

# Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

## Opposing Comment for Docket No. MCF 21067

August 8, 2016

Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

### **Re: Opposing Comment for Docket No. MCF 21067**

Dear Sir or Madam:

This comment is in reference to Docket No. MCF 21067, concerning the proposed merger of Prisoner Transportation Services, LLC (MC-689407/MC-643115) and U.S. Corrections, LLC (MC-872586). As set forth below and in the exhibits attached hereto, the Human Rights Defense Center (HRDC) submits that the merger is not consistent with the public interest.

HRDC has an interest in this proceeding because it advocates for the rights of persons held in U.S. detention facilities, including those who are transported by Prisoner Transportation Services (PTS) and U.S. Corrections (U.S.C.) among other private, for-profit transport services.

### **Background**

Initially, we note that on July 12, 2016, U.S. Senator Cory Booker wrote to Attorney General Loretta Lynch, asking her to “fully investigate the nature and extent of prisoner abuse and neglect with the private prisoner transport industry.” See Exhibit 1, attached.

Senator Booker’s letter was based on recent news reports concerning abuses, including prisoner deaths, that have occurred during private prisoner transports, including transports by PTS. Such incidents involving private transportation companies – including escapes, preventable accidents, sexual abuse of female prisoners and inadequate medical care for prisoners being transported – are nothing new, however. HRDC’s monthly publication, *Prison Legal News*, has been reporting on such issues involving private transport companies, including PTS, since 1997.

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In 2006 we ran a cover story on the private prison transportation industry, which was the most comprehensive reporting on that topic at the time. See Exhibit 2, attached. We ran an updated article on private transport companies in December 2015. See Exhibit 3, attached.

The more recent news reports concerning PTS and other private companies that transport prisoners, which were the catalyst for Senator Booker's letter to Attorney General Lynch, included a July 6, 2016 article published by *The New York Times* and the Marshall Project. That article describes a number of failings and problems with private prisoner transport companies, including the 2012 death of Steven Galack, 46, who died while being transported by PTS. The article notes that "Since 2012, at least four people, including Galack, have died on private extradition vans, all of them run by the Tennessee-based Prisoner Transportation Services. In one case, a Mississippi man complained of pain for a day and a half before dying from an ulcer. In another, a Kentucky woman suffered a fatal withdrawal from anti-anxiety medication. And in another, guards mocked a prisoner's pain before he, too, died from a perforated ulcer." See Exhibit 4, attached.

On July 12, 2016, Attorney General Lynch informed the House Judiciary Committee that her office would investigate lapses in federal oversight of private prisoner transport companies.<sup>1</sup>

### **Objections to Merger**

HRDC objects to the proposed merger of PTS and U.S.C. because we believe it is not consistent with the public interest. The Applicant submits that the proposed transaction would have no significant impact on the adequacy of transportation services to the public. However, the many problems that PTS has experienced in the past, including escapes, prisoner deaths, accidents and other issues, certainly have a significant impact on the adequacy of transportation services to the public – most obviously with respect to escapes from and accidents involving prisoner transportation vehicles, which directly endanger the public.

While the merger may result in economies of scale for the combined company, and result in efficiencies related to the combined company's business model, that simply reflects benefits to the *company*, not necessarily to the *public*. The public has an interest in ensuring that prisoners are transported humanely and safely, and that escapes and accidents that endanger the public are minimized. As the proposed merger would considerably increase the size of the combined company, resulting in more vehicles making more prisoner transports, the opportunity for more accidents, escapes, abuses and misconduct would correspondingly increase.

The business model of the private prisoner transportation industry provides an incentive for companies to transport as many prisoners as quickly as possible, and to maximize efficiencies in terms of picking up and dropping off prisoners by keeping them on the road for extended periods of time – sometimes weeks – often in cramped, unsanitary conditions.

"One thing that's clear is that the goal with all these companies is to pick up as many bodies along the way as they can to squeeze out the most profits," Margaret Winter, associate director

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<sup>1</sup> <https://www.themarshallproject.org/2016/07/12/u-s-attorney-general-loretta-lynch-will-probe-private-prisoner-transport-industry#.GADdZNkdy>

of the ACLU's National Prison Project, said in a 2009 news article. "We've had many reports of prisoners being taken on weeks-long odysseys and not getting food, water or medical attention."<sup>2</sup>

Prisoners have reported that transport drivers sometimes refuse to stop for restroom breaks, causing them to urinate or defecate in transport vehicles; fail to provide water or adequate food; fail to respond to medical emergencies; fail to provide sanitary pads or tampons to female prisoners who are menstruating; drive in a dangerous manner, including speeding to meet trip schedules; and fail to ensure that prisoners are secured in seatbelts (sometimes, transport vans lack any seatbelts). Plus there have been numerous examples and allegations of sexual and physical abuse involving private prisoner transport guards.

According to a former U.S.C. employee, Fernando Colon:

My prisoners got sick and threw up on each other all the time. They passed out from heat stroke — the windows barely opened, for security reasons, and the air conditioning was always broken. It got so hot that they would strip down to their underwear, and I would have to buy them buckets of ice and water.

They were car sick, dizzy, panicked, and claustrophobic.

Only one of our vans had cushions on the seats. In the rest of the vehicles, they were just sitting upright on a metal bench, squeezed in tight next to each other, with no way to lie down to sleep — for up to seven days in a row. Usually they'd just take off their shoes and sit on those.

Imagine having convicted murderers next to you when you're a first-time DUI offender. There were guys who were past due on child support sitting next to a murderer. That's crazy — speeding-ticket people next to three-time felons.

Meanwhile, your hands are bound but there ain't no seatbelts, so if I put on the brakes or swerve, you get thrown like a pinball across the van and slammed against the wall, with no way to brace yourself. I would hear them slamming around back there.<sup>3</sup>

In fact, the private prison transportation industry is largely unregulated; while the Department of Justice (DOJ) is charged with enforcing Jeanna's Law, 28 C.F.R. § 97, there has been only one enforcement action against a prisoner transportation firm in the past 15 years.

We submit that the best predictor for a company's future behavior is its past behavior. With respect to PTS and U.S.C., the following are incidents involving their transport services, in addition to the death of Steven Galack during a PTS transport, mentioned above:

- An April 2016 accident in Colorado involving a PTS van sent 12 prisoners and two guards to a hospital. The two-vehicle accident was under investigation.<sup>4</sup>

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<sup>2</sup> <http://www.delcotimes.com/article/DC/20090205/NEWS/302059919>

<sup>3</sup> <https://www.themarshallproject.org/2016/07/07/the-horrible-things-i-saw-driving-a-van-packed-with-prisoners#.Mq65W5GFc>

<sup>4</sup> <http://www.krdo.com/news/13-taken-to-hospital-after-prison-transport-van-crash/39283674>

- In April 2016, two prisoners, Michael Andrew Rotunno and James T. Banks, escaped from a U.S.C. transport van. They reportedly jumped out of the van shortly after leaving the Walton County Jail in Florida.<sup>5</sup>
- In April 2016, the Michigan Department of Corrections canceled its contract with U.S.C., stating the company had allowed an escape and often failed to meet transport schedules.<sup>6</sup>
- In January 2016, prisoner William Culpepper, Jr., 36, died during a PTS transport from Kentucky to Mississippi after telling guards he was experiencing stomach pains. His cause of death, according to the coroner, was a “perfectly treatable” perforated ulcer.<sup>7</sup>
- Prisoner Denise Isaacs, 54, died while being transported by PTS in September 2014; while she reportedly had displayed symptoms that included drooling, refusing food and gasping, and was unable to climb into the transport van after a stop, she did not receive medical treatment. PTS officials reportedly told the transport guards to keep going.<sup>8</sup>
- Prisoner Lauren Sierra, 21, reported she was sexually assaulted by a guard in July 2014 while being transported by U.S. Corrections, and has filed a lawsuit against the company. She accuses U.S.C. guard Jorge Vela of improperly groping her breasts, buttocks and vaginal area.<sup>9</sup>
- In 2014, prisoner William Weintraub, 47, died of a perforated ulcer during a transport by PTS. According to news reports, prior to Weintraub’s death, PTS guards had mocked his complaints of severe stomach pain.<sup>10</sup>
- In December 2013, a PTS bus carrying federal prisoners crashed on Interstate 64 in Illinois, injuring four guards and nine prisoners after the driver, Jose D. Fuentes, lost control of the vehicle.<sup>11</sup>
- Two prisoners drove off in a transport van on September 2, 2013, after PTS guards stopped in Wetherford, Oklahoma to deliver one or two prisoners to a hospital; they left the keys inside with the van running so the remaining eight prisoners could have air conditioning. Police found the abandoned van about a mile away. Six of the prisoners were still inside, but two – Lester Burns and Michael Coleman – had fled, leaving behind a 12-gauge shotgun that was in the vehicle. One of the prisoners in the van called 911 to report the incident.<sup>12</sup>

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<sup>5</sup> <http://wfla.com/2016/04/04/florida-inmates-escape-from-transport-van>

<sup>6</sup> <https://www.themarshallproject.org/documents/3005363-Letter-from-MDOC-to-US-Corrections#.qnEH2RqRZ>

<sup>7</sup> <http://www.nytimes.com/2016/07/07/us/prisoner-transport-vans.html>

<sup>8</sup> <http://www.miamiherald.com/news/state/florida/article2287990.html>

<sup>9</sup> <http://www.courthousenews.com/2015/01/26/woman-inmate-says-jails-driver-molested-her.htm>

<sup>10</sup> <http://www.news4jax.com/news/prisoners-death-during-transport-across-county-sued;>

<sup>11</sup> [http://www.stltoday.com/news/local/crime-and-courts/private-company-will-probe-illinois-bus-crash-involving-inmates-guard/article\\_1622d7bd-b0ed-5c16-a6a9-f9fe6048e2e4.html](http://www.stltoday.com/news/local/crime-and-courts/private-company-will-probe-illinois-bus-crash-involving-inmates-guard/article_1622d7bd-b0ed-5c16-a6a9-f9fe6048e2e4.html)

<sup>12</sup> <http://www.theoaklandpress.com/article/op/20130925/NEWS/130929534>

- According to a lawsuit filed by Darren Richardson, who was transported by PTS in June 2013, during a 10-day trip he “did not go to the bathroom in any fashion for six days, and did not eat anything for four days” ... “During the transport trip, guards took debit cards from inmates and used them at gas stations to purchase cigarettes and other items.” ... “At one point on the transport a guard entered the cage Darren Richardson was held in, and forced a shotgun to his head” ... “Mr. Richardson’s legs were purple from the knee down and his feet were black when he arrived at the Pike County Correctional Facility.” He also alleged a PTS guard urinated on him.<sup>13</sup>
- A PTS driver was killed in September 2009 in a crash in southern Mississippi that injured another guard and several prisoners, two of whom were listed in critical condition. “The vehicle left the roadway on the right shoulder, collided with a raised embankment and slid and hit a couple trees before landing on its roof,” said Hattiesburg police spokesman Synarus Green.<sup>14</sup>
- In August 2009, two PTS guards and a prisoner were killed in an accident in Greene County, Georgia. The prisoners were reportedly not wearing seatbelts when the van crashed into the back of a tractor-trailer.<sup>15</sup>
- Prisoner Sylvester Mitchell, 33, escaped from a PTS transport vehicle in February 2009 while he was being transported between Florida and Pennsylvania. It was unclear when or how he escaped.<sup>16</sup>
- In 2008, a shackled prisoner, Taariq Ali, 43, escaped from a PTS transport guard; Ali had been convicted of murder and was serving a life sentence. The Delaware Dept. of Corrections reportedly stopped using PTS to transport state prisoners following Ali’s escape.<sup>17</sup>
- In La Crosse, Wisconsin, three prisoners escaped from a PTS transport van on June 6, 2006. One of the company’s guards initially claimed that prisoner Phillip Dunn had used his eyeglasses to pick the locks on his handcuffs and shackles and to open the van door. However, an investigation revealed that Dunn had stolen the guard’s key ring, which contained keys to the van and all of the prisoners’ restraints. Two of the escapees were soon caught but Dunn remained at large. Two PTS employees were fired.<sup>18</sup>

There are many other examples of abuses, escapes, deaths in custody and sexual abuse involving private prison transportation companies. The above examples only relate to PTS and U.S.C., and are only a sampling of incidents that were publicly reported. Because PTS and U.S.C. are private companies they are not subject to the Freedom of Information Act or many state public records laws, which makes obtaining information about their operations difficult or impossible.

