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*Counsel for Proposed Intervenors  
Inland Coalition for Immigrant Justice,  
First Amendment Coalition,  
Los Angeles Public Press, and  
The Southlander*

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

HUGO GONZALEZ, et al., on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v.

The GEO Group, Inc., et al.

Defendant.

Case No.: 2:22-cv-04014-JGB-ACCV

**NOTICE OF MOTION AND  
MOTION TO UNSEAL COURT  
RECORDS**

Date: March 2, 2026

Time: 9:00 a.m.

Courtroom: 1 (Riverside)

Judge: Hon. Jesus G. Bernal

# **NOTICE OF MOTION AND MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 Please take notice that on March 2, 2026 at 9:00 a.m., or as soon thereafter  
4 as the matter may be heard, at the George E. Brown, Jr. Federal Building and United  
5 States Courthouse, Riverside, 3470 Twelfth Street, Courtroom 1, Second Floor,  
6 proposed intervenors Inland Coalition for Immigrant Justice, Los Angeles Public  
7 Press, Southlander, and First Amendment Coalition (collectively, “Proposed  
8 Intervenors”) will and hereby do move to unseal materials covered by sealing  
9 applications Dkts. 56, 60, 71, 85, 87, and 90; the sealed records are located at Dkts.  
10 55, 57, 60, 64, 72, 73, 74, 88, and 91.

11        This Motion is based on (1) the accompanying Memorandum of Points and  
12 Authorities, (2) the Notice of Motion and Memorandum of Points and Authorities  
13 in Support of Proposed Intervenors' Motion to Intervene for the Limited Purpose of  
14 Unsealing Court Records (Dkt. 121) and exhibits filed in support of that Motion,  
15 and (3) the entire record in this action. On January 13, 2026, consistent with Local  
16 Rule 7-3, counsel for Proposed Intervenors notified counsel for all Parties of their  
17 intent to move to intervene on or about January 28, 2028. Plaintiffs did not respond.  
18 Defendant indicated that they intend to oppose any efforts to unseal documents or  
19 other records. A declaration setting forth Proposed Intervenors' efforts to confer  
20 with counsel is attached as Exhibit A.

21 | Dated: February 2, 2026 Submitted,

## PUBLIC JUSTICE

/s/ Jacqueline Arkush

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Leslie Bailey (SBN 232690)  
*Counsel for Proposed Intervenors*

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12 HUGO GONZALEZ, et al., on behalf of  
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17 The GEO Group, Inc., et al.

18 Defendant.

19 Case No.: 2:22-cv-04014-JGB-ACCV

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# MEMORANDUM OF POINTS AND AUTHORITIES

## INTRODUCTION

3 Adelanto ICE Processing Center (“Adelanto”) has been stuck in a cycle of  
4 inhumane conditions, protests, and retaliation for over a decade. The 2020 COVID-  
5 19 pandemic brought the facility to a breaking point. Community organizations,  
6 press, and elected officials refused to let Defendant GEO Group’s (“GEO”)  
7 treatment of people detained at Adelanto go unnoticed by the public and the courts.  
8 As Plaintiffs allege, when protests occurred inside and outside the facility, GEO  
9 used lockdowns and physical force to try to silence the calls for accountability. The  
10 facility stood nearly empty after a court functionally closed it in 2020. GEO’s  
11 efforts to hide what occurred in Adelanto that summer continues today as

12       GEO capitalizes on the “unprecedented growth opportunity” presented by the  
13 ongoing campaign of unlawful federal immigration enforcement. Adelanto is once  
14 again at capacity, full of people swept up by masked agents terrorizing communities  
15 across Southern California. Again, reports of protests and retaliation are emerging.  
16 The public has a right to know what has happened inside Adelanto and evaluate  
17 GEO’s conduct—and the system that enables their continued operation—for  
18 themselves.

## BACKGROUND

20 Since 2011, when GEO began to manage Adelanto, there have been dozens of  
21 lawsuits filed against GEO and its employees alleging violations of civil rights, labor,  
22 and tort law. Mere days ago, another lawsuit was filed against Immigration and  
23 Customs Enforcement (“ICE”) alleging “dangerous conditions and pervasive abuses”  
24 inside Adelanto. *L.T. et al. v. U.S. Immigr. & Customs Enf’t*, No. 5:26-cv-00322, Dkt.

1 1 ¶ 1 (C.D. Cal. Jan. 26, 2026). Meanwhile, GEO has previously and is currently  
2 actively working to fight government oversight.<sup>1</sup>

3 The allegations in *L.T.* mirror what oversight bodies have documented over  
4 the past fifteen years. Inspectors from DHS oversight bodies like the Office for Civil  
5 Rights and Civil Liberties (CRCL) visited numerous times in 2015 and 2017 and  
6 found that dozens of detention standards being violated.<sup>2</sup> These visits were  
7 prompted by alarming complaints from inside Adelanto, including ones related to  
8 the treatment of hunger strikers at the facility. In the 2015 CRCL report, one  
9 investigator stated that Adelanto’s “seriously deficient” medical care likely  
10 contributed to the death of a person detained there but felt that the “most egregious  
11 failure to provide care” involved the management of two groups of hunger strikers.<sup>3</sup>  
12 The report provided dozens of recommendations for corrective action to be  
13 undertaken within 90 days. Ultimately, one of the investigators concluded that if  
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17 <sup>1</sup> GEO has filed multiple cases challenging state laws that provide private detention  
18 oversight power to state officials. *See Geo Grp., Inc. v. Inslee*, 151 F.4th 1107 (9th  
19 Cir. 2025); *Geo Grp., Inc. v. Newsom*, No. 2:24-CV-02924-DAD-CSK, 2025 WL  
20 1285728 (E.D. Cal. May 2, 2025).

21 <sup>2</sup> “ICE continues to utilize facilities that demonstrate a pattern of violating [their]  
22 own detention standards. Adelanto is a perfect example.” Staff of H.R. Comm. on  
23 Homeland Sec., 116th Cong., *ICE Detention Facilities: Failing to Meet Basic*  
24 *Standards of Care* 11-12 (Sept. 21, 2020), <https://bit.ly/4c4CY6K> (summarizing  
oversight bodies’ previous findings).

25 <sup>3</sup> *See Subject-Matter Experts’ Report on Adelanto Correctional Facility*, Dep’t of  
26 Homeland Sec. Off. for C.R. & C.L., 41–43 (Mar. 1, 2016),  
27 <https://www.documentcloud.org/documents/23873555-17-adelanto-detention-facility/#document/p51/a2364425> (reporting on December 2015 onsite  
28 investigation).

1 the timeline could not be met, “[they] would recommend that ICE pull [detained  
2 people] from this facility.”<sup>4</sup>

3       Almost none of the 2015 recommendations were implemented, and people  
4 inside continued to protest, be retaliated against, and in some cases, die.<sup>5</sup> Between  
5 the two CRCL visits in December 2015 and November 2017, there were four deaths  
6 and seven suicide attempts.<sup>6</sup> Again, the 2017 report describes hunger strikers  
7 protesting the inhumane conditions and their mistreatment by Adelanto staff.<sup>7</sup> The  
8 protestors were met with force and sprayed with pepper spray. They were given no  
9 way to properly decontaminate themselves because the facility lacked cold water—  
10 a “significant issue with the decontamination process.” The 2017 report bears  
11 disturbing similarities to the previous report—something pointed out by the  
12 investigators themselves—and included a notable additional recommendation that  
13 Adelanto “must provide access to a cold-water shower” in both buildings for future

14 \_\_\_\_\_

15 <sup>4</sup> *Id.* at 44.

16 <sup>5</sup> In total, ten people have died at Adelanto—two in the last few months alone.  
17 Anthony Victoria, *As ICE Arrests Continue, Advocates Warn Adelanto Detention*  
*Facility Conditions Put Immigrants at Risk*, KVCR News (Aug. 15, 2025),  
<https://perma.cc/2DAH-UNL8>; Memo Torres, *Tear Gas, Censorship, and Medical*  
*Neglect At The GEO Owned Adelanto ICE Processing Center*, L.A. Taco (Dec. 19,  
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18 <sup>6</sup> Paloma Esquivel, ‘*We don’t feel OK here*’: *Detainee deaths, suicide attempts and*  
*hunger strikes plague California immigration facility*, L.A. Times (Aug. 8, 2017),  
<https://perma.cc/ZX9N-JY88>; Off. Inspector Gen., U.S. Dep’t of Homeland Sec.,  
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(summarizing suicide attempts).

19 <sup>7</sup> *Subject-Matter Experts’ Report on Adelanto Correctional Facility*, Dep’t of  
20 Homeland Sec. Off. for C.R. & C.L., 15 (Nov. 16, 2017),  
<https://www.documentcloud.org/documents/6278922-HQ-Part2-Copy/>

1 decontamination processes.<sup>8</sup> Eight of the 2017 hunger strikers filed a lawsuit against  
2 GEO and other people and entities responsible for Adelanto.<sup>9</sup>

3 Inhumane conditions continued to plague people detained at Adelanto and  
4 took on new dimensions with the arrival of the COVID-19 pandemic. In addition to  
5 this action, at least three other lawsuits have been filed based on GEO's alleged  
6 mistreatment of people in its custody. One case challenged the facility's response  
7 to COVID-19, which was so inadequate that a judge ordered the release of nearly  
8 half of the people detained.<sup>10</sup> Another case challenged GEO's practice of near-  
9 constant spraying of the highly toxic chemical HDQ Neutral. As this Court noted  
10 in that case, the undisputed facts showed that people inside Adelanto knew they  
11 were being injured by the spray, told GEO staff, and begged them to stop, but "GEO  
12 officers continued to spray, [causing] harm and injury without consent." *Ligaya*  
13 *Ronduen, et al. v. Geo Group, Inc., et al.*, 5:23-cv-00481, Dkt. 491 at 10 (C.D. Cal.  
14 Dec. 16, 2025).

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18 <sup>8</sup> *Id.* at 19, 25, 41. These issues allegedly persist in January of 2026, a guard  
19 "threatened to pepper spray" a person for requesting medical attention and there are  
still "showers that only have scalding hot water." *L.T. et al.*, No. 5:26-cv-00322,  
Dkt. 1 ¶¶ 55, 105.

20 <sup>9</sup> The case settled four days before trial and all claims were dismissed with  
prejudice. *Martinez et al. v. GEO Group, Inc., et al.*, No. 5:18-cv-01125, Dkt. 205.

21 <sup>10</sup> *Roman v. Wolf*, No. EDCV 20-00768 TJH (PVCX), 2020 WL 5797918 (C.D. Cal.  
22 Sept. 29, 2020) (incorporating Ninth Circuit memorandum ruling later published as  
*Roman v. Wolf*, 977 F. 3d 935 (9th Cir. 2020)); Andrea Castillo, *Once on the brink*  
23 *of closure, Adelanto facility will resume detaining immigrants*, L.A. Times (Jan. 29,  
24 2025), <https://perma.cc/5YDV-LQ22> (reporting the population at Adelanto in  
January 2025 was only two people).

1       In response to these conditions, community groups and loved ones repeatedly  
2 rallied and pushed for closure of the facility.<sup>11</sup> They sent complaints to ICE,  
3 contacted their congressional representatives, and started an online petition that  
4 garnered over a quarter million signatures.<sup>12</sup> Members of the community also  
5 protested at Adelanto on numerous occasions and, as social unrest grew across the  
6 country, so did the protests.<sup>13</sup> By June 7, 2020, there were hundreds of people  
7 rallying outside of Adelanto.<sup>14</sup> The external protests prompted GEO to issue internal  
8 lockdowns, with people locked in their cells for upwards of 23.5 hours a day for  
9 multiple days in a row. Dkt. 1 at 2.

10       As alleged by Plaintiffs, on June 12, 2020, a mere forty-eight hours after  
11 having been released from the prior three-day long lockdown, incarcerated people  
12 received orders to return to their cells due to another rally outside the facility.<sup>15</sup> A  
13 group of people decided to protest the lockdown order by remaining in place and  
14 refusing to return to their cells. Despite the calm and orderly demeanor of the group,  
15 GEO officers “indicated an intent to hurt and punish [them] in retaliation for their  
16 peaceful protest,” just as officers had done “[e]xactly three years prior.” Dkt. 1 ¶ 5.

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19       <sup>11</sup> Benjamin Purper, *Activists Rally Outside Adelanto ICE Processing Center*,  
KVCR News (May 29, 2020), <https://perma.cc/L739-WRD9>.

