The Idaho Correctional Center south of Boise.

IDAHO PRISONS

By Rebecca Boone
The Associated Press
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February 5, 2013

Idaho State Police investigating CCA-run private prison amid staffing questions

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — The Idaho State Police has launched an investigation into staffing levels at the state’s largest private prison after state officials said they found discrepancies in the prison’s monthly reports.

The Nashville, Tenn.-based Corrections Corporation of America has run the Idaho Correctional Center under a contract with the state for a decade. The contract details the way CCA must run the prison. The minimum staffing requirements have also been spelled out in a legal settlement that CCA reached with the American Civil Liberties Union-Idaho after inmates sued in federal court.

Correction Director Brent Reinke told the Idaho Board of Correction Tuesday morning he asked the state police to investigate because the department found “potential anomalies” during an audit.

The department didn’t begin taking a deeper look until recently, around the time the Associated Press filed public records requests for shift logs at the prison.

CCA’s spokesman Steve Owen said in an email that his company is also investigating the issue and working with state officials as the department takes a closer look at the staffing records. He said the safety of staff, inmates and the community is CCA’s top priority.

“It is premature and speculative to draw conclusions before all of the facts have been gathered, and to do so at this point would undermine the investigation that is taking place. If our efforts uncover inconsistencies, we will take swift action to rectify any issues,” Owen wrote.

CCA’s monthly staffing reports to the state obtained by the AP through a public records request appeared to show guards who were listed as working 24, 36 and 48 hours straight without time off. Though CCA’s contract with Idaho doesn’t limit the number of hours a guard can work in a row, correction officials said that it would be unwise for a guard to work a 36- or 48-hour shift.

The department doesn’t have the staffing...
or expertise needed to do the investigation on its own, Reinke said.

“We need some outside assistance on what we think we’ve found,” Reinke told the board members, though he didn’t offer any details. Reinke said he’s had three visits already with the head of the Idaho State Police and written the agency a letter formally requesting the investigation.

“The contract requires specific staffing levels to ensure the safe operation of the 2,060-bed prison,” Reinke wrote in a letter given to Idaho State Police Lt. Col. Ralph Powell on Monday. “This letter seeks an independent party to investigate and audit these records to determine the extent of the problem and any potential violation of state law.”

Powell has already agreed to investigate, Reinke said.

“He considers this an issue now under investigation. We are working through our staff with his staff to be able to transfer documents off,” Reinke said. “The Idaho State Police will take it to the next level as far as that’s concerned.”

CCA has also hired its own independent investigator to review policies at the prison, Idaho Department of Correction officials said in a news release issued Tuesday afternoon.

Reports filed by the state correction agency’s own contract monitors and obtained by The AP show that the contractor monitors spotted problems such as double-posting — having one guard work two separate posts at the same time — and vacant security posts at least a year ago, but the department didn’t begin taking a deeper look until recently, around the same time the AP filed public records requests for shift logs at the prison.

Reinke said he knows the timing looks odd, but the department recognized it needed to more closely monitor staffing levels after putting together its new manual for state contract monitors. The 67-page manual, which took more than a year of research, planning
CCA’s contract with the state requires the company to keep 55 different security positions staffed during the 12-hour day shift.

CCA’s contract with the state requires the company to keep 55 different security positions staffed during the 12-hour day shift, and 49 positions staff during the 12-hour night shift. The number of required positions used to be slightly less — until September 2011, when CCA made a number of management and operational changes at the prison in order to settle a lawsuit brought by inmates who contended that violence and mismanagement were rampant at the facility.

The state contract does limit the total number of hours a guard can work in any two-week pay period to 112 hours or less. CCA is required to give the state a monthly overtime report showing the total number of hours its employees work each pay period. But the department apparently never tried to reconcile the two types of documents, nor did they closely monitor the staffing reports.

An AP analysis of the documents for 2012 found several instances of inconsistencies between the staffing logs and the overtime reports.

For instance, during a pay period spanning late April and early May of 2012, CCA reported on its overtime report that one guard worked 111 hours — just under the 112 maximum. But the staff report for the same period shows that guard working about 123 hours. Another guard was listed as working 112 hours on the overtime report during the same pay period, compared with the nearly 130 hours that the guard worked according to the staff report.

Also during that pay period, one guard was listed on the staffing report as working two separate 36-hour shifts, and a total of nearly 140 hours in a two-week span. The overtime report, however, showed that the same guard was only paid for 112 hours of work.

A May 2012 report by Department of Correction investigators also cited staffing
problems at the prison. The report was part of an investigation into an incident in which members of one inmate gang attacked another group, stabbing and beating them.

“Staffing of the unit needs to be consistent,” the investigators wrote. “In reviewing the schedule it appeared that staff were double-posted.”

The investigators interviewed the CCA employees who were working at the time of the attack, according to the documents. CCA’s unit manager, Norma Rodriguez, told investigators that the prison unit was short one of the mandatory correctional officers, although she added that other CCA employees told her that a CCA counselor had filled that spot, according to the documents.

