

EDITORS' INTRODUCTION

Prisoners of State Repression and Writing for Social Justice

Sarah Fiander, Ashley Chen and Justin Piché

At present, there are more than 10 million human beings serving time in prisons around the world (Walmsley, 2013), with hundreds of thousands more held captive in immigration and other (in)security detention facilities that dot the global carceral landscape (Sampson and Mitchell, 2013). This past June, over 300 people from across Canada and around the world gathered at the University of Ottawa – which is situated on unceded and unsurrendered Algonquin Territory – for the *Fifteenth International Conference on Penal Abolition* (ICOPA 15). Together, participants said a collective “no” and took an “abolitionist stance” (Mathiesen, 2008, p. 58) against state repression in its various forms.

Hosting an ICOPA conference on Algonquin Territory and in Canada at this moment in time was significant for a number of reasons. Chief among them is the fact that the ownership of the land upon which the proceedings took place was never transferred and no treaties were ever signed to provide for its use by settlers. Yet many Indigenous peoples in what is most often called Ottawa or the National Capital Region, as well as those living across Canada, have been dispossessed of much of their traditional cultures and resources through colonial “strategies of annihilation” such as the reserve system, residential schools, the 60’s scoop and the white-stream adoption of children thereafter (Martel *et al.*, 2011, p. 235). Today, imprisonment is among the most visible of these repressive tactics, with the incarceration rate for adult-aged Aboriginals approximately “10 times higher” than it is for non-Aboriginals in a country where 140 per 100,000 adults are imprisoned (OCI, 2013). Another important point to underscore is that under a Conservative federal government, Canada has become increasingly punitive. More and more laws are being passed with the stated purpose of sending more people to more austere prisons to serve longer sentences with fewer opportunities for release prior to their completion (Piché, forthcoming).

Those of us assembled at ICOPA 15 were well-aware of similar patterns elsewhere in the world and acknowledge the fact that state repression is most often directed to reproduce racial, gender, sexual, economic, and other forms of inequality (Davis, 2003). Carceral nation states know no bounds, as they

deploy exclusionary practices in a stated effort to keep ‘us’ safe from ‘them’ – the ‘criminals’, Indigenous people ‘in need of civilizing’ and ‘assimilation’, ‘problem’ drug users, ‘bogus’ refugee claimants, ‘threats’ to national security, political ‘dissidents’, and other dehumanized and demonized populations.

Working towards social justice in our world requires knowledge of how domination in all of its forms works and affects us. It necessitates the development of strategies to resist the onslaught of corporate and state harm. It also demands efforts to build capacity to relate to each other in ways that promote equality and peace on a larger scale than is currently possible. Since the first conference in 1983, these objectives have been at the heart of the deliberations and work of ICOPA. Initially focused on prison abolition and the search for alternatives to incarceration, ICOPA has since expanded its focus to consider the eradication of the retributive penal system in favour of developing alternative ways of thinking about and responding to what states criminalize and punish (Piché and Larsen, 2010). In light of the continued growth of the prison-industrial-complex, the normalization and proliferation of the deprivation of liberty as part of the authoritarian pursuit of ‘security’, and revelations of the degree to which mass surveillance has taken hold and is impacting all of our lives, ICOPA remains a vital space for thinking and acting in the face of this *universal carceral* (Larsen, 2008).

THIS ISSUE

In building knowledge to resist state repression and chart alternative ways forward, it is crucial that those most affected be at the forefront of these discussions. Without the insights of prisoners, it is impossible to understand the shifts and continuities in state violence as it is practiced and experienced (i.e. what we are fighting against). Moreover, without prisoners’ involvement, it is impossible to fully appreciate how to enact meaningful resistance (i.e. how to fight) and work towards social justice (i.e. what we are fighting for).

It is with this in mind that the *Journal of Prisoners on Prisons* (JPP) continued its longstanding practice of inviting prisoners to submit papers to be read at ICOPA (see Davidson, 1988; Gaucher, 1988). Our call for papers and the initiative of those behind bars led to 24 papers being submitted and read in five prisoner-centered *JPP* sessions at ICOPA 15. The contributions included in this special issue represent those papers submitted for peer-review, which were ready for publication at this time. Moving forward, we

will continue to work with other authors who remain committed to working towards the future publication of their papers.

This issue begins with dispatches from the Canadian carceral state with articles by Jose Vivar and Jarrod Shook that introduce readers to the realities of imprisonment in Canada's provincial prisons and federal penitentiaries. A piece by Chester Abbotsbury discusses the role incarceration plays in reinforcing the various behaviours its proponents claim to 'correct', while Neil Shah explores how restorative justice has provided him with an alternative way of thinking about and responding to the criminalized harms he engaged in as a means of moving forward in his life. Following these pieces is a section on experiences and critiques of mass incarceration from the United States. A central theme in articles by Jerry Lashuay, Kenneth E. Hartman, and Susan Nagelsen and Charles Huckelbury is the growing use and disastrous consequences of life without the possibility of parole (LWOP) sentences, both for youth and adults. Subsequent contributions by Forrest Lee Jones and Shawn Fisher focus on the issue of prison crowding, and propose ways to start chipping away at the massive prison-industrial-complex. The last article by Jon Marc Taylor focuses squarely on a roadmap for reducing prison populations, and makes its central recommendation to consolidate the efforts of like-minded individuals and groups to affect meaningful change together.

The back end of the issue features a *Response* by Chris Clarkson and Melissa Munn on the role of and need for prisoners within abolitionist work. The *Prisoners' Struggles* section features the work of the American Prison Writing Archive, the Winnipeg ABC, the North American Animal Liberation Press Office, and Deep Green Resistance, all of which are organization or initiatives committed to documenting and resisting state repression. The issue also features the full program from ICOPA 15, as well as the artwork of Tim Felfoldi.

The following is not meant to be a definitive statement on what prisoners around the world are experiencing at present, and what form of support they would like to see extended by their comrades on the outside going forward. Rather, future *JPP* and ICOPA efforts to involve the incarcerated must seek to incorporate strategies and vehicles to ensure that the range of prisoners affected by state repression are among the voices heard and leading the charge. For our part, we welcome suggestions on how this can be achieved as ICOPA moves to Quito, Ecuador in 2016, Dartmouth and New Bedford, United States in 2017, and Liverpool, United Kingdom in 2018.

ACKNOWLEDGEMENTS

ICOPA 15 was made possible by a number of individuals and organizations. The organizing committee, of which we were a part, along with Maria Basualdo, Claire Delisle, Caleb DeWitt, Susan Haines, Sophie Harkat, Sarah Martin-Heath, Andrea Hughes, Adina Ilea, Shanisse Kleuskens, Bill Owen, Pierre White, and Kelly Zhang, worked tirelessly to ensure the event ran smoothly. Volunteers also dedicated their time over the course of the weekend event, helping with registration, chairing sessions, reading papers written by prisoners who could not attend the conference in person, live-streaming and recording the proceedings, and taking notes. They include: Pier Angelli, Kat Armstrong, Matthew Behrens, Kathryn Bliss, Eloi Bureau, Michelle Cadieux, Jean-Philippe Crete, Stacy Douglas, Bob Gaucher, Colleen Hackett, Stacey Hannem, Rachel Herzing, Stan Kayuda, Jennifer Kilty, Melissa Munn, Emma Pietrangelo, Dominique Robert, Amber Mackenzie Skye Robinson, Karen Raddon, Boke Saisi, Brett Story, Judie Tu, Ben Turk, Marshneil Vaz, Charissa Weir, Ardath Whynacht, Lisa Wright, and Xing Yan. The International Foundation for a Prisonless Society, the National Aboriginal Peoples Circle of the Public Service Alliance of Canada, OPIRG-Carleton, and OPIRG-Ottawa, as well as the University of Ottawa's Office of the Vice-President of Research, Faculty of Social Sciences, Department of Criminology, and Criminology Graduate Students' Association, all contributed financially to ensuring the conference was a success. In closing our introduction to this special issue of the *JPP*, we would like to thank all who submitted papers for the prisoner on prisons panels at ICOPA 15, and the Student Federation of the University of Ottawa for their generous contribution towards publishing this collection.

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DISPATCHES FROM THE CANADIAN CARCERAL STATE

The Truth About Provincial Prisons *

Jose Vivar

Innocent until proven guilty. Well in Ontario, it is actually guilty until proven innocent. We have not been convicted of any crimes, yet solid brick and steel surround us, and we now have bunk partners. Our case is still before the courts, yet we are condemned to months upon months of metal toilets and horrible food. We are handcuffed and put into a fortified van, an urban tank, and hauled off to court. But getting bail is impossible; the fight is expensive, extensive, and exhaustive. So we go back to jail.¹

We are instantly stripped bare of every sense of our identities in a provincial prison. We are issued orange jumpsuits and we must be in this uniform at all times. We are given one towel each, one orange t-shirt with holes, a pair of wool socks, and a pair of faded blue polyester underwear with smear marks. These items have all been used by hundreds before us – the smell of pits and sweat linger in their cloth.

Since clothing exchanges only happen weekly, we have to launder our clothes while showering and we hang them on makeshift clothing lines. We spend hours naked underneath our pumpkin suits until our clothing dries. It is either this or smell like a ripe Spanish onion for the day! We also have the option of purchasing smuggled clothes from other prisoners. For those of us who are not survivors, clothing is snatched right off our backs. In this jungle, demand for clean clothes is astronomical.

For a person who has never been to jail, this is traumatizing. We are depressed and literally feel like we are going to die. Once we have been in for a while we become institutionalized and we start to wander our prison unit like the un-dead.

We spend our days staring at other men's faces or pacing back and forth. We play 'crazy eights' and do 'push-ups'. We live in a squash court with 30 other men, three phones, two showers and one television. We only get to watch the news. We cannot go to school or purchase reading material. There is no programming available to help with our rehabilitation. Our days in a provincial prison are a waste of life.

Contraband searches happen regularly even when there is no contraband. Officers shake down prison units with gusto and make us open our mouths and order us to run our fingers through our hair. They tell us to bend over

and spread our cheeks. After a number of searches this becomes nothing to us. We are no longer ashamed. We have become animals.

We have been in for months and have still *not* been found guilty of anything. We get two twenty-minute visits per week. Our family members are treated like cons when they come and sometimes they are turned back from the front because of a random lockdown. When we finally see our families it is through thick bulletproof glass. They tell us that we look green and pale. “Are you alright?”, they ask. We put our hands on the thick glass and tell them that we love them. We start to tear up, but then a wretched guard cuts our visit short.² After two or three years waiting for trial, we will probably lose our families.

Collect calls last twenty minutes. We cannot call cell phones. We talk to our children about school and our wives and husbands about their stress-filled day at work, and before we say good...night the call is done. How about when we try paying a bill, or calling our accountants or our banks to arrange finances for our lawyers to get us out and for our struggling families to get by? Fugghetaboutit.

Fresh air? Ya right! The days that we actually see the sun, we squint – the light blinds us like we have been cavemen for decades. The sudden urge to run wild overwhelms us and we take off like prize horses when we are given the privilege of fresh air.³

Even though we have *not* been convicted, we are now tempted to plead guilty just to get it over with.

This system breaks us into pieces. Most of us buckle and plead out. How can we defend ourselves against the enormous power of the law? The fight is expensive, extensive and exhaustive. Besides, once we *are* found guilty, we are treated better.⁴ We can wear our own clothes, we can hug our families, and we can walk as much as we like. We can look at the sun all day. Why would we wait for trial? Let us just get it over with and go to the penitentiary!

Reasonable bail is part of the Canadian Charter of Rights and Freedoms, yet bail takes time to get and is like winning the lottery. In a provincial prison, we are considered guilty until we prove ourselves worthy of our freedom even though the law says that we are innocent. We spend our days living the nightmare I just described before we are released. Those of us blessed with the miracle of bail are then punished with stringent conditions: no cell phones or alcohol. A curfew. Some of us are ordered to house

arrest and our homes become our prison. The only truth about the current provincial prison system is that no matter what, people will come.

Does this all sound like innocent until proven guilty to you?

ENDNOTES

- * Editors' note: In 2010/2011, approximately 34 percent of the more than 38,000 individuals held in custody across Canada on a given day were being held on remand (Dauvergne, 2012), which includes those awaiting trial or sentencing under court-ordered detention. In the past decade, the rate of individuals under remand custody increased by 52 percent (Dauvergne, 2012). Furthermore, due to the dramatic increase in the adult remand population in Canada, the number of remanded individuals consistently outnumbers those in sentenced custody in provincial jails – a trend also reflected with youth held in remand (Porter and Calverley, 2011). These trends have contributed to a burgeoning prison population and deteriorating conditions of confinement for Canadian prisoners.
- ¹ The current law has a reverse-onus clause. The accused has to prove in some cases why they should not be detained. The accused and their lawyer need to show cause why detention is not justified. This takes time, money, and patience.
- ² The government's distorted solution to this is the opening of new 'modern' facilities in which there will be no close-proximity visits through glass, which will further dehumanize prisoners by having them see their visitors through a screen in a video visitation booth (see O'Toole, 2013).
- ³ The government's plan for their new 'modern' facility will be to have 'fresh air' rooms on each cellblock opposed to an actual yard. These are concrete-floored and walled spaces fitted with basketball hoops and windows where air filters in through windows with heavy metal bars. No outside yard exists at all and prisoners are still caged in (see O'Toole, 2013).
- ⁴ Pre-trial detention was recognized by the courts to be much worse than regular time. For this reason, a two-for-one credit and sometimes even a three-for-one credit, was available to judges at sentencing. The Conservative government's "Truth in Sentencing" legislation limited this, not recognizing that prison time after being found guilty is much more humane than time served while legally innocent. The Supreme Court of Canada struck down parts of this law in April 2014 (see Canadian Press, 2014), reaffirming how difficult pre-trial detention is to serve.

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Business as Usual

Jarrood Shook

If I had known the truth, I would have stayed inside with my father that evening rather than going out to play with my friends. Instead, despite his protest that I hang around the house, I threw a tantrum and spent his last evening of freedom at the park, traversing the monkey bars and looking for frogs or insects like eight-year-olds are supposed to. It was not until I arrived home from school the following day that I would be able to understand his insistence that I hang about the apartment the prior evening, regretting my juvenile outburst.

I walked in the door to find an emptier apartment than I was used to. My father was not there and his girlfriend was crying on the couch. The apartment was cloudy with cigarette smoke and the blinds were shut tight, blocking out the sunrays that had followed me home from school that day. Normally, I would drop my backpack, hug my father, and then grab a snack from the fridge before plopping myself down in front of the television set to watch Arthur on PBS. Today, I was handed a tape-recorder and told that it was a message from my father. Not really comprehending the magnitude of the situation, I fumbled with the recorder and confusedly pressed play while the tearful woman in front of me attempted to brace me for the words that were about to be spoken. The tape kicked on and above the white noise of the recorder, my father's broken voice spoke to me from the sorrowful place he must have been in when he found out in the court room that day that he would not be coming home and never really got to say goodbye. "Dad's going to be away for a while son", his anguished voice spoke to me. "I want you to know that I love you very much and that I need you to be strong right now". I could not believe my ears. This really did not make any sense. "I know this is hard for you to understand, but I want you to know that you mean the world to me and that dad's going to be home as soon as he can". My heart sank to join my father's. The tears welled from behind my eyes and I began to heave. "I wanted to tell you face to face but I really didn't know how; just know that this isn't your fault. I love you very much". And with that the tape clicked off and I just sat there shaking. "No!" I said. "No! No! No! I want my dad!" There was just no way that it could possibly make any sense in my eight-year-old mind. Where was my father? Why was he gone? Why did I not stay in the apartment with him the night before? Does he not want me? What did I do?

And as I sat there distraught, wondering where my father was and why he was gone, he was being processed by authorities of a local detention

center where he would be detained pending a transfer to the Correctional Service of Canada's Millhaven Maximum Security Reception Unit for federal prisoners sentenced to two years or more.¹

I can remember my first trip to prison, not many days after that traumatic tape recorder stopped playing. After a long trip on a crowded Greyhound to the prison capital of Canada – Kingston, Ontario – my father's former girlfriend and I signed in at the "Bridge House", a now closed homestead for low-income visitors of prisoners in the area. The next morning we hopped in a cab and made our way down to the notorious Millhaven Maximum Security Prison where my father was being held in the Reception Unit. The eerie drive up the roadway towards the prison and the ominous double-gate and barbed-wire fences that announce themselves at the entrance would always stick with me, conspicuous symbols of the tragedy that awaits one on the other side. I never forgot that, nor the tempered glass that separated my father and I as we sat there in the visiting room, confused about the system that was keeping us apart and the authority that made it so that the closest I could get to him was placing my hand to his, palm to palm, against the glass.

Artificial encounters like these would persist as he was transferred to prisons throughout the Ontario region for the duration of his eight years of incarceration – Collins Bay, Warksworth, Bath, and finally Pittsburgh minimum – as he cascaded down in security level. To be sure, the visitation privileges would become more relaxed, but our relationship became inverted. The closer he got to coming home, the further apart we became.

I cannot say for certain that I held an impression of 'the prison' at that time nor 'the system' that supported it, but I certainly resented *something*. As far as I could tell, *it* had stolen my father from me, reduced our relationship to a collect telephone call once every couple of weeks, a few letters a month and the occasional visit – absorbing part of my youth and institutionalising it with the prison's bureaucratic servility, hollowing out some of the spirit I had as a child. And so began my critical account of the prison.

Now, at twenty-seven and as an adult, I am no longer "just visiting" and have become a prisoner myself. I will not use this as a forum to deny the fact that I too have a role to play in having found myself in this position, but I will state that I also consider myself to be one among many people in Canada who represent a particular political problem for the State and who have thus found themselves incarcerated, not merely for some inherent

immorality but, in part, due to structural inequalities in the system and for the fact that the particular political problem they represent (mine being as a problematic drug user²) has not found a politically profitable solution outside of incapacitation in the Canadian Carceral State. More humane and creative solutions are just not to be found in a context where to “commit sociology” is the object of ridicule in the upper echelons of state power.³

I call the prison a statist institution. That is, an extension of the states’ power to enforce the current political order. In the Canadian state, Correctional Services Canada (CSC) is delegated the authority to carry out prison sentences to individuals sentenced to two years or more. As an extension of state power, I also call the brutality that occurs within the walls of CSC an extension of state brutality.

Brutality, you say, *in Canada*? I can faintly hear our neighbours south of the border and beyond reflexively estimating that perhaps for Canada that is a bit of an overstatement, at least comparatively. My experience and observations prove otherwise. Brutality is characteristic of, or like, a brute, being any animal other than a human being (Bunk and Wagnall, 1976). Brutality, then, is to act inhumanely. And while the contemporary perception of CSC is that inhumanity is a relic of the past, selected portions of my “field diary” (kept as a qualitative research method during my incarceration here at Collins Bay Institution, a Canadian medium security prison in Ontario) reveal that brutality, though perhaps displaying itself in a manner more subtle and somewhat less perceptible to the public than in the past, remains an indisputable reality of the prison.

As a caveat to my methodology, I will mirror the words of Gresham Sykes (1958, p. 63) who, in his classic sociological account of the prison in *The Society of Captives*, stated that, “it might be argued that there are as many prisons as there are prisoners”. Nonetheless, I do not consider my experiences to be particularly unique or exceptional; if anything, my white skin pigment, as well as my willingness and ability to communicate, might actually make “my prison” somewhat less severe than it is for many others.

A review of Claire Cullhane’s (1985) notable book, *Still Barred from Prison*,⁴ which I was lucky to be able to find in the prison library as I was looking for reference material in this endeavour, compelled me to pause and reflect on whether or not to suggest that the federal penitentiaries of the 1970’s, 1980’s, or even of the 1990’s when I would visit my father, is the federal prison system of 2014. There were, to be sure, rampant and overt

historical acts of systematic legalized violence imposed on prisoners at places like British Columbia Penitentiary (now closed), Dorchester, Matsqui, Kent, Archambault, Millhaven, and Stony Mountain, among others, yet much of the turmoil that ensued in those years was in fact followed by reforms of some kind. So in one sense the system has *evolved*, but so have its security techniques and technologies of control through surveillance and other static measures. That said, when faced with the prospect of reconciling the overt tradition of brutality in the past with what I see today as a more subtle and somewhat less perceptible dehumanizing form, in its reality and visible effects, I am satisfied to suggest that it is merely “business as usual”.⁵

With this assertion in mind, I think it is important to make a “distinction between the ‘states’ prison system...and the individuals who serve in them in describing them as purposeful violent institutions” (Cullhane, 1985, p. 129). By this I mean it is not so much the people, but the hardware of the prison itself, the architecture, as well as the bureaucratic policies and practices that govern it – *the spirit of the prison* – that make it brutal.

For example, one of my first diary entries of any substance reads, “We are on lock-down. Someone was stabbed last night in the yard...not only that but another prisoner who obviously struggles with mental health issues came back from a surprise trip to court yesterday with a broken hand – self injury – a response to the anger he felt for being, in his terms, recharged for a crime he had already been convicted of”. Three days later I would write, “Easter Sunday and we are still on lock-down. It appears this will be five straight days of cell time while the guards conduct their Spring search...here I sit filling what little space is left in this cell after my cell-mate makes use of his share”. No sooner did that lock-down end that I would again write, “Another lock-down. In the last ten days there have been two stabbings and about seven days of lock up, and now here we go again. Apparently this is becoming the norm around here”.

Was this the authoritative standard of the prison?⁶ Being locked in a cell smaller than your average sized bathroom for days on end, sometimes, as in my case at the time, double bunked⁷ with another prisoner due to episodic incidents of violence in the institution? Or worse, facing this same scenario while at the same time struggling with a mental health condition, as was the case with the individual who broke his own hand because he could not cope with the emotional shock of the system? The normalization of such a toxic milieu⁸ can be categorized as nothing less than brutal. And the institutional

search went even a step further than this. I would write about it after yet another lock-down occurred only weeks after the one prior, this time in response to a metal knee brace that went missing. I wrote:

One aspect of the institutional search is the strip search. I find it especially humiliating; as if the sovereign is exacting an especially degrading punishment beyond the punitive deprivations and pains of imprisonment that are already implicit with the experience of incarceration...I find the procedure intrusive. I get anxious in the moments leading up to the spectacle and introvert myself at the moment of inspection. Everything just kind of deadens for the moment. I can't help but feel this 'turning off' is damaging.

I went back to my cell for another couple of solitary days and would write:

There is something very unsettling about being deprived of social contact and confined to this small space. I actually just began to notice the neurosis that tends to emerge, a nervous energy that builds up; you begin to blurt out words and have involuntary body movements. This can't be good for the human spirit.

'Turning off', 'neurosis', and 'nervous energy' are a manufactured state of mind. One might ask why so much time and resources go into locking down an institution and searching for weapons that will only re-appear when the real threat to the 'safety and security' of the prison appears to the punishment being inflicted on the hearts and minds of prisoners. Is it any surprise, then, that under such conditions, prisoners at times become so paranoid and fearful, and feel the need to fashion weapons, sometimes to use against one another?

Fear and paranoia are woven within the very fabric of prison life. In one entry, I described this as I had experienced it:

I wonder if being a conscious observer of reality doesn't come with its consequences. I certainly feel that it is true here in the prison where the additional bits of information that I perceive around me sometimes become corrupted in such a way to download as paranoia – the constant surveillance weighing heavily on the psyche...there is an expectation that

their perception of me is pejorative...I notice also that sometimes there will be an exceptionally high correctional officer presence that seems to demonstrate power, or might. These expressions are found at other points in the complex too, for example the control desk in some of the prison's units sit four feet higher than ground level. This architectural design engineers a power relationship that maintains the superiority of the correctional officers, standing above the inmate...a full expression of the adversarial power imbalance that exists between *us* and *them*.

The relationship between keepers and the kept is a complex one, but it seems that each learns to play their specific role in the institution of prison,⁹ whether in uniform or not. This became especially apparent to me on one occasion as I gathered some reference materials in the institutional library. I would often attend the library because it was one of the few places in the institution where I found meaningful human interaction. The librarian and I would often converse on an intellectual level, exchanging ideas and inspiring new ones, a place to feel human for a moment or two. On this particular day the security priorities of the prison superseded that. I had been working on an article that was somewhat critical of CSC, for which the librarian had been providing me reference material. That day, the librarian advised me that he had submitted a report to the Security Intelligence Officer (SIO) regarding my activities – “due diligence” on his part. On that day, I wrote “Now, maybe I was wrong for expecting more, for obviously this is a prison, but that element of surveillance really just struck a nerve with me and corrupted whatever was meaningful in the interactions that we had. I want to blame the librarian for this but I really can't...prison is artificial”.

If you picture that there are, at any given time, countless prisoners in Canadian prisons walking around, in all probability, with a similar disposition, it should come as no surprise that rates of self-injury and violence remain particularly high within prison walls. In late July 2013, an altercation occurred in the prison, which resulted in one prisoner losing his life to such violence. My field diary entries during this time reflect to a great degree the brutal nature of this system. The day the incident occurred I wrote, “I guess you begin to get desensitized to these types of things in here. You cannot very well adopt a fearful attitude, mentally you have to survive, but complacency does not quite work so well either”. The following day as we were locked in our cells, the guards were accompanying the kitchen

stewards as they fed us. When the guard reached my cell I inquired if everybody was okay. The guard replied that “he might not make it, they had to massage his heart the night before”. The next day we were released onto a modified routine¹⁰ in the unit and I noticed that the chaplains were making their way around. I wrote:

The chaplain just came around to the units to inform us that the prisoner who was stabbed yesterday died. They killed him. I know we all committed crimes to get here; our hands aren't exactly clean, but no one deserves to die in prison. The prison commits murder no less than the individual who carries the blade. I know this is a bold statement but how many men and women will the state facilitate death for?

