Cruel and Unusual?

Waupun Correctional Institution inmates allege abuse by guards in prison’s segregation unit

The Wisconsin Center for Investigative Journalism identified 40 allegations of physical or psychological abuse by correctional officers against inmates in Waupun’s segregation unit since 2011. The allegations, involving 33 inmates, allege extreme mistreatment, including being beaten and stomped on while handcuffed behind their backs.

Wisconsin Department of Corrections

An unoccupied cell in the segregation unit at Waupun Correctional Institution. The cells are small, with a narrow window and concrete and steel furnishings.

“Waupun is a maximum-security facility that houses a large concentration of some of the state’s most violent criminals. In some cases, inmates make allegations in an attempt to manufacture lawsuits, gain public sympathy and get attention.”

— Waupun warden William Pollard

“I don’t know what has to happen for these guys to be believed.”

— Peg Swan, inmate advocate

40 allegations of guards abusing inmates at Waupun Correctional Institution

A spreadsheet compiled from records and interviews

Waupun prison guards accused of abusing dozens of inmates

Part 1: The Wisconsin Center for Investigative Journalism has identified 40 allegations of physical or psychological abuse by correctional officers against inmates in Waupun’s segregation unit since 2011. The allegations, involving 33 inmates, allege extreme mistreatment, including being beaten and stomped on while handcuffed behind their backs.

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Waupun guard named repeatedly in abuse complaints

Part 2: Of the 40 inmate allegations against prison guards, Joseph Beahm is named in 28. A dozen inmate lawsuits since 2011 accuse Beahm of physical or psychological abuse.

Continued Reading →

ABOUT BILL LUEDERS

Bill Lueders is a reporter, editor and Money and Politics Project director for the Wisconsin Center for Investigative Journalism.

More by Bill Lueders

THE ALLEGATIONS

40 allegations of guards abusing inmates at Waupun Correctional Institution Details about each alleged incident, who was involved and the state’s response.

SIDEBARS
Advocate Peg Swan devotes life to aiding Wisconsin's prisoners
“This is Waupun,” she says, opening a file cabinet. “And that box is Waupun.”

A look at six allegations of inmate abuse at Waupun
“All we heard was a big hollow bang and when they brung him out he had blood all over his face.”

How the Wisconsin Center for Investigative Journalism investigated prison-abuse allegations
The state Department of Corrections released hundreds of pages of records but denied access to other materials, including videos and internal complaints.

AN INMATE’S ALLEGATIONS

July 20, 2014
Waupun prison guards accused of abusing dozens of inmates
Volume, severity of complaints prompt calls for investigation
By: BILL LUEDERS

Marvin Smith still has scars from his time at Waupun Correctional Institution — on his hand, wrists and leg. His injuries were received on Jan. 3, 2013, in the state prison’s segregation unit. Smith, 26, in a federal lawsuit he filed himself, alleged abuse by prison guards. He said they purposely injured his wrists and arms, put him in a choke hold, smashed his face into a cell door and twisted his ankle. Smith insisted he was not resisting. The defendants denied the allegations and portrayed Smith as the aggressor, saying he “violently pulled” a guard’s hand into his cell, causing injury, and refused to obey directives. Smith, a convicted armed robber, was disciplined over the incident with an additional 11 months in segregation, commonly called solitary confinement.

Smith’s claims of abuse by state correctional officers, though rejected by prison officials, are similar to allegations made by dozens of other inmates at the prison 55 miles northeast of Madison. The Wisconsin Center for Investigative Journalism has identified 40 allegations of physical or psychological abuse by correctional officers against inmates in Waupun’s segregation unit since 2011. The allegations, involving 33 inmates, allege extreme mistreatment, including being beaten and stomped on while handcuffed behind their backs.

Details about each alleged incident, who was involved and the DOC’s response.
In many cases, there are indications that the inmate was injured or received post-incident physical or mental health attention. Some incident reports document the use of tasers, pepper spray, knee strikes, wall slams, takedowns and other measures, but describe these as a necessary response to inmate behavior. Commonly the inmates are disciplined or even charged with crimes over these incidents.

Two-thirds of these allegations of abuse involve a single guard, Joseph Beahm, who, according to the DOC, has worked continuously in the segregation unit at Waupun since October 2006. State prison officials have defended Beahm, and records show he has never been disciplined for improper treatment of inmates. Beahm did not respond to interview requests.

These allegations have been made in federal lawsuits, sworn affidavits, interviews, internal complaints and other prison records, and letters to state officials and Peg Swan, a retired nurse’s aide who corresponds with and advocates on behalf of inmates. Swan has been contacting public officials and others for months, calling attention to the allegations and urging them to investigate.

“I don’t know what has to happen for these guys to be believed,” Swan said.

At least 15 lawsuits have been filed by inmates since 2011 alleging abuse by guards in the segregation unit at Waupun; nine are pending. The other six have been dismissed, but one of those dismissals is being challenged.

University of Wisconsin law professor Walter Dickey, who headed the state prison system from 1983 to 1987, responded with concern to the Center’s findings.

