



IDAHO DEPARTMENT OF CORRECTION

*"Protecting Idaho through Safety, Accountability,
Partnerships And Opportunities for Offender Change"*

C.L. "Butch" Otter
Governor

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Director

Virtual Prison Program

28 August 2008

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Phillip Valdez, Warden
Idaho Correctional Center
P.O Box 70010
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Dear Warden Valdez

This letter is in regard to our meeting held on 22 August 2008 with you, myself, and Lieutenant Tim Higgins, IDOC Gang coordinator and IDOC Investigator.

The intent of this letter is to outline the issues we discussed resulting from an initial analysis of violence at ICC, speak to follow on actions, and address future expectations and planning.

My concern relates to inmate safety at ICC resulting from the increased violence in recent months.

Since the beginning of 2008, incidents of violence at the Idaho Correctional Center has steadily increased to the point that there are four incidents for every one that occurs in the rest of the Idaho state operated facilities combined. During the month of July 2008 alone there were 17 batteries at ICC.

Information has been compiled from all 105 Incident/Exercise Notification Report forms sent from ICC reporting any act of violence for the period of January 1, 2008 to August 5, 2008. Investigation files available concerning these incidents have been reviewed at length by Lt. Higgins. Using the IDOC Offender Tracking System and the IDOC Corrections Integrated System, He took a look at what had been done by ICC to modify this inappropriate behavior. He reviewed any evidence of gang involvement and the previous disciplinary histories of the assailants. He also reviewed complaint letters sent to departmental administrators concerning the violence at ICC. Finally, he interviewed several of the offenders that were involved in these incidents, as well as the staff directly involved in the investigation and disciplinary process.

The reported incidents of violence were grouped into four categories. These included:

1. Extortion for Rent (15 Reported Incidents)
2. Extortion to Force Inmates to Assault Other Inmates (5 Reported Incidents)
3. Aggravated Battery (18 Reported Incident)
4. Simple Battery (34 Reported Incidents)

The contributing factors to these assaults are summarized as follows:

Criminal Referrals: Major crimes that are being committed at ICC are not being referred to the Ada County Sheriff's Office for investigation and prosecution. Ada County Sheriff's Office confirmed that no crimes that occurred at ICC in 2008 have been referred. Criminal prosecution is a major deterrent against commission of violent crimes and is a common practice in all state operated facilities.

Disciplinary Offense Codes: When disciplinary action was taken against the inmates involved in these incidents of violence, they were found guilty of "Simple Battery", "Intentional Injury" or "Horseplay". No one was found guilty of "Aggravated Assault" or "Aggravated Battery". This issue greatly affects classification and accountability issues.

Classification Exceptions: Inmates were being retained in medium custody that should have been moved to close custody

Poor Quality Video Cameras: The quality of the video recordings of the incidents using the facilities close circuit surveillance system is poor.

Not All Incidents are Fully Investigated: No investigation reports were located for eight incidents of violence in 2008 that were brought to the attention of the investigation staff

Protective Custody Investigations: The Investigator reportedly does not see Protective Custody Investigations that are normally written by the Unit Managers and submitted directly to the administration.

Investigation Office Staffing: All of the investigative staff operate independently from each other with their own chain of command and areas of responsibility.

Investigation Office Organization: The filing system used for investigations is very difficult to locate specific investigation case files.

Lack of Vigilance/Complacency: Gang members have been able to operate openly with little fear of being held accountable.

Following the last assault at ICC the Virtual Prison Program Deputy Warden, Jeff Henry notified Ada County. Ada County responded to ICC and filed a report. Subsequently the detective involved also arranged a meeting with IDOC and reviewed the report. The following referrals were made during that meeting which were not previously referred for prosecution by ICC.

