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Criminal Justice Issues and Prisoners' Rights

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Campaign and Advocacy

close

Search

close

close

by [Shae Cali](#) | June 25, 2012

On Monday, June 18th, a class action lawsuit, [Bacote v. Federal Bureau of Prisons](#), was filed against the Federal Bureau of Prisons on behalf of five plaintiffs, all of them inmates at the U.S. Penitentiary Administrative Maximum commonly known as ADX in Florence, Colorado. A must-read [three-part series of articles](#) by Andrew Cohen, published this week by *The Atlantic*, covers details of the lawsuit and the treatment of prisoners with mental illness living inside the facility.

In the first two articles in the series, Cohen excellently summarizes the lawsuit as well as emphasizing the horrific conditions in which mentally ill inmates at ADX languish. The lawsuit maintains that the [five plaintiffs, along with six other interested individuals](#) housed in ADX, all have mental illness or mental retardation, and have been denied adequate treatment. The details regarding their treatment, or lack thereof, are shocking, and outlined in graphic detail. Tragically, the gruesome descriptions may have a familiar ring for those versed in the treatment of mentally ill prisoners in solitary confinement in supermax prisons and special housing units across the country.

[Cohen quotes](#) from the lawsuit: Prisoners interminably wail, scream and bang on the walls of their cells. Some mutilate their bodies with razors, shards of glass, writing utensils and whatever other objects they can obtain. Some swallow razor blades, nail clippers, parts of radios and televisions, broken glass and other dangerous objects.

Another section of the lawsuit states that in 2010, a severely and chronically depressed prisoner who had attempted to kill himself a few months earlier was escorted to the ADX [Special Housing Unit] after throwing milk at a corrections officer. He was placed in a cell just vacated by another chronically ill prisoner who had smeared the cells floors, walls, bed and mattress with feces. The prisoner was given no cleaning supplies, and was not issued a blanket, towel or sheet. He used a roll of toilet paper in the cell to try to wipe the feces off of a spot on the floor that was large enough to enable him to lie down. For two days, he remained lying on that single clean space.

ADX, known as Alcatraz of the Rockies, is the nation's most secure supermax prison, and its 490 residents live in extreme isolation. It is supposedly intended to hold the worst of the worst, and is never supposed to house the seriously mentally ill, according to [Bureau of Prisons policy](#). However, individuals with mental illness often end up there or, argues the lawsuit, become mentally ill during their confinement at ADX, largely due to the isolation and deprivation suffered there.

The third article in the series focuses on [the lawsuit and The Eighth Amendment](#). The lawsuit does not seek monetary damages for the plaintiffs; rather, it calls for an injunction to improve the treatment of inmates with mental illness in federal facilities. Cohen highlights one of the most salient problems with the United States prison system: the profound lack of accountability or oversight. While the [Federal Bureau of Prisons website states](#) that it protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens, the rapidly increasing public concern over abuses inside federal facilities reflects the abject failure of the BOP to uphold its commitment.

The lawsuit was filed during the same week as [the Congressional hearing on solitary confinement](#), and directly contradicts some of the testimony provided by BOP head Charles Samuels. Solitary confinement is being examined with unprecedented scrutiny on a federal level, and, [as Cohen notes](#), this particular lawsuit was filed by attorneys and organizations who have experience and expertise in prison reform litigation, including the DC Prisoners Project of the Washington Lawyers Committee for Civil Rights and Urban Affairs and the law firm of Arnold & Porter. Solitary Watch will continue to report on emerging developments.

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 just went to visit my son after 18 long years I couldn't bring myself to go and now I wish I hadn't this is America yes they should be punished for the crimes but not like this my son got in trouble 2 weeks after his 18th birthday one drunk stupid night and he is now doing life + 50 years I have seen people do awful things and not get half the time he did so all you people making these awful comments about how they should be locked up there my god will judge his people not man anyone who feels these human beings deserve this god will judge you to so be careful what you say they are humans not animals my son killed someone but he's not an animal may god have mercy on all of you because one day my son will be free from these bars and no man will stop it. IT IS CRUEL AND INHUMANE

MY SON IS IN THAT AWFUL PLACE IT IS CRUEL

America imprisons its citizens at the highest rate in the whole world. Our prison population has boomed from under 500,000 in 1980 to over 2,300,000 today. Private business has been allowed to get into the game and is now a thriving prison industrial complex compensating states for prisoners jailed. The incentive clearly exists for more and more prisoners to be locked up and kept there because of money. Our prison conditions have degraded, 3 US prisons are on the list of the 10 most inhumane prisons in the world. Scandinavian prisons, by contrast are very humane places. Over 800 of every 100,000 Americans are currently incarcerated. In Scandinavia, the number is about 50 out of every 100,000. Our country has sunk to barbarous lows. There is no large movement to reform the prisons or the system that puts our citizens there, in fact the most frequent comment I read when a prison story is online goes along the lines of lock em up and throw away the key. This is a very different country than the one that I grew up in during the 1960s.

