

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF RICCO PAYTON

I, Ricco Payton, being duly sworn state as follows:

- 1 I am an adult resident of Wisconsin, currently residing at Redgranite Correctional Institution, 1006 County Road EE, Redgranite, WI 54970. I am 30 years old.
2. I was taken to the booking room of the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail, on July 8, 2003, at approximately 4:30 p.m. I remained in the booking area until July 10, 2003, at approximately 1:30 p.m. I am informed by the attorneys for the inmate class that the jail's records indicate I spent 43.9666 hours in booking.
3. When I first got to the booking area, there were at least 75 detainees in the open area and more in the holding cells. It was very crowded, and we were not allowed to walk around. By the time I left the booking area for Milwaukee Secure Detention Facility, there appeared to be about 90 people in the open waiting area. While sitting in the booking room I estimated there were 12 people elbow-to-elbow on 6 benches, and the crowding in the open seating area ranged from all the seats being full to the seats being full plus 10 to 20 extra people standing or sitting on the floor. I never counted how many people were in all of the cells around the outside, but they always seemed full. The deputies moved people from the open seating area into the side holding cells about every 6 to 8 hours. There was no reading material, no TV that we could

actually hear, and no exercise, not even to walk or pace to relieve the anxiety of sitting in one place for hours.

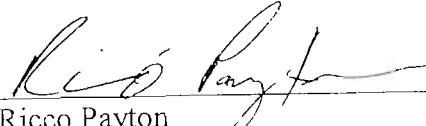
4. There was a concrete bench in the holding cell. Even though it was concrete, like the floor, everyone tried to get on the bench. Usually three people would sit on it, or one person would lie down on it. Who got the bench was something guys would be ready to fight about. I was on the floor each of the 3 or 4 times I was in a holding cell. I never got to lie down in the holding cell. There just wasn't enough room. I mostly sat propped against the wall. Being on the concrete with nothing to cushion the hardness and not being able to move made my legs, back and buttocks hurt. It was very cold on the holding cell floors and we had no warm clothes or blankets.
5. I got very little sleep in the 43 hours I was in booking. I did not really sleep in the holding cells because it was so cramped, cold and uncomfortable. The best I could do for sleep was when I could close my eyes sitting up on the bench in the open area.
6. The crowding of booking was even worse if there were people that smelled bad in the holding cells. It was sometimes unbearable. One of the times I was put in the holding cell it was with a man who was extremely drunk. I had noticed him, from his smell and how he was acting when we were in the open seating area. We were shocked when we saw that he was one of the people called to be locked into the holding cell with us. Inside the holding cell, it was obvious this man was wasted. He reeked of alcohol. Then he started coughing and hacking, like the "dry heaves". He staggered to the toilet area and without bending down or kneeling by the toilet, he held onto the partition and vomited at the toilet, mostly missing the toilet and getting vomit all over the toilet and the floor. I was about 5 feet away. Myself and the others immediately turned on the "emergency" light to call the guard, but as was typical, the light was ignored. We started yelling and pounding on the door and still no one came to check on what we wanted. While this was going on the drunk man had a bowel movement in his pants. The smell was unbelievable. After about 10 or 15 minutes a deputy finally came to the outside of the door and we told him that they had to get this sick man out of there. We told him about the vomit and the man soiling his pants. He responded that he would get someone to clean it. After about 30 to 40 minutes, someone finally came to open the door. They took the sick man away and let us out.

just long enough to clean up the vomit. Then we had to get locked back in the cell. There was no concern at all for our health or dignity. This made me very angry and frustrated that they had no respect for us as human beings.

