

Transcript of the Testimony of

**JAMES BEICKER**

**November 7, 2016**

**The Estate of John Patrick Walter, et al.**

**vs.**

**Correctional Healthcare Companies, Inc., et al.**

**Annette Norris, RPR**

***Annette Norris, RPR***

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IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF COLORADO

No. 2:16-cv-00629-WJM-MJW

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VIDEO RECORDED DEPOSITION OF: JAMES BEICKER -  
November 7, 2016

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THE ESTATE OF JOHN PATRICK WALTER, BY AND THROUGH ITS  
SPECIAL ADMINISTRATOR, DESIREE Y. KLODNICKI,

PLAINTIFF,

V.

CORRECTIONAL HEALTHCARE COMPANIES, INC., ET AL.,

DEFENDANT.

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PURSUANT TO NOTICE AND AGREEMENT, THE  
VIDEO RECORDED DEPOSITION OF JAMES BEICKER was taken  
on behalf of the Plaintiff, at 615 Macon Avenue,  
Room 207, Canon City, Colorado, on November 7, 2016,  
at 9:05 a.m., before Annette Norris, Registered  
Professional Reporter and Notary Public within  
Colorado.

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A P P E A R A N C E S

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November 7, 2016

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1 P R O C E E D I N G S

2 WHEREUPON, the following proceedings were  
3 taken pursuant to the Federal Rules of Civil  
4 Procedure.

5 THE VIDEOGRAPHER: We are on the record at  
6 9:05 on November 7th, 2016, at 615 Macon Avenue,  
7 Canon City, Colorado. We are here for the deposition  
8 of Sheriff James Beicker, in the matter of the Estate  
9 of John Patrick Walter v -- versus the Correctional  
10 Healthcare Companies, Incorporated et al., in the U.S.  
11 District Court for the District of Colorado, Case  
12 No. 2:16-cv-00629-WJM-MJW. The videographer is Carrie  
13 Finegan, CLVS; the court reporter is Annette Norris, of  
14 Hansen & Company.

15 Will the court -- will counsel please state  
16 their appearances beginning with plaintiff's counsel.

17 MR. BUDGE: This is Ed Budge, attorney for  
18 the plaintiff.

19 MR. O'CONNELL: William T. O'Connell,  
20 attorney for Sheriff Beicker and the other Fremont  
21 County defendants.

22 MR. TIEMEIER: Greg Tiemeier, appearing on  
23 behalf of the Correctional Healthcare Companies'  
24 defendants.

25 THE VIDEOGRAPHER: Will the reporter please



1 swear in the witness.

2 THE REPORTER: Please raise your right hand.  
3 Do you swear that the testimony you are about to give  
4 will be the truth, the whole truth and nothing but the  
5 truth?

6 THE DEPONENT: I do.

7 JAMES BEICKER,  
8 having been first duly sworn to state the whole truth,  
9 testified as follows:

10 EXAMINATION

11 BY MR. BUDGE:

12 Q. Sheriff Beicker, my name is Ed Budge, and I  
13 represent the Estate of John Patrick Walter in a case  
14 against Correctional Healthcare Companies, Inc.,  
15 et al., arising from Mr. Walter's confinement and death  
16 at the Fremont County Detention Center in Canon City,  
17 Colorado, in April of 2014.

18 Would you please state your name and business  
19 address for the record.

20 A. My name is James Beicker. Um. The business  
21 address at the sheriff's office is 100 Justice Center  
22 Road, Canon City, Colorado.

23 Q. Are you the sheriff of Fremont County,  
24 Colorado?

25 A. I am.

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1           Q.    How long have you been sheriff for Fremont  
2   County?

3           A.    Uh.  I took office in, uh, January of 2013.

4           Q.    Were you the sheriff for Fremont County,  
5   Colorado, before that time?

6           A.    Not the sheriff, no.

7           Q.    What was your position before January of  
8   2013?

9           A.    Um.  Well, I -- I wasn't employed with the  
10   sheriff's office the year prior, during the election,  
11   um, so I worked for a concrete company the year prior  
12   to the election.

13          Q.    And you took office in January of 2013?

14          A.    Correct.

15          Q.    All right.  Sir, I'm handing you what's been  
16   marked as Exhibit No. 1 to your deposition.  Please  
17   take a moment and review that photograph, let me know  
18   when you're done.

19                Are you done?

20          A.    Yes.

21          Q.    Is this a photograph of John Patrick Walter  
22   following his death in your jail on Easter Sunday,  
23   April 20, 2014?

24          A.    I believe it is, yes.

25          Q.    Okay.  Please extend the photograph toward

1 the camera and keep it there for about 5 to 10 seconds.

2 A. Uh. Towards the camera?

3 Q. Yes, please.

4 A. (Deponent complied.)

5 Q. Thank you.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. Sir, from the time Mr. Walter was first  
24 brought into your jail on or about April 2, 2014 until  
25 his death on Easter Sunday, 18 days later, was he at

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1 all times continuously confined in the Fremont County  
2 jail?

3 A. Yes, he was.

4 Q. And from the time that Mr. Walter was first  
5 brought into your jail on or about April 2 until his  
6 death on Easter Sunday, 18 days later, was he at all  
7 times continuously in the exclusive custody and control  
8 of your office?

9 A. He was.

10 Q. Thank you.

11 A. Yeah.

12 Q. Sir, in retrospect, looking back on it now,  
13 how do you feel personally and honestly about the  
14 adequacy of care provided by the medical staff to  
15 detainee John Patrick Walter in your jail?

16 MR. TIEMEIER: Object to form.

17 A. Could you repeat that question again, please.  
18 How do I -- say the -- please.

19 Q. (BY MR. BUDGE) How do you feel, personally  
20 and honestly, looking back on it now in retrospect,  
21 about the adequacy of the care provided by the medical  
22 staff to detainee John Patrick Walter in your jail?

23 MR. TIEMEIER: Object to form.

24 A. Um. I -- I -- I think that, um, we did  
25 everything that we could for Mr. Walter while he was

1 incarcerated at the Fremont County jail.

2 Q. (BY MR. BUDGE) Including the medical staff?

3 A. Uh. I'm not a medical provider or doctor,  
4 and so, uh, yes, they, um -- they were -- he -- they  
5 were under his, uh -- or he -- it was under their --  
6 their watch, so yeah.

7 Q. What is the name of the decedent?

8 A. John Walter -- Walters.

9 Q. How do you spell his last name, sir?

10 A. I'm going to take a shot. Capital  
11 W-a-l-t-e-r-s.

12 Q. Sir, before I get further into the  
13 substantive area of my questioning, I'm going to go  
14 through a few things for the record. I want to make  
15 sure that you understand the process today. This  
16 procedure's called a deposition. And during this  
17 deposition I'll be asking you a variety of questions  
18 which are put to you under oath just as if you'd taken  
19 an oath in a court of law. Do you understand that?

20 A. Yes.

21 Q. And the function of the court reporter, who  
22 is seated near to where you're sitting, is to  
23 transcribe my questions and your answers so there's a  
24 permanent record of the proceedings. Do you understand  
25 that?

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1           A.     I do.

2           Q.     The deposition's being audio and video  
3 recorded as well. Do you understand that this  
4 deposition is being audio and video recorded so that it  
5 might be played at a later date?

6           A.     Yes.

7           Q.     And it's important for us to speak clearly so  
8 there's an accurate transcription of the questions and  
9 answers, which means that you should wait until I  
10 finish my questions before you provide an answer, and  
11 I'll do my best to wait until you finish your answer  
12 before I ask the next question. Okay?

13          A.     Okay.

14          Q.     Uh. Present in the room with us is Bill  
15 O'Connell, who's your attorney and also the attorney  
16 for Fremont County, as well as Greg Tiemeier, the  
17 attorney for the CHC defendants; is that correct?

18          A.     Correct.

19          Q.     Occasionally one of the lawyers might object  
20 to a question that I ask, and when that happens, you'll  
21 generally be required to answer the question despite  
22 the objection. Do you understand that?

23          A.     Correct.

24          Q.     It's my goal today to ask questions that are  
25 clear. If I ask a question that you don't understand,

1 please ask me to clarify the question or rephrase it  
2 for you, and I will do so. Okay?

3 A. Okay.

4 Q. And if you need a break at any time, please  
5 let me know. We can accommodate that as long as it's  
6 not between a question and answer. All right?

7 A. Okay.

8 Q. Finally, I need to know if there's any  
9 reason, such as medication you might be taking or  
10 illness that you might be suffering from or any reason  
11 that might impact your ability to give true and  
12 accurate testimony today.

13 Is there any reason you can think of why you  
14 wouldn't be able to give your best testimony today?

15 A. No, other than, as I mentioned, I do have a  
16 slight hearing impairment. I'm wearing a hearing aid  
17 so, um, I want to apologize up front. I may have to  
18 ask you to speak up, is the only . . .

19 Q. That's all right. Has my voice been okay so  
20 far?

21 A. Uh. So far, yeah.

22 Q. All right. If my voice ever drops to the  
23 point where you can't hear me, please ask me to raise  
24 my voice and I will.

25 A. Thank you.

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1           Q.    Um.  You said you first become sheriff for  
2   Fremont County in January of 2013; is that right?

3           A.    That's correct.

4           Q.    Have you continuously been sheriff since that  
5   time?

6           A.    I have.

7           Q.    Could you summarize for me your experience in  
8   law enforcement and corrections leading up to your  
9   position as sheriff.

10          A.    Yeah.  I began my career with the Fremont  
11   County Sheriff's Office in 1986 as a volunteer and then  
12   was hired full-time as a detention officer in 1987.  It  
13   may have been late '87, '88; I can't recall.  Um.  
14   But -- but I was a detention officer, um, worked  
15   various positions in the detention center.

16                In 1990, I attended -- I was chosen and  
17   attended the, um, police academy, um, for the -- for  
18   the sheriff's office and then was a patrol deputy, uh,  
19   with them, a patrol sergeant, um, an investigator with  
20   the sheriff's office; at one point, um, a lieutenant  
21   and division commander.

22                Um.  And then, as I said, there was a small  
23   break in my employment in 2002 when I chose to run for  
24   sheriff.  Um.  I resigned by position there and -- and  
25   ran for sheriff and then was elected in November of



1 2002 and took office in 2013 -- or, excuse me, 2003.

2 Q. All right. I think I may have been confused  
3 by your prior testimony, sir. You said that you'd  
4 become the sheriff for Fremont County in 2013, 2-0-1-3.

5 A. Yeah, I misspoke. I'm sorry. 2003 is when I  
6 took office. I apologize.

7 Q. All right. So, uh, your testimony, then, is  
8 corrected for, um, purposes of all the testimony that  
9 you've given so far, you took -- took office as sheriff  
10 in January of 2003, correct?

11 A. Correct.

12 Q. Okay. And you were the sheriff for Fremont  
13 County in April of 2014 while John Patrick Walter was  
14 confined in the Fremont County Detention Center,  
15 correct?

16 A. That's correct.

17 Q. As the sheriff for Fremont County, are you  
18 the highest ranking official and policymaker of the  
19 Fremont County Sheriff's Office?

20 A. I am.

21 Q. In terms of its structure, is the Fremont  
22 County Sheriff's Office divided into two or more  
23 divisions, a patrol division and a detention division?

24 A. That's correct.

25 Q. Are there any other divisions besides the

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1 **patrol division and the detention division?**

2 A. Um, we do typically refer to our civilian  
3 staff as -- as -- as -- I don't know if it's a  
4 division, but, uh, they do handle, um -- they're not --  
5 they are separate than the sworn officers, I should  
6 say, so . . .

7 Q. In terms of the sworn officers that serve the  
8 Fremont County Sheriff's Office, though, there are two  
9 primary divisions, the patrol division and the  
10 detention division, correct?

11 A. Correct.

12 Q. Are you the top policymaker and official for  
13 both the detention division and also the patrol  
14 division?

15 A. Correct.

16 Q. Are there any other members of the Fremont  
17 County Sheriff's Office who you consider to be a  
18 policymaker for the Fremont County Sheriff's Office?

19 A. Um. The undersheriff would have to be  
20 included in -- into that category, as well as my two  
21 division commanders, um, have responsibility there as  
22 well.

23 Q. All right. So the undersheriff, Ty Martin,  
24 is a policymaker for the Fremont County Sheriff's  
25 Office; is that correct?

1 A. That is correct.

2 Q. And the division commander of the Fremont  
3 County Detention Center, Captain John Rankin, is also a  
4 policymaker, correct?

5 A. Correct.

6 Q. You delegate policy-making duties to  
7 Commander Rankin as it regards to the Fremont County  
8 Detention Center, correct?

9 A. Correct.

10 Q. And who is the, um, head of the patrol  
11 division?

12 A. Right now his name is Jeff Worley.

13 Q. And he is also a policymaker for the Fremont  
14 County Sheriff's Office with regard to the patrol  
15 division, correct?

16 A. Correct.

17 Q. Approximately what is the total number of all  
18 Fremont County Sheriff's Office employees in total?

19 A. 116 staff.

20 Q. Are you the superior officer -- officer to all  
21 approximately 116 staff?

22 A. I am.

23 Q. Could you generally describe for me what the  
24 organizational structure of the patrol division is  
25 like?

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1           A.    Yes.  It -- obviously I'm -- I'm the sheriff,  
2   and -- and the undersheriff would be next in rank of  
3   that structure, and then the division commander has the  
4   rank of captain, which is Jeff Worley.  We also have a  
5   lieutenant's position in patrol, and then, um, the  
6   midline supervisors are at the rank of sergeants, and  
7   then the line staff, um, they come next in -- in the  
8   structure.

9           The de -- detention division is the -- excuse  
10  me.

11          **Q.    That's all right.  Let me just follow up on**  
12 **that.  The line staff in terms of the patrol division,**  
13 **you mean the patrol deputies?**

14          A.    Yes, sir.

15          **Q.    All right.  Okay.  Now, let's focus on the**  
16 **detention side, the jail side.  What is the**  
17 **organizational structure of the detention side?**

18          A.    Once again, I would be the sheriff, um, over  
19   that command.  Um.  Undersheriff Ty Martin is -- is the  
20   undersheriff, second in command.  And then Captain John  
21   Rankin is the, um, division commander of the detention  
22   center.  And then there are two lieutenants positions  
23   within the detention center that are next in that  
24   structure.  Then the, um, sergeants, and then the, uh,  
25   detention deputies.

1           **Q.    Where do the corporals fit into the**  
2 **hierarchy?**

3           A.    Excuse me.  I -- I neglected to mention  
4 those.  We do have corporals.  They've come and gone  
5 over the years so I forget about them sometimes, but  
6 there are -- there is corporals in both divisions as  
7 well.  I forgot them.

8           **Q.    So in terms of the hierarchy of the detention**  
9 **side, the corporals come below the sergeants and before**  
10 **the detention deputies?**

11          A.    Correct.

12          **Q.    Who are the two lieutenants at the detention**  
13 **side at the current time?**

14          A.    Currently, the two lieutenants are, um,  
15 Lieutenant Carrie Hammel and Lieutenant Brent Parker.

16          **Q.    The Fremont County Sheriff's Office is**  
17 **responsible for the Fremont County Detention Center,**  
18 **correct?**

19          A.    Correct.

20          **Q.    Okay.  And, sir, during this deposition, I**  
21 **will sometimes refer to the Fremont County Detention**  
22 **Center as the Fremont County jail or the jail.  Please**  
23 **let me know if you don't ever understand what I mean.**  
24 **Okay?**

25          A.    Okay.

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1           **Q.     Beginning with yourself, um, at the top of**  
2     **the structure, the command hierarchy of the jail as it**  
3     **existed in April of 2014, can you describe that for me**  
4     **in terms of who occupied which positions?**

5           A.     Actually, I'm not a hundred percent sure that  
6     we had the lieutenants, um, in place at that time.  If  
7     we did, it would have been, um, Carrie Hammel, um, and  
8     I don't believe Brent Parker was with us at that time,  
9     which is why I don't think we had that.  That was a  
10    somewhat newly created rank -- rank that -- in -- in  
11    the -- in both sides, actually.

12                So, um, John Rankin was the commander; once  
13    again, I, the sheriff; the undersheriff; John Rankin,  
14    the commander.  I can't honestly remember if the  
15    lieutenants were in place.  If not, it would -- the  
16    next in the structure would have been the, um,  
17    detention sergeants.

18           **Q.     And approximately how many detention**  
19     **sergeants were there?**

20           A.     Three or four.

21           **Q.     And approximately how many corporals were**  
22     **there under the detention sergeants?**

23           A.     At the time, I can't say.  Some of them may  
24    not have been filled, so I'm not a hundred percent  
25    sure.  And that's another rank that has come and gone

1 at different times at the sheriff's office depending  
2 upon the need. So, uh, I believe we had them in 2014.  
3 Um. I'm almost certain we did. Um.

4 And do -- do you want to know who was in  
5 those positions?

6 Q. I'd like to know approximately how many  
7 corporals there were.

8 A. I believe there were three.

9 Q. And approximately how many detention deputies  
10 were there?

11 A. Approximately -- depending on vacancies, I  
12 want to say about 55.

13 Q. Approximately how many inmates are there on a  
14 daily basis at the Fremont County jail?

15 A. It varies day from day but, um, I -- I -- I  
16 would say around 180-ish.

17 Q. And was that the same in 2014 as it is today?

18 A. Uh, yes.

19 Q. Approximately how many inmates pass through  
20 your jail in a given year?

21 A. I have no idea.

22 Q. In terms of the structure of the Fremont  
23 County jail and the command hierarchy, have there been  
24 any material changes between April 2014 and the  
25 present; do you know?

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1                   **MR. O'CONNELL:** Objection; form.

2           A.     Um. Can you define "material changes"?

3           **Q.     (BY MR. BUDGE) A change that substantially**  
4 **altered the structure and operation of the jail.**

5           A.     As I mentioned, it may have been the  
6 implementation of the lieutenant structure. Um. I  
7 think that would be the only one that comes to mind.

8           **Q.     The next series of questions that I have are**  
9 **going to focus on the Fremont County jail as of**  
10 **April of 2014. If you're ever confused about what time**  
11 **period I'm talking about, please let me know --**

12          A.     Uh-huh.

13          **Q.     -- okay?**

14                 **As of April of 2014, who had primary**  
15 **responsibility for overseeing and commanding the**  
16 **day-to-day operations of the jail?**

17          A.     Once again, we'd have to begin with -- with  
18 me, uh, as sheriff, the undersheriff and the division  
19 commander.

20          **Q.     In terms of the hourly operations of the**  
21 **jail, who had the primary daily responsibility for**  
22 **overseeing and commanding the hourly operations of the**  
23 **jail? In other words, I -- I -- I understand that you**  
24 **were sheriff and you occupied the top spot on the**  
25 **command hierarchy, but in terms of the commanding the**



1    **hourly operations of the jail, were you there**  
2    **commanding the hourly operations of the jail on a daily**  
3    **basis?**

4            A.    Uh. Not 24 hours a day, certainly, but many  
5    hours of the day. And then when I wasn't, the -- the  
6    sergeants at different times on the later shifts, um,  
7    were the ranking officers.

8            Q.    **What about Commander Rankin?**

9            A.    Same as me. You know, we primarily work a  
10   day shift schedule, primarily, but available and  
11   on-call 24 hours a day, so, um . . .

12           Q.    **Did Commander Rankin have responsibility for**  
13   **commanding the daily operations of the jail?**

14           A.    Yes, he did.

15           Q.    **Did Commander Rankin have responsibility for**  
16   **commanding the hourly operations of the jail during the**  
17   **times that he was present at the jail?**

18           A.    Yes, he did.

19           Q.    **And did Commander Rankin also have authority**  
20   **over the operations of the jail during those times that**  
21   **he was not physically present at the jail?**

22           A.    Yes, he did.

23           Q.    **As sheriff, I imagine you have an extremely**  
24   **wide range of responsibilities and duties. Is that**  
25   **correct?**

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1 A. Correct.

2 Q. Do your duties and responsibilities as  
3 sheriff include personnel responsibilities?

4 A. Correct.

5 Q. Do they include budgetary responsibilities?

6 A. They do.

7 Q. What are your budgetary responsibilities as  
8 sheriff?

9 A. Every aspect of creating and managing the  
10 budget that's allotted by the board of county  
11 commissioners.

12 Q. Including the budget for the operation of the  
13 patrol division as well as the detention division?

14 A. Correct.

15 Q. And what do your personnel responsibilities  
16 encompass as sheriff?

17 A. We have processes for different, um,  
18 employee-related matters, but I have the ultimate  
19 decision-making authority on employment matters and  
20 disciplinary matters.

21 Q. Do your responsibilities as sheriff include  
22 responsibilities with regard to making and renewing  
23 contracts for goods and services?

24 A. It does.

25 Q. Such as what?

1           A.    Uh.  Any con -- contractual agreements that  
2   the office, uh, has, um, actually falls to me and the  
3   undersheriff.

4           **Q.    Contractual responsibilities for everything**  
5   **from patrol vehicles to the uniforms to the, um, fuel**  
6   **that powers the vehicles that the, um, patrol deputies**  
7   **use and every other aspect of the -- the contracts that**  
8   **the sheriff's office has with providers of goods and**  
9   **services?**

10          A.    Correct.

11          **Q.    Do your responsibilities include oversight of**  
12   **criminal investigations?**

13          A.    Yeah.  I'd have to say yeah, I have some  
14   oversight over that.

15          **Q.    And do your responsibilities include travel**  
16   **within the county?**

17          A.    Correct.

18          **Q.    And do your responsibilities include travel**  
19   **outside of the county?**

20          A.    It does.

21          **Q.    Why would you have occasion to travel outside**  
22   **the county in terms of your duties and responsibilities**  
23   **as sheriff?**

24          A.    I'm mandated to attend three sheriffs'  
25   conferences a year to get some mandated training.  I

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1 also sit on two governor-appointed boards that require  
2 that I travel to attend those, as well as numerous  
3 other boards and commissions that I -- that I may  
4 travel for.

5 **Q. Do your responsibilities include reporting to**  
6 **and working with other elected officials and bodies of**  
7 **government within Fremont County?**

8 A. It does.

9 **Q. Can you explain that for us, please?**

10 A. Well, I work with any of the elected  
11 officials that may need our help or assistance, um,  
12 in -- in matters, but primarily I guess it would have  
13 to be with the board of county commissioners who has  
14 oversight of the, uh, county budget.

15 **Q. And do your responsibilities include**  
16 **reporting to the public on issues of public concern?**

17 A. It does.

18 **Q. In what way?**

19 A. We do that in the way of an annual report,  
20 and then anytime I would be requested to attend, um,  
21 you know, a meeting of a civ -- civic organization or  
22 anybody of that nature, I would, um -- I would report  
23 to them in that way as well.

24 **Q. And do your responsibilities as sheriff**  
25 **include problem solving of every kind on a daily basis?**

1           A.     Yes.

2           Q.     And do your responsibilities as sheriff  
3     include responsibilities for, um, court or elections,  
4     anything along those lines?

5           A.     Um. I -- I -- I just -- I'm sorry. Repeat  
6     the first word. You said for court?

7           Q.     Courts. The courts --

8           A.     Oh.

9           Q.     -- of Fremont County.

10          A.     Yes.

11          Q.     In what way do your responsibilities include  
12     the courts of Fremont County?

13          A.     Um. Many different aspects. Um. We're --  
14     we're required by statute in Colorado to make sure  
15     that -- that anybody incarcerated and by court order  
16     makes appearances to court. We are also responsible  
17     for the security of the courthouse itself, so . . .

18          Q.     And how often do you, um -- how often are --  
19     are -- is -- is your office up for reelection?

20          A.     They're four-year terms.

21          Q.     As sheriff, are you constantly on-call 24/7?

22          A.     I am.

23          Q.     Do you have a family and family  
24     responsibilities?

25          A.     I do.

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1           **Q.    What community activities are you involved**  
2 **in?**

3           A.    Um.  I -- I help out with -- with a -- a lot  
4 of the children's, um, activities in -- in town.  Um.  
5 That's primarily where I spend a lot of my extra time  
6 as far as in the community, so . . .  Read -- a lot of  
7 reading programs and some youth-involved programs like  
8 that.

9           **Q.    Do you have hobbies or interests that you**  
10 **pursue outside of work?**

11          A.    I do.

12          **Q.    Such as?**

13          A.    I'm an avid outdoorsman.  I like to golf, um,  
14 fish, hunt, that sort of thing.

15          **Q.    What is your best estimate of the number of**  
16 **hours that you spend every week conducting official**  
17 **sheriff business?**

18          A.    It varies from week to week.  Um.  I -- I  
19 don't think I could answer that, um . . .

20          **Q.    What is your best estimate as to the average**  
21 **number of hours that you spend each week conducting**  
22 **official sheriff's business?**

23          A.    Well, I'm sheriff 24/7.  I -- the phone rings  
24 continuously, there's continuous e-mails.  Um.  I have  
25 no -- I have no idea how many hours a week.

1           Q.    Do you keep any sort of record or time sheet  
2   that shows where you are and what you're doing on a  
3   daily basis as it relates to your duties as a sheriff?

4           A.    Well, I have a calendar that's not up to  
5   date, but I try. I don't have an assistant or anything  
6   that helps me with the calendar, no.

7           Q.    What is your best estimate of the average  
8   number of hours that you spend every week physically  
9   within the Fremont County jail personally overseeing  
10  and monitoring the hourly activities within the jail?

11          A.    I could -- I have no idea how many -- how  
12  much I'm in the jail. A lot.

13          Q.    What is the -- what is your best estimate of  
14  the percentage of the time that you spend as a  
15  percentage of your official duties as sheriff  
16  physically within the Fremont County jail personally  
17  monitoring or overseeing the activities within the  
18  jail?

19          A.    Personally inside the jail?

20          Q.    Yes.

21          A.    I -- I can't answer that. I'm over there  
22  routinely. I would say a -- a larger portion of my  
23  time is spent, um, in the overall oversight of the jail  
24  than it is patrol.

25          Q.    Is there any way that you can estimate for us

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1 the percentage of the time that you spend physically  
2 within the Fremont County jail overseeing the daily or  
3 hourly activities that occur there?

4 A. I wouldn't know how to begin to put a time  
5 frame on that.

6 Q. Where is your office in relation to the jail?

7 A. It is in a -- the offices are -- of -- of all  
8 the administrators are in a -- on the first floor --  
9 it's across. It's not physically in -- in the --  
10 behind the secured area of the jail. So it's -- I call  
11 it across the hall or across the foyer.

12 Q. So in order to get to and from your office,  
13 is it necessary that you pass through the jail?

14 A. Uh. No.

15 Q. With all of the duties and responsibilities  
16 and commitments that you have as sheriff, is it the  
17 case that you generally delegate issues concerning the  
18 daily or hourly operations of the jail to Captain  
19 Rankin and the sergeants and corporals that he in turn  
20 commands?

21 A. Yes.

22 Q. And is that necessary for --

23 A. Absolute -- oh, excuse me.

24 Q. Is that necessary for you to do?

25 A. Absolutely.



1 Q. Why?

2 A. There's no way I could physically be there 24  
3 hours a day, um, in the jail.

4 Q. And, therefore, you have to delegate the  
5 daily and hourly operations of the jail to  
6 Commander Rankin and the sergeants and the corporals  
7 and the detention deputies that he commands?

8 A. I -- I do.

9 Q. And in terms of the policy-making  
10 responsibilities of the jail, it's also necessary and  
11 you have in fact delegated those responsibilities in  
12 large part to Commander Rankin, correct?

13 A. I have.

14 Q. And that was the same as of April of 2014,  
15 that you had delegated policy making responsibilities  
16 concerning the operations of the jail to  
17 Commander Rankin?

18 A. With my final approval, yes.

19 Q. But in terms of the daily and hourly  
20 operations of the jail, Commander Rankin had the  
21 authority from you to establish policy, procedure and  
22 custom, correct?

23 A. Correct.

24 Q. And he did so, correct?

25 A. Correct.

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1           Q.    When issues come up at the jail that require  
2   the involvement of someone other than a frontline  
3   detention deputy, do you generally expect that the  
4   corporals and sergeants will deal with those issues and  
5   address them as they arise?

6           A.    If they have the ability, yes.

7           Q.    And when issues come up concerning jail  
8   operations that require command by someone other than  
9   corporals and sergeants, do you generally expect that  
10  the captain of the jail, Captain Rankin, will address  
11  those issues directly?

12          A.    Correct.

13          Q.    Do you expect that your command staff at the  
14  jail, corporals, sergeants, and ultimately Captain  
15  Rankin, will fulfill their duties and responsibilities  
16  impartially and without personal conflicts of interest?

17          A.    Correct.

18          Q.    Given your many and varied duties and  
19  responsibilities as sheriff, is it important that you  
20  delegate the daily command of the jail to the captain  
21  and the sergeants and the corporals who work with him  
22  commanding the jail's frontline detention deputies?

23          A.    It is.

24          Q.    I'm looking here for your best estimate.  
25  What percentage of your total time as sheriff, if any,

1 is spent personally involving yourself in specific  
2 issues relating to the particular health care needs of  
3 particular jail inmates?

4 A. I'm not sure I could put a percentage of time  
5 on it. Once again, I'm made aware of these issues on a  
6 day-by-day basis and on a case-by-case basis.

7 Q. Other than the case of John Walter, which  
8 we'll talk about later, can you remember any particular  
9 jail inmates over the course of your approximately 13  
10 years as sheriff where you became personally involved  
11 in issues concerning the inmate's particular health  
12 needs while confined at the Fremont County jail?

13 A. There have been many.

14 Q. How many names can you remember?

15 A. I can't spit any off the top of my head right  
16 now.

17 Q. Sitting here today, sir, in the course of  
18 your 13 years as sheriff, can you remember the name of  
19 any particular jail inmate, other than John Patrick  
20 Walter, where you've become personally involved in  
21 issues concerning that inmate's particular health needs  
22 while confined at the Fremont County jail?

23 A. There's just too many. I couldn't -- it  
24 would take me a little time to sit and try to recall  
25 the names.

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1 Q. Can you recall any one individual, sir?

2 A. I cannot.

3 Q. Other than John Walter, you cannot recall any  
4 one individual?

5 A. No.

6 Q. Other than John Walter, which we'll talk  
7 about later, can you think of any other time where you  
8 took it upon yourself to go to the head nurse, or any  
9 nurse at the jail, with issues or concerns regarding  
10 the particular health concerns of an inmate?

11 A. Oh, yes.

12 Q. Can you identify for us any particular  
13 inmate?

14 A. I can't.

15 Q. Other than John Walter, which we'll talk  
16 about later, can you think of any time where the  
17 captain of the jail has come to you with specific  
18 concerns about the medical condition of a particular  
19 inmate?

20 A. Once again, we've spoken many occasions about  
21 many incidents over the years, so I -- yes, I've --  
22 I've s -- I've spoken to Captain John Rankin on many  
23 occasions about medical issues.

24 Q. Concerning particular inmates?

25 A. Yes.

1           Q.    Are you able to name any one particular  
2 inmate?

3           A.    No, not right here.

4           Q.    Which documents relating to this case have  
5 you reviewed in the last two months?

6           A.    I looked at the medical examiner's report  
7 when it finally came in. Um. I looked at our -- oh,  
8 excuse me.

9           Q.    And excuse me for interrupting, sir. And  
10 perhaps you are answering my question. Just -- just  
11 make -- let's make sure that I'm clear about --

12          A.    Okay.

13          Q.    -- my question. I'm looking for any  
14 documents that you have reviewed relating to this case  
15 in the last two months before today.

16          A.    Uh. The interrogatories that I answered.  
17 That's the only thing that comes to mind in the last  
18 two months.

19          Q.    Have you reviewed any deposition transcripts  
20 relating to this case?

21          A.    I have not.

22          Q.    All right. I'm handing you what's been  
23 marked as Exhibit 3 to your deposition. Understanding  
24 that this is not to scale, does this diagram drawn by  
25 Sara Lightcap, now Sara Gonzales, generally show the

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1 location of master control, booking, T pod, medical and  
2 holding cells located in the general vicinity of the  
3 booking area at your jail?

4 A. It does.

5 Q. How far is your office in relation to what we  
6 see in this diagram?

7 A. Looking at this diagram, it would be on the  
8 right-hand side of the diagram, once again across the  
9 foyer probably 30 feet.

10 Q. And how long would it take you to walk from  
11 your office and place yourself in front of Holding  
12 Cell 2?

13 A. It depends on the responsiveness of the  
14 master control operator operating the secure doors.

15 Q. Okay. Assuming that he or she was reasonably  
16 responsive and opened the door when you stood at the  
17 door and asked for it to be open.

18 A. A minute, tops, maybe.

19 Q. From the booking area, does one generally  
20 have a clear and unobstructed view into the window of  
21 Holding Cell 2?

22 A. Generally. There are glass windows on the  
23 doors, so there are some obstruction in -- you know,  
24 but it -- but it's designed so that we can see into the  
25 holding cells.

1           Q.    Right.  There's a glass window in front of  
2   the booking area, correct?

3           A.    Correct.

4           Q.    And then the, uh, door, you know, of Holding  
5   Cell 2 has a window in it, correct?

6           A.    Correct.

7           Q.    And then there's another window that allows  
8   somebody to take a look into Holding Cell 2, correct?

9           A.    Correct.

10          Q.    And, therefore, from the booking area,  
11   looking through the window of the booking area, one can  
12   generally look through the window of Holding Cell 2 and  
13   see inside Holding Cell 2, correct?

14          A.    If the person wasn't laying on the floor or  
15   laying down on the bunk or in the -- the fixture, the  
16   -- the restroom fixture area, yes.

17          Q.    In fact, um, any person who was in the  
18   booking area would generally have a clear view into  
19   Holding Cell 2, correct?

20          A.    Other than those areas I described, yes --  
21   or -- yes.

22          Q.    And that includes the common area right --  
23   right outside of Holding Cell 2?

24          A.    Correct.

25          Q.    And is it the case that any person passing

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1 through the common area between booking and the holding  
2 cells could go up to the holding cell -- that is  
3 Holding Cell 2 -- and have a clear and unobstructed  
4 view of anybody inside?

5 A. Correct.

6 Q. And from looking through the glass windows  
7 into Holding Cell 2, any person who chose to do so  
8 could easily see from just a few feet away the person  
9 who was in there and would have a clear and  
10 unobstructed view of what he looked like and what he  
11 was doing as if you were in the room with the person,  
12 correct?

13 A. Correct.

14 Q. All right. I'm going to turn my attention  
15 now to questions relating specifically to John Walter.  
16 First of all, do you understand that Mr. Walter was  
17 first admitted to the jail on or about April 3 of 2014?

18 A. I am aware of that.

19 Q. And do you understand that he died in the  
20 jail on Easter Sunday, April 20, 2014?

21 A. Correct.

22 Q. Do you understand that for approximately the  
23 first 12 days of Mr. Walter's confinement, from  
24 April 3rd until April 15th, that Mr. Walter was held in  
25 the T pod?



1           A.    I don't know the exact dates and times of --  
2   of where he was housed, um, but -- but yes, in my  
3   understanding, I know he was in that unit, um, for some  
4   period of time.

5           Q.    Do you understand that he was in the T pod  
6   for the first period of his confinement at the jail,  
7   even if you're unaware of the specific dates?

8           A.    Um. Well, I know that they're -- while  
9   they're being booked in, they're in the holding cells  
10   that you described earlier. Then if -- if they aren't,  
11   um, able to bond out or -- or released, then yes,  
12   they're placed somewhere. And my understanding, it was  
13   T pod, correct.

14          Q.    You understand that Mr. Walter was first  
15   permanently confined at the jail in the T pod --

16          A.    That --

17          Q.    -- correct?

18          A.    Excuse me.

19                  That would be my understanding.

20          Q.    And that he was held in the T pod for a  
21   period of time until he was moved into the holding  
22   cells that face the booking area?

23          A.    Yes.

24          Q.    During the time Mr. Walter was held in the  
25   T pod, did you ever have occasion you can remember to

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1 personally interact with him or observe him for any  
2 reason?

3 A. I did not.

4 Q. During the time that Mr. Walter was held in  
5 the T pod, did anyone, to your recollection, alert or  
6 inform you about any issue relating to Mr. Walter,  
7 whether it be his physical or mental condition or any  
8 other issue relating to his confinement at the jail?

9 A. I was advised at the time that they felt the  
10 need to move him out of that unit.

11 Q. All right. Please tell me everything about  
12 that. Who advised you of that and what were you  
13 advised with regard to the need to move Mr. Walter out  
14 of the T pod and into the holding cell that faced the  
15 booking area?

16 A. Um. I'm going to go out on a limb. I  
17 believe it was Captain Rankin while in our office  
18 mentioned that -- that they were -- that the, um --  
19 some of the other inmates in that cell were unhappy,  
20 there was some problem with Mr. Walters being in there  
21 with them, and that, um, they decided to move him out  
22 of that unit for his own safety.

23 Q. What do you mean by "his own safety"?

24 A. I think, uh, that the other inmates, um, as  
25 described to me, were -- were not happy with him and

1 wanted him moved.

2 Q. Why were they not happy?

3 A. You know, I don't know the details, other  
4 than I -- I think Captain Rankin related to me that  
5 his -- his behavior, you know, was becoming erratic and  
6 he wasn't a good cellmate.

7 Q. So Mr. Walter was held for a period of time  
8 in the T pod without incident until a time that his  
9 other cellmates, those who occupied the same T pod  
10 space as he did, complained or reported that he was  
11 behaving erratically, correct?

12 MR. O'CONNELL: Objection to form.

13 Q. (BY MR. BUDGE) According to what  
14 Commander Rankin told you?

15 A. I can't say without incident. I -- I don't  
16 know, quite honestly, um, but -- but at the time I was  
17 as advised of it, it was because the other inmates were  
18 upset and, um, they felt like he was -- would be in  
19 danger if he stayed in there.

20 Q. In what way was Mr. Walter behaving  
21 erratically, to your knowledge, according to what  
22 Captain Rankin reported to you?

23 A. I don't recall any of the specifics other  
24 than, um, it just was erratic behavior. Um. That's --  
25 that's really all I remember about the conversation.

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1 Um. So I -- I can't -- I cannot remember any  
2 particulars about the behavior, um, when -- when he  
3 advised me of that.

4 **Q. Did Captain Rankin say something to the**  
5 **effect that he was up at night, talking?**

6 A. Uh. That does sound familiar. That -- I  
7 believe that was one of the reasons, uh, now that you  
8 mentioned it, because they -- they weren't able to  
9 sleep. That -- that does sound familiar, but I can't  
10 say a hundred percent.

11 **Q. "They" not able to sleep, meaning the other**  
12 **inmates?**

13 A. Yes, the other inmates.

14 **Q. Because Mr. Walter was up at odd hours,**  
15 **talking, making noise, behaving in such a way that was**  
16 **a bother to the other inmates?**

17 A. That sounds familiar, yes.

18 **Q. And they were becoming irritated or upset by**  
19 **his erratic behavior in the middle of the night and**  
20 **alerted corrections staff; is that correct?**

21 A. That's my understanding, yes.

22 **Q. And then Captain Rankin reported to you that**  
23 **they were moving Mr. Walter out of T pod due to his**  
24 **erratic behavior, in that he was bothering the other**  
25 **inmates because he was talking at odd hours of the**

1     night, correct?

2             A.     Yes.

3             Q.     Did that report from Captain Rankin come to  
4     you at or near the time that Mr. Walter was, in fact,  
5     moved out of the T pod?

6             A.     I -- I think it had occurred maybe the  
7     evening before. I -- eight hours prior to. I can't  
8     recall.

9             Q.     So whatever report that you got from  
10    Captain Rankin about Mr. Walter's strange behavior that  
11    was bothering the other inmates and that he was keeping  
12    them up at night through his talking after-hours was a  
13    report that came to you during the last period of  
14    time -- the last hours, actually, of Mr. Walter's T-pod  
15    confinement, correct?

16            A.     Correct.

17            Q.     Prior to that time, when Captain Rankin came  
18    to you, had you been informed or became aware, through  
19    personal observation or any reports by anybody at the  
20    jail, of odd behavior by Mr. Walter?

21            A.     Not that I can recall.

22            Q.     Had you, prior to that time, become aware,  
23    directly or indirectly, personally or otherwise, of  
24    Mr. Walter engaging in any violent or aggressive  
25    behavior?

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1           A.    I don't know if it was prior to, but -- but  
2    what comes to mind is the, um -- the kicking of the  
3    doors and some things like that. Um. I don't know if  
4    that was prior to or after. I --

5           Q.    No, I --

6           A.    -- I can't recall.

7           Q.    I'm -- I'm talking about when he was in T pod  
8    before Captain Rankin came to you and said --

9           A.    Yeah.

10          Q.    -- that he was behaving in a strange way that  
11   warranted his removal from T pod.

12          A.    Not that I'm aware of, no.

13          Q.    Okay. Prior to that time, you did not become  
14   aware of Mr. Walter engaging in any violent or  
15   aggressive behavior, correct?

16          A.    Not that I'm aware of.

17          Q.    And prior to that time, you did not become  
18   aware of him, um -- anything to suggest, for example,  
19   that he was not eating?

20          A.    We had discussions about Mr. Walters at  
21   different times, and I just can't recall, but not  
22   prior -- not while he was in T pod, that I can  
23   remember.

24          Q.    Right. And all of my questions --

25          A.    Okay.

1 Q. -- for purposes --

2 A. Right. Okay.

3 Q. -- of this next line of questioning relate  
4 to --

5 A. Oh.

6 Q. -- the period of time when he was in T pod  
7 before Captain Rankin came to you saying that other  
8 inmates were complaining about his odd behavior  
9 after-hours.

10 A. Yeah.

11 Q. Prior to that time, did you become aware of  
12 any complaints by anybody about his behavior?

13 A. It wasn't brought to my attention, no.

14 Q. Okay. Prior to that time, did anybody bring  
15 anything to your attention to suggest that he was not  
16 eating? Prior to the --

17 A. I don't remember, so I -- I don't -- I don't  
18 believe so.

19 Q. Prior to that time, anything to suggest that  
20 he was not sleeping?

21 A. I don't recall anybody bringing that to my  
22 attention prior to.

23 Q. Prior to that time, anything to suggest that  
24 he was shaking?

25 A. Not that I know of.

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1 Q. Okay. Prior to that time, anything --  
2 anything to suggest that he was making strange verbal  
3 comments or odd utterances that didn't make sense?

4 A. No.

5 Q. Prior to that time, anything to suggest that  
6 he was hallucinating or delusional or mentally  
7 confused?

8 A. Not that I'm aware of.

9 Q. Prior to that time, anything to suggest that  
10 he was emotionally unstable?

11 A. Wasn't reported to me.

12 Q. Prior to that time, anything to suggest that  
13 his eyes were twitchy?

14 A. No.

15 Q. Prior to that time, anything to suggest that  
16 he was unclothed or inappropriately naked?

17 A. Not that I can remember.

18 Q. Prior to that time, anything to suggest that  
19 he was sweaty, dehydrated or weak appearing?

20 A. No.

21 Q. Prior to that time, anything to suggest  
22 bruises, contusions, abrasions, indications of possible  
23 broken bones or any other physical injuries?

24 A. No.

25 Q. Prior to that time, anything to suggest that



1 he was losing unusual amounts of weight?

2 A. No.

3 Q. Prior to that time, anything to suggest that  
4 he was sick, ill, injured or mentally unstable?

5 A. No.

6 Q. Do you have any reason to believe that you  
7 personally observed Mr. Walter during the first period  
8 of his confinement before he was transferred to Holding  
9 Cell 2?

10 A. I'm in the jail many times. If I saw him, I  
11 don't recall. I see many people in and out of the  
12 jail, so I don't -- it -- I don't recall seeing him,  
13 no.

14 Q. Any reason to think that before  
15 Captain Rankin first came to you to report that  
16 Mr. Walter was behaving in an erratic way after-hours,  
17 do you have any reason to think that any other person  
18 prior to that time alerted you or informed you of  
19 anything relating to Mr. Walter?

20 A. I don't believe so.

21 Q. Do you have any reason to believe that any  
22 inmate may have assaulted or injured Mr. Walter at any  
23 time, from the time that he first entered the jail  
24 until his death approximately 18 days later?

25 A. Not that I'm aware of.

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1           Q.    All right.  At some point after Mr. Walter  
2   was removed from the T pod and put into Holding Cell 2,  
3   you did have occasion to personally observe him,  
4   correct?

5           A.    I did.

6           Q.    All right.  I'm handing you now what's been  
7   marked as Exhibit 4 to your deposition.  Do you  
8   recognize the document that I've handed to you as  
9   Exhibit 4 as being your verified responses to written  
10  questions in this case called interrogatories?

11          A.    Yes.

12          Q.    And you understand that these interrogatories  
13  were served on your counsel under the court rules  
14  governing this case and then you gave answers to the  
15  interrogatories, correct?

16          A.    Correct.

17          Q.    And the answers that you gave were true and  
18  correct; is that right?

19          A.    Correct.

20          Q.    I'm now going to follow up on the information  
21  that you supplied in answer to the interrogatories, and  
22  in particular I'd like to direct your attention to  
23  Page 6.  Do you see your name there toward the lower  
24  part of the page in bold?

25          A.    I do.

1           Q.    I'm going to direct your attention to the  
2 following answer that you gave in response to this  
3 interrogatory.

