



Prisoners Legal Advocacy Network (PLAN)
National Lawyers Guild – Delaware-New Jersey Chapter
C/o Prison Law Project
132 Nassau Street, Room 922
New York, NY 10038

September 11, 2017

TO: Mr. John Caraway, Regional Director
South Central Regional Office
Federal Bureau of Prisons
344 Armed Forces Drive #300
Grand Prairie, TX 75051

Via Hand Delivery and United States Mail
Via SCRO/ExecAssistant@bop.gov

CC: Mr. Thomas R. Kane, Acting Director
Federal Bureau of Prisons
Central Office HQ
320 First Street, NW
Washington, DC 20534

Via United States Mail

CC: Mr. Charles Daniels, Warden
United States Penitentiary Beaumont
6200 Knauth Road
Beaumont, TX 77705

Via United States Mail
Via BMP/ExecAssistant@bop.gov

Mr. Carraway:

The Prisoners Legal Advocacy Network (PLAN) administered by the Delaware-New Jersey chapter of the National Lawyers Guild hereby advises you of the persistently unconstitutional conditions of confinement that are reportedly being endured by the 2,109 prisoners at the United States Penitentiary at Beaumont, Texas whom the Federal Bureau of Prisons elected not to evacuate before, during, or after the devastating Hurricane Harvey. We hereby demand the rectification of these alleged violations, and the provision of constitutional conditions of confinement, such as adequate drinking water, food, medical care, and sanitation.

1. The National Lawyers Guild (NLG) is the oldest and largest human rights bar association in the United States, and the only public interest bar organization that includes jailhouse lawyers as full participating members. The Prisoners' Legal Advocacy Network (PLAN) administered by the NLG Delaware-New Jersey chapter unites lawyers, legal workers, law students, and jailhouse lawyers to advocate for constitutional conditions of confinement for prisoners.
2. The Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) Risk Mapping, Assessment, and Planning (Risk MAP) program "identifies flood hazards, assesses flood risks and partners with states and communities to provide accurate flood hazard and risk data to guide them to mitigation actions." ¹
3. Through FEMA's flood hazard mapping program, Risk Mapping, Assessment and Planning (MAP), FEMA "provides states, tribes, and local communities with flood risk information and tools that they can use to increase their resilience to flooding and better protect their citizens. By pairing accurate floodplain maps with risk assessment tools and planning and outreach support, Risk MAP has transformed traditional flood mapping efforts into an integrated process of identifying, assessing, communicating, planning for, and mitigating flood-related risks." ²

¹ <https://www.fema.gov/national-flood-insurance-program-flood-hazard-mapping>

² https://map1.msc.fema.gov/data/FRP/FRR_Jefferson_Coastal_20160303.pdf?LOC=3bfc777e28ea79dee0ba3fc6aa416784

4. The October 2014 FEMA Flood Risk Report for Jefferson County Coastal Project Area, Texas found that, in the vicinity of U.S.P. Beaumont: “Natural drainage is generally poor as many of the streams have shallow meandering channels. ... Principal flooding problems include stream overflow cause by rainfall runoff, ponding, and sheet flow, **and from tidal surges caused by hurricanes and tropical storms.**” (emphasis added) ³
5. It is well-documented fact that coastal regions and floodplains are vulnerable to tropical storms and hurricanes. All indications are that the Federal Bureau of Prisons has long had access to considerable information and support, from agencies such as FEMA, to plan for and mitigate flood-related risks.
6. The vulnerability of Texas prisons to hurricane conditions is a well-known and longstanding problem that traces back at least to Hurricane Ike (2008). We note, for example, that in excess of 130 lawsuits were filed by prisoners housed in a Beaumont, Texas facility administered by the Texas Department of Criminal Justice in late 2008, asserting that “the living conditions after the storm [Hurricane Ike] violated their civil rights.” Prisoners also formally contested prison officials’ failure to evacuate prisons in the storm’s path at that time. ⁴
7. The Federal Bureau of Prisons had adequate foreknowledge of the flood risk in the vicinity of U.S.P. Beaumont.
8. All evidences and appearances are that the Federal Bureau of Prisons had ample notice of the widespread concerns about alleged constitutional rights violations that emerged following a previous failure to evacuate a Texas prison in the path of a forecasted hurricane.
9. Hurricane Harvey made landfall on the Texas Gulf Coast on August 25, 2017, with wind speeds exceeding 130 miles per hour. The Beaumont area experienced flooding and damage to infrastructure (such as power outages) following the storm.

