

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

La Ron M^cKinley Bey, ("M^cKinley Bey")

and all similarly situated WCI prisoners

in isolated Administrative Confinement,

v.

Case Number: _____

(Full name of defendant(s))

William Pollard, Brian Foster in his official capacity, (to be supplied by Clerk of Court)

Tony Meli, Jon E. Litscher, Cathy Jess,

Dr. Schmidt, Brian Greff, Paul Ludvigson,

Jon O'Donovan, Captain Westra, Ms. Bonis,

C.O. Cundy, ACRJ Jane and John Does 1-10,

Jessie J. Schneider, Shane M. Waller, Jeremy L. Staniec,

Joseph Beahn, and John Does 1-10, and

all others in their individual and official capacities.

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Waupun Correctional Institution ("WCI"), P.O. Box 351 Waupun, WI 53983.
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant William Pollard
(Name)

Defendants

3. Brian Foster, WCI, P.O. Box 351, Waupun, WI 53963.
4. Tony Meli, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
5. Jon E. Litscher, DOC(Central), P.O. Box 7925, Madison, WI 53707-7925.
6. Cathy Jess, DOC(Central), P.O. Box 7925, Madison, WI 53707-7925.
7. Dr. Schmidt, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
8. Brian Greff, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
9. Paul Ludwigson, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
10. John O'Donovan (unknown).
11. Captain Westra, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
12. Ms. Bonis, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
13. C.O. Cundy, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
14. ACRC Jane and John Does 1-10, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
15. Jessie J. Schneider, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
16. Shane M. Waller, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
17. Jeremy L. Staniec, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
18. Joseph Beahn, WCI, P.O. Box 351, Waupun, WI 53963. DOC.
19. John Does 1-10, WCI, P.O. Box 351, Waupun, WI 53963. DOC.

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Wisconsin Department Of Corrections, P.O. Box 7925, Madison, WI 53707-7925.
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.) *See attached page.*

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

1. Each named defendant has acted under color of state law to deprive
the plaintiffs of federal rights.

2. The number of past, present and future prisoners held by the defendants
in supermax, long-term isolative Administrative Confinement ("AC") in the
WCI Restrictive Housing Unit ("Seg Unit") are numerous, fluid, and comprise
a bona fide class.

3. The plaintiffs as a class are held by the defendants in prolonged,
supermax isolated Administrative Confinement, aka: "solitary confinement?"

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Continued on attached pages:

in Ex. 1001, which plaintiffs incorporate hereto.

is structured in the defendants' mode of food delivery as more fully set out

their informed consent. The classical conditioning ("cc") model and procedure

procedure upon plaintiffs and other prisoners in the seg unit without

of command, as the actual use of, an insidious Pavlovian Classical Conditioning

training of subordinates in, the exercising of control of through their chain

July 2012 to the present, for the implementation of, the maintenance of, the

Beahan, and John Does 1 thru 10, are responsible part and partial, between

5. Defendants Pollard, Meli, Greff, Ludwigson, Schneider, Maller, Shavice,

30 cells each.

housing wings (A, B and C ranges) of six individual tiers of approximately

It has an approximate 180 single cell capacity composed of three two-tiered

prisoners housed there are subjected to its restrictions for punitive purposes.

It is a highly restrictive, controlled, sparse living environment, and most

is enclosed partially by a wall, and fencing and barbed wire on its remaining sides.

abject sensory deprivation design. Adjacent to a central gun tower, the unit

confinement unit within the WCI with some modifications to its original

4. Segregation Unit: The Seg Unit is a state of the art supermax, isolative

6. On belief, most prisoners targeted by the defendants' cc procedure

set out in 5, above, are unaware of its insidious use upon them, or in its reflexive effects. These prisoners are vulnerable to a dangerous undesired toying with their personality and emotions that can induce symptoms and illness associated with mental illness. (Ex. 1002)

7. On or about 2012 to the present defendants Pollard, Meli, Jess, Litscher, O'Donovan, Westra, Ludwigson, Greff, Schneider, Waller, Stancic, Boehm, and John Doe 1 thru 10, have created, perpetuated, and maintain

a hostile environment between the seg guards, and the AC plaintiffs and seg prisoners, which allows seg guards to engage in abusive treatment predicated upon psychological coercion, violent assaults, fear-mongering, and prolonged isolation which has caused the plaintiffs' stress and mental anguish. (Ex. 1005)

8. The Seg Unit by all accounts is an environment in which prisoners would choose not to be housed, and thus is designed and used by all of the defendants as part of a punishment regime for prisoners who violate rules.

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punishment, e.g. see 5-7, above.

to be nonpunitive though the defendants use it as a de facto form of

(iii) The plaintiffs are in prolonged isolated AC status which is supposed

(ii) The "statuses" referred to in (i), above, are Disciplinary Separation ("DS"), Program Separation ("Prog Seg"), and Controlled Separation ("Control").

B, and portions of C, being the sparsest in degree.

down program between A and B ranges, and portions of C Range. A, and

through varying degrees of isolation and status via a type of step

(i) The general employment and use of the Seg Unit is for punishment

24 hours on Sundays, Mondays, and Tuesdays. The "conditions" are as follows:

Tuesdays, Wednesdays, Fridays, and Saturdays. However, we are confined to cells

seg unit are typically confined alone to bathroom size cells 23 hours on

10. Isolation: The plaintiffs in supermax, prolonged isolated AC in the

estimating that of the total seg population 95% are for disciplinary reasons.

9. The vast majority of seg admissions are for disciplinary reasons,

(iv) Since the plaintiffs are not allowed to move forward out of indefinite seclusion, they each either have or are subject at anytime to demotion to the statuses and ranges listed in (i) and (ii), above.

(v) The plaintiffs either have been or are subject to placement in isolative Observation Status ("OS") because of stress and mental breakdown due to defendants' abuse and prolonged isolation regime.

(vi) Non AC prisoners who exhibit good behavior are moved to another seg area called "transition" and "North Program" (which is in the North Cell Hall, a general population building), and are allowed to attend outdoor exercise with direct sunlight for an hour. AC prisoners are never allowed in the North Program and are maintained in the isolative Seg Unit only to attend an indoor, closed-off, exercise area devoid of direct sunlight.

(vii) All AC prisoners in the Seg Unit are denied life's minimal necessities by the defendants' practice of prolong isolation that deprives them of all meaningful human contact: where they cannot congregate

with each other, cannot have contact visits or window visits (all but attorney visits are by video monitor screen only), and thereby are subject to severe environmental and social isolation, and are forced inactivity, (see 10 and 10(CIV) and (VII), above) e.g. not allowed to have art supplies.

(viii) AC prisoners are not allowed to attend school or participate in certain "A & E Need" or court ordered programs while in seg.

(ix) The Seg Unit is very loud due to prisoners screaming, arguing, banging on doors, metal sinks, or walls, such that the defendants employ a muffling apparatus on some ranges to muffle the noise from escaping those areas.

(x) The Seg Unit's surveillance system consists of several low-resolution

time-lapse "stationary cameras" mounted on the ceilings of the ranges and

rec rooms with the exception of the strip cell area camera. These cameras

record but the quality and resolution is poor. The remaining nonstationary

cameras are mounted in the areas more frequented by staff and restrained

prisoners. These cameras do not record and, therefore, are blind spots in the

system with respect to preserving incidents in those areas. The seg guards

operate and are familiar with this weakness in their surveillance system which they exploit to set-up, threaten, and assault prisoners in, and for other wrongful conduct. (EX. 1001.p.1, and 1004)

(XI) The range that houses us AC prisoners (C Wing Lower) has a thundering echo that bounces off the hallway wall such that when prisoners bang and scream it literally sounds like a construction site 24-7.

(XII) Prisoners with serious mental illness, and who are suicidal, are placed both in prolonged isolated AC and housed among AC prisoners. On information and belief, about 60% of the prisoners in seg at the WCI are mentally ill. Many mentally ill prisoners cry and act out because they've been broken by the effects of isolation.

(XIII) All Seg Unit cells' mirrors reflect a distorted image.

(XIV) There is no mandatory log-in/log-out security policy and procedure for all staff entry/exit times of the Seg Unit. Staff, especially supervisory officials, exploit this security loophole to avoid

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accountability by denying being present during crisis, or other serious incidents.

(XV) The Psychological Services Unit (PSU) staff during their seg rounds, lack time to talk at length with prisoners about their mental issues, nor do they provide the prisoner any privacy when they require a prisoner to talk to them at cell an estimated 90% of the time.

(XVI) The defendants have no brightline criterion or program that prisoners in isolative AC can follow for release from it.

(XVII) Each cell in the Seg Unit has a light on perpetually. Prolongated exposure to it causes and exacerbates sleep deprivation, and head and eye-aches.

(XVIII) Many isolated AC prisoners rather not attend rec for the

following reasons: (1) the seg guards typically abuse and assault prisoners during escort that many prisoners would rather avoid staff physical contact; (2) the rec cages are filthy and contain urine and feces on their stains on the floors or cage grating, because neither the rec cages nor the entire rec area contain any bathrooms or drinking water, and the guards

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(XXI) The seg guards deliberately disadvantage seg prisoners on the AC range by the following regarding staff manipulation when providing showers: (1) purposely not previously running the water in the shower stalls in order to warm it

AC prisoners can purchase.

