't Social Security -- what is the description of
25 Social Security?

C E R T I F I C A T E

1
2 I, Laura Gjuka, a Certified Court Reporter in
3 and for the State of Washington, residing at
4 University Place, Washington, authorized to administer
5 oaths and affirmations pursuant to RCW 5.28.010, do
6 hereby certify;

7 That the foregoing Verbatim Report of Proceedings
8 was taken stenographically before me and transcribed
9 under my direction; that the transcript is a full, true
10 and complete transcript of the proceedings, including
11 all questions, objections, motions and exceptions;

12 That I am not a relative, employee, attorney or
13 counsel of any party to this action or relative or
14 employee of any such attorney or counsel, and that I am
15 not financially interested in the said action or the
16 outcome thereof;

17 That upon completion of signature, if required, the
18 original transcript will be securely sealed and the same
19 served upon the appropriate party.

20 IN WITNESS HEREOF, I have hereunto set my hand this
21 13th day of June, 2018.

22
23
24
25 _____
Laura Gjuka, CCR No. 2057

EXHIBIT P

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Tacoma, Washington; July 9, 2018

9:50 a.m.

--oOo--

RYAN KIMBLE,

sworn as a witness by the certified court reporter,

testified as follows:

E X A M I N A T I O N

BY MS. BAKER:

Q. Good morning, Mr. Kimble.

A. Good morning.

Q. As you know, my name is LaRond Baker and I'm an attorney for the State of Washington in this matter. Our other counsel who's at the table is Andrea Brenneke. And we are here with Cassidy, who is our intern.

Would you please state your full name for the record.

A. Ryan Edward Kimble.

Q. How do you spell your last name?

A. K-I-M-B-L-E.

Q. And your employer?

A. The Geo Group.

Q. And what is your position for the Geo Group?

A. I'm the associate warden for finance and



1 Group?

2 A. Right at 10 years.

3 Q. How long have you worked for the Geo Group at
4 the Northwest Detention Center?

5 A. Five years.

6 Q. What positions have you held during your
7 employment with the Geo Group at the Northwest Detention
8 Center?

9 A. The same position I currently hold.

10 Q. What position is that?

11 A. The associate warden of finance and
12 administration.

13 Q. What are your duties and responsibilities as
14 the associate warden?

15 A. Documents and responsibilities include
16 purchasing of anything that the facility needs for
17 security and running of the facility, paying all of the
18 bills, and budgeting for the facility.

19 Q. Thank you. What is the Voluntary Work
20 Program?

21 A. The voluntary Work Program is a program that
22 is an ICE program, administered by the facility for ICE.

23 Q. What happens in this program?

24 A. We follow the ICE protocols and ICE rules on,
25 on giving opportunities for detainees to get out and use



1 their mind and use their bodies where they're not just
2 sitting in the detention center housing units.

3 Q. What occurs in the Voluntary Work Program?

4 A. What occurs in the Voluntary Work Program?

5 Detainees sign a sheet that says that they're
6 volunteering to sign up for a program. They decide what
7 they would like to do. That includes laundry. That
8 includes kitchen services. That includes the cleaning
9 of the housing units, the communal spaces where the
10 detainees live. This includes the cleaning of the
11 communal walkways on is the secured side of the facility
12 where the detainees live and where they are housed. And
13 it includes -- I think I said laundry. It's really a
14 self -- it's a cleaning program.

15 Q. Is the Voluntary Work Program integral to
16 operations of the Northwest Detention Center?

17 MS. MELL: Object to the form.

18 A. If we didn't have it, we would still do the
19 same thing. We would still provide the service and
20 maintain the facility based on the PBNDS and high
21 standards.

22 Q (By Ms. Baker) And who would perform those
23 duties if it are were not detainee-workers?

24 MS. MELL: Object to the form of the question.

25 Calls for speculation.



1 Q. But this is your policy?

2 A. This is our policy that mirrors -- this is
3 Geo's policy that mirrors ICE's policy because this
4 program is ICE's Voluntary Work Program and we are bound
5 by all the rules and regulations for ICE.

6 Q. So Geo does terminate detainee-workers from
7 the Voluntary Work Program for unsatisfactory
8 performance?

9 A. No.

10 Q. Let's move on from that exhibit.

11 Is there a list of every position a detainee
12 can perform in the Voluntary Work Program?

13 A. Yes.

14 Q. Where would I find that list?

15 A. I think it was provided with the papers for
16 the facility. The facility provided it. It is the --
17 if understand right, it will say kitchen and/or it will
18 say laundry. It will say housing unit, pod porter. I
19 don't know if they use the word "pod porter." That's my
20 previous work coming through. Pod cleaner.

21 (Deposition Exhibit No. 3 marked for
22 identification.)

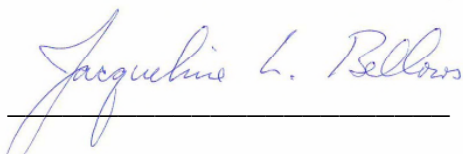
23 MS. MELL: I'm going to offer Exhibit 3 as a
24 uniform exhibit. There's no -- it's several different
25 documents. It's not a list. But other than that, I



1 REPORTER'S CERTIFICATE

2 I, JACQUELINE L. BELLOWS, the undersigned
3 Certified Court Reporter pursuant to RCW 5.28.010 authorized
4 to administer oaths and affirmations in and for the State of
5 Washington, do hereby certify that the sworn testimony
6 and/or proceedings, a transcript of which is attached, was
7 given before me at the time and place stated therein; that
8 any and/or all witness(es) were duly sworn to testify to the
9 truth; that the sworn testimony and/or proceedings were by
10 me stenographically recorded and transcribed under my
11 supervision, to the best of my ability; that the foregoing
12 transcript contains a full, true, and accurate record of all
13 the sworn testimony and/or proceedings given and occurring
14 at the time and place stated in the transcript; that a
15 review of which was requested; that I am in no way related
16 to any party to the matter, nor to any counsel, nor do I
17 have any financial interest in the event of the cause.

18 WITNESS MY HAND AND DIGITAL SIGNATURE this
19 27th day of July, 2018.

20
21 

22 _____
23 Jacqueline L. Bellows
24 Washington State Certified Court Reporter, No. 2297
25 jbellows@yomreporting.com



EXHIBIT Q



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In the Matter of:

NWAUZOR

vs

GEO GROUP

BYRON EAGLE

December 05, 2019

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NWAUZOR vs GEO GROUP
Eagle, Byron - December 05, 2019

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON

NWAUZOR, et al.,)
)
 Petitioners,)
)
 v.) No. 3:17-cv-05769-RBJ
)
 THE GEO GROUP, INC.,)
)
 Respondent.)

