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R E P O R T I N T H E L E G I S L A T U R E

SUBJECT:

MINNESOTA CORRECTIONAL FACILITY/STILLWATER -
SEPTEMBER 11, 1983 DISTURBANCE

PREPARED BY,
EDWARD CLARK
#100675
(MCF/OAK PARK HEIGHTS)
Box 10
STILLWATER, MN. 55082

MAR 7 1990

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I INTRODUCTION

THIS REPORT IS PREPARED FOR THE PURPOSE OF PROVIDING OUR STATE LEGISLATURE WITH INPUT INTO THE PROBLEMS PLAGUING THE MINNESOTA CORRECTIONAL FACILITY AT STILLWATER, SEVERAL OF WHICH CONTRIBUTED TO THE MAJOR DISTURBANCE IN CELLHALL "B" ON SEPTEMBER 11TH OF THIS YEAR.

THE OUTLINE OF THE EVENTS TAKING PLACE DURING AND FOLLOWING THE DISTURBANCE IS BASED ON INFORMATION PROVIDED BY PRISONERS WHO WERE ULTIMATELY TRANSFERRED TO THE OAK PARK HEIGHTS CORRECTIONAL FACILITY AFTER THE DISTURBANCE; BY CORRECTIONAL OFFICERS RELAYING THE INFORMATION THROUGH A THIRD PARTY; AND BY RELATIVES AND FRIENDS OF PRISONERS.

MY CONSENSUS AS TO THE CAUSES OF THE DISTURBANCE IS BASED ON MY OWN INCARCERATION AT THE STILLWATER FACILITY OVER A PERIOD OF EIGHT-AND-ONE-HALF-YEARS, THROUGH THREE PRISON ADMINISTRATIONS. SINCE MY TRANSFER TO THE OAK PARK HEIGHTS FACILITY, I CAN LOOK BACK AS TO THE EVENTS TAKING PLACE OVER THE PAST THREE YEARS AND OBJECTIVELY COME TO THE CONCLUSION THAT THE PROBLEM DOES NOT LIE WITH THE PRISONERS, BUT RATHER WITH THE PRISON ADMINISTRATION. A CONCLUSION WHICH I BELIEVE THE READERS OF THIS REPORT WILL AGREE WITH IF THEY LOOK AT THE PROBLEM OBJECTIVELY.

A NATURAL REACTION TO THE DISTURBANCE BY PEOPLE NOT AWARE OF THE UNDERLYING PROBLEMS IS TO ASK, "ARE WE TOO SOFT ON THE PRISONERS?" AND "SHOULD THEIR MOVEMENTS BE RESTRICTED TO PREVENT A REOCCURRENCE OF THIS KIND OF BEHAVIOR?". IN MY OPINION, TO SEEK A SOLUTION TO THE PROBLEM WITH THESE QUESTIONS IN MIND WOULD ONLY BE TO REACT TO THE DISTURBANCE RATHER THAN ADDRESSING THE CAUSES. TO REACT WOULD ONLY ADD MORE FRUSTRATION AND DISILLUSIONMENT FOR THE PRISON POPULATION.

THE MAIN REASON THERE WERE NO MAJOR DISTURBANCES FOR A COUPLE OF YEARS PRIOR TO THIS PRESENT SITUATION IS BECAUSE OUR LEGISLATORS TOOK POSITIVE ACTION DURING THE 1981 SESSION TO CORRECT DISPARITY IN THEIR SENTENCES COMPARED TO THE AMOUNT OF INCARCERATION TIME UNDER THE SENTENCING GUIDELINES. DURING THAT PROCESS, THE INMATES DEVELOPED RESPECT FOR THE LEGISLATIVE PROCESS, AND RESPECT FOR EACH OTHERS DIFFERENCES. AND BECAUSE ALL PRISONERS AT THAT TIME WERE EXPERIENCING THE SAME TYPE OF PROBLEMS WITH THE PAROLE BOARD, THEY ALL HAD A VESTED INTEREST IN THE OUTCOME OF THE LEGISLATIVE ACTION AND ULTIMATELY SHARED IN THE VICTORY, WHICH AT THAT TIME APPEARED TO BE ABSOLUTE.

THERE HAS BEEN A GREAT DEAL OF EMPHASIS PLACED ON THE FACT THAT THE INCIDENT WAS A RESULT OF RACIAL TENSION AND BLAMING A SMALL GROUP OF WHITES FOR THE DISTURBANCE, CALLING THEM "NEO NAZIS". THIS ALLEGATION IS AN EFFORT TO DIVERT YOUR ATTENTION FROM THE TRUE CAUSES OF THE UNREST. THE RACIAL CONFRONTATION WAS AN AVENUE OF VENTING THE FRUSTRATION THE PRISONERS ARE EXPERIENCING. THE FACT THAT ONLY APPROXIMATELY SEVEN OFFICERS HAVE TO MAINTAIN ORDER OVER APPROXIMATELY 450 PRISONERS IN ONE CELLBLOCK DEMONSTRATES THE FACT THAT THE INMATES GENERALLY DO GET ALONG WITH ONE ANOTHER.

