
**ADX Litigation Fact Sheet and Prisoner Profiles:
*Bacote, et al. v. Federal Bureau of Prisons***

Overview. On Monday, June 18, 2012, a class action lawsuit was filed on behalf of mentally ill prisoners at the supermax U.S. penitentiary in Florence, Colorado, commonly known as “ADX.” The suit seeks to secure adequate diagnosis and treatment for seriously mentally ill prisoners at ADX, including regular mental health screening, access to appropriate psychiatric care, and training for ADX staff members to better detect and address symptoms of mental illness among inmates.

The Parties. Eleven prisoners filed the case on behalf of all mentally ill prisoners at the facility. The defendants are the Federal Bureau of Prisons (BOP) and several of its top officials with responsibility for the operation of the prison.

About ADX. ADX opened in 1994. It was built to house the most dangerous prisoners in the system and is considered to be the most secure prison in the country. ADX staff refer to it as the “Alcatraz of the Rockies.” Prisoners spend up to 24 hours per day in single cells. Their communications and contact with other inmates and staff are severely restricted. For many inmates, their only meaningful contact with other humans is with ADX staff members. Approximately 450 prisoners live at ADX at any time.

Facts. The lawsuit alleges that many current ADX prisoners suffer from some form of serious mental illness. Because of their untreated or poorly treated mental illness, many prisoners at ADX act out, resulting in disruption, compromised security, and a risk of harm to themselves, ADX staff, and other prisoners. According to the complaint, inmates often mutilate themselves with razors, shards of glass, sharpened chicken bones, writing utensils and other objects. Many engage in prolonged fits of screaming and ranting. Others converse aloud with the voices they hear in their heads. Still others spread feces and other waste throughout their cells. Suicide attempts are common. Many have been successful.

Claims. The BOP’s own written policies exclude the mentally ill from ADX. Even so, the complaint claims that the BOP frequently sends prisoners with mental illness to ADX because of a deficient evaluation and screening process. Then, according to the complaint, mentally ill prisoners housed at ADX are denied constitutionally adequate treatment and services.

Retaliation. Since counsel for Plaintiffs began communicating with ADX prisoners in mid-2011, according to the complaint, ADX staff have retaliated against these prisoners by interfering with their mail, reading privileged attorney-client communications, confiscating or “losing” their personal belongings, threatening them, and confining them in segregated disciplinary units.

Consequences. Science and historical experience confirm that extended confinement in isolation is likely to exacerbate all types of mental illness, increasing the risk of violence against prison staff and other inmates, and reducing the likelihood that these prisoners will ever be able successfully to re-enter society at the end of their sentences. Not everyone at ADX will die in prison. Of the mentally ill prisoners represented by the lawyers who filed the class action, one-fourth will be released into the community in the next five years, and almost 60% will be released in the next 20 years. While certain inmates unquestionably require a closely controlled prison environment, supermax conditions mean that prisoners are utterly reliant on corrections staff to provide them with adequate care. Inhumane treatment of these prisoners in the U.S. prison system decreases security, compromises our constitutional principles, and tarnishes our nation’s reputation in the global community.



Name: Michael Bacote

Age: 37

From: Washington, D.C.

Diagnoses: Major Depressive Disorder with Psychotic Features; Paranoid Ideation; symptoms of Post-Traumatic Stress Disorder (“PTSD”); closed head injury; mental retardation

History: Mr. Bacote is serving a 28-year sentence at ADX. His paranoia means, among other things, that he believes prison staff may accidentally or purposely give him the wrong medication. He therefore refuses to take it in ground-up form; BOP staff refuse to present it to him in pill form. As a result, Mr. Bacote often goes unmedicated. He has repeatedly requested mental health assistance, and has asked to be transferred from ADX. BOP has refused these requests.



Name: Harold Cunningham

Age: 41

From: Washington, D.C.

Diagnoses: Paranoid Schizophrenia; Psychotic Disorder Not Otherwise Specified (“NOS”); Personality Disorder NOS; Conduct Disorder; Under Socialized Aggressive Needs; Major Depression; Antisocial Personality Disorder; History of Attention Deficit Disorder with Hyperactivity; Borderline Intellectual Functioning

History: While on trial for crimes in Washington, D.C. and Maryland, Mr. Cunningham attacked and stabbed a witness as she was leaving the witness stand. Despite this, and despite his mental illness, he was allowed to continue representing himself. Following his arrival at ADX in 2001, Mr. Cunningham was taken off of his existing medication. Although he has made at least eight formal requests, he has since been denied any mental health treatment.



Name: Ernest Norman Shaifer

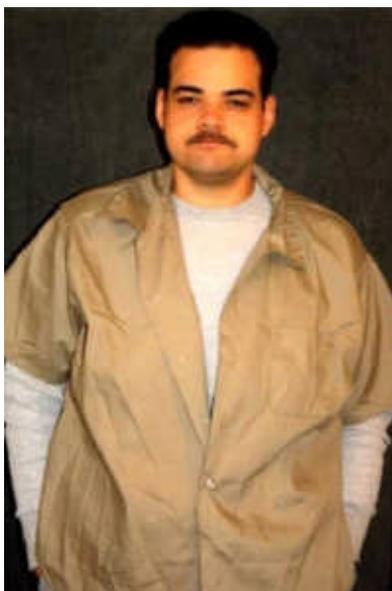
Age: 49

From: Washington, D.C.

