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Rhonda Ledford, Raymon Gregston, Jo McKinney,  
Shane Penrod, Kim McCormick, Bob Robinson,  
Gracie Reyna, Lisa Littlefield, Addison Fordham,  
Philip Gregston, Tom de Knif, and Diana Carnell

**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; PHILIP  
GREGSTON, an individual; TOM DE KNIF, an  
individual, FRANK FARNWORTH, an  
individual; DIANA CARNELL, an individual,

Plaintiffs,

v.

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

**CASE NO. 1:12-cv-00326-BLW**

**FIRST AMENDED COMPLAINT AND  
DEMAND FOR JURY TRIAL**

**FIRST AMENDED COMPLAINT**

capacities; and DOES 1-20,

Defendants.

**TO: THIS HONORABLE COURT AND TO THE DEFENDANTS NAMED HEREIN:**

PLEASE TAKE NOTICE THAT Plaintiffs Rhonda Ledford, Raymon Gregston, Jo McKinney, Shane Penrod, Kim McCormick, Bob Robinson, and Gracie Reyna, in addition to newly-joined Plaintiffs Lisa Littlefield, Addison Fordham, Philip Gregston, Tom de Knif, Frank Farnworth, and Diana Carnell, by and through their attorney, ANDREW T. SCHOPPE, hereby amend their Complaint to complain and allege as follows pursuant to F.R.C.P.

15(a)(1)(B):

#### **I. NATURE OF THE CLAIM**

1. This suit is brought by the Plaintiffs, who are employees of the defendant, the Idaho Department of Juvenile Corrections (“IDJC”) under the Idaho Protection of Public Employees Act, I.C. 6-2101 through 6-2109-- also known as the “Whistleblower Act”-- and other applicable authorities, in response to the ongoing and continuing retaliatory conduct and harassment by the Defendants against the Plaintiffs, who have reported and communicated in good faith their concerns over the IDJC’s violations of state and federal laws, waste of public resources, harassment and silencing of IDJC employees.
2. The Plaintiffs’ rights under the Idaho Protection of Public Employees Act, under the First Amendment of the Constitution of the United States, and under Article I, Section 9, of the Idaho Constitution, have been violated by the IDJC’s conduct alleged herein. Plaintiffs seek all available equitable relief, in addition to monetary damages, attorney’s fees, costs

of suit, and interest thereupon, as well as declaratory and injunctive relief as appropriate.

3. Since the filing of the original Complaint, six additional Plaintiffs-- Plaintiffs Lisa Littlefield, Addison Fordham, Philip Gregston, Tom de Knif, Frank Farnworth, and Diana Carnell-- have come forward to express concerns which are the same or similar to those of the original Plaintiffs.
4. In addition to those additional Plaintiffs, other current and former employees of defendant IDJC, as well as parents of juveniles incarcerated there, have come forward with allegations which not only corroborate those made in the original Complaint, but which make it clear that the situation at IDJC is even more dire than first alleged. Among other things, Defendants have fostered an environment which has permitted juvenile-on-juvenile sexual liaisons in the facility and even staff-on-juvenile sexual liaisons. Further, in at least one instance, an IDJC employee already notorious for her lack of qualifications for the job first refused to file a complaint on behalf of a minor who reported offensive sexual contact by another minor and then personally handled the juvenile's subsequent complaint against her in a clearly inappropriate conflict of interest. Other allegations have surfaced of IDJC employees playing golf on the adjacent golf course while on the clock.
5. Further, since the filing of the original Complaint, it appears that the Defendants have doubled-down on their efforts to harass and retaliate against the Plaintiffs by, among other things, unilaterally disrupting long-established working schedules, telling other employees that the Defendants can ensure that the Plaintiffs' performance reviews suffer as a result of this lawsuit, and by isolating the Plaintiffs in the course of their routine work duties.
6. As the Plaintiffs have maintained from the outset of this matter, this situation cannot be permitted to continue and action must be taken not only by the Court, but by all appropriate

State and Federal agencies in order to protect the incarcerated juveniles, all of the employees of IDJC, and the public itself whose trust in the Defendants has been terribly abused again and again.

## II. PARTIES

7. Plaintiff Rhonda Ledford, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to her claims herein, and to the present time, Ledford was employed by the IDJC as a Safety and Security Officer/Transport Coordinator.
8. Plaintiff Raymon Gregston, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, Gregston was employed by the IDJC as a building superintendent.
9. Plaintiff Jo McKinney, an individual, is a citizen of the State of Idaho and a resident of Ada County. At all times relevant to her claims herein, and to the present time, McKinney was employed by the IDJC as an office specialist.
10. Plaintiff Shane Penrod, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, Penrod was employed by the IDJC as a safety and security officer.
11. Plaintiff Kim McCormick, an individual, is a citizen of the State of Idaho and a resident of Ada County. At all times relevant to her claims herein, and to the present time, McCormick was employed by the IDJC as a financial support technician.
12. Plaintiff Bob Robinson, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time,

Robinson was employed by the IDJC as a senior maintenance craftsman.

