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Privately-Run Juvenile Facility Delays Youths' Release

According to a consultant hired by the Florida Department of Juvenile Justice, a Youth Development Center in Pahokee operated by Correctional Services Corp. kept ten juveniles past their release dates so the company could make more money.

Consultant David Bachman stated in a November report that the youths were detained beyond their release dates to be included in a quarterly head count used to determine the funding that Correctional Services receives. Bachman said he had found a memo indicating the juveniles were to be held longer than necessary.

The state pays Correctional Services an average of \$68.40 per offender per diem at the 350-bed development center; the local school district pays the company an additional \$2.5 million annually to provide educational services.

The juveniles who were kept past their release dates were scheduled to go home a week before the quarterly count. The count, conducted by the school board, determines how much money Correctional Services

receives based upon the number of youths enrolled in educational programs and whether they have learning or other disabilities.

The annual cost per student at juvenile facilities such as the Youth Development Center ranges from \$4,000 to over \$10,000 because most of the students have some type of learning disability. Delaying the release of the youths to include them in the count "increased the educational funds and the per diem costs to the state," Bachman said.

Jim Irving, a Correctional Services vice president, denied juvenile offenders were improperly detained in order to increase the company's income; however, he had no explanation why the youths weren't released as scheduled prior to the count.

The delayed releases cited in Bachman's report are the latest in a series of problems that have plagued the privately-run Youth Development Center since it opened in January 1997. State officials have confirmed 15 cases of abuse by staff members at the facility — ten employees have been fired, one has quit and seven

have been reprimanded for excessive or improper use of force. The state has repeatedly warned Correctional Services about its failure to train staff when force should be used.

In July 1998 juveniles complained to Dade Co. Circuit Judge Thomas Petersen about conditions at the development center, saying they had been stripped to their underwear or stripped naked, placed in solitary confinement, and prohibited from sitting down or falling asleep. They also claimed they were kept in their cells up to 16 hours a day. Following an on-site inspection Judge Petersen harshly criticized the facility and concluded it was at best unsuitable for many of the juveniles housed there, who are mostly non-violent property offenders. Correctional Services denied the youths' accusations and the judge's findings.

Miami-Dade County juvenile court judges have since ordered prosecutors to stop sending offenders to the Pahokee Youth Development Center. The state is appealing the order to the Third District Court of Appeal. [continued ⇨]

ADMINISTRIVIA

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WANTED

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

Although the Dept. of Juvenile Justice has cited problems at the development center for almost two years, it has done little to compel Correctional Services to make improvements. Irving said the state has not required his company to respond to Bachman's prior reports. However, following the recent disclosure of juveniles being detained beyond their release dates, this is expected to change.

According to Greg Johnson, regional bureau chief for juvenile justice in West Palm Beach, Correctional Services will be placed under stricter scrutiny. Johnson said he will assign staff to ensure the company corrects deficiencies at the facility; he also plans to work with the Dept. of Children and Families to address allegations of abuse.

Bachman noted in his report that problems similar to the delayed releases at the Youth Development Center are likely to occur at other state juvenile facilities, most of which are privately operated. He recommended the legislature take steps to ensure that companies operating juvenile detention centers are not given authority over when offenders are released. Such provisions already are in place for privately-operated adult prisons.

The Sarasota, Florida-based Correctional Services Corp. has a three-year, \$30 million contract to manage Youth Development Centers in Pahokee and Polk County. The company operates 35 juvenile and adult correctional facilities nationwide and in Puerto Rico. □

Sources: *The Palm Beach Post* (FL), Nov. 23, 1998; *PPRI*, Nov. 1997; Correctional Services Corp. web site (www.correctionalservices.com).

Private Prison Escape Explained

On January 15 Kevin Myers, warden of the CCA-operated South Central Corr. Center in Wayne Co., Tennessee, appeared before the legislative Select Oversight Committee on Corrections to explain the Oct. 12 escape of four inmates from the facility (see *PCINB*, Nov. 1998, pg. 1).

The Select Oversight Committee was told the breakout resulted from a failure by guards to follow proper procedures, and that a supervisor had been fired and two other employees suspended as a result of an investigation. All of the escapees were eventually captured.

Myers cited two major procedural shortfalls. First, a supervisor delivered a mailed package to an inmate that contained bolt cutters, which were used to cut through the perimeter fences.

The second procedural failure occurred when a guard in the prison's control room shut off an alarm without checking to see what had caused it. The escape occurred during shift change, when false alarms are often triggered.

Myers blamed complacency and lack of attention to detail as contributing factors to the escape. "Had I gotten complacent? Possibly. I assure you I'm reviewing everything in that facility. There have been a lot of improvements made, a lot of money spent," he told the Committee members. Myers also confirmed reports that guards did not learn of the mid-afternoon breakout until they were informed by an inmate. □

Sources: *The Tennessean*, January 16, 1999; *Commercial Appeal* (TN), January 16, 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 correctional employees' unions.