4                   Quote, Prior to the date of his death, I  
5 personally observed Mr. Walter on two or three  
6 occasions from the booking area, and through the glass.  
7 I had no dialogue with him. I do not remember the  
8 exact dates or times of day.

9                   Again, I cannot remember the exact dates or  
10 times of day, but it was prior to the date of his  
11 death, and on the same dates or times that I had gone  
12 to the booking area and observed him through the  
13 window.

14                  And then you go on to say that you observed  
15 Mr. Walter for a few minutes each time.

16                  Do you see what I have referred you to?

17           A.    Yes, sir.

18           Q.    First of all, when you were observing  
19 Mr. Walter through the glass, you were observing him  
20 while he was in Holding Cell 2 located opposite the  
21 booking area, correct?

22           A.    Correct.

23           Q.    And you were able to get right up to the  
24 glass and look through the glass into his cell,  
25 correct?

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1           A.    Um, from the booking area or the -- not from  
2   the booking floor, from the booking -- inside the  
3   booking area, the secured area.

4           Q.    So you were looking at him from the secured  
5   booking area, through the booking area glass and then  
6   through the glass of Holding Cell 2?

7           A.    Correct.

8           Q.    And you were able to have a clear and  
9   unobstructed view of Mr. Walter and his condition and  
10  behavior; is that correct?

11          A.    I was.

12          Q.    And you personally saw him at least two times  
13  and possibly three times, correct?

14          A.    Correct.

15          Q.    You don't know the exact date or time, but  
16  you know that it was after he was moved to that holding  
17  cell and before his death, correct?

18          A.    Correct.

19          Q.    And the two to three occasions where you  
20  observed Mr. Walter were two to three separate  
21  occasions on two to three separate days; is that right?

22          A.    Correct.

23          Q.    So assuming for purposes of my next questions  
24  that Mr. Walter was moved into Holding Cell 2 at  
25  approximately 10:00 p.m. on April 15th and died at

1 approximately 5:30 p.m. on Easter Sunday, April 20th,  
2 can you narrow down for me the likely dates that you  
3 would have seen Mr. Walter?

4 A. I just don't remember the dates.

5 Q. Would you have been at the jail on Easter  
6 Sunday, the day that Mr. Walter died?

7 A. I was not.

8 Q. All right. So we can eliminate Easter Sunday  
9 as being a day that you saw Mr. Walter?

10 A. Correct.

11 Q. What about Saturday, April 19th, the date  
12 that Mr. Wal -- the day before Mr. Walter died; do you  
13 expect that you were at the jail on Saturday the 19th  
14 observing Mr. Walter the day before he died on a  
15 Saturday?

16 A. No, I was not.

17 Q. So we can eliminate Saturday the 8 -- excuse  
18 me -- Saturday the 19th as a date that you likely saw  
19 Mr. Walter, correct?

20 A. Correct.

21 Q. And it is also -- would it also be the case  
22 that you probably would not have been at the jail at  
23 10:00 p.m. on April 15th when Mr. Walter was moved into  
24 Holding Cell 2 or in the subsequent two hours of  
25 April 15th?

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1           A.    I was not -- no, I was not at the jail when  
2   they moved him into that unit -- or into that holding  
3   cell.  That's correct.

4           Q.    And, therefore, is it correct that the two to  
5   three separate occasions that you would have seen  
6   Mr. Walter would have been between Wednesday,  
7   April 16th, and Friday, April 18th?

8           A.    Correct.

9           Q.    You go on in your interrogatory response to  
10   indicate, at the top of Page 7, that "After observing  
11   Mr. Walter for a few minutes each time, I spoke with  
12   the head nurse, Kathy Maestas, about his condition and  
13   treatment."

14                  Do you see that?

15           A.    Correct.

16           Q.    So on each of the two to three separate  
17   occasions after you observed Mr. Walter for a few  
18   minutes, you spoke with Kathy Maestas, correct?

19           A.    Correct.

20           Q.    At the Fremont County jail, there was no  
21   nurse on duty between 7:00 p.m. and 7:00 a.m.; is that  
22   right?

23           A.    Sometimes they keep odd hours, but I -- well,  
24   I won't say odd hours, but depending on med pass or --  
25   but typically no.  Yes, that'd be correct.

1           Q.   Typically the ordinary custom of the jail was  
2   that there was no nurse on duty between 7:00 p.m. and  
3   7:00 a.m., correct?

4           A.   Correct.

5           Q.   And, therefore, is it likely that you would  
6   have seen and observed Mr. Walter during daylight hours  
7   at some point between 7:00 a.m. and 7:00 p.m. between  
8   April 16th and April 18th?

9           A.   Correct.

10          Q.   Sheriff Beicker, I'd like to ask that you now  
11   take us back to these moments in time where you were  
12   observing Mr. Walter. And please try to help us  
13   picture as vividly as possible what you were seeing of  
14   Mr. Walter as if we were observers standing next to you  
15   on the two to three occasions where you observed him in  
16   Holding Cell 2 between April 16 and April 18.

17          A.   I remember specifically the first time I went  
18   to, um -- went to the booking area just -- just to  
19   look, based on a conversation I had with the jail  
20   captain, and I believe the undersheriff might have been  
21   present. I walked into the booking area. Mr. Walters  
22   was standing at the win -- the door, the glass window  
23   in the holding cell, and he had a suicide smock on.

24                Um. And he was just merely standing, looking  
25   out into the booking area. Um. I recall thinking he

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1 did not look well. Um. I -- I may have talked to some  
2 of the booking officers at the time just about his  
3 demeanor or what he may have been doing or what was  
4 going on with him and their opinions. Um. It was --  
5 would have been brief.

6 Um. I kind of recall talking to maybe  
7 Corporal Owen, which I did not mention here, but I --  
8 I -- I couldn't recall who it was, but I believe it  
9 might have been Corporal Owen. Um. And, as I recall,  
10 their comments were he -- he's just -- seems to keep  
11 deteriorating, his emotional and mental health  
12 countenance just did not look well.

13 So I -- I -- I watched him, like I said, a  
14 couple of -- two, three minutes. Um. He didn't do  
15 anything at all, quite frankly, just stood kind of  
16 comatose looking out -- out the window. Um, I don't  
17 recall any other behavior or anything by him. Um.

18 And that -- that was -- that's the time I  
19 really remember most specifically because I went  
20 that -- for that very specific reason, to look at him.  
21 Um.

22 **Q. Let me -- let me interrupt you --**

23 **A. Okay.**

24 **Q. -- there and ask a few follow-up questions**  
25 **about this first occasion that you would have seen**



1     **Mr. Walter in Holding Cell 2.**

2                   **First of all, you went to the booking area**  
3     **with the specific purpose of seeing Mr. Walter,**  
4     **correct?**

5           A.     Correct.

6           Q.     And you went to the booking area with  
7     specific -- with the specific purpose of seeing  
8     Mr. Walter, on this first occasion, because it had been  
9     reported to you by your captain and/or others that  
10    Mr. Walter was not doing well, correct?

11          A.     Correct.

12          Q.     What was the substance of what was reported  
13    to you by Captain Rankin and others about Mr. Walter  
14    not doing well that led you to go to the booking area  
15    with the specific purpose of seeing Mr. Walter for  
16    yourself on this first occasion?

17          A.     It was a brief conversation in my office, as  
18    I recall. And -- and mostly what I remember about the  
19    conversation was that he just didn't seem to be doing  
20    well. It was a deterioration of his -- uh, I -- I  
21    think he even described it as mental health, his  
22    emotional state, um, that he just wasn't doing well and  
23    they were concerned about his health.

24          Q.     **"They," meaning your captain and/or the**  
25    **undersheriff and/or other staff at the jail?**

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1           A.     Excuse me. The -- the staff. The -- the  
2     line deputies and I think the sergeants, they all  
3     recognized that he just did not seem to be responding  
4     to whatever medical care he was getting.

5           Q.     If any?

6           A.     He was under care from our medical provider.

7           Q.     Did you know that for a fact prior to the  
8     time that you went to see Mr. Walter?

9           A.     Yes.

10          Q.     However, it was stated to you that Mr. Walter  
11     was not responding to whatever medical care he was  
12     getting, in substance?

13          A.     Yeah. That was their general, um, concern,  
14     was he just wasn't doing well. And it didn't matter  
15     what was being done for him, he just wasn't doing well.

16          Q.     And given that you saw Mr. Walter on two to  
17     three occasions -- and we're now talking about the  
18     first occasion -- and given that the two to three  
19     occasions that you saw him were two to three separate  
20     days between the 16th, 17th and 18th of April, is it  
21     most likely that this first time that you saw  
22     Mr. Walter would have been on April 16th?

23          A.     Um. I can't remember for sure, but that  
24     sounds reasonable.

25          Q.     All right. So your going to see Mr. Walter

1     for yourself on this first occasion was initiated by  
2     the fact that Captain Rankin had actually come to see  
3     you in his (sic) office about Mr. Walter?

4           A.     Correct.

5           Q.     And Captain Rankin came to you in your office  
6     for the specific purpose of discussing Mr. Walter's  
7     deteriorating condition?

8           A.     I actually believe he might be coming to the  
9     undersheriff's office. Our offices are located right  
10    next to each other. And he does that quite routinely;  
11    he sticks his head in either door. I happened to be  
12    with the undersheriff in my office at the time, is how  
13    I remember it, and we had a brief discussion about him.

14          Q.     All right. So, to clarify, Captain Rankin  
15    came to you, prior to the first occasion, and  
16    Undersheriff Ty Martin for the specific purpose of  
17    talking with either or both of you about Mr. Walter and  
18    his deteriorating condition, correct?

19          A.     That's how I remember it, yes.

20          Q.     And Captain Rankin informed you that  
21    Mr. Walter was not doing well, correct?

22          A.     Correct.

23          Q.     That he was not responding to whatever  
24    medical care he was getting, correct?

25          A.     Correct.

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1           Q.    That he seemed to be deteriorating or going  
2 downhill?

3           A.    Correct.

4           Q.    That he appeared to be mentally confused?

5           A.    Correct.

6           Q.    That there was a general deterioration in his  
7 mental and emotional status?

8           A.    Correct.

9           Q.    That he was acting in a very unusual way,  
10 correct?

11          A.    Yes.

12          Q.    Was it reported to you that Mr. Walter had  
13 been talking or yelling or screaming?

14          A.    That's what I recall the conversations about  
15 the kicking the door, um, and, yes, I think having  
16 conversations with no one, himself, that sort of  
17 behavior.

18          Q.    So it was reported to you prior to this first  
19 occasion that you went to see Mr. Walter for yourself  
20 that he was talking to people who were not there?

21          A.    Correct.

22          Q.    That he was talking to himself in a very  
23 bizarre or unusual manner?

24          A.    Yes.

25          Q.    That he was, um -- appeared to be

1     **hallucinating?**

2             A.     Um --

3                     MR. O'CONNELL:   Objection; form.

4             A.     Excuse me.   I can't recall if that was the  
5     terminology used, but -- but it was -- yeah, just odd  
6     behavior.

7             Q.     (BY MR. BUDGE)   Was it your understanding  
8     that they felt -- or that Captain Rankin felt or  
9     through his front line detention deputies was informed  
10    that Mr. Walter was acting in such a way that he  
11    appeared to be hallucinating?

12            A.     I -- like I said, I don't recall them using  
13    the terminology "hallucinating," but the odd behavior  
14    described is accurate.

15            Q.     And was it reported to you that Mr. Walter  
16    was shaking?

17            A.     I -- yeah, that seems familiar.   Yeah.

18            Q.     Was it reported to you that Mr. Walter was  
19    thin or emaciated looking?

20            A.     Yes.

21            Q.     Was it reported to you -- and, again, we're  
22    talking about this first occasion before you went to  
23    see Mr. Walter for yourself -- that Mr. Walter was  
24    losing weight?

25            A.     Yes.   I believe the captain mentioned that,

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1 that he was not eating --

2 Q. And --

3 A. -- well.

4 Q. -- did the captain also mention that  
5 Mr. Walter was not sleeping?

6 A. He did.

7 Q. And did Captain Rankin also report to you,  
8 prior to the first occasion that you viewed Mr. Walter,  
9 that Mr. Walter appeared to not know where he was?

10 A. I don't recall that.

11 Q. What else was reported to you that led you to  
12 the conclusion that your staff, Captain Rankin and the  
13 staff underneath him, felt that Mr. Walter was not  
14 well?

15 A. It wasn't specific. The captain just  
16 mentioned that the -- the staff were concerned and they  
17 felt like Medical wasn't doing enough for the  
18 gentleman.

19 Q. Was it also reported to you prior to this  
20 first occasion that -- well, tell me a little bit more  
21 about what you mean by the staff didn't feel that  
22 Mr. Walter was getting the proper medical attention by  
23 medical staff.

24 A. What I recall the conversation was -- and  
25 I'll be honest, I'm not sure if it was with the

1 undersheriff or the captain, it was one of the two --  
2 that they were -- they were just upset because they  
3 could see him deteriorating and, you know, they --  
4 it -- it upset them because they knew he wasn't getting  
5 any better and they felt helpless, I think, to do  
6 anything.

7 And that was pretty much the brief  
8 conversation about the staff -- or what the staff was  
9 commenting about.

10 Q. The staff felt helpless because they felt  
11 that Mr. Walter was clearly in need of medical  
12 attention that he wasn't getting?

13 MR. TIEMEIER: Object to form, foundation.

14 A. Yeah, that's my understanding.

15 Q. (BY MR. BUDGE) Were you concerned upon  
16 getting these reports from Captain Rankin prior to the  
17 time that you first saw Mr. Walter for yourself?

18 A. Um, say again the timing.

19 Q. Upon getting the report from Captain Rankin.

20 A. And after having gone and seen him?

21 Q. No. Prior to the time --

22 A. Oh.

23 Q. -- that you went to see him --

24 A. Obviously I was -- excuse me.

25 Q. -- were you concerned?

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1           A.     Obviously I was concerned about what I was  
2     hearing from the captain.

3           Q.     Was it your understanding from what  
4     Captain Rankin reported to you, prior to the time that  
5     you first went to see Mr. Walter, that the staff, as a  
6     whole, was quite concerned about Mr. Walter?

7           A.     Yes.

8           Q.     And were you, in turn, quite concerned about  
9     Mr. Walter?

10          A.     I was.

11          Q.     And you obviously took very seriously the  
12     concerns that were made, reported to you by  
13     Captain Rankin, correct?

14          A.     Yes.

15          Q.     Those concerns including that Mr. Walter was  
16     not eating, correct?

17          A.     Correct.

18          Q.     That he was not sleeping, correct?

19          A.     Correct.

20          Q.     That he was shaking, correct?

21          A.     Right.

22          Q.     That he was mentally confused, correct?

23          A.     Yep.

24          Q.     That he was talking to people who were not  
25     there, correct?



1 A. Yes.

2 Q. That he was talking to himself, correct?

3 A. Correct.

4 Q. That he was losing unusual amounts of weight,  
5 correct?

6 A. Yes.

7 Q. That he appeared to be deteriorating,  
8 correct?

9 A. Yes.

10 Q. That he appeared not to know where he was,  
11 correct?

12 A. Correct.

13 Q. And that, in general, the medical staff were  
14 not -- at least in the opinions of the detention staff,  
15 that the medical staff was not providing him with all  
16 necessary care, correct?

17 A. Well, I didn't talk to them about that, but  
18 that was the general consensus from the captain, yes.

19 Q. Okay. In response to that first report from  
20 Captain Rankin that was given to both you and Ty Martin  
21 in your offices, did -- did you then proceed directly  
22 to the booking area so that you could have a look at  
23 Mr. Walter for yourself?

24 A. I think I might have answered a phone call or  
25 something, but then -- it wasn't -- it was less than 30

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1 minutes, as I recall, that I -- I went to the booking  
2 area after that report.

3 Q. Okay. So within less than 30 minutes or so  
4 of receiving that report from Captain Rankin, you  
5 yourself proceeded to the booking area, correct?

6 A. Correct.

7 Q. And you went there for the specific purpose  
8 of seeing Mr. Walter with your own eyes, correct?

9 A. Correct.

10 Q. And tell us what you observed of Mr. Walter  
11 when you saw him from the booking area in response to  
12 that first report from Captain Rankin.

13 A. Once again, I walked into the booking area.  
14 I never left the secure part of the -- so I was in the  
15 secure part of the booking area, and Mr. Walters was  
16 standing at the door in a suicide smock, just kind of  
17 looking out the window of the, um -- of the holding  
18 cell.

19 Q. You said that he was looking out the window  
20 in sort of a comatose way. What do you mean by that?

21 A. It was just kind of a blank stare, staring  
22 out the window into the booking area.

23 Q. Upon seeing Mr. Walter, did you feel that you  
24 were confirming with your own eyes what was being  
25 reported from you from Captain Rankin?

1           A.    I remember thinking that he did not look  
2 well, he didn't look vibrant or -- didn't look upset,  
3 he didn't look anything. He looked very stoic and was  
4 just standing, staring out the window. And I remember  
5 thinking, He doesn't look good.

6           **Q.    Did he look pale?**

7           A.    I do remember him looking pale.

8           **Q.    Did he look weak?**

9           A.    I would say, yes, he looked weak.

10          **Q.    Um. And did you feel that you were**  
11 **confirming in your own mind everything that had been**  
12 **reported to you and Undersheriff Martin by**  
13 **Captain Rankin?**

14          A.    Yes. I didn't need -- I didn't feel I needed  
15 to look much farther to -- to know that I was going to  
16 inquire of my medical provider.

17          **Q.    Mr. Walter was, to your eye, clearly in need**  
18 **of medical attention, correct?**

19               MR. BUDGE: Object to form, foundation.

20          A.    All I can say is he did not look healthy. He  
21 didn't appear to me to need to go to the hospital or  
22 anything. He wasn't bleeding or complaining of pain or  
23 suffering. He just was very stoic, blank stare out the  
24 window.

25          **Q.    (BY MR. BUDGE) What do you mean by "stoic"?**

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1           A.    Uh.  Very nonemotional.  Um.  Just a -- as I  
2   recall, just a -- kind of a blank stare looking out the  
3   window.

4           **Q.    Did you attempt to engage in any dialogue**  
5   **with him?**

6           A.    I did not.

7           **Q.    Following your viewing of Mr. Walter for**  
8   **yourself after the report from Captain Rankin in which**  
9   **he told you all the things that you've already**  
10 **testified about, what did you do?**

11          A.    I don't recall if it was immediate, because I  
12   can't recall if I went to the medical office on that  
13   occasion or it was the other one.  I -- I, um -- I  
14   probably asked the booking staff if -- if Kathy or one  
15   of the medical personnel were in the building.  Um.

16                But I -- it was Kathy Maestas, our -- the  
17   HSA, that I spoke with.  Whether it was in her office  
18   or on the phone -- I -- I think I've done both, you  
19   know, as I reported in the interrogatories.  I just  
20   don't recall on which occasion was which, but I had a  
21   conversation with Miss Maestas about him --

22          **Q.    All right.**

23          A.    -- and what was being done for him.

24          **Q.    Did you seek to have a conversation with**  
25 **Ms. Maestas in specific regard to Mr. Walter, his**

1 condition as it had been reported to you and what you  
2 observed for yourself?

3 A. It was -- I don't -- I -- I didn't describe  
4 the brief symptoms or -- or didn't describe -- it was a  
5 brief, in-general conversation about his overall  
6 health; that he didn't appear to be doing good, that --  
7 that the staff were concerned, What are you all doing  
8 with Mr. Walters?

9 Q. Did you go to Kathy Maestas for the specific  
10 purpose of speaking with her about Mr. Walter?

11 A. I did.

12 Q. And tell me, in substance, what you would  
13 have reported to Ms. Maestas. You -- would you have  
14 reported the things that Commander Rankin was reporting  
15 to you?

16 A. I think I kind of thumbnailed the list of  
17 concerns that had been brought to me --

18 Q. Okay.

19 A. -- um, as I recall.

20 Q. "The list," including not sleeping?

21 A. Um. His diet, his --

22 Q. Not eating?

23 A. -- sleeping, the -- the kicking of the door.  
24 Just his overall emotional state of mind.

25 Q. Would you have, in substance, reported to

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1     **Ms. Maestas at this time the things that Commander**  
2     **Rankin had reported to you?**

3             A.     In substance, I believe we covered them, yes.

4             Q.     So you would have reported, in substance,  
5     **that he was not eating?**

6             A.     Yes.

7             Q.     That he was not sleeping?

8             A.     Yes.

9             Q.     That he was mentally confused?

10            A.     Yes.

11            Q.     That he was deteriorating?

12            A.     (Deponent nodded head.)

13            Q.     Yes?

14            A.     Correct.

15            Q.     That, uh, he appeared weak?

16            A.     Correct.

17            Q.     That it was reported that he was losing  
18     **unusual amounts of weight?**

19            A.     I can't say we specifically talked about each  
20     and every one of those things, but it was he did not  
21     look good, What are you doing?

22            Q.     And you would have made sure that she had a  
23     **full and complete picture of everything that you had**  
24     **been informed by Captain Rankin, correct?**

25            A.     Yes.

1           **Q. All right. Kathy Maestas was the head nurse;**  
2           **is that right?**

3           A. Correct.

4           **Q. And she was the HSA, correct?**

5           A. Yes.

6           **Q. And by "HSA," that means the health services**  
7           **administrator?**

8           A. Yes, sir.

9           **Q. And she commanded the other nurses at the**  
10          **jail, correct?**

11          A. Yes.

12          **Q. And so you went to the head nurse, as opposed**  
13          **to any other nurse. Why?**

14          A. Um. That's who I typically would respond to.  
15          She directs what they do and -- and, um, she's, uh,  
16          usually the one involved in their personal cases and  
17          has knowledge of what the -- the PAs and the doctors  
18          are saying, so that's who I would typically go to.

19          **Q. Tell me, in substance, what Ms. Maestas said**  
20          **to you in re -- in response to your report to her.**

21          A. Uh. As I recall the conversation, it, once  
22          again, wasn't long. It was -- um, she said, I -- I  
23          know, I understand, he does seem to be, um,  
24          deteriorating. Um. She spoke to me -- because I asked  
25          her specifically, you know, What -- What kinds of

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1 care -- What are you doing for Mr. Walters?

2 That's when she had talked about the  
3 titration or the weaning off of the methadone, um, and  
4 that she felt like that was contributing to -- to his  
5 deterioration. And she just assured me that -- that  
6 her and -- and Roy Havens, the physician's assistant,  
7 were monitoring him and -- as well as the other medical  
8 staff, and they were, as she described, "on it."  
9 "We're on it, Sheriff. We're taking care of him."

10 **Q. Did she, uh, tell you that she was aware of**  
11 **everything that you had reported to her?**

12 A. No, we didn't speak specifically about --  
13 once again, the -- it was a general -- just, He's not  
14 doing well, What are you doing? And that's when she  
15 described the -- the -- just the monitoring -- ongoing  
16 monitoring that they were doing and the -- the weaning  
17 off of the methadone. We didn't speak about any other  
18 particulars about him, that I can recall.

19 **Q. Did you say that he was withdrawing?**

20 A. I -- I think we did talk -- yeah, I think  
21 she, um, used that terminology of "withdrawing" because  
22 of -- they were, um, taking him off the methadone -- or  
23 excu -- weaning him off of the methadone. Um. So I  
24 think she spoke of it as withdrawal, um, symptoms.

25 **Q. Did she say that she was aware that he had**



1     **come in with a prescription for Klonopin?**

2           A.     No. We did not speak about that.

3           **Q.     Did you ever ask to see any medical records**  
4     **relating to Mr. Walter?**

5           A.     Prior to his death?

6           **Q.     Yes.**

7           A.     No.

8           **Q.     Did -- did you, um, know that Mr. Walter had**  
9     **come in with a prescription for Klonopin?**

10          A.     I wasn't aware of that, no.

11          **Q.     Do you think that Ms. Maestas was aware that**  
12     **he was on Klonopin when he came into the jail?**

13                 MR. BUDGE: Object to form, foundation.

14          A.     Um. Say -- say who -- who --

15          **Q.     (BY MR. BUDGE) Do you think that Ms. Maestas**  
16     **was aware --**

17          A.     Okay.

18          **Q.     -- that he was on Klonopin when he came into**  
19     **the jail?**

20          A.     I would assume.

21                 MR. TIEMEIER: Same objection.

22          A.     They get his medical records from the booking  
23     officer, so I -- whatever was listed on there, I would  
24     assume Medical would have that knowledge, yes.

25          **Q.     (BY MR. BUDGE) In the normal course of**

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1 events when a person is brought into the jail with a  
2 prescription medication and the person actually brings  
3 his or her prescription bottles into the jail, what is  
4 the procedure as it pertains to the jail taking custody  
5 of those medications and making sure that medical staff  
6 is aware of what the inmate has been taking on the  
7 outside?

8 A. So the booking officer, um, collects that --  
9 all of their property such as medications. Um. It's  
10 logged and noted and put in the, um, booking sheets,  
11 um, in the medical questionnaires. And then the  
12 medication itself is -- is typically taken to the  
13 medical office, um, and delivered to a medical  
14 personnel if they're there.

15 If they're not there, there's a drop box --  
16 there's a system in place which they can, um, put the  
17 medication in for Medical that's secure.

18 Q. If Mr. Walter had come in with a prescription  
19 for Klonopin and had physically brought those Klonopin  
20 bottles with him to the jail, would you expect that, in  
21 the normal course of events, that Ms. Maestas would be  
22 aware that Mr. Walter had been taking Klonopin on the  
23 outside?

24 A. Um. Once again, she's the head, uh, nurse,  
25 so -- some medical personnel should have been made

1     aware of it. I don't know, um, in what order that --  
2     that goes on. I know that they, uh, have a process to  
3     verify, you know, the prescription and, um, all those  
4     things. Um.

5                 So I -- I can't say it was Kathy or any of  
6     the other medical personnel. Um. Somebody was made  
7     aware from the medical department that -- if there's  
8     medications, um, that -- that a -- that a person who's  
9     incarcerated is taking, so . . .

10                **Q.     Are the procedures at the jail designed so**  
11     **that a person who brings in a prescription drug -- so**  
12     **that the medical staff will be fully aware of what**  
13     **medications that person has brought in with him to the**  
14     **jail?**

15                A.     Yes.

16                **Q.     Is it important that the medical staff be**  
17     **aware of any medications that the person has been**  
18     **taking on the outside?**

19                A.     Yes.

20                **Q.     And would you expect in the normal course of**  
21     **events that if Mr. Walter had brought in a prescription**  
22     **for Klonopin and that he physically had the Klonopin**  
23     **bottles with him at the jail, that Ms. Maestas and the**  
24     **medical staff would be aware of that in the normal**  
25     **course of events?**

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1 A. Yes.

2 Q. Have you told me everything that you can  
3 recall about this first occasion where Captain Rankin  
4 came to you and Undersheriff Martin, reported it --  
5 what he reported, you went and saw Mr. Walter for  
6 yourself, and then you sought out and made a report to  
7 Ms. Maestas?

8 A. To the best I can remember, yes, that's --  
9 that's -- describes it.

10 Q. Following that -- what we'll call first  
11 occasion, which we can agree probably took place on  
12 April 16th, correct?

13 A. Correct.

14 Q. -- did you receive subsequent reports from  
15 any member of your staff, whether it be Captain Rankin,  
16 Undersheriff Martin or others, that Mr. Walter was  
17 continuing to deteriorate?

18 A. Actually, I believe I did. And I -- I didn't  
19 put it in the interrogatories. It's something that  
20 kind of came to me later. I -- I believe that Corporal  
21 Greg Owen had come to my office one evening, uh, right  
22 after that. Um. He worked that -- that later shift,  
23 as I recall, and I was there late in my office, uh,  
24 which happens -- many times they see me there and they  
25 come talk.

1                   And I -- I believe I remember him expressing  
2   his concern, um, about Mr. Walters. He seemed  
3   extremely upset or concerned by it, um, disturbed by  
4   it, um, and I did have a brief conversation with him  
5   about it. Um.

6           **Q.    Let -- let me interrupt you --**

7           A.    Okay.

8           **Q.    -- there. This occasion where Corporal Owen**  
9   **came to you was after what we've already talked about**  
10   **when you had already seen Mr. Walter for yourself and**  
11   **had been informed of what you had been informed about**  
12   **from Captain Rankin, correct?**

13          A.    I believe it was.

14          **Q.    And Corporal Owen sought you out in your**  
15   **office?**

16          A.    Uh. I can't say that he came to find me  
17   specifically. He came to that side of the building for  
18   something. It may have been because he knew I was  
19   there. I can't -- I don't recall -- um. Many of the  
20   late shift people do that when they see the sheriff  
21   there and they want to speak to me.

22                So I don't know if he specifically sought me  
23   out to come tell me that, but it -- but it was an  
24   occasion that he spoke about it to me. And I -- I  
25   did -- I forgot about it, um, until I was thinking

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1 about it later, so it wasn't on the interrogatories.

2 Q. And Corporal Owen, uh, reported to you at the  
3 Sheriff's Office that he was extremely upset and  
4 concerned at the fact that Mr. Walter's condition was  
5 continuing to deteriorate?

6 A. Uh. To say "extremely upset," um, he's a  
7 very sensitive fellow, and you wouldn't know to look at  
8 him, but I could tell that he was bothered by his, you  
9 know, continued deterioration. He -- he seemed  
10 bothered by it.

11 Q. And what did Corporal Owen report to you in  
12 terms of Mr. Walter's condition, in substance?

13 A. Um. I'm going to try to recall the  
14 conversation a long time ago. I don't think we  
15 actually spoke about specific symptoms. It was more,  
16 you know, Sheriff, um, he's not doing well, and -- and  
17 what's -- you know, what Medical's doing is not  
18 working, and -- and -- and it was more kind of that  
19 conversation. It wasn't specifics about, you know --  
20 you know, the -- the things we spoke of earlier.

21 And I just reassured him that I was in touch  
22 with -- with our medical provider and -- and that we  
23 weren't doctors and we had to trust that they were  
24 doing what they needed to be doing, um, with -- with  
25 his situation.

1           Q.    Was it evident to you that Corporal Owen was  
2 quite concerned about Mr. Walter?

3           A.    I could tell he was upset, um -- or, yeah,  
4 concerned, upset, about it.

5           Q.    What --

6           A.    He wasn't mad upset. He was just concerned  
7 for him.

8           Q.    Worried for him?

9           A.    Yes, worried for him. Thank you. That's a  
10 better . . .

11          Q.    Was Corporal Owen worried that Mr. Walter was  
12 not getting all the medical attention that he needed?

13          A.    He didn't say that, but I -- I think the  
14 inference was he felt like something more could be done  
15 for him.

16          Q.    Was it evident from Corporal Owen's report to  
17 you that Mr. Walter was continuing to decline, go  
18 downhill?

19          A.    Um. Say -- please say that again.

20          Q.    Was it evident from Corporal Owen's report to  
21 you that Mr. Walter was continuing to decline, go  
22 downhill, deteriorate --

23          A.    Uh --

24          Q.    -- get worse?

25          A.    He certainly did not think he was improving

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1 at all. There was no, um, visible improvement of his  
2 health.

3 **Q. And what did you do in response to this**  
4 **report that you got from Corporal Owen?**

5 A. I actually believe that was the second time  
6 that I may have gone, um, over to the jail, um, to --  
7 to look at Mr. Walters. I -- that's why I recalled it  
8 later, but I think that was the second time that I -- I  
9 went over.

10 Um. Actually, I make at least one visit  
11 to -- to the jail or in the booking area daily because  
12 I look at the numbers, the count on the numbers, which  
13 we keep a large board in that area. So, um -- but --  
14 but, once again, he was on shift. We walked -- I  
15 believe we walked over there, um, and I went back into  
16 the booking area.

17 That -- and that time, I believe I remembered  
18 Mr. Walters was laying down. Once again he was in the  
19 suicide smock, and he was laying on the bunk in that  
20 cell.

21 **Q. So given that Mr. Walter was laying down, is**  
22 **it likely that you actually went up to the cell and**  
23 **looked through the window?**

24 A. Um. That's what I recall. Um. And -- and  
25 once again make -- and I did that, uh, going to the



1 medical office which you have to go through to get to.

2 Q. All right. So in response to the report from  
3 Corporal Owen, you would have then promptly gone over  
4 to the jail, correct?

5 A. Yes.

6 Q. And you would have gone over to the jail with  
7 the specific purpose of speaking with medical staff  
8 about Mr. Walter. And, again, this is the second  
9 occasion?

10 A. Correct.

11 Q. And before going in to see the medical staff  
12 about Mr. Walter, you would have passed through the  
13 common area outside of Holding Cell 2 and taken a good  
14 look at Mr. Walter for yourself?

15 A. I wouldn't say it was a good look. Like I  
16 said, he was -- he appeared to be, you know, laying  
17 down. He appeared to be asleep, to me, but his head  
18 was turned in a -- in a way -- on his side that I  
19 actually couldn't see whether his eyes were open or  
20 not, I don't know, but he was laying on the bunk in the  
21 suicide smock.

22 I then went to the medical office and -- and  
23 this is where I -- I think I had a phone conversation  
24 with Kathy because typically she's not there in the  
25 evening unless she's filling in for somebody. I think

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1 it was another medical person that there was. And I  
2 believe they were out doing med -- the -- the medical,  
3 uh -- medication pass. And so I went back to my office  
4 and that -- I think that's when I made the phone call  
5 to Kathy Maestas.

6 Q. And you made that phone call to Kathy  
7 Maestas. Then this is the second time you would have  
8 spoken with her specifically about Mr. Walter, correct?

9 A. Correct.

10 Q. And what would you have said to Ms. Maestas  
11 at this time?

12 A. As I recall that conversation, I just  
13 remember saying, Kathy, the -- the -- the staff  
14 continue to be concerned about him, he doesn't seem to  
15 be improving, um, what -- what are you folks doing with  
16 Mr. Walters? He's just not getting any better.

17 Q. Were you quite clear to Ms. Maestas that you  
18 were concerned about Mr. Walter?

19 A. Yes.

20 Q. And in terms of your communication style as  
21 sheriff, do you try to speak with people directly,  
22 unambiguously so that there's no misunderstanding about  
23 what it is that you feel and what it is that you  
24 intend?

25 A. Whenever possible, yes.

1           Q.    And did you make it a hundred percent clear  
2   to Ms. Maestas on this occasion that you were quite  
3   worried about Mr. Walter from the reports that you were  
4   getting from staff?

5           A.    She as well as myself, um, agreed that we  
6   were concerned about his -- him not improving.

7           Q.    But in answer to my question, did you make it  
8   a hundred percent clear to Ms. Maestas that you were  
9   quite concerned about Miss -- Mr. Walter?

10          A.    I would have to believe she knew I was very  
11   concerned, yes.

12          Q.    And, again, this is the second time that  
13   you've gone to Ms. Maestas, the second time that you've  
14   communicated with her about Mr. Walter?

15          A.    Correct.

16          Q.    And was this probably on the next day after  
17   the day that we've already talked about?

18          A.    Correct.

19          Q.    So the day -- if -- if the day that we've  
20   already talked about was April 16th, this was probably  
21   April 17th, correct?

22          A.    Correct.

23          Q.    And you would have clearly and unambiguously  
24   communicated to Ms. Maestas your concerns?

25          A.    Correct.

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1           Q.    And you would have clearly and unambiguously  
2   communicated to Ms. Maestas that you fully expected  
3   that she would provide all appropriate care to  
4   Mr. Walter?

5           A.    Her and the PA, the physician's assistant,  
6   yes.

7           Q.    And/or any other nursing staff, or . . .

8           A.    Yes, any of the medical staff, yes.

9           Q.    You wanted this situation to be taken care  
10   of, right?

11          A.    I expect them, yes, to take care of the folks  
12   in the jail. That's what I pay them to do.

13          Q.    Mr. Walter, uh, remained mentally confused,  
14   correct?

15          A.    That's my understanding, yes.

16          Q.    Mr. Walter remained weak appearing?

17          A.    Yes.

18          MR. O'CONNELL:   Form.

19          Q.    (BY MR. BUDGE) He was still pale and unwell  
20   looking?

21          A.    To the best I could see him on that second  
22   visit, yes.

23          Q.    Um. As far as you know, he still wasn't  
24   eating?

25          A.    It was sporadic, at best. I -- I think,

1 as -- as I recall, he may have had some stuff. I --  
2 I -- but -- yeah, his diet was a problem, I believe.

3 **Q. And still not sleeping regularly?**

4 **A.** Yeah. All those things. Yes.

5 **Q. Still shaking, shuddering?**

6 **A.** As reported to me, yes.

7 **Q. Still talking with people who weren't there?**

8 **A.** As far as I know.

9 **Q. Still acting in such a way that he appeared**  
10 **to be hallucinating?**

11 **A.** At times, yes. That's what was reported.

12 **Q. So what did Ms. Maestas say to you in**  
13 **response to your reporting to her on this second**  
14 **occasion, which was probably April 17th, about your**  
15 **serious concerns?**

16 **MR. O'CONNELL:** Objection to form.

17 **A.** Could you repeat that? You turned away a  
18 little bit. I didn't hear you.

19 **Q. (BY MR. BUDGE) What did Ms. Maestas say to**  
20 **you, in substance, in response to this second report**  
21 **that you made to her about your serious concerns?**

22 **A.** That she would communicate to Roy Havens, you  
23 know, our concerns, that she felt like that they were  
24 monitoring him closely, um, and doing what they needed  
25 to be doing with Mr. Walters's situation.

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1           Q.    Were you concerned that perhaps medical staff  
2   was not providing Mr. Walter with all appropriate care?

3           A.    No, I -- I believe that they were attending  
4   to him.

5           Q.    Based on anything other than her assurance to  
6   you?

7           A.    Correct.

8           Q.    Was there anything other than --

9           A.    Oh.

10          Q.    -- her assurance to you that led you to the  
11   conclusion that they were providing all appropriate  
12   care to Mr. Walter?

13          A.    I had no reason to believe that they weren't  
14   doing everything that they needed to be doing in his  
15   situation.

16          Q.    All right. Now, you have described this  
17   conversation with Corporal Owen, which you did not put  
18   in your interrogatory response. I appreciate your  
19   bringing that to my attention.

20                Going back to the interrogatory response,  
21   however, and searching your own memory, did you  
22   subsequently receive yet additional reports from jail  
23   staff, whether it be Captain Rankin or others, about  
24   Mr. Walter's deteriorating condition?

25          A.    The only thing I remember would have been the

1 phone call from the undersheriff reporting to me his  
2 death.

3 Q. You say in your interrogatory answer, do you  
4 not, that you saw Mr. Walter on two to three occasions?

5 A. Yes. I'm guessing whether it was -- I had  
6 probably saw him more, but I -- specifically at least  
7 on the two occasions. I can't recall if it was, you  
8 know, more in passing. I'm over there a lot, so I  
9 probably saw him, but it wasn't the reason I was there.

10 Q. Throughout the course of time between  
11 April 16th and April 18th, did you continue to receive  
12 reports from Captain Rankin about Mr. Walter?

13 A. We spoke of him several times, and more than  
14 just him. So I can't recall if it was just him or it  
15 was just -- we -- we were aware of his situation, we  
16 kept on top of it. So I don't know how I would answer  
17 that to say he continued to report to me. And so I  
18 guess, yes, we -- we -- we were aware of him and -- and  
19 monitoring ourselves. Yeah.

20 Q. Let me just ask you, you've described some  
21 specific conversations that you had with Captain  
22 Rankin, some specific conversations that you had with,  
23 uh, Corporal Owen. Over the course of time between  
24 April 16 and April 18, did you continue to receive  
25 reports, communications or information from your staff

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1 leading you to believe that staff remained concerned  
2 about Mr. Walter and his deteriorating condition?

3 A. Nothing more than what we've already  
4 described, um, earlier.

5 Q. Do you recall a detention deputy who used to  
6 work at your jail named Sara Lightcap?

7 A. Yeah.

8 Q. Um.

9 A. I say it that way because I have more staff  
10 than I used to, and sometimes putting a face with a  
11 name is -- is more difficult than I would like.

12 Q. I understand. But you do recall that she was  
13 one of the detention deputies --

14 A. Yeah.

15 Q. -- back at that time?

16 A. Correct.

17 Q. And, uh, let me just ask you, between  
18 April 16 and April 18 of 2014, do you agree that  
19 Mr. Walter was losing unusual amounts of weight?

20 A. That's my understanding, yes.

21 Q. And between those dates, April 16 and  
22 April 18, uh, do you recall that Mr. Walter was, uh --  
23 I'm just going to go through a list with you -- weak  
24 appearing?

25 A. Correct.



1           **Q.     Shuddering or convulsing?**

2           A.     That was reported to me, yes.

3           **Q.     That, um, his shuddering or convulsing was**  
4 **affecting his entire body?**

5           A.     Yes.

6           **Q.     Appeared to be involuntary?**

7           A.     Correct.

8           **Q.     Was seizurelike?**

9           A.     I never heard anybody report it to me that  
10 way, but . . .

11          **Q.     That it was a pronounced shuddering or**  
12 **shaking?**

13          A.     Um. Yes, that's how it was reported.

14          **Q.     It was reported to you that he was, um,**  
15 **talking to the walls?**

16          A.     Correct.

17          **Q.     Telling people to get out of his cell who**  
18 **weren't in his cell?**

19          A.     Um. I don't remember that specifically, but  
20 talking like that, yes.

21          **Q.     Yelling with no apparent purpose?**

22          A.     Yes.

23          **Q.     Unaware of the presence of others?**

24          A.     Yes. I recall him talking about that.

25          **Q.     Inappropriately naked?**

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1 A. Yes.

2 Q. Mentally confused?

3 A. Correct.

4 Q. Was it reported to you that he was rolling  
5 around naked on the floor while yelling?

6 A. I don't recall having -- being told that  
7 specifically, no.

8 Q. Lying on the cold floor naked without a  
9 covering or blanket?

10 A. I know that keeping the smock or -- yeah, him  
11 clothed was -- was difficult. He wouldn't keep those  
12 things on.

13 Q. And he would lay naked on the cold floor?

14 A. Yeah. I recall the staff talking about that.

15 Q. And was it reported to you that Mr. Walter's,  
16 uh, body, uh, was showing excessive bruising?

17 A. I don't recall anybody ever saying anything  
18 about that to me.

19 Q. Do you recall that Mr. Walter had excessive  
20 bruising on his body?

21 A. After his death.

22 Q. You don't recall that there were bruises  
23 showing up each day while he was confined in the  
24 holding cell?

25 A. It wasn't reported to me.

1           Q.    You made the connection in your mind that,  
2   uh, the diminishing size of Mr. Walter, uh, was  
3   probably due to his not eating?

4           A.    I didn't get a great look at him when he  
5   first came in, so it -- that wasn't -- that wasn't  
6   something that stood out in my mind, um, necessarily,  
7   uh, because I didn't -- I don't know him, didn't know  
8   him, so I didn't know, really, what he looked like when  
9   he got there. So that wasn't a significant issue. I  
10   mean, he just looked very bad.

11          Q.    Did you know that Mr. Walter had wounds on  
12   his body that were not covered?

13          A.    Only after his death.

14          Q.    Did you know that his cell was smelling like  
15   urine?

16          A.    Um. I don't recall anybody reporting that.

17          Q.    Did you know that his appearance, behavior  
18   and symptomology was quite different when he was in the  
19   holding cell from what it had been when he was in the  
20   T pod?

21          A.    As reported as deterioration in his overall  
22   state of mind, yes.

23          Q.    Did you have concerns that Mr. Walter was not  
24   fit to be confined in the cell, that he belonged in a  
25   hospital?

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1 A. I didn't have that concern, no.

2 Q. Is it fair to say that you were very worried  
3 about Mr. Walter?

4 A. I increasingly became more and more concerned  
5 about him as this event took place.

6 Q. And is it fair to say that your staff were  
7 very concerned about Mr. Walter?

8 A. It is.

9 Q. Is it fair to say that your staff were very  
10 frustrated, feeling that they were helpless with regard  
11 to Mr. Walter's need for medical attention?

12 MR. TIEMEIER: Object to form.

13 A. It is.

14 Q. (BY MR. BUDGE) Is it fair to say that your  
15 staff were communicating to you that they were all very  
16 frustrated with the medical staff at the jail?

17 A. It is.

18 Q. And they were all very frustrated because  
19 they did not feel Mr. Walter was getting the medical  
20 help that it appeared to them that he needed, correct?

21 A. Correct.

22 Q. Did staff express to you that they were  
23 frustrated because it appeared to them that  
24 Mr. Walter's medical condition was an urgent matter  
25 that was not being addressed by medical staff?

1           A.    I -- I never recall them saying that they  
2    thought it was urgent, just that he would not improve  
3    or was not improving.

4           Q.    Do you know of a, uh, detention deputy at  
5    your jail named Charlene Combs?

6           A.    Yes.

7           Q.    And she still works at the jail, right?

8           A.    Correct.

9           Q.    You have not reviewed her deposition  
10   transcript?

11          A.    No, I have not.

12          Q.    But you would agree that Mr. Walter, when he  
13   was in Holding Cell 2, was not making sense?

14          A.    Yes.

15          Q.    Losing weight real fast?

16          A.    Correct.

17          Q.    Being unresponsive to the presence of others?

18          A.    Correct.

19          Q.    Were you under the impression that pretty  
20   much the entire jail staff that regularly saw  
21   Mr. Walter was concerned about his deteriorating  
22   condition?

