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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF  
CORRECTION; HENRY ATENCIO, in his  
official capacity; JEFF ZMUDA, in his  
official capacity; HOWARD KEITH  
YORDY, in his official and individual  
capacities; CORIZON, INC.; SCOTT  
ELIASON; MURRAY YOUNG; RICHARD  
CRAIG; RONA SIEGERT; CATHERINE  
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**PLAINTIFF'S SUBMISSION OF  
IMPEACHMENT OR CONTRADICTORY  
EVIDENCE FOR THE DECLARATION OF  
KEITH YORDY**

Complaint Filed:	April 6, 2017
Discovery Cut-Off:	August 31, 2018
Motion Cut-Off:	None Set
Trial Date:	None Set

Per the Court's direction (PI Hr'g Tr. at 446:12-14), Plaintiff hereby submits the following impeachment or contradictory evidence for the Declaration of Keith Yordy, ECF No. 101-12:

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
¶ 6	Since Edmo's diagnosis of Gender Dysphoria, IDOC has permitted and supported Edmo's transition into Edmo's preferred gender in multiple different ways.	Warden Yordy testified IDOC policy trained its custody officers to use gender-neutral terms for persons with a GID or GD diagnosis. 52:13-17. Warden Yordy did not consider officer's repeated use of male pronouns to violate policy if he did not think it was intentional, and did not follow up or take corrective action with respect to officer's repeated use of male pronouns for Ms. Edmo in DOR reports. 52:18-53:22, 55:3-56:18, 64:2-17. Warden Yordy testified that he could recall only one instance in which he directed supervisors to address a correctional officer whom he believed was careless in using gender-neutral terms. 64:18-65:13.
¶ 6	Edmo has also been provided with women's bras and underwear (referred to as "panties") that are available to female offenders at PWCC and IDOC's other women's institutions.	Yordy clarified he believed Ms. Edmo "had panties at times. I don't know if it's been continually since 2012." 32:10-23. He further testified that the basis for the statement in his declaration was "I knew at least at one time she had them." 39:1-6. Yordy testified he was referring to an inventory on July 25, 2018 and did not know whether there were periods of time from 2012 until July 25, 2018 when Ms. Edmo was not provided with panties. 40:17-42:7. Yordy affirmed that he had received Concern Forms from Ms. Edmo regarding panties and told her she needed to work with mental health staff. 34:19-37:3, Yordy Dep. Ex.

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
		<p>7. Yordy testified that IDOC policy between 2012 and 2018 “does not allow female underwear.” 37:20-38:19.</p> <p>For a DOR on July 26, 2016, in which Ms. Edmo was disciplined for altering men’s underwear, Yordy was the appellate authority. In response to Ms. Edmo’s appeal that if female panties were provided, she would not have to modify her undergarments for additional support for tucking her testicles, Yordy testified that he did not do anything to follow up to ensure that Ms. Edmo had access to undergarments that allowed her support for tucking her testicles. 75:12-78:8, Yordy Dep. Ex. 3 at IDOC C pg. 48-49.</p>
¶ 7	<p>I am also not aware of any actions taken by IDOC or its employees preventing Edmo from feminizing in an appropriate manner while incarcerated.</p>	<p>Warden Yordy testified that IDOC enforced a policy forbidding effeminate hairstyles. 16:16-17:4, Ex. 2 at 4,5, 6. IDOC’s policy in effect as of 2014 stated “offenders are prohibited from dressing or displaying feminine or effeminate appearance and female offenders displaying masculine appearance to include, but not limited to, the following hairstyles” and Yordy testified that this policy prohibited any hairstyle that is considered feminine or effeminate for a person housed at a male prison in Idaho. 20:17-21:25, 28:10-15, Yordy Dep. Ex. 5.</p> <p>Warden Yordy testified that between 2012 and 2018 ISCI policy did not allow any makeup whatsoever. 42:14-43:2. This meant that “there was no appropriate wearing of makeup.” 44:4-13.</p>

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
		<p>Warden Yordy testified that the guidance he provided to staff “using good correctional practice as a standard of when you see it, you know it” and specifically “[t]hat if hairstyles are above and beyond what you believe is appropriate, and it’s an effeminate hairstyle, correct it with the offender.” 50:14-51:2.</p> <p>Warden Yordy responded to a Concern Form from Ms. Edmo raising the issue of whether she could have her hair in a bun or higher than ear level, stating “Policy does support not allowing effeminate hairstyles.” 90:25-91:11, Yordy Dep. Ex. 7 at AE 0111.</p> <p>In contrast, Yordy testified that when he worked at the women’s prison, PWCC, there was no policy regarding how women prisoners could wear their hair and they were allowed to wear makeup. There was no policy as far as how much makeup they could wear. 101:18-102:2.</p>
¶ 8	While Edmo has been permitted to feminize, the IDOC has firmly and consistently prohibited Edmo from sexualizing Edmo’s feminine appearance and behavior in a manner that may create a sexually charged environment.	Warden Yordy testified that there was no written document that defined what feminine or effeminate hairstyles were and the guidance Yordy provided was “try to use their best judgment, common sense of the hairstyle, the intent of the hairstyle.” 22:1-23:14. Yordy testified that if it was “over the top” or “too grandiose” correctional officers would intervene and defined these terms various to mean “big hair,” “curls that have been put in,” “a woman’s hair,” and “a woman’s styled

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
		<p>hair.” 23:15-24:8. Yordy also testified that “a hairstyle alone wouldn’t be sexually provocative” and “I don’t know if there is a hairstyle that is sexually charged.” 24:17-25:2.</p> <p>Warden Yordy testified that in 2014, COs were “trying to control the effeminate hairstyles” and were not distinguishing between effeminate hairstyles and sexually provocative hairstyles. 27:17-28:1.</p>
¶ 8	<p>There also exists security concerns with offenders having access to underwear traditionally worn by the opposite gender, especially when the possibility exists for an offender who has a fetish with women’s panties or bras obtaining such undergarments.</p>	<p>Warden Yordy testified regarding this sentence that not all women’s underwear is sexual in nature and was able to identify a specific security concern only as someone is wearing only women’s underwear without clothes on top. 69:22-73:4.</p>
¶ 9	<p>Notwithstanding, and despite officers providing Edmo with many verbal warnings that have been well documented, Edmo has repeatedly allowed Edmo’s feminine appearance to cross the line into what officers have determined to be inappropriate and at risk of creating a sexually charged environment.</p>	<p>Warden Yordy testified that any hairstyle that is feminine or effeminate violates IDOC policy. 48:2-5. He testified that he affirmed a DOR for Ms. Edmo that was given to her after an officer instructed her to take her hair out of a bun and she “then came out to the A-tier dayroom with his hair back in a high ponytail above the hair line which still violates policy.” 47:4-49:15, Yordy Dep. Ex. 3 at IDOC_C_pg. 27-28. Yordy testified that he believed that the officer believed Ms. Edmo having her hair in a bun above the ear line was “over the top,” “creating a sexually charged environment, creating a hairstyle that was not appropriate.” 50:6-13.</p> <p>Warden Yordy also testified that he does not think “you could define a ponytail up or down as one constitutes sexually charged</p>

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
		and the other one doesn't." 75:6-11.
¶ 9	While what one officer perceives as inappropriate or provocative is admittedly somewhat subjective, correctional officers and staff need to be afforded the discretion and independent judgment to recognize and remedy quickly the offending behavior in order to maintain order and prevent an offender from creating a sexually charged environment that could lead to the victimization of themselves or others.	<p>Warden Yordy testified that although he does not believe officers are correct in their subjective beliefs 100 percent of the time about what constitutes an over-the-top hairstyle, he did not recall any DORs from Ms. Edmo relating to hairstyle that he dismissed. 51:12-52:12.</p> <p>Yordy testified that IDOC policy that took effect on April 2, 2018 no longer addressed effeminate or feminine hairstyles. 28:16-30:14, Yordy Dep. Ex. 5.</p>
¶ 10	Thirty-two DORs is an exceptionally high number of DORs for an offender who has been incarcerated for only six years. In my experience, the vast majority of offenders will receive only 3 or 4 DORs, if any, over six years.	Warden Yordy testified that he did not compare the number of DORs Ms. Edmo has received to other IDOC prisoners with a gender dysphoria diagnosis and does not know whether she has more or less than the others. 78:10-20. Warden Yordy testified that he based his statement of an average of 3 or 4 DORs I 6 years on an average of 20-25 offenders in Ms. Edmo's housing unit, but did not look at the history of those offenders as to whether they had at any point been classified at a segregation or higher custody level or BHU placement. 79:21-82:3.
¶ 10	To my knowledge, Edmo has not been disciplined for appearing feminine <i>per se</i> . Instead, Edmo has been disciplined repeatedly for being openly disobedient to correctional officers' direct orders to remedy Edmo's inappropriate or sexually provocative appearance.	Warden Yordy testified that he affirmed a DOR for Ms. Edmo that was given to her after an officer instructed her to take her hair out of a bun and she "then came out to the A-tier dayroom with his hair back in a high ponytail above the hear line which still violates policy." 47:4-49:15, Yordy Dep. Ex. 3 at IDOC_C_pg. 27-28. Yordy testified that he believed that the officer believed

Par. No.	Declaration Cite	Impeachment or Contradictory Evidence
		<p>Ms. Edmo having her hair in a bun above the ear line was “over the top,” “creating a sexually changed environment, creating a hairstyle that was not appropriate.” 50:6-13.</p> <p>In contrast, Yordy testified that the rule for female officers at ISCI was until recently that “hard had to be up. We had what was called a yoke of the collar, which is a seam that was across the shoulder blades, that the hair had to be up above that yoke.” 99:10-21.</p> <p>Warden Yordy testified that he was the appellate authority for a grievance submitted by Ms. Edmo on June 20, 2018 grieving an May 25, 2018 incident where a correctional officer told her, “You will not be allowed another visit with your attorneys because you appear too feminine with you hair all done up, boobs, and makeup, per your unit sergeant.” 85:22-87:11, Yordy Dep. Ex. 7 at AE 0082-83.</p>

Dated: October 26, 2018

Respectfully Submitted,  
 NATIONAL CENTER FOR LESBIAN RIGHTS  
 FERGUSON DURHAM  
 HADSELL STORMER & RENICK LLP

By: /s/ Lori Rifkin  
 Lori Rifkin  
 Shaleen Shanbhag  
 Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26th day of October, 2018, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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Lori Rifkin

Yordy Dep.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ADREE EDMO (a/k/a MASON EDMO),	)	
Plaintiff,	)	
vs.	)	Case No.
IDAHO DEPARTMENT OF CORRECTION;	)	1:17-cv-00151-BLW
HENRY ATENCIO, in his official	)	
capacity; JEFF ZMUDA, in his	)	
official capacity; HOWARD KEITH	)	
YORDY, in his official and	)	
individual capacities; CORIZON,	)	
INC.; SCOTT ELIASON; MURRAY YOUNG;	)	
RICHARD CRAIG; RONA SIEGERT;	)	
CATHERINE WHINNERY; AND DOES 1-15;	)	
Defendants.	)	
	)	

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DEPOSITION OF KEITH YORDY

OCTOBER 1, 2018

REPORTED BY:

JEFF LaMAR, C.S.R. No. 640

Notary Public

1 BHU Unit 16 were harassing her on a daily basis?

2 A. I would have taken action based upon what  
3 she brought up at the meeting.

4 Q. And do you recall what action you took?

5 A. Well, I answered her questions that she  
6 brought forth as stated above.

7 Q. Any other actions that you recall you took  
8 in response to her complaint that she was being  
9 harassed on a daily basis by staff in the BHU Unit 16?

10 A. From this meeting, this was the action that  
11 we took.

12 Q. Okay. So the part under "Warden," does  
13 that represent Ms. Koch's notes of your responses to  
14 Ms. Edmo?

15 A. Correct.

16 Q. Okay. So the first bullet point says,  
17 "Concerning hairstyle and PREA - policy states required  
18 to lower tension in a prison and keeping safe."

19 What does that mean? Or can you more fully  
20 describe what that indicates about your response?

21 A. So Ms. Edmo's had disagreement with the  
22 effeminate hairstyles at the facility. So my  
23 comment -- my statement to her is that policy states in  
24 effort to lower tension in a prison and keep people  
25 safe is why we have hairstyle regulations.

1 Q. The hairstyle regulations you're referring  
2 to, were those written anywhere?

3 A. It says in the policy effeminate hairstyles  
4 are forbidden.

5 Q. That's in the PREA policy?

6 A. Correct.

7 MR. HALL: Object to form.

8 MS. RIFKIN: Can we mark this as 4 and this as  
9 5, please.

10 (Exhibit 4 and Exhibit 5 marked.)

11 Q. (BY MS. RIFKIN): All right. So you've  
12 been handed what has been marked as Exhibit 4 and  
13 Exhibit 5. Exhibit 4, I'm just going to identify the  
14 Bates stamps so it's clear for the record. Exhibit 4  
15 is labeled IDOC\_W, and it's pages 29 through 44. And  
16 Exhibit 5 is IDOC\_W 1 through 26. These were both  
17 produced as standard operating procedures titled  
18 "Prison Rape Elimination."

19 Are you familiar with these?

20 A. I am.

21 Q. Okay. Can you identify which of these was  
22 in effect in 2014?

23 MR. HALL: Is this a test, or can I maybe show  
24 the witness the dates that are relevant here?

25 MS. RIFKIN: Well, let me ask another question.

1 stop coaching the witness now. This is a deposition to  
2 get the warden's testimony. You are coaching the  
3 witness, and I really do not want to have to take that  
4 to the Court.

5 MR. HALL: That was not coaching the witness,  
6 Counsel.

7 MS. RIFKIN: You can make an objection. That's  
8 a speaking objection. You're coaching the witness  
9 about what your opinion of the content in the document  
10 is. That is absolutely inappropriate. And if you  
11 can't stop that, I will stop the deposition, because  
12 that is not an appropriate way to get testimony.

13 MR. HALL: Okay. I very much disagree with what  
14 you're saying. But me coaching the witness by making  
15 an objection, okay.

16 MS. RIFKIN: You're entitled to disagree.

17 Q. Warden Yordy, are you able to identify what  
18 you were referring to about hairstyle regulations in  
19 the policy?

20 A. I am.

21 Q. Okay. And which document are you referring  
22 to?

23 A. The prison rape elimination SOP, reviewed  
24 May 20th, 2009, from Pam Sonnen.

25 Q. Okay. And where is the hairstyle

1 regulation?

2 A. Section 4.

3 Q. What page?

4 MR. EATON: Which is Exhibit 4, for the record.

5 THE WITNESS: Page 6 of 16 of the SOP. At the  
6 bottom is IDOC page 34.

7 Q. (BY MS. RIFKIN): Okay. And this you said  
8 section 4, "Gender Appropriate Clothing and Hygiene";  
9 is that right?

10 A. That's correct.

11 Q. And can you read for the record the  
12 specific language that you are referring to when you  
13 reference a hairstyle regulation?

14 A. What I used was the paragraph "To foster an  
15 environment safe from sexual misconduct, offenders are  
16 prohibited from dressing or displaying the appearance  
17 of the opposite gender. Specifically, male offenders  
18 displaying feminine or effeminate appearance and female  
19 offenders displaying masculine appearance to include,  
20 but not limited to, the following hairstyles."

21 Q. Okay. Was it your understanding or is it  
22 your understanding that this policy prohibits any  
23 hairstyle that is considered feminine or effeminate for  
24 a person housed at a male prison in Idaho?

25 A. That is true.

1 Q. And what definition -- well, does the  
2 policy define what "feminine" or "effeminate" means as  
3 related to hairstyles?

4 A. I don't believe it does.

5 Q. Was there any written document that defined  
6 feminine or effeminate with respect to hairstyles that  
7 you would utilize?

8 A. Could you repeat that? I thought it was  
9 the same question.

10 Q. Sure. Was there any document, other than  
11 this, that you would utilize to define what feminine or  
12 effeminate hairstyles were?

13 A. No.

14 Q. So what was your understanding of what  
15 feminine or effeminate hairstyles were?

16 A. It's a subjective call on staff's  
17 perspective of what that would be.

18 Q. Were there any guidelines that you provided  
19 to staff at your institution about what constituted a  
20 feminine or effeminate hairstyle?

21 A. There had been discussions over the years.

22 Q. Discussions that you participated in?

23 A. Yes.

24 Q. And what were the content of those  
25 discussions?

1           A.     Staff meetings, management meetings, shift  
2 briefings, BHU training.

3           Q.     And what was the substance or what  
4 conclusions, if any, were drawn about what defined or  
5 constituted a feminine or effeminate hairstyle?

6           A.     Trying to give more clarification to our  
7 staff of when to intervene and when not.

8           Q.     And did you provide any clarification to  
9 your staff about when to intervene and when not to?

10          A.     I did.

11          Q.     And what clarification did you provide to  
12 staff regarding feminine or effeminate hairstyles?

13          A.     Try to use their best judgment, common  
14 sense of the hairstyle, the intent of the hairstyle.

15          Q.     What do you mean by the "intent of the  
16 hairstyle"?

17          A.     If it was over the top, too grandiose, then  
18 our correctional officers would typically intervene and  
19 ask them to tone it down.

20          Q.     Can you give me examples of hairstyles that  
21 were over the top or too grandiose?

22          A.     Different staff have different -- what's  
23 the word I'm looking for? -- different beliefs of what  
24 an effeminate hairstyle is. Most of them would -- you  
25 know, big hair, curls that have been put in, a woman's

1 hair. That's...

2 Q. And did you have any beliefs about what  
3 constituted a woman's hair that you shared with staff  
4 to guide them about this policy that we've been  
5 referring to here?

6 A. Just as I stated.

7 Q. Big hair, curls put in, or a woman's hair?

8 A. A woman's styled hair.

9 Q. Is it your opinion that any woman's styled  
10 hair is automatically sexually provocative?

11 MR. HALL: Object to form.

12 THE WITNESS: Repeat that, please.

13 Q. (BY MS. RIFKIN): Is it your belief that  
14 any woman's styled hair is automatically sexually  
15 provocative?

16 A. No.

17 Q. Is it your belief that any woman's styled  
18 hair is automatically sexually charged?

19 A. No.

20 Q. What, in your opinion, constitutes a  
21 hairstyle that is sexually provocative?

22 A. I would say a hairstyle alone wouldn't be  
23 sexually provocative.

24 Q. And what, in your opinion, constitutes a  
25 hairstyle that is sexually charged?

1           A.    I don't know if there is a hairstyle that's  
2 sexually charged.

3           Q.    Looking back at what's been marked as  
4 Exhibit 2. This is the notes from the April 17th, 2014  
5 meeting that we've been looking at on page 6. The  
6 second bullet point states, "Behavior can put offender  
7 at risk and we are liable."

8                   Do you recall what you said to Ms. Edmo  
9 that this bullet point reflects?

10          A.    That we're responsible for keeping  
11 offenders safe.

12          Q.    And do you recall what kind of behavior you  
13 were referring to about "Behavior can put an offender  
14 at risk"?

15          A.    Well, any behavior that puts an offender at  
16 risk. I believe with Ms. Edmo we were talking about  
17 her effeminate demeanor and behavior.

18          Q.    And what do you mean when you say  
19 Ms. Edmo's effeminate demeanor?

20          A.    Her combination of the way she fixed her  
21 hair, makeup, tight clothing, sexy undergarments.

22          Q.    Is it your opinion that the combination you  
23 just described, the way Ms. Edmo fixed her hair, tight  
24 clothing, sexy undergarments, that is behavior that put  
25 her at risk?

1 written down here, Ms. Edmo suggested that offenders be  
2 isolated in their cells to wear makeup?

3 A. That's what she suggested.

4 Q. Okay. Did you provide Ms. Edmo during this  
5 meeting with specific guidance about what kind of  
6 hairstyle for her would be considered feminine or  
7 effeminate versus not?

8 A. No, I did not.

9 Q. Did you ever provide specific guidance to  
10 Ms. Edmo regarding what hairstyle for her would be  
11 considered feminine or effeminate versus not?

12 MR. HALL: Object to form.

13 THE WITNESS: I told her I believed she knew  
14 which hairstyles the COs were taking issue with and  
15 which hairstyles they weren't taking issue with, and  
16 that she needed to adhere to those hairstyles.

17 Q. (BY MS. RIFKIN): Was it your understanding  
18 that COs in 2014 were distinguishing between effeminate  
19 hairstyles and sexually provocative hairstyles?

