

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 17-cv-05769-RJB

DEPOSITION DESIGNATIONS
OF MARC A. JOHNSON

Plaintiffs present (1) Plaintiffs’ designations of the Deposition of Marc A. Johnson,
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

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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:

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

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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

Videotaped
Deposition Upon Oral Examination of
MARC A. JOHNSON

2:05 p.m.
 Tuesday, December 3, 2019
 1019 Regents Blvd., Suite 204
 Fircrest, Washington

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

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14 Also Present: LINDSAY HITCHCOCK, VIDEOGRAPHER
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1 E X H I B I T S

2	No.	Description	Page/Line
3	318	Email dated September 14, 2011, from	75 4
4		Marc Johnson to Bertha Henderson	

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

7	BY	Page/Line
8	MR. WHITEHEAD	5 11
9	MS. MELL	80 7
10	MR. WHITEHEAD	84 1
11	MS. MELL	85 6

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17 (Note: * Denotes phonetic spelling.)

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1 Fircrest, Washington; Tuesday, December 3, 2019

2 2:05 p.m.

3 -----

4 THE VIDEOGRAPHER: We are going on the record at
5 2:05 p.m. on December 3rd, 2019. This is media unit one,
6 volume one, of the video deposition of Marc Johnson taken
7 by the plaintiff, case number 17-cv-05769-RJB, in the
8 matter of Nwauzor, et al., vs. GEO Group, filed in the U.S.
9 District Court, Western District of Washington, at Tacoma.
10 This deposition is taking place at 1019 Regents Boulevard,
11 Suite 204, in Tacoma, Washington.

12 The videographer is Lindsay Hitchcock for
13 Seattle Deposition Reporters, 600 University Street,
14 Seattle, Washington 98101. The court reporter is Keri
15 Aspelund for Seattle Deposition Reporters.

16 Counsel, at this time, please identify
17 yourselves for the record and the witness may be sworn in.

18 MR. WHITEHEAD: Good afternoon. Jamal Whitehead
19 on behalf of the certified class represented by Mr.
20 Nwauzor.

21 MS. MELL: Oh, Joan Mell -- I'm sorry, I have to
22 stop this.

23 Joan Mell on behalf of GEO.

24 MR. POLOZOLA: Lane Polozola, I'm counsel for
25 Washington in the consolidated Washington vs. GEO Group

1 case.

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

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

8 -----

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

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

12 BY MR. WHITEHEAD:

13 Q. Good afternoon, Mr. Johnson.

14 A. Good afternoon.

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

17 A. Okay.

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

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

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

1 Q. And your date of birth?

2 A. [REDACTED] 1978.

3 Q. And your current address?

4 A. P.O. box, will that work?

5 MS. MELL: Yes, because we don't want to mark
6 it -- if you need to -- I'll accept if you need to get him.

7 MR. WHITEHEAD: You read my mind. As long as
8 you'll accept, that's fine.

9 MS. MELL: Yeah.

10 A. It's [REDACTED], Puyallup, Washington 98373.

11 Q. Is GEO your current employer?

12 A. Yes.

13 Q. What's your current title?

14 A. I'm a detention officer.

15 Q. I've read documents that refer to you as
16 lieutenant; is that no longer the case?

17 A. Correct.

18 Q. All right. I'll ask more questions about that
19 later, but for now, have you ever given testimony under
20 oath?

21 A. Yes.

22 Q. Okay. In what context?

23 A. It was an arbitration.

24 Q. What type of arbitration?

25 A. An employee discharge.

Marc Johnson

GEO Objections Foundation, FRE 402,
701, 802.

December 3, 2019

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1 Q. This was while you were at GEO?

2 A. Yeah.

3 Q. So a former GEO employee started an arbitration
4 against the company?

5 A. Correct.

6 Q. And you were a witness?

7 A. Yes.

8 Q. Were you the subject at all of the -- the
9 arbitration?

10 A. No.

11 Q. All right, well I know you've gone over the
12 rules with Ms. Mell. I typically approach the rules
13 situationally. When stuff pops up, I'll give you a gentle
14 reminder about how we should proceed and what we can do to
15 make a clean record.

16 For now though there are three things that I
17 like to stress at the outset of every deposition. The
18 first of which is that this is not a practice. What you
19 say now is just as important as if the judge and the jury
20 were in the room and ready to make a determination; do you
21 understand?

22 A. Mm-hm.

23 Q. You also understand that there's a written
24 transcript that is being created as well as a video of
25 everything that we say and discuss, and that the judge and

1 the jury may use that to assess your ability -- credibility
2 or truthfulness in terms of the testimony you're about to
3 give; do you understand that?

4 A. Yes.

5 Q. And secondly, I'm not a mind reader, so if I ask
6 you a question that you don't understand, will you let me
7 know?

8 A. Yes.

9 Q. Also, if there's something that prevents you
10 from giving a full, or complete, or truthful answer,
11 whether it be a medical condition or something else, will
12 you let me know that?

13 A. Yes.

14 Q. And thirdly, I'm looking for your full
15 cooperation today. I want your full, most truthful, most
16 complete testimony; do you understand?

17 A. Yes.

18 Q. Now, toward that end, I'm going to ask you many
19 yes or no questions in trying to work as efficiently as
20 possible so we can all get out and beat the traffic.

21 A. Okay.

22 Q. If I ask you a yes or no question, will you give
23 me a yes or no answer?

24 MS. MELL: Object to the form of the question,
25 that's an instruction, to the extent that's a question.

1 A. Yes.

2 Q. And I think that brings up one of the
3 situational rules. Your attorney's going to object, and
4 unless she instructs you not to answer, and assuming you
5 heed her advice, the expectation is that you answer my
6 questions; okay?

7 So the way it'll go is I'll ask a question,
8 there may be an objection, and then we'll all look to you
9 for your answer --

10 A. Okay.

11 Q. -- do you understand?

12 A. Yes.

13 Q. Okay. That brings up another situational rule.
14 It's important that we speak one at a time. We've got a
15 court reporter here that's taking down everything that we
16 say, and the transcript is just really muddled and messy if
17 we're talking all over one another. So I will do my best
18 to let you finish your answer before I ask the next
19 question, will you let me finish my question before you
20 begin your answer?

21 A. Yes.

22 Q. All right. What did you do to prepare for your
23 deposition today?

24 A. I showed up here, and talked to Ms. Mell.

25 Q. And other than speaking with Ms. Mell, did you

1 do anything else to prepare for your deposition today?

2 A. No.

3 Q. And it's my understanding that you drove to the
4 deposition today with Mr. Tracy; is that right?

5 A. Correct. Mm-hm.

6 Q. Did you and Mr. Tracy discuss the case or the
7 testimony that you expect to give today?

8 A. No.

9 Q. What did you guys talk about?

10 MS. MELL: Object to the form.

11 A. We were talking about a work assignment we were
12 going to.

13 Q. Did you speak with your captain, or assistant
14 warden, or anyone like that?

15 A. Yes.

16 Q. Who?

17 A. The assistant facility administrator, Scott.

18 Q. Bruce Scott?

19 A. Bruce Scott.

20 Q. When did you speak with Mr. Scott?

21 A. I saw him at the facility earlier today.

22 Q. And what did you discuss as it relates to this
23 case or the testimony that you're about to give?

24 A. Just that we needed to come here and testify at
25 the deposition.

Marc Johnson

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701, 802.

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1 Q. Are you being paid?

2 Are you on the clock right now?

3 A. Yeah.

4 Q. Okay, good.

5 Did you review any documents in preparation for
6 today?

7 A. No.

8 Q. All right, so can you give me a high level
9 overview of your educational history.

10 A. I graduated high school. I have attended some
11 community college but haven't -- you know, nothing of
12 substance. I don't have an AA degree or anything. And
13 that's pretty much it.

14 Q. What did you study in college?

15 A. Just general studies.

16 Q. When did you begin working for GEO?

17 A. April of 2009.

18 Q. What did you do before GEO?

19 A. I worked for a company called Diebold. They fix
20 ATM machines.

21 Q. Why did you leave Diebold?

22 A. GEO paid better.

23 Q. And what did you think about the prospect of
24 working in a detention facility?

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

1 A. It didn't bother me. I was interested in
2 working in a law enforcement type field.

3 Q. All right, so GEO hired you in April 2009; what
4 was the position that you were hired into?

5 A. As a detention officer.

6 Q. And can you give me a list of the various titles
7 you've held since you began working for GEO?

8 A. Detention officer, and then I was a lieutenant
9 for approximately 18 months, and now I'm back to being a
10 detention officer. I believe they just call it officer, so
11 I believe they've dropped the detention part.

12 Q. All right, so the move from detention officer to
13 lieutenant, that was a promotion; correct?

14 A. Correct.

15 Q. Okay. And the move from lieutenant back to
16 detention officer, was that a demotion?

17 A. It wasn't a demotion. I -- I wasn't under any
18 type of disciplinary action. As a lieutenant, I was paid a
19 salary, a fixed income, and for the betterment of myself
20 and my family, I chose to go back to being an officer.
21 Because it's an hourly rate, I can earn overtime.

