

# **Buried Alive Inside Indiana SCU Unit**

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***A look at suggestions to modify current conditions  
to create a more conducive environment.***

**- A REPORT FOR ALL -**

Life in the Special Confinement Unit (SCU) is austere. In order to effectively maintain a smooth orderly-run unit such as this one, it is imperative that Authoritative Staff in charge must establish a means by which prisoners and staff engage in conflict resolution. This report will highlight many of the issues referring to conditions that must be modified, in order to create a more conducive environment. Current conditions clearly focus more on strict punishment than re-entry or rehabilitation.

My intent is to speak on the conditions and provide creative suggestions with hopes that Authoritative Staff will seriously consider potential modifications. Having nothing to look forward to but, (3) meals a day, (1) hour of recreation every day, a shower, creates an unshakeable emptiness. How can you stay or think positively when there are no active programs to encourage or motivate. Television and Commissary are not cutting it, there must be incentives that promote an eventual release from this unit; unit modifications are going to be necessary.

## **OLD VISIT PROCEDURES VS. NEW ONE**

As many of us know, visitation for a prisoner and his Loved Ones is invaluable in maintaining relationships as prisoners rebuild their lives through rehabilitative or redemptive means, visits, like correspondence is a thread that keeps a prisoner connected to his life outside these prison walls.

Visits went from prisoners being able to visit Loved Ones via a glass window partition separating them, to the video screen. This was done to undermine what is believed by staff, was a route for trafficking. However, there was so many things and people affected by this one action. When the visiting procedures changed from the "Receiving Area" to the old Lan System Law Room, our access to the Law Library was severely restricted. When these men could use the Lan System, it gave many the confidence that comes from individual hard work; this was a major setback for genuine litigators.

The change also impacted prisoners who haven't caused any disturbances or been written up for years who are unfortunately housed on the (SCU), because higher ups aren't ready to release them. These new procedures place a form of punishment on the families that can visit Loved Ones. Our families haven't broken any prison rules, so how can it be said that the (SCU) Special Confinement Unit promotes keeping families and prisoners together, when they're feeling dehumanized and discouraged after every visit? The video-monitored visits take the goodness of a family visit away from the experience, gives the look of an animated cartoonish-like monitor screen; many families have stopped visiting the unit because of it.

Here are my requests for modifications:

#### SUGGESTED MODIFICATIONS

- Facility and department-wide A/S prisoners be permitted to have window visits (\*) in R&R again, who are conduct-clear/in time class (1).
- That video-monitored visits be deemed necessary for those who have abused this privilege.
- That the Lan System be re-incorporated on (1) range (per-pod) so the criminal/civil litigators can be active again on their cases. Seriously consider these modifications for the sake of rehabilitation, our families, and the overall mental health of prisoners who aren't going anywhere no time soon.
- Doing this I believe will severely impact this environment for the better towards a successful re-entry back into the world.
- If you do not want to return to full regular "window-visits", try it on a test-run basis for a while on weekends, if there are not any problems; then it can be set to a regular Monday through Sunday format.

#### 30-DAY and 90-DAY A/S REVIEWS

These (2) types of reviews have been utilized by the staff assigned to the (SCU) for some time now, the (30-day) review is a repetitive language that never changes; regardless of the fact that no prisoner's situation is the same that caused them to be housed on the (SCU). It would be a tremendous help to us if for once, this review wasn't so vague and was more specific; revealing to us what was reviewed – describing any old or new justifications for why any changes in our status' weren't recommended. How can any prisoner subjected to "indefinite" department-wide A/S- status, mount an effective challenge against a thinly veiled ghost-like policy? We can't, that is why it's my honest opinion a careful consideration must be given to your language used on the 30-day reviews. The process by which the 30-day reviews are conducted is perfunctory and could be done a little better; that would show an actual effort was given for a careful review.

The 90-day review is completely unchallengeable due to the lack of reasoning or specific explanation for the denial of a release from a (DWAS) status. The review (per policy) can be conducted informally. But, to subject prisoners to a status so severe, professionally we should be afforded the privacy of a closed review that prisoners can be allowed to present (all) evidence that is helpful for an unbiased A/S review. On the denial sheets given to us by Beverly Gilmore, it's vague and doesn't give any details as to why the request for release was denied. All evidence used must be shared with us and explained on these paper reviews; not doing so is completely unfair.

