

#212

Reply ID: BlogHHR

Wisconsin Punishes Prisoners Who Make PREA Complaints About Guards' Sexual Torture

by Nate A. Lindell #303724 WSPF P.O. Box 9900 Boscobel, WI
53605
created 28 Feb. 2016

The Prison Rape Elimination Act (PREA) was passed and most states agreed to abide by that federal law. But that didn't end sexual abuse of prisoners.

The problem is that prison staff are the ones charged with enforcing the PREA, and it's staff who cause (or allow prisoners to cause) the sexual abuse. Most prison staff in Wisconsin are trained to see prisoners as sub-humans, which justifies any mistreatment of us.

For guards, on the other hand, people tend to assume that because they wear uniforms and work for the state and are guarding non-humans who've been convicted of being bad guys, guards are good and would never sexually abuse prisoners!

When I was in the segregation unit at the Waupun Correctional Institution (W.C.I.) in 2013, guards regularly used sexual degradation to torture prisoners. It went like this: when a prisoner was accused of being "disruptive" (e.g. banging on a cell door), guards brought him out to a strip cage (in handcuffs + shackles), where cameras weren't monitoring, put a tazer to the prisoner + threatened to shock him if he resisted, while several guards held the victim in place as another guard cut off the victim's clothes with surgical shears then spread the victim's butt cheeks, lifted up his testicles and penis (supposedly looking for contraband), sometimes fondling those areas.

Every time force was used on a prisoner at W.C.I. or was put in Control status, the sexual torture procedure was used on him, without giving him a chance to cooperate with a normal strip search.

You probably recall how the media cried foul when leaks about this kind of thing, or less invasive tactics, was being done by our soldiers to Iraqi prisoners + terrorists. Many prison guards are vets, so they probably learned these tactics, which are sexual torture.

I knew of that systematic sexual torture when, on 24 August 2013, a guard surnamed "Schouten" (thinks that's the spelling) and I got in an

argument & he invited me to "go for a walk" to a strip cage (I'd be handcuffed & shackled - brave guy, huh?). I phoned in a PREA complaint, saying that I believed Schouten was going to put me through the homosexual torture routine.

Every WCI prisoner who'd phoned in PREA complaints had received Conduct Reports (C.R.s) & were disciplined for lying about staff.

Prisoners aren't humans, after all, while guards are the good guys.

In November a WI P.O.C. PREA Investigator came to WCI, stopped at my door & asked me if I wanted to be interviewed about my complaint. To be interviewed, however, I'd be strip searched before and afterwards, with no sensible reason. So, instead, I offered to be interviewed at my cell front, which was refused. No matter - my call said it all anyway.

Couple days later I received C.R.# 2406066, written by the Security Director,* Tony Meli, accusing me of lying about staff (see the C.R., below, attached), falsely accusing me of falsely accusing Cpt. Olson of attempting to molest me. Cpt. Olson ran the property dept., never came to seg & wasn't mentioned in my complaint. I'd not seen Cpt. Olson at all, ever.

At my disciplinary hearing, Meli admitted having no knowledge of what I stated in my PREA complaint. Nor was a recording or transcript of the complaint present, as I requested (it'd prove my innocence regarding Cpt. Olson). I was found guilty, with no evidence, given 360 days in seg.

Before I could appeal the discipline, I was sent into federal custody.

When returned to WI custody on 25 August 2015, I got the form I needed & filed an appeal to the warden here, Gary Boughton. (See the appeal, attached too). His response was bureaucratese for "I'm not stepping on my fellow gang-member's toes." (It too is attached). Boughton says I should appeal to WCI's warden. But I know from experience that WCI has none of my records - they're here, so only Boughton can review the appeal.

This baseless, retaliatory discipline remains on my record, is used to justify keeping me in solitary confinement, and is probably cited to show auditors that us scumbag prisoners are misusing the PREA.

Now you know the truth. Please share it with others,

* It's unheard of for a Security Director to write a C.R., probably because he's the one who must review/approve C.R.s, supervises the hearing officer, and has captains under him to do so.

