AlterNet
The Mix is the Message

# Torture in Our Own Backyards: The Fight Against Supermax Prisons

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Imagine living in an 8-by-12 prison cell, in solitary confinement, for eight years straight. Your entire world consists of a dank, cinder block room with a narrow window only three inches high, opening up to an outdoor cement cage, cynically dubbed, "the yard." If you're lucky, you spend one hour five days a week in that outdoor cage, where you gaze up through a wire mesh roof and hope for a glimpse of the sun. If you talk back to the guards or act out in any way, you might only venture outside one precious hour per week.

You go eight years without shaking a hand or experiencing any physical human contact. The prison guards bark orders and touch you only while wearing leather gloves, and then it's only to put you in full cuffs and shackles before escorting you to the cold showers, where they watch your every move.

You cannot make phone calls to your friends or family and must "earn" two visits per month, which inevitably take place through a Plexiglass wall. You are kept in full shackles the entire time you visit with your wife and children, and have to strain to hear their voices through speakers that record your every word. With no religious or educational programs to break up the time or elevate your thoughts, it's a daily struggle to keep your mind from unraveling.

This is how Reginald Akeem Berry describes his time in Tamms Correctional Facility, a "Supermax" state prison in southern Illinois, where he was held from March 1998 until July 2006. He now works to draw attention to conditions inside Tamms, where 261 inmates continue to be held in extreme isolation.

Once exclusively employed as a short-term punishment for particularly violent jailhouse infractions, "supermax" facilities, or "control units," are today designed

South Chicago

specifically to hold large numbers of inmates in long-term solitary confinement. A concept that spread like wildfire in the 1990s, today an estimated 20,000 prisoners in 44 states live in these modern-day dungeons, judged to be "unmanageable" by prison officials and moved from other penitentiaries to the nearest supermax. 2

Life in supermax institutions is grueling. Inmates stay in their cells for at least 23 hours per day, and never so much as lay eyes on another prisoner. While many live under these conditions for five years, others continue, uncertain of how to earn their way out, for 10, 15 or even 20 years.

The effects of such extended periods of isolation on prisoners' physical and mental health, their chances of meaningful rehabilitation, and, ultimately, on the communities to which they will eventually return are coming under increasing fire, from lawyers, human rights advocates and the medical professionals who have treated them. Bolstered by growing concern over the United States' sanctioning of torture, and the effect it's had on the country's international standing, their calls to action are gaining ground. In 2000, and again in 2006, the United Nations Committee Against Torture condemned the kind of isolation imposed by the U.S. government in federal, state and county-run supermax prisons, calling it "extremely harsh." "The committee is concerned about the prolonged isolation periods detainees are subjected to," they stated, "the effect such treatment has on their mental health, and that its purpose may be retribution, in which case it would constitute cruel, inhuman or degrading treatment or punishment."

**"Sending someone to a supermax is punishment"**

Defense attorney Jean Maclean Snyder, who has represented several Tamms prisoners, says the U.N. declaration is dead-on. "It is suspected that many [Tamms] prisoners have been sent there in retaliation for filing lawsuits about prison policies; because serious mental illnesses cause them to be disruptive; or simply because wardens at other prisons do not like them," she wrote in 2000, shortly after the original declaration was issued. Allan Mills of the Uptown People's Law Office in Chicago, Ill., thinks that the ambiguity surrounding how

and why inmates are sent to supermax facilities constitutes a violation of due process. "Sending someone to a supermax is punishment," Mills told AlterNet, "and before someone gets punished, they have a right to a fair hearing." "Just like if you were to get a traffic ticket, you have a right to say 'I didn't do it' and bring witnesses, and the police would have to come and testify against you," he said. "The same should go for prisoners who are being subjected to this horrendous long-term confinement." Mills claims he has "tracked a pattern of prisoners being sent to Tamms because of them filing grievances or lawsuits and being jailhouse lawyers." Assistant Illinois Department of Corrections (IDOC) Director Sergio Molina told AlterNet that, "Their behavior is their input," and although he claims the decision to transfer an inmate to Tamms is made on a "case-by-case basis," he wasn't able to expand further on the process.
Reginald Berry says he believes he was sent there for being "influential" among the general prison population. A former five-star leader of Chicago's infamous Vice Lords gang, he says he had the opportunity to turn in the "pistol" in a murder case, in return for a five-year sentence. However, he says, cooperating with the police against a fellow Vice Lord would have been "against the code," so instead he fought a first-degree murder charge in court and wound up with a 33-year jail sentence.
At first, life in Illinois state penitentiaries -- he was transferred to several over the years -- was manageable, since, in his words, "the animals were running the zoo." Through what he describes as a vast web of corruption and incompetence, "the guys who was the beast of the place were being rewarded by the warden" and were granted preferential job placements and access to coveted programs. "Might made right."
Following a series of prison riots and attacks on staff in the early 1990s (neither of which Berry had ever witnessed or been involved in) the Illinois General Assembly decided to construct the Tamms Closed Maximum Security Facility, or "CMAX." With a price tag of $72 million, Tamms CMAX opened its doors on March 10, 1998. The prison is capable of housing up to 500 of the department's "most disruptive, violent and problematic inmates," according to an IDOC brochure. IDOC also claims it costs approximately $60,000 per inmate per

year to keep the facility running, a figure over three times higher than the per-inmate annual cost at other IDOC facilities.

