

PENITENTIARY TO CORRECTIONAL WAREHOUSE CENTRES:

Prison is a feckless mistress.

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The United States Supreme Court, in 1975, clarified that: "There can be little doubt that in the exercise of its police powers a State can confine individuals solely to protect society from the dangers of significant antisocial acts." [1]

During President Obama's last few months in office, he penned a law review article for the Harvard Law Review. [2] He accented his personal accomplishments, while in office, pertaining to mass incarceration.

He edified the fact, that in 1980, there was approximately 500,000 people incarcerated in both State and Federal institutions; as collated to the present day figures of approximately 2,200,000 people incarcerated, as he left office. Costing State and Federal Governments more than \$81,000,000,000 each year.

President Obama lamented, that while the United States contains 5% of the world's population; the United States incarcerates 25% of the world's prisoners.

I was sentenced to 2 years for stealing over \$50 (auto theft) and 2 years for burglary, in 1963. Both sentences were ran concurrently. I was 23 years old and had recently been honorably discharged from the Army.

During this era, a penal year was 9 months. You could also receive 2 months good-time for good behavior; which reduced the penal year to 7 months. If you donated blood, you received an

additional 30 days off your sentence.

The penal purpose of good-time was two-fold. It encouraged the prisoner to follow the rules, and was an enticement to plead guilty. Which in turn, kept the city and county jails from being over-crowded. Everyday you sat in a jail-cell, waiting to go to trial, was "dead-time"; no penal discount.

With great trepidation, I arrived at the Missouri State Penitentiary (MSP), in January of 1963. As all new-meats being led to the abattoir; I was issued a prison number (06381). That later, proved out to be enigmatically prophetic. I was processed and placed in a flag-cell of the, Alcatraz-like, internal cell-block; consisting of 4 tiers of, back to back, cells. The open front of the cells had the typical jail-house bars.

H-Hall, at the time, was the Missouri Department of Correction's (MDOC) only processing centre, for new male prisoners.

MSP was infamously known for being the oldest continual operating prison, west of the Mississippi. For a long period it was a Territorial Prison. In 1833, it was approved to become a State Penitentiary. The first state prisoner arrived on March 8, 1836. MSP was later, in the 1960's, notoriously known as "the bloodiest 47 acres in America". [3]

My first reality check, came while I was laying on my bunk reading. I heard what sounded like a watermelon smashing on the concrete walkway, in front of my cell. I looked out and saw a body laying face-down, with blood pooling under his face.

Warden Elbert V. Nash arrived on the scene, accompanied by an

entourage of suits. He lightly toed the body and drolly stated: "he looks dead to me." He then strolled away. Four prisoners rolled the limp body onto a wool blanket and carried the, seemingly, bone-less body away. Two other prisoners mopped up the blood. H-Hall was back to abnormal in 30-45 minutes. A rumour was later circulated that the jumper had been raped.

I was not aware of it at the time, but I was in the midst of the ignominious "Shawshank Redemption" era of MSP. Stephen King, purportedly used the 1965 suicide, of Warden Nash, in his fictional account of prison life. Warden Nash allegedly shot himself, in his office, under very similar circumstances to that enacted in the movie.

Shortly thereafter, I was transferred to Algoa Reformatory. Algoa's antiquated housing units consisted of 10, 2-story, white-stone fortress-like buildings. Each housing unit contained two elongated military type dormitories, with single bunks lining each wall. There was a recreation area, with card tables and a television/radio, at the front of each of the dormitories.

The daily rules were minaciously impressed on us. You did what you was told, without question. You could not initiate a conversation with staff, unless staff talked to you first. When you did talk to staff, you stood, at least, 3 feet from staff with your hands locked behind your back, military style. All movements were in a single line. Everyone worked or went to school. On the first day you were required to write your family, a one page letter, telling them where you are, and how well you are being

taken care of.

Missouri had several working penal farms, at the time. Most foods served, at Alcoa, were freshly grown and produced on the farms. Missouri no longer maintains these farms; primarily due to staff corruption. [4] Today, most of our food is canned or processed, and comes from China or some other foreign country. The MDOC seems to deliberately ignore that food is grown and produced in Missouri. Freshly grown foods are a wishful mirage of the distant past.

There was very little violence at Alcoa, while I was there. Any problems were dealt with swiftly and forcefully. The only event, that really stands out in my mind, is when I watched Jack Ruby gun down Lee Harvey Oswald; live on the recreation room television.

Alcoa was like a training school for novice criminals. We taught each other how to pick locks, how to steal cars, and how to circumvent the antiquated burglar alarm systems, of the time.

The Missouri penal system, has a very incessant and depraved history of turning a blind eye to the horrific problem, of prisoner rapes. The Missouri Courts, supported this abominational behavior, by treating prison rapes, as if they were an inure part of the punishment of incarceration. [5]

A Missouri prisoner rape case, from Alcoa, was the first to reach and be heard, by the United States Supreme Court. [6] I could list similar published cases ad nauseum.

