

United States of America

Abuses continue unabated? Cruel and inhumane treatment at Virginia supermaximum security prisons

Overview: summary of concerns

Prisoners in Wallens Ridge State Prison (WRSP) are routinely abused with electro-shock stun guns, subjected to racial verbal abuse by guards, fired on with painful pellet guns, and placed unnecessarily in five point restraints, according to new reports received by Amnesty International. There is also concern about the treatment of mentally ill prisoners and a lack of rehabilitation programs at the prison.

WRSP, opened in April 1999, is one of two "supermaximum" security prisons in Virginia, where prisoners are subjected to the highest levels of security control. The other facility, Red Onion State Prison (ROSP)- run on near-identical lines - was opened in August 1998. Both prisons, situated in remote rural areas, are staffed by predominantly white guards and house a large proportion of minority inmates -- many transferred from other states under contract. Amnesty International has received complaints of ill-treatment at both prisons since shortly after they opened.

Many of the allegations of abuse cited in this report concern Connecticut prisoners housed in WRSP. Some 480 Connecticut prisoners were transferred to WRSP between October 1999 and early 2000, under a contract signed between Connecticut and the Virginia Department of Corrections. The deaths of two Connecticut prisoners in WRSP last year, and mounting complaints about the use of force and alleged racist treatment of minorities in the facility, sparked a number of investigations into WRSP by organizations in Connecticut.

These included an inquiry by the Connecticut Commission on Human Rights and Opportunities (CHRO), which in February 2001 published a report expressing concern about many aspects of the treatment of Connecticut prisoners in WRSP, including allegations of racist abuse of minority inmates by guards. The CHRO has recommended,

among other things, that the Connecticut authorities take steps to remove all remaining Connecticut prisoners from WRSP.¹

Also in February 2001, the National Prison Project and the Connecticut branch of the American Civil Liberties Union (ACLU) filed a lawsuit alleging that Connecticut prisoners in WRSP were being subjected to cruel and unusual punishment in violation of the US Constitution, by being placed in mechanical restraints for prolonged periods for minor offences. The lawsuit -- which seeks a court injunction to end abusive practices -- will also cover the misuse of electro-shock weapons and pellet guns by guards. It is filed against the Connecticut Department of Corrections (CDOC) which remains responsible for the prisoners despite their transfer to Virginia. The CDOC is reported to be fighting the lawsuit and moving to have the case transferred from Connecticut to the more conservative courts in Virginia.

The complaints by Connecticut inmates are the latest in a series of allegations of ill-treatment of prisoners in WRSP, and illustrate what Amnesty International believes may amount to a persistent pattern of institutional abuse. In November 1999, Amnesty International raised concern about reports that New Mexico prisoners transferred to WRSP had been subjected to beatings, racist abuse, electro-shocks with stun weapons and denial of medical care. Most of these prisoners have since been transferred back to New Mexico or to other prisons in Virginia. However, complaints from prisoners at WRSP have continued.

Amnesty International has repeatedly called on the Virginia authorities to investigate allegations of ill-treatment in both Wallens Ridge and Red Onion state prisons and to suspend all use of electro-shock weapons in Virginia's prisons pending a full inquiry into their uses and effects. However, the Virginia Department of Corrections (VDOC) has failed to hold inquiries and has consistently denied charges of systematic abuses by prison guards. It has refused to take action to suspend or limit the use of stun weapons. A request by Amnesty International in July 2000 to meet with the Warden of WRSP and to tour the facility was also refused.

Amnesty International remains concerned that prisoners in WRSP are subjected to treatment which is contrary to international standards prohibiting torture or other cruel, inhuman or degrading treatment or punishment, including those set out under the International Covenant on Civil or Political Rights and the Convention against Torture - treaties ratified by the USA.

¹ Many of these prisoners were transferred to other Virginia prisons during the course of 2000 but 100-200 remain in WRSP.

