

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT DAYTON**

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|---|---|----------------------------------|
| Joseph Guglielmo | : | Case No. 3:17-cv-6: |
| | : | |
| Plaintiff, | : | Judge Thomas M. Rose |
| | : | |
| v. | : | Magistrate Judge Ovington |
| | : | |
| Montgomery County, Ohio, et al., | : | |
| | : | |
| Defendants. | : | |

EXPERT REPORT OF MICHAEL A. BERG

I. INTRODUCTION AND QUALIFICATIONS OF THE EXPERT

I, Michael Berg, am an independent consultant in the field of corrections with over forty-four years of experience in criminal justice management, primarily in the area of corrections.

My general qualifications as an expert in the field of corrections are set forth in my Professional Resume, attached hereto as "Berg Exhibit A." My Professional Profile is attached hereto as "Berg Exhibit B." In addition to these general qualifications, I have direct experience with management and security at the Jacksonville, Florida, Department of Corrections, and the Florida Department of Corrections.

I began my corrections career in 1972 as a Correctional Officer with the Office of the Sheriff, Jacksonville, Florida. From that position, I quickly advanced to become a Work Release Counselor and on to the Facility Supervisor of the Fairfield Correctional Facility and Work Release Center. I was again promoted in 1977 and 1987 as Chief of Jails and Deputy Director of Jails and Prisons respectfully. The position of Deputy Director was the chief administrative officer in charge of the Sheriff's Correctional Divisions. As Deputy Director of the Jacksonville Sheriff's Office Jails and Prisons Division, I assumed total responsibility for the daily operation of the Sheriff's Correctional Divisions to include the Duval County Jail and the Duval County Jail Annex, later to become the Pretrial Detention Facility, the Community Corrections Division, and the Montgomery Correctional Institution. Included with this appointment was administrative and operational responsibility of three corrections divisions, seven hundred and fifty (750) employees and approximately three thousand (3,000) inmates and an annual budget of nearly forty-one million (41,000,000) dollars. In 1997, I retired from the Office of the Sheriff after twenty-five (25) years of service. Later in 1997, I joined the Florida Department of Corrections as Chief of Staff to the Department Secretary. I served in this capacity under two Secretaries. While with the Florida Department of Corrections, I also served as Bureau Chief of Staff Development overseeing all department education and training as well as all curriculum and policy development and

implementation. I also served as Executive Assistant to the Assistant Deputy Secretary of Institutions. In this capacity, I served under four Assistant Deputy Secretaries. In 2010, I retired from the Florida Department of Corrections after twelve and a half (12 ½) years of service.

During my career, I also served as a Commissioner for the Governor's State of Florida Criminal Justice Standards and Training Commission for twenty-five (25) years under five (5) governors.

I have experience in the administrative and operational management of small, medium, and large jails and prisons. My experience includes all areas of correctional and police-related administrative issues from arrest to release. I am also experienced in correctional budget management, criminal justice training, correctional litigation, jail and prison design, inmate work and treatment programs, jail and prison staffing plans, and correctional operational policy and procedure development. This includes decisions about housing assignments in institutional populations I have provided technical assistance to both large and small correctional departments. I have performed as a consultant, technical assistance provider, expert witness and criminal justice equipment representative.

These experiences qualify me to understand, review, and evaluate correctional operational issues involved within correctional administration, pre and post-trial facilities, staffing, training, and supervision. I can also provide opinions on matters of correctional Housing Conditions, Classification Programs, Institutional Health and Safety Concerns, Fire Safety, Health Care Considerations, Policy Development, Correctional Standards and Statutory Regulations, Correspondence Control, Use of Force, Inmate Violence, Security Threat Groups, Inmate Grievance Systems, Religious Freedoms, Out of Cell Time Programs, and Overcrowding Issues. Further, my experience allows me to assess operational matters involving intake, booking, health/medical assessments, classification, holding, and housing assignments. I am also very capable in evaluating policies and procedures, post orders and compliance with applicable standards and constitutional/statutory guidelines. I am also very familiar with the management of private service providers in the areas of health/medical services, food service, maintenance service, phone service, and so forth.

II. TESTIMONY AS AN EXPERT WITNESS AT TRIAL OR DEPOSITION

I have been qualified as an expert witness in the field of corrections and have testified as such on forty-two occasions, twenty-eight in the last four years in state and federal courts, including providing opinions on use of force, wrongful death, correctional classification, security, housing assignments, detox programs, alternative programs, overcrowding and population issues, housing conditions, private for profit contracts for medical and mental health services, food service, correspondence matters, due process issues and ADA accommodations. A listing of cases which I have testified at deposition within the proceeding four years is attached hereto as "Berg Exhibit B." I also served as the court appointed monitor in the Nassau County, Florida jail case in 1997 through 2001.

III. COMPENSATION

I am compensated at a rate of \$1500.00 for the initial review of a case, \$150.00 per hour for in-office work, report writing, travel and inspections and \$1500.00 per day for deposition and court days. Attached you will find hereto the Fee Schedule “Berg Exhibit C.”

IV. MATERIALS REVIEWED IN FORMULATING OPINION

A. Case Specific Material Reviewed

- Civil Complaint and Jury Demand; Case No. 3:17-CV-6; Guglielmo v. Montgomery County, Ohio
- First Amended Complaint Civil Complaint and Jury Demand; Case No. 3:17-CV-6; Guglielmo v. Montgomery County, Ohio
- Stipulated Protective Order Prohibiting Public Disclosure of Confidential Security Information Related to the Operations of The Montgomery County Jail; Case No. 3:17-CV-00006-TMR-SLO
- Jail Inmate Management Screens Guglielmo, Joseph
- NaphCare Medical File Joseph Guglielmo
- M. Snyder Incident Report on Guglielmo move to medical observation by Nurse Mills
- M.A. Sears Incident Report
- S. Saunders Incident Report
- D. Cohn Incident Report
- B.A. Cooper Incident Report
- Z.S. Zink Incident Report
- Greg Mills, LPN, Incident Report
- Montgomery County Sheriff’s Office Internal Investigations – 15-005
- Incident Photos
- Incident Report – 15000079
- Use of Force Report – 15-79
- Gateway for Men 911 Call about Guglielmo
- Dayton Police Department Injured Subject Report, Record #3790, Joseph A. Guglielmo/Police Narrative
- EMS Report Guglielmo
- Initial Hospital Visit Report
- Montgomery County Jail Booking Report, Joseph Guglielmo, JID #P00127859
- Montgomery County Sheriff’s Office, Investigative Report No. 145230
- Audio Transcription Interviews of:
 - Matt Sears
 - Brandon Ort
 - Greg Mills
 - Matt Snyder
 - Thomas Feehan
 - David Cohn
- Audio Interviews of:

- Brandon Ort
 - Thomas Feehan
- Guglielmo Use of Force Cell Sketch
- Guglielmo Deposition Exhibition (1-28)
- Jail Manual #5.3.1 First Floor Supervision
- Jail Manual #5.16.1 Special Management
- Jail Manual #3.1.1 Security Control
- Jail Manual #3.4.1 Security Equipment
- Jail Manual #3.5.1 Use of Force
- Dayton Municipal Court – Criminal Division Order; State of Ohio v. Joseph Guglielmo, Charge Discharged; Order for Release
- Montgomery County Jail Records, Joseph Guglielmo
- Memo to Chief Deputy Rob Streck from Major Scott Landis, Request for Investigation Guglielmo Use of Force, 1/23/15
- Montgomery County Commission correspondence to Tom Wheeler, Acting Assistant Attorney General, February 7, 2017
- Minutes of Montgomery County Commission Meeting Complaints Against the Sheriff
- Jerrid Campbell #1261, Employee Complaint
- Montgomery County Jail Video Tour of Use of Force Area Cell 114 and Booking Area, Hallways and Cell 139 and Cell 429
- CAM 7, 1115, Release Counter Video, 1/15/15
- CAM 11, Long 1119, Transport Staging Video, 1/15/15, 23:35 CO Responsive
- CAM 11, Short 1119, Transport Staging Video, 1/15/15, 23:54 RN
- CAM 12, 1120, Transport Staging Video, 1/15/15, 23:57 Moved & Falls
- CAM 11, 1154, Post Booking Video, 1/15/15, Cell 139
- CAM 11, 1170, Post Booking Video, 1/16/15, Cell 139
 - 0009 Something Wrong
 - 0019 Unresponsive
 - 0037 EMS
 - 0044 EMS Depart
- CAM 1, 1160, Dress In Hall
- CAM 2, 1161, Elevator Dress In
- CAM 13, 1153 Post Booking, can see injuries
- Use of Force Files:
 - Cohn since 2012
 - Cooper since 2012
 - Ort since 2012/2015
 - Sears since 2012
 - Zink since 2014
 - Snyder 2005
- Training History of:
 - Snyder
 - Cooper
 - Cohn

- Ort
- Sears
- Zink
- Montgomery County Sheriff's Office, Regional Training Center Calendar for 2009 through 2017
- Personnel Files of:
 - Matthew Snyder
 - Matthew Sears
 - Benjamin Cooper
 - Zachary Zink
 - Brandon Ort
 - David Cohn
- David Cohn Performance Evaluation
- Matthew Sears Oath of Office
- Zachary Zink Performance Evaluation
- Zachary Zink Waiver to Release Information, City of Fairborn
- Zachary Zink Letter of Resignation
- Jail Staffing Chart, January 15th & 16th, 2015
- MCSO Jail Line Up Third Watch, 1/15/15
- MCSO Jail Line Up First Watch, 1/16/15
- Montgomery County Sheriff's Office Correctional Officer Position Description
- Guglielmo Disciplinary Report
- Correspondence from Wright & Schulte to Sheriff Plummer, Jan. 23, 2015, Preservation of Evidence Regarding Joseph Guglielmo
- Miami Valley Hospital Medical Records Guglielmo
- Miami Valley Hospital Billing Invoice Guglielmo
- Sycamore Medical Center Medical Records Guglielmo
- Grandview Medical Center Medical Records Guglielmo
- Radiology Physicians, Inc., Billing Invoice Guglielmo
- Deltona, NH Medical Records Guglielmo
- Deltona, NH Billing Invoice Guglielmo
- Pristine Senior Living and Post Acute Care Medical Records Guglielmo
- Dr. Kirk Smith correspondence concerning Joseph Guglielmo
- Deposition Transcriptions of:
 - Matthew Sears
 - David Cohn
 - Eric Wayne Banks (two volumes)
 - Zachary Zink
 - Benjamin Cooper
 - Kyle Chmiel
 - Thomas Feehan
 - Matthew Snyder
 - Brandon Ort
 - Bryan Cavendar
 - Kimo Scott

- Kevin Morris
- Michael Beane
- Dustin Daugherty
- Zachary Banks
- Greg Mills
- Jay Vitali
- Sgt. Whalen
- Scott Landis
- Phil Plummer
- Deposition Exhibits 1-81
- Montgomery County Sheriff's Office General Orders Manual – 5th Edition
 - General Order 1.1.1
Oath of Office
1.1.1 Oath of Office (Introduction)
 - General Order 1.1.2
Limits of Authority
1.1.2 Limits of Authority
(A) Legally Mandated Authority
(A)(1) and (3)
 - General Order 1.1.3
Use of Force
1.1.3 Use of Force (Introduction)
(A) Force to Effect Lawful Objectives
(A) (1), (2), (3), and (6)
(H) Ensuring Medical Aid After Use of Force Incidents
(H) (3)
(P) Receipt and Instruction
 - General Order 2.1.4
Authority and Responsibility
2.1.4 Authority and Responsibility (Introduction)
(A) Delegation of Authority and Responsibility
(A) (1), (2), and (3)
(B) Supervisory Accountability for Employees
(B) (1)
 - General Order 2.2.1
Direction
2.2.1 Direction
(C) Requirement to Obey Lawful Orders
(C) (1), (2), and (3)
 - General Order 2.2.2
Written Directives
(A) Written Directives System
(A) (1) and (3) General Orders
 - General Order 2.5.2
Goals and Objectives
2.5.2 Goals and Objectives (Introduction)

