

SUNDAY

August 2, 2009

Sunny skies
High 84 Low 62

**RAMS GO
ALL OUT IN
TRAINING CAMP**

SPORTS D1



**FRESH FROM
THE FARM**

Pizza made from
organic ingredients

SUNDAY MAGAZINE

**IT'S TIME
TO RELAX**

Free Tai Chi
classes are
available at
Belleville park

LIFESTYLE C1



SUNDAY NEWS-DEMOCRAT

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PART ONE OF TWO

10 YEARS IN
SOLITARY

TRAPPED
INTAMMS

Economy cuts into revenue to cities

Sales tax receipts
down in metro-east

BY SCOTT WUERZ
News-Democrat

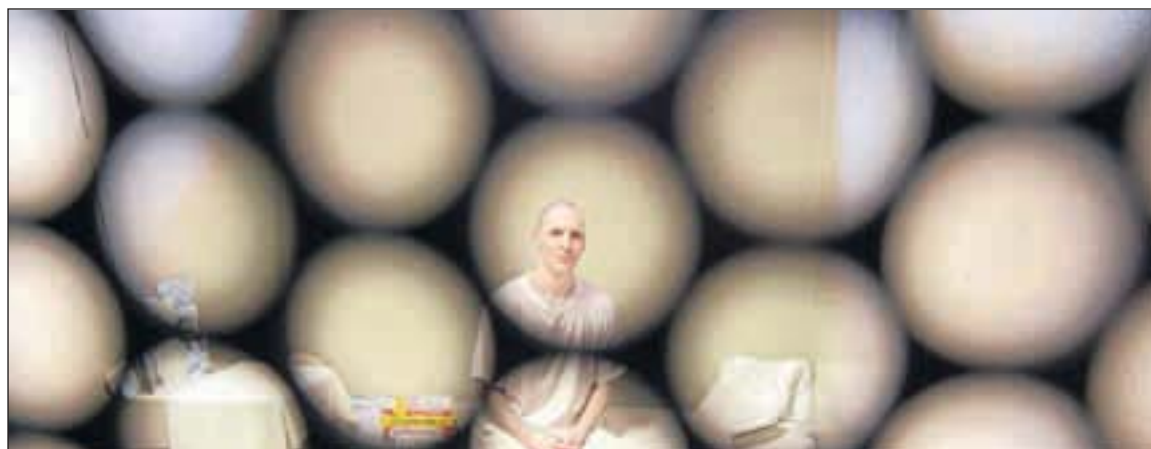
While there are signs that the recession is starting to wane at the national level, metro-east leaders say their communities continue to suffer from the effects of the downturn.

Sales tax receipts, relied on by local governments to fill their coffers, continue to be weak

Tough time

Because sales tax revenue is down, the city of Belleville may have to make budget cuts.

Other metro-east cities also face finance problems. O'Fallon has cut \$2 million from its budget in





The Tamms Correctional Center in the village of Tamms, population 724, in the southern tip of Illinois, is the state's only state-run supermax prison. It is intended to hold troublesome inmates for about a year, or until their behavior changed. Instead of relatively short-term stays, many of its inmates are held for eight, nine and 10 years, sometimes more. It opened 11 years ago in March 1998.

TAMMS | Prison is intended for the 'worst of the worst'

Continued from Page A1

mental illness. Untreated schizophrenics can result in violent actions. Fields was sentenced to state prison in 1984 at age 25 for shooting a man to death during a drug deal.

According to the Illinois Department of Corrections, Fields is among the "worst of the worst," an extremely violent inmate who cannot be safely held anywhere but at Tamms, a maximum discipline and security prison.

But critics of the prison say Fields is a victim of a deeply flawed policy that punishes mentally ill inmates for behavior they cannot control by placing them in solitary confinement for long periods, in many cases 10 years or more.

Such punishment, some critics say,



Tale of

Alcatraz, the San Francisco Bay Area's most notorious prison, is one of the most famous prisons in the world. It is located on Alcatraz Island in San Francisco Bay. The prison was built in 1916 and was used to house the most dangerous criminals in the United States. It was closed in 1963. The prison is now a national historical landmark and a popular tourist attraction.

A typical day

Guards came in every morning at 6 a.m. for the "wake up" call. Inmates had 15 minutes to get ready for the day. The first meal was served at 7 a.m. A guard would check each inmate's name and number. The second meal was served at 11 a.m. The third meal was served at 5 p.m. The inmates were allowed to go to the "Times Square" area for recreation.

After breakfast, the inmates went to the prison yard. The yard was a small area of grass and trees. The inmates were allowed to walk around the yard for an hour each day.

