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## Prison that saw riot could lose guard towers

Posted 8/26/2009 7:00 AM ET

LUCASVILLE, Ohio (AP) — Officials want to abandon most of the guard towers at an Ohio prison where nine inmates and a guard were killed in a riot 16 years ago.

Warden Phillip Kearns says double security fences and warning technology now in use at the Southern Ohio Correctional Facility mean the prison in Lucasville could get by with just two of the eight towers.

He says leaving the other six vacant would allow him to reassign the officers to work inside the prison and cut down overtime costs.

The union for corrections officers and other workers at the facility plans to fight the decision, calling the towers the "last line of defense between the inmates and the community."

The Lucasville prison was built in 1973. There are no guard towers at Ohio's newer prisons.

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## State agencies look to Ohio board to regain funds

Posted 8/25/2009 2:25 PM ET

COLUMBUS, Ohio (AP) — State agencies are finding a way around Ohio lawmakers' budgets cuts, to the chagrin of Republican critics.

To restore some funding, state administrators are turning to the seven-member state Controlling Board, which signs off on hundreds of millions of dollars in contracts and adjustments.

Republican critics say agencies are using the Democrat-controlled board to get around limits placed by the Legislature in the \$50.5 billion state budget. The Controlling Board, a panel of lawmakers headed by an executive appointee, has the last word on state capital projects and economic development expenditures.

"I am frustrated by state agencies running through the back door and saying, 'We really can't live with what you've given us, so make an exception for us,'" said Sen. Mark Wagoner, a Toledo-area Republican and Controlling Board member. "I think it's been a continuing theme since we passed the last budget."

The transfers restore funding to levels sought Gov. Strickland in his executive budget -- money that was supposed to be restored during the budget process but "fell through the cracks," said Allison Kolodziej, a spokeswoman for Strickland, who is a Democrat.

"These are levels the governor feels are necessary to effectively operate these agencies," Kolodziej said.

The Ohio Department of Development received an additional \$9 million Monday for five programs that lawmakers cut from the current two-year budget. The money approved by the Controlling Board comes primarily from funds in the department that are paid for with fees that are assessed to businesses and others and aren't accounted for in the state's operating budget.

Wagoner and fellow Republican member Rep. Jay Hottinger of Newark objected to the development transfer of about \$1 million between accounts to pay for pool cars, office supplies and the salaries of two employees. The board approved the transfer in a 5-2 vote.

The money shift was needed because senators didn't restore cuts made to the department during the budget process, said Ed Jerse, the development department's legislative director.

"You're going to see a lot of these coming in front of the Controlling Board," Jerse said.

Mark Barbash, the department's chief economic development officer, said the money wasn't a budget increase and was in existing accounts. Other departments are being allowed to do similar shifting, he said.

Hottinger said transfers should be reserved for extraordinary situations and not because agencies say they can't manage on the budgeted amounts.

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## Dispatch Politics

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### Lucasville may close 6 towers at prison

State says budget cut won't affect safety; guards' union objects

Wednesday, August 26, 2009 3:03 AM

BY **ALAN JOHNSON**

THE COLUMBUS DISPATCH

It's been 16 years since the deadly riot at the Southern Ohio Correctional Facility, but many area residents still see the prison guard towers as symbolic protection against the inmates behind the razor-wire fences.

Now, the state wants to leave six of the eight towers vacant as a money-saving measure.

Warden Phillip Kearns said the towers, for the most part, are no longer needed because of double security fences and a state-of-the-art electronic warning system.

"I think the towers give a false sense of security to the community," Kearns said. "Since the riot this place was totally redesigned."

But the union representing corrections officers and other prison employees is up in arms about abandoning the towers, arguing it is the "last line of defense between the inmates and the community."

Officers in the towers, who are among the few in the prison who are armed, have a shotgun and semi-automatic rifle.

"The inmates know there's weapons in those towers and that alone could be a deterrent," said Gary Shepherd, president of Local 7330 of the Ohio Civil Service Employees Association, the union representing corrections officers and other prison employees.