The MDOC lost one prisoner rape case after another, costing

the taxpayers untold thousands of dollars. Regardless of how many cases the MDOC lost, they perniciously refused to take their blinders off. The MDOC still continues to deny they allow these sexual perversions to thrive, to this very day. [7]

My prophetic prison number (06381) came to fruition, when in 1981, I was charged with Capitol Murder. I was eventually convicted and sentenced to life, under the loving care of the MDOC; until "death do us part". I was back in H-Hall, in January of 1983.

The, tumultuous/chaotic, manner in which H-Hall was being operated totally overwhelmed me. In place of the well regulated quiet of 1963; there was pandemonium that would blow the eardrums out of the deaf.

I was eventually processed, given a new number (046176), and sent to Super-Max. [8] I served my gratuitous 9 months, without any major problems, and was released to general population.

During the 1980's, at MSP, the criminal collusion between some staff and the drug-dealing, sexual perverts, was irrefutable and well-known. On February 3, 1984, Sergeant Roger Flowers and C.O. John Maylee (who was an ex-inmate of MSP), positively identified Llyod Schlup as holding Arthur Dade, while Robert O'Neal shanked him to death, in Super-Max. It was later shown that Randy "Rocky" Jordan was the prisoner holding Dade. Neither Flowers or Maylee, has ever been questioned, on how they could have possibly confused Schlup for Jordan. Jordan was a personal friend of both officers and looked nothing like Schlup. [9]

Mark Steffenhagen was brutally raped and murdered on November

24, 1985, while in his "red tag" protective custody, one-man cell. A "red tag" designation means that Mark was supposed to have no contact with any other prisoner, for his own protection. Mark's murder came just days after MSP staff found out he planned to name them in a CRA §1983 Complaint, for sexually abusing him. [10]

MSP magically became Jefferson City Correctional Centre (JCCC), in January of 1989. Warden Armontrout automatically became a Superintendent.

The MDOC resumed its executions the same month. Superintendent Armontrout, refused to reign over the execution of Tiny Mercer. He had known him for years, on death row, and had become friends.

Superintendent Delo, from the newly opened Potosi Correctional Centre (PCC), was brought to JCCC to oversee the state murder of Tiny. PCC had recently been constructed, with the specific purpose of housing all prisoners with Capitol/First Degree Murder (non-parolable) sentences, which included death row.

When the State executed Tiny, MSP locked us all down and played porno-movies, over the internal cable channel; in order to soothe the savage beasts.

I was soon after transferred to PCC (February 1989). Superintendent Delo bragged, on the local news, that PCC would hold the "worst of the worst", and that we would all die there. As usual with prison officials, he was wrong, and most of us survived PCC; Superintendent Delo didn't.

When I arrived at PCC, I was placed in a one-man cell that was 14 feet deep and 6 feet wide. The cell had concrete walls, solid

door and air-conditioning. For years I had been existing in a 7 foot by 7 foot steel cage, with an open front (bars). There was no air-conditioning and very little heat, in the winter.

I was in total commodious discombobulation. It was the solid steel door that caused me the most trouble. I couldn't sleep for days. Eventually, I adapted to my new air-conditioned, living environment; as most prisoners have an adeptness for. I then continued my life under the loving care of PCC staff.

Much to staffs' chagrin, PCC evolved into the most peaceful camp in the state. To disrupt this, in April of 1992, 60+ prisoners, without warning, were snatched up at night and transferred to JCCC/MSP the next morning. At JCCC/MSP they were told they were getting a custody over-ride, to a lower level camp. Which turned out to be a blatant lie.

In return, 60+ JCCC/MSP prisoners, some of them incorrigible sexual predators, were brought to PCC. Immediately the trouble started, which made PCC staff extremely satisfied. The MDOC, for years, had been operating on the absurdist-theory that if they can keep us fighting each other, we won't be fighting them.

A few months later, on August 16, 1992, the victims of the booty-bandits ("an older inmate who habitually pursues younger inmates for non-consensual sexual activity") [11], and their friends [12], left the housing units on a bright Sunday morning, and kicked booty-bandit butt. [13]

The MDOC, as usual, refused to own up to what they had deliberately caused. They arbitrarily labeled the incident a "race

riot", as the victims, and their friends, were white and the booty-bandits were mostly black.

Every prisoner I know of complains about prison medical care. Somehow I have survived it. I guess I am lucky, as some do not survive the medical maltreatments. One of the most tragic examples, of medical criminal neglect, occurred while I was at PCC.

