

# *Private Prison Media Reports*

*Review #17*

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*Prepared by the  
American Correctional Officer  
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## ***Introduction:***

The American Correctional Officer Intelligence Network (ACOIN) is a coalition of the nation's corrections professionals. This report is one of many available through ACOIN. It is a compendium of media reports covering the activities of Corrections Corporation of America (CCA) headquartered in Nashville, Tennessee and covers the period from 1998 through June 2006. Corrections professionals want the public to get the whole story behind prison privatization and not simply what the corporations would lead you to believe.

A public Correctional Officers mission is to protect the public; a private prisons mission is to enrich the corporation. Private prison corporations claim that the opposition they face stems from public employee unions trying to protect their member's jobs. ACOIN is not a union and is only one of dozens of organizations that have risen up in opposition to the selling of America's public safety to the lowest bidder. Privatization proponents make dramatic claims of cost savings, innovation and good jobs. After a sordid twenty year history there is no proof that supports these contentions, in fact the anecdotal information available flies squarely in the face of their claims.

***ACA Accreditation*** – the privateers will point to the American Correctional Association accreditation process as the barometer of their professionalism. It is important to note that the ACA is a private corporation, not a government entity. Although the ACA claims that on occasion a private prison fails their accreditation process when pressed they refuse to identify even one such failure, public or private. The ACA also routinely accepts money from and advertises for the privateers, many corporate leaders in the private prison industry sit on the ACA's Board and Committees, hardly a scenario conducive to an object audit. The close relationship between the ACA and the private prison industry should be closing scrutinized.

The ACA also claims to monitor facilities to ensure they maintain compliance in subsequent years. The only records made available by the ACA show that less than 1% of the facilities they accredited are ever monitored.

Here is what the Corrections Professional had to say about ACA's accreditation:

***“The action pushes to six the number of problematic facilities recently accredited by the ACA, fueling the debate about whether the ACA really is searching for excellence or is pandering to the private prison industry.”***

*The Corrections Professional, September 22, 2000*

***Assaults:*** according to a survey conducted by Professor James Austin, Ph.D., George Washington University, ***assaults on staff are 49% higher*** in private prisons and ***inmate on inmate assaults are 66% higher***. The hidden costs with such high assault rates include the investigation, prosecution and subsequent incarceration of the assailants, appeals, access to law libraries, assigning public defenders, transportation to and from court, etc. These costs are never figured into the overall price of privatization and are the responsibility of the host community ***not*** the privateers.

***Corporate Veil*** – the privateers promote the idea that the problems they face are just like any other prison, public or private. Yet when attempting to make comparisons the privateers refuse to open themselves up to the intense scrutiny that public entities are required to by the Freedom of Information Act. The privateers hide behind the corporate veil sighting competitive reasons for non-disclosure. In this compendium you will find what we do know, imagine what we don't.

**Cost Savings** – for years the industry touted the research of Dr. Charles Thomas as proof that private prisons save money. That was until it was revealed that much of Dr. Thomas’s research was funded by the industry itself. When it was disclosed that Thomas owned stock in some of the very companies he was researching, he was removed from his position at a prestigious Florida University and received the largest fine every levied against an individual by the Florida Ethics Commission.

“...it maybe concluded that there are no data to support the contention that privately operated facilities offer cost savings over publicly managed facilities....it was discovered that, rather than the projected 20-percent cost savings,” touted by the industry itself, “...the average savings for privatization was only about 1%, and most of that was achieved through lower labor costs,” US Department of Justice, Bureau of Justice Assistance: “Emerging Issues on Privatized Prisons,” James Austin, Ph.D., Gary Coventry, Ph.D., February 2001.

In addition, studies by the Government Accounting Office, the Council of State Governments and The Abt report, commissioned by the US Attorney General’s Office, all point to very little or no cost savings.

**Economic Development** - Many communities have been drawn in by promises of job creation and tax relief by the private prison industry. Until recently there had not been any studies conducted, or evidence produced to dispute or support this contention. However, Margaret Hanson and Terry Besser ([tbesser@iastate.edu](mailto:tbesser@iastate.edu) 515-294-6508) of the Iowa State University Department of Sociology recently issued a study that was presented at the Rural Sociological Society Meeting in August of 2003. Their study showed that there was no change in housing and local business numbers when comparing new prison and non-prison towns; that towns did not gain significantly when prisons were sited there; that changes in unemployment rates were “roughly equal”; and that, “The rate of increase in the number of new businesses, non-agricultural employment, average household wages, retail sales, median value of owner occupied housing, and the total number of housing units is **substantially less in new prison versus non-prison towns.**” (emphasis ours).

A second study released in February 2003 by Ryan S. King, Marc Mauer and Tracy Huling of The Sentencing Project in Washington, DC ([www.sentencingproject.org](http://www.sentencingproject.org), 202-628-0871,) found that “Overall, over the course of 25 years, we find **no significant difference or discernable pattern of economic trends** between the seven counties in New York that hosted a prison and the seven rural counties that did not host a prison.”

Many communities have found that the hidden costs of a private prison can be devastating to a community. The impact on local law enforcement, firefighters and other public safety officials can be substantial. The burden on local hospitals and municipal courts must also be considered.

*“Sheriff’s offices in Lincoln, Bent and Crowley Counties (Colorado) all reported that civil filings increased after the (private) prisons were in operation. The Sheriff’s also reported increased problems with juveniles and juvenile drug use. The data shows that juvenile filings increased by 60.4% in the prison counties. In the four years following the opening of Bent County Corrections Facility, County Court filings in Bent County increased an astonishing 98.9 percent.”*

(“Criminal Justice Master Plan” – Logan County: PACT 1998, *see also* Stephen Raheer, Brush News-Tribune, 8/8/01)

*In New Mexico “State District Court clerk Jane Hernandez said the volume of litigation being filed (by inmates at the privately run Lea County facility in Hobbs NM) is so great that, ‘Sometimes it takes all*

day just to process them.’ District Judge Ralph Gallini indicated they may need to hire a law clerk just for this purpose.”

(Corrections USA New Mexico Compendium, Dec 1998 – June 2004)

The effects a prison has on real estate, where “location, location, location” is so important, can drive down property values. Ask yourself, would you want to live near a prison? Would you want to live near a nuclear waste or toxic dump site?

***“The (private) prison has been a total bust. But no one will tell you that. They want you to think it’s been a boon for the city. Frankly, I’d rather have a hog farm. What has the prison done for us? I’d say halve the property value in this town. Real estate prices have plummeted.”***

**Sayre, OK, City Councilman William Dean**

The perception of potential homeowners or small businesses is the same. Yet the private prison industry will tout their entry into your community as a positive event. Private prisons negatively impact public safety. They are not good tools for economic development, they are not good for our communities.

**ESCAPES:** the prison privatization industry houses approximately 96,000 inmates in what are considered to be secure housing institutions, (institutions where inmates simply cannot walk off the grounds like they can in most halfway houses and many minimum security facilities). The California Department of Correction (CDC) houses approximately 150,000 inmates in such facilities. The California Correctional Peace Officer Association studied escapes from the private prison industry and the CDC over an eight-year period, 1995 – 2004, and found the following.

	# inmates	Escapes 95-04	Escapes per inmates
CDC:	150,000	12	1: 12,500
Privateers:	96,000	319	1: 300

The privateers are also very active in the inmate transportation business. According to Mother Jones magazine May 2000, a comparison between private and public inmate transport reveals the following:

#### Inmate Transport Escapes 1994 - 2000

Private Sector:	37
US Marshals:	0 (Note: the US Marshals transported TWICE the number of inmates during this period.)

**Good Jobs?** – According to the Criminal Justice Institute’s 2000 Corrections Yearbook, the turnover rate of security personnel at public prisons is 16.3%, in private prisons it is an amazing 54%. In less than 2 years the entire staff of a private prison turns over. Virtually every correctional expert in the country will tell you that the experience level of a prisons security staff is one of the leading factors in controlling the inmate population. The industry will sell a community the idea that 95% of the jobs they create will go to the citizens living there. In reality that means that 95% of the people working behind those walls will have NO correctional experience. Is that the type of “safety” the American public wants? In private prisons the only pros are the cons.

**Health Care (Inmates)** – The Tulsa World reported on January 9, 2005, that “At least 17 Tulsa Jail inmates have died since **Corrections Corporation of America** took over operations, four times the number who died in the jail the previous five years.” Sheriff Stanley Glanz said private companies have an incentive to keep medical costs low, which can lead to poor care for inmates. "There are times for cost situations that they will take short cuts," Glanz said. "It's not just CCA; it's all these medical providers. The ideal situation is to have your own medical staff."

Lack of proper medical care is one the largest and most expensive areas of inmate litigation. (For more on private health care providers in a correctional environment see ACOIN's Private Medical Report)

**Inmate releases** - According to the Corrections Yearbook **57%** of all inmates housed in private prisons are released into the community where the facility is located and are ***not*** returned to the committing jurisdiction.

**Innovation** – claims of innovative technology and techniques in efficient management were touted as revolutionizing all of Corrections. Yet after over 20 years the industry cannot point to one such innovation or technique that has been adopted in any public jurisdiction. In fact the industry leaders have hired directly from the public sector to fill many of their highest-ranking decision making positions. Corrections Corporation of America's President is Michael Quinlan former Director of the Federal Bureau Prisons under President George Bush. Wackenhut Corrections hired another former BOP Director Norm Carlson who served under President Reagan. Civigenics brought in Tom Rapone and Peter Argeropolous the former Secretary of Public Safety and Associate Commissioner from the Massachusetts Department of Corrections. Cornell hired Larry Fields former Director of Corrections in Oklahoma and Frank Pruitt former Commissioner of the Alaska Department of Corrections, and at Management Training Inc., their front man is former Utah Corrections head honcho Lane McCotter now of Abu Graib fame. So much for new and innovative ways to look at corrections.

In February 1999 at a Privatization Workshop sponsored by the University of Minnesota School of Law, James L. Saffle then the Director of the Oklahoma Department of Corrections was asked what innovations the private prison industry had brought to Oklahoma, one of the most privatized prison systems in the country. Mr. Saffle responded, “None, it's been the other way around, they've learned from us.” According to a report by Ph.D.'s Austin and Coventry, “The assumption that privately operated prisons are safer or better managed than publicly operated facilities is not supported by the results presented in this report.” (U.S. Department of Justice, Bureau of Justice Assistance, Monograph “Emerging Issues on Privatized Prisons” February 2001, NCJ 181249)

**Liability** - Another myth promoted by the industry is that they indemnify the jurisdiction in which they operate. The government is the only entity in the United States with the power to incarcerate. Case after cases has shown that although the government may hire whomever they want to administer their prisons, they cannot abdicate their responsibilities for the conditions of that confinement.

"Private prison companies have promised that they will reduce or eliminate government liability. But it is absolutely clear, (under state and federal law) that the states cannot divest themselves. If companies make that promise, it's an absolute false promise. ....clearly the law does not allow the state to sell off its liability in this manner." Ira Robbins, American University, Professor of Law and author of "The Legal Dimensions of Private Incarceration." (Phoenix New Times, Robert Nelson, April 3, 2003,)

**Public Safety** – The Federal Bureau of Prisons is one of the private prison industries largest clients. After years of contracting with these corporations here is what their spokesperson had to say:

“Over the years, the private sector has had significant problems with the incarceration and management of medium security and high security offenders. In particular, the private sector has not demonstrated the ability to manage high security sentenced inmates for long term confinement...” Thomas Kane, Assistant Director for Information, Policy and Public Affairs, U.S. Department of Justice, Federal Bureau of Prisons, 6/20/02.

**Training:** Equally important is the amount and quality of pre-service and on the job training that staff receive. According to the 1999 Corrections Yearbook public Correctional Officers average 240 hours pre-service training. The private prison guards receive 177 hours, **35% fewer hours**.

## ALASKA

- ◆ **Dirty Politics:** The FBI served four more search warrants today in its investigation of the relationship between lawmakers and oilfield services company **VECO Corporation**, an Anchorage-based oil field services and construction company whose executives are major contributors to political campaigns. Bill Allen, owner of VECO, and his firm, were involved in a renovation of Alaska Senator Ted Stevens' chalet in Girdwood in the recent past. The Associated Press is reporting that the search warrants seek "from the period of October 2005 to the present, any and all documents concerning, reflecting or relating to proposed legislation in the state of Alaska involving either the creation of a natural gas pipeline or the petroleum production tax." An Anchorage FBI spokesman says that about two dozen search warrants have been executed so far, including three today in Anchorage and one in Willow. After the FBI searched his Wasilla office and questioned him, Rep. Vic Kohring, R-Wasilla, the chairman of the House Special Committee on Oil and Gas, said the investigation was focused on Veco. In disclosures he was required to file as a legislator, Stevens said he was paid \$243,000 over the last five years as a "consultant" to Veco. Whenever he was asked to describe what he did for the money, Stevens refused to answer. The company also refused to say. (Dennis Zaki, The Alaska Report, 9/1/06, <http://www.alaskareport.com/news11023.htm>)
- ◆ **Dirty Politics:** For two decades, oil man and political financier Bill Allen has been a familiar presence in the halls of the Alaska Capitol. But toward the end of this year's regular legislative session, the Veco chief executive may have taken that familiarity a step too far. Allen was watching the state House debate oil taxes on the next-to-last night of business in May when he began passing notes to legislators across the railing of the small spectator gallery, according to Rep. Harry Crawford, D-Anchorage. Rules say the public can pass notes through the front door to be delivered by a page. Crawford said he saw Rep. Tom Anderson, R-Anchorage, carry several notes from Allen to other legislators. Anderson has received Veco campaign contributions and has also reported \$30,000 in consulting contracts with the company since 2003.

Veco's role in Alaska's political process is under intense scrutiny now. Last week the FBI served search warrants on legislative offices and others seeking a wide range of information related to Allen and other Veco executives, including gifts to public officials. But much of Veco's influence, dating from the early 1980s, comes from sources in plain sight. This includes close to \$1 million in state and federal campaign contributions over the past decade as well as consulting contracts with individual legislators.

In 2002, Allen became so involved pressing for two priority pieces of legislation that he got pinched by the state's lobbying law. In a bold display of Veco's influence, Allen's protests prompted Republican legislators the next year to overhaul the state's regulation of lobbyists, passing what opponents called "the Bill Allen bill."

Allen spent a lot of time in the Capitol in 2002, pressing the Legislature to pay for a private prison in Whittier (Veco was teamed with a national prison company, **Cornell**, to build the project) and to authorize a property tax break for construction of a North Slope natural gas pipeline. (Tom Kizzia, The Anchorage Daily News, 9/7/06, <http://www.adn.com/front/story/8166249p-8058918c.html>)

- ◆ **Dirty Politics**: Federal prosecutors allege state Rep. Tom Anderson, R-Anchorage had his hand out looking for bribes. Some who follow the private prisons industry say it's a fairly good place to look.

Last week in Colorado, the state's former corrections chief was accused of starting work for private prison firm, **GEO Group**, before he left his state job and earning a fee for siting a new prison. GEO Group was formerly known as **Wackenhut**. In Florida, the state prisons director pleaded guilty to taking kickbacks from a subcontractor. He lost his job earlier this year. Federal investigators say Anderson solicited bribes from a lobbyist who represented private prisons.