23          A.    Those that were assigned up in that area  
24   routinely, yes, I would have to say that's their  
25   overall -- yeah.

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1           **Q.    And were you also under the impression that**  
2   **pretty much the entire jail staff was frustrated about**  
3   **Medical's lack of response to Mr. Walter?**

4           A.    Yeah, I think that's accurate.

5           MR. O'CONNELL:   Take a short break when  
6   convenient.

7           MR. BUDGE:   Yes.

8           MR. O'CONNELL:   I don't know if now is  
9   convenient, so that's why I . . .

10          MR. BUDGE:   Okay. All right. Let's go ahead  
11   and take, what, about five-minute break or so.

12          MR. O'CONNELL:   Yeah, that's fine.

13          THE VIDEOGRAPHER:   This ends Media No. 1.  
14   We're going off the record at 10:49.

15          (A recess was taken from 10:49 a.m. to  
16   10:59 a.m.)

17          THE VIDEOGRAPHER:   We're back on the record  
18   at 10:59. This is Media 2 in the deposition of Sheriff  
19   James Beicker.

20          **Q.    (BY MR. BUDGE)   Sheriff Beicker, as you had**  
21   **concerns that Mr. Walter was not eating, did you also**  
22   **have concerns that Mr. Walter was not drinking?**

23          A.    I don't really recall anybody reporting that  
24   to me. They may have, but I don't recall that.

25          **Q.    Did you have concerns that Mr. Walter was not**

1     **drinking?**

2           A.     I didn't, no.

3           **Q.     The testimony that you've provided so far**  
4 **relates to the period April 16 to April 18. Assuming**  
5 **that April 18 was a Friday, would you have probably**  
6 **gone home, uh, or at least left the jail after normal**  
7 **business hours on Friday the 18th?**

8           A.     Correct.

9           **Q.     And you would not have been in the jail on**  
10 **Saturday, the 19th, or Sunday, the 20th, correct?**

11          A.     Not that I can recall, no.

12          **Q.     Did you expect that if Mr. Walter continued**  
13 **to deteriorate, that if necessary, he would be brought**  
14 **to the hospital in Canon City?**

15          A.     If that was what was needed, yes.

16          **Q.     And, uh, tell me a little bit about the**  
17 **hospital in Canon City. What is the name of the**  
18 **hospital in Canon City?**

19          A.     Saint Thomas More Hospital.

20          **Q.     And is it a modern hospital?**

21          A.     Yeah, I believe it is.

22          **Q.     How far is it from the jail?**

23          A.     Distancewise or timewise?

24          **Q.     Well, let's do both.**

25          A.     I'm going to say about 3-1/2 or 4 miles, uh,

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1 distance. Driving, probably 10 minutes or less, uh,  
2 driving from the jail to the hospital.

3 **Q. Are there procedures in place at the jail**  
4 **that permit, uh, an inmate to be transferred to the**  
5 **hospital if the inmate is in need of hospitalization?**

6 A. There is.

7 **Q. What do those procedures consist of?**

8 A. Well, it's largely dependent upon the  
9 individual that would be -- need transporting, if they  
10 have different security levels, um, different concerns  
11 there. Um. So it's just dependent upon that.

12 **Q. If the decision had been made at any time to**  
13 **transfer Mr. Walter to the hospital, what are the steps**  
14 **the detention staff would have undertaken in order to**  
15 **assure that that transport occurred?**

16 A. Once again, it would depend on the nature of  
17 the transport and the -- you know, the either exigent  
18 circumstances or non-exigent circumstances, so it's  
19 just dependent on that.

20 **Q. Are there procedures in place for taking an**  
21 **inmate to the hospital in a patrol vehicle or a vehicle**  
22 **of the sheriff's office as opposed to ambulance?**

23 A. Correct. We do both sometimes, yes.

24 **Q. And for a person to be brought to the**  
25 **hospital in a patrol vehicle or a vehicle owned by the**



1     **sheriff's department, what has to occur?**

2           A.     Um, typically, that would be a nonemergent  
3     type of transport. Typically, that would probably be  
4     scheduled both with -- either with our transport staff,  
5     um, and/or the medical staff at the -- at the jail.

6           **Q.     If Ms. Maestas or any medical provider had,**  
7     **uh, suggested that Mr. Walter should be brought to the**  
8     **hospital, uh, how long would it have taken to take**  
9     **Mr. Walter to the hospital in a vehicle by the**  
10    **Sheriff's Office?**

11          A.     Um, assuming it was nonemergent, you know,  
12    based on the medical provider -- is that -- is that  
13    what you mean?

14          **Q.     Medical provider said, you know what, let's**  
15    **get Mr. Walter --**

16          A.     To the hospital.

17          **Q.     -- to the hospital.**

18          A.     Okay.

19          **Q.     Uh, detention staff, I'd like you to arrange**  
20    **the transport.**

21          A.     Yeah. Um -- oh, excuse me.

22          **Q.     From the time of that direction, order,**  
23    **suggestion, until --**

24          A.     Yeah.

25          **Q.     -- the patrol vehicle was at the front door**

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1 of the hospital, how much time?

2 A. Typically I would say about 30 minutes.

3 Q. Can you think of any reason that Mr. Walter  
4 could not have been brought to the hospital here in  
5 Canon City within 30 minutes of such a suggestion by a  
6 member of medical staff?

7 A. Um, could you -- I want to make sure I  
8 understand what you just asked me.

9 Q. Can you -- can you think of any reason why,  
10 in Mr. Walter's case, that if medical staff had  
11 directed or suggested that he be brought to the  
12 hospital, why that transport could not have occurred  
13 within, let's say, 30 minutes from the time of the  
14 direction or suggestion until such time as the vehicle  
15 was pulling up to the front of the hospital?

16 A. There would be no reason we couldn't meet  
17 that time frame if it had been at their direction.

18 Q. And, similarly, there are procedures in more  
19 exigent or emergent circumstances for transporting the  
20 inmate to the hospital via ambulance?

21 A. Correct.

22 Q. And how does that transport occur in a secure  
23 way?

24 A. It -- it would happen with an ambulance, and  
25 either an officer would be onboard the ambulance or

1 a -- in -- in a car directly, um, following the  
2 ambulance to the hospital.

3 Q. And so if any medical person had suggested or  
4 directed that Mr. Walter be brought to the hospital,  
5 uh, there's no reason why that could have -- could not  
6 have occurred either by, um, ambulance or by Sheriff's  
7 Office vehicle within 30 minutes or less.

8 A. Um. By ambulance, it would probably occur a  
9 little quicker, but, yeah, there's no reason they  
10 wouldn't have been transported -- or he wouldn't have  
11 been transported.

12 Q. Similarly, is it the case at the Fremont  
13 County Sheriff's Office that, if necessary, an outside  
14 provider can be called in to evaluate an inmate?

15 A. Um. Medical provider or --

16 Q. Medical provider.

17 A. No. By contract, I'm -- I'm kind of -- go  
18 out on a limb here. I -- it would have been through  
19 our provider. If they had requested it, um, then yes,  
20 but it would be arranged but through -- through the  
21 medical provider. For instance, I think we had, uh,  
22 x-rays brought in, and that's all arranged by them and  
23 approved by them. But we don't allow, say, a -- um,  
24 family practice physicians or anything like that to  
25 come in, um, unless they are contracted or they're an

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1 employee of the medical provider.

2 Q. So is it the policy of the jail that no  
3 outside provider, no outside medical provider, will be  
4 brought into the jail other than a provider who is  
5 already approved under the contract between Fremont  
6 County and Correctional Healthcare Companies?

7 A. They would have to approve it, yes.

8 Q. And without the per -- without the approval  
9 of the HSA -- that is, Kathy Maestas as the health  
10 services administrator for Fremont County -- is it the  
11 policy of the Fremont County Sheriff's Office that an  
12 outside provider will not be brought in for an inmate?

13 A. Correct.

14 Q. And is it also the policy of the Fremont  
15 County Sheriff's Office that without the approval of  
16 the HSA in the form of Kathy Maestas through the  
17 contract with Correctional Healthcare Companies, that  
18 an inmate will not be brought to the hospital?

19 MR. TIEMEIER: Object to form and foundation.

20 A. Um. No, that's not exactly correct.

21 Q. (BY MR. BUDGE) All right.

22 A. If -- if it was an exigent circumstance,  
23 there were life-threatening injuries, very obvious  
24 life-threatening injuries, bleeding and  
25 unresponsiveness, then -- then we, the staff -- the

1     command, the -- the -- the -- the supervisors -- or  
2     anybody in the detention facility could make a call  
3     that we need an ambulance to transport somebody to the  
4     hospital for lifesaving measures.

5           **Q.     Absent an emergent situation where the inmate**  
6     **was bleeding, as you described, or unresponsive, is it**  
7     **the policy of the Fremont County Sheriff's Office that**  
8     **the approval of the health services administrator,**  
9     **Kathy Maestas, under contract with Correctional**  
10    **Healthcare Companies, needs to first approve a hospital**  
11    **transport?**

12           A.     Yes, that would be our typical procedure.

13           **Q.     That is the policy?**

14           A.     Correct.

15           **Q.     Now, when you observed Mr. Walter in his**  
16    **cell, in the holding cell, uh, you would have noticed**  
17    **that there was a handwritten log known as an Inmate**  
18    **welfare check list posted on the outside door of his**  
19    **cell; is that right?**

20           A.     I didn't look at -- on his particular case,  
21    but I'm going to assume they had one.

22           **Q.     And if they had one in the case of**  
23    **Mr. Walter, would you have looked at it?**

24           A.     Would I have personally looked at it?

25           **Q.     Yes.**

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1           A.    Um.  I didn't -- I didn't look at it.

2           **Q.    Any particular reason why not?**

3           A.    Um.  No, other than that's a routine  
4    procedure that the -- the staff have up there for  
5    people who are under observation so that they keep  
6    track of, uh, you know, their monitoring of whatever  
7    person that is.  So I -- I didn't have any reason to  
8    believe they weren't following the procedure with  
9    Mr. Walter, and I don't believe they did so.

10          **Q.    Handing you what's been marked as Exhibit 7**  
11   **for your deposition -- and there is no Exhibit 5 or**  
12   **6 -- does this appear to be the Inmate welfare**  
13   **checklist for Mr. Walter?**

14          A.    It does.

15          **Q.    Any reason to believe that this was not**  
16   **posted on the outside door of his cell when you went to**  
17   **see him?**

18          A.    No.  I believe I saw it hanging there, but I  
19    looked through the glass so I wouldn't -- I didn't  
20    examine what was on the log.

21          **Q.    Given that you were interested in knowing**  
22   **about Mr. Walter and his condition and what was being**  
23   **done for him, if anything, uh, why would you have not**  
24   **reviewed the Inmate Welfare Checklist in order to gain**  
25   **a full and accurate, uh, understanding of his condition**

1     **leading up to the time that you saw him?**

2           A.     I had no reason to believe the staff were  
3     reporting something opposite of what they were doing,  
4     so I -- I en -- I trusted the staff's, you know,  
5     comments to me and their reports to me to be accurate.

6           **Q.     Did you feel that you already knew about**  
7     **Mr. Walter's condition as reflected in the Inmate**  
8     **welfare check list?**

9           A.     Just superficially from their reports.

10          **Q.     Did Mr. Walter appear to you to be physically**  
11     **or mentally able to fill out an inmate medical request**  
12     **form or kite?**

13          A.     Um.   Say that again, please.

14          **Q.     Did Mr. Walter appear to you to be physically**  
15     **or mentally able to fill out an inmate welfare request**  
16     **form, medical form, or kite?**

17          A.     I couldn't say whether he could or not.

18          **Q.     If a detention deputy were to testify that**  
19     **Mr. Walter did not appear to be physically or mentally**  
20     **able to fill out an inmate medical request form, or**  
21     **kite, would you have any reason to disagree with that?**

22          A.     No, I would not.

23                 MR. TIEMEIER:   Object to foundation.

24                 THE DEPONENT:   Oh --

25          **Q.     (BY MR. BUDGE)   If --**

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1 THE DEPONENT: -- excuse me.

2 Q. (BY MR. BUDGE) If Mr. Walter did not appear,  
3 according to the testimony of detention deputies,  
4 physically capable of holding a cup to his lips, would  
5 you have any reason to disagree with that?

6 A. I would not.

7 Q. Did you document any of your conversations  
8 with Ms. Maestas?

9 A. No.

10 Q. Any particular reason why not?

11 A. I have many such conversations in -- in the  
12 course of having worked with them as providers and, um,  
13 this was no different than any of the others, unlike in  
14 many of the others I've had, um, concern, just wanted  
15 to know personally that -- that they were aware of --  
16 of what the staff were seeing, what I was being  
17 reported. Didn't feel the need to -- to have to  
18 document that.

19 Q. Can you recall any other occasion, even if  
20 you cannot remember the inmate by name, where medical  
21 -- excuse me -- where detention staff came to you  
22 repeatedly to report that they felt that an inmate's  
23 condition was continuing to deteriorate and that they  
24 were frustrated with medical staff's lack of attention  
25 to the inmate?



1           A.     Nothing that comes specifically to mind.  
2     There's been other staff that expressed concern with  
3     Medical's, um, care, um, but, um, probably not any  
4     like -- like Mr. Walter.

5           Q.     Was Mr. Walter a unique situation in terms of  
6     the level of severity of the symptoms from which he was  
7     suffering, the deterioration that he was experiencing,  
8     and the level of frustration that was being  
9     communicated to you by the staff?

10          A.     Uh. Uh. Please ask the question again.

11          Q.     Can you recall any other situation on par  
12     with that of Mr. Walter with regard to detention  
13     staff's reports about an inmate continuing to  
14     deteriorate and their level of frustration with the  
15     medical staff?

16          A.     Well, we see many people, in -- in, uh,  
17     different states of -- of health that come through the  
18     jail because of, uh, drug abuse or drug addiction.  
19     Nobody comes to mind like that situation, no.

20          Q.     Any scenario or situation that comes to mind  
21     that's on par with that of Mr. Walter in the 13 years  
22     that you've been sheriff?

23          A.     There have been others that we were concerned  
24     about in their -- in their health, certainly.

25          Q.     Any other situation that comes to mind that

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1 is on par with that of Mr. Walter with regard to the  
2 level of seriousness that was being expressed to you by  
3 staff about his deteriorating condition and their  
4 frustration with medical staff?

5 A. I would have to say yeah, there's been  
6 others, um, and probably many others, but probably none  
7 in which that the person didn't eventually, uh, maybe  
8 improve or then was probably released from custody, and  
9 I have no clue what maybe have happened with their --  
10 with their --

11 Q. So there have been other situations where  
12 staff has expressed to you frustration at medical  
13 staff's lack of attention to an inmate who was  
14 deteriorating?

15 A. There was some previous employees that didn't  
16 like the way they -- when they -- when we contracted  
17 with them how they, um, went about doing their business  
18 day in and day out.

19 Q. Okay. Including Kathy Maestas?

20 A. Correct.

21 Q. All right. Tell me everything that you can  
22 remember about that prior to the time of Mr. Walter.  
23 Tell me all the occasions that you can recall, even if  
24 not specifically, but generally, prior to Mr. Walter  
25 about staff members being frustrated by the level of

1     **care being provided or overseen by Ms. Maestas.**

2           A.     You know, it wasn't any concern about the  
3     level of care, but they did not care for her bedside  
4     manner, so to speak. She seemed rude and short and  
5     curt with, um -- when -- when she would do the med line  
6     pass. Specifically that's what I remember, um, some of  
7     the complaints early on when -- when I contracted with  
8     them, when she came, they would say that sh -- they  
9     didn't think she was professional in the way she, um,  
10    spoke with -- with the inmates at the jail.

11          **Q.     Over the course of time before Mr. Walter**  
12    **came into the jail, had staff members regularly**  
13    **expressed to you that they were put off by**  
14    **Ms. Maestas's attitude toward inmates in need of**  
15    **medical care?**

16          A.     Um. I don't recall any -- anything specific.

17          **Q.     I'm sorry, perhaps I misunderstood --**

18          A.     Okay.

19          **Q.     -- your prior testimony.**

20          A.     Yeah. Okay.

21          **Q.     Before Mr. Walter, I thought that you had**  
22    **said that there were other staff members who came to**  
23    **you to express concern about Ms. Maestas.**

24          A.     Yes, her bedside manner, so to speak, is how  
25    they termed it --

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1           **Q.     Okay.**

2           A.     -- so . . .

3           **Q.     Tell me about what had been reported to you**  
4 **in the years leading up to Mr. Walter's confinement at**  
5 **the jail about Ms. Maestas.**

6           A.     Once again, it was that she seemed to be  
7 short with them, you know, very -- very curt. Um. Um.  
8 They -- the -- this -- there was only a staff or two  
9 that I can recall in my mind that I had this  
10 conversation with, that they thought -- they described  
11 her as unprofessional, uh, in how she did the med line  
12 pass. That's what sticks out in my mind.

13                   Um. There's always complaints about care  
14 that -- that happened before I contracted with this  
15 provider. Um. They feel like they're not getting the  
16 right care or the right drugs or whatever their  
17 complaint is. So there's so many, I -- I can't -- uh,  
18 but the specific ones I'm speaking of was a staff who  
19 thought she was unprofessional in the way she conducted  
20 herself.

21           **Q.     In the years leading up to Mr. Walter's**  
22 **confinement, did staff report to you that they felt**  
23 **that Ms. Maestas was unprofessional with the inmates?**

24           A.     Yes.

25           **Q.     Okay. Did staff in the years leading up to**

1     **Mr. Walter's confinement report to you that they felt**  
2     **that Ms. Maestas was curt and short toward the inmates?**

3           A.     Yes.

4           Q.     Did staff report to you that Ms. Maestas, at  
5     times, would, um, deny medications to inmates for  
6     various reasons that the staff felt was inappropriate?

7           A.     I want to clarify. And I'm talking about  
8     actually one other staff, so it wasn't a lot of staff.  
9     So -- so when I described that, I'm -- I'm having a  
10    staff person in mind. So it wasn't multiple staff that  
11    complained about her. So -- but this one staff person  
12    complained as you described.

13          Q.     Who was that?

14          A.     Her name was Peggy . . .

15          Q.     Bradley?

16          A.     Yes. Thank you. Sorry.

17          Q.     You've known Peggy Bradley for a long time?

18          A.     Uh. Yes, quite some time.

19          Q.     The two of you went pretty far back?

20          A.     Uh, yes.

21          Q.     How far back did you and Peggy Bradley go?

22          A.     I would have to say in my volunteer days,  
23    I -- that's where I remember, I think, meeting Peggy  
24    Bradley, because she was also a volunteer reserve  
25    officer for -- for the sheriff's office. I think

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1 that's when it was. And that would have been in the  
2 '80s, mid '80s.

3 Q. That you first got to know Ms. Bradley?

4 A. Yes.

5 Q. Peggy is short for Margaret?

6 A. Yes, it is, I believe.

7 Q. Peggy Bradley was a sergeant at your jail,  
8 correct?

9 A. I don't believe she was a sergeant.

10 Q. What do you think her position was at your  
11 jail?

12 A. She was a detention deputy.

13 Q. And in the years before Mr. Walter was  
14 confined in your jail, Ms. Bradley came to you with  
15 concerns about Ms. Maestas?

16 A. Yeah. I think it was roughly when we  
17 contracted with CHM, at that time. And -- and  
18 Ms. Maestas was employed by them, so, um, it was early  
19 on when we, uh, contracted with them.

20 Q. And Ms. Bradley came to you on a number of  
21 occasions, correct?

22 A. Actually, I only recall one, um, but the  
23 sergeants, I think, reported to me that Ms. Bradley was  
24 dissatisfied with them -- with her. Excuse me.

25 Q. Did you think that Ms. Bradley's concerns as

1     **reported to you were legitimate?**

2           A.     Actually, I did not.

3           **Q.     What did you do to investigate?**

4           A.     I did speak with Kathy about her complaints.

5           **Q.     What else did you do?**

6           A.     I just spoke to her about the situation  
7     that -- that she described in being unprofessional  
8     and -- and had a conversation with her.

9           **Q.     What else did you do?**

10          A.     I told her that -- that profanity was  
11     definitely, um, not -- not professional and wouldn't be  
12     tolerated, you know, um, by her. Um. I don't believe  
13     she even admitted that she had used profanity, but it  
14     was -- I think it was reported to me she had used some  
15     sort of profanity.

16          **Q.     Towards the inmates?**

17          A.     Uh, yeah. Towards an offender; I don't know  
18     which one it was, but I remember that being a little  
19     bit a part of the complaint from Ms. Bradley.

20          **Q.     So going back to my original question, can**  
21     **you recall any situation in the history of your, uh,**  
22     **time as sheriff, leading up to Mr. Walter's**  
23     **confinement, or even there -- thereafter, on par with**  
24     **what was being reported to you about Mr. Walter's**  
25     **continuing deteriorating condition and the frustration**

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1     **that was being communicated to you by staff; and if so,**  
2     **describe those situations for me.**

3           A.     There's too many. I just -- I can't recall  
4     them all, but we get people in poor health every day in  
5     the jail and usually from substance abuse issues, as  
6     well as others. But, um, there's been other  
7     discussions, but they don't stand out in my mind. Um.

8           **Q.     So you cannot recall even a single other**  
9     **circumstance specifically where staff reported to you**  
10    **about an inmate whose medical condition was continuing**  
11    **to deteriorate and that they were frustrated on par**  
12    **with the situation involving Mr. Walter?**

13          A.     I don't recall anything, no.

14          **Q.     Did anybody else witness any conversations**  
15    **that you had with Ms. Maestas about Mr. Walter?**

16          A.     I know they didn't on one. I was in my  
17    office on the phone. And I don't -- I don't recall if  
18    anybody did on the previous occasion or not. I  
19    don't -- I don't -- if they did, they weren't a part of  
20    the conversation. They may have through glass or  
21    something in the booking area, but I don't -- I don't  
22    recall, because I actually can't remember if it was in  
23    the medical office or where the -- the conversation  
24    took place, quite frankly.

25          **Q.     Is it possible that you had a conversation**



1 with Ms. Maestas directly outside of Mr. Walter's cell  
2 where the two of you were observing him together?

3 A. You know, I don't recall that. It may have  
4 been the booking -- w -- inside the secure part of the  
5 booking area, but I don't -- I don't recall it being  
6 right there at the cell at all. I -- I didn't have one  
7 there with her.

8 Q. Do you think that you had a conversation with  
9 Maestas in the booking area in such a way that you were  
10 both able to observe Mr. Walter at the time that you  
11 were having the conversation?

12 A. No, we definitely did not do that. As a  
13 matter of fact, I think she might have come -- come to  
14 my office when I spoke to her in person. Which happens  
15 routinely, if I reach out to them and ask for them,  
16 they -- you know, they'll come across the hall and  
17 speak with me.

18 Q. Do you think that you had a conversation with  
19 Maestas where you were very vociferous about her need  
20 to take charge of and care for Mr. Walter that other  
21 people overheard?

22 A. Define "vociferous." What do -- I'm sorry,  
23 what did --

24 Q. Where --

25 A. -- you mean?

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1 Q. -- you made it so -- very crystal --

2 A. Very clear, yeah.

3 Q. -- very crystal clear to her how you were  
4 feeling in such a way that other people heard you  
5 saying it.

6 A. Oh. Uh, I don't believe they did, so I  
7 don't -- I don't think it was in front of anybody else.  
8 But I can't recall actually, to be honest with you.

9 I have many conversation with her, so I can't  
10 recall that that one took place in front of staff or in  
11 that area. I just don't recall.

12 Q. You did tell Ms. Maestas that staff was very  
13 concerned about Mr. Walter's condition?

14 A. Yes.

15 Q. What did you do, if anything, from the time  
16 that you left the jail on April 18th until Mr. Walter  
17 died to assure yourself that he was receiving all  
18 appropriate medical care?

19 A. Just that I had reached out to Kathy Maestas,  
20 and she said they were -- they were on it and that they  
21 were caring for Mr. Walter.

22 Q. Did you do anything else from the time that  
23 you left the jail on the 18th until the time that  
24 Mr. Walter died to assure yourself that Mr. Walter was  
25 receiving all appropriate medical care, other than

1     **conversations that you may have had with Ms. Maestas**  
2     **before leaving the jail on the 18th?**

3           A.     Just to tell any of the staff that if there  
4     was any change in his condition to -- to let me know.

5           **Q.     Did you do that?**

6           A.     I believe I had that conversation with  
7     Corporal Moore -- or, excuse me, Corporal Owen. Not  
8     Corporal Moore.

9           **Q.     Anything else?**

10          A.     No.

11          **Q.     Any other person that you told that to?**

12          A.     The undersheriff, possibly.

13          **Q.     Are you just guessing?**

14          A.     Yeah, I'm guessing. I don't know.

15          **Q.     Oh. Between the time that you left on the**  
16     **18th and the time that Mr. Walter died in the eve -- on**  
17     **the evening of the 20th, did you follow up with**  
18     **Ms. Maestas or any other medical provider about his**  
19     **condition?**

20          A.     No.

21          **Q.     Did you check on Mr. Walter?**

22          A.     No.

23          **Q.     Did you talk with any staff member about**  
24     **Mr. Walter?**

25          A.     No.

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1 Q. Do you know where you were that weekend?

2 A. Actually, I can't recall.

3 Q. Did you speak with any other member of  
4 medical staff about Mr. Walter?

5 A. Any of the medical staff? I don't believe I  
6 did.

7 Q. On every occasion when you went to  
8 Ms. Maestas, did you clearly and directly express the  
9 seriousness of your concerns to her?

10 A. Well, typically when the sheriff calls her,  
11 he's concerned. I think she knows that. I don't have  
12 any reason to -- to believe -- uh, especially on the  
13 second call she seemed to get my, um, concern. Um.  
14 And everyone expressed the -- the concern, including  
15 her, um, that he just wasn't improving.

16 Q. Ms. Maestas told you that she knew he wasn't  
17 improving, in substance?

18 A. Yeah, in substance. I think I made a  
19 comment, and she said, I know.

20 Q. And when you left on the 18th, it was your  
21 firm expectation and belief that Ms. Maestas and the  
22 balance of the medical staff would closely monitor  
23 Mr. Walter and provide him with all appropriate medical  
24 care?

25 A. Yes.

1           Q.   Including taking him to the hospital, if  
2   necessary?

3           A.   Yes.

4           Q.   Just for purposes of clarifying the record,  
5   Captain Rankin stated to you that he was concerned  
6   about Mr. Walter's condition on more than one occasion,  
7   correct?

8           A.   Yeah.

9           Q.   It was at least two to three times that  
10   Captain Rankin told you that Mr. Walter was not  
11   improving and seemed to be deteriorating?

12          A.   Yeah, I believe so.

13          Q.   Other than yourself and Undersheriff Martin,  
14   Captain Rankin was the highest ranking jail official  
15   within the entire jail, correct?

16          A.   Correct.

17          Q.   Rankin told you he was worried about  
18   Mr. Walter?

19          A.   Yes.

20          Q.   Concerned that he was not eating?

21          A.   I believe he mentioned that, yes.

22          Q.   Concerned that he was not sleeping?

23          A.   I don't recall him saying whether or not --  
24   about the sleeping thing, I --

25          Q.   Concerned that he was mentally unstable?

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1 A. Yes.

2 Q. Concerned that he appeared unaware of his  
3 surroundings?

4 A. Yes.

5 Q. Concerned that he was inappropriately naked?

6 A. I know he told me that he didn't seem to be  
7 able to keep his clothes on, yes.

8 Q. Concerned that he was getting worse and  
9 worse?

10 A. Yes.

11 Q. And when Rankin came to you and told you  
12 these things, he had a concern and serious tone, right?

13 A. Yes.

14 Q. And even if you don't remember their names,  
15 the booking officers at the jail would have told you  
16 the same things?

17 A. If I had asked them, yes.

18 Q. Well, don't you think that they did tell you  
19 the same things when you were in the booking area and  
20 you inquired of them?

21 A. I don't recall having specific conversations  
22 with the other booking officers. I could have, but I  
23 don't recall. Owen was the one that kind of stuck out  
24 in my mind.

25 Q. The place where Mr. Walter was being held was

1 a place where everybody who worked in the area could  
2 see him continuously, correct?

3 A. Correct.

4 Q. Was it a high priority for you that  
5 Mr. Walter should receive all appropriate medical care  
6 for the conditions that you were aware of?

7 A. It's a high priority for everyone in the jail  
8 to receive that care.

9 Q. Was it a high priority for you that  
10 Mr. Walter should receive all appropriate medical  
11 care --

12 A. It --

13 Q. -- for the condition that he was in?

14 A. It was.

15 Q. You knew that there was no medical person  
16 at the jail for at least 12 hours every day, from  
17 7:00 p.m. to 7:00 a.m., correct?

18 A. Correct.

19 Q. You knew that there was nobody providing  
20 medical care or evaluation for Mr. Walter for at least  
21 12 hours out of every day, correct?

22 A. Well, I wouldn't say that's the case.

23 By a medical provider, you mean?

24 Q. Yes.

25 A. Yes.

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1           Q.    Okay.  You knew that there was no medical  
2   provider providing medical care or evaluation of any  
3   kind to Mr. Walter for at least 12 hours out of every  
4   day, correct?

5           A.    Correct.

6           Q.    Did that concern you?

7           A.    No.

8           Q.    Why did you, yourself, not order that  
9   Mr. Walter be sent to a hospital?

10          A.    I didn't see any obvious reason that he  
11   should be transported.

12          Q.    Given all of the symptoms that were being  
13   reported to you and that you yourself observed?

14          A.    Those symptoms exist on a lot of people that  
15   come to the jail, so . . .

16          Q.    The symptoms that Mr. Walter was experiencing  
17   leading up to his death are symptoms that a lot of  
18   people experience at your jail?  Is that what you're  
19   telling me?

20          A.    Yes.  Withdrawal symptoms are common in the  
21   jail.

22          Q.    And they stay there and they don't go to the  
23   hospital?

24          A.    Well, only if it was an exigent circumstance  
25   where they would be unresponsive or an obvious bleeding



1 out or something of that nature.

2 Q. Is it the case that, at your jail, people  
3 with the symptoms that you know Mr. Walter to be  
4 experiencing are not transported to the hospital?

5 A. Correct.

6 Q. Is it the policy of your jail that that be  
7 the case?

8 A. Once again, the -- it -- it's not the policy.  
9 It's dependent upon what the officers are observing as  
10 to the exigency of that need.

11 Q. Is it the custom of your jail that the people  
12 who are experiencing the types of symptoms that  
13 Mr. Walter was experiencing stay at the jail and not be  
14 transported to the hospital?

15 MR. O'CONNELL: Objection to form.

16 A. Yes, if they don't deem that they need to be  
17 transported, then -- or Medical, then they don't get  
18 transported.

19 Q. (BY MR. BUDGE) I know what you're saying  
20 about deeming or not deeming, but let me ask you the  
21 question --

22 A. Okay.

23 Q. -- directly.

24 Is it the custom of your jail that the people  
25 who are experiencing the type of withdrawal symptoms

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1     **that you know Mr. Walter to have been experiencing are**  
2     **not transported to the hospital?**

3           A.     Correct.

4           MR. O'CONNELL:   Objection to form.

5           THE DEPONENT:   Oh, excuse me.

6           **Q.     (BY MR. BUDGE)   They stay at the jail?**

7           A.     Correct.

8           **Q.     Do people at your jail withdraw from**  
9     **benzodiazepines at the jail?**

10          A.     Say that again, please.

11          **Q.     Do people at your jail withdraw from**  
12     **benzodiazepines at the jail?**

13          A.     Uh.   I'm going to assume some have.   I don't  
14     know each and every case particularly, but . . .

15          **Q.     Is it the custom of your jail that if**  
16     **somebody is withdrawing from benzodiazepines, that he**  
17     **remain at the jail and withdraw at the jail?**

18          A.     Uh.   If that's what my medical provider says,  
19     yes.

20          **Q.     If it had not been the policy of your jail**  
21     **that Ms. Maestas's approval was required before an**  
22     **inmate be transported to the hospital, would you have**  
23     **expected that he would be taken to the hospital?**

24          A.     Yes.   If they observed the kinds of things  
25     that I spoke of earlier that seemed more exigent.

1 Q. Is it the policy of your jail -- excuse me.

2 Let me ask this question a different way.

3 If it had not been the policy of the jail  
4 that Ms. Maestas's approval was required before  
5 Mr. Walter be transported to the hospital, would you  
6 expect that Mr. Walter, given what he was experiencing,  
7 would be transported to the hospital?

8 MR. O'CONNELL: Objection to form.

9 A. No.

10 Q. (BY MR. BUDGE) Do you know what symptoms  
11 Mr. Walter was experiencing between the -- the 19th and  
12 the 20th, prior to the date of his death?

13 A. Do I know what --

14 Q. Yes.

15 A. -- what -- just as described to me by  
16 behavior. The only thing --

17 Q. I'm --

18 A. -- I'm aware of -- oh, excuse -- excuse me.  
19 The only thing I was aware of was that -- the methadone  
20 medication or -- that he was being weaned off of.

21 Q. I'm not quite sure how that's a response to  
22 my question --

23 A. Maybe I didn't --

24 Q. -- I suppose --

25 A. -- understand it.

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1 Q. -- I should try to ask it a -- a better way.

2 MR. BUDGE: Can I see the last one as well?

3 Q. (BY MR. BUDGE) Do you know what symptoms

4 Mr. Walter was --

5 A. Oh.

6 Q. -- experiencing on the 19th and the 20th

7 before his death?

8 A. Symptoms. Just what we've spoken of already.

9 The -- the -- the symptoms that were desc -- you  
10 described earlier.

11 Q. Do you know what additional symptoms he was  
12 experiencing on the 19th and the 20th?

13 A. Nobody reported any additional symptoms, that  
14 I'm aware of --

15 Q. Do you have --

16 A. -- to me.

17 Q. Do you have any information, as you sit here  
18 today, about what additional symptoms or condition  
19 Mr. Walter was in on the 19th and 20th when you were  
20 not at the jail?

21 A. I do not.

22 Q. You don't have any information from any  
23 source about that?

24 A. Not prior to his death.

25 Q. How about after his death? Now.

1           A.    Um.  There were some additional things I  
2  learned.  I can't tell you if I -- I -- I'm not -- I --  
3  I don't know -- after his death there was many things  
4  that -- that were discussed and talked about, and  
5  so . . .

6                   MR. O'CONNELL:  Hold on.  Let me caution you:  
7  If you learned of them from me or Mr. Loy, your other  
8  attorney, I'll instruct you not to reveal that  
9  information.  If you learned of it through other  
10 sources, then feel free.

11           A.    Since I don't know how I learned them, then I  
12 can't say.  I -- I spoke with my own investigator, I  
13 spoke with the coroner briefly.  So I -- but I don't  
14 recall any other specific or added symptomology, so  
15 I -- nothing's coming to mind that was added that I  
16 didn't already -- have known about.

17           **Q.    (BY MR. BUDGE)  Did you review any documents**  
18 **authored by any member of the detention staff about the**  
19 **symptoms that Mr. Walter was experiencing on the 19th**  
20 **and the 20th when you were not at the jail?**

21           A.    No.  I don't -- no.

22           **Q.    Did you learn from any source, other than**  
23 **counsel, about the symptoms that Mr. Walter was**  
24 **experiencing on the 19th and 20th when you were not at**  
25 **the jail?**

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1 A. No.

2 Q. Do you have any information or any way to  
3 judge, one way or the other, whether the symptoms that  
4 Mr. Walter was experiencing on the 19th and the 20th,  
5 when you were not at the jail, warranted his transfer  
6 to a hospital?

7 A. No.

8 Q. Did you ever hear anybody make any jokes or  
9 remarks about Mr. Walter's condition?

10 A. I never heard anything like that.

11 Q. Did you ever hear anybody, during the course  
12 of Mr. Walter's confinement, refer to him in any  
13 derogatory way, as -- referencing him as, for example,  
14 a meth head or a junkie or an addict or anything like  
15 that?

16 A. No.

17 Q. Do you believe that Mr. Walter was a addict?

18 A. I'm going to assume, since he was a long-term  
19 user of methadone, that he had some issue with an  
20 opiate, but I -- I don't -- I didn't have any personal  
21 knowledge of that.

22 Q. Why do you think he was on methadone as you  
23 sit here today?

24 A. That would have been conversations with the  
25 investigator after -- after his death, that -- you

1 know . . .

2 Q. What did the investigator tell you about why  
3 he was on methadone?

4 A. Um. I inquired as to even why he was in our  
5 custody, because I really didn't even know why he was  
6 in jail. Um. I -- I -- I didn't -- it wasn't  
7 important to me. His care was important. So, anyway,  
8 after the fact, the investigator told me, you know, um,  
9 some about, uh, the case, that -- why he was  
10 incarcerated.

11 Q. Why was he on methadone? What did the  
12 investigator say?

13 A. I don't think the investigator knew why he  
14 was on methadone.

15 Q. Do you know why he was on methadone?

16 A. I know why most people are on methadone, but  
17 I can't say that that's the case with Mr. Walter.

18 Q. Do you assume that Mr. Walter was on  
19 methadone for any particular reason?

20 A. Just the commonsense answer, which is, um --  
21 um, a struggle with opiates.

22 Q. Like heroin?

23 A. Right.

24 Q. Is that what you think?

25 A. I -- I don't know whether it was prescription

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1 medication or heroin or -- or what. I didn't have any  
2 personal knowledge of that.

3 Q. Do you think he was on methadone because he  
4 had a drug problem?

5 MR. TIEMEIER: Object to form; calls for  
6 speculation.

7 A. Once again, just from what my common sense  
8 tells me of my years in law enforcement that most  
9 people who -- you know, they use that as an aid in  
10 their recovery.

11 Q. (BY MR. BUDGE) Do you think that Mr. Walter  
12 was on methadone because he had a drug problem?

13 MR. TIEMEIER: Object to form; calls for  
14 speculation.

15 A. That would be my assumption, yes.

16 Q. (BY MR. BUDGE) Who was your investigator?

17 A. His name is Mike Miller.

18 Q. At any time in the course of observing  
19 Mr. Walter or in talking with others, did you ever  
20 become aware of him engaging in violent behavior  
21 towards staff?

22 A. I know there was a use of force incident, but  
23 I don't recall when I actually became aware of that, so  
24 I don't -- so maybe re-ask the question --

25 Q. Sure.



1           A.    -- was it, um -- relative to time.  I'm  
2   sorry.

3           Q.    Are -- as you sit here under oath, are you  
4   able to say that at any time you became aware that  
5   Mr. Walter engaged in violent behavior toward staff?  
6   I'm not looking for speculation or guessing.

7           A.    Correct.

8                Um.  Not towards staff, no.

9           Q.    How about another inmate?

10          A.    Not that I'm aware of.

11          Q.    Did you become aware that Mr. Walter was  
12   making any type of verbal or physical threat that you  
13   can testify under oath that you --

14          A.    I --

15          Q.    -- became aware of?

16          A.    I'm sorry.  I'm not aware of that, no.

17          Q.    Did you become aware of anything that  
18   suggested to you that it was unsafe for a medical  
19   person to evaluate Mr. Walter or render him medical aid  
20   or treatment?

21          A.    I just remember the brief conversations  
22   about, um, him kicking the door and his behavior, so  
23   I -- I felt that -- I think the staff felt that they  
24   needed to be present and -- you know, while medical  
25   did, you know, do whatever they needed to do, which is

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1 typically the case.

2 Q. Can you testify under oath that you ever  
3 became aware of anything that suggested to you that it  
4 was unsafe for a medical person to evaluate Mr. Walter  
5 or render him medical aid or treatment in your jail?

6 A. I --

7 MR. TIEMEIER: Objection --

8 A. -- considered --

9 MR. TIEMEIER: -- asked and answered.

10 THE DEPONENT: Oh, excuse me.

11 MR. O'CONNELL: Sorry. Go ahead.

12 A. I just considered his erratic behavior, uh,  
13 always something that -- that we all pay attention to  
14 for safety reasons.

15 Q. (BY MR. BUDGE) Other than paying attention  
16 to his erratic behavior for safety reasons, was there  
17 anything that suggested to you that it was unsafe for a  
18 medical person to evaluate Mr. Walter or render him  
19 medical aid or treatment in your jail?

20 A. No.

21 Q. Did you ever see a medical person, including  
22 but not limited to Kathy Maestas, do any kind of  
23 medical evaluation or provide Mr. Walter with any type  
24 of medical aid or evaluation or treatment?

25 A. I did not.

1           Q.    Do you know -- know -- what medical aid,  
2   evaluation, or treatment was to -- provided to  
3   Mr. Walter in your jail?

4           A.    Just what it was described to me by Kathy  
5   Maestas.

6           Q.    Did she say something specific?

7           A.    She kind of gave me what they were doing,  
8   monitoring his vitals and, you know, continuing to --  
9   to watch him and that they were weaning him off the  
10   methadone.

11          Q.    Did she say she was doing anything else?

12          A.    I don't recall her saying anything else.

13          Q.    Did she say that she was monitoring his  
14   vitals?

15          A.    I can't say for certain that she said that.

16          Q.    Why does it not concern you that Mr. Walter  
17   was not being provided with medical aid, evaluation, or  
18   treatment for 12 hours out of every day when he was  
19   there in the jail?

20          A.    Because I have staff monitoring and observing  
21   him, and they would respond to anything that became  
22   very obvious to them that needed --

23          Q.    How?

24          A.    By -- if they needed to call an ambulance,  
25   they would call an ambulance, and then they would

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1     notify the command staff and Medical. Not necessarily  
2     in that order but typically in that order.

3           **Q.     Was Charlene Combs free to call an ambulance**  
4     **at any time for Mr. Walter?**

5           A.     If they had seen the kinds of, uh, things  
6     that I described that were exigent and -- they -- they  
7     are, yes.

8           **Q.     Was, um, Sara Lightcap free to call an**  
9     **ambulance at any time for Mr. Walter?**

10          A.     Yes.

11          **Q.     Was Sergeant Miller free to call an ambulance**  
12     **at any time for Mr. Walter?**

13          A.     Yes.

14          **Q.     Was any member of detention staff free to**  
15     **call an ambulance at any time for Mr. Walter?**

16          A.     Yes.

17          **Q.     At any point when you saw Mr. Walter, did it**  
18     **appear to you from his behavior or otherwise that it**  
19     **would be unsafe or dangerous for a medical provider to**  
20     **assess him and provide him with treatment in the jail?**

21          A.     I didn't witness that, no.

22          **Q.     Other than what you've described so far in**  
23     **your testimony, did you do anything else to address**  
24     **Mr. Walter's medical needs while he was confined in**  
25     **your jail?**

1           A.     No.

2           Q.     Do you believe that Kathy Maestas was fully  
3     aware of Mr. Walter's symptoms between the 19th and the  
4     20th?

5           A.     Yes.

6           Q.     Why?

7           A.     Because Medical was observing him and  
8     monitoring him.

9           Q.     In retrospect, looking back on it now, do you  
10    feel that Mr. Walter's medical needs were always  
11    adequately addressed by medical staff?

12                   MR. TIEMEIER: Object to foundation.

13           A.     I believe that they were.

14           Q.     (BY MR. BUDGE) Why? Tell me everything that  
15    leads you to that conclusion.

16           A.     Because, as I described, there was never a  
17    time that staff or myself ever saw that he was  
18    unresponsive or bleeding or in need of a -- an  
19    ambulance transport. And my Medical provider stated  
20    they were monitoring him and -- and involved in his  
21    case, so I had no reason to -- to believe otherwise.

22           Q.     Have you ever done anything to try to  
23    determine what level of symptoms Mr. Walter was  
24    experiencing on the 19th and 20th?

25           A.     Have I ever done anything since that time?

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1 Q. Yes.

2 A. Um. No.

3 Q. So as you as you sit here today, you do not  
4 know what symptoms Mr. Walter was experiencing on the  
5 19th and 20th, correct?

6 A. Just the ones that were reported to me by the  
7 staff we've discussed.

8 Q. All right. On the 19th and 20th, when you  
9 were not there, did you get any report from  
10 medical s -- from -- excuse me, from any person about  
11 Mr. Walter?

12 A. No.

13 Q. Okay. So as you sit here today, do you have  
14 any personal knowledge or any knowledge from what any  
15 person reported to you or anything you reviewed about  
16 the level of symptoms that Mr. Walter was experiencing  
17 on the 19th and the 20th?

18 A. No. No.

19 Q. Can you make any judgment about Mr. --  
20 whether Mr. Walter was provided with all appropriate  
21 care on the 19th and 20th, given that you don't know  
22 about the symptoms that he was experiencing over the  
23 course of those two days?

24 A. No.

25 Q. Do you know now that Mr. Walter was on

1     Klonopin when he came into the jail?

2             A.     Yeah, I became aware of that.

3             Q.     Do you know now that Mr. Walter was never  
4     provided with any Klonopin or substitute benzodiazepine  
5     medication to -- uh, in response to the, uh, fact that  
6     he came in to the jail with an active prescription for  
7     Klonopin?

