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16
17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

19 CALIFORNIA COALITION FOR WOMEN

PRISONERS; et al.,

20
21 Plaintiffs,

22 v.

23 UNITED STATES OF AMERICA; UNITED

24 STATES OF AMERICA FEDERAL BUREAU OF

PRISONS, et al.,

25
26 Defendants.

Case No. 4:23-cv-04155

**[CORRECTED] DECLARATION
OF STEPHEN SINCLAIR IN
SUPPORT OF MOTION TO
UNSEAL COURT RECORDS
AND PROTECT ACCESS TO
PUBLIC PROCEEDINGS**

Judge: Yvonne Gonzalez Rogers

Date: July 16, 2024

Time: 2:00 p.m.

Courtroom: 1 (Fourth Floor)

1 **DECLARATION OF STEPHEN SINCLAIR**

2 I, Stephen Sinclair, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 that the
3 following is true and correct:

4 **I. Introduction & Summary of Qualifications**

5 1. I am the CEO of the Justice & Liberty Group LLC. Public Justice has retained me in
6 connection with *California Coalition for Women Prisoners et al., v. Federal Bureau of Prison, et al.*,
7 Case No. 4:23-cv-04155. Public Justice has retained me to provide expert opinions based on my
8 corrections experience on what kind of information, if disclosed, could compromise the safety and
9 security of a carceral institution. In this matter, I have been retained at \$300 an hour. The independent
10 opinions set forth herein are based on my personal and professional knowledge and are set forth to a
11 reasonable degree of professional certainty. If called as a witness to testify, I could and would testify
12 competently thereto.

13 2. My experience in adult corrections includes the thirty-two years I spent as an employee of
14 the Washington State Department of Corrections (“WADOC”). I began as a Correctional Officer at the
15 Washington State Penitentiary in September 1988 and concluded my career as the agency Secretary. I
16 was appointed Secretary of WADOC in April 2017, confirmed by the Washington State Senate in
17 January 2018, and served until May 2021.

18 3. During my career, I have led numerous significant changes within WADOC, many, but not
19 all, of which are highlighted in my Curriculum Vitae (Attachment A).

20 4. Throughout my career, I was involved in determining policy and practice related to safety
21 and security matters. I was a WADOC’s Captain’s Committee member, reviewing agency safety and
22 security policies and implementing approved changes at a facility level. For approximately four years, I
23 was co-chair of the WADOC Statewide Security Advisory Committee, which comprised staff from all
24 levels of the organization and was responsible for evaluating safety and security suggestions made by
25 line staff. Adopted changes were implemented in policy, procedures, and practice. This committee was
26 also used as a sounding board for agency-initiated changes that were related to safety and security.

27 5. In various roles during my career, beginning as a Correctional Investigator, I received
28 ongoing training related to criminal investigation. This training included, but was not limited to, training

1 received at the Washington State Patrol Investigators Academy, the Walla Walla Reserve Police Officer
2 Academy, and numerous other investigator training provided by WADOC, the Washington Criminal
3 Justice Training Academy, and other organizations.

4 6. In addition to my work experience, I possess a Master of Public Administration degree from
5 the University of Washington; I have attended thousands of hours of training sponsored by WADOC,
6 the Washington State Criminal Justice Training Academy, the Washington State Patrol Investigator
7 Academy, Washington State Tactical Officers Association, and the Walla Walla Police Department. My
8 experience includes training and hours worked as a Reserve Police Officer for the Walla Walla Police
9 Department.

10 7. I have served four years as a Commissioner of the Washington State Criminal Justice
11 Training Academy (2017-2021), overseeing curriculum development for basic academies for Law
12 Enforcement and Corrections and certification standards. I also spent four years as a member of the
13 Washington State Sentencing Guidelines Commission (2017-2022). I am an active member of the
14 Correctional Leaders Association (CLA) and the American Correctional Association (ACA). I received
15 the 2020 Tom Clements Award for Innovation from CLA and was recognized by Washington Governor
16 Christine Gregoire in 2009 for excellence in management.

17 8. Since my retirement in May 2021, I have remained involved in the corrections field,
18 researching, analyzing, and providing expert opinions in cases related to confinement in city, county,
19 and state-operated confinement facilities. In summary, I have spent much of the past 35 years working
20 with, thinking about, and analyzing the field of adult corrections on topics including, but not limited to,
21 the use of force, the use of administrative segregation and restrictive housing, prison regulations,
22 correctional operations and the policies required to operate a safe and humane corrections
23 systems/facilities. My expert work has been for both plaintiffs and defendants, and all case involvement
24 during my WADOC career was as a defendant.

25 **II. Safety & Security in Corrections**

26 9. The term “safety and security” is broadly used in corrections; it is nearly a mantra.
27 Correctional staff at all levels use this term to describe their role in the organization or even as a
28 reminder to others to refer them back to the mission. Through my work as a corrections expert, I have

1 often heard the term used by corrections officials to protect documents from the public eye. I believe this
2 is unfortunate because it is often not based on genuine safety and security concerns.

3 10. In Washington State, where I served, I was present for several evolutions of law changes
4 that have expanded public disclosure laws, most of which were enacted decades ago. I can clearly
5 remember when these laws took effect, and there was opposition. The first term we used was “safety and
6 security” to protect information we thought was vital to our mission. In hindsight, even our arguments
7 back then were based on something other than sound logic. Now, decades later, after having lived and
8 worked through these changes, I recognize the insignificant impacts nearly full disclosure has had on the
9 actual safety and security of the institutions and agencies where I worked. As an example, I recall the
10 agency’s use of force policy being considered restricted and not available for public viewing. The logic
11 at the time was that disclosure would jeopardize “safety and security” because we didn’t want people,
12 especially incarcerated people, to know all the tools in our toolbox. Over time, our logic crumbled, and
13 even this policy that we held sacred is now available on the internet.

