

**STATEMENT
OF
ALEX FRIEDMANN**

ASSOCIATE EDITOR, PRISON LEGAL NEWS
AND
VICE PRESIDENT, PRIVATE CORRECTIONS INSTITUTE

BEFORE THE
**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY**

REGARDING
**H.R. 1889
(Private Prison Information Act of 2007)**

PRESENTED ON

June 26, 2008

Statement of Alex Friedmann

Chairman Scott, Ranking Member Gohmert and Members of the Subcommittee:

Thank you for providing me this opportunity to testify concerning H.R. 1889, the Private Prison Information Act. I hope that my comments, this statement and the attached exhibits will prove helpful when considering this important and much-needed legislation.

I am the associate editor for *Prison Legal News (PLN)* – a non-profit monthly publication that reports on corrections and criminal justice-related issues. *PLN* has been publishing since 1990 and has extensively covered the private prison industry. I also serve in a voluntary capacity as vice president of the Private Corrections Institute (PCI) – a non-profit citizen watchdog agency that opposes prison privatization and maintains a clearinghouse of news reports and other documents related to private prison companies.

H.R. 1889 is fairly straightforward. This bill would require privately-operated prisons and other correctional facilities that hold federal prisoners under contract with a federal agency to comply with Freedom of Information Act (FOIA) requests to the same extent as the federal agency itself. Private prison firms would be required to do no more than what federal agencies already do.

The need for H.R. 1889 is three-fold. First, it is good public policy and safeguards the interests of taxpayers, since private prison contracts with federal agencies involve the use of taxpayer funds.

Second, H.R. 1889 is necessary because private prison companies have repeatedly demonstrated that absent a statutory requirement to do so, they will not provide the public and the media with

information that otherwise would be obtainable from government agencies under FOIA and state public records laws. Indeed, in some cases for-profit private prison companies have attempted to conceal information from contracting government agencies and, thus, from the public.

Third, H.R. 1889 is necessary as a matter of public safety. Transparency and accountability are critical for monitoring prison and jail operations, both public and private. Such transparency and accountability are already available in the public sector through FOIA, which provides oversight by means of public access to public records. Under current law there is no comparable means of ensuring transparency and public accountability for privately-operated prisons.

H.R. 1889 is Necessary as Good Public Policy

In 2002, in a case which extended Tennessee's public records statute to private contractors that provide functionally equivalent government services, the Tennessee Supreme Court said, "[T]he public's fundamental right to scrutinize the performance of public services and the expenditure of public funds should not be subverted by government or by private entity merely because public duties have been delegated to an independent contractor."

Federal agencies that house prisoners or detainees, including the Bureau of Prisons (BOP), U.S. Marshals Service, and Immigration and Customs Enforcement (ICE), already are subject to the Freedom of Information Act. They are public agencies, incarcerate prisoners as a public function to ensure public safety, and are held publicly accountable through FOIA. Any citizen can obtain information about federal prisons or detention facilities by submitting FOIA requests – as can journalists and other members of the media who thereby inform and educate the public.

However, when the operation of correctional facilities is contracted to private-sector companies such as Corrections Corp. of America (CCA) or GEO Group (formerly Wackenhut Corrections), under current law the private contractors do not have to comply with FOIA requests and are not similarly accountable to the public. By contracting out the management of facilities that house federal prisoners, federal agencies are contracting away the public's right to obtain information about the operations of those facilities through FOIA requests. Thus, members of the public and the media are unable to obtain the same information from privately-run prisons that they can obtain from government-operated correctional facilities.

To the extent private prison companies claim H.R. 1889 is unnecessary because they already provide reports and records to government agencies pursuant to their contracts, that reasoning rings hollow. Private contractors are only obligated to provide reports and records as required by their contract, and nothing more. This excludes a wide range of documents that are available from federal agencies, which are required to comply with FOIA, but not available from CCA or other private prison companies. Contracts between private companies and the BOP, ICE and U.S. Marshals are not written with FOIA in mind; they are written with prison and jail security operations in mind. To my knowledge, no federal contract requires a private prison contractor to comply with FOIA to the same extent as the contracting government agency. Absent a law such as H.R. 1889, private prison contractors do not have to respond to FOIA requests.

As a result, records related to misconduct by private prison employees (e.g., crimes or disciplinary violations), employee-to-prisoner ratios, internal policies, the type of training that private prison employees receive, staff turnover rates, etc., are not obtainable from the contracting government agency if private prison companies are not required to disclose such information pursuant to their

contracts. A contract between a federal agency and a for-profit private prison company should not serve as the gatekeeper for, or inhibit access to, records that can be obtained by members of the taxpaying public who foot the bill for the government's private prison contracts.

I will provide an illustrative example. In April 2008, I sent public records requests to a number of public agencies that contract with CCA, requesting specific data including the number of inmate-on-inmate assaults, inmate-on-employee assaults and use of force incidents. I also requested data concerning CCA employees who had been charged with criminal offenses.

Despite contracting with CCA, several jurisdictions stated they could not provide the requested records or data. The Board of Commissioners for Citrus County, Florida provided the number of disciplinary reports but said, "All other information is not received or maintained by this office." The Tallahatchie County Sheriff's Office stated, "I do not have anything ref: to what you are asking for in my office. CCA takes care of their own business." The Hamilton County Dept. of Corrections replied, "No such records are maintained in this office for the dates you request."

In several cases it was suggested that I obtain the requested information from CCA; however, as noted below, CCA is not responsive to public records requests. Thus, in these examples, data that would be obtainable from government-run prisons was not obtainable from public agencies that contract with private prison companies, even though they presumably monitor their private prison contracts. This indicates that merely because CCA or other private prison firms provide some data to contracting government agencies, they clearly do not provide all the data that would be publicly available from government-operated correctional facilities.

As stated in “Watch Your Assets,” Feb. 6, 2008 (a joint project by Texans for Public Justice and Grassroots Leadership), “In response to requests for records under the Texas Public Information Act, however, the [Texas Dept. of Criminal Justice] acknowledged that it does not collect basic statistics about private facilities, numbers that it routinely gathers for facilities that it operates itself. TDCJ officials say that its inspectors monitor some employment information during site visits but the agency could not provide staffing numbers for its private facilities. The requested data that the agency did not provide were records on the number of guards each facility employs, the guard-to-prisoner ratio, guard disciplinary data, and enrollment in drug-treatment programs.”

H.R. 1889 is Necessary Because Private Prison Companies Fail to Comply
with Existing Public Records Laws and FOIA Requests

On April 3, 2007, I submitted a public records request to CCA under Tennessee’s public records statute. Five years previously, Tennessee’s Supreme Court, in *Memphis Publishing Company vs. Cherokee Children and Family Services*, held that “private entities which perform ‘contracted out’ governmental services” that are functionally equivalent to those performed by public agencies are subject to Tennessee’s public records law.

