

**“Justiciability,” Addressing Frivolous Prisoner Lawsuits from a Private Prisoner
Transportation Contractor’s Perspective; as a once employee of TransCor
America, LLC.**

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I was once an employee of TransCor America, the largest, private prisoner transportation service in the world. Only the United States Marshall Service transports more prisoners than TransCor. TransCor's URL brags of transporting nearly 700,000 prisoners in its fourteen-year existence. That equates to nearly 50,000 prisoners a year or almost 1,000 prisoners a week (transcor.)¹ With all this activity with some of the world's most incurable citizens, frivolous lawsuits are bound to become commonplace. Why and what are the possible consequences or implications? The "why" is because our constitution via the Bill of Rights protects individuals from cruel and unusual treatment and allows litigation to right a wrong. These litigation efforts may be conducted through criminal or civil courts.

Some of the possible consequences or implications are as follows:

- As a for profit organization, TransCor increased operating costs are offset by being passed on to our customers through increased rates.
- TransCor or other company resources are removed from proactive activities by these laborious tasks by validating the falsehoods of the prisoners' allegations.
- The courts, to include both federal and state, are burdened by cases that typically become mooted before that actually go to trial. Customarily, prisoners will choose the incorrect venue when filing their respective litigation efforts.

I would not desire to live in any other country other than the United States of America; but with that being said, our freedoms are not without costs. One of them is that anyone, incarcerated or freeperson, can be charged criminally with a crime or civilly through tort actions.

Our constitution provides that federal courts may deal only with "cases" or "controversies." This means that the courts will only deal with actual concrete disputes and not with abstract or hypothetical issues. This doctrine is generally termed "justiciability" (Boston and Manville 432-33.) Justiciability is extremely broad and

includes mootness of the case. Mootness can be defined as having legal merit to even continue with the case or litigation effort. Mootness can be addressed in a variety of ways to include removing the prisoner from the environment that initiated the tort or claim; if the prisoner is released from the penal institution; and there is absolutely no future chance of the event or environment becoming hostile towards this prisoner or other prisoners in the future.

Prisoner litigation efforts must have standing. That is they must have been personally harmed or hurt. A prisoner cannot sue for another prisoner. The individual harmed, must initiate all litigation efforts (Boston and Manville 433.) With this being said, a group of several prisoners, there is no limit to the number of claimants, may pursue litigation efforts through a class action lawsuit. Then on the other side of the coin, the other side, the defendants may attempt to moot class actions by picking off named plaintiffs (Duke Law Journal.)

Ripeness refers to claims that involve future events that may not even occur. An example of this concern could be claims against an agency for not providing adequate protection or safety from earthquakes when it has been clearly demonstrated that the building housing the prisoners are in a seismic activity free zone and there has never been a recorded event involving an earthquake.

Finally, prisoners must remain cognizant of the respective venue to file their claims. "In most civil actions, venue is proper in

(1) A judicial district where any defendant resides, if all defendants resides in the same State,

(2) A judicial district in which, a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or

(3) A judicial district in which any defendant may be found, if there is no

district in which the action may otherwise be brought (Boston and Manville 499.)”

Therefore, the inconsequential lawsuits begin. Typically, because TransCor America is a prisoner transportation service, the allegations involve some sort of claim towards not being fed; not being given restroom privileges; not being given medication(s) or medical attention when warranted or requested; and of course concerns of cruel and unusual treatment (violation of 8th amendment rights) towards the application of respective restraint equipment (US Constitution, Bill of Rights, 8th amendment.) Our restraint inventory, per individual prisoner consists of one pair of handcuffs; one “blackbox” or handcuff cover; one martin or waist chain in which the handcuff restraint is threaded through restricting a prisoners’ movement or reach; one set of leg-irons restraint; and finally an interconnect chain is fastened to the prisoner and they are paired up into groups of two, same gender prisoners. The goal of the interconnect chain is to (hopefully) fasten an escape focused prisoner with a prisoner that will not attempt an escape. If an escape attempt is initiated, the pair of prisoners must work in unison to complete their goal or task.

The largest part of the male prisoner population is homophobic. So, fastening them in groups of two males together with a 36” length of steel chain is quite discomforting to most of them. Therefore, this is the standard protocol with the prisoner extradition service industry.

Therefore, my previous job would begin; I would have investigated perceived, frivolous prisoner allegations and ascertaining their validity or lack of. Typically, the allegations will have some credence. It may only be that the date of the allegation or the event that snowballed the allegation is valid. Sometimes only, the names of the transporting officers or extradition specialist are correct. Regardless, I would search for the truth no matter where it is resting. Habitually, an event did occur; but, prisoners will exaggerate the event into some awful situation that placed them in grave jeopardy; was

borderline to being cruel and unusual treatment; and giving them mental anguish to where now that have recurring nightmares and are unable to sleep. I would continue with my investigative tasks. I did not look at their respective charges, as it has no bearing on my report initially. However, I did investigate the plaintiff's transport history with TransCor and his respective criminal livelihood when available to appease my superiors.

Without going into specifics, a typical prisoner will allege that he was not given his required medication(s) on a particular transport leg. I would research the respective trip and discover that "yes" he was issued his medication(s) when he was scheduled to receive his dosage(s) and more importantly that the prisoner signed his initials after each time he was issued his medication(s). Prisoners have short memories. Then occasional the aforementioned event becomes more challenging. Sometimes the employees forgot to have the prisoners' sign (initial) for their medication(s); the employee has moved on and is no longer and active employee of TransCor; or has expired of natural causes before we received notice of the prisoners' allegations. I would then interview all available employees that may have also been present during the transport of this prisoner. If this is unpractical or unsuccessful; my focus turns to attempting to have the prisoner settle out of court, though TransCor is not admitting guilt, we have no written record that the prisoners' allegations are not false.

This action by TransCor is compounded when prisoners discover that TransCor America, LLC is a wholly owned subsidiary of Corrections Corporation of America (Corrections Corporation of America.) The prisoners then have hallucinations and visions of grandeur by becoming millionaires from their lawsuit(s). Corrections Corporation of America or CCA is the largest private, correctional provider in the world. Therefore, it is a bittersweet obligation that each facility must provide its prisoner population with legal reference material (I.E...law library) to enable the respective

prisoner to sue the facility later in the future (Batson.) This could only occur in America; land of the free and free legal counsel to those that cannot afford it. I know the forefathers meant well when they drafted the constitution, they could not have envisioned what doors they opened because of some of their initial goals or thoughts. An example of this is the Internet and all of its potential privacy concerns and freedom of expression interests.

Prisoners will typically appeal a tort that a lower court dismisses. Then the burden is upon the prisoner to determine their focus of their appeal and through what superior court system. Be it a state or federal court of appeals (Constitutional Commentary.)

Nevertheless, all are equal in the eyes of the law. That is why justice has been described as being blind. It does not matter who you are, you are entitled as your right to a fair and equal trial no matter who you are. The same applies to prisoners no matter what their previous criminal activity(s) may have included. One goes to prison as punishment, not for punishment. We just transport prisoners from one location to another; we do not pass judgment (Coates.) As easy as that is to say, it is much harder, but not impossible, to live by.

Notes

.How are these numbers achieved? 698,000 is divided by 14 (number of years TransCor America has been viable.) The result is 49,857.142 or approximately 50,000. 50,000 is then divided by 52 (number of weeks in a calendar year.) The result is 961.53846 or approximately 1,000.

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