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Attorneys for Defendants, Sharon Harrigfeld,
Betty Grimm, and the Idaho Department
of Juvenile Corrections

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual;
RAYMON GREGSTON, an individual; JO
MCKINNEY, an individual; SHANE PENROD,
an individual; KIM MCCORMICK, an
individual; BOB ROBINSON, an individual;
and GRACIE REYNA, an individual; LISA
LITTLEFIELD, an individual; ADDISON
FORDHAM, an individual; TOM DE KNIJF, an
individual; and FRANK FARNWORTH, an
individual,

Plaintiffs,

vs.

IDAHO DEPARTMENT OF JUVENILE
CORRECTIONS, an executive department of
the State of Idaho; IDJC DIRECTOR SHARON
HARRIGFELD, in her individual and official
capacities; IDJC JUVENILE CORRECTIONS
CENTER – NAMPA SUPERINTENDENT
BETTY GRIMM, in her individual and official
capacities; and DOES 1-20,

Defendants.

Case No. 1:12-cv-00326-BLW

**AFFIDAVIT OF SHARON
HARRIGFELD IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

**AFFIDAVIT OF SHARON HARRIGFELD IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 1**

STATE OF IDAHO)
) ss:
County of Ada)

Sharon Harrigfeld, being first duly sworn, deposes and says as follows:

1. That, at all times relevant, I have been employed by the State of Idaho as the Director of the Idaho Department of Juvenile Corrections. The information contained herein is of your affiant's own personal knowledge.

2. The Idaho Department of Juvenile Corrections (IDJC) has, since 2001, subscribed to services provided by Performance based Standards (PbS). PbS develops standards for correctional institutions such as IDJC. Those services assist the IDJC to improve the conditions of confinement at facilities housing juvenile offenders.

3. The IDJC compiles and provides data concerning the operations of its facilities to PbS for analysis. This occurs twice a year. The IDJC then receives reports which compares the IDJC data at each facility against national standards. PbS then provides a coach, who meets with the management from each facility to discuss areas for improvement. Those discussions result in an improvement plan for each facility.

4. In 2011, I became aware that staff at the Observation and Assessment Unit (O&A) of the Nampa facility was locking juveniles in their rooms for various reasons. These rooms are very small. On average they are 8 ft. by 8 ft., are equipped with a toilet, sink, and a bed. I was advised that juveniles would be locked in their rooms for "staff convenience" to allow the staff to attend meetings, eat meals, or attend to other staff related activities.

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Additionally, juveniles who exhibited aggressive or assaultive behavior were locked in their rooms for 72 hours.

5. As the Director of IDJC, I view the rehabilitation of juveniles committed to the Department to be the primary goal of the agency. I have advised the staff "the juvenile justice system is based upon the concept of rehabilitation and change as opposed to the adult system of punishment. It is your responsibility to understand the symptoms behind the challenging behavior in order to facilitate change. This cannot be done if the juvenile is in his or her room." See Exhibit I (Topic 2) attached hereto.

6. When I became the Director of IDJC, I considered the practices at the Nampa facility that increased the amount of time juveniles were confined to their rooms to be counter-productive and inconsistent with the goal of rehabilitation. Based upon my education, training, and experience, it is my belief that when juvenile offenders receive punishment by being locked in their rooms or placed in administrative segregation, they become more angry and resistant to therapeutic treatment and rehabilitation. This is especially true with juveniles with mental health issues. As a response to the excessive room time that was occurring at the Nampa facility, I instituted a policy which allowed juveniles to be locked in their rooms for assaultive behavior but, required staff to immediately begin interacting with the offender to allow their release from their rooms and to reintegrate them into the programs and classes they were previously attending. Attached hereto and identified as Exhibit 2 is a true and correct copy of the policy that has been developed and implemented during my tenure as the Director.

