

OPEN LETTER TO STAKEHOLDERS OF GEORGIA DEPARTMENT OF CORRECTIONS FROM THEY HAVE NO VOICE

NOTE: The stakeholders of Georgia Department of Corrections include the Governor of Georgia, the Commissioner of Corrections, the Board of Corrections, the Assistant Commissioners, the Georgia House of Representatives and Georgia Senate members, the staff of GDC, the contractors to GDC, the past, current, and future incarcerated individuals in the “care” of GDC, the families, friends, and loved ones of those who are or have been incarcerated by GDC, the families, friends, and loved ones of GDC employees, corrections advocates, judicial reform advocates, the local, state, and national free press, and the citizens of the state of Georgia.

The State of Georgia has a tragedy unfolding in its prisons. Few people in positions of responsibility seem to be considering that the stakeholders of the Georgia Department of Corrections (GDC) is an enormous group, a powerful army which is becoming more disturbed by the day with the void in leadership.

The Georgia Department of Corrections is bloated and ineffectual. It is not even good at keeping the cell doors locked, much less handling the needs for 50,000 inmates. GDC is responsible for dozens of responsibilities that fall under the 8th Amendment of the U.S. Constitution. Georgia’s citizens are mortified and ashamed when they find how Georgia’s prisoners are treated and the conditions under which they are held.

Georgia Department of Corrections cites security concerns and lack of money as reasons it does nothing about anything. A grant of \$15,840,333 from the US Department of Justice (DOJ) went untouched for a year, yet inmates are hungry, denied medical care, routinely go without insulin and other medications for weeks at a time, rarely get their commissary orders, and are even going without toilet paper and soap. GDOC’s annual budget is \$1,200,000,000.00. It is seemingly impossible to tease apart where this money goes.

These are not issues that can be resolved by piecemeal introduction of bills under the Gold Dome.

The greatest driver of costs in GDC is the number of people incarcerated. It should be possible using this plan to significantly reduce that number, which is fluid, depending on the audience, but is in fact, somewhere between 45,000 and 60,000.

What is clear is that Georgia has far too many people in prison, keeps them too long, denies them release despite completion of requirements for release, maintains the physical plants poorly, feeds the inmates too little food and does so without regard for the grade of food or for the nutrient values, exposes prisoners to diseases and inhumane conditions including filth and infestations by rodents and insects, denies them medical and dental treatment, simply houses or medicates its huge mentally ill population, utilizes various means of punishment and treatment that are inhumane and largely unreported because of “security,” permits the facilities to be run in large part by gangs, exposes inmates to violence unimaginable to most of us in the free world, on and on.

Georgia has the ability but has not shown the will to heal its black eye, the fact that it also leads the states in percentage of people who are incarcerated, in jail, on probation, or on parole. It leads the nation in length of sentences. And its parole system received an “F” in the article by Prison Policy, https://www.prisonpolicy.org/reports/grading_parole.html.

Anyone assessing the conditions and treatment of inmates by GDC will conclude that the problems are so deep, so systemic, that they **cannot** be remedied one bill at a time. THEY HAVE NO VOICE contends that Georgia can go from “last” in almost every category of corrections to better than “Middle of the Pack.” It brings to mind a motto from a Georgia food manufacturer, “First, let’s be best. Then we’ll be first.”

That leadership void has resulted in gross understaffing, with remaining staff descended into savagery as if they were living “The Lord of the Flies”. This behavior takes many forms. Here is an example from June 29, 2021: <https://www.newsweek.com/video-shows-guard-brutally-beating-inmate-georgia-prison-1605112>

THE FOOD

Those incarcerated by GDC are fed scant rations, often rendered UNFIT FOR CONSUMPTION by the poor quality of the ingredients (such as mechanically deboned chicken filled with bones, beaks, and feet), foods that are molded, discolored, smelly, slimy, or otherwise spoiled, and foods that are contaminated by rodents and insects), by not having been prepared, held, or served under current Good Manufacturing Practices 21 CFR part 110.



Meals are being served routinely in many state prisons in Styrofoam containers delivered to the housing units due to gross understaffing. Portions are approximately half when meals are served in Styrofoam containers rather than in the chow halls, and it is not because of the container size. This directly impacts all who are incarcerated in those facilities by driving violence as gangs and other predators steal and rob “civilians” for their food and for their commissary purchases. It impacts their families, friends, and loved ones by the increased need to provide financially for their loved ones, including food, snacks, coffee, underwear, shoes, and more. Those incarcerants without families who can support them financially become either starved or predators. This is easily seen when those suffering in punishment cells, deemed “The Hole” in GDC parlance, receive “store” (commissary) restriction as additional punishment, and subsequently steadily lose weight.

Those meals are not kept either above 140°F or below 40°F. 41°F - 139°F is referred to as “The Danger Zone” because of the ability of bacteria to grow and thrive there, subsequently causing foodborne illnesses.

THE DRINKING WATER

At any given time, from one to several prison facilities in Georgia have contaminated water, plumbing deficiencies (in the number of functioning toilets and showers), or sewage problems such that sewage water backs up into cells and hallways. At this time, there are several dorms at Autry State Prison displaced for nearly two (2) months by water contamination and Wilcox State Prison has water contaminated with sewage in the hole. Just another day in GDC.

