

**COMMISSION ON SAFETY AND ABUSE IN AMERICA'S PRISONS 11/2/05  
TESTIMONY OF FRANK SMITH, PRIVATE CORRECTIONS INSTITUTE**

Two questions have been put to witnesses on this panel:

- *Which are safer: Public or for-profit prisons?*
  - *How do the two respective work environments differ?*
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My responses to these issues are guided by utilization of two very different avenues of assessment of the situations. I've visited and worked in prisons around the United States and even toured most of the prisons in Sweden. I've read numerous books documenting the operation of public and private prisons and over ten thousand newspaper accounts regarding the siting and operation of private prisons in the last seven years. I've read voluminous reports that have scrutinized the operation of the privates. These include, for instance, a 179-page review<sup>1</sup> by the Colorado Department of Corrections (CO DOC) documenting the causes of and damage experienced during the July 20, 2004 riot at the Crowley County, Colorado CCA facility, at Olney Springs. (A previous report had been issued after inmates rioted in 1999, and law enforcement from four states had to be marshaled to put down the riot.) The legislature subsequently generated an audit of the state's monitoring practices and published an 85-page report<sup>2</sup> listing shortcomings and recommendations for resolution.

Prior to that riot, however, I had extensive discussions, meetings and correspondence with whistleblowers from that precise prison for some nine months. My expectation, based on those communications, led me to believe as early as May 2004 that a riot was predictable and imminent, what groups of inmates would likely be involved, and what instruments the prisoners would use in the riot itself. All my assessments turned out to be

valid. One of the prime causes of the riot there was the differential treatment of prisoners from different states.

From those early CCA whistleblower contacts, that I've broadened, I have since developed regular communications with current and former staff from every major for-profit operator in various states: GEO Group; Cornell Companies; CiviGenics; Management and Training Corporation; and GRW. These include former Vice Presidents, Wardens and Deputy Wardens, a Regional Director of Training, Unit Managers, nurses, teachers, sergeants and correctional officers, as well as support staff.

I've spoken at length to present and former prisoners as well, to their families, to attorneys representing them, and to prisoner advocates. I visited CCA's CADIC prison in Florence, Arizona in 2000, 18 months after what I've termed a "guards' riot" and just a month before a second guards' riot occurred there. While in Florence I interviewed local law enforcement, EMTs, newspaper and Chamber of Commerce staff and state prison correctional officers. I've attached eight pages of documentation from those two incidents, consolidated from 44 prisoner affidavits. I anticipate receiving shortly the pleadings in the cases of 86 inmates who allege that they were gratuitously injured and mistreated in the aftermath of the Crowley disturbance. The attorney representing them wrote that he had received complaints from 200 inmates who were there during the riot.

One of the prime sources for materials I have gleaned about for-profit prisons has been through widespread use of Open Records Acts. I've recently received monitors' reports from Hawai'i and Colorado regarding the operation of the women's facility at Brush, Colorado. I intend to travel to Denver to inspect reports from CO DOC itself this month, regarding that facility and the Crowley prison as well.

## **Employee Safety and Abuse of Inmates**

The first question above, regarding immediate safety of staff and inmates in private prisons, has been comprehensively answered with respect to violence within facilities. James Austin, one of the country's leading university researchers in the field for three decades found that inmate-on-staff violence was 49% higher in for-profit prisons than in public ones, and inmate-on-inmate assaults were 65% higher.<sup>3</sup>

There is a broader question, however, that needs to be put: What is the differential effect on public safety? I propose that for-profits are far more dangerous than public prisons for a variety of reasons. For instance, numbers generated in California<sup>4</sup> demonstrate that escapes from for-profit institutions and transports appear to be in the range of 30 times as high as those of similar public prisons and conveyances. This construes the question far too narrowly, in my opinion.

I believe that Austin's figures do not fully recognize two major components of the safety issue. The first is the level of concealed assaults on prisoners. In Brush, Colorado, GRW guards had sexual relations with prisoners.<sup>5</sup> One took advantage of his position to have sex with women from Hawai'i, Colorado and Wyoming. In addition, there was extensive smuggling by employees. When guards so compromise their roles, the danger is increased exponentially. The ex-warden recently pled guilty to covering up the assaults.<sup>6</sup>

In CCA's Marion Adjustment Center in Kentucky, male Vermont prisoners complained about repeated instances of sexual abuse and harassment by guards.<sup>7</sup> The CCA staff and the Vermont monitor discounted their reports.<sup>8</sup> They consequently continued until a male guard was finally videotaped entering a victimized inmate's cell.<sup>9</sup>

Before the July riot at Crowley, I was told there was strong suspicion that a critical staff person was thought to be having a relationship with an inmate. It was never confirmed, but when the inmate and a buddy were transferred to Texas, his manipulation continued, and the two soon broke out of the prison with extensive assistance from a female guard. They were found hiding in her attic, some nine miles away.<sup>10</sup>

Two weeks ago, a GEO guard in Mississippi became romantically involved with a lifer. She assisted him in escaping with another murderer doing life and the three were apprehended in Alabama.<sup>11</sup>

At the CCA-managed Tulsa jail, two women inmates accused the substance abuse program administrator of rape.<sup>12</sup> When the Tulsa World investigated they found he had transferred from the closed Youngstown, Ohio facility that had been shut down due to numerous murders and escapes by murderers from Washington, D.C. The World discovered that the program administrator had done 17 years for the murder of an Alabama football player. Pursuing the story even further, they found out that at least 20 employees had *local* criminal convictions or domestic violence orders within the previous *five years*.

Wholesale sexual abuse is commonplace in the for-profit prison industry. In Coke County, Texas, nine girls settled with (Wackenhut) GEO Group for \$1.5 million after alleging physical, mental and sexual abuse. Nine GEO guards were indicted in Austin, Texas, for sexually abusing female prisoners.<sup>13</sup>

When this sort of sexual abuse or even fraternization occurs, safety goes racing out the window, figuratively and often literally.