13. Plaintiff Gracie Reyna, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to her claims herein, and to the present time, Reyna was employed by the IDJC as a rehabilitation technician.
14. Plaintiff Lisa Littlefield, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to her claims herein, and to the present time, Littlefield was employed by the IDJC as a rehabilitation technician.
15. Plaintiff Addison Fordham, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, Fordham was employed by the IDJC as a rehabilitation technician.
16. Plaintiff Philip Gregston, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, Gregston was employed by the IDJC as a rehabilitation technician.
17. Plaintiff Tom de Knif, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, de Knif was employed by the IDJC as a maintenance-lead custodian.
18. Plaintiff Frank Farnworth, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to his claims herein, and to the present time, Farnworth was employed by the IDJC as a licensed practical nurse (LPN).
19. Plaintiff Diana Carnell, an individual, is a citizen of the State of Idaho and a resident of Canyon County. At all times relevant to her claims herein, and to the present time, Carnell was employed by the IDJC as a rehabilitation technician.
20. Defendant Idaho Juvenile Corrections Facility (“IDJC”) is a department of the State of

Idaho which is established pursuant to the laws of the State of Idaho.

21. Defendant Sharon Harrigfeld (“Harrigfeld” or, collectively “Defendants”) is the Director of the Idaho Department of Juvenile Corrections, and is sued herein in both her official and individual capacities.
22. Defendant Betty Grimm (“Grimm” or, collectively “Defendants”) is the Superintendent of the Idaho Department of Juvenile Corrections’ Juvenile Corrections Center- Nampa (“JCC”), and is sued herein in both her official and individual capacities.
23. Plaintiffs do not know the true names or legal capacities of the defendants sued herein as DOES 1-20, inclusive, and therefore sue said defendants by such fictitious names. Plaintiffs are informed and believe, and thereon allege, that each of the defendants designated herein as DOE defendants are legally responsible in some manner for the matters herein alleged, and are legally responsible in some manner for causing the injuries and damages to Plaintiffs hereinafter alleged.

### **III. JURISDICTION, VENUE AND NOTICE**

24. The unlawful and wrongful conduct alleged in this Complaint occurred in Canyon County in the State of Idaho.
25. This Honorable Court has original jurisdiction over the Plaintiffs’ federal claims under 28 U.S.C. §1331 and supplemental jurisdiction pursuant to 28 U.S.C. §1367 with respect to the Plaintiffs’ claims under the laws of the State of Idaho.
26. Venue in the United States Court for the District of Idaho is appropriate under 28 U.S.C. §1391(b) and (c).
27. Notice is not required prior to bringing an action for relief under the Idaho Protection of

Public Employees Act (I.C. 6-2101 through 6-2109). *Van v. Portneuf Medical Center* 147 Idaho 552, 558, 212 P.3d 982, 988 (Idaho,2009). Notice of Plaintiff Rhonda Ledford's claims was given to the Defendants by and through her pending complaint for discrimination and with the EEOC and the Idaho Human Rights Commission, which was filed on or about October 6, 2011 and supplemented in February, 2012, and well over 90 days have passed since that time. Notice of the other Plaintiffs' First Amendment-related tort claims, as well as their other tort claims, against the governmental-entity defendants named herein has been served concurrently with this Complaint, and the Plaintiffs will seek leave to amend their Complaint to include those claims after 90 days have passed in compliance with I.C. § 50-219.

#### IV. STATEMENT OF FACTS

28. Plaintiffs hereby repeat and reallege the allegations of all of the preceding paragraphs as though set forth herein.
29. The Plaintiffs are all presently employed with the Idaho Department of Juvenile Corrections in various capacities.
30. By way of this Complaint, the Plaintiffs seek relief from the Court for the retaliation and other improper treatment to which they and others have been subjected by the cronyist, incompetent, corrupt and unresponsive administration at the Idaho Department of Juvenile Corrections and at the IDJC's Juvenile Corrections Center in Nampa, Idaho.
31. The Plaintiffs' action will show that the IDJC regularly, systematically, and unlawfully discriminates against certain protected classes of its employees in hiring decisions; that its security policies and practices are dangerous to both the staff and the juvenile offenders in

its custody; that it has permitted favored employees to commit fraud and waste of public resources; that it engages in unfair and improper hiring practices whereby favored employees are promoted or placed in positions for which they are untrained or underqualified; that it has routinely retaliated against, harassed, and silenced those employees, including the Plaintiffs, who have in good faith communicated their concerns regarding all of these issues to their supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state senators.

32. The mission statement of the IDJC is to “[r]educ[e] juvenile crime in partnership with communities, through prevention, rehabilitation and reintegration.” Its “core values” which the IDJC claims guides it in carrying out its mission include the following:

- a. “Balanced and Restorative Justice: Help juveniles become responsible citizens by developing life skills and holding them accountable for restoring their victims and communities while ensuring public safety.
- b. Effective Partnerships: We acknowledge our vital role in communities and with other state agencies and branches of government. And we seek to understand and promote a unified relationship among all parties to prevent juveniles from breaking the law.
- c. Communication: We are committed to full-circle communication in our activities.
- d. Teamwork: We recognize that the power of combined efforts exceed what can be accomplished individually.
- e. Respect: We treat juveniles, families, victims and one another with respect, and in so doing, demonstrate honesty, integrity, trust and ethical behaviors.
- f. Excellence and Quality: We are committed to deliver excellence and quality in every aspect of our work by establishing goals and monitoring outcomes, and holding ourselves accountable. We value new ideas and plans which are evidence-based and results oriented.
- g. Employee Optimization: We value our staff and are dedicated to providing training which will develop leaders and maintain qualified, competent employees.
- h. Diversity: We are committed to fostering an inclusive environment where the individual difference among staff, juveniles and families are understood, respected and appreciated.”