Despite the fact that CCA, which operates prisons and jails, unquestionably performs functionally equivalent public services, the company refused to comply with *PLN*’s records request. CCA’s attorney argued that Tennessee’s public records law did not apply to the company. Consequently, on May 19, 2008, *PLN* filed suit against CCA for failure to comply with the state’s public records law as interpreted by the Tennessee Supreme Court’s prior ruling. I am the plaintiff in that case, *Friedmann v. CCA*, Chancery Court of Davidson County, Tenn., Case No. 08-1105-I. This suit would not have been necessary but for CCA’s denial of *PLN*’s public records request, in which

we requested documents that would have been obtainable from public agencies under Tennessee's public records act (e.g., complaints, verdicts and settlements in legal actions; reports, audits and investigations in which CCA was found to have violated its contractual obligations; and copies of the contracts entered into between CCA and Tennessee public agencies). A copy of CCA's letter denying *PLN*'s public records request is attached as Exhibit 1.

Previously, in December 2005, *PLN* sued the GEO Group – the nation's second largest private prison firm – for failing to fully respond to records requests under Florida's public records statute. Although GEO produced a limited number of the requested records, it ignored other requests and did not respond to a second records request. While that litigation is ongoing, GEO has agreed to produce the requested records – but only after *PLN* filed suit. Further, during the litigation GEO failed to comply with requests for discovery, requiring *PLN*'s attorney to file multiple motions to compel, which were granted by the court. The case is *PLN v. The Geo Group, Inc.*, 15th Judicial Circuit of Florida, Civil Division, Case No. 50 2005 CA 011195 AA.

Additionally, in 2004 and 2007 the Private Corrections Institute (PCI) submitted public records requests to CCA under Florida law, seeking an after-action report related to a hostage-taking and shooting at the CCA-operated Bay County Jail. CCA declined to produce the requested report, citing attorney-client privilege. Notably, the reports prepared by Bay County officials and by the Florida Department of Law Enforcement, concerning the exact same incident at the Bay County Jail, are public records that are made publicly available. A copy of the Oct. 19, 2007 letter from CCA's attorney denying PCI's public records request is attached as Exhibit 2.

The above examples relate to state public records laws, not to federal FOIA requests. However, to the extent that private prison firms have refused to comply with state public records statutes, there is no reason to believe they would voluntarily comply with FOIA requests.

To test this theory, on May 8, 2008, *PLN*'s editor, Paul Wright, sent a FOIA request to Mr. Cole Carter, CCA's Assistant General Counsel at the company's corporate office. Our FOIA request asked for the total number of FOIA requests filed with CCA since 2006, in addition to CCA's responses to the last 20 FOIA requests received. We also requested specific information related to CCA facilities that house federal prisoners – including the number of inmate-on-inmate assaults, inmate-on-staff-assaults, use of force incidents, etc. A copy of our FOIA request is attached as Exhibit 3. FOIA allows for 20 business days to respond to a records request; however, as of June 20 – thirty-one business days after our request was submitted – CCA had not replied. Mr. Wright has placed five phone calls to CCA to check on the status of our FOIA request and left messages each time. He has received no response from Mr. Carter or any other CCA official.

It is apparent that CCA is unwilling to voluntarily respond to FOIA requests, just as the company does not comply with requests submitted under state public records laws. Thus the need for H.R. 1889, to ensure that private prison companies are held accountable to the public through FOIA to the same extent as the federal agencies they contract with. Additional recent examples of private prison firms failing to provide information to the public and to journalists are included in Exhibit 4, which was compiled by the Private Corrections Institute and includes reports from the Public Broadcasting Service, *The New Yorker* and the *New York Times*, among others.

Ironically, prisoners held in privately-operated facilities have access to internal prison policies while members of the public do not. Consider that earlier this year, a prisoner at the CCA-run Saguaro facility in Arizona contacted *Prison Legal News* and informed us that CCA staff were not allowing prisoners to receive books ordered from *PLN*. I called the facility, left a message, and received a return call on April 7, 2008 from Traci Thompson, who identified herself as the Warden's secretary. I requested a copy of CCA's policy governing the receipt of reading material by prisoners; however, I was told I could not receive a copy of the policy because it was for "in-house" use only. See Exhibit 5, an affidavit I wrote at the time. While prisoners have access to internal CCA policies, as a member of the media I was denied access to those same policies. That would not happen at a government-run prison, where such policies are public documents.

Indeed, CCA has been very creative in keeping internal documents out of the public's hands. For example see Exhibit 6, an incident report from CCA's North Fork Correctional Facility in Sayre, Oklahoma involving the use of chemical agents and a "T-160 Flameless Expulsion grenade." This report is labeled "Proprietary Information – Not for Distribution – Copyrighted." No comparable report from a government agency would be designated "proprietary" or "copyrighted."

H.R. 1889 is Necessary as a Matter of Public Safety

As noted above, in April 2008 I sent public records requests to a number of public agencies that contract with CCA, in which I requested information about CCA employees who were charged with crimes. Many of the government agencies I contacted said they maintained no such records. The fact that many jurisdictions were unable to provide any data regarding CCA employees who had been arrested for criminal offenses is troubling. The Louisiana Dept. of Public Safety and

Corrections stated, “With regard to your request for information relative to CCA employees being charged with criminal offenses, this office has no information regarding that issue.” According to news reports and other data, I am personally aware of at least 85 CCA employees who were charged with crimes over the past five years – yet in many cases the contracting public agencies were unable to provide information about arrests of private prison employees.

Certainly, prison staff who engage in criminal conduct – such as contraband smuggling – have an impact on public safety. Information related to federal prison employees who engage in criminal acts can be obtained through FOIA; however, private prison contractors are under no obligation to make public similar information about their own employees charged with crimes. As stated above, in many cases such information is not even known to contracting government agencies. If enacted, H.R. 1889 would require private prison companies to disclose criminal conduct by their employees to the same extent as federal agencies, by making them subject to FOIA requests.

Further, consider that in some cases private prison companies deliberately withhold information from government agencies. One documented example involves a May 16, 2007 incident at the CCA-operated Hardeman County prison in Tennessee, when CCA warden Glen Turner assaulted a prisoner. Despite a state monitor being present at the facility, the incident was not reported by CCA nor discovered by the monitor. The Tennessee Department of Correction (TDOC) was only informed two months later, in July, by the prisoner’s attorney. The TDOC’s Director of Internal Affairs stated in an e-mail that the incident involving Warden Turner “was never reported at the facility,” and said it was only after the TDOC was notified by the prisoner’s lawyer “that anyone at the facility began to acknowledge the excessive use of force by Warden Turner.” A subsequent investigation verified that the incident did occur; Warden Turner resigned, was prosecuted and

pleaded guilty in September 2007. There is no question that CCA staff had tried to cover-up this abusive incident; information about Warden Turner's excessive use of force had to be obtained from state officials through a public records request, not from CCA.