7. In 2010 and 2011, one of the issues identified by PbS for improvement at the Nampa facility was the amount of time juveniles were confined to their rooms. The policies described in ¶6, above were created to reduce the amount of time juveniles were confined to their

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rooms. In November of 2011, I attended an all staff meeting at the Nampa facility. One of the issues raised by the O&A staff during this meeting was their belief that the policies I have identified in ¶6 and Exhibit 2 above, took away a tool staff was using to control the behavior of juveniles. While I was receptive to their concern for the safety and security of the facility, I communicated to the staff, through Exhibit 1 attached hereto that the current PbS data revealed a rate of room confinement at the Nampa facility that outpaced the national average and was unacceptable. It remains my policy, and expectation, that staff will interact with the juveniles and facilitate their rehabilitation and reintegration into the community. I will not allow the staff to impose a 72 hour lock down in all instances where a juvenile exhibits assaultive or aggressive behavior. Instead, as outlined in Exhibit 2 attached hereto, it is my expectation the staff will, on an individual basis, determine when it is appropriate for a juvenile to be released from their room and reintegrated into their programs.

8. Since implementing the policies described above, the number of restraints and assaults in the O&A unit have decreased. From January 1, 2011 through November 1, 2011 there were 24 assaults and 30 restraints within the O&A unit. In comparison, from January 1, 2013 through November 1, 2013, there were 14 assaults and 16 restraints.

9. During the November 2011 all staff meeting referenced in ¶7 above and documented in Exhibit No. 1, the O&A staff requested that their ten hour shifts be reinstated. Before 2009, the O&A unit had worked a ten hour shift, four days each week. Due to budget cuts, which required a reduction in staffing, the ten hour shifts were replaced with eight hour shifts.

10. As documented in Exhibit 1, Topic 5, I advised the O&A staff that I would consider ten hour shifts provided the schedule could be accommodated without impacting

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coverage, overtime, and holidays. Ten hour shifts were used for sixty days. During this time, an analysis of the schedule within the O&A unit revealed times when the shifts overlapped and the facility was overstaffed and other periods when the facility was understaffed. See Exhibit 3. Because the ten hour shifts did not provide consistent and appropriate coverage, the eight hour shifts were reinstated. See Exhibit 4.


11. As the Director of IDJC, my personal contact with employees working at the various institutions throughout the State is limited. While I recall attending the November 8, 2011 all staff meeting and recall staff raising concerns regarding confining juveniles to their rooms and hiring practices within the institution, (see Exhibit 1 attached hereto), I do not recall the individual plaintiffs making comments during that meeting. I do not know if all of the plaintiffs were in attendance.

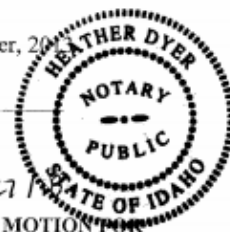
12. I have no knowledge of specific complaints or concerns having been made by the individual plaintiffs to their supervisors regarding safety, waste, hiring practices, timecard reporting, or sexual misconduct of staff towards juveniles. If the plaintiffs had conversations on those topics with their supervisors, their individual supervisors, namely Julie McCormick, Laura Roters, Tom Knoff, etc., did not advise me that individual plaintiffs, such as Rhonda Ledford or Shane Penrod, had raised any concerns.

FURTHER your Affiant saith naught.


Sharon Harrigfeld

SUBSCRIBED AND SWORN to before me this 21 day of November, 2013


Notary Public for Idaho
Residing at ADA COUNTY
My Commission Expires: 6/27/14



AFFIDAVIT OF SHARON HARRIGFELD IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 5

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of November, 2013, I served a true and correct copy of the foregoing **AFFIDAVIT OF SHARON HARRIGFELD** by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Andrew T. Schoppe	<input type="checkbox"/>	U.S. Mail, postage prepaid
LAW OFFICE OF ANDREW T.	<input type="checkbox"/>	Hand-Delivered
SCHOPPE	<input type="checkbox"/>	Overnight Mail
910 W. Main Street, Ste 358	<input type="checkbox"/>	Facsimile
Boise, ID 83702	<input checked="" type="checkbox"/>	ECF
Telephone: (208) 450-3797		
Fax: (208) 392-1607		


Phillip J. Collaer

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Sharon Harrigfeld

From: Sharon Harrigfeld
Sent: Thursday, November 10, 2011 10:26 AM
To: Betty Grimm
Subject: Please read and get back with me within the hour. Thanks.

