

# **Negligence and Malice: A Preliminary Report on the Water Crisis at South Central Regional Jail**

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In the wake of the 10,000-gallon chemical spill into the Elk River in January 2014, hundreds of thousands of West Virginia residents whose water was poisoned sought and received alternative water sources to minimize exposure to MCHM. For inmates at South Central Regional Jail in Charleston, West Virginia, it's been a very different story: they've had no choice but to be exposed to the chemicals, they've had minimal access to clean water, and they've faced harsh consequences for standing up for their rights to access safe water and health care.

Since February 16th, a group of volunteers from the West Virginia Clean Water Hub and Radical Action for Mountains' and People's Survival (RAMPS) have visited more than 50 inmates in the South Central Regional Jail, and have spoken to several others by phone, to learn more about the jail's inadequate response to the chemical spill. According to inmates, jail staff and administration not only failed to provide clean water and humane treatment to inmates during the water crisis, but also punished those who sought clean water and medical attention, and are now publicly lying to cover up their mistakes. While this initially appeared to be an isolated incident of crisis mismanagement, the jail's punishment of inmates who attempted to speak out or seek medical attention and the West Virginia Regional Jail Authority's public denial of wrongdoing suggest that there has been a coordinated cover-up of systematic chemical poisoning of inmates ongoing since January. This series of events occurs in the context of recent investigations into inmate brutality and abuse in West Virginia jails and growing international concern about human rights abuses, including the use of solitary confinement, in the U.S. prison system more generally.

**This preliminary report is an attempt to tell a broader story about jail conditions during and after the water crisis, based on months of interviews and correspondence that we've had with inmates about their experiences at South Central Regional Jail. In several important ways, the perspectives presented here contradict what jail authorities have said publicly about their handling of the water crisis. We regard the inmates' testimonies as thorough and credible because they are so widely corroborated by other inmates, by their family members, and by former SCRJ inmates who have since been released or transferred -- and we believe that this discrepancy demonstrates an urgent need for an independent investigation into the jail's misconduct.**

The following is a summary of inmate experiences during the water crisis, as well as particularly egregious behavior of correctional officers and jail administrators in response to the spill, as reported by inmates:

- ***Exposure to contaminated water immediately following the spill --*** Some inmates report that tap water was not cut off until the evening of the chemical spill; others state that tap water was not cut off for two full days after the spill. Inmate David Burgess, who worked in the kitchen at the time of the spill, reported that the kitchen continued to use tap water to wash and prepare food for two days after the spill. Variations in inmate accounts as to when exactly the tap water was shut off in relation to the time of the spill may be due to two factors: 1) inmates were informed of the spill at drastically different times, and 2) water may have been shut off in different sections of the jail at different times. Several inmates that we have spoken to, including Jamaa Johnson, Brandon Carter, and Johnie Mason, stated that they were in lockdown the day of the chemical spill without access to television, newspapers, or any other sources of information that would have informed them of the spill.
- ***Lack of access to sufficient water sources during the “do-not-use” period --*** While the amount of bottled water provided to inmates in the days following the spill appears to have varied by pod and day, the vast majority of inmates reported receiving only two or three 8-ounce bottles per day from the jail for approximately one week following the spill. According to Brian Smith and other inmates, guards generally gave inmates two 8-ounce bottles per day but would at times “pick favorites” and provide a third bottle to lucky inmates. Inmates also had to use this limited provision of water for hygienic purposes including washing and toothbrushing. Numerous inmates described symptoms of dehydration occurring among themselves and their pod mates during this time frame. Thomas Johnson reported some inmates in his pod drinking contaminated water out of the toilets during this time due to severe dehydration.
- ***Failure to ensure safety of water after do-not-use order was lifted --*** Numerous inmates have reported that the smell of licorice remained sporadically present in the water system for weeks and even months following the spill. David Burgess from the kitchen staff reported that cooking water “still smelled like licorice for two or three days after we started using it again.” David’s brother Jesse Burgess, who also worked in the kitchen, witnessed correctional officers washing their hands with bottled water as the inmates continued to drink and cook with contaminated water. As inmate Raymond Legg pointed out in a letter:

