

# The Dirty Thirty:

Nothing to Celebrate About 30 Years of  
Corrections Corporation of America



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Corrections Corporation of America

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## *Acknowledgments*

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# **The Dirty Thirty:**

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## Introduction

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Corrections Corporation of America (CCA), the nation's oldest and largest for-profit private prison corporation, is commemorating its 30th anniversary throughout 2013 with a series of birthday celebrations at its facilities around the country.

Over the last 30 years, CCA has benefited from the dramatic rise in incarceration and detention in the United States. Since the company's founding in 1983, the incarcerated population has risen by more than 500 percent to more than 2.2 million people.<sup>1</sup> Meanwhile, the number of people held in immigration detention centers has exploded from an average daily population of 131 people to over 32,000 people on any given day.<sup>2</sup>

CCA has made profits from, and at times contributed to, the expansion of tough-on-crime and anti-immigrant policies that have driven prison expansion. Now a multi-billion dollar corporation, CCA manages more than 65 correctional and detention facilities with a capacity of more than 90,000 beds in 19 states and the District of Columbia.<sup>3</sup> The company's revenue in 2012 exceeded more than \$1.7 billion.<sup>4</sup>

While the company has become a multi-billion dollar corporation, it has also become exceedingly controversial, with a record of prisoner abuse, poor pay and benefits to employees, scandals, escapes, riots, and lawsuits marking its history. Faith denominations, civil rights groups, criminal justice reform organizations, and immigrant rights advocates have repeatedly argued that adding the profit motive to the prison and immigrant detention

systems provides perverse incentives to keep incarceration rates high.

To mark the company's milestone anniversary, Grassroots Leadership and the Public Safety and Justice Campaign have sought to highlight why there is nothing to celebrate about 30 years of for-profit incarceration. This report highlights just some of the shameful incidents that litter CCA's history.

As well as unearthing notable scandals and violations that have taken place over the company's last three decades, this report charts several other key areas in which CCA has left a dubious legacy. From controversial economic and political ties to operational cost-cutting and depressing labor practices, CCA's drastic efforts to maximize profits only serve to demonstrate the fundamental reasons why the for-profit prison industry is at odds with the goals of reducing incarceration rates and raising correctional standards.

This report highlights only 30 incidents in the company's history, but could have been much more expansive. We hope it lends a critical eye to the role of for-profit prison firms in criminal justice and immigration policies, and serves as a starting point for community members and organizations seeking to learn about the for-profit private prison industry.



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<sup>1</sup> The Sentencing Project. Available at <<http://www.sentencingproject.org/template/page.cfm?id=107>>

<sup>2</sup> Jacob Fenton, Catherine Rentz, Stokely Baksh and Lisa Hill, "Map: The U.S. Immigration Detention Boom," *PBS/Frontline*, October 20, 2011. <<http://www.pbs.org/wgbh/pages/frontline/race-multicultural/lost-in-detention/map-the-u-s-immigration-detention-boom/>>

<sup>3</sup> Corrections Corporation of America's corporate profile. See <<http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-homeProfile&t=&id=&>>

<sup>4</sup> Corrections Corporation of America quarterly earnings reports. See <<http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=quarterlyearnings>>

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## 1. Auspicious Beginnings: "Just Like Selling Hamburgers," CCA Opens First Detention Center in Houston, Texas

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**B**acked by venture capitalist Jack Massey, who helped finance Kentucky Fried Chicken and Hospital Corporation of America, Corrections Corporation of America was founded in January 1983, when co-founders Tom Beasley, T. Don Hutto and Doctor Crants filed papers to incorporate the company. According to Beasley, the company was founded on the principle that you could sell prisons "just like you were selling cars, or real estate, or hamburgers."

Beasley was a politically connected former head of the Tennessee Republican Party while Crants was a Nashville lawyer and businessman. Hutto, the only founder with corrections experience and a former Arkansas prison director, was at the time a Virginia state corrections director and president of the American Correctional Association.<sup>1</sup>

Hutto's direction as a corrections chief was anything but rosy. Under Hutto's tenure in Arkansas, the Supreme Court wrote, "The administrators of Arkansas' prison system evidently tried to operate their prisons at a profit. ... Cummins Farm, the institution at the center of this litigation, required

its 1,000 prisoners to work in the fields 10 hours a day, six days a week, using mule-drawn tools and tending crops by hand. ... The inmates were sometimes required to run to and from the fields, with a guard in an automobile or on horseback driving them on. ... They worked in all sorts of weather, so long as the temperature was above freezing, sometimes in unsuitably light clothing or without shoes."<sup>2</sup>

Despite little experience or references, in November of 1983 the company landed its first contract to operate an immigrant detention center in Houston under contract with the Immigration and Naturalization Services (INS).<sup>3</sup>

According to a video interview on CCA's website, a chuckling Hutto describes hurriedly locating, leasing, and providing staffing for the first facility which was the converted Olympic Motel in Houston. He describes hiring the former hotel owner's family as staff members and fingerprinting the undocumented prisoners himself.<sup>4</sup> From these auspicious beginnings rose the multi-billion dollar private prison industry.

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<sup>1</sup> Donna Selman and Paul Leighton (2010) *Punishment for Sale*. Plymouth: Rowman & Littlefield Publishers, Inc., pg. 58.

<sup>2</sup> Hutto vs. Finney, See <<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=437&invol=678>>

<sup>3</sup> Corrections Corporation of America, See <<http://www.cca.com/about/cca-history/>>

<sup>4</sup> Corrections Corporation of America, See <<http://www.cca.com/about/cca-history/>>



## 2. A "Groundbreaking" Example of Prison Privatization: Squalor and Violence at Lake Erie Correctional Institution

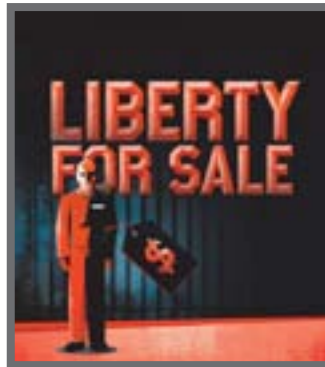
As the nation's first state prison to be sold to a private company, Corrections Corporation of America's purchase of the Lake Erie Correctional Institution for \$72.7 million from Ohio in late 2011 was widely hailed as a "groundbreaking" move that would pave the way for other states seeking to cut costs.<sup>1</sup> The excitement of this transaction quickly soured when, only a year into CCA's control of the facility, state audits found staff mismanagement, widespread violence, delays in medical treatment and "unacceptable living conditions," including a lack of access to toilet facilities, with prisoners forced to defecate in plastic containers and bags. Amongst numerous concerns over medical provisions, the audit detailed how staff did not follow proper procedures for chronically ill prisoners, including those with diabetes and AIDS, medical appointments were severely delayed, and prisoners were often triple-bunked or forced to sleep on mattresses on cell floors. As a result of the violations, CCA was fined nearly \$500,000 by the state.<sup>2</sup>

Rather than contributing to the growth of the local economy, CCA's takeover of the facility instead resulted in a dramatic increase in crime in the town of Conneaut, Ohio, with the arrests of multiple people trying to smuggle contraband into Lake Erie in January 2013.<sup>3</sup> According to city crime data, officers responded to almost four times as many prison-related calls in that year as all of the previous

five years combined.<sup>4</sup> Conneaut Councilman Neil LaRusch expressed concern over the city's lack of finances in dealing with the crime problem, commenting, "We understand that it's a private entity now, and that it's for-profit, but nothing can come at the expense of the safety and security of our citizens. With the city finances the way they are right now, I can't go put 20 more people on staff at the police department."

Following its purchase of Lake Erie, CCA sent letters to 48 states, heralding its acquisition of the facility as a shining example of the benefits of selling state-run prisons to private businesses. The letter reads, "We want to build on that success and provide our existing or prospective government partners with access to the same opportunity."<sup>5</sup>

After a horrific audit in September of 2012, CCA spokesman Steve Owen pointed to the improved conditions inside Lake Erie, citing a follow-up state audit in November. While the follow-up audit did note improved conditions at the facility, it emphasized that more time and continual monitoring were needed to ensure that consistent improvements were made, particularly with regards to medical care. Owen also highlighted the high marks given to the facility by the American Correctional Association, "the accreditation body which offers its services in return for payment and whose former employees include past president Daron Hall (a former CCA program director) and at least one current CCA employee, Todd Thomas, who serves as an ACA auditor."



<sup>1</sup> Julie Carr Smyth, "Ohio Becomes First American State to Sell Prison to Private Company," *Huffington Post*, September 1, 2011. <[http://www.huffingtonpost.com/2011/09/02/ohio-prison-sold\\_n\\_946862.html](http://www.huffingtonpost.com/2011/09/02/ohio-prison-sold_n_946862.html)>

<sup>2</sup> Chris Kirkham, "Lake Erie Correctional Institution, Ohio Private Prison, Faces Concerns About 'Unacceptable' Conditions," *Huffington Post*, February 2, 2013. <[http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution\\_n\\_2599428.html](http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution_n_2599428.html)>

<sup>3</sup> Mark Todd, "Conneaut police arrest 4 in vicinity of prison," *Star Beacon*, January 10, 2013. <<http://starbeacon.com/local/x1633448322/Conneaut-police-arrest-4-in-vicinity-of-prison/print>>

<sup>4</sup> Chris Kirkham, "Lake Erie Correctional Institution, Ohio Private Prison, Faces Concerns About 'Unacceptable Conditions,'" *Huffington Post*, February 2, 2013. <[http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution\\_n\\_2599428.html](http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution_n_2599428.html)>

<sup>5</sup> Chris Kirkham, "Private Prison Corporation Offers Cash in Exchange for State Prisons," *Huffington Post*, February 14, 2012. <[http://www.huffingtonpost.com/2012/02/14/private-prisons-buying-state-prisons\\_n\\_1272143.html](http://www.huffingtonpost.com/2012/02/14/private-prisons-buying-state-prisons_n_1272143.html)>

### 3. Keeping Costs Low and Profits High Through Employee Mistreatment

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Corrections Corporation of America's record of malpractice is not just confined to the treatment of prisoners within its facilities but has often come at the expense of the company's own employees. In an effort to maximize its profit margins and bill itself as a cheaper alternative to government-run prisons, CCA's cost-cutting measures have frequently been through practices like reducing employee benefits and salaries, operating on routinely low and dangerous staff-to-prisoner ratios, and not offering sufficient staff training.

Research for a lawsuit brought by people incarcerated at the Idaho Correctional Center revealed the facility's 2012 monthly staffing reports, which showed guards working 24, 36 and 48 hours straight without time off, sometimes without appropriate compensation and in direct violation of state laws.<sup>1</sup> In May 2012, a group of shift supervisors at Kentucky's Marion Adjustment Center sued CCA for forcing them to work extra hours, denying them overtime or meal and rest breaks, and requiring them to attend training sessions without pay.<sup>2</sup> Similarly, a class-action Fair Labor Standards Act lawsuit was settled in Kansas in February 2009 for up to \$7 million, alleging that some employees were required to perform work duties without financial compensation. Meanwhile, several lawsuits have also drawn attention to CCA's failure to pay even the prevailing wage rate to employees, with cases settled in 2000 at Louisiana's Winn Correctional Center<sup>3</sup> and the San Diego Correctional Facility.<sup>4</sup> The low wages of most CCA employees certainly do not extend to its top executives. In 2011, CEO Damon Hininger was paid \$3,696,798, while Chairman of the Board John Ferguson received a salary of \$1,734,793.<sup>5</sup>

Given the pay and benefit levels offered by CCA to the majority of its staff, it is no surprise that those who are hired often do not have extensive corrections experience, nor are they provided with

appropriate training. The incident of CCA guard Jerry Reeves is a case in point that demonstrates the company's negligence in training and supervising its employees. On August 5, 1998 at Tennessee's Whiteville Correctional Facility, Reeves was left alone on a recreation yard just six weeks into the job, without significant training or communications equipment, where he was seriously assaulted by prisoners and incurred multiple skull fractures. An investigation into the incident revealed that CCA tried to cover up the staff assaults on prisoners, with staff addressing the incident themselves through their own disturbingly violent interrogative methods, which involved slamming prisoners into walls, striking them in the groin and the use of electrical stun devices.<sup>6</sup>

CCA's record is further marred by the company's treatment of female workers. In 2002, CCA's North Fork Correctional Facility in Oklahoma agreed to pay 96 women \$152,000 in back wages for denying them employment as a result of their gender. The charges were brought by the U.S. Department of Labor after an audit found that female applicants had been turned down for CCA jobs despite having equal or better qualifications than their male counterparts.<sup>7</sup> While this incident involved prospective employees, CCA has allowed far worse treatment of its own employees. For example, on October 1, 2009, CCA paid \$1.3 million to settle allegations of serious sexual harassment involving female employees at the company's





Crowley County Correctional Facility (CCCF) in Colorado. The lawsuit, filed by the U.S. Equal Employment Opportunity Commission, alleged that female staff members were subjected to sexual abuse and rape at the facility, at times under the threat of losing their jobs.<sup>8</sup> In one incident, the court heard that CCA management had reassigned a female officer to an isolated location of the facility with a male co-worker whom she had previously complained had sexually harassed her, where the same man then raped her.<sup>9</sup>

With such working conditions, it is not surprising that CCA has a chronically high staff turnover rate. The last self-reported industry statistics from 2000 found that the average turnover rate was 53% in private prisons, 16% in public prisons.<sup>10</sup> A 2008 Texas state report found that private prisons had a 90 percent annual staff turnover rate, compared to 24 percent in publicly operated prisons.<sup>11</sup> Such practices of cutting labor costs are not only detrimental for private prison employees but also for prisoners and the public at large. As Joshua Miller of the public employee union AFSCME points out, “Private corrections is structurally

flawed. The profit motive drastically changes the mission of corrections from public safety and rehabilitation to making a quick buck. Chronic employee turnover and understaffing, a high rate of violence, and extreme cost-cutting make the private prison model a recipe for disaster.”<sup>12</sup> In addition to a failure to provide for its own employees, low wages and benefits and high turnover rates create a labor force that is ill-equipped to handle the stress and danger of operating and managing prisons, leading to a high level of mismanagement, scandal, and violence.

To add insult to injury, CCA has refused opportunities to honor employees who have lost their lives in the service of the company. In May 2013, CCA shareholder Alex Friedmann requested a moment of silence for Catlin Carithers<sup>13</sup>, a 24 year old CCA employee who was killed during a riot at CCA’s Adams County Correctional Facility in Natchez, Mississippi on May 20, 2012. Board Chairman John D. Ferguson flatly denied the request to honor officer Carithers, a decision which Friedmann described as callous, insensitive, and indicative of the value CCA places on its employees.

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<sup>1</sup> Matt Stroud, “AP Report Shows Idaho Corrections Officers Working 48-Hour Shifts,” *Forbes*, February 5, 2013. <<http://www.forbes.com/sites/mattstroud/2013/02/05/ap-report-shows-idaho-corrections-officers-working-48-hour-shifts/>>

<sup>2</sup> Brett Barrouquere, “Private prison supervisors say CCA denied overtime,” *Kingsport Times-News*, May 15, 2012. <<http://www.knoxnews.com/news/2012/may/14/private-prison-supervisors-say-cca-02/>>

<sup>3</sup> Results of a search performed in a database of Overtime and Minimum Wage Compliance Activity (January 1996-October 2002) contained on the Labor Database CD-ROM produced by the Food and Allied Service Trades, January 2003.

