

**CORRECTIONS CORPORATION OF AMERICA
INCIDENT REPORT**

INCIDENT NUMBER: 04-1205-245-I
DATE OF INCIDENT: September 14, 2004

FACILITY: Lee Adjustment Center
MILITARY TIME OF INCIDENT: approx. 1925hrs

I. Type of Incident:

PRIORITY I

- Death – any person
- Escape
- Rape (forced sexual assault)
- Inmate disturbance (major property damage or injury)
- Loss of firearm
- Facility damage (major property damage)
- Hostage @king
- Employee work stoppage
- Erroneous release
- Work-related accident involving employee injury requiring admission to a hospital
- Other _____

PRIORITY II

- Assault resulting in Serious Physical Injury
- Attempted escape
- Attempted suicide/self-mutilation requiring treatment or admission to a hospital
- Discovery of significant amount of drugs, alcohol or controlled substance

PRIORITY II (CONTINUED)

- Interruption of institution services that affect the daily facility operations
- Inmate disturbance (no major property damage or injury)
- Use of force resulting in Serious Physical Injury
- Firearm discharged
- Loss of security keys or any tool that is capable of causing death/ serious physical injury or facilitate an escape
- Discovery of ANY firearm/ammunition
- Walk-away
- Work-related accident involving employee injury requiring outside medical attention
- Any arrest of any employee/visitor

PRIORITY III

- Multiple food illness complaints within 24 hours
- Work-related accident involving employee injury not requiring medical attention

PRIORITY III (CONTINUED)

- Attempted rape (sexual assault)
- Assault or fight with less than Serious Physical Injury and more than Superficial Injury
- Use of force resulting in less than Serious Physical Injury and more than Superficial Injury
- Other _____

PRIORITY IV

- Failure to return
- Assault or fight with superficial or no injuries
- Use of force with superficial or no injuries
- Self-mutilation or an attempted suicide not requiring treatment at nor admission to a hospital
- Discovery of other potentially dangerous contraband
- Other _____

II. Description of incident:

(Include precise location in the facility the incident occurred)

On 9/14/04 at approx. 1925hrs C/O Brian Adkins made a call for assistance on the Lee Adjustment Center Loop (Recreation Yard) and Capt. Harold King radioed for all available units to respond to the Loop. C/O Adkins was working the tower on the LOOP when four inmates began to tear the tower down with concrete cigarette butt containers. The inmates proceeded to pull several 2x4 railings loose from the tower rails. At this time C/O Adkins began to video the incident. C/O's Sammy Harold and Greg Terry were also assigned to the Loop, and began to give verbal directives to the inmates to halt the property damage. Recreation Coordinator Calr Briscoe was also present on the LOOP monitoring a horseshoe tournament. C/O Monica Davidson was the first responder to arrive at the Loop. Once there C/O M. Davidson took the video camera from C/O Adkins and continued to video the incident. The inmates who were attempting to tear down the tower moved to the side of the maintenance building and began to use the 2x 4's in an attempt to gain entry into the masonry room. Capt. King requested that Capt. Nathan Mullins respond with MK9 O.C. foggers obtained from Segregation and Central Control. C/O Donald Gabbard and C/O Micheal Cox responded to the Loop. Capt. King and C/O Terry attempted to get the inmates who were vandalizing the maintenance building to stop at which time the inmates began swinging the 2x 4's at them causing the staff to back away. The inmates then told C/O M. Davidson to stop filming and began to chase her off the LOOP swinging the 2x4's at her and demanding the video camera. The responders then began using verbal directives to get the other inmates to exit the Loop. Capt. King told the inmates that if they let C/O Atkins out of the tower, the staff would leave the Loop. The inmates complied and allowed C/O Atkins to come down from the tower and leave the LOOP. After exiting the LOOP, the staff locked the seven remaining inmates who were vandalizing the maintenance building. on the LOOP, and began to try to get the other inmates to return to their housing units. C/O Lee Bennett secured the LOOP gate. Capt. Mullins arrived with the MK9 OC foggers and the videocamera from Segregation which he gave to C/O Jason Davidson to begin filming. At 1931 hrs, A/W Donna Stivers moved from the Administration building to Central Control, initiated the IMT process and began to page the SORT Team. IM Stivers radioed an order for all inmates to be placed on lockdown and for all units to radio a status report. Capt King and the respondinn staff began giving directives for the inmates on the Vard to return to their units, with no compliance. Capt. King then attempted to instruct the inmates to go into the West Dorm smoking area to no avail. The video camera operated by C/O M. Davidson began to stop working due to the battery dving. Capt. King then reported that the seven inmates who had been locked on