8             A.     I don't know whether he did or didn't.

9             Q.     Today, you do not know?

10            A.     I do -- yeah, I don't know if he did or not.

11            Q.     Do you fully, 100 percent, trust that  
12     Ms. Maestas provides every inmate at your jail with all  
13     appropriate medical care at all times?

14                   MR. TIEMEIER: Object to form, foundation.

15            A.     With the help of medical providers, that's my  
16     expectation.

17            Q.     (BY MR. BUDGE) And do you fully,  
18     100 percent, trust that Ms. Maestas assures that the  
19     inmates in your jail are provided with all appropriate  
20     medical care at all times?

21            A.     Yes.

22            Q.     And as you sit here today, do you fully,  
23     100 percent, believe that Ms. Maestas provided and  
24     directed that Mr. Walter be provided with all  
25     appropriate medical care at all times?

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1 MR. TIEMEIER: Object to form and foundation.

2 A. Yes.

3 Q. (BY MR. BUDGE) As you as you sit here today,  
4 can you think of a single thing that Ms. Maestas ever  
5 did or failed to do that was wrong from a medical  
6 standpoint?

7 MR. O'CONNELL: Objection to --

8 A. I'm not a doc --

9 MR. O'CONNELL: -- form, foundation.

10 THE DEPONENT: Oh, excuse me.

11 A. I wouldn't know. I'm not a medical provider  
12 and have to entrust that her and Roy Havens knew about  
13 his care.

14 Q. (BY MR. BUDGE) When did Mr. Havens work at  
15 the jail?

16 A. Say -- when did Mr. Havens?

17 Q. Yes, what days of the week?

18 A. I -- I'm sorry, say again? I'm --

19 Q. What days of the week did Mr. Havens work at  
20 the jail?

21 A. I'm not sure what his schedule --

22 Q. How many --

23 A. -- was.

24 Q. -- days of the week did Mr. Havens work at  
25 the jail?



1           A.    Uh, I can't recall what he was scheduled to  
2    come in.

3           Q.    Did Mr. Havens know about Mr. Walter's  
4    condition on the 20th?

5           A.    I -- I don't know.

6           Q.    The 19th?

7           A.    I don't know. I never spoke to the PA.

8           Q.    The 18th?

9           A.    I have no --

10          Q.    The 15th --

11          A.    -- no knowledge.

12          Q.    -- through the 17th?

13          A.    I have no knowledge; just what Ms. Maestas  
14    reported to me.

15          Q.    Could I ask you to please go back to  
16    Exhibit 4, which are the interrogatory answers that you  
17    have in front of you under your left hand there. And,  
18    in particular, could you look at Page 22.

19          A.    Uh-huh.

20          Q.    Do you see your -- your name there about  
21    halfway down?

22          A.    Yes, sir.

23          Q.    There, you identify some people that you  
24    spoke with about Mr. Walter at one point or another.  
25    Have we covered any conversations that you may have had

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1     **with Ty Martin?**

2           A.     Have we covered that?

3           **Q.     Yes.**

4           A.     I believe so, yes.

5           **Q.     And have we covered any conversations you may**  
6     **have had with John Rankin or Kathy Maestas?**

7           A.     Yes.

8           **Q.     Okay.  What conversations have you had with**  
9     **Coroner Carla Brocious about Mr. Walter?**

10          A.     I can't recall speaking to her very long.  It  
11     was mostly about the length of time it was taking the  
12     medical examiner to get us a report, uh, for the cause  
13     of death or manner of death that, um -- that was the --  
14     the -- I mean, that is what that conversation was  
15     about.

16          **Q.     Can you recall any other conversations or**  
17     **communication that you may have had with Carla**  
18     **Brocious?**

19          A.     Just over the medical examiner's report,  
20     which I don't -- was mostly, you know, that it was  
21     taking so long for that, for them to do that.

22          **Q.     Anything else?**

23          A.     No.

24          **Q.     How about Coroner Randy Keller?**

25          A.     He was not the coroner at the time.  Um.  His

1 conversation came after, um, he took office as coroner.

2 **Q. So what conversations or communications have**  
3 **you had with Coroner Keller?**

4 A. Nothing very detailed because he wasn't the  
5 coroner in -- or involved in any investigation for the  
6 coroner's office or anything. I -- I don't know --  
7 it -- it -- it seems -- here's the substance of what I  
8 remember, is that I think he's had conversations with  
9 the medical examiner in Colorado Springs and may have  
10 just mentioned that he was aware of the case, uh, prior  
11 to him taking office, but I -- nothing, um -- nothing  
12 very detailed or -- that I can recall.

13 **Q. Anything else?**

14 A. With -- with Randy Keller?

15 **Q. Yeah.**

16 A. No.

17 **Q. Okay. How about Andrea Cooper?**

18 A. The conversations with Andrea Cooper were  
19 relative to the, um, request for the -- the public --  
20 the open records or the documentation on -- on the  
21 case.

22 **Q. Okay. Tell me everything you recall speaking**  
23 **with her about, what she said to you and what you said**  
24 **to her.**

25 A. Um. Very typical conversation, um, that

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1     there had been requests made, um, and the only portion  
2     of the investigation that was -- that we didn't have in  
3     our hands, uh, was the medical examiner's report, which  
4     took a long time.

5           **Q.     Anything else?**

6           A.     No, not that I can recall.

7           **Q.     Brenda Jackson, uh, she's the county attorney**  
8     **for Fremont County; is that right?**

9           A.     Correct.

10          **Q.     Were all the conversations that you had with**  
11     **her conversations where you were seeking legal advice?**

12          A.     No. We -- we're -- by -- by policy, we're --  
13     we're, um -- um -- we notify the county attorney upon  
14     any service of any legal matters, um, and so that -- I  
15     think that was the original -- or when -- when there's  
16     a death in the jail, excuse me, we do report that to  
17     our, uh -- to the county attorney and to the county  
18     manager --

19          **Q.     So --**

20          A.     -- for insurance purposes.

21          **Q.     -- other than reporting the matter of**  
22     **Mr. Walter and/or his death to attorney Brenda Jackson,**  
23     **have you had any other conversations with her about**  
24     **this matter?**

25          A.     Yes.

1 MR. O'CONNELL: I'm going to instruct you --

2 Q. (BY MR. BUDGE) Okay.

3 MR. O'CONNELL: -- not to reveal the  
4 substance of the conversations --

5 MR. BUDGE: Right.

6 THE DEPONENT: Yeah.

7 MR. O'CONNELL: -- so you can answer that  
8 you --

9 THE DEPONENT: Right. Yeah.

10 MR. O'CONNELL: -- had, but not to reveal the  
11 substance.

12 A. I have.

13 Q. (BY MR. BUDGE) And were those conversations  
14 all in the course of seeking legal advice, or her  
15 providing legal advice?

16 A. Providing her with information about the  
17 case.

18 Q. For what purpose?

19 A. Because I keep them informed as -- as the  
20 county attorney of in-custody deaths. She's my initial  
21 representation, so, beyond that, I'm not going to  
22 discuss our conversation, but -- until such time as  
23 Bill was, uh, retained, and that's my -- my legal  
24 counselor.

25 Q. Handing you now what's been marked as

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1 Exhibit 8 to your deposition. Do you -- do you  
2 recognize these to be the answers of Fremont County in  
3 response to written discovery requests issued to the  
4 County in this case?

5 A. Um, yes.

6 Q. And do these interrogatory answers bear your  
7 sworn verification on the last page?

8 A. Uh. Repeat that, please.

9 Q. Is your sworn verification --

10 A. Oh.

11 Q. -- on the last page of this exhibit?

12 A. Yes.

13 Q. And that verifies the County's written  
14 responses as being true and correct?

15 A. Correct.

16 Q. All right. Please turn your attention to  
17 Page 13 of the County's answers. Actually, Page 12,  
18 which continues on to Page 13.

19 Specifically this question was asked of the  
20 County, quote, Do you contend that any person, firm,  
21 entity, or organization is legally responsible, in  
22 whole or in part, for any of the allegations in the  
23 Complaint other than the Fremont County Defendants (as  
24 identified in the Complaint) or any employee of Fremont  
25 County? And, If so, identify the person, firm, entity,

1 or organization you believe to be responsible, what you  
2 believe them to be responsible for, and the reasons you  
3 believe them to be responsible.

4 After an objection, your verified response is  
5 as follows: Answer: Yes. Defendants believe, as  
6 stated in their affirmative defenses in their Answer  
7 and Jury Demand, that to the extent anyone is  
8 responsible for inadequate care (if any) in the Fremont  
9 County Detention Center, CHC and/or related entities,  
10 and/or its employees including potentially Raymond  
11 Herr, Stephanie Repshire, Kathy -- Kathleen Maestas  
12 and/or Sharon Allen, may be responsible for the  
13 allegations in the Complaint concerning Mr. Walter's  
14 care.

15 I'd like to follow up on that. Why do you  
16 answer that you believe that Kathy Maestas may be  
17 responsible?

18 A. I had to trust her medical judgment on  
19 Mr. Walter's situation.

20 Q. Anything else?

21 A. No.

22 Q. Why do you believe that Ms. Repshire may be  
23 responsible?

24 A. For the same reason.

25 Q. How about Ms. Allen --

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1 A. Same --

2 Q. -- or Dr. Allen?

3 A. Same answer, because they are our medical  
4 provider -- or providers.

5 Q. Dr. Herr?

6 A. Yes. Same answer.

7 Q. Correctional Healthcare Companies?

8 A. Yes.

9 Q. How long has Kathleen Maestas been a nurse at  
10 the Fremont County jail?

11 A. I'm not a hundred percent sure that she was  
12 with them when -- when I contracted with them because  
13 I -- when I contracted with them, then they interviewed  
14 and hired staff. But -- but as I recall, I think she  
15 was pretty much there from the start of my relationship  
16 with CHM, which then rolled into, um, CHC and then  
17 subsequently CCS.

18 Q. So approximately how long has Kathy Maestas  
19 been a nurse at the Fremont County jail?

20 A. From the dates of that contract, which I  
21 don't have in front of me and I don't know.

22 Q. Would you say that she was a nurse at the  
23 Fremont County jail for at least five years before  
24 Mr. Walter was confined there?

25 A. I'm guessing, so I don't know.



1           Q.    Was she a nurse at the jail for at least a  
2   number of years before Mr. Walter was confined at the  
3   jail?

4           A.    She was.

5           Q.    Other than Peggy Bradley, have you ever  
6   become aware, from any source or from your own  
7   observation or from what other people have said or  
8   reported, that Ms. Maestas was dismissive of the  
9   medical needs of inmates?

10          A.    No.

11          Q.    And have you ever become aware, from any  
12   other source besides Peggy Bradley, that Ms. Maestas  
13   was ever inappropriately short or rude or discourteous  
14   or unprofessional with regard to inmates?

15          A.    No, not -- not -- nothing that I was made  
16   aware of.

17          Q.    Okay. Has any person ever reported, to your  
18   knowledge, to a member of Fremont County Sheriff's  
19   Office management staff, including yourself, Ty Martin  
20   or Commander Rankin, that Ms. Maestas's conduct toward  
21   inmates or any inmate was inappropriate in any way?

22          A.    No.

23          Q.    With the exception of an attorney, uh, what  
24   conversations or discussions have you had with any  
25   person about Mr. Walter or his confinement or death

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1     **since Mr. Walter died?**

2           A.     Actually, there's one that I didn't list on  
3     the interrogatory, which was my detective, Mike Miller.  
4     I had a conversation with him, and I neglected to put  
5     that in the interrogatories. I had forgotten about it.

6           **Q.     What did Mr. Miller say?**

7           A.     Uh. He just -- we -- like I said, we spoke  
8     of kind of Mr. Walter -- reference to why he was in  
9     jail. Um. I didn't really question him about his  
10    investigation or anything. I typically won't do that,  
11    um, but I was more, um, wanting to know about his  
12    situation, you know, before he came to jail.

13          **Q.     Other than wanting to know about Mr. Walter's**  
14    **situation before he came to jail, did you have any**  
15    **other conversation with Detective Miller?**

16          A.     No.

17          **Q.     Why did you only want to know about**  
18    **Mr. Walter's situation before he came to jail?**

19          A.     I -- it was just questions to -- to -- or  
20    answers to questions that -- that seemed, you know, in  
21    hindsight, things that might have been helpful to us.  
22    I, you know, was inquisitive about who he was and why  
23    he was in jail.

24          **Q.     What did Detective Miller tell you?**

25          A.     He just said that he knew him to be involved

1 in the drug culture, um, and that there had been a  
2 specific, uh, incident, um -- I want to say on County  
3 Road 77 in our county where altercation took place  
4 between Mr. Walter and some other person and that it  
5 was over -- it was drug related.

6 Um. And, um, that there was a -- as he  
7 described it, a knockdown, drag-out fight that included  
8 weapons and, um, that Mr. Walter had been charged with  
9 an offense related to that situation.

10 **Q. Did that have any bearing or relevance on**  
11 **anything having to do with Mr. Walter or the way that**  
12 **he was treated once he was in the jail?**

13 A. No.

14 **Q. Did Detective Miller tell you anything else?**

15 A. That was pretty much the substance of our  
16 conversation.

17 **Q. Other than Detective Miller, have you had any**  
18 **other conversations with any person, other than an**  
19 **attorney, about Mr. Walter or his confinement or death**  
20 **since his death?**

21 A. I'm sorry, could I go back to the previous  
22 question?

23 **Q. Yes.**

24 A. Uh. One other thing that Detective Miller  
25 did ask me specifically about was this bruise on

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1 Mr. Walter, if there had been anything reported to me,  
2 um, about assault in the jail or something to that  
3 nature, so we spoke briefly about that. So I -- that  
4 was the only other thing pre -- to your previous  
5 question, so . . .

6 And then, I'm sorry, what was the --

7 **Q. A single bruise?**

8 A. Specifically this one on his side, I -- I  
9 know of that.

10 **Q. Can you hold that up to the camera and point**  
11 **so that we can see what you're referring to?**

12 A. I believe -- he didn't show me any pictures.  
13 He was just describing it. And I understood it to be  
14 that bruise, uh, right -- right there.

15 **Q. Okay. Anything else that Detective Miller**  
16 **told you?**

17 A. No, I can't recall anything other than that.

18 **Q. Any other person that you spoke with about**  
19 **Mr. Walter since his death besides an attorney?**

20 A. No.

21 MR. BUDGE: Okay. Can we go off the record  
22 for a sec?

23 THE VIDEOGRAPHER: We're going off the  
24 record. The time is 12:05.

25 (Discussion off the record.)

1 (A recess was taken from 12:03 p.m. to  
2 1:07 p.m.)

3 THE VIDEOGRAPHER: We are back on the record  
4 at 1:07.

5 Q. (BY MR. BUDGE) Sir, how long have you known,  
6 uh, John Rankin, the commander and captain of the jail?

7 A. I don't know how many years it was when he's  
8 been at the Sheriff's Office. I want to say 24 years.  
9 I could be wrong about that, but it was when he first  
10 came to work there. I -- I apologize, I don't remember  
11 how long, but many years.

12 Q. How did you first get to know him? Was it  
13 through your work together at the Sheriff's Office?

14 A. It was -- uh, I believe he was a detention  
15 deputy, and at the time I was probably already on the  
16 patrol division. Uh. We didn't work together in the  
17 jail. We were, um, separated by that time by the  
18 division, so . . . That's what I remember, at least.

19 Q. So you'd worked together for many years?

20 A. Correct.

21 Q. How well do you feel that you know  
22 Captain Rankin?

23 A. Um. Actually, it seems like I learn  
24 something new every day, but I -- I feel like I know  
25 him fairly well.

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1 Q. Have you socialized with him outside of work?

2 A. No, not really.

3 Q. Never been hunting or fishing together or  
4 anything of that nature?

5 A. No.

6 Q. Been to each other's homes?

7 A. No. I have not been to his home.

8 Q. Have you attended gatherings for holidays and  
9 birthday, things like that together?

10 A. Um. No, just office related, um, if there's  
11 a Christmas party or something like that, but no, not  
12 personally, no.

13 Q. Are you involved in any clubs or  
14 organizations with him?

15 A. No.

16 Q. Have you traveled with him?

17 A. I have not, that I can think of.

18 Q. Do you consider Captain Rankin a friend?

19 A. Yeah.

20 Q. What do you know of Captain Rankin's romantic  
21 relationship with Kathy Maestas?

22 A. Very little, except for they had one.

23 Q. Do you know when it began and when it end --  
24 when it ended, roughly speaking?

25 A. I really don't know. He did come to me

1 and -- and tell me of the relationship when it first  
2 began -- or -- yeah, that's my understanding, when it  
3 first began, and we had a brief conversation about it.  
4 Um. And I think he also told me when it was, uh, over  
5 as well, but I have no -- I can't recall dates and  
6 times.

7 **Q. Do you know if he was having a romantic**  
8 **relationship with Kathy Maestas in April of 2014?**

9 A. I -- I don't know. I think it -- they  
10 weren't at that time, but I'm guessing. I don't  
11 remember, but I don't believe they were.

12 **Q. But you're not sure?**

13 A. I'm not sure about that, but I don't believe  
14 they were.

15 **Q. Why did he come to you at what you understand**  
16 **to be the beginning of their romantic relationship?**

17 A. Because he was the jail administrator, I  
18 think he understood that there could be potential  
19 problems with that relationship.

20 **Q. In what way?**

21 A. Conflict -- conflict of interest, if he had  
22 to do administrative things and -- and either, you  
23 know, confront them about contractual matters or the  
24 types of care, any -- anything that an administrator  
25 would do with a contracted employee. And -- and I

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1 think he was smart enough to know that that could be  
2 problematic.

3 **Q. And why do you understand that he went to**  
4 **you?**

5 A. Well, I'm the sheriff, and he did not want me  
6 to hear it, probably, through rumor or gossip or other  
7 staff or some means outside the office. So he -- he  
8 knew it was something -- you know, with -- with conduct  
9 issues that, you know -- the officers need to report  
10 that sort of thing to me, that I'm aware of them.

11 **Q. Did he come to you and tell you, Sheriff, I**  
12 **want you to know that I'm having a relationship with**  
13 **the head nurse, Kathy Maestas, and does that present a**  
14 **problem to you, or something of that nature?**

15 A. Um. I -- I don't remember the exact  
16 verbiage, but, yes, it was, you need to know, Sheriff,  
17 that -- that her and I began dating, um, I need you to  
18 know.

19 **Q. And what was your response to Captain Rankin?**

20 A. I -- I told him that I -- I appreciated him,  
21 you know, let -- letting me know, that I didn't hear in  
22 another manner. That I told him I was concerned about  
23 that because it could, um, be a conflict of interest to  
24 have a relationship with a subordinate, which I would  
25 consider her to be, although be it contractual.



1           The -- the -- the vendors and the agency that  
2 we contract business with do, you know, have to respond  
3 to him, and -- and -- and so, anyway, just told him  
4 that I wish he would think about it, that I chose -- or  
5 choose not to get involved in people's personal lives  
6 but that if their personal lives impacted the  
7 operations of the Sheriff's Office, I would have to  
8 react to it accordingly.

9           **Q. Did you know at the time that Captain Rankin**  
10 **came to you to disclose the romantic relationship he**  
11 **was having with the head nurse, Kathy Maestas, that**  
12 **Captain Rankin would be directing her activities, to a**  
13 **degree, within the jail?**

14           A. -- did --

15           MR. O'CONNELL: Objection to form,  
16 foundation.

17           A. Was I aware that he would be?

18           **Q. (BY MR. BUDGE) Yes.**

19           A. Absolutely, yes.

20           **Q. So in the normal course and scope of daily**  
21 **activities in the jail, it's expected that the**  
22 **commander will provide direction to and oversee the**  
23 **head nurse?**

24           A. Correct.

25           **Q. Um. Do you know anything about where they**

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1 met or how they became romantically involved?

2 A. You know, I didn't ask any specific details.  
3 My assumption was they met at -- you know, because she  
4 was the HSA and he was the jail administrator. That's  
5 my assumption. I can't say that for sure. I don't  
6 know if they met some other mechanism, but that's the  
7 one that makes the most sense to me, so I -- I think  
8 that's how they met.

9 Q. You recognize the potential for a conflict of  
10 interest, though?

11 A. Yes.

12 Q. And what did you understand would occur if  
13 they disagreed, for example, about whether an inmate  
14 needed to go to the hospital?

15 A. I was assuming that I would have to be  
16 involved in -- in things like that if there became  
17 problems of that nature.

18 Q. Because there could be occasions where the  
19 commander of the jail would disagree with and  
20 potentially have to consider whether to overrule the  
21 head nurse?

22 A. Correct.

23 Q. And the commander of the jail would have  
24 authority over the head nurse, correct?

25 A. Would have -- I'm sorry, have --

1 Q. Would have authority over the head nurse, the  
2 HSA?

3 A. Definitely to the extent operationally within  
4 the jail --

5 Q. Correct.

6 A. -- as it relates to working together for  
7 security reasons, but not medically, certainly, but --  
8 but for operational reasons, certainly.

9 Q. Commander Rankin has a supreme duty to  
10 safeguard the health and welfare of the inmates under  
11 his command, correct?

12 A. He does.

13 Q. And the health services administrator,  
14 Kathy Maestas, is contracted by the jail through the  
15 contract with CHC to provide medical services to those  
16 inmates, correct?

17 A. Correct.

18 Q. So if there ever became a time where there  
19 was a disagreement between the commander of the jail  
20 and the health services administrator; that is, the  
21 head nurse, about responding to an inmate with medical  
22 needs, it would be the commander of the jail who would  
23 control the decision making ultimately, correct?

24 A. Well, me, ultimately, but -- but he would  
25 have the authority to do it, yes.

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1 Q. Over Ms. Maestas?

2 A. Pardon?

3 Q. Over Ms. Maestas?

4 A. Uh. Yes. Yes.

5 Q. And so, um, you would agree, then, that there  
6 was always, so long as they were romantically involved,  
7 the potential that the romantic involvement would  
8 interfere with their professional involvement in  
9 resolving issues that might come up?

10 A. Yes.

11 Q. In your department, is there any prohibition  
12 on romantic or sexual relationships between nonmarried  
13 people who work at the jail?

14 A. Yeah. We have a -- a nepotism policy for --  
15 for, uh, the officers, uh, but I don't consider the  
16 contract with CHC, for them to be -- I -- I didn't have  
17 the ability to discipline them or anything, it was a  
18 contractual agreement, so I didn't feel like that  
19 relationship violated the nepotism policy of the County  
20 or the Sheriff's Office.

21 Q. Do you think Commander Rankin fully  
22 understood the potential for a conflict of interest so  
23 long as he was dating the head nurse of the jail?

24 A. I made very clear to him that it was  
25 problematic.

1           Q.    Did you provide him with any direction about  
2 what he should do in the event that a conflict  
3 surfaced?

4           A.    I just told him that if their personal lives,  
5 uh, affected the, you know, operations at the Sheriff's  
6 Office somehow that I would get involved, and he -- he  
7 clearly knew that.

8           Q.    Do you know when or why their romantic  
9 relationship ended?

10          A.    I do not.

11          Q.    I'd like to talk with you a little bit more  
12 about your experience and education and training in the  
13 law enforcement leading up to your becoming sheriff in  
14 2003. Um. It's the case that you began your law  
15 enforcement career in about 1987; is that right?

16          A.    Correct.

17          Q.    And in 1990 you completed the Colorado Law  
18 Enforcement Training Academy, correct?

19          A.    Correct.

20          Q.    And after completing the Colorado Law  
21 Enforcement Training Academy in 1990 -- 1990, uh, you  
22 were assigned to the patrol division of the Fremont  
23 County Sheriff's Office?

24          A.    Correct.

25          Q.    And then as I understand it from your

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1     **interrogatory answers, from '94 to 2001 you worked**  
2     **various assignments within the Fremont County Sheriff's**  
3     **Office?**

4             A.     That's correct.

5             Q.     And you were promoted over the course of  
6     **time?**

7             A.     Uh, I'm promoted --

8             Q.     You were promoted over the course of time?

9             A.     Uh, yeah, there were different promotions.

10            Q.     Um, in addition to being a patrol deputy,  
11     **were you also a patrol sergeant?**

12            A.     I was.

13            Q.     Were you also a detective?

14            A.     I was.

15            Q.     For approximately how long were you a  
16     **detective?**

17            A.     Not that long, actually. I want to say I  
18     took that position in 2000, and I don't know how early  
19     in 2000. It may have been 1999, but I can't say for  
20     sure. But I didn't -- I -- I think I spent a year  
21     there, but I can't recall how long I was an  
22     investigator. I got promoted after that, so I -- I  
23     just can't recall how long. But it wasn't a lot -- not  
24     a great deal of time.

25            Q.     Were you a senior sergeant?

1 A. I was. That's what I was promoted to, yeah.

2 Q. Were you also a lieutenant?

3 A. I was.

4 Q. And a division commander?

5 A. Uh, yes. And that rank at that time was one  
6 and the same. So the title of division commander was  
7 the lieutenant, um, so that -- not to confuse that's  
8 two different positions, that was one position.

9 Q. Over the course of time and over the period  
10 of years that you've worked in law enforcement, has  
11 part of your job been to investigate deaths that occur  
12 in Fremont County?

13 A. Yes.

14 Q. Could you tell me a little bit more about  
15 your experience in death investigations?

16 A. Uh, since I -- it -- it's not a great deal  
17 of -- of, uh, experience, as I said, I only spent about  
18 a year or so as an investigator, but certainly even as  
19 a deputy, uh, patrol sergeant, you're involved with  
20 different aspects of death investigations, you know,  
21 some portion thereof, if you're the first responder or  
22 the supervisor on scene.

23 So it's most -- mostly just general --  
24 general, um -- it's -- it's general to the duties of  
25 law enforcement, I should say. I didn't have any

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1 specialized training in -- in that per se. I mean,  
2 I've had a lot of training over the years in that,  
3 but -- cold case homicides and that sort of thing,  
4 but -- but not so much forensically, um, actually, I  
5 mean, the -- so . . . I don't know if that's answering  
6 the question or not.

7 Q. Is it part of the work of the Fremont County  
8 Sheriff's Office to investigate deaths?

9 A. Yes.

10 Q. And you became sheriff in 2003, correct?

11 A. Correct.

12 Q. And from 2003 to 2014, during that 11-year  
13 period leading up to Mr. Walter's death, you were  
14 continuously the highest ranking law enforcement  
15 officer in Fremont County supervising the patrol and  
16 investigative departments?

17 A. Correct.

18 Q. And as sheriff, did you continue to receive,  
19 uh, many hours of training from various organizations  
20 and associations on the subject of law enforcement and  
21 investigations?

22 A. Yes.

23 Q. The Fremont County Sheriff's Office, having  
24 the role of being the investigator of deaths that occur  
25 within the county would mean that as part of your job



1 as sheriff, you would ultimately investigate and  
2 preside over the investigation of deaths occurring  
3 within the county, correct?

4 A. As sheriff?

5 Q. Yes.

6 A. I don't know if it would be accurate to say I  
7 presided o -- presided over them. Uh, I certainly --  
8 yeah, I -- I -- I don't know if that would be accurate.  
9 I don't know how you would say my oversight is --

10 Q. Let me --

11 A. -- to those investigations, but -- okay.  
12 Sorry.

13 Q. Let me ask the question a better way.  
14 Ultimately, any death investigation that occurs in --  
15 within Fremont County conducted by the Fremont County  
16 Sheriff's Office is presided over -- is presided over  
17 under your command, correct?

18 A. That -- that's -- that's accurate, yeah.

19 Q. And as of 2014, you were versed in basic  
20 fundamental aspects of death investigations?

21 A. Correct.

22 Q. And you were versed in fundamental aspects of  
23 death investigations from your time as detective as  
24 well as your time leading up to becoming sheriff of  
25 Fremont County?

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1           A.     Correct.

2           **Q.     In fact, um, death investigation is one of**  
3 **the primary functions of the Fremont County Sheriff's**  
4 **Office, correct?**

5           A.     I wouldn't say it's the primary thing. We do  
6 many things.

7           **Q.     No, I didn't say it was the primary thing --**

8           A.     Oh.

9           **Q.     -- but it is one of the primary things,**  
10 **correct?**

11          A.     I don't know if I could describe it that way  
12 because we -- we don't have that many deaths occur per  
13 year on an annual basis, so I hate to use the word  
14 "primary," but it is important, that -- that function  
15 that we do, yes.

16          **Q.     Let me ask the question in a better way so we**  
17 **can have a clear record. Death investigation is one of**  
18 **the important functions of the Fremont County Sheriff's**  
19 **Office?**

20          A.     Correct.

21          **Q.     And sometimes death investigations occur as**  
22 **investigations of potential homicides?**

23          A.     Correct.

24          **Q.     Potential suicides?**

25          A.     Correct.

1 Q. Deaths from auto accidents?

2 A. Correct.

3 Q. Deaths from industrial accidents?

4 A. Yes.

5 Q. Deaths from potential abuse of children or  
6 vulnerable adults?

7 A. Yes.

8 Q. Deaths from potential neglect by caregivers  
9 or others?

10 A. Yes.

11 Q. Deaths from potential medical neglect?

12 A. Yes.

13 Q. Deaths might be investigated to determine if  
14 criminal activities occurred?

15 A. Correct.

16 Q. And deaths might be investigated to rule out  
17 criminal activity?

18 A. Correct.

19 Q. Deaths might be investigated where no  
20 criminal activity is suspected simply to acquire  
21 evidence about facts and circumstances leading up to  
22 and surrounding a death, correct?

23 A. Yes.

24 Q. And deaths might be investigated that occur  
25 in private residences?

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1 A. Correct.

2 Q. On the road?

3 A. Correct.

4 Q. In hotel rooms?

5 A. Correct.

6 Q. Places of public accommodation?

7 A. Correct.

8 Q. Deaths might be investigated that occur  
9 within unincorporated Fremont County, correct?

10 A. Correct.

11 Q. And deaths might be investigated that occur  
12 in incorporated cities such as Florence or Penrose or  
13 Canon City?

14 A. It could be, yes.

15 Q. When deaths occur in incorporated cities  
16 within Fremont County, who does the investigation? Is  
17 it city law enforcement or the Fremont County Sheriff's  
18 Office or both?

19 A. Um. All the above.

20 Q. Deaths also might be investigated that occur  
21 in jails or prisons; is that correct?

22 A. Correct.

23 Q. There's a high number of federal, state, and  
24 local prisons and jails in Fremont County, Colorado,  
25 correct?

1 A. Yes.

2 Q. How many federal, state, and local prisons  
3 are in Fremont County?

4 A. I believe there's 13 facilities in the  
5 county. I think.

6 Q. Uh, which of those are county jails? Any  
7 others except for the one that you operate on Justice  
8 Center Road?

9 A. No. There -- there's only one county jail.

10 Q. And what about, um, state prisons within  
11 Fremont County, approximately how many?

12 A. I think there's seven facilities, uh, in  
13 Fremont County that are state facilities.

14 Q. And the balance are federal facilities?

15 A. Correct.

16 Q. Do any of the incorporated cities within  
17 Fremont County have their own detention facilities or  
18 jails?

19 A. Uh. You know, I'm not a hundred percent  
20 sure. It -- I was -- it was told one time that they  
21 had a place where they might have somebody temporarily,  
22 you know, because they were able at one time to bond  
23 from city, municipal, uh, police departments. But they  
24 don't -- I've never seen that and I don't know that to  
25 be the case. There really is only one county jail, and

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1 I -- I don't know about the others, so I guess I can't  
2 answer that. I -- I don't believe there is, though.

3 Q. Generally speaking, if a person is arrested,  
4 uh, for a suspected crime in an incorporated city such  
5 as Canon City or Penrose or Florence, is that person  
6 brought to the Fremont County jail in Canon City?

7 A. They are.

8 Q. When deaths occur in federal prisons within  
9 Fremont County, who investigates?

10 A. The -- the Federal Bureau of Prisons. Uh.  
11 My understanding is the FBI investigates those matters.

12 Q. And what about when they occur within state  
13 facilities in Fremont County?

14 A. They have a criminal investigation division,  
15 which are -- law enforcement officers investigate those  
16 matters.

17 Q. When deaths occur in county facilities, who  
18 investigates?

19 A. Um. Typically it's been, um, our  
20 investigators. Um. At my request, we could have CBI,  
21 uh, lend assistance, and/or the district attorney's  
22 office as well could be involved.

23 Q. Would you agree that the fundamental goal of  
24 law enforcement death investigation is to learn and  
25 uncover the truth --

1 A. Absolutely.

2 Q. -- about --

3 A. Oh.

4 Q. -- the facts and circumstances leading up to  
5 and surrounding the death?

6 A. Absolutely.

7 Q. You agree the public has a right to be  
8 ensured that any death investigation by the Fremont  
9 County Sheriff's Office will be focused on that  
10 fundamental goal of uncovering the truth about the  
11 facts and circumstances leading up to and surrounding  
12 the death?

13 A. Correct.

14 Q. Do you agree that one of the basic principles  
15 of law enforcement death investigation is to be  
16 thorough and complete in the investigation?

17 A. Correct.

18 Q. And in the aid of that goal, if there are any  
19 witnesses to the facts and circumstances leading up to  
20 and surrounding the death, those witnesses should be  
21 contacted and interviewed, if possible?

22 A. Correct.

23 Q. And the interviews of those people should be  
24 thorough and complete?

25 A. Correct.

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1           Q.    And those interviews should focus on what the  
2   person saw and learned and observed about what was  
3   occurring and what did occur to the decedent?

4           A.    Correct.

5           Q.    And, if possible, those interviews should be  
6   recorded?

7           A.    Correct.

8           Q.    And all available evidence should be  
9   collected?

10          A.    Yes.

11          Q.    And if there are documents that reveal the  
12   facts and circumstances leading up to and surrounding a  
13   person's death, those documents should be collected and  
14   thoroughly reviewed?

15          A.    Yes.

16          Q.    If a death is being investigated that occurs,  
17   let's say, in a health care facility or a nursing home  
18   or a school or a hotel or a correctional facility or  
19   any place of public accommodation, any documents  
20   bearing on the facts or circumstances should be  
21   collected and reviewed?

22          A.    Yes.

23          Q.    And if a decedent's activities in the period  
24   leading up to the death are suspected to be on video,  
25   those videos should be collected and reviewed?



1 A. Correct.

2 Q. And if a decedent has injuries or bruises or  
3 marks or contusions, those injuries should be  
4 documented?

5 A. Correct.

6 Q. Do you also agree that a scene should be  
7 secured?

8 A. Correct.

9 Q. Do you agree the scene should be photographed  
10 and documented?

11 A. Yes.

12 Q. Should an investigative log be kept?

13 A. An investigative log?

14 Q. Yes.

15 A. Yes.

16 Q. And among the fundamental aspects of any law  
17 enforcement death investigation is to contact and  
18 interview any available witnesses who have knowledge or  
19 might have knowledge about the facts and circumstances  
20 leading up to the death?

21 A. Yes.

22 Q. Do you agree that, uh, disregarding those  
23 fundamental aspects of death investigation that we just  
24 talked about could compromise a criminal prosecution?

25 A. Yes.

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1           Q.    And disregarding those fundamental aspects  
2   could compromise the public's trust in law enforcement  
3   doing the investigation?

4           A.    Yes.

5           Q.    And it could also compromise the public's  
6   right to the truth?

7           A.    Yes.

8           Q.    And it could compromise the right of the  
9   decedent's family to learn the truth?

10          A.    Yes.

11          Q.    And it could lead to civil injustice if  
12   there's civil litigation over the death, correct?

13          A.    It could.

14          Q.    It could compromise public safety?

15          A.    Yes.

16          Q.    Another fundamental aspect of law enforcement  
17   death investigation concerns the need to work with  
18   physician medical examiners and coroners whose job it  
19   is to determine why a person died?

20          A.    Yes.

21          Q.    And you know that physician medical examiners  
22   whose job it is to determine why a person died often  
23   rely on the evidence being collected by law  
24   enforcement?

25          A.    Yes.

1           Q.    You know that physician medical examiners  
2   whose job it is to determine why a person died rely on  
3   law enforcement to collect and provide firsthand  
4   information from witnesses about the facts and  
5   circumstances?

6           A.    Yes.

7           Q.    And the same is true for coroners, correct?

8           A.    Correct.

9           Q.    Coroners rely on firsthand information from  
10   witnesses about the facts leading up to a person's  
11   death in order to make their judgments?

12          A.    Yes.

13          Q.    And do you also know that physician medical  
14   examiners and coroners might be unable to make an  
15   accurate determination about how or why a person died  
16   if law enforcement does not provide them with full and  
17   accurate information from witnesses?

18          A.    Yes.

19          Q.    And do you know that they might be unable to  
20   determine the cause of death if witness information is  
21   not collected and provided to them?

22          A.    Yes.

23          Q.    Do you know that they might be left with a  
24   cause of death as undetermined if witness information  
25   is not collected and provided to physician medical

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1     **examiners?**

2           A.     I don't know how they make their  
3     determinations, but that stuff is, yeah, part of  
4     their -- the scope of their duties. That's my  
5     understanding, yeah.

6           **Q.     And if witnesses' information is not**  
7     **collected by the investigating agency, uh, it might not**  
8     **be possible to determine one way or another whether a**  
9     **crime was committed?**

10          A.     It's possible.

11          **Q.     Or whether abuse has occurred or neglect has**  
12     **occurred?**

13          A.     Possible.

14          **Q.     Do you also agree that another basic**  
15     **principle of law enforcement invest -- investigation is**  
16     **avoiding any appearance of conflict or bias or**  
17     **prejudice?**

18          A.     Yeah.

19          **Q.     Yes?**

20          A.     Yes.

21          **Q.     For example, would you agree that if a**  
22     **detective learns that a family member or a loved one or**  
23     **a close friend might bear some legal responsibility for**  
24     **a death, then he or she should ordinarily recuse him or**  
25     **herself from the investigation and turn it over to**

1     somebody who can't be accused of bias?

2           A.     Yes.

3           Q.     And if a detective has a preexisting bias or  
4     prejudice or has already made up his mind about the  
5     death before even conducting the investigation, that  
6     could also compromise the integrity of the  
7     investigation?

8           A.     It could.

9           Q.     And if a detective has bias of race --  
10    against a racial minority and a victim is a racial  
11    minority, perhaps that detective should not be  
12    conducting the investigation?

13          A.     Agree.

14          Q.     Or a bias against anybody who might be the  
15    victim of a crime; if a detective has a bias against  
16    anybody who might be a victim of a crime, that  
17    detective should not be doing the investigation?

18          A.     Agreed.

19          Q.     Including a bias against people who are  
20    addicted to drugs or anything of that nature?

21          A.     Correct.

22          Q.     Do you agree that bias and conflict of  
23    interest can be institutional as well as personal?

24          A.     Yeah, probably.

25          Q.     Would you agree that if a law enforcement

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1 agency has custody of a person and that person dies in  
2 the custody of the law enforcement agency under  
3 circumstances that might indicate abuse or neglect or  
4 mistreatment by staff members of that law enforcement  
5 agency, that law enforcement agency should not be the  
6 one conducting the investigation?

7 A. Correct.

8 Q. And would you also agree that to avoid  
9 conflict of interest or appearance of a conflict of  
10 interest, that it's natural that one law enforcement  
11 agency might ask a neighboring law enforcement agency  
12 to take over the investigation?

13 A. Correct.

14 Q. Is it part of the basic principles of law  
15 enforcement that neighboring agencies should cooperate  
16 with each other to take over and lead investigations  
17 where appropriate to avoid the appearance of conflict  
18 of interest or bias?

19 A. If those agencies agree to do it, yes.

20 Q. Um. Do you personally know the chief law  
21 enforcement officer of Pueblo County?

22 A. I do.

23 Q. Park County?

24 A. I do.

25 Q. Teller County?

1 A. I do.

2 Q. El Paso County?

3 A. Uh. One clarification. Are we talking about  
4 their sheriffs or police agencies or chiefs? Because I  
5 don't know all of the chiefs, but I do know the  
6 sheriffs in those jurisdictions.

7 Q. The sheriffs.

8 A. Yes.

9 Q. Do you know the sheriff of Custer County?

10 A. Yes.

11 Q. Saguache County?

12 A. What county?

13 Q. Saguache.

14 A. Oh, Saguache County.

15 Q. Saguache.

16 A. I do. Not very well, but I do.

17 Q. Okay. Chaffee County?

18 A. I do.

19 Q. Uh. How about Canon City PD; do you know the  
20 chief of police?

21 A. I do.

22 Q. Florence PD?

23 A. I do.

24 Q. Uh. Do you know the head of the local FBI  
25 office?

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1           A.    Uh.  They've changed quite a bit, so I can't  
2   say that I do right now, no.

3           **Q.    Have you?**

4           A.    Have I in the past?

5           **Q.    Yes.**

6           A.    Yes.

7           **Q.    Has the Fremont County Sheriff's Office ever**  
8   **taken over a death investigation for any of the**  
9   **counties that I just mentioned?**

10          A.    No.

11          **Q.    Has a -- have any of those counties ever**  
12   **asked Fremont County to take over the investigation of**  
13   **any death that occurs within those counties?**

14          A.    I believe one, Custer County, the previous  
15   Custer County sheriff.  Actually, it was a joint  
16   investigation, but they did ask for us to take the  
17   lead.

18          **Q.    Why was that?**

19          A.    Because it was a, uh, situation where a body  
20   was just dumped in their county and we actually  
21   believed the crime to have occurred in Fremont County,  
22   um, so we took lead of that investigation.

23          **Q.    Would you ever hesitate to contact a**  
24   **neighboring law enforcement agency to take over the**  
25   **investigation of a death that occurred in your county**



1 if you thought it necessary to avoid an appearance of  
2 conflict -- conflict of interest?

3 A. No.

4 Q. So let's talk about the investigation into  
5 the death of John Patrick Walter. Uh. Mr. Walter died  
6 in the custody of your office, correct?

7 A. Correct.

8 Q. On the moment of his death and in the 17 to  
9 18 days leading up to and surrounding his death, he was  
10 continuously confined in the jail under the auspices,  
11 custody, and control of your office?

12 A. Correct.

13 Q. And, in particular, at the time of his death  
14 and in the 17 to 18 days leading up to and surrounding  
15 his death, his confinement was also being overseen by  
16 Commander Rankin?

17 A. Correct.

18 Q. Whom you consider a friend?

19 A. Correct.

20 Q. And at the time of his death and the 17 or 18  
21 days leading up to and surrounding his death,  
22 Mr. Walter's medical needs were over being -- being  
23 overseen by the head nurse, Kathy Maestas?

24 A. Correct.

25 Q. A person that you know was the romantic

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1 partner of your friend, Commander Rankin?

2 A. Correct.

3 MR. O'CONNELL: Objection; form.

4 THE DEPONENT: Excuse me.

5 Q. (BY MR. BUDGE) Well, you -- you knew her to  
6 be the romantic partner of Commander Rankin?

7 A. I did.

8 Q. And you knew that their romantic relationship  
9 had existed for some period of time?

10 A. Correct.

11 Q. And you knew that ultimately, at the end of  
12 the day, that the entire jail and everything that  
13 happened in the jail was your responsibility as  
14 sheriff, correct?

15 A. Absolutely.

16 Q. You did not request that any neighboring  
17 county investigate the facts or circumstances leading  
18 up to and surrounding Mr. Walter's death, correct?

19 A. I did not.

20 Q. And you never requested that any neighboring  
21 city or town or municipality investigate the facts and  
22 circumstances leading up to and surrounding his death?

23 A. I did not.

24 Q. Did anybody at the Fremont County Sheriff's  
25 Office request that any other law enforcement agency

1    **participate in any way in the investigation into**  
2    **Mr. Walter's death in your jail?**

3            A.    Not to my knowledge. If they would have, it  
4    would have been the district -- local district  
5    attorney's office, uh, as well the coroner. So that's  
6    the only two that come to mind.

7            Q.    **Never occurred, to your knowledge?**

8            A.    That's a protocol that we have. So, yes, I  
9    would have known they were calling either one or both  
10   of those entities.

11           Q.    **It never occurred, to your knowledge? That**  
12   **any other --**

13           A.    Oh.

14           Q.    **-- outside agency was called in to**  
15   **investigate or assist with the investigation?**

16           A.    I know that the coroner was, but I don't know  
17   about the district attorney's office.

18           Q.    **Right. The coroner of Fremont County?**

19           A.    Correct. Well, I think it was a deputy  
20   coroner, but the coroner's office.

21           Q.    **Did anybody at the Fremont County Sheriff's**  
22   **Office, to your knowledge, request that any agency**  
23   **outside of Fremont County investigate or participate in**  
24   **any investigation into the death of Mr. Walter in your**  
25   **jail?**

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1 A. No.

2 Q. Did you or anybody, to your knowledge, ever  
3 request that the State of Colorado investigate, in any  
4 way, the circumstances leading up to and surrounding  
5 Mr. Walter's death?

6 A. No.

7 Q. Did you or anybody, to your knowledge,  
8 request that the FBI or any federal agency or any  
9 independent agency investigate the circumstances of  
10 Mr. Walter's death?

11 A. No.

12 Q. So no one at the Fremont County Sheriff's  
13 Office, to your knowledge, made any effort at all to  
14 have any outside agency outside of Fremont County,  
15 Colorado, do any kind of investigation into Walt --  
16 Mr. Walter's death?