14 11. Generally, the term “safety” in a carceral setting is about keeping staff, the incarcerated, and
15 anyone else interacting with a correctional setting safe from unwarranted harm. This is influenced by
16 external and internal safety requirements governed by state and federal agencies (e.g., OSHA, Health
17 Departments, state agencies responsible for ensuring industrial safety, etc.). In a carceral setting,
18 operational practices like movement control, adequate staffing, a grievance system, a functional
19 classification system, and the availability of programming to engage the incarcerated population all
20 intertwine to create safer correctional environments. All correctional institutions have the additional
21 responsibility to protect those in their custody and care from unreasonable or unjustified physical harm
22 caused by other incarcerated individuals and even staff. In my experience, what influences safety is a
23 broad topic, but what must remain confidential to ensure safety is very narrow.

24 12. In corrections, the term “security,” like safety, is one of the core responsibilities of each
25 staff member and the governing agency itself. Security is about having policies, practices, and a
26 functioning physical plant to ensure incarcerated individuals remain in custody for the period defined by
27 the sentencing courts. Security includes ensuring those incarcerated only have access to items and
28 materials that are authorized for their use or possession. Everything else is considered contraband.

1 13. “Safety and security” also encompasses a broad responsibility of all criminal justice entities
2 to prevent the commission of a crime, investigate when there is probable cause to believe that a crime
3 has been committed, and bring to justice those who have committed a crime. It is no secret crimes are
4 committed in correctional settings, and even crimes committed in our communities that are orchestrated
5 there. Incarcerated individuals and staff, can and are engaged in various criminal activities. There are
6 limited times when exposure of correctional intelligence and investigative matters can jeopardize the
7 criminal investigation and risk the loss of evidence. The public interest is served by investigating these
8 crimes, and there is a loose nexus between safety and security because a lawless correctional facility is
9 not safe or secure.

10 14. In my opinion, “safety and security” are about keeping people safe from harm, ensuring
11 incarcerated individuals don’t escape custody or evade criminal prosecution when a crime has been
12 committed, and preventing unauthorized items from reaching the incarcerated population. In my
13 opinion, when considering whether or not to share corrections-related information or documents
14 publicly, the questions to ask are:

15 1. *Will a person or people be physically harmed if this information is made public?*

16 2. *Will this information legitimately contribute to an effort for an incarcerated individual to*
17 *escape from custody or any individual to evade prosecution for crimes committed?*

18 3. *Will this information directly contribute to the introduction of contraband into a correctional*
19 *facility?*

20 If I did not answer yes to at least one of these questions, I would struggle to understand the logic of
21 concealing information from the public eye. As a former public official, I recognize that releasing some
22 information publicly can be embarrassing and even lead to tort liability, but it does not follow that
23 disclosure of such information would threaten the safety and security of a carceral institution.

24 15. There are a minimal number of documents maintained by correctional agencies, which, if
25 revealed to the public, could threaten the safety and security of a correctional institution. What pieces of
26 knowledge could an incarcerated person obtain from the public domain that would threaten the safety
27 and security of a correctional setting? This also must be balanced against (1) what incarcerated people
28 already know and could themselves share with the public based on their observations and constant

1 interactions with the system's rules and staff that confine them, and (2) what can be relayed to them by
2 free people in the community with access to the vast knowledge of the internet. If the incarcerated
3 population knows it, it should be synonymous with the public knowing it because communication goes
4 both ways.

5 **III. Examples of Confidential Correctional Information**

6 16. Based on my experience, my shortlist of information that will likely have safety and
7 security implications includes:

8 ***Confidential Informant Information***

9 17. Information provided by an incarcerated individual, or even by a private citizen, to
10 correctional staff or law enforcement to further or assist with criminal or administrative investigations
11 that could lead to criminal prosecution should be considered confidential. In correctional settings, the
12 knowledge that someone is providing information to officials greatly increases the probability they will
13 be seriously harmed. This risk exists in communities just like it does in correctional settings, but the
14 difference is that incarcerated individuals can't escape the environmental threat. Suppose the agency's
15 knowledge of someone acting as a confidential informant is revealed. In that case, it can and will follow
16 the individual for the remainder of their incarceration, placing them in constant jeopardy.

17 ***Detailed Schematics and Drawings***

18 18. On rare occasions, detailed schematics and drawings of a correctional facility's physical
19 structure or security systems can identify potential vulnerabilities that can assist in escape attempts. This
20 is a classic vulnerability often played out in dramatic movies and television. Unfortunately, some of
21 these characterizations are based on actual events. Once released, the distribution can't be controlled in
22 today's digitized world, and there will forever be a vulnerability. It is important to note that incarcerated
23 people can see a large percentage of the facility in their daily lives. Still, they may not be able to see the
24 potential pathways to escape that may exist in the utility infrastructure or ways to defeat security
25 systems from electrical diagrams. There is no harm in revealing what the incarcerated people already
26 have knowledge of.

