
PRIVATE CORRECTIONS INDUSTRY NEWS BULLETIN

Vol. 2 - No. 5

Reporting on Prison Privatization and Related Issues

May 1999

FBI Investigates CCA-run INS Center

An immigrant detention center in Elizabeth, New Jersey operated by CCA is under investigation due to alleged misconduct by company employees. Federal officials confirmed on April 13, 1999 that the U.S. Dept. of Justice had requested the probe, which is being conducted by the FBI. The Elizabeth Detention Center has been operated by CCA since 1997, and holds asylum-seekers and other immigrant detainees.

On January 28, 1999, Salah Dafali, a detainee at the facility, was beaten so badly that he required hospital treatment.

Kevin Simpson, who worked as a transport officer for TransCor America, Inc. — a CCA subsidiary — said when he arrived at the detention center to take Dafali to the hospital he noticed that Dafali's clothes were bloody, his chin was split open and a shoe imprint was visible on his face. Simpson said CCA guards told him Dafali had injured himself by hitting his head and face against the wall of his cell. "I didn't believe it. I still don't. I don't see how you can get a shoe print on your face from a wall," he

said. Simpson was fired after he allegedly refused to cooperate with an internal investigation.

Oluwole Aboyade, a Nigerian immigrant at the facility, has claimed that CCA guards put him in an isolation cell after he organized a peaceful hunger strike in October 1998. He said the cell was covered in feces and urine; he was left there six days.

"These are some of the most serious allegations of abuse we have received about a detention center," said Andrew Painter, legal counsel to the U.N. Office of the High Commissioner for Refugees in Washington, D.C. Ms. Lorelei Valverde, an INS official, said videotaped footage of incidents at the facility, taken by CCA guards, has unrecorded gaps. The agency is investigating whether the missing video segments were intentional or accidental.

In April 1999 the *Bergen Record*, a local newspaper, published a report about the CCA facility. Among other findings the paper reported that allegations of degrading and abusive treatment by guards dated back over a year; that two senior CCA officials were removed

at the request of the INS; that the turnover rate among guards is 30-40%; and that CCA has been notified of 18 contract violations since Jan. 1999. These problems occurred despite the presence of seven INS contract compliance officers at the ACA-accredited facility.

CCA spokesperson Susan Hart said an internal investigation by the company found no evidence of abuse. She confirmed the recent resignation of the warden at the detention center, which she said was due to personal and career-related reasons. Since Feb. 1999 the chief of security at the facility has been removed, a guard has been fired, and two supervisors and six officers have been barred from having contact with detainees. Three other guards quit in April following an investigation into drug use.

PCINB reported last year that detainees had been involuntarily sedated at the CCA-operated facility (see *PCINB*, July 1998, pg. 2). □

Sources: *The Tennessean*, April 14, 1999; *The Jackson Sun*, April 17, 1999; *PPRI*, April-May, 1999.

ADMINISTRIVIA

The *P.C.I. News Bulletin (PCINB)* is a monthly publication that reports on prison privatization and related issues, primarily within the United States.

Copyright

PCINB is copyright © 1999. Non-profit organizations and individuals acting on their behalf are granted permission to reprint or copy any materials included in *PCINB* provided that source credit is given and that such copies are for non-commercial purposes only — all other persons are required to obtain written permission from *PCINB* before any reprints or copies legally can be made.

PCINB will happily and enthusiastically pursue legal action against copyright violators, and will provide a reward to persons who report copyright violations that result in successful litigation or settlements, as determined by *PCINB*.

Address

P.C.I. News Bulletin, 3193-A Parthenon Avenue, Nashville, Tennessee 37203.

Legal Stuff

The information presented in this publication is not intended to supplant the services / advice of legal or corrections-related professionals. The editors of and contributors to *PCINB* disclaim any liability, loss or risk, personal or otherwise, incurred as a direct or indirect consequence of the use and application of any of the contents of this newsletter. So there.

WANTED

Articles, clippings and news reports regarding the private corrections industry — please include the source and date of all materials submitted.

Private Prison Companies Release Financial Reports

The nation's leading companies in the private corrections industry have released their annual reports for 1998 and/or their first quarter reports for 1999.