<sup>13</sup> <https://d35brb9zkkbdsd.cloudfront.net/wp-content/uploads/2015/06/1-main.pdf>;

<http://thinkprogress.org/justice/2015/06/15/3669685/private-prison-transport-lawsuit>

<sup>14</sup> <http://www.gainesville.com/article/LK/20090906/News/604158578/GS/>

<sup>15</sup> [http://onlineathens.com/stories/080609/cop\\_478210144.shtml](http://onlineathens.com/stories/080609/cop_478210144.shtml)

<sup>16</sup> [http://www.privateci.org/rap\\_PTSoAmer.html](http://www.privateci.org/rap_PTSoAmer.html)

<sup>17</sup> *Id.*

<sup>18</sup> [http://lacrossetribune.com/news/at-large-prisoner-used-keys-not-glasses-to-escape/article\\_60e10155-2f5f-5ec8-866f-44e4f0b83d55.html](http://lacrossetribune.com/news/at-large-prisoner-used-keys-not-glasses-to-escape/article_60e10155-2f5f-5ec8-866f-44e4f0b83d55.html)

## Additional Concerns

With respect to U.S.C., the Marshall Project reported in an August 5, 2016 article that U.S.C. “was formed in 2014 and has apparent ties to another extradition company, Florida-based USG7, which dissolved in 2014, according to a filing with the Florida Department of State.” The article further states that the Applicant’s merger application “does not mention USG7, whose operations supervisor, Ashley Jacques, became director of operations at U.S. Corrections and is also a part-owner. Walter Thomas, a former president of USG7, became one of [U.S.C.’s] lawyers.”<sup>19</sup>

Additionally, according to the Marshall Project, “Between 2010 and 2014, USG7 vans crashed at least six times, including one crash that killed a guard. In another case, a prisoner sued for injuries he sustained when a USG7 van rolled during a thunderstorm. A federal judge ordered a \$100,000 default judgment against the company, but it has not been paid. USG7’s insurance had also lapsed at the time of the incident, according to court documents and records provided to reporters by the prisoner’s attorney. USG7 was also found liable last year for a default judgement [sic] of more than \$134,000 after three employees claimed they were not paid their wages. That has not been paid, a lawyer for the employees said.”<sup>20</sup>

HRDC also notes that the Applicant claims the proposed transaction would not have any adverse competitive effect on any portion of the passenger transportation industry. The Applicant states that the combined operation of PTS and U.S.C. would constitute less than five percent of the population being transported.

However, according to PTS’s website, the company describes itself “As one of the very few nationwide prisoner transport operators in the United States...,”<sup>21</sup> and “the nation’s largest prisoner extradition company and one of the largest national transporters of detainees.”<sup>22</sup> If PTS is already the nation’s largest prisoner extradition company, as it publicly advertises, then the proposed merger with U.S.C. would presumably have an adverse impact on competition within the industry. Notably, PTS previously acquired another extradition company, U.S. Prisoner Transport, one of its competitors, in 2015 (Docket No. MCF 21064).

To the extent that PTS’s representations before the Surface Transportation Board regarding the level of competition in the private prisoner transportation industry, and the scope of its services, conflicts with statements the company has publicly posted on its website, the Board may want to request additional information and detail from the Applicant.

In conclusion, we object to the proposed merger as we believe, based upon this comment and the exhibits attached thereto, that the merger is not consistent with the public interest. Thank you for your consideration of this comment in reference to Docket No. MCF 21067, and please feel free to contact us should you require any further information.

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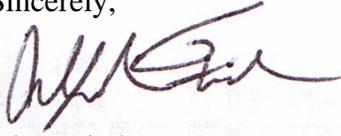
<sup>19</sup> <https://www.themarshallproject.org/2016/08/05/company-in-deadly-prisoner-transportation-investigation-puts-new-safety-measures-in-place#.ifLk6C2v5>

<sup>20</sup> *Id.*

<sup>21</sup> <http://prisonertransport.net/services.html>

<sup>22</sup> <http://prisonertransport.net/index.html>

Sincerely,



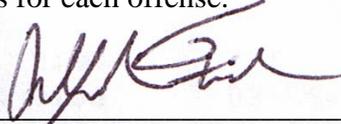
Alex Friedmann  
Associate Director, HRDC

Attachments

cc: Senator Cory A. Booker  
Henry E. Seaton, Esq.

**49 CFR 1182.8 VERIFICATION**

I, Alex Friedmann, Associate Director of the Human Rights Defense Center, verify under penalty of perjury, under the laws of the United States of America, that all information supplied in connection with this application is true and correct. Further, I certify that I am qualified and authorized to file this application or pleading. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.



Alex Friedmann

8/8/16

Date

**CERTIFICATE OF SERVICE**

I certify that a copy of this comment has been concurrently sent via courier delivery and email to Henry E. Seaton, Esq., Law Office of Seaton & Husk, L.P., 2240 Gallows Road, Vienna, VA 22182, on August 8, 2016, before 5:00pm EST.



Alex Friedmann

8/8/16

Date

# United States Senate

EXHIBIT 1

July 12, 2016

The Honorable Loretta Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Lynch:

I write today to urge the Department of Justice to fully investigate the nature and extent of prisoner abuse and neglect within the private prisoner transport industry. I further request that the Justice Department detail all federal prosecutions of private sector correctional officers (hereafter “private COs”) for prisoner abuse during a private prisoner transport and identify the tools it uses to hold executives of for-profit prisoner transport companies accountable for their involvement in any violations of federal civil or criminal laws.

Recently, media reports have detailed disturbing mistreatment of, and conditions for, prisoners transported by private companies. A July 6, 2016, *New York Times* article<sup>1</sup> reported that the privatization of prisoner extradition, whereby prisoners are transferred from one location to another, revealed “a pattern of prisoner abuse and neglect in an industry that operates with almost no oversight.” According to the report, prisoners were locked in vans for days with minimum access to food and water, correctional officers in the private sector lacked adequate training, and they were ill-equipped to provide medical care to prisoners.

I am concerned how private COs, without adequate medical training, may be ill-equipped to deal with sick prisoners. According to the aforementioned *New York Times* report, it was common for private COs to be instructed to contact local officials when a serious “life-or-death” medical emergency arises. Private COs were not required by law to have any medical experience other than training in cardiopulmonary resuscitation, which left them unprepared for medical emergencies. Nor was it uncommon for private COs to lack information from jails about prisoners’ health status or prescribed medication. In a 2012 example, a pretrial detainee who had diabetes had to have both of his legs amputated after spending three days in a private prison van after his repeated requests for medical care and his insulin were ignored.

I have questions about whether the prison transport industry exposes people to unconstitutional and unsanitary conditions of confinement inside their prisoner transport vans. According to a

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<sup>1</sup> See Eli Hager and Alysia Santo, *Private Prisoner Vans Long Road of Neglect*, NY Times, (July 6, 2016), available at [http://www.nytimes.com/2016/07/07/us/prisoner-transport-vans.html?\\_r=0](http://www.nytimes.com/2016/07/07/us/prisoner-transport-vans.html?_r=0)

recent report from *The Marshall Project*,<sup>2</sup> private companies transport prisoners in vans that often lack medical services, have poor ventilation, and rarely stop for food, water, or bathroom breaks. The report found it not uncommon for private COs to witness prisoners that “got sick and threw up on each other,” “passed out from heat stroke,” “constantly urinated in bottles,” or “defecat[ed] on themselves.” Nor was it uncommon for private COs to have to feed prisoners they transported on a budget of \$4 a day per inmate.

Under the Eighth Amendment to the U.S. Constitution, people convicted of crimes have the right to be free of “cruel and unusual” punishment while in jail or prison. To implement that constitutional mandate, under 42 U.S.C. 1997a, the Civil Rights of Institutionalized Persons Act (CRIPA), Congress empowered the Attorney General to file a civil action in federal court when a state’s conditions of confinement systematically harm institutionalized persons. I want to know if the Department of Justice interprets CRIPA to give the Justice Department the authority to investigate private companies that may have unconstitutional conditions of confinement when they transport incarcerated people to assist state and local prisons. Furthermore, please clarify what other tools may be available for the Justice Department to address horrendous conditions of confinement for incarcerated people transported by private companies.

I am troubled about reports of deaths of prisoners while in the custody of private COs. According to a recent article in the American Bar Association’s *Journal*,<sup>3</sup> “At least four people have died on private extradition van trips since 2012.” The examples given in the article are disturbing and troubling. A man being transported by a private prisoner van—after being apprehended on a warrant for failure to pay child support—died after a private sector correctional officer directed prisoners to assault him with “only body shots.” The article mentions that “[t]wo other inmates on van trips died from perforated ulcers, while another died during withdrawal from anti-anxiety medication.”

It is critical that the Justice Department uncover whether abuse of prisoners and conditions of confinement violations by private prison transport companies and their officials violated laws and regulations within the Department’s jurisdiction. I understand that 26 states use private companies to transport detainees, parolees, fugitives, and other prisoners. Accordingly, these troubling allegations of misconduct and abuse present perhaps a widespread and nationwide problem.

Congress gave the Justice Department tools to combat prisoner abuse and mistreatment. As you know, 42 U.S.C. §§ 13726a-c, the Interstate Transportation of Dangerous Criminals Act of 2000 (“Jeanna’s Act”), empowers the Justice Department to conduct oversight over extradition companies. It also established broad standards for training private COs and for treatment of prisoners. But I am concerned that this federal law, and its implementing regulations, have been

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<sup>2</sup> See Fernando Colon, “The Horrible Things I Saw Driving a Van Packed with Prisoners,” *The Marshall Project*, (July 7, 2016), available at <https://www.themarshallproject.org/2016/07/07/the-horrible-things-i-saw-driving-a-van-packed-with-prisoners#.KXDwU7AgW>

<sup>3</sup> See Debra Cassens Weiss, “Four Prisoners have died since 2012 on extradition trips run by loosely monitored private companies,” *ABA Journal* (July 7, 2016), available at [http://www.abajournal.com/news/article/four\\_prisoners\\_have\\_died\\_since\\_2012\\_on\\_extradition\\_trips\\_run\\_by\\_loosely\\_mon](http://www.abajournal.com/news/article/four_prisoners_have_died_since_2012_on_extradition_trips_run_by_loosely_mon).

underutilized and under-enforced. According to press reports, there has only been a single instance of a Jeanna Act violation since 2000, when the Justice Department held an extradition company liable for violating that federal law.

While industry accountability is important, so is personal responsibility for those who lead private prison transport companies, as well as for private COs who abuse or neglect prisoners. Due to the apparent lack of vigorous federal enforcement of the Jeanna Act, it is vital that Congress and the public understand what prosecutions for misconduct have occurred and what tools the Justice Department has at its disposal to hold such executives personally responsible. If the tools at your disposal are inadequate, Congress may need to act.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. A. B.', with a large, sweeping flourish extending to the left.

Cory A. Booker  
United States Senator

# PRISON

## Legal News

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*Dedicated to Protecting Human Rights*

September 2006

### For-Profit Transportation Companies: Taking Prisoners, and the Public, for a Ride

EXHIBIT 2

*by Alex Friedmann*

According to the latest report from the U.S. Department of Justice, Bureau of Justice Statistics, as of June 2005 approximately 2.2 million people were incarcerated in prisons and jails nationwide – not including immigration detention centers and juvenile facilities. This enormous imprisoned population is not static; prisoners are moved both intrastate and interstate on a regular basis for a variety of reasons, including court appearances, medical visits, detainer extraditions, Interstate Compact transfers and bail bond remands. A mobile, constantly-shifting “prison on wheels” is an apt analogy.

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While there are no firm statistics for the total number of prisoners transferred and extradited annually, the U.S. Marshals Service, which is responsible for the transportation of prisoners and immigration detainees in federal custody, receives around 1,000 transport requests per day and moves nearly 300,000 prisoners each year through its Justice Prisoner and Alien Transportation System (JPATS).

On the state and local level, individual jurisdictions are responsible for their own prisoner transportation needs. Although almost all sheriff’s offices and state Departments of Correction maintain their own prisoner transport services, they also rely heavily on privately-operated companies, especially for interstate trips. The reasons for using such for-profit transport services boil down to cost and convenience, both related to staffing concerns. At least one and often two or more guards must be used to transport prisoners; for intrastate trips this can be an all-day undertaking while interstate extraditions often take multiple days. Consequently, staff shortages occur when county or state guards are used to transport prisoners, expenses such as gas and meals are incurred, and overtime pay may result. It is often logistically simpler and less expensive to pay a private company to provide such services.

#### Private Prisoner Transportation as Big Business

Private prisoner transport services operate pursuant to the Extradition Clause of the U.S. Constitution and the Extradition Act, which gives them the

same authority as public agencies that move prisoners. Private transportation guards – called “agents” in the industry – can take custody of, move and house prisoners while en route to their destination; they are allowed to carry weapons and use deadly force, but are not considered sworn law enforcement officers.

While there are numerous prisoner transport services, most are relatively small operations. At the top of the industry are multi-million dollar corporations such as TransCor, the undisputed market leader. Most private transportation companies share similar characteristics – they own their own fleet of vehicles, move prisoners by both ground and air (the latter being booked on commercial flights), and provide transport services on a fee-per-mile basis similar to the commercial trucking industry. Many use GPS tracking technology. Currently, the major prisoner transportation companies include:

- TransCor America, LLC is a wholly-owned subsidiary of Corrections Corporation of America (CCA). The Nashville, Tennessee-based company was founded in 1990 and acquired by CCA in 1994; it has approximately 300 employees and 80 vehicles, and moved more than 25,000 prisoners in 2005. The company says it maintains \$50 million in insurance coverage and boasts that it can save public agencies between 30-40% on interstate prisoner transportation costs. TransCor also claims it’s the only company with the ability to perform mass transfers, stating that in 2002 it transported 795 prisoners between three states within 26 hours. Such mass prisoner moves are usually to pri-

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### **For-profit Companies (cont.)**

vately-operated prisons, such as the ones operated by its parent company CCA.

