

# *Life After Incarceration*



**Harvard Kennedy School Journal of African American Policy**

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# Editor's Note

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By Demarquin  
Johnson

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In the United States, we owe formerly incarcerated people. This fact is abundantly clear when you evaluate the status quo. A person who completes their sentenced punishment after being found guilty has paid their debt to society. Unfortunately, laws across the country force formerly incarcerated people to continue to pay for their misconduct long after their release from the criminal legal system. These collateral consequences of incarceration are often unrelated to the person's crime and dramatically hinder the reentry process. Cultural stigma, legal discrimination, and enhanced trauma describe the reality for hundreds of thousands of people in America, because "free" society continues to make formerly incarcerated people pay. Hence, we owe them.

Though it cannot be an all-inclusive proposal of what we owe or how we should reimburse the formerly incarcerated population, this volume of the *Harvard Journal of African American Policy* (HJAAP) is a starting point. The Black community is intimately aware of the need to transform America's penal culture. Although Black people represent only 13 percent of US residents, we make up a disproportionate 40 percent of the more than 2.3 million people held in confinement. Most incarcerated individuals, including youth and immigrants, are expected to regain freedom after serving their time. However, many will do so without the training, support, and resources to become healthy, productive members of society, which is why 76 percent of individuals are expected to return to prison within five years. To change current trends, we must change our attitude. Reentry planning must

begin on the first day of confinement and continue far beyond the first day of release.

My personal understanding of this problem has heightened over the past year. I recently reconnected with a relative who is incarcerated. Although they have been physically absent all of my adult life, our written reunion confirmed they have always been spiritually present. Our letters are full of laughter, but there is a sense of pain lurking in the corner of each envelope. Prison is not a joke. When I toured a correctional facility for the first time in the fall, it was mentally strenuous to listen to the administrators and guards, to observe the dilapidated environment, and to imagine the daily lives of the imprisoned. The national discourse on criminal justice reform rarely describes what I experienced. Legislative accomplishments, such as the First Step Act, and widespread protests, like the 2018 national prison strike, seemed miniscule when I assess the totality of damage caused by the pernicious penal system. In response to my sense of grief, I decided to commit HJAAP to a discussion on an issue that is often placed on the backburner: reentry.

The works included in this volume underscore the need for systemic reentry reform at micro and macro levels. Each piece includes recommendations, implicit and/or explicit, for shifting the current toxic conditions to a more socially constructive scheme. Some of the articles may be at tension with one another, but others may fit neatly into a cohesive narrative. Similarly, some arguments may reinforce your policy views while others

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challenge your core values. HJAAP is proud to facilitate a diverse and lively conversation. The voices of currently and formerly incarcerated people were prioritized for publication. This volume is deliberately sequenced to give historical context, examine life in prison, and explore reentry challenges.

Historical examples, contemporary research, and personal accounts describe state-operated racial violence in “A Look Back at My Experience with Police Violence, the Root Cause, and the Traumatic Impact It Has on Black Communities.” Keston Jones, a formerly incarcerated Black man, highlights police brutality and its lasting effects. The piece introduces how Blackness is a key target of the criminal legal system and provides a helpful foundation for fully understanding the depths of the articles, essays, and art that follow.

In “Smartphonapalooza,” Ali Moseley shares his experience of owning a smartphone. The associated benefits and disadvantages of the cellular device within prison are functionally similar to, yet obviously different from, the ramifications of smartphones for those outside prison. Moseley’s story is likely to take you on an emotional ride and leave you with more questions than answers.

Former Santa Cruz mayor Tim Fitzmaurice, in “Art, Incarceration, and the After Life: On Teaching Creative Writing in Prison,” writes about teaching creative writing at Salinas Valley State Prison. He includes the words of his students to emphasize the importance of recognizing incarcerated people as part of the local community. Ultimately, Fitzmaurice calls for society to rethink our attitudes toward this population.

In “Going to See the Man,” Kevin Sawyer narrates his trip to the Board of Parole Hearings. His inner thoughts and detailed observations transform the perfunctory visit to a critique of “rehabilitation.” There is a not-so-subtle irony in the comparison of his prison resume and his evaluation of prison culture.

Excerpts from the photo essay “Life After Life in Prison: The Bedroom Project” are used as a transition point for the journal. Sara Bennett provides photographs of women and their handwritten messages to put faces to the population this issue focuses on. Women of color are intentionally used to underscore the fact that they are the most overrepresented demographic in prison compared to the general population.

“Do the Pipes Align: Evaluating the Effectiveness of Prison-to-College Programs” is a unique comparative analysis by Lillian R. Lampe-Martin and Christopher R. Beasley. After identifying key factors affecting the transition from prison education programs to post-prison education programs, the authors evaluate several such enterprises across the country. The study details strengths and weaknesses of the programs as educational initiatives and as benefits to incarcerated persons and greater society.

Victor J. St. John and Kwan-Lamar Blount-Hill incorporate a geographical and architectural approach to reentry analysis in “Place, Space, Race, and Life During and After Incarceration: Dismantling Mass Incarceration through Spatial and Placial Justice.” They explore how the physical structure of correctional facilities and the spatial distribution of social service resources within Black communities contribute to mass incarceration. The piece concludes with recommendations for change.

“Changing Language Changes Perception” by Dr. Vanda Seward demonstrates the power of rhetoric. She actively discourages the use of common terms that describe people who are or have been in prison in order to reduce the weight of the negative social stigma attached to them throughout their lives. Because words matter, there is a need to ensure currently and formerly incarcerated individuals are described with people-first language.



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Liku Madoshi, the author of “Mind on Lock: The Impact of Incarceration on Black Mental Health,” argues for a greater mental health focus in criminal justice reform. She contends more attention to mental health will benefit all incarcerated persons, but especially Black people. She cites the predicted reduction in recidivism as support for her recommendations.

Tachana Marc analyzes the Sunshine State’s current political climate in “Reentering Society: The Florida Narrative.” By focusing on rehabilitation, she highlights areas for improvement in the Department of Corrections. The policy ideas discussed include assistance during and after incarceration.