17 A. No.

18 Q. To the extent that there was any  
19 investigation into the circumstances leading up to and  
20 surrounding Mr. Walter's death in your jail, that  
21 investigation was internal at the Fremont County  
22 Sheriff's Office, correct?

23 A. Correct.

24 Q. Why did your office not make any effort to  
25 have any outside agency -- somebody other than the

1    **Fremont County Sheriff's Office itself -- do or**  
2    **participate in the death investigation?**

3            A.    Because I didn't feel like anybody at the  
4    Sheriff's Office did anything wrong to warrant that  
5    bias that you speak of, so . . .

6            Q.    How would you know until you investigated?

7            A.    Because I'm intimately involved in the  
8    operations of the Sheriff's Office.

9            Q.    In that respect, the Fremont County Sheriff's  
10   Office, to the extent there was any investigation, was  
11   investigating itself?

12           A.    No. It was investigating the death of  
13   Mr. Walter. We had no accusations against any person  
14   at the sheriff's office.

15           Q.    Do you understand how what I've described to  
16   you might be perceived by --

17           A.    Yes.

18           Q.    -- anybody as being a conflict of interest?

19           A.    I do.

20           Q.    Do you understand that there is an appearance  
21   of a conflict of interest when the Fremont County  
22   Sheriff's Office keeps an investigation purely internal  
23   into a death occurring at the Fremont County Sheriff's  
24   Office?

25           A.    I don't consider it was strictly internal.

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1 MR. TIEMEIER: Object to form.

2 A. The deputy coroner was involved and the  
3 medical examiner.

4 Q. (BY MR. BUDGE) Other than the deputy coroner  
5 and the medical examiner -- we've talked about how the  
6 deputy coroner and the medical examiner rely on the  
7 investigation of the law enforcement agency conducting  
8 it in order to get truthful information allowing them  
9 to make their conclusions.

10 Do you understand why it might appear to be a  
11 conflict of interest when the Fremont County Sheriff's  
12 Office investigates a death occurring in its own jail?

13 MR. TIEMEIER: Object to form.

14 A. I don't think they strictly rely on  
15 everything that we give them. They have jobs to do  
16 themselves that I don't -- that I'm not an expert at.  
17 But, yes, the information we give them is critical.

18 Q. (BY MR. BUDGE) Do you understand how it  
19 might appear that it's a conflict of interest for the  
20 Fremont County Sheriff's Office to investigate a death  
21 that occurs in its own facility where all of the  
22 witnesses are its own people?

23 MR. O'CONNELL: Objection to form.

24 A. I do.

25 Q. (BY MR. BUDGE) Did that present a potential

1     **issue for you?**

2           A.     No.

3           **Q.     Why not?**

4           A.     I don't believe they did anything wrong.  I  
5     have no reason to believe that his death was not  
6     medically related because we were all aware of it.

7           **Q.     How would you know until the investigation**  
8     **was conducted in a thorough and unbiased manner?**

9           A.     Well, I know to the extent of the reports  
10    that we were receiving for several days leading to his  
11    death, so -- um, and I was in there several times  
12    myself, and . . .

13          **Q.     So are you telling me that you were**  
14    **investigating a death about which you, yourself, were a**  
15    **witness to the facts and circumstances?**

16          A.     Say -- say that again.

17          **Q.     Were you not, in essence, overseeing an**  
18    **investigation where you, yourself, was a witness --**  
19    **were a witness to the facts and circumstances leading**  
20    **up to the death of Mr. Walter?**

21          A.     No, I wasn't overseeing the investigation.

22          **Q.     Your office was conducting the investigation.**

23          A.     Correct.

24          **Q.     You were the sheriff.**

25          A.     (Deponent nodded head.)

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1 Q. Correct?

2 A. Correct.

3 Q. You were also a witness, correct?

4 A. Correct.

5 Q. All of your people at the jail were also  
6 witnesses, correct?

7 MR. O'CONNELL: Objection to form.

8 A. Yeah, I don't know -- not all of them were,  
9 so . . .

10 Q. (BY MR. BUDGE) Excuse me. All of the  
11 witnesses -- the detention deputies, the corporals, the  
12 sergeants, the jail commander, the undersheriff, and  
13 yourself -- were witnesses to the circumstances leading  
14 up to Mr. Walter's death, correct?

15 MR. O'CONNELL: Objection to form.

16 A. Correct. The people listed in -- as  
17 witnesses and have provided you information are  
18 witnesses in this, um, case.

19 Q. (BY MR. BUDGE) Right.

20 A. Correct.

21 Q. So do you agree that it was a potential  
22 conflict of interest for the Fremont County Sheriff's  
23 Office to be investigating a death when the detention  
24 deputies, the corporals, the sergeants, the  
25 undersheriff and yourself were all witnesses to the



1     **circumstances leading up to the death in the custody of**  
2     **your office?**

3             **MR. O'CONNELL:  Objection to form.**

4             A.    I don't believe it is a conflict of interest.

5             **Q.    (BY MR. BUDGE)  Who --**

6             A.    Though I agree there could be a -- the  
7     perception of a conflict of interest, but I don't agree  
8     that it is, so . . .

9             **Q.    And why do you believe there is a perception**  
10    **that there is a conflict of interest but there is no**  
11    **actual conflict of interest?**

12            A.    As I said, the officers have done nothing  
13    wrong, we -- we've -- have no evidence to suggest  
14    they've done anything wrong.  Um.  So the perception  
15    from the outside of not understanding policies and  
16    investigative matters could perceive it that way.

17            **Q.    You don't think that perhaps any person at**  
18    **the Fremont County Sheriff's Office who was leading an**  
19    **investigation of the detention deputies and the**  
20    **sergeants and the corporals and the undersheriff and**  
21    **the sheriff himself might possibly be biased or**  
22    **prejudiced in the investigation?**

23            A.    I don't know if they are or not.  I don't  
24    know their personal biases.  I know --

25            **Q.    No --**

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1           A.    I know mine, but I don't know theirs,

2   so . . .

3           **Q.    And no institutional bias?**

4           A.    I've never witnessed it.

5           **Q.    And -- and you don't -- you don't perceive**  
6 **that it occurred or could occur in this case?**

7           A.    I don't believe it occurred in this case.

8           **Q.    Who is, uh, Detective Mike Miller again?**

9           A.    Detective Mike Miller?

10          **Q.    Right.**

11          A.    What do you mean, "who"?

12          **Q.    He's at the Fremont County Sheriff's Office?**

13          A.    Correct.  He's a detective.

14          **Q.    And he leads death investigations that occur**  
15 **within your county?**

16          A.    He has, as well as other assignments.

17          **Q.    And you're his superior officer?**

18          A.    Uh.  Is he a superior officer?

19          **Q.    You are --**

20          A.    Oh.  Yes.

21          **Q.    -- his superior officer?**

22          A.    Yes.  Yes.

23          **Q.    Just so we have a clear record, you are the**  
24 **superior officer of Detective Mike Miller?**

25          A.    Correct.

1           **Q.    And as your -- as his superior officer, you**  
2           **ultimately supervise and direct him?**

3           A.    I'm not his first-line supervisor, but  
4           ultimately I am -- I -- I supervise everyone at the  
5           Sheriff's Office --

6           **Q.    Right.**

7           A.    -- ultimately.

8           **Q.    Ultimately, you supervise and direct**  
9           **Detective Mike Miller?**

10          A.    Not on his day-to-day activities; no, but  
11          ultimately, yes, I'm the sheriff who everyone can  
12          answer to.

13          **Q.    Ultimately, you supervise and direct**  
14          **Mike Miller in your position as sheriff, correct?**

15          A.    Yes.

16          **Q.    Thank you.**

17          MR. TIEMEIER:  Objection; asked and answered.

18          THE DEPONENT:  Oh, excuse me.  I'm sorry.

19          **Q.    (BY MR. BUDGE)  And how long have you known**  
20          **Detective Mike Miller?**

21          A.    Since he came to work for the Sheriff's  
22          Office, and I can't recall when that was exactly.

23          **Q.    For years, correct?**

24          A.    Pardon?

25          **Q.    You have known Detective Mike Miller for**

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1     **years?**

2             A.     Yes.

3             **Q.     You have been his superior officer since**  
4     **when?**

5             A.     I would say that was probably in my position  
6     as, um, the division commander, the lieutenant.  Um.  I  
7     believe -- yeah, I believe he was employed somewhere  
8     around that time frame.  So it started then, um, and  
9     then obviously when I became sheriff, um, after that,  
10    because I was gone for a year or so -- for that year  
11    time when --

12            **Q.     As of 2014, uh, you had been the superior**  
13    **officer of Detective Mike Miller for least 11 years?**

14            A.     Yeah, sounds right.

15            **Q.     Have you socialized with Detective Mike**  
16    **Miller outside of work?**

17            A.     Um.  I -- yeah, I have.

18            **Q.     What sort of things have you done together?**

19            A.     We spent time at Gilley's bar in Las Vegas  
20    when we were at a conference.

21            **Q.     Okay.  Have you fished with him, hunted with**  
22    **him?**

23            A.     No.

24            **Q.     Been to each other's homes?**

25            A.     No.

1 Q. Do you know each other's families?

2 A. Uh. I know who he's dating.

3 Q. Okay. You travel together?

4 A. No.

5 Q. You did not travel to Vegas together?

6 A. No.

7 Q. Okay. You met up in Vegas together?

8 A. Yeah.

9 Q. You didn't actually get on the  
10 airplane together, but you met up in Vegas together?

11 A. Right. We were both attending the Shot Show  
12 in Las Vegas.

13 Q. Right. And where did Detective Mike Miller  
14 physically work in 2014, in relation to your office?

15 A. He was an investigator.

16 Q. Yeah. Where did he physically work --

17 A. Oh.

18 Q. -- in relation to your office?

19 A. Um. They're housed, uh, in a location  
20 just -- just across the street from here on Mac -- on  
21 6th -- 6th -- 6th Avenue. 6th Street and Macon.

22 Q. And does he still work there now?

23 A. He does.

24 Q. Do Detective Mike Miller and John Rankin know  
25 each other?

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1 A. Yeah.

2 Q. How long have they known each other?

3 A. I don't know.

4 Q. For a long time, though?

5 A. I don't -- I'm assuming from the office,  
6 however long that is. I don't know for sure.

7 Q. Is Detective Mike Miller somebody you  
8 consider to be a friend?

9 A. Yeah.

10 Q. And is Detective Miller and John Rankin --  
11 are they friends?

12 A. I don't know. I don't know if I could say  
13 that or not.

14 Q. To the extent that there was any  
15 investigation at all into the facts and circumstances  
16 leading up to and surrounding the death of John Walter,  
17 that investigation was done by your detective,  
18 Mike Miller, correct?

19 A. Correct.

20 Q. Handing you Exhibit 9 to your deposition.  
21 This is a six-page document bearing the words Death  
22 Investigation towards the top. Do you see that?

23 A. Correct.

24 Q. Sir, is this the sum total, this six-page  
25 paper, of all death investigation documents from the

1     **Fremont County Sheriff's Office into the death of**  
2     **John Walter?**

3             A.     I don't know.

4             Q.     **Why don't you know?**

5             A.     Because I haven't looked at the complete  
6     file.

7             Q.     Do you have any reason to believe that there  
8     is any paper at the Fremont County Sheriff's Office  
9     that comprises any aspect of the death investigation  
10    other than this six-page document?

11            A.     Well, we would include the medical examiner's  
12    report as a part of that, and I don't see that here, so  
13    I -- I don't think it's complete.

14            Q.     Other than the medical examiner's report, do  
15    you have any reason to believe that there is any other  
16    Fremont County Sheriff's Office document that comprises  
17    part of the death investigation into the facts and  
18    circumstances leading up to and surrounding  
19    John Walter's death in your jail?

20            A.     This is not a complete report. Does that  
21    answer that? There -- there's reports written from  
22    detention deputies and things that aren't in this  
23    report. This is Mike Miller's report, so I don't --  
24    all of those other things would be inclusive of the  
25    entire report, so -- I mean, they are not here,

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1 so . . .

2 Q. Are you aware of any other part or aspect of  
3 this document that makes it incomplete, that it should  
4 be more?

5 A. Yes, because it's missing the things I just  
6 described. That -- that is what I would consider a  
7 complete case file.

8 Q. Do you see in the upper right-hand corner  
9 where it says case closed? "Case Status: Closed"?

10 A. Oh, yeah.

11 Q. Okay. When was it closed?

12 A. I have --

13 Q. When was the death investigation closed?

14 A. I have no idea.

15 Q. Have you ever tried to determine that?

16 A. No.

17 Q. In the lower right-hand corner it says the  
18 Approving Officer is Robert Dodd. Do you see that?

19 A. Correct.

20 Q. Who's Robert Dodd?

21 A. He would have been, I think, at that time  
22 sergeant of investigations. He also had a promotion  
23 recently, and I don't know the timing of that. Right  
24 now he's the rank of lieutenant, but he's over the  
25 investigators and was over Mike Miller at that time.



1           Q.    And was he also under your command at that  
2   time?

3           A.    He was.

4           Q.    Are you aware of any other document or part  
5   of a document authored by either Detective Miller or  
6   Robert Dodd or any other member of the investigative  
7   team relating to the facts and circumstances leading up  
8   to and surrounding Mr. Walter's death?

9           A.    No.

10           THE VIDEOGRAPHER:  You have about five  
11   minutes to media change.

12           MR. BUDGE:  Let's go ahead and change that  
13   now.

14           THE VIDEOGRAPHER:  This ends Media No. 2.  
15   We're going off the record at 1:56.

16           (A recess was taken from 1:56 p.m. to  
17   2:01 p.m.)

18           THE VIDEOGRAPHER:  We are back on the record  
19   at 2:01.  This is Media 3 in the deposition of Sheriff  
20   James Beicker.

21           Q.    (BY MR. BUDGE)  In connection with the goal  
22   of getting the truth about what happened leading up to  
23   and surrounding the death of John Patrick Walter in  
24   your jail, did Detective Miller or anyone of the  
25   Fremont County Sheriff's Office ever -- ever interview

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1     **any of the following people: Nurse Kathy Maestas?**

2             A.     I'm unsure. I don't know.

3             **Q.     Do you have any evidence that anybody**  
4     **interviewed Kathy Maestas?**

5             A.     I don't.

6             **Q.     Her romantic partner and the commander of the**  
7     **jail, John Rankin?**

8             A.     I don't know.

9             **Q.     Do you have any evidence that anybody did so?**

10            A.     I don't know.

11            **Q.     Do you have any evidence --**

12            A.     Oh. Go ahead.

13            **Q.     -- that anybody did so?**

14            A.     No.

15            **Q.     Yourself?**

16            A.     No.

17            **Q.     You were never interviewed?**

18            A.     No.

19            **Q.     You're a witness and you were never**  
20     **interviewed. Why not?**

21                    **MR. O'CONNELL: Objection to form.**

22            A.     I don't know.

23            **Q.     (BY MR. BUDGE) Stephanie Repshire, who**  
24     **worked at the jail?**

25            A.     I don't know who he list -- I don't know who

1 he interviewed and who he didn't.

2 Q. Do you have any evidence that he interviewed  
3 Stephanie Repshire?

4 A. No, not unless it's in here.

5 Q. Is it?

6 A. I don't know. I didn't read it.

7 Q. Well, take a look.

8 A. Oh, what was the question again, please?

9 Q. In connection with the goal of gaining the  
10 truth about what happened leading up to and surrounding  
11 the death of Mr. Walter in your jail, did  
12 Detective Miller or anybody from the Fremont County  
13 Sheriff's Office interview Stephanie Repshire, the  
14 nurse who was also working at the Fremont County jail?

15 A. Not that I'm aware of.

16 Q. How about Nurse Monica Doughty, who worked at  
17 the jail?

18 A. Not that I'm aware of.

19 Q. Physician assistant Roy Havens, who worked at  
20 the jail?

21 A. No.

22 Q. Sharon Allen, who saw Mr. Walter three days  
23 before his death on April 17th?

24 A. No.

25 Q. Undersheriff Ty Martin?

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1 A. No.

2 Q. Detention Deputy Sara Lightcap, that worked  
3 at your jail; ever interviewed?

4 A. No.

5 Q. Detention Deputy Charlene Combs, who worked  
6 at the jail; ever interviewed?

7 A. No.

8 Q. Corporal Greg Owen, who worked at the jail  
9 and who you've already testified about in this case  
10 came to you with concerns about Mr. Walter; ever  
11 interviewed?

12 A. No.

13 Q. Why not?

14 A. I believe they wrote statements about what  
15 they knew, so . . .

16 Q. In connection with a death investigation?

17 A. In connection to what they -- knowledge they  
18 had of the situation.

19 Q. You think Corporal Owen wrote a statement  
20 describing in full detail the facts and circumstances  
21 as he knew them leading up to and surrounding  
22 Mr. Walter's death? Do you know that for a fact?

23 MR. O'CONNELL: Objection, form.

24 A. I don't even know that they are required to  
25 document things that they see in the jail.

1           Q.     (BY MR. BUDGE) Do you know for a fact that  
2 Corporal Owen provided a full and complete count --  
3 accounting of everything he knew?

4           A.     I don't know.

5           Q.     Ever interviewed Mr. Owen?

6           A.     Um. Me or the investigator?

7           Q.     The investigator or anybody at the Fremont  
8 County Sheriff's Office, did they ever interview  
9 Corporal Owen?

10          A.     Not that I'm aware of.

11          Q.     Detention Deputy James Wheaton, who worked at  
12 the jail and booked Mr. Walter into the jail; ever  
13 interviewed?

14          A.     Not that I'm aware of.

15          Q.     Detention Deputy Joshua Pohl, who worked at  
16 the jail; ever interviewed?

17          A.     Not that I'm aware of.

18          Q.     Detention Deputy, at that time,  
19 Carrie Hammel, who worked in the jail; ever  
20 interviewed?

21          A.     Not that I'm aware of.

22          Q.     Sergeant Michael Girtten, who worked at the  
23 jail; ever interviewed?

24          A.     Not that I'm aware of.

25          Q.     Sergeant Mike Ulrich, who worked at the jail;

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1     **ever interviewed?**

2           A.     Not that I'm aware of.

3           **Q.     Sergeant Robert Miller, who worked at the**  
4 **jail; ever interviewed?**

5           A.     No, not that I'm aware of.

6           **Q.     Sergeant Justin Green, that worked at the**  
7 **jail; ever interviewed?**

8           A.     Not that I'm aware of.

9           **Q.     Corporal Dustin Maas, that worked at the**  
10 **jail; ever interviewed?**

11          A.     Nope, not that I'm aware of.

12          **Q.     Corporal Richard Salano, who worked at the**  
13 **jail; ever interviewed?**

14          A.     Not that I'm aware of.

15          **Q.     Detention Deputy Billie Bell, who worked at**  
16 **the jail; ever interviewed?**

17          A.     Not that I'm aware of.

18          **Q.     Uh.   Detention Deputy Anthony Turner, who**  
19 **worked at the jail; ever interviewed?**

20          A.     I don't know who Anthony Turner is, so I'm  
21 going to say, I'm -- not that I'm aware of.

22          **Q.     Baley Sandefur?**

23          A.     Not that I'm aware of.

24          **Q.     Eloysa Trujillo?**

25          A.     Not that I'm aware of.

1           **Q.     Lila Clemmerson?**

2           A.    No, not that I'm aware of.

3           **Q.     Braxton Buffington?**

4           A.    Not that I'm aware of.

5           **Q.     Jordan Penn?**

6           A.    Nope.

7           **Q.     David Green?**

8           A.    I don't know David Green, I'm sorry.  Might  
9   be an officer, but not that I'm aware of.

10          **Q.     Mackenzie Roquemore?**

11          A.    Not that I'm aware of.

12          **Q.     Ashley Ramey?**

13          A.    Not that I'm aware of.

14          **Q.     Randall Cullen?**

15          A.    Nope, not that I'm aware of.

16          **Q.     Perry Burford?**

17          A.    Nope, not that I'm aware of.

18          **Q.     Cameron Gonzales?**

19          A.    Not that I'm aware of.  I can't put a face  
20   with that name, either.

21          **Q.     Lee Cook?**

22          A.    No, not that I'm aware of.

23          **Q.     Any inmate or detainee who might have seen**  
24   **Mr. Walter in the last five days of his confinement**  
25   **when he was being held in the holding cell in full view**

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1 of anyone who walked past?

2 A. The only one I'm aware of now is  
3 inmate Smith, I believe it was, that I read about in  
4 this report.

5 Q. Smith was with Mr. Walter in the T pod,  
6 right?

7 A. Correct.

8 Q. Okay. So let me get back to my question.  
9 Any inmate or detainee who might have seen Mr. Walter  
10 in the last five days of his confinement when he was  
11 being held in a holding cell in full view of anyone who  
12 walked past; ever interviewed?

13 A. Not that I'm aware of.

14 Q. Any of the medical personnel who responded to  
15 the jail when Mr. Walter was found unresponsive in his  
16 cell in your jail; ever interviewed?

17 A. Not that I'm aware of.

18 Q. The deputy coroner, Brinda Lloyd, who came to  
19 the jail and saw Mr. Walter's body shortly after he  
20 died; ever interviewed?

21 A. Not that I'm aware of.

22 Q. Mr. Walter's prescribing medical provider,  
23 Laura Garnell; ever interviewed?

24 A. Laura who? I'm sorry.

25 Q. Garnell.



1           A.    Uh.  I don't know that person either, but,  
2           um, not that I'm aware of.

3           **Q.    Any other medical provider of any kind; ever**  
4           **interviewed?**

5           A.    I can't say if Dr. Barry was or not, but I  
6           don't believe so.

7           **Q.    Anyone associated in any way with**  
8           **Correctional Healthcare Companies or any provider of**  
9           **jail health ser -- health services; ever interviewed?**

10          A.    No.

11          **Q.    Any public defender who might have had**  
12          **contact with Mr. Walter while he was in your custody;**  
13          **ever interviewed?**

14          A.    No.

15          **Q.    Any judge or member of the court who might**  
16          **have had contact with Mr. Walter during the course of**  
17          **his confinement; ever interviewed?**

18          A.    I don't believe so.

19          **Q.    Any family member, friend, or acquaintance,**  
20          **whomever, of Mr. Walter; ever interviewed?**

21          A.    Not that I'm aware of.

22          **Q.    Any member of jail staff whatsoever; ever**  
23          **interviewed?**

24          A.    Not -- I'm not aware if they are -- if they  
25          had been.

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1           Q.    Two and a half years later after Mr. Walter  
2   died, we as the attorneys for the estate are taking  
3   your deposition and others in this case, correct?

4           A.    Correct.

5           Q.    This is the first time that you have ever  
6   been formally interviewed by anyone about the facts and  
7   circumstances leading up to and surrounding Mr. Walter  
8   other than by your own attorneys, correct?

9           A.    Other than the short, brief question about  
10  the mark on Mr. Walter, yes.

11          Q.    Why were none of those people interviewed?

12               MR. TIEMEIER:  Objection; lack of foundation.

13          A.    I don't know.

14          Q.    (BY MR. BUDGE)  Monica Doughty, our first --  
15  our deposition of Monica Doughty was the first time she  
16  was questioned about the facts and circumstances  
17  leading up to and surrounding Mr. Walter's death,  
18  correct?

19          A.    Um.  Plea -- say that again, please.

20          Q.    Our deposition of Monica Doughty was the  
21  first time she was questioned about the facts and  
22  circumstances leading up to and surrounding  
23  Mr. Walter's death, correct?

24          A.    I don't know.

25               MR. TIEMEIER:  Object to form, foundation.

1           Q.    (BY MR. BUDGE) Did you review her deposition  
2 transcript?

3           A.    No.

4           Q.    Would it surprise you to learn that she  
5 testified that with regard to Mr. Walter and the nurses  
6 at the jail, including Ms. Maestas and Ms. Repshire,  
7 that numerous written policies, procedures, and  
8 protocols were violated? Would that surprise you?

9           MR. O'CONNELL: Objection; form.

10          A.    Um. Are you talking about CHC's policies --

11          Q.    (BY MR. BUDGE) Yes.

12          A.    -- or Sheriff's Office policies?

13          Q.    CHC's policies.

14          A.    Um. Yeah, I guess I would because I'm not --  
15 I don't know what she'd be referring so . . . I don't  
16 know what policy she's saying was violated.

17          Q.    Our deposition of Deputy Wheaton was the  
18 first time anybody interviewed him about the facts  
19 leading up to Mr. Walter's death, correct?

20          A.    Um. I don't know if he's talked to anybody  
21 else about it, but -- so I don't know.

22          Q.    Did the Fremont County Sheriff's Office seek  
23 to interview any of these people?

24          A.    Not that I'm aware of.

25          Q.    Did you review Wheaton's deposition?

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1 A. No.

2 Q. Same question for Robert Miller. Our  
3 deposition of him was the first time anybody had  
4 interviewed him about the facts leading up to  
5 Mr. Walter's death. Did you review his deposition  
6 transcript?

7 A. No, I did not.

8 Q. Corporal Owen, our deposition with him -- of  
9 him was the first time anybody interviewed him about  
10 the circumstances leading up to Mr. Walter's death.  
11 Did you review his transcript?

12 A. I have not.

13 Q. Deputy Combs, we took her deposition. It was  
14 the first time anybody had interviewed her about what  
15 had happened. Did you review her deposition?

16 A. I did not.

17 Q. Deputy Lightcap, same question. Did you  
18 review her deposition transcript in which we asked her  
19 about what she knew leading up to Mr. Walter's death?

20 A. I have not.

21 Q. Tomorrow we are going to be questioning  
22 Commander Rankin. Will you review his deposition  
23 transcript?

24 A. Will I?

25 Q. Yes.

1 A. I don't have any plans to.

2 Q. Will you review the deposition transcript of  
3 Lightcap?

4 A. I don't have any plans to do that.

5 Q. Do you want to know why Mr. Walter died and  
6 what happened in your jail leading up to his death?

7 A. Yes.

8 Q. Will you review the deposition transcript of  
9 Charlene Combs?

10 A. Same answer. I probably don't have any plan  
11 to.

12 Q. And if you want to know what happened, why  
13 wouldn't you review her transcript?

14 A. Because I might like more to see the  
15 deposition -- or the deposition and responses from my  
16 medical provider.

17 Q. I'm sorry?

18 A. I said, I might more be interested in the  
19 depositions and the responses from my medical provider.

20 Q. So even if Deputy Combs has firsthand  
21 information about the facts and circumstances leading  
22 up to Mr. Walter's death, you have no plans to review  
23 it?

24 MR. O'CONNELL: Objection to form,  
25 foundation.

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1           A.    If it comes to light that she has, then yes,  
2   I probably would review it.

3           **Q.    (BY MR. BUDGE) Will you review the**  
4 **deposition transcript of Corporal Owen?**

5           A.    Only if I need to.

6           **Q.    Will you review the deposition transcript of**  
7 **Robert Miller?**

8           A.    Same answer.

9           **Q.    Will you review the deposition transcript of**  
10 **James Wheaton?**

11          A.    Yes, if I need to.

12          **Q.    Will you review the deposition transcript of**  
13 **Monica Doughty?**

14          A.    Uh. Most likely will review that deposition,  
15 yes.

16          **Q.    Do you agree that every single person that I**  
17 **have identified to date has information about the facts**  
18 **and circumstances preceding Mr. Walter's death in the**  
19 **custody of your officers in your jail?**

20          A.    Yes.

21          **Q.    Okay. Will you seek to interview any of**  
22 **those people?**

23          A.    Uh. Like I answered, if -- if it comes to  
24 light there's some impropriety that's been uncovered,  
25 I -- I would, but I have no reason to at this point.

1 They have written statements about the matter, and --  
2 and, uh, I have no, really, reason to pursue it  
3 further.

4 Q. Are not interviews a standard part of law  
5 enforcement investigations?

6 A. Are interviews?

7 Q. Yes.

8 A. Yes.

9 Q. Okay. Will you seek to have your office  
10 interview any of the people that I've identified?

11 A. Will I seek to have my --

12 Q. Will you seek to have your office interview  
13 any of the people that I've identified in order to  
14 learn the truth about what happened to Mr. Walter  
15 leading up to his death in the custody of your officers  
16 in your jail?

17 A. Only if I -- it's brought to me that there's  
18 some act of impropriety or criminality based on their  
19 part, but to this point there's been nothing like that,  
20 and so I have no reason to do that.

21 Q. How do you know if there's any impropriety  
22 whatsoever if none of these people are interviewed,  
23 sir?

24 A. I -- I don't believe they've done anything  
25 wrong, so there's been no reason to -- to intervene

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1 further.

2 Q. How do you know, sir, if none of these people  
3 have been interviewed, that nothing was done wrong?

4 A. Because they've reported everything that  
5 they've -- they've been witness to.

6 Q. In fact, was there a report by Mackenzie  
7 Roquemore?

8 A. I don't know.

9 Q. Jordan Penn?

10 A. I don't know.

11 Q. Braxton Buffington?

12 A. I do not know.

13 Q. Lila Clemmerson?

14 A. I'm not sure.

15 Q. Any of the people that I've identified?

16 A. As having written --

17 MR. O'CONNELL: Objection to form. Hold on.

18 THE DEPONENT: Okay.

19 MR. O'CONNELL: Go ahead.

20 Q. (BY MR. BUDGE) As having written a report.

21 A. I'm not sure.

22 Q. Okay. So how can you testify that there was  
23 a report if you're not sure if there was a report?

24 How can you testify -- to clarify my

25 question -- that any of these people gave reports if



1     **you don't know if they gave reports?**

2             A.     Because --

3             MR. O'CONNELL:   Objection to form.

4             THE DEPONENT:   Excuse me.

5             MR. O'CONNELL:   Go ahead.

6             A.     Because by policy, if they're witnesses to  
7     anything that is relevant to a situation, they would be  
8     required to make those reports.

9             Q.     (BY MR. BUDGE)   And, therefore, anybody in  
10    your office who failed to provide a report fully and  
11    accurately describing all of the information that they  
12    had leading up to the death of Mr. Walter, everything  
13    that they saw and witnessed with regard to Mr. Walter  
14    during his time in custody in your jail -- if any of  
15    those people failed to provide a report containing all  
16    of that information, they were in violation of your  
17    department's policies?

18            A.     If they --

19            MR. TIEMEIER:   Object --

20            A.     -- failed to --

21            MR. TIEMEIER:   Object to form.

22            THE DEPONENT:   Excuse me.   I'm sorry.

23            A.     If they failed to report anything they know,  
24    yes.

25            Q.     (BY MR. BUDGE)   Then they were in violation

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1 of your department policies?

2 A. If they had information they needed to  
3 report, they would have been.

4 Q. Before today, had you ever read the six-page  
5 death investigation report of Detective Miller?

6 A. No.

7 Q. Why not?

8 A. I didn't.

9 Q. Why not?

10 A. I didn't do it. I don't read every report  
11 that comes -- investigation that takes place.

12 Q. But sir, this is a death that happened in  
13 your jail, in the custody of your officers, for which  
14 your -- you and your officers are being sued. Why did  
15 you not look at the death investigation until today?

16 A. I don't know.

17 Q. Have you ever, sir, reviewed any report, if  
18 there exists such a report, from any detention deputy,  
19 corporal or sergeant who works for the Fremont County  
20 Sheriff's Office having anything to do with  
21 Mr. Walter's death or the circumstances preceding his  
22 death?

23 A. No.

24 Q. Why?

25 A. Didn't feel the need to.

1 Q. Even though your county and you are being  
2 sued in litigation over it, you simply didn't feel the  
3 need?

4 A. Correct.

5 MR. TIEMEIER: Object to form.

6 THE DEPONENT: Excuse me.

7 Q. (BY MR. BUDGE) Do you think that's  
8 commensurate with your duty as the sheriff to get to  
9 the truth of what happened?

10 A. Yes.

11 Q. In connection with the goal of learning the  
12 truth about what happened leading up to the death of  
13 the Mr. Walter, did anybody from the Fremont County  
14 Sheriff's Office ever seek to review any of the  
15 following documents or materials: Mr. Walter's jail  
16 intake records?

17 A. Could I have you repeat the question again.

18 Q. In connection with the goal of gaining the  
19 truth about what happened to Mr. Walter leading up to  
20 and surrounding his death in your jail, did anyone from  
21 the Fremont County Sheriff's Office ever seek to review  
22 any of the following documents or materials:  
23 Mr. Walter's jail intake records?

24 A. Yes.

25 Q. Who did that?

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1           A.    I believe the undersheriff told me he looked  
2   at those records.

3           Q.    Was he conducting a death investigation?

4           A.    No.

5           Q.    Thank you.

6                   In connection with the goal of gaining the  
7   truth about what happened leading up to and surrounding  
8   the death of Mr. Walter, did anybody from the Fremont  
9   County Sheriff's Office who had any responsibility for  
10   investigating his death seek to review his jail intake  
11   records?

12                   MR. O'CONNELL:  Objection to form.

13           A.    I can't say that Detective Miller did or  
14   didn't, but he didn't mention it in this report, so I  
15   don't know.

16           Q.    (BY MR. BUDGE)  Mr. Walter's booking form?

17           A.    I don't know.

18           Q.    The intake health questionnaire?

19           A.    I'm unsure.  I don't --

20           Q.    The pre --

21           A.    -- know.

22           Q.    The prescription bottles of benzodiazepine  
23   medication known as Klonopin that Mr. Walter brought  
24   into the jail when he first came in on April 2nd?

25           A.    Did we . . .

1 Q. Look at them.

2 A. Look at them. I -- no, I didn't.

3 Q. Did anybody --

4 A. I'm assuming the --

5 Q. -- who had respon --

6 A. Excuse me. Sorry.

7 Q. -- who had responsibility for conducting a  
8 death investigation at your office --

9 A. Oh.

10 Q. -- look at those bottles --

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

12 Q. -- and prescription history?

13 A. I don't -- do not know.

14 Q. The handwritten log known as the Inmate  
15 welfare check list posted outside of his door at the  
16 time of his death?

17 A. I don't know.

18 Q. The medical administration records?

19 A. I do not know.

20 Q. Any notes or documents from Kathy Maestas?

21 A. Do not know.

22 Q. Any notes or documents from Stephanie  
23 Repshire?

24 A. Do not know.

25 Q. Any notes or documents from Sharon Allen?

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1 A. Do not know that either.

2 Q. Any incident reports or inmate notes from  
3 Lightcap?

4 A. Not sure.

5 Q. Combs?

6 A. Unsure.

7 Q. Any incident reports or inmate notes from any  
8 other deputy, corporal, sergeant or other officer?

9 A. I'm unsure. I wouldn't know.

10 Q. Any medical records of any kind?

11 A. Don't know.

12 Q. Mr. Walter's jail records from 2011?

13 A. Uh. Don't know.

14 Q. Mr. Walter's jail records from 2012?

15 A. I do not know.

16 Q. Any forms from Correctional Healthcare  
17 Companies?

18 A. Uh. I'm unsure.

19 Q. Any policies or protocols of any kind from  
20 Correctional Healthcare Companies or any related  
21 entity?

22 A. I do not know.

23 Q. In connection with trying to gain the truth  
24 about what happened leading up to and surrounding the  
25 death of Mr. Walter, did anybody from the Fremont

1     **County Sheriff's Office charged with any responsibility**  
2     **for investigating his death ever review any video**  
3     **footage of Mr. Walter?**

4             A.     I'm unsure.

5             Q.     **Is there any video footage of Mr. Walter?**

6             A.     I think there's some video footage of him  
7     being put in the restraint chair.

8             Q.     **Why do you think that?**

9             A.     Because I was informed that -- that they had,  
10    you know, done that, and it's typical protocol to --  
11    to, um, video that.

12            Q.     **Did anybody look at it?**

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

14            Q.     **Did anybody photograph the scene?**

15            A.     I do not know.

16            Q.     **Did anybody secure the scene?**

17            A.     I do not know. I wasn't there.

18            Q.     **Did anybody associated with any death**  
19     **investigation at the Fremont County Sheriff's Office**  
20     **photograph his body?**

21            A.     I don't know.

22            Q.     **Do you think that Detective Miller's**  
23     **investigation was adequate and thorough?**

24            A.     It looks like he could have done a better  
25     job.

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1 Q. Could have done a much better job, couldn't  
2 he?

3 A. Is that a statement?

4 Q. No, it's a question. He --

5 MR. TIEMEIER: Form.

6 Q. (BY MR. BUDGE) -- could have done a much  
7 better job --

8 A. He could have done a better job.

9 Q. -- couldn't he?

10 A much better job, correct?

11 A. He could have done a better job.

12 Q. Are you satisfied with his investigation?

13 MR. TIEMEIER: Objection; asked and answered.  
14 Argumentative.

15 A. He -- he could have done a better job.

16 Q. (BY MR. BUDGE) Are you satisfied with his  
17 investigation?

18 A. Uh. Yes.

19 Q. Do you accept his investigation as being  
20 thorough?

21 MR. TIEMEIER: Objection; asked and answered.

22 A. No.

23 Q. (BY MR. BUDGE) Do you think that your office  
24 should go back and do more?

25 A. I don't know.



1           Q.    Did all Fremont County Sheriff's Office  
2 personnel follow the policies and procedures of the  
3 Fremont County Sheriff's Office in the case of  
4 Mr. Walter?

5           A.    To my knowledge, they did.

6           Q.    What did you do personally to assure yourself  
7 that Fremont County Sheriff's Office personnel charged  
8 with Mr. Walter's custody followed all policies and  
9 procedures of your department?

10          A.    That's an ongoing, everyday job of the  
11 sheriff, to see that -- that the policies are up to  
12 date and that they are in fact following them. But as  
13 you know, I'm not there 24 hours a day so I -- I  
14 don't -- short of training my supervisors and command  
15 staff to help me. That's what we do.

16          Q.    What did you do to assure yourself that your  
17 officers followed Fremont County Sheriff's Office  
18 policies and procedures?

19          A.    Um. I'm not sure I understand that question,  
20 really.

21          Q.    Did you do anything, following Mr. Walter's  
22 death, to assure yourself that your officers followed  
23 all department policies and procedures?

24          A.    Just in the discussions that I had with them  
25 about what they were reporting, I went to medical to

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1 make sure that the reporting that they were giving me  
2 was in fact getting to medical.

3 Q. After you found out that Mr. Walter died,  
4 what did you do to assure yourself that your officers  
5 followed department procedures and policies?

6 A. Nothing.

7 Q. We also discussed that an investigator and an  
8 investigating detective shouldn't make up his mind  
9 about the facts before he has investigated. Do you  
10 agree with that still?

11 A. Correct.

12 Q. If you could please take a look at Exhibit 8,  
13 which is the investigation report from Detective  
14 Miller. Do you see that Detective Miller was first  
15 advised about the death of Mr. Walter as 6:45 p.m. on  
16 the date of his death, Easter Sunday?

17 A. I see the date. I'm not seeing the time.

18 Q. And I see --

19 A. Oh. 1846.

20 Q. Right.

21 A. Correct.

22 Q. And, excuse me, for the record, it's  
23 Exhibit 9. And he was first advised about the death at  
24 6:45 p.m., correct? Dispatch Information, Received  
25 Date and Time, April 20, 2014, at 1845. Do you see

1     that?

2           A.     Yes, sir.

3           Q.     And Detective Miller was at the Fremont  
4     County Sheriff's Office, according to his report, at  
5     the cell by 6:46 p.m., according to the report; is that  
6     correct?

7           A.     Correct.

8           Q.     And is it the case that he, uh -- is it the  
9     case that 45 minutes after that, at 7:30 p.m., Deputy  
10    Coroner Brinda Lloyd arrived at the jail?

11          A.     I don't know.

12          Q.     The coroner's office is a totally separate  
13    office from the Fremont County Sheriff's Office,  
14    correct?

15          A.     Correct.

16          Q.     And unlike everybody at the Fremont County  
17    Sheriff's Office, you don't control the coroner's  
18    office, correct?

19          A.     Correct.

20          Q.     The coroner's office is a separate elected  
21    position; is that right?

22          A.     Correct.

23          Q.     And at the time of Mr. Walter's death, the  
24    chief coroner was Carla Brocious, correct?

25          A.     That's correct.

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1           Q.    And you know her to have been medically  
2   trained?

3           A.    I don't know what her background is.

4           Q.    She was elected by the people of Fremont  
5   County as the chief coroner, correct?

6           A.    Correct.

7           Q.    And she had a deputy coroner named  
8   Brinda Lloyd, correct?

9           A.    Correct.

10          Q.    And it was the job of the coroner's office,  
11   headed by Carla Brocious with her deputy Brinda Lloyd,  
12   to endeavor to find out why Mr. Walter died, correct?

13          A.    Correct.

14          Q.    Handing you now what's been marked as  
15   Exhibit 10. Do you recognize this to be the report of  
16   Deputy Coroner Brinda Lloyd?

17          A.    She signed it.

18          Q.    Do you recognize it to be her report?

19          A.    I have no reason to think it's not her  
20   report, so . . .

21          Q.    Have you ever seen it before?

22          A.    No.

23          Q.    So prior to today, you've never looked or  
24   endeavored to look at the report of Deputy Coroner  
25   Brinda Lloyd?

1 A. No.

2 Q. Do you see that according to her report, she  
3 was at the jail at approximately 7:30 p.m.? Second  
4 paragraph.

5 A. Correct.

6 Q. And that was approximately 45 minutes after  
7 your Detective Miller had been advised of Mr. Walter's  
8 death?

9 A. Correct.

10 Q. And Deputy Coroner Brinda Lloyd was met by  
11 Detective Miller at the jail cell?

12 A. Um. Says he was -- says she was. Excuse me.

13 Q. And although she had been dispatched --  
14 excuse me.

15 Although he, Detective Miller, had been  
16 dispatched only 45 minutes earlier, Detective Miller  
17 told Deputy Coroner Brinda Lloyd that Mr. Walter was a,  
18 quote, meth junkie. Do you see that?

19 A. Yes.

20 Q. Detective Miller explained that Mr. Walter  
21 was a, quote, meth junkie. Do you see that?

22 A. Yes.

23 Q. Do you agree that "junkie" is a highly  
24 derogatory term used in a pejorative way to describe  
25 people who are looked down on due to illicit drug

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1     **habits?**

2             A.     It may be offensive to some, yes.

3             Q.     Do you know that meth usually refers to  
4     **illegal methamphetamine?**

5             A.     Correct.

6             Q.     Was Mr. Walter a meth junkie?

7             A.     I don't know that.

8             Q.     Do you think it's appropriate language by  
9     **your detective charged with investigating the death of**  
10    **a citizen in your custody to call the decedent a meth**  
11    **junkie?**

12            A.     Probably not.

13            Q.     And certainly not appropriate to designate  
14    **him as a meth junkie to the deputy coroner within 45**  
15    **minutes of being called to a death investigation,**  
16    **correct?**

17            A.     Correct.

18            Q.     If you look at the top of Page 2, do you see  
19    **where it says that Deputy Coroner Lloyd reported that**  
20    **when she showed up to investigate, quote, The Under**  
21    **Sheriff Ty Martin and Captain John Rankin told me that**  
22    **this was an investigation and I would have to call the**  
23    **County Attorney, Brenda Jackson if I wanted any**  
24    **information about the case.**

25                    Do you see that?

1           A.    I do see it.

2           Q.    Was it appropriate for your commander of the  
3   jail and your second in command, Undersheriff Rankin,  
4   to tell the deputy coroner that if she wanted any  
5   information she would have to call the county lawyers  
6   when she was there at the scene trying to figure out  
7   what happened?

8           MR. O'CONNELL:  Objection to form.

9           A.    They disputed saying that.  They did not say  
10   that to her.

11          Q.    (BY MR. BUDGE)  Earlier, sir, I asked you to  
12   relay to me all conversations that you had subsequent  
13   to this event, and I don't recall that you relayed to  
14   me a conversation you had where anybody disputed  
15   telling Brinda Lloyd that she'd have to talk to the  
16   county attorney if she wanted any information.

17                So are you recollecting now that either  
18   Rankin or Undersheriff Martin had a conversation with  
19   you in which they denied saying this to Deputy Coroner  
20   Lloyd?

21           MR. TIEMEIER:  Object to form, misstates the  
22   prior question.  You may answer.

23          A.    Yes.  I just remembered based on this report  
24   that they were upset about how she acted and approached  
25   them, um, in the jail and that they did not say that to

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1 her.

2 Q. (BY MR. BUDGE) What else did they tell you?

3 A. Mostly it was, uh, they were pretty  
4 disappointed in how she acted while she was at the --  
5 at the jail. Um. She made statements from -- that --  
6 that seemed very inappropriate by them from standing in  
7 an enclosed area without even being very close to  
8 Mr. Walter, making expert opinion that -- without even  
9 laying hands on or being next to the body that she  
10 could have made. And they weren't happy about it, and  
11 they -- they felt it was very inappropriate.

12 Q. So is it the case that they came to you,  
13 Undersheriff Martin and Captain Rankin, and complained  
14 to you that Deputy Lloyd acted in a way that displeased  
15 them when she arrived at the jail?

16 MR. O'CONNELL: Objection to form.

17 A. It came up at some point later. I -- I just  
18 don't recall at what point, but I remember now, based  
19 on this, they -- they felt she was -- acted pretty  
20 unprofessional when she came to the jail making  
21 statements like that -- like she made. She also  
22 stated, I think, at some point that we were  
23 administering methamphetamine to him. So, yeah, that's  
24 what I did.

