



**Carmage Walls**  
**Commentary Prize**

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The East Mississippi Correctional Facility is a modern day dungeon where mentally ill convict are abused. Finally, the Southern Law Center filed suit against the Mississippi Department of Corrections. For five weeks, I was the only journalist to cover the trial every day, reporting on the atrocities surfaced by this lawsuit.

# from the publisher



By  
WYATT  
EMMERICH

## Lawsuit against EMCF exposes a harsh reality

AT THE FEDERAL courthouse in Jackson, East Mississippi Correctional Facility is defending itself against a lawsuit claiming atrocious conditions for its inmates.

The facility, just south of I-20 six miles west of Meridian, was built in 1999 to house 1,500 inmates. It specialized in housing the mentally ill.

Taking care of the mentally ill has always been one of the greatest challenges of a civilized society. Over the centuries, horror stories of genuine hell houses have been a never-ending blight on modern society.

So how did a prison become a mental health facility? The answer lies in the age-old problem of unintended consequences.

Forty years ago, media exposes of the

horrific conditions of mental institutions led to a nationwide movement to shut them down. This movement was highlighted by the 1975 movie *One Flew Over the Cuckoo's Nest*, starring Jack Nicholson who won an Academy Award for his performance of a brilliant, eccentric crazy person whose ultimate fate was a lobotomy which turned his lovable character into a zombie.

The movement released hundreds of thousands of crazy people to roam the streets. You can still see them today on many street corners wandering aimlessly, talking to themselves and often getting into conflicts with the law.

The plan was to have more humane, smaller local mental health facilities. To some extent this has happened. But the best laid plans of mice and men are easily led astray. Mounting needs and budget crunches shortcircuited the benevolent vision.

So what happened? Our prison facilities have become the de facto mental institutions for hundreds of thousands of mentally ill people. We are back to where we started, but even worse because prison guards lack basic mental health training that once partially existed at our closed mental institutions. We are worse off than when we started.

Even worse, a large percentage of the mentally ill cannot be legally sent to state prison so they linger in county jails where they are inhumanely subjected to cruel treatment by ill-trained guards. Our jails are overwhelmed.

If these ill people are forcibly medicated, then they can temporarily become non-threatening to themselves or others, which means by law, they must be released. Once free, they stop taking their medications and the whole process starts over.

This is a sad state of affairs. There are many terrible diseases but mental illness is

probably the most cruel and the most difficult to deal with.

All the experts know what is needed: Modern, clean facilities where trained experts can compassionately treat the victims. There should be gardens and walking trails and organized activities. Patients should be genetically tested to find what drugs are most suitable. Intensive personal therapy combined with cutting edge drugs could save many of these lives with the ultimate goal of reintegration into society.

But it is not so for one reason: Money. Such modern, humane treatment is exorbitant and our society has not deemed this a priority. So, instead, we have the East Mississippi Correctional Facility (EMCF.)

Like early childhood education, properly treating mental illness would save billions in the long run. But the politics of the world make it almost impossible to happen. Many mentally ill people end up committing suicide. *Nobody Cares About Crazy People: The Chaos and Heartbreak of Mental Health in America* by Ron Powers is an excellent book that chronicles this crisis in our country.

This is a disaster of huge proportions. One in 10 people will suffer serious mental illness at some point in their lives. The economic toll is billions upon billions.

Often treatment is left to the family, if the mentally ill person is blessed enough to have one. The emotional and financial burden of dealing with a mentally ill family member is devastating. One of the first pieces of advice to family members struggling to help is to seek mental counseling lest they become overwhelmed themselves.

There are genetic factors behind mental illness, but environmental stress can be the trigger. As our society becomes increasingly chaotic and stressed, mental illness is reaching epic proportions.

EMCF is run by a private company,

Management & Training Corporation, based in Utah. It's the third largest private prison company in the country. Attorney General Jim Hood is suing the company because of its involvement with the Chris Epps bribery scandal.

