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By Chris Tighe at 1:47 pm, May 07, 2015

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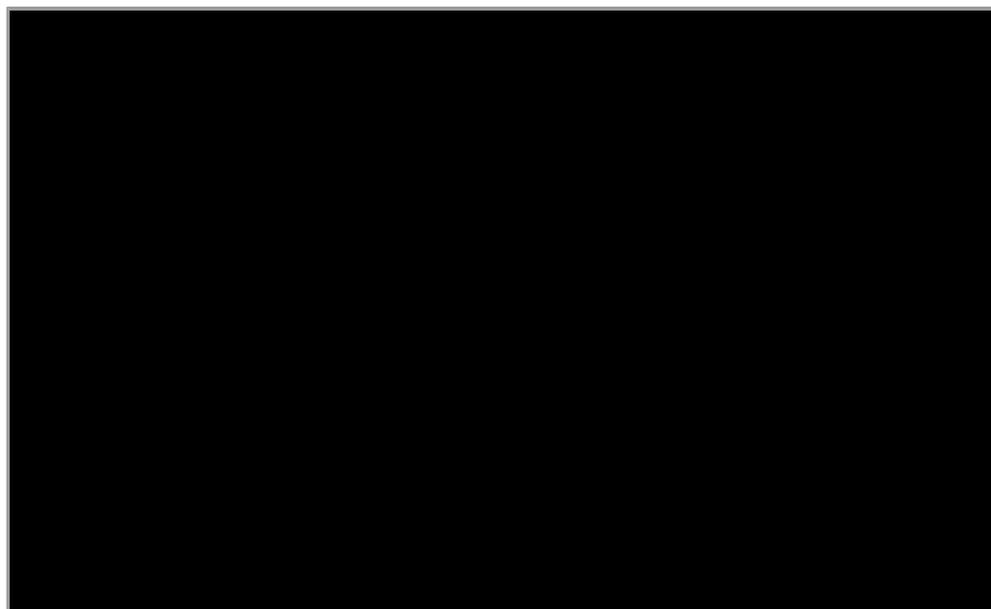
CRUEL AND UNUSUAL?

July 21, 2014

Waupun guard named repeatedly in abuse complaints

State officials defend officer, say inmates are lying in claims of mistreatment

By **Bill Lueders**



Part 2 of 3

At his sentencing hearing on Feb. 28, Wisconsin prison inmate Leighton Lindsey **admitted** in court

that he bit a correctional officer in the segregation unit at the state's Waupun Correctional Institution.

He said he did so because the officer, Jesse Jones, was restraining him while another officer, Joseph Beahm, assaulted him.

"I was being held up so that Beahm could punch me, kick me, knee me, all that stuff," he told the judge, saying he acted in self-defense. "I had no choice."

Name: BEAHM, JOSEPH D



Wisconsin Department of Corrections

Joseph Beahm, a correctional officer in the segregation unit at Waupun, is named in more than two dozen allegations of inmate abuse.

gash across his forehead.

The case is among the 40 allegations of staff-on-inmate abuse since 2011 identified by the Wisconsin Center for Investigative Journalism in Waupun's

Beahm's **report** on the Dec. 23, 2011, incident said Lindsey spat at officers and was actively resisting Jones, then began biting him. The two officers subdued Lindsey "using strong side knee kicks and strong side forearm strikes," the report says. Jones sustained a **bite mark** and sore knee. Photos show Lindsey with a **bloody**

segregation unit, commonly known as solitary confinement. Most involve indications that inmates received post-incident physical or mental health attention.

The allegations were made in lawsuits, internal inmate complaints, interviews, and letters to state officials and an inmate-rights activist.

Of the 40 allegations, officer Beahm is named in 28. A dozen inmate lawsuits since 2011 accuse Beahm of physical or psychological abuse; six have been dismissed and six are pending.

View all allegations

[40 allegations of guards abusing inmates at Waupun Correctional Institution](#)

Details about each alleged incident, who was involved and the DOC's response.

