

The Honorable Robert J. Bryan

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 17-cv-05769-RJB

DEPOSITION DESIGNATIONS
OF ERWIN DELACRUZ

Plaintiffs hereby present (1) Plaintiffs’ designations of the Deposition of Ewrin Delacruz, and (2) Defendant’s counter-designations and objections. The designated pages are attached, with Plaintiffs’ designations highlighted in yellow and Defendant’s counter-designations highlighted in green.

DATED this 24th day of April, 2020.

SCHROETER GOLDMARK & BENDER

s/ Jamal N. Whitehead

Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000 ~ Fax: (206) 682-2305
berger@sgb-law.com
halm@sgb-law.com
whitehead@sgb-law.com

THE LAW OFFICE OF R. ANDREW FREE
Andrew Free (*Pro Hac Vice*)
P.O. Box 90568
Nashville, TN 37209
Tel: (844) 321-3221 ~ Fax: (615) 829-8959
andrew@immigrantcivilrights.com

OPEN SKY LAW, PLLC
Devin T. Theriot-Orr, WSBA # 33995
20415 – 72nd Avenue S, Suite 110
Kent, WA 98032
Tel: (206) 962-5052
devin@opensky.law

MENTER IMMIGRATION LAW, PLLC
Meena Menter, WSBA #31870
8201 164th Ave NE, Suite 200
Redmond, WA 98052
Tel: (206) 419-7332
meena@meenamenter.com

Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Devin T. Theriot-Orr
OPEN SKY LAW, PLLC
20415 – 72nd Avenue South, Suite 110
Kent, WA 98032
devin@opensky.law
Attorney for Plaintiff

R. Andrew Free
THE LAW OFFICE OF R. ANDREW FREE
PO Box 90568
Nashville, TN 37209
andrew@immigrantcivilrights.com
Attorney for Plaintiff

Meena Menter
MENTER IMMIGRATION LAW PLLC
8201 – 164th Avenue NE, Suite 200
Redmond, WA 98052
meena@meenamenter.com
Attorney for Plaintiff

Joan K. Mell
III BRANCHES LAW, PLLC
1019 Regents Boulevard, Suite 204
Fircrest, WA 98466
joan@3brancheslaw.com
Attorney for Defendant

Colin L. Barnacle
Ashley E. Calhoun
Christopher J. Eby
Adrienne Scheffey
AKERMAN LLP
1900 Sixteenth Street, Suite 1700
Denver, CO 80202
colin.barnacle@akerman.com
ashley.calhoun@akerman.com
christopher.eby@akerman.com
adrienne.scheffey@akerman.com
Attorneys for Defendant

DATED at Seattle, Washington this 24th day of April, 2020.

s/ Virginia Mendoza

VIRGINIA MENDOZA, Legal Assistant
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000
mendoza@sgb-law.com

1 APPEARANCES:

2 For the Plaintiffs: JAMAL N. WHITEHEAD, ESQ.
3 Schroeter Goldmark & Bender
4 810 Third Avenue, Suite 500
5 Seattle, WA 98104
6 206-622-8000
7 whitehead@sgb-law.com

8 For the Defendant: ADRIENNE SCHEFFEY, ESQ.
9 Akerman LLP
10 1900 Sixteenth Street, Suite 1700
11 Denver, CO 80202
12 303-640-2512
13 adrienne.scheffey@akerman.com

14 Also present: LINDSEY LEWIS, VIDEOGRAPHER
15
16 ANDREA BRENNEKE, ESQ.
17 Assistant Attorney General
18 800 Fifth Avenue, Suite 2000
19 Seattle, WA 98104
20 206-233-3384
21 andreab3@atg.wa.gov

22
23
24
25

1 E X H I B I T S

2	No.	Description	Page/Line
3	300	Internal/External Job Posting, Food	20 13
4		Services Supervisor NWDC - GEO-Nwauzor	
5		054190-054191	
6	301	GEO OJT for Food Service Manager -	37 4
7		GEO-Nwauzor 026284-026292	
8	302	Policy and Procedure Manual, Chapter:	41 5
9		Food Service, Title: Food Service	
10		Operations - GEO-Nwauzor 031202-031236	
11	303	Food Cost Summary - GEO-Nwauzor 040015	90 1
12	304	Northwest Detention Center Detainee Job	93 14
13		Descriptions	
14	305	Kitchen Worker Orientation Checklist -	109 15
15		GEO-Nwauzor 004619-004629	
16	306	Detainee/Staff Health and Hygiene -	112 25
17		GEO-Nwauzor 177020-177022	
18	307	Detainees Removed from Kitchen Per IDP	116 19
19		Sanctions - GEO-Nwauzor 084945-084946	
20	308	Northwest Detention Center Daily	119 5
21		Detainee Worker Pay Sheet - GEO-Nwauzor	
22		065428-065429	
23	309	Pod Porters, October 22, 2015 -	120 15
24		GEO-Nwauzor 026921-026953	
25			

E X A M I N A T I O N

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY
MR. WHITEHEAD
MS. SCHEFFEY
MS. BRENNEKE
MR. WHITEHEAD

Page/Line
6 4
127 16
129 15
140 22

(Note: * Denotes phonetic spelling.)

1 Fircrest, Washington; Monday, December 2, 2019

2 9:33 a.m.

3 -----

4 THE VIDEOGRAPHER: We are now on the record.

5 Today's date is December 2nd, 2019. The time is 9:33 a.m.

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

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

15 This deposition is taking place at 1019 Regents
16 Boulevard, Suite 204, Fircrest, Washington 98466.

17 Will counsel please identify and state your
18 appearances for the record.

19 MR. WHITEHEAD: Good morning. Jamal Whitehead,
20 class counsel on behalf of Mr. Nwauzor and the class he
21 represents.

22 MS. SCHEFFEY: Adrienne Scheffey on behalf of
23 The GEO Group and Mr. Delacruz.

24 THE VIDEOGRAPHER: Will the court reporter
25 please administer the oath.

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. [REDACTED], 1959.

25 Q. And your current address?

1 A. Is -- oh, 1 -- 10 -- because I just had moved,
2 [REDACTED], Tacoma,
3 Washington 98444 -- 5. Sorry, 98445.

4 Q. Have you ever given testimony under oath before?

5 A. No.

6 Q. Well, there isn't much to it, and I'm sure
7 you've gone over the rules with your attorney. Typically I
8 like to approach the rules contextually, as they pop up,
9 I'll give you a reminder or two. But at the outset, there
10 are three things that I would like to stress. First and
11 foremost is that this is not a practice. What you say
12 today is just as important as if the judge and the jury
13 were here; do you understand that?

14 A. Yes.

15 Q. And that means that with the help of the written
16 transcript and the video that's being taken, that the judge
17 and the jury will use it to assess your credibility and
18 truthfulness --

19 A. Yes.

20 Q. -- do you understand that?

21 A. Yes.

22 Q. And the second thing I want to stress is that
23 I'm not a mind reader. If you don't understand one of my
24 questions, will you let me know?

25 A. I will.

1 Q. And that goes for if there's something, a
2 medical condition, whatever it may be, that prevents you
3 from answering my questions, will you let me know?

4 A. I will.

5 Q. I think the final thing that I want to stress is
6 that I'm looking for your full cooperation today. I want
7 your best, most truthful, most complete testimony; do you
8 understand that?

9 A. Yes.

10 Q. We've got a full day ahead of us, and I'm going
11 to try my best to work efficiently. To that end, I'm going
12 to ask many yes or no questions. If I ask you a yes or no
13 question, will you give me a yes or no response?

14 A. Yes.

15 Q. And the final thing I'll say is that oftentimes
16 witnesses don't want to answer uncomfortable truths, and
17 this manifests itself in evasive answers or dodging the
18 question; will you not do that?

19 A. No, I -- I'll always give -- I'll talk to my
20 counsel if need be if I get stuck.

21 Q. And you're represented by counsel today?

22 A. Well, she is.

23 Q. And your attorney's name?

24 A. *Adrianna.

25 Q. And did you have any role in selecting Adrienne

1 or her firm?

2 A. No.

3 Q. Are you paying --

4 A. No.

5 Q. -- for her to represent you today?

6 A. No, no.

7 Q. Can you tell me, what did you do to prepare for
8 your deposition today?

9 A. I had gotten a phone call, and any information
10 she could give me pertaining to the case, and I just read
11 over the -- the -- what you have gotten on the disposition,
12 and --

13 MS. SCHEFFEY: And I'm going to instruct you not
14 to talk about our conversations.

15 THE WITNESS: Yeah, yeah, yeah.

16 A. And that's -- and that's just about it. Just to
17 be here at 9:30 --

18 Q. All right --

19 A. -- on time.

20 Q. Well, let's break it down.

21 Who did you talk with to prepare for your
22 deposition today?

23 And without telling me what you talked about,
24 just who did you speak with?

25 A. Just with *Adrianna.

1 Q. Okay. Did you have any conversations with Bruce
2 Scott?

3 A. No.

4 Q. Michael Heye?

5 A. No.

6 Q. Anyone else at GEO?

7 A. No.

8 Q. Okay. All right. Did you review any documents
9 to prepare for your deposition?

10 A. No.

11 Q. You had mentioned that you looked at your
12 deposition notice?

13 A. Yeah, that's the main project was just that
14 disposition thing.

15 Q. But nothing other than the notice --

16 A. No.

17 Q. -- that instructed you to be here today?

18 A. No.

19 Q. Can you give me a high level overview of your
20 educational history.

21 A. Graduated from high school 1977 from Campbell
22 High School in Hawaii, then joined the military. And while
23 I was in the military, I did get -- obtain my associate's
24 degree in 1998. And then went back to college again to
25 South Puget Sound Community College for a one-year program,

1 culinary arts, in 2000 -- 2001.

2 Q. What branch of the military were you in?

3 A. Army.

4 Q. And your discharge status?

5 A. Retired disability, disabled.

6 Q. What was the highest rank that you obtained?

7 A. Sergeant first class.

8 Q. What did you do before you worked for GEO?

9 A. I was a contractor from 2004 to 2014 on base as
10 the assistant food production manager for Certain Victory,
11 Incorporated.

12 Q. When you say on base, what do you mean by that?

13 A. Fort Lewis, I'm sorry.

14 Q. Okay.

15 A. Fort Lewis, Washington.

16 Q. And Certain Victory, what is that?

17 A. That was the name of the company that was
18 contracted in 2004.

19 Q. And why did you leave Certain Victory?

20 A. We -- the contract ended. It's a government
21 contract. So after the five years, then they renew your
22 contract, we renewed, and then at the end of the fifth
23 year, we -- they terminated our contract.

24 Q. How is it that you came to work at GEO?

25 A. I applied. It was online. It was -- I --

1 September of 2014 was our last day, and then -- and then I
2 was unemployed from that day on until March. And then in
3 June/July time frame, the GEO posted a food service job,
4 and I applied.

5 Q. So your contract with Certain Victory ended
6 September 2014?

7 A. Right.

8 Q. And then you became aware of an opening at GEO
9 in March 2015?

10 A. It was -- it was July. It was like within 24
11 hours. It like -- it was like the 26th, and I went -- I
12 submitted it, and they called me the next day.

13 Q. What was the position?

14 A. As the assistant food production manager.

15 Q. And is that the title you hold today?

16 A. It's the -- pretty much the same title as the
17 assistant to the manager.

18 Q. You say pretty much the same title --

19 A. It has -- it has the same as -- as -- I always
20 assisted the manager.

21 Q. So is it the case then that the title has
22 changed but your responsibilities have not?

23 A. Yeah, the responsibilities is -- is technically
24 the same. You're still bringing in food, you're still
25 doing everything that you done before, it's just now in one

1 building instead of 16.

2 Q. And why GEO, why apply to GEO?

3 A. Oh, it was -- I wanted work continuously. I
4 didn't want to stop work. I was too young to -- to retire.

5 Q. Well, I mean, not so much that you wanted to
6 continue working, but why GEO as a prospective employer?

7 A. They had -- it had everything that I needed, you
8 know, as far as work every day, 40 hours a week, a good
9 environment, and they hired veterans as well, but GEO
10 always been a good place to work.

11 Q. Tell me about that. You said a good
12 environment; what does that mean to you?

13 A. You can -- you can always talk to the managers.
14 You have -- you have free access to talking to anybody.
15 It's just the way it is. You know, it's a -- it's a
16 comfortable environment even though we're all under stress.

17 Q. And that stress, what causes the stress?

18 A. Of course.

19 Well, you know, the normal everyday want to go
20 and get to work, go home, and it's great to go home when
21 it's time to go home.

22 Q. And you're working at the Northwest Detention
23 Center; correct?

24 A. Yes, mm-hm.

25 Q. And I probably will refer to that as NWDC, and

1 if I say NWDC, will you understand that to mean --

2 A. Yes.

3 Q. -- the Northwest Detention Center?

4 A. Mm-hm, even though it's changed to the Northwest
5 Processing Center.

6 Q. Oh, when did that change take place?

7 A. Just a couple months.

8 Q. Do you know what prompted the change?

9 A. No.

10 Q. Do you have an opinion about why the -- the name
11 changed?

12 A. No.

13 Q. And how do you know the name changed?

14 A. When I drove up one day and seen it changed.

15 You know, the sign, it's on the front, and it's been -- you
16 know, has the fence kind of in the way, and then it just --
17 they just changed it.

18 Q. Okay. Well, fair enough.

19 So Northwest Processing Center --

20 A. Mm-hm.

21 Q. -- Northwest Detention Center --

22 A. Mm-hm.

23 Q. -- if I refer to those interchangeably --

24 A. Sure --

25 Q. -- would you please know that I --

1 A. -- yes, that's fine.

2 Q. -- we're talking about the same facility.

3 A. Mm-hm.

4 Q. All right. And I think this brings up two
5 situational rules.

6 It's really important that you let me finish my
7 question before you go into your answer. We've got a court
8 reporter, she's taking down everything that we say, but the
9 transcript just looks really jumbled if we're talking over
10 one another.

11 A. Okay.

12 Q. The second thing is, please answer my questions
13 with words. Uh-huhs, head nods, head shakes, again, they
14 just won't be captured on the written transcript. So will
15 you answer my questions with words?

16 A. Sure. Yes, sir.

17 Q. So tell me, who's housed at the Northwest
18 Detention Center?

19 A. It's -- it's all -- how do I say that?

20 These are all people that have not been --
21 that's either seeking asylum or have not -- are not U.S.
22 citizens, and this is just one way of processing or --
23 processing the people that have not -- that are either
24 illegal aliens or not U.S. citizens.

25 Q. Is it your understanding that people are being

1 held there as punishment?

2 A. No.

3 MS. SCHEFFEY: Object to form.

4 Q. No?

5 A. No.

6 Q. Do you believe there's any penal or punishment

7 component at all to the people that are being housed there?