Deposition Upon Oral Examination
of
BYRON EAGLE

Taken at 1019 Regents Boulevard
Fircrest, Washington

DATE: Thursday, 5 December 2019

REPORTED BY: Gloria C. Bell, CCR 3261

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Also Present: ROSS PETERSON

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Ms. Mell.....	52

* * *

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Exhibit No. 334	Amended subpoena.....	4
Exhibit No. 335	Class Action Complaint.....	4
Exhibit No. 336	Declaration of B.Eagle.....	4
Exhibit No. 337	Initial filing of Complaint.....	4
Exhibit No. 338	SCC final Report for 10/28/11.....	4
Exhibit No. 339	Engrossed Substitute Senate Bill 6052.....	4

1 FIRCREST, WASHINGTON; THURSDAY, 5 DECEMBER 2019

2 1:00 P.M.

3 --o0o--

4 (Deposition Exhibit Nos. 334-339 was
5 marked for identification.)

6 (Deposition started at 1:16 p.m.)

7 BYRON EAGLE, witness herein, being first duly
8 sworn on oath, was examined and
testified as follows: examination:

9 MS. MELL: For the record the my name is Joan
10 Mell. I'm appearing on behalf of the GEO,
11 respondents.

12 MS. BRENNEKE: I'm Andrea Brenneke with the
13 Attorney General's Office and the Civil Rights
14 Division.

15 MS. MELL: And you're here because?

16 MS. BRENNEKE: I am here because we have been
17 consolidated for trial with the Nwauzor case, and I
18 am representing the state in the case against GEO.

19 MS. MELL: Did you mean for discovery?

20 MS. BRENNEKE: Hmm?

21 MS. MELL: I don't think we've been
22 consolidated for trial.

23 MS. BRENNEKE: For the liability portion of
24 the trial.

25 MR. MINGAY: Craig Mingay with the Attorney

1 General's Office. I represent the witness.

2 **THE WITNESS: Byron Eagle with the Special**
3 **Commitment Center.**

4 MR. PETERSON: Ross Peterson, paralegal with
5 the Attorney General's Office.

6 EXAMINATION

7 BY MS. MELL:

8 Q. Okay. Did I say state your name? I did, didn't
9 I?

10 **A. Nope.**

11 Q. State your name.

12 **A. Byron Eagle.**

13 Q. And your title?

14 **A. Chief of secure residential operations.**

15 Q. All right. And you have before you -- showing
16 you what's marked as Exhibit 334. Do you recognize that
17 document?

18 **A. Yes.**

19 Q. All right. You have been designated as a
20 speaking agent on behalf of the State of Washington for
21 topics six through ten as reflected in Exhibit 334.

22 **A. Yes.**

23 Q. And you're familiar with the subject matter?

24 **A. Yes.**

25 Q. And how did you become familiar with that

1 Q. Okay. So the state does not pay minimum wages
2 to Special Commitment Center detainees who are working at
3 the Special Commitment Center?

4 **A. I'm trying to follow it. Say it one more time.**
5 **Sorry.**

6 Q. The state -- the state has Special Commitment
7 Center detainees doing work for it, without paying the
8 minimum wages and without giving them vocational training.

9 MS. BRENNEKE: Object to the form. Compound.

10 **A. So they all participate in the vocational**
11 **program if they're performing work.**

12 Q. (By Ms. Mell) But they're not getting training,
13 are they?

14 **A. Training in what?**

15 Q. Well, it's not really vocational training;
16 correct? There's no start and stop date?

17 MS. BRENNEKE: Object to the form.

18 **A. No.**

19 Q. (By Ms. Mell) And there's no -- you would agree
20 that people are cleaning the toilets who aren't getting a
21 degree in anything?

22 **A. Right. Yes.**

23 Q. And they're cleaning the toilets at the Special
24 Commitment Center because they're detained by the State of
25 Washington, and they are not paid minimum wages to do so.

1 **A. Yes.**

2 Q. And, in fact, most of the participants in the
3 vocational -- well, strike that.

4 The program that you're talking about in your
5 declaration, you refer to it as an RVP; is that correct?

6 **A. Yes.**

7 MS. BRENNEKE: Object to the form.

8 **A. RVP, yes.**

9 Q. (By Ms. Mell) Okay. So when I use the term RVP,
10 anybody who's performing work at the Special Commitment
11 Center has a status in the RVP?

12 **A. Right; yes.**

13 Q. Okay. Is there anyone who is a detainee at the
14 Special Commitment Center who performs work but isn't in
15 the RVP?

16 **A. Not that I'm aware of.**

17 Q. And is it correct that Mr. Calvin Malone has
18 performed work as clerk for the chaplain at \$2.50 per hour
19 and as a recreational clerk at 2.50 per hour for years
20 without receiving any credentials?

21 **A. Credentials?**

22 MS. BRENNEKE: Object to the form.

23 **A. I wouldn't know exactly what credentials he may
24 or not have received.**

25 Q. (By Ms. Mell) Does the Special Commitment Center

1 Q. The kind of work that the detainees are doing
2 includes janitorial work; is that right?

3 **A. Yes.**

4 Q. Is the kind of janitorial work that is necessary
5 to maintain the operational -- to maintain operations at
6 the SCC?

7 **A. Some of it, yes.**

8 Q. Does it include food preparation?

9 **A. Yes.**

10 Q. And with regard to food preparation, the
11 legislature directed the Special Commitment Center to look
12 into more cost effective means for meal preparation at the
13 facility; isn't that correct?

14 **A. Yes.**

15 Q. And I'm showing you what's been marked as
16 Exhibit 338. Do you recognize that document? Somehow I
17 got mine mixed up, 339. Is that the legislation that you
18 looked at in advance of your deposition? Or at least the
19 portion of -- the SCC portions of the legislation?

20 **A. Yes.**

21 Q. All right. And are you familiar with the
22 direction from the legislature in the Budget Act from 2015
23 directing the Special Commitment Center to review its
24 current food services for the SCC for opportunities to
25 consolidate and centralize, emphasizing opportunities for

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify: That the foregoing deposition of the witness named herein was taken stenographically before me and reduced to a typed format under my direction;

That, according to CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition after same was transcribed, unless indicated in the record that the review was waived;

That I am not a relative or employee of any attorney or counsel or participant and that I am not financially or otherwise interested in the action or the outcome herein;

That the witness coming before me was duly sworn or did affirm to tell the truth;

That the deposition as transcribed is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions, and examinations, and said transcript was prepared pursuant to the Washington Administrative Code 308-14-135 preparation guidelines;

That as a matter of firm policy, the stenographic notes of this transcript will be destroyed three years from the date appearing on this transcript, unless notice is received otherwise from any party or counsel on or before said date.



GLORIA C. BELL, CCR
State of Washington CCR #3261

EXHIBIT R

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of)
all those similarly situated,)
)
Plaintiffs/Counter-Defendants.)
)
vs.)
)
THE GEO GROUP, Inc.,)
)
Defendant/Counter-Claimant.)

