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Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | June 12, 2010

Even in a nation known for its draconian prison conditions and brutal lockdown units, the supermax portion of Mississippi's state penitentiary stood out. Critics and residents described it as a horrific and wretched place of hopelessness and despair. Or, as Chris Joyner described it last week in the [Jackson Clarion-Ledger](#):

Unit 32 was a nightmare, if sworn testimony and a string of violent deaths is a reliable measure.

The supermax unit at the State Penitentiary at Parchman once held 1,000 men from gang leaders to petty thieves to seriously mentally ill inmates whose howls could be heard day and night. Prisoners were kept in isolation 23 hours a day, often behind full metal doors in stifling cells with broken lights, yet violence was common between inmates and guards and among the inmates themselves

[Unit 32] was home to hundreds of inmates with serious mental ailments including schizophrenia.

MDOC [Mississippi Department of Corrections] officials often described it as place for the worst of the worst. But it also was home to property criminals or inmates convicted of drug crimes who had been sent to the unit for disciplinary infractions and given no way to earn their way back out.

Parchman, a 20,000-acre penal plantation that [epitomized Jim Crow justice](#), has a long history of abusing and degrading its prisoners. But now, at least, the hellhole that was Unit 32 will soon close its doors for good. As the *Clarion Ledger* reports:

After instituting a host of reforms over the past 2 1/2 years, MDOC agreed Friday in U.S. District Court to remove the units remaining prisoners as final settlement of a lawsuit brought by the American Civil Liberties Union seven years ago.

Unit 32, at a certain point, could not be reformed, ACLU National Prison Project attorney Margaret Winter said. It is truly a wretched place that cannot be made environmentally adequate.

Under the agreement, MDOC will transfer seriously mentally ill prisoners from the unit to East Mississippi Correctional Facility in Meridian, a private prison specially equipped to deal with inmates with psychiatric problems, and the remaining Unit 32 prisoners to appropriate housing within the prison system.

The story of Unit 32's demise is credited to the advocates who led a decade-long fight to reform or abolish the place. It may also provide a model for other fights against the use of solitary confinement in state and federal prisons across the country.

The story was told in detail by Margaret Winters of the ACLU and Stephen F. Hanlon of the law firm Holland & Knight, which provided pro bono assistance in a series of Unit 32 lawsuits. Their 2008 article [Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary](#) appeared in the American Bar Association's journal *Litigation*. Winters and Hanlon describe how they first became involved, in 1998, in a suit on behalf of HIV-positive prisoners at Parchman, who lived in dismal conditions in a segregated AIDS unit. They began representing prisoners on Parchman's death row in 2002, after a group of inmates staged a hunger strike to protest conditions. In their article, Winters and Hanlon describe their first visit to death row, which was located inside Unit 32, as 14 unforgettable hours of bedlam and hellish heat.

The death row prisoners described profound isolation, unrelieved idleness and monotony, denial of exercise, intolerable stench and pervasive filth, grossly malfunctioning plumbing, and constant exposure to human excrement. Each cell had a ping-pong toilet, allowing waste from one cell to back up into the toilet in the adjoining cell. The temperatures in the cells during the long Delta summers were lethal, with heat indexes, we later proved, of over 130 degrees Fahrenheit.

The cells were so infested with mosquitoes that inmates had to keep their windows closed and their bodies completely covered even in the hottest weather. Leaking rainwater and foul water from flooded toilets on upper floors soaked inmates' beds and personal items; prisoners weren't provided clean water, soap, and other basic cleaning supplies, even when they were moved into a cell smeared with excrement by the previous tenants.

Lighting in the cells was so dim that the prisoners couldn't see to read, write, groom themselves, or clean their cells. They were denied basic medical, dental, and mental health care. They were exposed day and night to the screams and ravings of severely mentally ill inmates in adjoining cells.

