

IDAHO STATE DEPARTMENT OF CORRECTIONS

Introduction

As of September 17, 2018 I am currently an inmate with the Idaho Department of Corrections (IDOC). I have been held a prisoner for the last fifteen years because of nobody's fault but my own. I want to make that clear, because my intention of this article is to encourage IDOC to look into ways that actually help the inmates IDOC claims to the public they are rehabilitating, and not as a way for me to blame my problems on the system-no matter how flawed it is. I chose to break the law, and I take full accountability for those choices. Although, I do not believe that I have been in a correctional system that is actually geared towards helping people change the course of their lives, as the IDOC claims. During the initial years of my incarceration I was subjected to the policies set in place as a result of the political alliance between then Governor, Butch Otter, and the for-profit private prison company, Correction Corporation of America (CCA). In the early 2000s that alliance caused prosecutors and judges to ramp up the number of inmates sent to the state prisons to fill the private prison that had recently been built. That prison was the notorious Idaho Correctional Center (ICC), Google it. The "correctional" part of its title was definitely a misnomer. Throughout this essay I would like to address the major points of the correctional process within IDOC. I will give a brief overview of my general experience and describe the culture that dominates Idaho's men's prisons. My experience is obviously unique, but it does touch on a lot of the experiences that other inmates face while part of the correctional system. I would also like to point out that not every inmate is susceptible to change. Some don't care to be a part normal society. For whatever reasons they feel resentment and envy for people trying to live a productive and crime free life. But those types of people are rare and made, not born. For years, Idaho has been taking new inmates who are at a critical turning point in their lives, where they could either go from criminal to upstanding citizen and destroying the chance of them taking the upstanding citizen route. The point of this essay is to explain those flaws and offer suggestions so that inmates receive the help that could guide them into becoming productive members of society.

The Police and the Initial Charges

Without the police and the legal system there would be utter chaos. Even as a convicted criminal I understand that. I appreciate that there are men and women who put their lives in jeopardy to protect and serve the public. What I don't agree with, is how the police and the courts tend to arrest and prosecute minorities and poor people much more severely than they do white people who have money. For example, when I was prosecuted for my first felony as an adult, I was a poor nineteen year-old who was being accused of shoplifting. I was charged with a felony burglary for stealing a bottle of over the counter cough medicine and a Halloween mask that added up to about ten dollars. It wasn't my finest moment for sure, but I also don't think I should have received a felony for it. My Public Defender would do little for me and coerced me into taking a plea deal that included the felony that would eventually send me to prison. The prosecutor kept my bail unreasonably high so that he could use letting me out of jail as a bargaining chip. With little knowledge of how the court system worked I was tricked into thinking I was getting probation for a guilty plea but instead ended up with four years' worth of incarceration. The prosecutor in that case tried putting me in prison for eight years as I happen to be from a small tourist town that uses the prison system to rid itself of undesirable people.

The police in Idaho tend to charge a suspect with the most severe charges possible and with as many charges as they possibly can. Even if the charges are absurd given the crime, they do it so that the prosecutors have bargaining chips to force a suspect into a plea deal. For instance, if a 19 year-old kid steals a car, the police would charge him with grand theft, receiving and transferring stolen vehicles, and burglary. The prosecutor will then set the bail at \$25,000 per felony netting a \$75,000 bail for stealing a car. The prosecutor will then play hard ball and threaten consecutive sentences for each charge if the suspect does not accept two of the three charges. When all is said and done, a 19 year-old kid who made a terrible choice, and took a car to joy ride in is sent to prison for a long time and becomes a hardened criminal. No, the kid shouldn't have stolen that car, and he should be held accountable for his actions, but at what cost? As they say in the movie Superman, "With great power, comes great responsibility." If the police system and courts hold that much power, then they should be held accountable for not abusing it and treat the populace as a whole fairly and justly. After all, it is the "criminal justice system".