33. Plaintiffs submit by way of this Complaint that few, if any, of the IDJC's "core values" are evident in the manner in which it has treated not only the Plaintiffs, but other employees and, perhaps most egregiously, the juvenile offenders in its custody.
34. Because of the hostile and toxic environment which has been allowed to develop at IDJC, and as a direct, legal, and proximate result of their treatment by IDJC, the Plaintiffs have all suffered severe stress, anxiety, mental anguish and emotional distress—including severe depression, for some-- in addition to their respective economic damage, which include but are not limited to lost wages, lost promotional opportunities, and the loss of paid vacation time.
35. While the Plaintiffs will seek compensation for these items of damage, their overriding concern is that the disastrous course which the IDJC is presently on be corrected for the safety and security of the juveniles who are in its custody, for that of the staff who work there, and for benefit of the public whose resources are being wasted.
36. Plaintiffs therefore request not only that this Honorable Court grant them the relief which they seek in this Complaint, but that the Idaho Attorney General and the U.S. Attorney initiate investigations into the IDJC's violations of the laws and regulations of the State of Idaho and of the United States with respect to the juveniles in its custody and with respect to the Plaintiffs and other staff members who work there.
37. The reasons for which the Plaintiffs bring this lawsuit are broadly categorized, and illustrated with just a few examples of the ongoing and unlawful fostered by the IDJC, as follows:

**A. Unlawful Discrimination in Promotion and Hiring**

38. IDJC leadership has expressed and implemented a preference to avoid hiring military

veterans and individuals with backgrounds in corrections, which has caused Plaintiffs Shane Penrod and Philip Gregston—both veterans, and Penrod with experience in adult corrections-- not to bother even applying for promotion to positions for which they are qualified.

39. Further, IDJC coworkers, leadership and management have repeatedly pressured Plaintiff Jo McKinney to retire from her position based solely upon her age, and has even declined to provide her with upgraded computer equipment provided to others because, as far as IDJC is concerned, she “won’t be there much longer.” McKinney’s supervisors appear to have increased their efforts to alienate and constructively discharge her since the filing of this lawsuit by isolating her and by holding meetings with all other administrative staff but her.

**B. Safety and Security of Juveniles, Staff, and Public and Due Process Violations**

40. The safety problems at IDJC are numerous and serious, and the Plaintiffs have repeatedly warned IDJC administrators about them with no positive result, and have often been retaliated against and punished for speaking out.

41. For example, IDJC regularly fails to ensure that enough staff are on duty to satisfy the appropriate juvenile-to-staff ratio-- 8:1 during waking hours and 24:1 during sleeping hours, although the latter ratio has just been reduced by IDJC administration-- which jeopardizes the safety of both the staff and the juveniles. Further, IDJC administration has adopted policies which regularly leave juveniles—including violent offenders-- in its custody unattended and unsupervised, and IDJC administration regularly permits juveniles to keep contraband in plain sight within the facility, which the Plaintiffs and many others believe has become “Club Med” when in fact it is and should be a correctional institution

first and foremost.

42. Despite the repeated reports and complaints by the Plaintiffs and others that such practices endanger not only the safety of the juveniles themselves, but also that of the IDJC staff, IDJC administration has refused to implement proper safety practices.
43. The Plaintiffs also believe that the practices of the IDJC also violate the provisions of the Civil Rights of Institutionalized Persons Act (“CRIPA”), which requires, among other things, that reasonable steps be taken by the IDJC to protect the juveniles in its custody.
44. In at least two mind-boggling incidents, female IDJC staff members are believed to have been involved in unlawful sexual relationships with male juvenile offenders in their custody. In one instance, a female IDJC staff had a relationship with an incarcerated male juvenile and moved in with him after his release. The same juvenile offender later became a staff member at IDJC and subsequently carried on an unlawful sexual relationship with a female juvenile offender in his custody. Another female staffer believed to have had a sexual relationship with a male offender remains on staff there.
45. Further, Defendants have done little or nothing to ensure that sexual relations between male and female juveniles do not take place, and do not segregate the male and female populations in the facility. This has led to several incidents of sexual conduct between juveniles which cannot by definition be consensual and which may constitute rape within the meaning of the Prison Rape Elimination Act where jailhouse power politics are an inherent part of such relationships.
46. In at least one instance, IDJC ignored reports by Plaintiff Reyna that one male juvenile offender was inappropriately making sexual gestures toward IDJC staff and was inappropriately touching other juveniles, including a specific female juvenile offender.

Despite the fact that the Plaintiffs expressed concerns that this violated the Prison Rape Elimination Act, IDJC has done nothing to prevent the offender from engaging in such conduct, and simply instructed Plaintiff Reyna to “stay away” from the subject juvenile.

47. In fact, the IDJC staff member to whom this incident was reported—Observation & Assessment Unit Manager Laura Roters, who is believed to have been hired for her prior position despite not having appropriate qualifications for it—refused to make a report of it on the grounds that the contact in question was not “skin on skin”—an incorrect statement—and instructed the reporting juvenile to return to her group.