This is the proposed email I would like to send to your staff this morning.

I would like to thank those of you who attended the All Staff meeting. The facility, programs, services and staff at JCC Nampa are an integral part of our overall system. While I appreciate those of you who spoke up at the All Staff meeting I have been told that for everyone who spoke there were three or four who did not. As a result some have felt that one side or another of the issues that divide JCC Nampa staff right now was supported in the meeting.

What Superintendent Grimm and I support are the mission and values of this department and the safe and secure operation of our facilities within the bounds of sound professional practice. Superintendent Grimm and I also support and insist that each of us accepts responsibility for assuring that JCC Nampa operates within those limits in every unit, every day, all hours of the day.

Superintendent Grimm and I will commit to improving those administrative practices that in some cases have appeared to be unfair. We will insist and ensure that hiring practices strictly follow standards of professional practice. We will insist and ensure that supervisors are held accountable for the performance of their staff and for their own performance. We will ensure that we are available to any staff person who has information or suggestions that might improve the operation of JCC Nampa.

Each of you in turn must commit to voicing your concerns and suggestions appropriately and you must commit to supporting the facility by working together, despite your differences, to make it better. This does not take place by dividing staff and by operating in the shadows. If you have the strength of your convictions there are appropriate ways and times to share those convictions. If you are committed to the facility and staff of JCC Nampa you will do so.

I would like to review our meeting.

TOPIC 1: Mission and four values including communication, teamwork, respect, and employee optimization. I believe in all of those and I encourage you to spend time understanding why they are important to the operation of this Department.

TOPIC 2: Punishing vs. consequences. You discussed staff safety and the need for natural consequences. As a result, a committee was formed to provide possible options. Please keep in mind, there is a reason the juvenile justice system was created separate and apart from the adult system in 1899. The juvenile justice system is based on the concept of rehabilitation and change as opposed to the adult system of punishment. It is your responsibility to understand the symptoms behind the challenging behavior in order to facilitate change. This cannot be done if the juvenile is in their room. The latest PbS Data from your facility indicates a rate of 18.417 per 100 person days of youth confinement compared to the field average of 3.57 per 100 person days. The numbers speak for themselves. The plans you develop to manage behavior in the three units of your facility have to provide adequate research and data that indicate how behavior can be changed without significant use of room time. I look forward to reviewing your plans.

As we discussed, we need to be more inventive and address the needs of the juveniles by investigating and understanding their history and behavior to appropriately develop consequences. Meeting their basic needs and providing physical and emotional safety, will increase staff's safety and emotional security. The juveniles need to know that you care enough to expect them to succeed and you demonstrate that by providing safety and structure. As was mentioned, if you aren't feeling safe and secure with radios and back up, imagine how the juveniles must feel.



TOPIC 3: Fair and equitable hiring process. Since the inception of this Department, there has been an effort to have a fair and equitable hiring process. As I explained, we have worked with the Division of Human Resources to assure our process is fair. I can't change perception; I will assure you I will continue to work to keep the process fair. You provided great comments on how to increase awareness of training and education opportunities to have equality across units, thank you.

When job announcements are issued, all qualified staff will be encouraged to apply if they are interested. In all cases the candidate who best fills the vacant role will be offered the position. Final authority and responsibility for making the best hire rests with the superintendent.

It is the responsibility of every employee to help new staff or newly promoted staff succeed by providing information, support and appropriate feedback.

When we announce new hires, we will provide more information about their qualifications. This will provide everyone with an idea of the skills and training they will need if they wish to go in that direction. We are also looking into mentorship and under-fill.