*Jail’s water system is an in-house recycled water system, meaning all of the water whether from sinks, toilets, showers, drinking fountains, etc. is recycled over and over here to cut down water cost. If the proper steps weren’t taken, filters*

*changed, system flushes, etc. are we still using contaminated water? Potentially more contaminated than the public's?*

While the jail publicly claims to have performed an extensive “two or three” day flushing process, numerous inmates describe the process as taking from fifteen to thirty minutes. David Burgess reported that after the spill, jail staff “*just changed the filter in the ice machine, nothing else.*”

Since the chemical spill, the jail has not reported any tests of its water for MCHM contamination. At the time of this writing, inmates continue to report frequent and unusual health problems that they attribute to the chemical spill.

- ***Health and sanitation issues in the jail following the spill*** -- Almost every single inmate we have spoken to reported widespread sickness throughout the jail in the days following the spill. Jamaa Johnson noted that there was a “*massive line of inmates from all over the jail who were already there for the same reason*” when he went to the medical unit on the night of the spill. The majority of inmates we’ve heard from had symptoms that they attribute to MCHM. Symptoms widely reported in the wake of the spill include, but are not limited to:

- headaches/migraines
- dehydration
- vomiting and diarrhea
- respiratory problems
- rashes, bumps, and other skin conditions
- back pain, stomach pain/nausea, intestinal pain, and organ pain
- spikes in temperature (up to 105 degrees)
- tooth pain, burning gums and throat, oral blisters, jaw and lip abrasions
- blurry vision and eye irritation
- fainting
- swollen joints
- weight loss

*After water was turned on, I had to go to the medical unit because I felt pain in my liver. The medical unit took a blood test, but I never got the results back. A couple of days later I was standing in the chow line, and got dizzy and got lost eye sight. A guy behind me caught me when I fell. I went to the medical again and*

*they said my [blood] sugar was ok, but my heart rate bottomed out. They told me to be careful about going up steps. --Jason Clendenin*

Sanitary issues in the days following the spill include the inability of inmates to flush toilets, a serious health risk in an environment in which incidences of diarrhea and vomiting are elevated due to both the chemical spill and the admission of new inmates experiencing acute detoxification. Jamaa Johnson reported trying to sleep in “*humid filth*” on the night of the spill, noting the toilet problems and the widespread presence of flies in the cells.

- ***Lack of shower access & exposure to contaminated bathing water*** -- The vast majority of inmates reported receiving gallon jugs of boiled water approximately every three days to shower in their cells. Numerous sources report that inmates were told not to drink the water. Jamaa Johnson describes his experience of showers during the water crisis:

*Only after lock down that night around 11pm I must say was one of the most degrading things ever. The administration decided to use the same water that was banned boil it and pour it in 1 gallon jugs (we were told it was the same water and not to drink it). Me and my cell mate were given 1 jug a piece and told to clean ourselves with it. We were locked back in our cell where I stripped down and stood over the toilet pouring the jug over my head and washing down. Water all over the floor. This was embarrassing for me and my cell mate. While the guards told us to hurry up. Naked grown men pouring boiled chemical water on myself.*

Additionally, Tyler Roy (who was held in solitary confinement for demanding the right to clean water see below), wrote about his experience showering in the contaminated water during the “do-not- use” period:

*It took them another 24 to 48 hours to let us out of the cells to shower. When I did finally get a shower, it caused my skin to become dry and itchy. I had to tell the guards I was having chest pains to get medical attention. The same thing occurred while being in lockdown, nothing changed. We weren't treated like humans.*

- ***Medical negligence and punishment for seeking medical attention*** -- Numerous inmates have reported that the jail has responded to requests for medical attention in the wake of the chemical spill by punishing, mistreating, and denying medical attention to those seeking treatment. Kerry Harvey, Jesse Burgess, and Raymond Legg, among other inmates, have reported that diagnoses from medical staff in response to skin irritation caused by the chemical spill have included “allergic to detergent,” “allergic to ketchup,” “allergic to jail,” and “herpes”.

