

Dec 4, 2013 telegram.com

WEST PALM BEACH, Fla.— Don Gaetz was unmoved. For hours during a Florida Senate committee meeting last year, the powerful Panhandle Republican and his colleagues listened politely as corrections officers and their advocates warned that putting almost all of South Florida's prisons under private management invited disaster. Safety would suffer, they said. Gaetz, now Senate president, remained a skeptic. All you have is anecdotes, he said, "a parade of horrors." It's not a parade. It's a pattern: Squalor, rape, murder and riots persist in private prisons nationwide. Since 2000, 10 major riots have erupted and 30 inmates have died, The Palm Beach Post found. In incident after incident examined by The Post, a distinct cost-saving thread appears: Too few guards on hand to prevent violence. Inexperienced guards unable to maintain control. Poorly trained guards who assaulted and exploited inmates in their care. Two class-action lawsuits over strip-searching resulted in multimillion-dollar settlements. Multiple rapes of female inmates by guards led one state to remove prisoners from a privately run facility in Kentucky. Three times, the Justice Department stepped in when it became clear inmates were in jeopardy. In the past 24 months alone, two riots left a guard and inmate dead. Corrections Corporation of America, which runs four Florida prisons, admitted it lied about understaffing an especially violent Idaho lockup. GEO Group Inc., which operates two other prisons in this state, came under fire by the Justice Department for sexual assaults of young offenders in Mississippi. GEO and CCA each house 85,000 or fewer prisoners nationwide -- roughly the same number as Florida's public prisons. Yet since 2000, no riots resulted in major damage or serious inmate injuries in Florida's state-run prisons, none was closed over inmate abuse, and none was investigated by the Justice Department over widespread squalor. It's easy to understand why the private prison incidents are written off as anecdotes. They most often take place in cities and states distant from one another, involve only one prison and are rarely, if ever, linked to other incidents. To compile its comprehensive list, The Post gathered audits, security reports, lawsuits, criminal cases, government records and county, state and federal investigations spanning 21 states and 13 years. The very worst human rights abuses have taken place outside Florida. And state officials say such problems could not happen here because Florida draws up better contracts, conducts more thorough monitoring and does not tolerate understaffing. Even if contracts create better conditions here, though, critics question why the state would do business with any company tied to such abuses. "They will get away with whatever they can get away with," said Ken Kopczynski, executive director of the Private Corrections Working Group, a nonprofit opposed to most prison privatization. Driven by profit: Life behind bars isn't meant to be pretty. "Prisons are bad places filled with bad people where bad things happen," said Alex Friedman, an ex-convict who advocates for prisoners as associate director of the nonprofit Human Rights Defense Center. "The difference is that private prisons have something the public prisons don't -- a profit motivation." American Civil Liberties Union attorney Carl Takei, who has sued both public and private prisons, said he sees problems in any prison that is not fully staffed or is underfunded. "The problem is that there are incentives in private prisons that make these situations more likely to occur," said Takei. "Their business model requires that they spend as little as possible." Murder in plant class: When inmate Jason Owens was murdered at Graceville Correctional, his family had one question: Where were the guards? Owens and convicted murderer Jason Ridge were in horticulture class when the teacher stepped out. Ridge picked up a piece of concrete and, when Owens' back was turned, repeatedly bashed him in the head, other inmates said. Two days later, Owens died. According to a suit brought by Owens' family, employees earlier complained that inmates frequently were left unsupervised in classrooms when teachers had to leave because GEO did not have enough guards. Graceville inmate Robert Paul Knowles said he, too, was left alone with Ridge the day before the attack on Owens, despite warnings by inmates to both the teacher and administrators that Ridge was dangerous. In court documents, Knowles said a teacher left the two men unguarded to pick up tools. The next thing Knowles remembers is waking up in a pool of blood with a pickaxe nearby. Ridge was nowhere in sight. Knowles wound up in a hospital intensive care unit. Prison officials did not confine Ridge to his cell while they investigated. The next day, Ridge went to class with Owens. In the previous eight months, the state had withheld \$59,889 in payments to GEO for failing to fill vacant jobs. In court filings, GEO has argued that it had no way of knowing that a random assault was imminent, and that, while tragic, "Not every injury suffered by one inmate at the hands of another translates into constitutional liability for the prison officials responsible for the victim's safety." Committed to safety: Private prison operators deny allegations that they cut corners on safety to boost profit. Their business model actually makes them more committed to safe prisons, spokesmen contend. Poorly run prisons would cost them business and contracts. "We have a solid track record of operating safe and secure facilities while providing our

