

July 15, 1998

HARD TIME: A special report.; Profits at a Juvenile Prison Come With a Chilling Cost

By FOX BUTTERFIELD

Here in the middle of the impoverished Mississippi Delta is a juvenile prison so rife with brutality, cronyism and neglect that many legal experts say it is the worst in the nation.

The prison, the Tallulah Correctional Center for Youth, opened just four years ago where a sawmill and cotton fields once stood. Behind rows of razor wire, it houses 620 boys and young men, age 11 to 20, in stifling corrugated-iron barracks jammed with bunks.

From the run-down homes and bars on the road that runs by it, Tallulah appears unexceptional, one new cookie-cutter prison among scores built in the United States this decade. But inside, inmates of the privately run prison regularly appear at the infirmary with black eyes, broken noses or jaws or perforated eardrums from beatings by the poorly paid, poorly trained guards or from fights with other boys.

Meals are so meager that many boys lose weight. Clothing is so scarce that boys fight over shirts and shoes. Almost all the teachers are uncertified, instruction amounts to as little as an hour a day, and until recently there were no books.

Up to a fourth of the inmates are mentally ill or retarded, but a psychiatrist visits only one day a week. There is no therapy. Emotionally disturbed boys who cannot follow guards' orders are locked in isolation cells for weeks at a time or have their sentences arbitrarily extended.

These conditions, which are described in public documents and were recounted by inmates and prison officials during a reporter's visit to Tallulah, are extreme, a testament to Louisiana's well-documented violent history and notoriously brutal prison system.

But what has happened at Tallulah is more than just the story of one bad prison. Corrections officials say the forces that converged to create Tallulah -- the incarceration of more and more mentally ill adolescents, a rush by politicians to build new prisons while neglecting education and psychiatric services, and states' handing responsibility for

juvenile offenders to private companies -- have caused the deterioration of juvenile prisons across the country.

Earl Dunlap, president of the National Juvenile Detention Association, which represents the heads of the nation's juvenile jails, said, "The issues of violence against offenders, lack of adequate education and mental health, of crowding and of poorly paid and poorly trained staff are the norm rather than the exception."

Recognizing the problem, the United States Justice Department has begun a series of investigations into state juvenile systems, including not only Louisiana's but also those of Kentucky, Puerto Rico and Georgia. At the same time, private juvenile prisons in Colorado, Texas and South Carolina have been successfully sued by individuals and groups or forced to give up their licenses.

On Thursday, the Juvenile Justice Project of Louisiana, an offshoot of the Southern Poverty Law Center, filed a Federal lawsuit against Tallulah to stop the brutality and neglect.

In the investigations by the Justice Department, some of the harshest criticism has been leveled at Georgia. The department threatened to take over the state's juvenile system, charging a "pattern of egregious conditions violating the Federal rights of youth," including the use of pepper spray to restrain mentally ill youths, a lack of textbooks, and guards who routinely stripped young inmates and locked them in their cells for days.

A surge in the inmate population forced Georgia's juvenile prison budget up to \$220 million from \$80 million in just four years, but the money went to building new prisons, with little left for education and psychiatric care. "As we went through a period of rapid increase in juvenile crime and record numbers of juvenile offenders," said Sherman Day, chairman of the Georgia Department of Juvenile Justice, it was "much easier to get new facilities from the Legislature than to get more programs."

After reacting defensively at first, Gov. Zell Miller moved quickly to avert a takeover by agreeing to spend \$10 million more this year to hire teachers and medical workers and to increase guard salaries.

Louisiana, whose juvenile system is made up of Tallulah and three prisons operated by the state, is the Justice Department's latest target. In hundreds of pages of reports to a Federal judge who oversees the state's entire prison system under a 1971 consent decree, Justice Department experts have depicted guards who routinely resort to beatings or pepper spray as their only way to discipline inmates, and who pit inmates against one another for sport.

