

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

LaRon McKinley Bey ("McKinley Bey"),

Amended Complaint

v.

Case Number:

(Full name of defendant(s))

16-CV-521

(to be supplied by Clerk of Court)

William Pollard, Brian Foster, Tony Meli,
Jon E. Litscher, Cathy Tess, Dr. Schmidt,

Brian Greff, Paul Ludwigson, John O'Donovan,
Captain Westra, ACRC Jane and John Does 1-10,

Jessie J. Schneider, Shane M. Waller, Jeremy L. Staniec,
Joseph Beahm, and Jane and John Does 1-15, all in their
individual and official capacities.

A. PARTIES

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

Waupun Correctional Institution (WCI), PO 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, PO Box 351, Waupun, WI 53963. DOC.
4. Tony Meli, WCI, PO Box 351, Waupun, WI 53963. DOC.
5. Jon E. Litscher, DOC(Central), PO Box 7925, Madison, WI 53707-7925.
6. Cathy Jess, DOC(Central), PO Box 7925, Madison, WI 53707-7925.
7. Dr. Schmidt, WCI, PO Box 351, Waupun, WI 53963. DOC.
8. Brian Greff, WCI, PO Box 351, Waupun, WI 53963. DOC.
9. Paul Ludvigson, WCI, PO Box 351, Waupun, WI 53963. DOC.
10. John O'Donovan (unknown).
11. Captain Westra, WCI, PO Box 351, Waupun, WI 53963. DOC.
12. ACRC Jane and John Does 1-10, WCI, PO Box 351, Waupun, WI. DOC.
13. Jessie J. Schneider, WCI, PO Box 351, Waupun, WI 53963. DOC.
14. Shane M. Waller, WCI, PO Box 351, Waupun, WI 53963. DOC.
15. Jeremy L. Staniec, WCI, PO Box 351, Waupun, WI 53963. DOC.
16. Joseph Beahm, WCI, PO Box 351, Waupun, WI 53963. DOC.
17. Jane and John Does 1-15, WCI, PO 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 Department Of Corrections ("DOC"), PO Box 7925, Madison, WI 53707.
(Employer's name and address, if known)

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

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 McKinley Bey of federal rights.

2. The plaintiff is held by the defendants in supermax, long-term
isolative Administrative Confinement ("AC"), aka: solitary confinement,
in the WCI Restrictive Housing Unit ("Seg Unit") where he has
remained more than 4 years.

(continued on attached pages)

PLAINTIFFS' CONDITIONS OF CONFINEMENT

3. Segregation Unit: The Seg Unit is a state-of-the-art supermax, isolative confinement unit within the MCI with some modification to its original abject sensory deprivation design. Adjacent to a central gun tower, the unit is partially enclosed by a wall and fencing and barbed wire on its remaining sides. It is a highly restrictive, controlled, sparse living environment and most prisoners housed there are subjected to its restrictions for punitive purposes. It has an approximate 180 single cell capacity of three two-tiered housing wings (A, B and C ranges) of six individual tiers of about 30 cells each.

4. Defendants Pollard, Meli, Greff, Ludvigson, Schneider, Waller, Staniec, and Jane and John Does 1-15, are responsible part and partial, between July 2012 to the present, for the implementation of, the maintenance of, the funding of subordinates in, the control and command of, on the actual use of, and insidious Pavlovian Classical Conditioning procedure upon plaintiff in the seg unit without his informed consent. The classical conditioning ("cc") model and procedure is structured in the defendants' mode of food delivery as more fully set out in Ex. 1001, which plaintiff incorporates hereto.

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7. 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. The vast majority of seg admissions are for disciplinary reasons, estimating that of the total seg population 95% are for disciplinary reasons.

6. On or about 2012 to the present defendants Pollard, Meli, Jess, O'Donovan, Westra, Greff, Schneider, Waller, Staniec, Beahm, and Tene and John Does 1-15, have created, perpetuated and maintain a hostile environment between the seg guards, and the AC/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 plaintiff stress and mental anguish. (Ex. 1003)

5. On belief, most prisoners targeted by defendants' procedure set out above are unaware of its insidious use upon them, or of its reflexive (involuntary) effects, making them vulnerable to a dangerous unconscious faying with their personality and emotions that can induce symptoms and illness associated with mental illness. (Ex. 1002)

8. Isolation: The plaintiff's prolonged isolated AC typically confines him alone to a bathroom size cell 16 1/2 hours of the 168 hour week. He is confined to this cell 23 hours on Tuesdays, Wednesdays, Fridays, and Saturdays, and if he chooses to attend law library he often must forfeit a free period. On Sundays, Mondays, and Thursdays he is confined to a cell 24 hours.

(i) The general use of the Seg Unit is for punishment through various degrees of isolation & staffuses via a type of step program between A and B ranges and portions of C Range. A and B, and portions of C, being the sparsest in degree.

(ii) The "staffuses" referred to above are Disciplinary Separation ("DS"), Program Segregation ("Prog Seg"), and Controlled Separation ("Cont'l").

(iii) The plaintiff's AC status is supposed to be nonpunitive though the defendants use it as a de facto form of punishment, e.g. see 4-b, above, and VI-VIII, XVII, XIX, XXI, XXII, XXV and XXIX, below.

(iv) Since the plaintiff is not allowed to move forward out of indefinite seclusion, he has been and is subject at any time to

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demon to the statuses and ranges listed in (i) and (ii), above.

(v) The plaintiff has been and is 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 out of isolation to another seg area called "transition" and

"North Program" which is in the North Cell Hall, a general population building, and are allowed 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 in dog kennel

cages devoid of direct sunlight.

(vii) McKinley Bey's prolonged confinement in the Seg Unit

denies him a life's minimal necessity by the defendants.

mode of isolation calculated to deprive him of all meaningful

human contact; where he cannot congregate with other AC

prisoners, cannot have contact visits or window visits (all but

attorney visits are by video monitor screen only); cannot

have a prison job; art supplies; or participate in educational programs;

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cannot open his cell window to let the fresh air and elements in, and thereby is in combination subject to severe physical, social, environmental, and occupational isolation and lack of stimulation and enforced inactivity (see 8 and 8(iv) and (vi), above, and VIII, below).

(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 typically very loud due to 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 its to ranges and to rec rooms and the strip cell area camera. The cameras record but the quality and resolution is poor. The remaining nonstationary cameras are mounted in the areas frequented by staff and restrained prisoners, but these cameras do not record and, therefore, are blindspots 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 AC range (C Wing Lower) has a thundering echo that bounces off the hallway walls 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 AC and housed among AC

prisoners. On information and belief about 60% of the prisoners in seg at the WCI are mentally ill. Many of them cry and act out because they've been broken by the effects of isolation.

(XIII) All Seg Unit cells' and shower stalls' mirrors reflect

a distorted image.

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

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

(XV) The Psychological Services Unit ("PSU") lack a screening policy which protects and prevents seriously mentally ill prisoners from being placed and held in indefinite AC. 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 front an estimated 99% of the time.

(XVI) The defendants have no brightline criterion or program that prisoners in isolative AC can follow for release from it. exposure to it causes and exacerbates sleep deprivation and head and eye-aches.

(XVII) The Seg Unit rec cages in size and construction are day kennel cages about $\frac{1}{2}$ the size of a cell.

(XIX) The plaintiff, like many prisoners in AC, rather not attend rec for the following reasons: (1) the seg guards typically abuse

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(XXI) There is a deliberate health benefit disparity between some certain 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 flu and cold season and winter months, or at any time, that cough drops, vitamins, honey, tea, hot coco, or coffee, during the

cold they are very hot.

(XX) 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

prisoners would rather avoid rec altogether.

(3) the seg rec cages lack an emergency call button in event of medical emergency, and (4) prisoners sometimes have urine and feces fights at rec by throwing excrement at each other, and AC refuse to bring prisoners in from rec to relieve themselves; area contain bathrooms or drinking water, and the guards cage grating, because neither the rec cages nor the entire rec filthy and contain urine and feces or their stains on the floors as and assault prisoners during escort (Ex. 1003) that many prisoners would rather avoid staff physical contact; (2) the rec cages are

AC prisoners can purchase (see XIX, below).

(XXII) The seg guards deliberately disadvantage plaintiff and others housed 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 and forcing them to take freezing showers which compel them to miss one or both 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 and refusing prisoners showers because they were not standing at the cell door.

(XXIII) AC prisoners in the Seg Unit are allowed only 2 weekly showers of 7 minutes each compared to the 4 to 5 showers for general population of 20 minutes each.

(XXIV) AC prisoners are restricted from possessing certain personal property and are compared to prisoners in GP, although AC is supposed to be "nonpunitive" pursuant to DOC 308.01 and DOC 308.04(1).

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(XXV) The defendants maintain to 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.

(XXVI) The seg food trays commonly are stained, cracked, chipped, and literally have their coating/outer surface peeling from them. If a food item or utensil is missing on a food tray the seg guards will typically refuse to correct it.

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

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

(XXIX) The drinking water is tainted with high levels of lead and copper, however AC prisoners are not allowed to purchase bottled water as GP prisoners are. (Ex. 1005)

9. Defendant Pollard was bladen of the MCI 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 Complaint-3!

can be toxic to prisoners' health.
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11. Defendant Meli is Security Director of the WCI. 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

10. Defendant Foster is Warden of the WCI from 1/1/16 to the present. As such he is responsible for the overall administration of AC, and reviewing prisoner complaints re AC and seg conditions, appeals of AC placements, making decisions on releases or extensions 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. He is aware that long-term isolation can be toxic to health.

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 plaintiff. He is aware that long-term isolation can be toxic to health.

12. Defendant Litscher is Secretary of the DOC since on or around January 2010. 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.