³ FEMA, *Flood Risk Report: Jefferson County Coastal Project Area, Texas*. Washington, DC, 10/15/2014, page 18.

⁴ Colin Guy, “Prisoners in LeBlanc Unit File Suit, Claim Hurricane Ike Should Have Prompted Evacuation,” *Beaumont Enterprise*, December 12, 2008.

10. The Federal Bureau of Prisons represents that its Mission includes administering prison environments that are “safe” and “humane.” This Mission is consistent with Bureau policies and *Code of Federal Regulations* provisions responsive to prisoners’ constitutional right to be free from cruel and unusual punishment, as interpreted by prevailing case law.
11. Prisoners are entirely dependent upon prison administrators for their safety and wellbeing. They have no means of preparing for, or protecting themselves from the effects of, natural disasters while incarcerated.
12. We note with concern that, contrary to the above-cited representations regarding Federal Bureau of Prisons’ concern for the safety and well-being of prisoners entrusted to the Bureau’s care, the official FBOP Hurricane Harvey Update dated August 30, 2017 focused predominantly on reporting about the safety of staff and the protection of the public. It appears that it was not until the following day that the non-evacuation of prisoners and reference to conditions relating to “both inmates and staff” were reported to families anxious to know the fates of their loved ones during a period of disrupted communications.⁵
13. Please be advised that we are in contact with dozens of prisoners in the custody of U.S.P. Beaumont and their family members. We are in receipt of both direct eyewitness accounts of events at U.S.P. Beaumont, and reports from family members who are in sustained contact with facility prisoners, to include affidavits that attest to representations under penalty of perjury.
14. These reports of conditions at U.S.P. Beaumont, from the time of Hurricane Harvey to the present day, are remarkably consistent. Reports of unconstitutional conditions of confinement at U.S.P. Beaumont are independently corroborated through these wide-ranging reports, which we consider credible.
15. There are compelling indications that formal Federal Bureau of Prisons statements assuring an “adequate food and water supply,” and that flooding affected only areas of the facility “where inmates are not being housed,” are not accurate representations of fact.

⁵ https://www.bop.gov/resources/news/20170830_hurricane_harvey_update.jsp

16. We attach as exhibits to this statement the written accounts of (5) U.S.P. Beaumont prisoners, and (1) U.S.P. Beaumont prisoner family member from the outside community, as indicative examples of the reports we are receiving regarding conditions at the facility in the aftermath of Hurricane Harvey. We draw your attention, in particular, to the following excerpts:

- “On the 30th we were only served 2 meals and the noon meal was the last one. We were told when we complained that the extra peanut butter pack served as our evening meal. We were not told at the noon meal that we would not be given food for the remainder of the day.”
- “On the 4th we discovered that our emails had been taken. There was a 5 email a month restriction placed on our emails without notice and it was retroactive. I was unable at this point to use my email until it was restored on 7th. At this time we still hadn't received and no access to the post office. I believe it was an attempt to quiet the protestations and complaints by the inmates.”
- “Throughout this process hot meals and cold water was hand delivered to the officers which shows that they means to properly provide for us was available however the will was not.”
- “There are a large number of voiceless inmates here who can't speak for themselves, due to their being locked down in 2 or 3 man cells with no water, no air conditioning, and no means of flushing their toilets. These inmates are further incapacitated by the incursions imposed upon their ability to communicate with their families, owing to their being denied usage of the telephone or e-mail.”
- “Inmates here are totally dependent upon the administration for their safety, care, and well-being. Their responsibility towards inmates cannot be dismissed, or ignored, for the sake of convenience or expedience.”
- “Electricity has been sporadic with total black-out conditions at times.”
- “Here at the Low facility we were only given 2 bottles of water the first day that the water supply was cut off. This amount was grossly insufficient to prevent dehydration or to mitigate the possibility of heat exhaustion. We have no air conditioning in the building, and the sweltering heat within

these buildings presents a real health risk and health hazard. With the entire city of Beaumont being without water, this has resulted in there being no water for drinking, bathing, or flushing toilets. Toilets at the Low facility are replete with feces that just sits in the commodes, because there is no water to flush the toilets.”