22 Q. How many hours a week, if you were to say, do
23 you work overtime?

24 A. Approximately eight to 20.

25 Q. What's your current hourly rate?

1 A. 29.69 an hour.

2 Q. And who do you report to right now?

3 A. The shift supervisors, which includes sergeants
4 and lieutenants.

5 Q. So it's a collection of people?

6 A. (Nodding head.)

7 Q. Does it rotate?

8 A. They're assigned -- there's so many assigned to
9 each shift.

10 Q. The shift supervisors, are they also referred to
11 it as sergeants?

12 A. Some of them are sergeants, yes.

13 Q. Who is the shift supervisor or who are the shift
14 supervisors that you report to?

15 A. Sergeant Steffens, Sergeant Hillin, Lieutenant
16 Wilson, and Lieutenant Jackson.

17 Q. Does anyone report to you?

18 A. No.

19 Q. You've got a stack of exhibits there. I'd like
20 for you to take a look at the one that's labeled 312.

21 And you've just been handled -- or handed,
22 excuse me, Exhibit-312. The first page carries a title of
23 Northwest Detention Center - Organizational Chart, and then
24 two pages afterwards with pictures and descriptions of
25 personnel.

1 Do you see that?

2 A. Mm-hm.

3 MS. MELL: Is that a yes?

4 A. Yes.

5 Q. Now, that -- your attorney beat me to it.

6 That's another one of those situational rules. It's very
7 important that you answer my questions with words; uh-huhs,
8 huh-uhs, and head nods just don't show up well in the
9 transcript.

10 A. Sorry.

11 Q. So that's a yes --

12 A. Yes.

13 Q. -- you've seen --

14 A. Yes.

15 Q. -- Exhibit-312 before?

16 A. Oh, I have not seen it before, no.

17 Q. Okay. Well, I'm concerned mostly with the first
18 page there. It depicts an organizational chart, and then
19 if you look there at the bottom of that first page, it
20 shows Updated: July 18th, 2017.

21 Do you see that?

22 A. Yes.

23 Q. Do you believe that this is a fair and accurate
24 representation of GEO's hierarchy or organizational
25 structure as of July 2017?

1 MS. MELL: Object to the form.

2 A. Yes.

3 Q. Now, some of the personnel may be different, but
4 in terms of the structure, is that more or less the way
5 that things are today?

6 A. Yes.

7 Q. All right, who's housed at the Northwest
8 Detention Center?

9 MS. MELL: Object to the form.

10 A. Detainees that have been taken into Immigration
11 and Customs Enforcement custody.

12 Q. Are the folks there in any sort of criminal
13 detention?

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

15 A. Not to my knowledge.

16 Q. To your knowledge, are they there as punishment?

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

18 A. No.

19 Q. Have you or any of your coworkers talked about
20 this lawsuit?

21 A. Yes.

22 Q. Tell me about some of those conversations.

23 A. We talked about that, you know, there is a
24 lawsuit. I've seen some updates in the news and stuff.
25 It's been very brief, nothing -- nothing major.

1 Q. Have you talked with any of your colleagues and
2 encountered anyone that's in favor of the detained workers
3 getting paid the Washington State minimum wage?

4 MS. MELL: Object to the form.

5 A. No.

6 Q. Have you ever been personally disciplined at
7 GEO?

8 A. Yes.

9 Q. For what?

10 A. I falsified a count slip.

11 I believe it was five or six years ago.

12 Q. Explain that for me.

13 First off, what is a count slip?

14 A. We do a formal facility count several times a
15 day. The policy is you have to have two people present to
16 count at the same time. On my -- my instance, I -- I
17 had -- I counted by myself, and then another person came in
18 and counted. I turned that in as a -- as the count slip.
19 Because we both weren't present at the same time, it was a
20 violation of policy.

21 Q. Now, was this -- did you self-report that there
22 had been a violation, or did someone else detect this?

23 A. No, a supervisor noticed it.

24 Q. Who?

25 A. Sergeant Hoffmeister.

1 Q. What's his first name?

2 A. Marcus.

3 Q. And how do you spell Hoffmeister?

4 A. H-O-F-F-M-E-I-S-T-E-R.

5 Q. Is Sergeant Hoffmeister still there?

6 A. Yes.

7 Q. And was there any sort of disciplinary hearing
8 or anything like that that you went through?

9 A. No.

10 Q. Are you part of a union?

11 A. Yes.

12 Q. Which union?

13 A. It's Local 883 of the United Government Security
14 Officers of America.

15 Q. Did you grieve the discipline?

16 A. At the time that this happened, we weren't part
17 of the union --

18 Q. Got it.

19 A. -- so it was before that.

20 Q. Did you suffer any penalty as a result?

21 A. I was placed on a final reprimand for one year.

22 Q. Meaning that if anything else happened, you
23 could be terminated?

24 A. Yeah.

25 Q. Other than falsifying a count slip, have you

1 ever been disciplined for any other reason at GEO?

2 A. I was just disciplined for cutting some locks
3 off employee lockers.

4 Q. Tell me about that.

5 A. The -- the name tags weren't updated, and they
6 were all names of former GEO employees who I credibly
7 thought still had lockers, so I was trying to be proactive,
8 and I cut the locks off, but they were actually being used
9 by current employees.

10 Q. And was this something that you self-reported,
11 or did someone else detect this violation?

12 A. No, someone else had reported it as it happened.

13 Q. Was there I guess an official charge, so to
14 speak? I mean, you told me that the other thing was
15 falsifying a count slip; was there a title or name for what
16 occurred with the -- the locks?

17 A. I think there was. I can't -- it's like, you
18 know, it was violation of security protocol or some -- some
19 generic.

20 Q. Did you grieve this incident?

21 A. Yeah.

22 Q. And what was the outcome of the grievance?

23 A. It's still in progress.

24 Q. Was there any sort of interim discipline or
25 penalty that you -- you faced?

1 A. No, it's a level -- it's like a first written,
2 so ...

3 Q. All right, other than what you've described to
4 me about the falsifying the count slip and cutting the
5 locks off the lockers, have you been disciplined at GEO for
6 any other reason?

7 A. Other than like attendance, you know, they kind
8 of count when you call off as discipline or are late.

9 Q. Well, tell me about that. Have you been
10 counseled for your dis -- excuse me, attendance at GEO?

11 A. I was -- I was late in October, so I got one
12 point for that, and I can't remember in the last year
13 before that.

14 Q. Anything else?

15 A. No.

16 Q. What is the Voluntary Work Program?

17 MS. MELL: Object to the form.

18 A. It's a work program to provide an opportunity
19 for detainees to have something to do, and earn a dollar a
20 day, and it also helps, you know, run the facility or
21 maintain the facility.

22 Q. Do you think that the detainee workers and the
23 work they do is an important part of the operations?

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

25 A. I'm not sure.

1 Q. In what way?

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

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

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

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

8 A. Yes.

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

13 MS. MELL: Object to the form.

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

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

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

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

1 Do you see that?

2 A. Yes.

3 Q. Have you seen this document before?

4 A. I'm sure I have, but not specifically that I
5 recall.

6 Q. Well, let's take a look at the bottom of the
7 first page there. And at the bottom there it's -- it's
8 heading IV B, it says Work Assignment.

9 Do you see that?

10 A. Yes.

11 Q. And then on the first page and extending onto
12 the second page, it lists off five broad categories of
13 detainee work.

14 Do you see that?

15 A. Yes.

16 Q. The list includes Kitchen Worker,
17 Recreation/Barber, Living area, Evening workers, and
18 Laundry.

19 Did I read that correctly?

20 A. Yes.

21 Q. Now, big picture, are there any other big
22 categories of work that you would add to this list that the
23 detainee workers perform?

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

25 A. I don't understand your question.

1 Q. Well, the work that they perform, I mean, you
2 know, there are many job titles, but you can agree or
3 disagree with me, but it -- it would seem to me that they
4 can be roughly grouped into one of the five buckets that's
5 identified here on Exhibit-313. So --

6 MS. MELL: So object --

7 A. Okay, yeah, so --

8 MS. MELL: Object to the form of that question,
9 if it was a question.

10 Q. Would you agree that these appear to be broad
11 buckets of work that the detainee workers perform?

12 MS. MELL: Object to the form.

13 A. I agree to that.

14 Q. So my follow-up question is, would you add any
15 other big bucket of work to this list?

16 MS. MELL: Object to the form.

17 A. Well, that's what I don't understand. Like big
18 bucket, are you trying to imply there's a whole different
19 category that's not listed, or all the jobs would fall
20 under one of these five categories?

21 Q. No, there -- there's no trick or implication,
22 I'm just trying to, you know, learn if you think there's
23 another category of work that -- that we're missing, that's
24 all.

25 MS. MELL: Object to the form.

1 Is that a question?

2 Is that a question?

3 Q. So, with that clarification, do you believe
4 there's another broad category of work or categories of
5 work that should be added to this list?

6 A. No.

7 Q. All right. Well, I want to work down this list
8 and talk about what you did with respect to directing and
9 supervising the detainee work.

10 So let's take kitchen worker; did you ever
11 direct or supervise detainee work in the kitchen?

12 A. No directly.

13 Q. What about indirectly?

14 A. As a shift supervisor, yes.

15 Q. Now, I understood you to say that you were a
16 lieutenant and a detention supervisor; you were a shift
17 supervisor as well?

