

CONTRACT COMPLIANCE OF A PRIVATE PRISON:  
A CASE STUDY OF THE WACKENHUT CORRECTIONAL FACILITY  
IN KYLE, TEXAS

by  
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## CHAPTER 1

### Introduction

#### Dilemma in Corrections

At present we are encountering a national problem in the field of corrections. In 1985, for the tenth consecutive year, the number of prisoners incarcerated in state and federal institutions exceeded 500,000 with an increase of over 49 percent since 1980 (Ring, 1987, p. 1). America is starting to *rethink* its prison system and its impetus is "cold and hard economics" (Ticer, 1989, p. 80). Why the concern? Because the growing expense of corrections has ballooned out of control and there has been a major increase in the crime rate (Ticer, p. 80). The United States government is spending over \$20 billion annually on its correctional system with nearly two percent of all adults (3.4 million people) "in prison, in jail, on parole, or on probation" (Ticer, p. 80). There are as many prisoners in the United States as there are "free citizens living in the city of Boston" (Sieh, 1989, p. 41).

There are many problems that result from the overcrowding of prisons. This overcrowding causes a breakdown in the physical and mental health of the inmates as well as the safety of the staff and inmates (Sieh, p. 42). Assault

on staff as well as other inmates is on the rise. There have been more instances and reports of violence, murders and suicides, primarily because of "an overabundance of inmates and too much idleness" (Sieh, p. 42).

Criminologist Joseph Rogers maintains that it is a *myth* to believe we can win the war on crime through incarceration (Rogers, 1989, p. 21). He cites five reasons why incarceration will not work. First, incarceration is temporary at best because over "99 percent of those entering prison will eventually return to society to become our neighbors in the communities where we live and work" (Rogers, p. 21). Second, the average stay of most prisoners is approximately 19 months with a median sentence range of 15 to 30 months (Bureau of Justice Statistics, September 1987, p. 7). Third, every year there is a major turnover of over 500,000 prisoners because the real problem lies with the community *where the flow begins* and not with the individual. Fourth, the majority of criminal offenders "are never caught, must less convicted or imprisoned" (Rogers, p. 22). And fifth, two-thirds of the offenders released from prison return and half of these return within two years. Therefore the *war on crime* must be waged outside the prisons, in our communities and social institutions and not in prisons (Rogers, p. 22).

Nevertheless, whatever the myth might be, the public's battle cry is *stiffer sentences*, which means more prisons

(Elvin, 1985, p. 48). However, the public has been unwilling to *fork over* the money to support their *perceived solution* to crime. Prisons in 33 states, including the District of Columbia, have been under a federal court order to reduce overcrowding (Fitzgerald, 1988, p. 102). For example, in one state over 14,000 inmates were incarcerated in a facility that was designed to accommodate 9,500. Crowded prisons in Texas led to one of the highest homicide rates in the nation (Fitzgerald, p. 103).

In 1983 and 1984, more than 19,000 lawsuits were filed by prisoners due to prison overcrowding and civil rights violations (Donahue, 1989, p. 153). What can be done? What is the solution to this pressing and expensive problem? Some feel that the prisons are being managed ineffectively; others feel "private entities can manage correctional facilities more economically and effectively than the government" (Donahue, p. 154). Surely privatization is not the answer to reducing the crime rate, recidivism, or other social ills. Privatization might, however, be the economic answer to the expense of housing all these *social misfits*.

### **Statement of the Research Question**

The central theme of this applied research project will be to assess contract compliance standards of a private prison. Specifically, the question to be answered will be:



"Is Wackenhut Correctional Facility in Kyle, Texas in compliance with the standards specified in their contract with the Texas Department of Corrections?" The researcher will identify the standards, their degree of compliance, the monitoring system used, and issues of importance and concern. Finally, recommendations will be made.

Contracting out for the management of correctional facilities to a private operator has been a controversial, and at times, a disputed subject in the Texas Legislature. This idea is fairly new and few private companies have experience in this field. Consequently, policy makers have few facts or empirical studies to base decisions on and therefore tend to express concern.

The American Bar Association (ABA), as well as the American Correctional Association (ACA), and American Federation of State and County Municipal Employers (AFSCME) have expressed concern over critical and complex issues surrounding the contracting out of corrections, especially compliance with contractual standards. Some of these concerns and complex issues involve the constitutional rights of inmates, who disciplines them, and the liabilities to both the state as well as the private contractor. Even though a state or local government may attempt to contract out its correctional facilities, it cannot relinquish the legal responsibility or liability for the incarceration of inmates (Cullen, 1985, p. 13). The other concerns are

economic (cost) and management (efficiency) in nature. Nevertheless, many correctional administrators and legislators feel that the use of contract services will improve the return on the taxpayer's dollar, while at the same time providing quality services. Private firms involved in correctional facilities management have been instructed to adhere to rigorous standards of performance and accountability. In addition, the courts as well as the taxpayers insist that these correctional programs and endeavors be successful and efficient however defined.

#### **Purpose of the Research**

The purpose of this research is to determine whether the Wackenhut Correctional Facility is in compliance with the standards and conditions set forth in its contract with the State of Texas. The research will determine whether the contract standards and requirements have been successfully met. Reasons for success or failure will be determined and recommendations to improve the monitoring system will be developed. This research is designed to help state correctional administrators, who are responsible for this program, by providing them with information systematically collected pertaining to a specific contract monitoring system. The research will, hence, provide guidance for future contracting out endeavors.

There are many legal and constitutional issues that have to be closely addressed when contracting with a private correctional facility. "The deprivation of liberty is second only to the imposition of capital punishment as an exercise of the state's power over its citizens" (Ring, 1987, p. 9). The civil rights of inmates, their treatment and safety are of utmost concern to the state. These legal and constitutional issues have a common denominator. That denominator is the moral argument which asks, "Is the private operation of prisons and jails, however instrumental it may prove to be in reducing costs and bettering services, justifiable morally? Does the government's responsibility to govern end at the prison gates? Who ought to administer justice behind bars?" (DiIulio, 1988, p. 78-79). Nevertheless, whether the institution is public or private, the prison management team must adhere to a strict set of correctional standards. In order for the government to enforce the correctional standards and be able to hold the contractor accountable, the contract must be well written. It makes good business sense that all requirements, standards and conditions for performance be clearly stated within the contract itself. This protects both the private vendor as well as the state from lawsuits or constant changes in performance standards.

## Chapter Summaries

There are six remaining chapters in this applied research paper. Chapter 2 will discuss and describe the setting of the research in question. The Wackenhut Corporation is central to the discussion hence its background in corrections, contracting experiences, and the Kyle, Texas facility will be discussed. Chapter 3 will concentrate on the literature review, first reviewing the underpinnings of the literature, the conceptual framework, the hypothesis, contracting out, and privatization. The administration of the correctional facility in question, inmate service and correctional programs at this facility will then be discussed. Chapter 4 will describe, discuss and analyze the methodology used in the research, its strengths, weaknesses and limitations. The case study method and document analysis were chosen as the major methods of research. Contract documents along with other pertinent records and interviews with staff were used to analyze the Wackenhut Correctional Facility in Kyle, Texas. Chapter 5 will discuss compliance standards as they apply to contracts, administration of facilities, inmate services, and correctional programs. Each subcategory of the contract will be identified with its corresponding standard. Chapter 6 will focus on description and analysis as well as the results of the research. A matrix showing the three major

contract components and their sub-components pursuant to contract compliance will be analyzed. Results of the research will be listed and identified. Chapter 7 will be devoted to summary and conclusion, and most important, recommendations will be made regarding the private correctional facility at Kyle, Texas, its operation, contracting, services, programs and compliance. Limitations of the research will also be discussed. Recommendations will be directed at deficient components of the monitoring system.

## CHAPTER 2

### Setting

#### The Legal Setting

In 1980 a federal district court ruled that conditions in Texas prisons were so harsh that they violated the constitutional rights of inmates. At that time the Texas Department of Corrections (TDC) was the largest state prison system in the United States with a population of over 25,000. That number has doubled since 1980, and today (1990) Texas still has the largest system in the United States, with over 50,000 inmates (Comstock, September 13, 1990).

The increases in incarceration rates are usually caused by the increases in the state's population and the rising crime rate. Of course, neither of these factors fully explains why the state of Texas sends so many people to correctional institutions. One reason for Texas' high incarceration rate might be that fewer people are placed on probation in this state than in any other state. Almost one-half of newly convicted felons in the state receive probation whereas seventy-five percent receive probation in the majority of other states. Texas ranks forty-seventh

among the fifty states in the amount of money it spends on probation or parole (Comstock, September 13, 1990).

In Texas, prison sentences are getting longer. The average sentence in 1970 was about five to eight years; today, in 1990, it is ten to fifteen years. Additional factors affecting the prison population are the creation of new courts and tougher sentencing laws passed by the legislature. Prison capacity has failed to keep up with demand causing overcrowding (Rowden, September 12, 1990).

An "unprecedented prison population, sweeping court-ordered reforms and public pressure for stiffer sentences has pushed Texas to increase spending on corrections by 167 percent in the last seven years" (Bullock, 1990, p. 1). Texas has "met the prison challenge by boosting spending, using innovative probation and parole programs and contracting for privately-run prison facilities" (Bullock, p. 2). The need to expand the capacity of the Texas prison system forced state officials to look at alternatives and creative ideas.

The problem of prison capacity has always been compounded by the state's budgetary constraints and limitations. For this reason, a combination of factors seem to have focused increased attention on the development of alternatives to the previous approaches of state run prisons. Prison officials were looking at potential advantages such as lower costs, quicker response, and space

availability, as well as more effective programs for the inmate population (Rowden, September 12, 1990).

The enactment of Senate Bill 251 of the Seventieth Legislature in Texas introduced the concept of privatization to the Texas Prison System. This Senate Bill provided the clear statutory authority for the Board of Corrections to contract with private operators for the operations, financing, construction, maintenance, or management of a minimum or medium security correctional facility (Senate Bill 251, 70th Texas Legislature, 1987). The Board of Corrections then gave the Texas Department of Corrections (TDC) the go ahead in May of 1987 to issue a Request for Proposal (RFP) for the location, construction, operation, and management of up to four 500-man pre-release correctional facilities (Comstock, September 13, 1990). Over twenty proposals were submitted to the Texas Department of Corrections for the four facilities and the Wackenhut Corrections Corporations won the bid for two facilities; one in Bridgeport, Texas and the other in Kyle, Texas. Another private prison contractor, Pricor, Inc., was awarded the other two facility locations. However, the Kyle, Texas facility is the subject of this applied research project.



## The Wackenhut Corporation

The Wackenhut Corporation was founded in 1954 by George R. Wackenhut, a retired Federal Bureau of Investigation agent. The company presently has 125 offices world-wide, including ninety domestic offices, and corporate offices in Coral Gables, Florida. The company started out as a small security firm and built itself into an international giant. Wackenhut has actively pursued a policy of diversification and has expanded beyond its security services. The Wackenhut Corporation now manages and maintains correctional facilities, nuclear plants, government test sites (bombing), radiological health services, central station monitoring, training and education, and classified studies for the federal government and security applications for advanced technologies (Comstock, September 13, 1990).

With over 35,000 employees worldwide the Wackenhut Corporation, at the close of fiscal year 1989, completed its thirty-fifth year of existence. Wackenhut's revenues last year exceeded \$400 million. Significant investments were made in two of Wackenhut's business units: Wackenhut Corrections Corporation and Wackenhut Advanced Technologies Corporation. Wackenhut Corrections opened its first privately managed correctional facility in 1987, a 167-bed detention center for the Immigration and Naturalization Service in Aurora, Colorado. Then, in less than two years,

Wackenhut Corrections was under contract for over 2,000 beds in seven facilities in five states, some of which include Immigration and Naturalization Service (INS) facilities (Comstock, September 13, 1990). One of these facilities included a 619-bed center for parole violators in San Antonio, Texas which was one of the largest private correctional facilities in the United States.

Other than correctional services, the Wackenhut Corporation provides an assortment of services worldwide under the umbrella of different Wackenhut subsidiaries. For example, the Custom Protection Division (CPD) recruits, selects and trains sophisticated paramilitary security forces for sensitive government facilities such as Drug Enforcement Agency's (DEA) radar and surveillance stations and the Nevada Nuclear Test Site. In addition, Wackenhut provides airline servicing which includes pre-departure screening of passengers at more than 100 airports in the United States. In conjunction with the Federal Aviation Administration, Wackenhut pioneered this service in the early 1970's when skyjackings emerged as a tool for extremist groups (Comstock, September 13, 1990).

Wackenhut Corporation also provides executive protection. This is a service geared towards individuals and their facilities with high risk or high visibility positions. Wackenhut specialists design and implement discreet, unobtrusive programs to minimize the dangers of

kidnapping, extortion and physical harm. An anti-terrorist assistance curriculum, designed by Wackenhut for the United States government, has been adapted for private industry, including courses in special driving techniques, terrorist analysis, risk assessment, and anti-terrorist countermeasures (Comstock, September 13, 1990).

Wackenhut also has a program called *Silent Witness* or *Concerned Employee Action Program* whereby an honest employee can report the dishonest, dangerous or unsafe actions of others anonymously by calling trained operators on a 24 hour hot line. An employee can then become a partner in reducing losses caused by fraud or dishonesty.

Aside from those circumstances where domestic operations may be providing food services and equipment to firms during crisis situations, Wackenhut manages the entire spectrum of food service operations for individual plant facilities (General Motors), correctional facilities, special events, conventions, sports facilities, and similar locations where permanent full time food services are required.

Wackenhut also provides investigative services, psychological testing, loss prevention inventory programs, fire protection, medical emergency services, court security, and detection equipment for governments and industries around the world. Wackenhut presently provides security and management services to the Chicago Fire Department, the Rome

International Airport, the Nevada Nuclear Test Site, the Trans-Alaskan Pipeline, the Savannah River Nuclear Plant and eleven other nuclear plants (Comstock, September 13, 1990).