The state Department of Corrections has denied these allegations and accused the inmates making them of lying. But the nature and volume of the complaints has drawn the notice of state Sen. Lena Taylor, D-Milwaukee, and former state prison chief Walter Dickey, who has called for an investigation in response to the Center's findings.

Beahm, a nine-year department employee, did not respond to written requests for an interview or offers to go over the allegations in detail.

'A rogue guard'

Beahm, a state prison guard since 2005, has worked since October 2006 in Waupun's segregation unit, where inmates are often sent for disciplinary reasons. He is well-known to inmates at the prison 55 miles northeast of Madison.

"He talks like a tough man, he talks like a bully," said Talib Akbar, a former Waupun inmate released last October after serving 20 years for two counts of sexual assault. "When something happens, he's the first one there, because he wants to down somebody."

In September 2012, Akbar said he watched from his cell as Beahm pushed a handcuffed inmate face-first to the floor, then pounced on his back. "Beahm's knee was in his back, and his head was pulled backwards." Akbar said the inmate "didn't weigh 130 pounds soaking wet. He was hurt."

Akbar wrote a [letter](#) to Waupun Warden William Pollard, reporting what he had seen, adding that Beahm "has a habit of this type of abuse."



Kate Golden/Wisconsin Center for Investigative Journalism

Former inmate Talib Akbar reported witnessing physical abuse of another prisoner to the Waupun warden, alleging the guard, Joseph

Beahm, “has a habit of this kind of abuse.”

The letter

drew a reply from Waupun security director Tony Meli, saying the incident “will be reviewed by law enforcement.”

The records identify the inmate as Holden Rodriguez, who the prison says weighs 135 pounds. The incident reports say Rodriguez resisted, threatened and spat at officers, and was directed to the ground with the least amount of force necessary. The incident led to Rodriguez being convicted of “prisoner throw/expel bodily substances,” a felony, and sentenced to an additional six months.

According to other records released to the Center, Beahm has been the subject of only one disciplinary investigation during his time at Waupun. That was a 2011 incident in which he allegedly fell asleep at a desk. Beahm denied it, and complained about being “written up,” which he said had never happened before.

“I worry that I not only have to worry about inmates lying about me, but now I have to worry about management,” he stated at the time in his response to the inquiry.

In a three-month period just prior to the biting incident, inmate Lindsey filed at least five internal complaints against Beahm, alleging harassment and threats. “He is a rogue guard and you all know it,” Lindsey wrote in one complaint. “Everybody can’t be

lying on this guy.”



Lindsey, Leighton #423758
12-23-11 / Lindsey, Leighton #423758 / CR #2238464 / assault to staff, injuries

Wisconsin Department of Corrections

Inmate Leighton Lindsey admits biting a guard in 2011, but says he did so because the guard was holding him while another guard beat him. The photo, taken by authorities, was provided by Lindsey's lawyer, William Mayer.

The complaint were promptly rejected. “You have little credibility with the behavior you exhibit in segregation,” Meli wrote. Lindsey also filed an

internal complaint against Beahm over the Dec. 23 incident and asked a Dodge County judge to launch a John Doe probe. Both were rejected.

Lindsey's defense attorney, William Mayer, filed a request for the judge to review Beahm's personnel file. He noted Lindsey's prior complaints and included affidavits from three other prisoners accusing Beahm of abuse. But the review did not produce any records of disciplinary action against Beahm.

Lindsey, facing a maximum sentence of 10 years for the biting incident, agreed to a plea deal that added a year to his sentence.

Mayer, in an interview, said he believes from what he's heard from Lindsey and other inmates that

abuse is occurring in the segregation unit at Waupun. Most commonly, he said, this involves “the instigating of behavior — doing things to get under (inmates’) skin, to get them going, rather than dealing with them in a professional manner.” He thinks the allegations warrant further investigation.

Allegations of ‘torture’

Some of the complaints identified by the Center allege extreme mistreatment.

