

Daniel Gwynn Blog Update

Date: 1/20/15

Subject: "Custodial/Punitive Confinement"

You would think that after I was convicted and sentenced to be murdered by the state for something I didn't do, that my incarceration & loss of freedoms would be punishment enough. In my 20 years of confinement though, it seems to not have been the case. From the Administration down to the guards. I find myself being subjected to various forms of oppressive policy (in the name of security), and unscrupulous sadistic guards (bent on taking their frustrations out on us) that creates a hostile & unsafe environment. The 8th Amendment of the U.S. Constitution supposed to protect prisoners against cruel & unusual punishment during confinement. The Supreme Court has stated, however, that harsh conditions and rough disciplinary treatment are part of the price that convicted individuals must pay for their offenses against society. The courts have given prison officials a lot of leeway in the daily operations of the facilities, despite the growing public concerns & prisoners' grievances about the oppressive conditions of confinement.

Today, a policy that's been tried & died has reared its ugly head again, in spite of the many protests from the prisoners, and especially the staff, that it's just not feasible and it's unreasonable. This regurgitated oppressive policy states:

"Security procedures on the L-5 Capital Case Unit have been reviewed, with the intention of continuing to make our facility safe and secure for staff and inmates alike. Currently inmates leaving their cells for law library, yard and showers have been strip searched on a random basis. Beginning February 2015 all Capital Inmates will be strip searched every time they leave their cells. This practice will be in accordance with Policy 6.5.1 Administration of Security Level 5 Housing Units which reads; "An inmate who is to be removed from his/her cell shall be strip searched before being handcuffed. All strip searches shall be conducted with the inmate in the cell and the staff outside.""

"When yard movement is announced on your pod, strip down to your underwear. Officers will approach your cell, conduct a strip search, observe you dress, apply restraints, and escort you to the yard. Your cooperation in this procedure will ensure the yard movement runs quickly and efficiently." From: Wallace Leggett, Major for Unit Management

The Administration justifies this BS by emphasizing that we are housed in a Restricted Housing Unit (RHU), but they intentionally neglect to acknowledge the distinctions between the custody levels. I'm a Capital Case prisoner, not a Disciplinary Custody (DC), nor Administrative Custody (AC). CC prisoners are in the RHU due to their sentence, not for disciplinary reasons; DC prisoners are disciplinary problems; and AC prisoners are under protective custody.



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In my 20 years, there hasn't been a single incident that would justify the punitive oppressive security measures they continue to attempt to impose here, as opposed to the attacks on staff out in population & DC blocks (stabbing, rapes, beatings & feces thrown). CC prisoners are on lock-down 24/7, with the exceptions of a 2 hour yard (Mon.-Fri.) or law library. All movement, from the time I leave my cell to the time I reach my destination, is under armed escort in restraints (handcuffed from behind or belted handcuffs).

Strip searching CC prisoners every time we leave our cells is beyond ridiculous, especially due to the fact that we are isolated wherever we go (except for the yard if we sign up a partner). In the library, we're locked in a separate caged cubicle. In the yard, we're separated by dog cages, with the exception of our yard partner. And the shower, we're locked in a separate metal caged booth. So what sense does it make for CC prisoners to be stripped naked and searched when we do not come into contact or pose a threat to other people. Strip searching a man so he can take a shower by himself is utterly ridiculous. This action appears more punitive, perverse & assaulting (having us bend over to spread our ass cheeks so another man can look into my anus several times a day.).

With each new Administration & set of guards, some attempts to enforce this policy, and each time it's been proven to be a severe disruption to the daily operations of this unit. Normally, it takes 20-30 minutes to get the first & second yard out; in accord with this policy, it'll take an hour to strip search 56 prisoners and transport them to the yard. Getting the shower done takes 2-2½ hours to complete; in accord with the policy, it would take 3-3½ hours. And changing the library takes 5-10 minutes; in accord with the policy, it would take 10-15 minutes. This extra time will cut into the time allotted to our activities so the guards don't fall too far behind in their other duties. It'll also bleed into the next shift, disrupting their duties. Cutting into our allotted activity time isn't right, just so they can look up our naked butts. I don't expect my incarceration to be a luxury retreat at some fancy resort, but I don't expect to be mistreated, molested or violated--searching my genitalia and anal cavity multiple times a day is assaultive. How can they expect this facility to operate safely when they continue to create a hostile environment? My punishment is supposed to be the sentence not the conditions of confinement.

