



September 10, 2019

The Honorable Julie Hoskins
Weld County District Court, Div. 12
910 10th Avenue
Greeley CO 80632

Re: Samuel Mandez

Dear Judge Hoskins:

As a staff attorney and senior policy counsel at the American Civil Liberties Union of Colorado (ACLU), I have had the privilege, and heartache, of coming to know Sam Mandez over the course of the last eight years. I worked with Sam as part of the ACLU's campaign to end solitary confinement within the Colorado Department of Corrections (CDOC). I have visited with and exchanged letters with Sam on many occasions; I have reviewed his behavioral and mental health file up until the time he was transitioned out of solitary confinement in 2014; and I have spoken with multiple experts about Sam's case.

In 2011, when I first heard of Sam's story, Colorado stood out negatively as a state that was increasing its already substantial use of prolonged solitary confinement in prisons. This, at a time when other states were beginning to reexamine their use of solitary in the face of lawsuits and social science research confirming the extreme harms of prolonged solitary confinement, particularly for individuals with mental illness. When I met Sam, CDOC had already been holding him in solitary confinement for over 15 years. While locked alone in his cell, Sam lost his sense of place and reality. He was broken when I met him, his mind ruled by demons and delusions. It was hard to imagine him ever being able to put the pieces of his broken mind back together again. Yet, even in this state, Sam became an integral part of a successful movement to dramatically decrease the use of solitary confinement in Colorado's prisons.

In 2011, CDOC had over 1500 men housed in long-term solitary confinement (then called "administrative segregation").¹ This meant being locked alone in a cell 23 or

¹ To review sources for the data and policies cited herein regarding CDOC's use of prolonged solitary confinement, see CDOC's annual reports pursuant to SB11-176 regarding CDOCs use of administrative segregation, available here: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>. Click on the link entitled "SB 11-176 Administrative Segregation for Colorado Inmates."

more hours a day. While in solitary, CDOC intentionally denied these men all meaningful human contact, mental stimulation, and outdoor exercise.² At the time, CDOC prisoners held in solitary confinement remained there for an average of two years, but Sam was part of an unlucky bunch who CDOC held in solitary confinement for more than a decade.

It should come as no surprise that most of the individuals CDOC held in solitary confinement for a the longest suffered with serious mental illness. As countless studies have shown, prisoners with serious mental illness commonly are incapable of conforming their actions to the strict behavioral expectations of prison life and, as a result, are dramatically overrepresented in solitary confinement. Once in solitary, prisoners had to conform their behavior to extraordinarily strict conduct guidelines in order to work their way through CDOC's step system and gain release back to the general prison population. Given that mental illness makes it extremely difficult for many prisoners to control their behavior, and that prolonged isolation has been repeatedly proven to exacerbate mental illness, some prisoners with serious mental illness in solitary were unable to achieve even simple, short-term behavioral goals, much less the more difficult and sustained behavioral goals necessary to progress out of CDOC's system of administrative segregation. That is precisely how Sam became indefinitely trapped alone in a CDOC prison cell.

At age 19, during his very first year in prison, Sam was sent to solitary confinement for non-violent, non-criminal violations of prison rules. He would not escape his 7x13 prison cell for more than 17 years. Sam came of age in that solitary cell, and he suffered mightily for it. In isolation, Sam developed schizophrenia that dramatically worsened over time. A torturous, abusive voice occupied his thoughts, and CDOC offered him no help or hope. The tiniest violations of prison rules in solitary set him back months and sometimes years. Eventually, Sam attempted suicide, an act of desperation for which CDOC punished him and used as further proof that he needed to remain in solitary.

Sam and his lawyers were desperate to get Sam out of solitary confinement and into meaningful mental health treatment. They also wanted to help the public understand the lasting harms of solitary confinement. In partnership with Sam and his lawyers, the ACLU was able to help tell Sam's story.³ We believed it would be a story that would resonate with the public, legislators and prison officials. After all, Sam was only 14 when he participated in a burglary gone wrong by breaking a window and standing lookout. His sentence, mandatory life without parole for a juvenile, had been declared unconstitutional. Sam had been subjected to the harshest of prison conditions even before his brain had an opportunity to develop

² To review sources for the information contained herein regarding life in solitary confinement within CDOC, the impact of solitary confinement on prisoners with mental illness, and CDOC's use of solitary confinement to warehouse prisoners with serious mental illness, see the ACLU's 2013 Report, *Out of Sight, Out of Mind, Colorado's Continued Warehousing of Mentally Ill Prisoners in Solitary Confinement*, available at: <http://aclu-co.org/wp-content/uploads/files/imce/ACLU-CO%20Report%20on%20Solitary%20Confinement.pdf>.

³ See *Out of Sight, Out of Mind, the Story of Sam Mandez*, available here: <https://vimeo.com/78840078>.

into adult maturity. And Sam's years in isolation had pushed him into madness, stunted his social-emotional growth and denied him the opportunity to rehabilitate.