25 Q. (BY MR. BUDGE) Is that in --



1           A.     She meant -- I think she meant to say his  
2     methadone, but . . . So, yeah, we weren't real  
3     confident in her abilities.

4           Q.     **"We," meaning you?**

5           A.     Uh. Myself and the undersheriff, but just  
6     based on what he had described. You need to ask him of  
7     that encounter. I wasn't there.

8           Q.     **Okay. Try to put me at the place and time of**  
9     **your conversation with Commander Rankin and**  
10    **Undersheriff Martin where they told you in substance**  
11    **that they were displeased with Deputy Coroner Lloyd.**  
12    **And tell me everything you remember.**

13          A.     I pretty much just did that. And I have no  
14    idea when it occurred. It was sometime after -- it was  
15    a long period of time that the medical examiner's  
16    report didn't come back. And I don't know how that --  
17    I -- I just don't -- I don't remember.

18          Q.     **So all you recall is that they told you that**  
19    **they were displeased with Deputy Coroner Brinda Lloyd**  
20    **for coming to the jail to investigate Mr. Walter's**  
21    **death and acting in a way that was unprofessional and**  
22    **that she -- excuse me -- and that they denied telling**  
23    **her that -- that she needed to speak with the county**  
24    **attorney if he wanted information?**

25          A.     Yes.

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1           Q.    Would it, in fact, be inappropriate for them  
2   to direct Ms. Lloyd that if she wanted any information  
3   about anything leading up to the death of Mr. Walter  
4   that she would have to talk to the county attorney?

5           A.    It would be, but they didn't do it, so . . .

6           Q.    But if they had, it would be inappropriate?

7           A.    If they had, yes.

8           Q.    Why would it be inappropriate?

9           A.    Because we work closely with the coroner on  
10  all death investigations, and many times it's  
11  conducted -- their investigation is con -- done jointly  
12  with us, so . . .

13          Q.    So it would be wrong for them to, if they  
14  had --

15          A.    If they had.

16          Q.    -- tell Brinda Lloyd that if she wanted  
17  information, that she should have to talk to the county  
18  attorney.

19          A.    Correct.

20          Q.    Reading on in Ms. Lloyd's report, do you see  
21  where it says, quote, The jail staff has been very  
22  uncooperative in my getting information on the victim?

23          A.    Yes.

24          Q.    Does that concern you?

25          A.    No, because they weren't.

1           **Q.     How do you know?**

2           A.     They weren't. My undersheriff was there, so  
3     was my captain. Nobody was anything but cooperative  
4     with the deputy coroner.

5           **Q.     So you take the undersheriff and the captain**  
6     **at their word over the documented report of Deputy**  
7     **Coroner Lloyd?**

8           A.     Absolutely.

9                     And for the record, I did complain to the  
10    now-current coroner about that conduct much after the  
11    fact.

12          **Q.     After the fact, you complained to**  
13    **Coroner Keller about Deputy Coroner Lloyd?**

14          A.     Yeah, as she is still employed, I believe, as  
15    a deputy coroner.

16          **Q.     So tell me what issues or problems you have**  
17    **with Deputy Coroner Lloyd.**

18          A.     Well, the, uh, investigators that work with  
19    her day in and day out would say she's -- she is the  
20    one that's uncooperative and very difficult to work  
21    with.

22          **Q.     Who might those investigators be?**

23          A.     All of the ones that work with her day in and  
24    day out. I don't --

25          **Q.     So all of the investigators at the Fremont**

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1     **County Sheriff's Office believe that Deputy Cor --**  
2     **Coroner Lloyd is unprofessional and difficult to work**  
3     **with?**

4           A.     They described having difficulty with her on  
5     scenes in the past.

6           Q.     And do you personally have a problem with  
7     Deputy Coroner Lloyd?

8           A.     I don't.

9           Q.     Do you have a problem -- do you believe that  
10    she's unprofessional?

11          A.     I've never witnessed that.

12          Q.     Do you believe that she is unprofessional?

13          A.     Do I believe she's unprofessional?

14          Q.     Yes.

15          A.     If she's making statements like that, I don't  
16    appreciate them and they're inaccurate, but I don't  
17    have any hands-on with her. I've never worked with her  
18    side by side.

19          Q.     You have a lot of loyalty to everybody in  
20    your department, correct?

21          A.     Do I have loyalty to the people in my  
22    department?

23          Q.     Yes.

24          A.     Yes, I do.

25          Q.     Cora -- Carla Brocious was the elected

1 coroner at the time, correct?

2 A. Yes.

3 Q. And she's no longer the coroner?

4 A. Correct.

5 Q. Um. Were you totally cooperative with  
6 Carla Brocious at all times?

7 A. Correct. I was.

8 Q. Did you always speak to her when she called?

9 A. If I was available, I did.

10 Q. Did you always return her calls?

11 A. I believe so.

12 Q. With regard to the death of Mr. Walter, did  
13 you ever seek to avoid her in any way or were you ever  
14 uncooperative with her in any way?

15 A. No.

16 Q. What is your best estimate of the number of  
17 times that Carla Brocious called you concerning her  
18 effort to investigate Mr. Walter's death?

19 A. Where she called me, or that I had some sort  
20 of . . . I attempted calling her because we were --  
21 we -- once again, the -- the medical examiner's  
22 determination and report seemed to take much longer  
23 than normal, and so I had reached out to her a time or  
24 two.

25 And then she corresponded with me about

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1 when -- when the report finally did come in. I think  
2 it actually was her last official act as coroner, was  
3 to provide me with that report.

4 Q. What is your best estimate of the number of  
5 times that she called you trying to seek information?

6 A. Seek information from me?

7 Q. Yes.

8 A. I don't recall any time where she called me  
9 seeking information.

10 Q. Do you have any problem with Coroner  
11 Brocious?

12 A. Do I have a problem with her?

13 Q. Yes, in any way. Was she always  
14 professional?

15 A. I had very limited contact with her  
16 personally, so I -- no, I don't have any problems.

17 Q. No reason to doubt her honesty, integrity,  
18 professional judgment?

19 A. I don't.

20 Q. I'm now going to be handing you, uh, what's  
21 been marked Exhibits 11 through 40 to your deposition.  
22 Sir, I'm going to ask that we just go ahead and have  
23 you hold each of these photographs up to the camera for  
24 a moment as we go through them, first -- and hold each  
25 one up for several seconds.

1 A. (Deponent complied.)

2 Q. First of all, Exhibit 11.

3 A. (Deponent complied.)

4 Q. And now Exhibit 12. If you could flip the  
5 page --

6 A. Oh, I'm sorry.

7 Q. -- to Exhibit 12.

8 Exhibit 13.

9 A. (Deponent complied.)

10 Q. Exhibit 14.

11 A. (Deponent complied.)

12 Q. Exhibit 15.

13 A. (Deponent complied.)

14 THE VIDEOGRAPHER: If you want to turn that.

15 THE DEPONENT: What?

16 Q. (BY MR. BUDGE) Turn it.

17 A. Oh.

18 Q. Exhibit 16.

19 A. (Deponent complied.) I'm not sure which way  
20 that goes, either.

21 Q. Exhibit 17.

22 A. (Deponent complied.)

23 Q. Exhibit 18.

24 A. (Deponent complied.)

25 Q. Exhibit 19. Could you turn that the other

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1     **way, please?**

2           A.     This way?

3           **Q.     Great.**

4                   **Exhibit 20?**

5           A.     (Deponent complied.)

6           **Q.     Exhibit 21.**

7           A.     (Deponent complied.)

8           **Q.     Exhibit 22.**

9           A.     (Deponent complied.)

10          **Q.     Exhibit 23.**

11          A.     (Deponent complied.)

12          **Q.     Exhibit 24.**

13          A.     (Deponent complied.)

14          **Q.     Exhibit 25.**

15          A.     (Deponent complied.)

16          **Q.     Exhibit 26.**

17          A.     (Deponent complied.)

18          **Q.     Exhibit 27.**

19          A.     (Deponent complied.)

20          **Q.     Exhibit 28.**

21          A.     (Deponent complied.)

22          **Q.     Exhibit 29.**

23          A.     (Deponent complied.)   That said Exhibit 32.

24          **Q.     Um.   They bear the original deposition**

25   **exhibits --**



1 A. Oh, I'm sorry. I'm sorry. I just saw that.

2 Q. -- and that was Lightcap, and they are

3 also --

4 A. Yes. I'm sorry. Yes.

5 Q. Next exhibit.

6 A. (Deponent complied.)

7 Q. And then the next exhibit, please, which is

8 31.

9 A. (Deponent complied.)

10 Q. Exhibit 32.

11 A. (Deponent complied.)

12 Q. Exhibit 33.

13 A. (Deponent complied.)

14 Q. Exhibit 34.

15 A. (Deponent complied.)

16 THE VIDEOGRAPHER: Your fingers are over.

17 Thanks.

18 THE DEPONENT: Yeah.

19 THE VIDEOGRAPHER: Thank you.

20 Q. (BY MR. BUDGE) Exhibit 35.

21 A. (Deponent complied.)

22 Q. Exhibit 36.

23 A. (Deponent complied.)

24 Q. Exhibit 37.

25 A. (Deponent complied.)

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1 Q. And Exhibit 38.

2 A. (Deponent complied.)

3 Q. Exhibit 39.

4 A. (Deponent complied.)

5 Q. And Exhibit 40.

6 A. (Deponent complied.)

7 Q. All right. Sheriff Beicker, did these  
8 photographs accurately show the condition of  
9 Mr. Walter's body when he was in the holding cell at  
10 your jail?

11 A. I don't know.

12 Q. You'll notice that each of these exhibit  
13 numbers bears the original deposition exhibit number  
14 for your former detention deputy, Sara Lightcap. Are  
15 you aware that Ms. Lightcap has testified that each of  
16 these photographs accurately showed the condition of  
17 Mr. Walter's body from what she was able to observe as  
18 of 11:00 p.m. on April 19th, about 18-1/2 hours before  
19 Mr. Walter was found to have died in his cell?

20 MR. O'CONNELL: Objection to form,  
21 foundation.

22 A. If that's what she testified to.

23 Q. (BY MR. BUDGE) And do you have any reason to  
24 dispute that these injuries as depicted in these  
25 photographs were present on Mr. Walter prior to the

1     **time of his death in Holding Cell 2 of your jail?**

2           A.     Do I have any reason to dispute that these  
3     existed?   No.

4           **Q.     Do you have any information that might shed**  
5     **light on how any of the injuries that are apparent in**  
6     **these photographs occurred?**

7           A.     Only from some of the possible conversations  
8     that I had with the detective about be -- prior to him  
9     coming to be incarcerated.

10          **Q.     And what did the detective tell you?**

11          A.     Um.   It was just a brief description of  
12     the -- the case.   I don't know how he knew it.   I don't  
13     know if it was our case.   I -- I kind of believe it was  
14     our -- our case.   I don't know if it was Florence's or  
15     ours.   It was an assault case.   Uh.

16                 And he just described the, um -- as he  
17     described it, a knockdown, drag-out with weapons that  
18     happened on County Road 77, I believe, and that that  
19     assault had occurred.   Somewhere, some point, mentioned  
20     a motorcycle accident that he had possibly been  
21     involved in prior to him coming to -- to the jail.   So,  
22     I don't know.

23          **Q.     Do you believe that these injuries preexisted**  
24     **Mr. Walter coming into the jail?**

25          A.     I don't know.

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1 Q. You have no information one way or the other?

2 A. No.

3 MR. TIEMEIER: Object to form.

4 THE DEPONENT: Oh, excuse me. Sorry.

5 Q. (BY MR. BUDGE) What have you done to try to  
6 find out what caused the injuries that are apparent  
7 from these photographs?

8 A. Ask that again, please.

9 Q. What have you done to try to find out what  
10 caused the injuries that are apparent from these  
11 photographs?

12 A. What has been discussed today with the  
13 reporting to the -- the detective, the coroner and the  
14 medical examiner.

15 Q. What have you done?

16 A. Nothing.

17 Q. Thank you.

18 Did anybody in your office do anything to try  
19 to determine how these injuries occurred, if you know.

20 A. Not that I'm aware of.

21 Q. Would it be something that you would want to  
22 know if these injuries occurred in your jail?

23 A. Yes.

24 Q. Have you ever seen these photographs before  
25 today?

1           A.     These? Um. Maybe a couple of them, but not  
2 all of them. I don't . . .

3           **Q.     Did you seek to review the photographs of**  
4 **Mr. Walter's body?**

5           A.     I'm sorry, say it again, please.

6           **Q.     Did you seek to review the photographs of**  
7 **Mr. Walter's body?**

8           A.     Did I seek to?

9           **Q.     Yes.**

10          A.     No.

11          **Q.     How did you happen to see any?**

12          A.     I can't recall, actually. They -- and may I  
13 expand? They may have been a part of some of the open  
14 records request that -- but -- but I'm not a hundred  
15 percent sure if they were or not. That might have been  
16 why I saw them briefly.

17          **Q.     Did you review the report of the medical**  
18 **examiner?**

19          A.     Just a brief portion of it.

20          **Q.     And why did you only review a brief portion**  
21 **of it versus the entire document?**

22          A.     Well, much of it was medicalese that I didn't  
23 fully understand all of the nomenclature or stuff, but  
24 I -- obviously I wanted to see if I could discern what  
25 they described as the manner or cause of death

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1 and . . .

2 Q. And it was undetermined?

3 A. It was undetermined.

4 Q. Do you know that, according to the medical  
5 examiner's report, that Mr. Walter was found to have  
6 multiple broken ribs at the back of his body where the  
7 ribs attach to the spine?

8 A. Um. I believe I did breeze some of that in  
9 the report, yes.

10 Q. Do you have any information that might shed  
11 any light about how Mr. Walter received broken ribs on  
12 the back side of his body?

13 A. I -- I think what I could discern from the  
14 report that there was -- there was actually older, uh,  
15 signs of older injury and -- and new -- newer injuries.  
16 And once again, I -- common sense to me would have said  
17 the motorcycle accident or the assault was the cause  
18 of -- of some of that. Um.

19 And then I know that they worked on him a  
20 great deal of time on the floor of the jail, um, and I  
21 know that ribs are a common injury that occurs from  
22 CPR.

23 Q. On the back side of the body?

24 A. I -- I'm not -- I don't know. Actually, I  
25 don't. I just know that they break ribs when they do

1 CPR, I don't know --

2 Q. Do you think Mr. Walter had broken ribs  
3 before he came into the jail, or do you know?

4 A. Um. Well, from the report I think it  
5 discerned somehow that there was old inj -- an old  
6 injury of broken ribs in the report, but I'm kind  
7 of . . . I didn't read it closely enough. I -- I just  
8 know that that -- that I think that that was described.

9 Q. Do you think that if Mr. Walter had broken  
10 ribs on the back side of his body, that those broken  
11 ribs already existed before he came into the jail?

12 A. I think it's very possible given the type of  
13 assault that occurred.

14 Q. Do you have any actual information on that  
15 subject, sir?

16 A. Just the --

17 Q. Or are you speculating?

18 A. I -- no, I don't, personally, no.

19 Q. Thank you.

20 Do you have any actual information about why  
21 Mr. Walter was found to have internal bleeding?

22 A. No.

23 Q. Okay. Do you have any actual information  
24 about how Mr. Walter received any injuries that he  
25 received or that were identified following his death?

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1 A. No.

2 Q. Have you tried to find out?

3 A. I haven't personally, no.

4 Q. Why not?

5 A. Why not? What? I'm sorry.

6 Q. Why not? Why haven't you tried to find out?

7 A. About how he received those injuries?

8 Q. Yes. Because if he received them in your  
9 jail, you would want to know that, right?

10 A. Right.

11 Q. Okay. So what have you done to try to find  
12 out, and if the answer is nothing, which I think it is,  
13 why haven't you tried to find out?

14 MR. O'CONNELL: Objection to form.

15 A. Just the reporting from my officers.

16 Q. (BY MR. TIEMEIER) What? Sir, what?

17 A. Nothing.

18 Q. So when you say the reporting of your  
19 officers, what do you mean?

20 A. Any of the reports that they gave about --  
21 written statements about Mr. Walter while he was in the  
22 facility.

23 Q. Have you looked at a single such report?

24 A. I may have breezed some of them when -- when  
25 the record was compiled for the open records request.



1           Q.     And therefore going back to my original  
2 question: What have you done, if anything, to try to  
3 determine whether Mr. Walter may have received these  
4 injuries while in the custody of your jail or how he  
5 may have received these injuries?

6           A.     Nothing.

7           Q.     Thank you.

8                     Other than reviewing the medical examiner's  
9 report, what have you done to try to figure out why  
10 Mr. Walter died?

11          A.     Um. The investigation from the detective,  
12 and once again all the reporting from the officers that  
13 work in the jail.

14          Q.     Which you haven't reviewed in any detail  
15 whatsoever, correct?

16          A.     Correct.

17          Q.     Okay. Other than these reports that you  
18 mentioned, which you have not reviewed in any detail  
19 whatsoever, and the six-page investigation from  
20 Detective Miller, which you I believe agree is not  
21 thorough, correct?

22          A.     Correct.

23          Q.     What have done to try to figure out how  
24 Mr. Walter died in your jail?

25          A.     Personally, nothing.

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1           **Q.     Okay.**

2           MR. BUDGE:   All right.   Let's go ahead and  
3   take a break.

4           THE VIDEOGRAPHER:   Going off the record, the  
5   time is 3:00.

6           (A recess was taken from 2:58 p.m. to 3:12  
7   p.m.)

8           THE VIDEOGRAPHER:   We are back on the record  
9   at 3:12.

10          **Q.     (BY MR. BUDGE)   Sir, do you believe that you**  
11 **have enough information, sitting here now, to say under**  
12 **oath that you are totally and thoroughly satisfied with**  
13 **all aspects of the way in which Mr. Walter was confined**  
14 **and cared for at the Fremont County jail?**

15          A.    Um, could you say the -- I -- I'm sorry, the  
16 last piece of your question, "in which" -- what?

17          MR. BUDGE:   Could you please read back the  
18 last question.

19          THE DEPONENT:   Sorry.

20          THE REPORTER:   Okay.   "Question:   Sir, do you  
21 believe that you have enough information, sitting here  
22 now, to say under oath that you are totally and  
23 thoroughly satisfied with all aspects of the way in  
24 which Mr. Walter was confined and cared for at the  
25 Fremont County jail?"

1           A.    No, I'm not totally satisfied.

2           Q.    (BY MR. BUDGE) Okay. In what aspects are  
3 you not satisfied?

4           A.    I -- I -- I think there's many things that we  
5 could have done better in the way the documentation of  
6 his case has -- has, uh, come out, you know, from, you  
7 know, the way the -- the video was taken, we identified  
8 some problems with him being off camera at times. Um.  
9 Some things -- some things like that.

10          Q.    Sir, my question -- perhaps you misunderstood  
11 it, and so I'll try and be as clear as I possibly  
12 can -- it relates to the circumstances under which  
13 Mr. Walter was confined and cared for at your jail.  
14 You understand the preface to my question? Confined  
15 and cared for at your jail.

16                As you sit here today, do you believe you  
17 have enough information to say that you're thoroughly  
18 satisfied with the way that Mr. Walter was confined and  
19 cared for in your jail at all times?

20          A.    I answered no, I'm not satisfied.

21          Q.    Okay. In what way was his confinement and  
22 the circumstances of his confinement inadequate, in  
23 your view?

24               MR. TIEMEIER: Objection; asked and answered.

25          A.    Well, I was beginning to detail some of those

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1 things just collectively that we, you know, are always  
2 looking to improve, you know. Um. We have space  
3 limitations and things like that on where people are  
4 housed, and, um, all of those things collectively  
5 always need to be -- we're always trying to scrutinize  
6 that and do them better.

7 The equipment in the jail, uh, like I said  
8 the video, um, was not adequate. Um. Things like  
9 that.

10 Q. (BY MR. BUDGE) Do you believe you have  
11 enough information, sitting here today, to say that  
12 you're thoroughly satisfied with all aspects of the  
13 medical care provided to Mr. Walter in your jail? Do  
14 you have enough information to make that statement?

15 MR. TIEMEIER: Object to form, asked and  
16 answered.

17 A. I can't say that because I'm not a medical  
18 doctor.

19 Q. (BY MR. BUDGE) Do you have enough  
20 information to say that you're thoroughly satisfied  
21 with all aspects in which your personnel confined  
22 Mr. Walter?

23 A. I'm satisfied with what they did, yes.

24 Q. And how is it that you believe you have  
25 enough information to make that judgment, sir?

1           A.     Because I've seen nothing to lead me to -- to  
2     believe anything different other than what we  
3     identified is the -- that the criminal investigation --  
4     or the investigation by the -- the detective could have  
5     been better.

6           Q.     In order to make a fair judgment about  
7     whether Mr. Walter was adequately cared for while he  
8     was confined at the jail, would you want to know from  
9     all of the witnesses to Mr. Walter's confinement what  
10    the circumstances were leading up to his death?

11          A.     Yes.

12          Q.     Do you have that information?

13          A.     I believe so.

14          Q.     Do you have any information from Stephanie  
15    Repshire?

16          A.     No.

17          Q.     Do you have any information from any of the  
18    detention personnel, firsthand information of things  
19    that have been reported to you, any information that  
20    you've learned?

21          A.     Not firsthand information, no.

22          Q.     Sergeants, do you have information from them?

23          A.     No.

24          Q.     Corporals, do you have information from them?

25          A.     Just what Mr. Owen reported.

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1           Q.    Detention deputies, do you have information  
2   from them?

3           A.    No.

4           Q.    Medical personnel, do you have information  
5   from them?

6           A.    No.

7           Q.    Records review, do you have information from  
8   any records you've reviewed?

9           A.    Uh . . .

10          Q.    Intake records, booking records, prescription  
11   history --

12          A.    Does it exist --

13          Q.    -- anything like that?

14          A.    -- or do I have it?

15          Q.    Do you have it?

16          A.    I don't have it personally, no.

17          Q.    Wouldn't you want all that information in  
18   order to make a judgment?

19          A.    Pardon?

20          Q.    Wouldn't you want all of that information in  
21   order to make a judgment?

22          A.    Well, I believe some of that information was  
23   provided in the interrogatories, some of what you  
24   describe.

25          Q.    Information that you gave to us?

1           A.    Yeah.  The logs.  The, uh, booking sheets.  
2   All of that information that's gathered by the  
3   officers, that was collected.

4           **Q.    Have you looked at it?**

5           A.    Once again, briefly when the, um -- I want to  
6   say when Ms. Cooper did the, uh, open records request  
7   I -- I may have thumbed through some of it, but I  
8   didn't really study it.

9           **Q.    So, uh, have you ever studied any information**  
10   **about what led up to Mr. Walter's death?  Studied, sir.**

11          A.    Just the, uh, medical examiner's report.

12          **Q.    Other than that single document?**

13          A.    No.

14          **Q.    All the medical personnel of the Fremont**  
15   **County jail, including Nurse Maestas, were provided to**  
16   **the County pursuant to a contract with a company called**  
17   **Correctional Healthcare Services, Inc., or CHC for**  
18   **short, correct?**

19          A.    Correct.

20          **Q.    And CHC employed Nurse Maestas, Correct?**

21          A.    Uh.  Yes, sir.

22          **Q.    And CHC employed Nurse Repshire, correct?**

23          A.    Correct.

24          **Q.    And CHC also employed or provided PA Havens**  
25   **and Dr. Sharon Allen, correct?**

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1 A. Correct.

2 Q. What did CHC, or any company associated with  
3 or affiliated with CHC, do to investigate the death of  
4 Mr. Walter?

5 A. I don't know.

6 Q. Have you ever undertaken any effort to try to  
7 determine whether CHC, the company that employed the  
8 providers that I just mentioned, conducted any type of  
9 investigation?

10 A. No.

11 Q. Why not?

12 A. I don't believe they're an investigative  
13 authority, so I wouldn't -- I -- I'm sure they did  
14 their own internal things, but I -- I didn't inquire  
15 about them.

16 Q. Why not?

17 A. I didn't inquire about them.

18 Q. Yes. Why not?

19 A. I don't know.

20 Q. Are you aware of any mortality review or  
21 internal investigation of any kind into the facts and  
22 circumstances of Mr. Walter's death by CHC or any  
23 company or person associated with CHC?

24 A. Uh. I'm not aware of it.

25 Q. Do you think it exists?



1 A. An investigation by them?

2 Q. Yes.

3 A. Uh --

4 Q. Also.

5 A. I don't know.

6 Q. Do you think that CHC did an internal  
7 mortality review?

8 A. I don't recall. I'm -- I'm unaware if they  
9 did.

10 Q. If CHC, the company that provided services  
11 under contract with your jail, conducted a mortality  
12 review or an internal investigation about what led up  
13 to Mr. Walter's death, do you think that you'd have the  
14 right to see it?

15 A. Yes.

16 Q. Have you asked for it?

17 A. I haven't.

18 Q. Will you?

19 A. Uh. Yes.

20 Q. When?

21 A. When the time is appropriate.

22 Q. When would that time be, sir? It's been two  
23 and a half years.

24 A. Probably after this litigation.

25 Q. After a jury verdict?

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1                   MR. O'CONNELL:  Objection to form.

2           A.   Possibly.

3           Q.   (BY MR. BUDGE)  But not before?

4           A.   Possibly.

5           Q.   Are you curious for the health and safety and  
6  welfare of the inmates at your jail what the results of  
7  CHC's internal mortality review or internal  
8  investigation, if any, would show?

9           A.   Yes.

10          Q.   And, therefore, don't you think that it's  
11 important, in order to ensure the continued safety and  
12 well-being of the inmates at your jail, that you see  
13 that as promptly as possible?

14          A.   Possibly.

15          Q.   Is there any reason that you have not asked  
16 for it in the last two and a half years since  
17 Mr. Walter's death?

18          A.   No.

19          Q.   Did you take any effort or undertake any  
20 action in order to request that the company, CHC, that  
21 employed the medical providers providing care at your  
22 jail, initiate an investigation or an inquiry of their  
23 own into the circumstances and facts surrounding  
24 Mr. Walter's confinement and death?

25          A.   I did not.

1           Q.     Why not?

2           A.     I don't know.

3           Q.     After the death of Mr. Walter, did anybody,  
4 to your knowledge, undertake any action to have CHC,  
5 the company that the Fremont County Sheriff's Office  
6 contracts with to provide medical services at its jail  
7 initiate an investigation or an inquiry into what led  
8 up to Mr. Walter's death?

9           A.     It was kind of a long question. Can you  
10 repeat it, please?

11          Q.     After the death of Mr. Walter, did anybody at  
12 the Fremont County Sheriff's Office, to your knowledge,  
13 undertake any action to have CHC initiate an  
14 investigation or an inquiry of its own into the facts  
15 and circumstances surrounding Mr. Walter's confinement  
16 and death?

17          A.     Not to my knowledge.

18          Q.     Can you think of any reason why not?

19          A.     Well, one thing, there was a transition from  
20 CHC to CCS, and in the transition even from CHM to CHC,  
21 there seemed to be a lot of different people we dealt  
22 with on the midline -- on the mid -- I don't know if I  
23 want to call them -- mid management, if you will.

24                 Um. So I was never really dealing with the  
25 same people very long, it didn't seem like, and, um, I

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1 can't recall the dates of the, um -- when I was  
2 informed that CHC now was going to be CCS, but -- but  
3 it all kind of falls in that time frame, and so we were  
4 dealing with new people that I thought had no knowledge  
5 of -- of -- of this.

6 Q. So are you saying you were confused about who  
7 to go to?

8 A. Um. A little bit.

9 Q. Are you saying that you would have wanted an  
10 internal investigation but you -- you didn't know which  
11 company to go to because one company took over CHC?

12 A. Uh. Would I have wanted that? Um. I -- I  
13 want to know what -- what their response about the  
14 matter is, yes.

15 Q. Okay. So what did you do in try -- in order  
16 to try to figure out what their response about the  
17 matter was?

18 A. I haven't done anything.

19 Q. Why?

20 A. I don't know.

21 Q. After the death of Mr. Walter, did you  
22 communicate with CHC or any company affiliated with CHC  
23 or any successor company or any company connected with  
24 CHC on any topic regarding Mr. Walter or the  
25 circumstances?

1           A.    Um.  I didn't notify -- well, I don't  
2 believe I -- I think I notified Kathy Maestas to make  
3 sure she had notified her corporate, um, people by  
4 contract.  It -- I know in-custody death, that has to  
5 be reported all the way up into their chain of command,  
6 and I wanted to make sure that had happened.

7                   Um.  I can't think of the person's name.  
8 Maybe it was just through Kathy Maestas to make sure  
9 that her corporate folks were aware that the death had  
10 occurred.

11           **Q.    Did you communicate with any corporate folks?**

12           A.    I -- I can't remember so I'm going to have  
13 to-- I just don't remember.  Cu -- I don't remember  
14 talking with them.  I talked with the HSA, Kathy  
15 Maestas.

16           **Q.    The person that worked at your jail?**

17           A.    Yes.

18           **Q.    The person whose responsibility it was to**  
19 **put -- oversee the care of Mr. Walter?**

20           A.    Yes.

21           **Q.    But as far as you know, you didn't**  
22 **communicate with anybody above her at CHC or any**  
23 **affiliated entity or successor entity?**

24           A.    I didn't have any reason to believe she  
25 didn't pass that information on.

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1           Q.    No.  My -- my question was:  You didn't  
2   communicate it with anybody above Kathy Maestas; is  
3   that correct?

4           A.    No.

5           Q.    No, it's not correct, or no, you didn't do --

6           A.    Sorry.  I did not do it.

7           Q.    Any reason why not?

8           A.    I don't know.  I trusted Kathy Maestas to  
9   pass the information on.

10          Q.    Under the contract with CHC, if you were ever  
11   dissatisfied with any member of the CHC's health-care  
12   staff, including Kathy Maestas, did you have the right  
13   to express your dissatisfaction and have that person  
14   removed from providing services at your jail?

15          A.    Um.  I want to make sure I understood.  Um,  
16   did I ever do it or did I feel like I had the ability  
17   to do it?

18          Q.    Did you feel like you had the ability to do  
19   it?

20          A.    When I contracted with CHM, yes.  As it -- as  
21   the company changed hands to CHC, not as much, no.  I  
22   didn't have the kind of relationship with them that I  
23   did with the original owners of Correctional Healthcare  
24   Management.

25          Q.    So are you telling me that in 2014, when CHC

1 was providing services to the jail pursuant to the  
2 contract, that you did not feel that you had the  
3 ability to express your dissatisfaction about a member  
4 of the health-care staff assigned to your jail to CHC?

5 A. I could have done that. I would have had to  
6 hunt to see which person was in charge at the time  
7 because they seemed to roll through different people.

8 Q. Did you undertake any effort to do that?

9 A. I did not.

10 Q. Why not?

11 A. I just assumed that they were having typical  
12 transitional kinds of management problems with the --  
13 with the sale of the company, and I -- I didn't reach  
14 out to them.

15 Q. Who provided services in 2014, CHC?

16 A. CHC.

17 Q. 2013?

18 A. CHC.

19 Q. 2012?

20 A. I don't know. I don't know at what point the  
21 sale of CHM -- I don't know when that transition --  
22 I -- off the top of my head, I -- I couldn't tell you.

23 Q. Other than the work that we as attorneys for  
24 Mr. Walter's estate are doing in this lawsuit, are you  
25 aware of any investigation or inquiry, by any person or

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1     **entity at any time, into the actions or inactions of**  
2     **CHC or a CHC-affiliated person with regard to medical**  
3     **services at your jail?**

4           A.     I'm not aware of anything.

5           **Q.     Who is Raymond Herr, M.D.?**

6           A.     I've never met the person, but, yeah, that's  
7     my understanding.

8           **Q.     No.   Who is Raymond Herr, M.D.?**

9           A.     A -- a doctor, I assume.

10          **Q.     You don't know who he --**

11          A.     No --

12          **Q.     -- is?**

13          A.     -- I don't know.

14          **Q.     Who is the chief medical officer responsible**  
15     **for overseeing medical services at your jail?**

16          A.     And I hope I can get the structure right, but  
17     my understanding is Kathy Maestas is the HSA, Roy  
18     Have -- Havens was the on-site PA that conducted the  
19     day-in and day-out, um, examinations that would occur  
20     based on the kite system. I know that, um, Mr. Herr  
21     was an advising physician that they spoke with mostly  
22     by phone.

23          **Q.     My question is, sir, who was the chief**  
24     **medical officer responsible for ultimately overseeing**  
25     **the care provided at your jail?**



1 A. I believe Dr. Herr.

2 Q. Are you sure about that?

3 A. No, I'm not.

4 Q. Do you know who the person was who was the  
5 chief medical officer responsible for overseeing health  
6 care services at your jail?

7 A. I said I believe it was Dr. Herr.

8 Q. And my question is: Do you know?

9 A. And I said no.

10 Q. You never saw Dr. Herr at your facility?

11 A. No.

12 Q. Uh. You never met him?

13 A. Not that I can recall.

14 Q. You never spoke to him?

15 A. No, I never spoke to him.

16 Q. You never knew where he was based?

17 A. No.

18 Q. You never communicated with him in writing?

19 A. Not to my knowledge.

20 Q. Have you ever known of any person from CHC,  
21 other than Kathy Maestas or the on-site medical people,  
22 Repshire and Havens, to have visited the facility at  
23 any time?

24 A. Well, there were staff from CHM and CHC and  
25 CCS, so . . . But quite frankly some of it's a blur,

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1 so I can't -- I know that there were others that  
2 visited the facility that were her supervisors, and I  
3 can't name them all. I -- because I -- I don't -- it  
4 was several and I just don't remember.

5 **Q. Can you name a single one?**

6 A. Under CHC or CHM?

7 **Q. Any.**

8 A. I remember Ava, and I can't recall her last  
9 name. I remember Carl Anderson, I believe. Um. Um.  
10 Those are the ones that come to mind. There -- there  
11 were others. I just don't remember their names.

12 **Q. Do you know when they visited the facility or**  
13 **what they did at the facility?**

14 A. Um. We had quarterly meetings, usually, um,  
15 throughout this to review certain, um -- basically for  
16 them to do a quarterly reporting on things that were --  
17 they were doing, you know, um, all kinds of information  
18 that they shared. Um.

19 So those dates might exist. I -- I don't  
20 know. Early on, Kathy would provide a -- a written,  
21 um, report, um. There were times she didn't. She'd  
22 say they didn't have time, um, to, um -- to get them  
23 done or up to date or something, but we would discuss  
24 individual cases if I had questions about, um, things  
25 that had -- I'd been made aware of in the jail, you

1 know, um, self-inflicted injuries, MRSA cases, things  
2 like that, that I would -- you know, want -- want to  
3 know about, um, inside the jail.

4 **Q. Who was Kathy Maestas's boss in 2014?**

5 A. I don't know. I -- I'm going to go out on a  
6 limb and say it was Carl Anderson, but I -- I'm not a  
7 hundred percent sure on that.

8 **Q. Did you ever talk to Kathy Maestas's boss**  
9 **about Kathy Maestas or any aspect of care that was**  
10 **being provided at the Fremont County jail?**

11 A. I briefly had told them one time in a  
12 quarterly meeting with her present that her bedside  
13 manner had been called into question.

14 **Q. Who did you tell that to?**

15 A. Um. I want to say it was early on when she  
16 first got there, so it -- I want to say it was Ava -- I  
17 don't remember Ava's last name, but I -- that's -- it  
18 was early on, um, certainly, um, because she hadn't  
19 been there long.

20 **Q. Could you describe Ava for me?**

21 A. Uh. All I knew was she had a real heavy  
22 accent.

23 **Q. Like a Hispanic accent?**

24 A. No. Um. I want to say German, but I could  
25 be wrong.

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1           Q.   Who have you spoken with or communicated with  
2   about this lawsuit, other than counsel?

3           A.   I believe I named them in the rog --  
4   interrogatories. Um. And --

5           Q.   Any --

6           A.   Oh, excuse me.

7           Q.   Let -- let me see if I can abbreviate it.  
8   Other than the people that you named in the  
9   interrogatories, have you communicated with anybody  
10  else about this lawsuit, other than counsel?

11          A.   I may have mentioned to somebody that there  
12  was a lawsuit pending on an in-custody death, but I  
13  didn't --

14          Q.   Did you --

15          A.   -- discuss it in detail.

16          Q.   Did you make any statements to the media?

17          A.   No. I think we did eventually do a media  
18  release about that, um, death, but I didn't speak to  
19  them. I didn't hold a press conference or anything.

20          Q.   Did you ever tell any member of the media or  
21  cause to be communicated to any member of the media  
22  that the allegations in this case were absurd or  
23  ridiculous or anything along those lines?

24          A.   You know, I think, um -- I hope I'm not  
25  confusing this, but I did, um, in a brief phone

1 conversation say that -- that, um -- that I was -- I --  
2 I was confident that the staff had done nothing wrong  
3 and that the facts of the case would be, um, brought  
4 forth in this litigation.

5 Q. And how could you be assured that the staff  
6 did nothing wrong if there were no interviews of the  
7 staff?

8 A. Because I believe that to be the case.

9 Q. Right. And my question is: How can you  
10 believe that to be the case if there were no interviews  
11 of the staff?

12 A. Because I believe that to be the case.

13 Q. Okay. How can you believe that to be the  
14 case if there were no interviews of the staff?

15 A. Because I think there was accurate reporting  
16 by them and I'm confident they did the things that they  
17 needed to do.

18 Q. How can you know that?

19 A. Because I have confidence in those staff.  
20 They're very well trained.

21 Q. Anything else that justifies your response  
22 that this is what you believe?

23 A. No.

24 Q. What did you do to prepare for your  
25 deposition other than meeting with counsel, if you did?

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1           A.    I looked over the interrogatory, uh, answers  
2   that I gave.

3           **Q.    Anything else?**

4           A.    No.

5           **Q.    Okay.  Handing you Exhibit 41 to your**  
6   **deposition.  Is this a records request that Fremont**  
7   **County Sheriff's Office, in particular yourself,**  
8   **Jim Beicker, received on or about October 17, 2014, for**  
9   **information relating to the death of Mr. Walter,**  
10  **including requests for records relating to his**  
11  **confinement?**

12          A.    Uh-huh.

13          **Q.    Yes?**

14          A.    Yes.  Yes.

15          **Q.    Did you receive this?**

16          A.    I believe I did, yes.

17          **Q.    Did you respond to it?**

18          A.    Um.  Yes, sir.

19          **Q.    In what way?**

20          A.    I go to, uh, Miss Andrea Cooper, which is the  
21  records custodian, and inform her of such.

22          **Q.    And?**

23          A.    And?

24          **Q.    Was there a full response to this records**  
25  **request?**

1           A.    I think there were several made early on, and  
2    there was some questions to whether it was releasable  
3    at the time because we did not have the medical  
4    examiner's report, typically --

5           **Q.    In -- excuse me, sir. In October of 2014 you**  
6    **did not have the medical examiner's report?**

7           A.    Yes, we did.

8           **Q.    You did?**

9           A.    Or -- excuse me, when? When was the date? I  
10   don't recall when I got it, actually. It was so long  
11   after the fact, I was disappointed in that, but I don't  
12   remember the date.

13          **Q.    Did your office provide all records to the**  
14   **requesting attorney in response to this October 17,**  
15   **2014, records request?**

16               MR. TIEMEIER: Object to the form of the  
17   question. This letter is not a records request.

18          A.    I can't say if they did to this one or not.  
19   I know they eventually did, but as I described there  
20   was some concern over that we had an accurate and  
21   complete report without the medical examiner's report  
22   so it wasn't released I think early on, but I don't  
23   know which request was honored and which wasn't.

24          **Q.    (BY MR. BUDGE) Okay. Handing you the next**  
25   **exhibit. Is this the records request that you**

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1     **received?**

2           A.     Many times these go directly to the records  
3     custodian and then she informs me of them.  So yes, I  
4     eventually probably did see it, yes.

5           Q.     Okay.  And handing you the next exhibit,  
6     **Exhibit 43, is this a records request that you**  
7     **received?**

8           A.     Yes, the office received it.

9           Q.     And handing you the next exhibit, **Exhibit 44,**  
10    **is this a records request that you received?**

11          A.     Yes.

12          Q.     Sir, earlier we talked about the death  
13    **investigation, um, by Detective Miller.  If you could**  
14    **pull up that exhibit.  Detective Miller's --**

15          A.     His report?

16          Q.     Yes.  That death investigation bears a  
17    **number.  Do you see that?**

18          A.     A case number?

19          Q.     A case number.  14-1 -- uh, 0672, complaint  
20    **number.  Do you see that in the upper right-hand**  
21    **corner?**

22          A.     Oh, yes, thank you.  Yes.

23          Q.     **What does that refer to?**

24          A.     That was the, um, case number pulled by the  
25    detective when he began his investigation.



1           **Q.     Is that a case number that's assigned to**  
2 **criminal investigations?**

3           A.     Um. An officer or detective, anybody can  
4 pull a case number for any report that he intends to  
5 document, so it could be -- anything that they do in a  
6 written format, they could put a case number on it --  
7 or could choose to put a case number on it.

8           **Q.     Putting aside the 14-0672 six-page**  
9 **investigation from Detective Miller, and putting aside**  
10 **any investigation that may or may not have been**  
11 **conducted by CHC, was there ever an internal**  
12 **investigation by the Fremont County Sheriff's Office**  
13 **into the facts and circumstances leading up to and**  
14 **surrounding the death of Mr. Walter?**

15          A.     No.

16          **Q.     Why not?**

17          A.     Because there's been nothing that was  
18 reported to us that would have involved an internal  
19 investigation against anyone.

20          **Q.     So the fact that Mr. Walter died under the**  
21 **circumstances that he died in your custody would not**  
22 **generate a -- an internal investigation?**

23          A.     Not unless there was an accusation a --  
24 against one of the officers.

25          **Q.     By whom?**

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1           A.     By anyone.  Another officer, most likely.

2           Q.     So unless another officer or somebody else  
3 specifically accused a member of the staff of  
4 malfeasance, there would not be an internal  
5 investigation?

6           A.     Correct.

7           Q.     In the days and hours leading up to  
8 Mr. Walter's death, did Mr. Walter have one or more  
9 serious medical needs?

10          A.     The symptoms that were described to me from  
11 the staff, I would consider medical in -- medical  
12 needs.

13          Q.     Do you believe that Mr. Walter's medical  
14 needs in the days and leading -- and hours leading up  
15 to his death were serious?

16                 MR. TIEMEIER:  Object to lack of foundation.

17          A.     I'm not a medical doctor so I don't know.

18          Q.     (BY MR. BUDGE)  Based on what was reported to  
19 you, sir, and what you observed, which you testified  
20 about earlier in your deposition, do you believe that  
21 Mr. Walter had one or more serious medical needs?

22                 MR. TIEMEIER:  Object to lack of foundation.

23          A.     I couldn't say that.

24          Q.     (BY MR. BUDGE)  In the days and hours leading  
25 up to Mr. Walter's death, do you believe that the

1   nurses working at your jail knew that Mr. Walter had  
2   one or more serious medical needs?

3               MR. TIEMEIER: Object to lack of foundation.

4               A. As reported by the officers and the symptoms,  
5   I -- I can't define serious medical need. I -- but  
6   they were aware we were concerned about his health.

7               Q. (BY MR. BUDGE) Do you know when Ms. Maestas  
8   first began working at the Fremont County jail?

9               A. When Kathy Maestas began working there? I  
10   do -- I didn't -- I do not remember. It was when I had  
11   contracted services with CHM or shortly thereafter.

12              Q. How about Stephanie Repshire, do you know  
13   when she began working at the Fremont County jail?

14              A. I don't know her hire date.

15              Q. Do you know the year that she started to work  
16   at the Fremont County --

17              A. I don't.

18              Q. Do you know approximately when she began  
19   working at the jail?

20              A. I would be guessing. I don't know.

21              Q. Do you know approximately when Roy Havens  
22   began working at the jail?

23              A. I don't.

24              Q. Under Colorado law, is it your understanding  
25   that the sheriff has the charge and custody of the

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1     **jails of the county?**

2           A.     Am I responsible for the jails in the county?

3     Yes, I understand.

4           **Q.     As the sheriff, is it your understanding that**  
5     **you are the jailkeeper?**

6           A.     Yes, sir, I believe that's what the statute  
7     says.

8           **Q.     Do you understand that the Fremont County**  
9     **Sheriff's Office has a duty to provide constitutionally**  
10    **adequate medical care to its detainees?**

11          A.     Yes.

12          **Q.     And do you understand that as sheriff, it is**  
13    **your duty to ensure that the detainees confined in your**  
14    **jail are provided with constitutionally adequate**  
15    **medical care?**

16          A.     Yes.

17          **Q.     What is that duty, as you understand it?**

18          A.     Exactly as you describe. They have a right  
19    to medical care while they're in the custody of -- of  
20    Fremont County.

21          **Q.     Can you point me to any part of the**  
22    **constitution, case law or written discussion of the**  
23    **constitution or case law that you've ever read that**  
24    **sets out those constitutional duties with regard to**  
25    **providing adequate medical care to detainees at your**

1     **jail?**

2           A.     I haven't read it recently so I can't quote  
3     it off the top of my head, no.

4           Q.     I'm not looking for a quote, sir. I'm just  
5     wondering if you can point me to any part of the  
6     constitution or case law or written discussion of it  
7     that you've ever read that sets out the jail's  
8     constitutional duties.