Shepherd said the union plans to fight the decision and will meet again today with prison officials. The union has submitted counterproposals that don't involve leaving the towers unmanned.

The action results from a decision by Terry Collins, director of the



FILE PHOTO

**The Southern Ohio Correctional Facility in Lucasville has eight guard towers, including this one.**

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Ohio Department of Rehabilitation and Correction, to eliminate 175 "posts" in prisons statewide because of state budget reductions. The order does not mean that 175 jobs will be lost, only that 175 spots where officers are assigned will be eliminated.

Thus, 18 corrections officers who staffed the six towers around-the-clock seven days a week will be reassigned to work inside the prison. Kearns said that could save a significant amount of overtime, a multimillion-dollar annual expense for the prisons agency.

"The towers served a purpose when the prison opened in 1973 when there was just one fence," Kearns said. But the addition of a second fence, "ankle-breaker" rocks between the fences, and a high-tech alarm system rendered most of the towers unnecessary, he said.

Kearns said he plans to add another armed vehicle to one that now patrols the prison perimeter.

"Our job is to keep the community safe and do the best job we can to be frugal doing it. Actually, I think this will enhance security."

Union leaders made their case to the Valley Local School District last week at a board meeting. A high school, middle school and elementary school are across the road from the prison.

Valley Local Superintendent Eugene Thomas said he is aware of the situation but did not have all the information and had no comment. No board members commented.

None of the state's newer prisons, including the Ohio State Penitentiary (the "supermax") in Youngstown, has guard towers.

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## China: Death row provides most organ donors

Critics say country's transplant trade is opaque, profit-driven and unethical

**The Associated Press**

updated 7:24 a.m. ET, Wed., Aug 26, 2009

BEIJING - The majority of transplanted organs in China come from executed prisoners, state media reported Wednesday in a rare disclosure about an industry often criticized for being opaque and unethical.

The country's Health Ministry and the Red Cross Society of China this week launched a national organ donation system to reduce the reliance on death row inmates and encourage donations from the public, the China Daily newspaper reported.

Condemned prisoners are "definitely not a proper source for organ transplants," the report quoted Vice Health Minister Huang Jiefu as saying. He has publicly acknowledged that most transplant organs are taken from executed prisoners, but only with prior consent.

Foreign medical and human rights groups have long criticized China's organ transplant trade as being opaque, profit-driven and unethical. Critics say death row prisoners may feel compelled to become donors.

### Cultural bias

Voluntary donations in China remain far below demand, partly because of cultural bias against organ removal before burial. About 1.5 million people in China need transplants, but only some 10,000 operations are performed annually, Chinese health officials say.

China has acknowledged that kidneys, livers, corneas and other organs are routinely removed from prisoners sentenced to death, but gave no details. Chinese transplant specialists estimate at least 90 percent of transplanted organs come from executed prisoners, human rights groups say.

The China Daily said more than 65 percent of organ donations come from death row, citing unnamed "experts."

China puts to death more people than any other country. Earlier this year, Amnesty International said China executed at least 1,718 people in 2008. The exact number is not known.

The new donor system, launched Tuesday, will link possible donors with recipients and make public a waiting list of patients to increase transparency in allocating organs. The Red Cross will also encourage post-public donations.

The new system is China's latest step to better regulate organ transplants. In 2007, medical officials agreed not to transplant organs from prisoners or others in custody, except into members of their immediate families.

Also, regulations introduced in 2007 bar donations from living people who are not related to or emotionally connected to the transplant patient.

The Health Ministry said it could not provide more information on the new donor system as staffers were busy. The Red Cross would not take questions by phone and did not immediately respond to a faxed request for comment.

The system was initially being launched in 10 provinces and cities including Shanghai, Tianjin and Xiamen and will eventually be rolled out across the country, the China Daily said.

The scarcity of available organs has also led to a black market, with brokers able to arrange transplants within weeks for Chinese and foreigners willing to pay hundreds of thousands of dollars. The transplants are also hugely profitable for hospitals.

The China Daily said traffickers have been selling organs from people pressured or forced into donating to people unrelated to them since the tighter regulations went into effect in 2007.