Amnesty International is urging the Virginia authorities to take steps to ensure that all prisoners in the custody of the VDOC are treated humanely with full respect for their fundamental human rights. It is renewing its call for a ban on stun weapons, and for an investigation into racism and the abusive use of restraints. It has also sought a copy of the prison's policies on restraints and stun weapons - which the department has thus far refused to make available to outside bodies, including those involved in litigation such as the ACLU.

Amnesty International is also calling on the Connecticut authorities to implement the recommendations of the CHRO with respect to Connecticut prisoners housed in WRSP.

In September 2000, the US Justice Department's Civil Rights Division opened an investigation into allegations of systematic abuses in ROSP (under legislation enabling the Justice Department to take action to address patterns of civil rights violations in state institutions). This investigation -- which includes claims of the misuse of electro-shock stun guns, restraints and firearms (pellet guns) and racism -- remains ongoing. Amnesty International has written to the Justice Department asking it to conduct a similar investigation into WRSP.

More details of Amnesty International's concerns are given below:

Electro-shock stun weapons

In both Wallens Ridge and Red Onion prisons, guards routinely carry high voltage electro-shock weapons such as stun guns as instruments of control, and there have been many complaints of ill-treatment involving use of such weapons. Some prisoners have also been made to wear stun belts which can be activated by remote-control to deliver a 50,000 volt shock through the wearer's kidneys, causing severe pain and incapacitation.

Amnesty International has called for all stun weapons to be suspended for use by law enforcement officials because of their easy capacity for misuse and the lack of rigorous independent studies into the medical effects of such weapons. It has also called for an outright ban on stun belts, on the ground that the wearing of such devices constitutes inherently cruel, inhuman or degrading treatment even without their activation.²

²The UN Committee against Torture (the body which monitors states' compliance with the Convention against Torture) also called on the US authorities to ban stun belts, following hearings in Geneva in May 2000.

The Virginia authorities have refused to suspend the use of stun weapons, despite concern over the case of Lawrence Frazier, a diabetic prisoner from Connecticut who died on July 4, 2000, five days after he was shocked repeatedly with a stun gun in the WRSP infirmary and lapsed into a coma. Frazier had been taken to the infirmary apparently suffering from hypoglycaemia, and prison officials said the stun gun was used to restrain him after he became “combative” on being examined by a doctor.

Nine days after Frazier’s death, the VDOC issued a statement announcing that a “medical study” had concluded that use of a stun device played no part in the death. However, it emerged that this “study” (which the department refused to make public) was carried out for the VDOC by one doctor who had no access to the forensic reports and did not examine the body. Nearly ten months later (late April 2001) the autopsy reports on Lawrence Frazier have still not been made public.

Amnesty International continues to receive disturbing accounts of the use of stun weapons in WRSP. It has recently obtained several prison “incident reports”, for example, indicating that the Ultron 11 stun gun has been applied in routine situations to prisoners who have not immediately complied with an order or who have verbally insulted a guard. Cases include:

- A Connecticut prisoner electro-shocked in apparent retaliation for stopping and verbally insulting a guard while being escorted for processing for a transfer out of the facility; the prison incident report notes that burn marks from the stun gun were visible on his chest.
- an inmate shocked with the Ultron II for four to five seconds on his left kidney area after failing to comply with an order to bend at the waist and cough during a strip search; the incident reports notes that two burns marks on the left kidney area were visible after the incident.

Amnesty International believes that the infliction of electro-shocks for routine control purposes or for punishment, as indicated in the above cases, constitutes torture or other cruel, inhuman or degrading treatment. It also violates the United Nations Basic Principles on the Use of Force or Firearms by Law Enforcement Officials, which state that force should be used only as a last resort, in proportion to the threat posed, and should be designed to minimize damage and injury.