Monitoring a private prison is a complicated process and the department looks at several operational issues, not just staffing, Reinke said. He also noted that the department’s monitoring process has grown increasingly stringent over the past decade.

“It’s a learning process,” Reinke said.

Idaho Gov. C.L. “Butch” Otter has long been a supporter of private prisons. The news of the police investigation hasn’t changed that, Otter’s communication director Mark Warbis said.

The governor wouldn’t comment about the matter, however, because the investigation was under way, Warbis said.
Private prison company asks to seal lawsuit docs

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — The nation’s largest private prison company is asking a judge to seal a wide spectrum of documents in a lawsuit brought by inmates at a Corrections Corporation of America-managed prison in Idaho.

Attorneys for CCA filed the motion for a protective order earlier this month in Boise’s U.S. District Court in a lawsuit brought by eight inmates at the Idaho Correctional Center late last year. The inmates claimed they were jumped by members of a prison gang, beaten and stabbed and that the attack occurred because CCA was understaffed and that prison managers had ceded too much power to the inmate gangs.

Attorneys for CCA say in the motion that the case involves information that must be kept secret to maintain the security of the prison and the safety of inmates and correctional officers. CCA says the seal should include items related to CCA policies and procedures; personal identifying information of employees; inmates’ criminal and medical information and any information connected to its investigation of the attack.

CCA has already come under fire for its staffing levels at the Idaho Correctional Center by the state, which launched an investigation into falsified staffing records after an Associated Press investigation showed that the company was claiming some employees were working as many as 48 hours in a row in order to meet minimum staffing requirements.

CCA officials acknowledged last month that the company falsified nearly 4,800 hours of staffing records over seven months last year in violation of its contract with the state.

CCA’s annual $29 million contract with Idaho expires on June 2014 but will be automatically extended for another two years unless the state decides to seek bids and select a new provider before next summer.

According to copies of email correspondence filed with the motion, attorneys for the inmates oppose the order, saying it’s overly broad and would amount to giving CCA a “blank check” to make anything confidential.
But former CCA Warden Tim Wengler, who resigned after the company admitted falsifying some of the staffing reports it provided to the state, wrote in an affidavit that he knew of instances in which inmates obtained personal information about correctional officers and used it to intimidate prison staffers, and that he feared the same could happen at the Idaho prison if the employees’ identifying information is revealed.

Wengler also said in the affidavit that some of the company’s policies cover sensitive information like how the perimeter of the prison is secured, what parts of the prison are covered by security cameras and prison emergency procedures.

Attorneys for the inmates have not yet filed a formal response to CCA’s motion.
APNewsBreak: Idaho prison contract up for bid

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — Idaho prison leaders are looking for a new company to run the state’s largest prison after Corrections Corporation of America admitted to understaffing and overbilling for its work operating the Idaho Correctional Center.

But the Idaho Department of Correction won’t be allowed to submit its own bid or take over operations at the prison south of Boise, because Board of Correction Chairwoman Robin Sandy said that would amount to expanding state government.

The three-member Board of Correction made the decision during a meeting Tuesday evening, opting not to let an automatic two-year extension of CCA’s $29.9 million contract kick in when the current contract expires on June 30, 2014. The board also decided that it would consolidate medical services at all the prisons under one statewide medical contract, rather than keeping the medical care services at the Idaho Correctional Center separate. Currently, Corizon provides medical care at every prison in the state except for Idaho Correctional Center, where it is handled by CCA.

CCA’s Idaho spokeswoman Andrea Evans said she didn’t know if the company would bid on a new contract.

The Idaho Correctional Center has been rife with problems for the past several years, with inmates bringing multiple federal lawsuits alleging rampant violence, a policy of understaffing and a practice of guards ceding too much control to prison gangs. The ACLU of Idaho sued in 2010 on behalf of inmates who said the CCA-run facility was so violent that inmates called it “Gladiator School;” that lawsuit resulted in a settlement in which CCA promised to make widespread management and staffing changes. In 2011 the company reached a financial settlement with one inmate, Hanni Elabad, who was beaten by a fellow inmate until he suffered brain damage while several guards watched.

CCA’s attorneys have vigorously fought the lawsuits and company officials maintain the safety and security of inmates and CCA employees are the CCA’s top priorities.
An Associated Press investigation into CCA’s staffing reports earlier this year showed the company sometimes listed its guards as working as much as 48 hours straight in order to fill minimum staffing requirements. The Idaho Department of Correction subsequently asked the Idaho State Police to investigate understaffing allegations at the Idaho Correctional Center, and CCA later admitted its employees falsified thousands of hours of staffing records during much of 2012. The Idaho State Police investigation is still under way and state officials have not yet released any details of their findings.

During Tuesday’s meeting, Idaho Department of Correction Director Brent Reinke said CCA has been cooperative with the state’s investigation and that investigators are “looking at some of the legal actions that are out there.”

Board member J.R. Van Tassel said it was time for the state to “shuffle the deck” and see what other potential bidders are interested in the contract. But Van Tassel said he also thought that the state needed an idea of what the real costs are for running the prison, and said that in order to do that, the Idaho Department of Correction should put together its own bid.

