

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

OFFICE OF THE INSPECTOR GENERAL

MEMO TO: Gerald Abdul-Wasi
Inspector General

FROM: Daryl J. McCasland

DATE: 01/15/04

SUBJECT: Administrative Investigation at Charlotte Correctional
Institution

Case Summary:

On 06/11/03, at approximately 10:00 p.m., the interior perimeters fence alarm sounded at Charlotte Correctional Institution. Sergeant Pate observed a ladder against the interior fence along with an inmate between the 2 security fences. He further observed 2 other inmates at the (*interior*) fence. During the recapturing efforts, it was discovered that in A dorm, an officer was found dead along with 2 additional inmates who had serious injuries. On this date, I was assigned as the lead inspector in this case. The Florida Department of Law Enforcement (*FDLE*) was contacted and responded. They assumed the criminal investigation (*FDLE case number FM-01-0014*) under the current Memorandum of Understanding (*MOU*). On 06/18/03, I was advised to address any administrative issues that might be found in relation to the events of 06/11/03.

It should be noted that this investigation's primary focus is on the 3rd shift (*the incident occurred on this shift*) and its relationship to A dorm, which began renovation on or about 04/19/03. The time frame of this investigation is from a meeting that took place on 03/27/03 (*explained in a following paragraph*) and 06/11/03 (*the night of the incident*). In addition, testimony indicates that A dorm was being supervised in the same manner as all of the previous dorms that were renovated.

At the time of this incident, Charlotte Correctional Institution was undergoing major renovations of several dorms in order to house additional close

management inmates. During renovations the dorms under construction, including A dorm, were not operated as a secure housing unit.

On 03/27/03, a meeting was held at the Institution and attended by Director Dugger, Bureau Chief Cain, Assistant Warden Anglin, Correctional Security Consultant Howdeshell (*who became Colonel at Charlotte on or about 04/14/03*) of Central Office, Regional Director Villacorta, Maintenance and Construction Officer Rogers, Construction Project Consultant Shidler of Region 4 and Warden Cornell, Assistant Wardens Boyett and White and Colonel Jordan (*who left Charlotte on or about 04/10/03*) of Charlotte Correctional Institution. The purpose of the meeting was to address the construction needs of the facility, locating inmate tradesmen; time schedules for the completion of the project and special inmate work considerations. Because of the increase of activity inside the construction dorms, Shidler requested to have 2 security staff present in construction dorms during construction hours. Central Office staff approved the request without giving any specific directives and so it was left to Warden Cornell and the Charlotte staff to implement the request. During weekly status reports forwarded to Central Office, Cornell indicated that 2 officers were being assigned to each of the construction dorms while inmates were working in the dorm. However, no evidence was found during this investigation to indicate that there were ever 2 officers working in this area during evening hours, or that this requirement was effectively communicated to the shift supervisor(s). Further information found that shift supervisors never questioned the ambiguity of a memorandum put out by Assistant Warden Boyett that indicated conflicting instructions as to how the construction dorm was to be supervised, in that on the one hand there was to be 2 officers supervising the inmates and on the other hand, there would be no less than 1 officer in each of the dorms.

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It should be noted that shortly after the meeting on March 27, 2004, pre-arranged personnel changes were made at Charlotte. Assistant Warden White left during the first week of April. Colonel Jordan (*who took a position as Major*) left on or about 04/10/03. Colonel Howdeshell arrived as the new Colonel on or about 04/14/03. Mr. Cannon (*former Colonel at Santa Rosa Correctional Institution*) arrived as Assistant Warden of Operations on or about 04/28/03. It should also be noted that Mr. Boyett moved from Assistant Warden of Operations to Assistant Warden of Programs just prior to Cannon's arrival.

This investigation also found several administrative concerns. These include the following. No one from Charlotte's administration appeared to monitor the construction project beyond the normal duty hours to ensure that manpower was being utilized properly. No one from the administration recognized or enforced the policy requiring all staff entering the institution be required to wear a body alarm. Inmates were not placed in restraints during movement after Master Roster Count pursuant to policy requirements. Key control was

not adhered to or monitored. Sensitive tools were not secured as policy dictates. In addition, required security checks were not made or monitored to ensure compliance with policy.