“This looks to be something that really needs to be investigated,” Dickey said. “When you have allegations that are as extensive as these, the continued legitimacy of the system requires that you investigate them with integrity so the public will have confidence in the conclusions that are reached.

“And then you let the chips fall where they fall.”

The state Department of Corrections, which runs the state prison system, maintains that the inmates making these allegations are lying. While the agency is opening a new central office to investigate complaints and launching a pilot program to equip guards in the segregation unit at Waupun with cameras, it denies there is a particular problem there.

“It is not uncommon for some of our inmates to embellish stories or create issues to draw attention to themselves and/or obtain services from the public,” wrote James Schwochert, the DOC’s assistant administrator of the adult institutions, in a letter to Swan in February. He said Waupun has “zero tolerance for any harassment or intimidation of inmates.”

Waupun Warden William Pollard made a similar point, writing in response to a request for comment: “Waupun is a maximum security facility that houses a large concentration of some of the state’s most violent criminals. In some cases, inmates make allegations in an attempt to manufacture lawsuits, gain public sympathy and get attention.”

DOC secretary Ed Wall declined an interview request. But he did provide a written statement.

“Within the Department of Corrections, all allegations of assault are taken seriously. Every allegation of assault that is brought to the attention of staff is investigated,” Wall said. “The Dodge County Sheriff’s (Office) routinely investigates allegations. During the past several years, there have been no substantiated allegations of staff on inmate abuse at Waupun Correctional Institution.”

**A problematic structure**

The wave of allegations of abuse at Waupun comes during a time of growing national concern about the use of segregation for inmates, especially those with mental illness. Former Wisconsin DOC Secretary Rick Raemisch is leading an effort to reduce or eliminate the use of solitary confinement in Colorado, whose prison system he now oversees.

In 2010, in response to an inmate lawsuit, the state agreed to modest changes in the segregation unit at Waupun, such as new windows and dimmer night lighting. But inmates there are still often confined to their cells for 23 to 24 hours a day, a federal judge noted. The cells feature concrete and steel furnishings, one small window and a steel trap door through which food and medication are passed. A
Wall, citing the growing national debate, in April sent a memo to DOC staff indicating his desire to rethink the use of segregation in Wisconsin. “Are we placing inmates in segregation because we are mad at them (or) … out of a sense of retribution?” he asked. “And if we are, does this help our inmates or does it make us any safer?”

Wall said the DOC would, over the coming year, “be interacting with other (state correctional systems), scientists, scholars and mental health professionals from across the country in an attempt to determine how best to deal with this challenging population.” The goal is to have a revised policy by January.

The segregation unit at Waupun has an operating capacity of 180 inmates. As of early July, it housed 131, more than 10 percent of the prison’s overall population of about 1,250 inmates. Segregation is commonly used as a punishment for misbehavior.

Former state corrections chief Walter Dickey is troubled by the allegations: “This looks to be something that really needs to be investigated.” Dickey, who now works for the UW Athletic Department, acknowledges that the kind of inmates who end up in segregation are not easy to deal with. He recalls that when he was corrections chief, he wanted to override seniority system rules to prevent guards from working in segregation for extended periods, which he believes is “not healthy,” but the unions representing prison guards rejected this. Segregation, said Dickey, “brings out the worst in everybody. You’ve got a structure that starts a human dynamic between people that’s destructive.”

Eugene Braaksma, a state psychologist who worked at Waupun from 2006 to 2012, agreed. He cited a documentary, “The Stanford Prison Experiment,” about a famous 1971 study in which students randomly selected to play the role of prison guards quickly became abusive toward students assigned to be inmates.

“There’s no way to have a power structure where one party has all of the power and the other party has none where abuses don’t happen,” Braaksma said. “It’s a structure that’s really prone to difficulties.”

Psychologist ‘troubled’ by incidents

Braaksma said he never directly witnessed the abuse of inmates and would not have tolerated it. But he did see “things that troubled me,” including inmate injuries he thought were highly suspicious. “Certainly things get out of hand at times.”

Generally, Braaksma said, these suspicious injuries involved bruising that staff attributed to an inmate resisting. He noted that “resisting is an infraction that would lead to getting a ticket and extra segregation time. But for some reason there would not be a ticket.” He saw this as a sign that the officers did not want to explain their actions.

Also, Braaksma said, “There was at least one time I recall when an incident would have been on security camera data but the data somehow got erased.”

State Sen. Lena Taylor, D-Milwaukee, who formerly chaired a state legislative committee that dealt with corrections, still gets letters from inmates with all manner of complaints, including allegations of abuse. She said a significant number of these have come from the segregation unit at Waupun. Serious complaints, Taylor added, “seemed to rise in 2013.”

While Taylor does not believe the problems within the state’s prison system are unique to Waupun, “There’s no question to me that Waupun brings some of the largest challenges.” It is an aging facility and incarcerates some of the state most “hard core” inmates, she said.