NO. 3:17-CV-05769-RJB

DEPOSITION UPON ORAL EXAMINATION OF SEAN MURPHY

Thursday, December 19, 2019
Tumwater, Washington

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

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MS. ANDREA BRENNEKE
ASSISTANT ATTORNEY GENERAL
800 Fifth Avenue, Ste. 2000
Olympia, WA 98104-3188

FOR THE DEPARTMENT OF SOCIAL & HEALTH SERVICES :

MS. SARAH COATS
ASSISTANT ATTORNEY GENERAL
P.O. Box 40124
Olympia, WA 98504-0124

MR. CRAIG MINGAY
ASSISTANT ATTORNEY GENERAL
P.O. Box 40124
Olympia, WA 98504-0124

NWAUZOR vs GEO GROUP
 Sean Murphy, 12/19/2019

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I N D E X

EXAMINATION	PAGE/LINE
MS. MELL	5 19
MS. BRENNEKE	50 15

E X H I B I T I N D E X

EXHIBIT NO.	DESCRIPTION	PAGE/LINE
NO. 377	Declaration of Sean Murphy; 6 pgs.	10 23
NO. 378	Subpoena for Sean Murphy; 4 pgs.	5 20
NO. 379	Objections to subpoena duces tecum; 3 pgs.	6 13

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

1 BE IT REMEMBERED that on Thursday, December 19,
2 2019, at 8:31 a.m. at 7141 Cleanwater Drive SW, Tumwater,
3 Washington, before DIXIE J. CATTELL, Certified Court
4 Reporter, appeared SEAN MURPHY, the witness herein;

5 WHEREUPON, the following proceedings were had,
6 to wit:

7 (EXHIBIT NO. 377-379 MARKED)

8 MS. MELL: Let's go on the record.

9 Today we are here in the deposition of Sean Murphy.
10 For the record I've marked as Exhibit 378, the subpoena,
11 for Sean Murphy, noting his deposition for December 19 at
12 8 a.m. It is now 8:30 a.m., and Mr. Murphy has not
13 appeared for purposes of his deposition, and we've waited
14 30 minutes for him.

15 I've also marked -- I guess I won't worry about the
16 others. Just keep these marked. That's it.

17 MS. BRENNEKE: I'd like to have the record
18 reflect that we've also marked as Exhibit 379, the
19 objections to the subpoena duces tecum for the deposition
20 of Sean Murphy. Those are dated December 3, 2019, and they
21 were served upon Counsel.

22 Also that we believe there may be a mix-up in the
23 location of where Mr. Murphy has appeared, and Counsel for
24 DSHS and their staff is attempting to determine where he is
25 because we know this was on his calendar and he was

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

1 prepared to be here. So we would ask that we wait until we
2 hear back from Mr. Murphy and that he can get here if
3 there's been a mix-up in location.

4 MS. MELL: I'm done.

5 (Recessed at 8:32 a.m.)

6 (Reconvened at 9:07 a.m.)

7

8 SEAN MURPHY, having been first duly sworn,
9 testified as follows:

10

11 MS. MELL: We are back on the record for the
12 purposes of deposing Mr. Murphy who has now appeared. It's
13 9:00. There was confusion apparently in terms of when he
14 understood he was supposed to be here. We're going to go
15 ahead and proceed with the deposition. I don't think it's
16 going to take us too long today, so we should be able to
17 get through it.

18

EXAMINATION

19

BY MS. MELL:

20

Q Showing you what's been marked as Exhibit 378, do you
21 recognize that document?

22

A I do.

23

Q And do you understand that the subpoena requests from you
24 information?

25

A Yes.

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

1 same at the Northwest Detention Center?

2 **A I do not.**

3 Q What kind of work do you have people within the State's
4 custody do?

5 MS. BRENNEKE: Object to the form of the
6 question. Overly broad; foundation.

7 **A So the programs that are under our purview, under my
8 purview, range from, you know, at one facility helping with
9 laundry and sorting. We really try and find anything that
10 we can get folks to do that teach them the skills to show
11 up on time, follow direction, and have a feeling of
12 responsibility that helps reinstall self-confidence,
13 self-worth.**

14 Q (By Ms. Mell) But these are individuals -- strike that.
15 There are individuals in the State's custody doing
16 work for the State who have skills when the State takes
17 custody of them, correct?

18 MS. BRENNEKE: Object to the form. Overly
19 broad.

20 Counsel, would it be permissible for you to direct
21 questions to him only about DSHS? I can avoid some of my
22 objections that way, but I'm concerned that your questions
23 are overly broad, and it's improper. Yes, are we
24 understanding that?

25 MS. MELL: I heard your objection, Counsel.

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

1 A So what I can -- what I can tell you about is folks that
2 are at the hospitals, and I can tell you about the folks
3 that are at the Special Commitment Center, and I can tell
4 you that those folks, we are definitely seeking ways to
5 help them be -- to live -- live and lead meaningful lives,
6 and part of that has a vocational component.

7 Q (By Ms. Mell) And those individuals have skills that they
8 come into the facilities with, correct?

9 A There are a variety of skill sets that people come in with
10 based on their -- the challenges that they're in the
11 respective facility for. Many of the folks that we work
12 with are developmentally disabled or have significant
13 impairments due to mental illness, those types of things,
14 and so the skill sets that they have definitely differ from
15 person to person.

16 So one job may very well be that we pay the person
17 to -- and this is an example -- to prepare their own meal
18 in preparation for them trying to live independently as
19 they move out. Someone else we may try and work into a
20 program where they work with wood or crafts or chairs or
21 something like that. All things that are just really
22 designed to try and give them some level of skills,
23 exercise their mind, and it's really individual and
24 dependent on each individual's specific needs.

25 Q So is it correct that the State and, in your case, DSHS,

NWAUZOR vs GEO GROUP
Sean Murphy, 12/19/2019

C E R T I F I C A T E

I, DIXIE J. CATTELL, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, do hereby certify:

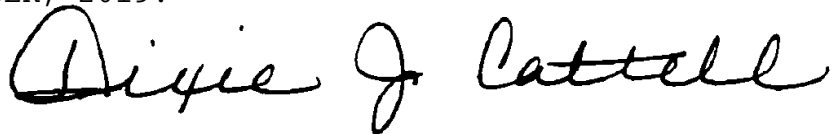
That the foregoing deposition of SEAN MURPHY was taken before me and completed on the 19th day of December, 2019, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true and complete transcript of the testimony of said witness;

That the witness, before examination, was, by me, duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of SEAN MURPHY and promptly serving the same upon MS. JOAN MELL.

IN WITNESS HEREOF, I have hereunto set my hand this 23rd day of DECEMBER, 2019.



Dixie J. Cattell, RPR, CCR
NCRA Registered Professional Reporter
Washington Certified Court Reporter CSR#2346

EXHIBIT S

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of)
all those similarly situated,)
)
Plaintiffs/Counter-Defendants.)
)
vs.)
)
THE GEO GROUP, Inc.,)
)
Defendant/Counter-Claimant.)