In 2015, the American Civil Liberties Union and the Southern Poverty Law Center filed suit to force improvements at EMCF.

The suit alleges the usual horrors that have plagued mental institutions forever. Rape, beatings, cruelty, failure to medicate. As part of the evidence reviewed by Judge William Barbour, a captain at the prison said in a deposition that prisoner-on-prisoner violence was commonplace, that corrections officers were poorly trained, and that guards facilitated inmate violence by opening cell doors and then failed to intervene when prisoners were assaulted.

Guards arranged for prisoners to attack one another, ignored fires set by inmates to signal distress, and allowed prisoners to trade whiskey and cellphones. Mentally ill were locked in solitary confinement for weeks at a time. Plumbing failures. Roaches. Filth. Rats. Watered Down gruel. One mentally ill patient sliced himself up and was left for hours on his cell floor to bleed to death. The list of atrocities is long.

Time marches on. There is nothing new under the sun. The horror of EMCF is repeated time and time again, especially in poorer places where money is lacking.

Let's hope this lawsuit can make some small dent in our collective consciousness. Let's hope in the march of progress, civilized society can one day learn to care for the mentally ill like we do those suffering from heart disease and cancer.

# from the publisher



By  
WYATT  
EMMERICH

## Atrocities galore during testimony over mental prison

AT ONE END of Jackson's Congress Street sits the modern Federal Courthouse. At the other end sits our traditional State Capitol. They face each other at opposite ends of the street.

This physical juxtaposition has significant meaning this month. A class action suit will determine who runs the East Mississippi Correctional Facility (EMCF) in Meridian. Will it be the federal courts or the state executive branch?

For the last two weeks, I have listened to hours of testimony about EMCF, which has been designated as the state prison for criminals with mental illness. Eighty percent of the inmates suffer from a host of disorders including schizophrenia, bipolar disorder, depression and severe anxiety.

As a lifelong journalist, I consider myself somewhat jaded. But even I was unprepared for the magnitude of the alleged atrocities. It's so bad, it's almost hard to put into words.

The trial is open to the public. Bear in mind the defense has yet to make its case. I pray the plaintiffs have distorted the horrific conditions, but I fear they have not.

Prisoners testified EMCF is run by two gangs, the Vice Lords and the Gangster Disciples. Official staff is dependent on the gangs for the day-to-day operations.

Severely mentally ill patients are not given their medications, causing them to have seizures and psychotic breaks. They are beaten. They are locked in isolation where the lights and plumbing fail for weeks at a time. Their cells are rife with rats. They lose weight rapidly from inadequate food. Often the only way to get attention is to light a fire in their cell. They are constantly trying to kill themselves, typically by cutting themselves with scraps from broken light bulbs.

Except for the severely mentally ill locked in solitary, the other prisoners have innumerable ways of defeating their locks and come and go from their cells as they please. Non-stop bedlam. A genuine hellhole.

During what was supposed to be a lockdown, there was a gang fight on a video camera involving 30 prisoners. The video shows a prisoner in a wheelchair stabbed in the head.

Contraband is everywhere: Cigarettes, cell phones, pot, meth, prescription drugs, you name it. The gangs control the trade. Guards are in on it. It's big business.

The gangs are a controlling force. They can assault who they want at will. The gang leadership decides what prisoner gets what cell.

Surprisingly, there is a great amount of documentation of this. For instance, the failure to do roll call is meticulously documented with daily reports. So are the fires, fights and failure to supply medicine. Over a thousand exhibits have been entered into evidence. Most are the prison's own internal reports.

The testimony of one prisoner in particular is haunting me. He was a former network engineer from NASA Stennis Space Center on the coast. He suffers from schizophrenia, epilepsy, bipolar disorder and depression. He has lost weight to the point he looks like a

ghost from the Auschwitz Nazi concentration camp. He was convicted of rape and turned down a 10-year plea bargain. He wanted the death penalty. The judge gave him life.