- “The administration ordered Port-A-Potty units; however, failed to order a sufficient number of these units to accommodate the entire number of inmates at the Low facility. There are currently 1,812 inmates at the Low facility. There are 3 buildings at the Low facility, with each building having 4 individual units (e.g., SA, SB, TA, TB). Each individual unit houses approximately 100+ inmates, rendering 400+ inmates per building. There were 8 Port-A-Potty units provided to each building. Each Port-A-Potty unit can accommodate 10 usages, with anything in excess of this number rendering the units unsanitary. Eight (8) Port-A-Potty units can accommodate a total of 80 inmates per building. With there being an excess of 400+ inmates per building, this number of Port-A-Potty units is grossly inadequate and disproportionately excludes a large number of inmates from its' usage.”
- “inmates at the Low facility have not had laundry services for 2 weeks, nor commissary services for 2 weeks (to purchase things needed for their personal maintenance and upkeep), nor have they have a hot meal in 2 weeks”
- “low water rations and living in our own defecation”
- “when i searched for answers about our such extreme conditions i only found harrassment in the form of profanity and passive aggressive threats concerning never getting out of the cell.”
- “we were being treated as if we were punished and told we had to earn our way back to normal operations.”
- “i felt i was going to die because the water was not enough to sustain a 6'2 235lb body . when i passed out the first time my celly called the officer to ask for help and we were met with aggression and 'your just faking be a man and suck it up”

- “officers from other prisons as far as ‘el reno’ and ‘bastrop texas’ told us they thought they was ‘coming to help with an evacuation’ but were surprised to find out they came all this way to pass out food and water.”
 - “we have been without water, air, hot food,ects. Instead of them evacuating us the kept us here under the harsh conditions .The water we are getting was in square little bags the wasn't even 4 ounces' of water to add up in two little bags”
 - “we've been without showers for 2 weeks”
 - “IT HAS BEEN TWO WEEKS OF BEING INSIDE OF THE CELL WITHOUT WORKING TOILET AND HOT WATER TO WASH UP WITH ... I HAVE BEEN LOCK IN MY CELL FOR WEEKS WOTHOUT ANY TOILET AND BE EXPOSE TO MY WASTES , AND NOT BEING ABLE TO WASH MY CLOTHES THAT I WORK IN UNDER SATURDAY 09, 2017.ARE PRISONERS REQUIRED CLEAN CLOTHES AND LAUNDRY ?”
 - “I HAVE BEEN DENIED THE GRIEVANCE [FORM] BY COUNSEL[OR] ON Q-B.”
17. Reports one U.S.P. Beaumont prisoner: "Inmates at the Medium and U.S.P. facilities were not cognizant of, or have they been made aware of, all the dangers that the catastrophic events of hurricane Harvey exposed them to. They had no way of knowing about hurricane Harvey, unless they listened to the news broadcast on their radios. Moreover, they had no way of communicating with their families, owing to their being confined to their cells and restricted from using the telephone or e-mail." This account seems to indicate that only prisoners who could afford radios had access to crucial information relevant to their situations, while indigent prisoners lacked access to such information. In addition to assuring equal access to all prisoners regardless of financial means, prisons are obligated under both the ADA Title II and Rehabilitation Act Section 504 to ensure meaningful access to a public or federal entity's programs, activities, and services for deaf and disabled people, including through provision of plain language information, qualified sign language interpretation, and other reasonable accommodations to the same programs, activities, and services that other incarcerated people are provided.

18. One prisoner in the custody of U.S.P. Beaumont reports: “Access to medical care and services by inmates was highly exaggerated and for the most part a myth. While some basic medical needs were addressed, other medical needs and/or concerns were either ignored or deemed inconsequential. There are guys here who require medication 3 times a day and those medications are not being properly dispensed. There was a 48 hour time frame, during the onset of hurricane Harvey, in which no medical staff provided medications to those persons requiring these medications.” This lack of access to medically necessary prescriptions could reasonably be expected to have a disproportionately large effect upon prisoners with physical and mental disabilities, and could, therefore, arguably constitute both a conditions of confinement issue and an accessibility issue. Sudden and unexpected withdrawal from many types of prescription medications can cause severe physically and mentally distressing symptoms, as well as significantly reduce a person's ability to function even under normal conditions, let alone adverse ones such as during a natural disaster.
19. Taken together with other such accounts, these statements establish convincingly a pattern and practice of inhumane living conditions and deprivation of adequate access to food, water, medical care, toilet facilities, and bathing facilities at U.S.P. Beaumont in the aftermath of Hurricane Harvey.
20. We note with concern compelling indications that some of these inhumane conditions may be ongoing at the present time.
21. All evidences and appearances indicate that the Federal Bureau of Prisons failed to uphold its due diligence obligations to make reasonable preparations for foreseeable storm conditions, and to respond appropriately to Hurricane Harvey, and that grave human suffering has been the direct result.
22. The Federal Bureau Prison represents that its organizational vision is realized when “Inmates successfully re-enter society,” and represents the Bureau’s role in advancing this objective as follows: “Through the provision of health care, mental, spiritual, educational, vocational and work programs, inmates are well-prepared for a productive and crime-free return to society.”
23. The Federal Bureau Prison thereby formally acknowledges the direct relationship between the Bureau’s provision of humane prison living conditions and the attainment of the Bureau’s mission to facilitate prisoners’ successful return to community life.

