

10 Burton Hills Blvd.
Nashville, TN 37215

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

May 2, 2008

Dear Mr. Chairman:

Attached are my responses to the additional written questions from Senator Feinstein in her letter to me dated April 29, 2008.

Sincerely,



Gustavus A. Puryear IV

cc:

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Responses of Gustavus Adolphus Puryear IV
Nominee to the U.S. District Court for Middle District of Tennessee
To Additional Written Questions of Senator Diane Feinstein

1. **Classification of Zero-Tolerance Events.** Ronald T. Jones, a former employee of Corrections Corporation of America, has alleged that you oversaw a system in which reports of disturbances and major violent incidents at CCA prisons were downplayed. According to press reports, it was not unusual for Mr. Jones to be instructed not to count major incidents as “zero-tolerance events,” even though the incidents met CCA’s internal criteria for being counted in that category.

Please respond to Mr. Jones’s allegations.

Response: The allegations are false. I appreciate this opportunity to respond to them. Incident reports are made by facility employees to appropriate governmental personnel as provided by contract or regulation, and are designed to complement the observations of the governmental agency’s own on-site monitors. The Quality Assurance Department (in which Mr. Jones once worked) is not involved in the reporting of incidents at a CCA facility to governmental customers.

CCA’s governmental customers usually have an on-site contract monitor to whom incident reports can be made, though, in a major incident, there may be elaborate incident reporting mechanisms that can include notification to very senior governmental officials (e.g., a state corrections commissioner) and to local law enforcement authorities. These procedures vary by facility, customer and event, and thus the reporting of incidents is decentralized.

After the incident is appropriately reported, the CCA Quality Assurance Department collects all CCA incident data and classifies it for the sole purpose of improving the quality of CCA’s operations. At the request of CCA’s Operations Department, five types of incidents are internally designated as “Zero Tolerance” events: unnatural deaths (homicides or suicides), sexual assaults, hostage-takings, escapes, and disruptive events. The designation of such data is used for internal purposes only. It is neither designed for nor provided to anyone outside of CCA.

With this background in mind, I have never sought to “downplay” violent incidents within CCA, nor is there any reason for me to do so. The compensation of CCA’s executive officers, including my own, is not affected in any way by “Zero Tolerance” events, as is made clear in CCA’s annual proxy statement, which is publicly available. My interest has always been to ensure that our internal incident reports are accurate. As a lawyer, my primary ethical duty to CCA is to its Board of Directors, which receives the

Zero Tolerance data collected and classified by the Quality Assurance Department. To fulfill that duty, I have sought assurances from Mike Quinlan, the Senior Vice President who supervises the Quality Assurance Department, that Quality Assurance was getting all incident data from facilities.

For that reason, I am the internal sponsor of the Company's significant new investment in a technology system to automate incident reporting. This system should not only reduce delays in the notification of incidents to the Quality Assurance Department, but also should improve the accuracy and reliability of the data received.

Most important, I strongly believe in hiring the right person and trusting that person to perform his or her function. Mike Quinlan is one of the most experienced corrections professionals in the country. He has spent 37 years in corrections, with 22 years at the Federal Bureau of Prisons. He served as Director of the Federal Bureau of Prisons for five years, and, while serving as Director, oversaw the creation of the Program Review Division – the Bureau's own quality audit process. He has been a colleague of mine at CCA since my first day with the Company, having previously served as CCA's Chief Operating Officer. The American Correctional Association recently bestowed upon him its highest honor, the E.R. Cass Award. I trust his judgment in corrections matters, and I have confidence in his honesty. Because of his vast expertise and experience in this area, Mr. Quinlan is responsible for defining "Zero Tolerance" events and applying those definitions to specific incidents.

I have also supported at least two changes that I recall Mr. Quinlan making to the definitions of "Zero Tolerance" events. Specifically, Mr. Quinlan changed the definitions of "disruptive event" and "sexual assault." These changes broadened those definitions and thereby increased the potential number of such events to be reported. These changes are discussed in more detail later.

Finally, to clarify the false nature of Mr. Jones's allegations, I attach a letter from Mr. Quinlan to Representative Mike Turner of the Tennessee House of Representatives. See Exhibit A. This very detailed letter and its attachments address the same concerns that you have raised in these questions, and I believe it sheds important light on the press accounts underlying them.

Did you ever discuss, create, develop, implement, or approve a policy to classify or to reclassify incidents at CCA prisons, either in general or in response to specific incidents?

Response: Yes. On at least two occasions that I recall Mr. Quinlan informed me that he was expanding the definition of two types of "Zero Tolerance" events. I have never discussed, created, developed, implemented, or approved a policy that would have had the effect of contracting the number of incidents

reported as "Zero Tolerance" events, either in general or in response to specific incidents.

In 2006 the definition of "disruptive event" was broadened, while in 2007 the definition of "sexual assault" was broadened to include behaviors not previously covered. The effect of these changes is potentially to increase the number of incidents classified as "Zero Tolerance" events at CCA prisons. I do not recall that Mr. Quinlan's changes were prompted by specific incidents.

While I approved of the changed definitions, I left the development of such definitions and the application of the definitions to particular incidents squarely within the discretion of Mike Quinlan.

To your knowledge, was anyone at CCA ever instructed to reclassify an incident as something other than a "zero tolerance" event?

Response: I believe Mr. Quinlan informed me of two or three incidents over the last three and one-half years that were initially classified as "disruptive events" (i.e., a type of "Zero Tolerance" event) based on original incident reports that he later reclassified as a result of his learning additional information about each incident. It is thus possible that he would have instructed someone within the Quality Assurance Department to reclassify those events; however, I have not.

Did you ever tell or advise anyone directly or indirectly that an incident should be reclassified?

Response: No.

Did you ever discuss, agree with, or approve a suggestion made by someone else that an incident should be reclassified?

Response: I believe Mike Quinlan informed me of two or three incidents over the last three and one-half years that were initially classified by Quality Assurance as "disruptive events" based on original incident reports that he later reclassified as a result of his learning additional information about each incident. I recall agreeing with Mr. Quinlan's changes.

