

Ending a Culture of Silence: Whistleblowing Within Prison Culture

What are our prisons for? Are they places for punishment or for rehabilitation? Do our prisons protect us or do they harm us? I confronted these questions during my time as a contractor with the public defender (PD) in Florida. My job was to create a statistical overview of individual department of corrections (DOC) prison records for juvenile life without parole (JWLP) prisoners who would be going before a resentencing judge. Before working with the PD I knew next to nothing about the abuse of power, the lack of adequate mental health support, and the way inmates are stripped of their autonomy.

Why do prisons, taxpayer funded institutions, feel shrouded in secrecy? Two supreme court cases have limited the First Amendment rights of prisoners. *Pell v. Procunier* (1974) ruled that journalists do not have constitutionally protected access to prisons and in *Overton v. Bazzetta* (2003) it was decided that prison administrators had the discretion to bar any visitors from their prison. As a result, the capacity of journalists to report on prison conditions is severely limited. Additionally, whistleblowing is discouraged and even penalized in prison culture. Officers who have been whistleblowers have been ostracized from their community, lost promotions, and/or lost their jobs.

In 2015, John Pisciotta, a correctional officer in Florida, blew the whistle after an extraction team gouged out an inmate's eyeball. The prisoner, Kelly Bradley, was an elderly veteran and a schizophrenic prisoner who had barricaded himself behind a mattress. During the extraction, Officer William Wilson dug into his eye several times and ripped out his eyeball. The officers involved were told to leave the injury out of their report by their Captain. Pisciotta acted as a whistleblower and even testified against him. After the federal trial, Pisciotta was fired and lost his pension. Since that incident Pisciotta's house has been spray painted "coward," the transmission cables on his car have been cut, and his colleagues concocted an inaccurate story about Pisciotta abusing another inmate. Wilson was released after five years in federal prison and out of the six officers involved in the incident, four were promoted.

Some of the most startling examples of whistleblowing come in the form of images, smuggled out anonymously. In 2019 the New York Times released an article containing smuggled photographs from inside St Clair Correctional Facility in Alabama. The photographs are harrowing. Shanks, bloodied inmates, bloodstained messages on the walls and remnants of protests litter the images. The photographs force us to confront an unseen reality.

Confronting the operation of our most violent prisons is important not only for the lives of its inmates but also for the safety of correctional officers and the public. Correctional officers are themselves victims of overcrowding that has resulted from tough-on-crime policies. Studies have shown that correctional officers suffer above average levels of PTSD and suicide. The prison environment is

dangerous for them – they are outnumbered and understaffed – and creates an environment which rewards abuse of power.

What can we do to make prisons more transparent? One solution is to extend independent oversight. While the Department of Justice does oversee federal prisons, there is no requirement that prisons be regularly inspected. In addition to serving as a home for complaints, a neutral regulatory body which monitors prison affairs would help to corroborate statements made by whistleblowers and thus make it easier for whistleblowers to come forward. Neutral oversight would help to dispel the current culture of silence that is born out of our insular paramilitary prison system.

Additionally, private prisons, which are exempt from the Freedom of Information Act, need to be held to the same level of accountability as federal prisons. Currently, they are not required to collect the same type of records nor to make those records available to the public. They are not required to write incident reports which can help to corroborate a whistleblowers story.

Our current prison system is ineffective and inhumane. The structure of our current system needs to change so that whistleblowers are not discouraged from coming forward. It is vital to any system, but especially one that holds millions of lives in its hands, that the people within that system can voice their concerns. To that end protection of whistleblowers is vital to improving our prison system.