

Incident Report IDAHO STATE POLICE

M12000142 Supplement No
0004



ORIGINAL

Reported Date
08/29/2012
Nature of Call
SEX OFFENC
Officer
KESSINGER, BRET

Administrative Information							
Agency	Case No	Supplement No	Reported Date	Reported Time	Status		
IDAHO STATE POLICE	M12000142	0004	08/29/2012	13:39	INVESTIGATION		
Nature of Call			Report Title				
PORN, RAPE, FOND, INCEST, ST RAPE, SOD,			PENROD INTVW				
Location				County	Region	From Date	
IDAHO DEPARTMENT OF JUVENILE CORRECTIONS				CANYON COUNTY	B3	08/21/2012	
From Time	Officer	Assignment			Entered by		
08:54	2858/KESSINGER, BRET	DETECTIVE REG 3			2858		
Assignment		RMS Transfer		Prop Trans Stat	Property?		
DETECTIVE REG 3		Supplement Transfer Complete		Successful	Yes		
Approving Officer		Approval Date	Approval Time				
2717		09/10/2012	10:37:17				

Summary Narrative

On August 27, 2012, Detective Bret Kessinger and Tim Hopkins of the Idaho State Police interviewed Shane Penrod regarding an investigation into criminal activity at the Idaho Department of Juvenile Corrections (IDJC) Office in Nampa, Canyon County, Idaho.

SUSPECT 1: OFCR SHARON HARRIGFELD							
Involvement	Invl No	Type	Name			Race	Sex
SUSPECT	1	Individual	OFCR SHARON HARRIGFELD				
Ethnicity	Res Status	OFN_INVL	RMS Transfer				
	RESIDENT	1	Successful				
Property							
Item	Involvement		In Custody?	Tag No	Item No		
1	EVIDENCE (Non-Drug Items)		Yes	120002319	1		
Description					Typ	Cat	Exhibit No
EX 01 CD AUDIO PENROD INTVW					A	RECORDINGS	EX 01
UCR Type			RMS Transfer				
RECORDINGS - AUDIO, VISUAL			Successful				
Link	Involvement	Invl No	Name			Race	Sex
SUS	SUS	1	OFCR SHARON HARRIGFELD				

Narrative

1. On August 27, 2012, at approximately 4:30 p.m., Detective Bret Kessinger and Tim Hopkins of the Idaho State Police, interviewed Shane Penrod regarding an investigation into criminal activity at the Idaho Department of Juvenile Corrections (IDJC) Office in Nampa, Canyon County, Idaho.

2. In interview, Penrod stated:

A. He has worked at the IDJC for approximately five years as a safety and security officer. He worked for the Idaho Department of Corrections (IDOC) for approximately five years prior to working for IDJC.

B. Until recently, he was a transport officer, transporting juveniles to various treatment

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programs and appointments. He currently works the graveyard shift, approximately 9:50 p.m. to 6:00 a.m., rotating among the individual pods with staff.

C. There are roughly seventy to eighty juveniles housed there at one time. They usually have five to six staff on a night, sometimes seven. There have been times when he was working that there would be just three on staff per shift.

D. They have a staff briefing just prior to shift. However, the content of the briefing is lacking in that they are not always advised of violent juveniles or juveniles to keep separated; unless they ask, they are not warned.

E. Using a wand, called a "toko," which is issued to them each shift, they do status checks on all the juvenile offenders every fifteen minutes and note the juvenile's status during each check. There is always a person in the control room monitoring video cameras; this individual does not rotate out. Juveniles on suicide watch are checked more often, every five to ten minutes. Once an hour, they rotate in between Observation and Assessment (OA), Choices, and Solutions. If they have an extra staffer, they would serve as a "float" to assist other officers as needed.

F. Juveniles not housed in OA do not have a bathroom in the pods; OA pods have bathrooms inside. There needs to be at least two staff present to let one juvenile out at a time to use the bathroom. OA and Solutions are co-ed, but the juveniles are put in their individual pods at night. In Solutions, male and female juveniles are separated by a staff area. The coed nature of the OA and Solutions does not make any sense to him. They are housed in OA from three weeks to a couple of months awaiting program placement or some other reason.