In “Wisconsin Has a Solution to America’s Hidden Unemployment Problem,” I discuss startling statistics about the national unemployment rate among the formerly incarcerated population. The effects include negative impacts on public safety and economic growth. Luckily, a current law in Wisconsin serves as a model solution to this problem.

Relatedly, Tiffany Thompson focuses on entrepreneurship in “Sunlit Prison of the American Dream.” She weaves together the stories of Black, formerly incarcerated business owners to outline barriers to and necessary reforms for business opportunities. Individual and systemic challenges are explicitly brought to light.

Various pieces of poetry are included throughout this volume. Their melodic words bring forth emotions best expressed artistically and impossible to summarize in a policy proposal. Several of the poets were connected to HJAAP through the Social Justice Sewing Academy, the Poetic Justice Project, and California Arts Council’s “Arts in Corrections” and “Reentry Through the Arts” programs. HJAAP is grateful for those who have committed their professional and personal lives to this work.

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# A Look Back at My Experience with Police Violence, the Root Cause and the Traumatic Impact It Has on Black Communities

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By Keston Jones,  
MHS, CASAC

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*Keston Jones is the founder and executive director of the Foundation for the Advancement and Rehabilitation of the Marginalized (The FARM), a nonprofit that works to encourage, educate, and assist in the improvement of our most natural resources: Family. He is also the fatherhood program director for SCO Family of services. He brings years of experience working in the field of father involvement and mentoring. His recent venture Visionaries, Offering, Information with Clarity, Expertise and Substance (V.O.I.C.E.S.) is a digital platform that facilitates the opportunity for thought leaders, advocates, educators, and ordinary people to share their amazing stories in their own words.*

*Keston holds a Master's Degree in Human Services from Lincoln University, where he graduated with honors. He is a credentialed alcohol and substance abuse counselor (CASAC).*

*Keston is a doctoral student at Yeshiva University, where he is working on a dissertation towards a PhD in Social Welfare, as well as teaching as an adjunct professor in the social work program.*

## Introduction

*For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others. — Nelson Mandela<sup>1</sup>*

As a young African American male raised in the heavily surveilled Crown Heights area of Brooklyn, I was always aware that the police presence in my area of the neighborhood was very different from their presence in the Jewish section of the community, separated from us by Eastern Parkway. The Black community has always felt we were not as valued as our Jewish neighbors, fueling racial tension which became particularly evident during the Crown Heights Riots of 1991.<sup>2</sup> This tension erupted when a driver in a motorcade led by the Grand Rebbe of the Lubavitcher sect of Hasidic Jews ran a red light, jumped a curb, and struck two Black children. Seven-year-old Gavin Cato was killed; Angela Cato was seriously injured. Rumor soon spread that an ambulance belonging to the Jewish community came to the aid of the Jewish passengers, but failed to tend to the severely injured Black youths. In retaliation, Yankel Rosenbaum, a young Jewish scholar, was stabbed and killed by a group of angry Black teenagers. What followed were three days of rioting, violence, and looting that found the Black community in direct conflict with the Jewish community, as well as local police.<sup>3</sup>

Today, as a grown adult who still lives in the same community, I cannot help but wonder, “What would have happened if my community

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had the same supportive relationship with the police department as the members of the Jewish community?” As early as 11 or 12 years of age, I recall a number of incidents with police where I was treated inappropriately and made to feel unequal. According to research, the marginalization of African American youth begins during the prepubescent years; because we are viewed as much older than our White counterparts, we do not receive the same level of protection they do.<sup>4</sup>

As a 16-year-old youth, long frustrated by poverty, abuse, and the lack of a father figure, further victimized by gang members, I joined a growing statistic of adolescent teens negatively involved in the justice system. Unrelated to the tension with the Jewish community, I became a problem to the residents in my very own section. Along with other youth with similar backgrounds, I began participating in robberies, one of which led to the untimely death of a store clerk. I was arrested shortly after. Despite the fact I was not the shooter, based on the law and ineffective legal representation, I ultimately received a sentence of 15 years to life.

“My story is similar to the stories of many other teenage Black males.”

For young Black youths, the above incident is all too common. Why have our communities developed into environments where the youth have considered crime and violence as an outlet, rather than the traditional outlets of school, sports, and leisure? My story is similar to the stories of many other teenage Black males. I lacked a respect for the law. In retrospect, my rationale was to view the law not as something we had to abide by, but rather as something that was hypocritical and imposed on us by those who did not follow it themselves. In fact, residents have a negative perception of police based on a history of negative encounters.<sup>5</sup> Fortunately, with the advent of social media, deaths like those of Tamir Rice, Sandra Bland, Terrence Crutcher, Philando Castile, and Botham Jean have entered the public discourse. Americans

are becoming increasingly aware about the issue of police violence in America.

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## Statement of Purpose

Rooted in a history of oppression and violence, policing in America has developed into a system predisposed to view African Americans as more likely to be perpetrators and/or predators and less likely to be deserving of fair and equal treatment.<sup>6</sup> This, in turn, has led to sustained levels of disproportionately high police encounters among African Americans. According to Gilbert and Ray, police performed over 700,000 stops in New York City in 2011, as a part of the “stop and frisk” program. Of that number, Blacks represented half, Latinos one third, and Whites less than 10 percent. Moreover, in cases where police used force, Blacks represented 55 percent of those at the receiving end.<sup>7</sup> According to Michelle Alexander,

Law enforcement officials . . . often point to the racial composition of our prisons and jails as a justification for targeting racial minorities, but the empirical evidence actually suggested the opposite conclusion was warranted. The disproportionate imprisonment of people of color was, in part, a product of racial profiling—not a justification for it.<sup>8</sup>

The now disbanded stop and frisk program in New York City was an example of this.<sup>9</sup>

