

Jacob Barrett # 207320  
Santa Rosa Correctional Institution  
3850 East Milton Road  
Milton, FL 32583

31, December 2015

Mr. Jeff Butera - WZVN  
Waterman Broadcasting  
3719 Central Avenue  
Fort Myers, FL 33901

RE: Response to Questionnaire

Dear Mr. Butera:<sup>1</sup>

I received your questionnaire (undated) Postmarked December 21, 2015. Thank you for contacting me about my perspective on solitary Confinement. I will try to answer each of your questions in as much detail as possible:

**(1) How long have you been in solitary confinement (close management)?**

First, it is important to point out I am an Oregon Department of Corrections (ODOC) prisoner housed in the Florida Department of Corrections (FDOC) pursuant to the Interstate Corrections Compact (ICC), which allows states to “trade” prisoners for various reasons.<sup>2</sup> I had never set foot in Florida prior to my transfer here in 2012.

I have been incarcerated more than 21 consecutive years (since September 1994.) It was my first criminal offense. I was given a life sentence.

During that time, I have been housed in more than 18 jails and prisons in Oregon, Idaho, Oklahoma, New Mexico, and Florida. So, I have been exposed to a broad degree of “Supermax” (solitary confinement) Facilities.

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<sup>1</sup> This is a typed version of the handwritten letter to Jeff Butera. I typed this on January 9, 2020 to make it easier to read and scan. The copy of the handwritten original is available for review on request.

<sup>2</sup> 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>

In Oregon I spent more than a decade in and out of two Intensive management Units (IMU). I never spent more than 60 days in general population before being placed back in IMU.

In May 2007 Oregon transferred me to Oklahoma pursuant to ICC. I was placed in the Oklahoma State Penitentiary's "H-Unit". H-Unit is Oklahoma's version of solitary. It is built partly underground. Not only are you isolated, you are literally buried underground. I spent more than 2 ½ years on H-Unit.

In August 2010 Oregon transferred me to New Mexico. I was housed at the New Mexico State Penitentiary on the Level 5 and Level 6 units - New Mexico's version of solitary. I spent more than 2 ½ years on Level 5 and 6.

In December 2012 Oregon then transferred me to Florida pursuant to the ICC. I was initially placed in general population. That didn't last 60 days before being placed in Close Management (CM) – Florida's version of solitary. I have been in CM since.

Of my 21 years in prison I have spent 20 years in solitary confinement.

## **(2) What do you do all day?**

There is no sensory stimulation in solitary. What you can do to maintain a grip on reality and sanity is limited.

I begin my day by waking up between 4:00-4:30 AM. Usually as soon as the cell lights are turned on.

I have a small battery powered AM/FM radio. I'm lucky in that respect as most prisoners in solitary don't have a radio. As soon as I wake up I immediately put on my headphones to catch the morning news. I keep my headphones on until around 9:00 PM.

I listen to National Public Radio (NPR) most of the day. NPR has a lot of good programming. Not all the fear mongering you get from some stations like FOX. It is also the only way to stay connected with the outside world.

I spend most my day writing. I write letters to family and friends, posts for my Facebook page, essays, and I've been working on a few book manuscripts. From time to time I will pen a poem. Anything to occupy my mind even in the most limited way.

I also do a little drawing. While in solitary in Oregon I taught myself to draw. It was a turning point in my life. I don't put as much time into it as I should though – because I'm doing a lot of legal work.

I also read. Not so much at this prison because the library is terrible. I have family and friends who send books each month.

I mostly read nonfiction and Irish history/cultural books. I just finished the play: "The Kings Threshold" by William Butler Yeats.

I participate in the “educational” courses offered by the prison. These are nearly worthless for anyone looking for genuine work skills. They are simply basic math, social studies, language, etc. The packets take less than 5 minutes to complete. You’ll get two or three a week. Photocopied pages.

They have a cage outside you can go to once or twice a week. I have not gone to recreation since I have been in CM.

**(3) How has being in solitary confinement impacted you, both physically and mentally? (Be as specific as you can)**

This is a difficult question to answer. How do you meaningfully sum up and articulate 20 years of mental and physical deterioration?

I once read a study by social psychologist Erik Erickson<sup>3</sup> that can be applied to solitary confinement today.