THE DEATHS

In (calendar year) 2020, those incarcerated by GDC died at a rate of **one every 31 hours**, and this was with almost 10,000 LESS offenders than in the three previous years. Not said in GDC's reports of inmate mortality is that not only are suicide and homicides greatly increased, so are the inmates in their 20s, 30s, and 40s who purportedly died by "natural" causes and by "undetermined" manners of death.

As it turns out, "death by natural causes" while incarcerated by GDC looks an awful lot like "**medical neglect**". It is commonplace to hear of prisoners such as William Lumpkin who died at Telfair State Prison on August 17, 2021 complaining of chest pain and being ignored until he died. William Rollins was incarcerated at Phillips State Prison when he died at age 74 of "natural" causes, 4 weeks after he was raped by his cellmate. He was then put in the hole, where he was found on the floor, in a pool of urine, with oxygen saturation of 80%. Fellow prisoners reported that he had not eaten in several days. His back had been broken. What was "natural" about that? Another common occurrence is death due to Diabetic Ketoacidosis (DKA). Mark Calcaterra died September 7, 2021 at Wilcox State Prison in just that manner. There are dozens such examples.

Suicides by inmates are rapidly rising. Melissa Thacker had a well-documented history of mental illness and suicide attempts. She died by suicide on July 25, 2021 at Pulaski State Prison. She was in her mid-twenties. Stephen Beck was incarcerated as a result of attempted "Suicide by Cop". He succeeded in killing himself 06/25/18 at Wilcox State Prison. He was 24 years old. William Oglesby succeeded in suicide 09/11/21 at Autry State Prison, following requests for mental health care that he did not receive, following a set off of ten (10) years. Oglesby had already been incarcerated 43 years. Could these deaths not been anticipated and prevented?

GDC prisoner deaths by **homicide** alone in June and July 2021 occurred at a rate of **84 per year**. There were a record 26 prisoner homicides in CY 2020. Clearly, there is a **steeply escalating human rights problem in Georgia**.

GDC does not appear to have a central repository of inmate mortality data, nor does there appear to be any meaningful statistical trend analysis, as no effort is made after the close of a year to update the "Causes of Death" (actually "manner of death") from "undetermined" to suicide, homicide, natural causes, accidental, and execution. Furthermore, drug overdose is not broken out. Based on the widespread drug use in GDC prisons, this category should be broken out in order to address the issues appropriately.

EXTREME HEAT

Most of Georgia's state prisons are NOT air conditioned. Many of the buildings had windows that have since been covered, and now have exhaust fans that do not work as well as filtration systems that are neglected. Ventilation rates have been set by the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE) for more than fifty (50) years, and GDC does not attempt to comply. Inside, the prisons have some industrial fans, but they rarely help those in cells, and in particular in cells with flaps that can be locked shut. Inside, temperatures reach 105°F routinely in summer. Men and women lie on their bunks or sometimes on the filthy concrete and simply swelter. Poor ventilation results in no evaporative cooling. Heat rash is common, as are secondary infections of heat rash, even MRSA skin infections.

Prisoners who seek medical treatment for heat rash or MRSA skin infections secondary to heat rash are charged \$5 for the sick call and \$5 for each prescription, as if their condition were not a direct result of the conditions under which they are held.

THE SUFFERING

Couple this problem of extreme heat with the disdain with which the incarcerated are treated, with the infestations of rodents and insects due to ineffective or non-existent pest control, with lack of effective maintenance resulting in electrical outlets not functioning and even inmates in cells being in complete darkness for days, the lack of food, the lack of access to medical, dental, and mental healthcare, and even access to “counselors” (GDC’s term for case managers – there is no “counseling” happening), and you have an angry, resentful, and suffering population.

CONTRABAND

Staff members in GDC prisons are often openly affiliated with gangs, the very gangs that they guard. GDC leadership chooses to blame contraband on inmates, their loved ones, and especially on visitors, when it is obvious that the quantities of drugs used by, say 50% of the inmates is impossible to be brought inside in dribs and drabs, such as in the heel of a shoe or secreted in a hairdo. No, 1g of drugs for each of 25,000 inmates is 55 pounds per day, and 20,075 pounds per year. Nobody is “keistering” that in.

For the sake of argument, use the same numbers for the contraband tobacco. Same logic. Inmates are not keistering those quantities of tobacco into facilities. (The actual quantity on tobacco as contraband is likely to be much greater than this example.)

Searches for contraband have devolved into a pair of corrections officers walking into a housing unit, saying, “Give us 20 shanks and we won’t tear your cells up,” or “Give us 12 shanks and a phone, and we’ll leave.” There are shanks and phones at the ready when this situation rises.

FAILED SECURITY

It is routine in 2021 to hear from various prisons that there are two corrections officers for a thousand prisoners. With the extent of the gross understaffing and the failure to secure the facilities, staff and contractors routinely

bring in contraband through the entry portal. Some prisoners write of truck drivers “shaking themselves down” at the back gate. Does anyone actually believe a sincere attempt is being made to prevent the entry of contraband and to intercept said contraband flowing freely through the prisons?

In addition to other issues, many cells, and possibly most cells either do not lock or cannot be locked, and inmates can easily “pop the locks”. Sadly, staff is known for popping the locks to allow conflicting gangs to attack each other. And deaths then occurred, including Damian McClain (Hays State Prison), Eddie Gosier (Augusta State Medical Prison), and Shannon Grier (ASMP). All are alleged to have died after staff popped the locks, permitting their assaults. Both McClain and Gosier were murdered years apart by the same inmate, Daniel Luke Ferguson, a man convicted of robbing and murdering his 94 year old neighbor when he was 17. Prior to killing McClain, Ferguson cut the throat of another man, Travis Boyd. Boyd survived only because of heroic life-saving measures taken by officers who witnessed and video-taped the incident. Ferguson was never prosecuted for that attempted homicide/ aggravated assault.