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## Literature Review

The roots of police violence against African Americans lie in the inception of police in America. “Paddy rollers,” also referred to as “slave patrols,” were the first form of organized policing in the United States. The first formal slave patrol was created in the Carolina colonies in 1704. By 1837, the Charleston Police Department had roughly 100 officers. Their primary functions were (1) to chase down and apprehend runaway slaves, and return

them to their owners; (2) to serve as a means of organized terror to deter slave revolts; and (3) to maintain a form of discipline for slave workers, who were subject to summary justice outside of the law if they violated any plantation rules.<sup>10</sup>

What followed was a history of violence meted out against Black people by the police. Despite the passing of the 13th Amendment, African Americans continued to be victimized by policies that unfairly ensnared them in the pseudo-chattel slavery that is mass incarceration.<sup>11</sup> Reconstruction marked such an era. From 1865 to 1866, Southern legislators sought to restrict the movement and overall freedom of recently freed Blacks by implementing “Black Codes.” Black Codes legally required Blacks to sign yearly labor contracts, forced apprenticeships for young Black minors, and prohibited Blacks from occupations outside that of a servant or farmer. Additionally, Blacks were required to pay much higher annual taxes than whites. Failure to comply would result in imprisonment or worse.<sup>12</sup>

“Descendants who did not experience the trauma directly can still evidence signs and symptoms of distress related to the trauma.”

Worse came in the form of the Jim Crow laws, designed to restrict the Black labor force. Between 1890 and 1909, every former Confederate state, Tennessee excepted, instituted new vagrancy laws that were harsher than both the Slave and Black Codes.<sup>13</sup> From the 1880s to 1965, these Jim Crow laws affected all aspects of life for Black Southerners. Such laws mandated separate parks, drinking fountains, and restaurant entrances for Blacks and Whites; Blacks and Whites were even prohibited to play dominoes and checkers with one another. These laws were nonnegotiable and sanctioned by the government; failure to abide by them resulted in swift and violent acts of police brutality.<sup>14</sup>

Police brutality is unwarranted physical violence perpetrated by an individual or group symbolically representing a government-sanctioned law enforcement agency, as opposed to

an individual perpetrator who represents only themselves. Police brutality occurs within the context of police officers possessing privilege and, often, presumed justification for their actions as individuals and professionals sworn to protect and serve the community.<sup>15</sup>

Police brutality is linked to numerous issues: excess morbidity among Blacks at both the individual and community levels; fatal injuries that increase population-specific mortality rates; adverse physiological responses that increase morbidity; racist public reactions that cause stress; arrests, incarcerations, and legal, medical, and funeral bills that cause financial strain; and integrated oppressive structures that cause systematic disempowerment.<sup>16</sup>

For African American men, police brutality has proven to be a common experience. Based on statistics, African American males are twice as likely to be incarcerated as Whites.<sup>17</sup> In their research, Chaney and Robertson suggest that since Black people in general, and Black males in particular, are caricatured as aggressive and criminal, police are more likely to view Black men as a threats justifying the disproportionate use of deadly force.<sup>18</sup>

The numbers are also deplorable for African American women as well. According to Willingham in her article “Black Women and State-Sanctioned Violence: A History of Victimization and Exclusion,”

“The contemporary state violence perpetrated against black women and girls is rooted in the enforcement of such historical state-sanctioned practices as slave codes and Jim Crow segregation laws and is merely a reflection of the continual victimization of black women at the hands of the state.”<sup>19</sup>

This victimization can be traced as far back as the arrival of the first slave ships, when laws protecting against rape extended to White women but not to Black women. White slave owners were safe to and even encouraged to sexually assault Black women, who were

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considered property, not people.<sup>20</sup> As such, Black women's bodies were never meant to be protected by white men. Under slavery, Black men were stripped of their power to protect their female counterparts; consequently, Black women as well as their children were more vulnerable and susceptible to all forms of violence by White slave owners.<sup>21</sup> The court system also proved to be even harsher against Black women than Black men; for example, Gross found that

Between 1794 and 1835 in Philadelphia, roughly 72 percent of black women who went before juries were convicted. They also had fewer of their cases dismissed than any other group and were more starkly over-represented in prison than black men. For example, black women were approximately 47.5 percent of female prisoners, whereas black men accounted for only 29 percent of imprisoned men—both were disproportionately represented however, as African Americans were far less than one-quarter of the city's population. These trends occurred in the North and South.<sup>22</sup>

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### Acknowledging the Trauma

In the United States, police kill more than 300 Black Americans each year, a quarter of whom are unarmed.<sup>23</sup> The collateral damage from this includes increased mental health concerns even for Black people not directly affected by police brutality.<sup>24</sup> Police brutality is the direct product of mass incarceration and its predecessors. Intergenerational trauma, also known as historical trauma, refers to severe traumas, such as war, extreme poverty, dislocation, enslavement, and genocide, suffered by families or cultural groups and for which their descendants continue to suffer the consequences. This cumulative trauma results in ongoing psychological distress that can be passed across generations. Descendants who did not experience the trauma directly can still evidence signs and symptoms of distress related to the trauma.<sup>25</sup>

In “Trauma-Induced Effects of Police Brutality,” Helms, Nicolas, and Green argue that “an instance of police violence against racial and ethnic marginalized persons is a direct cataclysmic racial and cultural event.”<sup>26</sup> Traumatic experiences with such lasting effects can range from witnessing police violence—threats, physical assaults, or murder—to racially motivated acts like being called boy/girl or a racial slur. Communities that experience chronic police brutality may face increased risk of a variety of psychosocial challenges, including depression, anxiety, anger, and fear.<sup>27</sup>

In addition, children of parents with posttraumatic stress disorder (PTSD) are significantly more likely to exhibit dissociative states and biomarkers of PTSD. While descendants of trauma survivors who are culturally marginalized, such as American Indians, may have direct experiences of trauma in different stages of their lives, these traumas should not be divorced from the historical, intergenerational trauma of their cultural communities.<sup>28</sup> Intergenerational trauma can trigger depression, substance dependence, suicidality, and internalized oppression, in which an individual adopts the view of oppressors. The potential consequences of intergenerational trauma are psychological distress, anger, depression, aggression, substance dependence, distrust, suicidality and internalized oppression, in which the individual adopts the view of oppressors resulting in self-hatred and self-destructive behaviors. The long-term persistent effects of enslavement for Black communities have been discussed in the psychological literature as posttraumatic slave syndrome. Some scholars have further posited that many ethnic minorities, rather than suffering from posttraumatic stress, would be more accurately described as experiencing *ongoing* traumatic stress through continued and widespread exposure to racism, violence, and intergenerational poverty.<sup>29</sup> I would also add to this list the ongoing trauma caused by mass incarceration.