In June, two years after the Justice Department began its investigation and a year after it warned in its first public findings that Tallulah was "an institution out of control," consultants for the department filed new reports with the Federal judge, Frank J. Polozola

of Federal District Court in Baton Rouge, warning that despite some improvements, conditions had deteriorated to "a particularly dangerous level."

Even a former warden at Louisiana's maximum-security prison, acting as a consultant to Judge Polozola, found conditions at Tallulah so serious that he urged the judge to reject its request to add inmates.

"I do not make these recommendations because of any sympathy for these offenders," wrote the former warden, John Whitley. "It shocks me to think" that "these offenders and their problems are simply getting worse, and these problems will be unleashed on the public when they are discharged from the system."

The Private Prison

When the Profits Are the Priority

Some of the worst conditions in juvenile prisons can be found among the growing number of privately operated prisons, whether those built specifically for one state, like Tallulah, or ones that take juveniles from across the country, like boot camps that have come under criticism in Colorado and Arizona.

Only 5 percent of the nation's juvenile prisons are operated by private, for-profit companies, Mr. Dunlap of the National Juvenile Detention Association estimates. But as their numbers grow along with privately operated prisons for adults, their regulation is becoming one of the most significant issues in corrections. State corrections departments find themselves having to police contractors who perform functions once the province of government, from psychiatric care to discipline.

In April, Colorado officials shut down a juvenile prison operated by the Rebound Corporation after a mentally ill 13-year-old's suicide led to an investigation that uncovered repeated instances of physical and sexual abuse. The for-profit prison housed offenders from six states.

Both Arizona and California authorities are investigating a privately operated boot camp in Arizona that California paid to take hundreds of offenders. A 16-year-old boy died there, and authorities suspect the cause was abuse by guards and poor medical care. California announced last Wednesday that it was removing its juveniles from the camp.

And recently Arkansas canceled the contract of Associated Marine Institutes, a company based in Florida, to run one juvenile institution, following questions of financial control and accusations of abuse.

A series of United States Supreme Court decisions and state laws have long mandated a higher standard for juvenile prisons than for adult prisons. There is supposed to be more schooling, medical care and security because the young inmates have been adjudged

delinquent, rather than convicted of crimes as adults are, and so are held for rehabilitation instead of punishment.

But what has made problems worse here is that Tallulah, to earn a profit, has scrimped on money for education and mental health treatment in a state that already spends very little in those areas.

"It's incredibly perverse," said David Utter, director of the Juvenile Justice Project of Louisiana. "They have this place that creates all these injuries and they have all these kids with mental disorders, and then they save money by not treating them."

Bill Roberts, the lawyer for Tallulah's owner, Trans-American Development Associates, said that some of the Justice Department's demands, like hiring more psychiatrists, are "unrealistic." The state is to blame for the problems, he said, because "our place was not designed to take that kind of inmate."

Still, Mr. Roberts said, "There has been a drastic improvement" in reducing brutality by guards. As for fights between the inmates, he said, "Juveniles are a little bit different from adults. You are never going to stop all fights between boys."

In papers filed with Judge Polozola on July 7 responding to the Justice experts and Mr. Whitley, the State Attorney General's office disputed accusations of brutality and of high numbers of retarded and mentally ill inmates at Tallulah.

In a recent interview, Cheney Joseph, executive counsel to Gov. Mike Foster, warned there were limits to what Louisiana was willing to do. "There are certain situations the Department of Justice would like us to take care of," he said, "that may not be financially feasible and may not be required by Federal law."

The Entrepreneurs

An Idea Born Of Patronage

The idea for a prison here was put forward in 1992 by James R. Brown, a Tallulah businessman whose father was an influential state senator.

One of the poorest areas in a poor state, Tallulah wanted jobs, and like other struggling cities across the country it saw the nation's prison-building spree as its best hope.

Louisiana needed a new juvenile prison because the number of youths being incarcerated was rising steeply; within a few years it more than doubled. Adding to that, mental health experts say, were hundreds of juveniles who had no place else to go because of cuts in psychiatric services outside of jail. Mental health authorities estimate that 20 percent of juveniles incarcerated nationally have serious mental illnesses.