Public safety concerns are also implicated when private prison companies do not provide accurate information about security-related incidents such as escapes and riots. On March 13, 2008, *TIME* magazine published an article concerning a former CCA employee-turned-whistleblower, Ronald T. Jones, who had been employed as a senior manager in the company's internal quality assurance division. Mr. Jones alleged that under the direction of CCA's vice president and general counsel, Gustavus A. Puryear, the company maintained two sets of quality assurance reports. The reports provided to contracting government agencies reportedly did not contain all of the information in CCA's in-house reports, which were labeled "attorney-client privileged" and not for distribution outside the company. A copy of the *TIME* article is attached as Exhibit 7. The quality assurance reports referred to by Mr. Jones include "zero tolerance" events such as riots, escapes, hostage situations, unnatural deaths and sexual assaults at CCA facilities.

One example of such an internal CCA quality assurance report, which is labeled "an attorney-client privileged communication ... not to be released to anyone without the expressed written approval of the Office of General Counsel," is attached as Exhibit 8. Such internal documents, which contain information about security-related events that impact public safety, are not made available to members of the public – nor, apparently, to contracting government agencies.

Although CCA has disputed Mr. Jones' allegations, the attempted cover-up at CCA's Hardeman County facility involving Warden Turner, the internal CCA quality assurance report designated

“attorney-client privileged” attached as Exhibit 8, internal CCA incident reports that are labeled “proprietary” and “copyrighted” as shown in Exhibit 6, and CCA’s refusal to provide a copy of an internal policy as described in Exhibit 5, cast substantial doubt on the company’s claim that it does not withhold information from contracting government agencies or the public.

Conclusion

Perhaps most obviously, if CCA and other private prison contractors allege that H.R. 1889 is not necessary because they already produce reports and information to federal agencies, or otherwise comply with FOIA requests, then what is the harm of this legislation and why are they lobbying against it? If they have nothing to hide they should have no objections. There is no downside to H.R. 1889; it would simply require private prison companies that contract with federal agencies to respond to FOIA requests to the same extent as the federal agencies themselves. Existing FOIA exemptions that safeguard personal information and privacy concerns would still apply.

In addition to my experience with *Prison Legal News* and the Private Corrections Institute, I am also a former prisoner. From 1992 to 1998 I was incarcerated at the CCA-operated South Central Correctional Facility in Tennessee; I therefore have personal knowledge and empirical experience in regard to how CCA operates. During my incarceration I was privy to internal CCA documents that contained information not for public disclosure, and was aware of misconduct by CCA staff that had an adverse impact on public safety. Absent any statutory requirement to publicly disclose such information, the public, the media and government agencies that contract with CCA would never know about many of the problems at the company’s privately-operated prisons.

The bottom line is that if the private prison industry already provided members of the public with the same information that can be obtained from federal correctional facilities, H.R. 1889 would not be needed. However, because private prison companies have repeatedly demonstrated they are unwilling to respond to FOIA and public records requests, this legislation is necessary.

H.R. 1889 is good public policy that will increase accountability and transparency at privately-run facilities that house federal prisoners by making them subject to FOIA requests, and thereby will improve public safety and preserve the public's right to know how their tax dollars are spent.

NOTE: None of the CCA-related documents attached as exhibits to this statement were obtained from CCA; all were obtained through other sources, as CCA has denied my records requests.

EXHIBIT 1

WALKER, TIPPS & MALONE

ATTORNEYS AT LAW

2300 ONE NASHVILLE PLACE
150 FOURTH AVENUE, NORTH
NASHVILLE, TENNESSEE 37219

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JOHN L. FARRINGER IV
CHARLES I. MALONE

April 24, 2007

VIA FEDERAL EXPRESS

Alex Friedmann
Prison Legal News
5341 Mt. View Road #130
Antioch, TN 37013

Re: *Your April 3, 2007 letter*

Dear Mr. Friedmann:

Walker, Tipps & Malone represents Corrections Corporation of America ("CCA") with respect to your April 3, 2007 letter requesting production of certain documents pursuant to Tennessee's Public Records Act, Tenn. Code Ann. § 10-7-503. As set forth below, CCA denies your requests for several reasons.

First, CCA respectfully disagrees with your assumption that CCA is subject to Tennessee's Public Records Act. As the Tennessee Supreme Court held: "A private business does not open its records to public scrutiny merely by doing business with, or performing services on behalf of, state or municipal government." *See Memphis Publishing Co. v. Cherokee Children & Family Services, Inc.*, 87 S.W.3d 67, 79 (Tenn. 2002). CCA is a privately-owned, for-profit corporation. CCA is not managed or operated by the State of Tennessee or any of its subdivisions, it was not formed by an act of the Tennessee legislature or a local general assembly, and it was not formed for the sole purpose of serving any Tennessee government functions. Rather, CCA has contracts with multiple federal, state, and municipal governments throughout the country. The only money CCA receives from political divisions of the State of Tennessee is as a *quid pro quo* for providing correctional facility management services, and this amount of money is a small percentage of CCA's overall income. Unlike a government agency, CCA does not claim the benefit of governmental immunity from suit in tort actions, CCA employees do not participate in public retirement plans, and CCA maintains its own insurance. CCA is simply not the functional equivalent of a Tennessee government agency. *See Cherokee Children*, 87 S.W.3d at 79; *Memphis Publishing Co. v. Shelby Cty. Health Care Corp.*, 799 S.W.2d 225, 229-231 (Tenn. Ct. App. 1990), *appl. perm. appeal denied* (Tenn. 1990).

Second, even if CCA were subject to the Public Records Act, many of the documents you request are not covered by the Public Records Act by operation of state law. *See* Tenn. Code Ann. § 10-7-503(a). Tennessee law protects from inspection under the Public Records Act



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attorney work product and documents protected by the attorney-client privilege. *See Arnold v. City of Chatanooga*, 19 S.W.3d 779, 786 (Tenn. Ct. App. 1999), *perm. app. denied* (Tenn. 2000); Tenn. Op. Atty. Gen. No. 06-104 (Tenn. A.G. 2006); Tenn. R. Civ. P. 26.02; Tenn. Code Ann. § 23-3-105. Similarly, Tennessee law protects from inspection under the Public Records Act documents sealed by a protective order of a court. *See Ballard v. Herzke*, 924 S.W.2d 652, 662 (Tenn. 1996). Your request for documents protected by privilege and/or confidentiality is not appropriate under the Public Records Act.

