

February 13th, 2017

David Harlow
Acting Director US Marshalls Service
500 Indiana Avenue NW
Washington, DC 20001
United States

Candace Lapidus Sloane, M.D.
Chair of the Massachusetts Board of Registration and Medicine
Commonwealth of Massachusetts Board of Registration in Medicine
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Charlie Baker
Governor of Massachusetts
Massachusetts State House
Office of the Governor
Room 280
Boston, MA 02133

Maura Healy
Attorney General of Massachusetts
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Dear Mr. Harlow, Ms. Lapidus Sloane, Mr. Baker, and Ms. Healy:

When I was first arrested and remanded to the U.S. Marshals a year ago, I expected quite a journey through the federal justice system. Still nothing could have prepared me for the actual odyssey ahead.

After starting out by spending a couple weeks at FDC Miami, followed by a week at the Federal Transfer Center in Oklahoma City, my second flight on “ConAir,” landed me at MDC Brooklyn. There, packed into a tiny holding cell, two members of violent street gangs quickly discovered each other among the rest of us dozen or so human sardines and a brutal fist fight broke out in a tightly enclosed space. Then, after being moved to a housing unit, I found myself sleeping right next to a cell that seems perpetually corded off by crime scene tape. What exactly happened in there and how long ago those events transpired are sources of speculation, controversy, and gossip among federal inmates across the Northeast; the prison equivalent of camp fire stories. I didn’t tell my wife about the altercation, nor the mystery cell at the time, as I didn’t want to worry her.

Though much of the facility was in an obvious state of disrepair, I wasn’t at MDC Brooklyn long enough to run into the grave issues [recently uncovered](#) there by journalists. Nor

did I know that late last year a judge would [refuse to order](#) a defendant held there pending trial, but rather would summon the local US Attorney to answer for its squalid conditions. Instead, I boarded a bus, shackled and chained as we always are, bound for the private Donald W. Wyatt Detention Facility in Rhode Island.

I would spend the next 9 months at “Wyatt,” where I would begin my [100-day hunger strike](#) on behalf of abused children and victims of political prosecutions, like the late [Aaron Swartz](#). Before I arrived, I was already aware of the ACLU’s detailing of the [tragic abuse and preventable](#) death of fellow technologist and whistleblower Hiu Lui “Jason” Ng at the facility. I also knew that underpaid and overworked officers [had sued](#) Wyatt over unfair Employment Practices. Like Ng, I had to fight [much too hard](#) to go to the hospital, and worse yet, my attorneys were told I had not requested such care when in fact I had done so repeatedly, even on video.

All of that being said, I am compelled to note that while there certainly were bad apples, the vast majority of officers and nurses at Wyatt were the most conscientious and kind that I’ve encountered on my journey thus far. I view the problems at Wyatt as predominantly the result of poor management as well as a callous, substandard, medical director by the doctor by the name of Dr. Blanchett, who seems to think that he can touch patients on video without their consent and then laugh at and mock their objection to unwanted behavior.

I left Wyatt 6 weeks into my Hunger Strike without knowing then an inmate with a history of being “lugged” to solitary for trivial offenses would soon effect the successful escape and elude authorities for days. While the marshals dealt with that embarrassment and worked to clean up that mess, I was at the Federal Bureau of Prisons (FBOP) MCC New York facility in Manhattan. There, in a blatant attempt to break my hunger strike, I was placed directly into solitary confinement upon arrival. [Contrary to policy](#), as well as in violation of my civil rights I was never given an administrative detention hearing, periodic review, nor even administrative detention order.

Still compared to many others, I was fortunate. For example, during my 80 plus days in “the hole” I encountered a mentally ill man who I was told had spent approximately the last two years in near total isolation, suffering silently.

I reported on the inexcusable conditions at MCC New York, like frigid cells, insect as well as rodent infestations, contaminated food, and sadistic staff multiple times. [\(1,2,3\)](#). I had no idea Amnesty International had already [condemned](#) the place, and I believe if judges were to see what I have there, the US Attorney would once more be summoned to answer for inexcusable conditions.

I was moved again just as my reporting was making a difference and right as I was right about to expose how favorite FBOP employees, like current MCC New York Warden Eskar Tatum are transferred there prior to retirement for just long enough to allow the exorbitant Manhattan salaries to artificially boost their already generous government pensions at taxpayer expense.

So, on Saturday February 4th, I found myself at Plymouth County Correctional Facility, lying on the floor, on a thin, lumpy mattress, unable to sleep, having been placed on a completely unjustified suicide watch. I asked for writing paper or a book to pass the time, but was told I wasn't allowed to have "anything." I said the mattress was hurting me due to my many past injuries, but was told nothing could be done. When I was "cleared" 48 hours later, I looked like a sleep-deprived racoon and had never seen a doctor, as one should expect prior to determination of a legitimate, non-punitive suicide watch. I was told the reason for this treatment was that I was "coming off the hunger strike," but, as announced by the [Associated Press](#), I had begun eating solid food more than three weeks before, on January 11th.

Now, a later a week later, I still haven't been seen by a doctor and this entire time I've been without the supplemental nutrition I was medically prescribed, and which was helping me regain weight and lean body mass.

Still, I would soon learn that I was fortunate compared to others here who had actually requested mental health help only to be thrown into the Plymouth County Sheriff's Departments' "Q5." Described to me as a small 40-degree room with a bare tile floor, inmates are locked in "Q5" alone, naked or nearly naked, and without a mattress. As an additional indignity, there is no toilet in "Q5," instead inmates must defecate in a hole in the floor. Human beings endure these deplorable conditions for days, never receiving therapy, before they are asked if they still need help. Anyone who answers that they do is held there longer.

As for the intended purpose of "Q5," I believe one prisoner hit the nail on the head when he told me "it doesn't make me want to ask for help." He said even if he was thinking of hurting himself, he wouldn't tell a soul for fear of "Q5." I don't blame him. I wouldn't either, and that appears to be exactly the point; to discourage inmates from seeking mental health treatment.

Another gentleman told me there were dead flies on the floor when he was in "Q5," and that, like the cliché tongue on a frozen flagpole, the frigid temperatures had actually adhered his exposed skin to the floor. He said it was torture. From what I've heard, according to [International Convention](#), he is right.

You see, there are four requirements for something like "Q5" to rise to the level of torture by accepted standards. First, it must cause severe pain or suffering, whether physical or mental. Second, it must be done intentionally. Third, it must be carried out for a specific purpose like coercion, intimidation, discrimination, or punishment. Finally, there must be involvement, and only by acquiescence, of a government official like a prison employee.

It is self-evident that the descriptions of "Q5" above meet all four of these criteria, and so as has happened previously along my journey, I am left to ask questions of the utmost urgency. Do the US Marshals have not have one sufficient detention facility in all of the Northeast? Remembering that we are innocent unless proven guilty, do the Marshalls care about our health and wellbeing once they've handed us off to the lowest bidder(s)? Does the Massachusetts Board of Registration and Medicine take its duties seriously enough to intervene cases of institutionalized abuse, like what happened to Justina Pelletier in 2014 and what is happening now at the Plymouth County Correctional Facility? Will the current iteration of the

Executive Branch of the Commonwealth of Massachusetts turn a blind eye, as its predecessors have done?

I'll leave it to you to answer these questions, not by mere words, but by your much louder actions, and/or inactions.

Very Sincerely,

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CC: Massachusetts Bar Association