“She didn’t think the state should run the prison because that would amount to an expansion of government.”

“The department should be putting in a bid as well, if not to compete for providing the management of that facility, at least to give us a real-time critical look at what the costs are to operate that,” Van Tassel said.

But the chairwoman of the board, Robin Sandy, said the department was too busy to spend the time needed to pull together a “courtesy bid.”

“Our people are just so slammed, to bid it for the sake of comparison ... I don’t know how we could expect people to go through the process with no intention of bidding on it,” Sandy said.

Reinke agreed that while he would appreciate the opportunity to examine the potential costs, his department wouldn’t be able to pull together the information in the time span needed.

After the meeting, Sandy said she wouldn’t rule anything out in the future, but that she didn’t think the state should run the prison because that would amount to an expansion of government and she believes in small government.

“That would be several hundred more state employees, and they would be on the state system, and it would grow the entire government by several hundred,” she said.

Van Tassel countered that the state is already paying for the operation of the prison, it’s simply giving the money to CCA instead of to its own people.

“We’re already paying for those employees,” he said.
It’s the second time the Board of Correction has decided against having the department examine what it would cost the state to run the facility. About five years ago Reinke asked the board and Gov. C.L. “Butch” Otter’s office if his department could bid for the contract to run ICC, and the board responded with a firm “no.”

The Idaho Correctional Center building and property is owned by the state but CCA has operated the facility since it opened in July 2000. The prison appeared to operate uneventfully for several years until so many inmates began filing lawsuits alleging similar civil rights abuses that a federal judge began consolidating the cases. Amid the lawsuits the U.S. Attorney’s office for Idaho acknowledged that the FBI was also investigating the prison for alleged abuses against prisoners; that investigation is ongoing.
Idaho news groups ask judge to keep lawsuit public

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — A coalition of 17 news organizations across Idaho is asking a federal judge to deny a proposed order that would give private prison company Corrections Corporations of America the power to seal whatever it wants in a lawsuit brought by inmates.


The news organizations contend the protective order sought by Nashville, Tenn.-based private prison giant CCA would severely hamper the ability of journalists to report on the lawsuit. CCA says it needs to be able to hide certain information from public view for security and privacy reasons.

The issue arose in a lawsuit filed by eight inmates at the CCA-operated Idaho Correctional Center south of Boise last fall. The inmates contend that chronic understaffing and mismanagement at the prison led to an attack in which they were jumped, beaten, stabbed and slashed by members of an inmate gang. CCA has denied those allegations and the company successfully argued that two of the inmates couldn’t sue because they didn’t take all the necessary steps to address their concerns through the prison administrative system by going to the courts.

U.S. District Judge Edward Lodge ruled earlier this month that the remaining six inmates can continue with the lawsuit. Generally, the next step in the lawsuit would be discovery, when both sides share the evidence they have with each other. That allows the attorneys to get a feel for the opposing party’s case, helps them make the decision whether or not to reach a settlement before trial, and allows all the attorneys to argue to the judge whether they think specific documents and items of evidence should be al-
allowed or kept out of the trial.

CCA asked the judge earlier this year for a protective order that would allow the company to designate documents and other discovery material confidential if CCA officials believed it was necessary. CCA’s attorneys contended that some of the documents would include medical information that could violate inmates’ privacy, personal information that could violate employees’ privacy, CCA’s trade secrets or security information that could hinder the company’s ability to keep the Idaho Correctional Center safe.

The attorneys for the inmates, T.J. Angstman and Wyatt Johnson, opposed the order, saying it was too broad and that it amounted to giving CCA a “blank check” to keep everything hidden from view.

The news organizations, represented by Lewiston attorney Charles Brown, said in their motion on Friday that if CCA’s request for a protective order is granted, it would make it nearly impossible for reporters to cover the lawsuit. That would violate the public’s right to know what is happening in the courts, the news groups contend.

Because CCA operates a state prison, it is acting as a quasi-governmental agency, the news organizations told the judge, and the press and public need to have access to the documents associated with the lawsuit so that they can fully understand and report on the quality of CCA’s work operating the state prison and safeguarding the population therein.

CCA’s proposed protective order would allow the company to pre-emptively file everything in the case under seal without first having to show that it actually does have a valid security or privacy concern that outweighs the First Amendment rights of the press and the public, Brown said.

“This civil case raises issues of profound concern to the general public,” Brown wrote on behalf of the news organizations. “... Drawing a curtain of secrecy behind which the defendants can operate simply does not comport with the requirements of the First Amendment, nor Ninth Circuit case law as to the openness required of our judicial system, but also the openness required of our government.”

CCA’s operation of the Idaho prison has been the subject of scrutiny and criticism in both a series of federal lawsuits and Idaho Department of Correction contract monitoring documents. Earlier this year, the state asked the Idaho State Police to investigate after an Associated Press investigation showed that CCA’s staffing reports to the state were inaccurate and didn’t reflect the company’s payroll reports. The state investigation is still under way, and CCA has since admitted that the company falsified nearly 4,800 hours of staffing records during a seven-month period last year.
CCA warden says he didn’t know about understaffing

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — A former warden for private prison giant Corrections Corporation of America says he didn’t know that mandatory posts at the Idaho prison he led were chronically unstaffed.