the Loop had used the 2x 4's to pry the Loop gate open, had exited the Loop and were beginning to break windows in the South Dorm. Capt. King reported approx. thirty to forty inmates were trying to climb the North Dorm management fence. Capt King then notified IM Stivers that the seven inmates had gotten off of the Loop and that approximately 200 to 300 inmates were on the yard refusing directives and causing property damage. IM Stivers then called 911 and notified the dispatch that she needed assistance due to a disturbance. Recreation Coordinator Briscoe went to the Recreation Room and then proceeded to the Recreation Office. C/O M. Davidson. C/O Jason Davidson, C/O Michael Cox. C/O Andy Gabbard and C/O Brian Atkins went to the breakroom in operations (Administrative building). The inmates on the yard began throwing rocks at them and breaking windows in the Administrative building. At approx. 1940hrs, a staff recall was initiated. At 1946hrs N/O Wings were reported locked down and staff began reporting that fires were being set within the institution. C/O M. Davidson advised that a fire had been set in the Administrative building after inmates attempted to break in and net the staff out unsuccessfully. At approx. 1945hrs Chief Brvon Ponds arrived on grounds. Capt. Mullins and Capt. King began to move all yard staff up the hill towards Central Control. Inmates from the West Dorm smoking area began to throw rocks at the staff moving up the hill. At approx. 1948hrs, Capt. King and Chief Ponds entered the armory and began issuing chemical / inflammatory agents to responding staff which included A/W David Frye, C/O Richie Woodard, C/O Keith Prvse and Lt. Terry Fultz (with K-9 unit Donya) and Sat. Greg Deaton who was on duty at the time. At approx. 1950hrs, IM Donna Stivers advised Managina Director Melody Turner that she would be sending a response team into the facility to rescue staff and that at this time, she was not sure where all staff were located. Radio reports and staff visuals indicated the following staff locations: Maintenance Officer Kris Goldey was located in Maintenance with three inmates, C/O Joann Estes, RN Carolyn McIntosh and RN Arnetta Fugate were locked inside the medical file room, Canteen Lisa Pearson was locked inside the kitchen, C/O Scott Lvcliter and Sat. Kenneth Snowden were locked in the North Dorm upper staff bathroom, C/O M. Davidson, C/O Jason Davidson, C/O Michael Cox, C/O Andy Gabbard and C/O Brian Atkins were trapped in Operations (Administrative building) and Recreation Coordinator Carl Briscoe was locked in the Recreation Office in the Administration Building. While on the phone with Melody Turner, IM Stivers received reports from perimeter that inmates were trying to make their way to the perimeter fence. IM Stivers then advised C/O Gary Brandenbura to go to the Armory to get shotguns and to issue them to firearms qualified responding staff to secure the perimeter. A total of nine shotguns were issued to the perimeter staff. At approx. 