### The Kyle, Texas Facility

As previously stated, the 70th Texas Legislature granted authority by Senate Bill 251 to the Texas Department of Corrections (TDC) to enter into contracts with private operators for the construction and operation of four 500-men pre-release facilities (Senate Bill 251, 70th Texas Legislature, 1987). These facilities were to house select minimum or medium custody male inmates within two years of release. In May 1987 the Board of Corrections granted the Texas Department of Corrections the authority to issue a request for proposal (RFP) for the location, construction and operation of these correctional facilities. In July 1987 Wackenhut Corrections Corporation, in partnership with Becon Construction Company (Becon-Wackenhut), submitted a comprehensive proposal in response to the May 1987 Texas Department of Corrections RFP. Becon Construction Company Inc., a Texas subsidiary of the Bechtel Group of San Francisco, California was responsible for the financing, design and construction of any facilities awarded to Becon-Wackenhut. Wackenhut Corporation was responsible for the management, maintenance, residential care and educational

services to be provided for the pre-release facilities. The state of Texas would own the land and buildings on the property selected (Comstock, September 13, 1990). Then in October 1987, the Texas Department of Corrections selected Becon-Wackenhut to provide two 500-men pre-release facilities, one of which was the Kyle, Texas facility (Comstock, September 13, 1990).

The Kyle, Texas facility design was developed for Becon-Wackenhut by the Austin, Texas architectural firm of Parker, Croston, Lackey and Blake. The initial conceptual design prepared by this architectural firm was programmed in accordance with the May 1987 TDC/RFP which requested both cell and dormitory design alternatives. The initial conceptual design was modified to reflect TDC's desire for a two-man cell type construction and other considerations. The present facility's design and program functions were structurally designed to be consistent with the conditions and standards set forth by the American Correctional Association (ACA). In addition, Wackenhut has made compliance with ACA standards a matter of corporate policy. Also, one of Wackenhut's most important contractual commitments as the facility operator was to apply for ACA accreditation after the mandatory one year waiting period. (Comstock, September 13, 1990).

The Kyle, Texas facility consists of two 250 bed cellblocks (using double-occupancy) at each end of the main

corridors and a 28 bed classification/orientation cellblock (using double occupancy). On this basis, a ninety-five percent use of the 528 general housing beds will permit a maximum occupancy of 500 male inmates. The double-occupancy general housing cells are 100 square feet wall to wall.

Wackenhut recognized that a viable pre-release facility necessitated an environment which preserved human dignity and did not in itself constitute punishment with respect to physical conditions and residential care. The creator of the Kyle, Texas facility was fully aware that the facility would some day come under close public scrutiny and therefore had to be operated under the highest of standards (Comstock, September 13, 1990).

The Wackenhut facility in Kyle, Texas did not place program emphasis on elaborate and costly means of physical control, but instead in professional residential care. The physical plants' characteristics were important to the extent that they provided the necessary facilities and space to permit the implementation of progressive residential programs. These programs encompassed professional medical treatment, comfortable living quarters, structured recreational activities, basic education, vocational training, nutritionally balanced diet, proper hygiene and inmate supervision. To put it in simple terms, inmate programming consists of eight hours for sleeping, eight

hours for work/education and eight hours for recreational diversions (Comstock, September 13, 1990).

In administering the Wackenhut Correctional Facility in Kyle, Texas several major elements had to be addressed according to the contract. These elements had to comply with American Correctional Association (ACA) standards, court orders and case law such as Ruiz v. Estelle, standards or policies of the Texas Department of Corrections (TDC), and articles of the Texas Commission on Jail Standards (TCJS). In addition the contractor had to provide, operate, maintain and manage the correctional facility in compliance with all applicable federal and state constitutional requirements and laws (Comstock, 13 September 1990).

## CHAPTER 3

### Literature Review

#### Comprehending the Literature

The literature emphasizes that a key issue in contracting with private correctional firms is contract compliance. Pressures, brought by federal court mandates and other litigation, have made *compliance with standards* a major issue in the area of corrections.

Government as well as the private contractors have an interest in placing correctional standards in the contracting agreement. Both entities have felt that correctly addressing this issue has been of great benefit. As mentioned before, special attention to compliance standards has kept them out of some lawsuits and protected both parties from frequent changes in regulations and procedures (Mullen, Chabotar, Carrow, 1985, p. 77).

Studies have been made to evaluate the contract monitoring systems and measure indicators of performance, effectiveness, and compliance. Data has been collected which included the tabulation of such correctional facility occurrences as assaults, escapes, deaths, inspections (of all types), safety, staff and inmate concerns, discipline,



recreation, training, education, quality of food, and medical services. On the other hand, evaluation of *rehabilitation success* has been quite difficult to monitor and evaluate because of lack of follow-up once the inmate is released. For this reason that aspect of contract program effectiveness/monitoring is often left out of many compliance standards or analyses. However, many evaluations of the contract compliance standards in these private facilities have been compared to the programs and practices of the state-owned facilities. Case studies of private correctional facilities have also addressed the effectiveness of the monitoring systems in these prisons as they deal with contracting performance standards and compliance issues (Burt, 1981, p. 26). Many researchers defend the privatization of corrections as an alternative to the so called inefficiency of a government-run prison.

On the other hand, we must recognize the concerns of the opponents of privatization of corrections and assume that these objections can be dealt with by clearly defining the respective roles of the public agency and the contractor. The contractor and public agency can develop quality compliance standards and monitor the performance of the contracted work. Performance and compliance standards can be monitored by "examining the contractor's records, conducting on-site inspections, or even using temporarily

imprisoned undercover agents and sophisticated opinion surveys among inmates" (Savas, 1987, p. 188).

The government has always had "legitimate concerns about accountability and liability in the private operation of prisons." However these issues have not proven to be insurmountable obstacles in jurisdictions where contractual operations have been established (Linowes, 1989, p. 150). It has been through monitoring and review of recent total-management contracts by the Council of State Governments and the Urban Institute that to date most governmental agencies responsible for correctional programs have been satisfied with the quality of service provided (Linowes, p. 151-152). There are many proponents and opponents to the contracting of traditional governmental services. One must understand that there are advantages and disadvantages of contracting in any area.

Proponents of privatization believe that the advantages in private prisons lie mostly in the efficient operation and management of these facilities. These proponents believe that private management will introduce sophisticated cost-cutting practices and help trim budgets by holding the line on taxes (Levinson, 1985, p. 89-90). However, opponents to privatization cite several concerns or disadvantages to this concept. There is an overly simplistic notion that the private sector can do all tasks better and more cheaply (Levinson, p. 89). Some of the disadvantages are that the

private sector's main loyalty is to the firm (profits, shareholders) and not to the public good. Privatization creates a "phantom government" doing parallel work but without public control over decisions and expenditure of taxpayer's funds (Levinson, p. 89). In addition, the private operator loses its focus or mission on providing this service to the public in the interest of expediency; undermining the public's confidence in government by projecting an image of the public sector as one which cannot fulfill its basic duties and responsibilities (Levinson, p. 89). Sometimes privatization can be more costly because of additional hidden costs, such as paying taxes, cost of monitoring, administering of a facility and inspections. Also, jobs are eliminated to reduce cost without regard to quality of services, working conditions or acceptable wages (Levinson, p. 90). There is always the possibility for bankruptcy which would require rapid and costly interim arrangements. The short term advantages just do not outweigh the long term disadvantages declare the opponents to privatization (Levinson, p. 90). And of course, we must not forget the ethical issues. Privatization has the potential to "foster political spoils systems; contract irregularities: collusion, conflict of interest, kickbacks, bribery; and a contractor's lack of expertise as originally claimed" (Levinson, p. 91).

However if privatization is the choice, there are three major elements or conditions for successful contracting. First, the contract must be competitive in nature (eliminating a monopoly situation); second, the government must demand adherence to the goals of cost reduction and quality of service; and third, the government must have an effective monitoring system to keep track of the contractor's performance (Shields, 1988, p. 285). The compliance monitoring of a contract is a form of auditing which ensures the honesty of the contractor, the proper accountability of public funds, and the quality of services. It is also a check for possible neglect, abuse, corruption and collusion (Shields, p. 287). Therefore the "key to successful contracting is proper compliance monitoring" (Shields, p. 289). Concerns about prison staff, contract compliance of standards, and fiscal accountability can only be addressed through a tightly drawn contract and adequate monitoring systems (DiIulio, 1988, p. 69). Unlike government agencies, a private company must answer to their investors and at the same time strictly follow the terms of their contract (DiIulio, p. 68-69). However there is always the question of accountability by the private operator (accountable to profits, firm). Whereas a state-run prison (agency) might have stricter constraints mandated by the state legislature.

Contract monitoring, compliance and evaluation are the crucial components of any government contracting activity. These elements of contracting are of utmost importance when it comes to the management or administration of a private prison. The governmental agency in charge of monitoring the contract of a private prison should consider the "costs of these administrative controls when considering the contract approach" (Hackett, p. 47). In other words, what is it going to cost the taxpayer to contract out the services versus having the state operate the prison? These costs could be in the form of actual monetary costs or costs in the quality of services, including the violation of inmates civil rights. An important aspect to consider, however, is how to use the information obtained through the monitoring. Remember one of the main reasons for monitoring a contract is to see that the contractor is performing in accordance with the contract.

The monitoring process is "intended to ascertain that prisoners are securely incarcerated (thus protecting the public and penalizing those breaking the law), that the inmates themselves are being adequately treated (without violating their rights or providing unreasonable punishment), and that reasonable rehabilitation efforts are being provided" (Hackett, p. 47).

One might ask the question, What assessment criteria should be used by the monitors to evaluate the performance

of the contractor? And also, To what depth or extent should the monitoring proceed? The researcher will attempt to categorize the main elements of the contract and break them down into sub-elements or categories. Each category will be identified and assessed according to its function and performance in the contract. The crucial issue here is to determine in advance which elements are considered by the governmental entity and contractor as the major underpinnings of the contract itself. When this is complete it will then be possible to categorize and distinguish between major and sub-elements of the contract. This will be accomplished by reviewing and analyzing the contract and monitoring checklist.

Therefore, the research in question will focus primarily on the contracting and compliance monitoring issues in a private correctional facility. The implementation of policy usually begins with a document (for example, a contract), thus the analysis of contract compliance can be viewed as an exploration of this implementation. The question here is whether the private sector managers have implemented the contract correctly and according to policy. Once a program is underway implementors or managers have a responsibility to both the initial conditions and the objectives "toward which they are supposed to lead" (Pressman and Wildavsky, 1979, p. xxi). Hence, one can then say that there is a direct link between

goals and objectives and the policy document or the contract and contract monitoring standards. Therefore the framework for analysis can be drawn from the document itself.

### Conceptual Framework

#### The Hypothesis

Wackenhut Correctional Facility in Kyle, Texas is in compliance with the standards and requirements specified in the contract with the Texas Department of Corrections.

Research materials and information for this applied research project will be obtained from journal articles, reports, books and interviews with individuals working in the field of corrections, both public and private. The majority of the literature pertains to the privatization of correctional facilities (institutional), compliance standards, contracting and monitoring of these facilities, and issues affecting contracting, privatization and corrections in general. For this reason we shall first discuss some important underpinnings of this paper: contracting and privatization.

## Contracting

Contracting out for services, "particularly at the local or state level," has been a common practice for architectural and engineering work for many years (Rehfuss, 1989, p. 1). Most of these services have been of a "technical and non-controversial" nature, "such as building maintenance or landscaping" (Rehfuss, p. 1). There are several advantages or benefits from contracting out government services. First, the practice of contracting is usually done because it is more efficient and cost-effective. The majority of governmental entities report that the reason they contract out is because of "reduced cost of labor, material, and overhead" (Rehfuss, p. 18). And second, there is the desire for flexibility of services and the need to change direction upon demand. Employees of private companies can "transfer or be assigned easily to more effective roles" than their counterparts in the public sector. And finally, there is the opportunity to maximize local options, through responsiveness and control (Rehfuss, 22-23). However, services should only be contracted out if they can be monitored. If a service or "program cannot be monitored, it should be operated using government employees so that there will be public accountability" (Rehfuss, p. 47).

The contracting process usually starts out with a request for proposal (RFP). The request for proposal is



sent by the entity in need of a product or service in an attempt to solicit a "formal document in bidding for the contract" (Holtz, 1979, 70-71). Many times an RFP is an "appeal for help, but it is always an invitation to present and sell your own ideas on how to best satisfy the customer's need" (Holtz, p. 72). Additionally, the RFP, as well as the contract, "must clearly define the contractor's duties, and the monitoring provisions of a contract must provide an effective method for government supervision or control" (Policy Research Project, 1987, p. 4). The contracting out process led government on all levels to look seriously at the concept privatization of traditional public functions.

### Privatization

There are two basic presumptions in the area of privatizing a government function. The first basic "presumption is that utilization of private sector resources is generally a way to reduce public budgets." The second presumption is that "decisions to contract out are based largely on efficiency grounds" (Carver, 1989, p. 27-28). Contracting is an important technique within the larger umbrella of privatization. Here a traditional responsibility of government is maintained but "conducted by a private firm" (Hanke, 1987, p. 140). The assumption here is that private companies can deliver traditional government services at lower costs and more efficiently.

The perceived dissatisfaction with some of the aspects of public sector performance caused the concept of *privatization* to flourish in the 1980's. A governmental entity intent upon privatization must be ready to "give up authority that it has become accustomed to enjoying; on the other hand, privately owned enterprises at times have had to sacrifice subsidies and monopoly privileges that they were accustomed to receiving from the state" (Rose, 1989, p. 103).

Many state governments have implemented statutory provisions to deal with issues associated with privatization. These new "state privatization laws may be grouped into three specific areas: general legislation applicable to all state agencies; legislation for specific state services; and legislation for specific local services" (Chi, 1988, p. 4). For example, in Colorado, legislation prohibits state agencies from competing with private enterprises. If a private company manufactures or sells a particular product or service the state cannot produce this product or service unless authorized by law (Chi, p. 4).

