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# PRIVATE CORRECTIONS INDUSTRY NEWS BULLETIN

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## Widow of Slain Inmate Sues CCA

Bryson Chisley, 23, an inmate at CCA's Northeast Ohio Correctional Center in Youngstown, was stabbed to death by two other prisoners due to security lapses by CCA staff, alleges Chisley's widow, India, in a \$110 million lawsuit filed against the company on September 15.

For three months prior to her husband's death India Chisley had tried to ensure his safety at the privately-operated facility. She wrote letters to Ohio prison officials asking them to move her husband to protective custody. She phoned CCA staff at Youngstown so often that they began transferring her calls to voice mail. She telephoned CCA's corporate office in Nashville. Her husband had urged her not to give up. "They act like they ain't trying to respond to my request [to be put in protective custody]," he wrote shortly before he was murdered.

"Bryson Chisley and his wife contacted every possible person they could to alert the officials affiliated and employed by CCA and the District of Columbia about the danger that Bryson Chisley was facing," said

Erik D. Bolog, the attorney representing Ms. Chisley in her suit.

Bryson Chisley died on March 11 after being stabbed over a dozen times; he was in handcuffs and a waist chain and could not defend himself. Chisley was slain in a high-security unit used to isolate dangerous offenders from other inmates while being escorted to his cell by CCA officers. According to police, a guard who was present claimed he was helpless to stop the killing.

Chisley's assailant, Alphonso White, had committed two murders outside of prison and three assaults inside; he was serving a life sentence. Four months previously Chisley and White had fought and stabbed each other. Following that incident CCA officials issued separation orders to keep them apart, but then assigned them to the same cell block.

Chisley and four other inmates were out of their cells in the segregation unit when the fatal attack occurred. CCA regulations state that "only one inmate/resident will be allowed out of his/her cell at one time." White allegedly smuggled a

homemade knife and handcuff key out of his cell, using the latter to remove his restraints. According to CCA rules, "All inmates/residents entering or exiting segregation will be strip-searched." The murder weapon was never recovered.

"When you put predators with their prey with no positive protection in place, people die, and Bryson Chisley is dead," said Bolog.

Lawyers who represent inmates in an unrelated lawsuit that alleges unsafe conditions at Youngstown previously had identified Alphonso White as a dangerous predator who should have been removed from the prison. Another inmate, Richard Johnson, who also had been cited as a security threat, was involved in Chisley's death.

Chisley's slaying was the second killing at the Youngstown facility in three weeks. Derrick Davis, 25, had been stabbed to death in February; one of his attackers was Richard Johnson. "I feel sorry for anyone who has a loved one at the CCA facility, because they do not know what they [continued ⇨]

## ADMINISTRIVIA

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are doing,” stated India Chisley.

Ms. Chisley claims in her lawsuit that CCA improperly housed maximum-security prisoners at the medium-security Youngstown prison, failed to adequately train its employees, and neglected to follow basic security procedures. She has also sued the District of Columbia, which had transferred her husband to the privately-operated facility. CCA and Washington, D.C. officials declined to discuss the suit.

“Private prisons in America do not work,” said Erik Bolog. “Trying to govern inmates while satisfying shareholders by being cost effective at the margin appears, at least in this case, to be mutually exclusive.” Bryson Chisley was serving a 5-15 year sentence for drug distribution and illegal firearms convictions. He would have been eligible for parole next year. □

Sources: *The Washington City Paper* (DC), April 17-23, 1998; *The Plain Dealer* (OH), April 27, 1998; *The Tennessean*, September 16, 1998; *InReview*, September 29, 1998.

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*NOTE: In addition to Ms. Chisley's lawsuit CCA faces legal challenges from Patricia Bowman, whose son allegedly died due to medical neglect at a CCA-operated prison in Tennessee (see PCINB, Sept. 1998); from female prisoners in Oregon who claim they were sexually assaulted by guards at a CCA facility in Arizona; and from juvenile offenders in South Carolina who allege abuse at a youth detention center formerly managed by CCA.*

## CCA Sued Over Inmate's Death

The sister of an inmate killed last year at the CCA-run Hardeman Co. Correctional Facility in Whiteville, Tennessee has filed a federal lawsuit against the private prison company. Yvonne L. Helton, sister of William Christian, is asking for \$100,000 in compensatory damages and \$1 million in punitive damages.