An Alaska state Senator, a proponent of privatization, asked me four years ago if public prisons didn't have the same sorts of problems that private prisons had. I told him that it was my rough guess that the privates had about 5% of the prisoners and 50% of the problems. Although most of these difficulties stem from inept facility management, the added public costs include corruption of public officials. He pursued the question, and asked me what one of the privates might be better than the rest. I told him it was probably the best of a bad lot, but MTC might be better than the rest. I subsequently felt embarrassed when the corporation became enmeshed in a series of disasters, from fiascoes including the allegedly unnecessary death of an inmate at Penetanguishene, Ontario,<sup>14</sup> to the murders during a riot<sup>15</sup> in their minimum-security prison at Eagle Mountain, California, to involvement by an on-leave employee<sup>16</sup> in setting up the notorious prison in Iraq, Abu Ghraib.

Prisoners serving longer sentences are per se, more dangerous. The prospects of release are so distant, that they have less immediate incentive to present more acceptable behavior. Disciplinary problems abound. How do for-profit prisons affect the lengths of sentences? They have been involved in extensions of time for disciplinary infractions by current prisoners; sometimes in order to boost their bed counts.<sup>17</sup> Much more insidiously, however, they have long been involved in the passage of more draconian laws, so that more prisoners are sent to jail for longer periods of time. The mechanism for this is through the American Legislative Exchange Council.<sup>18</sup> Substantial portions of state legislators join that organization by paying only \$50, every two years. For this modest fee, they are wined and dined, pampered and flattered at conferences at posh resorts. They're sent back to their home states with "model" legislation tucked in their pockets,

much of which is subsequently passed. Here we find the origin of “Truth In Sentencing,” “Three Strikes,” and other “tough on crime” legislation. More prisoners equate to more market, and thence more market share for the privateers. CCA has protested<sup>19</sup> that their CEO once testified in Congress and warned about growing prisoner populations and longer sentences. That unfortunately, is an argument by exception. They have also pointed out that “the guards’ unions” have done the same thing.<sup>20</sup> Apparently, only a single correctional officers’ association that has been unfortunately involved in pushing such poor public policy, as far as I’m aware. CCA’s defense, essentially “They’re as bad as we are,” finds and deserves little professional, legislative or citizen support.

### **Comparisons of Work Environments**

With regard to the work environment, these various safety and security problems stem primarily from the depressed level of compensation received by employees. Public employees tend to receive 30% to 100%<sup>21</sup> more than private employees, and the benefit packages of the former are far better. I have found private prison guards in Texas making as little as \$6.45<sup>22</sup> an hour. In Kentucky, CCA guards were making \$7.61 hourly.<sup>23</sup> Greg Palast, in “The Best Democracy Money Can Buy,”<sup>24</sup> reported that a murdered Wackenhut (now GEO Group) guard was paid \$7.95 an hour. He alleged that the previous billed cost of state assistance dissuaded the corporation from calling for backup. In high-wage California, guards at Eagle Mountain were being paid \$8.<sup>25</sup> As a consequence of this, industry employee turnover was last reported at 52% yearly, compared to 16% in the public sector.<sup>26</sup> When public sector jobs are paid wages closer to these scales, they also result in similar turnover. The state of Oklahoma retention figures are close to those in

the privates for this reason.<sup>27</sup> As a consequence, that state operates prisons that are chronically understaffed with employees lacking proper training.

This low wage scale produces another safety threat. I have been informed a great many for-profit prison guards are forced to work two jobs, in lieu of making a living wage behind the walls. In Texas CiviGenics sergeants told me the corporation hired state corrections officers part time in order to avoid paying its own employees overtime. In a situation where alertness is critical, metaphorically speaking we have Homer Simpsons guarding the nuclear power plant.

Private corrections can't afford to be choosy when it comes to employees. Because of this lack of effective screening,<sup>28</sup> guards with little aptitude for working in high stress situations that require the ability to think quickly find themselves responsible for maintaining order in dangerous situations. Those astronomical turnover rates mean that there is precious little mentoring process going on. I have been informed that employees who washed out from public prisons may find themselves quickly promoted in the privates. Training hours are not only much less than in government institutions,<sup>29</sup> but a higher proportion of it is at the elementary level, because of the turnover factor.

Guard and supervisors in private institutions have described a chronic state of understaffing prevailing. Regarding Crowley, for instance, mid-level supervisors told me that in order to make it appear that the contractor was complying with minimum staffing levels, teachers and counselors were represented to the state as security staff.

Trainers employed by different operators have also told me that fundamental training, such as universal competency in CPR, had not been accomplished per state contracts. Techniques used to deescalate dangerous situations were allegedly taught only in part:

Instruction in verbal control was not given, and management requested that takedown techniques were all that was to be taught.

The essential problem is that private contractors, though their public relations would have officials and taxpayers believe otherwise, cannot operate efficacious programs because safety concerns are subservient to the bottom line. Doing the job right would reduce profit margins of operators who are often already operating in the red.<sup>29</sup> Rather than paying living wages to line staff, they hold payrolls to the bare minimum while often compensating executives with million dollar salaries and equivalent stock options.<sup>30</sup> In addition, they experience higher cost of capital than do publicly constructed facilities.<sup>31</sup> They pay lobbyists hundreds of thousands of dollars,<sup>32</sup> and match or exceed those payments with campaign contributions<sup>33</sup> to critical legislators and executives. Instead of being self-insured as is the case with state operated facilities, they are paying dearly for policies. Lists of current litigation provided to municipalities contemplating siting run to dozens of pages.<sup>34</sup> The privates maintain that they are in a business which attracts suits filed by litigious inmates, but inspection of these documents reveals that it is employees who generally file them over job-related injuries.<sup>35</sup> Employees and management alike are not protected by qualified immunity, as in public institutions.<sup>36</sup>

Although I have heard corporate executives testify that they get along well with unions,<sup>37</sup> organized labor presence in the private prison sector is miniscule, nationwide, and rarely tends to be by AFL/CIO affiliates.<sup>38</sup> The lack of representation by shop stewards, Weingarten hearings, etc., means that the company has complete control over safety issues.