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## Returning Citizen

I served a total of 17 years. During my incarceration, I gave a lot of thought to the circumstances that led me to pursue crime and other delinquent behavior. I recall feeling extreme remorse, mainly for taking part in an activity that caused someone to lose their life, but also for the pain and suffering caused to members of my community. When I was released on 22 September 2011, my goal was to be a part of the solution to the problems facing my community. This included furthering my education. While incarcerated, I obtained GED, associate, and bachelor's degrees. Since my release, I have earned a masters degree in Human Services from Lincoln University (PA), and I am currently enrolled in Yeshiva University's PhD program in Social Welfare. In addition, I am employed as an adjunct instructor in the social work program, where I teach cultural diversity, social welfare organization, and human behavior.

“During my incarceration, I gave a lot of thought to the circumstances that led me to pursue crime and other delinquent behavior.”

My experience, education, and determination have armed me with the skills necessary to excel in the field of human services, specifically through my work with fathers, men, and youth. I have worked for a number of nonprofits, both social and legal, in addition to starting my own organization, the Foundation for the Advancement and Rehabilitation of the Marginalized (FARM). However, despite the many strides I have taken to empower and educate both myself and my community, I am still subject to the same racial profiling I was subjected to before my incarceration.

For instance, since my release, I have been stopped by the police while driving for no apparent reason. I have also had guns drawn on me and been subject to numerous vehicle searches. In another instance, while working for the Bronx Defenders, I was detained while returning from a successful court appearance with a few of my colleagues. Had it not been

for the quick intervention of my colleagues, who were all lawyers, I am certain that I would have been thrown against the wall and searched. The officers in question had no just cause, and when they realized who my colleagues were, quickly apologized to them for any inconvenience. At no point did they apologize to me.

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## Conclusion

*“What does it mean, for instance, that black children are ritually told that any stray movement in the face of the police might result in their own legal killing?” — Ta-Nehisi Coates<sup>30</sup>*

Coates' words voice the reality for parents of color, who unlike Whites, must stress to their children the need to remain calm and courteous when dealing with police, essentially putting the onus on the child to be the professional rather than the so-called trained professional.<sup>31</sup> As a professor who now teaches social workers and other human services practitioners, my experience has come full circle. I stress to my students that it is important to be aware that increase in police violence may also contribute to the likelihood of an increase in clients' involvement in various systems, including criminal and mental health. This information is especially pertinent to Whites who may not take into consideration the historical trauma that communities of color face as a result of a history of violence at the hands of the police.<sup>32</sup>

I have experienced and worked with many who know firsthand that police violence is all too real. Until we acknowledge this fact, and work to address the issues that allow this problem to fester, we will continue to create an atmosphere where distrust between Black communities and law enforcement remains the primary outcome rather than working together for the common good of all the community, not just the affluent members.

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# My Time

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By Sheri S.

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As I sit here and think about things on the outs,  
My mind wonders about the loyalty of my loved ones and brings out my doubts.  
The time goes by and you forget about the date,  
Wondering why a cell door closing for me is God's fate.  
I wake up looking at cement walls,  
praying to God I can get through my sentence and not fall.  
Sitting around as conversations become dry,  
Watching people turn on each other and things become a fight.  
Serving meals, and pushing this broom,  
Helps me keep my sanity by letting me out of this room.  
The time is hard as the metal door closes,  
Trying hard not to cry about the loneliness because everyone knows it.  
The guards walk past without a second thought of who you are,  
Waiting for you to line up and just play the part.  
Laying and thinking under the dim cell light  
of things that got me here haunt me every night.  
The stories people tell and the things you see.  
Make you wonder about what they are like on the street.  
The lies build up and the promises break,  
It's hard to tell who's really real and who's fake.  
Looking at my reflection, and seeing these stripes  
Reminds me everyday I'm another inmate: stripped of my rights.  
Forgetting what home feels like makes it all too real,  
Being institutionalized for so long is like having a shield.  
Writing letters and phone calls not returned,  
Family not responding, thinking "you'll never learn."  
But to get through this time is the only choice you have.  
It's up to you to make something of it—good or bad.



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# Smartphonapalooza

'smärt-,fon-,('ə)-,pa-,lū-za

n: festive celebration

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By Ali Moseley

*Ali Moseley is currently incarcerated at California Men's Colony. He is serving 82 years to life for first-degree murder and attempted murder. Ali is the author of the novel Broken Wing.*

*San Diego, California, 2015*

Donovan State Prison is flooded with illegal cellphones. I buy one for \$350.00. I get caught with it 30 days later. I buy another.

On most days, I come “home” from work, sit on the bunk, and play on my phone for an hour, first catching up with tweets of the day, then scrolling through my Instagram feed, then reading over a couple of last emails. My home is a small room with four walls and a slit for a window. The bunk is only three feet wide and six feet long, a couple feet above the floor. I've been here 11 years.

Once all the notifications have been cleared and all the tweets have been read, and I'm in the prison exercise yard grunting out push-ups and chin-ups, I find some reptilian part of my brain is still thirsty. So I return to the cell and the cycle, opening apps to diminishing returns, until I'm up to my eyeballs in photos of Nicki Minaj and Kim K, footage of Kevin Hart clowning, and updates from people I've never met—an endless stream pouring in from all across the globe.

