

May 22, 2015

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American Correctional Association
Standards and Accreditation Department
206 North Washington Street, Suite 200
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RE: FCI Fort Worth, Standards Compliance Audit on July 14 to July 17, 2015.

Dear Auditors:

This hereby serves as **NOTICE** that the American Correctional Association is being provided with detailed, factual allegations, set forth in a verified complaint. These factual allegations regarding FCI Fort Worth's non-compliance with ACA Standards, and the ACA's willingness to grant waivers to the Bureau of Prisons for this non-compliance, establishes collusion between your agency and the Bureau of Prisons, specifically at FCI Fort Worth, by allowing inmates to be housed in overcrowded, unsanitary, and unhealthy conditions. The Bureau of Prisons is mandated by BOP Program Statement 1600.09 Occupational Safety, Environmental Compliance, and Fire Protection which "ensures that the Federal Institutions comply with current American Correctional Association Standards (ACA), among others.

Below are the ACA Standards which FCI Fort Worth is negligently deviating from:

* **ACA Standard 4-4137(Ref.3-4132)** which provides that inmates have access to toilets at a **minimum ratio of 1 for every 12 inmates (1:12)**, in male facilities, and that inmates have access to these facilities 24 hours per day. Urinals may be substituted for up to one-half of the toilets in male facilities. These ratios apply unless national or state building or health codes require additional fixtures.

These standards are not being met, and are grossly disproportionate to the amount of toilets available at FCI Fort Worth, specifically, in buildings identified as "San Antonio", "Austin", and "Houston", as herein will more fully appear:

In the San Antonio Unit, there are a total of 8 toilets, and 6 urinals for approximately 350 inmates. Based on the Standards set forth by your agency, there should be a **minimum of 30 toilets** to accommodate the inmate population in the San Antonio Unit. The Unit requires a 375% increase in toilets to be in

compliance with ACA Standard 4-4137. The current ratio of toilets per inmate in the San Antonio Unit is 1:44. This grossly deviates from ACA Standard 4-4137, of 1:12, as well as National Plumbing Code Standards.

Correspondingly, the Austin Unit houses approximately 420 inmates. There are 11 toilets and 10 urinals available to inmates. Based on ACA Standard 4-4137, there should be 35 toilets in the Austin Unit. Austin Unit requires a 318% increase in the available toilets to be in compliance with ACA Standard 4-4137. The current ratio is 1:38 of toilets per inmate in Austin Unit. This is a gross deviation from ACA Standard 4-4137 of 1:12 toilets per inmate, as well as National Plumbing Code Standards.

Lastly, the Houston Unit houses approximately 390 inmates. There are 8 toilets and 6 urinals available for inmates. Based on ACA Standard 4-4137 there should be a minimum of 33 toilets. The Houston Unit requires a 413% increase in toilets to be in compliance with ACA Standard 4-4137. The current ratio in the Houston Unit is 1:49 toilets per inmate. This is a gross deviation from ACA Standard 4-4137 of 1:12 toilets per inmate, as well as the National Plumbing Code Standards.

Wait times for toilets in San Antonio, Austin, and Houston Units are extraordinarily long. Many inmates cannot wait and soil themselves, yet are too embarrassed to report this to staff. Several times throughout the day, restrooms are shut down for cleaning, leaving only half of the toilets available for use. This extreme shortfall in the amount of toilets available for inmates use go well beyond contemporary standards of decency and may violate the Eighth and Fourteenth Amendments of the U.S. Constitution.

A Bureau of Prisons Freedom of Information Act Request #2014-09399 was processed, and waivers were not sought from your agency in regards to the disproportionate amount of toilets for inmate use. Notably, in housing units "Lubbock", "Fort Worth" and "Dallas", the ratios may be closer to the standards. However, inmates who are housed in "San Antonio", "Houston", and "Austin" do not have access to these buildings. Consequently, the total amount of toilets on the institution may be closer to ACA Standard 4-4137 and National Plumbing Code Standards, yet are not available for use by approximately 60% of the inmate population. Each building should be assessed and audited to ensure compliance. I urge the auditors to inspect the "San Antonio", "Houston", and "Austin" housing unit restrooms prior to granting ACA Accreditation or waivers for non-compliance.

* **ACA Standard 4-4138(Ref.3-4133)** provides that inmates have access to operable washbasins at a **minimum ratio of 1 basin for every 12 inmates (1:12)**, unless national or state building or safety codes require additional fixtures.

