

At the Crossroads

Violence behind the bars of
Montana's only private prison

STORY BY IJ DAWSON | STAFF WRITER



WHEN WILLIAM Allen returned to the Crossroads Correctional Center (CCC) in 2009 from a California prison, he was shocked by what he found: religious restrictions on sweat lodges and retaliation for speaking out against prison administration. Two cavities abscessed when Allen was forced to wait months for dental treatment, he said, and the correctional officers no longer acted respectfully to the inmates.

But what jolted him most was the violence. Soon after he arrived, he said, he was pulled from his cell late at night to fight with the prison employees. "You know when you're going down into that intake cell, and there's gonna be three to four (prison guards) in that cell and you're going to have to do your thing," he said. "They would technically just jump you."

Allen, a member of the Blackfeet tribe, was accustomed to conflict with guards, since he had spent most of his life behind bars. He entered the tangled web of the

legal system in California when he was just 10-years-old. He grew up in what he calls an outlaw family, surrounded by violence and drugs, and started his first stint in prison in 1982, at the age of 22. He spent years in San Quentin and Pelican Bay, two of the most violent high-security prisons in California. Then Allen was convicted of an armed robbery in 1994, and he was transferred to CCC in 1999.

Allen was one of the first prisoners in CCC, Montana's shiny new private prison in Shelby, owned by CoreCivic. He said it was

a good prison in 1999. CCC did everything by the book, from treating inmates with respect to offering vocational programs and trade school in carpentry.

But when he returned in 2009, the prison was a completely different place. "It was really good for a long time, and then once it headed south, it just kept on going."

Allen's allegations of what life was like in CoreCivic's prison may seem shocking, but his experiences echo recent lawsuits against CoreCivic's and concerns raised by the American Civil Liberty Union (ACLU)

of Montana, which led to a 2016 state audit of the prison. But in the two years since, it doesn't seem that much has improved for the inmates locked away in Montana's sole private prison.

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Originally called Corrections Corporations of America (CCA), CoreCivic was the first private American prison company. Founded in Nashville, Tennessee, in 1983, it led the for-profit prison boom in the 1980s and 1990s, as America's incarcerated population exploded. These

facilities promised a cost-effective solution to an expensive problem: tough-on-drugs policies and an increased reliance on incarceration as a form of punishment meant that more Americans were going to prison, and they were spending more time behind bars for their crimes than ever before.

These policies have led to a rather unwelcome accomplishment. The United States incarcerates 1.5 million people in state and federal prisons, the largest percentage of its own citizens of any

PHOTO BY LOUISE JOHNS | PHOTO EDITOR

country. Private prisons hold more than 8 percent of all American prisoners, and between 2000 and 2016, the number of prisoners in private facilities increased five times faster than the total incarcerated population.

CoreCivic has grown steadily and expanded to immigration detention centers, a sector of the company that has grown since 2016. Today, CoreCivic is the second-largest private prison company in the U.S. behind the GEO Group. Together, these corporations manage more than half of the private prison contracts in the country, with combined revenues of \$3.5 billion. CoreCivic alone owns 45 secure correctional facilities and manages nine others, as well as 24 residential reentry facilities, and has reported annual revenues of around \$1.77 billion since 2013.

The federal government and 27 states use private prisons, with New Mexico and Montana leading the nation in their reliance on them. New Mexico houses 43 percent of its prisoners in private facilities, with Montana close behind at 39 percent. Montana began flirting with the private prison industry in 1996, shortly before a Montana inmate incarcerated in a Texas private prison was beaten to death, and while Allen and other inmates from Montana were being shuffled from Texas to Tennessee. CoreCivic won the contract and built the private prison in Shelby, Montana, despite local residents' fears of escaped inmates.

By 1999, when Allen and other convicts had arrived to make the new prison home, the dying town of Shelby—best known for its old neon signs, glowing fields of barley and wheat and proximity to the wonders of Glacier National Park—had accepted the economic promises of Montana's first private prison.

The town of 3,212 people now houses almost 700 state and federal inmates in a concrete-and-barbed-wire compound that occupies a bluff overlooking Shelby. A white water tower watches over both three-winged buildings that house the inmates, the word Shelby scrawled boldly in red across its side.

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CoreCivic was founded on the premise of solving tough government challenges in cost-effective ways, according to Damon T. Himinger, CCC's president and chief executive officer, in a 2016 press release. Despite such promises, civil rights groups have challenged the idea of for-profit

prisons ever since they appeared in the mid-1980s, because the perceived conflict of interest between making money for shareholders and caring for inmates often results in poor inmate care.