7. The officers repeatedly said that they could make our time in the jail harder if we didn't act right. They also threatened to contact our parole officers or judges to tell them how we were behaving.
8. Food was also a problem for me in booking. We received two bologna sandwiches about every six hours. I could not eat the meat sandwiches because I do not eat meat of any kind. I asked for a cheese sandwich instead of bologna because I don't eat meat of any kind. I was told sarcastically that "this is not a Hilton." I was hungry the whole time in booking because I only ate the bread that came with the sandwich.
9. I had trouble contacting anyone outside the jail. My phone usage was limited due to the high cost of each call and the calls would automatically be blocked.
10. I also did not receive proper medical care in booking. I am a lifelong asthmatic and always use an inhaler. I informed the nurse of this when I entered the jail and reminded them of that later. I was never given an inhaler. In the holding cells it was either very cold or very stuffy. I found myself starting to wheeze and felt the lightheadedness I associate with an oncoming asthma attack. I asked to have an inhaler and I was told I could only have after I have an asthma attack. This made me worried that I would have an attack and no one would care when I was locked in one of the cells. When I finally left booking, I was sent across the street to the MSDF, where they gave me my prescription asthma medication right away. I feel fortunate that my wheezing did not progress to an asthma attack and I was able to control it by trying to stay calm.
11. No one was given anything for hygiene matters while in the booking area. No one took showers, changed clothes, brushed their teeth. There was only one bathroom per cell, and there was only one bathroom for everyone that wasn't in a cell.

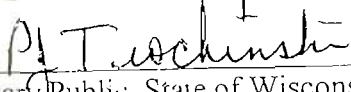
12. The experience in booking left me feeling emotionally abused. I left hungry and sore and feeling like I had been treated like a dog.

Dated this 18 day of July, 2005, Red Granite, Wisconsin.



Ricco Payton

Subscribed and sworn to before me this
18th day of July, 2005.



Notary Public, State of Wisconsin
My commission is permanent/
My commission expires: 8-10-2008

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF WENDELL M. PETERSON

I, Wendell M. Peterson, being duly sworn, state as follows:

1. I am an adult resident of Wisconsin, with my permanent address at Street, Milwaukee, WI 53225. I am currently residing at the Kettle Moraine Correctional Institution, P.O. Box 31, W9071 Forest Drive, Plymouth Wisconsin, 53073-0031. I am 30 years old.
2. In January 2004, I was incarcerated as a pretrial detainee in the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail. During this incarceration I was held in the booking area of the jail, under crowded conditions, without a bed or bedding. I am informed, by the attorneys for the Milwaukee County Jail inmate class, that jail records noted me as being in the Booking/Open Waiting room for 34.7166 hours in January 2004. I recall that I was sleeping on the floor for three nights, but I do not recall the exact number of hours.
3. While I was held in the booking area I was confined both in the open seating area of the booking room as well as in small, locked, holding cells around the outside of the seating area. During the time I was there, it appeared that the booking room was extremely crowded. In addition to all the seats in the open area being filled, there were detainees who were standing around or sitting on the floor. If someone got up to go to the bathroom his seat would be taken by someone else.
4. I was put into the holding cells and then back into the open seating area on what appeared to be a shift-by-shift or 8 hour rotation. I estimated most of the holding

cells to be about 6' by 10' with room only for one person to lie down on a concrete slab bench. These cells were big enough, at most, for two men but we routinely had eight locked in together at a time. On one rotation, I was in a larger holding cell that was used for thirteen people at once, but it was no less cramped. Usually two would be on the bench, but this required that they curled up at the knees. Everyone else would have to sit or lie down (also usually with their legs curled up) on the cement floor. My experience was whichever one or two inmates were first put in the holding cell would take the bench. Sometimes an inmate would get the bench by intimidating the other inmates and threatening to use force.