#### SUGGESTED MODIFICATIONS

- Consideration should be given to the way the (30-day) reviews are prepared and conducted. Prior to it being placed in our mail bags, we should be allowed to know what's being reviewed; also a brief explanation on why no changes were recommended.

- That prisoners (30-day) review, reflect in language/content, our unique/different situations for being on "A/S".
- That all (90-day) reviews be held in a private manner and not on the (ranges), so that prisoners can effectively present their documentation for serious consideration for release from department-wide A/S.
- That Beverly Gilmore be more specific in explaining what evidence new or old that was used to justify the (90-day) review request to be released from department-wide A/S; being denied.
- In believing that doing these actions it will help to restore hope/desire in those feeling helpless and hopeless.

### FACILITY ADMINISTRATIVE SEGREGATION and DEPARTMENT ADMINISTRATIVE SEGREGATION

As I understand it, these two classification statuses are in its basic sense the same, as far as being removed from the general population. But, when being considered for a possible release, prisoners on facility A/S can ultimately be approved by the facility superintendent, prisoners who are classified as department-wide A/S status, that for some of us, most likely are considered "indefinite"; can only be released by members of the central office staff – (i.e.) commissioner or his deputy or regional directors. Prisoners on facility A/S status, stand a greater chance to be released back to general population.

What I personally believe has to become a part of the criteria/process for placing a prisoner on either status, is the evidence and the primary justifications. For the past (2) years, I have witnessed 6-7 prisoners placed on the (SCU) for investigation. While pending investigation, these men are being (re-classed) and placed on either status; then once the investigation ends many are never served conduct reports. Instead of being released back into general population, they're being warehoused on the (SCU) which is truly wrong and very unprofessional. The context for why such units were built has fallen short by locking these men in highly stressful conditions, which if carefully looked into, absolutely do not fit the criteria for facility or department-wide A/S.

To be objectively fair, all that has to be done is to ensure that prisoners on facility A/S who may not have any current severe behavior infractions, and who have completed some self-help or self-initiation programs with a credit class (1) status for a year or more, should be let out of the unit. Prisoners that are on department-wide A/S status at some point, who have spent beyond (5) years should be evaluated for release from this unit; an assessment of relevant evidence must be reviewed to determine if it no longer applies. In most cases prisoners (like myself), there is nothing new to justify my continued segregation, when we have demonstrated through our willingness to complete all existing programs as an example of our attitude change; plus our consistent positive conduct/interactions with staff reflects change. Serious consideration should be made to ensure our release to general population.

Department-wide A/S for (me) and many others can be discretionarily enforced upon us as a "permanent" or "indefinite" placement. The federal courts said that "A/S" must not be used as a pretext for punishment. What should be considered by prison administrators

is, if their son or daughter was thrown into "A/S" for an untold number of years. I'm sure they'd hope someone would give them a second chance.

#### SUGGESTED MODIFICATIONS

- After investigations are over with and no conduct report was served prisoners should be released off department-wide A/S.
- That if the reason the prisoner is not released back to the facility's general population due to the alleged incident that prompted the investigation, they should be recommended for transfer to another facility.
- Many prisoners on the (SCU) are currently being held on the allegations of a past conduct history, if a prisoner has demonstrated through appropriate behavior and good adjustment to the unit, they should be interviewed and allowed to present their defense before the unit team for release from department-wide A/S or facility A/S.
- If there is no evidence existing to hold a prisoner on either status and the prisoner have served more than 2-3 years without incident, they should be recommended for an immediate release from this unit.
- If the DOC already knows that they won't be releasing a prisoner off "A/S" status for whatever reason, and after (2) years ought to be transferred to another A/S around the state; it should be (2) years and then rotated like it used to be.

#### ADMINISTRATIVE SEGREGATION vs. DISCIPLINARY SEGREGATION

These (2) statuses are fundamentally different. For some time, prisoners were being held on Disciplinary Segregation a lot longer than guys being held on Administrative Segregation. However, today with the new Disciplinary Procedures in place, this is an established documented fact, that prisoners are serving more years for non-disciplinary reasons, than they are for violating a specific prison rule. "A/S" is primarily like a population status with restrictions, an administrative placement for not violating rules, or involving the receiving of Conduct Reports; Disciplinary Segregation is simply a placement initiated for violating a rule that requires segregation.