Incarcerated Person Pre-Transport Information

19. The release of information related to the pending transport or intended destination of incarcerated individuals can have devastating consequences, as noted in the recent assisted escape of an incarcerated person from the Idaho Department of Corrections. Before a security transport, it is necessary to keep details like timing, route, and destination undisclosed to protect and avoid assisted escape. However, the risk is limited after the fact unless these three elements (timing, route & destination) are routinely used. Making any part of a security transport routine is a bad security practice; however, it may be unavoidable based on other factors like physician availability, first appearances, etc. Even in these instances, the need to protect the information after the fact isn't logical because the transported incarcerated person will know where they went and likely some details about the route. They can easily share this information over the phone or during visits. When transporting incarcerated individuals, there is a risk at any point along the route and at the destination when not transporting them to a secure location like another correctional facility. The correctional practice I support and am most familiar with is keeping all pre-transport information confidential.

20. There is additional risk when transporting notorious incarcerated individuals, which is the risk of external attack by vigilantes seeking justice they feel was not served upon conviction. I include this only because I have done many of these transports and know what it feels like to be a corrections officer providing the security of someone pending trial or hearing, which was advertised on the news the night before. As I said previously, some things are unavoidable.

Emergency Response Checklists

21. Some facilities and agencies, like mine, may have developed a checklist for staff that spells out specific actions to be taken in any emergency, which are commonly called Emergency Response Checklists. They are generally topical, addressing actions to be taken for emergencies like earthquakes, power failures, riots/disturbances, hostage-taking, etc. If disclosed, these documents could compromise safety and security if they give too many details about response tactics in an organized crisis event, which could hamper an adequate response. Disclosure of these documents should be reviewed on a case-by-case basis.

1 ***Other Unique Documents***

2 22. Based on my experience, other unique documents like those relating to key control and key
3 replacement may need to be kept confidential. These are examples of unique documents that could aid
4 in an escape attempt and should be confidential.

5 **IV. Common Documents Marked Confidential in Litigation**

6 23. Based on my experience as a correctional expert that has reviewed thousands of documents
7 produced in litigation, there are general categories of documents that are commonly marked confidential
8 for “safety and security” reasons. In my opinion, disclosure of many of these documents would not
9 actually jeopardize safety and security. Each topical area should be reviewed through the lens of the
10 three questions I posed previously. I believe the analysis should also include a finer level of detail. Does
11 the entire document meet this level of confidentiality, or can only parts of the document be redacted?
12 Often, I see entire documents concealed, including the document’s name, and I struggle with the logic of
13 this approach.

14 ***Agency and Local Policy***

15 24. Agency policy is often written at an agency level, providing standards that must be met
16 locally. Policies describe how a particular policy expectation will be carried out. The policy tends to be
17 one and the same for smaller municipal or county detention facilities. Based on my knowledge of the
18 large volume of policies maintained by WADOC and numerous other agencies’ policies I have reviewed
19 during my expert work, policies rarely describe actual tactics that, if revealed, would jeopardize safety
20 and security.

21 25. For example, a transportation policy may say that transportation officers must alter their
22 route when transporting individuals to commonly used destinations. An argument could be made the
23 policy contains detailed tactics about how transports are carried out, and if revealed, this information
24 could jeopardize someone’s safety. This is an example where logic plays a vital role because the
25 commonsense statement about altering routes does not increase risk or create a safety concern for
26 anyone involved; the policy itself does not disclose any details about actual routes.

1 26. As an additional example, consider a governing policy for Special Emergency Response
2 Team (SERT) or Hostage Rescue Team (HRT). These policies will spell out the purpose or intent of the
3 policy and then set requirements like:

- 4 • The selection process for membership would include physical standards to be met,
5 psychological testing to be completed, and the like.
- 6 • Authorized weaponry—like a sidearm (pistol), longarm (rifle), and a myriad of less lethal
7 force options available to corrections and law enforcement today (e.g., Pepper spray, Taser,
8 40mm Sponge Round, etc.).
- 9 • Other authorized equipment—Uniforms, helmets, breaching tools, etc.
- 10 • Team structure—Team Leader, Assistant Team Leader, Squad leaders, breachers, designated
11 marksmen (snipers), etc.
- 12 • (Rarely, if at all) Communications practices, including frequencies used and storage location
13 of weaponry. NOTE: All of this information, if included, should be redacted.

14 27. One could argue that disclosing these governing policies could compromise safety and
15 security: “our most elite tactical unit will be compromised, and people could die as a result.” This is not
16 even close to being true. One could search Google to see what commonly used S.W.A.T. equipment is
17 or what the requirements are to be on a S.W.A.T. team. Only the tactics used by these teams could, if
18 revealed, compromise safety and security. The tactics used to resolve a situation are defined at the time
19 of the incident by the officer's training, the environment, and the crisis to be resolved, not the policy.
20 Depending on the agency, they may include information like radio frequencies, storage locations, and
21 other minutia that should be redacted, but it would not be necessary to exclude the entire policy.

22 28. Policies relating to emergency response bodies, like the policy I described above, are some
23 of the most sensitive policies one could argue should be confidential but, in my opinion, does not need
24 to be. If this is true for this policy, it should be true for every less sensitive policy.

25 ***Post Orders and Procedures***

26 29. Post Orders are a tool for relaying routine and emergency response procedures to
27 correctional officers so anyone assuming a particular post knows what they are supposed to do as a
28 matter of routine or what to do in specific emergencies. In most cases, the emergency response portion

1 simply directs staff to stop all movement of incarcerated people, secure particular doors, and notify a
2 designated emergency control point, not necessarily in that order.

3 30. In my experience, Post Orders rarely contain information that, if revealed, would
4 compromise safety and security. Remember that incarcerated individuals can observe staff 24-7, and
5 they do. All correctional staff are taught this in their basic academy. Incarcerated individuals already
6 know the routine activities of the assigned staff, so what is wrong with the general public learning the
7 activities of its public employees?