5. On one rotation into the holding cells, I was lucky enough to be on the bench. On another occasion I did not get to lie down at all and instead had to stand, leaning on the wall, for the entire 8 hour rotation. I tried to sit on the sink, the only place to sit and not be standing, but it hurt my back too much.
6. One of the worst and most dehumanizing things about being locked in the small cells was that there was no privacy for using the toilet. The toilet was part of the same crowded room and this was embarrassing and disgusting for all of us. This contributed to the unbearable smells of the holding rooms with toilet smells mixed with body odors. We had no way to shower, change soiled clothes or brush our teeth. The smell of bad breath was horrible in these close quarters. We were almost on top of each other and I had to put up with very smelly people's feet a foot away from my face.
7. The hygiene in the holding cells was deplorable. We had no way to wash our hands after using the toilet. Sometimes there was no toilet paper because someone had taken the toilet paper roll to use as a pillow. The floor was filthy with urine from the toilet area and garbage from the partially eaten sandwiches. There was someone who swept out the holding cells, perhaps every ten hours, but while I was there the cells were not mopped or disinfected and there was continuing presence of urine and other germs on the floor. It seemed that whatever dirty smelly clothes someone had when they came into the jail they would have on the entire duration until they got sent to a housing pod.

8. I felt afraid for my safety in the holding cells. There was at best occasional supervision of the locked cells, with no way for the deputies at the desk to know what happened in the cells. I felt that if another inmate decided to assault me, there was no way I could count on any protection from the staff. When others tried to get the attention of the deputies for any reason, it appeared to me that the staff ignored the inmates. I felt unsafe and that I could be seriously harmed by another detainee, because there was always the potential for violence and there was tension because of the crowded conditions. I saw two inmates get into a serious fight. Both were bleeding badly. They were handcuffed and dragged into out of the holding/booking area.
9. The booking room was also difficult to endure because we had no warm clothes and no blankets and it was often cold.
10. I have never experienced anything as bad as being held in the Milwaukee County Jail's booking room. I think the overcrowding could have been avoided, but instead myself and other detainees were forced to cope with conditions similar to p.o.w. camp. Horrible.
11. The two inmates who I saw fight seemed to be seriously hurt because of the way the staff responded. The deputies slammed one inmate into a pole between the seating areas. It seemed to me that the deputies were overly aggressive. The staff had an indignant and hostile attitude toward the inmates. This added to the tension and stress in booking. I felt intimidated while there.

Dated this 19 day of July, 2005, Plymouth, Wisconsin.

Wendell Peterson
Wendell M. Peterson

Subscribed and sworn to before me this
19 day of July, 2005.

Josh Shuker
Notary Public, State of Wisconsin
My commission is permanent/
My commission expires: February 26, 2016

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF ESPERANZA ROCHE

I, Esperanza Roche, being duly sworn state as follows:

1. I am adult resident of Wisconsin, residing at _____ West Allis, WI 53219. I am 21 years old.
2. On October 12, 2003, I was incarcerated as a pretrial detainee at the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail. I spent three days in the booking room.
3. Once I was in the booking area, I was placed in a locked holding cell with 12 to 13 other women. I was in the holding cell for the majority of the three days I was in jail. The booking area was very crowded. There were approximately 125 people in the large waiting area, and there were more people in the side cells.
4. The temperature of the holding cell was freezing. When people asked for blankets, they were told no or ignored. A fan was always blowing cold air, and I caught a cold and a sinus infection while I was in booking.
5. It was very difficult to sleep in the holding cell. I had to sleep sitting up, curled in a ball on the concrete floor. One young woman, who appeared to be 17 or 18 years old, had to sleep on the floor between the toilet and the panel that partially covered the toilet.
6. The lack of medical care was particularly bad. I have vascular disease in my legs, depression, bi-polar disorder, and anxiety attacks. I take Zoloft, Valacid, and Vitamin B-1. I asked for my medication, but I was not given any of it. I had pain medication