Berry says that, although he heard supermax rumors swirling throughout the jailhouse, he never imagined that he would end up in one. As he tells it, he hadn't been involved in a violent altercation for years. Nonetheless, "they came back and punished all the guys they had given fringe benefits to, and I had been one of those brothers." Days after the Tamms facility opened, ten police officers in full riot gear came to his cell and escorted him out. One of those guards offered him what would be his last cigarette for the next eight years, before putting him on an IDOC van and sending him off to Tamms.

**"Many of these inmates have become psychotic"**

The moment he arrived at Tamms, Berry says, he knew "it was a different world." All his belongings were immediately confiscated, right down to his underwear. He was then cavity searched before being escorted, in full shackles and leg irons, to his cell. "Imagine if you've been smoking 20 years," he says. "Overnight you can't smoke no more, overnight you can't talk to your kids no more." The coffee was gone. Work and educational programs were gone. Human interaction was out of reach. Guards barked orders and harassed him.

After about a month of sitting in his cell, he began to hear other inmates' mental health slipping. "You get these guys and they don't know how to acclimate, so they start cutting themselves up," he recalled, adding that some would go so far as "taking a pen and sticking it all the way up into their penis," or even worse, attempting suicide.

One expert on the effects of solitary confinement, Dr. Terry Kupers, who consults prison agencies on mental health services, says it is not uncommon for "psychiatric symptoms [to] emerge in previously healthy prisoners ... in this context of near-total isolation and idleness."

Psychiatrist and Harvard Medical School professor Dr. Stuart Grassian concurs. In 2005 he told the Commission on Safety and Abuse in America's Prisons that he had evaluated "scores of inmates" who "psychiatrically deteriorated during the course of their confinement in solitary." "Many of these inmates," he said. "have become

psychotic, and many have engaged in self-injurious and self-mutilatory behavior."

Annibal Santiago, who has been incarcerated at Tamms since 1998, describes how it feels from the inside: "The mentally ill prisoners drive the normal prisoners crazy by screaming, crying, yelling into the pod at all hours of the day and night for days nonstop, by banging on toilets, doors, walls, and/or by shaking or kicking the doors so hard that it sounds like rumbling thunder, flooding the wing with toilet water, and by throwing feces at other prisoners or inserting feces into the air vents so that the whole wing receives a dose of the smell for months." "The constant bombardment of unrelenting stress takes its toll like a flurry of well-placed punches on a tired boxer's head," he wrote in a survey compiled by Tamms Year Ten Campaign, an activist group working to shut down the facility.

**The innocent victims**

Berry says that when he was first sentenced, he told his wife, Denise, that he would understand if he had to let her go. "I told her, you didn't commit this crime, you had no part of it, and I love you enough not to punish you with the hardships that's to come," he recounted. But she didn't. When he was transferred to Tamms, six hours south of Chicago, she moved the family to nearby Springfield so that they could visit as often as possible. Since the Illinois General Assembly approved funding for Tamms with IDOC's claim that it would serve as nothing more than a temporary, one-year-long "shock treatment" for problem inmates, Mrs. Berry thought it would be a temporary move. However, two years later, when it became clear that IDOC had no intention of transferring Berry in the foreseeable future, the family moved back to Chicago. Denise says she wasn't prepared for how difficult it would be to see her husband deteriorate so rapidly at Tamms, after having spent ten years in the general prison population. It was particularly hard for his teenage son, who watched as his father grew emaciated from a meager diet and lack of exercise, and saw dark circles form under his eyes from lack of sunlight. "What I had a problem with, being an inmate's wife," Denise says, "was how they degraded the inmates." She described her husband being shackled and forced to sit on a small cement stool for the duration of their visits. When officers would deny him a trip to the restroom, encouraging him

to instead prematurely end their visit, she says it made her feel like an accomplice to his suffering.

Berry says one thing that kept him going was keeping his family at the forefront of his mind. It bothered him that Tamms prisoners were allowed to keep only 15 pictures in their cells. "Every time my wife sent me pictures, she'd send me sets of 24, and I'd say, 'OK, I got to decide right here which ones I want,' because if you get caught with more than that, they can give you a ticket and send you back down to seg [disciplinary segregation, a unit in which inmates have only one shower and one yard visit per week]." Inmates remain in "seg" for a minimum of 90 days and are not allowed visits for the duration. Once, says Berry, in what would be a devastating error, he tried to mail a picture to his son rather than throw it away. Because in the photo his son's hat was tilted to one side, the officers gave Berry a disciplinary ticket, allegedly for participating in gang-related activity. "My heart dropped to my knees," he says. "I told them, 'ya'll let this picture in here!'"