This man was trembling so badly during his testimony he could barely keep from falling out of his chair. He told a harrowing story of being locked in a dark cell of solitary confinement. Plumbing and lighting would go out for weeks at a time. Medication was sporadic, causing him to have epileptic fits, hear voices and go crazy.

"I have, you know, murderous thoughts, suicidal thoughts, pains in my head, the shaking. I see and hear the voices. It's almost unbearable sometimes. . . but if I get my medication I'm fine. I feel normal. I feel human again."

I'm not sure what the best protocol is for treating mentally ill people, but I'd bet handing them over to the prison gangs is not a recommended procedure.

Bear in mind, mentally ill people are paranoid and delusional to begin with. Then you beat them up, starve them, withhold their medications, leave them in the dark with rats. Is it any wonder they constantly try to kill themselves? Prisoners cutting themselves is a daily occurrence. Suicides are rampant.

**ONE OUTSIDE** prison inspector was shown a cell covered in blood. She took a photo. It was entered into the exhibits.

This inspector's visit was known days in advance, but the prison staff didn't even bother to clean up the blood on the floor. That's how commonplace it is. That's how bad it is. Blood, feces, roaches, rats are everywhere.

EMCF is run by the third largest prison management company in the country. It's a publicly traded company, Management & Training Corp. They are caught up in the Chris Epps bribery scandal. Mississippi Attorney General has named them in a civil lawsuit he has filed.

The Mississippi Department of Corrections (MDOC) has a compliance officer who testified about EMCF. Her reports show massive non-compliance. MDOC is supposed to be reimbursed for non-compliance, but it never

was. It's as though MDOC just didn't care.

That's the weird thing. Report after report show the atrocities but they were ignored.

The American Civil Liberties Union (ACLU) and the Southern Poverty Law Center (SPLC) are behind the class action suit. Yazoo native William Barbour, Haley Barbour's cousin, is presiding. There is no jury. He alone decides what to do.

Sitting day after day in the courtroom, I can't help but like Judge Barbour. He seems wise and fair and can inject moments of humor in this dismal affair. A good friend from Yazoo City told me he is a class act and was his Boy Scout troop leader. "I don't want to say he's an Atticus Finch, but he's close."

I sense that Barbour has zero desire to run this prison by judicial fiat, but what is to be done? We can't allow such barbarism in our state, even for psychotic drug dealers, rapists and murderers.

I asked two expert witnesses how EMCF compared to other facilities throughout the nation. They both said the same thing. It was the worst of the 50 or so prisons they had inspected. By far.

The Eighth Amendment of the United States Constitution bans the infliction of "cruel and unusual punishments."

Can Barbour do any better? Based on results throughout the country, court intervention can work. The courts can do what our politicians won't do. Barbour doesn't have to get elected. He can force the state to do what it takes. The irony is that a properly run prison could be less expensive, not more.

By the way, I am often the only "press" in the courtroom. The *Clarion-Ledger*, *Jackson Free Press* and Associated Press come and go sporadically. One day a *New York Times* reporter was there. Haven't seen anybody from Facebook or Google.

No state officials of any kind are to be found. Nobody cares about crazy people, especially the criminal ones.

# from the publisher



By  
WYATT  
EMMERICH

## *Mentally ill should not be at the mercy of gang leaders*

THE UNITED STATES Federal Courthouse in downtown Jackson is a gleaming testament to the power of our federal government. The walls are literally works of art. The doors are hand carved in elaborate styles. Magnificent hallways and sheets of glass scream the power of modern prosperity.

So it seemed symbolic as I left the courtroom and noticed a 30-yard trail of blood all the way to the elevator.

I had just finished listening to testimony of a 26-year-old African-American man who had been in prison for seven years. He is mentally ill. Schizophrenia, bipolar - the works. He is a cutter, meaning that he won't stop cutting himself. Several times he has come close to bleeding to death.