Prison Realty Corp.

Prison Realty Corp., comprised of Prison Management Services, Correctional Management Services and Juvenile & Jail Facility Management Services, all doing business as CCA, reported revenue of \$662 million in 1998, up 43.2% from 1997.

On May 5, 1999, the company issued its first quarterly report since the Jan. 1 merger between CCA and Prison Realty Trust (see *PCINB*, Dec. 1998, pg. 7). Prison Realty Corp. announced first quarter earnings of \$68 million with a net loss of \$24.7 million, which included an \$83.2 million charge for converting the company's tax status to a real estate investment trust. Prison Realty plans to make a \$400 million debt offering in May.

As of April 5, 1999, CCA provided management services at 70 facilities with a combined capacity of 51,223 beds; Prison Realty owned 49 facilities, including 11 currently under construction.

Wackenhut Corrections

As reported in the April issue of *PCINB*, Wackenhut Corrections Corp., the nation's second largest private prison company, reported 1998 revenue of approximately \$312 million — an increase of 51% over the previous year. About 15% of the company's earnings came from international private prison contracts, mainly in Australia and the U.K.

Wackenhut Corrections Corp. reported 1999 first quarter revenue of

\$97.4 million, up 37% from the first quarter of 1998, with \$6.5 million in quarterly net income. The company announced May 7 that it had 29,151 revenue-producing beds with ten contracts under development for an additional 6,556 beds.

Cornell Corrections

Cornell Corrections reported revenue of \$123.1 million in 1998, an increase of 76% from 1997, with net income of \$6.06 million. Twenty percent of the company's earnings came from contracts with the Federal Bureau of Prisons.

Cornell operates 53 facilities in twelve states and the District of Columbia with a total capacity of 10,525 beds. As of Dec. 31, 1998 the company had 2,333 full time and 621 part time employees, of whom 150 staff members at two facilities were represented by unions.

Correctional Services

Correctional Services Corp. (CSC) reported \$97.9 million in revenue for 1998, up 63.4% over the previous year. However, the company had a net loss of \$6 million compared with a \$3 million profit in 1997. CSC recently acquired Youth Services International, a company that specializes in juvenile justice services.

At the end of 1998, CSC was operating 33 adult and juvenile facilities with a combined 9,471 beds, not including four non-secure residential facilities. As of March 30, 1999 the company had 3,794 full time employees. □

Sources: Wackenhut Corp. press release, May 7, 1999; *The Tennessean*, May 6, 1999; *PPRI*, April-May 1999.

Other Private Corrections Industry Resources

Corrections and Criminal Justice Coalition (CCJC), Route 2, Box 1144, Harpers Ferry, WV 25425 (888) 315-8784; www.ccjc.com. A consortium of anti-privatization corrections employees' unions.

Corrections USA (CUSA), P.O. Box 394, Newton, NH 03858 (603) 382-9707; www.cusa.org. A professional association of public corrections employees opposed to prison privatization.

Prison Reform Trust, 15 Northburgh Street, 2nd Floor, London, EC1V 0JR England; phone: 011-44-171-251-5070; e-mail: prt@prisonreform.demon.co.uk. Publishes the *Prison Privatisation Report Int'l (PPRI)*, which covers news about the private corrections industry in the U.S. and abroad.

Private Corrections Project, Center for Studies in Criminology and Law, Univ. of Florida, Gainesville, FL 32611 (352) 392-1025; web site: web.crim.ufl.edu/pcp. Conducts research into prison privatization. Note that the Project receives funding from the private corrections industry, including Correctional Services Corp., the Bobby Ross Group and Securicor New Century.

Reason Foundation, 3415 S. Sepulveda Blvd. #400, Los Angeles, CA 90034 (310) 391-2245; www.reason.org. A libertarian-oriented think-tank that favors prison privatization. Note that the Foundation has received funds from Securicor, Wackenhut and U.S. Corrections.

Private Prison Regulatory Bills Rejected

Last March, Tennessee state Senator Pete Springer introduced 15 bills to regulate privately-run prisons (see *PCINB*, March 1999, pg. 6). On May 4, 1999, the Senate State and Local Government Committee rejected seven of the bills that would have barred or discouraged private prisons from housing inmates from other jurisdictions.

