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Criminal Justice Issues and Prisoners' Rights

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by [Aviva Stahl](#) | January 15, 2015

Amid growing controversy around the use of solitary confinement in U.S. prisons and jails, and in advance of an audit of its own prison segregation practices, the federal government is quietly moving ahead with a plan that would significantly increase its capacity to house individuals in long-term isolation. The 2015 Omnibus Appropriations bill passed by Congress in December contained funding for the continued activation of Thomson prison, a currently disused facility in northwest Illinois.

It has been years since Thomson dominated the headlines with news of mainland-bound Guantanamo detainees. Yet its activation remains significant because of the prisons potential to alter the landscape of solitary confinement on the federal level. Reliable sources indicate that the Bureau of Prisons plan to use the facility to add 1,500 Special Management Unit beds and 400 more Administrative Maximum-rated cells. The latter increase would double the number of people held in conditions of extreme isolation like those at ADX Florence, a place that has been [denounced](#) by UN officials and human rights groups, and [described](#) by one former warden as a clean version of hell.

The Backstory: How Thomson Came Into BOP Hands

In October 2012, the Federal Bureau of Prisons (BOP) purchased Thomson Correctional Center (TCC) from the State of Illinois for \$165 million. The facility was built in 2001 [as a state-of-the-art, maximum-security prison](#), but due to budget cuts, it never became fully operational.

By all accounts, the Obama administration [originally envisioned](#) Thomson as a new home for the men held at Guantanamo Bay. In late 2010, however, Congress foiled Obamas plan by [voting to prohibit the use federal funds](#) to transport detainees onto American soil. And while the President has been [moving aggressively](#) in recent months to transfer detainees out of Guantanamo, [serious obstacles remain](#) in terms of the political feasibility of closing the prison camp.

From the beginning, Justice Department officials insisted that regardless of Gitmo's fate, they also intended to use Thomson to alleviate the overcrowding crisis within the BOP's highest-security institutions. Overcrowding (e.g. incarcerated population above rated capacity) reached 55 percent in federal high-security facilities by 2011. For BOP officials in search of more high-security housing, the Thomson purchase was a steal, since the cost of building a high-security facility from scratch was [estimated at \\$400 million](#).

Ironically, the two Illinois elected officials who championed the federal purchase of Thomson are both known for challenging solitary confinement. Then-Governor Pat Quinn closed down the states notorious supermax prison, Tamms, while Senator Dick Durbin is the first member of Congress to hold hearings critical of solitary.

The reasons for their support of the Thomson sale are not difficult to discern. According to a [press release](#) issued by Illinois Senator Dick Durbin at the time that Thomson was purchased, annual operation of the facility is expected to generate more than \$122 million in operating expenditures (including salaries), \$19 million in labor income, and \$61 million in local business sales. Along with infusing cash into the states coffers and offloading the cost of maintaining the facility, the sale and eventual activation of the prison is expected to create more than 1,100 jobs.

Durbin is also a staunch supporter of Cheri Bustos, who represents the 17th Congressional District in which Thomson is located. During the 2011 campaign cycle, [The Sauk Valley News](#) interviewed a competing Democratic candidate in the district, who said that Durbin had met with him personally and asked him to withdraw from the race. When Bustos squared off with her Republican contender, both took [vocal stances](#) on the best strategy for securing the sale of Thomson as an issue made pressing by the economic fallout the district experienced when the facility failed to open.

This area has been looking at an empty prison for twelve years now, Thomson Village President Vicky Trager told Solitary Watch in a phone interview. The state of Illinois constructed it and then couldn't seem to find the funding to activate it. So there were a lot of local business, not just in Thomson but in the entire surrounding area, that had invested in properties or constructed buildings in anticipation of the uptake in population and visitors to our area. And when that didn't happen, they were very badly affected.

But it is not just local businesses that have suffered. Last week, [the Quad-City Times](#) reported that the village is struggling to pay off a \$4 million bond debt taken on by Thomson to finance the water and sewer improvements that the prison required.

Once Thomson was purchased, the Bureau of Prisons still required a steady stream of funds to activate it, and Senator Durbin and Representative Bustos have advocated aggressively in Congress for the money. In FY2014, the facility received \$43.7 million for equipment and staffing, and an additional \$10 million for renovations. And the prison [is set to receive](#) an additional \$58.7 million from the FY2015 Omnibus Appropriations bill passed in December.

