

**EXCERPTS FROM THE
DEPOSITION OF THOMAS SCHNEIDER**

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF ILLINOIS
3 URBANA DIVISION
4 FELITA MCGEE, as Independent)
5 Administrator of the Estate)
6 of MICHAEL CARTER, SR.,)
7 deceased and as next-of-kin,)
8)
9 Plaintiff,)
10 -vs-) No. 2:16-cv-02221
11)
12 MACON COUNTY SHERIFF'S)
13 DEPARTMENT, DECATUR MEMORIAL)
14 HOSPITAL, DMH CORPORATE)
15 HEALTH SERVICES, ROBERT)
16 BRACO, M.D., JO BATES, LPN,)
17 RANDELL WEST, LARRY PARSANO,)
18 TERRY COLLINS, MICHAEL)
19 PATTON, and JOSHUA PAGE,)
20)
21 Defendants.)
22)
23)
24)
25)

April 11, 2018

DEPOSITION OF THOMAS SCHNEIDER

The Deposition of THOMAS SCHNEIDER was taken by stenographic means on April 11, 2018, commencing at 11:50 a.m. and concluding at 2:50 p.m., at Kehart, Peckert, Wise, Toth, & Lewis, 132 S. Water, Ste. 200, Decatur, Illinois, by Holly Wingstrom, CSR, RPR, CRR, #84-003888.

Page 2

1 A P P E A R A N C E S
2 ON BEHALF OF THE PLAINTIFF:
3 LAW OFFICES OF RASHAAN A. GORDON
4 Rashaan A. Gordon, Esq.
5 333 W. Wacker Drive, Ste. 500
6 Chicago, IL 60606
7 rg@attorneygordon.com
8
9 ON BEHALF OF THE MACON COUNTY DEFENDANTS:
10 KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
11 William W. Kurnik, Esq.
12 5600 North River Road, Ste. 600
13 Rosemont, IL 60018-5114
14 bkurnik@khkklaw.com
15
16 ON BEHALF OF DMH, DMH CORPORATE HEALTH SERVICES, ROBERT
17 BRACO, M.D., and JO BATES, LPN:
18 KEHART, WISE TOTH & LEWIS
19 Michael J. Kehart, Esq.
20 Regan M. Lewis, Esq.
21 132 S. Water St., Ste. 200
22 Decatur, IL 62525-0860
23 mjke@kehart.com
24 rllewis@kehart.com
25

ON BEHALF OF RANDELL WEST:
HEYL, ROYSTER, VOELKER & ALLEN
Keith E. Fruehling, Esq.
301 N. Neil St., Ste. 505
kfruehling@heyloyroyster.com

Page 3

1 I N D E X
2 DIRECT EXAMINATION BY MR. GORDON.....4
3 CROSS EXAMINATION BY MS. LEWIS.....117
4 CROSS EXAMINATION BY MR. FRUEHLING.....121
5 REDIRECT EXAMINATION BY MR. GORDON.....131
6 RECROSS EXAMINATION BY MR. KURNIK.....136
7 RECROSS EXAMINATION BY MR. FRUEHLING.....137
8 FURTHER REDIRECT EXAMINATION BY MR. GORDON...140
9
10 E X H I B I T S
11 NO EXHIBITS MARKED.....
12
13
14
15
16
17
18
19
20
21
22
23
24

Page 4

1 THOMAS SCHNEIDER,
2 a witness herein, called by the plaintiff, after having
3 been first duly sworn, was examined and testified upon
4 his oath as follows:
5
6 DIRECT EXAMINATION
7 BY MR. GORDON:
8 Q. Can you please state your full name and
9 spell it for the record?
10 A. Thomas Schneider, S-c-h-n-e-i-d-e-r.
11 Q. Okay. And have you ever given a discovery
12 deposition before?
13 A. Yes, I have.
14 Q. On approximately how many occasions have
15 you given a discovery deposition?
16 A. Over the last 30 years I've probably given
17 three or four.
18 Q. Okay. I'm going to go over a few ground
19 rules to just hopefully make it go somewhat smoothly
20 during the process of this deposition.
21 So, during the course of my questioning,
22 I'll ask you certain things, to the extent that you
23 have information that is responsive to it in the
24 area, and the expectation is that you will respond,
25 unless your counsel instructs you not to answer, I
anticipate that he along with some of the other

Page 65

1 the contract itself.

