

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,)	AFFIDAVIT OF
)	
PHILIP VALDEZ, et al,)	TAMMY McCALL
)	
<u>Defendants.</u>)	

I, Tammy McCall, after being duly sworn on oath, hereby depose and state as follows:

1. I am over 18 years of age and I reside in Ada County, Idaho.
2. For six years, I was a Juvenile Probation Officer and a Deputy Sheriff at the Ada County Jail in Boise, Idaho, and served also a Training Officer for the Ada County Sheriff's Department.



3. My professional training while at Ada County consisted of "hands on" experience with either a Sergeant or Lieutenant assigned to me, in addition to formal classroom training provided by either Ada County or outside sources.

4. From 2006 to 2008, I was employed as a full-time Correctional Officer (CO) at the Idaho Correctional Center (ICC) in Kuna, Idaho.

5. We were constantly promised by ICC that we would receive certification from the Peace Officer Standards Training (POST) Academy but we never did.

6. During the time that I worked as a CO at ICC, I worked mainly in J, K and L Pods where I witnessed a high level of prisoner-on-prisoner violence. In my professional opinion, much of that violence was the result of dangerous and unprofessional conduct by the administrators and staff of ICC, as a result of which prisoners were placed at unnecessary risk of assault.

7. Among the policies and practices that I observed during my tenure at ICC that placed prisoners at unnecessary risk of assault were: (a) staff frequently failing or refusing to take reasonable steps to prevent assaults, such as removing a prisoner from a dangerous situation; (b) staff deliberately antagonizing prisoners and making them angry; (c) staff failing to adequately investigate prisoner assaults and rarely taking any action to prevent the same type of assault from recurring; (d) staff deliberately placing certain prisoners in a housing arrangement where they would likely be assaulted; (e) supervisors failing to correct or discipline unprofessional conduct committed by officers and, in fact, frequently engaging in unprofessional conduct themselves; (f) administrators and staff changing rules all the time, at their whim, and different officers having different rules of prisoner behavior they enforced; (g) inadequate staffing, with officers often placed in a dangerous assignment without proper backup, preventing them from properly

monitoring prisoner behavior; (h) officers believing they could get away with almost anything, which they did; (i) inadequate training of staff; (j) officers having intimate personal relationships with one another and with prisoners; (k) officers who are members of gangs delivering contraband to prisoners; (l) officers throwing prisoner concern forms into the trash; and (m) officers laughing about sex offenders and gay prisoners being at risk of assault.

8. In my professional opinion as a law enforcement officer, the career is not for everyone. I loved my career choice and was loyal to the oath I took to serve and protect. I believe that I was a superior corrections officer dedicated to the core values taught in officer training. ICC does not value professionalism and employs officers who are less than competent at their jobs and do not exercise good judgment.

9. ICC had its own training academy for officers. The training program was inadequate and resulted in officers on duty at ICC who did not know how to respond to a crisis, who were unfamiliar with policies and procedures for safe management of prisoners, and who responded arbitrarily to situations as they arose. The failure to adequately train staff created an unsafe situation for me when I worked with those officers, as well as a dangerous environment for prisoners.

10. There were two officers on duty for every 264 prisoners. I have also worked alone with this many prisoners. If an assault occurred with only one or two officers on duty, that officer or officers would have to call for backup before they could do anything to stop it. It took 6 minutes for backup to arrive if there was an incident. This resulted in more extensive injuries occurring than was necessary because fights and beatings would continue uninterrupted for long periods of time.

11. In one instance, the response team arrived at the wrong unit when a call for assistance went out. Unit JKL called for assistance and the response team arrived at Unit ABC. I interrupted radio silence to inform the response team that they were entering the wrong unit, as I observed them from the hallway in front of JKL as they entered that unit. I was reprimanded by Sgt. Johnson for informing the team that they had responded to the wrong housing area.

12. One particularly vicious assault occurred in October, 2008. I was assigned to J, K, and L Pods as security officer when offender Todd Butters was placed in L Pod. Mr. Butters had been assaulted in J Pod several weeks earlier, and it was reckless for staff to place him back into a housing unit where he was certain to be assaulted again. J, K, and L Pods were notorious for violence against sex offenders. It was common knowledge among both officers and prisoners that sex offenders would be beaten by other prisoners in those housing areas. Todd Butters was a sex offender. I contacted Unit Manager Johnson in order to have Mr. Butters reassigned to a safer housing unit. I was told by CO Johnson that he would look into the matter. I told CO Johnson that the situation was urgent but CO Johnson refused to take action at that time. I was assigned the task of cleaning up the pools of blood in Butters' cell after he was assaulted, along with offender Phillip Fenwick who was also a sex offender. It took me nearly two hours to clean the cell. Neither Butters nor Fenwick should ever have been housed in J, K or L Pods. Numerous photographs were taken of the scene by other staff members.

13. Another of the numerous fights that should not have occurred was between prisoners Williams and McAteer. I informed my superiors that this was a preventable assault and submitted a report about it.

14. Five months after one prisoner was beaten by another, the same two prisoners were placed into a cell together despite my repeated questioning of this housing decision.

15. Class plaintiff Antoney Jones, who was well-known as a "rat", asked to be moved from K Pod because of his race and his sexual orientation. When the move was refused, Mr. Jones deliberately committed an offense so that I would be forced to place him in segregation for punishment. In this way Mr. Jones provided for his own protection. After he was released from segregation, Mr. Jones was housed in J Pod. I was not on duty when Mr. Jones was moved from segregation to J Pod, however it was reckless of officers to place him there due to the high likelihood of assault. Mr. Jones was, in fact, assaulted in J Pod within minutes of his arrival.

16. Because of the ICC written policy regarding mutual combat, a prisoner had nothing to lose by fighting back. Since even protecting yourself by covering your head with your arms constituted "fighting", Disciplinary Offense Reports (DORs) were often issued to victims of assaults.

17. Officers were placed into dangerous situations because they were issued faulty equipment, such as radios, that did not work. In addition, there were blind spots in the dorms which security cameras did not cover. Prisoners were well aware where these blind spots were located, and as a result were able to engage in numerous unauthorized activities unseen on the monitors in Hub control. Other monitors in Hub control on the "programs" side of the institution have screens that are dark, fuzzy and worthless for security purposes. The prisoners are aware of this because Hub control is encased in clear glass which affords an excellent view of the screens.

18. Because of ICC written policy that any information from an officer regarding a planned assault had to include the source from whom it was obtained, there was a failure to report planned assaults that officers might hear about. To report the source of information put you and your family at risk.

19. If only 5 fights occurred in one week at ICC, it was considered a good week.

20. I have reviewed the Amended Complaint filed in this action. The allegations of misconduct by staff alleged in the Amended Complaint are consistent with my personal knowledge of how things were run during my entire employment at ICC.



Sworn to and subscribed before me this 31 day of August, 2010.



Notary public

My commission expires: 6/30/11

