

CENTER ON  
**NATIONAL  
SECURITY**  
AT FORDHAM LAW

**REPORT #2**

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# **AMERICAN INCARCERATION**

## **CONDITIONS IN AMERICA'S PRISONS**

**AUGUST 2022**

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**THE  
ARKIN JUSTICE  
INITIATIVE**

**THE  
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# NOTE FROM THE DIRECTOR

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**Karen J. Greenberg**

The Arkin Justice Initiative at the Center on National Security is pleased to present its series on criminal justice in the United States.

The flaws of the U.S. criminal justice system have received increased public attention in recent years. At times, however, that attention has focused so intensely on certain areas that it diverted attention away from many of the realities, often buried, that threaten the public. In this series, our goal has been to shed light on some of those hidden attributes of the criminal justice system.

The series includes three reports.

The first report, *The Hidden Facts of Criminalization*, focuses on an area of criminal law that is predominately hidden from an analysis of criminal justice; namely, criminal penalties for administrative violations. This first report highlights the extent to which low-level regulations subject the public to criminal penalties—separate from the criminal statutes of criminal codes. As a result, oversight has proven elusive as well.

This second report, *Incarceration: Conditions in America's Prisons*, focuses on conditions of detention and incarceration in U.S. public prisons. The use, conditions, and prevalence of private prisons in the U.S. have been a primary focus in public critiques of incarceration. This focus has obfuscated a deeper crisis in America's public prisons, which house the vast majority of persons incarcerated in this country. This report seeks to bring attention back to the crisis in our public prisons.

The project's third report, *Criminal Justice Reform: Substance and Shadows*, examines recent efforts to reform the criminal justice system. Looking specifically at restorative justice programs as well as at reform efforts within New York's discovery process, this project opens a window into the mechanisms and structures that impede those reforms. Our intent here is to illuminate these hidden bureaucratic hurdles and loopholes and, in so doing, enhance the prospects for successful reform.

Our three-part study is intended to provide a useful starting point for adding new information to the study of criminal justice reform in hopes of revealing some of the hidden—and impactful—factors that require attention. Revealing these hidden facts is the first step toward remedying the inequities and unjust punishments embedded in our criminal justice system.

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## EXECUTIVE SUMMARY

This study explores the conditions in public prisons across the United States. For many years, criminal justice organizations and scholars have focused on the egregious prison conditions that exist in U.S. prisons, focusing mainly on private prisons.<sup>1</sup> This focus on private prisons has served to hide the conditions in public prisons that warrant attention as well. Violence, sexual assault, improper medical care, and unsanitary living spaces in these prisons, a hidden part of the story, jeopardize the health and well-being of inmates, violating their constitutional rights yet garnering all too little public attention.

Currently, as of this report, inmates across the United States have been and continue to be subjected to inhumane conditions of confinement. Private prisons, while an important part of the prison conditions problem, only comprise eight percent of the total state and federal prison population.<sup>2</sup> Consequently, this report aims to add to the current findings by exploring the other, more prominent portion of the prison conditions problem—prison conditions that exist specifically in United States *public* prisons or prisons owned and operated by the government.

To develop this report, the Center researched and analyzed 171 federal and state civil cases—filed from 2017 to 2022 throughout all United States jurisdictions—that challenged the prison conditions of public prisons. All prisons in these cases were “public prisons,” prisons owned and operated by state or federal governments.

Overall, this report finds that eight primary prison condition issues compose inmate legal challenges claimed to persist in public prisons. These eight issues are: (1) Prison Official and Staff Violations, (2) Medical Care Violations, (3) Unsanitary Conditions, (4) Inmate-on-Inmate Violence, (5) Overcrowding, (6) Infrastructure Deficiencies, (7) Unjust Policies, and (8) COVID-19 Challenges.

Specifically, this report identifies the following primary prisoner complaints:<sup>3</sup>

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<sup>1</sup> See *infra* note 6.

<sup>2</sup> THE SENTENCING PROJECT, PRIVATE PRISONS IN THE UNITED STATES (Mar. 3, 2021), <https://www.sentencingproject.org/publications/private-prisons-united-states/>.

<sup>3</sup> For the rankings and their meaning, please reference the Ranking System section *infra*.

## PRIMARY COMPLAINTS IDENTIFIED

### Prison Official and Staff Violations

Prison Official and Staff Violations include, generally, actions such as physical assault and abuse, sexual assault and abuse, psychological abuse, harassment, intimidation, and various forms of discrimination and oppression. Findings suggest that the Prison Conditions Violations comprise the most prevalent prison condition violation and challenge. Findings also show that these violations are multifaceted, ranging from prison officials directly abusing inmates to these officials actively encouraging “inmate-on-inmate violence” to officials falsifying reports and complaints against inmates.

- 41.52 percent of the 171 federal and state cases included a Prison Official and Staff Violation challenge.
- 40.00 percent of the 130 federal cases tracked included a Prison Official and Staff Violations challenge.
- 46.34 percent of the 41 state cases tracked included a Prison Official and Staff Violations challenge.

### Medical Care Violations

Medical Care Violations include, generally, prison medical staff failing to (i) provide medications for specific medical conditions, (ii) provide proper treatment for physical injuries, disabilities, and mental health conditions, and (iii) coordinate with other health professionals to grant proper and timely care to inmates. Findings suggest that Medical Care Violations is Rank 2 out of all alleged prison condition issues. The data also highlights that inadequate medical care is increasingly concerning as the problem of inadequate medical care is exacerbated by additional factors—these factors being (i) inmates having an increased vulnerability to developing chronic health issues and (ii) inmates, as a total populace, steadily aging from year to year.

- 38.01 percent of the 171 federal and state cases included a Medical Care Violation challenge.
- 41.54 percent of the 130 federal cases tracked included a Medical Care Violations challenge.
- 26.83 percent of the 41 state cases tracked included a Medical Care Violations challenge.



## Unsanitary Conditions

Unsanitary Conditions include (i) mold and insect infestations, (ii) leaks and floods from ceilings and walls, (iii) contaminated water and food, and (iv) urine and feces-covered cells and living spaces. Findings suggest that Unsanitary Conditions Violations is Rank 3 out of all alleged prison condition issues. The data also highlights that the problem and impact of unsanitary conditions are exacerbated by other egregious prison conditions—these conditions being (i) overcrowding and (ii) inadequate health care.

- 23.98 percent of the 171 federal and state cases included an Unsanitary Conditions challenge.
- 26.15 percent of the 130 federal cases tracked included an Unsanitary Conditions challenge.
- 17.07 percent of the 41 state cases tracked included an Unsanitary Conditions challenge.

## COVID-19 Challenges

COVID-19 Challenges include claims that prisons (i) created an environment that placed inmates at an unreasonable risk of infection, (ii) failed to abide and implement Center for Disease Control and Prevention (“CDC”) COVID-19 guidelines, (iii) failed to give adequate attention and care to inmates who were particularly susceptible to serious illness given prior health factors, (iv) failed to provide inmates with proper hygienic resources and supplies, and (v) failed to reduce the prison population to help combat the spread of COVID-19. Findings suggest COVID-19 Challenges is Rank 4 out of all alleged prison condition issues. The data also highlights that the egregious prison conditions that existed before the pandemic—the focus of this report—created the perfect environment for COVID-19 to spread and ravage. This nexus between other prison conditions and COVID-19—discussed more fully below—facilitated the rapid spread of COVID-19. As a result, prisons have been central hotspots for outbreaks.

- 14.62 percent of the 171 federal and state cases included a COVID-19 challenge.
- 13.08 percent of the 130 federal cases tracked included a COVID-19 challenge.
- 19.51 percent of the 41 state cases tracked included a COVID-19 challenge.

## Inmate-on-Inmate Violence

Inmate-on-Inmate Violence includes inmates (i) physically assaulting and beating other inmates, (ii) kidnapping and selling other inmates, (iii) sexually assaulting and abusing other inmates, (iv) harassing and taunting other inmates, (v) gang violence, and (vi) hate crimes. Findings suggest that Inmate-on-Inmate Violence is Rank 5 out of all alleged prison condition issues. The data also highlights that the issues of overcrowding, corrupt prison personnel, and inadequate medical care all facilitate, cultivate, and nurture a prison environment that breeds and sustains violence.

- 14.04 percent of the 171 federal and state cases included an Inmate-on-Inmate Violence challenge.
- 13.85 percent of the 130 federal cases tracked included a COVID-19 challenge.
- 14.63 percent of the 41 state cases tracked included a COVID-19 challenge.

## Overcrowding

Overcrowding includes (i) “double celling”—the practice of housing two prisoners in a one-person cell, and (ii) cramped recreational and open areas. Findings suggest that Overcrowding is Rank 6 out of all alleged prison condition issues. The data also highlights that even though overcrowding is not the most frequently filed constitutional challenge of the dataset, overcrowding continues to have a significant impact on all other prison issues present in these prisons.

- 13.45 percent of the 171 federal and state cases included an Overcrowding challenge.
- 13.08 percent of the 130 federal cases tracked included an Overcrowding challenge.
- 14.63 percent of the 41 state cases tracked included an Overcrowding challenge.

## Infrastructure Deficiencies

Infrastructure Deficiencies include (i) lack of adequate facilities, running water, and working appliances, (ii) hazardous walkways and physical structures, (iii) inadequate heating and ventilation, and (iv) dilapidated physical structures and fixtures. Findings suggest Infrastructure Deficiencies is Rank 7 out of all alleged prison condition issues. The data

also highlights that the problem of prison infrastructure deterioration (i) contributes to the persistence of certain conditions (i.e., unsanitary conditions) and (ii) is exacerbated by the problem of overcrowding, as there is greater strain on the systems and structures that are already in poor, compromised conditions.

- 9.88 percent of the 171 federal and state cases included an Infrastructure Deficiencies challenge.
- 9.92 percent of the 130 federal cases tracked included an Infrastructure Deficiencies challenge.
- 9.76 percent of the 41 state cases tracked included an Infrastructure Deficiencies challenge.

### Unjust Policies

Unjust Policies include (i) constant observation of inmates while showering and nude, (ii) unsubstantiated and repetitive cell searches, (iii) refusing to grant standard visiting privileges, (iv) restricting access to outside activities, recreational activities, and resources, (v) restricting and preventing communication and interactions with outside family members, (vi) mail censorship, (vii) overuse and abuse of segregated cell unit, (viii) limiting religious access and freedoms of inmates, and (ix) restricting access of personal items. Findings suggest Unjust Policies is Rank 8 out of all alleged prison condition issues, making it the least prevalent prison condition violation and challenge. The data also highlights that these unjust policies appear mainly due to the aggregate impact of other prison conditions. In sum, the prison system is overburdened with inmates and employs a staff that is ill-equipped and ill-prepared to manage and govern such an environment. As a result, unjust policies likely derive from the fact that prison officials begin to act outside of the bounds set forth by the established policies and procedures to compensate for their inadequate governing capabilities in an overcrowded prison environment.

- 8.19 percent of the 171 federal and state cases included an Unjust Policies challenge.
- 8.46 percent of the 130 federal cases tracked included an Unjust Policies challenge.
- 7.32 percent of the 41 state cases tracked included an Unjust Policies challenge.

## **SYNERGISTIC RELATIONSHIP THAT EXISTS BETWEEN PRISON CONDITIONS**

A primary theme of this report is that all eight prison condition issues seemingly have synergy—the interaction of these issues produces a combined effect on inmates that is greater than the one sum of their separate effects.

- COVID-19 is a perfect exemplification of this synergy: (1) Overcrowding (i) increases the number of person-to-person interactions and thus, exposed contacts, and (ii) decreases an inmate’s ability to social distance; (2) Inadequate medical care prevents prisons from (i) adequately managing and preventing the spread and transmission of COVID-19, and (ii) providing care and treatment to infected, ill inmates, and for the particularly vulnerable inmates; and (3) Infrastructure Deficiencies and Unsanitary conditions (i) prevent prisons from adequately ventilating the air quality of the environment and (ii) tax the immune systems of inmates.
- Unsanitary conditions have a strong nexus with inadequate medical care, overcrowding, and infrastructure deficiencies: inmates are increasingly exposed to these unsanitary conditions due to cramped spaces and dilapidated structures while unable to receive the care needed to treat any health issues arising from this increased exposure.
- Unjust policies and violence in prisons have a strong nexus with overcrowding and substandard and corrupt prison personnel, as the prison system is overburdened with inmates and employs a staff that is ill-equipped, ill-prepared, and in some cases, morally compromised to manage and govern such an environment.

## **CONCLUSIONS**

This report suggests that public prisons, as well as private prisons, need to be the focal point of change. This report aims to facilitate efforts of individuals and organizations to move the conversation of criminal justice reform forward. This report also identifies areas that are primed for future research and future scrutiny.<sup>4</sup>

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<sup>4</sup> See *infra* Moving the Conversation of Criminal Justice Reform Forward for a more in-depth exploration of future research topics and areas.

## INTRODUCTION

The Prison-Industrial Complex is a booming business in America. Roughly 4,000 corporations profit from the mass incarceration problem that exists in the United States today.<sup>5</sup> Organizations and scholars have focused on the exploitation of these private, for-profit corporations and how they have continuously grown the commercialization of the United States criminal justice system. Three corporations that arguably profit the most from this commercialization are CoreCivic, GEO Group, and Management and Training Corporation (“MTC”), the three private prison operators that have contracts with the Bureau of Prisons.<sup>6</sup> Much of the existing literature has shown that these private prisons subject prisoners to egregious prison conditions and prison environments, ranging from sexual and physical abuse to inadequate food, supplies, and care.<sup>7</sup> Charles A. Fried, a Harvard Law Professor and a former Solicitor General under President Ronald Reagan, succinctly describes the danger of for-profit prisons: “Corporations have the obligation to their shareholders to be profitable. And that is inconsistent with the obligation which the government has to its prisoners and to wider society”—to behave humanely.<sup>8</sup> The result of these mutually incompatible obligations is that for-profit prisons neglect the rights of their inmates and the conditions of their environment, subjecting these inmates to egregious and heinous prison conditions that, in the perspective of some scholars, rise to the threshold of torture.<sup>9</sup>

<sup>5</sup> WORTH RISES, *THE PRISON INDUSTRIAL COMPLEX: MAPPING PRIVATE SECTOR PLAYERS* (2019), <https://static1.squarespace.com/static/58e127cb1b10e31ed45b20f4/t/5cc7c27b9e3a8d00018649c5/1556595324791/The+Prison+Industrial+Complex+-+Mapping+Private+Sector+Players+-+2019.pdf>.

<sup>6</sup> THE SENTENCING PROJECT, *PRIVATE PRISONS IN THE UNITED STATES* (MARCH 3, 2021), <https://www.sentencingproject.org/publications/private-prisons-united-states/>.

<sup>7</sup> See THE SENTENCING PROJECT, *CAPITALIZING ON MASS INCARCERATION: U.S. GROWTH IN PRIVATE PRISONS* (2018), <https://www.sentencingproject.org/publications/capitalizing-on-mass-incarceration-u-s-growth-in-private-prisons/>; See also EQUAL JUSTICE INITIATIVE, *PRISON CONDITIONS*, <https://eji.org/issues/prison-conditions/>; See also CAROLINE ISAACS, PRISON POLICY INITIATIVE, *TREATMENT INDUSTRIAL COMPLEX: HOW FOR-PROFIT PRISON CORPORATIONS ARE UNDERMINING EFFORTS TO TREAT AND REHABILITATE PRISONERS FOR CORPORATE GAIN* (Nov. 2014), [https://www.prisonpolicy.org/scans/afsc/tic\\_report\\_online.pdf](https://www.prisonpolicy.org/scans/afsc/tic_report_online.pdf); See also Timothy Williams, *Inside a Private Prison: Blood, Suicide, and Poorly Paid Guards*, N.Y. TIMES (April 3, 2018), <https://www.nytimes.com/2018/04/03/us/mississippi-private-prison-abuse.html>; See also *Investigation Into Private Prisons Reveals Crowding, Under-Staffing, and Inmate Deaths*, NPR (Aug. 25, 2016), <https://www.npr.org/2016/08/25/491340335/investigation-into-private-prisons-reveals-crowding-under-staffing-and-inmate-de>.

<sup>8</sup> Hana M. Kiros, ‘A Slow Motion Version of the Death Penalty’: Why Harvard Shouldn’t Invest In Prisons, THE HARVARD CRIMSON (Mar. 22, 2022) (quoting Charles A. Fried), <https://www.thecrimson.com/article/2022/3/22/kiros-private-prisons/>.

<sup>9</sup> *Id.*

However private prisons hold only eight percent of the United States' prison population,<sup>10</sup> and focus on these private prisons has diverted attention from the conditions in public prisons—prisons owned and operated by local, state, or federal governments. These prisons only have an obligation to its prisoners and society, which is to behave humanely or, more specifically, uphold the full spectrum of constitutional rights afforded to prisoners. Given that governments are not encumbered by a conflicting obligation, public prisons, theoretically, should be better suited to protect and uphold prisoners' rights. Is this, in fact, the case?

There are but a few organizations that have discussed and focused on the conditions of public prisons across the United States. Some have conducted prison condition surveys which were completed and returned by prisoners, while others have conducted deep-dive assessments into public prisons of particular jurisdictions.<sup>11</sup> This report aims to add to this discourse by sharing its findings obtained from examining 171 federal and state civil cases throughout all jurisdictions, filed from 2017 to 2022, that challenged the prison conditions of public prisons. This report strives to raise awareness of the conditions in public prisons and to drive the conversation forward concerning where organizations, society, and lawmakers should dedicate their attention and resources to criminal justice reform.

This report begins by detailing its methodology and ranking system. It then moves into its discussion concerning its findings and the conditions that exist in public prisons. The conditions are presented in accordance with their respective rankings (see *infra* Ranking System). The report starts with the Rank 1 condition, Prison Official and Staff Violations, and progresses sequentially to the Rank 8 condition, Unjust Policies. Although COVID-19 challenges rank as the fourth most common complaint in the dataset, this issue has been placed after all other complaints. This placement is for two reasons. First, the pandemic clearly presents exceptional circumstances, so the frequency of complaints is, to some extent, a fluke of the time period studied. Secondly, the extent of the COVID-19 crisis in public prisons is the

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<sup>10</sup> PRISON PROJECT, *supra* note 6.

<sup>11</sup> See INCARCERATED WORKERS ORGANIZING COMMITTEE AND RESEARCH ACTION COOPERATIVE, CRUEL AND UNUSUAL: A NATIONAL PRISONER SURVEY OF PRISON FOOD AND HEALTH CARE QUALITY (Apr. 2018), [https://incarceratedworkers.org/sites/default/files/resource\\_file/iwoc\\_report\\_04-18\\_final.pdf](https://incarceratedworkers.org/sites/default/files/resource_file/iwoc_report_04-18_final.pdf); See also DEP'T OF JUSTICE, INVESTIGATION OF ALABAMA'S STATE PRISON FOR MEN (Apr. 2, 2019), <https://www.justice.gov/crt/case-document/file/1149971/download>; See also SHON HOPWOOD, BRENNAN CENTER FOR JUSTICE, HOW ATROCIOUS PRISON CONDITIONS MAKE US ALL LESS SAFE (Aug. 9, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/how-atrocious-prisons-conditions-make-us-all-less-safe>; Liz Crampton, 'A Humanitarian Crisis': Why Alabama Could Lose Control of Its Dangerous Prisons, POLITICO (Dec. 1, 2021), <https://www.politico.com/news/2021/12/01/alabama-prisons-humanitarian-crisis-523548>.

product of the other failings in the prison system, and thereby highlights the way prison conditions interact and build on each other.

After examining each of the most frequently claimed violations, the report illuminates how its factual findings and examinations can advance the criminal justice reform conversation, presenting questions and topic areas for future research, discourse, and regulation. Finally, the report concludes with a brief summation and some ending remarks.

## METHODOLOGY

This study examines both federal and state civil cases that challenge prison conditions in public prisons. “Public prisons” means prisons owned and operated by the state and federal governments. Together, these systems hold almost 2 million people in 1,566 state prisons, 102 federal prisons, 2,850 local jails, 1,510 juvenile correctional facilities, 186 immigration detention facilities, and 82 Indian country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories.<sup>12</sup>

This study’s dataset comprises 171 federal and state civil cases, including 130 federal and 41 state cases. All data included in the dataset has been ascertained from court opinions found on Westlaw, LexisNexis, or Bloomberg Law. Cases were found by performing a search for allegations of “prison condition violations.” Cases were included when they involved claims of deprivation of a person’s (inmate’s) rights under the United States Constitution, federal statutes, state statutes, or a state’s constitution. The search was limited to cases brought between January 1, 2017, and December 31, 2021. The primary challenges included in the dataset are 42 § U.S.C. § 1983 civil rights actions (First Amendment, Eighth Amendment, and Fourteenth Amendment Challenges), Writ for Habeas Corpus actions, Bivens actions, American Disabilities Act (ADA) actions, and various State Constitution challenges.