Because the corporations try to pay the lowest possible wages that will allow them to recruit staff, the privates generally locate in economically depressed areas. This means that inmates are held far from home, increasing their anxiety levels. It also means that it is next to impossible to recruit professional staff.<sup>39</sup> Mental illness among prisoners may well go unrecognized and untreated, raising still more safety concerns. A juvenile from Cornell's New Morgan Academy, now long closed by the state of Pennsylvania, tried to inform the judge about her sexual abuse.<sup>40</sup> Her counselor tried to quiet her. Subsequent investigation substantiated 16 sexual and 15 assaults against the youth confined there.<sup>41</sup>

By cutting corners on items such as food, for profits raise a great deal of anxiety. The cause of much of the friction in Florence was poor quality and questionable food.<sup>42</sup> The inmate, JDS, whose assault was witnessed by a number of other inmates, told me that some food was labeled "not for sale," but prisoners assumed that meant it was not for human consumption. He believed that CCA had bought quantities of food that was originally manufactured as samples, so carried that label. He said that some products were served past their printed expiration dates, but they were perfectly edible all the same. Management discouraged inmate councils, however, so reassuring clarification was not sought nor received. Food services in these private prisons are often contracted out. They aim for the lowest possible price,<sup>42</sup> often compromising food quality and quantity and sanitation. I have had former staff tell me endless horror stories about the service and the significant negative consequences, even when it is public prisons that are doing the contracting out.<sup>43</sup>

## **Standards, Accreditation and Monitoring**

The privates make much of their accreditation by the American Correctional Association. I have never been given cause to be confident in those labels. The ACA generates a substantial amount of its operating revenue from receipts from the privates in the form of advertising proceeds, conference sponsorships and accreditation fees.<sup>44</sup>

Employees of the for-profits that were being certified, however, tell me that they are told not to let them talk with inmates and not to answer auditors questions, but to refer any inquiries to management. The accreditation process is largely a review of policies rather than performance-based standards.<sup>45</sup> The ACA bar for passing is set extremely low, and it has only been recently that they began to report the occasional failure. One former employee informed me that management requested they manufacture missing records that would document things like training and due process in administrative hearings.

In my estimation, perhaps the worst abrogation of responsibility for public safety is the monitoring that goes on in various states. I had concerns in Colorado, for instance that the state monitors were there to essentially provide a façade of professionalism for the privates, and were not interested in either holding the privates to their contracts, nor assuring that corrective measures were taking place. In Brush, there was no hint of the allegations of sexual abuse of inmates in either the Wyoming or the Hawai'i monitors' reports that I received which had been compiled during the investigation and resolution of the scandals.<sup>46</sup> I sat in a Colorado legislator's office while she tried to get details about the unfolding mess, and was unable to get any information before a hearing that day on her bill to ban out of state inmates. A CCA representative on February 28<sup>th</sup> told the House committee that if the bill passed, CCA would have to close one of its four

Colorado prisons, but he was not able to say which one. It was a masterpiece of manipulation. There were representatives of each hosting county present to protest passage of the measure. Committee members inferred they didn't care much for private prisons, but they were going to vote against the legislation because the privates had them between a rock and a hard place, since there weren't enough state beds available to house all of Colorado's inmates.<sup>47</sup> The next morning, word of the scandals appeared in the newspaper,<sup>48</sup> so the reporters had been allowed to have information denied to the legislators.

I made a number of attempts to strike up a relationship with monitors but they were devoid of interest. Employees told me they informed the monitors of problems, but they were ignored. In response to the publicity, the Department assigned its spokesperson to lead the monitor's unit.<sup>49</sup>

In Arizona, Hawai'i monitors did not begin a thorough audit of the prison housing their inmates until two had died.<sup>50</sup> After the team finally arrived, members were told that CCA could not guarantee the safety of their female staff inside the institution.<sup>51</sup>

The Correctional Privatization Commission, a pork-barrel agency set up to administer Florida's private prisons, recently was found to have allowed GEO and CCA to overcharge the state \$13 million.<sup>52</sup> The director was indicted for six felonies, stemming from his diverting almost \$225,000 for himself. His predecessor had been fined \$10,000 by the state Ethics Commission for, in part, selling state work product using state equipment to another state.<sup>53</sup> Under the latter, the Commission maintained a cozy relationship with Dr. Charles Thomas, who was billed as the country's leading academic expert on private prisons. Dr. Thomas was fined \$20,000 and lost his tenured position.<sup>54</sup>

When a riot erupted on 5/14/05 at CCA's Diamondback prison in Oklahoma, Arizona advised the corporation to take corrective measures, such as removing construction materials so they could not be used as weapons. They insisted on the preservation of a chain of command rather than CCA's using sergeants as line staff, leaving supervisory positions temporarily vacant.<sup>55</sup> CCA complied in Oklahoma, but acted as though Crowley existed in a separate universe. Just as in Oklahoma, Prisoners used such materials to break into Crowley cells, offices and confidential files, looking for the identity of pedophiles and informants who were then savagely attacked.<sup>56</sup> CCA guards there were said to have run away when the riot started, much as they were reported to have done at Lee Adjustment Center in Beattyville, Kentucky when Vermont prisoners rioted.

This last deserves comment. When out-of-state prisoners rioted at CCA's Watonga in May, then in Crowley and Tallahatchie in July, and then again at Lee County, a CCA spokesperson, according to a Colorado editor, told the paper that they did not have previous experience with riots caused by out of state inmates. A Kentucky paper carried a similar comment from the same spokesperson.<sup>57</sup>

I don't believe that the safety difficulties that arise to such an extent in private prisons can be resolved by administrative measures. To me, the Colorado situation epitomizes the problems. The monitors, because the state is in an apparent symbiotic relationship with the privates, have understood in the past that they are not to shut the prisons down or to force them to comply with the contracts. This dynamic seems replicated in other states. Departments of correction would be best advised, I feel, to heed the recommendations made by a number of religious denominations, including Catholics,<sup>58</sup> Presbyterians,<sup>59</sup> Episcopal,<sup>60</sup> Methodists,<sup>61</sup> United Church of Christ, Unitarian

Universalists and others, and forbid the construction of new private prisons. Some churches have actually called for the abolition of these prisons.<sup>62</sup>

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Disclaimer: These footnotes are in rough draft form, but I believe them to be overwhelmingly accurate.