Later on that afternoon, I was documenting some thoughts about the prisoner who died, a person I had casually acquainted myself with on occasion. “He was a lifer”, I wrote, “meaning that he himself had taken a life before. Does that make his life of any less value? The sad reality is that as a young black male serving a life sentence in prison, the words won't be making too much noise about his passing”. I was interrupted as the mental health nurse began passing around a sheet of paper to each cell titled, “CBI Critical Incident Request Form”. It was an appointment request sheet to see psychology pending any reactions to the events that had unfolded. It listed some signs that you might be affected by the incident, plus proposed different ways to manage those symptoms, such as: 1) stick to your routine, 2) exercise, 3) do not drink excessive caffeine, and 4) do not take your stress out on others. “I guess this is the easier, softer way of CSC”, I wrote. I continued:

This is all well and good for dealing with the residual psychological stress about the killing that took place, but how about creating a space where people aren't inclined to kill one another quite so easily? This means architectural changes, cultural change, and changes in the way CSC approaches intervening in the lives of those it assumes responsibility for. I don't really have the answers, but is this really working?

After that incident, surprisingly enough, it was “business as usual” as the institution resumed a ‘normal routine’. I thought that odd in consideration

of the fact that we were locked down for nearly a week when a knee brace went missing.

As this event came to a close, CSC decided to shut down an entire security unit in the institution and turn it into a provisional Regional Treatment Center (RTC) due to the Conservative Government's hasty closure of Kingston Penitentiary.¹¹ This nearly caused a riot in the unit they were supposed to depopulate and take over. As a member of the Collins Bay Inmate Committee at the time, and a prisoner in that unit, I shared in the task of trying to find a way that, as a collective, we could resist that action while maintaining our integrity. We used media, politics and the legal apparatus, ultimately in defeat. During all of that turmoil I wrote, "I haven't felt like more of a human being in a long time. At least I am applying my heart and mind to something worthwhile and serving some useful purpose. Prison could mean death, but there is a death that can occur in prison that does not include death of the body: that is spiritual death". Looking back, it is pretty sad that the most alive I felt during my incarceration was during a time of near chaos when I had, in a sense, the most to lose. I think that this may speak to the way that the prison slowly destroys the spirit.

Following the turmoil of the RTC transfer decision, we were subjected to yet another institutional lockdown because there were a number of weapons seized in a search, and a threat that there might be a riot and hostage takings in security unit six. About the third day of the lockdown in my cell, I would write:

I just started to feel so claustrophobic in the cell and overloaded with negative energy. I don't know where the thoughts were coming from but I kept thinking about suspension points in the cell and kind of laughing it off because the cells had been designed so I couldn't find a place to hang from. I know this is pretty morbid but it only ever occurs when I am on lock-down in the cell...It's not even like one wants to die, it's more like there is someone else in the cell kind of suggesting it; at which point you have to kind of negotiate with yourself and realise how ludicrous the idea really is...how could the desired effect of locking someone in a box be anything less than encouraging them to entertain self-destructive ideations?

I started this depiction of prison life by describing the dehumanizing spirit of the institution of prison that I encountered when I would visit my father

as a child and how this impression stuck with me. A few months ago I called my father. He told me he was dying, that he had lung cancer. He asked me to arrange for an Escorted Temporary Absence (ETA)¹² right away, which I did through an application with my Parole Officer (PO). A week after submitting that application, I spoke with my PO who frankly told me that policy requires her to confirm that he is dying “imminently” in order for me to be able to get approval to see him. I advised her that she could contact my father and speak to his doctors, which she agreed to do. The bureaucratic process ate up three precious weeks and it was not until my sister finally contacted the institution to advise my PO that my father was literally on his deathbed that the paper work seemed to be given any priority.

The next day I was strip searched, shackled, handcuffed, and stuffed into the diminutive steel enclosure of a CSC transfer van. I travelled approximately five hours to the Niagara Detention Center where I would be secured for the evening on the floor of the admissions bullpen, head resting next to a stainless steel toilet. My escorting officers¹³ picked me up at 8:00am sharp the following day and drove me to the hospital where I was once again shackled down with leg irons and handcuffs. I arrived at the Hospital and went immediately to the sixth floor where my father’s room was, the last one on the left. I was told I would have two hours. It was 8:30am. I shuffled into the room with a heavy heart and my gaze fixed upon my father lying there on the hospital bed with tubes running from his frail body. I stumbled a few more shackled steps forward and leaned in to see him. I grasped his hand and felt him squeeze. I told him I loved him. He slurred the words back. It was an indescribable hurt to be in that position, one you know only because it is too late. This would be the last two hours I ever got to spend with my father. The seconds on the clock were ticking by excruciatingly fast – I hated to look at that awful clock on the wall. Over an hour had passed, and in fact it was closer to two. The guard gave me a “five minute warning”. The room cleared for a moment, I was alone with my father and I started to breakdown. I felt the world cruel that moment as I leaned in real close and told my dad, like I had a thousand times before, that I had to go, but this time I knew I would not be seeing him again. I wanted him to know how much I loved him. He told me not to worry, that he was coming with me. I leaned in and kissed my father. I fought hard to stand up, turn around, shuffle back out the door and down the hospital hallway in shackles, guards on either side, and head back to the prison, not sure if I

had ever really left. Three days later back at the prison I found out my father passed away.

Even though certain elements of the prison have changed over time, I am still not persuaded that it is anything other than a brutal, dehumanizing institution. The fact that this brutality has become more subtle and somewhat less perceptible to the public is, in my eyes, very deceiving, making this Canadian state institution quite insidious indeed – a vicious intervention in the lives of many, perhaps worthy of being abolished altogether.

ENDNOTES

- ¹ My father's sentence was eight years. Out of respect for him, I will not discuss the nature of the charges that led to his incarceration. However, I will state that various sanitized explanations for his absence were initially presented to me from caretakers.
- ² In characterizing myself as a "problematic drug user" I am suggesting that my crimes were motivated by addiction. I will adapt the words of Terry (2003, p. 96) here in stating that my 'criminal career' "stemmed from an inability to successfully support a [cocaine] habit without getting arrested".
- ³ "Commit sociology" is the phraseology expressed by Conservative Prime Minister Stephen Harper, in an attempt to discredit the Leader of the Liberal Party of Canada, Justin Trudeau, for suggesting that it was important to look at the root causes of the Boston Marathon bombings. Prime Minister Harper commented to media that, "this is not the time to commit sociology" and suggested that Mr. Trudeau was somehow trying to "rationalize" or "make excuses" for such activity (Fitzpatrick, 2013). This is consistent with conservative ideology that denies root causes from harms that are currently criminalized and instead charges the supposed wicked nature of the individual who needs to be punished into submission.
- ⁴ As this paper was prepared for and delivered at the 15th International Conference on Penal Abolitionism (ICOPA 15), it seemed not only fitting but also necessary for inspiration and direction to consult one of the founding activists and champions of prisoners' rights in Canada, Claire Culhane, who has tirelessly devoted herself to the prison question through many years of activism. It must also be respectfully recognized that Claire stood shoulder to shoulder with Dr. Ruth Morris, another foundational Canadian scholar and initiator of ICOPA 1, who worked towards, "a world where justice and mercy are one, and where there is a place for every human being – and that place is never a lonely, brutally isolated cell" (Morris, 1995, p. 3).
- ⁵ Just as the title of this paper suggests, it really is "business as usual", but even I as an individual directly impacted by this experience instinctively felt the need to underrate this fact by reference to historical "reform" efforts. Perhaps this is evidence of the extent to which we here in our "liberal democracy" are inclined to hold a romantic view of government reform policies. In any case I would like to thank an anonymous reviewer for helping me to clarify my position, as well as Piché and Larsen (2010) for the assessment of major trends shaping the growth of carceral practices that they

provided, particularly the emphasis placed, borrowing from Cohen (1985), on the fact that historical efforts to “reform” have simply masked a carceral tendency to carry out “business as usual”, thus “revealing the existence of an enduring ‘master pattern’ of social control” (Piché and Larsen, 2010, p. 396).

- ⁶ I arrived at Collins Bay Medium Security Institution in December 2012 following a period of incarceration at Millhaven Assessment Unit. I began to systematically record my experiences in a qualitative field-diary in March 2013. The data that informs the contents of this paper reflect observations recorded until December 2013. For reliability’s sake, I believe it is worth mentioning that my conditions of confinement substantially changed in November 2013 when I was transferred within the institutions to “nine block”, which is a responsibility-based living unit that houses approximately 96 prisoners on eight pods where prisoners are responsible to cook their own food on a budget they must keep for themselves of \$35.00 per week. Of note, Collins Bay Institution is now officially a multi-level institution including maximum-, medium-, and minimum-security settings. As stated, even within the medium-security setting, there are gradations of security, including a higher medium-security setting called “four block”, and as mentioned the lower medium-security setting of “nine block”. In a word, serving time on “nine block”, although subject to more supervision and scrutiny by the prison authorities, is considered by most to be more tolerable than in other settings. Therefore, to suggest that the normative standard of the prison in relation to conditions of confinement is accurately portrayed only by my experiences in the true medium-security settings would be misleading. It should be recognized, however, that the practice of housing various populations of prisoners in dissimilar conditions of confinement appears to be a coordinated strategy on the part of CSC to divide and conquer any efforts to challenge institutional authority by upsetting solidarity amongst prisoners as whole.
- ⁷ The controversial practice of housing two prisoners in a cell designed for one. For a detailed qualitative account of this experience, see Shook (2013).
- ⁸ The celebrated sociologist C. Wright Mills (1959, pp. 10-11) discusses “milieu” in *The Sociological Imagination*, stating that, “what we experience in various and specific milieu...is often caused by structural changes. Accordingly, to understand changes of many personal milieus we are required to look beyond them...To be aware of the idea of social structure and to use it with sensibility is to be capable of tracing such linkages among a great variety of milieu. To be able to do that is to possess the sociological imagination”. In the sense that I have termed the milieu of the prison as “toxic”, it is to recognize the deleterious impact of the daily minutiae of prison life, its structural source and as Mills describes, the “troubles” that “occur within the character of the individual and within the range of his immediate relations with others; they have to do with his self and those limited areas of social life of which he is directly and personally aware...within the scope of his immediate milieu – the social setting that is directly open to his personal experience and to some extent his willful activity” (ibid, p. 8). The fact that such a “toxic milieu” becomes normalized in the prison is a clear example of its toxicity.
- ⁹ Goffman (1961, p. 78) provides an excellent account of the character of such a relationship in his seminal text, *Asylums*, recognizing that “the obligation of

the staff to maintain certain humane standards of treatment for inmates presents problems in itself, but a further set of characteristic problems is found in the constant conflict between humane standards on one hand and institutional efficiency on the other". He also recognizes that "the staff is charged with meeting the hostility and demands of the inmates, and what it has to meet the inmates with, in general, is the rational perspective espoused by the institutions" (ibid, p. 83), and "each official goal lets loose a doctrine, with its own inquisitors, and its own *martyrs*" (ibid, p. 84, emphasis added).

- ¹⁰ The standard procedure for "lock-down" is 24 hours a day lock-up in your cell. Under a modified routine, prisoners are locked on their unit with access to showers, telephone and common area access, but with no movement off the unit.
- ¹¹ See Harris (2013) and the *Collins Bay Inmate Committee Letter* at <<http://www.documentcloud.org/documents/784960-collins-bay-inmate-committee-open-letter.html>>.
- ¹² Under CSC policy (Commissioners Directives) and the legislation that governs CSC (the Corrections and Conditional Release Act) prisoners are entitled for certain reasons, be they legal, educational, medical, or compassionate, to apply for temporary absences from the prison. Depending on what level of security one is designated, these may be escorted or unescorted.
- ¹³ The officers who escorted me were respectful of the fact that I was grieving at that time and simply followed the itinerary directed by CSC policy.

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ABOUT THE AUTHOR

Jarrold G. Shook is a 27 year-old prisoner at Collins Bay Institution in Kingston, Ontario. Jarrod credits the time he was able to spend attending university during a previous period of release under community supervision for cultivating in him both a political awareness and an intellectual curiosity. He has recently re-enrolled as a distance education student to complete his undergraduate degree in sociology, and intends to merge his academic training with his experiences in the Canadian penal system to advance a critical analysis as inspired by the Convict Criminology perspective.

What's In a Name?
Depersonalization at the Hands of the State
*Chester Abbotsbury **

Sticks and stones may break my bones, and names can never hurt me, but the various façades we present in the different situation reflect aspects of us not always initially apparent. When I first arrived at the Don Gaol, one of the hardest things for me to get used to was the fact that few of the men incarcerated there used their “government names”. Many from the so-called criminal sub-culture, or rather the oppressed underclass that feels constantly at odds with the system, adopt a street name long before a first arrest is made. These alter egos foster a semblance of an artificial identity and an orchestrated outward manifestation of persona at the time. A *nom de guerre*, if you will, is used to maintain some degree of anonymity in the eyes of the surveillance State, a system that the adopter does not see a viable means of otherwise functioning within.

Artificial monikers also serve to distance people from each other through the creation of the proxy identity. The legal, familial, and vulnerable parts of the person are discarded wholesale in favour of a fabricated veneer of bravado and success. In many cases the artifice is a consequence of the only, and perhaps criminal, options the underlying, disadvantaged citizen deems available to subsist or succeed. It is thus the packaged persona, acting as proxy, who gets caught by the police and subsequently jailed, as opposed to the underlying person themselves. Mom might be disappointed that her son Jerome is a criminal, but the fact only serves to bolster the legend of “Jericho” the persona. Some broad sociological generalizations might be inferred from such distinctions.

The criminal class follows a different set of rules entirely from the ones citizens and squares take for granted. There is thus a substantial demographic of people running around this country leading ostensibly suspicious and decidedly desperate lives at the boundaries of our society. We are quick to make extra room on the sidewalk for the hooligan with the still-stickered sideways-pointing-bill baseball hat to pass us quickly by without further interaction. But beyond noticing a member of a marginalized economic underclass on the street so that we can avoid contact, we categorically ignore those who fall too far outside mainstream society.

Marginalized, that is, except by corporate wolves that package and commodify “street” culture. It is no secret that global consumer brands are ever on the lookout for fads in the inner cities, later adopted as the

next hot urban fashion by suburban teens far removed from the plights of the disadvantaged. I remember being in a brainstorming session for a New York-based mobile company when the lawyer said “You want cool? Does anybody know what I mean when I say ‘street’?” Yeah, that is how fat white guys earning six-figure salaries euphemize and romanticize cultures they want nothing to do with unless they can profit from exploiting them. This exercise in branding and marketing is a perfect metaphor, if not a cause in and of itself, of the phenomenon of street names.

Remember that conspicuous consumption requires income and that is where the system breaks down. My own experiences as a school tutor in prison lead me to conclude that a great many of my fellow prisoners are being cast out and refused normal education and employment. The reasons are mainly cultural – perhaps because they have tattoos on their necks bearing a girlfriend’s name, use a lexicon that will never be considered for inclusion in the Oxford Dictionary, or braid their hair in corn-rows. It could be their accents or cultural practices still evident from their countries of origin in the patchwork quilt that is Canada.

Maybe the schools depend too heavily on parental assistance in the learning process and not everyone has a home-maker mom who can help with the week’s spelling list. Maybe the standardized curriculum subject matter in schools is only really interesting to certain sub-sets of the Canadian ethnic make-up, a mix of cultures that changes drastically between inner-city, suburb and countryside. Is it any wonder that disaffected youth adopt new personalities, ones that exude confidence, strength, and success, when their attempts to fit into the system that would use their given names are met with failure, indifference, and even contempt for their inherited or more recently created cultures?

I am stunned at the number of illiterate people I have encountered in this part of the system. It is well acknowledged that the average reading ability in prison is at a Grade 8 level. Recall that an average is based on a sample set that exists both above and below it. Looked upon like that, half of prisoners read below a Grade 8 level. It takes a pervasive systemic fault, perhaps even a concerted effort on the part of those orchestrating and administering it for someone to go through the majority of the highly funded Canadian primary education system without learning how to read. There must be something in that system that fails them, whether it is content and process, or perception and attitude. It is even more difficult to identify root causes

by making sweeping generalizations about the worlds the people who fall through the cracks come from, the effects being obvious. For them, any mention of their given name, the one bestowed upon them by their parents, reminds the increasingly disadvantaged citizen of their perceived failure to participate in the system. It is easier to rename oneself than to remake the system that marginalizes.

So many in our society are shunted aside and quietly passed along once it is realized that they have fallen behind the norm in achievement and skill. These individuals require too much work, energy, attention and love to bring up to the level of their classmates or colleagues, to the level of everyday citizens to participate in the economy. This happens most frequently in lower income neighbourhoods where there exists more single parent families, domestic violence, addiction and the crippling poverty that keeps parents and siblings working longer hours for much less money at one or more McJobs.

All of this detracts from the baseline level of adult involvement every child requires, regardless of ethnicity or age. Systemically shunned young Canadians do not exhibit the visible icons, cultural acuity and involvement, and behavioural habits of mainstream civil society. They are further marginalized by the system because of this in a self-reinforcing cycle. It manifests first in the creation of alter-egos and later in socially aberrant behaviours like crime, as evidenced by the prisoner population.

The system initially rejects and negates the natural personality. Existence precedes essence and necessitates the search for functionality in a synthesized identity. It is not the criminalized who chooses the name to operate under, but the name itself that empowers the individual who later increasingly operates outside of societal norms because no other viable options seem to exist. The adoption of street names is merely an effect, a symptom, of this impasse, the root causes of criminality, rather than of criminality in and of itself.

In place of the balanced and well adjusted square-citizen-taxpayer persona that most of us expect our children to develop, identities of self-made success and excess are adopted by these kids who get left behind. This is in part purveyed by corporate “Hip Hop” culture and this statement is valid across ethnic groups. Music videos, magazines and role models merchandise and wear their wealth and patronize high-end designers. When did rap turn into a Gucci commercial? How much of Nike’s revenue

goes to marketing and making cool the “J’s” that cost just a few dollars to manufacture? The kids take this to heart, while those in the top tiers of society benefit as the marketers intend them to.

What is the true cost of this subtle economic disenfranchisement, then? Growing up in survival mode in poor neighbourhoods or in the various component sub-groups of the future-incarcerated one must cast away or hide the part of our humanity that is vulnerable, empathic, and capable of forming authentic human connections. In its place an iron dome of machismo, an invincible fortress of solitude, is constructed along with a contextually appropriate façade of fearlessness, willingness to use violence, and cold impersonality. When you feel that the whole world is against you and unwilling to accept you for who you are, the advantages of a distancing mechanism that simultaneously protects your true, rejected self and recreates at will what you outwardly present are obvious.

I have encountered many characters in prison, and at times to the true person beneath: Tre (for the three in .38 caliber), Knuckles, Tattoo, Windy, many derivations of Tony (after Tony Montana), Mighty, Evil, Wags, Johnny Rotten, Rumble, Dog, Ghost, Squibbs, Gunner, Danger, Rider, Dragon, Smoke, Demon, Nasty, Mauler, Hollywood, Yankee, Midnight, Chinger, Tank, Ballah, Gypsy, Sprayz (think machine gun), NightCrawlah, Assassin, Sarge, Pike, One-Two, Shine, Cookie, Freakz, Q, Wolf, Wikkid, Never, Pumpah (like shotguns), The Tooth, Taliban, Ruckus, Rocks, Havoc, Bigz, Whitey, Shakey, Bless, Numbers, Rico, BadMash, and Chin. Each name immediately creates both overt and subtle cultural and psychological references – a persona ready-made.

Now that we are freed from the depersonalizing orange cover-alls of the provincial remand system we are able to wear our own clothes during non-work hours in a federal prison. My peers here wear baggy, expensive track suits and sneakers that cost more than my Turkish three-button summer suit (it is very Connery Bond, quite intentionally). Many have tattoos on necks or on their hands, which are impossible to hide. The ubiquitous haircut here is the “Number One Bald Fade”, worn by prisoners, soldiers and impoverished people everywhere. They certainly do not project the traditional and expected images of productive and well-behaved members of civil society.

There is almost a worship of criminality among some of my peers here at Collins Bay. It is a tribal loyalty at work. What is spoken of as the “Criminal Fraternity” is a fabricated familial relation. It makes up for absentee fathers,

over-worked mothers, or siblings who went to jail or got pregnant in their teens and had to grow up too quickly. It is a world with well-defined rules and codes to follow, as well as predictable outcomes, as opposed to the unknowns inherent in participating in an economic system that is both foreign and unobtainable. It is easier than the overwhelming responsibility of early fatherhood without a requisite example.

I have seen many in prison who endure crippling addictions atop cultural and societal obstructions. I have read that a staggering number of prisoners were victims of sexual abuse early in their lives. These problems are often inter-generational, additive and self-reinforcing, as we are beginning to see in our Aboriginal population. Attention Deficit Disorders are endemic in modern society, not only among the disadvantaged and disenfranchised, and seem to affect everyone here at times. Since they were children, the future-incarcerate have been scrutinized and given negative attention by the authorities, much more than the “average Canadian” might be. Perhaps this is in part because of the outward identities they have chosen to display in their neighbourhoods rife with crime: targeted and haunted by police in untold numbers. On the other hand, I propose that it is the system itself that sets them apart and the manufactured identities are the result. The cycle has no discernible starting point but inevitably feeds off of itself, growing over time as the people mature.

Even I got a nickname after a difficult first year at the Don Gaol. I spent that year working out and eating properly, as well as getting banged out (hit hard in the face at least once) and punked off (denied something due to me like dessert, peanut butter, or a banana) regularly. My 160 pound desk-jockey frame blossomed to 205 pounds of “don’t fuck with me”. Because of my many hours working out at the back of the range with my oversized orange cover-alls cinched around my waist using a belt woven from strips of bed sheet, shirtless and increasingly broad-chested, with my long hair tied atop my head in a top-knot, I became known as “Samurai”. The name fit me well and I made no objections, and a friend of mine even wrote to me about the seven aspects of Bushido, the way of the warrior.

To me the identity was instructive and useful, as well as a good metaphor for who I have become. The normal and healthy outward projection of being is replaced with an often template-based proxy to deal with the world. Instead of the Square John I arrived as, I was the warrior: strong, trained and able to defend himself. I had seen battle and survived the war (thus far). Besides,

who would you most fear and leave alone, Chester or Samurai? This brings about a new problem, though. It is easy inwardly to start mistaking the identity for the person, and basing responses on the formula rather than the underlying personality. If you wake up each day and don a sword it becomes more and more likely that you will enter into mortal combat.

The new identity also serves to distance people from each other as a protective mechanism – an extremely useful tactic in jail or prison or even on the dangerous streets. I think that soldiers use it, too. Nobody really wants to think of themselves as a thief, bully or killer. A part of us inevitably insists on looking at our actions through our mother's eyes. However, with no valid relationships to mourn the loss of or hold oneself accountable, the street avatar is free to move on into new and further tenuous circumstances and situations whenever convenient or necessary. It becomes a form of traveling light, this carrying of a persona or two to wear along our travels, and it gives one a means of distancing its true self from its actions and the consequences of them. Our reputations, thus, literally precede us in the layered modes of being.

The sad thing is that the person inside that fortress starves for direct human contact. The inner being, the true self, is kept from developing normally in a social context. It is a frightening reality that many of the men I am incarcerated with show a decided lack of maturity. They are emotionally and behaviourally caught in their teens. At first I thought this was environmental and a result of jocular, summer-camp-for-boys atmosphere of the prison system. I have come to realize that it is more indicative of deep wounds and deficits inflicted by years on the streets wearing masks and fronts.

It is strange how different an approach one must take when using a proxy name. When I needed to have a true heart-to-heart with someone in jail I insisted on using their first, given name, just like their parents or siblings would. It felt as though I could circumvent the edifice of an artificial front to speak to the real person by doing so. Imagine the difference between sitting across a table from someone versus addressing them on a television screen (as happens in many trials and hearings).

Most of the prisoners who have not adopted a *nom de guerre* go instead by their last names, but not necessarily by choice. Internally, there is a one-step-removed distancing by the choosing of a street name undertaken by the prisoner. Then the prisoner is invariably referred to by authorities by either last name or serial numbers assigned shortly after the time of their first arrest by the State. In a provincial remand centre where the accused are

being warehoused without access to programming or support services, staff members distance themselves from their wards for the emotional protection of both sides of the equation.

I recall precisely the moment, after 19 months of incarceration and three months after my transfer to the Central North Correctional Centre in Penetanguishine, when a guard addressed me by my first name. While I insisted on my peers using my given name and my “Samurai” nickname being used with “new fish”, the organs of the system itself invariably referred to me by a combination of my last name and my OTIS (Offender Tracking Information System) number. Hearing a female voice utter my first name gave me a strange, deeply emotional catharsis. It literally stopped me in my tracks as I sorted out the meal trays. It brought me nearly to tears then, as it does now in recalling it. Such moments are few and far between in the remand system, though.

A prisoner would not want to look upon an institutional Social Worker as a mother figure, nor would it be productive to fall in love with a guard. Conversely, staff members, guards included, realize that relationships created with people incarcerated within the criminal justice system by definition will come to abrupt and inevitable ends. There just is no point in making the effort to foster real human connections in such a system, for to do so invariably would result in some degree of emotional loss. This resultant depersonalization can last for spans of two or more years as prisoners like me facing more serious charges await trial and it has serious effects on psyches already at risk in a violent world within a monolithic court system that is, for the most part, beyond the individual’s control.

