

Proposed Changes to the Department of Corrections and Criminal Injustice in Virginia

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Proposed Changes to the Department of Corrections and Criminal Injustice in Virginia:
Statement in Support of January 14, 2023 Richmond, VA Rally in Support of Virginia Prisoners
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I have sat down with numerous Virginia prisoners asking their thoughts and concerns for changes in the Virginia Department of Corrections (VDOC) and criminal injustice in Virginia.

CHANGES TO OUR SUPPORT NETWORK

Foremost we'd like to see a revival of a support network that is strategically oriented to struggle for more than just reforms and cycles of mobilizing people to sit in legislative sessions year after year with only the most limited results.

There are already multitudes of laws on the books which SIMPLY AREN'T FOLLOWED. In fact the violations of those laws are the cause of many of the problems we need to have addressed.

We need a support network that is willing to organize independently to address the needs we have, and that looks beyond pleading and rubbing shoulders with representatives of the very system that is the source of our suffering and abuses.

History teaches that the system only strings those who plead for reforms along year after year to keep us coming back begging and legitimizing them, whereas when the people begin to organize to change things independently and expose the true nature of this corrupt system it is then that the system implements a slew of reforms to appease us and win us back over to reformist tactics.

The VDOC exposed its weakness and the sort of organizing that presents a genuine threat to its abuses and business as usual. It did this when it systematically got rid of most of its prisoners who were litigating, exposing and organizing outside protests against its abuses.

They sent all of us out of state and tried to discredit us by stigmatizing and portraying us as monsters; the age old tactic of demonizing resistant slaves to terrify whites into seeing us as enemies to violently contain and repress instead of allying with and supporting us.

This began first with me. I was interstate transferred in 2012 as soon as Harold Clarke was appointed as the first token Black director of the VDOC as window dressing to counter the public exposures and resistance of the racist operations of and abuses within the two unneeded and expensive supermax prisons Red Onion and Wallens Ridge State Prisons (ROSP and WRSP). Exposures and protests that I was instrumental in helping generate.

CHANGES TO THE VDOC

We want these two prisons, Red Onion and Wallens Ridge, CLOSED DOWN. They continue to be unneeded and expensive burdens on Virginia taxpayers that exist to serve a age old agenda of using poor politically empowered hostile white Southern populations to repress and contain politically disempowered populations of color.

They continue to remove Virginia's disproportionately nonwhite prisoner population into regions populated by segregated rural white communities that are culturally hostile to Black and Brown people.

Worse still is that the VDOC under its token Black director has continued tactically locating its newly constructed prisons in such locations.

I can't count the number of prisoners of color who have expressed to me that they never hated white people until they experienced the racism and abuses these Southwestern Virginia prisons.

We want an end to the VDOC tactically interstate transferring prisoners who challenge and expose abuses to prisons and prison systems that are, just like ROSP and WRSP, located in rural segregated white communities where the same and worst sorts of racist abuses are also practiced.

There is a UNANIMOUS desire for conjugal visits and not as a privilege but as a right. The International Convention Against the Crime of Genocide forbids as genocide conditions that reduce the birthrates of a given racial group or nationality of people. This is EXACTLY what the VDOC is doing by denying its prisoners, who again are disproportionately Black and Brown, the ability (indeed the right) to procreate and legally couple with our partners with whom we might reproduce.

The two methods of inflicting genocide or killing off a people is 1) increase their death rate and 2) decrease their birth rate. The culture of violence foisted on our communities, especially by an entertainment and music industry we do not control, achieves the former, while disproportionately imprisoning then denying the ability of tens of thousands of us in every state to reproduce accomplishes the latter. It's a textbook strategy of genocide.

Our daily diet is repulsive. We want food fit for human consumption, and an end to serving us processed meats which the FDA acknowledges is not only unhealthy but carcinogenic. We want fresh and varieties of natural meats, fruits and vegetables.

We want daily outside and out of cell recreation and exercise, which is constantly denied upon claims of staff shortages, especially in prisons located in the VDOC's central and eastern regions. Over half a century ago Virginia's federal courts ruled that denial of outside recreation creates volatile and dangerous prisons. The federal courts have also established that staff shortages and overcrowding are not valid excuses for denying outside recreation. (1)

Here at Sussex 1 State Prison (SISP) we have not received outside recreation in over a month and most cellblocks go days on end without out-of-cell time. Just a few years ago Harold Clarke and this same prison lost a lawsuit for doing the exact same thing to its then death row prisoners, and had to build inside and outside facilities to provide those prisoners regular outside and out-of-cell recreation. (2)

We want the establishment of prisoner legal research facilities that can accommodate ALL the VDOC's populations. The existing system has only one to three research computers per prison that must accommodate over a thousand prisoners at each facility.

Virginia can contract with GTL, its already existing telephone services provider, for tablets that have not just the telephone system on them but also access to an electronic legal research database. This system is available and used in other prison systems where I have been confined such as Indiana and Ohio.