Tim Wengler, the former warden at the CCA-run Idaho Correctional Center south of Boise, told U.S. District Judge David Carter on Wednesday that in his three years on the job, he never noticed that some mandatory security posts went unstaffed or that some staffing reports were falsified to cover up the missing staff hours.

Wengler was one of several CCA officials and employees to testify during a contempt-of-court hearing over whether the Nashville, Tenn.-based company is abiding by the terms of a settlement it reached with Idaho inmates two years ago.

The inmates, represented by the American Civil Liberties Union of Idaho, sued in 2010, contending that the prison was so violent that prisoners call it “Gladiator School.” CCA denied the allegations but reached a deal in 2011 requiring widespread operating changes including increased staffing. Earlier this year, however, the company acknowledged that it understaffed the mandatory minimum posts at the prison by 4,800 hours during seven months in 2012. Shortly after that admission, CCA announced that the 46-year-old Wengler was retiring after 17 years with the company.

But in his testimony Wednesday, Wengler said he was still under contract with CCA and still getting paid by the company. His job is “to assist them with things they need,” Wengler said, including making sure the company is following through with the settlement it reached with the Idaho inmates. Wengler said he couldn’t remember if his employment contract prohibits him from disparaging or testifying against CCA.

Wengler also said he never suspected that the mandatory security staff positions required under both CCA’s $29 million contract with the Idaho Department of Correction and the court settlement order were frequently left unstaffed for all or part of the shift.
CCA violated the court’s order by failing to fill thousands of hours of security posts.

“I believed we were fulfilling the terms of the settlement,” Wengler said.

He laid the blame at the feet of his subordinates, saying it was apparent “that somebody knew something” and was falsifying documents, but that he never spotted any inaccuracies when he looked at the staffing rosters.

Carter frequently interjected his own sharp questions and comments during question, asking another CCA official how much money the company should pay back Idaho taxpayers for failing to meet the contract terms. The judge said the 4,800 hours of understaffing appeared to be a low estimate of how much time went unfilled.

Scott Craddock, CCA’s top ethics officer, said those hours only accounted for understaffing that occurred during the night shift during a seven-month span, and that CCA didn’t fully investigate the number of hours that were understaffed during the day shift.

A partial review showed at least 152 hours unstaffed in May and another 300 in June, Craddock said.

“As I understand it, CCA has represented they’re going to pay back IDOC. What amount should they pay them?” the judge asked Craddock.

“Let’s add together,” he said, “4800 hours, plus 152, plus 300, what is that? ... And we don’t know what the day shift for gosh, July, August, September, October, November, we don’t know that, do we? So 4800 hours is kind of a pretty low number, isn’t it?”

“We reported what we did a detailed report on,” Craddock said, saying they based the estimate on the period they investigated, which was the night shift for seven months.

ACLU attorney Stephen Pevar said he would show evidence that CCA violated the court’s order by failing to fill thousands of hours of security posts, that the company tried to cover up the understaffing by filing false documents with the state, that CCA deliberately avoided learning who was responsible for the problems, and that despite learning of the staffing problems more than a year ago, the understaffing continues to this day.

Pevar said the understaffing problems occurred because there was “inadequate supervision by the warden. Someone was asleep at the wheel.”

CCA’s attorney Daniel Struck said hiring and retaining qualified correctional officers is a problem at prisons of all sorts, nationwide.

CCA’s management team at the Idaho Correctional Center did what it could to try to keep the mandatory posts filled, Struck said, and even hired more staffers than were required under the contract to meet the
terms of the court settlement.

“The evidence shows there’s always going to be challenges in filling mandatory posts,” Struck said. He said the company implemented a plan to make sure the vacancies don’t happen again, and that there were no increases in inmate assaults as a result of the understaffing.

“As a result there is no reason to punish CCA for taking the actions that they did,” Struck said.

Kevin Myers, a regional managing director of operations for CCA, testified the company offered to pay the Idaho Department of Correction $117,000 to cover the understaffed hours. That amounts to about $24.37 an hour.

Myers didn’t say what IDOC’s response was. The company is paid $29 million a year by Idaho under its state contract.

IDOC spokesman Jeff Ray says the department declined the offer because officials are waiting for the results of an Idaho state police investigation into the understaffing.
Sept. 17, 2013

Private prison company CCA in contempt of court

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — The nation’s largest private prison company is being held in contempt of court by a federal judge for chronic understaffing at an Idaho prison.

U.S. District Judge David Carter made the ruling against the Nashville, Tenn.-based Corrections Corporation of America in a scathing 24-page ruling issued Monday. In it, Carter took the company to task for lying about staffing levels and warned that he would make the fines as big as needed to force CCA’s compliance with a settlement agreement it reached two years ago with Idaho inmates and the American Civil Liberties Union.