8 31. On rare occasions when the Post Order contains potentially compromising information, the
9 details can be redacted, but there is no need for the entire document to be kept from the public. As an
10 example, a Post Order may include an emergency response section that specifies that in case of a riot,
11 staff should retreat to a certain area. Where that certain area is located is something to keep confidential
12 because if known by the incarcerated population during a planned incident, they could plan the escape
13 route.

14 ***Information Relating to Staffing Levels***

15 32. It should be no secret that correctional agencies nationwide are struggling to staff their
16 facilities post-COVID-19 and, for many jurisdictions, for years before the pandemic. This fact can even
17 be found in the media on occasion. From my experience, the recruitment and retention of staff, including
18 correctional staff and medical staff, has been an ongoing challenge for most correctional agencies.

19 33. Before I was Secretary of WADOC, I was the Director of Prisons, and one of our challenges
20 was recruitment and retention. Because of this, I had reports developed that were reviewed routinely to
21 track the vacancy rate at any given facility. When a facility was experiencing or about to experience
22 staffing shortages, I could direct agency resources and various strategies to help the facility. It was an
23 essential part of my role. I can't even imagine how this information would jeopardize safety and
24 security. The incarcerated population already knows there is a problem because they experience it
25 firsthand. After all, programs and activities are shut down due to a lack of staffing, and they see staff
26 working multiple shifts as a matter of routine. It is impossible to keep this information secret. As I
27 previously stated, if the incarcerated population knows it, it should be synonymous with the public
28 knowing it because communication goes both ways.

1 34. Certain staffing information may compromise safety and security in one narrow area.
2 Suppose the area or facility is suffering extreme staffing challenges. In that case, a facility may make the
3 difficult decision to close critical security posts related to perimeter security and other vital internal
4 control points. In this instance, which posts and when they are vacant should not be shared. They would
5 be “yes” answers to my guiding questions 2 and 3. Again, this is a narrow subset of information related
6 to a specific situation. If documents about staffing contain this information, it can be redacted. In my
7 opinion, outside the narrow subset of information related to key security posts, the only risk of
8 disclosing information relating to staffing is possible embarrassment in the public eye for failing to staff
9 your facilities fully. Even this is doubtful based on the labor shortages most organizations are facing.

10 ***Audits and Inspections***

11 35. I don’t recall a time in my experience when audits or inspections by external agencies were
12 anything but public information. I am reasonably sure that during my career I experienced every
13 conceivable audit or inspection one could expect in a correctional setting and even a couple I wouldn’t
14 have expected. In my experience, the results of inspections and audits related to the health and safety of
15 staff and incarcerated individuals were publicly available if they did not involve findings relating to
16 security systems like alarms, or video surveillance footage.

17 36. In the case of internal security management and emergency preparedness audits where the
18 facility’s performance or lack thereof identifies security gaps, specific information should be kept
19 confidential until the security issue is rectified.

20 ***Movement Records***

21 37. In general, once a transport is complete, records of an incarcerated person and where they
22 have been incarcerated need not be confidential. Routine records kept about internal daily movements
23 like sick-call, medical appointments, visits, etc., are all records that are after the fact and present no
24 safety and security threat. These records are a necessary and routine part of correctional record keeping.
25 When it comes to the location of an incarcerated people, most correctional systems have internet-based
26 programs, so an incarcerated person can be found by friends, family, or anyone else. In my experience,
27 there has never been a need to conceal where an incarcerated person has been within the system.

1 **V. Conclusion**

2 38. Based on my experience in corrections, many documents and records are created daily, and
3 most are routinely available to the public. I have provided examples of the narrow subset of documents
4 that should be kept confidential to ensure the safety and security of our correctional institutions, but they
5 are extremely limited.

6 39. I acknowledge that it is easier to determine what should and shouldn't be made public when
7 you have spent as many years as I have in the field of corrections. The courts have a daunting task in
8 making these decisions. I assume it is difficult to know the harm that can be caused to plaintiffs and
9 defendants alike by not releasing information that could influence the outcome of litigation. But as
10 explained in this declaration, it is my opinion that only a minimal number of documents maintained by
11 correctional agencies could, if revealed to the public, threaten the safety and security of a correctional
12 institution.

13 I certify that, to the best of my knowledge and belief:

- 14 i. The statements of fact in this report are true and correct.
- 15 ii. The reported analyses, opinions, and conclusions are limited only by the reported
16 assumptions and are my personal, unbiased, and professional analyses, opinions, and
17 conclusions.
- 18 iii. I reserve the right to modify or supplement my opinions should additional information
19 become available.
- 20 iv. I have no personal interest or bias with respect to the parties involved; and
- 21 v. My compensation is not contingent on an action or event resulting from this declaration's
22 analyses, conclusions, or opinions.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on June 10, 2024, in Olympia, Washington.

25
26 *Stephen Sinclair*

27 _____
28 Stephen Sinclair, CEO
Justice & Liberty Group LLC

ATTACHMENT A

STEPHEN SINCLAIR

Justice & Liberty Group, LLC

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Executive Summary

Over 30 years of progressive experience in adult male and female corrections from serving as a Correctional Officer to being appointed Secretary of the Washington State Department of Corrections by Gov. Jay Inslee in 2017. Accountable for over 19,000 supervised individuals and over 17,000 incarcerated individuals within 12 correctional facilities and 12 work release facilities.

