

## VOICES FROM THE GULAG

ATASCADERO STATE HOSPRISON SVP NEWSLETTER. JULY 2000

Donald W. Plyler, Editor

### DR. MARY FLAVAN SPEAKS THE TRUTH

On 11/29/0() in a Santa Cruz Superior Court SVP hearing, Dr. Mary Flavan gave some interesting testimony. Highlights from the transcripts are as follows:

ABOUT CONREP: "They're not happy so far about taking sexual offenders." "CONREP does not say any sexual offenders can be handled by there at this time." "CONREP does not want to take sexual offenders into the community. We don't have anyone they have accepted."

ABOUT ASH'S RELAPSE PREVENTION THERAPY: "Community treatment is better than hospital treatment. "We're are all hoping that the relapse prevention treatment bears fruit." (when asked if there was general agreement or disagreement among ASH shrinks regarding the phase treatments.) "It is hoped that this set of phase treatments will make a significant difference in serious sexual offenders. It is not known." "Our clinical director has said to the families, ten, or twelve years, and we still don't know if it works." (when asked how long it takes to go through the phases.) "I'm not sure that our dangerous offenders would ever be released, no matter how much work they did." "It isn't a massively effective treatment." "I don't think the purpose of our treatment is to try and change personality disorders."

ABOUT ANTIANDROGENS: "I think that antiandrogens apprecially (sick change the risk and people can be treated in the community."

ABOUT THE ATASCADERO SKILLS PROFILE (ASP): "That score people as a zero [in the ASPs if they were not in Phase 2, is a misrepresentation of reality." "The way we were doing that [ASP scorings] was contrived."

ABOUT DELIBERATELY FRAUDULENT TESTIMONY: "That was under discussion." (in answer to whether ASH administration has essentially requestsed that all testifying psychologists/psychiatrists present a united front even if that front wasn't united.)

While Dr. Flavan's testimony was not something, most of us hosprisoners have not already known or suspected, she should still be commended fir her honesty. Honesty, even while under oath, is an attribute shrinks are not particularly kown for.

### PROFESSIONAL QUOTES OF THE MONTH

"I have no experience in treating sex offenders." Stated to the SVP Alternate Phase-1 group on 3/5/99 by Dr. Bolin.

"I'm tired of this unit; I'm tired of you people." Stated in April 2000 by Unit 9 Acting Unit Supervisor, Shanna Garcia (last month's Moron of the Month), in explaining to the Ward Government why she refuses to attend their meetings.

"This is not the favorite hour of my week." Stated to the Treatment Readiness group on Unit 9, on 5/10/00, by psychologist Steven Arkowitz describing his lack of interest/enthusiasm for the Treatment Readiness group.

"Don't worry about it; nothin's gonna happen anyway." Stated to me on 2/5/99 by Unit 23 psych-tech, Jim Monahan, after I got a Patients rights complaint form from him to write him up, and asked him if psych-techs and nurses are licensed by the same state agency. Several weeks later, Monahan's prediction that "nothin's gonna happen anyway" was proved wrong when he got booted from the SVP program. Last time I saw Monahan, he was working in the kitchen as a laborer. It seems Monahan was not only arrogant, condescending and rude to inmates, he also stepped on staff toes. Stepping on those toes is what got him booted out.

"I enjoy it." Stated to me on 5/2/00 by Unit 1 nurse, Peggy Zellmer, when I suggested to her that she appears way too comfortable playing the role of prison guard/cop. Ms. Zellmer is happily oblivious to the fact that when level of care staff act like prison guards/cops, it doesn't exactly engender the trust necessary for a therapeutic relationship - about the closest one could get would be inmates suffering from Stockholm Syndrome. I asked Ms. Zellmer if she knew what Stockholm Syndrome was. She said, "No, I don't." Zellmer missed her calling - she should have been an ambulance driver.