NO. 3:17-CV-05769-RJB

DEPOSITION UPON ORAL EXAMINATION OF DEBRA JEAN EISEN

Friday, December 13, 2019
Tumwater, Washington

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

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APPEARANCES :

FOR THE DEFENDANT :

MS. JOAN MELL
III Branches Law
1019 Regents Blvd., Suite 204
Fircrest, WA 98466

FOR THE STATE OF WASHINGTON:

MS. MARSHA CHIEN
ASSISTANT ATTORNEY GENERAL
800 Fifth Avenue, Ste. 2000
Olympia, WA 98104-3188

FOR DEPARTMENT OF CORRECTIONS:

MS. KATIE FABER
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P.O. Box 40116
Olympia, WA 98504-0116

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

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I N D E X

EXAMINATION	PAGE/LINE
MS. MELL	4 12

E X H I B I T I N D E X

EXHIBIT NO.	DESCRIPTION	PAGE/LINE
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(NO EXHIBITS MARKED)

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 BE IT REMEMBERED that on Friday, December 13,
2 2019, at 1:02 p.m. at 7345 Linderson Way SW, Tumwater,
3 Washington, before DIXIE J. CATTELL, Certified Court
4 Reporter, appeared DEBRA JEAN EISEN, the witness herein;
5 WHEREUPON, the following proceedings were had,
6 to wit:

7
8 DEBRA JEAN EISEN, having been first duly sworn,
9 testified as follows:

10
11 EXAMINATION

12 BY MS. MELL:

13 Q State your name.

14 **A Debra Jean Eisen.**

15 Q What's your position?

16 **A I am the contracts administrator for the Department of**
17 **Corrections, Washington State.**

18 Q Have you been designated as the State's CR 30(b)(6)
19 designee to speak on particular subjects today?

20 **A Not officially.**

21 Q What does that mean?

22 **A I mean, I have not received designation from my chain of**
23 **command. I've been requested by the AG to speak on behalf**
24 **of the agency.**

25 Q On what subjects?

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 **A Yes.**

2 Q And was it deemed necessary from the State's perspective to
3 authorize detainee work in order to maintain the safety and
4 security of those detainees?

5 MS. CHIEN: Object to form.

6 **A I can't speak to that.**

7 Q (By Ms. Mell) Why would you include it in the contract?

8 **A The ability to have offenders work is in every contract we
9 have with another entity to house offenders.**

10 Q Why is it in there?

11 **A My opinion, my belief, not speaking -- well, I am speaking
12 for the agency. So I will say that there is an idleness
13 concern that offenders are occupied during their
14 incarceration --**

15 Q So is it --

16 **A -- in addition to programming whatever else is available.**

17 Q Is that a policy choice of the State of Washington?

18 MS. CHIEN: Object to form.

19 **A I cannot speak to that.**

20 Q (By Ms. Mell) Is it a policy choice of the Department of
21 Corrections?

22 **A It is a safety and security choice for the Department of
23 Corrections.**

24 Q And the Department of Corrections does not require
25 contractors like GEO to pay minimum wage to the detainees

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

C E R T I F I C A T E

I, DIXIE J. CATTELL, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, do hereby certify:

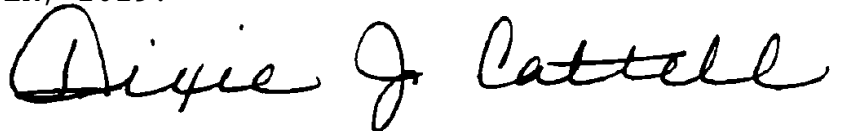
That the foregoing deposition of DEBRA JEAN EISEN was taken before me and completed on the 13th day of December, 2019, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true and complete transcript of the testimony of said witness;

That the witness, before examination, was, by me, duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of DEBRA JEAN EISEN and promptly serving the same upon MS. JOAN MELL.

IN WITNESS HEREOF, I have hereunto set my hand this 17th day of DECEMBER, 2019.



Dixie J. Cattell, RPR, CCR
NCRA Registered Professional Reporter
Washington Certified Court Reporter CSR#2346

EXHIBIT T

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.) NO. 3:17-CV-05806-RJB
)
 THE GEO GROUP, Inc.,)
)
 Defendant.)

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF TAYLOR WONHOFF

APPEARANCES:

FOR THE PLAINTIFF: MS. ANDREA BRENNEKE
ASSISTANT ATTORNEY GENERAL
800 Fifth Avenue, Ste. 2000
Olympia, WA 98164

FOR THE DEFENDANT: MS. JOAN MELL
III Branches Law
1019 Regents Blvd., Suite 204
Fircrest, WA 98466

MS. ASHLEY E. CALHOUN
AKERMAN, LLP
1900 Sixteenth Stret
Suite 1700
Denver, CO 80202

ALSO PRESENT: DAVE HANSEN, VIDEOGRAPHER

Thursday, August 22, 2019
Olympia, Washington

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	NO. 3:17-CV-05806-RJB
)	
THE GEO GROUP, Inc.,)	
)	
Defendant.)	

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF TAYLOR WONHOFF

APPEARANCES:

FOR THE PLAINTIFF:	MS. ANDREA BRENNEKE ASSISTANT ATTORNEY GENERAL 800 Fifth Avenue, Ste. 2000 Olympia, WA 98164
--------------------	-------------------------------------------------------------------------------------------------------

FOR THE DEFENDANT:	MS. JOAN MELL III Branches Law 1019 Regents Blvd., Suite 204 Fircrest, WA 98466
--------------------	------------------------------------------------------------------------------------------

	MS. ASHLEY E. CALHOUN AKERMAN, LLP 1900 Sixteenth Stret Suite 1700 Denver, CO 80202
--	-------------------------------------------------------------------------------------------------

ALSO PRESENT:	DAVE HANSEN, VIDEOGRAPHER
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Thursday, August 22, 2019
Olympia, Washington

STATE OF WASHINGTON vs GEO GROUP
 Taylor Wonhoff, 08/22/2019

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11	EXHIBIT NO.	DESCRIPTION	PAGE/LINE
12	NO. 261	Notice of 30(b)(6) Deposition; 10 pgs.	164 17
13	NO. 262	Document entitled Statement of Interest of the United States; 18 pgs.	90 20
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15	NO. 263	Compilation of E-mail; 13 pgs.	92 7
16	NO. 264	Compilation of e-mails; 2 pgs.	106 11
17	NO. 265	Compilation of e-mails; 3 pgs.	123 25
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STATE OF WASHINGTON vs GEO GROUP
Taylor Wonhoff, 08/22/2019