TransCor's finances are consolidated with those of CCA, its parent company, so precise financial data is difficult to obtain. But according to CCA's Form 10-K 2005 Annual Report, TransCor took in gross revenue of \$14.6 million in 2005, \$19.1 million in 2004 and \$18.9 million in 2003. The company has apparently been losing money for years, however – TransCor's 2005 expenses were \$21 million, for a net loss of \$6.5 million. CCA chief financial officer Irving Lingo, commenting on the company's poor performance, stated in a November 3, 2004 conference call that they "clearly desire to make a profit from TransCor at some point." TransCor controls an estimated 85% of the private transport market.

- PTS of America, LLC (formerly Prisoner Transportation Services, Inc.) is also located in Nashville. The company was founded in 2001 by Thor Catalogne, who previously worked for TransCor.

- Con-Link Transportation Corp., which began business in 2001, is based in Memphis, Tennessee and run by Randy L. Cagle. The company uses unarmed guards and favors diesel vehicles – which Cagle says are safer in case of fires resulting from accidents (diesels also tend to get better gas mileage, which reduces operating costs).

- U.S. Extraditions, Inc., located in Palm Bay, Florida, started in mid-2004 and primarily offers intrastate transportation services. The company has twelve full-time employees and operates five vehicles. According to company vice-president Robert Downs, who formerly worked for Mid Florida Extraditions, Inc., another private transport service, the prisoner transportation industry is "a big market."

- Security Transport Services is headquartered in Topeka, Kansas and was formed in 1995. The company maintains a staff of 40 drivers and transports no more than five prisoners at a time.

- Court Services, Inc., founded in January 2002 and based in Riverside, California, focuses on bail enforcement extradition services. Court Services is run by Eric Kindley and proudly states it has had no losses due to accidents "to date."

There are also a number of smaller companies, such as Affordable Extradition

Service, Inc., located in Woodbury, Tennessee; First Transit, Inc.'s Secure Transportation Services in New York; and Prisoner Transportation Services, LLC, based in Mesa, Arizona. Due to economies of scale it's hard for smaller prisoner transport companies to compete with the larger corporations; some go out of business while others are bought out. In December 2002, for example, TransCor acquired Tri-County Extradition, Inc., a privately-held prisoner transportation service in California with annual revenue of \$2 million. Other companies, including Federal Extradition Agency (formerly of Memphis), Extraditions International (Colorado) and State Extraditions (Florida) are no longer in operation.

Wackenhut Corp., the private security juggernaut, entered the prisoner transportation market in 2003 with its Prisoner Transport and Extradition Services, which was managed under the company's Special Police Division. Wackenhut's transport division proved to be problematic; one company employee, who did not want to be named, referred to the fee-per-mile rates commonly used in the industry as "hit and miss" and "a crapshoot." He stated that Wackenhut's prisoner transportation service, which shut down in May 2006, had approximately \$4 million in annual contracts on paper but was earning only half that amount in actual revenue. The company also had problems meeting some of its contractual obligations. On February 26, 2006, the Board of Commissioners in Bernalillo County, New Mexico voted to cancel its contract with Wackenhut because the company was "late extraditing 26 out of 50 transport prisoners from holding facilities and has continued to have difficulties meeting scheduled court ordered pick-ups." Wackenhut continues to offer prisoner transport services but now does so on an hourly-rate basis.

Typically, public agencies that need to arrange prisoner transportation can call a company's toll-free number and coordinate pick-ups, drop-offs and payments over the phone or on the Internet. Larger departments such as state prison systems usually enter into longer-term statewide contracts. For overnight and multi-day trips, private transport services house their imprisoned passengers at local jails or correctional facilities along the way, sometimes for a fee and sometimes gratis as a courtesy.

Prisoner transportation fees range from approximately \$.80 to \$1.50 per

## For-profit Companies (cont.)

mile, with \$1.00 per mile being the industry average. Additional costs may apply for transporting juveniles and prisoners with medical needs, and some companies impose a fuel surcharge. These fees add up. TransCor studied Montana's prisoner transportation system in 1993, concluded the state spent approximately \$1 million each year, and said it could provide the same services for around \$650,000. From 2000 to 2006, State Extraditions billed Orange County, Florida about \$1 million for transport services (mostly through no-bid contracts; the company's co-founder, Dennis Warren, happens to be employed with the county's Corrections Department). And according to separate fixed-cost contracts between the state of Nevada, TransCor and PTS, over a two-year period from March 2005 through February 2007 the companies will receive payments of up to \$2 million. Each.

Additionally, the prisoner transportation industry has attracted ancillary businesses that cater to its specialized services, including companies that manufacture or modify secure transport vehicles, produce various types of restraint systems (including the "black boxes" that prevent handcuffs from being unlocked), and make brightly-colored clothing for prisoners to wear while they're in transit.

Some of the larger companies that sell security vehicles include Motor Coach Industries and Blue Bird, which produce heavy-duty prisoner transport buses, and Mavron, Inc. and American Custom Coach, which make specialty prisoner transport vans (Mavron also makes animal transport vehicles). Several private transportation companies, such as PTS, do their own vehicle security modifications.

### The History of (and Troubles With) Privatized Transport Services

Prisoner transportation companies expanded both in number and scope during the 1990's as the U.S. prison and jail population nearly doubled over a ten-year period, largely due to tough-on-crime laws that resulted in a surge of convictions and longer sentences. The greater number of prisoners meant a greater need for prisoner transfers and extraditions, and a full-fledged industry was born.

Initially, most such services were "mom and pop" operations, sometimes

literally two-person businesses. At first there also was little regulation of privatized prisoner transportation companies – no regulatory oversight, no standards, no minimum security requirements or enforcement mechanisms to ensure that transport services were safe or provided humane treatment for the prisoners in their custody. While there were federal regulations for moving livestock and safety requirements for commercial truck drivers, few guidelines were in place for transporting prisoners. Companies were self-policed and set their own policies. As U.S. Rep. Bill McCollum put it, "Anyone with a vehicle and a driver's license can engage in this business and with very little accountability when things go wrong."

Further, private companies, by their nature, are primarily concerned with making a profit. PTS, for example, states it strives to be "number one" in the industry – not necessarily the largest, but the best in terms of "... safety, quality and *profitability*." To this extent problems within the prisoner transportation industry mirror those that exist in other areas where correctional services have been privatized: The inherent profit motivation of private transport companies, with a corresponding need to lower costs and increase revenue, has resulted in escapes, deaths, injuries and mistreatment of prisoners.

The greatest expenses for private transportation companies are those related to its employees – wages, benefits, staffing levels and training. In the 1990's private transport services had fairly low training requirements; e.g., prior to 1999, TransCor required only 40 hours of in-house training for its employees. Further, transportation companies weren't always picky about the people they hired, sometimes failing to conduct adequate background checks, and their drivers were often held to demanding travel schedules to ensure the company maximized its profit on each trip.

As a result, prisoners who were extradited by private transportation services raised repeated complaints, such as transport guards speeding, driving recklessly and staying behind the wheel for lengthy periods of time – even to the point of falling asleep while on the road. Prisoners were sometimes held in full restraints with no stops for food, water or restroom breaks for over 12 hours at a time. Prisoners with serious medical needs were neglected; others were held in hand and leg restraints so tight that they

caused injuries. Some prisoners claimed they received just one or two meals a day, typically from fast food restaurants, with guards pocketing the remaining allotment for food costs. "There is virtually no government regulation of the conditions prisoners live in while they are shackled all day long without sanitary facilities in these cramped transport vans," said Mark Silverstein, legal director of the Colorado ACLU, in 1999. There is even an Internet forum page devoted to criticisms of TransCor, the largest of the private transportation services, titled "TransCor Terror."

Private transport services have also been condemned for taking their imprisoned passengers on unnecessarily meandering routes across the country, collecting and delivering as many prisoners as possible in order to increase their revenue. Such "diesel therapy," in which prisoners may be on the road for a week or more, can be physically and mentally debilitating as well as dangerous. The longer period of time prisoners are in transit, the greater the possibility of an accident; also, the more times that a transport vehicle stops for food or fuel, the greater the risk of an escape.

According to TransCor, the average time that prisoners spend in transit is between four and five days. Apparently, however, this is not always the case. William Minnix was extradited from Ohio to Colorado on a parole violation in July 1997. He was transported by TransCor on a 20-day trip that took him to New York, Michigan, Maryland, Kentucky, Wisconsin, South Dakota and several more passes through Ohio as other prisoners were picked up and dropped off along the way. TransCor executive vice president Chuck Kupferer, quoted in a December 18, 1997 article in *Westword* magazine, was more candid. "If a guy wrote to you and said he was on the road for fifteen days, I have no doubt in my mind that he was," he said. "It's not rare, but it's not usual." Nor have things changed much since then. On February 14, 2004, Rick Hollon, a veteran charged with failure to pay child support, was extradited by TransCor to Nevada from Kansas. He passed through Missouri, Oklahoma, Texas and New Mexico over a 17-day period, which was confirmed by a company spokesperson. Hollon reportedly lost 30 pounds while taking the scenic route in TransCor's custody.

The cost cutting measures employed by private transport companies, which let

them offer substantial savings to public agencies, also appear to contribute to the numerous problems experienced by the industry. Former TransCor president John G. Zierdt, Jr., who resigned in 2000, insisted the company did not cut corners in dangerous ways. "When we have an escape, it hurts our stock price," he explained, apparently referring to the stock price of CCA, which owns TransCor. However, there is no evidence that the stock market acts – or indeed should act – as a regulatory force for privatized prisoner transportation services, especially when public safety is at risk.

Private transportation companies that are more concerned with their profit margins than the public good also tend to avoid costly security precautions used by public prisoner transport services. Jim Cashell, president of the Montana Sheriff's and Peace Officer's Association, said it was not unusual for deputies to use a back-up "chase car" for prisoner transports. Chase cars, which provide an added level of security, aren't favored by private transportation services due to the additional vehicle and employee expenses.

Another example of cost cutting is the use of 15-passenger vans. Several transportation companies, including Con-Link, U.S. Extraditions, Court Services and PTS, use 15-passenger vans – which hold more prisoners and thus make extradition trips more profitable. However, these higher-capacity vehicles also have a higher chance of rollover and lower safety ratings. The National Highway Traffic Safety Administration (NHTSA) has repeatedly issued warnings about 15-passenger vans, including three consumer advisories since 2001. NHTSA found that 74% of 15-passenger vans had improperly inflated tires, which greatly increases the chance of an accident. NHTSA also determined that when such vehicles are loaded with 10 or more passengers, the rollover rate is almost three times higher than when they have fewer than five occupants.

In fact, federal law prohibits the sale or lease of new 15-passenger vans to schools for transporting primary through high-school age children unless such vehicles meet federal school bus safety standards. Apparently, though, 15-passenger vans are considered safe enough to transport prisoners. Further, according to NHTSA data for 2006 model year vehicles, the Ford E350 XLT passenger van received a two-out-of-five-

star safety rating and was found to have a 30% chance of rollover. The E350 is the "primary transport vehicle" for PTS according to the company's website, and E350 vans are also used by TransCor, U.S. Extraditions and Con-Link for prisoner transportation.

As a result of the initial lack of regulation of private transport companies, and the negative impact on safety and security caused by their for-profit motives, prisoner transportation services experienced a plethora of accidents and escapes, and their employees extradited prisoners under dangerous, inhumane and abusive conditions with frightening frequency. The details of these incidents read like a comedy of errors – except there is nothing funny about negligence, preventable accidents, sexual abuse and escapes that endanger the public.

### Problems in the Past: Reflections in the Rear-View Mirror

A prime example of the hazards faced by smaller prisoner transport services in the earlier days of the industry occurred on August 28, 1996, when Rick Carter and Sue Smith, a husband-and-wife team who ran R & S Prisoner Transport, were overpowered by six convicts when they stopped at a Texas rest area. The unarmed couple was held hostage during an escape attempt that ended in a high-speed police chase. When Carter and Smith had arrived at an Iowa prison to pick up the prisoners, five of whom had murder convictions, the warden reportedly said, "You've got to be kidding me." However, when told R & S had an extradition contract he released them into the company's custody.

Larger prisoner transport services, including the top names in the business, didn't fare much better. According to the *Palm Beach Post*, a convicted felon being transported through West Palm Beach, Florida by Federal Extradition Agency in June 1997 was left alone behind a gas station to urinate, and promptly escaped. A month later, on July 30, 1997, Dennis Glick, a convicted rapist, took a gun from a Federal Extradition Agency guard who had fallen asleep in the transport van when they stopped in Colorado. Glick took seven prisoners, a guard and a local rancher hostage, stole two more vehicles, and was caught the next day while attempting to escape on a stolen horse. Federal Extradition Agency was billed more than \$17,000 for the cost of the search, but an official with the Pueblo County Sheriff's Office

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## For-profit Companies (cont.)

said at the time that his agency “hasn’t heard a word” from the company. On October 23, 1997, four prisoners escaped from a Federal Extradition Agency van near Swanton, Ohio, taking a shotgun and four rounds of ammunition; the private transport guards had left the vehicle unattended with the engine running. And two Federal Extradition Agency guards were arrested in Dalton, Georgia on December 27, 1997 after drinking and fighting with each other while transporting nine prisoners. They were charged with DUI and reckless conduct.