(XX) There is a deliberate health benefit disparity between some canteen products available to GP prisoners and the unavailability of these health products to AC prisoners that is without penological purpose other than for punishment. For example, there are no cough drops, vitamins, honey, tea, hot coco, or coffee during the flu season and winter months, at any time, that

(XIX) During the Fall, Winter, and early Spring months, the cells are typically cold such that, lacking long sleeves, prisoners rather stay in bed under covers all day, or if the cells are not extremely cold they are very hot.

refuse to bring prisoners in from rec to relieve ourselves. (3) the seg rec cages lack an emergency call button in event of a medical emergency, and (4) prisoners sometimes have urine and feces fights at rec by throwing excrement at each other, and AC prisoners would rather avoid rec altogether.

and forcing us to take freezing showers which compel AC and man AC prisoners to miss one or bath weekly showers; (2) deviate from the normal shower times without notice, and the guards conducting the showers will walk through the AC wing, without announcement, bypassing us and refusing us showers because we were not standing at the cell door.

(XXII) AC prisoners are restricted from possessing certain personal property items compared to prisoners in GP, although AC is supposed to be "nonpunitive" pursuant to DOC 308.01 and DOC 308.04(G).

(XXIII) The defendants maintain at least six de facto sensory deprivation cells on C wing. They often use these cells in a punitive way by placing prisoners they despise in them to compound their isolation.

(XXIV) The seg food trays commonly are stained, cracked, clipped, and literally have their coating outer surface peeling from them.

(XXV) The Seg Unit sewer drains will and have backed-up and flooded fecal matter and urine throughout the cells on the lower ranges.

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(XXVI) The Seg Unit cells are infested with flying and crawling insects. Most of these insects crawl from masonry cracks in the floors and walls.

11. Defendant Pollard was Warden of the WDI from 3/27/11 to 1/11/16.

As such he was responsible for the overall administration and operation of the prison including reviewing the Administrative Confinement Review Committee ("ACRC") AC placements, direct appeals of AC placements, making decisions on releases or extensions of AC, and reviewing prisoner complaints re AC and seg conditions, inter alia. He is responsible for the conditions and policies of seg and those underlying the practice of prolonged isolation of the plaintiffs. He is aware that long-term isolation can be toxic to health.

12. Defendant Foster is Warden of the WDI since about 1/11/16.

As such he is responsible for the overall administration and operation of the prison.

13. Defendant Meli is Security Director of the WDI. As such he is

responsible for the overall institution security, officer assignments, and for the direct or indirect supervision of the officers in his chain of command. He is aware that prolonged isolation can be toxic to prisoners' health.

14. Defendant Litscher is Secretary of the DOC since on or around

January 2016. As such, per Wis. Stat. § 15.04, he has general supervisory authority over DOC operations including decisions on prisoners' complaints. He is aware that the DOC-wide prolonged isolation practice can be toxic to prisoners' health.

15. Defendant Jess is Director of Adult Institutions ("DAI") of the DOC.

As such she is responsible for deciding AC appeals, and for policies affecting institutional conditions including seg and prolonged isolation. She is aware that long-term isolated confinement can be toxic to health.

16. Defendant Schmidt is Supervisor of the MCI Psychological Services Unit

("PSU"). He oversees the administration of psychological services and leads staff psychologist. As a psychologist he is aware of the harmful effects of prolonged seclusion.

17. Defendant's Gref was, from 7/15/12 to about March 2015, and Ludwigson

now is, the Program Corrections Supervisor ("CPS"). They are responsible for the treatment and living conditions of all segregated prisoners and analyze recommendations for AC placements. Ludwigson is a psychologist. Both are aware that prolonged seclusion can be toxic to health.

18. Defendants O'Donovan was, and Lleseta now is, Captain at the WCI and Chair of the ACCRC, and Bonis is social worker, and Cundy is Corrections Officer ("CO"), and Jane and John Does 1 thru 10, are each, as were, regular members of the ACCRC which makes AC placements and 6 month reviews for AC continuance or release. Each are responsible for decision-making amounting to a practice of long-term isolated AC, and each are aware that prolonged isolated confinement is toxic to health.

19. Defendants Schneider and Waller were "Seg Lieutenant" between about 2011 to 2016, and Waller was also Sergeant in seg from around 2012 to 2013. Both were responsible for security, supervising seg officers, and the treatment and care of all seg prisoners. Each made AC placement recommendations and are responsible for the treatment of and prolonged isolation and seg conditions of AC prisoners. Both are aware that prolonged isolation is harmful.

20. Defendants Shanice, Bealm, and John Does 1 thru 10, were, and are "Seg 6" COs assigned to the Bubble and C Wing from around 2012 to the present. Each were responsible for handing out breakfast and lunch trays, conducting showers, and

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supervising prisoners. Staniec is a student of psychology. He is aware of the harmful effect of prolonged isolative confinement.

PROPOSED CLASS & COMMON CLAIMS

21. Each defendant named at 11, 13-15 and 16-19, above, have held

representative plaintiff McKinley Bey and putative class members (hereafter "plaintiffs") Daniel McBride ("McBride"), Terrence Clarka Pude ("Pude"), Rayshun Woods ("Woods"), Luis Nieves ("Nieves"), Shirell Watkins ("Watkins"), and Lamar Larray ("Larray"), in prolonged, supermax isolated AC at the WCI for more than 8 months each, which triggers a liberty interest where their prolonged isolative confinement together with the cumulative effect of the conditions outlined in 4-10, above, and 22-47, below, are atypical and significant as compared to the ordinary incident of prison life.

22. During each day that McKinley Bey, McBride, Pude, Woods, Nieves, Watkins, and Larray, inter alios, are in AC at the WCI each are regularly being exposed to the defendants' listed at 11, 13, 17 and 19-20, above, insidious CC feed procedure during meal delivery, inter alia, as incorporated hereto and more fully outlined at 5-10, above, and attached Ex. 1001.

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23. The long-term, supermax, isolated AC conditions outlined in 4-10,

above, in their cumulative effect together with those incarcerated here and

set out in 24-47, below, are punitive and deprivations McKinley Bey, McBride, Rude,

Woods, Nieves, Watkins, and Larry, inter alia, of a basic human need and puts

each at a substantial risk of serious mental injury, exacerbation of preexisting

mental illness, medical problems, and psychosocial impairment and other disabilities.

24. As a direct effect of his long-term, supermax, isolative AC of more

than 25 years McKinley Bey has or is now experiencing the following "SHU Syndrome"

symptoms: persistent stress; irritability; occasional panic attacks; occasional depression;

occasional emotional flatness - loss of ability to have feelings; mood swings; hopelessness;

hostility; anger; outbursts of physical and verbal violence; poor concentration;

impaired memory and verbal recall; occasional disorientation; hypersensitivity to noises;

hyperreactivity and hypersusceptibility to stimuli; hyperreactivity to stimuli/easily startled,

etc.; occasional disorientation in time and space; recurrent and persistent ruminations

of a vengeful character; suicide ideations; sleep problems; and mental and emotional

anguishment.

25. As a direct effect of his long-term isolative AC McKinley Bey,

who had no prior mental illness, was diagnosed around 7/10/12 with a Delusional Disorder - Persecutory Type and a Antisocial Personality Disorder. This diagnosis is a mental health classification "MH2," a serious mental illness. This diagnostic criteria excluded his being housed at the Wisconsin Secure Program Facility ("WSPF"), a "supermax,"

26. The prolonged, supermax isolated confinement of McKinley Bay is the direct cause of his mental illness and symptoms, and defendants Pollard, Jess, Moli, Litscher, Ludvigson, Gref, Blesra, O'Donovan, and Schmidt, and their agents, are aware that his mental impairment is environmentally induced, and that continued isolation deprives him of the capacity to function normally. (Ex. 1002).

27. On information and belief, as a direct effect of his prolonged, supermax,

isolated confinement, McBride, who has been in isolation for about 32 months, has been diagnosed with PTSD, a serious mental illness. He had the following multiple mental illnesses and issues prior to his placement in AC: Personality Disorder - Misch Type; Unspecified Personal Disorder; Antisocial Personality Disorder; Antisocial or Borderline...; Emotional Disorder; Poly-Substance Dependence in Controlled Environment; Borderline Personality Disorder; Personality Disorder.

28. McBride's mental health classification is "MH2b," a serious mental illness. He is a "cutter," one who cuts, injures, and disfigures themselves, sometimes in suicide attempts. He has been placed in OS about 6 times since his indefinite isolated AC placement. On belief, his prolonged isolation is causing him many adverse psychological and physical reactions known as "SHU Syndrome," which is exacerbating his existing mental illness.

29. On information and belief, as a direct effect of his long-term isolative confinement, Prude is experiencing adverse psychological and physical reactions known as "SHU Syndrome." He describes these as fear of imminent death; mood swings; unprovoked anger; neck, back and shoulder pain; depression; poor memory; heart palpitations; major claustrophobia; social withdrawal; violent thoughts; and paranoia.

30. Prude, who has been in isolative confinement for more than 3 years, was arbitrarily made by the defendants at 11, 13-15 and 17-19, above, to do 6 months in AC, between August 2015 and February 2016, without a reason from the ACRC contrary to the

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requirements of Wls. Alm. Code § DOC 308.04(8)(e).