G. Regarding sexual relationships between juvenile offenders and staff, Francine Diaz, a rehabilitative technician, possibly had sexual relations with [REDACTED] approximately five years ago. When [REDACTED] was released on probation, [REDACTED] moved in with Diaz. He did not observe any sexual relations between [REDACTED] and Diaz.

H. Approximately two or three years ago, after [REDACTED] program was completed, [REDACTED] was hired at IDJC as a cook. While working as a cook with IDJC, [REDACTED] became involved with a juvenile offender named [REDACTED] or [REDACTED], he was unsure of [REDACTED] last name. [REDACTED] assisted [REDACTED] in the kitchen. On one occasion, he walked into the kitchen area and felt he had interrupted something. Much of the kitchen area is not watched by camera. At the time, [REDACTED] was sixteen or seventeen years old and [REDACTED] was nineteen or twenty. He did not observe any sexual relations between [REDACTED] and [REDACTED]. [REDACTED] was later asked to resign in lieu of being fired. They have moved in together and are engaged to be married.

I. Staffer Marcy Harris, who left employ with the IDJC approximately four years prior, would talk openly about her sex life in front of the juveniles and staff. He recalled there was an incident between her and a juvenile, but he did not know the specifics.

J. The safety and security officer supervisor Julie McCormick was fired over a relationship with a juvenile, possibly [REDACTED]; [REDACTED] is currently in the Solutions unit. To his knowledge, she had no experience as a supervisor prior to her promotion. McCormick would allow juvenile males and females into her office and meet behind her closed office door. He cannot think of any reason for a safety and security officer to have juveniles in a closed door session in their

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office. Her office was always dimly lit and her desk was cluttered and piled high. He has not observed any sexual relations taking place between McCormick and a juvenile. There was an instance where [REDACTED] found a butter knife in the yard of IDJC. He has suspicions that the knife was taken from McCormick's office by [REDACTED]. He was unsure of any motivation by [REDACTED] to do this.

K. He heard of an incident where a [REDACTED] juvenile touched a [REDACTED] juvenile on [REDACTED] clothed breast. Laura Roder, a recently promoted safety and security supervisor, made the decision that the incident was not battery and did not rise to the level of being considered a Prison Rape Elimination Act (PREA) violation due to the fact that the contact took place on a clothed breast. He did not witness the actual incident. The [REDACTED] juvenile filed a grievance against Roder for her treatment of the incident. However, Roder ended up handling the grievance against her by herself.

L. He and several staff have advised former supervisor Summer Wade about a lot of incidents between staff member Miss Cortez (he could not remember her first name) and a juvenile. He saw her showing a juvenile something on her cell phone while the juvenile held the cell phone; this was more a policy violation. He has heard of several occasions when Miss Cortez and the juvenile were looking at a computer together. When someone unexpectedly entered the room, they would hurry and change things and act like nothing was happening. He feels personally they have a sexual relationship outside of IDJC. They spend more time together than they should: taking the juvenile on walks and going to the laundry all the time.

M. Approximately two to five years ago, he heard of two juveniles showering together but was unsure of the nature of the incident, how they were in there together, or who was involved.

N. Incidents of battery/assault on staff by juveniles, as well as juvenile on juvenile, are commonplace. In the instance of juvenile on juvenile violence, normally the battering juvenile is put in a "timeout" and after "cooling down" is allowed to join the group and the battered juvenile, again, without consequence. This is how battery is commonly handled, even if an injury has occurred, regardless of the victim being sent to infirmary or hospital for treatment of injuries. Staff and juveniles are encouraged not to press charges.

O. He did not know of a juvenile using a domino to reinforce his fist and beat another juvenile into the fetal position.

P. Approximately two to four years ago, a Ms. McNalley (he did not know her first name and she has since married) received severe head trauma from a juvenile kicking her in the head. She was sent to the hospital for treatment. Her injuries were substantial enough that she went through an extended hospital stay and had to re-learn to walk and talk. Rhonda Ledford, an IDJC co-worker, has documentation of the incident. McNalley is still employed as a teacher at IDJC and had only been employed for months before the incident. The battering juvenile, (he did not know the name but knew [REDACTED] was in the Choices program) was not charged. He is unsure if McNalley pressed charges. He and others have checked the system for a report on the battery and the incident report is gone. In his experience, a lot of incident reports disappear.