ADULT CONDUCT REPORT

CONDUCT REPORT NUMBER

PLEASE PRINT OFFENDER'S NAME

OFFENDER NAME - Last LINDELL	First NATHANIEL	MI	DOC NUMBER 303724	INST. CODE 02	2406066
--	---------------------------	----	-----------------------------	-------------------------	----------------

OFFENDER LIVING QUARTERS SEG A-208	LOCATION OF INCIDENT SEGREGATION	DATE OF INCIDENT (MM/DD/YY) 8-24-13	TIME OF INCIDENT 1 <input type="checkbox"/> AM 2 <input checked="" type="checkbox"/> PM unknown
IF PERSON INJURED-SPECIFY STATUS (Staff, Offender, Visitor) N/A	CONTRABAND INVOLVED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF WEAPON INVOLVED - WHAT N/A	

RULE ALLEGEDLY VIOLATED Rule Number	Rule	FINDING OF GUILT	
		Guilty	Not Guilty
1 303 2 7 1	LYING ABOUT STAFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 303		<input type="checkbox"/>	<input type="checkbox"/>
3 303		<input type="checkbox"/>	<input type="checkbox"/>
4 303		<input type="checkbox"/>	<input type="checkbox"/>

DESCRIPTION OF INCIDENT (Include Detailed Facts upon which Charges are based, sources of information, evidence, statement of other staff members and, if appropriate, cell or shop assignment number.)

INFORMATION WAS RECEIVED THAT ON 8-24-13 INMATE LINDELL, NATHANIEL #303724 ALLEGED THAT CAPT. OLSON TOOK HIM OUT OF HIS CELL FOR NO REASON AND THAT HE THINKS CAPT. OLSON'S INTENT WAS TO SEXUALLY ABUSE HIM. THIS INFORMATION WAS FORWARDED TO THE PREA DIRECTOR AND I WAS LATER INFORMED THAT PREA INVESTIGATORS BILL SCARLS AND ANN TURNER WERE ASSIGNED TO REVIEW HIS ALLEGATIONS.

I WAS LATER INFORMED THAT AFTER LOOKING INTO THE MATTER IT HAD BEEN DETERMINED THAT THE WISCONSIN DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURAL PROTOCOLS WERE FOLLOWED AND THAT THIS

ACTIVITY AT TIME OF INCIDENT	TYPE OF HANDLING <input checked="" type="checkbox"/> Full	SIGNATURE OF STAFF MEMBER COMPLETING REPORT T. [REDACTED]	DATE COMPLETED 11-7-13
------------------------------	--	---	----------------------------------

SECURITY DIRECTOR'S REVIEW (Complete only if no summary disposition was made)

DECISION ON CONDUCT REPORT <input checked="" type="checkbox"/> Proceed <input type="checkbox"/> Dismiss <input type="checkbox"/> Return for Investigation	IS OFFENDER IN TLU <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	TYPE OF HEARING PROCEDURE <input type="checkbox"/> Minor Offense 303.75 <input checked="" type="checkbox"/> Major Offense 303.76
--	---	---

- IF A MAJOR HEARING, INDICATE WHY:
- The alleged violation is designated as a Major Offense by DOC 303.68(3) OR
 - The offender has previously been found guilty of the same or a similar offense (consideration given to how often and how recently)
 - The offender has recently been warned about the same or similar conduct
 - The alleged violation created a risk of serious disruption at the institution or in the community
 - The alleged violation created a risk of serious injury to another person
 - The value of the property involved (if alleged violation was actual or attempted damage and/or misuse of property, possession of money, gambling, unauthorized transfer of property, soliciting staff or theft)

SIGNATURE OF SECURITY DIRECTOR Capt Cole	DATE SIGNED 11/8/13
--	-------------------------------

DATE COPY GIVEN TO OFFENDER 11-8-13	TIME COPY GIVEN TO OFFENDER 12:25 P.M.	SIGNATURE OF STAFF MEMBER DELIVERING COPY TO OFFENDER [REDACTED]
---	--	--

RECORD OF SUMMARY DISPOSITION

SUMMARY DISPOSITION

SHIFT SUPERVISOR'S SIGNATURE OF APPROVAL	OFFENDER'S SIGNATURE OF AGREEMENT
--	-----------------------------------

RECORD OF CONDUCT REPORT DISPOSITION

DATE OF DISPOSITION (MM/DD/YY) 11-26-13	MAJOR DISPOSITION <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DISPOSITION(S) 300 DAYS DIS. 303.76
REFERRED TO PROGRAM REVIEW 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input checked="" type="checkbox"/> Not Known		3 of 6