- (A) Mission Statement and Core Values
 - (B) Formulation and Update of Goals and Objectives
 - (C) Review and Annual Evaluation of Goals and Objectives
- General Order 3.5.1
Professional Conduct Rules, Code of Ethics, and Saluting and Paying Respects
3.5.1 Professional Conduct Rules, Code of Ethics, and Saluting and Paying Respects (Introduction)
 - (B) Professional Conduct Rules
 - (B) Rule 1 Violations of Rule
 - (B) Rule 6 Unsatisfactory Performance
 - (B) Rule 13 Conflicting or Illegal Orders
 - (B) Rule 19 Courtesy
 - (B) Rule 35 Treatment of Persons in Custody
 - (B) Rule 36 Use of Force
 - (B) Rule 45 Ethical Conduct
 - (C) Code of Ethics (1)
- General Order 3.5.2
Disciplinary Procedures
3.5.2 Disciplinary Procedures
 - (A) Supervisor's Role in the Disciplinary Process
 - (A) (1) (a), (b), and (c)
 - (B) Disciplinary Responsibility and Authority by Rank
 - (B) (1), (2), (3), (4), (5), (6), (7), and (8)
- General Order 4.3.1
Training Administration
4.3.1 Training Administration (Introduction)
 - (A) Training Committee
 - (A) (1), (2), and (3)
 - (E) Remedial Training (1)
- General Order 4.3.2
Agency Training Center Operations
4.3.2 Agency Training Center Operations
 - (D) Training on Agency Policy and Procedures
 - (D) (1)
- General Order 4.3.5
In-Service, Roll Call, and Advanced Training
4.3.5 In-Service, Roll Call, and Advanced Training (Introduction)
 - (A) Mandatory Employee Annual Service Training Program
 - (A) (3)
- General Order 4.5.2
Personnel Early Warning System
4.5.2 Personnel Early Warning System (Introduction)
 - (A) Personnel Early Warning System
 - (A) (1)
- General Order 6.2.1

- Organizational Integrity
 - 6.2.1 Organizational Integrity (Introduction)
 - (A) Professional Conduct Investigation and Review
 - (A) (1)
 - General Order 6.2.2
 - Professional Conduct Investigation
 - 6.2.2 Professional Conduct Investigation (Introduction)
 - (A) Professional Conduct Complaints
- Montgomery County Sheriff's Office Jail Manual
 - Jail Manual 1.1.1
 - Jail Administration
 - 1.1.1 Jail Administration (Introduction)
 - (A) Statutory Authority
 - (C) Mission Statement
 - Jail Manual 1.3.1
 - Staff Training
 - 1.3.1 Staff Training (Introduction)
 - (A) Training Plan
 - (A) (1), (2), and (3)
 - (C) First Year Training
 - (5) (Introduction)
 - Supervision of Offenders
 - Use of force regulations and tactics
 - (D) In-service Training
 - Jail Manual 1.4.1
 - Professional Conduct
 - 1.4.1 Professional Conduct (Introduction)
 - (A) Code of Ethics
 - (A) (4), (6), (7), and (26)
 - Jail Manual 1.5.1
 - Jail Manual
 - 1.5.1 Jail Manual (Introduction)
 - (A) Policy and Procedure Manual
 - (A) (1)
 - (E) Annual Review
 - (E) (1), (2), and (3)
 - Jail Manual 3.4.1
 - Security Equipment
 - 3.4.1 Security Equipment
 - (F) Handheld Video Recording Equipment
 - (F) (1), (2), (3), and (4)
 - Jail Manual 3.5.1
 - Use of Force
 - 3.5.1 Use of Force (Introduction)
 - (A) Confrontational Situations
 - (A) (1), (2), and (3)

- (B) Use of Force
 - (B) (1), (4), and (5)
 - (C) Staff Back-Up
 - (C) (1)
- Jail Manual 3.6.1
 - Use of Restraints
 - 3.6.1 Use of Restraints (Introduction)
 - (A) Use of Restraints
 - (C) Use of Emergency Restraint Chair
- Jail Manual 5.3.1
 - First Floor Supervision
 - 5.3.1 First Floor Supervision (Introduction)
 - (A) First Floor Supervision
 - (A) (1)
- Jail Manual 5.6.1
 - Inmate Rights and Rules
 - 5.6.1 Inmate Rights and Rules (Introduction)
 - (A) Inmate Rights
 - (A) (1) Protection from abuse, corporal punishment, injury
- Jail Manual 5.8.1
 - Classification
 - 5.8.1 Classification (Introduction)
 - (A) Classification
 - (A) (8), (9), and (10)
- Jail Manual 5.8.2
 - Transfer to Housing
 - 5.8.2 Transfer to Housing (Introduction)
 - (C) Reporting Medical Problems Discovered During Dress-In
 - (C) (1)
- Jail Manual 5.28.1
 - Prisoner Complaint and Grievances
 - 5.28.1 Prisoner Complaint and Grievances (Introduction)
 - (A) Prisoner Complaint/Grievances Process
- Jail Manual 6.2.1
 - Health Care Records
 - 6.2.1 Health Care Records (Introduction)
 - (A) Health Record Format and Contents
 - (5) Admission Screening
- Jail Manual 6.4.1
 - Medical Screening
 - 6.4.1 Medical Screening (Introduction)
 - (A) Admission Screening
 - (3) (Introduction)
 - (3a) Current and past illnesses
 - Medication
 - Drug and alcohol use

- (3b) Observations
 - Behavior
 - (4) Screening Report
- Jail Manual 6.5.1
 - Health Care Services
 - 6.5.1 Health Care Services (Introduction)
 - (A) Continuity of Care
 - (A) (1)
- Jail Manual 6.6.1
 - Prisoner Intoxication and Detoxification
 - 6.6.1 Prisoner Intoxication and Detoxification (Introduction)
 - (A) Admission
 - (A) (1), (2), (3), (4), (5), and (6)
- Jail Manual 6.7.1
 - Prisoner Mental Health
 - 6.7.1 Prisoner Mental Health (Introduction)
 - (B) Mental Health Evaluations
 - (B) (1) and (4) History, current medication, drug and alcohol
- Jail Manual 6.8.1
 - Prisoner Counseling
 - 6.8.1 Prisoner Counseling (Introduction)
 - (A) Intervention, Mental Health and Social Services
 - (A) (1)
- Jail Manual 6.10.1
 - Medical Emergency
 - 6.10.1 Medical Emergency (Introduction)
 - (A) Health Care Services
 - (A) (1) Introduction
 - (A) (3) Introduction
 - (A) (3c)
- Montgomery County Sheriff’s Office Organizational Charts for the Sheriff’s Administration and the Jail Division
- State of Ohio, Standards for Jails in Ohio; Full Service & Minimum Security Jails; Courts and Community, Jail Oversight, May 2014
- NaphCare, Inc., Contract for Inmate Medical Services for the Montgomery County Sheriff’s Office
- NaphCare, Inc., Employee Handbook
- NaphCare, Inc., Health Care Policy and Procedure Manual, Table of Contents
- Ted Strickland, Governor, State of Ohio Executive Order 2009-13S
- Correspondence To Tom Wheeler, Acting Assistant Attorney General from the Montgomery Commission, February 7, 2017
- Action Response Continuum – Use of Force Copyright 1991 Samuel Faulkner

B. Applicable Case Specific Standards

- **State of Ohio, Department of Rehabilitation and Correction, Standards for Jails in Ohio; Full Service & Minimum-Security Jails, Courts, and Community, Jail Oversight, May 2014**
 - 5120:1-8-02 Classification
 - 5120:1-8-03 Security
 - 5120:1-8-09 Medical/Mental Health
 - 5120:1-8-18 Staff Training

- **American Correctional Association Standards for Adult Correctional Institutions, 4th Edition**
 - Part One, Administration and Management
 - Section A: General Administration
 - Purpose and Mission
 - Policy and Goal Formulation
 - Policy and Procedure Manuals
 - Section C: Personnel
 - Personal Policy Manual
 - Staffing Requirements
 - Personnel Files
 - Code of Ethics
 - Rules and Regulations
 - Section D: Training and Staff Development
 - Training Plan
 - Training Evaluations
 - Training Requirements
 - Administrative Staff
 - Correctional Officers
 - Specialist Employees
 - Specialized Training
 - Use of Force
 - Use of Firearms
 - Use of Chemical Agents
 - Part Three: Institutional Operations
 - Section A: Security and Control
 - Security Manual
 - Permanent Logs
 - Use of Restraints

 - Security Equipment
 - General Policies and Practices
 - Use of Force
 - Section D: Special Management
 - General Policy and Practice
 - Admission and Review of Status

- Supervision
 - Administrative Segregation/Protective Custody
- Section E: Inmate Rights
 - Protection from Harm
- Part Four: Institutional Services
 - Section A: Reception and Orientation
 - Admission
 - Reception and Orientation
 - New Inmates
 - Section B: Classification
 - Classification Plans
 - Classification Status Reviews
 - Special Needs Inmates
 - Section E: Health Care
 - Continuum of Health Services
 - Access to Care
 - Health Screens
 - Health Appraisal
 - Mental Health Program
 - Mental Health Screen
 - Mental Health Appraisal
 - Mental Health Evaluations
 - Mental Illness and Developmental Disability
 - Staff Training
 - Health Authority
 - Provision of Treatment
 - Employee Orientation
 - Emergency Response
 - Offender Assistants
 - Offender Treatment
 - Special Needs
 - Segregation
 - Use of Restraints
 - Safety and Sanitation
 - Injury Prevention
- Appendices
 - Appendix A, Classification Guidelines
 - Appendix B, Guidelines for Institutions Security Level
 - Appendix E, Health Care Outcome Measures Worksheet
- **American Correctional Association, Performance Based Standards for Adult Local Detention Facilities, Fourth Edition**
 - Part Two: Security
 - Section A: Protection from Harm
 - Control
 - Reception

- Classification and Segregation
 - Special Management Inmates
 - Section B: Use of Physical Force
 - Use of Force
 - Weapons
- Part Four: Care
 - Section C: Continuum of Health Care Services
 - Access to Care
 - Clinical Services
 - Continuity of Care
 - Referrals
 - Treatment Plan
 - Emergency Plan
 - Infirmary Care
 - Mental Health Program
 - Mental Health Screen
 - Mental Health Appraisal
 - Mental Health Referrals
 - Special Needs Inmates
 - Section D: Health Services Staff
 - Health Authority
 - Provision of Treatment
 - Use of Restraints
- Part Six: Justice
 - Section A: Inmate Rights
 - Protection from Abuse
- Part Seven: Administration and Management
 - Section B: Recruitment, Retention & Promotion
 - Training and Staff Development
 - Section C: Staff Ethics
 - Code of Ethics
 - Section D: Facility Administration
 - Mission
 - Policies and Procedures
- Appendices
 - Appendix A: Classification Guidelines
 - Appendix B: Guidelines for Institutional Security Levels
 - Appendix C: Safety and Sanitation Inspections
 - Appendix E: Operations Outcome Measures Worksheet
 - Appendix F: Health Care Outcome Measures Worksheet
- **American Correctional Association, 2014 Standards Supplement**
 - Core Jail Standards (CORE), 1st Edition
 - Performance – Based Standards for Correctional Health Care in Adult Correctional Institutions (HC) 1st Edition

- Appendix A: Guidelines for Institution Security Levels
- Appendix B: Classification Guidelines
- Appendix E: ACA Health Care Outcome Measures, Technical Guidance Health Care Outcome Measures
- **American Bar Association, Standards for Criminal Justice, Third Edition, Treatment of Prisoners**
 - Part I, General Principles
 - Standard 23 – 1.1 General Principles Governing Imprisonment
 - Standard 23 – 1.2 Treatment of Prisoners
 - Part II, Intake and Classification
 - Standard 23 – 2.1 Intake Screening
 - Standard 23 – 2.2 Classification System
 - Standard 23 – 2.3 Classification Procedures
 - Standard 23 – 2.4 Special Classification Issue
 - Standard 23 – 2.5 Health Care Assessment
 - Part V, Personal Security
 - Standard 23 – 5.1 Personal Security and Protection from Harm
 - Standard 23 – 5.2 Prevention and Investigation of Violence
 - Standard 23 – 5.5 Protection of Vulnerable Prisoners
 - Standard 23 – 5.6 Use of Force
 - Standard 23 – 5.8 Use of Chemical Agents; Electronic Weaponry
 - Standard 23 – 5.9 Use of Restraint Mechanisms and Techniques
 - Part VI, Health Care
 - Standard 23 – 6.1 General Principles Governing Health Care
 - Standard 23 – 6.2 Response to Prisoners’ Health Care Needs
 - Standard 23 – 6.3 Control and Distribution of Prescription Drugs
 - Standard 23 – 6.10 Impairment – Related Aid
 - Standard 23 – 6.11 Services for Prisoners with Mental Disabilities
 - Standard 23 – 6.15 Involuntary Mental Health Treatment and Transfer
 - Part VII, Personal Dignity
 - Standard 23 – 7.1 Respect for Prisoners
 - Standard 23 – 7.2 Prisoners with Disabilities and Other Special Needs
 - Part X, Administration and Staffing
 - Standard 23 – 10.1 Professionalism
 - Standard 23 – 10.2 Personnel Policy and Practice
 - Standard 23 – 10.3 Training
 - Standard 23 – 10.4 Accountability of Staff
 - Part XI, Accountability and Oversight
 - Standard 23 – 11.1 Internal Accountability
 - Standard 23 – 11.2 External Regulation and Investigation
 - Standard 23 – 11.3 External Monitoring and Inspection