In the area of selected state services for example, Texas authorized the Texas Department of Corrections to contract with private firms for financing, building and management of several correctional facilities. Local governments were also authorized under the "selected state services statutes" to contract with "private firms to handle

wastewater and solid waste treatment facilities." (Chi, p. 4).

Studies show that privatization at the local level seems to work and is also less costly and usually quite acceptable to the public. Some of privatization's greatest contracting successes have been in trash collection, engineering services, street repair and construction, mass transit, and recreation (Kent, 1987, p.5). Also at the local level, the use of "privatized equipment" for fire, police, maintenance and health services has saved many communities large amounts of money without a decrease in the quality of service (Kent, p. 5). At the state level, the concept of privatization has been proceeding less rapidly but now seems to be gaining additional impetus (Kent, p. 5).

The privatization concept has been utilized more in cities and states than in the federal government. The reason this is so is because "eighty percent of all government employees work for state and local governments" (Butler, 1985, p. 17). However, the federal government has always extensively contracted out services (i.e., defense contracts) but at times has been reluctant to use privatization because it has very few enterprises to sell in comparison to other nations (Kent, p. 6).

The concept of privatization is not the major theme of this applied research paper nor is it directly addressed in the hypothesis. The major theme of this paper is *contract*

compliance of a specific correctional facility. For this reason the researcher did not elaborate on the subject of privatization. In addition, it should be noted that the framework used to develop the paper was not comprehensive, rather it represented one critical but basic element of a private correctional facility, that of contract compliance.

Contract compliance standards are divided into three major and broad categories: administration of a facility, inmate services, and correctional programs. It is these factors that form the basic framework for analysis of this research.

#### Administration of a Facility

The administration of a long term care or residential facility, be it a state mental hospital, a state school, or prison is similar in respect to organizational structures, practices, programs, and problems. In order for a facility to operate smoothly, its management policies, procedures, and structure must be consistent with its management of time, personnel, and funds.

The administration of a facility (public or private) involves the management and supervision of all its components. A successfully run facility must have a good administrator with a clear and focused directional plan. Most efficient and capable administrators are those who have

come up through the ranks and have a clear and thorough understanding of each phase of the operation of their facility. However, there are times when an administrator becomes so involved in his/her level of management that the needs of employees, clients, patients, inmates, or the general public are forgotten. An administrator must remember that the first line of administration begins at the lowest level (Brydensholt, 1983, p. 19).

A good administrator must also be prepared to work with constant interruptions. Keeping an *open door* policy is most helpful especially in forging a strong link between the chain of command. For example, this open door policy enables first line supervision to communicate directly with upper level managers thus preventing misunderstanding or misinterpretation of any critical problems or issues. In addition, patients, clients, inmates or whoever is being served should also have accessibility to the administration at all levels. Many good administrators manage by *walking* around a facility. This type of contact is of utmost importance in obtaining information on possible problems in advance. In addition, good community contacts by the administration can help an institution obtain volunteers to teach arts and crafts, occupational therapy or perform other types of tutoring activities (Brydensholt, p. 17-18).

A successfully administered facility is one in which its administrator knows how to prepare the different types

of budgeted items necessary for the operating of the institution. Proper records should be kept in every aspect of the budgeting process. In preparing a budget an administrator must look at the capital outlays or capital projects. New construction, building additions, new materials, tools or equipment must be considered. Also items such as food, clothing, office materials, tools, cleaning supplies, linens, bedding, and all other articles necessary to maintain and operate a facility must be listed in the budget (Brydensholt, p. 21-22). Comparing the projected increases in facility population to the materials needed during the past year will help in providing an estimate of what and how much will be needed for the coming year.

A well administered facility is one in which its administrators participate in the staffing and training of personnel. On the job training sessions or in service training is an important part of a facility employee's career. Having monthly staff meetings is a good way to emphasize certain items that need attention or a change of procedure to insure accuracy or efficiency in a facility. Regularly scheduled staff meetings are a good way to keep up with budgetary needs, listen to suggestions from staff members, and at times, clear the air of misunderstandings among staff members (Priestley, 1984, p. 22-24).

Periodic review and modification of a facility's internal control procedures can help to strengthen the management process (internal management audits). Many times organizations or facilities lack an independent internal assessment function. Without these assessment functions an organization can encounter problems such as construction cost overruns and unregulated use of profits or surplus by the agency's employees.

Another concern that organizations experience are directly related to their organizational structure. Many times a facility/organization is forced to provide, because of court mandated requirements, new and costly programs or activities. Because of some strict, court-ordered time frames, the organization is not always able to develop these activities with the benefit of overall agency planning. Many times these activities duplicate services and waste money or resources (Duffee, 1975, p. 4).

Another area of importance in the successful administration of an institution would be to automate and computerize clerical functions if they are being performed manually. In large state installations such as state hospitals or prisons, most of the time reports are mandated by courts or legislation and a department can be severely burdened trying to track this information (Daga, 1983, p. 4).

Another important component in the administration of a facility is that of physical plant maintenance and utilities. Deterioration, repair of wear and tear, misused, tampered or vandalism should be the duty of first line personnel. These employees, which could be ward clerks, guards, nurses or cooks are in a good position to be the first to report the need for corrective maintenance. The facility should have an operational procedures manual for line personnel to report any immediate need for corrective measures. Some of these corrective maintenance measures may include breakage, failure, or defective furniture and equipment; structural deficiencies such as broken windows, slippery areas, uneven floors and/or other hazards; and malfunction of power equipment, power outages, burned-out lights, and malfunctioning heating, air-conditioning or ventilating systems (Miller, 1978, p. 8).

The neglect in correcting deterioration in a facility, or not repairing breakages or malfunctions could cause serious safety and security problems. Any evidence of tampering or vandalism should be seriously investigated, especially if it was determined to be caused by someone inside the facility. Staff should be alert and observant and follow a prescribed set of procedures to determine the safe and secure operation of a facility (Miller, p. 9).

In any institution or public facility there have to be policies and procedures regarding monitoring or



recordkeeping of staff, clients (patients, inmates, etc.), services or programs. For example, in a correctional facility it is of utmost importance that the administrator maintain accurate records to document the institution's continued authority to hold inmates, including but not limited to, any court orders relating to continued custody of each inmate. Separate records should be held regarding all incidents, disciplinary actions, property receipts, transfer orders, release orders, visitations, medical and commissary activities. In addition, the documentation of all monitoring visits, recorded findings, concerns, corrective actions appropriate to the facility should be kept on file. Fiscal records showing costs of operating the physical plant and providing services and programs should be available. All of these functions can be accomplished through a computerized or automated system (Daga, 1986, p. 14-21).

The administration and management of any residential facility is not an easy task, not to mention a correctional one, whether run by a state agency or a private contractor. Even though cost may be an important factor in the state's consideration of private management of any facilities, the true measure is whether a private operator can perform contracted functions more effectively and efficiently than the state (Gruber, 1987, p. 13). There are many factors affecting the quality of service and contract compliance.

These factors may include such elements as staffing, training, physical plant maintenance, security and safety. The caliber of personnel, stability of the private company and its workforce, provisions for emergencies, and comprehensiveness of contract compliance are other important factors (Gruber, p. 13).

In any administration or management of a "residential facility" appropriate monitoring and inspection coupled with strict contract compliance are necessary to insure a high quality of performance (Eigenberg, 1985, p. 20). However, many times once a program gets underway there is always a tendency to become lax in carrying out quality services. It is for this reason that strict monitoring and contract compliance must be achieved to prevent a deterioration of services and facility management. One might use "prisons" as an example.

In the past poorly operated prisons were acceptable to the public. The prison system was a *closed system* and getting information or cooperation regarding administrative functions or services was next to impossible. Legislators themselves saw the prison system or prison issues as costly, unpopular, and as *no win*. For these reasons prisons traditionally lacked the political and financial support of the government. Prison systems were deprived of adequate resources for new and innovative programs, thus causing a

deterioration in the system (Crouch, Marquart, 1985, p. 557-558).

It was lawsuits against the prison system that prompted legislators, as well as the public, to take a closer look at the correctional system. This gave rise to stricter monitoring of administrative procedures, operations of facilities, and delivery of services to both the public as well as the inmate population. The old prison administration and management style was plagued with problems. These problems included inadequate policies and procedures, poor planning, and inmate management (building tenders) and almost non-existent recordkeeping. These four management areas still present some problems to the present public system. However, proponents to privatization feel that with the use of private operators many of these deficiencies can be improved or eliminated. It is contract compliance monitoring of contracts in the administrative areas as well as other areas that will determine the problems and deficiencies (Crouch, Marquart, p. 560-561). For this reason the researcher shall look at the monitoring practices and contract compliance records pursuant to the administration, services, and programs of the correctional facility in question.

The contract between the state and Wackenhut Corrections incorporated several specific administrative elements. These include staffing, training,

maintenance/utilities, security, safety, discipline, monitoring, and recordkeeping. Hence, the hypothesis is further refined to take into account these specific criteria. It is thus hypothesized that the Wackenhut Correctional Facility in Kyle, Texas is in compliance with the following administrative standards: staffing, training, maintenance/utilities, security, safety, discipline, monitoring, and recordkeeping.

### Inmate Services

Providing services to residents of a public or private institution is an intricate part of any facility. Services such as laundry, supplying hygienic items, and other essentials are basic to this type of operation. It is a basic human characteristic, need and desire, to have clean clothing in adequate amounts in order to present an acceptable appearance. In a residential institutional setting, clothing is just as important as food, housing or medical services.

Other services found in institutions are health care and medical and/or dental care. It is the preservation of health and prompt treatment for disease or illness that is a basic right of all persons whether institutionalized or not. The public has a right to expect that its institutions or facilities in their community be clean and sanitary with

health services adequate to prevent the spread of disease. In addition, these *clients*, upon being released from such a facility, should be physically and mentally able to be self-supporting. A successful health care program in an institution can be a collaborative effort between the facility and community health services and state and local health departments (Miller, 1978, p. 10).

Many, if not all, residential type living facilities have good services of one type or another. Whatever the type or method, an institution must provide sufficient quantity of nourishing and palatable food at reasonable and proper intervals. No less than three full meals should be served daily, and the time between meals should not lapse more than twelve hours. If there is a lapse in time between scheduled meals, supplemental foods are usually provided. Procurement, preparation, and storage should be done by qualified competent and trained personnel. The hygiene and sanitation of any institutional kitchen, storage area, eating area, utensils, equipment, and kitchen workers is of utmost importance (Miller, p. 9-10).

Other areas of client services found in institutions or facilities are transportation, legal and in the case of prisons, visitation privileges. Most transportation in institutions is provided by company vehicles, primarily used to transport handicapped individuals, medical treatment or emergency cases, and general transport to recreational

activities or transfer to other facilities. The care and maintenance by qualified and competent staff of these vehicles is of great importance. There have been many lawsuits filed arising from negligent use and care of company vehicles.

Many institutions, such as prisons and state hospitals, provide legal services and visitation privileges to their clients or inmates. Some state standards and court ordered mandates require that clients or inmate have access to legal due process or grievance proceedings in addition to having access to law libraries and other pertinent information/materials. Most, if not all, institutions have policies and procedure in regard to these services and are usually monitored by a governmental entity.

The emphasis on providing adequate inmate services, for example, came about because of several lawsuits. Litigation in the 1970's and early 1980's had become a way of life. In 1983 eight states had their prison systems declared unconstitutional; twenty-two prisons were operating under a court order or consent decree; and nine more were engaged in litigation (Rogers, 1989, p. 23). Many of these cases were dismissed, but enough succeeded causing American prisons to improve conditions and services among the inmate population.

Today many prisoner's rights advocates are still concerned that standards for the care and treatment of prisoners be upheld in the absence of a state-run facility.

In many cases inmate care and services may suffer in the drive by government entities to utilize private operators, and in turn by the private operation to make a profit (Elvin, 1985, p. 49). For this reason certain compliance standards were instituted as part of a correctional facility contract. Some of these standards regarding inmate services or treatment were court-driven or mandatory in nature or just considered essential or important. Mandatory standards usually address conditions or situations which are hazardous to the life, health and safety of the inmates, the staff or the general public. According to the court decrees or accreditation commissions or associations, all mandatory standards have to be met without exception (Speltz, 1987, p. 15).

Essential standards are those which are part of criteria stipulated in the policies and procedures of a prison system or commission, for example, the Texas Commission on Jail Standards (TCJS). Most essential standards require evidence of written policy or procedures in a specific area of operation. In a correctional facility a policy is usually a statement of principle which guides the prison in the attainment of certain objectives. That is why it is of utmost importance that there must not only be a written policy concerning standards and inmate services, but also evidence that such a principle has been implemented and is being followed as outlined (Speltz, p. 14-15).

In addition, policy and procedure may be both a requirement of the standard, in which case documentation showing the execution of the procedure would be required. And it is these policies, procedures and standards that make up inmate services an important element of any correctional facility contract. The contract between the state and Wackenhut Corrections incorporated and addressed several specific inmate services. These elements include laundry, food, transportation, health care, legal, visitation, commissary, and essentials. Therefore, it should be noted that the hypothesis is further refined to take into account these specific criteria. It is thus hypothesized that the Wackenhut Correctional Facility in Kyle, Texas is in compliance with the following inmate services: laundry, food, transportation, health care, legal, visitation, commissary, and essentials.

### Correctional Programs

An assortment of programs can be found in just about any institutional facility setting, especially in prisons. Programs which include client or inmate education, recreation, substance abuse/emotional treatment, or work OJT are abundant in most states. Staff in these institutions usually enlist the aid of community volunteers from civic organizations, church groups, colleges, and individuals.



The "one-to-one" relationships that are formed through these programs can be invaluable towards solving problems which originally brought people to the institutions.

