

Human Rights Violations at SCI Dallas: Prisoners' Voices

“So many things is going on in this prison like nothing I’ve experienced in 26 years of incarceration and I’ve been under some physically rough conditions.”

– Eric Rambert (AM-9223), 2/3/2009

“I recently had the misfortune to be shipped into SCI Dallas where every complaint you have from here is only the tip of the iceberg.”

– Steven Mable (CW-1531), 8/3/09

“The Christian in me says it's wrong, but the corrections officer in me says, ‘I love to make a grown man piss himself.’”

—Charles Graner, Abu Ghraib guard and former Correctional Officer at SCI-Greene in Pennsylvania¹

For this section of the report we reviewed all the letters, reports, criminal complaints and other documents we received from Dallas throughout 2009 in order to provide an overview of the dominant patterns of human rights violations in the voices of those on the target end. Due to space constraints, we can present only a fraction of these stories. The reports are grouped by type of abuse: physical, sexual, medical, etc. Listening to these voices is a harrowing experience. The conditions reported herein, coupled with comparable reports

from throughout the PA DOC and new reports of assault, starvation, retaliation, death threats, and abuse of the mentally ill give the definite sense that things are getting worse.

Case Study: Matthew Bullock—Murder by Other Means

Matthew Bullock committed suicide on August 24, 2009. Days after his death, we received the first report from a prisoner that guards had tormented him until he killed himself. In the coming days and weeks no less than eight eyewitness reports were sent to HRC/Fed Up! describing guard encouragement and facilitation of this suicide. As David Sierra (DV-0642) wrote on 9/12/09, “Hopefully something could be done before more people die.”

Carrington Keys (EF-4010) wrote on 9/17/09:

¹ “Punishment and Amusement,” Scott Higham and Joe Stephens, *Washington Post*, May, 22, 2004.

"I Carrington-Alan Keys hereby declare, swear and affirm under penalty of perjury, true, correct, complete, and not misleading that during the month of August and the days following up to August 24th 2009 that several officers including Officer Bath, Corbett, McCoy, Pudlowsky, Rasburn and Matello encouraged prisoner Matthew Bullock to kill himself, called him child molester, kicked on his door, and deprive him of protection against suicidal tendencies. Specifically I recall on 8-26-09 and 8-27-09 Officer McCoy was bragging that it was him (McCoy) that made Bullock commit suicide and that he would like to see other inmates kill themselves. On 8-27-09 C/O McCoy stated that he is going to make the baby raper '[name withheld]' kill himself too. The days following up to the date that prisoner Matthew Bullock committed suicide Mr. Bullock was complaining about being unable to breathe in hot cell with the bright light shining in his face 24 hours a day. Prisoner Bullock was in a camera cell and told the officers that he would kill himself. The RHU officers moved inmate Bullock to a cell without camera and provided him the means to kill himself. No officers made any rounds to check on Bullock on the 2-10 shift. Therefore Mr. Bullock being under the pressure of solitary confinement and being treated less than a dog committed suicide."²

In a similar vein, Isaac Sanchez (GY-8440) wrote on 8/24/09:

"That on the date of 8/24/09 around 6:15pm I did witness with my eyes and hear with my ears officers Mattelo, Babs [sp] and first shift and second shift passionately and aggressively state such foul energy comments towards Matthew Bullock. Stating such things as child molester, snitch, pedophile and many other disrespectful names. They also told Matthew Bullock that they don't take his suicide threats seriously and that if he wanted or needed a helping hand to assist his suicide task/threat... The officers here at Dallas definitely caused this inmate to kill himself by agitated him in various ways and by totally ignoring his health problem/conditions."³

David Sierra (DV-0642) submitted an affidavit written on 9/17/09, swearing the following:

"On 8-24-09 at 6:16pm a Lieutenant in the RHU contacted the medical department claiming that an inmate hung himself. This inmate, a 'Matthew Bullock', was in KA-50 cell where a camera is

² Affidavit of Carrington-Alan Keys, executed on 9-17-09, on file.

³ Affidavit of Isaac Sanchez, executed on 8-24-09, on file.

placed in front of cell for observation, then abruptly moved to KA-48 cell. During the move to a different cell C/O Wilks (who was drunk and comes to work like that daily) taunted him (Bullock) and antagonized him by calling Bullock a child molester, and rapist. C/O Colbert, C/O McCoy, on the 6-2 shift, and C/O Bath, C/O Matello, and C/O Sromovski on the 2-10 shift antagonized Bullock for days, telling him to kill himself. This was an ongoing process until he did what they forced him to do.”⁴

In an undated letter that also addressed the inhumane conditions of solitary confinement, Lawyer Lanier (GU-5777) wrote:

“They also murdered a man on approximately August 22. A man named Mathew Pollock [sic] died in K-A-48 cell of Dallas RHU. Officer Bath worked along with Officer Montello. Officer Bath was instigator. He was making comments of how we’ll ‘all get your day’ and ‘we’re just saving tax dollars, it’s a depression.’ When inmates screamed man dying get him help. They lounged around making comments of obscene nature to which I can’t repeat in detail. No one knew his family to tell them real story and be able to offer affidavits and testimony so they can get justice. Surely they were given a trumped up version of their loved one’s death. May God Bless his soul!”

Abdus-Shahid Ali (HU-5599) reported a final indignity to us in a letter from 10/8/09 that said, “The next day they moved someone in without cleaning the cell.”

Matthew Bullock was serving a 20-60 year sentence for the murder of his pregnant wife in November 2003. He was found guilty but mentally ill by a jury and ordered to serve his sentence in a secure mental health facility by Judge Joseph Augello. Despite this sentencing instruction, Mr. Bullock spent only a small portion of his time in the PA DOC in a “secure mental health facility,” SCI Waymart. He was sent to SCI Dallas on July 15, 2009. According to one of his trial attorneys, Al Flora, Mr. Bullock’s family reported that he had attempted suicide six times while in the PA DOC.⁵ It has also come to the attention of HRC/Fed Up! that psychiatric personnel re-established Mr. Bullock’s prescription level to a “baseline zero”, which means they terminated all his current medications.

As a result of our ongoing investigation several articles related to the Bullock suicide, human rights violations and control unit torture were

⁴ Affidavit of David Sierra, executed on 9-17-09, on file.

⁵ “Lawsuit in inmate suicide possible,” Steve Mocarisky, *Wilkes-Barre Times Leader*, September 29, 2009.

published in the Wilkes-Barre Times Leader, which is the local area newspaper for SCI Dallas, and another in the state capitol's Harrisburg Patriot.⁶ Both PA DOC spokeswoman Sue Bensinger and PA DOC Office of Professional Responsibility (OPR) Director James Barnacle alleged that the PA DOC would investigate any credible claims regarding this or other related matters of prisoner abuse. In the weeks following the suicide, HRC/Fed Up! submitted 7 eyewitness accounts and over 100 additional complaints regarding comparable human rights violations—including guard incitement to suicide, abuse of the mentally ill, death threats, and unbearable living conditions in the solitary confinement units—to OPR, PA DOC Secretary Beard, state Attorney General Corbett, and Governor Rendell, requesting transparent investigations and the enforcement of the rule of law in SCI Dallas and throughout the PA DOC. To date no investigation has been forthcoming.

Unsurprisingly, several inmates fear that they will meet the same fate as Bullock. As John Paolino (GN-5925) wrote on 11/05/09, "Since I got to this prison I've been in the RHU more time than in general population. I need someone to help me because I should have been Matt Bullock. I hung myself Nov. 12, '08 and all these people did was lock me in a room naked for 18 days and take every medication that had helped me. I wouldn't have hung myself if they would've listen to me. If they wouldn't have continually messed with all my medications."

And Frederick Collins (GZ-8313) wrote on 10/05/09 that he "was subjected to mental abuse, and was not fed by CO Bath. [I] was told to kill [my]self, this is a regular form of abuse used by CO Bath and other officers in the 'hole'. While [I] was in the RHU inmate Matthew Bullock committed suicide, he was subjected to the same abuse as [me], so much so he committed suicide, due to cruel and unusual punishment."

Case Study: Andre Jacobs and the Ethic of Resistance

Andre Jacobs entered the criminal legal system at the age of 15 and has been incarcerated ever since, subjected to assaults, constant racism, and convicted on allegedly false criminal charges on multiple occasions. He has spent the last nine years and counting in solitary confinement in retaliation for filing lawsuits against violations of his rights by prison guards and DOC officials.

⁶ "State to investigate allegations about Dallas prison guards," Steve Mocarsky, *Wilkes-Barre Times Leader*, September 11, 2009; "Prisoner rights group wants probe of state prison," Steve Mocarsky, *Wilkes-Barre Times Leader*, September 27, 2009; "Lawsuit in inmate suicide possible," Steve Mocarsky, *Wilkes-Barre Times Leader*, September 29, 2009; "Suicide raises questions about prison treatment," Pete Shellem, *Harrisburg Patriot*, September 19, 2009.

An affidavit submitted to HRC/Fed Up! in November, 2009 stated:

“I only know Andre Jacobs from being transferred to SCI Dallas in May 2009. A week prior to his coming there I heard prison guards Robo, McCoy and Sgt. Buck propositioning prisoners to attack Mr. Jacobs verbally and physically because ‘he is a snitch’.

“I also witnessed that on 10-10-09 [Mr. Jacobs received a visit] and while Jacobs was on the visit Sgt. Buck specifically sent guards Provo and Harrison to search and destroy legal documents in Jacobs’ cell to which we all were hollering that the search is illegal, and the toilet kept flushing everything paper was crumbled, which later was discovered by Jacobs. They were in his legal box and documents are missing.

“It is no mystery that the guards are highly retaliatory against Jacobs for winning his lawsuit because everyday they are making remarks about it, and I found out about it listening to Robo, McCoy and Sgt. Buck talk about it before Jacobs got there, they were mad.”⁷

These acts of retaliation and others, including death threats and physical assault, were corroborated by other prisoners and Mr. Jacobs himself in a Motion for Temporary Restraining Order and/or Preliminary Injunction filed pursuant to civil action no. 04-1366 with Judge Conti in the U.S. District Court for the Western District of Pennsylvania.⁸ The motion was denied.

Andre has brought four lawsuits to jury trial against DOC defendants. After the first trial resulted in an unfavorable verdict for him, U.S. Marshals reportedly dragged Andre onto an elevator and beat him unconscious. In multiple interviews with Mr. Jacobs and his grandmother, who witnessed the assault, it was recalled how Andre had called out to his grandmother that he loved her. The U.S. Marshals, who had displayed a hostility toward Andre during the entirety of the proceedings in the federal court in Pittsburgh, told him he was not to say a word, and subsequently dragged him on the elevator and assaulted him.⁹

Despite being handcuffed and shackled with his arms full of legal documents at the time, charges were brought against Andre for

⁷ Declaration of Eric X. Rambert #AM9223, November 2, 2009, on file.

⁸ Motion for Temporary Restraining Order and/or Preliminary Injunction, *Jacobs v. DOC et al.* Civil Action 04-1366, October 10, 2009, copy on file.

⁹ Based on several interviews with Mr. Jacobs and Elizabeth Springer, along with a federal habeas corpus petition filed by Andre Jacobs this fall, a copy of which is on file.

assaulting the officers. Mr. Jacobs was found guilty in a trial in which he claims that he was provided ineffective counsel and that U.S. marshals perjured themselves regarding the events of that day. He was sentenced to 17 years under federal law.

Another lawsuit brought by Andre that is ongoing describes abuse and torture at the hands of psych staff at SCI Fayette. The complaint reads, in part:

“On June 19, 2004, defendant Saavedra ordered that I be placed in four-point restraints after I set the water sprinkler off in my cell.