These standards are not being met, and are grossly disproportionate to the available wash basins at FCI Fort Worth, specifically in buildings identified as "San Antonio", "Austin", and "Houston", as herein will more fully appear.

For example, in San Antonio Unit, there are a total of 8 wash basins for approximately 350 inmates. Based on the standards set forth by ACA Standard 4-4138, a ratio of 1:12 washbasins to inmate, there should be a minimum of 30

wash basins to accommodate the inmate population in the San Antonio Unit. The Unit requires a 375% increase in wash basins to be in compliance with ACA Standard 4-4138. The current ratio of washbasins to inmates in San Antonio Unit is 1:44. This is a gross deviation from ACA Standard 4-4138, as well as National Plumbing Code Standards.

Correspondingly, the Austin Unit, which houses approximately 420 inmates, has 16 wash basins. Based on the standards set forth by ACA Standard 4-4138, a ratio of 1:12 washbasins per inmate, there should be a minimum of 35 wash basins to accommodate the inmate population in the Austin Unit. The Austin Unit requires a 219% increase in the number of washbasins to be in compliance with ACA Standard 4-4138. The current ratio of washbasins per inmate in Austin Unit is 1:26. This is a gross deviation from ACA Standard 4-4138, as well as the National Plumbing Code Standards.

Lastly, in the Houston Unit, there are a total of 10 washbasins for approximately 390 inmates. Based on the standards set forth by ACA Standard 4-4138, a ratio of 1:12 washbasins per inmate, there should be a minimum of 33 washbasins to accommodate the inmate population in the Houston Unit. The Unit requires a 330% increase in washbasins to be in compliance with ACA Standards 4-4138. The current ratio of washbasins per inmate in Houston Unit is 1:39. This is a gross deviation from ACA Standard 4-4138, as well as the National Plumbing Code Standards.

The San Antonio, Austin, and Houston Units experience extremely long wait times for washbasins. It is not out of the ordinary to have large groups of inmates lined up in the hall waiting for washbasins. This also discourages inmates from exercising proper hygiene and cleanliness, which promotes the spread of infectious diseases, which are rampant on the institution, such as scabies, staph/(MRSA), and cellulitis.

A Bureau of Prisons Freedom of Information Act Request #2014-09399 revealed, that in 2012, the ACA Visiting Committee found that FCI Fort Worth was non-compliant and provided a waiver to excuse the shortage of washbasins. FCI Fort Worth responded with a request for a waiver. In its response the representative for FCI Fort Worth stated "the institution monitors the number of inmates housed in those areas to better accommodate inmate access to these facilities." The representative continued that "we manage our inmate population by providing a variety of work opportunities and programming at varying times throughout the day, alleviating the use of toilets and hand-washing facilities at the same time." The representative also stated that "In conjunction with security and management procedures, inmates have access to operable washbasins with hot and cold running water 24 hours per day, seven days per week, and are able to use these facilities without staff assistance when they are confined to their cells or sleeping areas. **With these procedures, the facility does not experience long waiting lines, nor have we received any complaints that inmates do not have access to these facilities when needed**". These statements are disingenuous at best.

ACA Standard 4-4138 provides that:

"INMATES HAVE ACCESS TO OPERABLE WASHBASINS WITH HOT AND COLD RUNNING WATER IN THE HOUSING UNITS AT A MINIMUM RATIO OF ONE BASIN FOR EVERY 12 OCCUPANTS, UNLESS NATIONAL OR STATE BUILDING OR HEALTH CODES SPECIFY A DIFFERENT RATIO".

The **ONLY** exception to ACA Standard 4-4138, requiring that washbains are provided at a ratio of 1:12, is that national or state of health codes may specify a different ratio. There is no exception, that if, an institution provides programming, or how much time inmates may or may not spend out of their cells/rooms that the institution may have less than the ratio of 1:12. It is irrelevant that jobs, religious, psychological, and recreational programs are available at FCI Fort Worth. It is also untrue that there has been no complaints of long waiting times for the toilets. An inquiry into the Administrative Remedy Index would reveal many complaints regarding this issue. Simply stated, FCI Fort Worth is non-compliant with ACA Standard 4-4138, as well as National Plumbing Codes.

The Auditor's response to the waiver request was that "[T]he BOP uses the National Plumbing Code Standard or 1:15. The shortfall at FCI Fort Worth was quite close to this standard. These facilities were available to inmates 24 hours a day, making it less of a concern. I agree with the waiver request". The Auditor failed to recognize that in housing units San Antonio, Austin, and Houston, the ratios are 1:44, 1:26, and 1:39, respectively. This is not "quite close to the standard" as found by the Auditor.