1955hrs, IM Stivers sent the response team on grounds to rescue the remaining staff who were in distress. Melody Turner advised chemical / inflammatory agents only for the response team. The following agents were authorized to the following staff: David Frye (MK9 Fogger), Brvon Ponds (MK9 / 515 Triple Chaser CS Grenade), Richard Hobbs (MK9), Richie Woodward (37mm / MK9), Keith Prvse (37mm / MK9), Greg Deaton (37mm Multi-Launcher), Terry Fultz (MK9) - Chemical / Inflammatory Rounds issued for the 37mm's included: 565 Scat CS, 501 CS Muzzle Blast, 502 OC Muzzle Blast, 570 CS Short Range Speedheat Grenades, 560 CS Lona Range Speedheat Grenades and RB40 Rubber Stinger Rounds - All MK9's were OC Foggers. Upon entering the yard and moving down the hill, inmates began throwing rocks, batteries, cans of food, wood and other items at the responding staff from the North Dorm smoking area. The response team observed that the North Dorm smoking area fence crate was being breached by the inmates. The response team's 37mm's were fired into North Dorm smoking area to stop the throwing of objects and to prevent inmates from advancing on the response team. 37mm rounds reported fired at this time were: 1- CS Muzzle Blast (Sgt. Deaton), 1- OC Muzzle Blast (Sgt. Deaton), 1- OC Muzzle Blast (C/O Woodward) and 1- OC Muzzle Blast (C/O Prvse). Chief Ponds deployed 1- 515 Triple Chaser CS grenade between South Dorm and West Dorm smoking area due to a large number of inmates advancing towards the response team and failing to follow verbal directives. A unidentified inmate picked up a portion of the grenade and threw it back at the response team contaminating them with CS. At this time, the response team was forced to return to Central Control because they were contaminated with the chemical agent from the grenade. The response team did not successfully rescue staff on the first attempt due to the chemical / inflammatory agents being largely ineffective. IM Stivers advised Melody Turner that chemical / inflammatory agents had failed and Melody Turner approved the use of shotguns on the yard. At 2015hrs, IM Stivers authorized shotguns loaded with beanbag rounds only and birdshot in the responding staffs pockets that would only be used if necessary. Weapons and chemicals for the second response attempt are as follows: David Frye (Shotgun / MK9), Brvon Ponds (Shotgun / MK9), Richard Hobbs (MK9), Ritchie Woodward (37mm / MK9), Keith Prvse (37mm / MK9), Greg Deaton (37mm Multi-Launcher / MK9), Terry Fultz (MK9 and K-9 Unit Donya), Marvin Henson (Shotgun) Archie Moore (Flex-Cuffs) - All MK9's were OC Foggers. Upon entering the yard, inmates began to throw rocks, batteries, cans of food, wood and other items at the response team from the North Dorm and West Dorm smoking areas. The response team's 37mm's were fired into the North Dorm smoking area in order to stop the throwing of objects and to prevent inmates from advancing on the response team. 37mm rounds reported fired at this time were: 1- CS Speedheat (Sgt. Deaton), 1- CS Speedheat (C/O Woodward), 1- RB40 Rubber Stinger Round (C/O Woodward) and 1- CS Speedheat (C/O Prvse). At this time, Chief Ponds directed all inmates in the West Dorm smoking area to set on the ground. The inmates initially complied. Two inmates attempted to get up off the ground and Chief Ponds deployed a short burst of OC from his MK9 Fogger causing the inmates to comply with directives. At approx. 2020hrs, responders from the second team located Recreation Coordinator Carl Briscoe who then began assisting the team. While the inmates were on