Brad Wilson of the Alaska Correctional Officers Association, a union representing state prison officers, was not surprised. "This is indicative of the industry," he said. When Alaska was considering proposals from Cornell Companies and Veco Corp. to build a private prison, Wilson spent years traveling the state warning of the downsides of turning over control of prisons to private companies. "Private prisons are an abomination to corrections officers," he said.

"It's pretty much throughout the entire industry," said Brian Dawe, executive director of the American Correctional Officer, a private group representing corrections professionals. Private prisons' top goal is cost-cutting to improve profits, he said. Alaska looked closely at constructing a private prison in 2004, when Cornell and the politically connected Veco Corp. had a proposal to build prisons in Whittier and elsewhere. The state has since decided that publicly owned prisons are superior and is looking to build its new prison in the Matanuska-Susitna Borough, said Richard Schmitz, spokesman for the Department of Corrections. (12/25/06)

[http://www.juneauempire.com/stories/122506/loc\\_20061225016.shtml](http://www.juneauempire.com/stories/122506/loc_20061225016.shtml)

- ◆ **Dirty Politics**: In 2004, a privately owned Texas prison firm had a problem in Alaska. Its chain of halfway houses that took in prisoners under contract with the state Corrections Department was struggling. It had facilities in Fairbanks, Bethel, Nome and several Anchorage locations. Low occupancy rates were hurting profits, especially in Anchorage. **Cornell Companies**, the Houston-based owner of the facilities, also had some top lobbyists on their payroll, including a former commissioner of corrections for the state. Also on its payroll was a key state legislator, Rep. Tom Anderson, R-Anchorage, according to the U.S. Department of Justice. The lobbyists' affiliation was legal, but Anderson's wasn't, according to an indictment filed in U.S. District Court for Alaska earlier this month. Anderson was arrested Dec. 7 on charges of bribery, extortion and money laundering. He has pleaded not guilty.

On federal wiretaps, two Cornell lobbyists were heard discussing efforts to bribe Anderson, who they said was willing to be "our boy in Juneau" in exchange for cash payments, according to the Department of Justice indictment. Cornell, whose stock is traded on the New York Stock Exchange, reported revenues of \$346 million last year. It was not identified in the indictment. (Pat Forgey, Juneau Empire, 12/25/06, [http://www.juneauempire.com/stories/122506/loc\\_20061225015.shtml](http://www.juneauempire.com/stories/122506/loc_20061225015.shtml))

## ARKANSAS

- ◆ **Privatization Rejected:** On Tuesday, the Pulaski County Quorum Court threw out the idea of a private jail, and on Wednesday a task force opted to push for a quarter-cent sales tax. The Pulaski County Jail task force believes the sales tax would give the county enough money to quickly build or reopen space to house 1,618 inmates. On Tuesday, the quorum court said no to the idea of a privately-operated detention facility after the presenter failed to answer numerous questions and told the task force that they had no plans to take in felons. “We don’t accept felons,” said Greg Caldwell, a marketing representative for the Central Arkansas Regional Detention Facility, which is being built in Lonoke County. Caldwell’s presentation offering a “private solution to a public problem” – the county jail crisis — came as a special request by the court and took place before new business on the agenda, resulting in a court apology for time wasted. (Paul Peterson, 7/3/07, The Arkansas Leader, <http://www.arkansasleader.com/2006/07/top-story-panel-asks-jps-to-seek-vote.html>)
- ◆ **Abuse/Contract Terminated:** Arkansas terminated its contract with *Cornell Cos. Inc.* to run the troubled Alexander Youth Services Center on Friday after learning that employees were drugging youths to control unruly behavior — in many cases without doctors’ orders, in violation of facility policy and against the children’s wills. A preliminary investigation found that from Sept. 1 to Oct. 15, nurses at the center gave 63 injections of anti-psychotic drugs that have a sedative effect, including Thorazine, to 25 children in the center’s custody. The internal investigation into the use of chemical restraints triggered a series of events: The Health and Human Services Department placed three Alexander employees on administrative leave, the state Board of Nursing was notified, and Gov. Mike Huckabee ordered a review of Cornell’s policies as well as an Arkansas State Police investigation into what happened.

Last year, investigators with the Health and Human Services Department uncovered widespread problems with the medical system at Alexander after 17-year-old inmate Keisha Brown died from blood clots to her lungs. Brown had repeatedly complained that she was ill but some nurses and supervisors at the center did not believe her — even in the last minutes of her life. “Some of us have had concerns with the contract ever since the incident of Keisha Brown’s death,” said Sen. Sue Madison, D-Fayetteville. “We were concerned that her medical care was not what it should have been.” After Keisha’s death, Sen. Terry Smith, D-Hot Springs, urged the Health and Human Services Department to end its contract with Cornell and blasted state officials for not better monitoring the for-profit company.

As a matter of routine, the Health and Human Services Department reviews all incidents at Alexander that are considered “use of force,” whether that force be physical or chemical, Munsell said. As part of the review, agency officials watch any surveillance video of the incident. “In one particular case [from September ], when we pulled the video, we were a little concerned with the administration of the chemical restraint,” she said. Munsell would not give a detailed account of what happened on that video, but said that it involved one of three youths who were given forced injections without a doctor’s order. The youngest inmate at the center is age 12.

Investigators interviewed six nurses, including the medical unit supervisor, and later wrote, “it appeared none had an adequate knowledge of the policies concerning the use of forced psychotropic medications or the requirements of follow-up visits, documentation and signature requirements.”

Over the years, the inmates at Alexander have complained that employees kicked, slapped and even threatened them with death. Others killed themselves while there. Sen. Madison described the facility this way: “It’s terrible. It is really embarrassing. That’s where we’ve put children with problems and hope they would get better,” she said sarcastically. (Any Upshaw, 11/4/06, <http://www.nwanews.com/adg/News/171620/>)

## ARIZONA

- ◆ **Drug Smuggling**: Hawai'i inmates who worked in the kitchen of an Arizona prison have been disciplined for allegedly smuggling methamphetamine and marijuana into the facility. Shari Kimoto, administrator of the Mainland branch of the Hawai'i Department of Public Safety, said prison operator **Corrections Corp. of America** began investigating the alleged drug ring at the Florence Correctional Center after a number of inmates tested positive for drug use. The kitchen supervisor and several truck drivers with a food service company that makes deliveries to the prison in Florence, Ariz., were fired in connection with the case, and one or two corrections officers also may have been involved, Kimoto said.

The state pays about \$40 million a year to house inmates at CCA facilities in Arizona, Oklahoma, Mississippi and Kentucky. There are plans to move all of them to Arizona in the year ahead, with most to be consolidated in the Saguaro Correctional Center now under construction in Eloy. (Kevin Dayton, The Honolulu Advertiser, 7/11/06, <http://the.honoluluadvertiser.com/article/2006/Jul/11/ln/FP607110341.html>)

- ◆ **No Disclosure**: Welcome to the Eloy Detention Center, smack in the middle of the Arizona desert, overseen by Immigration and Customs Enforcement, or "I.C.E." -- but run almost in secret by a private, for-profit company, the **Corrections Corporation of America**, or "**C.C.A.**" Roughly 1,400 people are in Eloy, some 70% of them are from California. "They are detained for incredibly long periods of time, typically without counsel, without the opportunity to present their cases, and throughout they are treated as if they are hardened criminals," says Lucas Guttentag, who teaches immigration issues at Berkeley and Stanford.

"There are always two sides to the story, there's the detainee's side that I wasn't getting this service and then there is the contractor's side," says John "Kip" Crowther, who oversees the Eloy facility for I.C.E. "Do you think there should be an independent reviewer in the grievance process?" we asked Crowther. His response: no.

"There's no way to know, and there's no one who does know, other than the very person who's administering it who has no incentive to allow anyone to see what's going on," says Guttentag, and I.C.E. would only let us speak with one detainee. "If there is nothing to hide, make the information available." (Anna Werner, 11/2/2006, [http://cbs5.com/seenon/local\\_story\\_306221130.html](http://cbs5.com/seenon/local_story_306221130.html))

- ◆ **Tax Evasion**: City officials are unhappy with the amount of money they are getting for the prisons being built. **Corrections Corporation of America** is about halfway done with the 1,896-bed Saguaro Correctional Center, the second to be built within the last two years in Eloy. The point of contention is construction sales tax. CCA, just before it started Saguaro, agreed to the city's 3 percent sales tax on construction. City Manager Jim McFellin said the company also agreed to any future rate changes the city put forward. That change occurred in October 2005 when the rate went up from 3 to 4.5 percent.

"CCA instigated a 'change order' to facilitate construction of a new prison (Saguaro) on Sept. 29, 2005," McFellin wrote in an e-mail. "We feel that a change order from an existing contract does not ensure the benefit of the 3 percent. The contract to build a new prison is not a change order or an existing contract. The contractor owes us the 4.5 percent."

McFellin, speaking at a recent City Council meeting, said the city should be prepared for a lawsuit if it comes to that. At least \$4.5 million is expected in sales tax for an expected \$100 million construction cost. Therefore the difference in percentage from 4.5 down to 3 percent represents about a \$1.5 million loss for the city. However, going to court is not the first option, McFellin said, and the matter is still being discussed. (Temple Stark, 12/21/06,

[http://www.zwire.com/site/news.cfm?newsid=17621996&BRD=1817&PAG=461&dept\\_id=68561&rfi=6](http://www.zwire.com/site/news.cfm?newsid=17621996&BRD=1817&PAG=461&dept_id=68561&rfi=6))

## CALIFORNIA

- ◆ **Corruption**: San Bernardino County supervisors Tuesday released two confidential investigative reports into the county's \$28 million deal for a private jail in Adelanto and the purchase of former county land by a supervisor's former top aide. Supervisors waived their attorney-client privilege and made public the reports by Los Angeles attorney Leonard Gumport, a reversal of a decision in January to keep them secret. Gumport was charged with determining whether Jim Foster, the former chief of staff to Supervisor Dennis Hansberger, violated policy when he purchased a small piece of former surplus county land and whether lobbyist Brett Granlund participated in jail negotiations and inappropriately benefited from the deal. In his jail report, Gumport found Granlund violated a lobbying contract by not informing the county in writing that he also represented the jail's owner, **Maranatha Corrections**.  
The contract violations likely influenced the county's decision to buy the jail despite a moldy condition and the lack of an "as is" appraisal, Gumport concludes in the 105-page report. (Duane Gang and Iman Ghorri, The Press Enterprise, 8/1/06, [http://www.pe.com/localnews/sanbernardino/stories/PE\\_News\\_Local\\_B\\_bgumport02.2376dc5.html](http://www.pe.com/localnews/sanbernardino/stories/PE_News_Local_B_bgumport02.2376dc5.html))
- ◆ **Privatization Unconstitutional**: A nonpartisan legal opinion requested by Senate Majority Leader Gloria Romero (D-Los Angeles) has confirmed that state contracts with private prison companies are unconstitutional. Governor Arnold Schwarzenegger announced last week that his Department of Corrections and Rehabilitation (CDCR) signed two contracts for over \$153 million to temporarily provide 2,260 beds for California inmates in other states. The contracts, with **The GEO Group Inc.** headquartered in Florida and the Corrections Corporation of America headquartered in Tennessee, follow the Governor's October 4 declaration of a state of emergency in California's overcrowded prison system. In response to a request by Senator Romero, the Legislative Counsel issued a seven-page legal opinion declaring "the state would violate Section 1 of Article VII of the California Constitution by contracting with private entities for security and public safety services traditionally performed by [public employees of] the Department of Corrections and Rehabilitation."  
"This legal opinion confirms what I have long believed: that we should not support prisons for profit," said Romero, who serves on the Senate Public Safety Committee and chairs the Senate Select Committee on California's Correctional System. "Public prisons are morally and fiscally accountable to the taxpayers of California. Private prisons are accountable to their shareholders, with a binding obligation to maximize profits. If the Governor goes through with these private prison contracts, he risks exposing the state to costly civil lawsuits. California can't afford this mistake. I call on the Governor to do what is ethical and constitutional and withdraw these contracts immediately." (Nicole Winger, 10/26/2006, <http://www.cdcr.ca.gov/communications/press20061020.html>)
- ◆ **Lawsuit**: Representatives of the California Correctional Peace Officers Association and the Service Employees International Union Local 1000 filed the suit in Sacramento Superior Court. It seeks to stop the transfers on grounds that Gov. Arnold Schwarzenegger overstepped his legal authority in seeking the moves based on prison overcrowding. Representatives of the CCPOA and SEIU were joined at the press conference by state Sen. Gloria Romero, D-East Los Angeles, and officials from other labor and community groups. Romero said that private incarceration is "an abdication of the will of the people" and "an abdication of responsibility" on the part of the state. Romero last week released a Legislative Counsel opinion declaring that the use of private prisons, in California or elsewhere, violates the state

Constitution. (Andy Furillo, The Sacramento Bee, 10/30/06, <http://www.sacbee.com/111/v-print/story/68937.html>)

- ◆ **Expansion:** Until earlier this month when 80 California inmates checked in at a **Corrections Corporation of America** prison in West Tennessee, doing business with the Golden State was only a dream for the nation's largest private prison operator. Coming after years of opposition from California's prison guards' union, a breakthrough contract this fall to house up to 1,000 inmates by next spring reflects a shift in fortunes for Nashville-based CCA. Gov. Arnold Schwarzenegger issued an emergency declaration last month, allowing the immediate transfer of inmates out of state without competitive bidding. The decision to use out-of-state jailers faces a legal challenge by the prison guards' union, which has filed suit suggesting that the transfers violate state civil services rules. This week, a California judge denied the union's request for an immediate injunction but said the group had a good chance of winning at trial starting in February because the governor may have exceeded his emergency powers and violated the state's constitution. (Getahn Ward, Ashland City Times, 11/25/06, <http://www.ashlandcitytimes.com/apps/pbcs.dll/article?AID=/20061125/BUSINESS01/611250341/1291/MTCN01>)

## COLORADO

- ◆ **Citizens Protest:** Debate over whether to allow a men's medium security prison to be built in Ault has divided the normally quiet community. Almost 300 Ault residents overwhelmed Tuesday night's town board meeting to discuss the pros and cons of allowing the Florida-based company Geo Group Inc. to build a 1,500 bed private prison in Ault. "Geo is like Wal-Mart. They could care less about this town," said John Jablonski of Ault. "They want to use us to make money."
 

The majority of the crowd was strongly against the prison but faced opposition from a vocal minority of Ault's business owners. They believe the prison will be the economic boost Ault's dwindling economy needs to survive.

There was still a lot of questions left in the air on Tuesday. Board members did not tell the crowd when, or if, they would sign a contract with the company. (Emma Schmautz, The Greeley Tribune, 7/16/06, <http://www.greeleytrib.com/article/20060719/NEWS/107190069>)
- ◆ **Public Safety:** Emotions ran high as correctional workers from the Federal Correctional Complex took their concerns over public safety to the community on Monday evening.
 

"Fremont County not only keeps the state of Colorado safe, but we keep the entire United States safe," State Rep. Buffie McFadyen said to a room full of corrections workers, elected officials, interested citizens and media. McFadyen has become a central figure in the rally by the American Federation of Government Employees, the union that is driving the campaign to make the public aware of what it calls safety concerns. McFadyen said money is the underlying issue because although the BOP has set safe minimum levels of staffing, funding has cut the staff to below acceptable levels according to those standards.