After a few months of life in the Don I realized that I was investing myself emotionally to a far greater degree with my fellow prisoners than was necessary, wise or healthy. Instead of introducing myself and shaking hands with every man who “touched range”, as we say, I began simply to grunt “Samurai” as a form of introduction. I gave up on shaking hands or even trying to memorize names. If the person was honest and real enough for me to have an actual conversation with, I would then make the effort if they remained long enough. It was just too exhausting to get to know every person, to try and sooth every needy and broken human I encountered. It hurt, that distancing of myself. It symbolized my “settling in for the long haul” in a transitory system. I embodied the Samurai’s stoicism.

Even though one is never truly alone in jail, it is quite possibly the loneliest place on earth. So much anger. Street names. Faces on a TV screen.

Prison numbers. An endless parade of weirdos, freaks, underachievers, misfits and outcasts. Orange jumpers. Prison Blues. “Inmate Abbotsbury”. So much about this system, about the mechanisms that feed it, must change in order to preserve the humanity of the people who daily and by the thousands endure personal journeys through it. Systematic removal of the vehicles of honesty, truth, acceptance and identity, which are then replaced by walls, barriers, facades, masks and proxies, only serve to perpetuate and amplify marginalization and the existence of the system itself which feeds on its own product.

Oh, and by the way, Chester is not my real name.

ENDNOTE

- * Editors’ note: The term ‘argot’ refers to a collection of jargon or slang employed by a particular group to represent a range of social roles and experiences common to group members. These shorthand labels are imbued with meaning, stemming from the evaluation and interpretation of a particular experience, and constitute a shared belief and thus a specific set of behaviours or reactions in relation to a given experience (Sykes, 1958). Argot may consist of new words or existing words that have been assigned a new or alternate meaning. Within carceral institutions, this language reflects the personality of the individual who employs it, as well as the conflicts and tensions inherent in the institutional setting (ibid). Prison argot is used to establish a social hierarchy within and/or between particular groups of prisoners, as well as between prisoners and staff, creating distinct factions to distinguish between those who deserve respect and those who do not (Huckelbury, 2009). The prison environment pressures newcomers, including prisoners and staff, to conform to a pre-existing social hierarchy and surrender to a broader group ethos, which demonstrates shared experience and results in peer acceptance (ibid). This article highlights these themes related to the role of language in carceral settings.

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ABOUT THE AUTHOR

Chester Abbotsbury is the pseudonym of a man currently incarcerated within a CSC penitentiary. Jailed for nearly two years at the provincial-level awaiting trial, he pleaded to “10 more years” within the federal system. His Gonzo New Journalism has appeared in print in Canada, Germany, Japan, Great Britain and the United States prior to his arrest. He has published while incarcerated and is working on a series of essays, of which “What’s in a Name?” is one, entitled Pen 101. He also writes speculative fiction and voluminous correspondence.

The Person I Am Now

Neil N. Shah

Change does not roll in on the wheels of inevitability, but comes through continuous struggle.

– (Rev) Dr. Martin Luther King

There is widespread agreement among proponents of restorative justice (RJ) that the goal is to transform the way societies view and respond to crime, and related forms of troublesome behaviour (Achilles, 2004). However, there are a range of views as to the precise nature of the transformation sought. These are to some extent in tension with one another, suggesting that RJ is best understood as a deeply contested concept (Morris, 2000). The RJ movement is a global social movement with huge internal diversity. I set the scene by looking at what about me, one who promotes the principles of RJ, is actually trying to bring about – the internal and external change. This is my story.

A new life requires both forgiveness and confession. For me (the person responsible for my crimes) to be truly whole/intact, I confessed to my wrongdoings, admitted and took full responsibility for my crimes, and continue to garner valuable insight on the harm I have done to my victims (through the *RJ Model*). Only through this spectrum is it possible to repent, to turn one's life around, and begin in a new direction. From this statement derives the question in how the Neil N. Shah *now* is different from the Neil N. Shah of before. Reasoning, rationalizations, and elucidations can be divulged at no end – even filling the pages of a dissertation if need be – however, it is the following genuineness that will bestow the true character of *who I am now* – the person you see before you, and the person I will continue to be while on Parole, and for the remainder of my life. Suffice to say that it can be challenged to prove/present evidence – being that I was a Fraudster (for less of a better term) – yet, with the honesty and higher standards of ethics surrounding my life at this juncture of time, with the guidance/direction of my family, encouragement from members of the community, the unequivocal support/counsel of my Parole Officer, as well as the renewed sagacity of morality within me (to restore, repair, and undo the harm I created), I believe that change is taking place within me. C.S. Lewis understood it best when he stated: “Experience is a brutal teacher; do we ever learn... boy do we learn”.

AN ENCOUNTER WITH RESTORATIVE JUSTICE

My first encounter with RJ came through my one-on-one counseling sessions with our Institutional Chaplain, Mrs. S. Gilger. Our bi-weekly discussions centred around my crimes, and how I can attend fully to my victims' needs – be it financially (from the funds I stole), emotionally (from the trust they lost), and socially (from the turmoil I created amongst their family and friends). I wanted to take active responsibility of my actions and learn about a balanced approach on how I can do just that.

This is where RJ came into play for me and its impact has been tremendous. It has allowed me to evaluate the process and its technical procedures. It has not been as straightforward as I initially thought during my counseling sessions. However, what in life is? RJ requires a multidisciplinary and interdisciplinary approach of empirical Criminology and Penology, Legal Studies, Ethics, Psychology, Sociology, etc. Nevertheless, it is an approach that works. It has allowed me to move forward in the right direction in life, giving me every opportunity to rectify my mistakes, and providing continuous strength to overcome any obstacle(s). This is my journey.

My Journey – What Restorative Justice Is To Me

What does RJ mean? For some it is principally an encounter process, a method of dealing with crime and injustice that involves the stakeholders in the decision about what needs to be done (Pranis, 2004). For others it is an alternative conception of the state of affairs that constitutes justice, one that seeks to heal and repair the harm done by crime rather than to ignore that harm or try to impose some sort of equivalent harm on the wrongdoer. Still others would answer that it is a distinctive set of values that focus on cooperative and respectful resolution of conflict, a resolution that is reparative in nature. Others argue that it calls for the transformation of structures of society and of our very way of interacting with others and our environment (Roche, 2003; also see Wright, 2002). For many it is a vision that things can be made better, that it is possible to aspire to more than fair processes and proportionate punishment in the aftermath of crime (Van Ness, 2004), that out of tragedy can come hope and healing if we seek it. Let my story begin.

I have been raised in an environment to be honest (in all facets of my life), hard working, striving for higher education, and helping those in need (within my capabilities and with no form(s) of deception). Regaining these

principles during my 18 months in incarceration is all that encompasses my surroundings today. It takes drastic scenarios to fully understand how one can rightfully regain composure. I envision the perpetual struggle(s) of my victims, on a day-to-day basis, and the pending issues of re-payment that they are undertaking, and the cause of my greed which has bombarded their lives, marriages, families, finances, trust (within themselves and with others), and their respective stature within the community. The old Neil would not even take a second breath on this topic – because voracity and egoism were clouding my judgment.

My apologies and attempts of repaying my victims back are only a fraction of the mountain/hurdle in repairing the harm. I realize that, even though it may be impossible to pay the entire sum back – I am still bound to make reasonable efforts, and I will strive to do the best that I can in a transparent and honest manner (through the reparative conception spectrum of RJ).

My Victims – Through Who I Am Now

Victims need to know that they are not responsible for the crime because they are not “smarter”, “better prepared”, “more cautious”, “more aware”, or some other attribute(s) theoretically within their control. In restorative processes, the victim has the opportunity to witness one taking responsibility for his or her actions and apologizing for his or her behaviour. Traditional processes tend to stigmatize both the act and the actor (Sullivan and Tofft, 2001). In the restorative process, the two are distinguished so that the person, having acknowledged responsibility and made reparation, can earn his or her way back to acceptance by the community. Empirical evidence suggests that viewing restitution as “earned redemption” appears to change attitudes amongst perpetrators (Grant, 2004; also see Zedner, 1994). It leads to increased completion of reparative orders and that has been associated with reductions in recidivism through increasing commitment to the common good.

I have learned that my crime is in essence a violation: A violation of the victims’ selves, a desecration of who they are, of what they believe in, and of their private space. It is devastating because it upsets two fundamental assumptions on which we base our lives on: the belief that the world is an orderly, meaningful place, and the belief in personal autonomy. Both assumptions are essential for wholeness. My selfishness and greed disconcerted this sense of order and meaning. I left my victims feeling

vulnerable, defenseless, out of control, and dehumanized. Restoring some clemency of wholeness is my most important goal (be it through *Retributive and Restorative Justice*). It may provide a sense of restoration on a symbolic level.

The Neil of the past would not care of the following questions (for my victims). I would simply take and take, while never looking back or having a sense of regret. Those days are now behind me and today I gain the principle(s) of what I was raised to be:

Why did this happen?

Why did it happen to them?

Why did I act as I did at that time?

What does this mean to them (their faith, their vision, their future)?

What was the real gain for me?

Why did I not think of the fallout of all this?

Why the narcissistic greed and rationale to continue the Fraud?

The Neil before you looks at every variable of these aforementioned questions – from good to bad, from right to wrong, from truth to lies, from reality to fantasy and so on. I try to put myself in their shoes. This is what I see today. My victims I know need to be empowered again. Their sense of personal autonomy has been stolen (by me) and they need to have this sense of personal power returned to them. This can include a sense of control over their respective environment (Van Voorhis, 1985). They need to feel that they have choices and that these choices are for real (in the truest form). As part of this experience (that I have put them through), my victims need to know that steps are being taken to rectify the wrong and eliminate the opportunities for it to recur. They may want restitution (and will obtain it in time – as I work diligently in returning it), not just for the material recovery involved, but for the moral statement implied in the recognition that the act was wrongful and full attempts are being made to finally and sincerely make things right.

What I fear the most now for my victims is closure. The old Neil would disregard closure and continue to find methods to deplete their financial resources. The Neil in front of you was raised differently. Regaining those values is critical for my reformation. It is my fear that this particular experience I have put them through still dominates their lives. They are denied power.

And the damage is not limited to the individual victims. It is also shared by friends and by others who hear about the tragedy (Zehr, 2001). These wounds I created results in increased suspicion, fear, anger, and feelings of vulnerability throughout the community. I feel for them. I must continue to listen to what they have suffered and what they need to restore some semblance of peace. I can only do my best to give them back some of what they have lost, both through monetary and symbolic reparations.

Healing is all part of the Neil you see before you today. Healing for my victims' does not imply that one can or should forget or minimize the violation. Rather, it implies a sense of recovery, a degree of closure. I want my victims to begin to feel that life makes some sense and they are safe and in full control (I cannot further devastate their financial future). It is for that reason (and reasons stated above) that I continue to encourage myself to stay on the path of change in order to receive personal freedom and begin life on the right foot. In addition to this thought, I, the Neil before you also realizes (and the old Neil would not have acknowledged because of greed), that to forgive and be forgiven is not easy, and cannot be suggested glibly. Nor should my victims who cannot find it in themselves to forgive me be encouraged to feel an extra burden of guilt. I realize that true and real forgiveness cannot simply be willed or forced, rather come in its own time, with God's help. My time in incarceration has made me understand that forgiveness is a gift and it should not in any form be made into a burden.

Restorative Justice and Hope

My encounter with RJ (in a broad perspective), and my hopes for others who are criminalized is that they engage in the following: to repair the harm resulting from your criminal acts; experiencing and expressing repentance for your misdeeds; being fully reintegrated into community as a law-abiding citizen; all in hope that your victim(s) are being healed of the trauma resulting from this experience. It is crucial that we apply these principles and values of RJ in our everyday interactions – so that it becomes a way of life, a way of thinking, and a way of being distinguished citizens.

CONCLUDING THOUGHTS

Values are the foundation of RJ (Zehr, and Toews, 2004), the touchstone to which we return in doubt about what to do or how to do it, the yardstick for

assessing action. Just as there is not a single accepted definition of RJ, so there is not a single list of its values. It is for this reason that values express our hopes and aspirations, not just our current reality. Articulating and intentionally working from a value-based philosophy matters (Zedner, 1994).

The Neil today understands without any shadow of a doubt that injustice causes harm – to the person who experiences the injustice and to the community. Justice, as a state of healthy balance, requires healing of all those parties. Healing needs are guided by the values of respect, maintaining individual human dignity, and non-domination (Pranis *et al.*, 2003). When all parties feel equal, respected, valued in their individual uniqueness, able to exercise constructive control in their lives, and able to take responsibility for their actions, only then will justice be achieved.

- Condemn the behaviour, and produce changes;
- Provide opportunities for reintegration;
- Focus on repair and harm (and promote healing, both at the practical and symbolic levels); and
- Provide opportunities for continuous learning.

In addition to these principles, this project allowed me to really comprehend the notion that crime creates an obligation to restore, repair and undo. Harsh realities, complex hurdles, the struggle for closure, are all relevant factors that will follow me for life (during Parole and upon its conclusion). Using the knowledge I have gained during my time in incarceration and being the true Neil you see in front of you today can and will only build better strengths for tomorrow – one building block at a time. It is not a static ingredient, however, as beliefs/ethics that grow over time.

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EXPERIENCES AND CRITIQUES OF MASS INCARCERATION FROM THE UNITED STATES

The Child is Prey *
Jerry Lashuay

Child offenders who enter adult prison while they are still below the age of eighteen are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and fifty percent more likely to be attacked with a weapon than minors in juvenile facilities.

– *THE REST OF THEIR LIVES*
Human Rights Watch, 2005, p. 73.

In junior high school, my blonde hair, slender build, and boyish good looks made me fairly popular. But when, at 15-years-old, I was thrust into one of Michigan’s adult prisons, these same characteristics became a liability.

I had heard sometimes of what can happen to a kid in prison. My young age and appearance made me particularly susceptible to predation. Needing to be insulated from the predatory prisoners, it was determined that I could not be housed in general population. Instead, I would be placed in a protective custody unit at Riverside Correctional Facility (RCF). There, I was told, I would be safe until such times as I learned how to ‘jail’, a term that meant nothing to me at the time.

Each day of my early incarceration was spent contending with hungry looks and suggestive remarks. Even in protection the majority of the adults I had contact with regarded me with some degree of sexual interest. To them I was young, fresh and unspoiled. This, and the fact that I was slim, blonde and by some standards, pretty, made me a target. And not only by other prisoners.

Not everyone in my protective unit was at-risk like I was. Some were there for ratting and others locked up claiming to need protection as a means to get close to more at-risk prisoners – like me. It was my misfortune to have one of these prisoners befriend me shortly after my arrival.

John G. was serving a 10-year sentence for murder. From the start we seemed to share a coincidentally similar outlook and began hanging out. My housing unit operated nearly independent from the rest of the facility, so John and I did spend most of our day together. Where a lone prisoner is

often a target for predation, I quickly learned that two together rarely faced the same difficulties. So having a buddy was like taking out an insurance policy, and I had, in my naïve wisdom, come to trust John.

One of John's habits was keeping tabs on the homosexuals around the unit, including what, and whom, they were doing. One thing that I quickly became more or less inured to was the presence of homosexuals. It was commonplace to see sexual activity between men in that place, and while it was not for me, it had become a fact of everyday life. Therefore, John's preoccupation with this facet of life was not overly disturbing.

Yet his conversations gradually became less general and more specific, until he began making innuendos. At first I thought this talk was just for fun, "slipping" we called it. But before long he came right out and told me that he had found me "pretty".

I was young, inexperienced and unsure what to do. So I simply told John that I did not want anything more to do with him. He dogged my every step, providing a constant barrage of verbal harassment that was his attempt to wear down my resistance.

I was trying hard to stay out of trouble. At that point in my incarceration or 'bit', I did not understand that situations like this needed to be handled. They do not just go away with time. In prison, the accepted way to handle problems of this sort is with force. If someone pushes you, you push back – but harder. When saying no, it helps to emphasize your point by dotting an eye or bruising a jaw. Pain is, after all, an effective deterrent. However, I did not know this was the accepted way of handling these matters and since that type of response was not forthcoming, John kept it up.

It ended badly. One evening, after he had tired of the pursuit, John forced his way into my cell. There was no choice left to me but to fight. I fought him after he inflicted a bite wound to my stomach that I carried as a daily reminder for the next ten years. And I fought him even after he broke my jaw, but eventually my resistance came to an end when John pulled a knife and held it to my throat. With this very real threat, he forced me to drop my pants. What happened next was pure humiliation. John performed oral sex on me while the knife was held first at my throat and then next to my penis as I finished. This experience was marked by fear, embarrassment, confusion and anger. I was 16-years-old and had never had sex.

I survived the encounter. When I realized that something was seriously wrong with my jaw, I knew I had to go to health care. John had a cut over

his eye, and used that as an excuse to go with me. Yet his real reason was to stay nearby in case I had thoughts of ratting him out.

When the nurse asked me what had happened, I told her that I had slipped on a bar of soap in the shower. That was the standard – though tongue in cheek – excuse a prisoner used to explain an injury without implicating anyone else, as dictated by the “code”. It earned me a knowing, but sympathetic look.

I could have reported John and, as young as I was, I have to admit that I was tempted. However, the thought that prevented me from taking that route was the fact that I had a long bit to do and I was not going to be able to survive if I made a name for myself as a rat.

While I knew a reckoning was in order, first I had to heal. During those weeks John continued to stalk me. He made several attempts to engage me in conversation, but I ignored him as best I could. For the most part I went about my business, mindful that an altercation with a broken jaw could prove very damaging. Fortunately that healed quickly, as children often do, and by the time I was in the clear I had had enough of John’s taunting and whispered threats of a “repeat” performance.

And it was not only his presence that I had to contend with at the time. I had taken a life. I was guilty. The court had sent me away for life, a sentence that carried with it the onus that I was not worth trying to save – I was a boy beyond rehabilitative help. I was in this place to be punished and rape was definitely a form of that.

My sentence said clearly that I was a bad person. On some level I believed that were I to report that attack it would have been like saying I did not deserve punishment. But in fact I did, maybe this and worse. After all, unlike my victim, I was still alive.

When my chance came, I was ready. John had been following me down the hallway, keeping up a running dialogue with himself wherein I was the principal actor in a theatre of perversity. This is what my lack of response had led him to. It was like he was building himself up for the big event, like a man who drinks for courage. The advice my mother gave me as a kid to “ignore” whatever I did not like had no place here. Nothing I was taught as a child had ever prepared me for life under these rules.

When we entered the dayroom, it all came unglued. John moved behind me and pushed me in the back, propelling me within. There was a crowd of other prisoners around to watch. That meant I could not walk away. To do so

would brand me a coward and an easy mark, fodder for anyone's predation. There was only one path open to me if I were able to survive in this hellish place – I had to fight once again. So I turned up and confronted John.

He rushed me and we went down in a tangle of limbs. At that time I had not much fighting experience, but what I did have was a background in freestyle wrestling. Those hours spent in the gym at school all came back to me then and I used them to full advantage. I fought for leverage, suffering several blows from my older, larger attacker before succeeding in pinning John's arms beneath my knees, effectively immobilizing him – to his shock and to the surprise of the growing crowd.

I was not thinking about getting into trouble and I was not thinking about the dozen witnesses who provided me with an opportunity to make my bones. Nor was I thinking about how after this I would be treated with a new respect, how John would not bother me again, or even how I would no longer be looked at as though I was somebody's dinner. I was only vaguely aware of these considerations. At that moment my thoughts were more narrowly defined: revenge for the personal assault John had inflicted on me was what drove me as I beat my assailant with my fists, pummeling his face while he looked up at me in shock, disbelief and pain.

The noise and commotion quickly drew the attention of the unit officer, and before I felt satisfied with the result, my ankle was grabbed and I was dragged unceremoniously off John. One of the housing unit officers had crawled beneath the ping-pong table – where somehow our fight had led us – to end it.

I had done what was necessary – I had stood up for myself, proving that I was not to be a victim. It was a rite of passage, a test that I had passed. Yet even as I exacted my revenge, I felt a sense of sickness over the lengths I had to go to protect myself. Was this what my new life was going to be like? Would I have to fight all the time to protect myself? It was much a different world from the one I had grown up in where playground disputes did not include knives or rape.

John never bothered me again after that. And since so many others had witnessed the altercation, had seen how willing I was to defend myself against an older, larger opponent, it was several months before I had any more problems. I had earned my respect by standing up to John and not by ratting afterwards.

As early as 1983, Michigan Department of Corrections professionals, people such as Dr. Houseworth who testified at my trial, understood that children housed within adult penal facilities are at greater risk than adults. They also understood that their solution to this problem, a protective housing environment, was not adequate to safeguard these children. Yet it would be more than 20 years before the system in Michigan would be changed to recognize the special needs of the children entrusted to its care. How many of the roughly 375 children the State of Michigan has incarcerated for life over the years have had similar experiences?

As to the question of whether I deserved such treatment as a form of punishment for the life I had taken, it was years before I worked out the answer. “No”. In contemporary society, such punishment is considered immoral and unjust. And “yes”. In a society where morality is increasingly being seen as something to be legislated, a clear message is sent by a system that is aware of a harmful condition yet allows it to exist: to the guilty go their just desserts.

In the end, I determined that the question is not one that may be answered from the outside. Each of us must look within and discover for ourselves whether we deserve punishment for our indiscretions. Now, after serving 30 years, I can say with confidence that I have paid my debt. So today, my answer is “no”.

ENDNOTE

- * Editors’ note: Life without the possibility of parole (LWOP) is the most severe sentence that convicted youth may receive in the United States. Forty-two states have the option of sentencing convicted youth to LWOP, and fourteen are unrestricted by a minimum age at which the sentence may be imposed (Kubiak and Allen, 2011). The United States is the *only* country in the world that permits the transfer of youth cases from juvenile to adult courts where they may receive an LWOP sentence. There are approximately 2,500 youth currently serving LWOP sentences across the United States, resulting in more years and a greater proportion of their lives spent incarcerated (Greene and Evelo, 2013). Sentencing convicted youth to LWOP is inhumane, as children are a particularly vulnerable group that are still developing physically, mentally, and emotionally, and require special care and protection (Park and Berger, 2005).

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ABOUT THE AUTHOR

In 1983, at fifteen years old, *Jerry Lashuay* was tried as an adult for first degree murder and sentenced to life without the possibility of parole. In the 31 years since his incarceration, Jerry has earned two academic degrees and several technical certificates. In 2007, he created Juveniles Against Incarceration for Life (JAIL), an advocacy group that publishes the personal accounts of juvenile prisoners in Michigan.

The Unintended Consequences of Bad Deals

Kenneth E. Hartman

Executions are not pretty. In fact, they are downright ugly spectacles. No one comes away from an execution without blood under their fingernails and, worse still, almost everyone who takes part in the process feels the pang of their conscience.

Executions are bad press, too, and the system already has too much bad press. So, instead of going through all of the grotesque machinations of performing traditional executions, the prison-industrial-complex has embraced a nondescript form of the death penalty, a perfect ruse, life without the possibility of parole. This form of the death penalty allows for mass execution on an unprecedented scale, well out of the limelight and without all the negative attention of lethal injections.

It is a popularity sentence, embraced by the punishment industry. According to the report, “Life Goes On: The Historic Rise in Life Sentences in America”, released by The Sentencing Project in 2013 and based on data collected in 2012, after a 22.2 percent rise since 2008, the number of men and women sentenced to life without the possibility of parole has reached almost 50,000. This number exceeds all the rest of the world’s life without the possibility of parole sentences and not merely by a few – it is orders of magnitude more. As former U.S. Senator Jim Webb of Virginia noted in a Parade Magazine article, with only 5 percent of the world’s population, this country holds 25 percent of the world’s prisoners, a number far out of proportion. Moreover, the United States holds upwards of 95 percent of the world’s life without the possibility of parole sentenced prisoners, a number that defies any rational explanation connected to crime or public safety. It is not merely an aberration, it is an abomination.

I have served more than 34 years of a life without the possibility of parole sentence in the California prison system, home to more than 4,600 other prisoners similarly sentenced. While there is not any adequate way to convey the sense of existential dread and despair that daily accompanies all of us condemned to die slowly in prison, I have tried for years. It is like never waking from a nightmare in which you are falling because the falling never stops. The ground does not come up to meet you until it is in the form of a hole to swallow you. There is nowhere for you to grab a hold to steady your descent because the handles have been deliberately moved out of reach. It is punishment without end, an eternal lashing, a perpetual rack to be stretched out upon. The pain only stops when you cease to exist, after which you cannot know it is over.

A friend, also sentenced to life without the possibility of parole, once described his existence as being held hostage by his stupid, teenaged self. This is yet another aspect of the sentence, the way it firmly encases you in the broken amber of your past. It leaves no room for growth or maturity – it denies the possibility that a human being can ever become better than their worst moment. In this way the sentence is a worse punishment than other forms of the death penalty. It is worse because prisoners sentenced to a slow death by imprisonment are daily reminded that their lives are simply not that important. Their lives are of so little consequence as to be simply tossed into the slag heap of a prison, out of sight and meaningless.

All other prisoners have some sort of destination, a mark to which they can aspire and toward which they can plan. They have that most vital of human necessities – hope. Education, training, self-improvement, all of these serve a purpose. The long, slow turning of the day that characterizes the life of all prisoners can be filled with some degree of industry and direction. For those of us serving life without the possibility of parole, on the other hand, there is not destination home, no mark toward which aspirations can aim. Hope, that essential ingredient necessary to the fullness of any human life, is forever denied to those condemned by the other death penalty to die inside. The limited resources of the state will not be wasted on prisoners without any chance of release, so the classes and programs that help to round off the sharp edges of prison life are denied. The result of these restrictions is the stretching out of time, the distending of each day into a longer torment.

