

GUEST COLUMN

Bring transparency to our prison system!

By James P. Gray

A year ago this past Fourth of July I was on the radio show Coast to Coast with George Noory, discussing our nation's Criminal Justice System. Thereafter I received letters from twelve men who are incarcerated in prisons all around our country. So I turned that into an opportunity to ask them to describe prison life, including the good, the bad and the ugly. Nine of them responded, and since then the number has nearly tripled.

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often take a very long time and many of the federal district court judges simply see them either as exaggerations or even just as a

And what I have heard from these men is deeply disturbing.

It was the Russian novelist Fyodor Dostoevsky who once said "The degree of civilization in a society can be judged by entering its prisons. A society should be judged not by how it treats its outstanding citizens, but by how it treats its criminals." I agree with that statement, and deeply hope that you do as well. Regardless of what offenses they were convicted of, we as a civilized society have an absolute obligation to treat

media full and complete access to all of our nation's prisons and jails so that they can interview anyone with a complaint and follow up on whichever of their complaints that

people involuntarily in our custody within a minimum threshold of security, nutrition and health-care. And, based upon what I have seen and heard, we are often falling short of that obligation. In that regard we should all remember the sentiment that "No one gets better by treating them worse."

As an example, one of my correspondents wrote to me that he is Jewish, and he had heard that some fellow inmates who were skinheads had a "hit" out on him. He further wrote to me that he also

in not being shown naively to have been taken in by false allegations. But they also have a vested interest in reporting upon accurate situations of abuse. So the reporters

knew that the warden and other correctional officers were aware of the threat, but they did nothing to protect him. Soon thereafter he was attacked by those two men with a shiv, which is a homemade knife, and stabbed seven times in the back - all the while they were yelling "Die Jew, die!" He was truly fortunate to have survived. But he also enclosed what appeared to be a genuine medical record from the prison which said: "Cause of injury: attempted suicide." Can you imagine anyone attempting suicide by stabbing themselves in the back - seven times?!!

Another example came from an incarcerated man who had felt such strong pain in his stomach that he strenuously requested numerous times to see a doctor. But the only response from the prison

officials was to give him some aspirin. Finally, when the man was able to see a doctor he reported that this man had appendicitis and had to have an operation - yesterday! So he was flown to a hospital where the operation was performed. Later, the operating doctor said that had the condition lasted for one more day this patient would have died.

And then there are other deeply disturbing allegations that sexual abuse and even rape have been rampant in both men's and women's prisons, with the perpetrators being the prison staff. I trust that everyone of us agrees that this would be an outrage!

Of course there were numbers of my correspondents who complained about the food, the lack of air conditioning, arbitrary en-

forcement of arbitrary rules, and a great abundance of contraband like cell phones and illicit drugs - which were mostly brought into the prisons and sold by prison staff. Why not, if a person can make a 500 percent profit in a weekend selling contraband to people who are incarcerated?

We all must understand, as amplified by my correspondents, people who are incarcerated really have only two recourses for their complaints. First, they can appeal to the warden but, as you can imagine, that often is futile. And, second, they can file a petition under Section 1983 of Title 42 of the United States Code to the federal courts for violations of their civil rights. But, as a matter of reality, those petitions

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'Why? Because, fundamentally, it is our government, and if it is not working we have no one to blame but ourselves!'

— James P. Gray

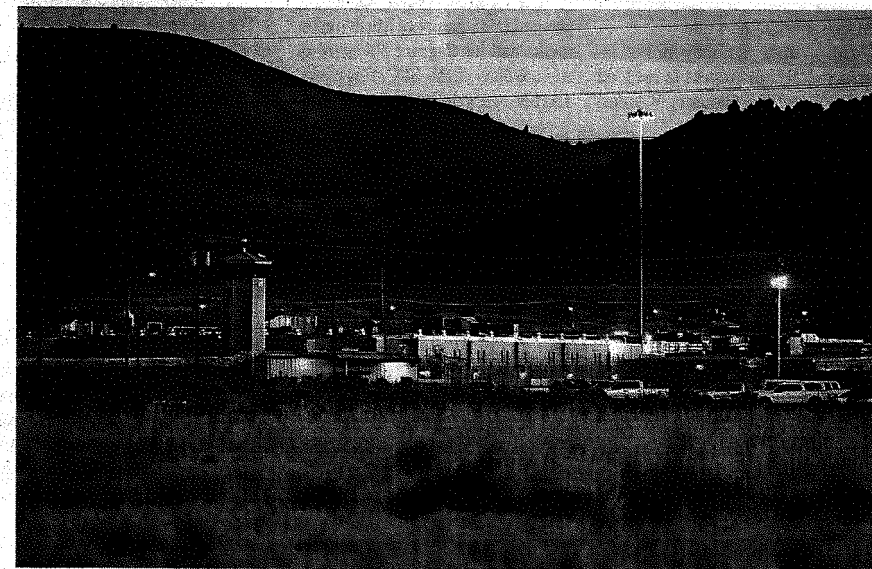
nuisance. As such, they are rarely successful. Of course, many incarcerated people also fear retaliation if they complain, which is an additional problem.

So what is the answer? We must bring transparency into our prisons. Just like with virtually every other facet of government, transparency is the key to honest treatment for all. So how can this be done? The answer is twofold. First, each correctional officer should be required to wear a body camera at all times when they are on duty. And, second, we should allow members of the mainstream

seemed to be justified. Of course, this approach must also be consistent with reasonable security precautions.

Now, as a veteran trial court judge as well as a former criminal defense attorney in the Navy and federal prosecutor in Los Angeles, I know full well that often defendants and incarcerated people lie, or at least exaggerate (just like many other people in our society). But sometimes they actually tell the truth. So allow these people to speak to the members of the media. As a practical matter, the media have a vested interest

would be able to investigate and follow up on the allegations and, if found to be credible, broadcast them to "We the People" for appropriate action. In addition, to ensure further transparency, any wardens who desired to have the correctional facility's positions made clear should be offered the opportunity to have their side of the story published as well. Finally, as an added protection, if the information provided by a person was later found to be false, that could always be used as a factor in aggravation in that person's future parole hearings on the issue



New York Times News Service

A view of the California Correctional Center and the High Desert Prison in Susanville, Calif., Oct. 2, 2021.

of rehabilitation.

I will attempt to forward this article to as many mainstream media outlets and public officials as I am able to move this proposal forward, particularly to those whose communities where state or federal prisons or county jails are located, but I request your assistance in that effort as well. Why? Because, fundamentally, it

is our government, and if it is not working we have no one to blame but ourselves! Please join me in this effort!

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