THE FACT OF THE MATTER IS, THE RACIAL TENSION EXISTING IS CAUSED BY THE PRISON ADMINISTRATION'S FAILURE TO ACT ON PROBLEMS WHICH CAUSE THIS TENSION. AS AN EXAMPLE, FOR THE PAST THREE YEARS THE ADMINISTRATION HAS BEEN AWARE OF THE FACT THAT THE MAJORITY OF THE TELEPHONES IN CELLHALL "B" ARE CONTROLLED AND FOR THE SOLE USE OF MINORITIES, RESULTING IN A MAJORITY OF THE WHITE PRISONERS NOT HAVING ACCESS TO PHONES, WHICH ARE VITAL TO MAINTAINING FAMILY AND COMMUNITY TIES. THE ADMINISTRATION, AT ALL LEVELS, REFUSES TO ADDRESS THE PROBLEM.

CONCLUSION

IN 1974 AND 1975, THE PRISON CAME UNDER SCRUTINY BECAUSE OF THE FACT THAT PROBLEMS IN THE INSTITUTION WERE NOT BEING ADDRESSED AND CORRECTED BY PRISON OFFICIALS. THE DEPARTMENT OF CORRECTIONS' "HANDS-OFF" PRACTICE IN NOT GETTING INVOLVED IN INSTITUTIONAL PROBLEMS, AND INSTEAD, CONCENTRATING ON OVERALL POLICIES ONLY ADDS TO THE PROBLEM.

THEREFORE, IT WAS NECESSARY FOR THE LEGISLATURE TO STEP IN WITH A JOINT HOUSE/SENATE INVESTIGATION. AN INVESTIGATION RESULTING IN 177 REFORM RECOMMENDATIONS.

IT IS MY OPINION, THAT IT WILL AGAIN TAKE A LEGISLATIVE INVESTIGATION TO CORRECT THE EXISTING PROBLEMS. OTHERWISE, THIS TYPE OF DISTURBANCE IS MOST LIKELY TO REOCCUR.

II OUTLINE OF DISTURBANCE

Tension between the White and Black population began with name-calling earlier in the day, carrying on through the evening. Rather than locking down Cellhall "B", preferably during count when the inmates are already confined to their cells, until they had time to cool off and steps taken to either resolve the differences or remove the instigators, the administration chose to ignore the problem.

Later that evening the situation worsened as some prisoners broke up wood benches to arm themselves, although the majority of the inmates remained neutral and stayed clear of the area in the cellblock where the two factions were congregating. Even prisoners involved in the name-calling expected the Officers to disburse the groups and return the unit to order. However, even though there was ample time to recruit officers from other areas of the prison to assist in disbursing the groups if they should ignore such an order, the officers abandoned the cellhall and the majority of the prisoners not involved. This only added fuel to the fire.

The disturbance took place in the back-half of the cellblock. And when it was announced over the PA system that they were being given an opportunity to leave the cellblock, this announcement could not be heard because of the noise. Therefore, many of the prisoners caught up in the situation were not aware of a means of avoiding it. Others chose to remain in the cellblock to protect their personal property. Following the disturbance, even the prisoners not involved in the disturbance and had complied with the directive to leave the cellblock so that control could be regained, were subjected to humiliation and embarrassment by being forced to strip naked, handcuffed and marched four-abreast past female officers to the segregation unit.

The prisoners were placed four to a single-man cell in segregation where they remained for two hours without a means of keeping warm. After four hours in segregation, prisoners not suspected of being involved in the disturbance were returned to their cells. However, all prisoners whose appearance resembled the group known as "The Bikers" remained in segregation.

Two prisoners placed in segregation who instigated and participated in the disturbance, began informing on other prisoners. However, their credibility should have been scrutinized, as it gave these two individuals the opportunity to make false allegations against other prisoners they did not get along with. It is a well known fact among prison officials and inmates alike, that inmates of their nature will say anything and do anything to escape punishment. It is alleged that the administration ignored the list of prisoners involved in the incident which was turned in by officers in the cellhall. Furthermore, even though the video monitoring cameras were manned and are so sensitive that they can easily distinguish one prisoner from another even at the far end of the cellblock, it is alleged that the administration refuses to rely on the information contained on the video tapes.

In violation of due process, some prisoners remained in segregation for over a week and were never charged. These prisoners along with others considered to be potential leaders, regardless of their good intentions, and anyone in appearance resembling the group known as the Bikers was taken to segregation. Many of those not charged were transferred to the Oak Park Heights Facility, regardless of the length of their sentence and institutional behavior.

The prisoners being charged with involvement in the disturbance are being charged with everything possible in order to try to get them to plead guilty to the original charge. It is alleged that these prisoners sought legal counsel from a private attorney as they believe that L.A.P. (Legal Assistance to Prisoners) will not adequately represent them, and that the administration hampered this effort as much as possible. And that a prisoner in the general prison population who was contacting the attorney for the prisoners in segregation was transferred to the Oak Park Heights Facility.

The prison administration erroneously stated to the media that the Bikers is a "Neo-Nazi" group, and that they caused the disturbance. Even some prisoners who transferred to Oak Park Heights following the disturbance who belonged to the Afro-American group disagree with this statement. The fact of the matter is, that it is this small group of white prisoners who have been willing to stand up against the few black prisoners instigating racial confrontations and try to run the cellhall as well as the Afro-American group. (I want to emphasize it is not the majority of the Blacks, or Afro-Americans who are responsible for the problems perpetrated by a few.)