18 A. As a lieutenant is what I meant to say.

19 Q. Got it.

20 All right, so tell me about how you indirectly
21 directed and supervised detainee work as a lieutenant/shift
22 supervisor.

23 A. As a lieutenant, I would assist with movements
24 to and from the kitchen. And then sometimes if the kitchen
25 thought there was something missing, we would review video,

1 or conduct investigations regarding fights, assaults, or
2 thefts that possibly took place inside the kitchen. And
3 then we would also assist with pat-down searches.

4 Q. Anything else?

5 A. Not that I can think of.

6 Q. So assisting with movements, that's directing
7 the detainee workers to report to the kitchen?

8 A. From their housing units to the kitchen, and
9 then back when they're finished.

10 Q. And then the other category, you said something
11 missing, assaults, thefts, fights; that's essentially
12 misconduct in the kitchen?

13 A. Yes.

14 Q. And then the final thing, pat-downs, that's
15 more, I guess, part of your security function; would you
16 agree?

17 THE COURT REPORTER: I need to go off the
18 record.

19 THE VIDEOGRAPHER: Going off the record. The
20 time is 2:32.

21 (Recess at 2:32 p.m.)

22 (Reconvened at 2:35 p.m.)

23 THE VIDEOGRAPHER: Back on the record. The time
24 is 2:35.

25 Q. Mr. Johnson, we just took a brief break there,

1 but beforehand we were talking about your work in directing
2 and supervising detainee work in the kitchen, and you told
3 me that it was largely indirect; is that --

4 A. Yes.

5 Q. All right, well let's talk about the next
6 category here, recreation and barber. Can you tell me all
7 the ways, if any, in which you've directed or supervised
8 detainee work as it relates to recreation and barber?

9 A. As it relates to recreation and barber, just
10 facilitating the movements, again, to the barbershop or to
11 the recreation yard, and that's it.

12 Q. That's for barber?

13 A. That's for both.

14 Q. For both, okay.

15 And is this both as a detention officer and as a
16 lieutenant?

17 A. That was as a lieutenant.

18 As an officer, I've been posted in the
19 recreation yard.

20 Q. Tell me about your work in directing and
21 supervising the detainee work in the recreation yard as an
22 officer.

23 A. Just make sure that, you know, they have the
24 tools they need to clean, and trash bags pretty much, and
25 that they do the job satisfactorily, and maintain

1 everyone's safety. That's it.

2 Q. Making sure they have the tools to clean, that's
3 GEO providing the tools necessary to do the cleaning in the
4 recreation yard?

5 A. Yes.

6 Q. And that includes providing trash bags?

7 A. Yes.

8 Q. And of course you're directing the detainee
9 workers to clean the recreation yard as opposed to
10 somewhere else in the facility?

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

12 A. Not necessarily. If -- if they're new, then we
13 do have to give some guidance. If they've been doing it
14 for a while, it's pretty much self-sufficient or
15 self-driven.

16 Q. Tell me about the guidance you provide to the
17 new workers on the recreation yard.

18 A. There's a -- a paper with a job description, and
19 for the new ones, we just kind of go over what the job
20 description is, what -- what's there to clean, stuff, just
21 make sure they understand this is what the job entails.

22 Q. In this way then you're telling them what their
23 job duties are?

24 MS. MELL: Object to the form.

25 A. I mean, telling them or just explaining, yeah,

1 giving them guidance.

2 Q. Now, do the detainee workers in the recreation
3 yard have discretion to deviate from the rules,
4 regulations, or guidance, however you want to characterize
5 it, that you're -- you're giving to them?

6 A. I mean, they can -- they can deviate if they
7 want.

8 Q. But there are potentially consequences though if
9 they deviate; is that right?

10 A. Yes.

11 Q. Anything else as it relates to your direction
12 and supervision of detainee workers in the recreation yard?

13 A. No.

14 Q. And now living area and evening workers, I don't
15 know if we should tackle those separately or together, but
16 can you tell me what you've done to direct or supervise
17 detainee workers with respect to living area and evening
18 workers?

19 A. So as a lieutenant for the living area, it's
20 been mostly indirect, just making sure that the units are
21 clean and sanitary. Since laundry is listed under living
22 area, we do indirectly assist the laundry, similar to the
23 kitchen, you know, with movements or investigations for
24 theft or -- and other types of misconduct.

25 And then with regards to the evening workers,

1 the facility janitorial, it's just kind of overseeing, you
2 know, if they're -- the general cleanliness of whatever
3 they're working on, and also like if there's waxing details
4 or stripping the floors.

5 As an officer, I've been directly involved with
6 the living areas, or supervising the cleaning of the
7 workers in the living areas, you know, cleaning up after
8 meals, the servers, going to pick up the meals, and
9 distributing the meals, cleaning up after meals, cleaning
10 up in general.

11 Again, there's a worker job description sheet
12 that explains kind of, you know, different stuff happens at
13 different times during the day, day cleaners, evening
14 cleaners, graveyard cleaners, or night cleaners. For
15 example, they clean the showers at the end of the day when
16 the showers are all done being used.

17 And then as a -- as an officer supervising the
18 evening workers, just being, you know, posted to observe,
19 make sure they're okay, there's no security violations, and
20 also assist them with any supplies they may need or tools.

21 Q. So this sounds like more hands-on supervision
22 and direction on your part?

23 A. As an officer, yes.

24 Q. And is that one of the main distinctions between
25 being a shift supervisor and an officer?

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

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

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

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

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

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

1 And then we -- we do -- they wax the floors,
2 they'll sweep and mop the floor, and then they'll also wax
3 or strip, you know, remove the previous floor shine and
4 apply new floor shine or wax, whatever you call it.

5 Q. The floor waxing, buffing, shining, stripping, I
6 mean, does that primarily occur at night?

7 A. Yeah.

8 Q. And the workers, the detainee workers that do
9 that work, do they have previous experience with the
10 buffing, stripping, waxing the floors?

11 A. Some have told me that they to.

12 Q. Is that something then that GEO trains those
13 workers on if they don't have prior experience?

14 A. Yes.

15 Q. And of course GEO's providing the equipment to
16 do that work?

17 A. Yes.

18 Q. And the cleaning materials and solutions that
19 they'll need to also carry out that work?

20 A. Mm-hm. Yes.

21 Q. And are you directing them in terms of where in
22 the facility to do the buffing, stripping, waxing, shining?

23 A. Yes.

24 MS. MELL: Counsel, could I interrupt for a
25 minute? I'm getting a notification about arrangements for

1 tomorrow. It's 10 o'clock in --

2 MR. WHITEHEAD: Oh, let's take a quick break.

3 THE VIDEOGRAPHER: Going off the record. The
4 time is 2:45.

5 (Recess at 2:45 p.m.)

6 (Reconvened at 2:45 p.m.)

7 THE VIDEOGRAPHER: Back on the record. The time
8 is 2:45.

9 Q. So we were talking about the buffing, waxing,
10 shining, polishing of the floor at night; do you recall?

11 A. Yeah.

12 Q. Now, do the detainee workers have discretion
13 about where in the facility they can do that type of work,
14 or are they looking to you and others at GEO to tell them
15 where to -- to do the buffing, stripping, and waxing?

16 A. It just depends. If we're kind of starting
17 over, then, you know, we will generally give them an area
18 to start. If it's -- if the -- if the crew has -- is the
19 same crew, and they've been doing it for a while, then they
20 will, you know, just kind of start in one area and then
21 progress to the other areas until it's all complete.

22 Q. Painting, is that a nighttime activity, or is
23 that something that takes place at all points of the day?

24 A. It takes place during different parts of the
25 day, not just generally nighttime.

1 Q. Well, have you directed or supervised detainee
2 workers as they paint in the facility?

3 A. Yes.

4 Q. Tell me more about that.

5 A. Similar to the other job duties, just making
6 sure they have the equipment, and they're -- they're okay
7 and safe, and following the rules, and painting in the
8 appropriate areas and stuff.

9 Q. Now, this painting, is it touch-up paint, or is
10 it, you know, painting walls in corridors?

11 A. It could be both. Sometimes it's just touch up,
12 and sometimes it's repainting a whole area.

13 Q. Along the gray mile?

14 A. Correct, or other areas.

15 Q. In the pods?

16 A. Yes.

17 Q. Anywhere else?

18 A. Intake, the booking area.

19 Q. So in terms of how long that painting takes, I
20 suppose it can vary depending on how large the job is?

21 A. Yes.

22 Q. Are you able to give me a range for how long the
23 painting might take?

24 A. I've seen it take two hours to sometimes four
25 hours.

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

3 A. Yeah, similar to the other jobs.

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

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

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

11 MS. MELL: Object to the form.

12 A. Yes.

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

14 A. Yes.

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

18 Q. And what do you take from that?

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

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

23 A. No.

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

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1 A. No.

2 Q. And the murals, there are murals along the gray
3 mile?

4 A. Yes.

5 Q. Were those painted by detainee workers?

6 A. Yes.

7 Q. Was that at GEO's direction?

8 A. No.

9 Q. Do you know how those murals came to be?

10 A. GEO submitted a request to the detainees to see
11 if anyone wanted to paint the murals, and several detainees
12 submitted their interest, and I believe they had to submit
13 artwork submissions showing their skill set.

