



Unity and Courage
Report on State Correctional Institution at Huntingdon

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SCI Huntingdon Report – Prisoners’ Voices Sections

I. Culture of Terror – The Psychological Reality of the Restricted Housing Unit

It gets me confused sometimes to know how little people know about the conditions in these jails. When people on the outside hear of jail it’s usually the Hollywood version. People getting raped, inmates stabbing each other, nasty food riots, escapes and all that, but they rarely know about the [prison guards] doing inhumane things to inmates and inmates being duped by the administration or nothing like that.

—Kyle Klein, solitary confinement prisoner at SCI Huntingdon

Overview

Systemic and severe violations of international human rights law are an endemic—and suppressed—feature of prison conditions in the United States. During the last thirty years the United States has embarked upon a project of race- and class-based mass incarceration unlike anything the world has ever seen. Emerging in this same period has been the regime of super-maximum security prison units, where people are held in solitary confinement between 22-24 hours a day, seven days a week, often for years on end. These units are defined by the severe restrictions on visitations, phone calls (which are often prohibited), incoming and outgoing mail, limits on in-cell legal and personal property, and prohibitions on cell decorations. Medical neglect, physical and psychological abuse, food deprivation, racism, and other human rights violations flourish in these conditions, which are effectively hidden from public scrutiny.

Solitary confinement¹ in the state of Pennsylvania is no exception. In the past three years hundreds of prisoners in Pennsylvania state prisons have submitted thousands of pages of documentation to the Human Rights Coalition (HRC)² detailing systematic human rights violations, often amounting to torture.³ This report provides a brief overview of reports from the solitary confinement unit of one prison, the State Correctional Institution (SCI) at Huntingdon received by HRC during the past year.

Culture of Terror

I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers; and in guessing

¹ Solitary confinement is designated by a number of euphemisms and acronyms, such as control unit, special housing unit (SHU), special management unit (SMU), etc. It is also known as the hole. For purposes of this report the terms “solitary confinement”, “restricted housing unit (RHU)”, and “the hole” will be used interchangeably to refer to the same cell units and conditions.

² The Human Rights Coalition is a statewide organization dedicated to defending prisoners’ rights and lives with chapters in Philadelphia, Chester, and Pittsburgh.

³ For further reports on torture in Pennsylvania prisons see the following HRC reports: *Institutionalized Cruelty: Torture at SCI Dallas and at Prisons Throughout Pennsylvania*, April 2010, and *Resistance and Retaliation: Continuing Repression at SCI Dallas*, August 2010. Both can be found at <http://hrcoalition.org>.

at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow-creature. I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body.

—Charles Dickens describing solitary confinement after his visit to a U.S. prison in 1842⁴

The psychological reality for those confined in the RHU already places them in danger. A vast literature has emerged since the nineteenth-century documenting the harm inflicted upon those deprived of basic human needs such as social interaction, sunlight, exercise, and the ability to exert at least some degree of decision-making over one's life.⁵ "A massive body of data documenting serious adverse health effects" has demonstrated a consensus regarding the positive correlation between solitary confinement and mental illness.⁶ Psychologist Hans Toch coined the term "isolation panic" to describe the range of symptoms experienced by those in solitary confinement, which include "panic, rage, loss of control, and complete breakdown."⁷ Summarizing the literature, Scharff Smith writes that "[t]he overall conclusion must therefore be that, though reactions vary between individuals, negative (sometimes severe) health effects can occur after only a few days of solitary confinement. The health risk rises for each additional day in solitary confinement."⁸

Within this context of social deprivation, whereby certain people are deemed unable and unworthy to exercise the most basic elements of their human personality, it is unsurprising that brutality flourishes. Review of more than a thousand pages of letters, affidavits, grievances, misconducts, other prison documents, legal paperwork, and conversations with family members have revealed a culture of terror within the solitary confinement unit at SCI Huntingdon.

For purposes of this report, a culture of terror is defined as a set of assumptions and practices that divide a community into those with absolute power and those who are absolutely powerless. This dynamic is inherent within the logic of prisons, and is at its most intense in the solitary confinement units. Any attempt to upset this totalitarian balance and its dehumanizing logic is met with remorseless brutality by those in power.

Those with power in this culture reinforce their rule through a strict code of silence whereby they refuse to inform on one another to those higher up or outside of the prison hierarchy. Prison guards enforce their rule through threats and use of force, along with deprivations of basic necessities such as food, water, hygienic items, cleaning supplies, clothing, and bedding. Prison administrators and top officials of the Pennsylvania Department of Corrections (DOC) adopt an informal though strictly enforced policy of turning a blind eye to reports of torture and abuse.⁹

⁴ Quoted by Peter Scharff Smith in *The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature*, 34 Crime & Just. 441, 460 (University of Chicago 2006).

⁵ *Id.* The depth and detail of this literature is beyond the scope of this report.

⁶ *Id.* at 475.

⁷ *Id.* at 486.

⁸ *Id.* at 495.

⁹ see *Institutionalized Cruelty*, 53-56, and *Resistance and Retaliation*, 20-21 for discussion of the official indifference/inaction on the part of DOC officials.

Those without power—prisoners—are more often than not divided against one another, enticed to assault and inform on one another in exchange for more favorable treatment. Those individuals who strive to cultivate an ethic of solidarity amongst the oppressed are viewed as the system’s greatest threat and consequently made an example of via relentless abuse and indefinite, potentially permanent placement in solitary confinement.

The core elements of this culture of terror include:

- arbitrary, biased process for establishing who is placed in solitary;
- utilization of fabricated misconducts as a tool of retaliation;
- systematic denial of prisoner grievances regardless of their merit;
- the use of violence as a standard technique for enforcing obedience;
- refusal to engage in constructive dialogue on the part of prison authorities;
- targeting witnesses of abuse for purposes of intimidation;
- displays of overt racism as a tool of dehumanization.

Symptomatic of this culture is the frequency with which prisoners report receiving death threats, and the readiness with which these threats are believed. In September of 2010, Rhonshawn Jackson wrote that the prison was “really trying to kill” prisoners in solitary and cover it up.¹⁰ Kyle Klein wrote in October that staff was “trying to kill us literally”¹¹, a sentiment echoed by Robert Moore, who wrote that if Vincent Hallman and Rhonshawn Jackson were not transferred to another prison “these people will kill them.”¹² Later in October, Jackson wrote that “[Superintendent] Lawler came to each of our cells and told us we will die in this hole before he transferred us out of here. He also said he saw the internet site with our stories on it.”¹³

Not long before the above statements were made, a prisoner in the RHU committed suicide by hanging himself with a bed sheet.¹⁴ In December of 2009, Timothy Kelley was weeks away from being paroled when he was issued a misconduct and sentenced to solitary confinement.¹⁵ He complained to others that he was innocent of the charge.¹⁶ Kelley was a Euro-American who practiced Islam and had befriended African-Americans at the prison, which he felt made him the target of harassment by staff.¹⁷ According to a report from a witness, Kelley requested to speak to the psychiatrist because he was feeling suicidal, his exact words being “I am going to hang it the fuck up. Get me the psych.”¹⁸ Guards placed him in his cell, and soon thereafter he hung himself to death.

¹⁰ Correspondence from Rhonshawn Jackson, September 29, 2010.

¹¹ Correspondence from Kyle Klein, October 2, 2010.

¹² Correspondence from Robert Moore, October 3, 2010.

¹³ Correspondence from Rhonshawn Jackson, October 19, 2010.

¹⁴ PA DOC Press Release, “SCI-Huntingdon Reports Inmate Death,” December 28, 2009.

¹⁵ Correspondence from Jeremiah Weems, January 25, 2010; correspondence from Telly Royster, January 30, 2010.

¹⁶ Weems and Royster letters, note 11. The specific charge was not reported.

¹⁷ Royster, January 30, 2010.

¹⁸ Weems, January 25, 2010.