### SUCCESS RATE OF INMATE CLAIMS OMITTED

The data is based on factual allegations by plaintiffs in these cases. The success of the plaintiff’s action did not influence the collection of data because the current process for inmate grievances and legal challenges is a process, in actuality, that impedes inmates from “properly” filing lawsuits that protest unfair conditions and treatment. For greater context, in 1996, President Bill Clinton passed the Prison Litigation Reform Act (PLRA).<sup>13</sup> The bill was designed to reduce the number of court cases brought by inmates.<sup>14</sup> Consequently, it required inmates (litigants) to first “exhaust” all other options for resolving a complaint internally with their own prison

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<sup>12</sup> Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie in 2022*, *The Prison Policy Initiative*, March 14, 2022 <https://www.prisonpolicy.org/reports/pie2022.html>

<sup>13</sup> ACLU, KNOW YOUR RIGHTS: THE PRISON LITIGATION REFORM ACT, [https://www.aclu.org/sites/default/files/images/asset\\_upload\\_file79\\_25805.pdf](https://www.aclu.org/sites/default/files/images/asset_upload_file79_25805.pdf).

<sup>14</sup> *Id.*



administrators.<sup>15</sup> The barrier created by the PLRA was moderately relaxed in the 2007 case *Jones v. Bock*.<sup>16</sup> The PLRA's guidelines, theoretically, should not be an issue, as grievance coordinators in prisons should handle and resolve "would-be" legal challenges. However, studies have shown that grievance coordinators do not handle grievances from inmates properly.<sup>17</sup> This requirement has effectively dismantled judicial oversight of prison violations, offering an opportunity for grievance coordinators in prisons to ignore or actively block grievances from being filed.<sup>18</sup> For example, these coordinators can: (i) hold an issue is non-grievable, (ii) hold that a grievance request needs a rewrite for it to proceed forward (never accepting a proper rewrite), (iii) hold that the grievance covers too many issues, in turn, making the request invalid, and (iv) reject certain grievance requests, citing that the inmate "exceeded the allowable number of grievances."<sup>19</sup>

Given the dynamic that exists between the PLRA and the grievance processes in prisons and the seemingly insurmountable barrier it creates for inmates to reach a full judicial hearing, this report does not include the success and failure rates of claims. Instead, inmate complaints are examined as a window into the situation in prisons rather than a full determination of these conditions.

## RANKING THE FREQUENCY OF CLAIMS

The ranking system of this report utilizes a Rank 1 to Rank 8 system. Rank 1 represents the prison condition that is most common in the dataset; Rank 2 represents the next most common after Rank 1, etc. The ranking ends with

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<sup>15</sup> See generally *Jones v. Bock*, 549 U.S. 199, 127 S. Ct. 910 (2007).

<sup>16</sup> Squire Servance, *Jones v. Bock: New Clarity Under the Prison Litigation Reform Act*, 3 DUKE J. CONST. L. & PUB. POL'Y 75, 75-6 (2007); See *Jones*, 127 S. Ct. at 918, 922-24 (holding that (i) a prisoner litigating under the PLRA does not have the burden to plead and demonstrate exhaustion in the complaint. Rather, the defendant must raise lack of exhaustion as an affirmative defense; (ii) a prisoner's initial administrative grievance need not identify and name all the individuals charged in its complaint; and (iii) the PLRA does not require a dismissal of an entire complaint when some, but not all, of the claims asserted have been exhausted.)

<sup>17</sup> BEN CAVATARO ET AL., MICHIGAN LAW INFORMATION PROJECT, PRISON AND JAIL GRIEVANCE POLICIES: LESSONS FROM A FIFTY-STATE SURVEY (Oct. 18, 2015), <https://www.law.umich.edu/special/policyclearinghouse/Site/percent20Documents/FOIAReport10.18.15.2.pdf>.

<sup>18</sup> See, e.g., Christopher Blackwell, *The Prison Grievance System is Broken*, THE PROGRESSIVE MAGAZINE (June 19, 2021), <https://progressive.org/latest/prison-grievance-system-unjust-blackwell-210618/>; Francesca Laguardia, *The Nonexceptionalism Thesis: How Post-9/11 Criminal Justice Measures Fit in Broader Criminal Justice*, 19 THE NEW CRIM. L. REV. 544, 559-60 (2016); Francesca Laguardia, *Special Administrative Measures: An Example of Counterterrorism Excesses and Their Roots in US Criminal Justice* 51 CRIM. L. BULL. 157, 179-80 (2015); Keramet Ann Reiter, *The Most Restrictive Alternative: A Litigation History of Solitary Confinement in U.S. Prisons 1960-2006*, 57 STUD. L. POL. & SOC'Y 71 (2012); Van Swearingen, *Imprisoning Rights: The Failure of Negotiated Governance in the Prison Inmate Grievance Process*, 96 CAL. L. REV. 1353 (2008).

<sup>19</sup> Blackwell, *supra* note 16.

Rank 8, representing the prison condition that is the least common or least frequently occurring in the dataset.



## THE CONDITIONS THAT EXIST IN PUBLIC PRISONS

### PRISON OFFICIAL AND STAFF VIOLATIONS

**Ranking:** Prison Officials and Staff Violations is **Rank 1 out of all Violations** in this study.

**Synopsis:** Violence is a term often associated with prisons. A common conception is that this violence is wholly or largely perpetuated by the inmates themselves in part due to their perceived propensity for aggression and altercation. However, as many studies and organizations have shown, prison violence is also caused by the officials and staff of the prisons.<sup>20</sup> It has been documented that prison officials, guards, and staff physically, sexually, and psychologically abuse inmates under their supervision.<sup>21</sup> Physical, sexual, and psychological abuse is dehumanizing, physically and mentally traumatizing, and violates an individual's constitutional rights. A prime example that showcases the severity of prison official violence and abuse is the case *Dawson v. Cook*, where the plaintiff, Gregory Lawrence Dawson, alleged that a prison guard "entered his cell, repeatedly punched him in the face causing plaintiff to hit his head on the metal bunk and then proceeded to repeatedly kick plaintiff in the head while plaintiff was on the ground."<sup>22</sup> Gregory Dawson lost vision in his left eye due to the incident.<sup>23</sup>

However, direct abuse, like the kind experienced by Gregory Dawson, is not the only violation that prison officials are known to commit. Many prisoners have illuminated via grievances and court cases that prison officials and staff were and continue to be knowingly indifferent to the safety and needs of inmates. Some examples of this indifference are prison officials encouraging "inmate-on-inmate violence"; prison officials allowing this

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<sup>20</sup> PRISON FELLOWSHIP, PRISON VIOLENCE: VIOLENT TREATMENT IS NEVER PART OF A JUST SENTENCE, <https://www.prisonfellowship.org/resources/advocacy/prison-violence/>; See EMILY WINDRA, PRISON POLICY INITIATIVE, NO ESCAPE: THE TRAUMA OF WITNESSING VIOLENCE IN PRISON (Dec. 2, 2020), <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence/>.

<sup>21</sup> See EMILY WINDRA, PRISON POLICY INITIATIVE, NO ESCAPE: THE TRAUMA OF WITNESSING VIOLENCE IN PRISON (Dec. 2, 2020), <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence/>; See JING SHI & NANCY WOLF, CONTEXTUALIZATION OF PHYSICAL AND SEXUAL ASSAULT IN MALE PRISONS: INCIDENTS AND THEIR AFTERMATH (Jan. 25, 2010); See also EMILY D. BUEHLER & LAURA MARUSCHAK, BUREAU OF JUSTICE STATISTICS, SURVEY OF SEXUAL VICTIMIZATION IN ADULT CORRECTIONAL FACILITIES 2012-2018 (June 2021).

<sup>22</sup> *Dawson v. Cook*, 238 F.Supp.3d 712, 714-15 (E.D. Pa. 2017).

<sup>23</sup> *Id.* at 715.

“inmate-on-inmate violence” to persist unchecked; falsifying reports and complaints against inmates; and destroying inmates’ personal property.<sup>24</sup>

As this report highlights, these “prison official violations” are still prevalent today in public prisons. Prisoners still seek and yearn for redress from being wronged, abused, and battered at the hands of prison personnel, who act from and abuse their positions of power. Organizations, the law, and society still have a long road ahead before the problem of “prison official violations” is solved. Nevertheless, it is a road that must be traveled, as inmates every day across the country in prisons—owned and operated by the government—undeservingly are deprived of their constitutional and human rights.

### **Factual Findings from Federal and State Cases:**

“Prison Officials and Staff Violations” include:

- Excessive force by prison officers;
- Intimidation by prison officers;
- Harassment by prison officers;
- Denied due process by prison officials and staff;
- Physical abuse by prison officers;
- Sexual abuse by prison officers;
- Psychological abuse by prison officers;
- Indifference to the safety of inmates by prison officials and staff;
- Failure to protect inmates from known inmate-on-inmate violence;
- Denial of proper meals by prison officials and staff;
- Destruction of personal property by prison officers;
- Falsification of complaints by prison guards against inmates;
- Unjust and discriminatory cell and person searches;
- Religious discrimination by prison staff;
- Discrimination based on sex by prison officials and staff; and
- First Amendment retaliation by prison officials.

### **Statistics:**

#### **Total**

Of the 171 cases tracked and analyzed, 71 alleged and challenged prison officials and staff violations. Among all the cases tracked over the six-year

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<sup>24</sup> See generally *Reid v. Ebbert*, NO. 1:16-cv-1403, 2018 WL 6991260 (M.D. Pa. 2018); See also generally *Barnes v. Guerra*, No. 2:17-CV-1072-PK, 2018 WL 4232882 (D. Or. 2018); See also generally *DeJesus v. Venetozzi*, No. 9:20-CV-0813 (MAD/CFH), 2021 WL 4189930 (N.D.N.Y. 2021).

period in both federal and state court, 41.52 percent included a prison official and staff violations challenge.

### Federal Court

Of the 130 cases tracked and arising in federal court, 52 alleged and challenged prison officials and staff violations. Among all the cases tracked over the six-year period in federal court, 40.00 percent included a prison official and staff violations challenge.

### State Court

Of the 41 cases tracked and arising in state court, 19 alleged and challenged prison officials and staff violations. Among all the cases tracked over the six-year period in state court, 46.34 percent included a prison official and staff violations challenge.

## MEDICAL CARE VIOLATIONS

**Ranking:** Medical Care Violations is **Rank 2 out of all Violations** in this study.

**Synopsis:** By law, prison inmates have a right to receive the health care they need. In 1976, the United State Supreme Court in *Estelle v. Gamble* held that ignoring a prisoner’s serious medical needs can amount to cruel and unusual punishment.<sup>25</sup> In its opinion, the Court stated:

[A]n inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met. In the worst cases, such a failure may actually produce physical torture or a lingering death[.] ... In less serious cases, denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose.<sup>26</sup>

This right to receive adequate health care becomes ever-more important considering that studies have found that inmates are disproportionately more likely to have chronic health problems, such as diabetes, high blood pressure, HIV, substance addiction, and mental health problems.<sup>27</sup> Take, for example, the case *Lockett v. Bonson*, where the plaintiff, Jeremy Lockett, was an inmate with sickle cell disease, antisocial personality disorder, adjustment disorder, depression, and a history of substance abuse.<sup>28</sup> Mr.

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<sup>25</sup> *Estelle v. Gamble*, 429 U.S. 97 (1976).

<sup>26</sup> *Id.* at 103.

<sup>27</sup> PRISON POLICY INITIATIVE, HEALTH, <https://www.prisonpolicy.org/health.html>; See MARCUS BERZOFSKY, LAURA M. MARUSCHAK, & JENNIFER UNANGST, BUREAU OF JUSTICE STATISTICS, MEDICAL PROBLEMS OF STATE AND FEDERAL PRISONERS AND JAIL INMATES, 2011-12 (Feb. 2015, revised Oct. 4, 2016), <https://bjs.ojp.gov/content/pub/pdf/mpsfpi1112.pdf>.

<sup>28</sup> *Lockett v. Bonson*, 937 F.3d 1016, 1019 (7th Cir. 2019).

Lockett’s conditions all required careful and consistent attention and care, which he alleged was ultimately not given.<sup>29</sup> Many individuals like Jeremy Locket exist throughout the prison system and, unfortunately, fail to receive the nuanced care needed to manage their conditions and ailments effectively.

Additionally, research has shown that as time passes on, prisons in the United States are housing an increased number of “elder” inmates.<sup>30</sup> As America’s prison population ages, inmates require increased medical care as they develop various health issues, concerns, and ailments, medical care that they have a constitutional right to receive.

Inadequate medical care is still a pressing issue in today’s public prisons. The dataset suggests that it is one of the most common prison condition challenges brought by inmates in the past six years. This seemingly systemic problem of inadequate medical care becomes increasingly troubling, considering that prisons are only becoming more overcrowded, and the world continues to navigate the new realities of COVID-19.

### **Factual Findings from Federal and State Cases:**

“Medical Care Violations” include:

- Failure to provide medications for specific medical conditions (e.g., epilepsy);
  - » Example: In *Newberry v. Melton*, Jack Newberry (Plaintiff), who has epilepsy, alleged that Defendants were deliberately indifferent to his serious medical need by not providing him with his anti-seizure medication for the first month of his incarceration.<sup>31</sup>
- Failure to provide first aid to physical injuries, such as stabbings, gashes, scrapes, bruising, black eyes, concussions, strained ligaments, etc.;
- Failure to provide adequate treatment and accommodations for disabilities (e.g., blindness);
  - » Example: In *Ross v. State*, Dudley Ross (Plaintiff), who is blind, alleged that has medical treatment and accommodations by

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<sup>29</sup> See generally *id.*

<sup>30</sup> See Hope Reese, What Should We Do about Our Aging Prison Population, JSTOR (July 17, 2019), <https://daily.jstor.org/what-should-we-do-about-our-aging-prison-population/>; See also HUMAN RIGHTS WATCH, OLD BEHIND BARS: THE AGING PRISON POPULATION IN THE UNITED STATES (Jan. 27, 2012), <https://www.hrw.org/report/2012/01/27/old-behind-bars/aging-prison-population-united-states>.

<sup>31</sup> *Newberry v. Melton*, No. 2:14-cv-00024, 2017 WL 512667 at \*1 (M.D. Tenn. 2017).

prison staff was inadequate to manage his disability and that he had to pay for individuals to guide him instead of prison officials providing a “helper.”<sup>32</sup>

- Failure to provide adequate treatment and accommodations for mental health conditions;
- Inadequate medical treatment and attention to prolonged health ailments (e.g., degenerative disc disease, spondylosis, etc.);
  - » Example: In *Lovelady v. Beamer*, Jeremy Ray Lovelady (Plaintiff)—who suffered from a bulging disc in his back, degenerative disc disease, arthritis, and a nerve pinching his right testicle—alleged ineffective medication (e.g., ineffective pain medication) and treatment (e.g., denying surgery, failure to coordinate with other facilities to review MRI scans), in turn, causing the plaintiff prolonged pain and suffering.<sup>33</sup>
- Delayed coordination with outside medical facilities and centers, prolonging the wait for adequate medical treatment (e.g., failing to timely send MRI scans to facilities to receive recommendations on course of treatment);
  - » Example: In *Rodd v. Lavaria*, Jeffrey Charles Rodd (Plaintiff), who suffered from severe cataracts that rendered him effectively blind, claimed that he was delayed two years before undergoing successful surgery for his cataracts.<sup>34</sup> Rodd alleged that due to this delay, he was forced to suffer from blindness for two years, as well as experience severe headaches and “eye flashes.”<sup>35</sup>
- Confiscating necessary medical devices from individuals suffering from specific health ailments (e.g., inhaler for asthma, knee brace for a compromised knee injury, etc.); and
  - » Example: In *Turner v. Brown*, Glenn Turner (Plaintiff), who suffered from asthma, alleged that prison official confiscated his inhaler with the knowledge that he was at risk of asthma attacks.<sup>36</sup> Turner then claimed that he suffered from an asthma

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<sup>32</sup> *Ross v. State*, 286 So.3d 673, 676 (Miss. Ct. App. 2019).

<sup>33</sup> *Lovelady v. Beamer*, No. 2:16-cv-01614-PK, 2017 WL 2174958 at \*4-6 (D. Or. 2017).

<sup>34</sup> *Rodd v. Lavaria*, 515 F.Supp.3d 1006, 1011 (D. Minn. 2021).

<sup>35</sup> *Id.*

<sup>36</sup> *Turner v. Brown*, No. 17-cv-764-jdp, 2019 WL 3431158 at \*4 (W.D. Wis. 2019).

attack—and overall, with difficulty breathing—for days until he received a new inhaler.<sup>37</sup>

- Failure to provide adequate treatment to inmates infected with COVID-19.

## Statistics:

### Total

Of the 171 cases tracked and analyzed, 65 alleged and challenged medical care violations. Among all the cases tracked over the six-year period in both federal and state court, 38.01 percent included a medical care violations challenge.

### Federal Court

Of the 130 cases tracked and arising in federal court, 54 alleged and challenged medical care violations. Among all the cases tracked over the six-year period in federal court, 41.54 percent included a medical care violations challenge.

### State Court

Of the 41 cases tracked and arising in state court, 11 alleged and challenged medical care violations. Among all the cases tracked over the six-year period in state court, 26.83 percent included a medical care violations challenge.

## UNSANITARY CONDITIONS

**Ranking:** Unsanitary Conditions is **Rank 3 out of all Violations** tracked in this study.

**Synopsis:** Prisons are harsh and cold in their nature, which is by design. Yet, even while being harsh and cold, prison conditions cannot by law deprive an individual of the minimal civilized measures of life's necessities and subject an individual to unreasonable health and safety risks.<sup>38</sup> If such deprivation occurs, then an individual's constitutional rights have been violated.

Inmates have claimed and continue to claim via grievances and court cases that they are deprived of these minimal civilized measures of life's necessities and are subjected to unreasonable health and safety risks due

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<sup>37</sup> *Id.*

<sup>38</sup> Bernard J. Farber, Prisoner Lawsuits Concerning Specific Conditions of Confinement, 1 AM. FOR EFFECTIVE L. ENFORCEMENT 301, 302 (Jan. 2019).



to the existence of unhygienic, dirty, and unhealthy conditions in prisons. These unsanitary conditions range from contaminated, undercooked, and vermin-infested food to black-mold-infested and feces-covered cells. A vivid example of these conditions is the case *Banks v. Kendra*, where Marvin Banks, Plaintiff, alleged that he slept with bed bugs in his cell (even though reported to several prison officials), as well as was housed in a cell with a toilet that flooded the floor with urine and feces.<sup>39</sup> As a result, Mr. Banks was covered in bed bug bites and was prevented from relieving himself, which caused “his insides to hurt.”<sup>40</sup>

Inmates further claim that prisons lack the resources, staff, and overall intention to address these unsanitary conditions, resulting in prolonged exposure to said conditions—as evidenced by the aforementioned case of Marvin Banks. Such knowing subjugation of prisoners to these unsanitary, harmful conditions is inhumane, cruel, and a violation of an individual’s Constitutional rights.

This highlights that “unsanitary conditions” persist in public prisons throughout the United States. Prisoners are still exposed to conditions such as mold-infested cells, vermin and insect infestations, and human or animal fecal material.<sup>41</sup> These unsanitary conditions become increasingly concerning when considering the existence of other egregious prison conditions, such as inadequate medical care and overcrowding. These other conditions exacerbate the deleterious impact that unsanitary conditions have on the inmates of these prisons: inmates are increasingly exposed to these conditions due to cramped spaces while being unable to receive the care needed to treat any health issues arising from this increased exposure.<sup>42</sup> One crucial concept—and a theme of this overall report—that the synopsis of unsanitary prison conditions illuminates is: the combined impact of these various prison condition violations is disastrous on the prison populations of public prisons, as the various prison conditions have a synergistic relationship.

### **Factual Findings from Federal and State Cases:**

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<sup>39</sup> *Banks v. Kendra*, No. 17-0329, 2017 WL 6206128 at \*2-3 (E.D. Penn. 2017).

<sup>40</sup> *Id.*

<sup>41</sup> See e.g., *McGill v. Lanigan*, No. 13-7386 (JMV), 2017 WL 4390265 at \*1 (D. N.J. 2017) (alleging (i) that large patches of black mold and a pink fungus or bacteria-like substance grew on shower walls and that green mold sometimes covered the entire ceiling in the showers, (ii) that Prison staff was unable to control the growth despite “using bleach, power spraying, painting and scrubbing the affected areas, and (iii) that birds would roost in the attic of the dormitory and that when it rained, water contaminated with bird feces entered the dormitory’s living area because the roof leaked.)

<sup>42</sup> See e.g., *McLaughlin v. Zavada*, No. 19-422, 2021 WL 2529793 (W.D. Pa. 2021).

“Unsanitary Conditions” include:

- Mold on the floor and walls of the prison (most commonly the showers);
- Denial of showers;
- Discolored and contaminated water;
- Dirty and contaminated kitchen utensils;
- Leaks in the ceilings;
- Cockroach and other insect infestations (mosquitos, bed bugs, etc.);
- Inadequate plumbing resulting in clogs, leaks, and floods; and
- Dried feces and urine on the walls of prison cells.

### **Statistics:**

#### **Total**

Of the 171 cases tracked and analyzed, 41 alleged and challenged unsanitary prison conditions. Among all the cases tracked over the six-year period in both federal and state court, 23.98 percent included an unsanitary prison condition challenge.