- Standard 23 – 11.4 Legislative Oversight and Accountability
- **National Commission on Correctional Health Care, Standards for Health Services in Jails, 2014**
 - Section A – Governance and Administration
 - J – A – 05 – Policies and Procedures
 - Section C – Personnel and Training
 - J – C – 04 – Health Training for Correctional Officers
 - J – C – 05 – Medication Administration Training
 - J – C – 09 – Orientation for Health Staff
 - Section E – Patient Care and Treatment
 - J – E – 02 – Receiving Screening
 - J – E – 04 – Initial Health Assessment
 - J – E – 05 – Mental Health Screening and Evaluation
 - Section G – Special Needs and Services
 - J – G – 04 – Basic Mental Health Services
 - J – G – 06 – Patients with Alcohol and Other Drug Problems
 - J – G – 07 – Intoxication and Withdrawal
 - Section I – Medical – Legal Issues
 - J – I – 01 – Restraint and Seclusion
- International Covenant on Civil and Political Rights (ICCPR) Article 7, Article 10 and Article 14
- International Human Rights Law – Right to Legal Access and Due Process; Right to Liberty; Freedom from Arbitrary Detention; Prohibition on Torture and Cruel, Inhumane or Degrading Treatment
- Standard Minimum Rules for Treatment of Prisoners; Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955 and approved by the Economic and Social Council by its Resolutions 663c (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977
- United Nations Human Rights Commission Standard Minimum Rules for the Treatment of Prisoners

C. Articles and Research Studies

- Jail and the Constitution; An Overview, U.S. Department of Justice, National Institute of Corrections
- Real or Perceived Issues, Correspondence from DOJ to Los Angeles County Counsel re: Mental Health Care and Suicide Prevention Practices at Los Angeles County Jail
- Know Your Rights: Disciplinary Sanctions and Punishment; November 2015, ACLU National Prison Project
- Evidence – Based Practices; A Framework for Evidence – Based Decision Making in Local Criminal Justice Systems; April 16, 2010, National Institute of Corrections
- The Origin of “deliberate indifference”, Cases in Correctional Health Ultra Risk Advisor
- Duhaime’s Law Dictionary, Deliberate Indifference definition

- Callous and Cruel, United States; Force Against Prisoners With Mental Illness, May 12, 2015
- Punitive Conditions of Prison Confinement; An Analysis of Pugh v. Locke and Federal Court Supervision of State Penal Administration Under the Eighth Amendment, American University – Washington College of Law; May 01, 1977, Ira Robbins
- Eighth Amendment, Prison Conditions and Social Context, The; Winter 1993, Missouri Law Review, Daniel Yues Hall
- Fourteenth Amendment – Due Process for Prisons in Commitment Proceedings; Winter 1980, Journal of Criminal Law Criminology, Keith S. Knochel
- Erosion of Fourth Amendment Protections for Arrestees; 2012, Stanford Law Review, Simcock, Julian, Florence, Atwater
- Prisons and Prisoner’s Right: An Overview, law.cornell.edu/wex/prisoners_rights
- Challenging the Conditions of Prisons and Jails, A Report on Section 1983 Litigation, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics
- Sheriff’s Guide to Effective Jail Operations, U.S. Department of Justice, National Institute of Corrections
- Inmate Behavior Management: The Key to a Safe and Secure Jail; U.S. Department of Justice, National Institute of Corrections
- National Institute For Jail Operations, The First Resource for Jails, Effective Inmate Supervision: The Foundation for Jail Safety and Security, Rod Miller
- NIC: Corrections From The Field, Inmate Supervision and Management, 5/1/2016
- Causes and Prevention of Violence in Prisons, Corrections, Criminology, Hawkins Press, 2005
- CorrectionsOne.Com News; Legal Issues and Concepts, Use of Force for CO’s – Reviewing Hudson V. McMillan 10 years later, Dr. Darrell L. Ross, December 4, 2007
- National Institute of Corrections, Desktop Guide to Quality Practices for Working with Confinement, Ch. 11 Mental Health, Lisa Boesky, PhD.
- Multiple Use of Force Continuum, definitions, descriptions, and explanations
- “Homeless Vet Beaten Into A Coma By Cops Sues Ohio County Commissioners, Sheriff, and Six Sheriff’s Office Employees,” The Inquisitr, Norman Byrd, 23 Jan. 2017
- “Lawsuit Deposition: Jail Sergeant overheard saying he would beat inmate,” Mydaytondailynews, Mike Campbell, 21 Nov. 2017
- “Officer cleared for alleged beating of homeless vet, records show,” Daytondailynews, Mark Gokavi, 25 Jan. 2017
- “9 current lawsuits against Montgomery County Jail employees,” Daytondailynews, Mark Gokavi, 26 May 2017
- “County blames health care provider for jail inmate’s injuries”, Daytondailynews, Josh Sweigart and Mark Gokavi, 17 Oct. 2017
- “Former sheriff’s sergeant alleges jail cover-up”, Mydaytondailynews, Josh Sweigart, 22 Nov. 2017

- “A mentally ill veteran kept banging on his cell. So jailers beat him into a coma, a complaint says.” The Washington Post, Cleve R. Wootson Jr., Jan. 18, 2017
- “NYC Inmates: “Head Shots” routinely inflicted by correctional officers”, CBS News, CBS Interactive, March 6, 2014
- “Excessive Force, Reasonableness, and Graham v Connor”, SOC 320: Law, Society and Civil Rights, Jeffery Asiesler, Mariana Mikova and Genevieve Mcnamara, 5 Nov. 2014
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In reviewing the above materials, and my many years of experience, I was able to establish the foundation for my professional opinions.

V. BASIS FOR OPINION

The above materials support my professional opinions in this case. All the conclusions identified in this report are expressed to a degree of professional certainty based upon my review of the available evidence and are analyzed using my specialized training, experience, and knowledge in the field of corrections.

I reserve the right to amend or supplement the conclusions expressed in this report based on my review of additional material.

VI. OPINION

As I present the opinions I have in the Guglielmo matter, I start with a factual summary of the incident and then describe by opinions in six categories:

- A. There was no legitimate penological reason for Sgt. Snyder, Dep. Sears, or Corrections Officers Zink and Ort to enter Mr. Guglielmo's Cell as he complied with their commands to stop banging on the cell door and the issues he was having could only be met by summoning medical staff, which the officers failed to do.
- B. It is my opinion to a reasonable degree of professional certainty that Sgt. Snyder used excessive force on Joseph Guglielmo on January 15, 2015.
- C. It is my opinion to a reasonable degree of professional certainty that Defendants Zink, Ort, Sears, and Cohn failed to intervene to protect Guglielmo from the obvious risk of harm from Sgt. Snyder.
- D. It is my opinion to a reasonable degree of professional certainty that Sgt. Snyder was deliberately indifferent to Joseph Guglielmo's serious medical need for treatment for blows to his head and face on January 15, 2015.

- E. It is my opinion to a reasonable degree of professional certainty that the Montgomery County had a policy to use excessive force on inmates in the jail based on the pattern of excessive force used in the jail.
- F. It is my opinion to a reasonable degree of professional certainty that Montgomery County ratified Snyder's use of excessive force on Guglielmo.

The following sections outline the factual events that occurred in the Joseph Guglielmo incident.

Facts specific to the Guglielmo incident

In the early morning hours of January 15, 2015, Joseph Guglielmo created a disturbance at the Gateway Shelter for Men. As a result of his behavior and threats, the Dayton Police Department was called to the scene to remove Mr. Guglielmo from the area. Mr. Guglielmo, at that time, was arrested for two counts of assault and one count of resisting arrest. Before being transported to the Montgomery County Jail, it was necessary to transport Mr. Guglielmo to the Grandview Hospital to be treated for minor injuries he received during the struggle with Gateway staff. Mr. Guglielmo was treated and released from Grandview Hospital and transported to the Montgomery County jail without further incidents.

At the jail, Mr. Guglielmo was accepted, admitted, and later booked. To most experienced correctional booking officers it should have been reasonable to believe that Mr. Guglielmo may have been suffering from some form of mental distress, as he was certainly demonstrating some bizarre behavior, but no correctional staff makes note of this or responds in an appropriate manner, such as notifying medical and classification. Had this occurred, Mr. Guglielmo may well have been placed in a special management cell by Classification where he should have received a more comprehensive evaluation and follow up care.

At around 7:57AM, Mr. Guglielmo received what appears to be a medical screening from Jordan Jefferies, Paramedic. During the medical screening, Mr. Guglielmo was agitated and refused to answer some of the questions asked. The paramedic records Guglielmo's behavior as aggressive, disorderly, uncooperative and agitated, but does not record a reason why. Despite these notations, no Summary Plan is developed for Mr. Guglielmo, nor are any referrals made for him to have follow up for needed medical or mental health care. The paramedic Jefferies later notes that Mr. Guglielmo has signs of abrasions and bruises, although Jefferies also reports Guglielmo has had no head injuries in the last 72 hours. Mr. Jefferies records that Mr. Guglielmo states he has been diagnosed with a medical and/or mental health problem, and then states, "Refuses to provide medical information, discharge paperwork placed in NP/MD box, abc's intact no distress, refuses to get up for medical screening, refuses to provide information in cell", "look at my fucking hospital papers, leave me alone." As to the next question, number six, the paramedic notes Guglielmo is not taking any medications. For Question eleven, Jefferies records "yes" to the question "Are you using alcohol or drugs (last time used)?" For Question twenty, Mr. Jefferies indicated that Mr. Guglielmo was not uncoherent or verbally non-responsive. By 11:27AM, Paramedic Jefferies reports that Guglielmo "now reports anxiety and sleep issues, states he gets meds from the V.A., added to reconciliation." Approximately 11 hours later, Tammy Pless at

10:44PM reported, "Requested med. review. Depressed, tearful, hopeless thoughts. Said kids are reason to keep living. Agitated and irritable. Refer to Dr. Ellis, SBH – Pless."

Deputy Sears testified that he encountered Mr. Guglielmo in Delta Pod at approximately 10:15 or 10:30 p.m. Mr. Guglielmo told Deputy Sears that he needed his medications. Deputy Sears told Mr. Guglielmo that he would have to wait until the morning when the doctor came in. After that, Mr. Guglielmo became angry and Sgt. Whalen decided to move him to the transport staging. No medications were provided to Mr. Guglielmo from when he was booked until he was exposed to an excessive use of force incident at 11:30PM, twelve hours after Paramedic Jefferies knew he was on "Celexa". Throughout this time, Mr. Guglielmo requested to go to the V.A. hospital and to have his medication. Instead, what he did receive was an unreasonable beating that put him into a coma. The Montgomery County Jail staff knew Mr. Guglielmo needed medication, but for no justifiable reason, he was made to go without it.

My mentioning of the medical screening form completion and failure to provide medication first in this report is not intended to deemphasize the excessive use of force incident concerning Mr. Guglielmo, it is only to chronologically point out that Mr. Guglielmo communicated a concern that had a solution. He grew agitated and disruptive likely because his concern went unaddressed. This was an origin of the overall issues that lead to the use of force.

From the material that I have reviewed, I can find nothing that would appear to be a comprehensive classification record for Mr. Guglielmo. Such a record would include all known information about Mr. Guglielmo that was included in the arrest report, booking material, intake screening, health screening and so forth. While I have reviewed the Montgomery County Jail's automated inmate information system screen shots, I can find no pertinent information that would have guided the Classification staff to take into consideration Mr. Guglielmo's medical history, PTSD or his reliance on prescribed medication. Together, or in part, this information included in a sound classification system may well have provided them with a reason to have placed Mr. Guglielmo in special management housing instead of general population. This known information would have also pushed the Classification staff to ensure that NaphCare followed up promptly in securing Mr. Guglielmo's medication and a mental health evaluation. Unfortunately, this did not happen, and Mr. Guglielmo was simply moved to general population in Delta Pod.