Winters and Hanlon knew that in Mississippi, it is widely considered fitting that these prisoners should suffer as much as possible before their execution. (This despite the fact that because of defective trials, just as many of the state's prisoners are eventually released from death row as are executed.) But in 2003, Federal District Court Judge Jerry Davis entered an opinion and far-reaching injunction granting most of the relief the prisoners' lawyers had asked for.

Their next step, Winters and Hanlon write, was to extend the relief we had won for the death row prisoners to the other 1,000 men in Unit 32. These men were in basic administrative segregation/solitary confinement for reasons ranging from disciplinary infractions to mental illness to a need for protective custody. They lived in conditions that were in some ways even worse than those on death row.

The men in Unit 32 in administrative segregation were all locked down 23 to 24 hours a day in even more profound isolation and unrelieved idleness than on death row. There was a pervasive culture of violence and sadistic use of excessive force. Corrections officers gratuitously beat prisoners already in full restraints. Take-down teams forcibly extracted shackled prisoners from their cells, sprayed them with a chemical agent that causes vomiting and shortness of breath, and then assaulted them again.

The combination of all these conditions was causing serious mental illness to emerge in previously healthy prisoners, and causing psychosis and complete mental breakdown in less healthy prisoners. Suicides and attempted suicides occurred with alarming frequency.

This case was more complicated, because it challenged not only conditions in Unit 32, but the MDOC's system for classifying prisoners. Although Unit 32 is supposedly used to incarcerate the most dangerous and incorrigible offenders in the state, Winters and Hanlon write, in reality, the vast majority of the men housed in Unit 32 for years, sometimes for decades, did not have the kind of criminal or institutional history that would justify incarceration under supermax conditions. Some prisoners were locked up in the unit because they had special medical needs, were severely mentally ill, or had requested protective custody. And once classified to Unit 32, there was no emerging from it. Hundreds of prisoners were doomed to stay there forever.

As Winters and Hanlon point out, federal courts have held that prison officials had essentially unfettered discretion to classify prisoners and to confine them to whatever degree of isolation they saw fit. But in 2005, under Judge Davis, the ACLU team and the MDO hammered out a settlement that incorporated all the relief from the death row case, and added provisions on excessive force, procedural due process, and classification.

It would take several years, further hearings, and another settlement before the changes were fully implemented. But under the new classification system, more than 80 percent of the prisoners in Unit 32 were moved out of administrative segregation/solitary to the general population, others to mental health units. Those remaining in solitary received written plans telling them what they needed to do to earn their way out, and reviews every 90 days.

The process of reclassification at Parchman is described in detail in a 2009 article called [Beyond Supermax Solitary Confinement: Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs](#), published in the journal *Criminal Justice and Behavior*. Its lead author, Dr. Terry Kupers of Berkeley's Wright Institute, is a leading expert on the psychological effects of solitary confinement, and was a key participant in the reform of Unit 32.

None of this means that all is well in the Mississippi prison system far from it. The state's prisoners, including, no doubt, many of those moved out of Unit 32, still suffer from [inadequate health care](#), overcrowding, and a host of other problems. But it seems like a significant victory, especially when it comes to challenging the excessive, arbitrary, and inhumane use of solitary confinement. In a [press release issued by the ACLU](#), Margaret Winter said, "This facility was truly a dangerous and degrading environment for prisoners and staff alike. The fact that this facility is now being closed is a great end to the long road that we have been on."

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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

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I agree that human beings are human beings and should be treated like such even if they did the worst possible crime. I'm not excusing their crime and they still should be held fully accountable but it doesn't give society the right to torture their daily existence.

I continue to implore people to write their congresspeople and bring this to their attention say they are outraged and want change on my blog I have posted how to write to a Senator Your letter will then be taken seriously, be a voice in we the people. Stop this torture. Our country has before tried to make money from keeping people in chains now it's called the prison industry making money from the suffering of human beings.

It is amazing how the system morphs from one outrageously cruel practice to another.

I ran into this story extracted from a book Parchman Farm titled *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*.