The above mentioned administrative concerns are evidenced by the following. On the day of the attempted escape and murders, there was an optimum level of security staff on duty (*41 officers were on duty, while only 32 officers were necessary to fill all essential posts*), but only one officer assigned to supervise the work crew in the construction dorm. Security records do not properly reflect any staff being assigned to or actually working inside A dorm during the 3rd shift. Testimony indicates that staff were not consistent in their issuance or wearing of personal body alarms and that security records and evidence indicate that Officer Lathrem was not found to have checked out or to be wearing a personal body alarm at the time of the incident (*although she was in possession of a radio that may have had a "panic button" on it. The status of the radio cannot be determined at this time because it has been held as evidence with the Florida Department of Law Enforcement*). Testimony indicates that inmates working inside A dorm after Master Roster Count were not placed in restraints while being escorted back to their assigned dorms. Security records and testimony indicates there was a lack of accountability as to key control as it relates to A dorm. Testimony and a lack of records indicate that sensitive tools were not removed and stored in an area located outside the secure perimeter when not in use. Security records and testimony indicates that little if any security checks were completed on A dorm during the nighttime construction detail.

SUPPORTING EVIDENCE:

Finding(s) #1:

F.A.C. 33-208.001, (4)(a) (Administration and enforcement of rules), Staff failed to ensure that 2 officers were present when construction was taking place in dormitories. This is evidenced by the following:

Evidence:

- Director Dugger indicated that during a meeting (*held on 03/27/03*) Charlotte staff requested to have 2 correctional officers in each (*construction*) dorm. It was approved to have 2 correctional officers working in the dorm at all times. However, there was no discussion of an after hours work detail that was welding footlockers after Master Roster Count.
- Regional Director Villacorta indicated that a determination was made during the meeting to have 2 security officers on duty at each work site and that it would be a 10-hour workday. There was no mention about an after hour work detail.

- Maintenance and Construction Officer Rogers indicated that during the meeting, Mr. Shidler requested to have 2 (*correctional*) officers in each (*construction*) dorm during working hours. The request was based on additional inmates being needed to accelerate the project. The wardens (*warden and assistants*) agreed. There was no mention of an after hour work detail.
- Construction Project Consultant Shidler indicated that during the meeting it was discussed that due to the acceleration of the project, additional inmates would be brought in to assist. Because of this, he suggested to have 2 security officers inside the dorms during construction hours. The request was granted. There was no mention of an after hour work detail.
- A review of weekly status reports from Warden Cornell to Director Dugger indicates Cornell advising Dugger that there are 2 officers assigned to each dorm during renovation work hours. In addition, more recent status reports indicated Cornell advised Dugger that officers were supervising small numbers of painters and welders after hours in G and A dorms.
- A review of a memorandum dated 04/02/03, to shift supervisors from Assistant Warden Boyett indicates that "Two Officers will be assigned to work in each dormitory under construction: One from 7AM to 3PM. One from 9AM to 5PM (At least one Officer must be in the dormitory at all times, no exception)."
- Officers Millard, Giddens, Claudio, George, Behrens, Ciofani and Sergeant Sharkey, from the 3rd shift, indicated that when they worked A dorm, they did so alone and without any assistance.
- Warden Cornell indicated that during the meeting, Mr. Shidler and Mr. Rogers requested to have 2 (*correctional*) officers per dorm to provide security. He agreed and it was decided that they would "assign 2 officers to each construction dorm during construction hours." The decision was to have 2 officers for whatever hours they were working in whatever dorm no matter what shift. "After hour" to him meant whenever the inmates worked past the 5:00 p.m. count and that OPS staff had left for the day and on work done on Sundays. He was not aware that only 1 officer was supervising inmates during the 3rd shift. Cornell indicated that the responsibility to initiate the 2-officer directive fell with Colonel Jordan who was also present at the meeting. Cornell indicated that he did not have any further discussion with Jordan about this because he was at the meeting and heard the same thing as he did. As for his weekly status reports, he was told that they were in compliance with having 2 officers present in the dorms however, he cannot recall who advised him of this. The reports were shared with Mr. Boyett, Mr. White, Mr. Cannon, and Colonels Jordan and Howdeshell. Cornell indicated that he assumed word of the 2-

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officer directive had filtered down to the shift supervisors because when he walked the compound after 5:00 p.m. he always observed more than 1 officer present in the dorms. Cornell indicated that he was never informed of any concerns regarding a lack of security during the construction project. Cornell acknowledged that there should have been 2 officers inside A dorm during the 3rd shift.