“If we can address the issues at the level of Waupun,” Taylor said, “it would trickle everywhere else, to the places that are not as bad.”
system of accountability” for the prison system as a whole.
Both Swan and Taylor fault the prison system’s current complaint process, because it is run by prison staff. “To have an independent complaint process would revolutionize the system,” Swan said. Taylor recommends bringing outsiders into the process, to avoid having “the fox run the henhouse.”
Swan also called for Waupun to add mental health resources, rotate guards out of the segregation unit every three months, and train guards better on how to deal humanely with difficult and mentally ill inmates.

No carrot for good behavior
This summer, the DOC is conducting a three-month pilot project at Waupun, in which segregation unit officers wear cameras on their chests or eyeglasses to record their interactions. DOC spokeswoman Joy Staab said that Waupun correctional staff “requested the opportunity to pilot the cameras due to the high number of false accusations.”

The DOC is also creating a new statewide office to oversee professional standards and allegations of staff misconduct. The new Office of Special Operations, Staab said, would allow instances of wrongdoing to be “corrected in a more timely manner.” Also, with this team in place, “Staff falsely accused can be exonerated more quickly and returned to work.”

Brian Cunningham, a Waupun correctional officer who heads the Wisconsin Association for Correctional Law Enforcement union, said working in segregation is an exceptionally difficult job in an increasingly difficult profession.

“We are under constant, constant stress,” said Cunningham, speaking in his capacity as a union official. “I think it’s gotten way more dangerous.”

A 2013 report by the U.S. Department of Justice’s Programs Diagnostic Center found that correctional officers have high rates of suicide, substance abuse and early mortality relative to other professions — all related to on-the-job stress.

As for job danger, the DOC has tallied that from mid-2012 to mid-2013 there were 351 assaults, attempted assaults and assault-related injuries to state prison staff, who number about 10,000 statewide. More than two-thirds of these assaults occurred in segregation units.

“We took away the carrot for good behavior and we replaced it with nothing.” — Brian Cunningham, guard and union official

Cunningham said the state’s truth-in-sentencing law, implemented in 1999, and a 2011 bill signed by Gov. Scott Walker to end early release for some inmates made matters worse by removing one of the tools correctional officials had for maintaining order within prisons.

“We took away the carrot for good behavior and we replaced it with nothing,” he said. From the inmates’ point of view, “I’m doing 15 years regardless of what I do, so I act like an idiot inside the institution all day long.”

Meanwhile, diminished pay and benefits have led to less-experienced staff: “You now have 18-year-old kids with zero life experience dealing with 30-year-old convicts,” he said.

But while agreeing that the pressures of the job have risen, Cunningham disputes suggestions of widespread abuse. “I will tell you — categorically, lie-detector test — that I have personally never in my career seen with my own eyes an inmate being abused,” the 20-year DOC veteran said.

Dodge County Sheriff Patricia Ninmann said her office has a full-time detective assigned to state prisons in Dodge County, including Waupun. A list from 2013 shows that virtually all of the battery and assault investigations at Waupun involve inmates attacking guards or other inmates.

Ninmann confirmed that the detective “has not had any substantiated allegations of staff on inmate abuse at Waupun.”

‘Corroboration is hard’

Dickey, who served as prison chief under Democratic Gov. Tony Earl, recalls that inmates at Waupun rioted in January 1983 after the suicide of an inmate who was allegedly beaten by guards. In June of that year, a federal judge ruled that the prison’s use of Mace violated inmates’ rights.

“I guess an awful lot of what was going on there 30 years ago is going on now,” said Dickey, who made sweeping policy changes in response to the ruling, even though the decision was later overturned by an appellate court.

Gary Hamblin, who served as DOC secretary from early 2011 to late 2012 under Walker, was surprised to learn of large-scale allegations of abuse at Waupun. He does not recall any such allegations when he was chief, and was under the impression that “conditions were actually improving at Waupun.”

Kit Kerschensteiner, managing attorney with Disability Rights Wisconsin, a nonprofit advocacy group, said the allegations of abuse at Waupun are “occurring with such frequency” that they could merit an investigation by the U.S. Justice Department under the Civil Rights for Institutionalized Persons Act, which was previously invoked to bring about major changes in mental health care and discipline at the state women’s prison at Taycheedah.
“We will continue to help individual inmates with their complaints, but we have a peashooter, and they have a cannon,” she said.

With complaints brought by inmates, a key issue is credibility. Kerschensteiner suggested that abuse occurs in part because guards know they have the upper hand in any disagreement.

“Regardless of what actually happened, it always boils down to, who is going to be believed: a reputable guard or a convicted felon?” she said. “Corroboration is hard.”

Of course some inmates, being criminals, often hardened and lifelong ones, tell lies. But correctional officers sometimes do, too.

“Some staff cover for one another,” said Jeff Endicott, who worked at Waupun as clinical services supervisor in the early 1980s under Dickey and later was warden at Columbia Correctional and Redgranite state prisons. “So when you’re doing an investigation, it’s difficult to affirm a complaint or make a judgment in favor of an inmate, unless there is other corroborating evidence.”