Third, many of the documents you request are otherwise obtainable through either court clerk's offices or through the relevant governmental agency with whom CCA has contracted. In construing the Public Records Act, "the public's right of access to government records must be balanced with the burden that the disclosure of these records will place on the government." *See Swift v. Campbell*, 159 S.W.3d 565 (Tenn. Ct. App. 2004), *perm. app. denied* (Tenn. 2005). To the extent you request documents that are otherwise available to you, CCA submits that it would be overly burdensome to require a private entity like CCA to gather and/or obtain such documents and make them available for inspection.¹

You request six categories of documents. All requests are limited to documents pertaining to correctional facilities managed by CCA in the State of Tennessee pursuant to a contract between CCA and the State of Tennessee or a subsidiary county or municipal government. Further, you limit your requests to the time frame of January 1, 2002 through April 3, 2007. There are six (6) correctional facilities encompassed by your requests:

- Hardeman County Correctional Center, Whiteville, TN (contract with Hardeman County Correctional Facilities Corporation)
- Metro-Davidson County Detention Facility, Nashville, TN (contract with Davidson County Sheriff's Department)
- Shelby Training Center, Memphis, TN (contract with Juvenile Court of Memphis and Shelby County, Tennessee)
- Silverdale Detention Facilities, Chattanooga, TN (contract with Hamilton County, Tennessee)
- South Central Correctional Center, Clifton, TN (contract with Tennessee Department of Corrections)
- Whiteville Correctional Facility, Whiteville, TN (contract with Hardeman County Correctional Facilities Corporation)

Each category of documents is addressed separately as follows:

¹ Even if CCA were subject to the Public Records Act and some of the documents requested were not confidential or protected and not otherwise available, the Act requires only that documents be made available for inspection. *See* Tenn. Code Ann. § 10-7-503(a). For that reason, and because it would create an unreasonable burden, CCA would not be required to provide any documents in electronic format or via electronic mail.

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(1) Complaints in Tennessee Lawsuits. Complaints filed in Tennessee courts are available in the court clerk's offices. Please refer to the list of relevant facilities above and contact the applicable federal or state courts where those facilities are located to obtain any records. It would be unreasonably burdensome to require CCA to gather and/or obtain such records when they are equally available to you from the court clerk's offices.

(2) Verdicts Forms and Settlement Agreements in Tennessee Lawsuits. As with complaints, any other pleadings or rulings filed with the respective court clerk's offices are as easily available to you as to CCA. Upon information and belief, all settlement agreements encompassed by your request contain confidentiality provisions and are, therefore, not open for inspection under the Public Records Act. Well-settled public policy protects the confidentiality of settlement negotiations and agreements in order to encourage settlement. See *Goodyear Tire & Rubber Co. v. Chiles Power Supply, Inc.*, 332 F.3d 976, 980 (6th Cir. 2003). Further, some such confidential settlement agreements are sealed pursuant to court order and clearly not available for public inspection. See *Ballard v. Herzke*, 924 S.W.2d 652, 662 (Tenn. 1996).

(3) Audits and Investigations by Tennessee Governments. You may refer to the above list of Tennessee government entities with whom CCA has contracted and request this information from them directly, to the extent any such information exists. It would be unreasonably burdensome to require CCA, who is not a government agency subject to the Public Records Act, to do this work for you.

(4) Tennessee Court Rulings. Once again, this information is as readily available to you as to CCA by contacting the respective court clerk's offices.

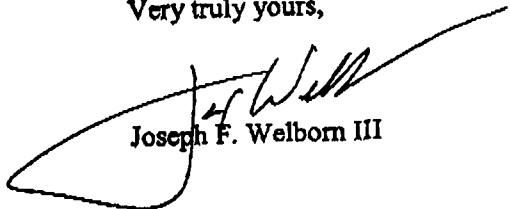
(5) Spreadsheets or Databases Regarding Tennessee Litigation. The only information CCA understands this request to encompass is protected by the attorney-client privilege and/or work product doctrine. Any CCA databases regarding Tennessee litigation contain case evaluations, settlement considerations, litigation strategies, and other protected and/or privileged information. Such information is not subject to the Public Records Act.

(6) Final Contracts and Renewals Between CCA and State of Tennessee. As with respect to any audits and investigations, you may obtain this information directly from the relevant Tennessee government entity with whom CCA has contracted.

My review and analysis of applicable law suggests that the facts and law support CCA's position that it is not subject to the Tennessee Public Records Act. I would be happy to discuss this matter further with you and invite you to share with me anything I may have overlooked in my analysis. Please direct all future correspondence and communications regarding this matter to me.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph F. Welborn III". The signature is written in a cursive style with a large, sweeping initial "J" and a long horizontal stroke extending to the right.

Joseph F. Welborn III

JFW/pkg

EXHIBIT 2

WILLIAMS ♦ SCHIFINO

WILLIAMS SCHIFINO MANGIONE & STEADY P.A.

ATTORNEYS AT LAW

John J. Agliano

October 19, 2007

Lina C. Angelici

Jacqueline M. Bell

Blake D. Bringgold

V. Stephen Cohen

Kelly Bopp Cone

James M. Craig

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Mary B. Thomas

Kenneth G. Turkel

Shane B. Vogt

Robert V. Williams

Matthew L. Wilson

Of Counsel

Steven M. Samaha

Ken Kopczynski
Executive Director Private Corrections Institute, Inc
1114 Brandt Drive
Tallahassee, FL 32308

Dear Mr. Kopczynski:

Please be advised that the undersigned has the pleasure of serving as outside, private counsel for Corrections Corporation of America. In that regard, CCA has requested that I provide you with the following information in response to your September 20, 2007, public records request.

In that request, you sought "...all Risk Assessments and Monthly Key Indicators for CCA's Hernando County Jail for the last twelve month period."

Please be advised that the only documentation referenced in the request is a security risk review which was prepared by an outside contractor. I have been advised that the review addresses security systems and plans, and as a result, this documentation is exempt from those documents contemplated by Chapter 119.07, Florida Statutes. See Chapters 119.071(3) and 281.301, Florida Statutes.

As to the Monthly Key Indicators for the last twelve month period, please be advised that CCA is not in possession, custody or control of any such documentation.

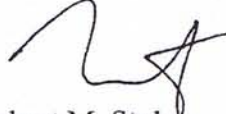
Finally, your correspondence sought copies of an open "after action report" of the "September 7, 2004, hostage incident at the Bay County Jail."

I have been advised that this report was prepared by outside counsel in anticipation of litigation. Accordingly, it is exempt from those documents contemplated by Chapter 119.07, Florida Statutes. See Chapter 119.071(1)(d), Florida Statutes. Also, please be advised that potential parties to litigation regarding the incident are Amy and James Hunt.

Please feel free to contact my office should you have any questions or concerns regarding the request for documentation. I will make sure that any and all inquiries are promptly forwarded directly to CCA.

Very truly yours,

WILLIAMS, SCHIFINO, MANGIONE &
STEADY, P.A.

A handwritten signature in black ink, appearing to read 'R. Stoler', written over a horizontal line.