- with me when I arrived at the jail, but a staff member threw it in the garbage. I tried to ring the nurses bell, but I was ignored. I had suicidal thoughts while I was in booking.
7. By the time I was moved from booking, I had been having an anxiety attack for two days and was twitching non-stop. My legs had also swollen a great deal, and I did not receive any medical attention until shortly before I was transferred to the House of Correction.
 8. The lack of hygiene contributed to the horrible conditions in the booking area. We had no toilet paper when we had to go to the bathroom. I never got to change my clothes, and I only got to shower after I had been in booking for three days and was being moved to the House of Correction. Our cell was cleaned only once during the three days, and one roll of toilet paper was left in our cell. That was the only time we had any toilet paper.
 9. Two women in my holding cell had their menstrual periods, but they could not get any tampons or sanitary pads. They had blood showing through their pants, and they left spots of blood on the ground when they sat down.
 10. I was frustrated that I could not contact anyone from my family, who was unaware that I had been arrested. The phones in the large booking room appeared to be working, but the ones in the holding cell were not working. I told a staff member that I would be able to post bail if I could contact my tribal council, but nobody helped me.
 11. The conditions in the booking area were horrible, and the staff treated us as though we were all mass murderers. I still have flashbacks from my time in the booking area. I am scared of small spaces. I am sometimes scared to use the bathroom with the door closed, and I cannot sleep with my bedroom door closed. This was the worst thing that happened in my life.

Dated this 14 day of July, 2005, Milwaukee, Wisconsin.

Esperanza Roche
Esperanza Roche

Subscribed and sworn to before me this
14th day of July, 2005.

Paulette Myrland
Notary Public, State of Wisconsin

My commission is permanent/

My commission expires: March 11, 2007

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF BRIAN SCOTT RIER

I, Brian Scott Rier, being duly sworn state as follows:

1. I am an adult resident of Pennsylvania, currently residing at Fox Lake Correctional Institution, W10237 Lake Emily Road, P.O. Box 147, Fox Lake, WI 53933. I am 41 years old.
2. I was incarcerated as a pretrial detainee in the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail. I was placed in the booking/open waiting area just after noon on October 27, 2003, and was not moved until October 31, 2003. I have been informed by the attorneys for the plaintiff class that the jail records record me as being in booking/open waiting in the jail for 54.9 hours. I believe that these records inaccurately report the time I was in the jail without a bed. The total time I was in jail custody before being given a bed would have to have been well over 72 hours. It was very frustrating to be in booking for three days and seeing people who came into booking after me get taken up to a housing pod while I remained in booking with no one willing to tell me when it would be my turn. Each hour was increasingly distressing because of this.
3. During my time spent in the booking area, I became very familiar with the routines, conditions, and lack of accommodations for inmates in the booking area. I was held in the open area for 8 hours, and then moved to a holding cell

for 8 hours. I probably spent 4 or 5 of the shifts in a cell, and the rest in open waiting. This rotation continued for the entire four days I spent in booking.

4. I spent time in both small and large holding cells with one or two concrete benches. The amount of people in the cell ranged from 8 to 12, depending on cell size, and it was always really crowded. The first people called would get the benches, and the rest would have to sit on the floor. If my name was the last one called to enter a cell, I would end up sitting on the floor of the cell, directly next to the toilet. When I was stuck near the toilet, my place on the floor was so close to the toilet that I could reach out and touch the toilet bowl. The floor was always a mess from urine and toilet paper around the toilet and trash from uneaten sandwiches on the floor. It was disgusting, aggravating, unsanitary and frustrating. To describe how we lived and how close we were packed into these cells, it reminded me of drawings I have seen of slave ships with slaves packed as close together as they could be with no room to move.
5. The only food we received were 2 sandwiches, usually soggy bologna, 3 times a day. There were no condiments for the sandwich, the bread was stale wheat, and the bologna seemed to have been sitting out too long. It was sometimes green around the edges. The food was barbaric, and I felt like I was living like a caveman or in medieval times. I was hungry most of the time I was in booking.
6. I was not given an opportunity to shower or brush my teeth the entire time I was in booking. Before I entered the jail I was careful to maintain my appearance and hygiene. It was humiliating to me to be reeking of body odor and not brushing my teeth for days, even though others were suffering from the same conditions. I went from Monday to Friday without a shower. It seriously bothered me not being able to bathe, and it felt like my rights to basic human decency were getting stomped all over.
7. Spending so much time in booking also caused me physical pain. I did not have a real bed, and the chairs and benches in the open area and cells were concrete or plastic. They were very uncomfortable, and it was also rare to be able to lay down comfortably. As a result my back began to cramp and knot