Experience with all levels in corrections settings within a state correctional system including maximum custody (restrictive housing), work release, reentry, and community corrections. Specialty areas include restrictive housing reform, violence reduction, use of force, programming, gender-responsive/trauma-informed services, correctional culture change, roster management/staffing and emergency response.

Developed and co-directed the highly successful Sustainable Practices Lab (SPL) at the Washington State Penitentiary, resulting in thousands of incarcerated individuals receiving training and work experience in conservation, horticulture, aquaculture, carpentry, and many other fields. The program has produced hundreds of thousands of pounds of produce for the facility and local residents needing food. Additionally, SPL has significantly reduced landfill waste through repairs and recycling of goods and materials including reclamation of over 30,000 board feet of wood.

Co-directed the [Sustainability in Prisons Project](#). Which is a unique partnership between WADOC and the Evergreen State College. Through this program we brought environmental sustainability practices, science and nature into our corrections facilities to enrich the lives of the incarcerated population. Today some of these programs are credit bearing, allowing incarcerated individuals to receive college credits for their participation and a foundation for re-entry.

I delicately and successfully navigated and developed years-long productive relationships with numerous diverse stakeholders, including the state legislature, victim advocates, Columbia Legal Services, Disability Rights Washington, NAACP, Teamsters Local 117, and the Washington Federation of State Employees.

Recipient of the 2020 Tom Clements Award for Innovation by the Correctional Leaders Association and recognized by Governor Christine Gregoire in 2009 For Excellence in Management.

In 2021, after retiring from 32 years with the Washington State Department of Corrections, I started the Justice & Liberty Group, LLC (JALG). As an expert, I have produced several reports for clients and participated in depositions as well as provided trial testimony. In January of 2022, JALG was retained

by the Kansas Department for Aging and Disability Services to conduct an extensive security review and cultural assessment of the Larned State Hospital, following two recent elopements of patients. This review included analysis staffing, supervision, & span of control.

My experience as an expert witness has been informative and educational because it has given me the opportunity to conduct forensic reviews of situations that have not gone well. This is a unique opportunity because, late in my career in corrections, I was rarely able to delve into and do my analysis of the incidents that went wrong in the agency. Doing this work now has informed my opinions a great deal and helps me see the common but sometimes unique failures that result in negative outcomes for correctional agencies and facilities.

My work as an expert has also enabled me to view countless policies and practices of jails and correctional agencies nationwide. I understand the commonalities of correctional work and the risks these organizations take when they are not responsive to an evolving world.

Knowledge, Skills, and Abilities

Culture Change

Expert understanding of the value of creating a balance between security practices and incarcerated individual programs to create a safe and humane correctional environment for the incarcerated and the staff who work there. Significant experience through multiple levels of leadership in leading employees through change to enhance correctional culture, improve practices, and deliver better outcomes.

Systems Change

Demonstrated ability to analyze complex situations to find systemic changes that enhance correctional environments, increasing the defensibility of practice and reducing tort liability. Specialized expertise in creating agency policy to address emerging issues based on case law and being proactive to increase humanity in the correctional system.

Stakeholder Engagement and Policy Development

Extensive experience working with elected and non-elected members of the legislature and other stakeholder groups, including victim advocates and families of incarcerated individuals, to find policy solutions to complex social problems and build strategic efforts to move these initiatives forward. Significant experience testifying at hearings and developing relationships with key elected officials with influence over the agency and its budget.

Guided many challenging and adversarial meetings to successful resolutions, including collective bargaining agreements, agency policy, and public policy. Key stakeholders included Columbia Legal Services, Disability Rights Washington, NAACP, Teamsters Local 117, and the Washington Federation of State Employees.

Labor Relations

Skilled negotiator working with labor unions or special interest groups with a demonstrated ability to find solutions and achieve mutually beneficial outcomes. Led effort to create new Collective Bargaining Agreement (CBA) language to change an age-old practice impacting bid rights for staff assigned to restrictive housing. In subsequent CBA negotiations with the Teamsters Local 117, they successfully negotiated, for the first time, interest arbitration in a state contract with WADOC.

Crisis Management

Skilled crisis manager, having successfully led various facilities and groups through numerous crises in a complex authorizing environment. Implemented incident command structure to quickly establish a highly organized response to acute and ongoing crises, including 16 months of agency leadership during the COVID-19 pandemic.

Leadership Development

Extensive experience mentoring and developing leaders to be successful in their organizations. Significant role in redefining leadership teams to build trust amongst members and establish shared operating norms for teams.

Innovation

As a Correctional Investigator and later Correctional Sergeant, I created a unique escape response team called the Inmate Recovery Team (IRT). The team is based on three principles: Command and control, Community Involvement, and man-tracking skills. Working as an investigator and an active member of the Washington State Penitentiary's Special Emergency Response Team, I researched escapes from the Penitentiary over the previous ten years. I learned that most escapees remained in the immediate area for 72 hours after escaping the secure perimeter. Logic at the time was that once someone escaped, they caught a ride and were no longer in the community. My research proved this wasn't true and that inmate recovery was possible with a coordinated escape response by specially trained staff. After a few escape responses and recoveries, the IRT concept was adopted statewide as the accepted method of escape response. The training academy I developed for this specialized team has since been used to train hundreds of WADOC staff and numerous city, county, state, and federal law enforcement officers.

This spirit of innovation remained with me for my entire career, resulting in numerous initiatives that became practice.