Sometime in 1993, they moved WW into the same wing with me. He was diagnosed as a "brittle" diabetic. While in the county jail awaiting trial, he lost sight in one eye and developed tunnel vision in his other eye. He lost his lower leg/foot when a foot infection was left untreated. To be fair, out of the goodness of their black-hearts, they did replace his leg/foot with a prosthesis to walk on.

I assisted WW file grievances in the futile attempt to get CMS, now Corizon, to provide WW with a proper diabetic diet and a more effective insulin regimen. CMS had, and still has, a policy that diabetes is one disorder, with one treatment for all.

I then helped WW file a CRA §1983 Complaint. WW's claim was a simple, but important one. If he didn't get a proper diet and an effective insulin regimen, he would die.

WW then developed, what the CMS doctor called, a diabetic toe. The flesh had turned black and pulled off the toe, exposing the bone. After an extended delay getting CMS to approve the surgery, WW was taken to the hospital in Farmington, and the toe and part of his foot was removed.

While in the hospital, WW was fed a proper diet and given the

insulin regimen he was requesting in his civil action. He was stable his entire time in the hospital.

When WW was returned to the loving care of the MDOC/CMS, they immediately returned him to the common fare diet and the ineffective insulin regimen. He went into some sort of diabetic distress, and was placed in the PCC hospital unit.

I was suddenly transferred back to JCCC/MSP, on March 8, 1994. A few weeks later, I learned that WW had died.

On September 13, 1994, a black-day on all prisoners' calendars, President Clinton signed, into law, the Violent Crime and Law Enforcement Act. Shortly thereafter, the Act was amended to be the Violent Offender Incarceration/Truth in Sentencing Act, 42 USCS §§13703-13704, and all prisoners magically became "Offenders".

Follow-the-leader-blindly Missouri, soon adopted its own version of the "Truth in Sentencing Act"; that is commonly called the 85% requirement, §558.019 RSMo (1994). The statute basically requires all violent "offenders" to serve 85% of their sentence, before they are eligible for parole.

With the increased influx of new federal money, Missouri went on a prison building binge. The MDOC, almost overnight, went from what once was the smallest division, of the Department of Social Services, in 1963, to the largest general revenue department, in the State, with: 11,500 employees; 31,500 "offenders"; 65,000 on parole/probation; 20 prisons; 2 community release centres; 7 community supervision centres; with a yearly budget of \$275,858, 505.04, in 2014. [14]

I was transferred to the newly opened Cross-roads Correctional Centre (CRCC), on May 19, 1997. At CRCC, there were only two-man cells, that were 7½ feet wide and 11+ feet deep, with solid doors and my favorite, air-conditioning. Up until this time, I had always been existing in a one-man cell. I adjusted eventually.

When I first arrived, CRCC was reminiscent of the penal system, in the 1980's. Prisoners were getting stabbed on a daily basis. [15] Superintendent Kemna finally had enough, when a sergeant was beat-down and seriously injured, outside the dining-room. He placed CRCC on a lock-down status, and kept us on it for weeks. CRCC is still on a modified lock-down status, to this very day.

I started filing grievances over the excessive smoking. I was trapped in a two-man cell. I couldn't get away from it. Which in turn, caused staff (who smoked) to retaliate; to show me I had nothing coming. I then filed a CRA §1983 Complaint, concerning the excessive smoke and the CRCC policy of forcing prisoners, with asthma/respiratory illnesses, to cell with smokers. [16]

Sergeant Huff, who had been deposed in my civil action, was seen placing something into one of my books; during one of his redundant retaliatory cell searches.

After he left my trashed cell, I searched my books and found a single razor blade; that hadn't been in the book, prior to the maleficent cell invasion.

Possession of a razor blade, removed from a disposable razor, is considered "dangerous contraband", and can result in a year in Sad. Seg.. I got rid of the razor blade. I then sat back and

waited for the next hobnail boot to drop.

A little over a week later, Sgt. Huff was back with his trash and destroy team. I watched as he went straight to my footlocker, as his search team watched. He discarded the top books and went for the one he placed the razor blade in. I had deliberately placed it on the bottom. He gleefully opened the book and pretended to search it. He came to a book-mark I had placed in the book that stated: "Surprise-no razor blade".

Sgt. Huff went totally ballistic, and threw the book back into the footlocker. He then stormed around my cell, picked up my headphones, broke them in half and stated: "contraband-broken". He arbitrarily declared the collage, of my family's pictures, contraband. I had possessed them since 1995, as a collage, and they were the only pictures I had of my late family.

I was then taken to the caseworker's office and given a conduct violation, for possessing contraband. He then gave me a second violation for "creating a disturbance", when I interrupted him while he was reading the first one. MDOC policy did not allow him to read/approve a violation he had participated in.

I was later teamed and found guilty, as was normal CRCC procedure. The caseworker gave me minor sanctions, as he knew the violations were retaliatory. Which infuriated Sgt. Huff further. They never returned my family's pictures.