2. **Use of Attorney-Client Privilege.** Mr. Jones has also alleged that starting in 2005 you ordered him to label detailed audit reports, which included factual data on incidents at prisons, as attorney-client privileged documents. According to Mr. Jones, senior quality assurance staff at CCA told him you wanted this label to be added to prevent the information from being accessible under sunshine laws. The effect of this practice, according to Mr. Jones, was that CCA's contract partners received only summary audit

reports – with much less information about serious incidents – starting in 2005.

Did you ever discuss, create, develop, implement, or approve a policy of extending or adding a privilege label to facility audit documents that previously were not treated as privileged? If yes, please explain why and explain the legal analysis to support a claim of privilege for such documents?

Response: Before responding to the first question presented, I appreciate the opportunity to clarify certain statements attributed to Mr. Jones. First, I never spoke to Mr. Jones about a substantive issue or the labeling of documents. There were three intermediate supervisors between Mr. Jones and me, and I simply did not have anything more than very casual, incidental conversations with him.

Second, quality assurance auditors do not usually provide information on individual incidents. Thus, audit reports do not usually include “factual data on incidents at prisons.” The actual audit reports contain measurements of a facility’s operational competency. They are not investigations of incidents.

Further, as a point of clarification, the internal labeling of documents is not an assertion or claim of privilege. In fact, I know that CCA has produced documents to parties litigating against CCA that bear “privileged” labels (many of which were designed before I arrived at the Company and are still in use today), as well as to governmental investigators. This production underscores the fact that internal labeling cannot convert otherwise unprivileged documents into privileged ones. Assertions of privilege must be made on a case-by-case basis in response to a legal request for the document. Documents are labeled merely to ensure that a company has every opportunity to assess whether a privilege applies to a particular document before producing it in response to a legal request to produce that document.

Returning to the question you have posed, I did have a discussion with Mike Quinlan and Don Murray (Managing Director, Quality Assurance) about our desire to encourage auditors’ complete candor in sharing observed concerns outside of the audit measurements. As I understood it, these observations might be made while conducting the audit, and they could relate to areas of potential risk to the Company, including threatened or likely litigation. Messrs. Quinlan and Murray were concerned that including such observations in the audit document itself could lead to their disclosure, which would ultimately chill frank communication. In fact, as I recall it, since those observations were written into one of the first few audit reports, such comments had already been released pursuant to an open-records request.

We then discussed the limited number of facilities where such audit documents had to be released to the customer (I believe there were two such facilities). We also discussed that these observations were not a part of the audit measurements themselves. Finally, we discussed the desirability of continuing to receive such suggestions from the auditors in order to improve the quality of CCA's operations.

At that time, I suggested that the Company may have an additional basis for seeking to protect such observations. I believe I mentioned possible attorney-client privilege issues, work product protections, and potential self-evaluative privilege issues (in some jurisdictions). I asked that Mr. Quinlan and Mr. Murray speak with Steve Groom and any members of his staff he wished to involve. Mr. Groom serves as Deputy General Counsel and Vice President, Litigation Management. He is a lawyer with 30 years of experience, some as a trial lawyer and some in the general counsel's offices of large corporations. I was later told that Mr. Groom had met at length with Messrs. Quinlan and Murray. I was informed that, as a result of that meeting, the Quality Assurance Department clarified that any observational concerns separate from the audit measurements were to be included only in documents addressed to the legal department and seeking its advice, and that such documents were to be marked as privileged. In the sense that I suggested the meeting and was comfortable with my understanding of its result, I was involved in the "discussion" or "creation" of such labels.

The labeling of these documents was of far less significance to me than making sure we were getting candid information to advise the Company to take steps to protect the health and safety of our employees and the inmates entrusted to our care. I did not perform legal research on the subject, and I did not review the implementation or labeling of document types. In any event, I believed then, and believe now, that flagging such documents for consideration of any applicable privileges before they might be released was prudent, appropriate, and conducive to candor.

To my knowledge, CCA has not claimed a privilege in litigation with respect to these documents.

Did you ever communicate that you wanted to use the privilege label to shield information from sunshine or freedom-of-information laws?

Response: I did not communicate that the privilege label would be used to shield information from sunshine or freedom-of-information laws; however, the label was intended to ensure legal review of any such document before it would be given to a third party. This is a common practice among corporations. This confidentiality is particularly important here, because it ensures that CCA gets candid observations from auditors about observed concerns. If an auditor assumed that such documents would appear in the

press, that auditor would be hesitant to convey serious concerns to the company, especially if such concerns might impact an employee's continued employment.

Since the issue of whether such a document might be subject to sunshine or freedom-of-information laws is not controlled by the "label," I would not have communicated that the label would shield document production from such laws.

At all times, I and the others discussing the manner in which these observations would be made were motivated by a desire to encourage frank and candid observations that might prevent tragedies in CCA's facilities. The desire was to improve the safety and security of our facilities, which would be of benefit to both CCA's employees and the inmates entrusted to CCA's care.

Did CCA ever consider using a different designation, such as "Confidential" or "For Internal Use Only," instead of the attorney-client privilege label?

Response: I do not recall any discussions of such different designations. From a legal standpoint, of course, the "label" does not define the right to confidentiality in the face of an appropriate discovery or other legal request.

In addition, who was made aware that the more detailed, newly privileged audit documents existed?

Response: Our customers received the new audit report with its detailed measurements. As to any separate observational concerns raised by auditors for internal use, many members of the Quality Assurance and Legal departments were aware that confidential documents existed containing those observations, as did senior personnel within the Operations Department.

Were CCA's contract partners (including federal, state, and/or local corrections authorities) aware?

Response: Because the intent was to use such documents for internal purposes only, so that auditors would feel free to make candid observations to help protect the health and safety of CCA's employees and inmates, we did not make customers aware of these documents. Customers were already receiving, if they wished, the audit report with its detailed measurements, and they were receiving all incident reports required from the facility.

CCA's contract partners receive more data now than ever. The audit measurements in use now (and available to any customer that requests them) are far more detailed and relevant than what was provided to CCA's contract partners before Quality Assurance was moved under my supervision. The

vast majority of these contract partners also conduct their own audits of CCA's facilities and have their own on-site monitors that scrutinize CCA's operations.