TAMMS | Conditions monitored

Continued from Page A10

including guard assaults and possessing a shank, or home-made knife. State law requires this time be served consecutively, or after the original sentence.

Tamms, a 500-bed, \$70 million cluster of concrete buildings in Alexander County, is smaller than some county jails. The state keeps it half full so that there is room to transfer inmates if a riot occurs elsewhere.

Many of its inmates live in segregation or the disciplinary part of the prison.

Information from the Department of Corrections shows that from Jan. 1 to June 30, Tamms transferred 15 inmates to other prisons. But of this number, three inmates were within a few months to a year from parole and had to be transferred under a regulation that prohibits Tamms prisoners from being released into the public directly from the supermax.

A 2001 study by Southern Illinois University Carbondale graduate student Chad Briggs questioned the value of Tamms as a deterrent to violence. He concluded that despite sending inmates to the supermax, the rate of assaults on guards throughout the prison system either stayed the same or increased.

Prison violence has increased in recent years, said the guards' union spokesman Anders Lindall of the American Federation of State, County and Municipal Employees. Too few guards and prisoner overcrowding are to blame, he said.

"The state tells us they can't track the data, even on a facility-by-facility basis, but based on the anecdotal evidence that we've seen from our members, violence has increased," Lindall said.

The Tamms Year Ten Committee, a confederation of activists supported by at least two Chicago area state representatives, is also monitoring conditions at the prison. One of the state representatives is Julie Hamos, D-Evanston, who has introduced a bill to improve conditions at Tamms.

"It is a form of insanity to put people in a place that provokes

place. At age 19, he was sentenced in Madison County Circuit Court to six years for burglary with parole after three years.

But Marcum, now 32, got nine years added to his sentence because he possessed a shank and committed other in-prison crimes. In Tamms, he was known as a "cutter." His left arm is covered front and back from forearm to biceps with long, whitish scars.

"I just wanted to feel something. It was the only way I coped with, at the time, with being incarcerated. You lose all sense of everything. It helped me with what I was going through, but it hurt a lot," he said.

Unlike some cutters, he said he did not handle his body wastes.

"I've seen in other prisons inmates cut on themselves, but there wasn't that many people doing it. But at Tamms, every wing I went on there was at least one inmate that had a glass shield on his door, played with his feces and cut on himself."

The shields prevent inmates from throwing body wastes through any of about 400 dime-sized holes in their cell doors.

His mother, Nancy Marcum, would visit him in the Tamms visiting room, where the inmate is behind Plexiglas and chained to a concrete block. She said her son "kept his arms under the table so I couldn't see. When I found out this was happening, all I could do was cry."

In several lawsuits challenging conditions at Tamms, prison officials have testified that self-mutilation is not a symptom of serious mental illness because the inmate can stop at will.

Chicago attorney Jean Snyder, the lead attorney in the lawsuit involving Faygie Fields, said, "What kind of a guy is slicing up his penis and his arms to get out of prison? Is it an answer to say he could stop it if he wanted to?"

Explosive situation

When he was 7 years old, Tamms inmate Jerome Moore used drugs. At age 10, he was confined to a state mental ward. At 11, he was selling drugs and living on the street. He was shot that same year and spent weeks



Chris Marcum, of Granite City, shows an arm scarred by self-mutilation during solitary confinement at Tamms.

"Anything in solitary longer than three months, what it does is the individual

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TAMMS | Supermax prison is virtually closed to outsiders except for v

Continued from Page A6

shackled and his hands tightly bound behind him. To relieve his discomfort, Green "stepped through" his handcuffs so that they were in front and more comfortable, and this enraged a guard, which led to his harassment, according to Green's lawsuit.

"This message, that they can do anything they want to you because you're not sitting the right way, is just the tip of the iceberg with Tamms," said Nadya Pittendrigh, a member of the Tamms Year Ten Committee, which has long pushed for reform at the supermax.

"It's just a snowflake on the iceberg compared to indefinite isolation with absolutely no legal recourse or due process."

Green's appeal to the 7th U.S. Circuit Court of Appeals in Chicago was denied two days after it arrived in the mail.

A \$1.50 victory

Even when a Tamms inmate wins in the federal court system, collecting real damages is virtually impossible unless a serious, direct physical injury can be shown.

Alex Pearson, a convicted-murderer doing 45 years, was told he would be transferred out of Tamms in 2005 after doing eight years in the supermax. Pearson had successfully convinced officials he was no longer involved with the Gangster Dis-



ZIA NIZAMI/News-Democrat

The Tamms Correctional Center sits just outside the small village of Tamms about 100 miles south of Belleville. Built to hold 500 inmates, it has never been more than about half full. The Illinois Department of Corrections keeps the space free intentionally so that there is room to transfer inmates if a riot occurs elsewhere.

ciples, a feared prison gang. This cleared him to get out of Tamms.

