

Inside Michigan Prisons: Overview and Analysis of Structure and Conditions

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Henry David Thoreau wrote in Walden:

As for the pyramids, there is nothing to wonder at in them so much as the fact that so many men could be found degraded enough to spend their lives constructing a tomb for some ambitious booby, whom it would have been wiser and manlier to have drowned in the Nile, and then given his body to the dogs.

At the time, and maybe even still today, they were considered an apex of civilization. However, to any rational person, they were a pointless waste of time, except for the pharaohs, the masters of that era or, as I like to call them – the Scum In Charge of the Kleptocracy (SICK). The SICK, who for the past 12,000 years or so have spread their disease – civilization – to every corner of the earth, destroy it in the process and a good deal of the life on it. The pyramids were simply an exercise in command and control in civilization's domestication project.

America does not build pyramids; it builds prisons. A much more monumental domestication project, involving millions of people, not mere thousands. The SICK's domestication project today is a vast prisoner-warehousing complex, which produces the crime and criminals necessary to keep the people in fear in order to justify the current system of command and control – the police, prosecutors, courts, and prisons – to keep everyone else in line. Yes, this means you outside these fences.

“Why the sick?” you might ask. Quite a few sadly misled people think the SICK worked their way to the top fairly. Like, for instance, Warren Buffett, via the clever manipulation of capital, which, in essence, is “dead labor.” All profits, whether directly or indirectly, are realized through other people's labor. In other words, profits are created by living labor, which, when accumulated becomes “dead labor.” It is over and above what the capitalist pays the worker and amounts to labor stolen from the worker. Thus, another term for capital would be “stolen labor.” In the case

of Buffet, far from being the genius investor he is portrayed to be, he simply paid off politicians and government employees in order to wind up in control of the Government Employee Insurance Company (GEICO) and, therefore, is able to invest its multi-billion dollar float. That is, the premiums collected and not paid out. Spreading billions of dollars of investments throughout a capitalist market that has to continually expand in order to survive is a no-brainer that guarantees huge returns. At least, until the market finally collapses, which is inevitable as we live on a finite world with finite resources and a finite market. That, too, is a no-brainer.

As for the rest of the SICK, a 2014 study by the Economic Policy Institute found that “[T]he total annual wage-theft from front-line workers in low-wage industries,” in NYC, Chicago, and LA, “approached \$3 billion.” Extrapolating from that, wage-theft costs low-wage workers in the U.S. around \$50 billion a year. Square that with the approximately \$344 million per year allegedly taken in the 292,704 robberies in 2012, according to the FBI. Now who are the criminals?

Apparently, those of us in prison, “the criminals,” are not very good at crime. Unlike the SICK, who, aided and abetted by the U.S. government, their bought-and-paid-for employees, are robbing all the rest of us blind. The U.S. Supreme Court, or rather the supreme servants to the SICK, recently ruled in three cases that employees who were forced to sign arbitration contracts in order to get hired cannot band together and file class action lawsuits to gain the return of these stolen wages. How is that even an issue? Why isn’t the government, the FBI, arresting and imprisoning the SICK who run these corporations? Maybe it is because they own the government too.

The SICK are doing such a good job at domestication that the men in prison with me think that it’s their fault they wound up in prison, that somehow they are more criminal than the SICK at the top of the civilized societal dung-heap. When, in fact, they’re merely cogs in the SICK’s command and control machine that enables them to justify the police state, using the fear they’ve instilled into people of “crime” and “criminals.” The police, however, are not here to protect ordinary people; they are here to keep them in line and to protect the SICK’s ill-gotten gains, i.e., capital and property, from the people. As former President Nixon once said, “People that

are afraid will go along with anything”, or words to that effect. The 9/11 World Trade Center demolition springs to mind every time I think about that Nixon quote.

This is what the Michigan Department of Corrections (MDOC) guards had in mind when, back in 1981, they refused to run the yard at Jackson and precipitated a prisoner rebellion, followed by a guard riot, which led to an epic prison building program and the more than doubling of Michigan’s prison population. More jobs for them and the hell with state taxpayers. It was also the last time firearms were inside MDOC prisons until the Kinross guards rioted during a peaceful prisoner labor strike begun on September 9th, 2016, on the 45th anniversary of the Attica State prison rebellion in 1971. See Rand W. Gould, “Michigan Prisoners Rise Up!” in the *San Francisco Bay View*, November 2016, or at www.freerandgould.com

The MDOC guards’ ill-founded hope was that their riot would again set off a wave of fear resulting in closed prisons being reopened, maybe even another wave of prison building, and thus more job security and jobs for them. They forgot one very major thing, however: the state has no money for building prisons, or even operating existing ones. It also has no money for repairing roads, educating children, or taking care of its people in general. Moreover, there’s no Bill Clinton Omnibus Crime Act throwing billions of dollars at state prisons.