13. Defendant Jess was Director of Adult Institution ("DAI") of the DOC and is now Deputy Secretary. As such she was 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.

14. Defendant Schmidt is supervisor of the WCI Psychological Services Unit ("PSU"). He oversees the administration of psychological services and heads staff psychologist. As a psychologist he is aware of the harmful effects of prolonged seclusion.

15. Defendant Gref was, from 7/15/12 to about March 2015, and Ludwigson now is, the Corrections Program Supervisor ("CPS") of all segregated prisoners, and make recommendations for AC placements. Ludwigson is a psychologist. Both are aware that

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prolonged seclusion can be toxic to health.

16. Defendants O'Donovan was, and Westra now is, Captain at the WCI and Chain of the ACRC, and Jane and John Does 1-10 are each, or were from July 2012 to the present, regular members of the ACRC which makes AC placements and bi-monthly "reviews" for AC continuance or release. Each are responsible for decision-making amounting to a practice of indefinite isolated AC of McKinley Bay, and each are aware that prolonged isolation is toxic to health.

17. 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 all prolonged isolation and seg conditions of AC prisoners. Both are aware that prolonged isolation is harmful.

18. Defendants Staniec, Beckm, and Jane and John Does 1-10, were and are "Seg 6" CDs assigned to the Bubble and Culling from around 2012 to the present. Each were responsible for handing out breakfast and lunch trays, conducting showers, and supervising

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

19. Each defendant named at 9, 11-13 and 15-17, above, have held McKinley Bay in prolonged supermax isolated AC at the WCI for more than 8 months which with the regulation set out at 27, below, triggers a state created liberty interest where the prolonged confinement together with the cumulative effect of the conditions outlined at 3-8, above, and 20-34, below, are atypical and significant as compared to ordinary incidents of prison life.

20. During each day that McKinley Bay has been in AC at the WCI from about July 11, 2012, to June 7, 2016, when he began a hunger strike, he has been regularly exposed to the defendants listed at 9, 11-13 and 15-18, above, insidious feed procedure during meal delivery, *inter alia*, as incarcerated hereinafter and more fully outlined at 4-5, above, and attached Ex. 1001.

21. The long-term, supermax, isolated AC conditions outlined in 3 through 8, above, in their cumulative effect together with those incarcerated hereinafter set out in 22-34, below, Complaint-3m

are punitive and deprives McKinley Bey of a basic human need which puts him at a substantial risk of serious mental injury, exacerbation of preexisting mental illness, medical problems, psychosocial impairment and other disabilities.

22. As a direct effect of his indefinite isolative AC and solitary confinement of more than 27 years, 9 months, McKinley Bey has or is presently 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; helplessness; hostility; anger, outbursts of physical and verbal violence; poor concentration; impaired memory and verbal recall; occasional disorientation; hypersensitivity to noises; hyperactivity and hypersusceptibility to stimuli; strong startle reaction; occasional disorientation in time and space, recurrent and persistent ruminations of a vengeful character, suicide ideations; sleep problems, and mental and emotional anguishment.

23. 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 "MH2A," a serious mental illness. This diagnostic criteria excluded his being
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26. Each named defendant at 9-18, 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, and can cause psychosomatic and psychosocial harm and impairment, and that McKinley Bey has suffered such harms, and has continued,

25. The indefinite, supermax, isolated confinement of McKinley Bey is a direct cause of his mental illness and symptoms, and defendants Pallard, Foster, Jess, Meli, Litscher, Greff, Ludwigson, Schneider, Waller, Westra, O'Donovan, Schmitt, and ACRC Jane and John Does 1-10, and their agents, are aware that his mental symptoms and impairment are environmentally induced, and that continued isolation impairs his capacity to process information and function normally, which pits him in a Catch-22 of indefinite isolation that they know he is unable to extract himself from.

24. As a direct effect of prolonged isolative confinement McKinley Bey, who had no prior physical or mental illness, has been afflicted with chronic hypertension, hepatitis C, and tinnitus.

housed at the Wisconsin Secure Program Facility ("WSPF"), a "supermax"

indefinite isolative AC poses a known, or excessive, substantial risk of serious harm.

27. Wis. Adm. Code § DDC 308.04 grants McKinley Bay a protected liberty interest in remaining free of AC and in avoiding continued AC placement pursuant to § DDC 308.04(2)(a)-(d).

28. The defendants at 9, 11 and 13-17, above, have a longstanding practice of indefinite isolative AC of the seriously mentally ill through the device of mere perfunctory and sham 6 month reviews with a lack of a substantive brightline criterion for McKinley Bay to meet for release with regard to his mental state and ability to conform in an environment which deprives him of sufficient reality-based information to function normally.

29 In a continuing cumulative violation of wrongful conduct via use of AC and other procedures and tactics in the Seg and Health Services Unit ("HSU") upon McKinley Bay to harm him throughout a period of 4 continuous years from around July 11, 2012, to June 7, 2016, through numerous efforts to induce phobia and use aversive conditioning to punish him by various noxious stimuli, and other coercive tactics, numerous

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McKinley Ray's delusional disorder symptoms were purposely induced

procedure set out at Ex 1001 at p.9, par 4, and that

delusional disorder, inter alia, can be induced using the

30. On information and belief phobia and symptoms of techniques and tactics used are further outlined in Ex. 1001.

and emotional anguishment. Many of the various coercive

the plaintiff missed meals, showers, rest, stress and mental

blind eye to a regime of retaliation and abuse to cause

or investigate, dismissed his complaints about, or turned a

Not each either participated in, caused, condoned, failed to prevent

plaintiff by their subordinates from 7/11/12 to the present.

among them were on notice of the ongoing mistreatment of

every defendant and allegation set out at 4, above, the supervisors

from around 3/8/13 intermittently to July 2016, incorporating

Schneider and Gref, from about 7/11/12 to April 2015, and Bealm,

May 2013 and intermittently up to about December 2015, and

to the present in collusion with Walter, from about 7/11/12 to

7/15/12 to 3/8/13 and 6/20/13 to 12/10/13 and intermittently up

defendants Stancic, a guard schooled in psychology, from about

environment, inter alia, including many individuals but primarily

intentional situational placements, set-ups, manipulation of the

initially by action of the WSPF Security officials, and followed-up by the WCI Security officials using the above as procedure.

31. Because of the mental harm to McKinley Bey diagnosed

around 7/10/12 as set out in 23, above, on 7/11/12 he was

transferred from the supermax WSPF to the WCI supermax

isolation Seg Unit where defendant WAllen, the seg unit

sergeant, callously housed him in a de facto sensory deprivation

cell (C228) in an environment worse than WSPF, which

exacerbated his mental injury. On or about 7/15/12 to

9/5/12 he made several verbal requests to WAllen to be moved

out of C228 which WAllen 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 the cell

assignments but they would pass his request to the sergeant.

32. On or about 7/11/12 defendants Rolland, and Meli, and their

agents, knew the reason for the transfer of McKinley Bey to the

WCI, namely he had recently been diagnosed mentally impaired

and vulnerable. With reckless disregard of these facts, Rolland, Meli,

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have acted the same toward.

claims to those of plaintiff's and whom the defendants future AC prisoners at the WCI and DOC-wide who share common 34. There is a bona fide and numerous class of present and

induce phobia.

all emotional anguishment and, on belief, were meant to caused the plaintiff, inter alios, missed showers and mental to regular implied death threats during this time. These actions form of freezing showers. Bealm also subjected McKinley Bey and other prisoners to a regime of aversive conditioning in the defendant Bealm with Jane and John Does 1-10 subjected McKinley Bey of the cc feed procedure as set out at 4, above, the "Sog 6" officers about 4 continuous weeks between 11/15 to 11/25/15, following his use 33. In a continuing cumulative violation of wrongful conduct for

and Walter, from 7/11/12 to 9/15/12, incorporating 31, 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 anguishment for 64 days by rejecting his complaints and requests to be moved out of D228.

LEGAL THEORY

35. The decision of all defendants to house the mentally ill plaintiff in AC under conditions of indefinite physical, social, environmental, and occupational isolation and lack of stimulation that can exacerbate his known illness, and puts him at a known excessive risk of mental, emotional, or psychosocial pain and impairment, physical ailments, increased mortality, and impairs his ability to process information, is official action which infringes upon his 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. Beard 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).

36. The decision of defendants Pollard, Foster, Meli, Litschew, Tess, Schmidt, Grett, Ludvigson, O'Donovan, Westray, and ACRJ Tene and John Does 1-10, and Schneider and Weller, to confine mentally ill plaintiff McKinley Bay in prolonged, supermax, isolated AC under multiple conditions having a mutually enforcing effect deprives him of a minimal life necessity, poses a significant risk to his basic level of mental health, and subjects him to a present and known

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risk of serious harm in violation of his Eighth Amendment right. Farmer v. Brennan, 511 U.S. 825, 834 (1994); Wilison v. Seiter, 501 U.S. 294, 298 (1991); Jones v. Berge, 1104 F. Supp. 2d 1096, 1116-25 (W.D. Wis. 2001); Freeman v. Berge, 283 F. Supp. 2d 1009, 1015 (W.D. Wis. 2003); Wilkinson v. Stalden, 639 F. Supp. 2d 654, 678, 681 (M.D. La. 2007). (see Ex. 100b)

37. The action of all defendants named at 36, except Foster, to confine plaintiff in indefinite, supermax, isolated AC under conditions having a mutually enforcing effect, including perfunctory and sham to mouth "reviews", and putting him at an increased risk of harm and mental anguish, and the state by regulation has granted him a protected right to be free of such restraint, triggers a state created protected liberty interest where such confinement is an atypical and significant hardship in the prison context, in violation of his Fourteenth Amendment right. McCleary v. Kelly, 4 F. Supp. 2d 195, 208 (W.D.N.Y. 1998).