The inappropriate deployment of stun weapons is further illustrated by a case cited in the CHRO report into treatment of Connecticut prisoners in WRSP. In a section on medical care, the CHRO reports that an inmate complaining of stomach pains was

seen by a doctor and given a rectal exam while a Correction Officer held a stun gun at the inmate's back.

Racial abuse

There have been persistent reports of minority inmates being subjected to racist abuse by guards at both Wallens Ridge and Red Onion state prisons. After receiving complaints from Connecticut prisoners housed in WRSP, the Connecticut Commission on Human Rights and Opportunities (CHRO) - a state agency charged with enforcing Connecticut's anti-discrimination laws - conducted its own investigation into conditions in the facility. It visited WRSP in October 2000, interviewed staff and inmates and examined prison records.

The CHRO issued a report in February 2001 which raised a number of concerns about the treatment of Connecticut prisoners transferred to WRSP, including reports of racial slurs and harassment by WRSP staff. Although the CHRO was unable to determine the scope of the problem, it found the frequency and consistency of complaints, both in letters as well as interviews with inmates, "deeply troubling". It also noted that white inmates reported witnessing incidents of racial abuse by guards. Examples of complaints given in the report include:

- prisoners being called names such as "spic", "nigger", "porch monkey" and "coon".
- Correction Officers singing racial songs about hanging people.
- Black and Hispanic prisoners alleged that they were fired on with rubber pellets without warning for such "offences" as walking too fast or not walking in a straight line. One black inmate said he was handcuffed for staring at a correctional officer.
- A black inmate heard a correction officer say: "You ever been shot by a White man, you ever been stunned by a White man?" also, "Yo, Black boy, you in the wrong place. This is White man's country".
- Black and Hispanic inmates harassed by being told to do things such as tuck in their shirts, while white inmates were not required to do so
- Black and Hispanic inmates targeted and ordered to crawl on all fours to Correction Officers following an incident in the prison recreation yard in December 2000.

According to the report, the WRSP administration responded to these allegations by stating that it was not aware of any widespread use of racially derogatory language and that any incidents of abuse would be dealt with severely. However, the CHRO was unable to verify this assertion as the VDOC “refused to convey to the Commission any documentation regarding complaints of harassment or abuse, and any records of how those complaints were investigated and addressed”.

The CHRO further noted that prisoners said they were afraid to file formal grievances through fear of retaliation. The report expresses concern that the protocol for investigation of such complaints, according to prison administrators, was essentially to interview the inmate and the accused officer. Senior officials acknowledged that administrators tended to defer to the staff’s version of events in such situations.

The CHRO found that the lack of staff diversity at WRSP posed special challenges for Hispanic inmates, with problems arising when inmates failed to understand orders issued in English. This had serious consequences, given that force was applied within seconds for non-compliance with a direct order. The CHRO recommended that the prison would benefit from having at least some Spanish-speaking correctional staff.

The insensitivity toward Spanish-speaking prisoners is further illustrated by a recent report that an inmate grievance written in Spanish was returned to the prisoner with the response, “*this is an American prison. Please use English in future*”.

The CHRO made a series of recommendations to the Connecticut authorities, the most important of which was that the Connecticut Department of Corrections should “proceed as expeditiously as possible to remove all Connecticut inmates from WRSP”. Pending removal, it recommended that Connecticut urge the VDOC to immediately provide its staff with more diversity training. It also recommended that the Connecticut legislature implement a more effective monitoring system at WRSP, with a full-time monitor, able to speak Spanish and independent of the CDOC and the VDOC, to oversee the treatment of Connecticut prisoners housed there. As of the end of April 2001, the CHRO recommendations were still under consideration by the Connecticut authorities.

Cruel use of five-point restraints - continuing concern despite change in policy

There has been serious concern about the manner in which mechanical restraints have been applied to prisoners in various Virginia prisons. In August 2000, a lawsuit alleged that District of Columbia (DC) prisoners housed at Sussex 11 State Prison, Virginia, were subjected to punitive and inhumane treatment by being routinely placed in five-point restraints for periods of 48 hours or longer for relatively minor disciplinary infractions.