20       <sup>12</sup> Chantal Da Silva, *Thousands Sign Bid to Stop ICE Alleged Use of Damaging*  
*Disinfectant*, Newsweek (June 3, 2020), <https://bit.ly/4a35TWg>; Rebecca Plevin,  
21 *Immigrants, Advocates, Members of Congress Decry Chemical Use at ICE Facility*  
*in Adelanto*, The Desert Sun (June 27, 2020), <https://perma.cc/79MB-HBM6>.

22       <sup>13</sup> Elly Yu, *Immigrant Detainees at Adelanto Say Officers Pepper-Sprayed Them for*  
*Peacefully Protesting*, LAIST (June 22, 2020), <https://perma.cc/3GQ6-MFBS>.

23       <sup>14</sup> *Id.* (collecting sources about June 7, 2020 protest).

24       <sup>15</sup> *Id.*

1 GEO’s Correctional Emergency Response Team (“CERT”) stormed the unit and  
2 blanketed everyone—protester or otherwise—with pepper bullets and spray. *Id.* ¶  
3 4. “After the incident, Plaintiffs were kept locked in their cells for over a month. . .  
4 . Their showers were limited as well as their phone calls.” Dkt. 1 ¶ 36.

## 5 PROCEDURAL HISTORY

6 Five people formerly detained at Adelanto brought this action in June 2022  
7 on behalf of themselves and all others similarly situated (collectively “Plaintiffs”).  
8 They alleged violations of the First, Fourth, Fifth, and Fourteenth Amendments, and  
9 state tort law. Dkt. 1 ¶¶ 50–51. The Court entered a Stipulated Protective Order that  
10 instructed the parties to comply with Civil Local Rule 79-5 when seeking to seal  
11 any materials. Dkt. 29 at 1. To date, the Parties have filed six applications to seal,  
12 five of which are relevant to this Motion. *See* Exhibit B, Table.

13 Plaintiffs filed three applications, seeking to seal over twenty exhibits. Dkts.  
14 56, 87, and 90. As grounds for sealing, Plaintiffs explained that, with the exception  
15 of a few exhibits, only GEO maintained that sealing was appropriate. Dkt. 56 at 3;  
16 Dkt. 87 at 2; *See* Dkt. 90 at 1. In turn, GEO, as the designating party, was required  
17 to file responsive declarations establishing that the materials warranted sealing.  
18 Local Rule 79-5.2.2(b)(i). GEO did not do so in response to Plaintiffs’ first and  
19 second applications. *See* Dkts. 56, 87. Plaintiffs’ applications were granted and all  
20 exhibits, including the nineteen for which no reason to seal had been identified by  
21 GEO, were sealed. Dkt. 113.

22 GEO applied to seal documents twice, seeking to seal over forty exhibits.  
23 Dkt. 60, 71. The Court granted the application to seal without the benefit of the  
24 Parties’ briefing on the need for secrecy. Dkt. 61; *see* Dkts. 70, 83. GEO’s second

1 application sought to seal three exhibits and Plaintiffs did not file an opposition.  
2 Dkt. 71.

3 All applications for sealing materials relate to class certification or summary  
4 judgment. *See Ex. B.* In a single minute order, the Court denied summary judgment,  
5 granted class certification in part, and granted the then-pending applications to file  
6 exhibits under seal, namely docket entries 56, 71, 85, 87, and 90. Dkt. 113. Proposed  
7 Intervenors now seek disclosure of fifty-six court records that were sealed by this  
8 Court. Dkt. 61, 113. The records are located at docket entries 55, 57, 60, 64, 72, 73,  
9 74, 88, and 91. Proposed Intervenors seek to unseal everything that has been sealed  
10 with the exception of documents that Plaintiffs maintain should be sealed to protect  
11 the privacy interests of Plaintiffs and class members. *See Dkts. 56 at 1, 60 at 2, 76*  
12 *at 1, 87 at 1; see also Ex. B.*

13 **ARGUMENT**

14 Intervenors are media and advocacy organizations that seek to protect one of  
15 the most fundamental elements of the American legal system: open access to  
16 judicial records and court proceedings. *See generally Richmond Newspapers, Inc.*  
17 *v. Virginia*, 448 U.S. 555, 569–73 (1980) (discussing the historical evidence of  
18 openness in criminal trials); *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597–  
19 99 (1978) (discussing the common law right of access to judicial records);  
20 *Courthouse News Serv. v. Planet*, 947 F.3d 581, 591 (9th Cir. 2020) (internal  
21 quotation omitted) (the “right of access to civil proceedings and documents fits  
22 squarely within the First Amendment’s protections.”) Rooted in both common law  
23 and the First Amendment, the right of access “is justified by the interest of citizens  
24 in ‘keep[ing] a watchful eye on the workings of public agencies.’” *Kamakana v.*

1 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Nixon*, 435  
2 U.S. at 598). Such access is “often important to a full understanding of the way in  
3 which ‘the judicial process and the government as a whole’ are functioning.”  
4 *Associated Press v. U.S. Dist. Ct. for Cent. Dist. of Calif.*, 705 F.2d 1143, 1145 (9th  
5 Cir. 1983). In short, court records are presumptively public. And the right of public  
6 access is heightened where, as here, the records at issue involve potential  
7 misconduct by government contractors. *Richmond Newspapers*, 448 U.S. at 572  
8 (“People in an open society do not demand infallibility from their institutions, but  
9 it is difficult for them to accept what they are prohibited from observing.”)

10 The burden of demonstrating the sealing is warranted lies with the proponent  
11 of secrecy, here, GEO. *Forbes Media LLC v. United States*, 61 F.4th 1072, 1081  
12 (9th Cir. 2023). To meet that burden, GEO was required to demonstrate that  
13 “compelling reasons” for secrecy exist—and that those reasons are sufficient to  
14 overcome the presumption of public access. *Kamakana*, 447 F.3d at 1178. The  
15 Ninth Circuit has been clear that meeting the compelling reason standard requires  
16 an argument be based in “articulable facts” and exclude “unsupported hypothesis  
17 or conjecture.” *Id.* at 1179; *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,  
18 1136-38 (9th Cir. 2003) (requiring courts and proponents “specify sufficiently  
19 compelling reasons for maintaining a seal over particular documents”). Even if a  
20 proponent adequately articulates a compelling reason, the court must  
21 “conscientiously balance[ ] the competing interests” of the public and the party  
22 before sealing can occur. *Kamakana*, 447 F.3d at 1179.

23 In this case, the Court sealed over fifty presumptively public court records,  
24 including (1) GEO’s brief opposing Plaintiffs’ motion for class certification, (2)

1 exhibits relating to Plaintiffs' motion for class certification, and (3) exhibits relating  
2 to GEO's motion for summary judgment. Dkts. 61, 113. For many of these records,  
3 GEO failed to assert *any reason at all*—let alone compelling reasons. For others,  
4 GEO failed to provide the factually specific analysis required for sealing each  
5 individual record (or portion of a record), relying instead on conclusory statements  
6 naming categories of sealable information or unsupported hypotheticals. Much  
7 more is needed to rebut the presumption of access. *See Kamakana*, 447 F.3d at 1182.  
8 GEO has failed to establish compelling reasons to seal these records. And even if  
9 GEO could show compelling reasons supported by specific facts, any such reasons  
10 are insufficient to overcome the strong presumption of public access. *Id.*  
11 Accordingly, the Court should unseal the records. If any records are to remain  
12 sealed, the Court should make individual findings explaining why the presumption  
13 of access is outweighed by compelling reasons in secrecy.

14 **I. GEO Has Failed to Demonstrate Compelling Reasons to Seal Any of  
15 the Sealed Records.**

16 Proposed Intervenors challenge the sealing of court records found at docket  
17 numbers 57, 64, 72, 73, 74, and 88. These records are presumptively public under  
18 both common law and the First Amendment. *See Kamakana*, 447 F.3d at 1178  
19 (recognizing that the right of access attaches to all judicial documents except those  
20 “traditionally kept secret”); *Forbes Media*, 61 F.4th at 1077 (recognizing that, under  
21 the First Amendment, “the public generally has presumptive access to judicial  
22 opinions, hearings, and court filings”). Because the public right of access attaches  
23 to these records, GEO must demonstrate that sealing is justified.

24 The Ninth Circuit has firmly held that “[s]imply mentioning a general  
category of privilege, without any further elaboration or any specific linkage with

1 the documents, does not satisfy the burden” for sealing. *Kamakana*, 447 F.3d at  
2 1184. In other words, vague, conclusory claims about unspecified risk of harm are  
3 not sufficient to show compelling reasons for denying public access. Yet this is  
4 exactly what GEO does—repeatedly. For example, GEO claims that disclosure of  
5 everything from already publicly filed exhibits to video of common areas in  
6 dormitories would undermine the “safety and security” of Adelanto. Dkt. 92, 60.  
7 Similarly, GEO asserts that thirty-nine sealed exhibits to their motion for summary  
8 judgment, which mainly consist of videos and an after-incident report, contain trade  
9 secret information the disclosure of which “could adversely affect GEO’s ability to  
10 compete in the jail and prison management industry.” Dkt. 60 at 5.

11 As discussed below, none of GEO’s arguments are unsupported by the factual  
12 record, and thus GEO has failed to establish that there are compelling reasons  
13 justifying sealing. Their “failure to meet that burden means that the default posture  
14 of public access prevails,” *Kamakana*, 447 F.3d at 1182, and the records should be  
15 unsealed.

16 **A. The Compelling Reason Standard Applies Because The Sealed  
17 Materials Are Directly Related to The Merits of This Case.**

18 The public’s right of access to court records is grounded in both common law  
19 and the First Amendment. “The First Amendment is generally understood to  
20 provide a stronger right of access than the common law.” *Forbes Media*, 61 F.4th  
21 at 1081 (internal quotation omitted). If the First Amendment applies, the  
22 presumption of public access can only be “overcome by a compelling governmental  
23 interest.” *In re Copley Press, Inc.*, 518 F.3d 1022, 1026 (9th Cir. 2008). To  
24 overcome the common law presumption of access, the proponent of secrecy “must  
point to ‘compelling reasons’ supporting sealing, supported by specific factual

1 findings.” *Forbes Media*, 61 F.4th at 1081 (citing *Kamakana*, 447 F.3d at 1178).  
2 Here, the distinction between these two tests is immaterial. As discussed below,  
3 GEO cannot carry even the lesser burden under common law, so they necessarily  
4 cannot meet the higher constitutional standard.

5 Accordingly, GEO must, at a minimum, “demonstrate compelling reasons”  
6 to keep under seal any documents that are “more than tangentially related to the  
7 merits,” regardless of whether the underlying legal issues are technically  
8 dispositive. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1103 (9th  
9 Cir. 2006). Here, the sealed exhibits were submitted in support of summary  
10 judgment and class certification briefing—both squarely related to the merits of the  
11 case. *See e.g., id.* at 1098 (using summary judgment as the example of a dispositive  
12 motion to which the “compelling reasons” standard applies); *Canchola v. Allstate*  
13 *Ins. Co.*, No. 8:23-CV-00734-FWS-ADS, 2024 WL 5275024 at \*2 (C.D. Cal. Oct.  
14 8, 2024) (collecting cases finding that class certification motions are “more than  
15 tangentially related to the merits”). In its applications to seal, GEO has conceded  
16 that the “compelling reasons” standard applies. Dkt. 60 at 2–3; Dkt. 71 at 2–3.

17 **B. GEO Has Failed to Establish that Maintaining the “Safety and  
18 Security” of Adelanto Is a Compelling Reason for Sealing.**

19 GEO repeatedly argues that certain categories of materials, including videos  
20 and dorm logs, should be sealed because disclosure would compromise the safety  
21 and security of the facility. Dkt. 60, 71. To establish this as a compelling reason to  
22 seal, GEO must connect the dots between the specific materials it seeks to seal and  
23 the alleged resulting harm. *See Kamakana*, 447 F.3d at 1178 (requiring that  
24 “compelling reasons [be] supported by specific factual findings”). But GEO does  
not explain *how* safety or security would be compromised; merely repeating the

1 “blanket claim” that disclosure could compromise the facility’s safety and security  
2 is not enough. *Id.* at 1185. Nor can GEO rely solely on vague hypothetical scenarios  
3 that are unsupported by logic or fact. *See e.g. Ctr. for Auto Safety*, 809 F.3d at 1097–  
4 98. Such claims, “will not, without more, suffice to exempt a document from the  
5 public’s right of access.” *Kamakana*, 447 F. 3d at 1185.