Robert M. Stoler

RMS/alk

EXHIBIT 3

PRISON LEGAL NEWS

Dedicated to Protecting Human Rights

P.O. Box 2420, West Brattleboro, VT 05303— 802-257-1342

www.prisonlegalnews.org

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May 8, 2008

SENT VIA CERTIFIED MAIL

Corrections Corp. of America
Attn: Mr. Cole Carter
Assist. General Counsel, Operations
10 Burton Hills Blvd.
Nashville, TN 37215

RE: Freedom of Information Act Request Pursuant to 5 U.S.C. § 552

Dear Mr. Carter:

I am submitting the following request on behalf of *Prison Legal News (PLN)*, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, for records and documents maintained by CCA, as set forth in the following specific requests:

1. The total number of FOIA requests received by CCA during calendar years 2006 and 2007, and to the date of this request for calendar year 2008.
2. Copies of the last twenty (20) FOIA requests received by CCA, and copies of the full responses or answers from CCA to said last twenty (20) FOIA requests.
3. The following requests apply only to the CCA facilities listed below which house federal prisoners; if any of these facilities do not house federal prisoners, please exclude those facilities from the following requests:

California City Corr. Center
Central Arizona Detention Facility
Eden Detention Center
Elizabeth Detention Center
Eloy Detention Center
Houston Processing Center

Laredo Processing Center
McRae Correctional Center
Northeast Ohio Corr. Center
San Diego Corr. Facility
T. Don Hutto Residential Center
Leavenworth Detention Center

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A. The Safety and Control Report (or comparable document) for the time period of Oct. 5 to Oct. 12, 2006 for the above-listed facilities, including the aggregate number of year-to-date occurrences (from Jan. 1, 2006 to Oct. 12, 2006) for the following categories:

Safety – All Categories

Inmate on inmate assault with and without weapons

Inmate on employee assault with and without weapons

Discovery of weapons – manufactured and homemade

Use of force – with/without chemical and inflammatory agents

Discovery of alcohol and controlled substances

Inmate grievances

Inmate positive drug tests

Total disciplinary reports – Major and minor

B. The corresponding Data Worksheets with the source data used to compile the information included in the Safety and Control Report described in request no. 3A. Please note that data for all other CCA facilities except for those facilities referenced above can be redacted from the requested Safety and Control Report and corresponding Data Worksheets.

C. The Operations Indicators reports / spreadsheets (or comparable documents) for the above-listed facilities, for the time period covering the first two weeks in October 2006.

I request that all of the requested records be provided in electronic format. As *PLN* is a media publication and the requested records will be used for the benefit of the public through our non-commercial news reporting, I request a waiver of fees (5 U.S.C. § 552(a)(4)(A)(iii)). A federal court has already determined that *PLN* is entitled to a fee waiver under FOIA; see *PLN v. Lapin*, 436 F.Supp.2d 17 (D.D.C 2006). I further request an expedited review of this FOIA request as I am a journalist who is primarily engaged in disseminating information to the public, there is a compelling need for the timely production of the requested records in order to report on current events and news related to CCA, and because the requested records will contribute significantly to public understanding of government operations and activities.

Please note that above FOIA requests are severable, and in the event that CCA objects to any of these requests, I request responses to the remaining requests and the specific statutory exemption that you claim justifies your objection to produce any of the requested documents. Please provide a response to this request within twenty (20) working days, as provided by FOIA. Please contact me should you need any additional information. Thank you for your time and attention;

Sincerely,

/s/

Paul Wright, Editor *PLN*

EXHIBIT 4

Private Corrections Institute, Inc.

Support H.R. 1889, Private Prison Information Act

H.R. 1889 is a good government bill. This bill requires “prisons or other correctional facilities holding Federal prisoners under contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to do by law.”

Very simple and fair. Why is this legislation needed?

Currently, private prison companies under contract with the federal government are not subject to Freedom of Information Act (FOIA) requests. For example:

- On May 9, 2008, the Public Broadcasting Service show *NOW* aired a program, “Prisons for Profit.” Here’s what one of the reporters, Maria Hinojosa, had to say about access to private prison records: “As a journalist, my job is to ‘tell the untold story,’ but visiting a prison – especially a private prison – is especially challenging. I couldn't find out how many drug offenders or other prisoners at Crowley [a CCA-operated prison] end up back behind bars because nobody is keeping track. And I couldn't find out if the numbers of assaults in this prison had gone up or down since the riot, because those records are not available to the public. These kind of statistics are treated as privileged information by private prison companies. If knowledge is power, a journalist, and by extension the public, is at a disadvantage when it comes to the corporate corrections industry.”
- When PCI submitted a FOIA to Corrections Corporation of America for records at their San Diego Correctional Facility, the warden sent PCI a letter saying that CCA was not the proper authority for the information. The warden wrote that “We take no position on whether these records are subject to release at this time, but acknowledge that a large amount of contractor submitted information is subject to FOIA based on the statute and the Department’s regulations.” CCA produced no records.
- It was reported in the *San Diego Union-Tribune* on May 4, 2008 (“Immigration agency, contractors accused of mistreating detainees”) that the ACLU could not determine if CCA had a financial interest in keeping detainees from having access to medical treatment because “the public cannot obtain government contract information from private companies.”
- Two investigative journalists who put together a webpage on CCA and Immigration and Customs Enforcement (www.businessofdetention.com) had this to say: “We FOIA’d a list of CCA contracts with ICE and the US Marshals Service, and found them to be of minimal use when the financial amounts on the documents were redacted, as were the contracts shared with us by TRAC from a similar FOIA.” Why can't members of the public learn how much of their taxpayer money is being spent on private prison contracts?

Dee Hubbard
President

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1114 Brandt Drive - Tallahassee, FL 32308

850-980-0887 - www.PrivateCI.org

- In “The Lost Children” (*The New Yorker*, March 3, 2008), author Margaret Talbot wrote that getting information about a CCA detention facility, “especially from the people who run it – is hard. Private prison companies are not subject to the same legal requirements as public prisons to provide incident reports on assaults, escapes, deaths, or rapes.” Ms. Talbot then reports on one incident where Ms. Judy Greene, a criminal justice researcher, tried to obtain information about the for-profit’s use of force authority. “In a Freedom of Information Act request, Greene asked for documents that might shed light on this question. Eventually, she recalls, she heard from the Bureau of Prisons that it was prepared to give her the information but had to get permission from CCA; a second letter informed her that CCA had said no, claiming that the information she sought about the use of force was a “business secret.” Use of force authority for federal prisoners is a “business secret”?”
- On March 13, 2008, *Time* magazine reported that Ronald Thomas Jones, a former high-ranking CCA quality assurance employee, had gone public with accusations that CCA maintains two sets of internal quality assurance reports. Mr. Jones described how damaging reports containing information from CCA prisons and jails were stamped “attorney client privilege” for in-house use only, to make it difficult, if not impossible, for the public to find out what is going on in CCA's prisons and jails.
- On May 5, 2008 the *New York Times* (“Few Details on Immigrants Who Died in U.S. Custody”) reported that details related to deaths at ICE facilities were hard to come by. Reporter Nina Bernstein related how it took Congress to demand information about the deaths to get such information. The *Times* FOIA’d ICE to get a list of deaths but found that the “list had few details, and they are often unreliable.” Ms. Bernstein’s exposé focuses on the death at CCA’s Elizabeth Detention Center in New Jersey of Boubacar Bah, a Guinean who had overstayed his visa. She writes that “Mr. Bah’s relatives never saw the internal records labeled ‘proprietary information – not for distribution’ by Corrections Corporation of America.” Mr. Bah died “in a sequestered system where questions about what had happened to him, or even his whereabouts were met with silence.” Why? “Four days after the fall, tipped off by a detainee who called Mr. Bah’s roommate in Brooklyn, relatives rushed to the detention center to ask Corrections Corporation employees where he was. ‘They wouldn’t give us any information,’ said Lamine Dieng, an American citizen who teaches at Bronx Community College and is married to Mr. Bah’s cousin”
- In another *New York Times* article the same day by Ms. Bernstein (“Family Struggled in Vain to Help Suffering Detainee”), she recounts another example of CCA ignoring requests for information from a detainee's relatives. The four sons of Maya Nand, an illegal immigrant from Fiji, “kept calling the [CCA Eloy Detention facility] to plead for medical attention, they said, but could only through to an answering machine. They said they hired a lawyer to reach the warden, but nothing changed.”