Corrections USA (CUSA), P.O. Box 394, Newton, NH 03858 (603) 382-9707; www.cusa.org. A non-profit association affiliated with correctional officers' unions; opposes 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; Prof. Charles W. Thomas, director of the Project, is a board member of Prison Realty Trust.

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 receives funding from Wackenhut, Securicor and U.S. Corrections.

TN Governor Proposes Regulations for In-State Private Prisons

Tennessee would bar private prisons operating within the state from housing out-of-state prisoners who are sex offenders or habitual escapees under a proposal announced by Governor Don Sundquist on December 18.

Governor Sundquist further recommended that private prison contractors be required to return inmates to their home states before they are released, and to reimburse Tennessee law enforcement authorities for the cost of capturing escapees. The latter provision comes after four prisoners escaped from the CCA-operated South Central Correctional Center in Wayne Co. on Oct. 12 (see *PCINB*, November 1998, pg. 1).

Governor Sundquist's proposal further would protect state and local governments from liability incurred due to private prison operators and would allow out-of-state inmates to be incarcerated in city or county facilities only with the agreement of local authorities. The governor submitted his proposal to the Prison Privatization Advisory Council, a group he appointed last December (see related article, pg. 4).

CCA presently operates two facilities in Tennessee that hold a combined total of 1,775 prisoners from Montana, Hawaii and Wisconsin. These include inmates with previous histories of escape and convictions for rape and first-degree murder. But judging from recent events at one of the CCA facilities, including beatings by staff and an attempted cover-up by prison employees, out-of-state inmates may have more to fear than local com-

munity members (see *PCINB*, Dec. 1998, pg. 1).

Governor Sundquist has been a staunch proponent of prison privatization; he supported a bill to privatize up to 70% of the state's prison system, which failed to pass last April. His proposal to regulate private prison operators is skeptically seen by some as an attempt to preempt more restrictive regulations currently being considered by the legislative Select Oversight Committee on Corrections (see *PCINB*, Nov. 1998, pg. 10).

State Senator Pete Springer has called for a complete ban on out-of-state prisoner transfers into Tennessee. In 1994 state Representatives Phillip Pinion and Kim McMillan introduced a regulatory bill for privately-operated facilities housing non-Tennessee inmates; the bill passed in a watered-down form that merely requires private prison contractors to report when inmates from other jurisdictions are brought into the state. □

Sources: *The Tennessean*, December 19, 26, 1998.

PROTEST PLANNED

Corrections USA will hold its next annual conference in Miami and will be demonstrating at the corporate offices of Wackenhut Corrections from Feb. 4-6, 1999. Contact CUSA for details (see far left column).

In the News

Jesse Baker, a former CCA officer at the company's Cimarron Corr. Facility in Oklahoma, pled guilty in October to accepting a \$140 bribe from a prisoner in exchange for providing cash loans, hiding contraband and ignoring misconduct by inmates. He received a five-year suspended sentence and is cooperating with an on-going investigation at the prison. Source: *PPRI*, Nov./Dec. 1998.

CCA has acquired a contract from the Bobby Ross Group to manage a 480-bed prison under development in Laredo, Texas. The \$600,000 deal is expected to close on December 28; Prison Realty Trust intends to purchase the prison for \$22 million. The facility is scheduled to open in February 1999, and will house federal prisoners and county inmates. Sources: *The Tennessean*, December 22, 1998; *Commercial Appeal* (TN), December 22, 1998.

Wackenhut officials at the company's Lea County Correctional Facility in Hobbs, New Mexico are seeking ways to stop inmates from making weapons out of chain-link fence. A prisoner recently was stabbed over 90 times — the eighth stabbing at the 1,200-bed prison within the past six months. Source: *U.S.A. Today*, December 31, 1998.

The privately owned and operated Middle Tenn. Detention Center, a 40-bed juvenile facility in Nashville, opened January 13 with one resident. Owner Lige Hollis said he expects the center to be full by spring. Source: *The Tennessean*, Jan. 14, 1999.

Private Prison Advisory Council Meets

The Prison Privatization Advisory Council, an executive panel appointed by Tennessee Gov. Don Sundquist last year, held its first meeting on Jan. 11 in Nashville.

The Council members include Lt. Gov. John Wilder, state Finance Commissioner John Ferguson, Rep. Lois DeBerry, Assist. Comptroller John Morgan, corrections consultant Ned Benton, and Justin Wilson. Rep. DeBerry is the designee of House Speaker James O. Naifeh; Naifeh's wife, Betty Anderson, is employed as a lobbyist for CCA.