“If a prospective fine leads to $2.4 million in penalties, CCA has no one to blame but itself,” Carter wrote.

The contempt finding stems from a case that began in 2010 when the ACLU sued on behalf of inmates at the prison south of Boise, contending that the facility was so violent that prisoners called it “Gladiator School” and that understaffing and mismanagement contributed to the problem.

CCA denied the allegations, but reached a settlement agreement with the inmates, promising to increase staffing levels above what was then required under its $29 million contract with the Idaho Department of Correction. That settlement agreement was slated to expire this month, but the ACLU asked the judge to extend it and find CCA in contempt for failing to abide by the agreement.

CCA acknowledged earlier this year that its employees filed reports with the state that falsely showed 4,800 hours of vacant security posts as being staffed during 2012. But during the contempt of court hearing earlier this month, witnesses revealed that number only included the night shift during a seven-month span.

“It is clear that the non-compliance was far worse than the report of about 4,800 hours would lead one to believe,” Carter wrote. “... There is also no reason to believe the problem only began in April 2012 and was solved after October 2012. Indeed, even in the weeks prior to the contempt hearings,
The Idaho State Police are currently investigating whether CCA committed any crimes when it gave the false staffing reports.
ments and are working on an ongoing basis to ensure that continues,” Owen wrote. “... Our top priority is the safety of our staff, the inmates entrusted to our care and the communities where we operate, and we are committed to providing the state and Idaho’s taxpayers with the highest quality corrections service.”

ACLU attorney Stephen Pevar said in a prepared statement that the organization was thankful to the judge for carefully examining the evidence.

“It took great effort to uncover the truth,” Pevar wrote. “ICC was missing thousands of hours of guards. What is particularly disturbing is that CCA failed to adequately staff ICC despite the obvious additional risk of assault that created for both prisoners and staff and the unnecessary stress and fear it generated.”
AP NewsBreak: Prison company leaving Idaho

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — Private prison giant Corrections Corp. of America will leave Idaho after more than a decade marked by scandal and lawsuits surrounding its operation of the state’s largest prison.

The Nashville, Tenn.-based company will not bid on the next contract to run the Idaho Correctional Center south of Boise, CCA Vice President Brad Regens said in a letter Thursday to the Department of Corrections.

The decision came as Idaho State Police, aided by a forensic auditing firm, is investigating allegations of possible contract fraud and falsified staffing reports involving CCA.

A federal judge also has held CCA in contempt of court for failing to abide by the terms of a settlement agreement reached with inmates in a lawsuit claiming high rates of violence and chronic understaffing at the prison.

CCA spokesman Steven Owen said the company is taking appropriate steps to remedy staffing problems at the prison and is committed to reimbursing taxpayers for any unverified hours.

CCA’s contract with Idaho ends on June 30, 2014.

“We have delivered exceptional value to Idaho’s taxpayers through cost savings, and we’ve also provided outstanding rehabilitation programming to the inmates entrusted in our care,” Regens wrote in the letter.

It’s not clear, however, whether Idaho’s $29 million contract with CCA represented an actual cost savings. An investigation by The Associated Press in 2012 showed it would likely cost the Idaho Department of Corrections the same amount of money or less to have state employees run the facility.

Idaho Department of Correction Director Brent Reinke has asked the state Board of Correction at least twice if his department should examine whether it would be cheaper for the state to run the prison, but both times he was rebuffed.

The Idaho Board of Correction had the option to extend CCA’s contract for two more years but decided in June against it. Instead, the state will issue a formal request
for proposals later this year.

At the time, the board didn’t rule out the possibility that it would select CCA to run the prison under a new contract.

Regens, however, said the company does not intend to submit a proposal.

“We will focus our efforts during the remainder of the contract term on ensuring the facility continues to operate in a safe and secure manner,” he said in the Wednesday letter. “We will work closely with the department to ensure a smooth and orderly transition.”

CCA has acknowledged that its employees filed staffing reports with the state that incorrectly showed it had the contractually required number of guards on duty during several months in 2012.

Owen, the company’s spokesman, said the unverified hours were only a fraction of total staffing requirements at the prison. The company has maintained that the understaffing did not result in an increase of violence or any security problems at the prison.

“We are working day in and day out in the facility to make sure what happened never happens again,” Owen said in an email to The Associated Press. “If a post cannot be filled there is a process to document what steps were taken to fill it and, if it couldn’t be filled, what was done to address the impact of the vacancy.”

CCA officials didn’t rule out a possible return to Idaho. The letter said CCA “looks forward to the opportunity to serve the department in the future.”

Monica Hopkins, executive director of the American Civil Liberties Union of Idaho, said she was glad to hear CCA was leaving the state after several years of litigation and the federal judge’s ruling holding the company in contempt.

“Unfortunately the state hasn’t realized that it’s time to take back ownership and operation of their own facility, so there’s no guarantee that this won’t happen with another private contractor,” Hopkins said. “CCA was bad for Idaho. It was detrimental for the taxpayers. And it’s time for the state to exercise the proper role of government and operate its own facilities.”