- 1.) [http://www.doc.state.co.us/after\\_action/after\\_action\\_report.pdf](http://www.doc.state.co.us/after_action/after_action_report.pdf) Colorado Department of Corrections: After Action Report – Crowley County Correctional Facility
- 2.) Report of the State Auditor – Private Prisons – Dept. of Corrections Performance Audit April 2005  
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BAD498725701B00755584/\\$FILE/1676%20Private%20Prisons%20Perf%20April%202005.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BAD498725701B00755584/$FILE/1676%20Private%20Prisons%20Perf%20April%202005.pdf)
- 3.) <http://www.commondreams.org/headlines04/0606-02.htm> NY Times 6/6/04 Trouble in Private US Jails Preceded Job Fixing Iraqs
- 4.) <http://www.cusa.org> (members only access) Corrections USA: Private Prisons: Public Safety Threatened. A summary of recent escapes: 1995-2004.
- 5.) Honolulu Advertiser: 10/13/05 October 13, 2005 Warden admits role in sex scandal
- 6.) Ibid.
- 7.) <http://www.dailyindependent.com/articles/2005/03/11/news/01prison11.txt> March 12, 2005 Prison to be state operated
- 8.) Accounting is per note to VT counsel by Marion prisoner sent from Lee Adjustment Center on 7/12.
- 9.) <http://www.psimu.org/justice/ppriarchive/ppri29-04-99.asp> (See also 1999 riot recap on this webpage.)
- 10.) <http://www.kcbd.com/Global/story.asp?S=2286093&nav=CcXHQn6Y> News Channel 11, Lubbock, Texas 9/10/04 Littlefield Inmates Escape with Inside Help
- 11.) <http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20051019/NEWS01/510190365/1002> 10/19/05 2 Miss. escapees captured in Ala. Corrections officer accused of assisting in escape also arrested
- 12.) <http://www.flpba.org/private/ohio.htm> 3/15/99
- 13.) [http://www.grassrootsleadership.org/downloads/CCA\\_Report.pdf](http://www.grassrootsleadership.org/downloads/CCA_Report.pdf) From the Tulsa World, 5/13/01. 5/17/01 AP. [http://www.austinchronicle.com/issues/dispatch/2002-07-05/pols\\_feature2.html](http://www.austinchronicle.com/issues/dispatch/2002-07-05/pols_feature2.html) “A Record of Dishonesty”
- 14.) [http://www.flpba.org/private/rap\\_mtc.html](http://www.flpba.org/private/rap_mtc.html) May 27, 2005 *Midland Free Press*
- 15.) Ibid. November 29, 2004 *Desert Sun*
- 16.) Ibid. May 22, 2004 *Albuquerque Journal*
- 17.) [http://www.dallasobserver.info/issues/2001-09-27/news/feature\\_2.html](http://www.dallasobserver.info/issues/2001-09-27/news/feature_2.html) Dade County officials terminated contracts when they discovered CSC had deliberately kept delinquents beyond their release dates to pocket extra money.
- 18.) <http://www.corpwatch.org/article.php?id=9428> US: Profiting from Incarceration: Altnet 12/15/03

- 19.) <http://layman.org/layman/news/2004-news/ferguson-letter.htm> The Layman Online 4/1/04
- 20.) Ibid.
- 21.) Personal correspondence from CCPOA on starting C.O.s' salaries vs. advertised MTC Eagle Mtn. pay
- 22.) Conversations with CiviGenics sergeant verified by second sergeant
- 23.) <http://www.dailyindependent.com/articles/2005/03/11/news/01prison11.txt>  
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- 24.) <http://www.gregpalast.com/store.htm> "The Best Democracy Money Can Buy"
- 25.) "Going nowhere: The town of Eagle Mountain probably has been handed a death sentence" 1/1/04  
The Press-Enterprise
- 26.) <http://www.afscme.org/private/98yrbk.htm> (From Corrections Yearbook 2000)  
AFSCME Corrections United "Public and Private Prisons compared"
- 27.) Private correspondence with Okla. Corrections union official, verified by newspaper accounts
- 28.) [http://westernskies.krcc.org/transcripts/8-25-2005/WS\\_8252005\\_B.html](http://westernskies.krcc.org/transcripts/8-25-2005/WS_8252005_B.html) E. Whitney with Judy Greene
- 29.) Debate by correspondence, Brian Dawe with the American Correctional Association. See also  
<http://www.afscme.org/private/98yrbk.htm>
- 30.) <http://www.flpba.org/private/salaries.html>
- 31.) Organisation for Economic Co-operation and Development  
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- 32.) Anchorage Daily News 4/17/01 "Wendy Mulder's office duties merit \$80,000"
- 33.) Anchorage Daily News: 9/27/01 "Money flies in battle over private prison"
- 34.) List provided to Prowers County Development by Cornell Companies in 2005
- 35.) Ibid.
- 36.) <http://www.fortunesociety.org/summer0414.htm> (retrieved cached copy) Fortune Magazine
- 37.) Testimony involving Vice Presidents from GEO Group and CCA before Kansas House Appropriations Committee 3/30/05
- 38.) [http://www.flpba.org/private/rhode\\_island.htm](http://www.flpba.org/private/rhode_island.htm)
- 39.) Whistleblower correspondence regarding Cornell's New Morgan Academy. Also Alexander Academy, Arkansas, <http://www.recordtimes.com/story.php?paper=adg&section=National&storyid=134348>
- 40.) <http://www.smartmoney.com/onedaywonder/index.cfm?story=20031113>  
One-Day Wonder Jailhouse Rocked By Lawrence Carrel November 13, 2003
- 41.) <http://www.postgazette.com/healthscience/20021103newmorgan3.asp> Pittsburgh Post-Gazette 11/3/02  
Secure treatment center's collapse due to abuse charges sends mentally ill teens to counties

