

**OKLAHOMA DEPARTMENT OF CORRECTIONS
OFFICE OF INTERNAL AFFAIRS
SUMMARY OF INCIDENT**

Nature of Incident: Inmate Escape – Great Plains Correctional Center

Submitted to DA: Yes **County:** Caddo County

Type of Violation: Inmate Escape

Subject (S): Charles McDaniels, 182314, Tony Ellison, 483195

Victim (S): State of Oklahoma

Investigation Requested by: Director Justin Jones, Oklahoma Department of Corrections

Facility: Great Plains Correctional Facility (GPCF)

Date Requested: January 22, 2007

Date Authorized: January 24, 2007

Date Forwarded: March 8, 2007

BASIS FOR INVESTIGATION

The following information is provided, regarding the escape of Inmates Tony Ellison #483195 and Charles McDaniels #182314, from the Great Plains Correctional Facility on January 22, 2007.

At approximately 4:00 p.m., as officers were conducting count on A-Pod, they identified two inmates that were not in their assigned bunks. At approximately 4:25 p.m., the shift supervisor was notified by master control that count was not clearing. The shift supervisor ordered the unit recounted, which the officers did, with the same result. At approximately 5:20 pm, a facility recount (standing ID) was ordered. It was during the standing ID count, that inmates Tony Ellison #483195, and Charles McDaniels #182314 were identified as missing.

At approximately 5:20 pm, the shift supervisor notified the chief of security, deputy warden and security duty officer of the missing inmates. At approximately 5:30 p.m., Warden Sam Calbone was notified, who in turn authorized deployment of the facility emergency response team.

Upon notification of the escape, an investigator, with the Internal Affairs Unit of the Oklahoma Department of Corrections was dispatched to GPCF, to determine the facts and circumstances of the incident. Upon the investigator's arrival, Warden Calbone

briefed him on the known circumstances of the escape and the fact that cuts had been discovered in the perimeter fence.

After being informed of the breach in the perimeter fence, the investigator photographed and examined two angular slits that were cut in both the interior and exterior perimeter fences of Zone 6, located on the A & B Unit recreation yards. The cuts were approximately three feet in length.

Two sets of distinct footprints were located in the snow, heading in a northeastern direction away from the fence/facility. (Note: Approximately 2 inches of ice and snow covered the grounds of the GPCF on January 22, 2007. The temperature was approximately 24 degrees Fahrenheit. The escape occurred during broad daylight.) Found between the two fences was a blue stocking cap and an address book belonging to inmate Charles McDaniels. The investigator followed the path taken by the two inmates, which led approximately one half mile to the home of a Hinton resident.

While walking the escapee's path, the investigator noticed an inmate's shirt bearing the name, "Tony Ellison." The lower right quarter of the shirt was saturated in blood.

On January 23, 2007, a two-day facility shakedown was conducted by GPCF. Numerous contraband items were seized, including drug paraphernalia and cell phones; however, no wire cutters were found during the search.

During the period of time in which McDaniels and Ellison were on escape status, they engaged in a "crime spree" across multiple counties within Oklahoma. The criminal activity included the taking of two civilian hostages for a short period of time. These criminal actions have been investigated by the local jurisdictions from which these crimes occurred.

On January 24th at 10:26 p.m., inmates McDaniels and Ellison were arrested by the Tulsa Police Department, while in the process of committing multiple home invasions in Tulsa. Both inmates were booked into the David L. Moss Criminal Justice Center on escape charges. Ellison was also booked on three counts of "First Degree Burglary, Felony Eluding, and Resisting Arrest." McDaniels was also booked for "Attempted First Degree Burglary, and Obstruction of Justice."

During the course of an interview with McDaniels, he was asked what he used to cut through the perimeter fence. He responded by stating that it was obvious he used something to cut the fence, but he would rather not say. When asked what he did with the tool, he responded by stating that he would rather not say.

McDaniels stated that he knew he could escape from the GPCF, because he had been observing the fences for approximately five years. He said that periodically, he would walk by and shake the fence to see if the perimeter officers would respond to alarms. According to McDaniels, no facility staff ever responded to the perimeter alarms. He commented that the facility tower was usually unmanned and the "razor wire" surrounding the outer perimeter fence was not sufficient enough to prevent their escape.

McDaniels said that on the day of the escape, he avoided the perimeter officers, because one was sitting at the tower as the other drove around front. When the perimeter officers

would move, he and Ellison would back away from the fence. According to McDaniels, he and Ellison started cutting the fence during the 12:30 PM recreation break for (A) Pod. When their recreation period was over, they entered the facility, made a circle and came back to the recreation yard through (B) Pod. (Note: No accounting for inmates returning from (A) Pod recreation was ever conducted.) McDaniels said he was very surprised that the perimeter officer was not more observant. He stated, "If they had just been driving around they would have seen us."