Brian Dawe, executive director of Corrections USA, spoke out in the forum against private prisons. "What this is about is public safety," Dawe said. "The police catch them, we keep them." He said correctional officers do the "most dangerous job there is in law enforcement." Dawe said it is inherently wrong for private businesses to make money from taxpayers in the form of incarcerating criminals. "Public safety should never, ever be for sale," Dawe said to resounding applause.

McFadyen expressed concern that an increase in appropriations for corrections may ultimately go to private prisons. "This money needs to go to existing facilities that need it," McFadyen said. (Debbie Bell, The Canon City Daily Record, 8/1/06, <http://www.canoncitydailyrecord.com/region-story.asp?ID=4352>)

- ◆ **Lawsuit/Riot:** A court record shows that a tentative settlement was reached Monday between the operator of the Olney Springs prison and an inmate seriously injured in a riot. The record shows that U.S. Magistrate Judge Craig Shaffer conducted a confidential conference with both sides to aid them in settling the lawsuit and that he then said in court a tentative settlement agreement was reached.

Former inmate Rudy Lujan in January sued **Corrections Corporation of America**, which operates the Crowley County Correctional Facility. He alleged the firm's negligence allowed other inmates to beat him in March, April, May and July 2004. He also alleged the firm's mismanagement and greed, manifested by not hiring sufficient guards, led to the July 2004 riot in which he was seriously injured by rioting inmates who considered him a snitch.

Hundreds of inmates took control of the prison for several hours and the handful of guards on duty retreated. The rioters tore up parts of the prison and set numerous fires. (Robert Bocziekiewicz, The Pueblo Chieftain, 11/7/06, <http://www.chieftain.com/metro/1162914324/16>)

- ◆ **Cost Savings:** The state Department of Corrections is seeking \$500 million to build new prisons for more than 5,000 more inmates over the next five years.

The request for new spending is being driven by a huge increase in prisoners and rising financial demands from private prisons. One, the **Geo Group**, is demanding a \$1 billion revenue guarantee before going ahead with two prisons that it is under contract to build for Colorado in Pueblo and Ault. Prisons chief Gary Golder said he is waiting for the incoming administration of Gov.-elect Bill Ritter to decide whether the state should provide any such guarantee.

Meanwhile, a former state prison official, Nolin Renfrow, is being investigated for working on behalf of Geo to win the second of those private prison contracts while still a state employee. Golder said the results of the administrative investigation may be referred to prosecutors for possible criminal charges.

Renfrow stands to be paid \$1 million by Geo for his work if its second prison in Ault is built. But meanwhile, the state is moving to yank Geo's first prison contract, for Pueblo, because Geo has still not broken ground. (Ann Imse, Rocky Mountain News, 12/12/06) [http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN\\_15\\_5208499,00.html](http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5208499,00.html))

- ◆ **Audit:** A retired state prison official stands to be paid \$1 million - and possibly face criminal charges - for helping a private prison company win a state bid while he was still working for the state. A state audit released Tuesday cited a possible conflict of interest. The audit does not name the official, but the audit was aimed at Nolin Renfrow, former state prisons director. And the document describes work he openly undertook for the **Geo Group**. Renfrow helped Geo win a \$14 million-per-year deal to house 1,500 inmates in a private prison it proposed building in Ault. Renfrow helped Geo write its bid and spoke with Ault officials on Geo's behalf, said officials and Renfrow last spring.

The audit said the official may have violated two state laws. One prohibits state employees from providing paid assistance to anyone to win state contracts or economic benefits. The other prohibits activities that constitute a conflict of interest with their duties as state employees. (Ann Imse, Rocky Mountain News, 12/13/06, [http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN\\_15\\_5210253,00.html](http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5210253,00.html))

- ◆ **Contract Cancelled:** State prison officials have canceled a contract for a new private prison in Pueblo, a move that casts doubt on how much Colorado will be able to rely on private prisons while it copes with a crowding crisis. **The GEO Group**, which was awarded a contract in 2003 to build the Pueblo pre-release prison, has also been contracted to build and operate a prison in Ault, in northeastern Colorado. But the same issue that doomed the Pueblo project — the company's insistence it be guaranteed nearly full occupancy — could derail the latter prison, because GEO is making a similar demand. "If GEO's going to demand a bed guarantee, they need to leave the state," said state Rep. Buffie McFadyen, a Pueblo Democrat and leading critic of private prisons. "It is not the job of the Colorado taxpayers to ensure profits for this corporation." Private prisons are paid a daily rate per inmate by the state, currently \$52. Last month, the DOC denied a contract-extension request, and on Thursday informed the company that it was canceling the contract. (Scott Rappold, *The Gazette*, 12/16/06, <http://www.gazette.com/display.php?id=1327772>)

## DISTRICT OF COLUMBIA

- ◆ **Alleged Rape:** Two former female inmates at the D.C. Correctional Treatment Facility sued the District and jail officials last week, claiming that male guards took them to isolated parts of the jail and raped them. The women are suing under the anonymous names Jane Doe and Jane Roe. They say the District and **Corrections Corp. of America** (CCA), the private contractor the city hired to run the jail, are responsible for the alleged rapes because of their failure to supervise and train guards and properly investigate allegations of sexual misconduct. The suit is also filed against the two jail guards whom the women allege raped them: Elry McKnight and John Gant.

Doe, a Maryland woman in her late 30s, alleges that McKnight raped her twice in April 2002 in a staff bathroom -- first while escorting her alone to her cell as she returned from a court hearing, and next when he pretended that he needed to take her to obtain a new identification badge. She was serving time for selling heroin.

Roe, a D.C. resident, alleges that Gant forced her to perform oral sex on him in a jail broom closet in December 2003. Roe said Gant was able to easily separate her from others by asking a female corrections officer to let him speak with Roe privately in the hallway. Roe, who was serving time on drug possession charges, was released in January 2004.

The suit claims that the corrections department and CCA treated the two women poorly in investigating their claims. Doe was given no information about the investigation for three months, until she complained in June 2002 to her sentencing judge that she had been raped in the detention facility, the suit alleges. The suit also alleges that McKnight eventually was fired for smuggling contraband to inmates.

Roe was not available to be interviewed, but her part of the suit claims that Gant told her she had to do what he said or he could use his power in the records office to lengthen her stay in jail. CTF officers offered to put Roe in a kind of solitary confinement when she asked for protection from Gant, the suit says, but he ultimately resigned from CCA rather than give a statement regarding the alleged rape.

Deborah M. Golden, a lawyer with Washington Lawyers' Committee for Civil Rights, who is a lead attorney on the suit, said the District and CCA had a duty to set up procedures to reduce the risk that inmates at the CTF would be sexually harassed or raped and to take substantive action when inmates made rape allegations. "Neither woman disputes their crime," Golden said. "But that doesn't mean rape was part of their sentence." Carol Leonnig, *The Washington Post*, 12/14/06, <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/13/AR2006121300658.html>)

## DELAWARE

- ◆ **Poor Health Care:** As many as four dozen current and former inmates at the Young Correctional Institution may have been exposed to blood-borne diseases, including AIDS and hepatitis, by a former nurse accused of improper needle use. According to the Department of Correction, a licensed practical nurse who was hired April 10 used a diabetic needle and syringe instead of an individual lancet to obtain a blood sample from an inmate earlier this month. The nurse later used the same needle to draw insulin from a multiple-dose vial -- potentially contaminating the vial -- then used the vial to provide insulin to other inmates.

Department of Correction Commissioner Stan Taylor said the procedure was completely inappropriate and something any health practitioner would be taught early not to do. "It is alarming because it is very basic medical protocol," he said. Taylor would not name the nurse but said she had resigned. The nurse was hired by St. Louis-based **Correctional Medical Services**, or CMS, the state prison's health care provider. (Esteban Parra and Lee Williams, The News Journal, 7/21/06, <http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20060721/NEWS/607210348>)

- ◆ **Gross Mismanagement/Lawsuits:** It's been more than a year since a coalition of concerned citizens, lawmakers and clergy marched on the governor's mansion and knelt in prayer asking for better health care for inmates in Delaware's prisons. They were galvanized by horrific conditions outlined in a series of stories in The News Journal, the first of which appeared in late September 2005 -- a series Correction Commissioner Stan Taylor charged was "sloppy reporting" in a five-page response the newspaper published.

What's happened since will bring groundbreaking changes to Delaware's prison system: On Friday, following a nine-month investigation, the U.S. Department of Justice announced that federal investigators found "substantial civil rights violations" inside four Delaware prisons. For example, the report noted, flesh-eating bacteria inside Gander Hill prison went undiagnosed and untreated, placing "inmates and staff at risk of acquiring the infection and passing it to others in the community." The 55-year-old Taylor, who's served the past 11 years as commissioner, announced this month that he will retire on Feb. 1.

Dover lawyer Steve Hampton, who represents several inmates and their families including the young daughter of Anthony Pierce, who became known as "the brother with two heads" as an inmate at Sussex Correctional Institution. Pierce was serving a 14-month sentence from an attempted burglary. He died from a brain tumor after his condition was mishandled by prison medical staff. The state settled a wrongful death lawsuit in a confidential agreement last year.

In January of 2001, a prison doctor employed by a private medical contractor said the marble-size lump was most likely a cyst or an ingrown hair. Seven months later, when the growth had become like a second head, a prison doctor stabbed the bulging tumor five times with an 18-gauge needle, withdrawing a bloody fluid that he emptied into a trash can. Michelle Thomas, who worked for the prison's medical contractor, held the hand of Pierce while the doctor removed the fluid. She was aghast and quit shortly thereafter. "That boy was growing another head," Thomas recalled in an interview with The News Journal. "It was the most grotesque thing I have ever seen in my life. ... All of us who worked there will forever carry his death on our conscience."

The federal investigation was prompted by a series of News Journal articles, information investigators built upon AIDS-related inmate deaths. Nearly one in four inmates who died in Delaware prisons since 2000 died of AIDS-related causes. Federal investigators found care was especially poor for inmates with chronic diseases such as AIDS, hepatitis C, diabetes, asthma and hypertension.

The suicide rate inside Delaware prisons during 2001-2002 was double the national average.

Ken Fields, spokesman for Correctional Medical Services, the Department of Correction's current health care provider, denied there are problems with CMS staff.

Sen. James T. Vaughn, D-Clayton, served as Department of Correction commissioner from 1976 to 1979, and chairs the Senate Adult and Juvenile Correction Committee. When problems were first revealed, Vaughn blocked prison reform legislation from being heard in committee, even though every member of his committee wanted the legislation discussed. The reform bill he blocked, which had the support of minority and majority leaders in the Senate, would have required testing inmates for HIV/AIDS, hepatitis and tuberculosis, provided medical training to guards, and required Correctional Medical Services to deliver records of inmate deaths for review and made other records available to the state for audit.

Karen Barkes, the wife of 37-year-old Chris Barkes, who committed suicide while in prison on a charge of loitering, said she hopes the settlement between Delaware and the U.S. Justice Department will be a wake-up call to state officials who have hesitated in the past to make changes. "They know when Chris died that there was a problem with intake and how many people have died since," Karen Barkes said. "That prison administration has not wanted to look at the problems." (Esteban Parra and Lee Williams, The News Journal, 12/31/06

<http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20061231/NEWS/612310334/-1/NEWS01>)

## FLORIDA

- ◆ **Mismanagement/Backlog (Editorial):** We certainly can appreciate administrator Gary Kuhl's frustration as he tries to navigate the murky waters that surround the Hernando County Commission's decisions regarding **Corrections Corporation of America**, the private company that operates the jail. "I'd just like to get it taken care of one way or another," Kuhl told the Times earlier this week, referring to whether Sheriff's Office deputies should take over the job of fingerprinting and photographing prisoners at the jail.

It's only been five months since the commission, its staff and CCA representatives agreed that the sheriff would assume responsibility for that step in processing prisoners into the jail, and that CCA would pay the estimated \$305,000 cost of six deputies' salaries and benefits. That agreement was reached after Sheriff Richard Nugent blew the whistle in December on CCA's deplorable inability to routinely send new prisoners' fingerprints to the Florida Department of Law Enforcement. The Hernando County jail's backlog was the worst in the state, and when it was later brought up to date it revealed the jail was unknowingly housing dangerous inmates who were charged with crimes committed elsewhere, which ranged from sexual battery and child pornography to attempted first-degree murder. (7/6/06, [http://www.sptimes.com/2006/07/06/Hernando/Jail\\_promises\\_must\\_be.shtml](http://www.sptimes.com/2006/07/06/Hernando/Jail_promises_must_be.shtml))

- ◆ **Dirty Politics:** Former Corrections Department Secretary James Crosby Jr. pleaded guilty Tuesday to taking thousands of dollars in kickbacks from a prison contractor, blaming some of his actions on alcohol abuse. Crosby, 53, and his protege, Allen Wayne Clark, formerly one of the department's regional directors, were charged last week with accepting kickbacks from **American Institutional Services**, a company which sold snacks and drinks to prison visitors on weekends.

While U.S. Attorney Paul Perez said both Crosby and Clark could receive up to eight years in federal prison, Crosby's attorney Steve Andrews said he was hoping for a sentence of two years to 30 months. Prosecutors said Clark would accept kickbacks and deliver part of those payments to Crosby. The kickbacks totaled up to \$12,000 monthly. Clark made \$94,300 annually as regional director and

Crosby earned about \$124,000 a year as prisons chief. (Ron Word, 7/11/06, <http://www.gainesville.com/apps/pbcs.dll/article?AID=/20060711/APN/607110739>)

- ◆ **Mismanagement:** While former Department of Corrections Secretary James V. Crosby may be the biggest casualty yet of an outsourcing effort gone awry within the agency, his isn't the first problem DOC has faced with privatization. Crosby and former DOC Region I Director Allen Clark admitted this week to federal charges of taking illegal kickbacks from a company performing subcontracted work for Keefe Commissary Network, the company that won a no-bid contract in 2003 from Crosby to sell items to inmates and their families. Current DOC Secretary James McDonough has re-bid the Keefe contract, and barred the subcontractor -- Gainesville-based **American Institutional Services** -- from any future DOC work. Previously, McDonough ended contracts that outsourced the distribution and splitting of prescription drugs for inmates after lawmakers howled at audits that showed TYA Pharmaceuticals lacked oversight and accounting of the process.

Earlier this year, the former head of the now-defunct Correctional Privatization Commission pleaded guilty to charges of stealing more than \$200,000. An audit last year showed the state overpaid private prison operators nearly \$13 million for, among other things, jobs that were unfilled. The decision to allow **Aramark** to provide meals to prisoners in 2001 led to state fines and concern among DOC officers that the low-quality meals left inmates surly and more prone to problems. The executive director of the state's largest correctional officers union, the Florida Police Benevolent Association, said the charges against Crosby might tighten the privatization efforts. "I think it's the concern the Legislature has had, and rightfully so," said David Murrell. "It's been loosey-goosey." (Joe Follick, 7/8/06, <http://www.theledger.com/apps/pbcs.dll/article?AID=/20060708/NEWS/607080365>)

- ◆ **Improper release/Fine:** The Hernando County Board of Commissioners agreed Tuesday to implement a contract clause that punishes the operators of the county jail. The county will withhold 2.5 percent, or roughly \$20,000, of its August payment to **Corrections Corporation of America (CCA)**, after it was revealed a jail clerk released an inmate almost three months early. The inmate, Joel Ford, 22, still has 69 days to serve on a possession of cocaine charge.