To help win a no-bid contract to operate a prison, the company Mr. Brown formed included two close friends of Gov. Edwin W. Edwards -- George Fischer and Verdi Adam -- said a businessman involved in the venture's early stages, who spoke on the condition of anonymity.

None of the men had any particular qualification to run a prison. Mr. Verdi was a former chief engineer of the state highway department. Mr. Fischer had been the Governor's campaign manager, Cabinet officer and occasional business partner.

Tallulah opened in 1994, and the town of 10,000 got what it hoped for. The prison became its largest employer and taxpayer.

From the beginning, the company formed by Mr. Brown, Trans-American, pursued a strategy of maximizing its profit from the fixed amount it received from the state for each inmate (in 1997, \$24,448). The plan was to keep wages and services at a minimum while taking in as many inmates as possible, said the businessman involved in the early stages.

For-profit prisons often try to economize. But the best-run companies have come to recognize that operating with too small or poorly trained a staff can spell trouble, and experts say state officials must pay close attention to the level of services being provided.

"Ultimately, the responsibility belongs to the state," said Charles Thomas, director of the Private Corrections Project at the University of Florida.

Louisiana officials say they monitored conditions at Tallulah and first reported many of the problems there. But in fiscal year 1996-97, according to the State Department of Public Safety and Corrections, Tallulah still listed no money for recreation, treatment or planning inmates' return to society. Twenty-nine percent of the budget went to construction loans.

By comparison, 45 percent of the \$32,200 a year that California spends on each juvenile goes to programs and caseworkers, and none to construction. Nationally, construction costs average 7 percent of juvenile prison budgets, Mr. Dunlap said.

"That means either that Tallulah's construction costs are terribly inflated, or the services they are providing are extraordinarily low," he said.

The Inside

Hot, Crowded, Spartan, Neglectful

Part of Tallulah is a boot camp, with boys crammed so tightly in barracks that there is room only for double bunks, a television set and a few steel tables. Showers and urinals are open to the room, allowing boys who have been incarcerated for sexual assault to attack other inmates, according to a report in June by a Justice Department consultant, Dr. Bernard Hudson.

The only space for the few books that have recently been imported to try to improve education is a makeshift shelf on top of the urinals. Among the aging volumes that a reporter saw were "Inside the Third Reich," "The Short Stories of Henry James" and "Heidi."

From their wakeup call at 5:30 A.M., the inmates, in white T-shirts and loose green pants, spend almost all their time confined to the barracks. They leave the barracks only for marching drills, one to three hours a day of class and an occasional game of basketball. There is little ventilation, and temperatures in Louisiana's long summers hover permanently in the 90's.

The result, several boys told a visitor, is that some of them deliberately start trouble in order to be disciplined and sent to the other section of Tallulah, maximum-security cells that are air-conditioned.

Guards put inmates in solitary confinement so commonly that in one week in May more than a quarter of all the boys spent at least a day in "lockdown," said Nancy Ray, another Justice Department expert. The average stay in solitary is five to six weeks; some boys are kept indefinitely. While in the tiny cells, the boys are stripped of all possessions and lie on worn, thin mattresses resting on concrete blocks.

The crowding, heat and isolation are hardest on the 25 percent of the boys who are mentally ill or retarded, said Dr. Hudson, a psychiatrist, tending to increase their depression or psychosis.

Although Tallulah has made some improvements in its treatment of the emotionally disturbed over the last year, Dr. Hudson said, it remains "grossly inadequate."

The prison still does not properly screen new arrivals for mental illness or retardation, he reported. The part-time doctor and psychiatrist are there so infrequently that they have never met, Dr. Hudson said. Powerful anti-psychotic medications are not monitored. Medical charts often cannot be found.

And the infirmary is often closed because of a shortage of guards, whose pay is so low -- \$5.77 an hour -- that there has been 100 percent turnover in the staff in the last year, the Justice Department experts said.