20 A. Could you repeat that, please.

21 Q. Sure. Was it your understanding in 2014  
22 that COs were distinguishing between effeminate  
23 hairstyles and sexually provocative hairstyles?

24 A. I don't -- I don't know if that's true. I  
25 know COs were trying to control the effeminate

1 hairstyles.

2 MR. HALL: Counsel, when it's a good time for a  
3 break, we need to get the lunch menu in or we're not  
4 going to get lunch. So if you could just look at it  
5 when you have an opportunity, identify what you want,  
6 we'll have the others do it, and then we can get it in.  
7 But they're asking for it now.

8 MS. RIFKIN: Sure. Let me just ask a couple  
9 more questions, and then we'll break before I forget.

10 Q. Do you believe, based on what you  
11 identified in what we've been calling Exhibit 4, the  
12 2009 revision of the prison rape elimination policy,  
13 that that's what was in effect when you met with  
14 Ms. Edmo in 2014?

15 A. I do.

16 Q. And do you have knowledge about whether  
17 what has been marked Exhibit 5, which states it was  
18 approved on April 2nd, 2018, do you have knowledge  
19 about whether that reflects that date, April 2018 is  
20 when this version of the policy was implemented?

21 A. I'm sorry. I got lost on that.

22 Q. Sure. Do you have knowledge about whether  
23 the April 2nd, 2018 date on this document, Exhibit 5,  
24 means that that's when it was implemented?

25 A. I believe the April 2nd, 2018, is the date

1 that this goes into effect or went into effect  
2 [indicating].

3 Q. Okay. And so my final question before we  
4 break is whether you know if what appears to me that  
5 the April 2018 version, Exhibit 5, no longer talks  
6 about effeminate hairstyles, do you know if that's  
7 correct?

8 A. I'd have to go through the policy.

9 Q. Okay. So why don't we take a break to do  
10 the lunch menu. And then I'm just going to ask you to  
11 see -- to let me know whether you -- whether this  
12 policy continues to talk about effeminate hairstyles or  
13 not.

14 Okay?

15 A. Okay.

16 (Recess.)

17 Q. (BY MS. RIFKIN): All right. Thanks,  
18 Warden.

19 So while we were off the record, we were  
20 doing lunch orders, but also looking through the  
21 policy.

22 Do you know if the 2018 version of the  
23 policy, Exhibit 5, continues to talk about effeminate  
24 hairstyles or feminine hairstyles?

25 A. I do not believe it addresses that.

1 Q. Were you involved in any way in the  
2 revision of the prison rape elimination policy for the  
3 2018 version, Exhibit 5?

4 A. As a warden, we reviewed at least one of  
5 the drafts, maybe a couple of them.

6 Q. And did you provide any feedback regarding  
7 the drafts of the policy you reviewed?

8 A. Probably did as the other wardens did.

9 Q. Do you recall whether you provided feedback  
10 one way or the other as to whether discussion of  
11 feminine or effeminate hairstyles should be in the  
12 revised version of the prison rape elimination policy?

13 A. I don't remember giving any input one way  
14 or the other.

15 Q. So if we can go back to your declaration,  
16 which is what was marked as Exhibit 3. Yeah, you can  
17 put the others aside, except to the extent you need  
18 them later. We were looking at the second page of your  
19 declaration, paragraph 4.

20 Do you recall any scheduled meetings with  
21 Ms. Edmo, other than the one in April of 2014 that  
22 we've just been discussing?

23 A. I don't remember any others.

24 Q. Okay. And can you give me a general idea  
25 of what other types of in-person interactions you had

1 A. I am.

2 Q. Okay. Do you recall whether during any of  
3 your face-to-face interactions with Ms. Edmo she had  
4 her hair in a bun?

5 A. I don't recall one.

6 Q. Okay. Do you recall if any of your  
7 face-to-face interactions with Ms. Edmo her hair was  
8 curly or she had curls in her hair?

9 A. Yes.

10 Q. If you look at paragraph 6 of your  
11 declaration. Now we're on to page 3. In the middle of  
12 that paragraph there's a sentence, "In addition to  
13 having been provided female hormone treatments and  
14 access to mental health counseling and gender dysphoria  
15 groups since 2012, Edmo has also been provided with  
16 women's bras and underwear (referred to as 'panties')  
17 that are available to female offenders at PWCC and  
18 IDOC's other women's institutions."

19 Is it your testimony that Ms. Edmo has been  
20 provided with women's underwear or panties since 2012?

21 MR. HALL: Object to form. Vague.

22 THE WITNESS: I know she's had panties at times.  
23 I don't know if it's been continually since 2012.

24 Q. (BY MS. RIFKIN): When you were drafting  
25 this declaration or reviewing this declaration to sign

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1 permitted per IDOC so will not be ordered at this  
2 time." This document's dated January 16th, 2018.

3 Are you aware if the statement that the  
4 panties are not permitted per IDOC was accurate for  
5 January 16th, 2018?

6 MR. HALL: Object to form.

7 MR. EATON: Join.

8 THE WITNESS: I know what I see on this form.

9 Q. (BY MS. RIFKIN): Do you know what IDOC  
10 policy permitted as to whether individuals at men's  
11 prisons could have panties on January 16th, 2018?

12 MR. HALL: Object to form. Asked and answered.

13 MR. EATON: Join.

14 THE WITNESS: I know if it was a -- a medically  
15 needed item, Corizon could order it.

16 MS. RIFKIN: Could we mark this as the next  
17 exhibit, please.

18 (Exhibit 7 marked.)

19 Q. (BY MS. RIFKIN): All right. You've been  
20 handed what's been marked Exhibit 7.

21 Are you familiar generally with IDOC  
22 Offender Concern Forms?

23 A. I am.

24 Q. And can you describe the purpose of the  
25 Offender Concern Form.

1           A.     They are a way for offenders to reach out  
2 to staff and ask questions.

3           Q.     As warden at ISCI, were you involved in  
4 reviewing Offender Concern Forms?

5           A.     That were sent to me, yes.

6           Q.     Do you recall receiving Offender Concern  
7 Forms from Ms. Edmo over the years?

8           A.     I do.

9           Q.     Did you review any of those Offender  
10 Concern Forms prior to drafting -- prior to signing  
11 your declaration that's in Exhibit 3?

12           MR. HALL:   Object to form.

13           THE WITNESS:   The Concern Form she sent to me,  
14 yes.

15           Q.     (BY MS. RIFKIN):   Okay.   Do you recall  
16 whether Ms. Edmo sent you any Concern Forms regarding a  
17 request to receive panties?

18           A.     I'd have to look at my Concern Forms.

19           Q.     Can you turn to what's Bates stamped  
20 AE 0090 in this.

21           MR. HALL:   "This" being Exhibit 7?

22           MS. RIFKIN:   "This" being -- thank you.

23           Q.     All right.   Turning your attention to the  
24 Offender Concern Form on the bottom half of this page  
25 dated October 13th, 2015, this is an Offender Concern

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1 Form directed to you from Ms. Edmo; is that right?

2 A. That is correct.

3 Q. If you can take a moment to review the  
4 Concern Form and let me know when you've had a chance  
5 to review it.

6 MR. EATON: Sorry, what page is it?

7 MS. RIFKIN: 90.

8 MR. EATON: Thanks.

9 THE WITNESS: Okay.

10 Q. (BY MS. RIFKIN): Part of what Ms. Edmo  
11 wrote for "Issue/Concern" here is "The standard of care  
12 for adequate treatment of my GID is to allow me to wear  
13 female clothing, including panties"; correct?

14 A. Correct.

15 Q. And was this your handwriting on the  
16 response?

17 A. It is.

18 Q. Okay. And that's your signature?

19 A. It is.

20 Q. Okay. And you wrote to Ms. Edmo, "You will  
21 need to work with mental health staff in this"; is that  
22 correct?

23 A. I think I -- on this, but --

24 Q. Oh, thank you.

25 And what did you mean by that?

1           A.     That she needed to reach out to her  
2     clinician, clinical supervisor, or chief psychologist  
3     on this issue.

4           Q.     Is it your understanding that at any time  
5     from 2012 to present if Corizon providers had written a  
6     medical memo that panties were medically necessary for  
7     Ms. Edmo they would have been provided?

8           MR. HALL:   Object to form.

9           MR. EATON:   Join.   It's compound and vague.

10          THE WITNESS:   Your question's a bit too black  
11     and white for an answer.

12          Q.     (BY MS. RIFKIN):   Okay.   Can you explain  
13     why?

14          MR. EATON:   Same objections.   Also incomplete  
15     hypothetical.

16          MR. HALL:   Join.

17          THE WITNESS:   Corizon doesn't establish policy  
18     with a medical memo.   So it still has to be appropriate  
19     and safe to be inside the prison.

20          Q.     (BY MS. RIFKIN):   And did IDOC or ISCI have  
21     a policy or a standard operating procedure about  
22     whether panties were appropriate and safe to have  
23     inside ISCI during the time frame from 2012 to 2018?

24          A.     Do we have a standard that says they're not  
25     allowed?

1 Q. Did IDOC or ISCI have a policy, written or  
2 unwritten, I'm really asking for?

3 A. We have a policy.

4 MR. EATON: Sorry. I'll state an objection.  
5 Vague as to "ISCI."

6 MR. HALL: Join.

7 MR. EATON: Go ahead.

8 MS. RIFKIN: Did I get their name wrong?

9 MR. EATON: I think it's overbroad and vague.

10 MS. RIFKIN: Oh, okay.

11 Q. Go ahead.

12 A. IDOC has a property policy on allowable  
13 property items.

14 Q. And does that property policy have a  
15 determination about whether panties were allowed for  
16 offenders at ISCI between 2012 and 2018?

17 MR. HALL: Object to form.

18 THE WITNESS: They -- their policy does not  
19 allow female underwear.

20 Q. (BY MS. RIFKIN): Are you aware one way or  
21 the other as to whether Ms. Edmo made numerous requests  
22 for panties in the years between 2012 and 2018, both to  
23 Corizon and IDOC staff?

24 A. I know the requests she made to me, and I  
25 don't know if it's numerous.

1 Q. What was the basis for your statement in  
2 paragraph 6 of Exhibit 3 that Ms. Edmo has been  
3 provided with underwear, referred to as panties?

4 MR. HALL: Object to form. Asked and answered.

5 THE WITNESS: I knew at least at one time she  
6 had them.

7 Q. (BY MS. RIFKIN): And what was the one time  
8 you knew she had them?

9 A. I'd have to look at the property inventory  
10 sheet. It's got the date there that's...

11 Q. Did you bring the property inventory sheet  
12 with you today?

13 A. I did not bring it today.

14 MR. HALL: It was previously produced, Counsel.

15 MS. RIFKIN: As I understood, one of the reasons  
16 that IDOC requested to have the depositions here was to  
17 facilitate any documents that needed to be retrieved.

18 So given that Warden Yordy has testified he  
19 looked at that for his declaration and that's his  
20 basis, is it possible to get a copy of that?

21 MR. HALL: I've got them all here.

22 MS. RIFKIN: Great. Can I see a copy of that?

23 MR. HALL: I'll represent to you, Counsel, that  
24 that is what the witness is referring to.

25 Is it okay if I show the witness --

1 MS. RIFKIN: Absolutely.

2 MR. HALL: -- the exhibit?

3 MS. RIFKIN: Absolutely.

4 THE WITNESS: Okay.

5 MR. HALL: That's Exhibit O. It's been marked  
6 IDOC\_O\_page 1 through 28.

7 MS. RIFKIN: Thank you.

8 Q. So I'm going to put this in front of you.  
9 And I'll leave it in Counsel's binder because I don't  
10 know that we need to introduce all of it.

11 For Exhibit O when you were referring to  
12 the property sheet, was it all of the documents in  
13 Exhibit O, or were there specific pages that you were  
14 referring to as the basis for your knowledge that  
15 Ms. Edmo had panties?

16 A. And we're going through how far?

17 Q. Well, I just want to know which of those  
18 documents you were looking at for the basis of your  
19 report?

20 A. So page 6 of 6 here.

21 Q. Can I grab that back from you for a minute,  
22 then.

23 All right. So that page is dated  
24 July 25th, 2018, there at the top; is that correct?

25 A. That is correct.

1 Q. Does that represent Ms. Edmo's property for  
2 July 25th, 2018?

3 MR. HALL: Object to form.

4 MR. EATON: Also, can we, for the record,  
5 clarify what the Bates number is on that page?

6 THE WITNESS: IDOC zero, page 6.

7 MS. RIFKIN: And that's an O. O, page 6.

8 Q. There's a date on there, July 25th, 2018.

9 Do you know what that date reflects?

10 MR. HALL: Object to form. Vague.

11 THE WITNESS: I would assume that it reflects  
12 the date the inventory was done.

13 Q. (BY MS. RIFKIN): Okay. Did you look at  
14 inventories for Ms. Edmo's property for any other dates  
15 besides July 25th, 2018, when preparing or providing  
16 the information for your declaration?

17 MR. HALL: Object to form.

18 THE WITNESS: For the documents, you mean?

19 Q. (BY MS. RIFKIN): Yes.

20 A. This was it.

21 Q. Okay. Do you know, sitting here today, one  
22 way or the other, as to whether there were periods of  
23 time from 2012 until July 25th, 2018, when Ms. Edmo was  
24 not provided with panties?

25 A. I do not know that.

1 Q. You don't know one way or the other?

2 A. Repeat the question, please.

3 Q. Sure. Sitting here today, do you know one  
4 way or the other as to whether there were times between  
5 2012 and July 25th, 2018, when Ms. Edmo was not  
6 provided panties?

7 A. I do not know that.

8 Q. Okay. You can give that back to Mr. Hall.  
9 Thank you.

10 All right. Do you want to take -- we've  
11 been going for a while. Do you want to take a quick  
12 break?

13 (Recess.)

14 Q. (BY MS. RIFKIN): All right. Do you know  
15 what IDOC policy is regarding whether offenders in a  
16 male facility are permitted to wear makeup? Let me  
17 actually ask you more narrowly, just to ISCI.

18 Do you know what the policy is about  
19 whether people incarcerated at ISCI are permitted to  
20 wear makeup?

21 A. From the dates we're talking here, '12 to  
22 '18?

23 Q. Yeah.

24 A. They are not allowed to wear makeup.

25 Q. And is that no makeup whatsoever? Is that

1 what that means?

2 A. Correct.

3 Q. All right. Looking back at your  
4 declaration, Exhibit 3, paragraph 7. The last sentence  
5 of that paragraph states, "I am also not aware of any  
6 actions taken by IDOC or its employees preventing Edmo  
7 from feminizing in an appropriate manner while  
8 incarcerated."

9 What did you mean by "feminizing in an  
10 appropriate manner"?

11 A. When the offender didn't take it over the  
12 top, used makeup that is not authorized by policy,  
13 whether homemade or otherwise, to refer to themselves  
14 as effeminate or feminine, shaving of eyebrows, just an  
15 overall feminine appearance.

16 Q. That is feminizing in an appropriate manner  
17 or an inappropriate manner?

18 A. In an appropriate manner.

19 Q. Still. What you just described, is that  
20 appropriate or inappropriate?

21 MR. HALL: Object to form.

22 THE WITNESS: Described feminizing in an  
23 appropriate manner.

24 Q. (BY MS. RIFKIN): Okay. And so too many  
25 words sound like each other in this particular

1 sentence, I realize.

2 So you said when an inmate takes it over  
3 the top and then you talked about makeup.

4 Are you saying that -- I guess I'm a little  
5 confused, given the policy, as you said, didn't allow  
6 makeup. Was any wearing of makeup inappropriate  
7 feminization, or are you saying there was some makeup  
8 wearing that was allowed and seen as appropriate?

9 MR. HALL: Object to form. Vague.

10 THE WITNESS: Makeup was not allowed by policy.

11 Q. (BY MS. RIFKIN): Okay.

12 A. So there was no appropriate wearing of  
13 makeup.

14 Q. Thank you for clarifying. That's helpful.  
15 Okay.

16 All right. If you look at what is -- it's  
17 part of the same document, Exhibit 3. At the bottom  
18 right-hand page it says "IDOC\_C\_page 27."

19 A. Okay.

20 Q. Do you see where I am?

21 A. I think so.

22 Q. This is a Disciplinary Offense Report with  
23 a report date February 7th, 2015; is that where you  
24 are?

25 A. February 7, 2015.

1 THE COURT REPORTER: "Correct" is what I heard,  
2 yeah.

3 MR. HALL: I didn't hear that.

4 Q. (BY MS. RIFKIN): All right. So for this  
5 DOR that we're looking at here, 150824, the description  
6 of the offense states, "On February 7th, 2015 at 0754,  
7 I noticed Offender Edmo have his hair in a bun that was  
8 above ear line." And then after some additional  
9 sentences, it states, "After returning to the tier,  
10 Edmo went back to his cell, and then came out to the  
11 A-tier dayroom with his hair back in a high ponytail  
12 above the ear line which still violates policy."

13 Do you have an understanding of why the  
14 officer here believed that Ms. Edmo, having her hair in  
15 a bun above ear line, violated policy?

16 A. So going based on the DOR, I have not had a  
17 conversation with Mr. Bollman, that he felt Edmo's  
18 style was over the top and attempted to correct it with  
19 her.

20 Q. And on what basis is it your understanding  
21 that Mr. Bollman felt her hairstyle to be over the top?

22 A. You're asking me to speak for Bollman here.  
23 I'm going on what he saw here. It's a subjective  
24 assessment for our correctional officers.

25 Q. What policy does 325.02.01.002 refer to?

1 A. Prison rape elimination.

2 Q. And we talked earlier, I believe you said  
3 that any hairstyle that is feminine or effeminate  
4 violates the policy; correct?

5 A. Correct.

6 Q. So this DOR, you affirmed the DOR; correct?

7 A. Correct.

8 Q. And you understood at the time you affirmed  
9 the DOR that Mr. Bollman thought that hair in a bun  
10 violated the policy because it was over the top?

11 A. Right. I believe that what Bollman saw, as  
12 I've referenced before, the total package. The -- our  
13 correctional officers know it when they see it, that if  
14 it's over the top, they need to intervene. Bollman  
15 tried to do that, told her her hair was over the top.  
16 She argued. She went back into the tier. Bollman  
17 believed that she went back to fix it. She comes back  
18 out a few minutes later with the hair exactly the same  
19 way.

20 Q. Well, the hair wasn't in the exact the same  
21 way; right? It had been in a bun above the ear line  
22 and she came back with it in a high ponytail above the  
23 ear line; right? Is that the same thing?

24 A. Well, it's -- Bollman took it as still  
25 openly defiant. She knew what he was asking. She went

1 back, adjusted it some, came back out, and Bollman  
2 believed that that was the disobedience.

3 Q. When you say "she knew what he was asking,"  
4 what's your understanding of what he was asking?

5 MR. HALL: Object to form.

6 THE WITNESS: So having worked 30 years in  
7 prison, I know that for the most -- for most of the  
8 time, Bollman's been 10, 11 years at the facility.  
9 He's not the kind of officer that will just throw  
10 out -- he's very consistent. They had a discussion.  
11 She didn't like it. I believe Bollman told her to go  
12 back, "Fix your hair in an appropriate manner."

13 She went back, adjusted it slightly, came  
14 back out, and Bollman took it as open defiance. That's  
15 why he wrote the DOR.

16 Q. (BY MS. RIFKIN): Did Officer Bollman -- is  
17 it Officer? Sergeant? I don't know.

18 A. He's a corporal.

19 Q. Did Corporal Bollman describe whether  
20 Ms. Edmo was wearing any makeup at this time?

21 MR. HALL: Object to form. Foundation.

22 THE WITNESS: I know what's written in the DOR.

23 Q. (BY MS. RIFKIN): And the DOR doesn't have  
24 any description about whether she was wearing makeup or  
25 not; correct?

1 A. She may have been. She may not have been.

2 Q. And does the DOR give you information about  
3 whether Ms. Edmo at that time was wearing sexy  
4 undergarments or not?

5 A. It does not.

6 Q. Is it your understanding that Ms. Edmo  
7 having her hair in a bun above the ear line on this  
8 date, February 7th, 2015, was sexually provocative?

9 A. I believe Bollman believed it was over the  
10 top.

11 Q. And what does "over the top" mean?

12 A. Creating a sexually charged environment,  
13 creating a hairstyle that was not appropriate.

14 Q. And how do you understand that Ms. Edmo  
15 having her hair in a bun above the ear line created a  
16 sexually charged environment?

