

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2018ML004000
Court Case No.:

vs.

CRIMINAL COMPLAINT

RAMSEY-GUY, JAMES LEE
949 NORTH 9TH STREET
MILWAUKEE, WI 53233
DOB: 08/02/1979

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: NEGLECT OF RESIDENT OF PENAL FACILITY

The above-named defendant between April 17 to April 24, 2016, at 949 North Ninth Street, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person employed in a place of confinement, did neglect a person confined in such institution, contrary to sec. 940.29, 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Probable Cause:

1. I am an investigator and sworn law enforcement officer with the Milwaukee County District Attorney's Office.
2. I base this complaint upon my own personal knowledge, testimony and exhibits from the inquest into the death of Terrill Thomas, official City of Milwaukee Police Department reports, official Milwaukee County Sheriff's Office records and reports, official reports of the Milwaukee County Medical Examiner's Office, and official reports of fellow investigators of the Milwaukee County District Attorney's Office.

Summary

3. Defendant James Lee Ramsey-Guy is a corrections officer with the Milwaukee County Sheriff's Office (MCSO). He worked in the Milwaukee County Jail throughout the time period alleged in this criminal complaint. Milwaukee County Jail is located in the Criminal Justice Facility, 949 N. Ninth Street, Milwaukee, WI.
4. Terrill Thomas was an inmate in the Milwaukee County Jail from April 16 to April 24, 2016. He died from dehydration in his locked cell on the night of April 23-24, 2016.
5. On the morning of April 17, 2016, Mr. Thomas flooded his cell in Pod 4C of the Milwaukee County Jail. Lieutenant Kashka Meadors, MCSO, was assigned as the housing lieutenant. She ordered defendant Ramsey-Guy and other corrections officers to move Mr. Thomas from his flooded cell in Pod 4C to Pod 4D. Defendant Ramsey-Guy placed Mr. Thomas in cell 15 of Pod 4D subpod B on disciplinary status.

6. Lt. Meadors ordered defendant Ramsey-Guy to shut off the water in Mr. Thomas' new cell. She further ordered the cell water remain off until Mr. Thomas behaved.
7. Defendant Ramsey-Guy entered the locked cabinet housing the water valves ("chase locker") to Mr. Thomas' cell. He turned off both the hot and cold water. Mr. Thomas had no other source of water or beverage. Defendant Ramsey-Guy did not enter, in the jail log, that he had shut off Mr. Thomas' cell water. He did not post, on the jail pod dry erase board, that Mr. Thomas' cell water was off. Defendant Ramsey-Guy never turned Mr. Thomas' water back on. Defendant Ramsey-Guy failed to inform corrections officers, taking over Pod 4D on the next shift, that Mr. Thomas' water was shut off.
8. Defendant Ramsey-Guy's shutting off Mr. Thomas' water violated Milwaukee County Sheriff's Office regulations mandating jail inmates shall have continuous access to water.
9. Mr. Thomas remained constantly locked in his cell for seven days without water. His cell water was never restored. He died during the early morning hours of April 23-24, 2016.
10. Dr. Wieslawa Tlomak, M.D., Milwaukee County Medical Examiner's Office, determined Mr. Thomas died from dehydration.

Detention Services Bureau regulations

11. The Milwaukee County Sheriff's Office has regulations for the care and custody of jail inmates. Defendant Ramsey-Guy was subject to these regulations.
 - a. Detention Services Bureau IS 3.8, Access to Toilets and Sinks. "Inmates shall have 24 hour a day access to a working toilet and access to hot and cold running water."
 - b. Detention Services Bureau, OP 2.3.: Jail Log. Corrections officers shall log "any unusual incidents, disturbances or significant activity" and "any other information deemed to be important."

Interview statements and testimony of defendant Ramsey-Guy

12. Defendant Ramsey-Guy acknowledged that he shut off Mr. Thomas' cell water. He gave conflicting accounts about whether he shut off just the cold water valve, or, both the cold and hot water valves.
13. On July 31, 2016, Detectives Gust Petropoulos and Michael Sarenac, MPD, interviewed defendant Ramsey-Guy. Defendant Ramsey-Guy stated as follows.
 - a. On April 16, 2016, defendant Ramsey-Guy assisted moving Mr. Thomas from the jail booking area to Pod 4C. Mr. Thomas was acting and talking oddly. Defendant Ramsey-Guy believed Mr. Thomas should have been housed in the Mental Health Unit.
 - b. The next morning, April 17, 2016, defendant Ramsey-Guy was working first shift in Pod 4D. He responded to a disturbance call in the adjacent Pod 4C. Mr. Thomas had stuffed his mattress in the toilet causing severe flooding.
 - c. Lt. Meadors was present in Pod 4C during the flooding incident.
 - d. Defendant Ramsey-Guy escorted Mr. Thomas from Pod 4C to Pod 4D subpod B and placed Mr. Thomas in cell 15. Defendant Ramsey-Guy knew "that once they got Thomas into his new cell that the procedure would be to shut off his water there."