The explosion in the numbers of men and women sentenced to this other death penalty is not the product of a great rise in unrestrained criminality all across the land, nor is it the result of a demand for extreme sanctions voiced by the masses. The truth is that while life without the possibility of parole sentences were increasing by double-digit percentages the rate of serious crimes was decreasing by similar margins, in states that participated in the rise of life without the possibility of parole sentencing and in those states that did not. And the public's attention to the crime issue has diminished over the past decade, due surely in part to that welcome drop in crime rates.

There are now almost 50,000 men and women serving the other death penalty. Death penalty abolitionists campaigned and convinced folks that death by imprisonment is not really death at all. It is, by their reckoning, a “reasonable alternative” to lethal injections. This normalized what was

otherwise an almost unimaginably cruel sentence and accorded to it the imprimatur of recognized civil rights groups. The prison-industrial-complex, as rapacious an entity as ever known, seized on this opening and rammed through legislation and regulations that captured an ever larger slice of the prisoner population into permanent status. It is to this latter reason that the vast bulk of the increase must be attributed.

But the death penalty abolitionists' ill-advised Faustian bargain set the tragedy in motion. In retrospect, it is unclear if it was the fault of ignorance or of willful cynicism. Depending on whom one speaks to in the abolitionist movement either conclusion is possible. Regardless, a sort of army sprang up around the battle against the death penalty replete with celebrities and rogues, heroic stories of exonerations and sad failures that ended in the midnight hours of the various death houses around the country. Well-meaning and well-funded organizations grew into big, sharp-elbowed outfits battling to rid our nation of the stain of state-sponsored killing. It is an atavistic practice, the deliberate taking of life as punishment, relegated to only a few outlier nations not a part of the industrialized West. And, within our own fair country, this throwback to less civilized times had to be ended. At all costs.

The deal struck with the executioners is rooted in the all too human love of the infliction of suffering and shame, and that is how it has been sold. Instead of the messiness and the unwelcome scrutiny of lethal injections, condemn prisoners to forever inside the fences. A "life means life" sentence, trapped between a rock and the hardest of places. Take away freedom, a punishment that will hurt for a lot longer. Then, herd all those so sentenced into the worst prisons and make them to endure the worst conditions. Compel them to live amongst the rest of the prison population, virtually all of whom get out, effectively forcing life without the possibility of parole sentenced prisoners to watch what they will never have. It is a kind of cruelty that should have stayed unusual.

This bargain reached its nadir in the horrifying language of California's thankfully unsuccessful Proposition 34. It was unapologetically defended as a reasonable and clever move by its bevy of celebrity supporters. If passed, it would have mandated in the state's constitution the permanent ill-treatment and perpetual torment of thousands of prisoners. The campaign in favour of Proposition 34 made the direct argument that doing away with lethal injections would save money and that serving life without the possibility of parole sentences was actually a worse form of punishment. Essentially, the

pitch made to the voters was they could save a few bucks and vote in favour of worsening prisoners' conditions. It was a foul and ugly plot, particularly since it was launched by alleged civil rights advocates.

The prison-industrial-complex, never a shirker when it comes to seizing an opportunity to fill more beds for longer periods of time, has gleefully embraced these amoral bait-and-switch tactics. Its bottom-line has always been the filling up of beds. The more of us, the more of them, which should be the motto of the various trade groups and organizations that represent the players inside the prisons – the guards, the teachers, the doctors, and the other workers, who masquerade as acting in the public's interests. Prisoners serving sentences that never end is a kind of dream-come-true for them and it is a dream scenario that was dropped into their laps without much work on their parts.

Somewhere along the way, in some high-powered strategy session of the death penalty abolitionists, chaired by the smartest and the craftiest, the most idealistic, this bad bargain was cooked up. It probably sounded like a sharp idea at the time – offer up the strong support of civil rights groups for permanent imprisonment in a trade for the end of direct executions. Even though the unintended consequences have been horrible for tens of thousands of men and women, they were not the first to underestimate the prison industry's ability to capitalize on reformers good intentions. That is a common theme that runs through the history of prison reform efforts in this country as documented in David Rothman's 1980 book *Conscience and Convenience*.

The abolitionists like to crow about the fewer number of executions in this country and they like to take credit for this even more. However, now that the error of their plan has been revealed by the passage of time and the 50,000 men and women condemned to a slow death in prison, it is time they admit failure. The claim of success is a lie and it is past time to own that fact.

The broader and more accurate truth is there are not fewer executions being conducted in the United States, there are more. Life without the possibility of parole has been normalized – it is now just another kind of prison sentence. This change is merely one of form not function. Just as the method of execution shifted from the punitively barbaric to the ostensibly advanced and scientific to the falsely painless and clinical in the past, it just morphed into a glacial, one-drop-at-time, disappearance version now.

To be perfectly clear, life without the possibility of parole is an execution because the goal and outcome of the sentence, like all the other forms of state-sponsored killing, is the prisoner's death. If the death penalty is morally

wrong then being sentenced to die in prison is no less morally wrong – to argue otherwise is an exercise in self-delusion that has already cost far too many lives to continue to tolerate.

ABOUT THE AUTHOR

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**Evolving Standards of Decency:
A Study of Political Perversity**
Susan Nagelsen and Charles Huckelbury

Justice must always question itself, just as society can exist only by means of the work it does on itself and on its institutions.

– Michel Foucault

American jurisprudence, even for juveniles, remains an imperfect but consistent killing machine, designed to imprison and eliminate some of this country's citizens, irrespective of age or criminal record, and often for political advantage. Several states' determination to imprison juveniles until they die, and the expectation that more states will follow, ignores the Supreme Court's insistence on adhering to those oft-quoted "evolving standards of decency". This article discusses how decency remains an elusive target in American penal policy and documents key barriers to its realization with a focus on life without the possibility of parole sentences.

THE CONSTITUTION: ALIVE OR DEAD?

In the United States, two distinct classes of scholars continue to exchange charges and insults with respect to how the Constitution should be interpreted, with important implications for the criminal justice system. On the right are the originalists, insisting that the Framers knew precisely what they were doing when they composed the document, including the mechanism for modifying it when necessary. The Constitution, so goes this version, is therefore carved in metaphorical stone and subject to no contemporary redaction in efforts to make it comport with a preconceived philosophy. Thus, for example, since the Constitution explicitly permits capital punishment in the due process clause of the Fourteenth Amendment, no judge or panel of judges can invalidate the death penalty per se on the basis of some moral epiphany. Only the amendment process can accomplish that goal.

The other school claims that the Framers intended the Constitution to be a "living document", that is, one subject to interpretation as society grew more complex. Again using the death penalty as an example, given the Fourteenth Amendment's imprimatur, the several states and the government are free to enact capital punishment statutes, yes, but are there limits on the types of crimes that make a defendant death eligible? Could property crimes merit a death sentence? What about rape?

The Constitution similarly does not address the intellectual capacity or the mental state of capital defendants. Originalism argues that any act not proscribed by the original document is thus permissible, which means that laws allowing the execution of mentally handicapped people cannot be invalidated by any tribunal. Those favouring a more flexible approach insist that it is both morally and legally wrong to execute a defendant who lacks the capacity either to discriminate between right and wrong or who demonstrates an essential disconnect with objective reality.

Prompting the ire of the originalists, the Supreme Court has addressed both questions and disposed of these two issues. Only homicide cases make a defendant death eligible and no longer can mentally disabled prisoners be executed.

LEGAL PRECEDENTS

The two sides have disagreed on constitutional interpretations for the duration of the Republic's life, with the originalists holding sway for most of that time. Beginning roughly fifty years ago, however, the Supreme Court began to tilt in the opposite direction, most notably with its decision in *Brown v. Board of Education*,¹ which reversed fifty-eight years of precedent with respect to "separate but equal" facilities for different races.² *Brown* and its progeny, however, were insufficient instruments for dismantling segregation in public schools. It took the National Guard's armed presence to enrol nine black students in Little Rock, Arkansas, in 1957, three years after the Court decreed it. The state's resistance to the Supreme Court's ruling derived from the originalist argument that the Constitution never mandated schools in which black children and white children learned together.

Social issues were not the only ones subjected to constitutional scrutiny. The famous Miranda warnings grew from an Arizona case in which the Supreme Court ruled that coerced confessions included a failure to inform a prisoner of his right to an attorney before being questioned.³ The court based its judgment on the Fifth Amendment, which prohibits anyone from being forced to provide inculpatory evidence. The originalists were apoplectic, insisting that the Fifth Amendment, which indeed prohibits coerced confessions, never mentions advising any defendant of his or her right to an attorney, much less providing one at no cost. Certainly, the Sixth Amendment provides the right to counsel in any criminal proceeding, but,

so the originalists argue, nothing requires the police to inform a defendant of that right prior to interrogation. If such an admonition is not found in the Constitution, then it is perfectly legal for the police to engage in any subterfuge to get a defendant to confess.

The living document proponents responded by articulating the various means police can use to exert psychological pressure on suspects, including playing on a fundamental ignorance of the Fifth Amendment. Although beatings were not completely eliminated,⁴ more subtle – and effective – means of persuasion come into play, all of which are designed to circumvent the suspect’s right to advice of counsel.

The ongoing debate between the two sides set the stage for the exponential growth of prison populations in the United States in response to the courts’ perceived interference in state governance, especially criminal laws and penalties. State legislators were swept into office during the 1970s by a meteoric rise in the national crime rate, followed closely by the tough-on-crime rhetoric heard in every subsequent campaign. The results were predictable: longer sentences, minimum mandatory sentences, more death sentences, more executions, and, of course, the birth and expansion of the for-profit prison industry.

This result was not, however, unexpected. As far back as 1948, J. Edgar Hoover, the director of the Federal Bureau of Investigation, planned for the “mass detention of political suspects in military stockades, a secret prison system for jailing American citizens, and the suspension of the writ of habeas corpus” (Baker, 2012, p. 24). One need look no farther than Guantanamo Bay, Cuba, and the indefinite incarceration of suspected terrorists, including American citizens, to realize that Hoover’s plan reached fruition sixty-three years later.

Following a parallel course, United States carceral policies continue to be framed in economic terms or enacted for political advantage. By 2008 this country earned the distinction of having 2.3 million men and women behind bars, more than any other nation, according to data maintained by the International Center for Prison Studies at King’s College, London. China, which is four times more populous than the United States, is a distant second, with 1.6 million people in prison (Liptak, 2008). The United States still places first in incarceration rates, with 716 people in prison or jail for every 100,000 in population (Walmsley, 2013, p. 1).

The pattern is also visible on a microcosmic scale. Louisiana is the prison capital of the world – the *world* – imprisoning more people per capita than

Iran or China, by factors of five and thirteen, respectively. Incarceration functions as a hidden economic engine in the state, in which most prisoners are confined in for-profit prisons. Obviously, these prisoners are no more than “inventory” for a business, which would go bankrupt without a constant supply of men and women (Chang, 2012).

The increase in the carceral population from 200,000 to 2.3 million in the past 30 years has led to prison crowding and concomitantly placed a tremendous strain on state budgets. The tough-on-crime policies have created a growing underclass of ex-prisoners who are faced with burdens, such as disenfranchisement and restricted employment and housing possibilities, which effectively prohibit them from reentering society as productive men and women.

CREATING A PERMANENT UNDERCLASS

If the results of mass incarceration were predictable, so also was the reasoning that produced them. James Baldwin’s (1955) insights relating to crime and punishment predated the explosive growth of prison as a social tool by twenty-five years, yet they remain just as valid, and disturbing, as they were then. Baldwin described the manner in which information regarding criminalized behavior is often manipulated or created to suit a predisposition in favour of the “official” version of events. If the public can be convinced that laws need to be stricter, that certain classes are inherently criminally minded, that more severe sentences are required to maintain security, legislatures can campaign on winnable issues with little thought or effort.

In Baldwin’s example, a white policeman shot a black soldier, an incident which quickly displayed permutations that did not resemble what actually happened. “[The public] preferred the invention because this invention expressed and corroborated their hates and fears so perfectly” (ibid, p. 179). Baldwin could just as well have been delivering a lecture on constitutional nuances to a contemporary law school class. This “concerted surrender to distortion” sadly describes current attitudes toward issues of crime and punishment frequently displayed by those charged as guarantors of the public weal. As Isaiah Berlin (1969, p. 10) put it more succinctly, “Enough manipulation of the definition of man, and freedom can be made to mean whatever the manipulator wishes”.

Robert Johnson, a professor at American University with wide experience in capital cases, provides a telling description of the same trend, which continues to command broad public support. According to Johnson (2002, p. 12), the advent of mandatory sentences and supermax prisons is the direct result of the application of the “less eligibility principle”: undeserving criminals are said to deserve less than *any* noncriminal citizen. That is, the conditions of imprisonment should subject the prisoner to conditions worse than those endured by the most abject homeless person sleeping on a heated sidewalk grate or on the bare ground.

Such attitudes hark back to the early twentieth century, when a 1913 article about the Atlanta Federal Penitentiary told largely disinterested readers: “Penal imprisonment is an institution of old date, born of barbarism and ignorance, nurtured in filth and darkness, and cruelly administered. It began with the dominion of the strong over the weak, and when the former was recognized as the community, it was called the authority of good over evil” (Hawthorne, 1913, p. 265). The author then addressed the possibility of reforming such an entrenched bureaucracy and offered the opinion that the idea was impossible, if not absurd. “No one talks about reforming the Black Death” (ibid).

How to explain this apparent philosophical stasis in penology? Certainly, dungeons, chains and public executions are no longer with us, but are sensory-deprivation cells, stun guns, and sanitized executions via drug overdoses an improvement? If we neglect evolutionary theories and the constitutional arguments for a moment, Isaiah Berlin (1955, p. 1) offers perhaps the best explanation for the persistence of the less eligibility principle: “[W]hen ideas are neglected by those who ought to attend to them . . . they sometimes acquire an unchecked momentum and an irresistible power . . . that may grow too violent to be affected by rational criticism”. The American prison system presents the most stark example of unchecked momentum and irresistible power ever considered, and recent discussions regarding juveniles offer little evidence of a more enlightened approach.

DEATH TO NINTH GRADERS

The Supreme Court has periodically wrestled with the question of an age limit below which no defendant can suffer execution. The Court has vacillated, as we will show, between allowing the execution of high-school

students – and younger – and finally restricting the application of the death penalty to those who were old enough to vote when they committed their crimes, that is, eighteen.

As discussed above, the Constitution does not address the issue of the age of capital defendants. Therefore, according to the interpretative argument, lower courts have the burden of determining the moral and legal minimum age for executing the country's citizens. Not so, say the originalists. The states are free to execute capital defendants of any age, irrespective of any moral considerations. The interpretive model has prevailed with the Court's decision that prohibits execution for anyone who committed his or her crime prior to reaching eighteen.

Juveniles did not, however, always benefit from the increased scrutiny of their age during the penalty phases of their trials. It was not until 1988 that children under the age of 15 were spared the hangman's noose.⁵ Prior to that opinion, in the United States, *soi-disant* moral arbiter to the rest of the world, it was perfectly legal to execute a ninth-grade student who had killed a classmate.

To clarify the questions concerning which children should be executed, the Supreme Court ruled the following year that the execution of 16- and 17-year-olds was not constitutionally barred.⁶ The Court subsequently concluded that since a national consensus had formed against the execution of juveniles, the practice violated society's "evolving standards of decency". The Court therefore overruled its previous decision and established the minimum age for execution at 18.⁷ Now, at least, a death sentence could not be imposed on anyone who was not at least a high-school senior.

In that opinion, from which four of the nine justices dissented, the prevailing majority said: "This Court has established the propriety and affirmed the necessity of referring to 'the evolving standards of decency that mark the progress of a maturing society' to determine which punishments are so disproportionate as to be 'cruel and unusual'". The same evolving standards of decency were used to proscribe the execution of mentally disabled prisoners as well, but the most important of the plurality's reasoning cited a juvenile's lack of maturity, which meant that the imposition of a death sentence could not be justified on the grounds of irremediable depravity.

The reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. The *Thompson*

plurality recognized the import of these characteristics with respect to juveniles under 16. 487 U. S., at 833– 838. The same reasoning applies to all criminalized youth under 18 (*Roper* opinion at page 570-571).

In addition to considering evidence of a national consensus and evolving standards, the Court recognized that the punishment of death is disproportionately severe, because youth in conflict with the law cannot reliably be classified as among the worst. Expanding this logic, the Court found that juveniles are vulnerable to influence and susceptible to immature and irresponsible behaviour, not itself a great intellectual leap. This diminished capacity leads to the conclusion that neither retribution nor deterrence, both objectives of capital punishment, provides adequate justification for executing juveniles. Writing for the majority, Justice Kennedy said: “Retribution is not proportional if the law’s most severe penalty is imposed on one whose culpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity” (*Roper*, at 571).

At this point, it is instructive to examine two of the dissenting voices, those in favour of executing juveniles. Tossing aside the neuroscience that contradicted her opinion, Justice Sandra Day O’Connor took her dissent down the rabbit hole of delusion and denied the intrinsic differences in the maturity of adults and children. She argued that those differences between adults and juveniles were neither universal nor significant enough to justify a rule excluding juveniles from the death penalty. And, like Alice in that other rabbit hole, her epistemology had to run as fast as it could just to stay in one place.

Justice Antonin Scalia scolded the Court for ignoring the wishes of the people, manifested by the thirty-eight states that permitted the execution of juveniles.⁸ He argued that the Court had improperly substituted its own judgment for that of the people in outlawing executions of youth, irrespective of the indications of that line of reasoning. If an equal number of state legislatures still permitted execution for, say, burglary, would those executions be constitutional? Scalia’s reasoning would permit such a practice. He also criticized the majority for counting non-death penalty states toward a national consensus against juvenile executions, as if those wishes forbidding execution were somehow beyond statistical significance. Again we hear Isaiah Berlin’s warning about manipulating definitions to achieve a specific goal, in this case, killing school children.

Although the execution of juveniles is now proscribed, another form of extreme punishment continues to threaten them. The rest of this paper examines the remaining issue pertaining to those defendants: life without parole.

FROM DEATH TO SLOW DEATH IN PRISON

In the United States, dozens of 13- and 14-year-old children have been sentenced to life imprisonment with no possibility of parole after being prosecuted as adults. Although the United States Supreme Court has declared execution to be unconstitutional for juveniles, young children have historically been sentenced to die in prison, even for crimes that did not involve a homicide. The Equal Justice Initiative (2012) has documented 73 cases where children 14 years of age or younger have been condemned to lingering deaths in prison. A recent Supreme Court decision has finally put a stop to the practice, at least at formal sentencing proceedings.

The 5-4 opinion,⁹ involving two 14-year-olds convicted in separate homicides in Alabama and Arkansas, struck down 29 state laws that imposed mandatory life-without-parole sentences on juvenile murder defendants. The circumstances of the two cases bear on the arguments both for and against life sentences for juveniles.

In the Alabama case, Evan Miller, fourteen years old, was convicted of murder and sentenced to life after he and another boy set fire to a trailer where they had bought drugs from a neighbour. Here, Miller was an active participant in the crime.

In the Arkansas case, however, Kuntrell Jackson, also fourteen, remained outside a video store while two other teenagers entered with the intent to rob it. One of the other youths pulled a gun and killed the store clerk. Jackson was charged as an adult and sentenced to a life term without parole. He is one of 73 fourteen-year-olds serving such a sentence throughout the United States. Although Jackson's offense did involve a homicide, he was convicted only on the theory that he was an accomplice to a robbery in which an older boy committed the murder. Jackson himself did not commit the killing and was not shown to have had any intent or awareness that the clerk would be shot. Because Arkansas law made a life-without-parole sentence mandatory upon Jackson's conviction, neither his age nor any of the other mitigating circumstances could be considered by his judge.

Justice Elena Kagan delivered the Court's opinion, referring to state laws that mandated life in prison for juveniles "even if the judge or jury would have thought that his youth and...the nature of his crime made a lesser sentence (for example, life *with* the possibility of parole) more appropriate". Significant for this discussion is Justice Kagan's invocation of "the evolving standards of decency that mark the progress of a maturing society". She also recognized a child's diminished moral culpability:

The distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes... The case for retribution is not as strong with a minor as with an adult. Nor can deterrence do the work in this context, because "the same characteristics that render juveniles less culpable than adults" – their immaturity, recklessness, and impetuosity – make them less likely to consider potential punishment (*Miller* at p. 2465).

Justice Kagan further found that "Deciding that a 'juvenile offender forever will be a danger to society' would require 'mak[ing] a judgment that [he] is incorrigible' – but incorrigibility is inconsistent with youth" (*Miller* at p. 2465).

The opposition, the conservative four-justice minority, presented a disingenuous argument predicated on the similarity between a 17-year-old defendant and one who is eighteen and could therefore face a death sentence. Chief Roberts' dissent dismissed Justice Kagan's statistical and neurological evidence out of hand, ignoring both science and those pesky evolving standards: "Put simply, if a 17-year old is convicted of deliberately murdering an innocent victim, it is not unusual for the murderer to receive a mandatory sentence of life without parole". Thus, there is no Eighth Amendment violation of the "cruel and unusual" proscriptions. Justices Antonin Scalia, Clarence Thomas and Samuel A. Alito Jr. joined in the dissent.

In the Alabama case, Miller's actions could be logically construed as a deliberate attempt to kill someone, in that case, the drug dealer, although Miller was only fourteen and not seventeen when he committed the crime. By the Chief Justice's articulated age standard, Miller, at fourteen, did not deserve a life sentence, but that did not keep the Chief Justice from objecting to reducing Miller's sentence. Keeping in mind that the defendant in the Arkansas case also was not seventeen, and ignoring the fact that

he did not deliberately kill anyone, the Chief Justice's dissent made no allowance whatsoever for that offense and indeed would have voted to uphold Jackson's sentence of life as well.

Also instructive is the brief of the Arkansas attorney general who argued for Jackson's sentence. He reminded the Court that "an overwhelming majority of state legislatures and the federal government... authorize the imposition of life without parole upon 14-year-olds such as [Jackson]" (page 7 of the brief). So much for those evolving standards.

MEET THE NEW BOSS. SAME AS THE OLD BOSS.¹⁰

Irrespective of the Supreme Court's ruling that juveniles could not face a mandatory sentence of death in prison, state politicians immediately began substituting their own philosophies and policies for the prohibited life sentences. During the research for a book, one of us (Nagelsen, 2008) interviewed Yvette Louisell, incarcerated in Iowa for a murder committed when she was seventeen. She was sentenced to life without parole. Thus, her case would fall under the Supreme Court's prohibitions announced in *Miller*.

When the decision was handed down there was rejoicing in Iowa. Yvette, shocked and thrilled, contacted Nagelsen and described how her attorney believed that she would get relief – her supporters, and she has many, assumed that her arduous thirty-year ordeal was coming to an end. Then the unimaginable happened.

The State of Iowa responded to the obligation to conform its sentencing practices to the dictates of the Supreme Court by eliminating mandatory life sentences for juveniles. Not to be thwarted, however, in its attempt to keep juveniles imprisoned for life, and irrespective of *Miller*, in July, Governor Terry E. Branstad commuted all juvenile life sentences to indeterminate sentences, requiring prisoners to serve a minimum of 60 years before applying for parole. An Iowa judge later rebuked him for ignoring the Supreme Court by not providing prisoners any meaningful opportunity to obtain release. Iowa District Court Judge Timothy O'Grady wrote, "A blanket sentence for 38 juvenile offenders that provides no eligibility for parole for 60 years is not the sort of individualized sentencing envisioned under *Miller v. Alabama*" (Mulville, 2012).

According to the United States Census Bureau (2012), actuarial tables show that the average life expectancy in Iowa is 80.54 years, which means

that a 17-year-old defendant sentenced to a minimum of 60 years will be, on average, 77 years old when s/he becomes eligible for parole. Since the average life expectancy is 80.54, then the parolee could expect to live another 3.54 years. So, the governor's commutation cynically implies, a juvenile serving 60 years is technically not serving life without the possibility of parole – on average, s/he would have another 3-1/2 years left.

Both North Carolina and California also quickly responded to the Supreme Court's proscription on mandatory life sentences by passing legislation – applied retroactively – requiring juvenile prisoners formerly serving life without parole to serve a minimum of twenty-five years before becoming eligible for parole. In Pennsylvania, juvenile prisoners will be required to serve between twenty-five and thirty-five years. And state courts in Florida, in a typically bizarre turn, have ruled that the Supreme Court's decision does not apply to juveniles currently serving life without parole, including a twelve-year-old found guilty of killing his two-year-old brother (Mulville, 2012).

THE ONTOLOGICAL ARGUMENT

The disingenuous legislation passed by the states to replace mandatory life sentences for juveniles continues to accept the argument that a fourteen-year-old child who commits a serious crime will never be more than who and what he was at that age. Scientific evidence and personal experience demonstrate how wrong-headed that argument is.

One of us (Nagelsen) taught college courses at the New Hampshire State Prison for men in Concord for eight years. During that time, prison demographics included those who had committed violent crimes, including murder, while still in their teens. Nagelsen therefore had the opportunity to observe some of those men as they literally grew to adulthood inside prison and in her classroom.

One young man in particular, who had committed a murder as a teenager, chose to attend college with the hope of earning his degree so that he might find his place in the world. He and Nagelsen had many discussions about the isolating effect prison has on the psyche and the void that is created when one is forced to grow up in such places. He found that education was the key to his growth and development; it helped him begin to step outside of himself and think in terms other than life behind the walls. Education,

especially higher education exposed him to a broad spectrum of philosophies that he would have not been privy to in the otherwise sterile environment of institutional life.¹¹ Education also afforded him the opportunity to engage in discourse with intellectuals from outside the walls who challenged him to confront his views, life, goals and his decisions.