The violation earned him a ticket to "seg" for six months -- months that were tacked onto his sentence, which had been reduced for "good time." The decision meant that Berry's sentence would effectively be extended, forcing him to miss his youngest son's college graduation. "I was thinking, 'You missed the eighth-grade graduation, you missed the high school graduation, you've got to make this college graduation," Berry recalls. According to Denise, prison officials told her that if she could get proof that the people in the picture -- Berry's brother, Michael, his oldest son, Reggie Jr, and Willie Ware Jr., his nephew -- were not affiliated with gangs, they would reconsider his punishment. "I had to obtain their birth certificates," she says. Denise went to 28th Ward Representative Anazette Collins' office, as did the three men with their IDs. Their efforts proved futile. In the end, she says, "all this was compiled and sent to Tamms, and they did nothing."

Berry's son, Joe, graduated in May of 2006. Berry got home four months later. "I missed my son's graduation," he said, "and it crushed me."

**Long-term effects**

A 2007 Federal Bureau of Prisons (BoP) report lists family ties as integral to rehabilitation and successful re-entry into the general community. However, for many Tamms

inmates, the lack of phone access, a prohibitive visitation process, and the distance from Chicago, where two-thirds of Tamms inmates are from, makes it nearly impossible to maintain those ties. The scheduling and approval process at Tamms requires weeks of planning and multiple rounds of paperwork. If visitors arrive late for their appointment, they are forced to begin the process all over again. With no public transportation near the site, the process become more than some people can handle -- or realistically afford.



The BoP also cites access to educational and vocational programs -- especially for minority populations -- as another key element in prisoner rehabilitation. Yet no such opportunities exist in supermax prisons, other than upper-level, self-guided study for the few inmates who have "earned" it.

According to a March 2008 study published in *Prisons Journal*, "the rapid expansion of the supermax has occurred despite no empirical evidence substantiating its effectiveness or value." Yet Tamms is just one portion of the billions of dollars that have been invested in supermax prisons. IDOC officials confirmed that they do not collect separate recidivism [or return] statistics for Tamms prisoners -- an alarming admission for prisoners, their families, and the broader community that many critics say points to a massive cover-up surrounding the human cost of supermax facilities.

As Paul Beachamp, a Tamms prisoner since 2002, puts it, "What happens when you lock up a dog in a cage for years at a time and constantly harass the dog and treat it bad while it's in the cage? Do you actually think that dog will act right once you let it out?" Sen. Tom Coburn, R-Okla., chair of the Senate Judiciary Subcommittee on Corrections and Rehabilitation, issued a similar warning before a Senate hearing in 2006. "The experiences inmates have in prison -- whether violent or redemptive -- do not stay within prison walls, but spill over into the rest of society," he said. "Federal, state and local governments must address the problems faced by their respective institutions and develop tangible and attainable solutions."

Meanwhile, a range of alternative responses has yet to be explored. A 2006 national survey of 601 prison wardens, funded by the U.S. Department of Justice and

administered by the Urban League, showed 62.5 percent of wardens agreeing or strongly agreeing that "staff training" would be an "effective alternative to supermax prisons." It was the No. 1 choice selected in the survey. Other popular alternatives, in order of preference, were to "use segregation cells in each prison facility," "provide targeted rehabilitative services" and "provide opportunities for spiritual development."

Prison activists across the country are working to shed light on this. Enlisting the support of lawmakers and lawyers who share their concern over the treatment of supermax prisoners -- and the rationale behind it -- they are fighting for legal precedents that would bring more services to supermax prisons, grant prisoners more mobility and opportunity and, ultimately, shut the facilities down. The Tamms Year Ten Campaign is one such coalition; it recently persuaded the Illinois House of Representatives to hold a hearing, scheduled for April 28, to consider arguments for and against the effectiveness and legality of Tamms.

Reginald Berry is part of that movement in Chicago, organized under the banner of the Tamms Ten Year campaign, which works to draw attention to the 88 prisoners who have been at Tamms since the day it opened its doors. Today, in addition to raising awareness of conditions inside supermax prisons, he's also working to cut off the "school-to-prisons pipeline" in his community by sharing his experiences in Tamms with Chicago teenagers through an organization he founded, "Saving Our Sons."

Berry's work is one of the reasons he counts himself among the lucky ones. After spending eight years in a facility where he was told he would have to "relinquish everything, even your personality," Berry has done more than survive; he has thrived, and he is fighting back. Within the current debate over state-sanctioned torture abroad, his voice is an important reminder of the cruel, unusual, and too-often ignored contradictions of our own criminal justice system.

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