Many large institutions offer family counseling with residents, conducted by a professional, and usually free of charge. Group sessions also assist clients or inmates in keeping contact with reality and family activities. Many times a client is able to air out grievances with an arbitrator, thus preventing hostilities from getting out of control later. Community groups such as Alcoholics Anonymous often get involved in institutional programs (Miller, 1978, p. 13).

Many correctional facilities have established numerous programs and procedures pursuant to their contract with a governmental entity. The programs have had to comply with all state, federal, and court ordered standards. The main focus of these programs is to properly manage the inmate population in this country. The assortment of programs provided are designed to plan the inmate's time spent at the facility. In addition, many of these programs provide recreation, education, training, and incentives to work and, thus, contribute to the overall rehabilitation process. Also, many correctional facilities are responsible for managing inmate treatment, good behavior incentives, work/OJT programs, pre-release, and external support/follow up (Berger, 1983, p. 38).

The obstacles facing an ex-offender are significant and success depends much on how this individual reintegrates into the community. Even with marketable skills, employment is difficult to secure for non-offenders not to mention ex-offenders. Many times the ex-offender's family structure has broken down due to the incarceration, thus leaving little, if any, support for this person. In addition, the ex-offender may have to deal with a substance abuse problem, physical or mental handicap, or just a poor psychological/emotional outlook. It is of utmost importance that this released inmate can receive the necessary employment, drug or alcohol treatment, and family or community support to prevent recidivism. It has been documented that inmates that fail to achieve success in the above mentioned elements of importance are very likely to return to prison within two years. For this reason the correctional programs provided while an inmate is incarcerated are vital to his re-entering society and remaining in the free world, and standards in most contracts provide for such programs and other life-coping skills (Berger, p. 38).

The contract between the state and Wackenhut Correctional Facility addressed several important and specific correctional programs. These programs include education, recreation, treatment, work/OJT, pre-release, and external support. Hence, the hypothesis is further refined to take into account these specific contract criteria. It

is therefore hypothesized that the Wackenhut Correctional Facility in Kyle, Texas is in compliance with the following correctional programs as mandated by the contract: education (partial compliance), recreation, treatment, work/OJT, pre-release, and external support.

The study separates compliance into three major categories: (1) Administration of the Facility; (2) Inmate Services; and (3) Correctional Programs. Table 3.1, page 46, summarizes the exact criteria which will be used to evaluate contract compliance at the Wackenhut Correctional Facility in Kyle, Texas.

**TABLE 3.1**

**Contract Compliance Categories/Criteria**

<b>CATEGORIES</b>		
<b>ADMINISTRATION OF THE FACILITY</b>	<b>INMATE SERVICES</b>	<b>CORRECTIONAL PROGRAMS</b>
Staffing	Laundry	Education
Training	Food	Recreation
Maintenance/Utilities	Transportation	Treatment
Security	Health Care	Work/OJT
Safety	Legal	Pre-release
Discipline	Visitation	External Support
Monitoring	Commissary	
Recordkeeping	Essentials	

## CHAPTER 4

### Methodology

#### Methodological Application

This applied research project is an assessment of contract compliance monitoring and evaluation techniques used by a private correctional facility. It is hypothesized that the Wackenhut Correctional Facility in Kyle, Texas is in compliance with the contract standards and provisions set out by the Texas Department of Corrections. The literature review demonstrated that a well-planned and implemented contract and compliance system is vital to the successful operation and management of any correctional facility, whether it be a public or private institution.

The researcher chose to test the hypothesis by using the case study method because of time constraints and cost considerations. The case study method is actually composed of a variety of techniques such as document analysis, on-site observation, and intensive interviewing. The case study allows flexibility because the researcher can choose the best set of techniques to address the specific research question. In this study, analysis of pertinent documents, reports, compliance standards, and intensive interviews are used to address the research question.

## The Case Study Method

The primary methodology design will be the case study method which is a type of field research. This method of research will attempt to examine the monitoring techniques of the state in a private correctional facility. The case study method will be able to evaluate whether the state has adequate and effective monitoring systems in place to safeguard the integrity of the contract. By using this method the researcher can obtain detailed information about the operation of the correctional facility and possibly open up other avenues for additional research.

The case study method is a very old but proven method of research where the researcher goes out to the environment in question. It is similar to newspaper reporting in that it is constantly used in everyday life (Babbie, 1987, p. 239). As Earl Babbie declared, "whenever we report our observations to others, we are reporting our field research efforts" (Babbie, p. 239). The case study method tends to concentrate its focus on observations that are not controlled or on information that is of a practical nature. This information may be in "six different sources of evidence: interviews, archival records, documents, direct observation, participant-observation, and physical artifacts." (Yin, 1984, p. 78).

Compared to other research methodologies field research or case studies have a greater depth because they are specifically focused on an environment. In traditional field research "we attempt to study a single community or a single group in terms of its social structure" (Festinger, Katz, 1953, p. 57). The field research process should be systematic and selective in order to guide the inquiry and address the question (Feldman, 1981, p. 3). Clearly the question and the hypothesis are the most crucial elements of this applied research project. They are the working tools or basis for the theory. Using field research, "they can be shown to be probably true or probably false, and additionally they can be tested regardless of biases or personal values" (McDaniel, 1974, p. 25).

In the literature review a set of variables were introduced. The variables were categorized under the broad headings of administration of a facility, inmate services, and correctional programs. In this section issues of variable measurement will be addressed. Table 4.1, pages 51-56, summarizes the variables and the method of measurement. Each variable was measured using two components. The first component involves the official document or source of the standard. As stated earlier these form the basis for the hypothesis. The second component involves the specific variable measurement. This includes

the types of information (i.e., documents, interviews) which were used to verify compliance (or to test the hypothesis).

For example, under the *correctional programs* category education is cited as a standard. The education standard source was Texas Commission on Jail Standards (TCJS) Article 217.20, Texas Department of Corrections (TDC) policy, American Correctional Association (ACA) policy and the Ruiz v. Estelle court order (Ruiz). The information used to measure the variable and assess the standard included examination of the contract itself, TCJS manual, TDC/ACA manuals, Ruiz court order, checklists, memos/letters and interviews. Table 4.1, pages 51-56, summarizes the specific elements of variable operationalization. Clearly the specific elements can be classified by using two broad techniques of field research: document analysis and intensive interviews.

**TABLE 4.1**

**Contract Variables and Measurements**

CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
<b><u>ADMINISTRATION OF FACILITY</u></b>			
<b>Staffing</b>	TCLESE	Contract Review Checklists Memos/Letters Interviews TCLESE Manuals	<ul style="list-style-type: none"> <li>• Are there any court orders that require Wackenhut to provide a certain number of staff?</li> <li>• Will you discuss the staffing elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Training</b>	TDC Policy TDC's "Use of Force Plan" TDC's "Supplemental Use of Force Plan" Court Order (Ruiz)	TDC Policy Manual Contract Review Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Does Wackenhut have an educational or training program for its employees?</li> <li>• If so, is it approved or monitored by TDC?</li> <li>• Is it part of the contract?</li> <li>• Will you discuss the training elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Maintenance/Utilities</b>	TDC Policy ACA Policy Court Order (Ruiz)	TDC/ACA Manuals Contract Court Orders Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What are the contract requirements in regard to maintenance of the facility?</li> <li>• Who is responsible for the cost and implementation?</li> <li>• Will you discuss the maintenance elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Security</b>	ACA Standards TDC Policy Court Order (Ruiz) TCLESE	Contract TDC/ACA Manuals Checklists Court Orders TCLESE Manuals Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Does Wackenhut comply with all the security requirements of the contract or TDC policy, including the physical plant, security personnel, licensing provisions, policy on use of force, escapes, transporting or pursuing inmates?</li> <li>• Will you discuss the security elements of the contract, standards, or practices at this facility?</li> </ul>

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections



CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
<b>Safety</b>	TCJS Article 217.008 Local/State Safety & Fire Codes	Contract Checklists TCJS Manual Court Orders TDC/ACA Manuals Interviews	<ul style="list-style-type: none"> <li>• Has Wackenhut complied with all local, state, and contract required safety codes?</li> <li>• Have there been any violations or deficiencies?</li> <li>• Will you discuss the safety elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Discipline</b>	TDC Policy	Contract Checklists Memos/Letters TDC Manuals Interviews	<ul style="list-style-type: none"> <li>• What is the policy on discipline of inmates in accordance with the contract?</li> <li>• Has there been any complaints filed against TDC or Wackenhut in this area?</li> <li>• What concerns or problems do you anticipate?</li> <li>• Will you discuss the disciplinary elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Monitoring</b>	TDC Contract	Contract Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Who monitors your contract?</li> <li>• How often are you monitored pursuant to contract compliance and are there any outstanding monitoring concerns or findings that have not been addressed or rectified by Wackenhut?</li> <li>• Will you discuss the monitoring elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Recordkeeping</b>	TCJS Article 217	Contract Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Does Wackenhut keep proper records of inmates, medical, complaints, supplies, disciplinary actions?</li> <li>• Are they open to TDC review, the public, or representatives of inmates?</li> <li>• Will you discuss the recordkeeping elements of the contract, standards, or practices at this facility?</li> </ul>

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
<b>INMATE SERVICES</b>			
<b>Laundry</b>	TCJS Article 217.15	Contract TCJS/TDC Manuals Checklists Memos/Letters Interviews ACA Manuals Court Orders	<ul style="list-style-type: none"> <li>• In regard to laundry services and clothing for the inmates, are there certain standards, court orders, or contract provisions that have to be met?</li> <li>• If so, have they been met and what kind of problems did you encounter?</li> <li>• Will you discuss the laundry elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Food</b>	TCJS Article 217.17	Contract TCJS Manuals Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Does the contract have standards for food service, quality, quantity, hours?</li> <li>• Is there a certain standard that has to be followed (ex. ACA)?</li> <li>• Will you discuss the food elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Transportation</b>	TDC Policy ACA Policy Court Order (Ruiz)	Contract TDC/ACA Manuals Checklists Memos/Letters Court Orders Interviews	<ul style="list-style-type: none"> <li>• What are the requirements in regard to transportation for inmates; transfers, medical visits, emergencies?</li> <li>• Are they part of the contract and, if so, have you complied with these conditions?</li> <li>• Who is responsible for this expense?</li> <li>• Have you had any problems in this area?</li> <li>• Will you discuss the health care element of the contract, standards, or practices at this facility?</li> </ul>
<b>Health Care</b>	TCJS Article 217.13	Contract TCJS Manuals Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What are the health care requirements for all inmates and are they tied to a certain standard or accreditation?</li> <li>• Are there any conditions regarding recordkeeping, emergencies, dental care?</li> <li>• Who pays for these expenses?</li> <li>• Have you had any problems in this area?</li> <li>• Will you discuss the health care element of the contract, standards, or practices at this facility?</li> </ul>

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
Legal	Court Order (Ruiz)	Contract Court Order Checklists Memos/Letters	<ul style="list-style-type: none"> <li>• Does Wackenhut have a legal library and is it accessible to the inmates and their representatives?</li> <li>• What are some of the concerns regarding this area of contract compliance?</li> <li>• Will you discuss the legal elements of the contract, standards, or practices at this facility?</li> </ul>
Visitation	TCJS Article 217.22	Contract TCJS Manuals Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Are there adequate facilities, including furnishings and supervision to implement a visitation program?</li> <li>• What does the contract require?</li> <li>• Will you discuss the visitation elements of the contract, standards, or practices at this facility?</li> </ul>
Commissary	TCJS Article 217.15	Contract TCJS Manuals Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What are the contract requirements pursuant to the inmate commissary at Wackenhut?</li> <li>• Do they meet all TDC contract compliance standards and does it include a money transfer system?</li> <li>• Will you discuss the commissary elements of the contract, standards, or practices at this facility?</li> </ul>
Essentials	TCJS Article 217.15	Contract TCJS Manuals Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Does Wackenhut provide all the necessary and essential supplies, similar in cost to other TDC facilities, including hygiene items, inmate quarters items, clothing and office supplies pursuant to the contract?</li> <li>• Have there been any problems in this area?</li> <li>• Will you discuss the essentials element of the contract, standards, or practices at this facility?</li> </ul>

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
<b>CORRECTIONAL PROGRAMS</b>			
<b>Education</b>	TCJS Article 217.20 TDC Policy ACA Policy Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Order Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What are the vocational/academic educational requirements?</li> <li>• Do these educational standards have to meet state accreditation conditions?</li> <li>• What have been some of the problems associated with this contract condition?</li> <li>• Will you discuss the education elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Recreation</b>	TCJS Article 217.19 TDC Policy ACA Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Orders Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What type of recreational programs do you have?</li> <li>• Do they all comply with the contract or other standards?</li> <li>• Has there been any deficiencies in this area?</li> <li>• What type of facilities or equipment are mandated by the standards, contract, or court orders?</li> <li>• Will you discuss the recreation elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Treatment</b>	TDC Policy Court Order (Ruiz)	Contract TDC Manuals Court Order Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• What are the treatment programs in effect at present (chaplaincy, substance abuse, counseling) pursuant to contract requirement or court order?</li> <li>• What have been some of the compliance problems?</li> <li>• Will you discuss the treatment elements of the contract, standards, or practices at this facility?</li> </ul>

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TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	SOURCE	OPERATIONALIZATION	INTERVIEW QUESTIONS
<b>Work/OJT</b>	TCJS Article 217.21 TDC Policy ACA Policy Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Order (Ruiz) Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Has Wackenhut implemented a work program that complies with all contract provisions, standards or court orders?</li> <li>• Do you have an on-the-job certification training program?</li> <li>• What are some of the problems?</li> <li>• Will you discuss the work elements of the contract, standards, or practices at this facility?</li> </ul>
<b>Pre-release</b>	TCJS Article 217.10 TDC Policy Court Order (Ruiz) Windham School System Policy	Contract TCJS Manuals TDC Manuals Court Orders Checklists Memos/Letters Interviews Windham Policy	<ul style="list-style-type: none"> <li>• Does Wackenhut provide any pre-release programs?</li> <li>• What kind?</li> <li>• Has compliance been achieved?</li> <li>• What are some of the problems or concerns in this area?</li> <li>• Will you discuss the pre-release elements of the contract, standards, or practices at this facility?</li> </ul>
<b>External Support</b>	There are no contract requirements or other agency/association or court orders in regard to this category	Checklists Memos/Letters Interviews	<ul style="list-style-type: none"> <li>• Is there an active external support program for released inmates?</li> <li>• If so, what do you provide and what are some of the problems or concerns?</li> <li>• Will you discuss the external support elements of the contract, standards, or practices at this facility?</li> </ul>

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
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## Document Analysis

When a researcher examines "social artifacts" or documents the practice of unobtrusive research or document analysis is being performed. There are many "artifacts" for study such as "books, magazines, poems, newspapers, letters, laws" and many other forms of communication (Babbie, p. 266). Since document analysis is of "an unobstructive nature," it lets the research proceed without affecting any outcomes or direction taken. It is an excellent method to answer "the classic questions of communication research: Who said what, to whom, why, how, and with what effect" (Babbie, p. 268). Documents may describe a process of personal or group development in which data is brought to the researcher "in a form over which he had relatively little control" (Festinger, p. 300-301). Documents and records usually come to the research "ready made;" some other individual determined the form and content. Therefore these materials have to be re-shaped in terms of the research problem before they can be fully usable by the researcher (Festinger, p. 300-301).