I was impressed by his vocabulary. At one point he used the word "profusely" to describe his bleeding. He seemed intelligent.

Ten percent of Americans will suffer serious mental illness at some point in our lives.

Just like we all harbor the vulnerabilities of heart disease and cancer, we are all at risk of mental illness. It is in the nature of the wiring of our brains.

Like a booby trap waiting to explode, mental illness is triggered by environmental trauma. Some of us are blessed enough to avoid such trauma, but the hard nature of life means, inevitably, like the random mutations that lead to cancer, some will fall prey. Highly intelligent and creative people are especially vulnerable.

The young prisoner has been locked up in the East Mississippi Correctional Facility (EMCF) which is the subject of an on-going federal lawsuit for its barbaric conditions.

He was asked why he cut himself. "I can't really say," he testified. "I just get this overwhelming urge. After I do it, it's a relief. Like a burden has been taken off my shoulders."

Another time, the young man drank cleaning fluid off a cleaning cart. "That's stupid," the guard said and walked away. Somehow, he survived.

This prisoner is due to be released in a month, but there is little chance he will recover. There is a narrow window of opportunity to save someone affected by severe mental illness. They are paranoid. They are terrified. They are overwhelmed by anxiety.

Timely intervention can bring them back. A simple mouth swab genetic test can now identify the best medicines. Gentle and kind therapy in a peaceful, tranquil setting can stabilize their fear and slowly bring them back to reality, just like chemotherapy and angioplasty can save a person from cancer or heart disease.

In our ignorance, we still often blame mentally ill people for their condition. Because mental illness affects behavior, a mentally ill person lacking family support or financial resources will often find themselves arrested. Many of them find their way to EMCF, the Mississippi prison designated to house the mentally ill.

According to the law, these mentally ill prisoners are supposed to receive the intensive therapy and appropriate medications that

can bring them back. But at EMCF, it rarely turns out that way.

Instead, they are thrown into a hellhole - a prison run by gangs, where they are beaten, raped, starved, gassed and stuffed in a dark solitary cell with roaches, rats and thin gruel.

If it had been the heart or kidney that had failed, these people would have Medicaid and could get decent medical interventions. But woe to a poor person whose brain becomes diseased in Mississippi.

Centuries ago, these people were burned at the stake for being witches. Or holes were drilled in their heads to let the bad spirits escape, a procedure that usually led to death. Others were locked up in insane asylums not much better than EMCF.

The Nazis just shot the mentally ill. We don't do that in Mississippi. We torture them until they cut themselves. Then rescue them from impending death; punish them for the attempt; and then torture them some more.

It's not that the administrators and guards at EMCF are bad people. They probably represent a standard Bell curve of human behavior. Some are saints. Some are sinners. Most fall somewhere in-between.

They are trying to do an extremely difficult job with inadequate resources. There is a shortage of skilled labor to fill these positions. Fire the existing staff and there is no guarantee the next crew will be any better.

**DURING THE TRIAL** numerous exhibits were submitted showing the staffing of mandatory positions in the prison is often half of what it is required to be. In addition, the cell locks are easily defeated. So the gangs take over.

Given the staff shortage, over time, the prison has learned to use the gangs to help manage the prison. The gangs, which have an elaborate hierarchy, decide which prisoners have which beds. They keep order and discipline. They are rewarded with a franchise to sell contraband. For a price, you can get anything you want.

Some of the guards are in cahoots. Others are intimidated by the gang leaders. Others

just want to keep their head down and get paid. No doubt, some are trying their best.

Although expedient, using gangs to help maintain prison order is fraught with potential problems.

First of all, gangs are illegal organizations that engage in illegal activities and use violence to maintain discipline. Once gangs get a toehold, they expand. If gangs are allowed to run our prisons, they may infiltrate law enforcement and numerous other areas of our economy. Just look at Mexico if you want to see the pitfalls of tolerating gang entrenchment.