Jail and Court

During the time the suspect is stuck in jail, because his bail was set so ridiculously high he is unable to get out, he is not in an environment that discourages criminal behavior. If you think in terms of say a school in the American education system, jail is like Kindergarten. Its where impressionable young men go to get acclimated to the American criminal justice machine. There they get to learn all about the basics of the court process. It is not a just process they learn about either. It is a process that heavily favors the wealthy. The Public Defenders are essentially Prosecuting Attorneys in disguise. I have been screwed over more times by my own Public Defender than I ever have by the Prosecuting Attorney or the Judge. In Idaho the whole process seems to be designed to wear down a suspects resolve to go to trial. The suspect is held on an unreasonably high bail in conditions that are designed to make them as uncomfortable as possible. It's psychological warfare at its most basic level.

In the Canyon County Jail there are twenty-minute intercom announcements twice a day that drone on and on about the rules, which would be helpful to hear maybe one time when you're getting booked in. But the intercoms are turned up so loud that you begin to dread the physical pain that it causes to your eardrums. The first repetitive announcement comes on at six in the morning, a whole hour before breakfast even arrives. Sure, you might be thinking that the people who break the law don't deserve to be comfortable but think about this, in America you are supposed to be innocent until proven guilty. Why should a person in America expect to be psychologically, and even in some occasions, physically tortured before he or she is ever convicted of a crime?

This all occurs when the suspect is waiting to go to trial to prove his or her innocence. But even that isn't a just process. In Idaho plea bargaining has become a means of circumventing a suspect's right as a citizen of the United States of America to have a fair and speedy trial. Why is it that if a suspect chooses to go through with a trial to prove their innocence they are punished for exercising that right? For Example, I was charged with 2nd degree Murder and considered going to trial because I felt that the evidence only showed I committed Manslaughter at best. In Idaho, Manslaughter carries 15 years, whereas Murder can potentially carry a life sentence. My Public Defender told me that if I lost my trial I would most likely get 30 years to life in prison. The prosecutor encouraged me to plea to 2nd degree murder for 10 years to life in prison, but if I had not taken that and she used the evidence she had intended, which was predominantly falsified by witnesses who were seeking to gain immunity by saying whatever the prosecutor wanted, the prosecutor would not have requested the 10 to Life sentence. No, instead she was going to request the 30 years to Life sentence to punish me for trying to exercise my right to go to trial that was given to me by the Constitution of the United States of America.

While waiting for the court process to run its course, the suspect is immersed in a world where drugs, violence, and crime are revered. The suspect will make connections and friends out of the people he meets in jail, who are there for committing every conceivable offense. These aren't healthy friends to have, but for most new inmates, who are young and impressionable, these new friends are all they have to keep the loneliness at bay. These newfound friends are also the only people offering realistic advice to the suspect about how to interact with the court system and its corrupt plea-bargaining tactics. Sadly, the way these people became so adept at navigating that system is through a lifetime of interacting with it as the accused. The change towards a criminal frame of mind is manifested in the calloused confines of these county jails.

From Jail to Prison

After the suspect is convicted of a felony in Idaho he is sent to prison. Some do six-month diversion programs called Riders, while others are sent to do years in the prison system. The ones who do the Rider program have a much better chance at staying out of prison. It really is a decent program that gives inmates a chance to avoid doing prison time. It doesn't work for everyone, but they do really try. I think a lot of the tools and skills the inmates learn in that program are countered and destroyed by the destructive nature of the county jails. Most inmates must go back to those jails and wait in the that toxic environment until they are given a court date and released. A lot of the criminal attitudes are relearned during that waiting period and begin to replace the positive influence the Rider program had on the inmate who is preparing to re-enter society.

Those that get sent to prison are less fortunate. Upon arrival at the prison this newly minted inmate is jammed into the Receiving and Diagnostics Unit. In RDU the only guidance he will receive from prison officials is a quick explanation

on how to fill out a concern form, medical request form, and Access to Courts form. He will be seen by medical, dental, fingerprinted, and have a picture of himself taken for his inmate ID card.