24. As this nation incarcerates a larger proportion of its population than any other country, all those resident in the United States have a vested economic interest in the successful re-entry of releasing prisoners into community life. If prisoners do not achieve self-sufficiency upon their release, taxpayers bear related costs. When prisons endanger, mistreat, and otherwise violate the constitutional rights of prisoners entrusted to their care, spirits are broken; trust in American institutions is undermined; and post-release re-entry into community life is jeopardized.
25. To the degree that the Federal Bureau of Prisons failed to prepare for, and respond to, Hurricane Harvey appropriately, the Bureau has failed not only U.S.P. prisoners, but also the wider community.
26. When the Federal Bureau of Prisons becomes aware of incident(s) that could potentially lead to litigation, pre-litigation preservation obligations are triggered. Having now been informed of the reported concerns cited herein, it is incumbent upon the Federal Bureau of prisons to preserve any material(s) that may be relevant to any future court action that might be brought. Any destruction of internal prison records or materials of potential relevance to the topic matter cited herein (including standard procedure data over-writing of digital records, such as surveillance video that documents conditions) could, therefore, be sanctionable. It has been widely held that it is for prison counsel - not prisons officials lacking law licensure - to determine what constitutes potentially relevant material.
27. Please be advised that we will continue to consolidate facts and evidence related to incidents described herein.
28. We consider reasonable and appropriate the following demands being communicated to the Federal Bureau of Prisons by U.S.P. Beaumont prisoners and their loved ones:
 - A. Cease any disruption to, or delay of, the release of prisoners who are scheduled to proceed to halfway houses, if those community facilities (Residential Re-Entry Centers) are operational and not flooded.

B. Immediately institute the following emergency measures:

- 1) Provide at least five bottles of water per prisoner per day.
- 2) Turn on facility water (which is reportedly partially functional) periodically to enable the flushing of human waste.
- 3) Dispense all medications as prescribed and, and provide regularized access to medical consultations (“sick call”), in accordance with applicable policies.
- 4) Provide sanitary wipes in ample quantity for as long as shower facilities remain non-operational.

C. If constitutional conditions of confinement cannot be immediately restored, evacuate prisoners to facilities that can uphold their rights to safe and humane living conditions.

We define safe and humane living conditions include:

- 1) Full restoration of running water that is safe to drink;
- 2) Functioning toilet facilities in adequate number for population size, as defined by governing regulatory agencies;
- 3) Timely access to unspoiled food in adequate quantity at mealtimes, consistent with the Federal Bureau of Prisons National Menu FY 2017⁶ and all applicable policies;
- 4) Weekday mail delivery consistent with the Federal Bureau of Prisons Correspondence Program Statement⁷ and Mail Management Manual,⁸ and other applicable policies; and
- 5) Consistently undisrupted access to community contact by way of phone, electronic messaging, and visiting facilities in accordance with all applicable policies and standard operating procedures.