e. When defendant Ramsey-Guy arrived in Pod 4D with Mr. Thomas, Lt. Meadors gave the order "to shut the water off" in Mr. Thomas' new cell.

f. Defendant Ramsey-Guy took the chase locker key from the command center in Pod 4D, unlocked the chase locker, and turned off Mr. Thomas' cell water.

g. Defendant Ramsey-Guy explained that shutting off an inmate's cell water was a common practice in the Milwaukee County Jail.

h. Defendant Ramsey-Guy stated that, during a cell water shut-off, "if an inmate wanted water, they could ask for it."

i. Defendant Ramsey-Guy knew that Mr. Thomas' had problems communicating and may not have been capable of requesting his water be turned back on. Defendant Ramsey-Guy checked on Mr. Thomas several times during his shift. He tried to engage Mr. Thomas in conversation, but Mr. Thomas would not reply.

j. Defendant Ramsey-Guy knows that corrections officers often fail to note inmate cell water shut-offs in the jail pod log.

k. Defendant Ramsey-Guy "did not himself turn the water back on." He did not know if anyone else turned Mr. Thomas' cell water back on.

l. At no time during the interview, did Defendant Ramsey-Guy claim to have only shut off Mr. Thomas' cold water.

14. On September 26, 2016, Det. Kyle Mrozinski interviewed defendant Ramsey-Guy. Defendant Ramsey-Guy stated that he saw a notation, on the Pod 4D dry erase board, that water for cell 15 was to remain off per squad 305.

15. Defendant Ramsey-Guy's claim, about the dry erase board notation, is wrong. Squad 305 designates Capt. Janet Borucki. Capt. Borucki did not work first shift on April 17, 2016. She could not have issued the dry erase board order during defendant Ramsey-Guy's shift on that date. Defendant Ramsey-Guy appears to have mistaken dates. On April 25, 2016, after Mr. Thomas died, Capt. Borucki did order the water valves to cell 15 remain unchanged while the death investigation continued.

16. On April 27, 2017, defendant Ramsey-Guy testified at the inquest into Mr. Thomas' death. He changed his story about shutting off Mr. Thomas water. Defendant Ramsey-Guy now claimed that he only shut off Mr. Thomas' cold water and that he left the hot water on. Defendant Ramsey-Guy testified as follows.

a. Referring to Mr. Thomas mental health, defendant Ramsey-Guy stated "He didn't seem there at the time." *Trans. 4/27/17 p.m. pg. 19 ln. 10*

b. Lt. Meadors and CO O'Guinn were present, with defendant Ramsey-Guy, dealing with Mr. Thomas in Pod 4C. *Trans. 4/27/17 p.m. pg. 119 ln. 25 to pg. 120 lns. 1-3.*

c. Defendant Ramsey-Guy, Lt. Meadors, and other corrections officers walked Mr. Thomas from Pod 4C to Pod 4D. *Trans. 4/27/17 p.m. pg. 120 ln. 21 to pg. 121 ln. 1.*

d. When defendant Ramsey-Guy arrived in Pod 4D, Lt. Meadors ordered him to shut off Mr. Thomas' water: "We was instructed to turn the toilet water off, the water." *Trans. 4/27/17 p.m. pg. 121 lns. 6-9.*

e. Regarding the exact language of Lt. Meadors' order to shut off Mr. Thomas' cell water, defendant Ramsey-Guy testified as follows:

Question: Can you just describe one more time what the actual order from Lieutenant Meadors was?

Answer: To turn the water off.

Question: Just turn the water off?

Answer: Yes.

Question: It wasn't to turn the toilet water off?

Answer: No, sir.

Question: It was to turn the water off?

Answer: That's correct, yes.