Boise attorney T.J. Angstman, who is representing inmates in an ongoing lawsuit alleging CCA ceded control to prison gangs so it could operate the facility with a skeleton crew of guards, said the departure won’t automatically fix the problems at the prison.

“CCA is going to leave the cleanup and aftermath of those problems to somebody else,” Angstman said. “Likely it will cost the state more money to find a new contractor, because somebody’s going to have to pay more money to fix the problems.”

CCA has denied the allegations in the lawsuit from Angstman’s firm. Owen has said the company’s top priority is the safety of inmates and employees.
A timeline of CCA’s operations in Idaho

The Associated Press

BOISE, Idaho (AP) — Seventeen years ago Idaho’s state-run prisons were overflowing and years of tough-on-crime legislation promised that the flow of new inmates would continue to increase. Idaho needed a new prison, but lawmakers weren’t wild about paying to build and run one.

Then-Gov. Phil Batt, who had studied sentencing patterns and inmate growth projections, and decided that privatization was the best way to approach the problem. The 1997 Idaho Legislature granted the Board of Correction the authority to enter into contracts with private prison providers, and later that year the board awarded a contract to build and operate the state’s first private prison to the Nashville, Tenn.-based Correction Corporation of America. Here’s a timeline of CCA’s operations in Idaho.

— **1997**: CCA is selected to build and operate Idaho’s first private prison, a 1,250-bed facility south of Boise called the Idaho Correctional Center. The original contract is about 35 pages long, with CCA promising to build the prison for about $50 million and operate the facility for 10 years at a cost of $39 per inmate, per day.

— **1999**: Lawmakers, faced with tight budgets, agree to delay the opening of the new Idaho Correctional Center until July 2000. CCA offers to pick up the costs of mothballing the prison for up to nine months — estimated at anywhere from $100,000 to $500,000 — and to house 200 of Idaho’s overflow inmates at a CCA facility in New Mexico. Some lawmakers are skeptical of CCA’s motives, but nevertheless accept the offer and CCA’s assurance that the company is looking for a long-term relationship.

— **2000**: Inmates begin filling beds at the newly opened Idaho Correctional Center.

— **2002**: New Idaho Department of Correction Director Tom Beaucclair asks for an independent audit of CCA after receiving numerous complaints regarding the company’s alleged failure to comply with policies. Meanwhile, the state prepares to levy a $100,000-a-month fine against the company for failing to meet its contractual obligation to have 20 percent of its inmates in job train-
ing programs. The results of the audit aren’t publicized, but Beauclair notes CCA is making a good-faith effort to get more inmates in work programs.

— **2005**: Faced with a shortage of in-state prison beds, Idaho begins shipping inmates out of state to be housed in private prisons around the country.

— **2007**: Gov. C. L. “Butch” Otter pushes for more private prisons in Idaho to handle growing numbers of inmates, but begins to receive opposition even within his own Republican party.

— **2008**: More lawmakers begin to warm to Otter’s push to allow private prison companies to build new prisons in Idaho. CCA and competitor GEO continue to have lobbyists work in Idaho. The companies have given a combined total of at least $40,000 in campaign contributions to Idaho lawmakers — including at least $15,000 to Otter’s 2006 gubernatorial race.

— **Aug. 2008**: IDOC officials send a letter to former ICC warden Phillip Valdez outlining documented problems at the prison, including a rate of inmate-on-inmate violence that is three times higher than at comparable state prisons.

— **Dec. 2008**: Idaho awards CCA a new contract to continue running ICC.

— **2009**: Otter floats possibility of privatizing the 500-bed state-run Idaho Correctional Institution-Orofino. Lawmakers balk at the idea.

— **2009**: Idaho has CCA expand the prison, adding 628 more inmate beds. State records show the rate of violence remains largely unchanged at the facility.

— **2010**: Faced with increasing numbers of lawsuits from individual ICC inmates making similar allegations against CCA, a federal judge consolidates the cases and appoints attorneys with the American Civil Liberties Union to represent the prisoners. The inmates, represented by the ACLU, claim the prison is so violent it’s dubbed “Gladiator School” and they ask for increased numbers of guards and changes in management techniques. CCA denies the allegations but reaches a settlement agreeing to the changes later that year.

— **November 2010**: The U.S. Department of Justice acknowledges that the FBI is investigating possible criminal misconduct on the part of guards and staff at ICC. The investigation remains open.

— **2012**: The ACLU asks a federal judge to examine whether CCA is abiding by the terms of its settlement agreement with inmates, and to specifically look at whether mandatory guard posts are being left vacant.

— **Jan. 2013**: A group of ICC inmates, represented by a private attorney, sue CCA contending that the prison is chronically understaffed and CCA managers have ceded control to prison gangs in furtherance of the understaffing. CCA strongly denies the allegations.

— **Feb. 2013**: An Associated Press investigation examining overtime records
and staffing reports from ICC shows some of CCA’s reports to the state erroneously show guards working shifts that are actually left vacant. The Idaho Department of Correction asks the Idaho State Police to investigate possible contract fraud. CCA announces it will cooperate with the investigation and later vows to make taxpayers whole for any unverified hours.