Was anyone else aware?

Response: CCA did not make anyone else aware to my knowledge. The intent was to use such documents for internal purposes only, so that auditors would feel free to make candid observations that might protect the health and safety of CCA's employees and inmates.

Has CCA ever shared such documents with a contract partner or with others?

Response: CCA does share the audit report containing ratings and measurements, but not the separate commentary made by auditors. I am not aware of any request to share such documents.

CCA does share the audit report with any customer that desires to see it, regardless of whether CCA is obligated by contract or regulation to provide it. (I am aware of only two contracts that specifically require CCA to conduct a quality assurance audit of a facility and provide that report to the customer, though the form of the audit and accompanying report are unspecified.) Moreover, as discussed, most contract partners conduct their own audits of CCA facilities in addition to having a full-time on-site monitor.

Has CCA used a claim of attorney-client privilege to withhold such documents when requested by a contract partner, by a government investigator, by a party in litigation or arbitration, or in a sunshine or freedom-of-information request?

Response: Neither I nor others within CCA's legal department are aware that CCA has asserted a privilege to withhold such documents.

3. **Hutto Facility.** A report in the *New Yorker* magazine in March 2008 indicated that a guard at CCA's T. Don Hutto immigrant detention center was caught engaging in sexual activity with a prisoner in May 2007. The guard reportedly was not prosecuted.

Please explain your response to this incident.

Response: As you know, I serve as a commissioner of the National Prison Rape Elimination Commission, and an event like this is extremely troubling to me. I have learned, both through my service on that commission and my work at CCA, that sexual activity between corrections officers and those confined to such facilities is regrettably too common. All of us involved in corrections

systems have an obligation to strive to prevent such events from taking place. CCA has worked and is continuing to work to strengthen its prevention systems and its response systems in this area. As a general matter, CCA is continuing to expand staff training in this area; CCA is using new technologies to increase residents' safety and security; and CCA's medical personnel continue to refine protocols designed to protect both the safety and the dignity of victims of sexual assault.

I was informed of this particular incident, which was discovered because of alert staff monitoring of the camera system at the facility. Because of the severity of the incident, it was fully investigated by the facility and largely resolved within hours after it occurred by leadership at the facility. Neither I nor the Quality Assurance Department was involved in that resolution.

I understand that immediately after the event, facility management distributed a pamphlet to residents about sexual assault awareness, that staff and translators met individually with residents concerning the materials, and that "Town Hall" meetings were held to address questions or concerns any residents might have.

Was the incident subject to an internal investigation or audit?

Facility staff did perform an internal investigation. Local law enforcement conducted a parallel investigation at the facility; CCA cooperated fully with that investigation.

What disciplinary actions did CCA take against the guard?

CCA immediately relieved the accused officer of his duties, expelled him from the facility, and placed him on administrative leave pending the investigation's conclusion. Once the investigation was completed by law enforcement, CCA immediately terminated the officer's employment.

Did CCA take a position on whether the guard should be prosecuted?

Yes. CCA referred the case for prosecution to both local law enforcement and to the Federal Bureau of Investigation. I understand that both agencies declined to prosecute. CCA fully supports the prosecution of any employee who sexually abuses someone in CCA's care. CCA believes that aggressive prosecution against such individuals deters future misconduct by other officers, and thereby increases the safety and security of the facility.

Is the guard still employed by CCA?

No. As discussed, CCA terminated his employment immediately upon resolving the investigation.

Did CCA withhold any information about the incident from investigators by claiming attorney-client privilege?

No. CCA provided its incident investigation packet (labeled "PRIVILEGED AND CONFIDENTIAL") to law enforcement personnel who were in the facility to assist them in their investigation.

Given your supervisory responsibility over the quality assurance department at CCA, what steps did you take to prevent similar abuse of prisoners from occurring in the future?

First, CCA promptly terminated the employment of the officer who engaged in this abuse, to prevent him from having any opportunity to repeat these activities. Second, CCA fully cooperated with investigators and turned over its incident reports to them, and referred the officer for prosecution, which was intended to have the effect of deterring any such abuse by others in the future. Third, facility management at Hutto immediately distributed pamphlets and conducted briefings on sexual assault awareness for residents to ensure that residents were fully aware of how to report any misconduct.

In addition, the Hutto facility operates under the close supervision of numerous on-site ICE personnel, as well as ongoing monitoring by a United States Magistrate Judge. Most of the facility is under constant surveillance by an extensive camera system that records digitally. In fact, it was this camera system that enabled CCA to learn of this officer's entirely inappropriate and illegal sexual relationship with the resident. This camera system is designed to augment the on-site supervision provided by facility management and ICE. The system should help detect and deter such abuse.

CCA's Operations Department has the primary responsibility for responding to such events. The Quality Assurance Department is charged with two tasks: (1) conducting annual, unannounced audits of corrections facilities to measure the facility's compliance with policies, procedures, and best practices; and (2) collecting, categorizing and analyzing incident data. The Quality Assurance Department employs 18 people to accomplish those functions. The Quality Assurance Department is not expected to respond to isolated incidents.

Despite the fact that the Quality Assurance Department does not respond to isolated incidents, it does try to incorporate lessons learned from such incidents into monitoring tools to prevent recurrences of similar incidents, and both the Quality Assurance Department and the Legal Department provide feedback to improve and refine CCA's processes, staff training, and physical security. In this particular case, I am not aware of any process changes, additional staff training, or physical systems changes that were suggested. It

appeared that physical systems and staff alertness at the facility detected this wrongful conduct by the officer.

The same *New Yorker* article also cites a 2007 report by federal immigration officials that found numerous “deficiencies” at the Hutto facility, including poor sanitation and the lack of an immunization program for children. The federal inspectors reportedly said that CCA’s “overall attitude is of disinterest and complacency,” and concluded that the “overall review of the facility can accurately be rated as deficient.” As the head of the department that oversees quality assurance at CCA, what steps did you take to address the deficiencies identified in the federal inspectors’ report?