8 A. No.

9 Q. What do you understand about this lawsuit?

10 A. Not -- I don't get into the politics or any of
11 that. I just -- I just go to work there.

12 Q. Is there a lot of gossip or talk at work about
13 this?

14 A. Not really. I just do my job.

15 Q. Have you ever had any conversations with any of
16 your coworkers about this lawsuit?

17 A. No.

18 I'm totally just -- I'm mostly by myself trying
19 to get my job done.

20 Q. And Ms. Henderson, did you talk to her about her
21 deposition?

22 A. No.

23 Q. And do you know who I'm referring to when I say
24 Ms. Henderson?

25 A. Yes.

1 Q. Who --

2 A. She's the manager of the facility.

3 Q. And her full name?

4 A. I -- you know, Bertha Henderson.

5 Q. And she goes by Bert; is that correct?

6 A. Or Bert, yes.

7 MS. SCHEFFEY: Object to form.

8 A. That's just ...

9 Q. Have you talked to any of the detained persons
10 about this lawsuit?

11 A. No, not -- no.

12 Q. Do you have a feeling one way or another about
13 whether or not the detained persons should be paid a lawful
14 minimum wage?

15 A. I have no idea how, or when, or -- all I know is
16 that when -- when they come to me, they're voluntary, and
17 it's just the personnel that we -- that you need. It's
18 just -- it's -- it's a -- it's a hit and miss. It's either
19 you're going to get them or you don't. And it's great when
20 they're there, and it helps, that's all.

21 Q. Well, you said that they're volunteering, but
22 they're working for money; correct?

23 A. Sure, but I don't set the standard.

24 Q. And if they were to be paid the Washington
25 minimum wage, would that be fair, in your mind?

1 A. It's -- it's not up to me.

2 Q. If it were though?

3 A. No.

4 Q. It would not be fair?

5 A. I totally -- I -- I -- I do not set the policy,
6 and someone -- someone above me sets the policy, I don't.

7 Q. I understand that, but you see the detainees,
8 they work in the kitchen; correct?

9 MS. SCHEFFEY: Object to form.

10 Q. You see the detainees working in the kitchen;
11 correct?

12 A. Yes, I do.

13 Q. They're working hard?

14 MS. SCHEFFEY: Object to form.

15 You may answer, if it's a question.

16 A. Yes, they -- they do help in the preparation of
17 the meal and the cleanup.

18 Q. And regardless of how many hours they work or
19 how hard they work, they only receive a dollar --

20 MS. SCHEFFEY: Object to form.

21 Q. -- correct?

22 A. That's correct.

23 Q. Have you had any conversations about the rate of
24 pay with any of the detained workers?

25 A. No.

1 Q. No one's ever complained to you that they should
2 be paid more or that they're not paid enough?

3 A. No.

4 Q. Then you said that GEO needs the workers to do
5 the work?

6 MS. SCHEFFEY: Object to form.

7 A. No, but at -- at the same time, it's -- it's a
8 voluntary program, and if they would like to work in the
9 kitchen, laundry, or anywhere else in the facility, they're
10 obligated -- if they want to come, they can apply during
11 the work program.

12 Q. Well, we'll certainly talk in more detail about
13 what takes place in the kitchen.

14 I think I want to go back though to your role
15 and your training.

16 What is your current job title?

17 A. I'm the food production manager.

18 Q. And what was the title before that?

19 A. At my job previously?

20 Q. Well, I'm sorry, I was under the belief that
21 there was some sort of title change, although your
22 responsibilities --

23 A. No, mine was always the assistant food
24 production manager.

25 Q. Okay.

1 MS. BRENNEKE: Are you doing continuing
2 exhibits?

3 MR. WHITEHEAD: Sure.

4 Can we call this -- so this will be 299?

5 MS. BRENNEKE: I think it's 298, but if you want
6 to be safe --

7 MR. WHITEHEAD: 298.

8 MS. BRENNEKE: -- you can go with 299.

9 MR. WHITEHEAD: Let's call it 300.

10 MS. BRENNEKE: Okay.

11 MR. WHITEHEAD: All right, to be safe, we're
12 going to call this Exhibit-300.

13 (Exhibit-300 marked.)

14 Q. You've just been handed Exhibit-300.
15 Have you seen this document before?

16 A. It probably was in July, when I first started.

17 Q. Does this appear to be the job posting that you
18 responded --

19 A. Correct --

20 Q. -- to?

21 A. -- yeah.

22 Yes, it is.

23 Q. And then on the back side of the document, it
24 gives a summary of the primary duties and responsibilities;
25 do you see that?

1 A. Yes.

2 Q. Is that an accurate statement of your duties and
3 responsibilities?

4 A. Yes, it is.

5 Q. Is there anything that you would add to the
6 list?

7 A. No, it pretty -- it's -- it's accurate.

8 Q. If you look there, I think it's the sixth dash
9 down, it says "Directs work, provides training and performs
10 inspection of work performed by detainee food service
11 staff."

12 Do you see that?

13 A. Yes.

14 Q. Can you tell me, how is it that you direct the
15 work of the detained workers?

16 A. For my -- I'll get -- let's say rations will
17 roll in, will come in, because I come in on a swing shift,
18 starts at 1, 1300, and I'll have maybe ten pallets to 12
19 pallets of rations to bring in, and I'll bring in as many
20 through the corridor, and once I bring them through the
21 corridor, I'll have detainees, two, at the minimum of two,
22 to help me pull the rations through the double door to
23 bring it into the kitchen for the -- so we can take them
24 and place them into the refrigerators, in their proper
25 refrigerators.

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 A. No.

2 Q. All right, so to summarize, you said rotating
3 rations --

4 A. Mm-hm.

5 Q. -- work in the cleanup phase, breaking down for
6 the next day --

7 A. Yes.

8 Q. -- prep work?

9 A. Prep work.

10 Q. Did I get that right?

11 A. Yes.

12 Q. Now, in directing the detained workers through
13 these various tasks, are you expecting the detained workers
14 to follow your directives?

15 MS. SCHEFFEY: Object to form.

16 A. If they -- if I ask them to come to help me,
17 it's because I've already went through their cook
18 supervisor to see if they need them, and this is -- can you
19 give me -- or can you loan me two -- because we're moving
20 rations, and -- and they would always send me two. And
21 even if they do or they don't, it doesn't -- if they don't
22 want to feel like working, you know, during that time, then
23 you can have them and I'll just take the one. Sometimes
24 it's just because I know they won't be able to do it or
25 they might not need to do it. I don't -- I don't judge

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 do the work that you instructed them to do, there would be
2 no repercussions?

3 A. No.

4 Q. Did I get that right?

5 A. No.

6 Then they -- sometimes they end up quitting on
7 their own.

8 Q. Again, this is something we'll cover in more
9 detail later.

10 So who is it that you report to?

11 A. To the manager, Ms. Henderson.

12 Q. And who would be your supervisor the next level
13 up above Ms. Henderson?

14 A. Would be the assistant warden.

15 Q. Who is that?

16 A. Mr. Scott.

17 Q. Okay. How is your role different from that of
18 Ms. Henderson's?

19 A. Me, being the assistant, I try to maintain
20 everything that she would want me to maintain, and I try to
21 vice-versa, if she's not there, then I -- I can at least
22 assume the role for a while while she's on vacation.

23 Q. So it's fair to say that when Ms. Henderson's
24 not there, you fill in and act as Ms. Henderson?

25 A. Yes.

1 Q. And then when she's not there, you're assisting
2 her in her role?

3 A. Correct.

4 Q. Does anyone report directly to you?

5 A. No.

6 Q. You mentioned cook supervisors I think it was.

7 A. Yes.

8 Q. Who do the cook supervisors report to?

9 A. They always go back to Mrs. Henderson first.

10 Q. So if I'm understanding you correctly, you have
11 no direct reports?

12 A. No.

13 Mine's totally neutral. That way she -- they --
14 if they need something, they -- they see her.

15 Q. Tell me about the training that you received.

16 A. Repeat that question.

17 Q. Yeah, the training that you received to carry
18 out your role as food production manager.

19 A. I've been to a five-week course with GEO, and
20 that was from July 2015 to August. It's a five-week course
21 for detention officers.

22 And during that time, I'm also working in the
23 kitchen.

24 Q. When you say also working in the kitchen, you're
25 saying that you received training while in the kitchen as

1 well?

2 A. Exactly.

3 When they're -- the detention officers are doing
4 pod officer work, I'm doing my part in doing the kitchen
5 operations.

6 Q. Now, this five-week training course that you
7 underwent, where was the training course?

8 A. They moved the facility a couple times, but it
9 was at the time at the hotel, the La Quinta --

10 Q. Okay.

11 A. -- in a -- in a -- in one of the banquet rooms.

12 Q. In the Tacoma area?

13 A. Yes.

14 Q. And was it only food production managers, or
15 were there other people there?

16 A. Oh, no, everybody. It's consolidated. It's for
17 everyone.

18 Q. And the training, was it specific, or were there
19 any components of it that were specific to your role, or
20 was it just a general training?

21 A. It's -- really, it's part of the process of
22 becoming a -- a correction -- or an officer with GEO.

23 Q. And are you an officer with GEO?

24 A. I'm a correction -- well, I don't want to say
25 correction, I'm a detention officer.

1 Q. That's something I'm a little unclear about, so
2 detention officer versus your title as food production
3 manager.

4 A. We still have to go through the same process as
5 a -- as a detention officer.

6 Q. So you undergo the same training, but are you
7 also considered to be a detention officer?

8 A. I -- I can act in that role.

9 Q. Well, you can, but in your current role as food
10 production --

11 A. Production manager.

12 Q. -- manager --

13 A. It's just an addition, and because I'm the
14 assistant, it's an additional role.

15 Q. Well, tell me what the distinction is between
16 detention officer and what you do as food production
17 manager.

18 A. There's -- there's none. I just -- I'm a cook.
19 I'm a special -- I'm a specialized in food service.

20 Q. So you're a specialized type of detention
21 officer?

22 A. Yes.

23 Q. Okay.

24 A. Because I'm -- I'm part of the administration.

25 Q. And when it comes to supervising detained

1 workers, is it anything other than what you'd mentioned to
2 me earlier about rotating rations, the cleanup phase,
3 breaking down for the next day, and prep work?

4 A. No.

5 MS. SCHEFFEY: Object to form.

6 A. Yes, that's -- that's it.

7 Q. So it wouldn't be the case that you would take
8 detainees to the yard, or for recreation --

9 A. No.

10 Q. -- time?

11 A. No.

12 Q. Did you receive any specialized training as it
13 relates to the kitchen and directing the work of detainee
14 workers?

15 MS. SCHEFFEY: Object to form.

16 A. It's only -- it's only labor that -- that you
17 lead personnel to accomplish the mission, and that's where
18 it -- where it lies. I need people to help me, and they
19 volunteer. I'm more than happy to take them or use them
20 for that purpose.

21 Q. What's the mission?

22 A. It's to provide food service in a timely manner
23 on time, breakfast, lunch, and dinner, and cleanup, and
24 move on.

25 Q. Now --

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 in your job description, so is it ideal for you, as the
2 food production manager, to wash pots and pans?

3 A. Yes.

4 Q. That's ideal?

5 A. That's ideal to do everything in that kitchen.
6 You have -- you need to know all that.

7 Q. And I want to make sure that we're not talking
8 past one another.

9 I mean, I understand that it's important for you
10 to know all the roles, and I commend you for rolling up
11 your sleeves and jumping in when work needs to be done, but
12 I'm asking as a manager, in trying to figure out where to
13 use your resources, is it ideal for you to wash pots and
14 pans, or would you rather have a detainee worker do it?

15 MS. SCHEFFEY: I'm going to object to form and
16 also say this question's been asked and answered, so this
17 is --

18 THE WITNESS: Yeah, okay.

19 MS. SCHEFFEY: You can answer one more time, but
20 it's --

21 A. No, we can move on.

22 Q. No, we can't move on.

23 I should have said, this is one of those
24 situational instructions. Your attorney's going to object
25 from time to time, and unless she instructs you not to

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?

Erwin Delacruz

GEO Objections Foundation, FRE 402,
701, 802.

December 2, 2019

Page 33

1 A. No.

2 Q. In directing the detainee workers, are you also
3 directing them to comply with GEO's rules and regulations?

4 A. Only for food service, if I see any not wearing
5 beard nets or not washing your hands. Keeping sanitation
6 is the utmost for feeding the people in the facility. So
7 sanitation would be the number one.

8 Q. And if a detainee worker was not complying with
9 these rules and regulations -- well, strike that.

10 Why is it important for the detainee workers to
11 comply with GEO's rules and regulations in the kitchen?

12 A. That's more of a -- I would say a federal
13 guideline, but you would want to maintain a clean
14 environment. So we -- we tell them politely, Could you
15 please put your beard net on, and they -- they really do.
16 They follow what we tell them to do. Go wash your hands,
17 make sure that you put fresh gloves on, or okay, everybody
18 get off the line, wash your hands, change your gloves,
19 clean the line, so we can do the next rotation of trays,
20 and they do it, and they follow directions.

21 Q. And you -- I said that these were GEO's rules
22 and regulations, and you said that you think some of them
23 are federal; did I get that right?

24 A. It's a federal guideline, but you know, we do
25 follow the policies that are given to us, and -- and that's

1 pretty much sanitation is just part of the food service
2 program itself.

3 Q. Is the kitchen inspected by the state or federal
4 government?

5 A. Yes.

6 Q. Both?

7 A. Both.

8 Q. And how detainee workers perform their job in
9 the kitchen can impact the outcome of those inspections; is
10 that right?

11 MS. SCHEFFEY: Object to form.

12 A. No, not really. No, not at all.

13 Q. So if a State inspector was inspecting your
14 kitchen, and there were detainee workers that didn't have
15 on hairnets and had open cuts on their hands, you would
16 expect to pass that State inspection?

17 MS. SCHEFFEY: Object to form.

18 A. No, the -- we check them before they're even
19 start, we check their hands, we check all their sanitation
20 prior to them even getting on the floor.

21 Q. And that's because GEO will found to be -- be
22 found to be out of compliance if you don't direct and
23 supervise the sanitation of your workers; is that correct?

24 MS. SCHEFFEY: Object to form.

25 A. No.

1 We continually to keep them sanitized -- or
2 follow the rules that's for food service. We just follow
3 the rules for food service.

4 Q. Do you remember earlier when I asked you if I
5 asked you a straightforward question, and if you would
6 resist the urge to give me an evasive answer; do you
7 remember that?

8 A. Yes.

9 Q. I feel like you're doing it right now, giving me
10 evasive answers. So I think this is a very simple
11 proposition, and I would expect the food service manager to
12 buy into this proposition.

13 It's important that the detainee workers follow
14 the sanitation rules or else GEO might not pass the state
15 or federal inspection; would you agree with that statement?

16 MS. SCHEFFEY: Object to form.

17 A. No.

18 Q. You disagree?

19 A. I disagree.

20 Q. Tell me why.

21 A. We -- we always follow it from the beginning,
22 from the time they walk in there, gloves, hairnet, beard
23 net, anything that they need to get done, let us know. And
24 while they're under control of -- under food service
25 personnel or under staffing, they are guided to do the

1 right thing. So before they even do a task, we tell them
2 before we even start the task that this is what we want to
3 do, we want to break open the boxes, bring them over here,
4 or I'll show you how to open the oven, turn it on. We
5 actually walk them through the steps in doing what we want
6 them to do.

7 Q. And they do it?

8 A. So that way it eliminates the hey you, it
9 eliminates all that, you just show them what you need to be
10 done, and they do it.