31. On information and belief, as a direct effect of his long-term isolative confinement, Lloids, who has been in supermax, isolative confinement for about 44 months, is experiencing adverse psychological and physical reactions known as "SHU Syndrome." He describes these as

inevitability; major depression; emotional flatness, loss of ability to have any feelings; mood swings; hostility; unprovoked anger; verbal outbursts; short attention span; poor memory; confused thought processes; disorientation; hypersensitivity to noises; hallucinations of seeing things move when they don't; self-cutting and suicide attempts; headaches; high stress; loneliness; sleeplessness; and self-communication.

32. Since his placement in isolation Lloids has been diagnosed with Major Depression; Antisocial Personality Disorder; PTSD; and has recently had to begin taking medication for his issues.

33. Lloids has been in isolative AC more than 5 years. He is presently on "solafian" whereby he is moved to a different prison about

every 6 weeks. He was last "reviewed" for AC continuance by the ICI AERC.

34. As a direct effect of his long-term isolated AC Nieves has experienced adverse psychological and physical reactions that has taken a toll on his health, namely: increased epileptic seizure activity; Obsessive

Compulsive Disorder; Explosive Disorder; Bipolar Disorder; Multi-Personality Disorder, and Antisocial Disorder. He has also been afflicted with a pulmonary embolism. On belief, Nieves is a MH2a or MH2b.

35. On information and belief, as a direct effect of his long-term isolative confinement of more than 5 1/2 years, Watkins has been met with "adverse psychological and physical reactions known as SHU Syndrome." He describes these as severe mental anguish; sleeplessness; high stress; headaches; weight fluctuation; eyeaches; depression; hyperreaction to situations; isolation (loneliness); short attention span; poor concentration; and poor memory.

36. Since Watkins placement in isolated confinement he has been prescribed 45 mg Miltazipine to treat depression.

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39. Each named defendant listed at 11, 13-15 and 16-19, above, are aware that prolonged isolation and lack of meaningful social, environmental, and occupational stimulation is toxic to the health of prisoners with serious mental illness as McKinley Bey, McBride, and Nieves, inter alias, and can cause mental illness and psychosomatic and psychosocial harm and impairment to others such as Rude, Woods, Watkins, and Larry, inter alias, and that McKinley Bey and, on behalf, McBride and Nieves, has suffered such harms, and the continued, indefinite, supermax isolative

38. Wls. Adm. Code § DOC 308.04 grants McKinley Bey, McBride, Rude, Woods, Nieves, Watkins, and Larry, inter alias, a protected liberty interest in remaining free of AC, and in avoiding continued AC placement pursuant to § DOC 308.04(2)(a) thru(d).

37. On information and belief, as a direct effect of his long-term isolative confinement, Larry, who has been in isolative confinement more than 1 year, has experienced the following described "SHU Syndrome" symptoms: antisocial feelings; anger; depression; disinterest in talking to anyone at times; hopelessness; anxiety; and loss of ability to care about anything.

AC of all or any one of the above, or the class, places them at a
Knowing an excessive, substantial risk of serious harm, or further harm.

40. The defendants listed at 11, 13-15 and 16-19, above, have a

long-standing practice of indefinite isolative AC of the seriously
mentally ill through the device of ware perfunctory and sham to
month reviews with a lack of a substantive and realistic brightline
criterion for McKinley Bay, McBride, Nieves, inter alias, to meet for
release with regard to their mental state and ability to conform.

41. Woods, Nieves, Prude, and Larry, have not had a Conduct

Report ("CR"), and McBride, no Major CR, and each have completed
multiple programs since their AC placements. Yet, the defendants

listed at 11, 13-15 and 17-19, above, either have or continue to use
the ACRC 6 month AC reviews, and their overall application of

isolative AC at the WCI, to punish Woods, Nieves, Prude, Larry,
and McBride inter alias, for old conduct without interest in

current behavior. By attaching the label "Administrative Confinement"
to its actions, and the defendants offering no brightline criterion or

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43. For about 4 continuous weeks between 11/1/15 to 11/25/15, following his use of the cc feed procedure as set out at 5, above, and Ex. 1001, the "beg to" officer defendant Beahm with John Does 1 thru 10 subjected McKinley Bey, McBride, Prude, Wloods, Nieves, Wlatkins, and Larry, inter alias, to a regime of aversive conditioning in the

42. Wlatkins, inter alias, placement in indefinite AC and prolonged isolative confinement by the defendants named at 11, 13-15 and 17-19, above, has caused him to be ineligible for parole far more than 5 1/2 years and is a typical and significant compared to the ordinary incidents of prison life, and the fact he has been in a "punitive" status throughout the vast majority of that time.

a single bona fide AC Program to the plaintiff, the ACRC in substance have exhibited model conduct, and there is no new misconduct to justify their continued indefinite AC.

form of freezing showers, Beahan also subjected McKinley Bey to regular implied death threats during this time. These actions caused all of the plaintiffs mental and emotional anguish.

44. Because of the mental harm to McKinley Bey diagnosed around 7/10/12 as set out in 25, above, on 7/11/12 he was transferred from the supermax WSPF to the WGI supermax Seg Unit where

defendant Waller immediately placed him in a de facto sensory deprivation cell (Q228) in an environment worse than WSPF, which exacerbated his illness. On or about 7/15/12 to 9/5/12 he made several requests to Waller, the then Seg Unit sergeant, to be moved out of Q228 which Waller refused. On or about 8/27/12 to 9/3/12 he told PSU staff in writing and during their rounds that he was having problems being in that cell, and was told by PSU that Security, not PSU, did cell assignments but they would pass his request to the sergeant.

45. On or about 7/11/12 defendants Pollard, and Meli, and their agents, knew the reason for the transfer of McKinley Bey to the WGI, namely, that he was recently mentally injured and vulnerable.

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47. In a continuing course of wrongful conduct via use of cc and other procedures upon McKinley Bay in the Seg and HSL units to subject him to aversive conditioning through various noxious and coercive tactics, primarily defendants Starnic, from about 7/15/12 to 3/8/13 and 6/20/13 to 12/10/13, and Waller, from about 7/11/12 to May 2013, and Schneider and Greff, from about 7/11/12 to April 2015, and incorporating every defendant and allegation set out at 5, above,

46. On information and belief, McKinley Bay's delusional disorder symptoms were purposely induced initially by action of the WSPF Security officials, and followed-up by the WCI Security officials, using the cc procedure set out at 5, above, and Ex. 1001, and 47, below.

With reckless disregard of these facts Pollard, Meli, and Waller, from 7/11/12 to 9/15/12 incorporating 44, above, callously deprived him of an essential human need and put him at a known excessive risk of harm when they allowed him to remain in mental anguish for 64 days by rejecting his complaints and requests to be moved out of C228.

From about 7/11/12 to the present, have each either participated in, caused, condoned, or turned a blind eye to, a regime of retaliation and abuse to cause the plaintiff mental and emotional harm. The various noxious and coercive tactics used are further outlined in Ex. 1001.

LEGAL THEORY

48. The decision of all defendants to house all plaintiffs in AC under conditions of indefinite social, environmental, and occupational isolation that causes or puts them at an excessive risk of mental, emotional, an psychosocial pain and impairment, and other disabilities, physical ailments, and increased mortality, is official action which infringes upon one's capacity to learn, reason, to think about political, social, cultural, artistic, and spiritual matters, constituting state action that invades the sphere of intellect and spirit in violation of the First Amendment which it is the purpose of to reserve from official control. Bard v. Banks, 548 U.S. 521, 552 (2006) (Stevens, J., dissenting); Jeffrey McLeod, Anxiety, Despair And The Maddening Isolation Of Solitary Confinement: Invoking the First Amendment's Protections Against State Action that Invades the Sphere Of Intellect And Spirit, 70 U. Pitt. L. Rev. 647, 670-72 (2009).

49. The decision of defendants Pollard, Meli, Litscher, Jess, Schmidt, Graft, Ludvigson, O'Donovan, Westra, Bonis, Cundy, and ACRC Jane and John Does 1 through 10, and Schneider, and Miller, to house mentally ill plaintiff, McKinley Bay, McBrade, Mieves, inter alias, and Prude, Woods, Watkins, and Larry, inter alias,

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52. In a continuing course of conduct defendant Beahm, and John Does 1

and the Eighth Amendment.

51. In a continuing course of conduct defendants Pollard, Meli, Greff, Ludvigson, Schneider, Miller, Starnier, Beahm, and John Does 1 through 10, between July 2012 to the present, either implemented, maintained, trained their subordinates in, controlled, or directly used, classical conditioning procedure on McKinley Bay, Mr Bride, Rude, Woods, Nieves, Wlatkins, and Larry, inter alias, without their informed consent, in violation of Title 45 C.F.R., Title 18 U.S.C. §§ 241 and 242,

50. The action of all defendants named at 49, above, to confine plaintiffs McKinley Bay, Mr Bride, Rude, Woods, Nieves, Wlatkins, and Larry, inter alias, in supermax, prolonged isolated AC under conditions having a mutually enforcing effect including perforatory and sham la mouth "reviews", and putting them at an increased risk of mental harm and anguishment, triggers a state created protected liberty interest where such confinement is an atypical and significant hardship in the prison context, in violation of plaintiffs' Fifth and Fourteenth Amendment rights. McGleary v. Kelly, 4 F. Supp. 2d 195, 208 (M.D. N.Y. 1998).

in prolonged, supermax, isolated AC under multiple conditions having a mutually enforcing effect deprives them of a minimal life necessity, poses a significant risk to their basic level of mental health, and subjects them to a present and known risk of harm in violation of their Eighth Amendment right. Jones v. Berg, 164 F. Supp. 2d 1096, 1116-25 (M.D. Wis. 2001); Freeman v. Berg, 283 F. Supp. 2d 1009, 1015 (M.D. Wis. 2003); Wilkerson v. Stalder, 639 F. Supp. 2d 654, 678, 681 (M.D. La. 2007). (See Ex. 1006.)