17 A. As I said earlier, it's a subjective call  
18 on staff using good correctional practice as a standard  
19 of when you see it, you know it.

20 Q. And did you provide any guidelines to staff  
21 about what that means, good correctional practice and  
22 when they see it they know it?

23 A. I have at times.

24 Q. And what guidance did you provide to staff?

25 A. That if hairstyles are above and beyond

1 what you believe is appropriate, and it's an effeminate  
2 hairstyle, correct it with the offender.

3 Q. Have any DORs that Ms. Edmo was charged  
4 with for hairstyle been overturned or dismissed?

5 MR. HALL: Object to form. Misstates the  
6 record, assumes facts not in evidence.

7 MR. EATON: Join.

8 THE WITNESS: I don't know if there have been.

9 Q. (BY MS. RIFKIN): You said that it's a  
10 subjective belief by the officer; is that correct?

11 A. Correct.

12 Q. And do you expect that officers then are  
13 correct in their subjective beliefs 100 percent of the  
14 time about what constitutes an over-the-top hairstyle?

15 A. No, I don't believe they're 100 percent  
16 correct all the time.

17 Q. Are you aware of any DORs that Ms. Edmo  
18 received relating to her hairstyle that were dismissed  
19 or overturned by the hearing officer or either of the  
20 review authorities?

21 MR. HALL: Object to form. Misstates the  
22 record, assumes facts not in evidence, vague.

23 THE WITNESS: I do not know if any have been  
24 dismissed.

25 Q. (BY MS. RIFKIN): Have you dismissed any

1 DORs Ms. Edmo received relating to hairstyle?

2 MR. HALL: Same objection.

3 THE WITNESS: I may have. I don't -- I don't  
4 recall any. They're expunged from the system. So if  
5 they are dismissed, there's no record of them.

6 Q. (BY MS. RIFKIN): And do you affirmatively  
7 remember that you dismissed any DORs from Ms. Edmo  
8 relating to hairstyle that would have been expunged  
9 from the system?

10 MR. HALL: Object to form. Vague, assumes facts  
11 not in evidence, misstates the record.

12 THE WITNESS: I do not recall any.

13 Q. (BY MS. RIFKIN): Was it IDOC policy in  
14 February of 2015 not to refer to offenders with a GID  
15 diagnosis or a GD diagnosis with male pronouns?

16 A. We were -- we were trained to use  
17 gender-neutral terms.

18 Q. In this DOR that we're looking at, 150824,  
19 the description of the offense uses male pronouns;  
20 correct?

21 A. That is true.

22 Q. Did that violate IDOC policy?

23 MR. HALL: Object to form.

24 THE WITNESS: I'm not going to say it violates  
25 policy, because I don't -- our staff are directed to

1 use gender-neutral terms. And I don't think Bollman  
2 intentionally did it here. Staff will do that if -- I  
3 don't think he was intentional by it. He shouldn't put  
4 it in there, but he did.

5 Q. (BY MS. RIFKIN): You said you didn't have  
6 any follow-up conversation with Bollman about this DOR;  
7 correct?

8 A. I did not.

9 Q. Do you know one way or the other as to  
10 whether Bollman's use of "his" and "him" at least six  
11 times in his description of the offense was  
12 intentional?

13 A. I don't believe it was.

14 Q. And what's that based on, your belief?

15 A. I've known Bollman for 10, 12 years. He's  
16 a good officer, good intentions. Ms. Edmo wasn't  
17 complaining of that in her -- in her appellate  
18 comments.

19 Q. Did you take any corrective action with  
20 respect to Bollman's use of "his" and "him" with  
21 respect to Ms. Edmo in this DOR?

22 A. I did not.

23 Q. If you turn to what is page No.  
24 IDOC\_C\_page 22 in this same document.

25 A. Yeah, I may have got these.

1 page 22?

2 A. I'm on page 22.

3 Q. Okay. This is Disciplinary Offense Report  
4 No. 141153; correct?

5 A. 114153, correct.

6 Q. 141153?

7 A. 141153.

8 Q. Okay. And the reporting staff for this DOR  
9 was also Officer Bollman; correct? Or Corporal  
10 Bollman. I'm sorry.

11 A. Correct.

12 Q. And this was February 24th, 2014?

13 A. Yes.

14 Q. And that was about a year earlier than the  
15 DOR we were just looking at?

16 A. I believe the other one was February 7th of  
17 '15, yes.

18 Q. Yeah. Can you take a moment to review the  
19 "Description of Offense."

20 A. [Reviews.]

21 Okay.

22 Q. Corporal Bollman uses male pronouns to  
23 refer to Ms. Edmo in the Description of Offense in this  
24 DOR; is that right?

25 A. That is correct.

1 Q. Did that violate IDOC policy,  
2 Corporal Bollman's use of male pronouns for Ms. Edmo,  
3 in this DOR?

4 MR. HALL: Object to form.

5 THE WITNESS: You know, I'd have to check when  
6 the direction of using gender-neutral terms came down.  
7 I'm assuming it was prior to 2014. It may not have  
8 been.

9 Q. (BY MS. RIFKIN): Did Corporal Bollman  
10 using male pronouns to refer to Ms. Edmo in 2015, a  
11 year after using male pronouns to refer to her in 2014,  
12 does that change your belief about whether or not  
13 Corporal Bollman's use of male pronouns was  
14 intentional?

15 A. I --

16 MR. HALL: Object to form.

17 THE WITNESS: I'd really need to check when that  
18 direction came down of gender-neutral terms.

19 Q. (BY MS. RIFKIN): All right. If you can  
20 turn to -- it's IDOC\_C\_page 33. And you can take a  
21 moment to review and let me know when you've had a  
22 chance.

23 A. DOR 156084?

24 Q. Yes. Thank you.

25 A. [Reviews.]

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1 was the direction given in '13.

2 Q. And so we can go back to I guess it's  
3 IDOC\_C\_page 22. This is DOR 141153 by Corporal Bollman  
4 in February of 2014 for Ms. Edmo.

5 Are you able to answer the question now of  
6 whether Corporal Bollman's use of male pronouns with  
7 respect to Ms. Edmo in February 2014 violated IDOC  
8 policy?

9 A. Although not intentional, I believe it  
10 probably did.

11 Q. And how do you know that it's not  
12 intentional by Corporal Bollman in 2014?

13 MR. HALL: Object to form. Asked and answered.

14 THE WITNESS: Because my experience in  
15 corrections, when staff act intentionally, inmates  
16 typically -- typically bring it up. They want it  
17 addressed. Edmo did not.

18 Q. (BY MS. RIFKIN): During your time as  
19 warden at ISCI, did you take or direct to be taken any  
20 corrective actions with respect to staff using male  
21 pronouns for Ms. Edmo?

22 A. Could you repeat that, please.

23 Q. Sure. During your time as warden at ISCI,  
24 did you take or direct to be taken any corrective  
25 action for staff using male pronouns for Ms. Edmo?

1 A. I have.

2 Q. And what corrective action did you take or  
3 direct to be taken?

4 A. I directed supervisors to address a  
5 correctional officer who I believe was careless in  
6 their using gender-neutral terms. I directed, I  
7 believe it was a lieutenant, to address that with a  
8 staff member.

9 Q. Was that a single occasion or multiple  
10 occasions?

11 A. I recall one for sure. There may have been  
12 others, but there was one that I remember that comes to  
13 mind.

14 Q. Can you give me an estimate of the date of  
15 that in terms of at least year?

16 MR. HALL: Object to form. Calls for  
17 speculation.

18 THE WITNESS: I was warden. It would be '14,  
19 '15.

20 Q. (BY MS. RIFKIN): And if you can turn  
21 back -- sorry, back to IDOC\_C\_pages 8 and 9, the DOR  
22 No. 134217.

23 A. Okay.

24 Q. Under "Offender Appeal Details No. 1,"  
25 Ms. Edmo wrote, "Sergeant Ramirez personally humiliated

1 being promiscuous or sexual in behavior, conduct,  
2 attitudes.

3 Q. And so is this, the "appear or act sexual  
4 in prison," is that referring to behaviors and conduct?

5 A. It can be behaviors, conduct, and  
6 appearance.

7 Q. So what kind of appearance would be what  
8 you mean by this phrase, "allowing offenders to appear  
9 sexual in prison"?

10 A. Just appearance.

11 Q. Well, yeah, you said it could be behaviors,  
12 conduct, or appearance; right?

13 A. Right.

14 Q. So I'm just trying to break those down.  
15 So in terms of appearance, what would that  
16 be?

17 A. Coming out in the dayroom wearing nothing  
18 but a bra and panties, to thong underwear, tight  
19 clothes, short shorts. You know, hairstyle can come  
20 into play there. Makeup. Again, that total package.  
21 People know it when they see it, inmates and staff.

22 Q. The next sentence you wrote, "There also  
23 exists security concerns with offenders having access  
24 to underwear traditionally worn by the opposite gender,  
25 especially when the possibility exists for an offender

1 who has a fetish with women's bras or panties obtaining  
2 such undergarments."

3 What security concerns were you referencing  
4 here?

5 A. Well, I think when you say "women's  
6 undergarments," there are all sorts of different  
7 undergarments that could come into play there.

8 Q. Okay. Well, I'm asking you what you were  
9 referring to here about security concerns in your  
10 declaration.

11 A. Well, again, when you just say "women's  
12 underwear," there's a broad spectrum of what that  
13 implies.

14 Q. Okay. Can you give me any examples of  
15 security concerns that you're referencing in this  
16 sentence?

17 A. Well, if you're talking Victoria's Secret  
18 panties or a thong underwear, that's different than  
19 just -- I don't know how to put it, just a normal pair  
20 of underwear that I would suspect most women, some  
21 women, a lot of women would wear. My wife wears. How  
22 about I put it that way. My wife wears.

23 Q. I'm going to ask you not to. No, I'm just  
24 kidding.

25 MR. HALL: You may be sleeping on the couch if

1 it goes any further here, Warden.

2 THE WITNESS: I'll keep my deposition from my  
3 wife.

4 Q. (BY MS. RIFKIN): So I guess would it be  
5 accurate to say that you see a difference between kind  
6 of the general category of women's underwear and  
7 certain specific kinds of women's underwear? For  
8 example, Victoria's Secret or thongs are two examples  
9 you've given; is that fair?

10 A. Yes, that's fair.

11 Q. Okay. And so is it also fair that the  
12 security concerns you're referencing -- please let me  
13 know if I'm not understanding this correctly. The  
14 security concerns you're referencing in this sentence  
15 go towards the thong/Victoria's Secret category, not  
16 towards the sort of more generic women's underwear  
17 category?

18 A. Part of the concerns would be that, yes.

19 Q. What are the security concerns for -- let's  
20 just focus on the Victoria's Secret/thong category of  
21 underwear. What are the security concerns that you're  
22 talking about with that?

23 A. Well, they're sexual in nature. They're  
24 designed to be sexual in nature.

25 Q. Would you agree that all women's underwear

1 categorically is not designed to be sexual in nature,  
2 as in by -- well, let me ask a better question.

3 Do you believe that by definition women's  
4 underwear, any women's underwear, is designed to be  
5 sexual in nature?

6 MR. HALL: Object to form. Asked and answered.

7 THE WITNESS: Not by design, no.

8 Q. (BY MS. RIFKIN): There are distinctions, I  
9 guess, you'd agree, between categories of women's  
10 underwear with respect to the sexual nature of them?

11 A. Well, I think if all they were wearing were  
12 women's underwear, acceptable women's underwear, it  
13 would create a stir in a prison.

14 Q. I got it. And so you're saying if someone  
15 wasn't wearing clothes on top?

16 A. Right.

17 Q. Got it. Okay. So besides security  
18 concerns in this sentence with someone in prison  
19 wearing only a bra and underwear or only underwear and  
20 nothing else, I understand that security concern.

21 Are there other security concerns you're  
22 referring to in this sentence?

23 MR. HALL: Object to form. Misstates the  
24 testimony, compound.

25 THE WITNESS: I think they would create an

1 issue, but we could manage it. I think we'd have to --  
2 there are inmates there that would want the panties  
3 because they're panties, and -- but not like the  
4 Victoria's Secrets and the thong underwear, certainly.

5 Q. (BY MS. RIFKIN): Are you familiar with a  
6 draft gender dysphoria policy drafted by Dr. Campbell?

7 A. Well, you say "draft," so I'm going to say  
8 no. Because it doesn't sound like it was ever  
9 approved.

10 Q. Let me just show you what I'm talking  
11 about. For the record, this is a document  
12 IDOC\_EE\_page 1 through 35. I'm going to ask you to  
13 look through it and just let me know whether you're  
14 familiar with it or not so we can move on, if not.

15 A. [Reviews.]

16 I do not believe I have seen this.

17 Q. Okay. You can give it back to me. Thank  
18 you.

19 All right. So going back to Exhibit 3,  
20 your declaration. Still on page 4, looking now at  
21 paragraph 9. Looking at the bottom of the page,  
22 there's a sentence that begins "Notwithstanding."

23 Do you see that?

24 A. 9. Notwithstanding.

25 Q. On page 4, it's about five lines up from

1 altering clothing to -- altering underwear or creating  
2 or making the underwear thongs. Her demeanor, conduct,  
3 behavior around other offenders. Conversations I've  
4 had with her. Conversations I've had with staff over  
5 their concern of Edmo's appearance, her defiance.

6 Q. Do you have an opinion about whether a high  
7 ponytail above the ear versus a ponytail below the ears  
8 is sexually charged?

9 A. I don't think you could define a ponytail  
10 up or down as one constitutes sexually charged and the  
11 other one doesn't.

12 Q. If you can turn to again, we're going to  
13 stay in the same exhibit, IDOC\_C\_page 48 and 49.

14 MR. HALL: Again, we're in Exhibit 3?

15 MS. RIFKIN: Correct.

16 MR. HALL: Okay.

17 Q. (BY MS. RIFKIN): It's DOR No. 164886.

18 A. Okay.

19 Q. And just if you can take a minute to review  
20 that and let me know.

21 A. [Reviews.]

22 Okay.

23 Q. All right. This is a DOR for Ms. Edmo that  
24 you were the appellate authority on; correct?

25 A. Correct.

1 Q. Okay. And would it be fair to say that  
2 this was a DOR given to Ms. Edmo for altering underwear  
3 and bras, so undergarments, that were State issued, she  
4 was alleged to have altered men's underwear into a  
5 thong?

6 A. Correct.

7 Q. And a sports bra into a different kind of  
8 bra?

9 A. Correct.

10 Q. Okay. So if you look at -- I'm looking at  
11 page 49, which has the "Offender Appeal Details."  
12 Ms. Edmo wrote, "IDOC/Warden Yordy is deliberately  
13 indifferent to my serious medical condition of gender  
14 dysphoria by denying my me female panties, which are  
15 necessary and appropriate for my gender dysphoria  
16 symptoms. I would not have to modify my undergarments  
17 for additional support for tucking my testicles."

18 Do you see that?

19 A. I do.

20 Q. Do you know whether at this time in 2016 --  
21 the original DOR is dated July 26th, 2016. Do you know  
22 whether Ms. Edmo had access to female panties?

23 A. I don't know if she had on this date.

24 Q. Did you take any action to find out whether  
25 at this time Ms. Edmo had access to any female panties?

1           A.    I knew prior to this date she had access to  
2    panties.

3           Q.    How did you know that?

4           A.    The property inventory sheets.

5           Q.    The ones we looked at before?

6           A.    Well, I don't know if it was that one, but  
7    there were other property inventory sheets where she  
8    had women's underwear.

9           Q.    Prior to July of 2016?

10          A.    Yes.

11          Q.    Was it your understanding at the time that  
12    Ms. Edmo appealed this DOR that she in fact was not  
13    denied non-thong female panties?

14          A.    I don't know what she may have --

15          MR. HALL:   Object to form.

16          THE WITNESS:   I don't know what she had been  
17    given.

18          Q.    (BY MS. RIFKIN):   So you didn't know one  
19    way or the other as far as whether she had access to  
20    non-thong female panties at that time?

21          MR. HALL:   Object to form.   Misstates testimony.

22          THE WITNESS:   I don't know what she had at the  
23    time when she did this.

24          Q.    (BY MS. RIFKIN):   Did you do anything to  
25    follow up to ensure that Ms. Edmo did have access to

1 non-thong female panties at the time, August 2016?

2 MR. HALL: Object to the form.

3 THE WITNESS: I did not.

4 Q. (BY MS. RIFKIN): Did you do anything to  
5 follow up to ensure that Ms. Edmo had access to  
6 undergarments that allowed her support for tucking her  
7 testicles in August 2016?

8 A. I did not.

9 Q. All right. Turning back to the beginning  
10 of this document, Exhibit 3, back to your declaration.  
11 We're on page 5 and looking at paragraph 11.

12 You wrote, "32 DORs is an exceptionally  
13 high number of DORs for an offender who's been  
14 incarcerated for only six years"; correct?

15 A. Correct.

16 Q. And what did you base that statement on?

17 A. 30-plus years of correctional experience.

18 Q. Are you aware of approximately how many  
19 people are incarcerated in the IDOC system who have a  
20 diagnosis of gender dysphoria presently?

21 A. I do not.

22 Q. Are you able to give an estimate?

23 A. I could give a guess.

24 MR. HALL: Object.

25 Q. (BY MS. RIFKIN): Do you have any basis for

1 knowing whether it's more than ten?

2 A. I would say it's approximately that number.

3 Q. Do you know the DOR history for any of  
4 those other individuals with a diagnosis of gender  
5 dysphoria in the IDOC system?

6 A. A couple of them.

7 Q. Do you know how many DORs they've received?

8 A. All of them?

9 MR. EATON: Object to form.

10 Q. (BY MS. RIFKIN): Let me ask you this: Did  
11 you compare the number of DORs Ms. Edmo has received to  
12 other offenders with a gender dysphoria diagnosis in  
13 the IDOC system?

14 A. Not all of them.

15 Q. Do you know, sitting here, whether she has  
16 more or less DORs than the other offenders with a GD  
17 diagnosis?

18 MR. HALL: Object to form. Foundation.

19 THE WITNESS: I do not know if she has more or  
20 less than the other ten.

21 Q. (BY MS. RIFKIN): You wrote, "In my  
22 experience, the vast majority of offenders will receive  
23 only three or four DORs, if any, over six years."

24 Did you review any documents in making this  
25 statement?

1 A. I did.

2 Q. What documents did you review?

3 A. Our CIS system.

4 Q. And can you explain what you looked at in  
5 the CIS system as the basis in order to make the  
6 statement?

7 A. So I looked up Ms. Edmo's location, which  
8 was Unit 10, and went through and looked at probably  
9 20, 25 offenders who had a number close to Ms. Edmo's  
10 90 -- 9 number. She's 94. But I looked at other  
11 inmates with a number in the 9s, 8s, and a couple into  
12 the 100 number, which would give an indication that  
13 they at least came into the system roughly same time,  
14 and looked at their DOR history.

15 Q. And did you say you looked at those for  
16 people who were on Unit 10?

17 A. Uh-huh, yes.

18 Q. What kind of unit is Unit 10?

19 A. It's a medium-custody housing unit. It  
20 holds 108 offenders.

21 Q. Is it general population?

22 A. It is.

23 Q. And for the 20 to 25 people that you looked  
24 at from Unit 10, did you note how many of them had a  
25 history of placements in the BHU, I believe it's

1 called?

2 A. I did not.

3 Q. Did you look at whether any of them had a  
4 diagnosis of gender dysphoria?

5 A. I did not.

6 Q. Did you look at whether any of them had at  
7 any point during their incarceration not been  
8 classified as GP, but been classified at a segregation  
9 or other kind of higher custody level?

10 MR. HALL: I'm sorry. Did you say "GD" or "GP"?

11 MS. RIFKIN: "GP."

12 MR. HALL: Okay. As in general population.

13 Okay.

14 Q. (BY MS. RIFKIN): Should I ask the question  
15 again?

16 A. Please.

17 Q. See if I remember it.

18 A. Okay.

19 Q. For the 20 to 25 GP offenders that you  
20 looked at from Unit 10, did you look at whether any had  
21 a history of placements in a higher custody level than  
22 GP, for example, segregation?

23 A. No, I did not.

24 Q. Did you look at any other data or documents  
25 in making this statement, "In my experience the vast

1 majority of offenders will receive only three or four  
2 DORs, if any, over six years"?

