

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION  
PUBLIC HEARING**

(Case No. 98-16C)  
MONDAY  
NOVEMBER 16, 1998

The Hearing commenced in the Council Chambers at 441 4th Street, N.W., Washington, D.C., at 7:00 p.m., Jerrily R. Kress, Chairperson, presiding.

PRESENT:

JERRILY R. KRESS      Chairperson  
ANGEL F. CLARENS      Commissioner  
HERBERT M. FRANKLIN      Commissioner  
ANTHONY HOOD      Commissioner

STAFF PRESENT:

JILL DENNIS      Zoning Administrator  
Sheri Pruitt-Williams      Interim Director,  
Office of Zoning  
KENNETH KARKEET      Office of Zoning  
ALAN BERGSTEIN      Office of Corporation Counsel  
JANICE SKIPPER      Office of Corporation  
Counsel  
ALBERTO BASTIDO      Office of Planning

On behalf of the Applicant,  
Corrections Corporation of America:

JOHN L. RAY, ESQ.  
of: Manatt, Phelps & Phillips, LLP  
1501 M Street, N.W.  
Suite 700  
Washington, D.C. 20005  
(202) 463-4341

CYNTHIA GIORDANO, ESQ.  
of: Linnowes & Blocker  
1150 17th St. N.W.  
Suite 302  
Washington, D.C. 20036  
(202) 293-8510

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433      WASHINGTON, D.C. 20005-3701      (202) 234-4433

Opening statements by Chairperson Kress:

Preliminary matters:

Testimony of Councilwoman Allen:

Applicant's Presentation:

Mr. John Ray  
Mr. Joseph Johnson  
Mr. Sheldon Monsein  
Mr. Robert Kennington  
Mr. Reginald Hebron  
Mr. Joseph Haines  
Mr. Ian Frost  
Mr. Warner Speakman

1 P-R-O-C-E-E-D-I-N-G-S7:04 p.m.

2 CHAIRPERSON KRESS: Good evening, ladies and gentlemen.  
3 I'm Jerrily Kress, Chairperson of the Zoning Commission for the District of Columbia.

4 Joining me this evening are Commissioners Herbert Franklin,  
5 Anthony Hood, and Angel Clarens.

6 Before we start I would like to establish the ground rules under  
7 which this Hearing will be conducted. While this is a case that evokes many strong  
8 emotions, no disruption from the audience will be tolerated. Anyone disrupting the  
9 Hearing will be removed from the Hearing, and not allowed to testify.

10 The Commission also requires that all the press setups remain  
11 stationary where they are during the proceeding.

12 The Zoning Commission is obligated to hear the case and  
13 examine the merits of the application as the Zoning Commission is the body charged  
14 with making the decisions on PUDs.

15 The case that is the subject of this Hearing is case number 98-  
16 16C, a consolidated PUD and related map amendment at Oxon Cove proposed by  
17 the Corrections Corporation of America.

18 This application requests the Zoning Commission of the District  
19 of Columbia to approve the proposed PUD, and to amend the zoning map from  
20 unzoned land to M (general industry) for a portion of the PUD site.

21 The site is composed of the 42 acre Oxon Cove parcel owned by  
22 that National Park Service, and four acres of the DC impoundment lot owned by the  
23 District of Columbia.

24 The Oxon Cove parcel is currently unzoned and unimproved,  
25 while the DC impoundment lot is zoned C-M-1.

26 The Applicant is requesting the unzoned portion of the site to be  
27 zoned M, while the C-M-1 portion would remain unchanged.

1                   The Applicant is proposing the develop the site with a  
2                   correctional complex that would house 2,200 District of Columbia inmates, along  
3                   with inmate job training and work program facilities.

4                   The complex would be constructed and operated by CCA,  
5                   pursuant to a contract with the Federal Bureau of Prisons.

6                   Notice of today's Hearing was published in the DC register on  
7                   September 25th, 1998, and the Washington Times on October 1st, 1998.

8                   This Hearing will be conducted in accordance with the provisions  
9                   of 11DCMR3022. The Commission will hear the case in two parts. The order of  
10                  procedure for tonight's Hearing will be as follows.

11                  One, preliminary matters; two, presentation of the Applicant, and  
12                  the Applicant will be given one and a half hours; three, the presentation of the Office  
13                  of Planning; four, reports of other Government agencies.

14                  On Thursday, the Commission will hear in the following order:  
15                  The report of the Advisory Neighborhood Commission, AD, persons in support, in  
16                  the order that they requested to testify, and thirdly, persons in opposition in the order  
17                  they requested to testify.

18                  Parties will be given 15 minutes to testify, organizations will be  
19                  given 5 minutes to testify, and individuals will be given 3 minutes to testify.

20                  The Commission will adhere to this schedule as strictly as  
21                  possible. Those presenting testimony should be brief and non-repetitive. If you  
22                  have a prepared statement give copies to Staff and orally summarize the highlights.  
23                  Please give us your statement before summarizing.

24                  Each individual appearing before the Commission must complete  
25                  two identification slips, and give them to the Reporter before making a statement.  
26                  And I'm talking about our Court Reporter.

1                   If these guidelines are followed an adequate record can be  
2 developed in a reasonable length of time.

3                   The decision of the Commission in this case must be based,  
4 exclusively, on the record. To avoid any appearance to the contrary, the  
5 Commission requests that parties, Counsel, and witnesses, not engage the  
6 members of the Commission in conversation during any recess, or at the conclusion  
7 of the Hearing session.

8                   While the intended conversation may be entirely unrelated to the  
9 case that is before the Commission, the other persons may not recognize that the  
10 discussion is not about the case.

11                  The staff will be available to discuss procedural questions.

12                  All individuals who wish to testify please rise to take the oath.

13                  (Whereupon, all witnesses were sworn.)

14                  CHAIRPERSON KRESS: Thank you. With that we will begin  
15 with preliminary matters. Manuals. Pruitt-Williams?

16                  MS. PRUITT-WILLIAMS: Staff will note, for the record, that the  
17 applicant has provided notice of certificate of posting.

18                  Next we can move on to party status, Madam Chair.

19                  CHAIRPERSON KRESS: The next on the preliminary matters is  
20 the identification of parties. I would like to ask the people who have made a request  
21 to be a party to come forward as I call your name to qualify you to be a party.

22                  First I would like to ask Eugene Dewitt Kinlow, and Phillip  
23 Townsend, representing the United Communities Coalition Against the Prison, and  
24 the Far Southwest Community Association for a Better Community to please come  
25 forward, to the mikes here. You are in the correct place.

26                  Would you identify yourself and your place of address for the

1 record?

2 MR. KINLOW: My name is Eugene Dewitt Kinlow, my address is  
3 3952 Second Street, SW, Washington, D.C.

4 CHAIRPERSON KRESS: Thank you. We have read your  
5 request, and I just wanted to ask, is it your intent to testify separately, or could we  
6 combine, since you are involved the United Communities Coalition Against the  
7 Prison, and the  
8 Far Southwest Community Association for a better community, can that testimony  
9 be combined?

10 MR. KINLOW: Yes, it can.

11 CHAIRPERSON KRESS: And can you, also, act as a single  
12 party for purposes of cross examination?

13 MR. KINLOW: A single party versus?

14 CHAIRPERSON KRESS: I was confused, because there was  
15 party status requested for the two organizations with the same individuals involved.  
16 And for the sake of time what I was trying to do, and I will give you double the time  
17 to testify, but for cross examination purposes, and for testimony purposes, I was  
18 wondering whether you would be willing to act as a joint group, if you would?

19 MR. KINLOW: Yes, that is amenable.

20 CHAIRPERSON KRESS: Thank you. I, and my fellow  
21 members, have read what you have submitted to us requesting party status, and I  
22 believe we are in consensus that you are now declared a party. Thank you.

23 MR. KINLOW: Thank you.

24 CHAIRPERSON KRESS: Next, I would like to recognize Arthur  
25 Jackson representing the Fighting 54th. Good evening, sir.

26 MR. JACKSON: Good evening.

1 CHAIRPERSON KRESS: We have read your request for party  
2 status, and it appears to be in order. Do you still wish to be a party?

3 MR. JACKSON: Yes, I would.

4 CHAIRPERSON KRESS: Then with the consensus of my fellow  
5 Commissioners you are now declared a party. Thank you.

6 MR. JACKSON: Thank you.

7 CHAIRPERSON KRESS: Next I would like to ask Joyce Scott  
8 and Robert Yeldell to come up together, since it was presented as a panel.

9 I would assume you are --

10 MR. YELDELL: Mr. Yeldell, yes.

11 CHAIRPERSON KRESS: It is all right that Ms. Scott is not here  
12 because you've --

13 MR. YELDELL: She is here, she is on the outside, Mr. Jenkins  
14 has gone to get her.

15 CHAIRPERSON KRESS: That is all right, you can perhaps  
16 handle this.

17 Was it your intent to testify as a panel, meaning the two of you at  
18 the same time, and to work as one for party purposes on cross examination?

19 MR. YELDELL: That will be fine.

20 CHAIRPERSON KRESS: If that is fine, then I will declare the  
21 two of you together as a panel a party, and for cross examination purposes, one or  
22 the other of you will be able to cross examine, but not both. You decide between  
23 yourselves, all right?

24 MR. YELDELL: That will be fine, just like a jury trial.

25 CHAIRPERSON KRESS: And again, we have read your  
26 request, and you and Ms. Scott are declared parties. Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 MR. YELDELL: All right, thank you.

2 CHAIRPERSON KRESS: The next one is a question. We have  
3 a Robin Ijames. I just wondered, if you would come forward? Also, is there anyone  
4 here that is officially going to represent ANC AD, or is that you? I'm confused.

5 Would you also please come forward? Thank you. Would you  
6 both identify yourselves for the record?

7 MS. IJAMES: My name is Robert Ijames, I'm presently residing  
8 at 4660 Martin Luther King, Jr., which is the Wingates.

9 MS. FREEMAN: And I'm Winnifred Freeman, ANC  
10 Commissioner 8D04, I live at 97 Elmyra Street, SW.

11 CHAIRPERSON KRESS: I didn't quite catch your --

12 MS. FREEMAN: Winnifred Freeman.

13 CHAIRPERSON KRESS: Freeman. Are you the official -- Ms.  
14 Freeman, are you the official representative of 8D, and have been given that by your  
15 ANC?

16 MS. FREEMAN: I'm one of the ANC Commissioners. Our  
17 chairperson is Mr. O.V. Johnson. And I'm not sure whether he is in the room tonight  
18 or not.

19 CHAIRPERSON KRESS: I'm trying -- the ANC, as you know, is  
20 an automatic party. I'm trying to find out who, from ANC 8D is the official  
21 representative of the organization for cross examination and testimony purposes?

22 MS. FREEMAN: That will probably be Mr. Johnson, O.V.  
23 Johnson.

24 CHAIRPERSON KRESS: And you do not know if he is in the  
25 room?

26 MS. FREEMAN: I have not seen him this evening.

1 CHAIRPERSON KRESS: All right.

2 MS. FREEMAN: If necessary I can act in his stead.

3 CHAIRPERSON KRESS: All right. Has that been authorized by  
4 8D? I do not have anything, officially, from 8D. They have authorized Mr. Johnson  
5 to speak on behalf of --

6 MS. FREEMAN: I think he is listed as one of the persons to  
7 speak?

8 CHAIRPERSON KRESS: Yes, he is. I'm trying to do this for  
9 determination of party status, which gives rights of cross examination.

10 MS. FREEMAN: He and I have not discussed it. If he wishes to  
11 have it, you know, I can act in his stead.

12 CHAIRPERSON KRESS: You might want to deal with it,  
13 specially as it relates to Thursday, depending on the cross examination for tonight, if  
14 Mr. Johnson is here I will allow him, preliminarily, to be the official representative of  
15 8D.

16 MS. FREEMAN: We should have it clarified, and we can notify  
17 the office tomorrow. Is that satisfactory?

18 CHAIRPERSON KRESS: That is what I would like, if you  
19 wouldn't mind, because obviously the ANC is given great weight, and we want to  
20 make sure that we have, in our files, the record of what your position is, and that you  
21 had the quorum together, voted, have taken a stand, and who is representing you  
22 for our records.

23 MS. FREEMAN: Yes. We had the quorums and we had the,  
24 you know, proper procedures in terms of voting, and what our position was, and it  
25 remains unanimous.

26 CHAIRPERSON KRESS: I know -- I have read that, and I

1 believe that to be true. Again, by the record, by the documents, if you could get us  
2 something that would be very helpful.

3 MS. FREEMAN: We will do that.

4 CHAIRPERSON KRESS: Thank you.

5 MS. FREEMAN: You are welcome.

6 CHAIRPERSON KRESS: With that, the ANC is automatically a  
7 party, so we don't need to declare that.

8 Now we are talking to Robin Ijames.

9 MS. IJAMES: Yes.

10 CHAIRPERSON KRESS: Do you feel you still need to be a  
11 separate party?

12 MS. IJAMES: Yes, ma'am, I'm representing the tenants, the  
13 rental tenants that live in the area of 8D.

14 CHAIRPERSON KRESS: And you don't feel, and I know that  
15 you have not been participating directly with the ANC, up until now. But you don't  
16 feel that the ANC can represent the interests of --

17 MS. IJAMES: Not for my tenants.

18 CHAIRPERSON KRESS: -- the tenants?

19 MS. IJAMES: Correct.

20 CHAIRPERSON KRESS: We are in agreement, you are also  
21 declared a party. Thank you very much.

22 MS. IJAMES: Thank you very much.

23 COMMISSIONER FRANKLIN: Madam Chair, could I add  
24 something for the record in this regard?

25 CHAIRPERSON KRESS: Certainly.

26 COMMISSIONER FRANKLIN: Because of the nature of this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 project, and its scale and impact, the criteria that at least I have used in granting  
2 party status, departs to some degree from the criteria that would normally apply in  
3 projects of smaller scale.

4 CHAIRPERSON KRESS: Thank you. I think that it is important  
5 to have clarified on the record.

6 With that I would return to Ms. Pruitt-  
7 Williams for two more preliminary matters.

8 MS. PRUITT-WILLIAMS: Yes, Madam Chair. The first is a  
9 request for Council Member Allen to testify out of order. I believe she is here, she  
10 has just arrived, and she would like to testify tonight, prior to the Applicant, if  
11 possible.

12 CHAIRPERSON KRESS: Why don't we go on and deal with the  
13 fourth item, which is --

14 MS. PRUITT-WILLIAMS: The fourth item is also a request from  
15 Covenant House Youth Congress to testify on Thursday, first. They have a group of  
16 students, or young people, that have an 8:30 curfew.

17 In your package you should have a letter from Laurie Taylor  
18 requesting that.

19 CHAIRPERSON KRESS: Unfortunately Covenant House will  
20 not be testifying until Thursday, and so I'm very sorry, our process is always to hear  
21 from the Applicant first, and the Government agencies.

22 And so those here from the Covenant House, I apologize, but we  
23 will put you on first. Well, the ANC will go first, but second on Thursday night.

24 So I apologize to anyone here from Covenant House, and we will  
25 definitely put you on first or second, on Thursday night, so we don't keep you here  
26 unnecessarily.

1                   With that I would go ahead and recognize Ms. Sandy Allen, for  
2 testimony. We realize this is unusual, because normally it is not until after the  
3 Applicant has testified, but considering the ward involved, and the significance, we  
4 wanted to make sure to take best advantage of our Councilwoman's time.

5                   COUNCILWOMAN ALLEN: Good evening, and I would like to  
6 thank you for adjusting the rules, just briefly, so that I can make my testimony.

7                   I would like to thank you for the opportunity, today, to speak on  
8 case 98-16, the application of Corporation Council of America for a consolidated  
9 PUD and map amendment to build a correctional facility at Oxon Cove, in ANC 8D in  
10 ward 8.

11                   DC code section 1-261 provides that the Zoning Commission  
12 give great weight to the recommendations of the Advisory Neighborhood  
13 Commission. I request that the Zoning Commission follow the unanimous  
14 recommendation of Advisory Neighborhood Commission 8D, concerning this  
15 application, and deny the request.

16                   The ANC is in the best position to represent the views, and the  
17 opinions, of the residents who are most likely to be impacted by the purpose of this  
18 project.

19                   ANC 8D is a very well organized and informed body. The  
20 members of the Commission take their duties very seriously, and engage in  
21 systematic and detailed deliberations prior to making their recommendation.

22                   I'm confident that the recommendations of ANC 8D are  
23 representative of the views of the members of the immediate community, and ask  
24 that the Commission give their opinion great weight.

25                   Also, ANC 8D's opinion is shared by others near the project.  
26 The next closest ANC is 8C. It, also, voted unanimously against the construction of

1 a facility at Oxon Cove.

2 This fall I put this question to a meeting of Advisory  
3 Neighborhood Commissioners from throughout the Ward. There was an  
4 overwhelming objection to the project.

5 While you may find some citizens, or individual ANC members  
6 supporting the facility, a majority are against the prison.

7 Other reasons for my concerns, D.C Village, currently, is used by  
8 our senior citizens during the day, and by the homeless community at night. Also,  
9 there is a Job Corps site with several hundred students next to the proposed facility.

10 How will the operation of the fact affect these? There are no  
11 protections being made for these populations.

12 Another important issue is the environmental impact. Nothing  
13 should be approved before a full-blown environmental impact has been done.

14 Not only are there some parts of the site probably contaminated,  
15 but other parts are wetland and need protection.

16 Many Ward 8 citizens have spent a great deal of time and effort  
17 to learn all about this proposal, and reached their own conclusions about whether it  
18 is good for the ward or not.

19 This is how democracy works. I'm very proud of the residents of  
20 Ward 8 for taking so much time, and putting forth so much effort in making sure that  
21 they get what they think is best for the community.

22 Lastly, let me say, that I joined my colleagues on the Council in  
23 signing a letter, to the Bureau of Prisons, to urge that a facility be located in the  
24 District.

25 I believed then, and I believe now, in the importance of keeping  
26 inmates near their families, so that they don't lose the support of their loved ones,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 and the continuation and the strengthening of a family.

2 However, the members of the Ward 8 community, who live  
3 closest to the fact, have unanimously decided that this is not what they are  
4 interested in, in that particular site.

5 I thank you for your time, I thank you for allowing me to testify.

6 CHAIRPERSON KRESS: Thank you. We would like to take a  
7 few moments and ask some questions, and also the parties may need to cross  
8 examine.

9 Commissioner Franklin, did you have a point?

10 COMMISSIONER FRANKLIN: I didn't want to interrupt the  
11 questioning of Councilwoman Allen. After she is finished.

12 CHAIRPERSON KRESS: I have a question. Have you, and  
13 have the Council, looked at potential other sites? I mean, you stated that you did  
14 sign a letter of agreement that a prison in the District --

15 COUNCILWOMAN ALLEN: At this juncture we have not. I have  
16 not looked at other sites. I have looked at sites, but I can't say that they are sites  
17 that would house the number of persons that we are speaking about.

18 I cannot speak for my other colleagues, whether or not they  
19 have. We have not done it as a unit. But, in order for the Federal Bureau of Prisons  
20 not to make sure that all of our residents were displaced from the District of  
21 Columbia it was imperative that we find something to safeguard any opportunities  
22 that we may have to keep them in the District of Columbia.

23 CHAIRPERSON KRESS: How would you suggest, should  
24 someone proceed to look at optional sites?

25 COUNCILWOMAN ALLEN: I think that the Council should start  
26 looking immediately at other sites. If possible I think that we should look with the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 upcoming new Mayor-Elect cloning in, that we should look at different venues.

2 There may be places in Ward 6, there may be places in Ward 3.

3 There has not been a direct study done at this point, but I feel that that is something  
4 that we should put forth.

5 CHAIRPERSON KRESS: Thank you. Other questions,  
6 colleagues?

7 COMMISSIONER HOOD: I have a question, Madam Chair.

8 CHAIRPERSON KRESS: Commissioner Hood?

9 COMMISSIONER HOOD: Councilmember Allen, first of all, I  
10 have a question about the process. From your knowledge, in normal circumstances,  
11 when things are coming through our communities, has the process been followed?  
12 And if not what recommendations would you make in this process?

13 Because I do know the Council has passed legislation, I believe,  
14 that a prison be built in the District of Columbia.

15 COUNCILWOMAN ALLEN: That's correct. We did do a  
16 resolution, we did not do legislation, we did do a resolution to that effect.

17 The process started in 1995. So what steps were taken prior to  
18 my coming to the Council I can't speak to, so I can't speak to whether they were  
19 properly done or not.

20 But the process for this particular facility started in 1995.

21 COMMISSIONER HOOD: I guess I just, for my clarification, and  
22 my reading, I want to make sure that the community was included in the process  
23 since you have been --

24 COUNCILWOMAN ALLEN: The community was included since  
25 I've been there. I'm the one who let the community know that there was a possibility  
26 that there was going to be a correctional facility in our community, by forming a task

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 force to do a study.

2 So, yes, they have been. There were three meetings held, the  
3 current Mayor had a meeting here in this chamber to talk about a facility being in the  
4 District.

5 So, yes, the community has been informed.

6 COMMISSIONER HOOD: Thank you.

7 CHAIRPERSON KRESS: Any other questions? Then I would  
8 like to ask the parties if anyone would like to cross examine. And, also, obviously  
9 the Applicant has the right of cross examination.

10 Would anyone from CCA like to cross examine Ms. Allen? Does  
11 Robin Ijames wish to cross? Does Joyce Scott, Robert Yedell, wish to cross?

12 MR. YELDELL: I do. Good afternoon, Robert Yeldell.

13 First I would like to ask our esteemed Councilperson, originally  
14 when the question was asked if there was anyone at the community being informed,  
15 she did answer that properly.

16 In fact, I was the one that told her, originally, that that was going  
17 to be a 500 prison.

18 CHAIRPERSON KRESS: We have to be careful. Maybe I didn't  
19 explain cross examination.

20 MR. YELDELL: Okay.

21 CHAIRPERSON KRESS: This is not time to testify. This is time  
22 to ask of the witness questions to which she -- questions to the testimony she just  
23 gave.

24 MR. YELDELL: Okay. One of the questions that I have --

25 CHAIRPERSON KRESS: You will have time to testify later. If  
26 there is any questions you would like to ask her regarding the testimony she has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 given?

2 MR. YELDELL: Yes, I would like to ask Ms. Allen, you stipulated  
3 that ANC 8C was the closest to 8D as far as the establishment is concerned?

4 COUNCILWOMAN ALLEN: Yes, 8C, its border touches 8D right  
5 at the South Capital Street, South Capital and Martin Luther King. So that is the  
6 closest to, they touch the closest.

7 MR. YELDELL: I beg to differ, because 8D is closer than 8C.

8 CHAIRPERSON KRESS: Careful, you are testifying again.

9 MR. YELDELL: No, I just want that clarified.

10 Also, I would like to ask our Councilperson, why is it at first you  
11 were for the -- if this is a correctional facility, not a prison, why is it that at first you  
12 were for the facility being built, and now that you are opposing it?

13 COUNCILWOMAN ALLEN: In the beginning, Mr. Yeldell, I was  
14 very much in favor of a correctional facility coming in to Ward 8, and at that time the  
15 facility that was talked about being a 500 bed women's facility. That was the original  
16 premise that was brought forth to me, and at that time.

17 And we do need a correctional facility for women in the District of  
18 Columbia.

19 MR. YELDELL: I have no further questions.

20 CHAIRPERSON KRESS: All right, thank you. Does Mr. Kinlow  
21 have any questions he would like to ask of Chairperson Allen?

22 (No response.)

23 CHAIRPERSON KRESS: Mr. Jackson? Mr. Kinlow?

24 MR. KINLOW: Ms. Allen testified that the task force that she  
25 empowered had three meetings. I just want to ask, were there any  
26 recommendations, from that, that occurred from those three meetings?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 COUNCILWOMAN ALLEN: The taskforce was only there to, it  
2 was a fact-finding task force, and it was not put in place for recommendations. It  
3 was in place to find out what was going on in correctional facilities throughout the  
4 United States, and its purpose, as it was stated in the taskforce report, did not make  
5 recommendations.

6 MR. YELDELL: The Major held a roundtable in this room on a  
7 correctional facility. Do you know if there were any recommendations that resulted  
8 from that meeting?