— Aug. 2013: A federal judge holds CCA in contempt of court for failing to meet the terms of its settlement with inmates by understaffing the prison. The judge warns CCA he will fine the company as much as necessary to ensure the guard posts are filled.

Staffing issues known for years at private prison

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — Administrators and staff at Idaho’s prison agency knew since at least 2010 that private prison contractor Corrections Corporation of America was understaffing the state’s largest prison in violation of the state contract.

Idaho Department of Corrections officials and CCA eventually came to an agreement about staffing levels, according to documents obtained by The Associated Press, but inmates and advocates continued to complain about inadequate staffing and its impact on prisoners’ safety.

The new details about the state’s oversight of CCA come as Idaho State Police investigators are looking into allegations that the nation’s largest private prison company defrauded taxpayers by filing reports that showed vacant positions were fully staffed.

That investigation is expected to be completed sometime in the next several weeks. The probe was launched after an AP public records request raised questions among officials about payroll reports and staff rosters from the CCA-run Idaho Correctional Center.

Idaho corrections officials say they are proud of the departments’ efforts to oversee CCA — efforts which included adding more employees to check on the prison and lengthening CCA’s contract from 30 pages to 450 in an effort to better spell out the company’s responsibilities.

But the agency never fact-checked CCA’s staffing reports against payroll records.

“Now, looking back on this, I think we’d all have done it differently,” Idaho Department of Correction Director Brent Reinke said. “I think our staff has done an incredible job. When you start looking at the staffing fraud ... it’s really complicated to get to the bottom of that.”

When Reinke became director in 2007, only one part-time employee was responsible for monitoring the private prison.

Reinke began adding staffers to the job immediately and now 24 of IDOC’s 1,570 employees oversee eight different contracts worth about $80 million a year. CCA, based in Nashville, Tenn., gets $29 million of that
The prison had roughly three times the number of inmate-on-inmate assaults than other state prisons.

“Never in a million years did we think they were lying to us,” said IDOC quality assurance manager Natalie Warner. “...You know, the thing about fraud is we just can’t ever assume the worst intent, otherwise that’s all we’re ever looking for.”

IDOC officials say that back in 2010 they thought the agency was taking all the necessary steps to make CCA compliant. Still, the warning signs were there, with lawsuits from prison inmates alleging violence and understaffing filling the court docket.

The prison had roughly three times the number of inmate-on-inmate assaults than other state prisons. And IDOC’s own contract monitor, Matthew Vallard, detailed more than 500 vacant mandatory security posts between April and the end of August in memos to supervisors.

Idaho officials warned CCA leaders in 2010 and again in January 2011 that the understaffing needed to be fixed.

But in March 2011, Vallard tallied nearly 300 more vacancies. That prompted the department to issue a “Breach of Contract Notice” to CCA, advising the company it had 30 days to make things right or face a type of fine called “liquidated damages” under the contract.

CCA agreed to fix some of the understaffing but countered some posts simply weren’t needed. After negotiations IDOC agreed to take those posts of the mandatory list, effectively remedying many of the vacancies.

The company was never fined, nor did IDOC push for a price cut in exchange for the staffing reductions.

By the end of 2011, CCA reached a settlement agreement in a lawsuit brought by inmates and the American Civil Liberties Union that alleged understaffing and rampant violence at the prison.

The terms of that settlement called for increased staffing levels and other changes, including stopping inmates from covering the windows in their cell doors and improving management of the prison’s housing.
units. IDOC was tasked with helping to ensure the settlement terms were being met, prompting the contract monitors to switch their focus from total staffing numbers to settlement issues.

Meanwhile, CCA’s monthly reports to the state showed the mandatory positions were nearly always fully staffed.

Inmates and some outside attorneys thought otherwise. In 2012, rumors began circulating that CCA was falsifying staffing reports given to IDOC by using “ghost workers,” employees who were listed as working a post even when they weren’t in the facility at all, and another group of inmates sued over the alleged scheme.

At the start of 2013, the AP requested the staffing and payroll records from the prison. The next week, CCA’s regional director

Kevin Myers told an IDOC official for the first time that the company had begun its own investigation several months earlier after an employee reported allegations of staffing fraud, according to court documents.

Reinke said the new contract will eliminate enforcement loopholes and new reporting requirements will make it easier to spot potential fraud.

Stephen Pevar, the ACLU attorney who represented inmates in the 2010 lawsuit, said the state shares the blame for the problems at ICC. Pevar said he’s happy the department has taken aggressive steps since the suspected fraud came to light, but the final outcome remains to be seen.

“Will Governor (C.L. “Butch”) Otter and Director Reinke allow CCA to get away with this?” Pevar said.
Nov. 8, 2013

GEO Group, CCA won’t bid on Idaho prison contract

By REBECCA BOONE
Associated Press

BOISE, Idaho (AP) — The two biggest private prison companies in the nation say they don’t want the contract to run a troubled Idaho prison, and that could shrink the pool of potential bidders to just two smaller companies.