Endicott said when he was investigating allegations against staff at Columbia for making racial comments, “there were many people who denied it happened, including witnesses to the behavior.” He said the experience left him “shocked.”

Earlier this year, according to reports obtained by the Center, Waupun officials investigated allegations that a segregation unit supervisor made a rude comment about a mental health worker. The complaint says this was “stated loudly” in the presence of other officers. The security supervisor admitted to making the remark. But all seven correctional officers interviewed as potential witnesses said they either did not hear or could not recall if this was said.

Smith faces new charges

Marvin Smith, at his family’s home in Milwaukee in late March, is one of at least 15 Waupun inmates who have filed lawsuits since 2011 accusing guards of physical or psychological abuse.

For his part in the events of Jan. 3, 2013, Marvin Smith was found guilty of a major offense and sentenced to an additional 330 days in segregation. He asked at the disciplinary hearing why his injuries were more severe than those of the guard whose hand he allegedly grabbed. The question was “deemed irrelevant by the hearing officer.”

Smith was convicted of three counts of armed robbery in 2005, served his time and was released from prison Dec. 31. Of his nearly seven years at Waupun, he said about five and a half were served in segregation. He takes an almost philosophical view of inmate abuse, saying some guards seem to prefer their jobs in the prison to their lives outside.

“Because when they come here, they have authority, they have power,” Smith said. “They have so much control to repress humans … (under) conditions where there’s nothing we can do about it, but go to the courts.”

Smith, 26, made these remarks in an interview in late March. He was living in Milwaukee with relatives and working a factory job, while remaining on extended supervision. When he lifted his pant leg to show his scars, he also revealed an electronic monitoring device. He said he was determined to press on with his federal lawsuit, for the sake of those still at Waupun.

A month later, Smith was arrested again, charged with three felonies for allegedly discharging a firearm in a school zone in Milwaukee. On April 30, according to the criminal complaint, he and another man began shooting at each other; no one was hurt. He faces up to 30 years in prison.

After his arrest, Smith missed a deadline for responding to a defense motion in his lawsuit. The state, citing this failure, asked that the lawsuit be dismissed. In mid-June, the judge granted this request. The lawsuit never reached a determination on Smith’s allegations.

WisconsinWatch.org
(http://wisconsinwatch.org/2014/07/waupun-guard-named-repeatedly-in-abuse-complaints/)

Waupun guard named repeatedly in abuse complaints
State officials defend officer, say inmates are lying in claims of mistreatment

By: BILL LUEDERS | 9 HOURS AGO

Lauren Fuhrmann/Wisconsin Center for Investigative Journalism

Marvin Smith faces new charges

Lauren Fuhrmann/Wisconsin Center for Investigative Journalism
Joseph Beahm, a correctional officer in the segregation unit at Waupun, is named in more than two dozen allegations of inmate abuse.

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At his sentencing hearing on Feb. 28, Wisconsin prison inmate Leighton Lindsey admitted 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.”

Beahm’s report 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 and sore knee. Photos show Lindsey with a bloody gash across his forehead.

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

The allegations were made in lawsuits, internal inmate complaints, interviews, and letters to state officials and an inmate-rights activist.

View all allegations

40 allegations of guards abusing inmates at Waupun Correctional Institution

Details about each alleged incident, who was involved and the DOC’s response.

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

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

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

‘A rogue guard’

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

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

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

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

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

The records identify the inmate as Holden Rodriguez, who the prison says weighs 135 pounds. The incident reports say Rodriguez resisted, threatened and spat at officers, and was directed to the ground with the least amount of force necessary. The incident led to Rodriguez being convicted of “prisoner throw/expel bodily substances,” a felony, and sentenced to an additional six months.
According to other records released to the Center, Beahm has been the subject of only one disciplinary investigation during his time at Waupun. That was a 2011 incident in which he allegedly fell asleep at a desk. Beahm denied it, and complained about being “written up,” which he said had never happened before.

“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.”

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.

The complaint were promptly rejected. “You have little credibility with the behavior you exhibit in segregation,” Meli wrote. Lindsey also filed an internal complaint against Beahm over the Dec. 23 incident and asked a Dodge County judge to launch a John Doe probe. Both were rejected.

Lindsey’s defense attorney, William Mayer, filed a request for the judge to review Beahm’s personnel file. He noted Lindsey’s prior complaints and included affidavits from three other prisoners accusing Beahm of abuse. But the review did not produce any records of disciplinary action against Beahm.

Lindsey, facing a maximum sentence of 10 years for the biting 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 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 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 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 being subjected to “torture” on March 8, 2013. McKinley, convicted of multiple crimes including kidnapping and attempted murder, admitted in an affidavit that the episode began when he threw fecal matter at a guard.

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.” 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 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 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.

James Schwochert, the DOC’s assistant administrator of adult institutions, told Swan in a letter dated Feb. 18 that this would not happen. “These complaints have been looked into, by either internal or external investigators,” Schwochert wrote. “Based on our findings, they appear to be fabricated to the point that the inmates place themselves at risk of being subject to discipline for making false allegations about staff.”