While in Delta Pod, Mr. Guglielmo again became agitated because he had not yet received his medication. Mr. Guglielmo was yelling and beating on the cell door. In response to this behavior, Correctional Officer Matthew Sears went to Guglielmo's cell front to calm him down and address his immediate needs. While Officer Sears was somewhat successful in this effort, Sgt. Whalen decided to move Mr. Guglielmo to the first floor Transport Staging Cell 114 until he calmed down completely. Once again, Mr. Guglielmo is moved to still another cell without consideration of known information about mental health issues, his medication, his injuries or any thoughts of making a medical/mental health referral at that time. Further, Sgt. Whalen makes the Guglielmo move without the input of medical staff, mental health staff or classification staff. During the time that Mr. Guglielmo was being held in the Transport Staging Cell 114, Sgt. Matthew Snyder began to conduct roll call for his watch. While Sgt. Snyder was conducting roll call, Mr. Guglielmo continued to bang on the cell door and yell loudly that he wanted his medication. Sgt. Snyder became upset with Guglielmo because of his disruption during roll call and said something to the

effect that after roll call, he was going back there and beat the crazy fucker's ass. This statement is reported in the deposition of Sgt. Thomas Feehan, and Snyder testified that it was possible he said that. In his own internal interview, Sgt. Snyder refers to Guglielmo as "an old previous military, you know, drunkard to me." Snyder also refers to Guglielmo as "a belligerent old intoxicated guy."

Following roll call, Sgt. Snyder gathers a group of officers together to confront Guglielmo with a show of force in order to get him to calm down. Snyder also secures a large can of OC spray to take with him to Guglielmo's cell. Sgt. Snyder does not secure a hand-held camera from the sergeant office as policy directs him to. Snyder does however instruct Sgt. Feehan to get the camera. Feehan began looking for the camera, and upon finding it, discovered that the camera has dead batteries and is inoperable. However, by the time Feehan realized this, the use of force was over. Sgt. Snyder did not wait for Sgt. Feehan to bring the camera to the cell before he entered. Further, according to policy, it was also Sgt. Snyder's responsibility to ensure the camera was working at the beginning of his shift. Sgt. Snyder failed to check this equipment and made no attempt to locate an operational camera from another location within the jail, he simply went without one against jail policy, even though he had all the time he needed.

Prior to Sgt. Snyder going to Mr. Guglielmo's cell, Sgt. Whalen and Deputy Sears tried to persuade Sgt. Snyder not to go back to the cell as they had already spoken with Guglielmo, and knew he just needed time to cool down. Once at the cell door, Dep. Sears also told Sgt. Snyder not to go into Guglielmo's cell, as it would not accomplish anything positive or stop his behavior. Unfortunately, Sgt. Snyder ignored Dep. Sears advice and goes in the cell anyway.

Once Sgt. Snyder arrives at Guglielmo's cell front, he speaks with him briefly from outside the cell and then decides to have the door opened and goes into the cell where he confronts him. In their depositions, Officers Banks, Feehan, Cohn, Zink, and Sears admitted that Sgt. Snyder should not have gone into Guglielmo's cell as there was no need to do so. However, Sgt. Snyder, Officer Zink and Officer Ort also enter the cell. Officers Cohn and Cooper remained outside of the cell, while Officer Sears was partway in the cell. Each of these individuals was in a position to know exactly what was happening either by sight or sound, but no one tried to stop Sgt. Snyder.

Once inside the cell, Sgt. Snyder's actions are well established and do not need a great deal of comprehensive description or detail. However, in a brief manner, I will describe what I know to have happened. Sgt. Snyder ordered Guglielmo to sit on the bench and Guglielmo complied. Sgt. Snyder then had a conversation with Guglielmo. The conversation ended with Snyder provoking Guglielmo by calling him a faggot. Guglielmo begins standing, but Sgt. Snyder then pushes Mr. Guglielmo down onto the concrete bench in the cell. At that moment, Mr. Guglielmo allegedly grabs Sgt. Snyder's wrist in an attempt to catch his balance to prevent his fall. Mr. Guglielmo's action did not constitute a threat. This opinion is supported in that none of the other correctional officers inside the cell or at the door react at all as if there was a threat. If Mr. Guglielmo was presenting a threat to Sgt. Snyder, the other correctional officers would have immediately reacted and intervened – they did not. Mr. Guglielmo's non-threatening reaction was responded to with an unreasonable use of excessive force. Sgt. Snyder uses an unknown number of facial and body fist strikes, forearm strikes to the head and body, and several elbow strikes to these same body areas, leaving Mr. Guglielmo severely injured and dazed. During this unwarranted use of force, no

correctional officer attempts to intervene and stop Snyder as they should have, they simply stand there as if nothing out of the ordinary is occurring. During the outrageous beating, Mr. Guglielmo was seated on the bench the entire time. The jail security video also validates these events throughout the incident. The failure of the other correctional officers to intervene demonstrates how normal and acceptable the customs and practices of using force had become within the Montgomery County Jail. Subsequent to this despicable beating, no correctional officer radioed for medical despite seeing Guglielmo start to swell and bleed when they left the cell. When medical was notified of Guglielmo's injuries 20 minutes later, they were never told there had been a use of force or that Guglielmo had been struck in the head.

It must also be pointed out that the length of time it took for this use of force event to play out varies considerably from different accounts. These correctional officer accounts are unreliable. At depositions, these correctional personnel universally said that the use of force happened "really very, very quickly." (Zink Depo. 98: 16-22). This testimony is not credible and is not supported by the video. Officer Sears testified that the use of force was over in a few seconds. (Sears Depo. 165: 2-7). However, when he was interviewed two months after the incident, he told investigators the use of force lasted twenty seconds. (Sears Depo. 186: 9-13). The security video of the Transport Staging area, and the cell front of Cell 114 does not show the actual use of force, but from it Snyder can be seen standing inside Cell 114 talking to Mr. Guglielmo. Then, at 23:36:31, Sgt. Snyder steps forward and then goes out of camera view. Officer Sears testified that this was the moment that Sgt. Snyder placed his hands on Guglielmo's chest and shoved him back onto the concrete bench. (Sears Depo. 173: 17-174: 3; video). The video then shows Officer Sears step inside of Cell 114 at 23:36:39, when Sears testified that Mr. Guglielmo grasped hold of Sgt. Snyder's wrists. It is at this moment that Sgt. Snyder issued the command for Guglielmo to release his hold on his wrists. (Sears Depo. 174: 4-12). Officer Sears also testified that Sgt. Snyder only issued the release commands for four seconds before he began to strike Guglielmo. (Sears Depo. 175: 15-18). Sgt. Snyder remains out of camera view inside Cell 114 until 23:37:39. (Sears Depo. 175: 19-22). Officer Sears is seen leaving the cell at 23:37:52. (Sears Depo. 175: 3-5). In his deposition, Officer Sears testified that as soon as the use of force ended, he left the cell. (Sears Depo. 154: 20-155-6). The security camera video evidence combined with Officer Sears' testimony indicate that the Guglielmo use of force began at 23:36:43, four seconds after Sears stepped into the cell, and lasted until Sgt. Snyder is visually seen reemerging from Cell 114 at 23:37:39. Given this factual information and video footage times, this would clearly indicate that the Guglielmo use of force lasted fifty-six seconds.

I must also point out that Mr. Guglielmo was compliant throughout this incident and in fact, he offered no resistance, verbal or physical. But unfortunately, that did not matter to Sgt. Snyder. Sgt. Snyder said he was "going back there and beat the crazy fucker's ass," and he did. This statement made by Sgt. Snyder is reported in the deposition of Sgt. Thomas Feehan.

Finally, Snyder admits that he hit Guglielmo in the head at least once after Guglielmo let go of him. This final strike was indisputably unreasonable as Guglielmo had complied with Snyder's commands and posed no threat whatsoever.

Although there are a number of accounts about Mr. Guglielmo's follow up health care, the Montgomery County Jail videos show that only a minimal medical evaluation was done. No

medical staff witnessed the Guglielmo beating and no correctional staff person advised medical that Mr. Guglielmo had been severely beating by Sgt. Snyder during the excessive use of force event. After being moved to Cell 139, Mr. Guglielmo became unresponsive, a squad was summoned, and he was transported to the Miami Valley Hospital. At the hospital, he was diagnosed with a hematoma and multiple facial fractures. He underwent brain surgery and facial repair surgery. He remained comatose for months.

A. There was no legitimate penological reason for Sgt. Snyder, Dep. Sears, or Corrections Officers Zink and Ort to enter Mr. Guglielmo's Cell as he complied with their commands to stop banging on the cell door and the issues he was having could only be met by summoning medical staff, which the officers failed to do.

Mr. Guglielmo continued to demand his needed medications once he was placed in Transport Staging Cell 114. He made his demands known by beating on the cell front and yelling loudly. This behavior is not uncommon for any jail setting, but it was behavior that should have prompted the correctional staff to find out what his concerns were and act appropriately to find a solution. No one from the Montgomery County Jail staff made any effort to do this, in spite of the fact that these individuals were well aware of Mr. Guglielmo's behavior and medical issues. Nothing is so reflective of deliberate indifference as this blatant failure to respond. Care, custody and control means just that, but no one of authority raised a hand to help. Mr. Guglielmo had a federally protected, constitutional right to be free from harm and to receive medical treatment. The failures of the correctional personnel of the Montgomery County Jail contributed to the events that would change the life of Mr. Guglielmo forever.

It should be pointed out here that in a jail setting, particularly in an area like transport staging, inmate disruption, banging, kicking and yelling is completely normal. This fact is reinforced by Montgomery County Jail staff statements in deposition and transcription interviews. So, in fact, at no point was Mr. Guglielmo's behavior really out of the ordinary. Mr. Guglielmo was just upset and everyone of authority knew why. But with callous disregard and deliberate indifference to his needs, no one took any measures to expedite the acquisition of medications or move him to a special management unit for medical observation. What should have happened at the very least was to just let Mr. Guglielmo calm down in Cell 114 and instruct medical to get approval for Guglielmo's medications as quickly as possible. Of course, as it is factually clear, this did not happen. What did happen was for the Montgomery County Sheriff to rely on unreasonable use of force to manage their inmate population.

At the cell, staff could have simply spoken with Mr. Guglielmo to better understand his concerns and further referred him to medical for evaluation. They did not and instead Sgt. Snyder decided to just shut Guglielmo up by beating him into a coma. As a result of these shocking life-threatening actions, Mr. Guglielmo has been left in a limited physical state that will alter his life's functions for the remainder of his life. The Montgomery County Sheriff Officers had a constitutional, if not moral, responsibility to protect Mr. Guglielmo from harm. Montgomery County has a clear history of using force when other more appropriate measures would suffice. This history is revealed in part in such cases as Amber Swink, Emily Evans, Robert Richardson, Louis Aldini, Jr. and Charles Wade.

Because it was clear to everyone what Mr. Guglielmo's complaints were from intake to Delta Pad to Transport Staging 114, all pertinent Montgomery County Jail staff should have been aggressively involved in resolving Mr. Guglielmo's issues. These units would have included the booking sergeant, the housing sergeant, Classification and the NaphCare medical staff. Unfortunately, Sgt. Snyder did not involve these specialized units in any concerted manner.

B. It is my opinion to a reasonable degree of professional certainty that Sgt. Snyder used excessive force on Joseph Guglielmo on January 15, 2015.

My opinion is based on the following circumstances, which, when viewed separately and together show Snyder used excessive force on Guglielmo.

- 1) The relationship between the need for the use of force and the amount of force used indicates the force was excessive.

There was no penological purpose to enter the cell as explained in Section A above. Snyder could have met Guglielmo's needs by radioing for medical to come and assess him. There was no need to use force because Guglielmo was not threatening harm to anyone. Punches to the head can rise to the level of lethal force. That degree of force was not warranted in these circumstances – even if Guglielmo was holding onto Snyder's forearms.

- 2) The extent of the plaintiff's injury indicates the force was excessive.

Mr. Guglielmo's injuries were severe. This indicates the force used (which was not captured on video) was significantly more serious than reported by Sgt. Snyder. Such injuries should not have been caused in response to Mr. Guglielmo banging on the cell door.

- 3) There was no effort made by the officer to temper or to limit the amount of force, indicating the force uses was excessive.

Snyder did not make any effort to temper or limit the amount of force he used. He had numerous nearby officers who could have helped him control Guglielmo, if he posed a threat, but he did not use those officers. He had pepper spray. Could have handcuffed him. Also, Snyder's use of force lasted between 20 and 50 seconds, which was totally unreasonable given that Guglielmo was not threatening harm to anyone.

- 4) The severity of the security problem at issue indicates the force was excessive.

Banging on a door does not present a security issue. It is common place. Especially in this case where Guglielmo was isolated in an area where other inmates were not present.

- 5) There was no threat reasonably perceived by the officer.

None of the officers in the cell perceived a threat from Guglielmo. Snyder had numbers and size on his side. Guglielmo was not armed.

6) Guglielmo was not actively resisting.