3 A. No, I did not.

4 Q. Based on your experience, is it your  
5 opinion that sexual contact between offenders in a male  
6 prison is highly unusual?

7 MR. HALL: Object to form. Vague.

8 THE WITNESS: I'm not sure what your standard of  
9 "highly unusual" is.

10 Q. (BY MS. RIFKIN): That's fair. How would  
11 you characterize, based on your experience, how often  
12 sexual contact between inmates in a male prison occurs?

13 A. My standard, I'd say not often.

14 Q. And what does that mean to you, "not  
15 often"?

16 A. Well, based on my correctional experience,  
17 we don't write a lot of DORs for sexual activity.  
18 We're not catching it.

19 Q. And do you have a sense, based on your  
20 experience, on how much sexual activity there is that  
21 you don't catch or you're not writing DORs for? By  
22 "you," I mean the correctional staff, not you  
23 personally.

24 MR. HALL: Object to form. Foundation.

25 THE WITNESS: You know, we certainly don't catch

1 allegation?

2 A. I don't have an exact number.

3 Q. Would it be fair to say in your opinion  
4 that this was not an allegation that was unique to  
5 Ms. Edmo for this time at ISCI?

6 MR. HALL: Object to form. Vague.

7 THE WITNESS: Well, there was quite a few number  
8 of inmates that did something similar, yes, if that's  
9 your question.

10 Q. (BY MS. RIFKIN): Are you aware of whether  
11 Ms. Edmo was alleged to have been involved with  
12 planning the theft of JPay funds that happened around  
13 this time in the summer of 2018?

14 MR. HALL: Object to form. Vague.

15 THE WITNESS: I did not hear that she was  
16 involved in the planning.

17 MS. RIFKIN: All right. Why don't we take  
18 another few-minute break, and we'll go back on and  
19 hopefully we won't be too much longer.

20 MR. HALL: Great.

21 (Recess.)

22 Q. (BY MS. RIFKIN): So if you can turn to  
23 Exhibit 7, which is this document right here  
24 [indicating].

25 A. Okay.

1 Q. So if you can turn to -- and I'm going to  
2 reference the numbers at the bottom -- AE 82.

3 A. Okay.

4 Q. All right. So 82 and 83, AE 82 and 83 are  
5 a grievance form for Ms. Edmo.

6 Do you see that?

7 A. I do.

8 Q. Okay. So if you can just take a couple  
9 minutes and review just these two pages and let me know  
10 when you're done.

11 A. [Reviews.]

12 Okay.

13 Q. All right. So for this grievance form, for  
14 this grievance submitted by Ms. Edmo, you were the  
15 appellate authority response; is that correct?

16 A. That is correct.

17 Q. Okay. And Ms. Edmo's grievance that she  
18 described on June 20th, 2018, she referenced a  
19 May 25th, 2018, incident or interaction where she says,  
20 "At visiting correctional officer stated to me, 'You  
21 will not be allowed another visit with your attorneys  
22 because you appear too feminine with your hair all done  
23 up, boobs, and makeup, per your unit sergeant.'"

24 Is that accurate?

25 MR. HALL: Object to form.

1 THE WITNESS: That's what she's alleging, yes.

2 Q. (BY MS. RIFKIN): Okay. Is it your  
3 understanding that the unit sergeant determined that  
4 when Ms. Edmo went for her attorney visit on May 25th,  
5 2018, she had an inappropriate or sexually provocative  
6 appearance?

7 A. That's what --

8 MR. HALL: Object to form. Foundation.

9 THE WITNESS: As I recall, that's what he said  
10 was he felt it was over the top, and he told her to go  
11 back and change her appearance.

12 Q. (BY MS. RIFKIN): Did you see Ms. Edmo's  
13 appearance? Did you personally see Ms. Edmo's  
14 appearance on that date?

15 A. I did not.

16 Q. And this grievance references a past  
17 allegation Ms. Edmo had made that Sergeant Gould had  
18 grabbed or groped her breast during a pat-down;  
19 correct?

20 A. Correct.

21 Q. And that allegation was determined to be  
22 unfounded by IDOC?

23 A. I'd have to look at the documentation.

24 Q. Okay. I'm just referencing what it says in  
25 the initial response, level one, by Lieutenant Aiello.

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1 staff's direction. If they tell you to do something  
2 different with your hair, you need to do something  
3 different with your hair." And then I asked staff to  
4 photograph and send me so I could look at it, because  
5 she was asking my opinion of the hairstyle.

6 Q. And did you have staff photograph her  
7 hairstyle?

8 A. Well, I said that. I do know I have in the  
9 past. I don't recall Edmo specifically. But I've had  
10 other offender's hair photographed and sent to me.

11 Q. And are those pictures saved somewhere?

12 A. From '14? I doubt it. There's -- I doubt  
13 they're still on our U-drive.

14 Q. Would they be in the inmate's file?

15 MR. HALL: Object to form. Foundation.

16 THE WITNESS: No. I doubt we would have reason  
17 to put it in there.

18 Q. (BY MS. RIFKIN): If they did still exist,  
19 do you have a sense of where on the system they'd be?

20 A. It would be under the -- the U-drive  
21 archive, if they're still there. If it's not in her  
22 C-file, then there's really no other place that we  
23 would put a hard copy. I didn't have a picture of her  
24 photograph in my -- my Concern Forms for the offender.

25 Q. And if you turn to the next page in this

1 packet, AE 0111, the Concern Form on the top half of  
2 this page, that is also your signature in the response;  
3 is that right?

4 A. My signature, yes.

5 Q. And Ms. Edmo was raising again the issue of  
6 whether she could have her hair in a bun or higher than  
7 ear level in this Concern Form; is that fair?

8 A. Yes.

9 Q. And you wrote, "Policy does support not  
10 allowing effeminate hairstyles"; correct?

11 A. Correct.

12 Q. And were you referring to the policy that  
13 we've previously looked at, the PREA policy?

14 MR. HALL: Object to form. Vague.

15 THE WITNESS: Yes.

16 MR. HALL: Compound.

17 Q. (BY MS. RIFKIN): Okay. All right. The  
18 disciplinary procedure that's used in ISCI, there's a  
19 mandatory consideration for inmates who have a mental  
20 health status of CMHS-1.

21 There's a mandatory mental health  
22 consideration as part of the DOR process; isn't that  
23 correct?

24 MR. HALL: Object to form. Vague.

25 THE WITNESS: That is correct, as I understand

1 check the mental health status on the CIS. And if the  
2 inmate had it, make sure it was done and that it was  
3 commented on. And I was confident that she was very  
4 proficient and could do that.

5 Q. Have you ever seen, that you recall, a  
6 Mental Health DOR Recommendation that identified gender  
7 dysphoria as a contributing factor in an incident?

8 MR. HALL: Object to form. Vague, overbroad.

9 THE WITNESS: I don't recall one.

10 Q. (BY MS. RIFKIN): Are there rules at ISCI  
11 about the hairstyles that female officers can wear in  
12 the prison?

13 A. For uniform or nonuniform staff?

14 Q. Let's start with uniform staff.

15 A. There was. I believe it's just recently  
16 been changed.

17 Q. What was it? Do you recall?

18 A. That hair had to be up. We had what was  
19 called a yoke of the collar, which is a seam that was  
20 across the shoulder blades, that the hair had to be up  
21 above that yoke.

22 Q. And what about for a nonuniform staff, was  
23 there or is there a policy about hairstyles?

24 A. Not hairstyles, just dress in general.

25 Q. What were those rules?

1 A. That's correct.

2 Q. For eight years?

3 A. That's correct.

4 Q. And that's where you were sort of a more  
5 frontline correctional officer and other staff rather  
6 than a topline administrator; is that fair?

7 A. I went down as a shift commander, and then  
8 became an employment coordinator at the work center.  
9 And then I was the chief of security, basically a  
10 captain's role.

11 Q. Okay. So were you ever a correctional  
12 officer at PWCC?

13 A. I was not.

14 Q. So you were a shift commander, employment  
15 coordinator, and acting chief of security, which is  
16 equivalent to captain kind of role?

17 A. Correct.

18 Q. Okay. And in your experience at PWCC, was  
19 there a policy at PWCC as far as how women at PWCC,  
20 women prisoners, could wear their hair?

21 A. No.

22 Q. And in your experience, were women at PWCC  
23 allowed to wear makeup?

24 A. They were.

25 Q. Was there a policy as far as how much

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1 makeup or what kind of makeup?

2 A. No. Just had to be theirs.

3 Q. And in your experience, was there any  
4 sexual activity between prisoners at PWCC?

5 A. There was.

6 Q. Are you able to make a comparison as to the  
7 amount of sexual activity at PWCC versus ISCI based on  
8 your experience as a supervisor?

9 MR. HALL: Object to form. Vague.

10 MR. EATON: Join.

11 THE WITNESS: Well, I would say the -- sexual  
12 activity was different between the two facilities.

13 Q. (BY MS. RIFKIN): What do you mean by that?

14 A. Women at PWCC, it was more relationship  
15 based, handholding, hugging, kissing, which created the  
16 problem in the facility.

17 And then at a men's facility, it's a sexual  
18 act, gratification of intercourse, basically.

19 Q. And in your experience, if this would have  
20 been part of your experience at PWCC, were you aware of  
21 any women housed at PWCC getting DORs for sexual  
22 activity or sexual contact?

23 A. There was.

24 MS. RIFKIN: All right. Let me just take a  
25 minute to figure out if I've got anything.

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REPORTER'S CERTIFICATE

I, JEFF LaMAR, CSR No. 640, Certified Shorthand Reporter, certify:

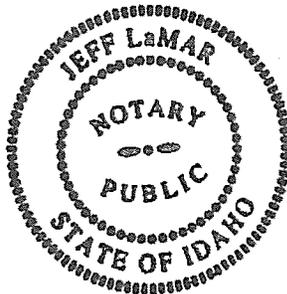
That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me.

That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction.

That the foregoing is a true and correct record of all testimony given, to the best of my ability.

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this  
5th day of October, 2018.



A handwritten signature in black ink, appearing to read "JEFF LaMAR", written over a horizontal line.

JEFF LaMAR, CSR NO. 640  
Notary Public  
Post Office Box 2636  
Boise, Idaho 83701-2636

My commission expires December 30, 2023

Yordy Dep.  
**Exh. 2**

IDAHO DEPARTMENT OF CORRECTION

Offender Concern Form

RECEIVED

Offender Name: Adree Mason Edmo IDOC Number: 94691  
Institution, Housing Unit, & Cell: ISCI 110A 05B APR 02 2014 Date: 4-02-14

To: ISCI Warden Yordy  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Per policy 311: Section #5: Offender  
Concern Forms, etc., I am submitting this  
concern and letter in a sealed envelope regarding  
a confidential issue.  
(Description of the issue must be written only on the lines provided above.)

Offender signature: Adree Mason Edmo

Staff Section

SA / A440 Collected/Received: 4-2-14  
(Signature of Staff Member Acknowledging receipt) / Associate ID # (Date collected or Received)

Reply: I will ask my assistant to schedule you for a  
meeting in a couple of weeks

Responding Staff Signature: [Signature] Associate ID # WARDEN'S OFFICE Date: 4-7-14

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

offender Adree Mason Edmo the sexual inappropriate remarks made towards  
and my first hand witness to the statement made.

Offender Adree Mason Edmo is also a Gender Dysphoric offender housed  
with me in the behavioral health unit.

Since my arrival back from Idaho Correctional Institution-Orofino  
I have been discriminated against, as well as Adree Mason Edmo for being  
a gender of female.

I am prospecting legal action against you and subsidiary  
officials for this specific discrimination, as well as other  
officials acting in concert with you and Idaho Department of  
Corrections.

I believe this to be an important matter for you to address  
with me before litigation occurs.

I am willing to discuss the specific incidents that are ongoing  
and causing me intense psychological problems detrimental to  
my ability of rehabilitation.

Offender Adree Mason Edmo is also willing to submit a statement of the  
incident of March 01, 2014.

Very Respectfully,

Adree Mason Edmo

MASON DEAN EDMO N.K.A. ADREE MASON EDMO

DATE: April 02, 2014  
TO: Idaho State Correctional Institution; Warden Yordy  
FROM: MASON DEAN EDMO N.K.A. ADREE MASON EDMO IDOC# 94691  
RE: Gender Discrimination, sexual harassment and retaliation

Idaho State Correctional Warden Yordy,

I am a offender housed in the behavioral health unit # 16 here at ISCI,

I am diagnosed with Gender Identity Disorder, or Gender Dysphoria which causes me serious dysfunction in my life of normal activities.

On March 02, 2014, I was taken to unit 8, segregated housing unit for allegations of threatening correctional officer Johnson.

No disciplinary action was taken. I was in unit 8 for approximately 14 days as pre-hearing segregation (PHS) status.

On March 01, 2014, Correctional Officer Johnson made sexual remarks towards another offender housed within the same cell as me, Offender

The allegation of a threat towards an officer was merely retaliation for the sexual inappropriate remarks made towards offender and my first hand witness to the statement made.

Offender is also a Gender Dysphoric offender housed with me in the behavioral health unit.

Since my arrival back from Idaho Correctional Institution-Orofino I have been discriminated against, as well as for being a gender of female.

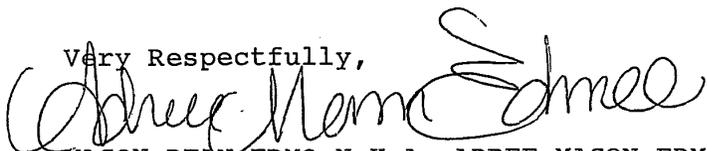
I am prospecting legal action against you and subsidiary officials for this specific discrimination, as well as other officials acting in concert with you and Idaho Department of Corrections.

I believe this to be an important matter for you to address with me before litigation occurs.

I am willing to discuss the specific incidents that are ongoing and causing me intense psychological problems detrimental to my ability of rehabilitation.

Offender is also willing to submit a statement of the incident of March 01, 2014.

Very Respectfully,



MASON DEAN EDMO N.K.A. ADREE MASON EDMO

## Warden's Weekly Appointments

April 17, 2014

Friday, 1:00 PM to 2:00

Visiting Courtroom

### Edmo #946917:1:35

- Staff concerns in BHU unit 16 – states being harassed on daily basis by staff in the unit
- States as a GID offenders it is behaviorism that cannot be helped or stopped
- Asked what is the difference between noticeable breast and style of hair
- States not allowed to wear hair in a ponytail and see not harm
- States Co's making inappropriate comments (Creale)

### Warden

- Concerning hair style and PREA – policy states required to lower tension in a prison and keeping safe
- Behavior can put offender at risk and we are liable
- No constitutional right to wear hair the way offender wants, need to assist in helping to keep safe from harm
- Asked how he would run things to house GID offenders
  - Response – to allow offenders to present themselves they naturally felt comfortable to do so, yet house them where safe
  - Explained at ISCI that would have to be Ad Seg – doesn't want to do that, need to assist in helping (total package is the concern) wearing makeup, femine hair styles put offenders at risk unnecessarily

**NOTES:** Nothing would resolve – accusation of offender being singled out by staff, meeting concluded. The offender had stated a law suit was being filed.

Yordy Dep.  
**Exh. 3**

## EXHIBIT 5



## IDAHO DEPARTMENT OF CORRECTION

## Disciplinary Offense Report

Offender Name: EDMO, MASON DEAN	Offender Number: 94691	DOR #: 150824	
Offense Facility: ISCI	Report Date: 02/07/2015	Reporting Staff: BOLLMAN, ROBERT G. #4208	
Offense: DISOBEDIENCE TO ORDERS 2	Class: CLASS B	Enhancement: NONE	
Date/Time of Offense: 02/07/2015 07:54	Place of Offense: UNIT 9		
<b>Description of Offense:</b> On 02/07/15 at 0754 I noticed Offender Edmo #94691, have his hair in a bun that was above ear line which violates policy 325.02.01.002. I had Edmo called out to the foyer so I could address the issue. I gave Edmo a direct order to stay within policy with his hair style. Edmo did fix the issue but became upset and stating that I was threatening him. After returning to the tier Edmo went back to his cell then came out to the A-tier dayroom with his hair back in a high pony tail above the ear line which still violates policy 325.02.01.002 and openly disobeyed the orders that I gave him less than 15 minutes prior. End of report.			
<b>Description of Evidence:</b>			
Reviewing Supervisor: HOUSE, STAN #2003	Date/Time Reviewed: 02/08/2015 06:00		
Delivering Staff: BIGELOW, MICHAEL #1778	Date/Time Delivered: 02/08/2015 08:38		
Staff Hearing Assistant:	Assistance:		
Witness statements were received for this hearing:	Yes [ ] No [ ]		
Scheduled Hearing Date: 02/11/2015	Final Hearing Date: 02/11/2015	Disciplinary Hearing Officer: LEE, BENJAMIN K. #6103	
Offense: DISOBEDIENCE TO ORDERS 2	Offender Plea: ADMIT	Finding: CONFIRM	
Sanctions: DETENTION	Amount: 5 day(s)	End Date: 02/12/2015	
Interventions: NO RECORDS FOUND	End/Due Date:		
Administrative Review Authority: ROSENTHAL, TERRIE #3931	Review Date: 02/12/2015	Review Finding: AFFIRM	
Appellate Authority: YORDY, HOWARD KEITH #3879	Appeal Date: 02/14/2015	Finding Date: 03/04/2015	Appellate Finding: AFFIRM
<b>Offender Appeal Details:</b>  Appeal processed on 2/19/15.  I am appealing this DOR's sanctions of five days, plus additional four days, total of 9 days of segregation for behaviors associated with my mental illness of gender dysphoria. I believe sanctions of segregation is quite			

## EXHIBIT 5

disproportionate for the offense of disobedience to orders of not having my hair below ear level.

**Appellate Comments:**

Staff gave you direction you refused to follow. Such open defiance of staff's orders are a serious infraction in our facility. You may challenge staff's orders but you don't have the option not to follow them because you don't agree with them. The sanctions remain.

Warden Yordy

## EXHIBIT 5



IDAHO DEPARTMENT OF CORRECTION

RECEIVED BY

## Disciplinary Offense Report

AUG 24 2016

ISCI RECORDS

Offender Name: EDMO, MASON DEAN	Offender Number: 94691	DOR #: 164886
Offense Facility: ISCI	Report Date: 07/26/2016	Reporting Staff: SHERFEY, TYLER #A848
Offense: DESTRUCTION OF PROPERTY UNDER \$25	Class: CLASS C	Enhancement: NONE
Date/Time of Offense: 07/26/2016 06:34	Place of Offense: LAUNDRY	
<b>Description of Offense:</b> On 7/26/16 two bras and one pair of briefs came to laundry. All items had been altered by the cutting and removal of material and sewing to create patterns in the bra straps and to turn the briefs into thong underwear. The bra was tagged with Inmate Edmo's name and IDOC # and the sizes of all of the altered items matched clothing that Inmate Edmo was issued. It is apparent that these actions are deliberate because the cuts are clean as if a pair of scissors or another sharp instrument was used to cut the fabric. Also, the area and shape of the cuts are similar to a "V" neck and the back straps sewn together in a specific pattern. All of the items listed above are completely separate from the bra that was found on 7/14/16 also altered and tagged with Edmo's name and IDOC #. Because of the alteration of these items they are no longer suitable for use and will be discarded. The cost of two new bras is \$7.14 and the cost of a pair of briefs is \$1.02, therefore, \$8.16 is being requested as restitution.		
<b>Description of Evidence:</b> Picture of damaged bras and briefs attached.		
Reviewing Supervisor: HOUSE, STAN #2003	Date/Time Reviewed: 07/27/2016 06:00	
Delivering Staff: ROMAN, RODOLFO NMI #1736	Date/Time Delivered: 07/27/2016 07:32	
Staff Hearing Assistant:	Assistance:	
Witness statements were received for this hearing:	Yes [ ] No [X]	
Scheduled Hearing Date: 08/02/2016	Final Hearing Date: 08/02/2016	Disciplinary Hearing Officer: CHRISTON, BICK A #1379
Offense: DESTRUCTION OF PROPERTY UNDER \$25	Offender Plea: DENY	Finding: CONFIRM
Sanctions: RESTITUTION	Amount: \$8.16	End Date:
Interventions: NO RECORDS FOUND	End/Due Date:	
Administrative Review Authority: ROSENTHAL, TERRIE #3931	Review Date: 08/04/2016	Review Finding: AFFIRM

Date: 08/24/2016 07:31

Created By: jwhittin

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CIS/Facilities/Main/Discipline/Disciplinary Offense Report

.mva

IDOC\_C\_pg.48

## EXHIBIT 5

Appellate Authority: YORDY, HOWARD KEITH #3879	Appeal Date: 08/09/2016	Finding Date: 08/22/2016	Appellate Finding: AFFIRM
Offender Appeal Details:  This DOR should be dismissed and purged from my record because IDOC / Warden Yordy is deliberately indifferent to my serious medical condition of gender dysphoria by denying me female panties which are necessary and appropriate for my gender dysphoria symptoms. I would not have to modify my undergarments for additional support for tucking my testicles. I don't believe I should not have to pay the restitution of \$8.16 without verifying that amount to receipts IDOC pays for such items. The receipt for such items was not in the DOR, therefore the restitution should be dismissed because no physical documentation was submitted.			
Appellate Comments:  You clearly destroyed undergarments that had to be replaced. The cost of the items are what we pay for them and is reasonable restitution.  Warden Yordy			

Yordy Dep.  
**Exh. 5**

Idaho Department of Correction 	<b>Standard Operating Procedure</b>	Title: <b>Prison Rape Elimination</b>		Page: 1 of 26
		Control Number: <b>325.02.01.001</b>	Version: <b>4.0</b>	Adopted: 08-17-2004

Jeff Zmuda, deputy director, approved this document on 04/02/2018.