2 **MS. LEWIS:** I'll join that. Also,

3 foundation.

4 **BY MR. GORDON:**

5 Q. Did you understand my question?

6 **A. I did. My recollection was that DMH had**

7 **the ability to provide medical assistance 24 hours a**

8 **day, seven days a week.**

9 Q. Okay. And how did you come to that

10 understanding?

11 **A. My belief in reference to the contract and**

12 **my recollection of the contract.**

13 Q. Okay. Other than Dr. Braco, did you meet

14 any other doctor hired by or who worked for DMH who

15 was assigned to Macon County jail?

16 **A. I don't recall any other people other than**

17 **Dr. Braco.**

18 Q. Did it seem logical to you that Dr. Braco

19 would always be available in emergency situations to

20 tend to an inmate or a detainee who may be having

21 some type of medical issue at the jail?

22 **MS. LEWIS:** Objection. Argumentative.

23 Foundation.

24 **MR. FRUEHLING:** Join.

25 **THE WITNESS:** My answer is that my belief

Page 66

1 would be that Dr. Braco is one doctor for DMH but

2 they would have substitute doctors that could fill

3 in for him to be able to fill in anytime that he was

4 unavailable.

5 **BY MR. GORDON:**

6 Q. And what is the basis of that belief?

7 **A. I am going to use the word commonsense.**

8 Q. Did anybody from DMH tell you that?

9 **A. No.**

10 Q. You understand on the day that Michael

11 Carter died that there was no doctor at the jail,

12 correct?

13 **A. That is correct.**

14 Q. You also understand Dr. Braco didn't come

15 back to the jail on that morning, correct?

16 **A. Don't know that, sir.**

17 Q. Okay. You didn't see him on any video,

18 correct?

19 **A. No, sir.**

20 Q. And you've never sought to inquire on

21 whether DMH actually tried to get a doctor to the

22 jail that morning?

23 **A. I never inquired. No.**

24 Q. Did you ever talk to anybody -- after

25 Michael Carter's death, did you ever talk to anybody

Page 67

1 from DMH to further investigate what exactly

2 happened to this person who was under the custody of

3 the Macon County Jail from a medical perspective?

4 **A. I don't recall.**

5 Q. If you did, would you have taken any

6 notes?

7 **MR. KURNIK:** Objection. Lack of

8 foundation.

9 **THE WITNESS:** I am not going to speculate.

10 **BY MR. GORDON:**

11 Q. Okay. But as you sit here today you don't

12 have a recollection of talking to anybody from DMH

13 about what happened to Michael Carter, correct?

14 **A. I believe I had a conversation with**

15 **somebody from DMH. I cannot remember who that would**

16 **have been, and it would have been in reference to**

17 **Michael Carter.**

18 Q. Do you recall the substance of the

19 conversation?

20 **A. I do.**

21 Q. Tell us what it was about.

22 **A. There was a nurse that was involved in**

23 **this, and I'm thinking her name was Bates. If I am**

24 **wrong, I apologize. But I indicated that I did not**

25 **want that nurse to be rendering any more services**

Page 68

1 **for our jail.**

2 Q. Okay. This is the same nurse, from your

3 understanding, who appears briefly on the screen and

4 inside the medical unit that -- inside the medical

5 cell that Michael Carter was in on his final

6 morning, correct?

7 **A. That is correct.**

8 Q. So you have a recollection of speaking

9 with somebody at DMH after Michael Carter died and

10 you said, Look, that nurse, I don't want her in the

11 jail anymore, correct?

12 **A. That is correct.**

13 Q. From your understanding, once you said

14 that, she was no longer in the jail, correct?

15 **A. Yes, sir.**

16 Q. Do you recall if the contracts that you

17 signed that DMH agreed that it would establish a

18 training program for the county deputies and jailers

19 in accordance with the need mutually established by

20 the county and DMH?

21 **A. I remember that there was a training**

22 **provision in there.**

23 Q. Okay. From your understanding, was any

24 type of training service established for the

25 sheriff's deputies and the jailers? Was one ever

Page 69

1 established by DMH?