Trans. 4/27/17 p.m. pg. 137 Ins. 4-12.

f. Lt. Meadors was in Pod 4D when she ordered defendant Ramsey-Guy to shut off Mr. Thomas' water. *Trans. 4/27/17 p.m. pg. 123 Ins. 4-9.*

g. Defendant Ramsey-Guy retrieved the chase locker key from the Pod 4D command desk. *Trans. 4/27/17 p.m. pg. 121 Ins. 15-21.*

h. Describing how he shut off Mr. Thomas' cell water, defendant Ramsey-Guy stated: "I open up the chase closet where the valves are contained, and I turn off his cold water" and "I didn't turn off his hot water." *Trans. 4/27/17 p.m. pg. 121 Ins. 2-6.*

i. Defendant Ramsey-Guy acknowledged that cell water should be shut off only if an inmate is actively flooding his cell or if the cell plumbing is being repaired. *Trans. 4/27/17 p.m. pg. 124 Ins.6-15.*

j. Defendant Ramsey-Guy told the other corrections officers working on Pod 4D that he had shut off Mr. Thomas' cell water. CO John Weber was stationed at the command desk on Pod 4D. It was CO Weber's responsibility to log the water shut off. *Trans. 4/27/17 p.m. pg. 125 In. 16 to pg. 126 In. 10.*

k. Defendant Ramsey-Guy never checked the Pod 4D jail log to confirm that CO Weber noted Mr. Thomas' cell water was shut off. *Trans. 4/27/17 p.m. pg. 127 Ins. 13-18.*

l. After Mr. Thomas died, defendant Ramsey-Guy never came forward to report that he had turned off Mr. Thomas' cell water. *Trans. 4/27/17 p.m. pg. 133 In.16 to pg. 134 In. 3.*

m. Defendant Ramsey-Guy knew how to shut off an inmate's toilet water using the command desk computer. *Trans. 4/27/17 p.m. pg. 125 In. 25 to pg. 126 In. 3. See paragraphs 27-28 below.*

17. Defendant Ramsey-Guy's interview statement to Det. Petropoulos, concerning how he shut off Mr. Thomas' cell water, was the truthful version of events. In fact, defendant Ramsey-Guy turned off both the hot water and cold water valves to Mr. Thomas' cell. On April 25, 2016, the day after Mr. Thomas died, Corrections Officer Brandt Van Wagoner checked the chase locker to Mr. Thomas' cell. CO Van Wagoner found both the hot water and cold water valves were in the off position. See paragraph 49 below.

Failure to inform second shift officers

18. Milwaukee County Jail procedures require the corrections officers ending their shift to brief the corrections officer on the incoming shift. This briefing occurs at shift change. The departing corrections officers should present any important information including inmate safety issues.

19. Defendant Ramsey-Guy failed to inform the corrections officers, on the incoming shift, that Mr. Thomas' cell water was shut off. Defendant Ramsey-Guy worked first shift (6 a.m. to 2 p.m.) in Pod 4D on April 16, 2016. Corrections Officers JorDon Johnson, Devon O'Donnell, and Derrick Spidell worked second shift (2 p.m. to 10 p.m.) in Pod 4D. Defendant Ramsey-Guy did not inform these corrections officers that he had shut off Mr. Thomas' cell water.

20. The Pod 4D jail log shows the following entries at shift change on April 17, 2016:

2:15 p.m. Dep/Off Johnson, JorDon/ Spidell, Derrick/ O'Donnell, Devin debriefed and relieved previous shift.

2:38 p.m. CO Johnson received taser from: CO Ramsey-Guy, James taser #XOO-6307018 Cartridge #C4103TGNR

21. CO Johnson gave an interview statement to Detective Michael Sarenac, MPD, on August 1, 2016. CO Johnson stated as follows. He worked in Pod 4D on second shift of April 17, 2016. CO Johnson remembers Mr. Thomas being housed there. CO Johnson did not remember anything about water issues being passed on to him at the shift change briefing. CO Johnson was not aware Mr. Thomas' cell water was shut off.

22. CO O'Donnell gave an interview statement to Detectives Shalondia Tarver and Jeremiah Jacks, MPD, on August 21, 2016. CO O'Donnell stated as follows. He worked in Pod 4D on the first half of second shift of April 17, 2016. He was unaware of any water restrictions for Mr. Thomas. CO O'Donnell should have been informed if an inmate on Pod 4D had a water restriction as punishment for flooding his cell.

23. CO Spidell gave an interview statement to Det. Mrozinski on August 8, 2016. CO Spidell worked in Pod 4D on second shift of April 17, 20-16. CO Spidell stated that he did not know Mr. Thomas' water was turned off.

Milwaukee County Jail telephone calls

24. Telephone calls on certain administrative lines in the Milwaukee County Jail are recorded. I obtained recordings for Mr. Thomas' incarceration period from Milwaukee County Jail telephone archives. Lt. Meadors made the following call dated April 17, 2016 at 7:05:52 a.m. (item 123). The call refers to Mr. Thomas flooding his cell in Pod 4C.

CO (male): Master Control, Officer Cannon. May I help you?