ADULT CONDUCT REPORT Continued

OFFENDER NAME Last	First	MI	INSTITUTION	CONDUCT REPORT NUMBER
LINDELL	NATHANIEL		102	2406066

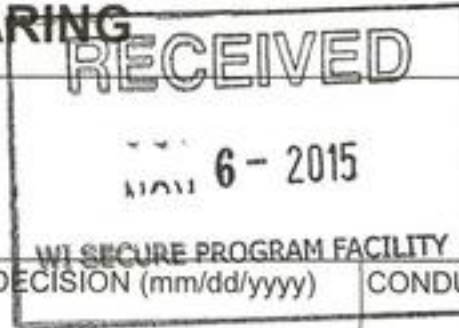
DESCRIPTION OF INCIDENT - continued

ALLEGATION WAS UNFOUNDED. TWO SEPARATE STAFF MEMBERS APPROACHED INMATE LINDELL TO INFORM HIM THE INVESTIGATORS WANTED TO INTERVIEW HIM REGARDING HIS ACCUSATION ABOUT CAPT. OLSON ON BOTH OCCASIONS IT WAS REPORTED HE REFUSED TO BE INTERVIEWED ABOUT HIS ALLEGATION. BASED ON THE INFORMATION PROVIDED TO ME I ALLEGE INMATE LINDELL IS IN VIOLATION OF 303.271 - LYING ABOUT STAFF.

T. [REDACTED]
11-7-13

11-8-13 12:25 P.M. [REDACTED]

APPEAL OF A CONTESTED HEARING



INSTRUCTIONS TO INMATE:

- Submit both copies of this appeal to the Warden.
- A copy will be returned to you when the Warden/Superintendent reaches a decision.
- Any documents submitted with appeal will not be returned to you.

INMATE NAME (Last, First)	DOC #	DATE OF DECISION (mm/dd/yyyy)	CONDUCT REPORT #
Lindell, Nate	303724	26 Nov. 2013	2406066

INMATE'S APPEAL

FINDINGS OF GUILT (Do not list findings that you are not appealing)

Rule Number:

Reason for appealing finding of guilt:

303.271

that I was concerned Schoen was going to use a staff assisted strip search to sexually assault me, which was a common practice at WCI at the time.

There was/is absolutely no evidence that I lied about any staff. I phoned in a PREA complaint about a C.O. named Schoen, not Cpt. Olson. And what I said was that I was concerned Schoen was going to use a staff assisted strip search to sexually assault me, which was a common practice at WCI at the time.

lying about staff

DECISION ON DISPOSITION (Do not list punishments that you are not appealing):

Disposition:

Reason for appealing disposition:

360 D.S.

I was absolutely innocent & the punishment constitutes retaliation for making a valid PREA complaint. This CR was cited to justify putting me on Admin. conf.

ALLEGED HARMFUL PROCEDURAL ERROR (DOC 303.88):

The hearing officer never considered the recording of my PREA complaint, despite my request.

EXPLAIN HOW PROCEDURAL ERROR WAS HARMFUL:

The recording would've verified I never even mentioned Cpt. Olson. Since I was accused of lying about Cpt. Olson, there was no merit to the C.R.; it should've been dismissed.

INMATE SIGNATURE

DATE SIGNED (mm/dd/yyyy)

6 Oct. 2015

WARDEN / SUPERINTENDENT DECISION

- I affirm the Hearing Officer's decision.
- I am modifying all or part of the Hearing Officer's decision.
- I reverse the Hearing Officer's decision, in whole or in part.
- I am returning the case to the Hearing Officer for:
 - Further Consideration
 - Completion/Correction of the Record
 - Correction of Procedure
 - Conduct a re-hearing in whole or in part

REASON(S) FOR DECISION:

DATE APPEAL RECEIVED (mm/dd/yyyy):

10-7-15

SIGNATURE OF WARDEN/SUPERINTENDENT:

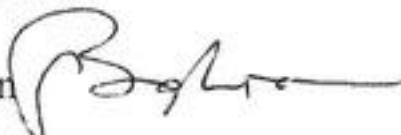
DATE OF DECISION (mm/dd/yyyy)

WISCONSIN SECURE PROGRAM FACILITY

1101 Morrison Drive
P.O. Box 1000
Boscobel, WI 53805-0900



Memorandum

DATE: 10/13/15
TO: Lindell, Nate # 303724
FROM: Warden Boughton 
SUBJECT: 303.89

In accordance with Administrative Code 303.89, the warden may *initiate* a review of the decision and disposition of a conduct report and act on it unilaterally.

The language no longer allows for the inmate to submit another appeal request to have a Conduct Report re-reviewed which has been processed in its' entirety. The conduct report you are requested to be re-reviewed was not initially appealed by you within the time limits. Additionally, this Conduct Report was processed at WCI as that is where the behavior occurred.

I do not intend to review Conduct Report Hearings from other institutions. You may elect to write the WCI Warden for consideration.

CC: Records Office
File