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

But Dickey believes the large number of complaints merits further inquiry. “Even if everything they say in that letter is true, I’m not sure why you want to keep the guy in seg,” Dickey said. “There’s obviously something going on.”

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

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

**Waupun leads in lawsuits**
Currently, inmates alleging abuse have few options besides filing their own lawsuits.

The American Civil Liberties Union of Wisconsin 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, run through the University of Wisconsin Law School, does not take such cases. And Legal Action of Wisconsin, 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 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.

July 22, 2014

Wisconsin rethinks use of solitary confinement

Allegations of abuse at Waupun’s segregation unit tie into growing national debate

By: BILL LUEDERS | July 22, 2014

An unoccupied cell in the segregation unit at Waupun Correctional Institution. The cells are small, with a narrow window and concrete and steel furnishings.

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At Waupun Correctional Institution in 2012, one inmate being transferred to the state prison’s segregation unit threatened to throw his foot locker at officers, according to a use-of-force report obtained by Gannett Wisconsin Media. The inmate, whose name was redacted, ignored commands, declared “I am not going to seg” and tossed water from his cell. Members of the “pad subduing team” assembled in response sprayed the inmate three times with pepper spray and shot him twice with a taser. The inmate finally fell to the floor and was shackled, then taken to segregation, commonly known as solitary confinement.

While being strip searched — done whenever an inmate is taken to or from the segregation unit — he “became violently resistive” and was tasered a third time. Waupun’s segregation unit, which houses up to 180 inmates, is not a place inmates want to be. And for good reason: The unit blends severe isolation with the recurring use of force. Two inmates in segregation at Waupun, a state prison 55 miles northeast of Madison, have committed suicide in the past 18 months. The use-of-force reports released for Waupun from 2012 and most of 2013 include six cases in which force was deployed against inmates in segregation while they were engaged in acts of self-harm or attempted suicide. One inmate cut his wrist and forearm with metal from his glasses and was pepper sprayed. Others were tasered or sprayed after taking pills or attempting to hang themselves with a bedsheet or pillow case.

The segregation unit at Waupun has drawn multiple complaints from inmates alleging abuse by guards. The Wisconsin Center for Investigative Journalism has identified 40 separate allegations of physical or psychological abuse involving 33 inmates since 2011.

View all allegations

40 allegations of guards abusing inmates at Waupun Correctional Institution

Details about each alleged incident, who was involved and the DOC’s response. Prison officials deny abuse is occurring and accuse the inmates making these allegations of lying. But the volume of complaints has stirred the notice of a state senator, an advocate for the disabled and a former state prison chief. All of this is playing out against a national debate over the use of solitary confinement, especially for inmates suffering from mental illness. New York, Maine and Virginia have taken recent steps to alter or reduce the use
of solitary. The prison chief in New Mexico has also called for reform. In February, a U.S. Senate committee held hearings on the issue.

Ed Wall, secretary of Wisconsin’s Department of Corrections, is also concerned. In an April memo to DOC staff, Wall asked whether segregation is being used for punitive reasons, when “what we really need from segregation is for inmates to have a corrective and rehabilitative experience.” The department is now consulting professionals throughout the country, with the goal of releasing a revised policy by January.

Wall cited national developments in this area, including the “sobering” observations of former Wisconsin DOC secretary Rick Raemisch, now executive director of Colorado’s state prison system. Raemisch testified before the Senate committee, calling solitary confinement “overused, misused and abused.”

“Segregation either multiplies or manufactures mental illness,” Raemisch said in an interview. “It may help (control behavior) while the person is behind that steel door, but what you’re doing is magnifying the problem.”

Wall, in his memo, raised the same concern. He said simply locking inmates in segregation without providing corrective or rehabilitative programming “may really just be helping to create a worse behavior problem and habitual threat.”

Is segregation torture?

According to DOC spokeswoman Joy Staab, all but one of the state’s adult prisons have segregation. Currently about 1,500 of the state’s 22,000 inmates are in segregation, which is commonly used to discipline prisoners.

A 2013 report by the Association of State Correctional Administrators found that Wisconsin had 118 inmates who had been in segregation continuously for more than two years.

“The way segregation is used now in Wisconsin is, by definition, torture,” said the Rev. Jerry Hancock, the former head of law-enforcement services in the Wisconsin Department of Justice. Hancock, now director of the Madison-based Prison Ministry Project, cites the call from a United Nations expert for a ban on the use of segregation in excess of 15 days, saying it “can amount to torture.” “The way segregation is used now in Wisconsin is, by definition, torture.” — Jerry Hancock, Prison Ministry Project

Wisconsin law allows inmates to be sentenced to up to 360 days in segregation per disciplinary charge. Subsequent charges can bring additional sentences.

Early this year Raemisch, a former Republican Dane County sheriff who headed the Wisconsin DOC from 2007 to 2011 under Democratic Gov. Jim Doyle, got a taste of what solitary is like by spending 20 hours in a Colorado prison cell.