48. When the reporting juvenile later complained about Roters’ refusal to report the incident, Roters herself is believed to have handled the juvenile’s complaint despite a clear conflict of interest. Roters apparently did write-up the incident in the IJOS recordkeeping system at some point, but did not report the incident as it was reported by the juvenile herself and also refused to permit the offending male juvenile to be removed to another room while the investigation proceeded. As one might expect, this is a routine safety procedure, but Roters disregarded it nonetheless.

49. Roters’ conduct has been routinely and personally backed by Defendants Harrigfeld and Grimm, the latter of whom has told employees, including the Plaintiffs, that they are free to leave their jobs at the facility if they chose not to “get on board” with Roters. “Our way or the highway,” is a succinct way of putting the attitude of the Defendants toward those who report legitimate violations of the law and of safety and security policies.

50. This occurred even when Roters refused to take appropriate safety measures to protect juveniles in the custody of the facility from one particularly violent juvenile who on six(!) different occasions physically beat other juveniles. In one instance he used a domino to

reinforce his fist while he beat another juvenile into the fetal position. Director Grimm was made personally aware of this series of attacks and opted to protect Roters instead of the juveniles and staff under her care.

51. To this day, violent offenders are routinely reintegrated into the general juvenile population within hours of violent attacks on other juveniles or staff members. Those attacks are often unreported or under-reported and virtually never result in appropriate criminal charges against the offenders. After having their concerns ignored again and again, some Plaintiffs have had to tell the parents of other juvenile victims that the safety of their children cannot be assured in the facility.

52. IDJC has also permitted staff who have been convicted of crimes to work with juvenile offenders even while those staff were themselves on probation, sometimes even wearing electronic monitoring devices. Other IDJC staff have reported to work while suffering the effects of residual intoxication and have been permitted to work with the juveniles nonetheless. In other situations, staff with no training or experience in working with disabled juveniles are required to do so, and one deaf juvenile has often gone for long stretches of time in which he is completely unable to communicate with anyone due to the lack of appropriately qualified staff.

53. Additionally, IDJC administrators appear to have intentionally concealed or misleadingly reported incidents in which juveniles in its care were injured to the point that medical treatment was required. In one instance, an IDJC teacher was assaulted by a juvenile offender and sustained severe head trauma, but the Plaintiffs are informed and believe that the incident was deliberately misreported in order to enhance the safety record of the facility.

54. Further, IDJC has failed to ensure that an adequate number of staff are appropriately trained to use force against juveniles when necessary, and the result has been that both staff and juveniles have sometimes been injured in situations that were avoidable. Pursuant to administration-approved practice, these injuries are deliberately un- or under-reported in order to foster a better reputation for safety at the facility.
55. The public has also been endangered by IDJC Administration decisions which have permitted high-risk juvenile offenders—including at least one convicted of murder-- to leave the facility on staff/community passes, home passes, and work outside secure areas, which have resulted in several escapes.

### **C. Fraud in Time Reporting and Attendance and Waste of Public Resources**

56. IDJC administration tolerated fraudulent time reporting by favored IDJC staff who “padded” their timecards or ‘worked from home’, which in fact amounts to ‘paid vacation’. IDJC administration continues to permit these practices for favored personnel in administration and management. Plaintiffs are informed and believe that such practices have cost the public tens, and possibly hundreds, of thousands of dollars. Plaintiffs believe that at least two IDJC employees were recently permitted to quietly retire rather than face consequences for this conduct.
57. Since the filing of this lawsuit, a non-Plaintiff witness who was formerly employed at IDJC has reported that IDJC employees have actually played golf at the adjacent golf course while on the clock at the facility. The Plaintiffs’ concerns about such conduct have gone unaddressed by the Defendants.
58. IDJC also allows staff with out-of-state transport excursions scheduled for Mondays to take State-owned vehicles for the entire weekend, even while knowing that the vehicle would be

used for purely personal purposes, such as to visit nearby friends. This is not only a waste of a public resource, but exposes the State to liability. Further, IDJC supervisors have directed transport staff to use rental vehicles even when IDJC vehicles were available.

59. Additionally, IDJC accepted federal funding for a drug and alcohol treatment program which it initially did not conduct at all. Once the drug and alcohol treatment program was finally established, the program was run by non-certified personnel. Plaintiffs are informed and believe that in accepting those funds, IDJC either expressly or implicitly guaranteed the federal government and the taxpayers that those funds would be used diligently, properly, and by qualified personnel, and that IDJC concealed the misuse of those funds from the government.

60. Defendants are also alleged to have engaged in the unlawful falsification, alteration, or destruction of public records, such as incident reports for violent assaults and of the records of the juveniles themselves, when it has suited their purposes. In one noteworthy and apparently newsworthy example, a juvenile in the custody of IDJC disappeared while out of the facility. The juvenile was later found in another state, but IDJC leadership appears to have eliminated all publicly-available information about her from the IJOS recordkeeping system in order to minimize the facility's culpability in so carelessly handling her security.