For more than eight years, Nagelsen watched as this young man changed and matured into a new and improved version of his former self. Although prison tends to stagnate personal growth and delay the maturation process, both intellectually and emotionally, many of Nagelsen's young students demonstrated a remarkable ability to navigate the curriculum as effectively as on-campus students. Over the course of her tenure, Nagelsen also observed a distinct and measurable record of personal growth in her more dedicated students and a desire to return to society as viable, productive members, equipped with the skills necessary to effect that change. Her observations echo Justice Kennedy's in the *Roper* opinion:

The reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. The same reasoning applies to all criminalized youth under 18.¹²

Did all Nagelsen's younger students demonstrate the same positive attitudes and behaviours? Certainly not, but if rehabilitation remains a viable goal, those who did – and they outnumbered the ones who did not – deserve an opportunity for parole that a life sentence would deny. Ignoring the effects of growing up and insisting that a sixteen-year-old who commits a violent crime will always remain fixated at that age is as absurd as arguing that the person pictured in one's high school year book would look and act the same at his or her twentieth or thirtieth reunion. Simply imagining that all juvenile prisoners are incorrigible monsters, that they will never be more than what they were at the time of their crimes, does not, *pace* St. Anselm, mean that those prisoners actually exist.

And yet, legislation circumventing both the letter and the spirit of the recent Supreme Court decision prohibiting life sentences for juveniles is a fact in Iowa and other states. Even without resorting to subterfuge, legislatures can easily construct laws that impose what is in effect life without parole through the imposition of mandatory minimum and consecutive sentences.

American jurisprudence is failing, most egregiously in its treatment of juveniles I conflict with the law. The Court's decision to overturn the juvenile life without sentence appeared to be a step in the right direction; however, left to the states' to implement this decision, it may be years and many court battles before anyone serving a juvenile life without sentence actually steps outside prison walls again.

ENDNOTES

- ¹ 347 U.S. 483 (1954).
- ² See *Plessy v. Ferguson*, 163 U.S. 537 (1896), which declared separate but equal passenger compartments for rail travel constitutional.
- ³ *Miranda v. Arizona*, 384 U.S. 436 (1966).
- ⁴ Cf. methods, including water boarding and beatings, used to interrogate suspected terrorists at Guantanamo Bay still in use forty years after *Miranda*.
- ⁵ *Thompson v. Oklahoma*, 487 U.S. 815 (1988).
- ⁶ *Stanford v. Kentucky*, 492 U.S. 361 (1989).
- ⁷ *Roper v. Simmons*, 543 U.S. 551 (2005).
- ⁸ Of that number, 18 had laws on their books that permitted the execution of juveniles but included provisions for judicial interpretation that effectively barred them from being put to death.
- ⁹ *Miller v. Alabama*, 132 S.Ct. 2455 (2012).
- ¹⁰ From "Won't Get Fooled Again" with apologies to The Who.
- ¹¹ Cf. Cardinal John Henry Newman's classic essay "The Idea of a University" from his *Apologia Pro Vita Sua*.
- ¹² Nagelsen's assessment of this man's potential has been confirmed. He has been paroled for 15 years, is married with a family and works with no further contact with law enforcement.

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The Politics of Crowding in California's Prisons

Forrest Lee Jones

INTRODUCTION

California prisons are so severely crowded that the United States Supreme Court has found that the state cannot deliver adequate medical care to prisoners. Thus, California prison living conditions are in violation of the United States Constitution's Eighth Amendment ban on cruel and unusual punishment. Because of this finding, the court has ordered the state to cap its prisons at 137.5 percent of designed capacity. However, Governor of California, Jerry Brown, has hindered, delayed, and downright refuses to follow the spirit of the ruling, claiming doing so would endanger public safety. This article discusses the various barriers to reform, the consequences of chronic prison crowding and charts a way forward on how to address this issue going forward.

BARRIERS TO REFORM

Behind the curtain of public safety are election year politics. Governor Brown does not want to look soft on crime and the influence of powerful special interests groups, such as the California Correctional Peace Officers Association (CCPOA) are opposed to releasing prisoners (Page, 2011). This tug-a-war between doing what the Court said, add dignity to the life of the incarcerated by capping the prison population at manageable levels, and the ongoing violations and deteriorations of both the medical and mental health conditions in California prisons are human beings with no recourse other than the courts. That being said, crowding and the lack of adequate medical care is a result of overly punitive laws and the influence of vested interest groups that conditions for confinement are unconstitutional (i.e. inhumane) and that these unconstitutional conditions are the principle reason for the unconscionable and preventable per week death that is plaguing the California prison system. With all this, public opinion has never sided with the criminal class regardless of any change or rehabilitative efforts done by the many men and women who have turned their lives around.

Since 2009, the State of California has been under a federal court order to reduce its prison population from 160,000 to 112,000. Now that California Department of Corrections and Rehabilitation is within a few thousand prisoners of the court-mandated cap, Governor Brown has won a

two-year extension to reach the cap. He has until 28 February 2016 to cap California's prisons at 137.5 percent of design capacity. The Governor's plan may accomplish this through various measures, such as transferring prisoners to private lockups, increasing conduct credits, and releasing medically ill and older prisoners. What is not included in Brown's plan is sentencing reform of state laws that has contributed to the crowding problems in the first place.

California prisons are crowded due to mandatory minimum laws like the Three-Strikes provisions and legislative measures that enhance sentences under certain circumstances. Special interest groups like the CCPOA support such laws and exert strong influence over the Governor and Legislature to keep them coming. The CCPOA in 2010 contributed \$1.2 million to Brown's run for Governor and Brown in return gave the CCPOA a lavish pay raise in 2012 (see PLN, 2012). The CCPOA works to keep laws intact and oppose sentencing reform. Additionally, private prison companies like Corrections Corporation of America have a stake in California prisons. A study done by Service Employees International Union (SEIU) on corporate Mega-Contracts in California State Government showed the State spent a whopping \$210.6 billion dollars for the services of 25 vendors between the period of 2003 and 2010 (SEIU Local 1000, 2012). The state spent \$1,315,023,163 for the services of Corrections Corporation of America (CCA), which provides out of state housing facilities for California prisoners. In turn, the CCA spent \$300,000 on lobbying the state legislature for more out-of-state beds and legislation to house illegal immigrants. In 2000, there were 26 for-profit prison corporations in the United States, operating approximately 150 facilities in 28 states. The largest of these companies, CCA, controls 76.4 percent of the private prison market globally (Davis, 2003). Alexander (2010) reported on "The Bill Moyers Show" that governors across the United States were told by private prison corporations to keep their prisons at 90 percent capacity so that they can do business with them. Special interest groups, like the CCPOA and CCA, support the prison industrial complex because it provides job security, increased wages, union dues and benefits. These special interest groups oppose sentencing reform to reduce the prison population, which is a speedier and viable way to bring California medical and mental health to constitutional standards for state prisoners.

CONSEQUENCES

During the two-year extension period that the state has to cap its prisons, prisoners will continue to live under abysmal unconstitutional conditions, even though the state has the means under state law to comply with the population cap right now. The state has reduced crowding at some prisons, but it persists in many other facilities. Some are packed to as much as 178 percent of designed capacity. Just recently, the state missed its benchmark deadline of 30 June 2014 to reduce the population to 143 percent design capacity by several hundred prisoners because it attempted to count unused beds at its most recently opened prison/medical facility in Stockton California. The court ordered the state not to count the beds until they could properly manage them. This counting debacle comes in the wake of a sick prisoner dying in the new so-called hospital earlier this year for reasons that are still not completely clear.

The crowded conditions at San Quentin State Prison have increased the time for a prisoner to be seen by a physician from a few weeks to a few months. Crowding is even affecting my living conditions. I live in a cell built for one. However, the cell houses two people. The cell is so small that you cannot fully extend your arms without hitting the walls. It complicates living conditions by creating a congested environment, there are excessive smells, and it is difficult to manoeuvre everywhere inside the housing units, which sometimes creates tension resulting in altercations between prisoners. I know a prisoner who hates living with his cellmate and purposely initiates altercations with him. Consequently, it resulted in him being removed from the general population, thus increasing his prison sentence. This is a vicious cycle created by the crowded conditions that the courts are ordering the state to fix, all the while, the state continues to use stall tactics. Another prisoner, by the name of Richard Bess, has been incarcerated more than 20 years suffered just recently from inadequate treatment by the California Men's Colony prison staff. This prisoner was experiencing blood in his urine for seven months. After seeing the doctors, he was told he had urine tract infection. Bess came to learn later his condition was misdiagnosed and the doctors discovered he had cancer in his bladder. Mr. Bess later died from his condition in 2012. Appointments with his doctor were prolonged and cancelled. These conditions alone create a state of conflict, interfering with a dignified state of living of the human beings under this type of subjugation.

Central California Women's Facility (CCWF) is another example of the state's dismal record when it comes to forcing its prisoner population to live in crowded conditions. CCWF is the result of closing one of three California women's prisons. CCWF is currently operating at 178.5 percent of designed capacity, and is "not providing adequate medical care" (Objections to Defendants January 23, 2014 Proposed Order in *Plata v. Brown*, Case No. Civ. S900520 LKK-JEM P, Co 1-1351 dated 1/28/14). The result is "preventable morbidity and mortality" and "an on-going serious risk of harm to patients" (ibid). Court appointed experts said, "The majority of problems are attributable to overcrowding, insufficient health care staffing, and inadequate medical bed space" (ibid). The court has evaluated nine other prisons since mid-March 2013 and did not find any that were providing adequate care. At the five other prisons, the experts' overall conclusion, like that of CCWF, was that adequate care is not being provided and that "systemic issues...present an on-going serious risk of harm to prisoners and results in disease and death". At three other prisons, the experts concluded the institutions would only provide "adequate medical care once...health care physical plant issues are corrected" (ibid, p. 3).

The *Plata* court experts described how one prisoner was evidently in distress on the floor outside his cell, complaining of abdominal pain, flailing his arms, and stating he was unable to walk – he was abandoned by nurses and a physician notified of the situation refused to see the patient. Several hours later, he was found unresponsive and custody staff failed to initiate CPR. The prisoner died that same day. In another case, a urologist, after considering a patient's very elevated lab results, recommended a biopsy to rule out cancer. More than two months later the prisoner had not seen a doctor for follow-up, the biopsy had not occurred and there was no documentation that it had been considered. The patient died due to the state's failure to identify his cancer.

Prisoners with mental illness continued to suffer the devastating effects of on-going crowding in California prisons (see Dey, 2013). Grossly inadequate mental health care and delayed access to higher levels of care and psychiatric hospitalization, coupled with extended and unnecessary placements in dangerous segregation units, exacerbate the situation. Overall reductions have not trickled down to the mental health patients. To cope with chronic shortages of crisis beds and persistent waitlists for inpatient psychiatric hospitalization, the state continues to place prisoners suffering

acute psychiatric distress into makeshift, unlicensed units and unsafe alternative housing cells. Prisoners with mental illness are routinely held for long durations in dangerous segregation units, where they are subjected to treatment in cages and blanket strip searches, merely because the state lacks safe and appropriate housing alternatives. Mental health treatment is still delivered in non-confidential, anti-therapeutic spaces, such as cages and converted storage closets, and primary clinician contacts frequently take place through the doors of locked cells.

Despite these deplorable conditions and the increasing rates of suicide in California prisons, the State has elected to cancel and delay critical projects to expand mental health treatment space for prisoners with mental illness. Most recently, the state notified the federal three judge panel that the long-planned activation of California Health Care Facility has been further delayed on account of the state's inability to recruit psychiatrists to staff the facility. Staffing shortages are endemic among mental health clinicians and access-to-care officers, and further diminish the sufficiency of treatment for mentally ill prisoners. The court has also expressed "grave concern" about the state's continued failure to address foreseeable and preventable suicides, which continue at staggering rates throughout the CDCR prisons while the state delays its efforts to reduce crowding.

MORE OF THE SAME AND WAYS FORWARD

In light of these serious and ongoing constitutional violations, granting the State a two-year extension of time will inevitably result in incalculable suffering. This continued suffering can be avoided, however, by requiring the state to reform their laws, which will adequately reduce the prison population to constitutional standards. However, this reform cannot easily be addressed because of the politics described in this essay, resulting in prisoners' continued suffering. Both the United States Supreme Court in their 2011 opinion affirming the Three Judge panel 2009 population reduction order found that various available methods of reducing crowding would have little or no impact on public safety. The court found expanding good time credits would allow the State to give early release to only those prisoners who pose the least risk of coming into conflict with the law again.

In spite of all these difficulties California prison officials have reaching the cap, the Department of Corrections and Rehabilitation project the state's

prison population to grow by over 6,000 prisoners by 2019 (CDCR, 2013, p. 2). The crowding problems in California's prisons could get worse, not better.

I will conclude with statements by Little Hoover Commission (2014) Chairman Jonathan Shapiro that capture the current state of affairs and the need for fundamental change:

California's correctional system is a slow-motion disaster... The prison population reduction cannot be achieved without eliminating the state's chronic imbalance between what its sentencing laws require and the resources available to incarcerate offenders... taxpayers do not want to pay for failed policies that cycle offenders in and out of prison or incarcerate the mentally ill and the addicted for lengthy sentences without access to quality treatment. Research has shown programs and services that provide treatment can be effective in reducing crime... Scientific research in the past 40 years has led to significant progress in many areas in California. When it comes to criminal justice sentencing, however, California has ignored the science.

In light of these words, one cannot help but think that the (in)action of "Golden State" criminal justice policymakers on this matter are, to put it generously, negligent.

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Mass Incarceration: The Further Compromise of Public Safety

Shawn Fisher

INTRODUCTION

The penal system does just as much damage as crime itself. It further erodes the social fabric rather than repairs it. The system ensures that the criminalized get what they deserve while portraying them as evil and unworthy people who deserve little more than reproach, suffering, and punishment. This is an observation that encapsulates the attitudes of the Department of Corrections (DOC) personnel. In the United States that punishment is *mass* incarceration. Rather than utilizing effective and proven strategies, such as Compassion Release, Presumptive Parole and Programs/Education, the system implores a “one size fits all” philosophy that does little to nothing to promote healing and change. If the strategies used in this article were implemented, money used to fund incarceration could be invested back into communities. This lack of rehabilitation maintains the status quo by allowing individuals, victims, their families and communities to remain broken, perpetuating “an unjust response to an unjust world leads to unjust communities” (Toews, 2006, p. 17). As one peels back the layers, obvious failures begin to emerge.

THE NUMBERS

The more than 2.3 million incarcerated individuals in the United States are often regarded as a throwaway population. While the criminal justice system focuses on giving the criminalized ““what they deserve”, it does little to restore the needs created by crime or to explore the factors that lead to it” (Toews, 2006, back cover). Citizens, including victims and their families, believe that when the judge’s gavel bangs and the prisoner is convicted, their involvement ends – a chapter of their life closed. Nothing could be further from the truth.

Close to 95 percent of all prisoners incarcerated will be released back into the community (Puleo and Chedekel, 2011, p. 1). Bearing this in mind, it is reasonable to assume that the “community” Puleo and Chedekel speak of could be anywhere in Massachusetts. This begs the question, what kind of released prisoner do you want living in your neighbourhood: one who is rehabilitated or one who wants to commit additional crime?

The answer seems obvious, but the ones who answer those questions are doing little to solve them.

One of the main tools used in identifying whether or not corrections are failing or succeeding is through the use of recidivism rates. In Massachusetts the mean recidivism rate is 47 percent.¹ This statistic seems to be in the top among other states. A three year study by the Pew Center on the States found that Minnesota led the way with 61.1 percent followed by California at 57.8 percent. Only five states, led by Oregon (22.8 percent), reported recidivism rates below 30 percent (PLN, 2012, p. 27). Yet, in the sardonic words of DOC Commissioner Michael Maloney: "Look, we don't run this place based on research findings" (Haas, 2012, p. 15). Maybe they should since the failures continue to mount as more and more prisoners are released into society worse off than when they entered. With a failure ratio of almost two to one, change is in order.

In Massachusetts alone it costs taxpayers \$517,569,158 million annually to fund the state's DOC.² The Vera Institute estimates the real cost of incarceration to be 14 percent higher than the costs highlighted in correction's budgets alone (Vera, 2012). However, that *does not* include other incurred costs such as gasoline, transportation or the cost to run local County Correctional Facilities. Thus, the real cost to the Massachusetts taxpayer is upwards of a billion dollars annually (see www.realcostofprisons.org).

"Rising corrections costs might be acceptable if public safety is improved... and if recidivism is reduced. Yet, none of [this is] what drove the growth of the corrections budget over the past ten years" (Boston Globe 2009, B4). With the rising price tag to house prisoners, the economy being what it is, and data showing that 60 percent of prisoners leaving both DOC facilities (state prison) and House of Correction facilities (county corrections) reoffend within six years of release (MassInc., 2013, p. 20). This should raise concerns for members of the public.

From a national perspective, American taxpayers likely pay upwards of \$77 billion annually or more to incarcerate men and women in state and federal facilities (ACLU, 2012, p. 27). In addition one out of thirty-one people in the country are either incarcerated or on probation or parole (PLN 2009, p. 30). That is 3 percent of the population (ibid). Clearly not much is being done to ameliorate this trend. Take for example the 2011 DOC budget: of the half billion dollars being spent, only 2 percent is allocated to programming while 68 percent of the DOC budget goes toward employee

salaries (Haas, 2012, p. 5). This is not surprising seeing as one of every eight state employees works for a prison-related agency (PLNa, 2012, p. 26). Citizens of the Commonwealth are not getting their “bang for their buck” with those numbers. At half a billion dollars and recidivism at 47 percent, the people should be calling for better results. The system that is supposed to deter an individual from continuing their criminal behaviour, and thus protecting the public, is failing miserably. And it is the public that pays the price (pun intended). “That’s an unhappy reality”, the PLN (2012a) states, “not just for offenders, but for the safety of American communities”.

That “deterrence” comes in the form of a legal mandate here in the Commonwealth. Massachusetts General Law *mandates* that prisoners be rehabilitated as stated under the Powers and Duties of the Commissioner of Corrections, H.G.L. 124 § 1(e):

In addition to exercising the powers and performing the duties which are otherwise given him by law, the commissioner of corrections shall...

(e) establish, maintain, and administer programs of rehabilitation including but not limited to education, training and employment, of persons committed to the custody of the department, designed as far as practicably to prepare and assist each such person to assume the responsibilities and exercise the rights of a citizen of the Commonwealth.

Very few states have this legal mandate and that is what makes these failures all the more astounding.

AN ALTERNATIVE: COMPASSIONATE RELEASE

The American people, starting with Massachusetts, need to be more aware and involved in the affairs of the corrections and understand that their tax dollars could be better utilized rather than funnelling millions toward *mass* incarceration. Instead of correcting an individual it is creating victims. Money that could be better spent on society, education, Pell Grants and the like are being used as a DOC jobs program funded on the backs of the working class citizens at the expense of innocent victims. What may be worse is there are cost effective solutions that could be utilized but are not.

Take for example, Compassionate Release, being sponsored by Senator Patricia Jehlen (D), Senate Bill No. 1139. Compassionate Release (as it is known) is used in critical situations when a prisoner is very seriously of terminally ill and when a home care, hospice or hospital setting would be more appropriate to meet a person's medical needs.³ The prisoner petitions an Advisory Board. They review the case and forward their recommendation to the Governor who in turn recommends that the Parole Board grant a hearing. If granted, and approved by the Governor, the prisoner is released on parole and monitored by a parole officer and/or electronic ankle bracelet.

With the family now taking on the role of caregiver and incurring the costs of hospice, supplies, transportation and medical it makes the cost for security and health care less of a burden for the taxpayer and society as a whole. Based on statistical analysis of available data, the ACLU estimates that releasing an aging prisoner will save states, on average, \$66,294 per year per prisoner, including healthcare, other public benefits, parole and any housing costs or taxpayer revenue. Even on the low end, states will save at least \$28,362 per year per released aging prisoner (ACLU, 2012, p. ii).

In Massachusetts prisoners over the age of 50 represent 19 percent of the prison population. This age group is the fastest growing population representing a growth rate of 8.6 percent since 2009 (Haas, 2012, p. 3). On average, the annual cost to the taxpayers to house a prisoner is \$34,135 (ACLU, 2012, p. ii). But if that prisoner is over the age of 50 that price tag increases to \$68,270 (ibid). To put that number into context, the average household makes about \$40,000 a year in income (ibid).

For those who feel releasing someone from prison in order to save money is a risky proposition I would urge consideration of the following. Empirical studies repeatedly show that recidivism decreases as one ages. For example, in 2005, a study by the Pennsylvania Board of Probation and Parole, noted that of the 99 commuted sentences of life without parole, only one of those were released over the age of 50 returned for a new crime, which in this lone case was forgery and tampering with public records. This calculates to a recidivism rate of 1.01 percent. In New York only 7 percent of ex-prisoners aged 50 to 64 return to prison for new convictions (PLN 2004, p. 41). In Virginia, only 1.3 percent of ex-prisoners over 55 committed new crimes and were re-incarcerated (PLN 2014, p. 41). Research has conclusively shown that by age 50, a person has significantly outlived the years in which they are most likely to

commit crimes. For example, arrest rates drop to just over 2 percent at age 50 and are almost 0 percent at age 65 (ACLU 2012, p. vi).

Yet, from a daily cost, Compassionate Release is by far much cheaper than keeping them in prison. See the table below:

Breakdown of Annual Fiscal Savings Per Aging Prisoner Released (Middle Estimate, 2012)	
Incarceration Costs	+68,270
State Income Tax Revenue	+\$1,145
Parole Costs	-\$2,738
State Public Benefits Received	-\$298
Public Cost of Emergency Room Visits	-\$85
Total State Cost-Savings	+\$66,294

Table 1. *Breakdown of annual fiscal savings per aging prisoner released.*
Source: ACLU, “The Mass Incarceration of the Elderly” (2012, p. 38).

The average daily cost of parole in the U.S. is \$7.50, with a range as low as \$3.50 to a high of \$13.50 per day (ACLU 2012, p. 31). These numbers stand in stark contrast to what Massachusetts taxpayers contribute daily to incarcerate: \$124.66 (*ibid*, p. 25).

Should one continue to have misgivings about Compassionate Release, then consideration of the following example is in order.

One 72-year-old woman in a California prison suffers from emphysema, heart disease, and arthritis. She is incapable of walking more than fifty feet without stopping to catch her breath. The total cost of her heart treatment alone is \$750,000. The state must prepare her special medical diets, provide a prison cell that can accommodate her disability, and hire additional staff members to provide daily caretaking and monitoring (Gubler 2006, p. 7).

In Massachusetts there are a myriad of these same examples. For instance, Frank Soffen was convicted in 1973 of second degree murder. He has been eligible for parole since 1987 and has been before the Parole Board 11 times – *all denied*. The last two from a wheelchair and

is now fully confined to a bed. James “Ali” Flowers moved as a child from Mississippi to Boston. He soon got involved with a bunch of older teens that went on a crime spree, which resulted in a murder. He was subsequently convicted of first degree murder and has been in prison for 42 years. He suffers from full blown Dementia and does not know where he is nor can he communicate. He is infirmed and permanently confined to a bed. Lastly, Joe Labriola is a decorated Vietnam Combat Veteran who was awarded the Purple Heart and Bronze Star for Valor. He has maintained his innocence since 1973 and now enters year 41 of his imprisonment. He is confined to a wheelchair and is fully reliant on oxygen as he suffers with end stage Bronchiectases.⁴

Most of these examples, if not all, are no longer any threat to public safety. Frank and James are locked in the Health Services Unit where they are denied access to visits from friends in general population. They are left to die alone with no hope, peace or joy. Ali is locked in a bubble cell 24/7 and stares at the walls. One can only hope that he is dreaming of sailing on the wings of doves.

For those of you not swayed by the need to rely on alternatives to prison, consider the following. “[Y]ou actually create victims”, explains Burl Cain, Warden at Louisiana State Penitentiary in Angola, “by not letting (elderly prisoners) go and us[ing] your resources on rehabilitation for the ones who are going to get out... when I came here elderly population I said, ‘God, well, why are they here?’ Our name is corrections, to correct deviant behavior [but] there’s nothing to correct in these guys; they’re harmless...” (ACLU 2012, p. i). A sentiment that is easily corroborated by the 2 percent recidivism of those over aged 50.

From both a financial and security perspective, nothing could help reduce the cost(s) to the taxpayer more than Compassionate Release would. The bottom line is – how much is too much? Although there has been no record of re-offending by prisoners released due to medical reasons, the pundits continue to advocate for punishment over mercy (PLN 2012b, p. 12). However, where is the punishment for someone like James who has no idea that he is in prison? The debate between justice and mercy may never end, especially as an increasing number of advocacy groups continue to call for prison reforms in the wake of aging prisoners reaching record levels at growing expense to taxpayers. Compassionate Release is just one way of curtailing those expenses. The following is another.

HOPE THROUGH REHABILITATION

With the DOC allocating only 2 percent of their annual budget toward programming which has decreased by 9.5 percent since 2007, it is time we start creating alternative solutions to pick up the slack (Haas 2012, p. 6). Programs/Education is an essential part of the rehabilitation process. Equally as important, if not more, is the role ‘lifers’ have in that process. Prisoners serving life sentences, or ‘lifers’ as they are known, are an underutilized and unrealized tool the DOC has at their disposal, but fails to use. To better understand this philosophy there are several factors to consider.

First, ‘lifers’ more than any other group of criminalized persons understand the importance of second chances. With such ‘chances’ so few and far between, and so rigorously earned it is appreciated that much more. As evidenced in a 2011 study by the U.S. Bureau of Justice Statistics (BJS), which tracked 272,000 paroled prisoners in 15 states, and found that 1.2 percent of those released after serving a sentence for murder were rearrested on homicide charges within a three year period. In absolute terms, that’s 1.2 percent too many. But in relative terms, 1.2 percent was the lowest rate among all reported crimes committed by paroled prisoners, according to the BJS report. “Individuals who [are] released on parole after serving sentences for murder”, explains John Caher, spokesman for the New York State Division of Criminal Justice Services, “consistently have the lowest recidivism rates of any offenders” (Brodheim 2011, p. 18). One could even argue that the desire for reparation is much stronger in those who have taken so much. This possibly explains the success of such people.