Perhaps if he had been in the SMU (High Max) following cutting the throat of Prisoner Boyd, McClain and Gosier would still be alive. All three (3) of those victims were black, and Ferguson is affiliated and white. Were these hate crimes? At GDC, no one asks that question.

HOUSING FAILURES

Missing from the statistics are the numbers of cellmates where one kills the other, while high on drugs. Some are either housed with known enemies or their enemies are allowed to enter the cells to do their evil deeds. Others were purportedly friends. Several deaths in 2020 occurred in this way. It is GDC’s responsibility to control the flow of drugs and other contraband into and within its almost ninety (90) facilities. Inmates report that approximately 50% of all inmates use illegal drugs.

These are housing and classification problems whose answers lie in the hands of GDC Leadership and staff. Many inmates and their loved ones feel strongly that the unaffiliated and the elderly should be protected from predators and those who are affiliated. At the very least, that protection should utilize segregation as well as other means. Likewise, to the extent possible, rival gangs should be housed separately. Furthermore, the inmate mortality data indicate that those with non-violent crimes and brief sentences are at greatest risk for being killed with they are housed with violent individuals with lengthy sentences, up to and including Life and Life Without Parole (LWOP). One must wonder why that knowledge is not applied, when easily a half dozen people per year die at the hands of the violent with long sentences. These deaths could be prevented simply by providing them with safe housing with housing decisions made to keep the incarcerated safe from violent prisoners.

GEORGIA NATIONAL GUARD (GANG)

Many who know the extent of the violence, danger, gangs, disorder, gross understaffing, hunger, rodent and insect infestations, continue to ask, “Why has the Georgia National Guard **NOT** been called up to assist with the crises in GDOC prison facilities?”

Others ask, what could the National Guard do? The GANG could span the gaps that GDC currently has due to gross understaffing. Here is a short list:

Utilization of the GA National Guard could provide GDOC the opportunity to hire, train, and staff its facilities. Staffing levels have been such that in recent weeks, positions in control booths are being filled by gym coaches, counselors, and Deputy Wardens (D/Ws). Georgia's prisons largely are no longer doing counts.

Inmates were all accounted for through 5 counts at Phillips State Prison recently, despite a prisoner being on drugs on top of a cooler near the kitchen the entire time. Even more recently a deceased inmate was counted through 6 counts at Ware State Prison, despite being face down on his bunk in the Hole, with meal trays being delivered by the "Hole" orderlies. A week later, a second man died in the Hole at Ware State Prison. How does that happen?

Prisoner Jamari McClinton of Decatur died as a result of suicide at Baldwin State Prison on 08/11/21. There was a witness, Badarius Clark who came forward. One might expect that the witness to a homicide in a prison may need to be placed in Protective Custody (PC), but Badarius Clark remained in general population. Perhaps leaving him in GP was an oversight as a result of gross understaffing. He was dead by homicide on 8/21/21.

Perhaps the GANG has members who can count. GDC staff no longer do so with any regularity.

Staff chow hall; receive, store, and prepare food utilizing current Good Manufacturing Practices; manage food warehouses including refrigerated and frozen warehouses, shipping and receiving and FIFO (First In, First Out) stock rotation; install refrigeration alarms for real time monitoring of temperature controls; staff the entry portals including back gates; staff maintenance until facilities are brought up to meet recommended corrections standards; operate the perimeter cars; repair and monitor facility cameras; bring kitchens, food service areas, chow halls, food warehouses, and housing areas to current standards in terms of pest control system installation and management, to include locations, installation and maintenance of exterior bait boxes, Ketch-All traps, Insect Light Traps (ILTs), pheromone traps, etc, along with Standard Operating Procedures (SOPs) for execution and documentation of the various functions included herein. The photo is representative of **all** GDC prisons.



CAMERA SURVEILLANCE

Georgia prisons provide public information on Prison Rape Elimination Act (PREA) “audits” that there are many cameras and that they are monitored. However, GDC staff tells prisoners and family members that the cameras are old, broken, covered with Vaseline, and not monitored. Only one of those situations can be true.

DRONES

Apparently drones are in use most every day, making deliveries of drugs, paraphernalia, phones, phone accessories, and other contraband, up to and *including machetes* to Georgia’s state prisons. Utilize the GANG to monitor facilities for drones in the area.

CLEARLY DETAILED CONTRABAND REPORTS

Contraband reports reveal enormous information gaps in the documentation of these incidents. Drugs are described as “unknown white substances”, “unknown leafy green substances”, and “bundles”. People who are arrested and charged for crossing the guard line with contraband are often “unknown individuals”. Perhaps the GANG has members who know how to identify various drugs, how to use a scale, how to read and copy names from State IDs like GA DLs, and could be utilized for the documentation of contraband.

DISAPPEARING EVIDENCE OF CONTRABAND

Curiously, contraband that is seized within the facilities from either prisoners or staff is rarely, if ever, reported. Yet the incarcerated themselves report that up to half the people in their housing area are using drugs. Not reporting the seizure of said drugs implies that drugs are not being searched for or are not being seized, once in the facilities. It indicates that those distributing the drugs are being protected from search, seizure, and legal consequences. There are many reported cases of drugs, cell phones, and altered tablets being seized locally and “coincidentally” making their way right back into population. (Insert the phrase “resold by staff” after “coincidentally”.)