- 42.) See attached summary of Alaska inmate affidavits held in Florence, AZ CADC
- 43.) <http://www.indystar.com/apps/pbcs.dll/article?AID=/20050518/NEWS02/50518>  
Plus personal correspondence from nurses, support staff and ex-Vice President of USCC
- 44.) From my review of ACA's Corrections Magazines, 2004-05
- 45.) Discussions with officials including state corrections directors
- 46.) Hawai'i and Wyoming monitors' Brush reports, January and February 2005. Totals only 20 pages.
- 47.) Testimony before Colorado House Judiciary Committee, 2/24/05
- 48.) <http://www.flpba.org/private/colorado.htm> Denver Post 2/25/05
- 49.) [http://rockymountainnews.com/drmn/state/article/0,1299,DRMN\\_21\\_4163927,00.html](http://rockymountainnews.com/drmn/state/article/0,1299,DRMN_21_4163927,00.html)  
Prison takes New Approach (Before heading Monitor Unit, Alison Morgan was the spokesperson for the Colorado DOC, and its legislative liaison.
- 50.) <http://www.flpba.org/private/florence.htm>  
4/30/01 Memo: Cheryl Zembik, Contract Monitor to Public safety director, Ted Sakai
- 51.) Ibid.
- 52.) [http://www.flpba.org/private/private\\_pics/Final%20Report.pdf](http://www.flpba.org/private/private_pics/Final%20Report.pdf) 64 page report and recommendations from Arizona DOC
- 53.) <http://www.flpba.org/private/book.htm> Private Capitol Punishment: Ken Kopczynski
- 54.) Ibid.
- 55.) <http://www.flpba.org/private/oklahoma.htm> Diamondback Correctional Facility - Watonga  
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- 56.) [http://www.doc.state.co.us/after\\_action/after\\_action\\_report.pdf](http://www.doc.state.co.us/after_action/after_action_report.pdf) Colorado Department of Corrections:  
After Action Report – Crowley County Correctional Facility
- 57.) <http://www.courierjournal.com/localnews/2004/09/17ky/A1-prison0917-8527.html>  
Louisville Courier-Journal: Prison riot followed increase in inmates
- 58.) <http://www.nccbuscc.org/sdwp/criminal.htm>  
"Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice" A Statement of the Catholic Bishops of the United States
- 59.) <http://www.pcusa.org/ga215/business/singles/comm0701.pdf> Presbyterian "Resolution calling for the abolition of for-profit private prisons."
- 60.) <http://www.flpba.org/private/religion.html> Resolution #10 of the 127<sup>th</sup> Convention of the Episcopal Diocese of Newark. The Alaska Episcopal Diocese has a much more detailed statement.
- 61.) <http://www.gc2000.org/PETS/PET/TEXT/p30589.asp> Methodist resolution
- 62.) <http://www.flpba.org/private/religion.html> Catholic Bishops of the South.

**The following eight pages are a summary of 44 separate inmate affidavits gathered from the families of Alaska prisoners held at the Central Arizona Detention Center, in Florence, Arizona, operated by the Corrections Corporation of America.**

**I interviewed former prisoners of that facility who were there when the second riot occurred. One whom I know quite well and consider him to be an accurate reporter vouched for the reliability of the second, "JDS." I had correspondence with JDS who had spent time in a Wackenhut/GEO federal facility in California, after finishing his Alaska state sentence. I eventually found him through his mother and sister in the federal reformatory at Allenwood, Pennsylvania. I also spoke to a now-former Alaska DOC official familiar with his family about JDS' reliability.**

**My wife and I visited the Florence facility in February 2000, and I interviewed many informed officials and others in the community the day we visited.**

Doc #	Incident Date	Report Date	Inmate Initials	Summary of allegations of violence against inmates at Correctional Corporation of America's CADC (AZ) prison on separate occasions – synopses of affidavits of individual inmates.
	8/30/98	5/22/99	SAK	Alleged assault by Asst. Supt. Luna, Chief of Security Owens over non-violent sit down protest over better food, food served cold, telephone problems and frequent lock downs. Verbal threats. Use of “gas bombs,” “concussion bombs,” “stun bombs” and rubber pellets. Guards tied inmate’s hands w/plastic cuffs for 4-6 hours, hit them and pointed guns at inmates. . Staff clubbing inmates, unnecessary force, punching, dragging by hair. Strip searched, put back in cell in undershorts, forced to kneel on floor for hours. Handcuffed two at a time & taken to cold solitary. Given no bed, only one blanket, for two weeks, denied medical care for 8 days. Untrained staff created problems. Staffed carried large fixed blade knives. Staff removed written materials detailing allegations from inmates’ cells.
	8/30/98	?	PRE	During sitdown over unsanitary food service, “childlike” servings, expired dates on containers of served food, “continuous and necessary” lockdowns, 30-45 day delay in visitation approvals, guards, without warning, fired rubber bullets, flash grenades, tear gas. Inmates had only requested discussion w/warden. Later “untrained, angry” guards randomly assaulted 33 inmates with batons and pepper spray. After brief, cold showers, nylon handcuffed inmates were placed in 2 man cells w/out blankets, mattresses, sheets, toilet paper or hygiene items for 3 days. Alleges force was used by untrained staff wearing “building security badges” with no understanding of the lasting and dangerous effects of tear gas.
	8/30/98	1/12/99	AHK	Discusses sitdown over complaints of poorly prepared food, “outdated” meats, and non-fresh vegetables and “frivolous” rules. Enumerates tear gassing, baton assaults, mace usage, shot with “some kind of” bullets. No clothes afterward except shorts, no bedding, no phone calls, no law library for 4-5 days. Whimsical disciplinary w/o regard for due process following.
	8/30/98	11/20/98	PRE	Exhibit N. Non-violent sitdown met with tear gas, rubber bullets. Dragged with hands cuffed, feet shackled. Physical threats from guard who claimed he would get 10 years added to inmate’s sentence. Denied shower for 3 days, recreation for 12 days. Hands were numbed by restraints.
	8/28/98	11/21/98	?	Fired on during sitdown strike.
	8/30/98	?	DR	(Exhibit L) Sitdown over bad food and sour milk. Assistant Warden (Luna) threw canister of CS gas at inmates w/o provocation. Shooting by other guards of concussion grenades and pellets. Guards hitting inmates in ribs with batons w/o warning. Guards’ knees on inmates necks. Pulled restrained inmates’ hair and then sprayed them with pepper spray.