#### **Federal Court**

Of the 130 cases tracked and arising in federal court, 34 alleged and challenged unsanitary prison conditions. Among all the cases tracked over the six-year period in federal court, 26.15 percent included an unsanitary prison condition challenge.

#### **State Court**

Of the 41 cases tracked and arising in state court, seven alleged and challenged unsanitary prison conditions. Among all the cases tracked over the six-year period in state court, 17.07 percent included an unsanitary prison condition challenge.

## **INMATE-ON-INMATE VIOLENCE**

**Ranking:** Inmate-on-Inmate Violence is **Rank 5 out of all Violations** tracked in this study.

**Synopsis:** As mentioned previously, violence is a term often associated with prisons. Along with violations by prison staff, incarcerated individuals are frequently exposed or subjected to violence caused by other inmates. Prison offers few outlets where one can avoid interactions and contact with other inmates, especially considering the widespread problem of overcrowding that affects prisons. Additionally, many public prisons

maintain conditions that catalyze violence, such as poorly trained and unsuitable prison personnel, excessive solitary confinement, unjust prison policies, and mistreatment of mentally ill inmates.<sup>43</sup>

Inmates of prisons experience and witness assaults, sexual assaults, beatings, rapes, stabbings, gang violence, murders, and suicides. A vivid example of this violence and abuse is the case of *Cassady v. Dozzier*, where the David Dwayne Cassidy (Plaintiff), an individual who was born male but identifies as a female, alleged that (i) she was raped multiple times at knifepoint, (ii) repeatedly masturbated on by gang-affiliated inmates, (iii) threatened to be a “sex slave” to certain inmates, and (iv) witnessed multiple stabbings and beatings by inmates.<sup>44</sup> Such exposure and subjugation to violence and abuse—especially the type of violence and abuse experienced by David Cassidy, which is all too common in prisons—undermines rehabilitation, reentry, and overall health of inmates.<sup>45</sup>

As the numbers of cases demonstrate, inmate-on-inmate violence is still ingrained into the culture of the public prison system. It is hard to definitively propose a best course of action to solve and correct this violence issue that has become normalized as a part of the prison culture. Yet, one concept that is revealed by the factual findings of this report is that other prison condition issues must be solved first in order to make any sort of impact. Issues such as overcrowding, poorly trained and unethical prison personnel, and inadequate medical care and treatment all facilitate, cultivate, and nurture a prison environment that breeds and sustains violence.<sup>46</sup> Until these critical issues are adequately addressed, violence will continue to persist in public prisons.

### **Factual Findings from Federal and State Cases:**

“Inmate-on-Inmate Violence” include:

- Kidnapping and sale of inmates to other inmates;
- Physical beatings;
- Aggravated assaults;
- Sexually assaults and abuse;
- Attempted murder;
- Gang violence;

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<sup>43</sup> PRISON FELLOWSHIP, *supra* note 18; WINDRA, *supra* note 18.

<sup>44</sup> *Cassady v. Dozier*, No. 7:18-CV-158 (HL), 2022 WL 988315 at \*2-7 (M.D. Ga. 2022).

<sup>45</sup> PRISON FELLOWSHIP, *supra* note 18; See WINDRA, *supra* note 18.

<sup>46</sup> See Diana D’Abruzzo, How Can Prisons Eliminate Violence? One Researcher is Determined to Find Out, ARNOLD VENTURES (Aug. 24, 2020), <https://www.arnoldventures.org/stories/how-can-prisons-eliminate-violence-one-researcher-is-determined-to-find-out>.

- Hate Crimes;
- Harassment and taunting.

## Statistics:

### Total

Of the 171 cases tracked and analyzed, 24 alleged and challenged inmate-on-inmate violence. Among all the cases tracked over the six-year period in both federal and state court, 14.04 percent included an inmate-on-inmate violence challenge.

### Federal Court

Of the 130 cases tracked and arising in federal court, 18 alleged and challenged inmate-on-inmate violence. Among all the cases tracked over the six-year period in federal court, 13.85 percent included an inmate-on-inmate violence challenge.

### State Court

Of the 41 cases tracked and arising in state court, six alleged and challenged inmate-on-inmate violence. Among all the cases tracked over the six-year period in state court, 14.63 percent included an inmate-on-inmate violence condition challenge.

## OVERCROWDING

**Ranking:** Overcrowding is **Rank 6 out of all Violations** tracked in this study.

**Synopsis:** Prison populations have grown at a rapid pace over the past 40 years.<sup>47</sup> This rapid growth can be attributed primarily to changes in sentencing law and policy rather than changes in crime rates.<sup>48</sup> As a result, prisons have become “overcrowded” or have reached and exceeded their maximum occupancy rate.

Organizations have argued that overcrowding is the single biggest problem facing prisons today.<sup>49</sup> It undermines the ability of the prison system to meet and provide basic human needs like adequate healthcare, sanitary spaces, working appliances, adequate recreational activities, and basic

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<sup>47</sup> THE SENTENCING PROJECT, CRIMINAL JUSTICE FACTS, <https://www.sentencingproject.org/criminal-justice-facts/>.

<sup>48</sup> *Id.*

<sup>49</sup> PENAL REFORM INTERNATIONAL, OVERCROWDING, <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>; See ACLU, OVERCROWDING AND OVERUSE OF IMPRISONMENT IN THE UNITED STATES (May 2015), <https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf>.

privacy.<sup>50</sup> Overcrowding also causes or exacerbates all other prison issues. Issues such as prison official violations, inmate-on-inmate violence, and COVID-19 outbreaks all are amplified when prisons are congested and crammed.

Overcrowding is still a prominent issue plaguing public prisons. Even if overcrowding is not the most frequently filed constitutional challenge of the dataset, overcrowding continues to have a major impact on all other prison issues that are present in these prisons. The heightened challenge rate of prison official violations and medical care violations certainly is in part due to the fact that public prison systems are overwhelmed from being overcrowded. The same likely holds true for COVID-19 challenges that have been filed since the start of the pandemic. As will be further explored below, overcrowding is the perfect prerequisite condition for a highly contagious infectious disease like COVID-19 to spread rapidly through and decimate a particular populace. The impact that overcrowding has on the prison system should not be diminished by its average challenge rate relative to other prison condition challenges.

### **Factual Findings from Federal and State Cases:**

“Overcrowding” results in issues such as:

- “Double-celling” or “Double bunking”—the practice of housing two prisoners in a one-person cell;
  - » Example: In *Walker v. Schult*, Ellis Walker (Plaintiff) alleged that he was assigned to six-man cell for twenty-eight months, during which time he had less than six square feet of moving space.<sup>51</sup> This crowded space led to inmates constantly fighting and forced inmates to sleep with weapons for protection.<sup>52</sup>
- Cramped cells or “Crowded cells”;
- Decreased privacy.

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<sup>50</sup> PENAL REFORM INTERNATIONAL, OVERCROWDING, <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>

<sup>51</sup> *Walker v. Schult*, 463 F.Supp.3d 323, 332 (N.D.N.Y. 2020).

<sup>52</sup> *Id.* at 333.

## Statistics:

### Total

Of the 171 cases tracked and analyzed, 23 alleged and challenged overcrowding. Among all the cases tracked over the six-year period in both federal and state court, 13.45 percent included an overcrowding challenge.

### Federal Court

Of the 130 cases tracked and arising in federal court, 17 alleged and challenged overcrowding. Among all the cases tracked over the six-year period in federal court, 13.08 percent included an overcrowding challenge.

### State Court

Of the 41 cases tracked and arising in state court, six alleged and challenged overcrowding. Among all the cases tracked over the six-year period in state court, 14.63 percent included an overcrowding challenge.

## INFRASTRUCTURE DEFICIENCIES

**Ranking:** Inmate-on-Inmate Violence is **Rank 7 out of all Violations** tracked in this study.

**Synopsis:** One of the most important features of a prison is its infrastructure. Items and structures, including but not limited to health care facilities, firehouses, wastewater treatment plants, and cell blocks, all must be in adequate condition in order for prison operations to run effectively and meet basic standards of living and care.<sup>53</sup>

Prison infrastructure is progressively worsening. As prisons age and exceed their expected useful life, the infrastructure underpinning the incarceration operation begins to erode. The walls of prisons crack and leak, the plumbing systems clog, the heating and ventilation systems fail to function properly, kitchen appliances break down, etc.<sup>54</sup> This problem of prison infrastructure deterioration is especially concerning when considering it is exacerbated by the problem of overcrowding, as an increase in the incarcerated population

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<sup>53</sup> See LEGISLATIVE ANALYST'S OFFICE, THE CALIFORNIA LEGISLATURE'S NONPARTISAN FISCAL AND POLICY ADVISOR, THE 2020-2021 BUDGET: EFFECTIVELY MANAGING STATE PRISON INFRASTRUCTURE (Feb. 28, 2020), <https://lao.ca.gov/Publications/Report/4186>.

<sup>54</sup> See e.g., *Brown v. Crow*, No. 2:14-CV-899-MHT, 2017 WL 2858286 at \*1 (M.D. Al. 2017) (alleging that the Draper Correction Facility in Alabama suffered from (i) constant drainage problems in the facility's toilet areas, (ii) leaks in its ceilings, (iii) absence of smoke detectors and (iv) inadequate ventilation).

produces a greater strain on the systems and structures that are already in poor, compromised conditions.<sup>55</sup>

This report shows that deficient prison infrastructure, specifically of public prisons, is a problem that requires attention and remedy. Prisoners are forced to live in nearly inhabitable environments, as they lack necessities like heated cells, working showers, running water, unhazardous recreational areas, etc. Organizations, policymakers, and society must address these deficiencies and push for both the state and federal governments to allocate funding and resources to locate and remedy the substandard infrastructure of public prisons. Doing so would not only help to raise and return prison living conditions to the basic standards of living but also indirectly address other prison condition issues, like unsanitary conditions, which can be partly traced as a byproduct of deficient infrastructure.

### **Factual Findings from Federal and State Cases:**

“Infrastructure Deficiencies” include:

- Lack of adequate shower and restroom facilities;
- Lack of running water;
- Inadequate heating;
- Hazardous walkways;
- Drainage issues in facility’s toilet area;
- Leaks in the ceilings, windows, and other physical structures;
- Absence of smoke detectors;
- Inadequate ventilation;
- Inadequate facilities maintenance;
- Dilapidated physical structures.

### **Statistics:**

#### **Total**

Of the 171 cases tracked and analyzed, 17 alleged and challenged infrastructure deficiencies. Among all the cases tracked over the six-year period in both federal and state court, 9.88 percent included an infrastructure deficiencies challenge.

#### **Federal Court**

Of the 130 cases tracked and arising in federal court, 13 alleged and challenged infrastructure deficiencies. Among all the cases tracked over

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<sup>55</sup> Derek Gilna, *Increase in Federal Prison Population, Overcrowding*, PRISON LEGAL NEWS (May 19, 2014), <https://www.prisonlegalnews.org/news/2014/may/19/report-increase-federal-prison-population-overcrowding/>.

the six-year period in federal court, 9.92 percent included an infrastructure deficiencies challenge.

### State Court

Of the 41 cases tracked and arising in state court, 4 alleged and challenged infrastructure deficiencies. Among all the cases tracked over the six-year period in state court, 9.76 percent included an infrastructure deficiencies challenge.

## UNJUST POLICIES

**Ranking:** Unjust Policies is **Rank 8 out of all Violations** tracked in this study, making it the least prominent and least prevalent out of All Violations.

**Synopsis:** Prisons must produce clear and concise policies and procedures grounded in a substantiated and defensible rationale.<sup>56</sup> The policies and procedures of a prison should seek to achieve “legitimate correctional outcomes,” which include but are not limited to proper safety, security, sanitation, inmate welfare, inmate rights, and due process.<sup>57</sup> However, equally as important as having well-written and substantiated policies and procedures is ensuring that these policies and procedures are actually implemented and observed.

Due to issues like overcrowding, ill-trained and corrupt prison officials, and poor infrastructure, many prisoners claim that the policies they are subjected to and implemented by the prisons violate their constitutional rights. These unjust policies include but are not limited to constant observation of inmates when they shower, prevention of inmates from participating in outdoor, recreational activity, and overuse of the segregated cell unit (e.g., in *Nelson v. Jones*, D'Angelo Montezo Nelson (Plaintiff) alleged that he was housed in the segregated cell unit for months, denying him access to outside recreation and fresh air for that time period).<sup>58</sup>

It is difficult to trace and pinpoint the exact cause of these unjust policies. Are they developed from the top—i.e., the warden—and communicated down? Are the policies and procedures on the books adequate, yet, due to various other issues plaguing prisons, hardly implemented and followed?

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<sup>56</sup> Correctional Policy and Procedure, NATIONAL INSTITUTE OF CORRECTIONS, DEP'T OF JUSTICE, <https://nicic.gov/projects/correctional-policy-and-procedure>.

<sup>57</sup> *Id.*

<sup>58</sup> See e.g., *Nelson v. Jones*, No. 2:17-cv-00815-RBH-MGB, 2018 WL 3640191 at \*1 (D.S.C. 2018).



While both are potential causes, this report, extrapolating from the data collected, suggests that the latter cause is likely the more common reason for these unjust policies. The synergy that exists between these prison conditions is vital to their existence and persistence in public prisons. Specifically, for the issue of unjust policies, the two prison conditions that most likely contribute to the existence of unjust policies are overcrowding and substandard prison officials.<sup>59</sup> The prison system is overburdened with inmates and employs a staff that is ill-equipped and ill-prepared to manage and govern such an environment—as is evidenced by the cases analyzed in this report.<sup>60</sup> This combination is perfect for eroding the bounds of adequate policies and procedures, as prison officials begin to act outside of these bounds to compensate for their inadequate governing capabilities in an overcrowded prison environment.<sup>61</sup> The existence of unjust policies might seem at first glance a problem with a few individuals, but as the claims of inmates suggest, these unjust policies appear to be in large part due to the other prison conditions’ aggregate impact.

### **Factual Findings from Federal and State Cases:**

“Unjust Policies” include:

- Constant observation of inmates while showering and nude;
- Unsubstantiated and repetitive cell searches when inmates are not present when the cell is searched;
- Refusing to grant standard visiting privileges;
- Restricting access of outside activities, requiring inmates to participate in outside activities via a cage;
- Restricting access of recreational activities and resources;
- Restricting and preventing communication and interactions with outside family members;
- Mail censorship;
- Overuse and abuse of segregated cell unit;
- Limiting religious access and freedoms of inmates; and
- Restricting access of personal items (e.g., family photographs).

### **Statistics:**

#### **Total**

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<sup>59</sup> See Morgin Godvin, *50 Years Later: The Evolution of Prison Policy*, JSTOR (Jan. 4, 2022).

<sup>60</sup> See *id.*; See also Joe Russo, *Workforce Issues in Corrections*, NATIONAL INSTITUTE OF JUSTICE (Dec. 1, 2019), <https://nij.ojp.gov/topics/articles/workforce-issues-corrections>.

<sup>61</sup> See Godvin, *supra* note 57; See also Russo, *supra* note 58.

Of the 171 cases tracked and analyzed, 14 alleged and challenged unjust policies. Among all the cases tracked over the six-year period in both federal and state courts, 8.19 percent included an unjust policy challenge.

### **Federal Court**

Of the 130 cases tracked and arising in federal court, 11 alleged and challenged unjust policies. Among all the cases tracked over the six-year period in federal court, 8.46 percent included an unjust policy challenge.

### **State Court**

Of the 41 cases tracked and arising in state court, three alleged and challenged unjust policies. Among all the cases tracked over the six-year period in state court, 7.32 percent included an unjust policy challenge.

## **THE TIPPING POINT: COVID-19**

**Ranking:** COVID-19 challenges are **Rank 4 out of all Violations** tracked in this study.

**Synopsis:** On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic.<sup>62</sup> COVID-19, a highly infectious and severe respiratory disease caused by a coronavirus called SARS-CoV-2, has spread like wildfire throughout the world, impacting the lives of so many. Nearly 6.2 million individuals worldwide have lost their life to COVID-19 since the start of the pandemic, while many more have developed long-lasting health issues from this novel coronavirus.<sup>63</sup> Various public health organizations and agencies have developed specific protocols and procedures over the years to help combat the spread and impact of COVID-19, including the use of masks, recommended hygienic behaviors, vaccination policies, quarantine policies, and social distancing policies. However, while most of the world had and has the freedom to follow these policies and procedures, inmates of prisons were not and are not afforded such luxuries.

Data has shown that inmates of prisons are at an extremely high rate of exposure to COVID-19, with a majority of the largest, single-site outbreaks being in jails and prisons.<sup>64</sup> This high exposure rate links directly to this report's primary key finding: the synergistic relationship between the

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<sup>62</sup> Kathy Katella, *Our Pandemic Year - A COVID-19 Timeline*, YALE MEDICINE (Mar. 9, 2021), <https://www.yalemedicine.org/news/covid-timeline>.

<sup>63</sup> *World Health Organization COVID-19 Dashboard*, WORLD HEALTH ORGANIZATION <https://covid19.who.int>.

<sup>64</sup> THE COVID PRISON PROJECT, *THE COVID PRISON PROJECT TRACKS DATA AND POLICY ACROSS THE COUNTRY TO MONITOR COVID-19 IN PRISONS* (Apr. 26, 2022), <https://covidprisonproject.com>.

injurious prison conditions catalyzes and exacerbates the overall impact of a specific issue, in this case, COVID-19. Overcrowding—which leads to double and triple celling, increased inmate-on-inmate violence, and cramped open and recreational areas—(i) increases the number of person-to-person interactions and thus, exposed contacts and (ii) decreases an inmate’s ability to social distance.<sup>65</sup> Inadequate medical care prevents prisons from (i) adequately managing and preventing the spread and transmission of COVID-19, (ii) providing treatment to infected and ill inmates, (iii) providing care for the prolonged and lasting effects of COVID-19, and (iv) providing nuanced care for the particularly vulnerable inmates, such as inmates exhibiting comorbidities, elderly inmates, or inmates afflicted by a preexisting health condition or ailment.<sup>66</sup> Finally, poor infrastructure and unsanitary conditions—such as poor ventilation, water leaks, and mold infestations—(i) prevent prisons from adequately ventilating the air quality of the environment to reduce the aerosolization process of COVID-19 and (ii) tax the immune systems of inmates given their constant exposure to stresses and poor living conditions.<sup>67</sup>

After considering the nexus between other prison conditions and COVID-19, it is of no surprise that prisons have facilitated the rapid spread of COVID-19 and have been central hotspots for outbreaks. The egregious prison conditions that existed before the COVID-19 pandemic created the perfect environment for the novel coronavirus to spread, thrive, and decimate. With the pandemic persisting and COVID-19 seemingly here to stay, the gravity of prison conditions in public prisons has reached a new level. While COVID-19 challenges have trended down from year-to-year—because society has developed new methods to handle the virus, such as the vaccine—society and lawmakers should not turn their back to the underlying realities that triggered such a desperate response from inmates in 2020.<sup>68</sup> Those underlying realities and poor prison conditions that fueled COVID-19 in prisons from the start are still prevalent; all the while, COVID-

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<sup>65</sup> PRISON POLICY INITIATIVE, COVID-19 IN PRISONS AND JAILS, <https://www.prisonpolicy.org/virus/>.

<sup>66</sup> Id.; EQUAL JUSTICE INITIATIVE, COVID-19’S IMPACT ON PEOPLE IN PRISON (April 16, 2022), <https://eji.org/news/covid-19s-impact-on-people-in-prison/>.

<sup>67</sup> See MICHAEL MASSOGLIA & BRIANNA REMSTER, LINKAGES BETWEEN INCARCERATION AND HEALTH (May 6, 2019) (discussing how incarceration can act as both an “acute stressor” (i.e., sudden life changing event) and/or a “chronic stressor” (i.e., lasting source of hardship), each of which has potentially negative health consequences), <https://journals.sagepub.com/doi/10.1177/0033354919826563>.

<sup>68</sup> See Tiana Herring & Emily Windra, *Just Over Half of Incarcerated People are Vaccinated, Despite Being Locked in COVID-19 Epicenters*, PRISON POLICY INITIATIVE (May 18, 2021) (citing that approximately 55 percent of prisoners in all prisons have been vaccinated seven months after the release of the COVID-19 vaccines), <https://www.prisonpolicy.org/blog/2021/05/18/vaccinationrates/>.

19 is still constantly evolving and changing.<sup>69</sup> Organizations and medical professionals are unsure of the potential future variants of COVID-19 and the effectiveness of the current vaccines and treatments against these variants.<sup>70</sup> As such, the public prison system and lawmakers must dedicate their attention to addressing these underlying poor prison conditions, as the linchpins currently saving the prison system—the vaccines and effective medical treatments—might be rendered ineffective given the right type of variant. If these poor prison conditions are not adequately addressed, society should expect more COVID-19 outbreaks and more inmate deaths.

### **Factual Findings from Federal and State Cases:**

“COVID-19 challenge” include:

- COVID-19 in combination with the preexisting conditions of prisons created and placed inmates at an unreasonable risk of infection;
- Failure of prisons to abide and implement Center for Disease Control and Prevention (“CDC”) COVID-19 guidelines;
- Failure of prisons to give adequate attention and care to inmates who were particularly susceptible to serious illness given prior health factors (e.g., age, comorbidities, and ailments);
- Failure to separate quarantined and non-quarantined inmates;
- Failure to properly vet prison staff and new inmates for COVID-19 when entering the prison;
- Failure to provide inmates with proper hygienic resources and supplies; and
- Failure to reduce the prison population to help combat the spread of COVID-19 in prison.