the around; more responding staff who had just arrived at the facility began to use flex-cuffs to restrain the inmates in the front. During this time, Records Clerk Barbara Estes was briefly grabbed from behind by an unknown inmate and then released. At approx. 2040hrs, due to the smoke from a garbage can fire in KLM Wing (West Dorm), IM Stivers authorized evacuation of KLM into the hallway of West Dorm. During the evacuation, an inmate attempted to strike Sgt. James Withers with a closed fist. Sgt. Withers struck the inmate with his hands in order to defend himself. Also at approx. 2040hrs, the team radioed that C/O M. Davidson, C/O Jason Davidson, C/O Michael Cox, C/O Andy Gabbard and C/O Brian Atkins had been rescued from Operations (Administration building). C/O M. Davidson and C/O J. Davidson had taken the tapes out the video cameras and put them in their pockets, leaving the cameras on the tables in Operations due to the inmates earlier statements about wanting the cameras. At approx. 2047hrs, the response team reached the sidewalk by the kitchen and ordered the inmates present to lay on the ground. Sgt. Deaton sprayed a 1 second MK9 OC Fogger burst at the ground due to noncompliant inmates attempting to rise to their feet after initially laying on the ground. At approx. 2048hrs, A/W Frye radioed that he had rescued Lisa Pearson from the kitchen and that the team must go to North Dorm to net staff in the Upper North bathroom due to distress calls over the radio. Also at approx. 2048hrs, perimeter advised that there were inmates close to the perimeter fence. IM Stivers advised that if inmates attempt to climb the fence, to use what force is necessary to prevent escape (Vice President Operations Jimmy Turner verbally gave IM Stivers that directive by phone). At 2058hrs, IM Stivers advised the response team to go to the North Dorm staff bathroom to retrieve the two staff members trapped in the Upper North staff bathroom. Once the team entered the North Dorm, A/W Frye and one team entered one side of the dorm and Chief Ponds and a second team entered the other side of the dorm. Inmates were given directives to get on the floor and submit to cuffs while staff began to place flex-cuffs on them. Once the lower floor was under control, the two teams moved to the upper floor and initiated the same process. After securing the top floor, C/O Scott Lovcliter and Sgt. Kenneth Snowden were rescued from the North Dorm Upper staff bathroom. At approx. 2102hrs, Chief Ponds, A/W Frye and Lt. Fultz entered the West Dorm and placed handcuffs on an inmate that was discharging two fire extinguishers in N davroom. At approx. 2104hrs, a mild explosion was reported in the area of the Chaplain's office. At 2108hrs, KSP arrived and began to provide perimeter support. Response teams called in to Central Control and advised that all North Dorm inmates were being restrained and that the dorms were being brought under control. At this time, staff advised that they needed to evacuate North Dorm due to the fire in the Administration building. IM Stivers approved for the North Dorm inmates to be evacuated into the grassy area beside medical after they had been restrained. Inmates from the North Dorm were evacuated, escorted to the grassy area and instructed to sit down in the grass. At approx. 2115hrs, C/O Vicky Bennett went to the main gas shut off valve and cut off gas to the facility to prevent an explosion. At approx. 2119hrs, Archie Moore advised that he had retrieved C/O Joann Estes, RN Carolyn McIntosh and RN Arnetta Fugate from medical. At approx. 2122hrs, while assisting in escorting inmates from the North Dorm to the grassy area beside medical, C/O Richie Woodward discharged a 1 second MK9 OC Fogger burst towards an unidentified non-compliant inmate and accidentally contaminated C/O Pryse and C/O Steve Turner. Also at approx. 2122hrs, C/O Gregg Bowling discharged a 1 second MK9 OC Fogger burst into the air above the grassy area to gain compliance from North Dorm inmates who were standing up and refusing to sit down. At approx. 2123hrs a perimeter fence check was completed and the perimeter fence was reported to be intact with no breaches. At 2124hrs, inmates were reported to be breaking windows out of West Dorm cells. At approx. 2130hrs, Maintenance Officer Kris Goldev was retrieved by members of the response team. At approx. 2134hrs, several small explosions were reported from the canteen. Following the successful evacuation of North Dorm, several of the responding staff began to conduct the same handcuffing process in the South Dorm that had been used to restrain the North Dorm. It was observed by the response team that a portion of the South Dorm smoking area fence had been pulled away from the around. At 2149hrs, staff advised that all dorms were under control, all inmates were restrained and preparation for an institutional count was initiated. At 2150hrs, all staff were accounted for. At 2153hrs, an institutional count was conducted. At 2214hrs, the Fire Department arrived with thirty members to attempt to contain the various fires. At 2241hrs, the canteen fire was reported to be under control. At approx. 2225hrs, twenty-one Eastern Kentucky Correctional CERT team members arrived at the facility. At approx. 2320hrs, six Marion Adjustment Center SORT members arrived at the facility and at approx. 2325hrs eleven Otter Creek Correctional SORT members arrived at the facility. At approx. 2327hrs, all CERT and SORT members entered the yard and began assisting with escorting the inmates from the grassy area to West Dorm. At approx. 0000hrs, four more Marion Adjustment SORT members arrived to assist. At approx. 0030hrs, Managing Director Melody Turner along with five Metro-Davidson SORT members arrived. At approx. 0141 hrs, after all fires were under control, all fire fighters exited the facility and Beatville Police Department entered the facility. At 0224hrs, a second group of five Metro-Davidson SORT arrived. At 0334hrs, all keys and radios were accounted for. At 0330hrs, all inmates were secured in West Dorm. At 0337hrs, an Institutional Book (ID) Count was conducted. At 0356hrs, the Institutional Book Count was cleared. At 0348hrs, all masonry tools were accounted for. Correctional Officer Brian Adkins was sent directly to the local hospital by LAC medical due to lacerations to his hand from an earlier attempt to break out a window while trapped in Operations and was treated and released. Inmate Stratton, Jeffrey #330019 was sent to the local hospital with a broken right thumb and was later admitted. Inmate Bruce, Darrell #312834 was sent to the local hospital with a lacerated left index finger and was