On May 5, 2005, I was transferred to South Central Correctional Centre (SCCC), another newly constructed clone institution; to grow older and vegetate.

For the first time in my 37+ years of incarceration, the MDOC created something positive for its elderly/infirm prisoners. They opened what they call Enhanced Care Units (ECU). Prior to this, elderly/infirm prisoners were just thrown to the predatory dogs; as if they were sacrificial meat.

SCCC opened its first ECU wing, in November of 2016. I was probably moved over to the ECU, because of my age (77), and my heart problems. But most likely, it was to placate an aggravating pain in their anal region.

The ECU is designed, as extra hospital bed-space. [17] Where they can house "offenders who are not appropriate for general population, but do not need the intensive services of the infirmary."

The MDOC's 2009 AOMT report verifies that these ECU's are a cost saving solution. "As other states have discovered, it is cheaper, in terms of overall taxpayer dollars, to keep aging offenders incarcerated rather than releasing them to community facilities."---"terminally ill Medicare patients cost Medicare \$127 per day for hospice placement, \$493 per day for skilled nursing facility, and \$3502 per day for an inpatient hospital stay." [2004 dollars]---This year (2009) "the daily cost of incarceration---was \$45.02"--"of which \$11.18 was for medical and mental health care."---The MDOC "can provide care to older offenders more economically than the private sector."

Albeit, without being too facetious, could the foregoing be Missouri's invidious version of President Obama's "My Brother's

Keeper" initiative? By "keeping" all elderly/infirm "Brothers" in a MDOC operated slow-death warehouse?

Recently, our newly elected Governor, Eric R. Grietens, called for an investigation of, what is now widely called, the "Missouri Department of Corruption". The MDOC has recently paid out, more than \$7,600,000, to settle staff sexual harassment suits. [18]

Common sense, would tend to make one query: how MDOC staff can be trusted to over-see the welfare of the prisoners, under their authority? When the same staff, has shown such Machivellian contempt for the well-being, of women staff-members? [19]

I am the first to admit; I don't have the answers. I just have the typical questions, of an Aspie, who is forced to exist in a Mundane's, Plutocratic-Absolutist, World.

Albert Einstein, allegedly, defined insanity as: "To keep repeating the same mistake over and over again, but each time expect a different results." I am sure Albert Einstein wasn't describing the MDOC: "but if the shoe fits, wear it."

Missouri's licentious penal system will never correct itself, until they discard their obscurant "THEM versus US" mentality. MDOC staff, from the top down, needs to start treating prisoners like human beings. Rather than a helotic commodity; that maintains the MDOC's political influence, by increasing future staff employment.

Regardless, if the institutions are called penitentiaries, reformatories, prisons or correctional centers. They are still simply warehouses for the, flagitious/incorrigible, members of

society, that those in power do not want to deal with: "out of sight, out of mind".

To end this diatribe of frustration, I can't choose any better words than those stated by President Obama: "How we treat those who have made mistakes speaks to who we are as a society...."

SOURCES OF AND ADDITIONAL INFORMATION

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[2] 2017: 130 HARV. L. Rev. 811

[3] Missouri Resources-Fall 2002

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[4] Farnsworth v MDOC 747 SW2d 180 (App WD 1988)

[5] State v Haddix 566 SW2d 266 (App WD 1978)

State v Green 470 SW2d 565 (Mo Banc 1971)

[6] SMITH v WADE 461 US 30; 103 SCT 1625 (1982)

[7] Wilson v Holman 793 F.Supp. 920, 921-22 (DC ED 1992)

Walker v Baker 2016 US Dist Lexis 116253

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[8] Tyler v Black 811 F.2d 424, 426 (8th Cir 1987)

[9] 2009: 77 UMKC. L. Rev. 1021: "The Llyod Schlup Story"

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[10] Steffenhagen v Armontrout 749 F.Supp 997 (DC WD 1990)

[11] Franklin v Young 2014 US Dist Lexis 49625 at *6 & *8

[12] Driscoll v Youngman 1997 US App Lexis 26232

[13] Lovelace v Delo 47 F.3d 286 (8th Cir 1995)

[14] 2014: 33 St. Louis U. Pub. L. Rev. 363:

"Interview with Director George Lombardi"

[15] Prosser v Williams 84 Fed.Appx. 737 (8th Cir 2004)

Prosser v Bruhn 262 Fed.Appx. 724 (8th Cir 2008)

[16] Larson v Kempker 414 F.3d 654 (8th Cir 2005)

[17] Aging Offender Management Team Report of 2009 (AOMT)

[18] Kansas City Call Newspaper-written by Eric L. Wesson Sr.

[19] Whittington v Bright 2015 US Dist Lexis 65732

Mueller v Jones 2009 US Dist Lexis 15364