The Bureau of Immigration and Customs Enforcement (ICE), the U.S. Public Health Service (which is responsible for health services at Hutto), and CCA’s Operations Department have made many improvements to Hutto. While neither I nor the Quality Assurance Department has had a direct role in making these improvements, I understand that CCA and ICE have made substantial changes both to the physical plant and to the health, education, and recreational services provided at Hutto.

Due to the evolving regulatory and contractual framework governing Hutto during 2007, as well as ongoing litigation involving ICE, the Quality Assurance Department’s role with Hutto has been particularly limited during the facility’s start-up. Because Hutto is not operated as a prison or traditional detention center, the Company’s quality assurance audit instrument (designed for traditional prison and detention facilities) is simply not applicable to the highly unique operations at Hutto (family residential housing). Thus, Hutto was the only CCA facility not audited during 2007. The Quality Assurance Department could not create an audit instrument last year for use at Hutto, because an audit instrument measures a facility’s performance against certain standards, and those standards were in a state of flux.

Now that the standards for operations at Hutto have been made clear by ICE, Mr. Quinlan has directed personnel in the Quality Assurance Department to create an audit instrument for this unique facility. Once the instrument is created, the Department will audit the facility.

What have you done to improve the conditions at Hutto and other CCA facilities in response to the report? Please specify which actions CCA took on its own and which resulted from a settlement, consent decree, or other legal or regulatory obligation.

ICE, the U.S. Public Health Service, and CCA’s Operations Department have made numerous changes at Hutto. While neither I nor the Quality Assurance

Department has had any direct involvement with those changes, I am aware of several improvements that have been made at Hutto.

First, razor wire was removed from the perimeter fence. Second, steel bathroom fixtures were replaced with porcelain. Third, the interior was repainted, carpet was installed, and steel doors were replaced. There were many revisions to the recreational areas (indoor and outdoor), and changes to policies concerning the locking of doors at night. In total, hundreds of changes have been made to the facility's physical structure and its processes. I understand that some changes were suggested by CCA, some by ICE, and some required by the settlement of litigation between ICE and the American Civil Liberties Union (to which CCA was not a party). I believe that ICE takes the position that it was already undertaking or contemplating all of the changes incorporated into the settlement agreement, while the ACLU disagrees. I am not in a position to resolve that conflict.

As the *New Yorker* article acknowledged, "It's clear that Hutto is now a very different, and more humane place than it was before the lawsuit." Since the *New Yorker* article, there have been more news articles written about conditions at Hutto. I attach to these responses three news articles from last week concerning the Hutto facility's present conditions. Moreover, I also attach a letter from Rosa Rosales, National President of the League of United Latin American Citizens (LULAC), which had previously organized protests against the Hutto facility. The letter recognizes that Hutto now provides "improved services for the families." Accordingly, ICE, the U.S. Public Health Service, and CCA's Operations Department have made substantial improvements to conditions at Hutto.



Via Hand-Delivery

Honorable Mike Turner
House of Representatives
State of Tennessee
37 Legislative Plaza
Nashville TN 37243

April 29, 2008

Dear Representative Turner:

Commissioner Little forwarded your letter dated April 16 to CCA for a written response. In your letter, you raise concerns about allegations regarding CCA's reporting of incidents at its facilities that were voiced in articles written in the Tennessean and on the website TIME.com.¹ The allegations that CCA mischaracterizes or fails to report incidents to its customers are in fact completely false, and I welcome the opportunity to set the record straight. CCA provides TDOC -- and all of its customers -- with reports of all incidents. That information is transmitted directly by CCA's facility operations personnel to TDOC and complements TDOC's own reports from its own on-site monitoring personnel who work in CCA's facilities every day.

By way of background, I currently serve as Senior Vice President of CCA and I have supervised the Quality Assurance Department since 2004. Prior to serving at CCA, I earned a law degree, served in the United States Air Force, and spent more than two decades with the Federal Bureau of Prisons, including serving as its Director for five years. The American Correctional Association has honored me with their highest honor, the E.R. Cass Award.

In late 2004, I suggested to John Ferguson, CCA's President and CEO, that the Company's Quality Assurance Department be moved under CCA's General Counsel to guarantee its independence from facility operations. Mr. Ferguson agreed and he and CCA's General Counsel, Gus Puryear, asked me to lead this new Quality Assurance Department.

Under my supervision, and with Mr. Puryear's full support, CCA has dedicated new resources to improving the quality of its operations. Two full-time audit teams, staffed by trained auditors, perform an unannounced audit of each CCA facility each year. This audit process is modeled after the Federal Bureau of Prison's highly-regarded Program Review Division, which was created while I was its Director. We at CCA believe that this audit process has been used to greatly enhance our quality over the past three years. Although we are not contractually obligated to provide these audit results to the Tennessee Department of Corrections at facilities that we operate for it, we are happy to provide our audit measurements to it. These measurements are far more detailed and informative than the audit tool that CCA formerly used for quality assurance audits.

¹ Time magazine never printed the article appearing on the TIME.com website.

Of course, TDOC need not rely on our audits to know the quality of our operations. TDOC is free to audit our facilities at any time, and it does so. TDOC also has contract monitors at CCA's facilities to ensure our compliance. As the Tennessean article noted:

CCA is required to file reports with the state on incidents such as inmate-on-inmate assaults, disturbances and a daily census of inmates at its prisons that house state inmates, said Dorrinda Carter, a spokeswoman for the Tennessee Department of Corrections. The department has onsite contract monitors and other designated employees at the prisons that report daily on incidents and another division that conducts annual audits of the CCA prisons, she said.

"We feel pretty sure that we're finding out about incidents as they happen," Carter said. She added that CCA is required to follow the same policies as the 13 prisons run by the state and that officials are confident in their monitoring of the company.

Gethan Ward, "Ex-CCA official: Pryear misled clients," Tennessean March 14, 2008 at A1.

This gets to the heart of the allegations contained in your letter. CCA provides TDOC -- and all of its customers -- with reports of all incidents subject to its contractual requirements. That information does not flow from the CCA's Quality Assurance Department to TDOC. Instead, it is transmitted directly by facility operational personnel to TDOC. It is likely for this reason that neither the TIME.com nor the Tennessean article identifies a single incident occurring at a CCA facility that was collected by the Quality Assurance Department but that was not disclosed to the relevant customer agency. Moreover, I am sure that you agree with me that the very idea that CCA could hide murders, suicides, escapes and riots from our customers is absurd.