customers with savings," said Issa Arnita, a spokesman for Management & Training Corp., which runs one of Florida's seven private prisons. CCA says its standards of care ensure fair and ethical treatment of inmates, and GEO "has always been committed to protecting human rights," said spokesman Pablo Paez. Still, the issues won't go away. After student protests in March over alleged prisoner mistreatment, GEO withdrew a \$6 million gift to Florida Atlantic University offered in exchange for stadium naming rights. GEO emphasizes that protesters cited old cases. Some lawsuits alleging human rights violations over the years have been settled. Paez says the agreements reflected business decisions, not the merits of the cases. Specific records of how private prison companies are faring in Florida can be difficult to come by, in part because the companies insist on secrecy. Recently, the state asked CCA for basic information about staffing, prisoner hygiene, job vacancies and the daily costs of running state-owned Moore Haven Correctional. CCA refused, partly claiming trade secrets. In 2011, CCA sought to shoot down a stockholder's proposal to issue regular public reports on rapes at its prisons. It asked the Securities and Exchange Commission to keep the idea from even being presented to shareholders, arguing that the company was already considering making the information available. Reports of rape, though, have dogged CCA, and nowhere as publicly as at a Kentucky women's prison. Rape in the attic: They called it the Love Nest. It wasn't much, according to one account -- an attic mattress above the gym -- but for CCA guards insisting on sex with female inmates at Kentucky's Otter Creek Correctional, it was enough. Even the chaplain took part, according to civil court records. Some guards didn't have to bother with the climb. A 38-year-old woman was serving five years for theft when her mother was stricken with cancer. The inmate asked to call her. The supervising officer, she said, had a request of his own: sex. At least 19 women came forward with allegations of sexual abuse. It's not clear whether more women were involved because an anonymous hotline was answered in the office of the CCA employee who assaulted the 38-year-old, according to her lawsuit. Between 2006 and 2009, three guards were found guilty of misdemeanor charges of sex abuse. In August 2009, Hawaii removed all 168 of the female inmates it paid CCA to house at Otter Creek, citing sex abuse allegations. Six months later, Kentucky transferred its own female inmates in what it said was a cost-savings move. The 38-year-old woman's lawsuit was settled this year. Warning signs: In Florida, state auditors have cited persistent issues with security. A 2008 report warned of "repeated and substantive problems" at unspecified private prisons, including inoperable alarms and escape sensors, as well as unsanitary medical conditions. The next year, at privately run South Bay and Lake City prisons, auditors cited "high rates of prison security violations," including broken lights and motion detectors, missing tools that could be weaponized and inconsistent inmate counts. On average, the two privately run prisons had more than double the number of security violations of public prisons. In 2010, a state memo on privately run Bay, Moore Haven, Graceville and Gadsden prisons pointed out that the state Department of Corrections had found repeated security violations. One company was fined \$96,000 for failing to conduct appropriate background checks on employees. Two of the four prisons had barely achieved an overall "acceptable" rating in a 20-month period. Still, the number of repeated security violations at Bay, Graceville and Moore Haven were sharply down, state auditors reported. Is anybody there? In 2011, when state inspectors unexpectedly showed up in Palm Beach County at GEO-run South Bay, no one answered the door. Inspectors flashed a light at a security camera. Still no response. GEO blamed a broken buzzer. The state found no breach of contract. Florida incidents aren't confined to security. An audit cited Graceville prison for not providing adequate clothing to new inmates; the matter was resolved after state officials threatened \$1,000-a-day penalties. The violation was promptly addressed, said auditors. At a CCA-run jail in Citrus County, two guards were fired after inmates alleged they were putting urine and feces in prisoner food. Hernando County took back jail operations from CCA in 2010; the county discovered hundreds of thousands of dollars in needed repairs and shouldered most of the costs. By then, incidents included three suicides in four months, an escape that went unreported for hours and the company's failure to log more than 700 jailed inmates in the statewide fingerprint database, which would have tipped them off to whether the jail housed inmates wanted on warrants elsewhere. South Bay inmate Roy Hyatt lost vision in one eye after another inmate boiled water in a microwave oven, then threw the scalding liquid in his face. Microwaves aren't freely available to inmates in state-run prisons. A jury awarded Hyatt \$1.2 million in a civil suit against GEO -- almost \$400,000 more than he sought -- after the forewoman said she was "appalled" felons had unfettered access to microwaves. Reporting troubles: Records of prison incidents varying from a flat tire at a fence to inmate assaults are kept at each prison and routinely filed in Tallahassee. Public access to incident reports from public or private prisons is expensive. The Post paid hundreds of dollars for one year of reports at one prison. Records of security lapses are typically exempt from public scrutiny. So if