Telly Royster adds that “several staff here have a history of telling people to kill themselves.”¹⁹ HRC has received several other reports from prisons across the state of guards encouraging prisoners in solitary confinement to kill themselves.²⁰ In this respect, the culture of terror within SCI Huntingdon is but a reflection of a more disturbing pattern of dehumanization that exists throughout the DOC and the larger prison industry in the United States.

II. Case Study #1 – Vincent Hallman

The suddenness and ease²¹ with which an individual may be removed from the general population and sent to solitary confinement amplifies the inherent terror of the situation. Vincent Hallman’s abrupt placement in solitary after a guard instigated a violent confrontation with him and his subsequent targeting for retaliation and virtually permanent placement in solitary²² provides an example of a common cycle of abuse, protest, and retaliation that exists throughout the DOC.

On January 13, 2010, Vincent Hallman approached prison guard Robert Forrest-Stitt about obtaining a required signature for a cash slip so that he could send “large size outgoing legal mail.”²³ Hallman was told he would have to re-open his mail for inspection, to which he stated, “this is something new.”²⁴ The guard ordered him to “come here,” and upon Hallman complying, requested to know what the prisoner had said. When Hallman repeated that this was a new procedure, Forrest-Stitt “bolted from his chair and violently and aggressively began pushing and punching” him to his “chest area,” hitting him in the mouth, and causing him a “busted lip” and a painful injury to his left bicep.²⁵

Hallman claimed he had no choice but to defend himself, and he was placed in solitary confinement as a consequence.²⁶ He further asserts that others have informed him

¹⁹ Royster, January 30, 2010.

²⁰ See *Institutionalized Cruelty*, 14-17, for the case of Matthew Bullock, a state prisoner at SCI Dallas who was encouraged and enabled to kill himself by guards in the RHU.

²¹ For an example of the arbitrary standard regulating who gets sent to solitary in the PA DOC and for what, consider the case of Angelo Maldonado at SCI Coal Township. In the spring of 2010, Mr. Maldonado was sentenced to 180 days in solitary because a guard-in-training had failed to properly record that Mr. Maldonado was wearing a wedding ring and a rosary prior to his going on a visit with his partner and her child. As a consequence of the guard’s oversight, Mr. Maldonado was issued two misconducts upon returning from the visit, one for possession of contraband (the ring and rosary), and another for lying to an employee when he asserted that he possessed both items prior to the visit. Mr. Maldonado served 90 days and was denied parole due to his being in solitary.

²² Prisoners who file grievances and lawsuits regarding violations of human rights are routinely placed and held in solitary confinement on pretextual reasons. Those who persist in asserting their rights are subject to indefinite, perhaps permanent, solitary confinement. For more on solitary confinement as a tool of retaliation see section VIII of this report, and *Institutionalized Cruelty*, p. 39-45, 69-70.

²³ Correspondence from Vincent Hallman, March 9, 2010.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

that Forrest-Stitt has a reputation as a racist.²⁷ Since the altercation with Forrest-Stitt, Hallman has been targeted for retaliation.

Upon being placed in solitary confinement, Hallman was deprived of food and not provided medical attention despite his injuries.²⁸ He was also confined in a cell without heat or bedding in the middle of winter. Other prisoners who spoke out regarding this mistreatment were issued misconduct reports—thus lengthening their sentence in solitary—and had their “sheets, blankets and towels confiscated,” along with being placed on yard restriction, which mandates that a person be held in solitary twenty-four hours a day.²⁹

On May 28, 2010, Hallman had his thumb deliberately slammed in the tray slot³⁰ by prison guard Cates while he was attempting to retrieve his clothing after the officer refused to take it to laundry.³¹ Five witnesses submitted affidavits regarding this incident to HRC, and four of those stated that Cates told Hallman that he was being mistreated because of the incident with Forrest-Stitt.³² When one of the witnesses, Rhonshawn Jackson, was escorted to the yard by prison guard Semple soon afterwards, he was told that if he did not “keep [his] mouth shut, the same thing can happen to you.”³³ Jackson was also told by Semple that he was “going to die in this hole anyway so you’re the least of my concerns.”³⁴

In June, after guards deprived him of food, Hallman attempted to end his own life (see section VI). Guards rushed his cell and proceeded to assault him in response.

On October 15, 2010, eleven prisoners were deprived food as a consequence of their protests against human rights violations and their willingness to testify on behalf of Hallman and Eric Mackie in court.³⁵ Prison guards R. Williams and V. Spillman were responsible for the food deprivations, with one of them stating that “you niggers haven’t stated that you’re gonna comply with officer Donaldson’s direct orders” to not testify in court.³⁶ Naseer Shakur similarly reported that he was “being intimidated by officers for being a witness for another inmate in a criminal case involving officers in this institution.”³⁷

The story of Vincent Hallman’s descent into the cycle of repression and retaliation in the solitary confinement unit at SCI Huntingdon embodies each of the core features of the culture of terror: arbitrary, biased process for establishing who is placed in solitary; utilization of fabricated misconducts as a tool of retaliation; systematic denial of prisoner

²⁷ For more on the centrality of racism in human rights violations at SCI Huntingdon, see section X of this report.

²⁸ Correspondence of Telly Royster, January 15, 2010.

²⁹ *Id.*

³⁰ A small rectangular slot through which guards deliver meals, mail, and other items to those in solitary.

³¹ Correspondence of Vincent Hallman, May 31, 2010.

³² Affidavits of Rhonshawn Jackson, Kyle Klein, Jeremiah Weems, Shawn Blagmon, and Theodore Beckham; each authored on May 28, 2010. All except Beckham reported hearing Cates make a statement regarding Hallman being singled out for his “assault” of a guard at Huntingdon.

³³ Affidavit of Rhonshawn Jackson, May 28, 2010.

³⁴ *Id.*

³⁵ Declaration of Jamiel Johnson, October 19, 2010.

³⁶ *Id.*

³⁷ Correspondence of Naseer Shakur, October 18, 2010.

grievances regardless of their merit; the use of violence and refusal to engage in constructive dialogue on the part of prison authorities; targeting witnesses of abuse for purposes of intimidation; displays of overt racism as a tool of dehumanization. While all of the prisoners mentioned in this report experience each of these elements of oppression in varying degrees, it is important to remember that there are many more suffering in silence, afraid to speak out.

III. Case Study # 2 – Rhonshawn Jackson

Laying down is too painful. Fighting back eases the pain.
— Rhonshawn Jackson³⁸

On March 19, 2009, at SCI Houtzdale, Rhonshawn Jackson reportedly struck a guard in the dining hall after he called Jackson a “nigger.” Between twenty to thirty guards responded and proceeded to attack prisoners at random. Several men were taken to solitary confinement and charged with various misconducts, and Jackson was transferred to SCI Huntingdon the next day.³⁹

Jackson has been kept in solitary confinement at Huntingdon during the past two years, filing a steady stream of grievances regarding human rights violations, encouraging prisoners to stand up for their rights, and engaging in the non-violent protests discussed in section VIII.

In his own words: “I was sent to the RHU here at Huntingdon because I was involved in an altercation with several guards at SCI Houtzdale, which resulted in SCI Houtzdale destroying my super III radio, personal mail and photos, my prayer rug, headphones, two pairs of sneakers, one pair of boots, and ten years worth of legal material which resulted in me being denied access to the courts. . . . Since I have been at SCI Huntingdon I have been burned for my meals, showers, recreation. I have had my life threatened. I have been called racist names. I have had sexual passes made at me by [guards] and when I reported it . . . the investigation was thrown under the rug. I have had my mail tampered with. I’ve had countless bogus misconducts written up on me because I have grieved every issue. I have been tormented by countless guards who kick my door when I try to sleep at night and threaten to run in on me and I have been told I will die in the Huntingdon hole.”⁴⁰

On March 21, 2009, the day after his arrival at Huntingdon, guards began depriving him food, lasting for six consecutive meals.⁴¹ HRC has received similar reports from throughout the DOC regarding recently transferred prisoners being retaliated against by staff in the solitary confinement unit based on allegations of misconduct at the previous prison.⁴²

³⁸ Correspondence from Rhonshawn Jackson, November 2, 2010.