9 COUNCILWOMAN ALLEN: I have heard no response from the  
10 meeting that was held here, in this room, by the Mayor.

11 MR. YELDELL: Do you know if there have been any official  
12 meetings leading to any recommendations from any elected officials indicating the  
13 need, or want of a correctional facility in Ward 8?

14 COUNCILWOMAN ALLEN: To my knowledge there have been  
15 no meetings.

16 MR. YELDELL: Thank you.

17 CHAIRPERSON KRESS: Thank you. Did Mr. Jackson want to  
18 enter into any cross examination? And I did ask, did anyone -- Ms. Freeman, did  
19 you wish to have any cross examination?

20 MS. FREEMAN: No, I do not. And Mr. Johnson, our  
21 chairperson is here now.

22 CHAIRPERSON KRESS: Did Mr. Johnson wish to have any  
23 cross examination?

24 MR. JOHNSON: Yes.

25 CHAIRPERSON KRESS: And again, this is cross examination  
26 to the testimony that has been given.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 MR. JOHNSON: Yes.

2 CHAIRPERSON KRESS: By the way, could those people near  
3 the door help keep that door shut? That sounds makes it difficult for us to hear.

4 I'm sorry, please continue. Forgive me.

5 MR. JOHNSON: My name is O.V. Johnson, I'm the Chairperson  
6 of Neighborhood Commission 8D. I would just like to ask Councilperson to verify if it  
7 was her understanding, when she first let it be known of the taskforce study of the  
8 Ward 8 for a prison, was it understood that that was to be a women's prison for three  
9 to five hundred persons?

10 COUNCILWOMAN ALLEN: That's correct, Mr. Johnson.

11 MR. JOHNSON: I also would like to know, from our  
12 Councilmember, when were you made available, when was the information made  
13 available to you that it was going to be for 2,200 persons?

14 COUNCILWOMAN ALLEN: I can't give you a date. I think it was  
15 when the RFP went out, when I finally got a copy of the RFP, so I cannot give you  
16 an exact date.

17 MR. JOHNSON: One last question. Was this known before the  
18 taskforce met at the Ballou High School?

19 COUNCILWOMAN ALLEN: No, it was not.

20 MR. JOHNSON: Thank you.

21 CHAIRPERSON KRESS: Thank you. And again, last I wanted  
22 to make sure, did CCA want to do any cross examination? Anyone representing the  
23 Applicant wish to do any cross examination of Councilwoman Allen?

24 Thank you very much for taking time out of your busy schedule  
25 to come. I think this is a very important topic, and thank you very much for coming  
26 and testifying.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 COUNCILWOMAN ALLEN: Thank you. At this point we are  
2 going to proceed with our agenda, which is the presentation of the Applicant, and  
3 the Applicant has been given one and a half hours, so we would like the Applicant to  
4 set up now, and be prepared to begin.

5 I would like to do a couple more preliminary matters,  
6 Commissioner Franklin, and then I would also --

7 COMMISSIONER FRANKLIN: For the record, I would like to  
8 observe, Madam Chair, that Commissioner Parsons is not up here because as a  
9 representative of the National Park Service he has recused himself from any  
10 participation in this proceeding.

11 And that leads me to make a few other general observations,  
12 because I believe that there are people in the room who are unfamiliar with our  
13 general proceeding and our background.

14 The Zoning Commission has existed for over 60 years in the  
15 District of Columbia, it is independent of the City Council, it is independent of the  
16 Mayor's office, and the people who are sitting before you on this dais are volunteers  
17 who have day jobs, and who are essentially not paid for this service, or paid  
18 normally.

19 Our role is to act as judges, even though we are not wearing  
20 black robes. Everything is being taken down, and it is in fact a legal proceeding.

21 Consequently, to have applause and cheers, and what have you,  
22 is out of order. You are going to hear a lot of things tonight, and on Thursday, with  
23 which you strongly disagree, and you are going to hear a lot of things with which you  
24 strongly agree.

25 We ask that you let us proceed without giving vent to your  
26 agreement or disagreement, so that we can move in an orderly and regular fashion

1 to an ultimate decision.

2 Any decision that we make is reviewable by the District of  
3 Columbia Court of Appeals.

4 CHAIRPERSON KRESS: Thank you. I also would like to ask  
5 the media, we really ask you to stay put, it is disruptive when you move around.

6 And, also, whoever is controlling the door, to please try to keep it  
7 closed. The accessory sound is very disconcerting.

8 With that we will move --

9 (Audience comments.)

10 CHAIRPERSON KRESS: We are going to start having people  
11 leave here in just a minute. I did not realize there was a line, I will look into it.

12 (Audience comments.)

13 COMMISSIONER FRANKLIN: If we have questions like that,  
14 from the floor, we are never going to get through tonight. The police were instructed  
15 not to let people come in to stand, and apparently they have been allowed to come  
16 in.

17 CHAIRPERSON KRESS: I have made a determination, the  
18 people who have come in and are standing, you must leave. I did not realize there  
19 was a --

20 (Applause.)

21 CHAIRPERSON KRESS: The next person that claps is leaving  
22 too, I mean it. Would you please leave? I did not realize there was a large line. I'm  
23 sorry, it doesn't seem we can get a room big enough.

24 But those of you who have just come in and are standing, I need  
25 for you to please exit the room.

26 (Audience comments.)

1 CHAIRPERSON KRESS: It is posted. I have asked the people  
2 standing to leave. There are a few seats. If you can find some seats, take them. I  
3 have asked the people standing to leave, and I don't intend to back down on that.

4 COMMISSIONER FRANKLIN: If there is an empty seat, would  
5 you raise your hand, if you are sitting next to an empty seat?

6 For those standees, there are two empty seats back there where  
7 people have raised their hands.

8 CHAIRPERSON KRESS: I'm sorry, we will now resume with the  
9 presentation of the Applicant. And, obviously, for the record, announce yourself and  
10 the folks with you.

11 MR. RAY: Thank you, Madam Chairperson, and members of the  
12 Commission. I'm John Ray, Counsel for the Corrections Corporation of America in  
13 this matter.

14 We are delighted to have the opportunity to present an accurate  
15 and complete picture of our plans in Southwest Washington, D.C.

16 If it is agreeable to the Commission, I have some opening  
17 remarks, and then I will call on other members of our team to let them introduce  
18 themselves, and present the aspects of this presentation that they will be making.

19 CCA's Chairman and CEO, Dr. R. Kranset planned to be here, to  
20 present the corporation's principal statement, but was unable to join us this evening.

21 With me, to my right, is Joseph F. Johnson, who is a member of  
22 the Board of Directors of CCA, and the President of the National Corrections and  
23 Rehabilitation Corporation of the District of Columbia.

24 Next to Mr. Johnson is Lind Staley, CCA's Vice President for  
25 design and construction management, who will speak on behalf of Dr. Krents.

26 And then next to Staley is Cynthia Giordano, who is also co-

1 counsel in this matter.

2 Later on, as we go through the statement, Bob Kennington and  
3 Reginald Hebron will tell you about the success of our Lifeline substance abuse  
4 treatment program, which we will implement at this facility.

5 Joe Haines, of the DLR Group, our principal architect, will  
6 discuss design and architecture, joined by Paul Deverouax of the D.C. firm of  
7 Dervrouax and Purnell.

8 Ian Frost of EEE Consulting, Inc., will cover site selections, site  
9 planning and environmental matters. Warner Speakman of ESI Companies will  
10 discuss security systems and procedures.

11 Professor Charles Thomas, who was here at our last meeting,  
12 was not able to be with us this evening. We also have Bob of the Dade  
13 Corporation, our general contractor, and Burchone Scales of MTR construction  
14 company of Washington, D.C., our principal subcontractor, who will be available to  
15 respond to questions about construction plans.

16 Frank Hall, director of operations, Mary Bueller, who was a  
17 warden of the D.C. Corrections Treatment Facility, and Mike Quinlan, of Prison  
18 Realty Trust, are also here to respond to questions. Mr. Quinlan was the Director of  
19 the Federal Bureau of prisons from 1987 to 1992.

20 Let me begin by saying I know that you all have had these  
21 statements, and I think probably have had a chance to read through them already,  
22 so I will try to summarize my presentation and save some time, and I've encouraged  
23 my colleagues to do the same, to conserve as much time as we possibly can.

24 Madam Chairperson and Members of the Commission, I know  
25 this is a very difficult case for the Commission. It is always difficult when one  
26 decides to build a correction facility in any community.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 I served on the D.C. City Council for 18 years, and all 18 years I  
2 served on the Judiciary Committee, so I went through the construction of both the  
3 detention center, and the correction treatment facility, both which are on Capitol Hill,  
4 and both which are located in Ward 6, and I lived in that community for about 14  
5 years.

6 So I understand, and we also understand the reaction to when  
7 someone new is coming into the community, particularly when most citizens are  
8 used to Government running facilities, and then a private company is entering into  
9 an area in which people are traditionally familiar with Government doing it.

10 I understand and appreciate the concerns, but hopefully we will  
11 be able to answer your questions and your concern, and share with you why we  
12 think this is a good project for the city.

13 I also want to take this opportunity to say a few words about  
14 Youngstown, because Youngstown has come up in many of the community  
15 meetings that we have been at, and folks have raised concerns about the security  
16 and operations of that facility.

17 I've learned, from many years, that when you read things in the  
18 press you have to take a deep breath, and I just want to give you an example of  
19 what I mean.

20 There was an article in Sunday's paper, some of you may have  
21 read, about the facility in southeast -- proposed in Southwest Washington, D.C. It  
22 was written by a very fine columnist, someone I've known for many years.

23 And I just want to demonstrate to you how inaccurate that article  
24 was in many respects, as I talk about the Youngstown situation.

25 The article indicated that this proposal was being done by the  
26 District of Columbia Government. That is not true, it has been done by the Federal

1 Government.

2 The article indicated that CCA would be paid 77 dollars a day.  
3 This is a sealed bid before the Federal Bureau of Prisons, along with a number of  
4 other bidders, and we have no idea who will be selected, or what it will be paid.

5 We also read a statement in there that this will be a form of slave  
6 labor, because inmates will be paid below the minimum wage. I want to submit  
7 tonight, for the record, the D.C. Industry Act, which is part of the D.C. Code, which  
8 was passed by the D.C. Council, very similar to the Federal program, which  
9 regulates this industry.

10 And this law specifically requires that the inmates who work in a  
11 private industry program will be paid the prevailing wage of the metropolitan area.  
12 That if they work overtime they have to be paid time and a half. That they also are  
13 provided Workmen's Compensation. That they cannot be discriminated against in  
14 job opportunities, and that they can only work in these programs if they volunteer for  
15 those programs.

16 That is in stark contrast, because the D.C. Government is  
17 exempt from those requirements. So I want to submit, for the record, and make it  
18 clear, that there is a law which controls prison industries in the District of Columbia,  
19 and I also have to say that law was authored by Councilmember Lightfoot and  
20 myself.

21 In Youngstown, if you read in the press, you would think that that  
22 facility was a facility that was out of control. There, obviously, was a mistake made  
23 at Youngstown, and Mr. Johnson will speak more to that.

24 But what I want to point out, that the Youngstown facility just  
25 went through a national accreditation, which was completed last week.

26 There is 2,250 correction facilities in America. Out of that 2,250,

1 only 900 and some are accredited by the National Association, about 34 percent.

2 There is over 400 standards that you have to meet, mandatory  
3 and optional standards. The Youngstown facility scored 100 percent on all the  
4 mandatory standards, and 98 percent on the optional standards. And it will become  
5 an accredited facility the first of the year.

6 The correctional treatment facility, which is right here in  
7 southeast Washington, D.C., which was a brand new facility built by the D.C.  
8 Government, and the Government operated it for about six years, they never could  
9 get it accredited, it fell into disarray.

10 CCA has been operating that facility for less than two years. It  
11 went through its audit about three weeks ago. It scored 100 percent on all the  
12 mandatory requirements, and 99.5 on the optional requirements.

13 So the only true facilities that are housed in D.C. prisons that will  
14 meet national standards starting in 1999, will be the two facilities that are operated  
15 by CCA.

16 We realize that there is concern in the community about facilities.  
17 When we built the Correction Treatment Facility, when we built the Detention  
18 Center, there was much opposition to those facilities.

19 The Councilmember from that ward opposed it at the time, as  
20 well as the at-large Member. I would like to show you, this picture on the screen to  
21 my left, is a picture of the D.C. jail, which sits, I would say, less than 200 feet away  
22 from a residential community.

23 Basically this is 19th Street, on the west side of 19th Street is all  
24 residential, and on the east side is the D.C. Detention Facility, and just down below  
25 that is the Corrections Treatment Facility. Both of them are in Ward 6.

26 Also, I would like to show you, we have put together, for you, a

1 little video of that community near the facility.

2 (Whereupon, a video is shown.)

3 CHAIRPERSON KRESS: Mr. Ray, may I make a comment?

4 We are having a little trouble with this testimony, and we have consulted with our  
5 corporation Counsel.

6 The problem is we cannot cross examine, nor can the other  
7 parties cross examine these people. And so we feel that unfortunately we should  
8 discontinue this, and rely on your upcoming witnesses.

9 If any of these people want to come up and testify, they can  
10 come up and testify.

11 MR. RAY: Continuing, Madam Chair, and members of the  
12 Commission, regarding comments about the Youngstown facility, Councilmember  
13 Thomas, during the time that there was a quite a bit of publicity in this area about  
14 that facility, sent a letter to the former director, Margaret Moore, expressing his  
15 concerns.

16 And I contacted him, and took him up to the facility, and had him  
17 to tour the facility, and he left with a very different impression of that facility.

18 Just to give you an example, recently the first class graduated  
19 from that facility, of GED, with an 81 percent passer's rate, and I have attached, to  
20 my statement, a letter from the authorities up there, expressing that that is higher  
21 than in most jurisdictions in the country.

22 That facility is a facility that represents only a small part of what  
23 we plan to do here, in the District of Columbia.

24 We have spent a great deal of time thinking about the kind of  
25 facility that we wanted to build in the District of Columbia. We have set out to build a  
26 model facility in the District of Columbia.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 A facility that exists, unlike any other facility in America. We  
2 want to make sure that inmates that are incarcerated there have the chance for  
3 habilitation, rehabilitation, for mental and other kinds of disease to be detected and  
4 treated. We want them to be educated, we want them to be trained, and we want to  
5 send back to the community a better inmate than was incarcerated.

6 But we also want to make sure that we have a positive impact on  
7 the community. As we went out and we met with ANCs, and we met with church  
8 groups, and other groups, we listened to their concerns.

9 One of the issues that we heard over, and over again, that while  
10 we were offering very good programs for the inmates that we were not doing enough  
11 for the community, notwithstanding the jobs that we would create, revolving loans  
12 and other things Mr. Johnson will talk about.

13 We had always wanted to make sure that we, in effect, entered  
14 that process up there, with that entire area, being a living area.

15 And we will be able to demonstrate to you that we have also  
16 been able to include a component of this that will have a tremendous impact upon  
17 the community there, and will train, and create jobs and opportunities, for those who  
18 not only live in Ward 8, but live in other parts of the city.

19 I believe that when all is said and done, and this project is  
20 viewed in its totality, that the city, the residents of the District of Columbia, will see  
21 this as a project that is very beneficial, not only to those who are incarcerated, but  
22 those who live, work, and pay taxes in the city.

23 With that I turn to Mr. Johnson. Mr. Johnson?

24 MR. JOHNSON: Thank you, John. I would like to reiterate that  
25 my remarks are going to be summarized, as well. My testimony, as written, is very  
26 extensive. And I know that the members of the Commission have probably taken a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 great time to read those. So I will try to be brief in my remarks, so as to be able to  
2 respond to questions, and to reserve some time for my colleagues with me here at  
3 the table.

4 Washington, D.C. is a city which I need not remind anyone in this  
5 room, of great people, great institutions, people who are well-known for their public  
6 service. There are many notable citizens who have come from this city. Some have  
7 achieved, against all odds, others know many who have not fared so well.

8 Those are the people that some call lesser-God, lesser chance,  
9 no chance, who we are talking about here this evening. Those people who get  
10 remanded to correctional services.

11 It is a public use, it is to our mind, as public a use as hospitals,  
12 schools, police and fire.

13 CCA has committed to our mission, and that is to work with  
14 government in this public use option; to work with our customer to provide an option  
15 that clearly makes use of turning lives around.

16 Government is concerned, by its duty and obligation, to provide  
17 this option, to correct deviant and unlawful behavior of its citizens, and at one time,  
18 we need not remind anybody in this room, that Government elected to punish its  
19 lawbreakers by capital punishment, hanging, or by bondage, chain gangs.

20 An enlightened society must choose to habilitate and rehabilitate.  
21 Thus choosing to make inmates people, not shadow. And with this option, hopefully,  
22 they begin the long journey back to their neighborhoods, to their mothers, to their  
23 wives, and to their communities.

24 Inmates can achieve, Madam Chairperson, Members of the  
25 Commission, witness the journey of Malcolm X. Whose name, coincidentally, is  
26 registered on a major thoroughfare in this city, and in Ward 8.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 Malcolm Little, as he was known, as an inmate, is not what that  
2 sign signifies. It signifies Malcolm X, who became an international leader of this  
3 country and the world.

4 Any inmates, particularly those who would be in this facility,  
5 could be Malcolm-like, in service to their community and to their families.

6 Those who have conflict or problems with this position, need to  
7 confront history, not CCA, and not this proposal.

8 Of course, the community must be involved in this option. They  
9 must have the opportunity to answer the hard questions -- to ask the hard questions,  
10 and we must answer them.

11 Youngstown, as my distinguished colleague, Mr. Ray, has  
12 mentioned, is a prison which has been much in the news. This is a facility which  
13 houses medium and high-medium inmates. It is a much higher custody level than  
14 the Federal Government would house in this project.

15 To the credit, and to the great credit of the Bureau of Prisons, the  
16 RFP called for a proposal to house women. And if we had had time to show the rest  
17 of the video, there were women who came forward to talk about how being away  
18 from their family members, for so many years, as was and is still the problem with  
19 the system here, created a great amount of discord amongst their families. And that  
20 long journey back home to rehabilitation.

21 Youth, people at a point in their lives when rehabilitation, or  
22 habilitation, really could mean something to them, have not had the opportunity to  
23 realize their potential.

24 And, of course, the minimum security, because they were males,  
25 who for whatever reason succumb to the drug problems of the early '80s, would fall  
26 into this classification, will be denied the opportunity to have, close to home, their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 opportunity to serve their sentence and come back as a more meaningful person.

2 No one can assure, with any guarantee, that mistakes will not  
3 occur. People manage people. In Youngstown we made some mistakes.

4 Hopefully, Madam Chairperson, Members of the Commission, and those behind me  
5 who can't seem to figure out what we are trying to do, hopefully we can earn the  
6 trust of this community by becoming a part of it.

7 (Audience comments.)

8 CHAIRPERSON KRESS: Whoever said "hell no", is out now.

9 MR. JOHNSON: In Ward 6, where we now manage the  
10 correctional treatment facility, --

11 (Audience comments.)

12 MR. JOHNSON: -- our warden, our chief executive officer, Mary  
13 Buell is --

14 (Audience comments.)

15 MR. JOHNSON: -- lives in the community. We have, in the  
16 audience, members of the CTF, the Correctional Treatment Facility. I'm sorry, we  
17 had members -- our uniformed officers were here, they had to leave.

18 (We have, in Ward 8, by one of those who just have stood,  
19 recent graduates of our training academy. Who, Madam Chairperson, have left jobs  
20 in fast food services, jobs which had no career plan, and who are now proudly  
21 serving CCA as correctional officers, moving from hourly wages of under the ability  
22 to make a living wage, to now where they are making in excess of 25,000 dollars a  
23 year, as a starting salary, full benefits, but most importantly, an opportunity to build a  
24 career.

25 We think that that is very important. And parenthetically, the  
26 leadership, like those folks who just stood, who live in Ward 8, would hopefully at our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 new facility, if granted, would look to find homes in this Ward, which is an  
2 outstanding ward, would look to have their families live there, and therefore would  
3 ensure the vigilant and prudent operations of that facility.

4 Madam Chairperson, we understand this community. We have  
5 been here, in operation, since 1993. We are active in support of many causes in the  
6 District. We have worked with churches, and schools, and community groups. And  
7 we feel that we have become a major part of this city.

8 In 1995 we began a process to manage the Correctional  
9 Treatment Facility. In the process of negotiations, we gave the city fifty two million  
10 dollars, which we had hoped they would spend in education.

11 In their wisdom they used it to help retire the debt. One third of  
12 the surplus of this city, that has been widely acclaimed, over the last year, came  
13 from the sale of the CTF, and the investment by CCA in this community.

14 Madam Chairperson we feel strongly about this district. We feel  
15 strongly about our commitment to public service.

16 We also know that we have to present ourselves as fixers. We  
17 have to understand that our role in working with inmates has to be the very, very  
18 best that we can offer anywhere in the world.

19 We understand that negative behavior, however, can be  
20 corrected. Those who have engaged, however, in that negative behavior, need to  
21 have a second chance.

22 I believe it was Oscar Wilde who said that there was no second  
23 act in life. This is an opportunity for a second act.

24 And we propose programs that will just not accentuate the  
25 negative, we want to accentuate the positive. For those who seek and want an  
26 opportunity to reclaim their lives CCA is not afraid to put its national reputation and

1 resources up for the world to scrutinize. We are invested in this for the long run.

2 And thus we have come to you this evening to present our best  
3 case, to try and work with those who have decided, some who have heard the facts  
4 and decided nay; some who have not heard the facts, who want to hear them, we  
5 are available to work with them.

6 We believe that it is important to do those things, because  
7 without that, we know our ability to put our facility in the district will be enhanced, but  
8 our ability to work with the community will be diminished.

9 Along with this facility, we feel it necessary to offer a profound  
10 and unmistakable signal of our intention; the creation of a vocational school that  
11 combines the ability to work and assist members of the Ward 8 community, and  
12 citizens of the District of Columbia, to go into a tremendous opportunity for  
13 vocational improvement, to try and find jobs, which we contend is the best deterrent  
14 to crime.

15 It has been consistent in our CCA nomenclature, and in our  
16 creed to symbolize that rehabilitation is good for our industry, and thus we are  
17 pleased to announce that we have entered into a memorandum of understanding  
18 that will bring the new Washington University of Technology to the D.C. Village site,  
19 just north of our project.

20 This exciting development will provide training, through its  
21 college, of the Diesel Institute, College of Repair, Maintenance, and Related  
22 Industries, College of Office and Clerical Services, and College of Culinary and  
23 Domestic Sciences.

24 Those who attend the college of the Diesel Institute for Diesel  
25 Repair and Truck Driving, are virtually guaranteed a job. The institute --

26 CHAIRPERSON KRESS: May I ask a question?

1 MR. JOHNSON: Yes.

2 CHAIRPERSON KRESS: I have just been informed that some  
3 people arrived by buses, they are leaving now, so those people who came on buses  
4 might want to go ahead and leave, since we are not allowing people in and out of  
5 the room.

6 So I just didn't want anyone stuck here that was relying on a bus  
7 to get home.

8 Excuse me, please continue.

9 MR. JOHNSON: That is okay, Madam Chairperson.

10 The institute has a 80 percentage placement rates for its  
11 graduates. The Washington University of Technology will provide vast new  
12 education and training opportunities for residents of Ward 8, and the entire city, as I  
13 said.

14 CCA will retain the services of the university in providing  
15 vocational services within our facility, as well. But its major services and impact will  
16 be for those who live and work daily in the Ward 8 community.

17 The campus plan is displayed on the screen. And I want to call  
18 on Mr. Sheldon Monsein, of the Diesel Institute of America, to spend a few minutes  
19 to describe it, and what it means to the citizens of Ward 8.

20 It was Mr. Monsein's vision, and determination, that led to this  
21 development, and CCA is proud to work with him. Mr. Monsein, please come up.

22 MR. MONSEIN: I'm Sheldon Monsein. My last 30 years have  
23 been spent in training technical jobs, selling jobs is what my business really is. By  
24 that I mean we go into industry and find out what they need, and we create the  
25 programs.