The cases that should be reviewed for potential **robbery** charges (I.C. 18-6501) include:

- Offender-on-Offender Assault, 3/22/08, involving Mour 85306, Peko 84109 and Lay 80221.
- Offender-on-Offender Assault, 4/13/08, involving Traylor 77314, Lewis 67529, Bashale 67199, Price 66757 and Schmidt 81591.
- Offender-on-Offender Assault, 4/20/08, involving Cheever 27031, Boyle 41355 and Boyle 49018.
- Offender-on-Offender Assault, 4/23/08, involving Auperlee 47551, Ward 82368, Pickens 87382, Hausner 65723 and Dunn 66064.

- Offender-on-Offender Assault, 5/10/08, involving Riggs 37783, Hausner 65723 and Schnoebelen 81050.
- Offender-on-Offender Assault, 5/25/08, involving Bradley 68370 and Ellison 82685.

One case should be reviewed for potential witness intimidation charges (I.C. 18-2604). It is:

- Offender-on-Offender Assault, 3/05/08, involving Knappenberger 87530, Stropkai 87621, Oshea 72566 and Dunn 66064.

Based on the thresholds and criteria defined by Ada County, no cases should be reviewed for potential aggravated assault or aggravated battery charges (I.C. 18-905 and 18-907).

ICC has submitted a Facility Lockdown plan to address future assaults in the facility and that plan is being reviewed. While this plan does attempt to address individual assault's as they occur, I believe it does not properly address causal and systemic factors.

Therefore I am in agreement with the recommendations made in the report. I have listed them below, and have added my comments as well. I believe that these systemic procedures will be more effective in the long term than reactive lockdowns which also punish inmates that are not involved with the violence.

1. All major crimes should be immediately reported to Ada County so that they can be properly investigated and prosecuted. Referrals send a clear message to the inmate population that the facility is taking violence seriously and that new charges may result with longer sentences.

2. The facility should develop an effective method of behavior modification in order to reduce the incidents of violence. The disciplinary process needs to ensure that inmates are held accountable at the level commensurate with the offense they committed. When simple battery is predominate as the charge to violent offences it sends a message of complacency and allows the inmates to sustain a violent culture without commensurate consequences. Contractually ICC is required to follow IDOC policy 318 (Disciplinary Procedures) . IDOC's expectation is that ICC correctly and consistently apply the correct category of offence.

3. Investigations need to be more thorough and better documented. The investigator should review all protective custody investigations and will need to develop a better investigation file system. Investigations should be consistently formatted and an administrative review should take place that includes follow up action such as criminal referrals, follow on investigations that dig deeper into problem areas, and violent inmates identified and dealt with.
4. A number of operational changes will be necessary to get staff to pay more attention to what is going on in the unit and to make it more difficult for inmates to commit acts of violence with out being immediate detected. Frequent tier checks, follow up on information reports, cell searches increased by quantity and quality, supervisor accountability in high violence units to name a few.

It is our desire that these systemic issues be addressed in addition with security procedures that address specific acts of violence.

IDOC and ICC have had several meetings over the last couple of months regarding this issue. The specific contractual areas that apply are 02.20.01: "At all times which inmates are in its custody, the contractor shall provide security and control of inmates, and 02.06.00: "Contractor shall develop and implement safety...procedures".

Contractually ICC is required to follow policy number 309 "Conduct of Inmates", which says in part that inmate behavior in violation of local and state laws may be reported to legal authorities for judicial action.

Please provide a written, formal response to this letter by 15 September 2008 regarding how ICC plans to fully apply implementation of policy 309 by including a proper legal review of crimes. How ICC plans to insure the correct offence category is applied in disciplinary offence reports as required in policy 318. And a detailed plan to reduce all acts of violence. A consistent plan to as correctly as possible identify and hold perpetrators of violence accountable. A movement plan that works with other IDOC facilities to keep STG members from organizing.

Be advised that IDOC will be tracking future assault reports, and acts of violence. The contract monitors will be following up with ICC on Ada County referrals utilizing a documentation trail that also follows up on DOR offence codes and outcomes.

Thank you

Randy Blades, Warden
Idaho Department of Correction
Virtual Prison Program

Cc: Steve Conry, Executive Vice President Prisons
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