- Assistant Warden Boyett indicated that he was responsible for the conversion project and that Colonel Jordan was aware of what was going on. He established the after hour detail so that footlockers could be welded to the bunks. He had Lieutenant Smich supervise the detail; however he gave no direction or instructions on how the detail was to operate. He was not aware that the detail was working past the Master Roster Count nor did he authorize them to do so. During the March meeting, they received direction from Central Office staff that there would be 2 officers present whenever someone was working in the dorm. It was his understanding that there would be 2 officers present during both the 2nd and 3rd shifts whenever inmates were working in the dorms. After the meeting, he is sure that Mr. Cornell had told him to take care of it; however no one told him how to set it up. Even though he and Jordan spoke about the scheduling of the 2 officers in the dorms, he cannot recall what he specifically told Jordan. The purpose of his memorandum to the shift supervisors was to let them know what was going on in the dormitories as it related to the CM conversion project and what steps were to be taken so that they finished the project in a timely manner. He had scheduled the specific hours to be worked and the reason for the 2-hour gap (*where only 1 officer was scheduled in the dorm*) in the beginning and the end of the day was so that no over-time would be accrued. The reason he put that at no time would there be less than 1 officer, was because at times an officer would have to go to food service and get trays to bring back to the construction dorm. Boyett indicated he considers the footlocker detail part of the construction project and there should have been 2 officers present in the dorms while they were working however, he forgot to address that particular detail in his memorandum. Although not copied to Jordan, he sent the memorandum by the computer. Also, when Colonel Howdeshell arrived at Charlotte, he was advised of the memorandum. Boyett could not be sure if he advised Howdeshell that he had an after hour work detail that was addressing footlockers. Boyett indicated that he did give a copy of his memorandum to Mr. Cannon. Boyett indicated besides his memorandum to the shift supervisors, Jordan had advised him that he had told the shift supervisors to have 2 officers in the dorms anytime work was being done, to include the welders in A dorm. Boyett acknowledged that he did

not establish a procedure to monitor the 3rd shift to make sure they were in compliance of having 2 officers in the dorm while the detail was working on the lockers. He also indicated that he had advised Cornell that they were in compliance of the 2-officer directive so that Cornell could complete his weekly reports. Although he did not advise Cornell each time a status report was completed, he believes Cornell probably assumed they were in compliance because of his (*Boyett's memorandum*).

- Lieutenant Orzechowski indicated he was never instructed to have more than 1 officer in the dorms (*under construction*) at night nor does he recall seeing Mr. Boyett's memorandum.
- Captain Davis indicated he cannot recall ever being told by anyone, including Colonel (*Major*) Jordan, to have 2 officers in the construction dorms whenever inmates are working. There was a time in late March, early April, when he was under the impression that he was to supply 2 officers to the dorms. He cannot recall how he got that impression. He continued to supply the 2 officers until he received the 04/02/03 memorandum from Mr. Boyett that indicated he was responsible to supply 1 officer from 4:00 p.m. to 5:00 p.m. or to have 1 officer in the dorm at all times. He was not given any guidelines or directions as to how to supervise the inmates. When asked why he allowed the crew to work past the Master Roster Count, he indicated that no one had directed him to work past the Count, however a lot of information was passed on between the officers (*working in the dorm*) and not through him. He felt that the hours of operation were going the way it was suppose to. Davis admitted that he did not have a lot of control as to what went on in the dorm. He indicated that he could have shut the crew down if he wanted to but he did not have a reason to do so. He also indicated that he could have shortened the hours worked in the dorm, however he did not see this as a red flag (*warning sign*). At no time did he check with the Administration to verify if the nighttime detail had been authorized; what they were to be working on; how they were to be supervised; or how many hours they were to be working. He also indicated that at no time did Colonel (*Major*) Jordan advise him to have 2 officers pulled from his shift and place 1 officer in one dorm and another officer in another dorm.