### **Statistics:**

#### **Total**

Of the 171 cases tracked and analyzed, 25 alleged and challenged COVID-19 management and treatment. Among all the cases tracked over the six-year

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<sup>69</sup> *Coronavirus disease (COVID-19): Virus Evolution*, WORLD HEALTH ORGANIZATION (Dec. 30, 2020), <https://www.who.int/news-room/questions-and-answers/item/sars-cov-2-evolution>;

<sup>70</sup> *What’s Next in the Evolution of COVID-19 is Increasingly Difficult to Predict*, HARVARD T.H. CHAN SCHOOL OF PUBLIC HEALTH (2021) (quoting Mary Bushman, a postdoctoral research fellow in Harvard T.H. Chan School of Public Health’s Center for Communicable Disease Dynamics stating, “The virus keeps surprising us...No one expected such large jumps in contagiousness”), <https://www.hsph.harvard.edu/news/hsph-in-the-news/whats-next-in-the-evolution-of-covid-19-is-increasingly-difficult-to-predict/>.

period in both federal and state court, 14.62 percent included a challenge to COVID-19 management and treatment.

### ***Federal Court***

Of the 130 cases tracked and arising in federal court, 17 alleged and challenged COVID-19 management and treatment. Among all the cases tracked over the six-year period in federal court, 13.08 percent included a challenge to COVID-19 management and treatment.

### ***State Court***

Of the 41 cases tracked and arising in state court, eight alleged and challenged COVID-19 management and treatment. Among all the cases tracked over the six-year period in state court, 19.51 percent included a challenge to COVID-19 management and treatment.

## CONCLUSION: MOVING THE CONVERSATION OF CRIMINAL JUSTICE REFORM FORWARD

As the data suggests, public prisons across jurisdictions are seemingly plagued with a multitude of issues that violate the rights of their inmates. While it is hard to conclude if the egregious conditions in public prisons are worse than those in private prisons, the state of public prisons requires and deserves the attention of organizations, society, and lawmakers. Equipped with a better understanding of what conditions exist in these prisons, how these prison conditions interact and impact each other, and how frequently prisoners have been alleging and challenging these conditions in the past six years, individuals have a foundation for moving the conversation of criminal justice reform forward.

This report finds that from the 171 cases analyzed from 2017 to 2022, there have been eight primary prison condition issues that compose inmate legal challenges and are claimed to persist in public prisons. These eight issues are: (1) Prison Official and Staff Violations, (2) Medical Care Violations, (3) Unsanitary Conditions, (4) Inmate-on-Inmate Violence, (5) Overcrowding, (6) Infrastructure Deficiencies, (7) Unjust Policies, and (8) COVID-19 Challenges.

One critical concept that pervades the legal opinions and legal challenges concerning these prison conditions is that these eight prison condition issues are intertwined with one another. Given this overlap of issues, it is not enough to simply analyze and scrutinize one prison condition issue in a vacuum. Rather, for the conversation of criminal justice reform to move one step closer to potential solutions, organizations, society, and lawmakers must have a foundational understanding of this synergistic relationship(s). From this foundational understanding, progressive discourse and proposed solutions will more greatly account for the nuances of the prison condition problems that plague America's public prisons and bring society one step closer to creating a more humane criminal justice system.

This foundation stimulates conversations concerning where organizations, society, and lawmakers should reallocate and focus their attention and resources at the local, state, and federal levels. For example:

- Given the synergy that exists between the prison condition issues, which prison condition(s) have the most impact on the state of public prisons and the persistence of other prison issues? What measures can be taken to address these extremely impactful prison conditions?

What would it cost? How could these measures be implemented on the federal level? How could these measures be implemented on the state and local levels?

- Given the prevalence of Prison Official and Staff Violation allegations, what measures can be implemented to address the abuses and inadequacies of prison officials and staff? What changes can be implemented in the training of prison officials and staff? What changes can be implemented for prison officials and the staff hiring process? What changes can be implemented to the disciplinary processes, procedures, and protections afforded to prison officials and staff? How does the Corrections Officer Union impact the persistence of prison officials and staff violations? What changes should and can be implemented in the Corrections Officer Union to help diminish the persistence of prison official and staff violations?
- Realizing that public prisons are flooded with prisoners and suffer from overcrowding, what reforms can be implemented to reduce the number of individuals incarcerated in the United States? What changes can be implemented to the sentencing law and policy? What sentencing alternatives exist or should exist for certain crimes or certain offenders? What changes can be implemented to the prison release policies and procedures? What programs exist to reduce the recidivism rates of inmates? How effective are these programs? How should and can society tackle the problem of overcriminalization that exists in the United States?
- From the impact and emergence of COVID-19, what can and is being done by local, state, and federal governments to ensure that inmates receive the necessary medical attention and treatment when infected? Are federal, state, and local governments prepared to respond to another wave of COVID-19 or to another pandemic? If not, what changes can be implemented to ensure that the prison system is not impacted like it was at the start of the COVID-19 pandemic (e.g., plans to decarcerate)? How can state and federal governments better use and utilize compassionate release and clemency powers to combat a pandemic?<sup>71</sup>
- Finally, considering that egregious prison conditions has been a topic of conversation for decades, what is required to push policymakers,

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<sup>71</sup> WENDY SAWYER & PETER WAGNER, MASS INCARCERATION: THE WHOLE PIE 2022 (Mar. 14, 2022), <https://www.prisonpolicy.org/reports/pie2022.html>.

lawmakers, and the public to finally take a stand, make a change, and redirect funding to addressing these conditions and issues?

In the end, things need to change. As this report suggests, public prisons, as well as private prisons, need to be the focal point of this change. Every month and every year that these conditions are allowed to persist unchecked and unsolved, an increasing number of inmates are being violated of their constitutional rights and, more plainly, are being subjected to life-threatening circumstances. While reforming, transforming, and revamping the prison system in America is a daunting order, establishing a foundational understanding of the problems and conditions that exist in these prisons and then using this understanding to ask and mull over pointed questions, like the questions aforementioned, helps move the conversation of criminal justice reform one step closer to potential solutions.



# APPENDIX

## Appendix A. Figures of Prison Official and Staff Violations

FIGURE 1. QUANTITY OF PRISON OFFICIAL AND STAFF VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

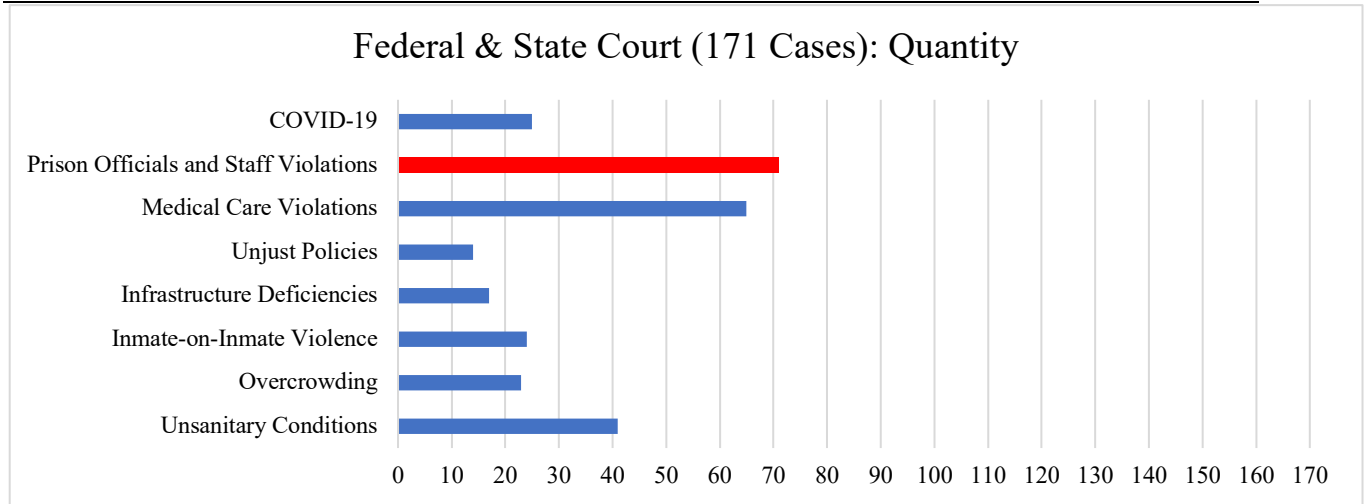


FIGURE 2. PERCENTAGE OF PRISON OFFICIAL AND STAFF VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

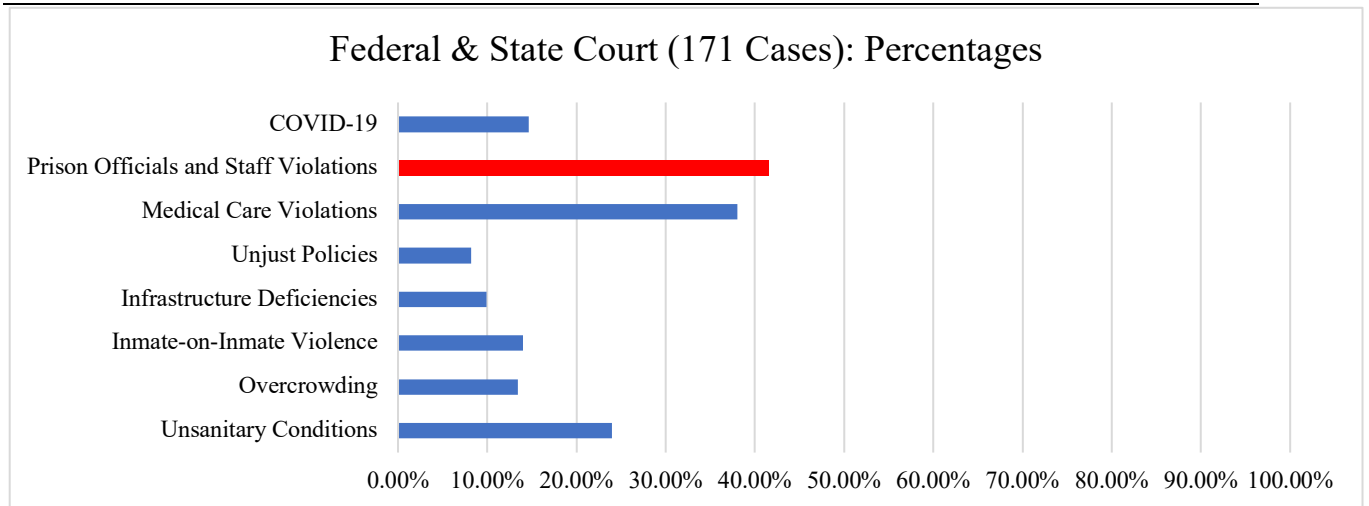


FIGURE 3. QUANTITY OF PRISON OFFICIAL AND STAFF VIOLATIONS IN FEDERAL COURT FROM 2017-2022

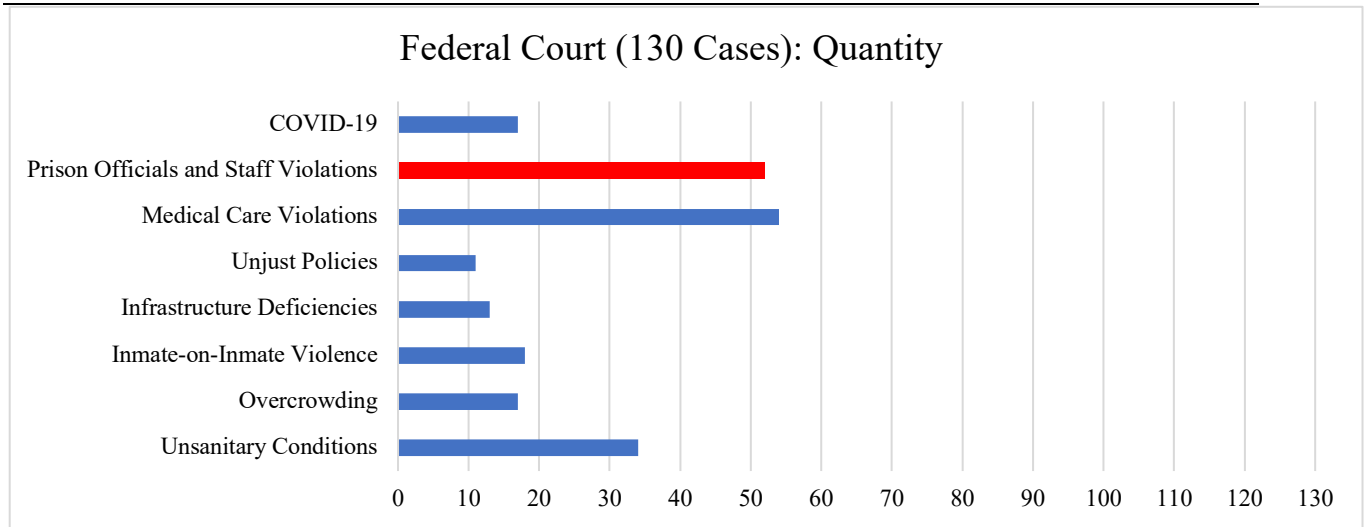


FIGURE 4. PERCENTAGE OF PRISON OFFICIAL AND STAFF VIOLATIONS IN FEDERAL COURT FROM 2017-2022

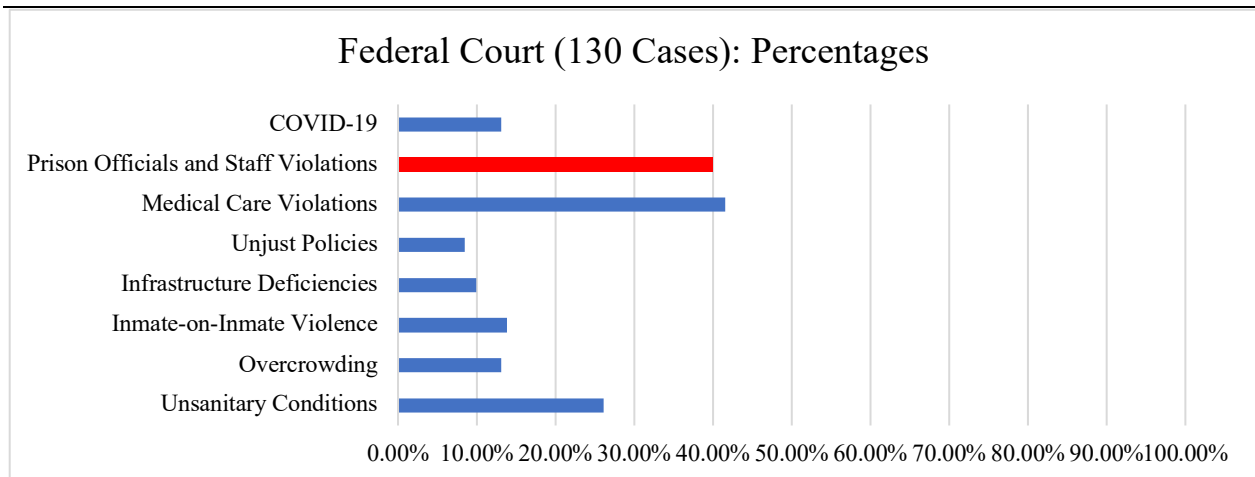


FIGURE 5. QUANTITY OF PRISON OFFICIAL AND STAFF VIOLATIONS IN STATE COURT FROM 2017-2022

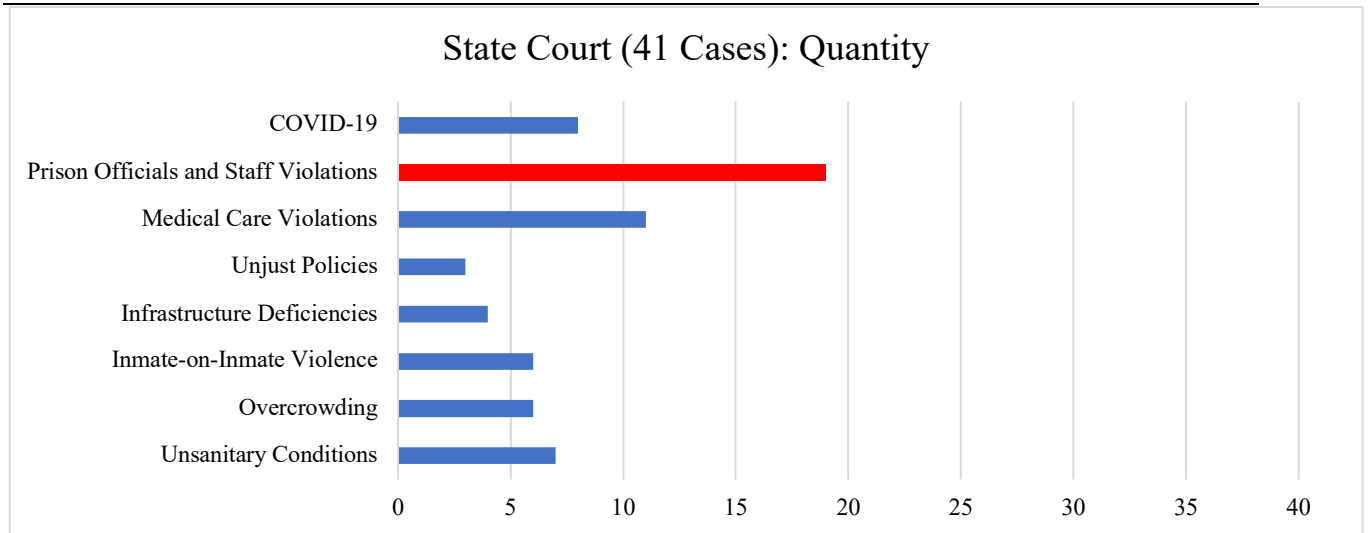
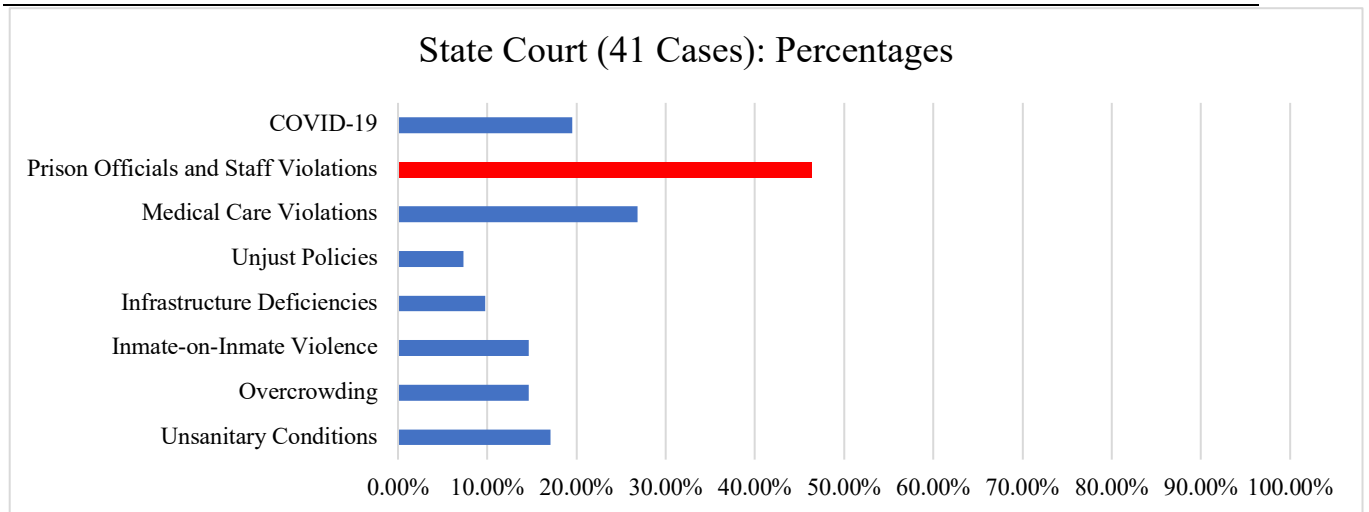


FIGURE 6. PERCENTAGE OF PRISON OFFICIAL AND STAFF VIOLATIONS IN STATE COURT FROM 2017-2022



### Appendix B. Figures of Medical Care Violations

FIGURE 7. QUANTITY OF MEDICAL CARE VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