How can the FBI allow this to happen? They should be nipping this in the bud.

Second, it is absolutely inhumane to allow gangs to run a prison for the mentally ill. The gangs have no understanding of the unique nature of mental illness, so they just beat and isolate these people until they cut themselves, hang themselves and light fires in their cells as a cry for help.

Putting a mentally ill person in these conditions is a death sentence - either actual death or a living hell. If psychosis isn't stabilized, the brain undergoes permanent physical changes that can be seen on an MRI.

I could recount horror story after horror story. It's all in the transcript.

Society owes our affluence to brilliant, creative individuals. These are our inventors, entrepreneurs and writers. But the same mental structures that allow creativity also create a vulnerability for mental illness. To throw these people into a hellhole like EMCF is not civilized.

I am under no illusion that a federal magic wand can eradicate this blight on humanity. But there are states that have instituted far better practices and procedures, usually by federal decree. Mississippi is far behind. We must do better.

It would be great if our state leaders cared, but they don't. I haven't seen one of them at the trial. Nobody cares about crazy people.

Jesus spoke about the prisoners in Matthew 25:35. His words are clear. What we do to these people, we do to him.

# from the publisher



By  
WYATT  
EMMERICH

## *Prison trial ends, fate of EMCF waits on Barbour's ruling*

TWO HUNDRED and twenty-six years ago, the Federalists were having trouble getting the states to ratify the new Constitution of the United States. The anti-Federalists, led by Samuel Adams, John Hancock and Patrick Henry, feared the proposed constitution did not adequately protect the individual rights of the common man.

As a result, James Madison drafted the Bill of Rights. The rest is history.

This history is playing out in real time as federal District Court Judge William Barbour must decide whether to order sweeping changes at the East Mississippi Correctional Facility (EMCF) just east of Meridian.

The Eighth Amendment of the Bill of Rights bans "cruel and unusual" punishments. The question is whether the mentally ill prisoners at EMCF have been subject to cruel and unusual punishments.

Almost every day for the past five weeks, I attended portions of the trial which was held in the beautiful Federal Building in downtown Jackson. The sparsely attended trial is now over and we await the judge's decision.

As a journalist, the trial offered a motherlode of insights into the Mississippi prison system, one of the biggest items in the state budget at \$300 million a year, five percent of

total general fund expenditures.

If you had asked me before the trial to rate Mississippi prisons on a scale of one to ten with one being barbaric and 10 being ideal, I would have said a five. Now I would say it's closer to a one or two.

I listened to a dozen prisoners testify. The horror stories were sickening: rats, roaches, rapes, beatings, solitary confinement for weeks in total darkness, deathly ill patients denied medicines, inedible food, fires in cells to get attention, blood covered cells from suicidal cuttings, locks that are easily defeated allowing gangs to have the run of the prison. Drugs, shanks and other contraband are rife.

There have already been four deaths so far this year.

The prison is managed by a private company, Management and Training Corporation (MTC), which got the job in a no-bid contract signed by former Mississippi Department of Corrections (MDOC) Commissioner Chris Epps.

This is the same company that hired Cecil McCrory, a former state legislator, as a consultant for \$120,000 a year. McCrory kicked back over \$100,000 to Epps. They are both now in jail for bribery while MTC still runs the prison. Attorney General Jim Hood is currently suing MTC over the affair.

By contract, MTC is supposed to have a certain number of guards staffing the prison. But internal reports presented at the trial show MTC only staffs about half the positions. As a result, MTC is supposed to refund millions of dollars to MDOC, but not a penny has been repaid to the state.

The MDOC contract compliance officer has reported on this non-compliance for years but the reports have been ignored by current MDOC Commissioner Pelicia Hall, according to her testimony.

Meanwhile, the EMCF compliance officer sent email after e-mail to officers at MDOC and MTC complaining that the prison was being run by gangs. Nobody did anything.

How do you explain this? The only logical explanation is gross incompetence or a continuation of the type of corruption that landed Epps and McCrory in jail.