Guglielmo was seated during the use of force and none of the officers who observed Snyder's use of force one perceived Guglielmo as a threat. In the event he did grab Snyder, Guglielmo eventually complied with the command to let go, yet Snyder hit him one last time.

7) Other circumstances make up the totality of the circumstances that show Snyder's use of force was unreasonable and excessive.

It was not reasonable for a corrections officer to threaten to beat an inmate's ass, to predetermine he would beat an inmate, to use his subordinates to accompany him to beat an inmate, or to justify the beating because the inmate was banging on the cell door. No reasonable corrections officer would call an inmate a faggot or attempt to provoke an inmate into starting a fight.

It is also important to point out that had Mr. Guglielmo represented any kind of a threat to Sgt. Snyder, Officer Zink or Officer Ort, which he did not, there was more than enough staff on hand to control him without the use of force. Two officers – one on each of Guglielmo's arms – would have been sufficient. But again, that wasn't necessary either. Joseph Guglielmo never resisted or threatened any correctional staff while in Transport Staging Cell 114. While Guglielmo may have clasped Sgt. Snyder's arms, it was only in an attempt to catch his balance, and not to attack Snyder. It is shocking to me how needless and inhumane Sgt. Snyder's actions were. The only clear way of describing Sgt. Snyder's use of force is to emphatically point out how objectively unreasonable they were and how unacceptable they are in a professional correctional setting. These actions also violate almost every policy, standard on governance of use of force and health care services that I am familiar with. As to the unwarranted acts of abuse by Sgt. Snyder, no penological interest was served in any manner. Sgt. Snyder's actions violated numerous Montgomery County Jail policies and the laws he is required to follow, including the constitution.

Additionally, the fact Sgt. Snyder sought no medical clearance or supervisory approval prior to his use of force in spite of the fact he had time to do so, also indicates his use of force was unreasonable. In fact, the proper response to Guglielmo was to leave him in his cell until medical arrived.

To a reasonable correctional official, it is clear that no force was necessary to control Mr. Guglielmo. If it was determined that Mr. Guglielmo presented a security threat, or it was believed that he would be resistant, Montgomery County correctional staff should have simply left him in his cell until it was determined that he could be appropriately processed. There was certainly enough staff present to handle this measure without any use of force. From the available video and audio recordings, it is evident that the immediate plan of the correctional staff was to use force. Sgt. Snyder expressly said he was going to beat Mr. Guglielmo's ass before he even went to his cell. Providing for a safe and secure jail facility is certainly of the highest regard to corrections administrators; however, the actions taken to ensure this must serve a legitimate penological and governmental interest. The force used against Joseph Guglielmo served no purpose at all.

It is also my professional opinion, as a correctional practitioner and consultant for more than 44 years, and as a Commissioner on the Florida Governor's Commission for Criminal Justice

Standards and Training for over twenty-four years, that correctional officers must be managed and their performance carefully controlled in every respect. Under *Turner v. Safley* 482 U.S. 78 (1987), by itself, the actions of Montgomery County's Guglielmo use of force incident served no government interest in any way. Furthermore, given the dynamics of the actions taken against Mr. Guglielmo, the "objectively reasonable" test outlined in *Kingsley v. Hendrickson*, No. 14-6368, Supreme Court of the United States, also fails.

C. It is my opinion to a reasonable degree of professional certainty that Defendants Zink, Ort, Sears, and Cohn observed Snyder using excessive force and had the opportunity to prevent the harm to Mr. Guglielmo but failed to do so.

Under General Order 2.2.1, Section C – Requirements to Obey Lawful Orders, employees are always expected to perform their duties in a lawful and constitutional manner. Officers are not to participate in unlawful activities. Employees must always call the policy conflict to the attention of their supervisor or their supervisor's supervisor, which in the Guglielmo case would have been the Lieutenant. No correctional officer involved in the Guglielmo use of force challenged Sgt. Snyder or attempted to stop him from beating Mr. Guglielmo. Further, none of the correctional officers involved reported the inappropriate actions of Sgt. Snyder to a higher level of supervision. These correctional officers, like others in the past, simply accepted these brutal and well known egregious customs and practices as normal and acceptable. Here again, endorsing the acts of policy violations, brutality, excessive use of force, civil rights violations and constitutional rights violations as they had in the past. In their depositions, however, Officers Banks, Feehan, Cohn, Zink and Sears admitted that Sgt. Snyder should not have gone into Guglielmo's cell as there was no need to do so.

Sgt. Snyder's use of force was unreasonable

See Excessive Force Opinion A above. Officers Banks, Feehan, Cohn, Zink and Sears admitted that Sgt. Snyder should not have gone into Guglielmo's cell as there was no need to do so.

1) Defendants knew that Sgt. Snyder was about to or was using excessive force on Plaintiff.

During roll call, Defendants Zink, Ort, Sears, and Cohn all heard Guglielmo banging on his cell door. They were asked by Snyder to help him deal with Guglielmo. They saw Snyder approach the cell with a large can of pepper spray. They knew that by opening the cell door and entering the cell, Snyder was equipped and prepared to use force for no reason other than Guglielmo's banging. Defendants Zink, Ort, Sears, and Cohn all saw Snyder enter the cell when there was no reason to do so. Defendants Zink, Ort, Sears, and Cohn all knew that Snyder entering the cell increased the likelihood of force being used. Defendants Zink, Ort, Sears, and Cohn all were positioned to hear Sgt. Snyder provoke Guglielmo by calling him a faggot.

2) Defendants had the opportunity to prevent Snyder from harming Guglielmo but failed to do so.

Defendants Zink, Ort, Sears, and Cohn had the opportunity to speak to Snyder to prevent him from going to the cell, to contact the lieutenant, to record the events all in an attempt to prevent

Snyder's attack on Guglielmo. Knowing that Snyder was preparing to use force without justification, Zink had the ability to refuse to open the door. Defendants Zink, Ort, Sears, and Cohn all had 20 to 50 seconds to intervene and physically stop Snyder from beating Guglielmo in the head.

3) Defendants failed to prevent the harm to Guglielmo.

Defendants Zink, Ort, Sears, and Cohn did not stop Snyder from starting or continuing to beat Guglielmo for up to 50 seconds. They just watched. They did not intervene or help Guglielmo. Nor did Defendants Zink, Ort, Sears, or Cohn intervene to help Snyder, which shows Snyder was not at any risk of harm.

4) Defendant's failure to act caused Plaintiff to suffer harm.

The severity of Guglielmo's injuries indicates he suffered a severe beating. If Defendants Zink, Ort, Sears, or Cohn had intervened and stopped the use of force before it began or stopped it as soon as it started, Guglielmo's injuries would have been less severe.

D. It is my opinion to a reasonable degree of professional certainty that Sgt. Snyder was deliberately indifferent to Joseph Guglielmo's serious medical need for treatment for blows to his head and face on January 15, 2015.

1) Snyder knew Guglielmo was seriously injured

Snyder struck Guglielmo in the head several times. Snyder knew Guglielmo was bleeding and his face was swollen before Snyder left the cell. It was obvious that Guglielmo had a serious medical need: that is, he needed medical treatment for his head and facial injuries.

2) Snyder was deliberately indifferent to Guglielmo's needs

Snyder did not radio for medical help after the use of force. While Snyder did ask Nurse Mills 20 minutes later for an ice pack after bumping into him, Snyder concealed from Nurse Mills that Snyder had struck Guglielmo in the head. No updates are introduced into his health record that would in any way describe the extent of his injuries – apparently because no one knew about the assault.

Snyder concealed from EMS that he had struck Guglielmo in the head. Snyder never told any medical personnel there was a use of force, nor the extent of the force used. It was unreasonable for Sgt. Snyder to delay necessary medical care, conceal the extent and cause of Guglielmo's injuries, and fail to provide reasonable medical care promptly.

By concealing the extent of the injuries and the excessive use of force, the medical staff was prevented from providing an effective medical assessment. It is also extremely important to know that Defendants Zink, Ort, Sears, and Cohn did not push for or insist that Mr. Guglielmo be evaluated by NaphCare personnel. Even after these correctional staff witnessed the severe assault, no one made sure the evaluation was completed. Their failure to summon immediate medical care

was a callous disregard of Guglielmo's medical needs, deliberately indifferent and shocking to say the very least.

E. It is my opinion to a reasonable degree of professional certainty that the Montgomery County had a policy to use excessive force on inmates in the jail based on the pattern of excessive force used in the jail.

- 1) Sgt. Snyder used excessive force on Guglielmo, concealed his excessive force and the extent of Guglielmo's injuries from medical personnel, and enlisted his subordinates in his use of force who permitted the excessive force.

See Opinions in sections A, B, C, and D above.

- 2) At the time, Montgomery County had a policy of using excessive force in the jail. The term policy can mean a custom of using excessive force in the jail that is persistent and widespread, such that it becomes Montgomery County's standard operating procedure. A persistent and widespread pattern may be a custom even if Montgomery County has not formally approved it, so long as a policy-making official, such as the Sheriff or his designee, knew of the pattern and allowed it to continue.

I reviewed 120 use of force events in the jail involving the named defendants in this case, and 71 of them were excessive. This means 59.1 % of the use of force for these defendants were excessive. Sgt. Snyder worked in the Montgomery County jail for one and a half years. During those 18 months, Sgt. Snyder used force 31 times. Twenty-nine of Snyder's 31 uses of force were excessive. That is a rate of 93.5 % of excessive force by one officer. The County's use of force data is described in greater detail below. Each of these uses of force were reported to the Chief Deputy, Jail Commander, and the Training Center. None of those decision makers who reviewed Snyder's uses of force issued discipline to Snyder. Sheriff Plummer has been in office since 2008. At deposition he could only recall one officer who was disciplined for using excessive force over his ten years. Given the rate of excessive force being used in the jail and the lack of discipline faced by the officers using force, it is more likely than not that the sheriff's department has a custom of using excessive force on inmates.

Montgomery County has a long history of using excessive force. So much so that the County Commission had asked Mr. Tom Wheeler, Acting Assistant Attorney General in the United States Department of Justice to investigate Sheriff Plummer's jail operation because of the excessive number of complaints for civil rights violations and allegations of improper use of force. This request is written on February 7, 2017 by Commissioner Foley, Lieberman and Dodge.

This history of using excessive force is clearly revealed through a review of the use of force reports provided in discovery. These reports involve the actions of Matthew Snyder, David Cohn, Zachary Zink, Matthew Sears, Brandon Ort and Benjamin Cooper, among others. From my review of these reports I have concluded the following:

- Matthew Snyder has been involved in 170 use of force events since 2005, 139 of which were in law enforcement and 31 in corrections. From review of these events I would consider 100 of Snyder's overall 170 to have included excessive use of force, or 58.8% of the time. Breaking these down, it reveals 71 of the 139 Law Enforcement use of force events were excessive or 51%; and 29 of the 31 Correctional use of force events, or 93.5% of the time.
- Since 2012, David Cohn has been involved in 16 use of force events in corrections, 10 of which can be determined to be excessive, or 62.5% of the time.
- Since 2012, Matthew Sears has been involved in 12 use of force events in corrections, 10 of which can be determined to be excessive, or 50% of the time.
- Since 2012, Benjamin Cooper has been involved in 21 use of force events in corrections, 9 of which can be determined to be excessive, or 42.8% of the time.
- Since 2012, Brandon Ort has been involved in 39 use of force events in corrections, 16 of which can be determined to be excessive, or 41% of the time.
- Since 2014, Zachary Zink has been involved in one use of force events in corrections and that one can be determined to be excessive, or 100%.

Overall, of the 120 correctional use of force events reported in corrections involving these named officers, 71 are determined to be excessive, or 59.1% of the time. This high frequency of using excessive use of force is reflective of a history of customs and practices that have been developed into demonstrated performance that is improper and creates a Montgomery County Jail policy that excessive force is to be used. The custom and practice of using excessive force is further demonstrated by the fact that none of these officers were disciplined in any way for their excessive uses of force. I have developed these numbers and my opinion by reviewing each of the use of force reports, evaluating the circumstances and determining when I believe the actions of the named officers exceeded the force necessary to gain control.

Just a few examples of incidents involving excessive force were used as exhibits in the depositions. Exhibit 27 involved a use of force on Aaron Jones on August 23, 2013. Jones was taken to the ground, punched and pepper sprayed because he refused to take his hands out of the pockets of his jail uniform and put on a suicide gown. Throughout the entire use of force his hands were in his pockets. Exhibit 26 involved a use of force on Eugene Middlebrook on November 16, 2013. Middlebrook was slammed against the wall, taken to the ground, and pepper sprayed because he refused to remove his hood during booking. Most telling, Exhibits 48, 49, 50, and 51 were four separate incidents where Sgt. Snyder went to an inmate's cell because the inmate was banging on the cell door. Upon arrival the inmate stopped. Sgt. Snyder entered their cells anyway and used force on them.