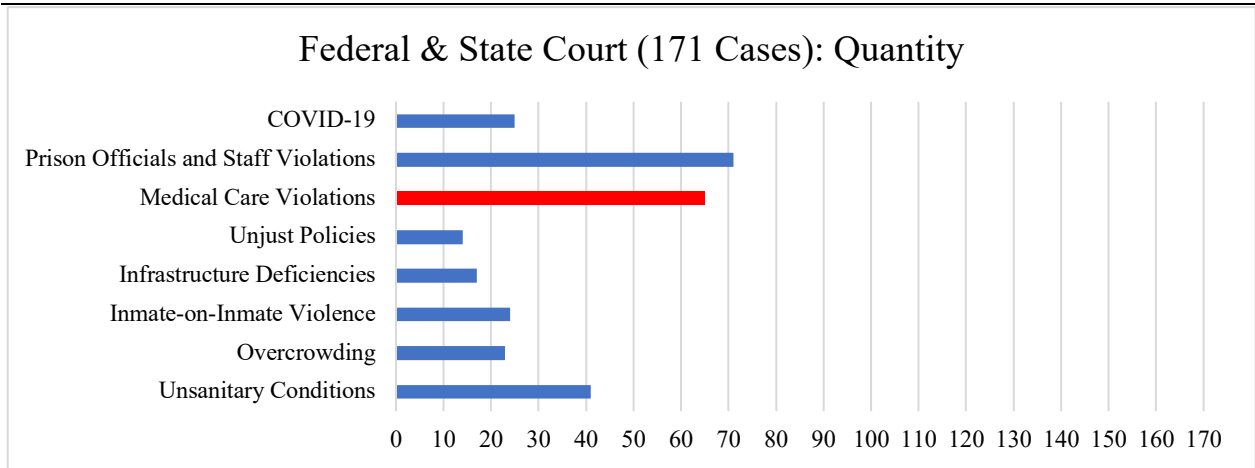


FIGURE 8. PERCENTAGE OF MEDICAL CARE VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

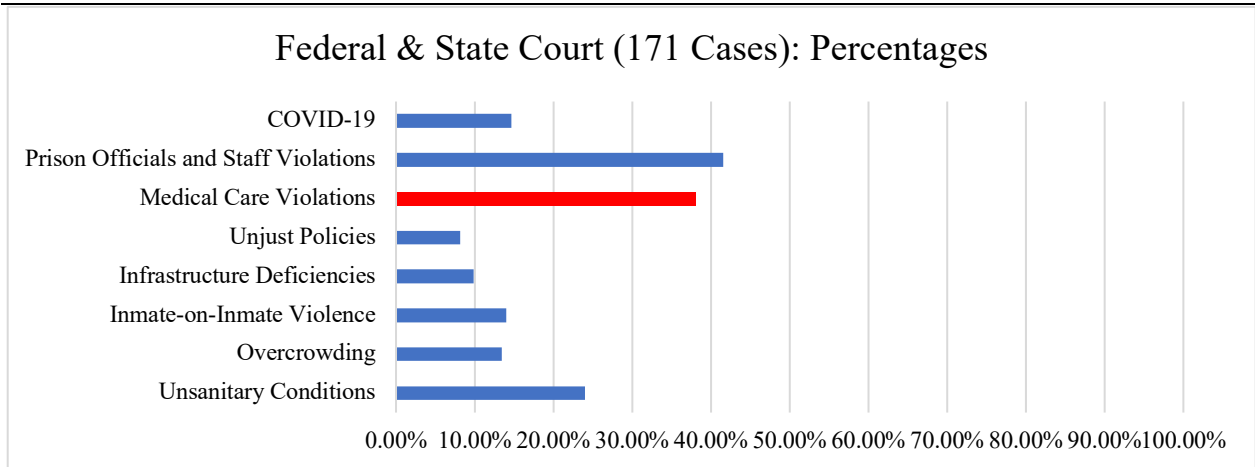


FIGURE 9. QUANTITY OF MEDICAL CARE VIOLATIONS IN FEDERAL COURT FROM 2017-2022

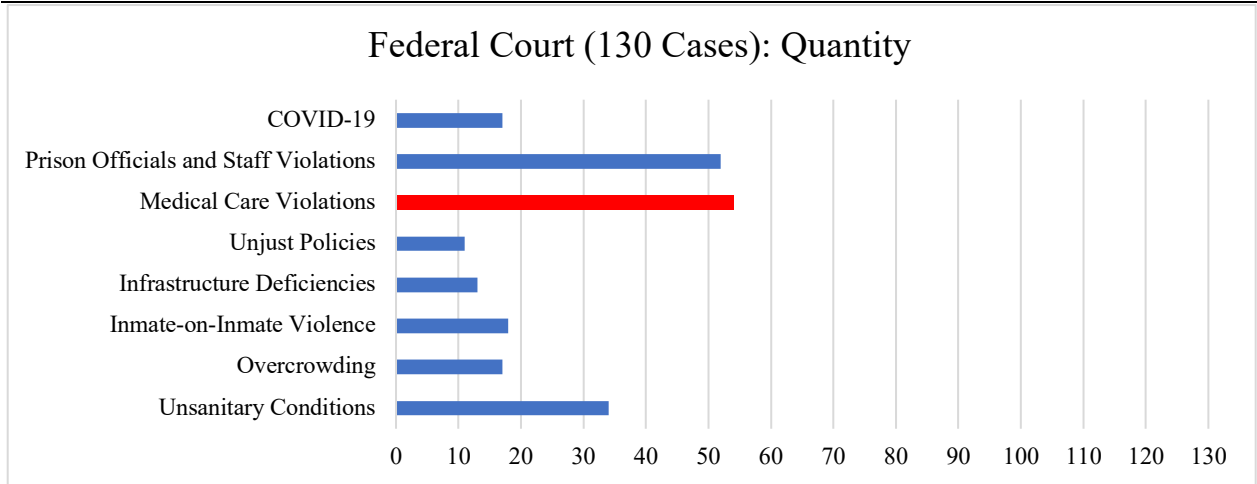


FIGURE 10. PERCENTAGE OF MEDICAL CARE VIOLATIONS IN FEDERAL FROM 2017-2022

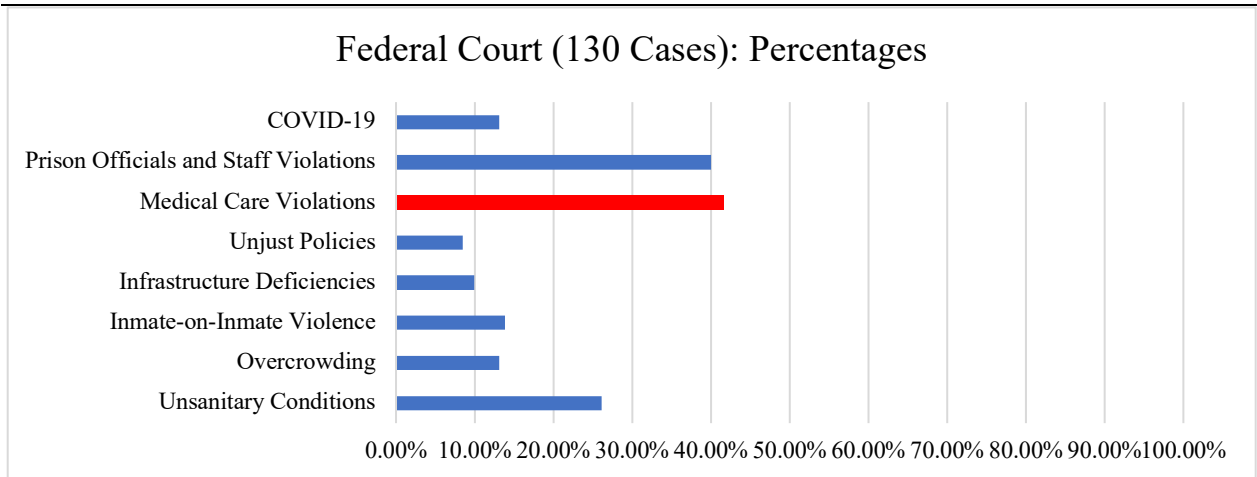


FIGURE 11. QUANTITY OF MEDICAL CARE VIOLATIONS IN STATE COURT FROM 2017-2022

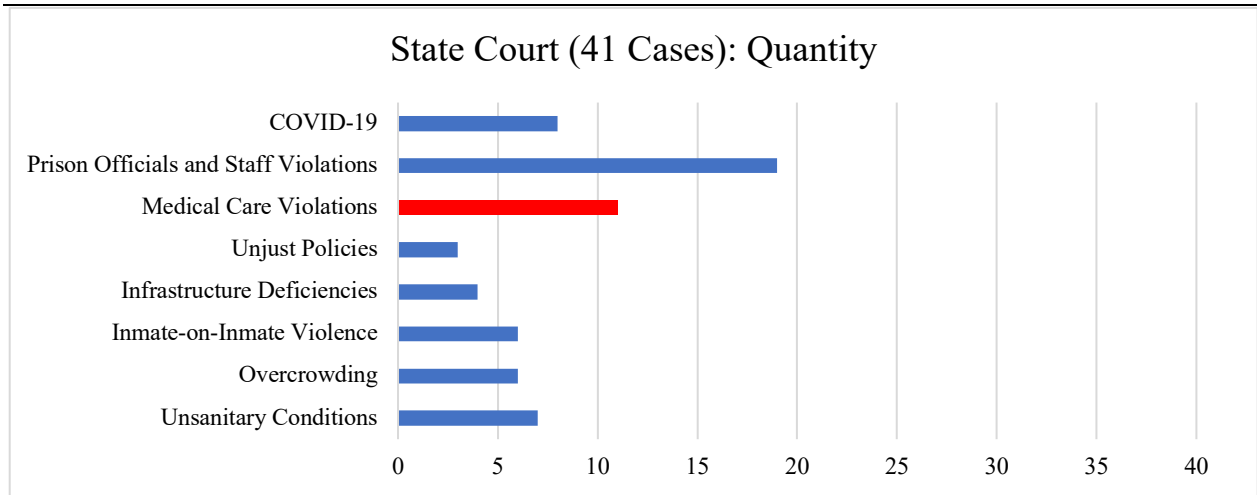
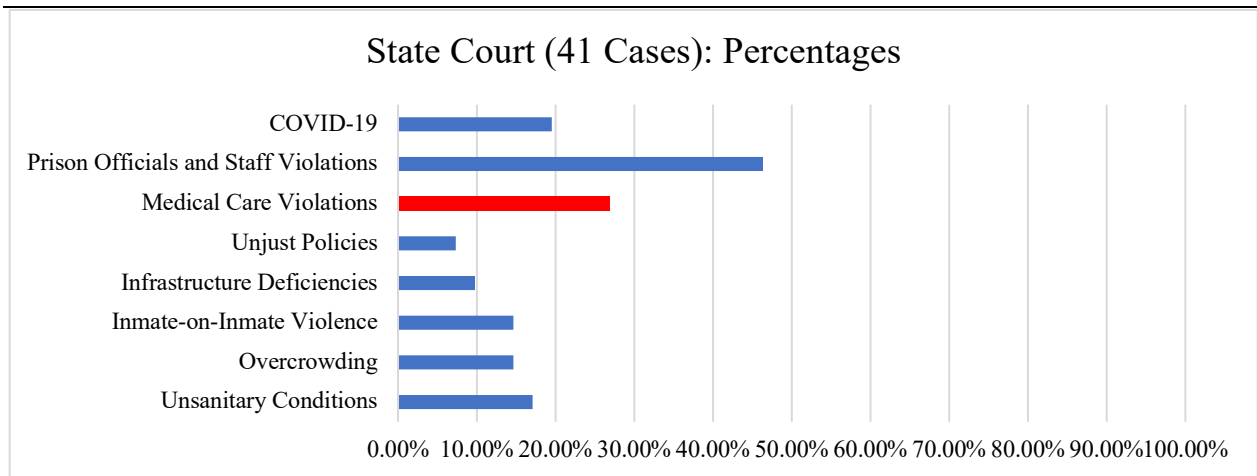


FIGURE 12. PERCENTAGE OF MEDICAL CARE VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022



### Appendix C. Figures of Unsanitary Condition Violations

FIGURE 13. QUANTITY OF UNSANITARY CONDITION VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

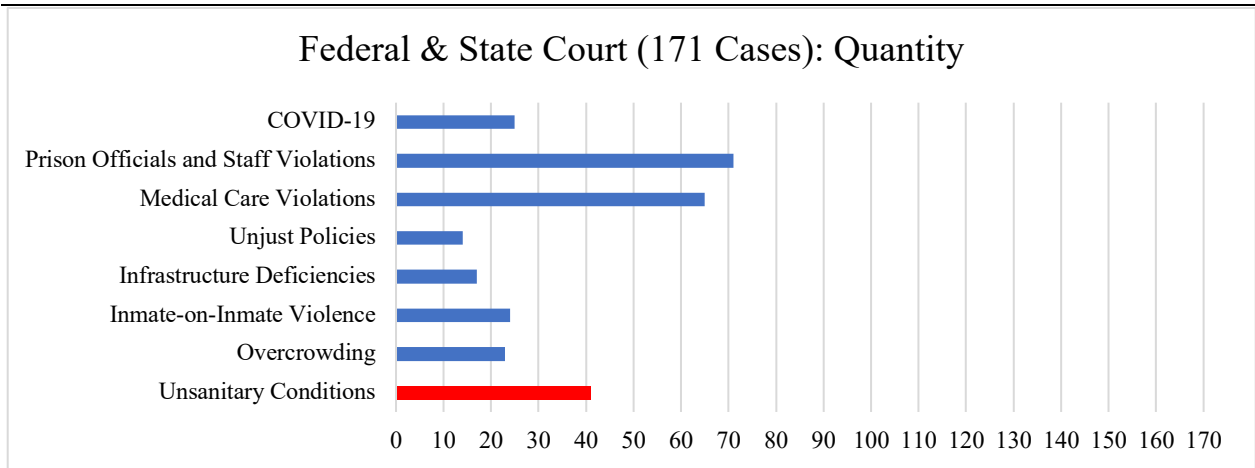


FIGURE 14. PERCENTAGE OF UNSANITARY CONDITION VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

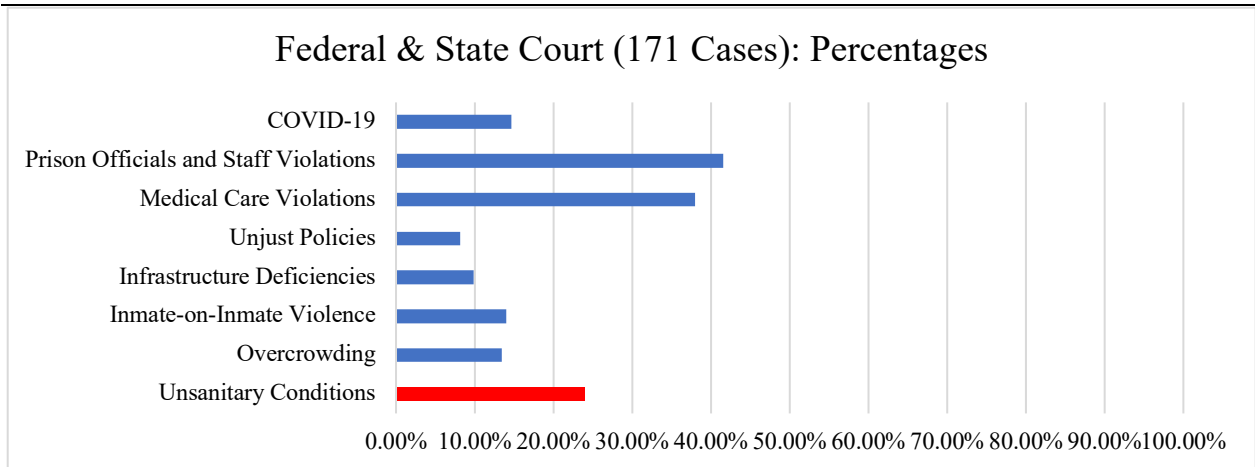


FIGURE 15. QUANTITY OF UNSANITARY CONDITION VIOLATIONS IN FEDERAL COURT FROM 2017-2022

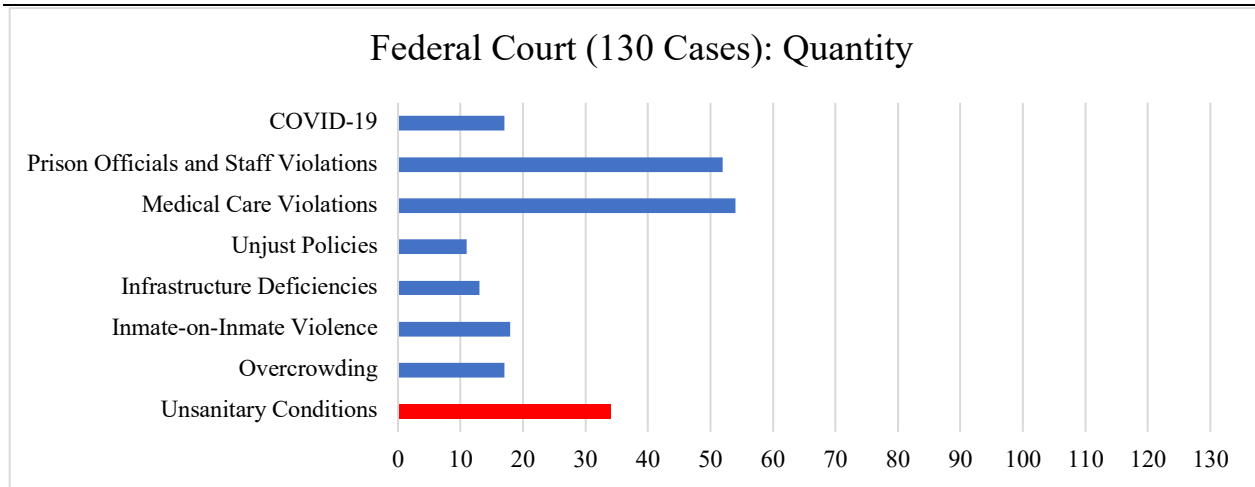


FIGURE 16. PERCENTAGE OF UNSANITARY CONDITION VIOLATIONS IN FEDERAL COURT FROM 2017-2022

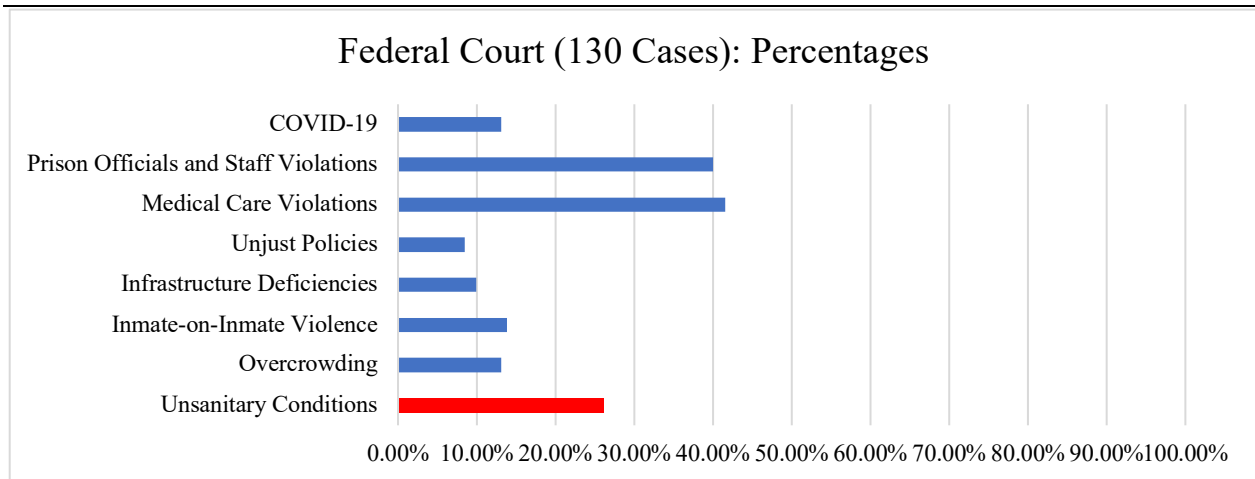




FIGURE 17. QUANTITY OF UNSANITARY CONDITION VIOLATIONS IN STATE COURT FROM 2017-2022

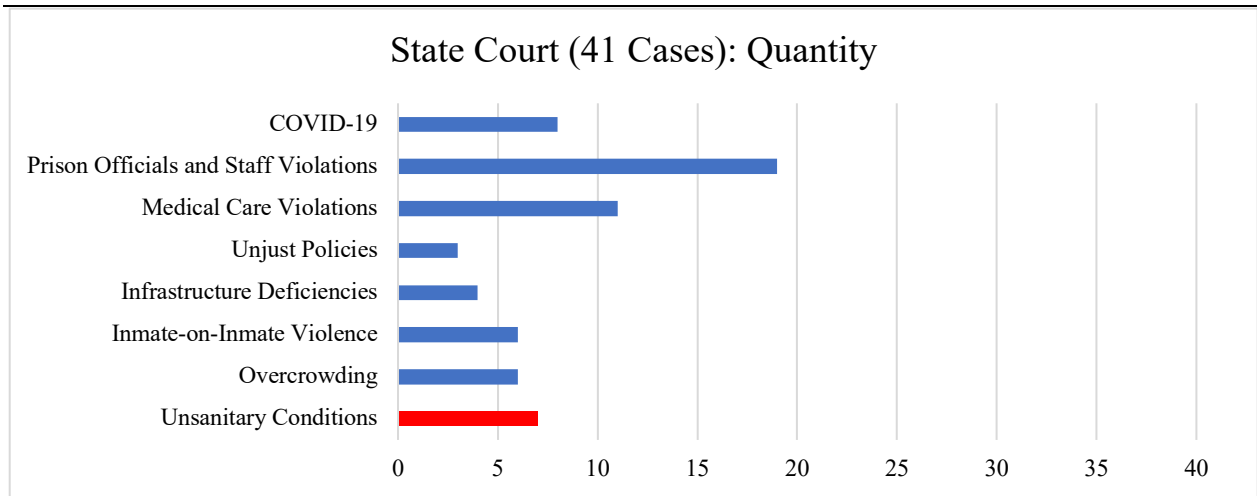
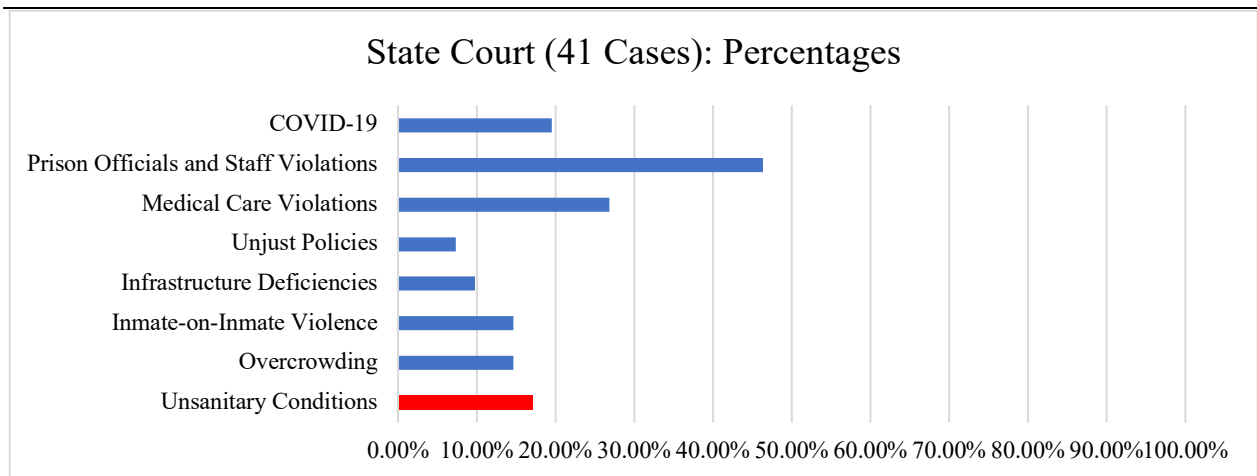