⁶ https://www.bop.gov/foia/national_menu_lun_en.pdf

⁷ https://www.bop.gov/policy/progstat/5265_014.pdf

⁸ https://www.bop.gov/policy/progstat/5800_016.pdf

Served this 11th day of September, 2017 by:

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EXHIBITS

EXHIBIT A

Statement of Steven Joseph Kotera
U.S.P. Beaumont Prisoner

EXHIBIT B

Statement of James Richardson
U.S.P. Beaumont Prisoner

EXHIBIT C

Statement of Sergio Alberto Rosales
U.S.P. Beaumont Prisoner

EXHIBIT D

Statement of Michael David Delbridge
U.S.P. Beaumont Prisoner

EXHIBIT E

Statement of Mark Lee
U.S.P. Beaumont Prisoner

STEVEN JOSEPH KOTERA (49527177)

Date: 9/8/2017 10:35:19 PM

Subject: RE: Prison Conditions

Yes I will although I will have to do it tomorrow once I get it all compiled with some semblance of order. I have spread your information around so there should be at least 20 more inmates contacting you over the course of the next week or so. I appreciate your time in this.

STEVEN JOSEPH KOTERA (49527177)

9/10/2017 10:49:25 AM

Circumstances

This is an account of the events that transpired during our lockdown. I live in KA unit.

- 1). Power went out on the 28th of August. Despite reports the only time the power was available was for an hour at night for them to count. We were locked in our cells with no ventilation during this time. Sack lunches were served.
- 2). On the 30th we were only served 2 meals and the noon meal was the last one. We were told when we complained that the extra peanut butter pack served as our evening meal. We were not told at the noon meal that we would not be given food for the remainder of the day.
- 3). On the evening of the 30th the water went bad and situation got worse. Power was still out. Officers refused to open our bean slots to allow for circulation of air.
- 4). Starting on the 31st 1 quart of water a day was being issued a day. One 16oz bottle at the noon meal and one 16oz bottle at the pm meal.
- 5). On the 1st we had power back on and the bean slots were opened but we still were only receiving that amount of water. Meals started consisting of 8 crackers two peanut butters and a pastry.
- 6). On the 2nd we started being issued double the water ration so a quart twice a day.
- 7). During the morning shift inmates were allowed out of their cells. Counselor A. Brown forgot to let us out and we were only given 20 minutes to call our people while the inmates on 2 row and other dorms were given 2 hours. When I asked Captain Mack during the time he said that we would be coming back up to have our time. A. Brown opted not to do this.
- 8). During the pm shift Officer D. Johnson decided to close our bean slots because he didn't want to hear the inmates. When this was protested he turned off the fans we had running and proceeded to go to random doors antagonizing inmates saying things like "I have water food and air and don't care if ya'll do" and "You think this is bad wait until ya'll come up I am going to destroy houses and really make your life hell". To be told this in the crises we were in denotes cruel and unusual punishment.

9). On the 4th we discovered that our emails had been taken. There was a 5 email a month restriction placed on our emails without notice and it was retroactive. I was unable at this point to use my email until it was restored on 7th. At this time we still hadn't received and no access to the post office. I believe it was an attempt to quiet the protestations and complaints by the inmates. Because by the time that the emails and phone were restored conditions had become somewhat livable again.

10). Throughout this process hot meals and cold water was hand delivered to the officers which shows that they means to properly provide for us was available however the will was not.

Note: The complete lack of concern and disregard for the inmate population on Beaumont is the norm. This was not a one time occurrence as the staff takes all opportunity available to do as little possible for the inmates. I intend to file this through my grievance process. I was waiting until I had access to the law library so that I could use the program statement codes as references but may go ahead and start the process now. You can use my name and/or complaints freely. Thank you for your time.

From the inbox

Hello I wanted to know if you could post this message about a love one of mine that is incarcerated in Beaumont TX I know it's long he send me this email today.

From:
RICHARDSON, JAMES
FYI

Sep 3, 2017, 11:05 PM

This will update you and apprise you of the situation here and the conditions persisting at the Beaumont-Low facility specifically, and the entire Beaumont complex (U.S.P, Medium, and Camp) in general.

The administration here decided, first and foremost, to facilitate what would be tantamount to, and be the equivalent of, sewer water to bathe in. It was later revealed, by the new media, that the water in this area was totally unfit for human consumption or for anything other than flushing the toilets. Inmates who had unwittingly drank this contaminated water experienced nausea and vomiting. Inmates took showers in this unclean, and contaminated, water owing to either the administrations' ignorance, negligence, and/or misfeasance.

Access to medical care and services by inmates was highly exaggerated and for the most part a myth. While some basic medical needs were addressed, other medical needs and/or concerns were either ignored or deemed inconsequential. There are guys here who require medication 3 times a day and those medications are not being properly dispensed. There was a 48 hour time frame, during the onset of hurricane Harvey, in which no medical staff provided medications to those persons requiring these medications.