Sen. Springer's proposed legislation to prohibit out-of-state prisoners from being housed in privately operated facilities failed on a 3 to 5 vote, with six similar or related bills also failing to pass.

Lt. Gov. John Wilder, Speaker of the Senate, took the unusual step of joining the committee as an *ex-officio* member to argue against the bills. Wilder, whose legislative district includes two CCA prisons that hold approximately 1,800 out-of-state inmates, co-sponsored unsuccessful legislation in 1997 that would have permitted up to 70% of Tennessee's prison system to be privatized.

Wilder asked the committee to "be as kind as you can" to the hundreds of corrections employees — his constituents — who rely on CCA for jobs. Senator Springer stated he still strongly supports regulation of the private prison industry, an issue he used as a campaign platform.

"Because I know the people who work at these [CCA] prisons and because they're friends of mine, my opinion is different from yours," said Lt. Gov. Wilder. Nine other regulatory bills for private prisons are still pending. □

Source: *Commercial Appeal* (TN), May 5, 1999.

Dual Disturbances at CCA Prison

On April 27, 1999 guards at the CCA-operated South Central Corr. Center in Clifton, Tennessee had to use pepper gas on prisoners who refused to return to their cells.

According to a report by the Tenn. Department of Correction, the incident started when officers responded to a call for assistance and found a guard had been assaulted; he received minor scrapes and bruises. Around 200 prisoners on the recreation yard became unruly, breaking windows in a recreation building and refusing to disperse. CCA guards then fired ten rounds of pepper gas to regain control of the situation.

CCA spokesperson Susan Hart confirmed reports of the disturbance but said only some of the prisoners were resisting; she stated she didn't consider the incident to be "major," noting that the injuries and property damage were minimal. "If we weren't prepared to deal with it, it would have been a lot worse," she said.

Later the same day, 15-20 inmates holed up in a dayroom in one of the housing units at the facility, refusing to return to their cells and covering the dayroom windows so guards could not see inside. Warden Kevin Myers convinced them to end the six-hour standoff, which was resolved without force. Prison officials do not believe the two disturbances were related.

Tennessee Dept. of Correction spokeswoman Pam Hobbins declined to comment on the incidents until an investigation was complete. □

Sources: *The Tennessean*, April 29, 30, 1999; *The Jackson Sun*, April 29, 30, 1999.

In the News

The Davidson County, Tennessee juvenile court will decide in August on a new contract for management of the Metro Juvenile Detention Center in Nashville. The facility is presently operated by CCA. Source: *The Tennessean*, April 26, 1999.

Cornell Corrections said it would lobby the North Carolina legislature to change a state law if the statute is interpreted to prevent counties from contracting with privately-operated jails. The company hopes to build a 600-bed regional jail in Brunswick County. Source: *Fayetteville Observer Times* (NC), April 4, 1999.

According to Idaho Corrections Director James Spaulding the state is contracting to house inmates at a CCA facility in New Mexico due to prison overcrowding. In addition to other out-of-state transfers, 200 Idaho inmates currently housed in Texas will be moved to the New Mexico facility. The contract with CCA is expected to be finalized by the end of April. Source: *The Post Register* (ID), April 1, 1999.

Correctional Services Corp. will not renew its contract to operate the Bayamon Detention Center in Puerto Rico. The company stated it had reached a mutual agreement with the Administration of Juvenile Institutions on Feb. 23, 1999 not to renew the contract — the same day that armed detainees at the facility rioted and held staff members hostage (see *PCINB*, April 1999, pg. 5). Source: *PPRI*, April-May 1999.

Study Suggests Privatizing Parole, Probation

A study released last March by a Wisconsin research organization recommends privatizing parts of the state's probation and parole systems.

George Mitchell, a consultant who conducted the study, said Wisconsin's existing parole and probation practices are ineffective. The state "must be willing to put its probation and parole programs out for competitive, performance-based bids," he said.

Mitchell's study was produced

for the Wisconsin Policy Research Institution, which is known for funding research associated with conservative causes.