Lt. Meadors: We need to call everybody with 4C, 5C, 6C. All the...everybody on up. 'Cause whoever upstairs is flushing. All of their water is coming out...coming out in cell 4C fourth floor. It's like a flood.

CO (male): Cell 4C? Cell 4?

Lt. Meadors: 4C.

CO (male): Got you.

Lt. Meadors: So...so, everybody on up needs to **cut their chases off**. And have 3 cut theirs off, too.

CO (male): Got you.

Lt. Meadors: So it's between cells 3 and 4.

CO (male): Okay

Lt. Meadors: All right?

CO (male): Bye.

Lt. Meadors: All right. Bye.

dial tone

CO (male): Hello.

CO (female): Yeah.

CO (male): Hey. Meadors needs for you to cut your water off between cells 3 and 4...

25. Jail logs show Lt. Meadors made the above call to "cut their chases off" while she was in Pod 4C, and, that defendant Ramsey-Guy was also present in Pod 4C when she made that call.

a. Pod 4C jail log shows Lt. Meadors was present in Pod 4C from 6:52 a.m. to 7:10 a.m. The following two entries appear in the log:

6:50 a.m. LT MEADORS in Pod

7:10 a.m. LT MEADORS out of Pod

b. Milwaukee County Jail telephone records show Lt. Meadors made the above call to "cut off their chases" at 7:06:52 a.m. She was in Pod 4C at this time.

c. Pod 4C and Pod 4D logs show CO Ramsey was also in Pod 4C when Lt. Meadors made the telephone call to "cut their chases off." CO Ramsey-Guy came to Pod 4C to escort Mr. Thomas to Pod 4D. The Pod 4C log shows Mr. Thomas was "in transit" leaving Pod 4C at 7:07 a.m. The Pod 4D jail logs shows CO Ramsey-Guy and Mr. Thomas arrived in Pod 4D at 7:15 a.m.:

Inmate THOMAS, TERRILL J. New inmate added to POD from transition area.
Escorted by: Lt Townes, O'Guinn, Christopher, Ramsey-Guy, James, Weber, John, Slocum, Maurice.

26 Lt. Meadors uses the phrase "cut their chases off" when she orders cell water shut off. She does not differentiate between toilet and sink water. She does not differentiate between hot and cold water. She broadly orders the "chases" be cut off. Lt. Meadors uses the term the "chases" to mean the water valves servicing an inmate's cells.

Computerized control of inmate toilets

27. Ruben Garcia testified at the inquest into Mr. Thomas' death. Mr. Garcia stated as follows.

a. Mr. Garcia is a plumbing supervisor employed by Milwaukee County. He maintains the plumbing systems in the Milwaukee County Jail. He is familiar with inmate cell toilet and sink plumbing.

b. The command desk computer, in housing pod 4D in the Milwaukee County Jail, can control the toilet flushing in each cell. A corrections officer can make a computer command that remotely turns off an inmate's toilet flushing. When an inmate needs his toilet flushed, the corrections officer can do so by computer.

c. By using the computer shut off function, a corrections officer can shut off an inmate's toilet while leaving on both the hot and cold water flow to the sink tap.

28. The computerized toilet shut off function was available, on April 17, 2016, to prevent Mr. Thomas from flooding his new cell in Pod 4D. Defendant Ramsey-Guy could have turned off Mr. Thomas' toilet flushing by computer rather than by manually turning off the chase locker water valves.

Schlage card records

29. Corrections officers, including defendant Ramsey-Guy, carry a Schlage card to track their movement. Jail procedures require correctional staff to scan their cards at each electronic sensor they pass within the housing unit. The scans are recorded in a Transaction Doors Report.

30. Pod 4D subpod B is a two tier housing unit. There is a main level of cells. A staircase leads up to a mezzanine level of cells. Mr. Thomas' cell 15 was on the mezzanine level. An electronic card sensor was located about fifteen feet from Mr. Thomas' cell.

31. The Transaction Doors Report for Pod 4D shows defendant Ramsey-Guy scanned his card at the electronic sensor near Mr. Thomas' cell at 7:46:52 a.m. and 7:48:30 a.m. on April 17, 2016.