<sup>4</sup> Results of a search performed in a database of Service Contract Act violations (January 1996-October 2002) contained on the Labor Database CD-ROM produced by the Food and Allied Service Trades, January 2003.

<sup>5</sup> “Executive Salaries,” *Private Corrections Working Group*, 2009. <<http://www.privateci.org/salaries.html>>

<sup>6</sup> “Youngstown: Will Justice Be Served,” *AFSCME WORKS Magazine*, January/February 1999. <<http://www.afscme.org/news/publications/newsletters/works/januaryfebruary-1999/youngstown-will-justice-be-served>>

<sup>7</sup> “Failure to Hire Pay Agreed for 96 Women,” *Daily Oklahoman*, August 29, 2002. <<http://newsok.com/failure-to-hire-pay-agreed-for-96-women/article/2805216>>

<sup>8</sup> “Video release prompts FBI prison investigation,” *NBC News*, November 30, 2010. <[http://www.nbcnews.com/id/40439227/ns/us\\_news-crime\\_and\\_courts/t/video-release-prompts-fbi-prison-investigation/#.UZG\\_GJVMaZM](http://www.nbcnews.com/id/40439227/ns/us_news-crime_and_courts/t/video-release-prompts-fbi-prison-investigation/#.UZG_GJVMaZM)>

<sup>9</sup> Felisa Cardona, “Crowley County prison operator to pay \$1.3 million in settling sex-harassment lawsuit,” *The Denver Post*, October 14, 2009. <[http://www.denverpost.com/ci\\_13555622](http://www.denverpost.com/ci_13555622)>

<sup>10</sup> “Quick Facts About Prison Privatization,” *Private Corrections Institute, Inc.*, 2009. <[http://www.privateci.org/private\\_pics/Private%20prison%20fact%20sheet%202009.pdf](http://www.privateci.org/private_pics/Private%20prison%20fact%20sheet%202009.pdf)>

<sup>11</sup> Senate Committee on Criminal Justice, Interim Report to 81st Legislature, December 2008. <<http://www.senate.state.tx.us/75r/Senate/commit/c590/c590.InterimReport80.pdf>>

<sup>12</sup> Joshua Miller, “Worker Rights in Private Prisons,” in Andrew Coyle et al., editors, *Capitalist Punishment: Prison Privatization and Human Rights*, Atlanta: Clarity Press, 2003, p. 150.

<sup>13</sup> <<https://www.courthousenews.com/%2F2013%2F05%2F10%2F57518.htm&sa=D&sz=1&usg=AFQjCNEgu2BUG102EazSTLtxtHwc7pMXqA>>

## 4. A Disturbing Culture of Staff Misconduct

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Given Corrections Corporation of America's cost-cutting methods of not providing adequate salaries and training to its employees, it is unsurprising that instances of gross misconduct are well documented across the company's facilities. Allegations of violence, sexual abuse, incompetence and mistreatment have become endemic to CCA's facilities, as have numerous charges of CCA employees using prisoners for profiteering, from cases of drug trafficking to outright theft. Following several allegations of missing cash from prisoners at CCA's Hernando County Jail in Florida, an investigation revealed that Jeffrey S. Hodges, the booking officer at the facility, had been pocketing incoming prisoners' money, giving them significantly lower sums upon their release. Hodges pleaded guilty in March 2006 to two counts of grand theft, was placed on probation for 18 months, and ordered to pay back the \$750 he had stolen from two prisoners.<sup>1</sup>

The involvement of CCA employees in selling drugs to prisoners is far too common. In December 1996, more than 200 federal agents and local law enforcement officials stormed the Silverdale Detention Facilities in Tennessee as part of an 18-month undercover investigation into drug trafficking at the jail.

Although it was alleged that CCA management had been tipped off and were able to swiftly clean up the facility, the raid resulted in the conviction of nine people.<sup>2</sup>



Raids have continued at Silverdale, with the warden and security chief fired over further allegations of illegal drug use and the escape of two prisoners in November 2002, and an officer charged with smuggling in marijuana in October 2011.<sup>3</sup>

These are not isolated instances confined to only a few of CCA's facilities, but are part of a much wider problem rooted in private corrections. "Low pay for guards and cost-cutting strategies are part of the problem", comments *Prison Life* editor Richard Stratton. "It's a question of training of the guards and just general seriousness of how they take the job."<sup>4</sup> In September 2001, a former guard at the Tulsa Jail was found attempting to smuggle methamphetamine to a prisoner<sup>5</sup> while, at the same jail in 2002, CCA fired a new employee after she was arrested for possession of cocaine.<sup>6</sup> Meanwhile, at CCA's Correctional Treatment Facility in Washington, D.C. – originally used for prisoners with substance-abuse problems – an FBI sting operation indicted four guards in November 2002 on charges that they smuggled drugs, pagers, and cash to prisoners in exchange for bribes.

Most shocking are the disturbing levels to which CCA staff have sunk in their degrading treatment of people incarcerated at their facilities. In 2006 at CCA's Citrus County Jail in Florida, four prisoners filed suit against CCA, alleging that officers had urinated and placed faecal matter in their food and drinks on multiple occasions. CCA admitted that urine had been mixed into juice served to people incarcerated at the jail and two CCA guards, Kevin Hessler and Alexander Diaz, and a supervisor, Charles Mulligan, were fired in connection with the allegations.<sup>7</sup> One of many instances of prisoner sexual abuse was at CCA's T. Don Hutto facility in Texas, where CCA employee Donald Charles Dunn was found guilty of sexually abusing at least 8 female immigrant detainees while transporting them in a van alone, in violation of ICE policy. Dunn was sentenced to 10 months in federal

prison. Unfortunately CCA has done little to improve its facilities, and violence, drug use, and mismanagement persist on a large scale. On the contrary, in 2012, CCA's board of directors successfully urged shareholders to vote against a resolution requiring the company to report on what it was doing to reduce the incidents of rape

and sexual abuse in its facilities.<sup>8</sup> The horrific instances of sexual abuse that have come out of CCA's facilities - as we detail at Hutto (#22) and Otter Creek (see #28) - only serve to illustrate the extent to which for-profit companies will go to hide human rights violations and reject accountability.

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<sup>1</sup> Jonathan Abel, "Ex-guard pleads guilty to 2 jail thefts," *St. Petersburg Times*, March 9, 2006. <[http://www.sptimes.com/2006/03/09/Hernando/Ex\\_guard\\_pleads\\_guilt.shtml](http://www.sptimes.com/2006/03/09/Hernando/Ex_guard_pleads_guilt.shtml)>

<sup>2</sup> Chris Joyner, "Contraband at Silverdale," *Chattanooga Times Free Press*, nd. <[http://chattanoogaendeavors.com/media/category/news/articles/cca\\_contraband.pdf](http://chattanoogaendeavors.com/media/category/news/articles/cca_contraband.pdf)>

<sup>3</sup> Kate Harrison, "Silverdale Detention Facility jailer fired after being charged with trying to smuggle marijuana to inmate," *Chattanooga Times Free Press*, October 5, 2011. <<http://www.timesfreepress.com/news/2011/oct/05/jailer-smuggle-pot-fired/>>

<sup>4</sup> Chris Joyner, "Contraband at Silverdale," *Chattanooga Times Free Press*, nd. <[http://chattanoogaendeavors.com/media/category/news/articles/cca\\_contraband.pdf](http://chattanoogaendeavors.com/media/category/news/articles/cca_contraband.pdf)>

<sup>5</sup> David Harper, "Ex-Jailer Guilty in Drug Sale," *Tulsa World*, December 5, 2001.

<sup>6</sup> "CCA Worker Fired After Drug Arrest," *Tulsa World*, September 21, 2002, p. A20.

<sup>7</sup> Kelli Kennedy, "Human Waste Put in Food, Ex-Inmates Claim," *Associated Press*, March 11, 2006. <<http://www.highbeam.com/doc/1P1-119683145.html>>

<sup>8</sup> Jonathan Meador, "CCA Board Votes Down Resolution on Reporting Rape, Sexual Abuse Statistics," *Nashville Scene*, May 10, 2012. <<http://www.nashvillescene.com/pitw/archives/2012/05/10/cca-board-votes-down-resolution-on-reporting-rape-sexual-abuse-statistics>>

## 5. A Testament to Ineptitude: Escapes and Mistaken Releases

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Numerous escapes and mistaken releases demonstrate Corrections Corporation of America's failure to properly train its staff and sufficiently invest in its facilities. In the case of Florida's Hernando County Jail, a catalogue of cost-cutting operational failures manifested in a series of escapes, eventually leading the county to take over the facility in 2010. The escapes began shortly after CCA constructed the \$8 million jail in 1989, with a state investigator highlighting "a combination of improper cell security checks by staff, defective cell doors and ineffective security grating behind the light fixture."<sup>1</sup> Following the escape of four prisoners in January 1990, it transpired that prison staff had not been following the required state protocols of checking prisoners who were known escape risks every fifteen minutes, and had falsified state-mandated logs. Escapes ranged from a prisoner removing a stainless steel plate in a shower stall,<sup>2</sup> one cutting a hole in the ceiling,<sup>3</sup> and another walking out through an unlocked door and then climbing out over the roof<sup>4</sup> to a prisoner replacing his identification bracelet with a low-security one fished out of a trashcan, enabling him to join a work detail outside the jail and then flee.<sup>5</sup> After the jail went into county hands, Michael Page, who led the Sheriff's Office in the takeover, pointed to mismanagement and routinely ignored maintenance problems as pivotal reasons for CCA's failure at the facility. Page interviewed former CCA employees applying for jobs at the county-run jail, rejecting most either as a result of failed background checks or not meeting standards. "Frankly," Page said, "I don't understand why a few of them weren't in jail."<sup>6</sup>

CCA has seen heavy criticism for its security policies, including the company's negligence in preventing and responding to escapes. In 2009 at Mississippi's Delta Correctional Facility, a prisoner serving a life sentence for armed robbery and aggravated assault was given several weeks advance

notice that he was going to an off-site doctor's appointment and was not prevented access to a contraband cell phone as per protocols, which he used to plan his escape with the help of his cousin.<sup>7</sup> While driving through Tennessee the pair were stopped by police Sgt. Mark Chesnut, who was shot five times. Chesnut survived the shooting and later settled a lawsuit against CCA that alleged poor security protocols at DCF had led to the escape. As a private company with vested interests, CCA tries to cover itself when incidents do arise and their



response is no different when it comes to escapes. In 2008, a prisoner escaped through the ventilation system at Nashville's Metro Detention Facility, with staff waiting two days before issuing a warrant for his arrest.<sup>8</sup>

In addition to numerous escapes, CCA staff have also mistakenly released prisoners. From the time CCA opened Oklahoma's David L. Moss Criminal Justice Center in 1999, the center was plagued by accidental releases, eventually leading to the facility's takeover by Tulsa County in 2005 (see #16). Administrative errors ranged from an employee incorrectly recording a prisoner's offense, allowing him to post bond in 1999, to the accidental release of at least a dozen people incarcerated - some of whom had been convicted of violent crimes - due to staff mistakes, including releasing prisoners who

impersonated others scheduled for release. CCA's record of mistaken releases is no better at its other facilities. For example, in 2007, nine prisoners were released at Florida's Bay County Jail due to staff errors.<sup>9</sup> The lack of training of CCA staff continues to stand out as an explicator of the company's failure to correctly manage its prisoner population, derided by employees themselves. A CCA employee who was fired as a result of one of the incidents commented, "I was never trained how to read court documents ... No one ever gave me any formal training on how to do anything down there."<sup>10</sup>

On the other hand, the active involvement of CCA staff has also led to successful escapes. In October 1998, four prisoners escaped from the South

Central Correctional Facility after a guard allowed bolt cutters to be smuggled into the prison. The escape occurred in broad daylight, with two of the prisoners tying up a local farmer and stealing his truck. A CCA supervisor was fired in connection with the escape and it was later revealed that only one officer had been placed on duty in the recreation yard instead of the mandated two.<sup>11</sup> At the same facility in January 1999, a prisoner escaped by dressing up as a guard and persuading a female prison guard to escort him out.<sup>12</sup> Similarly in April 2006, a CCA guard was charged after helping prisoner escape from the Hernando County jail after a guard allowed bolt cutters to be smuggled into the prison.<sup>13</sup>

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<sup>1</sup> Dan DeWitt, "Guard Fired Over Inmates' Escape; State Review Blames Staff, Jail Construction," *St. Petersburg Times*, March 21, 1990, pg. 1.

<sup>2</sup> Dan DeWitt, "Inmate Escapes from Hernando Jail," *St. Petersburg Times*, December 19, 1990, pg. 1.

<sup>3</sup> Jamie Jones, "County jail escapee caught a day later," *St. Petersburg Times*, November 6, 2002. <[http://www.sptimes.com/2002/11/06/Hernando/County\\_jail\\_escapee\\_c.shtml](http://www.sptimes.com/2002/11/06/Hernando/County_jail_escapee_c.shtml)>

<sup>4</sup> Jonathan Abel, "Hernando: Inmate escapes from jail," *St. Petersburg Times*, February 11, 2006. <[http://www.sptimes.com/2006/02/11/Hernando/Inmate\\_escapes\\_from\\_j.shtml](http://www.sptimes.com/2006/02/11/Hernando/Inmate_escapes_from_j.shtml)>

<sup>5</sup> Jamie Malernee, "Prison Escapee Capitalized on Opportunities," *St. Petersburg Times*, July 6, 2001. <[http://www.sptimes.com/News/070601/Hernando/Prison\\_escapee\\_capita.shtml](http://www.sptimes.com/News/070601/Hernando/Prison_escapee_capita.shtml)>

<sup>6</sup> John Woodrow Cox and Barbara Behrendt. "Hernando County's takeover of jail brings year of sweeping changes," *Tampa Bay Times*, August 27, 2011. <<http://www.tampabay.com/news/localgovernment/herando-countys-takeover-of-jail-brings-year-of-sweeping-changes/1188387>>

<sup>7</sup> Kate Howard, "Mark Chesnut, officer shot on interstate, sues CCA for more than \$14 million," *The Tennessean*, October 30, 2009. <<http://www.hollinslegal.com/wp-content/uploads/2012/03/mark-chesnut-officer-shot.pdf>>

<sup>8</sup> "CCA waited before issuing warrant on escape Terrell Watson last seen in the prison on Sunday," *WSMV*, February 21, 2008.

<sup>9</sup> Office of County Manager, Bay County Florida, "Incident Review – Erroneous Releases, Bay County Jail," November 13, 2007. <[http://www.privateeci.org/private\\_pics/BayCOrelease.pdf](http://www.privateeci.org/private_pics/BayCOrelease.pdf)>

<sup>10</sup> Susan Hylton, "CCA Supervisor Fired Over Mistaken Inmate Releases," *Tulsa World*, June 7, 2001.

<sup>11</sup> "Guard Supervisor at Clifton Prison Fired After Four Inmates Escaped," *Associated Press*, October 23, 1998.