Wisconsin Corrections Secretary Jon Litscher agreed with some of the study's findings but said the department didn't believe the work of parole and probation officers should be privatized. □

Source: *The Post-Crescent* (WI), April 1, 1999.

Federal Halfway House Staff Face Charges

Six correctional staff members at a federal halfway house in Miami were indicted on corruption charges in Oct. 1998; they were employed by Spectrum Programs, Inc., a private company that operates the facility under a contract with the Federal Bureau of Prisons.

The Spectrum employees are accused of extorting and accepting bribes from inmates for unauthorized absences from the halfway house and for falsifying drug test results. They

received tens of thousands of dollars in payoffs, prosecutors claim.

One of the indicted staff members also was charged with having sex with a female inmate, and two others allegedly beat a prisoner in an attempt to collect a bribe. Four of the Spectrum employees have pleaded guilty to conspiracy charges; two are awaiting trial. □

Sources: *Prison Legal News*, April 1999; *Reader's Digest*, April 1999.

Cornell Not to Hire Additional Ex-Felons

Cornell Corrections no longer will hire convicted felons to work at the company's Youth Development Program in Santa Fe County, New Mexico. However, three officers already employed at the facility who have prior felony records will be allowed to keep their jobs.

The policy change follows allegations that a 15-year-old girl was molested at the Cornell facility by a guard with a criminal record; the

guard has since been fired. Employee background checks conducted by the company were not forwarded to the Sheriff's Department for review.

Peter Looker, director of the Cornell facility, has acknowledged that hiring convicted felons was an incorrect interpretation of the company's contract with the county. □

Sources: *USA Today*, May 3, 1999; *Albuquerque Journal*, May 2, 1999.

In the News

Bakersfield, California-based Maranatha Private Corrections has offered to construct and operate a 2,000-bed prison on 150 acres of land in Honolulu, Hawaii. Source: *USA Today*, April 21, 1999.

The Miami-Dade state attorney's office and U.S. attorney's office are investigating a privately-operated Florida juvenile facility. In July 1998, two youths who tried to escape from the Hurricane Conservation Corps program were forced to lie on a nest of red ants; they suffered hundreds of bites. Juveniles at the facility claim that weaker boys were targeted for group beatings and forced to perform mock sex acts. Four guards were fired and one was suspended. At the time, the program was operated by Gator Human Services; it has since been acquired by Youth Track. Source: Associated Press, undated.

The Colorado chapter of the ACLU has filed a federal lawsuit on behalf of a female prisoner who says she was sexually assaulted by a guard employed by TransCor America, Inc. The assault allegedly occurred when she was shackled in a van while being transported from Texas to a Colorado prison in March '98. According to Mark Silverstein of the ACLU, at least two other lawsuits have been filed in Colorado in which female inmates claim they were sexually assaulted by TransCor officers. TransCor is a subsidiary of CCA. Source: *PPRI*, April-May, 1999.

Prison Realty Board Member Settles Ethics Charges

Prof. Charles W. Thomas, director of the Private Corrections Project at the University of Florida and a board member of Prison Realty Corp., has long been criticized for his close connections with the private prison companies he researches (see *PCINB*, Dec. 1998, pg. 6; Feb. 1999, pg. 6).

On April 16, Thomas agreed to settle ethics complaints filed against him by the Florida Police Benevolent Association, a union that represents state corrections employees. In light of a \$3 million fee he received for advising CCA on its merger with Prison Realty, Thomas acknowledged that his business dealings with private prison operators could create the impression of a conflict of interest.

According to Eric Scott of the Florida Attorney General's Office, Thomas's "contractual relationships with [Prison Realty Corp.] created a situation which could tempt dishonor. Because the results of [his] research can have such a profound effect on the private prison industry, [he] is in a position where his private economic interests and his public duty overlap in a manner which could lead to a

disregard of his public duty. In other words, [he] could be tempted to alter the results of his research in an effort to maintain or increase his private economic benefit."

Thomas's supporters say there is no evidence that his research directly influenced prison privatization-related decisions by lawmakers, even though his work has been relied on in several states, including Ohio and Tennessee. Thomas also has worked closely with Florida's Correctional Privatization Commission, and his reports about the private corrections industry have been widely used by stock analysts.