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	8/30/98	11/2/98	TS	(Exhibit K) After sitdown over poor quality and small portion food, meat served months after expiration date, writer claims he was repeatedly pepper sprayed though not resisting, had hair pulled, was clubbed in back. Forced to kneel in gravel with head leaning into wall. Others had heads slammed into wall.
	8/30/98	11/6/98	KM	(Exhibit F-1) Regarding sitdown over expired meat served 2-3 times weekly, food portions and preparation, and delayed grievance procedures, inmate told to return to cell and matters would be discussed later. Inmate claims similar unfulfilled promises made before. No guards were endangered, no property damaged. 22 inmates abandoned sitdown and the remaining 33 were gassed without warning, had concussion grenades thrown at them. They were forced to kneel on gravel for 45 minutes, called "filthy names, teased and taunted." Shirtless inmates were forced to lay on gravel in 110 degree weather, had necks stepped on, hair pulled while being dragged, threatened with billy clubs. Inmates were cuffed for hours, held in drunk tanks in boxer shorts. "An authority figure informed the Goon Squad (SORT team) to 'shove those clubs up their asses if they say a word'." One inmate already blinded with tear gas was sprayed with pepper spray. Inmates were forced to kneel in gravel for 10 minutes, had faces shoved into wall. Then they were double celled, give a blanket each, only had shorts and a "suicide shirt" for 5 days.
	8/30/98	11/9/98	JB	Regarding sitdown, though not violent, inmates were gratuitously gassed, hit with shock bombs and shot with pellets. Dragged with hands tied behind them, through gravel, they had their heads banged on the wall and ground. Asthmatic writer passed out due gas, breathed afterward with great difficulty and was put in shower, unconscious. Was in restraints for 5 hours, then placed in segregation. Lost 90 days good time, got 35 days punitive, no commissary 40 days.
	8/30/98	?	ARK	Exhibit H. Sitdown involving grievances over food, unavailability of programs, substance abuse. After restraints some inmates were placed in administrative segregation for up to 30 days. Alaska Administrative Codes were violated as were due process standards.
	8/30/98	11/21/98	RB	Sitdown over outdated food, outdated milk, cold food. Guards shot tear gas, rubber bullets, and beat prisoners with night sticks. Restrained prisoners were pulled by hair so another guard could pepper spray their faces. Compares assaults to infamous Brazoria County, Texas guards riot. Questions whether guards are licensed per Arizona legal requirements. In 2000, adds allegations of previous beating and gassing dating to 8/30/98.

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	8/30/98	11/5/98	JB	Exhibit I. Sitdown involving grievances over serving of date expired food and milk, and cold food. Violation of "Cleary" (class action suit) standards. Inmates could not get tooth brushes or fresh fruit. Inmates frustrated because no relief was found through administrative procedures. Tear gas, stun grenades used on inmates for two minutes by guards in riot gear. All inmates got down on ground per orders of guards. Guards pepper sprayed some inmates, beat others. Some had heads banged against wall. Assistant Warden Luna accused writer of being "instigator," and threatened beating if protests continued. Inmates handcuffed for 5 hours in "R&D," then taken to JJ Pod. No toilet paper for 36 hours, no clothes except undershorts and paper shirts. Inmates given only one blanket and writer had no mattress for 80 hours.
	8/30/98	8/30/98	PE	Exhibit J. Sunday peaceful sitdown protest was responded to without warning by rubber bullets, (CS) tear gas, stun grenades. Guards in riot gear first randomly pepper sprayed and struck inmates with reinforced wooden batons, then selected 14 restrained inmates at random and beat and pepper sprayed them. Inmates were given 1-1.5 minute cold showers, stripped to shorts and restrained in small room for over six hours, then placed in 2 man cells for 3 days. Cells were without toilet paper, toiletries. Administration took ground samples from yard 14 hours after gassing and spraying to ascertain if recreation yard was "safe" for use.
	8/30/98	?	ARK	Sitdown over outdated food, inadequate programs, substance abuse. Guards shot tear gas, rubber pellets, maced some inmates. Restrained inmates were forced to kneel for 4.5-5 hours. Due process was violated and some inmates were put into ad seg for up to 30 days.
	8/30/98	11/21/98	RB	Sitdown over outdated food, outdated milk, cold food. Guards shot tear gas, rubber bullets, and beat prisoners with night sticks. Restrained prisoners were pulled by hair so another guard could pepper spray their faces. Compares assaults to infamous Brazoria County, Texas guards riot. Questions whether guards are licensed per Arizona legal requirements. In 2000, adds allegations of previous beating and gassing dating to 8/30/98.
	8/30/98	?	SMc	Sitdown over food labeled "Not for human consumption" and being served food on which dates had long since expired. Forced to kneel on sharp rocks and had feet kicked from beneath him. Guards shot at inmates with tear gas and "flying objects."

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	8/30/98	?	PE	Sitdown over unsanitary food trays, small portions, rancid beef, food served past expiration date, continuous and unnecessary lockdowns and 30-45 day wait for visitation approval by Alaska pre-approved visitors. Guards, without warning, fired hardened rubber bullets, dropped flash grenades, used C-5 (sic) tear gas. Angry untrained guards clothed in riot gear randomly assaulted blinded and disoriented non-resisting inmates with pepper spray and beat them physically. Inmates were given 1-1.5 minute cold showers and stripped to underwear. 19 were kept in small room for 6 hours, then placed in 2 man cells for 3 days. Cells lacked mattresses, toilet paper, blankets, sheets, or basic hygiene packs. Rec yard ground sampled 14 hours later.
	8/30/98	?	ARK	Sitdown over outdated foods, inadequate availability of programs, substance abuse. Guards shot tear gas, rubber pellets, some inmates Maced. Kneeling inmates were held in cells for 4.5-5 hours. Inmates were held in ad seg for up to 30 days awaiting disciplinary action. Due process was violated.
	8/30/98	?	SMc	Sitdown over food labeled "Not for human consumption" and being served food on which dates had long since expired. Forced to kneel on sharp rocks and had feet kicked from beneath him. Guards shot at inmates with tear gas and "flying objects."