.the prison featured here is supermax there nobody there because they didn't pay child support or even assaulted someone If you are in this prison, you can rot To debate county jails, etc is a different story, but for this prison in Colorado,,,STHU

You want remorse for murders To all of you who think it's inhumane to keep them isolated or in jail for life i want you to think about this kenneth supreme mcgriff ordered the murder of my brother Im now 35 yrs old battling depression cause my heart has been dead for ten yrs and 3 days to this date My brother Dajuan Hodges was in the world trade center and never made it out i lost both my brothers less than three weeks apart by the same prisoners who want to claim inhumane conditions oh now u want friends n u want ur familys but you wasn't thinking about that when you took thousands of other ppl's away including mine so no f*** you..from the center of my heart n all my souli hope you rot..a woman Scarred for life. Dedicated to Karon Clarrett aug 20 2001 and Dajuan Hodges Sep 11 2001.

It saddened me to hear these kinds of things were still going on. I was once in inmate in a Maximum detention centers here in Canada tho it was only awaiting the trial.

On a charge was Murder etc.etc. the hired killing of A millionaires wife H.T. Buxbaum

We awaited with our other co- accused in the different block area. It was my first time every in fortunately I was innocent and was released in time.

But I had had made in to the hole because of a hunger strike as I objected to the fact I was given bail.

The thing was the same smearing of waste had taken place by an inmate because it was the only way that any attention was given to the inmate to get any immediate attention to their displeasure statement of the abusive treatment they had received by guards.

The thing I can still recall as the smell all of us had to be subjected to with guards leaving him in those conditions. Instead of any kind of treatment so the inmate was subjected to his own space as a lesson in humiliation.

Instead of putting on a has-mate suit removing the inmate to a medical treatment area, Never the less I can remember thinking this would just be another part in the book I was wishing to write while three our four were written on the case.

I remember thinking I have the inside story , and no one would ever believe this kinds of things go on but at the same time I remember thinking . The guards seem to be receiving some kind of pleasure in allowing this to go on.

With my own thinking my God they are allowing this to go on and then one day these same people whom they have allowed this to be apart of their stay here.

Was the same fact that they were becoming monsters who were going to be released into society to become the monsters that will now pray on the public even worse they were before with more and more hatred.

If they were not teaching them anything or dealing with it in any way then they were allowing their own family possible being subjected to the monster they allowed this inmate to become. And now unleashed on our streets

Knowing Dostoevsky: How we treat our prisoners says more about us than it does about them;

I have always found that mercy bears richer fruits than strict justice. Abraham Lincoln;

The line separating good and evil passes not through states,

nor between political parties either but right through every human heart. Alexander Solzhenitsyn-

It is said that no-one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones. -Nelson Mandela

Or Or..

It is much easier to run a war across the globe instead the US courts make a decision unwanted.

The only thing needed for evil to triumph is for good men to do nothing

Chief Justice Oliver Wendell Holmes

This series closes with these lines.

If the case ever makes it to trial, it will be years from now.

And through it all, through all the years of briefing and hearings and argument ahead, the daily fate of Supermaxs mentally ill prisoners will continue to be at the whims and caprices of their captors. It would be one thing if federal law and Bureau policy explicitly permitted ADX officials to treat the mentally ill this way. But of course the American people would not countenance such inhumane treatment, even toward societys least loved segment. Thats why Bureau Director Samuels had to tell the Senate yesterday that his officials give Supermax prisoners outstanding care, treatment and programming.

Dostoevsky was right: How we treat our prisoners says more about us than it does about them. Earlier this year, I read Pete Earlys bestselling book *Crazy: A Fathers Search Through Americas Mental Health Madness*. One of its many profound lessons is that America pays an enormous price for trying to sweep its mentally ill prisoners under the rug. Win or lose on the merits, the Bacote case represents a vital new opportunity to shed light on what is happening to these profoundly ill men what is being done to them in our name.

I am glad someone read Pete Earleys book, Ive mentioned it numerous times on here.

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