**More on:** [China](#)

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## N.Y. nears ban on shackling the pregnant

Women routinely restrained during childbirth in prisons around the country

**The Associated Press**

updated 3:24 p.m. ET, Tues., Aug 25, 2009

NEW YORK - For nearly four hours before she gave birth, Venita Pinckney had a chain wrapped around her swollen abdomen. Her ankles and hands were shackled.

The 37-year-old was in a maximum-security prison for violating parole. An officer told her the use of restraints on pregnant inmates was "procedure."

"I'm saying to myself, 'I feel like a pregnant animal,'" said Pinckney, who gave birth to a boy at the Bedford Hills Correctional Facility last year.

At state prisons around the country, jailed women are routinely shackled during childbirth, often by correctional staff without medical training, according to civil rights organizations and prisoner advocates. The practice has been condemned by the American College of Obstetricians and Gynecologists for unnecessarily risking women's health, and court challenges are pending in several states.

Federal prisons and five states largely ban shackling pregnant women in prison. Gov. David Paterson is expected to sign a law this week that would make New York the sixth state to do so.

"A woman giving birth to a child is hardly the first person that is going to be thinking of trying to escape or create any kind of problem," the governor said last week.

### Staff at risk?

Correction departments and unions have argued that any broad-stroke policy that bans shackling could put medical staff and correctional officers at risk.

"We certainly use a common-sense approach regarding shackling, whether it's females or males," said Donn Rowe, the president of the New York State Correctional Officers & Police Benevolent Association, which represents 23,000 state employees. "A blanket policy ... doesn't fit all cases with something of this nature when you're dealing with some possibly dangerous inmates."

Erik Kriss, a spokesman for New York's Department of Correctional Services, said the state law would put staff at risk, noting the inmates are felons.

"They can coordinate on the outside to facilitate an escape. We have to be vigilant about those kinds of things," Kriss said.

It isn't clear how many inmates nationwide are affected by the practice. The federal Bureau of Justice Statistics said 4 percent of state inmates and 3 percent of federal inmates were pregnant in 2008 when they were first incarcerated. Data weren't available to indicate how many women delivered babies in prison or were restrained while doing so.

Malika Saada Saar, the executive director of the Washington, D.C.-based Rebecca Project for Human Rights, said her organization is researching state-by-state data. Kriss said 43 New York inmates gave birth in 2008, but didn't know if any were "mechanically restrained."

The bill awaiting Paterson's signature would ban restraints on inmates giving birth, except when needed to keep a woman from injuring herself, medical staff or correctional officers. In those cases, women would be cuffed on one wrist while being taken from prison to the hospital.

### Similar laws in other states

Similar laws exist in Texas, Illinois, California, Vermont and New Mexico, according to the American Civil Liberties Union. Legislatures in Massachusetts and Tennessee are considering bans, too.

Tamar Kraft-Stolar, who works for the Correctional Association of New York, has lobbied for a law banning shackling. She said her organization had helped interview 15 to 20 current or formerly jailed women who said they were shackled during labor, delivery or recovery from childbirth in state prisons in 2008 and 2009.

The use of restraints, she said, "depended on which correction officer was on duty."

Trevor Lippman, an attorney with the ACLU's Reproductive Freedom Project, said that his organization still hears of cases even in states with written policies limiting the use of restraints.

Several lawsuits challenging the practice are pending throughout the country.

### **Lawsuits pending**

In Washington, former prison inmate Casandra Brawley sued in June saying she was shackled by a metal chain around her stomach while being transported to the hospital, and then fastened by a leg iron to a hospital bed through hours of labor. It was only because a physician objected to the restraints during an emergency Cesarean section that they were removed, the suit said.

The Washington Department of Corrections has a policy prohibits shackling in such cases, but there is a "disconnect in state policy with the prison policy itself," said Brawley's attorney, Sara Ainsworth. The agency has said that it would investigate Brawley's claims.