I am risking 90 days of good time credits. I go around telling my boys, “If I got rid of

my phone, I could finally attend college!” I read countless blurbs online plugging do-it-yourself dotcoms for publishing. I don't have much faith in these DIYs, as nobody I know in prison has ever succeeded in self-publishing their own book. But what if publishing really were easy as discovering one simple dotcom? Then the only suckers would be those writers who didn't try.

So I decide to try, starting with a time-consuming manuscript and networking. I spend five years banging away at my typewriter before I break the Swintec. By 2015, I have copyrighted *Broken Wing*, a 600-page, Bible-thick manuscript. Very much like Richard Wright's *Native Son*, the slum ghetto residents of my novel are doomed to an anomic world of norms and beliefs in conflict in South Los Angeles. The current problem is I don't have an agent.

After a dozen polite rejection slips from East Coast agents and publishing houses, the manuscript sits on my locker, going nowhere. I now only use my phone as a handheld computer, and I can't say I'm looking for a reason to stop. Scrolling up my Facebook feed, my eyes freeze on *Createspace.com*; I tap it, a DIY publishing arm to Amazon will afford users advanced tools. Maybe now I'm ready to become an author.

Next come apps that temporarily turn my phone into a laptop. I watch YouTube videos and download Microsoft Word one afternoon; my amazement at seeing the first draft of

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*Broken Wing* in Word made me double down on the manuscript at night. The moment feels empowering, and revising my urban novel in digital makes it feel that much more real. But I'm a writer, not an editor. I need another affordable solution.

Where social media networking fails, I turn to a friend-friend—meaning I connect with a friend of a friend who is a professional editor. I go back to my Facebook feed, and “friend” an artist who doubles as a mall cop in Antelope Valley. He creates A-1 cover art for rap CDs and believes we can photoshop a book cover in one week.

“How do I send payment?” I ask.

“PayPal,” he says.

Awkward silence.

“That a problem for you?”

I am on YouTube. PayPal accounts. “Nope.”

“I am risking 90 days of good time credits.” My first months are a constant stream of YouTube, tutorials about NetSpend and GoFundMe and Createspace. Even after the initial novelty wears off, I find the results to be pretty impressive.

Createspace is functionality without fun. DIY publishing is as thrilling as a college math final exam. Writing was still artistic, yet somehow more professional. I still waste time on PornHub, but I waste much less. Over the course of six months, I somehow manage to pay my bills—for my phone, an editor, an artist, and a creative consultant. Turns out I'm a natural at fundraising. The *Broken Wing* project has gestated a more grown up attitude in me, giving my life after a life sentence a fighting chance.

Jobs and Woz started in mom's kitchen. Jay got his start on a Brooklyn street corner. Zuck-

erburg launched from a Harvard dorm pad. I established City of Angelz Publishing in a Southern California prison.

The disappointing thing, I find, is that I am not rehabilitated by this. I'm a real ham for petty forms of celebration—double-decker Taco Bell shells in my food box (from mom), gangster flicks starring De Niro (or Pacino), rap music, MMA cage matches, the sleekness of the phone as it powers on. When I come home from the yard, I crave easy escape through text messages and endless streams of shallow, undemanding forms of private celebration.

Rehabilitation can work, but the question is: Do you really want to change? Harder than saying no to cellphones in prison was admitting to myself that I owed Tre, the young man I murdered in a 2004 drive-by shooting, so much more than I had given.

It didn't happen overnight, for sure. It was, and still is, hard to say no to cellphones in prison. I miss the face-to-face time with Mom, who lives in Ontario, Canada and the instant messaging on Facebook, and I still don't socialize much with inmates in the TV room. But I know it's okay and the craving will pass. There are always solutions. For example, a while back I set a goal to earn a college degree in Behavioral Science with emphasis in Addiction Studies.

I knew that going to school would help me keep the faith that people can arrest their psychological addictions here in prison, as they do outside. I believe that with education and moral conviction miracles can happen, and perhaps God has given me the gift of sitting in a well-earned seat as an example, so that the next person will have a less difficult time of it, knowing that it is possible to say no to contraband cellphones for good in CMC-West.

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# Art, Incarceration, and the After Life:

## *On Teaching Creative Writing in Prison*

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By Tim  
Fitzmaurice

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I remember introducing myself to the Warden's assistant at San Quentin when I went to the new Warden's swearing in. She was almost angry that I taught writing to lifers. "My kids don't get free education but these scum do . . . What can they do with a college degree in computers anyway? A bunch of murderers and rapists . . . I don't get it." The rudeness of this comment to a virtual stranger was shocking, but it shows how close this feeling of disdain is to the surface, especially within the walls of a prison.

“We begin each class with a handshake.” I teach creative writing in a maximum-security prison near Soledad, California. Many of the people I teach will get out. Not all. And not soon. But many will get out. And some will live in your town, maybe your neighborhood. We have the duty to create a humane system of “correction” that includes the promise of a path to a positive life in freedom. Maybe it will help if they have the ability to think critically, to imagine empathetic characters, to write patient poems, and to write with some discipline. Art offers people a path to constructing their future.

I heard about the HJAAP special issue focused on life after incarceration at the last minute, the day before I went to the prison for the last time before Christmas. I have been doing this for three years. I have taught writing at the

University of California at Santa Cruz for 40 years. I know teachers who have taught art in prison for decades.

The program has been run for 30 years by Laurie Brooks and others in the William James Association, a nonprofit in Santa Cruz, California, that manages over 60 artists in seventeen state prisons and other places of incarceration in California. Laurie likes to say “Art creates agency.” It makes people take control of their lives the way they take control of the material that they have at hand and make into art. “Life after incarceration” has to be about this kind of resistance to where you have been placed.

I go to class every Friday morning and afternoon to teach something about creative writing, about storytelling or poetry or play writing, essay or letter writing, or memoir. We come to class each day, hoping for about three hours together, but with late starts and early departures the class usually lasts just over two. And too often half the writers refuse to come. But this refusal is often not a genuine choice.