26 And most of the programs create the jobs that are necessary in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 industry. We go to employers and we get contracts from them to guarantee  
2 employment, before we put the student in school.

3 One of our training programs, the truck driving, after just eight  
4 weeks of training, the starting salary is 28,000 dollars a year. This is one of the  
5 programs that we propose to put in the D.C. Village, along with diesel mechanics,  
6 and Mr. Johnson talked about all the different courses that are available.

7 It is difficult to look at the picture, but in there there are seven  
8 different buildings. And the buildings are all separate. There is a building to create  
9 culinary specialists, chefs, waiters, waitresses.

10 In the D.C. area, the necessity right now for help in restaurants is  
11 unbelievable. In truck driving alone there is a 400,000 person shortage, and we  
12 expect to create, our training program over at A, which is at the right side of the  
13 screen. There is a facility at D.C. Village now that has a garage, that we will be  
14 using for training the diesel mechanics.

15 We intend, in addition to having this technical training, to have a  
16 community guidance center, where everyone in Ward 8, and in the city, can come  
17 and we will discuss what the opportunities are for that individual, whether it is in  
18 programs that we offer, or programs that we should offer, or where can we find the  
19 training for them. This will be part of our goal, to get more people working in the city.

20 The grounds that are there, we have been working on this  
21 project for well over two years. It has been a goal of mine to create a technical  
22 facility in D.C., so that we could get people jobs, and that is really what we do.

23 We train people, but we train them to go to work. And the  
24 success of any school is not based on the students who come in, but it is the jobs  
25 that you get them when they leave.

26 Our goal, really, is to take people who are dependent, and make

1           them independent. And, hopefully, you will permit us to have this opportunity to  
2           prove that the Diesel Institute can create this, and make Washington a better place  
3           to live, to work, and to raise a family.

4                           Thank you.

5                           CHAIRPERSON KRESS: We will want to ask questions of all of  
6           you later, so if you could remain here, please, until the full testimony is completed,  
7           and people have time to cross examine.

8                           I'm sorry, please continue.

9                           COMMISSIONER CLARENS: Madam Chairperson, I have a  
10          question. Mr. Johnson, can you explain, again, what is the relevance of this  
11          presentation that we just heard, to your facility?

12                          MR. RAY: The importance of this facility, as I pointed out in my  
13          statement, was when we went to the community to ANCs, to civic associations, to  
14          meeting with ministers, they all expressed appreciation for the programs that we are  
15          providing inside the facility for the inmates. And we have a vast array of programs  
16          for them, training in almost all of the trades, including the fact that we are going to  
17          build five industries there, which will allow inmates to work.

18                          One of the demands for the community is that they wanted us to  
19          do more to provide training and job opportunities for the people who were not  
20          incarcerated.

21                          And so this part is basically for folks who are not incarcerated,  
22          who live in the community, to come to be trained in various trades and skills. It is a  
23          joint development.

24                          And the institute will also do the training in the facility, in the five  
25          industries, and also do the training and teaching for the residents of Ward 8. CCA  
26          has put its support behind making sure that this particular project becomes a reality.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433    WASHINGTON, D.C. 20005-3701    (202) 234-4433

1 COMMISSIONER HOOD: Madam Chair?

2 MR. RAY: And CCA and the Washington University of  
3 Technology has entered into a memorandum of understanding to that effect, which  
4 is attached to our statement.

5 COMMISSIONER HOOD: Madam Chair, may I just piggyback?  
6 Mr. Ray, Mr. Monsein, what safety measures do you have as far as the diesel fuel  
7 going out into the air? What safety measures are in place? Because diesel fuel is  
8 hazardous to the health.

9 And, I mean, I understand the program, but what safety  
10 measures have you established?

11 MR. RAY: We are not going to have a plant or anything like that.  
12 This is the training of mechanics, and the training of drivers, teaching them how to  
13 drive these large trucks that you see on the interstate, and also teaching them how  
14 to repair those vehicles. For example, the buses that you see driving on our street.

15 COMMISSIONER HOOD: I'm still kind of confused about the  
16 safety measures, because diesel fuel is hazardous to health. I'm just concerned, do  
17 you have a lock-down method to keep the fuels in? Are you going to be operating  
18 on site, or what?

19 MR. RAY: Yes. The entire school will be operating on this site  
20 that you see depicted on the screen.

21 COMMISSIONER HOOD: So, in other words, the diesel fuel will  
22 be just going up into the air?

23 MR. RAY: You are talking about the exhaust from the trucks?

24 COMMISSIONER HOOD: Exhaust, exactly. I'm sorry if I didn't  
25 clarify myself.

26 MR. RAY: Yes. To the extent that the drivers are being trained

1 on this site, the vehicles will be on this site. I will allow Mr. Monsein --

2 MR. MONSEIN: A lot of people think that the black soot coming  
3 out of the top of the truck is a pollutant, but in reality it is not a pollutant. If you study  
4 it the way that we have, the reason that you have that black smoke is because the  
5 engines aren't tuned properly.

6 If we can train these mechanics to properly tune these engines,  
7 you won't see that. Our situation with the D.C. area is that we expect to take all of  
8 the police cars, the buses, the garbage trucks, the snow removal equipment, and we  
9 will repair it in our facility, at no charge to the city. The only charge will be for the  
10 parts that are used.

11 So we feel that by bringing those units in, that we can repair,  
12 they are being repaired in the city right now, so the same smoke is going up in  
13 another area.

14 But we feel that we can bring those units in, and we can repair  
15 them. And while we are repairing them, by the students who are in our school, they  
16 will be creating the jobs that they -- the actual equipment that they will be working on  
17 when we leave our schools.

18 MR. JOHNSON: Mr. Hood, Madam Chairperson, I think that the  
19 answer I would also like to add is that the -- and I will get to the question about the  
20 pollutant question again.

21 The reason why we were so excited about a diesel institute was  
22 because it has the potential of guaranteed jobs. The jobs are, without question,  
23 much sought after.

24 We have not done any in-depth review of the amount of driving  
25 that would be in the area. Mr. Monsein, I guess, would lay out the routes that would  
26 be taken.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   But I would like to point out that the real problem, at these sites  
2 currently, is that you have an impound lot, which is leaking oil and gas into the  
3 ground, and has been doing that for many, many years. Which has a potential  
4 hazard for the water level in that area.

5                   You also have a landfill which now is emitting methane gas that  
6 we have to fix. That land has got a lot of environmental problems with it now. We  
7 hope to be part of the solution, and not the problem, there.

8                   MR. RAY: Madam Chairperson, Ian frost is our environmental  
9 specialist, and I think he can respond, also, to your concern, Mr. Hood.

10                  MR. FROST: Yes. I'm going to be speaking later.

11                  CHAIRPERSON KRESS: Are you going to be speaking later?

12                  MR. FROST: Yes.

13                  CHAIRPERSON KRESS: Why don't you, depending on what  
14 order you are in, you might want to wait and go ahead and make it as part of your  
15 testimony.

16                  MR. FROST: Okay.

17                  MR. RAY: In addition to the repair -- I'm sorry.

18                  CHAIRPERSON KRESS: I'm sorry, we were just talking among  
19 ourselves. We were trying to hold our questions until you completed your testimony.

20                  MR. JOHNSON: In addition to the Diesel Institute, however,  
21 Madam Chairperson and Members of the Commission, we would intend to have a  
22 college of repair, maintenance, and related industries. In that we would look for the  
23 vocational training to allow men and women to repair computers, small business  
24 machines, security systems and communication systems, and their installation and  
25 repair, building maintenance, painting, wall covering, and plaster application,  
26 landscape and ground maintenance, assembly and operation training, and maybe

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433    WASHINGTON, D.C. 20005-3701    (202) 234-4433

1 we can get a piece of the business with the -- with Metro, where the escalators don't  
2 ever seem to work.

3 We might even be able to train a workforce to actually keep  
4 those running.

5 The college of office and clerical services would include  
6 computer, PC operations, bookkeeping, secretary clerical and personnel  
7 management practices.

8 The college of culinary and domestic sciences, restaurant  
9 management, food handling service, infant and child care.

10 And along with that, of course, would go the administration  
11 building, student union, we would have a student plant and a recycling compound  
12 that could be used in other matters.

13 I have used a lot of my time, so I want to just sort of summarize it  
14 in this manner. One of the questions that one of the Commissioners just asked was,  
15 what is the relevance of what we are trying to do, other than the correctional facility?

16 It is our attempt to try and figure out, with this community, the  
17 kinds of things that we can add to their life to make it better for what we are asking  
18 them to accept from us.

19 We think that that is important to do. We have talked to many  
20 people, and they felt that a vocational training situation, if that is what a community  
21 of our resource size could bring, that would be of great benefit to this community.

22 So we took the task to try and make that work. We also know  
23 that it is going to take a lot of money to clear up that site, which is very much  
24 contaminated at this point. We take that task on gladly.

25 We were asked about helping small businesses, so we put  
26 together a million plus revolver for businesses that live and operate in Ward 8, to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 help them capitalize what they need to start a business.

2 And we would be happy to be their anchor customer. If they  
3 could find commodities that we would like to buy, we would be very happy to work  
4 with them.

5 We have entered into an agreement with small business  
6 contractors, and subcontractors there, to be part of our continued operation. Small  
7 contractors suffer from getting a job now and then it may be six months before they  
8 get another job.

9 We would like to work with them to keep them in a constant  
10 employment situation.

11 In addition to that, we have recognized that there is a lot of  
12 questions about property values being lost. The studies don't show that. In ward 6,  
13 and we would be happy to supply the information at some point, there has been no  
14 loss or there has been no appraisal loss in terms of homes that are owned by the  
15 homeowners in that area.

16 We would like to sit down with the responsible home owner  
17 associations at some point, and figure out if there is a loss. If there is a loss, if they  
18 want to sell their homes, within a certain period of time, and they have lived there,  
19 that if their homes were assessed for 90,000 dollars in 1999, and they want to sell in  
20 the year 2003, and it is 3,000 dollars less, we would be happy to sit down and talk  
21 with them about how to make up that difference.

22 We want to sit down and work with this community. And, listen,  
23 it is on the record, I put it out there. If somebody wants to challenge it, fine, but let's  
24 codify it, and we will go with it from there.

25 Madam Chairperson, I think I've talked for a long time. I would  
26 like to give it back to John Ray, and he will take it from there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 Thank you very much.

2 MR. RAY: Madam Chair and other Members of the Committee,  
3 before I go to the next speaker, on the board is a design of the Correctional  
4 Treatment Facility that will be on this site.

5 And as you look at it, the bottom portion down there, of course, is  
6 the various components for housing the women, for housing the youth, for housing  
7 the minimum and low security inmates.

8 As you look up in the northeast corner there, those are the five  
9 industries that we would construct to allow inmates to work and be employed while  
10 they are incarcerated.

11 And inside, as Mr. Johnson has pointed out, there is an array of  
12 training programs from GED to carpentry, to a host of programs that these inmates  
13 will be able to be trained in, so that when they come out of this institution they will  
14 have the necessary skills.

15 Madam Chairperson and Members of the Commission, one of  
16 the big problems that we all face in America, is the number of inmates who are  
17 incarcerated, who are suffering from drug and alcohol abuse.

18 CCA takes this very seriously. In our experience we have found  
19 that if we can find a way to get inmates off of drugs, and get them trained, they have  
20 a very good chance of staying out and being successful.

21 And CCA has created a national program called Lifeline, which  
22 will be part of this facility. And I want to ask Mr. Reginald Hebron and Mr. Bob  
23 Kennington to come up and briefly describe the Lifeline program to you.

24 MS. GIORDANO: While they are sitting down, this is Cynthia  
25 Giordano, for the record. We have handed out, in these brown folders, a group of  
26 resumes.

1                   One of the witnesses that is coming up now, Mr. Bob  
2                   Kennington, has a resume included in that group. He is an expert on drug  
3                   rehabilitation programs, and has a degree in social work, and I would like the  
4                   Commission to recognize and accept him as an expert in this area.

5                   CHAIRPERSON KRESS: I have glanced at it. Fellow  
6                   Commissioners, I don't have a problem recognizing Robert Kennington as an expert.

7                   I was going to ask, because you hadn't asked before anyone  
8                   else. Just as it is appropriate at --

9                   MS. GIORDANO: After we finish this portion of the presentation,  
10                  and move into the technical aspects of the proposal, we will do all the rest in one fell  
11                  swoop.

12                 CHAIRPERSON KRESS: All right, thank you.

13                 MR. KENNINGTON: My name is Robert Kennington.

14                 I think there is something that everyone in this room can agree to  
15                 tonight, and that is that we have a very serious problem in Washington, D.C. and  
16                 throughout this nation with drugs, crime, and violence.

17                 In the last 10 years our prison population has doubled, and it  
18                 continues to escalate. We continuously look for answers, and look for solutions.

19                 Every time we pick up our paper, every time we turn on our TV,  
20                 or turn on our radio, this is what we are bombarded with. But we don't hear a lot  
21                 about solutions.

22                 What I would like to present tonight, at least it is something that  
23                 we found at CCA is to be a very viable solution to a part of this escalating problem.

24  
25                 The National Commission on Addiction and Substance Abuse  
26                 recently published a report that indicates that out of the 1.7 million individuals that

1 are incarcerated in this country today, 1.4 million of those individuals were high at  
2 the time they committed their crime.

3 I firmly believe that we can continue to arrest the criminal, but  
4 until we arrest the problem and address the problem, we are going to continue to  
5 build prisons, we are going to continue to see these individuals coming out and  
6 returning to prison.

7 CCA is very committed to arresting and addressing this  
8 problem. We have created a model program that is internationally known program,  
9 called Lifeline Therapeutic Community.

10 As a result of our efforts, and our success in this program, we  
11 were asked this year to come to Russia to assist them in developing programs in  
12 their system.

13 And as I speak tonight, there are nine programs operating in  
14 Russia, based on this model of treatment. It is a very powerful model.

15 You are probably asking what is so different about this model?  
16 First of all, let me state that we currently have 19 programs in operation throughout  
17 the nation, and a major part of my responsibility to this is to provide the training, as  
18 well as the development, and the on-site quality assurance for each of these  
19 programs.

20 So when we look at what is so different about these programs,  
21 there is many things different. Typically in your prison system today, what you find  
22 is traditional treatment programs that are relatively short term, have no duration,  
23 they are strictly counselor client centered programs.

24 Lifeline is a long-term, very intense, highly structured, three  
25 phase therapeutic community that not only addresses the issues surrounding  
26 substance abuse, but addresses the issues surrounding living and learning how to

1 live.

2 We consistently reinforce the notion of responsibility, and  
3 accountability, and that is our major concept for this program. We utilize a lot of  
4 behavior modification techniques, and what we desperately seek to do, and are  
5 successful in doing, is to get the inmates that we work with to accept their  
6 responsibility for their place in life, and to be accountable for that, so they can in fact  
7 move on to a better place in their life.

8 The other thing that I feel like we do, is we provide a school. We  
9 provide a school for maturity and moral development by instilling and reinforcing pro-  
10 social values, and pro-social behaviors throughout this program, we see some  
11 dramatic changes.

12 I think for anyone who may be skeptical about these top  
13 programs, since they are not your traditional short-term psycho-educational  
14 programs, hopefully you will take a look at me, because I was one of those  
15 individuals that was salvaged as a result of spending some time in the federal  
16 system for narcotic violations.

17 I was in and out of the system from the age of 13 all the way up  
18 until my release in 1981. I've been out of the system since February the third of  
19 1981, received a complete pardon in 1986, and I've worked in corrections for the last  
20 ten years of my life, going back in prisons, and showing people that there is a better  
21 way in life. I found mine in prison.

22 When I think of all the success that we have had in our Lifeline  
23 program, I wish they were all here tonight, you would have to bring in some more  
24 chairs, I will assure you of that, you wouldn't have enough room for the people to sit  
25 down in here that are, in fact, productive, contributing, law-abiding, taxpaying  
26 citizens of America, just like the individual that I would take great pleasure in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 introducing you to.

2 One of our success stories sits next to me, to our right. He is a  
3 graduate of our program, has been out of the system for about three years, and I'm  
4 pleased to introduce to you Mr. REggie Hebron.

5 MR. HEBRON: Thanks, Bob. My name is Reggie Hebron, I'm a  
6 grateful recovering addict, ex-offender, and a Lifeline graduate.

7 I would like to start, you know, just to make this briefly, but I'm  
8 going to try to explain exactly what it was like, and what happened, and what it is  
9 like now, you know?

10 My life had been filled, from the beginning, with a lot of missed  
11 opportunities, and a lot of pain. And as a result of that, I served 8 calendar years in  
12 the state prison system in California.

13 I went from Soledad, to Tracy, to Folsom, to San Quentin, and  
14 never once was my problem addressed. That bitterness, that discontent that comes  
15 from separation of family, love them from a distance, I experienced that, and I acted  
16 out on it.

17 My solution to the problem was, is that the problem was  
18 California, so I relocated to Nashville, Tennessee, and it was just a matter of time  
19 that I was doing the same things that I did in California, and Tennessee, and I found  
20 myself incarcerated once again.

21 This time, the last time, it was a blessing in disguise, because as  
22 a result of that incarceration I was introduced to the Lifeline program.

23 And I will be the first to admit that I went into the program with  
24 the thought of getting out, you know? But a funny thing happened along the way.

25 It is kind of ironic, but I can truthfully say that I had to learn how  
26 to live in prison. So I knew that was the right thing for me, you know?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   And the program, you know, I was made aware of some basic  
2 living skills, and I was allowed the opportunity to recognize that the drugs and  
3 alcohol were just symptoms of my problem; that my problems began long before I  
4 first picked up, you know? That my problem was me. My relief system, I thought  
5 that I could make things right by doing wrong.

6                   I paid the price for it. I saw others around me, others like me,  
7 change, change for the better. And as a result of that I became a teacher. And  
8 things started to happen.

9                   I realized that it wasn't so much about me getting out, as it was  
10 for me doing the things for me to stay out of the system.

11                  The concept of accountability, you know, it opened my eyes to  
12 the fact that I had to be responsible, responsible for the things that I did, and willing  
13 to accept that, the consequences.

14                  The Lifeline program, you know, during that period I can honestly  
15 say that I hated every minute of it, you know? But at the time that was, you know, I  
16 was right where I needed to be.

17                  I'm truly grateful for a man like Mr. Kennington having a vision to  
18 get something started like that, this program, you know?

19                  Right now, like I was released back in '96, beginning of '96. And  
20 I participated in after care program, Lifeline after care program, which was set up on  
21 the outside, and I became active participant in my recovery. It has been about three  
22 years now, you know? And I'm still learning how to live.

23                  And I was awarded the opportunity, people recognized some of  
24 the things that I was doing, and I was awarded the opportunity to come aboard the  
25 Lifeline therapeutic community, as a part of the staff there.

26                  Today I choose to be a part of the solution as opposed to being a

1 part of the problem, you know? And I look, you know, I look towards those who  
2 have reached out to me, so today I choose to give back to others what was so freely  
3 given to me.

4 I have ten videos here of the Lifeline program that I would like to  
5 pass on to the Commission. And I encourage you to please, please, take the time to  
6 watch.

7 And I would like to close up by saying that I truly believe that the  
8 Lifeline program would be an asset to this facility that is being proposed, but even a  
9 greater asset to the District, once these residents have been released.

10 Thanks for letting me share.

11 MR. RAY: Thank you very much. Madam Chairperson and  
12 Members of the Commission, we will now bring up our experts and have them --

13 MS. GIORDANO: Okay. As they come up, maybe we could just  
14 go through the resumes quickly and sort out the experts. You just heard from Mr.  
15 Kennington.

16 The next witness is Joseph Haines, he is a registered architect in  
17 the District of Columbia, as well as in a number of other jurisdictions. He is an  
18 expert in architecture, and particularly the architecture of correctional facilities. He  
19 has a rather lengthy resume which details that experience.

20 I would ask that you accept him as an expert in those areas.

21 CHAIRPERSON KRESS: So accepted.

22 MS. GIORDANO: The next witness after Mr. Haines is Ian Frost,  
23 he is a member of the American Institute of Certified Planners. He has a planning  
24 background, he has expertise in planning. He is also an expert in conducting  
25 environmental site assessments. He is a certified ecologist, and a certified  
26 environmental professional.

1 I would ask that you accept him as an expert in planning and  
2 environmental assessment.

3 CHAIRPERSON KRESS: So accepted.

4 MS. GIORDANO: The next witness is Warren Speakmen, he  
5 has expertise in the design of security systems for correctional facilities.

6 He, as indicated on page 2 of his resume, has been in that  
7 business for 20 years, and he has designed over 135 projects.

8 I ask that you accept him as an expert in the design and  
9 implementation of security systems for correctional facilities.

10 CHAIRPERSON KRESS: So accepted.

11 MS. GIORDANO: And one final thing, in your packet is also of  
12 the power points live presentation, if you need to refer to it, during the presentation.

13 Thank you very much.

14 CHAIRPERSON KRESS: I could have been looking at that  
15 earlier.

16 MS. GIORDANO: We also have three-holed punched all these  
17 pages so you can fit them into your notebooks.

18 CHAIRPERSON KRESS: Thank you.

19 MR. HAINES: My name is Joe Haines, as Cynthia pointed out,  
20 I'm an architect who has specialized in correctional architecture since 1976, senior  
21 principal of the architectural engineering firm of DLR Group, a national architectural  
22 engineering firm. We have offices located nationally.

23 We have been asked by Corrections Corporation of America to  
24 be involved in the proposal, solicitation, response from the Federal Bureau of  
25 Prisons for the 2,200 bed facility that we are talking about tonight.

26 I'm going to try to respect the brevity of the time, and go through

1 the project relatively quickly.

2 We would like to stress, and reiterate, the size of the facility and  
3 how we have responded to the request for proposals for this -- for the Federal  
4 Bureau of Prisons.

5 On the illustration that is shown on the wall is a scale model of  
6 the 42 acre site for Oxon Cove, over to your left. You might be able to see that the  
7 entire facility is located on the 32 acres that is the small portion of the D.C. impound  
8 lot, as was mentioned earlier, that will incorporate the public and staff parking, as  
9 well as the intended industry programs that were discussed earlier, integrated into  
10 the facility.

11 The 40 acre site and institution compound that is represented by  
12 this area I'm currently circling. The facility proposed, and requested by the Federal  
13 Bureau of Prisons involved three distinct inmate classifications; women, adult males,  
14 and youths, both male and female.

15 It also required that the facility keep separate and distinct  
16 classifications of the inmates to be housed here. We have proposed a design that  
17 utilizes the current 42 acre site, and provides the facility, which has contiguous  
18 building linkages for housing, inmate programs and support, all connected by  
19 covered, secured corridor links that allow inmate movement to and from housing,  
20 food service, dining, medical care, education, visitation, etcetera.

21 The facility is made along secured enclosed corridors. Relatively  
22 little inmate movement will be outside the facility, except coming into the facility for  
23 intake areas, the women are shown in this area, the men in this side, and there are  
24 some outdoor play activity areas, recreation fields that are available during when  
25 weather permits.

26 There is also an indoor gymnasium facility, two enclosed

1 separate recreation areas for inmate programs, hobby, crafts, etcetera, that are part  
2 of the facility complex program.

3 Briefly, the facility is encircled by a perimeter road, two twelve-  
4 foot high perimeter security fences that have razor tape barrier, installations for  
5 security reasons. It is also ringed with perimeter security lights, as well as security  
6 lights alongside of the walled areas to provide for adequate supervision of the  
7 facility.

8 I won't go through the adult populations, it is 2,200 beds in three  
9 distinct inmate classifications.

10 Soon after we submitted our preliminary plans, in last July, we  
11 sought the assistance of the D.C. Office of Planning to help us better understand  
12 and meet the requirements and goals of the Commission.

13 I want to personally thank Alberto who has helped us immensely  
14 with understanding the importance of the architectural components of this facility,  
15 and helping us to come to a successful, I believe, solution, to what we are  
16 presenting here tonight, incorporating the recommendations and issues that we  
17 have learned to understand in terms of this architectural significance and the  
18 Commission's view.

19 You will see from this 3-D generated architectural rendering, the  
20 facility, sort of a bird's eye view, if you may. If you were coming into the facility  
21 through the Shepherd Parkway, the primary entry into the facility, this is a roadway  
22 to the parking areas, as well as to the service entries for service products and  
23 inmate intake and reception. There are two distinct areas, one further in the  
24 background.