Assistant Warden Andre Ford notified the Commission's jail monitor, Barbara Fisher, of the early release the same day it was discovered, July 11. Fisher, in turn, sent a request the following day that the issue be placed on the next meeting agenda. But the release never surfaced last Tuesday, and Commissioners Nancy Robinson and Jeff Stabins said they were unaware of the release at the meeting. At that meeting, commissioners touted the jail's operations and reversed their decision to allow the Sheriff's Office to take over the booking.

Chairwoman Diane Rowden asked Jim Gantt, purchasing director, about the frequency of inappropriate releases in neighboring county jails. "It's not unusual," Gantt said. Gantt explained that there were seven offenses in which the jail could be monetarily punished. Each one is punishable up to 2.5 percent of the county's monthly payment to CCA. That safety net comes after a series of fiascos at the jail on Spring Hill Drive. The jail experienced three suicides in three months at the end of last year and an inmate escape in February. Corrections officers had also failed to log in 758 arrests into the state's crime database. (Kyle Martin, 8/1/06, <http://www.hernandotoday.com/health/MGBFMN02DQE.html>)

- ◆ **Abuse Alleged:** Two former corrections officers at the Hernando County Jail were arrested Tuesday and charged with battery for allegedly hitting an inmate multiple times. Nick Ferrio, 40, of 1290 Godfrey Ave., and Christopher Pursell, 34, of 5485 Newmark St., were both arrested Tuesday morning. Ferrio is

accused of hitting inmate Victor Mammano in the face and head with an open hand on Wednesday, Sept. 6, while trying to get information from him, according to court documents. Pursell was escorting Mammano out of a holding cell into the booking area when he allegedly picked up Mammano and slammed him to the floor. Pursell is also accused of stomping on Mammano's left foot and using his body weight to crush Mammano's fingers while scanning his prints. After taking Mammano to the shower room to be dressed, Pursell stated, "It's time for football," according to case records. Mammano was then positioned against the wall and Ferrio reportedly kicked him in the groin.

Mammano never displayed aggression toward the officers involved and was not a threat to them, records state.

Warden Don Stewart said he received a complaint from Mammano the day after he was booked in the jail. Then, following *Corrections Corporation of America's* policies, an in-house personnel investigation was conducted that found both Ferrio and Pursell violated company policies in dealing with Mammano. Both Pursell and Ferrio were booked and released from the Hernando County Jail Tuesday. (Morgan Moeller, 10/31/06, <http://www.hernandotoday.com/MGB253K2ZTE.html>)

- ◆ **Assault:** At about 3 a.m. Saturday, many of the 190 residents incarcerated two to a cell in "D-Dorm" at the Florida Civil Commitment Center awoke to the sounds of "screaming and banging," as one man began assaulting another in his bunk. The assault raged on for almost 15 minutes, prompting complaints from the residents that the FCCC is overcrowded and understaffed. "Disturbingly, the victim cried out for emergency assistance for almost 15 minutes; screaming, kicking and banging his cell door, without staff response," stated the letter. The DCF in July replaced the former contractor, Liberty, with *GEO Group*. The Oct. 28 assault was the third in two days at the center, according to the letter.

The victim, Darryl Daniels, 30, said he was sleeping when his cellmate, Aaron Shaw, 37, attacked him. In October 2005, another resident in F-Dorm died after sustaining a head injury in an assault over a bag of corn chips. (Greg Martin, 11/2/06, The Sun Herald, <http://www.sun-herald.com/NewsArchive2/110206/tp2ch8.htm?date=110206&story=tp2ch8.htm>)

- ◆ **Cost Savings/Contract Cancelled:** Ending one of the largest and most contentious privatization efforts in state history, the Florida Department of Corrections has decided to break apart a \$700 million effort to provide health care for inmates in South Florida. Instead of handing the effort to one company, DOC secretary James McDonough said Friday that the agency will purchase supplies and services from nearly 150 sources. McDonough made the move after an error was found in an earlier decision to allow *Prison Health Services* to keep the \$700 million contract over 10 years.

Wexford Health Sources had held the contract since 2001 before Prison Health Services won a new contract in 2005 for about \$644 million over 10 years. But in a move that angered McDonough, PHS said in August that it was losing money on the deal and asked DOC for more money. When McDonough said no, PHS ended the contract and resubmitted a bid for the new contract. Across the nation, PHS has repeatedly secured state contracts with low bids and then asked for more money within months.

PHS still faces fines for possible violations under its previous contract. (Joe Follick and Karen Voyles, 11/19/06, The New York Times, <http://www.theledger.com/apps/pbcs.dll/article?AID=/20061119/NEWS/611190380/1004>)

- ◆ **Hostage/Guard Shot:** A former jail nurse shot during a hostage situation in 2004 sued *Corrections Corporation of America*, Bay County and the Bay County Sheriff's Office on Monday. Ann Marie "Amie" Hunt filed suit for loss of earnings, pain and suffering and medical expenses incurred after Sheriff's Office deputies shot her three times Sept. 6, 2004, when firing at four inmates who had taken

control of the Bay County Jail's fourth floor. "On or about September 6, 2004, several inmates took advantage of known flaws in the security of the Bay County Jail and upon seizing the opportunity of those security flaws, the inmates took control over the jail and intentionally took control over the plaintiff Amie Hunt," attorney H. Lawrence Perry wrote in the complaint. Perry said Corrections Corporation of America, the jail's Tennessee-based corporate owner, Sheriff's Office and county, failed to maintain the electrical door locking system. The takeover began when one of the inmates got out of a cell that did not lock properly and freed the others, according to witness testimony at a criminal trial in this case. Three of the four men involved in the takeover, Kevin Nix, James Norton and Matthew Coffin were convicted of false imprisonment. The fourth, alleged ringleader Kevin Winslett, has not been tried because of mental problems that have kept him in the state mental hospital. Hunt testified on Sept. 8, 2005, in the trial of Norton, Nix and Coffin. The standoff ended, she said, when she was brought before a barred gate at the end of a hall. Nix, she said, was standing behind her with a scalpel to her throat.

"I don't know who shot me," she said. "He was just a figure, a person standing there, then boom. I looked down and I got shot. Then boom and I got shot again." (David Angier, 11/21/07, The News Herald)

- ◆ **Lowballing (Editorial):** The plight of the mentally ill in Volusia County, reflecting conditions statewide and nationally, raises concerns about misplaced priorities, misguided efforts and the baseless hope that if we ignore the issue long enough, it will just go away. It won't, and we're paying for it more than we know. The county's contract to provide care for mentally ill jail inmates is an example. To be more efficient (i.e., save money), the county shifted from my former employer, Halifax Medical Center, which seemed to some to err on the side of medications, to ***Prison Health Services Inc.***, a for-profit company that has faced allegations of withholding medications or giving low-cost substitutions. And then there was the matter of cost when Prison Health Services came to the county before the end of its first year of operation to seek an extra \$1 million because its low bid didn't cover its costs. Despite valiant efforts by Gail Gregory and the Mental Health Association she heads, little progress has been made in either awareness or action. (John E Evans, 12/3/06, The Orlando Sentinel, <http://www.orlandosentinel.com/news/opinion/orl-vvoice0306dec03,0,707148.story?coll=orl-opinion-headlines>)
- ◆ **Privatization Increase:** Gov. Jeb Bush came into office vowing to create a "smaller, more efficient government," and earlier this month, he joked with almost giddy delight that his elimination of 13,000 jobs did not destroy the Tallahassee economy as many state employees had predicted. Bush has clearly enjoyed his heated battle with state employee unions over his aggressive attempt to downsize government and shift thousands of state jobs to the private sector. In raw numbers, he has succeeded, sending at least \$667 million in state services and 9,787 jobs to the private companies. Private companies now run state toll collections, law enforcement communications systems, Medicaid collections, payroll functions, mail services, prison canteens, janitorial duties and even oversight of foster care for the state's neediest children. But the governor's legacy may not be that he reduced the size of state government -- the budget has actually grown from \$49 billion when he came into office to \$71 billion today. Private prison vendors were overpaid more than \$13 million (and) the head of the Department of Corrections was fired for allegedly taking kickbacks from a company that sold snacks at the prison canteen. Bush looks past those problems today and has no regrets, except to say that the successful contracts don't get the same attention as the troubled ones. (Mary Ellen Klas, 12/17/06, The Miami Herald,

[http://www.miami.com/mld/miamiherald/news/state/16250260.htm?source=rss&channel=miamiherald\\_state](http://www.miami.com/mld/miamiherald/news/state/16250260.htm?source=rss&channel=miamiherald_state))

## HAWAII

- ◆ **Corruption/Mismanagement:** Half of Hawaii's prisoners are shipped to commercial, for profit, prisons on the mainland. Who profits by sending these women and men so far from home? Our governor profits. Linda Lingle, Hawaii's governor, reportedly gets more campaign contributions from mainland developers than from the entire population of Hawaii. Lingle gets significant campaign contributions from *Corrections Corp. of America (CCA)*. Lingle received \$6,000 in 2002, and another \$6,000 from CCA last February for her gubernatorial campaigns. In 2005 Hawaii spent 36 million dollars housing prisoners on the mainland. Hawaii has paid \$175 million from 1995-2005 to exile our prisoners to remote areas on the mainland.

The mainland prisons that house Hawaii prisoners are rife with allegations of sexual assaults on women inmates. Reports of riots, numerous assaults, gang activity, drug trafficking, and racism abound. There have been repeated contract violations by Corrections Corporation of America for failing to provide adequate medical care and rehab services. Inmates are often required to participate in rehabilitation programs before they can be considered for parole. Kat Brady of the Community Alliance on Prisons said, "The failure to provide required programs likely kept some inmates in longer than they needed to be." "So here we're keeping people in prison because we're not doing our level best to help them, and it's costing the taxpayers an outrageous amount of money," said Brady.

There have been 11 riots involving Hawaii inmates in the privately run mainland prisons where our prisoners are sent. There are also significantly higher rates of inmate on inmate assaults and inmate on guard assaults. There have been no recorded riots at Halawa, Hawaii's largest prison. Two Hawaiian women prisoners were raped by guards in GRW Corporation's for-profit prison in Brush, Colorado. When the allegations of rape became known in January, 2005, all educational and rehab programs for the women prisoners were shut down for 6 months. Gil Walker, president of GRW Corp. said, "The prison needed all of its resources to cope with security problems and the sexual misconduct scandal." Colorado authorities later learned that the Brush prison failed to do background checks on all employees. At least five convicted felons worked with the inmates. The Hawaii contract specified that all prison personnel were to have background checks. The Brush Prison medical clinic was not licensed, though required under Colorado law. A physician came once a month. There were also reports of inadequate dental care at Brush. At CCA's Tallahatchie County Correctional Facility in Mississippi a dentist or dental assistant was available only eight hours a week for nearly 1,000 Hawaii prisoners. Tallahatchie also failed to provide a rehab program required by its Hawaii contract. (Rena Morningstar Blumberg, 10/24/06, <http://www.haleakaletimes.com/news/story2244.aspx>)

- ◆ **For Profit:** Currently about half of Hawaii's incarcerated felons are sent to private prisons on the mainland. An inordinate number of the prisoners shipped to the mainland are Hawaiian. Although Native Hawaiians make up only 9.2 percent of Hawaii's populations, according to the 2000 U.S. Census, Native Hawaiians make up 42 percent of the prisoners who are sent to the mainland for incarceration. In 1993 a study was done of recidivism rates of Hawaiian prisoners sent to the private prisons on the mainland. The study found that 90 percent of these prisoners returned to prison. The same study found that Hawaiian prisoners housed in state had a better chance of staying out of prison. Their recidivism rates ranged from 47 to 57 percent.

The for-profit prisons have a second source of income. Aside from the stipend for housing our prisoners, some make money by selling prisoner labor to for-profit corporations. Corporations that use

prison labor often pay less than minimum wage, and include Fortune 500 companies, reports P. Saintath in his article, "American prisons... new-age slavery or a good business idea?" Microsoft, Toys R Us, Starbucks, Konica, U.S. Steel, and Honda are a few of the for-profit corporations that use cheap prisoner labor. For-profit prisons make money by increasing the number of prisoners, so they charge low rates to house Hawaii's prisoners.

In the 1980s, Hawaiian prisoners brought a lawsuit protesting out-of-state incarceration. The state Supreme Court ruled in *Olim vs. Wakinekona* that prisoners have no right to be confined in a particular prison, region or state. (Rena Morningstar, 11/8/07, The Haleakala Times, <http://www.haleakalatimes.com/news/story2263.aspx>)

## IDAHO

- ◆ **Contract Cancelled:** Idaho inmates housed at a private Texas prison that has been criticized for prisoner abuse will be moved elsewhere because the prison canceled its contract with Idaho. And more Idaho prisoners will be headed out of state soon. Newton Warden Priscella Miles would not comment for this article, and no one answered Tuesday evening at the Florida headquarters for the prison's parent company, the **Geo Group**.

One correctional officer was fired, one demoted and one disciplined this spring after six Idaho inmates were forcefully cuffed and maced at Newton in April. (7/12/6, <http://www.idahostatesman.com/apps/pbcs.dll/article?AID=/20060712/NEWS01/607120353>)

- ◆ **Prisoner Transfer:** With allegations of prisoner mistreatment swirling, coupled with inmate protests and a two-man prison break since the state placed the inmates in Newton, the Idaho Department of Correction agreed to transport 419 of their inmates out of the Southeast Texas prison and into another **GEO Group**-managed facility, said Pam Sonnen, Idaho Department of Correction administrator of operations. When the transfer of the Idaho inmates initially was announced Tuesday, Idaho Department of Correction Director Tom Beauclair told The Associated Press he'd become dissatisfied with the prison's ability to hire qualified staff.

"What I got out of our investigations was they needed to do more training with their staff to understand policies and procedures," Sonnen said. On April 7, she said, an excessive-use-of-force incident led to a supervisor's firing, another employee's demotion and suspension of an officer for a week without pay. On May 30, an inmate was doused with pepper spray, and two other Idaho inmates escaped in June. Part of the problem was a "culture clash" between Idaho prisoners' expectations and the reality of their living situation in Newton, Sonnen said.

Newton County Public Facility Corporation President Truman Dougharty said the county told the GEO Group it would rather have more inmates from Texas than continue housing the Idaho offenders. (F A Krift, 7/14/07, The Southeast Texas Live.

[http://www.southeasttexaslive.com/site/news.cfm?newsid=16921328&BRD=2287&PAG=461&dept\\_id=512589&rft=6](http://www.southeasttexaslive.com/site/news.cfm?newsid=16921328&BRD=2287&PAG=461&dept_id=512589&rft=6))

- ◆ **Alleged Misconduct:** A deputy warden at a private prison in Texas resigned June 4 after punching an Idaho inmate in the jaw May 30. A state report on the incident at the prison, owned by **The Geo Group Inc.**, corroborated claims made by an inmate and reported June 21 by the Idaho Statesman that he had been punched in the jaw and then pepper-sprayed after refusing an order from the deputy warden.