"I don't really know why this council was created," stated Rep. DeBerry, who also is a member of the legislative Select Oversight Committee on Corrections. She expressed concern that the Advisory Council would duplicate the Select Oversight Committee's work or develop a conflicting agenda with the Committee.

During its initial meeting the Advisory Council agreed to gain an overview of the state's contract with CCA to operate the South Central Corr. Center, a 1,500-bed facility located in Wayne Co., and to discuss regulations for privately-run prisons that house out-of-state inmates. Both issues have been considered by the Select Oversight Committee.

The Advisory Council indicated it would try to seek consensus with the Select Oversight Committee in regard to regulatory laws for private prisons. "As I understand it, the role of the Council is to give the governor advice," said Select Oversight Committee Chairman Jim Kyle. □

Source: *Commercial Appeal* (TN), January 12, 1999.

Correctional Services Corp. Pledges Improvements

Correctional Services Corp. took over operations at the Tallulah Corr. Center for Youth in Madison Parish, Louisiana on Dec. 14. The company subcontracted management of the facility from TransAmerican Development Associates, which had operated Tallulah since it opened in 1994. The privately-operated youth center previously had been cited for abusive staff members, excessive violence, and inadequate mental health care (see *PCINB*, Aug. 1998, pg. 2).

Correctional Services pledged to improve conditions at the facility, sending more than a dozen company officials to Tallulah to retrain 350 employees. "We expect many challenges; however, we are confident we can provide the solutions to make this a model facility," said Correctional Services president James Slattery.

Advocates for juvenile offenders reserved judgment, citing problems at other Correctional Services-operated facilities, including a youth center in Pahokee, Florida (see cover story, pg. 1). "It could be more of the same at Tallulah," said David Utter, director of the Juvenile Justice Project of Louisiana, referring to reports of misconduct at the Pahokee facility.

The U.S. Dept. of Justice has filed suit against Louisiana over conditions in the state's juvenile prisons (see *PCINB*, Dec. 1998, pg. 3), and lawyers say they want to evaluate promises made by Correctional Services to improve medical and mental health care, reduce violence, and add educational services at Tallulah. □

Sources: *The Advocate* (LA), Dec. 12, 27, 1998; *The Times-Picayune* (LA), Dec. 12, 1998.

Article Lauds Benefits of Prison Privatization

An article by Adrian T. Moore in the Nov.-Dec. issue of *Corrections Technology & Management* magazine, entitled "About our need to compete and how private operators cut costs," praises privately-operated prisons for reducing public expenditures on corrections services.

Moore says his own research indicates that prison privatization can achieve savings of 10-15%, although similar cost-reduction claims recently were questioned in a report by Abt Associates produced for the U.S. Attorney General (see *PCINB*, Dec. 1998, pg. 5). According to Moore the private corrections industry achieves savings through competition.

The article observes that competition in the private sector results in efficiency and innovation because companies must improve their performance in order to survive and prosper. Cornell Corrections C.E.O. Steve Logan is quoted as saying, "When you are competing for contracts to operate correctional facilities, you have to be creative or the competition will eat you up." Moore states the contracting process should remain competitive in the long run to promote efficiency.

This does not, however, take into consideration the fact that once a company has been awarded a prison management contract it enjoys a significant advantage over other firms in subsequent renewal bids, because other contract contenders must factor in start-up expenses. Thus, once companies win private prison contracts they tend to retain them, which curtails competition in the long term.

Moore identifies improved efficiency in the public sector as being

another beneficial effect of private sector competition, as government agencies reduce costs to avoid privatization of the services they provide. He calls this the "great uncounted benefit" of prison privatization because it indirectly improves efficiency at publicly-run facilities.

The article cites success stories in Connecticut, Arizona and the U.K. in which costs at public prisons were reduced upon the introduction, or threat of introduction, of prison privatization. In Connecticut the DOC adopted a business-oriented approach, cutting staff and increasing revenue generated by prisoners; at the end of 1996 the agency had a \$46 million budget surplus, which it returned to state coffers.

Moore defines efficiency primarily in monetary terms. But it is equally important to know whether such cost-cutting measures at public prisons were accompanied by corresponding increases in rates of inmate violence or decreases in rehabilitative programs and services. The article did not address these points. Regardless, Moore contends that the incentive to reduce costs engendered by competition is itself "a good argument for the existence of private prisons."

One of the innovations that results from competition is more efficient facility design and construction by for-profit prison companies. Contractors can reduce construction costs by building prisons much more quickly than state corrections departments — in about half the time in some cases. Private-sector companies are not bound by subcontractor bidding requirements, purchasing restrictions or other forms of bureaucratic red tape, as are public agencies.