Those billions of dollars the Clintons threw to the states to build more prisons in order to manufacture more crime and criminals are what enabled Michigan to more than double the size of its prison system. In fact, one could say the Clintons built the prison I’m at today – the former Adrian Temporary Facility (ATF), now combined with the Adrian Regional Correctional Facility (ARF), and known as Gus Harrison C.F., or ARF South and ARF North, respectively.

ARF South consists of four mold-infested, decrepit, sheet metal cattlebarns, each one holding 320 men, double-bunked eight men to a 4-man cube with less floor space per man, at 6.1 sq. ft. of unencumbered space, than the U.S. Department of Agriculture requires for great apes over 55 lbs., which is 25.1 sq. ft. See 56FR6426;9CFR 3.80 (b)(2)(i), at n.4. N.b., the American Correctional Association (ACA) requires 25 sq. ft. per human. See ACA Std. 4-4132 (Ref 3-4128). Just imagine 320 men sharing 12 showers, 12 urinals, 16 toilets, 8 telephones, 4 drinking

fountains, and 4 microwaves. Prisoners are inevitably waiting to “use the facilities” as it were, constantly in each other’s way, arguing about which way a fan is pointed, or on or off, whether a window should be closed or opened, fresh air or stench, who’s next in the shower, on the phone, etc., who’s making too much noise or shaking the bunk too much. All of which brings to life the torture portrayed in Sartre’s *No Exit*. “Hell is,” indeed, “other people,” when you’re crammed together like sardines in a tin.

When ATF, now ARF-South, was built in 1988 or ’89, it was intended to be a “temporary” prison, for no more than 10 years, until the overcrowding in Michigan’s prisons was resolved. It never was. Thus the “T” in ATF was ditched, with it double-bunked and operated at 200% of its designed capacity despite barely enough room for a man to turn around in a cube. The MDOC’s excuse for this inhumane state of affairs was that as a Level-I “facility”, the MDOC’s euphemism for prison, the prisoners would be on the yard for most of the day, walking and running the track, or using the weight-pit and ball-field. Such is not the case at ARF South or North, as the yards are closed every time a truck drives into the prison under the false pretense that a prisoner or prisoners would commandeer a truck, ram the fence, and escape. This, however, is not a real concern because: 1) these yards are triple-fenced with coils of razor wire. A truck cannot drive through one of them, let alone three, as has been proven; and 2) making prisoner return to their unsecured Level-I polebarns, which can’t be locked down, does nothing to prevent them from taking a truck and ramming the fences. So there we sit, in our 8-men cubes in 6.1 sq. ft. of floor space, for most of the day.

To make matters worse, a paranoid administration has illegally altered these cattlebarns by placing metal grates over the windows so you can’t use them as exits in case of fire. They did this without installing a fire suppression system as required by state building codes and the Fire Prevention Code when a public building is so altered. See M.C.L. §29.1 et seq.; also *Knop v. Johnson*, 667 F. Supp 572, 526 (W.D. Mich 1987); and *Hadix V. Johnson*, 367 F.Ed513,525 (6th Cir 2004). By law, the state fire marshall should order a fire-suppression system installed or the metal grates removed. Instead, she just looks the other way. N.b., we’d be better off with the

metal grates removed, as the water here is so bad, with a taste between mud and chemicals, that it's probably flammable.

State legislators, for the most part and to their credit, have finally recognized these cattlebarns, i.e., "temporary facilities," for what they are – decrepit, dangerous, mold-infested lawsuits waiting to happen – and have begun the process, albeit slowly, of shutting them down. So far the MDOC has been forced to close Pugsley C.F. and the old Muskegon Temporary Facility, already made part of Brooks C.F., and is now closing or has closed the four cattlebarns at Ojibway C.F. But that still leaves old, so-called "temporary" cattlebarns at Carson City C.F., St. Louis C.F., Chippewa C.F., Cooper St. C.F., Cotton C.F., Kinross C.F., Ionia C.F., and here in Adrian at Harrison C.F. There may be more but I've only been to a dozen prisons in Michigan these past 20 years, albeit some of them twice, having been transferred 13 times in retaliation for my activities as a Unit/ Block Representative and/or grievance wiring. N.b., at one time, at the end of the '90s and beginning of the '00s, the MDOC operated 63 prisons and camps, with a separate warden and administration for each one. Through a process of closure and administrative combinations, this has been reduced to 30 or 31 prisons on paper, with the prisoner population reduced from over 50,000 to just under 40,000.