Christian, 36, was discovered beaten to death in his cell on Dec. 23, 1997; his cellmate, Paul Townsend, was charged with first-degree murder. According to her lawsuit, Helton accuses CCA of confining her brother with Townsend, a prisoner who had demonstrated “violent tendencies and many previous attacks on fellow inmates.”

Since being moved to a maximum-security facility in Nashville the day after Christian's body was found, Townsend has received disciplinary infractions for three counts of arson, four counts of destroying state property, refusing orders from staff, and possession of a deadly weapon. □

Source: *The Jackson Sun* (TN), October 10, 1998.

## Two Months Late

Georgia's first private prison, a \$38 million facility operated by Cornell Corrections, is ready to open after two construction-related delays. Inmates from the Georgia DOC will be moved to the Charlton County prison starting October 13. Source: *U.S.A. Today*, Oct. 13, 1998.

## TN Officials Backpedal on Prison Privatization

Following a recent series of escapes, assaults and inmate disturbances at CCA-operated facilities (see *PCINB*, Sept. 1998), Tennessee lawmakers have distanced themselves from prison privatization.

Rep. Matt Kisber, a co-sponsor of unsuccessful 1997 legislation to privatize much of Tennessee's corrections system, indicated he may not pursue the matter any further. "At this point it's not something I'm going to be involved in," he said. Another co-sponsor of the 1997 bill, Rep. Page Walley, also announced that he might not be involved in future privatization efforts, though he noted that publicly-run prisons have problems, too.

State Sen. Pete Springer was critical of CCA's policy of importing prisoners from other jurisdictions. Almost 1,000 convicts from other states are incarcerated in privately-operated facilities in Tennessee — including inmates from Wisconsin, Hawaii, Montana, Indiana and the District of Columbia. "We have more regulations on a gallon of milk than on housing out-of-state prisoners," observed Springer.

CCA responded by saying the senator had neither the correctional expertise nor the standing in state government to speak with authority on the subject. "CCA would be wise to provide answers instead of attacks on legislators who were elected to serve the public," Springer retorted.

Despite criticism from some legislators, Gov. Sundquist said he still supported privatizing the state's corrections system. "I think there is a better-than-average chance that we will pursue prison privatization" next year, he remarked during a press

conference in early September.

Just three weeks later, however, apparently sensing shifting political winds, Gov. Sundquist reversed his position and announced he would not pursue privatization during the 1999 legislative session. Although declaring he favors the concept of privately-run prisons, the governor acknowledged that "unanswered questions" have been raised about the for-profit corrections industry. Sundquist said he would appoint a Prison Privatization Advisory Council to study cost savings, security problems and other issues.

Some lawmakers criticized the governor's announcement, claiming he was deflecting attention from prison privatization prior to the November 3 gubernatorial election. "He's trying to dodge the debate on this particular issue," said Senator Springer.

While opponents of for-profit prison companies welcomed the step back from attempts to privatize the state's corrections system they noted the subject will eventually resurface. "We know this issue isn't dead," said Linda McCarty, executive director of the Tennessee State Employees Association. "It will be pushed as long as there are people who have the ability to gain financially from it."

CCA spokeswoman Susan Hart stated the company was willing to work with the Advisory Council by providing information. □

Sources: *The Tennessean*, Sept. 1, 3, 9, 20, 24, 1998; *The Jackson Sun* (TN), Sept. 3, 5, 19, 1998; *The Knoxville News-Sentinel*, Sept. 24, 1998; *Commercial Appeal* (TN), September 19, 24, 1998.

## In the News

Iowa Governor Terry E. Branstad is considering a privately-run prison to house drunken drivers as a way for the state to relieve overcrowding in its corrections system. Source: *U.S.A. Today*, Sept. 29, 1998.