Plainly and simply, private prison corporations are hiding behind the veil of corporate secrecy to keep the public from finding out what is going on behind the walls of their facilities. It is obvious the current system of obtaining information about these privately-operated prisons and jails is not working.

If Steven Owen, CCA’s Director of Marketing, is to be believed when he said “We’re one of the most transparent industries out there” (“Who Holds the Keys?”, *Boise Weekly*, September 12, 2007), then why is CCA lobbying to defeat this legislation? If they have nothing to hide why do they voice such strong opposition to H.R. 1889? This bill is needed to protect the interests of the public and to guarantee the public's right to know, in order to ensure public accountability over the for-profit private prison industry.

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EXHIBIT 5

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, the undersigned, Alexander Friedmann, first being duly sworn, and under the penalty of perjury, affirm and state as follows:

1. I am employed as the Associate Editor of Prison Legal News.
2. On or about April 4, 2008, I called the CCA-operated Saguaro Correctional Center in Eloy, Arizona at 520-464-0500. I was transferred to the office of the warden's secretary, and left a message requesting that they contact me about questions related to the facility's mail policy.
3. On April 7, 2008 I received a call from Ms. Traci Thompson at the Saguaro Correctional Center, who identified herself as the warden's secretary. According to my Caller ID, the call originated from 520-464-0500.
4. I asked Ms. Thompson about the facility's policy in terms of prisoners being allowed to receive books from outside sources.
5. Ms. Thompson informed me that the facility's policy was that prisoners could not receive books sent from family members, friends or other outside sources, but must order books themselves and pay for them from their prison accounts.
6. Ms. Thompson informed me that prisoners could order books through a form available in the institutional library, and that she thought, but was not sure, that books could only be ordered from Barnes & Nobles.

7. I asked Ms. Thompson for a copy of the facility's policy concerning the receipt of books or reading material by prisoners. Ms. Thompson informed me that she was not allowed to provide a copy of the policy, as it was an in-house policy.

FURTHER, AFFIANT SAITH NOT.

Signed this 7th day of April, 2008.



ALEXANDER FRIEDMANN

EXHIBIT 6

PRELIMINARY INCIDENT/SITUATION NOTIFICATION REPORT

FACILITY	North Fork Correctional Facility		
DATE/TIME OF INCIDENT/SITUATION:	11-06-06, Approx. 1805 hours	PRIORITY LEVEL:	<input type="checkbox"/> I <input checked="" type="checkbox"/> II
TYPE OF INCIDENT: Use of force/ Use Of Inflammatory Agents			

FSC PERSONNEL NOTIFIED:

(Notified By):

Vice President Operations:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Date: _____ Time: _____ HRS	By:
Managing Director:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Date: 11/7/06 Time: 1630HRS	By: I.F.Figueroa
Regional Director, Health Services:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Date: _____ Time: _____ HRS	By:

EMPLOYEE, CIVILIAN, INMATE/RESIDENT INJURIES:

YES (if yes, complete section below) NO

<u>NAME</u> (Last, First, MI)	<u>Title / ID Number</u>	<u>INJURIES</u>
Sternberg, Thomas	23594	Abrasions to RT.andLt.side of head. Abrasions to each side of face under eyes, abrasion to lt. shoulder, knees and Rt.forearm. Abrasions to back of head. Minor abrasions to Lt. index ,middle and ring fingers. Abrasions to Rt. pinkie finger and Rt. tricep. Abrasions to each side of ABD.
Smith, Joshua	22656	Small bruise middle of back,small bruise left inner upper arm. Denies any other pain or discomfort. No other injuries noted.

FACILITY DAMAGE: Light Medium Heavy Threat to Security

Brief description of the incident/situation: On 11-06-06 at approximately 1805 hours Inmates Smith, Joshua #22656 a white Wyoming custody inmate and Inmate Sternberg, Thomas #23594 also a white Wyoming custody inmate refused to participate with a search that involved all of Segregation. Inmates Smith and Sternberg are currently housed in cell # 12. Warden Figueroa was notified of the inmates actions and gave authorization for a Force Cell Move Team to be assembled and the use of inflammatory agents . Sort Commander J. Montalvo assembled a Force Cell Move Team and staged in the Segregation West Sallyport. The Team was directed to cell # 12 which housed Inmates Smith and Sternberg. Sort Commander Montalvo gave the inmates numerous orders to submit to hand restraints and said inmates failed to comply. At approximately 1813 hours Sort Commander Montalvo administered 2 one-second burst of OC/CS Inflammatory agent into the cell. Sort Commander Montalvo ordered the inmates again to submit to restraints and they failed to comply. Inmates Smith and Sternberg both had their faces covered with wet towells , therefore diminishing the affect of the Inflammatory agent. At approximately 1818 hours Sort Commander Montalvo administered a T-160 Flameless Expulsion grenade into the cell ordering the inmates to submit to restraints and said inmates continued to disobey orders. At approximately 1825 hours Sort Commander Montalvo administered another T-160 Flameless Expulsion grenade into the cell and continued

PRELIMINARY INCIDENT/SITUATION NOTIFICATION REPORT

to order the inmates to submit to restraints and they still refused to comply. At approximately 1831 hours Sort Commander Montalvo administered another one-second burst of OC/CS Inflammatory agent into the cell and the inmates continued to disobey orders stating " Come on in and get us". At apporximately 1835 hours Sort Commander Montalvo administered a two-second second burst of OC/CS into the cell and still did not gain compliance from either inmate. Sort Commander Montalvo administered another one -second burst at 1840 and at 1851 administered a two second burst into the cell , ordered the inmates to submit to restraints and they failed to comply. At approximately 1852 hours the Team entered the cell and began to attempt to secure the inmates both inmates were resistive and combative with the Team in the application of restraints. Inmates Smith and Stenberg charged the Team as they entered the cell, the inmates had also placed lotion on the floor at the cell entry. Sort Commander Montalvo also entered the cell and administered two seperate one second burst at Inmate Smith as he continued to resist the Team . Chief Gaimo also entered the cell and administered approximately a two-second burst directed at Inmate Stenberg as he resisted and was combative with the Team. The restraints were applied and both inmates were removed from the cell and assisted to their feet and escorted to the showers for decontamination. Both inmates were then escorted to Medical where they received medical treatment and evaluation. Both inmates were then escorted to Segregation and strip searched and secured in a cell all restraints were removed. This concluded the major use of force with no further incident.