The only role that CCA's Quality Assurance Department plays with respect to incident reporting is that it aggregates and categorizes events across the more than 60 facilities operated by CCA. This is performed at the request of our Operations Department, so that aggregate data on incidents can be used to improve the quality of our operations. We merely count them and categorize them for internal purposes. We are not required by any contract to collect such events across our entire corrections system, but we do so as an internal metric to improve quality. The exclusively internal tracking of such incidents obviously has no effect on payments to CCA.

The most severe of these incidents are categorized internally as "Zero Tolerance" incidents. These include unnatural deaths (suicides and homicides), escapes, hostage-taking incidents, sexual abuse of inmates, and disturbances. I categorize incidents as "Zero Tolerance" if they meet our internal definitions. Mr. Pryear defers to my correctional experience in classifying these events, and he has never overruled me.

Since CCA's Quality Assurance Department has nothing to do with reporting incidents to TDOC or other customers, and since its aggregation and categorization of data relating to incidents is purely for internal distribution, it is reasonable to wonder how TIME.com and the Tennessean reached the conclusions that they did.

The simple answer may be that they relied on only one source – a disgruntled, former CCA employee named Ronald Thomas Jones. While your letter asserts that Jones “and other CCA staff” were directed to reclassify incidents, no “other CCA staff” has ever been identified to corroborate Jones’ assertions. Because Mr. Jones either completely misunderstood our process or is acting out of malice, he may have provided false information to the media. Attached as Exhibit A to this letter is the last organizational chart I have for the Quality Assurance Department that shows Mr. Jones. As you will note, there were two managers between Mr. Jones and me, and, since I report directly to Mr. Puryear, there were three between Mr. Puryear and Mr. Jones. Though press reports variously described Mr. Jones as a “CCA officer” or “official,” these reports were wrong. A “senior manager” is several grade levels below a Vice President. Mr. Jones’ primary job responsibility was to collect, compile, and disseminate facility-generated incident data. He did not have decision-making responsibility concerning incident classification, as that responsibility rests with me.

Interestingly, during his time at CCA, Mr. Jones never raised any concerns to me or anyone else with respect to the integrity of our processes. To my knowledge, he never utilized the anonymous hotline maintained by CCA's ethics office. In fact, CCA's ethics officer had an office around the corner from Mr. Jones' cubicle, but Mr. Jones never made any complaint. Mr. Jones received training on CCA's Code of Ethics and Business Conduct as recently as December 2006 – about six months before his departure. In the course of that training, he executed a written certification that he had no knowledge of any ethics concerns. He also certified that he knew he had a duty to report any such concerns. See Exhibit B.

I regret that the circumstances surrounding Mr. Jones' resignation from CCA were less than amicable. After months of deteriorating performance, a tendency to be error-prone in his computations, and a failure to comply with CCA's leave policies, Mr. Jones was summoned to meet with us. Mr. Jones then informed one of his supervisors and me that he intended to go to work for one of our competitors in the near future (while still seeking to be paid for some time by CCA). He was then allowed to resign voluntarily. Had he not resigned on June 4, 2007, I would have terminated his employment on the spot.

Regardless of Mr. Jones' motivations and the overtly political motivations of groups like Private Corrections Institute (an anti-private prison organization) that repeat those allegations, the reports are false. I hope that my description of our process, as well as your own knowledge of TDOC's oversight of CCA, fully answer the concerns raised

in your letter.² I also attach a copy of a letter that I circulated to all of our customers immediately following the articles giving rise to your letter. See Exhibit C.

I hope this letter answers the questions that were raised by the articles that you cited. Let me conclude by reiterating to you that the allegation that CCA is using my Quality Assurance Department to hide facility events from TDOC or any other customer is flatly false. I am willing to stake my 37 years as a recognized leader in the corrections community on this assertion.

Sincerely,



J. Michael Quinlan

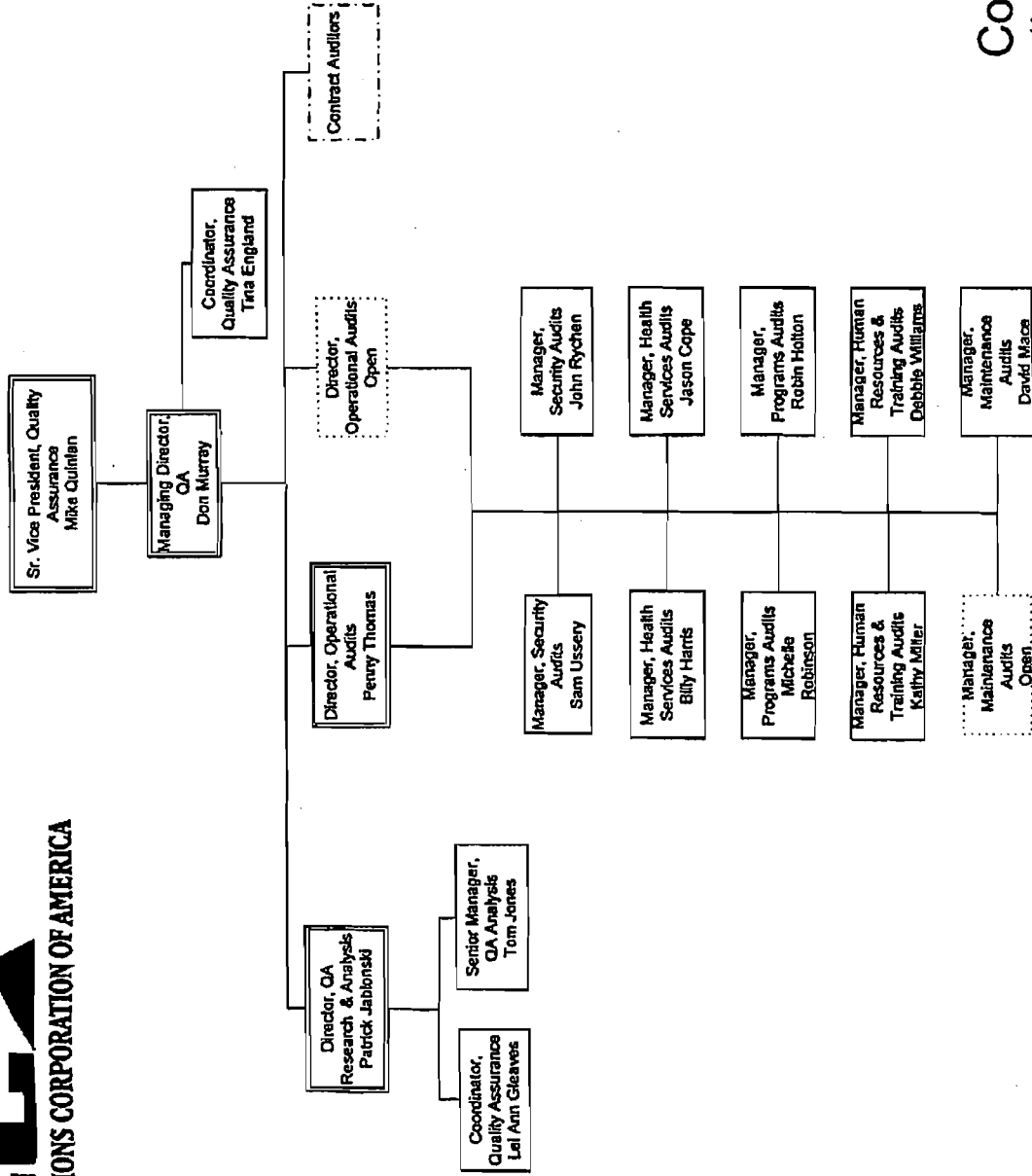
cc: Rep. Bill Harmon, Chair, Joint Select Oversight Committee on Corrections
Sen. Jim Tracy, Vice-Chair
Commissioner George Little