Following the disturbance, the prisoners not involved in the disturbance remained in their cells for approximately two weeks without proper clothing to try and keep warm, due to the windows broken out and the administration refusing to turn the heat on earlier than the regularly scheduled date. The administration refused to allow visitors to drop off warm clothing for the prisoners once visitation resumed and throughout the lockup. See enclosed letter from the wife of one of the prisoners, marked as Appendix A.

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21 Clark
 Ethelinda Compton
 Oct 10
 Stillwater, Minnesota

Mr. Clark:

I was told I could write
 to you and maybe have something
 done about not being able to drop off
 even clothing for my husband at
 Stillwater during the lock up they're
 had. I don't think it was fair for
 the men to suffer from the cold
 and no heat at all, and not being able
 to receive warm clothing from their
 wives, just because of fear of
 other inmates. I asked the warden
 to understand it in that and during
 lock up I tried to get some
 Alkathite and a set of thermo
 underwear into him so he could stay
 warm. They said no Goggles at all
 were allowed to the men. I said this
 is inhuman and unfair, they had no
 underwear at all to block the cold and
 no heat whatever was turned on during
 the whole two weeks. Could we possibly
 still drop off clothing in over the top
 of ventilation should ever happen again?

III. PRISON RIOT/UNREST - CAUSES

(CONDENSED OUTLINE)

1. UNWARRANTED RESTRICTIONS - For the past couple of years, the prison administration has implemented restrictive policies without cause at a time when the general prison population has been behaving themselves. The byproduct is that it makes the inmates feel they are being taken advantage of, when they feel the prison administration should demonstrate appreciation for the inmates' good behavior.
[Comprehensive Outline - Page 9.]
2. MCF/OAK PARK HEIGHTS TRANSFERS - Transfers to the new Oak Park Heights Facility from Stillwater, and from the St. Cloud Reformatory, are arbitrary. Any prisoner at any time, regardless of good institutional behavior, may be transferred. Therefore, good prison behavior is meaningless to the prisoners. Furthermore, inmates considered to be "leaders" have been transferred regardless of the positive effect they have had on their specific groups. This has also resulted in prisoners considered to be radicals being given an opportunity to take over the groups and/or influence the other prisoners.
[Comprehensive Outline - Page 12.]
3. INDETERMINATE SENTENCED PRISONERS - It is estimated approximately one-fourth of the prison population is still under the indeterminate sentencing law, and therefore experiencing the daily frustrations of not having a guaranteed release date, which the Sentencing Guidelines were meant to correct. They are also frustrated to see other prisoners come to prison after May 1, 1980 and leave again for the same offenses they are in prison for, and in many instances for more serious crimes.
[Comprehensive Outline - Page 14.]
4. MSG SENTENCED PRISONERS - As with prisoners under the Indeterminate Sentencing Law, prisoners sentenced under the Sentencing Guidelines are coerced into treatment programs during incarceration and upon release. This evaluation for treatment is not by persons trained to make this determination, but rather by prison officials. And since they are led to believe they will earn good time, they feel that it is not the case, resulting in a negative attitude. [Comprehensive Outline - Page 15.]
5. SECURITY PROBLEMS - There is more than an ample amount of personnel in middle-management positions, and in contrast a shortage of officers in contact with the prisoners on a daily basis due to these promotions. This is a serious problem especially during the evening hours and weekends when problems are most like to occur. [Comprehensive Outline - Page 15.]
6. NEPOTISM - This causes a breakdown in discipline among officers and management. [Comprehensive Outline - Page 16.]

Continued

7. MIDDLE-MANAGEMENT BUREAUCRACY - There are so many prison personnel in middle-management positions, that titles and responsibilities are created to justify their positions. They form "committees" which the inmate must appear before for even job placement. This results in the decision-making process directly effecting the prisoner as totally unnecessary from the inmate's point of view. To the prisoner, it is like have to appear before a parole board. (Comprehensive Outline - Page 16.)
8. MIDDLE-MANAGEMENT ISOLATING THEMSELVES - Since Robert Erickson became warden, the "policy-makers" have isolated themselves from officers and inmates alike, creating new policies with no regard as to possible adverse effects it may have on those it will effect, whether it pertains to the inmates or the officers. [Comprehensive Outline - Page 16.]
9. CASEWORKERS - They generally have no background in social science; they do not view themselves as there to assist the inmates; they are seldom available to the inmates; they do not keep regular office hours; and by becoming a caseworker, they can bypass the grade promotion system and into middle-management positions. [Comprehensive Outline - Page 17.]
10. COERCED TREATMENT - In violation of Minnesota Statute §244.03, and in violation of the Accreditation Standards, prisoners are coerced into treatment programs by Corrections personnel not qualified to make such a determination for need of treatment. This coercion is by preventing the prisoners good-paying jobs, and educational and vocational opportunities. [Comprehensive Outline - Page 17.]
11. WISCONSIN TRANSFEREES - Some of the Wisconsin transferees are considered hard core, and have acted accordingly. It is also frustrating to Minnesota prisoners who want jobs, educational opportunities, or vocational training to be turned down because Wisconsin prisoners have been given priority. [Comprehensive Outline - Page 18.]
12. DENIED DUE PROCESS OF LAW - Prisoners are removed from the general prison population and placed in Segregation without being charged with a disciplinary offense. [Comprehensive Outline - Page 18.]
13. DENIED ACCESS TO THE COURTS - The "Law Library" is superficial. It does not contain basic materials from which a prisoner can obtain basic knowledge in judicial remedies, much less currant legal research materials. This is in violation of United States Supreme Court decisions and Accreditation Standards. [Comprehensive Outline - Page 18.]
14. DENIED CONFIDENTIALITY WITH COURTS & PUBLIC OFFICIALS - In violation of a federal court order and the Accreditation Standards, confidential letters are opened by prison officials. [Comprehensive Outline - Page 19.]