“Defendant Saavedra forced me to remain in restraints until June 22, 04 without ever talking to or observing me.

“While already restrained, defendant Saavedra then ordered that I be involuntarily injected with anti-psychotic drugs (unknown to me at the time) at the suggestion of non-medical LTSU [Long-Term Segregation Unit] staff. Prison guards physically held me down while a female nurse forcibly pulled down my underwear and injected me in the buttocks with a needle.

“I was injected with Haldol at defendant Saavedra’s direction, with full knowledge that this drug is known to cause restlessness and muscle spasms in patients. Due to me being restrained and unable to stretch, defendant did this as torture.

“While in these restraints, I urinated and defecated on myself several times and was made to live in it for several days. [...]

“When I asked defendant Saavedra why he was denying me placement in a treatment unit and singling me out, he stated that I shouldn’t ‘complain so much’ and that I’m ‘nothing but a lab rat’.”¹⁰

Despite a traumatic childhood, which saw him prescribed anti-depression and anti-psychotic drugs at age six and involuntarily committed to mental health facilities on two occasions, Andre has become a proficient jailhouse lawyer at the age of 27. In November 2008, a jury in a civil rights lawsuit against the PA DOC awarded Andre \$185,000. In November of 2009, Andre wrote an article in response to Judge Conti’s

¹⁰ Amended Complaint in *Jacobs v. Saavedra and Kolli*, civil action #07-514, in the U.S. District Court for the Western District of Pennsylvania, copy on file.

efforts to diminish his victory by nullifying decisions made by the jury. That article is republished in Appendix II of this report.¹¹

Andre is being subjected to daily threats, acts of brutality, fabricated misconducts, obstruction of his access to the courts, deprivation of food and water, and mail tampering. Whether or not this continues is dependent on how many outside the prison walls recognize and act according to the credo of resistance he articulated in an article he wrote in December 2008, shortly after his victory:

“Hopefully, the DOC heard me also and will consider addressing prisoners’ complaints more honestly in the future instead of attempting to bury our claims by falsely characterizing us as liars, or, as I suspect, they can continue oppressing and persecuting me for exercising my rights. But I will never stop resisting because I live and die on principles. It is who I am.”

—Andre Jacobs

12-6-08

On December 7, 2009 HRC/Fed Up! received a manila envelope from Andre Jacobs containing two declarations and a dead mouse wrapped in newspaper. The Declaration pertaining to the mouse read as follows: “On 11-30-09, Sgt. Konycki and John Doe delivered me my religious kosher bag at dinner time. Upon pulling the brown bag in my cell, I immediately noticed something moving in it. I slammed the bag down and out ran a mouse which I was able to kill, its blood on my floor, my food, jelly, and cottage cheese splattered all over my legal work. When Sgt. Konycki came to my cell to collect trash he kept making a ‘squeak squeak’ noise all the way down the tier and when he reached my cell, he stated ‘the mouse was from Sgt. Ransom was it good?’ I gather that the mouse had to have come from outside of this unit since I have been here since May 13, 09 and haven’t saw a single mouse; nor have I heard any prisoner complain about them being here. I note that my kosher bag has been smashed, contaminated with disinfect and trash, feces and now a mouse, which I am sending to HRC as proof of my claim and I showed it to Lt. Martin.”

Two sworn affidavits submitted to HRC/Fed Up! state that on January 7, 2010, Andre Jacobs was assaulted by at least 6 guards in the solitary confinement unit at SCI Dallas. Carrington Keys reported hearing “KB-25 cell door opened and heard officers MCoy, Wiles, Chalker, Wilk, and

¹¹ Originally published online by the San Francisco Bay View, <http://www.sfbayview.com/2009/what-good-is-a-jury/>

Walters making racial remarks while repeatedly striking prisoner Jacobs with loud strikes of blows repeatedly,” for several minutes. Lt. Mosier was present during the assault. During this time Keys heard McCoy and Chalker state “We told you we were going to get your black ass nigger.” The affidavit of Anthony Kelly states that he heard C/O Chalker say “Told you we would get your nigger ass.” Andre Jacobs reportedly suffered a busted lip and head, with cuts at the side of his face and legs. After the assault both Keys and Kelly overheard the guards conspiring to fabricate a pretext for the attack. Kelly reported hearing McCoy say “We got to get our stories together,” to which C/O Chalker responded “We got to get them tapes.” Lt. Mosier assured them that “The cameras aren’t working.” Chalker then reportedly suggested that they claim Mr. Jacobs “slipped his cuffs,” before McCoy replied that “No, we’re going to say he was attempting to hang himself and that gives us all the power we need to enter his cell.” This version of events was corroborated by both affidavits. Andre Jacobs and another prisoner confirmed this version of events in communications received later.

Criminal complaints were sent by an HRC investigator to the District Attorney of Luzerne County and the Civil Rights Division of the U.S. Department of Justice on Mr. Jacobs’ behalf during the third week of January.

Solitary Confinement: Torture Disguised

In a New Yorker article by Atul Gawande dated 3/30/2009, Sen. John McCain (R-AZ) is quoted on the effects of solitary confinement: “It’s an awful thing, solitary. It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment.”¹² McCain regularly suffered more traditional types of torture including physical abuse, but found solitary confinement a more effective and fearsome torture. Gawande concludes that solitary confinement is indeed a form of torture because, he writes, “simply to exist as a normal human being requires interaction with other people.” Humans are social creatures on an elemental level, so denying someone interactions with other humans is inhumane. “How,” he asks, “did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?”

Wilson Booker noted that being in the hole (RHU, or Restricted Housing Unit) involves deprivations other than those inherent in solitary confinement. Residents of the hole are deprived of the programs enjoyed by other prisoners. Booker writes, “Being in the hole, ‘RHU’ I’m being

¹² See http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande (accessed November 7, 2009).

deprived of education, vocational and academic, and various other programs.”

Abdus-Shahid Ali wrote on 8/20/09 of his suicidal tendencies. “My blood pressure is up and I constantly have headaches. I have bug bites all over my body which I was giving benadryl for and never seen a doctor, then moved from my cell to another cell with the same results. I fear for my life and sanity everyday I live. I often think and have suicidal thoughts from the abuse I am suffering from back here.” In a later letter from 10/08/09, he wrote,

“The conditions were very inhumane... hot, no working vents at all... stuffy and humid... My first cell bugs were biting me all over my body, when I said something about it they (medical staff) played like I was crazy then finally after constant complaining they gave me benadryl then moved me and still didn't clean the cell. They had a light on all day that felt like a rotisserie lamp. It was hard to sleep because of the hot humid cells and constant bugs biting me all day and night... We had no cups to drink the brown colored water that came out of the sinks and toilets. There was constant screaming yelling kicking and banging (with objects on doors to multiply the sound on the doors).”

Eric Rambert on 7/16/09 discusses his and Ali's detention in solitary confinement as follows:

“Suffering under 24 hours a day lights on in the cells, a spit shield fixed on the cell door without violating a spit policy that make the cell on a 80 degree day feel like 110 in our cells cause there is no ventilation in the cell, the vent doesn't blow air out or take air in, they refuse to put the fans on the tier, obstruct and tamper with our food, showers and exercise yard, have us housed in close proximity with mental health [patients] who they agitate and have . . . banging on doors, metal desk, sinks and toilets and screaming all night for days at a time causing sleep deprivation.”

Entry into RHU can be triggered by misconduct, but given the ease with which guards are able to fabricate a misconduct, there is a danger of a prisoner being placed in RHU for insufficient reasons. Victor Yarbrough (GQ-4316) wrote on 8/24/09, “The guards/staff planted a weapon inside my footlocker during a search without my presence. I was given 90 days D/C time.” Sometimes prisoners are involved in fights, giving license to guards to divide them along racial and supposed “gang” lines. Cooperating with guards' investigations can lead to RHU time, as one prisoner related in his letter of 7/16/09: “I was assaulted up here, 2 other

inmates, but I didn't want to tell. But the Lt. Miller told me don't worry, nothing will happen, so I told. He stated I would be transferred within 30 days but he lied. The [deputy] superintendent Mr. Mooney stated I would have to stay on AC status and not be transferred. Now I'm stuck in the RHU... it's not right, I didn't do nothing wrong to be in the RHU."

Lawyer Lanier (GU-5777) gave a generous response to our questionnaire on solitary confinement. Here are some excerpts from his undated letter:

"The cells are the size of a small bathroom. In fact, they remind you of a bathroom minus bathtub with bunk bed in place. The water smells like steel and it is always brown. We are not allowed paper cups so it is difficult to drink. It has a desk only big enough for a child. The door has plexiglass covering window, on top of bars and gates. That plus the added block at bottom allows no room for air to come in. We only come out for 1 hr recreation in dog cage Monday-Friday. They will take away a yard if they feel like it although it's against state law. We also get 10 min. for a shower, three times a week. Showers are dirty, filthy and the water gives people rashes. We are due law library but they may skip on that also. We only have mail as outside outlet. Yet, the mail may be delayed or may never show. The mail has come with pieces missing or open, and the outgoing mail may not leave jail for 1 week to a month. The light in cell is blinding. It reminds me of old war torture tactics. It hurts your eyes and gives you migraines. I've seen medical for migraines and am due to receive glasses for damage to retina. Only noises we hear are the screams of the mental patients of which there are many.

The hole has affected my attention span significantly. I often wander in thought as of habit, being only left to do so for such periods of time.

[On anxiety:] The CO's are liable to do any level of indignifying acts to you at any given time. It's constant worry and unease. It makes one feel so helpless and vulnerable and you never know what tragedy may affront you today.

At first I slept too much, now I rarely sleep. The loud screams and banging and kicking on doors make it difficult. Plus I'm always attentive to C/O keys and the possibility that they're coming for me. I mainly steal away naps here and there and that's how I sleep.

My perception has changed but I know not as badly as those who have suffered longer. I believe it will take time to adjust to reality

again.”

Another writer who has greatly increased our understanding of the psychological effects of solitary confinement will remain anonymous for his own security. His undated letter is below.

“One thing I want to point out first is although this is a level 5 segregated housing unit (RHU), a lot of us, myself included, are forced to have cellmates back here (at least at SCI Dallas). That means 23 and 1 five days a week and 24 hour lockdown the other two with a cellmate not of our choice I think that in itself is pretty inhumane especially being as though this is so-called ‘solitary confinement.’

I, for one, was physically assaulted by a previous cellmate and some people are even sexually assaulted by cellmates. The CO’s do nothing to prevent or stop this from happening.

The conditions are horrible. The cell was disgustingly filthy when I first entered it. There were stains on the walls and the bunk that looked like boogers/snot and dried blood. Hair and dirt was everywhere and it smelled very bad. Also, the cells have no windows and very minimal air circulation. Plexi-glass “spit shields” prevent air from flowing in cells. The water that comes out of the sink and the showers is a dark “rust” color and tastes like chemicals. It even stains my white boxer shorts that I wear in the shower.

We are let out for one hour a day, Monday through Friday, for recreation which consists of being cuffed and led by a “dog leash” attached to the cuffs to an outdoor area where there are a whole bunch of cages similar in size to our cell. We are placed one person per cage and left out there with nothing for one hour. This is where some inmates smuggle containers filled with feces, urine and other bodily fluids and fling it on each other. Some inmates actually undress, squat down and defecate into their hand and throw it like that. We also come out 3 times a week for shower which lasts anywhere from 5 to 15 minutes usually. Occasionally I’ve been left locked in the shower stall for close to an hour or more, obviously forgotten about. This is another area where inmates can throw feces, etc. because they put 2 inmates per shower stall, next to each other only separated by a fence-like partition.