Still way too many prisoners, plus, even with all the closures and reduction in population, the MDOC's budget has been stuck at slightly over \$2 billion per year since '07 or '08, due to inflation and interest on the bonds used to build all those prisons back in the '80s and '90s. That is why bills keep being introduced in the Michigan legislature that would divert some felons from going to prison, facilitate paroles, and move earliest release dates up.

House Bill 5666 would restore good time credits by rewriting M.C.L. 800.33 and eliminating disciplinary credits and disciplinary time by repealing M.C.L. 800.34 and M.C.L. 800.35, respectively. This would fast-track the release of thousands of prisoners to parole and help solve Michigan's budget crunch. N.b., M.C.L. 800.35 is the so-called "Truth-in-Sentencing" law. Unfortunately, this bill is stuck in the House's Committee on Law and Justice.

House Bill 4101 provides for the release to parole of medically frail prisoners, who would then be placed in hospice under constant care. This bill has languished in the Senate after being passed by the House on March 7, 2018. For some insight on these medically frail prisoners, and the reasons they should be released, please read my article “A Journey to Death’s Door” or my open letter to Gov. Snyder, May 25, 2015. Both were published in *Chicago’s News and Letters* several years ago and can also be found online at www.freerandgould.com

There is hope HB4101 will pass the Senate because House Bill 5377, which pretty much guarantees a parole to anyone who scores a “high probability” of parole unless the Parole Board can show “substantial and compelling objective reasons” for a denial, was read three times, passed, and sent to the governor on September 5, 2018 for signing, after having been passed by the House in May 2018. I suspect the votes are there for HB4101 too now that the state legislature is back in session.

These bills weren’t written out of kindness or consideration for prisoners, even the old dying ones. They were written because Michigan cannot afford to keep 40,000 prisoners locked-up, or even 25,000, and they certainly can’t afford to pay out on the lawsuits if one of those former “temporary facilities” were to go up in smoke, taking dozens of prisoners’ lives, or more, in the process. So, now is the time let your local state representatives and senators know that you know what is going on behind these fences and walls and that you support these bills, HB5666 and HB4101, if not the abolition of all prisons!

The MDOC and its wardens certainly do not want any of this information getting out or these bills to pass. In fact, the majority of MDOC employees oppose anything that will keep them from swilling the gravy from the public’s trough. The reduction of 63 prisons to the current 30, or 31, means there has been a reduction from 63 to 30 wardens, 63 to 30 deputy wardens, and a corresponding elimination of all other administrative positions, along with guards. Thus, plenty of career tracks have been derailed. In the MDOC, the goal is to wind up a warden – a position that pays more than any other state government job, except governor or supreme court justice – then retire with nearly full pay for life and a dream benefits package. In the interim, wardens get to enjoy all the perks of petty tyrants with absolute control of

their fiefdoms – a prison – and, apparently, no concern for the welfare of prisoners or the rule of law. Because there is little or no oversight of Michigan’s prisons, all the laws, rules, policies, and procedures that allegedly apply to Michigan’s prisons are either ignored, manipulated, or outright flaunted by the wardens and their minions. Like the old Spanish colonial edict, “The law is to be obeyed, not followed.” Consequently, staff corruption is the rule, not the exception, in Michigan’s prisons.

Since 1998, I’ve known of at least four wardens, and even more business managers, who have been forced out (that is, allowed to retire with full pay and benefits) after being caught stealing from the Prisoner Benefit Fund (PBF). These are funded by profits mostly generated from the Prisoner Store and vending machines in the visiting rooms, and sometimes on the compound, and are supposed to be used for prisoners’ benefit, such as buying recreation equipment, books for the library, etc. The funds from the PBF are not to be used to line the pockets of wardens and business managers. Neither are they to be used for institutional needs, yet, currently, they are being used to replace envelopes from prisoners’ incoming U.S. Postal Service mail that the MDOC falsely claims they are unable to search for drugs, primarily suboxone. This is despite the fact that 85% or more of all contraband in prisons across the country is brought in by employees, according to multiple reports generated by inspector general investigations. This is an institutional need, not a prisoners’ need. See Rand W. Gould, “New Mail Policy in Michigan Prisons,” in *The San Francisco Bay View*, January 2018 and at www.freerandgould.com. In 2015, \$35,000 was removed from Thumb C.F.’s PBF to pay for resurfacing the track on the yard in order to comply with the federal Americans with Disabilities Act (ADA), with the other \$35,000 supposedly put up by Thumb C.F.’s administration. Clearly an institutional need, this \$35,000 is required by policy and law to be returned to the PBF. This appropriation of funds under false pretense also begs the question: Since when does an approximately one-inch thick resurfacing of a six-foot wide half-mile track with asphalt, with zero preparation work, cost \$70,000?