³⁹ Summary account taken from the reports of five men at Houtzdale who wrote HRC in the spring and summer of 2009.

⁴⁰ Correspondence from Rhonshawn Jackson, February 18, 2010.

⁴¹ Correspondence from Jamiel Johnson, July 2009.

⁴² One year later Eric Robinson would report similar treatment upon being transferred from SCI Fayette to SCI Huntingdon, where he was placed in a solitary confinement cell and deprived of

Due to his ability to inspire others to resist their own dehumanization, Jackson has been targeted for long-term solitary confinement. In January of 2010, he reported he was being issued misconducts every week in order to extend his time in solitary.⁴³ One of these was issued for supposedly refusing to stand for count, leading to thirty more days added to his time in solitary.⁴⁴

In late January of 2011, Jackson was transferred to the Special Management Unit (SMU) at SCI Camp Hill.⁴⁵ Prior to leaving Huntingdon, Jackson reports being told by a guard, “We want to see you preach this civil rights nigger shit in Camp Hill.”⁴⁶ He also reports that a guard told him that the presence of both him and Andre Jacobs, a jailhouse lawyer and human rights defender recently transferred to Huntingdon⁴⁷, was “too much influence for two niggers to have.”

After Jackson was transferred to SCI Camp Hill, he reported guards there informing him that they had been instructed to pay close attention to him due to his reputation as an “influential prisoner.” When Jackson informed staff that he was being deprived of legal property that he needed pertaining to an active lawsuit of his against SCI Houtzdale, a guard told him “Houtzdale might owe us a favor then.”⁴⁸

This synopsis of Rhonshawn Jackson illustrates the systematic practice of targeting leadership elements for “burial” in long-term solitary confinement and the additional human rights violations that accompany such mistreatment.

IV. Fabricated Misconducts – retaliation with a pen

“Another phenomenon often encountered in prisons is that prison staff sometimes become accustomed and numb to the behavior of isolated inmates. In some institutions—such as supermax prisons—a “callous and cynical” attitude may develop.”⁴⁹

According to countless reports sent to HRC from throughout the DOC, using the misconduct process to retaliate against prisoners who file grievances or speak out against abuse is a routine practice.⁵⁰ Misconduct hearings are systematically biased against prisoners. Relatively minor infractions such as lying to an officer, using abusive language, refusing a direct order, or failing to stand for count can all lead a prisoner into thirty days of solitary confinement. Each of the above-named infractions easily lends

water between March 30th and April 12th of 2010, forcing him to drink water out of the toilet bowl.

⁴³ Correspondence from Rhonshawn Jackson, January 29, 2010.

⁴⁴ Correspondence from Rhonshawn Jackson, January 21, 2010.

⁴⁵ The DOC operates two SMUs, one in Camp Hill and the other in SCI Fayette. In theory, the units are supposed to provide prisoners with long-term sentences in solitary confinement an opportunity to re-enter general population within 18-24 months. In reality, both are notorious for human rights violations, especially retaliation against those who file grievances and lawsuits. HRC has received reports from dozens of prisoners detailing systematic food deprivation, property destruction, psychological and physical abuse in both SMUs.

⁴⁶ Correspondence from Rhonshawn Jackson, January 29, 2011.

⁴⁷ For more on Andre Jacobs, see *Institutionalized Cruelty*, 17-21, and *Resistance and Retaliation*.

⁴⁸ Jackson, January 29, 2011.

⁴⁹ Scharff Smith, 34 *Crime & Just.* at 474.

⁵⁰ See *Institutionalized Cruelty*, 69-70, for more on abuse of the misconduct process.

themselves to outright fabrication on the part of staff as well. For example, prison guard McCloskey threw a plastic spoon back into Rhonshawn Jackson’s cell while he was collecting prisoners’ food trays after breakfast and issued him a misconduct for “refusing to obey an order,” claiming Jackson had refused to return the spoon.⁵¹

Although DOC policy allows prisoners an opportunity to request witnesses—either other prisoners or staff—or security camera footage at misconduct proceedings, these requests are routinely denied by prison authorities.

Another frequently reported abuse of the misconduct process is its utilization as an instrument to cover up staff wrongdoing, as exemplified in the case of Vincent Hallman discussed above. This is a powerful weapon in the hands of staff that have reason to obstruct prisoner grievances. The threat of solitary confinement and the ability to impose it upon a prisoner arbitrarily creates a predictable and intentional stifling of grievances. Intimidating prisoners into not pursuing grievances discourages them from filing lawsuits as well, since federal law⁵² mandates that prisoners must “exhaust administrative remedies” prior to filing a lawsuit.⁵³

In November of 2010, Rhonshawn Jackson informed prison guard McDowell that he intended to file a grievance against the officer after witnessing McDowell’s mistreatment of another prisoner.⁵⁴ McDowell responded by threatening Jackson, who was issued a “bogus misconduct” along with another prisoner later that night.⁵⁵ Jackson states that “[McDowell] assaulted this prisoner for putting in a grievance on him and then flipped it on him [the other prisoner] and said that the prisoner threatened him and took all of his privileges and put him on shackles, and wrote me up and said I used abusive language on him.”⁵⁶

Keith Griffin reported that he was issued a misconduct for lying on an employee as a consequence of him filing a grievance.⁵⁷ In the grievance, Griffin stated that prison guard Hills had taken him to an isolated area on October 4, 2010, and threatened him by putting his fist close to Griffin’s face and remarking “this is all you dumb ass niggers understand.”⁵⁸ Mr. Griffin was found guilty of lying to staff on the basis that Hills denied using a racial slur.⁵⁹

Naseer Shakur wrote to HRC that he is “being unjustly subjected to psychological oppression by being held in long term solitary confinement, partially due to falsified misconducts.”⁶⁰ Shakur has reportedly spent at least two years in solitary and has a substantial amount of time remaining.

V. Grievance System – deliberate indifference

⁵¹ Correspondence from Jamiel Johnson, March 21, 2009.

⁵² 42 U.S.C. § 1997e(a).

⁵³ *Institutionalized Cruelty*, 67-69.

⁵⁴ Correspondence from Rhonshawn Jackson, November 19, 2010.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Correspondence from Keith Griffin, November 8, 2010.

⁵⁸ Grievance 338012.

⁵⁹ Misconduct B076919.

⁶⁰ Correspondence from Naseer Shakur, October 18, 2010.

The majority of these cats would rather hold their breath 'til death rather than go up against these guards.

—Rhonshawn Jackson⁶¹

The DOC maintains comprehensive statistics tracking the outcome of prisoner grievances. In 2008, 1.19 percent of prisoner grievances were upheld on the initial response, and only 0.92 percent of grievances were remanded for reconsideration upon appeal.⁶² Presuming for the sake of argument that those 0.92 percent that were remanded were decided in favor of the prisoner, that means that 97.89 percent of the 43,853 grievances filed by prisoners were rejected for various reasons.⁶³

The figures for the first four months of 2009 were similar, with 1.3 percent of grievances upheld and 0.97 percent remanded on appeal.⁶⁴

The thirteen month period beginning May 1, 2009 and ending May 31, 2010 saw a slight decrease in these figures, with 1.03 percent of grievances upheld and 0.86 percent remanded on appeal.⁶⁵

These figures, compiled by the DOC itself, demonstrate that prisoner reports of systematic bias against virtually all grievances are not exaggerated.

Bruce Cooper writes: “The fact is, even when we have legitimate concerns of wrongdoings, and present those concerns to officials about other officials, officials will never take the side of a prisoner over that of a staff member, wherefore, submitting a grievance is basically worthless, because the staff is never wrong in the course of their allege[d] duties, no matter how far they go to violate our human rights.”⁶⁶

Regarding a grievance he filed against a guard who threatened prisoners in retaliation for their filing earlier grievances, Kyle Klein wrote “that they asked him and he said that he didn’t threaten us so our grievance has no merit.”⁶⁷

Bradley Newton in the Regional Deputy Secretary’s office corroborated the existence of systematic bias in favor of staff during a phone conversation with an HRC investigator. Newton explained that prisoners had the opportunity to present evidence to support their grievance and misconduct claims. When the investigator informed Newton that prisoners often listed other prisoners as witnesses in their grievances, Newton explained that prisoners were regarded as unreliable witnesses and were not allowed to testify.