up. I was in pain from the first day in booking. I injured my back in an accident around 1991 and this had required chiropractic care. My back has been a problem ever since. Being on hard concrete and being forced to stay in cramped up and uncomfortable positions for hours made my back ache and I was very stiff and sore. It took 5 or 6 days after getting to a housing pod and being able to move around and to sleep in a real bed before the pain and stiffness improved.

8. I also suffer from chronic migraines which were made worse by not eating healthily, and I had intense headaches in the jail that I believe may have been a result of the food. The only medication available was aspirin, and this was not enough to help the migraines.
9. The temperature in booking was also very unpleasant. During the day, it was hot and stuffy, which did not help the body odor problem. At night, the temperature was so cold that I had to pull my arms up inside my shirt for a little bit of warmth. I could not believe I was being treated this way.
10. Sometimes, if the cells were full, I would spend a longer shift sitting in open waiting. I was not allowed to sleep at all in open waiting. At one point, I leaned my head down, and deputy immediately woke me up, yelling such things as “you have to stay awake!” and “you! wake up over there!”
11. Also, if I asked questions about how long I would be there or when I could go see the judge, I was completely blown off. The guards would tell me to “keep my mouth shut” and that they would get to me when they would get to me. I was dirty, hungry, aching, angry, and miserable the entire time I was in booking. I remember thinking “how could you do this to us?”
12. The conditions were so uncomfortable and mentally aggravating that others in the booking room intentionally caused disturbance by refusing to go into the holding cells because, as they informed me, getting put into segregation in “4D” would be better than the booking room because you could finally get a bed and hot food. I did not resort to this because I kept thinking my time to get out would have to come soon. I felt close to losing my temper because of being refused any information about my situation.

13. I still think about my time in booking, and I still have a lot of anger about it. I wonder how they can get away with this kind of treatment. I did not feel like I was being treated like a human being at all. I was treated like an animal, and I felt like less than a man being treated that way. It was very unprofessional beyond anything I imagined from a modern law enforcement organization. I still have a lot of anger and distrust toward law enforcement figures because I can not believe they forced us to live like we did in booking and treated us with such disrespect. I still feel violated by what I was subjected to.

Dated this 18TH day of July, 2005, Fox Lake, Wisconsin.

Brian Scott Rier
Brian Scott Rier

Subscribed and sworn to before me this
18th day of July, 2005.

Julie L. Besaune

Notary Public, State of Wisconsin

My commission is permanent/

My commission expires: Oct. 26, 2008

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF STEVEN ZELLMER

I, Steven Zellmer, being duly sworn state as follows:

1. I am an adult citizen of Wisconsin, currently residing at Milwaukee, WI 53210. I am 25 years old.
2. I was incarcerated as a pretrial detainee in the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail, on or about January 2, 2004. I was part of the class of inmates covered by the Christensen class action settlement.
3. I was held overnight and for an extended period of time in the booking/holding area of the Milwaukee County Jail at that time. As a result, I am familiar with the conditions and lack of accommodations for inmates in the booking area at that time.
4. I was held in the booking area in excess of 30 hours. The attorneys for the inmate class have informed me that Jail records for my detention in January 2004 indicate that I was held in booking for 74.1 hours. I believe I was held in the booking area significantly longer than that. When I was first brought into the Jail sallyport by the Milwaukee Police Department, I was taken directly to a search room, where several deputies searched me quite roughly, and then

taken to a holding cell where I was held alone for what seemed to be about 15 hours before I was finally processed into booking and got a wristband.