All of these uses of force were reviewed by the Chief Deputy, Jail Commander, and the training center and no one investigated or disciplined the officers. To any reasonable Sheriff and/or Jail Administrator that regularly reviewed available data, these use of force numbers would indicate that something was wrong, at which point they should begin to review their training material, supervision and the specificity of their policies and procedures. It is the responsibility of the Montgomery County Sheriff to ensure someone conduct regular reviews of performance issues that demonstrate deficiencies in written policies and procedures and training. If areas of concern continue to occur, then policies need to be rewritten and training adjusted. It is obvious that this is

not happening at the Montgomery County Sheriff's Office. My factual support of this opinion is that wrongful, unjustifiable use of force events continue to happen as they have for years. Only with ongoing updates in policy and training can these officials know that what they want to accomplish in policy understanding is being provided to their employees through training.

From the start of the Guglielmo incident until he was taken to the hospital, Sgt. Snyder's attitude and demeanor can only be described as arrogant, disrespectful, callous, sadistic, barbaric, inhumane and just plain mean. Sgt. Snyder wanted to punish and hurt Mr. Guglielmo and he did. But sadly, as shocking as this behavior was, no officer tried to stop Snyder from his cruel pursuit.

Additionally, neither Sgt. Snyder, nor other members of the jail defendants gave any consideration to the totality of the circumstances and the objective reasonableness of their actions. Nor did the County or Sheriff. The circumstances surrounding the Guglielmo incident warranted no use of force actions and to do otherwise was, in fact, objectively unreasonable. The reasonableness factor is clearly addressed in *Aldini v. Johnson*, 609 F.3d 858, 866 (6th Cir. 2010); *Graham v. Connor*, 490 U.S. 386 (1989); and *Kingsley v. Hendrickson, et al.*, No. 14-6368, Supreme Court of the United States. Further, no penological interest was served by administering force on Mr. Guglielmo.

Correctional administrators of today's world must understand their responsibility in every respect. Standards, policies, guidelines, studies, research and case law have to be an absolute part of their working knowledge. Nothing short of the totality of this knowledge will suffice. Failure to achieve this will result in egregious acts such as the Guglielmo incident. Sadly, the Guglielmo use of force occurred because this type of administration and oversight was not in place within the ranks of the Montgomery County Jail. It goes without saying that positive changes have to take place in the future. It is compulsory that government officials and correctional administrators understand the clear provisions of constitutional law and statutory guidelines and standards. There is no other option. For officials that do not understand these governances, there are numerous legal websites available through which they can gain clarity. It is incumbent upon today's correctional administrators to do just that in order to remain current on case law and to fully understand the rights of detainees. A particularly valuable site is that of Americans for Effective Law Enforcement (AELE). The information found on this site includes a legalistic review of the corrections business. The American Bar Association (ABA) has also developed standards that, if adhered to, will assist correctional administrators to operate their facilities within constitutional and statutory standards. This document is entitled "Standards for Criminal Justice, Treatment of Prisoners." In the corrections profession, we must provide for the safety and security and humanity of every inmate, in every situation, in a constitutional manner.

At the Montgomery County Sheriff's Office, if the policy violations, statutory violations, standards omissions, and constitutional violations don't stop immediately, and appropriate policies and procedures developed, along with enhanced training delivery and more comprehensive supervisions instituted, additional inmates will be subjected to unwarranted and unjustifiable cruelty, punishment, constitutional rights violations, and the possibility of unnecessary injuries occurring to them as a result of excessive use of force and deliberate indifference – both of which were occurring because customs and practices had superseded written policies, as deficient as they were. Montgomery County and the Sheriff should have known that the customs and practices for

use of force within the jail had become dangerous and corrected them immediately. They did not, and Mr. Guglielmo's federally protected constitutional rights were violated. If immediate steps are not taken to stop these practices, additional inmates will be exposed to the same treatment as Mr. Guglielmo, and others

In the case of Amber Swink, she was restrained in the chair in a holding cell when Captain Judith L. Sealy, with no justification, sprayed her in the face and left her to suffer with no decontamination or medical evaluation. For these egregious actions, Sealy received no discipline but instead was promoted. Louis Aldini, Jr. was brutally beaten and tased while he was in the restraint chair. Robert Richardson was clearly suffering from a severe medical episode when he was dragged from his cell and pinned to the floor by multiple officers until he died. Emily Evans was viciously picked up and slammed to the floor face down while she was handcuffed behind her back. Ms. Evans was knocked unconscious and received multiple contusions and facial fractures. Charles Wade was placed in a restraint chair and sprayed in the face with OC spray at point blank range and was not decontaminated for an excessive amount of time. None of the aforementioned uses of force were reasonable; each represents no consideration for policy and procedures, statutory law, constitutional rights or the Action-Response Continuum. All of these acts of abuse reflect a department that visibly endorses the inappropriate use of force and the unacceptable customs and practices that have superseded policy and procedure in totality. Even worse is the fact that these dangerous and unconstitutional customs are supported by the Sheriff and continuing down through the subordinate chain of command. As a result, there is now Joseph Guglielmo, who joins a long list of Montgomery County inmates that have been abused and mistreated by the officials who have a constitutional obligation to protect them. This brutal behavior, on behalf of the Montgomery County Sheriff, must be stopped.

During my review of the available material in the Guglielmo matter, I have found many conflicting statements by Montgomery County Jail personnel. These statements are found in the incident reports, the investigative material, the use of force reports and the case deposition material. It is obvious that Jail staff reported different accounts of the same events. The conflicting accounts include: Mr. Guglielmo's resistance, the functionality of the hand-held camera, the necessity of the force used, the actual force strikes used by Sgt. Snyder, the number of strikes applied, the aftermath condition of Mr. Guglielmo, the need for correctional staff to enter Mr. Guglielmo's cell at all. So too are there conflicts on what some correctional officers heard Sgt. Snyder say as it pertains to "beat the old man's ass" and calling Mr. Guglielmo a "faggot". There is also a conflict about what Sgt. Snyder said to Mr. Guglielmo about him having to wait until Monday to receive additional medical care and medications. The subsequent internal investigation did not address these conflicting statements to establish any base-line truth to the events that occurred. Then, in the deposition of Sgt. Eric Banks, it is learned that he considered the use of force investigation to be a "farce."

In my opinion, this investigation is weak and superficial in a clear attempt to not find force was excessive in what is obviously an excessive use of force incident. It is, however, not surprising that this finding is made, as the Montgomery County Sheriff has a clear history of endorsing excessive force and finding no fault when it occurs. To any intelligent correctional administrator that reviewed the Guglielmo incident and follow up investigation, along with Sgt. Snyder's actions, there is no explainable way that they could conclude no policies were violated. To this

correctional practitioner, Sgt. Snyder should have been found in violation of a number of Montgomery County Jail policies and he should have been subsequently criminally charged and prosecuted for his criminal actions.

Mr. Guglielmo should have had his medical needs met in a timely fashion and he should have been made aware of the medical steps being accomplished in a timely and regular manner. In this way, Mr. Guglielmo's agitation may well have subsided, and he could have remained calm. If, however, this did not work, Mr. Guglielmo should have simply been left in Delta Pod in a cell by himself until he calmed down and/or medical solutions were secured. There was absolutely no need to move Guglielmo to Transport Staging Cell 114. In that location, Mr. Guglielmo's acting out became even more disruptive. Although this move to Cell 114 was improper and unnecessary, no one should have entered his cell there either. A reasonable officer would have just let him calm down and address his known medical needs. If it was felt that he had to be moved from Delta Pod, then Special Needs Housing would have been appropriate so he could be medically observed.

Another factor that I find very concerning in the Guglielmo matter is the lack of involvement by the Montgomery County Jail Classification Unit. While the Department's policies and procedures call for the consideration of this unit for all matters of inmate moves and assignments, I can find no defining evidence that would indicate that they are ever involved. This opinion is clear in that there is no conclusive record that arrest information, booking information, medical information nor mental health information are ever considered in Mr. Guglielmo's housing assignments. Even the automated inmate management system is not reflective of Classifications consideration. Nor can I find any evidence where Classification encouraged medical to expedite Mr. Guglielmo's medical needs. It would appear that only Sgt. Whalen and Sgt. Snyder made the decisions about Guglielmo's care and custody issues. Classification units are a critical part of any correctional facility operations and should always be utilized as if they were the hub of the security wheel. In the Guglielmo matter, they were not, much like they were uninvolved with other inmate cases already mentioned in this report. When classification is not included in matters of custody management discussions, they become the personal views of correctional personnel like Whalen and Snyder. These personnel determinations are generally not inclusive of all the important inmate information that is available, and they become dangerous to say the very least. Had Classification been involved it is extremely likely that Mr. Guglielmo would never have been moved from Delta Pad by Sgt. Whalen. In fact, it would have been my opinion that he would have been placed in special management from the onset.

Montgomery County Sheriffs' policies and procedures are inadequate. These policies are not specific enough and only generalize on the areas addressed. Policies and procedures must address topic matters in a very specific manner, conveying as many known situations as possible that can and do occur. Furthermore, these policies must be trained and retrained until the administration is certain that their staff understands. Clear policies and procedures and training are only effective if they are understood and the staff performance is reflective of a definite understanding. Without this, demonstrated proficiency customs and practices will always prevail. In the case of Joseph Guglielmo, it is obvious that training is inadequate in that Sgt. Snyder is the biggest violator, while his subordinates simply followed his lead and mirrored his same inappropriate performance. Training in the correctional setting must be meaningful and specific on how to respond in every known situation, circumstance and condition. The Montgomery County training deficiencies are

particularly obvious in the area of use of force, response to resistance, use of force/restraints, less than lethal devices, the Action-Response Continuum, and the legal Rights of Detainees. This opinion is made because, as I have stated before, no performance improvements or policy understanding is reflective in staff actions since earlier use of force events. Training must be afforded to every employee in the correctional setting at every level of authority. Further, training must be provided repeatedly. Cross-training is also essential so that every component of the Montgomery County Jail understands the purpose, responsibility and function of each other and how their duties are interrelated. Failure to ensure this cross-training is effective will result in one problematic event after another and the overall mission of the department will continue to fail.

It is the responsibility of the Montgomery County Sheriff to regularly review performance issues that demonstrate deficiencies in written policies and procedures and training. If areas of concern continue to occur, then policies need to be rewritten and training adjusted. It is obvious that this is not happening at the Montgomery County jail. My factual support of this opinion is that wrongful, unjustifiable use of force events continue to happen. Only with ongoing updates in policy and training can these officials know that what they want to accomplish is being provided to their employees.

As for training, this component must ensure that staff gets the material necessary, but they must also make certain that employees in turn understand it and can comply with it in the performance of their duties. When performance deficiencies are discovered, it is the responsibility of administrators and training units to retrain through annual refresher courses or roll call training. Having comprehensive training plans is useless if the objectives are not understood or performed. Montgomery County would be wise to redevelop all of their policies and training that have anything to do with Use of Force, Action-Response Continuum, Response to Resistance and follow up procedures necessary for force events, i.e., medical and mental health evaluations.

As for use of force training as it addresses head strikes, I am compelled to point out that it is considered dangerous and unsafe to apply such force on police and correctional recruits. That being said, why would any department consider it appropriate to apply head strikes to their detainee population? This is especially true when it is known that there is a danger of death. Only in a deadly force situation can head strikes of any kind be considered an appropriate measure and you utilize what you have to control the situation. In the Guglielmo incident, this is not even close to the factual circumstances, where no force at all was needed or even remotely necessary. From literature available, there is evidence that even a single head strike with a fist, arm, elbow or foot can cause lasting trauma or death. For this reason in general, defensive tactics training officers are trained to avoid head strikes unless they are in fear for their life or are attempting to save the life of another individual involved, and that typically entails a one-on-one scenario. With multiple officers present, then the goal should be to control the arms and legs and restrain the suspect to avoid harm to the officers and the other individuals involved. Mr. Guglielmo needed no restraints and further represented no threat. An officer's job is to provide care, custody and control – all of their actions should be guided by these elements. Training must be clear on this issue so that police and correctional staff totally understand. It is also important for training staff to cover the likelihood of fist and elbow strikes to the head breaking the blood/skin barrier and potentially spreading communicable diseases carried in blood and other bodily fluids. It makes little sense to train officers to expose themselves unnecessarily to disease as a result of these strikes. But again,

Mr. Guglielmo should never have been exposed to any type of use of force – he should only have been cared for in a manner that would have expediently addressed his medical and mental health needs.