25 You also see that we have incorporated some massing identity  
26 into the building architecture. There are some one-story facilities, mainly the support

1 areas, the housing consists of not quite two stories, it is a single story with a  
2 mezzanine level, and there are some double stacked units which are a single story  
3 mezzanine, single story mezzanine.

4 The tallest building there would be less than 48 feet, I think, as  
5 was mentioned earlier. We have, you know, various volumetric considerations given  
6 into the facility. As you can see, the women's component here, the central core  
7 area, the minimum low security men, and to the other end are the youth  
8 rehabilitation act inmates, all in a continuous line, again, contiguous facility  
9 connected by secure corridors, separate but distinct.

10 You will see that we have incorporated into the design, this  
11 happens to be a view of the industry area, coming from the north and west, looking  
12 onto the facility. These are the proposed industry buildings that we have illustrated  
13 here in this portion of the D.C. Village compound.

14 As you look toward the housing unit the youth, the low security,  
15 the minimum security, and at the other end the female, the women who are in this  
16 facility.

17 The architectural character we have tried to incorporate the  
18 importance of making this building be architecturally responsible to the community,  
19 and still respect the security nature of corrections in terms of using pre-cast  
20 concrete, reinforced walls, security glazing, etcetera.

21 We have tried to utilize some texturing variations and color to  
22 separate the distinct populations, as well as distinguish the lower volumes and the  
23 higher volumes, and incorporate some shadow and other architectural features to  
24 make this an attractive building, addition to the site area, and minimize any  
25 preconceived notions of what a correctional facility may be.

26 You may not be seeing, relatively easy, on this particular

1 illustration, but there is a perimeter security fence that circles the entire facility. Mr.  
2 Speakman will discuss, later, the security systems that we have proposed around  
3 the perimeter.

4 The perimeter does consist of the security fence, security  
5 lighting, electronic detection systems, and the 24 hour patrolled security road on the  
6 exterior for surveillance.

7 Of primary concern about security is the fact that the building  
8 itself is a secured envelope, no different than if you were building a downtown urban  
9 environment, such as CTF, to where the building walls themselves, and windows,  
10 are security enclosures themselves.

11 The exterior fencing area is also another barrier of security,  
12 primary security focus is on the building envelope.

13 We also, in our discussions with Alberto, recognized the  
14 importance to emphasize not only building architecture, but the landscape that goes  
15 with that.

16 Mr. Frost will talk, specifically, from a landscaping site  
17 development plan, but we have illustrated, in the site plan, and the landscape plan,  
18 buffer areas along Oxon Cove, planting new trees along Shepherd Parkway, and  
19 developing aesthetically pleasing landscape as you come into the facility. It is not  
20 just a stark concrete building, it is intended to really enhance the environment, and  
21 improve the site as it exists now, and make it an attractive contributing member to  
22 the District.

23 I would like to conclude my brief comments, in terms of the  
24 architectural comment, and pass this on to Mr. Ray, I believe, who will introduce the

25 --

26 MR. RAY: Thank you. Our next presenter is Ian Frost, on site

1 plan and landscaping environment.

2 MR. FROST: If you have on objections I would like to stand so I  
3 can point to the screen a little better.

4 Responding to the question from Commissioner Hood about the  
5 emissions from the diesel trucking, as you are probably aware, the District of  
6 Columbia lies within a non-conformity zone, principally due to ozone levels that are  
7 higher than the accepted standards, and EPA has designated you as such.

8 Therefore you have to implement, and already have  
9 implemented, a program that requires vehicle inspections and testing to ensure that  
10 the emissions are not above the standards allowed.

11 And, typically as well, if a company has a fleet program, in other  
12 words they have more than, I believe, 40 vehicles they have to do more above and  
13 beyond that to implement vehicles that are non-ozone producers, such as electric  
14 cars, and so on and so forth.

15 So the bottom line is that the facility would have to comply with  
16 the same standards of other industries in terms of the emission standards to ensure  
17 that you don't exceed the levels that are already causing problems in terms of  
18 ozone.

19 My name is Ian Frost. For the past 15 years or so I have been  
20 involved in siting studies for over 30 correctional facilities around the country. Over  
21 half of those have been for the Federal Bureau of Prisons correctional facilities.

22 And I think that the lesson that I've learned from many of these,  
23 is that there is no perfect site. And that applies to this site, as well. It particularly  
24 applies to urban sites, where it is very difficult to provide a buffer to insulate the  
25 community in any way.

26 We have talked about examples, and shown you the CTF facility,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 where correctional facilities can coexist in close proximity to residential  
2 neighborhoods. But it works much better if there is a buffer allowed.

3 And I think that one of the big features, or attractive opportunities  
4 about this particular site is the buffer or insulation that it can provide from the  
5 residential neighborhoods.

6 This shows the 76 acre site that we have proposed, and you can  
7 see that it is surrounded by water to the south, by institutional and public use, such  
8 as blue plains, interstate 295, and so forth to the west, and by the D.C. Village site,  
9 Architect of the Capital, and other institutional uses to the north.

10 Over to the east, by a forested area, which is part of the landfill,  
11 and forested area all along here. There are hundreds of acres that surround this site  
12 that separate it from the residential communities.

13 In fact, the closest residential community over here, to the east in  
14 Prince George's County, is about 2,800 feet to the east, and up in D.C. about 3,000  
15 feet to the north.

16 We have enhanced that buffer even more so by focusing our  
17 correctional footprint down on the southern part of our site, which increases that  
18 separation distance up to the residential areas here, and here, even more so.

19 One of the other attractive features of this particular site is the  
20 fact that it offers very good transportation access, both to the interstate system, and  
21 as well to the site.

22 This figure shows, in red, the principal access route that will be  
23 used, which is off of 295 here, off of this interchange, and along Shepherd Parkway  
24 into the facility here.

25 The great advantage of this particular access route is it avoids  
26 the residential neighborhoods, which are all up in this area here. This is all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 institutional and industrial uses.

2 In addition we have completed a traffic impact study, which was  
3 submitted to the Department of Public Works, and we concluded that there would be  
4 no adverse impact to the roads from this particular facility.

5 There is three principal reasons for that. One is that correctional  
6 facilities are not large traffic generators. Secondly, we are going to distribute that  
7 traffic over the three shifts that are going to occur in eight hour spreads throughout  
8 the day.

9 Thirdly, the peaks of our shifts are going to be avoiding the rush  
10 hour shifts, from 7 a.m. to 8 a.m., and from 4 to 5 in the evening.

11 We concluded that there would be no adverse impacts and, I  
12 believe, the conclusion of the Department of Public Works was the same, that there  
13 would be no adverse impacts from this particular project.

14 Many people have talked to you about the economic benefits  
15 that will result from this particular project, and I'm not going to spend time reiterating  
16 those, because I don't have the time.

17 Rather, what I would like to focus on is why those economic  
18 benefits are so important to this particular location.

19 First, this site qualifies as an enterprise zone under the federal  
20 regulations for tax incentives. It has also been identified by D.C. as an economic  
21 development opportunity area.

22 The site is also located within Ward 8, which has the highest  
23 unemployment rate, the lowest median income, and the lowest percentage of  
24 taxable parcels in the District.

25 So there is a great incentive for development in this area, and  
26 there is also a great need for revitalization and development in this area.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 Well, despite the fact that the District has gone out a couple of  
2 times for RFP to solicit development, there has not been really viable development  
3 opportunities proposed.

4 One of the main reasons for that is that this project has  
5 development challenges. It has significant environmental problems, it has existing  
6 buildings which would have to be demolished for many uses. It is criss crossed by  
7 utility lines, which also present significant problems.

8 In fact, CCA is going to have to spend millions of dollars to  
9 overcome many of these development limitations.

10 So we believe that CCA will provide that spark, or that stimulus,  
11 to really encourage economic development. Now, some people might argue that  
12 correctional facilities cause an adverse impact in land value, and discourage  
13 economic development.

14 Well, as part of the environmental impact summary that we  
15 submitted to you, in appendix C, in fact, we included annotated summaries of 13  
16 different studies that have been done of the effect of correctional facilities on  
17 communities.

18 The conclusion of all of those is that they do not have an adverse  
19 impact on residential values, and in many cases they can encourage additional  
20 development around them. We believe that will be the case here.

21 We also believe that this particular project offers a great  
22 opportunity for some environmental benefits. We have talked about the  
23 contamination that exists.

24 On the D.C. Village site there has been a large underground  
25 storage tank release which has contaminated the ground water. On the D.C.  
26 impoundment lot here, there is petroleum contamination and lead contamination.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 On the landfill site here, there is landfill gas problems, there is  
2 metal concentrations that exceed EPA standards, and your own standards, and  
3 there is also problems with contamination of the ground water.

4 We propose to clean up all of those in the following ways.

5 First, we will be building what is essentially called a landfill cap.  
6 We will be adding soil cover to the site, we will be putting down asphalt parking lots,  
7 asphalt roads, and putting in buildings.

8 These act to prevent rainwater from percolating through the  
9 ground, which generally carries that contamination into the ground water, and  
10 ultimately to the surface water.

11 In fact, a landfill cap or cover is the most commonly used  
12 remediation tool for landfills that have caused problems.

13 Secondly, we will be implementing a landfill gas monitoring  
14 system that will be left in place for many years to ensure that the problem does not  
15 get worse.

16 Third, we will be doing landfill gas collection, where we will  
17 actually extract the landfill gas from the soils to help remediate the site.

18 And, finally, we will be cleaning up a lot of the refuse and debris  
19 that has been left on the site. And it certainly has been impacted from a number of  
20 these.

21 This slide shows a large incinerator ash pile that has been left  
22 here. The next one shows a large tire pile. And there is piles of perhaps 10 or 15  
23 different refuse, debris, incinerator ash and so forth, from the site, which will be  
24 cleaned up by our particular project.

25 Now, CCA is also sensitive to the fact that this is the District, and  
26 view sheds, and historic significance are particularly important. And we know that

1 you want to protect those view sheds.

2 We have done a number of things to ensure that we will  
3 minimize the visual impact of this project. Joe Haines has talked about the fact that  
4 the highest building will be 48 feet in height, which is significantly less than the  
5 height of the existing five story D.C. Infirmary, and also significantly less than the  
6 power plant stack that is on the site just to the north of us.

7 We have also included landscaping plan, and this shows some  
8 of the plants that would be included on the north face of the facility. This will include  
9 shrubs and trees, and so forth, that in conjunction with clusters of trees that are up in  
10 this area, will greatly screen the view from that northern view.

11 We have included a three acre buffer along Oxon Cove here,  
12 that will be completely forested and left undisturbed, which will also minimize that  
13 view.

14 To the east here, is forested area that is owned by the National  
15 Park Service. And over to the west is interstate 295.

16 Our project will be about 15 to 25 feet higher in elevation, the  
17 ground level, than the interstate itself. And the buffer or vegetation along this area,  
18 and the slope itself, will help to screen the project from the traveling public.

19 I've talked before about the fact that we will be cleaning up a lot  
20 of the debris and refuse that is on this particular site, and in fact, cleaning up or  
21 removing 24 acres of impounded vehicles that are on this site right now.

22 Finally, the visual impact from the lighting system. We know  
23 there has been some questions about what we are going to be doing in the way of  
24 lighting. And, in fact, we will have a security lighting system.

25 But I can assure you that it will be no more than what we need to  
26 meet the standards that we have for security lighting. In fact, if you are familiar with

1 some of the lighting that is being put in in many residential neighborhoods as part of  
2 the safe neighborhood program, the intensity of the lighting will be significantly less  
3 than the lights that are being put into those neighborhoods.

4 And, finally, I would like to point out the site already has a  
5 security light system in place, at the D. C. impoundment lot. There are 21 poles, in  
6 fact, that comprise that lighting system.

7 And we believe we can do a much better job of creating a  
8 lighting system that is much more visually attractive than what you see here.

9 In conclusion, I'd like to say that we believe this project will have  
10 substantial economic and environmental benefits. That it will be compatible with the  
11 surrounding land uses, and that it will allow us to insulate, or buffer, the residential  
12 neighborhoods, and visually integrate this project with those surrounding  
13 communities.

14 Thank you very much.

15 CHAIRPERSON KRESS: You have less than ten minutes left.

16 MR. RAY: I think we will finish in time. Next we have Mr.  
17 Warner Speakman, president of EIS Companies, Inc., to speak briefly on security.

18 Madam Chairman, we should be wrapped up if not before, right  
19 on time.

20 CHAIRPERSON KRESS: Thank you.

21 MR. SPEAKMAN: Good afternoon. My name is Warner  
22 Speakman, I'm President of ESI Companies in Memphis, Tennessee.

23 We have somewhere close to 300 employees now, and many of  
24 those are professionals. We have an architectural group, and we have an  
25 engineering group, so we are divided in two disciplines of design, and also we  
26 implement construction through that same company platform.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                               So not only do we design it, but we also have experience in  
2 building it.

3                               I started my construction of the -- in the detention environment in  
4 1978 with the Federal Bureau of Prisons facility in Memphis. Since that time I have  
5 worked on 135 facilities, approximately, and I was surprised when I counted up how  
6 many that I had been involved in.

7                               The point would be that we've had a chance to listen to our  
8 architect, and our site planner, and now it is time to take a look at the question of  
9 security.

10                              When we go in, we look at two elements of security, as I  
11 previously pointed out, and that is the detention hardware, or the doors, glass, locks,  
12 and bars. That is the architectural group, and they analyze the building to make  
13 sure it is a secure facility.

14                              One of the points that you see in the slide here is the windows  
15 are very narrow, it takes a six inch opening for someone to escape through that  
16 opening. These windows are less than six inches.

17                              Interior, Mr. Haines pointed out that we control movement inside,  
18 so you do have a concrete envelope that is a secure perimeter within.

19                              When you have -- the only time you have movement outside  
20 would be for outdoor recreation. That is when you have controlled personnel  
21 observation, direct supervision.

22                              Pointing out the outside environment, you will see that we have  
23 two fences around the perimeter. This is standard for the Federal Bureau of  
24 Prisons, on most states.

25                              By the way, we will design this facility to the standards set forth  
26 by the Bureau of Prisons. Again, I have had quite a lot of experience in that area as

1 well, and we have worked on approximately six facilities, some of the largest, for the  
2 Federal Bureau of Prisons.

3 But there's standards, we will build to that standard. And  
4 pointing out the double fence, twelve foot double fence, on the interior of the second  
5 fence there will be coils of razor ribbon.

6 Prior to the first fence there will be cameras at 150 feet intervals  
7 that go back to a central control point, kind of like a central station in regular  
8 commercial observation; manned 24 hours a day, knowing everything that goes on  
9 within the facility.

10 There will be electronic surveillance before that first fence. Any  
11 time that anyone penetrates the no-man zone, and goes against that fence, there  
12 will be annunciation, not only in central control, but to the roving vehicles on the site.

13 There will be a radio connection, and that vehicle will know,  
14 immediately upon penetration, as well as the zone, as well as central.

15 So we have a physical perimeter around the fence line that is  
16 equal to that required by the Federal Bureau of Prisons in most states.

17 We control contraband and movement by sally ports. Sally ports  
18 is simply a term where you have two gates. You cannot get out of the facility without  
19 going through two gates. Only one gate can be open at one time, they are  
20 electrically interlocked.

21 They are also supervised by personnel, they are also supervised  
22 by electronics. In the personnel side of the board, everything will go through  
23 electronic detection, metal as well as supervision by staff.

24 So you have all sally ports, and being supervised for movement  
25 in and out, for contraband, or unauthorized personnel. You have electronics and  
26 physical barrier around your perimeter. You have a mobile, you have vehicles on

1 the road, on patrol, with electronic enhancement.

2 We will give you a state of the art facility. This is within the  
3 standards set forth by the Federal Bureau of Prisons, again. I had a pleasure of  
4 working on Coleman, which was the last one that the RFP came out for the Federal  
5 Bureau of Prisons on, in Florida.

6 With that I will close, and I will be available for questions.

7 MR. RAY: Thank you very much, and thank you Madam  
8 Chairman, and I hope we have concluded within the time period.

9 CHAIRPERSON KRESS: I'd like to open it to questions from my  
10 fellow Commissioners and colleagues. Commissioner Franklin?

11 COMMISSIONER FRANKLIN: Could you clarify, for us, what is  
12 the status of this proposal? You don't have control of the land, as I understand it,  
13 and you keep referring to other bidders.

14 But as I glanced at the RFP, obviously a location in the District of  
15 Columbia is stated as preferred. When is all this going to eventually, in some control  
16 of the land? Because that is creating some real technical issue for us.

17 MR. RAY: As you know, Congress passed the revitalization act,  
18 and as a result of that mandated that 50 percent or more of the prisoners  
19 incarcerated at Lorton be incarcerated in private owned and operated facilities.

20 And also in that act they mandated that a minimum of 2,000  
21 would be housed in a facility that would be completed and operating by December  
22 31st, 1999.

23 The RFP that the Federal Bureau of Prisons has put out is a  
24 response to the Congressional mandate that a facility has to be built by December  
25 31st, 1999.

26 There were, I think, at least five or six bidders, so initially we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 would guess. And I do know, I expect there is three or four bidders being  
2 considered. So the reason we refer to other bidders, is that is the case.

3 The initial drop bid date was October 15th, as I recall, and the  
4 Federal Bureau of Prisons extended that period for an additional 45 days several  
5 weeks ago.

6 In terms of our particular situation with the site, Commissioner  
7 Franklin, we are in the process now of moving the appraisal process to appraise the  
8 value of the 84 acre site, and the 42 acre site.

9 Once those appraisal processes are completed, and once the  
10 sampling and analysis is completed on the land, and both of these are running along  
11 at the same interval, we will be in a position to know what the values are.

12 The way the law is stated, that was passed by Congress, is that  
13 if the federal piece of land value is more than our value, we have to pay them. But  
14 they did not include that additional piece that says if our property is more than theirs,  
15 they have to pay us. The law says, they don't get anything, we just have to take the  
16 loss.

17 So once that is completed, and we were indicated at one time, in  
18 a meeting that we had early this year, with Mr. Parsons and some others, that it was  
19 anticipated that it would be completed by December, the total process.

20 COMMISSIONER FRANKLIN: Well, we've been led to believe,  
21 when we set this down for a Hearing that there was a great urgency because of the  
22 December 31st, 1999 date. Does that date seem very realistic?

23 MR. RAY: From our standpoint, yes, sir. If we complete this  
24 data around December or January, we will build this facility and have it built by  
25 December 31st, 1999.

26 COMMISSIONER FRANKLIN: And when do you expect the land

1 to be transferred into your control and ownership?

2 MR. RAY: As I indicated to you, in a meeting that we had with  
3 Mr. Parson, Mr. Rick Robbins, and Congressman Moran, at the time, he asked Mr.  
4 Parson whether he anticipated that this would be completed, he said December.

5 So we are hoping that that date will hold, but we will have  
6 completed the entire process including having written the check for any costs  
7 beyond the exchange value, if that is the case.

8 COMMISSIONER FRANKLIN: Would that transfer, in any way,  
9 be contingent upon approval from this Commission?

10 MR. RAY: Well, it is certainly not stated that way in the law. I  
11 mean, Congress passed a specific law which directed the land exchange, and it has  
12 no contingency about what happens here at the Commission and otherwise.

13 COMMISSIONER FRANKLIN: So if the Commission didn't  
14 approve of this development you would be left with control of land that couldn't be  
15 developed for this purpose, is that correct?

16 MR. RAY: That would be correct if the Commission did not  
17 approve this particular PUD, we would have land that could not be used for a  
18 corrections facility.

19 Well, I would say that there is this provision in the law, which I  
20 don't quite understand, where it says that a temporary correction facility can be built  
21 for three years. I have never quite understood how that provision got in there. So I  
22 guess theoretically you could build a temporary one on there for three years.

23 COMMISSIONER FRANKLIN: It has been a while since I read  
24 that statute, but I thought there was another condition having to do with  
25 contamination, etcetera. Are you telling us that the only thing that is now in the way  
26 of this land transfer is an appraisal?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 MR. RAY: No, you are talking about the -- I said once they  
2 complete the sampling and analysis of our piece of property, and that is the issue  
3 you are talking about, there is a provision in all of these land exchange which says  
4 that the Federal Government will not accept any property that is contaminated under  
5 the law, which is commonly referred to as the CERCLA law.

6 And those are the two items that are going forward now.

7 COMMISSIONER FRANKLIN: So if it turns out that this site is  
8 contaminated there would be no land exchange, is that what you are saying?

9 MR. RAY: If it was concluded that the property was  
10 contaminated under the CERCLA law, we could not go forward with the land  
11 exchange unless there was some kind of remediative process that we could do to  
12 correct the problem.

13 But we have done testing on it, and I spoke to John Parsons last  
14 week. They have completed their testing, they are doing some additional testing  
15 now on the adjacent property, which is actually owned by the National Park Service,  
16 and he told me that the testing did not show any particular concerns.

17 Ian Frost has also done some testing, he can speak to it. And  
18 our testing does not show any levels of contamination that would come close to  
19 creating a problem. He can tell you the testing he has done.

20 MR. FROST: We did a very comprehensive study of the 84 acre  
21 site that CCA currently owns in Prince Georges County. We followed the CERCLA  
22 protocols in our testing program, and the conclusion of that was that there was no  
23 evidence of significant contamination as would be defined under CERCLA.

24 There is some contamination at low levels, but you typically find  
25 that in the sediments throughout the Potomac river. And what we found in our site  
26 was really no different from that.

1                   The study was led by one of my partners who worked for the  
2 EPA RCRA program up in region 3 in Philly for five years, so she is very  
3 knowledgeable about CERCAL and RCRA.

4                   COMMISSIONER FRANKLIN: So is it the condition of the site  
5 that you now own that is the real condition, does the Park Service care about the  
6 contamination on the site that is proposed for this development?

7                   MR. RAY: I'm sorry?

8                   COMMISSIONER FRANKLIN: Let me rephrase the question. Is  
9 contamination on both sites a condition that could interfere with this exchange, or  
10 only on the site that you own?

11                  MR. RAY: Commissioner Franklin, only on the site that we own.  
12 What Congress did in the law was to put a provision in there that we had to accept  
13 responsibility for the contamination on their site.

14                  And as we pointed out -- so we have to carry the cost of that.  
15 And their site is appraised as though it was not contaminated.

16                  COMMISSIONER FRANKLIN: Commissioner Hood had raised  
17 earlier a question having to do with process, and this next question is also related to  
18 that.

19                  Your materials indicate that CCA went around looking for an  
20 alternative site when it discovered that the site it now owns was not feasible  
21 because you couldn't get access because of the Park Service, etcetera.

22                  Could you describe what process you went through when you  
23 were looking for an alternative site?

24                  MR. RAY: Yes, I can. When we initially approached the Park  
25 Service, I was not in the meeting myself, a couple of my colleagues from my law  
26 firm, Bob Blair and Sage Rose was in that meeting.

1                   And this was a meeting against the former Deputy Secretary,  
2                   John Garamendi, over at Interior. Joe Cook from the Park Service in that initial  
3                   meeting.

4                   We had approached them to see whether or not they would allow  
5                   us to have access to the 84 acre site. The Park Service owned all of the property  
6                   around the 84 acre site.

7                   In that meeting the Deputy Secretary said to us that what he  
8                   thought that we ought to do is to look at the possibility of a land exchange, because  
9                   the Park Service had been trying to get control of this piece of property for a long  
10                  period of time.

11                  We had never thought about a land exchange until that meeting.  
12                  And when I went back and sort of looked through the archives a little bit, I did  
13                  discover that the Park Service had been trying for many, many years to get control  
14                  of this piece of property, and had actually included it in a plan that they set up, back  
15                  in about 1969, and 1970, around that period of time.

16                  So from our standpoint rather than, you know, trying to fight the  
17                  Interior Department and the Park Service over this piece of property, we took their  
18                  directions and went out to look for a piece of land that we could do a land exchange  
19                  with.

20                  So the land exchange idea came from the Interior Department  
21                  and the Park Service.

22                  COMMISSIONER FRANKLIN: Did the suggestion of this site  
23                  come from the National Park Service?