Accomplishments

Secretary – WADOC Headquarters 2017-2021

- Led agency transformation to strengthen alignment between the strategic goal to reduce recidivism and agency operations by establishing a separate division responsible for successful reentry.
- Developed a successful new strategic approach to funding the agency budget, resulting in the largest budget increase in the agency's history.
- Successfully competed for and was selected by the Vera Institute restrictive housing reform initiative "*Safe Prisons, Safe Communities: From Isolation to Dignity and Wellness Behind Bars*"
- Led delegation to Norway to engage in knowledge sharing and immersive learning experience about their world-renowned approach to corrections.
- Established a foundation for significant culture change through extensive work with AMEND and the Norwegian correctional system to adapt best practices to the Washington corrections system as part of a broader effort to shift the agency's culture.

- Successfully led and navigated numerous political dynamics to pass legislation to improve correctional outcomes (see legislative successes)
- Transformed executive management team from dysfunctional to highly cohesive and trusting, eliminated silos, and increased collaboration. Before this transformation the team was evaluated and determined to be exceptionally dysfunctional based on the "*The Five Dysfunctions of a Team*" assessment. The post-evaluation using the same tool showed a significantly improved culture. Post assessment by the [Coraggio Group](#) showed these improvements - Trust +93%, Conflict +53%, Commitment +68%, Accountability+50%, Results +72%
- Coalesced agency staff from the bottom up to change the agency mission statement and values to reflect the importance of delivering humane and people-centered corrections work.
- Ensured integration of agency values in daily work by changing the employee evaluation process to prioritize adherence to and demonstrating agency values as primary expectations.
- Drove implementation of the agency's first-ever Dynamic Risk tool to assess incarcerated individuals' risk to re-offend.
- Successfully developed and implemented the first WADOC Transgender, Intersex, and/or Gender Non-conforming Housing and Supervision policy.

Prisons Director - WADOC Headquarters 2014-2017

- Implemented agency policy that eliminated punishment for self-harm by individuals with mental illness. Reduced length of segregation time for offenders in crisis and improved conditions of confinement.
- Effectively managed the division budget by ending the fiscal year under budget.
- Designed and implemented an outcomes-based management system for the Prisons Division that focuses on results through performance metrics and quarterly performance reviews.
- Created a headquarters outcome-based management system for statewide program managers to clarify roles and responsibilities and better align efforts to agency outcomes.
- Implemented incentives to decrease energy use and carbon production in prison facilities.
- Partnered with colleagues to change the internal audit process to monitor individual facility corrective action plans in the areas of Safety, Operations Inspections, Emergency Management, and Critical Incident Reviews. Facility operations became more efficient, agency policy compliance increased, and agency risk was reduced.
- Partnered with Chief Financial Officer to create a facility fiscal management system to better manage the division's budget. The use of this system has created a common language and process. This has resulted in increased performance and better-trained emerging leaders with the skills necessary to manage with limited resources effectively.
- Facilitated the launch of bee-keeping programs at all 12 correctional facilities following a successful partnership with the Sustainability in Prisons Project to co-host a statewide Bee Summit to promote an expansion of beekeeping within the correctional system.
- Served as agency lead for Teamsters Collective Bargaining Agreement for the 2017-2019 biennium.

Deputy Director Prisons - WADOC HQ 2011-2012

- As Deputy Director partnered with the [Vera Institute](#) to evaluate the use of max custody in WADOC. This resulted in changes in practice that significantly reduced the use of max custody beds and operating costs.
- Initiated partnership with Disability Rights Washington to better serve offenders with disabilities who are housed in specialized units and max custody. The effectiveness of this relationship has prevented potential litigation and improved our service to individuals with disabilities.
- Agency lead for Teamster 117 Collective bargaining
- Initiated significant changes to the agency's Restrictive Housing policy resulting in a 40% reduction of time spent in Restrictive Housing pending administrative action.

Superintendent – Washington State Penitentiary 2008-2014

- Reduced violence by applying several strategies, including the Prisons [Cease Fire Model \(intervention of gang violence\)](#), Earned Incentive Program, Creation of Sustainable Practices Lab (Job Creation), and Max Custody Congregate Programming. Maintained a 30% violence reduction at the Washington State Penitentiary. (<https://results.wa.gov/archived-decrease-rate-violent-infractions-prison>)
- Created the [Sustainable Practices Lab](#) to reduce idleness and give incarcerated individuals the to contribute to our communities and local non-profits. Currently employs over 120 people.
- Partnered with facility Business Advisors to create a fiscal management system that increased ownership and accountability for facility budgets. Reduced facility expenditures by \$1,000,000 in the first year in food service and plant maintenance.
- One of the first states in the nation to create congregate programming in maximum custody so those with the greatest need could be afforded opportunities for change. Significantly reduced rate of return to max custody. Engaged staff in shifting culture to reduce violence against staff and the need for uses of force.
- Partnered with Washington State University to start a [Monarch butterfly](#) rearing program in a specialized living unit to improve the diminishing Monarch population.
- Instituted an Earned Incentive Program (incentive-based level system) to expand incentives for well-behaving individuals. This system allowed individuals who demonstrated good behavior to have expanded access to recreational activities, fundraising events, and other incentives.
- Re-started facility gardening program to decrease food costs and provide more fresh vegetables for the facility population. Reduced food costs and harvested over 175,000 pounds of fresh produce, which went to the facility kitchens and local non-profit organizations.

Associate Superintendent - Callam Bay Corrections Center & Washington State Penitentiary 2004-2008

- Led an effort to establish assigned seating in the dining hall that eliminated large-scale fights and significantly reduced one-on-one altercations.
- Worked with office clerical staff to develop violence trends and data collection systems which was instrumental in violence reduction efforts.
- Created a workgroup of managers, supervisors, and officers focused on reducing facility violence through data analysis.
- Created a work group to review current practices in population management of the facility segregation unit.

