

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/02/17/aclu-calls-on-u-n-human-rights-official-to-stop-teens-torture-in-montana-prison/>

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by [Jean Casella and James Ridgeway](#) | February 17, 2010

A teenager in solitary confinement at Montana State Prison has been subject to such brutal treatment that the American Civil Liberties Union today [called upon a U.N. expert on torture](#) to intervene on his behalf. The conditions of Roberts confinement are so appalling that they flout universally recognized human rights standards, including his absolute right to be free from torture and other inhumane forms of treatment, said Steven Watt, staff attorney with the ACLU Human Rights Program.

The prisoner known as Robert Doe, who recently turned 18, has a history of childhood abuse, and has been diagnosed with PTSD and other mental illnesses. He was first jailed for assault at the age 15, and sent to Montana's adult maximum security prison when he was 16. Since then, according to the ACLU, he has been tasered, pepper-sprayed, stripped naked in view of other inmates, deprived of human contact and disciplined through torturous behavior modification plans that deny him proper bedding, clothing and recreation. For nearly a year, he has been in 23-hour-a-day lockdown in the prison's segregation unit.

In December, the ACLU of Montana [filed a lawsuit](#) against the state of Montana and the Montana Department of Corrections over Roberts treatment. Today, the state and national ACLU sent a letter to Manfred Nowak, the U.N. Special Rapporteur on Torture. The letter asked that Nowak immediately review Roberts case and advise Montana state prison officials to refrain from subjecting him to inhumane conditions of confinement and treat him in a manner consistent with applicable international human rights laws.

The ACLU doesn't often appeal to U.N. special rapporteurs, experts who work under mandates from the U.N. Council on Human Rights to investigate and monitor human rights abuses. The fact that it took such action today suggests not only the seriousness of this particular case, but also its urgency: Robert has already tried to kill himself twice in solitary by biting into the veins on his arms. He may not survive long enough to see his lawsuit resolved.

The section of the ACLU's letter describing Roberts Conditions of Confinement is reproduced in full here because it depicts an extreme, but not unique version of what happens in lockdown units across the United States. Remember that Robert endured this treatment while he was a juvenile, and severely mentally ill. If this isn't torture, what is?

While in the SHU [Secure Housing Unit], Robert has been subjected to prolonged periods of isolated confinement and sensory deprivation. He is unable to receive phone calls or visits from family or friends. In accordance with policies implemented by the Montana Department of Corrections, only after he maintains one year of clear conduct will Robert be permitted contact with the outside world; one visit per month and one 15-minute phone call per month to immediate family members.

To date, Robert has spent almost ten months in isolation, deprived of normal, social interactions with his family and even other inmates. Apart from the times when he showers or spends in recreation, Robert is confined to his cell. His recreation time consists of walking alone in a small, concrete-enclosed caged pen, with only a small area open to the outside for fresh air and sunlight. His interaction with prison staff is minimal, and interaction with other inmates is virtually nonexistent.

In SHU, Robert is deprived of personal property and provided with only the minimum of canteen items. Every meal is delivered to his cell and he eats on his own. He is not permitted to apply for prison jobs or to engage in hobbies. He is also denied access to educational and recreational opportunities that other inmates enjoy.

While detained in MSP, Robert has been subjected to conditions of imprisonment that have caused him to relive his childhood trauma. Robert has twice attempted suicide by biting through the skin on his wrist, puncturing a vein with his teeth and then spraying his blood on the window and walls of his cell. Despite his history, these recent suicide attempts and the overall fragile state of his mental health, Robert is not provided with adequate mental health treatment; it is rudimentary at best. It consists of a mental health staff member walking through the unit once a week. During these rounds, the staff member knocks on each cell door and asks if the inmate has any mental health concerns. If he believes he does, he is forced to relay his mental health concerns by shouting from behind the cell door, within hearing range of other inmates and no allowance for confidentiality.

Moreover, while in the SHU, if Robert exhibits conduct that prison staff deems unacceptable, he may be subjected to a BMP [Behavior Modification Plan]. Since arriving at Montana State Prison, Robert has been placed on a BMP at least six times.

In accordance with DoC practice, the first step of a BMP lasts at least 48 hours. During this phase, Robert is virtually stripped naked, except for a short gown which provides minimal coverage and warmth. He is then placed in a bare, padded cell that is constantly illuminated. There is no running water in the cell and a hole in the floor serves as a toilet. Robert is provided with a security mattress and blanket for sleeping, which is almost impossible given the brightness of the cell. Robert receives minimal water and is only allowed to eat NutraLoaf, a food substitute comprised of different ingredients mixed together.