Interestingly, GDC has procedures in place to document contraband seized by TACT (tactical officers pulled from other prisons). It is documented (so they say), placed in an evidence locker, and the evidence transferred to headquarters at some later time.

For the record, when product is destroyed by the food industry, there is a lengthy paper trail of documentation. In Georgia prisons, contraband including drugs, phones, jail-broke tablets, phone accessories, tobacco, weapons, and more simply disappear back into the system from which they came. Hmm. Be aware there is a **LOT** of money involved. A great smart phone behind the walls goes for \$4000 or more, reportedly up to \$7000. A low-end smart phone costs \$2000.

ABOUT THE MONEY

The families and loved ones of the incarcerated in Georgia must subsidize their incarcerations by providing food packages, clothing packages, purchasing fans, purchasing work boots, putting money on their “books” for commissary, telephone, e mails, tablets, photos, and more. When they visit, they must provide food from vending machines for their loved ones and themselves at enormously inflated prices. Many families must choose providing food instead of visiting.

Georgia Department of Corrections is a huge drain on the taxpayers of Georgia. For the **\$1.2 BILLION** spent each year, what is the return?

GDC frequently cites the cost of medical care, in particular, the cost due to older inmates who naturally have more complicated states of health, as a significant driver. In 2019, there were twenty (20) inmates aged 80 and over who died in GDC custody. The oldest was 97 years old, a man named B. J. Perry. Today, there are only twenty-one people in GDC who are 80 or older. There are an additional eighty-three inmates (83) age 70 – 79.

Are these people genuinely risks for reoffending? Even if they do reoffend, isn't the risk worth taking to both reduce medical costs incurred by the state and allowing them to return to their loved ones?

Georgia's Corrections system is corrupt. It is inefficient. It protects its own from prosecution of crimes that in the free world, would merit hate crime prosecution, drug trafficking prosecution, RICO prosecution, aggravated assault prosecution, on and on. Those crimes are often perpetrated against the very people the GDC is supposed to protect.

Has crime in Georgia been reduced by lengthening sentences, lengthening minimums, stacking of charges, adding recidivist charges, or denying parole for subjective reasons including the following reasons?

- Has not served enough time
- Not in the best interest of the community
- The horrific nature of the crime

There is **no such evidence** of a reduction in crime as a result of draconian sentencing and creating misery for the incarcerated.

As you read in the prisonpolicy.org article, Georgia's parole system is flawed in many ways. In particular, it has no oversight, permits unlimited "set offs," values victim input over all else, despite the unsworn victim information conflicting with court records, uses subjective reasons for set offs, does not permit the inmates to face the parole board, et cetera. The Parole Board is the cork in the dike. Remove the cork, and a torrent of inmates will be released because they have already met all the requirements they were given by the courts, and many have earned Performance Incentive Credit (PIC) points that have not been applied to their sentences. In fact, their PIC points were denied, even though they were earned.

The Georgia PAP utilizes unlimited "set offs," that is delays of from one (1) to ten (10) years in making a decision on parole. Many of Georgia's lifers received a life sentence when "life" was 7 years, which was raised to 14 for a few years, and now they serve 30, 32, 38 years or more, due to unlimited set offs, with no explanation or guidance as to what they need to do before the next set off in order to be eligible for parole.

Many other states utilize objective rather than subjective reasons for denying parole. Georgia's Board of Paroles and Pardons not only is permitted to completely ignore what was said in court, but they may deviate from decisions based upon sworn testimony to complaints of "fearing for one's life" made as unsworn testimony by victims that conflicts with sworn testimony.

The public envisions a Parole Board that meets face to face with those whose fates they are deciding. Is it not a reasonable courtesy to look a hopeful parolee in the eye and tell him or her face to face that he or she is being set off for 1, 2, 3, 5, or 8 more years? Not in Georgia. Georgia's prisoners receive a document stating they have been set off and the period of years of their set off, with no acknowledgment of how many more set offs they may have.

Commit to establishing a current dashboard for PAP in order to have transparency as to how many inmates were considered for parole, how many were granted parole, and the ethnic breakdown for those groups. Likewise, establish and maintain a dashboard for Violations of Probation or Parole, including the ethnic breakdown. These dashboards can put an end to accusations of racism.

EPIC FAILURE: COVID

Before Georgia had its first case of Covid-19, logistics professionals assessed that 25% of the inmate population needed to be released in order to have room needed to segregate sick from asymptomatic, sick from more seriously ill, seriously ill receiving treatment, and those with recovery needs, either short or long term. Coincidentally, that is the range of headcount reductions reported by the few states which had a somewhat effective response to Covid. With the recent surge in Covid (Delta variant), reducing census is as critical as it has ever been. The unaddressed housing density of inmates, especially in certain housing configurations, coupled with numerous gaps such as lack of cleaning chemicals, lack of hand soap, lack of warm water (reaching 110°F within 30 seconds), lack of masks, lack of hand sanitizer, lack of ventilation, failure to establish a robust vaccination scheme inclusive of staff and prisoners, failure to learn from the myriad of execution errors made in 2020, and failure to assess root cause of the deaths of 93 prisoners in the initial pandemic have left the remaining 50,000 prisoners directly in the line of fire for the Delta variant and all variants to follow.

https://www.huffpost.com/entry/prisons-and-jails-not-ready-for-delta-variant-covid-19_n_611e8e4b0e5b5d8e79c24?ncid=engmodushpmg00000003&fbclid=IwAR1bOnubfKKUChoMf9mRxpPRFr79urE4d5Q7jA0DmeN_1bGuKJQOtvQkAIU

Effectively reducing head count can be driven by three functions:

1. Delaying shipment from county jails, although it is only a temporary action,
2. End most parole and probation technical violations by finding community solutions, and
3. Increase the rate of releases from prison.