Other than special circumstances, these are the only times we come out of our cells. Also I’d like to point out the fact that to sign

up for these activities (recreation, shower) we must be standing at our cell door early in the morning when a CO will come around with a list. Often the CO will not announce that he is coming around or he will speed by so fast that we are not prepared. If this happens we are "burnt." In other words, no rec, no shower. Other times COs will just skip over us at random when it's time to come out.

...Often I've suspected that my mail was being "lost" or tampered with, both incoming and outgoing. But obviously this is extremely difficult to prove. We also are allowed one non-contact visit per month for one hour. During such visits, C/Os sit in the room and eavesdrop on the conversation and make it hard for a person to speak frankly especially concerning any abuse or conditions in here. Any time we speak out, we must fear retaliation in all imaginable forms...

The noises I hear are mostly constant banging from inmates near and far in the RHU. And I'm talking about 24/7. Some inmates bang on tables, bunks, doors, sinks, etc. and it seems like it never ceases. Other than that I hear guards yelling and cursing at people. Often I hear them use racial slurs and other derogatory terms towards inmates. The COs tell inmates to "kill themselves" and sometimes kick doors or clang keys to disturb our sleep. Also, I hear inmates constantly screaming.

My ability to focus has definitely changed. When I try to read I cannot focus on what I am reading even on rare occasions when it is relatively quiet. I'll find myself reading the same page of a book for like 20 minutes or half an hour at a time because I can't concentrate enough to comprehend what I am reading. My mind constantly wanders and I sometimes find it difficult to talk to people because of this as well.

Thankfully, I've never had an impulse to hurt myself, or at least a serious one I should say. This place definitely makes you think about it though. I feel sorry for weak-minded or mentally unstable inmates, though, because I can see how they would have such impulses. In fact, at least one inmate committed suicide by hanging himself in his cell while I've been in this RHU. (The C/Os harassed him into hanging himself.) It was a few weeks ago, I don't recall the date. But the jail swept that incident under the rug and put a new inmate in that cell the very next day.

My sleeping patterns are different while in RHU. I must try and doze off during the rare times that it is quiet. But my sleep is often

interrupted by banging, clanging, C/Os yelling, inmates screaming etc. Also the light makes it almost impossible to sleep during the day. My sleep is very disturbed and I'm sure the pattern is unhealthy. I have frequent nightmares. I have daydreams and fantasies very often in RHU. Mostly they are about being somewhere else, what I would be doing or like to be doing if I was home, planning for my future when I get out or just imagining that things were different. I sometimes reminisce about my childhood or past experiences.

My perception of reality is usually OK. I have noticed slight visual hallucinations in my peripheral vision and also if I focus on an object for extended time. Now that I think about it, my perception of reality maybe isn't as good as I'd like to think it is. I must admit, my thoughts are often irrational in relation to reality and often violent. Sometimes my perception of time is off. I sometimes get paranoid and think my cellmate is watching me or paying too much attention to my business. We get absolutely zero privacy. I often get paranoid and wonder if he is a homosexual. Sometimes I have urges to hurt him, but I try to control myself. I try to remind myself that it is not his fault we are forced to be in this situation.

The banging noises and screaming voices often seem unbearable. Sometimes the toilet flushing sound even becomes unbearable as well. Also, I sometimes get very claustrophobic and feel like I am having a panic attack. My heart beats very fast, I sweat and have shortness of breath.

I do not feel that the prison administration was justified in placing me in the RHU. I was placed back here for what I perceive to be relatively minor infractions both times. Also, the hearing examiner is completely biased when it comes to his findings. According to him, a C/O or prison official is incapable of lying. In cases where it is our word against a staff, he always sides with the staff. And often we are found guilty based on no other evidence but a C/O's word. The hearing examiner refuses to call any witnesses of ours.

Often times, I for one, as well as other inmates I've spoken to, will plead guilty to charges that we are not guilty of simply because we know the sanction will be much worse if we plead not guilty...

I think that the whole idea of solitary confinement is insane. We are already in prison. This is just a form of inhumane punishment and torture. I think that most of the C/Os that work in this RHU in particular are sick individuals that get off on torturing us. The

administration is obviously indifferent and could care less about the long term affects that this type of confinement has on us as human beings. Obviously we are not human beings to them, we are merely a number. Most of the inmates in solitary confinement need mental help but are not receiving it.

If they were to use solitary confinement in prisons, it should be limited to extreme cases where it is a last resort. As it stands now it is a first resort. Inmates can come to RHU for something as petty as sleeping through count. It's totally ridiculous. My first time back here was for using a curse word ("abusive language")...

Lastly, there are so many guards and staff who perpetrate human rights violations, it would be impossible to name all, but I will try my best to list as many as I can. Some spellings may be incorrect.

-Hearing Examiner McKeown. The hearing examiner is the #1 perpetrator. He is totally bias[ed] against inmates and he has way too much power and discretion when it comes to sanctioning inmates. He should be investigated and fired.

-Lt. Bleich. He calls people "niggers and spics" and tells people to kill themselves.

-Lt. Mosier. He basically allows all of this to occur and also engages in racial slurs.

-Sgt. Ontko. He spits in inmates trays and burns inmates for rec and showers often. Also racial slurs.

-Sgt. Ransom. He also uses racial slurs and tells inmates to hang themselves with a sheet.

-C/O Wisinski. Tells inmates to "suck his dick" and calls us "faggots", also burns us for yard, shower, etc.

-C/O Bath. He burns inmates for meals and kicks doors calling inmates child molesters, rapists, snitches, etc.

-C/O Wilk. He prevents people from utilizing the grievance drop box, also uses sexual slurs often telling inmates to "suck my dick", etc.

-C/O Matello. He often burns inmates for meals etc.

-C/O Elmore. He threatens inmates with violence and uses derogatory terms etc.

...I have also been denied access to the grievance "drop box" that we are supposed to be able to utilize on the way to showers. This box is the only way we can be sure that RHU officers can't tamper with or read our grievances.

Lastly, I want to address the fact that I for one have seen C/Os spit

in people's food. I am not aware of the officer's name to identify him. Some C/Os don't even wear name tags. I believe this is on purpose, so we can't identify them."

Walberto Maldonado (FN-3537) also wrote to us about conditions in the SCI Dallas solitary confinement units on 9/17/09:

"The cells are terrible. You can't hardly breathe, ain't no type of circulations, the bed have no pillow, the doors are cover-up with a plastic glass...The only time I was let out was for yard, but most of the [time] they would not let me out, they would lie and say that I did not sign up, so I had to stay in my cell all day, they would not take me to medical when I sign up. I was not allow to communicate with no one outside of this prison and when I try to send my family a letter they would not receive it and when I was put on administrative custody I would ask for a phone call because you're allow one phone call a week when you're in AC. When I ask they would deny it talking about I don't deserve anything because I'm a piece of shit...I hear all type of noises, people crying, people screaming and yelling all day and night. My ability to focus is not the same anymore. It seem like every time I try to think or focus all I think about is everything that go on in the solitary confinement... Yes I try to hurt myself because the officers will always tell me to kill myself, calling me all type of names and encouraging me to do so because they say the world would be a better place without me and it came to point where I started believing them. I can't sleep at night because I'm always thinking that the officers were going to come in my cell and attack me. I'm always having dreams whenever I get a chance to sleep. I've dreams about the officers trying to kills me or trying to poison my food. I wake up shaking where I can't control my nerve. I be hallucinating that everybody that I look at always laughing at me and I'm always hallucinating that every officers I see is wearing a shirt that said 'kill yourself.'"

Shawn Sharp (BQ-8429) elaborates on the intimidation that Mr. Maldonado and several others touch upon. He wrote in an undated letter, "I personally heard the Sgt. of the RHU tell an inmate that they were going to grind him up until he killed himself. This is a mental health inmate! What is worse is that this stuff goes on with the sanction of the supervisory staff of this prison." Such intimidation is thought to be what killed Matthew Bullock and what threatens to kill many of the other mentally unstable inmates as well.

Solitary confinement can cause lethargy, as observed in the testimonies above. Another common and predictable psychological by-product is

anger. Obviously, this is not an ideal emotional problem to have in prison. Carrington-Alan Keys (EF-4010) wrote on 8/20/09:

“My ability to focus has been severely hindered. I have short term memory as a result of long term isolation, my attention span has been hindered. I was not able to watch TV, read newspapers, or magazines. I was not allowed to hear radio and I was denied all contact to the outside world for years at a time. This caused me to have a short attention span and short term memory loss, blackouts in the middle of a conversation my mind goes blank. No exaggeration...

While in solitary confinement I lost control over my psychological and verbal reactions causing me to act out in ways that hurt myself. While being in a state of temporary insanity from the long term continuing deprivation.

I daydreamed so much while in solitary confinement that when I was finally returned to population I walk around spaced out much of the day, unable to focus my mind on goals due to the lack of being able to focus without drifting off into a far away thought.

My thinking became altered while in solitary confinement, accelerated heartbeat, chest pains, paranoia, panic attacks, post traumatic stress, and a feeling that all the state officers were against me . . .

An anonymous prisoner adds:

Solitary confinement has altered my psychological [health] by making me uncontrollably angry, and more violent than when I entered solitary confinement, from having no outlet for years upon years and feeling trapped, oppressed, suppressed and depressed, subject to constant racial slurs, inadequate food portions, deprived of yard, shower and all human contact for months at a time. I have short term memory lost, and I daydream most of the day. I'm shell shocked, and I have trouble communicating in large groups, because I'm used to being confined by myself. I cannot be in a cell with another man due to my sudden outbursts and blackouts, violent mood swings, and post traumatic stress syndrome. I often roam by myself because not too many others understand the after effects of long term isolation.

I do not believe that inmates should be denied magazines, newspapers, television and or radio, because this gives them a lost

of touch with reality and causes a abnormal psychosis. If the same treatment were given to dogs, the animal rights people would have a fit.”

Finally, Walberto Maldonado (FN3537) wrote on 9/17/09 about the inevitability of re-offending once a prisoner is released from solitary confinement. In his words, “[Solitary confinement] should be abolished, because it has become a chamber of cruel and unusual punishment all over, a torture camp so to speak... It resemble a cattle ranch where people are tortured to death then released back to society without a chance in the world due to being treated like animals. It’s inevitable for people to return back. It’s more money in their pockets.” Maldonado also wrote, “I hope my answers [to the solitary questionnaire] can help in the pursuit of your set goal of trying to terminate the concentration camps they call RHU.” As Roberto Rivera (AS-2743) wrote on 10/12/09, “I was confined in the RHU for my mental problem, and I can tell you that the RHU of SCI-Dallas is Hell.”

Environmental Conditions: Water to Waste

Most if not all of the unsafe sanitary conditions can be traced to overcrowding. With far more inmates than jails were designed for, the sewage and water systems are strained, leading to health and safety problems. One of the most common complaints the Human Rights Coalition receives from SCI-Dallas is that the water is brown in color, dangerous to drink, and a cause of skin irritation. Devin Alexander wrote on 8/17/09 that he was forced throughout his period of incarceration to drink brown water that stained white cloth and put him (and other inmates) at risk of illness. Raymond Caliman (AY-7131) wrote on 9/17/09, “At times the water comes out of the sink (basin) brown, as if it were tea. Also I have received a skin infection from the shower which I had to receive medical attention for. At times this infection does flare up and I receive irritation and bumps.” Joseph Schloder (GX-8481) wrote on 7/14/09,

“Since I have been at Dallas I have been concerned about the drinking water here. The water here is discolored all the time. What I mean is it comes out rusty. I brought the attention to medical staff, and they brushed me off about the problem... The water is so discolored that you can for instance put a brand new white rag where water comes out and you will see a rust stain; it actually will make stains in your whites... when I am done showering I will see what it looks like is rust stains on my boxer shorts... it is not normal to drink discolored water...”