38. In a cumulative violation of wrongful conduct defendants Pollard, Moli, Goeff, Ludvigson, Schneider, Walle, Stancic, Boehm, and Jane and John Does 1-15, between July 2012 to the present, either implemented, maintained, trained their subordinates in, controlled, or directly used, classical conditioning procedure on Mr. Kinley Bey without his informed consent which has caused mental and emotional anguish in violation of Title 18 U.S.C. §§ 241 and 242, Title 45 C.F.R., and the Eighth Amendment.

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41. In a cumulative violation of abusive conduct Defendants Staniec, Walle, Schneider, Goff, Pollard, Meli, Ludwigson, Beahm, and Jane and John Does 1-15, 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. (see par. 29 above)

40. Defendants Pollard, Meli, and Walle, between 7/14/12 to 9/15/12, housed Plaintiff under supremely deplorable 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 the Eighth Amendment.

39. In a cumulative violation Defendant Beahm, and Jane and John Does 1-15, subjected McKinley Bey and others to a regime of aversive conditioning in the form of freezing showers. Beahm also subjected him to a regime of implied death threats, all of which caused him mental and emotional anguish in violation of Title 45 C.F.R., and the Eighth Amendment.

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 the plaintiff with a serious MH2A solitary confinement induced mental illness in supermax isolative AC or any prolonged nonpunitive or punitive condition of isolation compatible with solitary confinement. "Prolonged" is more than 15 days.

2. A preliminary order prohibiting the delivering, the serving, or the presenting of meals to McKinley Bay in a manner whereby any staff regularly precedes the food (delivered) by a period of several seconds to several minutes before the said food delivery.

(Continued on attached pages)

This can be accomplished by prohibiting any staff from serving food from the front of a food cart, or otherwise regularly proceeding a food cart during mealtime.

3. A preliminary order mandating that defendants establish a Brightline Rule Criterion for plaintiff to follow for protected release from AC.

4. An order mandating that defendants establish a new Restrictive 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 (see Ex. 1006, p. 2, par 2; 1015 A at "List of Demands" #4-6).

5. A preliminary order and later permanent order mandating the defendants establish a bona fide AC Program such as the attached Common Grounds Program with a dignified path to obtain release, including adoption of the practical solutions set out in the attached "List of Demands" (see Ex. 1015 and

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1015A).

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 H5U room, and visitor booths.
7. A preliminary order mandating that all staff entering/exiting the RHU/Seg Unit be required to log-in/log-out: name, time, and date.

B. Declaratory Judgment

1. A Declaration that the defendants acts and omissions violated the plaintiffs' First, Eighth, and Fourteenth Amendment rights.
2. A Declaration that WIS Adm. Code §§ DOC 308.04 and 308.04(2)(a) through(d) grants plaintiff 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,

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environmental, physical, and occupational isolation and lack of stimulation of the mentally ill in AC is harmful.

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

C. Damages

1. Punitive damages awarded in the sum of two-hundred thousand dollars to plaintiff from each liable defendant;

2. Compensatory damages awarded in the sum of two-hundred thousand dollars to plaintiff from each liable defendant;

3. The cost of this suit, including court costs and attorney fees.

Complaint-4c

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 24th day of July 2016.

Respectfully Submitted,

Daran McKinley Bey
Signature of Plaintiff

42642
Plaintiff's Prisoner ID Number

Waupun Correctional Institution, P.O. Box 351,
Waupun, Wisconsin 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



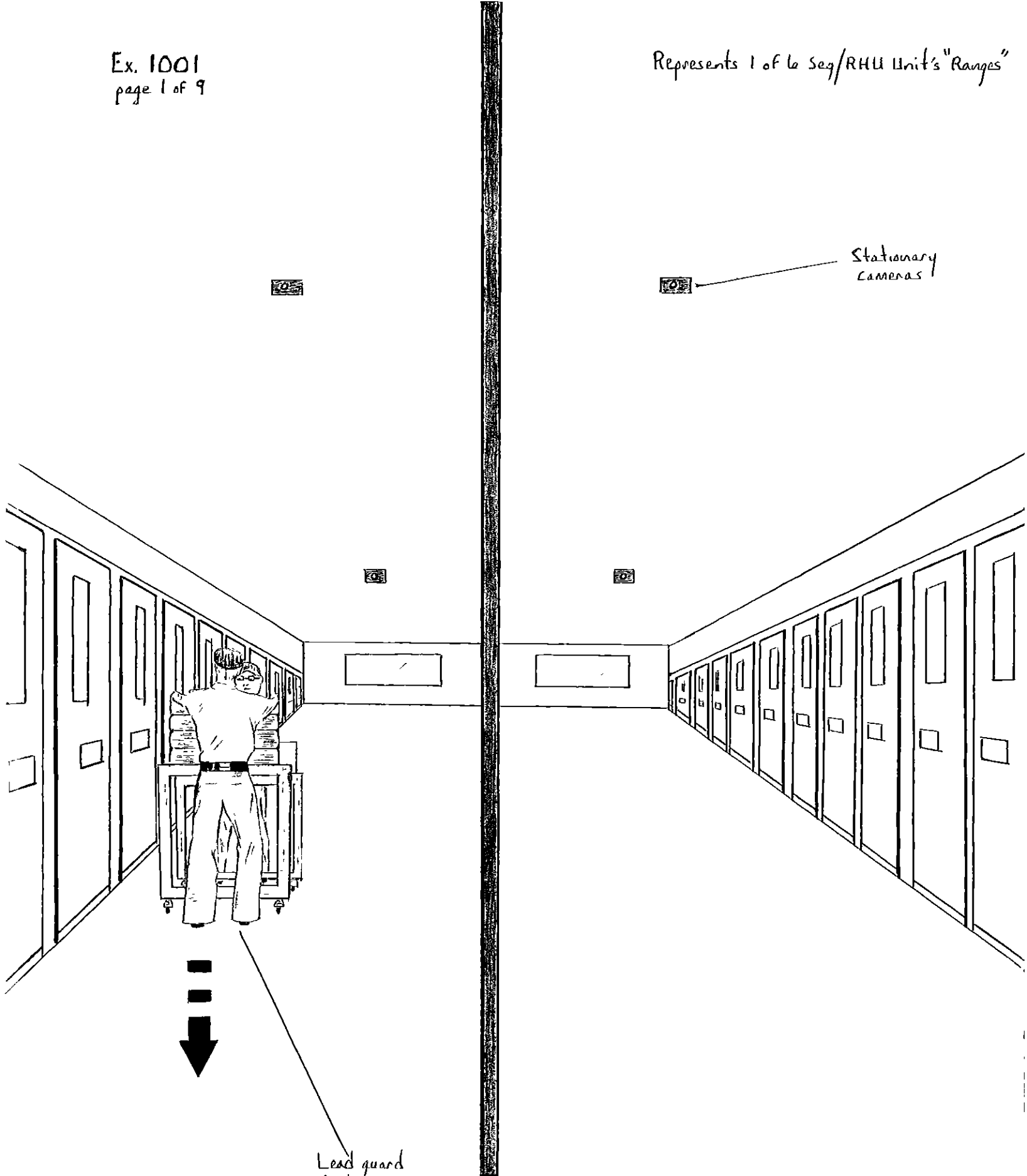
I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



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.

Ex. 1001
page 1 of 9

Represents 1 of 6 seg/RHU Unit's "Ranges"



Stationary
cameras

Lead guard
food server

Note: There are 2
food carts

The lead server hands out trays.
The 2nd server hands out milk,
fruit, and ice cream.

LaRon McKinley Bey verifies to the best of my information, understanding,

direct experience, and belief, the following explains what is being done to me and to other prisoners in the MCI Seg Unit by the defendants to establish and

exploit the "stimulus response bond" (see attached p. 9, par 2) as follows:

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

2. Among the Seg Unit cell's features is a Pavlovian-like hall intercom

system (attached p. 9, pars 2-3) used by the defendants to signal (auditory 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 feed procedure consists of use of two separate

food carts in which the lead food server guard precedes the food

(attached p. 1) appears benign if not for the defendants' insidious 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. (p. 8)

4. The Classical Conditioning Model is CS US--R (attached Ex. 1011,

at p. 3 #10). The Conditioned Stimulus (CS) precedes the Unconditioned Stimulus (US) which evokes a Response (R). (p. 9, pars 2-3; Ex. 1011 at p. #5, par 2) 5. The procedure that produces cc is pairing of CS and US. Repeated pairings of CS and US (called "trials") produces a Conditioned Response (CR). (p. 9, par. 3)

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. (see Ex. 1011 at p. 5 #15)

7 A CS initially starts off as a neutral stimulus (p. 9) but, over time

through repeated pairings (association) with a US, it acquires the capacity to evoke the same response as the US. A CS can be used as a predictor or "signal" (Ex. 1011 at p. 5 #15; p. 6 #19, pars 1-2). Visual and auditory cues and virtually any kind of stimulus can be used as

a CS. (p. 9, par 2; Ex. 1011 at p. 6 #19, pars 3-7)

8. The above model and procedure, set out in pars 4-5, above, is embedded

within the mode of serving food to prisoners in the IJG seg. In the defendants' feed mode the CS and the US are actually the guards and the food, respectively (p. 1). The seg guards are trained to strictly adhere to this system during tray delivery. Through their chain of command supervisory

officers 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 starts off as a neutral stimulus.