Finding(s) #2:

The Personal Body Alarm Procedure, 602.023, indicates that all Department personnel will be required to wear a personal body alarm device while inside the secure perimeter. This policy was not followed in

that the majority of 3rd shift staff working in A dorm were not in possession of body alarm devices. This is evidenced by the following:

Evidence:

- Officer's Millard, Giddens and George indicated they did not use a body alarm when working in A dorm.
- Officer Claudio and Sgt. Sharkey indicated they could not recall if they were issued body alarms while working in A dorm.
- Officer Behrens indicated she used a body alarm in A dorm however; no one ever called to test it.
- There is no indication that on 06/11/03, Officer Lathrem had been assigned or was in possession of a personal body alarm. There is an indication she was in possession of a radio that had a "panic button" on it.
- Sergeant Meier, the control room supervisor for the 3rd shift, indicated that personal body alarms were not generally issued to security staff with radios unless specifically requested.
- Lieutenant Orzechowski, the "relief" shift supervisor for the 3rd shift, indicated that he did not routinely follow up to see if everyone had an alarm.
- Captain Davis, the 3rd shift supervisor, indicated he was aware the policy was not being adhered to however; it was not an area he "looked into".
- Assistant Warden Boyett (*Operations*) indicated he has observed staff not wearing personal body alarms and that when he observed this he would address the non-compliance at once.

Finding(s) #3:

The Inmate Transportation and Movement Procedure, 602.024, indicates that inmates assigned as Housing Levels HO4 or HO5 are required to have handcuffs behind the back, side cuffs or waist chain with C&S handcuff cover during escorts conducted after Master Roster Count. It was found that this procedure was not adhered to. This is evidenced by the following:

Evidence:

- Warden Cornell stated that he knew inmates had been assigned to the locker project during the evening hours (*after 5:00 pm*), but did not know they were working past Master Roster Count.
- Assistant Warden Boyette said he was responsible for the conversion project while working as the Assistant Warden at Charlotte CI. He said that he started the evening project which required inmates to weld lockers in A dorm, but he had no idea

they worked past the Master Roster Count. He said he did not check with the Classification Department to verify the Housing Classification for inmates assigned to this project.

- Classification Supervisor Mount advised that the inmate and transportation movement procedures were not considered for the conversion/renovation project because the inmates were supposed to be working during day-light hours only.
- Classification records indicate of the 5 inmates working in A dorm on 06/11/03, (1) was classified as an HO-3, (2) were classified as HO-4 and (1) was classified as a HO-5.
- In reviewing 3rd shift Control Room Logs it was found that the Master Roster Count was conducted at 8:30 p.m.
- In reviewing Formal Count Sheets for the period of 04/19/03 to 06/11/03, it was learned that inmates were working in A dorm during and after the Master Roster Count.
- Officers Millard, Giddens, Claudio, George, Behrens and Ciofani indicated after Master Roster Count, they would escort the inmates from A dorm to their respected housing dorms without being placed in restraints.
- Sergeant Sharkey could not recall if he placed restraints on the inmates when he escorted them from A dorm to their respected housing dorms.
- Lieutenant Orzechowski, the "relief" shift supervisor for the 3rd shift, indicated that his understanding of the policy is that if inmates are escorted by 2 officers, then they did not need to be placed in restraints. It is his understanding that 2 officers were involved in the escorts.
- Captain Davis, the 3rd shift supervisor, indicated that the only reason he can give as to why the inmates from A dorm were not placed in restraints was because it has always been the way the escorts have been done.

Finding(s) #4:

The Key Control and Locking System Policy and Procedure Directive, 3.09.09, indicates that the control room will document who and when keys are issued and returned. Keys that are transferred between shifts will be documented. This policy was not followed at Charlotte Correctional Institution. This is evidenced by the following:

Evidence:

- A review of key control records indicate that entries in reference to A dorm were inaccurate in their description of the types of keys were issued. "Active" keys were indicated as "24 hour pass-on"

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keys and the plumbing keys were entered as masonry keys. In addition, the records indicate that inventories were not completed at the end of the shifts to ensure an accurate accounting of A dorm keys.

