



JUSTICE AND PUBLIC SAFETY CABINET

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July 24, 2009

Ms. Natasha Metcalf
Vice President, Customer Contracts
Corrections Corporation of America
10 Burton Hills Boulevard
Nashville, TN 37215

RE: CCA Correspondence dated May 21, 2009, Renewal and Per Diem Adjustment for Otter Creek Correctional Center (OCCC); Approval to house 20 additional Hawaiian inmates.

Dear Ms. Metcalf:

The Kentucky Department of Corrections (KY DOC) intends to exercise its option to renew contract M-05176998 with Corrections Corporation of America (CCA). KY DOC intends to renew the contract for a twenty-four month period beginning July 15, 2009 and ending July 14, 2011. In addition, we require a dedicated telephone line for the KY DOC Monitor and that the OCCC inmate telephone system be upgraded to the same platform in use at the Marion Adjustment Center, Lee Adjustment Center and the Kentucky institutions. The current SECURUS system hinders security operations.

In response to the May 21, 2009 CCA letter, KY DOC declines the request to increase the per diem rate for FY10 by 3.8% (\$53.11). KY DOC asserts that OCCC has not performed to a level that warrants a rate increase. During the

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previous period there have been a number of issues that collectively are evidence of unacceptable operational performance. These incidents include:

- Suicide of OCCC staff member – the unfortunate suicide death of an OCCC staff member occurred within the prison itself. The individual successfully circumvented the institution's security and smuggled an unauthorized weapon into the facility, a critical breach of security.
- A \$5,000 Administrative Penalty was assessed for unacceptable actions and violation of Kentucky Corrections Policies and Procedures 8.4, Critical Incident Management in relation to inmate Beverly Murphy's death.
- Contract non compliance issues that have resulted in requested Plan of Actions from OCCC.
 - Section 30.700 Safety, Security and Emergency Procedure - Non compliance in maintaining the appropriate number of emergency squad (SORT) members
 - Section 30.225 Accommodations Sanitation and Hygiene - Failure to rectify sanitation and hygiene deficiencies in several dorms. The lavatories, for a prolonged period, have been in a poor state of repair and are in violation of Kentucky Administrative Regulation 902 9:010 (Environmental Health) Section 2. Sanitary Facilities and Controls. (5) "...(a)ll walls, floors, ceilings, partitions, sanitary fixtures and appurtenances shall be maintained in a sanitary condition and in good repair."
 - Section 30.425 General - Failure to maintain consistent inmate property records for inmates placed in segregation
- PREA incidents and violent incidents occurring at OCCC annually are well above the number of incidents occurring at Kentucky Correctional Institution for Women and are of great concern to the department. The statistics below reflect reported incidents. The department is investigating additional unreported PREA incidents that were recently alleged to have occurred.

Fiscal Year	2007		2008		2009	
	KCIW	OCCC	KCIW	OCCC	KCIW	OCCC
Sexual: Staff on Inmate	1	4	-	3	0	1
Violence / Fights	11	28	14	33	6	11

*OCCC's numbers reflect incidents involving Kentucky inmates only.

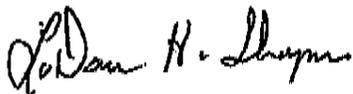
Prior to KY DOC approving CCA's request to increase the number of Hawaiian inmates by twenty (20), not to exceed one hundred and ninety-five (195), please confirm the impact to beds available for Kentucky inmates.

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KY DOC is very concerned about the number of recurring incidents. When viewed holistically, the number of incidents indicates broader facility security and operational weaknesses. The safety and security of the Kentucky inmates are of the utmost importance. KY DOC expects CCA to comply with the aforementioned Plans of Action. In addition, substantive improvements in daily operations are required to eliminate PREA incidents and incidents of inmate violence. KY DOC is currently investigating recently made allegations of additional PREA incidents and may pursue further actions pending our investigation's results.

Respectfully



LaDonna H. Thompson
Commissioner, Department of Corrections

LHT/mdr

Cc: Kim Potter-Blair Deputy Commissioner
Al Parke, Deputy Commissioner
Eric Buckley, Contract Management
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