As first reported Tuesday on IdahoStatesman.com, the department released the report to the Statesman after a public records request. The report said the incident at the Newton County Correctional Center resulted from a lack of staff training and knowledge of company and department policy. "Basic

security practices were not followed, and policy was violated in a number of areas," the report said. "The need for the reactive use of force is questionable, but it can be established that there was no need for the use of the pepper spray."

According to the report:

The inmate dropped his cup on the floor of his cell and complained to officers about the cup being dirty. The inmate refused the deputy warden's order to leave the cell and swore at the deputy warden. He was restrained by officers and pulled out of his cell. The inmate was brought to the shower area and told he would get a strip search. He made a sarcastic to the deputy warden, who punched him in the jaw. Then the inmate was forced to the ground and his pants pulled off. He swore at staffers repeatedly and was pepper-sprayed 6 to 12 inches from his face.

The department announced last week that it had reached an agreement with The Geo Group to transfer all 419 Idaho inmates housed at Newton to two other Texas prisons owned by Geo to make room for Texas prisoners.

- ◆ **Escape:** West Texas authorities were searching in subfreezing temperatures late Sunday for an Idaho man who escaped from a privately operated prison in Spur. Scott Noble Payne, 43, escaped from the Dickens County Correctional Center at about 7:30 p.m. CST, said Janie Walker, a dispatcher with the Dickens County Sheriff's Office. State and local authorities from surrounding counties joined the two-man Dickens County Sheriff's Office in the search for Payne, Walker said. Jail staff members believe Payne scaled the facility's fence, the Idaho Department of Corrections said in a news release

He was one of about 100 Idaho inmates being held at the Spur facility, which is located about 60 miles east of Lubbock. The prison, which is operated by Florida-based **The Geo Group, Inc.**, is designed for minimum- to maximum-security levels, according to the Geo Group's Web site. (12/4/06, <http://www.chron.com/disp/story.mpl/metropolitan/4376897.html>)

- ◆ **Escapee Caught:** An Idaho inmate who escaped a private West Texas prison was captured after a week on the run when authorities caught up to him at a ranch. Authorities arrested Scot Noble Payne, 43, on Sunday at a ranch near the small town of Paducah, said Daniel Hawthorne, a spokesman for the Texas Department of Public Safety in Childress. The facility, which is run by Florida-based **Geo Group Inc.**, is located in Spur, about 60 miles east of Lubbock. Authorities closed down sections of highways and continued scanning the area by helicopter, he said. Dogs eventually tracked Payne to the ranch.

Idaho inmates at private prisons in Texas have been the subject of controversy, with a previous breakout in June and allegations of abuse that preceded the firing of some Geo Group staff and the transfer of inmates to other prisons — including Dickens County. (12/11/06, <http://www.chron.com/disp/story.mpl/metropolitan/4392977.html>)

## ILLINOIS

- ◆ **Escape:** Two teenage girls who escaped from **Cornell Interventions** in unincorporated Wauconda shortly before 2 a.m. Thursday were both charged with possession of a stolen vehicle after attempting to elude police in a chase. Lake County Sheriff's Office deputies were dispatched to the at-risk youth facility to search the grounds for the two runaways, but found no leads at the time. The two females found an unattended 2001 maroon GMC Jimmy at Sweeney's gas station on Miller Road and Route 12 with the keys in the vehicle. Police discovered the vehicle containing the 14- and 15-year-old females at the intersection of Route 12 and Wooded Ridge. "Our officers tried to make the stop at Route 12 and Wooded Ridge, but the suspects continued to travel," said Finlon. The nearly 16-mile chase ended in

Mount Prospect at the intersection of Mount Prospect and Rand roads when the vehicle collided with a 1990 Acura Legend at a stop light.

The 14-year-old driver struck the Legend driven by 48-year-old Arnel Cervantes of Harwood Heights. Both juveniles were arrested without incident by Lake Zurich police and did not attempt to flee on foot. (Jason Arndt, 12/29/06, The Suburban Chicago News.)

[http://www.suburbanchicagonews.com/newssun/news/190518,5\\_1\\_WA29\\_LZCHASE\\_S1.article](http://www.suburbanchicagonews.com/newssun/news/190518,5_1_WA29_LZCHASE_S1.article))

## INDIANA

- ◆ **Cost Savings:** Talking about how inmates re-enter society after serving time in prison is a touchy subject here, as residents worry about the 1,260 California inmates who are headed to the New Castle Correctional Facility. So, when Indiana Department of Correction Commissioner J. David Donahue came to New Castle on Friday for a town hall meeting to talk about the road to re-entry, he knew he'd have to address public concerns about the issue. Donahue, appointed by Gov. Mitch Daniels in 2005 as the leader of the DOC, said questions about where and how those California inmates will be released are among the most-frequently asked.

But the details are spelled out in the contract between California and *The GEO Group*, the private company that manages the New Castle prison. All inmates will be sent back to California for their release. And though the deal should bring with it no expense to local taxpayers, Donahue did acknowledge there are some instances when the county has "certain inherent responsibilities" because the prison is located there. That likely means that in the event an inmate is charged with a crime while behind bars, Henry County Prosecutor Kit Crane's expenses would remain the county's responsibility. (Joy Leiker, 10/28/06, The Star Press, <http://www.thestarpress.com/apps/pbcs.dll/article?AID=/20061028/NEWS01/610280331>)

## KANSAS

- ◆ **Against For-Profits (Inerview):** Moderator: Good afternoon. This is Dennis Anderson, managing editor of the Lawrence Journal-World. I will be moderating today's online chat with Kansas Secretary of Corrections Roger Werholtz. Welcome, secretary.

Roger Werholtz: Thank you. It's good to be here.

kansasmutualaid: With the current boom in the prison population, and massive overcrowding already occurring, does the Department contract out prisoners to other prisons in other states? Is there a plan to in the future if it does not already?

Roger Werholtz: We have contracted for private prison beds in the past to house our overflow population. Those beds were in Colorado and Texas. We currently have a contract in place but are not using it, because we don't currently need the beds. I would always prefer to keep prisoners in state in our own prisons. They are closer to their families, which make them more likely to succeed upon release, and we know they are more likely to be better prepared for release if we are working with them.

Kropotkin: I believe Oklahoma and other states have had terrible experiences, including many riots, with private prisons. Would Kansas therefore be best advised to expand its own public prisons and continue to prohibit new for-profit prisons? Could Yates Center, with a meager workforce, support any large prison at all, public or private?

Roger Werholtz: I would prefer that Kansas not entertain the opening of private prisons in this state and have testified to that effect before the legislature over the last few years. If, however, the legislature determines that it wishes to adopt that policy, I have encourage them to give the Department of Corrections sufficient authority to regulate private prisons in this state. My concern with private prisons is based on experiences of other states and comments I have heard from directors in other states, some of

whom have private prisons within their borders. I am concerned about the influence they can have on state correctional policy. Private prisons have an inherent incentive to increase prison populations. Some, perhaps many, people would agree that is desirable. Private prisons have marketed themselves as a cost effective alternative to publicly operated prisons. However, most of the research available on the issue does not support that claim. Savings are usually achieved by lower wages and benefits for staff, lower programming and treatment services and limited willingness to pay for the full cost of medical care.

Moderator: That completes today's chat. I want to thank our readers and Secretary Werholtz. (12/19/06, Excerpts from The Lawrence Journal World, [http://www2.ljworld.com/chats/2006/dec/19/roger\\_werholtz/](http://www2.ljworld.com/chats/2006/dec/19/roger_werholtz/))

- ◆ **Drug Trafficking:** A former *Aramark Services* employee who worked inside the Hutchinson Correctional Facility was sentenced to one year, three months in prison Friday for trying to bring methamphetamine inside the prison. Joseph L. Delancy of South Hutchinson pleaded guilty to trafficking in contraband in a correctional facility, possession of methamphetamine with intent to sell and unlawfully arranging a drug sale by a commercial device. Delancy's attorney, Kerry Granger, asked for a lesser sentence and cited his client's drug use starting as "a misguided attempt to deal with the death of his son." He also asked Judge Tim Chambers to remove two 15-year-old felonies Delancy committed as a juvenile from affecting the length of his sentence. Tom Stanton, deputy district attorney, said he sympathized with the death of Delancy's 4-year-old son, but that drug use is far from distributing drugs inside a prison. (12/9/06, <http://www.hutchnews.com/news/local/stories/coremp120906.shtml>)

#### KENTUCKY

- ◆ **Escape (CCA):** An inmate escaped from the Marion Adjustment Center in St. Mary, Ky., about 4 p.m. yesterday after assaulting three guards, Kentucky State Police said. Police were looking last night for Jeffrey James Hinkle, 36. Police said Hinkle has a history of burglary, robbery, theft and other property crimes. He was at the private prison serving a sentence from Jefferson County for burglary, receiving stolen property and being a persistent felony offender. (7/9/06, The Courier-Journal, <http://www.courier-journal.com/apps/pbcs.dll/article?AID=/20060709/NEWS01/60709023>)
- ◆ **Escape:** After being on the loose for seven hours, an escapee from the Marion Adjustment Center was captured at 11:30 a.m. on Sunday, July 16, when the stolen vehicle he was driving was forced off the road by the Kentucky State Police. Since the Marion County grand jury was in session on Monday, the escapee, Gregory Dewayne Edmonds, 37, has already been indicted on numerous counts including first-degree rape, second-degree escape and two counts of first-degree robbery. Edmonds escaped from MAC around 4:30 on Sunday morning, according to the Kentucky State Police. He was allegedly involved in an armed robbery at a Lebanon store, where he is further accused of robbing and sexually assaulting an attendant at knifepoint, during the time he was at large.

He was serving sentences for convictions on charges including multiple counts of first-degree wanton endangerment and third-degree burglary as well as theft by unlawful taking, receiving stolen property and being a persistent felony offender. According to a joint press release, officials from *Corrections Corporation of America* (which owns MAC) and the Kentucky Department of Corrections are investigating the circumstances of Edmonds' escape.

He is the second MAC escapee recaptured in the past two weeks and the third escapee to be relocated. On July 9, Jeffrey James Hinkle assaulted two guards and then fled from MAC. He was recaptured on July 10. Also on July 10, MAC officials learned that Frederick Purcell, 41, who walked

away from the prison on March 15, was at the Marion County Detention Center. (Stephen Lega, 7/16/07 The Lebanon Enterprise, <http://www.lebanonenterprise.com/articles/2006/07/19/news/news01.txt>)

- ◆ **Drug Smuggling/CCA:** A former supervisor at a private minimum security prison in eastern Kentucky was arrested Wednesday and charged with smuggling marijuana to inmates. Rodney Trowbridge, 47, turned himself in at the Beattyville Police Department early Wednesday morning. He was charged with four counts of first-degree promoting contraband stemming from incidents dating back to last November at the Lee Adjustment Center.

Trowbridge had worked at the prison since February 1997. He oversaw basic adult education classes for inmates working toward their GEDs, night school for some college courses and four vocational classes. (11/1/06, The Associated Press,)

<http://www.kentucky.com/mld/kentucky/news/state/15902762.htm>)

## MICHIGAN

- ◆ **Bill Passed:** The Lake County community is one step closer to reopening the former Michigan Youth Correctional Facility thanks to a bill passed Wednesday by the House of Representatives in a 72-31 vote. The bill heads to the governor's desk for approval, and she has said she will sign it. House Bill 5800, sponsored by Rep. Goeff Hansen, R-Hart, would allow **GEO Group**, the prison's owner, to contract with out-of-state vendors to house inmates in the Baldwin facility. Current state law mandates the former Michigan Youth Correctional Facility can only be used to house Michigan youth offenders. The 480-bed prison, which employed about 220 corrections officer, closed in October after Gov. Jennifer Granholm vetoed funding for the privately run facility from the state budget.

An amendment to the bill — which would have limited the risk level of inmates that could have been housed in the facility — was voted down before the bill passed in a concurrence vote. The approved Senate amendment removed the state from oversight in the facility.

“That’s the craziest thing I’ve ever heard,” said Ken Kopczynski, executive director of the Private Corrections Institute, a Tallahassee, Fla., based not-for-profit watchdog organization that opposes the concept of for-profit prisons. “I’m sure the citizens of Michigan are proud to know their Legislature is looking after their public safety. The state is responsible for inmates in the facility. The courts have ruled on that. You can’t contract away liability. Michigan has the ultimate responsibility of regulating prisons and jails in the state. They’re ultimately responsible for the conditions.” Kopczynski has documented on his Web site more than 30 pages of lawsuits against GEO.

“The whole idea they can take over a government service and do it cheaper (is false),” Kopczynski said. “They don’t pay wages, they don’t have the benefits, and they have high turnover which leads to abuse and escapes. They say they’re in it for public safety — that’s BS. They’re in it for the money.” (Joe Boomgaard, The Ludington Daily News, 8/31/06, [http://www.ludingtondailynews.com/news.php?story\\_id=32702](http://www.ludingtondailynews.com/news.php?story_id=32702))

- ◆ **Bill Trouble:** A deal that might have supplied California inmates to the former Michigan Youth Correctional Facility in Lake County could be in jeopardy. Gov. Arnold Schwarzenegger and the California’s Department of Corrections and Rehabilitation (CDCR) proposed sending inmates to out-of-state facilities — potentially including the Lake County prison — without getting the inmates’ permission. However, the future of the proposal is unclear. The California Assembly refused to vote on the measure despite the California Senate passing a bill allowing the transfers only with the inmate’s permission, which is current California law. The California legislature, a part-time legislature, left session for the year Friday without approving Schwarzenegger’s four-bill package.

On Saturday, Schwarzenegger's office said he was considering using his emergency powers to contract with other states to take as many as 10,000 inmates, according to an Associated Press report.

Pablo Paez, communications director for **GEO Group** which owns the Lake County prison, said he had "nothing new to report" with regard to any deal to house inmates there.

Bill Sessa, spokesman for the CDCR, said the Baldwin facility was "one of many" the CDCR considered to house inmates from its overcrowded prisons. Shipping inmates out of state does not come at a cost savings for California, but seeks to alleviate the state's overcrowding problem, according to Sessa. (Joe Boomgaard, The Lunington Daily News, 9/7/06, [http://www.ludingtondailynews.com/print.php?story\\_id=32795](http://www.ludingtondailynews.com/print.php?story_id=32795))

## MISSOURI

- ◆ **Inmate Death:** For those who knew and cared about Angela Lockridge, this much was clear: she could be difficult. At 42, she was mentally retarded, epileptic and dependent on medication to treat her borderline personality disorder. But nothing prepared her family and friends for the way Lockridge died: alone in a segregated cell in one of Missouri's private jails, which are run without state oversight or standards. Operators of the **Integrity Correctional Centers** in rural Johnson County were told the cause of death was epilepsy, a neurological condition that causes seizures.

But Johnson County Sheriff Charles Heiss, who led the investigation into Lockridge's death and has found no evidence of criminal wrongdoing, nevertheless has been angered by the prison's "guarded" response to his probe and obstacles blocking his way to potential witnesses. Heiss, an outspoken critic of private jails and prisons, blames those obstacles on the manner in which private jails are operated and at least in part on the lack of state standards and oversight.