#### **D. Unfair and Preferential Hiring Practices**

61. The IDJC regularly hires and promotes individuals who are unqualified and underqualified personnel for important positions on the basis of cronyism and in a manner which threatens the safety of everyone at the facility. The hiring process has become so corrupted that IDJC staff, including the Plaintiffs, have become able to predict with certainty who will be

hired for a position based not upon qualifications or credentials, but upon the degree to which the “applicants” are favored by IDJC administration.

62. In one instance of patently unfair hiring, an applicant for a teaching position took the application exam and failed to qualify. She was shortly thereafter contacted by members of the IDJC Education department and was instructed to change responses on the exam in order to pass. She was then hired as a Special Education Teacher and paid accordingly; however, she had neither a current teaching certificate nor any certification to teach in special education, but was still permitted to work at IDJC for nine months without any of the required credentials.

63. In a similar situation, a job description is believed to have been modified and rewritten for IDJC employee Laura Roters, who was believed not to have had the credentials required for the position, so that she could be hired. Later, a previously nonexistent position was created for her despite hiring freezes. This was done with the knowledge not only of the IDJC administrators responsible for filling the position, but with the collusion and participation of Roters herself, who appears to have been complicit in many of the violations of safety and security policies which have jeopardized the rights of both staff and juveniles under her supervision.

64. Bizarrely, IDJC also actually permitted juveniles—including one convicted of murder—to sit in on interviews for Rehabilitation Technician applicants, thus further fostering the “Club Med,” low-security atmosphere of the facility.

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### **E. Harassment, Retaliation, and Silencing**

65. Instead of rewarding the efforts of committed employees who wish to ensure that IDJC is a safe, productive, and successful environment for both juveniles and staff, IDJC has systematically and deliberately retaliated against those employees, including the Plaintiffs, who have had the temerity to report and communicate their concerns in good faith, IDJC has regularly retaliated against them, effectively punishing them for speaking out.
66. For example, Plaintiff Rhonda Ledford has been explicitly instructed not to speak to other employees regarding her concerns over safety and security in the facility. Ledford has been passed-over for promotion on at least four occasions, and has been told that she must “say things differently” if she wishes to move up at IDJC, which is code-speak for “toe the line and remain silent.” Of course, in a dangerous environment, communication between staff is essential, and IDJC jeopardizes everyone’s safety by responding in this manner. IDJC even developed a Ledford-specific “policy” which, among other things, directed Ledford not to talk to other staff members about her concerns or opinions, not to display purportedly “disrespectful” non-verbal communications.
67. After apparently hearing rumors about the Plaintiffs’ increase “voiced concerns” about retaliation, harassment, Director Sharon Harrigfeld sent a facility-wide email out which purports to very reasonably offer an “open door” to all of those with concerns. However, the Plaintiffs have learned from experience to place no trust in Harrigfeld’s assurances, especially where her email claims that she is “troubled that staff are not bringing these concerns to my attention,” when in fact the Plaintiffs and others have done so many times and where Harrigfeld herself has been a major proponent of the conduct reported by the Plaintiffs—i.e., concealing or misrepresenting security and safety violations—and cannot be

trusted not to continue to retaliate against them for their reports. In retaliation for reporting her many concerns, Plaintiff Ledford was pulled from instructing a class and from supervising some transports, was put on full Family Medical Leave (FML) after requesting only intermittent leave, and was denied access to witnesses in support of her concerns.

68. In response to his concerns, IDJC pulled Plaintiff Shane Penrod from transport duties and moved to graveyard shift, was directed not to talk to other staff, had his scheduled training arbitrarily changed, and his supervisor will not respond to work or mandatory training emails from him. A similar attempt to move Ledford to the graveyard shift was also made, but appears to have been abandoned due to her pending complaint with the Idaho Human Rights Commission. Choices solutions unit manager.

69. Ledford has also been informed that her supervisor, Julie McCormick—who herself has been the subject of investigation for inappropriate conduct with male staffers at the IDJC—has stated that she cannot do much to Ledford because of this litigation, but that she can ensure that her performance evaluations suffer.

70. Plaintiff Shane Penrod and another employee have also been scheduled for vacation they have not requested in retaliation for expressing their concerns.

71. Plaintiff Jo McKinney—a victim of age-based discrimination by IDJC-- has been instructed to keep her head down in order to make it to retirement, and has been denied equipment necessary to perform her duties even where other employees have been provided with the appropriate equipment.

72. Plaintiff Reyna and other staff have been instructed not to talk to anyone about schedule changes based on preferential treatment of favored IDJC employees. Reyna's long-

established schedule has been manipulated by Laura Roters just since the filing of this lawsuit in an apparently retaliatory effort to cause Reyna additional stress and hardship.

73. For his part, Plaintiff Bob Robinson does not believe that IDJC has retaliated against him personally—yet-- but his repeated concerns to IDJC concerning safety and security issues at the facility have gone completely unheeded and he, like the others, has been silenced by “don’t tell” policies at IDJC. He fears for his safety and is appalled at the unlawfully hostile and vindictive work environment which IDJC has permitted to develop.