<sup>12</sup> "Tennessee recaptures killer who escaped in guard garb," *Associated Press*, 3 February 1999. <<http://www.deseretnews.com/article/673133/Tennessee-recaptures-killer-who-escaped-in-guard-garb.html?pg=all>>

<sup>13</sup> Asjlynn Loder, "Guard helped plot jail break, officers say," *St. Petersburg Times*, April 15, 2006. <[http://www.sptimes.com/2006/04/15/Hernando/Guard\\_helped\\_plot\\_jai.shtml](http://www.sptimes.com/2006/04/15/Hernando/Guard_helped_plot_jai.shtml)>

## 6. Riots Spiral Out Of Control

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The high number of uncontrolled protests amongst prisoners at Corrections Corporation of America's facilities continues to draw attention to the facility conditions that provoke riots, and the failure of staff to adequately respond when they arise. In many cases, protests have been explicitly aimed at the substandard conditions in CCA's prisons, but have been dramatically mishandled by staff, far too often as a result of insufficient training. In April 2001, three-quarters of the 800 prisoners at New Mexico's Cibola County Correctional Center engaged in a non-violent protest against their treatment at the facility by refusing to return to their cells. Despite the peaceful nature of the protest, it ended with guards firing tear gas into the recreation yard where prisoners had gathered.<sup>1</sup>

In July 2004, guards at Colorado's Crowley County Correctional Facility ignored prisoners' requests to speak with the warden over conditions, resulting in a quickly escalating riot with over 400 prisoners. Prisoners began to destroy property, setting fires and smashing furniture, and using steel weights and dumbbells from the exercise yard to smash doors, windows, and walls. Thirteen prisoners were injured, one of them seriously enough to require medical helicopter evacuation due to stab wounds; reports stated that CCA guards ran at the first sign of trouble. An after-action report by the Colorado DOC highlighted the poor training of CCA staff and insufficiency of emergency response procedures, making particular mention of staff members' disregard of prisoners' complaints and their use of excessive force as central reasons for the riot's escalation.<sup>2</sup> After the riot, numerous prisoners said they were assaulted by CCA employees, including prisoners who did not participate in the

disturbance. One prisoner, who was trying to assist a deaf cellmate, was forced to lie down in sewage, dragged from his cell by his ankles, and left outside all night in handcuffs. Others were forced to relieve themselves in their pants as they were taunted and gassed by staff, then video-recorded in the showers by female employees.<sup>3</sup> Over 200 prisoners filed lawsuits against CCA and in April 2013, CCA reached a \$600,000 settlement.

Even when CCA officials knew about potential protests in advance, staff have often failed to put appropriate response procedures in place. In May 2012, CCA staff were informed about a protest concerning poor food and medical care at Mississippi's Adams County Correctional Facility.<sup>4</sup> CCA employee Catlin Carithers was beaten to death, other employees were taken hostage, and at least five staff members and three prisoners were treated for injuries. An FBI affidavit describes a chaotic scene, with prisoners hurling tear gas canisters back at guards, many of whom abandoned the facility. Mississippi Representative Bennie G. Thompson commented that the riot "brings into question the effectiveness of privately owned and operated prison facilities."<sup>5</sup> Incidents like the one in Adams County continue to be a somber reminder of the dangers of poorly managed for-profit correctional facilities.



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<sup>1</sup> "Lockdown Remains in Effect at Private Prison," *Associated Press*, April 27, 2001.

<sup>2</sup> Colorado Department of Corrections, "After Action Report. Inmate Riot: Crowley County Correctional Facility," October 1, 2004. <[http://www.inthepublicinterest.org/sites/default/files/Colorado%20Dept%20of%20Corrections\\_After%20Action%20Report.pdf](http://www.inthepublicinterest.org/sites/default/files/Colorado%20Dept%20of%20Corrections_After%20Action%20Report.pdf)>

<sup>3</sup> Alan Prendergast, "Crowley inmates settle lawsuit for \$600,000," *Denver Westword*, April 24, 2013. <[http://blogs.westword.com/latestword/2013/04/crowley\\_inmates\\_lawsuit\\_settlement\\_600000.php](http://blogs.westword.com/latestword/2013/04/crowley_inmates_lawsuit_settlement_600000.php)>

<sup>4</sup> Holbrook Mohr, "FBI reports Mexican group 'Paisas' started prison riot in Adams County," *The Associated Press*, August 13, 2012. <[http://blog.gulfive.com/mississippi-press-news/2012/08/fbi\\_reports\\_mexican\\_group\\_pais.html](http://blog.gulfive.com/mississippi-press-news/2012/08/fbi_reports_mexican_group_pais.html)>

<sup>5</sup> Robbie Brown, "Mississippi Prison on Lockdown After Guard Dies," *The New York Times*, May 22, 2012. <[http://www.nytimes.com/2012/05/23/us/mississippi-prison-on-lockdown-after-guard-dies.html?\\_r=0](http://www.nytimes.com/2012/05/23/us/mississippi-prison-on-lockdown-after-guard-dies.html?_r=0)>

## 7. Denial and Death: Cutting Operational Costs Through Basic Medical Care

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Over the course of its history, Corrections Corporation of America's failure to provide adequate medical care to people in prisons has been called into question far too often. Rather than fulfilling its original promise of raising standards in corrections, the frequency of allegations of poor medical care belies the extent to which CCA shirks providing necessary medical attention in even the direst of situations.

CCA was hit with its first major lawsuit in 1988, when the company was accused of failing to provide adequate medical care to pregnant 23-year-old Rosalind Bradford. Bradford was held in CCA's Silverdale facility in Tennessee, where she died from pregnancy complications. A shift supervisor later testified that Bradford had suffered in agony for at least twelve hours before staff agreed for her transferal to a hospital. The supervisor said in a deposition, "Rosalind Bradford died out there, in my opinion, of criminal neglect."<sup>1</sup> CCA agreed to pay \$100,000 to settle a lawsuit filed by her family.

Gross denial of medical care is exemplified by a federal lawsuit filed against CCA by Tamara Schlitters in March 2003, charging that prison officials refused to fill a prescription for her 26-year-old son Jeffrey Buller, resulting in his death at Colorado's Kit Carson Correctional Center. Buller suffered from hereditary angioedema, causing his breathing passages to swell, but which could be controlled effectively with medication. Buller had been supplied with medication throughout his incarceration but in the last few weeks of his stay the supply ran out and, despite repeatedly pleading with CCA medical staff for a new prescription, no new supply was reordered.<sup>2</sup> Buller died a day before he was supposed to be released. CCA settled the lawsuit out of court in 2004.

Amongst a string of incidents across its centers, CCA settled a lawsuit of extreme medical negligence in 2004 over the death of Jonathan Magbie, a 27-year-old quadriplegic. Magbie died of respiratory failure just four days into a ten-day sentence at CCA's Correctional Treatment Center in DC, where he was not provided with his diaphragmic ventilator.<sup>3</sup> In September 2006, Jose Lopez-Gregario committed suicide at Arizona's Eloy Detention Center. Lopez-Gregario was on suicide watch, known to be despondent and had made medical requests to staff who failed to respond.

Even when CCA provides medical care, incidents of grave negligence have all too frequently demonstrated the absence of proper medical protocols. The death of Justin Sturgis, who swallowed multiple Ecstasy pills before being arrested and incarcerated in 2001, is a case in point. While grand jurors found no criminal liability in the death of the Bay County prisoner, they concluded that "serious deficiencies" by CCA personnel, including a nurse, contributed to his death. The jury's presentment stated that, "correctional personnel failed to demonstrate adequate health training in responding to the level of distress evidenced by Justin Sturgis."<sup>4</sup> The hearing found that medical protocols within the jail were inadequate and were not followed, while other prisoners reported that guards taunted and laughed at Sturgis for several hours before calling an ambulance, by which time it was too late to prevent his death.<sup>5</sup>

Whether it's outright denial of care or insufficient medical protocols, these cases serve as a testament to CCA's drastic efforts to cut operating costs and maximize profits at the expense of people's lives.<sup>6</sup>

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<sup>1</sup> Erica Bates, "Private Prisons," *The Nation*, 1997.

<sup>2</sup> Federal Contractor Misconduct Database – POGO, "Tamara L. Schlitters vs. Corrections Corporation of America (Death at Kit Carson Correction Center)," March 24, 2003. <[http://www.contractormisconduct.org/ass/contractors/170/cases/1167/1632/corrections-corp-of-america-schlitters\\_complaint.pdf](http://www.contractormisconduct.org/ass/contractors/170/cases/1167/1632/corrections-corp-of-america-schlitters_complaint.pdf)>

<sup>3</sup> Henri E. Cauvin, "D.C. Jail Stay Ends in Death For Quadriplegic Md. Man," *The Washington Post*, October 1, 2004. <<http://www.hollinslegal.com/wp-content/uploads/2012/03/mark-chesnut-officer-shot.pdf>>

<sup>4</sup> *News Herald*, August 19, 2002. Cited in <<http://www.angelfire.com/oz/today/baycountyinmates.html>>

<sup>5</sup> *News Herald*, July 12, 2002. Cited in <<http://www.angelfire.com/oz/today/baycountyinmates.html>>

<sup>6</sup> Elizabeth Alexander, "Private Prisons and Health Care: The HMO from Hell," in Andrew Coyle et al., eds., *Capitalist Punishment: Prison Privatization & Human Rights*, Atlanta: Clarity Press, 2003, pg. 67.



## 8. "Gold Star" Accreditation and "Impartial" Research

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Throughout its history, Corrections Corporation of America has claimed to uphold high operational standards, using both American Correctional Association (ACA) accreditation and a small body of research literature to demonstrate the advantages of prison privatization. What CCA fails to mention is the repeatedly exposed financial exchanges and close ties between the company and so-called impartial analysts.

One way CCA argues the quality of its facilities is ACA accreditation. The ACA is a private, non-governmental organization composed of current and former corrections employees that offers accreditation services of corrections facilities based on the company's own self-created standards. The company's cozy ties with the ACA go back to 1984, when CCA founder T. Don Hutto was the president of the ACA. There is no regulation of the ACA beyond its own employees, who include immediate past president Daron Hall (a former CCA program director), and at least one CCA employee, Todd Thomas, who serves as an ACA auditor.<sup>1</sup> In August 2009, the ACA gave its stamp of approval to thirteen CCA managed facilities for \$63,000, shortly after CCA sponsored ACA's 139th Congress of Corrections conference banquet held in Nashville, Tennessee. ACA-accredited CCA facilities include the notorious Idaho Correctional Center or "Gladiator School," Kentucky's Otter Creek Correctional Center, where six CCA employees were charged with sexually abusing or raping prisoners, and Arizona's Saguaro Correctional Center, in which two prisoners were murdered in 2010. Donna Como, a former CCA employee who served as an accreditation manager, candidly admitted that she helped falsify documents for an ACA audit. "I was the person who doctored the ACA accreditation reports for this company," she stated in December 2008, referring to her employment at the CCA-operated Southern Nevada Women's Correctional Facility.

The successful conflict-of-interest charges against "independent" private prison researcher Dr. Charles Thomas are



yet another case where the corrupt methods used by CCA to prove its superior performance have been publicly exposed. During the 1990s, Thomas (a professor at the University of Florida and founder of the Private Corrections Project) was repeatedly used by CCA as their leading academic supporter, cited as an authoritative voice on the superiority of privatized prisons over the public sector. In 1997, Thomas' position as an independent analyst came into question after he was appointed to the board of CCA's Prison Realty Trust - the real estate investment trust set up by CCA for tax reasons - and when it was revealed that he owned stock in private prison firms.<sup>2</sup> A subsequent investigation by the Florida Commission on Ethics found that Thomas had also received \$3 million in consulting fees from CCA/Prison Realty. Thomas was fined \$20,000, the largest civil penalty in the ethics commission's history, and resigned his academic post as a result.<sup>3</sup> Rather tellingly, Thomas later joined the board of Avalon Correctional Services, a private company that operates community correctional facilities.<sup>4</sup> Nevertheless, his publications continue to be cited by the private prison industry as evidence of its superiority over state-run facilities.

In April, 2013 Temple University's Center for Competitive Government released a study that examines the fiscal benefits of privatizing prisons. Its conclusions allege financial savings and equal or better performance by private prison companies compared to their government-run counterparts.<sup>5</sup> CCA promoted the report in state media markets and utilized social media to decry advocate claims contrary to the findings. According to an April 29, 2013 press release issued by Temple University<sup>6</sup>, the study was funded by "members of the private corrections industry." However, the report itself

does not indicate that it was funded by private prison firms, nor that it was authored by two university researchers who have both previously advocated for the privatization of government functions, nor that the research was not peer reviewed.<sup>7</sup> CCA has made no mention of the study's funding in either its public relations or in its citation of the study in its 2013 investor presentation.<sup>8</sup>

In a May 22 press release issued by Private Corrections Institute, Professor Edward L. Queen, J.D., Director of Leadership Education at the Emory University Center for Ethics stated, "Any published or publicly released research should identify all sources of funding in support of that research. Especially any sources of funding that produce or could produce a conflict of interest."<sup>9</sup>

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<sup>1</sup> "CCA Pays Over \$22,000 to American Correctional Association to Claim "Stamp of Approval" at Five Private Prisons," *PRWEB*, July 9, 2010. <[http://www.prweb.com/releases/PCI\\_press\\_release/CCA\\_ACA\\_accreditation/prweb4243834.htm](http://www.prweb.com/releases/PCI_press_release/CCA_ACA_accreditation/prweb4243834.htm)>

<sup>2</sup> Rick Brooks and Karen L. Tippet, "Leading Expert on Private Prisons Criticized for Taking REIT Seat," *Wall Street Journal (Southeast Journal)*, April 30, 1997, p.S2.

<sup>3</sup> Dara Kam, "Ethics fine \$20,000 for UF Professor," *Florida Times-Union*, October 22, 1999, p.B3. <<http://news.google.com/newspapers?nid=1755&dat=19991022&id=4rMcAAAlBAJ&sjid=Jn4EAAAAlBAJ&pg=1942,1692277>>

<sup>4</sup> "Avalon Correctional Services, Inc. Appoints Dr. Charles W. Thomas to Its Board of Directors," *Business Wire*, May 17, 2001. <<http://www.thefreelibrary.com/Avalon+Correctional+Services,+Inc.+Appoints+Dr.+Charles+W.+Thomas+to...-a074625599>>

<sup>5</sup> "Contracted prisons cut costs without sacrificing quality, study finds," *Phys.org*, April 29, 2013. <<http://phys.org/news/2013-04-prisons-sacrificing-quality.html>>

<sup>6</sup> Press Release "Contracted prisons cut costs without sacrificing quality, study finds," *Temple University*, April 29, 2013. <[http://www.eurekalert.org/pub\\_releases/2013-04/tu-cpc042913.php](http://www.eurekalert.org/pub_releases/2013-04/tu-cpc042913.php)>

<sup>7</sup> "For-profit prison study funded by vested interest," *Kennebec Journal*, June 6, 2013. <[http://www.kjonline.com/opinion/letters/for-profit-prisons-studyfunded-by-vested-interest\\_2013-06-03.html](http://www.kjonline.com/opinion/letters/for-profit-prisons-studyfunded-by-vested-interest_2013-06-03.html)>

<sup>8</sup> Press Release "Research Study Finding Benefits from Prison Privatization Conveniently Funded by 'Members of the Private Corrections Industry'" *Private Corrections Institute*, May 22, 2013. <[http://www.privateci.org/private\\_pics/PCI%20press%20release%20re%20Temple%20study%205-21-13.pdf](http://www.privateci.org/private_pics/PCI%20press%20release%20re%20Temple%20study%205-21-13.pdf)>

<sup>9</sup> *Ibid.*

## 9. Tax Loopholes and Avoidance

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It is of little surprise how often Corrections Corporation of America - a private corporation invested in maximizing its profit margins as much as possible - has made efforts to avoid paying taxes. Several cases have brought CCA's attempts at tax avoidance to light. In 1998, CCA was sued by the Cleveland Independent School District in Texas after the company failed to pay its stipulated local taxes, reducing its \$180,000 tax payment by \$100,000 without prior permission. CCA settled the case, agreeing to pay \$300,000 in outstanding tax payments before pulling out of its contract to operate the Cleveland Pre-Release Center. Meanwhile, at CCA's Leavenworth Detention Center in Kansas, the company filed a property tax protest with the county in February 1998, arguing that the prison's tax status should be reclassified as residential rather than commercial. CCA's request was denied, with Kansas State Representative Candy Ruff commenting, "They're located in a for-profit industrial park surrounded by for-profit enterprises. They've got these bars on the windows. They've got barbed wire on top of the fence, and they want to say they're a residence? Give me a break."<sup>1</sup>

Ironically, CCA has now been able to successfully use this very same argument to circumvent paying taxes on a much greater scale, through the tax strategy of becoming a real estate investment trust (REIT). Designed to reduce the payment of corporate federal income taxes, REITs are a

special tax designation for companies that focus on real estate holdings. CCA was able to make the successful claim to the Internal Revenue Service that the money they collect from government entities for holding prisoners is essentially the same as rent collection, achieving REIT status in 2013. CCA's Chief Executive Damon T. Hininger said, "The good news about this is that we are going to be able to enjoy a full year of tax savings for 2013."<sup>2</sup>

CCA has obviously done its homework following the company's disastrous attempt to operate a REIT in 1999 under its Prison Realty Trust (see #14). One of the conditions of REIT status is that 90% of income must be distributed to shareholders. CCA failed to meet these conditions previously because of cash flow problems, posting a \$62 million loss for 1999.<sup>3</sup> Shareholders filed lawsuits against CCA and Prison Realty Trust, alleging that material information had been concealed from shareholders, and the company had made misleading statements. In February 2001, CCA settled the lawsuits for approximately \$104 million in stock and cash. Now that CCA is financially "back on track," having found a new market in immigration detention, the corporation that posted \$162 million in profits for 2011 is once again finding new ways to maximize its earnings. At a time of drastic budget cuts throughout the public sector, CCA expects to make \$70 million savings in tax payments for 2013 due to its REIT status.<sup>4</sup>

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<sup>1</sup> Mark Wiebe, "Detention Center Meets Opposition in Push to Change Tax Classification," *Kansas City Star*, March 12, 1998, p.1.

