

# Private Prison Retaliates for Exposing Civil Rights Violations

By  
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Having recently organized several concerns within the Idaho inmate population at Eagle Pass Correctional Facility on the Mexican border in Texas, I faced swift acts of retaliation by the the Idaho Department of Corrections and employees of The GEO Group, Inc. On approximately February 22, 2019, I made multiple submissions of three formal complaints, with one accompanied by a large group of signatures representing a Class Action Petition. This presentation was delivered to the Texas Commission on Jail Standards, the Inspector General of Texas, the Texas State Health Department, the Center for Disease Control and Prevention, ACLU Texas, ACLU Idaho, and Idaho media. Additional resources were expected to be added to this mailing list pending initial response.

The retaliation took form through the modifying of a preexisting disciplinary offense from November 11, 2018. In accordance with the EPCF Inmate Handbook, the violation was initially served as Creating a Disturbance 23.0, a minimum offense. This disciplinary charge wasn't written specific to IDOC policy and failed to meet the appellate process timelines and federal guidelines for Disciplinary Due Process Procedure. Its processing has also violated IDOC Policy 318-02.01.001 (Disciplinary Procedures for Inmates), sections 18 (Transfers), 26 (Time Limits for Formal Sanctions), 30 (Appeals: Method of Administrative Review), and 33 (Audits and Data Analysis).

This disciplinary offense that has been modified is central to a complaint presented following the second group disturbance in November, which involved approximately twenty inmates. Other inmates involved were charged with the same offense, as well as additional offenses of greater severity. These offenses were also not processed according to IDOC Policy 318. While sanctions were served in full at the time, they were disproportionate to the offenses as classified by the EPCF Inmate Handbook and were also in excess of IDOC Policy 318. This and the massive failure to provide disciplinary due process to the entire group of inmates form the body of this complaint.

In addition to failing to meet the standards set by IDOC Policy 318, there is a clear violation of Texas Minimum Jail Standards, section 263.2, regarding facility rules and regulations. Prior to them being provided to and signed for by inmates, there was a failure to replace the current disciplinary policy in the EPCF Inmate Handbook with IDOC Policy 318 when it was presented for approval by the TCJS. Per the mandate of Texas jurisdiction, regardless of the contract IDOC signed with The GEO Group, Inc, the rules provided to and signed for by the inmates are the ones the facility must adhere to.

By either standard of the rules, those that were presented to us inmates or the ones that we were expected to have inmate knowledge of, disciplinary due process failed and the sanctions given were disproportionate to the rule violations. They also exceeded maximum recommendations as outlined by IDOC Policy 318, section 26.

Once my sanctions were completed and while seeking intervention for daily human rights violations, I returned to general population, my job, and my normal routine for over two months without incident.

It is of note that there are still offenders in segregation in Texas for offenses more severe than mine that took place during this incident. Also worth noting, while approximately two-dozen offenders received violations with a severity equal to or greater than mine within a one-week period, I am the only inmate returned to Idaho with enough classification points to be placed in a maximum security facility for three years. This despite a previously clean history without disciplinary infractions or being labeled as Security Threat Group.

What this does follow is two months of sanctions completed, three months of waiting for appeals to process, and one week of corrective actions following the first Class Action Petition I initiated for proper food service sanitation.

It is well known I have been actively pursuing litigation. I have also recently been quoted airing the group concerns of my fellow inmates through Idaho media. Broadcasting the opinion that IDOC fails to recognize viable issues without public interest being involved is fairly common for me.

It is because of this I now face additional sanctions - even more disproportionate to the rule violation - while my first appeal, from months ago, has yet to be processed and returned (IDOC inmates in Texas get two appeals per IDOC Agreement Number A14-002, section 5.5).

There are many of us involved in the mechanical aspects of my formal complaints. Of those, a healthy number are eligible for my current situation. However, as I am alone in being the sole organized presenter of our group issues, I am alone in being removed from Texas to face a more immediate and unnecessary form of discipline. One that prevents me from continuing to organize the Class Action Petitions I initiated and have been actively representing to many different interests -

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