FIGURE 18. PERCENTAGE OF UNSANITARY CONDITION VIOLATIONS IN STATE COURT FROM 2017-2022



## Appendix D. Figures of Inmate-on-Inmate Violence

FIGURE 19. QUANTITY OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

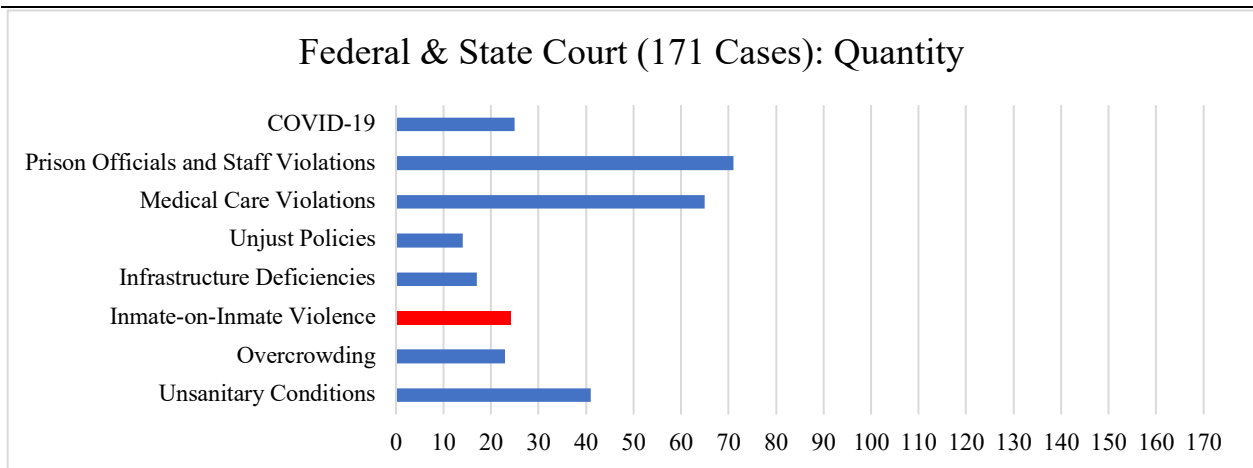


FIGURE 20. PERCENTAGE OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN FEDERAL & STATE COURT FROM 2017-2022

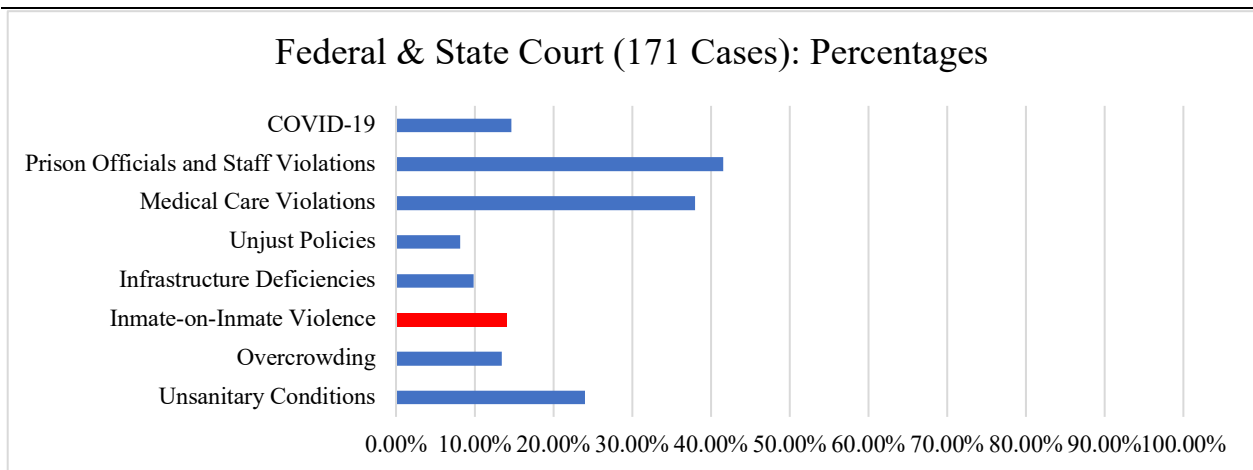


FIGURE 21. QUANTITY OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN FEDERAL COURT FROM 2017-2022

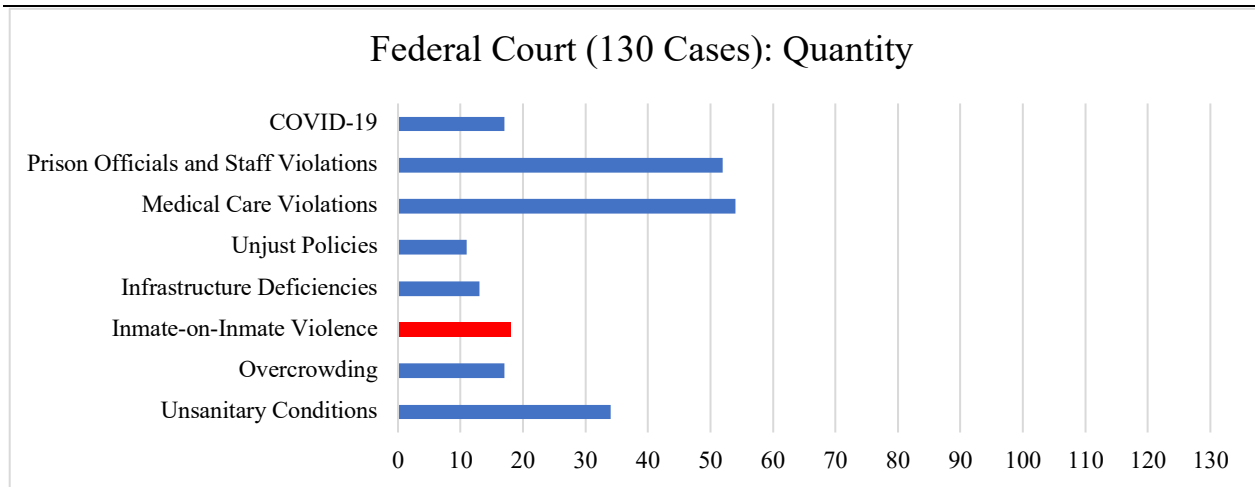


FIGURE 22. PERCENTAGE OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN FEDERAL COURT FROM 2017-2022

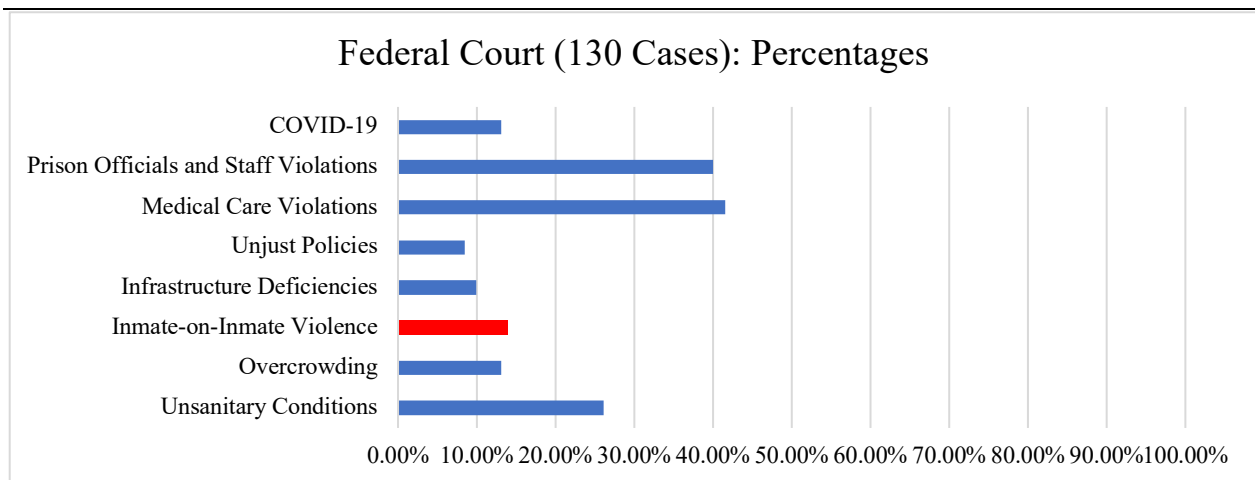


FIGURE 23. QUANTITY OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN STATE COURT FROM 2017-2022

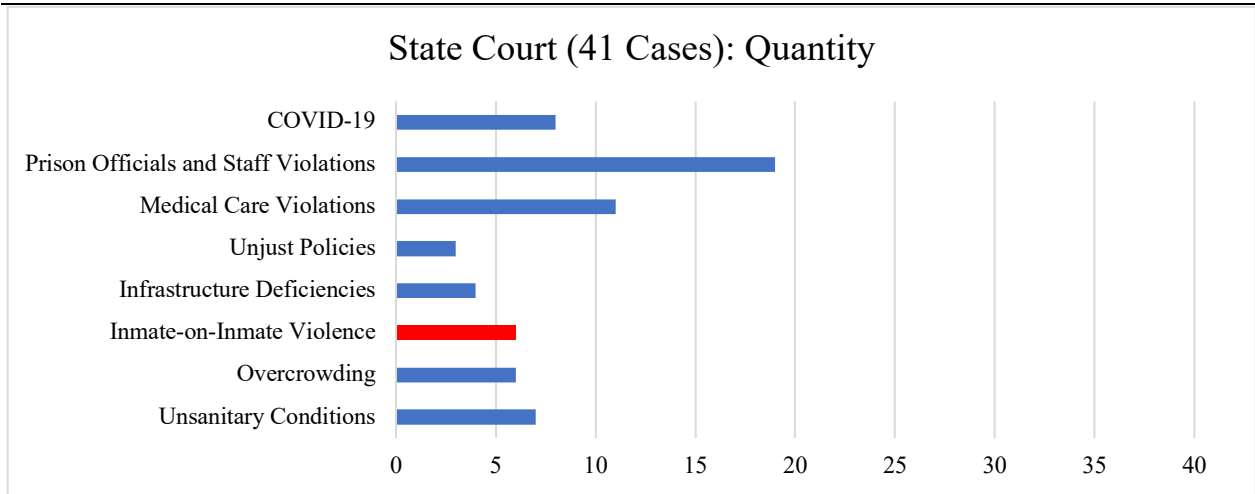
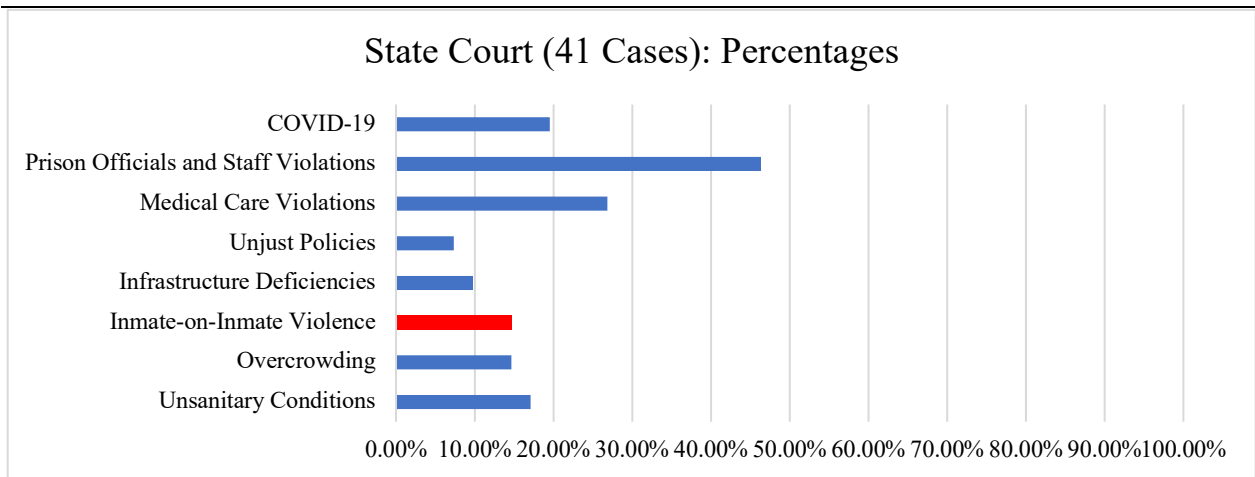


FIGURE 24. PERCENTAGE OF INMATE-ON-INMATE VIOLENCE VIOLATIONS IN STATE COURT FROM 2017-2022



### Appendix E. Figures of Overcrowding

FIGURE 25. QUANTITY OF OVERCROWDING CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

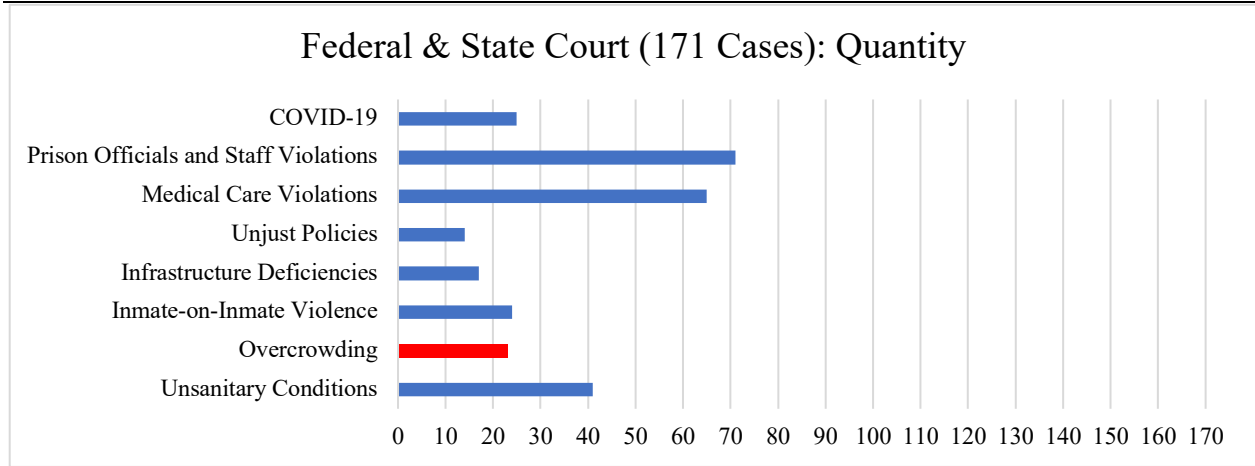


FIGURE 26. PERCENTAGE OF OVERCROWDING CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