- A review of Control Room Logs indicate that the control room staff checked on each dorm, infirmary and multi-service area for key and equipment accountability with the exception of A dorm. In fact, there are no notations on the Logs indicating A dorm in anyway.
- A review of the latest Operational Review Report (07/16/02) indicates a cite for standard 1.02.090. The standard reads, "A written sign-out system is used to check out keys. This shall be documented on the Key Issue Log, form DC3-308." The cite indicates, "Key #412 was located in medical and was not signed out from the control room. (*Corrected immediately*). Several confinement keys were in the key locker but were not signed back in on the key log over a 2nd shift period. (*Corrected immediately*)."
- Officers' Millard, Giddens, Claudio, George, Behrens, Ciofani and Sergeant Sharkey indicate when they arrived at A dorm to begin their shift, they were handed a set of keys to the dorm from the officer whom they were relieving.
- Officer Giddens indicated that he never signed anything to reflect that he had the keys.
- Officer Claudio indicated there was no record of her receiving the keys however; there was an occasion when the control room called her to see if she had dorm keys.
- Sergeant Buendia, the control room supervisor for the 2nd shift, indicated that during the renovation of A dorm, they did not usually account for the exchanging of the keys between staff or shifts because the dorm was not being utilized to house inmates. This is why there is no notation on the control room logs for A dorm as there is for the other dorms. She admitted it was an oversight on their part for not contacting A dorm in the same manner as the other dorms.
- Sergeant Meier, the control room supervisor for the 3rd shift, indicated that during the renovation of A dorm, they did not usually account for the keys. He cannot explain why there were indications in the logs that the keys had not been returned. At the end of the shift either he or the other officer in the control room would take a cursory look at the key log and/or the hooks where the keys were kept. He would be able to see if the A dorm keys were missing; however on the A dorm hook there was a 24 hour pass tag on it. If you didn't know that A dorm was under construction and that a key should be there, you would assume that a key should not be there. Meier could not explain why the A

dorm keying system had not been changed to accurately reflect how the keys are being used. There was no documentation to reflect the exchanging of keys between shifts.

Finding(s) #5:

The Tool and Sensitive Item Control Policy and Procedure Directive, 3.09.12, indicates that tools classified as AA shall be stored off the compound at all times when not in use and stored in a locked storage area located outside the secure perimeter. In addition, there is to be a tool checkout log maintained for all tools issued. This policy was not adhered to. This is evidenced by the following:

Evidence:

- It was discovered that tools used on the fence project were brought to A dorm so the inmates could work on the footlockers at night. The toolbox used contained some AA tools, such as dykes, needle nose pliers and grinder blades. At the end of the evening, the toolbox was locked and secured in a locked room across from the main control room.
- No sign in/out logs (*DC form DC6-293*) could be located regarding the welder's toolbox that was kept across from the main control room.
- Lieutenant Smich, who supervised the recreation fence crew, indicated due to the tool room being closed after hour and that some of the tools (AA) had to be taken off the compound when not in use, Mr. Boyett advised him, verbally, that the tools could be secured in the room across from the main control room after the welders (*inmates*) had completed their work in the evening.
- Officer Filipowicz indicated that he supervised the fence crew until he escorted them to A dorm for the night detail. The toolbox that the inmates used at night contained some AA classified tools. When the inmates were finished for the night the tools were locked back in the toolbox and then it was secured at the main control room. Each morning he would complete an inventory of the toolbox. Nothing was ever missing however; he had concerns about leaving the tools overnight because they were checked out in his name.
- Officer Pavao, the tools control officer, indicated that Lieutenant Smich and Officer Filipowicz had advised him that Mr. Boyett authorized Class AA tools to be stored overnight in a room by the control room.

- Mr. Shidler, the construction consultant, indicated that Mr. Boyett suggested that Class AA tools be stored at the main control room at the end of the day.
- Assistant Warden Boyett admitted to authorizing the securing of a toolbox containing Class AA tools to be stored in a locked room located inside the vestibule of the main control room. He considers the vestibule as being off of the compound.

Finding(s) #6:

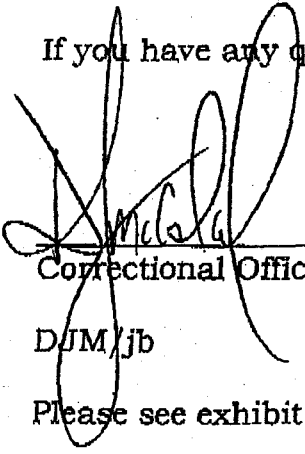
Post Order #3, (8) (Shift Supervisor) indicates that the shift supervisor will conduct daily security inspections of all inmate activity areas. The inspections will be documented daily on the "Control Room Log". This was not being done as evidenced by the following:

Evidence:

