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Report details safety violations in prisons' electronic-recycling program

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An award-winning whistle-blower at U.S. Penitentiary Atwater helped expose pervasive safety problems that endangered prison inmates nationwide, a federal investigation reveals.

Prompted by the complaints of Leroy Smith Jr., former safety manager at the Atwater prison, investigators say they uncovered "serious misconduct" that included "carelessness or indifference" to the safety of inmates recycling electronics in multiple federal prisons.

In a sweeping report that was four years in the making, the Justice Department's Office of Inspector General pinpointed "numerous violations of health, safety and environmental laws, regulations and (Bureau of Prisons) policies."

The past problems spelled out in a 1,433-page report and accompanying appendix went beyond those already well documented at Atwater, located between Modesto and Fresno in California's San Joaquin Valley.

"We also found numerous instances of staff misconduct and performance failures," investigators noted. "These included actions that endangered staff and inmates: dishonesty, dereliction of duty, and theft, among others."

In one instance, a prison staffer disabled a fire alarm system to prevent it from sounding because of airborne dust in a room where prisoners were breaking apart computer monitors.

Criminal prosecutions of Bureau of Prisons staffers in Ohio and New Jersey were considered but ultimately not pursued "because of various evidentiary, legal, and strategic concerns," investigators said. A former associate warden at Atwater, Samuel Randolph, would face disciplinary actions if he hadn't retired in 2006, investigators added.

The overall recycling program was lauded for safety improvements in recent years, with new managers and policies in place.

Investigators examined electronic-recycling operations at 10 federal prisons including those at Leavenworth, Kan.; Lewisburg, Pa.; and Tucson, Ariz. The federal prison industry program called Unicor has used inmates to recycle computers, monitors and other equipment since 1997.

Last year, Unicor workers reportedly processed 39 million pounds of electronic materials.

The work is potentially dangerous. A cathode ray tube, like those found in computer monitors, can contain nearly 5 pounds of lead.

At the same time, the investigators acknowledged "substantial progress" in improving inmate safety. Officials have discontinued some work once done at Atwater and other prisons, including the breaking of cathode ray tube glass.

Investigators stated that "with limited exceptions," the recycling operations are now compliant with federal workplace requirements.

"We are pleased that the factories were found to be currently operating safely," Bureau of Prisons spokesperson Traci Billingsley said Tuesday, adding, "We believe that the changes already implemented in our operations and the changes planned will ensure that all of our operations continue to operate as safely as possible."

Billingsley also said that "we are committed to ensuring compliance with all applicable health, safety and environmental requirements."

Smith deserves at least partial credit for some of the improvements, as depicted in the Office of Inspector General report quietly issued in late October.

In 2001 and 2002, Smith was safety manager at the maximum-security Atwater prison. He began warning that the prison's electronic-recycling program could endanger staff and inmates. Inmates were breaking apart old computers, sending toxic dust airborne.

Smith brought his concerns to the Office of Special Counsel, which handles federal whistle-blowers. In 2006, the agency gave Smith its annual award as "outstanding whistle-blower."

The Bureau of Prisons investigated Atwater. Although disciplinary actions were taken against three employees, the agency concluded its officials had ultimately "taken appropriate steps" to address Smith's concerns.

Smith called the bureau's report inadequate. In 2006, his complaints convinced the Justice Department to undertake the more aggressive inquiry that has now been concluded.

Mary Dryovage, Smith's San Francisco-based attorney, said Tuesday that though the latest report appears thorough, federal officials are still "washing their hands" of inmate safety problems.

"There have been no repercussions for any of the wrongdoing," Dryovage said, adding that Smith is "burning in purgatory" because inmates remain at risk.

Smith is now safety manager at a federal prison in Arizona.

In the report, investigators say Unicor "poorly managed" the electronic-recycling program until 2009. Some managers "concealed warnings about hazards" and were "slow to make necessary changes," investigators found.

Prior to 2003, when procedures changed, investigators noted Atwater inmates and others were exposed to cadmium and lead levels "far higher" than federal workplace standards

allow. Since then, investigators praised "substantial improvements" in safety procedures and, more recently, in new management.

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