“I began to count the small holes carved in the walls,” he wrote in an op-ed on his experience in the New York Times. “Tiny grooves made by inmates who’d chipped away at the cell as the cell chipped away at them.” The column drew national attention.

Colorado Department of Corrections

Former Wisconsin prison chief Rick Raemisch, now head of the Colorado Department of Corrections, is at the forefront of a national movement to reduce the use of solitary confinement, which he says “either multiplies or manufactures mental illness.”

According to Raemisch, Colorado has dramatically reduced the number of inmates in segregation, from 1,500 in 2011 to fewer than 500 today, and “we’re going to be decreasing that further.” He said the system has virtually ended such confinement for women and the severely mentally ill.

The reductions started under Tom Clements, Raemisch’s predecessor as head of the Colorado state prison system. Clements was murdered last year by an inmate who had recently been released directly from segregation into the community.

“Whatever solitary confinement did for that former inmate and murderer, it was not for the better,” Raemisch wrote. Raemisch, while declining to specifically critique Wisconsin’s prison system, believes that corrections has “lost sight of its mission” — not just to efficiently lock people up, but to effectively teach them how to behave.

Raemisch, noting that “97 percent of inmates are ultimately returned to their communities,” considers that vital.

“You can’t give up on trying to make them better, because if you do give up, you’re going to make them worse,” he said.

‘A sickening place to work’

Studies have linked prolonged solitary confinement to severe anxiety, visual and auditory hallucinations,
uncontrollable fear and rage, a lack of impulse control and self-harm.

“It is well documented that the severe psychological stress of spending 23-24 hours a day in a stainless steel and concrete box, often with very little natural sunlight for months on end, no physical contact with friends or family, and virtually nothing to do leads to lasting psychological damage,” declares Wisdom, a faith-based state advocacy group, in a draft report. “It also does absolutely nothing to facilitate rehabilitation, undermining the ability of prisoners to function once they are released.”

Of special concern is the impact on inmates with mental illness. A 2009 Wisconsin state audit found that “mentally ill inmates have been overrepresented in segregation.” In January 2008, it said, 46 percent of the inmates in segregation were mentally ill, compared to a third of the overall prison population. At Waupun, it said, 61 percent of the inmates in segregation were mentally ill. The DOC denied the Center’s request to visit the segregation unit at Waupun and talk to inmates there “based on the disruption it would cause in the facility, your safety and the confidentiality of inmates,” spokeswoman Staab said.

Brian Cunningham, a Waupun correctional officer who heads the union that represents state prison workers, said that is no surprise, calling this form of incarceration the DOC’s “dirty little secret.”

“It’s sickening to work in seg,” Cunningham said, speaking in his capacity as a union official. Inmates come to segregation, he said, because they cannot manage to follow general population rules. Correctional officers must do everything for inmates, from feeding them to putting them in restraints every time they are moved.

“It’s just an incredibly difficult job to do,” said Cunningham, who works elsewhere in the prison. “We all dread working in seg.” Cunningham, describing the conditions for inmates, paints a bleak picture. “You know, he doesn’t come out,” he said. “He’s stuck in a cell the size of your bathroom. His bed is made out of concrete. His toilet is bolted to the wall. There is nothing good about seg.”

**Inmates sue over treatment**

In 2010, state officials agreed to make changes in policy at the segregation unit at Waupun to settle a lawsuit brought by two inmates alleging the conditions there amounted to cruel and unusual punishment. The state agreed to provide new windows, magazines and dimmer night lights. A separate federal lawsuit filed by five inmates in 2011 alleges that segregation is used as punishment for behavior that is due directly to psychological disorders. It said inmates in segregation “are confined nearly 24 hours a day, alone, in a small cell constructed with concrete floor, brick walls, and a box-car steel door that causes extreme forced isolation, social isolation, sensory deprivation, and deprivation of direct human contact.”

The state, in its answer, admitted that the inmates have only a small window and are allowed out of their cells only four hours a week for recreation but denied that these conditions amounted to extreme isolation.

U.S. District Judge Barbara Crabb ruled against the inmates and dismissed the case last August. That decision has been appealed.

One of the inmates involved in the suit obtained a statement from Eugene Braaksma, a state psychologist who worked part-time at Waupun for more than five years, ending in 2012. He said in an interview that the segregation unit is “sadly where some of the most seriously mentally ill persons end up.”

Braaksma, who now works at Central Wisconsin Center, a state facility in Madison for the developmentally disabled, said in his statement that the use of segregation “can exacerbate symptoms for individuals suffering from pre-existing anxiety-based mental illnesses.” This can lead to “acting out behaviors” that extend an inmate’s confinement.

Braaksma’s statement says he tried on several occasions to make his concerns known to Warden William Pollard and other administrative staff. He believes they, thus informed, had “a responsibility (to) explore other options” for these inmates but did not.