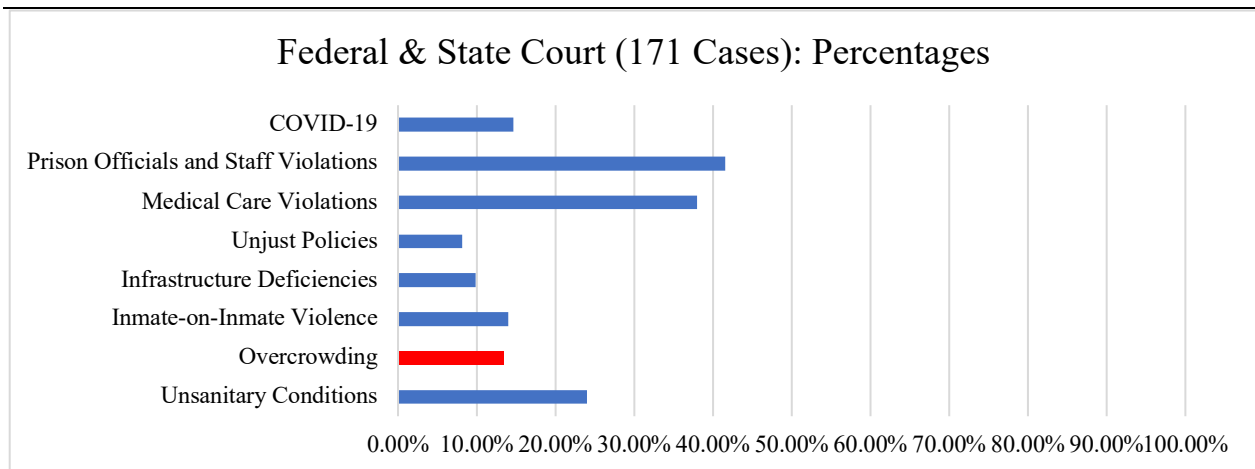


FIGURE 27. QUANTITY OF OVERCROWDING CHALLENGES IN FEDERAL COURT FROM 2017-2022

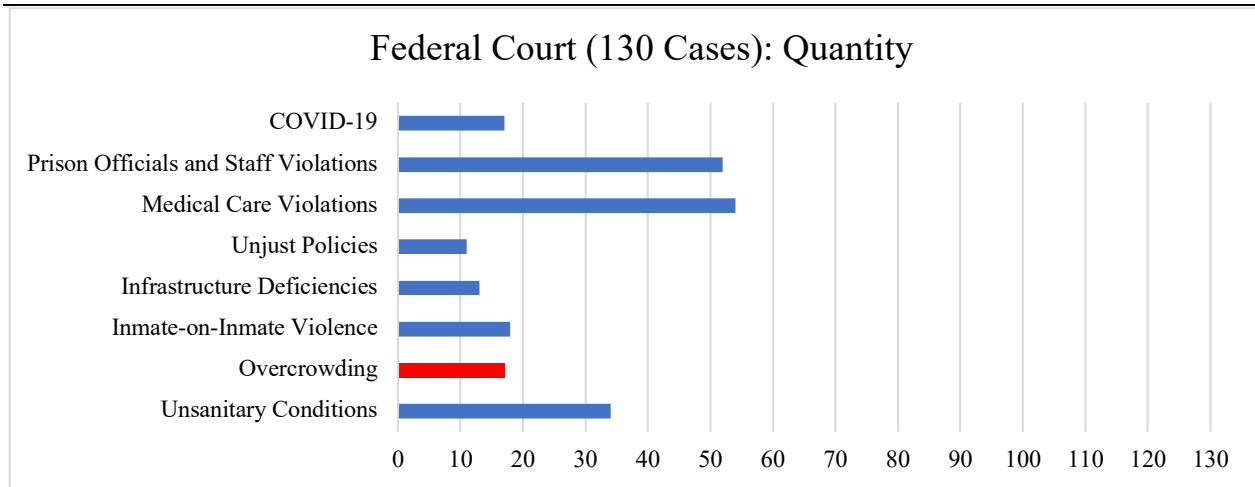


FIGURE 28. PERCENTAGE OF OVERCROWDING CHALLENGES IN FEDERAL COURT FROM 2017-2022

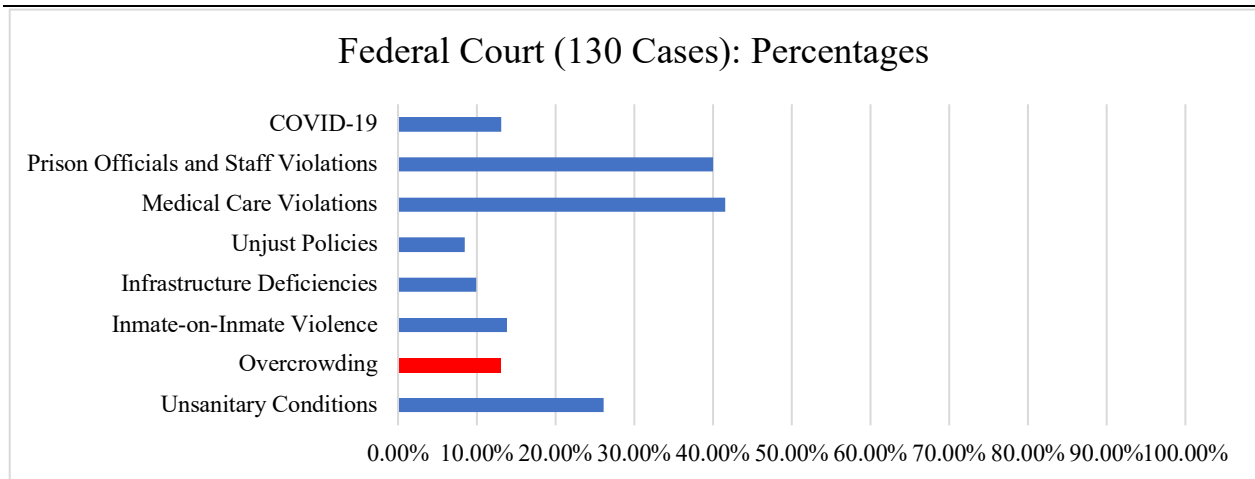


FIGURE 29. QUANTITY OF OVERCROWDING CHALLENGES IN STATE COURT FROM 2017-2022

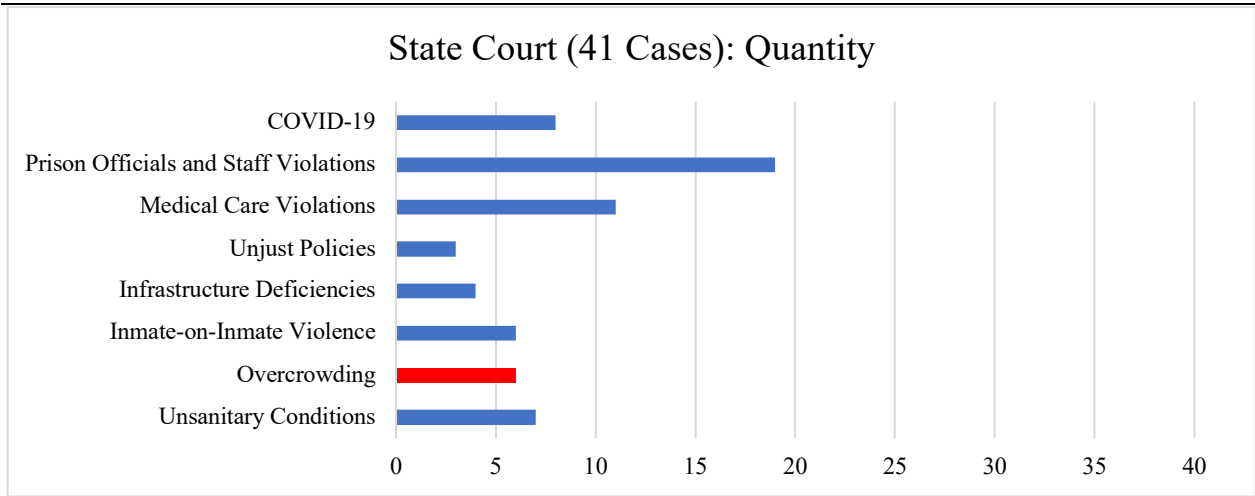
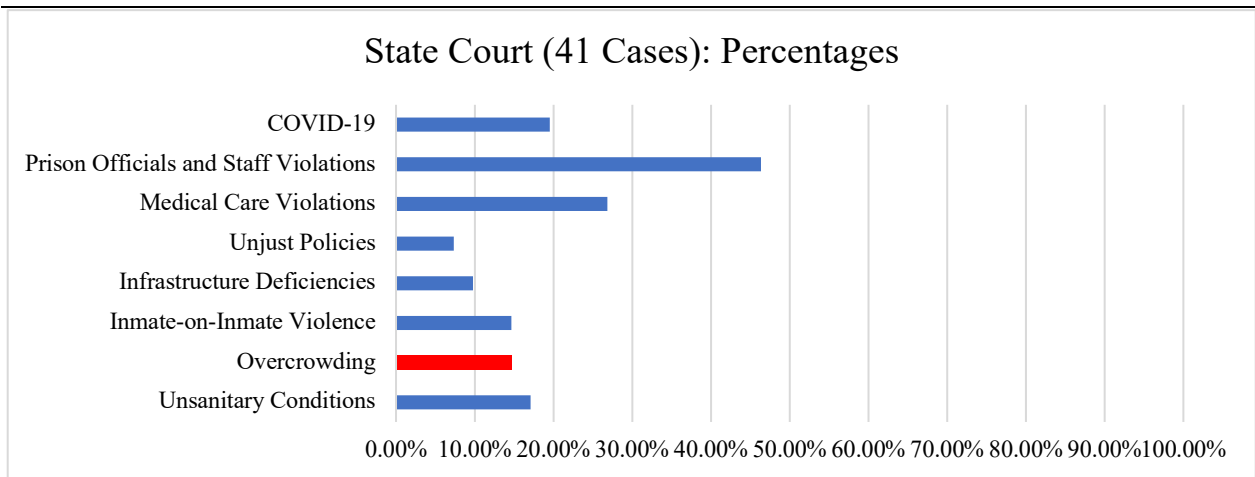


FIGURE 30. PERCENTAGE OF OVERCROWDING CHALLENGES IN STATE COURT FROM 2017-2022



## Appendix F. Figures of Infrastructure Deficiencies Challenges

FIGURE 31. QUANTITY OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

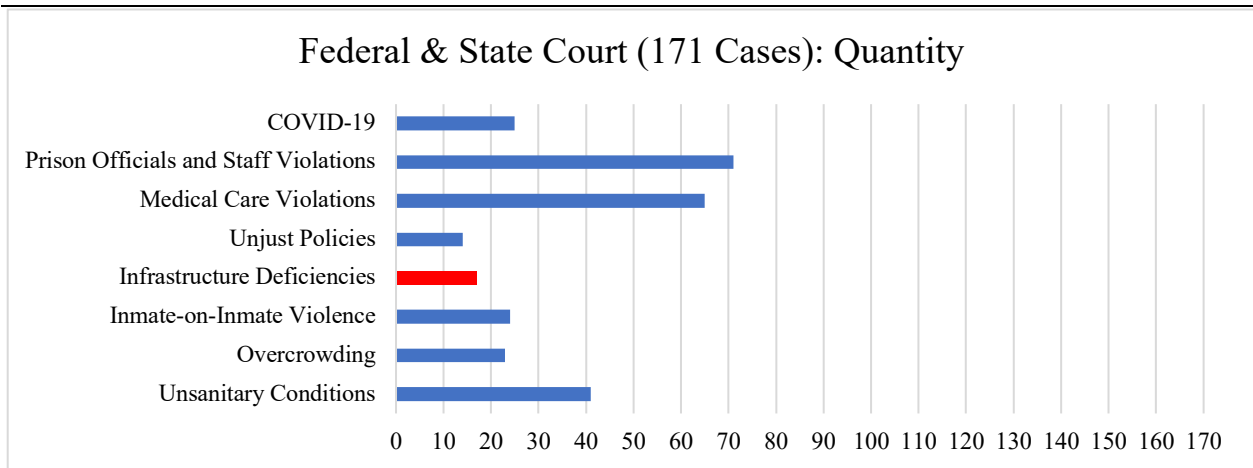


FIGURE 32. PERCENTAGE OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

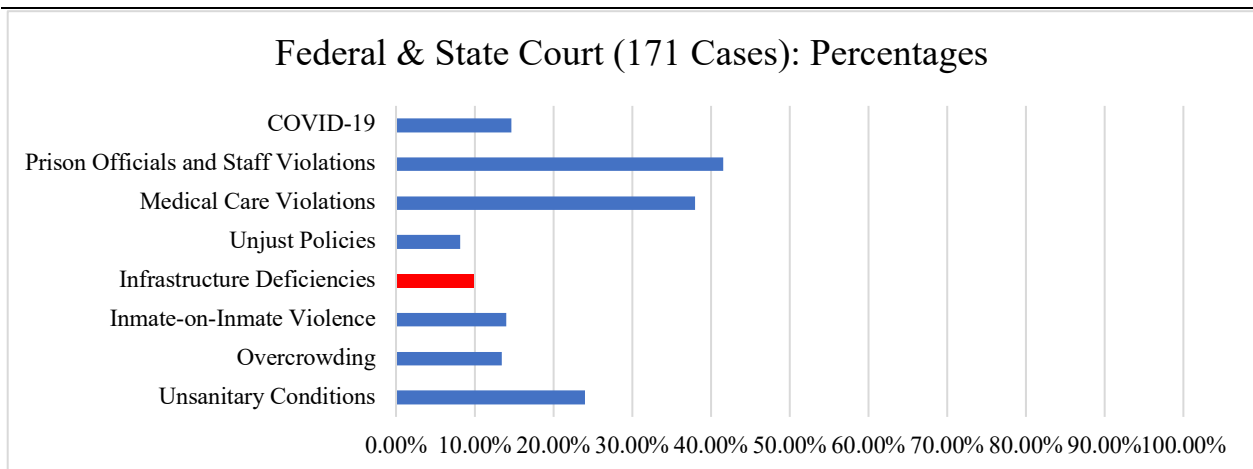




FIGURE 33. QUANTITY OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN FEDERAL COURT FROM 2017-2022

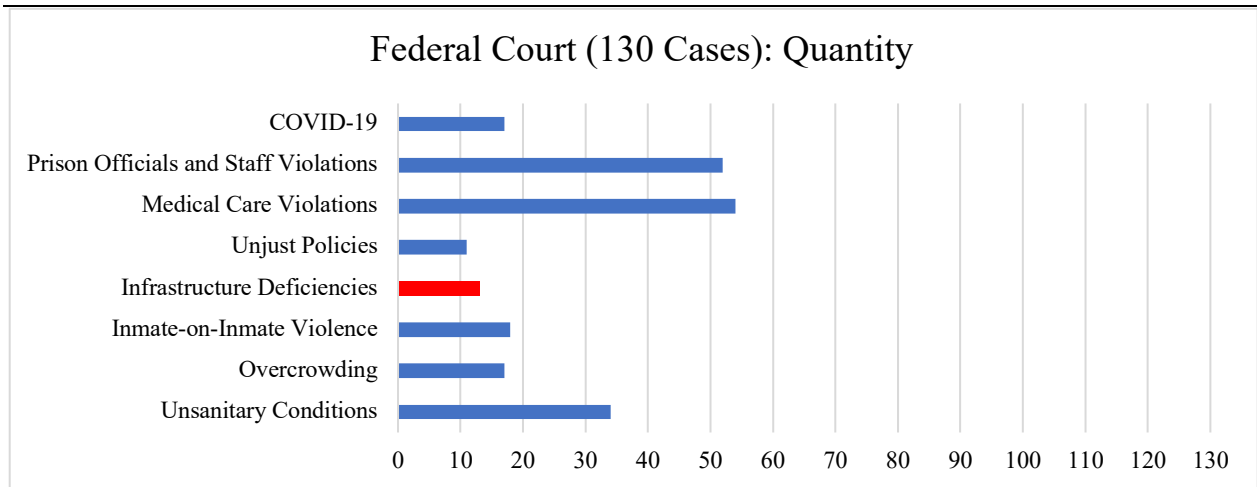


FIGURE 34. PERCENTAGE OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN FEDERAL COURT FROM 2017-2022

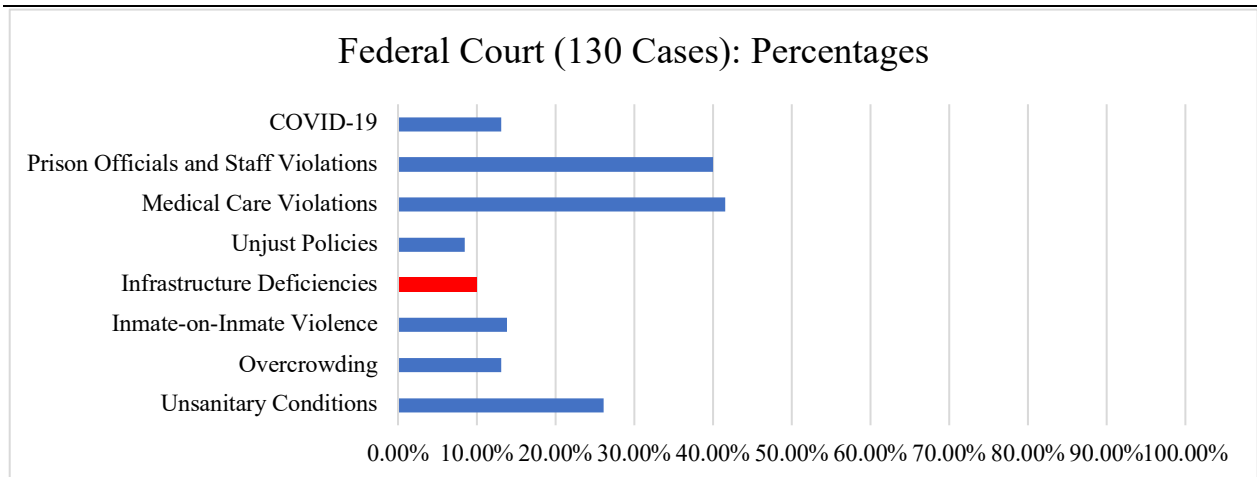


FIGURE 35. QUANTITY OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN STATE COURT FROM 2017-2022

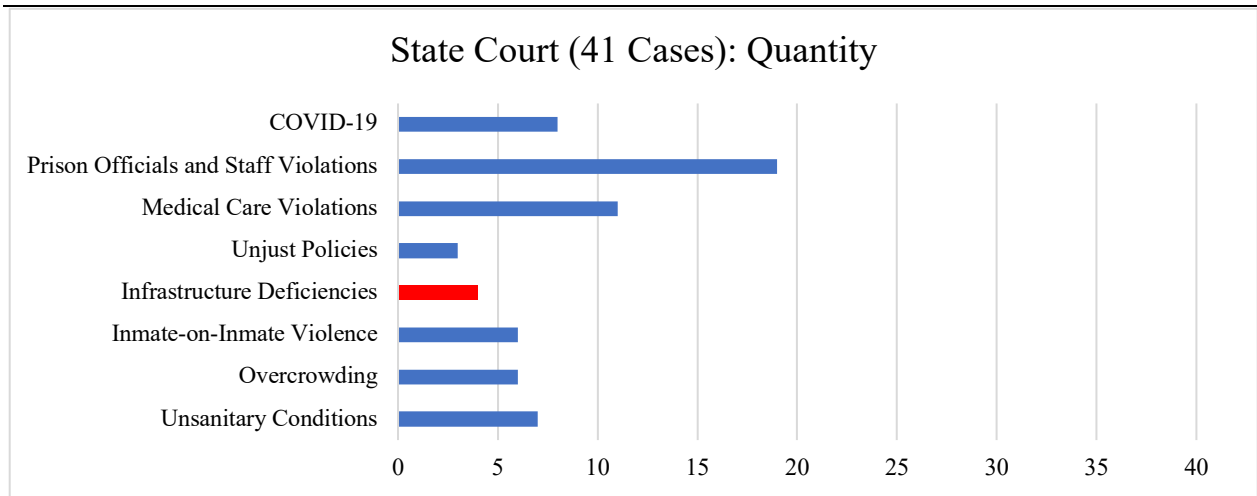
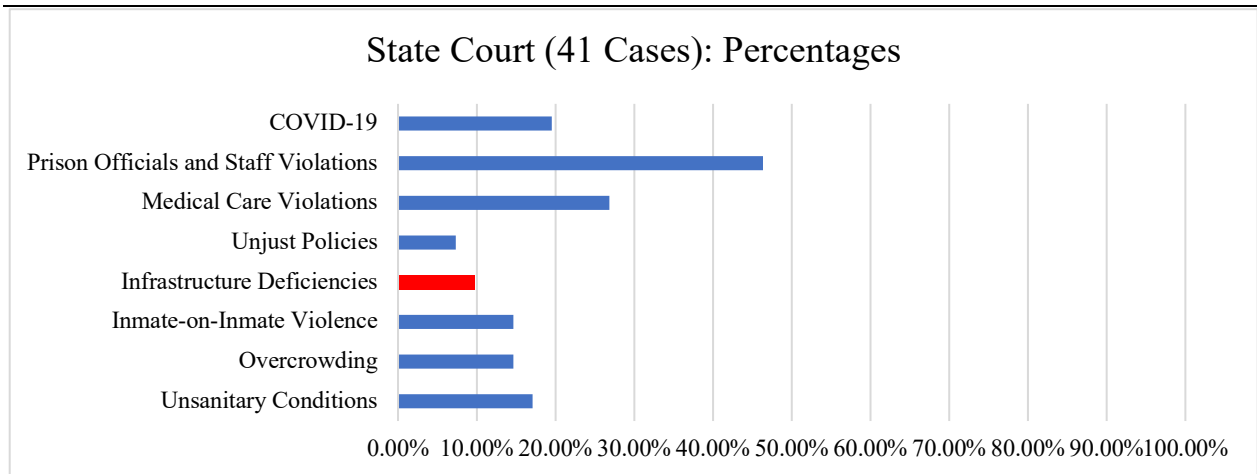


FIGURE 36. PERCENTAGE OF INFRASTRUCTURE DEFICIENCIES CHALLENGES IN STATE COURT FROM 2017-2022



## Appendix G. Figures of Unjust Policies Challenges

FIGURE 37. QUANTITY OF UNJUST POLICIES CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

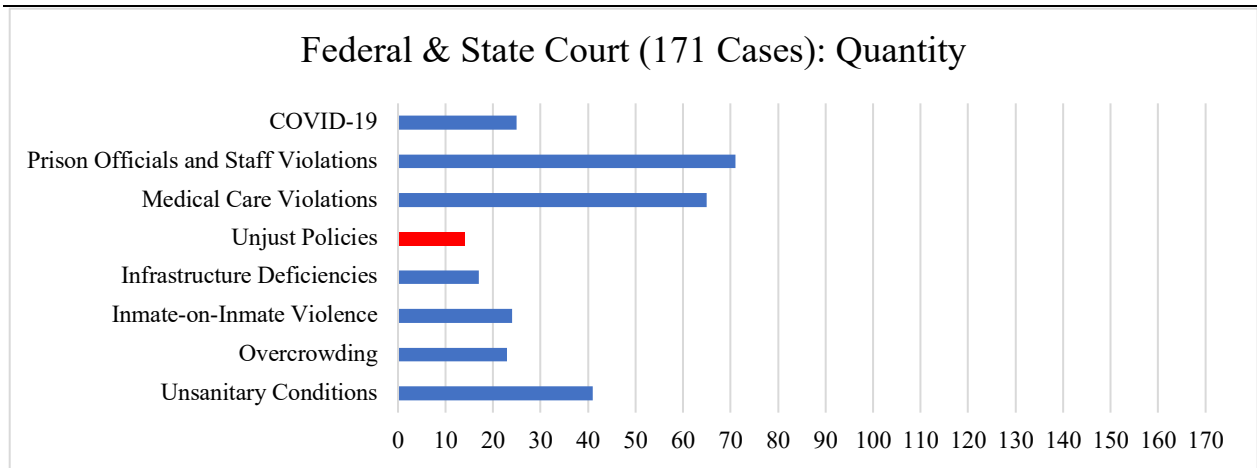


FIGURE 38. PERCENTAGE OF UNJUST POLICIES CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