Statements of correctional officers regarding cell water shut-off

32. Lt. Meadors made multiple statements concerning Mr. Thomas' water shut off.

a. On June 30, 2016, Major Nancy Evans, Milwaukee County Sheriff's Office (MCSO), and Deputy Inspector Kevin Nyklewicz, MCSO, interviewed Lt. Meadors. They wrote a report, dated July 11, 2016, memorializing that interview. Lt. Meadors stated as follows regarding Mr. Thomas: "I ordered his water turned off and took his mattress and told officers Ramsey-Guy, Brito and Collins that he was to get a mattress and his water was to be turned on if he behaves."

b. On July 28, 2016, Det. Erik Gulbrandson, Milwaukee Police Department (MPD), and I interviewed Lt. Meadors. Lt. Meadors stated as follows. During her shift on April 17, 2016, she went to Pod 4C to deal with a disruptive inmate. Mr. Thomas was flooding his cell. Lt. Meadors ordered corrections officers to transfer Mr. Thomas to Pod 4D under disciplinary status. Lt. Meadors told a corrections officer to turn off the water to Mr. Thomas' new cell in Pod 4D. She further instructed the corrections officer to keep the water off until Mr. Thomas calmed down.

c. On August 24, 2016, Det. Gulbrandson and Det. Gust Petropoulos, MPD, re-interviewed Lt. Meadors. Det. Gulbrandson filed a written report of that interview. He reported as follows. Lt. Meadors could not remember her exact words when she ordered Mr. Thomas' cell water shut off. She was concerned that Mr. Thomas might again stuff his mattress and clothes in the toilet. Lt. Meadors

told a correction officer something to the effect of “turn the water off to prevent this from happening again.”

d. Eight months later, on April 27, 2017, Lt. Meadors testified at the inquest into Mr. Thomas death. She now claimed to remember that she directed defendant Ramsey-Guy to shut off only the toilet water to Mr. Thomas’ cell.

33. Lieutenant Devonta Townes and I spoke by telephone. Lt. Townes stated as follows. In 2016, he worked in the Milwaukee County Jail. He has since left employment with the Milwaukee County Sheriff’s Office. On April 17, 2016, Lt. Townes was called to an inmate disturbance in Pod 4C. Lt. Townes saw that Mr. Thomas had stuffed pieces of his mattress into his toilet and was flooding his cell. Lt. Meadors ordered Mr. Thomas transferred to the disciplinary unit, Pod 4D subpod B. Lt. Townes, defendant Ramsey-Guy, and other corrections officers escorted Mr. Thomas to Pod D subpod B. Lt. Townes does not remember whether Lt. Meadors ordered Mr. Thomas’ water shut off.

34. Corrections Officer Maurice Slocum testified at the inquest into Mr. Thomas’ death. CO Slocum stated as follows. He was working in the administrative section of the Milwaukee County Jail on April 17, 2016. He was called to a disturbance in Pod 4C. Mr. Thomas had stuffed mattress into his toilet flooding his cell. Mr. Thomas had his shirt off and was speaking incoherently. CO Slocum escorted Mr. Thomas from Pod 4C to Pod 4D subpod B and placed Mr. Thomas in a mezzanine level cell. CO Slocum does not recall anyone ordering Mr. Thomas’ cell water shut off. He does not recall seeing anyone shut off Mr. Thomas’ cell water.

35. Corrections Officer Christopher O’Guin testified at the inquest into Mr. Thomas’ death. CO O’Guin stated as follows. He was working at the Milwaukee County Jail on April 17, 2016. He was called to a disturbance in Pod 4C. Mr. Thomas had flooded his cell in Pod 4C and “did not seem with it.” CO O’Guin escorted Mr. Thomas from Pod 4C to Pod 4D subpod B. Lt. Meadors also walked Mr. Thomas from Pod 4C to Pod 4D subpod B. CO O’Guin placed Mr. Thomas in his new cell in Pod 4D subpod B. CO O’Guin does not recall any orders concerning Mr. Thomas’ cell water.

36. Corrections Officer John Weber testified at the inquest into Mr. Thomas’ death. CO Weber stated as follows. CO Weber was working in Pod 4D at the Milwaukee County Jail on April 17, 2016. He responded to a disturbance in Pod 4C. Mr. Thomas had flooded his cell. Lt. Meadors was present in Pod 4C. CO Weber and other corrections staff escorted Mr. Thomas from Pod 4C to Pod 4D subpod B. CO Weber said “I would have had his right arm.” CO Weber placed Mr. Thomas in cell 15. No one ordered CO Weber to turn off Mr. Thomas’ cell water. CO Weber did not see anyone turn off Mr. Thomas’ cell water. CO Weber did not recall Lt. Meadors giving any orders that morning. No one wrote any message on the white dry-erase board, in the command center of Pod 4D, that Mr. Thomas’ water had been shut off.

37. Corrections Officer Dominique Smith provided the following interview statement to Det. Kyle Mrozinski, MPD, and Det. Jason Enk, MPD. CO Smith worked on Pod 4D on April 17, 2016. He remembered Mr. Thomas was housed in Pod 4D subpod B. CO Smith did not know Mr. Thomas’ cell water was shut off.

