

EXILED IN PURGATORY: US VERSUS THEM

I have been incarcerated for more than 20 consecutive years. I am originally an Oregon prisoner. During that time Oregon has transferred me from state to state under the Interstate Corrections Compact (ICC).<sup>1</sup> I have been housed in more than 15 jails and prisons in Oregon, Idaho, Oklahoma, New Mexico and, more recently, Florida. I have seen my fair share of violence.

I remember reading in the newspaper when I first came to prison the story of a lifer who had come up for parole. He had a realitully minor misconduct history. His worst infraction was for refusing to cell up with a prisoner who had threatened to rape him. The prisoner who threatened the rape did not get the misconduct report, the lifer did. "Disobedience of an Order".

Thats how prison goes. Apparently the Oregon Board of Parole he should have went in the cell and been raped. The Chairman of the board was quoted in the paper telling the lifer prison wasnt the "Hilton". He was denied parole due to the misconduct report.

That is a strange lesson. Over the years I have seen, read and heard other prisoners tell similar stories. Some ended in rape. Usually the victim, for that is what they are, is ridiculed, taunted and mistreated by both fellow prisoners and staff.

During my many travels in the gulags of the U.S. I have also seen disparate treatment between the punishment metted out to prisoners compared to that of guards who commit crimes and misconduct.

Let me describe, for example, a case I recently

read dealing with an Illinois prisoner, Joseph Dole.<sup>a</sup>

Mr. Dole punched Al Frentzel, the Assistant Warden of the Menard Correctional Center in Illinois. No serious injury occurred. However, an assault is an assault.

Mr. Dole was charged with aggravated battery. He accepted responsibility for his actions, pled guilty to the charge, and was subsequently sentenced to five (5) additional years in prison. Seems like a harsh sentence for a single punch that did no harm, except possibly to Mr. Frentzel's ego.

Its what we expect of "Justice", right? We are a nation of laws, right? People cannot just go around willy-nilly punching people, especially "professionals" like Mr. Frentzel tasked with the supervision of convicted persons, right? Right.

Well, following the "Frentzel" incident, Mr. Dole was taken to a prison medical exam room. Standard procedure for many prisons before placing a prisoner in Disciplinary Segregation for an assault like Mr. Dole committed. What allegedly transpired in that exam room wasn't, however, standard operating procedure... or was it?

Several guards, which included the prisons Superintendent Hasemeyer, Superintendent Pickering and prison guard Chandler, entered the exam room, locked themselves in the room with Dole... and, well, they beat him unconscious. The civilian nurse overheard the beating and banged on the door for the officers to stop. When they did not, she began yelling for help. It was only then they stopped beating Dole. It was retaliation for Dole's assault on Frentzel.

The nurse who intervened complained to the Illinois Department of Corrections (IDOC) Internal Affairs Office, which initiated an "investigation". The IDOC also requested

the Illinois State Police investigate. The Illinois State Police (ISP) eventually initiated their investigation.

After the ISP concluded their investigation and the report was made final, it concluded that the allegations were credible, the ISP forwarded their findings to the State Attorney of Randolph, Illinois, for prosecution of the guards. The state attorney, however, refused to prosecute arguing "insufficient evidence, lack of witnesses, and conflicting staff member statements".<sup>2</sup>

Say, what?! When I first read this I wasn't sure I had seen it right. I had to wonder how many people had been sent to death row, and prison in general, on less evidence. Aren't we suppose to put whatever evidence there is on the table and let the jury weigh credibility and sufficient evidence? The victim, Mr. Dole, was an eye witness, the ISP after their investigation found the allegations credible.

That's not how it works when inmates are the victim. Because inmates cannot be seen as victims.

Meanwhile, the IDOC Internal Affairs also concluded that Hasemeyer, Pickering and Chandler violated the IDOC regulations governing the use of excessive force and failed to report the violation. They were "disciplined". In Department of Corrections Administrator code that means they were told not to do it again — or not to get caught, at least.

And that is the common theme in prisons when punishment is meted out to prisoners or guards.<sup>3</sup> I have seen it over and over and over again. It's happened to me personally.

Disciplined. That's a funny word. When prisoners — or even average citizens — are "disciplined" for their violence they are charged and jailed, put in segregation, or,

like Mr. Dole, given more prison time. But when you are a guard — one of law enforcements darlings — you are patted on the back or swatted on the hand, then patted on the back.

The lesson learned by the prisoner victim is: when you are in power over someone else, you can do what you want, just lie to get away with it if you can. The cops do it, why not you to? Prisoners take this to the streets and back into their communities. When ex-prisoners reoffend they often do not feel as much remorse after having been in prison. Why feel remorse for people who let you be victimized.

This is Sociology 101. Guards are suppose to be the model of a proper citizen. Law abiding, honest, and dedicated. But they are not, in my opinion. Prisoners, like all people, individually choose other people as role models and attempt to imitate that person. Some people internalize that hatred and create an "us versus them" mentality. Why should I care or have sympathy if a guard or cop is stabbed, shot or killed? How many people have they done that is kind to and got off with clean hands?

And so the cycle of abuse continues.

I'm reminded of that cycle three days a week, when a young correctional officer, who began working in the Florida State Prison (FSP) less than two years ago, comes onto the unit every day and announces:

"Fuck all inmates! Fuck all you punk bitches!  
You're all fucking scumbags!"

Then spends the rest of his shift calling prisoners "faggot bitches", "punks", and all sorts of other

disparaging names. He isn't even 24 years old yet. I look at him and sometimes hear him say and do things that show he has a good heart — but, I can also see him slowly becoming part of his culture.

In 20 years of prison experience I have learned: 7 out of 10 guards are corrupt and dirty; 2 out of 10 will look the other way; and 1 in 10, like the nurse in the Dole case — might speak up, but when they do nothing ever comes of it.

#### FOOTNOTES

(1) Nearly all the states are a party to the national ICC or to similar regional compacts. See National Institute of Corrections, United States Department of Justice, "Interstate Transfer of Prison Inmates in the United States: Special Issues in Corrections" (Feb. 2006), available at <http://nicic.gov/Downloads/PDF/Library/021242.pdf>

(2) The court pleadings and documents in this case can be reviewed on the United States District Court for the Southern District of Illinois website. The case is Joseph Dole v. Correctional Officer Chandler, et al, case no. 04-cv-61, and the appeals briefs at the United States Court of Appeals for the Seventh Circuit website under Joseph Dole v. Correctional Officer Chandler, et al, case no. 05-1868. A summary of this case can be found at Dole v. Chandler, 438 F3d 804 (7<sup>th</sup> Cir. 2006).

(3) A quick scan of all the reported stories on [PrisonLegalNews.org](http://PrisonLegalNews.org) can illustrate this common theme.