Complaint - 3y

through IO, subjected McKinley Bey, McBride, Pude, Woods, Nieves, Wlatkins, and Larry, inter alios, to a regimen of aversive conditioning in the form of freezing showers. Beahm also subjected McKinley Bey to a regimen of implied death threats, all of which caused them mental and emotional anguish in violation of Title 45 C.F.R. and the Eighth Amendment.

53. Defendants Pollard, Meli, and Allen, between 7/11/12 to 9/15/12, housed McKinley Bey under supermax sensory deprivation conditions that deprived him of a minimal life necessity, posed a significant risk to his basic level of mental health, and subjected him to a present and known risk of harm in violation of his Eighth Amendment right.

54. In a continuing course of abusive conduct defendants Staniec, Waller, Schneider, Gref, Pollard, Meli, Ludvigson, Beahm, and John Does I through IO, participated in, caused, condoned, or turned a blind eye to, a regime of retaliation and abuse via aversive conditioning, etc, and various coercive and noxious tactics, to cause McKinley Bey mental and emotional harm in violation of his Eighth Amendment right.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

A. Injunctive Relief

1. A preliminary order prohibiting the defendants from confining any plaintiff with a serious mental illness: MH2a, MH2b, etc., in supermax isolative AC or any prolonged nonpunitive or punitive condition of isolation compatible with solitary confinement. "Prolonged" is more than 30 days.
2. A preliminary order mandating the immediate release to a general-population setting all plaintiffs who have spent more than 10 years in AC.
3. A preliminary order prohibiting the defendants from using classical conditioning or any other coercive procedures upon the plaintiffs as set out in

Continued on attached pages

this complaint.

4. A preliminary order prohibiting the defendants from housing the plaintiffs in the punitive AC conditions set out in this complaint.

5. A preliminary order mandating the defendants establish a Brightline Rule Criterion for AC prisoners to follow for projected release from AC.

6. A preliminary order mandating that defendants obtain, install, and maintain cameras throughout the Seg Unit that surveil and record in real time all areas used by staff and prisoners, except nonobservation cells, shower cubicles, strip search cages, the HSL room, and visitor booths.

7. A preliminary order mandating that all persons entering or exiting the RLU/Seg Unit be required to log-in/log-out: name, time, and date.

8. A preliminary order mandating the defendants establish a bona fide AC Program such as the Common Grounds Program (Ex. 1005) with a dignified path to obtain release.

Complaint - 4a

9. An order mandating that defendants establish a new Restricted Housing General Population Unit (RHGP) to house AC prisoners in GP conditions where very prolonged AC will be severely limited and those so confined provided significantly more time out-of-cell and to congregate with other AC prisoners.

B. Declaratory Judgment

1. A Declaration that the defendants acts and omissions violated the plaintiffs' First, Fifth, Eighth, and Fourteenth Amendment rights.

2. A Declaration that Ms. Ann. Case 88 DOC 308.04 and 308.04(2)(a) and (d) grants plaintiffs a protected liberty interest in remaining free of AC, and in avoiding continued AC placement.

3. A Declaration that the defendants' practice of prolonged social, environmental, and occupational destitution in AC is harmful.

4. A Declaration that the defendants' mode of prolonged isolative AC is punitive in nature.

Complaint - 4c

- C. Damages
1. Punitive damages awarded in the sum of two-hundred thousand dollars to each plaintiff from each liable defendant;
 2. Compensatory damages in the sum of two-hundred thousand dollars to each plaintiff from each liable defendant;
 3. The cost of this suit, including court costs and attorney fees.
-

E. JURY DEMAND

I want a jury to hear my case.



- YES



- NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 3rd day of March 2016.

Respectfully Submitted,

DaRon McKinley Bey
Signature of Plaintiff

42142
Plaintiff's Prisoner ID Number

Waupun Correctional Institution

P.O. Box 351, Waupun, WI 53983
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE



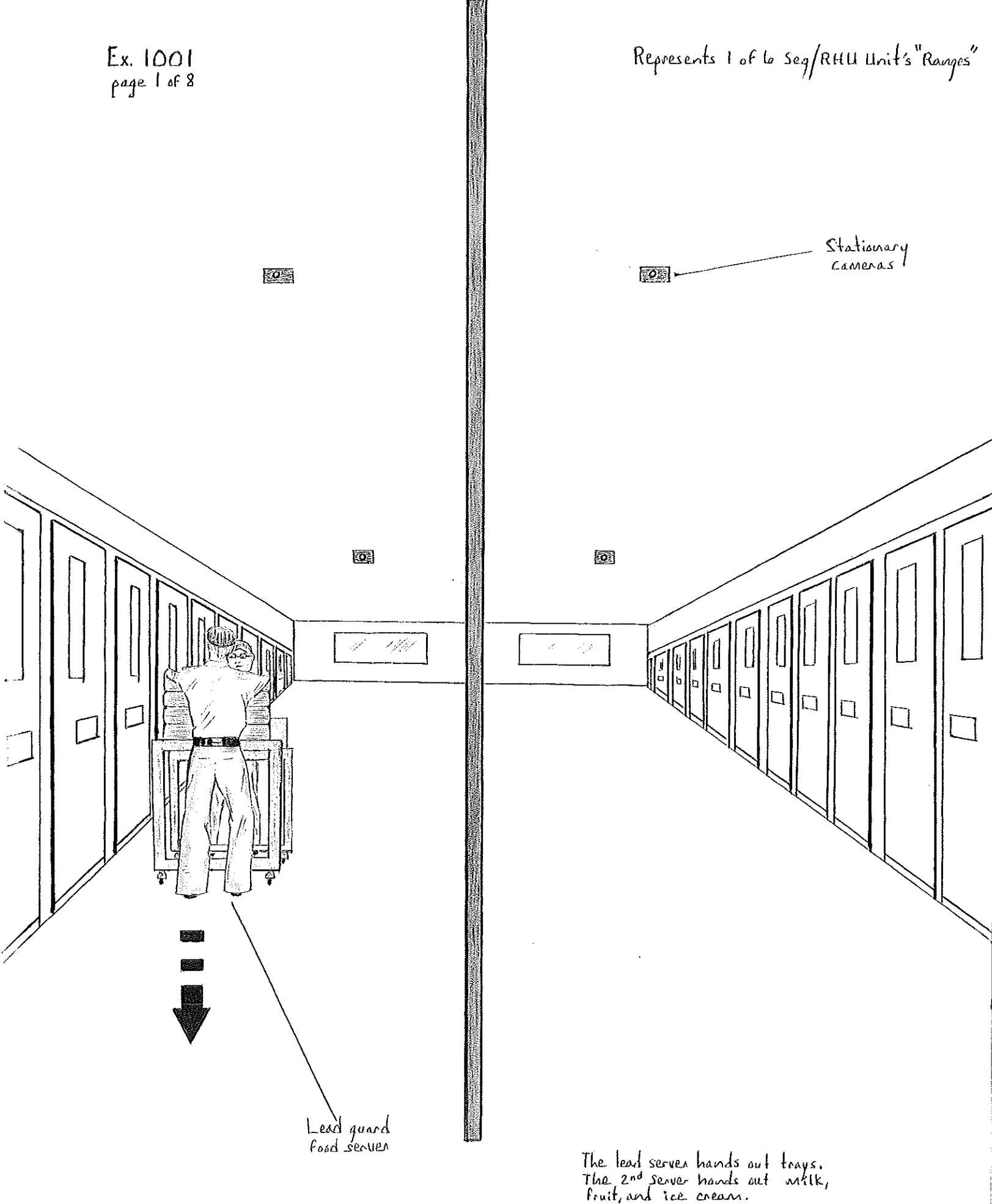
I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

File: Accurate copy

Complaint - 5



La Ron McKinley Bay verifies to the best of my information, understanding, direct experience, and belief, the following explains what is being done to me and other prisoners in the WCI Seg Unit by the defendants to establish and exploit the "stimulus-response bond" as follows:

1) The illustration on p. 1 depicts the physical layout and cell arrangement of 1 of 6 "ranges" of the WCI Restrictive Housing Unit - "RHU" (hereafter "Seg Unit"), a state of the art supermax isolative confinement unit.

2) Among the Seg Unit cells' features is a Pavlovian-like bell intercom system (see attached p. 8) used by the defendants to signal (audio cue) food delivery, inter alia. In this announcement the defendants require the prisoner to be standing at his cell door with the cell light on if he wants to receive a tray. The food procedure in which the lead food server/guard precedes the food (attached p. 1) appears benign if not for the defendants' conversion of it into a covert behavior modification regimen against unwitting prisoners as follows:

3) Pavlovian Classical Conditioning ("cc") is a reflexive (automatic) type of learning in which a stimulus acquires the capacity to evoke a response that was originally evoked by another stimulus. (attached p. 7)

4) The Classical Conditioning Model is CS... US -- R. The Conditioned Stimulus (CS) precedes the Unconditioned Stimulus (US) which evokes a Response (R). (p. 8)

5) The procedure that produces classical conditioning is pairing of CS and US.