Since 1998, the U.S. Justice Department, civil rights groups and the media have investigated CoreCivic and its facilities for a litany of alleged improprieties, including spates of excessive violence, poorly trained guards and inadequate numbers of guards, poor food and lack of medical care. CCC is no exception and has come under scrutiny for its practices since the year William Allen was transferred there in 2009.

The ACLU of Montana, for instance, filed a class action lawsuit against the Shelby facility in 2009 for religious discrimination against Native Americans attempting to practice sweat lodge ceremonies. Allen, who was part of the class action lawsuit, said he sweat every weekend when he was first held in CCC from 1999 to 2004. When he returned in 2009, the tone of the administration had changed.

The guards would simply not call prisoners out of their cells when sweats were planned. Allen said they would blame it on fire danger, but often it seemed they simply did not have enough staff to allow the ceremonies to take place. He said that he was denied herbs necessary for the ceremonies and prison staff showed spiritual elders so much disrespect they stopped coming.

"For ceremonies to be disrespected and treated in the manner they are, it generates an undercurrent of animosity," Allen said. The sweat lodge ceremonies are the Native inmates' church, he said. The denial of these ceremonies was the most difficult part of the final years Allen spent incarcerated at CCC.

Amanda Gilchrist, director of public affairs for CoreCivic, said in a late November 2018 email that these claims are "patently false." But a May 2009 report by a Montana Department of Corrections (MDOC) investigation team confirmed many of the allegations in the class action suit, including that "sweats have been canceled due to cold weather and lack of CCC staffing."

Shortly after the ACLU of Montana's 2009 lawsuit against CoreCivic in Montana, the national arm of the ACLU sued the company in Idaho over the level of violence between inmates in the Idaho Correctional Center, a prison that was called the "Gladiator School" by the Idaho inmates.

The lawsuit named 23 separate inmate plaintiffs who had suffered beatings from other inmates with little to no correctional officer intervention and inadequate medical care after the assaults. In the lawsuit, the ACLU alleged that violence was "entirely preventable and was the result of deliberate indifference by ICC staff."

The suit detailed serious injuries, guards cleaning up blood for hours after assaults and refusal of medical care after the beatings occurred. It claimed most of these assault victims were sex offenders who received multiple threats before the assaults and were refused help after attempting to gain protection from prison staff.

CoreCivic firmly denied the allegations and settled the case in 2011. The state of Idaho took over the prison in 2014. In 2017, a federal jury found the company had violated the settlement agreement. An FBI investigation into the chronic understaffing of the Idaho facility found that employee records had been forged. However, the FBI declined to press charges because the evidence did not suggest criminal intent and was attributed to low-level employees.

The "Gladiator School" prison controversy in Idaho sparked concern in the Montana Legislature about the state's own CoreCivic prison. A federal audit of CCC was considered, but the Legislature chose a state audit of the prison instead. CoreCivic lobbyists opposed this contract compliance audit in 2016. The state audit of the prison was performed in the fall of 2016. The prison passed, but the audit said that the MDOC "should enhance its oversight, particularly in the areas of security staffing, health services and food service."

Since the audit in 2016, the MDOC Quality Assurance Office has conducted two annual license inspections of CCC. It found issues with counting inmates and the internal grievance process by which inmates file complaints. The inspections also found issues with dental care provided by the facility in 2016 and issues with the CCC's food contractor in 2017. All of these issues were required to be addressed by CCC before the contract license could be renewed.

CCC is accredited by outside agencies, including the American Correctional Association (ACA) and the National Commission on Correctional Health Care (NCHC). ACA's and NCHC's most recent on-site reviews were conducted early in 2018, and according to the MDOC, the last



PHOTO BY GABBY FRIEDLANDER | STAFF PHOTOGRAPHER

William Allen empties a cart onto the shelves at a Goodwill warehouse in Great Falls, Montana. Allen began working there three days after he was released from prison.

state health inspection of CCC was in March 2017. The prison passed all accreditation and no deficiencies in medical services were found.

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The violence at private prisons is often correlated with inadequate staff training and short staffing, like that of the Idaho "Gladiator School" prison. The largest continuous expense for private prison companies is staffing, said Alex Friedmann, a private prison researcher, reporter and advocate who was incarcerated in a CoreCivic facility in the 1990s. Private prison companies like CoreCivic pay less and offer less training and benefits to their staff than government-run prisons, and they understaff facilities by leaving positions vacant as long as possible.