Continued

15. DENIED HEALTH CARE - Prisoners are screened by a nurse before they can see a doctor, and threatened with transfer to Oak Park Heights if they voice dissatisfaction with medical diagnosis. [Comprehensive Outline - Page 19.]
 16. REFUSING TO GIVE JAIL CREDIT - Prisoners serving life sentences are denied jail credit, even when the sentencing judge orders he is to receive it. [Comprehensive Outline - Page 19.]
 17. NO HONOR SYSTEM - Prisoners are treated the same, whether they have exemplary behavior records, or have continuously been a disciplinary problem. [Comprehensive Outline - Page 20.]
 18. GRAFT SUSPECTED - Prisoners are charged a 10% "handling fee" when purchasing from outside vendors; suspect a profit is made from their canteen purchases; and allegations the Lieutenant in charge of the Commissary Department has either a financial interest in local vendors or are family-related businesses. [Comprehensive Outline - Page 20.]
 19. SUB-STANDARD CIVILIAN CONSTRUCTION WORK - Almost every bit of construction work performed by outside contractors has the contract awarded to the same local general contractor, with the work having to be redone by the institution's maintenance department. [Comprehensive Outline- Page 21.]
 20. UNSANITARY LIVING CONDITIONS - Example: The cellhall windows and walls have not been properly cleaned in over ten years. [Comprehensive Outline - Page 21.]
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IV. PRISON RIOT/UNREST - CAUSES

TO A PERSON NOT EXPERIENCING INCARCERATION, SOME OF THE ISSUES RAISED HEREIN MAY APPEAR TO BE INSIGNIFICANT OR "PETTY". BUT A PRISONER, EXISTING IN SUCH A NEGATIVE ENVIRONMENT FOR YEARS THE FOLLOWING ISSUES ARE SERIOUS, ESPECIALLY WHEN CONSIDERING THE CUMULATIVE EFFECT.

1. UNWARRANTED RESTRICTIONS:

When the general prison population is not causing unrest among themselves nor problems for the administration, as has been the situation from the latter half of 1980 through the first half of 1983, the administration ceases upon this docility to create and implement new restrictive policies.

Whereas, when there is a degree of unrest, short of causing major disturbances reported in the media, the administration will loosen up on restrictions in order to obtain a degree of neutrality. This has resulted in the prisoners feeling they are punished for behaving themselves, and encouraged to seek solutions to problems through other than peaceful means.

The past three years is a good example of this philosophy:

In 1980, a prison riot was imminent due to the frustration and disillusionment created by the parole board's refusal to adjust incarceration time comparable to sentences imposed under the newly enacted Sentencing Guidelines. This frustration was even compounded because the parole board was not abiding by their own rules and regulations by removing prisoners from the Matrix and giving them expiration. i.e., spending the remainder of their sentence behind prison walls without parole.

The Inmate Advisory Council which represented the prisoners to the prison administration, convinced the prison population to seek an honorable and lawful remedy by asking the State Legislature to address the problem. It was emphasized that we would have to demonstrate to our lawmakers that retroactivity of the Sentencing Guidelines would be appreciated by not causing any disturbances and by providing factual data in support of legislative action.

The byproduct of the developing mutual respect for one-another, regardless of ethnic backgrounds, creed or color, resulted in communications established and maintained between prisoner groups and with officers assigned to maintain order. Assaults and attempted suicides became nearly nonexistent.

On the other hand, the prison administration ceased upon this degree of complacency to curtail social activities; replace the Inmate Advisory Council members with prisoners of their own choosing, which virtually made the Council ineffective; and other restrictive measures. The specifics are outlined below.

1. UNWARRANTED RESTRICTIVE POLICIES, CONT'D:

1) Group Activity Curtailment:

For six consecutive years, the Jaycee Chapter, located within the prison walls, raised over \$5,000 through prisoner donations for the Muscular Dystrophy Association. This is more than any individual chapter in the state could raise, and it gave the prisoners a degree of self-esteem for doing something for the disadvantaged. The same holds true by the Afro-American Brotherhood and Culture Group raising approximately \$2,500 a year for Sickle Cell Anemia research.

Regardless of the fact there had not been any problems resulting from the activities by which the funds were raised, the prison administration curtailed the activities to the point that no funds are raised for sickle cell anemia research in the institution, and only half of the amount raised annually for the Muscular Dystrophy Association.

2) Inmate Advisory Council - Administration Controlled:

In 1980 the Inmate Advisory Council was formed by prisoners wanting to meet with the prison administration and seek solutions to problems effecting the general prison population. The Council members represented each cell block and were selected on their ability to discuss problems in a rational and constructive manner. The Council was instrumental in bringing attention to problems which either were being neglected or that the administration was not aware of.

