

Privatization Issues In The News



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GEO Group Settles With State

Private prison operator GEO Group recently settled with the State of Florida for payments the company was not entitled to. In June 2005, the Department of Management Services Office of Inspector General released an audit of private prison operations in Florida. This audit documented massive oversight issues with the now defunct Correctional Privatization Commission resulting in close to \$13 million dollars in overpayments to GEO and Corrections Corporation of America.

The terms of the settlement require GEO to pay DMS \$138,727 for miscalculation of vacancies; \$117,553 for waivers for nurse and teacher vacancies GEO was not entitled to; and, \$12,700 for net under-billings for Cost Area Differential

payments to terminated employees. While this is no way near what GEO owes the state (for example, the Audit showed the CAD over-billings amounted to about \$1.57 million dollars), it is a move in the right direction.

DMS is also requiring GEO to pay for some of the \$400,000 the State has spent defending the private prisons industry in their lawsuit against paying property taxes. The settlement calls for GEO to pay DMS \$111,549 for past attorney fees and costs as well as GEO paying a pro rata share of the ongoing fees and costs.

CCA has not settled with DMS. This might lead to legal action on the part of DMS.

PBA will keep you informed on this issue as they develop. ●



CUSA Federal Corrections Update Highlights of the 109th Congress



Death Benefits: Necessary funds were appropriated to fully fund the federal program that provides death benefits to officers who die or become injured in the line of duty.

Penalties for Killing an Officer: Language was passed into law that would prohibit federal funds from being used to provide assistance to any country that has an extradition treaty with the United States but refuses to extradite to the United States any individuals accused of committing a criminal offense with a maximum sentence of imprisonment without the possibility of parole. Several other bills were introduced.

Prison Privatization: S. 4031, the "Private Prison Information Act" by **Senator Lieberman**; H.R. 1806, the "Private Prison Information Act" by **Congressman Strickland**; H.R. 2305, and the "Public Safety Act" by **Congressman Strickland** were introduced. These bills are important because they would require private prison companies that contract with the federal government to disclose information to the public, prohibit prison privatization at the federal level; and prohibit the use of federal funds to states for prison privatization.

State Criminal Alien Assistance Program: This program provides federal reimbursement for the costs of incarcerating criminal aliens. A new law was passed that reauthorized the program until 2009 at increased levels, as supported by CUSA. Actual funding for the program was increased by \$50 million in 2006, as supported by CUSA.

Vests: This program provides state and local governments with half the cost of purchasing a protective vest. This program was reauthorized until 2009 as supported by CUSA. Actual funding for the program was increased to \$30 million in 2006, as supported by CUSA. Congressman Strickland introduced H.R. 4215, a bill to eliminate the matching requirement for any correctional officer who works in a high security risk area or transports prisoners, as strongly supported by CUSA. ●

Webpage

The Private Corrections Institute maintains an excellent webpage on the for-profit private prison industry. You can get recent news, lawsuits, reports, and links to other sites. Our "Hall of Shame" is a hit among activists.

The link is:

www.PrivateCI.org

Get aboard the PCI-Watch

If you are serious about fighting the for-profit private prison industry, then you need to sign-up for the PCI's Watch — the electronic private prison news service. Just send your request to kenk@PrivateCI.org and ask to be put on the list. Please be aware — this is not for the faint-at-heart. Sometimes there is a lot of reading but it is well worth it.



Firm ending inmate lawsuit involvement

Citrus County Chronicle © January 11, 2007
By Dave Pieklik

Case taking up too much time

A civil rights law firm will take over a federal lawsuit accusing guards at the Citrus County Detention Facility of contaminating former inmates' food with human waste.

Inverness attorneys Bill Grant and Bo Samargya had been representing five former inmates in the lawsuit, filed March 10, 2006, in U.S. District Court for the Middle District of Florida. However, Grant said Wednesday he will hand the case over to a law firm that specializes in civil rights lawsuits.

He said the "depth" of the case has forced him to get another firm involved. Grant did not name the law firm, which he said has offices in Tampa and Orlando, and that he planned to hand the case over soon.

"It's a document-intensive and time-intensive situation," he said, adding his law firm is handling a murder trial in Pennsylvania in March, another one in February, a "major" civil trial in the summer and other cases. "It's often so busy here that to do that one right, we'd have to shut down and do nothing but that case for a month."

The nine-count lawsuit accuses corrections officers at the county jail in Lecanto of urinating and defecating into the food and drink of inmates. Former inmates Javon Walker, Jeffrey Young, Gregory Platt, Larry Robbins and Matthew Pavlisin were named as plaintiffs in the initial lawsuit.

The inmates accuse former guards of violating their civil rights, including accusations of torture and cruel punishment. In 2004, all were housed at one point in the jail's segregation unit, a wing that houses inmates considered to be a safety risk.

Corrections Corporation of America, the private Tennessee-based company that operates the jail, is also named in the lawsuit. It's accused of negligent hiring and supervision, with Grant previously saying the corporation didn't properly investigate the accusations.

Two guards and a supervisor were fired before the Florida Department of Law Enforcement and Citrus County Sheriff's Office started an investigation March 21. Before the investigation began, former guard Kevin Hessler admitted to urinating in an inmate's juice jug, according to documents.

The FDLE investigation is still ongoing with interviews of witnesses taking place,

spokeswoman Trena Reddick said earlier this week.

The lawsuit was voluntarily withdrawn in July, Grant acknowledged, because law allows 120 days to subpoena witnesses, and not everyone could be found. It will be re-filed once the new law firm takes over.

Grant also said he received a letter from the Florida Bar Association saying a complaint from CCA accusing Grant and Samargya of using the media to gain influence toward a possible settlement has been dismissed. He said the letter says the Bar found no probable cause.

A spokeswoman for the Bar said a complaint was dismissed Dec. 14

Regarding the lawsuit, Grant said he did not use the media, before shifting the focus back on the accusations from inmates.

"We're always concerned when anybody in a compromised position cries out for help," he said.

While Grant said his law firm will not assist the new law firm when it takes over the case, he suggested the case would end favorably for the inmates, saying they will prevail.

"For us, the issue is over," Grant said. "But it's not over for CCA."