24                  MR. RAY: No, they did not suggest any particular site. They  
25                  told us to look; we looked at several facts. In fact, Commissioner, we actually  
26                  submitted a formal proposal to the National Park Service where they had asked us

1 to address several other sites that we had looked at, and why we could not go  
2 forward with those sites.

3 That is in a former document that was submitted to the Park  
4 Service for the land exchange.

5 Then along the way, what happened was that the Federal  
6 Government passed the Revitalization Act, and the Federal Government became  
7 involved in the system, and we also was informed that we actually could not  
8 complete the land exchange under the land exchange law that is in the existing  
9 statute.

10 As you know there is a land exchange law that is there, that we  
11 had to get special legislation. And that is how we ended up going to Congress to get  
12 the special legislation, because part of this site is in the District of Columbia, and  
13 part of it is in the State of Maryland.

14 COMMISSIONER FRANKLIN: Let me turn to another part of the  
15 proposal which has not been touched on, but I recall the materials you presented to  
16 us some time ago.

17 The industrial training facilities that are being proposed are in a  
18 second phase of development. Is that still regarded as something that would be  
19 other than in the first phase of development?

20 MR. RAY: Commissioner, that was in the second phase, that is  
21 correct. The approach would be to build the facility initially, and then build the  
22 industries after the facility is built, because we have to have the facility built by  
23 December of 1999, if we are selected.

24 COMMISSIONER FRANKLIN: What kind of assurance could  
25 you possibly give to the Commission that the second phase would be built?

26 MR. RAY: Because in our proposal --

1 COMMISSIONER FRANKLIN: When it will be built?

2 MR. RAY: Yes, and we agreed to enter into a covenant to put all  
3 of what we are going to do under the PUD process.

4 COMMISSIONER FRANKLIN: Well, we've had those before,  
5 and what if you don't do it, what is the remedy available?

6 MR. RAY: Well, I think there could be two ways to look at it, and  
7 I think there is probably two approaches that you could take.

8 One is that you can close us down, but you can say once it is  
9 built that is pretty difficult to do. The other approach that you could take is to have  
10 us enter into a more confirmed agreement that would entail some fines, or a  
11 financial payment to you, that you could use to do other kind of community benefits  
12 for that area.

13 But I can assure you, when we promise you we are going to do  
14 it, we are going to do it.

15 COMMISSIONER FRANKLIN: Yes, we've heard those  
16 assurances from others, too.

17 CHAIRPERSON KRESS: I still didn't hear the time frame. What  
18 is your time frame for phase II?

19 MR. RAY: Yes, can I just answer both of those? I was going to  
20 say, Mr. Franklin, that if you have had those commitments before, and they didn't  
21 come through, then I would suggest you take the next step and take the approach I  
22 just suggested about, the financial --

23 COMMISSIONER FRANKLIN: In other words, the posting of  
24 some kind of bond?

25 MS. GIORDANO: If I could just mention to you that there are  
26 fines on the books for zoning violations, 500 dollars a day that can be assessed in a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 daily basis.

2 And if you are not complying with the condition of a PUD order,  
3 that would be considered a zoning violation, which is enforceable with those fines.

4 COMMISSIONER FRANKLIN: Well, I'm less interested in fines  
5 than I would be in something that would assure the production of that amenity, I  
6 guess.

7 I don't want to take up too much time. I just have a couple more  
8 questions, and I --

9 CHAIRPERSON KRESS: I still didn't get the time frame.

10 MR. RAY: I'm coming to that question. If Commissioner  
11 Franklin will allow me to respond to your question, I will. May I?

12 COMMISSIONER FRANKLIN: Yes.

13 CHAIRPERSON KRESS: I'm sorry we were kind of doing that in  
14 conjunction, that wasn't very considerate.

15 MR. RAY: Madam Chairman, we plan to start the process of this  
16 as soon as we can. In our discussion, both with the planning staff and with the  
17 community, is that they wanted to have some say in these industries.

18 And as you will notice in the proposal that we put forward we  
19 said that if we did not build a specific industry, then we would build a comparable  
20 industry.

21 So we would like to have the opportunity to decide what industry  
22 we are going to build there. We knew that we would have to come back to you all,  
23 since it was part of the PUD.

24 And we realize that you may not let us build a particular industry  
25 there, but we will start on those industries as soon as we are in a position to start  
26 building those industries.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 Joe, here, you might talk about some of these sort of technical  
2 aspects of trying to get the major facility started, and when in the process we could  
3 start building those.

4 MR. HAINES: As Mr. Ray pointed out, the solicitation required  
5 the building to be occupied in total within the first phase of the female section, 270  
6 days, and the total facility built in 420 days from contract award.

7 The area that we have identified for the industry program is also  
8 our initial casting yard for the cell modules, which we intend to use a pre-cast cell  
9 component. And that, in itself, is rather an intense labor industry for the major  
10 building blocks of the facility.

11 We have precious little land area there on for contractor staging  
12 and lay-down areas, and staff -- contractor employee parking. And the area in the  
13 back where the industries go, will initially be the pad for all the module construction  
14 and industry related to build the cell components.

15 Once that is finished, which goes rather quickly, that pad could  
16 be cleared and the industry program started, once they are approved in terms of  
17 their intent.

18 So the construction staging, contractor lay-down area, are  
19 integral to that small site area, is some of the sequencing that we have to consider in  
20 order to meet the initial construction occupancy requirements by the Bureau of  
21 Prisons Solicitation 270 and 420 day build out.

22 It is a very aggressive schedule, almost 600,000 square feet of  
23 building, a very specialized building. So we have the contractor and program in  
24 place to do this, but we are using some portions of the impound lot for our staging  
25 area, and particularly for our concrete pre-cast self component construction which in  
26 a sense is where the industry area will be.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   So that sequencing is relatively important, so we get the initial  
2 construction completed, and then we can start on the industry programs once they  
3 are identified.

4                   CHAIRPERSON KRESS: That is exactly my question. So you  
5 are saying that if you met the deadlines, which is a year basically, and moved -- did  
6 your phase I, providing the homework with the community had been done, and they  
7 were in agreement, you would be ready to start construction on phase II almost  
8 immediately with the completion of phase I?

9                   MR. HAINES: That's correct. And we would begin immediately  
10 upon award of the project from the Bureau of Prisons, we would begin to  
11 immediately plan for what those industries would be, so that we could start the  
12 design work and the necessary approval processes for the industries that would go  
13 in there, working with the community as well as industry manufacturers for  
14 equipment, so that we would have everything in place, that the Commission  
15 respects.

16                   We would be ready to begin the construction well before we  
17 would finish using the site for the pre-casting yard. So we would accelerate that,  
18 and have that done well in advance, so that everyone understood what was going to  
19 go there, when it is expected to go, and the construction is very well specific, and we  
20 could target the date and identify that probably within days of when that facility  
21 would be ready for the construction, when the pre-cast yard is complete.

22                   MR. RAY: Madam Chairperson, I would also like to add that in  
23 terms of the Washington University of Technology that we spoke about tonight, that  
24 would start at the same time, and that should be completed at the same time that  
25 the main facility would be completed.

26                   When we complete the main facility, the prison, that Washington

1 University, the renovation of the vacant long-term D.C. nursing home, that would be  
2 completed as well.

3 We would start on that at the same time because that does not  
4 create the same sort of problems.

5 COMMISSIONER FRANKLIN: I'm glad you raised that, because  
6 that was my next question having to do with your relationship with WUT. Isn't it true  
7 that they would not be disadvantaged if you didn't get approval to go forward, they  
8 would just simply go forward in D.C. Village, is that correct?

9 MR. RAY: Well, you can let them speak to that. I don't think -- I  
10 think they probably would go forward, but I think it would be very difficult, because  
11 we are going to, in fact, give them their initial wings to start flying.

12 COMMISSIONER FRANKLIN: In what sense?

13 MR. RAY: That we are going to use them to train and teach all  
14 of the programs within the institution, as well as the industry programs.

15 COMMISSIONER FRANKLIN: Are you saying that WUT can't  
16 really begin its program without CCA getting approval to go forward?

17 MR. RAY: No, I didn't say it couldn't start without our approval.

18 COMMISSIONER FRANKLIN: And if WUT doesn't go into D.C.  
19 Village for one reason or another, how is CCA disadvantaged?

20 MR. RAY: If they don't go?

21 COMMISSIONER FRANKLIN: Yes.

22 MR. RAY: Well, if they don't go, then we are going to have to  
23 find someone else to run the training programs within the facility, as well as the  
24 training program in the industries, as well.

25 COMMISSIONER FRANKLIN: Which is what you were  
26 contemplating last month?

1 MR. RAY: Well, we were contemplating last month, we were  
2 looking for a partner to do it, and this is who we found.

3 COMMISSIONER FRANKLIN: Yes, okay. But, you know, if for  
4 one reason or another WUT didn't take wings, you would be back to where you were  
5 planning a month ago?

6 MR. RAY: That's correct.

7 COMMISSIONER FRANKLIN: I just wanted to clarify that  
8 relationship.

9 MR. RAY: Yes.

10 COMMISSIONER FRANKLIN: Could I turn for a moment to the  
11 architecture, and the landscape architecture? I'm sure my architect colleagues will  
12 have many more questions than I.

13 You spoke about a sensitive landscaping plan, but I didn't see it  
14 in any of the pictures. And obviously there is a security implication to having trees in  
15 proximity to the buildings.

16 Could you just describe what -- well, where is this landscaping  
17 that we were told about? You know, the words didn't match the music.

18 MR. RAY: I'm sorry?

19 COMMISSIONER FRANKLIN: You talked about a very sensitive  
20 landscaping plan, but when we saw the pictures we saw something that obviously  
21 was devoid of trees.

22 MR. HAINES: We will put the landscaping plan up there.

23 COMMISSIONER FRANKLIN: I mean, in terms of the  
24 development.

25 MR. HAINES: Yes, I think it is important to take a look at the  
26 plan and explain what we are proposing, in terms of trying to provide some

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 landscaping components in there, and being sensitive to the fact that we can't have  
2 large trees very close to the security perimeter, given that they do provide hiding  
3 places and other issues associated with that perimeter.

4 COMMISSIONER FRANKLIN: So are you clearing out a lot of  
5 mature trees for this purpose?

6 MR. FROST: Let me speak to that, if I may.

7 The 24 acre impounding lot is roughly this area here, which has  
8 been completely cleared of trees already. The 42 acre site, which is about here, is  
9 probably about 20 acres of scrubby grasses, debris.

10 Then on the southern portion of the site, about this much of it is  
11 vegetative. As you move to the site those trees get older and taller. We will be  
12 keeping a minimum of a three acre buffer of fairly large forested trees along here.

13 To the east here is the Park Service land that will be left intact. It  
14 is a mixture of scrub, shrub, forested, and grasslands as well.

15 Bargaining unit the landscaping plan that we are actually  
16 proposing active planting, is shown here. And what it will do is focus on the northern  
17 face of the correctional facility, because that is the most visible face.

18 It will also focus along the linear areas where you have access  
19 to. So the driving along Shepherd Parkway here, and so forth, will be landscaped  
20 with trees.

21 We will be doing very little disturbance of forested buffers that  
22 exist on the property now.

23 COMMISSIONER FRANKLIN: Let's get to the buffer for a  
24 moment, because you mentioned the buffer.

25 On the one hand you are saying that a facility of this sort really  
26 doesn't have any adverse impact on surrounding uses. And on the other hand you

1 are saying that the beauty of this site is that it has a buffer which will present a  
2 reduction of some adverse impact on surrounding uses.

3 Which is it? Why is there a need for a buffer?

4 MR. FROST: Let me say that in urban environments many  
5 correctional facilities do not have sufficient acreage to have any buffer, so they are  
6 coexisting in very close proximity. And they do coexist very well.

7 I think if you have an ideal situation, or perhaps a better situation  
8 you can include those buffers, and I believe that to be the case here.

9 COMMISSIONER FRANKLIN: Is it a visual buffer, is that what  
10 you are talking about?

11 MR. FROST: Well, there are some noise that is generated from  
12 the facility; there is a lighting issue, that there is some security lighting and so forth.  
13 There is some visual impact, and so forth, from a correctional facility.

14 So if you can insulate or buffer the community, then I think it is a  
15 better situation than would normally be the case.

16 In addition I think it is very much a perception issue, that if you  
17 are trying to site a correction facility in a community, they have some concerns about  
18 it being in their community.

19 And I think that the studies show that they do not have an  
20 adverse impact on land value and development. However, there is still that  
21 perception.

22 So generally it is much easier to site a facility, and much better to  
23 do so, if you have a property that allows you to include buffers that will insulate the  
24 facility from the surrounding community.

25 COMMISSIONER FRANKLIN: Okay, thank you. When is the  
26 Bureau of Prisons supposed to award a contract in this matter?

1 MR. RAY: As I indicated earlier, Commissioner Franklin, the  
2 original draft bid date was October the 15th. They have extended that date at least  
3 one time, whether they will extend it again or not, I don't know.

4 COMMISSIONER FRANKLIN: They extended it until when?

5 MR. RAY: They extended it for 45 days, so just based on my  
6 quick math from that time, that would be about the end of November, certainly early  
7 part of December.

8 COMMISSIONER FRANKLIN: And so the posture is that you  
9 are one of four or five in consideration?

10 MR. RAY: I would say one of four or five. I don't know the exact  
11 number, because these are sealed bids before the Federal Bureau of Prisons. But I  
12 based that early number on sort of the number of people who had indicated an  
13 interest by looking at the documents.

14 So I would say at least four or five.

15 COMMISSIONER FRANKLIN: Thank you.

16 CHAIRPERSON KRESS: Thank you. I just wanted to have one  
17 question. Have you met with the ANC in Ward 8 and made similar presentations as  
18 you are making here, today?

19 MR. RAY: Yes. We actually met with the ANC twice. We met  
20 with them before the public notice went out, you know, from the Commission,  
21 announcing that we had made a PUD application.

22 We also met with them, again, following that announcement.

23 I would like to just add, if I could, there has been the view that  
24 somehow or another CCA was sort of driving this process. We, for a long time,  
25 could not respond. In fact, we have been sort of nervous about responding,  
26 because we did not want it to appear that we, you know, sort of had this contract.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 As I pointed out, we are just one of four or five bidders. We  
2 actually started the idea of building a facility, and you will hear some discussion  
3 about the women facility, back in 1995, long before we had any idea that the Federal  
4 Government would come in and take over the system.

5 So the Federal Bureau of Prisons put out an RFP, and they held  
6 their own hearings. Now, some members in Ward 8 has complained that the  
7 Federal Bureau of Prisons actually conducted the meetings in Ward 7.

8 When they were conducting those meetings, they were not  
9 conducting those meetings just on the site, on the District of Columbia. They were  
10 conducting those meetings in terms of all of the folks who submitted the response to  
11 the RFP.

12 And these were responses from all over the country, and in  
13 different sites. So we were not driving that process, the Federal Bureau of Prisons  
14 was driving that process.

15 And we was not in a real position to have anything to say about  
16 where they held their hearings, or how they conducted that.

17 Also there has been some discussion about a lack of an  
18 environmental impact statement. The fact of the matter is, and I will let Ian speak to  
19 this, the RFP is put out by the Federal Bureau of Prisons, requires not only an  
20 environmental impact statement, but requires us to comply with about five other  
21 environmental acts, from farm land, to what have you.

22 MR. FROST: Yes. The National Environmental Policy Act,  
23 which is one of the principal pieces of federal legislation concerning environmental  
24 issues needs to be complied with.

25 The Federal Bureau of Prisons would be the Agency that would  
26 have to ensure that NEPA is complied with. They require, as part of their RFP

1 process, that each applicant submit a draft environmental assessment for their  
2 particular project.

3 And there is different levels of environmental documents under  
4 NEPA. An environmental impact statement is the most comprehensive, and  
5 environmental assessment is sort of a medium level, and then there is other ones  
6 less than that.

7 But at the same time the Federal Bureau of Prisons was  
8 conducting a programmatic environmental impact statement on the contracting of a  
9 private facility.

10 We submitted a draft environmental assessment in conformance  
11 with their RFP requirements. In fact, what we have heard from the Federal Bureau  
12 of Prisons is that our document was very well prepared, and very good, and they  
13 didn't see the need to do much in the way of modification to that document when it  
14 will -- or if we were selected, it would ultimately be published as an environmental  
15 assessment.

16 So there has been a study done in conformance with NEPA, it  
17 just has not been released by the Federal Bureau of Prisons.

18 COMMISSIONER HOOD: I have a few questions, Madam  
19 Chair.

20 The first question is, what is the reason for end zone, as  
21 opposed to C-M-1 zone, is it just because of industry, where you are going to do the  
22 industry, or what is the reason behind it?

23 MR. RAY: Well, the reason we made that application is because  
24 we want to build a correction facility on the site, and we've made that within the  
25 confines of the PUD.

26 We could not build a correctional facility on the existing

1 surrounding zoning there. The federal piece is not zoned at all, at this point, but in  
2 terms of the impoundment lot, and the long-term nursing site, we would not be able  
3 to build a correction facility on those sites.

4 As I pointed out there is a provision in the law now that says a  
5 temporary correction facility could be built there for three years.

6 COMMISSIONER HOOD: Well, I guess my question is, I see on  
7 the D.C. impoundment lot, where you want to keep it as a C-M-1 district. I believe I  
8 read that correctly?

9 MR. RAY: That's right.

10 COMMISSIONER HOOD: So I was just wondering what was the  
11 significance of making the M zone, as opposed to a C-M-1 zone?

12 MR. RAY: Well, the industries that we are proposing to build  
13 there can be built on that.

14 COMMISSIONER FRANKLIN: You've answered my question.

15 MS. GIORDANO: I might just add, the M zone does -- a  
16 permanent correctional facility is not an expressly provided for permitted use in any  
17 zoned district in the zoning regulations.

18 The temporary one is permitted in C-M-1, but the M is a catch-all  
19 zone district which says that anything not expressly prohibited is permitted in M  
20 zone.

21 So, therefore, we derive that a permanent facility is permitted in  
22 the M zone, first.

23 COMMISSIONER HOOD: And also I may have read this, forgive  
24 me -- what is going to be done with the impoundment lot, what do you have --

25 MR. RAY: Well --

26 MR. JOHNSON: -- leave it to the District of Columbia?

1 MR. RAY: No, I have met with the Metropolitan Police  
2 Department on this issue, and they have submitted to me what they would like.  
3 They would like for us to relocate the impoundment lot, which we have agreed to do.

4 And they see this as an opportunity. The way it is set up now,  
5 they have, for example, Ward 8, the impoundment lot we are talking about, the  
6 impoundment lot for Ward 8 is there. But they also have other vehicles out there.

7 For example, like the evidence vehicles is also in that  
8 impoundment lot as well, and also Department of Public Works is out there. So they  
9 have asked us that if this goes forward, they would like for us to build one central  
10 impoundment lot for them, which is paved, and would divide it into what would be a  
11 general impoundment lot, and then an evidence impoundment lot with the proper  
12 lighting, and security cameras, and also a place that they can actually stay there and  
13 sleep, because they want to have 24 hour surveillance out there.

14 And basically the Department of Public Works would share the  
15 other half of that. So we will relocate, build, and move the cars to that facility.

16 COMMISSIONER HOOD: What will prevent, in the future, if this  
17 site goes through, to prevent us from having a Youngstown in Washington, D.C.?

18 MR. RAY: This gives me an opportunity, again, to speak to the  
19 Youngstown situation. You know, as I started out, and I said to you, one of the  
20 things about reading the press, is that it is often not quite like you read.

21 Unfortunately some inmates escaped at Youngstown, and on top  
22 of that they escaped at a time when there was a very tough political race going on  
23 up there.

24 So we ended up with the candidates that was running for  
25 Senate, the Governor in it, just as you saw out here in Maryland. I mean, when the  
26 race sort of got tied up there, and people were out there, you know, Maryland

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 started saying, we don't want a facility in the District of Columbia, and actually made  
2 the facility in the District of Columbia part of the political campaign over there.

3 A lot of that has happened in Youngstown. Mr. Johnson pointed  
4 out that we have had some problems with Youngstown. Any time that someone can  
5 bring in a large piece of bolt cutters, you know, we have erred, because inmates are  
6 not supposed to have bolt cutters in their hands.

7 But, unfortunately, corrections, just like the rest of America, have  
8 to hire their employees from the human race, and employees make mistakes,  
9 employees some times are influenced in ways that should not be. So we made a  
10 human mistake there.

11 But we have moved to correct that human mistake, and we don't  
12 think it will happen again. But I couldn't say to you we will never have another  
13 problem.

14 But we recognize it was a mistake, we are here to tell you it was  
15 a mistake, and we have taken steps to correct that mistake.

16 But I would also say to you that there is a lot of good things  
17 going on at Youngstown, and we invite the Commission to come to Youngstown, we  
18 invite the Commission to go to the CTF.

19 I invite you to talk to some of the council members that have  
20 been up there, Council Member Harris, Thomas, has been up there. I don't  
21 remember whether Council Member Evans was up there or not.

22 But I can tell you, and I will give you an example. Council  
23 Member Thomas, when he was up there, he asked an inmate, would you -- do you  
24 want to come back to Washington, D.C.? And that inmate said, no, I want to finish  
25 my time here because I like the programs they have here, I like the educational  
26 programs they have here. Any inmate who needs to use a computer, want to learn

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 how to use a computer can do that, I want to stay here.

2 Now, I say to you that that is Youngstown. We feel very strongly,  
3 and the reason we are building this facility here, we could have built this facility in  
4 Ohio, or in West Virginia, as others have did it.

5 But we know, from experience, CCA knows from experience that  
6 an inmate who is close to home, who has family contact, who is motivated, who is in  
7 an educational program, who is in a training program, is a much better inmate to  
8 handle.

9 They are less violent, they are less disruptive, they are  
10 motivated. And from our standpoint we rather have an inmate that is motivated, that  
11 is trying to learn, that an inmate that is causing trouble.

12 So we are motivated from a very self-interest of building this  
13 facility here.

14 Let me tell you another thing that we are interested in. As a  
15 private company we realize that the only way, ultimately in the long term, that we  
16 can justify to the Federal Government, or the D.C. Government, that they should  
17 trust private companies with their inmates, is that we have to do a better job than the  
18 Government is doing.

19 So we know that we need to build industries, we need to have  
20 treatment programs, we need to have a situation that when an inmate comes out of  
21 a system that he can, in fact, show a resume and say, I've been working, I've been  
22 going to work everyday, I have received promotions every day.

23 That is why we are here. It is not just good, it is the best interest  
24 of the city, but it is also our best interest as well.

25 COMMISSIONER HOOD: Mr. Ray, after the set down here,  
26 after we go back and deliberations and discussions with the community, from your

1 perception, and CCA's perception, after you told them what was on the table, I think  
2 we mentioned that here, what was the response?

3 I mean, what was your overall perception of the response that  
4 you received?

5 MR. RAY: What was my response?

6 COMMISSIONER HOOD: The response from the community  
7 after we had the sit-down here, I think it was mentioned to please go back to the  
8 community and try to resolve the issues. What was the response after that sit-down  
9 here?

10 MR. RAY: Well, I think the response has been pretty much what  
11 you see here this evening. I mean, there are members in the community that support  
12 the facility, there are members who oppose it very strongly.

13 And I think you have some very strong views on both sides of the  
14 issue.

15 But as I pointed out when I was talking, the one thing that came  
16 through from both groups is that we were doing an awful lot for inmates, that we  
17 were providing a lot of programs for inmates, and that there were a lot of young men  
18 and women outside of that facility who hopefully would never be there, that could not  
19 get a job working in a technical and computer facility and get in training.

20 And so, as I said, we kept working toward trying to find a way to  
21 also provide more training, more jobs, more opportunities for young men and  
22 women, and others who live not only in the Ward 8 community, but in the rest of the  
23 city, who wanted to be trained in technical jobs that would put them to work right  
24 away, and provide a decent living for their family.

25 And that is how we came up with the WUT, the Washington  
26 University of Technology, as another benefit to the community, beyond the benefits

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 that we think that we are bringing in terms of jobs.