"Lead" means the guard regularly precedes the food 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, above, and p. 9, pars 2-3) forming a "stimulus-response bond" between them. This guard is now a CS.

b) The stimulus-response bond is one sided, only affecting the prisoners, and is reflexive, i.e. evoking an involuntary physiological response involving action of the glands (salivary in this case; Ex. 1011 at p. 2 #5, par 2) and smooth muscles (see Autonomic Nervous System; Ex. 1011 at p. 6 #21). 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 CSs. 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" CS+ or "inhibitory" CS- (Ex. 1011 at p. 6 #19) by way of pairing of CS and US

and manipulation of the environment of a targeted prisoner (during food delivery, or other opportunities at his cell front, out of cell activities, and movements, etc.) the ILEI officials over time will tailor a regimen to target a specific prisoner to expose him to a relentless array of noxious stimuli (per 10, below) for aversive conditioning (punishment) and other painful forms of psychological coercion.

9. Repeated pairing of CS⁺ with US, or CS⁻ with US, can induce emotional states and behavior, or inhibit emotional states and behavior, to condition emotional responses. The defendants accomplish this by various tactics, e.g. a noxious stimuli (US) paired with CS evokes a distasteful response. Because a CS⁺ paired with noxious or other stimuli through repetitive "trials" has been used by the defendants upon the plaintiff to punish him, and to force learning (p. 8) in effort to condition emotional responses in an unconscious CC and aversive conditioning program, he knows the anguishment of its effects.

10. Noxious stimuli. Among the several types of noxious stimuli in repeated trials by the defendants against the plaintiff 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) cell and shower cubicles (implied death threat) as a Baby Albert type experiment (see p. 9, par 4); repetitions placement in the same shower cubicle; repetitions placement in

lightless shower cubicle (death threat) in combination with freezing shower water (shock); repetitions implied threats; frequent placement in threatening, uncomfortable, or stressful situations, e.g. repeated partial removal or loosening of restraints during escort as an implied threat/set-up; frequent placement in designed or intentional situations; choke therapy via sudden ear piercing sound. Inter alia.

11. Repeated exposure to noxious and other stimuli in a coercive way brings mental and emotional pain and anguish. It is punishment. The quality, rate and frequency of the stimuli affects the quality, rate and frequency of the response.

12. When CC is deployed correctly and automatically (reflexively) learns what it is the defendants want to communicate. The quality, rate and frequency of the stimuli affects the quality, rate and frequency of the response. The defendants accomplish this via 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.

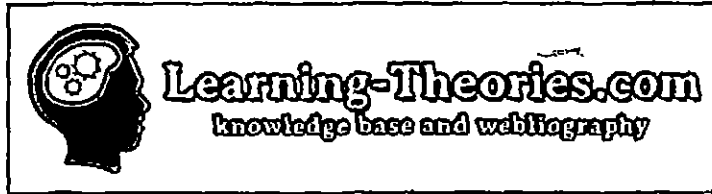
13. The defendants sometimes use a double CC feed procedure where both guards precede food delivery, i.e. the lead guard serves

Ex. 1001, p. 7

and the 2nd guard server.

RECAP

Pairing of CS and US is the procedure that produces cc. The CS always precedes the US (Ex. 1011 at p. 2#5, par. 2). In cc a stimulus acquires the capacity to evoke the response of another stimulus. In the instant made of feeding a guard who regularly precedes the food during delivery initially starts off as a neutral stimulus, but over time acquires the capacity to evoke the response of the food. This guard thus becomes a CS after repeated pairings with the food (US) in the same manner Pavlov demonstrated with the bell and the food. Over time through pairings with many other CSs and USs (that may or may not be in conjunction with food delivery) any Conditioned Response (CR) sought at defendants' whim may be produced, hence the capacity to hope to manipulate a subject.



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Classical Conditioning (Pavlov)

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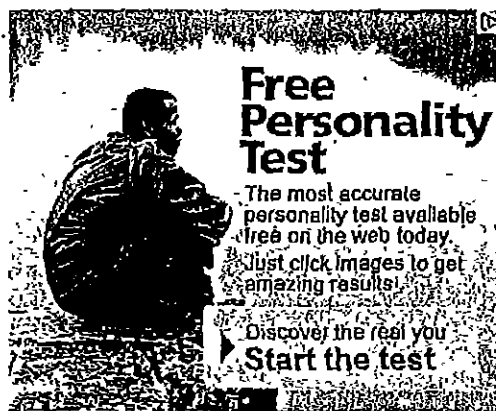
Summary: Classical conditioning is a reflexive or automatic type of learning in which a stimulus acquires the capacity to evoke a response that was originally evoked by another stimulus.

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.



Ex. 1001, p. 9

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 salivary 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*

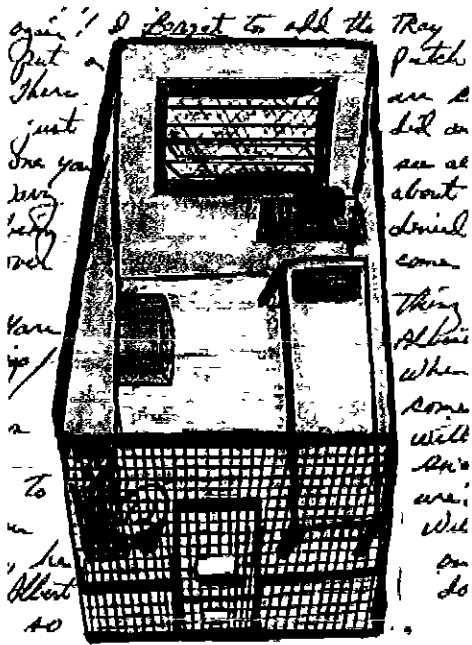
John B. Watson further extended Pavlov's work and applied it to human beings. In 1921, Watson studied Albert, an 11 month old infant child. The goal of the study was to condition Albert to become afraid of a white rat by pairing the white rat with a very loud, jarring noise (UCS). At first, Albert showed 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 Wisconsin 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 Wisconsin Center for Investigative Journalism.

— 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.

"I worry that I not only have to worry about inmates lying about me, but now I have to worry about management," he stated at the time in his response to the inquiry

In a three-month period just prior to the biting incident, inmate Lindsey filed at least five internal complaints against Beahm, alleging harassment and threats "He is a rogue guard and you all know it," Lindsey wrote in one complaint. "Everybody can't be lying on this guy"



Lindsey, Leighton #423758
12/23/11 Lindsey, Leighton #423758 / CR #2238464 / assault to staff injuries

<http://wiscor.gov/press/11/12/11/leighton-lindsey-423758-cr-2238464-assault-to-staff-injuries-12-23-11/>

Wisconsin Department of Corrections

Inmate Leighton Lindsey admits biting a guard in 2011, but says he did so because the guard was holding him while another guard beat him. The photo, taken by authorities, was provided by Lindsey's lawyer, William Mayer.

incident, agreed to a plea deal that added a year to his sentence

Mayer, in an interview, said he believes from what he's heard from Lindsey and other inmates that abuse is occurring in the segregation unit at Waupun. Most commonly, he said, this involves "the instigating of behavior — doing things to get under (inmates') skin, to get them going, rather than dealing with them in a professional manner." He thinks the allegations warrant further investigation

Allegations of 'torture'

Some of the complaints identified by the Center allege extreme mistreatment

Waupun inmate Patrick Weeks, in a letter (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1184163/patrick-weeks-assault-3-14.pdf>) to state prisoner advocate Peg Swan, alleges that Beahm on Feb. 5 stuck his finger into Weeks' mouth after first inserting it into Weeks' rectum during a strip search. These allegations were deemed "unfounded" and Weeks received a conduct report for "lying about staff." Other inmates allege inappropriate touching of their genitals during strip searches, which are routinely conducted.

A federal lawsuit filed in January by inmate Clarence Wilks alleges (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1184146/wilks-complaint.pdf>) that segregation unit guard Andrew Moungey "struck plaintiff repeatedly with a closed fist about the plaintiff's head and both sides of the face and slammed plaintiff's face into the wall." Then the guard allegedly "repeatedly kicked both of plaintiff's legs" and "struck plaintiff in his ribs and grabbed him by the throat." The defendants have denied (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1210990/wilks-answer.pdf>) the allegations, which led to Wilks receiving a conduct report for lying about staff. The lawsuit is pending.

In another pending federal lawsuit, inmate Laron McKinley alleges (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1184153/mckinley-complaint.pdf>) being subjected to "torture" on March 8, 2013. McKinley, convicted of multiple crimes including kidnapping and attempted murder, admitted in an affidavit (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1150564/affidavit-of-laron-mckinley-5-16-13.pdf>) that the episode began when he threw fecal matter at a guard.

By McKinley's account, Beahm subsequently arrived at his cell and announced, "I'm going to kill you," later

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-7-20-17-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://w6cfc17387f855c61694f4b4wpcgwne1.s3.amazonaws.com/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://w6cfc17387f855c61694f4b4wpcgwne1.s3.amazonaws.com/uploads/2014/07/Andrew-Moungey.jpg>

Wisconsin Department of Corrections

Andrew Moungey.

Officer Moungey, hired in 2011, is named in 11 of the 40 complaints. Another officer, Lt. 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.

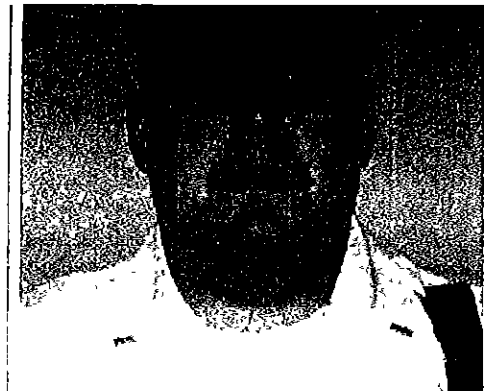
In all, the Center obtained records of disciplinary investigations for eight Waupun employees named frequently in inmate complaints. All were for minor infractions, like being late, and except for the incident involving Schneider, none dealt with the treatment of inmates.