Seven former and current CCC inmates said they experienced issues with understaffing in the last ten years. Two former CCC employees said they experienced understaffing, and both said they experienced a tactic called double-

booking, where a case worker or an education teacher will be scheduled to work two jobs on the same day: their usual job, and as a correctional officer. One person cannot work both jobs at once. Often, the employee would work the prison floor as an officer while leaving his/her other position vacant.

An FBI investigation into the Idaho "Gladiator School" prison in 2013 found that CoreCivic used similar practices reported by CCC inmates to understaff the prison.

The employment practices of private prisons result in high turnover rates and greater instability, which in turn result in more violence, Friedmann said. Rape, murders, riots and violence occur in all correctional facilities, but "they tend to be more prevalent in private facilities because of the business model, because of the staffing issues," Friedmann said.

A 2018 Prison Rape Elimination Act audit of CCC said the prison was understaffed, and other CoreCivic employees from facilities around the country have to

travel to fill its positions. The company pays for employees to stay in a hotel in Shelby, because it cannot staff the prison with local employees. The prison is now working with 35 fewer staff members in 2018 than in 2015, despite around the same number of federal and state inmates being incarcerated at the facility.

Friedmann said the lack of transparency and oversight of private prisons around the U.S. allows cutting corners. In Montana, the private-prison model relies on the on-site reporting by a state contractor, who oversees staffing, inmate grievances and other requirements. But the contractor is usually a former employee of CoreCivic that worked at CCC prior to MDOC employment. A 2016 state audit expressed concern about the ability of MDOC to provide oversight, because "the department relies, to some extent, on the contractor to self-report issues with staffing."

In March 2018 MDOC added a full-time investigator to the prison in response to concerns.

Private prisons also do not have to follow



PHOTO BY SAM PESTER
STAFF PHOTOGRAPHER
William Allen, 59, was one of the plaintiffs in a 2009 class action lawsuit against Crossroads Correctional Center.

the same open records laws as public prisons. The private operation of the prisons prevents them from falling under government transparency laws, even if they provide a public service. Friedmann said. The number of violent incidents at the CCC facility is anyone's guess, because they are not publicly reported.

"Private prisons go to great lengths in order to keep prison information from civil liberties groups," said SK Rossi, the ACLU of Montana advocacy and policy director, "including going as far as to tamper with legal mail and monitor the mail that is going in and out of their facilities."

Rossi said the CCC prison is not being run at the same standard as a state facility. "Our biggest concern is that we have multiple reports of understaffing and violence occurring at that facility. We also have multiple reports of inadequate medical care, and in some cases medical care that has been denied completely."

The ACLU of Montana received 18 complaints from January to August 2018 about the CCC facility. The letters included seven complaints detailing medical care issues, four about prison conditions and three concerning correctional officers at the prison.

Rossi said the Eighth Amendment of the U.S. Constitution prohibits cruel and unusual punishment, which means the government should not be allowed to mistreat people simply because they have been convicted of a crime.

"If you are going to deprive human beings of their liberty because they have committed a crime, that is one thing. But if you're going to put them in prison, you are going to be responsible for taking care of them and treating them as human beings and not as animals," Kossi said.

CoreCivic refused a request to tour CCC for this article, and Gilchrist maintains that, "any allegation that we compromise inmate care for any reason is baseless and ignores the high-quality services CoreCivic provides."

Still, the lawsuits against CoreCivic nationwide continue to pile up, topping the 1,200 mark by 2010.

Incarceration limits inmates' abilities to advocate for themselves and seek redress about prison conditions. Grievances, which are paper complaints filed by prisoners, must make it through four stages of internal prison review before they can make it to a public court. CCC has been accused by multiple inmates of not responding to grievances or improperly addressing them.

Caitlin Boland Aarab, a defense attorney who provides legal counsel for several inmates in Shelby, said she hears many complaints from her clients about prison conditions. She said prisoners face an almost insurmountable number of legal barriers to a successful filing of a Section 1983 lawsuit, named for the Civil Rights Act of 1871, that allows people to sue the government for civil rights violations.

Prisoners have no legal help navigating the internal grievance process within the prison, and the requirements can be complex, Boland Aarab said. "So they have to jump through all these hoops in the prison and do them all perfectly, in order to even be entitled to a lawsuit," she said.

If the case makes it past further legal hurdles to a jury, the mistake must be proved "unreasonable" at the time it was committed by prison staff. The prison facing the lawsuit will have a lawyer. The prisoner suing the prison will not.

"If you even get to a jury with a 1983 case, let alone win, you have one hell of a case," Boland Aarab said. Even legitimate claims that should be addressed rarely see the light

of day, she said.