there is a delay in reporting or incidents are cast in a less serious light, the public is even less informed about how their tax money is being spent. In 2009, a CCA-run prison in Florida was penalized \$17,500 for a delay in incident reporting; in this case, not telling Tallahassee about an inmate fight. The delay was minimal -- just seven days -- but "incident reporting issues continue to surface," according to state officials. In Tennessee, CCA-run Hardeman County Correctional failed to report that the warden had knocked a prisoner to the ground, then punched him. The inmate's hands were tied behind his back. Tennessee only learned of the incident two months later -- from the prisoner's lawyer. The warden resigned. He later pleaded guilty to official oppression. In some cases, reports can downplay the seriousness of incidents, said Bryan Holcomb, a former CCA detention center manager in Georgia. "Part of what CCA did was reclassify incidents," he said. "If a guy was climbing a fence, that was not an attempted escape, it was being in an unauthorized area." Another reporting problem was raised in a 2008 letter protesting the pending judicial appointment of then-CCA general counsel Gus Puryear. An ex-employee alleged Puryear instructed him to keep two sets of audit reports, one a warts-and-all report for internal use only. A senior staffer told the ex-employee that the measure was designed to evade public records laws. CCA vehemently denied the allegations, and Puryear, in a lengthy written statement, said, "I have never sought to downplay violent incidents." Some "candid observations" by company auditors were not necessarily included in reports to government, he acknowledged. If an auditor assumed that such documents would appear in the press, he said, the auditor would "be hesitant to convey serious concerns." Staffing is key: Manpower matters. In dozens of lawsuits and state and federal investigations, understaffing has been pinpointed as key to everything from lapses in medical care to riots. Between July 2009 and June 2013, Florida withheld more than \$4.5 million in payments to private operators either because they hadn't met contract requirements or they had too many staff vacancies. It's not known how many of those unfilled jobs were support staff, such as clerical workers, and how many were guards. Florida's Department of Management Services, which oversees private prison contracts, flatly denies any suggestion that a private prison here is allowed to be understaffed. Vacancies are not the same thing as understaffing, they say. That's because, even though positions may go unfilled, requirements for specific staffing patterns, such as a certain number of officers at a certain post, are met. For example, officers working overtime can fill vacant posts until new officers are hired. "While we do from time to time have vacancies, we make sure all shifts are fully staffed -- safety and security are never compromised," said Issa Arnita, a spokesman for Management & Training Corporation, which operates one Florida prison. Boots on the ground: But raw numbers, not just staffing patterns, are crucial, say inmates and corrections experts alike. "They'll say we have good facility design, we have great cameras, so we don't need as many staff," said Friedman, the prisoner advocate. "Well, when you have some 250-pound gang member sticking a knife in your face, a camera won't rescue you. You need boots on the ground." In Florida, staffing-related contract violations at GEO-run South Bay have been by far the most costly of any privately run state prison. The state penalized GEO \$1.05 million in a little more than three years because South Bay jobs went unfilled. South Bay, according to state-supplied databases, had 237 corrections officers overseeing roughly 1,800 inmates in 2012. The public prison the state compares with South Bay, Okeechobee Correctional, had 286 officers for approximately 1,600 inmates. Criminal justice policy expert Judith Greene was an early visitor to the prison, hailed as a model when it opened in 1997. With Greene on a tour was the head of New York City's sprawling jail operations. "The very first thing we noticed was that out in the yard there were hundreds and hundreds of prisoners with just two guards," recalled Greene, director of Justice Strategies Inc., a New York research and advocacy group. It was, they agreed, "very disturbing." Last year, a former GEO corrections officer told lawmakers that she and one other guard had been responsible for overseeing roughly 300 prisoners at South Bay. The South Bay assault that took Roy Hyatt's sight occurred when "only a couple of guards were on duty," said his lawyer. East Mississippi Correctional is a near-textbook case of what can go wrong with too few or poorly trained guards. In 2011, an ACLU team toured the prison. Among other things, it reported widespread hunger at the lockup, then run by GEO. One 6-foot-tall prisoner weighed 148 pounds. Inmates had lost, on average, 21 pounds since entering the prison, the team concluded. "One prisoner reported that he frequently felt so hungry he would resort to eating crumbs off the dirty floor in his cell," inspectors reported. Cell walls, they said, were covered with blood or feces. Antipsychotic medications were discontinued abruptly and inmates feared the psychiatrist, findings all the more disturbing because the facility was expected to offer prisoners the highest level of psychiatric care. But monitoring troubled inmates, much less treating them, was near-impossible: The prison was "grossly understaffed," the team found. Following the report, the prison psychiatrist resigned. The state assigned a physician to consult with GEO, which pledged reform.

