

EXILED IN PURGATORY: CONTROLLED FEEDING

Whether one likes it or not, "[f]ood is one of the basic necessities of life protected by the Eighth Amendment"¹ of the U.S. Constitution. Thus, prison officials are required to provide food to prisoners.

Generally, the denial of food can violate the Eighth Amendment, but that doesn't always stop guards from denying prisoners food on a regular basis or using it as punishment. Courts have found anything from a 12-hour deprivation as "obviously" unlawful to a three or five-day denial as "possibly" unlawful. The U.S. Supreme Court has stated the denial of food to a suspect in police custody as a type of "physical punishment" that can render a confession involuntary.²

The police and prison guards, however, routinely deny prisoners meals for arbitrary reasons, including to incite the prisoner to act out in anger so the guard can then justify the use of force. Sometimes, as was recently shown in the Florida Department of Corrections (FDOC), it is used as a form of torture.

While prison food is constitutionally required to be "nutritionally adequate", at least 2000 calories, it is not required to be warm, appetizing or prepared and served by "free world" sanitation standards (and it never is). A 2000 calorie diet is not necessarily "adequate" for men who are subject to daily hard labor and exercise routines.

Now that prisons are becoming more high-tech with security camera's and other devices the guards have turned to "ghost trays" and "controlled feeding" as food punishment. Ghost trays are empty trays given to a prisoner to make it look on

camera like they are feeding when nothing is really on the tray. Controlled feeding is a "legal" food punishment.

Over the last 21 years I've been subject to denial of food (once for 13½ days), "reduced rations", and what is known in Oregon as "nutra-loaf". While the courts have placed some limits on guards ability to use food as punishment it does little good. When guards are given a free unmonitored ability to use a punishment it is always abused.

For example, "controlled feeding" is legally only supposed to be used for short periods of time and even then only if a prisoner has thrown food or feces. However, I've been placed on it for "disrespect to staff". In other situations, officers will "flip" trays. That is, place the tray on the cell door food slot and quickly apply pressure on one side, thus, "flipping" the tray. They then blame the inmate for throwing the tray. I've been the victim of this twice in the FDOC.

Flipping a tray allows the guard to place a prisoner on controlled feeding. Or what we call in Oregon "nutra-loaf". Nutra-loaf is a vile piece of culinary work. Each state has their own special recipe with names like "food-loaf", "grue", "jute balls", "muck" and "shit with no shingle". It is an unappetizing substance made by mixing various foods and baking them into a "loaf" or paste.

It is so revolting that most prisoners wouldn't touch it with someone else's mouth. In Oregon it is about the size of ½ a loaf of bread served on a paper tray. It smells like a warm turd cooked over with a light crust. It tastes the same. In Florida, it is only about the size of two pieces of bread (I believe intentionally small). I have no idea what

goes into Ultra-loaf. We speculate: Musk rat? Skunk?
Vulture poop?

Laugh now, but it is a tough row to hoe. Guards can leave you on it a minimum of three days and up to seven before "renewing" your order. Most prisoners don't eat during that time. They slowly deteriorate mentally and physically. Mentally it is one thing to choose not to eat on your own, but when your food is intentionally denied the destructive force it produces psychologically is terrible, often leading prisoners to attempt suicide (again, as recently shown in Florida). Guards know this. But it provides them with a "legal" way to deny food and "justify" it based on a prisoners alleged behavior.

FOOTNOTES

(1) Knop v. Johnson, 667 F.Supp. 512, 525 (W.D.Mich. 1987),
aff'd in pertinent part, 977 Fed 996, 1000 (6th Cir. 1992)

(2) Schnecko v. Bustamante, 412 U.S. 218, 226 (1973)