"I'm tired of you and your questions." Stated to me by Unit 9 nurse (Acting Shift Lead) Peggy Zellmer, on 5/6/00, as she turned her back on me and slammed the office door in my face. I was calmly asking Ms. Zellmer why we must have staff staring in the open shower door when we shower. Ms. Zellmer would only repeat the company mantra, "Safety and Security," when I tried to get her to be more specific.

"I'm gonna kick some ass; I'm gonna kick some ass; I'm gonna kick some ass." Very angrily and loudly-stated for anyone to hear on 1/25/00 by Unit 22 PM Shift Lead, Dan Page. Mr. Page was angry at wheelchair-bound hosprisoner, George Burrell, because Mr. Burrell wheeled his chair across the courtyard and back instead of staying in one specific area of the courtyard. (Note: This was the day after Mr. Burrell was forced to crawl from his cell to the telephone in the dayroom because Dan Page and other staff refused him use of his wheelchair.)

"Sit down; that's none of your business." Commanded by Unit 23 RN Pat Bunte on 5/14/00 to some Unit 23 inmates in the dining room who were attempting to observe approximately 20 staff members on top of a penal inmate. The Unit 23 inmates merely wanted to assure that yet another inmate didn't die at the hands of; or under the knees or feet of, staff thugs - as did young inmate, Deshaun Eric Washington,, on April 4th of this year. (Note: Since the California Department of Mental Health is a public, agency and not ,a private enterprise, everything that goes on at this hosprison is every State citizen's "business." SVPs are State citizens. And SVPs will pull the veil of secrecy off this Gulag. Get used to it, Pat Bunte!)

"Well, that's none of my business." Stated to me on 1/24/00 by Unit 22 RN, Marie Kokkonen. Wheelchair-bound hosprisoner, George Burrell, was crawling along the floor past the Unit 22 office to get from his cell to

the, telephone in the dayroom. At that point, Marie Kokkonen came out of the office, looked down at Mr. Burrell and stated, "What is going on here?" I replied, "He's having to crawl to the phone because you people won't let him use his wheelchair." Kokkonen stated, "Well, that's none of my business," then turned her back and went outside to the smokebreak. (Clearly, ASH staff have the concept of just what is whose business reversed! And deliberate indifference seems to be the rule around here.)

"I'm tired of dealing with Paraphilia; I just want to get through this material."

Stated to the Trsitment Readiness group ors. Unit 9 on 5/17/00 by psychologist, Steven Arkowitz, evidencing his boredom and/or lack of dedication to teaching us about the very disorder the majority of us are alleged to have. Go figure.

"He's tearing, our asses up with those, 'Gulags.'" Unit 9 RN, Ernie Roberts, was overheard making that statement to another staff member on 5/8/00.

#### MAJOR CHALLENGE TO SVP LAW

A major battle over the constitutionality of the SVP law will be taking place this summer in the San Luis Obispo County Superior Court. The case is In re Wenzel on habeas corpus. Mr. Wenzel's claim is that the SVP law violates the ex post-facto and double jeopardy prohibitions of both the Federal and State Constitutions as applied to all persons whose SVP qualifying offenses were committed prior to the date (1/1/96) the SVP law became effective. Wenzel's claim could potentially release all alleged SVPs.

To be found violative of ex post facto or double jeopardy, a law must be punitive in purpose or effect. In ,January of 1999, the California Supreme Court (in Hubbart v. Superior Court) found the SVP law was not punitive in "purpose." Mr. Wenzel's claim is that the SVP law is punitive in "effect" because the conditions of confinement here at ASH are in fact and effect punitive - in some ways even more punitive than prison. The more punitive and regimented the conditions of our confinement are, the stronger the case is and the more likely we can be released. You Ward Government types need to read that last sentence over and over until the concept sinks in.

Because Mr. Wenzel's habeas action has the potential of ultimately getting all SVPs released from custody, it is going to be hi hly contested. So far, the Attorney General has frantically moved to dismiss it, stay it.~pending the outcome of the Latham & Watkins §1983 lawsuit - which, by the way, will not get anyone released from custody), and transfer venue from San Diego to San Luis Obispo County.