The use of this research method also enables the researcher to examine policy, trends, and practices of a particular social institution. In document analysis you must be able to structure your research according to some conceptual framework (Babbie, p. 271). This structuring or

analysis involves the "logic of conceptualization and operationalization." It's a matter of refining "your conceptual framework and developing specific methods for observing in relation to that framework" (Babbie, p. 272). The conceptual framework of this research project is based on analyzing the request for proposal (RFP), authorizing legislation, policy statements, contract, and monitoring check list at the Wackenhut Correctional Facility in Kyle, Texas and determine whether this private contractor is complying with the standards set forth by the contract with the Texas Department of Corrections.

Document analysis has several strengths worth mentioning. First, this method of analysis is economical in terms of both time and money (Babbie, p. 281). Also, there are no requirements for a large research staff and no special equipment involved. Earl Babbie states that a researcher is permitted to "study the processes occurring over a long period of time" because the subject being studied is usually unobtrusive (Babbie, p. 282). Babbie might be correct in assuming the "subject being studied is usually unobtrusive" provided all the players have *laid their cards on the table*. But what happens when the researcher is trying to obtain unobstructed information from an old and traditionally *closed system* as the correctional system? What happens to the research if information is withheld or if the system is playing with *two sets of books*,

one for internal and one for external use? These are very real possibilities and obstacles in doing research.

Document analysis also has some disadvantages or weaknesses as well. For one thing, document analysis is limited to the examination of recorded information (Babbie, p. 282). In addition, the information could have *validity* or *reliability* problems caused by interpretation of document information. As mentioned before, the research may have definite validity or reliability problems from documents reviewed. For example, in the case of a private correctional facility, what if the private operator was under some type of public or government scrutiny due to some contract compliance deficiencies? Would the private contractor benefit by divulging any of these problems to a researcher (not mandated by any contract requirements)? Could there be a potential for negative repercussions to the private operator to make any of these problems public, aside from mandated or required reports to state officials or state agencies? If so, there could *definitely* be validity or reliability problems in the research.

The researcher reviewed numerous policy manuals from the Texas Department of Corrections, American Correctional Association, Texas Commission on Law Enforcement Standards and Education, and the Texas Commission on Jail Standards. The state contract, court orders, memos/letters/records, and monitoring checklists were also reviewed and analyzed. The



assistant warden permitted the researcher to return on several other occasions, after the initial interview, to spend more time reviewing these pertinent documents. It was these documents that assisted the researcher in further refining the hypothesis.

### Interview Approach

In order to collect data for the case study and for testing of the hypothesis, the researcher will conduct intensive structured interviews. These interviews will consist of questions derived from the readings and individuals associated with the contracting and monitoring of private correctional facilities will be interviewed. In particular, the researcher will interview the on-site state monitor and assistant warden at the Wackenhut Correctional Facility in Kyle, Texas. The individuals to be interviewed will be:

Gary Rowden, On-Site Monitor, Texas Department of Corrections.

Scott Comstock, Assistant Warden, Wackenhut Corrections Corporation.

The purpose of these interviews will be to obtain quick but accurate information regarding the contracting and monitoring system at the Kyle, Texas facility. The researcher will attempt to control the content of the information and make sure that all questions are properly

understood and answered. Author Earl Babbie believed that face to face contact or communication enhanced reliability and validity of the information collected. The researcher is doubtful that face to face communication will enhance anything due to the nature of the *closed* correctional system.

Nevertheless, the potential for bias exists. For example, data may be withheld or distorted due to threatening or incriminating questions. Further, the respondent may be unable to provide certain classified information (i.e., medical, criminal, disciplinary, educational), either because of formal or information agency policy. Consequently, if the respondent is unable to provide the necessary data to test the hypothesis, alternate means of data collection might have to be initiated. An alternative method might be through a survey instrument sent to the existing inmate population and to former inmates of that particular facility. This alternate method was investigated but was not feasible due to the inability (permission) of the researcher to obtain names and addresses of present and former inmates. One might come to the conclusion that one of the major reasons for the problems in our penal system has been a *closed system mentality*.

If the researcher cannot obtain the necessary data or answers to questions during the initial interview, then specially constructed questions in which the respondent

provides raw data might be an alternative. In this situation the respondent may provide raw data which is relatively available and non-threatening to the organization. The researcher may then interpret the raw data in order to evaluate whether the information is useful in addressing the research objectives (Festinger, 1953, p. 331). However the researcher is again at the mercy of the respondent to provide him with reliable raw data.

In order to have a successful interview, the researcher must familiarize himself with each question and the readings or information that prompted that question. The interviewer/researcher must be able to read the questions to the respondent without error and without stumbling over words or phrases (Babbie, 1986, p. 226). It is of utmost importance that the respondent clearly understand or can interpret the question. In some cases the interviewer should be ready to give adequate guidance, without bias.

Appendix A, pages 116-118, will provide a listing of individuals and organizations contacted for the purpose of obtaining resources materials and direction pursuant to this applied research project. Appendix B, pages 119-120, will provide a sample of the letters sent out to the respondents in regard to the interviews. And, Appendix C, pages 121-125, will list the questions asked in interviews and their sources. These questions were developed after the researcher made some initial visits to the correctional

facility, visited with staff and reviewed the contract document. It was through these questions that the researcher was able to further test the hypothesis and see if the Wackenhut Correctional Facility was complying with each element or standard in the contract.

The interview process started by making several preliminary visits to the correctional facility in the spring and summer of 1990. These visits helped the researcher to focus on a specific question and hypothesis along with analyzing some pertinent information and materials for future research. The researcher then sent letters to the proposed interviewees on September 1, 1990 notifying them of the researcher's desire to conduct a formal interview session (see Appendix B). The interviews were conducted first with the state on-site monitor, Gary Rowden, on September 12, 1990. At this session questions pursuant to the different elements of the contract were asked. In addition, an overview of the legal setting, the facility and corrections in general were also discussed. An interview with the Assistant Warden, Scott Comstock, was conducted the next day on September 13, 1990. At this session all of the compliance elements pursuant to the contract were discussed using the same questions asked of Mr. Rowden the previous day.

### Strengths of the Methodologies

There are several reasons why many researchers use the case study method. First, this method gives the researcher the comprehensiveness of perspective--that is, one can go directly to the subject of study, observing it completely and developing a fuller and deeper understanding of it (Babbie, p. 239). Also the researcher can appropriately "study those topics for which attitudes and behaviors can best be understood within their natural setting" (Babbie, p. 240). In addition to being inexpensive and flexible, the case study method is very effective in studying attitudes and behaviors and analyzing social interaction over time, thus gaining a deeper understanding of the problem (Babbie, p. 260). For this reason the case study method will tend to provide a more valid measurement over most other methods.

### Weaknesses of the Methodologies

The case study method is not without weaknesses. One major limitation is that the research yields qualitative rather than quantitative information (Babbie, p. 260). Qualitative information rarely yields precise and descriptive information. The information, therefore, could be untrustworthy and biased. Additionally, "conclusions drawn from qualitative field research are often regarded as

suggestive rather than definitive" (Babbie, p. 260). Of course that doesn't mean that conclusions drawn from quantitative information or data are definitive either. Another weakness may be that the case study method has problems with validity and reliability. Even though field research can be very in-depth, it can also be very personal and subjective (Babbie, p. 261). Therefore, one must be wary of any purely descriptive measurement in field research (Babbie, p. 261). Descriptive measured information is data that can be general, misleading, judgmental, or *personally subjective*. Also in analyzing the data of a case study, the researcher could come up with "hasty conclusions, questionable causes, suppressed evidence, and false dilemmas" (Babbie, p. 263). Unfortunately, the researcher was unable to find a way to control these aforementioned weaknesses using the case study, document analysis and interview approaches. The researcher also was unable to distinguish between facts, truths, or fiction, primarily because the researcher was trying to obtain information from a *traditionally closed system*.

## CHAPTER 5

### Compliance Standards

#### Introduction

The operations of any correctional facilities, whether public or private, are always ruled by local, state and federal laws, policies or regulations. In addition, other entities such as the American Correctional Association (ACA) also require or mandate standards for accreditation of these correctional facilities (Speltz, 1987, p. 179). For this reason it is of utmost importance that all correctional facility and program contracts recite these laws, standards or regulations. It is only through the contract document and on-site inspections that the state can supervise private prison operations. The contract document "must establish a contractual relationship between the state and the private firm, that is neither so close as to impose excessive restrictions nor so distant it is impossible to protect the public interest and assure compliance with the stated objectives" and mandated compliance standards (Speltz, p. 179).

In recent years there has been a trend to develop state mandates or standards in the operation of correctional

facilities, whether they be small local jails or large state prisons. Historically jails and prisons have always been an issue to be ignored. As a result some correctional systems had poorly run facilities, primarily because of inadequate funds and political arrangements. These conditions led to overcrowding, rise in prison deaths (homicide and suicide), violence, civil rights violations and inmate litigation. These and other negative events and factors forced governments to adopt and enforce strict standards for the operation and management of correctional facilities (Rowden, September 12, 1990).

In the operation of Texas correctional facilities, whether public or private, the Texas Department of Corrections is the state agency responsible for the monitoring of certain compliance standards. These standards are regulations mandated by accreditation associations, state and federal court orders, state agency or commission policies.

The following is a brief outline of the contract requirements and compliance standards mandated by different entities. These requirements or mandates make up the source elements of variable operationalization and were determined by using document analysis. In addition, these elements are divided first into major categories and then sub-categories. The following is a description of the compliance standards



in the Wackenhut/Texas Department of Corrections contract for the Kyle, Texas facility:

#### Administration of the Facility

Staffing. The Wackenhut facility was required to use basic staffing and training requirements established by the Texas Commission on Law Enforcement Standards and Education.

Training. The contract mandates that the training of these employees must comply with the Texas Department of Corrections' Use of Force Plan, Texas Department of Corrections' Supplemental Use of Force Plan, Ruiz (Court Order), and all applicable Texas Department of Corrections Policies.

Maintenance/Utilities. The operator/contractor, at its own expense, has to maintain the physical structure, grounds, and all equipment in accordance to all American Correctional Association and Texas Department of Corrections policies, and court orders.

Security. The contractor was required to provide security in accordance with American Correctional Association, Texas Department of Corrections, court ordered

standards and requirements set forth by the Texas Commission on Law Enforcement Standards and Education.

**Safety.** The safety standard in the contract required that the operator maintain and operate the facility with all applicable state and local safety and fire codes and applicable court orders, American Correctional Association standards, and Texas Department of Corrections policies. In addition, this element of the contract has to comply with Article 217.008 of the Texas Commission on Jail Standards.

**Discipline.** Inmate discipline, according to the contract, had to be dealt with through a formal disciplinary process. Minor problems were to be handled informally by a staff member through counseling or advice. Major problems were referred to the state's on-site monitor who in turn made the necessary reporting or recommendations to the TDC headquarters in Huntsville, Texas. If the major problem could not be handled by the state on-site monitor, the inmate was transferred back to Huntsville, Texas (TDC). Formal rules and regulations, which came from the Texas Department of Correction's policy, were to be posted throughout the facility and inmates were required to conform to the prescribed standards of conduct.

**Monitoring.** Self-monitoring was another element or requirement of the contract. In this standard Texas Department of Corrections required Wackenhut to develop a *self-monitoring* policy and checklist by which all aspects of the contract would be checked on a frequent basis.

**Recordkeeping.** This part of the contract had to comply with Article 217.11 of the Texas Commission on Jail Standards. Monthly reports had to be prepared by the facility administrator detailing each area monitored, noting any problems, and suggesting corrective actions to be taken. This standard had to comply with all court orders, Texas Department of Corrections policies, and American Correctional Association standards.

### **Inmate Services**

**Laundry.** The Wackenhut Correctional Facility in Kyle, Texas provides inmates with an assortment of services as mandated by Article 217.15 of the Texas Commission on Jail Standards (TCJS) and TDC policy. One such standard provides that each inmate have adequate laundry services and clothing applicable to ACA, court orders, and TDC policy standards.

**Food.** Another standard reviewed was the food service operations. To comply with Article 217.17 of the Texas

Commission on Jail Standards certain policies were supposed to be implemented by Wackenhut personnel.

Transportation. Transportation services was another element of the Wackenhut contract which also had to comply with TDC, ACA, and court ordered mandates.

Health Care. The researcher also looked into health care services of inmates which had to comply with Article 217.13 of the Texas Commission of Jail Standards.