The new procedures reduce the length of time prisoners used to serve, in other words cutting down Long Term Segregation which was/is a good thing. The same reasoning applied here to reduce Long Term Segregation for obvious reasons, should equally be applied for prisoners currently held in facility and Department-Wide A/S. It is illogical to change one, but not the other, where is the "reward" for the prisoner spending countless years on "A/S" that never caught a Conduct Report to be on that unit? Who have had multiple years of clear conduct?

There needs to be a specific (release date) highlighted in these Administrative Segregation Procedures as a cut-off point. Like after (2) years of clear conduct/completion of assigned programs without hesitation prisoners will be released. Just knowing you have a release date from "A/S" is a big incentive to do better; in my opinion it's an encouragement – A/S is not supposed to be used as a pretext for continued punishment. But, if I have served my Disciplinary Segregation Sanction, according to the "D/S" Policy/Procedures, I should be removed from Segregation.

The inference this action shows is that when you place prisoners on "A/S" once their segregation release date is up; looks to be malicious - also, it's a double punishment. The courts have held that doing so is an abuse of authority.

#### SUGGESTED MODIFICATIONS

- When a prisoner's "D/S" time ends he should be immediately released to General Population, not re-classed to facility or Department-Wide Administrative Segregation.
- Prisoners housed on "A/S" due to be released to the streets, shouldn't be forced to go home from the (SCU). They should go home from General Population; it's a better re-entry transition.
- The Policy 02-10-111 for Administrative Segregation should be modified to reflect a release date criteria for those prisoners who have consistently demonstrated excellent behavior. That warrants being released from "A/S" to General Population.
- This Disciplinary Segregation Policy 02-04-102 says an offender may not remain in "D/S" longer than the given sanction imposes. This procedure does not say he shall be placed on "A/S" status. These procedures should be modified to prevent "A/S" placement over the release off this unit.

#### LACK OF MEANINGFUL PROGRAMS AND AFFECTS OF LONG TERM ISOLATION

There is a lot of truth to the evaluations being conducted into the short and the long term affects of isolation or extended isolation, the (SCU), like many other units where prisoners are confined, the deprivations are great. Society and many in charge of these sensory deprivation units cannot relate to the types of human and psychological hardships suffered living on the (SCU). The American Correctional Association has said: that harsh punitive measures "defeat their own purpose by embittering and demoralizing the inmate", and rage is not known to deter violence. Well, then, how a control unit that compels prisoners to be housed in a cell with no physical, social interaction 23-24 hours a day be modified to a humane environment?

To answer that question all you have to do is look around the unit. There are no positive stimuli in existence to motivate or encourage isolated prisoners. Units like the (SCU) are incubators of mental and emotional instability.

The conditions never actually changed that caused many mentally ill prisoners to deteriorate. The outside recreation cages have opened the door for visual stimuli, but without proper programs the negative affects still remain great. Dr. Terry Kupers, an Oakland-based psychiatrist with decades of experience in prison work, and Dr. Stuart Grassian, both have noted these units can literally drive prisoners crazy. The symptoms range from paranoia, hallucinations, hypersensitivity to external stimuli; panic attacks; hostile outbursts, fantasy delusions; thoughts of revenge; self-mutilation.

No one will ever leave this unit the same. If a variety of Cognitive Programs were actively operating on the (SCU), I am sure the apathy and loneliness would not be so intense. What society doesn't have a clue about are "unseen hardships". Long stays on units like this have been documented as destroying the relationships between prisoner and family. Having no physical contact for years on end is a terrible

disappointment/discouragement; how can the (DOC) be rehabilitating (us) by keeping us locked away and damaging the human spirit of our families? Refusing to modify this unit's conditions is like creating more damaged souls that will be eventually released back to society. While "A/S" units were created to "decrease" prison violence, extended indefinite segregation is more harmful than it is beneficial clearly.

I have been on segregation since (1994); and I am affected by these conditions myself. While being constantly bombarded by witnessing prisoners lose hope and slowly begin to mentally deteriorate; T.V. and radios are not cutting it any longer – there is a need for better outlets. The environmental stressors outweigh the positive stimuli, this is why the unit experience chaos & confusion regularly then not.