San Diego Superior Court judge Judith Hayes denied the dismissal motion and denied the motion for a stay. The judge did transfer venue here to San Luis Obispo County because all the inmate and staff witnesses are here. However, the local judges will. not be hearing the case, as judge Hayes will travel to this County and personally preside over Wenzel's case. Mr. Wenzel's case is tentatively set to start on July 14th in San Luis Obispo Superior Court.

The legal theory in Wenzel 's case is identical to that of the Young v. Weston case out of Washington State (challenging the Washington SVP law), which the United States Supreme Court will rule on this fall.

We must all help Mr. Wenzel's case by providing his attorney with our written opinions of, and written examples of, what we feel is punitive about being incarcerated here at ASH. Hosprisoners are asked to get such material to Mr. Wenzel (Unit 23) or to me, Don Plyler, (Unit 9) - I'm in the law library most mornings. I know many hosprisoners are sitting on good ideas, opinions, and information. We need that information now.

If any of you staff members wish to report instances where you felt hosprison protocols or staff actions were punitive, please telephone Wsnzel's investigator, Jack Maher, at (805) 481-8082. (This phone number is for staff only) There's hope on the horizon! Stay tuned!

#### PALADINO MAKES HERSELF A LAUGHING STOCK

Dr. Gabrielle Marie Paladino doesn't seem to know whether she's a psychiatrist, a novelist, or a comedian. I got a hearty laugh out of a bizarre entry she made in hosprisoner Terry Meyer's chart on 4/6/00. She wrote, "His eyes were narrowed into gloating little slits, and his mouth was upturned into a sardonic insulting smile as he outlined how he was 'entitled to sue who I fucking please.'" That sounds like a line out of a Steven King novel - Danielle Steel, perhaps. One thing is sure; it's not professional psychiatry! Or maybe that kind of bias is professional psychiatry. In any event, a good defense attorney could get a lot of mileav out of Paladino's idiotic statements. (And see the "Rape Stare" article in the April 2000 Gulag' for more evidence of Paladino's proclivity for evaluation-by-facial-expression.)

Not only is Paladino unsure whether she's a shrink, novelist, or comedian, she s also unsure about just where, exactly, she went to medical school (if she even went to medical school!) At an SVP trial in Yuba County in November of 1999, Paladino testified, "I then went to med. school at a private university in New York:" (RT 25) I thought it odd she didn't name the university she purportedly attended. Was she trying to hide something? We investigated. The California Medical Board lists her medical school as "Ross University School of Medicine." We investigated further and found there was no Ross University: School of Medicine "in" New York - or anywhere else in the United States.

We did find Ross University listed in the "BEARS' GUIDE TO EARNING DEGREES NONTRADITIONALLY, 13th Ed., 1999." Ross University is listed as being in Dominica, West Indies. (Definitely not "in" New York!) The BEARS' GUIDE state: that foreign medical schools in the "Caribbean [were] established to provide a medical education for Americans unable to get into an American medical school." (p. 303) The BEARS' GUIDE contained a lengthy discussion on the here-today, gone-tomorrow diploma mills in the Caribbean. And "It has never been fully determined how many of the more than 5,000 M.D. degrees awarded ...were genuinely earned and how many were sold to people who never attended the school." (p. 305) "Unfortunately, many newspapers and magazines continue to permit the perpetrators [of diploma mills] to advertise. At this writing, for instance, some of the biggest: phony schools advertise in nearly every issue of ...Psychology Today." (p. 308)

As to Ross University, specifically, the BEARS' GUIDE states, "This medical school never responded to our requests for information, and now our most recent letter, sent to their New York representative (Caribbean Admissions, Inc.) [a mail drop?] in mid 1997, has been returned as undeliverable." (p. 362) (A thanks to hosprisoners LaBlanc and Gabba for their research on Paladino.)