Schloder added on 8/19/09 that “this water has been discolored for years. People put grievances in about the water for years now, still nothing happen, nobody took action. And the water is discolored all throughout the jail.” Victor Yarbrough (GQ-4316), on 8/24/09, wrote, “The water here is constantly brown, dark brown, and it’s not safe to use or drink. The water is like this throughout the facility. My skin gets irritated and itches all the time and the water gives me really bad pains in my stomach and through my body every time I drink it.” And Jason Stine (HT-1582) wrote on 7/16/09, “The water up here [in RHU] is brown, they don’t care.”

Anthony Kelly (GX-0834) wrote to HRC on 11/4/09 with a harrowing story of inadequate water supply. “From 10/14/09-10/24/09 I was denied water for my cell. All plumbing for my cell was shut off. I had to wash up with the water that was in my toilet and drink the water that was in my toilet. I was forced to urinate and defecate then let it sit in my toilet for 3 to 5 days. Numerous days at a time I was forced to sleep with that in my toilet.”

Jim Lippart (CQ-2549) wrote on 10/17/09 about the unsanitary conditions that arise from non-handicap-accessible conditions:

“I am Mr. Jim Lippart, ADA qualified handicap inmate. On Sept. 28, 2009 transferred from a fully handicap accessible facility Mahanoy to Dallas facility on a fully handicap accessible transport vehicle... RHU in Dallas is non-handicap accessible with no handicap accessible cells so Dallas staff provided placement in the Dallas facility hospital on RHU status... in RHU I can’t have containers. So they took my urinal and bedpan. I am urinating and defecating all over myself, bed, floor, etc. due to staff’s actions. They have no handicap shower for me either... I have urine/feces on my hands, which I am unable to wash due to non-handicap accessible sink. I must eat in this manner.”

Air quality is another common complaint. Abdus-Shahid Ali wrote on 8/20/09 that the fans serve only to blow around the dusty air, not to provide relief from the extreme heat brought upon by the spit guards. When the inmate already suffers from asthma and breathing problems, lack of circulation can lead to serious health problems. Thomas Nicholson is one such inmate. He wrote in a grievance dated 7/5/09:

“I am in the RHU and I have asthma. I am having problems with breathing, and the reason being is because there is a shield blocking any air that is able to make its way in my cell. Now I understand that it’s for people who spit, but I have never spit on

anyone. So I am asking that this shield be taken down. I am an asthmatic person who is having problems breathing.”

Similarly, Walberto Maldonado (FN-3537) wrote on 9/17/09, “You can’t hardly breathe, ain’t no type of circulations, the bed have no pillow, the doors are cover-up with a plastic glass... The lights are on 24 hours a day not letting me sleep at all. It’s come to a point now where my eyes hurt all the time and I get headaches. I never use to get any type of headaches.” Eric Rambert (AM-9223) had the same concerns on 7/7/09, when he wrote,

“I am writing this complaint due to the serious hazard and safety code violation to my health and similar situated prisoners. We are currently in SCI Dallas RHU under 24 hours a day lights with a spit shield/plexiglass on our cell doors with no ventilation from the vent that doesn’t blow any air out nor such any stale air in, if its 90 degrees outside its 120 in the cells, the light draw heat because its constantly on 24 hours, we can’t turn it off because they are controlled by guards.”

Another potentially deadly air pollutant is asbestos. David Crews (DC-0924) wrote to HRC on 6/2/09 and included a sample of material that was alleged to be asbestos. He notes that there is:

“the possibility of inmates including myself here in the RHU at SCI Dallas being exposed to asbestos that is known to cause or that is the cause of mesothelioma cancer. There is a high level of dust in the air and in these cells. The cells stay dusty even after you clean them the dust comes back within minutes. As you may know I just was transferred to SCI Dallas in March 2009 but other inmates who have been here reported cases where several blocks except J block and K block which is the RHU have been evacuated because of the high level of asbestos and also said there has been a high rate of inmates dying from cancer who didn’t even smoke.”

Gregory McCrae (DP-2860) wrote on 9/12/09 that he had been moved to the hole after an altercation with C/O Salsmon and was placed in #50 K/A, where Bullock had been held prior to being moved out of camera sight on the day of his suicide. McCrae reports that “I’m now being housed in the Restricted Housing Unit (RHU), where I’m being denied food and water. I’m also being housed in a cell that can be the equivalent to a dungeon, #50 K/A block. It’s suppose to be an observation cell, but water pours through the ceiling as if I’m under a sewer line.” If the water that is seeping through the ceiling in his cell is indeed sewage, it represents a huge potential health hazard. On the

subject of sewage, Alex Melendez (EX-5417) wrote on 9/10/09 that “the sewage system is from primitive times, the water we drink is often dirty. The showers are germ incubators for staph infection, fungus, and so on.” Similarly, Gary Green (AS-2652) wrote on 6/28/09:

“I been here at SCI Dallas for 20 years. During my 20 years at this Institution it’s gotten worse. The water is rust (reddish brown), the showers are overcrowded, which is due to the increasing population, and out of 28 shower heads, probably 22 of them work. The drainage is always clogged. The waste from the cell next to you comes in your toilet. Poor ventilation in the cells especially in the RHU – they have a glass covering the doors... All the cells are inadequate and far below ACA [American Correctional Association] standards.”

H. Lewis Jefferis (AF-9517) summed up the issues of overcrowding succinctly on 6/27/09:

“SCI-Dallas recently added c. 150 beds by installing these beds in cells that already had one bed, and this, even though the prison is already well over capacity... Many of the men being affected by this double-celling are aging men with health problems, most with 30+ years served. Some are this country’s war vets. The cells are small (c. 6’ by 9’) and do not meet space standards for two men set by the American Correctional Association. Their size does not even meet size requirements for dogs in PA kennels. Both men can’t even be out of bed at the same time and have room to move... The water and sewer system is inadequate for this population. Frequently throughout the year there are water problems when men go without water to flush toilets for periods of 36 hours and more... They also often have to go without showers and hot meals (no steam), because the water has been shut off for several days at a time... There are also long waits for medical services. Men wait for 3 months or more for medical procedures, and up to 6 months for glasses, and the same goes for dental procedures. The building structures were not designed and built for double capacity. There are many cracks in concrete and bricks throughout... Vocational, education, drug and alcohol, and other rehabilitative programs are over-burdened, hindering the rehabilitation process, creating higher recidivism rates.”

Overcrowding is the root cause of many of the situational abuses detailed above. Now that overcrowding is being recognized as a harbinger of cruel and unusual punishment, it must be addressed by implementing sentencing policy reforms and introducing safe, effective, and cost-wise

alternatives to incarceration. Doing so will ensure that those who do get sent to prison do not suffer such egregious abuses of their constitutional rights.

Medical Neglect

The PA DOC does not permit prisoners to access their own medical records and efforts to secure documentation of medical and psychological diagnoses and histories are often refused without cause and are prohibitively expensive when granted. All of these restrictions on access to information create substantial obstacles for human rights organizations, citizen and media watchdog groups, and families of the incarcerated from being able to verify reports of medical neglect such as those below. Thus, because of the various restrictions, it is very hard to verify wrongful deaths. The quotes below are simply some of the stories we get.

Some cases of medical neglect can be traced to the problems of overcrowding outlined in the previous section. Alex Melendez (EX-5417) wrote on 9/10/09, "They only got one psychiatrist for over 2000 people." And it is probably because of overcrowding that several mentally ill inmates' Z-codes were taken away, because there is not enough space to keep Z-code inmates in separate cells. Thus Fernando Camilo lost his Z-code status after twenty years. As he wrote on 7/2/09,

"I was assigned a z-code, which is a status to remain in a single occupancy cell. Now, almost twenty years later, they (prison staff) disregarding my prior problems and difficulties with a cell-mate, removed my z-code and later ordered me to share a cell. This was and still is devastating to me and so, on the day prison officials ordered me to leave my single cell, I attempted suicide. Prison officials still punished me by putting me in a so-called "observation room" with no bed, but a hard stump to sleep on and in the nude with just a make-shift robe and blanket and the room is disgusting. I'm sure that if you see this room you will agree that it's inhumane just as the psychological cruel and unusual punishment I am enduring at the present time."

But not all medical neglect is due to overcrowding; some inmates write to HRC with medical problems that continue to go untreated due to negligence. One prisoner wrote, "I also need medical treatment for HCV, Prostate and Inguinal Hernia which causes pain." It seems that often, when inmates report pain or a suspected medical problem, they are not treated for various reasons. Such was the case with Duane Bartholomew Peters, who wrote on 6/8/09 that he signed up for a sick call. He says,

“[Medical personnel] came to my cell door and blamed me for causing trouble and then said I was talking to him fine so he does not see no symptoms of any illness... The medical staff have a scam system going on here that if you sign up for sick call they blame you for having a problem with the guards, and walk away from your cell like it’s a joke and take your money¹³ – denying you even an opportunity to even be heard.”

Similarly, Walberto Maldonado (FN-3537) adds on 9/17/09, “They would not take me to medical when I sign up.” Another inmate speaking on condition of anonymity (for fear of retribution) wrote in early 2009, “I am contacting you from solitary confinement. I am 65-plus years of age, and I am in failing health... I am also... being denied access to specialists for several different serious health problems, including a heart attack. I am currently being charged unwarranted medical co-pay fees.”

Ronald Collazo (AM-8569) was diagnosed with cataracts in April 2008, one in his right eye and another one starting in his left eye. Outside referrals recommended removal of the cataract in the right eye, but the DOC has turned down the operation because it is an “elective surgery.” The DOC has a “one good eye” policy, whereby an inmate is allowed to go blind in one eye provided the other eye is functional. Thanks to this policy Collazo is going blind, as in fact both of his eyes have problems, though the DOC ignores that he has vision troubles in more than one of his eyes. On 6/28/09, he wrote,

“The DOC, through their inaction, is basically taking my right eye from me for no other reason but to save a dollar. I did nothing wrong. I am 54 years of age and my eye simply developed a cataract. I am being punished by them taking my eye away from me. Now my other eye has to do the work of two eyes, I have no depth perception, and bright lights cause me pain. I don’t even enjoy reading anymore. A pastime I have enjoyed over the years being incarcerated.”

And he adds, “Notwithstanding the fact that my left eye is not ‘normal,’ any policy that would allow for a human being to lose his sight to save

¹³ This is in reference to PA DOC policy DC-ADM 820 “Co-Payment for Medical Services,” which requires a \$5 charge to a prisoner who requests any “non-emergency” medical attention and some emergency procedures in certain circumstances. This policy contravenes Principle 24 of the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which declares that “medical care and treatment shall be provided whenever necessary” and that this care “shall be provided free of charge.”

money can only be said to be inhumane and would amount to cruel and unusual punishment.”

Jason Milisits’ case is so bad that he could not write to tell us about it. Instead, William Davidson (EG-0745) wrote about his case on 8/28/09, and explained, “I am writing this letter on behalf of my friend Jason Milisits. Jason has a severe case of the shingles that he contracted from a chicken pox outbreak in 2006. To this date the medical dept. refuses to treat or do a culture for this condition. Recently his condition has gotten worse. Jason is in a lot of pain; he cannot sleep because of his pain.”