This comes as no surprise to those who truly know the inner workings and dynamics of the prison ethos. Lifers are the cornerstones of the rehabilitation process. When those serving lesser sentences see lifers are rehabilitating themselves, they are forced to ask the question: Why? Why would a person with no chance of leaving prison, want to change himself? You would think that if anyone had an excuse to be bitter and angry it would certainly be a lifer. However, nothing could be further from the truth. Lifers reform themselves, not to impress others (there is no one to impress), but rather for the noblest of reasons: themselves. Prisoners see this and some say, “I want that too”. It can be contagious. When lifers have a sense of hope about themselves, it gives others

permission to do the same. It instills hope to the prisoner, which instills hope into the system. Nelson Mandela spoke about this in his 1994 inaugural address, “We were born to make manifest the glory of God that is within us... As we are liberated from our own fear, our presence automatically liberates others.”⁵ The ‘hope’ that I speak of, comes not just from rehabilitating oneself but from knowing that there *is* hope, a proverbial light at the end of the tunnel (NEJCCC 2002).

Through policies such as Compassionate Release, Parole or Commutation it encourages prisoners to want to change because they know that someday down the road they could possibly get out of prison. That light at the end of the tunnel gives hope to those who would ordinarily have none. By giving hope to them, you give hope to others, which in turn instills hope into the system. Hope that says, “I can be better than I used to be”. That message encourages prisoners to do just that. By attending programs, education or vocational training, little by little, imperceptibly at first, change begins to emerge. However, without those programs/education you stunt the growth of change.

In 2004, a 25-50 percent decrease in recidivism was noted for prisoners who had attended education programs (Antoniewicz 2004, p. 3). That same year the Governor’s Commission on Corrections Reform called attention to the dramatic decline in program offerings, noting that the DOC had cut full-time teaching positions, and eliminated vocational programs and academic offerings. Yet, the one prisoner expense category in the DOC budget that has decreased both in dollars and as a percentage of the total DOC budget is that for programs.

One such program is the Correctional Recovery Academy (CRA). The CRA is one of the Department’s strongest treatment programs. Prisoners live in separate housing units and are required to attend community meetings throughout the day. The program is funded by Spectrum Health Services and focuses on drug and alcohol treatment, as well as criminal thinking. Since 2004, the CRA has been removed from three facilities. It is currently in five prisons, which may explain why the wait list declined from 500 to just 92. DOC data show that hundreds and even thousands of prisoners are waitlisted for other services that have been shown to reduce recidivism [see table below] (MassInc 2013, p. 18).

Program	Total
Adult Basic Education	359
English as Second Language	304
GED	279
Pre-GED	379
Correctional Recovery Academy (Substance Abuse)	92
Substance Abuse Education	813
Criminal Thinking (Cognitive Behavioural Therapy)	1102
Violence Reduction	1592
Employment Readiness (Reentry) Workshop	489

Table 2. *Program Waitlist, January 2013.*

Source: MassINC., “Crime, Cost, and Consequences: Is it Time to get Smart on Crime?” (2013, p. 18).

What is more is that one of the mantra of the CRA is “Each One Teach One”. Prisoners take on mentor roles and play a big part in the success of a participants growth. Not all are lifers, but with an estimated 216,000 prisoners serving life sentences nationwide and 1,666 lifers in Massachusetts, the taxpayer has an untapped resource at their disposal.⁶ The DOC can work together with these prisoners, while administrators work toward increasing the funds allocated to programs/education.

MAKING A DIFFERENCE

Unless the American citizen is comfortable with the current state of our prison system, then they need to take a more vested interest in what happens behind the walls that are designed to keep people in and information from getting out. The number one problem with prison and judicial reform is that the information and flow of ideas are kept among those in the reform movement. There has to be a more consorted effort to get the word out to those who are not directly involved, namely, the

people who are unaware of the problems and issues that plague the progress of reform.

Organizations such as Bread & Water, Inc. and CURE-ARM Inc., are working toward changes in the Parole system, enacting a Presumptive Parole system focusing on managing successful reintegration to society. By working with legislators and academics, B&W/CURE get the information in the hands of those who are in a position to create policy, as well as educate the future college graduate. Both organizations use prisoners as their Steering Committees, ensuring that the incarcerated are not just represented, but their voices heard. Prisoners directly contribute to efforts such as Compassionate Release with firsthand knowledge, while also empowering lifers to effectuate change – inside and out. Yet, all of this is for nothing if the general public does not get involved.

Involvement consists of calling your legislators to urge them to vote on viable and effective reform issues. Choosing not to, increases the odds of taxpayers paying more and more without any significant return on their investment. No competent investor would put his money on something that has a close to 50 percent chance of failing. With the mean recidivism rate at 47 percent, and prison crowding projected to increase by 24 percent by 2019 (Reutter 2013, p. 50) that is exactly what the taxpayer is doing right now.

In 2011, David L. Hudson authored an article, “Why I Care about Prisoner Rights” (PLN 2011, p. 17). The reasons he stated stir up emotions that it would be remiss if I did not share with you.

Prisoners – whatever they have done – are still human beings worthy of some level of respect. I’ve quoted many times the words of Justice Thurgood Marshall from his concurring opinion in *Procunier v. Martinez*, 416, U.S. 396 (1974): ‘When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor his quest for self-realization concluded’.

Justice Anthony Kennedy said it even more succinctly in *Brown v. Plata*: ‘Prisoners retain the essence of human dignity inherent in all persons. Finally, . . . I believe strongly in the Bible verse Hebrews 13:3, ‘remember the prisoners as if chained to them’.⁷

However, for those who remain undeterred by Mr. Hudson's remarks, then I offer you the following from Martin F. Horn, a former Commissioner of the New York City Department of Corrections who now teaches at the John Jay College of Criminal Justice. In Horn's apt assessment, "This whole business is about managing risk. There's always going to be risk in the criminal justice system. The only way to eliminate it is to never let anyone out, and we can't afford that and it would not be just" (Brodheim, 2011).

As a lifer with over 21 years in prison, as well as numerous years in Department of Youth Services and Foster Care, I believe it affords me a unique perspective on the situation. Although I understand that not all prisoners may be willing to change just yet, I strongly believe that no one is beyond redemption. We have a moral obligation to be prepared for when those prisoners decide that they want to change. By considering the ideas proposed, we can achieve the ultimate goal of saving lives, rather than creating victims.

ENDNOTES

- ¹ Recidivism statistics gathered from various sources such as Haas (2012), MassINC. (2013) and PLN (2012a, p. 26).
- ² 2011 Annual Report available at <www.mass.gov/doc>.
- ³ To learn more about Compassionate Release go to <<http://betweenthebars.org/blogs/101>> or at <<http://www.malegislature.gov/people/findmylegislature>> or call (617) 722-2000.
- ⁴ To learn more about those stories go to <<http://motherjones.com/authors/james-ridgeway>> for "The Other Death Sentence" (September 25, 2011) and at <<http://thecrimereport.org/2009/12/10/the-greying-of-america%E2%80%99s-prisons>> for "The Greying of Americas Prisons" (December 10, 2009). Both pieces are by James Ridgeway. Also visit: <<http://realcostofprisons.org/blog/archives/20...>>
- ⁵ South African President Nelson Mandela, inaugural address – May 10, 1994.
- ⁶ The "216,000" figure is taken from Mullane, Nancy (2012) *Life After Murder*, New York: Public Affairs, p. 149. The approximate "1,666" lifers in Massachusetts can be found at <www.mass.gov/doc> at Massachusetts DOC institutional fact cards, July 2011. For more recent numbers consult the figures for 2013.
- ⁷ For "Why I Care About Prisoner Rights" by David L. Hudson, Jr. published on May 5, 2011 go to: <www.firstamendmentcenter.org>.

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Shawn Fisher has authored several articles most recently for Massachusetts C.U.R.E. on commutations, “Forced to Die Alone” for *Prison Legal News*, and for www.realcostofprisons.org and www.solitarywatch.org.

Turning Point: Coordinated Criminal Justice Reform in the Show-Me State

Jon Marc Taylor

Challenging the status quo and injustice takes not only courage and conviction, but also creativity.

– Lisa Yun Lee

PREFACE

Concerted efforts at criminal justice reform have been underway for over two decades. Organizations such as MO-CURE, K.C. Criminal Justice Task Force, Missouri Citizens for Reform, Mothers of Incarcerated Sons & Daughters and the NAACP, among others, have made valiant efforts to contest the prison industrial complex that has arisen in the state. Despite these well intentioned and passionately supported exertions, Missouri incarcerates on a proportional basis 25 percent more prisoners than Illinois and 40 percent more than Kansas, all the while with the sister states sharing similar rates of reported crime. Thus, Missourians are no “safer” than Kansans or Illini, but publicly finance – at the expense of all other educational and social services – a penal system at the least a third larger than necessary.

Alas, to date, the best that can be discerned of the multitudinous of reform efforts is that they have restrained the prison-industrial complex from growing even larger than it already is. From the perspective of one from the inside looking out, what I have seen are well meaning efforts that lack coordination of limited resources and a coherent strategy that can produce a cohesive effort for systematic change. What this paper proposes is a means to develop that cohesive strategy that can affect positive systemic criminal justice reform in the Show-Me State.

By utilizing, as a “menu of successful options” from the *Smart Reform is Possible: States Reducing Incarceration Rates and Costs While Protecting Communities* report compiled by the ACLU (2011), a coalition of Missouri-centered groups and organizations can develop a cohesive criminal justice reform agenda, collectively marshal and effectively focus their limited resources in a concerted lobbying campaign to effect systemic change, the end goal of which is to significantly reduce the onerous and ultimately socially-destructive prison-industrial complex.

INTRODUCTION

In the past few years, the public and policymakers across the political spectrum have started to recognize that criminal justice reform is both necessary and politically viable. Lawmakers have steadily become interested in alternatives to incarceration that have proven to produce more effective public safety outcomes. “Get tough on crime” politicians are talking instead about being “smart on crime”, and legislators are enacting bills supporting evidence-based programs.

Present reform efforts in several states have undermined the erroneous and misguided notion that mass incarceration is necessary to protect our public safety. Below is a selection of recommendations for legislative and administrative reforms that states should implement to reduce their incarcerated populations and corrections budgets, while keeping our communities safe. These recommendations cover: systemic reforms to the criminal justice apparatus as a whole; “front-end” reforms focusing on reducing the number of people entering jails and prisons; and “back-end” reforms that increase the number of people exiting and staying out of prison. These recommendations are by no means exhaustive, but aim to provide advocates and lawmakers with a few key evidence-based and politically-tested reforms from which to craft a state-specific legislative agenda for criminal justice reform.

As highlighted by the significant success of criminal justice reform discussed here, it is more than possible for a state to limit its reliance on prisons, reduce its incarceration budget, and promote public safety and fairness. As states across the country are realizing that reducing prison populations and corrections budgets is a necessity, they can look to the examples in this report as ways to reform their criminal justice systems with promising results. These reforms are “evidence-based” (i.e. backed up by social science and economic evidence proving their success) and show that mass incarceration is not necessary to protect public safety. It is possible to formulate criminal justice reforms that will garner bipartisan legislative and governmental support, as well as support within our communities, and achieve reductions in prison populations and budgets without compromising public safety. A state can select reforms from a broad menu of changes, but must first take the step to commit to reform.

PURPOSE

The purpose of this exposition is to outline a strategy of how to develop a more effective criminal justice reform campaign that has been achieved to date. With two decades of disparate association/group establishment (e.g. MO-CURE) and organizational infrastructure development (e.g. membership growth), the largely uncoordinated movement lobbies have little synergy and at times works at cross-purposes. The multi-faceted benefits of developing a unified reform platform are:

- Unified, multi-level reform agenda;
- Simplified and more targeted messaging;
- More effective limited resource allocation;
- Special/single-issue organization goals integrated within the holistic strategy; and
- Potential for greater organizational investment by developing a clear message, defined strategy and accumulate successes.

CONCEPT

The *Smart Reform Is Possible* (SRIP) report needs to be utilized as a collative tool from which to educate the presently loosely confederated criminal justice reform movement in the state and from which to determine Missouri-applicable reform options. Deploying the SRIP report, applicable effective and proven systemic “front-end” and “back-end” reform positions can be determined as to those best suited for implementation, addressing the conformity of the Missouri penal code and practices. The use of the SRIP report provides many benefits:

- A national, multi-state analysis of what has been implemented elsewhere;
- Specific legislation, sponsors and party-affiliation, synopsis of lobbying history, and subsequent results;
- Costs, savings, and further projected reforms, exempling how to develop similar successful approach;
- An acceptable, nonpartisan vehicle for reform-based organizations to collectively form around in determination of proven best agenda

items for the construction of a unified criminal justice reform platform; and

- Names of specific legislations' sponsoring legislators, facilitating the consultation – if not possible endorsement recruitment – of similar Missouri-focused legislation.
- Upon ratification of a unified reform agenda, a coalition reform movement can determine most efficient allocation of its limited resources.
- Regardless of outcome of action to develop a unified reform agenda, the effort nonetheless will serve to strengthen the formation of such a coalition in future endeavours.

Upon ratification of a unified reform agenda, a coalition reform movement can determine the most efficient way to allocate its limited resources. Regardless of the outcome, the effort would nonetheless serve to strengthen the formation of such a coalition in the future.

GOAL AND OBJECTIVES

The ultimate goal is criminal justice reform that results in substantial reduction (a third or better) in the size of the state's prison industrial complex. To realize this dream, with all its attending socio-economic benefits, multiple subordinated goals and their objectives need to be attained.

Goal I: Formation of Missouri Coalition for Criminal Justice Reform (MC4CJR)

- Objective 1: Designate coordinating clearing house (e.g. MO-CURE committee/contact person) to initiate coordination of coalition recruitment.
- Objective 2: Contact and lobby every criminal justice reform organization and committee (e.g. faith-based committees/ministries) to participate in MC4CJR.

Goal II: Develop holistic criminal justice reform platform

- Objective 1: Disseminate/direct to SRIP report to every potential committee/group/organization coalition member for their consideration.

- Objective 2: Encourage submission of and collate agenda items from MC4CJR members to draft an initial collective platform.
- Objective 3: Coordinate state-wide convention with delegates from all MC4CJR to refine the coalition's platform.
- Objective 4: Conduct state-wide convention to: a) ratify the holistic reform platform; b) determine annual and 3-year timeline; and c) align MC4CJR members' resources for optimum synergistic results.

Goal III: Initiate MC4CJR platform agenda

- Objective 1: Submit/support bills and/or policy amendments in furtherance of platform's agenda.
- Objective 2: Have MC4CJR members participate in legislative "lobbying days".
- Objective 3: Realize MC4CJR platform public informational communications (e.g. articles, op-eds, posters, sermons, speeches, event information booths, etc.).

PROCEDURES

Having MO-CURE as the state-wide membership encompassing organization and holistically-themed criminal justice reform organization in Missouri, it can utilize its network of contacts and vehicles to initiate recruitment of similar reform associations (e.g. NAACP prison branches), groups (e.g. K.C. Criminal Justice Task Force) and organizations (e.g. Mothers of Incarcerated Sons and Daughters), among others, to commence the development of a unified criminal justice reform platform. The process of reform implementation will entail three phases.

In the first phase, individual reform groups would obtain and disseminate copies of the SRIP report at www.aclu.org among its memberships. Utilizing members' particular expertise and networking contacts (e.g. elected officials, system professionals, etc.) they could select/develop systemic, front-end and back-end actions that best meet their goals. Next, each group could move to ratify their organization's agenda. Finally, they could participate in the proposed coalition convention with the objective of ratifying a holistic criminal justice reform platform.

In the second phase, representatives from the various reform groups could initiate conference/video calls to share their platforms and to coordinate a convention. Each group could send delegates to the convention to adopt a focused criminal justice reform platform, addressing specific systemic, front-end and back-end reforms. Additionally, a three-year strategic plan for implementation of the reform agenda should be outlined, with resource coordination and each group's action contributions noted. Finally, an annual timeline for action step accomplishments (e.g. drafting of model legislation, coordinating membership's capitol lobbying tour, etc.) should be established, with all groups coordinating efforts to achieve greatest synergy of resource investment.

In the final phase, the participants could coordinate activities towards achieving their collective reform agenda. Organizations could continue to educate their memberships as to the issues, the reform platforms, and actions to be taken. Media messaging could be coordinated and organizations could utilize their resources to this end. All groups should coordinate their representation (the more members the better) during legislature lobbying days. Ongoing engagement with representative/senatorial contacts should be reported within the coalition for the opportunity for refined coordination. Finally, an annual conference call and/or convention should be held to analyze accomplishments, determine failures and amend approaches for greater success, and to better coordinate the forthcoming year, modifying goals and objectives as circumstances dictate.

Mix-Stir-REPEAT.

CONCLUSION

Admittedly, as drafted from this incarcerated and thus isolated venue, this proposal is the broadest sketching of what may be possible to achieve. On the other hand, all the pieces ranging from associations/committees/ministries/organizations to cumulative membership in the thousands who have the most fervent interest and passion to change the ship of state that has created the behemoth of the prison industrial complex already exists.

What has been missing from the game has been a cohesive collaborative effort all striving in the same direction, sharing the same defined and enumerated objectives. The next evolution in criminal justice reform in the Show-Me State must involve such a broad-based coalition collectively

moving the political pendulum to a more balanced, just and restorative criminal justice system. This outline can be a beginning to that day, if adopted and adapted by all those many other good people who can make the difference, changing the small part of the world in which we live.

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Jon Marc Taylor, PhD, has been a prisoner for over 30 years and has received The Nation / I.F. Stone and Robert F. Kennedy Journalism awards for his reporting on correctional issues. In 1989, Taylor's first piece in the *Journal of Prisoners on Prisons* appeared in Volume 2(1) and he has since remained a regular contributor to the journal.

RESPONSE

Failed Reform, Found Resistance: Reflections on Prisons, Abolition and Residential Schools

Chris Clarkson and Melissa Munn

Prisons defy meaningful reform. Born of humanitarian and hierarchical impulses, conceived as controlled experiments in closed environments, designed to forcibly change human personalities through discipline and punishment, modern prisons have failed to meet their stated objectives for over 200 years (Christie, 2000).¹ Yet they endure. As many of the articles in this issue make clear, prisons in Canada and the United States remain brutal places, coupling deplorable physical conditions with dehumanizing policies and practices (see Vivar, 2014; Shook, 2014, Lashauy, 2014; Hartman, 2014; Jones, 2014). With good reason, several of the authors advocate penal reform, calling for policy alterations or discussing their experience of new initiatives (see Fisher, 2014; Taylor, 2014; Shah, 2014). But reform is destined to fail. It is one element in an enduring cycle of observation, analysis, advocacy, policy modification, flawed or partial implementation, failure, and reversal. This is a pattern noted frequently in the literature and at various points in this issue.² For generations, thoughtful and compassionate people have studied the problems of penal systems and recommended reform. In Canada, for example, Royal Commissions, parliamentary committees, task forces, prison administrators, and reformers of various persuasions have clearly recognized the problems inherent in imprisonment. These investigators identified serious problems, often shocked the public with their reports, and recommended changes to prison architecture, policies governing the treatment of prisoners, and rehabilitative programming (e.g. Jackson, 1983, pp. 28-31; Crowley, 1990, pp. 130-146; Withrow, 1933; Canada, 1938; Gibson, 1947; Canada, 1956; Canada, 1969; CSC, 1990).

Every reform movement provides its own optimistic blueprint for the prison of the future. Every investigation and every proposal seduces the public with the promise that prisons need not be oppressive, and that they could be, with the right recipe, kinder, gentler reformatories. In a perverse irony, the reform vision upholds the prison as the key to liberating the captive. In the humanizing prison, the transformative prison, the prison-as-community, the prisoner is readied for release. Ultimately, the reformers

promise a functional prison: a prison that serves both society's and the prisoners' needs. And yet, the result is a legacy of dysfunction and failure. The prison does reshape personalities, but as Jerry Lashuay's (2014) story makes clear, it does so in destructive ways;³ and, as both he and Forrest Lee Jones (2014) emphasize, the authorities knowingly neglect prisoners in their care.⁴ As a result, in each case, within a couple of decades, a new commission and new generations of prison reformers repeat the same or largely similar concerns, and advocate another round of reform.⁵ Stanley Cohen's (1985) now classic analysis offers two alternative interpretations of this cycle of penal practice and reform. The first interpretation is that the penal system was devised with good intentions, which are undermined by managerial and pragmatic concerns during implementation (*ibid*, p. 21). In this case, reform is a reasonable response. It is an effort to redirect the system back to its proper, socially necessary and humanitarian purpose. The second interpretation holds that the penal system is one facet of a larger socio-political project to "make acceptable the exercise of otherwise unacceptable power" (*ibid*, p. 22). In this view, the prison is one institution among a constellation of state agencies and institutions created to enshrine domination by a particular category of persons through regulation based on classification such as class, race, and gender (also see Corrigan and Sayer, 1985; Curtis, 1992, pp. 9-10). In this analysis, the entire purpose of the institution is unsupportable, which no amount of reform can correct.

At one level, reform has a certain undeniable logic. It is a reasonable response to work from an existing situation, especially when confronted with a massive complex of issues that seem too large to be addressed simultaneously or when certain aspects of a problem appear particularly pressing. Reform lends itself to partial, incremental change. Reform is also appealing when no ready-made, drop-in alternative solution is available. It generally demands no new, paradigm-shifting premise. In his journal, in his immediate effort to come to terms with the death of a prisoner in custody, Jarrod Shook (2014, p. 16) calls for "architectural changes, cultural change, and changes in the way CSC approaches intervening in the lives of those it assumes responsibility for". Yet on reflection, in his conclusion, Shook wonders if prisons are "perhaps worthy of being abolished altogether" (*ibid*, p. 19). The latter is the approach advocated by ICOPA, an approach that has itself shifted over time. As Bob Gaucher explains, early in its history, ICOPA moved from prison abolition to a "broader focus, relocating the

analysis of the prison within the complex social structures, social relations and social control institutions of western societies; that is, ‘penal’ abolition” (Gaucher, 2013, p. 130). Shook (2014, p. 12) accurately captures the reason for this approach early in his narrative: while prisons have been subject to reform and have evolved over time, the underlying structural brutalities remain. It’s “business as usual”. Moreover, as Kenneth Hartman’s (2014, pp. 35-37) piece on life without the possibility of parole makes plain, reforms often produce an entirely new set of negative consequences. In the end, we should not settle for prettier prisons or “subtle and somewhat less perceptible” brutality (Shook, 2014, p. 13). Nor should we settle for another round of failure. We must insist upon the elimination of the entire disciplinary, punitive approach, and its commitment to reproducing social and political hierarchies.

The enormous challenge of penal abolition can be daunting. It is hard to imagine a prisonless society. It is perhaps even more difficult to imagine a society without punishment as a core organizing principle. But if history teaches us anything, it is that social orders are in no way ‘natural’. Societies are the accumulated product of generations of decisions, conflict, compromise and contingency. The social order that we have today was not the only possibility. It was one of a range of possibilities and we know that societies can take an extremely wide variety of forms without collapsing. Change is both possible and realistic.

Crucially, we have, in Canada and elsewhere, a model for the abolition of a carceral institution. It can be and has been done. From the 1960s onward, the Canadian government dismantled the residential school system imposed on indigenous peoples. The similarities between the institutions are both striking and telling, and include a combination of involuntary incarceration, forced change, brutality, and dehumanization.⁶ The parallels in the histories of prisons and residential schools, and in the experiences of prisoners and residential school survivors are many: disorientation upon entry; ritualized status degradation ceremonies; the dehumanizing hierarchies of institutional relationships;⁷ the roles of work and religion as transformative agents (see McCoy, 2012, pp. 9, 13-14; Miller, 1995, pp. 102, 252); the production of institutionalized personalities (see Rotman, 1995, pp. 170-171; Miller, 1995, p. 387); the emotional scars that transcend ‘release’; the far-reaching impact upon families and communities (see Haig-Brown, 1988, pp. 43, 79-87, 104-114; Canada, 1956, pp. 70-71; Canada, 1969, pp. 377-378); and the

closely coinciding administrative concerns,⁸ barely scratches the surface of the overlap in these two total institutions.

Today, most Canadians would consider it absurd to debate the merits of residential schools or the ways in which those institutions might have been reformed into kinder, gentler vehicles for the assimilation of indigenous people. There is a consensus that the underlying purpose of these institutions was unsupportable. Yet many Canadians are perfectly comfortable with the methods and purposes of prisons, and some support even more severe policies and institutions. As abolitionists, we need to convince the public that the underlying purpose of prisons – like that of residential schools – is unsupportable. Perhaps we can find a way forward in the history of the residential schools and their closure.

