

Privatization Issues In The News



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Webpage

The Florida PBA maintains an excellent webpage on the for-profit private prison industry. You can get recent lawsuits, reports, and links to other sites. We also have some great maps showing where the private prisons are and our "Hall of Shame" is a hit among activists.

The link is:

http://www.flpba.org/private/index_private.html

Get aboard the e-Watch

If you are serious about fighting the for-profit private prison industry, then you need to sign-up for the PBA's e-Watch — the electronic private prison news service. Just send your request to ken@flpba.org and ask to be put on the list. There is no charge for this service. Please be aware — this is not for the faint-at-heart. Sometimes there is a lot of reading but it is well worth it.



Questions about private jail contractor paid trip continue

This author filed a number of ethics complaints in July 2003 against current and former Bay County commissioners and staff regarding a trip they took paid for in part by private prison contractor Corrections Corporation of America (CCA). It was felt by the PBA that this trip was improper considering that CCA, which was running the county jail, was in contract negotiations with the county at the time.

In September 2004, the Ethics Commission found probable cause against all but one of the defendants. Two defendants later agreed to the violations and paid \$1,000 fines. The other defendants challenged the Ethics Commission findings.

Recently an administrative law judge heard their case and will make a determination in the next two months or so (see article at right). ●

Former private prison director gets 33 months in prison

Alan Duffee, former executive director of the long plagued Florida Correctional Privatization Commission (CPC), received a 33 month sentence in his plea agreement with the federal government. The sentencing capped an investigation into Duffee's mishandling of the CPC's maintenance funds. Duffee funneled more than \$224,000 from the fund into a personal checking account. He then proceeded to spend the money on himself and a girlfriend.

This author knew and worked with Mr. Duffee over the years and was completely surprised at the turn of events regarding his behavior. Alan had a lot going for him and now his life is in ruins. But, you do the crime, you do the time.

Hopefully, Mr. Duffee will be sent to a public prison. ●

Private prison vendors sued

This author filed suit against both Corrections Corporation of America and the GEO Group for overbilling and filing false bills against the state. The suit was unsealed on April 28th. The suit alleges that both of these companies overbilled the state \$5 million and seeks to recover this money plus triple damages and civil penalties.

Last year, the Department of Management Services found that the Correctional Privatization Commission allowed these vendors to overbill the state for "questionable and excessive" costs by nearly \$13 million. ●

The Top Ten Questions Without Answers

1. Why do we press harder on the remote control buttons when we know the batteries are getting weak?
2. Why doesn't glue stick to the bottle?
3. Why doesn't Tarzan have a beard?
4. Why did Kamikaze pilots wear helmets?
5. Whose idea was it to put an "s" in the word "lisp?"
6. If we evolved from apes, why are there still apes?
7. Is there ever a day when mattresses are not on sale?
8. Why do they use sterilized needles for death by lethal injection?
9. How do those dead bugs get into those enclosed light fixtures?
10. How come you never hear father-in-law jokes?

THE NEWS HERALD Officials questioned over CCA-paid trip

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Former Bay County Manager Jon Mantay joined a former county attorney and the current assistant county manager Thursday in defending themselves against an ethics complaint before an administrative law judge in Panama City.

Two attorneys representing Mantay, former County Attorney Nevin Zimmerman and Assistant County Attorney Bob Majka sparred with an attorney for the Florida Commission on Ethics over the legality of a February 2000 trip the three men took to view a Corrections Corporation of America jail facility in Tennessee and a publicly run facility in Arizona.

CCA, based in Tennessee, paid for the airfare and lodging of the three men and two former county commissioners. CCA has operated Bay County's jails for 20 years, and the county was negotiating a new contract with the company during the time of the trip.

The Florida Police Benevolent Association initiated the ethics complaints in July 2003, and the ethics commission in September 2004 found probable cause that Mantay, Zimmerman and Majka may have violated gift laws.

Much of the attention during Thursday's hearing before Judge Harry Hooper focused on Zimmerman and his declaration to county officials that the trip and payment arrangements were legal.

Zimmerman said it was reasonable and beneficial to taxpayers for a third party, such as CCA, to pay for "fact-finding" trips that county officials take.

"That (logic) is reflected in our ordinances and regulations — to have developers pay for permitting based on the time it takes county staff to process the permits," he said.

The Bay County officials that went to Tennessee and Arizona, he said, needed to see in person how other facilities were handling overcrowding and recidivism, which are problems here.

There is local precedent for allowing a company to pay for such trips, Zimmerman said. In 1997, several county officials traveled to Vancouver, Canada, and Long Island, N.Y., to view facilities now run by Montenay Bay LLC. Westinghouse Corp., which wanted another company to run the Bay County waste-to-energy incinerator, paid for that trip.

Ethics commission attorney Linzie Bogan challenged Zimmerman's interpretation of Florida statutes on gift laws, and he tried to discredit Zimmerman for not reviewing ethics cases between 1997 and 2000 related to acceptance of gifts.

"It's not a gift if it's an expense related to your employment," Zimmerman said.

Bogan insisted the definition of gift was clear, but Hooper said the entire statute governing acceptance of gifts (112.312) is not clear to him.

"First you have to determine if it was to their benefit. ... Do people benefit from looking at a bunch of prisoners?" Hooper said.

Majka said during his testimony that he was unaware CCA paid for his airfare for the trip until records were being collected at county offices three years later in connection to the ethics complaint. But he said he learned the company paid for his lodging while at the hotel.

In 2000, Majka was the emergency services chief and shared responsibility with other officials in jail oversight.

Hooper said not knowing CCA paid for the trip does not produce a "complete defense" for Majka.

The ethics commission, however, dropped the allegations against former County Commissioners Carol Atkinson and Danny Sparks because they had no knowledge CCA covered the expenses.

Sparks and former County Commissioner Richard Stewart have admitted and paid fines for violating gift laws by accepting a round of golf paid by county financial adviser Gary Askers.

Majka faces the same allegation, but his attorney, Albert Gimbel, said Thursday that he didn't know how Majka would plead to that issue. Majka declined to comment.

After Hooper has had sufficient time to review the facts of the case, he will issue a recommended finding for the ethics commission to consider. Tallahassee attorney Gary Early, representing the Bay County officials, said it would be at least two months before Hooper has a recommendation.