14 Q. So an interview of sorts?

15 MS. MELL: Object to the form of the question,
16 mischaracterizes the testimony.

17 A. No.

18 Q. All right, so we talked about your role in
19 directing or supervising work with respect to the kitchen,
20 recreation/barber, living area, evening workers, and
21 laundry.

22 Did I get that right?

23 A. Yes.

24 Q. Now, what role, if any, does ICE play in the
25 direction and supervision of workers in those same job

1 categories?

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

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

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

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

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

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

21 Q. Who? Who told you that?

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

1 Q. So this is secondhand information related to you
2 by someone in classifications?

3 MS. MELL: Object to the form of the question,
4 mischaracterizes the nature of his evidence.

5 A. Yes.

6 Q. Michael Heye or Alisha Singleton?

7 A. I believe it was one of them, yeah.

8 Q. Do you believe they'd be in a better position to
9 know --

10 MS. MELL: Object --

11 Q. -- whether or not --

12 MR. WHITEHEAD: Let me get my question out.

13 Q. Do you believe that Ms. Singleton or Mr. Heye
14 would be in a better position to know whether or not ICE
15 mandates the number of kitchen workers?

16 MS. MELL: Object to the form of the question,
17 his opinion is irrelevant, not admissible.

18 A. I believe they would, yes.

19 Q. All right, and then you said medical is a --
20 medical clearance to work in the kitchen is another way
21 that ICE is involved.

22 Did I get that right?

23 A. Yes.

24 Q. Tell me about that.

25 A. I -- other than I know that they have to be

1 cleared medically or approved medically. I can't speak to
2 how it happens.

3 Q. Well, on either front, whether it be the number
4 of kitchen workers or medical clearance, can you point me
5 to a specific policy related to ICE's involvement in the
6 direction and supervision of workers?

7 A. I don't have it offhand. I believe it's in
8 their PBNDS.

9 Q. Now, this is the Performance-Based National
10 Detention Standards?

11 A. Yes.

12 Q. And it's your understanding, of course, that GEO
13 has to comply with the PBNDS; correct?

14 A. Yes.

15 Q. And part of that compliance is making sure that
16 GEO and its personnel are supervising and directing
17 immigration detainees consistent with the PBNDS?

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

19 A. Yes.

20 Q. All right, so other than your belief that ICE
21 mandates the number of kitchen workers and has a role in
22 medical clearance, are you aware of any other way in which
23 ICE directs and supervises kitchen workers?

24 A. No.

25 Q. Do you know whether or not there is an ICE

1 officer or personnel stationed in the kitchen?

2 A. I don't understand the question.

3 Q. Well, I understand from my deposition of Mr.

4 Delacruz that there are a number of GEO personnel in the

5 kitchen. My question to you is, do you know whether or not

6 there is ICE personnel stationed inside the kitchen?

7 A. Yeah, it's the station part. I mean, I know ICE

8 visits the kitchen, but I -- I don't believe they're

9 stationed there.

10 Q. And when you say visits, what do you mean?

11 A. There's a Detention Standards Manager Howard.

12 He visits the kitchen to ensure compliance with the

13 Performance-Based National Detention Standards.

14 Q. Do you know how often Howard makes his rounds in

15 the kitchen?

16 A. I do not, no.

17 Q. And do you know whether or not Howard, in his

18 role, is it limited to just the kitchen, or is it

19 facilitywide?

20 A. It's the whole facility.

21 Q. And I'm sorry, Howard's title again was?

22 A. Is the DSM, it's an acronym for detention

23 standards manager, I believe.

24 Q. And it's your belief that he is an ICE employee?

25 A. Yes.

1 Q. Okay. How many detention standards managers
2 work or are stationed at the Northwest Detention Center?

3 A. One.

4 Q. Big picture, how many ICE personnel are
5 stationed at the Northwest Detention Center?

6 MS. MELL: Object to the form.

7 A. I don't know.

8 Q. If you had to guess?

9 MS. MELL: No, don't guess.

10 Q. I'm looking for a ballpark.

11 Is it more than five?

12 A. I would imagine so, but I don't know for sure.

13 Q. Well, in your ten years of experience there,
14 both as a detention officer and as a lieutenant, can you
15 tell me the names of other ICE personnel that have been
16 stationed at the Northwest Detention Center?

17 A. Yes.

18 Q. Who?

19 A. Arroyo -- oh, man, on the spot here, let's
20 see -- Renner, Rukhstruhl, Muirhead. I mean, there's more,
21 I'm just -- I can't recall offhand.

22 Q. And where within the facility -- let me back up.
23 The people that you just named, do they have
24 offices within the facility?

25 A. Yes.

1 Q. Are they clustered together, or are they
2 sprinkled throughout?

3 A. They're all together.

4 Q. Where?

5 A. It's on the second floor of the administration
6 building.

7 Q. Is that the only location?

8 A. At the Northwest Detention Center, yes.

9 Q. And the five people total that you mentioned,
10 and I understand that you said there may be more, are they
11 all currently employed, or are you just thinking about the
12 span of your ten-year career with GEO?

13 A. I believe they're currently employed.

14 Q. And of the names that you mentioned, I'm sorry,
15 was it Howard, is that the first name or last name for the
16 detention standards manager?

17 A. That's the last name.

18 Q. All right, so the detention standards manager
19 you mentioned is someone that you believe is responsible
20 for ensuring that GEO's in compliance with the PBNDS. Do
21 you have any insights or understandings about the roles of
22 the other people that you named?

23 A. I believe some of them are like deportation
24 officers or supervisory deportation officers.

25 Q. Do you have any other insights into what their

1 roles are?

2 A. No.

3 Q. And so it sounds like Detention Standards
4 Manager Howard is different than the other four that you
5 mentioned by name, is that fair to say, in terms of his
6 role at the facility?

7 A. Yes.

8 Q. Okay. And then on Detention Standards Manager
9 Howard's visits to the kitchen, you believe that he may
10 offer direction and supervision to the detention -- or to
11 the detainees?

12 A. No.

13 Q. Is there anything else that you can think of in
14 terms of ICE's involvement with the supervision and
15 direction of detainee workers in the kitchen?

16 A. No.

17 Q. Now, we can do the same thing for the other
18 categories, recreation/barber, living area, evening
19 workers, laundry, in terms of ICE's involvement, but before
20 we do that, my question to you is, would your answer be any
21 different than what you've just described to me about ICE's
22 involvement in the kitchen?

23 A. No, it -- it would be the same. DSM Howard's in
24 charge of, you know, the whole building, so
25 responsibilities for all the areas, including these, and

1 you know, it's overseen by ICE.

2 Q. So how often would -- or are ICE personnel in
3 the pods, for example?

4 A. I believe they come around once a week to do
5 visits with the detainees, and then I'm not sure if the --
6 they do what's called a kite pickup. I think they have to
7 do that every day, Monday through Friday.

8 Q. In that way, would you call ICE's involvement
9 more administrative, if they're picking up kites, and
10 detention visits are related to immigration status; is that
11 a fair characterization?

12 MS. MELL: Object to the form of the question,
13 fairness is not relevant, nor is his opinion.

14 A. What was the question?

15 Q. Yeah, and I got a little lost in the objection
16 too. I do want to hear your opinion. I mean, you've
17 worked there for ten years, so you're going to know better
18 than myself and even Counsel about what takes place at the
19 facility.

20 My question is whether or not you view ICE's
21 role and involvement there as more administrative in
22 nature?

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

24 A. No.

25 Q. What would you call it?

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

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

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

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

10 A. I mean, yeah.

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

13 MS. MELL: Object --

14 Q. -- correct?

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

16 A. According to the PBNDS.

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

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

20 A. Yes.

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

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

24 Q. The VWP?

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

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

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

13 MS. MELL: Object to the form.

14 A. No.

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

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

23 MS. MELL: Object to the form.

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

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

1 bathroom break before a half hour goes by, so whenever
2 you're ready.

3 MR. WHITEHEAD: Yeah, let me ask a few more
4 questions here, and then we can take a break.

5 Q. Let's take a look at Exhibit-314. It will be in
6 your stack there.

7 Yep, there you go.

8 You're looking at Exhibit-314. It's titled
9 voluntary -- excuse me, Volunteer Work Program Agreement.

10 Do you see that?

11 A. Yep. Yes.

12 Q. Have you seen this document before?

13 A. Yes.

14 Q. Who is this agreement between?

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

16 A. ICE and the detainee.

17 Q. What makes you say that this is between ICE and
18 the detainee?

19 A. Because it all -- it comes from ICE standards.

20 Q. Well, looking at the bottom of the page, I see a
21 signature line for the detainee.

22 Do you see that?

23 A. Yes.

24 Q. Staff signature; do you know who that refers to?

25 A. Yeah.

1 Q. That's GEO personnel; correct?

2 A. Correct.

3 Q. Is there a line on this form for ICE to sign off
4 on?

5 A. No.

6 Q. Let's look at the fourth item there at the top.

7 It reads, "Unexcused absence, unsatisfactory work
8 performance, or participation in a serious infraction, e.g.
9 fighting, is cause for removal from a work assignment."