2 Mr. Johnson talked to you about the revolving long program that  
3 CCA has agreed to set out to loan people up to 225,000 dollars. You will be hearing  
4 from someone later on, someone I have known for many years, who when the city  
5 put up the two RFPs that I remember, there may have been more RFPs that have  
6 been put out in this particular parcel.

7 But I do remember the first time there was only one response, as  
8 I recall. And that was a response from a lady that lives in Ward 8, who responded  
9 by saying that she would like to build a garment manufacturing out there.

10 She has been trying for many, many years. I can't count the  
11 number of days she came to my office when I was on the City Council. She has  
12 never been able to get a loan, she has never been able to get it started.

13 We have agreed that we would help her get that business off the  
14 ground. Now, she says that she can hire up to 200 people out there. We need  
15 garments made, we need linen made.

16 Not only if we build this facility, but at the CTF, and at  
17 Youngstown. And we would give her that opportunity. And we would give her an  
18 opportunity to also make garments for other institutions in this city, hospitals,  
19 universities, and what have you.

20 And if she can employ 200 individuals out there doing that, then  
21 that is 200 more additional jobs out there.

22 So these are the kinds of things that we try to do. We have put  
23 them in our proposal to you. Commissioner Franklin has asked, how do we hold you  
24 responsible for the promise that has just been made. And I said to him, maybe what  
25 you want to do is require us to put up a bond, to get there, to know that it is there.

26 COMMISSIONER HOOD: Also, Mr. Ray, in the deliberations

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 with the community, and the PUD process, did the community have any input in the  
2 amenities which I see before us?

3 MR. RAY: We actually started talking to the community some  
4 years ago. You may recall, when the Council Member testified, she testified that  
5 she had set up a task force.

6 We went to what we thought was the proper person to go to  
7 when we started this, which was Council Member Allen. And she decided that she  
8 would set up a task force.

9 And to my knowledge Mr. Johnson has worked diligently with  
10 that task force from that period, through this period. And many of the things that you  
11 see that are in here, are suggestions that came from them.

12 Mr. Johnson could probably speak to that much more than I can,  
13 because I'm the lawyer, and I have not been involved in every aspect of this. But I  
14 do know that I personally went with Mr. Johnson, and of course Council Member  
15 Allen, and she set up this task force, and then Mr. Johnson went forward working  
16 with the task force.

17 And I met with them on a number of occasions, and they have  
18 said, we would like to have this, we would like to have this, we would like to have a  
19 revolving loan fund, and those kinds of things.?

20 COMMISSIONER HOOD: Also, I believe the statement was  
21 made that they would be guaranteeing, I remember this distinctly, guaranteeing a  
22 job. That is a pretty bold statement. A lot of times, since my short tenure, very  
23 short, I've experienced a lot of times people come down and say they are going to  
24 do certain things in the community, and after it is all said and done, then we forgot  
25 about guaranteeing the jobs, and all these other amenities that we promised.

26 And I have to agree with Commissioner Franklin, I don't know

1 exactly, I'm not up to speed on exactly how we can hold you accountable, but I do  
2 think that this is something the Commission should --

3 MR. RAY: Let me make just a preliminary statement, and then I  
4 want to respond to that.

5 Basically what Skip said, in two areas, do you have one of those  
6 renderings of the --

7 COMMISSIONER HOOD: You can just skip the summary.

8 MR. RAY: What Chip said, that in two areas, in the diesel  
9 training, and in the diesel driving, that he would guarantee jobs in those areas,  
10 because what he does there, he actually works with the employer. And the  
11 employer has said to him, I need three drivers, I need five mechanics.

12 So that when they complete their training, they already have a  
13 job. They do not go into the training if he does not have a situation where they are  
14 going to be guaranteed the job.

15 So it is only those two areas where we are saying we can  
16 guarantee a job.

17 Now we mentioned another area, which is the area of escalator  
18 repair. And let me just give you an example of what I mean, and this comes from  
19 my experience in the City Council, and from my talking to Councilman Evans.

20 As you are catching the metro, you will notice almost any day,  
21 that you have more escalators closed down than are working. The metro, for a long  
22 time, did the repair in-house. Then they contracted it out, then they took it back in-  
23 house, because they simply cannot get enough mechanics to work on those  
24 escalators.

25 And so we talked to Skip about whether or not he could train  
26 escalator mechanics at this facility. And he could respond to that, and I think his

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 response was that he can.

2 So, again, in that area too we think there will be a great  
3 opportunity to ensure the people that they will get a job. But it is in the diesel  
4 mechanic, and in the diesel driving that he is saying that he could guarantee jobs.

5 MR. MONSEIN: I know whenever you hear the term guarantee it  
6 sort of raises lots of eyebrows. If we didn't select the students the way we do, we  
7 couldn't make a statement like that.

8 Whenever we bring a student in, he is interviewed by the  
9 company that is going to hire him. And if they don't agree to hire him, he can't be a  
10 student at this school.

11 And that is why we can say what we do. In all the other  
12 programs, no, I would never say to anybody that I can guarantee a job. If a person  
13 doesn't want to work, then I have a real problem.

14 COMMISSIONER HOOD: Thank you for clearing that up. Also,  
15 my last question, for source agreement, I think it was 51 percent, and you can  
16 correct me if I'm incorrect. I think it was 50 percent for the first source agreement.

17 Is that less or plus the -- is that less the employees that you  
18 already have working for CCA now? Would that be 51 percent, or 50 percent of the  
19 D.C. residents that exist right now, who do not work for CCA, or will that encompass  
20 and go along with the employees that work for CCA?

21 MR. RAY: Mr. Hood, let me just back up for a moment so you  
22 have a clear picture of this.

23 The law that Congress passed, the Revitalization Act, and the  
24 BOP has captured this in the RFP, Congress required that the BOP offer to D.C.  
25 employees first opportunity for jobs that were being consumed by the Federal  
26 Bureau of Prisons.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   So in terms of these 2,200 inmates, the impact of these 2,200  
2 inmates on the employees at Lorton, and the women who are at the Correctional  
3 Treatment Facility, and some of the women now have already been sent back to  
4 Danbury, Connecticut.

5                   We will have to give those employees an opportunity to apply  
6 first for these jobs. Of the 600 jobs that we have mentioned there, about 350 of  
7 those jobs will clearly go to existing employees, unless they turn them down.

8                   Now, someone may decide that I would rather go work at the  
9 BOP, they may decide that they want to stay in a correctional position with the  
10 Department of Corrections because throughout the system there is a shortage of  
11 correctional law officers.

12                   But we put it at that end because that would be the number.

13                   Then the other 300 jobs would be available for D.C. residents.  
14 And to that we have agreed to what you have mentioned, as well as agreeing to the  
15 citizens of Ward 8 would get first opportunity, first preference for those jobs.

16                   We have also agreed to ensure that there is a pool of workers  
17 from Ward 8; that six months prior to this facility going on line, that CCA itself will run  
18 a training program to train Ward 8 residents in job opportunities at this facility.

19                   And let me just say that the salary scale for the employees at the  
20 facility is set by the BOP. And I'm going to take a shot at them. I may not have  
21 them all right, but I will be within 1,000 dollars.

22                   For example, a correctional officer, required by the BOP starting  
23 salary at this facility will be 30,000 dollars. And that is about four or five thousand  
24 dollars more than the starting salary for a correctional officer in the D.C. system.

25                   For a teacher I think it is -- well, here it is right here. For a  
26 teacher it is 33,000 dollars. That is 5,800 dollars more than the starting salary for a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433    WASHINGTON, D.C. 20005-3701    (202) 234-4433

1 teacher in the D.C. public schools.

2 For a registered nurse it is 34,000. For a licensed practical  
3 nurse it is 29,000, for a secretary it is 27,000, for a warehouse worker it is 23,000  
4 dollars.

5 We have no choice but to pay those salaries. Those are  
6 required by the Federal Bureau of Prisons. And I would say to you, these jobs come  
7 with full benefits.

8 There are few, if any, developments in Ward 8 that have created  
9 salaries in this range.

10 COMMISSIONER HOOD: My contingent question to what --

11 MR. RAY: Mr. Scales, who actually runs a business in Ward 7,  
12 he is with MTI, he is with the construction business, he has operated in the District of  
13 Columbia for about 29 years, he is in -- is that southeast, or northeast Washington,  
14 Mr. Scales?

15 It is northwest Washington, D.C., he wanted to just respond.

16 MR. SCALES: Mr. Hood, to give you a feel of what this is really  
17 all about, in an actual sense; I've been in business over 20 years, and my office is  
18 located on Ward 7, 6029 D Street. And I do all kinds of construction, not only heavy  
19 construction, but also building construction.

20 And I can tell you, the one thing that we are always short of are  
21 truck drivers and diesel mechanics. And the reason for that, there is a reason for it,  
22 the reason for it is because of the regulation that came through with DOT.

23 The CDL license that is required, a lot of people are not able to  
24 qualify. It requires special training to be able to drive a tractor trailer and a dump  
25 truck.

26 So I have a need, at any given time, for five or ten drivers at a

1 time. Right now I need about seven. I cannot hire them, and I'm unionized. And  
2 these guys are making 38 and 40,000 dollars a year driving tractor trailers.

3 So there is a real need that is not being fulfilled. And I think this  
4 plan on the table is a real good plan to address this particular need. So mechanics  
5 and truck drivers.

6 MR. JOHNSON: Mr. Hood, and Madam Chairperson, I wanted  
7 to respond to the question about the first source. It is not quite all the way, but I  
8 wanted to make the Commission aware of what CCA has been doing over the last  
9 19 months to try and make sure that access to jobs, which is a different word than  
10 guarantee, I will stipulate to that, is available for ward 8 residents.

11 We undertook, and we have continual training classes, but in a  
12 sort of pseudo-scientific way. And our first class, and this has held consistent  
13 throughout, we through the process of locating individuals who lived in the ward, we  
14 found 25 people who wanted to be correctional officers.

15 We agreed, and knew upfront that many of these individuals  
16 have problems of finding work. So we said to them that if you would agree to come  
17 into our pre-training academy, we will help pre-screen you, to make it so that you  
18 can go to our regular training academy.

19 We had 25 people show up at our orientation session on our first  
20 one. What happened, briefly, was that about 10 people could not pass a  
21 background check. In other words, they had prior criminal convictions.

22 We tried to work out some of those convictions, but we could not,  
23 so they were not able to at least get through our pre-training academy. About seven  
24 people told us that they didn't have -- these are folks who admitted upfront, and we  
25 tried to check out those conditions to see if we could maybe get by them.

26 Seven or so said, we have no convictions, we have been on the

1 straight and narrow for all of our life. And lo and behold we do the background  
2 check and they are not.

3 And we had, out of that, another eight folks who went into the  
4 training class, and succeeded, and are now working for us at the CTF.

5 So you have about a third of those folks out of that. And  
6 generally, consistently, in terms of our recruiting out of the ward, we seem to get  
7 about a third of the folks that we can work with.

8 Now, we need to increase that by maybe offering some -- a more  
9 solid pre-training package. But we do have some history and some experience with  
10 that.

11 COMMISSIONER HOOD: I believe a lot of people may feel  
12 reluctant, because they don't feel that they may be qualified. So is there something  
13 in place, other than your pre-screening, and I understand about the background  
14 checks; is there something in place for residents who may not meet the  
15 qualifications, to be able to come in and be able to get full scale qualification to be  
16 able to apply for a job at CCA from ward 8? Or anyplace in the city?

17 MR. RAY: That is one of the goals that we are trying to achieve  
18 with this Washington University of Technology. That there will be a facility there to  
19 screen individuals, and to give them the pre-training they need, or to help them get  
20 the basic skills they need to move to the next step so that they can move into a  
21 technical training program.

22 COMMISSIONER HOOD: So if I have no qualifications, there is  
23 a program that is set for me to be able to come in?

24 MR. RAY: Let me tell you, we attached to the documents that  
25 we submitted to you, the memorandum of understanding, not only for folks like that,  
26 but even those who have been convicted.

1                   We have a -- CCA insisted that a provision be put in this that the  
2 Washington University of Technology could not discriminate against an inmate, not  
3 only a former inmate from a CCA facility, but from any District of Columbia facility,  
4 from any federal facility, or from any other private facility, they cannot discriminate  
5 against those individuals to have an opportunity to come to the Washington  
6 University of Technology, to go through the screening program, and to provide them  
7 an opportunity to attend that institution.

8                   COMMISSIONER HOOD: Thank you very much.

9                   CHAIRPERSON KRESS: Commissioner Clarens?

10                  COMMISSIONER CLARENS: Just a few brief questions.

11                  The first one is, can you tell the Commission what is the process  
12 used by the BOP for the selection of inmates that will reside in this facility?

13                  MR. RAY: What would be the process? Is Mike here? Mike  
14 Quinlan is a former director of the Federal Bureau of Prisons, and --

15                  MR. QUINLAN: The selection process that the Federal Bureau  
16 of Prisons will utilize, will be the process which will look at their crime, the sentence  
17 that they received, their prior criminal record, and any violence in their history, any  
18 escapes that they may have had from previous incarcerations.

19                  They will make a judgment, based on all those factors, which  
20 gives them a score, a classification score. This is not unlike a system that would be  
21 used at any accredited correctional system across the United States.

22                  They use classification systems that determine whether the  
23 inmate is minimum, which is the lowest, or low, which is a step above minimum, or  
24 medium, or maximum, with the highest classification is generally the super  
25 maximum security inmate, and those decisions are made on a grid, based on a  
26 number of factors, both from the offense, and from the offender's history.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433    WASHINGTON, D.C. 20005-3701    (202) 234-4433

1 COMMISSIONER CLARENS: Where is the pool from which  
2 these inmates are chosen? In other words, how do we know that these are, in fact,  
3 D.C. or area residents, and not federal prisoners that come from other jurisdictions?

4 MR. RAY: These inmates, Commissioner, are inmates that are  
5 now housed in the minimum and low security facilities out at Lorton. All of these  
6 inmates are being replaced as a result of the closure of Lorton, which has to be  
7 closed down, by law, by 2001.

8 They also will be the female inmates, as you may recall, for  
9 many years we actually housed almost all of the long-term females in West Virginia  
10 at Alderson.

11 Around 1989, 1990, thereabout, when we built the Correctional  
12 Treatment Facility because there was, frankly, an outcry in the community, and there  
13 were some threats of some lawsuits of suing the city for discriminating against the  
14 women, because they were so far away, and the men's was down the road, we  
15 ultimately took the Correctional Treatment Facility and turned part of it into a facility  
16 to house the women.

17 We also had about 150 women that was housed out at Lorton,  
18 as well. When the Federal Bureau of Prisons took over the system, they decided,  
19 when they started this transition of taking it over, I should say; they decided that they  
20 were going to ship all of the women out.

21 They have already sent some of them up to Connecticut, and  
22 maybe some back to West Virginia. Those women would be coming back to this  
23 facility, and the remaining number of women that are still housed in the Correctional  
24 Treatment Facility, and those who are sentenced under the Youth Correction Act,  
25 which is also housed at this time on the Lorton facility.

26 COMMISSIONER CLARENS: I understand that. But my

1 question is, in the future, as prisoners are released, and new prisoners come in, how  
2 do we know that this facility will serve, exclusively, people who are in this area?

3 Because one of the arguments in favor of this facility is the fact  
4 that the proximity to their families, and that is a strong part of your argument, that  
5 this is important.

6 So how do we know that the Federal Government won't all of a  
7 sudden bring people from Ohio, in the same way that they are bringing people from  
8 D.C., and they are putting them in Ohio?

9 MR. RAY: The inmates in Ohio are actually inmates from the  
10 District of Columbia, because we don't have facilities here.

11 COMMISSIONER CLARENS: Well, we don't populate all the  
12 prisons.

13 MR. RAY: Commissioner, let me answer your question this way.  
14 If we only build a 2,200 bed facility in the District of Columbia, there will never be, in  
15 the foreseeable future, enough space to house anyone but D.C. inmates.

16 Most of these inmates, Commissioner, is going to be sent out to  
17 far away sites, and they are already being sent here.

18 COMMISSIONER CLARENS: But it will not be under your  
19 control, under CCA control, it will be under the Federal Bureau of Prisons control  
20 who goes there?

21 MR. RAY: Yes, it would be under the Federal Bureau of Prisons  
22 control. But they have made it clear that this is for D.C. inmates.

23 COMMISSIONER CLARENS: The second question is, in  
24 connection to this is, what prevents, once again, and excuse my sort of skepticism of  
25 the Federal Government, but our recent history with the Federal Government leaves  
26 something to be desired.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                               What prevents the Federal Government from changing their  
2 mind and placing in this facility perhaps D.C. residents, but who are in fact classified,  
3 as you explained a minute before, as higher than minimum security, medium or  
4 perhaps even maximum.

5                               Is there something physical in the facility that will prevent this  
6 from happening, or is this part of the agreement, or once again we have to take the  
7 Federal Bureau of Prisons word for it?

8                               MR. RAY: I think the most compelling reason is the design of  
9 the facility. I mean, this facility is designed for medium, low security, youth  
10 correction, and women inmates.

11                              If we were designing a maximum security, and I will let Mike or  
12 we also have -- one of them could speak to this. We would be designing a very  
13 different facility. It costs more to build, both from the inside structure, as well as the  
14 security around it.

15                              We are building a facility for the clarification that is in the RFP.  
16 Mike, do you want to --

17                              MR. HAINES: I would just say that from my experience of 22  
18 years with the Federal Bureau of Prisons, five and a half years as director, that it  
19 would rarely ever be the case that the mission of a facility would be changed.

20                              When that situation would arise, it would be something that  
21 would be communicated clearly with the community, and there would be  
22 commitments made in terms of the changes of the security of the facility, and other  
23 hardening of the facility that would go with that particular change in mission.

24                              I cannot, as John Ray indicated, imagine that the Federal Bureau  
25 of Prisons would ever change the mission of this particular group of facilities,  
26 because of the way it is broken up into the women, the young adult men, the

1 minimum men, and the low security men.

2 Those needs, as John Ray indicated, in the District of Columbia  
3 are very great. And to have that number of offenders close to their families, close to  
4 the kinds of job training and treatment programs, and education programs that will  
5 be available at this facility, would be so high a need, and so important for this  
6 community, and for the Federal Bureau of Prisons, I can't imagine that they would  
7 ever change it.

8 MR. RAY: Commissioner, I might also add, one of the things  
9 that I would ask you to keep in mind, and unfortunately I chuckled when you said  
10 about the Federal Government, one of the things that the Federal Government did  
11 not clearly think through, was the ramifications of this act they passed, the  
12 Revitalization Act, to be taking over this system.

13 Now, for example, in the old days, with Lorton down the road, if  
14 we had overcrowding at the D.C. jail, then we could take them to the minimum  
15 facilities at Lorton.

16 Now, that is going to close down, so if you don't have a facility  
17 here like this facility, when you have overcrowding at the D.C. jail, that you can take  
18 them to another facility, you have real problems.

19 So in terms of the court costs, in terms of overcrowding at the  
20 D.C. jail, in term of the marshall service, and all of those things, that is why the  
21 Federal Bureau of Prisons, in my judgement, they looked at this, because the  
22 original plan was sort of to integrate the D.C. inmates into the federal system and  
23 ship them up to 500 miles away.

24 The Federal Bureau of Prisons rejected that as not being a  
25 sound approach because of the distance that inmates would be away from their  
26 families, the cost it would be to the marshalls for transporting people, bringing them

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 back to superior court to go to trial.

2 So I just can't see how, as long as we are a living society, I  
3 would like to see prisons go away, but I'm realistic that it is not going to happen  
4 tomorrow, that that facility could ever be anything but that kind of facility. It is going  
5 to be necessary somewhere.

6 COMMISSIONER CLARENS: Is the facility either planned, or  
7 built for expansion?

8 MR. RAY: You know, it is going to be very difficult to have much  
9 of any expansion down there. If we were not going to do the Washington University  
10 of Technology, then that would possibly be some expansion. But there is going to  
11 be very little room for expansion.

12 COMMISSIONER CLARENS: My question is more technical  
13 than that. Is the facility planned, or built for expansion?

14 MR. HAINES: The facility infrastructure, in terms of the food  
15 service, administrative areas, medical spaces, that type of thing, have been sized for  
16 the ultimate population of 2,200 beds.

17 And as we explained earlier, getting that close to 600,000 square  
18 feet of building on the 42 acres required us to do some stacking of the housing units,  
19 which means that we had precious little land to work with, in terms of the cost  
20 economies of maybe just having it at a lower level.

21 So currently we have probably stretched every square foot we  
22 can out of that. We do have adequate program, adequate administrative inmate  
23 support spaces for the 2,200 beds. But we don't have any extra space in there that  
24 would accommodate any more beds under that configuration. There is no other  
25 room to be put in there, unless we built three or four levels of areas for the kitchen,  
26 or whatever.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 But there is no planned expansion in there.

2 COMMISSIONER CLARENS: But the one story housing facility,  
3 or actually double --

4 MR. HAINES: It is a single story and a mezzanine.

5 COMMISSIONER CLARENS: -- they are not built to take an  
6 expansion, a vertical expansion?

7 MR. HAINES: They are not designed for that. They could be, if  
8 you wanted to, because it is foundationing and structural system, and circulation  
9 systems, elevators and what not. They are not planned to be expanded, they are  
10 not planned for a foundation system to double stack.

11 That facility is plan designed and engineered just as it appears  
12 for that inmate population, no pretense to have any additional layers of housing  
13 added on to the single story areas.

14 COMMISSIONER CLARENS: Next question. There are two -- it  
15 seems like the application is contingent on two separate issues. One has to do with  
16 the BOP contract, and the awarding of that contract. The other one has to do with  
17 the land swap with the Department of Interior.

18 If the land swap went ahead, and you took control of the land,  
19 but you did not win the contract with the Department of -- with the Federal Bureau of  
20 Prisons, would CCA still be interested in developing a prison in this site, and  
21 marketing its services to other jurisdictions?

22 MR. RAY: I can't answer that, but what I would say is that they  
23 certainly could not do that without the City Council passing a law to allow that to  
24 happen.

25 Let me give you an example, Commissioner. CCA runs the CTL  
26 now, and the City Council passed a special law to allow them to run just the CTL.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   When the BOP put out its contract, the BOP, one of the  
2 requirements they had in the law was that if you could not show that the host  
3 jurisdiction had a law which would allow a private company to house federal  
4 inmates, and have all of the necessary authority, that would disqualify you.

5                   So the City Council passed a law which allows a private  
6 company only to house D.C. inmates and federal inmates. It could not house, no  
7 private company could house inmates from another jurisdiction in the District of  
8 Columbia.

9                   So -- and I doubt the City Council would pass a law allowing that  
10 to happen.

11                  COMMISSIONER CLARENS: Then a few more questions, and  
12 these are more, simpler questions.

13                  The buffer zone that runs along the south side of the property,  
14 along the Oxon creek, what -- why isn't that shown turning around and continuing  
15 along the I295 freeway?

16                  MR. HAINES: I can answer that, if we can get the illustration up  
17 there. I believe Ian brought up the point earlier. The amount of land that we have  
18 available, that is not being utilized by the building site, the perimeter fencing, or the  
19 perimeter road, varies up to 25 feet wide, I believe, along that sector that parallels  
20 295.

21                  The only reason that we don't have any more land to utilize in  
22 our property boundary areas. We will try to get it up there so I can illustrate that.

23                  I think you are talking about paralleling 295, sir?

24                  COMMISSIONER CLARENS: Parallel to 295, there is a  
25 triangular area.

26                  MR. HAINES: There is opportunity for us, since we -- if you look

1 in this area right there, right now we have illustrated this three acre parcel of trees to  
2 remain intact; it parallels Oxon Cove.

3 This area along here, there is also current vegetation in there  
4 that could remain as an additional buffer. But as we go through, as we turn up here  
5 along this edge of the perimeter, you will see that we have a small, narrow, strip of  
6 land that makes it very difficult to put any large quantity of trees in there, and we do  
7 have some security compromising by getting trees that close to the fence.

8 So there is opportunity to expand our buffer area, and you don't  
9 see it as well on this, as maybe the slide right before that, where we have a view of -  
10 - no, the other way.

11 COMMISSIONER CLARENS: You would have no objection to  
12 extending the buffer zone to include that area? The area in question, this area we  
13 are talking about along the triangular, the triangular piece between the security road  
14 and the freeway?