Pollard, asked about Braaksma’s statement, declined to respond directly. But he defended the level of medical and psychological services provided to inmates in segregation.

“The health and well-being of inmates is important to the department,” Pollard wrote, saying psychological and medical staff make regular visits. Additional staff have been added to allow inmates more out-of-cell time, he said, and inmates “are offered several types of programming including various groups and self-help material.”

A lawsuit filed in federal court late last year also alleges abuse directly related to an inmate’s mental illness. Waupun inmate Noah Frieden said he has been clinically diagnosed with obsessive compulsive disorder; one manifestation is that he compulsively must do everything right side first.
Wisconsin Department of Corrections

Inmate Noah Frieden is suing the state, alleging that guards abused him because he failed to obey their directives, due to a psychological condition.

During a strip search on June 13, 2013, the complaint says, Frieden was ordered to move his left foot. When he instead moved his right foot, correctional officer Joseph Beahm and Lt. Jessie Schneider “slammed plaintiff’s face into the steel grated strip cage door.”

The complaint states that Beahm “started to twist the plaintiff’s wrists” and a third officer discharged a taser into Frieden’s back, while Beahm yelled “Stop resisting!”

Frieden, the complaint says, “issued a series of loud piercing cries.” Whereupon he was again allegedly slammed into the steel door.

Beahm and Schneider did not respond to requests for comment. The prison incident reports say Frieden “was screaming very loudly” and “would not lift his left leg and began to kick his right leg in staff’s direction.” It confirms that he was shot with a taser and “directed to the strip cell door with minimal force.”

**Calls for change sounded here**

Kit Kerschensteiner, managing attorney with Disability Rights Wisconsin, said inmates with mental illness are punished more frequently and often that is because their disability makes it difficult for them to follow rules.

Kit Kerschensteiner of Disability Rights Wisconsin says correctional officers often lack training and supervision to deal with mentally ill inmates: “A crisis situation can quickly escalate, and in our experience often ends in excessive force and abuse.”

“Unfortunately, prisons like Waupun were never intended to be treatment facilities,” Kerschensteiner said. “Correctional officers don’t have the training or supervision to work with people with mental illness. A crisis situation can quickly escalate and in our experience often ends in excessive force and abuse.”

Kerschensteiner said her group hears often from Waupun inmates seeking to be transferred to the Wisconsin Resource Center, a state prison facility in Winnebago that provides mental health treatment. But “even if we could get them transferred, once they were stabilized at WRC they would be sent back to make room for new patients and the downward cycle would begin again.”

What is needed, Kerschensteiner said, “is a serious commitment to mental health treatment by the Legislature in the DOC budget.”

Wisdom’s draft report calls for a number of specific changes in how Wisconsin uses segregation, including limiting stays to a maximum of 15 days, increasing staff crisis intervention training, providing “a clear and structured path” for inmates to earn their way out of segregation and making sure that inmates are never released directly from segregation into the community.

The memo by Wall does not go into specifics regarding the changes he is seeking, other than its references to corrective and rehabilitative programming. But Staab suggested the changes will fall short of what the DOC’s critics would like to see: “For serious cases the maximum penalties have not changed.”

A look at six allegations of inmate abuse at Waupun

By: **BILL LUEDERS** | July 20, 2014

**Sidebars**

**Advocate devotes life to aiding Wisconsin's prisoners**

How the Wisconsin Center for Investigative Journalism investigated prison-abuse allegations

**Data**

40 allegations of guards abusing inmates at Waupun Correctional Institution

What follow are brief synopses of inmate allegations of abuse by correctional officers at the segregation unit at Waupun Correctional Institution. Others are discussed in the accompanying articles (see sidebar at left).
Christopher Hamlin, #507328
Convicted of charges including felony burglary in 2006; now on active community supervision.
Incident date: 1/1/13
Alleges in a federal lawsuit that a prison lieutenant pushed him face-first into a wall, splitting his lip and chipping a tooth. The defendants’ response confirms these injuries but portrays Hamlin as the aggressor, saying he resisted, yelled obscenities and was threatening to eat torn off chunks of his mattress. Suit is pending.

Jesse Dozier, #427235
Has convictions for 2nd offense drunken driving, felony theft from corpse and bail jumping.
Incident dates: 10/18/13, 11/30/13, 12/25/14, 1/22/14
Alleges repeat abuse and mistreatment in letters to prisoner advocate Peg Swan, including having his head held under streaming water in the shower by correctional officer Joseph Beahm: “I am totally unable to breathe, fearing for my life.” In a pending federal lawsuit, he alleges being placed in an observation cell with “feces smeared all over the walls, floor and ceiling” for several days after reporting being suicidal. The state has denied the allegations; Dozier has been transferred to another state prison. He is facing new criminal charges for allegedly kicking a Waupun officer on March 26.