<sup>2</sup> Nathaniel Popper, "Restyled as Real Estate Trusts, Varied Businesses Avoid Taxes," *The New York Times*, April 21, 2013. <[http://www.nytimes.com/2013/04/22/business/restyled-as-real-estate-trusts-varied-businesses-avoid-taxes.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/04/22/business/restyled-as-real-estate-trusts-varied-businesses-avoid-taxes.html?pagewanted=all&_r=0)>

<sup>3</sup> Philip Mattered & Mafuza Khan, *Jail Breaks: Economic Developments Subsidies Given to Private Prisons*, Washington, DC: Good Jobs First, 2001. <[www.goodjobsfirst.org/jbstudy.htm](http://www.goodjobsfirst.org/jbstudy.htm)>

<sup>4</sup> Noel Brinerhoff, David Wallechinsky, "Private Prison Companies Find Loophole to Avoid Taxes," AllGov, April 24, 2013. <<http://www.allgov.com/news/where-is-the-money-going/private-prison-companies-find-loophole-to-avoid-taxes-130424?news=849838>>

## 10. UK Aspirations: Unlawful Death and a Violent Legacy

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From early on, CCA identified potential markets abroad and formed joint ventures with politically well-connected and experienced security and construction companies and financial institutions to lobby governments, promote prison privatization and bid for contracts.<sup>1</sup>

In the 1980s and 1990s the company tried to win contracts in the United Kingdom (UK), France, Italy, Canada, New Zealand and Australia. In 1994

C C A formed a partnership with Sodexo (as it was then known) to bid for contracts outside of the USA, UK, Belgium and Australia aiming to split profits 51/49 per cent

in English-speaking countries where CCA would take the lead, and 49/51 per cent in the rest of the world where Sodexo would lead.

In 1989 CCA won its first non-US contract (and subsequently several more contracts) in Australia. In the UK, despite playing a significant role in persuading the government to implement prison privatization, contracts were hard to come by.<sup>2</sup>

Ultimately, despite its global aspirations, CCA's expansion abroad was limited to the UK and Australia and by 2000 CCA had sold the majority of its international operations to Sodexo, only retaining a financial interest in one prison in England. The company's new strategy was to concentrate on the US domestic market.

As in the United States, CCA's presence, as well as the promotion and implementation of private prisons, in the UK and Australia was also controversial. Prisons under CCA's joint management were sometimes problematic leading to operational failures, fines and, in Victoria Australia, a lost contract (see #11). There were allegations that the company's Australian subsidiary attempted to influence the outcome of independent academic

research comparing a public prison with the CCA-run Borallon prison in Queensland.<sup>3</sup>

One of the most notorious incidents in a CCA-managed prison occurred at Blakenhurst prison in England, the company's first UK prison management contract. As a result CCA's joint venture company, UK Detention Services Ltd, earned the dubious distinction of being the first private prison operator in the UK to cause the unlawful death of a prisoner, and the first to cause such a death by the use of restraint.<sup>4</sup>

On December 8, 1995 Alton Manning, a 33 year old black prisoner on remand for an alleged violent offence, died as a result of being restrained by prison officers. But the full circumstances of his death did not come to light until a subsequent coroner's inquest that led to a jury's unanimous verdict on March 24, 1998 that Mr. Manning had been unlawfully killed by UKDS staff.

The coroner's inquest found that Manning had agreed to be strip searched on a routine drug inspection but had refused to squat for a genital and anal inspection. This resulted in a violent struggle. Witnesses testified that Manning was thrown to the floor, violently kicked, struck in the head and placed in a neck hold. A call was made for medical assistance after guards noticed the pool of blood. When the nurse arrived, she saw officers still restraining Manning's arms and, after asking the guards to release him, found that he was not breathing. Manning was pronounced dead shortly thereafter. A post-mortem examination found that he had died of asphyxia due to restraint

The inquest also exposed a catalogue of missing crucial documents and evidence, including the operational failure of vital surveillance cameras and lost reports containing officers' written accounts of the events.

Following the verdict of unlawful killing, seven UKDS officers were suspended on full pay



pending an investigation by the government's Crown Prosecution Service (CPS). They were later reinstated after no case against them was brought. The CPS argued that there was insufficient evidence to allow a case against the officers to proceed.

Alton Manning's family filed a lawsuit to persuade the CPS to reconsider, but in 2002 the CPS again refused. After seven years, the family was forced to concede defeat in its attempt to seek justice.<sup>5</sup>

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<sup>1</sup> For more detailed accounts of CCA's international operations see *Corrections Corporation of America: A Critical Look At Its First Twenty Years*, Mattera, P, Khan, M, and Nathan, S, Grassroots Leadership, December 2003. <<http://grassrootsleadership.org/sites/default/files/uploads/CCAAnniversaryReport.pdf>>

<sup>2</sup> "The Formation of UK Detention Services," Hopkins, R.D.N. paper presented at Private Gevangenissen in Nederland conference, Utrecht, December 1, 1993.

<sup>3</sup> *Profiting From Punishment Private Prisons In Australia: Reform or Regression*, pages 233-238, Moyle, P, Pluto Press, 2000

<sup>4</sup> See information available from INQUEST <[www.inquest.gn.apc.org/briefings/manning.html](http://www.inquest.gn.apc.org/briefings/manning.html)> and *The Queen and HM Coroner for the County of Worcester and the Metropolitan Borough of Dudley ex parte UK Detention Services Ltd.*, Royal Courts of Justice CO-402-98, Queens Bench Division, February 18, 1998

<sup>5</sup> *A Family Destroyed*, *The Guardian*, 8 February 2005. <[www.guardian.co.uk/uk/2005/feb/09/ukcrime.prisonsandprobation](http://www.guardian.co.uk/uk/2005/feb/09/ukcrime.prisonsandprobation)>

## 11. Fines, Failures and Scandal: Chased Out Of Australia

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Corrections Corporation of America's global aspirations were also focused on the Australian market where, in 1989, the company formed the joint venture, Corrections Corporation of Australia Pty. Ltd. CCA again earned itself further distinction internationally, this time in the state of Victoria, as the only private prison operator to have had a government buy out its contracts due to failure.

CC Australia made significant inroads into the prison market and was awarded several management contracts including one in December 1994 to finance, design, build and operate Melbourne's 125-bed Metropolitan Women's Correctional Center (MWCC). The prison opened in August 1996 despite large anti-privatization protests. It was only a month before concerns were raised about safety standards, working conditions and substantially decreased salary levels in comparison to the public sector.<sup>1</sup> MWCC was plagued by a catalogue of failures under CC Australia's management including documented reports by the Federation of Community Legal Centers (FCLC) of the brutalization of a remand and protection prisoner, the widespread prevalence of drugs, the denial of adequate clothing and access to medical treatment to women at the center, as well as allegations that women were subjected to humiliating strip searches.<sup>2</sup> The FCLC also quoted media reports that CC Australia was attempting to escape government penalization by covering up incidents of abuse.

MWCC's performance was characterized by numerous reports of staff misconduct. For example, the first general manager at MWCC reportedly sat intoxicated on the floor outside a cell, attempting to persuade the woman inside to come out.<sup>3</sup> Another report highlighted the frequent improper use of tear gas on women at the center, even on prisoners handcuffed in a prison van<sup>4</sup> and a pregnant woman.<sup>5</sup> Following further incidents, including the

death of 23-year-old Paula Richardson in 1998, an external audit of MWCC's health service by the Department of Human Services found there was no maintenance of clinical standards, the prison was understaffed and under-resourced, and that self harm risk assessments were inadequate.<sup>6</sup> In 2000, Victoria's government commissioned two reports that looked into private prisons, one of which was an independent investigation into the management and operation of Victoria's three private prisons, known as the Kirby Report.<sup>7</sup> Key findings at MWCC detailed a lack of safety for both prisoners and visitors, the overall impression that staff were not in control, minimal experience and expertise amongst staff and inadequate physical facilities.

On October 3, 2000, the government invoked emergency powers to take control of operations at MWCC. Citing the failure of CCA "to appreciate the full range of their contractual obligations,"<sup>8</sup> as well as a catalogue of operational problems and policy flaws, the government terminated the contract with Excor principals Corrections Corporation of America and Sodexho on October 30, 2000, taking the ownership and operation of MWCC into the public sector. Meanwhile, in Queensland, a 1999 commission of inquiry found that CC Australia's existing contracts (including at Borallon and Wackenhut subsidiary ACM at Arthur Gorrie Correctional Centre) "did not reflect best practice"<sup>9</sup> and the government ended CC Australia's involvement in the state in 2000. Following the loss of its Australian contracts, and leaving a wake of negative and controversial findings, CCA sold its 50 percent holdings in CC Australia to Sodexho in 2000, instead focusing its attention on the United States.



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<sup>1</sup> "Jail staff in union talks," *Australian*, September 19, 1996.

<sup>2</sup> 12 Months At Australia's First Private Women's Prison, Media Conference, August 10, 1997, Federation of Community Legal Centres (Vic) Inc.

<sup>3</sup> Victorian Hansard, 5 December 1996.

<sup>4</sup> Freedom of Information request by Essendon community Legal Centre 1997.

<sup>5</sup> Federation of community Legal Centres Submission to the Russell Review 2000, MWCC Commissioner's Monthly Compliance Report, October 1999, released October 2000.

<sup>6</sup> Report to Department of Human Services of Health Services MWCC Clinical Audit, July 2000.

<sup>7</sup> *Audit review of Government Contracts, Contracting, Privatisation, Probity and Disclosure in Victoria 1992-1999, An Independent Report to Government*, May 2000. *Report of the Independent Investigation into the Management and Operations of Victoria's Private Prisons* (The Kirby Report), October 2000.

<sup>8</sup> *Correctional Services Commissioner's Report on Metropolitan Women's Correctional Centre's Compliance with its Contractual Obligations and Prison Services Agreement*, Office of the Correctional Services Commissioner, Department of Justice, No. 40, Session 1999-2000, September 13, 2000.

<sup>9</sup> *Corrections in the Balance: A Review of Corrective Services in Queensland*, January 1999.

## 12. CCA Attempts Takeover of Entire Tennessee Prison System

In 1985 the Tennessee prison system was in crisis. The state's prisons were dramatically overcrowded thanks to a push to expand incarceration through tough-on-crime policies like mandatory minimum sentencing laws. Governor Lamar Alexander, whose wife Honey was an early investor in Corrections Corporation of America, called a special session of the legislature to deal with a federal court order that ruled the Tennessee prison system needed 7,000 prison beds to relieve its unconstitutionally overcrowded conditions.

As a result, CCA proposed an audacious and at the time unheard of solution.<sup>1</sup> The company offered to buy the entire Tennessee prison system for \$50 million in downpayment, \$50 million over the course of 20 years, and a promise to make \$150 million in improvements to the system. In return, CCA would be paid up to \$175 million a year to operate the system and would be granted a 90 year lease.<sup>2</sup>

Governor Alexander was quick to endorse the idea, and the proposal splashed the company on the front page of the *New York Times* with a headline reading "Company Offers to Run Tennessee's Prisons."<sup>3</sup> Tennessee eventually turned down the offer to privatize its entire prison system. However, the state passed the Private Prison Contracting Act of 1986, which authorized the state to contract with a private company to operate one state prison. Additionally, the media exposure helped the company to build its reputation, and paved the way for future prison takeover attempts. CCA co-founder Don Hutto commented, "It forced everyone to take us seriously. The offer ran on a

full front page of the afternoon paper. We were a national story."<sup>4</sup>

CCA later attempted to take over Tennessee's entire prison system a second time. In April 1997, Tennessee Representative Matt Kisber announced that closed-door meetings had been held with lawmakers and CCA lobbyists. Kisber joined Lieutenant Governor John Wilder in sponsoring a system-wide prison privatization bill, drafted by a CCA lobbyist. As well as citing potential budget savings of up to \$100 million a year, CCA offered to pay an additional \$100 million "franchise fee" to operate Tennessee's prisons.

In the process of promoting the prison privatization bill, multiple close connections between CCA and local politicians were unearthed, most notably around the Nashville franchise Red Hot & Blue Barbecue. The franchise was founded by Governor Sundquist and his partners included CCA chairman emeritus Tom Beasley, Speaker of the House Jimmy Naifeh, the governor's wife Martha, and none other than Rep. Matt Kisber. Naifeh and Kisber disinvested in Red Hot & Blue after their partnership with Beasley became public knowledge. The bill was finally withdrawn on April 14, 1998. Rather ominously, CCA spokesperson Susan Hart commented, "There are always future [legislative] sessions."<sup>5</sup>



<sup>1</sup> Sam Howe Verhovek, "Politics: Personal Finances; Alexander Still Draws Scrutiny for Making Small Investments Pay Well," *New York Times*, February 28, 1996. <<http://www.nytimes.com/1996/02/28/us/politics-personal-finances-alexander-still-draws-scrutiny-for-making-small.html?pagewanted=all&src=pm>>

<sup>2</sup> Donna Selman and Paul Leighton (2010) *Punishment for Sale*. Plymouth: Rowman & Littlefield Publishers, Inc., pg. 61.

<sup>3</sup> Donna Selman and Paul Leighton (2010) *Punishment for Sale*. Plymouth: Rowman & Littlefield Publishers, Inc., pg. 62.