1	EXHIBIT NO.	DESCRIPTION	PAGE/LINE	
2	NO. 273	Compilation of e-mails; 2 pgs.	145	25
3	NO. 274	Compilation of e-mails; 7 pgs.	147	13
4	NO. 275	Compilation of e-mails; 4 pgs.	149	17
5	NO. 276	Compilation of e-mails; 1 pg.	150	4
6	NO. 277	Final Bill Report, SJR 8212; 2 pgs.	152	5
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8	NO. 278	Copy of Washington State Constitution, Section 29, Convict Labor; 1 pg.	154	23
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10	NO. 279	Report of Washington Inmate Labor Programs, SJR 8212 (2007); 2 pgs.	158	2
11	NO. 280	Copy of article from Seattle PI entitled P-I Endorsement: Smarter prisoners; 2 pgs.	158	22
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13	NO. 281	Copy of Senate Joint Resolution 8212; 3 pgs.	159	12
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15	NO. 282	Copy of Class Action Complaint; 20 pgs.	160	2
16	NO. 283	Arguments in support of SJR 8212 in Washington 2007 Voters Guide; 1 pg.	161	22
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STATE OF WASHINGTON vs GEO GROUP
Taylor Wonhoff, 08/22/2019

1 BE IT REMEMBERED that on Thursday, August 22,
2 2019, at 10:24 a.m. at 1125 Washington Street SE, Olympia,
3 Washington, before DIXIE J. CATTELL, Certified Court
4 Reporter, appeared TAYLOR WONHOFF, the witness herein;

5 WHEREUPON, the following proceedings were had,
6 to wit:

7

8 (EXHIBIT NO. 261 MARKED)

9

10 THE VIDEOGRAPHER: This is a video-recorded
11 30(b)(6) deposition. Today's date is August 22, 2019. The
12 time is 10:24.

13 My name is Dave Hansen. I'm subcontracted by Sound
14 Vision Video Production, 4821 North 14th Street, Tacoma,
15 Washington, 98406; phone number, (253) 905-4941. The
16 deposition today is being held at 1125 Washington Street in
17 Olympia, Washington. The case is State of Washington
18 versus the GEO Group.

19 Present for the plaintiff is Andrea Brenneke.
20 Present for the defense is Joan Mell. The witness is
21 Taylor Wonhoff.

22 The court reporter, Dixie Cattell, will now swear in
23 the witness.

24 * * *

25 * * *

STATE OF WASHINGTON vs GEO GROUP
Taylor Wonhoff, 08/22/2019

1 TAYLOR WONHOFF, having been first duly sworn,
2 testified as follows:

3 EXAMINATION

4 BY MS. MELL:

5 Q State your name.

6 **A Taylor Wonhoff, W-O-N-H-O-F-F.**

7 Q What's your position?

8 **A I am the Governor's deputy general counsel.**

9 Q How long have you been the Governor's deputy counsel?

10 **A I have been in that role since January of 2014.**

11 Q Who's the Governor?

12 **A Jay Inslee.**

13 Q How long has he been Governor?

14 **A Governor Inslee has been in office since January 16, 2013.**

15 Q What do you do in your position as deputy general counsel
16 for Governor Jay Inslee?

17 **A As a member of the Governor's Office of General Counsel, I**
18 **provide legal advice to the Governor and his staff on a**
19 **range of matters. My portfolio includes clemency, public**
20 **records, administrative appeals, judicial appointments, and**
21 **a range of other matters.**

22 Q Do you sit with him on any executive regular meetings with
23 his appointees, his department appointees?

24 MS. BRENNEKE: Object to the form.

25 **A I do not regularly sit in on executive team meetings or in**

STATE OF WASHINGTON vs GEO GROUP
Taylor Wonhoff, 08/22/2019

1 don't know what the -- I'm trying to make sure I understand
2 how you're answering. Is it because there's been no
3 conversation, or are you recalling an
4 Office-of-the-Governor-type conversation about cost of
5 confinement and how they're covered?

6 MS. BRENNEKE: Object to the form of the
7 question. Beyond the scope of the 30(b)(6) deposition.

8 **A I cannot recall any conversations that relate to**
9 **incarcerated individuals covering the cost of their**
10 **confinement at the detention center, at the Northwest**
11 **Detention Center.**

12 Q (By Ms. Mell) Do you recall any conversations about
13 detained individuals in the state of Washington covering
14 the cost of their confinement?

15 MS. BRENNEKE: Same objection.

16 **A It is my understanding that it's -- that the work that**
17 **individuals in state detention facilities are doing is not**
18 **necessarily to offset the costs of their incarceration, but**
19 **is done for them to build their skills, to rehabilitate,**
20 **to -- to, I don't know, address idleness, give them**
21 **something to do, rather than to cover the costs of their**
22 **incarceration.**

23 Q (By Ms. Mell) Okay. So idleness is an objective to work
24 by detainees?

25 **A Yes.**

STATE OF WASHINGTON vs GEO GROUP
Taylor Wonhoff, 08/22/2019

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C E R T I F I C A T E

I, DIXIE J. CATTELL, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, do hereby certify:

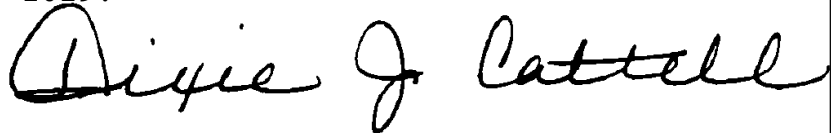
That the foregoing deposition of TAYLOR WONHOFF was taken before me and completed on the 22nd day of August, 2019, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true and complete transcript of the testimony of said witness;

That the witness, before examination, was, by me, duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of TAYLOR WONHOFF and promptly serving the same upon MS. JOAN MELL.

IN WITNESS HEREOF, I have hereunto set my hand this 26th day of AUGUST, 2019.



Dixie J. Cattell, RPR, CCR
NCRA Registered Professional Reporter
Washington Certified Court Reporter CSR#2346

EXHIBIT U

*e*FFICIENT®

Scroll down to view your full-sized transcript.

View list of attached documents in the paperclip file (left) 

View hyperlinked word list and hyperlinked exhibits in the bookmark file (left) 



In the Matter of:

THE STATE OF WASHINGTON

vs.

THE GEO GROUP, INC.