Gary Wallace summarizes the situation: “Grievances and request slips systematically go unanswered or denied. Sometimes they never make it to their intended destination.”⁶⁸

⁶¹ Correspondence from Rhonshawn Jackson, March 17, 2010.

⁶² PA DOC Inmate Grievance Tracking System Summary Totals from January 1, 2008 to December 31, 2008. All DOC grievance statistics were obtained via requests submitted pursuant to Pennsylvania’s Right-to-Know-Act, 65 Pa. Cons. Stat. § 67.101-67.3104.

⁶³ The DOC maintains a category titled “Grievance Resolved” that is distinct from upholding the grievance. These resolutions constitute unilateral declarations of resolution by prison authorities and do not acknowledge the validity of the grievance.

⁶⁴ PA DOC Inmate Grievance Tracking System Summary Totals from January 1, 2009 to April 29, 2009.

⁶⁵ PA DOC Inmate Grievance Tracking System Summary Totals from May 1, 2009 to May 31, 2010.

⁶⁶ Correspondence from Bruce Cooper, October 20, 2010.

⁶⁷ Correspondence from Kyle Klein, September 8, 2010.

While this leaves many prisoners too discouraged and intimidated to pursue grievances, it compels others to engage in hunger strikes, peaceful protests, and notification of people outside of the prison in an effort to pressure the administration to respect their rights.

VI. Cell Extractions of June 26, 2010

You better be dead nigger or we're going to make sure you're dead.
—remark attributed to Lieutenant Ewing

The pent up despair, frustration, and anger over human rights violations in the RHU at SCI Huntingdon reached a tipping point at the end of June, and several prisoners participated in a spontaneous chain reaction of suicide attempts and protests.

On June 26, 2010, at approximately 7:00 am, prison guard Pyle deprived Vincent Hallman of breakfast in the solitary confinement unit, stating “You know you don’t eat breakfast when I am serving.”⁶⁹ Sgt. Oakes and Lt. Ewing both ignored Mr. Hallman when he attempted to inform them of the deprivation. Eric Mackie was also deprived of his morning meal.⁷⁰

At about 7:45 am, Hallman attempted to end his own life due to the retaliation, abuse, and indifference he was being subjected to while in solitary confinement. When Hallman failed to respond to other prisoners’ calling to him they yelled “man down,” which brought Lt. Ewing, Sgt. Oakes, guards Hengst, Williams, Rhodes and unnamed others to his cell. At this time Lt. Ewing yelled, “You better be dead nigger or we’re going to make sure you’re dead!”⁷¹

The cell door was opened and Hallman removed the sheet from his neck out of fear of the guards, who proceeded to beat and choke him. Hallman was “hog-tied” and carried to another cell where he had the clothes cut off from his body, and had his face held down against the floor while an unknown drug was injected into his right shoulder.⁷²

Another prisoner, Eric Mackie, attempted to end his life shortly afterwards. Prisoners again began yelling “man down” and Lt. Ewing, Sgts. McFalls and Gill, guards Kyle, Brzozovski, and Kittinger entered his cell and punched, tasered, and choked him while calling him racist slurs.⁷³

Hayden Marshall, who was also deprived of his meal, reports that on the same day he was being taunted and harassed by prison guard Wholaver regarding the 4 years of solitary confinement time staff had issued him in the month of June.⁷⁴

Earlier that month, on June 3, 2010, Marshall was involved in a physical altercation with another prisoner while in general population. When guards approached from behind and attempted to pull him away from the other individual, he shook them off, thinking they were other prisoners. When he saw they were guards he ceased fighting and

⁶⁸ Correspondence from Gary Wallace, October 16, 2010.

⁶⁹ Correspondence from Vincent Hallman, July 31, 2010.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Correspondence from Hayden Marshall, August 1, 2010.

prepared to be handcuffed; instead of handcuffing him a guard ordered him beaten.⁷⁵ Other prisoners surrounded Marshall to protect him. He ended up being handcuffed and taken to solitary confinement where he was retaliated against by guards who deprived him of food and water, hygiene items and cleaning supplies. At times he was held naked in a cell without any property or bedding.⁷⁶ Marshall was issued fabricated misconducts and accumulated approximately 4 years of time in solitary in less than one month.⁷⁷

On the morning of June 26, Marshall asked to speak with a psychiatrist or a ranking officer regarding the ongoing psychological abuse, to which guard Wholaver told him to “go ahead and kill yourself and see if I lose some sleep.”⁷⁸ Marshall then took his jumpsuit and attempted to hang himself, which prompted guards Pope, Wholaver, and Williams to enter his cell and begin assaulting him, punching him in the face, pulling his hair, kicking him.⁷⁹ Marshall reports that although he was not resisting, guards repeatedly yelled “stop resisting” to give a pretext for their continued assault. He was then extracted from his cell and beaten, choked, stripped naked, pepper-sprayed and dragged hogtied and naked through the cell blocks.⁸⁰

Shortly thereafter, Rhonshawn Jackson, Kyle Klein, Theodore Byard and Jamiel Johnson covered their cell windows in protest of the racist slurs and assaults perpetrated against Hallman, Mackie, and Marshall.⁸¹ Guards McMan, Fisher, Rhodes, Hengst, and Clark entered the cell of Klein and Byard—who were double-celled in solitary due to overcrowding—beating, kicking, tasing, choking and hogtying them.⁸² Eric Mackie witnessed Byard collapse after guards repeatedly tasered him in the chest and arms.⁸³ Mackie adds that “[t]he whole time [Byard] was being dragged and tasered [guards] were calling him racial slurs (nigger) and threatening to kill him.”⁸⁴

The same officers then entered Rhonshawn Jackson’s cell and beat, choked, and pepper-sprayed him. He was also tasered more than seven times to his arms, back, legs, ribs, and face.⁸⁵

All of those cell extracted and assaulted on this day were denied medical treatment. Staff then claimed that Hallman, Mackie, and Marshall had faked suicide attempts. Nurse Strittmatter refused Hallman medical treatment for the injection of the unknown drug he was given, telling him that it looked to be a bug bite.⁸⁶ Hallman suffered a sprained left wrist, scratches to his neck, and blemishes on his legs and back from being tasered, and no pictures were taken or other records were made of his injuries.⁸⁷

Hayden Marshall suffered scratches, swelling of his jaw, and was left covered in pepper spray for four days despite being asthmatic. There was no recording of his

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Hallman, July 31, 2010.

⁸² *Id.*

⁸³ Affidavit of Eric Mackie, September 9, 2010.

⁸⁴ *Id.*

⁸⁵ Hallman, July 31, 2010.

⁸⁶ *Id.*

⁸⁷ *Id.*

injuries.⁸⁸ A phone conversation with Constance Green, the Superintendent's Assistant at SCI Huntingdon, confirmed that prisoners must be cleared by medical prior to having pepper-spray used against them. Theodore Byard, a chronic clinic asthmatic, was sprayed multiple times with OC pepper spray during different cell extractions despite his respiratory condition.⁸⁹

Kyle Klein and Byard both suffered scratches, busted lips, and taser burns. Rhonshawn Jackson suffered a busted chin, scratches to his face, and taser burns to his left rib cage. There were no medical records made for these men either.⁹⁰

Vincent Hallman and Eric Mackie were given criminal charges related to this incident. At the time of writing the charges against Mackie have been dropped.⁹¹

VII. Retaliation

There is no witness protection program for us, in fact, we are forced to trust those who we are about to incriminate by testimony to feed us, transport us to and fro safely, administer us our medication which comes crushed up, and handle our incoming and outgoing mail.

— Kyle Klein⁹²

Retaliation is defined as the intentional infliction of harm upon somebody in response to or revenge for something that person has done. It is the lynchpin holding together the culture of terror in the solitary units at Huntingdon, as it involves the targeted application of violence and the deprivation of basic necessities with the deliberate intent of silencing protest, public exposure, and legal action.

