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VIA ELECTRONIC MAIL AND USPS CERTIFIED FIRST-CLASS MAIL

Commission on Safety and Abuse in America's Prisons
c/o Jennifer Trovillion, Coordinator
601 Thirteenth St, N.W.
Suite 1150 South
Washington, D.C. 20005
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**RE: VIOLENCE, CONDITIONS, AND INFORMATION CONCERNS AT
FEDERAL CORRECTIONAL COMPLEX (FCC) VICTORVILLE, CALIFORNIA**

HARD COPY WITH ATTACHED EXHIBITS, UPDATES, AND CORRECTIONS

Dear Ms. Trovillion and Commission Panelists:

I finally have the opportunity to submit this hard text copy, with attachments, of the Report I electronically filed with the Commission the afternoon of April 20, 2005. I received correspondence from Inmate Smith just yesterday that contained numerous factual clarifications and corrections I respectfully tender below, though I respectfully submit none materially alter the story told last month.

As regards the problems with legal mail at FCI Victorville Medium II, I must respectfully note a similar problem has occurred on one of three letters Inmate Smith has sent me, his acknowledged attorney, from USP Victorville. While the absence of a rubber-stamped statement may seem nit-picking at first blush, Inspector General Glenn A. Fine himself told the Commission that

the OIG has found that prison abuse often occurs in facilities in which other, less egregious forms of misconduct are permitted to occur. When lesser forms of misconduct go unchecked, they can lead to breakdowns in security and order, the corruption of staff, and the abuse of inmates. Moreover, physical and sexual abuse

often is combined with other misconduct. . . . In the few institutions in which the OIG has seen numerous instances of prison abuse, we also have seen a lack of effective controls from the institution's executive management down through its correctional supervisors. We believe that prison management must strongly address other misconduct to avoid a lax environment that can lead to abuse.

Office of the Inspector General, United States Department of Justice, "*Statement of Glenn A. Fine, Inspector General, U.S. Department of Justice, before the Commission on Safety and Abuse in America's Prisons,*" April 19, 2005, at 11.

Omitting the stamp mandated by 28 C.F.R. § 540.18(d) may indeed be but a technical violation. It is a violation of Federal Regulations nonetheless, and it is indicative of BOP agents' unfortunately common flippantness toward inmates' rights to counsel and special mail protections. Moreover, without justification and for the first time in my cellmate-clients' combined three decades of BOP confinement, USP Victorville's Inmate Systems Manager had the last legal envelopes I sent them seized from their other legal materials. As IG Fine told us, seemingly innocuous abuse raises questions whether other, more serious abuses are occurring at FCC Victorville under lax correctional and management procedures.

Corrections/Clarifications to the Report

As I tried to convey in the enclosed Report, all data presented was on information and belief – an investigation is meant to find and resolve factual discrepancies. Inmate Smith has now reviewed his copy of the textual Report, and (besides thanking the Commission for its consideration) offers these details to ensure the Report's highest possible accuracy.

- Approximately forty men, not fifty or sixty, may have been moved to FCI Victorville Medium II the night of January 10, 2005, while two or three more inmates were moved there on January 12. Weeks later men from USP Atwater's Special Housing Unit (SHU) and "step-down programs" began arriving. These precise calculations are one of the many subjects of FOIA Request No. 2005-03244, received by USDOJ-FBOP West Regional Counsel Harlan Penn on February 22, 2005, and economically challenged on April 12, 2005.
- Inmate Smith finally received a copy of his Unit Disciplinary Committee ("UDC") Hearing proceedings, as regards the January 10 allegations, on or about April 20, 2005. Inmate Smith reported receiving the appropriate Form BP-9 for his appeal on or about April 27, 2005.
- Chain-link fencing topped with razor wire and three recreation yards still separate USP Victorville's Units 1A to 3B from Units 4A to 6B. Complete separation of inmates at USP Victorville, such as the author believes still exists at USP Atwater, reportedly ended shortly after January 10, 2005, however.

- The slashings of April 11, 2005, are more fairly characterized as having occurred in the evening rather than the afternoon. Inmate Scopazzi reportedly died over \$7.40 worth of tobacco – less than a cigarette in the non-smoking USP Victorville – and another inmate's "disrespect" about the small amount of contraband tobacco transacted. These events occurred on the same side of USP Victorville as Inmate Smith's former domicile, but in a different unit. Inmate Smith knew his friend, Inmate Scopazzi, as Dave Fisher.
- Inmate Smith was first imprisoned at the administrative (high) security Metropolitan Detention Center (MDC) Los Angeles, California in November 1991, at 22-years-old. He was 25 when he arrived at USP Lompoc, California.

To the extent other factual inconsistencies may exist, I pray indulgence for the early stages of a difficult investigation involving reticent BOP actors. Enough evidence remains, however, evidence published by the BOP itself and attached hereafter as verified true copies, to demonstrate that legal violations by BOP actors are regularly occurring within FCC Victorville, California.

Attachments to the Report

I attach a copy of my curriculum vitae as Appendix A. Under Appendix B I attach the two articles from the *Victor Valley Daily Press* regarding the murder at FCC Victorville, and also the first three pages of the docket report from the case involving the deceased Victorville inmate known as Peter Stephen Scopazzi, Register Number 71855-004. The author's check of BOP's "Inmate Locator," <http://www.bop.gov>, indicated this inmate is now "Deceased."

Appendix C contains an assortment of redacted documents related to Inmate Smith, and demonstrating FCC Victorville's apparently random compliance with 28 C.F.R. § 540.18(d). Of note, and though I did not discuss them at length, I enclose redacted true copies of both Inmate Smith's incident reports to emphasize the mutually exclusive legal and factual positions taken by FCC Victorville's administrators. Appendix D closes with documentation of FOIA Request No. 2005-03244.

Conclusion

FCC Victorville's administration and correctional officers are engaged in a pattern of obfuscation that might have already crossed the line to criminal (if even swearing false statements). This Report offers such documentation of these violations as possible, while jeopardizing BOP inmates and staff as little as possible. The author shudders, however, at the thousand retaliatory avenues open to spiteful and frightened prison staff.

*Prison Commission
c/o Jennifer Trovillion, Coordinator
Monday, April 18, 2005
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Whether through me, I respectfully suggest the Prison Commission pursue these grave allegations against FCC Victorville's administration and staff as they develop. This seems a rare opportunity for the Prison Commission to follow its own line of investigation and reach its own conclusions about the events at FCC Victorville.

Thank you, Ms. Trovillion, for your exceeding good grace, and thanks to the Commission for its time. I remain available for questions or concerns.

Respectfully submitted,



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