5. During the time I was in booking, I had no bed or bedding. It was cold and we were only allowed to keep one layer of clothing on our upper bodies. I was left with only a sleeveless t-shirt while in booking.

6. When I was held in the booking area, we were not allowed to lie down, stand or walk around in the open bench-seating area. The only time you could stand was to go to the bathroom, go to the telephones or go to the trash can. There was no opportunity to exercise, unless you could sneak in push-ups or sit-ups in the side holding cells when the deputies were not looking.

7. Our only chance to try to sleep was either sitting up on a bench in the open area or when groups of approximately 7 men were assigned to one of the small holding cells that were around the outside of the booking room's open seating area. If you were lucky, you might be able to go into one of the one or two unlocked cells kept open for men to lie down or use the toilet, but there was not enough room in those cells for the number of people who needed to lie down. We were told if we did not sit upright facing forward in the seats in the open bench-seating area we would be locked into one of the holding cells. I was unable to get more than about an hour of fitful sleep here and there while I was in booking.

8. The boredom was also overwhelming. There was no reading material. Although the TVs were on, you couldn't hear them. You weren't allowed to exercise, or walk around or talk to the females in booking.

9. The conditions in booking were humiliating and physically very difficult to endure, particularly when we were locked into the holding cells. People were locked into these cells for

shifts of 8-12 hours. I believe I was locked into a side cell like this at least twice, and at least one of those times I think I was in the cell for two shifts in a row. There were times when you would be brought out of a cell so the cell could be cleaned, but then returned to the cell as soon as the cleaners were done.

10. In these cells, I could only try to sleep lying down or sitting up on the floor. It was difficult to sleep because of the crowding, the smells, the cold and the fact that the lights were on at all times. There was a cement bench in the holding cells, but it would be occupied by the first one or two people who got in to the holding cell. Everyone else had to stand, sit or lie down on the floor. It was particularly cold in the cells because cold air was blowing out of a vent. One time, we tried to cover the vent by plastering wet toilet paper over it to keep the cold air from blowing on us.

11. The toilet area was part of the holding cell and only separated from the rest of the cell by a partition that did not reach to either the ceiling or the floor. The sink was also connected to the toilet and the floor was wet with water and saliva from people spitting and spilling while trying to drink. The floor was also wet and filthy with urine that sprayed outside the toilet. The toilet itself was disgusting. It was only occasionally cleaned by workers who didn't sanitize it properly.

12. It smelled very bad in the cells, because we were not able to take showers or have a change of clothes from what we came into the jail with. We were all packed in close and couldn't avoid the body odors. It was also very difficult to not be able to brush my teeth or wash up with soap for days. It was embarrassing to have to use a bathroom that was located inside the crowded holding room. I would sometimes delay using the toilet because I was afraid I would lose my place on the floor or to wait until the toilet was cleaned. I never had a bowel movement

while I was in booking because of the disgusting condition of the toilet and embarrassment of doing so in front of a bunch of strangers.

13. The level of noise and tension with other inmates and the staff added to the stress and difficulty of sleeping. Everyone was on edge because of wanting to know when they would be released or moved into an actual cell with a bed. People would get into verbal disputes over how much space they were taking up. One person “went off”: screaming and banging on the doors and was locked up in a cell as punishment.

14. It was hard, mentally as well as physically, to be in the holding cells because you could barely move and you knew if you got up to even look out the cell-door window, you would lose your space on the floor. The holding cells were so packed that you could not move around, including getting to the toilet, without stepping over each other.

15. Being kept in booking was made more difficult by the lack of contact with the outside world. I was not allowed visits while I was being held in the booking area.

16. The jail staff were also unresponsive to the needs of inmates. You didn’t know if you would get attention if you had medical problems or problems with other inmates. One man in booking with me was a heroin addict in his mid to late twenties. He was having muscle spasms and had veins protruding from his feet, hands, head and neck. I asked the booking staff to help him, because he was in obvious pain, but they did nothing. I was also injured and bruised from my arrest and search, but never got any real medical attention. The nurses would come around every so often with Tylenol, but that was it.