*** ACA Standard 4139** provides that inmates have access to operable showers at a **minimum ratio of 1 shower for every 8 inmates (1:8)**, unless national or state building codes require additional fixtures.

These standards are not being met and are grossly disproportionate to the available showers at FCI Fort Worth, specifically in buildings identified as "San Antonio", "Austin", and "Houston", as herein will more fully appear.

For example, in San Antonio Unit, there are a total of **9 showers** for approximately 350 inmates. Based on ACA Standard 4-4139, there should be a minimum of 44 showers to accommodate the inmate population in the San Antonio Unit. The Unit requires a 489% increase in showers to be in compliance with ACA Standard 4-4139. The current ratio of showers per inmate in San Antonio Unit is **1:39**. This grossly deviates from ACA Standard 4-4139's ratio of 1:8, as well as the National Plumbing Code Standards.

Correspondingly, the Austin Unit, which houses approximately 420 inmates, has 19 showers. Based on the standards set forth by ACA Standard 4-4139, a ratio of 1:8 showers per inmate, there should be a minimum of 52 showers to accommodate the inmate population in Austin Unit. Austin Unit requires a 276% increase in the number of showers to be compliant with ACA Standard 4-4139. The current ratio of showers per inmate in Austin Unit is **1:22**. This is a gross deviation from ACA Standard 4-4139 of a 1:8 ratio, as well as National Plumbing Code Standards.

Lastly, in the Houston Unit, there are a total of 10 showers for approximately 390 inmates. Based on the standards set forth by ACA Standard 4-4139, a ratio of 1:8 showers per inmate, there should be a minimum of 49 showers to accommodate the inmate population in the Houston Unit. The Houston Unit requires a 542% increase in the number of showers to be in compliance with ACA Standard 4-4139. The current ratio of showers per inmate in the Houston Unit is **1:44**. This is a gross deviation from ACA Standard 4-4139's ratio of 1:8, as well as National Plumbing Code Standards.

The San Antonio, Austin, and Houston Units experience extremely long wait times for showers. It is not uncommon to find groups of inmates waiting for showers throughout the day. Many inmates avoid showering, and this promotes the spread of infectious diseases such as **Scabies, Staph/(MRSA), and Cellulitis**, which is rampant at FCI Fort Worth. The long wait times for showers does not promote proper hygiene and cleanliness.

A Bureau of Prisons Freedom of Information Act Request #2014-09399 revealed, that in 2012, the ACA Visiting Committee found that FCI Fort Worth was non-compliant with ACA Standard 4-4139. A representative for FCI Fort Worth provided laughable excuses for its request for a waiver. The representative stated that there are "a myriad of educational and vocational programs offered" and that "recreation programs are offered", as well as "religious" and "psychological" programs, including "mental health and substance abuse programs to all inmates", and lastly that " All staff are trained for and practice effective communication skills enabling most grievances to be resolved informally". The representative finishes with "With these procedures, the facility does not experience waiting lines, nor have we received any complaints that inmates do not have access to these facilities when needed".

This waiver request somehow seeks to invalidate the gross shortage of showers and waiting times, on the novel approach that, educational, religious, or psychology programs will help alleviate inmate's need to stay showered and clean. Or perhaps, that a religious program will assist the inmate deal with long waiting time, or that a substance abuse program will help an inmate overcome his experience with the extraordinary long wait times at the showers. Lastly, maybe the representative was trying to convince the ACA Auditor that because "ALL staff are trained for effective communication skills", they affectively talk inmates out of filing or following through with the grievance process. Lack of showers is not an issue that can be informally resolved. It requires action by the Bureau of Prisons to expeditiously correct the shortfall.

* ACA Standard 4-4132 provides that cells/rooms used for housing inmates provide at **minimum, 25 square feet of unencumbered space per occupant**. Unencumbered space is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet. In determining unencumbered space in the cell or room, the total square footage is obtained and the square footage of the fixtures and the equipment is subtracted. All fixtures and equipment must be in operational position and must provide the following **minimums per person**:

- °Bed
- °Plumbing fixtures (if inside the cell/room)
- °Desk
- °Locker/Personal Storage Unit
- °Chair or stool

Based on these Standards, two man cells/room should have 50 square feet of unencumbered space, two desks, two chairs or stools, two lockers, and two beds. Correspondingly three man cells/rooms should have 75 square feet of

unencumbered space, three desks, three chairs or stools, three lockers, and three beds.