Denial of water for seven days

38. Milwaukee County Jail maintains a Housing Assignment History record for all inmates. Mr. Thomas’ record shows he was placed in cell 15 on Pod 4D subpod B on April 17, 2016 under disciplinary status.

39. I interviewed DI Nyklewicz on several occasions. He stated as follows.

a. In 2016, DI Nyklewicz was the second in command at the Milwaukee County Jail. He is familiar with jail regulations, practices, and procedures. Because Mr. Thomas was held in disciplinary status during April 17-24, 2016, Mr. Thomas received discipline meals. Those meals consist of bread and nutraloaf. Mr. Thomas would have received no milk, water, or other beverage with his discipline meal. His only source of beverage would have been his cell water tap. Sundays are an exception to the discipline meal regimen. All inmates receive a standard meal with a carton of milk on Sunday.

b. Pod 4D is the disciplinary unit. Inmates in Pod 4D are essentially in solitary confinement. They are locked into separate cells. Inmates are individually allowed one hour of recreation in the common area of the unit. Corrections officers should log when an inmate is released for his recreation period.

40. I examined the Pod 4D jail log for April 17-24, 2016. That log does regularly record when inmates were individually released for recreation in the unit common area. There is no entry showing Mr. Thomas was ever released from his cell.

41. I examined the plumbing for Mr. Thomas' cell 15 in Pod 4D subpod B. The cell is serviced by a hot water pipe and a cold water pipe. The cold water pipe services both the toilet and a cold water tap in the cell. The hot water pipe services a hot water tap. Two water shut off valves – a hot water valve and a cold water valve – are housed in the chase locker to the right of cell 15.

42. I interviewed Terrence Burch. Mr. Burch stated as follows. Mr. Burch was an inmate in the Milwaukee County Jail in April 2016. He was housed in cell 15 on Pod 4D subpod B, on discipline status, on the morning of April 17, 2016. Corrections Officers removed Mr. Burch to open his cell up for another prisoner. When Mr. Burch left cell 15, the water was functioning properly. There was proper water flow to the toilet and both hot and water flow to the sink tap. Mr. Burch further stated that, while he was on discipline status on Pod 4D subpod B, he received nutraloaf as his meals. Except on Sundays, he received no beverage with his meals and had to rely on the cell sink tap for drinking water.

43. Captain George Gold, MCSO, testified at the inquest into the death of Mr. Thomas. Capt. Gold testified as follows.

a. Capt. Gold worked in the Milwaukee County Jail in 2016. He has since left that employment.

b. There is a surveillance camera in Pod 4D subpod B that is directed at cell 15 and the surrounding area. The video surveillance footage is recorded.

c. The day after Mr. Thomas' death, Capt. Gold watched the video surveillance footage of Mr. Thomas' cell area for the period April 17-24, 2016. He watched the entirety of the footage except for some moments when the video malfunctioned and recorded blank.

d. The video surveillance footage showed, on the morning of April 17, 2016, defendant Ramsey-Guy opened the chase locker housing the water shut off valves for Mr. Thomas cell.

e. From the time that defendant Ramsey-Guy entered Mr. Thomas' chase locker on April 17 until Mr. Thomas was found dead in his cell on April 24, the video surveillance footage showed no one else ever opened Mr. Thomas' chase locker.

f. From the time Mr. Thomas was placed in his cell on April 17 until Mr. Thomas was found dead in his cell on April 24, Mr. Thomas never left his cell. He was continuously locked in.

44. In July 2016, during the investigation of Mr. Thomas' death, Milwaukee Police Department detectives obtained video surveillance footage of Mr. Thomas' cell area. That footage spanned 6:33:39 a.m. on April 21 to 5:09:59 a.m. on April 24, 2016. The footage before that time frame had been

overwritten. Detectives Matthew Bell, Jason Enk, and Kyle Mrozinki watched the entirety of the extant footage. They prepared detailed reports of their observations. The detectives reported that no one opened the chase locker housing the water valves to Mr. Thomas' cell.

45. I was present in court throughout the inquest into Mr. Thomas' death. I listened to all testimony. With three exceptions, all corrections officers who worked in Pod 4D during Mr. Thomas' incarceration, testified. No corrections officer turned the water back on after defendant Ramsey-Guy turned it off. No corrections officer opened Mr. Thomas' chase locker. CO Dominique Smith, CO JorDon Johnson, and CO Rafael Brito did not testify. During police interviews, these three corrections officers all indicated they did not turn Mr. Thomas' cell water on or off.