Along with policy improvements and better staff training, Montgomery County must also address their supervisory oversight of their staff at all levels to ensure that all policies and procedures are followed completely in the manner that they were intended to provide direction. Without good supervision and oversight, staff will normally begin to alter the original intent of policies for a multitude of personal and operational reasons. When this occurs, customs and practices become the operational standards and the purpose of policy is eroded. It must be the daily goal of every Montgomery County Sheriff's Office administrative supervisor to ensure that every activity of their jail is addressed in the manner it was planned. Nothing short of this will ensure that the Montgomery County Jail operates in a constitutional and statutory manner. In the Guglielmo incident, Sgt. Snyder's performance went unchecked by any supervisor above him in the chain of command. Because of this failure, line staff were made to believe it was appropriate to use force on an inmate without consideration of policy and procedures on the Action-Response Continuum. The Lieutenant in charge of Sgt. Snyder should have been well aware of his propensity to use force unnecessarily and corrected it long before the Guglielmo incident. From the Sheriff on down, supervisors must be aware of and control the performance of their subordinates.

Just as Montgomery County and the Sheriff had a duty to follow constitutional law, so too they had a duty to follow their own General Orders and policy and procedures as outlined in their own Jail Manual. The Montgomery County Sheriff's Office General Orders applies to all employees – law enforcement and correctional. However, they are so poorly written that they lack the specificity to determine what division they pertain to. General Orders are for all agency employees, so whether or not the County intended to include corrections, all corrections employees must comply with these general orders, as well as the policy and procedures covered within the Jail Manual. The officers in this case did not follow the General Orders or the Jail Manual and in approximately twenty-four hours they violated so many of their own policies and procedures that it is incomprehensible. These violations are as follows:

- The Montgomery County Sheriff's Office General Orders Manual
 - General Order 1.1.1; Oath of Office
 - Comment: The personnel of the Montgomery County Sheriff's Office under oath promise to uphold the statutes of the State of Ohio, enforce the United States Constitution and act in accordance to the law. With respect to Mr. Guglielmo, this oath was not considered.
 - General Order 1.1.2; Limits of Authority
 - Comment: The actions of all Montgomery Sheriff's staff must never exceed the circumstance they are confronted with. This is especially true of use of force. In the case of Joseph Guglielmo, the officer actions completely exceeded the response necessary. These actions were so unreasonable that it violated Mr. Guglielmo's statutory and constitutional rights.
 - General Order 1.1.3: Use of Force
 - Comment: No force was necessary in the case of Joseph Guglielmo. Even though he was acting out, it warranted no response. Mr. Guglielmo should

have been left in his cell, spoken to by staff to determine his issues and referred to health services for evaluation. Mr. Guglielmo presented no danger to anyone. Sgt. Snyder's response was brutal and completely punitive. In the Joseph Guglielmo matter, there was absolutely no reason to consider an "Action-Response Use of Force Continuum" as force was never appropriate in response to the Guglielmo issue. Sadly, the disregard to this continuum and repeated incidents of unreasonable excessive use of force is all too frequent at the Montgomery County Jail, as has been the case for detainees like Louis Aldini, Robert Richardson, Amber Swink, Emily Evans and Charles Wade. These statements can easily be substantiated with an evaluation of Montgomery County Sheriff's Office incident reports and use of force reports.

Under Section P of General Order 1.1.3, supervisors are to ensure that the Use of Force policy is distributed to their subordinates, ensure these subordinates review and understand it, and provide instructions where necessary. In the Guglielmo incident, Sgt. Snyder, in the presence of many subordinates, violated most of General Order 1.1.3.

- General Order 2.1.4; Authority and Responsibility
 - Comment: As has been the case in other excessive use of force incidents within the Montgomery County Jail, seldom is any officer held accountable. While it is clear that Sgt. Matthew Snyder was in violation of Departmental policy, he was never charged with these egregious acts.
- General Order 2.2.1: Direction
 - Comment: In that it was Sgt. Snyder that unjustifiably assaulted Mr. Guglielmo in a manner that was totally unreasonable in the presence of numerous subordinate correctional officers, it is extremely obvious that the Sheriff had not established a chain of command and supervisory accountability to provide employees with a clear understanding of operating constraints and organizational accountability. Instead, Sgt. Snyder demonstrated to his subordinates a clear message that the well-established customs and practices of using unreasonable and unjustifiable force on detainees was acceptable. Statistics and use of force reports support this opinion even further.
The other significant portion of General Order 2.2.1 is Section C – Requirements to Obey Lawful Orders. Employees are always expected to perform their duties in a lawful and constitutional manner. Constitutional officers are not to follow unlawful orders. Employees must respectfully call the conflict to the attention of the supervisor or the supervisor's supervisor. In the Guglielmo case that would be the Lieutenant. No correctional officer involved in the Guglielmo use of force challenged Sgt. Snyder's actions. Further, none of the correctional officers involved reported the inappropriate actions of Sgt. Snyder to a high-level supervisor such as the Lieutenant. These correctional officers simply accepted these brutal, and well known egregious customs and practices of force as normal and acceptable.
- General Order 2.2.2; Written Directives

- Comment: The Montgomery County Sheriff's Office's General Orders are inadequate – they lack the specificity of events and the clarity of action responses to ensure that officer performance is acceptable and legal. Additionally, these General Orders need to be updated and training implemented more frequently and always as needed.
 - General Order 2.5.2; Goals and Objectives
 - Comment: The Montgomery County Sheriff's Office's General Order calls for them to annually formulate and conduct a review of agency goals and objectives. This obviously is not happening as it pertains to basic core values of integrity, professionalism and responsibility, and accountability, as they have not improved. Further, community trust in the Sheriff's operation is also failing – to include that of the County Commissioners.
- General Order 3.5.1; Professional Conduct Rules, Code of Ethics, and Saluting and Paying Respects
 - Comment: As it pertains to the abuse of Joseph Guglielmo Montgomery County Sheriff's Office staff violated a number of these rules. Specifically:
 - Rule 1 – Staff did violate rules, regulations, directives, and orders.
 - Rule 6 – Employee performance was unsatisfactory as a result of repeated infractions of rules, regulations, directives, and orders.
 - Rule 13 – Employees followed the orders of Sgt. Snyder in spite of the fact that they violated policy. Further, no employee advised a higher-level supervisor of the unreasonable actions.
 - Rule 19 – As it pertained to Mr. Guglielmo, employees were not courteous, respectful, or professional. This inappropriate action is of course not unusual for the staff of the Montgomery County Jail as “historically” the unreasonable use of force has happened far too often. Additionally, Sgt. Snyder disrespectfully refers to Mr. Guglielmo as a “crazy fucker” and a “faggot.”
 - Rule 35 – The violation of Rule 35 needs no explanation – Mr. Guglielmo was mistreated as have been other Montgomery County inmates.
 - Rule 36 – Once again, no explanation necessary. Mr. Guglielmo was compliant and not resisting – no force was necessary.
 - Rule 45 – The conduct of the jail staff was a discredit to the Sheriff's Office.
 - Rule – C – Montgomery County Sheriff's Employees violated their own Code of Ethics as a result of the excessive use of force used on Joseph Guglielmo.
- General Order 3.5.2: Disciplinary Procedures

- Comment: From the Sheriff down through the chain of command, no supervisory personnel appears to review the performance of their subordinates to ensure that their actions were appropriate. Additionally, no supervisor appears to ever question the ongoing use of unacceptable customs and practices, particularly for use of force incidents. Further, a supervisor seldom recommends disciplinary actions for employees that are involved in excessive use of force incidents.
 - General Order 4.5.2; Personnel Early Warning System
 - Comment: The monitoring of an employee's performance is not happening in Montgomery County. If this performance review was happening to any degree use of force problems would have easily been detected. This is particularly true in the case of Sgt. Matthew Snyder.
 - General Order 6.2.1; Organizational Integrity
 - Comment: Because of the inappropriate conduct of Montgomery County Jail employees in the use of force area, public confidence had diminished to the point that the citizens and the County Commission had begun to question the Sheriff's oversight of the jail activities.
 - General Order 6.2.2; Professional Conduct Investigation
 - Comment: Because unacceptable customs and practices had taken over the jail's policy and procedures about use of force it had become sadly apparent that the Sheriff had endorsed these actions and did not intend to investigate complaints against the department. Consequentially, acts of policy violations, brutality, excessive use of force, civil rights, violations, inadequate medical care, and constitutional rights violations were occurring but were going unchecked – and uncorrected.

Just as there were numerous infractions of the Montgomery County Sheriff's Office General Orders in the Joseph Guglielmo matter, so too are there numerous violations of the Jail Manual policy and procedures. Specifically:

- The Montgomery County Sheriff's Office Jail Manual Policies and Procedures
 - Jail Manual 1.1.1; Jail Administration
 - Comment: In the case of Joseph Guglielmo, the Montgomery County Jail Staff exposed him to excessive and totally unreasonable use of force, which clearly violated his constitutional rights and the applicable standards established by the State of Ohio.
 - Jail Manual 1.4.1; Professional Conduct
 - Comment: No professional conduct was witnessed in the Joseph Guglielmo incident. The Department's Code of Ethics was ignored, and correctional personnel violated established policies and procedures. As a result, Mr. Guglielmo was subjected to punitive force that was unnecessary and excessive.
 - Jail Manual 1.5.1; Jail Manual
 - Comment: Had the jail's policies and procedures been developed around clear regulations and standards, Mr. Guglielmo would never have been exposed to physical abuse at the hands of those authorities who had a legal

- obligation to protect him. Instead, he was brutally subjected to unreasonable force that clearly violated his constitutional right to be free from excessive force.
- Jail Manual 3.4.1; Security Equipment
 - Comment: Sgt. Snyder had a responsibility to ensure that all hand-held video recording equipment was operational at the beginning of his watch, but apparently, he did not as these cameras were not working at the time of the Guglielmo use of force. No serious effort was made by Sgt. Snyder to secure a camera that was functional before he unreasonably beat Mr. Guglielmo into a coma. This is evident that while he instructed Sgt. Feehan to get a camera, he did not wait for Sgt. Feehan to come to the cell before he entered and used force. It is also obvious that other correctional personnel blocked the view of the Guglielmo cell so that other cameras that were out of the cell could not capture the assault that was taking place inside of the Guglielmo cell.
 - Jail Manual 3.5.1; Use of Force
 - Comment: The actions taken against Mr. Guglielmo were not in compliance with the “Action-Response Continuum.” Correctional personnel are only to use force as a last result. Mr. Guglielmo presented no threat to staff, himself or to other inmates as he was completely secured in his cell. Had Mr. Guglielmo been resisting, there was more than enough staff to control him without the use of force. Mr. Guglielmo should have been left in his cell, spoken to about his concerns and referred to health services.
 - Jail Manual 5.3.1; First Floor Supervision
 - Comment; There was obviously no appropriate supervision on the first floor. This opinion is based on the fact that in the Guglielmo incident and other events of excessive force, like Robert Richardson and Charles Wade, the Sergeant supervisors were the individuals using excessive force.
 - Jail Manual 5.6.1; Inmate Rights and Rules
 - Comment: Mr. Guglielmo had a constitutionally protected right to be free from personal abuse, corporal punishment, personal injury, property damage, disease or harassment, yet he was not. Instead he was exposed, without cause, to unreasonable force that was unnecessary at best.
 - Jail Manual 5.8.1; Classification
 - Comment: Shortly after being admitted to the Montgomery County Jail, Mr. Guglielmo was exposed to an unwarranted and excessive act of force that caused him grave bodily harm. At the time of the assault, Mr. Guglielmo had not been seen by classification. Classification should have gotten involved in making the appropriate decision about safely housing their inmate population. Montgomery County has shown a clear history of this failure to address the special needs of their inmate population.
 - Jail Manual 5.28.1; Prisoner Complaints and Grievances
 - Comment: Even after Mr. Guglielmo clearly complained about his health issues and medications, he was ignored and told he would have to wait until Monday to be seen. Of course, as a result of his complaints, he was brutally beaten as punishment for his disturbance.

- Jail Manual 6.5.1; Healthcare Services
 - Comment: The only healthcare service Mr. Guglielmo was provided was to be given an ice pack by Nurse Gregory Mills, who was unaware of the assault that had just occurred at the hands of Sgt. Snyder.
- Jail Manual 6.7.1; Prisoner Mental Health
 - Comment: The real possibility that Mr. Guglielmo was suffering from some sort of mental health issues and Snyder and the other officers did not summon mental health staff to the cell instead of entering the cell and using force.
- Jail Manual 6.10.1; Medical Emergency
 - Comment: Mr. Guglielmo was beaten severely by Sgt. Snyder but his injuries, as clear as they were, were not considered an emergency until he was found unconscious and unresponsive in his cell by correctional staff.