9           A.     I'm going to get it wrong, so I'm going to  
10    say I -- I can't.

11          Q.     Is the duty to provide constitutionally  
12    adequate medical care at your jail different depending  
13    on whether the person confined in your jail is a  
14    pretrial detainee or convicted prisoner?

15          A.     It is not.

16          Q.     I'm sorry?

17          A.     Is not.

18          Q.     It's the same?

19          A.     It's the same.

20          Q.     What is a pretrial detainee?

21          A.     Someone who has not been convicted, um, or  
22    adjudicated by the Court or sentenced to the  
23    facility -- or adjudicated.

24          Q.     Was Mr. Walter a pretrial detainee?

25          A.     He was.

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1           Q.    Do you know what part of the constitution  
2   applies to pretrial detainees?

3           A.    I can't.

4           Q.    Can you punish a pretrial detainee?

5           A.    No.

6           Q.    Is your constitutional duty to detainees in  
7   your jail the same no matter the person's race, sex,  
8   marital status, age, family status, occupation --

9           A.    It --

10          Q.    -- criminal history?

11          A.    It is.

12          Q.    Is your duty the same no matter what crime  
13   the person is accused of?

14          A.    It is.

15          Q.    Can you treat any detainee differently than  
16   any other de -- detainee based on the crime he or she  
17   is accused of?

18          A.    No.

19          Q.    Are all pretrial detainees in your jail  
20   presumed innocent of the charges against them?

21          A.    Yes.

22          Q.    And do the charges against John Walter have  
23   any relevance to your constitutional duty as it relates  
24   to providing adequate medical care?

25          A.    They do not.

1           **Q.    Have you ever sought or received the advice**  
2 **of an attorney prior to April of 2014 on the general**  
3 **subject matter of the jail's obligation to provide**  
4 **constitutionally adequate medical care to pretrial**  
5 **detainees?**

6           A.    If it was, it was the county attorney.

7           **Q.    Did that happen? Did you seek advice on that**  
8 **general subject matter?**

9           A.    I -- I don't recall if I have or not, but  
10 I -- we talk about many things that relate to the  
11 operations of the jail. So I can say I haven't.  
12 Nothing comes to mind.

13           **Q.    Do you -- do you know the names of any other**  
14 **nurses who worked at the Fremont County jail other**  
15 **than, uh, Kathy Maestas and Stephanie Repshire and**  
16 **Monica Doughty?**

17           A.    Current or past? Any -- any?

18           **Q.    Current or past.**

19           A.    Adam. Uh --

20           **Q.    Last name?**

21           A.    I don't know. Um. Noth -- nobody else is  
22 coming to mind. I could see some faces, but I can't  
23 throw out their names.

24           **Q.    As the sheriff of Fremont County, do you**  
25 **believe that you can delegate the duty of providing**

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1 constitutionally adequate medical care to another  
2 person or firm or entity?

3 A. Can I delegate that? Um. No. I'm  
4 ultimately responsible for their care.

5 Q. As the sheriff of Fremont County, do you  
6 believe that, if you contract with another person or  
7 firm or entity to provide medical care to people  
8 confined in your jail, that such a contract gets  
9 Fremont County off the hook if the medical care is  
10 constitutionally inadequate and causes injuries or  
11 death?

12 MR. O'CONNELL: Objection to form.

13 A. I'm sorry, I need you to repeat that  
14 question --

15 Q. (BY MR. BUDGE) Sure.

16 A. -- for me.

17 Q. As the sheriff, do you believe that, if you  
18 contract with another person or firm or entity to  
19 provide medical care to people confined in your jail,  
20 that such a contract gets Fremont County off the hook  
21 if the medical care is constitutionally inadequate and  
22 causes injuries or death?

23 MR. O'CONNELL: Objection.

24 A. No, it does not get me off the hook.

25 Q. (BY MR. BUDGE) When you first took office in



1     2003, did the Fremont County Sheriff's Office directly  
2     employ its own medical staff to provide medical  
3     services?

4           A.     Yes.

5           Q.     Including nurses?

6           A.     Correct.

7           Q.     And was it important to you as the sheriff  
8     that the people that you directly employed to provide  
9     medical care to inmates were properly vetted and  
10    scrutinized before being hired?

11          A.     Yes.

12          Q.     And did you do that in order to ensure that  
13    they were competent and suitable for their job to  
14    provide medical care to inmates and detainees in your  
15    jail?

16          A.     Did I do it?

17          Q.     Did the Fremont County Sheriff's Office do  
18    it?

19          A.     Um. Their medical -- their medical  
20    histories, background or training or -- um. I guess,  
21    define that a little bit for me, please.

22          Q.     When the Fremont County Sheriff's Office  
23    hires any employee --

24          A.     Right.

25          Q.     -- whether a detention deputy or patrol

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1 deputy, the Fremont County Sheriff's Office undertakes  
2 efforts to scrutinize and vet that person to make sure  
3 that they're a suitable hire, correct?

4 A. We did it at that time from a criminal  
5 background check, um, but that's one reason I went with  
6 a professional company so that they could vet the  
7 medical portion of their ability to -- to -- to be a  
8 provider, so that I didn't have to do that.

9 Q. My question was: The people that the Fremont  
10 County Sheriff's Office directly employed as nurses,  
11 prior to the time that they began contracting with an  
12 outside entity, were scrutinized and vetted by the  
13 Fremont County Sheriff's Office to make sure they were  
14 suitable hires, correct?

15 A. To the best that we could, yes.

16 Q. And when the Fremont County Sheriff's Office  
17 hires someone as an employee at the jail, or as an --  
18 an employee on the patrol side, does the Sheriff's  
19 Office interview that person?

20 A. Yes.

21 Q. Check references?

22 A. Yes.

23 Q. Do a background check?

24 A. Yes.

25 Q. All important?

1           A.     Yes.

2           **Q.     Is there any mandatory training program or**  
3 **set of classes or course instruction that a person has**  
4 **to have before beginning work as a detention deputy at**  
5 **the Fremont County Sheriff's Office?**

6           A.     Yes.

7           **Q.     What does that consist of?**

8           A.     Um.  Currently -- and it's changed over the  
9 years -- um, there's a mini-academy, they call it,  
10 where they get, um, a, uh, training regimen that's kind  
11 of prepackaged, of the things that they need when they,  
12 um, go to work in the detention center.

13                     And then much of it after that is -- is  
14 on-the-job training and done by the different  
15 supervisors and training staff, uh, in the jail and/or  
16 on patrol.

17           **Q.     Who puts on that initial training?**

18           A.     Uh.  Currently it's Lieutenant Brent Parker,  
19 and he enlists the help of many staff trainers and  
20 outside trainers to do that.

21           **Q.     Was that the case in April of 2014, that**  
22 **there was such training?**

23           A.     No, it wasn't.

24           **Q.     As of April of 2014, was there any mandatory**  
25 **training program, set of classes or course instruction,**

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1     **that a person had to have before beginning their first**  
2     **day of work as a detention deputy?**

3           A.     They were supposed to receive the minimum,  
4     um, amount of training which, uh, consisted of arrest  
5     control. Um. That was primarily the training they had  
6     to receive before they were -- were put in the  
7     facility. But all the other training, um, was  
8     on-the-job training, um, when they got assigned to a  
9     shift at that time.

10          **Q.     Was is arrest control?**

11          A.     It's a -- it's just a -- um, it's a set of  
12     skills. It's a canned program of training that -- that  
13     an officer has to successfully pass a written exam and  
14     a practical exam. Um. And it's -- it's, um, called  
15     pressure point control tactics. And so it incorporates  
16     a lot of physical maneuvers and how to restrain to  
17     protect yourself, to protect others. Um --

18          **Q.     How long was that training?**

19          A.     Uh. The initial certification on that  
20     training is a week, um -- a week long, um --

21          **Q.     I --**

22          A.     -- to get certified in it. I'm sorry.

23          **Q.     No, you go ahead.**

24          A.     To be certified in -- in it.

25          **Q.     Are you telling me that detention deputies**

1 who were being hired in April of 2014 had to go through  
2 a week of training before starting work?

3 A. No, I'm not saying that.

4 Q. Okay.

5 A. Some of them was able to get it; some of them  
6 didn't get it until later at some point.

7 Q. All right. Is it the case, then, that as of  
8 April of 2014, there was no mandatory training program  
9 or set of classes or course instruction that a person  
10 had to have before starting their first day as a  
11 detention deputy?

12 A. Correct.

13 Q. Why did Fremont County Sheriff's Office  
14 decide to contract out the provision of jail health  
15 services to a private corporation?

16 A. I wanted a professional healthcare provider  
17 in the facility that knew what they were doing and --  
18 and, um, I -- that -- that's why I contracted with  
19 them. We wanted to improve the care in the jail.

20 Q. How is that different from the care that was  
21 being provided by the medical personnel that were  
22 directly employed?

23 A. Because I think that -- that the people prior  
24 to, and even prior to me being sheriff and -- and my  
25 first years as sheriff, I didn't see a real commitment

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1 by them. It was an extra job that -- that they -- they  
2 did. I mean, they had other jobs in the -- you know,  
3 in their field, other places, and they came part-time  
4 to -- to the jail to provide those services. And,  
5 financially, the County wasn't able to do much of a  
6 different process at that time.

7 **Q. Was there a budgetary motive?**

8 A. Budgetary motive to?

9 **Q. Contracting out the provision of jail health**  
10 **services to a private entity.**

11 A. When I met the representative from  
12 Correctional Healthcare Management, um, we were able to  
13 look at what -- you know, historically what we had  
14 spent in previous years on health care in the jail.  
15 And he was able to show me that CHM -- that was the  
16 original company that I'd contracted with -- could  
17 provide me much better care, more professional care,  
18 more managed care than what we were doing, um, for  
19 almost the same dollars that I was spending, um, you  
20 know, previous to that contract.

21 **Q. And so, then, was there a budgetary motive?**

22 A. Well, I wasn't saving any money. I was  
23 spending, actually, more money. But that was the  
24 point, to improve the care and have better management,  
25 medical management, um, in the jail.

1           **Q. Did you or any of your personnel ever receive**  
2           **any training from Fremont County's corporate medical**  
3           **provider, Correctional Healthcare Companies?**

4           A. Not that I'm aware of.

5           **Q. Did you ever receive any training from any**  
6           **other corporate medical provider, like Correct Care**  
7           **Solutions or CHM or Correctional Healthcare Physicians?**

8           A. The only training that I'm aware of that the  
9           officers got was kind of situational in the facility  
10          when they would encounter things. I think that, um,  
11          all of the medical staff, um, had talked with and --  
12          and, um, schooled them. But there was no form -- there  
13          was no formal training, classroom type of training, if  
14          that's the answer to the question.

15          **Q. Doesn't have to occur in a classroom.**

16          A. It was on-the-job training again. When --  
17          when we would be presented with somebody with some  
18          specific medical situation, um, I was uncomfortable  
19          with them trying to train the staff too far because I  
20          didn't -- I didn't expect the staff to be medical  
21          providers or to make medical decisions other than  
22          commonsense things they were observing.

23                 So it would have been basic things, you know,  
24          sym -- symptomologies, you know, for -- for high blood  
25          pressures or diabetes or something of that nature, but

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1 it was not in-depth medical training.

2 Q. Do you know that your deputies, as of  
3 April of 2014, received any training at all from CHC?

4 A. I don't believe that they have. I'm not  
5 aware of it.

6 Q. Did you or any of your personnel ever receive  
7 any training on any of the following topics from  
8 Correctional Healthcare Companies or any designee of  
9 it: Recognizing acute manifestations of certain  
10 chronic illnesses, e.g., asthma, seizures,  
11 intoxication, withdrawal or adverse reactions to  
12 medications?

13 A. I'm not -- I'm not aware. I believe that  
14 they have, but I'm not aware of a -- a formalized  
15 training. So no, I'm not aware.

16 Q. Do you -- do you think that your deputies  
17 received training on those topics that I just  
18 mentioned, sir?

19 A. I think some of the booking staff may have  
20 received instruction from -- from the health care  
21 provider about what you just mentioned.

22 Q. Why do you think that, sir?

23 A. Because I -- I -- in conversations with Kathy  
24 and -- and with -- different situations would arise in  
25 the jail, um, they are observing the people, and



1 they're asked to describe sometimes over the phone at  
2 night to the nurse, you know, what they're -- what  
3 they're observing.

4 So there was at least that dialogue of, you  
5 know, question/answer of, Are they this, Are they that,  
6 Do you see this, Are they complaining of this or that.  
7 And so, um, I would say it was kind of ongoing and  
8 situ -- situational, um, is how I would describe it.

9 **Q. How do you know that any of that occurred,**  
10 **sir?**

11 A. Uh. Just in talking with Kathy Maestas about  
12 particular cases. And -- and I can't reference any  
13 particular case, but I know that the discussions were  
14 had of, Well, we've showed the staff this and they know  
15 this and -- and that -- that sort of conversation.

16 **Q. I see. So if your deputies were to testify**  
17 **in their depositions that they received no such**  
18 **training on that topic, that would be contrary to your**  
19 **understanding?**

20 A. Um. No. I could see them answering that --  
21 that way, because they would consider a formal training  
22 in -- in a classroom setting, you know. That's what  
23 they would probably deem, you know, training. That's  
24 how they would define training, I -- I think.

25 **Q. Uh. Would it surprise you to learn that no**

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1    **such training on those topics was received by the**  
2    **detention deputies that we've deposed to date?**

3           A.    As a formalized training --

4           **Q.    No.  Anything, sir.**

5           A.    -- that you mentioned?

6                   MR. TIEMEIER:  Object to form.

7           A.    Uh.  Yeah, it would surprise me because I  
8    don't believe that's accurate.

9           **Q.    (BY MR. BUDGE)  Did your training -- uh,**  
10   **excuse me.**

11                   **Did your deputies receive training on**  
12   **recognizing the signs and symptoms of mental illness?**

13           A.    Uh.  I can't -- I can't say on that  
14    particular matter.

15           **Q.    Recognizing the signs and symptoms of violent**  
16   **behavior?**

17           A.    On violent behavior?

18           **Q.    Yes, sir.**

19           A.    Yeah, I believe so.

20           **Q.    From CHC?**

21           A.    Um.  No.  Violent behavior is violent  
22    behavior.  I --

23           **Q.    Recog --**

24           A.    Training -- sorry.  I'm sorry.  Go ahead.

25           **Q.    Recognizing the signs and symptoms of acute**

1     **chemical intoxication and withdrawal; did your deputies**  
2     **get training from CHC on that?**

3           A.     I believe that's one that -- that in  
4     discussions with, uh, Kathy Maestas was talked about on  
5     more than one occasion because it's a very common  
6     occurrence in the jail.

7           Q.     And so if your deputies received -- testified  
8     that they received no such training on that topic, that  
9     would be contrary to your understanding?

10          A.     Yes.

11          Q.     Procedures for appropriate referral of  
12     patients with health complaints to health-care staff  
13     and/or to appropriate medical facilities; did your  
14     deputies receive training on that topic from CHC?

15          A.     Um. From CHC? I hate to ask you again, but  
16     could you kind of re -- ask that question again,  
17     please.

18          Q.     Procedures for appropriate referral of  
19     patients with health complaints to health-care staff  
20     and/or to appropriate medical facilities.

21          A.     Well, there's protocols for someone who  
22     needed or was complaining of some, uh, medical issue  
23     to -- to get that, um, information to the medical  
24     staff. Um. So if that qualifies, they know that  
25     procedure.

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1           Q.    Did your staff receive training on that  
2   topic, sir --

3           A.    Yes.

4           Q.    -- from --

5           A.    I believe they did, yes.

6           Q.    And so, if they were to have testified that  
7   they received no such training, that would be contrary  
8   to your understanding?

9           A.    Yeah, that would surprise me.

10          Q.    Are you aware of any documentation such as an  
11   outline of course content, length of course, dates of  
12   training and list of attendees that would show that you  
13   or any Fremont County Sheriff's Office personnel  
14   received any training on any of the topics that we've  
15   just discussed?

16          A.    No.

17          Q.    Are you aware of any health and mental health  
18   education and training program for the county deputies  
19   and jailers, such as yourself, provided by CHC?

20          A.    No.

21          Q.    Are you aware of any training program  
22   established by CHC to guide health-related training for  
23   security staff who work with inmates who might have  
24   medical needs?

25          A.    No.

1           Q.    You received, yourself, no such training from  
2   Correctional Healthcare Companies or Correctional  
3   Healthcare Company on any topic, correct?

4           A.    No.   No.

5           Q.    No, you did not?

6           A.    No, I did not.

7           Q.    You received no training from anyone related  
8   in any way to the risks, signs and symptoms of  
9   withdrawal from benzodiazepines, correct?

10          A.    Not CHC, but anyone?

11          Q.    Yeah.

12          A.    Um.  As I mentioned in my interrogatories,  
13   I'm part of two specialty courts that are very relative  
14   to this, so over the years I've learned some of that  
15   thing.  But I would not say I'm an expert in that, and  
16   it's not, I would say in any which way, shape or form  
17   formal training.

18          Q.    Do you know anything about the signs and  
19   symptoms of benzodiazepine withdrawal?

20          A.    No, not -- not so much, no.

21          Q.    Do you know that benzodiazepine withdrawal  
22   can be dangerous?

23          A.    Uh.  I'm sure.

24          Q.    Do you know that certain inmates will come  
25   into your jail dependent upon benzodiazepine

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1 medication?

2 A. I assume they do, yes.

3 Q. Do you know what might happen to a person in  
4 your jail that comes into the jail dependent on a  
5 benzodiazepine but whose benzodiazepine is suddenly  
6 discontinued?

7 A. I don't.

8 Q. Do you know anything about monitoring a  
9 person who might be at risk for benzodiazepine  
10 withdrawal?

11 A. No.

12 Q. Do you know what a benzodiazepine is?

13 A. No.

14 Q. What policies, procedures or practices are in  
15 place -- or were in place at your jail in April of 2014  
16 for what is to happen when a person enters your jail  
17 with an active prescription for a benzodiazepine  
18 medication?

19 A. Um. Say again, I'm sorry.

20 Q. What policies, procedures and practices were  
21 in place in April of 2014 for what is to happen when a  
22 person enters your jail with an active prescription for  
23 a benzodiazepine medication?

24 A. It would have been the same protocols and  
25 policies that they do for any medication, which was to

1 document the medication, collect it, get it to the  
2 medical staff for verification.

3 Q. Can benzodiazepine withdrawal be dangerous?

4 A. I don't know.

5 THE VIDEOGRAPHER: Excuse me, we have five  
6 minutes.

7 MR. BUDGE: Let's change it now.

8 THE VIDEOGRAPHER: This is the end of Media  
9 No. 3. We're going off the record at 4:07.

10 (A recess was taken from 4:07 p.m. to  
11 4:15 p.m.)

12 THE VIDEOGRAPHER: We are back on the record  
13 at 4:15. This is Media 4 in the deposition of Sheriff  
14 James Beicker.

15 Q. (BY MR. BUDGE) Sheriff Beicker, I'm handing  
16 you what's been marked as Exhibit 45 to your  
17 deposition. Um. Is this a copy of the contract  
18 between the Fremont County Sheriff's Office and  
19 Correctional Healthcare Companies for jail health  
20 services to inmates at -- and detainees at the Fremont  
21 County jail?

22 A. It is.

23 Q. You'll see that the first 24 pages of the  
24 exhibit is a document entitled, "Agreement For Inmate  
25 Services At Fremont County, Colorado." Do you see

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1     **that?**

2           A.     Yes.

3           **Q.     And then appended to the contract itself are**  
4     **two amendments extending the contract through the years**  
5     **2013 and 2014.  Do you see that?**

6           A.     Yes.  Well, they're the appendages.  Oh, yes.  
7     Yeah.  First and second amended, yes.

8           **Q.     Did you sign the contract?**

9           A.     The -- yes, I did.

10          **Q.     And did you sign the amendments to the**  
11     **contract?**

12          A.     I did.

13          **Q.     And was this the contract in place as of**  
14     **April 2014?**

15          A.     Yes.

16          **Q.     Did you understand that the contract governed**  
17     **the provision of jail health services to inmates and**  
18     **detainees at the Fremont County jail as of April 2014?**

19          A.     Yes, sir.

20          **Q.     Uh.  Including Mr. Walter, correct?**

21          A.     Correct.

22          **Q.     As of April of 2014, were all health services**  
23     **at the Fremont County jail supposed to be provided by**  
24     **Correctional Healthcare Companies pursuant to this**  
25     **contract?**



1           A.    Um. Unless they felt the need to go beyond  
2    their -- you know, they needed to, um, send them for  
3    some -- something they couldn't perform in the jail,  
4    so -- but yes, it was through them and under them.

5           Q.    It -- did you read the contract before  
6    signing it?

7           A.    I did.

8           Q.    Did you do so carefully?

9           A.    I believe I did, yes.

10          Q.    And was it important to you that you  
11   understood the obligations and the duties imposed by  
12   each party to the contract?

13          A.    Yes.

14          Q.    Was it your expectation that Correctional  
15   Healthcare Companies would follow and abide by all  
16   provisions of the contract?

17          A.    Yes, I did.

18          Q.    And I take it that was important to you?

19          A.    Yes.

20          Q.    Earlier, we talked about how you're the  
21   policymaker with regard to all aspects of the Fremont  
22   County Sheriff's Office and the jail. Do you recall  
23   that?

24          A.    Yes.

25          Q.    For purpose of jail health services, did you

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1     **delegate your policy-making authority to Correctional**  
2     **Healthcare Companies?**

3           A.     Only as it related to their expertise of  
4     medical care --

5           Q.     Right.

6           A.     -- and protocols, yes.

7           Q.     And I -- I need to be very clear with my  
8     question.

9           A.     Okay.

10          Q.     As with regard to jail health services to  
11     inmates at the Fremont County jail, did you delegate  
12     your policy-making authority with regard to jail health  
13     services to Correctional Healthcare Companies?

14          A.     Yes.

15          Q.     And that was the case as of April of 2014?

16          A.     Yes, sir.

17          Q.     CHC, Correctional Healthcare Companies, then  
18     became the policymaker for the Fremont County jail with  
19     regard to jail health services, correct?

20          A.     Correct.

21          Q.     And under the contract, you gave them the  
22     power to create health-related policies, correct?

23          A.     Correct.

24          Q.     And also the power to implement and change  
25     those health-related policies without your prior

1     **approval, correct?**

2           A.     Correct.

3           **Q.     So, for example, if CHC, Correctional**  
4     **Healthcare Companies, decided that inmates would not**  
5     **get certain medications, that became the policy of the**  
6     **jail and you had no input on that policy, correct?**

7           A.     I discussed some changes, I recall, about  
8     that so that I understood why they were making those  
9     decisions, but ultimately, yes, if I -- I did not, um,  
10    disagree or tell them I -- you know, that it was a  
11    contract break or anything like that.

12                 So -- so, uh, I just wanted to say that --  
13    for the record that I had questioned some of their  
14    policies just to -- to see if I -- you know, that they  
15    could make me understand why a -- a particular policy  
16    might exist.

17           **Q.     Understood. But getting back to my original**  
18     **question so we have a clear record, you understood and**  
19     **gave CHC the power to create health-related policies**  
20     **and implement and change those policies as they deemed**  
21     **necessary without your prior approval, correct?**

22           A.     I did.

23           **Q.     So, for example, if CHC decided that inmates**  
24     **would not get certain medications, that became the**  
25     **policy of the jail and you had no input on that policy,**

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1 correct?

2 A. Correct.

3 Q. And so, therefore, CHC became the final  
4 policymaker with regard to the practices and customs at  
5 the jail with regard to inmate health services,  
6 correct?

7 A. That would be accurate, yes.

8 Q. Did you understand that there were other  
9 companies that are competitors to CHC who also provide  
10 jail health services to counties and cities in Colorado  
11 and elsewhere?

12 A. Uh. Yes, somewhat aware of that.

13 Q. Before entering this contract with CHC, did  
14 the jail put the matter up for bid in some way so it  
15 might obtain bids from other companies?

16 A. We did not.

17 Q. Did C -- excuse me.  
18 Did the Fremont County Sheriff's Office seek  
19 to obtain bids from other companies for providing jail  
20 health services to Fremont County?

21 A. We did not.

22 Q. Before entering the contract with CHC, did  
23 you ever inquire of other counties, cities or agencies  
24 that had hired CHC in order to assure yourself that  
25 they were satisfied with CHC's services?

1           A.     Actually, I'd had some short conversations  
2     with some other sheriffs at our conferences just about  
3     their providers and who -- who had what and what they  
4     were doing. Um. The person that I originally met with  
5     CHM, um, was a previous sheriff. Um. And so I had --  
6     I knew him personally -- or as a sheriff, I should say.  
7     And -- and he was the one that I -- I began to talk  
8     with and then made the original proposal with CHM.

9                 I never did any other -- I never deviated  
10    when they came to me and said, Well, we're being bought  
11    by -- because as I understood it, actually when CHC --  
12    hope I'm not misspeaking, my understanding was that  
13    when they were -- when they purchased CHM, one of  
14    the -- the owners of CHM was going to remain on in a --  
15    I can't remember exactly what capacity, um, but as an  
16    advisor, somebody who I could still call and speak with  
17    if I had concerns or questions.

18                And so that's why I didn't, um -- I didn't  
19    really -- uh, I wasn't unsatisfied, so I didn't -- I  
20    still had that relationship with that person and I -- I  
21    was comfortable with it. And so when they sold, I  
22    just, uh, continued to contract even when the company  
23    changed names.

24           **Q.     And who was that person?**

25           A.     Christina -- Chris and Christina Capoot.

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1           **Q.    How do you spell the last name?**

2           A.    It is spelled C-a-p-o-o-t.

3           **Q.    And one of those people was a sheriff --**

4           A.    No --

5           **Q.    -- or former sheriff?**

6           A.    -- I'm sorry.  Um.  The -- there was a -- uh,  
7  Mike Avery was a former sheriff, who worked for -- who  
8  went to work for CHM as a sales and marketing person.  
9  And at a conference they had a booth, I was -- I had  
10 visited the booth.

11                   He said, Could we sit down and talk about  
12 your health care at the jail, Sheriff.  And I said, I  
13 can't afford it, and, uh, he said, I think you can.  
14 And after that he gave me a card, we scheduled a visit,  
15 and -- and, um, as I -- I think I mentioned earlier, we  
16 went over some of my expenditure in previous years and  
17 then what they would offer to me for roughly some of,  
18 you know, the same kinds of dollars.

19                   And so it only made sense that -- um, I put  
20 it in a budget request, because I wanted to improve the  
21 health care at the jail.  And that was how that, uh,  
22 original relationship was, uh, formed in that first  
23 contract with -- with CHM.

24           **Q.    Okay.  Thank you for that explanation.  Let**  
25 **me ask my question directly again.**

1           **Before entering into the operative contract**  
2   **that you have in front of you, Exhibit 45, that was in**  
3   **effect at the time that Mr. Walter was confined in your**  
4   **jail, had you inquired of other counties, cities or**  
5   **agencies that had hired CHC in the past?**

6           A.   My apologies. I -- I forgot. And my -- I  
7   wish -- there were brief conversations with some other  
8   sheriffs that had them as their medical provider, but  
9   they were very brief and I would say -- well, you know,  
10   just ask them their general opinion, were they  
11   satisfied. Uh. And I don't remember, uh, any of the  
12   sheriffs that I discussed this with that ever said that  
13   they -- they weren't.

14           I can't even remember exactly who they were.  
15   I want to say Pueblo County might have been one,  
16   Douglas County was another. Those are the ones that  
17   come to mind of the sheriffs that I -- I might have  
18   spoke with about using them as a provider. El Paso  
19   County, excuse me, El Paso County was one as well.

20           **Q.   Did you ever ask to see CHC's budget?**

21           A.   Did I ask to see their budget?

22           **Q.   Yes.**

23           A.   No.

24           **Q.   Do you know if anybody at Fremont County**  
25   **Sheriff's Office asked to see their budget?**

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1 A. I don't believe so. I'm not aware of it.

2 Q. Did you meet with any of CHC's corporate  
3 officers?

4 A. Well, I think Christina Capoot might have  
5 been deemed that person for them because she stayed  
6 with the company, so yes, I met with her on one  
7 occasion, um, and now I can't even remember why.

8 Q. Did you ask -- or excuse me.

9 Did you meet with any other corporate officer  
10 from CHC?

11 A. I don't know who they consider corporate, so  
12 I -- I -- there was people above Kathy Maestas that I  
13 had -- like I said, Carl Anderson and others. If  
14 that's considered corporate, I'm going to say yes, but  
15 I don't know what they consider corporate. Sorry.

16 Q. Prior to entering into the contract with CHC,  
17 did you meet with anybody that you know to have been a  
18 corporate officer of CHC?

19 A. Um. I don't know.

20 Q. Thank you.

21 A. Okay.

22 Q. Do you know if anybody at the Fremont County  
23 Sheriff's Office did so?

24 A. Um. No.

25 Q. Before entering into this contract,



1     **Exhibit 45, did you review any policies or procedures**  
2     **of CHC that would apply to jail health services that**  
3     **CHC was obligated to provide to your inmates and**  
4     **detainees?**

5           A.     What I recall about this is they took CHM's  
6     policies and merely put their name on them. I did not  
7     sit down and review them, uh, in detail when that  
8     happened. Uh, Ms. Maestas told me that -- that --  
9     basically, that that was the only, uh, thing that  
10    really occurred, was that CHC put their name on those  
11    previous policies. I don't remember, uh, anything of  
12    significance that had changed then, which is why I  
13    didn't go through them.

14           Q.     Let me ask the question directly again.

15           A.     Okay.

16           Q.     Before entering into this contract, did you  
17    review any policies or procedures of CHC that would  
18    apply to the jail health services they were obligated  
19    to provide to your jail?

20           A.     No.

21           Q.     Before entering in -- into this contract, did  
22    you review any practices or guidelines of CHC that  
23    would apply to the jail health services that they were  
24    obligated to provide to your inmates and detainees?

25           MR. TIEMEIER: Object to form.

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1 A. No. Oops. I'm sorry.

2 MR. TIEMEIER: Go ahead.

3 A. No.

4 Q. (BY MR. BUDGE) Do you know if anybody did?

5 A. I don't know.

6 Q. Did you ask to see the qualifications,  
7 references or experience of anybody they intended to  
8 hire as a nurse or other medical provider for providing  
9 services at your jail?

10 A. No.

11 Q. Do you know if anyone did?

12 A. I'm not sure. I'm not aware.

13 Q. Did you specifically interview any person  
14 associated with CHC about their duties to detainees and  
15 inmates?

16 A. No.

17 Q. Do you know if anybody did?

18 A. No.

19 Q. Did you do anything in the way of due  
20 diligence to assure yourself that CHC and the medical  
21 providers that they intended to provide at the jail  
22 were providing services that were up to standards?

23 A. I believed, um, from the contractual  
24 agreement and the policies that they, um, kept in  
25 place, that they were a professional provider.

1 Q. Did you study those policies?

2 A. I did in the original contract.

3 Q. As of April of 2014, and in connection with  
4 the contract that the -- operative -- the -- the  
5 operative contract, did you study any policies or  
6 procedures?

7 A. No.

8 Q. Did you study the policies and procedures  
9 that were in place from CHC with regard to jail health  
10 services to your inmates in April of 2014?

11 A. No.

12 Q. Do you know if anybody did?

13 A. No.

14 Q. Do you know where CHC is based?

15 A. I do not.

16 Q. Can you name any of its officers?

17 A. The one I recall is Carl Anderson and Ava and  
18 Kathy. Those are the ones that stick out in my mind.

19 Q. Anybody else?

20 A. No.

21 Q. Have you ever seen CHC's operating budget for  
22 your jail?

23 A. No.

24 Q. For any year?

25 A. No.

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1           **Q.    Do you believe that CHC has an operating**  
2 **budget for your jail?**

3           A.    I believe they do.

4           **Q.    Why do you believe that?**

5           A.    I think it would be good business to -- to  
6 know what that is, so I assume from a business  
7 standpoint they have an operating budget.

8           **Q.    Would you be, uh, surprised if you were to**  
9 **learn that CHC did not have an operating budget for**  
10 **your jail?**

11          A.    I'm not sure if I should be surprised or not.  
12 It wasn't a company that I knew as well as the original  
13 owners, so I -- I -- I just -- I wouldn't --

14          **Q.    Did -- did you --**

15          A.    -- make assumptions.    Sorry.

16          **Q.    Did you ever know, um, Kathy Maestas to have**  
17 **any budgetary responsibilities?**

18          A.    Um. I think that that was something that --  
19 that, um -- yeah, she -- she was supposed to be aware  
20 of in her job. I can't say specifically that, but --  
21 but, you know, um, the cost of medications and things  
22 like that were topics of discussion at -- at different  
23 points in time, so -- and so things like that. So I'm  
24 assuming that she had some obligation to -- as the  
25 management, um, on -- on-site to -- to help with that.

1           Q.    Do you believe, based on your discussions  
2 with Ms. Maestas, that she had some responsibility for  
3 determining the cost of operations at Fremont County  
4 jail?

5           A.    Uh. I'm not sure, I -- I would think maybe  
6 some, but I don't know how much authority she has.

7           Q.    Did you know her to be aware of the cost of  
8 medications and the other costs associated with  
9 operating of the jail?

10          A.    I -- I think generally so, yes.

11          Q.    And you were left with that distinct  
12 impression upon your various conversations and meetings  
13 with her?

14          A.    Correct.

15          Q.    Did Kathy Maestas ever say anything in your  
16 presence to the substance of, you know, this is or is  
17 not within our budget or anything like that?

18          A.    No. I never heard her reference that -- that  
19 in that way, no.

20          Q.    But you believed, based on your conversations  
21 with her, that she was aware of the various costs of  
22 operations at the jail?

23          A.    I think to some degree, yes.

24          Q.    Have you ever seen any internal mortality  
25 reviews of CHC?

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1           A.    I have -- well, I'm not sure if it was under  
2   CCS or CHC, so I can't say positively.

3           **Q.    Have you seen internal mortality reviews by**  
4   **CCS?**

5           A.    One of the two, yes.  Because we had a, um,  
6   inmate who died in the -- in the kitchen, and there was  
7   a mortality review provided to me on that.

8           **Q.    And when did that inmate die?**

9           A.    Eight months ago, nine months ago.

10          **Q.    Do you know where CHC gets its standards of**  
11   **operation?**

12          A.    No.

13          **Q.    Do you know whether CHC complies with NCCHC**  
14   **standards?**

15          A.    I do not.

16          **Q.    Do you know whether CHC complies with ACA**  
17   **standards?**

18          A.    I do not.

19          **Q.    Do you know where CHC gets its budget for**  
20   **medications?**

21          A.    I'm assuming from the different people like  
22   me who did business with them and provide them  
23   contractual fees.

24          **Q.    Huh-uh.**

25          A.    Oh.

1 Q. I'm not asking for you to assume anything --

2 A. Oh.

3 Q. -- I'm asking you: Do you know where CHC  
4 gets its budget for medications?

5 A. I do not.

6 MR. TIEMEIER: Object to form.

7 A. Sorry.

8 Q. (BY MR. BUDGE) Do you know where CHC gets  
9 its budget for ambulance services?

10 MR. TIEMEIER: Same objection.

11 A. I do not.

12 Q. (BY MR. BUDGE) Hospitalization?

13 A. I do not.

14 Q. Medical supplies and equipment?

15 A. I do not.

16 Q. Salaries?

17 A. I do not know.

18 Q. Training?

19 A. I do not know.

20 Q. Mental health services?

21 A. I do not know.

22 Q. Pharmacy services?

23 A. This is all the budget-related questions?

24 Q. Yes.

25 A. I do not know.

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1           Q.    Have you ever seen, for a single month or  
2   year, CHC's budget for the Fremont County jail?

3           A.    I have not.

4           Q.    Do you know how much insurance it has?

5           A.    Not off the top of my head, no.

6           Q.    What did you do to assure yourself that CHC  
7   would comply with its obligation to provide  
8   constitutionally adequate medical care to the detainees  
9   at your jail?

10          A.    Just in discussions with them and their staff  
11   during the quarterly meetings, that as the things arose  
12   and things were taken care of and the day-to-day  
13   operations that went on, um, concerning them.

14          Q.    After you entered into the contract?

15          A.    Yes.

16          Q.    Prior to that time?

17          A.    Prior to?

18          Q.    Prior to entering into the operative contract  
19   in this case, what did you do to assure yourself that  
20   CHC would comply with your obligation to provide  
21   constitutionally adequate medical care?

22          A.    Just on an ongoing daily basis that --  
23   medical care was being provided to the offenders in the  
24   jail.

25          Q.    Anything else?



1 A. No.

2 Q. You understood that CHC was a private  
3 corporation, correct?

4 A. Uh, yes.

5 Q. That it was a for-profit, private entity,  
6 correct?

7 A. Yes.

8 Q. And that it was entering into the contract  
9 because it felt that it could make money by doing so?

10 A. Yes.

11 Q. Did you understand that in order for  
12 Correctional Healthcare Companies to make a profit on  
13 the contract, that they would have to charge money to  
14 the County that exceeded the amount that they would  
15 have to spend on providing jail health services to  
16 inmates of detain -- and detainees in order to make the  
17 contract financially profitable to them?

18 A. Yes.

19 Q. Did you understand that Correctional  
20 Healthcare Companies would not enter into the contract  
21 unless they believed that the money that they were  
22 getting from the County exceeded the money that they  
23 had to spend in order to provide jail health services?

24 A. Yes.

25 Q. Does Fremont County itself have a budget for

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1 operation of the jail?

2 A. For operation of the jail?

3 Q. Yes.

4 A. Uh, yes.

5 Q. And do you have budgetary responsibilities in  
6 that regard?

7 A. I do.

8 Q. Are there different line items in the budget?

9 A. Yes, sir.

10 Q. Do you understand or did you understand that  
11 CHC would continue to be motivated by the desire to  
12 make a profit through the duration of their contract  
13 with the County?

14 A. I did.

15 Q. If you look at the addendum to the contract  
16 for the year governing 2014, which is the  
17 second-to-last page --

18 A. Yes.

19 Q. -- do you see where it sets a base amount of  
20 contract for \$503,000 and some change for the entire  
21 year of 2014?

22 A. Correct.

23 Q. To be paid in equal monthly installments of  
24 just under 42,000?

25 A. Yes, sir.

1 Q. And that base amount was fixed, correct?

2 A. Correct.

3 Q. So the base amount of the contract could not  
4 go up for the year 2014, correct?

5 A. Correct.

6 Q. And so you knew that in order for CHC to make  
7 money on the contract, its operating cost had to be  
8 below the base amount of 503,000?

9 A. I'm not sure I understand their business  
10 model, but that made common sense, good -- in business,  
11 yes, I know they had to make money, yes.

12 Q. And you also understood that the less that  
13 CHC spent to fulfill the contract, the more money it  
14 would make in profit?

15 A. Yes.

16 Q. Once the contract was entered into, I take it  
17 that you did not expect to have any control or  
18 oversight on the amount of money that CHC actually  
19 devoted to fulfilling its obligations under the  
20 contract, correct?

21 A. Only if I recognized shortcomings, um, in the  
22 contractual agreement that they weren't fulfilling, and  
23 I chose to, you know, take them to task on it.

24 Q. But in the normal course, once the contract  
25 was entered into, you did not expect to have control or

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1 oversight on the amount of money that CHC was spending  
2 to fulfill its obligations --

3 A. No.

4 Q. -- correct?

5 A. No -- yeah, correct.

6 Q. If you look at paragraph 1.2 on the third  
7 page under ambulance service . . .

8 A. In the beginning of the original contract?

9 Q. Right. Which is incorporated through the  
10 addendum.

11 A. Oh, yes, sir, 1.2. Yes, thank you.

12 Q. It says that CHC shall arrange and bear the  
13 cost of ambulance services under the contract uh, and  
14 then, uh, that's up to a cap amount of \$50,000,  
15 correct?

16 A. Correct.

17 Q. Did you understand this to mean that if CHC  
18 sent an inmate out of the jail in an ambulance, that  
19 CHC would have to bear the cost of that up to \$50,000?

20 A. Correct.

21 Q. Did you understand that sending anybody out  
22 in an ambulance would be an expense to CHC that would  
23 eat into their profit for every dollar up to 50,000?

24 A. Yeah. I would assume, yes.

25 Q. In Paragraph 1.6 on the next page, do you see

1 where it refers to hospitalization?

2 A. Yes, sir.

3 Q. It says that CHC will arrange and bear the  
4 cost of hospitalization, correct?

5 A. Correct.

6 Q. And that was with regard to any inmate or  
7 detainee up -- at the jail up to a cap of \$50,000,  
8 correct?

9 A. That is correct, yeah.

10 Q. Meaning that if CHC directed that any inmate  
11 be sent out of the jail to be hospitalized, they would  
12 have to bear that cost up to 50,000?

13 A. Correct.

14 Q. So did you understand that sending somebody  
15 to the hospital by CHC would be an expense to CHC that  
16 would eat into their profit for every dollar up to  
17 50,000?

18 A. I did.

19 Q. Meaning that every dollar that they did not  
20 spend on sending an inmate to the hospital would be an  
21 extra dollar of profit to CHC?

22 A. Yes.

23 Q. Paragraph 1.11, mental health care, it says,  
24 CHC shall arrange and bear the cost of on-site mental  
25 health services. Do you see that?

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1 A. Yes, sir.

2 Q. Again, all on-site mental health care was to  
3 be pro -- provided at the expense of CHC, correct?

4 A. Um. I think there's a provision in there  
5 where I pay for a limited amount of that coverage, so I  
6 don't know if that's in opposition to that --

7 Q. Well --

8 A. -- um . . .

9 Q. -- is it your --

10 A. I --

11 Q. -- understanding in the contract that all  
12 site -- all on-site mental health care was to be  
13 provided at the expense of CHC up to a cap of \$50,000?

14 A. Well, once again, I think there's a cap of  
15 hours that I pay for in the contract, so I -- I guess  
16 that's not how I understand that, but, um . . .

17 Q. Does it -- do you understand that it says,  
18 CHC shall arrange and bear the cost of on-site mental  
19 health services for covered persons, meaning inmates  
20 and detainees at the jail, which shall include intake,  
21 evaluations, referrals, crisis management, suicide  
22 prevention, individual therapy, basic community  
23 linkage, medication evaluation, prescription and  
24 continuity of care?

25 A. Yes.

1 Q. And that's -- those costs were to be borne by  
2 CHC up to \$50,000, correct?

3 MR. TIEMEIER: Object to form.

4 A. Yes.

5 Q. (BY MR. BUDGE) Meaning that every dollar  
6 they did not spend on mental health care as described  
7 in that paragraph would be an extra dollar of profit  
8 for CHC?

9 MR. TIEMEIER: Object to form.

10 A. Yes.

11 Q. (BY MR. BUDGE) And then if you look at 11.15  
12 where it talks about pharmacy services?

13 A. Okay.

14 Q. It says, CHC shall bear the costs of all  
15 prescription and nonprescription over-the-counter  
16 medications to inmates and detainees with the exception  
17 of AIDS, HIV and Hep C meds, do you see that?

18 A. Yes, sir.

19 Q. And there is no cap that applies to that  
20 paragraph, correct?

21 A. Correct.

22 Q. Meaning that every dollar CHC did not spend  
23 on giving inmates medication would be an extra dollar  
24 of profit to CHC up to any amount, correct?

25 A. Could be, yes.

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1 Q. Well, you knew that, correct?

2 A. Yes.

3 Q. Did you recognize the potential for an  
4 inherent conflict of interest by CHC, given its profit  
5 motivations on the one hand and its need to provide  
6 constitutionally adequate medical care on the other?

7 A. Repeat the question, please.

8 Q. Did you recognize the potential for a  
9 conflict of interest by CHC, given its need to make a  
10 profit on the one hand and the need to provide adequate  
11 medical care on the other?

12 MR. TIEMEIER: Object to form.

13 A. Uh. I don't know that there is a conflict of  
14 interest there. I mean, I -- I monitored what they did  
15 in -- in the jail, uh, day in and day out to the best  
16 that I could with the staff and, um, their profit or  
17 lack thereof wasn't my concern; it was the care given  
18 in the jail. So, um, I didn't equate it to a conflict  
19 of interest. Um. Adequate care is what I was  
20 expecting and paying for, and that's what the contract  
21 bore out.

22 Q. (BY MR. BUDGE) You never saw their actual  
23 costs, correct?

24 A. No, I didn't.

25 Q. You never saw their budget, correct?



1 A. No.

2 Q. You never saw anything to indicate whether  
3 they were making a profit and if so, how much?

4 A. I didn't.

5 Q. And you never saw anything to indicate  
6 whether or not they were -- um, well, the same  
7 question, making money or not, correct?

8 A. No.

9 Q. Or if they were saving money, where that  
10 money was being saved, correct?

11 A. Corrects.

12 Q. Nevertheless, do you recognize that a  
13 profit-making, private company may have a potential  
14 conflict when, A, they're trying to make a profit by  
15 comparing their costs to the amount of money that's  
16 coming in and the need to provide adequate medical care  
17 on the other hand?