15 MR. HAINES: There is already trees there. That site goes  
16 down, and those two lines meet right about that point right there. And the area is  
17 mostly dark, would be the ideal candidate.

18 Ian is correct about our storm retention, and other kind of land  
19 use areas that we have to incorporate in here. We certainly don't anticipate using all  
20 of it. What we don't use could easily be left intact to increase that buffer zone, the  
21 acreage could be increased in this area down here, and left as currently intact as it  
22 is, other than the remedial environmental conditions that we agreed to do, and leave  
23 the trees intact along Oxon Cove.

24 COMMISSIONER CLARENS: Is the fence going to be visible  
25 from I295?

26 MR. HAINES: This finished grade here, I believe, is 20 feet

1 above the 295 --

2 COMMISSIONER CLARENS: -- was the testimony before.

3 MR. FROST: It is variable through here. I think down in this part  
4 is the greatest difference in elevation. This is about a 22.5 difference, higher than  
5 the elevation --

6 COMMISSIONER CLARENS: And then I295 -- so they would be  
7 looking at the fence?

8 MR. HAINES: No, looking to the dirt. As this area is sloped off,  
9 whatever we develop here, whether it is a retaining wall, depending on the grading  
10 plan, and how much earthwork comes off of that, you would be looking to maybe a  
11 gradual slope that could be landscaped, or vegetation be put in there, as it got up to  
12 the finished grade.

13 Now, we have to be fairly flat with this perimeter fence area, the  
14 perimeter road, as well as to the building. We want to be as flat, relatively little  
15 slope, because we have a visual requirement, from the patrol vehicle to look in the  
16 fence, and look to those areas without any depressions for hiding areas, or any tall  
17 obstructions that would prohibit patrol staff into viewing these exterior wall areas.

18 No one is allowed in those areas, but they need to be viewing  
19 those all the time. So that area has to be flat, and that is why we have this build-up  
20 lower than here, to accommodate that.

21 So you would be looking from 295, probably into a gradual slope,  
22 with some vegetation on there for erosion control, as you look up to the facility  
23 driving by, if you happen to even notice it.

24 COMMISSIONER CLARENS: The electronic detection system  
25 that was mentioned before, is basically in lieu of watchtowers?

26 MR. HAINES: There are no elevated watchtowers along the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 perimeter. There is a perimeter patrol vehicle, in concert with the security fencing,  
2 by FBOP design standards for this security classification.

3 And there is also an electronic detection system. I believe Mr.  
4 Speakman spoke earlier.

5 COMMISSIONER CLARENS: There are guard towers in the US  
6 penitentiary. My question is more brief than that. My question is, is the electronic  
7 detection system going to, in fact, overlook the space between the two fences?

8 MR. HAINES: Yes, that is correct.

9 COMMISSIONER CLARENS: And is that what is used for, you  
10 know, what the watchtowers used to be used for? It is in front of the first fence?

11 MR. HAINES: Yes.

12 COMMISSIONER CLARENS: So what prevents people who are  
13 in the yard, in the recreation yard, to approach the fence, or those electronic  
14 systems are turned off --

15 MR. HAINES: So the electronic system is divided into zones, I  
16 think up to 150 feet per zone. It is not electric. But in those particular zones, which  
17 go back to central control, as well as the patrol vehicle, they go into alarm status.

18 Central control, as well as the security perimeter person knows  
19 that it is in this zone, that zone, or whatever, and are dispatched immediately from  
20 their routine patrol to that alarm area, and that zone rings, and then if the person still  
21 continues, they are going to try to get through, climbing the barriers that are in the  
22 other side, barbed taped obstacles in the ground, there are barbed taped obstacles  
23 half-way up the fenced, on the arms that stick out to deter the climbing, on the first  
24 fence as well as the no-man's zone in between, and also barbed tape obstacle in the  
25 outer fence.

26 It is very difficult to get through those barbed taped obstacles in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 the time frame of the alarming and the patrol responses, let alone getting through  
2 that without getting severely injured.

3 COMMISSIONER CLARENS: What is the pavement of the  
4 recreation areas? Is it going to be an impervious pavement, or is it a -- what -- the  
5 recreation areas, and the areas within the facility? MR. HAINES: The  
6 areas that we have for outdoor, will not be paved areas. There may be a small --  
7 sometimes there could be a small basketball court that would be paved on the  
8 outside. We are not proposing one for this facility, there are basketball courts inside  
9 the gymnasium. It would just be an outdoor grassed area for softball, soccer, those  
10 type of group activities, or jogging. Getting outside just for sunshine, or whatever.

11 You can see, in the service yard areas, that at the two entry  
12 areas, they are paved, secured fenced areas that you would drive trucks in for  
13 delivery of food stuffs, product used in industry of the vocational programs as well as  
14 inmate intake, transfer, releasing from the facility.

15 The parking lot, the perimeter road are paved.

16 COMMISSIONER CLARENS: So the areas in green, in the  
17 model, are sodded areas?

18 MR. HAINES: Grass, dirt, not paved.

19 COMMISSIONER CLARENS: And that also applies to the areas  
20 north of the facility?

21 MR. HAINES: The area in the proposed industrial, they are  
22 varying mixed, roadway development as well as large, small parking lots in front of  
23 the building, and a larger paved area behind that would accommodate material lay  
24 down, raw materials before the industry is utilizing them, finished product waiting for  
25 pickup and delivery.

26 A typical industry area where you would see a paved yard that

1 would have some service vehicles, some product stacked in there, inventoried  
2 outside. So they would be hard surfaced.

3 There is also, we are proposing adequate landscape and some  
4 green areas around there, so it is not one large paved area. We are trying to break  
5 up the areas, and have some scale, with some landscaping, some greenery, in  
6 between those industry areas, as proposed.

7 COMMISSIONER CLARENS: I have no further questions.

8 COMMISSIONER FRANKLIN: Before we go into cross  
9 examination, I would like to suggest that Counsel really give some thought to some  
10 questions, or I should say answers to questions that have been raised, namely the  
11 bond, or some device that would assure performance of phase II of what is being  
12 proposed.

13 Secondly, and maybe Mr. Quinlan can address this, as you know  
14 if we were to approve this, there would be an order of this Commission which would  
15 be quite specific, in a variety of ways, as to the controls on the development.

16 Mr. Hood pointed out to me, in the RFP, the Federal Bureau of  
17 Prisons maintains its discretion to asking prisoners to this facility that may or may  
18 not be residents of the District of Columbia.

19 We would certainly want to be able to control that in any order  
20 that might be issued by this Commission. And the question would be whether this  
21 Commission had the authority in its PUD order to control the nature of the prison  
22 population in terms of their residency.

23 Mr. Quinlan, do you have any views on whether that possibility  
24 exists?

25 MR. QUINLAN: Commissioner Franklin, that question, which  
26 obviously relates to federal supremacy issues, raises questions in my mind as to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 whether the Federal Bureau of Prisons would agree to that.

2 They, obviously, are going to want to maintain some discretion,  
3 because quite honestly, they are under a tremendous amount of pressure nationally.  
4 They have over 122,000 people under the Federal Bureau of Prisons system right  
5 now. And their growth is expected to continue to expand over the next eight years,  
6 by another 60,000.

7 So to ask them to make that kind of a decision, obviously, might  
8 cause them a great deal of concern.

9 COMMISSIONER FRANKLIN: Well, you could appreciate the  
10 concern on the other side, because although it has been represented that the  
11 number of people coming into that facility from D.C. is going to continue for some  
12 period of time, the language in the RFP would give the bureau the opportunity to  
13 send D.C. prisoners to, you know, 300 miles away, even if there were space for  
14 them in this facility, if I read that language correctly.

15 MR. RAY: Let me respond to that. I think there is, obviously,  
16 two issues here. One is that I think we can all agree pretty quickly that in terms of  
17 the federal supremacy aspect of that, if there is a challenge between local law and  
18 federal law, the law is going to be the prevailing law.

19 The reason that provision is in there, I pointed out to the  
20 Commission earlier that the number of inmates that we have in our system, which is  
21 apportioned around 8,000, and I'm talking about those that fit within the definition -- I  
22 mean, there is about 10,000 over all, that are locked up.

23 We do not have any room for other inmates. But the Federal  
24 Government just like we, for example, send inmates into the federal system if there  
25 is an inmate who is going to -- they are going to be tried in this jurisdiction, the  
26 Federal Government would want the flexibility that if they were going to house an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 inmate, or two inmates from the federal system for whatever reasons, they would  
2 want to be able to do that.

3 So I don't think that they would agree to that, for that reason.

4 In terms of our concern about them housing any large number of  
5 federal inmates there, I just don't see that as being an issue. And I would feel free to  
6 say to you that you might want to write a letter to the Federal Bureau of Prisons and  
7 raise that with them, and ask for their response to your enquiry.

8 COMMISSIONER FRANKLIN: Maybe they would be more likely  
9 to respond if we put something in the order.

10 MR. RAY: Yes, and I would encourage you -- one thing that they  
11 did indicate, in the RFP as I recall, and I can't put my finger right on it now, that they  
12 were going to abide by local law, and if the local law had a more stringent  
13 requirement, that that is what they would follow.

14 COMMISSIONER FRANKLIN: And the third area would be to  
15 clarify the question of the jurisdiction of this Commission to zone land that is now  
16 owned by the Federal Government.

17 In other words, would we be in the position to take any action  
18 before CCA ended up with the control of this land?

19 MR. RAY: Commissioner, I think that you could take action,  
20 contingent upon us getting control of the land. In fact, the National Park Service  
21 sent a letter to the Commission, allowing us to go forward with this PUD.

22 You know, obviously, if we don't get control of the land, this is  
23 not going to happen.

24 Commissioner Franklin, one of the reasons that we started this  
25 process, we were in a position where if we waited until the BOP made a final  
26 decision that we had to go through the land exchange process, and I think you can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 appreciate how much time it takes to go through this process.

2 And then we came to you saying, the first of the year, we would  
3 lose two or three months. And there are, as I pointed out, other sites. And there,  
4 also, is this requirement from the Federal Government saying this has to be done by  
5 December 31st, 1999.

6 And so we are here because we believe that this is a good  
7 proposal for the city, and we hope that we will convince you and others that it is a  
8 good proposal for the city. And that in a partnership we can put forth our best effort  
9 to ensure that we have an opportunity to build what I think will be a facility like none  
10 other in the country.

11 But I believe that you could rule on the basis that we receive --  
12 gain control of the property.

13 MS. GIORDANO: If I could also ad that this is a map  
14 amendment in the context of a PUD. The map amendment doesn't take effect until  
15 the PUD covenant is placed on the property, and the PUD is implemented.

16 This is a map amendment in the context of a PUD. It is not when  
17 the Zoning Commission issues this order, the map amendment does not take place.  
18 It only takes place upon implementation of the PUD.

19 So we have to have control of the property, the process is that  
20 once the order is issued the PUD covenant, a PUD covenant is placed on the  
21 property. You have to own the property to put the covenant on the property. You  
22 enter into a covenant with the city government, the executive branch signs off on the  
23 covenant, which then places the PUD in effect on the property.

24 At that time, is when the map amendment takes place. You  
25 would not be zoning federal property until actually the PUD covenant is recorded,  
26 and at that point the property would be private.

1                   So the issuance of the order is just the first step. As with any  
2 PUD, the property remains zoned as is until the PUD is actually implemented. We  
3 have PUDs that are approved and on the books for years before they are actually  
4 implemented because a tenant has not been obtained, or whatever.

5                   COMMISSIONER CLARENS: I have a question regarding the  
6 industrial training facility to the north of the site.

7                   Is it my understanding that inmates will be trained, and actually  
8 work at that facility?

9                   MR. RAY: Yes, Commissioner. The D.C. code, when I was on  
10 the City Council, Bill Lightfoot and I passed what was called the Prison Industry Act.  
11 The Federal Government also has a Prison Industry Act.

12                   We passed that, and it has been passed around, which allows  
13 inmates to be employed by private companies. And the law really sets aside two  
14 schemes.

15                   One scheme is inmates who work in prison industries that are  
16 owned and operated by the Department of Corrections. And they have some of  
17 those industries that already exist at Lorton now, and inmates work in those.

18                   And what this law did was to amend that law, and allow private  
19 industries to exist within the confine of the institution.

20                   And we did the law because there was a lot of state systems that  
21 was setting up these facilities. This law allows them to work. Basically, the way the  
22 law works is that the inmates in the private industry program is required to be paid  
23 the prevailing rate in the metropolitan zone.

24                   The law also sets forth a scheme on how that money will be  
25 disposed of. For example, if an inmate is incarcerated, and there was a victim of  
26 crime, and there is an order from the Court that he has to repay that victim, the law

1 specifies what amount will go to that victim of crime.

2 If he is married and has a family, it specifies what amount will go  
3 to that family. If he owes money to the District of Columbia for whatever reason,  
4 there was rendered a judgment, then a certain amount goes to that.

5 Assume that he has a lot of things out there that he has to pay  
6 for, he can go up to 80 percent, but the Government cannot take more than 80  
7 percent of his money.

8 So at any given time at least 20 percent of his income will be  
9 going into a savings account for him. The law also requires that they can't work  
10 more than 40 hours a week, and if they work more than 40 hours a week they have  
11 to be paid time and a half.

12 It also requires that workman's comp has to be provided for  
13 them, as well. So this law is a very specific law that was designed to allow these  
14 kinds of programs to go forward.

15 COMMISSIONER CLARENS: In this specific facility how is  
16 security handled; how are inmates who live in what apparently is a fairly secured  
17 environment, at least it has a very clear fence all the way around, are going to exit  
18 that facility, and go outside to this industrial facility, and then they are going to come  
19 back out of their free will, back into the facilities.

20 I assume it is not going to be that easy?

21 MR. HAINES: Your assumption is correct. Any industry  
22 program that is in the correctional environment always maintains a very strict  
23 security separation so that contraband is not passed back and forth from outside to  
24 inside.

25 In this particular facility layout we are proposing that from two  
26 service yards, inmates who are authorized in the work programs, they will go when

1 the shift starts, and they will leave from a secured compound, in a vehicle; go out no  
2 different than if they come in off the street, or from another facility, out to the entry  
3 gate here, which is another secured compound, through the industry area.

4 And in the industry area they will then go to their appropriate  
5 industry space, and they will have security procedures there to accommodate  
6 searching, metal detection, things of that nature.

7 So that the security integrity is kept from inmate movements from  
8 the housing accommodations to the industry's program, and vice versa for the  
9 return. Before they leave the facility, they will then go through another procedure for  
10 security checking, making sure they are not bringing any contraband, any weapons,  
11 or anything that may have made there, back into the general population.

12 So they will be shaken down from this particular industry area,  
13 moved into a secured vehicle, moved back into the service yard, and then come  
14 back into the housing unit in a properly secure procedures, metal detection, and  
15 other supervision in terms of safeguarding the inmate's ability to move in any  
16 contraband, as well as control, under the supervision of the custody of officers.

17 MR. RAY: Commissioner, it is the same principle when you  
18 have to take them down to the Court, you know? We have to transport people from  
19 this facility to court, so they go into a secured vehicle, you know, there is a  
20 shakedown before they leave.

21 They go into a secured vehicle, they go to court, there is a  
22 shakedown before they come back. They will be moved from here into this facility in  
23 a secured vehicle.

24 Those facilities also have a fence around them, as you can see,  
25 as well.

26 COMMISSIONER CLARENS: Is there any reason why the

1 security of the industrial facility is not shown in the plans that I have in front of me?  
2 The set of plans that I have in front of me do not show the security of the industrial  
3 facility.

4 This set of plans that --

5 MR. HAINES: It is not part of the formal solicitation submittal  
6 documents. It was not a program requirement for the solicitation, so it does not  
7 appear in the documents that are in the Federal Bureau of Prisons for award  
8 evaluation.

9 COMMISSIONER CLARENS: Do we have any plans for that  
10 facility in our submittals to this Commission?

11 MR. HAINES: The proposed industry facilities have not -- there  
12 have been no plans developed for that, they are still in the determination phase of  
13 what is going to go in there, how big a space do we want to have for that.

14 We have identified what we believe are good faith estimates for  
15 program areas in five distinct industry spaces, and five to eight thousand square  
16 feet, this is just our best guess.

17 And so we have not furthered any plan work, at all, on that. So  
18 that is why you don't see that as part of the solicitation.

19 We obviously have to develop those plans, you know, in concert  
20 with the industry programs that go in there, so that we have the appropriate physical  
21 plant that will accommodate the proposed industry. That work is yet to be done.

22 COMMISSIONER CLARENS: But am I wrong in sensing that, in  
23 fact, the industrial facility for all that you are saying, at least by looking at that picture  
24 that I'm seeing there, that it has a lesser level of security? I don't see a perimeter  
25 road, I don't see a double fence, I don't see a number of things that I see for the  
26 main facility, and yet you are telling me that prisoners are going to be taken from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 one facility to the next facility.

2 I understand getting them from one place to another. Where do  
3 we have, on the record, the intention of the Applicant as to what that facility is, and  
4 assurances that the security level in that part of the facility is just as high as the one  
5 in the main facility?

6 MR. RAY: Commissioner, as Joe pointed out, the industry  
7 programs here were not programs required by BOP. These are things that we want  
8 to do because we think they are important.

9 COMMISSIONER FRANKLIN: But they are a major amenity,  
10 from our standpoint.

11 MR. RAY: Yes, I understand, Mr. Franklin, and I want to speak  
12 to that.

13 When we met and spoke with the planning staff, we told them  
14 that we wanted to do this. That we could not give them specific size and everything,  
15 because we may end up with a twelve, or a twenty bay automotive repair and  
16 training facility.

17 But they suggested that we give you our best estimates at this  
18 time, to sort of demonstrate to you what we wanted to do there. We know that we  
19 are going to have to come back to you to do all of those things that you are talking  
20 about.

21 So we went forward, because they suggested that we at least  
22 show you what we are going to be doing, that you will know what we have planned,  
23 that we wanted this to be part of a covenant we agree into, but we will be coming  
24 back when we know exactly the size and all this, and there is a lot of work to be  
25 done on that.

26 COMMISSIONER CLARENS: For a PUD modification?

1 MR. RAY: Yes, for PUD review in terms of security fences and  
2 all that as well, yes. So we have not done all the work on that.

3 MR. HAINES: That's correct, the design is not finalized by any  
4 means.

5 MR. RAY: That was put there for you so that you would know  
6 what location they are going to be in, that we are going to have five industries, but  
7 we were told by the planning staff to go ahead and do this, and we will be coming  
8 back to you for the final design, and all of this particular --

9 CHAIRPERSON KRESS: And we will have to be keeping the  
10 record open to receive information, and have to be talking to you about when this  
11 information is received.

12 I would like to ask the Commissioners if they would, to hold any  
13 further questions. I feel very bad. We have had a lot of people sitting in the  
14 audience, who are parties, who need to do some cross examination.

15 I would like to get some cross examination in, and then if the  
16 Commissioners still wanted to ask some more, I would certainly still let that happen.

17 I would certainly like to start by calling Mr. Kinlow for some cross  
18 examination of --

19 COMMISSIONER FRANKLIN: Madam Chair, could I just  
20 observe, while Mr. Kinlow is approaching, that the staff and the Commission are not  
21 aware of the letter referred to from the National Park Service, that authorizes the  
22 final of this application.

23 Therefore I think the record ought to be supplied with that letter.

24 MR. RAY: Commissioner Franklin, I'm -- yes, it was part of the  
25 original PUD application. If you don't have it, we can certainly give you a copy, but I  
26 know that we --

1 COMMISSIONER FRANKLIN: Part of the materials for the set-  
2 down hearing?

3 MR. RAY: Yes, Commissioner Franklin.

4 COMMISSIONER FRANKLIN: Well, it has escaped the memory  
5 of the Commission.

6 MR. RAY: Well, I will make sure that we get another copy to you  
7 tomorrow. I know it is in there.

8 COMMISSIONER FRANKLIN: Actually, we have it right here.

9 COMMISSIONER HOOD: Madam Chair, while we have a brief  
10 moment, may I ask, will we be able to ask questions of the Applicant at the end of  
11 the Hearing?

12 CHAIRPERSON KRESS: Well, I haven't stopped our asking of  
13 the Applicant, we have to be out of this room by 11:40, and I had such a conscience  
14 about all the parties who have been sitting here waiting to cross examine. I wanted  
15 to at least allow them, since they've stayed here with us, their cross examination.

16 And if we want to come back and continue some for ourselves --

17 COMMISSIONER HOOD: I mean come back at the end, which -  
18 -

19 CHAIRPERSON KRESS: At the end, yes, typically at the end  
20 we ask for the Applicant to make a summary statement, or they often ask to make  
21 one, and then we ask questions, then, as well.

22 COMMISSIONER HOOD: Thank you.

23 CHAIRPERSON KRESS: Mr. Kinlow, I would turn this over to  
24 you right now.

25 MR. KINLOW: Thank you, I just wanted to introduce our  
26 attorney of record.

1 MR. THOMPSON: I'm Phillip Thompson.

2 CHAIRPERSON KRESS: Hello.

3 MR. KINLOW: First question to John Ray. You've indicated that  
4 you looked at other sites. Can you indicate where, and if there was a study done to  
5 asses the viability of these sites?

6 MR. RAY: Yes. When we actually submitted our first proposal  
7 to the National Park Service, we looked at several sites. We looked at the site in  
8 Ward 5, which was 162 acre site at Fort Lincoln.

9 We also looked at the St. Elizabeth site, we also looked at a site  
10 down in Buzzard point. There was a -- some consideration of a site over in  
11 southwest Washington, D.C. near the Anacosta river there, where there is now a  
12 construction company operating there.

13 All of these sites, the latter two I just mentioned, was too small,  
14 period. You know, one of the major problems that you face is trying to find a site  
15 that is large enough. We just could not find a sufficient land base in those two sites.

16 As to the Fort Lincoln site, which we discussed in quite a bit of  
17 detail in the proposal that we submitted to the National Park Service, as you know  
18 Fort Lincoln was developed as a new town. The 162 acres that had not been  
19 developed at that time had already had on the board for building a shopping center  
20 out there, and some additional senior citizen housing.

21 In fact I would point out, and Mr. Scales is in the process of  
22 building the roads for the shopping center at that time.

23 The St. Elizabeth's site, as you know, Congress passed the act  
24 regarding the St. Elizabeth's site, which required the city to come forth with an  
25 economic development plan there to build some housing and some other  
26 commercial development there, as well as that site had been declared a historic site.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 So we concluded that both of those sites were not good sites for  
2 siting this facility.

3 MR. KINLOW: Can you indicate the specific factors in analyzing  
4 those sites?

5 MR. RAY: Well, the two sites that we really gave strong  
6 consideration to, I just pointed out the factors in why, one, considered those sites,  
7 and why we ultimately rejected those sites.

8 We considered them because both sites had sufficient land base  
9 to build this facility on. We ultimately rejected them, because in terms of the Fort  
10 Lincoln site there were already plans, as I pointed out, it was planned as a model  
11 community, and most development had already taken place there. The only thing  
12 that was left was the 162 acres, which also had plans for them, for a shopping  
13 center, for additional town houses, and some senior citizens buildings.

14 MR. KINLOW: Does your IES, or any other part of --

15 CHAIRPERSON KRESS: I'm sorry, I couldn't quite hear. What  
16 were the names of the two sites that you were just speaking of?

17 MR. RAY: Fort Lincoln.

18 CHAIRPERSON KRESS: Fort Lincoln?

19 MR. RAY: Yes.

20 CHAIRPERSON KRESS: And what was the other one?

21 MR. RAY: St. Elizabeth.

22 CHAIRPERSON KRESS: I'm sorry, please continue.

23 MR. KINLOW: Does your application indicate those alternative  
24 sites?

25 MR. RAY: You mean the application to the --

26 MR. KINLOW: Your PUD application.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 MR. RAY: No, it does not. Well, it is in the testimony, but it is  
2 not in the -- was not in the original --

3 MR. KINLOW: Testimony from whom?

4 MR. RAY: Impact review.

5 MR. THOMPSON: Impact review, or the environmental impact  
6 statement?

7 MR. RAY: Environmental impact summary.

8 MR. FROST: If I may? We did complete a draft environmental  
9 assessment that was submitted to the Federal Bureau of Prisons, and as part of  
10 NEPA you are required to address alternatives, including the no-build, or no-action  
11 alternative that was addressed in the draft environmental assessment.