Kyle Klein was one of several prisoners that identified witness intimidation as a central aim of his continuing mistreatment: “[w]e have been filing complaints of abuse and retaliation from SCI Huntingdon staff concerning not only Vincent Hallman’s first fabricated case of assault but also since 6-26-10 when Vincent Hallman and Eric Mackie were given fabricated charges of assault to cover up staff’s abuse against us that morning.”⁹³ After Hallman and Mackie requested at their preliminary hearing that other prisoners, including Klein, be brought to court to testify for the defense at trial, retaliation intensified. Klein wrote that “we have [received] mass abuse and deprivation and also numerous death threats from the buddies of the officers involved.”⁹⁴ While being escorted to the dentist Klein reports being told by a guard that “my mouth would be the least of my pains if I ran it about staff.”⁹⁵

After being named as a witness at Mackie’s preliminary hearing, Gary Wallace reports that his “water was turned off” and he “was told to ‘drink out the toilet nosy nigger.’”⁹⁶ Wallace has “constantly been denied meal trays” and has “gone up to three days at a time without a single meal,” noting that between September 10-12 he was

⁸⁸ *Id.*

⁸⁹ Correspondence from Theodore Byard December 1, 2010

⁹⁰ *Id.*

⁹¹ Correspondence from Eric Mackie, December 23, 2010.

⁹² Correspondence from Kyle Klein, August 13, 2010.

⁹³ Correspondence from Kyle Klein, September 27, 2010.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Correspondence from Gary Wallace, September 22, 2010.

deprived seven consecutive meals.⁹⁷ He added: “I have been continually harassed and threatened about testifying against staff. I was offered the opportunity to ‘have it stop, if I learn to forget’ and ‘mind my nosy nigger business.’”⁹⁸

Following the June 26, 2010 cell extractions, prisoners became more organized in their protests (see section VIII below). Prison authorities refused to engage in peaceful dialogue and insisted on violence on every occasion, subjecting those involved in the peaceful demonstrations to ongoing suffering when the immediate protest was disrupted by guard violence.

There were more cell extractions on September 30, 2010. One witness reported that Rhonshawn Jackson, Hallman, and Mackie “were all cell extracted and sprayed with [pepper] spray, drug out of their cells, stripped, and thrown back in the same cells naked and the cells were filled with [pepper] spray still!”⁹⁹ The report continued: “They didn’t let the guys get showers or nothing yet! They’re starving them and we bang on the doors for them to feed them, and clean their cells! These guys were forced to sleep in cells that had nothing but [pepper] spray in them and no mattress, just an empty cold metal bedframe to sleep on!”¹⁰⁰

In early October, Jeremiah Weems reported that guards “are not feeding us, taking our yard, showers and anything else that they can take away from us.”¹⁰¹ Weems also reported being pepper-sprayed, tasered, and placed in a restraint chair—with his arms and legs strapped down—for eight hours.¹⁰² Kyle Klein corroborated this when he reported that since September 29, 2010 “when we took a stand in the yard and were extracted that same day from our cells, we have been abused, starved and deprived of food and water as well as showers and clothes and mattresses.”¹⁰³

Destruction of personal and legal property is another tactic of retaliation that significantly obstructs the ability of prisoners to expose human rights violations and preserve their claims for court. On December 1, 2010, Rhonshawn Jackson reports being taken to “an isolated and secluded area away from all the other prisoners” by Lt. McCoy and prison guards Long, Donaldson, Yohn, Heffner, and Pyle. Jackson continues: “They threw away my legal material concerning my homicide case, some of my magazines, photos and personal mail, and never even gave me a confiscation slip which is policy. They told me when I shut my mouth I’ll be treated better.”¹⁰⁴

In October, Gary Wallace reported informing guard Donaldson that his legal property was missing, and Donaldson replying, “When you learn to stay out of our legal affairs, we’ll stay out of yours.”¹⁰⁵ Kyle Klein reported hearing the same remark.¹⁰⁶

Klein posed the question as to why there is a failure to extend safeguards to crime victims and their witnesses in this context bluntly: “Are we worthy of the same rights as a

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Correspondence from Robert Moore, October 3, 2010.

¹⁰⁰ *Id.*

¹⁰¹ Correspondence from Jeremiah Weems, October 5, 2010.

¹⁰² *Id.*

¹⁰³ Correspondence from Kyle Klein, October 16, 2010.

¹⁰⁴ Correspondence from Rhonshawn Jackson, December 1, 2010.

¹⁰⁵ Correspondence from Gary Wallace, October 16, 2010.

¹⁰⁶ Correspondence from Kyle Klein, October 16, 2010.

civilian witness who is being intimidated not to testify or are we unworthy of protection due to the fact that we are convicts?”¹⁰⁷

VIII. Resistance

I woke up this morning feeling like I was stomped by a vicious gang. Then I remembered that I was.

—Kyle Klein¹⁰⁸

We, collectively, are a small group of people fighting the awesome powers of the state which are systematically designed to destroy a demographic of people who’s sole resource is unity and courage.

—Gary Wallace¹⁰⁹

At the end of September, prisoners in the solitary confinement units at SCI Huntingdon began a sustained campaign of organized, non-violent resistance. The initial protest occurred on September 29, 2010, when eight prisoners refused to return to their cells from the exercise cages where they are provided one hour of time outside of their cells five days a week. Anthony Allen, Theodore Byard, Vincent Hallman, Rhonshawn Jackson, Kyle Klein, Eric Mackie, Gary Wallace, and Jeremiah Weems staged a peaceful demonstration in protest of the “abuse, racism, retaliation and witness intimidation” they were being subjected to.¹¹⁰

The prisoners refused to leave the exercise yard and “peacefully request[ed] to speak to PRC¹¹¹ or any other high administrators in the building.”¹¹² Prison guards refused to address grievances or permit prisoners to speak with higher officials in Huntingdon’s administration. This response was anticipated, however, as one of the purposes of the protest was to “compel staff to bring a video camera so that we can document the starvation, water deprivation, threats of murder and beatings, and the racial slurs (i.e. niggers, filthy monkeys) and have central office informed.”¹¹³ It is DOC policy that planned uses of force, such as those involved in extracting prisoners from their cells or exercise cages, must be filmed with a video camera and documented in incident reports.¹¹⁴

The prison responded with violence: “we were all sprayed with a chemical agent named “O.C.”¹¹⁵ and forcibly removed from the exercise yard. We were then brought into

¹⁰⁷ Correspondence from Kyle Klein, August 13, 2010.

¹⁰⁸ Klein, October 16, 2010.

¹⁰⁹ Correspondence from Gary Wallace, October 14, 2010.

¹¹⁰ Correspondence from Vincent Hallman, September 30, 2010.

¹¹¹ Program Review Committee, a committee consisting of three staff members who conduct Administrative and Disciplinary Custody Hearings, periodic reviews, make decisions regarding continued confinement in a Security Level 5 Housing Unit [i.e. solitary confinement], and hear all first level appeals of misconducts.

¹¹² Correspondence from Kyle Klein, October 2, 2010.

¹¹³ Correspondence from Gary Wallace, September 29, 2010.

¹¹⁴ DC-ADM 201, Use of Force Policy.

¹¹⁵ Oleoresin Capsicum, a product using tincture of oleoresin capsicum derived from cayenne pepper as its active agent, more commonly known as pepper-spray.

our cells with the spray all over our skin which continues to burn until it is properly washed away. Approximately 4 hours later I was burning so bad and my breathing was so hampered that I had to cover my cell door to force a cell removal so that I could receive medical attention. . . . I was again spray with OC which the guards were calling “Agent Orange” because the spray is a bright orange¹¹⁶ substance. . . .