6 Here, it is unlikely that GEO can demonstrate that disclosure of any of the  
7 materials it seeks to seal for safety and security reasons would result in harm. As  
8 Stephen Sinclair, a correctional expert with over three decades in corrections  
9 explains, “what must remain confidential to ensure [correctional] safety is very  
10 narrow.” Exhibit C, Decl. of Stephen Sinclair in Supp. of Mot. to Unseal, dated  
11 January 31, 2026. (“Sinclair Decl.”) ¶¶ 3, 14.<sup>16</sup> The term “safety and security” is  
12 “nearly a mantra,” and it is commonly used by corrections officials to justify  
13 shielding information from the public. *Id.* ¶ 11. In Mr. Sinclair’s experience, there  
14 is very little information that, if revealed to the public, could threaten the safety and  
15 security of a correctional institution. *Id.* ¶ 18. Whether disclosure of information  
16 would result in harm requires considering what people can learn through “their  
17 observations and constant interactions with the system’s rules and staff that confine  
18 them” and by searching for information in the public domain. *Id.*

19 Under this commonsense approach, GEO’s safety and security arguments  
20 quickly apart. For example, GEO argues that the “use of force packet, dorm logs,  
21 [and] shift summaries” should be sealed because these materials describe the

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22  
23 <sup>16</sup> “[A]lthough immigration detention is technically outside of the ‘corrections’  
24 industry because it involves non-criminal confinement, correctional practices  
relating to safety and security are equally applicable. . . .” *Id.* at ¶ 12.

1 “procedures for responding to emergencies,” and “may also provide an insight into  
2 how the facility operates, which could compromise its safety and security.” Dkt. 60  
3 at 4–5, 71 at 4. These arguments ignore the obvious: the dorm logs “primarily  
4 memorialize the unit’s daily activities, which all incarcerated people can and do  
5 observe.” Sinclair Decl. ¶ 45. “There is no harm in revealing what incarcerated  
6 people already know,” particularly because if they know it, the public knows it too  
7 “because communication goes both ways.” *Id.* ¶¶ 18, 21. And there is no security  
8 justification for sealing information that is already widely known. *See Lemoon v.*  
9 *Cal. Forensic Med. Grp., Inc.*, 575 F. Supp. 3d 1212, 1230 (N.D. Cal. 2021)  
10 (finding “defendants’ fear that the disclosure” of “obvious” materials “will lead to  
11 security issues is unsubstantiated”).

12 Regarding use of force and emergency response policies, Dkt. 64 at 4, it is  
13 worth noting that policies and procedures are typically broad and reiterate the  
14 relevant agency standards. Sinclair Decl. ¶ 36, 42. These documents rarely have  
15 information that is specific enough to jeopardize safety and security because they  
16 focus on general performance expectations. *Id.* ¶ 36. The policies include basic  
17 logistical details but the “tactics used to resolve a situation are defined at the time  
18 of the incident [by officer judgment], not the policy.” *Id.* ¶ 37–39. To the extent  
19 portions of the policies include facility-specific tactical details not known to the  
20 incarcerated population, narrowly tailored redactions may be appropriate. *Id.* ¶ 23.

21 GEO makes similar, factually unsupported arguments to justify sealing video  
22 footage. Dkts. 60 at 5, 71 at 3–4. Fixed camera and body camera video is routinely  
23 disclosed in cases involving use of force. Sinclair Decl. ¶ 32; *see e.g. Mendez v.*  
24 *City of Gardena*, 222 F. Supp. 3d 782, 785 (C.D. Cal. 2015) (unsealing video

1 footage of a police shooting taken by police officers' car cameras); *Rosas v. Baca*,  
2 No. CV1200428DDPSHX, 2023 WL 7429105, at \*3 (C.D. Cal. Nov. 8, 2023)  
3 (unsealing video depicting use of force incidents in Los Angeles County jails).  
4 Common arguments for sealing video include that the footage will reveal the  
5 camera's location or blind spots or specific tactics used to maintain control. Sinclair  
6 Decl. ¶ 29-31. But, again, most of this information is already accessible to  
7 incarcerated people, who can see where cameras are placed and may personally  
8 witness the tactics being used. *Id.* ¶ 29, 31. Incarcerated individuals regularly  
9 observe staff responding to incidents, and many specific tactics are already  
10 viewable in videos, including ones from Adelanto.<sup>17</sup> *Id.* ¶ 31. To the extent that any  
11 blind spots are revealed by the footage, agencies should immediately remedy known  
12 blind spots.<sup>18</sup> *Id.* ¶ 30. Together, the videos and logs provide the most valuable  
13 information about what actually occurred. *Id.* ¶ 46. Comparing the two forms of  
14 documentation can reveal misconduct, which "can be embarrassing and even lead  
15 to [] liability, but it does not follow that disclosing such information would threaten  
16 the safety and security of [the] institution." *Id.* ¶ 17.

17 In fact, GEO does not identify a single specific harm or danger to the facility  
18 that would be likely to occur as a result of unsealing. This Court should join other  
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21 <sup>17</sup> Tom Dreisbach, *Video Shows Controversial Use of Force Inside Adelanto ICE*  
*Detention Center*, NPR (Feb. 6, 2020), <https://perma.cc/G9QM-D49K>.

22 <sup>18</sup> To prevent sexual abuse, GEO is required to annually review the adequacy of  
23 their video monitoring, "tak[ing] into consideration generally accepted detention  
24 [practices and] the physical layout of [Adelanto]" and updates should factor in the  
"effects on blind spots." Dkt. 63-2 at 561–62 (GEO's copy of Performance-Based  
National Detention Standards).

1 district courts within the Ninth Circuit rejecting alarmist “safety and security”  
2 arguments where defendants have failed to establish a specific harm. *See, e.g.*,  
3 *Hepner v. Cnty. of Tulare*, No. 118CV00774NODJEPGPC, 2024 WL 583685, at  
4 \*2 (E.D. Cal. Feb. 13, 2024) (ruling that “without . . . specific articulation of the  
5 security risks,” speculation that materials “could be used by detainees to threaten  
6 the safety and security of the staff in the future,” was insufficient); *Garcia v.*  
7 *Willhite*, No. 321CV00356MMD/CS, 2023 WL 7133262, at \*3 (D. Nev. Oct. 30,  
8 2023) (citing generalized safety and security concerns “without explaining *what*  
9 safety and security concerns are implicated” does not carry proponent’s burden);  
10 *Mitchell v. Cate*, No. 2:11-CV-1240 JAM AC, 2014 WL 1671589, at \*5 (E.D. Cal.  
11 Apr. 28, 2014) (defendants’ safety and security argument was insufficient basis to  
12 seal information already disclosed elsewhere in the record); *Fekrat v. United States*,  
13 No. CV1300594MMMPJWX, 2013 WL 12133643, at \*2 (C.D. Cal. July 9, 2013)  
14 (denying sealing of materials alleged to display the “inner-workings of the subject  
15 facility” due to inadequate explanation of how the “facility might suffer harm”).  
16 These cases are in line with courts across the country that have similarly reasoned  
17 that vague and unsupported safety and security concerns are insufficient to  
18 overcome the public’s right of access. *See e.g.*, *Ortiz v. Torgenson*, No. 19-4163,  
19 2021 WL 1327795 (10th Cir. Apr. 9, 2021) (proponents’ unexplained safety  
20 concerns about releasing “contemporaneous institutional reports” about an incident  
21 did not outweigh the public’s “strong interest in seeing for itself what prison  
22 officials produce”); *Lambert v. City of Saginaw*, No. 21-12929, 2023 WL 3309828,  
23 at \*2 (E.D. Mich. May 8, 2023) (“[V]aguely phrased fears of compromising police  
24 operations” and “perfunctory assertions that disclosure . . . would result in dangers

1 to officers are insufficient to carry Defendants' burden of establishing a compelling  
2 reason."); *Bornstein v. Cnty. of Monmouth*, No. CIV. 11-5336, 2014 WL 6386804,  
3 at \*4 (D.N.J. Nov. 14, 2014) (sealing not warranted where "areas depicted in the  
4 videos appear to be in the plain view of inmates" and videos did not reveal blind  
5 spots because proponents "have not asserted that the camera locations are concealed  
6 from prisoners or that their positions and angles are fixed and cannot be  
7 repositioned").

8 **C. GEO Has Failed to Demonstrate that Protecting its "Trade  
9 Secrets" or Other Business Information Is a Compelling Reason  
for Sealing.**

10 GEO argues that most of the documents and files should be sealed because they  
11 contain "trade secrets," and accordingly, there is a compelling reason to keep the  
12 materials from being disclosed. Courts have found that protecting "sources of  
13 business information that might harm a litigant's competitive standing" can be a  
14 compelling interest justifying sealing. *Ctr. for Auto Safety*, 809 F.3d at 1097 (citing  
15 *Nixon*, 435 U.S. at 598). When considering these types of arguments, courts examine  
16 whether the contested materials "derive[] value from the continued confidentiality"  
17 and "disclosure would hurt [their] competitive standing." *Primus Grp., Inc. v. Inst.*  
18 *for Env't Health, Inc.*, 395 F. Supp. 3d 1243, 1268 (N.D. Cal. 2019). Only specific  
19 and limited portions of materials that exhibit those protectable characteristics may be  
20 sealed. *See TML Recovery, LLC v. Cigna Corp.*, 714 F. Supp. 3d 1214, 1220–22 (C.D.  
21 Cal. 2024) (declining to weigh interests in materials when protectable business  
22 information designation was improperly "generalized").

23 Here, GEO has failed to explain both (1) which specific portions of which  
24 specific records contain confidential business information, and (2) how disclosure of

1 that information would harm their competitive standing. *Fekrat v. United States*, a  
2 case implicating the public disclosure of internal GEO documents, is instructive. 2013  
3 WL 12133643 (C.D. Cal. July 9, 2013). In *Fekrat*, the government applied to seal its  
4 contracts with GEO that governed the operation of a federal prison. *Id.* at \*1. The  
5 government sought “to prevent the disclosure of confidential information relating to  
6 the contract-procurement and bidding process, the contracts’ pricing terms and  
7 general provisions, as well as GEO’s . . . business models and financial data.” This  
8 Court rightly noted that defendants had the burden to “provide a specific, articulated  
9 explanation” for sealing and must do so for “each exhibit that is the subject of its  
10 application.” *Id.* at \*2 (citing *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th  
11 Cir. 2011) and *Foltz*, 331 F.3d at 1131). The Court explained that some of the  
12 information defendants claimed was contained in the documents was not in fact there,  
13 and to the extent that it was, defendants had not adequately specified what information  
14 was not already publicly available. *Id.* at n. 7; *Id.* at \*2. Further, there was no  
15 articulation of how disclosure of either contract “would unfairly benefit competitors  
16 of the GEO Group,” especially because one was outdated. *Id.* The Court concluded  
17 that the government had failed to show the existence of a compelling reason to seal.  
18 *See id.* at \*2-3.

19 This Court should engage in a similar analysis here. As in *Fekrat*, GEO has  
20 provided nothing but “conclusory, blanket assertions” that it will suffer competitive  
21 harm. *Id.* at \*2. GEO does not explain what makes their materials confidential, what  
22 value is derived, or what harm would come from disclosure—just that “GEO’s  
23 competitors could make use of the information to compete with GEO.” Dkts. 60 at 5,  
24 71 at 4. At most, GEO argues that “the dorm logs and videos provide an insight into

1 how GEO staffs its facilities.” Dkt. 71 at 4–5. But GEO does not explain what the  
2 insight is or how their staffing system is not “well known in the industry.”  
3 *Krommenhock v. Post Foods, LLC*, 334 F.R.D. 552, 586–87 (N.D. Cal. 2020)  
4 (refusing to seal industry standard information because neither “truly confidential  
5 [nor] not generally known”). Without more details explaining or distinguishing their  
6 operations from industry standards, GEO cannot establish that disclosure would result  
7 in a competitive disadvantage.