Nowhere during this crucial time in an impressionable inmate's first moment in the rehabilitation process prison is meant to be, will he receive any type of guidance from prison officials. In contrast, he will receive guidance from the numerous gang members and veteran inmates, who came back to prison for committing parole violations or for committing new felonies. These inmates will build upon the criminal frame of mind that was started in the county jails. They will glorify and romanticize all the drugs they did, the crimes they committed, and how much money and beautiful women a life of crime as gotten them while they were out running and gunning. They will explain the mistakes they made when they got caught and impress upon these impressionable inmates the keys to not getting caught the next time around.

The gang members will hold subtle interviews with these new inmates. They will isolate the ones they think will make good recruits and begin working their well-versed propaganda on them in an attempt to recruit them. The propaganda includes offers of drugs, respect derived from fear, and a call to glory and fame. Trust me, as a former gang member and someone who has used these tactics on impressionable men before, these gangs are highly effective at recruiting. Once the indoctrination has taken a firm hold on the new inmate, he will be used as a pawn to commit acts of violence on other inmates, smuggle or sell drugs, and commit other acts of terror and control on the inmate population to expand the gangs power and influence within the prison system.

After the nonstop lessons in the convict way of life RDU has prepared them for, these new inmates are sent to a regular housing unit within IDOCs South Boise Prison Complex. The lucky few will be sent to a minimum custody facility where they can escape the drugs and gangs, but most will be sent to the medium custody facilities where drugs use is rampant, and the gangs control the tiers with the support of the correctional staff.

Programs and Education

These new inmates, who have a few years left until they see the parole board, will be warehoused in that toxic environment of drugs, gangs, and violence. Only about 20 percent of the inmates will seek to better themselves through employment and education. It's not required, there aren't enough classes and jobs, and unless pushed, most inmates aren't motivated.

Since these inmates were first arrested they have been hearing the about the promises of the easy money and benefits they can gain through a criminal lifestyle. Why would they need their GED if they plan on selling dope and committing property crimes when they get out? They might as well learn what they can about crime in their housing units, because math is hard.

I will say that while Idaho does not have enough classes available for the inmate population they do offer classes that genuinely provide inmates with the skills needed for reentry into society. The educators in the prisons are some of the most passionate and encouraging teachers I have had the honor of meeting.

Finally, when the inmate, who is no longer an impressionable person susceptible to guidance other than the criminal lifestyle he has adopted as a result of stewing in it for his whole cycle of incarceration, is six months to their release date IDOC will throw them into classes meant to rehabilitate them. This philosophy of letting the inmates rust in toxic warehouse conditions created through bad management practices for years on end, then assuming that if they spit shine them with programs only half-heartedly given in the last six months, will cure their negative thinking patterns and criminal behaviors is illogical and not realistic. IDOC does this so that they can claim to be trying their best to change your father, brother or son. But it is not working and IDOC doesn't seem to trying to implement any type of cohesive plan to change these practices. They would rather build a new prison than address the reason the prison population in Idaho is expanding at a rate faster than the state population.

The Parole Board

The Parole board shares as much of the blame as the administrators running the prisons. They have consistently been inconsistent with their requirements involved when giving an inmate parole. An inmate can spend 15 years following the rules and legitimately try to change his life and he will get denied parole because some parole hearing officer gets it into their head that the inmate somehow managed to fake it for that long of a time. In an attempt to inflate their own ego, they will claim the inmate who is sincerely trying to change is just manipulating the system. Then an inmate who

has been a part of a gang or has just been an all-out trouble maker and drug addict for 13 of their 15 years of incarceration comes in front of the parole commission they can't seem to be impressed enough with the strides that inmate has made by not getting in trouble for the past couple years. The truth is the trouble making inmate didn't care enough to behave for the first decade of their incarceration, then when they came close to parole they flew under the radar for a couple years and the parole commission bought it. Those trouble making inmates are the inmates who are most likely to commit new crimes and come back to prison.