Note: 4) and 5), above, and 6) and 7), below, explain the fundamental laws underlying CC.

6) A US is anything that evokes an instinctive response.

7) A CS initially starts off as a neutral stimulus (p. 8), i.e. it does

not evoke a response but, over time through repeated pairing (association) with a US, it can acquire the capacity to evoke the same response as the US.

A CS can be used as a predictor or signal. Visual and auditory cues can also

be used as a CS. (p. 8)

8) The above model and procedure, set out in parts 4-5, is embedded within

the mode of serving food to prisoners in the WCI seg. In the defendants'

feed mode the CS and the US are actually the guards and the food. (p. 1)

The seg guards are trained to strictly adhere to this system during tray delivery.

Through their chain of command supervisory officials exercise control over each

nuance, including preparation of stimuli and the tactics to be employed, against

a targeted prisoner as follows:

a) Each lead guard food server (p. 1) starts off as a neutral stimulus.

"Lead" means the guard regularly precedes the food during delivery. Over time

s/he acquires (between s/he and the prisoners s/he regularly feeds) the capacity

to evoke the response of the food (see par. 3 and p. 8) forming a

"stimulus-response bond" between them. This bond is now a CS.

b) The stimulus-response bond is one sided, only affecting the prisoner,

and is reflexive, i.e. evoking an involuntary physiological response involving

action of the glands (salivary in this case) and smooth muscles (see Autonomic

Nervous System). The "response" is not only physiological but psychological too.

c) Prisoners in isolative confinement at the WCI routinely are fed

3 daily meals: 2 on 1st Shift and 1 on 2nd Shift. Over time many guards

on both shifts are prepped to act as lead food servers. Some may be

initially unaware that they are being groomed as CS. For example, a

regular flow of rookie guards are prepped and used who are eager and must

follow orders if they are to keep their employment beyond the probationary period.

d) Through prepping and use of several CSs either as "excitatory"

CSs (CS+) or "inhibitory" CSs (CS-) by way of pairing of CS and US (par. 3)

and manipulation of the environment of a targeted prisoner (having food delivery,

or other opportunities at his cell front, out of cell activities, and movements, etc.)

the WCI officials over time will tailor a regimen suited to target a specific

prisoner to expose him to a relentless array of noxious stimuli (par. 8, below)

for aversive conditioning and other forms of psychological coercion.

9) Repeated pairing of CS+ with US, or CS- with US, can be used

to induce emotional states and behavior, or to inhibit emotional states and

behavior, to condition emotional responses. The defendants accomplish this by various tactics involving use of several stimuli; for example, noxious stimuli

(US) when paired with (CS) evokes a distasteful response. Because a CS+ signals

or predicts an upcoming US it has learning potential, for example, a CS+

paired with noxious or non-noxious stimuli can and is being used

by the defendants upon this writer through repetitive "trials" (pairings)

to force learning (p. 7) in effort to condition emotional responses in an

unconscious aversive conditioning program.

10) Noxious stimuli. Among the several types of noxious stimuli used by

the defendants against this writer, in repeated pairings, are male guards and staff,

and female guards and staff, presented as homosexual and lesbian, respectively,

or paired with them; repeated placement in darkened (lightless) rec and shower

cubicles (implied death threat); repetitive placement in the same shower cubicle;

repetitive placement in lightless shower cubicle (death threat) in

combination with freezing shower water (shock); frequent placement in

threatening, uncomfortable, or stressful situations, for example, repeated

partial removal or lessening of restraints during escort as an implied

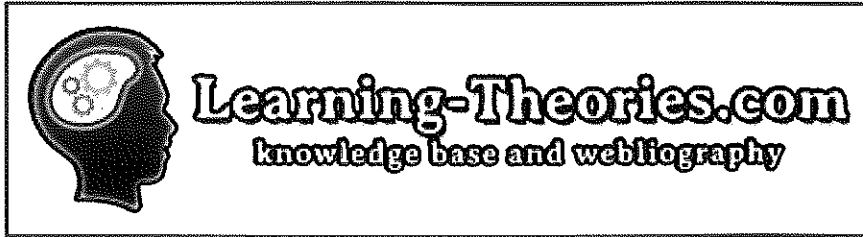
threat/set-up; shock therapy via sudden ear piercing sound. Inter alia.

11) Repetitive exposure to noxious and other stimuli in a coercive way brings mental and emotional pain and anguish. It is punishment.

12) When cc is deployed correctly, one automatically (reflexively) learns what it is the defendants want to communicate. The defendants do this through careful manipulation of the environment, in combination with cc procedure, so that connections (associations) between events in the environment are made. In this way one is being forced to learn against their will, consent, or even knowledge.

13) The defendants sometimes use a double cc procedure where both guards precede food delivery, i.e. the lead guard serves and the 2nd guard serves.

Note: This explanation is not exhaustive.



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Classical Conditioning (Pavlov)

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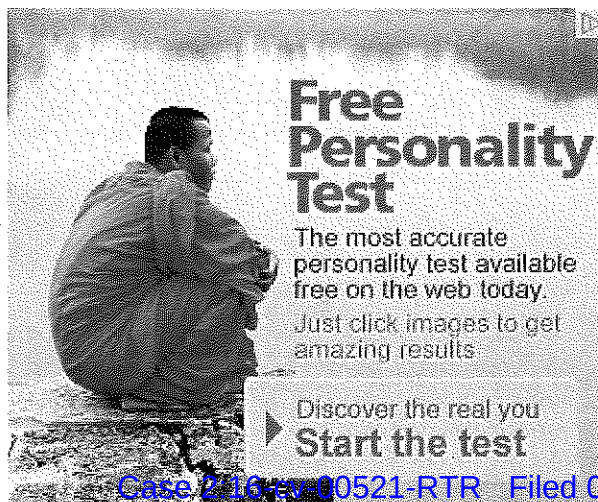
Summary: Classical conditioning is a reflexive or automatic type of learning in which a stimulus acquires the capacity to evoke a response that was originally evoked by another stimulus.

Originators and Key Contributors: First described by Ivan Pavlov (1849-1936), Russian physiologist, in 1903, and studied in infants by John B. Watson (1878-1958).

Keywords: stimulus-response, psychic reflexes, unconditioned stimulus, conditioned response, respondent conditioning

Classical Conditioning (Ivan Pavlov)

Several types of learning exist. The most basic form is *associative learning*, i.e., making a new association between events in the environment. There are two forms of associative learning: classical conditioning (made famous by Ivan Pavlov's experiments with dogs) and operant conditioning.



Pavlov's Dogs

In the early twentieth century, Russian physiologist Ivan Pavlov did Nobel prize-winning work on digestion. While studying the role of saliva in dogs' digestive processes, he stumbled upon a phenomenon he labeled "psychic reflexes." While an accidental discovery, he had the foresight to see the importance of it. Pavlov's dogs, restrained in an experimental chamber, were presented with meat powder and they had their saliva collected via a surgically implanted tube in their saliva glands. Over time, he noticed that his dogs who begin salivation before the meat powder was even presented, whether it was by the presence of the handler or merely by a clicking noise produced by the device that distributed the meat powder.

Fascinated by this finding, Pavlov paired the meat powder with various stimuli such as the ringing of a bell. After the meat powder and bell (auditory stimulus) were presented together several times, the bell was used alone. Pavlov's dogs, as predicted, responded by salivating to the sound of the bell (without the food). The bell began as a neutral stimulus (i.e. the bell itself did not produce the dogs' salivation). However, by pairing the bell with the stimulus that did produce the salivation response, the bell was able to acquire the ability to trigger the salivation response. Pavlov therefore demonstrated how stimulus-response bonds (which some consider as the basic building blocks of learning) are formed. He dedicated much of the rest of his career further exploring this finding.

In technical terms, the meat powder is considered an unconditioned stimulus (UCS) and the dog's salivation is the unconditioned response (UCR). The bell is a neutral stimulus until the dog learns to associate the bell with food. Then the bell becomes a conditioned stimulus (CS) which produces the conditioned response (CR) of salivation after repeated pairings between the bell and food.

**John B. Watson: Early Classical Conditioning with Humans**

John B. Watson further extended Pavlov's work and applied it to human beings. In 1921, Watson studied Albert, an 11 month old infant child. The goal of the study was to condition Albert to become afraid of a white rat by pairing the white rat with a very loud, jarring noise (UCS). At first, Albert showed no sign of fear when he was presented with rats, but once the rat was repeatedly paired with the loud noise (UCS), Albert developed a fear of rats. It could be said that the loud noise (UCS) induced fear (UCR). The implications of Watson's experiment suggested that classical conditioning could cause some phobias in humans.

For more information, see:

- Pavlov, I. P. (1927). *Conditioned Reflexes: An Investigation of the Physiological Activity of the Cerebral Cortex*. Translated and Edited by G. V. Anrep. London: Oxford University Press. [Full text available online](#)

Karen Franklin, PhD

Clinical and Forensic Psychologist, Northern California

Segregation psychosis

The exponential growth in super-maximum security prisons and Security Housing Units (SHU's) has led to a concurrent rise in psychotic symptoms among prisoners. These symptoms may mimic those of schizophrenia, but with the crucial distinction that they are rapidly reversible. Unfortunately, prisoners suffering from segregation-induced psychosis may be misdiagnosed as suffering from a more chronic mental illness, rather than from a temporary, environmentally induced condition.