² While I have no personal knowledge of the facts and circumstances of the death of inmate Estelle Richardson, I understand that all charges against CCA's former guards were dropped, Ms. Richardson's family settled with CCA, and the plaintiffs' lawyer who represented the family praised CCA's conduct during the litigation and supports Mr. Puryear's nomination to the federal bench. Similarly, while I have no personal knowledge of the events with respect to inmate Frank Horton, I understand that Mr. Horton routinely refused to shower or take recreation.



CORRECTIONS CORPORATION OF AMERICA

Quality Assurance



Confidential
Updated 2/26/2007

CCA Code of Conduct Acknowledgement Form

I have been provided the opportunity to read and understand CCA's Code of Ethics and Business Conduct and the Facility Employee Supplement to the Code of Ethics and Business Conduct (together, the "Code of Conduct").

I understand that the standards and policies contained and referred to in the Code of Conduct represent official CCA policy and that I am responsible for being familiar with them, and that I also am responsible for being familiar and complying with the other standards, policies, procedures and guidelines that apply to my position at CCA.

I agree to abide by the policies and standards contained the Code of Conduct and to use my best efforts to act in a manner consistent with the CCA Way Guiding Principles at all times. I understand that my failure to do so may result in disciplinary action, up to and including termination of my employment or service relationship with CCA.

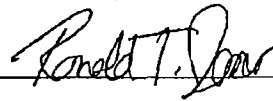
I understand that I have a duty to report apparent or potential misconduct and seek guidance when I have questions concerning a compliance or ethics issue. I acknowledge that I am aware of CCA's reporting resources and procedures. I understand CCA's policies regarding confidentiality and non-retaliation and will work to uphold those policies. I will not retaliate against, or tolerate retaliation by others against, anyone who makes a report or seeks guidance in good faith. If I supervise others, I acknowledge that I have a duty to assist those who report to me in understanding their obligations and responsibilities under the Code of Conduct. If I am a corporate officer or otherwise have significant oversight responsibility, I understand that I have a special duty to set the right tone and ensure that those I lead carry out their responsibilities in a manner consistent with the Code of Conduct.

I acknowledge that, to the best of my knowledge and other than exceptions previously reported or described below, I have not violated the Code of Conduct and am not currently aware of any violations or potential violations of the Code of Conduct.

Please initial the applicable statement.

☒ I have read the Acknowledgement Form and have no exceptions to report.

☐ I have read the Acknowledgement Form and have the attached exceptions to report.



Signature

Ronald T. Jones, Sr. Mgr, FSC QA

Name & Position (Print or Type)

12/1/06

Date

March 14, 2008

<<First Name>><<Last Name>>

Address

City, State ZIP

Dear <<Name>>,

As our Executive Vice President and General Counsel Gus A. Puryear faces a highly publicized federal judicial nomination, both *TIME* magazine (March 13, 2008) and *The Tennessean* (March 14, 2008) published articles questioning the integrity of CCA's quality assurance program which he oversees. The articles suggest that CCA under-reported and re-classified incidents in order to surreptitiously produce misleading and inaccurate records of incidents at our facilities.

The articles -- apparently based on the claims of a former disgruntled employee, and fueled by a former CCA inmate who is employed by an anti-private prison group (Private Corrections Institute) -- paint a misleading and inaccurate picture of CCA's quality assurance process and Mr. Puryear's role in it. As you are aware, your own contract monitors, many of whom operate on site in our facilities, are made aware of incidents immediately as they occur. Your own corrections department has full access to facility reports, and your agency conducts its own audits. Furthermore, CCA's quality assurance process serves as an instrument that assesses our performance and analyzes our internal processes; it is not the means by which customers are informed of incidents. CCA responds directly according to the terms of our contract, which generally mandate notification to the contract monitor as well as detailed record-keeping through established facility incident reporting mechanisms.

As CCA's Senior Vice President of Quality Assurance, I personally have overseen our quality assurance process for more than three years. Having served as CCA's Chief Operating Officer, and as the former Director of the Federal Bureau of Prisons, and supported by the expertise of veteran correctional professional Rick Seiter, Executive Vice President and Chief Corrections Officer, we offer correctional knowledge and expertise that enhance our collaborative work with our government partners, CCA facility management and contract monitors in each CCA facility to help ensure constancy in our daily operations.