Other juvenile prisons that have come under investigation have also been criticized for poor psychiatric treatment. But at Tallulah this neglect has been compounded by everyday violence.

All these troubles are illustrated in the case of one former inmate, Travis M., a slight 16-year-old who is mentally retarded and has been treated with drugs for hallucinations.

Sometimes, Travis said in an interview after his release, guards hit him because his medication made him sleepy and he did not stand to attention when ordered. Sometimes

they "snuck" him at night as he slept in his bunk, knocking him to the cement floor. Sometimes they kicked him while he was naked in the shower, telling him simply, "You owe me some licks."

Travis was originally sentenced by a judge to 90 days for shoplifting and stealing a bicycle. But every time he failed to stand for a guard or even called his grandmother to complain, officials at Tallulah put him in solitary and added to his sentence.

After 15 months, a judge finally ordered him released so he could get medical treatment. His eardrum had been perforated in a beating by a guard, he had large scars on his arms, legs and face, and his nose had been so badly broken that he speaks in a wheeze. A lawyer is scheduled to file suit against Tallulah on behalf of Travis this week.

One reason these abuses have continued, Mr. Utter said, is that juveniles in Louisiana, as in a number of states, often get poor legal representation. One mentally ill boy from Eunice was sentenced without a lawyer, or even a trial. Poorly paid public defenders seldom visit their clients after sentencing, Mr. Utter said, and so are unaware of conditions at places like Tallulah.

Another reason is that almost all Tallulah's inmates are from poor families and 82 percent are black, Mr. Utter noted, an imbalance that afflicts prisons nationwide to one degree or another. "They are disenfranchised and no one cares about them," he said.

The New Guard

A Retreat From Brutality

In September, Tallulah hired as its new warden David Bonnette, a 25-year veteran of Angola State Penitentiary who started there as a guard and rose to assistant superintendent. A muscular, tobacco-chewing man with his initials tattooed on a forearm, Mr. Bonnette brought several Angola colleagues with him to impose better discipline.

"When I got here, there were a lot of perforated eardrums," he said. "Actually, it seemed like everybody had a perforated eardrum, or a broken nose." When boys wrote complaints, he said, guards put the forms in a box and pulled out ones to investigate at random. Some were labeled, "Never to be investigated."

But allegations of abuse by guards dropped to 52 a month this spring, from more than 100 a month last summer, Mr. Bonnette said, as he has tried to carry out a new state policy of zero tolerance for brutality. Fights between boys have declined to 33 a month, from 129, he said.

In June, however, Ms. Ray, the Justice Department consultant, reported that there had been a recent increase in "youth defiance and disobedience," with the boys angry about Tallulah's "exceptionally high" use of isolation cells.

Many guards have also become restive, the Justice Department experts found, a result of poor pay and new restrictions on the use of force.

One guard who said he had quit for those reasons said in an interview: "The inmates are running the asylum now. You're not supposed to touch the kids, but how are we supposed to control them without force?" He has relatives working at Tallulah and so insisted on not being identified.

The frustration boiled over on July 1, during a tour by Senator Paul Wellstone, the Minnesota Democrat who is drafting legislation that would require psychiatric care for all incarcerated juveniles who need it. Despite intense security, a group of inmates climbed on a roof and shouted their complaints at Senator Wellstone, who was accompanied by Richard Stalder, the secretary of Louisiana's Department of Public Safety and Corrections.

Mr. Stalder said he planned to create a special unit for mentally ill juvenile offenders. One likely candidate to run it, he said, is Trans-American, the company that operates Tallulah.

Photos: Inmates at the Tallulah Correctional Center for Youth in Louisiana, top, lined up to be counted after a recent class. (Greg Campbell for The New York Times); One former inmate, above, a mentally retarded teen-ager, was severely beaten and is living with his grandmother after a judge ordered his release. (Roger Kelley for The New York Times); Under the new warden, David Bonnette, right, there is now a place for books: behind the urinals. (Greg Campbell for The New York Times)(pg. A14)