46. I interviewed Corrections Officer Thomas Laine in the presence of his attorney. CO Laine agreed to the interview on the condition that his statement cannot be used against him in a criminal prosecution. CO Laine stated as follows.

a. CO Laine worked in Pod 4D on second shift on April 23, 2016. An inmate on Pod 4D subpod B told CO Laine that Mr. Thomas' water was shut off. CO Laine opened the chase locker to the left of Mr. Thomas' cell. It was the wrong chase locker. CO Laine mistakenly believed the water valves to Mr. Thomas' cell were in the chase locker to the left of Mr. Thomas' cell. Because the valves in the locker to the left of Mr. Thomas' cell were on, CO Laine concluded the water to Mr. Thomas' cell was functioning. CO Laine took no further action regarding Mr. Thomas' cell water. After Mr. Thomas died, CO Laine realized that he had checked the wrong chase locker.

b. CO Laine lied when he testified at the inquest into Mr. Thomas' death. CO Laine falsely testified that no inmate told him Mr. Thomas' water was off. CO Laine falsely testified that he checked the chase locker to the left of Mr. Thomas' because of problems with running water in cell 14. CO Laine falsely testified that he had not mistaken the left chase locker for the one servicing Mr. Thomas' cell.

47. Corrections Officer Decorie Smith testified at the inquest into Mr. Thomas' death. He stated as follows. CO Smith worked on Pod 4D on third shift during the early morning of April 24, 2016. CO Smith observed Mr. Thomas lying unresponsive on the floor of cell 15. CO Smith called a medical emergency.

48. Det. Luke O'Day testified at the inquest into Mr. Thomas' death. He stated as follows. During the early morning hours of April 24, 2016, Det. O'Day was dispatched to the Milwaukee County Jail to investigate Mr. Thomas' death. Det. O'Day entered Mr. Thomas' cell and examined the sink and toilet. Both fixtures were completely dry. Det. O'Day pressed the toilet flush button and no water flushed the bowl. Det. O'Day pressed both the hot water button and the cold water button and nothing happened. No water flowed from the sink spigot. The water was not functioning in Mr. Thomas' cell.

49. Corrections Officer Brendt Van Wagoner found Mr. Thomas' cell water was off when he checked on April 25, 2016.

a. CO Van Wagoner testified at the inquest into Mr. Thomas' death. He stated as follows. The day after Mr. Thomas died, on April 25, 2016, a lieutenant ordered CO Van Wagoner to check that all cells in Pod 4D had running water. During that check, CO Van Wagoner opened the chase locker to Mr. Thomas' cell. CO Van Wagoner examined the water valves servicing Mr. Thomas' cell. Both the hot water and the cold water valves were in the off position.

b. CO Van Wagoner made the following entry in the Pod D jail log at 3:44 a.m. on April 25, 2016:

WATER TURNED ON IN ALL CELLS EXCEPT FOR CELL #14 WHOSE WATER CONSTANTLY RUNS AND CELL #15 DUE TO INVESTIGATIONAL REASONS.

Cause of death

50. Dr. Wieslawa Tlomak, M.D., Milwaukee County Medical Examiner's Office, conducted an autopsy of Mr. Thomas' body on April 25, 2016. She presented her findings in an Autopsy Protocol Report dated September 1, 2016. Dr. Tlomak determined Mr. Thomas died from dehydration and his manner of death was homicide.

51. Dr. Tlomak testified at the inquest into Mr. Thomas' death. She stated as follows.

a. Mr. Thomas died from dehydration.

b. Other than injuries consistent with medical resuscitation efforts, Mr. Thomas' body showed no significant internal or external trauma.

c. Mr. Thomas' vitreous chemistry was abnormal. He had elevated sodium, chloride, blood urea nitrogen, and creatinine levels. His blood was highly clotted and his blood volume was low. Mr. Thomas lost thirty-four pounds while in custody. These findings were consistent with severe dehydration.

d. Dr. Tlomak determined that Mr. Thomas was denied water, and, that denial caused his death by dehydration.

Mental illness

52. Mr. Thomas had serious mental illness which rendered him highly vulnerable to neglect during his incarceration.

53. Dr. David Macherey testified at the inquest into Mr. Thomas' death. He stated as follows. Dr. Macherey is a psychologist and works at the Milwaukee County Behavioral Health Division. In February 2015, Mr. Thomas stayed for two weeks at Milwaukee County Behavioral Health Division. Dr. Macherey diagnosed and treated Mr. Thomas for mental illness. Mr. Thomas suffered from bi-polar disorder.