- A review of Control Room Logs for the dates listed above indicate both the 2nd and 3rd shifts consistently checked on dorms, the infirmary and multi-service areas for security checks. There is however, no indication that A dorm was ever contacted. In fact there are no indications on the Logs related to A dorm at all.
- Officers' Giddens, Claudio, Behrens, Ciofani and Sergeant Sharkey indicated that at no time were security checks done while they were in A dorm.
- Officer Millard indicated there were times while she was in A dorm that someone would check on her.
- Officer George indicated that the only time someone checked on him was when the control room called him for count.
- Sergeant Buendia, the control room supervisor for the 2nd shift, acknowledged that because A dorm was not being utilized to house inmates, security checks were not documented. She admitted this was an oversight. She further indicated the officers in the dorm did call in however, the calls were not documented.
- Sergeant Meier, the control room supervisor for the 3rd shift, acknowledged that it was common practice that they did not do security checks on dorms that they considered closed. Closed dorm to them meant that they did not house inmates.
- Lieutenant Orzechowski, the "relief" shift supervisor for the 3rd shift, indicated that he did complete security checks in A dorm while construction was going on.
- Captain Davis, the 3rd shift supervisor, indicated he has on a few occasions checked in A dorm but did not do so on a routine basis. During the times he did check on A dorm, he would stop at the gate when he saw an officer outside, usually on a smoke break.

On 1 or 2 occasions he did step inside the dorm. Davis indicated that he couldn't recall routinely contacting the officer in A dorm by radio to check on them. His explanation as to why the control room did not call and check on A dorm is that they treated it as a work site and not an established post. In reviewing the control room logs, he never noticed that the control room was not contacting A dorm.

If you have any questions or need additional information please advise.



Correctional Officer Senior Inspector

DJM/jb

Please see exhibit pages attached.

A. EXHIBIT - attached

1. Procedure 602.030 (Manpower Utilization)
2. 3rd Shift Daily Security Rosters
3. Formal Count Sheets
4. Formal Count Slips
5. Affidavit of Sergeant Meier (6/26/03) ✓
6. Transcribed sworn statement of Lieutenant Orzechowski (7/8/03) ✓
(refer to B-1)
7. Transcribed sworn statement of Captain Davis (6/25/03) ✓
8. Procedure 602.023 (Personal Body Alarms)
9. Control Room Security Equipment Check Out/In Log (only those that indicate Officer Lathrem) *NOT IN OTHER SET*
10. Affidavit of Officer Millard (8/15/03) ✓
11. Transcribed sworn statement of Officer Giddens (6/25/03) ✓
12. Affidavit of Officer Claudio (8/11/03) ✓
13. Affidavit of Officer George (8/15/03) ✓
14. Transcribed sworn statement of Officer Behrens (6/19/03) ✓
15. Affidavit of Sergeant Sharkey (8/26/03) ✓
16. Transcribed sworn statement of Officer Ciofani (6/19/03) ✓
17. Transcribed sworn statement of Lieutenant Orzechowski (9/4/03) *NOT IN OTHER*
18. Procedure 602.024 (Inmate Transportation and Movement) ✓
19. Affidavit of Officer Millard (6/26/03) ✓
20. Affidavit of Officer George (6/26/03) ✓
21. Affidavit of Officer Behrens (6/26/03) ✓
22. Policy and Procedure Directive 3.09.09 (Key Control and Locking System) ✓
23. Post Order # 8 (Control Room Sergeant) ✓
24. Key Ring description ✓
25. Affidavit of Sergeant Kirkland ✓
26. Daily key ring sign out log (Key issue logs) ✓
27. 2nd and 3rd Shift Control Room Logs ✓
28. Operational Review Report ✓
29. Affidavit of Officer Claudio (7/9/03) ✓
30. Transcribed sworn statement of Officer George (6/19/03) ✓
31. Transcribed sworn statement of Sergeant Buendia (8/26/03) ✓
32. Transcribed sworn statement of Sergeant Meier (7/8/03) ✓
33. Policy and Procedure Directive 3.09.12 (Tool and Sensitive Item Control) *NOT IN OTHER*
34. Class AA Tool Receipt *NOT IN OTHER*
35. Affidavit of Lieutenant Smich (7/8/03) *NO*
36. Transcribed sworn statement of Officer Filipowicz (6/19/03) *NO*
37. Transcribed sworn statement of Officer Filipowicz (6/25/03) *NO*
38. Affidavit of Officer Filipowicz (7/8/03) *NO*