CCA operates with integrity in our relationships with our government partners, the financial community, the media, our employees and the citizens in the communities

where we operate. Though both publications were provided with thorough and accurate information about CCA's quality assurance process and related details on our policy on and prevention of zero-tolerance incidents, such information was framed in a negative and unbalanced way that seeks to undermine our time-tested image and well-earned reputation. These articles also indirectly – and mistakenly – suggest that our customers are not providing their own level of expected monitoring of our facilities. Such an assertion is an affront to the professionalism of partnering systems and the diligence of your staff.

CCA remains committed to openness and transparency with our customers and the greater public. We stand by our strong – and accurate – record. Further, I am personally willing to stake my 37 years of correctional experience and reputation as a corrections professional on the integrity of our work. We believe in the accuracy of our records, the professionalism of our employees and the quality of services we provide in partnership with our customers. Our president and CEO, John Ferguson, Rick Seiter and I avail ourselves to you at any time should you have questions or seek further information from CCA. You may contact me at (615) 263 -3000.

Sincerely,

Mike Quinlan
Senior Vice President

Immigrant family detention center shows upgrades

Settlement in a lawsuit that criticized Taylor facility's conditions called for changes

By ANABELLE GARAY, Associated Press

April 23, 2008



Immigration officials say the T. Don Hutto Family Residential Center in Taylor has become more family friendly
-Donna McWilliam, Associated Press

TAYLOR —Pastel-colored walls adorned with cartoon characters, porcelain instead of metal toilets in cells and other upgrades have softened the inside of a former prison where dozens of immigrant children and their families are detained.

U.S. Immigration and Customs Enforcement

officials who conducted a media tour Tuesday at the T. Don Hutto Family Residential Center in Taylor say the facility has become more family friendly thanks to more than 100 modifications.

The changes were required under a settlement reached in a lawsuit alleging children were held in prison-like conditions.

Children now receive night lights, sneakers and colorful T-shirts with Superman and other characters on them when they arrive at Hutto. A teleconference room for immigration hearings has a large mural of the Rugrats and the large brick walls leading into the sleeping area — former prison pods — are painted in muted tones and feature Tinkerbell.

The facility's health care staff has expanded to 35 and contracts outside when more specialized services are needed.

The cafeteria now offers a main menu and a hot bar to provide more variety of foods. Children — currently from 2 months old to teenagers — now go on field trips. Past visits outside Hutto have included a museum in Austin, the zoo and a Dairy Queen.

ICE officials said the changes would have been implemented even without the lawsuit, and added that they continue to

discuss more improvements to the facility where families live in small cells furnished with bunkbeds, a toilet and sink.

"Everything that was included in that settlement was either done prior to the settlement, in progress during the settlement or contemplated prior to the settlement," said Gary Mead, ICE's acting director for detention and removal.

Advocates disagree and contend that public awareness, a report last year detailing conditions at Hutto and the lawsuit spurred ICE to action.

"It is true that some of the changes were made before the settlement ... but they certainly were not in effect at the time we made our report," said Michelle Brane, director of the detention and asylum program at the Women's Commission for Refugee Women and Children. "They were very clear that they thought it was an appropriate place to hold families."

Guards accused of threatening children

When the facility first opened nearly two years ago, advocates say, uniformed, handcuff-toting correctional officers called "counselors" threatened children with separation from their families. Children received only one hour of classroom instruction a day, lost weight and had limited access to health care, attorneys alleged.

ICE officials have denied that guards used threats or that health care was limited. The agency did say that the school day has been significantly expanded since Hutto opened.

A federal judge approved the lawsuit settlement in August. It called for changes including installation of privacy curtains around toilets in the cells, a full-time pediatrician and elimination of a counting system that required families to be in their cells for hours a day.

Those changes have been made, and a federal magistrate also

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continues to periodically review conditions at Hutto.

Immigration officials have described the nearly 500-bed Hutto as a residential environment that keeps families together while they seek asylum, await deportation or seek other outcomes to their immigration cases.

Officials say Hutto — operated by Corrections Corporation of America under a contract with Williamson County — is meant to end the “catch and release” practice that in the past permitted families in the U.S. illegally to remain free while awaiting a court hearing. Many never showed up in court; some borrowed other people’s children and posed as families to avoid detention, ICE officials have said.

ICE is considering opening more facilities to detain families around the country, making Hutto a sort of prototype, Mead said.

Detainee center gets 'family-friendly' makeover

Immigration officials give tour of much-maligned facility in Taylor

By Juan Castillo, AMERICAN-STATESMAN STAFF

April 23, 2008



In addition to new privacy curtains and other changes, the facility also got a kid-friendly paint job. The center holds families accused of immigration violations.

- Donna McWilliam ASSOCIATED PRESS

TAYLOR — The concertina wire is gone. So are the imposing steel doors in the booking area and the green and purple hospital-type scrubs issued to immigrants and their children. Also gone are the routine head counts by uniformed guards that awakened children in the middle of the night at the T. Don Hutto immigrant detention center.

New are the privacy curtains around toilets in the cramped cells and glass-enclosed cubicles where immigrants can meet with their attorneys.

Federal immigration officials opened up the detention center to reporters Tuesday to showcase these and more than 100 other changes they say make the former medium-security prison more family-friendly. The changes have been implemented in the past year, many of them after a lawsuit was filed challenging the treatment of families at the controversial facility.

The 470-bed detention center, which opened in 2006, is one of two in the country that confine families on immigration violations while they await disposition of their cases. Officials

say it is a humane way to keep families together while enforcing immigration law.

Last year, immigrant advocates sued U.S. Immigration and Customs Enforcement, charging that conditions at the facility were inappropriate for families and children. As part of a court settlement, immigration officials in December implemented for the first time federal standards at detention centers for immigrant families.

"Candidly, when (Hutto) opened, we were new to the family residential facility business. We learned a lot," Gary Mead, acting director for detention and removal at Immigration and Customs Enforcement, said Tuesday.