TransCor had a bad year in 1997, too. Three of eleven prisoners being extradited by the company escaped on December 4, 1997 after they removed their restraints, threw a rookie guard out of the van and drove away while another guard was buying meals at a Burger King in Owatonna, Minnesota. One of the escapees, Homer Land, kidnapped a married couple and held them captive for 15 hours. Ironically, the same TransCor van used in the Owatonna escape had been involved in another escape attempt just four days earlier. On November 30, 1997, Whatley Roylene removed his handcuffs and took a shotgun from a sleeping TransCor guard when their van stopped at a gas station in Sterling, Colorado; the other guard was outside the vehicle at the time. Police officers surrounded the van, and the resulting standoff reportedly ended when other prisoners convinced Roylene to give himself up.

A succession of accidents and escapes occurred over the following years. Evelio Escalante, an alleged gang leader, escaped from TransCor guards in Waterbury, Connecticut on October 27, 2000; they had failed to shackle him or handcuff him behind his back. And when an Extraditions International van stopped for a restroom break in Canyon Country, California on January 23, 2000, the guards carelessly left the keys in the ignition. Two of the nine prisoners they were transporting, Geoffrey Johnson and Nevada state prisoner Billy Freeman, jumped into the front seat and drove off, reaching speeds of 90mph before crashing. A company spokesman said the escape resulted from “an error in judgment.”

After two more Nevada prisoners fled from an Extraditions International vehicle at a California rest stop on March 25,

2000, state officials decided to discontinue the company’s services. James Prestridge and John Doran had overpowered one of the guards, taken his gun, and then relieved another sleeping guard of his weapon. “As soon as I heard about it, I stopped using them,” said then Nevada prison director Bob Bayer. “When we have two problems in that short space in time, we can’t afford not to.”

On May 24, 2000, a van operated by Extraditions International was involved in a fatal accident in Great Barrington, Massachusetts. One guard, Scott Lee Bellon, was killed and a second guard and a prisoner were injured when the vehicle failed to navigate a curve and crashed into a stone wall. In another accident, Patrick R. Dalka and Jason Szydlek, among other prisoners and two guards, sustained injuries when a TransCor van rear-ended another vehicle in Tennessee on July 13, 2000. The next day Szydlek signed a release form in which he agreed not to hold the company liable in exchange for \$1,000. TransCor issued him a check, which he didn’t cash. Instead, in a subsequent lawsuit filed in federal court, Szydlek said he felt “threatened, intimidated and coerced” into signing the release, and stated in an affidavit that he had been deprived of food and sleep for almost 24 hours following the accident and was threatened by TransCor employees. The case was closed on March 30, 2004 following a confidential settlement. See: *Dalka v. Sublett*, USDC WD TN, Case No. 01-2485-V. See also 2002 WL 1482532 and 2002 WL 1483877.

On November 20, 2000, thirty-nine Wisconsin prisoners filed suit in U.S. District Court against TransCor and other defendants. They claimed that during a 30-hour bus ride from a state prison to a CCA-operated facility in Sayre, Oklahoma on January 25, 2000, the TransCor vehicle had no heat, no working toilet and an inoperable muffler that let exhaust fumes inside the vehicle. According to court documents the prisoners were splashed with waste from the overflowing toilet and vomited on each other due to the terrible stench. They were denied meals and medication. Wearing only jumpsuits in sub-zero weather, some reportedly arrived in Sayre with frostbite and hypothermia. In a December 27, 2000 order, a federal judge found the prisoners had “alleged facts sufficient to support an Eighth Amendment claim as well as state law claims of assault and

battery, intentional infliction of emotional distress and negligence.” The case was settled confidentially in November, 2002. See: *Wine v. Dept. of Corrections*, USDC, WD WI, Case No. 00-C-704-C (2000 WL 34229819).

But the above incidents, while illustrative of the shortcomings of private transportation services, pale in comparison to the most devastating incident to befall the industry to date. On April 3, 1997, six prisoners were burned alive when the van extraditing them caught fire on the side of an interstate near Dickson, Tennessee. One of the two guards burned his hands while attempting to release the shackled prisoners, who were locked in a wire cage in the back of the vehicle. They were being transported for parole and probation violations by the Federal Extradition Agency, which, despite its official-sounding name, was a private company operated by former bounty hunter Clyde J. Gunter. The prisoners who died in the blaze were Richard King, Monty Crain, John Cannon, Steven Hicks, James Catalano and David Speakman.

A female prisoner who was dropped off just before the accident said the van had been making “knocking noises,” and according to news reports the vehicle was vibrating badly during a trip that went from Memphis to Iowa, Wisconsin, Michigan, Ohio, Pennsylvania and then back to Memphis before leaving again for Mississippi and Arkansas. Prior to the fatal accident the van had been driven almost non-stop for 24 hours. Court records indicate that when the transport guards stopped in Memphis they informed the company’s main office about the problem, but were told to continue. The van’s drive shaft apparently came loose, bounced off the road and punctured the gas tank; the 1995 Ford E150 had logged more than 240,000 miles in two years and the universal joint failed due to excessive wear.

In initial court filings Federal Extradition Agency stated the fire was “an unavoidable accident.” Less than two months later, on May 22, 1997, another transport vehicle operated by the company crashed near Collyer, Kansas, injuring four prisoners and killing a guard.

On February 28, 2001, a federal jury in Nashville awarded \$10.5 million to the 10-year-old daughter of James Catalano, one of the prisoners killed in the van fire, on civil rights and negligence claims. The jury apportioned 100% of the fault to

Federal Extradition Agency; a separate confidential settlement was reached with Ford Motor Company. The reported jury award was \$10.5 million, but according to court documents the award was reduced to \$7 million. See: *Catalano v. Federal Extradition*, USDC MD TN, Case No. 3:97-cv-00790. A second federal jury awarded \$20 million in compensatory and punitive damages to the estate of John Cannon, another prisoner who died in the accident, on December 20, 2001. The jury in that case found Federal Extradition Agency had violated Cannon's civil rights and had ignored known mechanical problems. The reported jury award was \$20 million, but according to court documents the award was \$17.5 million. See: *Cannon v. Federal Extradition Agency*, USDC, MD TN, Case No. 3:97-1183. Additional lawsuits filed against the company following the van fire were resolved through confidential settlements.

James R. Omer, Sr., an attorney with the law firm that litigated both the Cannon and Catalano lawsuits, said Federal Extradition Agency's insurance carrier paid the damage awards to the limit of the company's policy. The remaining amount could not be collected because Federal Extradition Agency had no assets and had gone out of business.

Escapes and accidents, even serious ones, while often preventable, are at least understandable in an industry that moves thousands of prisoners across the country on a continual basis. More troubling are the rapes and sexual abuse of female prisoners by male guards employed by private transport companies.

TransCor guard Jack ter Linden was accused of fondling and sexually assaulting two female prisoners, Beverly Hirsch and Joann Gwynn, in separate incidents during extraditions to Colorado in 1993. The women claimed that ter Linden also skimmed money from the prisoners' food allowances, falsified trip logs and placed them in the driver's cab in violation of

company policy. Gwynn related that during a six-day trip through seven states she was repeatedly raped by ter Linden, and another guard failed to report the sexual abuse. A TransCor official stated at the time that male guards transporting female prisoners "had no impact on prisoner safety." Gwynn and Hirsch sued TransCor and reached undisclosed settlements with the company in March 1999. See: *Hirsch v. Zavaras*, USDC CO, Case No. 1:93-cv-01917 (see 920 F.Supp. 148 (D.Co. 1996)); *Gwynn v. TransCor*, USDC CO, Case No. 1:95-cv-02886.

On October 8, 1994, Arnold H. Faulhaber and Joseph Jackson, co-founders of Fugitive One Transport Company, were arrested on charges of raping a female prisoner they were transporting.

Cheryl Nichols and other prisoners were being extradited by two TransCor guards on October 25, 1997. Nichols accused one of the guards, Angel Rivera, of raping her in a gas station bathroom in Louisiana; Rivera admitted they had had sexual contact but claimed it was consensual. TransCor fired him, and on Aug. 6, 1998, Nichols filed a state court lawsuit in Tennessee, claiming the company was negligent in hiring, training and supervising Rivera. TransCor settled the case for a confidential amount. See: *Nichols v. TransCor*, Circuit Court for Davidson Co., Tenn. (see appellate ruling, 2002 WL 1364059

In October, 1999, Cheryl Schoenfeld was sexually assaulted by two TransCor employees while being transported through Texas. TransCor guards Michael Jerome Edwards and David Jackson forced her to expose her breasts and perform oral sex, and penetrated her vaginally with a flashlight and a gun barrel. Three prisoners testified that at one point Edwards pulled over and threatened to shoot them, saying he would claim they were trying to escape. Edwards previously had been accused of sexually assaulting a female prisoner he transported in New Mexico

a month earlier.

Both Edwards and Jackson were charged with sexual assault. Jackson plead guilty while Edwards was convicted, based partly on DNA evidence, and sentenced to ten years plus a \$5,000 fine. Schoenfeld and Annette Jones, another prisoner who said she had been mistreated by Edwards, filed suit against TransCor on February 24, 2000. The company agreed to settle the case in April 2002 for \$5 million, \$4 million of which was paid by its insurance carrier. See: *Schoenfeld v. TransCor*, USDC WD TX, Case No. 5:00-cv-00248. Tim Maloney, Schoenfeld's attorney, criticized TransCor for its "absolute and total disregard for ... prisoners' rights, welfare and safety," blaming the company's apparent belief that "the most important thing is the bottom line."

In another sexual assault case involving TransCor, 43-year-old Catherine Jamison, a married mother of four children, was repeatedly raped over a five-day period in March 1998 while in the custody of TransCor guards who extradited her from Texas to Colorado. She was threatened with retaliation if she reported the abuse. On March 1, 1999 the Colorado chapter of the ACLU filed a federal lawsuit against the company on her behalf. "It is time for TransCor to take full responsibility for the safety and treatment of prisoners that the government entrusts to its care," said ACLU Legal Director Mark Silverstein. The ACLU announced on April 24, 2002 that it had obtained a "substantial settlement" for Jamison, although the amount was not disclosed. See: *Jamison v. TransCor*, USDC CO, Case No. 1:99-cv-00390.

But it was not the repeated rapes of female prisoners, nor the six convicts who were roasted alive while locked inside a van in rural Tennessee, both due in part to

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## For-profit Companies (cont.)

the lack of governmental oversight of the private transport industry, that resulted in much-needed regulatory reform. Rather, it was yet another escape.

On October 13, 1999, Kyle Bell was one of a dozen prisoners aboard a Greyhound-type TransCor bus that stopped to refuel near Santa Rosa, New Mexico. Bell, a notorious criminal from North Dakota, was serving a life sentence for molesting and killing 11-year-old Jeanna North. While two TransCor guards were asleep on the bus and two others were occupied outside the vehicle, Bell used a handcuff key, which had not been detected during a strip search, to remove his wrist and leg restraints. He then crawled through a ceiling ventilation hatch and slipped to the ground unnoticed as the bus pulled away. He was wearing civilian clothes that didn't identify him as a prisoner. Despite stopping at two jails after Bell had escaped, the TransCor guards didn't notice he was missing until nine hours later when they were rolling through Arizona. They then delayed notifying law enforcement authorities for another two hours.

Bell's escape resulted in a nationwide manhunt and widespread outrage. TransCor went into full public relations mode, admitting that "several procedural violations ... occurred involving security policies." Then-TransCor president John Zierdt, Jr. offered a corporate mea culpa, stating "We are embarrassed by this incident and are reviewing all standing policies and procedures." The four guards who had transported Bell were fired; one had been the company's employee of the year in 1997. Regardless, TransCor was sharply criticized by public officials and lambasted by the media.

North Dakota suspended using TransCor for prisoner transportation services. According to a November, 2000 report by the state's legislative Criminal Justice Committee, an internal review indicated that TransCor had failed to follow its own policies related to the number of guards that should have been present, the awakening of guards during stops, prisoner headcounts, the use of chains linking prisoners together, and the positioning of guards on the bus during stops. It was revealed that the TransCor employees had received only one week of training; in comparison, officers with the

U.S. Marshals Service receive a comprehensive 16-week training course.

TransCor attempted to lay some of the blame on North Dakota officials, stating the paperwork they had received only indicated Bell was serving a life sentence, not that he was an escape risk. Apparently it didn't occur to the company that all prisoners, particularly those serving life sentences, might be escape risks. North Dakota Governor Ed Schafer, commenting on TransCor's gross security lapses, noted sarcastically that "These people present themselves as experts in transporting prisoners."

Bell evaded authorities for almost three months and appeared on *America's Most Wanted* twice before being captured in Texas on January 9, 2000. He had changed his appearance, was working part-time jobs and was living with a woman who had five young children. Governor Schafer stated he would seek to have the cost of the manhunt for Bell reimbursed by TransCor. During subsequent negotiations, however, the state settled with the company for \$50,000 despite having incurring expenses of over \$102,000. Incredibly, as part of the settlement North Dakota agreed to rehire TransCor for future prisoner extradition services.

But Bell's escape resulted in far more than bad press, scrutiny by lawmakers and sharp criticism of TransCor – it accomplished what more than a decade of deaths, accidents, sexual assaults and numerous other escapes had not: Comprehensive federal regulation of the prisoner transportation industry.