Numerous inmates, including Brandon Carter, Jamaa Johnson, and Raymond Legg, report being prescribed Ibuprofen, Pepto Bismol, and allergy medication by jail staff in response to their injuries and illnesses, none of which were effective in treating their conditions. Inmates have also reported that correctional officers and medical staff have consistently threatened inmates who seek treatment with medical isolation, which numerous inmates including Roberta Stewart and Jason Clendenin described as “worse than solitary confinement.” Inmates including Daquarri Coats and Tiffany Grayley have reported that it is now jail policy to place inmates who seek medical attention three times in a month into medical isolation until they are seen by a doctor, which can take one month or longer. Roberta Stewart reported experiencing itching, red, and irritated eyes, compounded by serious dental issues (disintegrating crown and enamel wearing off her teeth) after the spill. After filling out her third medical slip, Stewart was held in isolation for eight days. During this time, she received no medical treatment, with the exception of a Claritin from a nurse who then walked away. The failures of the jail’s medical staff have made it exceedingly difficult for inmates to assert that their injuries and illnesses are being caused by the medical spill. Former South Central inmate Johnie Mason reported seeking medical care after the spill for blisters and abrasions in his mouth, and was told by jail nurses that the blisters “were in his head.” Once he was transferred to Salem Correctional Center, Mason was diagnosed with oral blisters and abrasions on his jaw caused by the chemical spill.

- ***Inmates were assaulted, written up, and sent to solitary confinement for demanding clean water access during crisis*** -- According to at least five eyewitnesses, approximately twelve inmates participated in what some described as a “strike” outside their cells early in the crisis to demand access to clean water. Witnesses describe participants in the strike lying with their hands over the heads “like beached whales,” peacefully requesting clean water, and temporarily refusing to lock down inside their cells. At least five participants in the protest, including Tyler Roy, Michael Moss, Thomas Johnson, and David Thompson, were written up for Riot and Obstruction and placed in solitary confinement for 15 days or more. Danny Vorbach, a 68-year-old Vietnam veteran, negotiated with the guards on behalf of inmates during the protest. For his role, Vorbach was pushed down several stairs by the shift supervisor, landing on his face and breaking his dentures; he was also written up for Failure to Obey and punished with 30 days in solitary. Roy, 20, described his experience in a letter:

*[M]yself and several other inmates started asking employees for water to drink. We also needed it for brushing our teeth, and normal everyday hygiene. They then refused to give us any water. We asked for their supervisor thinking he could help our situation. But the same thing occurred. NO WATER. We then sat down on the floor, and asked for water. The EXACT WORDS were “We don’t want any trouble, we just need water.” They summoned at least 20 to 30 officers to make us lock in our cells. After a few moments we did so. The next day a shift*

*supervisor and couple officers came and moved 6 of us out. They put us in the "Hole," and claimed we had started a riot.*

- ***Federal inmates transferred after the spill*** -- The majority of federal inmates at South Central at the time were transferred to jail in Carter County, KY, two days after the chemical spill, and then returned to South Central at various times after the do-not-use order was lifted. Presumably, federal inmates were transferred because of the jail's inadequate response to the chemical spill. Several federal inmates, including Daquarri Coats, Jamaa Johnson, and Brian Smith, were apparently inadvertently left behind.
- ***Family members who sought clean water for their inmates were obstructed and ignored*** -- Michael Clendenin, the brother of Jason Clendenin, wrote a letter to Governor Tomblin, who replied by stating that inmates were being provided with adequate access to clean water. Michael attempted to deliver bottled water to the jail, but the jail would not accept it.
- ***Jail lied publicly, covered up treatment of inmates*** -- In a recent article in the *Charleston Daily Mail* entitled "Jail protected inmates during water crisis," West Virginia Regional Jail Authority executive director Joe DeLong estimated that inmates received about eight bottles of water a day during the crisis, and that "water from the buffaloes was heated to allow the inmates to take sponge baths." DeLong also stated that the jail went through a "very extensive" flushing process that lasted "two or three days" before restoring access to the tap. Every single inmate description of the crisis we have heard that addresses the amount of water provided, the bathing situation, and the flushing process contradicts DeLong's statements. These official statements from the Jail Authority, as well as the internal events detailed here, suggest a deliberate and persistent cover-up on the jail's part on a considerable scale towards both inmates and the public. When asked what his goals were in sharing his story, Jason Clendenin responded simply: ***"Make the jail tell the truth."***