Under the settlement agreement with Florida's Commission on Ethics, Thomas will pay a \$2,000 fine and resign as director of the Private Corrections Project. He will maintain his board position with Prison Realty and does not admit any wrongdoing.

The Commission on Ethics will vote on the proposed settlement on June 3. □

Sources: *The Palm Beach Post*, April 30, 1999; *The Tennessean*, April 27, 1999; *PPRI*, April-May 1999.

Former Guards Win, Lose at Trial

The trial of three former guards at the privately-run Tallulah Correctional Center for Youth in Madison Parish, Louisiana has resulted in one conviction and two acquittals.

On April 2, 1999, Darin Lee Gray was found guilty of violating the civil rights of a juvenile offender; the charge stemmed from a Jan. 1997 incident in which three youths said they were beaten at the facility, then

operated by TransAmerican Development Associates. Former guards Phil White and Brian Blockwood were acquitted of similar charges.

Correctional Services Corp. assumed management of the Tallulah facility last December (*PCINB*, Jan. 1999, pg. 4). □

Source: *The Times-Picayune* (LA), April 3, 1999.

Riot at Wackenhut Prison Rooted in Religious Rights

Last month, in an "In the News" brief, *PCINB* reported a disturbance at the Wackenhut-operated Lea Co. Correctional Facility in Hobbs, New Mexico. Thirteen guards, including two state employees, and one inmate were injured during the April 6 riot, which was the latest in a series of violent incidents that have occurred at the prison over the past year (see *PCINB*, March 1999, pg. 6).

Hundreds of state and local law enforcement officers responded to the riot; according to Wackenhut's contract, the company will have to reimburse the state for the cost of assistance from public agencies.

New Mexico Corrections Department spokesman Mike Toms said the disturbance started as an argument between prisoners and guards over items used in Native American religious services. Several months

before the riot, a group of Native American inmates at the facility had complained that they were being prevented from conducting religious ceremonies. The group — the Red Nation Indian Society — submitted the complaint to the corrections department in an undated letter signed by approximately 40 prisoners.

The Lea County Corr. Facility holds the largest number of Native American inmates of New Mexico's state prisons, with about 60 taking part in religious services. The inmates stated in their complaint that they were unable to use a ceremonial sweat lodge they had built because Wackenhut would not provide a sufficient amount of firewood. Toms said the complaints were investigated and the prison was found to be in compliance with applicable requirements.

Wackenhut spokesperson Pat

Cannan said he wasn't familiar with the letter of complaint from the Red Nation Indian Society, but acknowledged that Native American inmates at the prison had filed several grievances prior to the riot. "Staff reacted to those grievances," he stated. "As far as we're concerned, they've been looked into."

Mark Donatelli, a lawyer and inmate advocate, said he continues to receive complaints from Native American prisoners, including allegations that excessive force is being used against inmates.

A union representing guards at the Hobbs facility has filed a complaint that alleges unsafe work conditions; at least 15 employees quit after the April 6 riot. □

Sources: *The New Mexican*, April 20, 1999; *USA Today*, April 9, 1999.

Controversy, Criticism Accompany Private Prison Contracts

PCINB reported last month in an "In the News" brief that the city council in Delta Junction, Alaska had reached an agreement with Allvest, Inc. to build and operate a prison at Fort Greely.

The project has since become embroiled in controversy, with seven Delta Junction residents filing a lawsuit to block construction of the private prison, saying the contract is in violation of state law because it was not competitively bid. The city had contracted with the Delta Corrections Group, a joint venture between All-vest, Inc. and Cornell Corrections.

State lawmakers are now scrutinizing a bill that authorizes prison

privatization; a clause in the legislation exempts local governments from competitive bids on projects designed and built by a single contractor.

In Michigan, Wackenhut plans to open a 450-bed juvenile facility at Baldwin in one of the state's poorest counties. The facility is expected to employ 200 people — guards will be paid \$10.29 per hour, about \$3 per hour less than comparable public employees. Some community members have opposed the project, questioning the political approval process and claims of economic benefits.