### Finally, Federal Intervention

In 1999, U.S. Senator Byron Dorgan of North Dakota introduced a bill containing a broad range of regulatory measures for private prisoner transport services. Entitled the Interstate Transportation of Dangerous Criminals Act, it was more commonly referred to as "Jeanna's Law" after Jeanna North, the child whom Kyle Bell had murdered. The legislation was co-sponsored by Senator Patrick Leahy and then-Senator John Ashcroft.

In announcing his proposed legislation, Sen. Dorgan stated, "No family that pulls into a gas station should have to worry that the van next to them might contain violent criminals and untrained guards more attentive to their next nap or cheeseburger than to the safety of the rest of us." Sen. Leahy, then ranking member on the Senate Judiciary Com-

mittee, further noted that there had been "an alarming number of traffic accidents in which prisoners were seriously injured or killed because drivers were tired, inattentive or poorly trained. Privatization of prisons and prisoner transportation services may seem cost efficient, but public safety must come first."

Jeanna's Law received support from a broad range of corrections-related and victims' rights organizations, including the National Sheriff's Association, National Association of Police Organizations, Fraternal Order of Police, California Correctional Peace Officers Association, New York Correctional Officers and Police Benevolent Association and National Organization of Parents of Murdered Children, among others. Sen. Dorgan argued that regulatory legislation was necessary, noting that "A company hauling hazardous waste, cattle, or even circus animals has to meet certain minimum standards. Yet there are no requirements for hauling violent criminals around the country." His proposed bill included the following provisions:

- Minimum standards for background checks and pre-employment drug tests for prospective employees of private transportation companies.
- Minimum standards for the length and type of training that employees must receive before they are allowed to transport prisoners, not to exceed 100 hours of pre-service training. Such training must include the use of restraints, searches, use of force, use of firearms, CPR, map reading and defensive driving.
- Limitations on the number of hours that employees can be on duty during a specific time period, with such limitations not being greater than those set forth under the Federal Motor Vehicle Safety Act.
- Minimum standards for the number of employees necessary to supervise violent prisoners.
- Minimum standards for employee uniforms and identification that clearly identify employees as transportation officers.
- Standards requiring certain violent prisoners to wear brightly colored clothes while being transported that identify them as prisoners.
- Minimum requirements for the use of restraints when transporting violent prisoners.
- A requirement that when transporting violent prisoners, private transport

companies must notify local law enforcement officials 24 hours before any scheduled stops in their jurisdiction.

• A requirement that in the event of an escape by a violent prisoner, private transportation services must immediately notify law enforcement officials in the jurisdiction where the escape took place, as well as the agency that contracted with the company for transporting the prisoner.

Jeanna's Law further included penalties for prisoner transport companies that fail to comply with the regulatory standards, including fines of up to \$10,000 per violation, the cost of prosecution for such violations, and restitution to public agencies that incur expenses for recapturing prisoners who escape from private transport services.

Still, some prisoners' rights advocates argued the proposed regulations didn't go far enough. Stephen Rahe, Co-Coordinator of the Colorado Criminal Justice Reform Coalition, said in a January 28, 2002 letter that more stringent standards were needed, including: 1) requiring private transport guards to obtain a commercial drivers license; 2) stricter guard-to-prisoner ratios, as one guard for every six prisoners is insufficient in some cases; 3) ensuring that prisoners be allowed to sleep at a secure facility, such as a jail, for at least eight hours for every two days spent in transit; 4) requiring companies to phase-in GPS tracking technology for their vehicles (a provision the U.S. Dept. of Justice declined to adopt, apparently because it would place a financial burden on private transport services); 5) requiring vehicle maintenance schedules comparable to schedules used by the U.S. Marshals Service and other public prisoner transportation agencies; and 6) requiring private transport companies to report use-of-force and medical incidents.

Sen. Dorgan's bill was passed by Congress and signed into law by President Clinton on December 21, 2000; however, the Dept. of Justice (DOJ) failed to formulate regulations to enforce the law's provisions until more than a year after the 180-day deadline for doing so. The regulations, codified at 28 C.F.R. § 97, were not approved until December 2002. "Tragically, incidents Jeanna's Law was designed to prevent have occurred since the regulations were supposed to be in place," stated Sen. Dorgan.

Those incidents included the escape of David R. Puckett, 17, who fled from a

TransCor guard at a Wisconsin airport on June 19, 2001. The transport guard, who was arranging a rental car at the time, had failed to handcuff the teenager. Puckett stole several vehicles and stabbed a police officer before being caught in Texas six days later. TransCor vice-president Chuck Goggin said, "We do the very best we can to keep screw-ups to a minimum," but the company acknowledged that their employee, who was subsequently fired, had not followed proper procedures.

Another escape occurred on September 28, 2001, when Christopher Paul Savage hijacked a TransCor van at a gas station in Clarksburg, West Virginia. Savage pretended he was sick and convinced the guards to stop; after his handcuffs were removed he overpowered both guards and left in the van with eight other prisoners. A clerk at the gas station said a TransCor guard ran into the store shouting, "Call the cops – they just escaped!" The van contained a pump shotgun and five shells, which Savage took with him after abandoning the vehicle nearby. The other prisoners were quickly caught but, despite a manhunt involving seven police agencies, Savage remained at large for almost six weeks before being captured in Georgia.

Six prisoners and a TransCor guard were treated for minor injuries after their van was involved in an interstate accident in Schuylkill County, Pennsylvania on April 8, 2002. Further, Extraditions International lost a van transporting a dozen prisoners on September 11, 2001 when the vehicle stopped at a McDonald's in Mentor, Ohio.

One of the prisoners, Lawrence Tutt, overpowered a female guard and drove away while a second guard was ordering food. "We've had problems like every transport company has," stated Capt. K.V. Schilling, an Extraditions International employee. "We all have escapes or problems."

Also while the DOJ regulations for Jeanna's Law were pending – which included require-

ments for employee sexual harassment training, female guards being available to escort certain female prisoners, and policies against sexual misconduct – another egregious incident involving sexual abuse occurred.

During a four-day van trip beginning May 13, 2001, two male guards employed by Extraditions International transported Robin Darbyshire, 41, a pretrial detainee, and a number of male prisoners from Nevada to Colorado. A lengthy article published in 2002 in *Westword* magazine detailed Darbyshire's sordid tale of harassment, sexual assault, ignored complaints and death threats by the company's employees.

One of the transport guards, Richard Almendarez, made crude sexual comments to Darbyshire, fondled himself, and asked her to sit on his lap. Almendarez, who was armed, also threatened to take Darbyshire out into the desert, shoot her, and claim she had tried to escape. When they reached a rest area Almendarez escorted her into a bathroom. He removed her restraints, ordered her to lie down, and made her expose her breasts and raise her skirt. Almendarez, who weighed over 300 pounds, then stood on her hand to keep her pinned to the floor, masturbated and ejaculated on her.

After the van stopped at Extraditions International's headquarters in Commerce City, Colorado, Darbyshire's complaints were ignored and she was placed back in the same van to continue the trip. Another prisoner who was extradited by Almendarez recalled that he had said, "I

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## For-profit Companies (cont.)

should have taken the bitch out in the field and raped her and blew her fucking brains out.”

Darbyshire’s testimony resulted in investigations by law enforcement agencies in Colorado and New Mexico, and prompted a lawsuit filed by the ACLU’s National Prison Project in the U.S. District Court for Colorado on April 11, 2002. The suit claimed that Extraditions International had failed to properly train and supervise its employees and had been deliberately indifferent to Darbyshire’s complaints. According to court documents, besides the sexual abuse claims, Darbyshire and the other prisoners were continuously shackled during the four-day van ride, were only allowed to use restrooms every 10-12 hours, were not provided with sufficient food and water, and were transported in a reckless manner. It was also learned that Extraditions International knew Almendarez previously had been fired from the Texas prison system for abusing a prisoner.

The owner of Extraditions International, Jim Cure, a former Colorado state trooper, said Darbyshire was lying – despite statements from other prisoners who rode in the same van and corroborated her claims. Cure admitted that he didn’t “know what these officers do half the time.” He also acknowledged that sometimes problems occur with private transportation employees. “You can give them all types of training, but you can’t build in the human factor,” he said. “You may get the occasional pervert who slips in.” However, Cure defended Almendarez, saying, “He could go back to work for us today if he wanted to.”

On March 14, 2003, the ACLU announced that Extraditions International had agreed to settle Darbyshire’s lawsuit for an undisclosed sum. While the lawsuit was pending, Extraditions International had unsuccessfully tried to avoid liability by transferring its assets and claiming it had been bought out by a different company called American Extraditions, Inc. “This case provides an excellent example of why contracting with private for-profit companies to conduct correctional functions can be dangerous to prisoners and the public,” said the ACLU’s National Prison Project staff attorney David C. Fathi. See: *Darbyshire v. Extraditions International, Inc.* USDC CO, Case Number:

02-N-718

The DOJ regulations that were eventually implemented for Jeanna’s Law contained specific standards intended to remedy the accidents, escapes, abuse and related problems among private transportation services. A minimum of 100 hours of training was required before private guards could transport violent (but not non-violent) prisoners. The maximum driving time for transport guards was made the same as for commercial motor vehicle operators under Dept. of Transportation (DOT) rules. In general, drivers cannot exceed 11 cumulative hours or 14 non-cumulative hours of driving following 10 consecutive hours off duty, with certain other limitations. Although the one-to-six guard-to-prisoner ratio was preserved, public agencies that contract with private transport companies can require lower ratios. In case of escapes, law enforcement officials must be notified within 15 minutes absent extenuating circumstances.

Standards to ensure the safety of prisoners, though less precise, were also set forth, such as a vague provision that transport vehicles be “safe and well-maintained” (vehicle maintenance is a matter of particular concern; U.S. Extraditions vice-president Robert Downs stated his company put an average of 15,000 miles on their vans *every month*). Also included was a requirement that companies establish policies “to prohibit the mistreatment of prisoners, including prohibitions against covering a prisoner’s mouth with tape, the use of excessive force, and sexual misconduct.” Further, juvenile prisoners are required to be separated from adults and female prisoners separated from males, “where practicable.” Female guards are to be present when female violent prisoners are transported, also “where practicable” (a double loophole, since this provision doesn’t apply to non-violent female prisoners). Another regulation states that private transport companies “are responsible for taking reasonable measures to insure the well being of the prisoners in their custody including, but not limited to, necessary stops for restroom use and meals, proper heating and ventilation of the transport vehicle ... and prohibitions on the use of tobacco....” No minimum schedule for rest stops or meals was specified, however. The regulations also included civil penalties of up to \$10,000 for each regulatory violation, liability for the cost of prosecution, and payments to public agencies for expenses incurred

due to escapes from private transport companies.

Notably absent from the DOJ regulations were requirements related to seatbelts or other safety restraints for imprisoned passengers. TransCor, for example, doesn’t provide seatbelts for prisoners – despite a July 15, 2003 Pennsylvania court verdict against the company in a case in which a female prisoner was thrown into a metal screen separating the passenger area from the driver’s compartment when the TransCor van she was riding in came to a sudden stop. She suffered back and knee injuries, and received a \$166,323 judgment against the company. TransCor had claimed that seatbelts could be used as weapons and posed a danger to its employees, an argument that was rejected by the court. Not mentioned was the probability that retrofitting prisoner transport vans with seatbelts might be too costly for the profit-minded company. See: *Maggiolini v. TransCor*, Penn. State Court, Case No. 01-11-307.

According to data from the NHTSA, nationwide from 1990 to 2003 nearly 80 percent of the people who died in rollover accidents in 15-passenger vans – which, as noted previously, are used by at least four private transport services – were not wearing seatbelts. And seatbelts can make a huge difference. When a Con-Link van slammed into an 18-wheeler that had been traveling the wrong way on an interstate in Tennessee on May 9, 2006, although two guards and three prisoners were injured there were no fatalities. Everyone in the van was wearing a seatbelt.

Also missing from Jeanna’s Law were heightened liability insurance requirements for prisoner transport companies. Most private transportation services are subject to minimum amounts of insurance mandated by the Federal Motor Carrier Safety Administration (FMCSA), which requires at least \$1.5 million in public liability coverage for commercial vehicles in interstate transit – generally, for-hire vehicles that carry 15 or fewer passengers, including the driver. Such minimal coverage may be insufficient for prisoner transport services; consider that lawsuits following the Federal Extradition Agency van fire resulted in jury awards in excess of \$24 million.

Despite these omissions, Senator Dorgan said his legislation was “[A] common sense law that will do much to protect the safety of the American people if and when state and local governments use private

companies to transport violent criminals.” Senator Leahy, remarking on the civil penalties for violations of Jeanna’s Law, stated “This should create a healthy incentive for companies to abide by the regulations and operate responsibly.” Unfortunately, it appears their hopeful sentiments were overly optimistic.

**Effective Regulation – Are We There Yet? Are We There Yet?**

Notwithstanding the regulatory provisions of Jeanna’s Law and its civil penalties, accidents, escapes and abuses continue to occur among private transport companies – often resulting from the same security lapses and problems that predated the new regulations. This may be because although the rules have changed, the profit motivation of these companies has not. So long as prisoner transportation services are primarily concerned with making money, not ensuring public safety or the safety of their employees and the prisoners in their custody, such incidents will persist. And although the disincentives set forth in Jeanna’s Law – up to \$10,000 per violation – may seem substantial, consider that the larger prisoner transportation companies, including TransCor, take in millions of dollars in revenue each year.