Legal. The facility was also required to provided legal services in the form of a legal library containing all up-to-date resources necessary to meet all court orders. The inmates and their representatives (attorneys) had access to this library for research and consultation.

Visitation. Visitation privileges for inmates comes under Article 217.22 of the Texas Commission on Jail Standards. Wackenhut, to comply with the contract, would have to establish visitation regulations for the facility.

Commissary. Commissary services were also required in the contract to comply with Article 217.22 of the Texas Commission of Jail Standards.

**Essentials.** In order to comply with Article 217.15 of the Texas Commission on Jail Standards inmates at the Wackenhut facility must be provided with certain essentials for personal hygiene.

### **Correctional Programs**

**Education.** In order to comply with Article 217.20 of the Texas Commission on Jail Standards, TDC contract policies, ACA standards and court orders, the Wackenhut Correctional Facility was mandated to provide academic as well as vocational education programs.

**Recreation.** To comply with Article 217.19 of the Texas Commission on Jail Standards (TCJS), TDC policies, ACA standards and court orders, recreational and exercise programs must be provided to inmates.

**Treatment.** The Wackenhut/TDC contract mandates that the private operator shall provide substance abuse counseling and chaplaincy programs in compliance with the TDC policies and court orders.

**Work/OJT.** All work/OJT programs at the Wackenhut facility must comply with Article 217.21 of the Texas

Commission on Jail Standards, TDC policies, ACA standards and court orders.

**Pre-release.** The contract mandates that the operator provide the resources necessary to implement pre-release programs that, as a minimum, are equivalent to such programs provided in any other TDC facilities. In addition, any pre-release educational programs have to meet the TDC's own Windham School District pre-release curriculum. The Windham School District is a school district exclusively set up years ago by the Texas Education Agency for the Texas correctional system. As far as release procedures are concerned, the facility has to comply with Article 217.10 of the Texas Commission on Jail Standards, TCA policy, and court orders.

**External Support.** At the present time the only external support programs at this facility are based strictly on a referral basis. There is no standard policy or court order required of any institution to provide support services after the inmate has been released.

The strict adherence to all of the above mentioned standards is of great importance if the private contractor is going to be in compliance with the state contract. It is these standards that are the major focal point of the hypothesis.

## CHAPTER 6

### **Analysis and Results of the Research**

In this chapter the researcher will describe the results of the research through the processes of case study. Because the hypothesis was subdivided into three categories, the analysis process was also divided into these three main categories: Administration of the Facility, Inmate Service, and Correctional Programs. Each of these major categories was divided then into several sub-categories in accordance with sections of the Texas Department of Corrections contract with the Wackenhut Corrections Corporation. Each sub-category of the contract was analyzed with the help of analyzing supporting information/documents and staff interviews. The following is a brief analysis of each sub-category under each of the three major functional and operational categories at the Wackenhut Correctional facility in Kyle, Texas. Table 6.1, pages 76-81, summarizes the results of the analysis. It should be noted that the analysis and results of this research are based strictly on the information provided the researcher by the state representative and the private prison operators. Because the penal system in Texas has always been and continues to be a closed system, reliable information might at times be

difficult to obtain. As history has shown, after decades of attempts to obtain information for prison reform, the only way the system was penetrated or opened was through the courts (Ruiz v. Estelle).



**TABLE 6.1**

**Contract Monitoring Results**

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
<b>ADMINISTRATION OF FACILITY</b>				
<b>Staffing</b>	TCLESE	Contract Review Checklists Memos/Letters Interviews TCLESE Manuals	In compliance	The facility had an excellent staff and program.
<b>Training</b>	TDC Policy TDC's "Use of Force Plan" TDC's "Supplemental Use of Force Plan" Court Order (Ruiz)	TDC Policy Manual Contract Review Checklists Memos/Letters Interviews	In compliance	The facility had an excellent staff training program which had a formal written policy/program and was well documented.
<b>Maintenance/Utilities</b>	TDC Policy ACA Policy Court Order (Ruiz)	TDC/ACA Manuals Contract Court Orders Memos/Letters Interviews	In compliance	The facility was new and in excellent condition. The warden had a well coordinated program.
<b>Security</b>	ACA Standards TDC Policy Court Order (Ruiz) TCLESE	Contract TDC/ACA Manuals Checklists Court Orders TCLESE Manuals Memos/Letters Interviews	In compliance	Facility had all the "state of the art" electronic security monitoring systems. Their staff followed a formal securities manual. Security requirements were required on the staff members.

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TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
Safety	TCJS Article 217.008 Local/State Safety & Fire Codes	Contract Checklists TCJS Manual Court Orders TDC/ACA Manuals Interviews	In compliance	The facility had a formalized safety program, routine training sessions, and proper documentation.
Discipline	TDC Policy	Contract Checklists Memos/Letters TDC Manuals Interviews	In compliance	The facility handled all their discipline problems through a formal process. Minor problems were handled informally through counseling.
Monitoring	TDC Contract	Contract Checklists Memos/Letters Interviews	Facility was required to have a "self monitoring" checklist. TDC did not give the operator any standards for monitoring; however, the operator did have a well developed monitoring system to comply with TDC contract requirements.	The facility had a formalized monitoring checklist which addressed all the components of the contract. In addition, the state had a full time monitor on site to provide direction.
Recordkeeping	TCJS Article 217	Contract Checklists Memos/Letters Interviews	In compliance	Detailed records were kept on all aspects of the prison operation. Weekly, monthly and quarterly reports were sent to TDC officials.

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
<b>INMATE SERVICES</b>				
<b>Laundry</b>	TCJS Article 217.15	Contract TCJS/TDC Manuals Checklists Memos/Letters Interviews ACA Manuals Court Orders	In compliance	Laundry facility was new, well stocked, well operated. Proper records were kept and supplies were inventoried.
<b>Food</b>	TCJS Article 217.17	Contract TCJS Manuals Checklists Memos/Letters Interviews	In compliance	Food service was excellent and well operated. All meals were nutritious and attractive looking. There was a formalized food service policy.
<b>Transportation</b>	TDC Policy ACA Policy Court Order (Ruiz)	Contract TDC/ACA Manuals Checklists Memos/Letters Court Orders Interviews	In compliance	Prison had several new vehicle for transporting inmates. Vehicle had proper maintenance records and qualified drivers.
<b>Health Care</b>	TCJS Article 217.13	Contract TCJS Manuals Checklists Memos/Letters	In compliance	Facility had an excellent health care unit, properly staffed and properly documented (records).
<b>Legal</b>	Court Order (Ruiz)	Contract Court Order Checklists Memos/Letters	In compliance	Facility had an excellent legal and general library. The library staff was well trained.

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
Visitation	TCJS Article 217.22	Contract TCJS Manuals Checklists Memos/Letters Interviews	In compliance	Prison had a well organized visitation program with formalized regulations and schedules.
Commissary	TCJS Article 217.15	Contract TCJS Manuals Checklists Memos/Letters Interviews	In compliance	Facility had a well operated and stocked commissary. Proper records of inmate money transfers and purchases were kept as well as all inventoried items.
Essentials	TCJS Article 217.15	Contract TCJS Manuals Checklists Memos/Letters Interviews	In compliance	Facility provided each inmate with all the necessary items for personal hygiene and other needs. These items were always available and the facility was well stocked.

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TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
<b>CORRECTIONAL PROGRAMS</b>				
<b>Education</b>	TCJS Article 217.20 TDC Policy ACA Policy Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Order Checklists Memos/Letters Interviews	Operator was partially in compliance with the standards and contract requirements.	Operator did have an excellent GED program but did not have an adequate vocational or academic program in place. These deficiencies were a direct result of the "unclear" directions from TDC to the operator. Operator is now in the process of providing a formalized vocational/ academic training program.
<b>Recreation</b>	TCJS Article 217.19 TDC Policy ACA Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Orders Checklists Memos/Letters Interviews	In compliance	Operator had an excellent recreational program and facility. The new gym had all the state of the art equipment and supplies as well as a formalized program with well trained instructors and supervisors.
<b>Treatment</b>	TDC Policy Court Order (Ruiz)	Contract TDC Manuals Court Order Checklists Memos/Letters Interviews	In compliance	Operator had a very good treatment program which included drug abuse counseling, family, spiritual, and emotional counseling. Proper records were also kept on each inmate and their progress.

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TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

CATEGORIES	COMPLIANCE STANDARDS	DOCUMENTS/RESEARCH	ASSESSMENT CRITERIA	EVALUATION
Work/OJT	TCJS Article 217.21 TDC Policy ACA Policy Court Order (Ruiz)	Contract TCJS Manuals TDC/ACA Manuals Court Order (Ruiz) Checklists Memos/Letters Interviews	In compliance	Work/OJT was limited to work inside the prison compared to other prison units. However, since this was a pre-release center, production of items was not a major concern as compared to vocational training/education.
Pre-release	TCJS Article 217.10 TDC Policy Court Order (Ruiz) Windham School System Policy	Contract TCJS Manuals TDC Manuals Court Orders Checklists Memos/Letters Interviews Windham Policy	In compliance	All pre-release activities were followed through a formal and written process and met all requirements of the contract with the exception of vocational training.
External Support	There are no contract requirements or other agency/association or court orders in regard to this category	Checklists Memos/Letters Interviews	Operator should be commended for taking initiative on providing external support for these inmates.	Operator had an excellent program to provide referral services for each inmate released from the facility. Referrals were made to parole offices, medical facilities, training schools, potential employers, substance abuse treatment programs, and general counseling and social service agencies.

Note: ACA American Correctional Association  
TCLESE Texas Commission on Law Enforcement Standards and Education

TCJS Texas Commission on Jail Standards  
TDC Texas Department of Corrections

## Administration of the Facility

Staffing. Records indicated that training in certain specialized areas as mandated was provided and all managerial staff received training in such areas as general management principles, employee relations management and contractual requirements of contracting agencies. Wackenhut, as mandated, also provided all new full-time employees with orientation and training prior to job assignments, and part-time staff, as well as volunteers, received the same orientation and training. The facility complied with all contract and standards requirements pertaining to staffing according to the information provided.

Training. As far as training was concerned, the contractor provided adequate training for each of its employees or staff members. This function had to be provided at the expense of the contractor. However, if it was necessary for the Texas Department of Corrections to train the contractor's personnel, the contractor agreed to pay Texas Department of Corrections a reasonable fee for this training. The contractor further provided adequate staffing in compliance with all court orders, Texas Department of Corrections policies, and American

Correctional Association standards according to the information provided.

**Maintenance/Utilities.** The contract also provided for the maintenance and payment of utilities for the facility by the operator. The contract stated that replacements or renewals of equipment was the responsibility of the contractor. Any remodeling or structural additions to the facility had to have written approval by Texas Department of Corrections. All costs of additions, repairs, or remodeling and utilities were made at the expense of the contractor and any construction of buildings had written permission from Texas Department of Corrections (even portable buildings). The contractor fully complied with this section of the contract according to the information provided.

**Security.** Specifically, the contractor provided an adequately secure building and security equipment necessary to maintain control of the custody class of assigned inmates. In addition, as part of the security requirements, records reflected that background investigations were made of each employee prior to hiring. These results were made available to Texas Department of Corrections upon request. The contractor maintained two completed fingerprint cards on each employee. All security employees were registered with the Texas Board of Private Investigators and Private



Security Agencies. The contractor also conducted security training for all employees and monitored all security policies and procedures on a daily basis. This process was accomplished by using a daily checklist. All indications were that the facility operator had fully complied with this security requirement according to the information provided.

**Safety.** Documentation and written reports indicated weekly formal safety surveys. However, staff, as well as inmates, reported any safety violations or problems on a daily basis. It seemed that safety and security were the most emphasized elements of the contract and great efforts were made in this area to meet full compliance according to the information provided.

**Discipline.** There was a properly managed inmate discipline program that maintained security, control, and safety. The formal program's focus was to ensure the inmates' due process right and ensure fair and consistent disciplinary practices. All violations were properly documented and the staff was properly trained in handling these violations. Compliance was no problem in this area according to the information provided.

**Monitoring.** The facility administrator submitted weekly, monthly, and quarterly reports to the Director of

Operations for Texas Department of Corrections. Reports contained statistical analysis, on-site observation reports, and narrative summaries of each of the monitored areas. The facility administrator also prepared an agenda prior to making a weekly telephone report as well as a written report. The oral and written report was used to note areas of concern or discrepancies and suggest corrective actions which were taken to resolve these problems. The facility used a *self-monitoring* checklist or instrument which was quite effective in seeing that the operator fully complied with all sections of the contract according to the information provided.

**Recordkeeping.** The contract mandated that the facility have a full time Texas Department of Corrections state monitor on site. This monitor was kept informed of all concerns or problems and had access to any files, weekly, monthly, and quarterly reports. Included in these reports were a detailed report of monitoring activities by the Texas Department of Corrections monitor and concerns and corrective actions taken. Quarterly reports were used as a formalized checklist and guide sometimes initiating a complete facility inspection to ascertain the level of compliance. Reports on unannounced inspections, both by Texas Department of Corrections monitors and Wackenhut Corporate monitors, were also documented in the reports.

This section of the contract was in compliance according to the information provided.

### Inmate Services

Laundry. The facility maintained a supply of clean inmate clothing, linens and bedding which was essential to the health and welfare of the inmate population and orderly operation of the prison. A complete and clean change of clothing was provided on a daily basis to each inmate. Linens and towels or bedding were provided or changed on a weekly basis, unless otherwise mandated by the laundry supervisor or administration. The laundry facility was new, well maintained, well operated and in full compliance with the contract requirements according to the information provided.

Food. Inmates in the facility were provided at least three nutritionally adequate and appealingly presented meals daily. The standards mandated that meals could not be served more than fourteen hours apart unless a supplemental meal was available for those affected. The facility complied with this requirement. Any inmates in holding cells awaiting processing were provided with a sack lunch or interim meal if held more than four hours awaiting processing or release. The manner of service depended on

the inmate's housing status. The general population inmates ate in their group's dining area or pod. Inmates that were restricted in closed or maximum custody situations were served in their respective units. This also applied to medical isolation, separation, and protective status cases. Also, inmate trustees were served in their group's dining area or pod.