Bernie Zarda, president of ICC, defends his "Christian-owned and operated" prison. He says although there is no state or federal oversight of his facility, oversight of ICC rests with the cities and counties that send their inmates there. (Maria Sudekum Fisher, 10/27/06. <http://www.belleville.com/mld/belleville/news/state/15865340.htm>)

- ◆ **Federal Attention:** The strong wording in the preliminary injunction he issued Monday shows that U.S. District Judge Richard Enslen of Kalamzoo had clearly run out of patience with the state. He told the Department of Corrections and its private contractor for primary services, **Correctional Medical Services of Missouri**, to either treat sick inmates or be held in contempt of court and jailed.

"You are valuable providers of life-saving services and medicines," Enslen wrote. "You are not coat racks who collect government paychecks while your work is taken to the sexton for burial. The days of dead wood in the Department of Corrections are over, as are the days of CMS intentionally delaying referrals and care for craven profit motives." Enslen's injunction recognizes that the medical and mental health care in Michigan prisons does not meet constitutional standards and makes clear to the state that a federal judge is watching. (Jeff Gerritt, 11/14/06, <http://www.freep.com/apps/pbcs.dll/article?AID=/20061114/OPINION02/611140345>)

## MISSISSIPPI

- ◆ **Public Hearing Cancelled:** Pike County officials have canceled a public hearing on a proposed prison, saying there is broad community support for the project. Nashville-based Corrections Corporation of America wants to build the 1,500-inmate facility in the Metro-Pike Industrial Park east of the county airport. Pike County Economic District Executive Director Britt Herrin said Friday that **Corrections Corp. of America** officials have already met with opponents of the prison, so there's no reason for a

public hearing. (12/18/06,  
<http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20061218/NEWS/612180351>)

- ◆ **Public Hearing On:** Pike County residents will get an opportunity to vote on a proposed prison if at least 1,500 voters sign petitions requesting a referendum, according to state statute. Board of supervisors attorney Wayne Dowdy said he found a state law Friday requiring public notice and a potential referendum on a private prison. “On Wednesday they should pass a resolution indicating that since an option to purchase has been granted to *Corrections Corp. of America* on 89 acres, more or less, the public will be notified as required by a statute, and the public will have 60 days within which to file objections to the construction of the facility,” Dowdy said this morning. The notice must state “the location of the facility, the type of inmates to be incarcerated and the identity of the private entity which will operate the facility,” according to statute 47-4-3. Voters then have 60 days in which to present petitions requesting an election. The petitions must bear the signatures of either 1,500 or 20 percent of the qualified voters in the county, according to statute. (Ernest Herndon, The Enterprise Journal, 12/18/06)

## NEW MEXICO

- ◆ **Lawsuit:** Santa Fe County and the private company that operated its jail until April 2005 have agreed to pay \$8.5 million to thousands of people who were strip-searched while being booked into the jail during a three-year period. While the county and *Management Training Corp.* deny in settlement documents that the blanket strip-search policy violated the law, a class-action lawsuit filed in January 2005 claimed it violated people's civil and constitutional rights. Lawyers Bob Rothstein, Mark Donatelli and John Bienvenu will receive \$2 million, while each of the 11 named plaintiffs in the lawsuit will be paid \$42,750.

On Thursday, two of the named plaintiffs in the suit said while they were glad the case was over, they were even happier to have had a hand in sparing other citizens the embarrassment and humiliation they suffered. “That’s the best thing,” said Elizabeth “Lisa” Leyba. Leyba, 34, a bartender at Catamount Bar and Grille, was arrested in September 2004 for selling a beer to an underage customer sent in during a sting. At the jail, Leyba said a female officer ordered her to strip naked and spin in a circle, which she apparently did too fast, so the guard ordered her to do it again, slower. She then had to stand in the room naked while the officer searched for jail clothing for her, Leyba said.

Bienvenu said during his firm’s investigation of the situation, corrections officers told him there was a peep hole in the door to the room where the searches were conducted, and guards would sometimes line up for a look.

Donatelli said the 10th Circuit Court of Appeals made it clear in 1993 that blanket strip searches could not be conducted at county jails based on Fourth Amendment assurances against illegal searches. (Jason Auslander, The New Mexican, 7/7/06, <http://www.freewmexican.com/news/46049.html>)

- ◆ **Campaign Contributions:** The Institute of Money in State Politics says Gov. Richardson has received more campaign contributions from a private prison company than any other politician running for state office around the nation. Florida-based *Geo Group*, which does tens of millions of dollars in business with New Mexico, has contributed \$42,750 to Richardson since 2005. The company also donated \$8,000 to Richardson's running mate, Lt. Gov.

Diane Denish, in the current election cycle. In addition, it donated \$30,000 in March to the Democratic Governors Association, which Richardson heads. Geo Group contributed \$95,000 to the Republican Governors Association last year.

Geo first began doing business in New Mexico as Wackenhut under then-Republican Gov. Gary Johnson, who wanted private companies to manage some state prisons. Johnson received \$9,330 from Geo for his 1998 re-election campaign. Geo receives about \$25 million a year to operate Lea County Correctional Facility at Hobbs and \$13 million to run the Guadalupe County Correctional Facility near Santa Rosa. The company also has contracted with Clayton to operate a prison planned in that northeastern New Mexico community that will house state inmates. (7/12/06, [http://www.lamonitor.com/articles/2006/07/12/headline\\_news/news02.txt](http://www.lamonitor.com/articles/2006/07/12/headline_news/news02.txt))

- ◆ **Dirty Politics:** A Florida-based private-prison company that has doled out thousands of dollars to New Mexico politicians made two \$5,000 contributions to Attorney General Patricia Madrid's congressional campaign less than three weeks after Madrid's office published a legal opinion that directly benefited the firm.

A spokeswoman for Madrid's campaign, Heather Brewer, on Wednesday denied the contributions were connected with the legal opinion, which cleared the way for the city of Clayton to contract with The GEO Group of Boca Raton, Fla., to build and operate a prison facility that would house state inmates. Since 2002, GEO has contributed more than \$79,000 to politicians running for state office in New Mexico. The biggest beneficiary is Gov. Bill Richardson, who has collected \$42,750 from the company since 2005. His running mate, Lt. Gov. Diane Denish, has received \$8,000 from the prison company. (Steve Terrell, The New Mexican, 7/13/06, <http://www.freewmexican.com/news/46345.html>)

- ◆ **Poor Health Care:** A Santa Fe dentist and his assistant say they quit their jobs at the Penitentiary of New Mexico in 2004 because of concerns that state inmates were not receiving adequate dental care. Dr. Norton Bicoll and Sharon Daily left their employment at Wexford Health Sources, which handles health care in nine New Mexico correctional facilities, because the company ordered them to cut their hours for inmates in half, they say. According to Bicoll and Daily, shortly after Wexford took over operations in New Mexico in 2004, the company ordered dental hours at the Penitentiary slashed from four days a week to two. In response, Bicoll and Daily began to book patients roughly four or five months in advance to deal with the large number of inmates who require serious dental work due to rotting teeth and gum disease. Both say that Wexford administrators told them to stop making the advance appointments.

“It was shocking to me. Inmates had to wait longer and they were in pain. All we could do was tell them to file a grievance,” Daily says. “It seemed like Wexford was doing all of this to save money.”

State Sen. Cisco McSorley, D-Bernalillo, co-chairman of the State Legislature’s Courts, Corrections and Justice Committee, says his committee has been concerned with Wexford’s performance for “quite a while.”

McSorley says the contract with Wexford is not satisfactory and that NMCD is not doing enough to ensure that the company does its job. He says it’s up to the governor to scale back privatization in the prison system, before things get worse. “As long as Wexford is assured that NMCD is going to keep signing its contract, then there is no pressure on Wexford to deliver what it promises,” McSorley says. “It’s a convenient excuse to say they can’t find staff. But it’s interesting that when the health care in the prisons wasn’t privatized, we could always staff positions even in the remotest parts of New Mexico.”

“It would be good to get the Department of Justice involved if there are allegations of lack of care on behalf of the inmates,” he says. “The New Mexico Corrections Department and the Legislature can’t hide their heads in the sand and say they didn’t know about these problems if there’s ever a lawsuit. The

inmates are ultimately the responsibility of the state, and you can't contract that away." (Dan Frosch, 8/30/06, <http://sfreporter.com/articles/publish/outtake-083006-inmate-care-critics.php>)

- ◆ **Audit:** Following months of reports that state inmates are suffering behind bars due to deficient medical services, a state legislative committee has requested a special audit of health care in New Mexico's state prisons. During an Oct. 20 hearing at New Mexico Junior College in Hobbs, members of the Courts, Corrections and Justice Committee voted unanimously to ask for the audit, which will focus on **Wexford**. The company's operation in New Mexico has been the subject of a three-month investigative series by SFR, during which former and current Wexford employees have come forward with allegations of problematic health services for inmates

Norbert Sanchez, a nurse suspended by Wexford in September after an alleged dispute with health administrators, spoke at the hearing about problems he witnessed at Central New Mexico Correctional Facility in Los Lunas. Sanchez recalled witnessing a wheelchair-bound inmate who sat in his own feces for hours and a sick inmate who missed critical doses of medicine for congestive heart failure. Though he was the only former Wexford employee in attendance, Sanchez referred legislators to a packet he'd disseminated with testimony from current Wexford employees. Those employees feared retaliation if they came forward, Sanchez said.

LFC Chairman Lucky Varela, D-Santa Fe, says he has not yet received an official request from the Courts, Corrections and Justice Committee, but will be keeping an eye out. (10/25/06, <http://sfreporter.com/articles/publish/outtake-102506-medical-test.php>)

- ◆ **Resignation:** The medical director of a state prison in Hobbs has stepped down from his post less than a month after a legislative committee requested an audit of the corrections health care in the state. Dr. Don Apodaca, medical director of Lea County Correctional Facility (LCCF), turned in his resignation on Nov. 6 due to concerns that inmates there are not receiving sufficient access to health care. According to Apodaca, sick inmates are routinely denied off-site visits to medical specialists and sometimes have to wait months to receive care. **Wexford** has been the subject of a four-month SFR investigation, during which a growing number of former and current employees have contended that Wexford is more concerned with saving money than providing adequate health care, and that inmates suffer as a result. LCCF's medical director since January 2006, Apodaca is one of the highest-ranking ex-Wexford employees to come forward thus far. His allegations of Wexford's denials of off-site care and the delays in obtaining prescription drugs echo those raised by other former and current employees during the course of reporting for this series.

Specifically, Apodaca says he personally evaluated inmates who needed off-site, specialty care, but that Wexford consistently denied his referrals. Apodaca cites the cases of an inmate who needed an MRI, another inmate who suffered from a hernia and a third inmate who had a cartilage tear in his knee as instances in which inmates were denied off-site care for significant periods of time against his recommendations.

When it comes to prescription drugs, there also are significant delays, Apodaca says. Inmates sometimes wait weeks or even months for medicine used for heart and blood pressure conditions, even though Apodaca says he would write orders for those medicines repeatedly. "Wexford was not providing timely treatment and diagnoses of inmates," he says. "There were tragic cases where patients slipped through the cracks, were not seen for inordinately long times and suffered serious or fatal consequences." (Dan Frosch, 11/22/06, <http://sfreporter.com/articles/publish/outtake-112206-unhealthy-diagnosis.php>)

- ◆ **Lawsuit:** In the latest setback for *Wexford Health Sources*, a former employee has slapped the prison health care company with a civil lawsuit alleging racial discrimination. The suit, filed Oct. 25 in US District Court in Albuquerque, alleges that former health services administrator Don Douglas was fired by Wexford last October because he is black. Moreover, the suit alleges that sick and injured inmates at Lea County Correctional Facility in Hobbs, where Douglas worked, received poor treatment and that the facility lacked critical medical staff.

The allegations in Douglas' lawsuit echo many of the concerns from employees who have talked to SFR. Specifically, it charges that even though Douglas alerted a Wexford corporate administrator about medical and staffing problems, the company did not respond. Instead, according to the lawsuit, Douglas' job was audited and he was found negligent, despite no prior problems and a record of exemplary job evaluations. On Oct. 10, 2005, Douglas was fired and replaced by a white woman, the lawsuit says. (Dan Frosch, 11/29/06, <http://sfreporter.com/articles/publish/outline-112906-backlash.php>)

- ◆ **Contract Cancelled:** After two troubled years of administering health care in New Mexico's prisons, *Wexford Health Sources* will lose its multimillion-dollar contract with the state. Now, SFR has learned that on Dec. 8, Gov. Bill Richardson ordered the New Mexico Corrections Department (NCMD) to immediately begin the search for a new health care provider..

"The governor has directed the Corrections Department to develop and implement immediate and long-term options for improving health care quality at the state's correctional facilities," Richardson spokesman Gilbert Gallegos says.

Wexford, which also administers health care in facilities run by the New Mexico Children, Youth and Families Department (CYFD), will lose those operations as well, Gallegos says. Wexford began working in New Mexico in July 2004, after signing a \$27 million contract with NMCD. The Pittsburgh-based company has also lost contracts in Wyoming and Florida because of similar concerns over health care. (Dan Frosch, 12/13/06, <http://sfreporter.com/articles/publish/outline-121306-wexford.php>)

## NEW YORK

- ◆ **Protest:** Two dozen protesters march outside the Queens Private Correctional Facility in Springfield Gardens on Saturday. Two dozen angry Springfield Gardens residents protested a controversial private prison in their neighborhood Saturday, seven weeks after company executives extended a federal contract to house the facility in the area for another year. Councilman James Sanders led about 25 locals on a march from Springfield Park to the Queens Private Correctional Facility at 182 22 150th Ave., where 200 mid level detainees—many of them convicted drug offenders—are awaiting sentencing. Saturday's protest marked the second time in a year that residents have joined publicly with local leaders to demand a shutdown of the facility. In January, three times as many protesters marched against the prison after elected officials learned that the international prison management company overseeing the site, Boca Raton, Fla. based *GEO Group*, had bought a neighboring warehouse and planned to expand the center's capacity by 170 detainees. Announcing "the beginning of our year of discontent," on Saturday, Sanders vowed to march against the prison every three weeks until it closes. The protest was briefly derailed when inmates inside the prison held up signs reading, "Help Us, No Food," and "Call Jesse Jackson," in a narrow street level window. Sanders pounded on a side door and demanded to be admitted to investigate alleged prisoner mistreatment. The guards did not grant him entrance. (Colin Gustafson, *The Chronicle*, 8/24/06) [http://www.zwire.com/site/news.cfm?newsid=17105554&BRD=2731&PAG=461&dept\\_id=574905&rfti=](http://www.zwire.com/site/news.cfm?newsid=17105554&BRD=2731&PAG=461&dept_id=574905&rfti=))