If Robert maintains what prison staff consider good behavior over this initial 48-hour period he progresses to the second phase of the program. Although housed in isolation in the same illuminated cell, during this phase, Robert is given regular prison clothing and a pillow. If he maintains good conduct for a further 24 hour period, Robert then progresses to phase three; water is turned on in his cell and he is given regular meals and regular bedding materials. While the BMP is in effect, if Robert breaks any of the prescribed rules during these three phases or even after returning to solitary confinement, the BMP is implemented commencing at phase 1 until he maintains the requisite period of good conduct. BMPs can be in place for 6 months at any one time.

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the U.N. Convention on Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The United States is also a signatory to the United Nations Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). All four prohibit the treatment to which our client has been and continues to be subjected.

The [rest of the letter](#) can be read on the ACLUs site.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

Shame on you, you idiot. Of course a lot of inmates have to go through the same things. If the guards talked to me the way they do the inmates I might throw fecal matter on them too. You have no clue what they can and do to inmates for punishment. So, until you have personal experience in this area I hope you think twice about your comments. A lot of good its doing society that we treat our young men like this. They put these guys in prison now for things our dad did on a Saturday night out. Montana has a horrible record of treating inmates and needs to be turned in for human rights violations!!!!

Ken, Amen!

I was having an episode w/ my own illness while my sister was dying of cancer

She said to me we are sick, take your medicine and do your best, just like me

She died tho and I am here.

She couldnt help having cancer, no more than I can help being

I have support this child and so many others need help and like Ken said not corrections officers This just shows how ignorant people are, Im sure Mr. Shame on you wont even read these words and its him and idiots like him that need to be educated about mental illness Great post Ken.

Renee

Sorry for misspelling. Its lose, not loose.

By the way Jim cop. When a person commits a crime they loose their civil rights. They do not loose their God given human rights. Yes prisoners need protection also. So why do you allow them to be raped, bullied, beaten, and intimidated by inmates and guards.

Take note, mental illness is not a crime. It is a sickness. Do you imprison people for the flu, aids, or the common cold because they pose

a threat to society? Yes society has the right to defend itself. Illness are to be treated by medical people not cops or correction officers.

Now SHAME ON YOU!

Police should at all times be under the control and scrutiny of absolute civilian authority, as should prisons. There should be unannounced spot checks, with everything, all police and prison activity recorded and videoed at all times. If a recording device is turned off for any reason, those responsible have to be disciplined, up to and including termination.

Police are our hired body guards. They are paid extremely well and have outstanding benefits. We need to expect, and demand the very best of them, without the slightest error on their part.

This oppression, abuse, and terrorism of the public needs to be stopped now,,, by any means necessary. We have the God given right to govern, and protect ourselves.

A. Lincoln said, This nation and all of its institutions are the possession of the people. If at any time they are displeased with it, they have the right to constitutionally amend it, or revolutionarily remove it

Every American needs to take the same vow that I did upon entrance into the Marine Corps. To defend the constitution of America against all enemies foreign and domestic. Then boldly and bravely engage the enemy.

*treatment not treatment

Jim,
Mentally ill people act that way. If he was your mentally ill child this is ok treatment? I'm hoping you don't have any children.

No one talks about what Robert did to be in this situation. What about the people that were victimized by Robert in the first place? What about the prison officials that Robert has spit upon, or worse threw fecal matter on before reaching this stage?

Doesn't anyone think that it might be strange that the rest of the prison population doesn't have to go through this also? Maybe they are being protected from Robert's rage too. Would you rather Robert be allowed to mingle with other prisoners and possibly take one of their lives?

Shame on you all.

This should be brought up during the debate of whether or not the inmates should be paying towards their cost of incarceration. I heard that topic on NPR yesterday. Yeah right as if the blood sweat and tears of these inmates is not enough payment. And how about the prison industry's labor that is performed for cents an hour. No wonder so many inmates lose hope and commit suicide. Lose one of your own in this system like I have and those bent on punishment will change their tone.

Unf***ing believable,
Thank you to the ACLU
Shame on Montana

U.S. should be ashamed Montana should be ashamed.
I can't believe any human being working for this prison would turn a blind eye to this.

The only time the media writes about prison conditions is if it's about immigrants or terrorists. and here is a native son abused and tortured.

I am absolutely disgusted.

Thank you Solitary Watch for shedding light on this boy.

God help the fiends who have done this. I actually hope they endure an everlasting hell. I am passing this story on as I do with so many of them, I read here. Too many. each one more horrific than the next.

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