

How to Correct a Caveman

Isaiah H. (name changed) is an African-American male approaching middle age, who languished in isolation for almost one year. He is also the two hundredth prisoner who has written to Missouri CURE's health coordinator seeking relief and justice.

Isaiah has been incarcerated since 2005 and is serving a forty-year sentence for various violent crimes. The fact that he may deserve to be incarcerated is not in question, but what is questionable are the unjust conditions and inhumane treatment he and many other prisoners endure in what the Missouri Department of Corrections refers to as administrative segregation or "adseg." Isaiah's story is but one strand in a much larger web of systemic abuse within corrections, and in particular in what is infamously known as "The Hole," where prisoners are most vulnerable, being removed from nearly all connection to, and contact with, the outside world.

The United Nations recommends banning solitary confinement for more than fifteen days, referring to well-established neuroscience findings stating that sensory deprivation for extended periods poses a severe threat to the emotional and cognitive well-being of those who have to endure it, while often not even knowing when it will end. This practice is not only inhumane but violates the Charter of International Human Rights. In addition to these researched facts, in Missouri's correctional facilities, and in particular the maximum security institutions, prisoners are exposed to numerous patterns of abuse, such as unsanitary living conditions, sexual assault and racist treatment, even the withholding of medications, required medical and/or psychiatric care, and access to legal redress, all of which are violations of individual constitutional rights, well documented by Missouri CURE during the past five years.

In addition to the aforementioned, policies were implemented that are in direct violation of Missouri Penal Codes, specifically RSMO 217.240, which prohibits the use of clothing as a form of punishment. Missouri CURE has documented numerous complaints from those suffering under the deliberate violation of RSMO 217.240, including those incarcerated at Southeast Correctional Center (SECC), the vast majority of whom are African American. Many indicate being placed in segregation as retaliatory measures for having filed civil suits (in attempts to protect their civil rights) against the Missouri Department of Corrections and/or specific members of correctional staff.

According to Isaiah, his long-term isolation was due to a threat that prison officials allege he made toward the assistant warden—a written threat they asserted he personally signed, yet which they refused to show him proof of. It was during this time that a prison policy, known as "Limited Property" was implemented in the aftermath of a "Correctional Emergency Response Team" (C.E.R.T.), an intervention that, according to the accounts of several prisoners, predominantly targeted African Americans.

This "Limited Property" policy clearly violates the Missouri Revised Statutes RSMo 217.240, which specifically prohibit the use of food and clothing as forms of punishment and which mandate the "health, condition and safekeeping of the offenders" by ensuring its "quantity and quality."

Isaiah was hoping to bring to light the human implications of this policy which deprived prisoners of necessary clothing, sufficient hygiene articles, and other personal property and, for him in particular, of a laundry bag for a whole year that he was officially denied by case worker T. Hollows [name changed]. It was former Warden Ian Wallace, who implemented this policy at SECC.

One prisoner who corroborated this pattern of abuse is Jackson L. He shared with us what being "without a laundry bag" actually means:

"...One pair of socks, one pair of boxers, one T-shirt, no washcloth, no dry towel, one sheet, one blanket, some do not even have pillows now." Having to "share clothing and/or have to put our dirty clothing back on after showers", being "unable to take care of our hygiene properly" due to "not having a washcloth nor soap", as prisoners are only given "a small hotel bar of soap that does not last because (for) anyone who washes their hands and showers, that bar will not last a week."

He states having to use toilet paper as a paper towel after washing his hands "because I don't have a dry towel" and asks:

*"Please inquire about why is the warden creating standard operating procedures that violate the Missouri Penal Code RSMo 217, regarding them using clothing as a form of punishment. Inquire about them depriving us of adequate hygiene products, washcloths in the cells. **This is not a privilege; this is a human basic need.**"*

As a result of having to wear unwashed clothing, Isaiah contracted a fungal infection that infected large portions of his body. Other prisoners became infested with scabies and mites or have contracted harmful skin conditions, such as Byrd B., also African American, who reported:

"C.E.R.T. Officers confiscated from all prisoners in ad-seg units 1 & 2 all state-issued personal pants, T-shirts, boxers, socks, towels and face cloths. Prisoners are given (1) pair of boxers, (1) T-Shirt and (1) pair of socks to be changed out every three days. For prisoners to be forced to wear the same dirty boxers for (3) days straight is such an unsanitary condition that I developed 'a jock itch and rashes' around my groin area. When we do finally change boxers, they are in exchange for more over-used boxers shared by hundreds of other prisoners. Some of these prisoners have various diseases (i.e. AIDS, HIV, Hepatitis, TB, staph, shingles, etc...).

Furthermore, we are not allowed to have face cloths in our cells, preventing us from at least being able to wash up in our sinks until shower day. We are given a washcloth and towel only on shower day, once we enter the shower stall. These items must be given back before returning to our cells.

The same exact towels and face cloths that we are being forced to use on our body, staff are using them for multi-purpose towels. Staff are using them to clean the shower walls and doors with, staff use them to wipe the wing desk down that they sit at while in the wing, staff use them at clean-up at night, forcing us to wash our walls, sinks and cell floors with, and staff use them to clean up smelly rust water that comes from the pipes whenever a cell fire sprinkler bust.

We are given only (1) roll of toilet tissue and being forced to make it last a week", including "to blow our nose due to poor ventilation or various illnesses. When we run out, staff refuse to give us any. We use our socks to wipe with and wash them out afterward. This is grossly unsanitary and also poses a health risk."

To sum it all up, we have been reduced to the dark ages, being treated like cavemen..."

It was not until roughly one year after Missouri CURE first brought those issues to the MODOC Central Office's attention that Warden Ian Wallace was promoted and not long afterward retired with a full state pension. It had been a long struggle during which suffering, abuse, and humiliation continued: our first alert from

October 2015 remained unanswered, as well as our follow-up in March 2016. A re-submission of this second complaint a month later finally garnered a reaction from Health Service Contract Monitor Ms. Clarke, and it was "forwarded to Director Dave Dormire for review of custody-related concerns."

Mr. Dormire's response from November 16, 2016, makes it very clear that the above-described hygiene deprivations, causing not only frustration but physical harm, serve the purpose of providing prisoners with the unique opportunity to "develop techniques" that "ensure better outcomes" than receiving conduct violations. In short: they represent a livid form of anger management.

Given the vivid details of how the affected prisoners cope, there can be no doubt that they "modified their behavior while assigned."

*"Offender Isaiah H. was assigned to the restrictive housing unit at SECC from December 2015, until October 2016. The Offender was seen by the restrictive housing unit committee on a regular basis to discuss the importance of **remaining conduct violation free, developing techniques that would ensure better outcomes with different situations**, completing assigned programs, and to **modify his behavior while assigned**.*

Offender "Isaiah" was told that his behavior determined the length of time he would be assigned to the restrictive housing unit and to set goals that would enable him to modify his behavior. It was recommended he remain in restrictive housing and work his way through their phase system.

The goal is to reach phase 4 and 5 by modifying behavior and transitioning back into general population. During phase 1, 2, 3 offenders are allowed only state-issued clothing. During the initial assignment, offender Isaiah was issued 1 towel, 1 washcloth, 1 pair of socks, 3 sets of undergarments, and 1 pair of shower shoes. Clean undergarments are exchanged every 3 days."

"Recommending" that a prisoner "remain in restrictive housing" suggests that there is a choice, yet the following indicates what prerequisites have to be accomplished while suffering through extreme frustration and humiliation before ever having access to the general population again.

On September 12, 2016, the restrictive housing unit

*committee met with Offender Isaiah and discussed his behavior and continued improvement. He had been transitioned into phase 5. He had completed all assignments given to him such as Anger Management and Thinking Matters. Also, he had **remained conduct violation free for approximately 7 months.***

It was recommended to discontinue his assignment to phase 5 of restrictive housing unit, assign him to the general population (phase 4 pending bed space), and complete a 90-day program plan outlined on his program plan progress report.