Most importantly for our purposes, we must recall that residential schools were closed or transferred to indigenous control as the result of political action. Indigenous people across Canada mounted localized resistance to residential schooling for decades, as individuals and as communities, through non-cooperation, confrontation, formal petitions and litigation. But the successful campaign to establish indigenous control over education came after First Nations leaders organized, first provincially, and then nationally. Those indigenous leaders, including many who had attended residential schools, worked with supportive non-indigenous community groups, academics, and even sympathetic administrators in the Department of Indian Affairs, to make it clear to the Canadian public and the federal government that the residential school system was a failure, and that decisive change to educational policy was their highest priority (see Milloy, 1999, pp. 190, 236; Miller, 1996, pp. 343-405). It is worth noting that when change ultimately came, it was facilitated by a changed socio-political climate and new governmental priorities. The importance of post-war opposition to racism, the challenges to constituted authority posed by civil rights, anti-war, feminist, and student movements around the world, the growing indigenous population, and a federal government keen to simultaneously curb costs and win political support by integrating indigenous children into the provincial public school systems should not be overlooked (Miller, 1996, pp. 382-383, 399).⁹

What lessons should penal abolitionists draw from that experience? If change is possible, what is the way forward? For ICOPA, one point of note is that race (and racism) is a key means of producing what Philip Abrams

(1988, p. 63) terms “politically organized subjection”. The abolition of residential schools depended on the (still incomplete) discrediting of a racist ideology. ICOPA needs to continue to engage in introspection, and continue to ask and address the very difficult questions that emerged during the 2014 conference. Debates over discrimination based on race, class, and gender are needed in critical socio-political movements. Penal abolition is a struggle to resist and change a toxic system dedicated to maintaining hierarchies of power by imposing discipline and subjection on particular categories of people, and by gaining the collaboration of others through status recognition and material inducements.¹⁰ If we fail to ask the difficult questions and address them, we risk making ICOPA an equally toxic milieu, reflective of the broader social order.¹¹ It is incumbent upon us to work continually to ensure that ICOPA does not dehumanize or degrade any of its participants, and that we address inequities based on privilege. ICOPA must not have a “permanent underclass” (Nagelsen and Huckelbury, 2014, p. 53).

The struggles of indigenous peoples against colonial oppression also reinforce the importance of subject involvement in and leadership of resistance movements. Prisoner participation and leadership is important to ICOPA because prisoners have experience and expertise with regard to the penal system that those of us ‘on the outside’ simply cannot have. Prisoners bring important perspectives on key issues. For example, consider the debates over race at ICOPA 2014 (and the ones which preceded it) and the simplicity with which Jarrod Shook (2014, p. 12) acknowledges his racial privilege and its results. Likewise, Kenneth Hartman’s (2014) position on life without the possibility of parole resonates because it is presented by the sufferer in such powerful terms. It could not have the same impact if made by an outsider. As feminist activists have long known, that personal impact is important – it grounds us. ICOPA needs prisoner leadership because it is by coming to terms with prisoners as human beings that the public will become receptive to change. As was the case with indigenous leaders and residential schools, the public needs to ‘know’ and come to identify with the subject of oppression in order for change to occur.¹²

While prisoners have much to offer ICOPA, the reverse is also true. ICOPA can offer something to prisoners and can do so in the near term. Consider “Chester Abbotsbury’s” (2014, p. 28) statement that “the sad thing is that the person inside the fortress starves for human contact”, or the despondency of Kenneth Hartman’s (2014, p. 46) observation that “prisoners sentenced to a slow

death by imprisonment are daily reminded that their lives are simply not that important”. The penal abolition movement can provide something of value for prisoners right now – inclusion, connection, and meaning – as well as in the long term, if ICOPA involves them meaningfully and avoids the trap of becoming a movement of academics and activists. Building those relationships can be difficult and emotionally exhausting.¹³ We need to rise to the challenge. Indeed, the residential school experience – and the history of indigenous activism – shows the crucial support that ‘outside’ activists and academics can provide.

Finally, the residential school experience is important because it confirms that the struggle is not over when the institutions close. As previously noted, early in its history, ICOPA expanded its focus from prison abolition to resisting a society based on penalty. Residential schools for indigenous children closed over four decades ago in most parts of Canada. Yet the enduring legacy of the schools, and the values that produced them, persists. As Neil Shah (2014, pp. 35-36) makes painfully clear in his piece on restorative justice, ‘closure’ is a difficult object to achieve. There remain scarred residential school survivors who require support. There is an ongoing cycle of abuse with which to contend (Furniss, 1995, p. 31). Racist beliefs and attitudes continue to impact the lives and opportunities of indigenous people. First Nations leaders continue to struggle for recognition of aboriginal and treaty rights. Likewise, even when we succeed in abolishing prisons, we will still need to support former prisoners, their families, their victims, and their communities; and we will still have to contest penalty in its other forms. This task, as those who do the writing for the *JPP* and the work for ICOPA can attest, is massive. It requires deep moral contemplation and strategic action. But the alternative, as Nils Christie (2007) reminds us, is to be complicit in the delivery of pain.

ENDNOTES

- ¹ Nils Christie contends that contemporary prisons instead meet the unstated goals of supporting the economy through an expansive prison industry.
- ² Michel Foucault (1995, p. 268), observing that criticism of the penitentiary emerged almost immediately after its creation, wrote “[t]he answer to these criticisms was invariably the same: the reintroduction of the invariable principles of penitentiary technique. For a century and a half the prison had always been offered as its own remedy”. For an analogous interpretation, see Michael Ignatieff (1978, P. 209), Shook (2014, p. 12), Jones (2014, pp. 68-69), and Nagelsen and Huckelbury (2014, pp. 59-60).
- ³ As Erving Goffman (1961, p. 71) explains, “[t]otal institutions frequently claim to be concerned with rehabilitation, that is, with resetting the inmate’s self-regulatory

- mechanisms so that after he leaves he will maintain the standards of the establishment of his own accord... In fact, this claim of change is seldom realized, and, even when permanent alteration occurs, the changes are often not of the kind intended by the staff".
- ⁴ Lashuay (2014, p.43) writes that "Michigan Department of Corrections professionals... understood that children housed within penal facilities are at greater risk than adults. They also understood that their solution to the problem, a protecting housing environment, was not adequate to safeguard these children". Jones (2014, p. 64) describes a similar disregard for prisoner health and safety at a statewide level in California, where Governor Jerry Brown has delayed the implementation of measures to reduce prison crowding, despite a Supreme Court ruling mandating the reduction of prison populations on the grounds that the state is unable to provide adequate medical care.
 - ⁵ A striking example of the persistence of poor prison conditions can be found in Jose Vivar's (2014) account of Ontario's provincial prisons. Vivar echoes many concerns expressed in the Ouimet Commission report of 1969 (see Canada, 1969, pp. 99-102).
 - ⁶ The close similarities of the two institutions were noted by those who had been both students and prisoners (Miller, 1996, p. 387). In 1963, social worker Gloria Webster told the United Church *Observer*, "I used to work with female offenders in Oakalla [prison] and was surprised at the number of Indian girls who would say how similar the prison was to school, only the food was better in prison" (ibid, p. 529).
 - ⁷ On these points, compare Oswald Withrow's (1933) account of his reception at Kingston Penitentiary in the 1920s with the experience of indigenous children at the Kamloops Indian Residential School between the 1920s and 1960s (see Haig-Brown, 1988, pp. 45-52).
 - ⁸ Note, for example, the Department of Indian Affairs' focus on vocational training, post-release adjustment, and after-care, described in Miller (1996, pp. 385, 387-388). Similar concerns are outlined, for example, in the report by Gibson (1947, pp. 6, 16-17).
 - ⁹ It is important to note that these facilitative conditions were not determinative. Indigenous political action in Canada preceded the challenges to authority that emerged elsewhere in the late 1950s and through the 1960s. In addition, while the federal government sought integration, many First Nations groups fought for, and secured control over their children's education.
 - ¹⁰ For a discussion of status and inducements, see Braverman (1988, pp. 281-282).
 - ¹¹ On the concept of a 'toxic milieu', see Shook (2014, p. 13).
 - ¹² Harriet Beecher Stowe's portrayal of slaves in the antebellum South, *Uncle Tom's Cabin*, provides an example of the radicalizing impact of personal identification with the oppressed. Readers' empathy for Stowe's fictionalized characters – who were based on her experience in Kentucky and with runaway slaves – was instrumental in building abolitionist sentiment in the Northern states. As James McPherson (1988, p. 89) has written, Stowe "aimed the novel at the evangelical conscience of the North. And she hit her mark".
 - ¹³ Note "Chester Abbotsbury's" (2014, p. 25) explanation that many prisoners had been "shunted aside," having been seen as "requir[ing] too much work" along with his admission that both he and prison staff found it emotionally exhausting to form relationships with prisoners.

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PRISONERS' STRUGGLES

The American Prison Writing Archive

Doran Larsen

The United States holds more prisoners and employs more prison staff than any other country on earth. Yet there is no central location where the public, policy makers, activists, students or researchers can learn from the many years of first-hand experience of prisoners and prison workers. *The American Prison Writing Archive* (APWA) is an in-progress, Internet-based, digital archive of non-fiction essays that will offer the public first-hand testimony to the living and working conditions experienced by prisoners, as well as prison employees and volunteers. *Anyone* who lives, works or volunteers inside American prisons can contribute work to the APWA. The APWA seeks authors who write with the authority that only first-person experience can bring.

In separating men and women from their homes and families, restricting their movement, and stripping them of selected civil and property rights, the police, courts, and prisons mete out the violence that law sanctions the state to practice against the state's citizens. Policing, courtroom procedures, and prison practices are thus symptomatic sites for judging any state's legal integrity, its commitment to equal treatment, and its overall moral health. We make these connections without thought wherever camps and prisons emerge under tyrannous configurations of power: judging Stalin by his gulag, The Reich by its death camps, Apartheid by Robben Island, and Iran by Evin. We are certainly right to condemn such regimes. But we do so on the assumption that the full implementation of American legal rights, even-handed police enforcement, and courts that make no practical distinctions based on race or class have effectively isolated the prison from judgments upon the moral integrity of the state. The prisoner thus becomes the rightful victim of his or her own actions – the prison becomes a quarantined space for punishment of private, moral ills, and nothing in this complex bears significance for our assessment of the nation's legal health and democratic integrity. This is the working assumption in the United States today and it is at least forty years out of date. As sociologist Bruce Western observes on page 6 of his book *Punishment and Inequality in America* (Russell Sage, 2006), "Convict status inheres now, not in individual offenders, but in entire demographic categories". In turn, as the essays in the APWA suggest, the violent dysfunction inside American

prisons may be less the effect of whom we lock up than of institutional practices veiled by the sanction of law.

The APWA (like *Fourth City: Essays from the Prison in America*, 2014, the book project out of which the APWA evolved) seeks to break this quarantine and pull back this veil. Its premise is that American prison writers – like those who have written from Siberia, Auschwitz, South Africa and Tehran – remain our permanent vanguard in understanding whether the violence meted out by the law achieves order in the name, or at the expense, of justice. The APWA will also feature the writings of prison workers because such workers are too easily criticized as the originating sources of suffering among incarcerated people. These workers have life expectancies nearly twenty years short of other Americans and suffer the highest rates of suicide, hypertension, and alcoholism among any sector of law enforcement. Their behaviors are symptomatic of the collateral damage of the prison regime: this regime is organically linked to neoliberal states that offer the working poor prison jobs in lieu of employment in industries encouraged to globalize their search for the cheapest labour markets on earth – the same flight of solid-wage manufacturing jobs that have turned inner cities into employment deserts. Because Americans want mass-incarceration on the cheap, we overcrowd prisons and provide so few staff that staff must operate on a war footing, constantly threatening violence in what is, in effect, the nation's continuing, race- and class-based civil war.

The APWA is open to any testimony about the issues that matter to incarcerated people, prison staff, administrators, teachers and volunteers. The APWA values writing that takes thoughtful, constructive positions even on passionately felt ideas. The APWA is intended for researchers and for the general public, to help them understand American prison conditions and the prison's practical effects and place in society. All the work in the APWA will be open to anyone, anywhere in the world with access to the Internet. The APWA will open the American prison to public observation, and showcase the thinking and writing being produced inside.

Once included in the APWA, work will be featured indefinitely. Contributors can write under pseudonyms or anonymously. The APWA is not currently accepting poetry or fiction. We accept art (on a single 8.5 x 11 inch page) only if accompanied by an essay. *Contributors retain full and unconditional copyright to their work.* There is no deadline. We seek the widest possible gathering of American prison writing and we will read,

scan, and transcribe essays into the APWA on a continuing basis. Previously published work is acceptable if authors retain copyright.

Non-fiction essays, based on first-hand experience, should be limited to 5,000 words (15 double-spaced pages), but there is no limit to the number of essays any single author can contribute. Clearly hand-written pages are welcome. We charge no fees. We will read *all* writing submitted.

CONTACT INFORMATION

For more information and to download the permissions-questionnaire that must accompany all contributions, go to: <http://www.dhinitiative.org/projects/apwa/>. Mail questionnaires and essays, or write for more information to:

The APWA
c/o Hamilton College
198 College Hill Road
Clinton, NY
13323-1218
USA

You can send a request by mail to the same address for the permissions-questionnaire as well.

ORIGINS

The Winnipeg Anarchist Black Cross is one of many autonomous chapters of Anarchist Black Crosses (ABC) that exist around the world. The ABC started in the first decade of the 20th century to support anarchist Political Prisoners and Prisoners of War being detained and tortured after a failed revolution attempt in Tsarist Russia. It formed after a break with the already-existing Red Cross, which in many prisons was refusing to give support to anarchist prisoners, despite the overwhelming amount of donations and help it received from anarchists on the outside. Within a couple of years, ABC chapters had opened up in London and New York. Over time, the ABC has come to have a presence in all corners of the globe.

The Winnipeg ABC has gone through a couple of incarnations since the 1990's. The Winnipeg ABC started as a support group of the Anarchist Black Cross Federation (ABCF, more on that later) around 1996. The first incarnation of Winnipeg ABC group ceased to function around 2001. Several years later, a new ABC chapter was created which chose not to federate with the ABCF and organized consistently until 2010. Most recently in late 2013, a new chapter is just evolving. These different incarnations were not ideological splits, but rather the group stopping and starting again with new waves of energy and interest.

PHILOSOPHY

ABC fundamentally works towards prison abolition, and sees as inherent in this goal the necessity to also challenge the state and capitalism, recognizing that none can exist without the presence of the others. Within our Canadian and prairie context we also seek to challenge colonialism and the racism inherent in our justice system. In Canada, visible minorities, especially Indigenous people, are way vastly represented. However, Manitoba is significantly worse than the national average, where Indigenous people make up 11 percent of the population but a staggering 70 percent of the prison population (Comack, 2008). In this sense, we recognize that prisons are the more subtle way of continuing the cultural genocide that has been taking place here since European settlement began.

WHAT WE DO

Programs that the Winnipeg ABC has put on vary depending on the amount of people and energy involved at the time. Holding monthly “Political Prisoner Letter Writing Nights” are a staple of most chapters as well as doing documentary screenings, books to prisoner programs, a “Running Down The Walls” annual fundraising run (which spurred the Run for Rights fundraiser that now takes place annually in Winnipeg), supporting the ABCF’s Warchest program, which delivers much-needed funds to political prisoners, and organizing international conferences, such as the three-day “Doing Time: Exploring the Politics of Imprisonment”, which was put on in 2000 (and co-organized along with an editor of the *Journal of Prisoners on Prisons*, Bob Gaucher) in part at the University of Winnipeg. Directly helping out on the front lines of blockades or other actions, fundraising brunches, and distribution of information through print and Internet are also activities that ABC has regularly participated in. All chapters have either helped, or taken a lead in organizing around the issue of police brutality, seeing it as deeply intertwined with prisoner solidarity organizing. We have also coordinated with other prisoner support groups, like Elizabeth Fry Society, initiating and helping implement the Reading Stories project, where ABC and Elizabeth Fry volunteers recorded insiders reading stories for their children and distributed the audio recordings to the families of the insider. Winnipeg’s ABC is no longer involved, but Elizabeth Fry Society is continuing this project.

WHO IS DEFINED AS A ‘POLITICAL PRISONER’?

Due to the autonomous nature of individual chapters, who it is that receives support tends to vary. Some chapters cast a broad net and work with anyone who wants to work with them. Other groups, like those under the banner of the ABCF, adhere to a more strict definition of ‘Political Prisoner’ and will only offer (or prioritize) support to those who are being imprisoned for a conscious social action or participation in progressive or revolutionary movements. According to the New York ABC, there are currently almost 100 prisoners who fit this description in the United States alone. These range from Black Panthers who have been imprisoned since the early 1970’s, members of the Earth & Animal Liberation Fronts, hackers and information leakers, Grand Jury resisters, war resisters, and many more.

POLITICAL PRISONERS IN CANADA

Contemporary examples of political prisoners in Canada include the many people who were convicted and served time for charges in relation to the 2010 G20 Summit in Toronto. Only in December 2013 were the last two people convicted in G20-related offences released on parole. ABC organizing here also included support for Indigenous land defence struggles in Gustafsen Lake, Tyendinaga and Elsibogtog. Winnipeg ABC advocated on behalf of Gustafsen Lake defenders to have them added to the ABCF's Warchest program, collected items needed by the folks protecting the quarry in Tyendinaga and delivered the materials to them, as well as organizing speaking events, information sharing, and fundraisers for the protectors of the land. There are plans to arrange a fundraising brunch for the protectors of the land in Elsibogtog in the coming months.

Other struggles in Canada that do not fall under the 'Political Prisoner' definition, but that still deserve our support are those involved in the Federal Prison Strike that took place in the Fall of 2013, where federal prisoners across the country went off work in protest of a legislated 30 percent pay cut to their already meagre wages. There has also been a lot of awareness raised recently around the detention of migrants at the Central East Correctional Centre in Lindsay, Ontario where people are being held, some for up to seven years, and the only crime many have committed was not being born in Canada.

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REFERENCE

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The North American Animal Liberation Press Office *NAALPO*

The North American Animal Liberation Press Office (NAALPO) was formed in 1994 to respond to the mainstream media's uncritical reporting on animal liberation activities. The Press Office takes a proactive stance to communicate the actions, strategies, and philosophy of the animal liberation movement to the media and the public. Many of these actions are illegal under a current societal structure that fails to recognize the rights of non-human animals to live free of suffering, but validates and promotes the "right" of industries to do whatever they want to animals for profit or research. Within these conditions, those in the underground working for animal liberation often cannot speak out directly. Nevertheless, their actions and message is urgent, deserving to be heard and understood. No one else was performing this function in North America.

Press officers with NAALPO are not the Animal Liberation Front (ALF), nor do we know who the ALF are, nor do we want to know. If the Press Office had any direct dealings with the underground, knew who the members of underground groups were, or were members ourselves, law enforcement would not hesitate to charge and imprison us. The Press Office frequently receives communiques anonymously from these underground groups, and passes them along to the media, but has no personal knowledge of who sends them or from where they are sent.

We are frequently asked how one joins the underground animal liberation movement and the ALF in particular. Historically, those wishing to participate in direct action have gotten together with others they could trust of like mind and just started doing actions. ALF cells operate independently, and typically are begun locally by like-minded individuals who get together and decide to take action against animal abusers.

Although many other groups and individuals fight animal oppression in legal ways, the stark fact is that every year, more animals are exploited, oppressed tortured and killed than the year before. Members of the ALF and other underground organizations feel that in order to truly liberate animals, the unjust laws that allow their exploitation must be broken. The ALF and other direct-action groups have a history of effectiveness, closing many businesses that exploited animals, hurting many more economically, and freeing tens of thousands of animals, who could spend the remainder of their lives free of torture and suffering.

Some members of the animal rights community support the ALF and others do not. Many believe a wide variety of tactics are necessary to win animal liberation, as so many other struggles for liberation have demonstrated. The ALF seem to care not about what other activists or the public think about them, but what the animals would and do think, as they are liberated from their prisons of torture, suffering and certain death. Think about it: If you were locked in a cage your whole life, taken out only to be injected with poison or to be skinned for your fur, what would you want people to be doing about it? Working on legislation for years, writing kind letters to their congressman, or getting you the hell out of that cage?

NAALPO strives to promote the struggle for animal liberation, by distributing information on illegal acts of sabotage and the freeing of captive animals, and by promoting a culture that encourages, explains and exposes actions that help animals actions that are currently illegal under a corrupt system that encourages the exploitation, torture and murder of non-human animals. We also strive to support those relatively few individual who are imprisoned for their actions, although only a handful exist despite thousands of illegal direct actions.

CONTACT INFORMATION

No one at the press office draws a salary and we frequently use our own funds to continue our work. If you would like to support us, visit our website at www.animalliberationoffice.org/NAALPO and consider making a donation.

Why We Support Political Prisoners

Deep Green Resistance

At face value, ‘Deep Green Resistance’ (DGR) does not sound like the name of an organization involved in prison solidarity work. As a radical environmental and social justice organization, such work would seem an obscure part of what we do to some.

DGR is often pegged or pigeon-holed as an environmental organization. While much of our focus revolves around defending the natural world, it would be wrong to leave it at that – we are a feminist organization, we are an anti-racism organization, we are anti-capitalists, anti-imperialists. The slow consumption of the earth, the swallowing up of ecosystems to churn out economic commodities, is rooted in the same sadistic power structures as patriarchy, white supremacy and colonialism. The violation imperative, the drive to dominate that hides behind every clear-cut of old growth forest is the same that is embodied in the concrete and razor wire of the prison industrial complex. We cannot fight oppression in some places and ignore it in others.

Hence our evolving solidarity and support for political prisoners and Prisoners of War (P.O.W.s.). Our P.O.W. Support programs are just getting off the ground, but there is an enthusiasm within the community for this work that would surprise some, and confuse others who ask why we do this work. We do this work to make connections and show solidarity with people who have been imprisoned for actively fighting back against oppression. Contrary to what often becomes the dominant narrative, those held by the state have not been removed from the movement or cast aside to be forgotten – they are unbroken, with much wisdom and guidance for us to learn from, and are only forgotten if we forget them.

Our support of political prisoners helps form our view point of revolutionary struggle, white privilege and solidarity beyond simple “environmentalist”. Their history further informs us of how the structures of power in this culture function against those who organize to resist. While we do support prisoners from the environmental movement, we realize that the resistance has to be, and is, much broader than that. Currently, we are supporting POWs from a variety of movements including Black Liberation/ New Afrikan, Chicano revolutionaries, Indigenous freedom fighters and Earth liberation prisoners. We also support women, people of colour, and LGBT people who are punished for exercising the basic right of all living beings to defend themselves. These are all people who have consciously

acted against the forces of genocide and destruction. These are also people who have acted with strong revolutionary principles based on justice and continued struggle. Without the protection of white and class privilege, they dared to give all for their communities and in doing so provide excellent examples for us to follow and learn from today.

Of course, while not all those incarcerated are held in cages for their political beliefs or activity, we see all those held captive behind bars as prisoners of this society's war against freedom, and of its insatiable and merciless desire for absolute control. We do this work to bring awareness to the fact that there is a war going on and that it is not just one sided. Wherever there has been oppression there has been resistance. That is true whether we are speaking of institutionalized white supremacy, the subjugation of women, the genocide of indigenous peoples around the world, the oppression and plunder of the Global South by imperialists and capitalists (in so far as there is a difference) or the dismemberment of our planet's most vital life support systems by the system we call civilization. Across the world and throughout history, women and men have always risen against their brutalization and fought for their lands and communities. This rich history and legacy of struggle and resistance continues today. People are fighting back. In fact, that is precisely why many of them are imprisoned. We remind ourselves that not only is resistance possible, it is already happening.

And if we are to decisively end the oppression, genocide, exploitation, and murder that characterize the dominant culture and industrial capitalism, we need resistance. Those of us with DGR believe that serious and effective resistance is rooted in a culture of resistance – a culture that embraces an ethos of fighting back. Among the many things a culture of resistance entails is unwavering support for those captured or taken by the State. We need to create collective networks of support for members of our movements who are taken from their families, communities and movements. We need to show, by our actions, that those who put themselves on the line for Earth and for justice will be supported, that their families will be supported, that they will be remembered.

It is that supportive culture, with a resistance imperative, where action is born and nurtured. Those who are imprisoned are not separated from the movement – they are not forgotten until we forget them. Deep Green Resistance will continue to support them and retell their stories, letting

their courage be a spark in the darkness of this culture, inspiring us to step forward from where their footsteps stop, to continue fighting for what we know is right. Until all the walls come crumbling down and lie forgotten as they turn to dust, onward!

CONTACT INFORMATION

For information, please go to:
<http://deepgreenresistance.org>

For general questions or comments, please email:
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COVER ART

Tim Felfoldi is currently a prisoner at Collins Bay Institution (minimum) and is working on a book that features his art work, including the pieces on the front and back covers of this issue of the *Journal of Prisoners on Prisons*. Below is his biography:

I have drawn for as long as I could remember as a coping skill to address my disabilities (i.e. dyslexia, brain injuries). So with my need to tell my stories I turned to my ability to draw in order to communicate to others. In 1995, I received an editor's choice award from the *Nation Library of Piety*.

During my incarceration, I transferred my artistry to the underground prison tattooing industry. In the mid 1990's, I along with four key members of the lifers' group at Joyceville Institution got involved in prison harm reduction programs, specifically for the prevention of HIV/AIDS and Hepatitis infections, forcing Correctional Service Canada (CSC) to confront the issues of this epidemic we were facing. Our efforts, along with community agencies, lobbied CSC to introduce safer tattooing within prisons as a harm reduction strategy, which resulted in six tattoo shops being opened in Canadian prisons in 2005. However, the Government of Canada cancelled the pilot program a year later after reportedly spending \$3.7 million. They claimed "it was a waste of taxpayers money". However, their own financial auditors praised the program and stated that "it in fact save the public money on long-term treatments of new cases".

As time progressed, I returned to my drawing in an attempt to address the negative impact my involvement in the tattooing campaign was having on my parole hearings. This opened some doors for me in the art world, which led to some work being published and showcased in both galleries and museums in Ontario, Canada. I have also donated some of my works to agencies like PASAN, the Central Ontario Chrome Divas and the Ontario Distress Centre in support of their causes so that more awareness can be generated for infections / diseases like HIV / AIDS, Hepatitis, Prostate Cancer, Breast Cancer, suicide and depression.