10 Did I read that correctly?

11 A. Yes.

12 Q. Is that statement true?

13 A. Yes.

14 Q. Now, who initiates the process for removal from
15 a work assignment, is that ICE or GEO?

16 A. It could be either.

17 Q. Tell me about a time that ICE initiated the
18 removal process.

19 A. I can't think of any offhand.

20 Q. In your ten years of experience at the Northwest
21 Detention Center, you can't think of a single instance in
22 which ICE initiated the removal of a detainee worker from a
23 work assignment?

24 MS. MELL: Object to the form.

25 A. Like I said, I can't recall.

1 Q. Let's look at the sixth item there on
2 Exhibit-314, the Volunteer Work Program Agreement. It
3 reads, "Detainees must adhere to all safety regulations and
4 to all medical and grooming standards associated with a
5 work assignment."

6 Did I read that correctly?

7 A. Yes.

8 Q. Does GEO work to ensure that detainee workers
9 are complying with safety regulations and medical and
10 grooming requirements?

11 A. Yes.

12 Q. That's part of the job of a detention officer;
13 correct?

14 MS. MELL: Object to the form.

15 A. Yes.

16 Q. And that eighth item there says "Primary factors
17 that impact hiring are classification level, attitude,
18 behavior, and physical ability to perform the job."

19 Did I read that correctly?

20 A. Yes.

21 Q. From that sentence, is it safe to assume that
22 GEO has some discretion in who to hire?

23 MS. MELL: Object to the form.

24 A. No.

25 Q. How do you interpret that sentence?

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1 MS. MELL: Object to the form.

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

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

7 A. Yes.

8 Q. Tell me, what is that distinction?

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

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

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

21 Did I read that correctly?

22 A. Yes.

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

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

2 A. Yes.

3 MR. WHITEHEAD: All right, let's take a break.

4 THE VIDEOGRAPHER: This is the end of media one.

5 This deposition will continue on media two. The time is

6 3:13. Going off the record.

7 (Recess at 3:13 p.m.)

8 (Reconvened at 3:23 p.m.)

9 THE VIDEOGRAPHER: Back on the record. This is
10 the beginning of media two to the deposition of Marc
11 Johnson. The time is approximately 3:23.

12 Q. Do the various work assignments for the detainee
13 workers have job descriptions?

14 A. Yes.

15 Q. Let's take a look at Exhibit-315.

16 And you've just been handed Exhibit-315, and
17 these are various detainee job descriptions. The
18 descriptions are undated, but do these look familiar to
19 you?

20 A. Yes.

21 Q. I'd like to go through each of these and talk
22 about GEO's level of control over the detainee workers in
23 each of the job descriptions here.

24 So let's start with the first page; have you
25 supervised barbers in the barbershop ever?

1 A. No.

2 Q. Based on what you know about directing and
3 supervising detainee work at the Northwest Detention
4 Center, would it be your expectation that detainee workers
5 in the barbershop follow the specific work duties outlined
6 on the job description?

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

8 A. Yes.

9 Q. Now, do detainee workers have the discretion to
10 deviate from their specific work duties?

11 MS. MELL: Object to the form.

12 A. No.

13 Q. For example, looking at this job description
14 here on the first page of Exhibit-315, it instructs
15 barbers, it says "Towels will not be used." Looks to be
16 the fifth bullet down.

17 Do you see that?

18 A. Yes.

19 Q. For example, could a detainee use towels even
20 though the job description says not to?

21 A. I believe they could try, but the staff would
22 intervene and not allow it.

23 Q. In that way, staff is supervising the detainee
24 workers to ensure that they're complying with their job
25 duties?

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

2 A. Yes.

3 Q. And GEO provides the barbers, in this case, with
4 the equipment they need to do their jobs?

5 A. Yes.

6 Q. And there's no expectation that the detainee
7 workers, you know, bring their own equipment to the
8 barbershop; correct?

9 A. No.

10 Q. In fact, they'd be prohibited from doing so?

11 MS. MELL: Object to the form.

12 A. Correct.

13 Q. Now, if a barber has preexisting skill as a
14 barber, is there an opportunity for them to make more?

15 A. No.

16 Q. Can they earn more money if they do a complex
17 haircut or hairstyle?

18 A. No.

19 Q. Are there GEO barbers at the Northwest Detention
20 Center?

21 A. I don't understand the question.

22 Q. Are there -- is there GEO personnel that's
23 responsible for or that also cuts hair at the Northwest
24 Detention Center?

25 A. No.

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1 Q. If the detainees did not work as barbers, who
2 would cut hair?

3 MS. MELL: Object to the form.

4 A. I don't know.

5 Q. GEO would have to hire someone; is that a safe
6 assumption?

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

8 A. I'm not sure.

9 Q. Now, let's look at the next page, page 2 of
10 Exhibit-315. This is a job description for barbershop
11 cleaner. Now, the first bullet there under the specific
12 work duties instructs detainee workers to spray liberally
13 the clippers with H42 cleaner.

14 Do you see that?

15 A. Yes.

16 Q. Could a detainee worker use a different type of
17 cleaner if they wanted to?

18 A. No.

19 Q. And GEO provides the barbershop cleaners with
20 the cleaning materials that they need to do their job;
21 correct?

22 A. Yes.

23 Q. Provides them with the training on the safety
24 regulations that they need to do the job as well?

25 A. Yes.

1 MS. MELL: Counsel, I just realized that I don't
2 see continuing Bate -- Bates numbers on these pages, and I
3 thought you represented this was from the discovery.

4 MR. WHITEHEAD: It is. This is from GEO's
5 production. I'm not quite sure why the Bates numbers did
6 not print. I believe it's just one of the radio buttons
7 didn't get checked off when printing this from our document
8 management system.

9 MS. MELL: But it's not -- this isn't the Bates
10 number down here?

11 MR. WHITEHEAD: No, it's not.

12 Yeah, I don't know why, if it was just a matter
13 of it getting cut off, but I will represent for the record
14 that Exhibit-315 came from GEO's production. And if you'd
15 like, after the fact I could find the specific Bate
16 numbers -- Bates numbers that are represented here in the
17 document.

18 MS. MELL: Okay, thank you.

19 MR. WHITEHEAD: Of course.

20 Q. All right, with the barbershop cleaners, could
21 they decide on their own that they would like to clean the
22 clippers, for example, in the yard or a different part of
23 the facility outside of the barbershop?

24 A. No.

25 Q. Could the barbershop cleaners make more money if

1 they were efficient or good at their job in cleaning the
2 barbershop?

3 A. No.

4 Q. Have you ever had a detainee worker ask for a
5 raise?

6 A. No.

7 Q. Have you ever sought authorization to pay a
8 detainee worker more than a dollar a day for their work?

9 A. No.

10 Q. With the barbers, could they make more money if
11 they cut more heads in the barbershop?

12 MS. MELL: I hope they aren't cutting heads;
13 more hair of heads -- on heads?

14 A. No.

15 Q. They couldn't charge per haircut, for example?

16 A. No, it's a flat rate.

17 Q. Of a dollar a day?

18 A. Correct.

19 Q. Let's look at page 3 of Exhibit-315. This one
20 is a job description, job title Medical Cleaning. Here
21 again, this job description lists specific duties.

22 Do you see that?

23 A. Yes.

24 Q. And do detainee workers have discretion to mop
25 other than the designated areas for medical?

1 A. No.

2 Q. Part of their job is to remove trash and replace
3 with new liners. That's item 6 there. GEO provides those
4 liners; is that correct?

5 A. Yes.

6 Q. And GEO provides the equipment they need to do
7 the cleaning?

8 A. Yes.

9 Q. As well as the cleaning solution?

10 A. Yes.

11 Q. GEO provides the medical cleaners on proper
12 sanitation and safety as it relates to their job; correct?

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

14 A. Yes.

15 Q. Now, there's a bottom section there entitled
16 Termination.

17 Do you see that?

18 A. Yes.

19 Q. Do you agree that failure to follow staff
20 instructions could lead to termination of a detainee
21 worker?

22 A. Yes.

23 Q. Do you agree that failure to follow safety
24 procedures could lead to termination of a detainee worker?

25 A. Yes.

1 Q. Excessive absenteeism?

2 A. Yes.

3 Q. Misconduct and horseplay?

4 A. Yes.

5 Q. Theft?

6 A. Yes.

7 Q. Unsatisfactory work performance?

8 A. Yes.

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

12 A. It depends.

13 Q. What does it depend on?

14 A. I mean, the reason.

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

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

19 Q. And if not GEO, who?

20 A. It could be ICE.

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

25 A. Not specifically, no.

1 Q. Not specifically.

2 You can't recall specifically you're saying?

3 A. Correct.

4 Q. Again, working with Exhibit-315, let's look at
5 page 4. This is a job description for job title General
6 Worker. Now, the specific work duties there, are those
7 consistent with your understanding of what this job
8 entails?

9 A. Yes.

10 Q. And again, as it relates to those work duties,
11 the detainees -- the -- strike that.

12 As it relates to those specific job duties, it's
13 the case that the detainee workers may not deviate from
14 their specific duties and responsibilities; correct?

15 A. Correct.

16 Q. And here again, GEO provides the equipment they
17 need to do their job?

18 A. Yes.

19 Q. GEO provides the training they need to do their
20 job?

21 A. Yes.

22 Q. GEO supervises them to ensure that they're
23 complying with GEO's policies and regulations; correct?

24 A. Correct.

25 Q. Now, with the general workers, is there an

1 opportunity for them to earn more money if they're good

2 workers?