17. It was very stressful not knowing when you would get out. The deputies would not give any information about when you would get out to a normal cell or when you could shower. After about three days, I was finally taken for a shower, but was then returned to the booking

room for several more hours before I finally was moved to a regular housing pod with a bed. I saw groups of other inmates taken out of the booking room and then return several hours later, which made me wonder whether you might get a bed for a while and then be sent back to booking.

18. The food we were served in the booking area was awful. The food was always the same: dry bologna sandwiches. Some inmates refused to eat the food and used the sandwiches as a pillow. I did this myself on occasion. The holding cells were always messy with pieces of uneaten sandwich. We were given nothing to drink but water. It was possible to drink water while in the open area, but it was hard to drink any water in the holding cells because it was hard to get at, it was located right over the toilet, and it often came out in trickles because of very low water pressure.


19. Psychologically, being in the booking room was made harder by the way inmates were disrespectfully treated by the staff. Inmates' reasonable questions were often ignored or answered rudely.

20. It is hard to describe how degrading and dehumanizing this experience was. By the time I finally got out of booking, I felt like they had taken away all my dignity. My clothes were dirty and messy and my body and my breath smelled horribly.

Dated this 15th day of July, 2005, at Milwaukee, Wisconsin.


Steven Zellmer

Subscribed and sworn to before me this
15th day of July, 2005.


Notary Public, State of Wisconsin
My commission expires permanently
My commission expires permanently

MILTON CHRISTENSEN, et al.,

Plaintiffs,

Case No. 96-CV-1835

v.

Hon. Clare L. Fiorenza

MICHAEL J. SULLIVAN, et al.,

Defendants.

AFFIDAVIT OF SCOTT W. ZIESEMER

I, Scott W. Zieseemer, being duly sworn state as follows:

1. I am an adult resident of Wisconsin, currently residing at Stanley Correctional Institution, 100 Corrections Drive, Stanley, WI 54768. I am 38 years old.
2. I was incarcerated as a pretrial detainee in the Milwaukee County Criminal Justice Facility, also known as the Milwaukee County Jail. I stayed in the booking room/open waiting area of the Jail numerous times while waiting to go to court. I was incarcerated in Waukesha because I had overlapping state and federal drug charges and after my initial pretrial detention in Milwaukee County Jail, I was housed in Waukesha's federal detainee unit but was brought to Milwaukee numerous times for court hearings on my state case.
3. According to the attorneys for the inmate class, the Jail records recorded me as being in booking in excess of 30 hours on five different occasions: 46.1 hours in November 2002; 30.25 hours in December 2002; 45.3833 in June 2003 and 45.3833 in July 2003. I strongly believe these records undercounted my actual time in booking because I was in booking for 4 days on at least one occasion. I arrived on a Friday,

spent all 24 hours in booking on Saturday, Sunday and Monday, and was taken to Waukesha on Tuesday. I also recall that I, as well as 10 or 15 other men, were allowed a shower on my 4th day in booking during one stay. This was the only time I received a shower. I believe that my time of incarceration without a bed may have been undercounted by not considering it a continuous incarceration without a bed if I was taken to court and returned to booking. To me it was all the same – days in row in custody in the jail without a bed even if they briefly took me to a courtroom.