Q. While he has worked inside IDJC, he has witnessed a lot of fights and participated in a lot of

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take downs. After a fight or juvenile take down, an incident report is filed with the supervisor which goes to the superintendent. These reports possibly go all the way to the IDJC director. The current supervisor, Laura Roder, was in charge of reports for a long time and would check them and then send the reports back to the submitting officer to either add or delete things per her opinion. He has been pressured to rewrite reports regarding a fight by his former supervisor Summer Wade, but felt the pressure actually came from Laura Roder. He couldn't remember names or the details of the fight.

R. The staff are instructed by supervisors to change things regarding points of liability and criminal behavior. The administration uses their power and authority to force re-write or modify reports. Many times reports are lost. Supervisors and administrators tell them not to say things to responding law enforcement that he feels should be told to law enforcement. He feels IDJC should have an internal investigator.

S. He has heard of a juvenile escaping from an offsite facility called Empowerment, a juvenile halfway house located in downtown Boise at 21st and State Street that prepares the juveniles for reintegration into society. Smoking, drinking, drugs, and sex are common occurrences at Empowerment.

T. About three years ago, two juveniles in the choice program escaped over the fence in the yard. They were captured soon after on Garrity Boulevard, in Nampa, Idaho. There is another [REDACTED] juvenile that has attempted escape numerous times without success. There were one or two other instances of Choices juveniles escaping within the last two to five years but he cannot recall specific details.

U. About two years ago, IDJC staff member, Alana Kimmell, was walking ahead of two solutions program juveniles out in the yard area. One of the yard gates that leads outside the secure area was closing. The juveniles saw their chance, bolted through the gate as it closed, and escaped. They were later apprehended.

V. A majority of the escapes he knows of, happen from treatment programs or the juvenile facility at St. Anthony, Fremont County, Idaho.

W. There is rarely a punishment for battery or escape in the IDJC. In the adult system, it is a felony to escape, but he is not sure of the punishment in the juvenile system. Within IDJC, nothing is done to juvenile escapees. Sometimes, the escaping juvenile will restart a program, this usually extends their time at IDJC about nine months. However, most of the time, they continue from where they were in their program, and then are released. The superintendent or group supervisors are responsible to file additional charges against escapees. However, judges have consistently decided against further charges against escapees.

X. In a separate concern, the juveniles are constantly going outside the gate to the unsecured trash area. Many of the juveniles allowed out are dangerous, like [REDACTED], convicted of homicide. He doesn't understand the reasoning of the administration to allow juveniles out to unsecured areas.

Y. Much like the fight incident reports, the reports on escapes disappear or the reporting officer is pressured to change or omit key points of information. Superintendent Betty Grimm acts like

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she doesn't know about things going on, but she is truly aware of all activity in IDJC. Staff consistently advise her of their potential concerns and she doesn't appear to care. Grimm can retire at any time. He feels the administration will put all blame for the lawsuit on her and force her to retire. She's been superintendent for about ten years.

Z. There are many areas of IDJC that are not covered by cameras: between the intake area to the Choices/Solutions hallway and the laundry there is a hallway, just next to the door to the dry cell used for kids, all bathrooms, a entire half of the kitchen area, all clinicians offices, and all staff breakrooms. He has seen juveniles in the breakrooms chatting with staff. Since January 17, 2012, the cameras have been updated and changed. The cameras are better now with panoramic views and wide angle lenses. The staff have access to the control booth and potentially could find blind spots in the camera coverage.

AA. He does not know how long video from the camera system is archived with IDJC Information Technology (IT). At the Nampa facility, he thinks there are six to seven employees in IT. The supervisor is Mike Stife and staff names he could recall were: Leif Erickson, Abbey Campbell, Lindsay Anderson, and Mike but he could not recall his last name.

BB. There are additional instances of emails that may contain reports or damaging information to IDJC disappearing from employees email accounts. He thinks IT oversees the email as well as the video system archiving.

CC. Any contraband found in the secure area should be written up in a incident report but he feels that the reports are being held back and that contraband is just thrown away.

3. The interview was concluded at approximately 5:46 p.m.