An example - the recreation yard was so badly neglected that prisoners were getting serious leg injuries while participating in sports. It was necessary for the administration to transfer the Director to other duties and replace the officers in charge of yard maintenance before improvements were realized.

The administration removed the Council Chairman from any further involvement with the Inmate Advisory Council and implemented a policy of choosing the prisoners to serve on the Council. This has resulted in the Council being ineffective because the administration-appointed council members lack leadership abilities and are not recognized by the general prison population. The Council no longer exists.

3) Guidelines Committee Abolished:

Although the Guidelines Committee was originally formed to seek retroactivity of the Sentencing Guidelines, it expanded to include prison reform as well as sentencing reform. It receives inquiries from all Correctional

1. UNWARRANTED RESTRICTIVE POLICIES, CONTINUED:

3) Guidelines Committee Abolished, Cont'd:

Facilities in the state, as well as from prisoners in other states. Because the Guidelines Committee has endeavored to represent the prisoners' viewpoint to the Legislature, and keep the prisoners informed of legislative actions that effect them, the Committee had their respect and we were a stabilizing element. On October 1, 1982 the Guidelines Committee became certified with the State of Minnesota as a nonprofit corporation. Although the prison administration had informally recognized the Guidelines Committee for over two years, it would not formally recognize it.

When I was transferred to the Oak Park Heights Facility, and attempted to obtain formal recognition at that institution, I was informed by the administration that they were denying my request due to the fact that Warden Erickson of the Stillwater Facility had dissolved the Guidelines Committee at that Facility and was going to disburse the funds, approximately \$2,500. which was donated by the prisoners.

The prisoners now feel they are without representation due to the demise of the Inmate Advisory Council and of the Guidelines Committee.

4) White Culture Group Denied Recognition:

The Caucasian prisoners feel as though they are in the minority, due to the fact they do not receive equal recognition by the prison administration. In contrast, all other races have such groups established and recognized.

Members of the White population presented a proposal to the administration for recognition. In refusing to allow a White culture group, the warden stated,

"... We find no rationale basis for the formation of a white culture group. While we have allowed "culture" groups, I think most reasonable people would agree that if there is a need it exists most logically among the minorities. They, historically, have suffered cultural deprivation as the white mainstream has expected the minority culture would be subsumed into that mainstream..."

5) Denied "Neutral Territory":

The Chaplaincy Department and Chapel at MCF/Stillwater is respected by all prisoners as a place of worship, whether or not they individually choose to participate in religious activities. But also, this respect for the Chaplaincy Department made it ideal for group leaders to meet not only with the prison administration, but among themselves when there were problems to resolve. They were able to utilize

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1. UNWARRANTED RESTRICTIVE POLICIES, CONTINUED

5) Denied "Neutral Territory", Cont'd.:

the Conference Room or an empty office in privacy and without peer pressure. Many issues were resolved in this manner.

But now the prison administration refuses to allow the group leaders to meet in privacy to resolve differences. I am thoroughly convinced that this lack of communication and peer pressure prevented a rational solution to the problems which led up to the riot on September 11th.

6) Surpressing Individuality:

(Example) - In 1980 the Inmate Advisory Council inquired into the rationale for only gray-colored athletic clothing allowed to be dropped off by the visitors, whereas, through a catalog the prisoner could order any color he wanted. The response was that the ACA (American Correctional Association) Standards required "gray only" athletic clothing. Using the Standards Manual, we proved this statement to be false. However, the administration refused to alter the policy and permit other colors over the front desk. And in fact, in 1982 the policy was changed so that only gray-colored athletic clothing could be ordered through the catalogs as well. If a prisoner had other colors, he would have to send it out of the institution, or donate it if he had no one to send it to.

NOTE: At the Oak Park Heights Facility, any color can be ordered, as the administration recognizes the importance that a maintain a degree of indivduality as part of the rehabilitative process. Prisoners transferred back to Stillwater from Oak Park Heights will therefore be required to send out or dispose of other than gray-colored athletic clothing when they are returned to that facility.

2. MCF/OAK PARK HEIGHTS TRANSFERS:

Regardless of the fact the new Oak Park Heights maximum security prison was built for "difficult-to-manage and high risk" prisoners, it is obvious when considering the following, that the decision as to who should be transferred is arbitrary and in some cases, political.

- 1) Group leaders, regardless of their institutional behavior record, have been transferred to OPH. This has resulted in (a) a breakdown of communications between the groups, and (b) an opportunity for radical prisoners to take control of the groups.

NOTE: Talking to prisoners recently transferred to OPH from Stillwater, indicates it was the lack of proper leadership in the groups which caused the problem to escalate and get out of control on September 11th.

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2. MCF/OAK PARK HEIGHTS TRANSFERS, CONTINUED

1) Cont'd:

Prison officials and Officers alike, who have direct contact with prisoners in the cellblocks depend on the group leaders to control the masses. This is obvious when considering that in Cellhall "B" at Stillwater there are only 7 Officers to maintain control over approximately 450 prisoners.

- 2) "Long-termers" (Prisoners incarcerated for years) are also arbitrarily transferred to Oak Park Heights. The fact they may have maintained a good behavior record and endeavoring to prepare themselves for eventual release is not given any consideration whatsoever, unless they are enrolled in the "Insight" college-level educational program or employed in private industries, or in the School Bus Renovation Program, from which revenue is obtained.