8 Additionally, GEO has not established that the information it seeks to seal is  
9 generally unknown to the public. For example, this Court was previously unconvinced  
10 that depictions of Adelanto’s interior were “trade secrets [or] similar confidential  
11 information” because “both guards and detainees have access to the areas” shown and  
12 various “other groups have also been granted tours of the facility.” *Roman v. Wolf*,  
13 No. EDCV200768, 2020 WL 6588399, at \*3–4 (C.D. Cal. July 16, 2020). As in  
14 *Roman*, most of the information GEO seeks to seal is known to people present at the  
15 facility. *Id.* The dorm logs and videos document the experiences of Plaintiffs in this  
16 case and contain information already possessed by both Plaintiffs and bystanders.  
17 Further, the contents of the logs and videos have already been thoroughly described  
18 in the pleadings, including details about staffing. *See e.g.* Dkts. 63-1, 86 (parties’  
19 statements of undisputed and disputed facts); *Fekrat*, 2013 WL 12133643 at \*2 (“most  
20 of the material . . . is central to the case and is described in the parties’ publicly-filed  
21 pleadings and evidence.”) In sum, this information is too widely known to qualify as  
22 protectable business information.

23 Lastly, GEO has not explained the value they derive from the business  
24 information remaining allegedly unknown—they have not made any showing of how

1 it could be used to undercut their competitive position. *Johnson v. Coos Cnty.*, No.  
2 6:19-CV-01883-AA, 2023 WL 3994287, at \*3 (D. Or. June 14, 2023) (“bare  
3 assertion” by private correctional company that exhibits “contain proprietary  
4 information” does not show that “any specific harm or prejudice will result from  
5 disclosure”). For years, there have been publicly available photos and videos of units  
6 at Adelanto. Yet GEO’s competitive position—leader of the detention industry—  
7 remains unharmed. As for any insights, the amount of reverse engineering required  
8 to derive pricing or profit margins from dorm logs and videos is likely impossible.  
9 Indeed, materials actually containing “bed-day rates, unit prices, or staffing plans”  
10 have been found too distant from competitively useful information to qualify for  
11 protection under the similar competitive harm exemption in the Freedom of  
12 Information Act. *Det. Watch Network v. U.S. Immigr. & Customs Enft*, 215 F. Supp.  
13 3d 256, 264 (S.D.N.Y. 2016). Because GEO has not established what competitive  
14 harm would result from disclosure, it cannot establish a compelling reason for sealing.

15 **D. GEO Has Largely Failed To Provide Evidence Demonstrating the  
16 Factual Basis for Any of Its Arguments.**

17 In many instances, GEO has not established a compelling reason for sealing  
18 because they have not filed declarations to support the sealing applications  
19 submitted at their request, as required by the Local Rules. *See* Dkts. 56, 87; Ex. B.  
20 “Failure to file a declaration . . . may be deemed sufficient grounds for denying the  
21 Application.” L.R. 79-5.2.2(b)(i). Indeed, this Court has previously recognized that  
22 the failure of one party to file a declaration following another party’s application on  
23 their behalf was grounds for denying the request. *Beaulieu Grp., LLC v. Bates*, No.  
24 EDCV151090JGBKKX, 2016 WL 11811633 (C.D. Cal. Sept. 13, 2016) (Bernal,

1 J., presiding) (discussing lack of compliance with Local Rule 79-5.2.2(b)(i) as  
2 reason for denial).

3 Here, Plaintiffs applied to seal information designated as confidential by  
4 GEO three times. Dkts. 56, 87, 90. GEO only filed a declaration to request sealing  
5 of “Pepper Ball” training materials that GEO themselves had already publicly  
6 filed. *Compare* Dkt. 92 ¶ 3 with Dkt. 63-2 at 20 ¶ 22. But for everything else, GEO  
7 took no further action. Dkts. 56, 87. As a result, there are no declarations or  
8 justification given for the nineteen exhibits filed under seal (Dkts. 55, 57, 88) which  
9 include: “videos of the incident, incident reports by the officers, count logs and  
10 officer logs for the unit in question, and emails sent on the day of the incident.” Dkt.  
11 56 at 4; Dkt. 87 at 2.

12 Without a factual basis for sealing from GEO, this Court was unable to issue  
13 orders for sealing that properly explain why sealing is warranted. Unless fulsome  
14 arguments are made and specific evidence is offered by the proponent, a court can  
15 neither “find a compelling reason and articulate the factual basis for its ruling” nor  
16 “conscientiously balance the competing interests of the public and the [proponent].”  
17 *Ctr. for Auto Safety*, 809 F.3d at 1096–97 (cleaned up). Lack of analysis in sealing  
18 orders is sufficient cause for overturning the decisions. *Apple Inc.*, 658 F.3d at 1162  
19 (“[W]here the district court fails to articulate the rationale underlying its decision to  
20 seal, we are unable to review the decision. We have therefore reversed an order  
21 that without explanation sealed court documents.”).

22 The first application granted by the Court requested sealing of thirty-eight  
23 exhibits filed in support of GEO’s motion for summary judgment. Dkt. 60.  
24 However, the order that purports to grant GEO’s application does not contain any

1 reasoning, and only mentions “good cause,” which relates to a simultaneous request  
2 for a deadline extension. Dkt. 61. Regardless, the Court approved all exhibits to be  
3 manually filed under seal. The Court’s second grant of the parties’ applications to  
4 seal is based on similarly lean language and simply states “that both parties have  
5 articulated compelling reasons to seal.” Dkt. 113 at 3. At a minimum, this Court  
6 should order GEO to comply with the Local Rules and file responsive declarations  
7 to docket entries 56 and 87 if they still seeks to keep that material sealed.

8 **II. The Public’s Significant Interest in The Performance of Public  
9 Functions is Not Outweighed By GEO’s Desire for Secrecy.**

10 In determining whether there are compelling reasons to seal court records, a  
11 court must “conscientiously balance[ ] the competing interests of the public and the  
12 party who seeks to keep certain judicial records secret.” *Ctr. for Auto Safety*, 809 F.3d  
13 at 1097. As a general matter, the public has a significant interest in matters relating to  
14 carceral institutions because they are funded by and meant to serve the public. *See*,  
15 *e.g.*, *Deveroux v. Cnty. of Kern*, No. 1:23-CV-00239-CDB, 2025 WL 3220892, at \*2  
16 (E.D. Cal. Oct. 3, 2025) (finding public interest in investigative report detailing jail  
17 staff’s adherence to official “policies and procedures in the hours leading up to  
18 Decedent’s death”); *Singleton v. Clark Cnty.*, No. 3:24-CV-05392-TMC, 2025 WL  
19 2697140, at \*4 (W.D. Wash. Sept. 22, 2025) (holding the public’s interest is  
20 “especially strong when the underlying litigation concerns the exercise of state  
21 power,” by a private correctional company); *Hernandez v. Cnty. of Monterey*, No. 13-  
22 CV-02354-BLF, 2023 WL 5418753, at \*4 (N.D. Cal. Aug. 21, 2023) (acknowledging  
23 that, with regard to jail operations, “the public has a strong interest in knowing how  
24 their tax dollars are spent, and in evaluating the performance of public officials and  
contractors”); *Kelly v. Wengler*, 979 F. Supp. 2d 1243, 1246 (D. Idaho 2013) (“Idaho

1 taxpayers pay [a private prison company] to operate one of their prisons. With public  
2 money comes a public concern about how that money is spent.”).

3 As the Ninth Circuit has consistently held in analogous Freedom of  
4 Information (FOIA) cases involving weighing the public interest, the public has an  
5 interest in knowing how DHS and its contractors operate. *See Tuffly v. U.S. Dep’t*  
6 *of Homeland Sec.*, 870 F.3d 1086, 1096-97 (9th Cir. 2017) (describing “public  
7 interest in evaluating the effects” of DHS policy decisions as “significant”); *Am.  
8 C.L. Union Found. of S. Cal. v. U.S. Immigr. & Customs Enft*, 739 F. Supp. 3d 805  
9 (C.D. Cal.), *reconsideration denied*, 347 F.R.D. 518 (C.D. Cal. 2024) (finding  
10 public interest in knowing whether ICE willfully neglects people in custody and in  
11 understanding how DHS makes related oversight decisions). That interest has only  
12 increased given GEO’s significant involvement in the Trump administration’s  
13 immigration enforcement operations. The public deserves to know what actions and  
14 policies DHS effectively condones by agreeing to continue paying GEO millions of  
15 taxpayer dollars: In October 2024, DHS renewed GEO’s contract to run Adelanto  
16 through 2029 despite the well-documented mistreatment of incarcerated people.<sup>19</sup>  
17 Meanwhile, publicly available information about conditions has dwindled as  
18 congressional representatives are denied access to the facility and DHS oversight  
19 bodies are functionally eliminated.<sup>20</sup> The most recent lawsuit alleges that nothing  
20

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21 <sup>19</sup> Press Release, Rep. Judy Chu, Rep. Chu Denounces ICE Decision to Keep  
22 Adelanto Processing Center Open (Oct. 4, 2024), <https://bit.ly/4tkcKn9>.

23 <sup>20</sup> A recent report thoroughly summarizes how detention oversight has been  
24 seriously limited in the past year. “Legal service providers, attorneys, and the people  
in detention themselves are now the best equipped to bear witness to the realities of  
(footnote continued)

1 has changed since 2020, with “hunger strikers [taken] to solitary confinement in  
2 retaliation for their protest” and collective punishment still being imposed. *L.T. et*  
3 *al.*, No. 5:26-cv-00322, Dkt. 1 ¶¶ 123, 129.

4 In addition to public interest in “keeping a watchful eye” on DHS and  
5 government contractors, the public is entitled to know how their courts operate.  
6 *Courthouse News*, 947 F.3d at 592 (“Courts are funded by the public, judges are  
7 evaluated by the public, officials who appoint and approve judges are voted on by  
8 the public, and the laws under which parties sue may be refined, rescinded, or  
9 strengthened based on the public's views of the ways in which they play out in  
10 court.”). In ruling on the motions for summary judgment and class certification, this  
11 Court relied heavily on sealed information. The more relevant the information is to  
12 a court’s ruling on dispositive motions, the higher the public’s interest. *TML*  
13 *Recovery*, 714 F. Supp. 3d at 1221. If the sealed information is “essential” to a  
14 court’s decision, then it is “necessary background for any member of the public  
15 seeking to read and understand the Court’s orders.” *Id.* Accordingly, the more than  
16 fifty sealed documents and videos in the case are vital to the public’s understanding  
17 of whether and how GEO has retaliated—and may still be retaliating—against those  
18 who engage in protected activity, both inside and outside of their facilities. *See L.T.*  
19 *et al.*, No. 5:26-cv-00322, Dkt. 1 ¶¶ 8, 129.

20 Finally, Intervenors—as members of the news media and advocacy groups—  
21 have a special interest in unsealing the requested court records. For years, they have  
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23 conditions inside detention.” Am. Immigr. Council, *Immigration Detention*  
24 *Expansion in Trump’s Second Term* 28–30 (2026).

1 committed themselves to ensuring that incarcerated people, including those in  
2 immigration detention facilities, do not disappear from the public consciousness.  
3 The Supreme Court long ago observed that the media, “acting as the ‘eyes and ears’  
4 of the public, . . . can be a powerful and constructive force, contributing to remedial  
5 action in the conduct of public business.” *Houchins v. KQED, Inc.*, 438 U.S. 1, 8  
6 (1978). “Transparency assures that the government’s response is carried out ‘fairly  
7 to all concerned,’ and public access discourages ‘misconduct of participants, and  
8 decisions based on secret bias or partiality.’” *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 831 (9th Cir. 2020) (quoting *Richmond Newspapers*,  
9 448 U.S. at 569). After “conscientiously balanc[ing]” the public’s significant  
10 interest in the records with GEOs’ unsupported desire for secrecy, the Court should  
11 unseal the requested records. *Kamakana*, 447 F.3d at 1179.

13 **III. This Court Should Reissue Orders Explaining The Compelling Reason  
14 That Outweighs The Public’s Interest For Each Document or Video  
15 That Remains Sealed.**

16 As previously discussed, this Court has granted multiple motions to seal  
17 without articulating the factual bases for sealing. *Supra* Section I.D. It is well  
18 established that “if the court decides to seal certain judicial records, it must ‘base  
19 its decision on a compelling reason and articulate the factual basis for its ruling,  
20 without relying on hypothesis or conjecture.’” *Kamakana*, 447 F.3d at 1179. That  
21 explanation allows for meaningful “appellate review of whether relevant factors  
22 were considered and given appropriate weight.” *Foltz*, 331 F.3d at 1135 (quoting  
23 *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir.1995)). Therefore, for any  
24 materials this Court intends to maintain under seal, it must issue written decisions  
explaining its reasoning. Proposed Intervenors reserve the right to challenge

1 additional grounds for sealing once they have had an opportunity to review the  
2 Court's findings.