However, in the weeks before his transfer, Pearson said a prison guard supervisor told him he would have to become an informant

against the gang at other prisons. Pearson said he objected that this would amount to a death sentence and refused. Two days before he was scheduled to ship out of Tamms, he was given a disciplinary ticket for "sexual misconduct," which set his transfer back a year. Pearson said he was urinating and did



Pearson

not notice a female social worker who approached his cell.

Pearson, who acted as his own lawyer, sued on the basis that he was improperly held at Tamms for an extra year.

The Department of Corrections filed court documents stating that no inmate is disciplined except for violations of rules.

A jury in federal court in East St. Louis found in favor of Pearson, who argued that the real reason for the ticket was that the social worker had several times tried to persuade him to "rat out" his former gang colleagues right up until a few days before she made the complaint.

The jury approved a "monetary award" of \$1, plus \$1.50 attorney's fees. Pearson appealed to the Chicago federal appeals

court seeking a larger award. His request was denied.

An insider's account

Tamms is virtually closed to outsiders except for the strictly controlled visiting room. The Department of Corrections rejected the News-Democrat's repeated attempts to get a tour of the prison.

But complaints about life inside Tamms abound in a mountain of federal lawsuits.

One complaint described "an atmosphere of terror and brutality." Another detailed how staff punish inmates, including the mentally ill, by shutting off water for toilets and drinking, taking away personal possessions, including clothing, and restrict-

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MONDAY

August 3, 2009

Slight chance of
thunderstorms
High 92 Low 68

ON BROADWAY

East St. Louis native hits big stage

LIFESTYLE C1



AV
Air
high
BUS

BELLEVILLE NEWS-DEMOCRAT

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PART TWO OF TWO

10 YEARS IN SOLITARY

TRAPPED INTAMMS

Inmates in Illinois' only state-run supermax prison face an uphill battle attempting to prove mistreatment in court



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TAMMS | Inmate advocates argue prison treatment is cruel, unusual punishment

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the southern tip of Illinois, where he has been held for the last five years. He first was transferred to Tamms in 1998 and was held for about a year before being sent to Pontiac.

To cope with the isolation at Tamms, he has regularly mutilated himself to the point that it required extensive suturing to close his wounds, sometimes without anesthetic, court records state.

The Tamms policy regarding "cutters" often means time on a strap-down bed, a metal framework where an inmate lies spread-eagle, bound by his arms and legs with leather straps.

Gay has been strapped down for periods of up to 32 hours, according to court documents. A prison doctor has testified that mutilators are restrained this way for their own protection so they can't cut themselves until the desire to mutilate passes.

For civil rights lawyers and prisoner advocates, cases like Gay's raise the question: Does a

lengthy sentence for a series of minor crimes served in solitary confinement under conditions that drive a person to self-torture amount to cruel and unusual punishment banned by the Constitution's Eighth Amendment?

Civil rights attorneys say a lawsuit raising that question probably would not succeed. They say federal law and U.S. Supreme Court decisions have produced legal hurdles that make it all but impossible to bring many Eighth Amendment arguments. In particular, they cite the 1996 Prisoner Litigation Reform Act passed by Congress in response to a flood of inmate litigation, including frivolous lawsuits that made national headlines.

"The combined effect of the federal legislation and the Supreme Court's pronouncements in the area of prisoner rights has been that courts here



IDOC spokesman Sergio Molina stands near exercise cages used by prisoners in J-Pod, the mental health permax prison. An inmate is allowed inside to exercise for up to one hour per day. Most other inmates exercise "yards" about 30 feet long and 15 feet wide, roofed with mesh.



Gay



at work and free of crime as you or I when we go to work."

But a former judge in Livingston County, where the Pontiac prison is located, criticized prosecutors for pressing charges every time Gay essentially resisted authority.

Referring to 10 incidents in a two-month span in which Gay eventually was convicted of "throwing liquids" on guards and received 35 additional years, Circuit Judge Charles H. Frank wrote to a fellow judge: "I would think a \$2 piece of plastic draping would have prevented all of these. Apparently, no one out there understands that. ... Mr. Gay committed a minor theft. As a practical matter, he is now a lifer."

In a recent telephone interview, Frank, now retired, said

Those three years of argument over Gay's late sentence to mutilating grievance asked to state fair trial. The Marvin wounds but withing unjudge's

An amendment of same results: Tical carstrapped from full Her

RANDLE | Corrections director says Tamms staff works in professional

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Q — Do you think that holding a person at Tamms for 10 or more years in solitary confinement is cruel, and does that lead to mental illness in your opinion?