Quenton Thompson, #311898
Convicted in 2004 of 1st degree intentional homicide and 1st degree intentional homicide of an unborn infant; given two life sentences.
Incident date: 4/11/13
Alleges in letter to Swan that after filing a complaint against Beahm, the officer and another guard “jumped on me beat me real bad.” Claims “my head is busted open” and that Beahm “tore my anus with his hand/fingers.” Writes to Swan: “Peg, I just want to die, I can’t take this any longer.” Beahm, in incident records, said Thompson tried to pull away from his escort hold; he admitted that he and another officer delivered knee strikes. Thompson was convicted at a disciplinary hearing of being resistive and disruptive and sentenced to 300 days in segregation as punishment.

DeWayne Knight, #476366
Has convictions for armed robbery from 2007 and 2011.
Incident date: 12/29/12
Alleges in federal lawsuit that officer Beahm “threw plaintiff Knight down a flight of stairs … while he was in restraints, cuffed behind his back,” and along with others “punched, pinched and twisted plaintiff Knight’s arms and legs, and punched him in his ribs and groin.” The state’s response denied the allegations, and the case was dismissed. Knight, in another lawsuit, still pending, alleges staff showed “deliberate indifference” to an asthma attack and bent his wrist backward; the state denies this.

Richard Smitheran, #562408
Has two convictions for burglary in 2010 and 2011.
Incident date: 5/15/13
Fellow inmate Stephen J. King alleges in a letter to Swan that Smitheran was beaten by guards after he threw his meal tray through his cell door. King, in a letter to a reporter, elaborates, saying that officer Beahm “took his head and ran it straight to the wall. All we heard was a big hollow bang and when they brung him out he had blood all over his face.” Prison officials, in their incident reports,
say Smitheran threw an “unknown substance” at staff and became resistive; he was sentenced to 240 days in segregation as discipline.

Wisconsin Department of Corrections

William Counts, #211570
Convictions include two counts of armed robbery and two felony prisoner throw/expel bodily substances.
Inci dent dates: 5/30/12 and 1/10/13
Alleges in a filing over 2012 incident that guards “punched me with closed fists, kneed me, kicked me, choked me, and strangled me” while he was handcuffed to a shower door. Also alleges in pending federal lawsuit that in 2013 officers jumped on his back, causing his cuffs to cut into his arm, leaving him “howling and screaming in pain.”
The DOC says Counts was “attempting to harm staff” in the first instance and “purposefully obstructed DOC personnel from restraining him” in the second. Counts received 210 and 180 days in segregation as discipline, respectively, for his role in these incidents.

July 20, 2014

Advocate devotes life to aiding Wisconsin’s prisoners
By: BILL LUEDERS | July 20, 2014

Swan, 66, a retired nurse’s aide, lives in rural Richland County with her husband, Ron Solinger. The couple shares a small, cluttered house they built themselves, starting in 1977. It has no TV or Internet access. She makes the 12-mile drive to the Richland Center library to use the wireless connection there, as often as she can.
She writes inmates back and helps in small ways, like sending them stamps. She also produces a quarterly newsletter. Her nonprofit group, Forum for Understanding Prisons, is mainly self-funded.
“I get $286 of Social Security a month and this is what I spend it on,” Swan said. Her husband, a self-employed piano tuner, pays the bills. “We don’t spend much money.”
The group’s headquarters is a tiny room that doubles as a closet, adjacent to the couple’s bedroom. She sits at a folding chair. The light bulbs are bare. Plastic horses compete for available shelf space. Boxes of files are stacked against the walls.
Swan has long been drawn to advocacy work. In the early 1980s, she opposed U.S. policy in Nicaragua. In the late 1980s, she sounded an alarm about climate change, until she realized that people “were not going to change lifestyles.”
In 1999, the state opened a super-maximum security prison in Boscobel, not far from where she lives. Swan, who as a volunteer for Amnesty International wrote letters protesting the use of solitary confinement, was appalled to discover “that’s what we were doing here.” She began reaching out to inmates there. Soon Swan was getting letters from all over the state.
Kate Edwards, an ordained Buddhist reverend who works on prison issues, said Swan has “carried the torch in an incredibly persistent, committed and dedicated way,” and makes a real difference to prisoners across Wisconsin. “They really consider Peg to be a lifeline.”
Swan agrees what she does matters to prisoners, even as she considers her efforts at prison reform “mostly ineffective.” She calls the inmates who write her “my brothers” and is surprised how hard it is to get others to care. “These guys don’t stop being human,” she said.
In early 2013, Swan began hearing from inmates at Waupun Correctional Institution about abuse by guards in the segregation unit. She has since received dozens of letters.
“This is Waupun,” she said, opening a file cabinet. “And that box is Waupun.”
The allegations, she said, are strikingly similar: Inmates say they are beaten by guards yelling “Stop resisting,” then blamed for starting it.
“Enough people are coming forward that we have a pattern,” she said. “We don’t have a pattern at other prisons.” She believes the inmates, because of the level of honesty in their letters: “They bare their souls.”
Swan has written prison officials, state officials, private attorneys, the U.S. Justice Department, and nonprofit groups. She’s gotten some replies, but nothing she considers decisive action.
“I will keep trying until this problem at Waupun is looked at,” she said.