3 **CONCLUSION**

4 The public has well-established right to access the court records at issue here,  
5 which are of significant public interest. GEO cannot prove there is any compelling  
6 reason to seal materials that bear directly on consequential issues of public interest.  
7 Accordingly, Proposed Intervenors request that the Court (1) unseal records for  
8 which there are no compelling reasons for secrecy, and (2) issue orders that  
9 articulate the factual basis for sealing any information that is to remain under seal.

10 Dated: February 2, 2026. Submitted,

11 PUBLIC JUSTICE

12 /s/ Jacqueline Arkush  
13 Jacqueline Arkush (SBN 365861)  
Leslie Bailey (SBN 232690)

14 *Counsel for Proposed Intervenors*

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# EXHIBIT A

1 Jacqueline Arkush (SBN 365861)  
2 jarkush@publicjustice.net  
3 Leslie Bailey (SBN 232690)  
4 lbailey@publicjustice.net  
5 PUBLIC JUSTICE  
6 475 14<sup>th</sup> St., Suite 610  
7 Oakland, CA 94612  
8 Telephone: (510) 622-8150

9 *Counsel for Intervenors*

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HUGO GONZALEZ, et al., on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v.

The GEO Group, Inc., et al.

Defendants.

Case No.: 2:22-cv-04014-JGB-ACCV

**DECLARATION OF  
JACQUELINE ARKUSH IN  
SUPPORT OF MOTION TO  
INTERVENE FOR LIMITED  
PURPOSE OF UNSEALING  
COURT RECORDS AND  
MOTION TO UNSEAL COURT  
RECORDS**

Date: March 2, 2026  
Time: 9:00 a.m.  
Courtroom: 1 (Riverside)  
Judge: Hon. Jesus G. Bernal

# DECLARATION OF JACQUELINE ARKUSH

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

4       1. I am an attorney duly admitted to practice before this Court. I am a  
5       Justice Catalyst Fellow at Public Justice, attorneys of record for Inland Coalition  
6       for Immigrant Justice, First Amendment Coalition, Los Angeles Public Press, and  
7       The Southlander (collectively, “Proposed Intervenors”). I have personal  
8       knowledge of the facts set forth herein, and if called as a witness, I could and  
9       would competently testify hereto.

10        2. I make this declaration in support of Proposed Intervenors' motion to  
11 intervene for the limited purpose of unsealing court records and motion to unseal  
12 court records.

13       3. I attempted to meet and confer with Plaintiffs' counsel and Defendant's  
14 about our intent to file both motions, as required by the Central District of  
15 California, Civil Local Rule 7-3, but we were unable to reach a resolution. Our  
16 email exchange is attached to this declaration as Exhibit A1.

17       4. On January 13, 2026, I contacted both parties' counsel by email and  
18 explained our intention to move to intervene to unseal specific records, which I  
19 identified by docket number. We offered a range of times for meeting to discuss  
20 the substance of our intended motions and provided our then-intended date of  
21 filing, January 28, 2026. Ex. A1 at 5.

22 | //

23 | //

24

1       5. On January 27, 2026, at 10:02 p.m., we received a response from Deann  
2 R. Rivard, counsel for Defendant.. *Id.* at 2.

3       6. Defendant's counsel informed us that Defendant GEO Group, Inc., will  
4 oppose both motions and any attempts "to unseal/access/make public any and all  
5 records" previously approved for filing under seal. *Id.*

6       7. In their email, Defendant's counsel raised new arguments for maintaining  
7 court records under seal and inquired if we still intended to file our motions after  
8 reviewing their new arguments. *Id.* at 2–4.

9       8. Defendant's counsel additionally inquired if we intended to "notify real-  
10 party-in-interest" the Department of Homeland Security "such that it can  
11 potentially file a response motion in opposition, as it likely has an equal interest in  
12 ensuring that the confidentiality of some of the records you are seeking to  
13 unseal/access remain confidential/under seal." *Id.* at 4.

14       9. On January 28, 2026, I responded to Defendant's counsel via email and  
15 informed them that we intended to move forward with our motions and would not  
16 be notifying any nonparties. I also informed them that some of the records they  
17 maintain should be sealed were already publicly filed. *Id.* at 1.

18       ///

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1           10. On January 29, 2026, I emailed Plaintiffs' counsel once more to try to  
2 determine their position regarding our intended filings. *Id.* As of February 2, 2026,  
3 Plaintiffs' counsel has not responded.

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

5           Executed on February 2, 2026 in Los Angeles, CA.

6

7

/s/ Jacqueline Arkush

8           Jacqueline Arkush (SBN 365861)  
9           PUBLIC JUSTICE  
10           475 14<sup>th</sup> St., Suite 610  
11           Oakland, CA 94612

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*Counsel for Proposed Intervenors*

# **EXHIBIT A1**



Outlook

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**Re: GONZALEZ - Access to Court Records in Gonzalez v. GEO, 2:22-cv-04014-JGB-SHK**

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**From** Jacqueline Arkush <jarkush@publicjustice.net>

**Date** Thu 1/29/2026 3:49 PM

**To** csweetser@sshhzlaw.com <csweetser@sshhzlaw.com>

**Cc** lbattles@mbllegal.com <lbattles@mbllegal.com>; jwashington@sshhzlaw.com <jwashington@sshhzlaw.com>; sshanbhag@law.uci.edu <sshanbhag@law.uci.edu>; Cathy Sweetser <catherine.sdshhh@gmail.com>; ohta@law.ucla.edu <ohta@law.ucla.edu>; blitt@mbllegal.com <blitt@mbllegal.com>; hoffpaul@aol.com <hoffpaul@aol.com>; Leslie Bailey <lbailey@publicjustice.net>

**Bcc** Jackie Aranda Osorno <JAOsorno@publicjustice.net>

Good afternoon,

We plan on moving forward with our filings on Monday and would like to state your position in our motions.

Thank you,

**Jacqueline Arkush**

Public Justice

*Justice Catalyst Fellow, Access to Justice Project*

She/Her

---

**From:** Jacqueline Arkush <jarkush@publicjustice.net>

**Sent:** Wednesday, January 28, 2026 5:37 PM

**To:** Rivard, Deann R. <DRivard@bwslaw.com>

**Cc:** csweetser@sshhzlaw.com <csweetser@sshhzlaw.com>; Coleman, Susan E. <SColeman@bwslaw.com>; lbattles@mbllegal.com <lbattles@mbllegal.com>; McGeady, Joseph <jmcgeady@allenmatkins.com>; Sessions, Matthew <msessions@allenmatkins.com>; Strauss, Naomi <nstrauss@allenmatkins.com>; Larsen, Madison <mlarsen@allenmatkins.com>; Antle, Bernadette <BAntle@bwslaw.com>; van Daalen Wetters, Dee <DWetters@bwslaw.com>; Leslie Bailey <lbailey@publicjustice.net>

**Subject:** Re: GONZALEZ - Access to Court Records in Gonzalez v. GEO, 2:22-cv-04014-JGB-SHK

Counsel,

Thank you for letting me know what GEO's position is. We intend to move forward with our filing and will not be notifying any nonparties of our intent to do so.

Regarding which court records are under seal, please be advised that ECF 72 (GEO's Opposition to Plaintiffs' Class Certification) is not publicly accessible as, according to PACER, "no matter of public record has been filed." Relatedly, please be advised that many of the records you argue should remain sealed are already accessible on PACER.

Thank you,

**Jacqueline Arkush**

Public Justice

*Justice Catalyst Fellow, Access to Justice Project*

She/Her

---

**From:** Rivard, Deann R. <DRivard@bwslaw.com>  
**Sent:** Tuesday, January 27, 2026 10:02 PM  
**To:** Jacqueline Arkush <jarkush@publicjustice.net>  
**Cc:** Jackie Aranda Osorno <JAOsorno@publicjustice.net>; csweetser@sshhzlaw.com <csweetser@sshhzlaw.com>; Coleman, Susan E. <SColeman@bwslaw.com>; lbattles@mbllegal.com <lbattles@mbllegal.com>; McGeady, Joseph <jmcgeady@allenmatkins.com>; Sessions, Matthew <msessions@allenmatkins.com>; Strauss, Naomi <nstrauuss@allenmatkins.com>; Larsen, Madison <mlarsen@allenmatkins.com>; Antle, Bernadette <BAntle@bwslaw.com>; van Daalen Wetters, Dee <DWetters@bwslaw.com>  
**Subject:** RE: GONZALEZ - Access to Court Records in Gonzalez v. GEO, 2:22-cv-04014-JGB-SHK

Greetings Ms. Arkush:

Susan Coleman and I are one of two teams of attorneys that represent The GEO Group, Inc. in this matter. The class action litigation firm Allen Matkins, including attorneys Matthew Sessions and Joseph McGeady among others, also represent The GEO Group, Inc. Please include them in any correspondence in future.

We understand from your email (see below email thread) that you intend to move to intervene in the above-referenced case, *Hugo Gonzalez, et al. v. GEO Group, Inc., et al.*, case number 2:22-cv-04014-JGB-SHK, for the purpose of seeking to unseal most or all of those court records that do not contain personal identifying information. You referenced specific records including documents and video filed under seal, including ECF Nos.: 55, 57, 72 (GEO's Opposition to Plaintiffs' Class Certification Motion which was NOT filed under seal), 73, 74, 64, and 88.

The GEO Group, Inc., will oppose any motion/application to unseal/access/make public any and all records regarding which it and/or Plaintiffs received judicial approval to file under seal at any stage of litigation in the above-referenced action, the bases for which were previously provided to the court in moving papers and declarations in support thereto. Below are some but not necessarily all the arguments GEO will make in opposing your motion to intervene to unseal/access/make public confidential under seal-filed records.

**VIDEO RECORDINGS:**

Each of the video recordings manually lodged were either handheld video or surveillance video camera recordings that captured images of secured immigration detainee housing units and other secured areas of the facility adjacent thereto. The recordings not only depict the policies and procedures that were implemented by The GEO Group, Inc., but they equate to visual schematics of areas within the facility that are the most secure and thus pose the greatest security risk to both The GEO Group, Inc., and the United States, a real party-in-interest regarding your impending motion.

GEO houses immigration detainees facing removal proceedings instituted by the United States of America's Department of Homeland Security's Immigration and Customs Enforcement's Enforcement and Removal Operation section, which is tasked with the detention and eventual removal of aliens, including large classes of aliens with criminal records or national security concerns. 8 U.S.C. §§ 1226, 1231. Providing documentation about the layout, schematics, and dimensions of the places—which are

revealed in the video footage—where people are detained exposes the facility's security operations and places the staff and detainees at risk. The information requested exposes: Adelanto's layout and floorplans designed to promote operational security; secure entrances and exits to and from the housing area; and allows examination to determine the most effective positioning of staff, cameras, control centers, and controlled access points. Exposure would also facilitate potential assaults on staff and other detainees, property damage, and detainee escape. The information would provide viewers with a roadmap into the techniques, systems, and designs that are used to operate Adelanto securely that can then be used to frustrate or prevent its secure operation. This concern is not speculative or overblown, as evidenced by two instances in 2020 when detainees at Adelanto attempted to hack into the computer system at Adelanto to take pictures in an Adelanto housing unit and distribute them, which created a security breach that exposed the identify of at least one staff member, revealed the layout of the housing unit, and possibly revealed the identities of fellow detainees who had filed for asylum protection and were entitled to the asylum confidentiality provisions under 8 U.S.C. § 1367. Affording the public, and/or third-party counsel and others with whom they may share this information, access that reveals the sort of detailed information which invites extensive study so as to potentially exploit perceived weaknesses at Adelanto, and additionally violates the privacy of each detainee who has not consented to exposure of his identity to the public.

Moreover, the burden and risks on Adelanto operations to provide public and/or third parties visual access to Adelanto's secure floor housing layout is dangerous to Adelanto operations, excessive, lacks proportionality, and is unduly burdensome. See, e.g., *Gilmore v. Lockard*, 2017 WL 678278, at \*4 (E.D. Cal. Feb. 16, 2017) ("the Court recognizes the potential dangers associated with inmates possessing photographs and diagrams of a particular prison" and "finds that the Defendants' interest in prison safety and security outweighs Plaintiff's marginal, if any, disadvantage from not being able to view these photographs and diagrams"); *Scott v. Palmer*, 2015 WL 1637781, at \*4 (E.D. Cal. Apr. 13, 2015) (denying motion to compel production of prison layout because "Plaintiff's need for documents, diagrams, or photographs as evidence on this point is ... so minimal that it outweighs neither the burden and expense associated with [obtaining the documents] ... nor the security risk associated with the possession of such physical prison layout details by inmates"); *Allen v. Eckard*, 2019 WL 1099001, at \*3 (M.D. Pa. Mar. 8, 2019) (denying motion to compel, floor plan or diagram of cell block because "disclosure of this kind of document poses a great security risk that outweighs any potential relevance to the plaintiff's case").