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://uc6f4_jb7fg3vc6l6b3/denwpv1gum.netdna-cdn.com/wp-content/uploads/2014/07/Schneider.jpg

Wisconsin Department of Corrections

Lt Jessie Schneider

subject to discipline for making false allegations about staff."

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

"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 Taycheedah 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/1197801/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.

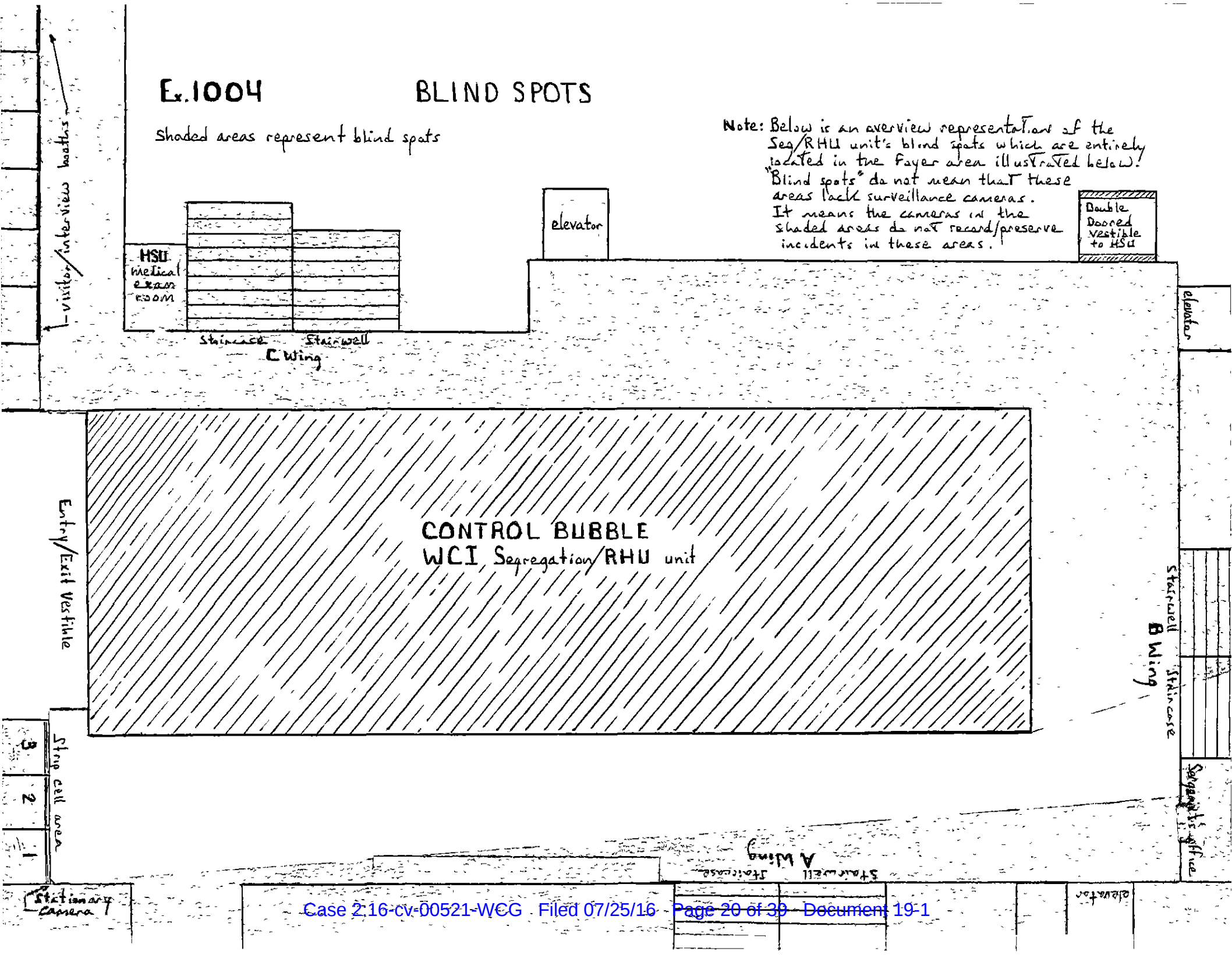
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Ex.1004

BLIND SPOTS

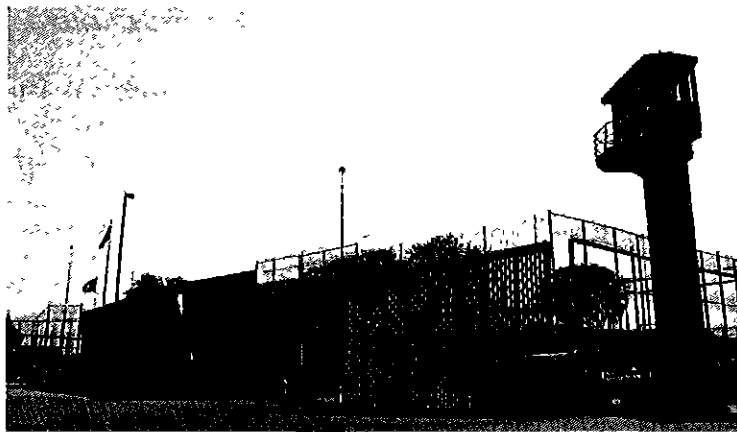
Shaded areas represent blind spots

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



Water tainted with lead, copper at two Wisconsin state prisons

Ex. 1005



DEE J. HALL | Wisconsin Center for Investigative Journalism

Some inmates, staff and visitors at two Wisconsin state prisons say the water there is unsafe to use because of lead and copper contamination.

At Fox Lake Correctional Institution, 55 miles northeast of Madison, about a dozen inmates told the Wisconsin Center for Investigative Journalism that the water at the 56-year-old prison is routinely yellow or brown with dark sediment and an unpleasant flavor.

At Waupun Correctional Institution, 70 miles northwest of Milwaukee, one longtime officer said he and other staff were not aware of high lead levels in the prison's water in 2014, although officials insist legally required notifications were made that year when the facility violated the federal lead rule. Prisoner advocate Peg Swan told the Center she has been hearing from Waupun inmates for about a year about high lead levels in the water at the 150-year-old prison.

Fox Lake has been working to meet terms of a 2014 consent order from the state Department of Natural Resources to lower levels of lead and copper in its water, which have been detected on and off for at least seven years.

Lead and copper contamination is caused by corrosion from aging plumbing.

Spokespeople for the state Department of Corrections said the agency has employed several strategies, including closing one well and fixing three others at Fox Lake. Fox Lake will soon begin water treatment to prevent corrosion and regular monitoring for metals, said Jeff Grothman, the DOC's legislative affairs director.

At Waupun, water treatment also is being used. Compliance testing at Fox Lake Correctional is scheduled to begin this month.

Fox Lake also has excessive levels of naturally occurring manganese, a metal that is not considered dangerous to adults except in high doses, but it can turn water brown and give it a bad taste and smell.

Officials say both prison water systems now meet federal drinking water standards. They said the prisons have not supplied either staff or inmates with an alternative water source, although inmates are allowed to purchase bottled water

and staff can bring it in

"The Fox Lake Correctional Institution water system is following all state and federal requirements of the Safe Drinking Water Act to provide safe water for staff, inmates and visitors to use for drinking, cooking and bathing," Grothman said.

The Center's ongoing Failure at the Faucet investigation into risks facing Wisconsin's drinking water reported, however, that those standards do not always protect public health when lead or copper is present in a water system.

For example, Miguel Del Toral, a top U.S. Environmental Protection Agency official, found that concentrations of lead in water can vary widely even in samples taken from the same source on the same day. Del Toral's study concluded that the existing federal Lead and Copper Rule, part of the Safe Drinking Water Act, "systematically misses high lead levels and potential human exposure."

Abigail Cantor, a Madison chemical engineer who helps water utilities comply with the Lead and Copper Rule, said compliance does not mean water coming from every tap is safe. The EPA rule is designed to detect system-wide problems, not specific hotspots.

The level of lead and copper "certainly changes in each building as each building has its own plumbing configuration and water usage," said Cantor, who is working with corrections officials to solve the lead and copper problem at Fox Lake. "Every building in a city could not be sampled, so the EPA found that there was no way to create a health-based regulation."

Water troubles at Fox Lake

Since 2008, 18 water samples at Fox Lake have exceeded the maximum contaminant level of 1.3 milligrams per liter for copper, and six samples exceeded the maximum contaminant level of 15 parts per billion (ppb) for lead, according to the DNR database.

Although they insist the water is now safe, Fox Lake officials have told inmates, staff and visitors about the high lead and copper levels and advised them to run the water for 15 to 30 seconds before using it for drinking or cooking, or when a faucet has been unused for more than six hours. (The state DNR recommends running the water for two to three minutes under those conditions.)

Several Fox Lake inmates and the spouse of an inmate said the water remains yellow or brown even after prolonged flushing. Some inmates asked not to be named for fear of retribution. Beverly Walker, whose husband, Baron, is serving time at Fox Lake, told a Madison gathering organized by the faith-based advocacy group Wisdom in February that she has heard "horror stories" from inmates about the water.

"Recently I was informed by my husband that the water was so dirty, they couldn't wash dishes so they were giving the inmates paper plates to eat their food off of," said Walker, of Milwaukee.

One of the 13 inmates who wrote to the Center about water problems said he buys cases of 24 16-ounce bottles of water for \$7.60 from the prison canteen — the only alternative water source. Similar cases of water can be purchased for roughly half that amount at Woodman's Markets. The prisoner, who asked not to be named for fear of retaliation, said prisoners are

limited to buying one “overpriced” case every two weeks. Inmates who cannot afford bottled water, Walker told the group, “would fill cups up and it would be dirty, dingy and metal pieces floating in the water. Now this is after they have let the water run for about an hour ... and then they would let it sit until the pieces fell to the bottom.”