Open to the public:  Yes

**SCOPE**

This standard operating procedure applies to Idaho Department of Correction (IDOC) employees, inmates, contractors, and volunteers, and any person who is involved directly or indirectly in the care and custody of inmates.

<b>Revision Summary</b>
Revision date (04/02/2018) version 4.0: Rewritten to meet federal PREA standards. Extensive changes include new sexual abuse and sexual harassment definitions, updated training and education requirements, a new sexual abuse or contact checklist, new procedures for opposite gender announcements, unannounced rounds, reporting to inmates, incident reviews and retaliation checks.

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**BOARD OF CORRECTION IDAPA RULE NUMBER**

None

**POLICY CONTROL NUMBER**

325

**PURPOSE**

This document outlines the department’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment to support the IDOC zero-tolerance standard.

**RESPONSIBILITY**

***Director***

The director is responsible for:

- Selecting a Prison Rape Elimination Act (PREA) coordinator to develop, implement, and oversee the department PREA program to reduce and prevent sexual abuse and sexual harassment in prisons and community reentry centers
- Reviewing and signing the annual reporting document

***PREA Coordinator***

The PREA coordinator is responsible for:

- Coordinating and leading department PREA compliance efforts
- Ensuring consistency in staff training and inmate education by approving all materials
- Updating PREA informational materials including posters, pamphlets, and videos
- Developing and maintaining memorandums of understanding (MOUs) and other resources to support facilities
- Acting as liaison between the department and PREA auditors
- Conducting an annual review of the *PREA Facility Staffing and Post Plan Review* form with PREA compliance managers

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- Developing data collection, reporting, and trend evaluation processes
- Reviewing facility processes and field memorandums to ensure consistency and compliance in PREA practices
- Maintaining statewide PREA reporting options, and ensuring PREA hotline calls are directed to prisons leadership, facility leadership, the PREA coordinator, and PREA compliance managers
- Maintaining a confidential folder on the internal server (PREA File) for retention of PREA investigations, notifications, tracking, and training and education materials. The folder is accessible to all facility PREA compliance managers and other select staff approved by PREA coordinator

#### ***Facility Heads***

Facility heads are responsible for:

- Assigning a second in command to serve as the PREA compliance manager to oversee facility PREA compliance efforts
- Coordinating required sexual abuse incident reviews
- Implementing the [Prison Rape Elimination Field Memorandum–Prisons](#) or [Prison Rape Field Memorandum–CRC](#)
- Reporting alleged sexual abuse at other facilities to facility leadership

#### ***PREA Compliance Managers***

PREA compliance managers are responsible for:

- Maintaining contact with the PREA coordinator
- Coordinating facility PREA compliance efforts and compiling audit files
- Coordinating facility housing efforts to ensure vulnerable inmates are not housed with potentially abusive inmates
- Coordinating the investigative, reporting to inmate, and retaliation-monitoring processes
- Leading the administrative sexual assault response team (SART)
- Reviewing PREA information posted in inmate units and provided to inmates to ensure it is current, adequate, and documenting the quarterly check in the facility PREA audit file
- Testing the PREA hotline from an inmate phone quarterly to ensure the line is working properly and triggering alerts to facility and prisons leadership

#### ***Human Resource Director***

- Ensuring PREA training is included in new employee pre-service and support service academies and maintaining training records of the new employee trainings
- Notifying appropriate licensing bodies of staff sexual misconduct
- Responding to reference checks required by PREA standards

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***Prisons Training Manager***

- Ensuring that annual IDOC-approved PREA training is completed
- Maintaining training records for in-service PREA training

***Volunteer Program Coordinator***

- Ensuring IDOC-approved PREA training is completed for all volunteers entering prisons and maintaining training verification

***Management Services Chief***

- Ensuring all contractors providing services to, or housing inmates, comply with PREA standards
- Ensuring IDOC-approved PREA training is provided and documented by the contractor or IDOC
- Monitoring contracts for compliance to PREA standards

***Medical Provider***

- Stabilizing patient and sending the PREA nursing encounter form and medical history to hospital for off-site forensic exams
- Following evidence protocol to protect forensic evidence
- Ensuring appropriate medical treatment is provided, and medical follow-ups are completed

***Clinical Supervisor***

- Providing crisis intervention services as needed
- Ensuring mental health evaluation is completed, and appropriate treatment provided
- Providing access to outside care when deemed appropriate

**STANDARD PROCEDURES****1. General Statement**

The department aggressively responds to, investigates, and supports the prosecution of incidents of sexual abuse and sexual harassment in all department facilities. The department uses internal administrative disciplinary processes and external partnerships with law enforcement and prosecutors to support and enforce the zero-tolerance standard for sexual abuse and sexual harassment.

The department cooperates with outside investigators, requests updates on progress in the cases, and requests that outside law enforcement responding to PREA investigations follow PREA requirements.

When the department conducts its own investigations into allegations of sexual abuse and sexual harassment, it is done promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports.

The department increases awareness of safe reporting mechanisms through education of staff, inmates, volunteers, vendors, and contractors, to create institutional cultures that discourage sexual abuse and sexual harassment.

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The department separates, where appropriate, and carefully monitors both sexually abusive inmates and vulnerable inmates to reduce the incidence of sexual abuse and sexual harassment through classification, housing assignment, review of new technologies, and improvements to institution architecture where feasible.

Sexual contact between staff and inmates, or volunteers, contractors and vendors and inmates, regardless of consensual status, is prohibited and subject to administrative disciplinary sanctions and criminal prosecution. (See *Sexual Misconduct with Offenders*, Policy 219.)

The department collects data to track accurately sexual abuse, and uses the information to improve operations, employee training, inmate orientation, and services toward a sustainable zero-tolerance standard.

The department protects the confidentiality of the victim of sexual abuse and provides available services necessary to help with recovery.

## 2. Inmate on Inmate Consensual Contact

Before an investigation, it is often unknown if sexual contact between inmates is sexual abuse or consensual sexual activity. When it is determined inmate on inmate sexual contact is consensual, the procedure converts to disciplinary action based on *Disciplinary Procedures for Inmates*, SOP 318.02.01.001. Consensual activity between inmates is a rule violation, not sexual abuse.

## 3. Prevention

Preventing sexual abuse includes many core correctional practices such as direct supervision, camera surveillance and an expectation of professional behavior for staff and appropriate behavior for inmates.

Unhealthy dynamics that require staff intervention include verbal harassment, protection offers, gifts, favors, rule violations, signs of coercion, or other attempts to establish power and dominance over others.

### ***Organizational Structure***

IDOC administrative prevention efforts include designating a PREA coordinator and PREA compliance managers with sufficient authority to oversee changes required to enhance prison safety.

### ***Staffing and Post Plan***

The department ensures that each facility develops and documents a staffing and post plan that provides for adequate levels of staffing to protect inmates against sexual abuse. Any deviations from the plan must be documented in staffing logs. The PREA coordinator and PREA compliance managers review staffing annually.

### ***Unannounced Supervisory Rounds***

Institutional leadership, including lieutenants, program managers, and above, must conduct and document in unit logs random, unannounced rounds to deter staff sexual abuse and sexual harassment. Unannounced rounds will be conducted randomly on all shifts and units to enforce the IDOC's zero tolerance standard. Staff is prohibited from alerting other staff members that the supervisory rounds are occurring. Community reentry centers and work camps are not required to perform and log unannounced supervisory rounds.

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### ***Presence of Opposite Gender Staff, Contractors, and Volunteers***

Opposite gender staff, contractors, and volunteers must announce their presence when entering a living area. A living area is an area where inmates are likely to be showering, performing bodily functions, or changing clothes. In secure facilities, this is the entry point into a distinctive living area, sometimes described as the entry door. At community confinement facilities, community reentry centers and the St. Anthony Work Camp, this is the entry threshold into the restroom area. Such an announcement must be made every time a staff member or visitor of the opposite gender enters the living area, unless another opposite-gender staff member or visitor is visibly present in the living area at the time of entry.

Opposite gender staff must verbally announce “male on tier,” “female on tier,” or similar professional language. The announcement will be made in a normal voice, appropriate to the level of activity in the living area.

- Standardized signs outside living areas remind opposite gender staff members to announce their presence when entering.
- Inmates with disabilities will be advised of the announce procedures in a method appropriate to their disability.

Inmates must be given an opportunity to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in emergency circumstances or when such viewing is incidental to routine cell checks. This includes viewing via surveillance systems.

### ***Physical Plant and Technology***

The IDOC must consider how design and technology enhance the department’s ability to protect inmates from sexual abuse:

- When designing or acquiring any new facility
- When planning any substantial expansion or modification of existing facilities
- When installing or updating a video monitoring, or other monitoring technology

## **4. Training**

To be most effective in providing a safe environment, IDOC staff members must recognize the signs of sexual abuse and sexual harassment and understand their responsibility in the detection, prevention, response and reporting of alleged sexual abuse or sexual harassment of inmates.

The PREA coordinator ensures that all IDOC PREA training meets PREA standards and approves all PREA training materials. The facility training coordinator ensures training is properly delivered and documented.

Staff, volunteers, and contractors must verify by signature, or electronic confirmation, that they have received and understand the PREA training.

Training records for IDOC-delivered pre-service and in-service training for IDOC staff are stored in the electronic Relias training system. Contractors maintain records of all contractor-delivered PREA training in their employees’ training files. The volunteer coordinator maintains training records.

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### ***Staff and Facility-assigned Contractor Training***

All department staff and facility-assigned contractors who may have contact with inmates receive mandatory face-to-face PREA training on the department's zero-tolerance standard for sexual abuse and sexual harassment every two years. The department provides refresher PREA information in years when trainings are not provided.

Required training includes:

- IDOC's zero-tolerance policy on sexual abuse and sexual harassment
- How to fulfill their responsibilities to prevent, detect, report, and respond to sexual abuse and sexual harassment
- Inmates' right to be free from sexual abuse and sexual harassment
- The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment
- The dynamics of sexual abuse and sexual harassment in correctional facilities
- The common reactions of sexual abuse and sexual harassment victims
- How to detect and respond to signs of threatened and actual sexual abuse
- How to avoid inappropriate relationships with inmates
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, and gender non-conforming inmates
- How to comply with laws that require mandatory reporting of sexual abuse to outside authorities

### ***Volunteers, Contractors***

The department trains volunteers and contractors on their PREA responsibilities based on the services they provide and level of contact they have with inmates. All volunteers and contractors are notified of the zero-tolerance standard for sexual abuse and sexual harassment and informed on how to respond if they observe or receive a report of sexual abuse or sexual harassment.

Limited service contractors and non-facility staff who will be unescorted while in facilities and have not received PREA training in the past year, must verify understanding of PREA information by reading and signing the [PREA Limited Services Training](#) form. A signed copy of the form must be kept in the facility's PREA training file.

### ***Specialized Training***

The department requires specialized training for medical and mental health professionals, and department investigators.

#### **Medical and mental health care**

Full and part-time medical and mental health care providers who regularly work in facilities must receive the following specialized training:

- How to detect and assess signs of sexual abuse and sexual harassment
- How to preserve physical evidence of sexual abuse

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- How to respond effectively and professionally to victims of sexual abuse and sexual harassment
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment

The medical contractor provides the necessary specialized medical training for its employees and maintains training records in the employee file. The medical contractor also provides PREA training rosters annually during compliance audits and sends them to the PREA coordinator when PREA trainings are completed.

#### **Clinical Supervisors**

Clinical supervisors ensure mental health care staff receive the specialized training and maintains training records on Relias.

#### **Investigations**

Staff investigating sexual abuse must receive the following specialized training:

- Techniques for interviewing sexual abuse victims
- Proper use of Miranda and Garrity warnings
- Sexual abuse evidence collection in confinement settings
- Criteria and evidence required to substantiate a case

The intelligence and investigations coordinator ensures investigators receive the training and maintains training records.

### **5. Inmate Education**

During the reception and diagnostic unit (RDU) process, inmates receive initial information on PREA, followed by comprehensive education within 30 days. Inmates receive written and verbal information regarding:

- The department's zero-tolerance policy on sexual abuse and sexual harassment, and the inmates' right to be free from sexual abuse, sexual harassment, and retaliation for reporting such incidents
- How to avoid sexual contact in prison
- The risks and consequences of engaging in sexual activity
- How to report sexual abuse and sexual harassment
- What defines a false accusation and the consequences of making a false accusation
- How to obtain counseling services and medical assistance if victimized
- Outside emotional support services and confidentiality offered

Inmate education is available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as those with limited reading skills. Only materials reviewed and approved by the PREA coordinator may be used. Approved education materials are on the internal server in the PREA folder that is accessed and managed by the PREA coordinator.

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Inmates must sign a training sheet confirming that they have received the training. The RDU manager logs a training verification in the offender management system (OMS) c-notes that states the following: Attended PREA orientation, watched video, discussed reporting methods, services available, expectations, and how to stay safe. The signed training sheets must be filed and retained for three years.

All inmates receive education when transferred to a different facility if facility-specific resources are different. Inmates must verify by signature that they have received PREA education and facility-specific PREA information.

## 6. Placement of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Inmates

The department does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely based on such identification or status.

The IDOC individually considers the management and placement of transgender or intersex inmates. Considerations on a case-by-case basis include the inmate's health and safety, operational management, security, and mental health needs. Serious consideration is given to the inmate's own views regarding safety.

Placement and programming assignments for each transgender or intersex inmate must be reassessed using processes outlined in *Gender Dysphoria*, SOP 401.06.03.501, and, where relevant, in accordance with the inmate's treatment plan.

### ***Hygiene***

Transgender and intersex inmates must be given the opportunity to shower separately from other inmates.

## 7. Youthful Inmates

Inmates under the age of 18, also known as youthful inmates, must not be placed in a housing unit in which they have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.

In areas outside of housing units, the department must maintain sight and sound separation between youthful inmates and adult inmates, or provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the inmate.

The IDOC manages youthful inmates on a case-by-case basis at the direction of the chief of prisons or designee. When needed, the facility head will develop a written plan for short-term housing of a youthful inmate until permanent placement is located.

State law requires agencies notify the Idaho Department of Health and Welfare of any reported abuse involving a juvenile.

## 8. Reporting

### ***Inmate Reporting***

The department provides multiple methods for inmates to report sexual abuse, sexual harassment, retaliation by inmates or staff, staff neglect, or staff violation of responsibilities that may have contributed to such incidents.

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All reports of sexual abuse and sexual harassment must be investigated. Incidents involving potentially criminal acts are referred to law enforcement for investigation and potential prosecution.

The department does not rely on inmate interpreters to help inmates who are disabled, or have limited English proficiency report sexual abuse, unless a delay would compromise the inmate's safety. Whenever possible the department uses a staff member, or an alternative source such as the AT&T Language Translation Service: Language Line Service.

The best method of reporting is the quickest and safest method available to the inmate at the time. Generally, the best methods are:

- Verbal report to any staff member
- Written report to any staff member
- Voicemail report to the PREA hotline
- Concern form report to any staff member
- Grievance process

#### ***Confidential Reporting***

Inmates can report sexual abuse or sexual harassment to the Idaho Sheriffs' Association (ISA). Mail to this reporting option is confidential in accordance with *Mail Handling in Correctional Facilities*, SOP 402.02.01.001. The inmate can request that the ISA remove identifying information, and keep the source of the information anonymous.

**Idaho Sheriffs' Association  
3100 Vista Ave., Suite 203  
Boise, ID 83705**

#### ***Family and Community Reporting***

The department accepts and investigates reports of sexual abuse or sexual harassment made on behalf of an inmate.

The department website, [www.idoc.idaho.gov](http://www.idoc.idaho.gov), provides a telephone number and e-mail address for third party reporting outside of facilities.

**The Helpline is 1-800-361-6286.  
The email option is [victimservices@idoc.idaho.gov](mailto:victimservices@idoc.idaho.gov).**

The Helpline and email are checked during normal business hours.

### **9. Staff Reporting**

All staff, volunteers, and contractors must immediately report verbally and in writing any knowledge, suspicion, or information received from any source regarding an allegation or incident of sexual abuse and sexual harassment to the shift commander. When the department learns that an inmate is at risk of imminent sexual abuse, immediate action is required by the shift commander to protect the inmate.

Staff, volunteers, and contractors must keep the report and its contents confidential, except as necessary to facilitate investigation of the allegation and administrative or criminal proceedings.

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The reporting staff, contractor, or volunteer must write an incident report before leaving the facility and forward it to the shift commander. If the allegation involves the shift commander or someone above the shift commander, or if staff require a private reporting method for any reason, the report must be directed to the department PREA coordinator or the special investigations unit (SIU).

#### ***Failure to Report***

Any staff member, contractor, or volunteer found to have failed to report sexual abuse or sexual harassment of an inmate, retaliation by inmates or staff, staff neglect, or staff violation of responsibilities that may have contributed to such incidents is subject to disciplinary or other appropriate action, up to and including termination. Volunteers and contractors may be denied access to the facility for failure to report.

#### ***Reporting to Other Confinement Facilities***

If an inmate reports being sexually abused while confined in another facility, either within or outside IDOC's jurisdiction, the shift commander must report the information directly to the facility head.

The facility head will notify the agency or facility head where the alleged abuse occurred. All notifications must be made within 72 hours and copied to the PREA coordinator. The PREA coordinator will log and file notifications in the PREA folder.

### **10. Response and Investigation**

Sexual abuse and sexual harassment are considered a major incident and require immediate response in accordance with *Reporting and Investigation of Major Incidents*, SOP [105.02.01.001](#).

An investigator who has received PREA-required investigation training must interview all inmates involved in an allegation of sexual abuse. If an investigator cannot respond, the shift commander may conduct the initial interviews and take appropriate action based on the information available at the time. However, an investigator must conduct follow up interviews with the inmates involved as soon as possible. If the investigator finds additional or conflicting information, the investigator must initiate steps in accordance with this section.

#### ***Response Based on When the Incident Occurred***

The amount of time that has lapsed between the abuse and the discovery or report affects specific steps of the response. If the alleged sexual abuse occurred within five calendar days, then forensic evidence can be obtained from the victim and the perpetrator.

If the alleged sexual abuse did not occur within five days, the basic response detailed in this section remains the same.

#### ***First Responder***

When the department receives an allegation that an inmate was sexually abused, the first staff member to respond must:

- Separate the alleged victim and abuser, if they have not already been separated.
- Immediately contact the shift commander.
- Preserve and protect any crime scene until evidence is collected.

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- Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating if the abuse occurred within five calendar days.
- Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating if the abuse occurred within five calendar days.

If the first staff responder is not a security staff member, request that the alleged victim take no actions that could destroy physical evidence, and notify security staff.

The *PREA Sexual Abuse or Contact Checklist* provides step-by-step guidance for sexual abuse incidents.