There are a large number of voiceless inmates here who can't speak for themselves, due to their being locked down in 2 or 3 man cells with no water, no air conditioning, and no means of flushing their toilets. These inmates are further incapacitated by the incursions imposed upon their ability to communicate with their families, owing to their being denied usage of the telephone or e-mail. This situation actually pre-dates hurricane Harvey. I will provide you with a time frame in which all of the most recent, and protracted, omissions, negligence, misfeasance, and deliberate indifference, on the part of the Beaumont-Low administration, occurred.

Conditions here at the Beaumont-Low facility are deplorable and are commensurate with conditions which pose an immediate health risk, health hazard, safety, and sanitation hazard. Inmates here are totally dependent upon the administration for their safety, care, and well-being. Their responsibility towards inmates cannot be dismissed, or ignored, for the sake of convenience or expedience.

Approximately 3 weeks ago there was a big electrical fire on the Beaumont Complex premises which remained active for over an hour before being extinguished. The entire Beaumont Complex (i.e., Camp, Low, Medium, and U.S.P.) was adversely affected by this electrical fire, which severely impaired the disabled institutional communications between staff. This constituted a serious security breach that would affect the safety and well-being of both staff and inmates alike. To address this security issue the entire Beaumont Complex was placed on lock down status with all institutional operations being suspended.

Inmates housed at the Medium and U.S.P. were, and are currently, locked down in their 2 or 3 man cells, whereas inmates at the Camp and Low facilities are confined to their dorms. Electricity has been sporadic with total black-out conditions at times.

Inmates at the Medium and U.S.P. facilities were not cognizant of, or have they been made aware of, all the dangers that the catastrophic events of hurricane Harvey exposed them to. They had no way of knowing about hurricane Harvey, unless they listened to the news broadcast on their radios. Moreover, they had no way of communicating with their families, owing to their being confined to their cells and restricted from using the telephone or e-mail. Conversely, the Camp and Low inmates were able to communicate with their families, after several days of being likewise restricted. The Camp and Low inmates were also afforded some measure of access to the news media via television. Thus, they were

able to stay abreast of the developments, and progression, or hurricane Harvey. During this time frame the Camp and Low facilities experienced outages of electricity, water, and a number of other institutional services.

Sadly, these men, sons, brothers, and fathers, who were locked behind thick metal doors, were literally hoodwinked and kept in the dark as to the immediate threat, danger, and peril of hurricane Harvey. Harvey's devastation has left in its wake both irreparable property damage and lost of life to those in a number of Texas communities.

Here at the Low facility we were only given 2 bottles of water the first day that the water supply was cut off. This amount was grossly insufficient to prevent dehydration or to mitigate the possibility of heat exhaustion. We have no air conditioning in the building, and the sweltering heat within these buildings presents a real health risk and health hazard. With the entire city of Beaumont being without water, this has resulted in there being no water for drinking, bathing, or flushing toilets. Toilets at the Low facility are replete with feces that just sits in the commodes, because there is no water to flush the toilets.

From:
RICHARDSON, JAMES
FYI #2
Sep 4, 2017, 12:19 AM
FYI #2 --- continued:

Complaints have been lodged with the administration and recommendations have been made by inmates. Here are a few of the concerns expressed to the administration by inmates:

1. That sufficient bottles of water be provided (at least 5 bottles per inmate);
2. That the water be periodically turned on to flush the toilets;
3. That sanitary wipes be provided while the showers are unavailable; and
4. That Port-A-Potty units be provided for human waste disposal.

The administration ordered Port-A-Potty units; however, failed to order a sufficient number of these units to accommodate the entire number of inmates at the Low facility. There are currently 1,812 inmates at the Low facility. There are 3 buildings at the Low facility, with each building having 4 individual units (e.g., SA, SB, TA, TB). Each individual unit houses approximately 100+ inmates, rendering 400+ inmates per building. There were 8 Port-A-Potty units provided to each building. Each Port-A-Potty unit can accommodate 10 usages, with anything in excess of this number rendering the units unsanitary. Eight (8) Port-A-Potty units can accommodate a total of 80 inmates per building. With there being an excess of 400+ inmates per building, this number of Port-A-Potty units is grossly inadequate and disproportionately excludes a large number of inmates from its' usage.