11 Q. Are there any documents that you consult to do
12 your job?

13 A. The in-processing officer or the desk officer
14 lets them -- goes through their -- to make sure that
15 their -- that their hands are no cuts. We have a checklist
16 that we go through for each -- for each day or for every
17 shift, beginning of a shift, we get their names, who's
18 here, and what sanitation that needs to be done, or are
19 their hands clean, and that they're dressed properly.

20 Q. My question is more so about what you consult,
21 if anything, to do your job.

22 Is there a manual or a set of guidelines that
23 you consult or look to for guidance?

24 MS. SCHEFFEY: Object to form.

25 A. All the -- all the policies are in each book

1 that we have, cleanup, sanitation, or -- and/or the pod
2 officer or the desk officer's writing down all the
3 information that is needed.

4 (Exhibit-301 marked.)

5 THE COURT REPORTER: Number 301.

6 Q. You've just been handed Exhibit-301.

7 Have you seen this document before?

8 A. This is new to me.

9 Q. Have you seen something similar?

10 A. Yes. Yeah, it would be the -- the in-processing
11 for staff members that's coming into the facility.

12 Q. Well, look on page 5 for me.

13 A. Mine might have been a different form.

14 MS. SCHEFFEY: I'm just going to clarify that
15 page 5, could you read the Bates number just so we have it
16 in the record.

17 MR. WHITEHEAD: Sure, this is GEO-Nwauzor
18 026288.

19 MS. SCHEFFEY: Thank you.

20 MR. WHITEHEAD: It's page 5 of Exhibit-301.

21 Q. Are you there?

22 A. Yes, page 5 of 9?

23 Q. Yes, that's correct.

24 A. Okay, mm-hm.

25 Q. Have you seen anything like this before?

1 A. Yes.

2 Q. Where?

3 A. At -- in my facility, but it might have been in
4 a different form, but it's basically the same.

5 Q. And I want to look at that item 6.1 there. It
6 says "Ensure inmate/detainees are in compliance at all
7 times."

8 A. Yes.

9 Q. Do you see that?

10 A. Mm-hm. Yes, I do.

11 Q. What does that line mean to you?

12 A. Any -- any job that we give them, to at least
13 maintain that they understand and comply to what we tell
14 them.

15 Q. It's your job; correct?

16 A. Yes, after I tell them, that -- that they stay
17 in compliance.

18 Q. It's GEO's job to make certain that they are in
19 compliance at all times --

20 MS. SCHEFFEY: Object to form.

21 Q. -- correct?

22 A. No. I -- I think it's the manager and that who
23 staff that's over them.

24 MR. WHITEHEAD: Counsel, if you can let me get
25 my question out before objecting.

1 MS. SCHEFFEY: Yes, of course.

2 MR. WHITEHEAD: Thank you.

3 Q. So when you're talking about the manager in your
4 job and ensuring compliance, you're talking about
5 compliance in the kitchen with rules and regulation;
6 correct?

7 A. Yes.

8 Q. And when it comes to the kitchen, these rules
9 and regulations are final; is that correct?

10 MS. SCHEFFEY: Object to form.

11 A. We follow the -- the guidelines for sanitation
12 and making sure that the job is complete and that we follow
13 compliance.

14 Q. Well, let's look at the next line down, 6.2.

15 A. Sure.

16 Q. "Ensure every man has beard guards, hairnets,
17 facility grooming requirements."

18 Do you see that?

19 A. Yes.

20 Q. Is there any wiggle room in that?

21 A. All of them should be wearing beard guards,
22 hairnets, and if -- and the beard net is -- it's -- I mean,
23 it's -- they all wear it, they all wear it, and they have
24 to wear it. You wouldn't want hair in your food. So these
25 are the -- these are just part of the compliance.

1 Q. So in that way, the detainee workers have no
2 discretion to disregard these rules?

3 MS. SCHEFFEY: Object to form.

4 A. No, we tell them, and we always -- before they
5 even start work, that's why it's important for the
6 beginning of the workday to make sure you got your hairnet,
7 beard net on before you enter the facility -- or the food
8 production area.

9 Q. Well, you began your answering by saying no, but
10 I think you're agreeing with me.

11 Do you agree that the detainee workers have no
12 discretion to deviate from the sanitation rules?

13 MS. SCHEFFEY: Object to form.

14 A. That's what -- I -- I guess I could be saying
15 that, but maybe I mis -- miscommunicated or did not
16 understand the question.

17 Q. All right, well here comes one of those yes or
18 no questions I talked about in the beginning.

19 A. So --

20 Q. Do the detainee workers have discretion to
21 deviate from --

22 A. No.

23 Q. -- GEO's --

24 A. Sorry.

25 Q. I'll start over.

1 Do the detainee workers have discretion to
2 deviate from GEO's sanitation rules and regulations; yes or
3 no?

4 A. No.

5 (Exhibit-302 marked.)

6 THE COURT REPORTER: This is Exhibit-302.

7 Q. You've just been handed Exhibit-302. It's
8 titled Policy and Procedure Manual, Chapter: Food Service,
9 Title: Food Service Operations, Number: 4.3.1.

10 Have you seen this before?

11 A. Yes.

12 Q. And what are we looking at here?

13 A. This is the -- the policy and procedures on the
14 manual for the PBN -- PBNSE. It's 4 dash --

15 (Reporter requested clarification.)

16 Q. PBN --

17 A. D.

18 MS. SCHEFFEY: S.

19 A. S.

20 Sorry.

21 Q. Performance-Based National Detention --

22 MS. SCHEFFEY: Detention.

23 Q. -- Standards?

24 A. Correct.

25 Sorry.

1 MS. SCHEFFEY: Between the three of us, we'll
2 get it.

3 THE WITNESS: Yeah.

4 MR. WHITEHEAD: Maybe.

5 A. But this is 4.3 in that book, and these are the
6 policies that comes right out of that book.

7 Q. And is this a document that you consult as
8 you're doing your job?

9 A. I do.

10 Q. How often do you take a look at this one?

11 A. If things that I might need to check or fall
12 back on.

13 Q. Well, give me an example of something that you
14 would need to check.

15 A. Key control, a -- the key control, issue keys
16 only in exchange for a name with chits.

17 Or even it's tools, tool items is -- falls under
18 that, or if we're in compliance to maintaining, tools are
19 very important in the facility, and anything else that we
20 may have. We don't have any knives, so I might go back to
21 the -- we don't have any knives, or you know, these are the
22 things that are governed under -- under this.

23 No use of tobacco or, you know, these things
24 that we know that we can't do or we shouldn't do.

25 And just following the procedures that are

1 guidelines for the -- for the -- for our area, for the food
2 service area.

3 Q. Well, let's look at the first page here. It's
4 the one that bears Bates stamp GEO-Nwauzor 031202.

5 Are you with me?

6 A. What was -- what was the page?

7 Q. The very first page.

8 A. Okay.

9 Q. Are you there?

10 A. And what, I, II, or III?

11 Q. So I'm looking at III A, and it looks to be a --
12 well, it looks to be various roles in the kitchen, and goes
13 over to the next page.

14 A. Oh, you mean the Cook Supervisor, Food Service
15 Manager --

16 Q. Yes.

17 A. -- and then it goes on to Cook Foremen, and Work
18 Schedules, and so forth?

19 Q. Correct.

20 A. Yeah.

21 Q. So I want to take these step by step here.

22 So Food Service Manager, is that Ms. Henderson?

23 A. Yes.

24 Q. And would you consider yourself to fall under
25 this part of policy 4.3.1?

1 A. I'm -- I'm kinda in between.

2 Q. Okay.

3 A. Because it says -- because it is a assistant
4 food service manager, but it -- I can take that role as fit
5 to when the manager is not available.

6 Q. Okay.

7 A. But it's kind of like there's two paragraphs, so
8 the bottom paragraph would be more my job title.

9 Q. And when you say bottom paragraph, it's the one
10 that begins --

11 A. It's the second one.

12 Q. -- begins "The Food Service Manager is" --

13 A. Is also responsible, planning, controlling --
14 (Reporter requested clarification.)

15 THE WITNESS: Oh, I'm sorry. Sorry about that.

16 Q. We're looking at the second paragraph that says
17 "The Food Service Manager is also responsible for planning,
18 controlling, directing, and evaluating food service," and
19 then it continues on?

20 A. Yes.

21 Q. And you believe that second paragraph there is
22 more in line with what you do?

23 A. Yes.

24 Q. What about the cook supervisors, what do they

25 do?

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 there's a reference to Cook Foremen; what is a cook
2 foreman?

3 A. I -- we don't -- we don't go into that cook
4 foreman. It might be another -- maybe a different facility
5 uses that title.

6 Q. Let's go to page 5 of Exhibit-302. It's the one
7 that bears Bates stamp GEO-Nwauzor 031206.

8 A. What page was that? Sorry.

9 Q. It says page 5 of 35 on the document.

10 A. Five of 35, okay.

11 Policy and procedures manual?

12 Q. Yes.

13 A. Okay.

14 Q. I'm looking at item 10 there --

15 A. Mm-hm.

16 Q. -- "Detainee workforce."

17 Do you see that?

18 A. Yes.

19 Q. That last sentence says "The quota will provide
20 staffing according to actual needs, eliminating any bias
21 toward over- or understaffing."

22 Do you see that?

23 A. Yes.

24 Q. What does that mean to you?

25 A. We will provide staffing according to actual

1 needs. That's probably policies above me.

2 Through the voluntary program, if we have the
3 personnel or not, no matter what, we're still going to work
4 in our area and continue with the amount of personnel that
5 we have.

6 Q. And I understand that you'll make due --

7 A. Right.

8 Q. -- if you have to --

9 A. Yes.

10 Q. -- correct?

11 And by make due, I mean that you'll roll your
12 sleeves up and do the work yourself; correct?

13 MS. SCHEFFEY: Object to form.

14 A. Correct.

15 Q. But are there times that if you had your
16 druthers, you'd have more detainee workers to help with the
17 work?

18 MS. SCHEFFEY: Object to form.

19 A. Sometimes we bring in other clerks from other
20 areas to help us, to serve it, to serve the meal.
21 Sometimes we -- we just put it -- you know, we got
22 everything in the warmers, we're ready to go, and we will
23 draw from other parts of the facility to get the meal out.

24 Q. And then, let's see, item 12 there on that same
25 page, it's the heading Detainee Orientation and Training.

1 Do you see that?

2 A. Yes.

3 Q. Tell me about the detainee orientation and
4 training that GEO provides.

5 A. We have a pamphlet for them to look over, it's
6 in English and in Spanish, and we have them go through each
7 line, which usually is the desk officer sits them down on
8 their first day of work, and each line has a particular --
9 make sure you bring your hairnets, your beard nets, follow
10 the rules through the officers to how to work, because it's
11 an OJT program, so on-the-job training.

12 So as they go through the kitchen, they're going
13 to be set through three different areas, either the
14 sanitation, the cooking, or the serving area, and they're
15 dispersed, and they'll -- and after they fill out all their
16 paperwork, initial all the -- the -- the paperwork is all
17 done, and then they're broken down into areas, and they're
18 buddied up with other detainees that's been there. If not,
19 then they will be sent to a kitchen staff member, and then
20 they can go from there to what they want them to do or need
21 them to do.

22 Q. So if a detainee worker lacks any kitchen work
23 experience, GEO provides them with the training they need
24 to do the job?

25 A. We --

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 Q. Well, I want to back up a little bit.

2 A. Yeah.

3 Q. So you're saying that the cooks do the cooking,
4 and I'm struggling to understand what the detainee workers
5 do.

6 Is it that they're actually putting the food
7 into the pots and pans?

8 A. Yeah --

9 MS. SCHEFFEY: Object to form.

10 You can answer.

11 A. They could range from putting the food in the
12 kettles from a frozen status -- let's take vegetables that
13 are frozen. They'll place the -- the cook officer will
14 tell them to put it in the pot, add water, and -- and up to
15 this level, or not at all, or the meat item. It could be
16 any -- anything, and -- and they learn from it.

17 Q. So tell me about the direction that the cook
18 supervisor provides when it comes to the meat.

19 You gave me an example of vegetables; tell me
20 what -- how it works with meat.

21 A. It could be preformed beef patties. We'll take
22 them out of the freezer, and we'll put -- we'll tell them
23 how to place them on the sheet pan, 30 to a pan, and then
24 they'll rack them up onto a speed cart, and that would be
25 the prep. And that would be it. Then we'll wait till the

1 time for it to cook.

2 Q. And you're saying "we," but are we talking about
3 the detainee workers?

4 A. All of us, the cooks, the detainees, we -- we'll
5 show them. Either he show -- either the cook supervisor
6 will show them how to do it, and then they'll perform the
7 mission and show it to them, and they just repeat the
8 process.

9 Q. So after that initial on-the-job training for
10 vegetables, or meat, or whatever the meal of the day is --

11 A. Mm-hm.

12 Q. -- is it then the case that the detainee workers
13 will then carry out the mission, cooking the meal, moving
14 forward?

15 MS. SCHEFFEY: Object to form.

16 A. We're constantly supervising them, so it's -- we
17 just -- now that that one knows, then the next one will
18 come behind, and we'll train that one, and then now it's
19 any time when we have this type of meat item, do it this
20 way, and then -- then we'll have three stations going at
21 one time --

22 Q. And --

23 A. -- and supervising all three stations.

24 Q. So is it the case then that the detainee workers
25 are doing the actual hands on, you know, chopping, and you

1 know, cooking, and mixing of the food with supervision from
2 the cook supervisors?

3 MS. SCHEFFEY: Object to form.

4 A. Not -- not all the time. It's just only to help
5 them prepare the meal. It's mostly all preparation,
6 because the cook is the one that's putting in the
7 seasonings, and changing, and adding -- adding anything
8 that needs to be added. He just might need help in putting
9 the items in.

10 Q. I don't know, I -- I'll try again. I'm still --
11 I'm still missing something.

12 A. Oh.

13 Q. I feel like this should be easy, but I'm not
14 getting it --

15 A. Oh, sorry.

16 Q. -- so maybe it's just -- maybe it's just me.

17 A. Apologize.

18 Q. Maybe it's just me.

19 But you know, how many detainee workers are on
20 the morning shift?

21 A. That could range from eight -- from zero to
22 eight to 12.

23 Q. And --

24 A. It's a vast range, because people are exiting at
25 the same time.

1 Q. And how many cook supervisors would be working
2 that same morning shift?

3 A. Three.

4 Q. All right. So we've got anywhere from zero to
5 12 detainee workers on the morning shift and three cook
6 supervisors.

7 As it relates to cooking breakfast, what are the
8 detainee workers doing?

9 A. Let me answer that question. It -- it's -- by
10 4 o'clock, when they get there, it's getting ready to set
11 up the line, because the cook already had cooked most of
12 the products already. It's oatmeal, or whatever item it
13 is, eggs, he already did probably half, and all that's left
14 is the milk, which is a container, sugar, container, it's
15 getting ready to serve at that point.

16 Q. All right, well maybe that was a bad example.
17 I mean, you know, we're talking -- again, just
18 to orient us, we're talking about on-the-job training that
19 GEO provides to detainee kitchen workers?