CONTRACT MONITOR NOTIFIED (to include written notification if required):

YES DATE/TIME: 11/7/06 1630 NO N/A

MEDIA NOTIFIED:

YES DATE/TIME: NO N/A

ANY OTHER PERSON/AGENCY, OUTSIDE OF CCA, INVOLVED OR INFORMED OF INCIDENT/SITUATION? YES (If YES, complete section below) NO

NAME/TITLE	COMPANY / AGENCY	DATE / TIME

WARDEN OR DUTY OFFICER (name & title)	Rolanda Winfield, Chief Of Unit Management
DATE:	11-07-06

*Attach additional pages as necessary.

EXHIBIT 7

Time Magazine article – Published March 13, 2008

Scrutiny for a Bush Judicial Nominee

By Adam Zagorin/Washington

As the top lawyer for America's biggest private prison company, Corrections Corporation of America (CCA), Gus Puryear IV, is known to sport well-pressed preppy pink shirts, and his brownish mop of hair stands out among most of President Bush's graying nominees to the federal bench. A favorite of G.O.P. hardliners, Puryear, 39, prepped Dick Cheney for the vice presidential debates — both in 2000 and 2004 — and served as a senior aide to two former senators and onetime presidential hopefuls, Bill Frist and Fred Thompson.

Political connections, though, may not be enough to get Puryear a lifetime post as a federal district judge in Tennessee. Puryear recently confronted tough questions about his conduct, experience and potential conflicts of interest from Democrats on the Senate Judiciary Committee, which must approve him before a full Senate vote. Now, a former CCA manager tells TIME that Puryear oversaw a reporting system in which accounts of major, sometimes violent prison disturbances and other significant events were often masked or minimized in accounts provided to government agencies with oversight over prison contracts. Ronald T. Jones, the former CCA manager, alleges that the company even began keeping two sets of books — one for internal use that described prison deficiencies in telling detail, and a second set that Jones describes as "doctored" for public consumption, to limit bad publicity, litigation or fines that could derail CCA's multimillion dollar contracts with federal, state or local agencies.

CCA owns or operates 65 prisons, housing some 70,000 inmates across the U.S. According to the company's website, it has a greater than 50% share of the booming private prison market. CCA is also a major contributor to Republican candidates and causes, and spends millions of dollars each year lobbying for government contracts. (Puryear enjoys a friendship with Cheney's son-in-law, Philip Perry, who lobbied for CCA in Washington before serving as general counsel for the Department of Homeland Security, which has millions of dollars in contracts with CCA, from 2005 to 2007.) The company has likewise given financial support to tax-exempt policy groups that support tough sentencing laws that help put more people behind bars. Like other prison companies, CCA has faced numerous lawsuits that stem from allegedly inadequate staff levels that can be a cause of high levels of violence in the prisons. Though hundreds of such lawsuits are often pending at any given time, many brought by inmates in its own facilities, CCA under Puryear has mounted an especially vigorous defense against them, refusing to settle all but the most damaging.

Jones knows CCA intimately. Until last summer, the longtime Republican was in charge of "quality assurance" records for CCA prisons across the U.S. He says that in 2005, after CCA found itself embarrassed on several occasions by the public release of internal records to government agencies, Puryear mandated that detailed, raw reports on prison shortcomings carry a blanket assertion of "attorney client privilege," thus forbidding their release without his written consent. From then on, Jones says, the audits delivered to agencies were filled with increasingly vague performance measures. "If the wrong party found out that a facility's operations scored

low in an audit, then CCA could be subject to litigation, fines or worse," explains Jones. "When Mr. Puryear felt there was highly sensitive or potentially damaging information to CCA, I would then be directed to remove that information from an audit report." Puryear would not comment on the allegations. Jones resigned from CCA last summer to pursue a legal career.

According to Jones, Puryear was most concerned about what CCA described as "zero tolerance" events, or ZT's — including unnatural deaths, major disturbances, escapes and sexual assaults. According to Jones, bonuses and job security at the company were tied to reporting low ZT numbers. Low numbers also pleased CCA's government clients, as well as the company's board, which received a regular tally, and Wall Street analysts concerned about potentially costly lawsuits that CCA might face.

In 2006, for example, Jones says CCA had to lock down a prison in Texas to control rioting by as many as 60 inmates. Despite clear internal guidelines defining the incident as a ZT, Jones says he was ordered not to label it that way. Instead it was logged as, "Altered facility schedule due to inmate action". And this was not unusual, says Jones: "Information was misrepresented in a very disturbing way concerning the company's most important performance indicators, which included escapes, suicides, violent outbreaks and sexual assaults."

Companies often try to show their best face to customers, and safeguard internal records with "attorney-client privilege." But according to Stephen Gillers, a leading expert on legal ethics at New York University, CCA's use of that privilege seems like "a wholesale, possibly overreaching claim," similar to the blanket assertions of major tobacco companies that tried to keep damaging internal documents from public view. Those assertions of privilege have been rejected by federal judges as an attempt to improperly conceal their internal data on the dangers of smoking from customers, the courts and legal adversaries. CCA could also be in legal trouble if it minimized the tally of serious prison incidents and, by implication, its possible financial liability. As chief legal counsel, Puryear would have also had an obligation to ensure his board had all the information it needed, good or bad, to make decisions. If Puryear's reporting system had the effect of withholding information relevant to official prison oversight, that could bear on his suitability as a federal judge by suggesting his "disdain for the proper operation of an important function of government," notes Gillers.

Contacted by TIME, CCA says that Puryear, "has served the company well and honorably as general counsel and will be an outstanding judge." The company denies allegations that it keeps two sets of books, saying: "A final audit report is made available to our customers. Appropriate information gathered in the audits is separately provided to our legal department." The company adds that "CCA has produced all relevant, non-privileged documents in litigation," that its board is regularly apprised of the most serious prison incidents, and that "all appropriate" information is given to the financial community.

President Bush recently called Puryear and his 27 other judicial nominees facing Senate confirmation "highly qualified." Whether or not the Senate agrees on Puryear, Bush is likely to leave the White House with fewer judges approved than Bill Clinton or Ronald Reagan, both two-term chief executives.