74. Due to growing concerns about IDJC’s conduct, Plaintiff Raymon Gregston and other staff began a petition against the IDJC, although fear of retaliation prompted the removal of the signed name page and it was filed as a complaint with the state Division of Human Resources. Additionally, a criminal complaint regarding payroll fraud was filed with the Canyon County Sheriff’s Office. Gregston and a recently fired senior IDJC employee—yet another employee who regularly communicated his concerns over the violations of law and regulations at IDJC and suffered because of it-- were directed by IDJC administrators and human resources personnel not to talk to other staff members, and the Plaintiffs were told that IDJC administration and human resources staff ‘did not want to hear about any other petitions being filed’. The IDJC education supervisor thereafter visited various offices within the facility and interrogated staff as to whose side they were on.

75. Plaintiff Kim McCormick repeatedly reported ongoing harassment by her coworkers and was instructed by the supervisor not to go to the Director or to anyone else other than her supervisor. In retaliation for making her complaints, McCormick is now required to attend one-on-one meetings every month and was directed to share ‘after’ phone conversations with coworkers so there is no misunderstanding.

76. Plaintiff Philip Gregston has experienced silencing and retaliation as a result of his concerns over the handling by the Defendants and Roters of the safety of both IDJC juveniles and staff.
77. Plaintiff Frank Farnworth, a nurse at the IDJC facility, has expressed his concerns that staff and juveniles are encouraged by the IDJC to not report injuries and that this practice results in an unsafe environment at the facility. In response, Farnworth has been silenced and has been cited by IDJC administration.
78. Plaintiffs Addison Fordham, Lisa Littlefield, Tom de Knif, and Diana Carnell have also all experienced retaliation, harassment, and silencing at the hands of the Defendants as a direct result of said Plaintiffs' reports of violations of law and policy, waste of public resources, and concerns over the safety and security of the staff and juveniles at IDJC.
79. As set forth above, these are just a few examples of the wrongful conduct by the IDJC and its administration which is ongoing and continues to this day. Plaintiffs anticipate that the process of discovery into the matters alleged herein will support their claims.

**FIRST CAUSE OF ACTION, FOR VIOLATION OF THE FIRST AMENDMENT OF THE  
CONSTITUTION OF THE UNITED STATES OF AMERICA**

**(By Plaintiff Rhonda Ledford<sup>1</sup> against All Defendants)**

80. Plaintiffs hereby repeat and reallege the allegations of all of the preceding paragraphs as though set forth herein.

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<sup>1</sup> The additional plaintiffs, including those appearing for the first time in the First Amended Complaint, will seek leave to amend this Complaint following the expiration of I.C. § 50-219's 90-day evaluation period, having presented their First Amendment and other related tort claims to the appropriate government entities concurrently with the service of this Complaint and/or the First Amended Complaint.

81. As alleged above, the Plaintiffs have all suffered retaliation at the hands of the Defendants, and each of them, in response to the Plaintiffs' good-faith communication and reporting of the following:

- a. IDJC's ongoing regular, systematic, and unlawful discrimination against certain protected classes of its employees—such as Plaintiffs Shane Penrod and Jo McKinney, who have been discriminated against as a veteran (Penrod) and as a person entitled to protection from age discrimination (McKinney); and,
- b. IDJC's ongoing corrupt hiring practices, which have caused it to regularly and systematically pass over skilled, qualified, and experienced applicants for promotion—or to discourage such applicants from applying in the first place, as with Shane Penrod—in favor of unqualified or underqualified favorites of the IDJC administration; and,
- c. IDJC's ongoing dangerous security policies and practices, which are dangerous not only to the Plaintiffs, but to other IDJC employees and to the juvenile offenders in its custody; and,
- d. IDJC's ongoing practice of permitting favored employees to commit fraud and waste of public resources and to use public assets for their personal purposes; and,
- e. IDJC's ongoing retaliation, harassment, oppression, and silencing of those employees, including the Plaintiffs, who have in good faith communicated their concerns regarding all of the issues listed above to their supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state senators.

82. The Plaintiffs' reports and communications have been made orally and in writing, and have been communicated to the Plaintiffs' supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state senators. Said reports and communications were made orally and in writing, and were minimally disruptive to the IDJC's operations, if at all.
83. In October 2011 and in February 2012, Plaintiff Rhonda Ledford filed claims of discrimination, retaliation and harassment with the Idaho Human Rights Commission and the United States Equal Employment Opportunity Commission which set forth her claims against the IDJC for retaliation in response to Ledford's good-faith reports and communications regarding the matters alleged herein, thus satisfying the notice requirements of I.C. § 50-219.
84. The remaining Plaintiffs will seek leave to amend this Complaint to add their claims for violations of the First Amendment to the Constitution of the United States and of Article I, Section 9 of the Idaho Constitution after I.C. § 50-219's 90-day evaluation period has passed.
85. The conduct of the Plaintiffs in reporting and communicating their concerns constitutes protected speech under the First Amendment of the Constitution of the United States of America.
86. The Defendants' ongoing unlawful conduct was committed as a result of the Plaintiffs' protected conduct; was committed under color of law; was intended and reasonably likely to deter the Plaintiffs from engaging in protected activity under the First Amendment, and has in fact deterred the Plaintiffs from engaging in protected First-Amendment activity.
87. The Defendants, and each of them, have no adequate justification for retaliating against,

harassing, oppressing, or silencing the Plaintiffs in a manner different from that in which the Defendants, and each of them, treat the public.

88. The Defendants' ongoing unlawful conduct is in violation of the Plaintiffs' constitutional rights to free speech, to petition the government for the redress of grievances, and of other and similar rights of which a reasonable Defendant did or should have known.