2 **A. I am uncertain.**

3 Q. Okay. Are you aware or do you have a

4 recollection that there's a provision in the

5 contract that dealt with health care reports that

6 said DMH shall conduct an ongoing health education

7 program and training for the county as follows: 1.

8 Health care reports. Health care reports of the

9 sheriff concerning overall operation of the health

10 care services program and the general health of the

11 persons committed?

12 **A. Yes, I remember that.**

13 Q. Did you get any quarterly health care

14 reports from DMH at any point while you were

15 sheriff?

16 **A. I don't know if that was -- if this is me**

17 **remembering. I don't know if that was set up for me**

18 **specifically or to my lieutenant that was in charge**

19 **of the jail, but I do remember them having quarterly**

20 **meetings with Lieutenant Hotwick, to the best of my**

21 **recollection.**

22 Q. Okay. I'll come back to the meeting. But

23 as far as the reports are concerned, are you aware

24 of any reports that, again, were generated by DMH

25 pursuant to the provisions of the contract?

Page 70

1 **A. Are you indicating reports as in a written**

2 **form?**

3 Q. Yes.

4 **A. Okay. Then, no.**

5 Q. Okay. There's also a provision that deals

6 with meetings where DMH agreed to conduct an ongoing

7 health education program and training for the county

8 and meet quarterly with the sheriff concerning

9 procedures within the jail and any proposed changes

10 in health-related procedures or other matters which

11 both parties deem necessary. So it is your

12 understanding that DMH did meet with Lieutenant

13 Hotwick on a quarterly basis?

14 **A. It is my understanding, sir.**

15 Q. And how did you come to form that

16 understanding?

17 **A. I believe on occasion Lieutenant Hotwick**

18 **would indicate to me that he had conversations with**

19 **DMH staff.**

20 Q. Okay. And the conversations that he had

21 that was, from your understanding, was that with the

22 staff that was assigned to the jail or was that DMH

23 staff, from your understanding, that worked at the

24 main hospital?

25 **A. I would believe from the main hospital.**

Page 71

1 Q. Okay. Do you know if those conversations

2 were in person or over the phone, e-mail, or what?

3 **A. I do not know, sir.**

4 Q. Had you ever been made aware of any

5 complaints by Dr. Braco as to obstacles in his way

6 in being able to deliver medical care to people

7 housed at the Macon County Jail?

8 **A. No, sir.**

9 Q. The NCCHC, are you familiar with that?

10 **A. I am not familiar with that.**

11 Q. Okay. The National Commission on

12 Correctional Healthcare. Have you heard of that

13 organization?

14 **A. I have heard of that, sir.**

15 Q. Okay. It's referenced in the contract.

16 Do you have recollection of the acronym being

17 referenced in the contract?

18 **A. No, sir.**

19 Q. If I told you that one of the provisions

20 in the contract that dealt with at E on page 2 of

21 the contract covered the year in question, 2015, it

22 deals with specific staffing requirements, Number 3

23 says all physicians and nursing staff provided by

24 DMH shall be trained in accordance with NCCHC, do

25 you have any reason to disagree that that provision

Page 72

1 is in the contract?

2 **A. I have no reason to disagree.**

3 Q. Okay. Do you have any information as you

4 sit here today that all physicians and nursing staff

5 provided by DMH to Macon County Jail were, in fact,

6 trained in accordance with NCCHC?

7 **A. I do not know.**

8 Q. Do you have a recollection of doing any

9 type of follow up or quality assurance to make sure

10 that DMH was holding up its end of the bargain as

11 far as this contract was concerned?

12 **A. No, sir.**

13 Q. Are you aware of any type of training that

14 was provided to any Macon County correctional staff

15 by anybody that dealt with identifying signs and

16 symptoms of someone experiencing a medical crisis

17 due to diabetes?