Both personally, and from the standpoint as Village President, I can't say enough for the efforts and the support that we have received from both Congresswoman Bustos and Senator Durbin, Trager told Solitary Watch. Having met them both personally, I feel encouraged and confident that they do care about getting it activated and getting it open and were grateful for that.

The Road to Activation

The Bureau of Prisons has projected that Thomson will be fully activated by 2016. For now, however, the process of activation appears to be proceeding slowly. In August, the BOP [named a warden for the facility](#), Donald Hudson, who most recently headed up the Federal Correctional Institute in Schuylkill, Pennsylvania. About a month later, the prison [held its first job fair](#).

Yet a host of questions remain about who will be held at the prison and in what conditions of confinement questions for which the BOP has failed to provide clear answers.

In its [FY 2014 budget request](#), the US Department of Justice referred to the facility as ADX USP Thomson, seemingly an indication that the prison would function at least in part as a second Administrative Maximum facility (along with ADX Florence). A little more than six months later, when Warden Hudson was appointed, the Bureau of Prisons instead called the facility Administrative United States Penitentiary (AUSP) Thomson an odd move, given that [no existing federal prison facility holds the same designation](#). Thus far, federal prisoners given high-security designations have been housed in United States Penitentiaries (USPs); prisoners perceived as requiring the highest level of security like those with terrorism convictions are placed in Florence ADX.

The BOP's press officer did not respond to repeated requests from Solitary Watch for clarification of Thomson's designation.

Of all prisons and jails across the United States, Florence ADX is generally considered to have the most extreme conditions of isolation, with most individuals receiving all meals and programming in their cells, and even taking their showers in-cell at timed intervals.

According to an August 2014 [report](#) on prison activation published by the Government Accountability Office, the BOP plans to move some of the most dangerous SMU inmates housed elsewhere to Administrative USP Thomson. It also details, Administrative USP Thomson has a rated capacity of 2,100 beds, 1,900 high-security SMU beds and 200 minimum-security generic xanax less effective beds at the onsite camp and according to BOP officials, the potential to use some of its high-security rated capacity to house up to 400 ADX inmates.

The BOP sends people to an SMU, or Special Management Unit, if they are alleged to have participated in gang activity or have a history of serious disciplinary infractions; the program is supposed to consist of a four-level, 18-to-24 month step-down program, but many remain for significantly longer.

Individuals held in SMUs also live in continuous isolation, with only five hours per week out of their cells for exercise, and two phone calls and four visiting hours each month. Some SMU cells meant for one are currently double-bunked. As of May 2013 the SMU population in the BOP rested at 1,960 prisoners and 1,270 cells, meaning the activation of Thomson will more than double the number of SMU cells.

Solitary Watch also requested information about how SMU prisoners will be selected for transfer to Thomson, and whether any individuals currently held at ADX Florence would be moved to the facility, but received no reply.

The BOP's decision to also functionally double its number of nationally available ADX-cells from 400 to 800 does not seem to answer any systemic need. Unlike the USPs, ADX Florence has consistently been operating below capacity. And Administrative Maximum-level housing requires much greater spending and staffing per prisoner than high-security housing.

Creating an ADX-level unit may also require some significant internal renovations to Thomson prison. David Maurer is the Director of Homeland Security and Justice Issues for the GAO, and the author of several reports that examine Bureau of Prisons activities. He told Solitary Watch that when the GAO toured Thomson in March 2014 prior to the release of a report on prison activation, they asked the BOP about the different physical requirements for the layout of ADX cells as opposed to high-security ones. When you go to the control unit in ADX, the cells are configured in a certain way. The cells at Thomson are not currently configured in that way. Maurer said the BOP said they would take that into consideration.

Malcolm Young toured Thomson in 2008 when he served as the Executive Director of the John Howard Association of Illinois, a prison reform organization. He told Solitary Watch that none of the cells at the prison have built-in showers, and nor are any double doored both of which are known to be standard features in ADX cells. Young also specified the cells were built to hold one individual, with the beds poured with cement or cement-like material, but that a second bunk could be added if necessary.