“I was then forcibly extracted from my cell taken to an isolation cell where I was stripped naked, with no running water, or working toilet, and left to sleep naked on a concrete slab. As a result my hips were bruised, sore, and I am in extreme pain.”¹¹⁷

Another prisoner involved in the protest corroborated this version of events, writing that they “were all extracted with O.C. spray in the yard after we tried to have a peaceful protest about how we are being retaliated against and deprived of food, water, and showers. We have been told that it is not over and we continue to be threatened.”¹¹⁸

Jamiel Johnson, who was not in the yard that day, reported that those involved in the protest were not “given the chance to wash [the pepper-spray] off their bodies nor faces and their eyes leaving them to burn plus starved them, froze them with extreme A/C/ in their cells, denied them mattresses, water, toilet flushing, toilet paper, and verbally assaulted them by calling them niggers.”¹¹⁹

Kyle Klein was returned to the unit drenched in pepper-spray and left naked in a cell.¹²⁰ When lunch was served he demanded to be taken to the shower to wash off the spray, but was instead cuffed and marched naked to his former cell, which was itself covered in pepper-spray due to his cellmate being extracted while the protest in the yard was occurring.¹²¹ Klein “could barely breathe” due to the pepper-spray, and reported that guards told him to stick his head “in the toilet.”¹²² He covered the door with his mattress in an effort to get moved to another cell, to which guards responded by filling the cell with so much pepper-spray that Klein thought he “would drown in it.”¹²³

Vincent Hallman stated that Klein, along with Theodore Byard and Gary Wallace, were subjected to an amount of pepper-spray that was “beyond belief” when they covered their cell windows to bring attention to their conditions after the yard protest.¹²⁴ On the following day, Hallman, Rhonshawn Jackson, and Eric Mackie covered their windows “and demanded to speak with the warden, and also spoke into the camera about abuse, racism, retaliation, and witness intimidation—the warden never came, and subsequently we were all dosed with unbelievable amounts of O.C. spray, stripped naked, put back in the same cell with O.C. spray everywhere.”

Days later, Rhonshawn Jackson wrote: “Right now, me and Hallman are inside of a cell coughing and our feet, testicles, arms, and hands feel like they are on fire because we

¹¹⁶ HRC received orange-stained documents in the mail from prisoners at Huntingdon. In a conversation with an HRC investigator, Harold Kertes of the DOC’s Office of Professional Responsibility suggested that these stains were caused by “spaghetti sauce.”

¹¹⁷ Wallace, September 29, 2010.

¹¹⁸ Correspondence from Rhonshawn Jackson, September 29, 2010.

¹¹⁹ Correspondence from Jamiel Johnson, October 1, 2010.

¹²⁰ Klein, October 2, 2010.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Correspondence from Vincent Hallman, September 29, 2010.

were thrown back into our cells naked while our cells still contained this OC spray everywhere! . . . We were forced to eat and sleep in this OC spray filled cell! We were forced to sleep on metal bunks (cold) with no mattress and inhale this OC spray for 6 days so far. Every time water touches our body it activates the spray.

“Now, me and V. Hallman are being threatened that we will die in this hole because we assaulted guards. We are being starved for our meals, showers, and never got a chance to wash this OC spray off of our skin so now it’s in our bones! This shit feels like somebody taking a lighter and lighting your skin on fire!”¹²⁵

The following day, on October 7, 2010, Jackson, Hallman, Klein, Byard, Weems, Johnson, and Wallace placed towels over the windows in their doors to protest their being deprived of yard, showers, and other items despite the end of the formal restrictions placed on them as a consequence of the yard protest.¹²⁶ Requests to see “someone in charge” about the deprivations were ignored, and each prisoner was cell extracted.¹²⁷

On October 15, 2010, seven prisoners again refused to come in from the exercise yard for the same reasons as before, and they were “hosed down with pepper foam out of what took on the appearance of something similar to fire extinguishers.”¹²⁸ Kyle Klein, Vincent Hallman, Gary Wallace, Theodore Byard, Naseer Shakur, Jamiel Johnson, and Timothy Everson “peacefully refused” to leave the yard unless they “could talk to the highest rank in the building about the illegal and inhumane acts going on in the RHU.”¹²⁹ Wallace reported that the men “were sprayed over, and over, and over, until the chemicals burned our eyes and skin so profusely that it felt as if my body was engulfed in flames.”¹³⁰

On October 18, 2010, Rhonshawn Jackson and Anthony Allen were joined by two Euro-American prisoners, Jesse Ring and Eric Iorio in another yard protest. Ring reported that the four had decided “to make a stand against the living conditions in the hole: denials of food, clothing, mattresses, cleaning supplies, writing supplies, fabricated misconducts, denial of yard, showers, razors.”¹³¹ The men were surrounded by “[a]bout 30 guards” and “hosed down” with four cans of O.C.¹³²

In all, HRC received reports that fourteen men in the solitary confinement unit at SCI Huntingdon were subjected to attacks with pepper-spray and cell extracted in less than one month: Anthony Allen, Theodore Byard, Timothy Everson, Vincent Hallman, Eric Iorio, Rhonshawn Jackson, Jamiel Johnson, Anthony Jones, Kyle Klein, Anthony Martin, Jesse Ring, Naseer Shakur, Gary Wallace, and Jeremiah Weems.¹³³

Despite the absolute refusal by the prison to address their grievances, many of those involved in the protests refused to be deterred. “Their goal is to stop us from speaking out against them,” wrote Kyle Klein, “but it will never work, not a chance in hell, or the hell

¹²⁵ Correspondence from Rhonshawn Jackson, October 6, 2010.

¹²⁶ Correspondence from Rhonshawn Jackson, October 19, 2010.

¹²⁷ *Id.*

¹²⁸ Correspondence from Gary Wallace, October 16, 2010.

¹²⁹ Correspondence from Kyle Klein, October 16, 2010.

¹³⁰ *Id.*

¹³¹ Correspondence from Jesse Ring, October 21, 2010.

¹³² *Id.*

¹³³ *Id.*

we are in.”¹³⁴ In a later letter he added: “Even when winning is impossible, quitting is far from optional.”¹³⁵

Vincent Hallman explained his willingness to engage in non-violent protest and risk certain violence “because your honor of being seen as a human being is at stake and your right to be treated as one is being stripped away from you so you’ll take the chances of being hurt in the process cause it’s worth it. That’s courage.”¹³⁶

As a consequence of their resistance, Klein wrote in early December that “we have already gained respect for one; secondly because of our resistance the major oppression has damn near ceased. They don’t starve anyone anymore, us or any other inmates, and the major threats have stopped. And we’ve shown that unity wins over disunity. . . . Also, I believe that whenever you stand by what you morally believe is right self-worth is gained.”¹³⁷

Gary Wallace emphasized the necessity of the oppressed taking responsibility for their own liberation: “The men participating in this struggle are simply individuals who have been suffering for an extended period of time and have collectively decided ‘something must be done.’ We reasoned we must first help ourselves if we should be blessed to receive the help of others. . . . They [those resisting] are all doing what every person on this planet has an obligation to do when you are maliciously being deprived of food and drinking water, showers, exercise etc., being threatened with physical harm, and belittled and dehumanized simply because you are placed under the authority of another group of individuals. What should move advocates to want to intervene is we collectively understand the most important concept of these times which is, before one is deserving of a great reward, one must first be willing to offer/endure an even greater sacrifice. When we are hosed down with chemical agents which burn our skin/eyes profusely for 10-12 hours and suffocate our breathing to be heard, we sacrifice. When we are stripped naked and tossed into cells with no running water and air conditioning on the highest degree, we sacrifice. When we are hit with stun guns and electric shields we sacrifice. When we are denied the right to write/send out mail because all of our personal and legal property has been confiscated (nor are we allowed to receive incoming mail) we sacrifice.

“My message in all of this is quite simple: our lives begin to end the day we become silent about things that matter.”¹³⁸

IX. Racism

“Periodically throughout this book, there are quotations from individuals who used offensive racial labels. I chose not to sanitize these historical statements but to present the authentic language of the period, whenever documented direct statements are available. I regret any offense or hurt caused by these crude idioms.”

— *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, Douglas Blackmon, 2008.