In Nashville, Tenn., a woman accused the county sheriff's office of improperly restraining her before and right after giving birth to a son in July 2008. The sheriff later agreed to stop restraining inmates, unless they posed a danger. The woman, Juana Villegas, filed a federal lawsuit in March.

Four former Cook County, Ill., inmates filed suit in June against the county sheriff's department saying they were shackled to their hospital beds during labor.

Pinckney, of New York City, gave birth to her son, Savion, in November while serving a two- to four-year term for violating parole on a 2001 drug conviction. She says she was kept in shackles until she was placed in a prison hospital room where guards could oversee her.

"I think that's just too much," Pinckney said. "That's too much to bear."

Since being released from prison in December 2008, she has been living with her son at a re-entry program in Queens.

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## **WLWT.com**

### **28 Inmates Join Thousands Released Early From Jail**

#### ***Prisoners Set Free To Relieve Jail Overcrowding***

POSTED: 3:26 pm EDT August 25, 2009

**CINCINNATI** -- More than two dozen inmates were released Tuesday from the overcrowded Hamilton County Justice Center.

The 28 prisoners set free just before 10 a.m. join more than 15,000 inmates allowed to leave the downtown facility this year.

About 9,000 prisoners were released early from jail last year.

Hamilton County voters rejected a 0.5 percent sales tax increase in November to fund the construction of a larger jail facility and to increase sheriff's patrols.

Authorities have said they would be forced to release some nonviolent offenders to relieve overcrowding.

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Wednesday, Aug 26, 2009

Posted on Wed, Aug. 26, 2009

## Prison health matters to all

The Illinois Department of Corrections says it's more concerned with treating dangerous MRSA infections among prisoners than it is with reporting cases to the public health department as required by law.

Frankly, the department has done an abysmal job on both counts. And that's putting the public at risk.

The prisons had 400 confirmed cases in the first half of 2009, an astronomically high number for a prison population of about 45,000. As you would expect, the infection doesn't limit itself to the bad guys. Some guards have contracted it, and even visitors.

People with this infection can become carriers for life, which means the infection could be spread outside prison walls. It's critical for the inmates' sake, as well as the rest of us, for the Department of Corrections to get the problem under control.

Without accurate reporting, it's difficult to know how good -- or bad -- a job the department is doing at accomplishing that.

A corrections spokeswoman initially said that the department had fully complied with the reporting requirements that went into effect in 2008. But she later confirmed that other cases in 2008 and 2009 were not reported as the law requires. Supposedly a strict reporting process now will be put in place.

Let's hope so. But after the department's failure to comply with the law, then its failure to provide accurate information to our reporters, can the public trust the department to do it right going forward?

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August 26, 2009

## Hawaii to Remove Inmates Over Abuse Charges

By [IAN URBINA](#)

Hawaii prison officials said Tuesday that all of the state's 168 female inmates at a privately run Kentucky prison will be removed by the end of September because of charges of sexual abuse by guards. Forty inmates were returned to Hawaii on Aug. 17.

This month, officials from the Hawaii Department of Public Safety traveled to Kentucky to investigate accusations that inmates at the prison, the [Otter Creek Correctional Center](#) in Wheelwright, including seven from Hawaii, had been sexually assaulted by the prison staff.

Otter Creek is run by the [Corrections Corporation of America](#) and is one of a spate of private, for-profit prisons, mainly in the South, that have been the focus of investigations over issues like abusive conditions and wrongful deaths. Because Eastern Kentucky is one of the poorest rural regions in the country, the prison was welcomed by local residents desperate for jobs.

Hawaii sent inmates to Kentucky to save money. Housing an inmate at the Women's Community Correctional Center in Kailua, Hawaii, costs \$86 a day, compared with \$58.46 a day at the Kentucky prison, not including air travel.

Hawaii investigators found that at least five corrections officials at the prison, including a chaplain, had been charged with having sex with inmates in the last three years, and four were convicted. Three rape cases involving guards and Hawaii inmates were recently turned over to law enforcement authorities. The Kentucky State Police said another sexual assault case would go to a grand jury soon.