Diagnosis: Bipolar Disorder

History: Mr. Shaifer has been in and out of the prison system since the early 1980s, and was transferred to ADX following an assault on a BOP chaplain. Despite two separate diagnoses of Bipolar Disorder and an extensive family history of serious mental illness — including Schizophrenia and Bipolar Disorder, and a brother's suicide — BOP denies that Mr. Shaifer is mentally ill. Mr. Shaifer has been housed in the Control Unit at ADX, where he is held in extreme isolation, for over eight years. He is expected to remain there until he completes his sentence in July 2014. Pursuant to BOP policy that prisoners housed in the Control Unit are not allowed to be on psychotropic medication, Mr. Shaifer has been denied treatment, even though he

has made multiple written requests and once sued the BOP, asking for medication.



Name: Jeremy Pinson

Age: 26

From: Oklahoma City, OK

Diagnoses: Schizophrenia; Bipolar Disorder; Severe and Chronic PTSD

History: Mr. Pinson began hearing voices and having visual hallucinations around age 7, and received his first inpatient psychiatric treatment by age 10. In 2007, he was sentenced to 20 years in prison for threatening the President and others. While incarcerated, he was sentenced again for threatening a Secret Service agent. In both cases, the judge recommended that Mr. Pinson be transferred to a facility equipped to evaluate and treat psychiatric disorders. BOP rejected these recommendations and instead transferred him to regular penitentiaries and then to ADX, despite BOP guidance stating that prisoners suffering from serious psychiatric illnesses should not be placed at ADX.



Name: John W. Narducci, Jr.

Age: 43

From: Connecticut

Diagnoses: Mood Disorder; Mixed Personality Disorder with Antisocial and Borderline Features; symptoms of Complex PTSD; symptoms of Gender Identity Disorder

History: Mr. Narducci was first treated for mental illness as a teenager, and was admitted for inpatient treatment at age 16. At his 2000 sentencing for bank robbery, the judge recommended that he be sent to a BOP facility with “programs sufficient to deal with his mental, emotional and psychological problems.” BOP rejected this recommendation. Following assaults on another prisoner and a corrections officer, Mr. Narducci was transferred to ADX, where he has been punished for additional violent acts. He has repeatedly requested, and been denied, adequate mental health treatment.



Name: John Jay Powers

Age: 50

From: Upstate New York; Florida

Diagnoses: Severe Complex PTSD; Personality Disorder with Narcissistic, Borderline, and Antisocial Features

History: Mr. Powers was convicted of bank robbery in 1990. At that time, he had no history or symptoms of serious mental illness. While in custody, he witnessed three inmates murder another inmate, stabbing him 13 times. He was transferred to protective custody, twice testified against the murderers, and suffered repeated threats against his life by other inmates. Around this time, he began to suffer from PTSD. He briefly escaped from prison and was transferred to ADX in 2001, where he spent nearly 10 years in an isolation unit and became mentally deranged. While at ADX, Mr. Powers has amputated his testicle, bitten off his finger, amputated his scrotum, and repeatedly attempted suicide. In 2009, a BOP psychologist concluded that Mr. Powers “does not have an active mental disorder” and “is not in need of custody for care or treatment.” Since then, he has bitten off another finger, tattooed himself extensively, amputated his scrotum, sliced off his earlobes, sawed through his Achilles tendon, and mutilated his genitals. ADX officials have frequently treated these acts as disciplinary violations, and until very recently have denied him medication.



Name: Marcellus Washington

Age: 39

From: New Jersey

Diagnoses: Mood Disorder; Mixed Personality Disorder with Borderline and Antisocial Features; symptoms of PTSD; mental retardation

History: Mr. Washington was incarcerated in 1996 for armed robbery and carjacking, and transferred to ADX following an assault on a BOP administrator. From the age of seven, he was placed in a series of foster homes, group homes, and psychiatric facilities. A probation report describes him as having endured “massive” deprivation as a child. While in the federal prison system, he has been diagnosed with mental illness and has repeatedly attempted suicide. When he attempted to cut his wrists with a razor blade, ADX officials punished him with a seven-day loss of television and radio privileges, but did not provide him with any treatment for mental illness. Subsequent formal requests for adequate mental

health treatment have been denied.



