



U.S. Department of Justice

*United States Attorney's Office
Eastern District of New York*

271 Cadman Plaza East
Brooklyn, New York 11201

FOR IMMEDIATE RELEASE

November 20, 2008

Contact:

**Robert Nardoza
United States Attorney's Office
(718) 254-6323**

PRESS RELEASE

**FOUR CURRENT AND FORMER FEDERAL CONTRACT CORRECTIONS
OFFICERS INDICTED FOR EXCESSIVE FORCE AND OBSTRUCTION**

***Defendants Charged for Their Roles in Inmate Beating at the
Queens Private Correctional Facility and Attempted Cover-up***

An indictment was unsealed this morning in Brooklyn federal court charging three former correctional officers of the Queens Private Correctional Facility ("QPCF"), now known as the Queens Private Detention Facility – MARVIN WELLS, STEPHEN RHODES, and KIRBY GRAY – and a current QPCF officer – KRYSTAL MACK – with excessive force and obstruction of justice stemming from the assault of a federal inmate in April 2007.¹ The defendants were arrested earlier today and will be arraigned this afternoon before United States Chief Magistrate Judge Steven M. Gold, at the U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York.

The charges were announced by Benton J. Campbell, United States Attorney for the Eastern District of New York and James E. Tomlinson, Special Agent-in-Charge, New York Field Office, Department of Justice Office of the Inspector General.

The QPCF is a prison owned and operated by The GEO Group, Inc., which houses federal inmates pursuant to a contract with the United States Marshals Service. As alleged in the indictment and other court filings, the charges stem from an assault committed by WELLS against a pretrial detainee ("the victim") at the QPCF on April 17, 2007. During the assault, which was allegedly in retaliation for the inmate purportedly making a comment to MACK about her appearance, WELLS, the Tour Commander of the day as well as one of the highest-ranking officers at the QPCF, together with RHODES and GRAY, brought the victim to a shower room,

¹ The charges announced today are merely allegations, and the defendants are presumed innocent unless and until proven guilty.

where WELLS ordered the victim to remove his clothes. WELLS repeatedly hit the victim in the neck, causing the inmate's head to slam against the wall. WELLS then ordered the victim to apologize to MACK, and threatened to kill him if he reported the assault. The assault was brought to the attention of QPCF authorities after inmates in the victim's dorm demanded that he receive medical treatment.

Subsequently WELLS, RHODES, and MACK allegedly conspired to cover up the incident and attempted to prevent two other QPCF officers, both of whom reported to WELLS, from reporting the assault to the United States Marshals Service and the Department of Justice's Office of the Inspector General. In addition, WELLS, RHODES, and GRAY made false statements to law enforcement authorities in an effort to obstruct the government's investigation.

"This prosecution affirms our strong commitment to protecting the constitutional rights of individuals not to be subjected to unjustified and excessive force by officers whose duty it is to uphold the law," stated United States Attorney Campbell. Mr. Campbell thanked The GEO Group, Inc. for promptly investigating and reporting this incident to the appropriate federal authorities.

"The Office of the Inspector General is committed to vigorously investigating and referring for prosecution any correctional officers who unlawfully abuse detainees and prisoners under the care of the Department," stated OIG Special Agent-in-Charge Tomlinson. "In addition to victimizing an inmate, the actions of these correctional officers also undermined the integrity and safety of the detention facility, other inmates, and other correctional officers."

If convicted, WELLS faces a sentence of up to 10 years for the excessive force charge (18 U.S.C. § 242), and he, RHODES, and GRAY each face sentences up to 20 years for obstructing justice (18 U.S.C. §§ 1519) and five years for making false statements (18 U.S.C. § 1001(a)(2)). In addition, WELLS, RHODES, and MACK each face sentences of up to 20 years for conspiring and attempting to tamper with witnesses (18 U.S.C. §§ 1512(b)(3) and 1512(k)).

The government's case is being prosecuted by Assistant United States Attorney Monica Ryan.

The Defendants:

MARVIN WELLS

Age: 46

STEPHEN RHODES

Age: 36

KIRBY GRAY

Age: 47

KRYSTAL MACK
Age: 32