39. Affidavit of Officer Pavao (7/9/03) *ND*
40. Affidavit of Officer Shidler (7/8/03) *ND*
41. Transcribed sworn statement of Mr. Boyett (8/27/03) *ND*
42. E-mail reference ladders *ND*
43. Affidavit of Officer Giddens (7/9/03) *ND*
44. Affidavit of Officer George (8/26/03) *ND*
45. Affidavit of Officer Ciofani (8/11/03) *ND*
46. Transcribed sworn statement of Mr. Shidler (6/19/03) *ND*
47. Transcribed sworn statement of Mr. Shidler (6/26/03) *ND*
48. Transcribed sworn statement of Mr. Shidler (6/27/03) *ND*
49. E-mail of Mr. Boyett approving ladders. *ND*
50. Transcribed sworn statement of Mr. Boyett (6/25/03) *ND*
51. Transcribed sworn statement of Mr. Boyett (6/26/03) *ND*
52. Transcribed sworn statement of Mr. Terry (9/12/03) *ND*
53. Transcribed sworn statement of Ms. Villacorta (7/1/03) *ND*
54. Transcribed sworn statement of Mr. Cornell (8/29/03) *ND*
55. Transcribed sworn statement of Mr. White (7/10/03) *ND*
56. Transcribed sworn statement of Major Jordan (7/14/03) *ND*
57. E-mail from Mr. Boyett to Major Jordan *ND*
58. Affidavit of Mr. Brandt *ND*
59. Affidavit of Lieutenant Smich (8/26/03) *ND*
60. Transcribed sworn statement of Mr. Cain (7/15/03) *ND*
61. Transcribed sworn statement of Mr. Rogers (7/8/03) *ND*
62. Transcribed sworn statement of Mr. Upchurch (7/15/03) *ND*
63. Documentation from Mr. Upchurch *ND*
64. Transcribed sworn statement of Mr. Upchurch (9/3/03) *ND*
65. Post Order #3 (Shift Supervisor) ✓
66. Affidavit of Officer Millard (8/28/03) ✓
67. Affidavit of Officer Giddens (8/26/03) ✓
68. Transcribed sworn statement of Sergeant Meier (8/26/03) ✓
69. FAC 33-208.001, 33-208.002, 33-208.003 (Rules of Conduct) *ND*
70. Transcribed sworn statement of Mr. Dugger (7/15/03) *ND*
71. Affidavit of Mr. Anglin *ND*
72. E-mail from Mr. Rogers *ND*
73. Transcribed sworn statement of Mr. Shidler (6/24/03) *ND*
74. Status reports from Mr. Cornell *ND*
75. Memo from Mr. Boyett to Shift Supervisors *ND*
76. Transcribed sworn statement of Mr. Boyett (9/8/03) *ND*
77. Affidavit of Officer Filipowicz (8/26/03) *ND*
78. Affidavit of Sergeant Spears *ND*
79. Affidavit of Ms. Trudell *ND*
80. Transcribed sworn statement of Major Jordan (9/9/03) *ND*
81. Post Order Change documentation *ND*
82. Transcribed sworn statement of Colonel Howdeshell (6/19/03) *ND*
83. Transcribed sworn statement of Colonel Howdeshell (9/4/03) *ND*
84. Affidavit of Col. Howdeshell (6/27/03) *ND*

85. Transcribed sworn statement of Mr. Cannon (7/1/03)
86. Affidavit of Mr. Cannon (8/28/03)
87. Affidavit of Mr. Cannon (9/4/03)
88. Affidavit of Mr. Sapp
89. Affidavit of Major Reid (6/27/03)
90. Affidavit of Major Reid (7/9/03)
91. Transcribed sworn statement of Lieutenant Smich (6/19/03)
92. Affidavit of Lieutenant Smich (6/25/03)
93. Affidavit of Lieutenant Smich (9/4/03)
94. Affidavit of Lieutenant Stewart
95. Affidavit of Captain Hansen (6/26/03)
96. Affidavit of Captain Hansen (9/10/03)
97. Affidavit of Captain Licata
98. Transcribed sworn statement of Captain Davis (6/27/03)
99. Transcribed sworn statement of Captain Davis (9/12/03)
100. Post Order #2 (Chief of Security)
101. Transcribed sworn statement of Col. Howdeshell (12/03/03)
102. Agendas (meetings) re: Shift Supervisors
103. Transcribed sworn statement of Mr. White (12/05/03)
104. Transcribed sworn statement of Mr. Boyett (12/05/03)
105. Transcribed sworn statement of Mr. Cannon (12/03/03)
106. Transcribed sworn statement of Mr. Mount (12/03/03)
107. Blank Job Change form
108. Job Change form for Inmate Beaston
109. Transcribed sworn statement of Lt. Orzechowski (12/11/03)
110. Incident Report by Lt. Orzechowski (04/17/03)
111. Incident Report by Officer Henderson (04/17/03)
112. Transcribed sworn statement of Officer Henderson (12/15/03)