Waupun inmate Patrick Weeks, in a [letter](#) to state prisoner advocate Peg Swan, alleges that Beahm on Feb. 5 stuck his finger into Weeks’ mouth after first inserting it into Weeks’ rectum during a strip search. These allegations were deemed “unfounded” and Weeks received a conduct report for “lying about staff.” Other inmates allege inappropriate touching of their genitals during strip searches, which are routinely conducted.

A federal lawsuit filed in January by inmate Clarence Wilks [alleges](#) that segregation unit guard Andrew Moungey “struck plaintiff repeatedly with a closed fist about the plaintiff’s head and both sides of the face and slammed plaintiff’s face into the wall.” Then the guard allegedly “repeatedly kicked both of plaintiff’s legs” and “struck plaintiff in his ribs and grabbed him by the throat.” The defendants have [denied](#) the allegations, which led to Wilks receiving a conduct report for lying about staff. The lawsuit is

pending.

In another pending federal lawsuit, inmate Laron McKinley **alleges** being subjected to “torture” on March 8, 2013. McKinley, convicted of multiple crimes including kidnapping and attempted murder, admitted in an **affidavit** that the episode began when he threw fecal matter at a guard.

By McKinley’s account, Beahm subsequently arrived at his cell and announced, “I’m going to kill you,” later amending this to, “I’m going to hurt you real bad!” Another inmate, Shirell Watkins, produced an **affidavit** saying he heard Beahm’s death threat “from my own ears.”



Wisconsin Department of Corrections

Inmate Laron McKinley alleges in a lawsuit that he was subjected to “torture” in retaliation for throwing fecal matter at a guard. He says the guard, Joseph Beahm, told him, “I’m going to kill you.”

After handcuffing him from behind, McKinley alleges, Beahm and other officers twisted his wrist “to its limit and near breaking point,” slammed him face first into a strip cage door and stomped on his shackled ankles. He said his wrist, hand and ankles

were “contorted and wrenched” for “at least 30 minutes of continuous agony.” At one point McKinley states that he lost control of his bowels and defecated on the floor.

The state, in a court [filing](#) in February, denies these allegations, saying staff used only necessary force. It allows that McKinley “released feces from his anus” and was ordered to “stop pooping.”

At a disciplinary hearing in April 2013, McKinley was found “more likely than not” to have battered staff and thrown fluid; he was sentenced to an additional 360 days in segregation. He is also facing felony charges over this incident, for throwing or expelling bodily substances. That case is scheduled for trial in August.

Name: MOUNGEY, ANDREW C



Wisconsin Department of Corrections

Andrew Moungey.

Name: SCHNEIDER, JESSIE



Wisconsin Department of Corrections

Lt. Jessie Schneider.

Officer Moungey, hired in 2011, is named in 11 of the 40 complaints. Another officer, Lt. Jessie Schneider, hired in 2001, is named

in 15. Moungey and Schneider did not respond to interview requests sent via letter and email. DOC records show that neither officer has been investigated for allegations of inmate abuse, although Schneider was accused last year of falsely reporting that he administered one dose of pepper spray to a non-compliant inmate when in fact it was two.

In all, the Center obtained records of disciplinary investigations for eight Waupun employees named frequently in inmate complaints. All were for minor infractions, like being late, and except for the incident involving Schneider, none dealt with the treatment of inmates.

The state DOC, in response to a records request, provided information on some incidents. But it refused to release records regarding inmate injuries, saying this was confidential medical information. It also denied access to internal complaints filed by inmates against guards and videos taken during some alleged incidents of abuse, saying this would jeopardize security.

‘Been looked into’

Advocate Swan, a retired nurse’s aide who lives in rural Richland County, wrote the DOC early this year asking that Beahm be removed from duty pending an investigation into the complaints against him.

James Schwochert, the DOC's assistant administrator of adult institutions, told Swan in a [letter](#) dated Feb. 18 that this would not happen.