Erikson pointed out that many changes occur throughout a person’s adult life that shape a person’s sense of self and ability to perform social roles successfully. This is important because it demonstrates that even throughout our adult lives our identities can change by our experiences. Erikson demonstrated, for example, that soldiers combat experiences can produce damaged identities. It changed how they see themselves and the world. Prison is similar to the combat experience in many ways.

Erickson postured that self-identity takes center stage in the social process whereby the individual chooses other people as reference group/models and attempts to imitate their behavior in particular roles. Erikson showed every phase of life requires additional socialization to resolve new conflicts presented to them at each phase of their adult lives.

This is true if someone is a soldier, prisoner or an average citizen.

Now, if you take a 20-year-old, for example, and place him in isolation for years on end in near total sensory deprivation, through the critical growing phases of his adult life, he will quickly lose the sense of self and ability to grow and adapt. His reference models become other broken men and sometimes abusive guards. This becomes a perceived “normal”.

When that same person is steeped in this constant threat of violence, a witness to murders, stabbings, rapes, assaults, threats, etc. It is internalized. It is the reference point in which you judge the world.

Every prisoner deals with it differently. Some cut up, go slowly insane, become more violent as means of protection, or commit suicide. Their mind slowly deteriorates. That is isolation.

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<sup>3</sup> Erickson, E. *Childhood and Society*. New York: Norton (1963)

I have Post Traumatic Stress Disorder (PTSD) and Bipolar. In 2009 I was given a psychiatric exam. The doctor determined, after 35 different tests, that solitary confinement had exacerbated my PTSD having witnessed murders, rapes and general chaos in prison.

I have become emotionally stunted. I am often confused by general acts of kindness by strangers. Even a simple, "How are you doing today?" by someone can send me into an anxiety attack. I wonder what is about to happen or is it legitimate. You become hyperaware.

I have lost the ability to cope with being around other people. I am hypervigilant and hypersensitive. There is so much stimulus coming in, which you haven't dealt with before, it becomes impossible to judge or react to other people's movements and actions.

This is analogous to a cop trained to see everything and everyone as a threat. They sometimes become hypervigilant. They see every movement or action as a possible threat, and as a result, people who are unarmed and no threat are shot dead.

In both cases it becomes a matter of poor conditioning. You lose the ability to meaningfully judge and react to a situation because the only thing in which you have to judge it is the environment you were conditioned in.

At one point I was 235 lbs. I worked out every day. I tried to keep my body in good condition. I am now 160 lbs. I can't remember the last time I worked out and I've begun to have heart problems.

I'm constantly depressed, I get angry over the smallest thing. Even someone dropping a cup a few cells away is enough to startle and then upset me.

I have watched people go from guys who made bad choices in their lives to hardened men unable to deal with even daily life in prison. Some paroled and immediately reoffended or die of drug overdoses. They are thrown back into society with no work skills, no education, no money, and lacking the psychological ability to deal with the world throwing stimulation at them they may have never dealt with before.

If you take a dog and put it in a cage, then mistreat it, poked sticks at it, tell it how evil and bad it is, then let it loose – it will bite someone.

Sometimes I go so long without speaking it feels strange to hear my voice when I do use it.

It's become hard to express emotion even in letters. Everything comes out so plain and blank. I don't know how to express joy or happiness anymore. Frustration, desperation and anger are the norm for me.

#### **(4) How has solitary confinement changed you?**

I'm not sure exactly what you mean by this question. Solitary confinement doesn't change anyone for the better.

If anything, the people I have met while in solitary – prisoners, guards and pen pals – are what changed me. Those relationships began to open my eyes to life being more than just about me.

I credit people like Lois Ahrens of Real Cost of Prisons Project<sup>4</sup>, environmental activists at Earth First who took the time to share their worldview and opinions with me, without judgment of me or any expectations. They listened to me when no one else would, they opened my mind up and gave me a voice.

I credit men who, in solitary themselves, looked beyond my personal flaws to plant seeds, they knew might not grow, and help change how I see the world and want to interact with it.

I am by no means perfect. I am no model prisoner. But I am a better man because of these relationships I made while in solitary, and they continue to help me evolve as a person.

They are what has changed me, not the prison system, not solitary, but the people who cared enough to take a chance on me. And through them I have learned to do the same. They have created a desire in me to help my fellow prisoners in any way I can. Solitary had no hand in it.

I have also grown to appreciate the value of the constitution and civil rights.