Penalogists have long recognized the fact that it is generally the long-termers who are the stabilizing element with a prison population, as they want their environment to be as trouble-free as possible. In most states, the long-terms are considered the best security risk and once they have proven themselves to be reliable, are transferred to less secure facilities.

NOTE: The involuntary transfer of long-termers, whom have demonstrated good prison behavior over the years appears to be in violation of ACA Standards:

"4193...(Essential)... All inmates should be assigned the least restrictive custodial level possible."

- 3) Inmates from both the Stillwater Facility and the Reformatory who do not have long sentences and good prison records, and enrolled in educational and vocational training, have been transferred to OPH where they can no longer pursue these goals.
- 4) There are prisoners not being transferred to Oak Park Heights who do fit the category of "difficult-to-manage and high risk". They include:
- (a) Prisoners convicted of violent offenses and have not been incarcerated long enough to establish a good prison behavior record;
 - (b) Prisoners who have demonstrated a troublesome behavior record while in prison;

(Continued)

2. MCF/OAK PARK HEIGHTS TRANSFERS, CONTINUED:

4) Cont'd.

- (c) Prisoners on "high risk" status for escapes or attempted escapes;
- (d) Prisoners known to traffic in drugs;
- (e) Prisoners with record of repeated rules violations and disciplinary actions resulting in segregation time.

Due to the fact that the arbitrarily transfers without forewarning will take place at any time, it creates a cloud of uncertainty that effects every prisoner, regardless of their sentence and institutional behavior. This anxiety is a leading cause of the unrest taking place at the Stillwater Facility.

Upon their transfer to Oak Park Heights, personal property which they invested into while incarcerated at Stillwater, i.e., electric fans, specific hobbycraft items and hobbycraft tools, have to be either sent or mailed out or disposed of. This is distressing to the prisoner. The same holds true when he is transferred back with items he was allowed to purchase while incarcerated at Oak Park Heights, but not permitted at Stillwater.

Furthermore, with the security at Oak Park Heights more stringent when the individual has not demonstrated behavior justifying it, it creates an enormous amount of animosity towards Corrections and is certainly not rehabilitative.

Example - If there is a serious illness in the family or a death, the prisoner is transported to the hospital or funeral home in restraining devices far exceeding that which would be necessary to prevent an escape, when the prisoner has no history of attempted escapes or escapes: Leg irons, waste chain, "black box" (to prevent him from moving his arms), and uniformed officers as well as wearing handcuffs.

NOTE: Threats by prisoners maintaing good behavior records who were involuntarily transferred reflect the animosity over this callous indifference by prison officials. The threats include "Burning Stillwater down" when they are returned to that facility.

3. INDETERMINATE SENTENCED PRISONERS:

Approximately 500 to 600 of the two thousand prisoners in the State are still under the indeterminate sentencing law and remain in prison. with a large portion removed from the Matrix and doing expiration, i.e., serving their entire sentence behind prison walls without parole. In many cases, they are serving longer sentences than other prisoners sentenced for more serious crimes under the Sentencing Guidelines.

Considering the projected prison overcrowding, and the problems associated with it, this disparity should be addressed.

4. MSG SENTENCED PRISONERS:

At time of sentencing, defendants sentenced under the Sentencing Guidelines law are advised by their attorneys and the sentencing judge, that they will earn one day of good time for each two days served in prison. However, it is typical to force them into treatment programs and halfway houses upon their release regardless of the fact they may have families needing their support.

The decision that they need treatment is an arbitrary one and made by prison staff not qualified to make such a determination. This is in violation of the State Hearing Examiner's findings when the Department of Corrections submitted their proposal for authority over MSG sentenced prisoners covering their time on supervised release. To quote the Hearing Examiner,

"The reasonableness of permitting ' an authorized Department of Corrections professional person' to make a diagnosis of chemical dependency was not established with an affirmative presentation of facts. This constitutes a substantive violation of Minn. Stat. § 15.0412, subd. 4c".

The Hearing Examiner made it clear as to who is qualified to make a diagnosis for chemical dependency treatment,

"The inmate, within three years of his scheduled release, has been evaluated by a licensed physician or psychologist in public or private practice as being presently or potentially dangerous, chemically dependent or sexually pathologic. This evaluation shall be in writing."

Therefore, the prisoners feel they are not earning good time and are more likely not to have the incentive to behave themselves while incarcerated. When placed in the treatment centers and halfway houses as part of their release agreement, they discover conditions and restrictions may be more demanding than when they were in prison. Hundreds have absconded from these places and either just wait to be picked up and transferred back to prison as "technical violators" or go on the run.

NOTE: It is estimated, approximately 500 releasees have absconded from supervision and are now on the run.

5. SECURITY PROBLEMS:

Although the Stillwater Facility has approximately 460 officers and staff, there have been so many promotions to middle-management positions, that there is a shortage of officers who are in contact with the prisoners on a daily basis and responsible for security. Most of the officers and staff work during the day shift or "Second Watch", when the prisoners are occupied with their assignments. Whereas, during the evening hours and weekends, when prisoners are more likely to have confrontations, there is a minimal amount of staff and officers available.