Psychotic symptoms among individuals subjected to solitary confinement has been observed as far back as the early 1800s. Between 1854 and 1909, dozens of articles appeared in German journals that described a constellation of segregation-induced psychotic symptoms including hallucinations, paranoid thinking, and persecutory delusions. Indeed, by 1890 the U.S. Supreme Court had condemned solitary confinement on psychiatric grounds, stating that it caused "a considerable number of prisoners" to become "violently insane."

Stuart Grassian, MD, of Harvard University has studied the effects of Security Housing Units on prisoners in Massachusetts. He describes strikingly consistent symptoms that mimic those produced by other sensory-deprivation experiences. These symptoms include:

- Perceptual distortions and hallucinations
- Massive free-floating anxiety
- Impaired concentration and memory
- Acute confusional states, at times associated with dissociation, mutism, and partial amnesia
- Persecutory thoughts, at times reaching delusional proportions
- Impulsive behavior, for example sudden self-mutilation or violence
- Rapid subsiding of symptoms once isolation is terminated

This constellation of symptoms can be induced among individuals with no preexisting psychiatric problems. Not surprisingly, however, the problem is worse for prisoners with preexisting mental disorders. Such individuals almost invariably experience a dramatic worsening of their psychotic symptoms.

Further resources:

Stuart Grassian, MD (1983). Psychopathological effects of solitary confinement. *American Journal of Psychiatry* 140 (11), pp. 1450-1454

Terry A. Kupers (1999). *Prison madness: The mental health crisis behind bars and what we must do about it*. Jossey-Bass Publishers

Bruce Porter (1998). Is solitary confinement driving Charlie Chase crazy? *New York Times Magazine*, November 8, 1998, pp. 52-58

Related blog post:

"Supermax: Hell on earth or not as bad as we thought?"

Drawing: Sketch by SHU prisoner Herman Wallace, Louisiana State Penitentiary, Angola

Faith-based state group seeks Waupun prison abuse probe

Bill Lueders 6:36 a.m. CDT July 31, 2014



(Photo: Photo: Lauren Fuhrmann/Wisconsin Center for Investigative Journalism)

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A statewide advocacy group on Tuesday asked Wisconsin Gov. Scott Walker to investigate allegations that guards at Waupun Correctional Institution have abused inmates in the prison's segregation unit dozens of times since 2011.

"It is now clear that the Wisconsin Department of Corrections, as a matter of policy, routinely engages in torture," said the letter from Wisdom, a faith-based group with chapters around the state. "As governor, you have the authority and responsibility to end the torture now."

Walker spokeswoman Laurel Patrick declined comment, referring questions to the state Department of Corrections. DOC spokeswoman Joy Staab declined to comment on Wisdom's letter but issued a statement: "Every allegation of assault that is brought to the attention of staff is investigated. The Dodge County Sheriff's Department routinely investigates allegations. During the past several years there have been no substantiated allegations of staff on inmate abuse at Waupun Correctional Institution."

Wisdom's letter was prompted by a series of articles released last week by the Wisconsin Center for Investigative Journalism and published or cited by 29 news organizations around the state. The Center identified 40 allegations of

physical or psychological staff-on-inmate abuse involving 33 inmates in the prison's solitary confinement unit over the past three years.

The letter from Wisdom president Sandra Milligan said Wisconsin's use of solitary confinement, in which prisoners spend months if not years with little human contact, "is by definition torture." She cited the Center's series in saying that the problem is "particularly acute at Waupun."

"The exhaustive five-month investigation by the independent Center for Investigative Journalism found that many of the inmates in solitary confinement are mentally ill and subject to alleged routine abuse by guards and indifference by staff," she wrote.

The three-part series was based on prisoner lawsuits, complaints, interviews and letters. Much of the alleged physical abuse involved inmates who said they were handcuffed and not resisting.

Incident reports provided by Waupun officials confirmed that inmates were subjected to the use of force, including tasers, pepper spray, knee strikes and takedowns, and in some cases sustained injuries. But the reports portrayed the prisoners as instigators, saying staff used only necessary force.

Two-thirds of those allegations involved a single correctional officer, Joseph Beahm, who has worked in Waupun's segregation unit since 2006. Top corrections officials denied the allegations, accusing the inmates of lying. Beahm has never been disciplined for any inmate-related infraction.

Late last week, the DOC declined a request from the Center to interview Secretary Ed Wall about the allegations documented in the series.

Wall, in April, released a memo saying the state was reviewing its use of solitary confinement, which "may really just be helping to create a worse behavior problem and habitual threat."

Segregation cells feature concrete and steel furnishings, one small window and a steel trap door through which food and medication are passed. A regular segregation cell measures 6 feet 2 inches by 12 feet.

The letter called on Walker to take a series of steps in response to the series, including:

- Request an independent investigation by the U.S. Department of Justice, saying the state DOC "cannot be asked to investigate itself."
- Transfer the officer named in the majority of the complaints to other duties until the investigation is completed, and ensure that no prisoners experience retribution for cooperating with investigators.
- Order the state Department of Corrections to implement changes including rotating correctional officers in segregation units to other duties every three months, improving training for dealing with difficult inmates and creating an independent complaint system for inmates.

"We really feel that it's time that the governor step in and investigate what's going on in the Department of Corrections," said David Liners, executive director of Wisdom.

— The Wisconsin Center for Investigative Journalism collaborates with Wisconsin Public Radio, Wisconsin Public Television, other news media and the UW-Madison School of Journalism and Mass Communication.

CRUEL AND UNUSUAL?

July 21, 2014

Waupun guard named repeatedly in abuse complaints

State officials defend officer, say inmates are lying in claims of mistreatment

By: BILL LUEDERS

Part 2 of 3

At his sentencing hearing on Feb. 28, Wisconsin prison inmate Leighton Lindsey admitted (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1211985/leigh-ton-lindsey-sentencing-hearing.pdf>) in court that he bit a correctional officer in the segregation unit at the state's Waupun Correctional Institution.

He said he did so because the officer, Jesse Jones, was restraining him while another officer, Joseph Beahm, assaulted him.

"I was being held up so that Beahm could punch me, kick me, knee me, all that stuff," he told the judge, saying he acted in self-defense. "I had no choice."

Name: BEAHM, JOSEPH D



Beahm's report (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1211988/beahm-report-on-lindsey.pdf>) on the Dec. 23, 2011, incident said Lindsey spat at officers and was actively resisting Jones, then began biting him. The two officers subdued Lindsey "using strong side knee kicks and strong side forearm strikes," the report says. Jones sustained a bite mark (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1216229/jones-bite-mark-from-lindsey-case.pdf>) and sore knee. Photos show Lindsey with a bloody gash (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1211986/lindsey-head-wound-from-dec-2011-incident.pdf>) across his forehead.



<http://lu6efc47b7f9g5vc6kf9kfdcn.wrcengine.xetdna-cdn.com/wp-content/uploads/ads/2014/07/Behim.ir.pdf>

Wisconsin Department of Corrections

Joseph Beahm, a correctional officer in the segregation unit at Waupun, is named in more than two dozen allegations of inmate abuse.

state officials and an inmate-rights activist.

Of the 40 allegations, officer Beahm is named in 28. A dozen inmate lawsuits since 2011 accuse Beahm of physical or psychological abuse; six have been dismissed and six are pending.

The state Department of Corrections has denied these allegations and accused the inmates making them of lying. But the nature and volume of the complaints has drawn the notice of state Sen. Lena Taylor, D-Milwaukee, and former state prison chief Walter Dickey, who has called for an investigation in response to the Center's findings.

Beahm, a nine-year department employee, did not respond to written requests for an interview or offers to go over the allegations in detail.

'A rogue guard'

Beahm, a state prison guard since 2005, has worked since October 2006 in Waupun's segregation unit, where inmates are often sent for disciplinary reasons. He is well-known to inmates at the prison 55 miles northeast of Madison.

"He talks like a tough man, he talks like a bully," said Talib Akbar, a former Waupun inmate released last October after serving 20 years for two counts of sexual assault. "When something happens, he's the first one there, because he wants to down somebody."

In September 2012, Akbar said he watched from his cell as Beahm pushed a handcuffed inmate face-first to the floor, then pounced on his back. “Beahm’s knee was in his back, and his head was pulled backwards.” Akbar said the inmate “didn’t weigh 130 pounds soaking wet. He was hurt.”

Akbar wrote a letter

(https://s3.amazonaws.com

[/s3.documentcloud.org/documents](https://s3.documentcloud.org/documents)

/1212244/akbar-letter-to-pollard.pdf) to

Waupun Warden William Pollard, reporting what he had seen, adding that Beahm "has a habit of this type of abuse." The letter drew a reply from Waupun security director Tony Meli, saying the incident "will be reviewed by law enforcement."

The records identify the inmate as Holden Rodriguez, who the prison says weighs 135 pounds. The incident reports say Rodriguez resisted, threatened and spat at officers, and was directed to the ground with the least amount of force necessary. The incident led to Rodriguez being convicted of "prisoner throw/expel bodily substances," a felony, and sentenced to an additional six months.