~~not admitted. Carl Brisoe received a cut to his right hand that did not require outside medical assistance. Total chemical munitions reported deployed by the first and second response team include: 3- 560 or 570 CS Speedheat Grenades, 1- 501 CS Muzzle Blast Round, 3- 502 OC Muzzle Blast Round, 1- 515 Triple-Chaser CS Grenade, 1- RB40 Stinger round and several MK9 OC Foggers. All chemical munitions were used outdoors. Listed below are the inmates who were placed in segregation from September 14, 2004 through September 26, 2004 for involvement / investigation of involvement in the disturbance. The staff listed are those staff who were directly involved in the initial incident / response.~~

III. inmates involved: (Place in 1st box: W for witness or P for participant)
(Place in 2nd box: S for written statement and R for refused to give written statement)

1 st			2 nd
P	<u>Tavtor, Bobbv</u>	# 164811	R
P	<u>Hurst, Joel</u>	# 141737	R
P	<u>Moore, Samuel</u>	# 140906	R
P	<u>Talbert, Damon</u>	# 159334	R
P	<u>Estepp, Eddie</u>	# 142001	R
P	<u>Mears, Jason</u>	# 262928	R
P	<u>Porter, Gordon</u>	# 319402	R
P	<u>Boivin, Dan</u>	# 330167	R
P	<u>Bailey, Kenneth</u>	# 259330	R
P	<u>Luko, Jeremiah</u>	# 315469	R
P	<u>Francis, Randy</u>	# 322332	R
P	<u>Ingerson, James</u>	# 330071	R
P	<u>Stratton, Jeffery</u>	# 330019	R
P	<u>Gillean, Scott</u>	# 330074	R
P	<u>Russin, Jason</u>	# 280538	R
P	<u>Landry, Wesley</u>	# 330161	R
P	<u>Lindsay, Isaac</u>	# 330125	R
P	<u>Touzin, Steven</u>	# 315474	R
P	<u>Marallo, Eric</u>	# 296048	R
P	<u>O'Malley, Robert</u>	# 330092	R
P	<u>Jennings, Jeremy</u>	# 262927	R
P	<u>North, James</u>	# 276849	R
P	<u>Church, Lvnv</u>	# 259332	R
P	<u>Bentlev, Grant</u>	# 305942	R
P	<u>Smith, Chancey</u>	# 315944	R
P	<u>Thompson, Willie</u>	# 330209	R
P	<u>Baker, Grant</u>	# 287782	R
P	<u>Howard, Kevin</u>	# 127225	R
P	<u>Howard, Jesse</u>	# 330121	R
P	<u>White, Cameron</u>	# 141975	R
P	<u>Morris, Chad</u>	# 330077	R
P	<u>Chamberlain, Michael</u>	# 330195	R

Staff involved: (Place in box: W for witness or P for participant)

<u>Stivers, Donna</u>	Title	<u>Assistant Warden</u>	W/P
<u>Frye, David</u>	Title	<u>Assistant Warden</u>	P
<u>Ponds, Brvon</u>	Title	<u>Chief of Security</u>	P
<u>Moore, Archie</u>	Title	<u>Investiqator</u>	P
<u>Atkins, Brian</u>	Title	<u>Correctional Officer</u>	P
<u>Herald, Sammy</u>	Title	<u>Correctional Officer</u>	P
<u>Terry, Greg</u>	Title	<u>Correctional Officer</u>	P
<u>Davidson, Monica</u>	Title	<u>Correctional Officer</u>	P
<u>Mullins, Nathan</u>	Title	<u>Captain</u>	P
<u>King, Harold</u>	Title	<u>Captain</u>	P
<u>Davidson, Jason</u>	Title	<u>Correctional Officer</u>	P
<u>Cox, Michael</u>	Title	<u>Correctional Officer</u>	P