<sup>4</sup> *Ibid.*

<sup>5</sup> Alex Friedmann, "Tennessee Prison Privatization Bill Fails to Pass," *Prison Legal News*. <[https://www.prisonlegalnews.org/3792\\_displayArticle.aspx](https://www.prisonlegalnews.org/3792_displayArticle.aspx)>



## 13. Columbia Training Center Juvenile Abuse

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Juveniles are frequently taken advantage of as amongst the most vulnerable populations in the criminal justice system. One egregious example comes from the Columbia Training Center, a now-shuttered juvenile facility in Richland, South Carolina.

The Columbia Training Center was renovated from a mental health treatment center into a juvenile detention facility in the 1990s. Originally run by Rebound, it was intended to hold young offenders temporarily until they could be placed in a wilderness treatment program.<sup>1</sup> In 1996, the state decided to end its contract with Rebound and instead rely on Corrections Corporation of America to manage the facility. CCA took control in June; by August, seven young people incarcerated there had escaped (all were recaptured). CCA blamed the building, saying that it was never meant to house 400 people.

Seven escapes pale in comparison to the rampant allegations of abuse that came out of the Columbia

Training Center. A lawsuit filed on behalf of William P, a fourteen-year old boy, successfully demonstrated that the boy had not just been physically abused, but that such abuse was an outcome of a CCA corporate policy of using excessive force to control teens at the center.<sup>2</sup> William, who was five feet tall and under 100 pounds, was maced, hog-tied, and placed in a cell with a much larger boy known to be a violent risk.<sup>3</sup> His story was repeated by teens who alleged similar abuse, such as being dragged through urine, improperly shackled, and subjected to teargas. A jury reached a verdict against CCA for \$3 million in punitive damages after finding that the facility had a policy or practice of abusing kids. CCA was also ordered to pay \$125,000 in damages to William P. Only a year into CCA's operation of the facility, South Carolina ended its contract with CCA, citing numerous problems and continued dissatisfaction.



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<sup>1</sup> "Jail firm may run juvenile facility;" *St. Petersburg Times*, February 26, 1997.

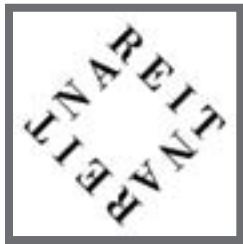
<sup>2</sup> Private Corrections Working Group, "South Carolina Hall of Shame," December 15, 2000. <[http://privateci.org/south\\_carolina.htm](http://privateci.org/south_carolina.htm)>

<sup>3</sup> Tara Herival and Paul Wright, eds. *Prison Profiteers: Who Makes Money from Mass Incarceration* (2007) New York: W. W. Norton & Company, Inc., pg. 174.

## 14. 1990s REIT Disaster and Near Bankruptcy

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Real Estate Investment Trust, or REIT, is a category in the IRS code for companies whose primary business is in real estate, and those categorized as REITs are required to distribute at least 90% of taxable income to shareholders in the form of dividends.



Fifteen years ago, Corrections Corporation of America bet that a conversion to a REIT would produce enough surplus cash on hand necessary for its ambitious expansion plans. To this end, CCA Prison Realty Trust, a REIT registered in Maryland, went public in July 1997 and raised more than \$400 million from its initial public offering (IPO). Most of the IPO proceeds were used to purchase nine facilities from CCA, which then leased them back and continued operating them under government contracts. Nine months after CCA Prison Realty Trust was established, it and CCA announced a plan under which the REIT would acquire CCA, the management company. By operating as a subsidiary of the REIT, CCA could be controlled by insiders and freed from the direct obligation of reporting quarterly earnings growth, while CCA Prison Realty Trust would enjoy REIT tax benefits as the owner of CCA's prisons.

In the immediate aftermath of the merger/REIT conversion, CCA launched what then appeared

to be a full-fledged prison speculation campaign. In July 1999, CCA announced plans to build a 2,000-bed, \$100 million facility in California City, California, despite not having secured a contract with the state to fill the prison. CCA made similar speculative choices in Georgia and Utah months later. Predictably, CCA's speculative binge prevented the firm from meeting its REIT dividend obligations, and CCA Prison Realty Trust soon fell into default under the terms of its \$1 billion credit agreement. In June 2000, the company shed its REIT classification; when the dust had finally settled, CCA reported that it had lost an astounding \$730 million, or 85 percent of its market capitalization. At the beginning of 2000, CCA's shares were valued at \$1. And to add insult to injury, CCA's poor performance cost the company over \$100 million in shareholder lawsuit settlements.

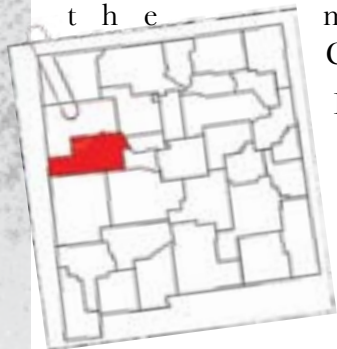
Yet, following this disastrous attempt to become a REIT, CCA obviously did its homework the second time around. The company made the successful claim to the Internal Revenue Service that the money they collect from government bodies for holding prisoners is essentially the same as rent collection, achieving REIT status in 2013. CCA's Chief Executive Damon T. Hininger said, "The good news about this is that we are going to be able to enjoy a full year of tax savings for 2013."<sup>1</sup>

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<sup>1</sup> Nathaniel Popper, "Restyled as Real Estate Trusts, Varied Businesses Avoid Taxes," *The New York Times*, April 21, 2013. <<http://www.nytimes.com/2013/04/22/business/restyled-as-real-estate-trusts-varied-businesses-avoid-taxes.html?pagewanted=all>>

## 15. CCA, A True Community Player

Corrections Corporation of America shamelessly depicts itself as a positive business model that is locally advantageous for communities. However, the company's performance as "a strong corporate citizen" that "contributes generously to host communities" jars sharply against the reality.<sup>1</sup> Several glaring incidents have brought CCA's operation as a community partner into question, the most recent of which was in Cibola County, New Mexico.



In December 2012, CCA sought to take back more than \$1.4 million that had already been distributed throughout Cibola County, where the company operated two county prisons. CCA filed

a tax dispute settlement against the county, protesting three years of property tax assessments at the prisons. The county commission found that CCA's tax value had been over-assessed, requiring that Cibola County pay CCA back more than \$1.4 million. The amount paid by CCA had already been distributed to several local groups including the Cibola General Hospital, the Grants/Cibola County Schools and NUMSU-Grants. County Assessor Pablo Savendra, who made the appraisal, commented, "I made a fair market assessment on both properties of CCA. If the commission so chooses to support CCA rather than the residents of Cibola County, so be it." County Manager Scott Vinson added, "Letters are going out next week to each group it will affect. Thankfully the hospital is

in great shape. However, we may need to work with the college (NMSU-Grants) a little."<sup>2</sup>

CCA's benefit to its surrounding communities has also been called into question through its efforts to forcefully impose facilities on towns despite their opposition. One clear example of CCA's disregard for public opinion comes from Pembroke Pines, Florida, where the company sued an entire town for trying to "disrupt and derail" plans to build an immigration detention center.<sup>3</sup> CCA brought a federal lawsuit against Pembroke Pines in March 2012, claiming that city officials were interfering in their plans to build the detention facility. Opposition was widespread from residents in Pembroke Pines, with the local government refusing to provide necessary water and sewer services to the proposed site. CCA attempted to sway public opinion by barraging homeowners with a flood of robocalls. Local resident Ryann Greenberg, who organized hundreds of residents in opposition, said, "They're trying to bully their way into this contract."<sup>4</sup> Rather than taking town opinion into consideration, CCA refused to budge on its construction plans, even after the Immigration and Customs Enforcement abandoned its plans for the facility.<sup>5</sup> In March 2013, CCA's federal lawsuit against Pembroke Pines was sent back to the state court for further proceedings.<sup>6</sup>



<sup>1</sup> Corrections Corporation of America. See <[www.cca.com/about](http://www.cca.com/about)>

<sup>2</sup> Donald Jaramillo, "No Communication Results in \$1.3 Million County Payback," *Cibola Beacon*, April 16, 2013. <[http://www.cibolabeacon.com/news/no-communication-results-in-million-county-payback/article\\_666d5b7c-a65b-11e2-a251-0019bb2963f4.html](http://www.cibolabeacon.com/news/no-communication-results-in-million-county-payback/article_666d5b7c-a65b-11e2-a251-0019bb2963f4.html)>

<sup>3</sup> Chris Kirkham, "Corrections Corporation of America Sues Florida Town For Blocking New Detention Center," *Huffington Post*, March 9, 2012. <[http://www.huffingtonpost.com/2012/03/09/corrections-corporation-of-america-immigrant-detention\\_n\\_1336071.html](http://www.huffingtonpost.com/2012/03/09/corrections-corporation-of-america-immigrant-detention_n_1336071.html)>

<sup>4</sup> *Ibid.*

<sup>5</sup> Daniel Chang, "Southwest Ranches ICE detention center dead, but fight rages on," *The Miami Herald*, July 1, 2012. <<http://www.miamiherald.com/2012/07/01/2877692/southwest-ranches-ice-detention.html>>

<sup>6</sup> Heather Carney, "Judge Tosses Lawsuit Against Pembroke Pines Over Southwest Ranches Immigration Detention Center," *Huffington Post*, March 22, 2013. <[http://www.huffingtonpost.com/2013/03/22/cca-lawsuit-pembroke-pines-southwest-ranches\\_n\\_2929423.html](http://www.huffingtonpost.com/2013/03/22/cca-lawsuit-pembroke-pines-southwest-ranches_n_2929423.html)>

## 16. Oklahoma: Tulsa Takes Back Its County Jail

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In August 1999, Corrections Corporation of America was brought in by officials in Tulsa, Oklahoma, to operate their new jail, the David L. Moss Criminal Justice Center. Only a month into CCA's operation of the facility, an employee had mistakenly allowed a prisoner to post bond after incorrectly recording the nature of her offense. "This is not something we're excited about having had happened," CCA's assistant warden told a reporter.



Yet this would turn out to be the first in a series of snafus through which at least a dozen prisoners were accidentally released from custody at the jail.

Some of the mistaken releases were the result of administrative errors, but CCA employees at the Tulsa jail had also been fooled by prisoners who impersonated others scheduled for release. In one case, a CCA employee mistakenly opened a secure door and allowed a prisoner to walk right out the front door of the jail. CCA officials have tended to place the blame for incidents on low-level employees, some of whom have been disciplined or fired. Yet one of those fired workers told a reporter: "I was never trained how to read court documents ... No one ever gave me any formal training on how to do anything there."<sup>1</sup>

In March 2002 the Tulsa County Criminal Justice Authority penalized CCA \$5,625 in connection with the erroneous releases of three prisoners the month before. CCA Warden Don Stewart responded to the Authority's action by saying, "We do take responsibility."<sup>2</sup>

As well as a catalogue of escapes and releases, the facility was plagued with further controversies. It was reported that people incarcerated were charged \$8 for aspirin and made to wait for a week to see a doctor. One critic charged: "This puts their ethical standing lower than confined animal feeding operators." "A former CCA supervisor at the jail, Eugene B. Pendleton, was charged with second degree rape of two female prisoners. Pendleton had spent 17 years in prison for murder." Don Stewart, the jail's warden, acknowledged being aware of Pendleton's murder conviction, commenting, "Prospective employees with felony convictions are not automatically excluded from employment."<sup>3</sup>

The series of failures at the David L. Moss Criminal Justice Center eventually led to the facility's takeover by Tulsa County in 2005. Commenting on the Tulsa County Commission's decision, then-CCA president and CEO John Ferguson stated, "Although we are disappointed with the decision of the Tulsa County Commission, we are very proud of our accomplishments during our tenure as the manager of the D.L. Moss jail."<sup>4</sup>

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<sup>1</sup> Susan Hylton, "CCA Supervisor Fired Over Mistaken Inmate Releases," *Tulsa World*, June 7, 2001.

<sup>2</sup> Susan Hylton, "Jail Authority to Dock CCA's Pay," *Tulsa World*, March 23, 2002.

<sup>3</sup> AFSCME, "Tumultuous Times in Tulsa," *Fall 2002 ACU Newsletter*. <<http://www.afscme.org/news/publications/newsletters/afscme-corrections-united/fall-2002-acu-newsletter/tumultuous-times-in-tulsa>>

<sup>4</sup> Corrections Corporation of America, "CCA Announces Transition of the David L. Moss Criminal Justice Center." <<http://www.cca.com/newsroom/news-releases/25/>>

## 17. "Our Country Should Be Ashamed": The Idaho 'Gladiator School'

Topping the list of institutions plagued by systemic conditions of violence and brutality is the Idaho Correctional Center (ICC) or the so-called "Gladiator School." ICC has the reputation of being one of the most violent correctional facilities in the nation, earning its nickname from the persistent outbreaks of violence at times watched and even incited by Corrections Corporation of America's guards.<sup>1</sup>



A 2010 Associated Press report revealed that the facility had more assaults than all other Idaho state prisons combined and CCA has settled several lawsuits concerning severe attacks at the center, including the video taped incident of prisoner Hanni Elabed in January 2010.<sup>2</sup> The publicly released surveillance footage shows Elabed being severely beaten by another prisoner, managing to bang on a guard station window and plead for help as guards make no attempts to intervene until Elabed is knocked unconscious. Following the attack, which put Elabed into a three-day coma, CCA officials had transferred Elabed from a hospital against his doctor's advice to a cheaper in-prison facility before he was able to receive significant treatment.<sup>3</sup> The Elabed family and CCA reached a confidential settlement regarding the attack.

This was just one of multiple lawsuits that emerged from a string of brutal incidences, detailing guards deliberately allowing and even allegedly exposing prisoners to assaults as a tool of social management,

and denying medical care to prisoners in their facilities in order to save money and cover up the number of attacks. In 2010, the escalating levels of violence at the center led the ACLU to file a federal class action lawsuit on behalf of prisoners against ICC officials and CCA, highlighting twenty-four separate cases of preventable assault that occurred between 2006 and 2010.<sup>4</sup> Stephen Pevar, senior attorney for the ACLU, said that from all his experience in suing over 100 jails and prisons, he had never seen anything like the level of violence at ICC, adding, "[our] country should be ashamed to send human beings to that facility."<sup>5</sup> CCA settled with the ACLU in 2011, and agreed to make staffing and safety changes at the facility to curb the high levels of violence.

However, despite a constitutional duty and legally binding settlement agreement to protect prisoners from violence, the facility remains plagued by reports of assaults. In March 2012, prisoner Jacob Clevenger sued CCA over a severe attack at ICC that he claims staff neglected to protect him from, when they placed him in a cell block knowing he was at great physical risk of attack from rival gang members. A separate lawsuit filed by eight prisoners in November 2012 is currently in progress, alleging that CCA officers still use gang violence as a means to control the incarcerated population. The ACLU continues to express concerns about safety at the center, highlighting CCA's possible violation of the 2011 settlement agreement.<sup>6</sup>



<sup>1</sup> Rebecca Boone, "ACLU sues over Idaho prison so violent it's called 'gladiator school' by inmates," *The Associated Press*, March 11, 2010. <[http://www.oregonlive.com/news/index.ssf/2010/03/aclu\\_sues\\_over\\_idaho\\_prison\\_so.html](http://www.oregonlive.com/news/index.ssf/2010/03/aclu_sues_over_idaho_prison_so.html)>

<sup>2</sup> Rebecca Boone, "Idaho man sues prison company over alleged beating," *The Associated Press*, April 28, 2010. <<http://www.correctionsone.com/treatment/articles/2054719-Idaho-man-sues-prison-company-over-alleged-beating/>>

<sup>3</sup> Rebecca Boone, "ACLU Suing Correction Corp. of America," *The Associated Press*, March 11, 2010. <<http://www.correctionsone.com/treatment/articles/2017869-ACLU-suing-Corrections-Corp-of-America/>>

<sup>4</sup> "Rebecca Boone, "ACLU sues over Idaho prison so violent it's called 'gladiator school' by inmates," *The Associated Press*, March 11, 2010. <<http://www.oregonlive.com/news/>

index.ssf/2010/03/aclu\_sues\_over\_idaho\_prison\_so.html><sup>5</sup> “ACLU sues over Idaho prison so violent it’s called ‘gladiator school’ by inmates,” *The Associated Press*, March 11, 2010.