DOC spokeswoman Joy Staab said she could not confirm the story about the paper plates. A DNR spokesman, George Althoff, could not identify the sediment but said whatever it is would show up in water tests.

Inmate lawsuit alleges harm

Inmate Ryan Rozak insists the water at Fox Lake Correctional is making him sick. He is suing corrections officials in federal court, claiming they are violating the Eighth Amendment prohibition against cruel and unusual punishment. Rozak blames the drinking water at the prison for diarrhea and other health problems. The water, he said, “messes up my body, bones, mind.”

Rozak recently got two court-appointed lawyers to represent him in his 2015 lawsuit filed in U.S. District Court in Madison, with Judge James D. Peterson noting that the case presented “complex scientific public health issues.”

“We are treated like animals and forced to live in pain,” Rozak said in a handwritten amended complaint.

High levels of copper in water have been linked in adults to nausea, abdominal pain, diarrhea and vomiting. Exposure to very high levels can cause kidney and liver damage.

“Conditions of confinement” claims such as Rozak’s are based on the notion that “the state, when it puts people in prison, places them in potentially dangerous conditions while depriving them of the capacity to provide for their own care and protection,” then-Georgetown University visiting law professor Sharon Dolovich wrote in a 2009 New York University Law Review article.

Another Fox Lake inmate told the Center in a letter that he is concerned about using the prison’s water for cooking. Heating water can concentrate the harmful effects of lead, which in adults can include lowered immunity, kidney failure, gout, high blood pressure and nerve damage.

“Many times we need to let all the faucets run for hours trying to clear the water from brown to clear,” according to the inmate, who said he works in Fox Lake’s kitchen. “I worry about the pasta and rice we cook, as this must be cooked in our dirty water.”

Other Fox Lake inmates reported skin rashes, which they blame on water from the prison. Residents of Flint, Michigan, also reported skin rashes after that city switched to a highly corrosive water source that sent spikes of lead from pipes and fixtures into residents’ drinking water.

However, those rashes have not been scientifically tied to the increased lead levels. It is not known whether the rashes reported by Fox Lake inmates, including Joseph S. Cook, are similar to those afflicting Flint residents.

1In a letter to the Center, Cook wrote that the water “is rough to the skin, causing bumps after showers.”

Lead, copper in water at Waupun

Drinking water samples from Waupun Correctional have exceeded the federal standard 10 times for lead and four times for copper since 2008, according to the DNR drinking water quality database.

Utilities — including the Fox Lake and Waupun prisons, which operate their own water systems — can have up to 10 percent of water samples test above maximum levels without violating the federal Lead and Copper Rule.

Althoff said the “vast majority” of the 140 water samples taken since 2008 at Waupun have tested below the federal limits. The prison hit the 10 percent threshold in 2014, he said.

That year, Waupun was required to notify water consumers of the high lead levels, and the DOC provided a notice that it said was posted at the prison for inmates and emailed to staff in November 2014. The prison added phosphate to the water to prevent corrosion.

Waupun Correctional Institution has struggled with high copper and lead levels for years. The 150-year-old prison is using water treatment to keep metals from aging lead and copper plumbing from leaching into the water.

Brian Cunningham, who has worked as a correctional officer at Waupun for 22 years, said he has no recollection of being notified of excessive lead levels in 2014. Cunningham said he has always mistrusted the water at the prison, opened in the mid-1800s, so he brings his own. The prison limits the amount staff can bring in to two bottles no larger than 16 ounces each, he said.

In September, high concentrations were again detected at Waupun, including one sample that registered at 120 ppb — eight times the federal limit. Despite the high value, Althoff said the prison remains in compliance with the Lead and Copper Rule.

Cunningham, president of the Wisconsin Association for Correctional Law Enforcement, said the prison did notify staff of the high lead level last fall.

But, “Management did nothing else with it — no adjustments to ensuring that staff had water or could bring more water in — just a blank statement with nothing more after,” he said. Added Cunningham: “Inmates have complained about the taste and the color of Waupun water since I’ve started working there.”

Wisconsin Public Radio reporter Gilman Halsted contributed to this report. Failure at the Faucet

(<http://wisconsinwatch.org/series/faucetfail/>) is the Wisconsin Center for Investigative Journalism’s ongoing investigation of risks to Wisconsin’s drinking water. The nonprofit Center (www.WisconsinWatch.org) collaborates with Wisconsin Public Radio, Wisconsin Public Television, other news media and the University of Wisconsin-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by the Center do not necessarily reflect the views or opinions of UW-Madison or any of its affiliates.

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 Fetting

Samuel Weiss is Ford Foundation Fellow at the ACLU's Center for Justice. Amy Fetting 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 . . . [i]ssuing a constitutional challenge to a prison policy."

Slate 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

PAVLOV, CLASSICAL CONDITIONING, AND CONDITIONED EMOTIONAL RESPONSES

Ex. 1011

1. BIOGRAPHY. Ivan P. Pavlov born in 1849 in the provincial town of Ryazan in central Russia. His father was village priest and mother the daughter of a priest, but both parents had to earn living by working all day in fields as peasants. Oldest of 11 children. This position meant responsibility and hard work at an early age, qualities he kept all his life. At age 10 a serious fall resulting in a blow to the head lead to a long convalescence in his godfather's care, the abbot of a nearby monastery. The busy abbot encouraged Ivan to read, but insisted that the enthusiastic boy write down his observations and comments before he would talk about the reading with him. This habit started Pavlov on a lifelong habit of systematic observation and reporting. Did not attend school until age 11 due the accident, but his father had tutored him at home, and in 1860 he entered a theological seminary, intending to enter priesthood. After reading Darwin, changed his mind, won a government scholarship, and in 1870 walked several hundred miles to attend St. Petersburg University, where he studied animal physiology, and then the Imperial Medical-Surgical Academy where he received M.D. in 1883. He was

too well-educated and too intelligent for the peasantry from which he came, but too common and too poor for the aristocracy into which he could never rise. These social conditions often produced an especially dedicated intellectual, one whose entire life was centered on the intellectual pursuits that justified his existence. And so it was with Pavlov, whose almost fanatic devotion to pure science and to experimental research was supported by the energy and simplicity of a Russian peasant."

In his lab, experiments were run and replicated by the hundreds. New workers never assigned to new or independent projects, but required instead to replicate experiments already done. They learned about work in progress and gave Pavlov a check on the reliability of previous work. If they failed, another replication by a third party was ordered to resolve the discrepancy. As an old man he wrote, "First of all, be systematic. I repeat, be systematic. Train yourself to be strictly systematic in the acquisition of knowledge."

Work on physiology of digestive glands brought him a Nobel Prize in 1904.

2. INTEGRATED MIND AND BODY. "Pavlov created the body and breathed it into the mind," said Gregory Razran in 1965.

Descartes had said that we have (or are) a mind trapped in the physical structure of a body. He viewed the body as a marvelous machine. Reflected in science fiction stories about transferring a mind into a different body.

Pavlov and his colleagues: The mind is the product of the workings of a living body, not as a separate entity. Similar to Aristotle's view. Psychological and biological factors are inseparable, so there is no specific ailment that could be called psychosomatic. Any disease is psychosomatic.

In 1959, Platanov wrote, "In light of the theory of the unity of mind and body, any somatic disease is indissolubly connected with the state of the patient's higher nervous activity. (p. 12, ref in Malone)

<http://www.sonoma.edu/users/d/daniels/Pavlov.html>

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3. SECHENOV. Pavlov dubbed his teacher Sechenov the "father of Russian physiology." Sechenov developed reflex theory and Pavlov followed up and expanded his work. Sechenov had studied with distinguished German physiologists like Johannes Müller, Hermann von Helmholtz, and Freud's teacher Ernst Wilhelm von Brücke.

Sechenov emphasized:

(1) Reflexes. "All psychical acts without exception, if they are not complicated by emotion. . . develop by way of reflex. Hence, all conscious movements resulting from these acts and usually described as voluntary are reflex movements in the strict sense of the term."

(2) The organism/environment field. "The organism cannot exist without the external environment which supports it, hence the scientific definition of the organism must also include the environment." Lewin as well as Pavlov followed him in this view.

4. SHERRINGTON. Another foundation of his work: Sir Charles Sherrington's findings on the importance of excitation and inhibition in the workings of the spinal cord. Pavlov tried to show that excitation and inhibition were likewise evident in the workings of the brain.

5. CONDITIONED REFLEX. At turn of century, Pavlov (1849-1936) began to investigate "psychic reflexes."

When food placed in dog's mouth, dog would salivate. This reflex required no experience to be triggered by appropriate stimulus. Pavlov found that other stimuli that bore no "wired-in" relation to salivation could also trigger salivary reflex if they regularly preceded food delivery. First CS, then US.

Pavlov devoted the rest of his life to studying these conditioned reflexes, as they came to be called.

First translations of his "psychological" work into English were in 1927. Earlier impact on American thinking was word of mouth and hearsay.

6. GOAL: TO UNDERSTAND BRAIN. Pavlov's aim: to work out the principles that govern the workings of the cerebral cortex, the "seat of the mind." Used animal subjects and the CR as main agent of communication with brain. Developed a model of brain function based on fields of excitation and inhibition.

His impact in America has been restricted to the bare fact of classical conditioning, the necessary conditions of association and the nature of the associations formed.

To Pavlov, the conditioned response were merely the key to unlock the secrets of the brain. His primary interest: not in a theory of learning but to develop techniques for studying the brain. Pavlov's approach is different from the S-R psychology of American behaviorism --it's an S-N (neuronal process)-R theory.