89. As a direct, legal, and proximate result of the Defendants' ongoing unlawful conduct, the Plaintiffs have suffered, and will continue to suffer, retaliation, harassment, oppression, silencing, and other adverse employment actions as a result of simply exercising their respective rights to free speech. The Plaintiffs have already all suffered severe stress, anxiety, mental anguish and emotional distress—including severe depression, for some-- in addition to their respective economic damage, which include but are not limited to lost wages, lost promotional opportunities, and the loss of paid vacation time.

90. Accordingly, the Plaintiffs seek all remedies, including general, special, and compensatory damages, injunctive relief, reasonable attorney's fees and costs, and such other and further relief as the Court may deem appropriate to grant against the Defendants, and each of them.

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SECOND CAUSE OF ACTION, FOR VIOLATION OF ARTICLE I, SECTION 9 OF THE  
CONSTITUTION OF THE STATE OF IDAHO

(By Plaintiff Rhonda Ledford<sup>2</sup> against All Defendants)

91. Plaintiffs hereby repeat and reallege the allegations of all of the preceding paragraphs as though set forth herein.

92. As alleged above, the Plaintiffs have all suffered retaliation at the hands of the Defendants, and each of them, in response to the Plaintiffs' good-faith communication and reporting of the following:

- a. IDJC's ongoing regular, systematic, and unlawful discrimination against certain protected classes of its employees—such as Plaintiffs Shane Penrod and Jo McKinney, who have been discriminated against as a veteran (Penrod) and as a person entitled to protection from age discrimination (McKinney); and,
- b. IDJC's ongoing corrupt hiring practices, which have caused it to regularly and systematically pass over skilled, qualified, and experienced applicants for promotion—or to discourage such applicants from applying in the first place, as with Shane Penrod—in favor of unqualified or underqualified favorites of the IDJC administration; and,
- c. IDJC's ongoing dangerous security policies and practices, which are dangerous not only to the Plaintiffs, but to other IDJC employees and to the juvenile offenders in its custody; and,

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<sup>2</sup> The additional plaintiffs, including those appearing for the first time in the First Amended Complaint, will seek leave to amend this Complaint following the expiration of I.C. § 50-219's 90-day evaluation period, having presented their First Amendment and other related tort claims to the appropriate government entities concurrently with the service of this Complaint and/or the First Amended Complaint.



- d. IDJC's ongoing practice of permitting favored employees to commit fraud and waste of public resources and to use public assets for their personal purposes; and,
- e. IDJC's ongoing retaliation, harassment, oppression, and silencing of those employees, including the Plaintiffs, who have in good faith communicated their concerns regarding all of the issues listed above to their supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state senators.

93. The Plaintiffs' reports and communications have been made orally and in writing, and have been communicated to the Plaintiffs' supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state senators. Said reports and communications were made orally and in writing, and were minimally disruptive to the IDJC's operations, if at all.

94. In October 2011 and in February 2012, Plaintiff Rhonda Ledford filed claims of discrimination, retaliation and harassment with the Idaho Human Rights Commission and the United States Equal Employment Opportunity Commission which set forth her claims against the IDJC for retaliation in response to Ledford's good-faith reports and communications regarding the matters alleged herein, thus satisfying the notice requirements of I.C. § 50-219.

95. The remaining Plaintiffs will seek leave to amend this Complaint to add their claims for violations of the First Amendment to the Constitution of the United States and of Article I, Section 9 of the Idaho Constitution after I.C. § 50-219's 90-day evaluation period has passed.

96. The conduct of the Plaintiffs in reporting and communicating their concerns constitutes protected speech under the Article I, Section 9, of the Constitution of the State of Idaho.
97. The Defendants' ongoing unlawful conduct was committed as a result of the Plaintiffs' protected conduct; was committed under color of law; was intended and reasonably likely to deter the Plaintiffs from engaging in protected activity under the Idaho Constitution, and has in fact deterred the Plaintiffs from engaging in protected activity.
98. The Defendants, and each of them, have no adequate justification for retaliating against, harassing, oppressing, or silencing the Plaintiffs in a manner different from that in which the Defendants, and each of them, treat the public.
99. The Defendants' ongoing unlawful conduct is in violation of the Plaintiffs' constitutional rights to free speech, to petition the government for the redress of grievances, and of other and similar rights of which a reasonable Defendant did or should have known.
100. As a direct, legal, and proximate result of the Defendants' ongoing unlawful conduct, the Plaintiffs have suffered, and will continue to suffer, retaliation, harassment, oppression, silencing, and other adverse employment actions as a result of simply exercising their respective rights to free speech. The Plaintiffs have already all suffered severe stress, anxiety, mental anguish and emotional distress—including severe depression, for some-- in addition to their respective economic damage, which include but are not limited to lost wages, lost promotional opportunities, and the loss of paid vacation time.
101. Accordingly, the Plaintiffs seek all remedies, including general, special, and compensatory damages, injunctive relief, reasonable attorney's fees and costs, and such other and further relief as the Court may deem appropriate to grant against the Defendants, and each of them.