In January 1999, the Texson Management Group opened a 192-bed prison in La Villa, Texas. The

city manager said a prison was not his first choice for an industry in the impoverished area, but reportedly remarked, "what else can we get?"

And in April, Cornell Corrections was awarded a \$342.7 million contract with the Federal Bureau of Prisons to build and operate a 1,000-bed facility. The Pennsylvania state Correctional Officers Association, the Association of Federal Government Employees, Corrections USA and local community members are fighting Cornell's plans to locate the prison in Phillipsburg, Pennsylvania. □

Sources: *USA Today*, May 3, 1999; *PPRI*, April-May 1999.

Follow-up on Riot at Correctional Services Facility

A March 5, 1999 riot at a Correctional Services Corp. (CSC) prison in Olney Springs, Colorado has drawn criticism from state officials (*PCINB*, March 1999, pg. 5).

Four inmates were injured by rubber bullets, an officer suffered a fractured jaw, and hundreds of prisoners were gassed by CSC employees during the disturbance at the Crowley County Corr. Facility. The privately-operated prison held about 100 inmates from Wyoming, 250 prisoners from Washington and 400 Colorado inmates when the riot occurred.

Riot-control squads from state prisons in Limon, Pueblo, Ordway and Cañon City responded to requests for assistance from CSC staff. "Indications are the staff was not as well trained as it could have been," stated John Suthers, director of the

Colorado Dept. of Corrections.

Inmates gained control of two cell blocks during the riot; they destroyed property, attempted to set fires and flooded the area. Deputy warden Dick Marr estimated damage to the facility at \$10,000. A spokesperson for the Department of Corrections said CSC likely will be billed for the cost of the state response teams.

Within a month after the Olney Springs prison opened last fall there was a two-day lockdown, problem inmates were transferred elsewhere and two employees were fired and three quit. Warden Mark McKinna said at the time that about 70% of the guards at the prison didn't have prior corrections experience. The facility has had a 25% staff turnover rate.

Following the March 6 riot, Colorado announced it was removing

100 of its inmates from the facility to give CSC time to reorganize. Wyoming officials said they were "very concerned about what happened" but had not decided whether to withdraw their prisoners. A planned transfer of 300-400 Washington inmates to the Olney Springs prison, scheduled for late April, was put on hold pending a review of policy changes requested by state officials.

Colorado prison director John Suthers said the riot may have had "a silver lining, because it allowed us to take a look at some things and be a bit more circumspect." The Dept. of Corrections has refused to make public a report regarding the riot, citing security concerns. □

Sources: *The Denver Post*, April 13, 27, March 16, 1999.

UPDATE

The settlement of a class-action lawsuit brought by inmates at the CCA-operated Northeast Ohio Correctional Center in Youngstown, including a \$1.65 million payment to the inmate plaintiffs, was approved by U.S. District Judge Dan A. Polster on April 20 (see *PCINB*, March 1999, pg. 1). Judge Polster said the settlement was "fair, adequate and responsible and in the public's interest." CCA lawyer Dan Struck reminded the judge that the company was not admitting liability by agreeing to the settlement. The city of Youngstown entered into a related contractual agreement with CCA on April 19. Sources: *The Vindicator* (OH), April 20, 21, 1999.

CCA Employee Rehire Rulings Reversed

Two rulings by the city Human Relations Commission in Youngstown, Ohio, requiring CCA to rehire fired employees, have been reversed by Mahoning County Common Pleas Court magistrate Joseph R. Bryan.

In one of the cases, the commission had ordered CCA to rehire and back-pay Joseph Clark, Jr., a former officer at the CCA-operated Northeast Ohio Corr. Center. Clark was fired after admitting he had used crack cocaine; he argued that his addiction was covered by the Americans with Disabilities Act.

The commission also had ordered CCA to rehire Victor Douglas, a former training manager at the prison who was fired for making a sex-

ual remark about a female co-worker. Douglas, who is black, contended his firing was racially motivated.

Human Relations Commission executive director William M. Carter criticized the magistrate's decisions overturning the commission's rehire orders. "It seems CCA has found a partner," he said. The city intends to file objections to magistrate Bryan's rulings.