A — If I could preface that, I did my second day on the job about eight hours at Tamms. I walked every cell block, every housing unit, talked to the majority of the staff and the majority of the inmates. I spent the entire day there. And if I could I'd like to kind of put this in a framework for you. Let me first say that the staff at Tamms does a very professional job with a particular population that is the most difficult to deal with in corrections. They do

it in a way that is professional and compassionate and they have a lot of interaction with those offenders. And I think that in some cases they are being portrayed by some as being something other than what they are. They are corrections professionals. They are doing a good job and they are compassionate people. I

think that's important to say.

Q — I think it's a legitimate point to separate the policy from the personnel.

A — Exactly.

Q — And I'm asking as far as the policy in place in your view, is it cruel to keep these guys in solitary confinement for more than 10 years?

A — Now, a couple things. When you say 'solitary confinement,' Tamms currently has a level system where you are given out-of-cell time at specific levels. The first level is that most-restrictive level where you're in cell 23 out of 24 hours and those sorts of things. I think the conditions in terms of how long you are there, I think there are some people at Tamms who, I am not comfortable with as the director of corrections responsible for the safety of staff and inmates at other prisons in this state, I am not comfortable at this point having those offenders out of Tamms.

Now, having said that, it does not mean because they are at Tamms they have to be under the conditions that you just

described. Lockdown restriction. And that's where there are opportunities for us to develop different approaches at Tamms. In terms of level systems and incorporating different types of activities at specific level systems that assure that these inmates have opportunities for more interaction as well as more frequent contacts with mental health staff and some of those other things. But it also insures that we are providing a safe environment for staff in our system as a whole.

Q — Are the guys who are at Tamms, they've been called the worst of the worst. In your view, are those who wind up down in Tamms, the worst of the worst?

A — I think people earn their way to Tamms through their behavior in other prisons. Now, whether or not, you know, when you say the worst of the worst, these guys have done something at some prison at some point in time that the staff viewed as a substantial risk to the safety or security of the facility that they were in. So, they represent a risk, is the quick answer to that.

Q — We found that about two-thirds of the inmates at Tamms don't have any criminal convictions since coming into prison. When you're talking about a substantial risk, isn't there an onus on the corrections facility to press charges if there is some kind of substantial risk?

A — I think a number of factors play into whether or not charges are actually filed because of behavior inside prisons. In a lot of cases, we don't have any control over it. No. 1, when criminal activity happens within a facility, in a lot of cases, those investigations are done by the state police. In some cases, we have to refer to the prosecutor's office for charges depending on the location in the state, the prosecutor, the prison. A whole set of circumstances play into whether or not charges are ultimately filed. We have internal administrative processes in terms of our disciplinary process that give us the ability to assess risk and classify offenders appropriately and transfer them to an appropriately secure facility. Those things happen regardless of whether or not charges ultimately are filed, whether or not a prosecutor accepts the case for

prosecution.

Q — Is it your opinion that mentally ill inmates should be held at Tamms?

A — I think mentally ill offenders should be treated whether they're at Tamms or any other facility in the state. I have had an opportunity to look at the mental health unit at Tamms. I had a chance to talk to the mental health director at Tamms. I've had a chance to look at their procedures for making rounds in the housing units in the facility at Tamms. If you have the staff and resources to address their mental health issues, I'm not as much concerned as to where they are as I am making sure we have the appropriate level of mental health services available to them if they need it. And appropriate levels of staff who are trained in mental health so they can do the proper assessment to determine if a person is suffering as a result of mental health issues that we can address.

Q — After your visit and review of the mental health system at Tamms, did you make any recommendations for the way things are handled?

A — I only did an initial visit, talked with the folks I just described. We are still doing this assessment. I'm not done with the review. ... We're gathering information from counterparts in other states to look at their procedures and those sorts of things. And I'm also looking internally at our agency's policies to put together that review.

Q — You have said that Tamms inmates earn their way into the prison. Is there any way they can earn their way out?

A — Part of this review will involve, No. 1, looking at just that question. Is there a way for offenders to earn their way out? And, yes, there is. And No. 2, is that process, can it be improved or enhanced to insure that we give offenders the ability to demonstrate they have changed and that they can make it in a general population environment? I think there are things we can do while they're at Tamms to give offenders the ability to demonstrate that through our levels system. Yes, there are things we are going to continue to look at in terms of giving offenders an avenue to demonstrate the appropriate conduct to earn their way out of Tamms.

Q — Would that reviews and currently see

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Q — Well, that's who are on th guys who are solitary confin questions abo

A — I think we assessed and treatment, th ments for the treatment.

“It’s not a dirty place. It’s not a hole in the ground with mice and everything else. But it is just total isolation and it operates to purpose the men that are there from contact with other people.”