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ACLU Lawsuit Charges Idaho Prison Officials Promote Rampant Violence

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Deliberate Indifference And Longstanding Culture Of Brutality Lead To Epidemic Violence At Privately-Run Idaho Correctional Center

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CONTACT: (212) 549-2666; media@aclu.org

BOISE, ID – The American Civil Liberties Union and the ACLU of Idaho today filed a class action federal lawsuit charging that officials at the Idaho Correctional Center (ICC) promote and facilitate a culture of rampant violence that has led to carnage and suffering among prisoners at the state-owned facility operated by the for-profit company Corrections Corporation of America (CCA).

Filed in the U.S. District Court for the District of Idaho, the lawsuit charges that epidemic violence at the facility is the direct result of, among other things, ICC officials turning a blind eye to the brutality, a prison culture that relies on the degradation, humiliation and subjugation of prisoners, a failure to discipline guards who intentionally arrange assaults and a reliance on violence as a management tool.

"In my 39 years of suing prisons and jails, I have never confronted a more disgraceful, revolting and inexcusable case of mass abuse and federal rights violations than this one," said Stephen Pevar, a senior staff attorney for the ACLU. "The level of unnecessary human suffering is appalling. Prison officials have utterly failed to uphold their constitutional obligation to protect prisoners from being violently harmed and we must seek court intervention."

According to the lawsuit, a deeply entrenched culture of brutality has resulted in higher levels of violence at ICC than at Idaho's eight other prisons combined. The lawsuit highlights 24 different cases of assault that have occurred at ICC since November 2006, all of which were entirely preventable and the direct result of failures by ICC officials to protect prisoners despite being placed on notice that these prisoners faced a substantial

risk of serious harm. The cases highlighted in the lawsuit are not exhaustive, but instead are merely representative of the scores of additional assaults that have occurred at ICC during the past four years.

The cases of prisoner-on-prisoner violence highlighted in the lawsuit include a prisoner who was hit in his ear so hard that it partially detached from the side of his head, a prisoner who, in anticipation of being brutally assaulted, removed his eyeglasses to protect them prior to receiving a pummeling, a prisoner who was beaten so badly that his teeth were pushed through his lower lip causing effusive bleeding that took an officer more than two hours to clean up, a prisoner who required eight screws to put his jaw back into place after being savagely beaten in the face and a prisoner whose requests for X-rays on the heels of being beaten were met by laughter from a prison guard who callously informed him there was no need for x-rays since his nose was so obviously broken.

Marlin Riggs, one of six named plaintiffs in the lawsuit, entered ICC in May 2008 and was targeted by a group of prisoners he believed were associated with a gang that prison officials knew had a history of threatening and extorting money from other prisoners. Despite his pleas, prison officials refused to move Riggs to a safer living area and he was violently assaulted and left lying in a pool of his own blood with a broken nose and a crushed cheekbone.

"The levels of violence and gross indifference of staff are shameful," said Monica Hopkins, Executive Director of the ACLU of Idaho. "People are sent to prison as punishment, not for punishment. The administrators of ICC are ignoring their constitutional duty to protect prisoners from violence at the hands of other prisoners."

The lawsuit also claims that guards at ICC, in an effort to shield themselves from any complaints of misconduct for having set up many of the assaults, file disciplinary charges against victims. The Commission of Pardons and Parole then has used these fabricated charges as grounds to deny parole to a number of prisoners, including Riggs, creating additional unfair punishment.

Among other things, the lawsuit seeks a court order setting strict deadlines by which ICC must develop and implement adequate policies, as well as hire and train a sufficient number of guards, to safeguard prisoners from assault. The lawsuit argues that if ICC officials continue to ignore their constitutional obligation to protect the prisoners in their care, all prisoners should be removed from the facility.

CCA, which boasts of being the largest owner and operator of private correctional and detention facilities in the U.S. with 63 facilities in 20 states housing approximately 76,000 prisoners, has faced hundreds of lawsuits in recent years, including two ACLU lawsuits challenging overcrowding and unconstitutional medical care at the San Diego Correctional Facility, an immigration detention facility in San Diego.

A copy of today's complaint is available online at: www.aclu.org/prisoners-rights/riggs-et-al-v-valdez-et-al-second-amended-complaint

Additional information about the ACLU is available online at: www.aclu.org

Additional information about the ACLU of Idaho is available online at: www.acluidaho.org

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