The commission has reviewed dozens of CCA employee complaints since the Northeast Ohio Corr. Center opened in 1997, and is considering trying to recover costs from CCA. □

Sources: *The Vindicator* (OH), April 2, 14, 1999.

CMS Settles Lawsuits

Correctional Medical Services (CMS), the country's largest prison health care provider, has reached settlements in lawsuits involving the deaths or injuries of ten Alabama inmates. The monetary amounts of the settlements were not disclosed.

The lawsuits resulted from a Dec. 1995 incident at the St. Clair Corr. Facility near St. Clair Springs, Alabama, in which a CMS subcontractor allegedly used an incorrect chemical in a kidney dialysis machine. Inmate Lorenzo Ingram, Sr. died several days after receiving the dialysis treatment. Three prisoners — King Casby, Bobby Dancy and Walter Williams, Jr. — died within ten months of the treatment, and six other inmates claimed they were injured.

CMS settled the case involving Ingram's death in March 1998, and resolved medical malpractice claims involving the other nine prisoners in Jan. 1999. According to a statement from CMS, the company settled the lawsuits due to "the expenses associated with participating in a trial and the fact that legal proceedings would divert CMS health care professionals from their primary mission [of] providing quality health care services to patients."

The CMS subcontractor responsible for the faulty dialysis treatment, Southeast Dialysis of Waynesboro, Georgia, filed for bankruptcy. Southeast Dialysis and CMS employees were accused in the lawsuits of failing to notice the inmates' symptoms following the faulty treatment, ignoring their complaints, and delaying sending them to a hospital. □

Source: *The St. Louis Post-Dispatch* (MO), April 4, 1999.

Monitor's Report Criticizes CCA Facility

In a report released last April, a court-appointed monitor found that hundreds of Alaskan prisoners held at the CCA-run Central Arizona Detention Center were subjected to mistreatment and poor conditions.

The report, by John Hagar, a San Francisco attorney appointed by Alaska's Superior Court, stated that the CCA prison had had severe food problems for several years. Hagar further reported that inmates' phone conversations with their lawyers were recorded in violation of a court order, that the facility's telephone system was so complicated that inmates had difficulty making calls to their families, and that CCA employees did not appropriately respond to some emergency situations.

In the last regard, in one videotaped incident at the facility, guards used broom handles to remove prisoners from their cells. In a separate incident, also videotaped, a CCA officer used pepper spray on an inmate

after the inmate had been restrained and subdued.

Hagar visited the Arizona facility in Feb. 1999 and said conditions had improved since his previous inspection. However, he noted in a separate report that the FBI is investigating allegations of excessive use of force by CCA staff.

Scott Taylor, an inmate's rights attorney in Alaska, said he was not surprised about reported conditions at the private prison. "They have such a rapid turnover with staff And new poorly-trained guards pose a danger to inmates," he stated.

The Alaska corrections department filed a rebuttal to Hagar's report in Superior Court on May 4, 1999, claiming that his criticisms consisted "primarily of conclusions and opinions." Alaska pays CCA about \$1.5 million per month to house 860 inmates at the Arizona facility. □

Source: *PPRI*, April-May 1999.

Incidents at Private Prison Not Reported

The Tennessee Department of Correction (TDOC) has submitted a written warning to the CCA-operated Hardeman County Corr. Facility for repeated failures to report incidents involving violence. The prison houses Tennessee inmates and is required to report such incidents pursuant to its contract with the state.

The facility reportedly did not notify the TDOC of a Jan. 17, 1999 incident in which prisoners assaulted a guard, who required facial surgery for his injuries, or of a Jan. 21, 1999 brawl involving construction workers and prison maintenance staff that left

three people in need of medical treatment.

In a letter dated Feb. 11, 1999, TDOC Commissioner Donal Campbell advised that failure to report the incidents constituted a breach of contract, and that "future breaches of this nature ... may result in the assessment of liquidated damages without notice and opportunity to cure."

The Hardeman County Corr. Facility is owned by a county agency, which has contracted with CCA to operate the prison. □

Source: *PPRI*, April-May 1999.