None
of those
were in
other
pages

B EXHIBIT - (not attached)

1. Cassette tape containing sworn statements of Lieutenant Orzechowski, Mr. Rogers, and Sergeant Meier. (07/08/03)
2. Cassette tape containing sworn statement of Captain Davis (06/25/03)
3. Cassette tape containing sworn statement of Officer Giddens (06/25/03)
4. Cassette tape containing sworn statement of Officer Behrens (06/19/03)
5. Cassette tape containing sworn statement of Officer Ciofani (06/19/03)
6. Cassette tape containing sworn statements of Lieutenant Orzechowski, Colonel Howdeshell (09/04/03)
7. Cassette tape containing sworn statement of Officer George (06/19/03)
8. Cassette tape containing sworn statement of Sergeant Buendia

- (08/26/03)
9. Cassette tape containing sworn statement of Officer Filipowicz (06/19/03)
 10. Cassette tape containing sworn statement of Officer Filipowicz (06/25/03)
 11. Cassette tape containing sworn statement of Mr. Boyett (08/27/03)
 12. Cassette tape containing sworn statement of Mr. Shidler, Colonel Howdeshell (06/19/03)
 13. Cassette tape containing sworn statement of Mr. Shidler, Sergeant Buendia (*not used*), Lieutenant Stewart (*not used*) (06/26/03)
 14. Cassette tape containing sworn statement of Mr. Shidler (06/27/03)
 15. Cassette tape containing sworn statement of Mr. Boyett (06/25/03, 06/26/03)
 16. Cassette tape containing sworn statement of Mr. Terry (09/12/03)
 17. Cassette tape containing sworn statement of Ms. Villacorta, Mr. Cannon (07/01/03)
 18. Cassette tape containing sworn statement of Mr. Cornell (08/29/03)
 19. Cassette tape containing sworn statement of Mr. White (07/10/03)
 20. Cassette tape containing sworn statement of Major Jordan (tape 1) (07/14/03)
 21. Cassette tape containing sworn statement of Major Jordan (tape 2) (07/14/03)
 22. Cassette tape containing sworn statement of Mr. Dugger, Mr. Cain (07/15/03)
 23. Cassette tape containing sworn statement of Mr. Upchurch (07/15/03)
 24. Cassette tape containing sworn statement of Mr. Upchurch (09/03/03)
 25. Cassette tape containing sworn statement of Sergeant Meier (08/26/03)
 26. Cassette tape containing sworn statement of Mr. Shidler (06/24/03)
 27. Cassette tape containing sworn statement of Mr. Boyett (09/08/03)
 28. Cassette tape containing sworn statement of Major Jordan (09/09/03)
 29. Cassette tape containing sworn statement of Lieutenant Smich (06/19/03)
 30. Cassette tape containing sworn statement of Captain Davis (06/27/03)
 31. Cassette tape containing sworn statement of Captain Davis (tape 1) (09/12/03)
 32. Cassette tape containing sworn statement of Captain Davis (tape 2) (09/12/03)
 33. Cassette tape containing sworn statement of Col. Howdeshell (12/03/03)
 34. Cassette tape containing sworn statement of Mr. White (12/05/03)
 35. Cassette tape containing sworn statement of Mr. Boyett (12/05/03)

36. Cassette tape containing sworn statements of Mr. Mount and Mr. Cannon (12/03/03)
37. Cassette tape containing sworn statement of Lt. Orzechowski (12/11/03)
38. Cassette tape containing sworn statement of Officer Henderson (12/15/03)