18 MR. O'CONNELL: Objection to form.

19 Q. (BY MR. BUDGE) Did you recognize the  
20 potential for such a conflict?

21 MR. TIEMEIER: Object to form.

22 A. I -- I never saw that conflict, so I'm . . .

23 Q. (BY MR. BUDGE) It was never in your mind?

24 A. No.

25 Q. Was it ever in your mind that when the public

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1 function of providing health services to jail inmates  
2 and detainees is contracted out to a private,  
3 profit-motivated entity, that there may be a conflict  
4 of interest between their financial motivation on the  
5 one hand and providing full and adequate medical care  
6 on the other?

7 A. Yes. Not monitored closely by the contract,  
8 then yes, I guess they wished to cut corners. That's  
9 what it -- our -- our staff's job and my  
10 administrators' jobs would be to ensure that they were,  
11 in our minds, providing what they needed to be  
12 providing to the offenders.

13 Q. But specifically what did you do to ensure  
14 that they were never cutting corners?

15 A. Day in, day out, it's -- the medical  
16 situations that -- that arise, which they do, we're --  
17 we're monitoring those, so I never saw a situation from  
18 them that I felt that they weren't providing proper  
19 care.

20 Q. You did --

21 A. So that's --

22 Q. -- not?

23 A. -- what I did to en -- ensure that -- um. If  
24 I did, I would question them, but I never saw that.

25 Q. You did not see Mr. Walter on the 18th or

1     **19th?**

2           A.     Was that the Saturday, Sunday?

3           **Q.     Yes.**

4           A.     I did not personally, no.

5           **Q.     And you had no way to judge whether or not,**  
6     **on the 18th or 19th, he should have been sent out for**  
7     **hospitalization, correct?**

8           A.     Based on what the staff reported, I would say  
9     not.

10          **Q.     Not what?**

11          A.     We had no reason to believe he needed  
12     anything other than what, um, they were providing for  
13     him.

14          **Q.     Sir, under oath, what was reported to you**  
15     **about Mr. Walter's symptoms on the 19th and 20th?**

16                 **MR. O'CONNELL:   Objection --**

17                 MR. TIEMEIER:   Asked --

18                 MR. O'CONNELL:   -- asked and answered.

19                 MR. TIEMEIER:   Also object to the form.

20          A.     Um.   What was reported to me on those dates  
21     or prior to those dates or --

22          **Q.     (BY MR. BUDGE)   Or after those dates, sir.**

23          A.     Um.   I guess I'm not exactly -- I want to  
24     understand your question, so . . .

25          **Q.     What was reported to you about Mr. Walter's**

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1 symptoms and medical condition on the 19th and 20th  
2 that can lead you to conclude that he should not have  
3 been sent to the hospital?

4 A. Nothing on those dates.

5 Q. Paragraph 1.1.1 refers to a health assessment  
6 that shall follow current NCCHC standards. Do you see  
7 that?

8 A. What provision, again?

9 Q. On the document that bears production No. 838  
10 in the lower right-hand corner. Paragraph 1.1.1.

11 A. Um. That's the mental health provision?

12 Q. No. Um . . .

13 MR. O'CONNELL: The preceding page.

14 A. I'm sorry. Well, that says 1.1 -- oh, .1.  
15 My apologies.

16 Q. (BY MR. BUDGE) Yeah, there's three 1s.

17 A. Yes. Thank you. Okay.

18 Q. Do you see where it refers to a health  
19 assessment that shall follow NCCHC standards, current  
20 NCCHC standards?

21 A. I do.

22 Q. Uh, what does that mean?

23 A. That they have a policy on when those  
24 assessments are to be conducted.

25 Q. And who is the NCCHC?

1 A. Uh. Who is what? I'm sorry.

2 Q. NCCHC.

3 A. I don't know what those standards are.

4 Q. Who is the NCCHC, sir?

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

6 Q. Have you ever known who the NCCHC is?

7 A. No.

8 Q. Do you know who the ACA is?

9 A. Yes.

10 Q. What?

11 A. American, um, Correctional Association.

12 Q. What did you do to ensure yourself that  
13 Correctional Healthcare Companies was providing health  
14 assessments that followed current NCCHC standards, if  
15 you did not know who the NCCHC was?

16 A. I trusted them that they were.

17 Q. Anything other than trust?

18 A. No.

19 Q. Did you expect that they would fulfill their  
20 obligations?

21 A. Yes.

22 Q. Did you -- would it surprise you to know that  
23 CHC does not possess a written copy of any NCCHC  
24 standards?

25 A. No.

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1 MR. TIEMEIER: Object to form.

2 Q. (BY MR. BUDGE) It would not -- excuse me.

3 It would not surprise you?

4 A. No.

5 Q. Given that N -- that CHC is obligated to  
6 provide health assessments that shall follow current  
7 NCCHC standards, why would it not surprise you to learn  
8 that they possess no written copy of NCCHC standards?

9 A. I don't know.

10 MR. TIEMEIER: Object to form.

11 Q. (BY MR. BUDGE) Sorry?

12 A. I don't -- I don't know. I'm not sure why  
13 they wouldn't.

14 Q. Would you expect that they would have a copy  
15 of current NCCHC standards if they were obligated,  
16 pursuant to the contract, to follow such standards?

17 A. Probably.

18 Q. Would you be disappointed to know that they  
19 possess no copy of any NCCHC standards?

20 MR. TIEMEIER: Object to form.

21 A. Yeah.

22 Q. (BY MR. BUDGE) Why would that be?

23 A. Because they are using that as their  
24 standard, they should have a copy of what that standard  
25 is.

1           Q.    Did you understand under the contract that if  
2    you ever became dissatisfied with a member of  
3    health-care staff that you could provide written notice  
4    to CHC of such dissatisfaction and the reasons for it,  
5    and that they would remove the individuals from  
6    providing health services at your jail if the issue was  
7    not resolved within 10 days?

8           A.    Correct. Yes, I did.

9           Q.    You never gave any notice of dissatisfaction  
10   about any member of jail health staff, correct?

11          A.    No.

12          Q.    Do you see in Paragraph 3.1 at the bottom of  
13   Page 843 where it says, CHC shall conduct an ongoing  
14   health and mental health education and training program  
15   for the county deputies and jailers in accordance with  
16   the needs mutually established by the County and CHC?

17          A.    Yes.

18          Q.    Did CHC ever provide ongoing health and  
19   mental health education and training to your deputies?

20          A.    No.

21          Q.    Why not?

22          A.    I don't know.

23          Q.    Do you see in Paragraph 3.2 reference to  
24   quarterly reports?

25          A.    Yes.

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1           Q.    Do you see where it says, as requested by the  
2   sheriff, CHC shall submit quarterly health reports  
3   concerning the overall operation of the health care  
4   services program rendered pursuant to this agreement  
5   and the general health of the jail population?

6           A.    Correct, yes.

7           Q.    Since 2012, there have been 19 quarters.  Has  
8   CHC ever provided you with a single quarterly health  
9   report?

10          A.    Yes, I believe they have.

11          Q.    Do you have copies of those?

12          A.    I don't.

13          Q.    Does the Sheriff's Office have copies of  
14   those?

15          A.    I don't believe they gave them to anybody but  
16   myself.  Maybe the undersheriff, he attended some of  
17   the quarterly meetings.

18          Q.    What did you do with the quarterly health  
19   reports that were provided to you?

20          A.    I never kept them.  It was just, um, a lot of  
21   extra paper.  We went over them, uh, on a -- on a, um,  
22   issue by issue -- um, in a meeting, and I looked at the  
23   numbers that they provided on certain aspects of -- of  
24   their care and, um, I didn't keep them.

25          Q.    You discarded them?



1 A. Yes.

2 Q. Let me see if I have this clear for the  
3 record. CHC provided you with quarterly health reports  
4 concerning the operations at your jail and you  
5 discarded them and never kept a copy?

6 A. Y --

7 MR. TIEMEIER: Object to form, asked and  
8 answered twice.

9 Q. (BY MR. BUDGE) Is that correct?

10 A. That's correct.

11 Q. You would expect, however, that CHC would  
12 have copies of those, would you not?

13 A. I would.

14 Q. Have you requested them?

15 A. I have not.

16 Q. Do you believe that you have the right to  
17 those?

18 A. I do.

19 Q. Okay.

20 A. And there were a few of those quarterly  
21 meetings that they didn't provide that written  
22 accounting.

23 Q. Did you ask for them?

24 A. Um, I -- all I did was inquire as to why not,  
25 and Kathy was -- said she wasn't able to get them

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1 completed in time for the -- the meeting.

2 Q. Did she complete them subsequent to the  
3 meeting?

4 A. Um, I believe I remember Ava or Carl, uh,  
5 requesting that she did, so that they had them, yeah.

6 Q. And therefore, you would expect that  
7 quarterly reports for the operation of the jail health  
8 services by CHC at your jail would exist?

9 A. Correct. She had changed the formatting on  
10 some of them at different times, um -- this -- I think  
11 when CHM -- uh, when CHC bought CHM, I think the  
12 supervisor at the time requested a little bit different  
13 formatting, but that's the only thing I recall about  
14 it.

15 Q. Paragraph 3.3 refers to quarterly meetings.  
16 Did you have meetings every quarter?

17 A. Uh, yes. Sometimes they had been rescheduled  
18 maybe a little longer out than -- than, you know, based  
19 on people's schedules, but, yes, we had them.

20 Q. Are there records of those meetings?

21 A. Only those reports.

22 Q. Does it interest you as sheriff to know how  
23 much money CHC budgeted for off-site emergency  
24 services?

25 A. Does it interest me to know that?

1           **Q.     Yes.**

2           A.     Um.  It doesn't uninterest me.

3           **Q.     Does it interest you to know how much they**  
4 **budgeted for off-site hospital?**

5           A.     Uh, yes.

6           **Q.     Off-site transport?**

7           A.     Yes.

8           **Q.     Off-site physicians?**

9           A.     Yes.

10          **Q.     Psychotropic medications?**

11          A.     Uh, psycho -- yes.

12          **Q.     All medications?**

13          A.     Yes.

14          **Q.     Mental health?**

15          A.     Yes.

16          **Q.     Uh, wages of the health services**  
17 **administrator and the other nurses?**

18          A.     I wasn't concerned with their wages, no.

19          **Q.     Okay.  Um.  Everything else would be of**  
20 **interest to you, though, in terms of your role as**  
21 **sheriff?**

22          A.     Yes.

23          **Q.     Have you ever asked to see any budget**  
24 **categories?**

25          A.     CHC's budget categories?  No.

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1           Q.    Would it surprise you to learn that CHC's  
2   annual budget for all off-site medical services of any  
3   kind, including off-site ER, off-site hospitalization,  
4   off-site laboratory services, off-site physician  
5   services, off-site radiology and offset -- off-site  
6   transport for all the detainees in your jail in the  
7   course of a given year was less than \$3,000?

8           A.    That might surprise me, yes.

9           Q.    And it -- it would surprise you if it was  
10  less than \$1,000, I take it, right?

11          A.    Pardon me?

12          Q.    I said --

13               MR. TIEMEIER:  Object to form.

14          Q.    (BY MR. BUDGE)  -- I take it, it would  
15  surprise you if that was less than \$1,000, correct?

16          A.    Uh, yes.

17          Q.    If CHC budgeted less than \$5 a day for the  
18  entire jail population for all off-site services of any  
19  kind, would that surprise you?

20               MR. TIEMEIER:  Object to form, foundation.

21          A.    I'm not sure.  I -- I think they were taking  
22  some of that, I'm going to assume, from historical  
23  data, what transports had been done, but there's no way  
24  to actually know that number.

25          Q.    (BY MR. BUDGE)  What do you mean?

1           A.    Well, you don't know day in and day out what  
2   needs may arise to cause somebody to have to be  
3   transported to somewhere -- you know, outside the  
4   facility.

5           Q.    I'm talking about the budget.

6           A.    Correct.

7           Q.    Would it surprise you if CHC budgeted less  
8   than \$5 per day for the entire jail population for all  
9   off-site services of any kind?

10           MR. TIEMEIER: Object to foundation.

11           A.    I'm not sure it would surprise me or not, no.  
12   I -- I don't know.

13           Q.    (BY MR. BUDGE) Would it surprise you if CHC  
14   budgeted less than 3 cents every day for every inmate  
15   for off-site services of any kind?

16           A.    That doesn't seem reasonable, but I don't  
17   know those costs, so, um -- from, you know, year to  
18   year, so . . .

19           Q.    Would it surprise you if CHC budgeted less  
20   than 11 cents per inmate per day for all psychotropic  
21   medications?

22           A.    No, because I don't know -- understand how  
23   they arrive at those budgeting costs, so I don't know  
24   if it surprises me or not.

25           Q.    If you look at Paragraph 8.1, which refers to

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1     quarterly reconciliations, do you see where it says  
2     that CHC will provide quarterly reconciliations with  
3     the County, which under 8.1.3 includes adjustments for  
4     costs in excess of cap amounts?

5           A.     Yes.

6           Q.     Has CHC ever provided quarterly  
7     reconciliations for amounts in excess of the cap?

8           A.     Not that I'm aware of.

9           Q.     Since 2002 has CHC ever exceeded the cap for  
10    hospitalization?

11          A.     Ten -- since 2000 -- I'm sorry?

12          Q.     Since 2002 --

13          A.     '2.

14          Q.     -- has CHC ever exceeded the cap for  
15    hospitalization?

16          A.     Um. I don't -- we weren't contracted with  
17    them at that time, but . . .

18          Q.     The contract was for 2002, is it not?

19               MR. O'CONNELL: It's '12.

20          A.     '12.

21          Q.     (BY MR. BUDGE) Excuse me. 2012 --

22          A.     Okay.

23          Q.     -- my mistake.

24          A.     I thought that was a trick question --

25          Q.     Yeah.

1 A. -- Mr. Budge.

2 Q. I know, it's getting late in the day. My  
3 apologies.

4 A. All right.

5 Q. Since 2012, has CHC ever exceeded the cap for  
6 hospitalization?

7 A. I don't believe so.

8 Q. Have they ever exceeded the cap for ambulance  
9 or emergency transport?

10 A. Not that I'm aware of.

11 Q. Mental health services?

12 A. No.

13 Q. Anything?

14 A. Not that I'm aware of.

15 Q. As far as you know, CHC has always been under  
16 the cap, correct?

17 A. I believe so.

18 Q. Paragraph 3.4.3 refers to records  
19 availability on Page 844 in the lower right-hand  
20 corner.

21 A. Yes, sir.

22 Q. It says, in part, that CHC shall make  
23 available to the sheriff or County, unless otherwise  
24 specifically prohibited, at the sheriff or County's  
25 request, all document -- all records, documents and

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1 other papers relating to the direct delivery of health  
2 care services to the jail population. Do you see that?

3 A. Yes.

4 Q. Have you ever asked for John Walter's  
5 records?

6 A. We did.

7 Q. In what way?

8 A. I think it was relative to the open records  
9 request that we -- we got.

10 Q. Did you get all of w -- Mr. Walter's records?

11 A. I believe that we did.

12 Q. Do you know where his 2011 records are?

13 A. Jail records or medical records?

14 Q. Medical records.

15 MR. TIEMEIER: Object to foundation.

16 A. Um. I'm going to assume they were in the  
17 same places that all the medical files and records are  
18 kept for them, so in their -- in their office.

19 Q. (BY MR. BUDGE) Do you know that we've been  
20 asking for Mr. Walter's 2011 records as part of this  
21 lawsuit?

22 A. Not specifically, no.

23 Q. Do you know where they are?

24 A. Um. If they exist, they should be in the  
25 medical department.



1           **Q.    Do you think that, under the contract, that**  
2           **CHC would have an obligation to retain those records?**

3                   MR. TIEMEIER:   Object to foundation, form.

4           A.    I don't know what their, um, policies are  
5           about -- how long they maintain records or what kinds  
6           of records.   Um.   If they were -- I -- I -- I -- I  
7           don't know, so -- but if they had them, that's where  
8           they would be, and yes, they should produce them.

9           **Q.    (BY MR. BUDGE)   Do you know where his 2012**  
10           **records are?**

11           A.    Same answer.

12                   MR. O'CONNELL:   Objection to form.

13                   THE DEPONENT:   Oh.

14           **Q.    (BY MR. BUDGE)   Do you know that we have been**  
15           **asking for his 2012 records?**

16           A.    Uh.   No.   I -- I wasn't aware of that.

17           **Q.    Any idea where they are?**

18           A.    They should be in the medical department if  
19           they exist.

20           **Q.    Did you ever ask for the back side of a**  
21           **medical administration record for Mr. Walter for 2014?**

22           A.    Did I personally?

23           **Q.    Did anybody at the Fremont County Sheriff's**  
24           **Office?**

25           A.    I don't know.

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1           Q.    Do you know that we haven't been provided  
2   with the back side of the medical administration record  
3   or medications administration record?

4           A.    I'm not aware of that.

5           Q.    Do you know that some of Mr. Walter's medical  
6   records from 2014 are not legible?

7           A.    I was aware of a problem, um, about  
8   legibility on -- on, um, a record because it became a  
9   problem for the medical examiner who was -- and there  
10   was a misunderstanding about that, I think. And I  
11   actually had instructed Kathy Maestas -- she said,  
12   Well, I've given that several occasions.

13                   And I didn't understand that -- what the  
14   medical examiner's problem was, was that she couldn't  
15   read the record. And finally when I -- when that was  
16   made known to me, I -- I talked with Kathy about this,  
17   um, and she said, Well, it is what it is, it's been  
18   scribbled over, or something about a -- a carbon copy  
19   may have made it unlegible.

20                   And I said, Well, if you need to, take the  
21   original document -- document -- she didn't want to let  
22   go of the original document, which I understand, the  
23   original. And so I said, Well, if you need to take it  
24   to Colorado Springs to the medical examiner, do that so  
25   that they can see what you have because it's not

1 reproducing well.

2 Um. And I don't know if that actually  
3 happened or not, um, but it was a misunderstanding  
4 about -- it wasn't that we weren't providing it -- or  
5 that CHC wasn't providing it; it was a misunderstanding  
6 that it wasn't legible, what they were trying to  
7 provide. I think it had been faxed, copied, several  
8 other mechanisms to get to the medical examiner.

9 And I think it was a legibility problem with  
10 the document, or at least this one document that I can  
11 remember.

12 **Q. Do you understand that we're still having**  
13 **that legibility problem today?**

14 A. Well, I -- it doesn't surprise me because the  
15 document was unlegible. It -- it just -- it's there  
16 but it -- it was not handled well or cared for, and it  
17 was not very legible.

18 **Q. Did Ms. Maestas indicate to you that she had**  
19 **the original records?**

20 A. Um. I assume they're originals. They were  
21 in her -- her office, and so -- that's my assumption,  
22 is that it was the original --

23 **Q. Well --**

24 A. -- documents.

25 **Q. -- did you instruct Ms. Maestas, if**

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1    **necessary, to take those original records to the**  
2    **medical examiner's office in Colorado Springs and show**  
3    **them to the medical examiner?**

4           A.    I -- I did.

5           Q.    Do you understand that Kathy Maestas, so far  
6    as you know, still has the original records?

7           A.    I don't know.

8           Q.    Do you know where the original records are?

9           A.    Um. I assume they're in our medical  
10   department because that's where we made our copies from  
11   for the records request.

12          Q.    Would you have any problem providing me with  
13   access to the original medical records?

14          A.    No.

15          Q.    Would you have any problem providing me with  
16   access to the records from 2011 and 2012, or at least  
17   an opportunity to inspect all of the records relating  
18   to Mr. Walter, including those records?

19          A.    No --

20               MR. TIEMEIER: Object to form, foundation.

21               THE DEPONENT: My -- my fault.

22          A.    No, I wouldn't.

23          Q.    (BY MR. BUDGE) Did you expect that CHC's  
24   medical personnel, including Kathy Maestas and  
25   Nurse Repshire, would follow the written policies,

1 protocols, directives and forms of CHC with regard to  
2 caring for inmates confined in your facility?

3 A. Yes.

4 Q. Would it bother you, as sheriff, to learn  
5 that Kathy Maestas and Stephanie Repshire violated  
6 numerous of CHC's own policies with regard to  
7 Mr. Walter?

8 A. If she did, yes.

9 Q. I'm handing you what's been marked as  
10 Exhibit 46 to your deposition. Do you recall there was  
11 a nurse working at your jail in 2014 named Monica  
12 Doughty?

13 A. Yes.

14 Q. And she worked for CHC under Kathy Maestas,  
15 correct?

16 A. She did.

17 Q. And she worked at the jail when Mr. Walter  
18 was confined in the jail, correct?

19 A. Yes.

20 Q. You understand that she was deposed, correct?

21 A. Um. Yeah. I became aware of that here  
22 recently, yes.

23 Q. You did not read her deposition transcript,  
24 though, correct?

25 A. I have not.

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1 Q. Each page is divided into four pages, and I'd  
2 like to direct your attention to Page 132, which is  
3 on -- actually on the third page of the document that  
4 you have in front of you. Excuse me. Page 133.

5 A. Um . . .

6 Q. Turn the page.

7 MR. O'CONNELL: Keep going.

8 A. Keep going. Is it highlighted?

9 Q. (BY MR. BUDGE) It -- yes, it is --

10 MR. O'CONNELL: It is.

11 Q. (BY MR. BUDGE) -- highlighted.

12 A. Okay.

13 Q. If you could turn to the next page, please.

14 A. Oh. Yes. Okay.

15 Q. Do you see about halfway down Page 133 where  
16 she refers to a violation of policy in the case of  
17 Mr. Walter?

18 A. Line 15?

19 Q. Yes.

20 A. Yes, I see that.

21 Q. And do you see at the top of Page 134 below  
22 where she refers to another violation of policy?

23 Question: Was that policy followed in the case of  
24 Mr. Walter? Answer: No.

25 A. I'm sorry, I'm not there, yet. Where -- what

1 line in which block?

2 MR. O'CONNELL: Page 134.

3 Q. (BY MR. BUDGE) Page 134, Lines 1 through 3.

4 A. 1 through 3 -- okay. Yes. Thank you. Yes.

5 Q. Do you see halfway down that next -- that  
6 same page where it says that there was another policy  
7 violation?

8 A. Yes.

9 Q. And now directing your attention to Page 136  
10 to the right, down below.

11 A. Yes.

12 Q. Do you see where halfway down the page she  
13 refers to another violation of policy?

14 A. I do.

15 Q. And turning the page to the top of  
16 Page 137 --

17 A. Yes.

18 Q. -- do you see where it says there was another  
19 policy violated in the case of Mr. Walter?

20 A. Yes.

21 Q. And do you see halfway down on Page 137 where  
22 it refers to yet another policy violation?

23 A. Correct.

24 Q. And do you see toward the bottom of Page 137  
25 where it refers to another violation of policy?

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1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. And do you see at the top of Page 138 where  
5 it refers to another violation of policy?

6 A. Yes.

7 Q. And do you see at the bottom of Page 138  
8 where it refers to yet another violation of policy?

9 A. I do.

10 Q. And do you see at the top of Page 139 where  
11 it refers to yet another violation of policy?

12 A. Yes.

13 Q. And turning the page to 141 near the bottom  
14 of the page, do you see where it refers to yet another  
15 violation of policy?

16 A. Yes.

17 Q. And at the top of Page 142, do you see where  
18 it refers to yet another violation of policy?

19 A. Yes.

20 Q. And at the bottom of 142, do you see where it  
21 refers to another violation of policy?

22 A. I do.

23 Q. And do you see at the top of 144 where it  
24 refers to another violation of policy?

25 A. Yes.



1           Q.    And do you see at the top of Page 145 on the  
2 next page where it refers to another violation of  
3 policy?

4           A.    I do.

5           Q.    And do you see at the top of Page 146 where  
6 it refers to another violation of policy?

7           A.    I do.

8           Q.    Do you understand that all those violations  
9 of policy are in reference to the care that Mr. Walter  
10 received or did not receive in your jail?

11               MR. TIEMEIER: Object to foundation, form.

12           A.    As opinioned by Monica, yes.

13           Q.    (BY MR. BUDGE) Does it bother you to learn  
14 that there were all those policy violations in the case  
15 of Mr. Walter?

16               MR. TIEMEIER: Object to form.

17           A.    I'm not going to assume they were all policy  
18 violations. That was her statement to you that they  
19 were policy violations.

20           Q.    (BY MR. BUDGE) Her statement under oath as a  
21 medical provider to Mr. Walter and as an employee of  
22 CHC?

23           A.    Yes.

24           Q.    Okay. Does it bother you that an employee of  
25 CHC, a nurse at your jail who was working under

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1 Kathy Maestas, described all these policy violations  
2 that occurred in the case of your detainee Mr. Walter?

3 A. It might if I knew that she wasn't a  
4 disgruntled employee of CHC.

5 Q. Sir, why do you assume that she was  
6 disgruntled?

7 A. Because I was aware of a situation where  
8 Kathy Maestas had reprimanded her and -- for policy  
9 violations herself, and she was extremely unhappy with  
10 it. So I -- I'm not going to say she's untruthful.  
11 I'm going to say I don't know if what she's saying is a  
12 fact or not.

13 Q. Do you have any intention to look into  
14 whether any policies were actually violated in the case  
15 of Mr. Walter?

16 A. I don't have any plan right now.

17 Q. Why not?

18 A. I'm -- I'm just not going to do it right now.

19 Q. Why not, sir?

20 A. I don't know.

21 Q. Do you think that it would be relevant to  
22 ensuring the future safety and welfare of your inmates  
23 to understand whether or not there were multiple policy  
24 violations in the case of a detainee who died in your  
25 jail?

1           A.    Yes.  And now we're under a different  
2   company, some of the same players, but I would want to  
3   look at their policies as relates to this case to make  
4   sure that their policies are, um -- because CHC is no  
5   longer at CCS, so . . .

6           Q.    CCS bought CHC, correct?

7           A.    Correct.

8           MR. TIEMEIER:  Foundation.

9           Q.    (BY MR. BUDGE)  That's your understanding,  
10   correct?

11          A.    Correct.

12          Q.    But Ms. Maestas still works at the jail,  
13   correct?

14          A.    She does.

15          Q.    And it's your understanding that all the same  
16   policies are in place, correct?

17          A.    That's not my understanding.

18          Q.    Ms. Maestas was the one who was overseeing  
19   the care of Mr. Walter, correct?

20          A.    Correct.

21          Q.    And you have no plans to look into whether  
22   Ms. Maestas violated multiple CHC policies in the case  
23   of Mr. Walter, who died in your jail?

24          MR. TIEMEIER:  Object to form, asked and  
25   answered twice.

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1           A.     Only as it relates to the policies she's  
2     currently, um, charged with helping me to carry out in  
3     the jail.

4           Q.     (BY MR. BUDGE) In pursuit of the truth for  
5     what happened to Mr. Walter, does it not interest you  
6     to find out whether there were multiple policy  
7     violations by the head nurse, who is still the head  
8     nurse at your jail?

9           MR. O'CONNELL: Objection to form.

10          A.     It might interest me, yes.

11          Q.     (BY MR. BUDGE) And, therefore, do you plan  
12     to look into the reasons for all these multiple policy  
13     violations as described by Ms. Doughty?

14          A.     I will.

15          Q.     And if you determine that multiple policies  
16     were violation -- were violated, what action will you  
17     take?

18          A.     I'll have to decide what those policy  
19     violations were, um, how impactful they might have been  
20     in this situation and any ongoing care, uh, of the  
21     inmates in the -- in the jail and take that up with her  
22     supervisory and the corporate staff.

23          Q.     Will you do that?

24          A.     Yes.

25          Q.     And who will you take it up with?

1           A.    I will have to find out who that would be.

2           **Q.    Because to date, you don't know who those**  
3 **people are?**

4           A.    I do know, for CCS, I believe, who they are.

5           **Q.    Where is CCS based?**

6           A.    Uh.   Out of Tennessee.

7                   MR. O'CONNELL:   Is it time?

8                   THE VIDEOGRAPHER:   20 minutes left.

9           **Q.    (BY MR. O'CONNELL) Did Monica Doughty come**  
10 **to you towards the end of her employment and tell you**  
11 **that she felt that Kathy Maestas's conduct at the jail**  
12 **was going to result in the death of one of your inmates**  
13 **at some point if she was permitted to continue at the**  
14 **jail?**

15          A.    I don't recall the visit by Monica relative  
16 to Mr. Walter.   It was just, um, about Kathy in  
17 general, as I recall.

18          **Q.    What did Ms. Doughty tell you?**

19          A.    She did not like Kathy.   She was, um -- um --  
20 once again, I think she did not care for her bedside  
21 manner.   Um.   As -- and I don't remember all the  
22 specifics, only that she was unhappy at the jail and  
23 working for Kathy.   Um.

24                   And once again, I was aware of it -- of the  
25 situation where Kathy had reported to me she had

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1 reprimanded or counseled Monica about some policy  
2 violations herself and she was upset about that. Um.  
3 I don't remember Monica telling me anything that I  
4 wasn't already aware of concerning Kathy Maestas,  
5 so . . .

6 **Q. Did Ms. Doughty tell you that she felt that**  
7 **Monica -- excuse me.**

8 **Did Ms. Doughty tell you that she felt**  
9 **Ms. Maestas was going to kill somebody?**

10 A. No, she never described that to me.

11 **Q. No words to that effect?**

12 A. Not that I recall.

13 **Q. Do you feel that Ms. Doughty is disgruntled?**

14 A. I know she was unhappy working, um, for Kathy  
15 and our facility.

16 **Q. Do you believe that Ms. Doughty is motivated**  
17 **to lie under oath?**

18 A. Um --

19 MR. TIEMEIER: Object to form.

20 THE DEPONENT: Excuse me. I'm sorry.

21 A. I'm sorry. I -- I have no reason to believe  
22 that.

23 **Q. (BY MR. BUDGE) Has there ever been any audit**  
24 **by any person or firm or entity with regard to the**  
25 **health care services at the Fremont County jail?**

1           A.    No.  Uh.  Um.  I -- I -- I would just say  
2   this, that at one time we had, um, held ICE, um,  
3   offenders -- which are immigration with customs -- and  
4   they conducted audits, uh, in the jail that include the  
5   medical department, and we recently went through an  
6   audit, uh, from a PREA -- PREA auditor, um, that  
7   includes, um, several aspects of the medical  
8   department.

9           **Q.    Have there -- has there ever been any audit**  
10   **with regard to the medical services provided at the**  
11   **Fremont County jail?**

12          A.    That doesn't answer that, huh?  Um.  I guess  
13   not specific to medical care, but as -- just as it  
14   relates to what I described.  The ICE audit would have  
15   been more to that point, um, but I haven't held ICE  
16   detainees for quite some time, um, and so it would only  
17   be relative to the Prison Rape Elimination Act.

18          **Q.    But getting back to my original question, was**  
19   **there ever an audit with regard to the -- let's say the**  
20   **quality of health care services provided at the Fremont**  
21   **County jail?**

22                MR. TIEMEIER:  Objection; asked and answered.

23          A.    Yes.

24          **Q.    (BY MR. O'CONNELL)  Other than ICE?**

25          A.    No.

[illegible]

24 Q. At the end of the day, is it your conclusion  
25 as Fremont County sheriff that all Fremont County



1 employees and personnel working at the jail acted in  
2 accordance with county policy with regard to  
3 Mr. Walter?

4 A. Yes, I believe so.

5 Q. Have you ratified their actions and  
6 interactions in that conclusion?

7 A. And --

8 MR. O'CONNELL: Objection; form.

9 A. I'm sorry. I have not.

10 Q. (BY MR. BUDGE) Well, sir, if it's your  
11 opinion that all of your employees and personnel  
12 working at the jail acted in accordance with county  
13 policy, how is it that you have not ratified their  
14 actions?

15 A. Define what you mean by "ratified," please.

16 Q. Approve of.

17 A. Approve of. Uh. Yes, I'm satisfied that our  
18 staff did what they should have done at the end of the  
19 day.

20 Q. And, therefore, do you ratify their actions?

21 A. Yes. Thank you.

22 MR. BUDGE: That's all I have.

23 THE DEPONENT: Thank you.

24 EXAMINATION

25 BY MR. TIEMEIER:

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1           Q.     Sheriff, my name is Greg Tiemeier. We've --  
2     I introduced myself earlier. I represent the CHC  
3     companies here. Um.

4           You mentioned that -- following up on this  
5     Exhibit 47 -- previously in your deposition that, uh,  
6     although there was not a formal classroom training,  
7     there was situational, on-the-job medical training by  
8     CHC of the deputies; is that correct?

9           A.     That's correct.

10          Q.     Uh. And you were familiar with that based on  
11     your interactions not only with the deputies but also  
12     with Kathy Maestas?

13          A.     That's correct.

14          Q.     I'm jumping around from subject to subject  
15     here, so if you ever don't understand the context of my  
16     question, just let me know.

17          A.     Thank you.

18                 MR. O'CONNELL: He's got to talk fast.

19                 MR. BUDGE: Yeah.

20                 MR. TIEMEIER: What?

21                 MR. O'CONNELL: He's got to talk fast.

22          Q.     (BY MR. TIEMEIER) If -- you were asked  
23     questions about whether CHC could make policy changes  
24     to policies or procedures regarding health care without  
25     your prior approval; you said yes. Do you remember

1     that?

2           A.     Correct.

3           Q.     If you learned of a problem caused by CHC  
4     changing a policy or procedure, did you feel it was  
5     within your ability to say something to them and that  
6     they would work with you on it?

7           A.     Absolutely. I could, you know, at least  
8     reach out to Kathy and then whomever she felt  
9     appropriate to discuss whatever that might look like.

10          Q.     Did you ever find yourself in a situation  
11     where you were trying to get something done with CHC  
12     and they would not respond or do anything that you  
13     requested?

14          A.     I -- I can't recall of any instance, no.

15          Q.     I'd like to ask some general questions now.  
16     Earlier in your deposition you were testifying about --  
17     specifically about complaints in the jail, uh, by your  
18     staff, your deputies and corporals and sergeants about  
19     medical care or inmate medical issues.

20                 And you were -- you testified, I believe, at  
21     some point that you'd get a number of -- you couldn't  
22     recall specific instances, but you do know that there's  
23     a lot of them because you get a lot of sick inmates in,  
24     many of whom are addicted to or withdrawing from or use  
25     a significant amount of drugs, both legal and illegal.

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1 Do you remember that testimony?

2 A. Yes, sir.

3 Q. Okay. I'm going to ask you some follow-up  
4 questions on it.

5 A. Okay.

6 Q. Uh. Is drug addiction a significant health  
7 problem in the jail?

8 A. It is.

9 Q. And is it uncommon to see inmates who are  
10 withdrawing from medications?

11 A. It is not uncommon.

12 Q. Is -- from your observations of Mr. Walter,  
13 did it appear to you that he was withdrawing from  
14 medications?

15 A. Not when I observed him, no.

16 Q. Okay. And when you said that, generally  
17 speaking, that other med -- other inmates who had  
18 medical issues about which your deputies were  
19 complaining to the medical staff, that in those  
20 situations, except for Mr. Walter, the inmate improved  
21 or was -- were discharged from the jail and you don't  
22 know what happened to them.

23 Do you recall that testimony?

24 A. I do.

25 Q. Is that generally what happened, did -- that

1 the medical care given to the inmates that were ill and  
2 were having difficulties that the deputies were  
3 complaining about would get better because of the  
4 medical care they were provided?

5 A. Yeah. In most cases, um, you know, through  
6 treatment, um, or attention from the medical staff,  
7 there would -- that's what would occur; you know, there  
8 would be at least an overall improvement, um, you know,  
9 of their situation, of their health.

10 Um. I hate to almost coin it that way  
11 because I -- when I say "improvement," they -- they  
12 didn't seem to be in, you know, distress or, you know,  
13 that sort of thing. But if they weren't there long  
14 enough for us to even know after their initial, uh,  
15 time in jail what occurred with them, I -- you know.

16 So -- and, I'm sorry, I think I got off track  
17 from your question. Can you --

18 Q. No, I -- I --

19 A. -- repeat that for me?

20 Q. -- I think you're on track. I was just  
21 asking, was it your experience that, generally  
22 speaking, inmates about whom the deputies were  
23 complaining to medical, saying, This man or woman needs  
24 care, Medical would attend to them and the patient  
25 would improve?

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1           A.    Yeah, typically people responded to that  
2    care.

3           **Q.    Mr. Walter's situation was an anomaly, as far**  
4   **as you know?  It was unique?**

5           A.    It -- it was odd that he didn't seem to be  
6    responding, you know, to whatever it is they were --  
7    were doing, uh, on them.  Um.  Yeah.  I think that's  
8    why staff just -- everybody knew, uh, including the  
9    medical provider which we were relying on, and they --  
10   it was just like, they know.

11                   And it's like, What can we do?  What -- you  
12   know, there just seemed to be nothing to -- to do for  
13   him to -- uh, nothing they were trying seemed to make  
14   improvement in his health.

15           **Q.    In the three or four years prior to**  
16   **Mr. Walter's death, were -- were there any deaths in**  
17   **the jail?**

18           A.    In the previous -- what time frame?  I'm  
19   sorry.

20           **Q.    Three or four years.**

21           A.    I believe there was.  I can't say exactly how  
22   many.  I know that there was, um, another  
23   medical-related complication for somebody, um, in the  
24   previous -- um.  I know that there were some deaths, a  
25   couple, where the person, um, committed suicide, took

1     their own life. Um. That's -- that's the only three I  
2     can really think of previous to Mr. Walter.

3           **Q.     There were several questions about you being**  
4     **aware that there was a medical provider only for 12**  
5     **hours a day, from 7:00 a.m. to 7:00 p.m. You are aware**  
6     **of that?**

7           A.     Yes.

8           **Q.     That's in the contract, right?**

9           A.     Correct.

10          **Q.     That's what CHC was supposed to do, right?**

11          A.     Correct.

12          **Q.     Does the County have or impose budget**  
13     **limitations on you, or do they give you an unlimited**  
14     **budget?**

15          A.     Um. Well, there's always budget limitations.  
16     Um. I had always impressed upon them to -- the need  
17     and want to, as the years went by, to continue to  
18     improve those services, which I believe, uh, actually  
19     happened. Um.

20                 It happened when we first contracted with  
21     CHM, in my opinion, to go from the kinds of care that  
22     we did provide to a professional health care provider.

23                 So, um, I've always -- once again, every  
24     year, um, tried to improve, um, that care through a  
25     contractual agreement with the provider to increase

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1 hours of coverage, um, you know, in the jail.

2 Q. Okay. But you have -- yourself have to  
3 operate within budgetary limitations that are imposed  
4 upon you by the government, the taxpayers of this  
5 county?

6 A. Correct. There are other things that have to  
7 go on and you have to pay for, so it's always a  
8 balancing act of what you can spend, uh, on any given  
9 matter.

10 Q. One final issue. You were asked questions  
11 about your conversations with Ms. Maestas about  
12 Mr. Walter, and I believe you mentioned at one point  
13 that she was also concerned about Mr. Walter.

14 A. Correct.

15 Q. Did you ever get the feeling that she didn't  
16 care about Mr. Walter or that she was indifferent to  
17 his problems?

18 A. Not at all. I think there was frustration on  
19 her part as well. She also relied on Dr. Hay -- or PA  
20 Havens. Um. She's not a doctor, but -- but I always  
21 felt like it's always been that her -- she was  
22 concerned about, you know, what -- you know, the health  
23 of the people that we're trying to care for. So it  
24 seemed sincere and genuine to me, and I -- I believe it  
25 to be.



1           Q.     Okay. And Ms. Maestas did not send  
2     Mr. Walter to the hospital. You, yourself, saw  
3     Mr. Walter. And I believe you said that you did not  
4     see any acute condition that you felt, based on your  
5     experience -- understanding you are not a medical  
6     provider -- that required him to be sent to the  
7     hospital.

8           A.     Right. I didn't witness that.

9           Q.     Did the staff at the jail -- and I mean the  
10    deputies and the corporals and the sergeants -- did  
11    they -- were they aware that if they, in the 12 hours  
12    that Medical was not on-site, that they could call  
13    Medical, that they were on-call, there was a nurse or  
14    provider that they had the phone number of and they  
15    could call and say, We've got a problem here?

16          A.     Yeah --

17                 MR. BUDGE: Object to form.

18          A.     Oh, excuse me, I'm sorry. Yes, and they  
19    routinely did that.

20                 MR. TIEMEIER: That's all I have. Thank you  
21    sir.

22                 MR. O'CONNELL: I have no questions.

23                         EXAMINATION (Continued)

24    BY MR. BUDGE:

25           Q.     How do you know that they routinely did that?

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1           A.    Um.  Reports from the staff about situations  
2   they -- uh, I'm on the bottom end of the calling list,  
3   but they notify command staff when things arise in the  
4   jail.  But they attend to the emergency first and  
5   foremost, and then they make the proper notifications.

6                   And so I -- I was always concerned about  
7   medical situations in the jail so I, uh, requested that  
8   they share them with me, and I would question  
9   Kathy Maestas about it.  Sometimes the staff -- that's  
10  where some of that training went in where they -- you  
11  know, where Kathy and other staff would have to say,  
12  Well, you know -- really talk them through, What are  
13  you seeing?  What are they -- What's this?  What's  
14  that?  Um.

15                   And so those phone calls went on quite a bit,  
16  actually, on different cases, not just this one.

17           **Q.    Can you name a single other occasion, by a**  
18 **name, where a member of your detention staff called**  
19 **Kathy Maestas after-hours?**

20           A.    I can't -- I can recall one specifically  
21  that -- that was problematic.  There was a diabetic,  
22  that was a continuing and ongoing thing, uh, kind of  
23  much like this but very specific to his -- this -- it  
24  was a woman.  I can't think of her name.  A young lady,  
25  actually.

1           And she -- she wasn't helping herself. She  
2   was eating things she wasn't supposed to be eating off  
3   commissary and things, and so she was very unstable  
4   with her blood sugars and stuff. And it was a -- a  
5   real concern. And I think -- you know, that -- that's  
6   the one that very much sticks out in my mind because  
7   I -- we were very worried about that person's health.

8           **Q.    Can you name a single other occasion where a**  
9   **member of detention staff called Kathy Maestas**  
10 **after-hours?**

11          A.    Uh, I --

12               MR. TIEMEIER: I would just like to caution  
13   you, sir, that it -- mentioning a patient name would be  
14   a violation of HIPAA, But go ahead.

15               THE DEPONENT: Thank you for that reminder,  
16   the HIPAA issue.

17          A.    I -- I know there were because I discussed  
18   them with them. And she always said, Sheriff, I'm  
19   available if you need -- and I have called her many  
20   times, um, when she wasn't at the facility, because CHC  
21   allowed her to work from home and different things at  
22   certain points.

23               Uh. And -- and, uh, much of the time it is  
24   over the phone and -- and whether she's at home or  
25   wherever she's at, I spoke with her by phone about

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1 concerns I've had. I can't specifically name, nor  
2 probably should I, it sounds like.

3 Q. (BY MR. BUDGE) What specific medical care  
4 did Kathy Maestas provide to Mr. Walter?

5 A. Uh. I do not know.

6 Q. What specific medical care did  
7 Stephanie Repshire provide to Mr. Walter?

8 A. I do not know.

9 Q. What specific evaluation, treatment, did  
10 Ms. Maestas or Ms. Repshire provide to Mr. Walter?

11 A. I do not know.

12 MR. BUDGE: Thank you.

13 THE VIDEOGRAPHER: This ends Media 4 of 4 and  
14 today's testimony of Sheriff James Beicker. We are off  
15 the record at 5:58.

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1           WHEREUPON, the within proceedings were  
2   concluded at the approximate hour of 5:58 p.m. on the  
3   7th day of November, 2016.

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1

2

CERTIFICATION OF DEPONENT

3

4

I, JAMES BEICKER, do hereby certify that I

5

have read the above and foregoing deposition and that

6

the same is a true and accurate transcription of my

7

testimony, except for attached amendments, if any.

8

Amendments attached ( ) Yes ( ) No

9

10

11

\_\_\_\_\_  
JAMES BEICKER

12

13

The signature above of JAMES BEICKER, was subscribed

14

and sworn to before me in the county of \_\_\_\_\_,

15

state of Colorado, this \_\_\_\_\_ day of

16

\_\_\_\_\_, 2016.

17

18

19

\_\_\_\_\_  
Notary Public  
My commission expires

20

21

22

The Estate of John Patrick Walter vs. Correctional

23

Healthcare Companies, et al., 11/07/2016 (AN)

24

25

REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

I, ANNETTE NORRIS Registered Professional  
Reporter, and Notary Public, State of Colorado, do  
hereby certify that previous to the commencement of the  
examination, the said JAMES BEICKER was duly sworn by  
me to testify to the truth in relation to the matters  
in controversy between the parties hereto; that the  
said deposition was taken in machine shorthand by me at  
the time and place aforesaid and was thereafter reduced  
to typewritten form, consisting of 357 pages herein;  
that the foregoing is a true transcript of the  
questions asked, testimony given, and proceedings had.  
I further certify that I am not employed by, related  
to, nor of counsel for any of the parties herein, nor  
otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my  
signature and seal this 16th day of November, 2016.

My commission expires April 20, 2020.

Annette Norris, RPR, CSR