The Montgomery County Sheriff is also in violation of a number of the provisions of the State of Ohio; Standards for Jails in Ohio; Full Service and Minimum Security Jails, May 2014. These are:

- State of Ohio; Standards for Jails in Ohio
 - 5120:1-8-02; Classification
 - Comment: Before Mr. Guglielmo could be reviewed by a competent classification system, he had already been exposed to unreasonable and excessive use of force.
 - 5120:1-8-03; Security
 - Comment: Mr. Guglielmo presented no dangers to himself or others, nor did he demonstrate any behavior that would have indicated that he may consider harming himself. Mr. Guglielmo was not inciting a riot or planning an escape. He was cooperative and not resisting. However, Mr. Guglielmo was unnecessarily exposed to excessive use of force that far exceeded any actions that may have been considered reasonable. Following the unreasonable use of force used on Mr. Guglielmo, the force was not reported to medical staff, and minimal medical care was afforded to him. He was simply left to slip into a coma as a result of his severe injuries.
 - 5120:1-8-09; Medical/Mental Health
 - Comment: After the use of force, Mr. Guglielmo received little follow-up medical evaluation or care because the medical staff was not given accurate information by the defendants about his injuries.

It is stunning how this many violations of General Orders, Policies and Procedures and State of Ohio Jail Standards can all occur in such a short period of time. The only explanation that can be made here is that Montgomery County operates with unacceptable and unconstitutional customs and practices that are endorsed and accepted by the Montgomery County Sheriff.

Montgomery County is also in violation of portions of the American Correctional Association Standard for Adult Correctional Institutions, 4th Edition, and those of the American Correctional Associations, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition. With respect to the Standards for Adult Correctional Institution, I would specify:

- **American Correctional Association, Standards for Adult Correctional Institution, 4th Edition**
 - Part One, Administration and Management
 - Section A: General Administration
 - Purpose and Mission
 - Policy and Goal Formulation
 - Policy and Procedure Manuals
 - Section C: Personnel
 - Personal Policy Manual
 - Staffing Requirements
 - Personnel Files
 - Code of Ethics
 - Rules and Regulations
 - Part Three: Institutional Operations
 - Section A: Security and Control
 - Security Manual
 - Permanent Logs
 - Security Equipment
 - General Policies and Practices
 - Use of Force
 - Section D: Special Management
 - General Policy and Practice
 - Admission and Review of Status
 - Supervision
 - Administrative Segregation/Protective Custody
 - Section E: Inmate Rights
 - Protection from Harm
 - Part Four: Institutional Services
 - Section A: Reception and Orientation
 - Admission
 - Reception and Orientation
 - New Inmates
 - Section B: Classification
 - Classification Plans
 - Classification Status Reviews
 - Special Needs Inmates
 - Appendices
 - Appendix A, Classification Guidelines
 - Appendix B, Guidelines for Institutions Security Level
- **American Correctional Association, Performance Based Standards for Adult Local Detention Facilities, Fourth Edition**
 - Part Two: Security
 - Section A: Protection from Harm

- Control
 - Reception
 - Classification and Segregation
 - Special Management Inmates
 - Section B: Use of Physical Force
 - Use of Force
 - Weapons
- Part Six: Justice
 - Section A: Inmate Rights
 - Protection from Abuse
- Part Seven: Administration and Management
 - Section B: Recruitment, Retention & Promotion
 - Training and Staff Development
 - Section C: Staff Ethics
 - Code of Ethics
 - Section D: Facility Administration
 - Mission
 - Policies and Procedures
- Appendices
 - Appendix A: Classification Guidelines
 - Appendix B: Guidelines for Institutional Security Levels
 - Appendix C: Safety and Sanitation Inspections
 - Appendix E: Operations Outcome Measures Worksheet
- **American Correctional Association, 2014 Standards Supplement**
 - Core Jail Standards (CORE), 1st Edition
 - Appendix A: Guidelines for Institution Security Levels
 - Appendix B: Classification Guidelines

Here again, Montgomery County’s decision not to require its jail officers to follow the basic national standards for effective and safe correctional facility operations has caused it officers to use excessive force and deny medical care. While these are only offered as the minimum basic standard, successful correctional agencies use them whether they are accredited or not.

The American Bar Association, Standards for Criminal Justice, Third Edition, Treatment of Prisoners were also available to Montgomery County Officials to use to assist with the establishment of safe and constitutional jail policies and procedures. Although, like the violations already mentioned, I would suspect these officials did not reference these standards. For my report, I will highlight the ABA Standards that Montgomery County has in fact ignored.

- Part I, General Principles
 - Standard 23-1.1, General Principles Governing Imprisonment
 - Standard 23-1.2, Treatment of Prisoners
- Part II, Intake and Classification
 - Standard 23-2.1, Intake Screening
 - Standard 23-2.2, Classification System

- Standard 23-2.3, Classification Procedures
- Standard 23-2.4, Special Classification Issues
- Part V, Personal Security
 - Standard 23-5.1, Personal Security and Protection from Harm
 - Standard 23-5.2, Prevention and Investigation of Violence
 - Standard 23-5.5, Protection of Vulnerable Prisoners
 - Standard 23-5.6, Use of Force
- Part VII, Personal Dignity
 - Standard 23-7.1, Respect for Prisoners
 - Standard 23-7.2, Prisoners with disabilities and Other Special Needs
- Part X, Administrative and Staffing
 - Standard 23-10.1, Professionalism
 - Standard 23-10.2, Personnel Policy and Practice
 - Standard 23-10.4 Accountability of Staff
- Part XI, Accountability and Oversight
 - Standard 23-11.1, Internal Accountability
 - Standard 23-11.2, External Regulation and Investigation
 - Standard 23-11.3, External Monitoring and Inspection
 - Standard 23-11.4, Legislative Oversight and Accountability

Utilization of the ABA Standards and specific information found within the AELE Monthly Law Journal (highlighted in the Materials Reviewed Section of this report) could have enabled Montgomery County to have important knowledge to develop constitutional policies and procedures and applicable training that may well have prevented the incidents associated with Joseph Guglielmo from occurring. Sadly, without these scholarly, legal insights and their incorporation to policy, unconstitutional customs and practices will, and did, prevail.

That being said, Montgomery County and the Sheriff also failed to properly manage the health care being provided to their inmate population. The Sheriff's responsibility in this regard is non-negotiable and non-delegable. Regardless of who is providing the health care, mental health care, medications and counseling services, it is ultimately and completely the responsibility of the Sheriff and their administration to monitor the performance and decisions they make on a case-by-case basis. In the Guglielmo matter, the Sheriff and his staff did not, and the deteriorating condition of Mr. Guglielmo went unaddressed until it was too late. As a result, Mr. Guglielmo will spend the rest of his life with debilitating conditions that will limit his ability to enjoy life.

- 3) Montgomery County's Policy of Having Snyder Use Excessive Force in the Jail caused the excessive force on Guglielmo.

Snyder was acting pursuant to the Montgomery County's policy of using excessive force in the jail when he injured Guglielmo. Snyder had developed his own pattern of using excessive force on inmates who bang on a cell door. In four prior incidents, Snyder had gone to an inmate's cell because the inmate was banging on the cell door. Snyder told each inmate to stop banging. Each inmate complied. Nonetheless, Snyder, without justification, entered the cell and unreasonably used force on each of these inmates. All four incidents constituted excessive force. Snyder's reviewing supervisors, approved each of his uses of excessive force. The County's policy of

approving Snyder's use of excessive force on an inmate banging on a cell door caused Snyder's use of excessive force on Guglielmo.

F. It is my opinion to a reasonable degree of professional certainty that Montgomery County Ratified Snyder's use of excessive force on Guglielmo.

Sheriff Plummer is the final policymaker of the Sheriff's department. He determines whether officers get disciplined. He determined that Snyder would not be disciplined for his use of force on Guglielmo. Sheriff Plummer based his decision on an inadequate investigation.

The investigation of this incident was inadequate. Zachary Zink, who was in the cell, was not interviewed according to the investigator's report. According to Zink he was interviewed, but no record of that exists in the investigation file. None of the other Sergeants on duty prior to Snyder's shift or during his shift were interviewed, yet they were eyewitnesses to Snyder saying he was going to beat Guglielmo's ass. These failures indicate the investigation was designed not to figure out what really happened.

The Guglielmo investigation was not an isolated incident of failing to investigate a use of force. As noted above, there were 71 excessive uses of force involving the defendants in this case. Each use of force was reported. Yet none of them were adequately investigated. Each of the 71 excessive uses of force were summarily signed off on as proper conduct. In light of the failure to adequately investigate prior uses of force by jail officers and the Sheriff's failure to adequately investigate the use of force on Guglielmo, it is evident it is the Sheriff's policy to fail to conduct investigations into uses of force that will uncover what really happened. This policy essentially is a policy of approving uses of excessive force in the jail. It also caused Snyder's use of excessive force on Guglielmo.

VII. SUMMATION

As an expert in the field of corrections, it is imperative that I objectively consider the factual material offered by both the defense and the plaintiffs. It is further my responsibility to understand the operational constraints about which my opinion has been sought. I too, must rely upon what are considered established and acceptable correctional practices and standards, and the constitutional and statutory governances pertaining to them. In the matter of Joseph Guglielmo, I have done this, and I am certain that Montgomery County did not provide what they had documented through policy to be the appropriate operational procedures, which lead to the violations of their own policies by their employees, as well as to the violations of statutory and constitutional governances. As a result of Montgomery County and the Sheriff and the Defendants' callous disregard to all of the aforementioned guidelines, Guglielmo was wrongfully exposed to acts of unnecessary and excessive use of force at the hands of those officials who had a legal obligation to protect him.

In summation, it is my professional opinion that Montgomery County, the Sheriff and its correctional staff failed to maintain mandated statutory and constitutional care, custody and control of their jail operation in general, and in particular as it pertains to the treatment of Joseph Guglielmo. Policy, statutory and constitutional violations were reflective of the callous disregard

displayed by Montgomery County Jail staff and most notably Sgt. Snyder for his deliberate indifference for the constitutional rights of Mr. Guglielmo.

Joseph Guglielmo came to the Montgomery County Jail suffering from mental health issues and some physical injuries. Mr. Guglielmo was agitated and stressed, and his behavior reflected that. While his initial behavior may have been disruptive, it was not abnormal for a jail setting and certainly was not aggressive, threatening or violent. Had all the components of the jail staff been working together to resolve Mr. Guglielmo's medical and mental health needs, he could have simply been housed in Delta Pod until his issues were resolved. Unfortunately, this did not happen, and Mr. Guglielmo's obvious condition went from bad to grave. This indifference to Mr. Guglielmo's condition allowed established policies and procedures to be ignored, and ignorant customs and practices to take over in a gross display of force that can only be described as brutal, unjust and objectively unreasonable. In fact, these use of force actions can only be described as punitive.

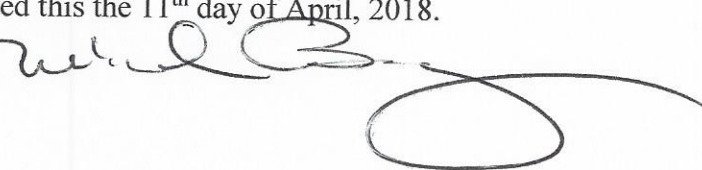
The provision of the constitution, applicable case law and statutory governance are not based on aggregate occurrences; they are based on a single incident that violated the well-established rights of one individual. These actions taken against Mr. Guglielmo and the care afforded him while being detained within the Montgomery County Jail were objectively unreasonable and were not in any way reflective of the totality of the factual circumstance present. The treatment afforded Mr. Guglielmo lacks any resemblance of common sense, reasonableness, or explainable rational actions.

Failures in policy compliance, training development and supervisory oversight must also be addressed to ensure that every member of the Montgomery County Sheriff's Office knows and completely understands the constitutional and statutory governances that direct their jail operation. Only then can Montgomery County officials be assured that the wrongful treatment of prisoners will stop. For Joseph Guglielmo this did not happen and his federally protected rights to due process were violated by Montgomery County Jail personnel, and in particular Sgt. Matthew Snyder, who I believe should have been prosecuted for his actions.

I respectfully reserve the right to amend or add to this report as additional information is obtained that may alter my opinions here.

Respectfully submitted this the 11th day of April, 2018.

/s/Michael A. Berg
Michael A. Berg

A handwritten signature in black ink, appearing to read 'Michael A. Berg', with a large, stylized flourish at the end.