McDaniels stated that he and Ellison entered and exited the perimeter fence approximately three times during the escape. During their last exit, Ellison cut himself on the fence. Once clear of the perimeter, both inmates ran to the first available house, which was just east of the facility.

Subsequent to the inmates' apprehension, inmate Ellison died while incarcerated in the Tulsa County Jail. Inmate McDaniels has been arraigned and is pending multiple criminal charges in Caddo, Oklahoma and Tulsa Counties. He is currently incarcerated at the Oklahoma State Penitentiary.

Justin Jones
Director



Brad Henry
Governor

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS

RECEIVED

APR 18 2007

Private Prisons, Jails
and Safety Administration

April 6, 2007

Great Plains Correctional Facility
Travis Smith, Acting Warden
700 Sugar Creek Drive
Hinton, OK 73047
(405) 542-3711 phone

Hinton Economic Development Authority
Eldon McCumber, Chairman, HEDA
200 West Maple
P. O. Box 519
Hinton, OK 73047

Subject: Liquidated Damages Notification of Non-Performance

Dear Gentlemen:

This letter shall serve as notice to you that the Oklahoma Department of Corrections will withhold a payment in the amount specified in this letter based on areas of Non-Performance identified herein as authorized in the July 1, 2003 contract between the Department and the Hinton Economic Development Authority. The applicable Contract sections are as follows:

Section 10.2 Contractor Breach.

D. This subsection regarding notice and opportunity to cure shall not be applicable in event of successive or repeated Breaches of the same nature or the lack of due diligence, in which case the Director may order immediate compliance, enhancement of the liquidated damages by a factor of two, or termination of the contract for cause.

Section 5.16 Security and Control. The Operator shall provide adequate security with respect to the inmates in accordance with the Operating Standards.

A. The security level of the Facility will be medium at all times. Operator shall provide security and control in accordance with the Operating Standards. All inmate program activities shall take place within the Facility or on Facility grounds or as approved by the Department. No inmate shall leave the Facility except under security escort in accordance with the Operating Standards.

Handwritten initials: JJJ

Section 5.17 Escapes

- A. Operator shall exercise its best efforts to prevent escapes from the Facility. The Contractor shall immediately notify local law enforcement agencies and the Contract Monitor upon discovery of an unauthorized absence or escape. Contractor shall be responsible for all expenses incurred by the State for returning inmates captured within the State, including any overtime expenses of its or other agency staff. The State shall be responsible for returning escapees to Oklahoma from other jurisdictions, but shall be reimbursed by the Contractor for any expenses associated with the escapee's return, including transportation and all other legal costs and expenses. (See 57 O.S. 561(M)(2) & 563.2(H)).

On January 22, 2007, during the afternoon, inmates Charles McDaniel, DOC# 182314, and Tony Ellison, DOC# 483195, escaped from the custody of the Great Plains Correctional Facility. The inmates escaped by cutting through the interior and exterior perimeter fencing. While on escape, the two inmates committed criminal acts of kidnapping, home invasions, assault, and theft before their capture in Tulsa on January 24, 2007.

Prior to the escapes, a Deputy Director's Security Audit was conducted by the Department on October 31 and November 1, 2006. The audit gave specific direction regarding security improvements needed at the facility and included such issues as inmate count procedures, perimeter fencing, camera placement, and perimeter security. On November 15, 2006, the audit results were given to the facility with a request for a plan of action. The first plan of action was reviewed and on January 18, 2007, the Department determined that additional corrective action was needed primarily due to the inadequate responses regarding the perimeter fencing. The second plan of action was submitted on February 19, 2007, with acceptable responses. Security deficiencies have directly contributed to the opportunity at GPCF for violent inmates to escape.

Non-Compliance in the Service Area below is listed as having a Value of 5 and an **Operator Breach** of 5 for Failure to Provide Service and Failure to Comply with Other Applicable Requirements calculated from November 15, 2006 to February 19, 2007:

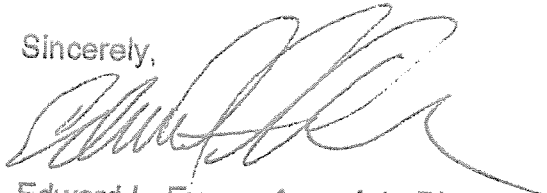
LIQUIDATED DAMAGES NON-PERFORMANCE MONETARY ASSESSMENT

Based upon the above information, the following damages are assessed for Non-Performance for each day from November 15, 2006 to February 19, 2007:

Non-Performance Issue: 5V x 5B x 97 days x \$25.00 = \$60,625.00

If you have any questions regarding this assessment, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Evans', written in a cursive style.

Edward L. Evans, Associate Director
Field Operations