3 A. No.

4 Q. They get paid regardless of whether or not they
5 have -- the same -- excuse me.

6 They get paid the same regardless of whether

7 they have prior experience in the janitorial industry;

8 correct?

9 A. Yes.

10 Q. Let's look at the bottom here of page 4. Again
11 we see the Termination heading.

12 Do you agree that failure to follow staff
13 instructions could lead to the termination of general
14 workers --

15 A. Yes.

16 MS. MELL: I just object to the omission of CSC
17 in that phrase. We're still dealing with CSC policy it
18 looks like.

19 Q. No, my question was different, you know, my
20 question is exactly what I asked.

21 Failure to follow GEO staff instructions, could
22 that lead to a detainee worker's termination from their job
23 assignment?

24 A. Yes.

25 Q. And that's true of -- of any detainee worker

1 job; correct?

2 A. Yes.

3 Q. Excessive absenteeism, that could lead to
4 termination; correct?

5 A. Yes.

6 Q. Misconduct and horseplay?

7 A. Yes.

8 Q. Theft?

9 A. Yes.

10 Q. And unsatisfactory work performance?

11 A. Yes.

12 Q. Let's look at the next page, page 5. This one
13 is for Laundry Worker is the title of the job description.
14 Now, the specific work duties here listed, are
15 those consistent with your understanding of what the
16 laundry worker job entails?

17 A. Yes.

18 Q. Do the detainee workers, the laundry workers,
19 have discretion to deviate from these specific work duties?

20 A. No.

21 Q. And GEO supervises them to ensure that they're
22 complying with their work duties?

23 A. Yes.

24 Q. GEO provides them with the training they need to
25 do their job?

1 A. Yes.

2 Q. And the equipment they need to do their job?

3 A. Yes.

4 Q. And the detainee laundry workers have no
5 opportunity to earn more money if they're good at their job
6 or do more work; correct?

7 A. Correct.

8 Q. To your knowledge, can the detainee workers seek
9 employment outside the Northwest Detention Center?

10 A. Not while they're being detained by immigration.

11 Q. Can detainee workers earn overtime?

12 MS. MELL: Object to the form.

13 A. No.

14 Q. Do detainee workers that aren't very good at
15 their job make less money?

16 A. No.

17 Q. How many janitors are employed by GEO right now?

18 A. Right now, I believe two.

19 Q. And over your decade with GEO, has it been more
20 or less two janitors that work at the facility?

21 A. I believe it's normally three. They have had I
22 think sometimes four.

23 Q. The janitors, where do they clean?

24 A. Primarily the unsecured areas.

25 Q. In other words, they clean the areas that the

1 detainees don't have access to?

2 A. Yes.

3 Q. Do the janitors clean any of the secured areas?

4 A. I believe the medical administration offices is
5 the only place on the secured side.

6 Q. And is that because the medical administration
7 office is a secured area?

8 A. Right, it's like restricted. Medical would be
9 considered a secured area as well, but --

10 Q. There's heightened restrictions for the admin
11 office?

12 A. Right.

13 Q. How big is the Northwest Detention Center, if
14 you know, in terms of square footage?

15 A. I don't know.

16 Q. It's pretty big though?

17 A. It's a large -- large building, couple
18 buildings.

19 Q. What is a pod porter?

20 A. A pod porter is like a detainee worker that
21 works in their housing unit, their assigned housing unit.

22 Q. Let's take a look at Exhibit-316, please.

23 You're looking at Exhibit-316. It's titled
24 Northwest Detention Center Pod Porter Job Descriptions.

25 Have you seen this document before?

1 A. Yes.

2 Q. What does this document describe?

3 A. The different job duties within a unit.

4 Q. And the pods, we're talking about the living
5 quarters then?

6 A. Right. Yeah.

7 Q. How many pods are there?

8 A. Let's see. There are 21.

9 Q. And do you know roughly how many pod porters
10 there are per pod?

11 A. I could total them up based on this, but some of
12 these jobs are redundant and happen multiple --

13 Q. Well, I have a document that I can show you
14 that -- that may help with regard to how many pod porters,
15 but for now, specifically with the Exhibit-316, the Pod
16 Porter Job Descriptions, the idea isn't that the pod
17 porters perform each of these jobs, it's just that a porter
18 would be assigned to any one of the jobs?

19 A. Correct.

20 Q. So, for example, the shower cleaners, there's a
21 pod porter that does the shower cleaning, but then there's
22 a separate pod porter that would do the bathrooms, for
23 example?

24 A. Yes.

25 Q. Now, under each of the various types of pod

1 porters, there is a list of job duties; would you agree?

2 A. Yes.

3 Q. And this is the work that these pod porters are
4 directed to do?

5 A. Yes.

6 Q. Do they have discretion to deviate from their
7 specific job duties?

8 A. No.

9 Q. And GEO supervises the pod porters to make sure
10 that they are doing their job?

11 A. Yes.

12 Q. GEO provides the pod porters with the equipment
13 they need to do their job?

14 A. Yes.

15 Q. Provides them with the cleaning materials they
16 need to do -- they need to do their job?

17 A. Yes.

18 Q. GEO provides them with the training they need to
19 do their job?

20 A. Yes.

21 Q. And the pod porters don't make more money by
22 working longer or more hours; is that correct?

23 A. No, it's not allowed by ICE.

24 Q. So the answer to my question then is no?

25 A. Correct, yeah --

1 MS. MELL: Object to the form.

2 A. -- I should have said no.

3 Q. Now, looking at the Pod Porter Job Descriptions,
4 on the back of the form here I see a line for the
5 detainee's name as well as the detainee's signature; is
6 that right?

7 A. Yes.

8 Q. And then it references offices -- officer's
9 signature.

10 Who is the officer referenced there?

11 A. The GEO officer.

12 Q. Is there a spot anywhere on this form where ICE
13 is expected to sign off?

14 A. No.

15 Q. Does ICE play any role in where detainees are
16 assigned to work?

17 A. Not that I know of.

18 Q. Let's take a look at Exhibit-309.

19 What are we looking at here at Exhibit-309?

20 A. This is a daily pod worker list.

21 Q. As you flip through, it's not just the pods,
22 there's references to laundry and kitchen as well.

23 A. Oh, okay. So yeah, it looks like it's the -- a
24 facility worker list.

25 Q. Now, is this a document or something like this

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1 that you receive as part of your work?

2 A. We don't receive it all together like this. You
3 receive it for each individual area. So if I was in like
4 A-1, for example, as the top page, I would have this
5 document. If I was in A-2, I would have this one. It's
6 broken down by unit or area. If you're just in laundry,
7 you're going to have just the laundry one. Kitchen has all
8 the shifts, breakfast, lunch, and dinner, and so on.

9 Q. So as the detention officer, it just matters
10 where you're detailed to?

11 A. Correct.

12 Q. So if you're detailed to Pod A-1, you'll get the
13 Pod A-1 schedule?

14 A. Yeah.

15 Q. And in looking at Exhibit-309, does this refresh
16 your memory at all about how many pod porters there are per
17 pod?

18 A. Yeah, and it depends on the size of the pod or
19 the area to be cleaned, because if you notice, so A-1 is a
20 larger pod, it has 15 pod porter who are cleaners, whereas
21 A-2 is a smaller one, and they only have 13.

22 Q. Okay. Do the pods vary in size?

23 A. Yeah.

24 Q. A lot or a little?

25 And I know those are rough terms, but --

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1 A. So A-1 goes up to 115 beds. It can go from
2 anywhere from 64 to 115. Those are the maximum capacity.

3 Q. Let's look at that first page there of
4 Exhibit-309.

5 So the first column, those appear to be the
6 detainee workers assigned as pod porters; is that right?

7 A. Yes.

8 Q. What does OTM stand for?

9 A. I don't know.

10 Q. And then Work Agreement, is that a reference to
11 the voluntary work -- worker agreement we looked at
12 earlier?

13 A. Yes.

14 Q. So some variation of Exhibit-314?

15 A. The -- oh, if that's 314 --

16 MS. MELL: What are you asking? I didn't
17 understand that, some variation --

18 Q. If you look at Exhibit-309, there's a column
19 that references worker -- Work Agreement, and I was asking
20 whether or not that references the Voluntary Work Program
21 Agreement at Exhibit-314?

22 MS. MELL: I'm going to object to form.

23 A. Yeah, but that -- it wouldn't be a variation,
24 that's it.

25 Q. That's it? Okay.

1 And then the next column over on Exhibit-309
2 says Main Job Responsibilities.

3 A. Mm-hm.

4 Q. What is meant -- what's meant by that?

5 A. I think just what is listed.

6 Q. Those are the areas or the type of cleaning that
7 that pod porter's responsible for; correct?

8 A. Yes.

9 Q. In that last column, what is that, the "Need to
10 check appropriate box and print officer name"?

11 A. That is for any type of job changes regarding a
12 detainee. Just like it says, if -- you know, if they
13 refuse to work, if they have booked out of the facility, or
14 if they switched jobs.