According to other records released to the Center, Beahm has been the subject of only one disciplinary investigation during his time at Waupun. That was a 2011 incident in which he allegedly fell asleep at a desk. Beahm denied it, and complained about being “written up,” which he said had never happened

The case is among the 40 allegations of staff-on-inmate abuse since 2011 identified by the Wisconsin Center for Investigative Journalism in Waupun's segregation unit, commonly known as solitary confinement. Most involve indications that inmates received post-incident physical or mental health attention.

The allegations were made in lawsuits, internal inmate complaints, interviews, and letters to



(<http://u6ef372b7f85ve6kfe8fdm.worwzine.nadma.cdn.com/wp-content/uploads/2014/07/Tahib-Atbar.jpg>)

Kate Golden/Wisconsin Center for Investigative Journalism

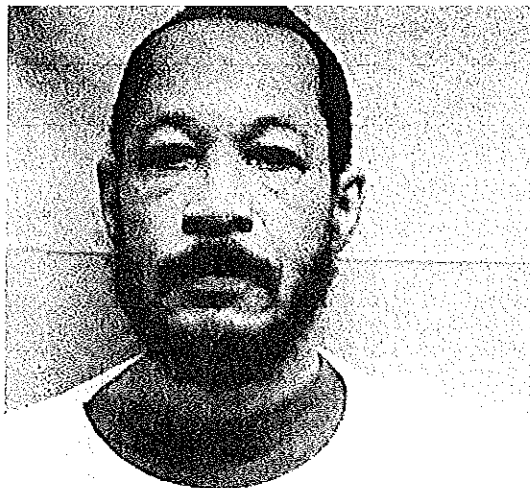
Former inmate Talib Akbar reported witnessing physical abuse of another prisoner to the Waupun warden, alleging the guard, Joseph Beahm, "has a habit of this kind of abuse."

amending this to, "I'm going to hurt you real bad!" Another inmate, Shirell Watkins, produced an affidavit (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1184164/affidavit-of-shirell-watkins-1-20-13-on-mckinley.pdf>) saying he heard Beahm's death threat "from my own ears."

After handcuffing him from behind, McKinley alleges, Beahm and other officers twisted his wrist "to its limit and near breaking point," slammed him face first into a strip cage door and stomped on his shackled ankles. He said his wrist, hand and ankles were "contorted and wrenched" for "at least 30 minutes of continuous agony." At one point McKinley states that he lost control of his bowels and defecated on the floor.

The state, in a court filing (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1184159/mckinley-proposed-findings-of-fact.pdf>) in February, denies these allegations, saying staff used only necessary force. It allows that McKinley "released feces from his anus" and was ordered to "stop pooping."

At a disciplinary hearing in April 2013, McKinley was found "more likely than not" to have battered staff and thrown fluid; he was sentenced to an additional 360 days in segregation. He is also facing felony charges over this incident, for throwing or expelling bodily substances. That case is scheduled for trial in August.



(<http://uc6fc12b7f92c066f94f6c1wpcengine.netdna-cdn.com/wp-content/uploads/2014/07/Laron-McKinley.jpg>)

Wisconsin Department of Corrections

Inmate Laron McKinley alleges in a lawsuit that he was subjected to "torture" in retaliation for throwing fecal matter at a guard. He says the guard, Joseph Beahm, told him, "I'm going to kill you."

Name: MOUNGEY, ANDREW C



(<http://uc6fc12b7f92c066f94f6c1wpcengine.netdna-cdn.com/wp-content/uploads/2014/07/Moungey.jpg>)

Wisconsin Department of Corrections

Andrew Moungey.

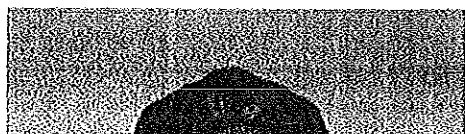
Officer Moungey, hired in 2011, is named in 11 of the 40 complaints. Another officer, I.T. Jessie Schneider, hired in 2001, is named in 15. Moungey and Schneider did not respond to interview requests sent via letter and email. DOC records show that neither officer has been investigated for allegations of inmate abuse, although Schneider was accused last year of falsely reporting that he administered one dose of pepper spray to a non-compliant inmate when in fact it was two.

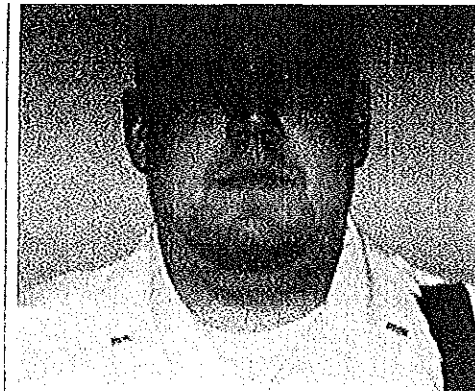
In all, the Center obtained records of disciplinary investigations for eight Waupun employees named frequently in inmate complaints. All were for minor infractions, like being late, and except for the incident involving Schneider, none dealt with the treatment of inmates.

The state DOC, in response to a records request, provided information on some incidents. But it refused to release records regarding inmate injuries, saying this was confidential medical information. It also denied access to internal complaints filed by inmates against guards and videos taken during some alleged incidents of abuse, saying this would jeopardize security.

'Been looked into'

Name: SCHNEIDER, JESSIE





<http://i6cfc49b7f85v66k6yfdcnwpengmc.netdna-cdn.com/wp-content/uploads/2014/07/Schneider.jpg>

Wisconsin Department of Corrections

Lt. Jessie Schneider.

p. 7
Advocate Swan, a retired nurse's aide who lives in rural Richland County, wrote the DOC early this year asking that Beahm be removed from duty pending an investigation into the complaints against him.

James Schwochert, the DOC's assistant administrator of adult institutions, told Swan in a letter (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1147705/schwochert-letter-to-swan.pdf>) dated Feb. 18 that this would not happen.

"These complaints have been looked into, by either internal or external investigators," Schwochert wrote. "Based on our findings, they appear to be fabricated to the point that the inmates place themselves at risk of being subject to discipline for making false allegations about staff."

"Based on our findings, (the complaints) appear to be fabricated to the point that the inmates place themselves at risk of being subject to discipline." — State prison official

But Dickey believes the large number of complaints merits further inquiry.

"Even if everything they say in that letter is true, I'm not sure why you want to keep the guy in seg," Dickey said. "There's obviously something going on."

"It's a psychological warfare environment," said former Waupun inmate Marvin Smith, who spent the majority of his seven years at the prison in segregation. "They know which inmates are weak. They know which inmates they can prey upon."

Smith, whose alleged case of abuse did not involve Beahm, said he's heard Beahm state that he will remain in segregation: "He's not going anywhere. He's said that. Because he knows he's free to make inmates' life a living hell."

Waupun leads in lawsuits

Currently, inmates alleging abuse have few options besides filing their own lawsuits.

The American Civil Liberties Union of Wisconsin (<http://www.aclu-wi.org/>) is monitoring conditions at the Milwaukee County Jail and Paycheedah state women's prison, both the subject of past litigation, but has no other active cases concerning prison conditions.

The Legal Assistance to Institutionalized Persons Project (<http://law.wisc.edu/lir/lair/>), run through the University of Wisconsin Law School, does not take such cases. And Legal Action of Wisconsin (<http://www.legalaction.org/>), a federally funded nonprofit agency, is barred by law from doing so.

"There's a big void because Congress doesn't want to help inmates," said John Ebbott, Legal Action's former executive director.

Lawsuits by inmates in federal court are not uncommon. Matthew Frank, who served as DOC secretary from 2003 to 2007, said the position brings "the dubious distinction of being the most-sued person in state government."

Pollard, the warden at Waupun, has been sued hundreds of times. But only a small number of suits proceed far enough to require the state to present a defense.

During the three-year period from 2011 through 2013, the state Department of Justice represented state prison officials on 49 inmate lawsuits alleging excessive use of force, according to a tally provided by department spokeswoman Dana Brueck.

Of these, 13 suits are from inmates at Waupun, more than for any other state prison. Several of the suits have been dismissed, others are pending.

Brueck declined to comment on whether the large number of lawsuits alleging the use of excessive force at Waupun might indicate a systemic problem. "That is a question for the DOC," she wrote in an email. She said her office's role is to "defend the state and pursue remedies in the best interest of the state."

The DOJ's list, prepared in March, omits at least four additional lawsuits filed by Waupun segregation inmates in late 2013 and early 2014. It also does not include a lawsuit filed on Feb. 11, 2013, by Marcus Childs, an inmate in segregation. Childs alleged (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1197891/childs-complaint.pdf>) that when he was placed naked in a cold cell in 2011, officer Beahm denied him access to a blanket that a psychologist had okayed. That case was dismissed in March 2013 because Childs failed to submit a required filing.

Childs missed the filing because he hung himself in his cell on Feb. 21, 2013.

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Ex. 1004

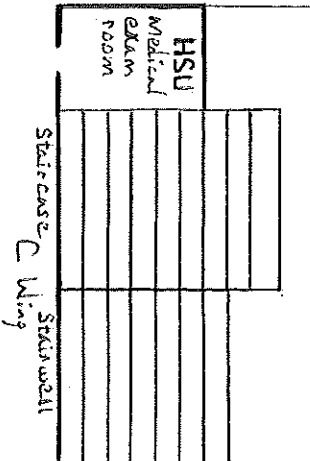
BLIND SPOTS

Shaded areas represent blind spots.