Several months later, the physician said few of his recommendations had been followed. Last year, OSHA stepped in. The federal workplace safety agency fined GEO \$104,100 in large part because there were too few guards to protect employees from physical harm. Not all cell doors locked properly. Officers were assaulted. "Prisons may be inherently dangerous workplaces, but the employer is still required to take every reasonable precaution to protect corrections officers and other staff," wrote an OSHA official. GEO is contesting the safety findings, an OSHA spokesman said. Green guards: Inexperience worries guards and inmates alike. "It takes time to become adept at managing inmates," said Gerry Gaes, a criminal justice expert and former director of research at the Federal Bureau of Prisons. At CCA's Lake Erie Correctional Institution in Ohio, a state review found both staffers and inmates feared not enough officers were on hand to keep them safe. The prison later received a glowing follow-up review by state corrections officials. But a separate state watchdog agency this year reported assaults were sharply up, in part because inexperienced guards weren't stepping in to curb violence and discipline troublemakers. CCA was receptive to ideas for improving, the agency wrote. At the CCA prison he served time in, Friedman said inmates were more than willing to pull new guards aside to give them advice. They weren't trying to be nice. It was self-preservation. "I have interviewed prisoners time and time again in private prisons who say, they really shouldn't send young people here," said Justice Strategies' Greene. Inmates wanted more seasoned guards who would know how to defuse potentially dangerous situations. Teen guards: Daniel Laufenberg was still a teenager when CCA hired him to work in the Hernando County Jail. He hadn't been thinking about a career in corrections. His last two jobs had been at Chik-fil-A and Blockbuster. "I was pretty fresh," he said. He was one of several, he added. "They would have kids come in to do the job." The numbers almost immediately made him nervous. "They would have about 13, 14 people for about 400 inmates," he recalled. "There were definitely too few people." Further, Laufenberg was on an "earn-as-you-learn" track. He was taking mandatory classes in how to become a corrections officer while working as one. Looking into three suicides, an escape and a guard stealing from inmates, Hernando's state attorney wrote in 2006 that, while CCA appeared committed to bettering conditions, hiring officers still in training was "without question a contributing factor" to the incidents. CCA stated it wanted to move away from the practice. Keeping officers on the job until they gain experience is made more difficult by a cost-savings measure: In Florida, private prison firms don't offer the traditional pensions that typically keep people longer. That's a key factor in keeping costs down. And savings is the original motivation for privatizing Florida's prisons. But savings isn't the only consideration for taxpayers. Lawsuits following reports of maltreatment -- and there are hundreds -- aren't just aimed at the companies. State and federal corrections authorities are almost always sued as well. "The state can't get out of its responsibility," said ACLU's Takei. "Just because states are privatizing, they are not giving away their responsibility to prisoners, staff and the public." More important than savings, he said, "is whether staffing is adequate, where corners are being cut." On Greene's tour of South Bay, it was the toilets that stopped her short. They were porcelain. Stainless steel is preferred because porcelain can be broken and used to injure guards or other inmates. Greene's companion asked the warden if he was concerned that the porcelain could be weaponized. "And he said, 'We can replace these four times for the amount of money it takes to install a stainless steel toilet.'" Pat Beall writes for The Palm Beach Post. E-mail: pat(underscore)beall(at)pbpost.com. Staff researchers Niels Heimeriks and Michelle Quigley contributed to this story.