These standards are not being met and are grossly deviated from at FCI Fort Worth. Two man cells/rooms have approximately 35 square feet, or 17.5 square feet per inmate, of unencumbered space, leaving a deficiency of 15 square feet total. In addition, two man cell/rooms are only equipped with one desk, leaving a one inmate without a desk. Three man cells/rooms likewise only have approximately 35 square feet, or 11.5 square feet for each inmate, of unencumbered space, leaving a deficiency of 40 square feet of unencumbered space. In addition, three man cells/rooms are only equipped with one desk, leaving two inmates without a desk. Shockingly, there are several six man cells/rooms which have approximately 30 square feet of unencumbered space, providing a mere 5 square feet of unencumbered space per inmate. This deviation from ACA Standard 4-4132 would shock the conscience of any reasonable factfinder or trier of fact.

Furthermore, there are dormitory style rooms labeled "Alcoves", and "Bus Stops". These rooms have house between 12 and 24 inmates. No desks are provided in these areas. When inmates attempt to use desks in the dayrooms, after the 9:00 pm count, they are forced to return to their beds. An inmate not housed in a room or cell has no way to write, study, read, or prepare a meal after the 9:00 pm count. This violates ACA Standard 4-4132.

A Bureau of Prisons Freedom of Information Act Request #2014-09399 revealed, inter alia, that in 2012, the ACA Visiting Committee found that FCI Fort Worth was non-compliant with ACA Standard 4-4132. A representative for FCI Fort Worth again, provided laughable excuses in its request for a waiver. The representative stated that there are "a myriad of educational and vocational program offered" and that "recreation programs are offered", as well as "religious" and "psychological" programs, including "mental health and substance abuse programs to all inmates". Lastly, that "all staff are trained for and practice effective communication skills enabling most grievances to be resolved informally". The representative finishes "indicators from...illnesses associated with overcrowding, i.e...communicable diseases...are not present in the inmate population," This is blatantly false. **Scabies, Staph/MRSA, and Cellulitis** are rampant at FCI Fort Worth. Ms. Shed, in Health Services can verify the amount of infectious diseases and their frequency that are present here at FCI Fort Worth. Notably, at the time of the waiver request, in 2012, FCI Fort Worth housed 1,779 inmates. Currently, FCI Fort Worth houses 1960 inmates. This is an increase of 181 inmates, or a 9.2% increase in the population since the 2012 waiver.

Title 9 of the Code of Federal Regulations, Section 3.80 - Specifications for the Humane Treatment of Non-Human Primates provides that minimum space requirements for apes between 55 lbs. and 110 lbs. are provided 25.1 square feet of unencumbered space in their enclosure. Based on the space provided in the cells/rooms at FCI Fort Worth, non-human primates are provided with more unencumbered space than inmates at this facility. This is a gross deviation from your agencies standards, and if "left unchecked, causes deterioration in the inmate's mental and physical health, since these conditions of confinement [go] well beyond contemporary standards of decency and violate[] the Eighth and Fourteenth Amendments [to the United States Constitution]" See **Rhodes v. Chapman**, 452 U.S. 337 (1981).

CONCLUSION

FCI Fort Worth is extremely overcrowded. There are severe shortages of toilets, showers, washbasins, and unencumbered space per inmate. Scabies, staph/MRSA, and cellulitis is rampant. Tensions are high among inmates, as well as staff. Staff are overworked, and have less patience to deal with inmate's concerns and needs. Wait times at showers, toilets, and washbasins are extremely long. Many inmates do not practice proper hygiene because of the shortage of these facilities. One solution to the shortage of toilets, showers, and washbasins would be to revert to "open moves" from 6am till 11pm, allowing inmates access to other buildings, such as Dallas and Fort Worth, where more toilets and showers are available. This could temporarily alleviate the problem until more toilets, showers, and washbasins could be installed. A failure to address these concerns, and provide waivers to FCI Fort Worth goes against the purpose and scope of the ACA Standards.

I urge the Auditors/Visiting Committee to randomly interview inmates from San Antonio, Austin, and Houston, as well as visit these units when they are visiting this facility. Many inmates fear retaliation for speaking up. However, the First Amendment guarantees the right to petition the Government for a redress of grievances. In the spirit of the First Amendment, I hereby present these grievances and complaints for review by the Commission on Accreditation for Corrections and the American Correctional Association.

I hereby make this verified declaration under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true, correct, and not misleading to the best of my knowledge and belief.

s/

Stylios Trachanas
FCI Ft. Worth
San Antonio Unit