12 In addition to that we did address the potential of the 84 acre site  
13 in Prince Georges County, and considered that it was not feasible due to wetland  
14 constraints, transportation access problems, flooding problems, and land use  
15 incompatibility.

16 Finally we did address a possible alternative of flipping the  
17 correctional facility on the existing site, but basically putting it where the D.C. Village  
18 long-term care facility is.

19 So that was another alternative that was evaluated.

20 MR. THOMPSON: Why was your environmental analysis limited  
21 to an environmental assessment, and not an environmental impact statement for this  
22 project?

23 MR. FROST: The Federal Bureau of Prisons required that we  
24 complete a draft environmental assessment as part of the RFP process. And,  
25 typically, as part of the NEPA process, you can do an environmental impact  
26 statement right upfront, or you have the alternative to do an environmental

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 assessment.

2 If the finding of that study is that there is no significant impact, or  
3 what is called a FONZE, then an EIS does not need to be prepared.

4 MR. THOMPSON: Was there any type of cumulative impact  
5 analysis done during your environmental assessment which took into effect the other  
6 proposed developments in this area, including the Woodrow Wilson Bridge project,  
7 the expansion of Maryland 210, and the proposed commercial development along  
8 the waterfront in Fort Washington?

9 MR. FROST: We did address cumulative and secondary  
10 impacts in the draft environmental assessment, but the actions that you spoke of  
11 were not included specifically within that section.

12 MR. THOMPSON: Well, how can the analysis of this project, the  
13 overall impact of the project be analyzed, or be presented to the decision makers,  
14 and to the public, without a complete study and analysis of those impacts, not just  
15 the impact of building the prison, but the prison and the other three projects along  
16 that transportation corridor and zone?

17 MR. FROST: Under NEPA the secondary and cumulative  
18 impacts of a project need to be addressed. We did try to anticipate the additional  
19 growth and development that would occur in the immediate vicinity of the project, but  
20 were not required to address other projects that are completely independent of our  
21 project, and the impact that those could have on our facility.

22 MR. THOMPSON: Are you saying that the Counsel for  
23 environmental quality regulations regarding cumulative impacts does not require an  
24 analysis of other projects that are in the area of the project that you are going to  
25 develop?

26 MR. FROST: My understanding is that we would not have to

1 address the impact of other projects that are completely independent of ours. We  
2 would have to address projects that have a cumulative impact from our development  
3 proposal, as well as secondary or induced development that occurs as a result of  
4 our project.

5 MR. THOMPSON: In your presentation you talked a little bit  
6 about the potential impact this project could have on interstate 295. And as we have  
7 seen recently, with the issue out on the Woodrow Wilson bridge, the overall impact  
8 from a congestion standpoint, has a traffic impact analysis taken into account your  
9 potential impact upon interstate 295, and what that impact will have upon the local  
10 community?

11 MR. FROST: The traffic study looked at the most likely  
12 distribution of traffic that will be generated from our facility, and how it will impact the  
13 level of service of existing roads.

14 The Woodrow Wilson bridge project will result in some  
15 improvements to the 295/495 corridor, and we did not evaluate our project on top of  
16 those proposed improvements.

17 The conclusion was that the amount of traffic that would be  
18 generated, and the timing of that traffic from our facility would not have adverse  
19 impacts upon that existing road network.

20 And I believe that a similar conclusion was reached by the  
21 Department of Public Works in their review of the traffic impact study.

22 MR. THOMPSON: But your traffic impact study did not analyze  
23 the impact from encroaching on 295 from development of this project, and what the  
24 potential impact would be to the commuters and the local residents in that area?

25 MR. FROST: I guess we must misunderstand each other in  
26 terms of what I was saying. We did evaluate the impact of additional traffic that

1 would result from our facility, and how it would affect the existing traffic network,  
2 including 295, including the --

3 MR. THOMPSON: I understood that you looked at it from that  
4 angle. But I guess what I'm trying to find out is, did you analyze the potential that  
5 your project might encroach upon -- from a development standpoint, not from a  
6 traffic generation standpoint, but from a development and construction standpoint,  
7 may encroach on 295 causing some sort of impact upon 295 which could impact  
8 commuters and the local residents of that area?

9 MR. FROST: In terms of our footprint disrupting --

10 MR. THOMPSON: Correct.

11 MR. FROST: I guess we did not specifically identify and  
12 evaluate that alternative, although we are keeping all of the development on our site,  
13 so there will be no footprint encroachment on to the right of way of 295. In fact,  
14 there is a slope of several hundred feet between our site and 295 that would be  
15 undisturbed.

16 So I can't see how there would be a physical impact, or physical  
17 disturbance upon 295.

18 MR. THOMPSON: Well, we are just going by what the testimony  
19 discussed a little bit earlier, about the potential development and the footprint impact  
20 upon 295, so we were wondering if maybe you had already analyzed that?

21 MR. FROST: We did not. And, in fact, when we did the draft  
22 environmental assessment that was back in April of this year, and at the time we did  
23 not have preliminary engineering drawings for the project, so things have changed  
24 somewhat since that draft environmental assessment was prepared.

25 If CCA was selected for the project, then there would have to be  
26 a final environmental assessment, and perhaps a FONZE prepared, and in that final

1 environmental assessment there would be updated information, and updated  
2 evaluations that occur as a result of changes since the draft was prepared.

3 MR. THOMPSON: Now, you are a specialist on the National  
4 Environmental Policy Act, is that correct?

5 MR. FROST: I believe that I can say that I'm an expert in NEPA  
6 studies.

7 MR. THOMPSON: So you understand the difference between  
8 an environmental assessment, and an environmental impact study?

9 MR. FROST: Yes, sir, I do.

10 MR. THOMPSON: Could you explain to the Commission a little  
11 bit about the difference between an environmental impact assessment, and an  
12 environmental impact statement?

13 MR. FROST: Yes. As I explained earlier, there are a number of  
14 different levels of documents, two of those levels include an environmental  
15 assessment, and an environmental impact statement. The EIS is the most  
16 comprehensive study that is required under NEPA, and an environmental  
17 assessment is sort of the medium level.

18 There is another level of categories called categorical exclusions  
19 that are even less comprehensive in their evaluations.

20 The environmental assessment is typically prepared for projects,  
21 and if the conclusion of that environmental assessment is that there are no  
22 significant impacts, then that is adequate to satisfy NEPA.

23 If the conclusion is that there are significant impacts, and that  
24 includes the context and intensity of the development, then an EIS has to be  
25 prepared under NEPA.

26 MR. THOMPSON: Were there any public Hearings provided

1 during your environmental assessment process as far as allowing the public to  
2 comment upon the potential environmental impacts, and taking comments from the  
3 public?

4 MR. FROST: No.

5 MR. THOMPSON: Did you provide the public any opportunity to  
6 provide any written comments regarding potential impacts from this project?

7 MR. FROST: No, and I would like to state why. We did submit  
8 scoping letters to about 150 different entities within D.C. asking for comments on the  
9 possibility of a correctional facility here in D.C.

10 We could not hold public hearings on the project, since it is a  
11 Federal Bureau of Prisons document, and they would determine if public hearings  
12 would have to be offered on the environmental assessment.

13 MR. THOMPSON: But you were contracted out to develop the  
14 environmental assessment, is that correct?

15 MR. FROST: We were required to submit a draft environmental  
16 assessment as part of the RFP process.

17 MR. THOMPSON: Are you aware of the Presidential Executive  
18 order involving environmental justice?

19 MR. FROST: Yes, I am.

20 MR. THOMPSON: Was there any analysis done during the  
21 development of the environmental assessment regarding environmental justice  
22 impacts?

23 MR. FROST: Yes, there was.

24 MR. THOMPSON: What was some of your findings from the  
25 environmental justice analysis of this project?

26 MR. FROST: The overall conclusion was that the project was in

1 compliance with that executive order for a number of reasons.

2 First I would like to point out that ward 8 does have a high  
3 minority population. I believe that the 1990 census showed about 91 percent  
4 African-Americans and other minorities.

5 But we determined that the footprint of the facility would not  
6 impact directly any minority populations, and that the placement of the correctional  
7 facility would not displace or disrupt a minority community.

8 And, third, that we felt that the economic and environmental  
9 benefits of the project were significant, and that it would, therefore, be fully in  
10 compliance with the executive order concerning environmental justice.

11 Mr. Ray just asked me to clarify the process, because the  
12 Federal Bureau of Prisons is responsible to ensure compliance with NEPA, and they  
13 have conducted an environmental impact statement, a programmatic EIS for their  
14 contracting of a correctional facility within 300 miles of the D.C. area.

15 As part of that they are requiring the contractors, all potential  
16 contractors, to submit a draft environmental assessment.

17 If CCA was selected, or one of the other bidders was selected,  
18 then that draft environmental assessment would be prepared by the Federal Bureau  
19 of Prisons, and would go through the final process of determining whether an EIS  
20 was necessary.

21 MR. THOMPSON: Again, my question goes back to the  
22 environmental justice analysis. Is that analysis included in the EA, and is that  
23 environmental justice analysis available to the public?

24 MR. FROST: We did do an environmental justice analysis, it  
25 was submitted as part of the RFP. That RFP was confidential. I'm sure that we  
26 would be willing to submit information about what we included in that environmental

1 justice, but we could not, under the requirements of that RFP, submit to you what  
2 our draft environmental assessment is.

3 And that is in part, again, because the Federal Bureau of Prisons  
4 does not want to move forward until they have selected a contractor.

5 MR. THOMPSON: Understood. We will probably get an  
6 opportunity to see that during later litigation, but we would like to see if we could get  
7 an opportunity to get a copy of your environmental justice analysis so that we can  
8 provide comments back on that document, for the Commission.

9 MR. FROST: It is not in the environmental impact summary, it is  
10 within the draft environmental assessment that was prepared.

11 MR. THOMPSON: Can we get a copy of that, is there a potential  
12 to get a copy of that?

13 MR. FROST: I don't see any problem with that, John, in terms of  
14 the confidentiality issues, from the Federal Bureau of Prisons, do you see that that  
15 would be a conflict if we were to submit that portion of -- we can certainly submit that  
16 to you and to the Commission, as well.

17 MR. KINLOW: Mr. Ray, you indicated that there was a study  
18 that was done that indicated that there would be no effects on property values in that  
19 area?

20 MR. RAY: I did not make that statement, but there were several  
21 statements made to that effect. I think that Mr. Frost indicated that he had attached  
22 several studies regarding property values that has been conducted at one time or  
23 another, and he can speak to those studies, for you.

24 MR. KINLOW: The question is, are any of those areas urban  
25 areas?

26 MR. FROST: A specific study of the land value impacts of this

1 project was not conducted. However, what we did do, in our environmental impact  
2 summary, which was submitted to you, is include an annotated summary of 13  
3 comprehensive studies that were done.

4 I can't tell you how many of those included urban correctional  
5 facilities, but a good number of them were urban correctional facilities. And the  
6 conclusion of all of those is that basically there was no adverse impact upon the land  
7 use value of homes as a result of the correctional facility.

8 MR. KINLOW: Right, I have seen some of those studies. I don't  
9 think any, really, were for urban areas. Do you know if any of those were for areas  
10 where the property values were already depressed?

11 MR. FROST: I do believe a number of them are in rural areas  
12 where there is lower land value. I would not say that any of them were in areas  
13 where there was a high minority populations, that I'm aware of.

14 MR. THOMPSON: Just one quick follow-up question. Will you  
15 be providing the Commission a copy of your environmental assessment prior to their  
16 decision of this issue, or are you going to hold that secret?

17 MR. FROST: No, I don't believe that we are holding it secret, we  
18 were just trying to maintain the confidentiality requirements of the RFP. There was  
19 information that was not available at the time that we did the draft environmental  
20 assessment.

21 MR. THOMPSON: But I think you are well aware that NEPA, as  
22 a document, the -- one of the main beneficial impacts of NEPA is public disclosure.  
23 And if you have done an environmental impact assessment of this project, which we  
24 -- which we have seen is going to have some sort of impact upon the environment,  
25 based on the size, the scope, the magnitude and intensity of this project; would it not  
26 seem fair for this Commission, prior to making a decision, a decision which will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 basically be a step in allowing this project to be developed, wouldn't it seem fair for  
2 this Commission to have a copy of that document?

3 MR. FROST: I guess in my own opinion the environmental  
4 impact summary that we submitted covered the same material, and certainly  
5 provides them with pretty comprehensive analysis of the impacts of the project.

6 MR. THOMPSON: How can we tell that unless we saw both  
7 documents and could make a comparison?

8 COMMISSIONER CLARENS: If I may? Is there anything  
9 prohibiting you from submitting that document, a document that -- is there anything  
10 in the confidentiality of the response to the request for proposal that prevents you  
11 from submitting that one element of that proposal to this Commission?

12 MR. RAY: Commissioner, we have submitted to you  
13 environmental summary. One of the difficult problems we have had here, of course,  
14 is that we responded to an RFP put out by the Federal Bureau of Prisons, and they  
15 are going to follow all the NEPA guidelines.

16 And we have submitted to them our environmental assessment,  
17 which was required. They reviewed that, they may require us to do some more  
18 changes to that, and they will make a determination if we will ultimately have to do a  
19 full EIS.

20 In fact, there was just an announcement I read in an article today  
21 where the BOP said they would be making a final determination, once they pick a  
22 site, whether or not a full EIS will be required for that site.

23 So public hearings will come from all of that.

24 We, of course, submitted our bid to the BOP under seal, and  
25 what have you. We have tried to give everything we can without breaching that  
26 confidentiality, to the Commission here.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1                   And I just indicated I don't see any reason why we could not give  
2 additional information that was requested.

3                   I don't -- I don't know how far we can go, to be honest with you,  
4 before we breach the confidentiality, because we are not allowed to talk to the  
5 Federal Bureau of Prisons. But I would say that if you insist that we give it to you,  
6 we will give it to you, because you will have insisted that we give it to you.

7                   But those are, you know, some of the difficulties we have.

8                   COMMISSIONER CLARENS: Are you asking the Commission  
9 to ask them to submit it? I assume so?

10                  MR. THOMPSON: Well, yes, if the Commission -- if they could  
11 submit that document so the Commission would be able to make some sort of  
12 comparison, and also they have talked about their environmental justice analysis,  
13 which they say is in their EA, but not in their environmental summary.

14                  Environmental justice is a key issue here because of the nature  
15 of the surrounding community, and the potential impact upon that community.

16                  COMMISSIONER CLARENS: But you don't have any reason to  
17 suspect that there is any discrepancy between the two documents, the one that we  
18 have on the record that you, I'm sure, have reviewed; and the one that was  
19 submitted to the Federal Bureau of Prisons?

20                  MR. THOMPSON: If I can -- the Commission, for just a short --  
21 for just a quick comment.

22                  There is a -- there is two federal actions involved here. Number  
23 one is the Federal Bureau of Prisons approval of their RFP. The second federal  
24 action involves the transfer of the property.

25                  Unfortunately there was not a full environmental analysis done  
26 during the transfer of the property process because of legislation that was

1 specifically passed, specifically put into Interior appropriations bill, which restricted  
2 the level of review, environmental review in the NEPA.

3 So at this point we are, as concerned citizens, and as concerned  
4 citizen's group, we are concerned that environmental issue is somehow being  
5 pushed to the side while this project is -- while the approval of this project is going  
6 forward.

7 So we would like to see, you know, there is no environmental  
8 assessment, no NEPA compliance done at the land transfer stage of this. And now  
9 they are telling us that the EA is confidential and secret, we can't see it.

10 And any reading of NEPA, and looking at any case law involving  
11 NEPA, one of the permanent, one of the foremost parts of NEPA is public access to  
12 the information so the public can make comments, and provide comments which  
13 have to be responded to.

14 At this point in this process, there has been no opportunity for  
15 the public to provide any comments regarding this project from a NEPA standpoint,  
16 because we haven't been able to see any NEPA documents.

17 MR. RAY: Commissioner, if I may? I mean, I understand the  
18 gentleman's point, but there is just a critical element that everyone needs to  
19 understand here.

20 It is that if the BOP selects CCA to do this project, all of these  
21 documents will be there. And the BOP has made it clear that they will then  
22 determine, following the NEPA process, that all of the public hearings will be held.  
23 They have to.

24 At the -- the reason that the BOP is not making this available,  
25 they don't even know if they are going to select us. It is a sealed bid.

26 Now, as to the land transfer, one of the things that Congress

1 looked at, in this land transfer, is that we assume a great deal of responsibility. This  
2 was a very special land transfer.

3 We had to pay all the costs, we can't charge the Federal  
4 Government any extra money, across the board.

5 Also, in considering this, the District of Columbia can require that  
6 we do an EIS. I mean, we can't just go out and build a project, and the District of  
7 Columbia has a law regarding following the EIS requirement.

8 So before we build this project, the local government can come  
9 in and require that we do an EIS, as well. As well as the Federal Bureau of Prisons,  
10 which in its RFP, if you look in there, requires that the total NEPA process be  
11 followed, that we follow the Endangered Species Act, we follow the Farm Land Act,  
12 we follow Historic Preservation.

13 All of those laws are applicable. But they haven't selected this  
14 project, and that is the reason we are not there.

15 MR. THOMPSON: Well, I think if Mr. Ray would have read  
16 NEPA he would see that with an environmental easement there is no public hearing  
17 requirement when you perform an environmental assessment.

18 An environmental assessment is a limited review of a project to  
19 determine if the project has significant impacts which would require an EIS, which at  
20 that point public commenting and public hearings would be required.

21 So for Mr. Ray to sit here and say that at that point there is going  
22 to be some sort of public hearings, that is not correct.

23 COMMISSIONER CLARENS: Unless it is determined that a full  
24 environmental impact study.

25 MR. THOMPSON: Correct, if it is determined. At this point the  
26 Federal Bureau of Prisons can say, we did an environmental impact study for this

1 contracting phase, and we are going to tier this environmental assessment off of that  
2 document, and not require an environmental impact study.

3 So at that point there would not have been a full requirement.  
4 Now, the District of Columbia is not a federal agency, does not have the NEPA  
5 requirement, so the District of Columbia cannot require an EIS, per se, because  
6 NEPA is a federal requirement.

7 COMMISSIONER CLARENS: Why don't we leave the issue  
8 open and at the end of the Hearing we will determine what kind of documents, if any,  
9 we would require from the Applicant to complete the application, and maybe at that  
10 point we can talk about this a little bit further.

11 CHAIRPERSON KRESS: We are giving a little too much into  
12 testimony now, and not cross examination.

13 MR. THOMPSON: Will we be given an opportunity to respond to  
14 those comments?

15 CHAIRPERSON KRESS: No, we did that, I'm not blaming you,  
16 I'm just saying you, in the ten minutes we have left.

17 COMMISSIONER CLARENS: She is blaming me.

18 CHAIRPERSON KRESS: I would like to go back to cross  
19 examination. Then during your testimony you can make these points, as you are  
20 making now, and at the end of the Hearing we will determine what additional  
21 information we need.

22 MR. KINLOW: I've heard in testimony the 270 date, and a 420  
23 date, build date. Can you tell us what that is, please?

24 MR. RAY: The date that the law requires that this facility be up  
25 and operating is December 31st, 1999. Now, whether it is built in the District, or  
26 whether it is built in West Virginia, or whether it is built in Pennsylvania, or wherever

1 it is built.

2 MR. KINLOW: Has the Federal Bureau of Prisons contract been  
3 assigned to you, to CCA?

4 MR. RAY: Has the Bureau of Prisons contract been assigned to  
5 CCA?

6 MR. KINLOW: Yes.

7 MR. RAY: No. I mean, the BOP RFP solicited responses from a  
8 number of contractors. They have responded, all of those responses are before the  
9 Federal Bureau of Prisons.

10 As I pointed out earlier, the original drop dead date was October  
11 the 15th. A few weeks ago they extended it for 45 days, and I calculate the date  
12 now to be around the end of August or the first of December.

13 MR. KINLOW: So you don't have the contract. Does CCA own  
14 or have a lease of the property that they are currently siting the PUD?

15 MR. RAY: As we pointed out earlier, this site is subject to a land  
16 transfer that was Congressional mandate.

17 MR. KINLOW: It was mandated. Does CCA own or control the  
18 land in question?

19 MR. RAY: I just responded to that.

20 MR. KINLOW: So that is no. Does CCA own or control the land  
21 that the impound lot sits on now?

22 MR. RAY: No.

23 MR. KINLOW: Does CCA own or control, or have lease to, the  
24 land that D.C. Village sits on now?

25 MR. RAY: No.

26 MR. KINLOW: Can you please tell me how many similar

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 facilities in urban areas CCA has built?

2 MR. RAY: Probably 10 to 15. CCA has probably 65 facilities in  
3 operation, and out of those 65, about 10 or 15 are in urban areas.

4 MR. KINLOW: Can you clarify that further? Do you know if  
5 these are inside of a city, not just in an urban area, not outside of the city, but a  
6 comparable city, probably a city over population of at least 250,000?

7 I don't believe so, but if you can indicate so, we would appreciate  
8 it.

9 While we are waiting for that answer I'm going to ask another  
10 question. And it is, you indicated earlier that CCA did not ask for the land swap, and  
11 you indicated that the Department of Interior asked for that swap.

12 Is that correct?

13 MR. RAY: Yes, my testimony was that we approached the  
14 National Park Service and the Department of the Interior.

15 As I pointed out, I was not at the meeting, Bob Blair and Sage  
16 Rose from my office was in the meeting. This was a meeting that was held between  
17 the Deputy Secretary of the Interior, John Garmandi, and Mr. Joe Cook from the  
18 National Park Service.

19 We approached them with the request that they allow us to have  
20 access to our piece of property. And our plans at that time was to build an access  
21 road onto our property, across the National Park Service's property.

22 The Deputy Secretary suggested that he thought the better  
23 approach would be for us to pursue a land exchange for several reasons.

24 As Mr. Frost pointed out, this 84 acre piece of property, and I  
25 hear some people say waterfront property. The waterfront property is a piece of  
26 property that is owned by CCA. The piece of property that we are building this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 facility on is not on the Potomac River, but our parcel is on the Potomac River.

2 He pointed out that they had been trying to gain access, control  
3 this piece of property for some time, and that we ought to pursue a land exchange,  
4 and that is how the land exchange idea came about.

5 CHAIRPERSON KRESS: I would like to interrupt. We only have  
6 a few minutes before we are supposed to be leaving. I would like to propose that we  
7 resume at our next hearing, continuing with the cross examination of Mr. Kinlow and  
8 Mr. Thompson, and then the other individuals who are also entitled to cross  
9 examination.

10 I did promise the Covenant House that they could be first  
11 because of their need to leave by 7:30. So I would still like them maybe to come in  
12 between you all. Mr. Thompson?

13 MR. THOMPSON: If I could ask just one more question? I'm  
14 not going to be present on Thursday. I have one more question of CCA, if I could  
15 ask that question real quickly.

16 CHAIRPERSON KRESS: If they could answer it really quickly.

17 MR. THOMPSON: If the property is zoned for commercial use,  
18 and the land exchange goes through, and CCA does not win the Bureau of Prisons  
19 proposal, or contract; what guarantees do you give the Commission, the city, and  
20 the residents, that this property won't be used for some other type of commercial use  
21 like an incinerator, or what not?

22 MS. GIORDANO: I can answer that. The rezoning is contingent  
23 upon the development of this specific project. That is the way the PUD process  
24 works. You can't build under the rezoning, anything else. And if you don't build this  
25 project, then the land has no zoning.

26 MR. THOMPSON: So the land stays in its present condition?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 (202) 234-4433

1 MS. GIORDANO: Right.

2 CHAIRPERSON KRESS: All right, with that we will resume next  
3 time, initially with Covenant House, and then back to your continuing cross  
4 examination.

5 Then we will finish the other cross examination, then we might  
6 still have some questions, because I cut the Commission off, so we might still have  
7 some more questions. And then we will go to other Government agencies, and  
8 continue to the proponents, and then the opponent testimony.

9 (Whereupon, the above-entitled matter was concluded at 11:40  
10 p.m.)