20 A. Correct.

21 Q. All right, you're with me?

22 A. Yes.

23 Q. So we talked about sanitation and how GEO
24 provides on-the-job training in that respect; correct?

25 A. Correct.

1 Q. Now, as it relates to cooking, is it fair to say
2 that the detainee workers are assisting with the cook?

3 A. They assist the cook when needed.

4 Q. All right. And GEO provides training with
5 respect to that cooking assistance --

6 MS. SCHEFFEY: Object to form.

7 Q. -- correct?

8 MS. SCHEFFEY: Sorry.

9 A. They can -- it will help them in the long run
10 when they do teach them or OJT.

11 Q. Do you understand my question?

12 A. I was -- I -- yeah, I don't understand. I was
13 just -- I --

14 Q. Okay, well let me try again.

15 A. Try again. Sorry.

16 Q. We're talking about training, and you said that
17 the detainee workers assist with the cooking; did I get
18 that right?

19 A. Correct.

20 Q. And GEO provides on-the-job training to the
21 detainee workers as it relates to assisting with the
22 cooking?

23 A. Yes.

24 MS. SCHEFFEY: Object to form.

25 Q. And then finally, you said that GEO provides

1 on-the-job training as it relates to serving; did I get
2 that correct?

3 A. Correct, because that's going to be the next
4 phase, and we're supervising.

5 Q. Now, this Exhibit-302, the policy 4.3.1 about
6 food service operations, these encompass the baseline for
7 what GEO must do with respect to its kitchen operations?

8 MS. SCHEFFEY: Object to form.

9 A. Yes.

10 Q. And it's your job to make sure that the detainee
11 workers hold up their end of the rules and regulations here
12 in 4.3.1?

13 MS. SCHEFFEY: Object to form.

14 A. Yes.

15 Q. Tell me about your performance as food
16 production manager.

17 If I were to ask Bert Henderson, What's Mr.
18 Delacruz like as a -- as a worker, what would she say about
19 your performance?

20 MS. SCHEFFEY: Object to form.

21 A. That I properly do my job and execute missions
22 that is governed by her, and that I execute them correctly.
23 And if I have any question, I go right to her and ask her.

24 Q. And you know, I hear you referring to it as --
25 as the mission; is that the way internally --

Erwin Delacruz

GEO Objections Foundation, FRE 402,
701, 802.

December 2, 2019

Page 57

1 A. That's --

2 Q. Hold on, hold on.

3 A. That's --

4 Q. I'm sorry, Keri's going to kill us --

5 A. I'm sorry.

6 Q. -- we're talking all over one another.

7 MS. SCHEFFEY: She is going to kill us.

8 A. I'm sorry.

9 Q. I'm sorry.

10 All right, so I've heard you refer repeatedly to
11 the mission; is that the way that GEO kitchen personnel
12 refer to their work?

13 A. No, that's -- that's just me being in the
14 military, just using it as a slang.

15 Q. Fair enough.

16 Well, the reason I ask is because, you know,
17 referring to it as the mission, I mean, it makes me think
18 of chain of command as well.

19 A. That's --

20 MS. SCHEFFEY: Object to form.

21 A. It's correct, and -- but it's just my military
22 background.

23 Q. Well, in terms of the chain of command though,
24 it's Bert Henderson --

25 A. Correct.

1 Q. -- in the kitchen?

2 A. Mm-hm. Yes.

3 Q. And then it's you as her assistant?

4 A. Yes.

5 MS. SCHEFFEY: Object to form.

6 Q. It's the cook supervisors?

7 MS. SCHEFFEY: Object to form.

8 A. Correct.

9 Q. And it would be the detainee workers that are on
10 the bottom rung of the chain of command?

11 A. Yes.

12 MS. SCHEFFEY: Object to form.

13 Q. And as with any chain of command, the
14 expectation is that those that are on the lower rung of the
15 chain of command follow the directives of those that are
16 higher up?

17 MS. SCHEFFEY: Object to form.

18 A. Again, that's all -- all -- it's all on-the-job
19 training for these people, for the workers. Even -- even
20 the cooks are all OJT.

21 Q. Is any part of your compensation tied to the
22 performance of the detainee workers?

23 A. No.

24 Q. Do you receive any kind of bonus or anything
25 like that for, you know, completing the mission, as you've

1 referred to it --

2 A. No.

3 Q. -- in a timely fashion?

4 A. No.

5 MR. WHITEHEAD: I think this is a good spot for
6 a break.

7 MS. SCHEFFEY: Okay.

8 THE VIDEOGRAPHER: Now going off the record.
9 The time is 10:44 a.m.

10 (Recess at 10:44 a.m.)

11 (Reconvened at 10:59 a.m.)

12 THE VIDEOGRAPHER: We're now back on the record.
13 The time is 10:59 a.m.

14 MS. BRENNEKE: I wanted to introduce myself
15 formally for the record. I'm Andrea Brenneke with the
16 Attorney General's Office in the Civil Rights Division, and
17 I came in shortly you after you started, but I didn't want
18 to interrupt with my introduction.

19 THE WITNESS: Thank you.

20 Q. So, Mr. Delacruz, how many shifts are there per
21 day in the kitchen?

22 A. There is -- there's two shifts -- let me take
23 that back, sorry. There's three, but we also have a
24 rolling-in shift. So it's kind of like three shifts, but
25 we'll start -- the 3 o'clock is the first shift with the

1 cooks; one will come at 3, one will come in around 3:30,
2 and the next one will come at 5.

3 Q. And when you say 3:30 --

4 A. That would be 3:30 in the morning, 3 o'clock in
5 the morning, and then 4:30 in the morning, and then the
6 last one would come in at 5.

7 Then the next shift will come in at 11, two
8 of -- two officer -- two cook officers will come in at 11,
9 and one will come in at 1. I will also come in at
10 1 o'clock.

11 Then -- then there is a cleanup crew, which is
12 a -- it -- the officer that takes over is from the secure
13 side, and that's at 7.

14 So as we're cleaning up after dinner, then that
15 shift will eventually take over after 8 o'clock, and while
16 the other cooks will leave and detainees from the dinner
17 crew will leave.

18 And then another cleanup crew will show up at 9.

19 Q. So I want to make sure that I'm tracking this
20 correctly here.

21 We've got a shift where cook supervisors begin
22 coming in at 3 a.m.?

23 A. At 3, mm-hm, yes.

24 Q. Do you call that the morning shift?

25 A. That's the morning shift.

1 Q. And then another shift that begins at about 11
2 a.m.?

3 A. Correct.

4 Q. Do you call that the lunch shift?

5 A. That's really the dinner shift, because the
6 morning shift has prepped the breakfast and also is serving
7 the lunch meal.

8 Q. All right. So that's the dinner shift that
9 begins at 11 a.m.?

10 A. Correct.

11 Q. And then the final shift is a cleanup crew?

12 A. At 7.

13 Q. All right. And there are three cook supervisors
14 on --

15 A. Three --

16 Q. -- the morning shift?

17 A. Correct.

18 Q. Three cook supervisors on the dinner shift?

19 A. Correct.

20 Q. And then what about that last shift?

21 A. That last shift is by a security officer from
22 the secure side, another detention officer from outside of
23 the kitchen comes in at 7, and then we'll have the pass off
24 maybe around 8 o'clock, and then his night crew cleanup
25 will come in at 9.

Erwin Delacruz

GEO Objections Foundation, FRE 402,
701, 802.

December 2, 2019

Page 62

1 Q. So then on that final shift, the cleanup crew,
2 there is no cook supervisor?

3 A. No.

4 Q. All right, so we've got a sense of the GEO
5 personnel that works each of these shifts; tell me --
6 strike that.

7 Now, what you've just described to me in terms
8 of the three shifts per day, is that the current state of
9 the shifts?

10 A. That's the current state at this time.

11 Q. And has that always been the case or the
12 breakdown in the time that you've been at GEO?

13 A. That's pretty much been the same since -- at one
14 time we had a cook officer staying late to do the -- the
15 late night shift. That was because we was tasked to do
16 that, and we did it for 12 months, and then they switched
17 it, and we are at our present state now.

18 Q. But in terms of the number of shifts --

19 A. Stay the same.

20 Q. -- it's been three shifts for as long as you can
21 remember?

22 A. Yes, it's always been that way; two original
23 shifts and then that night cleaning crew shift.

24 Q. So how many detainee workers currently work the
25 morning shift?

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. All right, so what you described to me earlier
2 about a breakfast, dinner, and cleanup shift, that's as it
3 relates to GEO personnel; correct?

4 A. Correct.

5 Q. All right. How many detainee shifts are there
6 per day?

7 A. There's four.

8 Q. And tell me what those are, please.

9 A. The first one's the breakfast shift, they start
10 at 4, and they probably can end around 8, 8:30.

11 Q. Okay, and the next one?

12 A. The next one will start at 10, and they will end
13 around 2, 2:30, 3 o'clock.

14 Q. And what you've just described is the lunch
15 shift?

16 A. That's the lunch shift.

17 Q. Okay. And the next one?

18 A. The next one will be at 4 o'clock, and they
19 should be done by 8, 8:30.

20 Q. And that's the dinner shift?

21 A. That's the dinner shift.

22 Q. And then the final shift is cleanup?

23 A. Is the cleanup.

24 And dinner is approximately 6 to 9, and they
25 start at 9 o'clock and end at midnight.

1 Q. All right, so I just want to make sure I've got
2 that right.

3 You've described for me four detainee worker
4 shifts?

5 A. Mm-hm.

6 Q. The first one is breakfast; correct?

7 A. Correct.

8 Q. The second is lunch; correct?

9 A. Yes.

10 Q. The third would be dinner?

11 A. Correct.

12 Q. And the final would be the cleanup?

13 A. Correct.

14 Q. So let's talk about detainee worker staffing
15 levels on each of those shifts.

16 I understood you to say that there are currently
17 eight detainee workers on the breakfast shift; is that
18 correct?

19 A. Correct.

20 Q. Can you remember a time where there were more
21 than eight workers on the breakfast shift?

22 A. About 25.

23 Q. Twenty-five would be the highest number that you
24 can recall?

25 A. Yes.

1 Q. And when was that?

2 A. 2015 through 2016, '17. Yeah, through 2017.

3 Q. Do you know an approximate month?

4 A. No, it just -- it just happens. People
5 volunteer, people quit, or -- it was because we just didn't
6 get any personnel.

7 Q. And when you say personnel, you're referring to
8 the detainee workers?

9 A. Correct, that they didn't voluntarily on time --
10 or they didn't volunteer.

11 Q. What about the lunch shift, how many detainee
12 workers are currently working the lunch shift?

13 A. About 12.

14 Q. And what's the highest number of detainee
15 workers that you can recall working the lunch shift?

16 A. About 20, 25. Twenty-five.

17 Q. And when was that?

18 A. That was about the same time frame.

19 Q. And again, you started working at GEO in 2015;
20 correct?

21 A. Yes.

22 Q. So 2015 to 2017 you would say was about 25
23 workers?

24 A. Yes.

25 Q. And the dinner shift, how many are currently on

1 that?

2 A. About 25.

3 Q. And what's the highest number of detainee
4 workers that you can recall on the dinner shift?

5 A. About the same amount, 25.

6 Q. So that one's been more or less constant?

7 A. They -- for a while we -- we only had like eight
8 or nine.

9 Q. And then tell me about the cleanup shift, how
10 many are on that?

11 A. About eight or nine.

12 Q. That's --

13 A. We'll say eight or nine of them.

14 Q. Currently?

15 A. Yes, currently.

16 Q. And again, the highest number of people that you
17 can remember working that shift?

18 A. That's about -- about what it's always been.

19 Q. You can take a look at the exhibit if you'd
20 like, Exhibit-302. I'm on page 5 of 35. It's the one that
21 bears Bates stamp GEO-Nwauzor 031206, but I had asked you
22 earlier about that paragraph 10, Detainee Workforce, and
23 specifically about that last sentence, the one that
24 references quotas; do you see that?

25 A. Yes.

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 that are assigned and under our -- under the processing
2 center.

3 Q. I think you also mentioned something about
4 pulling clerks from other locations; do you recall saying
5 something like that?

6 A. Yeah, sometimes we'll ask -- we'll ask any
7 clerks in other areas in the staffing if -- could they
8 please or you have time today to come in at 11 or 12 and
9 come and help us serve?

10 Q. So this is GEO personnel from other
11 departments --

12 A. Mm-hm.

13 Q. -- that you're asking to come and help you with
14 kitchen help?

15 A. Correct.

16 MS. SCHEFFEY: Object to form.

17 Q. And why pull those clerks from the other
18 departments?

19 I think the answer's obvious, but I'll ask
20 anyway.

21 MS. SCHEFFEY: Object to form.

22 A. It's just to help us serve.

23 Q. Because you needed the help?

24 A. Because I -- everybody -- we already have the
25 three -- one cook prepping, and then we have the new shift

1 that's coming in, one's cooking, one's serving, two of them
2 will watch the line, but we all serving, so now -- we even
3 use all our -- all our -- our entire staff to get the trays
4 set up and -- and delivered to -- throughout the facility.

5 Q. And this was done because you needed extra help
6 in the kitchen; correct?

7 A. Yes, we'd ask for other personnel to assist us
8 in serving.

9 Q. During the six-month period where there were no
10 viable workers in late 2017 or early 2018, did you have to
11 work overtime to get the job done?

12 A. No, we -- it was pretty much get it all done in
13 a -- in a timely manner.

14 Q. Did any kitchen personnel have to work overtime
15 to complete the task?

16 MS. SCHEFFEY: Object to form.

17 And you only need to answer if you know the
18 answer.

19 A. And I -- I -- yeah, I really don't know that
20 one, because we -- we -- I know I clocked in and clocked
21 out, and I always did an eight-hour job -- eight-hour
22 period.

23 MR. WHITEHEAD: And Counsel, I'll ask that you
24 not coach the witness. If --

25 MS. SCHEFFEY: I'm not coaching. He stated he

1 doesn't --

2 MR. WHITEHEAD: Hold on, we can't speak over
3 each other.

4 Keep your objections to form, but telling a
5 witness not to answer or to answer only if he knows is
6 coaching because this is a deposition and speculation and
7 guessing are 100 percent permitted and permissible.

8 MS. SCHEFFEY: You cannot ask him to answer
9 questions he doesn't know. He can answer insofar as he
10 knows the answer to a question. If it's someone else's
11 state of mind and something else that someone else would
12 have to know, he does not have to answer that.

13 MR. WHITEHEAD: Well, I will be careful to
14 phrase my questions in a way that do not ask him to guess
15 what's in someone else's head, but certainly his belief
16 about why someone else took a certain action or certain
17 course --

18 MS. SCHEFFEY: Right.

19 MR. WHITEHEAD: -- is 100 percent relevant and
20 proper for discovery or during a deposition.

21 MS. SCHEFFEY: To be clear, the last question
22 was did anyone work overtime? He's testified today that he
23 does not supervise anyone, so I don't know how he'd have
24 that knowledge, other than was it your belief or that type
25 of a question.

1 MR. WHITEHEAD: Okay. No, I certainly don't
2 want to tussle with you on this issue, but asking a
3 question, Did anyone work overtime is a foundational type
4 question, and if his answer is no, then so be it.