**THIRD CAUSE OF ACTION**

**FOR VIOLATION OF THE Idaho Protection of Public Employees Act**

**(I.C. 6-2101 through 6-2109)**

**(By All Plaintiffs Against All Defendants)**

102. Plaintiffs hereby repeat and reallege the allegations of all of the preceding paragraphs as though set forth herein.

103. As alleged above, the Plaintiffs have all suffered retaliation at the hands of the Defendants, and each of them, in response to the Plaintiffs' good-faith communication and reporting of the following:

- a. IDJC's ongoing regular, systematic, and unlawful discrimination against certain protected classes of its employees—such as Plaintiffs Shane Penrod and Jo McKinney, who have been discriminated against as a veteran (Penrod) and as a person entitled to protection from age discrimination (McKinney); and,
- b. IDJC's ongoing corrupt hiring practices, which have caused it to regularly and systematically pass over skilled, qualified, and experienced applicants for promotion—or to discourage such applicants from applying in the first place, as with Shane Penrod—in favor of unqualified or underqualified favorites of the IDJC administration; and,
- c. IDJC's ongoing dangerous security policies and practices, which are dangerous not only to the Plaintiffs, but to other IDJC employees and to the juvenile offenders in its custody, especially with regard to the allegations of sexual misconduct set forth above; and,

- d. IDJC's ongoing practice of permitting favored employees to commit fraud and waste of public resources and to use public assets for their personal purposes; and,
- e. IDJC's ongoing retaliation, harassment, oppression, and silencing of those employees, including the Plaintiffs, who have in good faith communicated their concerns regarding all of the issues listed above to their supervisors, to the IDJC Supervisor, Betty Grimm, to IDJC Director Sharon Harrigfeld, and even to the Idaho Attorney General and to state and United States senators.

104. Under the Idaho Protection of Public Employees Act, I.C. 6-2101 through 6-2109—also known as the “Whistleblower Act,” such conduct by the Defendants, and each of them, is unlawful.

105. Specifically, I.C. § 6-2104, entitled “Reporting of governmental waste or violation of law--Employer action,” provides as follows:

(1)(a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States. Such communication shall be made at a time and in a manner which gives the employer reasonable opportunity to correct the waste or violation.

(b) For purposes of subsection (1)(a) of this section, an employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous.

(2) An employer may not take adverse action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

(3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of this state, political subdivision of this state or the United States.

(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document the existence of any waste of public funds, property or manpower, or a violation, or suspected violation of any laws, rules or regulations.”

106. Clearly, the Defendants' conduct, which is continuous and ongoing, is not in compliance with this law, and has directly, legally, and proximately resulted in damages to the Plaintiffs, and each of them.

107. The Plaintiffs have had no choice but to bring this action in order to enjoin future similar conduct by the Defendants, and each of them, and to seek compensation for said conduct as requested hereinbelow.

#### **DEMAND FOR JURY TRIAL**

108. Plaintiffs hereby demand trial of this matter by jury pursuant to Fed.R.Civ.P. 38.

#### **PRAYER FOR RELIEF**

109. Based upon the foregoing allegations and points of law, the Plaintiffs respectfully request the following relief from this Honorable Court:

110. For injunctive relief against the Defendants, and each of them, which requires them to refrain from any retaliatory conduct against the Plaintiffs, and each of them; to treat the Plaintiffs fairly with respect to all employment-related promotions, duties, and assignments; and to cease and desist from unfair, unlawful, and discriminatory treatment of the Plaintiffs and other IDJC employees in hiring and employment; and,

111. For injunctive relief which is appropriate for the protection of the Plaintiffs, of other IDJC employees, and of the juvenile offenders, all of whose safety is regularly and systematically endangered by IDJC's practices; and,

112. For the reinstatement of all rights and privileges to which the Plaintiffs are entitled and which have been denied to the Plaintiffs as the result of the Defendant's unlawful conduct;

and,

113. For compensatory damages for lost wages, denied promotions, and of denied or reduced benefits and other remuneration; and,

114. For the payment by the Defendants, and each of them, of the Plaintiffs' reasonable costs and attorneys' fees; and,

115. For the assessment of all civil fines authorized by law against each of the Defendants.

116. For such other and further Orders which will prevent and deter further and similar retaliation, harassment, oppression, and silencing of the Plaintiffs by the Defendants, and each of them.

Respectfully submitted,

DATE: July 25, 2012

THE LAW OFFICE OF ANDREW T. SCHOPPE

By:

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ANDREW T. SCHOPPE,  
Attorney for Plaintiffs,  
Rhonda Ledford, Raymon Gregston, Jo  
McKinney, Shane Penrod, Kim McCormick, Bob  
Robinson, Gracie Reyna, Lisa Littlefield, Addison  
Fordham, Philip Gregston, Tom de Knif, and  
Diana Carnell

## CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2012, I served a true and correct copy of the documents listed hereinbelow upon the parties and/or their respective attorneys of record in this litigation:

### FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

The parties/attorneys upon whom said documents were served are as follows:

X Via U.S. Mail

Idaho Department of Juvenile Corrections  
954 W. Jefferson Street  
Boise, ID 83720

Betty Grimm  
c/o Idaho Department of Juvenile Corrections  
954 W. Jefferson Street  
Boise, ID 83720

X Via Electronic Service through the ECF System

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ANDREW T. SCHOPPE