Ray Carpenter waited until he was released and sued the prison four months later, in July 2018. He sued for damages related to a beating he suffered from

another inmate that was followed by a lack of adequate medical care in 2016. His lawsuit is similar to the cases described in the ACLU's 2010 class action lawsuit filed against the Idaho "Gladiator School."

According to the lawsuit, Carpenter was beaten in his cell by another inmate for more than five minutes without any prison staff intervention. He began puking; his cellmate helped him to his bunk. He was eventually cleared to go to the medical treatment center in the prison later that night.

When Carpenter arrived after vomiting and blacking out repeatedly, he was minimally treated and told to rest. He vomited for five days while in the prison's medical unit before being transferred to a hospital in Great Falls. He immediately underwent brain surgery for a hematoma and skull damage. While in surgery, a brain bleed was discovered.

Judy Beck, communications director for MDOC, responded in an email about a September 2018 inmate assault that these types of criminal behaviors happen in all correctional facilities. "Unfortunately, we don't have the resources in any facility to keep everyone watched at all times. We continue to review major incidents to find any areas that can be improved upon," Beck said.

This is small consolation for Carpenter, who is suing the prison, the medical provider and individual staff members for sustained symptoms such as headaches, memory loss, impaired vision and trouble concentrating.

Eight other current and former inmates reported issues of violence at CCC since 2009, including lack of staff response, poor medical treatment following assaults and refusal to listen to inmates attempting to avoid conflict with each other.

Lawsuits have recently been filed around the country concerning violence and lack of medical treatment at CoreCivic facilities. A widow sued the company in March 2018 for wrongful death after her husband died following an assault in a CoreCivic facility in Tennessee. In August, a lawsuit was filed against the company for denying insulin to diabetic prisoners in Tennessee.

Back in Montana, the state is investigating a September 2018 assault at

CCC that is similar to Carpenter's. Nathan Lake, 33, was beaten so badly by he was released on medical parole while still in a coma a month after the assault.

The state of Montana decided to extend CoreCivic's contract around the time Carpenter filed his lawsuit. CoreCivic's contract with MDOC was up for renewal in 2019. The ACLU of Montana was an outspoken opponent of extending the contract, citing multiple complaints about prison conditions that it receives from inmates on a weekly basis. Despite the advocacy of civil rights groups, inmates and their families, and some legislators, Montana Governor Steve Bullock extended CCC's contract with the state in July 2018. The governor did not offer the ten-year contract extension CoreCivic wanted.

Instead, he agreed to extend the contract for two years in exchange for \$34 million, which had been held by CoreCivic in a "buy-back" account to fund the state's purchase of the prison when the contract ends. The CCC contract with MDOC will be up for renewal again in 2021. The contract between CoreCivic and the MDOC was still being finalized in November 2018.

The ACLU of Montana accused CoreCivic of leveraging the state's budget crisis to receive the contract extension. Housing inmates is expensive. According to the MDOC, Montana State Prison is over capacity and could not safely house the 570 inmates that CCC now holds. "Without the additional capacity Crossroads provides, the state would need to build another secure facility, approved and funded by the Legislature," Beck wrote in an email.

Why not build its own facility, or take over CCC? Because Montana currently pays \$73.87 per inmate per day at CCC compared to \$109.27 at the state prison. That's a savings of \$35.40 per inmate per day, which amounts to about \$9 million a year. For a cash-strapped state like Montana, that's a whole lot of money.

Shortly after Montana extended the CoreCivic contract, Allen paroled out of CCC. When Allen walked through the gates on August 5, 2018, one day short of the anniversary of his return to prison 24 years earlier, he wasn't exactly a free man. He still wore an ankle bracelet and had to report to his parole officer on a regular basis, but he no longer had to eat every meal in the chow hall or sleep in a cell.

Allen is 59-years-old and will be on parole until he's almost 70. He just

reconnected on Facebook with a son he hasn't seen since 1984. He is starting over for a third time in Montana, and this time he hopes it sticks. "Prison," he said, "took me away from me."

Since he left prison, he said he is like a kid in a candy shop. "Every day is a new adventure," Allen said, and he's going to make the most of them. "Society makes it easy for corrections in any state to do what they want because no one cares... If this is the only shot I have at telling anybody that will listen to what's going on, then I am going to take it."

Allen works in a Goodwill warehouse. He loves his job, and it allows him to give back after the 37 years spent behind bars. In October 2018, his ankle bracelet was removed just in time for a Halloween costume party at the store.

Allen squeezed a vampire onesie over his tattooed muscular frame, covering the prison ink and scars that scrawl up his skin. A shock of black curly hair ran straight past his neck and sat naturally between his shoulder blades as he made wooden boats for the kids at the party. ■



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