IOLANI MENZA

June 27, 2019



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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:17-cv-05806-RJB
)	
THE GEO GROUP, INC.,)	SOME OF THE EXHIBITS AND
)	TESTIMONY HAVE BEEN
Defendant.)	DESIGNATED AS
)	CONFIDENTIAL
)	

DEPOSITION UPON ORAL EXAMINATION
OF
IOLANI MENZA

9:54 a.m.
June 27, 2019

1250 Pacific Avenue 105
Tacoma, Washington 98401-2317



REPORTED BY: JACQUELINE L. BELLOWS, CCR 2297

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APPEARANCES

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503.517.2948
Kristin.Asai@hklaw.com



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9	Exhibit 225 OJT for new Laundry Supervisors, "Confidential," GEO-State 023610 - 023618	92
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11	Exhibit 226 Memorandum, 8-24-11, "Confidential," GEO-State 020012	95
12	Exhibit 227 Email, 5-15-17, "Confidential," GEO-State 242922 - 242924	96
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14	Exhibit 228 Daily Detainee Worker Pay Sheet, "Confidential," GEO-State 033236	98
15	Exhibit 229 Volunteer Work Program Agreement, GEO-State 015834	100
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17	Exhibit 230 Volunteer Work Program Agreement, Spanish-language version, GEO-State 015835	101
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19	Exhibit 231 Laundry Detail, "Confidential," GEO-State 241705 - 241706	101
20	Exhibit 232 Daily Work Crew Count Sheet, "Confidential, Subject to Protective Order," GEO-State 233578 - 233581	102
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22	Exhibit 233 Photocopy of color photograph, laundry area, "Confidential,"	108
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24	Exhibit 234 Photocopy of color photograph, laundry area, "Confidential,"	111
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5	Exhibit 237 Photocopy of color photograph, laundry area, "Confidential,"	119
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10	Exhibit 240 Photocopy of color photograph, laundry area, "Confidential,"	125
11	Exhibit 241 Photocopy of color photograph, laundry area, "Confidential,"	126
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Tacoma, Washington; June 27, 2019

9:54 a.m.

--oOo--

IOLANI MENZA,

sworn as a witness by the certified court reporter,

testified as follows:

E X A M I N A T I O N

BY MS. CHIEN:

Q. Can you say your name for the record?

A. Iolani Menza.

Q. Iolani Menza, that will help me be able to pronounce it correctly. My name is Marsha Chien. I represent the State of Washington. And we're about to take your deposition. And is there anything that would cause you concern that you wouldn't be able to my questions accurately?

A. No.

Q. Have you had your deposition taken before?

A. I was in court once. I've never been in a room like this.

Q. With a court reporter or anything like that? You've never been in a room with a court reporter --

A. No.



1 MS. ASAI: Object to the form.

2 A. It didn't change.

3 Q (By Ms. Chien) Did you have to work harder?

4 MS. ASAI: Object to the form.

5 A. I still did the laundry. I didn't work harder
6 or not harder. It's just the same thing as every day.

7 Q. So there are three or four detainee workers
8 generally on the laundry shift. What was each detainee
9 assigned?

10 A. There was no specific jobs assigned.
11 Everybody would just do whatever they wanted, basically.
12 If you wanted to fold or put away clothes, you'd put
13 away clothes. If you wanted to wash clothes, you'd wash
14 clothes. I mean . . .

15 Q. So when you came -- when detainee workers
16 came, they could decide what they would work on?

17 A. Pretty much what we had to get done is what
18 the task was. So if he wanted to load 'cause he likes
19 loading, he would load. If he likes to unload 'cause he
20 likes unloading, he would unload. I can't tell you --

21 Q. Did you tell -- who told them what they had to
22 do that day?

23 A. That would be me.

24 Q. The laundry officer tells the detainee workers
25 what they need to do each day?



1 A. Yeah.

2 Q. But then there were also new detainee workers
3 that came on while you were laundry officer; is that
4 right?

5 A. Yes.

6 Q. How did you get those new detainee workers?

7 A. I had a list of individuals that were on the
8 standby waiting list. I called their officer at the pod
9 they stayed in and had their officer ask them if they
10 would like to work with me in the laundry room. They
11 either said yes or no.

12 Q. Did you ever get to choose which detainee
13 workers you would prefer to work in the laundry?

14 A. The process is the way I called for workers.
15 I never chose.

16 Q. Did you have any preferences? Like if you
17 could choose, were there some detainee workers that were
18 better than others?

19 A. I would just go by the list. So . . .

20 Q. I mean about their work product, how they
21 worked. They all worked the same?

22 A. No. They -- everybody has different
23 personalities. Everybody is different. As long as they
24 got the job done, that's fine with me.

25 Q. Did you ever have to call classification to



1 had a couple questions. It says "laundry POA." Does
2 "POA" mean anything to you?

3 A. I have no clue what that means.

4 Q. Are you familiar with a detainee worker by the
5 last name of Medina?

6 MS. ASAI: I'll object. We'll be marking
7 portions of the transcript as confidential when we're
8 naming detainees.

9 You can answer.

10 A. (Shrugs.)

11 Q (By Ms. Chien) No?

12 A. Sorry. I'm sure that's not a unique name.

13 Q. Who hires laundry detainee workers?

14 A. Like I said, I just go off the list. So
15 whatever's on the list is who I call their officer and
16 see if they want to work. I don't hire any individuals.
17 They're on the list, waiting to be -- it's not up to me
18 to hire or -- you know what I mean?

19 Q. Yeah. Okay. I'm going to hand you a document
20 I'd like to be marked as Exhibit 227.

21 (Deposition Exhibit No. 227 marked for
22 identification.)

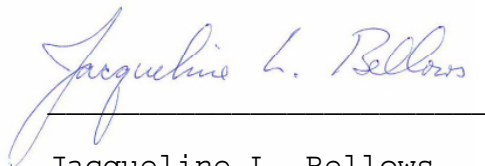
23 Q (By Ms. Chien) Do you see that this is an
24 email from Mike Heye, dated May 15, 2017? It says "The
25 laundry officers do the hiring," the first line after



1 REPORTER'S CERTIFICATE

2 I, JACQUELINE L. BELLOWS, the undersigned
3 Certified Court Reporter pursuant to RCW 5.28.010 authorized
4 to administer oaths and affirmations in and for the State of
5 Washington, do hereby certify that the sworn testimony
6 and/or proceedings, a transcript of which is attached, was
7 given before me at the time and place stated therein; that
8 any and/or all witness(es) were duly sworn to testify to the
9 truth; that the sworn testimony and/or proceedings were by
10 me stenographically recorded and transcribed under my
11 supervision, to the best of my ability; that the foregoing
12 transcript contains a full, true, and accurate record of all
13 the sworn testimony and/or proceedings given and occurring
14 at the time and place stated in the transcript; that a
15 review of which was requested; that I am in no way related
16 to any party to the matter, nor to any counsel, nor do I
17 have any financial interest in the event of the cause.

18 WITNESS MY HAND AND DIGITAL SIGNATURE this 1st
19 day of July, 2019.

20
21 

22 _____
23 Jacqueline L. Bellows
24 Washington State Certified Court Reporter, No. 2297
25 jbellows@yomreporting.com



EXHIBIT V

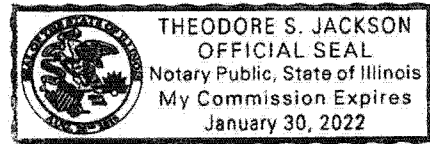


Certificate of Accuracy

I certify that **Noe Baltazar Noe's Declaration** was translated into **English** by translators and editors working for Multilingual Connections who are competent and qualified to perform translation into these languages. These documents have not been translated for a family member, friend, or business associate. I believe, to the best of my knowledge and abilities, that the attached materials are accurate and complete translations of the original **Spanish** version.