#### SUGGESTED MODIFICATIONS

- All prisoners who want it should be allowed to take a G.E.D.; that small achievement would rebuild morale and confidence in oneself.
- The Procedures for Telephone Privileges should be modified to beyond (20) minutes a week to (30) minutes a week giving more time to connect/counsel our children and encourage loved ones; this outlet plays an important and valuable role in rehabilitation; rebuilding; and redemption.
- The (SCU) must incorporate several programs that actually teach prisoners coping and life skills. Skills needed to adjust back out in society once their released.
- Spiritual studies should be approved for Muslims, Christians, and Hebrew Israelites, etc. These programs are essential for a healthy prisoner, faith is a powerful stimuli.
- Serious consideration should be given to the possibility of modifying the no-group recreation directive. Allowing group-recreation for (all) "A/S" ranges 2-3 man groups.

#### SEEKING EQUAL PRIVILEGES TO FOOD ORDERS

Is Administrative Segregation non-punitive or is it punitive? We have been told it is like a population status in some ways, but restricted in other ways; we can purchase \$60.00 worth of commissary – and we can purchase \$30.00 worth of "Girl Scout Cookies" once a year. However, our access to "fresh favorites"; Domino's Pizzas; the Donut Orders; KFC; Walmart Orders; Dairy Queen Orders; have been discontinued. Some said that no other units have access to them; so it was discontinued. Prisoners at the Supermax unit (Westville Correctional Unit), the "A/S" unit at Pendleton, ISP, etc., have access to food orders when they're allowed; according to the Equal Privilege Clause of the 14<sup>th</sup> Amendment – all prisoners similarly situated should be treated the same. My suggestion to you is to allow (SCU)/"A/S" prisoners to participate in the same orders highlighted herein this report.

#### SUGGESTED MODIFICATIONS

- Allow "A/S" prisoners on the (SCU) to order from fresh favorites and other allowed/approved food vendors.
- You can stipulate that prisoners must be free of (A) or (B) Conduct Reports and in Time Class (1).

- That it be allowed for (6 months) on a trial test basis, and if there are no incidents, will keep it for us on "A/S" facility and Department-wide "A/S".
- Conduct a survey investigation at (WCU) and (ISP) and (ISR) "A/S" units to confirm if they're being allowed to participate in fresh favorites, etc....

#### OFFICERS' UNPROFESSIONAL CONDUCT AND THE IMPORTANCE OF CONDUCTING UNIT TEAM MEETINGS

I have been housed on the (SCU) since January 31, 2003. There are a variety things that tend to keep chaos alive and active in this environment. That if it was corrected the tension would decrease between officers and prisoners. The Grievance Process is official means of documenting legitimate complaints. Conduct Reports are the official means staff use to expose disciplinary violations.

Staff members that have been assigned to the (SCU) past and present have the unprofessional tendency to label a prisoner a (snitch) for filing a grievance, whether it's about the conditions of the unit, being denied a shower or recreation, or on staff for poor conduct. That is retaliation, and Policy on Grievances and Standards of Conduct for Departmental Staff clearly says; no one shall be the subject of retaliation for filing a grievance or complaints against staff.

Staff who receive a notice that a prisoner has filed a complaint in a matter of (2) days they have spread the rumor that the prisoner is a (snitch). This one act, creates a hostile environment on the (SCU), that violates the Rules/Policy Standards of Conduct for Departmental Staff.

One prisoner got into an exchange with the nurse about not following proper procedures when dealing with his medications. The female officer escorting the nurse threatened to poison the prisoner's food trays. Not having a monthly scheduled Unit Team Meeting as required by IDOC policy, prevents us from engaging in Conflict-Resolution; this is why I feel Unit Team Meetings between prisoners and staff is so important. The monthly meetings would allow the airing on various grievances existing across the unit.

Also, not moving disruptive staff members whose actions/conduct have been confirmed as unprofessional or criminal off the (SCU), allows them to feel they can do almost whatever and get away with it, as long as the prisoner is not seen as being credible. No officer should be allowed to be assigned to the (SCU) over 2-3 years before being re-assigned to General Population; you enable them to carry out reactionary retaliations against us when they're not reprimanded when they violated policy and procedure. To me this is one of the major issues that must be resolved on the (SCU) right now.