Susano Pagan’s case is another that was so bad, the inmate could not write to HRC himself. Alex Melendez (EX-5417) wrote for him on 9/10/09,

“I am writing you in behalf of Susano Pagan AM-7039... Sir, Susano was hospitalized for 2 weeks then he was led back out to population. I arranged to see him in the yard a day after. He wasn’t looking good. We had agreed to meet the next morning in the yard so he could give me all his family info so that I could help him put a letter together for you. I went to meet him the following morning, and I found out by someone in his unit that, for 6:20AM count the CO found him in the cell unconscious and unresponsive...someone said that a guard had said that he passed away. I don’t know how true that is, I’m worry, Susano is like a uncle figure to me, always gave me good advice so when I make parole I don’t come back... This medical system here is corrupted. Just last week a guy had a stroke in the gym. It took the medical staff ½ hour to walk from the infirmary which is only a half a hallway away to help him, this man died in front of everyone who was in the gym. Susano had health issues but his depression status is really what was deteriorating his health... Susano was in a single cell for 28 years... the administration put pressure on [the new psychiatrist] to clear people for double cell...”

Pagan’s case illustrates the causal link between overcrowding and medical neglect. Although the specifics of Mr. Pagan’s situation cannot be discerned without access to comprehensive medical records, we have received additional reports of prisoners throughout the PA DOC having their medically-mandated single-cell status terminated despite no alteration in the condition originally prompting such a classification.

Susano contacted HRC/Fed Up! in early November about his deteriorating condition. Mr. Pagan had been given less than 6 months to live and wanted to seek compassionate release or commutation so he could be with his family in New York or Puerto Rico. We contacted the prison and

his family in Puerto Rico in an attempt to offer support, but it was too late. Susano Pagan died on November 20, 2009.

Mr. Pagan and Matthew Bullock are not the only instances of deaths reported to HRC/Fed Up! during the course of our investigation. Roberto C. Rivera (AS-2743) on 9/11/09 wrote indirectly of Bullock and another wrongful death that took place in the gym, most likely the same one that Melendez mentions in his letter on Pagan:

“People beginning to die in here because of neglect on the part of the staff. A man just died in the gym area here and it took a nurse 23 minutes just to get the man out of the gym area. No CPR was administered by staff and people just stood by watching the man die while they took their good old time about even moving him.

About a month ago, another inmate who was supposed to be under observation in a hard cell on camera on suicide watch status did kill himself. This man was to be under psychological treatment...”

Recent reports have indicated that a number of prisoners have died as the result of negligent medical care. Multiple prisoner reports regarding the death of Howard Kelley, a 25 year-old lifer from Pittsburgh, claim that he had been seeking medical attention for days for flu-like symptoms. Some of these reports speculated that his death may have been caused by H1N1 (aka “swine” flu), and that others have died under similar circumstances. The coroner informed the local newspaper that an investigation into Mr. Kelley’s death determined that H1N1 was in fact the cause of death.¹⁴

Another prisoner reporting on condition of anonymity claims that five prisoners died in the last week, after many more deaths in the preceding weeks. He continues: “I stopped counting at 14, I don’t even know the count now!” The official PA DOC list of inmate deaths actually lists 13 who had died at SCI Dallas in 2009.¹⁵

Some medical problems stem from the conditions of the RHU, where constant light can lead to psychological problems, headaches, dizziness, and anger. As Andre Williams (GF-5169) wrote on 9/13/09, “These people are hurting me with my psychological problems and with my meds. I’m stuck in the RHU. This light is triggering my psychological problems.”

¹⁴ “Inmate died from swine flu,” Steve Mocarisky, *Wilkes Barre Times Leader*, January 8, 2010.

¹⁵ Pennsylvania Department of Corrections Inmate Deaths System data, obtained via PA Right to Know request; on file.

Problems with medications deserve special mention, three cases in particular. First, Eric Rambert (AM-9223) wrote on 9/12/09 that his insomnia had not abated:

“As far as my sleep deprivation situation, no, Dr. Jesse who administered Benadryl to regulate my sleep due to my not being able to sleep because of the 24 hour day of constant illumination having lights on in the cell, I received 3 misconducts for covering them so I could get some sleep because Dr. Jesse only gave me a week’s worth of sleep meds and to this day never examined me to determine [if] any further treatment [was] needed... no I’m still not getting much sleep if any, I’m still suffering the headaches and vision impairment and Dr. Jesse refuses to even acknowledge a request slip.”

Rambert is not alone in his problems with medication. Andre Williams (GF-5169), in the same letter from 9/13/09 quoted above, told HRC the following story:

“On 2/12/08 [the urine test] came back positive for amphetamines from a pill called Zantac, which has Ranitidine. They lock me up in the RHU for 17 days then they let me out. The PA who prescribed this medication was PA O’Brien but his boss is Dr. Bohinski. He lied and told the guards that I wasn’t on any medication that would give me a positive urine. And I was. PA O’Brien showed me a piece of paper that shows all the medications that would result in a positive urine and Dr. Bohinski never gave it to the officers of shift commander. So every month until they got it straight I was getting a misconduct report about this matter. On 2/22/08 I saw parole and they asked me what’s going on, and I explained to them, because I was still in the RHU. They didn’t care about what I was saying so they gave me a 21 month hit behind all this that this man Dr. Bohinski put me through... Even though I got found not guilty of all charges they didn’t care. So this Dr. Bohinski ruined my life. Now my daughter’s mom is taking my parental rights. My life is over. At the same time they disrespecting me with my psychological illness. I never been through so much torture in my life.”

Finally, Eliot Lopez (HL-6561) wrote on 9/25/09 about how he had received the wrong injection, and because of this mistake, suffered intense internal pain.

“On 9-9-09 between the hours of 3:30-4:00pm, while the institution (SCI Dallas) was under a “Lock Down Situation”, health care

providers were assigned the task of going to each block to administer vital medications to inmates. Ms. Irene Benzdziecki, was assigned to O-Blk. Since I am a diabetic Ms. Benzdziecki was to provide/administer my insulin shot to help maintain my diabetes. On the above listed date and time, Ms. Benzdziecki administered by way of injection the wrong medicine into my body. At the time of this incident I was unaware of any change to my medical status that would allow Ms. Benzdziecki to inject me with anything other than insulin. The full effects of this act is unknown to me at this time, the night of this incident I was place in the hospital due to severe shakes and intense internal pain that I could not describe. But my reaction to this medication was so serious that I was removed from my housing area and placed in the hospital while the entire institution was in lockdown mode. While in the hospital I was informed that Ms. Benzdziecki had not given me insulin and that I had been injected with Pegylated Interferon. . . . On 9-10-09 Dr. Bohinski informed me that I was in fact feeling the effects of the Peg-Intron shot. Then released me without conducting any type of test.”

Retaliation

Retaliation is forbidden by DOC policy¹⁶, yet HRC/Fed Up! receives frequent reports that guards take action against prisoners who use staff request forms or the grievance system in good faith.

The Prison Litigation Reform Act (PLRA) of 1995, which was supposed to limit unwarranted prisoner lawsuits by forcing inmates to exhaust all internal remedies before filing a lawsuit, has served instead to restrict prisoners’ rights to access the court. However, it is now clear that the PLRA has only hurt the grievance system by creating incentive for prison personnel to obstruct the grievance system in order to have inmate claims dismissed on procedural grounds. Less than 2% of grievances filed in the PA DOC between January 1, 2008 and April 28, 2009 have been decided in favor of the inmate¹⁷, which is statistically improbable, and the PLRA discourages rape and sexual abuse victims from seeking remedy from the courts, as cases claiming sexual assault have been thrown out under the provision in the PLRA that requires prisoners to demonstrate that s/he has suffered a physical injury in order to have a

¹⁶ DOC Policy DC-ADM 804, Inmate Grievance System, Section 6(A)(12) states that “[n]o inmate shall be punished, retaliated against, or otherwise harmed for good faith use of this grievance system.”

¹⁷ Inmate Grievance Tracking System Summary Totals, official PA DOC figures, obtained via a Right to Know Request.

valid claim.¹⁸ (see section 3.5.1 for further discussion of the PLRA)

Thomas Barndt (CT7510) told HRC on 7/29/09 that the guards work together to retaliate against a prisoner. After Mr. Barndt had filed a lawsuit against one guard's friend, the guard did not tell him that he had a visitor. Mr. Barndt explains: "my family had to wait an hour in the visiting room before a different guard finally told me that I had a visit." Fernando Camilo says the fear of retaliation is enough to keep prisoners from expressing their grievances. On 7/2/09, he wrote, "There are men here (prisoners) that have been and are going through similar circumstances whom like myself fear retaliation and that's why most of us don't complain." Similarly, Wilson Booker (AF-7672) wrote on 9/12/09 that "There's many inmates here at SCI Dallas that been a part of being violated, but many of them fear to speak because of retaliation or transfer, or misconducts." Thomas Nicholson told HRC on 7/5/09 that he was accused of being uncooperative, because he did not know who had thrown an object at his neck during a fight between several other inmates. He was placed in Administrative Custody in the RHU:

"I wasn't involved in what was going on and whatever hit me on my neck caused it to bleed which is why the officer locked me up. I had nothing to do with any of that. I wasn't assaulted so I cannot tell what I don't know. On 7/23/09 I seen PRC and Deputy Mooney started saying about I'm not telling him everything that I should ask inmate Sanchez how he feels about uncooperative inmates that he'll keep me locked in the RHU for a long time. I found out that Sanchez is a inmate who came from another prison for a separation from inmates who alleged to cut him with a razor and because he won't give them up he's been illegally and unlawfully detained in the hole for 18 months... Plus they are going to transfer me all the way out western Pennsylvania so that I would not be able to see my family. Because they ask me how old were my Mom and Dad. Not understanding the question really, I told them that they were getting old. So Lieutenant Miller told me that if I didn't tell those more of what they need to know I am no[t] going to see my family for a very long time. And he said trust me I have did it before, and I can do it again."

Not only the guards within each prison, but also guards in other prisons in Pennsylvania's DOC seem to work together to retaliate against individuals who report abuse. Thus, transferring an inmate from one SCI to another does not eliminate the risk of retaliation for speaking out against abuse. One individual who spoke out about SCI Dallas was

¹⁸ *No Equal Justice: The Prison Litigation Reform Act in the United States*, Human Rights Watch, May 2009.

transferred to SCI Fayette where the guards retaliated against him. Another inmate wrote to us on 7/1/09 about this case, but wrote on condition of anonymity, for fear of being on the receiving end of retaliation himself:

“On several occasions prison guards have come to Mr. Singleton’s cell and asked him, ‘you ain’t hang it up yet? Just go and kill yourself. If you need some help or a rope to put around your neck, that would end all your problem nigger!’ I spoke with Mr. Singleton who has explained to me that he thinks about killing himself because he can not sleep due to inmates...who bang their toilets and doors all night long so loudly that noise is stressing him out, and the fact that he was housed on this block in the past and witnessed another inmate kill himself, and as a result it has caused him mental torment and trauma which is extremely shocking to his mental state and every time he falls the sleep he is haunted by the act of witnessing... Furthermore, one officer told Mr. Singleton that we know about the full investigation that was launched against the officials at Dallas S.C.I. However we will make sure that this time you never get to testify ever again against Correctional Staff and we’re going to finish off what [we] started... You will not get that chance against because we’re going to do it the Green County Prison, the way it should have been done before!”