Doc #	Incident Date	Report Date	Inmate Initials	Summary of allegations of violence against inmates at Correctional Corporation of America's CADC prison in Florence, AZ, on separate occasions during and after "guards' riot"
	3/11/00	3/16/00	JAC	Appendix E-1. SORT guards yelling, extracting, strip searching, attacked inmate B., pushed JAC's head into wall, baton assault, threats coercing silence about incidents. Witnessed assaults on other inmates.
	3/11/00	3/15/00	RW	Guard in riot gear entered cell yelling, had inmate exit cell walking backward, grabbed arm, had inmate lean with head against wall. Writer observed cellmate (BA) had face pushed into bunk railing. Guard Belloc (sp?) pulled inmate's head back in shower. Numerous inmates in this and other pods required medical attention as result of guard abuse this date.
	3/11/00	3/15/00	BA	Inmate extricated from cell (observed by RW) after face pushed into bunk rail. Stood with face against wall, hands on head.
	3/9/00-3/11/00	3/16/00	JAW	Existing back injury aggravated when forced to kneel for extended period despite report of pain. Some guards wore "combat knives" (fixed blade). Had drug dog. Inmate locked down until 3/11, except for shower, call to attorney and interview. Inmate questioned regarding suspected drug use by others inmates in pod. Saw inmate JDS being assaulted by guards on 3/11. Forced to kneel in shower at acute angle with head against wall for 30 minutes. Was told physical punishment was for a prior unspecified offense. Strip-searched in front of female guards. Cell ransacked and left in disorder. Required medical attention for back pain though delivery was delayed despite three requests.
	3/11/00-3/13/00	?	LC	Appendix F1-8. Saw inmate JDS assaulted including having arm wrenched up behind back. Strip searched in front of female SORT team guards and humiliated. Forced to lean with forehead against wall despite disabling knee injury. Threatened with beating. Fell after kneeling 20 minutes. Told he was receiving behavior modification for unspecified past offense. Observed similar treatment to inmate JR who had similar disabling knee condition. One SORT team member carried a grenade launcher. Inmate, previously diagnosed with PSAT was traumatized, felt frightened, depressed.
	3/10/00	3/20/00	MSG	Appendix G1. Guards in facemasks extricated inmate for shakedown. Saw other inmates gratuitously brutalized. Officer had 8" fixed blade knife on belt. Pushed face first into wall. Eye blackened, swollen lip, had vertigo. Said he heard Florence police officers were involved on the 15 <sup>th</sup> . Headaches and facial pain continued for ten days, at least.

Doc #	Incident Date	Report Date	Inmate Initials	Summary of allegations of violence against inmates at Correctional Corporation of America's CADC prison on separate occasions
	3/10/00	3/10/00	CS	Appendix H1-4. Unresisting inmate slammed to shower floor. Stomped in lower back, handcuffed tightly, threatened. Required medical attention. Filed grievance (included).
	3/08/00	?	MF	Affidavit in case # 3PA-99-669 ci. Guards with guns, clubs, entered E-pod searched cells. Later returned with drug dog. Inmates were interviewed about drugs allegedly found within prison. Lockdown lasted until 3/12 and inmates were fed bag lunches. Observed guards attempting to provoke unresisting inmate JDS, smashed JDS's head into wall. Elderly inmates were forced to kneel for 30 minutes, lean foreheads into wall at acute angle, cross ankles, put hands behind heads. Humiliated by having to strip before female guards. Guards ransacked cell, strewed possessions about.
	3/9/00	3/20/00	RAS	Affidavit J1-6l. Guards entered pod carrying grenade launcher, pepper spray, clubs and combat knives. Drug dog was used and found no contraband. Observed inmate JDS being assaulted. Inmate was forced to kneel at length despite hernia and knee pain. Observed inmate with disabled back forced to kneel. Strip-searched in front of female guards. Told he was being punished for unspecified prior disobeying of orders.
	3/9/00	3/13/00	DJK	Appendix K1. Locked down for four days, then approached by guards carrying large unidentifiable gun on 3/12. Without provocation, struck in back of head while strip-searched. Suffered a cut lip from tooth, when face smashed. Sought and received medical attention.
	3/9/00	3/13/00	GD	Appendix L. Saw cellmate's face slammed into shower wall. Strip-searched. Saw two inmates slammed down to the floor, one face first.
	3/10/00	3/21/00	FO	Appendix M1-3. Had head pushed into brick wall by guard Belloc (sp?). Forced to kneel on cement floor, ankles crossed, hands on head, face pressed to wall for 30 minutes. Threatened with bodily harm by Belloc. Saw Belloc assault inmate AK.
	3/11/00	?	KV	Appendix N1. Inmate forced to kneel on damaged knee, with crossed ankles, for 30 minutes. Verbally assaulted.
	3/8/00-3/14/00	3/21/00	SD	Appendix Q1. Guards with rotating gas grenade launcher and camcorder entered pod on lockdown. Writer assaulted by two guards. Threatened with solitary. Forced to kneel and twisted arms behind back. Stripped. Needed subsequent medical attention for injured shoulder.