5 MS. SCHEFFEY: Yes.

6 Q. All right, so you're not aware of anyone working
7 overtime?

8 A. No.

9 Q. Who would know?

10 A. Whoever -- I -- only the person that -- well,
11 really none of them, because we only work -- some of them
12 work ten-hour shifts, and that's part of their -- so they
13 would be complete within ten hours. Mine is eight hours,
14 and I haven't done any overtime during that period.

15 Q. Now, we've talked about GEO personnel in the
16 kitchen and detainee workers in the kitchen; is there ICE
17 personnel in the kitchen during any of this?

18 A. No.

19 Q. Have you observed ICE playing any role in the
20 direction of detainee workers in the kitchen?

21 A. No.

22 Q. I want to talk more about the detainee workers
23 and their role in the kitchen.

24 Can you tell me what the roles are that the
25 detainee workers carry out in the kitchen?

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 Q. Do the detainee workers ever cook food on the
2 stovetop?

3 A. Might be scrambled eggs.

4 Q. So the answer would be yes?

5 A. Yes.

6 Q. Do the detainee workers place food in the oven?

7 A. Yes.

8 Q. Do the detainee workers stir food that is in
9 pots or pans?

10 A. That are in the pots, yes, with supervision.

11 Q. You mentioned eggs; do the detainee workers also
12 cook hash browns?

13 A. No.

14 Q. All right, so we talked about food preparation;
15 is there any aspect of food preparation that we've missed?

16 A. No, that covers it.

17 Q. What about food service, can you tell me what
18 aspects of food service that the detainee workers carry
19 out?

20 A. When it comes to serving of the meal, each one
21 is placed to a particular item, and given a serving
22 utensil, and then served this portion or this amount for
23 this tray. So as the trays that are coming down, if
24 they're -- depending if it's vegetarian, or diet frail, or
25 a regular tray. So let's take regular tray, every regular

1 tray that comes down, put this product in this slot, and we
2 show them a preset tray so they can see where does it go,
3 and this particular item, let's take beans, beans will go
4 into the bottom left-hand corner, and that's when every
5 times when he sees that tray, which is a regular tray, and
6 then that's where we place the amount that was told to him
7 into that tray.

8 Q. I don't mean to bounce around, but I'd like to
9 go back to food preparation for a moment.

10 A. Mm-hm.

11 Q. You gave me a list of all the aspects in which
12 the detainee workers assist with food preparation.

13 You mentioned getting boxes; do you remember
14 that?

15 A. Yes.

16 Q. Putting vegetables in pots or pans; is that
17 correct?

18 A. Mm-hm. Yes.

19 Q. Panning up?

20 A. Yes.

21 Q. Taking food out of storage and putting it on the
22 carts to be cooked?

23 A. Yes.

24 Q. Preparing sandwiches?

25 A. Yes.

1 Q. Panning up after the food is done?

2 A. Correct.

3 Q. You mentioned that they cook food on the
4 stovetop, and scrambled eggs was your specific example?

5 A. Yes.

6 Q. That they put food in the oven and take food out
7 of the oven?

8 A. Yes.

9 Q. Now, in those various tasks, do -- strike that.

10 In those various tasks, does GEO direct the
11 workers in performing the job to be done?

12 A. Yes, there's always a cook supervisor that's
13 above them to -- making sure that everything gets done, and
14 also the cook's helping out at the same time.

15 Q. Do the detainee workers have discretion to
16 change the menu?

17 A. No.

18 Q. Do detainee workers that come to the kitchen
19 with prior experience as cooks get paid more for having
20 more skill?

21 A. No.

22 Q. Does GEO provide the equipment necessary for the
23 food preparation?

24 A. Yes.

25 Q. Could the detainee workers carry out food

1) preparation in some other part of the Northwest Detention

2) Center if they wanted to?

3) A. No.

4) Q. Say peel potatoes in the yard or something?

5) A. No.

6) Q. Could the detainee workers perform this food

7) preparation outside of the Northwest Detention Center?

8) A. No.

9) Q. Okay. So back to food service.

10) You were talking about essentially plating the

11) meals --

12) A. Mm-hm. Yes.

13) Q. -- is that fair to say?

14) A. Yes.

15) Q. Okay. So in addition to plating the meals, what

16) else do the detainee workers do with respect to food

17) service?

18) A. Then they load the -- the trays onto the carts

19) to -- to -- for them to get picked up by the -- the pod

20) sends out a team to come and retrieve the cart with the

21) food on it, and it's locked up prior to it leaving our

22) facility -- our food service facility to the -- to their

23) pod.

24) Q. Okay.

25) A. So all the meals are on it, and we verify it.

1 Our officers -- the desk officer will verify that the
2 number is correct. If there's 68 trays on that cart, then
3 68, how many are a different -- like the FH tray or
4 vegetarian trays, and it's the total 68, and he counts all
5 the vegetarians, counts all -- and then the rest are all
6 regulars.

7 Q. What else?

8 Again, as it relates --

9 A. Right.

10 Q. -- to food service?

11 A. The detainees will help in getting the products
12 from the warmer, and bringing them to the hot line, and
13 swapping the pans out.

14 Q. What else?

15 A. Then it's -- then all the pans that were used
16 are being at the same time taken back to the sanitation
17 area for them to get washed and cleaned.

18 Q. Anything else as it relates to food service that
19 the detainee workers do?

20 A. And then, of course, putting away rations and
21 rotating.

22 Q. Can you think of anything else?

23 A. Besides the sanitation, the other aspect is when
24 the trays come back, and get washed, and --

25 Q. Well, I'll ask you some questions --

1 A. Yeah.

2 Q. -- about cleaning in a moment.

3 A. Yeah.

4 Q. So if I understand you correctly, as it relates
5 to food service, we're talking about serving and plating
6 the meals --

7 A. Mm-hm.

8 Q. -- correct?

9 A. Correct.

10 Q. We're talking about loading trays onto carts and
11 getting the carts back; correct?

12 A. Correct.

13 Q. We're talking about counting the meals to make
14 sure we've got the appropriate number of meals, whatever
15 the dietary --

16 A. Dietary --

17 Q. -- restrictions maybe?

18 A. Correct.

19 Q. We're talking about getting products from the
20 warmers and swapping out food?

21 A. Right, bringing them onto the serving line, yes.

22 Q. We're talking about taking trays back for
23 sanitation?

24 A. Mm-hm. Yes.

25 Q. And putting away the rations?

1 A. Yes.

2 Q. Now, in carrying out each of these tasks, is GEO
3 directing the work of the detainee workers?

4 MS. SCHEFFEY: Object to form.

5 A. The cook staff is supervising them during this
6 time.

7 Q. This is GEO; correct?

8 A. Yes. Yes, it's GEO.

9 Q. Now, in serving the meals, could a detainee
10 worker decide to give detainees extra portions of food?

11 A. That's why we're on the line, ensuring that --
12 that no -- the amount that is given, that's the amount that
13 should be given to all.

14 Q. And when you say "we," you mean that GEO is
15 supervising the detainee workers to make sure that the
16 serving is done correctly?

17 A. Because we follow a guideline from our staff,
18 which is the menu plan, and if it says one cup, one cup
19 is -- it's a dietary allowance for the day, and one -- and
20 just for the instance, breakfast, four ounces, or three
21 ounces, or six ounces, then that's what is given and what
22 we prepare for. And it's -- and that way everyone gets the
23 same throughout the facility, no matter if he's Alpha pod,
24 Bravo pod, or even Delta or Fox, they get the same amount,
25 and we discourage that they not do that, but we're always

1 watching them, so we continue to monitor throughout the
2 feeding time.

3 Q. So you're agreeing with me then that GEO
4 supervises the detainee workers to make sure that the food
5 service is done correctly?

6 MS. SCHEFFEY: Object to form.

7 A. Yes, we're trying to make sure that we hold up
8 our policies.

9 Q. And again, there's no opportunity for a detainee
10 worker to make more money if they were extremely efficient
11 and the best server in the world?

12 MS. SCHEFFEY: Object to form.

13 A. It's totally a voluntary mission -- or job, and
14 it -- it just helps them to come in and help us. It's just
15 part of the voluntary program.

16 Q. I certainly understand that, but I mean, to my
17 question specifically, are you aware of an opportunity for
18 the food servers to make more money if they work more
19 efficiently?

20 A. Not really. No.

21 Q. And GEO provides all of the equipment necessary
22 to do the food service; correct?

23 A. Correct.

24 Q. Detainee workers, for example, couldn't use some
25 nonauthorized serving utensils?

1 A. No.

2 Q. All right, let's talk about food storage.

3 Can you tell me what role, if any, the detainee
4 workers carry out with respect to food storage?

5 A. During that time, or any given day, there is
6 probably eight, maybe ten, 12 pallets that was delivered
7 from one vehicle, and I pull them through the corridor, and
8 then we -- as I going through them, we -- we rotate the
9 stock by pulling all the older stuff to the front and
10 putting all the one that came in second, because we date
11 everything that comes in, and we respect the date and when
12 their shelf life. We'll just say vegetables, and carrots,
13 potatoes, fruits, apples, oranges, a pretty basic setup,
14 bring the pallets in, bring in the one item, the one
15 particular item in first, or it might be 30 cases of
16 apples, bring them in, put them behind the one that's
17 already -- already in there, and -- or we slide the one
18 that's already in there to the front, and then we load it
19 through the back.

20 Q. And the -- the dating, do the detainee workers
21 date the food?

22 A. We -- I do, or I give them a pen and just -- I
23 just tell them line them all up, and then we're going to
24 date everything, and we both do it. We do it as a team.

25 Q. All right, so there's unloading the pallets, and

1 putting the food into storage, and all that goes with that;
2 is there anything else with respect to food storage that
3 the detainee workers do?

4 A. Just help me push the pallets in when I -- when
5 I get them through the door. A lot of times I was by
6 myself doing it, because there wasn't enough detainees, so
7 we -- I put them -- I let the cook supervisors maintain
8 them, and I'll bring it in by myself.

9 Q. Now, with the food storage, could the detainee
10 workers push the pallets and store the food somewhere other
11 than where you've directed them to?

12 A. No, it's gotta be in a particular refrigerator,
13 or to the dry room, or to the freezer.

14 Q. And pallets, are we talking about then hand
15 trucks to move the pallets?

16 A. Yes.

17 Q. And I take it GEO provides that equipment?

18 A. Correct.

19 Q. Do detainee workers get paid more if they are
20 fast and efficient in moving the pallets around?

21 A. No.

22 Q. Let's talk about cleaning.

23 Can you tell me what roles the detainee workers
24 play in cleaning the kitchens?

25 A. After the last cart goes out, then they take a

1 break for them to eat. Then when they're finished eating,
2 and then we start our cleanup. And we try to break them
3 down into two groups, one in the kitchen and one in the
4 sanitation area to receive the trays that are coming out
5 from the pods, so they can get that started. And then
6 where the serving line is, that they can go ahead and start
7 sweeping, mopping, and cleaning out all the warmers, and
8 the tables, empty the trash that's inside the serving area.

9 And then all the -- sanitation side, all the
10 pans that we used, all the pots that were used are
11 constantly being cleaned, so by the time when the trays
12 come, it's just mostly the trays, and then the four-inch
13 pans and the six-inch pans will get washed, and then they
14 go through the dishwasher, and then everything's put back
15 onto the racks to air dry, and then the trays are loaded
16 onto tray racks so they can air try for the next meal.

17 Q. And what you've just described, these are all
18 tasks that the detainee workers carry out?

19 A. Correct.

20 Q. Is there anything else with respect to cleaning
21 that the detainee workers carry out?

22 A. And then sweeping, mopping out the floors,
23 cleaning out the drains, because food particles will go
24 down through the drain, and we don't want to clog them up,
25 and we con -- we do that every day.

1 Q. Now, as it relates to cleaning, does GEO provide
2 all of the cleaning equipment and products needed?

3 A. Yes.

4 Q. Could detainee workers clean in some way other
5 than what's been authorized or directed by GEO?

6 A. No.

7 Q. Say, for example, if a detainee had some great
8 home remedy for, you know, getting out grease stains, could
9 they deviate from what GEO has directed?

10 A. No, they cannot bring any -- they -- there's
11 no -- no. We -- they only use our products, what we
12 supply.

13 Q. And I take it that this all corresponds with
14 what we were talking about earlier, about the importance of
15 sanitization in the kitchen --

16 A. Correct.

17 Q. -- in that that's part of the reason why
18 cleaning is important and that it must be done in the way
19 that GEO has directed; correct?

20 MS. SCHEFFEY: Object to form.

21 A. Correct.

22 Q. All right, so we talked about food preparation,
23 food service, food storage, and cleaning; are there any
24 other big buckets of work that we're missing that the
25 detainee workers do in the kitchen?

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 (Exhibit-303 marked.)

2 THE COURT REPORTER: This is Exhibit-303.

3 Q. You've just been handed Exhibit-303, a document
4 on its face says Food Cost Summary.

5 What are we looking at here?

6 A. This is a weekly -- let's say from December 1st
7 through the 7th, that's how many personnel that we fed
8 through the week, how much food usage that we used, or how
9 much food we cooked, what our inventory was at the time,
10 how much we purchased, what we began our inventory with,
11 and the total meals for that week, and then how much staff
12 we fed for that week.

13 Q. So this is just a record then of the --
14 basically data for food service for the month of December
15 2015?

16 MS. SCHEFFEY: Object to form.

17 A. Yes, for that month.

18 Q. Is that your signature that we see there next to
19 your name printed under the Food Service Manager line?

20 A. No, that's Ms. Henderson.

21 Q. Actually, we see two signatures there.

22 A. The other one is the assistant warden.

23 Q. Have you signed forms like this in the past?

24 A. Yes, while the manager is not available.

25 Q. So when it says "Inmate" in the second column

1 there, that's the total number of meals served?

2 A. Yes, 34,020 -- now, that could be the -- because
3 this is an older form, that could be the population
4 estimate for that week.

5 Q. And actually, yeah, I see a third column there
6 that says "Total Meals."

7 A. Total meals is actual what we fed, because the
8 inmate population changes every week of the amount of
9 personnel that are -- that are present, because people get
10 deported, or moved on, or get released, then a new group
11 might show up. Every week there's always a rotation, you
12 know, of people coming in. And this is -- when we get the
13 Total Meals, that's how many meals we actually served,
14 34,444.

15 Q. And the Northwest Detention Center is a -- it's
16 a 1,500 bed or so facility; is that correct?

17 MS. SCHEFFEY: Object to form.

18 A. It could -- it could -- yes.

19 Q. The column there that says "Payroll," what does
20 that refer to?

21 A. Payroll is for that one week, how much -- all
22 the cooks that work there, how much money was spent for
23 their payroll for that week.

24 Q. So that doesn't refer to detainee workers --

25 A. No.

1 Q. -- that's GEO personnel?

2 A. That's just GEO personnel.

3 Q. Do you play any role in determining the staffing
4 levels for detainee workers in the kitchen?

5 A. No. No.

6 Q. That's all Ms. Henderson, or the warden, or
7 someone else?

8 A. That's --

9 MS. SCHEFFEY: Object to form.

10 A. It's a voluntary program. I can't -- I don't --
11 if they -- again, if they volunteer, then that's how many
12 more people we can get, and that's how many people show up.