54. Mr. Thomas was held from April 15-16, 2016 at the Milwaukee Police Administration Building before being transferred into the Milwaukee County Jail. I reviewed an audio and video recording of Mr. Thomas' stay in the police holding cell. He behaved in a bizarre manner. He talked to non-existent persons, constantly and erratically moved about his cell, and verbalized incoherently.

55. When Mr. Thomas was medically screened for admission into the Milwaukee County Jail, he self-reported a history of schizophrenia and paranoia. He was not taking his prescribed medications to treat those conditions.

56. Mr. Thomas' initial court appearance was held on April 20, 2016, in Pod 4D, before Court Commissioner Julia Vosper. I read a transcript of that hearing. Mr. Thomas' attorney, Steven Sargent, told the court that Mr. Thomas had acted in an inappropriate and uncommunicative manner when Attorney Sargent attempted to interview him. Attorney Sargent further stated, for the record, that Mr. Thomas presently was naked and laughing during the court proceedings. Attorney Sargent requested the court order an evaluation of Mr. Thomas' mental competency. The court granted the request.

57. Corrections officers testifying at the inquest into Mr. Thomas' death stated that Mr. Thomas was often naked in his cell and shouted nonsensically. He would not respond when corrections officers spoke with him.

58. Defendant Ramsey-Guy testified, at the inquest into Mr. Thomas' death, that he believed Mr. Thomas should have been housed in the Mental Health Unit.

Pattern and practice at the Milwaukee County Jail

59. Defendant Ramsey-Guy shutting off Mr. Thomas' water was consistent with an institutional practice of punitively denying water to disruptive Milwaukee County Jail inmates. The following are two examples of such practice.

60. On April 30, 2016, corrections officers punitively shut off Inmate Joseph Benson's cell water in Pod 4D.

a. Jail disciplinary records show Mr. Benson repeatedly violated jail rules from April 17 through April 30, 2016. Those violations included tampering with the smoke alarm in his cell, covering his cell window with a blanket, and disrespecting corrections staff. There are no indications that Mr. Benson ever flooded his cell.

b. The Pod 4D jail log has the following entry for Mr. Benson dated 6:50 a.m. on April 30, 2016.

Per Lt Solomon, inmates BENSON, JOSEPH J Bkg Nbr: 694963010 to have his blanket taken away. CO's Do Smith and L.Collins were able to safely retrieve the blanket. **His water will also be turned off temporarily until such time that he agrees to comply with staff orders and follow direction.** (Emphasis added.)

61. On April 30, 2016, corrections officers punitively shut off Inmate Jamie McGee's cell water in Pod 4D.

a. The Pod 4D jail log has the following entry for Mr. McGee dated 4:26 a.m. on May 14, 2016.

Cell 1 inmate MCGEE, JAMIE J Bkg Nbr: 508383823 was told many times by me and LT, Montano and officer yagham about covering window and he still continued. Captain Borucki was notified of the situation inmate will be moved to cell 20 on discipline **everything will be taken until first shift.** (Emphasis added.)

b. The Pod 4D jail log has the following entry for Mr. McGee dated 4:55 a.m. on May 14, 2016.

Inmate MCGEE, JAMIE J Bkg Nbr. 508383823 mattress was taken and water was turned off per LT, Montano. First shift captain and LT, will be informed of the situation to give back mattress and **turn water back on.** (Emphasis added.)

62. The above cell water shut-offs both occurred within three weeks of Mr. Thomas' death and on the same jail pod where he was housed. The incidents demonstrate an institutional practice of punitively shutting off water to unruly inmates.

Abuse, Neglect, or Ill-treatment of Inmate

63. As a corrections officer assigned to Pod 4D on April 17, 2016, defendant Ramsey-Guy was entrusted with the safety and well-being of inmate Mr. Thomas. Mr. Thomas suffered from mental illness and was vulnerable. Defendant Ramsey-Guy shut off Mr. Thomas' cell water. Defendant

Ramsey-Guy did not enter, in the jail log, that he shut off Mr. Thomas' cell water. He did not verify that any other corrections officer noted the cell water shut off in the jail log. He did not post, on the jail pod dry erase board, that Mr. Thomas' cell water was off. Defendant Ramsey-Guy did not turn Mr. Thomas' cell water back on. Defendant Ramsey-Guy failed to inform corrections officers, taking over Pod 4D on the next shift, that Mr. Thomas' water was shut off. Mr. Thomas' water was never restored and he died of dehydration. Defendant Ramsey-Guy abandoned Mr. Thomas to his death.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Kurt B. Benkley.

Subscribed and sworn to before me on 02/12/18

Electronically Signed By:

Kurt B. Benkley

Assistant District Attorney

State Bar #: 1021096

Electronically Signed By:

Investigator Robert G Stelter

Complainant