## **CORRECTIONAL EMERGENCY RESPONSE TEAM ACTIVATION PLAN / DORM LOGS / SHIFT SUMMARIES / RESPONSE PACKET**

The Correctional Emergency Response Team Activation Plan describes in detail GEO's procedures for responding to emergencies in the facility that houses ICE detainees. If disclosed, the safety and security of GEO's facilities could be compromised, which could endanger the detainees, as well as GEO's staff.

The dorm logs and shift summaries may also provide an insight into how the facility operates, which could compromise its safety and security.

With respect to the response packet, that describes the policies and procedures that were implemented by GEO at the facility. If this information is made public, the safety and security of the facility may be compromised. This packet also contains medical reports related to the incident (which are subject to the right of privacy). Further, the packet contains personal information about the detainees (such as their citizenship).

## **COUNT LOGS / OFFICER LOGS / EMAILS FROM THE DATE OF THE INCIDENT**

Count logs, officer logs, and emails sent on the date of the incident are not public records, were only disclosed pursuant to a protective order, and should continue to be kept confidential. There is no justifiable reason for revealing these records to the public or to third parties. Some of these records

which contain officer medical records are also subject to HIPAA medical privacy protection, and some would implicate privacy rights of other individuals including detainees, thus constituting good cause to maintain under seal confidentiality.

In addition to safety and privacy concerns, the disclosure of the information contained within sealed records could adversely affect GEO's ability to compete in the jail and prison management industry. Indeed, it is recognized that documents containing trade secrets may warrant sealing. See e.g., *In re Providian Credit Card Cases* (2002) 96 CA4th 292, 300, 116 (dictum); *McGuan v. Endovascular Tech., Inc.* (2010) 182 CA4th 974, 988 (quality control records and complaint handling procedures). Regarding discovery, the more "sensitive" the information (e.g., personal financial information, customers' lists, trade secrets, etc.), the greater the need for discovery must be shown. See e.g., *Hoffman Corp. v. Sup.Ct. (Smaystra)* (1985) 172 CA3d 357, 362; *Tien v. Sup.Ct. (Tenet Healthcare Corp.)* (2006) 139 CA4th 528, 540. Here, if sealing is not maintained, GEO's competitors could make use of the information to compete with GEO in the provision of its prison management services at its various facilities. As such, there is a substantial probability that GEO's overriding interests in protecting its trade secrets and its ability to compete in the jail and prison management industry may be prejudiced.

Please advise whether after reviewing the above arguments in opposition you still intend to move to intervene to seek access to the under seal records filed in the above matter.

Please also advise whether you intend to notify real-party-in-interest The United States of America's Department of Homeland Security of your upcoming motion such that it can potentially file a response motion in opposition, as it likely has an equal interest in ensuring that the confidentiality of some of the records you are seeking to unseal/access remain confidential/under seal.

Very truly yours,

Deann R. Rivard | Senior Associate

Burke, Williams & Sorensen, LLP

444 South Flower Street, 40th Floor, Los Angeles, CA 90071

D 213.236.2805 | O 213.236.0600 | F 213.236.2700

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---

**From:** Jacqueline Arkush <jarkush@publicjustice.net>

**Sent:** Tuesday, January 13, 2026 6:23 PM

**To:** Rivard, Deann R. <DRivard@bwslaw.com>; csweetser@sshhzlaw.com; Coleman, Susan E. <SColeman@bwslaw.com>; lbattles@mbllegal.com

**Cc:** JAOsorno@publicjustice.net

**Subject:** Access to Court Records in Gonzalez v. GEO, 2:22-cv-04014-JGB-SHK

[EXTERNAL]

Counsel,

I am writing on behalf of my clients, the Inland Coalition for Immigrant Justice and the Los Angeles Public Press, to inquire about records that have been sealed by the Court in *Hugo Gonzalez, et al. v. GEO Group, Inc., et al.*, case number 2:22-cv-04014-JGB-SHK. We intend to move to intervene for the limited purpose of unsealing most or all of those court records that do not contain personal identifying information. Specifically, we will seek to unseal the materials at ECF 55, 57, 72, 73, 74, 64, and 88.

Consistent with Local Rule 7-3, I am requesting the opportunity to discuss the substance of our request at your earliest convenience. We are available on Friday, January 16 from 3pm to 5:30pm, and Wednesday, January 21 from 9am to 12pm. Please note that we intend to move on January 28, 2026.

Thank you,



**Jacqueline Arkush (she/her)**

*Justice Catalyst Fellow, Access to Justice Project*

[jarkush@publicjustice.net](mailto:jarkush@publicjustice.net)

Based in Los Angeles, CA [Pacific Time Zone]

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# **EXHIBIT B**

**EXHIBIT B IN SUPPORT OF PROPOSED INTERVENORS' MOTION TO UNSEAL**

Application to File Under Seal	Movant	Materials Submitted in Support of:	Civ. L.R. 79-5.2.2 Declaration <sup>1</sup>	Granted by:	Location of Sealed Materials:
<b>Dkt. 56</b>	Plaintiffs	Plaintiffs' Motion for Class Certification	None, in violation of L.R. 79-5.2.2(b)(i).	Dkt. 113	Documents at Dkt. 57; <sup>2</sup> videos manually filed at Dkt. 55.
<b>Dkt. 60</b>	GEO	GEO's Motion for Summary Judgment	Supporting declaration at Dkt. 60-3 (as required by L.R. 79-5.2.2(a)(i)).	Dkt. 61	Documents appear to have been inadvertently filed publicly at Dkt. 60-4; all other exhibits manually filed at Dkt. 64. <sup>3</sup>
<b>Dkt. 71</b>	GEO	GEO's Opposition to Motion for Class Certification <sup>4</sup>	Supporting declaration at Dkt. 71-1.	Dkt. 113	Document at Dkt. 74; all other exhibits manually filed at Dkt. 73.
<b>Dkt. 76</b>	Joint	GEO's Opposition to Motion for Class Certification	Supporting declaration at Dkt. 81.	Dkt. 80	Document appears to have been inadvertently filed publicly at Dkt. 76-2. <sup>5</sup>
<b>Dkt. 85</b>	Unknown	Unknown	Unknown	Dkt. 113	Unknown
<b>Dkt. 87</b>	Plaintiffs	Plaintiffs' Opposition to Motion for Summary Judgment	None	Dkt. 113	Documents at Dkt. 88. <sup>6</sup>
<b>Dkt. 90</b>	Plaintiffs	Plaintiffs' Reply to in Support of Motion for Class Certification	GEO provided supporting declaration at Dkt. 92 (as required by L.R. 79-5.2.2(b)(i)).	Dkt. 113	Document at Dkt. 91 (but note that the same document was filed publicly by GEO at Dkt. 63-2 at 3181–3309).

<sup>1</sup> All sealing applications were for materials designated as confidential by GEO.

<sup>2</sup> Proposed Intervenors do not seek to unseal Exhibit 1, Dkt. 57-1.

<sup>3</sup> Proposed Intervenors do not seek to unseal Exhibits 41, 43, 45, 47, and 49, Dkt. 64.

<sup>4</sup> GEO's Opposition to Plaintiffs' Motion for Class Certification is not publicly available. Dkt. 72.

<sup>5</sup> Proposed Intervenors do not seek to unseal the sealed version of Exhibit 74 filed at Dkt. 81-1.

<sup>6</sup> Proposed Intervenors do not seek to unseal Exhibit 92, Dkt. 88-3.

# **EXHIBIT C**

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### *Counsel for Intervenors*

**UNITED STATES DISTRICT COURT**

## **CENTRAL DISTRICT OF CALIFORNIA**

11 HUGO GONZALEZ, et al., on behalf of  
12 themselves and all others similarly  
situated,

13 Plaintiffs,

V

15 | The GEO Group, Inc., et al.

16 Defendants.

Case No.: 2:22-cv-04014-JGB-ACCV

# **DECLARATION OF STEPHEN SINCLAIR IN SUPPORT OF MOTION TO UNSEAL COURT RECORDS**

Date: March 2, 2026

Time: 9:00 a.m.

## Courtroom: 1 (Riverside)

Judge: Hon. Jesus G. Bernal

## DECLARATION OF STEPHEN SINCLAIR

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

## I. Introduction & Summary of Qualifications

6 1. I am the CEO of the Justice & Liberty Group LLC. Public Justice has  
7 retained me in connection with *Gonzales v. The GEO Group*, Case No. 2:22-  
8 cv-04014, pending in the Central District of California. It is my understanding  
9 that this lawsuit revolves around a 2020 use-of-force incident inside the  
10 Adelanto ICE Processing Center.

11        2. Public Justice has retained me to provide expert opinions, based on my  
12 corrections experience, regarding what types of information, if disclosed,  
13 could compromise the safety and security of a carceral institution. In this  
14 matter, I have been retained at \$400 an hour. The independent opinions set  
15 forth herein are based on my personal and professional knowledge and are  
16 expressed to a reasonable degree of professional certainty. If called as a  
17 witness to testify, I could and would testify competently thereto.

18       3. My experience in adult corrections spans 32 years as an employee of the  
19 Washington State Department of Corrections (“WADOC”). I began as a  
20 Correctional Officer at the Washington State Penitentiary in September 1988  
21 and concluded my career as the agency’s Secretary. I was appointed Secretary  
22 of WADOC in April 2017, confirmed by the Washington State Senate in  
23 January 2017, and served until May 2021.

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

4       5. Throughout my career, I helped shape policy and practice related to  
5 safety and security. I served as a member of WADOC's Captain's Committee,  
6 reviewing agency safety and security policies and implementing approved  
7 changes at the facility level. For approximately four years, I served as co-chair  
8 of the WADOC Statewide Security Advisory Committee, which comprised  
9 staff from all levels of the organization and was responsible for evaluating  
10 safety and security suggestions from line staff. Adopted changes were  
11 incorporated into policy, procedures, and practice. The committee also served  
12 as a sounding board for agency-initiated safety and security changes.

13       6. Throughout my career, beginning as a Correctional Investigator, I  
14 received ongoing training in criminal investigation. This training included, but  
15 was not limited to, instruction at the Washington State Patrol Investigators  
16 Academy, the Walla Walla Reserve Police Officer Academy, and numerous  
17 other investigator training courses provided by WADOC, the Washington  
18 Criminal Justice Training Academy, and other organizations.

19       7. In addition to my work experience, I hold a Master of Public  
20 Administration from the University of Washington. I have completed  
21 thousands of hours of training sponsored by WADOC, the Washington State  
22 Criminal Justice Training Academy, the Washington State Patrol Investigator  
23 Academy, the Washington State Tactical Officers Association, and the Walla

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1 Walla Police Department. My experience includes training and hours worked  
2 as a Reserve Police Officer with the Walla Walla Police Department.

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

12       9. Since my retirement in May 2021, I have remained active in the  
13 corrections field, researching, analyzing, and providing expert opinions in  
14 cases involving confinement in city, county, and state-operated confinement  
15 facilities. In summary, I have spent much of the past 37 years working with,  
16 thinking about, and analyzing adult corrections, focusing on topics including,  
17 but not limited to, the use of force, administrative segregation and restrictive  
18 housing, prison regulations, correctional operations, and the policies required  
19 to operate a safe and humane corrections system and facilities. My expert work  
20 has been for both plaintiffs and defendants, and all case involvement during  
21 my WADOC career was as a defendant.

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

2                   10. It is my understanding that the Court has sealed certain information in  
3 this case because the defendant has argued that disclosing it would harm safety  
4 and security at the detention center. As I understand it, that information  
5 includes video footage, a use of force packet, and logs documenting activity  
6 in certain dorms.

7                   11. To evaluate these arguments, it is important to understand what the term  
8 “safety and security” refers to. The term “safety and security” is widely used  
9 in corrections; it is nearly a mantra. Correctional staff at all levels use this term  
10 to describe their role in the organization or as a reminder to others to refer back  
11 to the mission. Through my work as a corrections expert, I have often heard  
12 the term used by corrections officials to shield documents from public view. I  
13 believe this is unfortunate because it is often not based on genuine safety and  
14 security concerns.