The Iowa Dept. of Corrections has transferred 100 women inmates to a privately-run facility in Virginia despite protests from their families. State officials say the relocation is necessary until more bed space is available in Iowa prisons. Source: *U.S.A. Today*, Sept. 24, 1998.

New Mexico voters are undecided whether private companies should run state prisons. A poll conducted by the *Albuquerque Journal* found 42% favored privatization while 45% thought prisons should be operated by the state. Source: *U.S.A. Today*, Sept. 29, 1998.

New Mexico prison officials have sent around 20 guards and administrators to the newly-opened Lea Co. Correctional Facility to conduct staff training. The Wackenhut-operated prison has had three stabbings in five days. Source: *U.S.A. Today*, Sept. 2, 1998.

The Ohio Senate Judiciary Committee endorsed stricter regulations for private prisons, including requirements that privately-operated facilities meet the same standards as state prisons and that they be barred from housing inmates with histories of violence. Source: *U.S.A. Today*, Oct. 15, 1998.

## Dateline Airs Report on Private Prison

On Sunday, Oct. 11, *Dateline* NBC reported on the CCA-operated Northeast Ohio Correctional Center in Youngstown. The program included comments from former prison employees and outraged community members worried about their safety.

*Dateline* reporter Rob Stafford described various adverse incidents that have occurred at the facility since it opened in May 1997 — including tear gassings, two murders, at least 13 stabbings, and the escape of six prisoners last July.

The program mentioned a report issued by Ohio legislators on Oct. 7 that condemned both CCA and the District of Columbia. The report rebuked CCA for the July 25 breakout, finding that a CCA employee may have assisted in the escape, the facility did not have an adequate number of guards on duty in the area where the escape occurred, and the perimeter fence had a faulty motion detector. Lawmakers termed the escape the “ultimate failure in the primary mission and public promise of any prison.”

Youngstown Mayor George M. McKelvey and Mahoning County Sheriff Philip Chance sharply criticized CCA, and six former prison employees provided details about penny-pinching policies at the facility that resulted in security problems. CCA and Washington, D.C. officials declined to be interviewed by *Dateline*.

For a transcript or video of the *Dateline* broadcast call 1-800-420-2626. □

Sources: *Dateline*, Oct. 11, 1998; *The Tennessean*, Oct. 10, 1998.

## CCA Seeks California Jail Contracts

Last May CCA took over the 200-bed former city jail in San Diego, and now expects to fill it with federal immigration detainees by the end of September under a contract with the INS. The jail previously had been operated by Wackenhut. The company also is bidding to incarcerate inmates at a vacant 900-bed county jail in downtown San Diego.

CCA acquired the two facilities without advance contracts, although that didn't worry company executives. “Clearly the need for INS and U.S. Marshals Service beds is pretty prevalent up and down the state,” observed David Myers, president of CCA's West Coast operations.

Kristine Marcy, an immigration official, agreed. “I wouldn't worry about finding people to fill those beds,” she said. As a final piece of a 1996 immigration law the INS must begin locking up thousands of deportable noncitizens.

Some local officials expressed concern about the shortcomings of prison privatization. Rich Robinson, a deputy chief administrator for San Diego County, noted that housing high-risk prisoners at the jail would be a problem area. “They're [CCA] obviously going to have some questions to answer before we'd enter into any agreement,” he stated.

Federal officials concurred that they would closely monitor any private prison contracts. “The Dept. of Justice wants to always be careful when it privatizes,” said Marcy. “We don't just walk away and stop paying attention.” □

Sources: *San Diego Union-Tribune*, August 31, 1998; *The Tennessean*, October 6, 1998.

## In the News

The Montana Dept. of Corrections has transferred 13 more female inmates from the Montana Women's Prison to a privately-run facility in New Mexico due to overcrowding. Source: *U.S.A. Today*, Oct. 7, 1998.