Kentucky is one of only a handful of states where it is a misdemeanor rather than a felony for a prison guard to have sex with an inmate, according to the [National Institute of Corrections](#), a policy arm of the Justice Department. A bill to increase the penalties for such sexual misconduct failed to pass in the Kentucky legislature this year.

The private prison industry has generated extensive controversy, with critics arguing that incarceration should not be contracted to for-profit companies. Several reports have found contract violations at private prisons, safety and security concerns, questionable cost savings and higher rates of inmate recidivism. "Privately operated prisons appear to have systemic problems in maintaining secure facilities," a [2001 study](#) by the Federal Bureau of Prisons concluded.

Those views are shared by Alex Friedmann, associate editor of [Prison Legal News](#), a nonprofit group based in Seattle that has a monthly magazine and does litigation on behalf of inmates' rights.

“Private prisons such as Otter Creek raise serious concerns about transparency and public accountability, and there have been incidents of sexual misconduct at that facility for many years,” Mr. Friedmann said.

But proponents say privately run prisons provide needed beds at lower cost. About 8 percent of state and federal inmates are held in such prisons, according to the Justice Department.

“We are reviewing every allegation, regardless of the disposition,” said Lisa Lamb, a spokeswoman for the [Kentucky Department of Corrections](#), which she said was investigating 23 accusations of sexual assault at Otter Creek going back to 2006.

The move by Hawaii authorities is just the latest problem for Kentucky prison officials.

On Saturday, a riot at another Kentucky prison, the Northpoint Training Center at Burgin, forced officials to move about 700 prisoners out of the facility, which is 30 miles south of Lexington.

State investigators said Tuesday that they were questioning prisoners and staff members and reviewing security cameras at the Burgin prison to see whether racial tensions may have led to the riot that injured 16 people and left the lockup in ruins. A lockdown after a fight between white and Hispanic inmates had been eased to allow inmates access to the prison yard on Friday, the day before the riot. Prisoners started fires in trash cans that spread. Several buildings were badly damaged.

While the riot was an unusual event — the last one at a Kentucky state prison was in 1983 — reports of sexual abuse at Otter Creek are not new. “The number of reported sexual assaults at Otter Creek in 2007 was four times higher than at the state-run Kentucky Correctional Institution for Women,” Mr. Friedmann said.

In July, [Gov. Linda Lingle](#) of Hawaii, a Republican, said that bringing prisoners home would cost hundreds of millions of dollars that the state did not have, but that she was willing to do so because of the security concerns.

Prison overcrowding led to federal oversight in Hawaii from 1985 to 1999. The state now houses one-third of its prison population in mainland facilities.

The pay at the Otter Creek prison is low, even by local standards. A federal prison in Kentucky pays workers with no experience at least \$18 an hour, nearby state-run prisons pay \$11.22 and Otter Creek pays \$8.25. Mr. Friedmann said lower wages at private prisons lead to higher employee turnover and less experienced staff.

Tommy Johnson, deputy director of the Hawaii Department of Public Safety, said he found that 81 percent of the Otter Creek workers were men and 19 percent were women, the reverse of what he said the ratio should be for a women’s prison. Mr. Johnson asked the company to hire more women, and it began a bonus program in June to do so.

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## Stimulus Checks Mistakenly Sent to 1,700 Inmates, Federal Agency Says

**The inspector general's office for the Social Security Administration is looking into the problem as part of its broader audit on stimulus spending. The Social Security Administration acknowledged the \$425,000 glitch following a report that nearly two-dozen inmates in Massachusetts had wrongly received the \$250 stimulus checks.**

By Judson Berger  
FOXNews.com

Tuesday, August 25, 2009

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The federal government mistakenly sent out stimulus checks to 1,700 inmates, the Social Security Administration said Tuesday -- a \$425,000 error.

Social Security spokesman Dan Moraski told FOXNews.com in a written statement that the money went out because official records "did not accurately reflect that they were in prison."

The inspector general's office for the Social Security Administration is now looking into the problem as part of its broader audit on stimulus spending. The Social Security Administration acknowledged the glitch following a report that nearly two-dozen inmates in Massachusetts had wrongly received the \$250 stimulus checks.