It's a real travesty when you take into account the omissions, negligence, misfeasance, wrongful acts/conduct, abuse of authority, abuse of discretion, and the myopic preparedness by the Beaumont-Low administration. This type of callous indifference and lack of empathy towards inmates, and their families, is both intolerable and inexcusable. The conduct, and actions, of the administration here calls into question their ability, and competency, to adequately manage this facility and to care for those who have been placed in their charge. Although, when confronted with these fact, and acts, they will deny any wrong doing and/or negligence, the reality of the matter will deprive them of even plausible deniability. This administration was well aware of the threat, and danger, that hurricane Harvey posed and what impact it would have on anything in its path. Their lack of genuine concern, and their marginal efforts, are clearly demonstrated by their cosmetic approach, and implementation of real relief measures. This administration would do well to be reminded that inmates are sentenced by the courts to prison as punishment, and not for punishment.

In conclusion, inmates at the Low facility have not had laundry services for 2 weeks, nor commissary services for 2 weeks (to purchase things needed for their personal maintenance and upkeep), nor have they have a hot meal in 2 weeks, in addition to all the things that have been previously mentioned herein. Inasmuch as we are powerless to change the events of recent date, we are determined to forge ahead and not be daunted by the adverse circumstances. Our resilience is best attested to by our uncompromising optimism and faith. We appreciate all of the love and concern that

our loved ones have for us, and we reciprocate this love and concern. The fact that we made a mistake and were sentenced to prison as punishment for our mistake, doesn't mean that we don't care about those on the outside communities and the society at large. We do care and we pray for all those families that have been adversely affected by this catastrophic hurricane. Our pledge is to return to our communities as law abiding and contributing members of society.

Thank you so much for reading this message and taking time out of your to read my message

SERGIO ALBERTO ROSALES (11414380)

9/8/2017 7:36:10 PM

Mr. Stanley

i was told that you were accepting some informaton of the inhumane treatment us inmates went through after the disater that was harvey and i want to come forward and give some of my testimony . mainly i wanna know what can be done and how can ultimatley be heard without wasting anybody's time. besides low water rations and living in our own defication which would ferment from the extreme heat. we were being told that noting could be done untill the light and water was restored which i heard through the local radio station was not a set timeline for repair i also have memorandums in paper with the signiture of the acting warden concerning what was going on. in his own words he pretty much told us some bs and we had no choice but sit in our sweltering cells and deal. when i searched for answers about our such extreme conditions i only found harrassment in the form of profanity and passive aggressive threats concerning never getting out of the cell. we were fed bologna and peanut butter and when i complained of being constipated i was told that bran cereal would be brought to me. that was a laugh. when i asked when we wouldbe able to communicate with our loved ones i was told that the phones are not working and communication was not an option untill the water was restored. when we finally got to communicate because we went on a hunger strike i was threatened to further confinement in my cell . we were allowed on ly 5 minute phone calls and a total of 5 messages a month. we were being treated as if we were punished and told we had to earn our way back to normal operations. something i definately did not understand. even now the acting captain has us only let out in the flats untill " necessary repairs are made. there was some days i felt i was going to die because the water was not enough to sustain a 6'2 235lb body . when i passed out the first time my celly called the officer to ask for help and we were met with aggression and "your just faking be a man and suck it up" easy for someone to say in a cell that was so hot that the pain on the walls was falling off and sweating itself . finally the bean slots were open and only when we went on strike. which made no sense cause our frustration came from extreme heat and de hydration but was flipped on us as if we just wanted to make trouble. i constantly told officers that we understand that this is not a disaster of you alls making but why do we have to suffer. officers from other prisons as far as "el reno" and "bastrop texas" told us they thought they was "coming to help with an evacution" but were surprised to find out they came all this way to pass out food and water. we were being treated like animals and told nothing but " ride it out" we will fix things "soon". this is my first time in prison ad i have a 230month sentence but i am not new to the bs this bop is capable of. my family was told that things were fine but when i finally go to reach out to them to truthfully explain the situation they were appalled and worried . i just didnt want to worry them. really adn trully i feel as i deserve not on compensation but would like to hold those accountable especially the higher ups in this facility. "beaumont medium". so this wont happen again.

i do grannt permission to diclose this information
and that this submission is excerpted

PURSUANT TO 28 U.S.C 1746, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

(SIGNATURE)