15 Q. Now, looking at Exhibit-309, this particular one
16 is dated October 22nd, 2015. Are these the assignments
17 just for that day, or would this -- are these typically
18 weekly assignments?

19 A. It just depends on the movement. It can be --
20 I'm -- I don't know if they put one out once a week. I
21 think they do.

22 Q. And Exhibit-309, is this more or less how this
23 particular schedule looks even today?

24 A. Yeah.

25 Q. At the bottom there it says "Do not turn this

1 form in. It stays in the pod."

2 What does that mean?

3 A. I think that's just a help for the officer.

4 Sometimes when there were changes, we would staple it all
5 together and turn it in, but then we wouldn't have a copy.

6 Q. Let's take a look at Exhibit-308. This is the
7 Daily Detainee Worker Pay Sheet.

8 Are you with me?

9 A. Yes.

10 Q. What is this document about?

11 A. This is to verify that the detainees did the
12 work and make sure they get paid.

13 Q. So then is there some sort of cross-reference
14 that takes place between Exhibit-309 and 308? I mean, do
15 you look at the schedule, and then 308 is your
16 certification, as the officer, that the work was performed?

17 A. Yes.

18 Q. What if this form doesn't have a detainee
19 signature; what are we to take from that?

20 A. There's no worker for that job, or they didn't
21 perform the work.

22 Q. And is it the detention officer then that
23 decides whether or not a detainee worker may sign the
24 worker pay sheet?

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

1 A. I'm sorry, repeat the question.

2 Q. Well, let me try and put it into context.

3 So looking at Exhibit-308, if you look at the
4 top there --

5 A. Mm-hm.

6 Q. -- that last bullet, it says "By detainee
7 signature staff is affirming that the following have been
8 evaluated and met acceptable standards: the job was
9 completed, detainee maintained a good attitude, and the
10 detainee began work on time."

11 So my question is, is it the detention officer
12 that decides whether or not a detainee worker may actually
13 sign this form?

14 A. No.

15 Q. Let me try one -- one more time.

16 If a detainee hasn't performed their work to a
17 satisfactory fashion, could a detention officer say, No,
18 you don't get to sign the worker pay sheet today?

19 A. Yes.

20 Q. Does that happen?

21 A. Yes.

22 Q. Give me an example of a time when that would
23 happen or has happened?

24 A. If they aren't cleaning the showers good, I --
25 you know, not scrubbing correctly, cleaning them, you know,

1 or they try and do it too quickly, like two minutes, and
2 then sign, I want to be done.

3 Q. Can you tell me about another time?

4 A. If they just, you know, refuse to get up for
5 their shift or clean.

6 Q. They don't get paid?

7 A. They don't get paid, and they could potentially
8 lose their job.

9 Q. What are IDP sanctions?

10 A. That's a disciplinary hearing.

11 Q. And IDP, what does that stand for?

12 A. I believe it stands for Institutional
13 Disciplinary Panel.

14 Q. Who is on that panel?

15 And you can give me titles if you don't know
16 names.

17 A. I believe it's the restricted housing unit
18 lieutenant and an ICE officer or supervisor, ICE
19 supervisor.

20 Q. Anybody else?

21 A. Just those two people.

22 Q. What is a UDC hearing?

23 A. I believe it stands for a Unit Disciplinary
24 Committee.

25 Q. Who is on the Unit Disciplinary Committee?

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

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

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

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

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

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

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

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

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

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

19 A. Correct.

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

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

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

1 sheet, or is that something different?

2 A. I would -- yeah, I would use the worker pay
3 sheet in accordance with the -- the roster, the detainee
4 work roster, or pod porter list, whatever you want to call
5 it.

6 Q. I deposed Mr. Delacruz from the kitchen, and he
7 told me that in the kitchen, there are four shifts, there's
8 a morning, there's a lunch, there's a dinner, and there's
9 an evening or nighttime cleanup crew; are there shifts like
10 that for other detainee jobs within the facility?

11 A. Yes.

12 Q. Can you tell me what those shifts are.

13 A. Laundry has a day shift and a swing shift. I
14 think the outside rec has day shift cleaners and nighttime
15 cleaners. And then in the units, like we read, you know,
16 there's like a shower cleaner, there's a day shift cleaner,
17 a swing shift cleaner. So within the units there's
18 individual shifts as well.

19 Q. And if I wanted to know how many people were
20 assigned to any given shift, I'd look at the -- the roster
21 that we looked at earlier, an example of which is
22 Exhibit-309?

23 A. Yes.

24 Q. Generally speaking, how long do the pod porter
25 shifts or duties take to complete?

1 A. It just depends.

2 Q. Can you give me a range?

3 A. Not really. I mean, it just depends on how
4 quickly and satisfactorily they do their jobs. Some jobs
5 last longer.

6 So, for example, the food porters, right, they
7 have to go pick up the trays, they bring them to the unit,
8 and then ICE mandates that the trays have to be in the unit
9 for 20 minutes. So it's going to at least be, you know,
10 30, 35 minutes, and they clean up afterwards, and they do
11 that three times a day.

12 The shower cleaners, if the unit's larger, you
13 know, there's more showers, it's going to take longer to
14 clean all those showers. If it's a smaller unit, there
15 will be less showers, they can clean it quicker.

16 Same with the generic porter, sweeping the
17 floors; the bigger the unit, the more it's going to take
18 than if it's a small unit.

19 Q. This Exhibit-309, the schedule that we were
20 looking at, who creates this, do you know?

21 A. I believe it comes from classification.

22 Q. So this is Ms. Singleton or Mr. Heye perhaps?

23 A. Yeah.

24 Q. And I notice on many of the details there's a
25 wait list; what is the wait list?

1 A. It's detainees who have expressed interest in
2 having a job but that job is currently filled.

3 Q. So it's not the case that anybody that wants to
4 be a pod porter could be a pod porter, it's only if there's
5 a spot available?

6 A. Correct, there's -- there's a fixed amount of
7 spots.

8 Q. Do you know who determines the cap for, you
9 know, any of the various jobs?

10 A. Immigration.

11 Q. And how do you know that?

12 A. That's what I was told by I believe it was Heye.

13 Q. This is back to your conversation with someone
14 in classifications?

15 A. Mm-hm.

16 Q. Yes?

17 A. Yes.

18 Sorry.

19 Q. Do you know whether there's a minimum number
20 expected for each spot?

21 A. No.

22 Q. What happens if you don't have enough pod
23 porters?

24 A. I'm not sure.

25 Q. Well, has there ever been a time where you've

1 encouraged a detained person to sign up to join the VWP,
2 the Voluntary Work Program?

3 A. No.

4 (Exhibit-318 marked.)

5 THE COURT REPORTER: This is Exhibit-318.

6 Q. You've just been handed Exhibit-318.

7 What are we looking at here?

8 A. It's an email from me to the kitchen -- kitchen
9 manager. I'm not sure what her official title is. She's
10 the head of the kitchen.

11 I've also cc'd classification, Singleton, and
12 Lieutenant Snyder, regarding some thefts from the kitchen.

13 Q. Now, how were the thefts in the kitchen caught?

14 A. I'm just reading the email.

15 I don't specifically remember, and I didn't say
16 how.

17 Q. In the middle there you write "Investigations
18 have been conducted on all these incidents."

19 A. Mm-hm.

20 Q. Can you tell me about the investigation?

21 A. Specifically to these? I don't remember.

22 Q. Well, who would have conducted the
23 investigation?

24 MS. MELL: Object to the form.

25 A. It appears it would have been me and Lieutenant

1 Snyder. So at the time I was an acting lieutenant. I
2 would have been an officer.

3 Q. Was this a part of a UDC proceeding?

4 MS. MELL: Object to the form.

5 A. It would have -- yeah, it would have -- yes.

6 Q. While you were a lieutenant, did you preside or
7 make UDC determinations?

8 A. Yes.

9 Q. And part of that job was conducting
10 investigations?

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

12 Q. What did that job entail?

13 MS. MELL: What job?

14 Object to the form of the question.

15 A. As the UDC lieutenant, I wouldn't be doing any
16 investigations. I would conduct a hearing, and I would
17 review the investigation that was done and forwarded to me
18 as the UDC hearing officer. I would make a recommendation
19 for sanctions or find them guilty or not guilty.

20 Q. So while you were the UDC officer, is it the
21 case then that the detention officers were conducting the
22 investigation?

23 A. No.

24 Q. Tell me how it worked.

25 A. So the shift supervisors would conduct the

1 investigations.

2 So it appears, based on this email, that either
3 myself or Lieutenant Snyder were conducting the
4 investigation. We make a packet, you know, try and get
5 statements from the detainees. It's their right not to say
6 anything; sometimes they don't say anything, sometimes they
7 do. Review video, other witnesses, staff. Take all that,
8 put that into a packet, you know, put it all together.
9 There's an investigation form we fill out, you know, what
10 happened, make a recommendation, and that goes on either to
11 the UDC or to the IDP.

12 The UDC hearing officer will get that, review it
13 all, they can agree with the recommendation, change it,
14 find you guilty, not guilty, and then recommend sanctions.

15 Q. And that's what's happening here in
16 Exhibit-13 -- I'm sorry, Exhibit-318?

17 A. Right, this is an email, which would be part of
18 my investigation, letting the kitchen officer know about
19 the theft.