We begin each class with a handshake. They call each other Mr. The greetings cross gang and racial lines. Many have lived on the same 500-man yard for decades but have never met until this class. They write together about a 1940s black and white photo of delinquent

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boys in a postwar cage, about a poem by Pablo Neruda, about family and noncontact visits, about giving young men they know “The Talk” about their own safety in this world. The class begins with 20 minutes of writing, followed by oral reading and conversation. Next is a short lecture on some principle of writing and then a longer project we are doing over time in hope of eventually performing or publishing it.

Really, the writing circle is about supporting each other. These men are the most careful and generous readers imaginable, always positive. Such a tone is necessary in prison. Etiquette is required for creating an atmosphere of peace and respect. I have never had to ask for it. This tone also assures the writing circle will not be discontinued by the institution.

cover two-thirds of the year. I know the yard will go down that often.

Last Friday, an alarm sounded and the yard went down. It was early so only a few inmates were out on the yard. They sat down on the ground where they were. I was getting ready to teach creative writing. An officer told me to leave the gym. Before I could go, officers brought in a young Black man who was wearing gray shorts and a white t-shirt. Exercise clothes, ragged stuff you wear in your cell. Too sloppy for anything else. The inmates are very particular about how they dress for different things. They wear gleaming, white, unsmudged running shoes for my class. This man wore hand cuffs. He had a longish beard and appeared no older than 30. His eyes were downcast, sad, not at all the usual defiant look of men led into the gym to be put into the holding cells. The holding cells are roughly phone-booth sized cages—Do they still have phone booths?—but slightly deeper. As I walked out the door of the gym, I asked a correctional officer what was happening, and he said it was a suicide attempt.

The suicidal inmate delayed the start of class. When I tried to start class in the gym, a woman CO told me that the class was canceled. I thanked her and went to the Lieutenant to tell him class was canceled. I asked what reason I should give for this in my report to Sacramento, and he got immediately energized and stood up from his desk. He said class was not canceled and had me teach the class in the chapel. People in Sacramento want the California Department of Corrections and Rehabilitation to keep the last R in CDCR functional. I assume the Lieutenant did not want to explain a cancellation to anyone.

I saw the HJAAP special issue announcement the day before that 21 December class. I knew there would be no class on 28 December. I wanted my writing groups to think about the questions raised in the issue announcement. I wanted to give them your snail mail address to submit writing.—they do not have access

“Life after incarceration has to begin during incarceration or there will be no “life after” that is not fraught with danger of reoffending.”

Arts classes in prisons have different and successful approaches decided by each artist instructor. This uniqueness makes sense because every prison is quite different. In spite of their similarities in architecture, these places develop their own cultures, different in the cool, wet climate of Pelican Bay, the heat of Tracy, or the cold snows of the High Desert. Salinas Valley was notorious in the 1990s as a “gladiator” prison and for its “green line” (the correctional officers, or COs, wear green). It still carries some of that reputation. Programing there is sparse, as it is in all the remote prisons. By contrast, the San Quentin Prison near San Francisco, for example, is different, a sexier place to work. Artists want to go there. It has more programs.

I went to Salinas Valley State Prison on Friday the 21st of December at 8:30 am to teach story writing and poetry to a couple dozen men in prison for life or for very long terms. The yard I teach on has many lockdowns, often for fights and acts of violence. I teach year-round, but I designed my contract to

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to email, at least not legally. The yard I work on has maybe 500 incarcerated Americans, among whom are a few Whites, a few Asians and Samoans and Native Americans, but mostly African Americans and Latinxs . My writing circle is about half Black and half Latinx plus one Samoan at this time. I gave them your address. Some may respond, but as you can see, nothing went right that day.

Life after incarceration has to begin during incarceration or there will be no “life after” that is not fraught with danger of reoffending. The men in my circle can speak about life after incarceration because most of them have been incarcerated before. They grew up in group homes and in the Youth Authority. They have been in and out of prison. One student with drug dealing, theft, gun, and gang convictions is serving a 50-year sentence. He told me he got out after 12 years once; he needed to feed his family, so every day he put on a suit and looked for work for six straight months. “Finally, I just needed to make some street money, so now I am back.”

“Art is about everyone’s equal participation.” How do you stay out? The world is not set up for successful reentry for these people. I know that the art of writing can help people succeed, help them to find a language without the silly restrictions of grammar and other ways we exclude people from writing. It can give them a foundation for patiently confronting the issues in their lives.

Here are three letters that my inmate writers wrote about our writing circle to the students that I teach at the University of California at Santa Cruz. You will have to excuse the references to me. I disdain heroic, “Lean on Me” depictions of writing that put teachers in some place of preeminence in this. Art is about everyone’s equal participation. I come to the writing circle with the same need to write the other men have. The class is a unique experience for men who have been incarcerated for decades, and in many cases, in solitary confinement. Some have spent

fifteen, twenty, or more years in Pelican Bay. This is how they talk to those who might listen to them on the outside:

**E:** We are two different worlds. On your end you have the choice to take a class to write. I was given this opportunity to join this class “Creative Writing” in which it was a rare opportunity. I don’t want to be complacent to this environment; as it is we are already forgotten. My daily struggle remains the same. A life in here where there is nothing to gain. I value this class and its purpose to learn something new. I will also value all on the other end of this letter to participate, just to learn something new. It’s a chance to feel part of the outside world. I’m a little anti-social, don’t know how to communicate with others but I’m willing to learn and grow. I’m in a place where no one wants to be and you in a place where we all wish to be but working together is a starting point to feel we can work together for the betterment at least for myself if anything but I would like to think I could offer something as well and I will do my best to do so.

**D:** I’m \_\_\_\_\_, an inmate at Salinas Valley State Prison. I’ve been in prison over 20 years. At 17 I chose to take the life of a rival gang member’s. I came into prison still gangbanging, but I also came to prison unable to read and write as I became more educated I fell in love with writing poetry and principle pieces. Writing has allowed a window to express some of my most profound feelings, thoughts in a way that has shown me another way to focus my energy on in times of stress. So I value Tim’s Writing Circle SVSP because it allows me to find create and continue to develop as a writer and person. I think that we would be a good pair of eyes to see that the stereotypes is not who we are. Come meet us. Talk with us. Allow our expressions to be received openly. See that we are more than. Come and show us, teach us your ways, express your thoughts, show us that you are more than. Come and join us for you are a good pair of eyes to show that y’all are not the stereotype; that the stereotype is not who you are.