7. RESOLUTION OF ANIMAL-HUMAN GAP. learning in people thought of as acquisition of ideas, perceptions, logical relations etc. Behavior of animals thought of as reflexive and automatic.

Discovery of "psychic" or conditioned reflexes presented a dilemma. The new behavior couldn't be interpreted in the terms of human learning, but had to be simply a new reflex. So Pavlov expanded concept of reflex to include learned reactions, and behavior must reflect corresponding events in nervous system.

Pavlov did distinguish between the "first signal system," sensations arising from the outside world, and the "second signal system," which consists of stimuli that reach people in the form of speech. In his view the latter applied only to humans. Conditioned reflexes represent learning contingent on the first signal system. Recent work with primates has shown that apes can respond to a sign language mediated second signal system, and apparently to dolphins and whales.

8. DISTRACTING STIMULI AND ORIENTING RESPONSE. Careful control of experimental situation needed. Difficult to condition a dog on the street due to distraction. Instead of giving the CR, animal will be constantly producing investigative responses. To know the properties of a given response, must rule out distracting stimuli.

INVESTIGATORY REFLEX to novel stimuli. Now called orienting response. Occurs when individuals are concerned or naturally curious or an attention-getting stimulus occurs. Allied to attention. Fading of this reflex called HABITUATION. Disruption of an already established habituation is called DISHABITUATION.

Relevant: Sokolov's (1960) brain-systems theory. Heightened response is provided by ascending reticular formation of brain, which also discharges arousal, making one sensitive to stimuli. Like urbanites who get accustomed to high level of sound.

9. FISTULAS. Method of study: stomach fistula, or "Pavlovian pouch." When fistula made into esophagus so food spills out & doesn't go into stomach, response almost as strong as when it does go into stimulus. Called food in mouth an anticipatory stimulus; then found that sight of dish or even attendant would elicit secretion.

10. CLASSICAL CONDITIONING MODEL:

CS

US -- R

The procedure that produces classical conditioning: pairing of CS and US.

Timing:

<http://www.sonoma.edu/users/d/daniels/Pavlov.html>

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CS ----- "Simultaneous"

US -----

CS ----- Delay (works well:

US -----

CS ----- Trace

US -----

CS ----- Backward (works poorly)

US -----

with delay conditioning in animals, in most cases max. delays for successful conditioning, several minutes. Optimum time interval--about half a second.

Depends on elicited behavior. Sometimes called respondent.

11. CHOICE OF STIMULI AND RESPONSES

Choice of a particular UR limits the stimuli that can serve as a US--US must be a strong stimulus that will consistently and unconditionally elicit UR.

By contrast, Pavlov found that virtually any kind of stimulus can serve as a CS to signal the oncoming US.

12. INTENSITY OF STIMULI

Within the limits set by inhibition, the more intense the CS, the faster the conditioning and the larger the CR tends to be. But if CS is so intense that it elicits pain or fear, we get a defensive reaction.

CS does not have to be emotionally neutral --just more nearly neutral than the US. If US is intense enough, CS may be far from neutral. Ex: Spragg (1940) found that hypodermic syringe initially evoked defensive behavior. After it had been used numerous times to give morphine injections,

<http://www.sonoma.edu/users/d/daniels/Pavlov.html>

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animals would go hunting for it.

ONSET of a stimulus, like light or noise, is usually more effective CS than stimulus termination.

13. Viewed a complex behavior as an integrated series of stimulus-response events. Because each part of the series is a reflex, the entire performance classed as a reflex. "Self-defense reflex" consists of large # of specific behaviors taken together.

14. CS & US

Subsequent writers: one common view: conditioning consists of learning by stimulus substitution. But not

consistent with what is known now. CR is different from UR in many respects.

Example:

Notterman, Schoenfeld, & Bersh.

Sit subjects in a chair. Remain as quiet as possible for 90 min. Measure heart rate with electrocardiograph. US--mild electric shock to left hand. CS--audible tone.

After 11 pairings, heart rate CR developed. But whereas UR was a heart-rate acceleration, CR involved a deceleration.

Closer look suggests that in nearly all cases of supposed stimulus substitution differences between CR and UR exist.

15. For Pavlov, all behavior, both instinctive (unconditional) and learned (conditional), explained on the basis of ELICITING STIMULI. Pavlov's view of learning --emphasized LEARNED EQUIVALENCE OF STIMULI, not SR connections as American psychology did. Conceived of US as a signal: the CS signals the US.

16. COMPOUND STIMULI

Why does the response link itself only to the tone, the light, or the experimenter's touch? Do not other stimuli in the situation accompany the presentation of food?

Explanation: these stimuli are present not only when reinforcement is given, but also under conditions of non reinforcement, so extinction occurs.

16. DISCRIMINATION LEARNING AND DISCRIMINATIVE STIMULI. Describe. Controversy: Generalization: a separate process, or failure of discrimination?

17. EXTINCTION. Pavlov discovered basic process. In a sense it is a process of "unlearning," eliminating unuseful cues. Discrimination, or the shaping of behavior, involves the extinction of unwanted responses.

NOTE DIFFERENCE AMONG EXTINCTION

AVERSIVE OR AVOIDANCE CONDITIONING

PUNISHMENT

18. SPONTANEOUS RECOVERY.

19. INHIBITION. An "excitatory" CS more or less reliably predicts an UCS. It produces a CR. An "inhibitory" CS more or less reliably predicts no UCS.

Note that these words refer to the predictive character of the CS, not whether what is predicted is good or bad. Thus an excitatory CS may predict food or strong shock.

EX.: hungry dog is fed small bits of food. Just before each piece, green light comes on & stays on while food delivered.

At other times, tone is briefly sounded and no food is presented. Soon, no tendency to respond after food.

Then conditions change. Light comes on, dog still given food. Also given food on one occasion with neither light nor tone on. Accepts and eats it. Then light and food are presented, followed by tone and food presented during tone. Does dog eat food? No. It turns away. If food forced on dog, it refuses it! Then the green light comes on, food is offered, and dog eats it.

The tone has become inhibitory: It evokes an "antifood" response.

It is likely that such effects are common in human experience and behavior as well.

20. CONDITIONED INHIBITION is a case of the more general process of the inhibition that forms in the process of discrimination learning (or as Pavlov called it, a differentiation).

21. AUTONOMIC NERVOUS SYSTEM functions are the responses most easily conditioned classically. They involve the action of glands and smooth muscles. These effectors are often associated with states of emotion. Ex.--fear: saliva dries up, sweat pours out, skin cools, pupils dilate, etc.

Emotional states as well as behavior can be induced through classical conditioning.

22. HIGHER ORDER CONDITIONING.

Study by Forsikov: 3rd order conditioning.

S (shock) ----- R (foot withdrawal)

I.

S (touch) -----///

S (touch) ----- R (foot withdrawal)

II.

S (bubbling water)---//

S (bubbling water) ----R (foot withdrawal)

III.

S (tone)-----///

But very weak, very unstable.

Everyday life example: Males:

US woman's touch, ----- UR arousal and physical contact security

I.

CS picture of scantily clad,---///

apparently warm, friendly

woman

<http://www.sonoma.edu/users/d/daniels/Pavlov.html>

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US picture of woman ----- UR arousal and security

II.

CS expensive cars, clothes,---//

surroundings

US expensive cars etc. ----- UR arousal and security

III.

CS "Prestige" brand deoderant ---//

23. CLASSICAL CONDITIONING OF FEAR, & ONE-TRIAL LEARNING

Conditioning can be an automatic process that takes place at all levels of awareness. Many attitudes, behavioral dispositions, and even thought patterns are acquired through accidental classical conditioning processes. The numerous \random pairings of events\ in our environments can produce conditioned emotional responses. Example: noise lightning and thunderstorm at night--come to fear the dark. Consider the thousands of different kinds of fears people have. (mention "preparedness.")

Conditioned emotional responses can also generalize to entirely new situations.

24. ANXIETY.

Anxiety and fear: anxiety is similar to fear, but the source is vague and poorly defined. Sometimes completely unknown.

In a sense, with classical conditioning, the organism learns to EXPECT the second stimulus. Example: conditioned asthma. Someone who is allergic to goldfish gets a conditioned asthmatic attack from simply looking at an empty goldfish bowl.

This illustrates that there is some cognitive mediation going on, and indeed classically conditioned emotional states are often complex phenomena made up of cognitive elements as well as changes in bodily states.

<http://www.sonoma.edu/users/d/daniels/Pavlov.html>

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25. NEUROSIS

Conditioned emotional responses are at the heart of the kinds of problems we call neurotic.

26. EXPERIMENTAL NEUROSIS:

Or pair a circle with food presentations and an ellipse with no food. After the discrimination is formed, the stimuli are made more and more similar until subject can no longer distinguish between the two shapes. Dkob becomes agitated, barks, salivates, bites at its harness, and generally goes beserk. When placed back in the kennel, it may remain "insane" for months or years. Pavlov believed that experimental neurosis resulted from a

conflict between excitation and inhibition and occurs when an impossible problem is posed.

Or rats on jumping stand. Bang into door and fall into net or go through. After learning the proper discrimination, problem changed so there is no correct answer. Random punishment not contingent on the response. Results: shaking, quivering, immobilization, general nonfunctionality.

27. CLASSICAL CONDITIONING IN EVERYDAY LIFE

Mealtimes as times of criticism and reproof of child's activities. Anger, shame, sadness, and discomfort by child, along with stomachaches, sweating, headaches.

Other time in dining room, no problem. Other time with parents, no problem. So the sight, taste, and smell of food and internal sensations with it get conditioned to the unpleasant feelings. Later aversions or anxieties connected with food and eating, resulting from interoceptive classical conditioning.