13 Q. Well, my question isn't -- my question's a
14 little different.

15 A. Oh.

16 Q. I mean, do you play any role in --

17 A. No.

18 Q. -- you know, reviewing the kites or the requests
19 from people to work in the kitchen and deciding that we'll
20 take eight versus 12 versus 25?

21 MS. SCHEFFEY: Object to form.

22 A. No, they -- they'll send it to the work program,
23 and -- and once it goes to the work program, it's the work
24 program that decides to what shift they want, if -- because
25 the -- because now it's all computerized, so it goes

1 straight to the workforce program.

2 Q. Are any aspects of GEO's food service at the
3 Northwest Detention Center outsourced to third parties?

4 A. No.

5 Q. How much are detainee workers paid for each
6 shift?

7 A. A dollar, and they only can work one shift.

8 Q. Do you know whether there's anything that
9 prevents GEO from paying detainee workers more?

10 A. I don't set that policy. No, I do not know.

11 Q. Are you aware of any detainee workers receiving
12 more than a dollar a day?

13 A. No.

14 (Exhibit-304 marked.)

15 THE COURT REPORTER: This is Exhibit-304.

16 Q. You've just been handed Exhibit-304, which is a
17 collection of detainee job descriptions for the kitchen
18 work area.

19 Have you seen these job descriptions before?

20 A. Yes, they're in our packet.

21 Q. And when you say "packet," what are you
22 referring to?

23 A. Prior to them working, we -- we have them fill
24 out initial -- a packet that -- that they understand what's
25 going -- what's happening in cleaning up, and sanitizing,

1 and working inside the kitchen.

2 Q. Let's take a look at the first one, the Detainee
3 Job Description, job title is cook.

4 Are you with me there, on the first page?

5 A. Yes.

6 Q. That last section there says "Termination."
7 What does that refer to?

8 A. It could be because he was caught stealing or --
9 or was being disruptive inside the kitchen to coercing
10 other personnel, fighting, not following safety procedures.
11 But at the same time, we try to eliminate it by not letting
12 them get that far. Tell them to stop what -- you know,
13 observe what you're doing, and -- because there's always a
14 supervisor all over them. And then horseplay, misconduct
15 is the same thing.

16 Q. Well, isn't what we're looking here under this
17 heading called Termination, the reasons for which a
18 detainee worker could be fired from their job in the
19 kitchen?

20 A. Yes.

21 MS. SCHEFFEY: Object to form.

22 Q. And you'd agree that failure to follow safety
23 procedures is grounds for termination?

24 MS. SCHEFFEY: Object to form.

25 Q. Correct?

1 A. To an extent. If -- what kind of safety did
2 they -- what kind of safety procedure that they missed or
3 didn't do.

4 Q. And certainly, you know, I think that's a fair
5 distinction --

6 A. Yeah.

7 Q. -- between minor and major violations.

8 A. Correct.

9 I mean, if he accidentally did it, don't -- just
10 stop, and then we'll correct them, and then we can go on
11 from there. And then a lot of times because they never
12 worked in a kitchen before.

13 Q. But you'd agree though that just generally
14 speaking, failure to follow the safety procedures could
15 lead to termination?

16 A. Could, yes.

17 Q. And the same is true of failure to follow
18 supervisor's instructions, that it could lead to
19 termination?

20 A. Could, yes.

21 Q. The same is true of unexcused absenteeism, that
22 that could lead to detainee worker termination?

23 A. Yes.

24 Q. Same thing for misconduct, horseplay, et cetera,
25 that it could lead to termination?

1 A. Correct.

2 Q. And certainly theft, that could lead to
3 termination?

4 A. Mm-hm. Yes.

5 Q. And finally, unsatisfactory work performance?

6 A. Correct.

7 Q. And as I look at the other job descriptions here
8 for dishwasher, food prep, kitchen light duty, kitchen line
9 backup, kitchen line server --

10 A. Mm-hm.

11 Q. -- kitchen pots and pans, kitchen storeroom
12 puller, kitchen utility --

13 A. Yes.

14 Q. -- they all repeat those same six grounds for
15 termination?

16 MS. SCHEFFEY: Object to form.

17 A. Yes.

18 Q. Now, each of these job descriptions also list
19 specific work duties.

20 A. Yes.

21 Q. And we can certainly look at them individually,
22 but I just want to talk in general.

23 A. Mm-hm.

24 Q. GEO's expectation is that the detainee workers
25 carry out the specific work duties mentioned in each of

1) these job descriptions; correct?

2 MS. SCHEFFEY: Object to form.

3 A. Yes.

4 Q. And it's true that the detainee workers are not
5 paid extra if they are exemplary performers in their job;
6 correct?

7 MS. SCHEFFEY: Object to form.

8 A. Correct.

9 Q. And the detainee workers have no discretion in
10 carrying out the various job duties listed here on these
11 job descriptions; correct?

12 MS. SCHEFFEY: Object to form.

13 A. Correct.

14 Q. And GEO provides the training necessary for the
15 detainee workers to carry out each of their specific work
16 duties; correct?

17 A. Well, under --

18 MS. SCHEFFEY: Object to form.

19 A. -- under supervision, yes.

20 Q. And GEO provides -- I think I may have already
21 asked, but GEO provides all of the equipment necessary;
22 correct?

23 A. Yeah.

24 MS. SCHEFFEY: Object to form.

25 A. Correct.

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 thing is to get them out of there, and suit them back out,
2 and send them off. And they'll either get back to their
3 pods, and then -- then, of course, we fill out our
4 incidents reports, and then drive on.

5 Q. Now, in that scenario then, would that kitchen
6 detainee worker be welcome or eligible to work in the
7 kitchen again?

8 MS. SCHEFFEY: Object to form.

9 A. That would be up to the secure side. Once the
10 incident reports are filled out, it's out of my hands at
11 that moment.

12 Q. Do you fill out an incident report or make a
13 recommendation?

14 A. I only fill out the incident report of what
15 happened, then they are judged by -- once the incident
16 report goes back to the lieutenant's office, and then the
17 judicial portion will take over.

18 MR. WHITEHEAD: Let's go off the record.

19 THE VIDEOGRAPHER: We're now going off the
20 record. The time is 11:58 a.m.

21 (Lunch recess at 11:58 a.m.)

22

23

24

25

1 Fircrest, Washington; Monday, December 2, 2019

2 12:46 p.m.

3 -----

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

5 The time is 12:46 p.m.

6 E-X-A-M-I-N-A-T-I-O-N (Resumed)

7 BY MR. WHITEHEAD:

8 Q. Mr. Delacruz, who sets the detainee workers'
9 schedules in the kitchen?

10 A. Detainees choose what shift they want to be on.

11 Q. Well, is there anyone at GEO, any GEO personnel
12 though that decides what shifts detainee workers should be
13 on?

14 A. No, they kind of -- they -- they -- they more or
15 less ask in their work program, they ask which shift that
16 they want, either morning, or afternoon, or late evening.
17 They might need to go see their lawyers in the afternoon,
18 so they pick a morning shift, or you know, whatever, if
19 they have to go to court, or whatever, or get their things
20 done and go to law office in the afternoon and must
21 leave -- and do their work in the morning, and that's why
22 they choose what shift they want to be on.

23 Q. And how is it that you came to that
24 understanding about the detainee workers get to choose?

25 A. That's kind of like if I was applying for a job,

1 I would say I wouldn't want -- I would want to work a p.m.
2 shift or -- because it's on their screen if you -- I guess
3 on their screen that they would choose, when they go
4 through the voluntary program --

5 Q. Well --

6 A. -- work a.m., p.m., or swing -- or the -- either
7 breakfast, lunch, or dinner, or the late shift.

8 Q. Well, what happens if everyone volunteers for
9 the morning shift? Does GEO have discretion to say hey,
10 morning shift is closed, but we've got lunch, and dinner,
11 and cleanup --

12 A. Then --

13 Q. -- available?

14 A. Then if they want to switch, then that's fine,
15 but they would be probably asked through the work program.
16 I have no clue -- I don't have no say in -- in telling
17 them, because they're in -- they're in the pod, so
18 they're -- they're looking out and -- and asking, Can I
19 switch shifts, or -- or days off, or even -- it's from the
20 work program they would ask, maybe ask them, I wouldn't.

21 Q. And when you say work program, are you referring
22 to anyone in particular?

23 A. The -- that's the work program administrator.

24 Q. Is this --

25 A. It's another --

1 Q. -- Alisha Singleton?

2 A. Yes.

3 Q. And does -- do you know a Michael Heye?

4 A. He might have taken over or -- or switched,
5 because I don't -- I'm always -- I come in the afternoons
6 on my workdays, so every -- I come in at 1, so I know swing
7 shift. So I'm too busy off-loading rations, so I wouldn't
8 know what happens during the early morning when they're
9 there.

10 Q. Is GEO paying you right now to be here?

11 A. Not that I you know of.

12 Q. Oh, that's a shame.

13 A. Yeah.

14 I haven't clocked in.

15 Q. So is it your understanding then that the
16 classification officer has the authority to decide the
17 schedule?

18 A. I -- I really don't know. I don't know.

19 Q. Do the detainee kitchen workers work seven days
20 a week?

21 A. They can choose if they want a day off, and they
22 always request it, usually in their -- in their original
23 request, and then sometimes they don't.

24 Q. Are you able to say generally how many days a
25 week that, you know, the average detainee kitchen worker

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 until the IMS is lifted, and then we can pan up trays
2 again, and those are incidences that are -- it could go --
3 it could go overtime, it could go over that limit. But
4 then at that point, we just stop working. There's IMS on
5 the floor, stop working, sit down, wait. And then as soon
6 as when the IMS lifted, okay, now we can start building
7 trays again.

8 Q. What is IMS?

9 A. It's an emergency. Maybe there might be a fight
10 in a pod, and all RNs within the facility go to that pod to
11 assist the pod officer in breaking up the fight, or -- or
12 even a medical emergency, and so medical personnel can get
13 there without -- without people in the way.

14 Q. So if I'm understanding you correctly, then
15 morning shift detainee kitchen workers work four hours, but
16 maybe a little bit longer if something like an IMS lockdown
17 occurs or if there's additional work that needs to be done?

18 MS. SCHEFFEY: Object to form.

19 A. It can, it can, and it happens now and then, but
20 not every day.

21 Q. So then usually four hours?

22 A. Yeah, usual it's four hours.

23 Q. For the morning shift?

24 A. And all the other shifts.

25 Q. All right. So the lunch shift is four hours as

1 well, except for the exceptions that you were talking
2 about?

3 A. Right.

4 And then that's the -- we try to maintain that.
5 There's always something -- always something going on.

6 Q. And the dinner shift is four hours?

7 A. Correct.

8 Q. And then cleanup shift is four hours as well?

9 A. Correct.

10 And they -- apparently the -- the late crew
11 is -- because it's a smaller crew, there is a count at
12 11:30, so they usually stay there and do the count, and
13 then as soon as the count's done, then they go set back, so
14 they do about four hours.

15 Q. What does GEO do to make sure that it isn't
16 understaffed as far as kitchen detainee workers go?

17 A. That are understaffed?

18 Q. To make sure that you're not understaffed?

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

20 Q. Is that something that you all ever discuss,
21 that hey, we're understaffed right now as far as detainee
22 workers go?

23 MS. SCHEFFEY: Object to form.

24 A. No.

25 We usually handle it. If we have to handle it,

1 we handle it, we just do it.

2 Q. Does GEO have a plan in place if there are work
3 stoppages in the kitchen?

4 A. Yes, and we know that we just continue to drive
5 on. We -- in a cook's life, we -- no matter what, we're
6 going to get the job done.

7 Q. As best you can, tell me what the plan is.

8 A. Is if there's a lockdown or any kind of
9 situation, if it's -- we call on the other cooks that might
10 be off, and if they're available to come in, and if they're
11 not, we're going to just continue to got the meal out so we
12 can feed the people that are there.

13 Q. Is it the case that detainee workers can only
14 work at their assigned times in the kitchen?

15 A. They choose their time, so there would be
16 just -- they -- once they're finished with their period,
17 then they're sent back.

18 Q. Okay. So if I understand you correctly, you
19 believe that it's the detainee workers that say when they
20 want to work; correct?

21 A. Either breakfast, lunch, dinner, or late shift.

22 Q. And then GEO, someone in the classification unit
23 makes a determination about when that worker is scheduled;
24 is that correct?

25 A. To which one that they had chosen, if he wanted

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 this breakfast shift, and now he wants to change. There's
2 no problem, just submit it, and then let the workforce
3 program take over and make the change.

4 Q. So that's yes then, you're agreeing with me that
5 the worker must seek authorization to switch their shift?

6 A. Correct.

7 MS. SCHEFFEY: Object to form.

8 A. Correct, in a way that because he wants to
9 change. Not that we're telling him to change, he wants to
10 change.

11 Q. We're going to bounce around a little bit.

12 I want to go back to the topic of -- well,
13 actually, hold on. I just want to put a document in front
14 of you. Let's see.

15 (Exhibit-305 marked.)

16 THE COURT REPORTER: This is Exhibit-305.

17 Q. You've just been handed Exhibit-305, and the
18 first page anyway is called Kitchen Worker Orientation
19 Checklist.

20 Do you see that?

21 A. Yes.

22 Q. What is this?

23 What are we looking at here as Exhibit-305?

24 A. This is when kitchen workers arrive at the
25 kitchen on their first day, we sit them down and go over

1 all this information and tour them through the facility.
2 Some of these stuffs we can't show them at the moment
3 because it's an OJT program, and we try to show them where
4 everything is at.

5 Let's say designated area for eating, drinking,
6 of course there's no smoking area, but eat only on the
7 tables that they're set up for them --

8 Q. Okay.

9 A. -- and drink -- they can't be eating and
10 drinking within the confines of the kitchen area, they have
11 to eat -- go into the -- if they want to drink something,
12 they going to have to either wait for the tables to be set
13 up, or they can go drink by the sanitation side, because we
14 don't -- it's not sanitary to have eating food or drinking
15 in the kitchen preparation area.

16 Q. Looking at that first page, the last checked
17 box, so to speak, under that first section, says
18 "Evaluation Program" --

19 A. What page?

20 Q. So on the very first page.

21 A. Oh, okay.

22 Q. You know, there's the very first list, the
23 bottom of that first list says "Evaluation Program."

24 You had read to me about the smoking in, and you
25 know, the designated areas, it's right beneath that.

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 THE COURT REPORTER: This is Exhibit-306.

2 Q. You've just been handed Exhibit-306.

3 What are we looking at here?

4 A. This is a Detainee/Staff Health and Hygiene.

5 So detainees are coming in at 4 in the morning,

6 and the desk officer will have each detainee come to them,

7 because they gotta turn in their ID card, and at the same

8 time, looking for cuts, if he has a runny nose, hands,

9 fingernails are trimmed, and to extent where it's

10 satisfactory that he doesn't have any cuts, he doesn't have

11 any open sores, this will -- can determine if he needs to

12 go back to the pod or -- or go to see medical.

13 Q. And this is an inspection then --

14 A. Yes, this is just an inspection prior to him to

15 be working.

