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**Best Practices and Human Rights in Supermax Prisons: A Dialogue
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I've been a human rights advocate on behalf of prisoners for the American Friends Service Committee for over 25 years. Since the 1980's I've monitored the growing use of extended isolation in United States prisons beginning at that time with control units extending to current times monitoring the growth of supermax prisons across the country.

Some of us, who have been observing for the past two and a half decades, trace the development of control units to the tumultuous civil rights era when many activists found themselves in US prisons. During the 70's and 80's sensory deprivation as a form of behavior modification was used with imprisoned members of the Black Panther Party, Puerto Rican Independentistas, members of the American Indian Movement, white radicals and prisoners involved in the prisoners rights movement. In later years, we found jail house lawyers, Islamic militants, prisoner activists and ethnically based prison gangs, many of whom were highly political. What we didn't know then, but do know now is the role of the FBI Counterintelligence Program called COINTELPRO. We've learned through the Freedom of Information Act that many of these groups and people were specifically targeted via COINTELPRO because of their involvement in social change activities which had a notable impact on broad segments of community opinion.

In New Jersey, prisoner Ojore Lutalo has been held in the Management Control Unit in New Jersey State Prison since February 4, 1986. Ruchell Magee has been living under these conditions in California for more than 20 years. Russell Shoats have been living in various Pennsylvania isolation units for over 17 years. Ojore, Ruchell and Russell are all connected in some way with either Panther or Black Liberation Army formations, which are considered security threat groups.

In recent years, the evolution of control units has resulted in the proliferation of the building of independent isolation prisons known by many names, most commonly supermax prisons. In 1997 the US Department of Justice conducted a survey of supermax housing and found there to be 57 supermax facilities or units nationwide with ten Departments of Correction pursuing the development of 3,000 additional supermax beds. In responding to the query on the factors involved in the development of supermax housing DOC's noted, among other things, legislative interest and the availability of federal Crime Bill construction funds.

DOC's also mentioned the "need to better manage gang activists" as a major factor in the development of supermax facilities. There is another 1997 Department of Justice national survey which was administered to DOC's throughout the country. This one centered on "Security Threat Groups" in prisons and asked Departments to list their 10 most disruptive gangs. The results of this state-by-state survey are revealing. The State of Kentucky notes that the Aryan Brotherhood is adversarial with all black groups, which is not true. Minnesota and Oregon simply name all Asians as "gangs", which Minnesota further compounds by adding all "Native Americans" as gangs. The State of New Jersey DOC lists the Black Cat Collective as a gang. The Black Cat Collective is my free foster son along with three of his friends who put on Afro-Centric programs in libraries.

As the AFSC monitors supermax prisons we continue to find a high percentage of the mentally ill, youth of color imprisoned as a result of the drug laws, prisoner activists and people who are and aren't members of gangs. In one recent dialogue that I had with a Department official from New Jersey, they noted that from the perspective of administration, the 750 bed isolation gang unit had been a huge success as a management tool. They said that the number of prisoner assaults, and the number of prisoner to staff assaults had been cut by a large percentage. They also acknowledged that the gang units held many people who were simply assaultive and not members of any gangs or security threat groups. As I pursued the dialogue, they noted that they don't really have the ability to say who is and who isn't a gang member based on a tattoo and that there were many in the NJ STGMU who didn't belong there. As I further pushed the topic, I was finally told that the diminishment of assaults really had more to do with the zero tolerance drug policy with both staff and prisoners, and that most of the known prisoner drug dealers were now in the Security Threat Group Management Unit. Corrections personnel have also told me that the nation-wide move to expand the use of isolation in supermax prisons is being fostered by correctional officer unions. I've been told that the unions are contributing heavily to the political campaigns of law and order candidates. Officers report feeling that

these types of prisons provide a safe working environment. Unfortunately, I've come to believe that isolation units also provide some of them with a place in which to engage in unwitnessed torture.

These past years for me have been full of thousands of calls and complaints of an increasingly disturbing nature. I hear from people locked in supermax prisons throughout the country and there are similarities to their complaints. Many describe cold, filth, callous medical care, extended isolation sometimes lasting over a decade, use of devices of torture, harassment, brutality and racism. I have received vivid descriptions of four point restrains, restraint hoods, restrains beds, restrains belts, stun grenades, stun guns, stun belts, tethers, waist and leg chains. Family members report that during visits their prisoner relatives remained standing, shackled and chained to poles despite the thick plexiglass between visitors and their prisoner loved ones. I've had reports of visits only being allowed via a small video screen. In other cases, prisoners tell me of being strip searched for a window visit, including a humiliating anal probe. This, despite the fact that they had had no human contact for months and will have none during the visit.

The AFSC has received so much credible testimony, including drawings that we have produced two pamphlets. The first is a "Survivor's Manual" written by prisoners living in extended isolation for prisoners living in extended isolation. The second is a pamphlet of testimonies of torture from isolation units and prisons from all over the country.

I want to share just a couple of the voices that I hear during my day, all of them from isolation units or prisons:

From Florida, "during the struggle jailers shocked Norberg multiple times with stun guns. Inmates who witnessed his death estimate that he was shocked between eight and twenty times. The medical examiner put it at 22 times."