##### **(5) How do the guards treat you?**

I want to start by saying I do not see guards as my enemy. Nor do I subscribe to the “us v. them” mentality. There are a lot of good hard-working people employed as guards. Most of them are trying to do their job and put food on their family’s tables.

However, the problem in Florida is the culture of corruption and violence by guards on inmates is deep seated. The good officers are outnumbered by the bad ones.

I have never witnessed guards’ misconduct to the degree I have in Florida. And considering some of the places I’ve been in, that’s saying something.

It is also a matter of degree. Some prisons are worse than others. But at all of them there is an open encouragement of inmate on inmate violence, rape, prostitution and other misconduct.

Officers are openly racist and homophobic. I have personally seen officers with tattoos identified solely with white supremacy organizations. (I can attest to knowing white

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<sup>4</sup> Realcostofprisons.org

supremacy tattoos because I use to belong to the Oregon based Aryan Soldiers, and I am familiar with all the symbolisms).<sup>5</sup>

I was personally assaulted at the Florida State Prison while fully handcuffed and shackled because I filed a grievance on staff. I was moved to another unit by administrators for my protection from staff.

I have been called every name in the book by staff and treated worse than an animal. I've been given false misconduct reports, had food trays thrown on me and generally made to feel that without question I am "other than".

That being said, I have also met some incredibly professional staff who are honestly struggling to change the culture in Florida prisons.

A few months ago Santa Rosa installed the audio recording devices on each unit. There has been a marked change in how staff talk to prisoners and deal with them. I see it as a positive step in the right direction.

The question is whether Florida is going to continue to make change to improve the working conditions for staff and living conditions for inmates.

**(6) What would you say to someone who says you committed a crime and should be punished for that crime?**

I certainly believe I deserve prison time for my crimes. But I wasn't sentenced to be beat and treaded like an animal. If someone thinks its okay to beat and abuse prisoners that way then that says more about their character than my crimes.

I've never said I shouldn't be punished for my crimes. I've spent more than 20 years in prison for my crimes. I'm punished everyday of my life because I cannot hold my daughters. I never got to watch them grow up. My mother died a painful death from cancer while I sat in solitary unable to speak with her, no creature comfort could ever cover those hurts, Punishment isn't what you take away from someone; its separation from society.

And just because someone thinks a more severe degree of punishment is just, doesn't make it so. It does not mean it is beneficial to rehabilitation and sending people back out into society better than when they went in, not worse.

In the Egyptian Book of the Dead, the God Thoth said: "Truth is the harvest scythe. What is sown – love or anger or bitterness – that shall be your bread. The corn is no better than its seed, then let what you plant be good." A few thousand years later Jesus said: "As you sow, so shall ye reap."

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<sup>5</sup> I was a founding member of A.S. I eventually left the gang, renounced racism and discrimination in all forms, and actively advocate for LGBT rights. Many of my past associates have not done so well. (Google the name David "Joey" Pederson and you will see)

Prison is a field like any other. If you want to build a better society you have to be willing to build it everywhere, not just the places that are convenient for you.

**(7) Why did you go on a hunger strike?**

I went on the hunger strike to:

- (a) Secure religious exercise rights for myself and other prisoners;
- (b) (b) to stop the long-term inhumane and unnecessary hash sensory deprivation in CM;
- (c) To stop prison guard brutality carried out by FDOC guards against prisoners, including a disproportionate use of excessive force and homicides as a means of corporal punishment;
- (d) To stop discriminatory and bigoted treatment by FDOC guards against gay and transgender prisoners and racist treatments against black prisoners;

**(8) Did your hunger strike accomplish anything?**

Absolutely I was able to be heard and documented my complaints. I have filed two lawsuits in Oregon against Corizon Medical Health Services, Inc, and the FDOC as a result of their conduct.<sup>6</sup> I certainly believe in the long run those suits will change how Corizon and the FDOC do business.

I gained a number of supporters who have been helpful in documenting other abuses as well. There were other benefits as well, but because of the two pending lawsuits I don't want to elaborate on that at this time.

**(9) What would someone be surprised to know about solitary confinement in Florida?**

At FSP, some prisoners have not left their cells in more than a year to shower. More than 60% of the prisoners take what is called "bird baths" in their cells. That is washing in their sink; Staff still mark prisoners as going to showers when they don't.