Front Cover: "Generational Distress"
2012, acrylic paints on cardstock
Tim Felfoldi

This illustration is about the distress the First Nations people have within their own country. The fetus represents the beginning, while the old man

represents the ending stages of life. The mouth of the old man is an inverted maple leaf. To invert the flag is a sign of distress used by militaries around the world and is a call for help. The barb-wire is to state the abuses and imprisonment they have and still do endure within their lives. The First Nations people are overlooked by the Government as if they are sub-human, and the conditions and quality of life for many of them on the reserves are of third world standards. This attitude and dismissal towards the First Nations people continues in our country despite the claims we live in a land of freedom. Put together, this artwork conveys that the First Nations people of this land are imprisoned and are under distress from the time they are conceived to the end of their time. This piece has been exhibited at the Art on the Street Gallery Exhibit (Kingston, Ontario, Canada – 2012), the Peel Art Gallery and Museum (Brampton, Ontario, Canada – 2013), and the Prisoner’s Film Festival (London, Ontario, Canada – 2013).

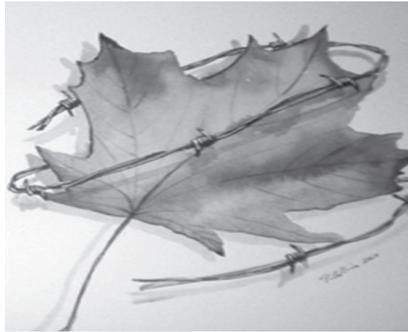
Back Cover: “Soul of Reincarnation and the Black Spotted Sun”
2012, acrylic paints on cardstock
Tim Felfoldi

This piece was inspired by a need to state that although the sun’s light maybe covered and overtaken by darkness from the prisons we form in life. Like that of the phoenix born of fire, the soul of reincarnation arises from the ashes of our past transgressions towards others or ourselves, striving to move forward to redemption. There is no bad soul, only misguided / lost people acting out from their pain or frustrations. To look beyond oneself and help another without expecting anything in return is the message behind this piece for I believe we all deserve a second chance. This illustration was first produced as a greeting card (Contour Body Art Studio – 2012). It has been exhibited at the Art on the Street Gallery Exhibit (Kingston, Ontario, Canada – 2012), the Peel Art Gallery and Museum (Brampton, Ontario, Canada – 2013), and the Prisoner’s Film Festival (London, Ontario, Canada – 2013).

**RESISTING CARCERAL NATION STATES:
THE FIFTEENTH INTERNATIONAL CONFERENCE
ON PENAL ABOLITION**

**JUNE 13-15, 2014
UNIVERSITY OF OTTAWA**

**ALGONQUIN TERRITORY /
OTTAWA, ONTARIO, CANADA**



CONFERENCE PROGRAM

PRE-CONFERENCE – JUNE 12

“Artists Against State Repression: Open Stage and Art Exhibition”
Café Nostalgica – 7:00pm

DAY 1 – JUNE 13

Opening Ceremony
9:00am – 9:30am

“Welcome to Algonquin Territory”

Albert Dumont – *Spiritual Advisor, Traditional Teacher
and Mediation Facilitator*

Claudette Commanda, LL.B – *Kitigan Zibi Algonquin First Nation*

“Welcome to the University of Ottawa”

Bastien Quirion
University of Ottawa

Plenary – Day 1
9:30am – 12:00pm

Bob Gaucher
Journal of Prisoners on Prisons

Claudette Commanda, LL.B
Kitigan Zibi Algonquin First Nation

Bob Lovelace
Ardoch Algonquin First Nation
Professor, Queen's University
Supporter, Gaza's Ark

Chair:
Justin Piché
Journal of Prisoners on Prisons
Criminalization and Punishment Education Project
University of Ottawa

Experiences of Criminalized and Incarcerated Women
12:15pm – 1:45pm (concurrent session 1A)

“Top Freedom, Criminalization, Incarceration and Isolation”
Jeannette Tossounian

“The Gender of Crime in the U.S.:
A Feminist Diatribe on the Police and Prosecution
Promoting Male Violence Against Women”
Cathy Marston
Writing from Gatesville, Texas, USA

“Patriarchy, Misogyny and Sexism:
A Dialectical Analysis”
Jennifer Gann
Writing from Delano, California, USA

“Re-bonding Ties as a Successful Re-entry Tool”

Yraida Guanipa

Yraida Guanipa Institute

Chair:

Sarah Fiander

Journal of Prisoners on Prisons

Hearing Voices: Using the Penal Press to Counter Dominant Discourses

12:15pm – 1:45pm (concurrent session 1B)

Melissa Munn

Penal Press

Okanagan College

Chris Clarkson

Okanagan College

Bob Gaucher

Journal of Prisoners on Prisons

Susan Nagelsen

Journal of Prisoners on Prisons

Charles Huckelbury

Journal of Prisoners on Prisons

Chair:

Ben Turk

Insurgent Theatre

Queer & Trans Prison Pen-Pal Project Roundtable:

Strategy and Mutual Aid

12:15pm – 1:45pm (concurrent session 1C)

Workshop Organizers:

The Prisoner Correspondence Project

Engaging Abolition:
Accessible Tools for Movement Building
12:15pm – 1:45pm (concurrent session 1D)

Workshop Organizers:

Alex Stearns – *Prisoner Strike Solidarity Network*
Tash Nguyen – *Sin Barras*

Imprisonment and the Canadian Carceral State
2:45pm – 4:15pm (concurrent session 2A)

“Business as Usual”
Jarrod Shook
Writing from Kingston, Ontario, Canada

“The Truth About Provincial Prisons”
Jose Vivar
Writing from Bath, Ontario, Canada

“International Prison Transfers”
Stefan Crisbasan
Writing from Springhill, Illinois, USA

“Daisy’s Rehabilitation: A Story of Hope”
Peter Collins
Writing from Bath, Ontario, Canada

“The Person I Am Now”
Neil N. Shah
Writing from Kingston, Ontario, Canada

Chair:
Ashley Chen
Journal of Prisoners on Prisons

Impacts of Incarceration on the Families
and Loved Ones of the Criminalized
2:45pm – 4:15pm (concurrent session 2B)

“Children of Prisoners in Aotearo, New Zealand”
Christine Harrison

“Families of Wrongfully Convicted Prisoners”
David Lord

“From Visiting Rooms to the Struggle for Abolition”
Gwenola Ricordeau

“The Journey: Our Struggles and Strengths”
Natasha Brien
Supporting Ourselves while Supporting Our Loved Ones (S.O.S.O.L.O)

Chair:
Stacey Hannem
Wilfrid Laurier University, Brantford

Grounding with My Brothers:
Stories from the Margins
2:45pm – 4:15pm (concurrent session 2C)

Workshop Organizers:
Brandon Hay and Junior Burchall
Black Daddies Club

Resisting the War on Gangs:
Inside and Outside
2:45pm – 4:15pm (concurrent session 2D)

Workshop Organizers:
Rachel Herzing and Jess Heaney
Critical Resistance

The Violence of Incarceration

4:30pm –6:00pm (concurrent session 3A)

“The Child is Prey”

Jerry Lashuay

Writing from Freeland, Michigan, USA

“Prison Living is Not So Easy”

Victor Becerra

Writing from Soledad, California, USA

“Poor Living Conditions”

Derrick Tucker

Writing from Raiford, Florida, USA

“The Culture of Incarceration”

Benito Gutierrez

Writing from Tracy, California, USA

“Gratuitous Brutality and a Solution To It”

James Bauhaus

*Writing from Lawton, Oklahoma, USA*Chair:

Sarah Fiander

Journal of Prisoners on Prisons

Prisoners Without Bars:

Racism, Torture, Secret Trials and Indefinite Detentions

4:30pm –6:00pm (concurrent session 3B)

“When Release on Bail Becomes a Financial Burden”

Dr. Hassan Diab

Justice for Hassan Diab

“Torture by Proxy”

Abdullah Almaki

Torture survivor

“Detained 11 Years Under a Security Certificate:
No Charge, No Evidence”

Sophie Harkat

Justice for Mohamed Harkat Committee

“How Torture, Racism, Secret Hearings, Indefinite Detentions,
Extradition and Refugee Interdiction Imprison Millions”

Matthew Behrens

Stop Canadian Involvement in Torture

Chair:

Matthew Behrens

Stop Canadian Involvement in Torture

Radical Utopianism in ‘A Prisoner’ Project in Emergent Ethics
4:30pm –6:00pm (concurrent session 3C)

‘Roy Smith’

‘Billy Bob Thornton’

‘John Johnson’

Chair:

Karen Raddon

Queen’s University

Sharing Successes, Challenges, Strategies
and Experiences of Participating in Abolition Work

4:30pm –6:00pm (concurrent session 3D)

Roundtable Organizers:

Red Bird Prison Abolition

Kate Pleuss

Alec Armstrong

Wes Coleman

Lauren Karaffa

Regina Martin

The Secret Trial 5 (documentary screening)

7:00pm – 10:00pm

Discussion with Amar Wala, Noah Bingham and Madeleine Cohen
(production team members)

Chair:

Sophie Harkat

Justice for Mohamed Harkat Committee

DAY 2 – JUNE 14

Plenary – Day 2

9:00am – 10:00am

Thomas Mathiesen

Norwegian Association for Penal Reform

University of Oslo

Michael Alston

National Jericho Movement

Chair:

Bob Gaucher

Journal of Prisoners on Prisons

Disability Incarcerated:

The Interface of Imprisonment and Disability

10:00am – 11:30am (concurrent session 4A)

Chris Chapman

York University

Liat Ben-Moshe

University of Toledo

AJ Withers
Community Organizer

Chair:
Jennifer Kilty
University of Ottawa

Colonization, Racism, Resistance and Criminalization I
10:00am – 11:30am (concurrent session 4B)

“The Criminalization of Indigenous Land Defenders
in the Context of Economic Colonialism”
Ben Powless

“Grassroots Work for Abolition and
Academia in the Anti-Violence Field”
Gladys Radek – *Tears 4 Justice / Gitksan Wet’suwet’en Territory*
Vicki Chartrand – *Prison Letters / Bishop’s University*

“Community-based ‘Crime Prevention’ and Racialized Incarceration”
Bronwyn Dobchuk-Land
City University of New York

Chair:
Jean-Philippe Crete
University of Alberta

Perspectives from Canada
10:00am – 11:30am (concurrent session 4C)

“A Civilized Society? The Culture of Punishment in Canada”
Andrea Hughes
Criminalization and Punishment Education Project
University of Ottawa

“Prison is as Harmful to the Cagers as it is to the Caged:
One Chaplain’s Thoughts on the Need for Prison Abolition
for the Sake of the Staff”

Kate Johnson
Queen’s University

“Finding Penal Abolitionism in Québec”

Pascal Dominique-Legault
Université Laval

Chair:

Susan Haines
Criminalization and Punishment Education Project

Research for Action: What Kinds of Information
Do Activists Need and How We Go About Getting It
10:00am – 11:30am (concurrent session 4D)

Workshop Organizers:

EPIC – End the Prison Industrial Complex

Education and Incarceration
11:45am – 1:15pm (concurrent session 5A)

“‘Making a Lotus Grow from the Mud’:
How Prisoners Create Meaning from their Prison Experience”

Rebecca Bordt
Depauw University

“Popular Education and In-Prison Organizing:
Currently Imprisoned Women Facilitating Movement Growth”

Colleen Hackett
University of Colorado

“Taking to the Streets and in the Detention Facilities:
Youth Justice, Hip Hop and Transformative Justice”
Mysnikol Miller, Anthony J. Nocella II, Kable Reid and Reies Romero
Save the Kids

Chair:

Claire Delisle

University of Ottawa

Colonization, Racism, Resistance and Criminalization II

11:45am – 1:15pm (concurrent session 5B)

“Racist-Imperialist-Patriarchy [R.I.P.]:

Penal Colonialism and the Abusive Legacies of White Supremacy”

Viviane Saleh-Hanna

University of Massachusetts – Dartmouth

“The Gap Between Indigenous Spirituality and Public Policy”

Danny Homer

“Untitled”

Syrus Marcus Ware

“Constituting the Citizen: Race, Prison and the Canadian Identity”

Terrence Hamilton

University of Toronto

“Spaces of White Supremacy”

Sadhana Bery

*University of Massachusetts-Dartmouth*Chair:

Viviane Saleh-Hanna

University of Massachusetts – Dartmouth

International Perspectives I

11:45am – 1:15pm (concurrent session 5C)

“The Process of Abolition”

Jehanne Hulsman

Hulsman Foundation

“On the Strategic and Purposive Uses of Abolition”

Mecke Nagel

SUNY Cortland

Chair:

Kat Armstrong

Women in Prison Advocacy Network

Prison Radio:

On Media, Prisoners and Prison Issues

11:45am – 1:15pm (concurrent session 5D)

Workshop Organizer:

Dee Blues of CKUT’s Prison Radio Show

Isolation and Deaths in Custody

2:30pm – 4:00pm (concurrent session 6A)

“An (Im)moral Performance: Examining the Effects of the
‘Psy-carceral Complex’ in the Ashley Smith Case”

Jennifer Kilty

University of Ottawa

“Institutional Trauma and Activist Stigma:
An Abolitionist Consideration of Secure Care
Following the Ashley Smith Case”

Ardath Whynacht

Mount Allison University

“Involuntary Solitary Confinement and Its Negative
Implications for Canadian Prison Officers”

Rose Ricciardelli and Hayley Crichton

Memorial University

“Detention as Death Row:

What Should We Do with the Prison’s Deadly Nature?”

Caroline Pelletier

Université Laval

Chair:

Brett Story

University of Toronto

Indefinite, Arbitrary and Unfair:

The Truth About Immigration Detention

2:30pm – 4:00pm (concurrent session 6B)

Workshop Organizers:

Mac Scott, Swathi Sekhar and Syed Hussan

End Immigration Detention Network

International Perspectives II

2:30pm – 4:00pm (concurrent session 6C)

“Spanish Penal Changes:

On the Criminalization of Political Movements”

Mirka Pozas Reintjes

Campaign Against Torture and Ill-treatment in Prison

“An End to the ‘War on Drugs’:

Staying on Top of a Shifting Carceral Landscape”

Colleen Hackett – *University of Colorado*Ben Turk – *Insurgent Theatre*

“Evolving Standards of Decency:

A Study of Political Perversity”

Susan Nagelsen and Charles Huckelbury

*Journal of Prisoners on Prisons*Chair:

Adina Ilea

*Criminalization and Punishment Education Project**University of Ottawa*

Don't Fence Me In:
Stories from the Inside
2:30pm – 4:00pm (concurrent session 6D)

Workshop Organizers:
Termite Collective

Leadership, Resistance and Isolation
4:15pm – 5:45pm (concurrent session 7A)

“The Prison Inside: A Genealogy
of Solitary Confinement as Counter-insurgency”
Brett Story
University of Toronto

“Lessons in Leadership Learned from
Irish Republican Resisters”
Claire Delisle
University of Ottawa

“‘The Worst of the Worst’: Learning from Each
Other to Resist Long-term Solitary Confinement”
Denis O’Hearn
Binghamton University

Chair:
Ardath Whynacht
Mount Allison University

Racism and Deportation in Ontario
4:15pm – 5:45pm (concurrent session 7B)

Deepan Budlakoti
Justice for Deepan

Sarah Mallette-Sillah
Justice & Honour for Muhammed Sillah

Yavar Hameed
Hameed & Farrokhzad

Chair:
Stacy Douglas
Carleton University

International Perspectives III
4:15pm – 5:45pm (concurrent session 7C)

“Developing Healthy Relationships:
Women Supporting Women to Remain in the Free World”
Kat Armstrong
Women in Prison Advocacy Network

“Australia 2014: Penal Colony on the Move”
Brett Collins
Justice Action

Homonormativity, Police Legitimacy and
Writing Alternate Histories”
Emma Russell
Monash University

Chair:
Colleen Hackett
University of Colorado

Everyday Abolition | Abolition Evereday:
Stories and Art of Everyday Resistance to the PIC
4:15pm – 5:45pm (concurrent session 7D)

Workshop Organizers:
Lisa-Maria Alatorre and Chanelle Gallant
Everyday Abolition | Abolition Everyday

The Shadow of Lucasville (documentary screening)
7:00pm – 10:00pm

Introductory Keynote:

Denis O’Hearn
Binghamton University

Discussion with survivors of the Lucasville uprising
calling from death row at Ohio’s supermax prison

Chair:

Ben Turk
Insurgent Theatre

DAY 3 – JUNE 15

Experiences and Critiques of Mass Incarceration
in the Golden State / Gulag
9:00am – 10:30am (concurrent session 8A)

“The Unintended Consequences of Bad Deals”
Kenneth E. Hartman
Writing from Lancaster, California, USA

“Deterrence, Rehabilitation and Punishment”
Harry C. Goodall
Writing from Soledad, California, USA

“The Politics of California’s Prison Overcrowding”
Forrest Lee Jones
Writing from San Quentin, California, USA

“A Formal Request for a Comparative Study of California Prisoners
Serving Life Sentences Without Parole to Those Serving Life Sentences
With Parole”
Dortell Williams
Writing from Lancaster, California, USA

“The Making of a Phantom Guerilla and Pseudo Revolutionary”

Kevin D. Sawyer

Writing from San Quentin, California, USA

Chair:

Sarah Fiander

Journal of Prisoners on Prisons

The ‘Other’ Abolitionists:

Unpacking the End-Prostitution Campaign

9:00am – 10:30am (concurrent session 8B)

“Carceral Feminism and Maternalism: Unpacking the Contradictions”

Stacey Hannem

Wilfrid Laurier University, Brantford

“Odd Bedfellows Indeed: The Alliance of Evangelical Christians,

Conservatives and (Some) Feminists in *Bedford*”

Chris Bruckert and Brittany Ruthven

University of Ottawa

“Beyond the Rhetoric and State Propaganda:

What Do Swedish Sex Workers Say?”

Robyn Maynard

Stella Montreal

“A ‘Made in Canada Swedish Model’?

Stigma, Violence and More Exclusion”

Emily Symons

POWER – Prostitutes of Ottawa Work Educate Resist

Chair:

Melissa Munn

Penal Press

Okanagan College

Researching and Resisting Carceral Nation States

9:00am – 10:30am (concurrent session 8C)

“What If Your Project Fails?

Confronting Disappointment and Demoralization”

Joshua Price

Binghamton University

“‘Wrexham Prison Blues’: Resisting the UK’s Largest Prison”

Robert Jones

Cardiff University

“Alabama Prison Struggles and Prison Labour Organizing”

Jordan House

*York University**Industrial Workers of the World*Chair:

Jean-Philippe Crete

University of Alberta

Resisting Immigration Detention: Voices from the Inside and Outside

9:00am – 10:30am (concurrent session 8D)

#migrantstrike Workshop Organizers:

Tings Chak

Mina Ramos

Voices from the Central East Correctional Centre

Reform and Abolition

10:45am – 12:15pm (concurrent session 9A)

“Ending the Obscenity of Prisons”

Tiyo Attalah Salah-El

Writing from Dallas, Pennsylvania, USA

“Collaborative Efforts to Achieve Penal Reform”

Jon Marc Taylor

Writing from Licking, Missouri, USA

“Proposals for Penal Reform”

Bobby Joe Smith III

Writing from Lawton, Oklahoma

“Mass Incarceration: The Further Compromise of Public Safety”

Shawn Fisher

Writing from Shirley, Massachusetts, USA

“Methods of Delegitimizing the Prison Industrial Complex”

Joe Convict

Writing from Canada

Chair:

Ashley Chen

Journal of Prisoners on Prisons

Restorative, Transformative and Social Justice

10:45am – 12:15pm (concurrent session 9B)

“The Aftermath of the Truth and Reconciliation Commission in South Africa: Operation, Gaps and the Need for Social Justice”

Vusi Wiseman Kweyama

University of KwaZulu-Natal

“Justice as Lived Experience”

Margot Van Sluytman

“From Responsibilisation to Transformation?”

Rethinking Accountability Strategies within Community-based Anti-violence, Anti-carceral Work”

Sarah Lamble

Birkbeck, University of London

Chair:

Shanisse Kleuskens
University of Ottawa

Critical Criminological Perspectives
10:45am – 12:15pm (concurrent session 9C)

“The ‘Other’ Prisoners:
Engaging Penal Abolitionists in Discussions on ‘Sex Offenders’”
Adina Ilea and Susan Haines
Criminalization and Punishment Education Project

“Treating the ‘Dangerous Offenders’:
From Justice to Safety – Legal Fiction or the Fiction of Legality?”
Monika Platek
University of Warsaw

“Penal Abolition as the End of Criminal Behaviour”
Michael J. Coyle
California State University – Chico

Chair:

Andrea Hughes
Criminalization and Punishment Education Project
University of Ottawa

“There is No Justice, There is Just Us”:
A Restorative Justice Approach to the
Incarceration of People Who Use Drugs
10:45am – 12:15pm (concurrent session 9D)

Workshop Organizers:

Rittenhouse

Public Action Briefing and
March to End Immigration Detention
12:15pm – 3:00pm

Organizers:

No One is Illegal

End Immigration Detention Network

Closing Plenary
3:00pm – 5:00pm

Part I:

Building International Solidarity to Resist State Repression

Discussion on the proposals from prisoners on what ICOPA can do to support behind prison walls, what was learned at ICOPA 15, and how to take that knowledge forward to build solidarity and resist state repression across the world

Part II:

Building Towards ICOPA 16

Selection of host site / organizers for the next conference, identification of key initiatives to be taken-up between now and the next conference, and formation of international steering committee for ICOPA to serve until the next conference

Chair:

Rachel Herzing

Critical Resistance

Participating Organizations and Contact Information

Black Daddies Club

Website: <http://theblackdaddiesclub.com/>

Email: brandon@theblackdaddiesclub.com

Criminalization and Punishment Education Project

Website: <http://cp-ep.org/>

Email: cpep.action@gmail.com

Critical Resistance

1904 Franklin Street, Suite 504

Oakland, California 94612

USA

Website: <http://criticalresistance.org/>

Email: crnational@criticalresistance.org

End Immigrant Detention Network

Website: <http://endimmigrationdetention.com/>

Email: migrantstrike@gmail.com

End the Prison Industrial Complex (EPIC)

Suite #409, 427 Princess Street

Kingston, Ontario, Canada

K7L 5S9

Website: <http://epic.noblogs.org/>

Email: epic@riseup.net

Everyday Abolition | Abolition Everyday

Website: <http://everydayabolition.com/>

Email: everydayabolition@gmail.com

Hameed & Farrokhzad

43 Florence St.

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Hulsman Foundation

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Email: j.hulsman5@upcmail.nl

Industrial Workers of the World

General Headquarters

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Email: ghq@iww.org

Insurgent Theatre

Website: <http://insurgenttheatre.org/>

Email: insurgent.ben@gmail.com

Justice & Honour for Muhammed Sillah

Muhammed Sillah

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Lindsay, Ontario, Canada

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Website: <http://justiceformuhammed.wix.com/sillah>

Email: justiceformuhammed@gmail.com

Justice Action

Trades Hall - Lv 2, Suite 204, 4 Goulburn St

Sydney, New South Wales 2000

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Justice for Deepan
OPIRG Carleton
326 Unicentre, Carleton University
1125 Colonel By Drive
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Website: <http://www.justicefordeepan.org/>
Email: justicefordeepan@gmail.com

Justice for Hassan Diab
Website: <http://www.justiceforhassandiab.org/>
Email: diabsupport@gmail.com

Justice for Mohammed Harkat
Website: <http://www.justiceforharkat.com/news.php>
Email: sophielamarche@hotmail.com

Kitigan Zibi Community Services
P.O. Box 309
1 Paganakomin Mikan
Maniwaki, Quebec, Canada
J9E 3C9
Website: <http://kzadmin.com/Home.aspx>

National Jericho Movement
P.O. Box 2164
Chesterfield, Virginia 23832
USA
Website: <http://www.thejerichomovement.com/>
Email: richmondjericho@gmail.com

No One Is Illegal
Website: <http://www.nooneisillegal.org/>

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Prisoner Correspondence Project
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H3G 1M8
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Email: nfo@prisoner Correspondence Project.com

Prisoner Hunger Strike Solidarity Coalition
Website: <https://prisonerhungerstrikesolidarity.wordpress.com/>
Email: prisonerhungerstrikesolidarity@gmail.com

Prison Letters
c/o Vicky Chartrand
Assistant Professor
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Bishop's University
2600 College Street
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J1M 1Z7
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Email: prison.letters.ottawa@gmail.com

Prostitutes of Ottawa/Gatineau Work, Educate and Resist (POWER)
Website: <http://www.powerottawa.ca/>
Email: powerottawa@gmail.com

Prison Radio Show
c/o CKUT 90.3 FM
3647, University St.
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H3A 2B3
Website: <https://prisonradioshow.wordpress.com/about/>
Email: prison@ckut.ca

Redbird Prison Abolition
P.O. Box 1291
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Rittenhouse
314 Jarvis Street
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Website: <https://joanr73.wordpress.com/>
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Save the Kids
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E-mail: reies1976@gmail.com

Sin Barras
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Email: sinbarras@gmail.com

S.O.S.O.L.O.

Supporting Ourselves while Supporting Our Loved Ones

Website: <http://www.meetup.com/S-O-S-O-L-O/>

Email: sosolo411@gmail.com

Stella Montréal

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Stop Canadian Involvement in Torture

Website: <http://caravan-stoptorture.blogspot.ca/>

Tears 4 Justice

Website: <http://www.ahki.ca/tears-4-justice.php>

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