Functional Roles and Responsibilities	Step	Tasks
Staff Member	1	Detects or learns of an alleged sexual abuse, or an alleged consensual sexual contact.
First Responder, Security	2	Ensure that the alleged victim is safe and separated from the alleged abuser. Notify the shift commander. <b>Request</b> that the alleged victim and <b>ensure</b> the alleged abuser do not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
First Responder, Non-Security	3	Ensure that the alleged victim is safe. Request that the alleged victim not take any actions that could destroy physical evidence. Notify security staff immediately.
Shift Commander	4	Obtain the <i>PREA Sexual Abuse or Contact Checklist</i> , and begin the required documentation.
Shift Commander	5	Notify investigator.
Shift Commander	6	When inmates claim sexual activity is consensual, interview both inmates separately. If the interviews support possible sexual abuse, continue to step 7. If the interviews and evidence support that the allegation is unfounded, <ul style="list-style-type: none"> <li>• Complete the applicable sections of the <i>PREA Sexual Abuse or Contact Checklist</i>, and forward the original checklist with all reports and documentation to the investigator, and copies to</li> </ul>

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Functional Roles and Responsibilities	Step	Tasks
		<p>the PREA compliance manager, facility duty officer, and PREA coordinator.</p> <p>If interviews and evidence support consensual activity between the two inmates,</p> <ul style="list-style-type: none"> <li>• Ensure that disciplinary procedures are followed in compliance with <i>Disciplinary Procedures: Inmate</i>, SOP 318.02 01.001.</li> <li>• Complete the applicable sections of the <i>PREA Sexual Abuse or Contact Checklist</i>, and forward the original of the checklist with all reports and documentation to investigator, and copies to the PREA compliance manager, facility duty officer, and PREA coordinator.</li> </ul> <p>If the interviews support that the allegation was unfounded or that the activity was consensual, the process ends here.</p>
Shift Commander	7	<p>If sexual abuse occurred within five calendar days, and a sexual assault forensic exam should be completed, the victim must be escorted to medical for immediate care in preparation for transport to the hospital.</p> <ul style="list-style-type: none"> <li>• Secure the alleged abuser in a cell with water turned off to preserve evidence</li> <li>• Collect the alleged abuser's clothing to maintaining a chain of custody in accordance with <i>Custody of Evidence</i>, SOP 116.02.01.001, until it can be turned over to the law enforcement agency with jurisdiction.</li> <li>• Ensure that the victim's clothing is collected before leaving the facility to maintain a chain of custody.</li> <li>• Contact local law enforcement and request an immediate investigation.</li> <li>• Notify the hospital that a possible rape victim is being transported and request that the hospital sexual assault response team (SART) be activated. (Transport in accordance with <i>Transports: Medical, Court, Family Emergency, and State</i>, SOP 322.02.01.001.)</li> </ul>
Shift Commander	8	<p>Activate the facility SART to coordinate response and ensure that victim receives timely on-site medical care for emergency needs, and is assigned a staff person for</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
		mental health support.
Shift Commander	9	Request medical prepare all required documents for hospital transport.
Shift Commander	10	If the abuse did not occur within the last five calendar days, base the response on the following steps applicable to the situation.
Shift Commander	11	Secure the alleged abuser in a different unit than where the victim is housed.
Shift Commander	12	Notify the facility head or facility duty officer.
<b>Facility Head or Facility Duty Officer</b>	13	Provide guidance if required. When an allegation or circumstances require it, call the administrative duty officer to ensure department resources are deployed.
<b>Shift Commander</b>	14	Document the facility head contact on the <i>PREA Sexual Abuse or Contact Checklist</i> and implement guidance.
Shift Commander	15	Ensure that evidence is gathered for law enforcement investigation, based on guidance in <i>Custody of Evidence</i> , SOP 116.02.01.001 and as requested by law enforcement. Maintain the custody of evidence, until it is turned over to the law enforcement agency with jurisdiction.
Shift Commander	16	Notify the facility clinician or mental health professional (if not a member of SART).
Shift Commander	17	Complete and transmit a <a href="#">105 incident report</a> .
Shift Commander	18	Ensure that involved staff members, contractors, and volunteers, complete reports before they leave the facility.
Shift Commander	19	Ensure that medical discharge instructions from the hospital are delivered directly to facility medical staff and copies of the forensic exam summary are delivered to medical and investigations.
Shift Commander	20	Forward completed checklists to the facility PREA compliance manager, the facility duty officer, facility investigations, and PREA coordinator usually immediately, but within 72 hours.
<b>PREA Compliance Manager</b>	21	Create PREA incident action plan with administrative SART to best support the victim and investigation.
PREA Compliance Manager	22	Verify that a qualified mental health professional performed a risk and needs assessment within 24 hours in

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Functional Roles and Responsibilities	Step	Tasks
		accordance with this SOP.
PREA Compliance Manager	23	Update the PREA coordinator within 72 hours.

**11. Staff Sexual Misconduct Allegations**

**Some Evidence**

In sexual abuse cases involving a staff member, contractor, or volunteer, additional steps are required. If the initial review finds some evidence that staff-inmate abuse may have occurred or law enforcement is contacted, the shift commander must contact the warden or facility duty officer, the administrative duty officer (ADO) and special investigations unit (SIU).

SIU must accept the investigation and perform the staff and contractor interviews, or provide input to trained facility investigators on how to proceed with staff or contractor interviews in conformance with *Administrative Investigations*, SOP 150.01.01.006. The ADO will involve human resources staff as needed to ensure proper procedures are followed if a staff or contractor must be removed from the facility.

In SIU cases referred to law enforcement, SIU will request law enforcement updates on progress in open staff-inmate cases, and inform department leadership, facility leadership, and the PREA coordinator of key developments including case dismissal, referral for prosecution, indictments, convictions, and acquittals.

In sexual misconduct cases involving staff or contractors, SIU must send finding notifications to HR, the contractor, when relevant, and the PREA coordinator. Notifications to licensing boards will be sent by the employer and copied to SIU and the PREA coordinator.

SART and administrative SART actions supporting the victim must be completed according to policy guidance below.

Functional Roles and Responsibilities	Step	Tasks
Shift Commander	1	If the allegation involves a staff member or agent of the department and includes some evidence contact: <ul style="list-style-type: none"> <li>• The facility head or facility duty officer (The facility head may notify the administrative duty officer)</li> <li>• The administrative duty officer</li> <li>• The special investigations unit</li> </ul>
Shift Commander	2	Based on leadership input: <ul style="list-style-type: none"> <li>• Contact local law enforcement</li> <li>• <i>If staff, remove from facility, only after conferring with the facility head, ADO, and SIU</i></li> </ul>

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		<ul style="list-style-type: none"> <li>If volunteer, remove from facility after conferring with facility head</li> </ul>
Shift Commander	3	Forward completed checklists to the facility PREA compliance manager, the facility duty officer, facility investigations, SIU, PREA coordinator usually immediately, but within 72 hours.
<b>Administrative Duty Officer</b>	4	Make notifications required at department leadership level to include human resources.
<b>Special Investigations Unit Chief</b>	5	Monitor or oversee all staff and contractor interviews in sexual misconduct cases
Special Investigations Unit Chief	6	Seek updates, and provide timely updates on staff sexual misconduct cases to department leadership, facility leadership, and the PREA coordinator.
<b>PREA Compliance Manager</b>	7	Ensure administrative SART actions are completed after consultation with SIU.

### No Evidence

When a staff-inmate sexual abuse allegation is made, but the initial review finds no evidence supporting the allegation, the shift commander will complete and forward the PREA checklist, and reports to investigations and the PREA compliance manager for prioritization and assignment. The shift commander will consult facility leadership on how to separate the alleged victim and accused staff member until the investigation is completed. Temporarily reassigning a staff member to another unit or another facility is usually appropriate.

The shift commander will forward PREA checklists for all staff-inmate allegations of sexual abuse and sexual harassment to SIU in addition to the other required distribution.

<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Shift Commander</b>	1	If the allegation involves a staff member or agent of the department but no immediate threat exists, contact the facility head or facility duty officer.
Shift Commander	2	Assign an investigator to collect information and evidence.
Shift Commander	3	Ask the facility head or duty officer if the staff member or contractor should be reassigned to a different unit than where the victim is housed, or removed from the facility.  If volunteer or visitor, remove from facility after conferring with facility head
Shift Commander	4	Forward completed checklists to the facility PREA compliance manager, the facility duty officer, facility investigations, SIU, and PREA coordinator usually immediately, but within 72 hours.

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<b>Investigator</b>	5	Gather initial evidence and information reports. Keep SIU informed of process.
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## 12. Sexual Assault Response Team (SART)

The facility leader must detail a facility-specific coordinated response in the standardized *Prison Rape Elimination FM*. The FM must name a PREA compliance manager; identify resources to support the initial response and administrative SART, and community SART. When a facility does not have the required response team members on staff, the FM must identify how those duties will be covered. The FM will be updated annually or in a timely manner when changes occur. The initial response SART usually includes:

- Shift commander
- Medical staff
- Mental health staff
- Investigator

The initial response SART is responsible to work with the shift commander or duty officer for the immediate management of the victim to include medical evaluation, crisis intervention, and temporary housing decisions.

Alleged sexual abuse victims should not be housed on the same unit as the alleged abusers. Sexual abuse victims should be housed in the least restrictive environment possible and should be allowed to retain personal property that does not present a legitimate security concern. After a sexual abuse exam has been completed (or refused), victims should be given access to a shower, food, and drink. Telephone calls to family, visits from clergy, community victim services coordinators, etc., should be allowed whenever possible.

If initial response SART members cannot agree on a housing assignment, the shift commander must notify the facility duty officer. The facility duty officer then decides the sexual abuse victim's housing assignment.

The administrative SART assumes responsibility after the initial response, and establishes the PREA incident action plan to ensure a victim-focused response. The administrative SART usually includes:

- PREA compliance manager
- Investigator
- Clinical supervisor, or mental health professional
- Medical representative

The *PREA Incident Action Plan* should be completed within 72 hours of the initial response. The action plan ensures the victim is supported and after-incident processes are completed in a timely manner. For sexual abuse incidents, the plan requires medical and mental health follow-up, inmate reporting, retaliation checks, and an incident review.

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SART ensures a balanced multi-disciplinary team approach is used when making decisions regarding a sexual abuse victim in the immediate crisis and in providing follow-up support services.

**13. Medical and Mental Health Services**

Victims of sexual abuse receive prompt access to emergency medical treatment and crisis intervention based on the nature and scope of the abuse as determined by a medical or mental health professional. These services are provided to the victim without cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

***Forensic Services***

Facility medical staff must stabilize and provide emergency medical care prior to transport for a forensic exam. Medical staff must send the victim’s medical history and the PREA Nursing Encounter (medical records form) to the receiving hospital, but no forensic evidence should be collected by facility medical staff.

The forensic medical exam will be performed by a sexual assault forensic examiner (SAFE) or sexual assault nurse examiner (SANE) at a local hospital. A forensic exam can be completed by qualified medical practitioners at the local hospital if a SAFE or SANE provider is unavailable. The victim may refuse the forensic exam.

A community victim services advocate provides emotional support, and explains the forensic exam process.

***Facility Forensic Follow-up***

Hospitals send sealed medical discharge instructions with the patient. The facility medical staff ensure medical follow-up is completed. The nurse must notify the on-call facility medical provider in a timely manner as needed and ensure the provider is aware a forensic exam was completed.

***Medical Services***

When sexual abuse is reported five calendar days or more after the incident, facility medical staff provide appropriate treatment to include a medical assessment, mental health referral, treatment of all injuries, appropriate baseline labs, and prophylaxis for sexually transmitted diseases as described in A National Protocol for Sexual Assault Medical Forensic Examinations and the Centers for Disease Control (CDC) Treatment Guidelines.

All appropriate follow-up exams and booster vaccines must be scheduled and completed based on the CDC treatment guidelines. Referrals for continued care must be provided upon release from custody as needed.

Victims of sexually abusive vaginal penetration must be offered pregnancy tests. If a sexual abuse results in pregnancy, sexual abuse victims must receive comprehensive information about, and timely access to pregnancy-related medical services.

When a reportable infectious disease, such as HIV, is detected, the medical provider is responsible for reporting it to the state health authority as required by law.

Functional Roles and Responsibilities	Step	Tasks
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Functional Roles and Responsibilities	Step	Tasks
<b>Medical provider</b>	1	Stabilize and assess the victim using the <i>PREA Nursing Encounter Form</i> . If no off-site treatment and no forensic exam is required complete: <ul style="list-style-type: none"> <li>• Medical assessment</li> <li>• Treat all injuries</li> <li>• Perform appropriate baseline labs</li> <li>• Administer prophylaxis for sexually transmitted diseases</li> <li>• Perform pregnancy testing when appropriate</li> </ul>
Medical provider	2	When hospital transport is required, send the <i>PREA Nursing Encounter Form</i> and victim's medical history to the hospital with the transport officer.
Medical provider	3	Ensure the medical discharge instructions and a copy of the forensic exam summary are received and required follow-up scheduled and completed.
Medical provider (if nurse)	4	Ensure on-call medical provider is informed in a timely manner that an inmate was sent for a forensic exam.
Medical provider	5	Schedule and complete appropriate medical follow-ups.

### **Mental Health Services**

Facility mental health providers must provide a mental health evaluation and appropriate treatment to inmates who have been victimized by sexual abuse while incarcerated. Services provided must be based on the inmate's identified clinical need.

#### **Immediate Crisis Intervention**

When a SART member is notified of a report of sexual abuse, that individual will notify the facility clinical supervisor. The clinical supervisor assigns a mental health professional to conduct a screening and complete a *PREA Mental Health Progress Report* as quickly as possible, but no later than within 24 hours of receiving a sexual abuse report.

#### **Ongoing Response**

A follow-up mental status assessment will be performed within 30 days to monitor for delayed trauma reaction. The same standards as the first assessment apply.

If the inmate is suffering from an acute stress reaction as the result of sexual abuse or victimization, the clinician will determine the level of need for services. In most cases, the inmate will be referred to current facility mental health services. If a mental health professional determines an inmate's mental health needs cannot be met by the facility services, the clinical supervisor is to consult with the Chief of Psychology, who may

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determine that a service provider outside the employment of IDOC is to be contracted to provide assessment and stabilization services for individual therapy to last approximately six sessions. The therapeutic goal of such care is preparation to participate in longer term mental health services at the facility.

#### **Confidentiality and Mandatory Reporting**

Information gathered in the mental health assessment must be managed according to laws and policies regarding confidentiality of protected health information.

All staff and contractors, including medical and mental health professionals, are required to report immediately in-custody sexual abuse. State law requires agencies notify the Idaho Department of Health and Welfare of any reported abuse involving a juvenile or vulnerable adult.

<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Mental health professional</b>	1	Provide immediate crisis intervention to help stabilize the victim. <ul style="list-style-type: none"> <li>When indicated, follow 315, <i>Suicide Risk Management</i></li> <li>Participate in SART consultation on housing options to ensure the safety of the inmate.</li> </ul>
Mental Health Professional	2	Within 24-hours after an allegation, complete mental health status examination. The encounter should be entered into the medical record as a subjective, objective assessment plan (SOAP) charting format note.
Mental Health Professional	3	Submit a <i>PREA Mental Health Progress Report</i> to the clinical supervisor, chief psychologist, and PREA compliance manager to verify the evaluation is complete.
Mental Health Professional	4	Provide mental health services at level of care identified. Or When indicated, submit an outside counseling request to the clinical supervisor.
<b>Clinical Supervisor</b>	5	Review outside counseling request and consult with the chief psychologist
Mental Health Professional	6	When treatment is completed, the responsible treatment professional submits a final <i>PREA Mental Health Progress Report</i> to the chief psychologist for final review, with copies to the facility clinical supervisor, and PREA compliance manager to confirm PREA treatment is complete.
<b>Chief Psychologist</b>	7	Reviews termination summary on all outside counseling services. Approves additional services if indicated.

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#### 14. Confidential Support Services

Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse. The department allows reasonable communication between inmates and support organizations in as confidential a manner as possible.

Staff must inform inmates the extent to which communications are monitored before giving inmates access to outside victim advocates and the extent to which reports of abuse are forwarded to authorities in accordance with reporting laws.

The PREA coordinator will develop support service agreements with community providers willing to participate, maintain memorandums of understanding for services available, and maintain updated support service provider lists for inmate and staff access, and document contact with providers unable to participate.

#### 15. Protection against Retaliation

The department strictly prohibits retaliation against any person for reporting or cooperating in an investigation of sexual abuse or sexual harassment. Any inmate or staff member who reports sexual abuse or sexual harassment, or who cooperates with any such relative investigation(s), or, who fears retaliation, must be protected.

The facility PREA compliance manager must assign facility staff to monitor the conduct and treatment of inmates or staff who reported the sexual abuse of inmates to determine if any activities suggest retaliation by inmates or staff and act promptly to remedy any such retaliation. The *PREA Retaliation Monitoring Form* is used for 90 days to track for retaliation. Completed forms are filed at the facility in the PREA compliance manager audit file.

**If a sexual abuse or sexual harassment allegation is unfounded, retaliation monitoring can end, unless the facility head determines that further monitoring is warranted. Potential protective measures for inmates who fear retaliation include:**

- Monitoring disciplinary offense reports
- Direct monitoring for unusual or abnormal behavior
- Housing reassignment or transfers
- Program changes

Possible retaliation by inmates must be reported to the facility head for further investigation and possible disciplinary action.

**Protective measures for staff who fear retaliation include:**

- Monitoring for unwarranted and apparent retaliatory performance reviews
- Monitor job reassignments that appear retaliatory

Suspected retaliation must be reported to the facility head and human resources director for further investigation and possible disciplinary action, based on procedures in *Corrective and Disciplinary Action*, SOP 205.07.01.001. Retaliation, in and of itself, is grounds for disciplinary action up to and including termination.

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## 16. Findings and Notifications

### *Findings*

When the sexual abuse investigation is completed, facility leadership will determine findings based on the evidence.

- **Substantiated** means an allegation was investigated and determined to have occurred based on a preponderance of evidence.
- **Unsubstantiated** means an allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- **Unfounded** means an allegation was investigated and determined not to have occurred.

In unfounded cases, sanctions for false reporting will be considered. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred must not constitute a false allegation, even if the evidence does not substantiate the allegation.

### *Notifications*

The PREA compliance manager must ensure the victim is notified of key events, as noted below, **during** and **after** a sexual abuse investigation. All notifications will be documented on the [PREA Reporting to Inmate Form](#). The *PREA Reporting to Inmate Form* must be signed by the staff delivering the notification. The signed *PREA Reporting to Inmate Form* is then filed in the PREA folder.

For all allegations, the victim is notified of the investigation findings, and when criminal indictments or convictions occur. Findings for investigations involving outside agencies or SIU must be delivered in the same manner with the PREA coordinator providing the information for delivery to the victim.

For investigations involving allegations against **staff**, the victim is also notified when the following occurs:

- The accused staff member is no longer posted within the victim's unit.
- The accused staff member is no longer employed at the facility.

Notifications are no longer required after the inmate is released from the custody of the department.

The PREA coordinator must review open PREA cases monthly, and notify PREA compliance managers of victims who have been transferred between facilities to ensure the victim continues to receive required services and notifications, unless the victim has requested otherwise.

## 17. Sexual Abuse Incident Reviews

The facility head or designee must conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation usually within 30 calendar days after the investigation ends, unless the allegation was unfounded.

For substantiated and unsubstantiated incidents, the facility head must assemble a review team comprised of upper-level facility management, which will seek input from:

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- Line supervisors
- Investigations
- Medical and mental health staff

The team must assess all factors outlined in the *PREA Sexual Abuse Incident Review*, provide recommendations for improvement, and submit the report to the facility head and PREA compliance manager. The facility head must implement the recommendations for improvement, or document the reasons for not doing so and forward the completed incident review form to the PREA coordinator.

The PREA coordinator will compile a summary of incident reviews, address any departmental changes needed, and provide an annual review to the department's leadership team.

The PREA compliance manager ensures the *PREA Sexual Abuse Incident Review* and investigation file are filed in the PREA folder.

## 18. Sanctions

All substantiated sexual abuse incidents are referred to law enforcement for possible prosecution.

### **Staff**

Staff members are subject to disciplinary sanctions, up to and including termination, pursuant to *Sexual Misconduct with Offenders*, Policy 219, for:

- Engaging in sexual abuse of an inmate
- Failing to report to a supervisor any suspected or known sexual abuse of an inmate by another inmate, or by a staff, contractor, or a volunteer
- Engaging in retaliatory conduct against a party involved in a sexual abuse or sexual harassment complaint

A staff member who has engaged in sexual misconduct with an inmate may be subject to criminal prosecution. Information regarding termination of staff for sexual misconduct or sexual harassment is also reported to relevant licensing bodies.