Sam's documentary, *Out of Sight; Out of Mind, the Story of Sam Mandez*, was first released in October 2013, just as Rick Raemisch was coming on as Executive Director of CDOC. Mr. Raemisch attended the movie release, showed the movie to his staff, and recommended the movie in testimony before the Colorado legislature. Sam's story did indeed resonate.

It was not long after Sam's movie was released that CDOC issued a policy directive that prisoners with serious mental illness could no longer be held in long-term solitary confinement. The ACLU and CDOC then partnered to pass groundbreaking legislation memorializing that policy into law.⁴ While Sam is certainly not the only reason for these reforms, his specific story became a rallying cry for change.

By 2014, under Rick Raemisch's leadership, CDOC had decreased its population of individuals held in long-term solitary confinement to around 200. In 2017, CDOC changed its policy to require all prisoners be offered a minimum of four hours out of cell daily. CDOC made these pioneering changes with the understanding that solitary confinement is harmful to prisoners, harmful to guards, and harmful to society. When justifying these reforms, Mr. Raemisch repeatedly underscored that long-term solitary confinement was bound to cause or exacerbate mental illness.⁵

With these reforms, Colorado is considered a national leader in humanely and safely reducing the use of solitary confinement in prisons. Sam deserves credit for playing a meaningful role in pushing for these reforms. Telling his story was an act of bravery, and—in my view—the state of Colorado is indebted to him for it. That being said, Sam's participation in telling his story feels of small consequence when compared to the work he put into transforming his life in prison. Because of the reforms under Mr. Raemisch, Sam was increasingly granted out-of-cell time beginning in 2014. It took him several years to overcome the mistrust of guards and clinicians that had become engrained in him during his time in solitary. But, with the passage of time and the opportunity to be out of his cell, Sam eventually embraced the resources available to him and became a highly active participant in his own path to wellness.

I interviewed Sam on and off video only a few weeks ago. I almost didn't recognize the man before me. He was healthy; he was in touch with his mind, body and spirit; he was optimistic. He was proud of the work he had done, but humble in the face of

⁴ See Senate Bill 2013-64.

⁵ See Rick Raemisch, *New York Times*, *My Night in Solitary*, Feb. 21, 2014, available at <https://www.nytimes.com/2014/02/21/opinion/my-night-in-solitary.html>; Rick Raemisch, *Apple News*, *Why I ended horror of lengthy solitary confinement*, available at, <https://www.apnews.com/41eb8d353c924f46ac28c09b1bf9dd7e>.

praise about that work.⁶ He detailed for me a deep understanding of his own mental illness and the tools he now has to combat that illness. He has had a job at CDOC. He has friends. He has a few CDOC employees he trusts and cares about. Life in prison is inherently dark and isolating, but Sam is doing everything he can right now to find the light. I honestly never dreamed he would have come so far after all the years of pain and loss in solitary. For me, Sam is the most salient reminder I have that human beings can be resilient and capable of growth if given just the smallest of a chance.

Sam reports that he is now ready to stand before you and show you that he will soon be ready to go home. Sam was a mere boy from a deeply dysfunctional home when he committed a non-violent act that was part of the tragic death of another human being. At the time of the offense, Sam certainly needed time away from the community to understand the consequences of his actions and, hopefully, to have an opportunity to make amends and rehabilitate. However, Sam did not get that chance. Our state failed him – we locked him away without any opportunity to learn or grow, and we left him to come of age alone in a cell tormented by the demons of his isolation. Nonetheless, Sam struggled on. Against all odds, he has grown up, accepted responsibility for his actions, learned how to bring order to his once chaotic mind, and worked extremely hard to lay the groundwork for being a contributor to his family, friends and society if he is able to gain release from prison.

Given Sam's youth when he committed the offense, the non-violent nature of his involvement in the offense; that Sam suffered for 17 years under the worst of CDOC's policies, and that he ultimately embraced a path to recovery, I believe Sam deserves an opportunity to come home soon. I urge you to grant him the lowest possible sentence of 30 years.

Sincerely,

A handwritten signature in black ink that reads "Rebecca T. Wallace". The signature is written in a cursive style and is followed by a long horizontal flourish line.

Rebecca Wallace
Staff Attorney and Senior Policy Counsel
ACLU of Colorado

⁶ Despite the attention Sam's story has gotten, I want you to know he does not identify himself as special or more deserving of a good life than others. Here is just one example. As I was speaking with Sam a few weeks ago, I was telling him that the ACLU will soon be hosting a community event to share his story, including of his recovery, at a community center in Greeley. I told Sam that people will want to know what they can do to help him, and I suggested that perhaps Sam would like to have people write him letters in prison. Sam thought for a moment and then quietly and politely declined, explaining he is not "needful" of extra attention; he just wants to have an opportunity to live a regular life.