

HUMAN RIGHTS WATCH

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www.hrw.org

September 8, 2009

Governor Pat Quinn
207 State House
Springfield, IL 62706

Dear Governor Quinn:

Human Rights Watch wrote to you in May 2009 to express our concern about conditions at Tamms Correctional Center, Illinois' "supermax" prison. Based on our extensive research on supermax confinement in the United States, we expressed particular concern about confinement of prisoners with serious mental illness, and about the risk that prisoners could be transferred to Tamms for inappropriate reasons or confined there for long periods of time. A copy of our earlier letter is enclosed.

We write again because of new evidence that these problems, which we have documented at supermax prisons in other states, also exist at Tamms. While officials defend the harsh regime at Tamms as necessary to control "the worst of the worst"—prisoners who violently assault staff or other prisoners—a recent investigative report by the *Belleville News-Democrat* stated that more than half of all Tamms prisoners have not been convicted of any crime since entering the prison system. This is consistent with experience in other states in which political pressure to fill expensive supermax beds has led to the transfer of "nuisance" prisoners who accumulate large numbers of minor disciplinary infractions but are not dangerous or disruptive.

The *News-Democrat* investigation also found that 54 prisoners have been at Tamms, in continuous solitary confinement, for more than 10 years, including 39 who have been there since 1998, the year the prison opened. This is an extraordinarily long time for even the most resilient person to endure the harsh conditions at Tamms, and strongly suggests that prisoners are not being reviewed in a meaningful way to assess the need for continued supermax confinement.

Finally, the *News-Democrat* investigation found, consistent with other reports, that some prisoners are held at Tamms despite serious mental illness that significantly impairs their ability to conform their behavior to prison rules. The article profiles one prisoner who was held in solitary confinement, mutilating himself and smearing feces, for nearly six years despite a well-documented history of paranoid schizophrenia. Other Tamms prisoners reportedly cut themselves, eat their own flesh, attempt suicide, and engage in other behaviors that strongly suggest they are suffering from serious mental illness.

In 2006 the United Nations Committee against Torture reviewed the United States' compliance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a treaty ratified in 1994. The Committee specifically expressed concern about "the extremely harsh regime imposed on detainees in 'supermaximum prisons,'" and singled out "the prolonged isolation periods detainees are subjected to [and] the effect such treatment has on their mental health" as a possible violation of US treaty obligations. A facility in which prisoners, some with serious mental illness, are held in solitary confinement for years on end raises grave concerns under the Convention against Torture.

As Governor of Illinois, you have the duty to ensure that the state's prisons operate in compliance with the United States Constitution and with US obligations under ratified human rights treaties. To ensure that this duty is met, we urge you to take the following steps without delay:

1. Ensure that no prisoner with serious mental illness is housed at Tamms, and that all prisoners housed at Tamms are regularly evaluated by a mental health professional to ensure that they are not seriously mentally ill.
2. Provide that prisoners may be transferred to Tamms only if they assault others, escape from custody, or otherwise seriously disrupt prison operations.
3. Require procedural safeguards for prisoners facing transfer to Tamms, including notice of the reasons for the proposed transfer and an opportunity to present a defense. Provide meaningful periodic reviews at which prisoners are considered for transfer to less restrictive facilities.
4. Consistent with security requirements, modify conditions at Tamms to mitigate the damaging effects of solitary confinement. Such modifications could include increased out-of-cell exercise, improved educational and other programming, and enhanced visiting and telephone access to loved ones.

We also endorse the recommendation, made by several Illinois legislators and others, that a Commission appointed by the Mental Health Division of the Illinois Department of Human Services be charged with reviewing mental health policy, standards, and treatment at Tamms and at any other prison where persons with mental illness may be held in isolation.

We urge you to act on these recommendations, and we look forward to your response.

Very truly yours,

A handwritten signature in black ink that reads "David C. Fathi". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David C. Fathi
Director, US Program

Cc: Michael P. Randle, Director, Illinois Department of Corrections
Yolande Johnson, Warden, Tamms Correctional Center