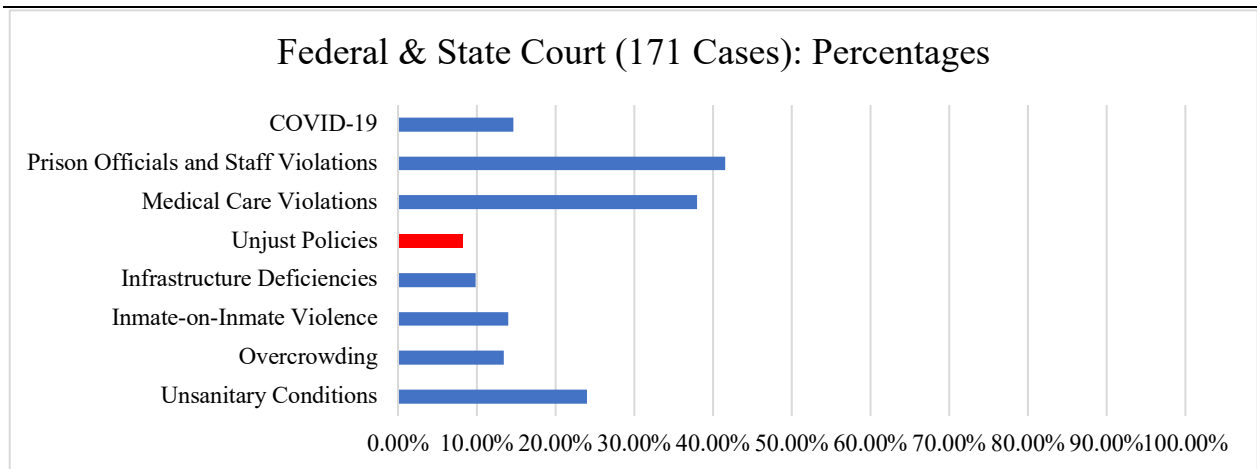


FIGURE 39. QUANTITY OF UNJUST POLICIES CHALLENGES IN FEDERAL COURT FROM 2017-2022

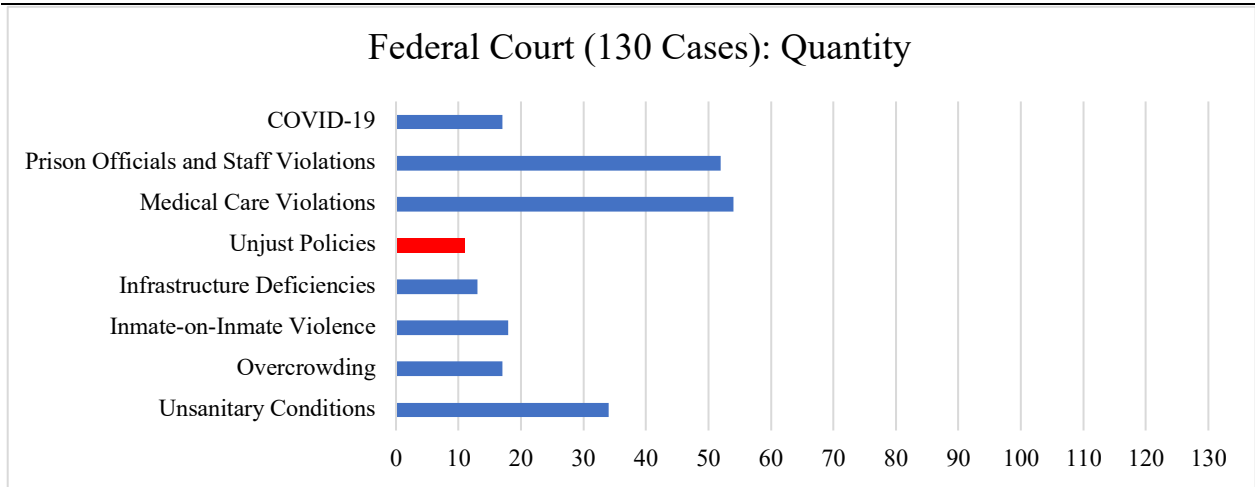


FIGURE 40. PERCENTAGE OF UNJUST POLICIES CHALLENGES IN FEDERAL FROM 2017-2022

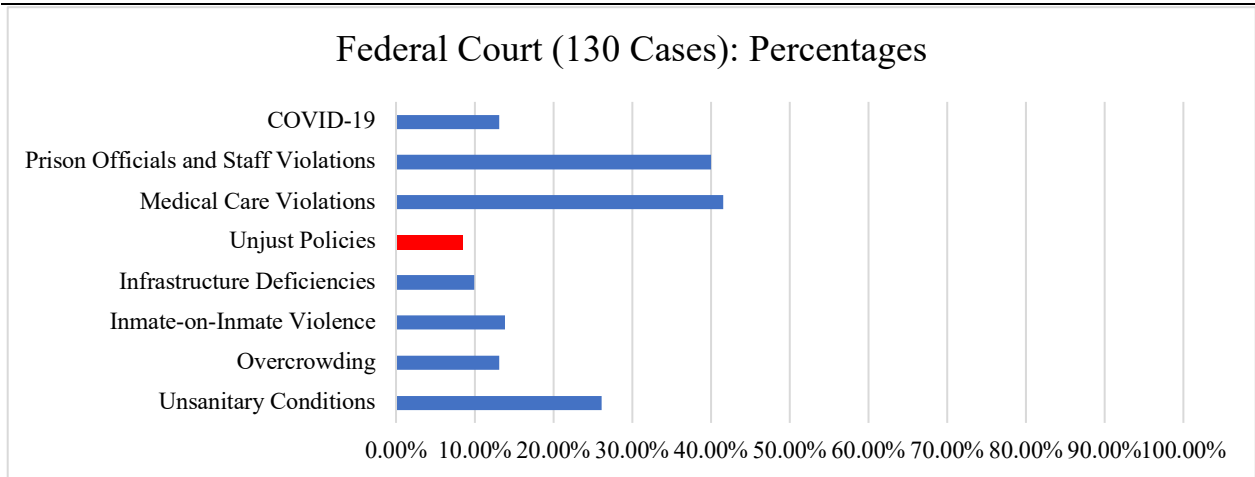


FIGURE 41. QUANTITY OF UNJUST POLICIES CHALLENGES IN STATE COURT FROM 2017-2022

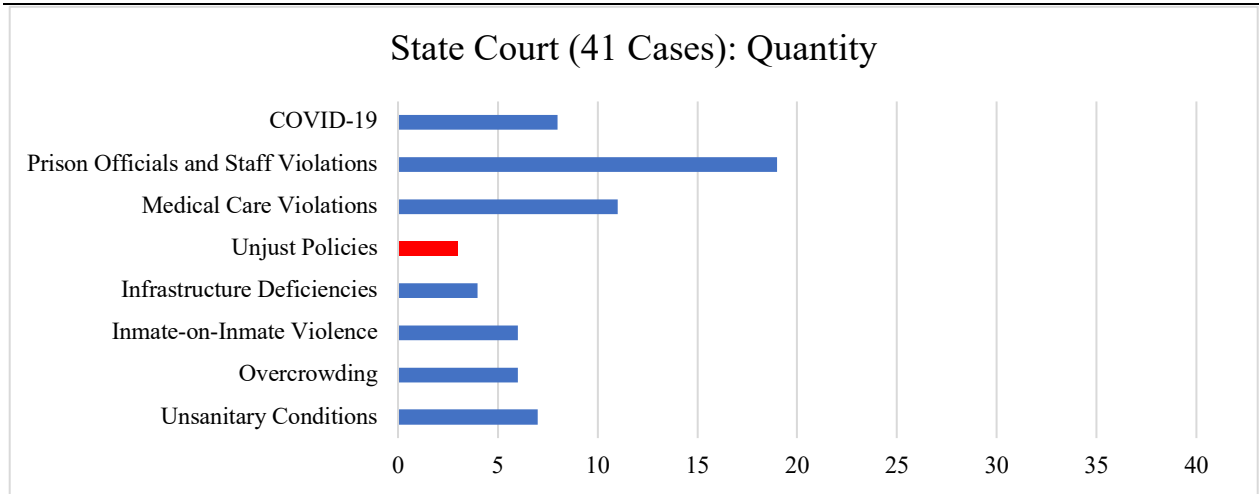
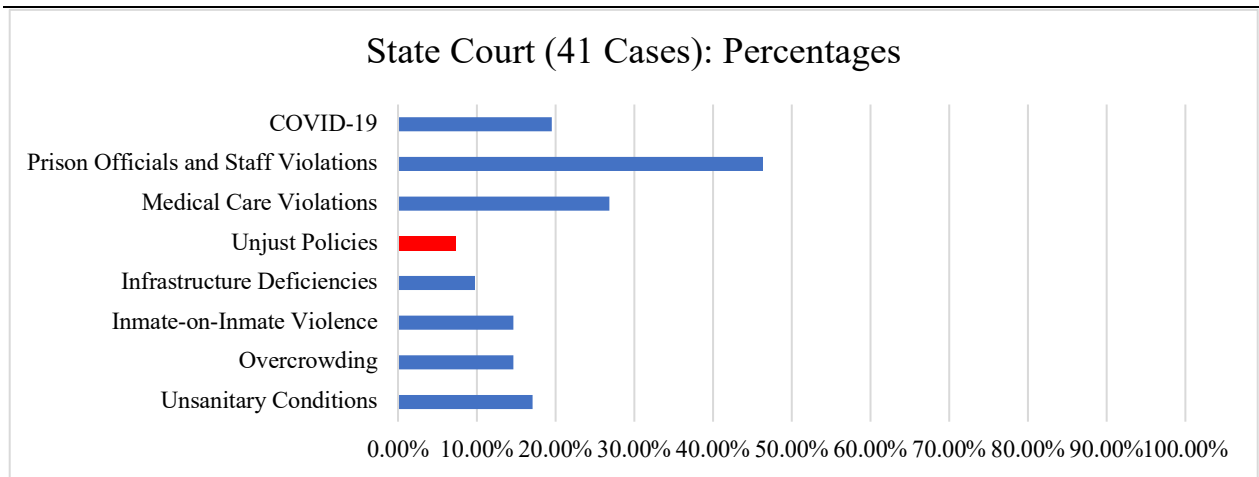


FIGURE 42. PERCENTAGE OF UNJUST POLICIES CHALLENGES IN STATE COURT FROM 2017-2022



## Appendix H. Figures of COVID-19 Challenges

FIGURE 43. QUANTITY OF COVID-19 CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

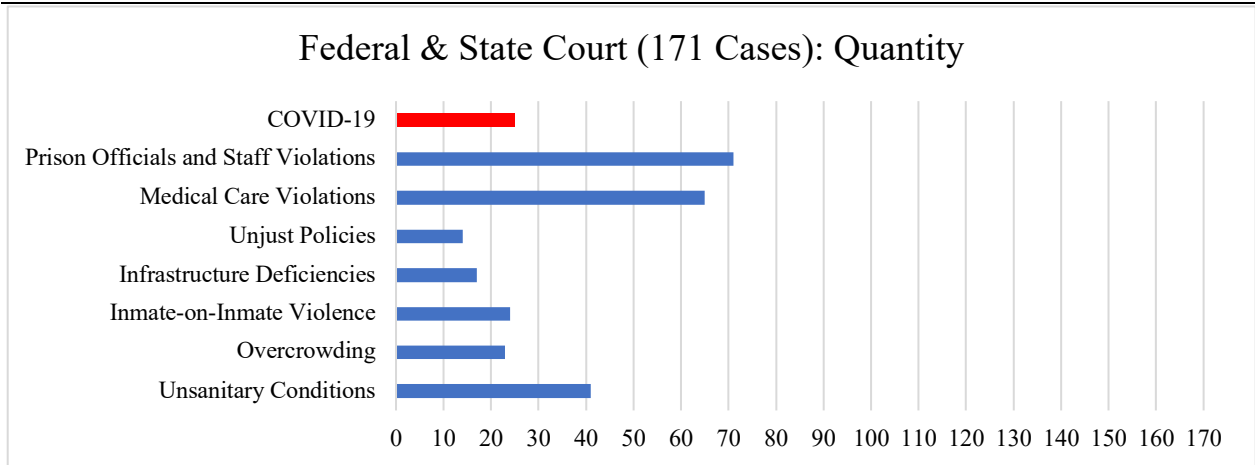


FIGURE 44. PERCENTAGE OF COVID-19 CHALLENGES IN FEDERAL & STATE COURT FROM 2017-2022

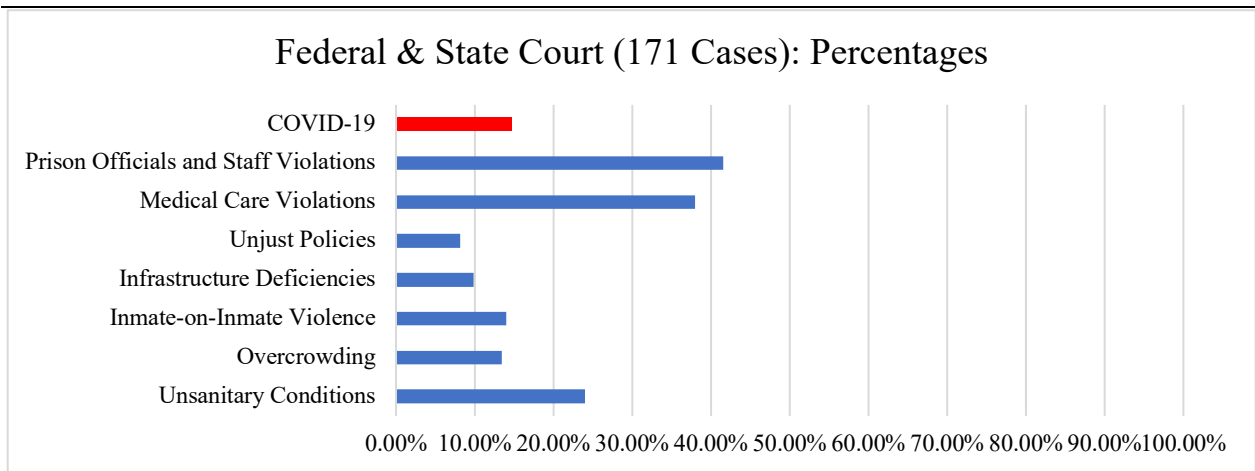


FIGURE 45. QUANTITY OF COVID-19 CHALLENGES IN FEDERAL COURT FROM 2017-2022

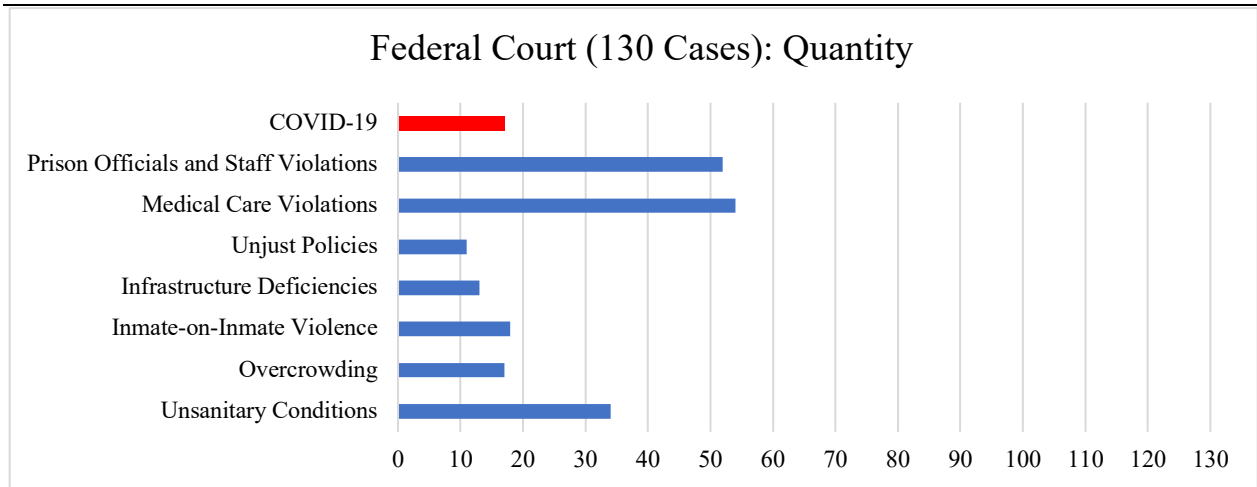


FIGURE 46. PERCENTAGE OF COVID-19 CHALLENGES IN FEDERAL COURT FROM 2017-2022

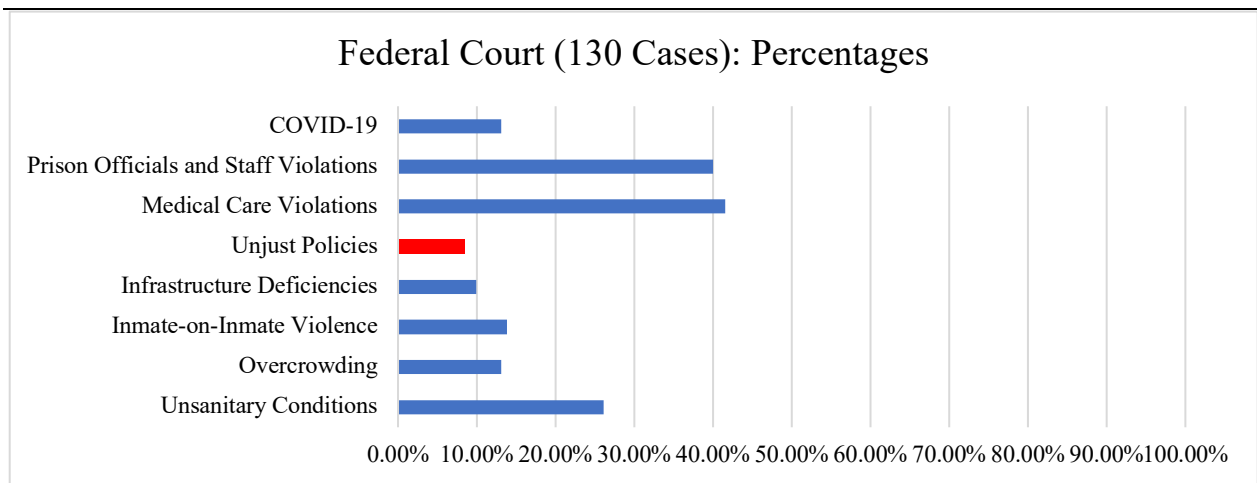


FIGURE 47. QUANTITY OF COVID-19 CHALLENGES IN STATE COURT FROM 2017-2022

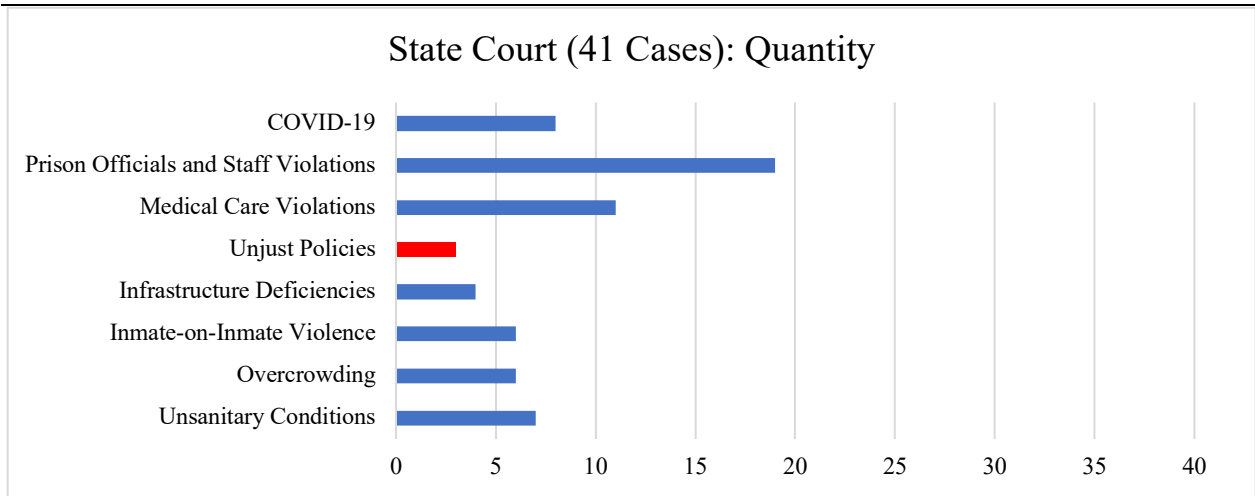
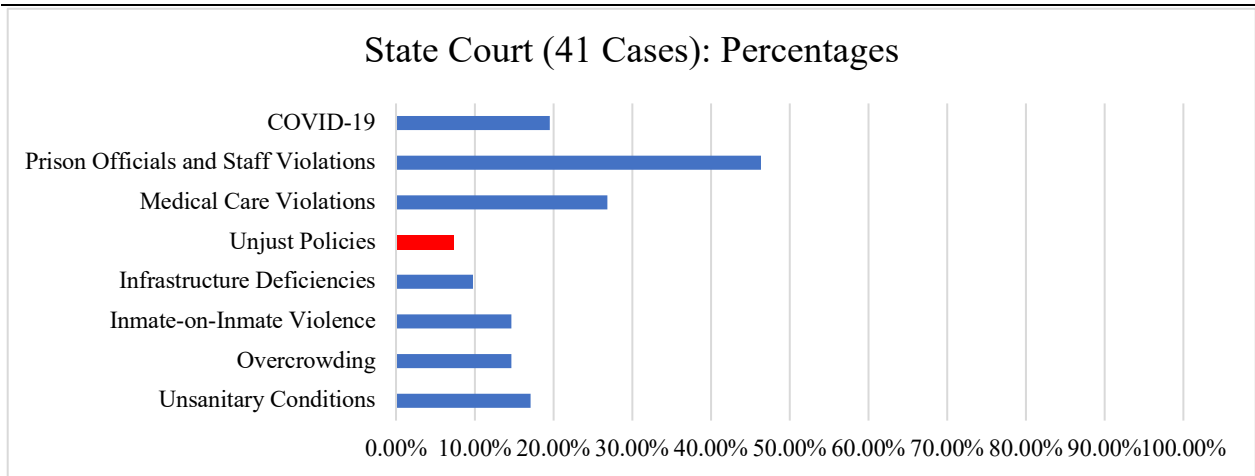


FIGURE 48. PERCENTAGE OF COVID-19 CHALLENGES IN STATE COURT FROM 2017-2022





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