At Parchman, formal punishment meant a whipping in front of the men. It was done by the sergeant, with the victim stripped to the waist and spread-eagled on the floor. What convicts most remembered were the sounds of Black Annie: the whistling air, the crack on bare flesh, the convicts' painful grunt When asked to defend Black Annie, Parchman officials did so with pride. The lash was effective punishment, they insisted, and it did not keep men from the fields. You spank a fellow right, claimed a superintendent, and he'll be able to work on. Most of all, Black Annie seemed the perfect instrument of discipline in a prison populated by the wayward children of former slaves. There simply was no better way of punishing [this] class of criminals, said Dr. A.M. McCallum, Parchman's first physician, and keeping them at the labor required of them.

In time Parchman, like convict leasing before it, came under unfavorable scrutiny, not merely from outsiders but even from a few white Mississippians who realized that the stain it splattered across the state might well become indelible. It ceased to be a farm and became yet another prison, albeit one with a singularly sordid past.

<http://www.washingtonpost.com/wp-srv/style/longterm/books/reviews/worsethanslavery.htm>

I have also heard first hand accounts of its former inmates that had experienced this when I spent time in Baton Rouge's Parrish Jail 1969-70. Here is an example:

After a week or two of interrogation the police had still failed to break us so we were taken to a more secure location to await our trial. The ride from the police station to the Parrish Jail was an entertaining half hour. The guards put shackles on us and took us out to a Paddy Wagon. The transportation reminded me of a dog catcher's vehicle only larger. The cabin up front had a sliding door to view the prisoners through its narrow slot. The rear of the vehicle was a windowless five foot high box with a sheet metal bench on each side. Due to the vehicle's low roof line we all had to enter into it crouched over to avoid hitting our heads on its low ceiling. We each sat down on one of the two benches and the guards had us pass a heavy chain through the loops in our shackles in a daisy chain. Then they locked the two ends of the chain to rings attached to the floorboard and secured the exit door.

Our eyes adjusted slowly to the low light level inside the cab revealing a half dozen white men on board. The other inmates immediately asked us where we were from. After they learned that we were from California they tried to scare us by telling us outrageous stories of their life experiences in southern prisons.

They told us how the guards hated young Yankee Hippies coming down south corrupting its colored people with thoughts of equality. They told us of their individual experiences on chain gangs, and how abusive the guards were. They claimed the guards loved to dish out punishment especially to northerners to teach them a lesson.

One particular guy stuck out above all the rest that day. He was a heavy set man around thirty years old with a jolly air about him. He was clearly enjoying the lime light as he wove his outlandish tales in a heavy Cajun accent. Soon we realized that although his stories may have held some truths that he was enjoying them far too much to be entirely true. He delighted at laughing at our open mouthed horrified expressions and as a finale he began a rendition of the song *The House of the Rising Sun*. The Cajun sang a couple of the refrains with so much emotion that they sent shivers down my spine.

When we finally arrived at the Parrish Jail the chain anchor to the floorboard was removed and we were made to step down off the back of the Paddy Wagon. There was total silence as we each stepped down into the blinding mid-days sunlight. Resigned to our fate each of us wore expressions of defeat tinted only with a touch of apprehension. After the fantastic stories of the other passengers Mike and I did not know what was in store for us in this new environment. As we gathered near the vehicle we were all closely watched over by two shotgun toting guards wearing mirrored sunglasses seemingly right out of the movie *Cool Hand Luke*.

It makes you wonder, what's next?

Well done but sadly but a small win in a big war still it is a win and a grate one for those saved you know he is second leading expert and used to work with the current leading one Grassien who I have met well done and may the fall of Solitary be now you think of war vets as heroes they are but so are those who stand for those with no say who stand and fight in the war on Solitary they are heroes to me let us keep fighting for as I say let there be light in the darkness of justice

Inhuman circumstances. Humans are still human beings, regardless of circumstances.

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