18 **A. Okay. Specifically diabetes, I am unsure;**

19 **but I can tell you that every Macon County law**

20 **enforcement or correctional officer is required to**

21 **go through a basic correctional academy, which is**

22 **approximately 200 hours, prior to being certified as**

23 **a correctional officer in the State of Illinois. In**

24 **that area, I believe they cover first aid. They**

25 **also cover other issues regarding mental health and**

Page 85

1 sorry. Did you want to say something?
2 **A. But it was a follow-up to that --**
3 Q. Okay.
4 **A. -- and initially from what Lieutenant**
5 **Hotwick would have told me, that he had a diabetic**
6 **issue, from the phone call I initially had.**
7 Q. So that was one of the things that
8 Lieutenant Hotwick mentioned on the phone in that
9 first phone call?
10 **A. I would believe so, because I remember**
11 **something about a diabetic issue whenever he first**
12 **called.**
13 Q. Okay. Do you recall your office of
14 sheriff generating a press release in relation to
15 this matter?
16 **A. I believe so, sir.**
17 Q. The day after this incident?
18 **A. I don't remember when it was, sir.**
19 **MR. GORDON:** Okay. Counsel?
20 **MR. KURNIK:** Let me see it real quick.
21 Just for the record, what you are showing him is a
22 sheriff's letterhead dated 7/19/15 and it's titled
23 Press Release. Okay. He's got it.
24 **BY MR. GORDON:**
25 Q. Sir, have you seen that document before?

Page 86

1 **A. If you will, allow me time to read it,**
2 **please.**
3 Q. Sure. No problem.
4 **A. Thank you. I prepared this document, sir.**
5 Q. Okay. Fair enough. Okay. Give that
6 back. Thanks.
7 **A. Thank you.**
8 Q. Yep. The last portion of this press
9 release, it's in quotations, start quoting and end
10 quoting. Can you read that?
11 **A. Yeah. Sure. More than happy to. I would**
12 **like to extend my heartfelt condolences to the**
13 **family of deceased. Signed Sheriff Thomas**
14 **Schneider.**
15 Q. So you included that in the press release.
16 Did you actually send this out to the press?
17 **A. If I didn't send it my assistant would**
18 **have sent it.**
19 Q. Is there a reason why you didn't reach out
20 to the family directly as opposed to incorporating
21 the quotes in the press release?
22 **A. Yes, sir.**
23 Q. Okay. Please tell us why.
24 **A. Because of the reason why we are here**
25 **right now, potential litigation.**

Page 87

1 Q. Okay. But you felt comfortable putting it
2 into a press release?
3 **A. Yes, sir. Controlled statement, sir.**
4 Q. You didn't feel like you could give a
5 controlled statement to the family saying exactly
6 what you had put into a press release?
7 **A. That is correct, sir. I gave a statement**
8 **that I felt was necessary to the family to know that**
9 **I felt a heartfelt condolence toward them regarding**
10 **the loss of their loved one.**
11 Q. But this is a release to the press, not to
12 the family.
13 **A. No. It's released to the family also.**
14 Q. How is it released to the family?
15 **A. Because they have -- they can obtain it**
16 **through the media.**
17 Q. So your assumption is that they would see
18 your heartfelt apology through the media? That was
19 your assumption?
20 **A. That is my assumption.**
21 Q. But the statement wasn't made to them; it
22 was made to the press, correct?
23 **A. The last statement was made toward them**
24 **and the press.**
25 Q. And the press?

Page 88

1 **A. Yeah.**
2 Q. Okay. Why did you have the conversation
3 with DMH where you told someone from DMH that you
4 didn't want that nurse back in your jail?
5 **A. Why did I?**
6 Q. Yes. Why did you?
7 **A. I had information that she may not have**
8 **been as empathetic as what I considered she should**
9 **have been regarding the death of Mr. Carter.**
10 Q. Please tell us what information that was.
11 **A. I had information that said that she had**
12 **left shortly thereafter and was just an individual**
13 **that had indicated that she had to go do other**
14 **things; and, based upon the circumstances, sir, with**
15 **the death in custody, I felt that it was a pretty**
16 **sad situation.**
17 Q. Is it fair so say, based upon the internal
18 investigation that your staff conducted, that one of
19 the conclusions was that this nurse appeared to be
20 indifferent to the medical needs of Mr. Carter on
21 July 18, 2015?
22 **MR. KURNIK:** Objection. Misstates the
23 testimony of the witness.
24 **MS. LEWIS:** Join.
25 **THE WITNESS:** Okay. My information that I