Name: William Concepcion Sablan

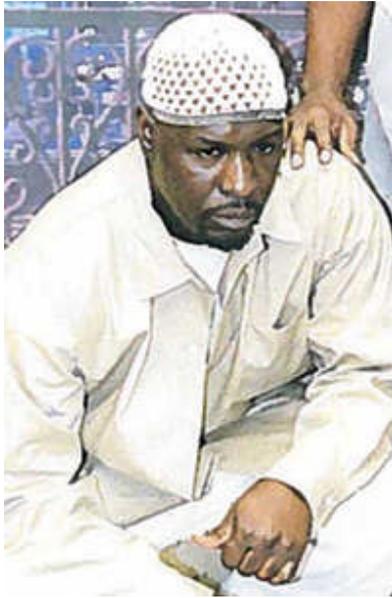
Age: 47

From: Saipan (U.S. Commonwealth)

Diagnoses: Psychotic Disorder NOS; Major Depressive Disorder; PTSD; Cognitive Disorder NOS; Posttraumatic Brain Injury; Personality Disorder; Anxiety and Mood Disorder with Psychotic Features; Delusional Disorder; Late Onset Schizophrenia; Antisocial Personality Disorder

History: Mr. Sablan’s criminal history dates from his early adulthood. In addition to other mental disturbances, he suffers from the behavioral consequences of a 1995 attack, during which he was repeatedly struck in the head with a machete. Medical tests have since detected brain abnormalities, and medical personnel have observed that Mr. Sablan is delusional and experiences auditory hallucinations. In 1999, Mr. Sablan murdered his cellmate, but was deemed competent to stand trial only after months of

intensive treatment involving psychotropic drugs, psychiatric treatment, and therapy. The sentencing judge recommended that BOP continue this treatment without interruption. To date, Mr. Sablan has been provided with medication, but no other mental health care.



Name: Jaison Leggett

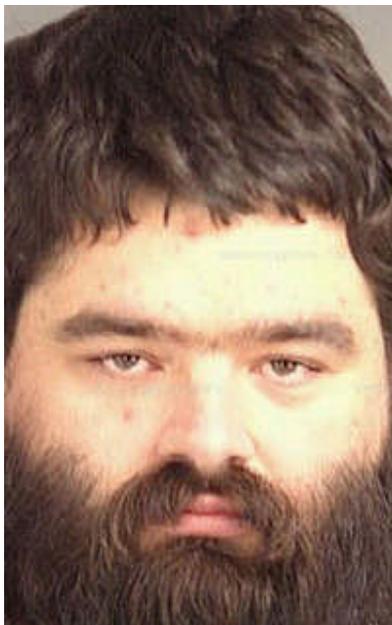
Age: 41

From: Washington, D.C.

Diagnoses: Schizophrenia; Bipolar Illness; Major Depression; Borderline Personality Disorder

History: Mr. Leggett has been at ADX since 2002. During that time, he has suffered from intense pain associated first with osteomyelitis in his leg, and then, following amputation, a poorly-fitted prosthetic. On three separate occasions, he has attempted to alleviate this pain by cutting his leg with a razor blade and then swallowing the blade. When, several years ago, Mr. Leggett damaged his prosthetic and swallowed some of its parts, BOP officials refused to provide a replacement. He has since been forced to hop or crawl around his cell and prison corridors and stairs. Years of humiliation and pain have aggravated his mental illness, and he has repeatedly attempted suicide by various means. Although a BOP physician acknowledged

in 2003 that Mr. Leggett suffers from a mental disorder, he reports that he has not received any psychotropic medication since 2005.



Name: David Shelby

Age: 47

From: Benton, Kentucky; Indiana; Utah

Diagnoses: Bipolar Disorder; Schizotypal Personality Disorder; possible Schizophreniform Disorder; Depressive Disorder; Alcohol Dependence; Personality Disorder NOS

History: Mr. Shelby is currently serving a 24-year sentence for a 1996 conviction for making threats against the President. Mr. Shelby has for many years believed that he hears the voice of God, which at one point commanded him to eat his finger. In response, he amputated his pinky, cut it into pieces, and swallowed it with ramen noodle soup. He has repeatedly attempted suicide, once by taking a prison staff member hostage in hopes of being killed by corrections officers. This latter attempt resulted in an 80-month sentence, with the court recommending participation in a mental health treatment program during his incarceration. BOP has medicated him, but has not provided treatment adequate to resolve

his symptoms, which continue to include hallucinations and periodic psychotic episodes.



Name: Herbert Isaac Perkins

Age: 36

From: Albuquerque, New Mexico

Diagnoses: Major Depression; Antisocial Personality Disorder; symptoms of PTSD

History: Mr. Perkins is serving a life sentence for armed robbery. Prior to his 2008 arrival at ADX, he was medicated for Depression and was largely asymptomatic. When he asked that his medication be continued, ADX officials denied him treatment. A month later, he sliced his neck open with a razor, necessitating emergency surgery. Upon his return to ADX, prison officials placed him back in the same cell, where large quantities of dried blood from his suicide attempt remained on the floor, and the razor he had used lay on the sink. The following day, he again tried to kill himself. Mr. Perkins is currently medicated, but he remains clinically depressed and at risk of suicide. Since agreeing to become a plaintiff in this case, he has been subjected to a pattern of harassment by BOP officials, including manufactured disciplinary charges, “accidental” loss of his belongings, delayed and lost mail, and threats. He fears for his life.