16 Q. An inspection conducted by GEO; correct?

17 A. By the officer, the desk officer that comes

18 in --

19 Q. And --

20 A. -- that's there.

21 Sorry.

22 Q. Let's try again.

23 So this is an inspection performed by GEO's desk

24 officer before the start of each shift?

25 MS. SCHEFFEY: Object to form.

1 A. Yes.

2 Q. And if any of these checked boxes are marked as
3 unsatisfactory under cuts, open sores, cough, runny nose,
4 hands, fingernails, it may be grounds to return that
5 kitchen worker back to their pod?

6 A. And seek medical -- seek medical help to help
7 them. Because sometimes they -- they might not know, and
8 you need to go -- go see the medic that morning, and then
9 he'll get authorization to come back to work if not.

10 Q. Does GEO hold safety meetings for its detainee
11 kitchen workers before their shifts?

12 A. This is part of the safety.

13 Q. Tell me about the safety meetings.

14 A. Is to make sure that they keep -- make sure
15 their beard nets are on, hair nets are on, their hands,
16 wash their hands, put gloves on, make sure the sinks are
17 on, the water -- make sure all the soaps are full, and make
18 sure they got their boots on, and change their clothes,
19 we'll give them the white smocks, and make sure they're
20 clean.

21 Q. So this is GEO then inspecting the kitchen
22 workers to make sure that they're fit for duty that day?

23 A. Correct.

24 MS. SCHEFFEY: Object to form.

25 Q. And you talked about hairnets; is it the case

1 that GEO workers in the kitchen wear uniforms?

2 A. Yes.

3 Q. And these are different than the standard
4 uniforms that they wear in the facility?

5 A. They -- they from the same material but in just
6 white. They can't use their pod or their color uniforms as
7 kitchen workers, that's why we give them the white smocks.

8 Q. What's your understanding of why they can't just
9 wear their standard --

10 A. Because they have -- they have to go back --
11 they gotta go back with those clothes, and you don't want
12 to be smelling like chicken.

13 Q. So what do the kitchen uniforms consist of?

14 A. White pants and a white shirt.

15 Q. Are there special -- is there special footwear
16 that the workers wear?

17 A. Yes, we -- we give them the black boots, our
18 close to knee high boots.

19 Q. Is there anything else that makes up the kitchen
20 uniform?

21 A. No, that's it.

22 Q. So white pants, white shirt, and black boots?

23 A. Correct.

24 Q. And these are all items that GEO provides to the
25 workers?

1 A. Yes.

2 Q. And if a detainee worker says, I want to wear my
3 normal clothes, what do you say?

4 A. No, you go change out and put on your cook
5 whites or the white uniform.

6 Q. And if the detainee kitchen worker refuses, they
7 don't get to work that day; correct?

8 MS. SCHEFFEY: Object to form.

9 A. That would be entirely up to the manager at that
10 point, because I'll just say, You sit right here.

11 Q. Have you ever encountered that situation before?

12 A. No, I haven't.

13 Q. Well, based on your years of work experience
14 with Ms. Henderson, what do you think she would say if a
15 detainee worker said, I don't want to change?

16 MS. SCHEFFEY: Object to form.

17 A. You know, I haven't seen it happen, but I don't
18 know.

19 (Exhibit-307 marked.)

20 THE COURT REPORTER: This is Exhibit-307.

21 Q. You've just been handed Exhibit-307. It's a
22 two-page document.

23 What are we looking at here?

24 A. Detainees removed from the kitchen because of
25 what they have done.

1 Q. What are IDP sanctions?

2 A. They didn't follow the rule, or they -- they
3 removed something out of the facility, out of the kitchen
4 area, or could be in the hallway having stuff from the
5 kitchen. It's really vague. It has a lot of -- of
6 everything in here.

7 Q. Have you ever seen a list like this before?

8 A. No.

9 Q. Do you have any basis to doubt the accuracy of
10 this list?

11 A. I don't know. It's all done through, I guess,
12 ins -- through incident reports from the officers, and the
13 officers translate it to the -- the lieutenants, and --
14 because we only write down what the incident is as far as I
15 go.

16 Q. When you say "officers," are we talking about
17 someone other than yourself or the cook supervisors?

18 A. Cook supervisors, or the RN that might be
19 searching them, or it could be anybody that's working near
20 the kitchen or inside the kitchen, either the cook
21 officers, the desk officer, or the -- there's one officer
22 that's assigned to us during feeding to help the movement
23 of the detainees, to pick up the trays.

24 Q. What is a UDC hearing?

25 A. It could be for a hearing for a detainee. I'm

1 not -- I'm not really sure. I know that they just going
2 to -- it's kind of like a court environment for charges
3 against them.

4 Q. Possible sanctions or disciplinary proceedings?

5 A. Probably sanctions or disciplinary procedures.

6 Q. Have you ever taken part in the UDC hearing
7 process?

8 A. No. Nope.

9 Yeah, only the incident report, and we submit it
10 forward, and they handle it.

11 Q. Do you know whether ICE takes part in the UDC
12 hearing process?

13 A. I do not know.

14 Q. What is a detainee worker pay sheet?

15 A. Only the detainees that have come to work that
16 day, and their ID number and their name is written on --
17 once he submits -- gives up his ID card when he walks in
18 to -- for his shift, and we write down his name and his ID
19 number so he can get paid for that day. That's like a time
20 clock.

21 Q. So this is the desk officer then completing a
22 form?

23 A. Completing a form on all the personnel that are
24 there.

25 Q. And by completing the form, that desk officer is

1 saying that the detainee worker has completed the job,
2 maintained a good attitude, and was there to work on time?

3 A. He's there on time, and then that's where it
4 stops until -- until we're done.

5 (Exhibit-308 marked.)

6 THE COURT REPORTER: This is Exhibit-308.

7 Q. You've just been handed Exhibit-308, two-sided
8 document.

9 What are we looking at here?

10 Let me phrase that.

11 Is this a detainee worker pay sheet?

12 A. This -- this is not a detainee pay sheet. It
13 might be for the pod maybe.

14 Q. Is the form for kitchen workers substantially
15 similar?

16 A. It -- it is. We -- not -- not in this format.
17 We just have the -- the list open, and it has the detainee,
18 the number, then it doesn't have anything -- just we know
19 it's the job in the kitchen, and that's it, and then what
20 time. We just -- it's a little bit different format, but
21 it -- it will lead into this as the same thing, name, ID
22 number. We don't sign it. I -- either me or the officer,
23 on-desk officer, or the morning or afternoon signs it, but
24 all their names would be listed. That will match our list
25 of names that were given to us by the work program. So we

1 bounce that off this. Did all of them show up? Who didn't
2 show up? He might have been deported, or he might have
3 been let out, or sick, or in the lawyer's office, or could
4 be anywhere, visitation, and that's why he didn't show up.

5 Q. But the bottom line is that detainee workers are
6 only paid if an officer signs off on the pay sheet; is that
7 correct?

8 MS. SCHEFFEY: Object to form.

9 A. Once they show up for work, and then that's --
10 that's when this form is filled out, and then -- then it's
11 signed, and then it's submitted at the end of the shift.

12 Q. So it's the officer basically verifying that the
13 detainee worker showed up and worked their shift?

14 A. Yeah, and he worked the shift.

15 (Exhibit-309 marked.)

16 THE COURT REPORTER: This is Exhibit-309.

17 MR. WHITEHEAD: 309 you said?

18 THE COURT REPORTER: 309, yes.

19 MR. WHITEHEAD: Great, thank you.

20 Q. You've just been handed Exhibit-309.
21 Have you seen a document like this before?

22 A. No.

23 Q. In the bottom right corner of each page is
24 something we call a Bates stamp, and towards the end there,
25 there is a page that's labeled GEO-Nwauzor 026947.

1 Actually, looks like the last four pages.

2 A. Ah, okay. This is what we would receive from
3 the workforce program, the last three -- well, it should be
4 the four sheets, yeah. Yes, this would be what we would
5 receive. These ones, I -- I don't see these, I only see
6 this sheets.

7 Q. And this being the one that looks like it's
8 related to the kitchen, we've got Bates stamp GEO-Nwauzor
9 026947 through 953, and it looks to be labeled Breakfast
10 Shift, Breakfast Shift 2, Lunch Shift --

11 A. Breakfast, lunch, dinner, and cleanup.

12 I think that lunch 2 is really all of the same,
13 it's just like the second page, like lunch shift 2 will be
14 the second page of lunch 1. It's just a continuation.

15 Q. All right, well let's -- let's take them one at
16 a time.

17 A. Yeah.

18 Q. So we are looking at Exhibit-309, we're on the
19 page that bears Bates stamp GEO-Nwauzor 026947. It's the
20 first of the ones that say Breakfast Shift.

21 A. Okay.

22 Q. Are you with me?

23 A. Yep.

24 Q. Okay. Now, this printout, is it done on a daily
25 basis?

1 A. Once a week.

2 Q. Once a week.

3 So what we see here is the schedule then for the
4 entire week?

5 A. Yes.

6 Q. And looking at this one that's labeled Breakfast
7 Shift --

8 A. Mm-hm.

9 Q. -- and then on the very next page, Breakfast
10 Shift 2 --

11 A. Yes.

12 Q. -- is that really just the entirety --

13 A. Just a continuation --

14 Q. -- of the Breakfast Shift?

15 A. Yes, that's just a continuation from the
16 first -- from the front half. This is just like page 2.

17 Q. And if you look at Breakfast Shift and Breakfast
18 Shift 2, there appear to be 33 workers that week --

19 MS. SCHEFFEY: Object to form.

20 Q. -- would you agree?

21 A. That could have been assigned, but how many
22 are -- with all the days off, not all of them are there at
23 any given time.

24 Q. You'd agree with me though that 33 workers were
25 assigned to the breakfast shift that week?

1 A. They were assigned, yes.

2 Q. And then flipping to the lunch shift, this
3 begins on page GEO-Nwauzor 026949, there's Lunch Shift and
4 then Lunch Shift 2.

5 Are you with me?

6 A. Yes.

7 Q. Would you agree that it appears 33 workers were
8 assigned to work the lunch shift --

9 A. Yes.

10 Q. -- that week?

11 A. Yes.

12 Q. Now let's keep going.

13 Let's look at the -- the Dinner Shift. So this
14 begins on page GEO-Nwauzor 026951.

15 Would you agree with me that 33 workers appear
16 to have been scheduled to work that week on the dinner
17 shift?

18 A. Correct.

19 Q. And then we'll look at the last page,
20 GEO-Nwauzor 026953. This is the cleanup shift.

21 It appears that 12 workers were scheduled to
22 work the cleanup shift that week?

23 A. Yes.

24 Q. So this is a schedule; is that right?

25 A. Yes.

1 Q. And I see a column there that says "Days Off."

2 Some people have one day off, some people have two; do you

3 see that?

4 A. Yes.

5 Q. Are we to assume then that unless it's a day

6 off, that person was scheduled to work?

7 A. Yes.

8 Q. Exhibit-309, the schedule that we were looking

9 at, who generates that report?

10 A. The work -- workforce program.

11 Q. So this could be Ms. Singleton or Mr. Heye?

12 A. Yes.

13 Q. And how was this given to you?

14 A. It's usually given to me on Wednesday afternoon
15 for a Thursday -- for a -- to start on Thursday, and then
16 anybody that's new, they -- they'll get their medical
17 release form, which that's the only reason why they're on
18 there, because they already went through medical, and then
19 we can -- then we can go on to filling out the -- once we
20 get their medical form, then they'll fill out the rest with
21 the pod officer, Kitchen Work Orientation Checklist, and go
22 on from there once he -- once he gets into the system. And
23 I'll get this once a week.

24 Q. And is this the list that you're

25 cross-referencing or the desk officer is cross-referencing

1 in completing the detainee worker pay sheet?

2 A. Yes, once they -- personnel that are assigned to
3 the dinner shift, once they come in, we make sure that
4 their names are on here, their A number, and then they go
5 onto the pay sheet, and then we'll -- we'll initial that
6 they're -- that they showed up for -- for work on that day.
7 And this is for the health and welfare check.

8 Q. We're nearing the end. I just -- to recap, GEO
9 trains detainees on all aspects of the kitchen policies and
10 procedures --

11 MS. SCHEFFEY: Object to form.

12 Q. -- correct?

13 A. We supervise the personnel that come into the
14 kitchen.

15 Q. And GEO supervises these workers to ensure that
16 they're complying with the kitchen policies and procedures?

17 A. Yes.

18 MS. SCHEFFEY: Object to form.

19 Q. And GEO holds safety meetings to make sure the
20 detainees are complying with those rules and regulations?

21 A. Yes.

22 Q. GEO keeps training -- or records of the training
23 that the workers receive?

24 MS. SCHEFFEY: Object to form.

25 A. Only the workers orientation checklist.

1 Q. GEO provides the detainee workers with uniforms?

2 A. Yes.

3 Q. GEO provides the detainee workers with all the
4 equipment they need to do their job?

5 MS. SCHEFFEY: Object to form.

6 A. Yes.

7 Q. GEO does not permit detainee workers to deviate
8 from their job descriptions --

9 MS. SCHEFFEY: Object to form.

10 Q. -- is that correct?

11 A. No.

12 Q. No, you're agreeing with me?

13 A. I mean -- I'm sorry.

14 Q. I know, I phrased it poorly.

15 A. Yeah.

16 Q. Detainee workers are not permitted to deviate
17 from their job descriptions?

18 A. No.

19 Q. No, they're not allowed?

20 A. Not allowed.

21 Q. Do you have any reason to believe that the
22 detainee workers were unsatisfied with the dollar a day
23 they received for their labor?

24 A. I can't speak for them.

25 Q. Did anyone ever ask you for a raise?

Erwin Delacruz

GEO Objections Foundation, FRE 402,
701, 802.

December 2, 2019

Page 127

1 A. No.

2 Q. Did you ever ask for a raise for a top
3 performer?

4 A. No.

5 Q. Do know if you had the authority to do so?

6 A. I -- I -- it's not -- it's not up to me. It's
7 above my pay grade.

8 Q. Well, some of my questions may have been
9 pointed, but have I treated you fairly today?

10 A. Fine. I'm okay. Appreciate it.

11 MR. WHITEHEAD: I don't have any other
12 questions.

13 MS. SCHEFFEY: Can I just ask you a few
14 follow-up questions?

15 THE WITNESS: Sure.

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

17 BY MS. SCHEFFEY:

18 Q. You have in front of you I believe we marked it
19 as Exhibit-309?

20 A. Mm-hm. Yes.

21 Q. Could you tell me -- we were on page GEO-Nwauzor
22 026947.

23 Just any of these, yeah.

24 A. Forty-seven, okay. Four-seven, okay.

25 Q. Do you know what OTM stands for?

1 A. I don't.

2 Q. Okay. Is it possible that someone would need to
3 have yeses in both OTM and Work Agreement in order to
4 participate in that --

5 A. They could have been --

6 MR. WHITEHEAD: Hold on, objection -- objection.
7 Foundation objection, form.

8 A. I don't know.

9 Q. Okay.

10 A. Because the Medical Clearance is yes, Work
11 Agreement's yes, and I don't know what the OTM means.

12 Q. Have you ever had someone on the list be unable
13 to participate in the Voluntary Work Program that day?

14 MR. WHITEHEAD: Object to form.

15 A. Because he wasn't on the list, or he had a
16 medical -- he came -- let's say he came in on Thursday, and
17 he was sick, so he would need a medical release form from
18 the medics or the medical staff to come back to work.