If a prisoner goes to the shower staff will sometimes ran-sack their cell. So, prisoners simple refuse to go to shower or yard, Staff do that for exactly that reason. Sometimes staff will send prisoner "run-around" to go to each cell to tell prisoners, "If you go to shower tonight Sarg will tear your cell up."

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<sup>6</sup> Barrett v. Corizon, et al, case no. 6:15-cv-00971-MC in the U.S. District Court of Oregon; see also Barrett v. Florida Department of Corrections, case no. (not assigned yet), in the Marion County Circuit Court of Oregon.

The prisoner two cells away from mine, right now, regularly smears feces on his wall. Each day he puts his property by his cell door and tells staff he's ready to go home. He's not set for release for five years. He's so mentally deteriorated he doesn't know where he is. But they leave him in the cell rather than move him to a psychiatric unit. He's only one of many prisoners in CM like that.

**(10) How would you change the system?**

This is a complex question. The short answer is the U.S. as a whole need to adopt the Norwegian Halden model. The U.S., at one point, was on track to do that more than 50 years ago but abandoned the plan.

However, since that is unlikely, I would start with this:

- (1) Allow prisoners to start rehabilitative clubs such as Lifers Club, African American, Hispanics and Native American Clubs. This is what Oregon does at the Oregon State Penitentiary. It allows prisoners to generate funds for prison activities – thus, lessening the burden on the state – helps prisoners gain social, administrative, organizational skills, and connects prisoners with their communities who have an interest in seeing them rehabilitated;
- (2) Expand education opportunities by allowing prisoners to obtain state grants to take college level courses to gain skills and an education necessary to find employment when and if released;
- (3) Permit prisoners to buy art materials such as colored pencils, paints, art paper, etc., to develop artistic skills, which have marketable value. Currently the FDOC prohibits this. I even have a lawsuit pending on this in Oregon<sup>7</sup>;
- (4) Allow prisoners to purchase and possess personal TV's in their cells. This will help reduce violence, provide a tool for behavior management, broadcast educational and religious services, and keep prisoners connected to the outside world.;
- (5) Enhance religious exercise access for prisoners, including permitting Native American prisoners to have sweat lodge;
- (6) Remove prisoners with mental health problems from CM;
- (7) Cease contracts with for-profit corporations like Corizon, and run the FDOC's mental health and medical services inside the prison. Any state that relies on for-profit corporations like Corizon to run a state's medical and mental health facilities indicates elected officials are unable to effectively manage their prisons and reek of corruption<sup>8</sup>;

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<sup>7</sup> Barrett v. State of Oregon, et al, case no. 6:14-cv-01204-H2 (on Appeal in 9<sup>th</sup> Circuit now).

<sup>8</sup> See [prisonlegalnews.org](http://prisonlegalnews.org) for info on for-profit corporations and corruption involving them and Corizon.



These are the most obvious changes that should be made to help improve the system and begin creating an atmosphere of normalization which will turn people back out into society better than when they came in.

**(11) What else would you like to add?**

Florida citizens should be aware that prisoners housed in Florida under the ICC, such as myself, are costing the state hundreds of thousands of tax dollars.

States like Oregon use the ICC to send prisoners like me who have medication, health problems and are often in isolation (which is more expensive than general population housing) while only accepting prisoners who have no health costs. This allows Oregon to get rid of expensive prisoners while only accepting cheaper prisoners.

Further, it opens up Florida for Liability in the Oregon courts for their conduct in Florida. For example, while housed in Oklahoma prison officials interfered with my legal mail. I sued them in Oregon, eventually won on appeal, and settled for \$5000. They spend four years and more than \$30,000 litigating. They promptly realized that was not tenable. They asked Oregon to remove me. Florida is now being sued by me in Oregon.<sup>9</sup>

I've now settled more than 10 lawsuits I've litigated myself. By accepting out of state prisoners Florida is exposing itself to the possibility of massive damage suits in other state courts. What makes FDOC official's think they can safely house out-of-state prisoners when they can't even safely house their own?

Mr. Butera, I want to thank you for writing me about this issue. I hope these answers are helpful. If you have additional questions please feel free to follow up. I can point you to evidence, describe specific situations or otherwise expand on what I've already written.

I hope you had a good holiday season and happy New Year.

Respectfully,

Jacob Barrett

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<sup>9</sup> Barrett v. FDOC, Id.