The rate of releases is easily increased by the following tactics:

1. Release everyone who is eligible to be released including all who have had more than two set offs unless they have been convicted of new charges as described previously;
2. Release everyone age 80 or above without Community Supervision;
3. Release everyone age 70 or above on an ankle monitor with Community Supervision until they max out, meet a previously determined Tentative Parole Month (TPM), until they turn 80 years old, or they successfully complete 2 years on the ankle monitor;
4. Release everyone who has cancer, other terminal illnesses, and/or debilitating illness/ conditions via medical reprieve so (a) they may have the opportunity to seek treatment and to die at home among family, and (b) the financial burden of the end of life medical care is removed for the taxpayers of Georgia.
5. Immediately release everyone who will max out in FY2022.
6. Immediately release every Crime Severity Level (CSL) 1. They will still be convicted felons who went to prison. The stigma they suffer will be punishment enough.
7. Release every CSL 2 inmate, using an ankle monitor monitored by DCS until the end of FY2022 or until their TPM or Max Out date, whichever is first.

There are additional tactics for reducing headcount described in great detail in Appendix 2.

Bring down the number of inmates and have the money to house them in buildings without roof leaks, in buildings with heat in the winter and air conditioning in the spring, summer, and fall, in buildings with adequate ventilation to prevent the growth of black mold which is rampant throughout the current GDC facilities. Reduce the number of inmates and have the money to feed them food that meets the requirements for Medicare meals, adequate in nutrients, calories, and quality. Reduce the number of inmates and provide current standards of care including Pap smears for women, referrals to surgeons and other specialists, care other than palliative care for cancer, preventative dental care and dental treatment other than extractions, and physical and occupational therapy when appropriate to return strength and function.

Bring down the number of inmates and determine a set of reasonable solutions for mentally ill inmates. Mental illness is prevalent in the inmate population. It is poorly dealt with when inmates are either medicated to the point of oblivion or are simply locked away so that they cause the least harm to those around them.

Reduce the number of inmates and increase the number and types of programs (1) to keep inmates engaged day to day while investing time and effort in their futures and (2) to ensure that they have skill sets that enhance employment opportunities upon release.

NOW WHAT?

It is time for a different entity to have oversight, to manage, to execute policy and procedure since GDC seems incapable of hiring unaffiliated staff; of insisting that its staff be law-abiding; of controlling contraband flow into and within its facilities; of dealing with attrition of staff; of hiring effective and experienced staff; of controlling or even discouraging violence by staff against prisoners; of maintaining the physical plants and mechanical, electrical, HVAC, plumbing, and surveillance functions; of feeding a menu (a) adequate in calories and nutrients, (b) using ingredients of good quality, and (c) prepared, stored, and served using current Good Manufacturing Practices; of establishing and maintaining facilities with robust and effective pest control programs; of providing appropriate and necessary medical care, dental care, mental health care, and needed medications; of providing programming, education, and job training as part of the rehabilitative process.

Currently GDC has very little transparency with its stakeholders. This system is completely broken. Any attempt at oversight or most questions raised with GDC are met with stonewalling and obfuscation. There is a leadership vacuum within the department, beginning with the office of the Governor of Georgia and the Headquarters of Georgia Department of Correction.

THEY HAVE NO VOICE joins with other corrections advocacy organizations in calling for the removal of Governor Brian Kemp and Commissioner Timothy Ward. Throughout the building human and civil rights crisis in Georgia's prisons, they have remained silent.

#WETHEPEOPLE are silent no more.

Appendix 1

THEY HAVE NO VOICE

PRINCIPLES FOR REVISING THE “CORRECTIONS CONUNDRUM” IN GEORGIA

Immediate steps are must be taken to change the trajectory of Georgia’s prisons. 2021 will be a record year for inmate deaths, not merely because of the failure to address and manage Covid-19, but also because of record numbers of homicides and suicides.

8th Amendment – Freedom from cruel and unusual punishment

The number of inmates that is manageable is “that which the state can secure and protect.”

Food

The number of inmates that is manageable is that “which the state can provide a diet that meets the minimal Medicaid meal nutritional requirements, including calories, proteins, carbohydrates, and fats, no trans-fats, essential vitamins, fiber, and macro-minerals, utilizing grades of ingredients no lower than those used for Medicaid meals.”

Medical

The number of inmates that is manageable is “the number for which the state can provide medical care, dental care, and mental health care, at no less frequency and quality that is available to the general public, without denying access to any prisoners.”

Safety

The number of inmates that is manageable is the “number who can be safely and securely managed using the current “ABA Standards for Criminal Justice: Treatment of Prisoners.”

Staffing

The number of staff that is adequate is “that number required to safely and securely manage the inmates in the care and custody of GDC, without denying prisoners of their Constitutional 8th Amendment rights.” All mission-critical positions shall be manned at all times, such as control booths, front and rear portals, etc.

Prisoners

Reduce the number of prisoners so that the inmate population consists of people we are scared of rather than people who broke rules.