Almost two dozen Hawaii inmates serving time in Texas rent-a-jails remain behind bars even though they have made parole. Five of the prisoners have been waiting to be returned to their home state since June; corrections officials say it is more economical to send them back as a group. Source: *U.S.A. Today*, October 2, 1998.

## Other Private Corrections Industry Resources

The Corrections and Criminal Justice Coalition (CCJC), which represents unionized government corrections employees, strongly opposes prison privatization. Address: 7700 Leesburg Pike #421, Falls Church, VA 22043; web site: [www.ccjc.com](http://www.ccjc.com).

The *Prison Privatisation Report International*, a publication of the non-profit Prison Reform Trust, is published ten times a year. Highly recommended! Subscription rates are £25 for individuals, £50 for public or non-profit agencies and £100 for corporations or businesses. Address: Prison Reform Trust, 15 Northburgh Street, London EC1V 0AH. Phone: ++44-171-251-5070; e-mail: [prison-reform@prisonreform.demon.co.uk](mailto:prison-reform@prisonreform.demon.co.uk).

### Inmate Fracas at Private Facility

Approximately 100 inmates at a privately-operated prison in San Bernardino County, California were involved in a fight on Oct. 1. Three received minor injuries and were taken to a hospital for treatment.

Dennis Wallace, an official at the Victor Valley Community Correctional Facility, downplayed the incident. "A lot of [the prisoners] were just spectators," he said. The fire department and paramedics responded to the disturbance after receiving a 911 call from the prison.

In September a team from the state Corrections Department visited the facility to investigate allegations that inmates were coerced into participating in the Seventh-day Adventist faith. According to former prison employees, inmates who took part in a special program that included Bible study classes were given amenities such as free cosmetic dental services and access to large screen TVs.

The facility is operated by Maranatha Private Corrections. □

Source: *San Francisco Chronicle*, October 3, 1998.

### Hunger Strike at CCA Detention Center

An estimated 94 immigrants at the CCA-operated Esmore Detention Center in Elizabeth, New Jersey went on a three-day hunger strike that ended Oct. 2. Detainees at the Esmore facility are awaiting hearings or appeals for political asylum.

The hunger strikers reportedly were protesting INS restrictions that keep them locked up for lengthy periods of time pending hearings. They also protested conditions at the CCA detention center, including exorbitant phone rates and inadequate food leading to malnutrition.

CCA officials confined all of the detainees in their cells during the hunger strike. One unidentified detainee managed to place a call to a reporter for the *New York Times*; INS officials agreed to meet with the hunger strikers after news of the protest became public.

*PCINB* reported in July that detainees at Esmore had been improperly restrained and involuntarily sedated by CCA staff. □

Source: *Workers World*, October 15, 1998.

### Four Escape from CCA Prison

A quartet of inmates, including one serving a life sentence, escaped from CCA's South Central Correctional Center in Wayne County, Tennessee on October 12. Donald Wallace, William Caldbeck, Charles Hayes and Benjamin D. Underwood reportedly escaped through an opening cut in the facility's perimeter fence during an afternoon recreation period, in broad daylight.

Dog teams, helicopters and fifty law enforcement officers are assisting in the search for the escapees.

Wallace, 56, was captured that same day; as this issue of *PCINB* goes to press the other escapees are still at large. All were medium-security prisoners.

Security features at the South Central prison include two 12-foot fences topped with razor wire, an electronic perimeter intrusion detection system, motion detectors, and two perimeter patrol vehicles with armed guards. □

Sources: *Commercial Appeal* (TN), Oct. 14, 17, 1998; *The Tennessean*, October 13, 15, 1998.

## CCA Trims Texas Prison Contracts

CCA is scaling back its Texas operations as the profitability of its contracts with the state decreases.

The company informed Texas officials last September that it plans to terminate its contract to operate a pre-release center in Liberty County; CCA also lost a contract to manage the Dawson state jail in Dallas, will not retain two additional contracts after they expire, and is "seriously

re-evaluating" whether to renew three other contracts in 1999.

New performance guidelines enacted by the Texas Department of Criminal Justice make private prisons less lucrative to operate. "We've driven the level of profitability down, no question about it," stated TDCJ Executive Director Wayne Scott.