SERGIO ALBERTO ROSALES 11414380

EXECUTED ON SEPTEMBER ,8 2017

THANK YOU FOR YOUR TIME AND CONCERN ON THESE MATTERS MR.STANLEY

MICHAEL DAVID DELBRIDGE (08544068)

9/9/2017 1:51:06 PM

RE: Prison Conditions

I AM ON Q-B THE OFFICER THAT WORKED THE UNIT , I ASK HIM {MR. D. HIGH } TO FLUSH MY TIOLET MR. HIGH STATED THAT HE HAD TO CALL SIS AND THE LT. I LET MR. HIGH KNOW THAT I AM AWARE THAT BEING EXPOSED TO HUMAN WASTED DOES STATE A 8TH AMENDMENT CLAIM. MR. HIGH STATED THAT HE KNOW. MS. THOMAS STATED TO ME IF I GO TO FOOD SERVICE AND GET SOME ICE SHE WILL HAVE MY TIOLET FLUSH IN WHICH IT WAS ABOUT 7 TO 8 DAYS BEFORE IT WAS FLUSH. IT HAS BEEN TWO WEEKS OF BEING INSIDE OF THE CELL WITHOUT WORKING TOILET AND HOT WATER TO WASH UP WITH BY ME GOING IN TO WORK. THE INMATED THAT CLEAN UP THE WASTE NAME ID J. DEAL THE FLOORS DID HAVE SEWAGE AND WATER ON , IN . SANFORDING V. BROOKSHIRE, 897 F. SUPP. 691, 693-94(W.D. TEX. 1994) ; MCCORD V. MAGGIO,927 F.2D 844,847(5TH CIR. 1991)YOU HAVE INMATES THAT HAS BEING WORKING FOOD SERVICE THAT HAS BEING WORK WITHOUTWATER TO WASH THERE CLOTHES{ LIKE MYSELF}. I HAVE BEEN LOCK IN MY CELL FOR WEEKS WOTHOUT ANY TOILET AND BE EXPOSE TO MY WASTES , AND NOT BEING ABLE TO WASH MY CLOTHES THAT I WORK IN UNDER SATURDAY 09, 2017.ARE PRISONERS REQUIRED CLEAN CLOTHES AND LAUNDRY ?

MICHAEL DAVID DELBRIDGE (08544068)

9/10/2017 10:34:30 AM

RE: Supplemental Note

I HAVE BEEN FILING ON BEAUMONT MED. I HAVE BEEN DENIED THE GRIEVANCE BY COUNSEL ON Q-B. I HAVE A CASE NO. 1:16-CV-449 . I AM GOING TO START ON THIS ISSUES THAT I HAVE ADDRESS TO YOU . AT THIS TIME I HAVE BEEN FILING ON THE MOLD THAT WAS IN FOOD SERVICE AND NOW ON THE BLOCKS. I GOING TO STARTED ON MONDAY WENT MY COUNSEL COME IN. IF YOU CAN GIVE ME SOME POINTER PLEASE DO. I ALSO HAVE A CLAIM OF RETAILATION ON MY COUNSEL.

MICHAEL DAVID DELBRIDGE (08544068)

9/10/2017 9:50:32 PM

RE: RE: Prison Conditions

YES !!!!

-----Stanley, Paul on 9/10/2017 8:21 PM wrote:

>

Do we have your permission to use your name and concerns in a letter to the Bureau of Prisons?

MARK LEE (54777177)

9/10/2017 2:50:47 PM

issue's

aug-26 sep-10th 2017

As you are aware we have been without water, air, hot food,ects. Instead of them evacuating us the kept us here under the harsh conditions .The water we are getting was in square little bags the wasn't even 4 ounces' of water to add up in two little bags with the sack lunch's ,and there is also the big problem of black mold in the showers and ect, due to the lack of water we've been without showers for 2 weeks and the gave some hygiene wipes .But the water the news said its drinkable but we couldn't even contact our family's and let them know how we are until the 3rd of September and we are just get hot food from the camp. my name is Mark Lee in unit Q-A Beaumont medium complex

MARK LEE 54777177

9/10/2017 6:35:48 PM

RE: issue's

Mark, do we have your permission to use your information and name in writing the Bureau of Prisons?
Stanley

MARK LEE (54777177)

9/10/2017 9:21:04 PM

RE: RE: issue's

yes of course do i have to fill the bp 8,9,10 also could you let me know and thank you