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	3/9/00	?	RB	Appendix P1. After lockdown, inmates were questioned about drugs. On 3/11, masked and padded guards order inmates from cells. Saw inmate WS get face slammed into sallyport bars. Stood against wall with face touching, hands on head. Cut padding off inmate chairs with knives. One guard had grenade launcher. Alleges previous beating, gassing, in 8/98.
	3/8/00	3/24/00	MAW	Appendix R1. 40 Natives singled out for dog search at meeting. Forced to sit, leaning head on wall, hands behind head, feet crossed. Observed 7 guards assault one prisoner, SH. Stripped searched in front of females. Observed persistent injury to inmate SD. Lockdown till 3/14.
	3/12/00	3/21/00	ACC	Unresisting writer verbally assaulted during lockdown and search. Slammed face first into cinder block walls three times and threatened by two angry guards. Forced to kneel on chronically stiff and injured knee. Arm and hand twisted behind back. Pushed to the floor and jumped on by four guards or more. Face forcefully pushed into floor. Thumb was bent back. Threats continued and had face pushed to the wall once more, forced to lean on injured knee. Scratch resistant glasses were badly scored from being ground against wall.
	3/8/00-3/10	3/27/00	DDJ	After unfruitful search of other inmates for drugs, writer on lockdown was removed from cell, ordered to have hands intertwined. Because his hand was broken it was difficult. Guard responded by twisting broken hand all the way to the shower where inmate was strip searched. Left inmate traumatized. Observed guard with repeating grenade launcher or rubber bullet gun.
	3/9/00	?	WS	Inmates questioned about drugs during lock down. SORT team, masked and in padded riot gear took inmates to showers for strip searches. Riot squad roughly took this inmate after cuffing and had face slammed repeatedly into bars, wrist twisting almost to breaking. Threatened with more severe beating and slammed into bars in sallyport, then into barred gate, then into wall. Inmate then alleges that guards threatened him with death, rather than just a beating. Belloc tried to gouge inmate's eyes but hit glasses and again threatened with death. Overheard guards saying that another inmate would be tortured and beaten and have his medication withheld. One guard seemed to be named Rico. They continued that the Warden, Samberg, was weak and opposed to gratuitous violence and the Assistant Warden Luna loved getting his hands bloody. Nurse noted that the writer had a swollen, discolored wrist. Inmate was removed from shower cage when inmate JDS was brought in and slammed to floor.

	3/9/00	?	PBN	<p>Appendix II. Inmate locked down for four days, dog search. On 3/10, questioned about drugs brought into a different housing unit. Replied that guards must be involved in importing. On 3/11 black clad guard with padded shins, ski goggles, backed inmate out of his cell. In showers, more black clad guards with goggles had spray cans on belts, one with what appeared to be a gun held in a two-handed stance. Saw inmate JDS ordered to put head to wall, but it was already there. Guard slammed JDS's head into wall. JDS was pushed to bottom of stairs, jumped on by numerous guards. Some pulled his legs, twisted his arms behind his back, one put knee in JDS's back. Writer was ordered not to watch what was being done to JDS who was cuffed and removed from shower area. Writer was ordered to kneel 2' to 2.5' from wall and lean head against it, then given conflicting orders. He eventually was allowed to rise after 30 minutes kneeling, then was stripped to shorts with female watching. Returned to cell to find it ransacked. Saw Tom Martin from AK DOC on 4/17 who said CCA treated inmates as described because they feared an escape.</p>
	3/11/00	3/12/00	WCW	<p>Appendix C1. Writer had been locked down since 3/9/00. Numerous masked guards entered pod, yelling, pulling inmates out of cells and pushing their heads into wall. Reports a masked guard flicked out a 4-6" knife to cut floor protectors from chair legs. Had head slammed against shower wall, stripped in front of female. Unresisting inmate was slammed head first into shower floor, scratching glasses, kned in back. Officer alleged he was resisting because he could not bend inmate's left wrist as he did the right, but inmate's wrist was fused due to old injury. Inmate was ordered to lift his penis with female watching and again assaulted when he put the wrong finger in his mouth. He was ordered not to look at officers and threatened against being a witness to an assault (inmate SH). Forced to kneel against wall by a Hispanic guard who then grabbed hair ordered him to cross his legs while kneeling. Inmate made numerous requests for medical attention and finally saw nurse who noted swollen ankle and inmate displayed numerous abrasions.</p>
	3/10/00	3/10/00	MAT	<p>Removed from cell by guard N. Martinez for questioning. Guard Belloc, wearing utility belt, slammed inmate into wall injuring left shoulder. Threatened by Belloc with bodily harm. Inmate informed administrator Capt. Aultman and Ms. Wilson of Belloc's assaults. Writer observed another hand cuffed inmate escorted down hall by Belloc, arms forced upward, Belloc pulling hair and head backwards.</p>

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	?	?	NC	Slammed to concrete floor, kicked, kneed, shoved into wall.
	?	?	VJ	Hair pulled, pushed into wall.
	3/11/00	3/14/00	JDS	Appendix D1-4. Sleeping inmate aroused from cell by SORT team. Ordered to remove tee shirt and walk backwards out of cell. Ordered to shower for strip search, then ordered to hold head against wall. Yelled out to go to another stall and wasn't sure who was being addressed, so looked at guard. At that point, guard grabbed him by back of the neck and slammed his head into the wall. He protested treatment and guard twisted his arm behind his back to point of severe pain. Two officers grabbed his arm and leg and one rammed his knee into inmate's thigh. Inmate was standing on one leg while the other was twisted behind him, still being held by other officers. One guard smacked inmate's right elbow. then threw him to the floor, face-first. While inmate protests he is not resisting another officer cuffs him and overtightens them, cutting off circulation. Guard grabs chin from behind and places other hand over nose and mouth, cutting off breathing. Beating continues and then guards pulled up on handcuffs digging them into inmate's back. Inmate then slammed face down into a pallet of canned goods and threatened with further assault. Inmate placed, shoeless, into wet shower cage. In releasing cuffs from outside cage, guards pull inmates hands through slot, aggravating already injured shoulder and causing severe pain. Not long afterward, an officer takes 3 Polaroids of injuries before running out of film. Inmate given sack lunch in shower. Two hours later, inmate was taken to Casa Grande hospital 20 miles away, still without shoes, in wet socks, leg shackles, handcuffs, "black box" and belly chains. Medical personnel noted puncture wounds in back, bruised and lacerated temple and wrist, and swollen and lacerated knee. The guards involved in the assault were Belloc, Ortega and Salinas. Inmate was interviewed by Florence, AZ P.D. on 3/14.