Israel Torres wrote on 4/14/09 with a similar story of retaliation following an inmate around the DOC. Before being transferred to SCI Dallas, Torres had filed grievances against staff at SCI Somerset. Torres explains: “I arrived to S.C.I. Dallas on 3-31-09. On 4-1-09 I was set up and accused of threatening staff. I DID NOT DO IT!... I really feel that I am being retaliated on. Because of this misconduct, my chances of going home is zero!... Because of this I can not complete any of my prescriptive programs, trades or any other rehabilitative programs.”

Duane Bartholomew Peters wrote on 6/8/09 about how medical neglect can be used as a retaliation tactic. In retaliation for filing a lawsuit against Sgt. Buck and his wife, both of whom work at SCI Dallas, Sgt. Buck tampered with Peters’ mail and refused to let him be treated for sever chest pains.

“I am recovering from serious back pains and chest and heart pains and an attempt on my life by one SGT. Buck in retaliation for me filing a lawsuit against him and his wife who both work here at SCI Dallas because he was obtaining my mail from his wife who used to work in the mail room, then he would come on the tier with my personal and legal mail, read it out loud to the tier as the ‘daily

report from Peter' and then tear it up in front of my cell door and leave the confetti on the range as an intimidation tactic. In his latest attack he and his guards deliberately refused me medical attention when I asked them to call medical because my back and ribs were pressing in on my lungs making it hard for me to breathe causing me severe chest pains, to cover up the fact that they told the nurse who came to the RHU to leave me unattended, their C.O. Corbett issued a fabricated misconduct that (although I was paralyzed in the cell by the pain) I was kicking the door and he told me to stop! An event which never took place which never transpired not even on their cameras, and which . . . Mr. Eric Rambert can verify, because as my neighbor, he was the one who called 'man down' for me."

Duane Peter wrote in an undated letter from 2009 that guards have stolen mail and money in retaliation for trying to file a suit. In addition, they have kept him from visiting the law library, thus obstructing his right to access the courts.

"On 5/22/07, the Security searched my cell (only my box of papers) and took, specifically, my evidence in support of my claim of fraud and structural alteration of the court's docket in my case, my criminal complaints and my defaults. . . . The RHU Sgt's make sure I do not get into the law library by throwing away my request slips or refusing to let me use the law library. Lately the guards in the RHU have taken to giving my mail to inmates on the bottom tier instead of giving it to me. I am being forced to stay at an indigent status, and my regular money orders sent to me by my family is either being returned or not recorded. Currently I have at least 2 \$500 money orders which cannot be accounted for, and my family have the receipts and the Western Union claims the jail received the money."

Carrington Keys (EF-4010) is another inmate who is being punished for attempting to pursue legal redress. As he wrote on 7/13/09, "The superintendent knows that I have an appeal on Habeas Corpus against him. However he allowed his officers to steal my copies of the court record as contraband... I'm being punished for my legal filings." Keys also wrote on 10/14/09 about how inmates are punished for contacting HRC. In an affidavit, he states:

"That on the date of 10-14-09 upon returning from yard, I was approached by Officer Angelove who stated to me, 'You shouldn't be filing complaints with Human Rights Coalition. I advise you to mind your business because it is only making you a target and that

there are some serious allegations being made that is going to cause you trouble if you don't sign off on your complaints.' Upon returning from shower I was handcuffed by Officer Elmore who pushed me up against the wall and began punching me about the arms, sides and ribs. Officer Elmore stated: 'You better sign off on that prison investigation with Human Rights Coalition or next time I'm going to punch your teeth down your throat.'"

Isaac Sanchez on 3/19/09 confirmed that when inmates reach out to the HRC, they risk retaliation from the staff. Sanchez writes, "Exactly a day after I have received your offices letter I received a write up for no apparent reason." And on 8/7/09 he wrote, "the law library is not sending anything back to me. In fact they stated that they are not even receiving any of my paperwork... what I'm hearing is that this facility is trying to put a stop to your incoming and outgoing mail because they feel that you are a threat that can lead this jail to a total destruction."

Isaac Sanchez (GY-8440) wrote again on 10/22/09 with a similar story:

"The other day I was threatened that if I didn't stop writing HRC that they were going to set me up with frivolous misconducts and start throwing my mail away. Which they did... I mean for example they stopped feeding me and even when they do feed me they poke holes in my sandwiches and they spit and piss on it. Also, they have assaulted me numerous times as well which is all on camera... I have been placed on all type of restrictions for falsified accusations and my mail isn't coming to me because they are throwing it away... My water/toilet is never on, and I'm not even allowed to take a shower or even have my hours of rec."

Sanchez had suffered an attack at SCI Coal Township, where he was held before being transferred to Dallas. The attack came from behind and he did not see his assailant. Yet until he fabricates names, as he wrote in his letter on 1/25/09, he will be held in RHU in retaliation for not cooperating, according to staff:

"On 9/30/07 while at SCI-Coal Township I was attacked from behind by unknown assailant(s) in which I was cut on my face and back... since being here [in Dallas] I've been held in Administrative Custody [because] Deputy Mooney, Capt. Zakaraukis and the Program Review Committee staff and Michael D. Klopotosky [refuse] to release me based on my not being able to identify my assailant(s) from the SCI-Coal Township incident. NOTE: Deputy Mooney was also the Deputy at SCI-Coal Township when the attack happened. He has stated on numerous occasions that until I

identify those assailant(s) that I will remain in his RHU even if they have to max me out 2014. He said until then I will never be allowed to hold my 2 small children. I've been in this RHU 11 months in RETALIATION for my not being able to identify who attacked me... I'm being denied my required prescriptive programs so that I can make parole and have been told until I identify someone I will remain in the RHU... I don't know who attacked me from behind."

And later, on 9/14/09, Sanchez wrote to tell HRC about an assault that took place in August, not long after Matthew Bullock's death. The assault was retaliation for filing grievances. As he wrote:

"I have been assaulted by a CO named Elmore on the date of 8/27/09 around shower time. I was dragged all the way up the tear and smacked while inside the shower by officer Elmore. This is all on camera and I have witnesses that would like to make themselves known... This officer has threatened me in various ways, such as telling me that he could abuse me and fuck me up every time an opening had occurred. He called me names from spic, a disgrace to his country, etc. This problem started because I wouldn't sign off on any of the grievances that I have wrote up against his boss Deputy Vincent Mooney...this same officer is being allowed to continue his verbal and physical abuse...smacking me and threatening me... We as inmates should not have to live with fear and torture. I mean one painful death already occurred around me behind these acts of domination. How much more shall happen before it is too late?"

Retaliation comes in many forms. John Taylor-Bey wrote on 3/11/09 that "a select few who do not play nor joke-around, who stand up for their Basic Human Rights we are retaliated against with falsified misconducts, deprived of access to law libraries, property, our legal papers, and our mail both legal and personal incoming and outgoing is suppressed." The retaliation can also come in the form of a death threat, as happed to Eric Rambert (AM-9223), who wrote to HRC on 8/13/09 about the retaliation he received after filing a criminal complaint. Rambert says that C/O McCoy told him, "Okay motherfucker, game on. I can kill you and won't nobody care because you ain't nothing but a number that'll be replaced." Rambert goes on to state "this is the second time C/O McCoy threatened

to kill me in violation of PA.C.S.A. 4702¹⁹ in retaliation under 18 PA C.S.A. 4953²⁰ for my filing a criminal complaint.”.

Sometimes prison staff warn prisoners against filing grievances as an intimidation tactic. Shawn Sharp (BQ-8429) wrote in an undated letter: “I myself attempted to file grievances against a Sergeant and when interviewed for the complaint I was told to withdraw the complaint or I’d be retaliated against by the Sergeant. I refused... I personally saw and heard the Sergeant I originally grieved telling officers to ‘bang’ me.”

Deprivation of food and water is another routine tactic of retaliation in the RHU at SCI Dallas, and HRC gets frequent complaints about both kinds of abuse as well as food tampering, when staff place foreign objects or bodily fluids on food trays.

Gregory McCrae (DP-2860), who wrote to us on 9/12/09, reported that he had been deprived food for an unknown number of days. Staff involved in this food deprivation include “C/Os Morelli, Corbett, Pudloski, McCoy, Angelovic, Bath, Sgt. Buck, Lt. Mosher.” Another long-term food deprivation case is that of Duane Peter, who wrote on 5/15/09 and said, “the authorized RHU guards [kept] me in my cell for months on end [with] no shower or exercise yard, and no food trays during the first shift. This went on for all of the first 2 years (05-07).” Charles Oliver was offered food on the condition that he would perform a sexually explicit act; when he refused, he was denied food. As he wrote on 4/12/09, “On 3-26-09... C.O. Wilke was passing out the A.M. and on 3-27-09 P.M. meals and said if the complainant wanted to be fed he would have to perform a sexually explicit act, ie; expose himself, get nude and repeat demanding/demeaning comments, when I refused... Wilke closed my door slot, denied the complainant his meal.”

Racism: A Systemic Crisis

So many of the letters HRC receives report guards frequent use of racist language that it is hard to separate racism from the other abuses that go on in SCI Dallas. Dallas, Pennsylvania has a population of 8,179 people, 98.4% of whom are of white/Euroamerican ethnicity according to figures from the 2000 census.²¹ Luzerne, County, where Dallas is located, has a

¹⁹ The citation is in reference to a Pennsylvania criminal statute, 4702 “Threats and other improper influence in official and political matters.” See <http://law.onecle.com/pennsylvania/crimes-and-offenses/00.047.002.000.html>.

²⁰ 18 PA 4953, “Retaliation against witness, victim or party.” See <http://law.onecle.com/pennsylvania/crimes-and-offenses/00.049.053.000.html>

²¹ U.S. Census Bureau website, http://factfinder.census.gov/servlet/SAFFacts?_event=ChangeGeoContext&geo_id=06000US42

population that is 96.6% white.²² The demography of the prisoner population at SCI Dallas is as follows: 33.7% white; 55% black; 10.9% Hispanic; 0.4% other.²³

The prevailing culture of arbitrary control and repression within the PA DOC coupled with the demographic realities of the prisoner population are fertile soil for racism. While only a few examples follow, race is a dominant factor determining who is singled out for placement in solitary confinement or subjected to the most intense human rights violations, and should therefore be understood as an underlying factor in both the policies of mass incarceration that generate overcrowding and the subsequent violations detailed in this report.

Gregory McCrae (DP-2860) reports on 9/12/09 that CO Salsmon referred to him as “darkie,” “nigga,” “coon,” and “black faggot.” Salsmon also told McCrae in one incident to “get the fuck out of here, you’re going to be late for nigga service.” Wilson Booker wrote on 3/16/09 that as a prisoner in the RHU, he is a constant witness to racism. “This is a very racist jail, despite [the DOC] adding diversity to the chain of command. Some things just don’t change... I ask that [the DOC] transfer me from this very racist jail, where a man’s skin is his sin.” Thomas Barndt’s letter from 4/16/08 shows one instance of how religious repression and racism can go hand-in-hand. He writes, “I believe my being transferred had something to do with me giving National Geographic magazines and candy to an old handicapped black Muslim... I also gave chess magazines to another Muslim.”

Anthony Kelly (GX-0834) on 11/4/09 reported to HRC that “Even to this day they continue to verbally abuse me. Calling me nigger, coon, monkey, say they’re gonna kill me because of my religion which is the Nation of Islam. They go into homosexual verbal abuse telling me I have a fat ass and that they would stick their dicks in my ass telling the tier I suck dick and all types of other things.” The abuse leveled at Kelly is not unusual in its combination of homophobic and racist rhetoric.