The procedure involved prisoners being stripped to their underwear and strapped to a steel bed by the wrists and ankles, with additional straps across the chest and thighs, so that they were completely immobilized. Monitoring by medical staff and breaks to use the bathroom were reported to be grossly inadequate, with prisoners forced to lie in their own waste.

Similar practices have been reported in Wallens Ridge and Red Onion prisons. The lawsuit filed in February 2001 by the National Prison Project of the ACLU (see above), for example, claims that between January and August 2000, more than 40 Connecticut prisoners in WRSP were placed in five-point restraint for 48 hours, or longer, for trivial offences such as kicking their cell door, throwing clothes or sticking a roll of paper out of a cell door. The suit also alleges that prisoners have been placed in such restraint regardless of whether their behaviour resulted from mental illness and whether restraints would exacerbate this condition.

The use of restraints in the circumstances described is in clear violation of international and US professional standards on prisoner restraint: these provide that restraints in any form should be used only when strictly necessary to prevent damage or injury and prohibit their use as punishment. The American Correctional Association (ACA) standards on restraint further state that "Four/five point restraint should be used only in extreme instances and only when other types of restraints have proven to be ineffective". Elsewhere, the ACA standards state that restraints should be not be applied in any event "for more time than is absolutely necessary".

The Virginia Department of Corrections is reported to have changed its restraint policy statewide late last year, in response to the Sussex 11 lawsuit. The new policy reportedly conforms to ACA standards by prohibiting the use of restraints as punishment and providing that they should be used only to control an inmate who presents a serious threat to himself or others, when less extreme measures have failed, and only for as long as necessary to restore control.

Despite this change in policy, there are continued reports of prisoners in WRSP being placed in prolonged five-point restraint for behaviour that does not warrant such an extreme measure. The ACLU has reported that one of the original plaintiffs in the above lawsuit - who had been placed in five-point restraint on several occasions in 2000 - was again placed in five-point restraint for 48 hours in March 2001 for "kicking his cell door".

Amnesty International has seen other WRSP incident reports since the reported change in policy, suggesting that prolonged restraint appears to have been applied as punishment for acts of disruptive or disturbed behaviour. There are also continued reports of prisoners being held unnecessarily in five-point restraint at Red Onion State Prison.

Use of rubber pellet “stinger” shotguns

Guards at WRSP and ROSP routinely carry firearms which discharge rubber pellet “stinger rounds”. Although classed as non-lethal, the pellets are extremely painful and can cause serious injury, especially if discharged at close range or to the face. Virginia is one of only three states in the USA where guards are permitted to carry firearms of any type within the prison perimeter (the other states are California and Nevada).

There have been persistent reports of rubber pellet guns being used by guards at WRSP and ROSP to break up fights in the recreation yard, despite the fact that other prisons do not need to resort to such weapons. Although policies require that warning shots must be fired first, guards have moved quickly to fire live rounds in some cases, causing injuries to inmates, including inmates not involved in the incidents. Some inmates have reportedly been shot at for refusing to comply with an order or for not moving fast enough.³ As noted above, black and Hispanic prisoners made complaints about the improper use of pellet guns to the CHRO.

In March 2000 Amnesty International wrote to the Warden of WRSP to express concern about an incident that month in which rubber pellets were fired at two fighting inmates, causing injury to at least five uninvolved prisoners who had complied with an order to lie on the ground; one prisoner was hit in the eye. Amnesty International requested information on the prison’s firearms policy; on whether alternatives were considered before the resort to firearms; and whether an inquiry had been conducted into the above incident. However, no information was provided.

Amnesty International has learned of another incident in WRSP in November 2000, in which ten uninvolved prisoners were struck by rubber pellets when guards fired on two fighting inmates. The National Prison Project of the ACLU has informed Amnesty International that it continues to receive many complaints of the unjustified use of pellet guns in WRSP.