Another problem with the current parole system in Idaho is that the fixed portion of the inmates sentence is what a judge, who based that judgement on the actual crime committed and upon the information given in a presentence report, considered to be an adequate deprivation of freedom for the crime. The indeterminate portion of the sentence is a set time of community monitoring while the inmate is on parole. In Idaho the parole commission uses the indeterminate portion of the sentence as a mean of further punishing the inmate. It would make sense that if an inmate misbehaved and showed no signs of trying to change they would be kept longer, but that isn't what is happening in Idaho. The parole commission will freely let the inmates who misbehave out and keep the ones who behave locked up longer for no other reason sometimes than that a member of the board is having a bad day, or has a personal distaste for a particular inmate. Given the track record of recidivism, the parole board is obviously not an accurate decider in a person's willingness to change. It really does almost seem like the parole commission deliberately lets out inmates who they think will most likely return to prison shortly after they are released. A violent gang member who has actively assaulted inmates while in prison has a better chance of being granted parole than an inmate who does not receive any major disciplinary sanctions.

Suggestions for Change

The problems I have highlighted are fixable. But to fix them the administration of the Idaho Department of Corrections must come together as a whole to address these issues. They would also need to rethink the way in which the department has chosen to manage the inmate population in Idaho. As of the date this was written, the state of the prisons in Idaho does not encourage positive change. It encourages gang activity, drug abuse, and cementing a culture where the level of violence an inmate is willing to commit, and outright disobedience are the determining factors in an inmate's quality of living while in prison. If an inmate is violent, sells drugs, and is involved in a gang while at the one of the medium custody men's prisons in Idaho he will gain status among the inmates and guards, and he will probably be given parole sooner than an inmate who tries to legitimately change his life.

Here are a few of my suggestions as related to the issues I have mentioned:

Police and the Prosecutors

My only advice is to be responsible when they are arresting and prosecuting people. They have a duty to protect the public, but it shouldn't come at the cost of deliberately skewing the system of justice and the fundamental rights granted to us as citizens of the United States of America. Why claim there is a right to a fair and speedy trial, but then punish the accused for exercising that right?

Jail

For the jails and the courts I believe that the goal should be to hold a person who is a clear and present danger to the public. Holding someone in jail to torture them into accepting a plea deal shouldn't be considered an acceptable tactic in our society. Another right we have as citizens of the United States of America is the right to a reasonable bail. Bail now seems to be reserved for the rich or for the guilty who are willing to accept a plea deal. Someone who legitimately feels they are innocent of a crime is punished with an exceedingly high bail for having the audacity to claim he/she is actually innocent.

Prison

The prison system in Idaho is supposed to be geared towards correcting the behaviors of the individuals placed in its care, hence the name Idaho Department of Corrections. Special emphasis on the corrections part of the name. The administrators and staff should take an active interest in the inmates the moment they arrive through the gates. When an inmate gets off the bus and enters RDU, he should be inundated with information about what to expect from his stay in

prison by trained professionals and by people that are actually interested in offering advice that can guide those new inmates towards utilizing the time they have in a positive way. There should be a regular schedule of presentations by the mental health staff, education services, program services, religion services, and the administrators themselves to set the tone for that guidance.

Inmate mentors who have shown a willingness to change themselves should be utilized by having them give speeches and presentations to the new inmates on a regular weekly basis. This should be a part of the positive strategy that IDOC administrators have in place to counter the negative influence the new inmates will find in their housing units. This advice would be given by inmates who they will encounter during their incarceration. They can be a familiar positive point of contact for the inmates who enter the system. Because as things sit now in the prisons, the gang members are running the show and dictate the culture there.

Security Threat Groups (STG's or Gangs)

IDOC has adopted the philosophy that if they segregate the gangs into their own confined units then the gangs will essentially create a fortress stronghold that could become unmanageable. This philosophy has created an environment where the gangs are spread out throughout the prison population. What has happened is that the gangs have been given unprecedented access to the recruits and victims they need to thrive and have turned the entire two medium custody prisons into fortresses that the gangs control. Their ranks have swelled to unprecedented levels and they have begun to leak out of the prisons and into the communities because IDOC refuses to contain their growth. The parole commission seems to turn a blind eye to the fact that they are allowing violent gang members a chance at parole even though those same gang members have shown a blatant disregard for the rules and seem intent only on furthering their criminal enterprises.