¹³⁴ Correspondence from Kyle Klein, October 16, 2010.

¹³⁵ Correspondence from Kyle Klein, November 12, 2010.

¹³⁶ Correspondence from Vincent Hallman, September 28, 2010.

¹³⁷ Correspondence from Kyle Klein, December 2, 2010.

¹³⁸ Correspondence from Gary Wallace, November 15, 2010.

As the preceding sections of this report make evident, racism is a pervasive feature of Huntingdon's culture of terror. Reports of guard use of racial slurs, branding prisoner property with racist graffiti, and even planting racist paraphernalia in a prisoner's cell fit into a broader pattern of racial harassment and intimidation throughout the DOC.¹³⁹

SCI Huntingdon is located within Huntingdon Borough in central Pennsylvania. 98.4 percent of the borough's population of 7,093 is comprised of Euro-Americans.¹⁴⁰ The prisoner population in SCI Huntingdon is 58.7 percent African-American, 10.5 percent Hispanic, 30.2 percent Euro-American, and 0.7 percent are none of foregoing.¹⁴¹ Demographic statistics from Huntingdon's solitary confinement population are not available, but reports from prisoners and from throughout other solitary units in the DOC indicate that the percentage of prisoners of color held in isolation is greater than their percentage in the general prison population. There are reportedly no black guards working in the solitary confinement unit at Huntingdon.¹⁴²

The frequency of reports of overt racism on the part of staff is disturbing. Rhonshawn Jackson wrote: "These racist guards do whatever, whenever they want to do it. They tamper with ya mail, food, anything they feel like . . . and it's like there's nothing you can do. It makes you feel vulnerable and helpless at times."¹⁴³ Later in that month, Jackson found a paper noose in his cell after guards Williams, Spellman, and Semple conducted a cell search.¹⁴⁴ The day before he had filed a grievance on Williams and Spellman for their depriving him of showers and cell cleaning supplies.¹⁴⁵ When Jackson re-entered his cell subsequent to the search he discovered a noose made out of paper.¹⁴⁶ When questioned about this, Williams reportedly told Jackson, "Oh, I thought that would help you to remember where you're at."¹⁴⁷

Kyle Klein and others filed grievances against prison guard Simpson in August after the guard stated "I hate Muslims and niggers!" The prison claimed to be investigating the matter.¹⁴⁸

Ronald Jackson reported hearing Lt. McCoy state "Kill them niggers if you have to!" during one of the October protests.¹⁴⁹ Staff use of racial slurs appears to increase in correlation with acts of violence, such as cell extractions, demonstrating how racism is used as a psychological weapon to humiliate and oppress targeted prisoners.

¹³⁹ See *Institutionalized Cruelty*, 64-67 for a discussion of racism within the Pennsylvania DOC. Also, visit <http://hrcoalition.org> to review past editions of HRC's Prison Radio Report, which frequently features reports of racial discrimination, harassment, and violence perpetrated by DOC staff and officials.

¹⁴⁰ Data obtained from United States Census Bureau website and is based on the 2010 census.

¹⁴¹ Demographic figures taken from PA DOC Monthly Institutional Profile as of February 28, 2011. Access at: <http://www.cor.state.pa.us>.

¹⁴² Correspondence from Ronald Jackson, October 15, 2010.

¹⁴³ Correspondence from Rhonshawn Jackson, September 1, 2010.

¹⁴⁴ Correspondence from Rhonshawn Jackson, October 24, 2010. The noose in question was enclosed in the correspondence.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ Correspondence of Kyle Klein, September 8, 2010; and grievance number 331790.

¹⁴⁹ Ronald Jackson, October 15, 2010.

In another example of the crucial role of racism in the intersection of physical and psychological violence, Jamiel Johnson wrote about a series of cell extractions in October: “[They] sprayed us down in our cells . . . , stripped us, searched us, made us put our fingers in our mouths ‘maced up’, put us back in macey cells, confiscated our property without confiscation item receipts, without showers, medical attention, and heat for 6 days straight butt ass naked, plus starved us and threaten to kill us if we go to court on them calling us niggers, coons, monkies, and we all look alike!”¹⁵⁰

Others have found racist graffiti on their property. Theodore Byard found a piece of paper with the words “rat ass nigger” written on it inside of his cell.¹⁵¹ On the same day, Rhonshawn Jackson found the words “snitch,” “die nigger,” and “Shut your mouth nigger” had been scrawled across his legal work.¹⁵²

These examples represent a fraction of similar reports from Huntingdon.

Despite the atmosphere described above, multi-racial alliances were forged between some prisoners in staging protests. On October 18, Anthony Allen and Rhonshawn Jackson were joined by two Euro-Americans, Eric Iorio and Jesse Ring, in refusing to come in from the exercise cages. Jackson wrote that this “gave me my strength to endure that day.” He continued: “That only made this racist administration that much more angrier and vengeful, but it also goes to show that when we are all going through the same type of pain, abuse, deprivation of food, water, showers, physical assaults, threats, mail tampering, racism, coerced suicides, and witness intimidation, race means nothing, because in the end oppression brings us all together[.]”¹⁵³

X. Policy Violations

There is no such attempt at rehabilitation in PA, only punishment, pain, and suffering.
—Gary Wallace, October 16, 2010

The PA DOC claims their “mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens, while respecting the rights of crime victims.”¹⁵⁴

In order to comply with that mission, all employees and officials are required to abide by the Code of Ethics and all policy prescriptions. Adherence to these regulations is intended to create a culture of responsibility and professionalism amongst prison staff.

The systematic bias against prisoners in the grievance and misconduct systems violates the provision in the Code of Ethics that mandates that “all correctional employees in the Commonwealth of Pennsylvania [] perform their duties with integrity and impartiality and to avoid situations whereby bias, prejudice, or personal gain could influence official decisions . . .”¹⁵⁵

¹⁵⁰ Correspondence from Jamiel Johnson, October 14, 2010.

¹⁵¹ Correspondence from Theodore Byard, December 29, 2010.

¹⁵² *Id.*

¹⁵³ Jackson, October 19, 2010.

¹⁵⁴ PA DOC Code of Ethics, p. 1.

¹⁵⁵ PA DOC Code of Ethics, §A

Referring to prisoners as “niggers” and “coons” and directing deprivations and abuse at people of color violates the anti-discrimination provision of the Code of Ethics.¹⁵⁶

The Code of Ethics mandates that prison personnel treat prisoners in a respectful and positive manner and never subject them to degrading or inhumane treatment:

“Each employee in the correctional system is expected to subscribe to the principle that something positive can be done for each inmate. This principle is to be applied without exception.

This involves an intelligent, humane, and impartial treatment of inmates. Profanity directed to inmates, or vengeful, brutal, or discriminatory treatment of inmates will not be tolerated. Corporal punishment shall not be utilized under any circumstances.”¹⁵⁷

The following subsection of the code precludes using more than the “minimum amount of force necessary,” in any situation in which force is justified. “Excessive force, violence or intimidation will not be tolerated.”¹⁵⁸ This provision is replicated in the Use of Force policy as well.¹⁵⁹

The Use of Force policy also stipulates when force is justified. Section V.A outlines seven possible justifications for the use of force. Of particular relevance to this report is V.A.6, which permits the use of force in order to “effect compliance with the rules and regulations when other methods of control are ineffective or insufficient . . .”¹⁶⁰ In regard to the cell extractions described above, RHU staff and supervisory officials did not even attempt “other methods of control” such as dialogue and negotiation with the superintendent or his deputies, third-party mediation, transfer of abusive guards to other parts of the prison, or addressing the grievances through other means. Instead, the prison opted for violence every time without consideration of “other methods.”

The solution when prisoners violate the rules in protest of torture and abuse is to stop the torture and abuse. Guards and ranking officers could have effected compliance with prison procedures (i.e. persuaded the prisoners to exit the exercise cages, or uncover their cell windows) by agreeing to terminate the abuse, remove the offending staff from the unit, and establish a meaningful oversight mechanism. A more appropriate response would have been for Superintendent Lawler to intervene by requesting that state and federal law enforcement conduct a thorough investigation into the prison and prosecute criminal staff and officials.