Page 89

1 received from personnel in the jail was that she
2 just left afterwards and there was not a lot of
3 emotion involved in it, and I felt that that was
4 less than empathetic and, therefore, I had a problem
5 with that response.
6 **BY MR. GORDON:**
7 Q. Did anyone tell you that, during the
8 course of their observation of her interactions with
9 Mr. Carter on that morning, that she also displayed
10 problematic behavior with respect to either lack of
11 empathy or indifference to his condition?
12 **A. I don't recall that.**
13 **MR. KURNIK:** Objection.
14 **BY MR. GORDON:**
15 Q. Do you have any recollection as to who was
16 at DMH who you spoke to in regard to this nurse?
17 **A. Please, again?**
18 Q. Do you have any recollection as to who you
19 spoke with at DMH in regard to Nurse Bates?
20 **A. No, I do not. It may have been through**
21 **Lieutenant Hotwick.**
22 Q. Okay.
23 **A. It wasn't specifically to DMH, but it was**
24 **a message from me to Lieutenant Hotwick, so I am**
25 **thinking that it was more so my personnel that had**

Page 90

1 **direct contact with DMH telling them not to allow**
2 **her to come back and work.**
3 Q. Okay. And so, from the time you sent out
4 that message, she never appeared back at the jail,
5 correct?
6 **A. To my recollection.**
7 Q. Okay. In terms of Dr. Braco, at some
8 point did you tell DMH that you didn't want
9 Dr. Braco working at the jail?
10 **A. No, sir. I did not.**
11 Q. From your understanding, at some point
12 Dr. Braco stopped working at the jail; is that
13 correct?
14 **A. That is correct.**
15 Q. Do you understand the circumstances
16 surrounding him not working at the jail anymore?
17 **A. No. I do not, sir.**
18 Q. Okay. Howard Buffett is the current --
19 well, he's the interim sheriff of the Macon County
20 Sheriff's Department; is that correct?
21 **A. That is correct.**
22 Q. And how did you come to appoint Howard
23 Buffett as the interim sheriff?
24 **A. He was my undersheriff.**
25 Q. How long had he been your undersheriff?

Page 91

1 **A. I believe three to four years.**
2 Q. So undersheriff, what does that mean?
3 **A. Means that he took care of different types**
4 **of programs and served in the capacity of an**
5 **undersheriff. I had two administrators that were a**
6 **part of the process of overseeing the operations of**
7 **the jail, and then I had him as the undersheriff**
8 **over programs.**
9 Q. Okay. From your understanding, during his
10 approximate three years as undersheriff, did any of
11 his responsibilities involve anything related to the
12 Macon County Jail?
13 **A. No, sir.**
14 Q. Okay. Did you talk to Sheriff Buffett
15 about the loss of life that happened on July 18,
16 2015?
17 **A. I would have indicated to him that there**
18 **was an individual that died in custody.**
19 Q. I just want to be clear for clarity
20 purposes because you say I would have. So my
21 question is: Do you have a recollection of having a
22 conversation with Howard Buffett about Michael
23 Carter and his death on July 18, 2015?
24 **A. When it first occurred I would have**
25 **acknowledged to him that there was a death because**

Page 92

1 **they -- so, yes.**
2 Q. Okay. Do you recall -- do you have an
3 independent recollection of the actual conversation?
4 **A. No, sir.**
5 Q. Okay. Do you recall anything that he may
6 have said in response to what you told him?
7 **A. No, sir.**
8 Q. Have you had any other conversations with
9 him about the death of Michael Carter in the Macon
10 County Jail?
11 **A. No, sir.**
12 Q. Okay. From your understanding -- strike
13 that.
14 You do understand that Howard Buffett, one
15 of the first things he did when he came on board was
16 to hire outside consultants to examine the Macon
17 County Jail system and, in particular, to examine
18 the delivery of health care services to those housed
19 at the jail, correct?
20 **A. Yes, sir.**
21 Q. Did you have an opportunity to speak to
22 Mr. Buffett in relationship to his intention to hire
23 outside consultants to conduct this examination?
24 **A. Yes, sir.**
25 Q. Okay. And this was in advance of him