28. INTEROCEPTIVE CONDITIONING is classical conditioning in which the CS, UCS, or both are applied to a structure within the body. Soviets have studied this since 1928.

Bykov (1957)

Practical application: May want to increase the activity of a sluggish kidney, increasing its rate of filtering blood and producing urine.

An enema produces these effects (UCS)

Pair a tone, colored light, or other stimulus (CS) is paired with enema (UCS), a conditioned response to the cue appears after less than 20 trials. Periodic repairings will prevent extinction.

Or think of conditioned holding the breath or hyperventilation. Bykov's studies have also substantiated these effects.

29. EXAMPLES OF CLASSICALLY CONDITIONED RESPONSES: A. HEART DISTURBANCES

- a. Various cardiac responses, like heart rate, blood pressure, etc, can readily be conditioned in the lab.
- b. Disturbed cardiac functioning often accompanies experimental neuroses in sheep.
- c. 20% to 50% of patients consulting doctors because of cardiac complaints show no recognizable organic lesions.
- d. functional heart disturbances --those for which no organic basis is apparent, are found in virtually every type of neurotic patient to some degree.

Gantt (1953) has argued that almost all CRs have a cardiac component, and that this component is harder to extinguish than the motor components of such responses.

B. OTHER CLASSICAL CRS

Bykov reports conditioned bile and urinary secretions, constriction of blood vessels, and blood sugar. Riess reported that the response to insulin can be conditioned to the stimulus

cues of a hypodermic needle. Smith and Dalinger produced conditioned serological reactions in animals. Kleitman and Crisher produced a conditioned retching response. Asthma, hypertension, peptic ulcer, other disorders can be conditioned. Razran reports many other kinds of conditioning by the Russians.

By contrast, when I light a candle and sit in cross-legged posture, I feel immediate relaxation, decrease in heart rate and breathing, even before begin carrying out any meditative practice.

30. PSYCHOSOMATIC ILLNESS

Effects of classical conditioning on our internal organs has been shown to be pervasive and has many implications for "psychosomatic illness."

31. SEMANTIC CONDITIONING

13-year old boy, Yuri, was conditioned to salivate to sentences and numbers. First, salivation was established to Russian words for "good" and "bad" as CS+ and CS-. Then Yuri salivated to sentences like: "The Russian army was victorious," "Leningrad is a beautiful city," or "The enemy army was destroyed and annihilated." Did not respond much to sentences that referred to lazy or disobedient students.

He was also conditioned to salivate to the number 10 and not to 8. Afterward he salivated much more quickly and with many more drops of saliva to figures that represented a difference, a sum, a quotient, or a product of ten than to those related to the number 8.

Russian researchers also found that younger or retarded children generalize phonetically rather than

in terms of meaning. They respond to words like BEE and TEA rather than BUSH and PINE. Older children and adults tend to generalize semantically.

32. CONDITIONING WHERE NOT EXPECTED: "PSEUDOCONDITIONING." ~In defensive situations. Grether (1938) discovered it --Pavlov had missed it. Pretest with bell --little reaction. Then animals frightened by brilliant flash of light --no bell. Then when bell presented along on posttest trial, strong fright reaction. CS never paired with US. Presumably arises from heightened excitability triggered by any novel stimulus.

33. "SENSITIZATION" --similar. A stimulus that initially produces a mild defensive behavior can be augmented simply by giving the animal a series of USs alone. Another term for the orienting response.

TO: Warden Pollard
Dr. Ingres
Dr. Ludigson
Toni Melli
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 led 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. 1015 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

List of Demands

Note: The following are hunger striker LaRon McKinley-Bey's list of demands in accord with McKinley-Bey, et al V. Pollard, et al., case No.16-cv-521 and the Dying to Live Notice demands.

Ex. 1015A, p. 1 of 2

- 1) Negotiations to be conducted between the AC prisoners and the Dying to Live participants, or their chosen team of citizen and public service representatives, and DOC officials on the terms of the following:
- 2) Abolishment of the current register, December, 2014, no.708 Chapter DOC long term AC practices, and reinstatement of the old more humane Register March 1998, No 412, Register April 1990, NO 412, Chapter HSS 308 and Chapter DOC 308 AC practices (see attached copy) where AC placement was a classification decision made not by the Warden's appointees but by the Program Review Committee (PRC), and confining a prisoners on AC beyond one year are rarely done or needed (see attached appendix).
- 3) Abolishment of long term AC with a negotiated time cap limitation on how long a prisoner can be held in AC beyond 1 year in absence of a showing of credible and verification new information of dangerousness (see attached DOC 308.01) to justify any extensions. In the rare event of such a rare showing a reasonable time cap limiting the number of 6 month extensions shall apply to safeguard the mental and physical health of the prisoner from the harmful effects of long term seclusion, including use of alternative solutions such as intensive one-on-one programming, or a prisoner exchange to another DOC system that is willing to work with the prisoner to transition him into their general population.
- 4) Removal of all AC prisoners, especially those with MH2A or MH2B mental health codes, from the serious and substantial risk of harm to their basic level of mental and physical health that prolonged isolation in AC, or so-called Restrictive Housing Units, poses.
- 5) Removal of all AC prisoners from conditions of isolation as set out in 4, above, and placement in general population conditions with full canteen and property (see attached old chapter 308 at 308.04(12)(b),(h) and(i) with any property restrictions being those that are proven security concerns that must meet the Turner Test; Turner v Safely, 482 U.S. 78, 89091 (1987). This can be accomplished by (1) removing AC prisoner from isolated units and housing them in secure segregated areas of a cell hall or (2) the establishment by converting an existing facility or construction of a new Restrictive Housing General Population Unit(s)(RHGP) to house AC prisoners in GP conditions where prolonged AC will be severely limited and those so confined provided significantly more out of cell time and allowed to earn Congregate Status (CS) to congregate with other AC prisoners; (3) open up a wing of the present seg units, or a tier of a cell hall, where AC prisoners will be securely housed under the conditions set out above with allowance to earn the ability to ambulate back and forth unrestricted one at a time (and to lock themselves into staff controlled buzzer Locked) showers, law library and recreation area, including the establishment of outside rec areas with access to direct sunlight.
- 6) The establishment of one or more mental healthcare treatment centers for male prisoners modelled and operated like the one for women at the Taychedah Correctional Institution. This can be accomplished by building of one or more new facilities, or by converting the 180 bed capacity punitive Restrictive Housing Unit at the WCI into DOC-wide male mental health care treatment and rehabilitation Center.
- 7) Establishment of an independent civilian (non-DOC employed) operated prisoner complaint review system, or the use of an ombudsman to contact prisoner complainants, and to investigate, review and resolve complaint disputes independent of the ICRS.
- 8) Allowance of art supplies and AC hobby and Craft program to responsible AC prisoners.

- 9) Availability of educational and vocational programming via court ordered or outside correspondence courses and a cc institutional channel for airing other meaningful self-betterment programming to AC prisoners.
- 10) Establishment of a realistic Brightline Criteria of what each individual AC prisoner needs to accomplish for early release from AC.
- 11) Given the DOC-wide custom of unaccountability, and Wisconsin DOC officials' established history and custom of retaliation upon prisoners who are leaders in prison reform, we demand transfer of each Dying to Live hunger striker to another DOC system in the BOP for transition to general population.

List of Demands Appendix

In this effort of reform of solitary confinement practices it is essential that Wisconsin lawmakers and the DOC officials recognize that the state does not have the caliber of violent prison network and culture as evidenced by the lack of inmate on guard or of other staff or inmate on inmate murders, either by violent individual prisoners or the dangerous and violent highly organized STG (security threat group) problem that other states are plagued with.

In California, Texas, Florida, New York, Washington state, Louisiana, the Federal Bureau of Prisons, to name a few, there is a culture that produces a different caliber of prisoner and level of violence that frequently enough claims the lives of many guards and other staff and prisoners through inmate violence. We invite any of our supporters with the means and know how to conduct a comparative statistical analysis of the inmate on staff and inmate on inmate violence, including severity of injuries and deaths between the Wisconsin DOC and each of the other states. Further, we believe such an analysis between the DOC and any combination of the others states will place Wisconsin among -if not -the least violent system in the nation.

Prisoners in the states listed above have a culture and prison code where murder and great bodily harm are the common objective, and homemade knives and other manufactured weapons are the preferred instruments. The Wisconsin prisoner, and the Midwest prison culture in general, produces prisoners who prefer to settle their disputes via fisticuffs and nowhere near the level of violence or catastrophic bodily harm to staff or inmates results.

While acknowledging that the Wisconsin DOC does not have the level of violence as does other prison systems, the Wisconsin DOC officials falsely attribute this to the way that they manage corrections. Actually the way that they manage corrections would have a 2009 state audit find that 61% of the prisoners in seg at WCI were mentally ill and 36% in seg DOC wide were mentally ill. When simply put the Wisconsin system (one of the smallest in the country) never had nor may never have the necessary culture of violence and group cohesion that produces the Highly dangerous and murderous individuals and prison groups so prevalent and problematic in the other systems. In the final analysis the Wisconsin DOC officials' overuse of AC and prolonged solitary confinement is another exaggerated response to a boogie man of their own making. I've been to a few of the above systems and know that there's a substantial cultural difference.

Laron McKinley Bey
42642
Waupun Correctional Institution
P.O. Box 351
Waupun, WI 53983

July 24, 2016

Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

Re: McKinley Bey v. Pallard, et al.
Case No. 16-CV-521

Dear Judge Randa:

Per your Screening Order (Dec. 18) in the above case please find
enclosed the Amended Complaint in this action with exhibits
1001-1006 and 1011 and 1015-1015A.

Sincerely,

Laron McKinley Bey