



American Civil Liberties Union
Freedom Network

ACLU Sues CT Corrections Chief Over Abuse of Prisoners Housed at Notorious Virginia "Supermax"

FOR IMMEDIATE RELEASE
Wednesday, February 7, 2001

HARTFORD, CT--Connecticut's top prison official acted with "deliberate indifference" by knowingly allowing the brutal mistreatment of inmates under his care at a notorious "Supermax" prison in rural Virginia, the American Civil Liberties Union charged today in a federal class action lawsuit.

"Connecticut inmates convicted of non-violent drug offenses and low-level crimes like burglary are being treated like Hannibal Lecter, and some of them are dying," said David Fathi of the ACLU's National Prison Project, which filed the case in U.S. District Court here together with the ACLU's Connecticut affiliate.

The legal action comes as Connecticut lawmakers wrestle with solutions to prison overcrowding and as the state Commission on Human Rights and Opportunities prepares to release its findings about Wallens Ridge State Prison in Virginia, the maximum security prison -- known as a "Supermax" -- where two Connecticut prisoners have died in the last year.

The class-action lawsuit names Department of Correction Commissioner John J. Armstrong as the sole defendant, citing his "deliberate indifference" to "the risk that [Connecticut inmates] will suffer serious physical injury or death" at the hands of Wallens Ridge guards.

Specifically, the ACLU said in the legal complaint, prison guards routinely strap inmates into five-point restraints for up to 48 hours for petty offenses, a practice that runs counter to correctional standards, which warn against using the device for more than two hours at a time and against using restraints as a punitive measure.

During these incidents, prisoners are bound to a steel bed by restraints at the wrists and ankles and a strap is tied across the chest. The device compromises respiratory function by hampering the rise and fall of the chest and abdomen, which results in increases of carbon dioxide and decrease of oxygen to the tissues. Prisoners are not properly medically supervised during their restraint, the ACLU said in its complaint.

The United Nations Committee Against Torture's 2000 report called on the United States to abolish the use of restraint chairs for those in custody. The restraint chair is very similar to restraint boards and tables in their immobilization of prisoners and all produce similar health risks.

"No matter where Connecticut inmates are housed, Commissioner Armstrong is responsible for their health and safety," said Toya Alek Graham, an attorney with the Connecticut Civil Liberties Union. "Out of sight does not mean out of mind, and it certainly does not mean

outside of the law."

Inmates are held in restraints without any consideration of whether their behavior results from mental illness or whether the use of restraints will exacerbate it, Graham noted, adding that state mental health advocates have expressed concern that Armstrong's office may be withholding information that could substantiate claims of abuse of mentally ill prisoners housed at the Supermax.

Today's lawsuit was brought on behalf of Robert Joslyn of East Hartford and as a class-action on behalf of all Connecticut prisoners who are now, or will in the future be, housed at Wallens Ridge or its twin "Supermax" institution, Red Onion State Prison in Pound, VA.

As described in the ACLU complaint, Joslyn was twice placed in 48-hour restraint after being accused of petty offenses. During both incidents, which took place in January and March 2000, Joslyn was strapped down in a cold cell wearing only his boxer shorts. He was not given timely access to the toilet and as a result defecated on himself. He could barely stand after being released.

The ACLU detailed these and other disturbing incidents in a January 26, 2001 letter to Commissioner Armstrong, warning that a lawsuit would follow if the Connecticut inmates were not immediately removed from the Supermax. To date, Armstrong's office has given no reply.

Reports of inhumane conditions at Wallens Ridge are not new. Amnesty International, as part of its 2000 Campaign to Stamp Out Torture, published complaints from Wallens Ridge prisoners describing "a climate of fear and intimidation" maintained by prison guards.

Last year, two Connecticut inmates died under questionable circumstances at Wallens Ridge. Authorities said 20-year-old David Tracy -- with four months to go on a two-year drug offense sentence -- hung himself in his cell. Lawrence Frazier, a diabetic, died of heart failure after being repeatedly shocked with a stun gun by guards. Private lawsuits are pending in those cases.

The case, *Joslyn v. Armstrong*, the ACLU's National Prison Project; Graham and Philip D. Tegeler of the Connecticut Civil Liberties Union and cooperating attorney Alan Neigher of the firm Byelas and Neigher in Westport.

The ACLU's complaint is online in .pdf format at <http://www.aclu.org/court/joslyn.pdf>.