"These complaints have been looked into, by either internal or external investigators," Schwochert wrote. "Based on our findings, they appear to be fabricated to the point that the inmates place themselves at risk of being subject to discipline for making false allegations about staff."

"Based on our findings, (the complaints) appear to be fabricated to the point that the inmates place themselves at risk of being subject to discipline." — State prison official

But Dickey believes the large number of complaints merits further inquiry.

"Even if everything they say in that letter is true, I'm not sure why you want to keep the guy in seg," Dickey said. "There's obviously something going on."

"It's a psychological warfare environment," said former Waupun inmate Marvin Smith, who spent the majority of his seven years at the prison in segregation. "They know which inmates are weak. They know which inmates they can prey upon."

Smith, whose alleged case of abuse did not involve Beahm, said he's heard Beahm state that he will

remain in segregation: “He’s not going anywhere. He’s said that. Because he knows he’s free to make inmates’ life a living hell.”

Waupun leads in lawsuits

Currently, inmates alleging abuse have few options besides filing their own lawsuits.

The [American Civil Liberties Union of Wisconsin](#) is monitoring conditions at the Milwaukee County Jail and Taycheedah state women’s prison, both the subject of past litigation, but has no other active cases concerning prison conditions.

The [Legal Assistance to Institutionalized Persons Project](#), run through the University of Wisconsin Law School, does not take such cases. And [Legal Action of Wisconsin](#), a federally funded nonprofit agency, is barred by law from doing so.

“There’s a big void because Congress doesn’t want to help inmates,” said John Ebbott, Legal Action’s former executive director.

Lawsuits by inmates in federal court are not uncommon. Matthew Frank, who served as DOC secretary from 2003 to 2007, said the position brings “the dubious distinction of being the most-sued person in state government.”

Pollard, the warden at Waupun, has been sued

hundreds of times. But only a small number of suits proceed far enough to require the state to present a defense.

During the three-year period from 2011 through 2013, the state Department of Justice represented state prison officials on 49 inmate lawsuits alleging excessive use of force, according to a tally provided by department spokeswoman Dana Brueck.

Of these, 13 suits are from inmates at Waupun, more than for any other state prison. Several of the suits have been dismissed, others are pending.

Brueck declined to comment on whether the large number of lawsuits alleging the use of excessive force at Waupun might indicate a systemic problem. “That is a question for the DOC,” she wrote in an email. She said her office’s role is to “defend the state and pursue remedies in the best interest of the state.”

The DOJ’s list, prepared in March, omits at least four additional lawsuits filed by Waupun segregation inmates in late 2013 and early 2014. It also does not include a lawsuit filed on Feb. 11, 2013, by Marcus Childs, an inmate in segregation. Childs **alleged** that when he was placed naked in a cold cell in 2011, officer Beahm denied him access to a blanket that a psychologist had okayed. That case was dismissed in March 2013 because Childs failed to submit a required filing.

Childs missed the filing because he hung himself in his cell on Feb. 21, 2013.

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ABOUT BILL LUEDERS



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I HAVE A FAMILY MEMBER IN THERE THAT I KNOW IS NOT AN INSTIGATOR OR TROUBLE MAKER AN YET THE GUARDS HAVE TRIED TO AGITATE HIM WITH DIFFERENT COMMENTS ON A FEW OCCASSIONS. I BELIEVE THESE COMPLAINTS ARE VALID AND SHAME ON THE STATE OF WISCONSIN FOR NOT PROTECTING THEM.. THEY ARE DOING THIER TIME. WE WOULD NOT BE ALLOWED TO TREAT ANIMALS THIS WAY!!!! WHY ARE THEY BEING ALLOWED TO TREAT THESE PRISONERS LIKE THAT?? HAVENT WE LEARNED FROM AMERICAS PAST ABOUT ABUSES ?? COME ON NOW BE FORTHCOMING AN REMOVE THESE GUARDS FROM THIER POSITIONS. ALL OF THESE COMPLAINTS ARE NOT FALSE.. AN YOU KNOW IT. GET REAL...

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