Security

All cell doors, cell house doors, dorm doors, building doors, CGI doors, and so forth in the GA DOC state, private, county, and other facilities “must be secured with locking systems that do not rely upon exterior padlocks to secure prisoners while opening automatically to protect prisoners from loss of life in case of fires.” Fire exits shall NOT be welded shut.

Fire Them

Make the practice of “popping the locks” a firing offense in GDC. Several inmate deaths have been documented that were the direct consequence of staff having “popped the locks.” See the deaths of Damian MacClain, Shannon Grier, and Eddie Gosier, to name a few.

Torture

1. End the manufacture and use of cages used for the torture of prisoners. Remove all cages previously installed in all GDC facilities where they are deployed and used, so that use of these cages is never again an option. Sell or scrap all such cages stored, installed, or used in GDC facilities, including private and county prisons. Demonstrate in no uncertain terms that the state of Georgia does not mandate, support, or contribute to the utilization of cages as torture devices.
2. End the practice of utilizing “exercise yards” nominally for those in Administrative Segregation “for punishment” of inmates in any other type of housing. No individual is to remain in an outdoor “exercise yard” longer than one hour. No inmates shall be locked in exercise yards during meal times, nor should they miss a meal as a result of being in an exercise yard or be denied access to potable water while in the exercise yards. Progressive discipline shall be utilized whenever this principle is violated. See the death of James Mitchell at Rutledge State Prison.
3. End the practice of locking inmates in showers for periods longer than thirty minutes. End the housing of inmates in showers in GDC facilities; that is, “inmates shall not be locked in showers or any other rooms without access to toilets, potable water, or toilet paper for longer than 30 minutes. No inmates shall be locked in showers during meal times. They should miss no meals due to being in a shower, nor should they be fed while in the shower.” Progressive disciplinary action shall be utilized whenever this principle is violated. See the death of Christopher Heath.

Gangs

The impact of gangs in Georgia prisons cannot be overstated. It must be addressed and measures implemented that provide and sustain peaceful conditions in GA prisons. Gangs are social and societal problems outside a prison setting. Behind the walls, gangs are responsible for a myriad of issues, from violence to criminal enterprises operating from prisons, on to gang leaders in prison directing criminal behavior including homicide and extortion of both civilians and rival gang members out here. It may be impossible to stop, but it must be addressed and effectively minimized. There is broad acceptance among inmates of the use of segregation of civilians (unaffiliated inmates) from gang members, and for the segregation of gangs from each other.

Cameras and Responsiveness

1. The video surveillance in Georgia prisons must be audited to ensure that visibility is comprehensive. Existing cameras shall be maintained in functioning order at all times. All video cameras must be monitored 24/7, even if done remotely. In addition, all officers and contractors must be required to wear body cams at all times while they are on facility grounds or accompanying inmates off-site. Each body cam must be inspected prior to use to ensure functionality at all times. (There are grants available for body cams and likely for fixed video cameras and systems, too.)
2. Emergency call buttons or boxes shall be installed in all living spaces and the respective call centers staffed so that Corrections Officers (COs) can be dispatched with trouble occurs.

Urgency

Every GDOC facility shall be staffed such that timely responses to accidents, injuries, illnesses, and violence. The Officer in Charge (OIC) shall have the authority and staff to handle a myriad of emergency situations immediately and with a full-throated response. All facilities housing at least 500 inmates shall have an adequate level of medical staffing 24/7/365. At no time shall facilities housing 500 or more inmates be without on-site medical staff.

Updated 09/12/21

Appendix 2

THEY HAVE NO VOICE

SUSTAINABLE CORRECTIONS SYSTEM PROPOSAL

32 Steps to a System We Can Support

PLAN TO REDUCE HEADCOUNT IN GEORGIA DEPARTMENT OF CORRECTIONS PRISONS, REVISE PAROLES, INCREASE COMMUNITY SUPERVISION, SHORTEN INCARCERATIONS, INCREASE COMMUNITY SUPERVISION INTENSITY IN LIEU OF VIOLATING THE PERSON AND SENDING THEM BACK TO PRISON, PROVIDE MEANS FOR ADDITIONAL SENTENCE REDUCTION THROUGH BEHAVIORAL INCENTIVES, AND PROVIDE EMPLOYMENT PREPARATION THROUGH EXISTING PROGRAMS AT GEORGIA INSTITUTE OF TECHNOLOGY, GEORGIA COI – CENTERS OF INFORMATION TECHNOLOGY, AND GEORGIA QUICK START, WHILE PARTNERING WITH GEORGIA DEPARTMENT OF ECONOMIC DEVELOPMENT AND GEORGIA TECHNICAL COLLEGES.

Goal 1: (PAP) Average annual churn in GDC is ~18,000. Release an additional 10,000 this year (total 28,000), and 5000 (total 23,000) next year. Release at least an additional 3000 (total 21,000) every year thereafter for the following ten (10) years.

Goal 2: (PAP) End subjective rulings on parole, such as "the horrific nature of the crime" and "in the best interest of the community" and "you have not served enough time."

Goal 3: (PAP) Require objective reasons for all Parole Board rulings to ensure transparency with stakeholders.

Goal 4: (PAP/ GDC) A dashboard reporting Parole Board decisions will be established, maintained, updated, and posted online weekly, including number of inmates reviewed for parole, number of inmates denied parole, summary of reasons given for denial of parole and the number of inmates in each category, number of inmates approved for parole, number of revocations of parole (VOP), summary of reasons given for revocation of parole, and demographics of age and race, etc. This dashboard shall include progress toward Goal 1, Reducing Headcount.