4. I came to hate it anytime I had to come to court in Milwaukee. I knew I would not be able to eat the food and I would get little or no sleep. When I was expected to be alert and assisting my attorney with my case in court I was instead exhausted, anxious and feeling overstressed and often in pain. Although the future of my life was at stake in my court hearings, I could barely focus on what was going on and could only think about getting back to Waukesha where I could eat the food and where I could sleep. I eventually refused to have any Monday or Friday hearings in Milwaukee because I could not stand the chance of being held in Milwaukee's booking room over a weekend.
5. After vomiting up the bologna sandwiches twice, I refused the sandwiches in booking. I knew if I would be in the booking room for two or three days I could deal with the hunger pangs and I would only eat the "Tums" or antacid tablets they passed out when they offered aspirin. I just planned to be hungry until I was sent back to Waukesha. The sandwiches served in the Milwaukee County Jail booking room were disgusting. The meat seemed almost rancid and after eating them when I initially entered the booking area I became unable to eat them.

6. There was always tension in the booking room. The guards were always yelling at inmates to be quiet or to sit down. I witnessed guards forcing people into side cells because they had been disruptive. I also witnessed deputies forcing a person to the ground after he would not be quiet in a side cell. I was locked in a side holding cell for a shift and a half as punishment for “being loud” when it was actually another detainee near me who was causing the noise.
7. It was almost impossible to sleep in the booking area. I would get only sporadic sleep, maybe 10 to 15 minutes at a time. It was hard to get any more sleep than this because it was always loud. We were not allowed to sleep in the large room with the benches and in the holding cells it was just too crowded and there was too much going on. The cell would be crowded with 8 inmates in the smaller holding cells, and 12 to 14 in the bigger rooms, and there was barely room to move. The smells were terrible and the fluorescent lights were on 24 hours a day. If I was able to fall asleep, I would be awakened by other inmates talking, being bumped by someone, or by the door opening and closing if they were putting someone in the cell. Frequently, inmates locked in the cell with me would be yelling or pounding on the glass on the door to try to get the attention of the deputies. I felt terrible because of not sleeping and this added to the stress of being in the booking area.
8. Tension and hostility was a constant stress in booking. It was a wild picture: over 100 people in the booking room, including people off the streets, drunk people, people high on drugs. Almost all the time, every time I was in booking, all the seats in the open area were full and the side cells were also full. It was sometimes frightening to be in there. I saw a woman forcefully thrown to the ground, for the

offense of calling a female deputy a name. I saw one man become angry and throw a large garbage can that could have seriously hurt someone.

9. Because of the crowding and the tension, it was always loud and arguments between inmates and between inmates and the deputies were frequent. The inmates became frustrated and angry because of the conditions, because of being treated rudely and not getting any information about when they would get to have a bed. The deputies were always on edge when it was crowded. Even though some of us tried to be quiet, the deputies threatened to lock people in the holding cells if they did not “sit down and shut up”.
10. I had a tooth abscess and infection during one of my extended stays in the booking room. I was in extreme pain that was a shooting pain. My mouth was swollen. I was offered only aspirin for this and it was of little or no help. I tried to speak to a nurse about the tooth pain and I was told just to sit down. It was only later when I was returned to Waukesha that I was given antibiotics. The tooth eventually had to be removed.
11. We were rotated on each work shift between the open area and the booking room. If you were in the open area, they would call names, alphabetically, to go into the holding cells. Because my name starts with Z, I usually got called last and this meant I had no chance to get a seat on the concrete bench in the holding tank. Usually what was left was to scrunch into a corner and the least desirable spot was near the toilet. It was like being crammed into a closet, but one with a dirty toilet, and with “silverfish” bugs crawling around. The toilets sometimes did not flush. There was

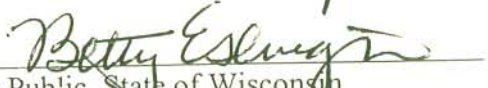
16. The whole experience in booking was disgusting beyond anything I would have imagined. I felt emotionally drained and battered every time I left and I hated ever coming back. It was like what I imagine a concentration camp would have been like.

Dated this 21 day of July, 2005, Stanley, Wisconsin.



Scott W. Ziesemer

Subscribed and sworn to before me this
21 day of JULY, 2005.



Notary Public, State of Wisconsin
My commission is permanent/
My commission expires: 6-3-2007