#### SUGGESTED MODIFICATIONS

- Unit Team Manager for the (SCU) should, per policy, begin a scheduled monthly Unit Team Meeting between Prisoners/Unit Team.
- Due to shortages of staff at times we know you can't call out everyone. Either call out the detail from each "range" to represent the issues for each range, or call (2) prisoners out per range; which would be (12) prisoners per pod.

- Each “Pod” can be visited by Unit Team on a monthly basis per scheduled time, and a memo can be sent advising ones when you’ll be on the pod.
- Remove any staff member off the unit that has been confirmed to be retaliating against prisoners for filing grievances, or threatening to poison prisoner’s food. This happens regularly.
- Staff assigned to the (SCU) who starts rumors calling prisoners snitches for filing complaints or engaging in spreading gossip creating chaos on the unit should be recommended for termination; this is Conflict Resolution.

### PROPER SANITATION OF OUTSIDE RECREATION CAGES AND MORE RECREATIONAL EQUIPMENT

The (SCU) unit outside recreation cages sanitation problems presents a significant health risk hazard for all prisoners that enjoy going outside daily. While there has been a minimal attempt by the (Custody’s Lt. Butler) to comply with the Healthy and Safety Standards, by advising the unit (Sgts.) to bring prisoners to clean up the cages, these prisoners are from the General Population “Plus Program”. The cleaning is insufficient because they (do not) live on the (SCU) and they (do not) have to recreate in the cages infested with bird feces. The netting is incomplete, so the birds are getting inside the cages nesting behind the basketball goals, releasing feces everywhere; the one-hour-a-day recreation is wasted on trying to not track the feces under our shoes. These conditions are unhealthy and we all have experienced coughing and colds being exposed to this feces.

Per Policy 00-02-201 Health and safety Regulations says: “Any Staff Person or Offender who believes that an unsafe or unhealthful conditions exist shall report the condition.” It appears staff is making this poor sanitation problem much harder to resolve than it really is. There is one sure way to bring the health code violations concerning these cages into compliance with proper standards. My suggestions and modification section will highlight the best solution.

There is a need to upgrade the conditions where it concerns recreation equipment to improve the unit. We spoke to Custody’s Lt. Butler on having “Pull-up Bars” welded onto the inside Recreation Pads. This would encourage more physical activities among prisoners reducing a lot of stress-related episodes.

### SUGGESTED MODIFICATIONS

- The detail/sanitation workers on the (SCU) should be approved to clean the recreation cages 2-3 days out of the week. That the workers live on the (SCU) and have more of a vested interest in seeing that the cages are thoroughly sanitized and cleaned.
- The workers can be placed in the cages with everything needed to conduct the task, and it shouldn’t take more than 1 ½ to 2 hours or less to complete.
- We can be monitored by unit staff to ensure the job is efficiently done.
- The unit should order Jump Ropes and Yoga mats to be provided to prisoners upon request while enjoying the (1) hour Recreation Period.
- Custody needs to finish installing the rest of the nets to completely cover the sides of the fences to ensure the birds cannot get in and the feces droppings will disappear.

### REFERENCES FOR THIS REPORT



- (1) **Policy: 02-01-111:** The use of and operation of adult offender Administrative Segregation.
- (2) **Policy: 02-04-101:** The Disciplinary Code for adult offenders.
- (3) **Policy: 02-01-102:** Offender visitation.
- (4) **Policy: 04-03-103:** Information and Standards for Departmental Staff.
- (5) **Policy: 00-02-201:** Health and Safety Regulations.
- (6) **Policy: 00-02-301:** The Offender Grievance Process.
- (7) **Policy: 00-01-102:** Offenders Access to the Courts.
- (8) **Policy: 02-01-105:** Telephone Privileges.
- (9) **Policy: 02-04-102:** The use and operation of Adult Disciplinary Segregation.
- (10) **Policy: Super Maximum Security Prisons and Cruel and Inhumane:** By Vince Beiser
- (11) **Supermax Prisons:** By George M. Anderson
- (12) **Violent Inmates Should Not Be Placed in Supermax Prisons:** By Andy Mager

This concludes my report on the Special Confinement Unit. I hope that my suggestions are seriously considered and recommended for approval. Thank you for your time.

Respectfully Submitted,

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