We want an end to the use of K9s (euphemistically called working dogs) in VDOC prisons. These animals are used not only to abuse but are themselves abused. We saw the abuse right here at SISP with the mutilation of Curtis Garrett on Christmas day 2020 when two K9s were set upon him and guards beat him. He lost use of his hand and a leg and was transferred to WRSP where prisoners are sent for tactical abuse and retaliation from these eastern and central facilities. At WRSP he was denied medical treatment, resulting in infections of his bite wounds and permanent impairment. (3)

And we must not forget the practice of VDOC K9 units teaching handlers to masturbate the dogs which was exposed in 2009 and 2010; blatant criminal animal cruelty and bestiality. (4)

The use of these animals to terrorize and maul Virginia's disproportionately Black and Brown prison populations is a direct continuation of the state's racist slave era practice's. Hounds were a primary weapon of terror used against slaves. (5)

Not only this but in 2006 Human Rights Watch wrote a report exposing the use of K9s in 9 U.S. prisons and jails to terrorize prisoners just as military dogs were abused against Arab detainees which was exposed in an international scandal in 2004. (6)

But SOMEHOW Virginia was overlooked as a state that not only uses dogs in this manner, but uses them to actually attack and maul prisoners. A cursory review of federal litigation attempts by Virginia prisoners reveals a massive number of lawsuits filed about the abuses of dogs and maulings of prisoners. How has Virginia gotten away with this? How has the practice avoided public exposure and scrutiny? We need a different and more aggressive sort of support and protest.

There are a range of other changes prisoners want, including adequate health care and public accounting for our care. In 2003 the ACLU exposed the VDOC was killing multitudes of prisoners through medical neglect, hiding their deeds, and the deaths and causes by citing privacy protocols. (7)

This needs to be countered. Which I can attest to because these officials have tried quite blatantly to kill me by medical neglect, leaving me with untreated cancer for over a year after blood tests showed I likely had it and over 6 months after positive diagnoses by biopsy.

We want an end to receiving contaminated drinking water at Sussex 1 and 2 State Prisons. The water at both these prisons is frequently contaminated and brown in color. They give off a putrid smell and staff as forbidden from drinking it and are given free bottled water to drink. Prisoners are forced to drink and bathe in this water and cannot receive free bottled water. Boiled water alerts are frequently issued but we cannot boil water in general especially in segregation units and during frequent lockdowns. As noted many cellblocks never come out of their cells for exercise anyway.

We want an end to the ongoing use and abuse of solitary confinement in Virginia prisons. The VDOC continues to confine prisoners for months to years on end in solitary, euphemistically called Restorative Housing. The change is in name only. In fact the VDOC is at present the defendant in a federal class action lawsuit challenging this housing which has earned it a negative ruling from the court and it's finding that the Restorative Housing status is in fact solitary confinement and unlawful. (8) And not just this but VDOC officials have been retaliating against the prisoners who brought that lawsuit. (9)

These are just some of the changes that many prisoners have expressed a desire to see in the VDOC and Virginia criminal injustice system.

Dare to Struggle Dare to Win!

All Power to the People!

Endnotes:

- 1) See, Gilland v. Owens, 718 F. Supp. 665, 685 (W.D. Tenn. 1989) (lack of staff does not provide penological justification for lack of exercise)

- 2) See, *Porter v. Clarke*, 923 F. 3d 348 (4th Cir. 2019)
- 3) Keith Sanders, "Virginia Prison Guards Attack Prisoners With Dogs," PRISON LEGAL NEWS (Aug. 2021), p.54,
<http://prisonlegalnews.org/news/2021/Aug/1/virginia-prison-guards-attack-prisoners-dogs>
 Theresa Vargas, "Virginia is using dogs to 'terrify and attack' prisoners, say lawsuits that describe oneman as mauled in his cell" WASHINGTON POST (Mar. 6, 2021)
[http://washingtonpost.com/local/virginia-is-using-dogs-to-terrify-\(\)](http://washingtonpost.com/local/virginia-is-using-dogs-to-terrify-/)
- 4) Matthew Stabley, "Corrections Officers Take 'K-9 Handling' Too Far: Five Face Animal Cruelty Charges After One Was Filmed Masturbating A Dog," NBC Washington (Oct. 29, 2009), <http://www.nbcwashington.com>
 David Reuter, "Virginia DOC K-9 'Training' Results in Animal Cruelty Charges," PRISON LEGAL NEWS (Apr. 15, 2010)
- 5) Larry H. Spruill, "Slave Patrols, 'Packs of Negro Dogs,' and Policing Black Communities, PYLON (1960-), Vol. 53, No. 1 (Summer 2016), pp. 42-66,
<https://www.jstor.org/stable/10.2307/phylon1960.53.1.42>
 T.D. Parry, "Slave Hounds and Abolition in the Americas" (2020),
<https://academic.oup.com/past/article/246/1/69/5722095>
 Charlton Tingling and Tyler Parry, "The Canine Terror," (2016),
<https://jacobinmag.com/2016/05/dogs-bloodhounds-slavery-police-brutality-racism/>
- 6) "Cruel and Degrading: The Use of Dogs for Cell Extractions in U.S. Prisons (Oct. 2006)
[http://hrw.org/print/reports/2006/10/09/cruel-and-degrading-\(\)](http://hrw.org/print/reports/2006/10/09/cruel-and-degrading-)
 Seymour Hersh, "Torture at Abu Ghraib: American Soldiers Brutalized Iraqis. How Far up Does Responsibility Go?" THE NEW YORKER (May 10, 2004)
- 7) Laura LaFay, "Accountable to No One: The Virginia Department of Corrections and Prisoner Medical Care, ACLU of Virginia (May 2003)
 Matthew T. Clarke, "Bad Medicine, No Oversight, Total Secrecy: ACLU Reports on Virginia DOC Prisoner Medical Care" PRISON LEGAL NEWS (Dec. 2003)
- 8) See, *Thrope v. VDOC*, 2021 U.S. District LEXIS 112284 (W.D. Va., June 15, 2021)
- 9) Kevin "Rashid" Johnson, "Retaliation for Litigation: Virginia Targets Prisoners Suing Against Solitary Confinement" (2022) <http://rashidmod.com/?p=3243>