

STEPHEN L. PEVAR
American Civil Liberties Union Foundation
2074 Park Street
Hartford, Connecticut 06106
(860) 570-9830

LEA C. COOPER ISB # 3505
American Civil Liberties Union of Idaho Foundation
P.O. Box 1897
Boise, Idaho 83701
(208) 344-9750 ext. 206

JAMES D. HUEGLI ISB # 8172
Cooperating Attorney, ACLU of Idaho Foundation
1770 W. State St., Suite 267
Boise, ID 83702
(208) 631-2947

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARLIN RIGGS, et al,)	Case No. 1:09-cv-00010-BLW
)	
Plaintiffs,)	
)	DECLARATION OF
vs.)	
)	TODD GOERTZEN
PHILIP VALDEZ, et al,)	
)	
Defendants.)	

I, Todd Goertzen, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury:

1. I am 43 years old and a resident of Ada County, Idaho.
2. I was employed at the Idaho Correctional Center (ICC) from October 2007 through August 2009. I began my employment at ICC as a Correctional Officer. In



December 2008, I was promoted to sergeant. My principal assignment was to act as the Unit Sergeant for housing units J, K, and L, which contained approximately 260 prisoners. As the Unit Sergeant, it was my duty to maintain security for the prisoners and staff and to manage inmate needs and staff needs.

3. It is common knowledge that ICC is called "Gladiator School." In my opinion, that is an appropriate name. Prisoners were constantly being placed in predicaments where they had to fight. There was an excessive amount of prisoner violence at ICC and most of that violence could have been prevented by staff. For instance, I estimate that during my tenure on J, K, and L, we had an average of five to seven assaults a week, the majority of which could have been avoided had ICC done a proper job protecting prisoner safety.

4. For one thing, ICC made cell assignments without any regard to whether a prisoner would be in danger of an assault in the housing unit to which he was being assigned. In addition, many officers (although not all) did not care whether there were fights and took no particular effort to prevent them or to stop them once they began. Another reason for the excessive violence was insufficient staff, which was a huge problem. We were short-staffed and often had to work 16-hour shifts three days in a row. As a result, we were exhausted, could not function properly, had a bad attitude, and did not have time to adequately protect prisoners from assault. Warden Valdez was well aware of this shortcoming but did not improve the situation during the years I worked at ICC. Working in a prison is stressful enough without being forced to work 16-hour shifts. Moreover, it was common knowledge that there were gangs at ICC and that some

of these gangs preyed on particular types of prisoners, such as sex offenders, gays, and prisoners who were thought to be a "snitch." Yet ICC would assign these vulnerable prisoners to housing units inhabited by gangs, knowing full well that they would likely be beaten.

5. Another problem at ICC that led to unnecessary violence is that many officers treated prisoners poorly and in a disrespectful manner, and supervisors (including Warden Valdez) let them get away with it. For instance, many officers teased and ridiculed sex offenders. This was often done in front of other prisoners, which would indicate that these prisoners could be targeted for mistreatment. I saw this happen many times. Officers would verbally abuse prisoners, often trying to get them to react so that the officer would have an excuse to issue them a Disciplinary Offense Report (DOR). Some officers took great pride in issuing DORs. One officer in particular would brag about how many DORs he issued for the week. Officers were allowed to be mean or disrespectful to prisoners. Warden Valdez set this example. For instance, when Warden Valdez didn't like a prisoner, he sometimes would tell an officer to make up facts to justify issuing a DOR to that prisoner.

6. Officers were not supposed to report misconduct committed by other staff. If they did, they were labeled a "paper dropper," which is equivalent to a "rat" or "snitch," and life would become unbearable. Officers never reported misconduct, and there was an absolute code of silence at ICC.

7. Officers are not supposed to assist prisoners. Officers who tried to be respectful of prisoners and help them were told by staff that they had a "hug a thug" jacket.

8. I was instructed to never move a prisoner from a housing unit, no matter how much he begged and how much I thought he was at risk of assault, unless he disclosed the names of the people threatening him. This was a bad and dangerous policy. For one thing, the prisoner often didn't know the names of the people threatening him, and it meant we would have to send him back where he likely would be assaulted. Yet if the prisoner disclosed any names and staff disciplined the prisoners making the threat, the prisoner would become a "snitch" and would be in danger of an assault wherever he lived. As a result of this policy, many prisoners were assaulted. There were times when I knew someone was likely going to be assaulted and I was powerless to prevent it because my supervisors would not permit me to intervene.

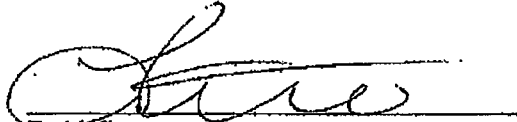
9. We were instructed to issue DORs to all prisoners involved in a physical altercation, even when we knew that one of the prisoners was the victim of a planned assault. This made no sense to me but I was required to obey this policy.

10. Only rarely were minor assaults investigated although major assaults were commonly investigated within the limits of the staff we had. When an investigation did occur, it sought to determine which prisoners were at fault but rarely if ever attempted to determine whether an officer violated a policy or did something improper. In fact, ICC only had one investigator despite the numerous assaults that were occurring. In my opinion, they needed at least six. There are 2000 prisoners in this facility and with many

assaults every week, it became impossible for the investigator to do a good job on any given assault. When a major assault occurred, the investigator simply had no time to cover the minor assaults and they often went uninvestigated. They also only had one gang coordinator and needed more staff in this area.

11. It is clear to me that ICC was more interested in making a profit than in reducing prisoner violence, in finding out which officers were breaking the rules, or in protecting the safety of the staff and prisoners.

I make this declaration under penalty of perjury dated this 3 day of Nov, 2010


Todd Goertzen