Nicholas Ferri
Multilingual Connections, LLC

Subscribed and sworn to before me this **12th** day of **June, 2019**, in Evanston, Cook County, State of Illinois.

Notary Public

Multilingual Connections, LLC #255450
PM: Nicholas - 283

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION No.
3:17-cv-05806-RJB

DECLARATION OF
NOE BALTAZAR NOE

I, Noe Baltazar Noe, declare the following:

- 1- I am over eighteen years of age, have personal knowledge of and am competent to testify regarding the matters contained herein.
- 2- I have been detained in the Northwest Detention Center (NWDC) since February 2018.
- 3- I have been working in the Voluntary Work Program (VWP) for over one year. I want to be busy while being detained, and earn some money to be able to call my family and purchase food from the commissary, which is very expensive. I have held three jobs so far, all of them as a cleaner but in different areas of the NWDC.

- 1 4- To apply for a job with the VWP, I signed up on one of the tablets that are
2 located in my housing unit. When there was a job opening, one of the
3 GEO officers let me know that I was hired and when I would start.
- 4 5- First, I worked as a cleaner assigned to cleaning the secured area's
5 hallways. I began work every day at 7:30 a.m. GEO paid me \$1 a day.
- 6 6- I worked in this position only for about 15 days. At that time of day it was
7 usually cold inside the NWDC. Since it was so cold and it only paid \$1 a
8 day, I decided to quit the job with the hope of getting another job with a
9 better schedule.
- 10 7- I applied again and was assigned to clean the intake area, which was not
11 as cold. The work consisted of cleaning the entire intake area and the
12 restrooms located in that area, mopping and sweeping, taking out the
13 garbage and placing new garbage bags in the garbage bins. I also had to
14 clean windows and doors. Some of the windows are very large and
15 cleaning them takes a long time. On average, I worked for two and a half
16 hours per day, seven days per week. Since the work was harder than I
17 expected, especially being paid only \$1 a day, I decided to quit and apply
18 for another position.
- 19 8- I applied for another job and was assigned to work as a cleaner in the
20 visitation area. I have been doing this work for about ten months. I work
21 seven days a week and they pay me \$1 a day.
- 22 9- As a cleaner in the visitation area, my job requires me to clean the entire
23 visitation area, mop the floors, take out the garbage, clean the windows
24 and tables, both in the visitation rooms as well as in the courtrooms
25 located within the NWDC. There are approximately fifteen rooms in the
26 family visitation area, five rooms in the attorney visitation area, five

1 courtrooms and two bathrooms located in the visitation area. I clean all of
2 them every day.

3 10- When I started the job, I received training from the GEO security officers
4 assigned to the visitation area. They trained me for the first couple of
5 days, showed me how to do the job, what I had to do and where to clean.
6 They supervise my work every day, provide me with the tools, supplies
7 and equipment I need to do the job such as spray cleaning products, paper
8 towels and garbage bags.

9 11- When I started this job and for about three months, I was the only
10 detainee-worker hired to do the work. During this time, it took me around
11 three and a half hours to finish the work every day. The GEO officers
12 who supervised my work noticed that, although I was doing my work
13 correctly, it took me over three hours each day to finish cleaning the area
14 assigned. They told me that because of this, they decided to hire two more
15 detainees so that they would work with me cleaning the visitation area.
16 One of them has been deported, so now there are two of us detainee-
17 workers assigned to clean the area, and it takes us approximately an hour
18 and a half every day to finish the job.

19 12- In general, we begin work at 7 pm and finish when all of the cleaning is
20 done.

21 13- The job of cleaning the visitation area also requires me to buff and wax
22 the floors of the area. This happens approximately once every three
23 months. The GEO security officers tell me when it is time to buff and
24 wax, and they provide me with a buffing machine and the waxing
25 products necessary for doing this job. On these days, I begin working
26 earlier than usual, around 5 pm, because this work requires more hours to

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complete. Even though buffing and waxing requires us to work much longer than usual, between three and a half and four hours, they only pay us \$1 a day for doing the work.

14- The other jobs available at the NWDC are in the kitchen or at the laundry. I did not want to work at either of these jobs because they also pay only \$1 a day, but they require you to work around 5 hours or more each day. I believe that in the laundry, detainee-workers have to lift heavy bags and do the laundry of all of the detainees at the NWDC, which is hard work. In the kitchen, the detainees help cook, clean and plate food for the whole population of the NWDC. I am not willing to do such hard work for just \$1 a day.

15- I believe the work I do is fundamental to keep the NWDC clean and operating properly, and I deserve to be paid more than \$1 a day for the work that I do.

I certify under penalty of perjury under the laws of the United States and the State of Washington that the above is true and correct.

Dated this 21st day of May 2019 in Tacoma, Washington.

[Signature]

NOE BALTAZAR NOE

EXHIBIT W

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Seattle, Washington; May 20, 2019

10:02 a.m.

--oOo--

BRUCE SCOTT,

sworn as a witness by the certified court reporter,

testified as follows:

E X A M I N A T I O N

BY MS. CHIEN:

Q. Great. So my name is Marsha Chien. I represent the -- sorry. I represent the State of Washington. I just took a different deposition where I represented a different agency.

So I know we just introduced each other. But can you state your name for the record.

A. My name is Bruce A Scott, Jr.

Q. Have you been previously deposed?

A. Yes.

Q. About how many times?

A. Two times prior.

Q. Was it in the last five years?

A. One was in the last five years.

Q. So you may know some of these rules I'm about to state. But I'm just going to go over them so we have



1 the Voluntary Work Program?

2 MR. DONAHUE: Object to the form.

3 A. I do not think they do.

4 Q (By Ms. Chien) So when you were implementing
5 or when you were putting forth these policies and
6 procedures for OSHA and WSHA, they were with regards to
7 detention officers as opposed to detainees; is that
8 right?

9 MR. DONAHUE: Object to the form.

10 A. Yes.

11 Q (By Ms. Chien) Did you get trained by Geo when
12 you first started?

13 A. Yes.

14 Q. What did that training look like?

15 A. The training was 40 hours of what we call an
16 annual refresher training.

17 Q. What did it involve?

18 A. The guidelines for the training program are
19 set in accordance with the contract. The contract lists
20 out the requirements of a 40-hour training for new
21 hires, depending on the level that, that you --
22 depending on the type of work that you do, the standards
23 and the contract require different types of training.

24 Q. Sorry. What training did you do when you
25 first started?



1 Q (By Ms. Chien) "Train staff," meaning Geo
2 employees?

3 A. Geo employees.

4 Q. Do you know the name of that contractor?

5 A. I can't recall off the top of my head.
6 There's the people we buy from. Then they buy from --
7 it's all contract stuff. I don't know who the specific
8 one is. I wouldn't want to guess.