<sup>5</sup> Philip A. Janquart, “Brutality Alleged at Private Prison,” *Courthouse News Service*, March 26, 2012. <<http://www.courthousenews.com/2012/03/26/44997.htm>>

<sup>6</sup> Rebecca Boone, “ACLU-Idaho Says Corrections Corporation of America May Be Violating ‘Gladiator School’ Settlement,” *Huffington Post*, November 14, 2012. <[http://www.huffingtonpost.com/2012/11/14/aclu-idaho-corrections-corporation-of-america-gladiator-school-\\_n\\_2133450.html](http://www.huffingtonpost.com/2012/11/14/aclu-idaho-corrections-corporation-of-america-gladiator-school-_n_2133450.html)>

## 18. CCA Lobbies Against Transparency

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The private prison industry often touts its ability to provide cost savings and better operations than the public sector. However, neutral studies often find that private prisons save little, if any, taxpayer dollars, and often correlate with high staff turnover rates, lack of programming, and poor quality of care for those incarcerated.<sup>1</sup>

The industry as a whole, and Corrections Corporation of America in particular, have spent considerable resources to ensure that private prisons are not subject to the same levels of transparency as publicly-operated facilities. CCA has actively lobbied against further efforts to subject it to transparency laws.

Existing federal Freedom of Information Act (FOIA) regulations do not extend to private prisons. However, advocates and legislators have for years argued that privately-contracted facilities should be subject to open records law. Since 2005, legislators have introduced the Private Prison Information

Act (PPIA), a federal bill that would subject private prisons to the same open records laws as publicly operated facilities. Yet each hearing has been met with staunch resistance from the private prison industry, swiftly dying in or before subcommittee hearings.<sup>2</sup> CCA has led this attack, spending more than \$7 million lobbying against various incarnations of the Private Prison Information Act since 2007.<sup>3</sup>

CCA's efforts to obscure transparency aren't limited to lobbying efforts. The company has also encouraged shareholders to vote against transparency measures. In 2012, CCA's board of directors unanimously recommended shareholders vote against a shareholder resolution that would require the company to report on what CCA was doing to reduce incidents of rape and sexual abuse in its for-profit prisons. The resolution failed to pass and CCA filed a no-action letter with the SEC.<sup>4</sup>

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<sup>1</sup> For neutral studies see: "Private and Public Prisons: Studies Comparing Operational Costs and/or Quality of Service" *Government Accounting Agency*, August 16, 1996. <<http://www.gao.gov/products/GGD-96-158>> and Arizona State Auditor Study, September 2010. <[http://www.privateci.org/private\\_pics/AZAuditNov2011.pdf](http://www.privateci.org/private_pics/AZAuditNov2011.pdf)>

<sup>2</sup> Christopher Petrella, "Private Prisons Currently Exempt from Freedom of Information Act," *NationofChange*, September 25, 2012. <<http://www.nationofchange.org/private-prisons-currently-exempt-freedom-information-act-1348581256>>

<sup>3</sup> OpenSecrets, "Lobbying Spending Database - Corrections Corporation of America, 2012," <<http://www.opensecrets.org/lobby/clientbills.php?id=D000021940&year=2012>>

<sup>4</sup> Jonathan Meador, "CCA Board Votes Down Resolution on Reporting Rape, Sexual Abuse Statistics," *Nashville Scene*, May 10, 2012. <<http://www.nashvillescene.com/pitw/archives/2012/05/10/cca-board-votes-down-resolution-on-reporting-rape-sexual-abuse-statistics>>



## 19. CCA and ALEC's Conservative Agenda

**A**LEC, the American Legislative Exchange Council, is a political organization known for incubating and proliferating conservative political agendas that have found notorious success in a variety of policy-making areas, including criminal justice and specifically in support of the for-profit private prison industry. At its founding in 1973, ALEC's statement of purpose included language indicating that the organization would not focus its energies on influencing legislation. However, by the 1980's, the organization shifted focus to influencing lawmakers at the state level by drafting and disseminating model legislation

Although ALEC touts itself as the largest "membership association of state legislators," almost 98% of its revenue comes from sources other than legislative membership dues, such as corporations, trade associations and corporate foundations. ALEC has over 300 corporate members which all pay between \$7,000 and \$25,000 for basic membership, plus additional fees to sit on one of eight national task forces, as well as the opportunity to give corporate gifts. The millions ALEC receives in corporate support is used to pay for annual gatherings, trips, and meetings where industry and special interest groups participate with lawmakers in developing model legislation. The State Policy Network calls ALEC a "corporate bill mill" where "corporations hand state legislators their wishlists to benefit their bottom line."<sup>1</sup>

Current corporate members of ALEC include household names such as AT&T, Bristol-Meyers Squibb, Chevron, Comcast, Dupont, the United Parcel Service and Visa. Also included in this list are notorious conservative institutions like Cato, Koch Industries, the Free State Foundation, and the NRA.

Corrections Corporation of America was a corporate member of ALEC for over two decades and participated in key leadership roles within

the organization with members on the Executive Committee, the Homeland Security Committee, and on the Public Safety and Elections Task Force whose agenda has included tough-on-crime measures that drove up incarceration rates, benefiting private prison corporations.

CCA's influence in ALEC has been widespread. The company was a member of the Public Safety Task Force, at one time serving as co-chair. This task force developed model legislation including mandatory minimum sentencing, three strikes laws that give repeat offenders 25 years to life, and "truth-in-sentencing" laws that require that prisoners serve most or all of their time without a chance for parole.<sup>3</sup>

In 2010, State Senator Russell Pearce of Arizona championed and successfully passed SB 1070, legislation that requires state and local law enforcement officials to determine the immigration status of people with whom they come into "lawful contact," which has increased the flow of undocumented immigrants into detention (see #21). The law has been the subject of numerous legal challenges on the basis that it will be enforced through racial profiling of Latinos. The model for SB 1070 was developed in 2009 in a Public Safety and Elections Task Force meeting attended by both Pearce and representatives of CCA.<sup>4</sup> CCA is reported to have identified immigration as a profit-center for the growth of the private prison industry. The private prison industry operates about half of all immigrant detention facilities, and as such, SB 1070 and other anti-immigration legislation that ALEC has advanced is money in the pockets of CCA executives, shareholders, and their industry counterparts. Although CCA reportedly left ALEC in 2011, the legacy and influence of the company's affiliation with ALEC is long lasting.





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<sup>1</sup> "Alec Politicians - Source Watch." <[http://www.sourcewatch.org/index.php/ALEC\\_Politicians](http://www.sourcewatch.org/index.php/ALEC_Politicians)>.

<sup>2</sup> John Biewen, "Corporate-Sponsored Crime Laws," April 2002. <<http://www.americanradioworks.org/features/corrections/index.html>>

<sup>3</sup> Mike Elk and Bob Sloan, "The Hidden History of ALEC and Prison Labor," *The Nation*, August 1, 2011. <<http://www.thenation.com/article/162478/hidden-history-alec-and-prison-labor>>

<sup>4</sup> "How Corporate Interests Got SB 1070 Passed," *NPR Talk of the Nation*, November 9, 2010. <<http://www.npr.org/2010/11/09/131191523/how-corporate-interests-got-sb-1070-passed>>

## 20. The Revolving Door: Insider Connections Win Big Contracts for CCA

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Corrections Corporation of America has long relied on the revolving door between public corrections and private profit to help the company gain influence with state, local, and federal agencies and lawmakers. The following is a short list of some of the company's leadership and their former positions in government which has been compiled using researched produced by Private Corrections Institute.

**CCA Chief Corrections Officer Harley G. Lappin** is a former director of the federal Bureau of Prisons (BOP). He resigned from the BOP shortly after being arrested for driving under the influence. During Lappin's tenure at the BOP, the agency gave a \$129 million contract to CCA to incarcerate immigrants in a facility in Adams County, Mississippi.<sup>1</sup> The facility later exploded in a riot over lack of food and health care.<sup>2</sup>

**Senior Vice President J. Michael Quinlan**, who oversees CCA's quality assurance program, is a former director of the BOP. He was sued by a BOP employee who claimed Quinlan had sexually harassed him in a hotel room; the case settled confidentially.<sup>3</sup>

**CCA Board chairman and former CEO John D. Ferguson** is a former Tennessee Commissioner of Finance and Administration. CCA has three contracts with the Tennessee Department of Correction. Ferguson was one of the members of Governor Don Sundquist's Transition Advisory Council, appointed to advise on policy matters when the state was considering privatizing up to 70 percent of its prison system.<sup>4</sup>

**Board member Dennis DeConcini** is a former U.S. senator from Arizona, and a member of the

"Keating Five" – a group of five senators accused of corruption in connection with the Savings and Loan scandal. The Senate Ethics Committee ruled that he had acted improperly by interfering with an investigation by the Federal Home Loan Bank Board, but he was not sanctioned or disciplined. He also currently serves on the Arizona Board of Regents.<sup>5</sup>

**Board member Thurgood Marshall Jr.** was cabinet secretary to President Clinton and director of legislative affairs and deputy counsel to Vice President Al Gore.<sup>6</sup>

**Board member Donna M. Alvarado**, previously a deputy assistant to the U.S. Secretary of Defense, counsel for the U.S. Senate Judiciary Committee's Subcommittee on Immigration and Refugee Policy, and staff member of the U.S. House

of Representatives Select Committee on Narcotics Abuse and Control.<sup>7</sup>

As well as hiring former government officials, and its controversial involvement with ALEC, CCA continues to cultivate many profitable relationships with government officials through its generous campaign contributions. The most notable of these political connections has been in California. In 2007-08 alone, CCA contributed \$234,500 to California lawmakers, as well as about \$45,000 per quarter on lobbyists in California. That same year, following Governor Arnold Schwarzenegger's emergency proclamation regarding prison overcrowding, the legislature approved AB 900, giving the state greater authority to transfer people incarcerated to private prisons outside the state.

In 2009, CCA contributed \$100,000 to Schwarzenegger's "Budget Reform Now" coalition. Six months later, the California Department of



Corrections and Rehabilitation made the decision to send an additional 2,336 prisoners to CCA's prisons, extending their contract in a deal worth more than \$54 million a year.<sup>8</sup> CCA saw the value of its contracts with California soar from nearly \$23 million in 2006 to \$700 million in 2009. The

31-fold increase in CCA's contracts over three years rose exponentially with the company's campaign donations, from \$36,750 in 2006 (of which \$25,000 went to the Republican Party) to \$233,500 in 2007-2008, followed by nearly \$139,000 in 2009.<sup>9</sup>

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<sup>1</sup> Bob Libal, "Humpday Hall of Shame: CCA's Harley Lappin," *Grassroots Leadership*, October 12, 2011. <<http://grassrootsleadership.org/blog/2011/10/humpday-hall-shame-ccas-harley-lappin>>

<sup>2</sup> Aviva Shen, "FBI Agent: Deadly Riot in Corporate-Run Prison Due to Complaints of Inadequate Food and Health Care," *ThinkProgress*, August 14, 2012. <<http://thinkprogress.org/justice/2012/08/14/686361/fbi-agent-deadly-riot-in-corporate-run-prison-due-to-complaints-of-inadequate-food-and-health-care/>>

<sup>3</sup> James Ridgeway, "Federal Prison Director Defects to Private Prison Company," *Mother Jones*, June 3, 2011. <<http://www.motherjones.com/mojo/2011/06/federal-prison-director-takes-job-private-prison-company>>

<sup>4</sup> Tennessee Department of Correction, "State Prisons." <<http://www.tn.gov/correction/institutions/stateprisons.html>>

<sup>5</sup> Mari Herrerias, "Morals Before Profit: Activists demand that former U.S. Sen. Dennis Concini resign from a private-prison company's board," *Tucson Weekly*, March 29, 2012. <<http://www.tucsonweekly.com/tucson/morals-before-profit/Content?oid=3268846>>

<sup>6</sup> Bingham McCutchen Ltd., "Thurgood Marshall Jr." <<http://www.bingham.com/People/Marshall-Thurgood>>

<sup>7</sup> "CCA increasing size of board with Alvarado appointment," *Nashville Business Journal*, December 12, 2003. <<http://www.bizjournals.com/nashville/stories/2003/12/08/daily39.html>>

<sup>8</sup> Protect Consumer Justice, "Politically connected private prison operators are landing more business," November 25, 2009. <<http://www.protectconsumerjustice.org/private-prison-operator-gets-more-business-after-100k-donation-to-schwarzenegger.html>>

<sup>9</sup> John Howard, "Private prison company finds gold in California," *Capitol Weekly*, January 28, 2010. <<http://www.capitolweekly.net/article.php?xid=yl82yocf9d1au>>

## 21. CCA Helps Develop the Detention Business, Profits from Arizona's Immigration Law SB1070

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In April 2010, the nation took a collective gasp when SB 1070 was signed into law by Arizona Governor Jan Brewer. The bill was by far the most sweeping and harsh state-level immigration enforcement bill in the nation. It implemented a so-called “show-me-your-papers” provision which criminalized failing to carry proper immigration documents and gave police broad powers to detain anyone even suspected of being undocumented, raising fears of mass racial profiling against Latinos.<sup>1</sup>

Critics of the bill argued that it would lead to a dramatic increase in the number of immigrants held in detention centers. Corrections Corporation of America is the nation's largest detainer of immigrants, and stood to directly benefit from the law's implementation.

In fact, it appears that the company did play a role in the development of SB 1070. The bill was originally drafted by Arizona State Senator Russell

Pearce. Pearce, whom the Southern Poverty Law Center has described as having an “astonishing” level of “paranoia and bigotry,”<sup>2</sup> then took the bill to the American Legislative Exchange Council (ALEC), where he sat on the Public Safety Task Force. CCA also was a long-time member of this task force.<sup>3</sup>

According to NPR, CCA had a representative at a secretive ALEC meeting where model immigration legislation was drafted that later became SB 1070. Governor Brewer, who signed the bill, has close ties to CCA. Her spokesman

Paul Senseman and campaign manager Chuck Coughlin are former lobbyists for private prison companies. What is more, 30 of SB 1070's 36 sponsors received donations from lobbyists for the private prison industry (see #19).<sup>4</sup>



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<sup>1</sup> Randal C. Archibold, “Arizona Enacts Stringent Law on Immigration,” *New York Times*, April 23, 2010. <<http://www.nytimes.com/2010/04/24/us/politics/24immig.html>>

<sup>2</sup> Leah Nelson, “The Astonishing Bigotry and Paranoia of Russell Pearce,” *Southern Poverty Law Center*, July 18, 2012. <<http://www.splcenter.org/blog/2012/07/18/the-astonishing-bigotry-and-paranoia-of-russell-pearce/>>

<sup>3</sup> “How Corporate Interests Got SB 1070 Passed,” *NPR Talk of the Nation*, November 9, 2010. <<http://www.npr.org/2010/11/09/131191523/how-corporate-interests-got-sb-1070-passed>>

<sup>4</sup> Laura Sullivan, “Prison Economics Help Drive Arizona Immigration Law,” *NPR Morning Edition*, October 28, 2010. <<http://www.npr.org/2010/10/28/130833741/prison-economics-help-drive-ariz-immigration-law>>

## 22. Family Detention and Sexual Abuse at Hutto

Nominally a “residential facility,” T. Don Hutto is a former medium-security prison, secured by patrol cars and situated between a baseball field and a highway overpass, separated from the more affluent part of town by train tracks.