As stated in the Use of Force policy, “Force is not authorized as a means of punishment or revenge.”¹⁶¹

The aim of the attacks detailed above was to repress the legitimate aspirations of prisoners not to be subjected to torture and other ill-treatment. These attacks were retaliatory in nature and unjustifiable under the PA DOC’s own policy.

¹⁵⁶ Ibid., §A.1

¹⁵⁷ Ibid., §B.1

¹⁵⁸ Ibid. §B.2

¹⁵⁹ PA DOC DC-ADM 201-1, Use of Force.

¹⁶⁰ Ibid., §V.A.6

¹⁶¹ Ibid., §V.D

XI. Violations of International Human Rights Law

“[I]nternational law prohibits every act of torture or other cruel, inhuman or degrading treatment or punishment, no matter where, when, or against whom it is perpetrated . . .”¹⁶²

The violations described in this report fit the legal definition of torture articulated in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁶³ The absolute prohibition on torture and other ill-treatment is one of the few binding norms on all governments regardless of whether or not the state in question has ratified the CAT. No treaty or domestic statute can supersede this prohibition.¹⁶⁴ This prohibition is subject to universal jurisdiction and obligates governments to apprehend and bring to justice perpetrators wherever they are to be found.¹⁶⁵

Acts of torture and other ill-treatment also violate article 5 of the Universal Declaration of Human Rights¹⁶⁶ and article 7 of the International Covenant on Civil and Political Rights.¹⁶⁷

The racist nature of the torture and abuse in the solitary confinement unit at SCI Huntingdon violates article 5(b) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹⁶⁸ and article II(a)(ii) of the International Convention on the Suppression and Punishment of the Crime of Apartheid.¹⁶⁹

The CAT also provides for “prompt and impartial investigation[s], wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”¹⁷⁰ Individuals who report that they have been victims of torture or other ill-treatment¹⁷¹ and witnesses are to be protected from reprisal.¹⁷² When it is found

¹⁶² *The Treatment of Prisoners Under International Law*, Third Edition, Nigel S. Rodley with Matt Pollard, Oxford University Press, 2009.

¹⁶³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1(1); (hereafter CAT)

¹⁶⁴ *The Treatment of Prisoners Under International Law*, Rodley and Pollard, see p. 65-66

¹⁶⁵ *Ibid.*, see p. 49 and Chapter 4: The Legal Consequences of Torture and Other Ill-Treatment.

¹⁶⁶ Universal Declaration of Human Rights, article 5 reads as follows: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

¹⁶⁷ International Covenant on Civil and Political Rights, article 7 reads as follows: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

¹⁶⁸ Article 5(b) of the ICERD provides for “The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution[.]”

¹⁶⁹ The relevant section of the Apartheid Convention identifies “torture . . . cruel, or degrading treatment or punishment” as constituting “the crime of apartheid” when “committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.”

¹⁷⁰ CAT, article 12

¹⁷¹ CAT, article 16 stipulates that acts that are cruel, inhuman or degrading but do not rise to the level of torture are subject to the relevant protections of the convention.

¹⁷² CAT, article 13

that an individual has been the victim of an act of torture he or she is entitled to redress, including “an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.”¹⁷³

Investigations conducted according to internationally accepted standards serve to further the principles articulated in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Law. These guidelines specify three core components of accountability constituting the victims’ right to remedies:

- 1) **Justice:** Equal and effective access to justice;
- 2) **Reparations:** Adequate, effective and prompt reparation for harm suffered; and
- 3) **Truth:** Access to relevant information concerning violations and reparation mechanisms.¹⁷⁴

Local, state, and federal law enforcement are obligated to conduct legitimate and transparent investigations and prosecute guards and officials involved in the perpetration or enabling of torture and other cruel and degrading treatment of prisoners. Survivors of torture are entitled to justice and state officials of every jurisdiction are responsible for ensuring the abolition of torture within institutions subject to their control.

XII. Recommendations

You ever heard someone say this old saying: “If a tree falls deep in the middle of the forest and no one hears or sees it, then the tree didn’t fall.” Well, we doing everything we can to let people know a big ass tree fell in Huntingdon.

— Kyle Klein, September 8, 2010

For Law Enforcement:

1. The District Attorney of Huntingdon County, the Attorney General of Pennsylvania, and the Criminal Section of the Civil Rights Division of the U.S. Department of Justice must initiate and complete comprehensive, credible, and transparent investigations into violations of local, state, federal, and international law. Investigations must extend beyond the discrete incidents of this report and take into account the pattern and practice of criminal behavior that has been long institutionalized within the PA DOC. Criminal charges must be brought against all involved, including those who turned a blind eye to the criminal acts of their subordinates, no matter their status within the PA DOC. Law enforcement agencies are reminded that refusal to enforce the law for any reason renders them complicit in the continued perpetration of these crimes and subverts the rule of law.

¹⁷³ CAT, article 14

¹⁷⁴ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Law.

For the Pennsylvania General Assembly¹⁷⁵:

2. A series of legislative hearings featuring the testimony of current and former prisoners, their families, civil and human rights organizations, and other relevant persons must be convened in order to expose, acknowledge, and begin to address the reality of torture and other ill-treatment inside PA prisons. These hearings must directly confront the debilitating psychological impact of solitary confinement and its use as a tool of terror and repression.
3. The General Assembly should create a commission to investigate torture and other ill-treatment within the PA DOC. This commission shall be shaped by prisoners and their families and focus on the voices and experiences of those whom have had their rights violated by staff misconduct and/or substandard conditions. Each prison under the control of the PA DOC must be visited for the purpose of conducting interviews with the prisoners. The commission must be granted the authority to subpoena government officials and DOC employees and records and to extend the duration of the investigation as dictated by the evidence. Periodic progress reports will be mandatory and the commission must be granted the authority to bring criminal charges as soon as the evidentiary threshold for such is met. All records of the commission's investigation shall be made available upon request in order to satisfy the requirements of transparency.
4. Recommendations 2 and 3 should be construed as part of a broader process of Truth and Accountability that seeks to abolish solitary confinement, other forms of torture, and mass incarceration. This process will only be effective if it is rooted in the empowerment of prisoners and communities targeted by policies of mass incarceration.

For the Legal Community:

HRC calls on bar associations, civil and human rights lawyers and legal organizations, and the legal community in general to:

5. Provide critical assistance to prisoners and their families through the establishment of a legal committee and fund that will enable lawyers to litigate prisoners' civil rights claims on a pro bono basis.
6. Help conduct investigative visits with prisoners so as to gather evidence and respond to urgent situations.
7. Acknowledge the poisonous effect on the rule of law and the vocation of lawyers when the law is perverted to commit crimes against humanity.
8. HRC acknowledges the work of those in the legal community supportive of prisoners' rights and are requesting that all lawyers utilize their positions, resources, knowledge and power in order to further the movements against racism and prison injustice.

For Prisoners and their families:

¹⁷⁵ The General Assembly is the legislative body for the state of Pennsylvania.

9. Current and former prisoners, their families, and communities most impacted by policies of mass incarceration must insist that their voices and experiences are central to all political questions and social crises facing their communities and this nation. These communities must organize for their own empowerment and develop their own strategies and solutions to problems of crime, racism, and poverty.
10. Toward this end these constituents should support, join and build associations dedicated to the defense and enforcement of human rights in all spheres of social life.

For Civil Society:

11. Civil society organizations, and faith communities, are called upon to take a public stance against torture and racism in the criminal legal system.
12. Civil society organizations are called upon to demand that the government investigate and prosecute PA DOC officials and employees for torture and other criminal acts.
13. HRC acknowledges the dedicated work of our allies in Pennsylvania and around the world working to build an integrated movement for universal human rights and liberation. We urge social justice movements to continue to build creative, principled, and sustainable alliances.

For more information about human rights violations in SCI-Huntingdon or other State Correctional Institutions in Pennsylvania, contact the Human Rights Coalition (HRC):

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