Unfortunately, with the advent of JPay in Michigan’s prisons, the mail rooms don’t have that many envelopes to replace or contents to scan, as more and more prisoners and their families rely on e-mail. This allows mail room employees more

time to act as censors. It has gotten to the point where any article that so much as mentions a prison anywhere is banned, with no reports allowed in on rampant, nation-wide prison staff corruption, staff assaults on prisoners (including rape), rotten, maggot-infested food being served, staff smuggling contraband, or aiding prisoner escapes. This is despite the fact that these reports are all over the mainstream news and reported on multiple TV channels, which, for the most part, are not blocked. Even if they were blocked, all a prisoner has to do is make a phone call to get news from the outside. Sadly this is rapidly becoming the case in Michigan. See Rand W. Gould, "A Brief Outline of Unlawful Mail Censorship in Michigan Prisons" at www.freerandgould.com

The prisoners using JPay in Michigan, nearly all of them, are unwittingly enriching the MDOC and its fellow prison profiteers; they are aiding and abetting their own surveillance and censorship. Everything on JPay is thoroughly scanned and then stored for future reference. Recently, Florida's prison system has used prisoners' use of JPay as a pretext for limiting contact visits to twice a month. It won't be long before no physical mail or visits will be allowed at prisons across the country because it can all be done via JPay with e-mail and video visits. To stop this, no one should for any reason ever use JPay. We need a nationwide JPay, et. al., boycott!

If this wasn't bad enough, there's healthcare, or, as we like to call it "we-don't-care", where for \$5.00 a visit in 99.9% of all cases you're told aspirin, Tylenol, whatever, is available at the prisoner store. MDOC's medical provider, Corizon Health, owned by Valitas, which, in turn, is owned by a Chicago investment corporation, has killed more prisoners in the U.S. per year than the terrorists (by terrorists I mean those armed thugs known as the police). According to the Center for Disease Control (CDC) over a third of Michigan prisoners have Hepatitis C. These prisoners are told they can't get treated with medication that has an over 90% cure rate because their "level of infection isn't high enough." This, apparently, means until "we-don't-care" thinks you're sick enough to warrant a liver biopsy to tell you you're dying from lack of treatment. After selling these Hepatitis C-infected prisoners this line of crap for years, a charitable organization donated funds so

these prisoners could get treated and cured. This, despite the law requiring them to be treated at state expense in the first place. See *Estelle v. Gamble*, 429 U.S. 97 (1976).

But that ain't all folks. Corizon doctors are still prescribing Trazodone (Desyrel) as an all-round panacea – as a pain killer, as a sleeping pill, and as an anti-psychotic – when they know it is an extremely dangerous medication that has long been banned by the European Union and most of the world. Go to LEXIS or WEST LAW, enter Trazodone, and you can see for yourself how many people, including prisoners, have died from this shit. But Corizon still prescribes it because they, seemingly, have a warehouse full.

Recently, a friend of mine suffered multiple heart attacks over a period of two years that remained undiagnosed the whole time. He was only 45 years old and exercised regularly up until the first one; then it was all he could do to limp one lap around the quarter mile track. He knew something was wrong but “we-don't-care” – surprise – did not care! After writing and exhausting grievances he filed in court and was taken to a hospital where the heart attacks were diagnosed and a stent or two were put in. He ended up getting a triple bypass operation. He's lucky to be alive.

Dental treatment, an examination and cleaning, is required to be done yearly when it should be done every six months as it is in the community outside. But the MDOC refuses to comply with its own unlawful yearly exam policy. You see, they don't give you a yearly exam and cleaning: they put you on a waiting list to get your exam and cleaning on a “yearly” basis. For example, if you last saw a dentist in June 2017 you have to wait until June 2018 to request an exam and cleaning. Then “we-don't-care” places you on the waiting list and you will not be seen by a dentist until August at best, nor will you receive treatment, such as fillings, until October or November at best. This means next year, 2019 (if you're lucky), you can request to be placed on the waiting list in October or November, ad naseam. This is not a yearly dental exam and cleaning!