Even before the agency disclosed that the problem was more widespread, the discovery prompted complaints from Republicans critical of the \$787 billion stimulus and the way it has been managed.

"It is unacceptable for convicts to be getting stimulus funds. It speaks to the lack of oversight and accountability to have such nonsense coming out of Washington. Where is the accountability?" House Minority Whip Eric Cantor said in a written statement.

Though it might strike taxpayers as unusual, some inmates were legally eligible for the stimulus checks.

Under the law, the \$250 checks were supposed to be sent to those legally receiving benefits under the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board between November 2008 and January 2009.

So while inmates generally aren't eligible for Social Security benefits, those who were not incarcerated between November and January got the stimulus checks fair and square.

Moraski said a total of 3,900 inmates not receiving benefits were sent a stimulus check and that of those, 2,200 were due the payment because they were out of prison late last year. The other 1,700 were mistakenly sent the checks.

But Moraski said that the number was "relatively small" given the fact that 52 million total payments were made, and that most of the mistaken payments have been returned by the correctional institutions. He did not provide specifics for how much of the \$425,000 had been returned.

The Boston Herald reported the administration is asking for the Massachusetts money back. But Diane Wiffin, a spokeswoman with the Massachusetts Department of Corrections, told FOXNews.com that her department tried to alert the Social Security staff months ago when it first discovered that the checks had been sent to 23 inmates.

"It was the DOC's opinion that the inmates were not eligible for the payments because of their incarceration, and we withheld the checks from the inmates at that time and immediately contacted the federal Social Security Administration," she said in an e-mail.

But she said that the administration "failed to provide a directive despite several requests," so the department could no longer withhold the checks from the inmates.

George Penn, a spokesman for the Social Security Administration's inspector general, said his office is examining the issue and likely will fold the inquiry into part of its audit of stimulus spending.

"(In) our initial analysis, we found that there were some (recipients) that were in prison," Penn said.

It's unclear whether beneficiaries thought to be eligible under the Department of Veterans Affairs received the stimulus money mistakenly due to incarceration.

Steven Bartholow, general counsel with the Railroad Retirement Board, said inmates receiving railroad benefits easily could have received stimulus checks -- but that it would have been totally legal, since in almost all circumstances inmates are eligible for railroad retirement benefits.

"If there are any people like that then they would have received a stimulus payment," he said.

But he added: "It's a very, very small number."

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[nzherald.co.nz](http://www.nzherald.co.nz)

## Prisoners break into unit

**4:00AM** Wednesday Aug 26, 2009

Inmates at Ngawha Prison have broken into a unit control room, prompting a union spokesman to describe the facility as a powder keg ready to explode.

The Department of Corrections has acknowledged prisoners were able to access the control room of one unit on one occasion but said there was no possibility of them escaping and staff were not put at risk.

The department adds that comments suggesting the prison is unsafe or at boiling point are alarmist.

Corrections Association president Beven Hanlon said a group of prisoners broke into a control room in the remand unit last month and stole food stored there.

Prison staff were concerned about the breach because inmates could have seized control of the unit by taking hostage a staff member.

Prison Services acting general manager Leanne Field said staff had quickly identified how the breach occurred and took immediate steps to prevent it from occurring again.

"A unit control room does not allow prisoners to open the unit's main gates and there is no risk of prisoners being able to escape by gaining access."

A department spokeswoman said the unit control allowed staff to monitor activity but the main gates were controlled by a master control room outside the unit.

Mr Hanlon said the issue highlighted ongoing safety concerns at the prison.

Last week, the department said it had reviewed its security procedures at Ngawha Prison after an inmate was viciously bashed, despite the presence of surveillance cameras.

Matthew Te Hira was left with critical injuries after he was bashed in his cell by a group of prisoners in March last year.

The department said it had taken steps to improve security and safety, including buying extra security cameras for the prison.

Ms Field expressed absolute confidence in the staff and management on the site.

She said the department would be providing additional training for those staff working in high-risk situations.