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5. SECURITY PROBLEMS, CONTINUED:

Last year, two prisoners escaped via the Industries' load dock. The officer assigned to the load dock had been transferred to another area, and no one assigned to take his place. Common sense dictates that one of the most vulnerable areas for an escape to take place in a prison would be a loading dock where large items which could conceal a person are loaded and unloaded. The fact that this area was left unguarded questions the ability to determine proper security.

6. NEPOTISM:

There is an ever increasing amount of the prison staff and civilian workers who's spouses and other relatives working at the same Correctional Facilities. This causes a breakdown in discipline among the ranks and morale problems as well.

7. MIDDLE-MANAGEMENT BUREAUCRACY:

There are so many staff in middle-management, that jobs and titles are created to justify their promotions. "Committees" are than instituted to make even the basic decisions which could be made by one individual with input and experience on the subject.

Example: To get a job or apply for minimum security status, a prisoner will appear before a committee of three to eight staff members, none of which observe the prisoner on a daily basis. At the hearings, the attitude of the committee members quite often is extremely judgmental and intimidating, rather than addressing the subject matter.

8. MIDDLE-MANAGEMENT ISOLATING THEMSELVES:

Middle-management staff responsible for decision-making and policy changes have isolated themselves from the prisoners and officers, and is a common complaint coming from both. Management creates new policies and restrictions without concern over the adverse effect it has on the prisoners nor on the officers who have to enforce them.

This middle-management staff has offices in the "Operations Unit" which is heavily fortified and access is limited for officers and prisoners alike. Officers complain about the birthday parties and other social events taking place in the Operations Unit, as an indication of a "social club" type atmosphere for staff consered to be part of a "click".

When Frank Wood was warden of the Stillwater Facility, he required that cellhall Directors have their offices in the cellblocks, so that they would be aware of what was going on. However, after he transferred to be warden of the new facility the cellhall directors moved back into the Operations Unit.

9. CASEWORKERS:

The prisoners generally distrust the caseworkers, and in many instances this distrust is justified. Some of the Caseworkers do not view themselves as being there to assist the inmates in preparing for release, etc. They are seldom to be found in their offices, and numerous complaints arise over kites (written requests) by the prisoners going unanswered. Some are very judgemental and push for treatment, when they themselves may be suspected of having a chemical dependency problem.

Most Caseworkers have had no social science training, and their motivation for becoming Caseworkers is as a means of quick promotions into management positions, bypassing the grade promotion system, i.e., sergeant, lieutenant, etc.

10. COERCED TREATMENT:

Prisoners are coerced into the Atlantis Chemical Dependency Program by denying them educational opportunities, vocational training, and decent-paying jobs by institutional standards.

This diagnosis for a need for treatment is not made by persons qualified to make this judgement. But rather, by staff who have worked their way up through the ranks. The motivation lies in an attempt to justify the program. Most of the prisoners refuse to go along with the "game-playing" within the program and remain but a short time. Because of the fact the prisoners are returned directly to the general prison population; even if they complete the program, any admissions about one self or the crime he was convicted of committing, gets back to the general population.

Last year, the Warden was confronted over this coercion and readily agreed that it was in violation of the law (Minn. Stat. § 244.03. He indicated this practice would be discontinued. However, it was the Associate Wardens who signed the forms requiring this treatment and refusing to permit the prisoners from participating in vocational and educational programming, and decent-paying jobs if they refused. This coercion continues.

This coercion is also in violation of the Department of Corrections' Policy, Section C-11; and in violation of ACA Standards -

"4295 Written policy and procedure grant inmates the choice to refuse to participate in institutional programs, except work assignments. (Important)

DISCUSSION: No offender should be required or coerced to participate in programs or treatment, nor should an inmate's refusal to participate constitute reason to penalize the inmate in any way..."

To quote Mr. Jay Lindgren of the Department of Corrections, when appearing before a Legislative Committee, "We are reluctant to admit that therapeutic acts are not working and tend to forget discipline methods,".

11. WISCONSIN TRANSFEREES

The fact that Wisconsin has sent over some of their hard-core troublemakers has contributed to the problems at Stillwater. Shortly after the first group arrived, there was an attempted escape by several prisoners through the Education Department. Wisconsin prisoners were involved and alleged to have planned the escape.

It is also alleged that radicals from Wisconsin are at least partially responsible for animosity between the blacks and other prisoners, and have attempted to take over the Afro-American Brotherhood and Culture Group. The radicals cannot accept the positive results when individuals and groups of different races get along.

NOTE: The above statements pertain to specific individuals. Not to the Wisconsin transferees in general.

With the shortage of jobs in the prison, it is discouraging to prisoners sentenced by the Minnesota courts, especially those who have families, to be denied good-paying jobs, educational and vocational opportunities, because Wisconsin prisoners are given priority.

12. DENIED DUE PROCESS OF LAW:

In violation of federal court decisions and ACA Standards, prisoners are removed from the general prison population and placed in segregation without being charged.

For prisoners who are charged with disciplinary infractions they often find themselves facing several charges, which are filed in order to get him to plead guilty to the original charge. And unless they can afford a private attorney, they have little chance of adequate representation since the student attorneys from the University of Minnesota "Legal Advocacy Project (LAP)" has a reputation of encouraging the prisoners to plead guilty.