Because states have done a terrible job running prisons, the federal courts have intervened over the last 50 years. Today, over half the nation's prisoners reside in prisons that are under some type of federal court order.

In 1991, the U.S. Supreme Court, in an

opinion written by Antonin Scalia, raised the bar for federal intervention. The prison had to engage in "unnecessary and wanton infliction of pain" and exhibit "intentional indifference."

Sending a thousand mentally ill people to a prison run by gangs, in my humble opinion, meets both standards.

I recall one young man who was raped. He wanted to press charges against his rapist. The guard said, "So what's the matter? Does your little booty hurt?" The prison refused to send the blood and semen covered underwear to the local sheriff's office. As a result, the rapist went unpunished. That is just one of many horror stories.

Just last year, this same story played out in Alabama. During the trial, one of the young prisoners committed suicide shortly after testifying, shocking the federal judge, Myron Thompson, who issued an emergency decree to change prison practices.

In June 2017, Judge Thompson issued a 305 page opinion implementing sweeping changes into the Alabama prison system.

Judge Thompson wrote, "Surprisingly, the evidence from both sides (including testimony from Commissioner Dunn and Associate Commissioner Naglich as well as that of all experts) extensively and materially supported the plaintiffs' claims."

**UNLIKE ALABAMA** where the prison officials acknowledged the inadequacies of their system, Mississippi prison officials vigorously defended EMCF. Their testimony was evasive and defensive.

After the plaintiffs presented a veritable mountain of damning evidence, I wondered what the defense would say. In essence, they shrugged their shoulders and said, "So what?" In the words of the EMCF warden during his testimony about violence and contraband: "It's the nature of prisons. It's the nature of the beast."

We can do better than that.

Unlike Judge Thompson, an African-American appointed by Jimmy Carter, Judge Barbour, a Yazoo City cousin of Haley Barbour appointed by Ronald Reagan, seems to have little fire in his belly for trying to remedy the EMCF hellhole.

And who can blame him? Recruiting skilled guards and psychiatrists to a small Mississippi city is a monumental task. Managing the criminally insane has always been one of the most challenging aspects of

civilization.

That being said, no judge likes to be overruled by a higher court and the case against EMCF is rock solid. The case law is clear. You cannot allow prisoners, especially the mentally ill, to be abused and denied appropriate medical treatment.

I don't always agree with the Southern Poverty Law Center (SPLC) or the American Civil Liberties Union (ACLU) but I give them credit for being an advocate for this helpless class of people.

The Republican leadership of Mississippi cares nothing about the criminally insane. Not one of them attended a single minute of the trial. Meanwhile, there are empty buildings at Whitfield. Their only concern is to cut the prison budget by outsourcing its operation to private companies with questionable backgrounds. As a result, we have gangs running our prisons. If we don't nip this in the bud now, we will regret it.

Mississippi spends a 10th as much as other states per prisoner. The chance of the Republicans spending more is nil. If the courts intervene, then the Republicans have an out. They can claim they had no choice and keep their Americans for Prosperity super PAC money. It's a good deal for everyone.

I am amazed at the checks and balances we enjoy in the United States. Our federal system, combined with advocacy groups, will end up making a huge difference and well they should.

The Alabama governor has suggested calling a special session to address their court order and their dilapidated prison system. At the very least, Judge Barbour should appoint the SPLC and ACLU as court monitors to oversee reforms at EMCF. MDOC has failed miserably and desperately needs such oversight.

Locking up the mentally ill and throwing away the key is wrong. As a civilized society we must treat the mentally ill, not terrorize them with solitary confinement in a dark, rat infested cell.

With all due respect to non-believers and other religious groups, Mississippi is still a Christian state. As such, there is one ultimate authority for most of the voters in Mississippi. Jesus Christ was clear about prisoners. What we do to them, we do to him. It would be wise to obey the King of the Universe.