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²² U.S. Census Bureau website,

[http://factfinder.census.gov/servlet/SAFFFacts?_event=&geo_id=05000US42079&_geoContext=01000US%7C04000US42%7C05000US42079&_street=&_county=Luzerne&_cityTown=Luzerne&_state=04000US42&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=050&_submenuId=factsheet_1&ds_name=ACS_2008_3YR_SAFF&_ci_nbr=null&q_r_name=null®=null%3Anull&_keyword=&_industry=.](http://factfinder.census.gov/servlet/SAFFFacts?_event=&geo_id=05000US42079&_geoContext=01000US%7C04000US42%7C05000US42079&_street=&_county=Luzerne&_cityTown=Luzerne&_state=04000US42&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=050&_submenuId=factsheet_1&ds_name=ACS_2008_3YR_SAFF&_ci_nbr=null&q_r_name=null®=null%3Anull&_keyword=&_industry=)

²³ PA DOC Monthly Institutional Profile as of November 30, 2009, linked from <http://www.cor.state.pa.us/>.

Physical Assault and Violence

Physical abuse, both threatened and actual, is a common theme in the letters HRC receives. The stories include incidents of staff-on-prisoner, prisoner-on-prisoner, and prisoner-on-staff violence and threats of violence.

Juston Boyle (HC-1235) wrote on 9/13/09 about an incident that took place two days earlier in the security office, where there are no cameras.

“On 9-11-09 I was taken up to the security office to talk to the Superintendent Klopotoski while I was waiting for Mr. Klopotoski the Security Captain Joseph Zakaraukas placed a metal bar across my neck saying that if I don't drop my civil suit he will snap my skinny fucking neck and toss me down the steps saying I fell cause there is no cameras in the security offices. And that if I try to report this he will have me killed. I am in fear for my life and I want to be seen by the police asap... On Monday July 13, 2009 R.J. Bath and J. Matello came to my cell door and hit my door saying I am a deadman and R.J. Bath made a gun with his hand and said bang-bang and stayed for 5 minutes making more threats and sexually harassing me.”

No one denies that inmates fight among themselves. Mental health problems, often exacerbated by solitary confinement and the generally inhuman conditions in prison, can lead prisoners to anger management problems. But this does not excuse staff from provoking such fights. Shawn Sharp (BQ-8429) notes this problem: “I've seen inmates put into a cell with a mentally ill inmate who was supposed to be single cell just so that the other officers could watch the 2 inmates fight and take bets. This happened on 2 occasions while I was confined in the RHU.”

One inmate speaking on condition of anonymity experienced for himself the “spectacle sport” of condoning and watching inmates fight. Staff told other inmates that he was a child molester, with full understanding that this would endanger him. Then, after he was attacked, he was warned against pursuing a complaint.

“When I entered and place my boxes on the desk 3 inmates, one being a lifer, entered 30 cell and started to assault me hitting me numerous times in the head and about my body with master locks [for] which I received stitches in my head... my case has nothing to do with being a child molester/pedophile... they said I raped a 14 year old girl, then they said I raped a 16 year old boy. Which isn't

true. The only way the inmates could have even got that impression was from one of the officers. I was also informed that after the assault officer Macausky stated to another inmate in a loud voice that the assault was a necessary evil... I am always looking around and behind me. I have a hard time sleeping at night sometimes and I have dreams of the assault... Since the assault I've been having headaches and sometimes blurred vision...I am worried about retaliation from the officers and other inmates from pursuing this which I have seen many times since I've been here from the officers. I have already been confronted about pressing charges already. Someone stated that what happened to me 'it is what it is' and I shouldn't press charges."

One of the worst cases of staff provoking or condoning inmate fights reported to us involved two individuals whose names have been changed to protect their identity. Murphy assaulted Thompson, a mentally ill inmate, so badly that Thompson's arm was dislocated and he could barely talk. HRC asked Murphy to explain the incident in his own words, which he did in a letter dated 9/11/09/

"I did not want to be in the cell with the dude, he stinks, his breath stinks, and he does things to little kids. Note: I got kids and I did not want to be there. To get me out before I do something that I will regret later did no good. They kept coming by our cell banging on the door yelling at [him] telling me that I should kick his ass and not feed him. The whole time they were taking me to yard telling me that if I don't do this stuff to my celly I would be buried in the RHU not eating, telling they would do things to me so bad that I would want to hang myself and all that. I was scared that if I didn't do these things that they would be doing them to me. So after a while he started getting on my nerves and I really wanted out of that cell so I started beating him up, stopped him from eating. I pulled him out of his bed and he did not eat for seven days. I was doing this because they were telling me it could happen to me so figuring them telling me that if I did do these crazy things that my hole time would disappear and I would be alright... Things here in Dallas are so bad, not too long ago a dude killed his self here in the RHU... I have thought about killing myself a whole lot."

HRC also heard about the incident from Eric Rambert, who wrote on 6/25/09 to say that C/Os who were aware of each inmates' mental health status placed two inmates together in the RHU. They called the first inmate (Thompson) a baby rapist and child molester, refused to separate the two inmates, and told the second inmate (Murphy) to kill and rape the first one (Thompson). Then they "threatened Thompson if he let Murphy

eat anything that they will give him more RHU time.” The guards failed to tour that cell range one day and “caused inmate Murphy on April 19, 2009 to torture Thompson by dislocating his shoulder, pulling his toe nails out and pouring salt over it, abrasions and hematomas, right thigh and tortured his penis by slamming it between a book and the cell desk, threatened to rape and kill Thompson and his mother and sister while they watched.” The prison “gave Thompson a higher dosage of medication to make him incoherent put him back in population and brought him right back to the RHU for failure to stand for count. The kid can’t even tell you his name let alone stand for count... the staff using him [Murphy] as their hired weapon to cause the harm that was caused to Thompson.”

Yet another inmate who wrote to us about Thompson spoke on condition of anonymity. He wrote on 6/22/09,

“I personally was next door to [Thompson], my previous stay in RHU Oct/Nov 2008; guards placed him in with an inmate they encouraged to take his trays and abuse him. The inmate . . . did not act as they suggested. He left the cell and the following inmate was also instructed to abuse Thompson. Now I found out this year the same practice being repeated resulted in Thompson being raped and tortured in cell terribly. The torture is so unbelievable I have a difficult time repeating it. Mr. Thompson was/is single cell status and never should’ve been in cell with anyone, especially the known psychotic person they stuck him with. Thompson is a very little man, heavily medicated to the point of lacking basic comprehension.”

Finally, Thompson’s mother emailed HRC in July with concerns about her son’s safety because “he hears voices and sees things . . . and it makes him really lethargic. The correction officers threaten [him] all the time and drop his food tray and call him a child molester to the other inmates to get him attacked.” According to her, Thompson has been put on haladol, thorazine, depakene, and other antidepressants. She then wrote,

“Thompson was placed in another cell in the RHU with another prisoner. [He] knew this prisoner and asked him you are not going to beat me up are you? The other prisoner said no. Well the other prisoner who is known as a psycho beat [him] up, raped him repeatedly and dislocated his shoulder for a couple hours I guess Thompson called the guard over that night said he was hurting they took pictures of his injuries he was black and blue even in his private parts. They took him to Wilkes general hospital.

Thompson spoke to the state police and put a complaint on the other prisoner.”

At the time of writing Thompson’s future remains unclear, he is still being given heavy medication instead of mental health treatment, and the man who assaulted him is still at SCI Dallas.

Sexual Violence

Like Anderson’s case above, sexual violence is often combined with physical violence and many cases fall under both categories. The National Prison Rape Elimination Commission recently reported that 2.9% of inmates reported sexual abuse by staff, and 2% reported rape by fellow inmates.

An anonymous letter received on 4/12/09 reported the following:

On 3/20/09 CO Wilkes did grabbed the Complainant by his penis and held on to it in a massaging manner asking what’s this as if he was searching for something which took or lasted five seconds too long for a search. I pulled away and he then slammed me into the wall and was laughing. On 3/26/09 the suspect CO Wilke was passing out the A.M. and on 3/27/09 P.M. meals and said if the Complainant wanted to be fed he would have to perform a sexually explicit act i.e. expose himself, get nude and repeat demanding/demeaning comments. When I refused the suspect Wilke closed my door slot and denied the Complainant his meal. He also slammed the Complainant’s hand in the door slot which is still swollen and told the Physician’s Assistant I refuse to see her on sick call for my swollen hand he injured... On 4-10-09 suspect Wilkes came to work and was passing out the breakfast meal, stating that I the suspect is a fucking “snitching bitch” and “just wait motherfucker you put your foot in your own ass buddy.” Later during showers the suspect denied his shower and yard exercise, this was in retaliation for the Complainant filing a grievance against C.O. Wilke the suspect... The Complainant later tried speaking to Lt. Bliche who was making his rounds, when the suspect begin to yell ‘I Don’t want to fucking hear it, you getting out of control homes, you better wise up and do it real fast if you know what’s good for you.’”

Charles Stark (BX-4196), in an undated letter, wrote about the aftermath of such sexual abuse, particularly the lack of resources available for the victim of the assault.

“Sir, during the earlier part of my incarceration, I encountered an incident where I was sexually attacked. Later, while residing at SCI-Pittsburgh there was another sexual attack in which, in this case a CO, intervened and I was written-up for fighting. . . . The written report was believed in favor of the reporting officer, that there was only a fight. Although, a psychiatrist and psychologist determined through their own investigations for the DOC’s evaluation that it was more than best that I receive a Z-code status, i.e., single cell status, which was due to said attacks, my history of nervous break downs, stress, anxiety, and mental anguish. They recommended me for placement on psychotropic medications. My condition and my taking of the psych-meds, have not changed since 1993. I have never received nor have been informed before arriving at SCI-Dallas that my program code had been changed... Yet, now I am being told...that I have never been nor had a Z-code status and therefore that I do not have a need to be Z-code while housed here at SCI-Dallas... I never received any type of counseling after the attacks There is no type of psychological programs or counseling for victims of sexual attacks, or assaults in the PA.DOC The only resolve of my mental anguish and physical suffering from the attacks was to be placed on Z-code status and psych-meds... The officers and staff of the PA DOC has systematically repressed my grievances and fabricated misconduct reports against me for seeking help.”

These two cases showcase the variety of issues associated with sexual assault in prison, both inmate-on-inmate and staff-on-inmate, as well as the residual psychological after-effects.

A final problem is abusive language, particularly the rhetoric of homophobia that is directed against homosexual inmates or those perceived to be feminine or weak. Like racist speech, such language occurs in many other places in this report. Two more examples come from Gregory McCrae (DP-2860), called a “black faggot” by CO Salsmon (letter dated 9/12/09) and Anthony Singleton (CW-8923), who says, “Upon arrival here nearly a year and a half ago, I was told by staff that they did not like my kind here. (This referring to my sexual orientation and my race.) I was repeatedly harassed by staff, called faggot and threatened” (letter dated 3/04/09).

Denial of Due Process: Grievances, Misconducts, Legal Property, and Access to the Courts

HRC receives countless letters from inmates who are denied access to the law library, or who have been involved in cases where evidence disappears or is not allowed to come to light.

Shawn Sharp (BQ-8429) told a typical story in his undated letter:

“I myself have attempted to file grievances that are issued numbers and never issued an initial response to appeal from. Documents are falsified and back dated in the grievance process. You go to a misconduct hearing and the same guard that wrote you up is escorting you to the hearing, sitting at the table with the hearing examiner, and practically running the hearing with all of the other RHU officers even though the hearing examiner has an officer assigned to him and you are locked in a cage with handcuffs on over 10 ft. away from the hearing examiner. Not to mention that this person was never called as a witness. All of these things were brought to Supt. Klopotoski and PRC’s attention. Mr. Klopotoski told me personally, ‘So what, I’m not going against my officers and you can’t prove it!’ So we are faced with no real means of redress.”