The article further notes that approximately two-thirds of prison operating budgets is devoted to personnel expenses, mainly salaries and benefits, which is where "most of the opportunity for savings lies." Some labor costs are reduced through facility design: improved line-of-sight construction and monitoring technology allow inmates to be supervised by fewer staff members.

The article acknowledges that pay for guards at privatized prisons tends to be lower than wages for correctional officers at publicly-run facilities. Also, according to Carl Nink, Assistant Director of Prison Operations for the Arizona DOC, "with the high turnover in correctional officers, private [prison] operators save money on health benefits by not starting [new employees] for six months and then paying a smaller segment of the premium."

Moore describes reduced tension between staff and inmates, better purchasing policies and improved maintenance methods as being other areas of innovation and efficiency that result from the competition that prison privatization affords.

The article identifies Adrian Moore as the Director of Economic Studies for the Reason Public Policy Institute. Not mentioned is that the Institute is the policy arm of the Reason Foundation, a libertarian-oriented research group whose corporate donors include Wackenhut Corrections Corp., Securicor, and U.S. Corrections Corp. — all private prison operators. □

Sources: *Corrections Technology & Management*, Nov-Dec. 1998 (www.ctmmag.com); 1997 Annual Report for the Reason Foundation.

In the News

Last December a guard at the Cornell Corrections-run Santa Fe Co. Detention Center in New Mexico was charged with criminal sexual penetration of a female prisoner. Another officer operating the control center overlooking the women's section of the facility was charged with conspiracy to commit the same offense. Source: *The Albuquerque Journal*, Dec. 11, 1998.

Two drug offenders at the Wackenhut-operated Taft Corr. Facility in Taft, California walked away from the minimum-security section of the federal prison on December 6, 1998. Source: *The Bakersfield Californian*, Dec. 9, 1998.

On Dec. 11, 1998 two youths escaped from a high-security juvenile center in Polk Co., Florida operated by Correctional Services Corporation. Source: *The Ledger* (Lakeland, FL), Dec. 14, 1998.

A public hearing is scheduled for March 18, 1999 on a federal contract bid for two privately-operated prisons to house Washington, D.C. inmates. The original contract for a single 2,200-bed facility, in which CCA was the main contender, was withdrawn last year and is being re-bid. Source: *The Washington Post*, Nov. 24, 1998.

Inmate Bill Hambly was stabbed to death at CCA's Torrance Co. Jail in Estancia, New Mexico on Nov. 17, 1998. Source: *Privatization Update*, December 1998.

Tennessee Supreme Court Upholds Private Prison Disc. Procedures

When the Tennessee legislature passed the Private Prison Contracting Act of 1986, codified at TCA §§ 41-24-101 to 115, the following provision was included: "No contract for correctional services shall authorize, allow or imply a delegation of the authority or responsibility of the [Dept. of Correction] to a prison contractor for . . . taking any disciplinary actions."

The Tenn. Dept. of Correction later developed Uniform Disciplinary Procedures for the CCA-operated South Central Corr. Center — the state's only privately-operated state prison. The procedures permit CCA employees to serve on an institutional disciplinary board; the board reviews evidence, determines guilt and makes recommendations for punishment to a TDOC liaison — a state employee — who reviews the board's decision.

Two inmates at South Central, Luther Davis and Jabari Mandela, were charged with rule violations and found guilty by a disciplinary board composed of CCA employees. They then filed separate suits in Chancery court claiming the disciplinary pro-

cedures at South Central constituted an illegal delegation of the TDOC's authority to punish inmates.

Their arguments were rejected by the Chancery court and Court of Appeals, and the Tennessee Supreme Court agreed to hear their consolidated cases. On October 19, 1998 the Supreme Court ruled that the Uniform Disciplinary Procedures governing disciplinary hearings at state facilities operated by private contractors do not "improperly delegate prison disciplinary responsibility to a private corporation."

The Court found the disciplinary board merely makes recommendations, and final approval of the recommendations rests solely with the TDOC liaison. The Court did not address whether the TDOC liaison simply rubber-stamps the board's recommendations without conducting an independent review of the disciplinary proceedings.

The Court's ruling was published on December 15, 1998.

Source: *Mandela v. Campbell*, 978 S.W.2d 531 (Tenn. 1998).

WI Prisoners Protest Poor Food

On January 18 and 19, 1999 Wisconsin prisoners at the CCA-operated North Fork Corr. Center in Sayre, Oklahoma staged a silent protest about the poor quality of the food at the facility. Only 70-85 of the 700 inmates at the privately-run prison went to the dining hall for each meal on both days.

"They have our attention," said John Wisener, chief of security at the

North Fork prison. He said a survey had been distributed to solicit comments about the food.

Wisener also said the prison administration was speaking to the district manager for the food service provider and checking the menu to determine if changes were needed. □

Source: *The Post-Crescent* (WI), Jan. 22, 1999.