

Wiping off juice from the low-hanging fruit

Marty Trillhaase/Lewiston Tribune

The leaders of Idaho's Democratic legislative minority think it's time the FBI steps in and gets to the bottom of the private prison fiasco.

Good for them.

But let's face it: This isn't much of a reach. In fact, they've collided with an orchard of low-hanging fruit so dense the next sound you'll hear will be Senate Democratic Leader Michelle Stennett of Ketchum and House Democratic Leader John Rusche of Lewiston wiping the pear, peach and cherry juice from their faces.

In the 17 years that Corrections Corporation of America has managed the Idaho Correctional Center outside Boise, it has transformed that facility into a violence-plagued "gladiator school." Blame CCA's business model - scrimping on staffing in order to maximize the profit it earned on its \$29 million Idaho contract.

About a year ago, Rebecca Boone of The Associated Press unearthed a large piece of the puzzle - CCA employees had been falsifying time cards to conceal chronic understaffing. That led to a federal contempt of court citation against the Nashville, Tenn.-based corporation. CCA lost its Idaho contract and Gov. C.L. (Butch) Otter reluctantly agreed to transfer ICC back to the state Department of Correction management umbrella.

But with each development in this case, it's hard to tell whether the Otter administration sympathizes with the poor beleaguered Idaho taxpayer who got stiffed - or the corporation.

After authorizing consultant KPMG to conduct a forensic audit - which pointed toward 26,000 hours of mandatory guard posts left unstaffed in 2012 alone - Otter's appointees on the Board of Correction settled for a \$1 million payment. Then they issued a blanket immunity. Nothing CCA did from the time it took over ICC on Dec. 23, 1997, until Feb. 18 - the day the settlement went into effect - could be used against it in a civil lawsuit.

Nobody will talk about it.

Not Otter.

Not Attorney General Lawrence Wasden.

Not the Department of Correction.

Not Otter's two Republican appointees on the board - Robin Sandy and David McClusky. Only Democratic appointee J.R. Van Tassel of Lewiston - who voted against the deal - is talking and he thinks the board acted before having all the facts.

That leaves one avenue for taxpayers to collect money due them - criminal restitution. Even that's problematic. The statute of limitation on theft extends only five years.

But the criminal investigation they'd been promised for a year never occurred. Again, thanks to Boone, the public learned last month that Idaho State Police Col. Ralph Powell never assigned the case to a detective. No file was opened. No case was taken to the Ada County prosecutor's office. Powell - who rose through the ranks of ISP's traffic division - unilaterally concluded CCA had committed no crime.

When Wasden urged Otter to intervene, the governor declined - until his Republican primary rival, Sen. Russ Fulcher, R-Meridian, started gaining some traction on the issue.

So here's a governor who is CCA's No. 1 recipient of campaign cash. Here's a governor's office whose former chief of staff, Jason Kreizenbeck, hired on as a CCA lobbyist.

Here's an ISP administrator who answers to Otter and has already drawn his own conclusions .

Time for an arm's length review?

Ya think?

Of course, asking the FBI or even U.S. Attorney Wendy Olson to look into what has been up to now a state contractual dispute may reflect the Democrats' frustration. But who knows if the feds can establish jurisdiction in this case? They'd have to look first.

The federal government could have a compelling interest here. Of every dollar CCA earns, 43 cents comes from the U.S. Bureau of Prisons, the U.S. Marshals Service and U.S. Immigration and Customs Enforcement. Wouldn't the feds want to know if CCA's behavior in Idaho was part of a pattern that extends to the company's facilities that house federal inmates?

Besides, it doesn't appear to be a complicated case. All the FBI need do is pick up a copy of the KPMG audit, review the public record and then assemble CCA's employees in one room.

Ask each one of them a simple question: Would you prefer to be a witness - or a defendant? - M.T.