On September 20, 2016, he reported that he did not have a state-issued laundry bag and was given one on September 25, 2016. He was released from phase 5 status on October 3, 2016, and placed in phase 4 which is a general population status pending bed space. He was placed on full general population status October 19, 2016."

-Dave Dormire, Director Division of Adult Institutions

Isaiah also alleges that while in isolation he and others were subjected to a climate of sexual abuse. He was not allowed to pursue his civil suit and was deprived of access to his personal property. To communicate or maintain contact with the outside world, Isaiah claims he and many others were forced to perform degrading and humiliating acts to obtain stamps. In his correspondence with Missouri CURE, he stated, "The officers at this place move like a secret organization and they rarely rat each other out, but if you come down and speak to the prisoners they will tell you the real story about what happens on that level. It's no secret that people pay to watch others masturbate around here".

Isaiah H. continues to petition the courts and other agencies to intervene on his behalf. He reached out to Missouri CURE in early 2019, indicating that his civil suit had progressed to the 8th Circuit Court of Appeals. In his letter, he included the 'Restricted Housing Unit' program stipulations that he challenges as unconstitutional.

SECC PROGRAM STIPULATED RESTRICTED HOUSING UNIT WING

Welcome to our Program Stipulated wing. You have been assigned to this wing to address your needs at a more intensive level. These needs will be identified through meaningful hearings, program assignments, Progress Review Discussions and regular contact with various staff. Your team will address the specific reason you are in the program and the steps needed to assist in your successful release to general population. Your

cooperation and assistance are crucial to your success; therefore, you will be expected to follow some basic guidelines. These guidelines are as follows:

Pro-social behavior:

Interaction with staff and offenders will be respectful and purposeful.

Instructions from staff will be followed without debate or resistance.

When you are unsure, you will be expected to ask staff for understanding and guidance.

Programming:

Programming will be offered via television, staff teaching, and cell paperwork.

Behavioral:

You will be expected to remain free of conduct violations or negative entries into your TCR regarding conduct.

You will be given a new copy of the Institutional Rule book and will be expected to follow the rules including cell maintenance, hygiene, proper dress, and staff interaction.

Contracts:

Your team may decide during a Progress Review Discussion or during a Treatment Team meeting to place you on a one or two-week contract to allow you time to work on matters that you have shown less than satisfactory progress in. Offender's failing this contract may be returned to a lesser phase.

Incentives:

Various incentives may be used by the Treatment Team or your Case Manager to identify positive progress and to access social skills.

Release:

Release to bed space will usually take place after 90 days of successful programming and staff interaction. Release may occasionally occur before this time but is not the standard as this is a programming wing with specific goals that will take a reasonable amount of time to meet. Offenders released and returned will likely remain for a longer period each subsequent stay. These guidelines are not all-inclusive. They are intended to serve as an outline to those involved in this program. Your Case Manager and other treatment staff are available to assist in answering your questions. SECC is confident this program will assist you in your rehabilitative efforts and aid you in the development of pro-social behaviors.

Mission:

It is our mission to provide a more intensive phase of treatment to offenders who have displayed a need for this type of service. Offenders in this phase will learn pro-social behaviors through the use of programs and with the assistance of staff offenders should be prepared for release to general population before leaving this program and will be expected to practice this behavior once released.

As we reflect on the hundreds of correspondences we have received, one question still remains: How can a system fraught with so many failings continue to exist? Until there is full transparency and public oversight, which takes into account and *accepts* the perspective of prisoners like Isaiah H, and many others, policies and procedures that are in direct violation of fundamental human rights will be allowed to continue unchecked and unmitigated.

As a nonprofit that relies on the compassion of volunteers to bring these issues to light, we are the eyes and ears for those seeking justice and relief, but we cannot accomplish this task alone. Until we, as a society, can transform the correctional system, which is framed in hopelessness and degradation, into one that fosters and facilitates compassion and decency, the maltreatment and suffering will continue.

If we fail to do so, it is we as a society who will pay the ultimate price.