The administration at both the medium custody facilities allows this expansion by conveniently segregating the victims of the gangs reign of terror, while failing to contain the problem at its source. If an inmate is assaulted by a gang member or because a gang member told an unaffiliated inmate to assault that inmate, the administration will take the inmate that has been assaulted and place them in segregation. Then the administration will further bury the victim in a stricter lockdown environment. Meanwhile, the gang and its members will be left in the general population and remain free to further recruit and terrorize the inmate population. This all seems to be done with the full support of IDOC's prison administrators.

The only way to stunt the growth of these gangs is to segregate them and cut off their access to recruits and victims. Until then they will only grow and become not only a problem for the prisons, but also for the police, court systems, and the individual members of the communities that will be victimized by them.

Program and Education

Instead of the current practice of waiting for a new inmate to be within six months of their release date to try helping them. He or she should be put directly into their rehabilitative programs shortly after they arrive. The level of privileges an inmate receives should correlate to their willingness to participate in the corrective process. The programs and classes an inmate is required to take should be completed six or so months after they arrive. Then, if that inmate's behavior dictates that they would benefit from additional classes and programs they can be administered during that inmates' current term of incarceration. As it stands now, if those programs aren't assimilated, that fact is only found out when the inmate is on parole out there in the community victimizing members of the public. The current policy of warehousing the inmate in the toxic environment the prisons have become and then spit shining them in the last six months of their incarceration isn't working. The public is being duped and suffering the consequences for it.

The Parole Board

If an inmate has spent the entirety of their sentence without getting in trouble, that means that that inmate endured a lot of stress, confrontation, and outright disrespect from the staff and other inmates and didn't let it affect their desire to change and become a better person. As the Parole Board they should respect that and acknowledge it. It isn't easy, and when other inmates hear that an inmate who spent years behaving is called a manipulator and is denied parole, those on the parole board are setting a very disconcerting precedent that is noticed by the rest of the inmate population. Especially when you grant parole to other inmates who don't seem to care one bit about following rules and continually assault and extort other inmates.

I do understand that as human beings they aren't omnipotent. Admittedly they have a tough job, but I think it could be

simplified if they looked at the behavioral history of an inmate and base their decision to grant or deny parole on that. When OJ Simpson was preparing to go before the parole board an ex correctional officer at the prison OJ was housed at explained how significant of an accomplishment it was for OJ to remain disciplinary free during his entire term of incarceration. He explained it like this:

Imagine going about your everyday life in society being followed day and night by a police officer whose sole job is to document your misdeeds and mistakes as disciplinary reports. Now imagine how hard it would be to not receive any documented disciplinary reports for a whole decade.

In Conclusion

My final thoughts are this. Prison can be a productive means of changing men and women who have made poor decisions in life. But it cannot be done by allowing the inmates to negatively set the tone for that change. Prison administrators must take-action to install a clear and present plan to actively promote positive change. Then that plan must be implemented. Guards and staff must be the ones to take the initiative. It won't be easy and if certain employees show that they aren't willing to participate in that change then they shouldn't be paid "correctional" officers. The Idaho Department of Corrections can be a force for change, but it must change its culture of allowing the gangs and security threat groups to control the medium and maximum custody prisons. It isn't a viable solution to the problems that have plagued the department and never will be. The longer IDOC procrastinates in segregating the gang members from the general population, the harder it will be for them to do that when they decide to. The gangs are a festering cancer growing inside the prisons. Either cut out that cancer now while it is relatively small or watch as it grows into an unmanageable disease that will affect the inmates IDOC is claiming to help and then spread into the communities when those gang members are inevitably released.