In 1997, with support from officials in Taylor, Texas who hoped a prison would bring \$4 million to the local economy, Corrections Corporation of America (CCA) built Hutto as a medium-security prison for males from Texas and Oregon. Eventually Hutto became a federal pre-trial detention center but, by 2003, CCA’s contracts did not supply enough federal detainees to make Hutto profitable. CCA and city officials declared that the only way to generate a profit would be to change Hutto from a prison to a detention center.

When Hutto re-opened as ICE’s second “family residential facility” in 2006, it increased ICE’s family detention capacity from 84 beds to a total of 592. The majority of Hutto’s detained families were asylum-seekers from Central America, Africa, Eastern Europe, and Iraq.

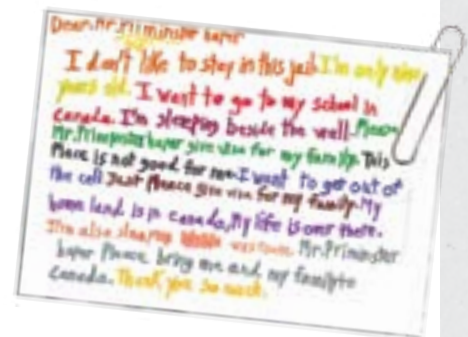
In the three years that followed, Hutto became perhaps the most notorious immigrant detention center in the United States, sparking dozens of protests, grassroots and major media scrutiny, litigation, and congressional inquiry. As activists protested outside of Hutto, attorneys were shocked by what they found inside. Detained mothers reported appalling conditions to their attorneys; families shared small cells without privacy; children were dressed in prison scrubs; detained persons were constrained to strict, prison-like schedules

regardless of religious concerns.

Conditions at Hutto violated nearly every right granted to children in ICE custody by *Flores v. Meese*, a 1997 settlement that stipulated immigration procedures for all minors in ICE custody. So, in March of 2007, the ACLU, The University of Texas Immigration Law Clinic, and a private law firm sued the Department of Homeland Security for the release of 26 children detained in Hutto. Arguing that the conditions at Hutto caused irreparable harm to detained children and that the *Flores* settlement stated that both release and family unity should be ICE policy, the attorneys sought to close Hutto by showing that it was grossly out of compliance with existing law. The Hutto settlement outlined massive compliance failures, ranging from inadequate education, medical care, and nutrition, to dangerous living quarters for toddlers and infants, to lack of attorney-client confidentiality. The Obama administration announced the end of family detention at Hutto in August of 2009 but fell short of closing Hutto altogether.

Hutto has been the subject of two federal sexual abuse investigations and a class-action lawsuit filed by the ACLU in 2011 on behalf of immigrant women who alleged they were sexually assaulted while in the custody of the U.S. Immigration and Customs Enforcement (ICE) in Texas. CCA employee Donald Charles Dunn was found guilty of sexually abusing at least 8 female immigrant detainees while transporting them from the facility.<sup>1</sup> Dunn was sentenced to 10 months in federal prison.

<sup>1</sup> Federal Contractor Misconduct Database – POGO, “Corrections Corporation of America - Sexual Abuse of Immigrant Detainees in Texas,” October 19, 2011. <<http://www.contractormisconduct.org/index.cfm/1,73,222,html?CaseID=1713>>



## 23. "It's Been A Nightmare": Violence and Death at Youngstown

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The Northeast Ohio Correctional Center (NOCC) was built by Corrections Corporation of America in Youngstown, Ohio and stands out as a catastrophic failure in CCA's checkered history of mismanagement and human rights violations. It was built (with free land and a 75% tax abatement from the city) to house prisoners from the District of Columbia. Almost from the moment it opened in May 1997, the facility was plagued with violence and unrest, including multiple stabbings, two murders, medical-related deaths, and extensive use of tear-gas on prisoners. When discussing the Youngstown facility, Peter Davis, director of the Ohio Correctional Institution Inspection Committee, said "there is nothing in Ohio's history like the violence at that prison."<sup>1</sup>

In August 1997, a class-action lawsuit was filed on behalf of the prisoners, alleging high levels of violence and dangerous conditions at the facility. The City of Youngstown joined the case in March 1998 after reports of widespread violence emerged. The following February – by which time there had been 19 stabbings at the center (including several fatalities) – a federal judge ordered the District of Columbia to stop transferring prisoners to the facility. The federal order drew attention to CCA's failure to properly classify prisoner populations with different security levels, showing "a deliberate indifference to the conditions of the prisoners" and putting them at risk of violence.<sup>2</sup>



Public outrage over the management of the prison escalated in July 1998 when six prisoners cut through the prison's security fencing and escaped in broad daylight; CCA employees failed to notify law enforcement agencies in an appropriate timeframe. An independent review of the management and operation of the facility in November 1998 attributed NOCC's pivotal failures to be the "result of seriously flawed decisions by leaders of both CCA and DOC," concluding that, "...most serious problems which endangered the safety of the public, the staff or the prisoners were preventable."<sup>3</sup> Despite having initially lured CCA to the city, the mayor of Youngstown decreed, "It's been a nightmare. [CCA's] credibility is zero."<sup>4</sup>

CCA settled the class-action lawsuit in March 1999, agreeing to pay \$1.6 million to prisoners and \$756,000 in legal fees. The agreement also mandated a full-time independent monitor at the facility as well as an annual review of the prisoner classification system. After the District of Columbia declined to renew its contract, CCA closed the prison in July 2001. However, it appears that CCA's legacy of violence and managerial ineptitude at the center was swiftly forgotten; the company reopened the facility in 2004, this time to predominately house federal prisoners. Controversies surrounding the center have not subsided. In May 2012, a court ruled that CCA owed the city of Youngstown \$1.5 million in taxes following three years of outstanding prison tax payments.<sup>5</sup>

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<sup>1</sup> Greg Jaffe and Rick Brooks, "Violence at Prison Run by Corrections Corp. Irks Youngstown, Ohio," *Wall Street Journal*, August 5, 1998.

<sup>2</sup> Quoted in Cheryl W. Thompson, "D.C. Must Stop Sending Inmates to Ohio Prison," *Washington Post*, February 26, 1998. <<http://www.highbeam.com/doc/1P2-633681.html>>

<sup>3</sup> John L. Clark, "Report to the Attorney General Inspection and Review of the Northeast Ohio Correctional Center," November 25, 1998. <<http://www.justice.gov/ag/youngstown/youngstown.htm>>

<sup>4</sup> Quoted in Cheryl W. Thompson, "Ohio Sours on Prison Managed by Private Firm," *Washington Post*, October 19, 1998. <<http://www.highbeam.com/doc/1P2-700310.html>>

<sup>5</sup> David Skolnick, "Private prison owner CCA appeals ruling on Youngstown tax," *The Vindicator*, October 19, 2012. <<http://www.vindy.com/news/2012/oct/19/prison-owner-appeals-ruling-on-city-tax/>>

## 24. Securing Beds in Colorado

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Colorado has been faced with an enviable problem. For several years the state's crime rate and prison population have been shrinking. By 2013, the state had just over 20,000 people behind bars, 7,500 fewer than it expected.<sup>1</sup> As a result, the state closed five prisons over the past four years, including one Corrections Corporation of America facility. Of the 24 state prisons in Colorado in 2012, three were run by Corrections Corporation of America and another by GEO Group. With a thousand empty prison beds, Colorado had an opportunity to shut down some of its prisons. However, CCA secured its place in the state through a quiet deal with the office of Governor John Hickenlooper in May of 2012. The deal guaranteed 3,300 beds to CCA. CCA paid its dues in Colorado, investing \$200,000 lobbying dollars in Colorado since 2008, including \$2,000 to Governor Hickenlooper.<sup>2</sup> The deal, negotiated by CCA lobbyist and former legislator Mike Feeley, guaranteed 3,300 beds to CCA, at an annual rate of \$20,000 each, until June of 2013, or \$66,000,000 total.

While closing the state's for-profit private prisons makes sense from a fiscal perspective, it carries even more weight as a human rights issue. Even the governor's office has previously acknowledged a need to spend more on health care and rehabilitation for people convicted of

crimes. In January 2013, Hickenlooper's chief of Staff Michelle White announced the governor's intention to take the savings from closing prisons and invest them in ways to reduce recidivism. Since a third of those incarcerated in Colorado – and two thirds of incarcerated women in Colorado – suffer from mental illness, White affirmed that they were “working very hard to get our people out of jail who have mental health challenges.”<sup>3</sup>

Colorado's CCA prisons are no stranger to mishandling and lawsuits. In 2009, CCA paid out \$1.3 million to settle a sexual harassment lawsuit in which 21 female employees complained of discrimination, harassment, and sexual abuse at their jobs.<sup>4</sup> A 2004 riot at the Crowley County Correctional Facility resulted in mass injuries and hundreds of separate lawsuits that led to a \$600,000 settlement.<sup>5</sup> One of the plaintiffs stated, “[we] weren't treated as humans, we were treated more as animals -- animals probably get treated better.”<sup>6</sup>



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<sup>1</sup> Colorado Public News and Ann Imse, “Fewer Felonies Fewer Facilities: Colorado Prison Closures Would Mean Job Losses,” *KUNC*, January 28, 2013. <<http://www.kunc.org/post/fewer-felonies-fewer-facilities-colorado-prison-closures-would-mean-job-losses>>

<sup>2</sup> Colorado Common Cause, “Prisons & Profits: The Political Expenditures of the Private Prison Industry in Colorado,” January 2013. <<http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/Prisons%20%20Profits.%20The%20Political%20Expenditures%20of%20the%20Private%20Prison%20Industry%20in%20Colorado.pdf>>

<sup>3</sup> Kirk Mitchell, “Two of three women in Colorado prisons diagnosed with psychological disorders,” *The Denver Post*, March 6, 2013. <[http://www.denverpost.com/news/ci\\_22726190/two-three-women-colorado-prisons-diagnosed-psychological-disorders](http://www.denverpost.com/news/ci_22726190/two-three-women-colorado-prisons-diagnosed-psychological-disorders)>

<sup>4</sup> Digital Commons, “Civil Action No. 06-cv-01956-KHV-MJW,” October 1, 2009. <<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1175&context=condec>>

<sup>5</sup> Avi Kramer, “8+ years later, case of prison riot comes to trial,” *Public Justice*, February 7, 2013. <<http://publicjustice.net/blog/8-years-later-case-prison-riot-comes-trial>>

<sup>6</sup> Alan Gathright, “\$600,000 settlement to be paid to inmates injured in riot at Crowley County Correctional Facility,” *ABC 7 News*, April 24, 2013. <<http://www.thedenverchannel.com/news/local-news/settlement-expected-in-crowley-county-correctional-facility-riot>>

## 25. Mismanagement and Violence at Kit Carson Correctional Facility

The Kit Carson Correctional Facility is one example of a CCA facility rife with human rights violations and scandal. Almost as soon as it opened in November 1998, reports of sex scandals, drug trafficking and extreme brutality flooded out of the infamous Burlington, Colorado facility. Only nine months later, the prison was under investigation by the Department of Corrections (DOC) over allegations of drug smuggling and charges that up to 15 female employees were having sexual liaisons with prisoners, including rumors of at least one pregnancy. DOC spokeswoman Liz McDonough said, "To be candid, we are monitoring that place very closely."<sup>1</sup> Shortly after the DOC investigation, Ron Alford, warden at the center, was removed, kitchen manager Rocky Stewart was fired for undisclosed reasons, and CCA guard Shanna Turpin was charged with introducing contraband into the facility and accused of engaging in a sexual affair with a prisoner.

People incarcerated at Kit Carson reported that staff corruption was so widespread that almost any substance could be obtained and smuggled into the facility for the right price. "That place was poorly staffed, and the people who worked there were poorly trained," said Marvin Vasicek, a former prisoner. "A lot of those people had never worked in corrections before, and they were just out of their realm. It's incredible to have that many officers getting involved in that much under-the-table stuff." Staff inexperience was perennially brought to light;

many staff were hired with no prior corrections experience and were given little training beyond a few weeks of classroom instruction and one week of on-the-job training.<sup>2</sup>

A riot in 1999 that started over a vending machine swiftly escalated to violent proportions due to staff actions. Charges were dropped against the rioting prisoners after a judge pronounced that staff had

improperly responded to the incident.<sup>3</sup> Understaffing reached dangerous levels, to the extent that employees who had been dismissed for violations of company policy were rehired.<sup>4</sup> The medical department was particularly affected by staffing, with the announcement that medical personnel would no longer be available on

site and after-hours medical emergencies would be assigned to an on-call administrator with a pager. "Our medical situation is kind of weak right now," Warden Dolan Waller acknowledged, "but we're working to resolve that."<sup>5</sup> Reports of employee brutality also characterized the center: from the assault of a prisoner who had threatened to call his lawyers after not receiving necessary medical treatment, to others who were violently beaten by staff after attempting to escape. "I would pay these guys rent to get me out of here. It's been an absolute nightmare," said one prisoner.

Unfortunately, despite concerns expressed by both the legislature and DOC over conditions and operations at Kit Carson, CCA continues to run the facility, although it remains a site of serious controversy. In 2004, CCA settled a federal lawsuit





charging that prison officials refused to fill out a prescription for 26-year-old Jeffrey A. Buller who suffered from hereditary angioedema, resulting in his death a day before his release in May 2001. And, despite purported operational improvements, it would appear that CCA has done little to raise standards at the facility. In September 2007, employee Teresa Carter was found to have been in a sexual relationship with a prisoner, conducted in

a staff bathroom. Carter was charged with a felony count of sexual contact at a penal institution, receiving a two-year deferred sentence.<sup>6</sup> In December 2011, a CCA guard and a prisoner died when a CCA transport van crashed off the road en route from Kit Carson to Limon Correctional Facility. Speeding and an inexperienced driver were cited as factors in the crash.<sup>7</sup>

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<sup>1</sup> Alan Prendergast, "McPrison: How a private prison brought jobs - and violence, corruption and scandal - to Burlington," *Denver Westword News*, September 30, 1999. <<http://www.westword.com/1999-09-30/news/mcprison/>>

<sup>2</sup> *Ibid.*

<sup>3</sup> Carla Crowder, "Trouble behind bars," *Denver Rocky Mountain News*, July 3, 2000. <<http://www.highbeam.com/doc/1G1-81060596.html>>

<sup>4</sup> Carla Crowder, "Prison in Burlington understaffed," *Denver Rocky Mountain News*, October 22, 1999. <<http://www.highbeam.com/doc/1G1-67423427.html>>

<sup>5</sup> Alan Prendergast, "McPrison: How a private prison brought jobs - and violence, corruption and scandal - to Burlington," *Denver Westword News*, September 30, 1999. <<http://www.westword.com/1999-09-30/news/mcprison/>>

<sup>6</sup> Felisa Cardona, "Jail time rare for Colorado officers," *The Denver Post*, September 6, 2009. <[http://www.denverpost.com/headlines/ci\\_13279083](http://www.denverpost.com/headlines/ci_13279083)>

<sup>7</sup> "Speed, Inexperience Cited in Prison Van Crash," *Colorado Springs Gazette*, December 29, 2011. <<http://gazette.com/speed-inexperience-cited-in-prison-van-crash/article/130904>>

## 26. The Death of Estelle Richardson

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Of the many tragic deaths that have occurred in CCA facilities, the violent death of Estelle Richardson at a CCA facility in 2004 stands out.