20 Q. And in this case, your ultimate determination
21 was that those detainee workers would lose their jobs in
22 the kitchen and laundry?

23 A. That was my recommendation.

24 Q. Who are you making your recommendation to?

25 A. The kitchen manager.

1 Q. So is it the case then that you conduct the UDC
2 hearing, make a determination, and then forward that to
3 who?

4 MS. MELL: Object to the form of the question,
5 mischaracterizes --

6 Q. Yeah, no, I'm sorry, I'm not trying to twist you
7 up, I'm just trying to understand the process here.

8 I mean, you told me about the investigation
9 that's done, there's a packet, and then I thought I
10 understood you to say that a UDC officer makes a
11 determination whether discipline or sanctions are
12 warranted; did I get that right?

13 A. Yeah.

14 I believe there was a change, and I don't know
15 if it was when the ICE PBNDS was updated, but it used to
16 be, it appears several years ago, that the kitchen manager
17 is the only one who could fire people from the kitchen, or
18 maybe because I was -- I was misinformed as an acting
19 lieutenant at the time, that's why I sent the email.

20 I believe, yeah, now the UDC hearing officer can
21 recommend firing a person from their job.

22 Q. And that recommendation goes to whoever the
23 supervising officer is; is that right?

24 A. Yeah.

25 Q. Any of the work details that you had in

1 supervising detainee workers, did it involve providing the
2 workers with uniforms?

3 A. Sometimes.

4 Q. Which roles would that have been that got
5 uniforms, outside of the kitchen?

6 A. Sometimes on the paint details, they get paint
7 on themselves, or the -- the -- you know, the stripping and
8 the waxing, you know, stuff splashes, so we would exchange
9 their uniform.

10 Q. Any others?

11 A. No.

12 MR. WHITEHEAD: All right, let's take a -- let's
13 take a break.

14 THE VIDEOGRAPHER: Going off the record. The
15 time is 4:12.

16 (Recess at 4:12 p.m.)

17 (Reconvened at 4:24 p.m.)

18 THE VIDEOGRAPHER: Back on the record. The time
19 is 4:24.

20 Q. Mr. Johnson, thank you for your time. I just
21 have one last question. Some of my questions may about
22 have been pointed today, but have I been fair with you?

23 MS. MELL: Object to the form. I don't think
24 it's relevant, and I don't think you have to answer that
25 question.

1 Q. Are you going to heed Counsel's advice, or are
2 you willing to answer?

3 A. Yeah, I'm going to listen to Counsel.

4 MR. WHITEHEAD: All right, I don't have anything
5 further. Your attorney might have questions for you
6 though.

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

8 BY MS. MELL:

9 Q. Okay. Officer Johnson, did the ICE detainees
10 clean up after you at the facility?

11 A. No.

12 Q. Would you characterize those activities that are
13 described in Exhibit-316 as chores?

14 A. Yeah.

15 Q. Are they activities of daily living?

16 A. Yes.

17 Q. Are they the kinds of things you do for yourself
18 at home?

19 A. Yes.

20 Q. Do you empty trash and replace liners in your
21 home?

22 A. Yes.

23 Q. Do you buy the liners and trash cans with your
24 wages?

25 A. Yes.

1 Q. Do you clean sinks, microwaves, and counters
2 after you eat your breakfast?

3 A. Yes.

4 Q. Do you get paid minimum wages to do it?

5 A. No.

6 Q. How about the description of the activities set
7 forth at Exhibit-315, would you describe or characterize
8 those activities as chores?

9 A. Yes.

10 Q. Do you take care of your personal grooming, like
11 cutting your hair?

12 A. Yes.

13 Q. Do you pay for any haircuts or grooming with
14 minimum wages?

15 A. Just supplies.

16 Q. Okay. All right. Do you vacuum at home?

17 A. Yes.

18 Q. Mop your own floors?

19 A. Yes.

20 Q. Clean the showers?

21 A. Yes.

22 Q. Clean the toilets?

23 A. Yes.

24 Q. Is it correct that at the Northwest Detention
25 Center, there's not an individual toilet for all of the

1 detainees to have their own toilet; correct?

2 A. Correct.

3 Q. So the Voluntary Work Program enables the chores
4 associated with a communal toilet to be accomplished by the
5 detainees who use it; correct?

6 A. Yes.

7 MR. WHITEHEAD: Objection, form.

8 Q. And the Northwest Detention Center doesn't
9 operate on a hotel model in that nobody comes in and
10 changes the beds for all the detainees or --

11 A. No.

12 Q. -- serves them meals, or room service, or
13 anything like that?

14 A. No.

15 Q. Now, is it correct that from a disciplinary
16 process that results in a UDC hearing, a detainee can
17 appeal a UDC determination to ICE?

18 A. Yes.

19 Q. And is that the IDP process, or is that any
20 process?

21 A. That's any process, they can appeal to ICE.

22 Q. Okay. So with respect to the email
23 communication set forth at 318 where you have communicated
24 that you're recommending the thieves, the detainees who
25 were stealing, not participate in the activities in the

1 kitchen and laundry anymore, ICE could have overrode your
2 recommendation?

3 A. Yes.

4 Q. With respect to the process that a detainee goes
5 through to participate in the Voluntary Work Program, that
6 is not the same process that you went through to be hired
7 at GEO?

8 A. No.

9 Q. And with regard to the UDC process, or any
10 disciplinary process, that is not the same process that you
11 would be disciplined under as a GEO employee?

12 A. No.

13 Q. Would you necessarily know of those instances
14 when ICE initiated a action against a detainee based on
15 their observations of a detainee's actions in the VWP?

16 MR. WHITEHEAD: Objection, form.

17 A. No, I wouldn't.

18 Q. And why is that?

19 A. It's above my level. You know, I'm not an
20 officer.

21 Q. ICE doesn't need to defer to you; correct?

22 A. No.

23 Q. You would defer to ICE, however?

24 A. Yes.

25 MS. MELL: Okay, I have nothing further.

1 F-U-R-T-H-E-R E-X-A-M-I-N-A-T-I-O-N

2 BY MR. WHITEHEAD:

3 Q. Mr. Johnson, in your time as a UDC officer, did
4 ICE ever override a determination or recommendation that
5 you made?

6 A. I'm not sure.

7 Q. As you sit here today, is it that you -- you
8 cannot think of a specific instance in which ICE overrode a
9 determination or decision you made as UDC officer?

10 A. No, it's they wouldn't -- just wouldn't tell me,
11 they wouldn't go back through me to tell me, Hey, we chose
12 to do something different.

13 Q. Do you have any reason to believe that your
14 determination was overridden or reversed?

15 MS. MELL: Object to the form. He just said he
16 wouldn't know.

17 A. I don't know.

18 Q. And you also characterized some of the work done
19 by the detainee workers as chores; what's the distinction,
20 if any, you draw between job duties and chores?

21 A. Well, basic cleaning of your living area I would
22 consider a chore.

23 Q. Well, in the case of the pod porters, it's not
24 just their own personal area, they're doing the cleaning
25 for the entire pod; correct?

1 A. Correct.

2 Q. And you told me earlier that the pods range from
3 60 to 115 or so people; is that correct?

4 A. Yes.

5 MR. WHITEHEAD: Nothing further.

6 F-U-R-T-H-E-R E-X-A-M-I-N-A-T-I-O-N

7 BY MS. MELL:

8 Q. With regard to cleaning up in the pod, the pod
9 porter isn't cleaning up after everyone in the pod,
10 they're -- they're doing additional work that's for common
11 areas within the pod; correct?

12 A. Correct.

13 MR. WHITEHEAD: Objection, form.

14 Q. So there's multiple people picking up after
15 themselves, it's just that some additional duties have been
16 selected to keep activities available in the VWP for
17 individuals who choose to busy themselves during the day --

18 MR. WHITEHEAD: Objection --

19 Q. -- is that correct?

20 MR. WHITEHEAD: -- form.

21 A. Correct.

22 Q. So the -- the distinction between what a pod
23 porter does in picking up in the pod and what an individual
24 does to pick up after him or herself is a distinction
25 almost without a difference, it's all work that needs to be

1 done to maintain the health and safety and the integrity of
2 the communal space where they are living; correct?

3 MR. WHITEHEAD: Objection, form.

4 A. Yes.

5 MS. MELL: I have nothing further.

6 MR. WHITEHEAD: I'm done.

7 THE VIDEOGRAPHER: This is the end of media two
8 and adjourns the deposition of Marc Johnson. The time is
9 approximately 4:33.

10 THE COURT REPORTER: Same thing, are you going
11 to order this one?

12 MR. WHITEHEAD: Yes, please.

13 THE COURT REPORTER: And copy for you?

14 MS. MELL: Yes, please.

15 (Deposition adjourned at 4:33 p.m.)

16 (Signature reserved.)

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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.

.....

MARC A. JOHNSON

Taken: Tuesday, December 3, 2019

Keri A. Aspelund

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

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

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

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

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

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



NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661

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C-H-A-N-G-E S-H-E-E-T

PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,
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23 _____
 24 MARC A. JOHNSON
 25 TAKEN: Tuesday, December 3, 2019

Re: NWAUZOR v. THE GEO GROUP, No. 17-cv-05769-RJB