All of this is bad enough and brings me to the elephant in the room that comprises Michigan's prisons – racism. Michigan has a population that is approximately 13% black, but has a prison population that is, at minimum, 65%

black. Blacks also comprise more of the population, significantly more, than whites at higher security levels. Not too long ago I was at Alger Maximum C.F., where the prisoner population was near 85% black at Level IV and around 70% at Level II. Now I'm at Harrison C.F. (ARF South), a Level I, where it is only 50% black, although next door (ARF North) it is closer to 70% black. This is true throughout the MDOC. These numbers also confirm that blacks in Michigan's prisons are subject to a significant amount of discriminatory harassment and punitive retribution, especially if they stand up for themselves, as confirmed by recent federal court decisions in concern of Harrison C.F. See *Condon v. Griffin* 2018 U.S. App LEXIS 22029, where a Legislative Corrections Ombudsman's report, completed after a 2-year long investigations, concluded that prison "officials discriminated against inmates based on race, sexual orientation, and sex offender status," and also wrote false misconducts and assaulted prisoners. That report is, apparently, under seal, but I'd love to get my hands on a copy. Jessica Zimbelman, now an assistant defender at the State Appellate Defender Office, was the investigator who did the report, so maybe it can be made available through her or the LCO under the FOIA.

And that is not all. The grievance process has been rendered an exercise in futility since the corruption comes from the top down and investigations, if conducted at all, are total shams, with grievance coordinators more concerned with rejecting grievances for frivolous or non-existent reasons than having the issues investigated. For example, here at ARF S. Ream, the grievance coordinator, rejects grievances for being "vague/illegible" when they're not, and rejects Step I grievances in concern of mail rejections as "duplicates" despite policy PD 05.03.118 (EEE), stating prisoners must appeal the result of an administrative hearing on a mail rejection using the grievance process for each separate rejection. It is a fact that MDOC grievance coordinators don't comply with either the mail or grievance policy. This has been noted by the federal courts. See *Siggers V. Campbell*, 652 F3d681, 693-694 (6th Cir 2011). This is done to thwart prisoners from exhausting their state remedies and complying with the Prison Litigation Reform Act, which requires said exhaustion before a prisoner can file a lawsuit. The court in *Griffin*, supra, at p. 8, also noted, specifically, that ARF "misapplied its own policy in addressing the

original grievance.” I’m currently on “modified access” to the grievance process because of Ream’s failure to comply with policy and outright lying to cover up for massive staff corruption at ARF.

The issues here at ARF, and throughout the MDOC, run the gamut from terrible inedible food to throwing away law books and regular books purchased by the PBF without following policy and procedure. Our law library access, which was bad enough when limited to LEXIS NEXUS, is worse now that we’re stuck with LEXIS ADVANCE. Both go down constantly and there are no hard copy books to go to, so we’re SOL and denied our right to access to the courts. Here at ARF, both libraries are constantly being closed due to the whims and caprices of librarians, who could care less about legal filing deadlines or legal anything. I had one supposed librarian tell me that a contract was not a legal document because “Lansing told her it wasn’t.” In fact, “Lansing told me so” is the mantra used by ARF administrative staff to cover their every illicit act. No wonder nearly every single Step III grievance appeal is rubber-stamp denied by “Lansing”, where the MDOC is headquartered.

In conclusion, “I’m telling you,” like Fred Hampton, former Chicago Black Panther Party leader who the FBI and police murdered, said, “that we’re living in an infectious society right now. I’m telling you that we’re living in a sick society. And anybody that endorses integrating into this SICK society before it’s cleaned up is a man [or woman] who’s committing a crime against the people.” It is not us, it is them – the SICK – and like any disease it is our duty to eradicate it from the face of the earth. Henry and Fred ain’t wrong: humanity has been on the wrong road, suffering from a terrible SICKness, for over 12,000 years. So it’s high time we got back on the right path and returned to the continuum of our millions of years of successful and harmonious existence on our Mother Earth. A good first step –
Abolish All Prisons!

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(This article is based on a speech given over the phone to a group of prisoner rights activists and prison abolitionists in Lansing, MI on 7 July, 2018)