Mead said the modifications — he estimated 110 in all — would have taken place even without the lawsuit.

Advocates like Michelle Brané of the Women's Commission for Refugee Women and Children in New York disagree. They say the lawsuit, public pressure and media exposure of conditions at T. Don Hutto moved the immigration agency to take action.

Brané said she was "quite overwhelmed" by the changes she saw during a brief visit to the facility in February.

"There wasn't nearly the oppressive atmosphere that you felt before," Brané said. Health care was limited. The agency did say that the school day has been significantly expanded since Hutto opened.

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ICE is considering opening more facilities to detain families around the country, making Hutto a sort of prototype, Mead said.

Detention center for immigrant families looks much-reformed

Hernán Rozemberg, Express-News

April 22, 2008

TAYLOR — After two turbulent years, the country's largest prison for detained immigrant families has been revamped to serve as a model for three more such centers the government hopes to open next year.

The T. Don Hutto Family Residential Center, a former state prison about 35 miles northeast of Austin, is one of only two places that holds entire families caught in the country illegally.

Mired in controversy since its opening in May 2006, the 512-bed center has been through several makeovers. Administrators opened it for a swift media tour Tuesday to show how much has changed since the first tour 14 months ago.

Gary Mead, in charge of all detention centers for U.S. Immigration and Customs Enforcement, flew in from Washington with a cadre of public affairs officers to lead the tour.

Mead said most but not all of the 110 showcased changes stemmed from the settlement of a lawsuit brought by immigrant advocacy groups that alleged deplorable conditions and intimidation by guards.

In one case, a Honduran woman who ICE said refused to leave despite a judge's deportation order was transferred to another prison and thus separated from her 8-year-old daughter for three days until they were reunited on the plane home.

"Candidly, when it opened, we were new to the family residential business and we have learned a lot," Mead said. "Now we have truly created a safe and humane living environment."

All the steps ICE agreed to take in the settlement reached in

August are complete, along with some additional measures, and Hutto now is as family-friendly as it's going to get, Mead said.

Just as happened last year, reporters were quickly and closely escorted to major areas and barred from interviewing detainees.

Children have more freedom to run around, Mead said, and there are structural changes — door styles went from steel-bolt institutional to country Dutch, and the razor wire that lined the fence surrounding the campus is gone. Hallways are brightly painted and adorned with cartoons and drawings done by a staffer.

Formerly strict daily schedules have been relaxed, Mead said. Children 12 and older may play outside by themselves with written parental permission. The outdoor recreation area, previously home to two swing sets, now features two soccer fields, a volleyball court and two playgrounds.

The gym has added a play area for toddlers, two treadmills and four stationary bicycles to the basketball court. Kids now go on field trips in the Austin area, including to a public library and the Texas State History Museum.

For adults, aerobics and dance classes are offered, as well as a parents' night out; on Valentine's Day, they were treated to a catered dinner with guards as servers, said Evelyn Hernández, who manages the prison for Corrections Corp. of America, which contracts with ICE and Williamson County in a three-way partnership.

The medical staff has grown from 30 to 35, to include a dental hygienist, two Spanish-speaking nurses and two social workers for mental health concerns.

Mead pointed out such other improvements as an expanded

(continue...)

library of about 5,000 books. The computer lab features more programs and two terminals with Internet access.

There's a salad bar and a "hot bar" in the cafeteria — and the more homestyle recipes are a hit with the mostly Central American detainees thanks to one of them working as a cook, Hernández said. Ten detainees volunteer to work at the center for \$1 per day, she said.

Sleeping quarters are still former prison cells, but the steel toilets and sinks were replaced with porcelain, and curtains have been added around toilets and showers.

Parents and children previously had to stay in their cells overnight but now can wander into the larger "pod" area if they want to watch TV or play video games. They'll still set off sensors if they open a door after lights-out, prompting a staffer to make sure nothing's wrong.

Bottom line, administrators said, it'll never be a perfect place for families, but it's good enough to be replicated.

"I'm not sure this would be the model if we started with a clean sheet of paper," Mead said.

Yet no amount of money can change the fact that the Hutto facility remains a prison, say advocates who sued the government and are still pushing for a more dramatic policy shift.

Barbara Hines, a law professor and director of the immigration clinic at the University of Texas at Austin, has represented Hutto detainees and brought the suit along with the American Civil Liberties Union.

She got a tour last month to see the changes. There's no doubt conditions have improved significantly, she said.

"But at the end of the day, families are still kept in detention — they're not allowed to walk out the door," Hines said.

Congress has ordered ICE to seek alternatives such as monitored release, but it continues to overlook those options, Hines said.

Mead noted that about half of the approximately 4,000 detainees placed at Hutto since it opened have been released on bond or other supervisory orders.

hrozemberg@express-news.net



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April 18, 2008

T. Don Hutto Residential Center
1001 Welch St., P.O. Box 1063
Taylor, Texas 76574

Dear Officer Robertson,

On Behalf of the LULAC National Board, I want to thank you for allowing us to tour the T. Don Hutto detention facility. More importantly, I would like to extend our appreciation for the initiatives that have taken place in the facility to accommodate the detainees and their families.

We believe the new personnel assigned to the facility will assist the detainees effectively. The improved services for the families such as the newly attained educational and technological recreational resources are of great importance. In addition, the privacy offered for personal visits provide the children and their parents some normalcy while in the facility. We are glad to have witnessed very adequate hygiene and medical care services.

I would also like to thank you for providing pro bono legal representation to the detainees, which will alleviate financial burdens. Just as important as legal representation for the detainees, church and other religious services provided are very much appreciated.

We had one suggestion for the T. Don Hutto detention facility. We observed that the center's cooking staff lacked any Latino representation; the inhabitants of the facility mentioned numerous times they would truly appreciate having some type of Hispanic food. We would appreciate if you would forward these concerns to the appropriate personnel so they may proceed to incorporate Hispanic meals into their menu plans.

Once again, I would like to extend my gratitude to your staff on bringing these services to fruition. We look forward to a continued partnership with your facility and US Immigration and Customs Enforcement.

Sincerely,

Rosa Rosales
LULAC National President