19 Q. Okay. Is it true that just because someone
20 is -- or I'll start -- rephrase that.

21 If someone's name appears on this list, does
22 that guarantee that they will perform work every day of the
23 week?

24 A. No, because they have visitation, they have
25 lawyer -- or they're going to court, and it just takes them

1 out, and that's the only reason why they didn't show up.

2 Q. So when you personally receive this list, do you
3 anticipate you will have all of these individuals on any
4 day?

5 A. You can anticipate, but if -- until they
6 actually show up, that's what you got --

7 Q. Okay.

8 A. -- literally.

9 Q. Is it common for you to have 30 people each day,
10 30 detainee workers?

11 A. No. No.

12 MS. SCHEFFEY: I think that's all I have.

13 MS. BRENNEKE: I don't have a microphone.

14 MR. WHITEHEAD: Here.

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

16 BY MS. BRENNEKE:

17 Q. So, Mr. Delacruz, there were some days that you
18 would have 30 --

19 A. Yes, it -- it -- to -- to your eyes, you would
20 think yeah, you got 30, and sure, if -- if everybody
21 didn't -- had their days off, and if everybody showed up,
22 yeah, you would -- you would expect to have 30.

23 Q. And all of those 30 people would be working
24 during their full shift; is that correct?

25 A. Correct. Yes.

1 Q. Okay. You said there was a period of time where
2 you were having difficulty or the kitchen was having
3 difficulty with full staffing with detainee workers; do you
4 recall that testimony?

5 A. Yes.

6 Q. Okay. Did you ever discuss with Ms. Henderson
7 why that might be?

8 A. We -- we never know what -- how many people are
9 applying, but at that moment, we're just doing it.

10 Q. Yeah, I'm just curious, were you aware of any
11 effort she made in order to recruit detainee workers to
12 come work?

13 MS. SCHEFFEY: Object to form.

14 A. None. Just if we get these workers, we get
15 them. You can't go to a pod and force people to go to
16 work. So it's a voluntary program, so it's kind of --
17 you're stuck in a -- you're not really stuck in a rock and
18 a hard place, it's just if you don't have no volunteers,
19 you don't have no volunteers.

20 Q. Okay. So during the period the kitchen had low
21 staffing with detainee workers, are you aware of whether
22 the pods were fully staffed or there were workers in other
23 locations?

24 MS. SCHEFFEY: Object to form.

25 A. It -- sometimes it could be medical. They

1 were -- a chicken pox breakout, so now that closes down the
2 whole pod, and there's six out of -- six cook workers that
3 were in there. So we can't go and get them, so they gotta
4 stay until they get medically cleared.

5 Q. You had a period when the kitchen workers had
6 chicken pox; right?

7 A. Exactly, yeah.

8 Q. Right.

9 How long did that last?

10 A. It seemed like it lasted for six months.
11 Because it transfers, it's very catchy, and if we don't
12 catch it in time, and then it just migrates into other --
13 the other pods.

14 Q. Right, because it's infectious.

15 A. It's infectious.

16 Q. Yeah.

17 All right. When you brought in workers from
18 other areas of the facility --

19 A. Mm-hm.

20 Q. -- when your numbers were down, what did you
21 have them doing in the kitchen?

22 A. It was mostly just the serving part, the
23 serving.

24 Q. The plating part?

25 A. The plating.

1 Q. And then getting them on the trays and --

2 A. And getting them on the cart, and getting them
3 out.

4 Q. Okay. And approximately how much GEO workers
5 would come in to provide that extra staff support in the
6 kitchen?

7 A. About three to four, maybe two RNs, and maybe
8 two clerks just to help, plus the -- all us, all hands on,
9 and we -- between the three of us, the two clerks, and the
10 two officers that help out. Because we always have one
11 assigned to us during the feeding time to help monitor the
12 movement of the carts, and yeah, we just go ahead and knock
13 it out -- or do the job and finish it.

14 Q. And will you estimate what time period all of
15 that extra staffing was employed?

16 MS. SCHEFFEY: Object to form.

17 Q. One hour, two hours a day; how much extra?

18 A. Oh, it only was during lunch at any given time,
19 maybe every other day, just depending on the meal, and then
20 we might have had a -- people that were leaving, more
21 people is coming out that were either deported or getting
22 sent out, so it's -- it fluctuates even more. And some
23 days we got a few people, and we'll be good for like four
24 or five days, and then -- then they'll either disappear, or
25 they need to go, they were needed to go too, and then we'd

1 rally up some more people for that day or that lunch meal.

2 Q. So it's challenging --

3 A. Yeah.

4 Q. -- because your workforce is in transition
5 sometimes?

6 A. Yes, they're in transition. They're either
7 going to see lawyers or -- everything goes on, there's
8 church movement, there's -- you know, there's a lot of
9 things going on other than just our facility -- our portion
10 of the facility.

11 Q. Okay. And so -- so when -- when the fluctuation
12 happens and you're understaffed for detainee workers, it
13 sounds like the GEO staff can fill in those gaps?

14 A. Right, we can.

15 Q. Okay. And so what I -- I guess what I'm trying
16 to figure out is at lunchtime, when the GEO staff is coming
17 into the kitchen to fill in the gaps, are they working for
18 a period like between 11 o'clock and 1 o'clock or --

19 A. About -- about 11 to 1 or 11 to 12:30.

20 At the time, we was -- had like almost -- over a
21 thousand people in there, you know, and about 1,500 trays
22 to do, and -- and we'd get it, we'd get it done. And as
23 long as -- and people are willing to help. They're always
24 willing to help to come in and do it. And we don't -- we
25 don't have to scream or yell, but we just have to, Hey, can

1 you help me, and they'll come over. And Ms. Henderson
2 coordinates all that part, coordinates all that.

3 On the weekends I don't have too much problems
4 because they're all going -- they have visitation. A lot
5 of the courts are only Monday through Fridays. There is a
6 breathing place in there, and -- and that's about it.

7 Q. Okay. So what's the current level of staffing?
8 Has it gone back up to full staffing now?

9 A. No, it's about, like I said, about eight --
10 eight for breakfast, 12 for lunch, and about 20 for dinner.

11 Q. So you're still a little understaffed?

12 MS. SCHEFFEY: Object to form.

13 A. It just depends if we're -- if we have them, we
14 have them. And it's good when we do, and if we don't, then
15 we know we just have to roll up a little bit harder.

16 Q. You all have to work harder?

17 A. Just gotta work a little bit harder.

18 Q. Okay. I was going to ask you about some of the
19 detainee workers. Have you had people who had longevity,
20 who worked there for a long period of time?

21 MS. SCHEFFEY: Object to form.

22 A. I -- I don't know. Sometimes they'll -- because
23 people rotate so often, they might work there for three
24 months, and then I don't see them again. They could either
25 got deported, or changed, or got let -- or bonded out,

1 or -- or they just quit altogether and they never came
2 back, they just stayed in -- they just -- or they did
3 another job. They could have went to barber, they could
4 have went to laundry. My concerns are all in the food
5 department, so I -- I'm oblivious to what's going on past
6 my door. I just have what's ever is in the kitchen is in
7 the kitchen.

8 Q. And is it true that you have a little less of
9 the direct hands on supervision; your food supervisors are
10 doing more of that?

11 A. They're doing most of the supervision, and I
12 only do the spot checking, or if I need help with my end
13 because I'm totally ramped out. With all the rations
14 that's coming in, I'll get probably 33 to 40 pallets in a
15 week, and it's on Monday, Tuesdays, and Wednesdays, and
16 then on Saturday and Sundays, I'm doing the paperwork to --
17 the paperwork from the pick lists or to draw things off the
18 inventory. With the other four days that I wasn't putting
19 away rations, I could just jump on the computer real quick
20 and knock some of them out, but that's -- it's just -- just
21 the way it is.

22 Q. So from either talking with the detainees
23 themselves or the food supervise -- or the cook supervisors
24 who have more direct contact, are you aware of any reasons
25 why people would choose to work in the kitchen over working

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

1 no changing our -- our tray over the ones that were fed in
2 the pod, but it's -- it's if we have extra vegetables, no
3 problem, and extra salad, take what you want, sit down,
4 eat, and then if they eat it all, they eat it all, if they
5 don't, then it's not a real big deal, because everything
6 that's exposed gotta be thrown away anyway. Everything
7 that's panned up, we can -- we can probably use it another
8 day, depending on what it is.

9 Q. So have you heard from any of the detainees or
10 others that working in the kitchen was too hard of work
11 because it's such long hours, or the level of work, they'd
12 rather work in the pod?

13 MS. SCHEFFEY: Object to form.

14 A. That would be up to the detainee.

15 Q. Have you ever heard anybody raise concerns like
16 that?

17 A. No. No, not really.

18 Q. How about the laundry?

19 A. They're working -- they're doing the same thing.

20 Q. Do the laundry workers get leftovers from the
21 kitchen if there are some leftovers?

22 A. They -- whoever's in the laundry, we'll form two
23 trays for them so they can eat in their respective areas
24 instead of coming into the kitchen. I try to separate the
25 laundry workers from the kitchen workers, and -- and it

1 just -- it just -- because they're different pods, they're
2 from different -- they might be a different color uniforms,
3 and it's just business to keep them separated.

4 Q. Are the laundry workers also allowed to get
5 extra portions if there are extra portions available?

6 A. If there's extra availables, yes, and we usually
7 go ahead and make their trays for them so they don't have
8 to come back, or they don't -- you know, the pod officer is
9 taking care of them.

10 Q. And were you saying that they make two trays --

11 A. Yeah, they'll --

12 Q. -- or two portions for each laundry worker?

13 A. At least two -- at least two portions, or if we
14 have any extra vegetables, we give them the extra
15 vegetables.

16 Q. Is there any type of worker, other than the
17 kitchen worker or the laundry worker, who gets extra food
18 as an incentive for their work?

19 A. It's kind of like not an incentive, but it's
20 just a little common courtesy. If I give it to this group,
21 but they're working for us, but it's not an incentive, it's
22 if we have extra, we're going to give it to them.

23 Q. All right. So is there any group of workers,
24 other than the kitchen workers and the laundry workers --

25 A. No.

1 Q. -- who get extra portions if there's extra
2 portions available?

3 A. No.

4 Q. Okay. And do you give it to the kitchen and to
5 laundry because those are like the hardest jobs, they're
6 the longest hours; is there rationale for that?

7 A. It's just --

8 MS. SCHEFFEY: Object to form.

9 A. It's just the hours that are posted, and if they
10 don't want to work there, then they can just not volunteer
11 for the position.

12 Q. I know, I'm just trying to --

13 A. Yeah.

14 Q. -- figure out why it is you give those two
15 groups the extra food?

16 And I'm not saying there's anything wrong with
17 it, I'm trying to get --

18 A. Right.

19 Q. -- into the rationale, you know?

20 A. It was -- it was the -- the ones that worked in
21 the kitchen, because we -- we're done feeding with
22 everybody, and that was the only thing, we just had extra
23 food, or whatever's left, and that's what we serve, and
24 that's what -- if they want some more, they can, because we
25 had already had all the trays go out already at that point

1 and everyone's fed.

2 Q. So how many -- how many detainees do you have
3 working in the laundry?

4 A. Oh, there's only two, maybe three, I think.

5 Q. Two per shift?

6 A. Because there is -- there is flexibility in
7 there, because I have nothing to do with laundry.

8 Q. But you're plating them up for them; right?

9 A. They'll -- they'll -- officer will come and ask,
10 Oh, I got only two, I only got one, I only got three. So
11 every day or any meal is different from the next --

12 Q. Mm-hm.

13 A. -- or he might not have none.

14 MS. BRENNEKE: Okay. All right. Why don't we
15 take a quick break. I think I'm done as well, but ...

16 THE VIDEOGRAPHER: We're now going off the
17 record. The time is 1:49 p.m.

18 (Recess at 1:49 p.m.)

19 (Reconvened at 1:57 p.m.)

20 THE VIDEOGRAPHER: We're now back on the record.
21 The time is 1:57 p.m.

22 F-U-R-T-H-E-R E-X-A-M-I-N-A-T-I-O-N

23 BY MR. WHITEHEAD:

24 Q. Mr. Delacruz, earlier we were talking about your
25 work with the pallets, and you mentioned something about

1 moving the rations?

2 A. Yes.

3 Q. And I heard you use the phrase "rations"
4 actually several times.

5 A. Yes.

6 Q. Do you recall doing that?

7 A. Yes.

8 Q. What are you referring to when you say
9 "rations"?

10 A. Rations are the food that's coming into the
11 facility. We don't get one or two, we get 30 boxes of one
12 item, 40 bags of one item, 30 bags of rice, 40 bags of
13 beans, 4,000, 5,000 milks, but they're in 50 -- 50 in each
14 container.

15 Q. And does everyone refer to these as rations, or
16 is that your --

17 A. This is all rations in general, it's all
18 rations.

19 Q. Okay.

20 A. There is another term called wets and dries;
21 wets would be refrigerated, dries would be the -- the dry
22 stuff or the beans, the beans or the rice. That would be
23 the canned goods are all the dries. The wets would be
24 anything that's chilled either in the freezer or
25 refrigeration.

1 MR. WHITEHEAD: All right, thank you.

2 THE VIDEOGRAPHER: This concludes the videotaped
3 deposition. We're now going off the record. The time is
4 1:59 p.m.

5 THE COURT REPORTER: So is he going to read and
6 sign or waive signature?

7 MS. SCHEFFEY: He's going to read and sign; if
8 you could send us a copy.

9 THE COURT REPORTER: And are you going to have
10 this transcribed at this time?

11 MR. WHITEHEAD: Yes, please, but no rush.

12 MS. SCHEFFEY: No rush for us either.

13 THE COURT REPORTER: You're ordering a copy?

14 MS. SCHEFFEY: Mm-hm, we are.

15 THE COURT REPORTER: And are you going to order
16 a copy?

17 MS. BRENNEKE: Have we been doing that?

18 MR. WHITEHEAD: Yes, I think so, yeah.

19 MS. BRENNEKE: Yeah.

20 THE COURT REPORTER: And exhibits, are you going
21 to order exhibits with your transcripts as well?

22 MR. WHITEHEAD: Yes, please.

23 MS. SCHEFFEY: Yes, please.

24 (Deposition adjourned at 1:59 p.m.)

25 (Signature reserved.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S-I-G-N-A-T-U-R-E

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, same and except for changes and/or corrections, if any, as indicated by me on the CHANGE SHEET flyleaf page hereof. Signed in....., WA, on the.....day of....., 2019.

.....

ERWIN K. DELACRUZ

Taken: Monday, December 2, 2019

Keri A. Aspelund

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.



NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEATTLE DEPOSITION REPORTERS, LLC
600 UNIVERSITY STREET, SUITE 320
SEATTLE, WA 98101
(206) 622-6661

C-H-A-N-G-E S-H-E-E-T

PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,
SHOWING PAGE, LINE AND REASON.

PAGE LINE CORRECTION AND REASON

ERWIN K. DELACRUZ
TAKEN: Monday, December 2, 2019