## OKLAHOMA

- ◆ **Riot:** A fight broke out among a group of inmates about 6:30 p.m. at the Great Plains Correctional Facility at Hinton, Caddo County Sheriff Gene Cain said. Cain said six or seven inmates were transported by ambulance to a hospital in El Reno. Capt. Stuart Meyer of the Oklahoma Highway Patrol said troopers were notified of a disturbance at the private prison but that details - including how many inmates were involved and whether anyone was hurt - were not immediately known.  
Prison authorities refused to release any information. An unidentified operator who answered the telephone at the prison told an Associated Press reporter to call back during normal business hours and talk to someone else. The disturbance is not the first at the facility. Inmate Pedro Posadas, 32, was killed on March 4, 2005, in a fight with another inmate at the private prison. The prison, owned by **Cornell Corrections Inc.** of Houston, was fined by the Department of Corrections in May 2000 for alleged security breaches that allowed an inmate to escape the month before. The \$304,000 penalty was at the time the largest ever assessed against an Oklahoma private prison. (7/21/06, <http://www.channeloklahoma.com/news/9559718/detail.html?rss=okl&psp=news>)
- ◆ **Riot Aftermath:** All five inmates who were hospitalized after an altercation Friday in a Caddo County prison have been treated and returned to jail, according to a statement from **Cornell Companies Inc.**, the prison's private owner. The prison remained on lockdown Saturday. In 2005, the prison was the site of a prisoner fight that ended in the death of an inmate. And in 2000, the prison's owner was fined \$304,000 for alleged security breaches that led to an inmate's escape. (7/24/06, <http://www.newsok.com/article/2775967>)
- ◆ **Cost Savings (Editorial):** Officials at Hinton's Great Plains Correctional Facility recently announced they would evict 800 state inmates housed there under contract with Oklahoma's Department of Corrections. **Cornell Cos. Inc.**, the Houston company that has owned the medium-security prison since 1998, is evicting the DOC prisoners, according to a spokeswoman, to consider "other business opportunities." State Corrections Director Justin Jones said the Hinton prison had been negotiating a better deal with U.S. Immigration and Customs Enforcement officials, who are offering a better rate. The problem is, the state doesn't have much room to house the 800 inmates Cornell is booting from its cells. The state has just 180 days to find someplace to put the evicted prisoners, but the state's prisons are 98 percent full, meaning there's little or no room for inmates at the inn. The state either needs more prison beds, or must boost its per-diem rate for housing prisoners, or both. This incident clearly illustrates the point DOC can't count on private prisons to help solve the prison overcrowding problem. (10/24/07, [http://www.enidnews.com/opinion/local\\_story\\_297004153.html?keyword=topstory](http://www.enidnews.com/opinion/local_story_297004153.html?keyword=topstory))
- ◆ **Alleged Murder (GEO):** The inmate killed at the Lawton Correctional Facility yesterday afternoon has been identified. Lawton police identified him as 53-year-old Charles A. Willingham, who was serving time for lewd molestation and a felony firearm conviction. "It was apparent to CSI personnel and the examiner both that this was more than likely a homicide, " said Captain John DeBoard, the Criminal Investigation Division Commander for the Lawton Police Department. Willingham's death is the first suspected murder at the prison since January 2005 when Robert Cooper strangled his cellmate, Ronald Sites, to death.  
"A prison shouldn't be a Holiday Inn, but there are basic human rights even people in prison are entitled to and I have some concern," said District Judge Alan McCall at Cooper's trial in April 2006. Judge McCall was so stunned by Robert Cooper's allegations of drug dealing and corruption inside the prison that he called on Oklahoma's Attorney General to form a multi-county grand jury. The next multi-

county grand jury is set to be convened on November 7th, but there's no word if Cooper's allegations will make the bill. (10/25/06, <http://www.kswo.com/Global/story.asp?S=5584793>)

- ◆ **Suspects Accused (GEO):** Police detectives presented evidence Wednesday to Comanche County District Attorney Robert Schulte, accusing two prison gang members of killing a fellow Lawton Correctional Facility inmate in his cell. Investigators identified inmates Brandon James Horne and Michael Sean Rose as the two men who allegedly killed Charles A. Willingham in his cell Monday, according to a Lawton Police Department statement. Detectives said Horne and Rose were known members of the Aryan Brotherhood, a gang notorious for extorting protection money from sex offenders. Two witnesses told investigators Horne and Rose entered Willingham's cell to either extort money from him or rob him of his belongings. The witnesses claim when Willingham refused to pay them \$100, he was knocked to the ground and stomped to death. (Ron Jackson, 10/26/06, <http://www.newsok.com/article/2961912>)
- ◆ **Drug Smuggling (GEO):** An inmate was sentenced to 10 years in prison Monday in Oklahoma County District Court after pleading guilty to participating in a ring that smuggled and sold illegal drugs inside the Lawton Correctional Facility. Inmate Darrin Marcel Brewer, 39, sold drugs to other inmates, who bought the drugs on credit, according to a state grand jury indictment returned in February. A guard allegedly was bribed to smuggle drugs inside the prison, and LaShanda Brewer allegedly concealed nearly \$60,000 in payments from drug sales. (Randy Ellis, 10/3/06, <http://newsok.com/article/2964376>)
- ◆ **Cost Savings:** Recent media attention to Oklahoma's corrections issues has affirmed Oklahoma Public Employees Association's repeated calls over the past ten years for state leaders to build new publicly operated beds for an increasing prison population. Unfortunately, the state has continued to utilize the short-sighted solution of relying on expensive private beds to bail out the system and struggle through another year. OPEA is supporting the Department of Corrections request for \$154.6 million to build a 750-maximum-security bed expansion to Oklahoma State Penitentiary and a 1,400 medium-security prison.
 

Because the state has limited publicly operated medium-security beds, Oklahoma is subject to the whims of private corporations who only care about the bottom line. As beds become scarce, private prison companies are upping the price by as much as 30 percent, pitting the states in a bidding war with federal government. In 2004, the percentage of Oklahoma inmates in contract beds was the fourth highest in the nation at 26.4 percent. (The national average was 6.9 percent.) At that time, 20 states did not even use private prisons, and only 10 states utilized private vendors for more than 10 percent of the incarcerated population. Oklahoma's current percentage of offenders in private beds has increased to 28.3 percent. (11/11/06, [http://www.mwcsun.com/opinion/local\\_story\\_315094652.html](http://www.mwcsun.com/opinion/local_story_315094652.html))
- ◆ **Hiring Felons:** Brent VanMeter, a top-level state official until he was arrested six years ago, is now working for a company that runs halfway houses for inmates. VanMeter, who was convicted of bribery and sent to federal prison, is reticent about the past or his new life that includes a job with **Avalon Correctional Services Inc.**

In December 2000, VanMeter was sentenced to federal prison on charges of taking bribes from a nursing home operator. He also was accused of taking part in paying "ghost workers" who did not show up for work. Toward the end of his sentence, VanMeter said he wrote a letter to the head of Avalon saying that he had been following the company and would be interested in a job. The reply he received

was that VanMeter should contact the company again after he got out of prison and his life was more settled.

James Saffle, president of Avalon, said VanMeter came in at entry level and is not getting any special favors. Saffle said the company decided that VanMeter's past should not eliminate him from a job with Avalon, although VanMeter is the only convicted felon currently on the staff. "We want more companies in Oklahoma to consider hiring people who have completed their sentences." (Mick Hinton, 12/17/06, [http://www.tulsaworld.com/NewsStory.asp?ID=061217\\_Ne\\_A23\\_Excon39580](http://www.tulsaworld.com/NewsStory.asp?ID=061217_Ne_A23_Excon39580))

## PENNSYLVANIA

- ◆ **Contract Cancelled:** The Beaver County Jail will continue to be run by public employees, after a court ruling yesterday that derailed the county's privatization move. Beaver County President Judge Robert E. Kunselman upheld a June arbitration award that gave the county's jail guards a new three-year contract. The county had set Monday as the date for a Massachusetts firm, **CiviGenics Inc.**, to take over jail operations, a move that would have left the unionized guards out of work. CiviGenics in the summer of 2005 made a proposal that would save the county \$1.9 million a year, and with the union contract expiring in December, the commissioners demanded that the union meet that savings. When the union would not, the commissioners declared union negotiations at an impasse and signed a contract with CiviGenics in January. The union, however, asked the court to enforce an arbitration award issued in June, which it regarded as binding. The county "engaged in bad faith bargaining by establishing a budget which could only be accomplished by the privatization of the prison without the legal authority to make such an assumption," the union's legal brief said. (Brian David, 10/28/06, *Pittsburg Post-Gazette*, <http://www.post-gazette.com/pg/06301/733744-57.stm>)
  
- ◆ **Lawsuit:** The Texas-based owner of a New Morgan treatment facility for juvenile offenders has filed a federal lawsuit accusing the borough of interfering with the facility's plans to reopen. **Cornell Cos. Inc.**, Houston, initially opened the 214-bed Cornell Abraxas Academy in October 2000, just north of the Conestoga landfill in New Morgan. The facility closed Oct. 27, 2002, following a half-dozen escapes and 14 sexual assaults. But it reopened last month, with 16 beds available to low-level sex offenders. Lawyers representing the borough and its council members have asked that the case, before U.S. District Judge Lawrence F. Stengel, be dismissed.
 

Thomas P. Hogan, a West Chester lawyer representing the council members, said in court documents that the case does not belong in federal court. Hogan said Cornell has not even applied to the borough for a use and occupancy permit as required by law. "Cornell has not even taken the first step, which is to address the zoning issues," Hogan said,

Carl N. Weiner, a Lansdale, Montgomery County, lawyer presenting New Morgan, said the case should be dismissed because there are no constitutional issues involved. "As a knee-jerk reaction, Cornell has rushed to a federal courthouse and has attempted to disguise a simple zoning issue as a series of alleged constitutional challenges," Weiner wrote. (Holly Herman, *Reading Eagle*, 11/17/06, <http://www.readingeagle.com/re/news/1595767.asp>)
  
- ◆ **Cost Savings:** The George W. Hill Correctional Facility is expected to cost \$41.1 million to run in 2007, up \$4 million from this year's \$37.1 million. The jump in prison expenses results from higher management fees paid to the **Geo Group Inc.**, the private manager, and an increase in the number of local inmates incarcerated. That occurred after the prison returned 350 inmates to Philadelphia this year to relieve overcrowding, thereby giving up rental income that had offset the prison's costs since it

opened in 1998. (Todd Mason, 12/5/06, [http://www.philly.com/mld/inquirer/news/local/16164840.htm?source=rss&channel=inquirer\\_local](http://www.philly.com/mld/inquirer/news/local/16164840.htm?source=rss&channel=inquirer_local))

- ◆ **Contraband/Drug Smuggling:** Delaware County officials say they are closing in on a small group of crooked prison guards as they implement sweeping policy changes aimed at ending the contraband trade at the George W. Hill Correctional Facility. The goal, according to Deputy Superintendent John Reilly, is not just to slow the influx of drugs, cigarettes and cellular phones, but "eradicate" the prison's black market altogether. County officials hope the no-tobacco policy, combined with an increased K-9 presence in the parking lots and daily shakedowns, will staunch the smuggling of cell phones, cigarettes and drugs into the prison. Several guards walking to their cars have turned around upon seeing drug-sniffing dogs, Reilly said. He said the **GEO Group Inc.**, the Florida-based firm that has managed the publicly funded prison since 1996, is planning to implement a cell phone scanner to prevent such activity. "It's a for-profit business," Reilly said of the prison's black market. A pack of cigarettes, for instance, can be sold for between \$40 to \$50, according to word of mouth. The going rate for a cell phone is considerably higher.

Prison officials have had trouble stemming the drug trade in recent years, as evidenced by the case of Brian Sullivan, the 25-year-old Marple resident who overdosed twice while in prison custody. The second one killed him in April 2005. "They use these inmates that are given preferential treatment to run the drugs for them inside the prison," said Richard Golomb, the Philadelphia attorney who sued GEO in October 2005 on behalf of the Sullivan family. GEO settled the Sullivan suit about three months ago for a "substantial" amount, Golomb said Monday. (William Bender, 12/12/06, [http://www.delcotimes.com/site/news.cfm?newsid=17578713&BRD=1675&PAG=461&dept\\_id=18171&rfti=6](http://www.delcotimes.com/site/news.cfm?newsid=17578713&BRD=1675&PAG=461&dept_id=18171&rfti=6))

## TENNESSEE

- ◆ **New Contract (Editorial):** Beginning in November, **Corrections Corporation of America** will begin receiving up to 1,000 medium-security inmates from the California prison system at its correctional facilities in Tennessee, Arizona and Oklahoma. The contract is worth \$22.9 million to the Nashville-based prison builder and operator. California Gov. Arnold Schwarzenegger declared an emergency in order to speed up no-bid contracts with CCA and Geo Group Inc. of Florida, another private prison operator. California has 172,000 inmates crowded into space designed for 100,000.

Adverse reaction began in California, where the prison workers' unions complained it's cheaper to farm out the convicts only because the private firms are allowed to pick the inmates they want — meaning those with fewer discipline and medical problems. But perhaps the greatest concern echoes past discussions on this page about who is accountable when a state's prisons are run by a private company. Since the state of Tennessee is ultimately responsible for the safety of its residents, it's critical that government officials scrutinize such a large transfer of criminals who did not pass through Tennessee's legal system. Corporate boardroom decision-makers should not take precedence over state correctional experts when safety is involved. (10/29/06, <http://www.rctimes.com/apps/pbcs.dll/article?AID=/20061029/OPINION01/610290354/1007/MTCN0305>)

- ◆ **Gross Misconduct:** A captain is one of two **CCA** Silverdale Workhouse employees on administrative leave. Investigators are looking into claims the employees put inmates into a cell so that they would fight each other. Investigators are releasing limited information Tuesday but said they will say more once the Corrections Corporation of America and County Mayor Claude Ramseys' office review a final

report this week. The Corrections Corporation of America is under contract with Hamilton County to keep more than 800 inmates at Silverdale.

People who claim to know about the situation told NewsChannel 9 that Captain Gilliam took inmates he didn't like or had a problem with and put them inside a cell with an inmate regarded as a "tough guy," and let them fight it out. Captain David Gilliam, and the other employee, face suspension or termination. (John Pless, 12/12/06, [http://www.newschannel9.com/engine.pl?station=wtvc&id=8130&template=breakout\\_story1.shtml](http://www.newschannel9.com/engine.pl?station=wtvc&id=8130&template=breakout_story1.shtml))

- ◆ **Guard Fired:** Two guards at Silverdale have been fired for encouraging inmates to fight. According to a the **Corrections Corporation of America**, on December 5th, an inmate told Silverdale administrators another inmate assaulted him after Captain David Gilliam and a corrections officer put them together in a cell. CCA has just finished investigating the claim and has fired Gilliam and the other officer, under a zero-tolerance policy for staff misconduct.

## TEXAS

- ◆ **Inmate Removal (LCS):** Concern over conditions at the Nueces County Jail resulted in the removal of 55 federal inmates — a potential loss of nearly \$1 million in revenue for the county. County commissioners grew concerned after complaints of clogged plumbing, lack of water and insect bites were brought forth by inmates housed in the aging facility. The U.S. Marshals Service, which pays the county \$45 per day to house federal inmates, transferred the prisoners to facilities in Aransas, Jim Wells, Victoria, Karnes, Bee and Brooks counties. (7/14/06, <http://www.correctionalnews.com/ME2/Audiences/dirmod.asp?sid=F17AB7E6F87E49EEA2D2DBEA BE05C8B9&nm=News&type=news&mod=News&mid=>)
- ◆ **Contract Problems:** Federal officials said last week that it's not their intention to fill up a 2,000-bed detention center that would hold illegal immigrants before deportation. But Willacy County commissioners are banking on a private prison company that claims the federal government will pay the county nearly \$12 million to house 2,000 prisoners there. "I can't guarantee those numbers," Nina Pruneda, spokeswoman for the U.S. Department of Homeland Security's Immigration and Customs Enforcement in San Antonio, said of the inmate count. "It's not a question of filling beds," she said. "It's making sure we have operational beds ready." This month, commissioners picked Utah-based **Management Training Corp.** to operate the detention center. But the Willacy County Local Government Corp., a nonprofit board organized to oversee the project, failed to ratify the contract.
 