### **Contractors and Volunteers**

Any contractor or volunteer who engages in sexual abuse must be prohibited from contact with inmates and must be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

### **Sanctions for Inmates**

Inmates involved in sexual abuse of other inmates can face criminal charges and IDOC administrative disciplinary action. Inmates are subject to IDOC disciplinary actions for false reports, sexual abuse, sexual harassment, and consensual sexual activity in accordance with *Disciplinary Procedures: Inmates*, SOP 318.02.01.001. Disciplinary actions may be taken even if an inmate is not criminally charged, criminal charges are dismissed, or the inmate is not convicted of the criminal charge.

If the sexual abuse was a staff member and an inmate, the inmate can face criminal charges if evidence indicates that a staff member did not consent to sexual contact.

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## 19. Data Collection and Review

The department must collect and review data on all incidents of sexual abuse occurring in correctional facilities. Annually, the data is used to assess and improve the effectiveness of sexual abuse prevention, detection, response policies, practices, and training.

The PREA coordinator aggregates the data to respond to the Survey of Sexual Violence conducted by the Department of Justice. The PREA coordinator also prepares an annual report that identifies problem areas, and corrective action or changes were implemented. The report, when approved by the director, is posted on the IDOC website, [www.idoc.idaho.gov](http://www.idoc.idaho.gov).

The data collected is securely retained and maintained for 10 years after the date of the initial collection.

## DEFINITIONS

**Community confinement facility:** A correctional facility in which inmates reside while participating in gainful employment or employment search efforts. This definition includes St. Anthony Work Camp and community reentry centers, and is only used for SOP 325.02.01.001 and PREA-related purposes.

**Inmate-Inmate Sexual Abuse, Level 1:** Occurs if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse and includes any of the following acts:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva, or anus.
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**Inmate-Inmate Sexual Abuse, Level 2:** Occurs if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse. Any other intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Inmate-Inmate Sexual Harassment:** Is repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another inmate.

**Staff Sexual Misconduct, Staff-Inmate Sexual Abuse:** Inmates cannot consent to sexual contact with staff. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes the following categories of staff sexual misconduct and occurs with or without consent of the inmate:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva, or anus.
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.

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- Penetration of the anal or genital opening, however, slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- Any other intentional contact, either directly or through the clothing of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in bullets above in this section.
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
- Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff **for reasons unrelated to official duties**, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Staff-Inmate Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Intersex:** Means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sexual development.

**Transgender:** Means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

## REFERENCES

*PREA Field Memorandum-Prisons*

*PREA Field Memorandum-CRCs*

*PREA Incident Action Plan*

*PREA Limited Services Training*

*PREA Mental Health Progress Report*

*PREA Retaliation Monitoring Form*

*PREA Reporting to Inmate Form*

*PREA Sexual Abuse Incident Review*

*PREA Sexual Abuse or Contact Checklist*

*PREA Staffing and Post Plan Review*

Prison Rape Elimination Act, Prison and Jail Standards, 28 C.F.R. Part 115

Policy 210, *Sexual Misconduct with Offenders*

Standard Operating Procedure 105.01.01.006, *Administrative Investigations*

<b>Control Number:</b>	<b>Version:</b>	<b>Title:</b>	<b>Page Number:</b>
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Standard Operating Procedure [105.02.01.001](#), *Reporting and Investigation of Major Incidents*

Standard Operating Procedure [116.02.01.001](#), *Custody of Evidence*

Standard Operating Procedure [205.02.01.001](#), *Corrective and Disciplinary Action*

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures: Inmate*

Standard Operating Procedure [322.02.01.001](#) *Transports: Medical, Court, Family Emergency, and State*

Standard Operating Procedure [401.06.03.501](#), *Gender Dysphoria*

Standard Operating Procedure [402.02.01.001](#), *Mail Handling in Correctional Facilities*

– End of Document –

Yordy Dep.  
**Exh. 7**

IDOC Offender Concern Form

Offender Name: M. Edmo aka. Adree Edmo IDOC Number: 12/20/2016  
Institution, Housing Unit, & Cell: ISCI 15A5813 Date: 94691

To: ISCI H.S.A  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: 12/14/16 I seen Dr. Alvizo for Provider's Clinic. Dr. Alvizo had ordered medication changes. When can I expect those changes in my medications?

Offender signature: [Signature]  
(Description of the issue must be written only on the lines provided above.)

Exh. No. 7  
Date 10/1/18  
Name Vordy  
M & M Court Reporting

Staff Section: \_\_\_\_\_  
Staff signature: \_\_\_\_\_ Associate ID #: \_\_\_\_\_  
(Staff member acknowledging receipt)

Reply: NO REPLY

Responding staff signature \_\_\_\_\_ Associate ID # \_\_\_\_\_ Date \_\_\_\_\_

Distribution: Pink part returned to offender after receiving staff's signature. Original (white) and yellow forwarded to appropriate responding staff.  
Appropriate responding staff will complete reply field and return yellow part to offender. IDOC-ICF-3/07

EXHIBIT A. 2

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Ex A-4

94691

Offender Name: Mason Edmo IDOC Number: \_\_\_\_\_  
Institution, Housing Unit, & Cell: ISCI 16B-344 Date: 60-20-13

To: Deputy Warden Coburn  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: Today @ 1pm Cpl. Payne - recreation pulled me into his office and told me my hair was too feminine and took a picture of my hair per your request. I feel ISCI-IDOC is harassing me because of my mental disorder - Gender Identity Dysphoria  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section: \_\_\_\_\_

(Signature of Staff Member Acknowledging receipt) / Associate ID #: \_\_\_\_\_ Collected/Received: \_\_\_\_\_  
(Date collected or Received)

Reply: We have requested photos be sent to Administration at [unclear] to have photos that may be in question and printing to identify with any planned markers of staff. We described what your hairstyle looks like and a safety risk.

Responding Staff Signature: \_\_\_\_\_ Associate ID #: 6/21/13 Date: 08/5/18

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Hofer by 7-13

Offender Name: Edmo, Aaron  
Institution, Housing Unit, & Cell: ISCI 10335B

IDOC Number: 946091  
Date: 07/10/16

To: ISCI-HSA Aaron Hofer  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: Visit responded to my concern about delay in re: pants that "Per IDOC" J.K. Smith can be provided. Why is it taking so long? What is or isn't medically necessary - this directly violates Bolla M.P. Access to Care/medication autonomy  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

RECEIVED JUL 11 2016

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] 13702 Collected/Received: 7.10.16  
(Date collected or Received)

Reply: Per clearance response from R Siebert - medical providers have determined that pants are not medically necessary.

Responding Staff Signature: [Signature] Associate ID #: [ID] Date: 7/11/16

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12) PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Received 07-12-16

Offender Name: Edmo, Aaron  
Institution, Housing Unit, & Cell: ISCI 10335B

IDOC Number: 946091  
Date: 07/09/16

To: Clinician Dwyer  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: Dwyer I had given you some paper for a gender change about 2 wks ago. Have you had time to get those to Dr. Eliason?  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] B992 Collected/Received: 7/9/16  
(Date collected or Received)

Reply: Inmate Edmo I directed the paperwork to Dr. Eliason and Deputy Chief Powell - his initial a local matter and beyond the scope of my practice. There will be a follow up on this issue for you. Thank you for your follow up on this matter.

Responding Staff Signature: [Signature] Associate ID #: [ID] Date: 07-12-16

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12) PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

B35  
by 6-29  
IDOC Number: 94691  
Date: 06/24/16

Offender Name: Alfred Salmo aka Masma Salmo  
Institution, Housing Unit, & Cell: ISC1 116B35B

To: ISC1 Health Service Administrator  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: I submitted HSR# 967832 on 06/23/16. What is the disposition on my medical memo for parties.

(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature], COT9 Collected/Received: 6/24/16  
(Date collected or Received)

Reply: Per IDOC - Corizon has been informed that Jock straps can be issued by medical

Responding Staff Signature: Aaron Hofer, HSA Associate ID #: 2632 Date: 6/20/16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

OSY # 14684C  
IDOC Number: 94691  
Date: JUL 12 2016

Offender Name: Alfred Salmo aka Masma Salmo  
Institution, Housing Unit, & Cell: ISC1 116B35B

To: IDOC Director Kempf  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Pursuant to the revised offender mailing procedures I would like to send the attached letter to IDOC Director Kempf via interdepartmental mail.

(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature], 116 Collected/Received: 7/12/16  
(Date collected or Received)

Reply: The Director can't approve Idema's ARC's decision mandating that they've met a state level recommendation. Please be patient if they can't meeting until the 10th. And just to be clear the Director can't approve Idema's father's ARC's decision. He must make a recommendation.

Responding Staff Signature: [Signature] Associate ID #: 2833 Date: 7-12-16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

B35

Offender Name: M. Edmo aka Adree Edmo  
Institution, Housing Unit, & Cell: ISCI 110B35B

IDOC Number: 941091  
Date: 05/21/16

To: CS Clark ISCI/BHU  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: I am diagnosed with GID/ID. NoHC standard MH-G-D16: Behavioral consultation compliance indicators # 1-4 indicate mental staff "provide consultation of disciplinary proceedings. My GID symptom include my persistent desire to appear the opposite gender and was treated as the opposite gender. No mental health DOC recommendation or consultation was provided to the DHO for my DOR # 1102052, or to the Warden about those particular DORs. Why not?  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] 11669 Collected/Received: 5-22-16  
(Date collected or Received)

Reply: A DOC recommendation was completed for this DOR

Responding Staff Signature: [Signature] Associate ID #: 0390 Date: 05/24/16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

# 14665C

Offender Name: M. Edmo aka Adree Edmo  
Institution, Housing Unit, & Cell: ISCI 110B35B

IDOC Number: 941091  
Date: 06/08/16

To: Deputy Chief of Divisions  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

RECEIVED  
JUN 17 2016

Issue/Concern: Warden Vardy affirmed DOR # 1102026 I received on 05/12/16. The DOR was Disobedience to Orders-3. The DOR states that the officer told me not to wear makeup. I followed the officers order and removed makeup. I am diagnosed with GID. Part of this condition is a persistent desire to be other gender which includes behaviors that went against my gender ID, e.g. wearing makeup as such. I followed the officers directive in this particular document and did not disobey his order to fix the issue. Why is it still affirmed?  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] 1761 Collected/Received: 6/8/16  
(Date collected or Received)

Reply: Regardless of your diagnosis, you have been advised on several occasions formally and informally not to wear make-up. DOR will remain.

Responding Staff Signature: [Signature] Associate ID #: 1401 Date: 6-7-16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Edmo  
Institution, Housing Unit, & Cell: 101105-575  
To: Cathy Starn  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

IDOC Number: 941091  
Date: 5/17/16

Reply by 05/25/16

Issue/Concern: I had an sexual harassment incident with guard  
(name) which resulted in physical assault to my back  
and neck. Section 15.12 is not enough to protect  
me from an assault like this. I was injured and  
in pain.

(Description of the issue must be written only on the lines provided above.)

Offender signature: Edmo

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] / 1718 Collected/Received: 5-17-16  
(Date collected or Received)

Reply: NO RESPONSE

Responding Staff Signature: \_\_\_\_\_ Associate ID #: \_\_\_\_\_ Date: \_\_\_\_\_

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCP

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Edmo  
Institution, Housing Unit, & Cell: 101105-575  
To: Dr. Eliason  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

IDOC Number: 941091  
Date: 05/20/16

B35

Issue/Concern: I need a medical memo for parties. I was allowed  
visits in KFD from 09/2013-02/2014. ICI will only allow me to  
have one if a medical memo is provided. R. Street instructed me  
to address this with you. As chief had indicated I should be  
provided the same although as legal officers can you please  
help me with this issue. Because I am in a men's prison does not  
present automatic denial.

(Description of the issue must be written only on the lines provided above.)

Offender signature: Edmo

RECEIVED MAY 23 2016

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] / B912 Collected/Received: 5-20-16  
(Date collected or Received)

Reply: I'll bring this issue up at our next committee meet  
(Next week)

Responding Staff Signature: Scott Eliason, MD Associate ID #: 04124 Date: 5/25/16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCP



DAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Masm Edmo akachree Edmo IDOC Number: 94691  
Institution, Housing Unit, & Cell: 1501103353 Date: 03/16/16

To: Corizon Scott Eliason, M.D.  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: I would like to see you about a medical evaluation for the purpose of a visit for sex reassignment surgery. This is pursuant to the MTC on 03/02/16, and C.S. 6112. Thank you.

Offender signature: [Signature] Received in: Mental Health  
DATE: 3/21/16 PC

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID # [Signature] 18702 Collected/Received: 3-16-16  
(Date collected or Received)

Reply: Dr Eliason will visit with you about this on your next scheduled appt. Please watch cell out.

Responding Staff Signature: [Signature] Patricia Cash, RN Associate ID #: 0025 Date: 3/16/16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12) PRT3NCRCF

DAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Masm Edmo akachree Edmo IDOC Number: 94691  
Institution, Housing Unit, & Cell: 1501103353 Date: 04/01/16

To: ISEI Warden Yordan  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: Per conversation with my clinicians they are not allowed to create treatment plans for use of medication to diminish this pursuant to sex with under your control. This is a violation of the Idaho Injunction Order. MDPB: NCHC MT-AGP address to Cive. NCHC D-A-05 Darcil and Pineda use particularly NCHC D-A-03 Medical Authority. I believe this is content of the most recent Balla Injunction Order. How can this be taken care of?

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID # [Signature] 18669 Collected/Received: 4/1/16  
(Date collected or Received)

Reply: You need to address this with the clinicians supervisor not at the warden's level

Responding Staff Signature: [Signature] Associate ID #: WARDEN'S OFFICE Date: 4.4.16

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12) PRT3NCRCF



II 180000495

EDMO, MASON DEAN

94691

**Level 2 - Reviewing Authority Response**

Date Forwarded:	06/21/2018	Grievance Disposition:	DENIED
Date Due Back:	07/07/2018	Level 2 Responder:	RICHARDSON,
Date Returned:	06/22/2018	Response sent to offender:	06/22/2018

Your grievance has been reviewed and I find:

Inmate Edmo,

I have reviewed your grievance as well as your past grievance # II 140000666. I see that in June of 2014 your complaints against Sgt. Gould were unfounded and as such your grievance and appeal were denied. The incident you are grieving now that took place May 25, 2018, I see that appropriate steps were taken per SOP 325.02.01.001. The proper authority has reviewed this incident and you also met with our ISCI investigative staff to review the incident. I find no evidence to terminate Sgt. Gould. Your grievance is denied.

**Offender Appeal**

Offender Comments:

Grievance # 140000666 was "not" unfounded as Richardson states but denied because of an aggressive pat search from Sgt. Gould using his open hand on my breasts, Richardson clearly did not read this grievance the appropriate steps were not taken seriously because of the nature of this claim against an IDOC staff member specifically a sergeant of staff, which this claim against Sgt. Gould is covertly found "unfounded" I attempted to submit offender witnesses but denied by IDOC staff, namely Cpl Crawford states "This won't go anywhere, I'm just telling you what will happen" I request an outside investigation not by IDOC staff.

**Level 3 - Appellate Authority Response**

Date Appealed:	07/09/2018	Grievance Disposition:	MODIFIED
Date Forwarded:	07/09/2018	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	07/25/2018	Response sent to offender:	07/23/2018
Date Returned:	07/23/2018		

Your appeal has been reviewed and I find:

Edmo, I have looked into the grievance you are referencing to #140000666, this grievance was denied due to the fact that we were within policy when you were pat searched by Sgt. Gould. Your incident was reviewed and I looked into your past grievance from 2014 regarding the same issue. Although the PREA policy did change, it did not change the way we do pat searches in our facility. I am sorry but your grievance is denied and staff issues, as always, will not be discussed with inmates.

Warden Yordy

DUE 7-25-18

U-13  
A-9

IDAHO DEPARTMENT OF CORRECTION  
Grievance/Appeal Form

Grievance aka M. Edmo  
Offender's Name: Adree Edmo-Retzger IDOC Number: 94691  
Institution, Housing Unit, & Cell: 1501 Unit 11A213 Date: 6/3/18

For Administrative Use	
Facility: <u>1501</u>	Grievance Number: <u>IF 8000495</u>
Date Collected: <u>6-20-18</u>	Grievance Category: <u>Compl. Against Staff</u>
Date Forwarded to Offender's Previous Facility: _____	
Name of Previous Facility: _____	
Date Forwarded to Responder: _____	
Level 1 Responder's Name: <u>Aiello</u>	Date Due: <u>7-4-18</u> Received: <u>6-21-18</u>
Level 2 Responder's Name: <u>Richards</u>	Date Due: <u>7-7-18</u> Received: <u>6-22-18</u>
Final Grievance Decision: <u>Denied</u>	Date Sent to Offender: <u>6-22-18</u>

**Offender Section**

The problem is: 5/25/18 I do recall at visiting a 40 strat to me, "You will not be allowed another visit w/ your attorneys because you appear too feminine w/ your hair all done up, brows and makeup, per your unit Sgt." Once at Unit 11, Sgt. Gould stated this to me. This is against IDOC's current PREA policies/procedures including Federal Law.

I have tried to solve this problem informally by: Reminding Sgt. Gould I am a trans-woman on HRT; his referring to me in that matter is not acceptable; calling PREA hotline #; sending Sgt. Gould a concern form #16.

I suggest the following solution for the problem: This incident reviewed by the appropriate authority along w/ Sgt. Gould's past behavior of groping/gripping my breasts; Griev. # 14000016, dated 6/4/14; up to and/or termination from IDOC.

Offender's signature: Adree Edmo - Retzger

Appeal Date: 7/2/18 rcvd 7-9-18

I am appealing the grievance for the following reason(s):

Grievance # 14000016 was "not" unfounded as Richardson states but denied because of an aggressive pat search from Sgt. Gould using his open hand on my breasts. Richardson ~~clearly~~ clearly did not read this grievance. ~~Staff~~ The appropriate steps were not taken seriously because of the nature of this claim against an IDOC staff member, specifically a Sergeant of staff, which this claim against Sgt. Gould is covertly found "unfounded" & attempted to submit offender witnesses but denied by IDOC staff, namely Cpl. Crawford stating, "this won't go anywhere, I'm just telling you what will happen." I request an outside investigation not by IDOC staff.

Offender's signature: Adree Edmo

Appendix B  
316.02.01.001  
(Appendix last updated 2/14/12)

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Matin Edmo aka Wheeler  
Institution, Housing Unit, & Cell: ISCI 10214015

IDOC Number: 94691  
Date: 10-05-15

To: Minerian Watson PITU  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Minerian Watson can I please schedule an  
apt. w/you & find my previous appl. I have  
nothing to thank.

(Description of the issue must be written only on the lines provided above.)

Offender signature: Wheeler Edmo

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID # ASST

Collected/Received: 10/13/15  
(Date collected or Received)

Reply: attempted to see you 10/13/15 at 0930/1235/1400.  
discussed when we met 10/13/15

Responding Staff Signature: [Signature] Associate ID #: 0367 Date: 10/13/15

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Matin Edmo aka Adria Edmo  
Institution, Housing Unit, & Cell: ISCI 10214015

IDOC Number: 94691  
Date: 10/13/15

To: ISCI Warden Howard Keith Yorky  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: 10/13/15 I attempted self-harming my testicles due to my  
reluctant disregard to the effects of Sub 3251 on my mental health  
of major depressive disorder of severe identity disorder. The standard  
of care for adequate treatment of my EDs is to allow me to wear  
female clothing, injection parties, and breast my female gender. Denying  
me prostis and female cosmetics is exacerbation my gender dysphoria.  
Wdy I please ask you advise these items be allowed to me at ISCI.

(Description of the issue must be written only on the lines provided above.)

Offender signature: Edmo

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID # 18702

Collected/Received: 10/13/15  
(Date collected or Received)

Reply: You will need to work with mental health staff on this.

Responding Staff Signature: [Signature] Associate ID #: WARDEN'S OFFICE Date: 10-15-15

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

AE 0090

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

15-200

Offender Name:  
Institution, Housing Unit, & Cell:

IDOC Number:  
Date:

To: \_\_\_\_\_  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Description of the issue must be written only on the lines provided above.)