Note: Below is an overview representation of the Seg/RHU Unit's blind spots which are entirely located in the Foyer area illustrated below. "Blind spots" do not mean that these areas lack surveillance cameras. It means the cameras, if any, in the shaded areas below do not record preserve incidents in these areas.

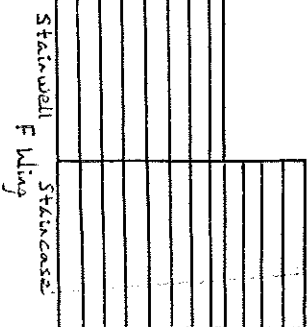
All stairs lead to or from the housing areas.

visitation/interview cubicles



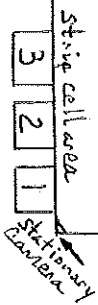
elevation

Double
Doored
Vestibule



Sergeant's Office

CONTROL BUBBLE
MCI Segregation/RHU Unit



TO: Warden Pollard
Dr. Ingres
Dr. Ludigson
Toni Meli
HSC Director
WIDOC health director

RE: Longterm Seg./AC Programs
WCI (Common Grounds)

Warden Pollard, et al:

Please find enclosed the CG (Common Grounds) longterm seg/AC program resolution that FFUP's "think tank" has put together and donated to Waupun to try to address the longterm seg/AC problems that exist there.

We believe a fresh look at the AC/longterm seg. problem is needed, and we believe common grounds can be part of that solution.

Thank you for your attention to this matter.

We request feedback as to whether this program will be used or any comments on it.

Sincerely,

FFUP Director and Prison Rights Advocacy Coordinator.

Common Ground (CGS)

Logline: Transitioning Prisoners From AC and Longtime Seg.

Goals: Addressing conflict resolutions that prisoners in AC/longtime segregation have with prison staff and/or among themselves, resulting in the hopeful transitioning and release from AC/long time seg.

Premise of Program: CGS begins with the premise that if a prisoner has been placed and held in AC/long seg. status there has to be an existence of some kind of conflict between either staff or the prisoner and other prisoners that has lead to this long time segregation placement.

Unique Approach: Instead of placing blame or approaching the conflict from a subjective point of view, CGS is designed to not take a particular position in the conflict, but equalize the concerns voiced by both the prisoners/staff conflict or prisoner/prisoner conflict that led to the AC/long seg. placement, and focus on resolutions without placement of blame.

This unique approach is effective because, as in any conflict, resolution and all points of view must be aired and respected as part of the resolution discussion. No problem has ever been solved by one party in a given conflict being burdened with blame, while the other takes on a superiority complex.

Objective: The objective is to find common grounds that everyone can respect each other's security and classification concerns without placing blame and the use of inferiority labels that makes one party feel the need to be

Ex. 1005 p. 1 of 2

defensive, which is what most prisoners who are held in AC/long seg. feel. This defensiveness has been the main reason no previous administration/ clinical programs have successfully led to the prisoners transitioning and eventual release from AC/long seg.

Designed: This is what makes CGS unique and effective. It was designed specifically with AC/long seg. prisoners in mind. After careful review of complaints, court cases, and other view points of prisoners held in these statuses. The CGS think tank recognized the fault lines that kept the prison officials security claims and goals from registering with the prisoners and the prisoner's views being considered by the prison officials. Both sides took a "my way or the highway" approach. Resulting in the stalemate with the prisoner stuck in AC/long seg. for indefinite years and the prison officials having to pay the cost of these prisoners becoming more defensive and in the more extreme cases, psychologically damaged beyond the objective penological goal of the status. And a psychologically damaged prisoner is not in anyone's best interest. It is certainly not in the best interests of society, where some, if not most, of the prisoners will be freed to; nor the tax payers, who now have to pay extra to staff special housing units to police segregated mental units that are in fact disciplinary segregation units, which only exacerbate the original conflict.

Workshops: The CGS is organized in six workshop sessions:

Session One: Begins with both the prison official and prisoner reducing to written word what each feels is the contributory problems.

CGS freedom of expression: In order for the workshops to be effective there has to be a certain level of free expression. CGS believes all participants must be allowed to state their views free of punishment. Free expression does not entitle abusive language used to provoke or disrespect the other participants, or create more problems.

Session Two: begins with the prison official recitation of the prisoner's point of view and the prisoner recitation of the prison officials. Or, in case of prisoner/prisoner, each would recite the other's views. The participant must defend each other's view point as if it was their original view to examine and experience the difference in each other's views.

Session Three: begins with each participant putting forth prospective resolutions to the conflict, with discussion.

Session Four: begins with the mediator of CGS - a neutral and independent person - putting forth resolutions that participants should consider. The participants can accept or alter these resolutions and stipulate.

Session Five: begins with the participants pointing out what issues of concern that the other one has. They can agree these are ones to be dealt with and agreements to resolve them.

Session Six: begins with all participants putting forth future resolution commitments to prevent and stop future problems and incidents.

Completion of CGS: Upon completion of CGS, which is a six week session workshop, the prisoner participant should be placed in a transition housing to be phased back to general prison population.

Homework Assignments: After each workshop the participant should take a story of real life conflict (past and present, over the span of the workshops) and write a report stating how both sides to that real life conflict could resolve the matter. Also, what might be the fault line problems preventing the current resolutions. The reports should also point out valid points that each side has that should be taken more seriously by the other side.

Final Report: At the completion of CGS, the participant should write a one hundred word essay on how the examination of the report conflicts has impacted their opinion, and if so, made a change in view point.

Disclaimer: The reports written should be permitted some freedom of expression and not be used to continue

AC/Seg. placement, nor future placement. The reports will be either read at sessions or by the mediator who will return them to the participant.

Rights: CGS was created by FFUP in house pro se legal consult, R. U. and FFUP reserves all rights.

Donation: FFUP waives the rights to WI DOC to use CGS as part of the prisoner AC/long time seg. remedy.

FFUP/R.U.

New post on Solitary Watch



Supreme Court Justice Kennedy Denounces "Human Toll" of Solitary Confinement and Invites Constitutional Challenge

by Solitary Watch Guest Author

Guest Post by Samuel Weiss and Amy Fettig

Samuel Weiss is Ford Foundation Fellow at the ACLU's Center for Justice. Amy Fettig is Senior Staff Counsel at the ACLU's National Prison Project.

In March, Supreme Court Justice Anthony Kennedy was testifying before the House Appropriations Subcommittee when he received a question on prison overcrowding. He responded with a sweeping condemnation of the American prison system. "Total incarceration," he stated, "just isn't working." He reserved his harshest words for the practice of solitary confinement: "Solitary confinement literally drives men mad."

Justice Kennedy's words were powerful but also left an open question. He called the prison system "overlooked" and "misunderstood," lamenting that "We have no interest in corrections." But he is no outside academic, critiquing the inattentiveness of others. He is a member of a Court both able and required to ensure that conditions inside prisons comport with the Constitution. Indeed, he is often the Court's swing justice, casting the deciding vote on what the Constitution requires. His influence in determining constitutional questions has led law professor Noah Feldman to write, "It's Justice Anthony Kennedy's country – the rest of us just live in it." If solitary confinement were indeed a primary concern for the Justice, when would it make its way to the pages of the Supreme Court's opinions?

Last Thursday, it arrived. In *Davis v. Ayala*, the United States Supreme Court decided an unrelated question on the exclusion of a defense attorney from part of a hearing on jury selection. The defendant, however, had spent much of the past twenty years in solitary confinement, and Justice Kennedy wrote a separate concurrence to address the practice.

Justice Kennedy opened with the long cultural history of the horrors of solitary confinement, citing an 18th century report on prison conditions and a 19th century novel that detail the damage solitary confinement has wrought. He continued to 1890, when a United States Supreme Court case described how even short stints in solitary left people

"violently insane." He connected these trends to the present, citing to the story of Kalief Browder, a child who spent years in solitary confinement while being held, though never tried, for allegedly stealing a backpack. Earlier this month, Browder took his own life.

While this long-standing knowledge of the dangerousness of solitary confinement was "[t]oo often" and "[t]oo easily ignored," Kennedy wrote, a "new and growing awareness" on solitary confinement is emerging. Most significantly, he closed by appearing to invite a case to address these concerns directly: "In a case that presented the issue, the judiciary may be required, within its proper jurisdiction and authority, to determine whether workable alternative systems for long-term confinement exist, and, if so, whether a correctional system should be required to adopt them."

When a Supreme Court Justice talks, the world listens. The *New York Times* dedicated an editorial to the concurrence, writing that Justice Kennedy "raises a constitutional question even if some of his colleagues would rather avoid it." The *Los Angeles Times* wrote of the "rare instance of a Supreme Court justice virtually issuing a constitutional challenge to a prison policy."

State chided Justice Kennedy for his lack of self-awareness in accusing others of apathy: "Kennedy may have only just discovered the cruelty of solitary confinement, but civil liberties-minded individuals and advocacy groups have fought against the practice for decades." As civil rights lawyers leading the ACLU's Stop Solitary campaign, we know well that advocates have worked for years to confront the practice, but there is also no question that the Justice's concern reflects a new and growing national movement to end solitary confinement. That movement now has one of the nation's leading moral and legal voices as its center. Read more of this post