Also, while the larger private transport corporations say they are in full compliance with Jeanna’s Law, including TransCor, Con-Link and Court Services, Inc., several of the smaller transportation companies are not. When asked how such non-compliant services remain in business, Randy Cagle, owner of Con-Link, says that some public agencies only “look at the dollar amount” and don’t do background checks. Thus, it’s little surprise that escapes and accidents, as well as allegations of sexual assault, continue to plague the prisoner transportation industry.

TransCor, for example, continued to experience a fairly high number of escapes and other incidents. Floyd W. Stolin, Jr. escaped from a TransCor van in Brighton, Colorado on August 4, 2004, fleeing from the vehicle when it made a traffic stop. Several months later, on October 24, 2004, a TransCor guard was fired after David Randal Moser, who was being extradited to face sex charges involving a minor, escaped from a transport van in Oxford, Mississippi after the vehicle stopped at a Wendy’s. TransCor officials declined to comment on the exact policy violations committed by their employee, but stated there was “some sort of breakdown, or a

series of breakdowns.” Stephanie Castle, a relative of the victim whom Moser was charged with sexually assaulting, also commented on the company’s security lapse, saying, “I can’t believe these extradition people have a web site saying they are high security.” TransCor paid the local police department for overtime costs incurred in searching for Moser, who was captured several days later.

In yet another high-profile sexual assault case involving TransCor, Denna

Ann Jensen, 34, was being extradited from California to Nevada on September 2, 2003, when TransCor guard Jason Duane Parker pulled behind a remote, abandoned truck stop. Parker, who had been making suggestive comments during the trip, removed Jensen’s restraints, donned a pair of latex gloves, forced her to perform oral sex, and digitally penetrated her. He then raped her while wearing a condom. After being dropped off at the Esmeralda County jail in Goldfield, Nevada, Jensen

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## For-profit Companies (cont.)

told one of the jail staff about the sexual assault. Deputies returned to the truck stop, where they found the condom and gloves.

Parker was arrested and charged with three felony counts of sexual assault and three counts of having sex with a prisoner. At trial he claimed the encounter had been consensual, though his testimony was contradicted by medical reports detailing Jensen's injuries, which were consistent with rape. Jensen also showed the jury her Aryan tattoo and stated she would never have willingly had sex with Parker, who was black. Parker was convicted of four of the charges. On September 29, 2003 Jensen sued TransCor in federal court. Asked why Jensen had been transported alone by a male guard in violation of company policy, an attorney representing TransCor said, "that's the big question, isn't it?" One possible answer is because it would have been more expensive to pay a female guard to accompany them. Denna Jensen's lawsuit was settled in January 2004 under undisclosed terms. See: *Jensen v. TransCor*, USDC NV, Case No. 2:03-cv-01359.

On September 2, 2004, four maximum security Montana prisoners removed their wrist, leg and waist restraints, pried a screen from the back window of a TransCor van, and escaped while the vehicle was stopped at a Burger King in Helena. A trainee guard had stayed with the van while a more experienced guard went inside to get food – which, according to a TransCor official, did not violate the company's safety policies. Although the prisoners were quickly apprehended, one had tried to hijack a truck.

Montana officials quickly suspended the state's \$308,000 annual contract with TransCor and demanded changes in the company's policies – including providing sack lunches or only making stops at secure facilities, providing chase cars when transporting dangerous prisoners, maintaining data sheets and photos for prisoners being transported, and notifying local authorities of any stops. Further, the state demanded that the company's guards wear their guns and be provided with radios that are carried at all times. TransCor complied and the contract was reinstated; the company also agreed to pay the costs of recapturing the escapees, which totaled \$23,516.

Other private transportation companies have also experienced recent escapes and security-related problems. On November 18, 2003, a Tennessee prisoner being transported by Con-Link ran away while still in handcuffs during a stop at a Subway store in Lewisburg, West Virginia. Robert L. South remained at large for five days before being captured.

The *Orlando Sentinel* reported on January 27, 2004 that a female murder suspect being transported by State Extraditions claimed she had been raped by a male guard while they were en route to Florida in late December 2003. According to a report from the Orange Co. Sheriff's Dept., Dixie Kennedy said the guard, Cecil Ormond, stopped at a motel in Alabama and told her they would be sharing a room. Once inside he allegedly ordered her to bathe and then sexually assaulted her. Company officials declined to comment on the incident. Although Alabama investigators confirmed that Ormond had stayed with Kennedy at a Days Inn instead of housing her overnight at a jail, no charges were filed after Kennedy said she didn't want to pursue the matter.

Florida prisoner Dominic Reddick, charged with trying to murder an Orlando police officer, escaped from State Extraditions after the company's transport van broke down in Florida on December 5, 2005. Reddick reportedly complained that his leg shackles were hurting him, and one of the guards obliged by taking them off. He ran away while the transport guards were occupied with other prisoners, still wearing handcuffs and prison clothes. "All they could tell us was 'He went that way,'" Sumter County Sheriff's Captain Gary Brannen said of State Extraditions' employees. Reddick was captured five days later following a massive search involving 200 officers from ten agencies, dogs, a helicopter and thermal imaging cameras. The Sheriff's office said it would bill the company for the cost of the search. "It's a big operation, and a whole lot of taxpayer money is being spent," said Chief Deputy Jack Jordan. According to Jordan, as of June 2006, State Extraditions had not reimbursed the sheriff's department and the matter had been referred to the county's legal department.

An appropriately-named prisoner being extradited from Mississippi to Texas used a refueling stop to escape from a

Guardrite Security vehicle on May 8, 2006. The unarmed private transport guards reportedly left James Bond unattended when they went inside the gas station. After Bond had escaped they failed to promptly contact law enforcement authorities and instead tried to search for him themselves. Bond stole a car, led authorities on a high speed chase and eluded capture for more than 20 hours. "We are looking at if we can bill Guardrite Security for the cost of this because this was totally uncalled for," said Sheriff James Haywood. "It's not impossible for prisoners to escape, but when one escapes like this, someone has to bear liability."

Most recently, in La Crosse, Wisconsin, three prisoners escaped from a PTS transport van on June 6, 2006. One of the company's guards initially claimed that prisoner Phillip Dunn had used his eyeglasses to pick the locks on his handcuffs and shackles and to open the van door. However, an investigation by PTS revealed that Dunn had stolen the guard's key ring, which contained keys to the van and all of the prisoners' restraints. Two of the escapees were soon caught but Dunn remained at large. Two PTS employees were fired.

### Public Transport Services Imperfect

Publicly-operated prisoner transportation services are not immune to escapes, accidents and other problems, of course, both in the past and more recently. For example, in Connecticut in August 1999, four male prisoners being transported in a Sheriff's Department van by two deputies broke down a metal gate separating them from a female prisoner and sexually assaulted her.

And in a bizarre incident in November 2005, a Florida state prison van crashed through a parking garage wall at a medical center in North Miami Beach and plummeted four stories. The driver and a prisoner inside the vehicle survived the fall. That same month a Texas state prisoner escaped from a prison transport van by slipping out of his wrist and ankle restraints, leaving them locked on the floor behind him, and squeezing through a small rear window unseen by the two guards in the front seat. Carlos Kidd, the prisoner who accomplished the Houdini-like escape, was captured later that same day.

In Montana on January 11, 2006, murder suspect Dueston Haggard unlocked his restraints using a hidden key and escaped from a sheriff's transport van through an improperly welded hatch on the vehicle's

roof. He had not been strip searched before boarding the van and his absence wasn't noticed by the deputies until they arrived at their destination.

And on April 11, 2006 in downtown Hilo, Hawaii, a jail guard shot and killed a prisoner who was attempting to escape. Thane K. Leialoha had removed his handcuffs, fled from a jail transport van and scuffled with the guard before running across a busy street. He was shot in the back of the head. The shooting was cleared by the Dept. of Public Safety, which found that the guard, who was not named, had followed state law and prison policies related to use of force.

However, compared with their privatized counterparts, government-run prisoner transport services don't appear to suffer from a similar number of escapes, accidents and abuses. This may be because public law enforcement agencies aren't intent on making a profit, and thus are willing to invest in more costly security and safety measures such as chase cars and additional guards. They also tend to employ more experienced, professional and better-trained staff who take their public-service jobs more seriously.

In fairness, it should be noted that while comprehensive information can be obtained from government agencies, similar data is not readily available from private transport companies, which makes accurate comparisons difficult. But this illustrates another problematic aspect of the prisoner transportation industry – a lack of transparency and public accountability. While documents can be requested from federal, state and local agencies through public records laws or Freedom of Information Act (FOIA) requests, including transportation log books, vehicle maintenance reports, employee training records, etc., such is not the case with private companies which are, in general, under no duty to disclose such documentation. As stated by Thor Catalogne, founder of PTS, upon cutting short an interview, his company doesn't usually "give anyone any information." Two other companies, Prisoner Transportation Services, LLC and Security Transport Services, when contacted, refused to comment for this article.

Consider that Court Services Inc. has been transporting prisoners using unmodified 12- and 15-passenger vans and SUV's that the company rents from Budget Rentals and Capps Van and Car Rental. From September 6, 2005 to March

16, 2006, Court Services rented such vehicles at least 11 times in Kansas City, Missouri alone. Unmodified vehicles that lack security features, particularly a barrier between the guards and the prisoners being transported, pose greater safety risks than using secure transport vehicles. They are, however, less expensive for the company. Such unsafe practices are hard to detect due to the secretive nature of private prisoner transportation companies.

But some hard data, particularly concerning escapes, which are usually reported, is available. According to an exposé on private transport services published in *Mother Jones* magazine, from 1994 to 2000 TransCor experienced 25 escapes while other transportation companies had 12 escapes. Over the same period of time the U.S. Marshals Service, which moves an estimated twice as many prisoners each year as the entire private prisoner transport industry combined, had zero escapes. None.

### **A Roadmap for the Future: Where to Go From Here**

Although federal regulation is beneficial, it apparently isn't sufficient in its present form to cure the on-going problems among prisoner transport companies that result from the industry's inherent profit motivation. What, then, is an effective solution?

While Jeanna's Law provides numerous rules and standards, as noted above it doesn't go far enough. Through its power to regulate interstate commerce, which includes the interstate transport of prisoners, Congress should impose further restraints on the private transportation industry that address: 1) higher minimum insurance requirements; 2) the types of vehicles permissible for transporting prisoners, with 15-passenger vans being excluded; 3) specific rules governing maintenance and inspection of prisoner transport vehicles; 4) mandatory seatbelt or other safety restraint requirements for prisoners being transported; and 5) increased civil penalties for regulatory violations that take into consideration a company's size or annual revenue. Further, federal law should require that all escapes, accidents and other incidents that endanger public safety during interstate prisoner extraditions be reported to a central government agency, such as the FMCSA, and made available to the public.

Even absent further regulation on the federal level, state and local authorities

can impose their own rules and regulations on prisoner transportation services. The provisions of Jeanna's Law specifically "do not pre-empt any applicable federal, state, or local law that may impose additional obligations on private prisoner transport companies or otherwise regulate the transportation of violent prisoners.... The regulations in this part in no way pre-empt, displace, or affect the authority of states, local governments, or other federal agencies to address these issues."

Connecticut Attorney General Richard Blumenthal, in a May 24, 2001 opinion regarding the impact of Jeanna's Law on state regulations related to prisoner transport services, determined that state officials were "free to enact laws that supplement, but do not conflict with, the federal acts and implementing regulations." Supplemental state and local regulations can address such issues as licensing requirements for prisoner transportation companies, in-state employee training requirements (including firearms training and certification), and standards for licensing and inspection of transport vehicles.

On a more basic level, law enforcement agencies that utilize private transportation



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## For-profit Companies (cont.)

services should insist on contractual provisions that enhance public safety. Contracts can specify that chase vehicles be used during particular prisoner transports, that private transportation companies maintain a specific guard-to-prisoner ratio according to the number and type of prisoners being moved, that their transport vehicles not stop at non-secure locations for meal or refueling breaks, etc. Contracts also need to specify financial penalties to be imposed for violations, escapes, negligence, etc.

Public law enforcement agencies should further conduct comprehensive background checks before using private transportation companies, including proof of insurance and verification of FMCSA interstate operating authority when applicable, even for one-time transport services. During the ACLU's litigation against Extraditions International in the Darbyshire case, it was discovered that the company had operated illegally without proper licenses and insurance. And when Evelio Escalante escaped from TransCor guards in Connecticut in October 2000, it was revealed that the company wasn't licensed to do business in the state and, according to state officials, had failed to obtain a license for the previous two years despite being told to do so.

Private transport services that do not, or cannot, meet more stringent governmental regulations or contractual requirements should not be used by public agencies. Terminating or suspending business with prisoner transportation companies has proven necessary in the past. In November 2000, then Connecticut Gov. John G. Rowland ordered state officials to stop using TransCor after Escalante's escape. North Dakota suspended use of TransCor's services when Kyle Bell fled from one of company's transport buses in Oct. 1999. The Nevada Dept. of Correction stopped using Extraditions International in 2000 following two escapes, instead contracting with other services. And Montana prison officials planned to resume control over prisoner transportation services after the state's contract with TransCor expires on June 30, 2006, partly due to the escape of four maximum security prisoners from one of the company's vans in September 2004.