Five state jail contracts put up for renewal on Sept. 1 attracted three

or fewer bids each. "It's not our intention to terminate all contracts ... but we're looking at retaining those that are viable," said CCA special projects director Laurie Shanblum.

CCA currently holds five private prison contracts in Texas, down from ten last August. □

Source: *The Tennessean*, October 8, 1998.

## UPDATES

Prompted by the death of Nick Contreras, 16, at the privately-run Arizona Boys Ranch (see *PCINB*, Aug. 1998), the California legislature passed a bill last August to increase control over juvenile facilities in other jurisdictions. The bill requires privately-operated camps housing California youths to meet state licensing standards. In related news, five former ABR employees were indicted in connection with Nick's death. Sources: *The Dallas Morning News*, August 27, 1998; *U.S.A. Today*, October 2, 1998.

Officials in Mansfield, Texas say they may have to sell the city's for-profit jail to a private prison company due to financial difficulties. Oklahoma recalled its inmates from the Mansfield facility on July 10 following disagreement over an inmate industry program (see *PCINB*, July 1998). The 240-bed jail has since lost about \$300,000 in revenue. Source: *The Fort Worth Star Telegram*, August 23, 1998.

The FBI has indicted three current and former Brazoria Co. deputies on charges stemming from videotaped brutality at the county's rent-a-jail when the facility was operated by CCRI. Lester Arnold, Robert Percival and David Cisneros were charged with aiding and abetting the assault of Missouri prisoner Toby Hawthorne, who was kicked, bitten by a guard dog and shocked with a stun gun. Former CCRI jail guard Wilton Wallace also was indicted (see *PCINB*, July 1998). Source: *Prison Legal News*, Oct. 1998.

## Public Prison Employees Protest Privatization

An estimated 200 correctional officers from across the nation converged on the Nashville headquarters of CCA on October 16 to protest the trend toward prison privatization.

Brian Dawe, director of operations for Corrections USA, a non-profit association, noted the Oct. 12 escape of four prisoners from the CCA-operated South Central Correctional Center in Wayne County, Tennessee served as a perfect backdrop to the rally. "Obviously they can't keep control of their inmate population, and that's the reason we're here," he said.

Participating in the protest were members of the Tennessee State Employees Association, which had successfully opposed legislation last year to privatize up to 70% of the state's corrections system. At that time TSEA executive director Linda McCarty stated that private prison companies have "too much incentive to cut corners that can result in jeopardizing security for workers as well as public security."

CCA officials apparently were

unconcerned about the rally. "This is not about CCA," stated Sharon Johnson Rion, a consultant with the company. "This is about a coalition of union members ... that want to establish a national union for correctional officers."

Rion said that representatives from Corrections USA refused an invitation by CCA C.E.O. Doctor R. Crants to meet with company executives. "They lie through their teeth. We have nothing to meet with him about," responded Dawe. CCA has had a poor relationship with public employees, who view privatization as a threat to their jobs.

CCA recently has experienced a rash of embarrassing incidents and negative publicity, and Tennessee Gov. Don Sundquist, whose office at the state capitol also was targeted by protesting correctional officers, announced last month that he would appoint a committee to study prison privatization-related issues. □

Sources: *The Tennessean*, Oct. 15, 1998; *State Gazette*, Oct. 17, 1998.

## CCA's Finances Up, Stock Down

At the end of its second quarter for 1998 CCA announced an 82% increase in quarterly earnings — \$21 million compared to last year's second quarter earnings of \$11.6 million. The company reported an average occupancy in its facilities of 95%, charging an average \$42.21 per prisoner per diem.

But while revenues have risen the company's stock has plummeted,

dropping 60% in value from a year ago. CCA stock hit a low of \$12½ a share in mid-October. An overall economic slump and the company's impending merger with the affiliated Prison Realty Trust contributed to the stock drop. The merger, which has angered shareholders, is expected to be completed in January. □

Source: *InReview*, Sept. 29, 1998.