TOPIC 4: More support and recognition. Many of you are doing great things for our juveniles and the families we serve. We will look for additional ways to recognize the positives to decrease safety and security concerns. As indicated, evaluations are an important tool to recognize those qualities that exceed your job responsibilities and as important as it is to look at the strengths of the juveniles we serve, it is also important to look at the strengths of the staff.

TOPIC 5: 10 hour shifts. As indicated at the meeting, when a proposal is submitted by the Superintendent for bringing 10 hour shifts back without adversely impacting coverage, overtime and holidays, we will act promptly to approve or to ask questions.

TOPIC 6: Parking spots. This is a facility issue that I suggest you work with Superintendent Grimm.

TOPIC 7: Video taping All Staff meetings. I encourage this be researched to see if it is at all possible for those who cannot attend the meetings.

TOPIC 8: Staffing. Although we won't be able to increase staff by 30%, we will look into a temp pool and the possibility of a floater to assist with vacations and sick time. The on call list was also discussed and incentives for perfect attendance.

TOPIC 9: Ombudsman. Someone to go to when issues arise that will not be judgmental and will communicate whatever the solution might be. This idea will be researched to see if there is a way we can accomplish this within the budget we currently have.

TOPIC 10: Event committee and Patty Hanson. You have great people that work every day to keep the morale of your facility strong. Thanks.

Final TOPIC: Happiness/ Job Satisfaction. It is your responsibility to go to your supervisor when issues arise; you are responsible for your own happiness.

Next steps:

I will be back for the all staff meeting in December and at team meetings as appropriate. At the December All Staff, we will report on the status of the temporary pool and Ombudsman and on the status of mentorship and under-fill.

We will expect to see your proposal for alternative behavior management at that meeting. We will also expect to see a proposal for 10 hour shifts when you wish to submit it.

Thanks again for your time.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 1283
Boise, ID 83720
208/577-5404
208/860-3045 (cell)
208/334-5120 (fax)

Effective immediately, this directive will replace the current Special Management Intervention policy (640.16) until the appointed work group has completed the new policy.


Sharon Harrigfeld, Director

Policy

To establish clear expectations of behavior and an accompanying system of accountability for juveniles that promotes mutual respect, self-discipline, and order, separation of a juvenile from his/her treatment program is used solely as an adjunct to the treatment process when a juvenile's behavior seriously endangers the safety or security of others, him/herself, or property.

The goals of special management are (1) to provide the juvenile and the treatment program the best opportunity for the safe and expeditious resolution of the problem situation and (2) to return the juvenile to his/her treatment program as soon as he/she demonstrates the ability and willingness to work with the peer group and/or staff toward resolution.

There are three types of special management interventions that are approved for use in IDJC facilities. They are (1) brief separation/temporary attachment/time out, (2) isolation/room confinement and, (3) special program.

Procedure

- I. Brief Separation/Temporary Attachment/Time Out
 - A. Brief Separation refers to any time a juvenile is separated briefly from his/her group and moved with staff to an adjacent area, adjoining room, or a safe distance apart from the group in the same room, if there is reason to believe that doing otherwise may result in harm or injury to staff, juveniles, or property.
 - B. Brief Separation also includes temporary attachment to another group, not to exceed 2 hours.
 - C. If a juvenile is placed in a room for a time out, the door is to remain unlocked and staff must make contact with the juvenile at least every fifteen (15) minutes or sooner, depending on the juvenile's emotional and behavioral state.
 - D. All terms of the Juvenile Supervision policy (630.04) must be maintained.
 - E. Incidents of brief separation lasting longer than fifteen (15) minutes must be documented pursuant to the Documentation of Incidents policy (600).
- II. Isolation/Room Confinement
 - A. Use of Isolation/Room Confinement
 1. Isolation/Room Confinement occurs whenever a juvenile is placed in any locked room.

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Effective: April 12, 2012