Goal 5: (PAP/GDC) Limit the set offs based upon victim input, with few very specific exceptions, to two (2). All set offs must include objective rather than subjective reasons, plus requirements with measureable goals in order for the prisoner to have no additional set offs. Inmates receiving set offs shall have frequency of documented counselor meetings increased to monthly throughout the period of the set off to ensure that measurable goals are being achieved.

Goal 6: (PAP) Gradually return to the seven (7) year rule on 7 deadly sin crimes, by going to 10 years for 3 years, and then to 7 years thereafter. Make these changes retroactive, so that inmates sentenced under other rules are included.

Goal 7: (Judicial) End mandatory minimums in Georgia immediately. Establish a "Second Look" program that fast-tracks re-sentencing of all current Georgia prisoners sentenced under mandatory minimums to ensure that

within one (1) year, all current sentences imposed under mandatory minimums have been reviewed and adjusted. Facilitate this by establishing and funding “Second Look” courts, as with Drug Court and Alcohol Court.

Goal 8: (PAP) Target releases that utilize the “Grid,” the range of months to serve on each Crime Severity Level (CSL) based upon the Risk-to-Reoffend Score for the least number of months in the range, unless institutional behavior resulting in new criminal charges skews the Risk-to-Reoffend Score. Provide an objective reason to prisoners for all decisions that fail to release prisoners to Community Supervision at the earliest date possible.

Goal 9: (PAP) Release every person over 80 years old without community supervision.

Goal 10: (PAP/ DCS) Release every person over 70 years old on an ankle monitor until they max out, meet a previously determined Tentative Parole Month (TPM), until they turn 80 years old, or they successfully complete 2 years on the ankle monitor; Violation of Probation or Parole (VOP) is a possibility. Continue this as Standard Operation Procedure (SOP) thereafter.

Goal 11: (PAP/GDC/DCS) Release every inmate who has cancer on an ankle monitor, so that they have the opportunity to seek treatment. In addition, using ankle monitors, release inmates with terminal or debilitating illnesses or conditions that make them unable to work, require that they have caregivers, require expensive care or treatment, or are in the likely last months of their lives, as evidenced by their disease process. VOP is a possibility. (“Expensive” must be codified.)

Goal 12: (PAP) Immediately release every person who will max out in 2021.

Goal 13: (PAP/DCS) Immediately release every Crime Severity Level (CSL) 1. Release every CSL 2 inmate, using an ankle monitor until the end of FY2022 or until their TPM or Max Out date, whichever is first. DCS to assume supervision after release, as appropriate.

Goal 14: (PAP) Exceptions to the limit to 2 set offs must include (1) an extensive history of violent and/ or (2) extensive property crimes and/ or (3) mental illness manifested as violent crimes while incarcerated. (Victim input can be used as a reason for one or both set offs; see Goal 5 above.)

Goal 15: (GDC) Liberalize the (Performance Incentive Credit (PIC) program to 18 points in 2022, 24 points two years later (2024), and 30 points two years after that (2026). Increase the rate of PIC point accrual to one PIC point for every 6 months on a work detail.

Goal 16: (GDC) Reward and incentivize good behavior by retroactively giving everyone who goes without a DR for six months 1 month off their sentence. Call these “Good Behavior (GB) Points.” Allow inmates to continue to accrue GB points throughout their incarceration. Include an option when inmates receive DRs for somewhat minor offenses for them to “work off” the DR, that is, take an additional work detail each week for 4, 5, or 6 weeks, depending on the nature of the infraction, in order to make achievement of GB points attainable.

Goal 17: (GDC) End the practice of denying earned PIC and GB points unless the prisoner has committed and been found guilty of certain other felonies, including the “Seven Deadly Sins (murder, rape, armed robbery, aggravated sodomy, aggravated sexual battery, and voluntary manslaughter), escape, racketeering, and extortion while incarcerated.

Goal 18: (PAP/ GDC/ Legislative) End Life Without the Possibility of Parole (LWOP). Apply this retroactively to everyone with LWOP, unless the prisoner has committed and has been found guilty of certain other felonies,

including the “Seven Deadly Sins (murder, rape, armed robbery, aggravated sodomy, aggravated sexual battery, and voluntary manslaughter), escape, racketeering, and extortion while incarcerated. Give everyone the goal of returning to the “free world” prepared to be employable.

Goal 19: (GDC/ DCS) Work with the GA Department of Economic Development, the Georgia Tech OTI Education Center, and the Technical College System of GA to develop and provide “Train the Trainer” classes no less than twice per year at all State Prisons, Private Prisons, and County Prisons. As new industry is attracted to Georgia, encourage and incentivize all companies to hire felons who have been trained for the jobs that are brought to or added within Georgia. All prison facilities shall have capability of utilizing “distance learning” as a means of providing training to participants.

Goal 20: (GDC) Work with GA Department of Economic Development and the Technical College System of GA to utilize existing GA Quick Start programs and distance learning to provide work force skills to GDC inmates, and integrate this with “Train the Trainer” to ensure continuity and availability of training at all GDC State, County, and Private Prisons. Encourage and incentivize all companies receiving the benefit of perquisites such as GA Quick Start, tax moratoria, and water treatment moratoria to hire felons, in particular those who have been trained for the available positions.