15                   12. It is worth noting that although immigration detention is technically  
16 outside of the “corrections” industry because it involves non-criminal  
17 confinement, correctional practices relating to safety and security are equally  
18 applicable in civil detention because both civil detention and criminal custody  
19 present environments requiring total control over incarcerated people’s  
20 movement.

21                   13. In Washington State, where I served, I witnessed several legal changes  
22 that expanded public disclosure laws, most of which were enacted decades  
23 ago. I can clearly remember when these laws took effect and the opposition

1 they faced. The first term we used was “safety and security” to protect  
2 information we believed was vital to our mission. In hindsight, even our  
3 arguments then were based on something other than sound logic. Now,  
4 decades later, after having lived and worked through these changes, I  
5 recognize the minimal impact nearly full disclosure has had on the actual  
6 safety and security of the institutions and agencies where I worked. For  
7 example, I recall the agency’s use-of-force policy being considered restricted  
8 and not available for public viewing. The logic at the time was that disclosure  
9 would jeopardize “safety and security” because we didn’t want people,  
10 especially incarcerated people, to know all the tools in our toolbox. Over time,  
11 that logic crumbled, and even this policy, which we held sacred, is now  
12 available on the internet.<sup>1</sup>

13 14. Generally, the term “safety” in a carceral setting refers to keeping staff,  
14 the incarcerated, and anyone else interacting with a correctional setting safe  
15 from unwarranted harm. This is influenced by external and internal safety  
16 requirements governed by state and federal agencies (e.g., OSHA, Health  
17 Departments, state agencies responsible for ensuring industrial safety). In a  
18 carceral setting, operational practices such as movement control, adequate  
19 staffing, a grievance system, a functional classification system, and the  
20 availability of programming to engage the incarcerated population all  
21 intertwine to create safer correctional environments. All correctional  
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<sup>1</sup> See <https://www.atg.wa.gov/law-enforcement-use-force-and-de-escalation>.

1 institutions have the additional responsibility to protect those in their custody  
2 and care from unreasonable or unjustified physical harm caused by other  
3 incarcerated individuals and even staff. In my experience, what influences  
4 safety is a broad topic, but what must remain confidential to ensure safety is  
5 very narrow.

6 15. In corrections, the term “security,” like safety, is a core responsibility  
7 of each staff member and the governing agency. Security involves policies,  
8 practices, and a functioning physical plant to ensure incarcerated individuals  
9 remain in custody for the period defined by the sentencing courts. It also  
10 includes ensuring that incarcerated individuals have access only to items and  
11 materials authorized for their use or possession. Everything else is considered  
12 contraband.

13 16. “Safety and security” also encompasses a broad responsibility for all  
14 criminal justice entities to prevent crimes, investigate when there is probable  
15 cause to believe a crime has been committed, and bring to justice those who  
16 have committed a crime. It is no secret that crimes are committed in  
17 correctional settings, including crimes in our communities that are  
18 orchestrated there. Incarcerated individuals and staff can and are engaged in  
19 various criminal activities. There are limited circumstances in which exposure  
20 of correctional intelligence and investigative matters can jeopardize a criminal  
21 investigation and risk the loss of evidence. The public interest is served by  
22 investigating these crimes, and there is a loose nexus between safety and  
23 security because a lawless correctional facility is not safe or secure.

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

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

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

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

14       If I had not answered yes to at least one of these questions, I would struggle to  
15 understand the logic of concealing information from the public. As a former  
16 public official, I recognize that publicly releasing some information can be  
17 embarrassing and even lead to tort liability, but it does not follow that  
18 disclosing such information would threaten the safety and security of a  
19 carceral institution.

20       18. There are a minimal number of documents maintained by correctional  
21 agencies that, if revealed to the public, could threaten the safety and security  
22 of a correctional institution. What pieces of knowledge could an incarcerated  
23 person obtain from the public domain that would threaten the safety and

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1 security of a correctional setting? This also must be balanced against (1) what  
2 incarcerated people already know and could themselves share with the public  
3 based on their observations and constant interactions with the system's rules  
4 and staff that confine them, and (2) what can be relayed to them by free people  
5 in the community with access to the vast knowledge of the internet. If the  
6 incarcerated population knows it, it should be synonymous with the public  
7 knowing it because communication goes both ways.

8 19. Based on my experience, my shortlist of information that will likely  
9 have safety and security implications includes:

10 20. ***Confidential Informant Information.*** Information provided by an  
11 incarcerated individual or a private citizen to correctional staff or law  
12 enforcement to further or assist criminal or administrative investigations that  
13 could lead to criminal prosecution should be considered confidential. In  
14 correctional settings, the knowledge that someone is providing information to  
15 officials greatly increases the likelihood of serious harm. This risk exists in  
16 communities as well, but incarcerated individuals can't escape the  
17 environmental threat. If an agency's knowledge of someone acting as a  
18 confidential informant is revealed, it can and will follow the individual for the  
19 remainder of their incarceration, placing them in constant jeopardy.

20 21. ***Detailed Schematics and Drawings.*** On rare occasions, detailed  
21 schematics and drawings of a correctional facility's physical structure or  
22 security systems can reveal vulnerabilities that could aid escape attempts. This  
23 is a classic vulnerability often portrayed in dramatic movies and television.

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1 Unfortunately, some of these portrayals are based on actual events. Once  
2 released, such information can't be controlled in today's digitized world, and  
3 the vulnerability will persist. It is important to note that incarcerated people  
4 can see a large percentage of the facility in their daily lives. Regulatory  
5 requirements for the posting of fire exits in living and work areas mean that  
6 incarcerated people have some degree of knowledge about schematics from  
7 being in those areas. Still, they may not be able to see the potential escape  
8 pathways that may exist in the utility infrastructure or ways to defeat security  
9 systems from electrical diagrams. There is no harm in revealing what  
10 incarcerated people already know.

11 **22. *Emergency Response Checklists/Plans.*** Some facilities and agencies,  
12 like mine, may have developed a checklist or plan for staff that outlines  
13 specific actions to be taken in any emergency, commonly called Emergency  
14 Response Checklists or Plans. These checklists are generally topical,  
15 addressing actions for emergencies such as earthquakes, power failures,  
16 riots/disturbances, and hostage-taking. If disclosed, these documents could  
17 compromise safety and security by revealing too many details about response  
18 tactics in an organized crisis event, which could hamper an adequate response.  
19 Disclosure of these documents should be reviewed on a case-by-case basis.

20 23. As an example, I have reviewed Bates 13226-0001 – 0005, which is the  
21 GEO Emergency Plans Manual Correctional Emergency Response Team  
22 (CERT) Activation Plan. This document outlines the detailed tactics used by  
23 emergency responders. III Operating Procedures details their phased response  
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1 plan, which, if revealed, could jeopardize safety and security. Even this plan  
2 could be shared with redactions applied to specific sections.

3       **24. Pre-Transport Information.** Releasing information about transport  
4 details of incarcerated individuals can lead to serious consequences, as seen in  
5 the 2024 escape from Idaho Department of Corrections. Details like timing,  
6 route, and destination should be kept undisclosed before transport to prevent  
7 assisted escape. These details become known once transport occurs, as the  
8 incarcerated individual knows their route, and they may share it. Routine  
9 transparency or disclosure increases risk, especially when transporting high-  
10 profile inmates who might face external threats. I support keeping all pre-  
11 transport information confidential to mitigate these risks, though some  
12 situations, like physician availability or court appearances, may make routine  
13 procedures unavoidable. Post-transport information does not pose the same  
14 risk. External threats are particularly relevant when transporting notorious  
15 inmates, due to potential vigilante attacks. Having performed many transports,  
16 I understand the risks involved in providing security for individuals facing  
17 high-profile cases.

18       **25. Other Unique Documents.** Based on my experience, other unique  
19 documents, such as those related to key control and key replacement, may need  
20 to be kept confidential. These documents could aid in an escape attempt and  
21 should be kept confidential.

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1                   **III. Information Commonly Marked Confidential in Litigation,**  
2                   **Including In This Case**

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

13                   27. It is my understanding that in this case, the defendant has argued that  
14 disclosing video footage, a “use of force packet,” and activity logs from a  
15 specific dorm would harm the detention center’s ability to maintain safety and  
16 security. While I have not reviewed the individual documents or videos, I  
17 cannot say whether that is true. My opinion is that, as a general matter, videos,  
18 use of force policies and reports, and activity/movement logs rarely contain  
19 information that would jeopardize safety and security if disclosed.

20                   28. ***Video/Images.*** There are generally two kinds of video footage (and  
21 related still images). The first is footage from stationary cameras positioned  
22 throughout the facility. The second is footage from body-worn or handheld

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1 cameras. Both are commonly treated as confidential, but in my opinion,  
2 disclosure would rarely jeopardize safety and security.

3 29. A common concern about footage from a stationary camera is that it  
4 may reveal the camera's location or living and work area layouts. However,  
5 incarcerated people know where the cameras are because they can see them.  
6 As a part of daily life, incarcerated persons are able to observe, and even  
7 document their surroundings. Above and beyond this, there is a significant  
8 amount of photographs already available online, which show living units,  
9 corridors, recreational space etc.  
10 (See: <https://www.gettyimages.com/photos/adelanto-detention-center> ). So  
11 disclosing the footage would not reveal any information they do not already  
12 know.

13 30. A second concern is that footage can reveal blind spots in the  
14 surveillance system. This is also an unconvincing concern. If a correctional  
15 agency discovers a blind spot, it should remedy it immediately so that when  
16 any video is made public, the blind spot no longer exists.

17 31. A third concern for both stationery and body-worn cameras is that the  
18 footage will reveal specific tactics used to maintain control. I find this concern  
19 lacking because if the video in question is a use-of-force incident that occurred  
20 in a living unit, it was more than likely witnessed by several incarcerated  
21 individuals assigned to that unit. In the field of corrections, it is no secret that  
22 emergency responses comes in phases because it is the tactic everyone uses.  
23 In addition, there are a significant number of prison use-of-force videos on the  
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1 internet that demonstrate the tactics most correctional agencies use, e.g.  
2 <https://youtu.be/XvacBXLgkWI?si=HdP6qGh8nQhmL5fe>. Countless times  
3 in a correctional institutions incarcerated individuals observe waves of staff  
4 responding to incidents, but many times in my career I have heard from post-  
5 incident interviews with incarcerated people about how they were still  
6 surprised by how many staff showed up.

7 32. As an expert witness, I have provided opinions in approximately 40  
8 cases involving city, county, and state confinement facilities. The majority of  
9 these cases involved use-of-force or in-custody deaths. In all these cases, from  
10 a wide variety of jurisdictions, video evidence was provided where available,  
11 often with faces blurred to protect identities. In fewer cases, the video evidence  
12 was provided under a protective order. If a legitimate “safety and security”  
13 concern exists, why would so many other jurisdictions provide the same type  
14 of material? The one caveat I have is that if videos show areas of the facility  
15 that are not accessible to incarcerated people or visitors, then there may be  
16 some argument to keep what is hidden, confidential. Even in the rare instance  
17 where this may be applicable, those portions of videos can be addressed  
18 through the courts limiting their distribution to attorneys’ eyes only.

19 33. A growing number of correctional and law enforcement agencies are  
20 adopting officer-worn body cameras. The rationale is straightforward: when  
21 officers perform their jobs appropriately and follow laws and policies, the  
22 video evidence collected can and does exonerate them from false allegations.

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1 Admittedly, the blade cuts both ways, and in some instances it reveals gross  
2 negligence or abuse.

3 34. From a correctional administrative perspective, many, if not all,  
4 corrections administrators I have spoken with who have implemented body  
5 cameras praise them and report a reduction in use-of-force incidents.

6 35. Based on the facts I have described, in my opinion, there is no legitimate  
7 penological need or a genuine safety and security justification for preventing  
8 the release of video evidence from fixed, handheld, or body-worn cameras.

9 36. ***Use of Force Policies and Reports.*** In general, individual facility  
10 policies mirror an agency-wide policy that sets standards that must be met at  
11 the facility level. These policies describe standards (outcomes) and may  
12 include processes if they are relevant to mitigating risk or required under a  
13 statute, but they are generally written broadly about how a particular policy  
14 expectation will be carried out. In smaller municipal or county detention  
15 facilities, the policy tends to be one and the same. Based on my knowledge of  
16 the large volume of policies maintained by WADOC and numerous other  
17 agencies, and the policies I have reviewed during my expert work, I have found  
18 that policies rarely describe actual tactics that, if revealed, would jeopardize  
19 safety and security.