Offender signature: \_\_\_\_\_

Staff Section: \_\_\_\_\_

(Signature of Staff Member Acknowledging receipt) / Associate ID #: \_\_\_\_\_ Collected/Received: \_\_\_\_\_  
(Date collected or Received)

Reply: \_\_\_\_\_  
\_\_\_\_\_

Responding Staff Signature: \_\_\_\_\_ Associate ID #: \_\_\_\_\_ Date: \_\_\_\_\_

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PR3JNCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

@ #15-27  
#74134C

Offender Name: Mason Amoka Ader Edmo  
Institution, Housing Unit, & Cell: 101 10310B

IDOC Number: 94107  
Date: 09/14/15

To: IDOC Director Kevin Kempf **OCT 02 2015**  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: PRISONS  
I am an transgender woman housed at ISP. Warden Vordy imposes  
the WREA policy on me as being overly punitive. The prison medical providers  
describe my leading hormone schedule by feminizing effects for FLD. Warden  
Vordy refuses to provide a clear explanation on what "feminizing hormones"  
and "feminizing behavior" consist of while also being clearly subordinate to  
Policy Directive 325. Section 4 last paragraph of referring to officers' treatment  
plan and Policy Directive 401.01.03.01 please explain what exterminate is?  
(Description of the issue must be written only on the lines provided above.)

Offender signature: Ader Edmo

Staff Section: \_\_\_\_\_

(Signature of Staff Member Acknowledging receipt) / Associate ID #: B497 Collected/Received: 09/15/15  
(Date collected or Received)

Reply: This issue has been addressed through the grievance process  
you have exhausted all departmental options in regards  
to this issue.

Responding Staff Signature: \_\_\_\_\_ Associate ID #: 1401 Date: 10/16/15

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PR3JNCRCF

AE 0092

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Mason Edmo / Adee Edmo IDOC Number: 94691  
Institution, Housing Unit, & Cell: ISCI 15A48B Date: 01-10-15

To: Kona Siegfert - ISCI Health Services Director  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Per your response in a previous IT1400013605 w/ denial of  
gender marker for me, will be identified by the staff as wanting to  
remove the risk of serious future harm in identifying from my EID/  
usage technician - this is also part of WPATH standards; Dr. Craig/IDOC  
uses for care of transgenders as myself.

(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] / A652 Collected/Received: 6-17-15  
(Date collected or Received)

Reply: This issue has been addressed in previous  
communications and you have received a final  
disposition on your appeal.

Responding Staff Signature: [Signature] Associate ID #: 5119 Date: 6-24-15

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Mason Edmo / Adee Edmo IDOC Number: 94691  
Institution, Housing Unit, & Cell: ISCI 15A48B Date: 01-24-15

To: ISCI yard warden  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Do you are aware of my EID symptoms & risk's stemming from  
EID/ED. behind me access to female commissary items such as panties,  
underwear, etc. I will self to be my female gender expression. My  
EID symptoms beyond emotional pain. This is deliberate indifference to a  
serious medical problem and violates the 8th amendment. There's no arbitrary  
risk of me having these items as I am already in general population having female  
underwear and have visible breasts. Please allow me to have those.

(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: [Signature] / 1712 Collected/Received: 6-24-15  
(Date collected or Received)

Reply: We are not going to allow you to purchase items from  
women's commissary

Responding Staff Signature: [Signature] Associate ID #: WARDEN'S OFFICE Date: 6-28-15

Pink copy to offender (after receiving staff's signature).  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
Appendix A 316.02.01.001  
(Appendix last updated 2/14/12)

PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Atlee Edma / Warden Edma IDOC Number: 941097  
Institution, Housing Unit, & Cell: 1501 110133513 Date: 01-13-14

To: 1501 Warden Verdy  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: As it to date you have you issued a field memorandum (FM) signifying 1501 offenders don't have to be below our level? If so, when, and under what Policy Directive?  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: Roe / 1761 Collected/Received: 1/3/14 1210  
(Date collected or Received)

Reply: Please catch me on the yard and we can discuss  
Thank you

Responding Staff Signature: [Signature] Associate ID #: WARDEN'S OFFICE Date: 1-8-15

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001 (Appendix last updated 2/14/12) PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Atlee Edma / Warden Edma IDOC Number: 941097  
Institution, Housing Unit, & Cell: 1501 110133513 Date: 01-13-14

To: 1501 Warden K. Verdy  
(Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: Warden Verdy: I am once again requesting your assistance in...  
(Description of the issue must be written only on the lines provided above.)

Offender signature: [Signature]

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #: W. G... / 4988 Collected/Received: 2/19/15  
(Date collected or Received)

Reply: If your intent in any way to make it look like...  
that would be in violation you'll have to show me on the  
yard. Thanks

Responding Staff Signature: [Signature] Associate ID #: WARDEN'S OFFICE Date: 2-24-15

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)  
Appendix A 316.02.01.001 (Appendix last updated 2/14/12) PRT3NCRCF

IDAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Adrian Edmo IDOC Number: 94691  
 Institution, Housing Unit, & Cell: ISEC 110102A Date: 07-09-14

To: ISEC Warden Yordy  
 (Address to appropriate staff. Person most directly responsible for this issue or concern)

Issue/Concern: this is a Confidential Matter  
enclosed is a letter dated 07-08-14  
Re: incident w/ c/o white Btu

(Description of the issue must be written only on the lines provided above.)

Offender signature: Ad Edmo

Staff Section

S. Erbe, A073 Collected/Received: 7-9-14  
 (Signature of Staff Member Acknowledging receipt) / Associate ID # (Date collected or Received)

Reply: You should follow staffs direction. I'm going to  
ask staff to photograph the style they have concern with  
show me

Responding Staff Signature: KIDY-S Associate ID #: WARDEN'S OFFICE Date: 7/7/14

Pink copy to offender (after receiving staff's signature),  
 Original and yellow to responding staff (after completing reply, yellow copy returned to offender).  
 Appendix A 316.02.01.001  
 (Appendix last updated 2/15/12)

PRT3NCRCF

**Balla Class Member Authorization to Discuss Personal Health Information**

A2  
 RECEIVED AUG 08 2014

Offender Name	<u>Adrian Edmo AKA Mas Edmo</u>	IDOC No.	<u>94691</u>
I have submitted a Health Services Request, Concern and/or Grievance concerning the medical issues identified below. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Brief Description of Medical Issue <u>not being allowed to seek further mental</u> <u>health care concerning my gender identity disorder because Dr.</u> <u>Murray Young denies further medical care as not medically</u> <u>necessary, such as gender reassignment surgery to increase of estrogen.</u>			
IDOC Response <u>Per review of your medical file, you routinely see both medical and</u> <u>mental health care providers. You are welcome to request continued mental health</u> <u>and/or medical care by submitting an HSR. There will be no charge for those visit(s)</u>			

I hereby give permission for Offender VEENSTAN, Balla Class Representative, to discuss my above-described medical problem with employees of the Idaho Department of Correction and its contract medical provider; and for employees of the Idaho Department of Correction and its contract medical provider to discuss my above-described medical problem with the Balla Class Representatives. I understand that this form is not a substitute for a Health Services Request form, concern form or grievance form. In order to see a medical professional I must submit a Health Services Request form. I am also still required to follow the concern/grievance process if I want to grieve this issue. I further authorize a copy of this form to be provided to Balla Class Counsel.

Offender signature: Ad Edmo Date: 09-05-14

Original copy to IDOC - Yellow copy to Balla Representative - Pink to Plaintiff's counsel - Goldenrod copy to offender

AE 0107



B-34

IAHO DEPARTMENT OF CORRECTION  
Offender Concern Form

Offender Name: Chason Edino IDOC Number: 94691  
Institution, Housing Unit, & Cell: B-110B-34A Date: 4-8-13

To: Dr. Craig, Chief Psychologist  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: Am I able to receive a medical permit to  
my female undergarments / under wear, bras, etc.  
I have been already work approved for this. To it  
possible to be allowed for women's under wear.  
(Description of the issue must be written only on the lines provided above.)

Offender signature: Chason Edino

Staff Section

Staff signature: T. Johnson Associate ID #: 0994 Collected/Received: 4/8/13  
(Signature of Staff Member Acknowledging receipt) / Associate ID # (Date collected or Received)

Reply: Female undergarments will be provided

Responding Staff Signature: \_\_\_\_\_ Associate ID #: \_\_\_\_\_ Date: 4/16/13

Pink copy to offender (after receiving staff's signature),  
Original and yellow to responding staff. (after completing reply, yellow copy returned to offender.)

PRT3NCRCP

IDOC Offender Concern Form

Offender Name: Chason Edino IDOC Number: 94691  
Institution, Housing Unit, & Cell: B-110B-34A Date: July 01, 2012

To: Dr. Craig, IDOC Chief Psychologist  
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: I am a transgender person with PTSD (gender identity disorder)  
which I have recognized at your facility and have yet acted upon which has  
raised my suicidal thoughts & would like to speak with you about the possibility  
of starting hormone therapy or hormone medications to feel more comfortable  
having to dress and shower around other males inmates because I don't feel  
in place. Which causes stress and anxiety. I'd very much like to speak to you  
about this and being placed around the other transgender. Thank you very much.  
(Description of the issue must be written only on the lines provided above.)

Offender signature: Chason Edino

Staff Section

Staff signature: Col Crawford Associate ID #: 7674 Date: 6-2-12  
(Staff member acknowledging receipt)

Reply: you will be allowed for undergarments in the future

Responding staff signature \_\_\_\_\_ Associate ID # \_\_\_\_\_ Date: 6/2/12

Distribution: Pink part returned to offender after receiving staff's signature. Original (white) and yellow forwarded to appropriate responding staff.  
Appropriate responding staff will complete reply field and return yellow part to offender.

PRT3NCRCP



## Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN	Location: ISCI
Offender Number: 94691	Number: II 180000155
	Category: COMPLAINT AGAINST

<b>Offender Grievance Information</b>
---------------------------------------

Date Received: 02/22/2018

The problem is:

Sgt. Biladeaux gave direct orders for me to remove my makeup. More recently on 01/31/2018. I told her about current legal actions for my use of makeup due to gender dysphoria I have. She states, "she [knows] about my law suits" knows there's "no final judgment or orders ... in a male prison and she will continue to do so." Sgt. Biladeaux along with ISCI C/O's continue to engage in a campaign of harassment.

I have tried to solve this problem informally by:

Speaking directly with Sgt. Biladeaux on 01/31/18; sent concern form to Sgt. Biladeaux on 02/08/18; she refused to reply within time limit.

I suggest the following solution for the problem:

Not to be continually harassed by staff's arbitrary decisions on my gender identity expression and my decision to use courts.

<b>Level 1 - Initial Response</b>
-----------------------------------

Date Forwarded: 02/22/2018	Date Returned: 03/12/2018
Date Due Back: 03/08/2018	Level 1 Responder: WOODLAND,

The response from the staff member or person in charge of the area/operation being grieved:

Offender Edmo,  
Makeup is not authorized at ISCI therefore you are not to possess makeup or wear it. When staff ask that you remove your makeup they are enforcing Policy.

Thank you  
Cpt. Woodland

**Level 2 - Reviewing Authority Response**

Date Forwarded:	03/12/2018	Grievance Disposition:	DENIED
Date Due Back:	03/28/2018	Level 2 Responder:	VALLEY III,
Date Returned:	03/13/2018	Response sent to offender:	03/13/2018

Your grievance has been reviewed and I find:

Inmate Edmo, as explained by Cpt. Woodland, makeup is not authorized at ISCI, as such, you are not to wear it or have any in your personal effects. Staff's enforcement of these rules does not constitute harrasment

**Offender Appeal**

Offender Comments:

There is no present IDOC policy rule or directive that explicitly prohibits makeup; IDOC female inmates are allowed to purchase and use makeup. Also, there is no present IDOC policy rule or directive that explicitly pro-hibits a "ISCI" inmate with gender dysphoria ("GD") including me from wearing make up to express my female gender identity. Such arbitrary nonexistant rules and directives Woodland and Valley refer to, can be and are harassment, when used against GD inmates, including myself as punishment for expressing my female gender identity. Knowingly enforcing a unlawful nonexistant rule against me concurrently with my active legal action addressing those exact actions along with other actions by the State of Idaho, including IDOC and all of it's officers and representatives and/or employees is retaliation for filing civil suit against the State of Idaho and/or IDOC

**Level 3 - Appellate Authority Response**

Date Appealed:	03/21/2018	Grievance Disposition:	DENIED
Date Forwarded:	03/21/2018	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	04/06/2018	Response sent to offender:	04/17/2018
Date Returned:	04/17/2018		

Your appeal has been reviewed and I find:

Inmate Edmo I am sorry but as stated by level one and level two responders, makeup is not allowed per policy at all in a male facility which ISCI is, therefore your grievance is denied.

Warden Yordy

delay R/S  
slip 21B

IDAHO DEPARTMENT OF CORRECTION  
Grievance/Appeal Form

Grievance  
Offender's Name: Mason Edms<sup>AKA</sup> Adree Edms DOC Number: 941091  
Institution, Housing Unit, & Cell: ISCI EASTA 11B35B Date: 02-16-18

For Administrative Use		
Facility: <u>ISCI</u>	Grievance Number: <u>#189090155</u>	
Date Collected: <u>2-22-18</u>	Grievance Category: <u>Compl. Against Staff</u>	
Date Forwarded to Offender's Previous Facility: _____		
Name of Previous Facility: _____		
Date Forwarded to Responder: _____		
Level 1 Responder's Name: <u>Aretto Woodland</u>	Date Due: <u>3-8-18</u>	Received: <u>3-12-18</u>
Level 2 Responder's Name: <u>Valley</u>	Date Due: <u>3-23-18</u>	Received: <u>3-12-18</u>
Final Grievance Decision: <u>Denied</u>	Date Sent to Offender: <u>3-13-18</u>	

Offender Section
The problem is: <u>Sgt. Biladeaux gave direct orders for me to remove my makeup, more recently on 01/31/18. I told her about current legal actions for my use of makeup due to gender dysphoria I have. she states, "she [knows] about my lawsuits," knows there's "no final judgment or orders... in a male prison and she will continue to do so." Sgt. Biladeaux along with ISCI C/O's continue to engage in a campaign of harassment.</u>
I have tried to solve this problem informally by: <u>speaking directly with Sgt. Biladeaux on 01/31/18; sent concern form to Sgt. Biladeaux on 02/09/18; she refused to reply within time limit.</u>
I suggest the following solution for the problem: <u>Not to be continually harassed by staff's arbitrary decisions on my gender identity expression and my decision to use courts.</u>
Offender's signature: <u>A Edms</u>

Appeal Date: 03/18/18 rcvd 3-21-18

I am appealing the grievance for the following reason(s):

There is no present IDOC policy, rule or directive that explicitly prohibits makeup; IDOC female inmates are allowed to purchase and use makeup. Also, there is no present IDOC policy, rule or directive that explicitly prohibits a "ISCI" inmate with gender dysphoria ("GD"), including me from wearing makeup to express my female gender identity. Such arbitrary, nonexistent rules and directives Woodland and Valley refer to, can be and are harassment, when used against GD inmates including myself as punishment for expressing my female gender identity. Retaliation, enforcing a unlawful, nonexistent rule against me concurrently with my active legal action addressing those exact actions along with other actions by the state of Idaho, including IDOC and all of its officers and representatives and by employees is retaliation for filing civil suit against the state of Idaho and/or IDOC.

Offender's signature: A Edms

Appendix B  
316.02.01.001  
(Appendix last updated 2/14/12)



## Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN	Location: ISCI
Offender Number: 94691	Number: II 140000666
	Category: SECURITY

**Offender Grievance Information**

Date Received: 06/04/2014

The problem is:

On 05-19-14 Sgt. Gould stopped me outside of ISCI Chapel and performed a clothed pat search. Sgt. Gould patted me down briskly grabbing / groping my chest. Sgt. Gould does know that I am a G.I.D. offender, and I have been sexually abused by men in my life, I did not feel comfortable being grabbed / groped disrespectfully.

I have tried to solve this problem informally by:

Sending concern form to Sgt. Gould about pat search on 05-19-14.

I suggest the following solution for the problem:

Staff be directed to perform pat searches on GID offenders, as would be done to female offenders (cross searchers) and be directed to write a incident report when searching GID offenders.

**Level 1 - Initial Response**

Date Forwarded: 06/05/2014	Date Returned: 06/12/2014
Date Due Back: 06/19/2014	Level 1 Responder: CLARK, EUGENE L

The response from the staff member or person in charge of the area/operation being grieved:

After review of your issue, along with discussion with Sergeant Gould, review of the initial concern form from Sergeant Gould and review of policies and procedures, ISCI Field Memorandum the following explanation, determination and resolution was compiled.

Sergeant Gould stated emphatically and assured me during our meeting that he was in no way aggressive or disrespectful towards you during his clothed body search (Pat-Down) that he performed on you. He also stated this in his concern form reply to you dated 05/19/14.

Department Policy 317.02.01.001 and ISCI Field Memorandum 317 does not differentiate ANY offenders from security procedures and protocols. It does state "Whenever possible, searches should be conducted in a manner that minimizes embarrassment and maintains the offender's dignity." "All correctional staff members are responsible to conduct searches in a professional manner, to respect offender's property and to treat offenders with dignity."

Being a GID offender does not detach, exclude or exempt you from security procedures and protocols. These protocols were established for the protection and safety of staff and the general offender population. Notification of your situation should be given to the officer conducting the search, as the staff has been instructed on the variance of procedure for this particular situation. This in no way will exempt you from the search, but will help in the performance being a tolerable experience.

Lieutenant Eugene L. Clark

II 140000666

EDMO, MASON DEAN

94691

(Recreation Oversight)

**Level 2 - Reviewing Authority Response**

Date Forwarded:	06/12/2014	Grievance Disposition:	DENIED
Date Due Back:	06/28/2014	Level 2 Responder:	PENEKU, LEROY
Date Returned:	06/19/2014	Response sent to offender:	06/19/2014

Your grievance has been reviewed and I find:

Offender Edmo - I concur with the lieutenants response.

**Offender Appeal**

Offender Comments:

Response to Lt. Clark and Dep. Warden Peneku; I had not stated in any way of form that being a transsexual, (G.I.D.) offender, exempted, excluded, or detached me from security procedures and protocols. I had simply concerned Sgt. Gould that his "pat down", consisted of him, aggressively (as I perceived the pat-down), groping the area of my breast. I had not asked for an exemption of any security procedure or protocol. I had addressed Sgt. Gould's unnecessary "frisking" of my breasts; and offered a solution that GID offenders be treated with respect, as "our" condition is known as a serious medical issue, especially those of us abused by males in the past, which creates a "not so tolerable experience".

**Level 3 - Appellate Authority Response**

Date Appealed:	06/27/2014	Grievance Disposition:	DENIED
Date Forwarded:	06/27/2014	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	07/13/2014	Response sent to offender:	07/14/2014
Date Returned:	07/13/2014		

Your appeal has been reviewed and I find:

Sgt. Gould followed proper pat search procedures with you. We do not have one set of pat down procedures for GID and another for non-GID offenders. We can't hold staff to a standard that does not exist in policy. As with all areas of Gender Identity Dysphoria offenders, our process and procedures are ever changing to the changing needs. I will present the question as to whether there should be a difference in our practices. As of now, I believe staff acted reasonably and within policy.

Warden Yordy

MENTAL HEALTH DOR RECOMMENDATION		
IDOC NUMBER	OFFENDER NAME	OFFENSE FACILITY
94691	Edmo, Mason	ISCI
OFFENSE DATE	OFFENSE DESCRIPTION	CLINICIAN
03/30/2017	Assault	J. Linder, LMSW 7605
Documented history of significant mental illness that would/could impair decision making and/or reality testing.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Presently prescribed medication for mental health issues.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
**If yes, is offender compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Experienced significant increase in stressors prior to incident?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Documented increase in mental health symptoms prior to incident?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Mental illness contributing factor in incident?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Recommendations:		
Mental illness a mitigating factor?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Recommendations:		
Assignment of staff assistant recommended?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Mental illness not a factor in incident - no restrictions on proceedings are recommended.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Additional Recommendations:		
Apology letter to Resource Center/Stewart.		
CLINICIAN SIGNATURE		DATE OF REPORT
J. Linder, LMSW 7605 <i>J. Linder, LMSW</i>		04/04/2017

Exh. No. 8  
 Date 10/1/18  
 Name Yordy  
 M & M Court Reporting