Not only is Paladino unsure of where she went to med. school, she also doesn't seem to know where her office at ASH is located. At that SVP trial in Yuba County, she testified, "My office is right next to the unit shower. And through some miracle of plumbing, my office and the shower share the same air conditioning venting. So the gentlemen's voices can carry very loudly in the shower, as we all know. And it was quite frequent that I would hear Mr. -'s voice saying things that were highly suggestive of his not taking a shower." (RT 38)

Paladino has two offices at ASH (on Unit 22, and on Unit), neither of which is "right next to" the unit shower. Her Unit 22 office is separated from the shower by five other rooms. Her Unit 24 office is separated from the shower by a storage room and a dirty linen room.

Needless to say, there are serious ethical concerns regarding Paladino's chart entries, sworn testimony, Vent Voyeurism, and overall behavior - including helping a prosecutor kick people of color off a jury. (See "Ethically Repugnant Misconduct in the April 2000 'Gulag'.") Her other testimony at the Yuba County SVP trial reveals her motives: "My job as an officer [interesting choice of words!] of the State of California is to provide the court with information." (RT 76) "The Department of Mental Health is invested in referring cases to the District Attorney." (RT 66) Clearly, Paladino has aligned herself with the prosecution in an effort to perpetuate this warehousing operation.

In Yuba County, Paladino also testified that "Atascadero is state of the art." (RT 33) Considering (1) Dr. Mary Flavan's testimony that treatment offered SVPs at ASH "is not a massively effective treatment," that "we still don't know if it works," that the Atascadero Skills Profile scoring "is a misrepresentation of reality," and considering (2) the picture slowly being painted by these newsletters of an institution reeking of incompetence and unprofessionalism, and considering (3) a warehousing operation so questionable the American Psychiatric Association has both officially and publically condemned it, Paladino's "state of the art" testimony is about as ridiculous as her claim she attended medical school "in" New York! Paladino, you're the laughing stock of Atascadero. "Gloating little slits," indeed!

#### MORE PUBLISHED SVP CASES

In the February 2000 'Gulag,' I published a list of 35 appellate SVP decisions then available in the ASH law library. The following 6 cases are also now available:

36. Sporich v. Superior Court (2nd Dist. 2000) 77 C.A.4th 422, 91 Cal.Rptr.2d 752

37. Albertson v. Superior Court (2nd Dist. 2000) 77 C.A.4th 431, 91 Cal.Rptr.2d 749

38. People v. Leonard (3rd Dist. 2000) 78 C.A.4th 776, 93 Cal.Rptr.2d 180  
39. Butler v. Superior Court (6th Dist. 2000) 78 C.A.4th 1171, 93 Cal.Rptr.2d 468  
40. Peters v. Superior Court (2nd Dist. 200) 79 C.A.4th 845, 94 Cal.Rptr.2d 350  
41. People v. Green (1st Dist. 2000) 79 C.A.4th 921, 94 Cal.Rptr.2d 355

EVALUATOR DATA-BASE FOR OUR DEFENSE ATTORNEYS

We must make an evaluator data-base for our defense attorneys to use. I'll explain.

If, before each of us went to our SVP trial/recommitment trial, our defense attorney had available the transcripts of all previous SVP testimony of each prosecution shrink who was going to testify against us, it would greatly aid in our attorney's cross-examination of those shrinks. (That's because shrink evaluations are extremely subjective and generally reek with bias; shrinks, therefore, are quite likely to give some stupid, unsupportable, and contradictory testimony which can be used to impeach their later testimony)

Since the State has chosen to house all alleged SVPs here at ASH, we can take advantage of a unique opportunity to readily share information and create the data-base. I'll be asking one person on each SVP unit to get each inmate's name, county of commitment, evaluators' names, and defense attorney's name. The data-base will be given to the California Public Defenders Association so each Public Defender can access it via computer. We can help our attorneys to help ourselves. Thanks for your cooperation.

SVP = Shrinks Victimize People