To the touring members of the John Howard Association Thomson seemed like a far superior facility than other maximum-security prisons operating in the state, Young said, adding that his team's assessment was predicated on the assumption that people would be single-celled. That would change everything. It should not ever be double celled. In addition, few of the positive features cited by Young which included dayrooms, cafeterias, and classrooms would be of any use at all in a supermax prison where there are no congregate activities.

The BOP declined to provide any information about what renovations will be conducted at Thomson or when they anticipate the

construction will be completed. In response to queries from Solitary Watch about why the agency would be adding additional ADX-level beds when Florence is running under capacity, the press officer stated that the BOP declined to comment.

Prison Overcrowding and the Pushback Against Solitary

Advocates and policy makers are not merely awaiting news about Thomsons future they are also anticipating the publication of an audit of the Bureau of Policies on segregation, expected to come out early next year. [The audit](#) was performed by an outside team contracted through the National Institute of Corrections, following the 2012 Senate Judiciary Subcommittee hearing on solitary confinement, chaired by Dick Durbin.

Solitary Watch asked Durbins office how the Senator balanced his concerns about solitary confinement and his commitment to opening Thomson. Thomson prison will be a federal maximum security prison and will help alleviate massive overcrowding within the Federal prison system, his press officer wrote in response. Overcrowding which has created grave safety concerns for both inmates and prison officials.

Senator Durbins efforts to secure the purchase of Thomson prison, reform solitary confinement practices, and encourage smarter sentencing practices are all consistently aimed at improving the safety, rights, and treatment of inmates, prison guards and the broader community. He will continue his work to ensure that all prisoners, whether in Thomson or elsewhere in the Federal system, are treated humanely and that no one is housed in segregation unnecessarily.

Many prison advocates contest the BOPs assertion that the overcrowding problem is a result of lack of capacity.

Alan Mills is the Legal Director of the Uptown Peoples Law Center, a community-based legal organization in Chicago. He told Solitary Watch that the real problem in the federal system is not a lack of high-security cell space, but locking up people for too long and over classifying prisoners as maximum security. Mills also contested that notion that isolation makes prisons safer, commenting that psychologists have known since the 1920s that packing lots of people into small spaces and giving them nothing to do inevitably leads to violence.

A 2013 GAO [report](#) on segregation in the federal prison system documents the dramatic rise in the use of isolation and takes issue with the BOPs claim that solitary is both necessary and effective. The report summary states, without an assessment of the impact of segregation on institutional safety or study of the long-term impact of segregated housing on inmates, BOP cannot determine the extent to which segregated housing achieves its stated purpose to protect inmates, staff and the general public.

But little came of the report, and with Thomsons activation seemingly inching towards reality, advocates are left wondering when things will change. If they build it, they will fill it, said Reverend Laura Markle Downton, the Director of the US Prisons Policy & Program at the National Religious Campaign Against Torture, in an email to Solitary Watch.

Downton calls the activation of Thomson an immoral, unjustifiable move on the part the BOP, antithetical to rehabilitation and in violation of international human rights. The overwhelming consensus amongst people of faith and conscience nationwide, from a broad array of political persuasions and religious traditions, is that the isolated confinement found in ADX-level and SMU-housing is torture.

Amidst the debates on rural economies, prison overcrowding, and government audits, the voices of survivors of solitary confinement can sometimes be hard to hear. Ray Luc Levasseur is a former political prisoner who spent over fifteen years in solitary confinement.

I was one of the first prisoners sent to ADX, the federal supermax, a prison designed from the ground up for sensory deprivation, he told Solitary Watch. The projected activation of another supermax in Thomson, Illinois makes me feel like a survivor of abuse thats watching the abuser receive rewards and impunity. And I fear for those wholl be confined their cages, and those in the communities to which theyll someday return.

Aviva Stahl is a Brooklyn-based reporter who writes about science/health at the intersection of mass incarceration, national security, and trans rights. Shes written for the New York Times, Wired, Buzzfeed News, Solitary Watch, and other outlets. Find her [@stahlidarity](#) and at [stahlidarity.com](#).

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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The federal government is quietly moving plan for increasing capacity but the reality is that this is not so hidden process. The more space for prisoner/more prisoners the more money to be spent on them, so which is better then!

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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