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

5 38. As an additional example, consider a governing policy for the Special  
6 Emergency Response Team (SERT) or the Hostage Rescue Team (HRT).  
7 These policies will spell out the purpose or intent of the policy and then set  
8 requirements such as:

- 9 • The selection process for membership would include physical  
10 standards to be met, psychological testing to be completed, and  
the like.
- 11 • Authorized weaponry—like a sidearm (pistol), longarm (rifle),  
12 and a myriad of less lethal force options available to corrections  
and law enforcement today (e.g., Pepper spray, Taser, 40mm  
Sponge Round, etc.).
- 13 • Other authorized equipment—Uniforms, helmets, breaching  
tools, etc.
- 14 • Team structure—Team Leader, Assistant Team Leader, Squad  
leaders, breachers, designated marksmen (snipers), etc.
- 15 • (Rarely, if at all) Communications practices, including  
16 frequencies used and storage location of weaponry. NOTE: All  
17 of this information regarding facility-specific tactical details, if  
18 included, should be redacted. See paragraph 23.

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

7 40. Policies related to emergency response bodies, such as the policy I  
8 described above, are among the most sensitive and, some might argue, should  
9 be confidential. However, in my opinion, they do not need to be. If these  
10 policies contain specific information as I described like radio frequencies, call  
11 signs or weapons storage locations, this specific information can be redacted.

12 41. As previously mentioned, policies related to use of force have been  
13 thought of as some of the most “confidential” policies in corrections. This  
14 thinking has largely changed in the correctional field, and it is not unusual for  
15 correctional facilities to make their use-of-force policies available to the  
16 public. Again, these general policies rarely discuss facility-specific tactical  
17 details.

18 42. In this case, as the Court already noted, the use-of-force policy at  
19 Adelanto must comply with the Department of Homeland Security's  
20 Performance-Based National Detention Standards, which are available to the  
21 public. See <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>. Any Adelanto-specific policy is unlikely to  
22 significantly deviate from this publicly accessible policy.  
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1       43.PBNDs 2.8 (“Use of Force and Restraints”) requires documentation of  
2 use of force incidents and an “After-Action Review.” Based on my knowledge  
3 of similar documentation and reporting requirements in the correctional field,  
4 it is my opinion that these kinds of documents can be disclosed and routinely  
5 are in all other jurisdictions I have worked with. Again, these documents may  
6 ultimately reveal misconduct, but that does not mean that the information, if  
7 disclosed, would jeopardize the safety and security of a facility.

8       44.*Internal Movement and Activity Records.* Routine records of internal  
9 daily movements or activities, such as sick call, medical appointments, visits,  
10 segregation rounds, and unit logs, document information after-the-fact and  
11 pose no safety or security threat if disclosed. These records are a necessary  
12 and routine part of correctional recordkeeping.

13       45.After reviewing some of the dorm logs that have been submitted in this  
14 case (Docket No. 60-4), it is my opinion that these kinds of logs document  
15 information that, if disclosed, would not jeopardize the facility’s safety and  
16 security. These documents primarily memorialize the unit’s daily activities,  
17 which all incarcerated people can and do observe. Occasionally, an officer may  
18 make a notation about a specific inmate and suspect activities, so the next shift  
19 is aware and can keep a closer eye on the situation. None of this information  
20 if known would cause a “safety & Security” concern.

21       46.In my experience reviewing countless critical incidents that resulted in  
22 adverse outcomes, such as excessive or unnecessary use of force, suicide,  
23 escape, and even homicide, the single most valuable piece of information is  
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1 the video from before and after the incident, along with the unit logs. These  
2 can be reconciled to determine whether the actions recorded in the log are  
3 consistent with what is viewable in the video. If an officer logs that they  
4 conducted a tier or safety check as required by policy, it is recorded in the unit  
5 log.

6 47. In my experience, this is a common area of failure, because staff “Pencil  
7 Whip” the task. This is a commonly used expression used to describe when an  
8 officer logs that they performed their safety checks or other required activities  
9 when they did not. Unfortunately, incidents of pencil-whipping safety checks  
10 are very common in post-incident investigations. For the staff person who  
11 engages in the activity, it is grounds for discipline.

12 48. ***Information Relating to Staffing.*** It is my understanding that GEO has  
13 argued that the dorm logs and videos “provide an insight as to how GEO staffs  
14 its facilities.” I struggle to think of what “safety & Security” concern this could  
15 relate to. Remember that incarcerated individuals can observe staff 24-7, and  
16 they do. All correctional staff are taught this in their basic academy.  
17 Incarcerated individuals already know the routines of assigned staff, so what  
18 is wrong with the general public learning the activities of federal contractors?

19 49. To the extent GEO is concerned that information could reveal that it  
20 had, or has, a staffing shortage, I can’t even imagine how this information  
21 would jeopardize safety and security. The incarcerated population already  
22 knows there is a problem because they experience it firsthand. After all,  
23 programs and activities are shut down due to staffing shortages, and staff work  
24

1 multiple shifts as a matter of routine. It is impossible to keep this information  
2 secret. As I previously stated, if the incarcerated population knows it, it should  
3 be synonymous with the public knowing it because communication goes both  
4 ways.

5 50. It should be no secret that correctional agencies nationwide are  
6 struggling to staff their facilities post-COVID-19 and, for many jurisdictions,  
7 for years before the pandemic. This fact is occasionally reported in the media.  
8 From my experience, recruiting and retaining staff, including correctional and  
9 medical staff, has been an ongoing challenge for most correctional agencies.

10 51. Before I was Secretary of WADOC, I was the Director of Prisons, and  
11 one of our challenges was recruitment and retention. To address this, I had  
12 reports developed that were reviewed routinely to track the vacancy rate at any  
13 given facility. When a facility was experiencing or about to experience staffing  
14 shortages, I could direct agency resources and strategies to help the facility. It  
15 was an essential part of my role.

16 52. Certain staffing information may compromise safety and security in a  
17 narrow area. If the area or facility is facing extreme staffing challenges, it may  
18 make the difficult decision to close critical security posts related to perimeter  
19 security and other vital internal control points. In this instance, which posts are  
20 vacant and when they are vacant should not be shared. These would be “yes”  
21 answers to my guiding questions 2 and 3. Again, this is a narrow subset of  
22 information related to a specific situation. If documents about staffing contain  
23 this information, it can be redacted. In my opinion, outside this narrow subset  
24

1 of information related to key security posts, the only risk of disclosing staffing  
2 information is possible embarrassment in the public eye for failing to staff your  
3 facilities fully. Even this is doubtful given the labor shortages most  
4 organizations are facing.

5 **IV. Conclusion**

6 53.Based on my experience in corrections, many documents and records  
7 are created daily, and most are routinely available to the public. I have  
8 provided examples of the narrow subset of documents that should be kept  
9 confidential to ensure the safety and security of our correctional institutions,  
10 but that subset is extremely limited. I have also explained why I think the types  
11 of materials that have been sealed in this case are unlikely to harm the safety  
12 and security of Adelanto if disclosed.

13 54.I acknowledge that it is easier to determine what should and shouldn't  
14 be made public when one has spent as many years as I have in the field of  
15 corrections. The courts face a daunting task in making these decisions. I  
16 assume it is difficult to know the harm that can be caused to plaintiffs and  
17 defendants alike by withholding information that could influence the outcome  
18 of litigation. But as explained in this declaration, it is my opinion that only a  
19 minimal number of documents maintained by correctional agencies could, if  
20 revealed to the public, threaten the safety and security of a correctional  
21 institution.

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

23 i. The statements of fact in this report are true and correct.

24

- ii. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, unbiased, and professional analyses, opinions, and conclusions.
- iii. I reserve the right to modify or supplement my opinions should additional information become available.
- iv. I have no personal interest or bias with respect to the parties involved; and
- v. My compensation is not contingent on an action or event resulting from this declaration's analyses, conclusions, or opinions.

10 I declare under penalty of perjury under the laws of the United States of  
11 America that the foregoing is true and correct, and that this declaration is  
12 executed in Olympia, Washington, on this 31st day of January, 2026.

Stephen Sinclair  
Stephen Sinclair

# *Attachment A*

# STEPHEN SINCLAIR

## Justice & Liberty Group, LLC

2608 Country Club Road NW

Olympia, WA 98502

(509) 386-1617| [ssinclair@jalg.org](mailto:ssinclair@jalg.org)

### Executive Summary

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

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

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

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

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

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

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

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

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

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

## **Knowledge, Skills, and Abilities**

### *Culture Change*

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

### *Systems Change*

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

### *Stakeholder Engagement and Policy Development*

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

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

### *Labor Relations*

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

### *Crisis Management*

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

### *Leadership Development*

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

### *Innovation*

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

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

## **Accomplishments**

### **Secretary – WADOC Headquarters 2017-2021**

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

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

#### **Prisons Director - WADOC Headquarters 2014-2017**

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

### **Deputy Director Prisons - WADOC HQ 2011-2012**

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

### **Superintendent – Washington State Penitentiary 2008-2014**

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

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

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

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

#### **Captain – Clallam Bay Corrections Center**

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

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#### **Additional Positions Held**

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

## Special Assignments

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<b>Special Emergency Response Team</b> Washington State Penitentiary Squad Leader	<b>1989 - 2000</b>
<b>Inmate Recovery Team</b> Washington State Penitentiary Team Leader Department Coordinator	<b>1995 - 2000</b>
<b>United States Army</b> Honorable Discharged	<b>1984 - 1988</b>

## Groups/Organizations

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

**Inmate Recovery Team Academy**  
Lead Instructor; Agency Coordinator

2001 - 2008

**Boy Scouts of America**  
Scout Master

2003 - 2004

**Statewide Emergency Response Committee**  
Lead Instructor; Agency Coordinator

2000 - 2005

**Departmental Emergency Response Auditor**  
Lead Instructor; Agency Coordinator

2000 - 2008

**Departmental Security Management Auditor**  
Lead Instructor; Agency Coordinator

2003 - 2008

## Education/Training

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**Master of Public Administration (MPA)**  
The University of Washington, Daniel J. Evans School of Public Affairs

2007 Graduate

**Cascade School of Executive Excellence**  
Dan Evans School of Public Affairs, University of Washington

2006

**Law Enforcement Officer, Reserve**  
Washington State Criminal Justice and Training Commission  
Reserve Law Enforcement Academy

March 1997 – October 1997

**Washington State Patrol Investigator**  
Washington State Patrol Academy

September 1992

**Correctional Officers Academy**  
Washington State Criminal Justice and Training Commission

December 1988

**Emergency Medical Technician**  
Pikes Peak Community College  
Colorado Spring, CO

1987 - 1988

## Other Training/Certifications

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

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

## Case Work

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

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

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

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

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

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

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

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

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

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

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

- Report & **Deposition** – Lee Woods vs Anthony J. Annucci, et al, Case No. 9:20-cv-570 (BKS/CFH)
- Report – Shondell Paul vs Anthony J. Annucci, et al., Case No. 9:21-cv-000476 (BKS) (TWD)
- Report – Kayson Pearson vs Anthony J. Annucci, et al., Case No. 9:20-cv-1175

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. Retained - Hogan Lovells (Massachusetts) (Case information withheld pending expert disclosure)

24. Report – Chadwick Sweet vs Pendleton Correctional Facility, Case No. 49D06-2009-CT-32867, State of Indiana, Marion Superior Court, County of Marion. Teresa L. Todd, Attorney

25. Retained – Law Offices of David A. Kaufman, APC (Case information withheld pending expert disclosure)

26. Retained – Proskauer Los Angeles, CA (Case information withheld pending expert disclosure)

27. Retained – Whiteford Law, Delaware (Case information withheld pending expert disclosure)

28. **Deposition** – Estate of Robert Munger vs The State of Washington Case No. 22-2-01428-34, Thurston County Superior Court, State of Washington

30. Retained - Oregon Public Defense Services Commission, Office of Public Defense Services (Case information withheld pending expert disclosure)

### **Consulting**

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

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

Consultant for KHO11 of Houston, TX, for an on-camera opinion on Harris County Jail Use of Force incidents.

Plumas County Jail inspection to provide opinion on ending long-standing consent decree.

### **Collective Bargaining & Personnel Matters**

Washington PERC # 128405-I-16 Arbitrator's R18  
FMCS No. 161203-0576-6 DOC# 1082-3096 Arbitrator's R11

### **Publications**

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