9 Q. What about barbershop? Are detainee workers
10 working in the barbershop?

11 A. The barbershop does have detainee barbers.

12 Q. So detainees are cutting hair? Are detainees
13 cutting hair?

14 A. Yes.

15 Q. What training do they receive?

16 A. The ICE standard in the Voluntary Work Program
17 assignment standard allows -- it says when you're
18 volunteering for a job, if you have prior experience in
19 a position, to note that on the job. A lot of the
20 barbers that we have have prior -- were doing barbers
21 before in prisons and jails or just have other -- have
22 cut hair before. Then we have a law library slash
23 barbershop officer that's -- that monitors that area.
24 He would tell them the specifics of where the tool
25 accountability and all the specifics of that area. And



1 as I said before, the Voluntary Work Program Agreement
2 for that particular job would have some of the training
3 guidelines listed on that Voluntary Work Program
4 Agreement.

5 Q. So right now I have listed sanitation and
6 cleaning, laundry, food services, and then
7 barbershop/law library, just so we have this running
8 list. I'd like to go through each one and ask who makes
9 sure that the task is done.

10 So the sanitation and cleaning, the detainee
11 worker starts, get trained, signs this Voluntary Work
12 Program Agreement. Then what happens in terms of how
13 the task is assigned?

14 MR. DONAHUE: Object to the form.

15 A. Well, I'm still confused. How the task is
16 assigned or who gets selected first for that position?

17 Q (By Ms. Chien) Let's do what you're
18 suggesting. Let's talk about how the detainee worker
19 gets selected.

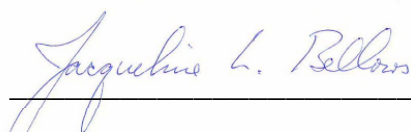
20 A. So based on the ICE standard, the PBNDS
21 standard, there's a waiting list, essentially first-come
22 first-served in order of clearance to work in that
23 position. Then whoever is next on the waiting list is
24 next the detainee that would have that Voluntary Work
25 Program assignment.



1 REPORTER'S CERTIFICATE

2 I, JACQUELINE L. BELLOWS, the undersigned
3 Certified Court Reporter pursuant to RCW 5.28.010 authorized
4 to administer oaths and affirmations in and for the State of
5 Washington, do hereby certify that the sworn testimony
6 and/or proceedings, a transcript of which is attached, was
7 given before me at the time and place stated therein; that
8 any and/or all witness(es) were duly sworn to testify to the
9 truth; that the sworn testimony and/or proceedings were by
10 me stenographically recorded and transcribed under my
11 supervision, to the best of my ability; that the foregoing
12 transcript contains a full, true, and accurate record of all
13 the sworn testimony and/or proceedings given and occurring
14 at the time and place stated in the transcript; that a
15 review of which was requested; that I am in no way related
16 to any party to the matter, nor to any counsel, nor do I
17 have any financial interest in the event of the cause.

18 WITNESS MY HAND AND DIGITAL SIGNATURE this 1st
19 day of June, 2019.

20
21 

22 _____
23 Jacqueline L. Bellows
24 Washington State Certified Court Reporter, No. 2297
25 jbellows@yomreporting.com



EXHIBIT X

To: Smith, Elizabeth (LNI)[SMEL235@LNI.WA.GOV]
Cc: Sacks, Joel (LNI)[sacj235@LNI.WA.GOV]; Fellin, Tammy (LNI)[felu235@LNI.WA.GOV]; Sams, Stephanie (LNI)[samm235@LNI.WA.GOV]; Kaech, Allison (LNI)[KAEA235@LNI.WA.GOV]; Walck, Chastity (LNI)[wach235@LNI.WA.GOV]; Sharma, Suchi (LNI)[shav235@LNI.WA.GOV]; Richardson, Kristi (LNI)[YEAR235@LNI.WA.GOV]
From: Buchanan, Lynne M (LNI)
Sent: Tue 3/11/2014 9:03:44 AM
Subject: FW: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Hi Liz,

In response to the question posed by Angelica Chazaro below:

The fact that this is a federal facility, the issue is with the USDOL. Also, inmates are not covered by the minimum wage act; they are not defined as employees. Our law only covers state, county, or municipal correctional institutions employees. Because these are inmates and are in a federal institution, we would have no jurisdiction.

RCW 49.46.010 (3) "Employee" includes any individual employed by an employer but shall not include:

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution

Thanks,

Lynne

From: Fellin, Tammy (LNI)
Sent: Tuesday, March 11, 2014 8:33 AM
To: Smith, Elizabeth (LNI); Buchanan, Lynne M (LNI)
Cc: Sacks, Joel (LNI); Sams, Stephanie (LNI); Kaech, Allison (LNI); Walck, Chastity (LNI); Sharma, Suchi (LNI); Richardson, Kristi (LNI)
Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Liz and Lynne -

Is this an issue that we have jurisdiction over? If you need more info about the facility, we can reach out to Sandy. Please note the sense of urgency.

Tammy
Sent from my iPhone
Begin forwarded message:

From: "Mullins, Sandy (GOV)" <sandy.mullins@gov.wa.gov>
Date: March 11, 2014 at 8:02:17 AM PDT
To: "Fellin, Tammy (LNI)" <felu235@LNI.WA.GOV>
Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Hi Tammy- can you check and see if this is possible? Not sure if L&I has jurisdiction in a federal contract facility.

Thanks

Sandy

Begin forwarded message:

From: "Uy, Stephen (GOV)" <Stephen.Uy@gov.wa.gov>

Date: March 11, 2014 at 7:10:28 AM PDT

To: "Kerins, Aisling (GOV)" <aisling.kerins@gov.wa.gov>, "Mullins, Sandy (GOV)" <sandy.mullins@gov.wa.gov>

Subject: Fwd: **TIME SENSITIVE: Need assistance on ending detention center hunger strike**

FYI

Begin forwarded message:

From: Angelica Chazaro <achazaro@gmail.com>

Date: March 11, 2014 at 12:11:04 AM PDT

To: <Stephen.Uy@gov.wa.gov>

Subject: **TIME SENSITIVE: Need assistance on ending detention center hunger strike**

Dear Stephen,

I'm a law professor at UW who is supporting the on-going hunger strike at the Northwest Detention Center in Tacoma, a federal immigration detention facility run by the Geo Group, a private prison company. I got your contact info from my former colleague, Jorge Baron from the Northwest Immigrant Rights Project.

As the strike enters its fifth day tomorrow, we're trying to achieve a swift resolution for the hunger strikers. One of their demands is increased pay for the work they perform in the facility - they currently get paid \$1 a day. We believe the conditions of their work may violate Washington wage and hour laws, and we are asking that Governor Inslee intervene by having L&I begin an investigation into the labor conditions at the privately-run facility. Could Governor Inslee make a commitment to having L&I investigate?

You can reach me by e-mail at achazaro@gmail.com or by phone at [646-496-5724](tel:646-496-5724). Thanks for any help you can provide.

Best, Angelica Chazaro