From Colorado, "I was sprayed with pepper spray and it was 10 hours before I was allowed to wash. This resulted in burns and blisters to my arms, face, chest and feet. For the entire 10 hours I felt as if I was being boiled alive.

Some of the most poignant letters I get are from prisoners writing on behalf of mentally ill prisoners - like the man in California who spread feces over his body. The officers response to this was to put him in a bath so hot, it boiled 30% of the skin off his body.

Another says, "I am presently a control unit inmate and have witnessed brutality, attempted suicides by the mentally ill as well as being anally probed, stunned with electronic shields and stun guns to the point of blood from broken and burnt skin flowed from wounds".

Yet another, "if one could imagine the horror of being trapped inside a tiny concrete box for months on end while someone on the outside pounded on it continuously with a hard rubber mallet, then you would begin to understand the conditions at the IMU. I am not referring to the many mentally ill inmates who pound on their cell walls, nor am I referring to the everyday "cell warriors" who hold an aberrant form of psychology which leads them to believe that cell banging increases their manhood. What I am referring to is the ridiculous yet highly effective new form of psychological warfare waged against the inmates of IMU by the prison guards here".

These last two were received from the State of Washington.

Both prisoners and DOC administrators have told me that that it is necessary to segregate some prisoners for the safety of others or for their own protection. However, many aspects of the conditions in US control units and supermax facilities violate international United Nations Covenants and Treaties to which the US is a signatory. The UN Human Rights Committee stated in 1995 that conditions in certain US maximum security prisons were incompatible with international standards. The UN Special Rapporteur on torture reported in 1996 on cruel, inhuman and degrading treatment in several US supermax prisons. And in 2000, the UN Committee on Torture cited the US for what they called the "widespread" use of devices of torture in US prisons.

In the mid-nineties, I began working with the World Organization Against Torture on a report called "Prisons Conditions and the Treatment of Prisoners." The type of conditions and treatment in control units or supermax prisons was cited by them as crossing the line involving inhuman and abusive punishment prohibited under the UN Convention Against Torture. The report found that "while some of the more overt forms of physical torture that tend to be employed by repressive governments and paramilitary groups world wide are not authorized or practiced in the US at either the federal, state or local levels, there are a number of criminal justice policies and practices that "constitute "cruel, inhuman or degrading punishment" of the type prohibited under Article 1 of the Convention Against Torture, and under other numerous legally binding international human rights instruments. Among the areas where the US government is not meeting its obligations to prevent highly abusive conduct of this type are the following:

- punitive violence and brutality in specially created super-maximum and control unit facilities;
- indefinite and arbitrary solitary confinement
- the practice of punitive “cell extractions”
- treatment of the mentally ill in prisons.

The Report also found that the likelihood of violations is increasing because of a number of recent initiatives by the US Congress to reduce the ability of victims to use the federal courts to obtain effective judicial review and relief. In addition, the increasing fear of crime in American society has been used as a justification for law enforcement and prison authorities to initiate or substantially expand the use of prisoner control and punishment techniques such as supermax and control unit facilities that greatly increase the risk and likelihood that cruel and degrading treatment will take place”.

Conditions that the report outlined also violate the Convention on the Elimination of All Forms of Racial Discrimination, the UN Standard Minimum Rules for the Treatment of Prisoners and, in some cases, even the approved practices of the American Correctional Association. We have found that mentally ill prisoners continue to be assigned to some supermax facilities despite evidence that the conditions are particularly damaging and inappropriate for them. Other prisoners develop mental illness while in the units.

We’re here because we all have concerns about the use of extended isolation. I am appreciative of the opportunity that the Washington Department of Corrections has presented for dialogue between communities that don’t usually sit with one another. Because of the history of the use of isolation in prisons, it is difficult for me to buy into the need for supermax and control unit prisons. My sense, though, is that there are a number of areas on which we can find common ground to dialogue. I know from talking to some DOC administrators, they are becoming more intolerant of the use of brutality and excessive force. At least one DOC administrator has told me of meetings with the officers union representatives. They noted that those who use excessive force are aberrant and that it doesn’t make sense for the union to tolerate and protect those that do.

Amnesty International has recommended that authorities in charge of supermax units need to amend their policies to insure that no prisoner is confined to long-term or indefinitely to conditions of isolation and reduced sensory stimulation. Authorities can improve conditions in such units so that prisoners have more out-of-cell time; better access to fresh air and natural light; improved exercise facilities and increased access to work, training or vocational programs. The mentally ill or those at risk of mental illness should be removed from supermax

units. On this last, several conversations with DOC administrators lead me to believe that many Departments are open to this.

One final note, an August 15th article datelined Istanbul, Turkey informed that a former prisoner starved to death yesterday bringing to 31 the number of people who have died in a nine month fast in protest of Turkey's new maximum security prison system. Prisoners began fasting last autumn to protest their transfer from dormitory style prisoner wards to the maximum security prisons with one or three person cells.

The US has been quick to condemn human rights violations in other countries and often stresses civil and political rights which it guarantees. What is happening in control units and supermax prisons throughout the country, however, shows that it has failed to deliver these rights to many of it's people. The promise of human rights for all people, spelled out 50 years ago, in the Universal Declaration of Human Rights, unfortunately remains unrealized for sections of US society.