GEO Group Inc. sent a letter last month to Josh Tewalt, a deputy chief with the Idaho Department of Correction, notifying the agency that it wouldn’t bid on the chance to operate the prison south of Boise when the current $29 million contract, held by Corrections Corporation of America, expires next summer. CCA has also informed the state that it won’t bid on the contract.

That leaves two smaller companies in the pool of likely bidders: Centerville, Utah-based Management and Training Corp., and Community Education Centers, based in West Caldwell, N.J.

CEC primarily provides treatment and education programs for inmates at several correctional centers across the country. But it also operates a small number of lock-ups — six jails, each with fewer than 550 inmates, and two prisons, the largest of which has 1,883 beds, according to CEC’s website. The company doesn’t offer any programs or run any facilities in Idaho but did register lobbyist Jeremy Pisca as its Idaho representative in July.

MTC first came to Idaho in July 2010 when the Correction Department selected it to operate the new Correctional Alternative Placement Program, or CAPP, south of Boise. The CAPP facility only houses inmates who are sentenced under retained jurisdiction programs, and if they successfully complete treatment programs during a short stay at the prison, they have the option of serving the remainder of their sentence on probation. MTC also operates 23 other prison facilities nationwide.

No other correctional management companies had registered lobbyists in Idaho as of Thursday, according to the Idaho secretary of state’s office.

In GEO Group’s letter, Executive Vice President David Venturella didn’t say why
the Boca Raton, Fla., company decided not to pursue a contract in Idaho.

Correction Department officials declined to talk about whether GEO’s decision would influence whether the state moves forward with soliciting bids to run the prison or decides to take over operations itself.

Idaho Board of Correction Chairwoman Robin Sandy and board member David McClusky didn’t return phone messages from The Associated Press. Board member J.R. Van Tassel said he didn’t know how the other board members would feel but he plans to ask some “pointed questions” about whether it’s wise to continue to use a contractor.

“I’m not the world’s biggest fan of privatization,” Van Tassel said. “It’s working OK with the CAPP facility because that’s a select clientele, a cherry picking deal because that’s the nature of the program. But I keep saying privatization is a failed experiment. It just hasn’t worked.”

Brian Finn, the warden of CAPP for MTC, said the company wouldn’t make a decision on what to do until the Correction Department issues a formal request for proposals. Christopher Greeder, a spokesman for CEC, said in a prepared statement that the company was actively following recent events related to the Idaho prison and that if the state issues a request for proposals, CEC will evaluate the opportunity.

Jennifer Pike with the Idaho Department of Administration, which oversees the bidding process, says the state has the option to not award a contract if there aren’t enough bidders.

“There is no minimum threshold for the number of responses that must be received,” Pike said in an email.

The Idaho Correctional Center has long been the site of problems for the state. Several inmates and the American Civil Liberties Union have filed federal lawsuits alleging high rates of violence, mismanagement and understaffing. The Correction Department asked Idaho State Police to launch an investigation into possible contract fraud, and
CCA has since acknowledged that the department was given falsified staffing reports wrongly showing that thousands of hours of vacant guard posts were staffed.

The investigation is still underway; CCA spokesman Steve Owen has said the Nashville, Tenn., company remains committed to making taxpayers whole for any unverified hours.

Meanwhile, the number of public officials speaking out against keeping the prison privatized is growing. Republican Gov. C.L. “Butch” Otter, a longtime supporter of private prisons, said earlier this year that he was open to considering whether the state should take over the facility. Idaho’s Democratic Caucus gave the Board of Correction a letter urging board members to have the department run the facility. Idaho Attorney General Lawrence Wasden said at the Idaho Falls City Club last month that he believes that some government services shouldn’t be privatized — including prisons.

The Board of Correction was expected to decide whether to formally start the bidding process at its Nov. 6 meeting, but that meeting was canceled and hasn’t been rescheduled.
Rebecca Boone covers the federal courts, corrections, law enforcement and social justice issues for The Associated Press. A University of Idaho alumna, she graduated with a journalism degree in 1999 and now serves as an advisory board member for the UI’s School of Journalism and Mass Media. She started her career in journalism at the Lewiston Tribune, and three years later moved to Boise, where she became an AP newswoman in 2002. Rebecca is a frequent filer of public records requests and has been at the forefront of several legal battles in Idaho enforcing the state’s public records and open government laws. In 2012, Rebecca helped lead a coalition of news organizations in a legal fight for increased access to Idaho’s execution chambers; the 9th U.S. Circuit Court of Appeals ultimately ruled in the news organizations’ favor, allowing witnesses to view the entire execution procedure and thereby increasing the public’s understanding of Idaho’s execution process. She was awarded the Idaho Press Club’s First Amendment award for her work investigating violence and living conditions at the privately operated Idaho Correctional Center. Her investigation uncovering falsified staffing reports prompted the state of Idaho to launch its own criminal investigation and ultimately take over management of the prison. Rebecca is a member of the Idaho Supreme Court’s Media/Courts Committee and was a Loyola Journalist Law School fellow in 2012.