All meals were served at the intended temperature in all dining areas and special case situations. Any inmate's requests for special dietary needs, whether for religious or medical purposes, first had to be approved by a chaplain or physician, respectively. Deprivation or modification of diet could not be used as a punishment. The chief of security and the food service administrator were responsible for establishing food service operation procedures to ensure adequate controls, which included inventory procedures. The food service administration was also responsible for daily inspections relating to accountability of knives, foodstuffs, equipment, menus, financial records in support of the food program, sanitation, water temperature, and even vermin inspection. In addition the food service administrator was responsible for scheduling any required public health inspections and tests, as well as all equipment maintenance, testing and repair. All conditions and compliance standards were meticulously followed and documented according to the information provided.

Transportation. The private operator provided, at its expense, full transportation services with respect to all inmates housed at this pre-release center. The contracted responsibility began with the initial transfer from the TDC diagnostic unit or other units. Transportation services also included returning any inmates to TDC (Huntsville, Texas) including any emergency medical or routine and necessary transportation. All vehicles were systematically maintained, proper records kept and all drivers were trained in the operation of these vehicles. There was full compliance with this section of the contract according to the information provided.

Health Care. Health care services were provided on-site to all inmates while in custody at the correctional facility. All health services were supervised by a licensed physician, and other professional or health care staff. The administrator of medical services was responsible for providing quality and availability of services. This individual was also responsible for developing and maintaining a written plan for the delivery of health care services, including dental as well as psychological counseling, to all inmates of this correctional pre-release center.

The facility maintains an infirmary section that provided basic examinations, diagnostic, and therapy capability. Any medical care beyond that which is deliverable at the infirmary was provided by a local hospital. All hospital transports were provided adequate security by facility staff. Inmates were required to request medical care either orally or in writing whether it was emergency or non-emergency care. In addition, any elective medical procedures, routine eye exams, or prescription eyeglasses were not provided unless the inmate could independently pay at the time of the service. Any other extraordinary medical services not within the scope of the regular contract services had to be cleared by the administrator of medical services.

The contract provided for intake medical screening by a qualified staff member. In cases of emergency situations, security was the priority of the staff member. Calling for back up was always the first step. The security of the facility was not to be compromised regardless of the situation. All medications were prescribed by a licensed physician, filled by a licensed pharmacist or nurse, and properly dispensed to inmates as instructed by a nurse or staff officer. Accurate records on all medication supplies, dispersion, exams, treatment, and sick calls were kept. Compliance with this section of the contract was excellent according to the information provided.

Legal. The inmates access to court had become an important issue in the Texas prison system in recent years (Ruiz). The facility provided each inmate with ten hours per week for use of the law library. The library was staffed by a competent legal librarian who served as supervisor for both the law and general libraries. In addition, notary services were provided five days per week along with supplies for writing or typing. All legal library materials were periodically updated and inmates were assisted with legal research. This section of the contract was in full compliance according to the information provided.

Visitation. Regular scheduling of visits were scheduled during the weekends (Saturday and Sunday) and the inmates had reasonable access by family, friends, and others in the community (attorneys visits were scheduled separately). Notice was given to both visitors and inmates of contraband restrictions and visiting regulations. Visitors were searched by the use of metal detection equipment and visual inspection of the contents of purses or other items. Inmates also required searches before and after all visits. All visitation periods were supervised by staff and staff were required to maintain a record of all approved visitors, documented visits, dates, times and any unusual incidents. Periodic telephone calls were also

permitted to family and friends, but long distance charges were the responsibility of the inmate or his family. Most telephone calls were monitored unless the inmate was calling an attorney. Compliance was also met in this element of the contract according to the information provided.

Commissary. The prison commissary was available to inmates on an established schedule with a clearly defined procedure for ordering and obtaining personal items. The commissary had a money transfer (credit card) system by which family members could send monies to the inmate via the TDC trust fund system. The inmate then had a credit card account with a certain amount of credit to be used at the commissary. The private operator or TDC could not charge more than what was actually paid for these items. Profit, at the expense of the inmates, was not permitted. Compliance was not a problem in this area according to the information provided.

Essentials. Prison procedure required that all inmates maintain a high level of personal cleanliness. To achieve this the facility issued institutional clothing for all new inmates who were processed into the prison. In addition, as mentioned before, laundry services had to be provided for all inmates on a locally established schedule and personal hygiene items were issued to inmates upon intake including,



but not limited to, toothbrushes, dentifrice, soap, combs, and shaving implements. Housing units staff members were responsible to replenish these supplies in an "as needed basis." This included toilet paper, paper towels, and paper cups. The housing officer was responsible for seeing that sufficient quantities of such items were in each unit for normal use.

In addition, showers were available in the housing area of each pod and were open to inmates on an established schedule. Barbering services were provided by an individual skilled in cutting hair based on a locally established schedule. Upon staff discretion an inmate could be ordered to shower or submit to a haircut if necessary for hygiene purposes. As mentioned before, bedding and linens were provided to inmates and changed on a prescribed schedule, but in any case not less than once a week. Mattresses and pillows remained in the housing units but were cleaned, sanitized, and aired out between inmate uses.

It might be mentioned that facility standards also included provisions for *special inmate needs*. Any treatment of inmates having special needs due to a mental or physical impediment were all subject to the Ruiz court ruling. Any inmates released with documented mental or physical handicaps were referred to the appropriate social service or medical agencies for follow up treatment and care. Full

compliance was noted here according to the information provided.

### Correctional Programs

Education. Inmates were advised during their initial admission process of the availability of educational programs and counseled as to the best programs that fit their need. Scheduled sessions of these classes or programs were provided to the inmates. The facility had adequate space and equipment to provide GED and academic but not vocational training. The program was deficient as far as vocational trade shops, equipment or training curriculum. Most of the emphasis was placed in GED training/testing and computer data entry training. Documents and monitoring visitation records clearly showed the absence of vocational programs as a non-compliance finding. However there is now an attempt to remedy this situation.

The correctional facility used both contract and volunteer personnel to provide remedial training in reading, writing, and math. All instructors or institutions/schools providing services were checked out in regard to their abilities, credentials, and references. An eight-hour day was allocated for both educational and work programs, with some time allowed for these activities on Saturdays and Sundays. Evening classes was also an option for the inmate

population if they could not make their regularly scheduled daytime classes. The facility was only in partial compliance with its educational program requirements according to the information provided.

**Recreation.** Each inmate is allowed at least one hour of supervised exercise at least three days per week. Most exercise programs were outdoor activities which included ping pong, basketball, volleyball and weight-lifting.

All equipment items were issued or checked out by staff with a positive check of all items and their conditions upon return. Facility staff conducted searches of recreational areas before and after their use for the purpose of detecting tampered equipment, hidden contraband, and security breeches. Facility staff in supervising recreational areas stayed in constant contact by radio with the control center. Inmates moving in and out of recreational areas were searched and escorted by security personnel. Inmates housed in special holding cells could not exercise with the general population inmates. General population housing units provided activities such as dominoes, checkers, cards, and television sets. Dayroom activities were supervised and made available at least one hour each day following sanitation inspections.

The facility utilized trained and approved volunteers from the local community for scheduled exercise programs.

These volunteers were checked out pursuant to their identity, background, and credentials. All contracts and volunteer instructions were provided with a standard orientation of the institution and its policies and were under direct supervision by facility officers at all times.

Arts and crafts was another component of the recreational program. This activity was provided to the general population inmates with the opportunity to pursue individual hobbies. To maximize this component, an arts and crafts space was designed within the gym area. These activities mostly consisted of table top activities that did not necessitate special ventilation or equipment. The facility was in total compliance with this section of the contract according to the information provided.

**Treatment.** The pre-release center recognized that religious counseling, organized religious services, and spiritual guidance was an important and integral part of the inmate re-entry and socialization process. The facility provided a variety of qualified clergy from different denominations to come in and provide religious services. In addition, properly qualified and credentialed clergy or volunteers were allowed to come in and provide one-to-one counseling. Any coordination of religious activities was accomplished through program staff members or volunteers from the local community.

In addition to religious services and counseling, substance abuse counseling was also provided. This counseling included *life skills* training curriculum, both in group as well as individual counseling sessions. Any therapy/counseling sessions were conducted by qualified and credentialed individuals in that particular field. These sessions were scheduled throughout each week and on a per individual basis depending on an emergency or special need. All sessions, inmates, times and dates documented. The facility should be complimented for their fine work in this area and for their full compliance in this contract section according to the information provided.

Work/OJT. Only qualified inmates were assigned to meaningful work assignments, consistent with their ability, interest, medical status, and the needs of the facility or program. It was not the intention of the private contractor or state to assign inmates to *make-work* programs. Neither were inmates assigned to work that required more than 48 hours per week. Policy required that inmates could not supervise other inmates in any project or work assignment; inmates could not serve food to other inmates housed in locked status; inmates who had not been convicted could not be compelled to work; and no inmate was assigned to a clerical assignment that would place him in a position to

work on staff, facility, program, or inmate records, particularly monetary or account records.

In addition, it was the responsibility of the chief of security to supervise work assignment programs, including all inmates assigned as unit orderlies, corridor and common area orderlies, and maintenance details. In addition the facility administrator approved the outside assignment of properly classified non-dangerous inmates for specified supervised work duty. The following work assignments were found to exist at this correctional facility: dayroom orderly, main corridor orderly, academic area orderly, administrative area orderly, medical orderly, classification orderly, staff dining orderly, inmate kitchen worker, recreation area orderly, inmate laundry worker, vocational area orderly, outside groundskeeping worker, inmate maintenance technician assistant, barber orderly, canteen orderly, and visitation orderly. All of these work assignments were documented job descriptions and duties. The facility was in compliance with this section of the contract according to the information provided.

**Pre-release.** An authorized release form (which had to be authenticated) had to be signed by the appropriate releasing staff member. This staff member had to verify that there were no outstanding warrants or detainers. The releasing staff had to confirm the validity of the release

documents by telephone. Authentication of inmates identity by photograph, physical comparison, and finger print description had to be performed. All inmates being released to other jurisdictions were searched before being placed into the custody of the transporting or receiving officers. A record of the release was filed in the central file for each inmate, including the date, time, and authority by which the release was authorized, along with a copy of any documents authorizing the release. In addition, when an inmate was released from custody, all property had to be returned and receipted. Basic dressout clothing was provided to inmates who are committed without suitable clothing. The facility did not have any problems complying with this contract requirement according to the information provided.

**External Support.** The Wackenhut facility did whatever was necessary to assist the inmate with referrals to employers, coaching for job interviews, providing necessary records, transcript or recommendations (with the inmate's permission) to designated entities. These services included referral to social service agencies, schools, employers, parole or probation offices, medical or substance abuse treatment programs, or whatever would assist the inmate in making a smooth transition into society. The responsibility for true external support comes from outside community based

organizations, family, friends and the overall community where the inmate plans to live. External support was not a requirement of the contract but instead independently provided by the operator.

### Hypothesis Testing

According to the information provided the researcher, the data included in this chapter, with the exception of part of the educational program, clearly shows that this information is consistent with the hypothesis that:

The Wackenhut Correctional facility in Kyle, Texas is in compliance with the standards and requirements specified in the contract with the Texas Department of Corrections.



## CHAPTER 7

### Summary, Conclusions, Recommendations

#### Summary

The entire United States, and especially Texas, is experiencing a dramatic increase in its prison population. The inmate growth has surpassed the growth level and rate of this country's general population. This continued rise in incarcerations has resulted in an overcrowded prison system. So critical is this situation that at one time Texas was housing prisoners in tents in the prison courtyard. Because of this prison bed shortage many states, including Texas, have accelerated the rate at which a prisoner serves consequently letting out felons before they serve their full time. In the majority of cases the rehabilitative process has not taken its full course and this individual is out in the streets committing more crimes. Probation and parole officers have a difficult time enforcing any of their programs or efforts on these felons because the ex-convicts know they will not be sent back because of the shortage of prison space.

Unfortunately, Texas needs more prison space in order to make its correctional system a viable effort to

rehabilitate our criminal element. Hopefully, this change will make our probation and parole system a meaningful component in the criminal justice system.

The Texas Department of Corrections has attempted to obtain additional prison space through an ambitious but inadequate building program. It has cost the taxpayers of this state an incredible amount of money and the problem is far from being solved. At the present time counties in Texas have been forced to absorb the high costs of incarcerating felons until such time as state prison beds are made available. The shortage of prison space in Texas is critical and costly and the state has had to look at other alternatives to eliminate this crisis.

One of these alternatives has been contracting out or privatizing the prison system or programs. When a state chooses to turn over a correctional program to a private contractor/operator, however, the state must make certain that this operator adheres to strict compliance standards. Remember, a private operator is in business to make a profit and the state must be careful that this profit is not made at the expense of the state's taxpayers or the inmates themselves. For this reason strict and frequent monitoring procedures and visits are of utmost importance.

## Conclusions

What was concluded from all this research? The state must find ways to solve or reduce the incarceration problem. Building new prisons, either through state control or privatization, though both costly, is just a temporary solution to the problem. We cannot continue to build prison after prison no matter how efficient they are to operate.

However, since we are already in this predicament or in a state of crisis, we must look at the best ways to temporarily eliminate this problem. The research concluded that privatization was the best option to take at the present time under our present circumstances. Yet, as mentioned before, a good and sound monitoring system should be in place upon the opening of any of these new private prisons. Many of these private operators may have a tendency to cut cost at the expense of the inmate population, thus possibly violating their civil rights.