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A: Today I will be writing about the value of me participating in this class. First let me start off by telling you all a little about myself. My name is A\_\_\_\_\_and I am 19 years old. I had come into the system at a very young age 16. I have a 4-year old son. His name is \_\_\_\_\_—Now to my story—

I just started writing and I like it when I write a story or poem. I go into my own world. It takes away my stress and calms me down. Now the values of me participating in this class are very simple and understanding. My number one value is for me to learn more about how to write a story or a poem. Our teacher “Mr. Tim” is a very good teacher. He makes writing very easy and understanding. When I first arrived into this class I did not care for writing. What does writing do for me? Writing makes me feel like I’m not in prison. Like I said writing makes my stress go away. I LOVE writing.

Writing to the students at UCSC helped lift the veil on the inmate writers’ invisibility. Perhaps their worst punishment. These still-missing people are incarcerated Americans and the health of the community depends on how we include them in the life of the community. Maybe you can bring some of this light.

The man above who signed his letter D has been in prison for almost thirty years, since he was seventeen. Now he is in his forties. He taught himself to read and write while in solitary for 20 years. This message should end with his voice. He wrote this poem with its clear homage to Maya Angelou:

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## Caged Bird

molded from the black land of clay  
on a crisp summer day  
seeking joy in a state of decay  
these penitentiary gates  
predict the ruin of the golden state  
the years spent in prison  
is growing old  
making men bitter and distant  
the stench of rage smolders  
in the brutal intoxicating air  
frisking the noses of cast away men  
pride once high  
This is why the caged birds can't fly

The roots of shadows opened his eyes  
to a host of dry leaves  
fake smiles and silent stares  
one place  
but still a maze  
among many graves  
The new slaves  
in these stockade plantations  
stretched across the nation  
The representation of his incarceration  
don't believe in rehabilitation  
This is why the caged bird can't fly

The eyes of the blackbird  
imagining flying above the sharp razor wires  
on fire running toward freedom  
as the moonlight burns his courage  
being chastised by the supreme being of his dreams  
many things seem  
to be true when one is sleeping  
sweeping  
across the inaccessible landscape  
with faith  
chasing an illusion  
with conclusion of a lie  
This is why the caged bird can't fly

Year after year bad fortune lurks about him  
as he sits he hears torture of violence near him  
men beating on steel doors  
screaming for liberty  
shackled to concrete  
defeated by loneliness  
strictly guided by barcode  
bitterness of the blackbird in solitude  
gives way to a black attitude  
the magnitude of idled years piled up  
give reason to the man hanging in the cell  
hoping to fly  
when he die  
This is why the caged bird can't fly

Remember what D said in his letter to UCSC students: "See that we are more than."

NOTE: The names of inmates have been left out by agreement with the Warden's office and with the writers. This material was approved for educational distribution by the Community Resource Manager and Warden's Office of SVSP in 2016.

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# Going to See the Man

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By Kevin D.  
Sawyer

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*Kevin D. Sawyer is an African American native of San Francisco, California, born in 1963.*

*He has written numerous unpublished short stories, memoirs, essays, poems and journals*

*On incarceration and other subjects. Some of his work has appeared in the Oakland Post, California Prison Focus, San Francisco Chronicle, The Life of the Law, San Francisco Bay View, The Pioneer (CSUEB), Brothers in Pen anthologies, Iron City Magazine, 580 Split, Wall City, and the Journal of Prisoners on Prisons.*

*Sawyer is the associate editor for San Quentin News ([www.sanquentinnews.com](http://www.sanquentinnews.com)). He is a member of the Society of Professional Journalists (SPJ) and a 2016 recipient of The James Aronson Award for Social Justice Journalism. He was also on the San Quentin News team that won the 2014 James Madison Freedom of Information Award from the SPJ. Prior to incarceration, Sawyer worked 14 successive years in the telecommunications industry for several corporations. He is a certified electrician through the National Center for Construction Education and Research and a practiced guitar and piano player. He holds a bachelor of arts degree in mass communication with a special broadcasting option from California State University, Hayward, and a diploma as a paralegal from Blackstone Career Institute. He is currently working on a novel.*

Handcuffs were placed on me in the parking lot of the tech company where I worked as a contractor on 18 November 1996. Decades later, almost 22 years to the day, a Board of Parole Hearings commissioner spoke to me about obtaining my freedom. I wasn't supposed to have this conversation for another 20 years, but recent changes in California's laws kept reeling in the date for my possible parole, reducing my long wait to go home.

So there I was in San Quentin, California's oldest prison, holding an inmate pass as I approached an, exterior section of the castle-like structure. The heavens baptized me in a downpour of rain, soaking my watch cap and jacket. I stopped and stood behind a yellow line that was marked "Out of bounds." I waited behind the line and looked up at the guard tower and the battlements above it. Any movement beyond the line could be interpreted as an escape attempt because the two steel doors on the building lead outside the prison.

There are three ways for a prisoner serving a life term to get out: through the parole board, a court order, or escape. I suppose dying is another, but that's not an option most consider. In the guard tower above the steel door, officers are equipped with the state's killing apparatus—mini-14 semiautomatic rifles. A Black female correctional officer opened a sliding window and looked down at me. I held up my prison identification card and pass and said, "I have a consultation hearing." She acknowledged what I said and made a phone call. "Someone will come to escort you," she said to me. I waited in the rain for another minute or so before a correctional officer appeared.



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“Do you want to come in or stand in the rain?” he said jokingly, with a smile. “It’s your choice.” He led me through the big steel doors and directed me immediately to the left, through another steel door. Inside to my left was an old wooden bench. Further in, up a narrow incline on the left, there were three holding cages, each a little larger than a telephone booth, with tray slots cut into the doors.