Richardson died on June 5, 2004 while in solitary confinement at the CCA-operated Metro Detention Facility (MDF) in Nashville, Tennessee. The mother of two had been in segregation for three weeks at the time of her death, only let out for one hour a day for recreation and the occasional shower.<sup>1</sup>

MDF was chronically understaffed and overcrowded and, at the time of Richardson's incarceration, held 400 more people than the 900 it was designed for. In the three and a half years leading up to her death, nine other people had died at the facility.

An autopsy report revealed that Richardson sustained injuries she could not have possibly inflicted on herself.<sup>2</sup> Specifically, Richardson had four broken ribs, a cracked skull, and internal organ injuries, consistent with a "deceleration injury", meaning that her head and body must have been slammed on a hard surface. Dr. Bruce Levy, Tennessee's chief medical examiner, described her injuries as a homicide due to "blunt force trauma to the head."<sup>3</sup>

Four guards were indicted in Richardson's beating death. However, the prosecutor dropped the charges for lack of evidence, including the lack of video of Richardson being removed from her cell despite prison policy calling for such tapes to be recorded. An investigator reportedly checked the video camcorder and found it in working order, bringing about suspicions about the whereabouts of the video.<sup>4</sup>

The Richardson family filed a lawsuit against CCA claiming, amongst other things, that Richardson had been maced while in a caged shower and that she had been found "oozing blood" from her head weeks before her death. The lawsuit also claimed that the day before her death, Richardson had an altercation with guards who told her to "get her nasty ass up and clean her room."<sup>5</sup> In April 2006, CCA entered into a confidential settlement for approximately \$2 million to resolve a lawsuit filed by the children of Estelle Richardson.<sup>6</sup>



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<sup>1</sup> "Advocate Tries To Find Answers In Prisoner's Death," *NewsChannel5*, July 1, 2008. <<http://www.newschannel5.com/Global/story.asp?S=8588867>>

<sup>2</sup> Silja J.A. Talvi, "Meet Gus Puryear: Bush's Latest Villainous Nominee for a Lifetime Judgeship," *AlterNet*, May 4, 2008. <[http://www.alternet.org/story/84388/meet\\_gus\\_puryear%3A\\_bush's\\_latest\\_villainous\\_nominee\\_for\\_a\\_lifetime\\_judgeship](http://www.alternet.org/story/84388/meet_gus_puryear%3A_bush's_latest_villainous_nominee_for_a_lifetime_judgeship)>

<sup>3</sup> Letter from Dr. Bruce P. Levy to Senator Patrick Leahy, February 21, 2008. <<http://www.againstpuryear.org/Levyletter.pdf>>

<sup>4</sup> Chris Echegaray, "Inmate's slaying in CCA custody torments ex-cellmate." *Tennessean*, August 1, 2008. <<http://www.whokilledestelle.org/estellearticle808.pdf>>

<sup>5</sup> *Ibid.*

<sup>6</sup> Letter from Alex Friedmann to The Honorable Todd J. Campbell, April 2, 2008. <<http://www.againstpuryear.org/campbellletter.pdf>>

## 27. Paving the Schools-to-Prison Pipeline

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**C**orrections Corporation of America has extended its reach beyond the corrections sector and into the public school system. Despite not being a law enforcement agency or staffed with certified peace officers,



CCA employees assisted local enforcement agencies in conducting school drug raids at Arizona's Vista Grande High School. On 31 October, 2012, CCA provided K-9 teams to help conduct a drug sweep at the school. The school was put on lock down and all students were lined up against the walls as dogs patrolled the corridors. As a result of the raids, three students aged between 15 and 17 were charged with possession of marijuana. "To invite for-profit prison guards to conduct law enforcement actions in a high school is perhaps the most direct expression of the 'schools-to-prison pipeline' I've ever seen," said Caroline Isaacs, program director of the Tucson office of the American Friends Service Committee.<sup>1</sup> Former prison warden and correctional specialist Carl Toersbijns raised questions about involving a company that has been at the heart of violent controversies and scandals across the country in

schools, adding, "I don't think you ought to use corrections officers around children. It's a different culture, it's a different setting, it's a different approach. It's inappropriate."<sup>2</sup>

Aside from both the ethical questions raised by CCA's involvement in school operations and the fact that CCA is a private corporation that derives its profits from incarcerating people, CCA's role in the drug raids goes directly against the Arizona Administrative Code, which stipulates that the duties of a peace officer can only be performed with appropriate certification. CCA guards are not qualified or indeed legally certified to assist in law enforcement. "They [CCA] use the criminal justice system as a means of making income -- for profit," said Toersbijns. "So, their interest in the criminal justice system is totally opposite of the police officer. The police officer is public safety. The primary interest for CCA and associated entities is profit. So, there most definitely is a conflict of interest." In fact, as a part of the American Legislative and Exchange Council's (ALEC) model "Drug-Free Schools Act," CCA was involved in advancing legislation to increase drug law enforcement presence on public school campuses and tougher sentencing for drug offenses in "drug-free school zones" (see #19).

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<sup>1</sup> "School Allows Private Prison Company To Conduct Drug Sweeps," *CBS Las Vegas*, December 1, 2012. <<http://lasvegas.cbslocal.com/2012/12/01/school-allows-private-prison-company-to-conduct-drug-sweeps/>>

<sup>2</sup> Beau Hodai, "Corrections Corporation of America Used in Drug Sweeps of Public School Students," *The Center for Media and Democracy's PR Watch*, November 27, 2012. <<http://www.prwatch.org/news/2012/11/11876/corrections-corporation-america-used-drug-sweeps-public-school-students>>

## 28. Hawaii Women Removed from Otter Creek in Kentucky After Sexual Assaults

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Dating back to 1995, in efforts to save money and ease prison overcrowding, the Hawaii Department of Public Safety has regularly transferred people to be housed in private prisons on the mainland. These included the Corrections Corporation of America-run Otter Creek Correctional Center in Wheelwright, Kentucky. Anticipated cost savings came at a price, however, when all 168 female Hawaii prisoners were removed from the facility after charges of sexual abuse by CCA guards surfaced in 2009.

When Hawaii investigators traveled to Kentucky they found that at least five corrections staff at the prison, including a chaplain, had been charged with having sex with prisoners in the last three years, and four of those charged were convicted. Additionally, three rape cases involving guards and Hawaii prisoners had been recently turned over to law enforcement authorities.<sup>1</sup>

A Hawaii woman who was sexually assaulted while incarcerated at Otter Creek filed a lawsuit in October 2009 against CCA and the State of Hawaii claiming both parties were aware of the sexual assault allegations at the facility, but took no action to prevent further incidents. The woman was sexually assaulted on Oct. 17, 2007 by former staffer Darren Green, who was later convicted of second-degree sexual assault.<sup>2</sup>

Additionally, Lisa Lamb, a spokeswoman for the Kentucky Department of Corrections, said she was investigating 23 accusations of sexual assault at the CCA facility dating back to 2006.<sup>3</sup>

Three years after Hawaii officials announced the removal of women incarcerated at Otter Creek, Alex Friedmann of Prison Legal News, former CCA prisoner and current CCA stockholder, proposed to CCA's board of directors that they provide biannual reports to their stockholders about the company's efforts to reduce incidents of rape and sexual abuse in their facilities.<sup>4</sup> Despite the sexual assaults at Otter Creek three years prior, CCA responded to Friedmann's proposal with a lengthy rebuttal and recommendations to vote against it while simultaneously claiming to "take a zero tolerance approach to prisoner sexual abuse". Wouldn't a company that claims to have taken "a leadership position on eliminating prisoner sexual abuse" want their shareholders to know about those efforts?



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<sup>1</sup> Ian Urbina, "Hawaii to Remove Inmates Over Abuse Charges," *New York Times*, August 26, 2009. <[https://www.prisonlegalnews.org/259\\_displayNews.aspx](https://www.prisonlegalnews.org/259_displayNews.aspx)>

<sup>2</sup> Beth Musgrave, "Hawaii lawsuit alleges abuse at Otter Creek," *Bluegrass Politics*, October 7, 2009. <<http://bluegrasspolitics.blogink.com/2009/10/07/hawaii-lawsuit-alleges-abuse-at-otter-creek/>>

<sup>3</sup> Ian Urbina, "Hawaii to Remove Inmates Over Abuse Charges," *New York Times*, August 26, 2009. <[https://www.prisonlegalnews.org/259\\_displayNews.aspx](https://www.prisonlegalnews.org/259_displayNews.aspx)>

<sup>4</sup> Sadhbh Walshe, "Righting the record on prison rape," *The Guardian*, March 1, 2012. <<http://www.guardian.co.uk/commentisfree/cifamerica/2012/mar/01/shareholder-crusade-prison-rape>>

## 29. Murders at Arizona's Saguaro Correctional Center

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In 2012, the families of two slain Hawaii prisoners filed wrongful death lawsuits against Corrections Corporation of America and the State of Hawaii. Clifford Medina, 23, and Bronson Nunuha, 26, were both attacked and murdered in their cells by other prisoners at the CCA-run Saguaro Correctional Center in Eloy, Arizona. Both Medina and Nunuha were serving short terms for non-violent offenses.

Nunuha had less than a year left to serve on his five-year sentence for burglary and property damage when he was fatally beaten and stabbed over

140 times by two members of a prison gang. The assailants reportedly carved the initials of their gang into Nunuha's chest.<sup>1</sup> Nunuha was murdered while in the Special Housing Incentive Program, or SHIP, where higher security prisoners shared the same recreational space with those convicted

of less serious crimes. One guard was on duty to supervise approximately 50 prisoners when the murder occurred. According to a witness, the assailants "showered, changed clothes, and re-mingled with other prisoners" before anyone discovered Nunuha's body.<sup>2</sup>

Just months following Nunuha's death, at the same CCA facility, another Hawaii prisoner was strangled to death by a fellow prisoner in his cell. Clifford Medina was serving a five-year sentence for a probation violation when he was placed in the same segregation cell as Mahinauli Silva, who was reportedly a known gang member with anger control problems. According to a witness, shortly before the murder, Silva warned that he would attack Medina if he were not removed from the cell. The CCA staff member's response was, "As long as you two don't kill each other, I don't care." Although CCA staff conducted rounds in the unit, they did not become aware that Medina had been killed until Silva informed them that he lay dead in his bunk.<sup>3</sup>



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<sup>1</sup> Jim Dooley, "Death Penalty Sought In Arizona Prison Murder of Hawaii Inmate," *Hawaii Reporter*, February 16, 2012. <<http://www.hawaiireporter.com/death-penalty-sought-in-arizona-prison-murder/123>>

<sup>2</sup> Jamie Ross, "Disturbing Complaint Against Private Prison," *Courthouse News*, February 17, 2012. <<http://www.courthousenews.com/2012/02/17/43997.htm>>

<sup>3</sup> "Family of a Second Hawaii Prisoner Murdered in Mainland Prison Files Suit Against State of Hawaii and Corrections Corporation of America," *ACLU*, May 23, 2012. <<http://www.aclu.org/node/34901>>

## 30. "No baby should be born in a toilet in prison": Indifference Leads to Death at Dawson State Jail in Texas

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It is no secret that Corrections Corporation of America has an extensive track record of indifference for the health and safety of the people incarcerated in its facilities. Arguably, one of the more egregious examples of this can be seen through the rash of preventable deaths at the CCA-run Dawson State Jail in Dallas, Texas.<sup>1</sup> In 2012 alone, a Dallas news reporter ran five exposes from April to November highlighting several deaths and allegations of maltreatment inside the facility. Among them were reports of the deaths of three women, all serving short-term sentences for non-violent drug offenses. Family members of the women and others who were incarcerated in the facility reported gross failure by CCA staff to provide care or adequately respond to pleas for help.



The case of Autumn Miller was no different. In 2012, while serving a one-year sentence at the facility, Miller gave birth

to a premature infant girl into a toilet with no medical personnel present.<sup>2</sup> Three weeks prior to giving birth, Miller claims her request for a pregnancy test and Pap smear were ignored.

Miller's baby girl, named Gracie, lived only 4 days. After the revelation of these tragic deaths, two former CCA guards who worked at Dawson State Jail came forward to say they know what goes on inside the facility, and they believe the deaths could have been prevented.<sup>3</sup> The fact that family members, other people incarcerated at Dawson, and even former CCA staff have come forward about CCA's negligence speaks volumes. Meanwhile, a lawsuit filed against CCA in April 2013 alleges that the company failed to release information concerning its facilities in Texas, including the Dawson State Jail, despite requests filed under the Texas Open Records Act. Texas Civil Rights Project attorney Brian McGiverin commented, "CCA hides the truth about its management because it knows the truth is horrific. But they won't get away with it. Texans know how to keep government accountable. Our laws entitle us to check its homework and keep it honest. At Dawson State Jail and beyond, we intend to show CCA it is not above the law."<sup>4</sup>

On June 10, 2013, following a grassroots campaign calling on the state of Texas to close Dawson State Jail, the Texas Department of Criminal Justice informed Corrections Corporation of America that its contracts for Dawson State Jail and Mineral Wells Pre-Parole Transfer Facility, which both end on August 31, 2013, would not be renewed.<sup>5</sup>

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<sup>1</sup> Ginger Allen, "Guards Come Forward In Dawson Jail Investigation," *CBS Dallas/Fort Worth*, October 8, 2012. <<http://dfw.cbslocal.com/2012/10/08/guard-comes-forward-in-dawson-jail-investigation/>>

<sup>2</sup> Ginger Allen, "Premature Baby Born At Dawson Jail Without Medically Trained Personnel," *CBS Dallas/Fort Worth*, July 10, 2012. <<http://dfw.cbslocal.com/2012/07/10/premature-baby-born-at-dawson-jail-without-medically-trained-personnel/>>

<sup>3</sup> Ginger Allen, "Guards Come Forward In Dawson Jail Investigation," *CBS Dallas/Fort Worth*, October 8, 2012. <<http://dfw.cbslocal.com/2012/10/08/guard-comes-forward-in-dawson-jail-investigation/>>

<sup>4</sup> Robert Wilonsky, "Groups sue Dawson State Jail operator, alleging 'unconscionable and unconstitutional conditions,'" *The Dallas Morning News*, May 1, 2013. <<http://thescoopblog.dallasnews.com/2013/05/groups-sue-dawson-state-jail-operator-alleging-unconscionable-and-unconstitutional-conditions.html/>>

<sup>5</sup> Robert Wilonsky, "Texas Department of Criminal Justice says Dawson State Jail on the shores of the Trinity River will close August 31" *Dallas Morning News*, June 11, 2013 <http://cityhallblog.dallasnews.com/2013/06/texas-department-of-criminal-justice-says-dawson-state-jail-on-the-shores-of-the-trinity-river-will-close-august-31.html/>

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