When a business begins to lose customers – and thus market share – it will

make necessary changes to ensure its continued profitability, even at greater cost to its bottom line. Only those prisoner transport companies that provide safe and effective services in compliance with government rules, regulations and expectations will survive. One that didn't, State Extraditions, apparently went out of business earlier this year following a high-profile escape and concerns over security violations, including loaded weapons being left in unsecured vehicles when transporting prisoners to and from Florida jails. State Extraditions co-founder Dennis Warren refused to comment on the company's closure.

One promising upstart in the industry is Show-Me Correctional Services, Inc., based in Slater, Missouri and founded in March 2006 by Heather Sheridan, a former Court Services, Inc. employee. Show-Me is the only woman-owned prisoner transportation service in the U.S. According to Sheridan, who also is a Licensed Practical Nurse with experience in corrections, her company does not use 15-passenger vans, requires seat belts for prisoners being transported, and has a no-exception policy for female guards to accompany female prisoners. The company's website explicitly acknowledges the many problems experienced by other private transportation services, and uses the motto, "A New Way In Thinking About Prisoner Extradition." Although Show-Me's rates are slightly above the industry average, Sheridan claims her company's profit margin is actually lower – and says she is willing to sacrifice higher returns for enhanced safety and quality of service.

Ultimately, for-profit companies will only respond to measures that affect their bottom lines. And given the fairly paltry financial disincentives provided for under Jeanna's Law, especially in relation to multi-million dollar companies like TransCor, existing penalties are inadequate. Instead, litigation has been the impetus behind forcing private transport services to change their operating policies, or forcing them out of business.

Federal Extradition Agency shut down in 1998 following the van fire in which six prisoners died; jury awards from the resulting lawsuits totaled over \$24 million. Extraditions International folded in January 2002 following an undisclosed settlement in a suit filed by the ACLU on behalf of Robin Darbyshire, who was sexually assaulted by one of

the company's employees. And lawsuits against TransCor by female prisoners who were raped by the company's guards have resulted in a number of settlements – one for \$5 million – which serve as an incentive for the company to adopt safer policies and practices related to employee hiring, training and supervision.

Thus, litigation also plays an important role in regulating the private transportation industry, so long as prisoners who have legitimate claims are able to obtain effective legal representation. TransCor has been named in almost 200 federal lawsuits since the early 1990's, ranging from claims of injuries resulting from accidents to allegations that prisoners were denied insulin and HIV medication by the company's guards. However, the vast majority of these suits are filed by pro se prisoners who are unable to match the legal resources and abilities of corporate defense lawyers; consequently, their cases are routinely dismissed. Further, when attorneys do represent prisoners in lawsuits against private transportation companies, in order to serve as an effective deterrent to the rest of the industry it's important not to agree that settlements remain confidential.

It will only be through additional state and local regulations, stricter contractual requirements and continued litigation, in conjunction with vigorous enforcement and expansion of Jeanna's Law, that the private transportation industry will be held accountable for the mistakes and misdeeds that have historically resulted from its need to generate profit. Government agencies must also be willing to pay higher fees for safer and more secure prisoner transport services; alternately, public officials may prefer to invest such funds in their own prisoner transportation agencies and avoid contracting with private companies altogether.

"We've got to make sure that we are not exposing the public to any risk," said then Nevada Prisons Director Bob Bayer in April 2000, after two prisoners, one a convicted murderer, escaped from a TranCor van. "The question is can they do the job as well as we can do the job." The question is not whether privatized prisoner transport services can simply turn a profit at the expense of public safety. That question has already been answered. ■

A footnoted version of this article is available on PLN's website.

<https://www.prisonlegalnews.org/news/2015/dec/2/privatized-prisoner-transportation-service-poses-problems/>

EXHIBIT 3

## **Privatized Prisoner Transportation Service Poses Problems**

by David Reutter

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Several lawsuits against the self-proclaimed “nation’s largest prisoner extradition company and one of the largest international transporters of detainees” have cast a harsh light on a contractor hired to fulfill the traditional government role of transporting prisoners from place to place. Critics say it’s an example of what can happen when public agencies turn to private-sector, profit-driven companies in an effort to trim budgets.

In a lawsuit filed on May 29, 2015 in the U.S. District Court for the Middle District of Pennsylvania, former prisoner Darren Richardson claims he was the victim of “outrageous conduct” at the hands of Nashville, Tennessee-based Prisoner Transportation Services of America, LLC (PTS). The suit alleges violations of his Eighth and Fourteenth Amendment rights, as well as negligence, assault and battery, and intentional infliction of emotional distress. Richardson says he suffered possibly permanent damage as a result of the transport company’s failure to provide humane treatment and medical care.

According to his complaint, Richardson was arrested in his home state of Florida in May 2013 for failing to pay \$250 to the Court of Common Pleas in Pike County, Pennsylvania after completing probation in that state. He was held in a Florida jail until PTS picked him up to be extradited to Pennsylvania.

Over the course of the approximately 10-day trip, Richardson “did not go to the bathroom in any fashion for six days, and did not eat anything for four days,” the complaint states. “At one point, Mr. Richardson was given an empty food bag. Upon entering the transport bus, Plaintiff was asked by the Sergeant for his jewelry in return for a pleasant ride. Plaintiff refused to give up his jewelry, and in turn was given no food.”

Richardson claims that one guard held a shotgun to his head and others verbally abused him and other prisoners on the bus. The suit says he witnessed PTS guards taking debit cards from prisoners and using them at gas stations to buy cigarettes and other items. The guards also hassled an older prisoner for his Social Security money in order to purchase cigarettes. At one point, the complaint alleges, a guard urinated on Richardson.

The lawsuit claims that as a result of his treatment and restraints, Richardson was unable to walk or stand, and that his legs were purple from the knees down and his feet were black when he finally arrived at the Pike County Correctional Facility.

“Defendants made conscious decisions to either act or fail to act causing ... Richardson to suffer great physical pain and anguish, a severe shock to the nervous system, humiliation and embarrassment, severe emotional distress, permanent disability and lost future income and ultimately Post Traumatic Stress Disorder,” the lawsuit states.

On October 27, 2015, a federal magistrate judge recommended that the defendants’ motion to dismiss be granted in part and denied in part. The case remains pending. See:

Richardson v. Prisoner Transportation Services of America, U.S.D.C. (M.D. Penn.), Case No. 3:15-cv-01061-ARC-JFS.

While Richardson's lawsuit may be one of the more recent filed against PTS, it does not raise the most serious claims against the company. Denise Isaacs, 54, died during a September 2014 PTS transport from Kentucky to South Florida on a probation violation; she suffered from mental health problems and was experiencing hallucinations and refusing to eat prior to the trip, and died crammed into a van with 10 other prisoners. When PTS guards discovered she was unresponsive, they first called the company's headquarters before calling 911.

Another lawsuit filed against PTS on July 10, 2014 also alleged mistreatment. According to the complaint, Texas prisoner Stephanie Luna "was handcuffed and shackled and placed in a small sectioned off area of the van which had no air conditioning vents. She suffered leg cramps and knee pains as a result of being in a restricted area for an extended period of time."

Guards in the van provided water to Luna and two other prisoners only once during the two-day trip in the sweltering Texas heat. "During the entire transport in the van, plaintiff was offered sodas and juice only, not water. Plaintiff was so dehydrated that she suffered nose bleeding.... There were bottled waters in the van but plaintiff was denied access to them even after requesting water." The suit also alleged PTS guards ignored repeated requests to open a window and turn air vents towards the prisoners being transported. The case settled in April 2015 under confidential terms. See: Luna v. PTS of America, U.S.D.C. (N.D. Tex.), Case No. 4:14-cv-00812-A.

Then there was the escape attempt by prisoners who were left alone in a PTS van on September 2, 2013. Two PTS guards stopped in Wetherford, Oklahoma to deliver one or two sick prisoners to a hospital; they left the keys inside with the van running so the remaining eight prisoners could have air conditioning. With the guards in the hospital, two of the unsupervised prisoners kicked out a partition and drove off.

Police found the abandoned van about a mile away. Six of the prisoners were still inside, but two – Lester Burns and Michael Coleman – had fled, leaving behind a 12-gauge shotgun that was in the vehicle. Coleman, who faced assault charges, and Burns, charged with failure to pay child support, were later apprehended without incident. [See: PLN, May 2014, p.56].

"This is an example of what happens when we privatize functions that belong to the government," said Richard Allen Smith, a spokesman for the non-profit public policy group In the Public Interest. "We lose two things: transparency and accountability."

On its website, PTS boasts of its efficiency: "We can move your prisoner at less cost than if you did it yourself. Our agents are highly trained professionals. Most have military and/or criminal justice backgrounds and have worked as transportation agents for multiple years. We stress safety and on-time delivery/pickup." The company doesn't mention its history of escapes and accidents, or the fact that it has been sued over 40 times in federal court.

Sources: *Miami Herald*, *Associated Press*, [www.fox2now.com](http://www.fox2now.com), [www.thinkprogress.org](http://www.thinkprogress.org), [www.courthousenews.com](http://www.courthousenews.com), [www.prisonertransport.net](http://www.prisonertransport.net)

[http://mobile.nytimes.com/2016/07/07/us/prisoner-transport-vans.html?\\_r=1](http://mobile.nytimes.com/2016/07/07/us/prisoner-transport-vans.html?_r=1)

## **Private Prisoner Vans' Long Road of Neglect**

*New York Times*

By ELI HAGER and ALYSIA SANTO

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In July 2012, Steven Galack, the former owner of a home remodeling business, was living in Florida when he was arrested on an out-of-state warrant for failing to pay child support. Mr. Galack, 46, had come to the end of a long downward spiral, overcoming a painkiller addiction only to struggle with crippling anxiety. Now, he was to be driven more than a thousand miles to Butler County, Ohio, where his ex-wife and three children lived, to face a judge.

Like dozens of states and countless localities, Butler County outsources the long-distance transport of suspects and fugitives. Mr. Galack was loaded into a van run by Prisoner Transportation Services of America, the nation's largest for-profit extradition company.

Crammed around him were 10 other people, both men and women, all handcuffed and shackled at the waist and ankles. They sat tightly packed on seats inside a cage, with no way to lie down to sleep. The air conditioning faltered amid 90-degree heat. Mr. Galack soon grew delusional, keeping everyone awake with a barrage of chatter and odd behavior. On the third day, the van stopped in Georgia, and one of two guards onboard gave a directive to the prisoners. "Only body shots," one prisoner said she heard the guard say. The others began to stomp on Mr. Galack, two prisoners said.

The guards said later in depositions that they had first noticed Mr. Galack's slumped, bloodied body more than 70 miles later, in Tennessee. A homicide investigation lasted less than a day, and the van continued on its journey. The cause of death was later found to be undetermined.

"This is someone's brother, father, and it's like nobody even cared," said Mr. Galack's ex-wife, Kristin Galack.

Every year, tens of thousands of fugitives and suspects — many of whom have not been convicted of a crime — are entrusted to a handful of small private companies that specialize in state and local extraditions.

A Marshall Project review of thousands of court documents, federal records and local news articles and interviews with more than 50 current or former guards and executives reveals a pattern of prisoner abuse and neglect in an industry that operates with almost no oversight.

Since 2012, at least four people, including Mr. Galack, have died on private extradition vans, all of them run by the Tennessee-based Prisoner Transportation Services. In one case, a Mississippi man complained of pain for a day and a half before dying from an ulcer. In another, a Kentucky woman suffered a fatal withdrawal from anti-anxiety medication. And in another, guards mocked a prisoner's pain before he, too, died from a perforated ulcer.

Robert Downs, the chief operating officer of P.T.S., declined to comment on the deaths. He said guards were instructed to contact local officials when a serious medical emergency arises. "Unless it's life or death, we can't open the cage on the vehicle," Mr. Downs said. "We don't know if they're setting us up for something." This concern was echoed by guards at several companies, who said prisoners often feigned illnesses and injuries.

Training for guards, many of whom are military veterans, is often limited to a tutorial on handcuffs and pepper spray and a review of policies and paperwork, leaving them unprepared for the hazards of driving a van full of prisoners. At least 60 prisoners have escaped from private extradition vehicles since 2000, including one who later stabbed a police officer and another who was accused of sexual assault on a minor and is still missing.

The companies are usually paid per prisoner per mile, giving them incentive to pack the vans and take as few breaks as possible. Crashes have killed a dozen prisoners and guards.

Operating primarily across the South and Midwest, guards travel up to weeks at a time along circuitous routes, typically picking up and dropping off prisoners in 15-passenger vans or sometimes minivans retrofitted with interior caging and darkened windows.

These vans do not have prisoner beds, toilets or medical services. Violent felons are mixed with first-time suspects. A plexiglass divider is usually the only thing separating women from men.

At least 14 women have alleged in criminal or civil court since 2000 that they were sexually assaulted by guards while being transported by these companies.

"Just stay in jail. It's better," said Lauren Sierra, 21, who said she was repeatedly sexually assaulted by a guard in 2014 while being transported by U.S. Corrections, a rapidly growing company registered in North Carolina.

Ms. Sierra, who is suing the company, was taken into custody after she faced charges, later dropped, that she used someone else's Bed, Bath & Beyond gift card. Dustin Baldwin, the executive director of U.S. Corrections, declined to comment beyond saying that the accusations had not been proved.

