

Notes From Prison

By **Dustin Costa**

The prison camp in Florence, Colorado is about as decent as prison gets. I arrived here a little over four years ago, transferred from the Federal Prison in Big Spring, Texas.

The prison complex lies just outside of town along route 67. My first impression on seeing the camp on the hill above the highway was that it looked like a high school campus.

Across the way was the medium security facility, which looked a lot like the camp, except for all the razor wire surrounding it. Just past the shoulder of the highway, four-foot-tall reinforced concrete spikes jutted out of the ground, about six feet apart. It looked like they could stop a tank.

Finally, after nearly five years in prison, I was coming to a camp. I was still a prisoner, but I felt like a kid opening presents at Christmas. This would be paradise compared to where I'd been. That's what I thought then. I still pretty much feel that way, but it's still prison. The government still owns me.

I spent the first 19 months after my arrest in the Fresno County jail, locked up in a two tiered "pod" on the fourth floor. If memory serves, the pod housed 75 inmates who were either awaiting trial or awaiting transfer to a state or federal prison.

The crimes of my fellow inmates ran the gamut from murder and rape to multiple DUIs. Most were there on drug charges.

It was at the jail that I first learned how easy it is to die behind bars. I was bunked next to a man who had been arrested for drunk driving, with an "injury involved accident." The injured person was him. He was having trouble breathing. He said his ribs hurt.

We opened his jail-issue orange jumpsuit and could plainly see the lumps in his rib cage where he ribs were broken and pushing against his skin, and probably against his lungs. Inmates began yelling "man down" over and over. After about 10 minutes, a guard (correctional officer or CO) came into the pod to take a look.

He at first pronounced the man okay — probably faking it. A dozen inmates immediately closed in around the guard, screaming at him to look at the man's ribs. The guard finally relented and called in health services who took the injured man away on a stretcher.

The pod was a pie-shaped triangle, with the door leading in and out at the point of the triangle and the beds toward the fat end, split between two floors. The showers, toilets and sinks were upstairs. There were no dividers between the toilets. The showers were individual, with plastic semi-opaque curtains that offered minimal privacy for showering. The water for the showers was controlled by a push button. You pushed the button to get a set amount of water — maybe five minutes. There was no way to control hot or cold. We were each assigned a bunk on steel beds that were three-bunks high. We slept on thin rubber mattress on solid sheet metal. We had no pillows. This was a place where you never saw the sun or the sky.

It was here that I learned prison rule number one: It's us versus them. The guards and prison staff are not your friends, and talking to them one-on-one invites unwanted and dangerous speculation from other inmates.

My first day in the pod, I was introduced to the "white" shot-caller, an inmate who, as the title suggests, called the shots for the whites. Shot-callers are generally ethnic or gang-related, though some other groups, like pedophiles, sometimes have their own shot-caller. For new inmates unfamiliar with the inmate rules of incarceration, your shot-caller serves the important function of

orientation and providing you with some essentials such as soap and shower shoes.

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A good shot-caller helps to keep the peace between the various ethnic and gang groups, called "cars." One of the things he does is make sure that the inmates in his car respect inmates in other cars.

Once a shot-caller is identified by prison staff, their days are numbered. Organizing of any kind is frowned upon by the system. You want to get a bunch of guys together to present a grievance? You've got a one-way ticket to the hole, and then to another, higher-security institution with even fewer privileges than you had before the bright idea that a strong showing of support for whatever it was you wanted to fix — food, recreation, TV viewing hours — would get you somewhere. Of course if there is a riot, the first place prison management turns to for help is — guess who — the shot-callers.

The Lobstermen

The Lobstermen were in my car, so the shot-caller was pretty much out of the loop for these two incidents. In other words, I was on my own. There were two Lobstermen. Our hot water for making coffee or cooking commissary items like ramen noodles came from a 30-cup percolator type coffeemaker that heated the water to just below boiling. An impoverished inmate who could not afford the better food provided by the commissary made a bet with several inmates that he could immerse his arm all the way to the bottom of the coffeemaker and hold it there for 30 seconds.

I made the mistake of trying to intervene, telling the man who was about to immerse his arm that he would suffer third degree burns and likely wouldn't be able to keep his arm in there long enough to win the piddling \$75 worth of commissary that was the bet.

I was told in forceful terms to butt out, and if I didn't, I would get a beating. It was prison lesson number two: never get in the middle of someone else's hustle. Lobster man number one lost the bet and suffered third degree burns for his attempt.

The second Lobsterman won his bet, sort of. His bet was that he could retrieve a coin from the bottom of the coffeemaker. (A nickel had slipped out of a guard's pocket; inmates are not allowed to have any currency.) He pulled it off on his second attempt, suffering only second-degree burns. In prison, that's entertainment.

After a brief stay at a Bakersfield holding facility and another brief stay in Oklahoma at a federal holding facility, I was sent to the low-security prison at Big Spring, Texas. We were housed in two three-story dorms, with two lockdown-able dorms on each floor. There were two ice machines shared between the three floors of each building, and three microwave ovens on each floor, shared by roughly 300 inmates per floor.