- One of only two agency staff selected to participate in the Executive Excellence Program presented by the University of Washington.

Captain – Clallam Bay Corrections Center

- Worked with Roster Manager to create overtime trend analysis to manage overtime spending better. Significantly reduced overtime expenditures.
- Created a local Emergency Response Committee to develop a group of subject matter experts to participate in local and statewide audits.
- Led a group of managers and supervisors through a successful audit that resulted in exceptional marks for the facility's security practices.
- Developed a partnership with regional law enforcement agencies to share resources in various mutual aid events.
- Selected to represent the department in contract negotiations for legislated civil service reform in 2005.
- Designed & implemented facility movement control system (system modeled by other facilities).
- Implemented roster management procedures that dramatically reduced employee grievances related to roster management.
- Received Governor's recognition for facilitating a process improvement team to streamline correctional officer hiring procedures. Greatly increased number of qualified correctional officer applicants which reduced overtime related to vacancies by 150%.
- Facility recognition for exceptional practices - developed, planned and led Correctional Lieutenants in process to prepare facility for departmental security management audits
- Implemented and coordinated Inmate Recovery Team (escape response team) at Clallam Bay Corrections Center and with sister facility.
- Coordinated participation of facility emergency response teams in regional border and narcotics enforcement effort involving local, state and federal law enforcement agencies.
- Planned and coordinated numerous facility wide searches.
- Developed facility violence trend analysis system to better determine where to deploy appropriate resources for targeted results. Reduced facility violence by over 50%.
- Acted as leader of the Security Management group for the development of the CBCC Strategic Plan.

Additional Positions Held

Shift Lieutenant Washington State Penitentiary	1997 - 2000
Correctional Sergeant Washington State Penitentiary	1995 - 1999
Correctional Investigator Washington State Penitentiary	1992 - 1995
Correctional Officer Washington State Penitentiary	1988 - 1992

Special Assignments

Special Emergency Response Team Washington State Penitentiary Squad Leader	1989 - 2000
Inmate Recovery Team Washington State Penitentiary Team Leader Department Coordinator	1995 - 2000
United States Army Honorably Discharged	1984 - 1988

Groups/Organizations

Washington Criminal Sentencing Taskforce (Legislative Body) Member	2020 - 2021
Washington Criminal Justice Training Academy Commissioner	2017 - 2021
Washington Sentencing Guidelines Commission Member	2017 -2021
Sustainability in Prisons Project Co-Director	2016 - 2021
Correctional Leaders Association Program and Training Committee, Chair Restrictive Housing Committee, Member	2017 - Present
Correctional Peace Officer Foundation Member	2017 -2021
American Correctional Association Member	2014 - Present
Walla Walla Valley Early Learning Coalition Member	2008 - 2011
Walla Walla Chamber of Commerce Member	2008 - 2014
Walla Walla Executive Alliance Member	2008 - 2014

Inmate Recovery Team Academy Lead Instructor; Agency Coordinator	2001 - 2008
Boy Scouts of America Scout Master	2003 - 2004
Statewide Emergency Response Committee Lead Instructor; Agency Coordinator	2000 - 2005
Departmental Emergency Response Auditor Lead Instructor; Agency Coordinator	2000 - 2008
Departmental Security Management Auditor Lead Instructor; Agency Coordinator	2003 - 2008

Education/Training

Master of Public Administration (MPA) The University of Washington, Daniel J. Evans School of Public Affairs	2007 Graduate
Cascade School of Executive Excellence Dan Evans School of Public Affairs, University of Washington	2006
Law Enforcement Officer, Reserve Washington State Criminal Justice and Training Commission Reserve Law Enforcement Academy	March 1997 – October 1997
Washington State Patrol Investigator Washington State Patrol Academy	September 1992
Correctional Officers Academy Washington State Criminal Justice and Training Commission	December 1988
Emergency Medical Technician Pikes Peak Community College Colorado Spring, CO	1987 - 1988

Other Training/Certifications

• Mid-Management	November 2000
• First Level Supervision	March 1996
• Tracking Operations for Technical Teams	April 1994
• Drug Investigator	April 1993
• Audio Intelligence Devices (Montana CJTC)	May 1993
• Advanced SWAT	April 1991
• SWAT Basic	October 1989
• Emergency Response Instructor	April 1998

- Universal Tracking September 1997
- Firearms Instructor Update April 1997
- H&K MP5 Operator January 1997
- Modified Tactical Team November 1996
- Firearms Instructor June 1996
- Electronic Restraint Devices January 1996
- Polaroid Photography for Law Enforcement October 1995
- Tactical Tracking Instructor September 1995
- Instructor Development September 1995
- The Reid Tech. of Interview & Interrogation May 1995
- Washington State Patrol ACCESS/WACIC 1992 - 1998
- Inmate Tele-monitoring Operations January 1993
- Explosive Entry Techniques January 1991

Case Work

1. **Deposition & Testimony** - Darold R.J Stenson v. Eldon Vail, et al. No. 08-2-02080-8 (March 2009)
(Prevailed in trial)

NOTE: All of the following work has been accomplished since May 2021.