Because the vans cross state lines, accountability falls into a gray zone. Jurisdictions that hire the companies often disavow responsibility for prisoners not under their direct custody, and federal regulators have largely ignored the industry.

"It's like the airport shuttle from hell," said Zachary Raines, a former P.T.S. guard.

## **Strained Jails and Budgets**

At a time when a swollen United States prison and jail population has strained law enforcement budgets, transport companies offer a significantly cheaper alternative to traditional extradition, in which local deputies are sent miles out of state for one person.

“Some agencies take huge advantage of the taxpayers’ money by sending deputies ‘on vacation’ to extradite an inmate,” said Mr. Baldwin of U.S. Corrections, and pay them “a considerable amount of overtime” for doing so. They also have to cover fuel costs or plane tickets and, often, hotel rooms.

Private vans can save considerably by picking up and dropping off other prisoners along the way, charging 75 cents to \$1.50 a mile per prisoner.

Corrections departments in 26 states, law enforcement in cities such as Chicago, Atlanta and Las Vegas, and local agencies nationwide use extradition companies. Although about two dozen private prisoner transport companies have registered with the Department of Transportation, only seven have state-level extradition contracts, with P.T.S. having the most by far.

But maintaining tight profit margins depends on relentlessly shaving time and costs on the road, industry veterans said.

“You route the prisoner like a package, but miss a single deadline, and you lose money,” said Kent Bradford, a former director of operations for TransCor America, a subsidiary of Corrections Corporation of America, the largest private prison company in the United States. TransCor stopped performing extraditions in 2008 because of liability and cost concerns, but still moves prisoners between C.C.A. locations.

Guards — who earn about \$150 to \$250 per 24-hour shift, and who rotate driving duty — are generally paid only while on the road. Because they often have to pay out-of-pocket for a hotel room, most said they rarely chose to stop.

Bunking overnight also requires finding a jail willing to offer beds and showers to prisoners, which is difficult because jails do not always want to house unknown prisoners from other jurisdictions.

“I’d have an exhaust fan installed in the hall to get that smell out,” said David Osborne, who runs the Daviess County Detention Center in Kentucky, which used to be a P.T.S. hub for transferring and housing prisoners en route.

To keep up with demand, vans drive across as many as a dozen states on a single trip. “The bosses would be on the phone, saying, ‘What, you can’t do it? You can’t push it, you can’t make it to the next jail?’ ” said Fernando Colon, who worked as a guard for two years, first for a company that is now defunct and then for U.S. Corrections.

On most trips, every meal for days is a fast-food sandwich. Water is rationed and bathroom stops limited. Prisoners who cannot wait often urinate in bottles or on themselves, and sometimes defecate on the floor of the van, according to guards and lawsuits.

“People were screaming, complaining, passing out. I threw up,” said Roberta Blake, 37, who spent two weeks in 2014 being transported by P.T.S. from California to Alabama, including a week in a stifling van.

Lacking both privacy and sanitary napkins, she had to use a cup in front of the male guards and prisoners when she began menstruating. After another prisoner ripped off her shirt, she spent the rest of the trip in a sports bra. Ms. Blake, whose account was confirmed by two other prisoners in the van, had been arrested on a warrant issued after she failed to return a rental car on time.

### **Medical Skills Not Required**

For some prisoners, the ride ends in serious injury, or even death.

Michael Dykes, who has diabetes, had both of his legs amputated after three days in an Inmate Services Corporation van in July 2012. Mr. Dykes, who was facing theft and fraud charges stemming from a dispute over a construction project, said he had already been in declining health when he got into the van after spending nearly three weeks in a South Carolina jail with poor medical care. But once in transport to Missouri, his condition worsened, he said.

Black sores on his toes were exacerbated by pressure from ankle shackles, a lawsuit alleges, and his repeated requests for medical care were ignored. His insulin, which must be kept cold, was stored on the dashboard in the sun, Mr. Dykes said.

Randy Cagle Jr., the president of the Arkansas-based Inmate Services Corporation, denied the accusations. “We always follow protocol and get medical information when we pick an inmate up,” he wrote in an email. “I am confident that we will be vindicated.”

Mr. Cagle said in a brief phone interview that some prisoners lied or sued frivolously. “You are not going to get through this business without hurting people’s feelings,” he said. “You just have to remember to treat people fair.”

When suspects are arrested on a warrant, they often spend considerable time in a local jail before being picked up for extradition. About a dozen guards from several transport companies said jails provided substandard medical care and little information about prisoners’ health status or prescribed medications, which the guards are expected to dispense en route. Guards are not required by law to have any medical experience other than training in cardiopulmonary resuscitation.

“They did an hourlong class on their policies, taught us to put on handcuffs, gave us our uniforms and put us on the road. And then we’re expected to deal with this stuff,” said Kenneth Adams, one of two guards aboard a P.T.S. van in which Denise Isaacs, 54, died in Miami in 2014.

Like Mr. Galack, Ms. Isaacs began experiencing bizarre symptoms while on board: muttering, drooling and gasping. When she was unable to climb back into the van after a stop, the guards phoned P.T.S. headquarters. But their supervisors said to keep going, Mr. Adams told investigators with the Miami-Dade Police Department.

“I would have taken her to the hospital,” the other guard, Kirk Westbrooks, said in an interview with The Marshall Project. “I wanted to.”

Ms. Isaacs, who had been arrested on charges of violating probation on a theft conviction, died a few hours later in a Taco Bell parking lot. An autopsy later found that she had been experiencing delirium tremens caused by withdrawal from diazepam, an anti-anxiety medication that P.T.S. staff members said they were never informed she was taking.

The Miami-Dade police closed the investigation after determining that the death was from natural causes.

In January of this year, P.T.S. guards transporting William Culpepper Jr., 36, from Kentucky to Mississippi told officials at a stop at a company jail hub in Missouri that they believed he was faking stomach pains, according to a sheriff’s report. Mr. Culpepper, who was wanted for a parole violation, died minutes later from what the coroner handling his case called a “perfectly treatable” perforated ulcer.

It was the second time in two years that a P.T.S. prisoner had died from a perforated ulcer. In 2014, William Weintraub, 47, a former physics professor charged with threatening a South Carolina newspaper over an article he disputed, was found blue and covered in urine in the back of a P.T.S. van when it reached Georgia. Investigators there determined that P.T.S. guards had mocked Mr. Weintraub’s complaints of severe stomach pain. The investigation was closed.

### **Attempts at Reform**

Kyle Bell was no ordinary prisoner.

In 1993, he molested and murdered his 11-year-old North Dakota neighbor, Jeanna North. Six years later, he escaped from a private transport van. His absence was not noticed for nine hours, and guards did not notify the police for another two hours. The escape warranted a segment on “America’s Most Wanted.”

After the episode, Byron Dorgan, then a Democratic United States senator from North Dakota, introduced a measure to impose controls on the industry. “My colleagues and I were all shocked that a guy and his wife with an S.U.V. could start a business to haul violent offenders around with no requirements,” Mr. Dorgan said. The law, commonly known as Jeanna’s Act, passed in 2000.

Jeanna’s Act mandates that extradition companies must notify local law enforcement immediately after an escape, dress violent prisoners in brightly colored clothing and maintain a ratio of one guard for every six prisoners. It also sets broad standards for training and background checks of guards, and for treatment of prisoners.

But the federal law is almost never enforced. The Justice Department could identify just one instance: In 2011, a suspect accused of child molestation escaped from an unlocked van in North Dakota, a few hours from where Jeanna had been murdered. Local farmers cleared a cornfield to flush him out. The company, Extradition Transport of America, was fined \$80,000 and went out of business.

“Well, it’s regulated by the Department of Justice, but I’ve never seen anybody come out to actually check on us,” said Mr. Downs, the chief operating officer of P.T.S. “We’re just supposed to follow the guidelines.”

Extradition companies are not required to report escapes to federal regulators, and there is no centralized tracking. But a review of dozens of local news accounts shows that since Jeanna’s Act was passed, at least 56 prisoners were reported to have escaped from for-profit extradition vehicles. At least 16 were reported to have committed new crimes while on the run.

By comparison, the prison systems of California, Florida and Texas — which together transport more than 800,000 inmates every year, most of them in-state — have each had just one prisoner escape from transport vehicles over the same period.

“We thought we’d closed the door on this,” Mr. Dorgan said in reference to the widespread use of small extradition companies and the escapes that have occurred.

While the Department of Transportation has no role in responding to escapes or prisoner mistreatment, it is responsible for monitoring vehicle and driver safety, including whether guards get enough downtime away from the wheel, under the same regulations that govern all passenger carriers.

A Marshall Project review of Department of Transportation records shows that the agency’s monitoring is infrequent, and companies are typically given advance notice of an audit. Between 2000 and 2015, records indicate, the department issued fines 20 times, most below \$10,000.

While P.T.S. has been registered with the department since at least 2005, the agency did not audit the company until 2009, records show. U.S. Corrections, which was founded in 2014, was audited for the first time in March.

Because passenger carriers are not required to specify to the Transportation Department what kinds of people they move around, a department spokesman said he could not comment on specifics about the prisoner transport industry.

Local news reports and court records show that there have been more than 50 crashes involving private extradition vehicles since 2000. In almost every instance, the prisoners were shackled but not wearing seatbelts, leaving them unable to brace themselves.

In addition to the dozen deaths, a dozen prisoners have suffered injuries to their necks, skulls or spines, according to lawsuits, hospital reports and accident reports obtained from state and local agencies.

Fatigue seems to have played a role in many of the accidents. Of 26 accidents for which a time could be determined, 14 occurred between midnight and 6 a.m.

Mr. Downs, who took over operations at P.T.S. after it merged last year with one of its biggest competitors, the Florida-based U.S. Prisoner Transport, said he had taken steps to make the company safer. The company had already installed sleeper berths for guards in its vans.

Mr. Downs said its agents were now required to stay in a company-paid hotel room every 36 hours, although he said that was not always possible because of scheduling pressures. The company also has three full-size buses and has bought four larger shuttle buses, all with bathrooms on board, in addition to its fleet of nearly 30 vans. Guards are monitored by GPS, and their pay has been increased, Mr. Downs said.

“It’s a tough industry,” he said. “The profit margins aren’t as good as you would think they are.” He declined to answer a list of written questions about specific occurrences in the company’s vans.

Security Transport Services, which is based in Topeka, Kan., and has been in the business since 1990, says it puts all prisoners in seatbelts and requires agents to stay in a hotel every night. A Kansas sheriff said the company had also partly reimbursed his department for the cost of a manhunt after a 2012 escape, which is required by law in cases of negligence but rarely occurs, according to a survey of law enforcement officials in jurisdictions where escapes occurred.

But the company charges about 30 percent more than its competitors, said Tom Rork, its vice president. Security Transport Services has contracts with three state corrections departments, compared with nearly 20 held by P.T.S., and it recently lost its Pennsylvania contract to U.S. Corrections.

P.T.S. says in federal filings that it has “contracts or relationships” with about 800 agencies. It is also poised to acquire U.S. Corrections, one of its main competitors, next month, according to a filing with the national Surface Transportation Board.

### **Answers Are Elusive**

After Mr. Galack’s death, his brother, Robert, made repeated calls to the Tennessee authorities, trying to determine what had happened. “I mean, he was fully in shackles and ended up dead?” he said.

It was hard to find answers. Only one prisoner in the van, Chelsie Hogsett, told investigators that Mr. Galack had been beaten. Another, Joseph Allen, did not confirm the account until a later civil suit.

The Tennessee Bureau of Investigation decided within eight hours of arriving at the scene that if a crime had occurred, it had happened in Georgia. It sent the van on its way. The Georgia Bureau of Investigation declined to follow up, records show.

The medical examiner noted Mr. Galack’s injuries — a broken rib, bruises on his head, torso, arms and legs, a broken tooth and cuts around his nose and eyes — but did not believe they had led to his death.

The investigation was determined to be “as thorough as the circumstances warranted,” said Josh DeVine, a spokesman for the Tennessee Bureau of Investigation.

Anthony Dwyer, the chief deputy of the sheriff’s office in Butler County, Ohio, said he had been told only that a prisoner had died en route, not that a beating might have been involved. “It wasn’t really our responsibility,” he said. He said he monitored P.T.S.’s performance by speaking to prisoners when they arrive.

Darnell Ball, one of the guards in the van that transported Mr. Galack, declined to comment, citing a confidentiality agreement. The other, Leroy Creese, did not respond to two attempts to contact him at an address believed to be his home. A P.T.S. official said in a deposition taken in a civil lawsuit that Mr. Galack had sustained the injuries in a fall in the van.

This spring, Mr. Galack's family won a confidential settlement against P.T.S. But Mr. Galack's son, Jordan, found it paltry consolation. Now 20, he had talked to his father every day on the phone and lost 30 pounds after his father's death.

Kristin Galack said she had never had any idea what her ex-husband would face when he was arrested. "Steve and the other people on these vans, they've made mistakes," Ms. Galack said. "But that doesn't mean he couldn't come back from it. People do."

Three months after Mr. Galack was found in the back of the van, P.T.S. sent Butler County a bill for \$1,061 — the cost of the 752 miles he was transported before dying.

*This article was produced in collaboration with The Marshall Project, a nonprofit news organization that focuses on criminal justice issues.*