

Gladiator school's contractor shuts you out

Marty Trillhaase/Lewiston Tribune

Corrections Corporation of America doesn't want you knowing too much about the "Gladiator School" it's operating out of the Idaho Correctional Center near Boise.

Even though it's taking more than \$29 million of your tax dollars every year, the company went to court last week to keep you in the dark about a lawsuit inmates in the violence-ridden ICC have filed.

Were ICC managed by Idaho's Department of Correction, the institution's management would be accountable to the public. But as a private company, CCA answers to no one but its shareholders. As such, it has no problem shutting the public out.

For instance, CCA has lobbied against legislation that would extend the Freedom of Information Act to privately-managed federal prisons. Although the law now applies to Federal Bureau of Prisons, there is no such transparency required of CCA, the GEO Group and other companies drawing income from the federal penal network.

In Tennessee, CCA fought for five years and through two appellate court rulings before coughing up documents Prison Legal News Managing Editor Alex Fried-

mann sought from the company, including reports of contract violations and payouts in litigation against CCA.

Earlier this month, the Texas Civil Rights Project and Prison Legal News went to court alleging CCA failed to respond to public record requests related to facilities it operates in Texas, including the Dawson State Jail, where three female patients have died.

Which brings us to Idaho, where eight inmates last year made an explosive charge: To save money on staffing, CCA has turned the place over to prison gangs to maintain order. There's a videotape of these gang members beating the plaintiffs for almost a minute before two or three guards intervened.

The lawsuit comes on the heels of an earlier inmate class action suit, filed by the American Civil Liberties Union, which alleged CCA scrimped on staffing and training in order to maximize profits. To make the lawsuit go away, the company pledged to do a better job and to fulfill the terms of its contract with the state.

The ink on that agreement wasn't dry when the eight inmates filed their lawsuit.

And the ink on that lawsuit wasn't dry when it was disclosed that CCA had billed the state for 4,800 hours of staff time that people didn't work.

In short order, ICC Warden Tim Wengler announced his retirement, but not before he signed an affidavit in support of CCA's attempt to seal off anything it tells the courts about the latest lawsuit.

That includes:

- CCA's policies and procedures.
- Information about its employees.
- Information about inmates' criminal and medical background.
- Anything CCA uncovered about the gang-related attack. Presumably, that might include incident reports, any disciplinary action taken against employees and "after action" reports CCA compiles by bringing in some of its senior management to investigate.

That's not to say everything that occurs within a prison is fair game for public disclosure. Knowing when a prison's staffing level is at its absolute minimum is a matter of security. Where a correctional officer resides is his business. And an inmate's health history is just as confidential as anyone else's.

But under state laws, the Department of Correction would be more forthcoming. In response to a Tribune inquiry, here's how the agency responded:

- Inmate files - Available, although DOC would not release medical records or details about programming, such as drug treatment.
- Department policies - Available except when it compromises security.
- Response to incidents of assault and violence - Available after the investigation is closed.
- Public records - Exempt from disclosure are such things as a prison building blueprints, emergency plans and pre-sentence reports.

But public prisons start from the premise that they operate in the open and then make exceptions to that rule. CCA's only duty is to cover its corporate butt.

Don't like that?

CCA's contract with the state of Idaho expires in one year. - M.T.