The dorms were large, with double bunks set about four feet apart. In between the double bunks were four lockable lockers set two abreast, with two on top. The lockers were eighteen inches deep and about three feet tall. We could buy locks in commissary, the kind you might have had in junior high school. Cheap combination locks with a special key hole in the back so that guards could open any locker they wished to open, and often did. Frequent shake-downs that are part of prison life.

Being able to walk the track, lift weights, play a guitar, visit the prison library and

browse books, take classes, buy decent underwear, sweats, athletic shorts and shoes, all of this was a refreshing change from life in the county jail. But it was still prison. The guards were still the same, always on their toes against inmates trying to get something over on them.

There were frequent shakedowns, fights and a few riots while I was there. One riot in particular stands out. The Mexicans and a few whites attacked the nearly 200 pedophiles one night and ran them out of the housing units. Several of the Cho-moes (prison slang for pedophiles) were hospitalized, but there were no fatalities. Within a week, the Cho-moes were back. Their attackers were put in the hole and later shipped to a disciplinary prison in Louisiana.

Cho-moes have it pretty bad in there. They couldn't leave their bunks except for meals, classes or work. If they were caught away from their bunk without a good reason, they'd get a beatdown. Other ways to get regular beatdowns included ratting out your fellow inmates. The "rat" label is just as bad as the "cho-moe" label. You also find yourself in deep doo doo if you steal from your fellow inmates, or don't pay up on gambling debts or loans.

After 39 months in Big Spring, I was sent to the prison camp in Florence, Colorado. federal prison camps are for low level offenders with less than 10 years to do. The inmates in a federal prison camp are a mix of relatively small-time fraudsters, money launderers, inside traders, tax evaders and low-level drug offenders. Throw in the odd Indian, usually for something involving alcohol, and you have a pretty good idea of who winds up in a camp. No sex offenders or those with violent records are eligible to come to a camp. Nor are bank robbers, even if they didn't use a firearm.

There are two ways a prisoner comes to camp: directly after being sentenced, or he or she can earn their way down from a

higher security institution. Your destination after sentencing, and whether or not you wind up in a camp is dependent on the whims of the BOP, the severity of the crime you were convicted of, the amount of time you have to do and what the BOP comes up with in terms of your risk assessment.

Camps offer the most freedom of movement, privileges and best living conditions in the federal prison system, but it's still prison. The days of Barbara Walter's "Camp Fed" are long gone. There are no golf courses, no swimming pools and no one is allowed to wear clothing from home at any camp in the system.

Florence is a work camp. We provide the low tier labor to run the camp, and the other three facilities on the compound. That includes the Administrative Maximum, where inmate are locked down 23 hours a day, and take their one hour of daily recreation alone in a wire cage. There is a United States Penitentiary, or high security prison, with 30-foot stone and concrete walls and gun towers, just like in the movies, and there is a medium security prison just across from the camp, surrounded by multiple strands of electrified razor wire and super heavy duty chain link fence.

There are no shot-callers in a camp, at least not with the same power and authority you'd expect to find in a higher security institution. No shot-callers means there is no one to cool things down when they get a little heated. Tensions had run high here for a couple of years, due in part to poor camp administration policies and also due to a sudden influx of transfers from other institutions of some inmates with violent tendencies who probably shouldn't have come to a camp. The result was a series of disruptions that included destruction of property and ultimately a riot in which several inmates were severely injured, one may have died, but I have no confirmation of that. Violence is the exception, not the rule in camps. But it can and does happen.

Who had it in for Dustin Costa?



DUSTIN COSTA in 2004 with members of the Merced Patients Group. They had visited Congressman Dennis Cardoza to state their objections to Cardoza's "no" vote on an amendment that would have stopped the DEA from raiding growers and distributors in states with medical-marijuana laws.

It was Costa who designed the black t-shirts emblazoned front and back with a bright marijuana leaf and blunt slogans: "Safer than aspirin" on one side, "More effective than Ritalin" on the other.

Costa had been arrested on cultivation charges in February 2004 and was facing

trial in Merced County Superior Court when his prosecution was taken over by the U.S. Attorney's Office. "DC was very confident that they were establishing a legal model that would be applicable throughout the state," according to Tom O'Connell, MD, who was then seeing patients in Merced. "His group was really picking up momentum."

At whose initiative did the feds take over the prosecution of DJ Costa?

- Congressman Cardoza could have expressed his displeasure with Costa.

- A sheriff who had it in for him might have asked a federal colleague, as a personal favor, to take Costa down.

- The Merced County D.A. could have sicced the feds on him, knowing that Costa was going to mount a vigorous medical marijuana defense in Superior Court and the Central Valley media.

- The U.S. Department of Justice could have moved against Costa on their own. He was a leader in a political movement they wanted to stamp out.

And here we are in 2015. Growers and distributors throughout Colorado are remunerated for doing — legally under state law — pretty much what Dustin Costa, incarcerated in Florence, was doing legally under California law all those years ago. Some of the lucky winners even claim to have coined the slogan "Safer..."

What is wrong with this picture?

DC is due to be released in September, 2018. He seems upbeat and proud of the novel and songs he's been writing. An attorney in Long Beach, Matthew Pappas, is working on a commutation petition to get him out. The man should never have been in. —F.G.