EXHIBIT 8

ZERO TOLERANCE – 2004 to 2006 Totals

Zero Tolerance Events	2004	2005	2006 (As of 10/15/06)
Escapes	8	4	4
Disturbances/Disruptive Events	8	5	3
Unnatural Deaths	6	11	6
Sexual Assaults/Misconduct**	5	2	2
Hostage Situations	1	1	0
TOTALS	28	23	15

*Data compiled from Operations Department Priority Incident Database, from Administrative Duty Officer Reports, from Health Services Department mortality records, and from 5-11 Weekly Report of Facility Incidents forms.
 **Data for sexual assaults in 2004 and 2005 only included inmate on inmate sexual assaults. Sexual assault data in 2006 includes substantiated employee on inmate, inmate on employee, and inmate on inmate sexual assaults.
 *** Data In the 2006 table reflect only validated zero tolerance items.

SIGNIFICANT FACILITY EVENTS - *The incidents in this section were reported from 10/09/06 through 10/15/06.*

WHITEVILLE CORRECTIONAL FACILITY – Attempted suicide requiring outside medical treatment

On 10/10/06, at approx. 1109 hours, an officer was cross counting in IA-pod when he got to cell 104 and saw inmate Rhea, Joseph #271369 lying on his right side on the top bunk facing the wall. The officer then observed 2 small spots of blood on the inmate's shirt. When he approached the bunk he pulled back the sheet and observed blood coming from the inmate's neck. The inmate was quickly treated by facility staff and then transported to a local hospital for treatment.

BAY CO. JAIL – Attempted suicide requiring outside medical treatment

On 10/11/06, at approx. 1513 hours, inmate Terry Locklear #06-12498 attempted to hang himself in the shower area of 5B by tying a sheet around his neck. Inmate Locklear was taken down by Inmates Jeremy Riley #06-5523, Inmate Passion Williams #06-1310 and Inmate Davulun Williams #06-11670 while staff was entering the unit. Inmate Locklear regained consciousness and was seen by medical then transported to Bay Medical Center with no significant injuries.

CENTRAL ARIZONA DETENTION CENTER – Attempted suicide requiring outside medical treatment

On 10/12/06, at approx. 0643 hours, an officer found inmate Medrano, Manuel #81076008 lying on his back on the floor with blood covering the inmate and floor. Senior Correctional Officer Rachel Madoneccky and Case Manager Christina Frappiea entered the cell after observing a laceration to the right side of the inmate's neck, and began basic first aide by applying pressure to the right side of the neck area of the inmate. The inmate was transported to a local hospital for treatment.

EDEN DETENTION CENTER - Altered facility schedule due to inmate action

On 10/10/06, at approx. 0500 hours, Dorm F was released to Food Service under controlled movement due to a scheduled Scabies screening in that unit. At approximately 0520, six inmates refused to return to Dorm F and comply with the screening. Approximately 50-60 inmates gathered in the compound and refused to return to Dorm F. After staff initiated confrontation avoidance, the inmates complied with orders to return to Dorm F. However, the initial six inmates continued to refuse and were placed in Special Housing. At approximately 0630, medical staff entered Dorm F to perform Scabies screenings. The inmates refused to be screened. After further attempts at confrontation avoidance proved unsuccessful, the Incident Management Team was initiated and the Disturbance Control Team was activated. The facility was placed under an altered building schedule with controlled movement and Dorm F was placed in lockdown status. On 10/11/06, at approximately 0330, the Food Service workers refused to report to work. The facility was placed under lockdown with no inmate movement, requiring the breakfast and noon meals to be provided in the form of sack lunches. At approximately 1320, medical staff entered Dorm F and the inmates complied with the scabies screening. At approximately 1410, the afternoon kitchen workers were released from their units and reported to Food Service. Upon the clearing of the 1530 count, the compound was opened with limited program activities. At approximately 1900, the Disturbance Control Team was deactivated. On 10/12/06,, at approximately 0500, the facility resumed normal operations.

RED ROCK CORRECTIONAL CENTER – Loss of ammunition

On 10/07/06, at approximately 0610 hours, Shift Supervisors were informed by Day Shift C/O's that there were only 8 rounds per perimeter vehicle - this is a loss of two 12 gauge double 00 buck rounds. Shift Supervisors went out to perimeter and verified that there were only 8 rounds per vehicle. Both vehicles were searched with no results. Upon assuming duties of Night Shift Perimeter, an officer accounted for 9 rounds per vehicle and reported no discrepancies. Staff attempted to contact Second Shift Supervisor and both perimeter drivers to find out if there were any discrepancies or changes in the number of rounds assigned to perimeter and were unable to make contact. There is an ongoing investigation of the incident; all areas have been searched, to include perimeter and vehicles. We have reasonable belief that one of two officers may have taken the rounds home by accident. The two missing rounds were later found in a perimeter truck in a box.

Incident from previous report:

SILVERDALE FACILITIES – Employee on inmate sexual misconduct (Potential Zero Tolerance event)

On 10/4/06, an investigation was initiated into allegations of sexual misconduct between a male correctional officer and a female inmate at the facility. The female inmate claims she performed oral sex and engaged in sexual intercourse with the officer in the laundry area on 10/01/06. The inmate also claims to have taken possession of a quantity of tobacco following the sex act and later sold it in the housing unit. **An investigation could not substantiate the female inmate's claim of sexual misconduct by the officer.**



Quality Assurance Weekly Report October 16, 2006

OPERATIONAL AUDITS

There were no audits scheduled last week. Audits are scheduled this week at the 1,600-bed Prairie Correctional Facility and the 1,676-bed South Central Correctional Center. Audits for the week of 10/23/06 are scheduled to take place at the 1,092-bed Metro-Davidson Detention Facility and the 2,016-bed Northeast Ohio Correctional Center.

INTERNAL/EXTERNAL AUDITS

FOOD SERVICE INCIDENT REPORTS: In October to date, there has been one food service incident report filed (at Winn Correctional Center) for menu non-compliance

From January – August 2006, there were 259 incident reports (41 in Jan., 36 in Feb., 42 in Mar., 46 in Apr., 56 in May, 15 in June, 12 in July, 11 in August, and 3 in September) filed at facilities system-wide.

INMATE CONCERN CENTER HOTLINE

In October to date, there have been 4 calls to the hotline regarding 3 facilities. The facility with the most calls was:

Correctional Treatment Facility with 2 calls. Calls concerned an attorney saying he could not see his client, and a caller alleging an inmate is not getting funds sent to him.

From January-August 2006, 199 calls (30 in January, 28 in Feb., 38 in Mar., 23 in Apr., 38 in May, 25 in June, 17 in July, 38 in August, and 43 in September) were made to the hotline in reference to alleged issues/concerns in over 54 facilities.

Calls to the Concern Center Hotline in 2006