13. DENIED ACCESS TO THE COURTS:

In violation of United States Supreme Court decisions, and ACA Standards (#4283 & 4284), the law library does not contain the basic, much less current research, materials. Neither is there a clerk with para legal experience to assist the prisoners. And when a prisoner needs to have copies made, he is charged 25¢ per xeroxed copy.

The State Public Defenders Office tries to discourage appeals by stating the prisoner does not have any grounds, unless he can prove otherwise, when his transcript is not even reviewed before coming to such a conclusion.

Although an indigent prisoner is entitled to a copy of his trial transcript in order to prepare an appeal, the State Public Defenders Office will not provide it.

13. DENIED ACCESS TO THE COURTS, CONTINUED

This same problem exists at the Oak Park Heights Facility. Although we suspect funds were provided for a law library, all that is available is a copy of the Minnesota Statutes. As with Stillwater, the prisoners are charged 25¢ per copy for xeroxing.

14. DENIED CONFIDENTIALITY WITH COURTS/PUBLIC OFFICIALS:

Prisoners will receive confidential letters opened, but marked "Opened by mistake" regardless of the fact the envelopes clearly indicate they are from the courts, attorneys, Department of Corrections, and elected officials.

The courts have consistently ruled that Prisoners have the right to receive and send sealed letters to the above. Again, this is also in violation of ACA Standards.

NOTE: In my Base File is a copy of every piece of correspondence between myself and the Governor's office over the past three years, including a letter from a Christian prison reform group "Prison Fellowship", which outlined the reasons why they felt I was transferred to Oak Park Heights and that they intended to meet with me on this subject. This allegation can be confirmed by the Ombudsman's Office and an attorney.

15. DENIED HEALTH CARE:

It is difficult, and at times, impossible for a prisoner to see a medical doctor. The prisoner must first report to "sick call" first thing in the morning and see a nurse. The nurse will make the determination whether or not the prisoner can see the doctor. She will diagnose the problem and prescribe the medication.

There have been numerous complaints of prisoners being threatened to be transferred to the Oak Park Heights Facility if they are not satisfied with the medical treatment. These threats are alleged to have been made by prison staff members, and medical staff including a Dr. Allan.

16. REFUSING TO GIVE JAIL CREDIT:

Prisoners sentenced for first degree murder are being denied jail credit, regardless that the sentencing transcript states the defendant is to receive it. This appears to also be in violation of Minn. Stat. 609.145, subd. 2, and Minn. R. Crim. Procedure § 27.03, subd. 4(b).

When several prisoners complained to me about this, I wrote to the Records Department and was informed that it is Department of Corrections policy not to allow jail credit to prisoners sentenced for first degree murder.

17. NO HONOR SYSTEM

There is no honor system at the Stillwater facility. Prisoners with good institutional behavior records are housed in the same cell blocks as prisoners who constantly cause problems, and neither do they receive any more privileges. The entire merit system, i.e., security status, is based on length of sentence instead of institutional behavior.

Example - Minimum Security Unit Classification:

Because some prisoners have entered prison with a relatively short sentence, they can be transferred directly out to the Minimum Security Unit from the Receiving and Orientation Unit; which may be as soon as a month after their arrival.

It is believed that this is one of the main reasons why over 40 prisoners were transferred back behind prison walls in 1982. They had no appreciation of the privilege and most certainly had not earned it.

The most recent escapee from the Minimum Security Unit spent a considerable amount of time in the Segregation Unit and had attempted to kill an officer.

18. GRAFT SUSPECTED:

Commissary Department - Throughout the eight-and-one-half years of my incarceration at the Stillwater Facility, the prisoners have suspected a profit is being made off of their canteen purchases and by way of the 10% "handling charge" when they order items from catalogs. Now that I work for the Commissary Department at the Oak Park Heights Facility, I believe these suspicions are valid.

The Stillwater facility purchases a substantially larger volume of merchandise from the vendors; therefore, getting a larger discount. But their prices are no lower than at the Oak Park Heights Facility. Neither is there a 10% handling charge at OPH.

Each month, there is at least a couple of hundred dollars shortage of merchandise at Stillwater. But each prisoner is searched before leaving the Commissary Department after work. Therefore we believe that the problem is with the staff, not the inmate workers.

There are also allegations that the Lieutenant in charge of the Commissary Department either has a financial interest in the local vendors, or there is a family relationship involved.

(Continued)

19. SUB-STANDARD CONSTRUCTION WORK - CIVILIAN CONSTRUCTION COMPANIES:

Every construction job performed at the Facility by outside construction firms has the same general contractor from the Stillwater area. And in most instances, the work has to be at least partially redone by the institution's maintenance department. This causes a great deal of suspicion among the prisoners, that there is a kickback; setting a poor example for them to follow.

20. UNSANITARY LIVING CONDITIONS:

When a prisoner is transferred to the Oak Park Heights Facility, he realizes how dirty the Stillwater Facility really is. Emphasis on cleaning is directed towards areas where visitors tour.

Example - The walls in the cellblocks have not been properly cleaned for at least ten years. This includes the outside of the windows.

NOTE: Within a couple of days of my arrival at the Oak Park Heights Facility, I noticed a sinus condition I had had for years was clearing up. I breathe better than I have throughout the nine years of my incarceration.