The facility in Kyle, Texas, which was the subject of this research, was not a good example as far as an operation with problems is concerned. The facility was considered a *model prison* by the private operator and every effort was made to keep it that way. It should be noted that this particular facility, according to the state on-site monitor, is an *exceptional facility*, primarily because of its two wardens who normally work 12 to 18 hours per day seven days

a week. These two individuals are former Texas Department of Corrections employees and know what the state requires and what the state looks for in a monitoring visit. They run the prison as if they are in *some kind of contest* to prove to their former employer that they are the best. Fortunately for everyone they are, and the program is working.

### Limitations

There are several limitations to this research that should be mentioned. First, the interviews were conducted in a very controlled setting and due to an upcoming monitoring visit by the state the information provided was limited and at times very general. The private sector warden was much more open to detailed questions, whereas the state on-site monitor was sometimes reluctant to expound on any questions. In both cases the question regarding the lack of vocational training programs was quite sensitive.

The second problem encountered was the accessibility to certain documents that might have shed a little more light on inmate medical treatment, disciplinary actions, and employee behaviors. Many of these records or documents were understandably confidential and the researcher had to strictly rely on interview comments. However, contract

documents, monitoring reports, quarterly reports, and other standards and correspondence were made available for review.

### **Recommendations**

The correctional facility in Kyle, Texas was in full compliance with the state contract with the exception of some vocational training programs. However, the researcher would like to make several recommendations pursuant to each sub-category of the operation of this prison. The recommendations are summarized in Table 7.1, pages 105-106, and followed by a written description of each recommendation by individual contract element.

TABLE 7.1

## Contract Improvement Suggestions

CATEGORIES	SUGGESTIONS FOR IMPROVEMENTS
<b>ADMINISTRATION OF THE FACILITY</b>	
Staffing	Increase relief time by hiring more custodial staff
Training	None
Maintenance/ Utilities	Hire more maintenance staff to alleviate pressure on existing staff
Security	None
Safety	Improve safety training curriculum for all staff
Discipline	Do not give operator the opportunity to try major disciplinary cases
Monitoring	State should provide the operator with a "standardized" monitoring checklist and procedures manual
Recordkeeping	All records should be computerized; facility should have access to more computerized statistical information on other prison facilities programs
<b>INMATE SERVICES</b>	
Laundry	None
Food	Give more control to facility by giving authority for all food services
Transportation	Recommend more training for all transport drivers and mobile patrolmen
Health Care	Provide additional dental service. Consider adding part time in-house dentist to staff
Legal	General library should attempt to acquire more books and reference material
Visitation	Incorporate ability to have "non contact" visitation for special case inmates
Commissary	Reduce time required for inmates to obtain identification card for commissary privileges
Essentials	None

CATEGORIES	SUGGESTIONS FOR IMPROVEMENTS
<b>CORRECTIONAL PROGRAMS</b>	
Education	Provide classroom/lab space for vocational training programs
Recreation	Provide larger recreational exercise space
Treatment	Provide full-time chaplain and special chapel area
Work/OJT	Create more substantial full-time meaningful jobs and job assignments
Pre-release	Provide for inmate release from Kyle, Texas facility rather than transporting inmate back to Huntsville, Texas for release
External Support	None

### Administration of the Facility

**Staffing.** The relief time should be increased by hiring more custodial staff. At present the staff number is at its minimum requirement and any terminations or illnesses might put a strain on the other staff members.

**Training.** None. The training provided is better than TDC's and in the last eight months has become even better. The facility recently hired a very progressive staff training director.

Maintenance/Utilities. The facility has an adequate but minimum number of staff to handle maintenance around the facility. Hiring more maintenance staff might help eliminate the pressure on the existing staff.

Security. None. Hiring more staff would help ease any potential shortages due to termination or illnesses. All security devices and equipment were in excellent condition and in compliance.

Safety. The facility should improve safety training curriculum for all staff.

Discipline. The operator wanted to be given the opportunity to try major disciplinary cases instead of referring them to TDC. The operator felt this would give the facility more control over the *behavior* of the inmates. The operator also believed that some inmates had lost respect for the guards knowing that they couldn't do anything without TDC's permission. The researcher feels giving the operator this power would not be in the best interest of the inmate or the state. There could be a potential for civil right's violations, not to mention lawsuits.



Monitoring. The state should provide the private operator with a *standardized* written monitoring checklist and procedures manual (state).

Recordkeeping. The records should be more computerized and the facility should have access to more computerized statistical information from other facilities. At present there is a push to computerize the whole recordkeeping process.

#### Inmate Services

Laundry. None. The facility was new, properly maintained, operated and well stocked.

Food. At present the food service is contracted out by Wackenhut Corrections to another vendor. The facility could have more control if it handled all the food services themselves.

Transportation. Operator should provide a little more training for all transport drivers and mobile patrolmen. However, the minimal amount of training they presently receive complies with all contract provisions.

Health Care. More dental services should be provided--possibly a part time in-house dentist.

Legal. The general library should attempt to acquire more books and reference materials. The legal library is in excellent condition.

Visitation. The facility should have the ability to have non-contact visitations for special case inmates--a protective measure.

Commissary. The facility should have the ability to expedite obtaining an identification card for inmates from TDC. At present it takes five or six weeks to get an identification card from TDC in order to purchase items at the commissary.

Essentials. None. Stocks were more than adequate, well organized, always available and within compliance.

### Correctional Programs

Education. The state should have designed the buildings in such a way as to have classroom/lab space for vocational trade programs and equipment. The state required vocational training programs in their contract

but did not provide any facilities/equipment or direction. At present the private contractor has negotiated with a proprietary school to provide such training.

Recreation. The facility needs a bigger recreational yard, large enough for a softball field. This could provide the inmates with more diverse recreational activities.

Treatment. A full-time chaplain and special chapel area (instead of a classroom) is needed.

Work/OJT. The facility should try to provide more substantial full-time meaningful jobs or job assignments.

Pre-release. Inmates should be able to be released at this facility instead of being shipped back to Huntsville for release.

External Support. None. The facility was doing an excellent job in making referrals to the appropriate agencies.

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## APPENDIX A

### CONTACTS TO OBTAIN RESOURCES, MATERIALS AND DIRECTION

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3. Bonner, John L. - Warden  
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4. Comstock, Scott - Assistant Warden  
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5. Dean, Ronald - Inmate  
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6. DeLeon, Johnny - Training Coordinator  
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7. McClane, Marsha - Residential Program Specialist  
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8. McNutt, David - Facility Management Specialist  
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9. Mills, Jim - Program Specialist for  
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10. Morgan, Frank - Management Consultant  
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12. Parr, Bill - Program Analyst for Corrections  
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13. Pope, Demetria - Grant/Program Specialist  
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15. Rowden, Gary - Contract Specialist and Monitor  
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16. Travis, Larry K. - Architect  
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APPENDIX B  
INTERVIEW SCHEDULING LETTER

September 1, 1990

Gary Rowden, Monitor  
Texas Department of Corrections  
701 South IH-35  
Kyle, Texas 78640

Dear Mr. Rowden:

I am currently working on a Master's of Public Administration (MPA) at Southwest Texas State University. Part of the requirement of the MPA program is to successfully develop, research and complete an applied research project and paper. I have chosen to do my project/paper on the effectiveness of contracting/monitoring of private correctional institutions. I will be developing a set of specific questions in regards to contracting and monitoring issues and I will be calling you in the near future to set up an appointment for an interview session with you.

Please feel free to call me if you have any questions or concerns in regard to this proposed interview. Thank you in advance for your cooperation and assistance with this matter.

Sincerely yours,

Ray Alvarez

September 1, 1990

Scott Comstock  
Assistant Warden  
Wackenhut Corrections Corporation  
701 South IH-35  
Kyle, Texas 78640

Dear Mr. Comstock:

I am currently working on a Master's of Public Administration (MPA) at Southwest Texas State University. Part of the requirement of the MPA program is to successfully develop, research and complete an applied research project and paper. I have chosen to do my project/paper on the effectiveness of contracting/monitoring of private correctional institutions. I will be developing a set of specific questions in regards to contracting and monitoring issues and I will be calling you in the near future to set up an appointment for an interview session with you.

Please feel free to call me if you have any questions or concerns in regard to this proposed interview. Thank you in advance for your cooperation and assistance with this matter.

Sincerely yours,

Ray Alvarez

## APPENDIX C

### QUESTIONS

In reviewing the Wackenhut/TDC contract document and monitoring check list the following questions were derived from conditions, standards or requirements pursuant to these records.

(Administration/The Setting)

1. Does Wackenhut operate, maintain and manage the correctional facility in compliance with all applicable federal and state constitutional standards, law, court orders and American Correctional Association (ACA) standards. Can you give me an overview on the Wackenhut Corporation and its role in corrections?

(Administration/The Setting)

2. Has Wackenhut deviated from any TDC policies pursuant to its contract? And if so, under what conditions? Does TDC require written permission? Will you discuss the compliance requirements of the contract, standards, or practices at this facility? Can you give me an overview of the legal setting for this institution?

(Staffing)

3. Are there any court orders that require Wackenhut to provide a certain number of staff? Will you discuss the staffing elements of the contract, standards, or practices at this facility?

(Training)

4. Does Wackenhut have an educational or training program for its employees? If so, is it approved or monitored by TDC? Is it part of the contract? Will you discuss the training elements of the contract, standards, or practices at this facility?

(Maintenance)

5. What are the contract requirements in regard to maintenance of the facility? Who is responsible for the cost and implementation? Will you discuss the maintenance elements of the contract, standards, or practices at this facility?

(Utilities)

6. What is the policy regarding utilities and cost of these services? Are there any special standards or requirements in this area? Who pays for this cost? Will you discuss the utilities elements of the contract, standards, or practices at this facility?

(Security)

7. Does Wackenhut comply with all the security requirements of the contract or TDC policy, including the physical plant, security personnel, licensing provisions, policy on use of force, escapes, transporting or pursuing inmates? Will you discuss the security elements of the contract, standards, or practices at this facility?

(Safety)

8. Has Wackenhut complied with all local, state, and contract required safety codes? Have there been any violations or deficiencies? Will you discuss the safety elements of the contract, standards, or practices at this facility?

(Discipline)

9. What is the policy on discipline of inmates in accordance with the contract? Has there been any complaints filed against TDC or Wackenhut in this area? What concerns or problems do you anticipate? Will you discuss the disciplinary elements of the contract, standards, or practices at this facility?

(Monitoring)

10. Who monitors your contract? How often are you monitored pursuant to contract compliance and are there any outstanding monitoring concerns or findings that have not been addressed or rectified by Wackenhut? Will you discuss the monitoring elements of the contract, standards, or practices at this facility?

(Recordkeeping)

11. Does Wackenhut keep proper records of inmates, medical, complaints, supplies, disciplinary actions? Are they open to TDC review, the public, or representatives of inmates? Will you discuss the recordkeeping elements of the contract, standards, or practices at this facility?

(Laundry)

12. In regard to laundry services and clothing for the inmates, are there certain standards, court orders, or contract provisions that have to be met? If so, have they been met and what kind of problems did you encounter? Will you discuss the laundry elements of the contract, standards, or practices at this facility?

(Food)

13. Does the contract have standards for food service, quality, quantity, hours? Is there a certain standard that has to be followed (ex. ACA)? Will you discuss the food elements of the contract, standards, or practices at this facility?

(Transportation)

14. What are the requirements in regard to transportation for inmates; transfers, medical visits, emergencies? Are they part of the contract and if so have you complied with these conditions? Who is responsible for this expense? Will you discuss the transportation elements of the contract, standards, or practices at this facility?

(Health Care)

15. What are the health care requirements for all inmates and are they tied to a certain standard or accreditation? Are there any conditions regarding recordkeeping, emergencies, dental care? Who pays for these expenses? Have you had any problems in this area? Will you discuss the health care element of the contract, standards, or practices at this facility?

(Legal)

16. Does Wackenhut have a legal library and is it accessible to the inmates and their representatives? What are some of the concerns regarding this area of contract compliance? Will you discuss the legal elements of the contract, standards, or practices at this facility?

(Visitation)

17. Are there adequate facilities, including furnishings and supervision to implement a visitation program? What does the contract require? Will you discuss the visitation elements of the contract, standards, or practices at this facility?

(Commissary)

18. What are the contract requirements pursuant to the inmate commissary at Wackenhut? Do they meet all TDC contract compliance standards and does it include a money transfer system? Will you discuss the commissary elements of the contract, standards, or practices at this facility?



(Essentials)

19. Does Wackenhut provide all the necessary and essential supplies, similar in cost to other TDC facilities, including hygiene items, inmate quarters items, clothing and office supplies pursuant to the contract? Have there been any problems in this area? Will you discuss the essentials element of the contract, standards, or practices at this facility?

(Education)

20. What are the vocational/academic educational requirements? Do these educational standards have to meet state accreditation conditions? What have been some of the problems associated with this contract condition? Will you discuss the education elements of the contract, standards, or practices at this facility?

(Recreation)

21. What type of recreational programs do you have? Do they all comply with the contract or other standards? Has there been any deficiencies in this area? What type of facilities or equipment are mandated by the standards, contract, or court orders? Will you discuss the recreation elements of the contract, standards, or practices at this facility?

(Treatment)

22. What are the treatment programs in effect at present (chaplaincy, substance abuse, counseling) pursuant to contract requirements or court order? What have been some of the compliance problems? Will you discuss the treatment elements of the contract, standards, or practices at this facility?

(Work)

23. Has Wackenhut implemented a work program that complies with all contract provisions, standards or court orders? Do you have an on-the-job- certification training program? What are some of the problems? Will you discuss the work elements of the contract, standards, or practices at this facility?

(Pre-release)

24. Does Wackenhut provide any pre-release programs? What kind? Has compliance been achieved? What are some of the problems or concerns in this area? Will you discuss the pre-release elements of the contract, standards, or practices at this facility?

(External Support)

25. Is there an active external support program for released inmates? If so, what do you provide and what are some of the problems or concerns? Will you discuss the external support elements of the contract, standards, or practices at this facility?