A fact sheet on the use of physical restraints is online at http://www.aclu.org/issues/prisons/phys_restraints_factsheet.html.

The ACLU's letter to Commissioner Armstrong follows:

BY FACSIMILE AND FIRST-CLASS MAIL

January 26, 2001

Hon. John J. Armstrong, Commissioner
Connecticut Department of Correction
24 Wolcott Hill Road
Wethersfield, CT 06109

Dear Commissioner Armstrong:

The ACLU National Prison Project and the Connecticut Civil Liberties Union represent a number of Connecticut prisoners held at Wallens Ridge State Prison (WRSP) in Big Stone Gap, Virginia, pursuant to a contract between the Connecticut Department of Correction (CDOC) and the Virginia Department of Corrections (VDOC). We are writing to inform you that we believe conditions at WRSP violate the Constitution, and we are prepared to file suit to remedy those conditions.

We acknowledge that the CDOC has recently announced the transfer of a number of Connecticut prisoners from WRSP to other Virginia prisons. However, as long as some Connecticut prisoners remain at WRSP, they will continue to be subjected to the unconstitutional conditions described below.

Excessive Force

Excessive force is endemic at WRSP. Often force is used not in a good faith effort to maintain prison security, but to inflict summary punishment on prisoners who have displeased prison staff. Such excessive force is not confined to isolated incidents, but amounts to an official policy in which you and your Department have acquiesced.

Prisoners are strapped down in 5-point restraints for the most trivial offenses, such as kicking a cell door. Prisoners are left in these restraints for up to 48 hours. Often prisoners in restraints are not given timely access to toilet facilities, with the result that they urinate and defecate on themselves, and are left to lie in their own waste for hours.

Prisoners are often shocked with the "Ultron" or other "stun" devices. These devices inflict a powerful and painful electric shock. Once again, these devices are not used to immobilize prisoners who pose a genuine security threat; rather, they are used to inflict summary punishment on prisoners who do not walk quickly enough, do not cough loudly enough during a search, or otherwise annoy prison staff. Use of these devices constitutes potentially lethal force, particularly with prisoners who have heart trouble or other chronic health conditions. As you are no doubt aware, in July 2000, Connecticut prisoner Lawrence Frazier died after being repeatedly stunned by WRSP staff.

Finally, WRSP staff frequently open fire on Connecticut prisoners with shotguns when such lethal force is not necessary. Prisoners who have not been involved in any wrongdoing have been wounded by shotgun fire. Incredibly, by WRSP's own admission, arriving prisoners are informed by staff that "Any failure on your part to follow verbal instructions from staff ... will be met with the immediate use of firepower."

Health Care

Medical, mental health, and dental care at WRSP are inadequate. The health care provided by Correctional Medical Services, the contract provider at WRSP, was considered so grossly inadequate that VDOC recently fined CMS nearly one million dollars. The Virginia State

Auditor specifically found that CMS did not provide a dentist at WRSP for over three months, and never provided an optometrist. Medical privacy and confidentiality is non-existent at WRSP; as a matter of policy, prisoners are required to discuss their most private medical and mental health issues in the presence of security staff and other prisoners.

Additionally, we are concerned that individuals with serious mental illness have been transferred to WRSP, and are not receiving minimally adequate mental health services. We have been in contact with the State of Connecticut Office of Protection and Advocacy for Persons with Disabilities (OPA) on this issue. OPA has obtained releases from a number of WRSP prisoners, and is concerned that the CDOC has withheld medical records that could substantiate these claims. We understand that a request for these records was made on December 11, 2000, and that CDOC has yet to even acknowledge receipt of this request. It is the contention of OPA that CDOC is illegally infringing on the rights of these prisoners to retain counsel of their own choice.

Conclusion

We request that you publicly announce, within ten days of the date of this letter, that CDOC will terminate the contract with VDOC and will withdraw all Connecticut prisoners from Virginia within sixty days. If such a commitment is not made, we will file suit to remedy the constitutional violations being suffered by Connecticut prisoners at WRSP.

We look forward to hearing from you.

Very truly yours,

David C. Fathi
Staff Counsel
ACLU National Prison Project
Practice Limited to the Federal Courts

Toya Alek Graham
Staff Attorney
Connecticut Civil Liberties Union

[INDEX](#) | [JOIN](#) | [HOME](#) | [SEARCH](#) | [FEEDBACK](#)

Copyright 2001, The American Civil Liberties Union

Joslyn v. Armstrong



PC-CT-001-002