FROM ABU GHRAIB TO MIAMI: FIGHTING PRISONER ABUSE

Amnesty International State Conference
University of Miami School of Law
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Agenda

Florida Justice Institute: what we do and how Amnesty can assist

Prison abuse: one need not travel to another country to find it

What constitutes abuse?

How Amnesty volunteers can handle prisoner complaints
Florida Justice Institute, Inc.

• Public interest law firm representing prisoners in civil lawsuits challenging conditions in state prisons and jails
• 3 attorneys for entire State
• U of Miami Law School clinical program (student interns)
• Executive Director, 28 years
• Primarily class actions or individual cases with significant damages or death
• Directs the Volunteer Lawyers' Project for the U.S. District Court for S.D. Fla.
• Funded by donations, attorneys fees, and private foundation grants
U.S. Prisoner Abuse in Iraq – Shocked World

An unmuzzled dog used to frighten a detainee at Abu Ghraib. Two military dog handlers told investigators that intelligence personnel ordered them to use dogs to intimidate prisoners.
An Iraqi detainee appears to be restrained after having suffered injuries to both legs at Abu Ghraib. It is unclear whether his injuries were from dog bites.
Prisoner Humiliation
U.S. Army Guards Proud of Inhumane Prisoner Treatment
A detainee apparently abused at Abu Ghraib in 2003.
Prison and Jail Conditions in the U.S.

United States Constitution, Amendment VIII:
"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

"Deliberate Indifference" standard

Security defense

Prison Litigation Reform Act
Need Not Go to Iraq — Inhumane Prisoner Treatment in Florida
Fla. Inmates Burned by Pepper Spray
Strip Searching of Females in Dade County Jail

- During FTAA demonstrations, female demonstrators arrested for misdemeanors not involving crimes of violence were strip searched.
- Policy started as a result of overcrowding 7 years prior.
- Sued in federal class action (over 6,000) to end practice and obtain damages.
- Changed policy and settled for $6.25 million.
Handling Prisoner Complaints by Amnesty Volunteers

- Types of Complaints: medical care, visitation, confinement, guard and other prisoner abuse
- Prison Litigation Reform Act
  - Prior to litigation, inmate must grieve complaint using Inmate Grievance Procedure and appeal
  - Communicate complaint to administration and document
  - Gov’t Officials and Consulate
  - Contact the media
Most Effective Method of Handling Individual Complaints

- Contact inmate's criminal defense attorney.
- Discuss inmate's complaint and how interfering with the attorney's representation might affect the case.
- Suggest filing a Motion in the criminal case bringing the complaint to the attention of the court, noticing on the Motion the relevant corrections or medical personnel.
- Suggest to the attorney setting the Motion down for hearing to resolve the complaint so the client can be better aided in his defense.
Last Resort

- Contact an organization like the Florida Justice Institute, Florida Institutional Legal Services or state chapter of ACLU for legal assistance.
- Realize systemic litigation takes years.
- Courts no longer receptive to prisoner cases.