Goal 21: (GDC) Give everyone retroactively 1 month off their sentence for every certification earned, 1 month off their sentence for every OJT certificate earned, and one month off their sentence for every term of class(es) or training taught. Intentionally set the limit for the for PIC/ GB points earned related to job skills and training high, say, at 36 to encourage job training and to facilitate education. Again, allow inmates to earn the right to go home and be productive, employed citizens.

Goal 22: (GDC) By working with the Georgia Tech OTI Education Center, establish classes at every State Prison, every Private Prison, and every County Prison to ensure accessibility to all inmates for either in person or distance learning on the following: Cardiopulmonary Resuscitation (CPR), First Aid, OSHA 10, OSHA 30, Green Belt certification, Black Belt certification, Forklift Operator certification, OSHA Certificate for Construction Safety and Health, OSHA Certificate for Construction Safety and Health Advanced, OSHA Certificate for Hazardous Material Management, OSHA Certificate for Industrial Safety and Health, OSHA Certificate for Industrial Safety and Health Advanced, OSHA Certificate for Occupational Safety and Health Premier, OSHA Certificate for Safety and Health Program Management, ServSafe certification, Licensed Pest Control Operator (PCO), Certified Professional Coder-Apprentice, Microsoft Technology Associate Developer, and coding (programming).

Goal 23: (GDC/ DCS) Provide returning citizens with access to work and training with the Georgia COI – Centers of Information Technology. More than 14,300 companies are and 165,000 Information Technology professionals call Georgia home. Encourage and incentivize those companies participating in GA COI to hire felons trained for available positions.

Goal 24: (GDC) Partner with GA Department of Economic Development to ensure that a well-prepared and trained work force is touted and that companies receiving perquisites such as GA Quick Start and GA COI are requested to consider hiring of felons as a condition of receiving the benefits of GA Quick Start and GA COI.

Goal 25: (GDC) Provide every inmate leaving GDC with vouchers for two free classes at any GA Technical College, unless they have been incarcerated by GDC 3 separate times. (VOP shall not count as a separate

incarceration.) Rationale for this is that there are a great number of classes that utilize distance learning and therefore are easily accessible to all Georgians, with minimal additional cost to the GA Technical College.

Goal 26: (GDC) Provide every inmate leaving GDC with a \$100 discount on every course taken at a GA Technical College after the first 2 free classes, unless they have been incarcerated by GDC 3 separate times. (VOP does not count as a separate incarceration.) See #23, above.

Goal 27: (PAP/ DCS) Provide a simple means of terminating Community Supervision including either or both Parole and Probation after three (3) years of Community Supervision. The evidence is that the effectiveness of Community Supervision, that is, the deterrence of the commission of new crimes is minimal after three (3) years.

Goal 28: (DCS/ PAP) Reduce the number of violations of parole and violations of probation, that is, returning people to prison, by using county jail time and increased intensive supervision instead. Find community solutions for the majority of behavioral lapses. Every office knows how many people they violated. Cut that in half within two (2) years. Report progress toward this goal by establishing a dashboard for DCS on its website, to be updated weekly. Use prison for people who are a threat to the community rather than an annoyance to their DCS officer.

Goal 29: (DCS) Reduce recidivism by reducing the fees and charges returning citizens are required to pay at the precise time in their lives when they are least employable and often have the least stable support systems available following incarceration. Reduce these fees by 50% in the first year, and by 25% in the second year, and keeping the current fee structure in place for the third year and all years thereafter.

Goal 30: (GA HOUSE/ SENATE) Establish an effective program of gang intervention to ensure that the fewest possible affiliated individuals get into the GDC system. Engage and divert at risk persons from behaviors that will result in incarceration. Best Practices to Address Community Gang Problems. (2008). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <http://www.ojjdp.gov/publications/PubAbstract.asp?pubi=253257>. <https://www.nationalgangcenter.gov/>

Goal 31: (GDC) Establish gang housing such that unaffiliated prisoners are preyed upon less. Segregate gangs by affiliation as needed to ensure the most peaceful housing possible. Utilize restrictive housing to deter and limit gang activity. Establish robust Key Performance Indicators (KPI) to be reported and to ensure progress occurs and is sustained. Reporting shall occur monthly, and shall be provided to all Board of Corrections members, all GA House and GA Senate members, and to the Governor of Georgia, in addition to maintaining KPI Reports on the GDC website.

Goal 32: (GDC) Greatly reduced headcounts will permit greatly improved conditions.

Housing overhaul:

- Transition to the use of housing that has no roof leaks, broken windows, or inadequate ventilation (ventilation that does not meet the ASHRAE standards), and in particular ventilation in areas of high humidity including showers and sculleries.
- Transition to housing that is equipped with effective heat and air conditioning.
- Transition to housing that meets building codes including strategically and properly placed back flow prevention devices, fire alarm and fire suppression systems inspected and maintained in working order, and operational and inspected vent hood systems, operational kitchen, food processing, and food service

equipment, and strategically placed, installed, and functional pest control systems overseen and managed by licensed Pest Control Operators (PCOs).

- Remove existing mildew using muriatic acid and utilize trained personnel properly equipped with adequate PPE, proper equipment, and ventilation to ensure safety. End the practice of painting over mold.
- Retrofit restrooms, showers, food processing, kitchen, and scullery areas with seamless walls and flooring with an integral cove base.
- Install hands-free soap dispensers in restrooms, kitchens, sculleries, and food processing areas.
- Install hands-free water at 110°F to all hand-washing sinks.

Updated 09.05.21