Some question the private prison industry's role in the construction boom. "The private prison industry is banking on this rush to incarcerate immigrants and they often use communities to finance their prison construction," said Bob Libal, a member of Grassroots Leadership, a watchdog group in Austin. "The companies use the counties' ability to float bonds to reap the profits ... especially economically struggling counties, and persuade them to build these facilities," Libal said. "If those detainees don't come, then the county has a problem on its hands. If the contract falls through, the county is financially liable. It affects their debt rating." The "county's current approach may open the county to substantial liability to the federal government," warned the law firm of Akin Gump Strauss Hauer & Feld of Washington, D.C. (Fernando De Valle, Allen Essex, The Valley Morning Star, 7/16/06)
- ◆ **Cost Savings:** The county may be spending more than necessary to build a new detention center for illegal immigrants, Willacy County Attorney Juan Angel Guerra charged Monday. Guerra said that the

companies behind the \$60.6 million detention center over-billed the county by more than \$15 million. "Nobody questioned it," Guerra said of county commissioners who voted 3-2 last week to borrow \$60.6 million to build the 2,000-bed detention center. Commissioners planned to issue about \$50 million to fund the project. But costs jumped to \$60.6 million to include \$3 million to buy equipment to operate the detention center, \$3 million to set up a reserve fund and \$3 million in interest payments. **Hale Mills Construction**, the Houston-based company that's contracted to build the detention center, did not respond to a message requesting comment Monday afternoon. (Fernando Del Valle, 7/26/6, [http://www.valleystar.com/articles/2006/07/26/local\\_news/3\\_tuesday/local\\_news1.txt](http://www.valleystar.com/articles/2006/07/26/local_news/3_tuesday/local_news1.txt))

- ◆ **Escape:** Two dangerous Newton County Correction Center inmates escaped earlier this year because a watchtower guard was too intimidated to shoot, according to a tape recording obtained by The Enterprise. The guard in the tape admitted he didn't fire his weapon June 12 despite seeing prisoners Rudolfo Garcia-Lopez and Orlando Gonzalez-Leon scale the outer fence covered in barbed razor wire. The recording was of the guard, who was then terminated, and Sheriff Joe Walker, Chief Deputy Ricky Hall and an unnamed Texas Ranger. Walker wouldn't identify the guard because he didn't "want his name pulled through the mud." However, Walker did say the guard could have stopped the prison break before it turned into a three-night search. Garcia-Lopez and Gonzalez-Leon, both from Idaho, escaped at 6:30 p.m. While law enforcement captured Gonzalez-Leon 90 minutes later, Garcia-Lopez was on the loose for 56 hours and crossed the county line before Jasper police detained him while he pedaled a stolen bicycle through the city. According to sheriff's department calculations, the prison break and resulting manhunt cost at least \$3,000 in deputy overtime hours, fuel, food and water.

The prison break was part of a string of episodes involving inmates since the Idaho Department of Correction transferred 419 prisoners here in March to alleviate prison overcrowding in their state. Idaho prisoners are being transferred out to another Texas-located, **Geo Group**-managed facility. (F.A. Krift, The Enterprise, 8/3/06,)

[http://www.southeasttexaslive.com/site/news.cfm?newsid=17001037&BRD=2287&PAG=461&dept\\_id=512588&rft=6](http://www.southeasttexaslive.com/site/news.cfm?newsid=17001037&BRD=2287&PAG=461&dept_id=512588&rft=6))

- ◆ **Escape:** Investigators from the Texas prison system apprehended Saturday an inmate who escaped from a privately run pre-parole center in Mineral Wells. Harvey Veal, 43, was spotted by investigators around 8 a.m. hitchhiking along Highway 51 near Granbury. Veal disappeared some time between 7 and 9:15 p.m. Thursday while he was supposed to be attending a class. A preliminary search failed to find Veal overnight, but it did find a clipboard stuck in a fence, Lyons said. The prison is operated for the TDCJ by Nashville, Tenn.-based **Corrections Corporation of America**. (8/28/06)

[http://www.statesman.com/news/content/gen/ap/TX\\_Inmate\\_Escape.html](http://www.statesman.com/news/content/gen/ap/TX_Inmate_Escape.html))

- ◆ **Alleged Inmate Murder:** Testimony continued Thursday in the civil trial of a private prison company accused of negligence in the beating death of a Laredo prisoner. The family of Gregorio De La Rosa alleges **Wackenhut Corrections Corp.** failed to supervise two prisoners who used socks filled with padlocks to beat him on April 26, 2001. Thursday, attorney Ron Rodriguez tried to show the jury that the company inadequately trained its prison guards. Testimony included the company's videotaped dramatization that shows a prison guard telling a sexual assault victim that if he didn't want to be raped, he shouldn't have gone to prison. Testimony also included the company's videotaped interview of guards during an internal investigation of De La Rosa's death. A videotape showed a padlock attached to a white sock on the grassy prison yard where De La Rosa was beaten to death. (Fernando Del Valle, 9/1/06, [http://www.valleystar.com/articles/2006/09/01/local\\_news/local\\_news4.txt](http://www.valleystar.com/articles/2006/09/01/local_news/local_news4.txt))

- ◆ **Bribery (MTC):** A former Willacy County commissioner was sentenced to six months in federal prison Thursday for taking bribes in return for votes on a federal prison contract. Israel Tamez, 60, of Raymondville, also must pay a \$25,000 fine and serve three years probation after his release. Tamez and former Willacy County Commissioner Jose Jimenez of Sebastian pleaded guilty in January 2005 to conspiracy to commit bribery. Tamez admitted receiving cash payments totaling \$10,000 for voting to select particular companies to design, build, maintain and manage the prison. (11/9/06, <http://www.dfw.com/mld/dfw/news/state/15971403.htm>)
- ◆ **Escape:** West Texas authorities were searching in subfreezing temperatures late Sunday for an Idaho man who escaped from a privately operated prison in Spur. Scott Noble Payne, 43, escaped from the Dickens County Correctional Center at about 7:30 p.m. CST, said Janie Walker, a dispatcher with the Dickens County Sheriff's Office. Jail staff members believe Payne scaled the facility's fence, the Idaho Department of Corrections said in a news release. Authorities believe he did not have extra clothing. Payne was serving time for Idaho charges of aggravated battery and lewd and lascivious conduct, according to the Idaho Corrections Department. The prison, which is operated by Florida-based **The Geo Group, Inc.**, is designed for minimum- to maximum-security levels, according to the Geo Group's Web site. (12/4/06, <http://www.chron.com/disp/story.mpl/metropolitan/4376897.html>)
- ◆ **Escapee Caught:** An Idaho inmate who escaped a private West Texas prison was captured after a week on the run when authorities caught up to him at a ranch. Authorities arrested Scot Noble Payne, 43, on Sunday at a ranch near the small town of Paducah, said Daniel Hawthorne, a spokesman for the Texas Department of Public Safety in Childress. Payne escaped Dec. 3 from the Dickens County Correctional Center. The facility, which is run by Florida-based **Geo Group Inc.**, is located in Spur, about 60 miles east of Lubbock. Idaho inmates at private prisons in Texas have been the subject of controversy, with a previous breakout in June and allegations of abuse that preceded the firing of some Geo Group staff and the transfer of inmates to other prisons — including Dickens County. (12/11/06, <http://www.chron.com/disp/story.mpl/metropolitan/4392977.html>)
- ◆ **Protest:** The T. Don Hutto Residential Center, a private detention facility in Taylor, is emblematic of new federal policy that detains all unauthorized immigrants from countries other than Mexico while the government determines whether they should be deported. The Taylor center is used for that purpose, but it and a smaller one in Pennsylvania share a distinction: They are the only two such facilities in the country that hold immigrant families and children on noncriminal charges. On Thursday, members of Texans United for Families, a coalition of community, civil rights and immigrant rights groups, sought to highlight that difference. Starting with a news conference at the state Capitol and then embarking on a 35-mile walk to the Taylor jail, they charged that detaining families and children under what they described as poor conditions is immoral and violates human rights. The Taylor jail began holding immigrant families in the summer under a contract with the federal Immigration and Customs Enforcement agency. It is owned and operated by **Corrections Corporation of America**. Williamson County receives \$1 per day for each inmate held there. "It's un-Christian, and it's time somebody says something," Johnson-Castro said. "Our objective is to shut this thing down and to shut down any kind of consciousness that would exploit humans who are in desperate straits." (Juan Castillo, 12/15/06, <http://www.statesman.com/news/content/news/stories/local/12/15/15immigprison.html?cxtype=rss&cxsvc=7&cxcacat=52>)

## VERMONT

- ◆ **Contract Terminated Early:** After losing more than \$1 million in three months, the out-of-state company in charge of providing medical services to Vermont's nearly 1,700 inmates has told corrections officials it wants out of its three-year contract. The state and **Prison Health Services** have been at the bargaining table for the past four months, but hit an impasse Monday, company officials said, and gave the state three months notice that it would not finish the last year of its contract. Corrections Commissioner Rob Hofmann said PHS approached the state about four months ago in an attempt to negotiate down some of the penalties it was being levied by the state, and receive higher reimbursement for services mainly due to high labor costs. "I think they were losing money because their bid was possibly too aggressive, but most importantly they were running into Vermont's tight labor market, especially in terms of finding medical staff," Hofmann said. Also, at the time of the negotiations, Hofmann said the state had levied substantial penalties against PHS because they had not met all contract requirements. For example, in some cases the contract called for the company to have a registered nurse on a shift, but instead used a licensed practical nurse.

The department's previous contractor — **Correctional Medical Services** — was criticized by legislators, inmate advocates and family members for not providing adequate medical treatment to inmates. In some cases, independent investigations found that a lack of medical and mental health care resulted in inmate deaths. (shay Totten, The Vermont Guardian, 11/3/06, <http://www.vermontguardian.com/local/112006/PrisonContract.shtml>)

## WASHINGTON

- ◆ **Misconduct:** At a private alternative jail for Whatcom County criminals, one guard has been convicted for possession of marijuana and another for theft - while on the job. A **Security Specialists Plus** guard carried marijuana into its Baker Creek Place facility; another stole money from an inmate. One had multiple felony convictions, while another sexually harassed inmates, Whatcom County Sheriff Bill Elfo said. Security Specialists Plus is a 60-employee business in Bellingham's Irongate industrial area. Since becoming sheriff in 2003, Elfo said there have been a series of concerns over SSP's operation, most centering on the quality of its guards. It's unclear whether the four guards accused of misconduct remain employed by SSP. (Jon Gambrell, The Bellingham Herald, 8/26/06) <http://news.bellinghamherald.com/apps/pbcs.dll/article?AID=/20060826/NEWS09/608260332>)

## International

### CANADA

- ◆ **Murder:** Not enough staff at Central North Correctional Centre led to the murder of inmate Minh Tu on May 5, 2004, charges a Penetanguishene woman. Richard Quansah was found guilty of first-degree murder and recently sentenced to life in prison without parole for 25 years for killing Minh Tu, after an argument over a board game while the two were inmates at the Penetanguishene prison operated by **Management and Training Corporation (MTC)**. Sharon Dion, chairperson of Citizens Against Private Prisons, told The Mirror she is surprised more violence has not occurred at the privately-operated jail because of ongoing problems and lack of staff to deal with them properly. Dion is known locally and internationally for her knowledge about privatized prisons.

She says she was contacted by several upset correctional officers after the May 2004 stabbing who told her that a CO was given a note from an inmate that said there was a knife in the unit and a 'killing' would take place. However, a lockdown and search failed to locate the weapon so inmates were allowed out of their cells. Tu was murdered soon after.

Lower staffing levels than publicly-run prisons in Ontario is one of the reasons cited by Minister of Community Safety and Correctional Service, Monte Kwinter, for not renewing MTC's contract to operate the facility as of Nov. 10, 2006. (Kim Goggins, The Mirror, 8/25/06, <http://www.simcoe.com/sc/midland/story/3651624p-4221749c.html>)

## ENGLAND

- ◆ **Escape:** Police are still hunting a sex attacker from Preston Prison who escaped on his way to court. Mustafa Ismail, 35, was being taken from Preston Prison to the Manchester Asylum and Immigration Tribunal Court when he escaped from the **Group 4** Securicor vehicle. It is understood he was being handcuffed when he pushed over a guard and fled the scene, near to Manchester's Piccadilly, on Thursday morning. Security staff gave chase couldn't catch him. The Somalian had just completed a five-year sentence for attempted rape and was on remand in Preston. (7/15/06, [tp://www.prestontoday.net/ViewArticle2.aspx?sectionid=73&articleid=1632659](http://www.prestontoday.net/ViewArticle2.aspx?sectionid=73&articleid=1632659))

- ◆ **Escape:** A failed asylum seeker is on the run after escaping deportation when he was allowed off a coach heading for the airport to have a cigarette. The man was part of a group of a dozen men and women due to be thrown out of Britain on a specially chartered flight to Baku in Azerbaijan. Yet incredibly when they approached Stansted airport in Essex where the plane was waiting, some of the men were allowed off to have a cigarette --- there was no smoking on the coach. In what appeared to have been a pre-planned break, seven of the men are said to have tried to run off but all bar one were recaptured.

The case comes five months after **Group 4** security was forced to launch an investigation into how a Somali asylum seeker convicted of sex attacks was able to slip his guards and escape from a van while being transported to a deportation hearing. Details of the vanishing act came on the day Home Secretary John Reid admitted only 129 of the 1,013 convicts mistakenly freed in the foreign prisoner scandal has since been deported. (David Williams, 12/14/06)

[http://www.dailymail.co.uk/pages/live/articles/news/news.html?in\\_article\\_id=422449&in\\_page\\_id=1766&ito=1490](http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=422449&in_page_id=1766&ito=1490))

## SCOTLAND

- ◆ **Privatization Increase:** Scotland's proportion of inmates in private prisons could rise to highest in the world, according to a new report. The Scottish Consortium on Crime and Criminal Justice, an umbrella group including key organisations, yesterday warned Scotland will soon have more prisoners in private establishments than countries such as South Africa and the US. Scotland's second private prison will be in Addiewell in West Lothian and will accommodate 700 prisoners. According to the report, once Addiewell opens in 2008, Scotland will have 1400 prisoners in private prisons. Scotland will then have 20% of its prisoners in private prisons, the highest percentage of any country in the world. Richard Sparks, Professor of Criminology at Edinburgh University, said: "Putting prisons out to contract and giving private prison companies 25-year contracts raises real problems for improving the justice system. The executive will be committed to paying...for a 700-bed prison in Addiewell for the next 25 years. This system removes flexibility and commits the next generation to the penal policies of today." (Lucy Adams, 12/5/06, <http://www.theherald.co.uk/news/75963.html>)