2. Report, **Deposition & Testimony** – December 14, 2021, Vincent Keith Bell v. Yvette Williams, Michele Fisher, City and County of San Francisco et al., Case No.: 3:18-cv-01245-SI, U.S. District Court, Northern District of California, San Francisco Division. (Prevailed at trial)

3. Report & **Deposition** - Jack Emmitt Williams v. Lawrence, et al., Case No. 3:19-cv-01369-CRB (PR), U.S. District Court, Northern District of California, San Francisco Division. (Settled)

4. Report & **Deposition** – Maurice L. Wallace, #R-10764 v. John Baldwin, et al., Case No. 17-cv-00576-DWD, U.S. District Court, Southern District of Illinois. (On-going)

5. Report – Odelvin Jacinto Martinez as Administrator of the Estate of Ferdy Isais Jacinto Martinez v. County of Rockland et.al., Case # 21-cv-1276, U.S. District Court Southern District of New York (Settled)

6. Report & **Testimony** - Dewayne Earl Bartholomew -Pierce County Superior Court No. 1 Case #. 81-1-00579-1 (Positive Result)

7. Report & **Deposition** – John Rapp (for Nicholas Winton Rapp) vs. NaphCare, Inc., et al., case # 3:21-cv-05800. Galanda Broadman, PLLC (On-going)

8. Reports (3) & Deposition (3) - Sidley Austin, LLP (All cases on-going) (Some cases information pending expert disclosure)

- Report & **Deposition** - Wonder Williams vs Anthony J. Annucci, et al, Case No. 9:20-cv-0147- (BKS-TWD)

- Report & **Deposition** – Troy Hendrix vs Anthony J. Annucci, et al, Case No. 9:20-cv-743 (GTS/TWD)

- Report & **Deposition** – Lee Woods vs Anthony J. Annucci, et al, Case No. 9:20-cv-570 (BKS/CFH)
- Two other cases pending expert disclosure.

9. Retained – Makyyla Holland vs Broome County; David E. Harder et al Case No 22-CV-00297-DNH-CFH, United States District Court for the Northern District of New York, Paul, Weiss, Rifkind, Wharton & Garrison LLP (Settled)

10. **Testimony** – State of Oregon vs James Samuel Defrank - Malheur County 9th Judicial District of Oregon Case #11094090C (Not Guilty)

11. Report – Kristi Goldstein vs City of Philadelphia case No. 2:21-CV-01433, United States District Court for the Eastern District of Pennsylvania, Pennsylvania Institutional Law Project (Settled)

12. Report – Gonzalez vs TDCJ Case no. DCCV21-2825-87, District Court of Anderson County, Texas & Gonzalez vs Lumpkin et al. Case No. 6:21-cv-351, United States District Court for the Eastern District of Texas. Edwards Law, Austin, Texas (On-going)

13. Retained – Oregon Public Defense Services Commission, Office of Public Defense Services resentencing Anthony Scott Garner Case No. 981296 Clatsop County, Oregon (Case resolved)

14. Report – Michael T. Smith, (for Jeana Michelle Rogers) vs NaphCare, Inc., & Kitsap County case No. 3:22-cv-05069-DGE. Galanda Broadman, PLLC (Settled)

15. Report & **Deposition** – Ethan Lofton, by and through Veda Leary as Guardian of Ethan Lofton v. Franklin County Mississippi, Amite County, Mississippi Case No. 5:22-CV-0052-DCB-BWR, The Eichelberger Law Firm, PLLC, Mississippi (On-going)

16. Report – David Derahn, Pierce County Public Defender's Office (On-going)

17. Retained – American Civil Liberties Union (ACLU) National Office (Case Resolved)

18. Report & **Deposition** – Victoria Mannina vs District of Columbia. Case No. 15-cv-931 (ACR), US Dist. Court for the Dist. of Columbia. Bickerman Dispute Resolution, LLC.

19. Declarations – Rosas vs Robert Luna Sheriff of Los Angeles County. Case No. CV-12-00428 DDP (MRW), US Dist. Court Central Dist. Of California, Western Division. Retained by ACLU Foundation of Southern California, ACLU National Prison Project & Paul Hastings LLP.

20. Report – John Doe vs City of New York and New York Health and Hospitals Case No. 20-cv-6393, United States District Court, Southern District of New York Kelner & Kelner. NY, NY

21. Report – Estate of Robert Jackson vs City of New York et al. Case No. 22-cv-02208, United States District Court, Southern District of New York. Kelner & Kelner. NY, NY

22. Report – Jones vs Clemons. Case No. 5:20-cv-00372-MHH-JHE, US District Court, Northern District. Southern Poverty Law (Alabama)

23. Retained Hogan Lovells (Massachusetts) (Case information withheld pending expert disclosure)
24. Report – Chadwick Sweet vs Pendleton Correctional Facility, Case No. 49D06-2009-CT-32867, State of Indiana, Marion Superior Court, County of Marion. Teresa L. Todd, Attorney
25. Retained – Law Offices of David A. Kaufman, APC (Case information withheld pending expert disclosure)
26. Retained – Proskauer Los Angeles, CA (Case information withheld pending expert disclosure)
27. Retained – Whiteford Law, Delaware (Case information withheld pending expert disclosure)

Consulting

JALG was Commissioned by the Kansas Department for Aging and Disability Services to conduct a Security Review and Cultural Assessment of the Larned State Hospital. January 2022 – April 2022

Member of Steering Committee for The Moss Group, who is working on BJA's Improving Institutional Corrections Training Academy Training, FY 19 Comprehensive Corrections Training and Technical Assistance (BJA Training Scan) project.

Collective Bargaining & Personnel Matters

Washington PERC # 128405-I-16 Arbitrator's R18

FMCS No. 161203-0576-6 DOC# 1082-3096 Arbitrator's R11

Publications

Politico, Opinion | Why Pell Grants Can Help Fight the Pandemic, December 4, 2020