Amnesty International is concerned that the use of firearms in the manner described above violates the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require that law enforcement officials shall, as far as

³Human Rights Watch documented many serious complaints involving unnecessary use of pellet guns against inmates in ROSP in a report published in April 1999, and use of firearms at the prison is one of the issues under investigation by the Justice Department.

possible, apply non-violent means before resorting to the use of force and firearms; and that officials must act in ways that minimize damage and injury.

Other Concerns: lack of programs and inadequate medical and mental health care

Virginia is one of at least 36 US states to have constructed “supermaximum security” facilities in recent years. Supermaximum security prisons place an emphasis on security and control rather than rehabilitation, with prisoners typically confined to isolated cells for 23 hours or more a day, with no work or vocational programs. The authorities claim that these facilities - which place far more restrictions on prisoners than other maximum security prisons - are designed to house prisoners who are too violent or too disruptive to be detained in an ordinary prison. However, there is evidence of prisoners being housed in such facilities who do not merit such a high security regime.

In WRSP and ROSP, prisoners who qualify for “general population” status have more out-of-cell time than many other US supermaximum security facilities and may exercise in limited groups.⁴ However, conditions overall remain extremely harsh. Prisoners remain confined to cells for long periods and the large majority have no access to work, vocational or educational programs. Prisoners with disciplinary problems may also be confined to 23 hours a day or more, with no direct contact with other inmates.

The CHRO (see above) expressed concern in its February 2001 report about the lack of adequate rehabilitation programs for Connecticut prisoners housed in WRSP, in contrast to the range of programs available to the same prisoners when confined in Connecticut. The CHRO noted that there was a long waiting list for the limited number of places on the prison’s educational program (which was provided only to GED level⁵, via television, not interactive classes). It recommended that the Connecticut authorities take steps to increase the availability of vocational, work and educational programs available to Connecticut inmates at WRSP as well as to expand access to religious programming.

There has been widespread concern about mentally ill prisoners being confined in US supermaximum security prisons, despite evidence that the conditions of isolation and other deprivations imposed in such facilities can cause physical and psychological damage and exacerbate existing mental illness. This is also reported to be a problem in WRSP.

⁴Depending on their status, prisoners have between one and eight hours a day out of their cells.

⁵General Educational Development, a basic educational standard up to high school. No higher educational programs are provided.

The CHRO noted many complaints from Connecticut prisoners about inadequate health care in WRSP, including mental health care. Complaints included lack of access to treatment and the fact that consultations and examinations by mental health staff often took place at the prisoner's cell door, in the sight and sound of other inmates.

The CHRO was also concerned by reports that the physical and mental health screening procedures for the transfer of prisoners from Connecticut to WRSP were inadequate. It recommended that there be more careful screening of inmates before their transfer to WRSP, and that any inmate in Virginia not receiving prompt and appropriate medical care for treatment of any major medical condition be returned to Connecticut. It also recommended that the Connecticut Department of Corrections "carefully monitor the availability, quality, and confidentiality of medical services provided by the VDOC".

Concern about the screening process for transfer to WRSP is highlighted by the case of David Tracy, a 20-year-old Connecticut prisoner who committed suicide in April 2000, after five months in WRSP. It subsequently became known that Tracy had a history of serious mental illness and had attempted suicide numerous times while incarcerated in Connecticut. Furthermore, Tracy (aged 18 when sentenced to prison) was serving a short sentence for a relatively minor non-violent drugs offence when he was transferred to WRSP and was due for release just months after his suicide. Amnesty International has expressed concern to the Connecticut authorities that his transfer to WRSP appeared "grossly inappropriate" in the circumstances.

The organization has urged the Connecticut authorities to take prompt action to implement all of the recommendations of the CHRO with regard to the treatment of Connecticut prisoners in WRSP and the transfer program.

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