Thomas Barndt’s letter (7/29/09) echoes Sharp’s concerns about the grievance system. He suggests that the grievance system does not proceed quickly enough for inmates to report their grievances effectively. “I filed [a grievance] and it was signed by Grievance Coordinator, Ms. Robin Lucas on June 12, 2009. I still have not received an initial response for that.” His story is not unique. Duane Bartholomew Peters wrote on 6/8/2009 about how he was denied the opportunity to appeal a grievance denial because officers refused to take him to the hearing:

“I am enclosing a copy of my latest grievance concerning the incident I described above which is pending. I don’t expect anything other than a boilerplate denial, and concerning the write-up – I was denied a hearing and one of the Officers, Wilk, who is a witness on the write-up executed a Hearing refusal form stating that I refused to attend the hearing, which the RHU officers purposefully refused to take me to – whereby according to DOC policy an inmate cannot file an appeal [for a] hearing he refused to attend.”

Later in the letter, Peters says that staff’s response to complaints is, “when they come along and hear complaints they tell the person complaining ‘Well you still alive right! Then keep it moving.’”

The sexual abuse case of Charles Stark, discussed above, is also reportedly a case of fabricated misconducts and denied grievances; as he

wrote in his undated letter, “the officers and staff of the PA DOC have systematically repressed my grievances and fabricated misconduct reports against me for seeking help.” Eric Rambert wrote to HRC about Abdus-Shahid Ali on 7/16/09 with concerns about Ali, who was placed in administrative custody (AC) on prehearing status based on a falsified misconduct report that was dismissed for failure to comply with established policy. A new misconduct was not issued for three days, and Mr. Ali was kept in AC during that period despite staff having no reason for keeping him there. “Mr. Ali was in the process of making parole, now he’s in the RHU for 90 days with a possible criminal charge over his head.”

Anthony Singleton (CW-8923) noted on 3/4/09 that inmates are left with few options when abused. In a letter to Governor Rendell, he wrote, “As such, we are left with no means of recourse that is anywhere near meaningful. I can only hope that in my documenting this behavior, you will take some action to [put] justice back in the system rather than allowing injustice during your governorship.”

The systematic bias against prisoners extends to such things as mandated programs, work opportunities, and education, all things that have been proven to reduce recidivism and create a safer prison environment for everyone. Alex Melendez (EX-5417), on 9/10/09, wrote of the due process denied to many “warehoused” inmates:

“They are warehousing us, there’s not enough job for those who want to work, the school system is also over crowded often. Big waiting list for people to do their parole prescribed programs. I think the average tax payer will be mad to know that their money is going [to] warehousing instead of rehabilitating and facilitating inmates with the tools to be productive in society once they are released.”

Seeking Accountability: SCI Dallas, Prior Notice and Official Indifference

In early July 2009 a letter was sent to every member of the PA General Assembly’s House and Senate Judiciary Committees, the General Assembly Black Caucus, Governor Rendell, and PA DOC Secretary Beard. This communication demonstrated inconsistencies in PA DOC testimony during a recent meeting in front of the PA House Judiciary Committee, and included documentation of reported human rights violations from SCI Dallas. The letter reiterated demands made by HRC in March:

We are again formally requesting a series of public hearings in front of the Pennsylvania Legislature to investigate the policies and practices of

the PA DOC. This review will include unresolved inmate grievances, testimony by incarcerated individuals and their families, and an inquiry into the use, implementation and effects of solitary confinement. These hearings will be the initial step in a process aimed at the creation, passing and adherence to comprehensive legislation based on international human rights agreements.²⁴

Despite submitting documentation of a pattern of human rights violations at SCI Dallas, no action was taken. In fact, each recipient completely ignored the documentation and the modest request for hearings.

Throughout the summer and into the fall HRC/Fed Up! and supporters sent several letters and made repeated phone calls to SCI Dallas and PA DOC officials regarding particular complaints we received, often emphasizing that individual reports of human rights violations were part of a systemic pattern. No letters were ever responded to by Superintendent Michael Klopotoski, Secretary Beard, or Office of Professional Responsibility (OPR) Director Barnacle. Prisoner reports of severe human rights violations, amounting to torture in many instances, continued to reach us almost everyday.

On September 15, 2009 a letter requesting accountability via the mechanism of transparent and legitimate investigations was sent to Governor Rendell, Attorney General Corbett, Secretary Beard, Director Barnacle, Superintendent Klopotoski, and several members of the General Assembly. The package contained summary documentation of more than 100 reports of human rights violations and the letter noted the dominant patterns therein:

- frequent usage of racist slurs, threats of violence, verbal and physical abuse by guards;
- retaliation against prisoners exercising their constitutional rights to file grievances, criminal complaints, and civil suits regarding conditions of confinement and guard misconduct/crimes. This practice commonly takes the form of the issuance of fabricated misconducts and subsequent placement in solitary confinement, as well as the seizure and destruction of legal property;
- failure to provide adequate, or at times any, physical or mental health care;
- brown drinking and bathing water, filthy cells, exposure to infectious diseases, and generally substandard environmental conditions;
- encouragement of prisoner-on-prisoner violence, including incitement to murder and sexual violence;
- incitement to and encouragement of suicide;

²⁴ Human Rights Coalition-Accountability Council, letter of July 3, 2009, on file.

- a defective inmate grievance system that is systematically biased against prisoner claims of staff misconduct and substandard conditions, commonly refusing to permit prisoners to present witnesses or security camera evidence in support of their claims, and thus violating their right to due process. This practice conforms to inmate grievance procedures throughout the PA DOC (see enclosed official inmate grievance statistics, wherein less than 2% of prisoner grievances were upheld between January 2008 and May 31);

The letter emphasized that “[a] crime is still a crime, whether or not it is perpetrated by employees or officials of the government.” It went on to outline what the basic requirements for conducting a transparent and legitimate investigation consist of:

- Conducting a comprehensive investigation into each and every incident described herein;
- Interviewing all parties named herein—both prisoners and DOC personnel—along with additional witnesses discovered in the course of investigation. These interviews should be extensive, provide the basis for reviewing the documentary and security camera record, and seek as much detail about general patterns and practices as possible;
- Obtaining signed witness statements and audio recordings from those willing to cooperate with either mode of evidence-gathering;
- Reviewing all security camera footage relevant to the claims herein and permitting prisoners to view this evidence;
- Releasing the contents of the investigation, including dispositions for each incident herein and others uncovered during the process, witness statements, audio transcripts, and security camera footage into the public domain;
- Providing for the safety of prisoner victims and witnesses to be free of retaliation by securing necessary transfers, suspension of staff alleged to be serial abusers pending investigation results, and rotating guards as appropriate;

HRC/Fed Up! informed recipients that this communication was being sent to create evidence that state officials at the highest levels were given prior notice of conditions of confinement at SCI Dallas and that failure to act would be recognized as deliberate indifference. If this came to pass we informed recipients that a formal criminal complaint would be submitted to the Civil Rights Division of the U.S. Department of Justice.²⁵

On November 2, 2009 HRC/Fed Up! received a copy of a letter sent by Robert A. Mulle, Chief Deputy Attorney General of the Legal Review Section, to Suzanne N. Hueston, Chief Counsel for the PA DOC. The three-sentence letter reads, in part: “Based on my review of the correspondence, it appears that your office would be best able to

²⁵ HRC/Fed Up! letter to PA DOC and state officials, September 15, 2009, on file.

respond.” Given that the correspondence in question, partially excerpted above, explicitly stated that the PA DOC has maintained a “posture of official denial, evasion, and secrecy at every level of the . . . chain of command,” and that prisoners have no effective, legitimate recourse to remedy grievances within the institutional operation of the prison, it is difficult to fathom how Robert Mulle can claim he reviewed the correspondence.²⁶

The silence of the Governor, the General Assembly, and the routine evasion of responsibility by the Attorney General’s office²⁷ only reinforce a reality that should be painfully obvious when reading the contents of this report: the PA DOC is a law unto itself.

As a result of the failure to act in accordance with the rule of law and protect constitutional and human rights on the part of PA state officials, HRC/Fed Up! submitted a formal criminal complaint against Secretary Beard, Superintendent Klopotoski, and a number of other PA DOC personnel employed at SCI Dallas to the U.S. District Attorney for the Middle District of PA. Appended to the two-page complaint were more than 100 pages of summary documentation, affidavits, criminal complaints, institutional paperwork, and other relevant documentation.

The complaint read, in part:

The offenses committed by the accused were Conspiracy Against Rights of Citizens and Deprivation of Rights Under Color of Law, enabled by Patterns and Practices prevalent within SCI-Dallas. The offenses committed include assisted suicide; the confinement of men in the Restricted Housing Unit in retaliation for their pursuit of remedial action against the DOC via the constitutionally protected activities of filing grievances against staff and attempting to engage in civil litigation, and subjecting these men to conditions of repeated physical assault; psychological terror of a racist nature constituting hate crimes; mail

²⁶ “Referral of Citizen Mail Received From the Human Rights Coalition,” From: Robert A. Mulle, Chief Deputy Attorney General, Legal Review Section, To: Suzanne N. Hueston, Chief Counsel, Department of Corrections, October 29, 2009, on file.

²⁷ A number of other formal criminal complaints and informal requests have been either ignored or returned, in the latter case claiming that the County District Attorney’s office has proper jurisdiction. That the state of Pennsylvania’s Attorney General Office has the power and responsibility to enforce the rule of law anywhere within the state of Pennsylvania, especially in state institutions such as prisons, is not only obvious on its face but is explicitly articulated in the Commonwealth Attorneys Act. The relevant passage reads: “**§ 732-205. Criminal prosecutions (a) Prosecutions.**--The Attorney General shall have the power to prosecute in any county criminal court the following cases: (1) Criminal charges against State officials or employees affecting the performance of their public duties or the maintenance of the public trust and criminal charges against persons attempting to influence such State officials or employees or benefit from such influence or attempt to influence.”

tampering and destruction of legal documents; deprivation of adequate water; inadequate and/or non-existent medical treatment, especially psychological and psychiatric care for inmates with severe mental health needs; issuance of fabricated misconduct charges and denial of due process within institutional grievance and misconduct procedures; obstruction/denial of access to courts via the seizure and destruction of legal and other property; deprivation of mandated one hour of recreation outside of cell via staff refusal to comply and the intimidation of inmates so that they refuse to leave their cells out of fear of assault. Correspondences with families repeat the exact same chain of events and current conditions. Actions taken to further Conspiracy Against Rights of Citizens and Deprivation of Rights Under Color of Law are in violation of 18 U.S.C., Sections 241 and 242 respectively.

The complaint requested that criminal charges be brought, meaning that Secretary Beard and the rest should be arrested.²⁸

HRC/Fed Up! received notice from a deputy U.S. District Attorney for the Middle District of PA that the complaint had been received. The organization was thanked for bringing the matter to his attention and notified that the complaint had been forwarded to the Federal Bureau of Investigation.²⁹ We are unaware as to whether or not an investigation has been or will be initiated.

Reports of medical neglect, food tampering, assault, deprivation of food, and the rest continue to arrive in the mail and over the phone each week.

²⁸ *U.S. versus Beard, Klopotoski, Walsh, et. Al*, criminal complaint filed November 2009, on file.

²⁹ Correspondence from James T. Clancy, Assistant U.S. Attorney for the Middle District of Pennsylvania, November 24, 2009, on file.