I was the first prisoner scheduled for a hearing that morning. This meant I wouldn’t have to wait for other prisoners’ hearings to end. Good for me. Imprisonment demands the exercise of patience, so we learn to wait. However, if one can avoid waiting in line and instead do something productive, it obviously makes sense to do so.

“Imprisonment demands the exercise of patience, so we learn to wait.” At the top of the incline, on the landing, was another wooden bench to the left. Above it, painted on the wall was the statement “Vulnerability is Courage.” I placed my wet cap inside a pocket on my jacket, took it off, and placed it on the bench and sat down. I noticed the wall opposite me also had words painted on it. They were placed in random order, scattered in different sizes and fonts like a ransom note.

I wondered how many men serving life had seen what I was looking at, and how many in the free world who would never see what I was viewing. Because of this, I made it a point to write the words down in my day planner. They were “personal responsibility,” “serenity,” “empathy,” “insight,” “honesty,” “wisdom,” “remorse,” “integrity,” “trust,” “family,” “life,” “peace” and “compassion”—all the shit I’d been listening to for the last two decades.

Those words read like a broken record to me. The so-called self-help programs and groups in prison use such words to push their agenda, and prisoners, both the sincere and deceitful ones, use these words in an attempt to cajole commissioners with what I call BS: “Board

Speak.” Some prisoners pretend they didn’t understand the difference between right and wrong before they were convicted and sentenced to prison. That’s the other BS. When they appear before the Board after years of incarceration, they suddenly have some great revelation about moral definitions.

By the time some prisoners meet the man, they’ve been “programmed” with a state education. I recall Paulo Freire referring to this as the banking theory of education in his book *Pedagogy of the Oppressed*. Freire described this banking a process in which the oppressor makes “deposits” into the mind of the oppressed.<sup>33</sup> I think it was Steven Biko of the African National Congress who said “the most potent weapon in the hands of the oppressor is the mind of the oppressed.”<sup>34</sup>

I never allowed the state’s programming to influence my independent thinking, so I resisted its different forms of subjugation. I’m still resisting. Jack Henry Abbott outlined the state’s directive in his book *In the Belly of the Beast*. “A prisoner is taught that what is required of him is to never resist, never contradict. A prisoner is taught to plead with the pigs and accept guilt for things he never did.”<sup>35</sup> I experienced this with the one and only write up I have ever received, at another prison over a decade ago, for my alleged involvement in a prisoner-led work stoppage that I did not actually participate in. Abbott said indoctrination begins once someone is arrested. “Every minute for years you are forced to believe that your suffering is a result of your ‘ill behavior,’ that it is self-inflicted. You are indoctrinated to blindly accept anything done to you.” It sickens me to listen to a prisoner speak as an apologist for the state. It’s why I can’t play the rehabilitation game. The system would love to tell me how and what to think. That’s never going to happen. It’s why I’ve always carved out space in prison and in my mind to continue my education behind bars, lest I forget that Abbott also said that “Why they now have ‘education programs’

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in prison . . . [is] so we learn only what they want us to learn.”

Across from the bench where I was sitting, there was a large bathroom behind bars like those on a jail cell. In the bathroom was another bench, a porcelain sink, and toilet. Scores of men had waited in these areas to learn their fate. Now I was waiting behind the similar bars, outside two board rooms. The walls in the waiting area were painted light beige with some brown trim. The 12-by-12 foot tiles on the floor were an off-white color. Some were mismatched.

The correctional officer who escorted me in was kind of chatty. He kept speaking to me in a pleasant tone. I considered why and reached the conclusion that he was measuring my temperament. He probably needed to know who this prisoner going to meet the man was. What did I care? He was friendly, so we talked. About what, I don't remember. During the conversation I was performing counter reconnaissance on him and my surroundings.

After a brief period, the officer escorted me into the board room. I'd heard many negative stories about this place, but I walked in without any preconceived biases because I've been in prison long enough to know that everyone's case and situation is different. The politics of the tough-on-crime era had precluded many men from getting a parole date granted. Others had given up and caved in to the state's systemic oppression. By doing so, they broke rules, received write ups for rules violations, and made many trips to the hole. Now that the pendulum is swinging in the other direction they're paying dearly for their willful past transgressions. That wasn't the case for me. Life outside and inside prison was and is about discipline, so I've always maintained a progressive course.

My protracted life in prison has made me the witness to untold acts of violence and crime committed by both prisoners and venal correctional officers. I have had to navigate

a minefield of drugs, contraband, weapons, riots, melees, lockdowns, cell searches, prisoner-manufactured alcohol, theft, strip searches, grievances, litigation, transfers, tear gas, racism, homophobia, hatred, gangs, extortion, rape, fisticuffs, handcuffs, fraud, treachery, sectarian violence, and the hustle and flow of the downtrodden comingled with the ever-present prospect of death. Because of it, I've become introspective, enlightened, vigilant, and suspicious of people's intentions.

The commissioner introduced himself. He was eagle-eyed and discerning, evaluating me in an almost nonchalant manner so as to not make it obvious. Probably unbeknownst to him, I was doing the same in my nonadversarial mode.

By this time, a young Black correctional officer entered the room. On top of two wide tables that separated me from the commissioner, creating considerable distance, were boxes of tissue. I've heard how some men have been moved to tears in the board room.

Microphones with long thin necks were spread across the table to record hearings. "This conversation isn't being recorded," the commissioner said. I noticed the LED illuminated at the base of a microphone close to me, so I was a little incredulous at his statement. Four computers were mounted on the table alongside the commissioner. He faced me and the window at my back. He could see the freedom land that I left 22 years ago. Even in the board room I couldn't see freedom. It was still behind me; part of my past.

The commissioner explained what I should expect at a board hearing. "Do you have any physical limitations?" he asked.

"I've been diagnosed with osteoarthritis in my left hip," I said.

"Do you think it will prevent you from sitting for a long period of time?" he asked. "These hearings can last longer than three hours."

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“It’s not a problem now,” I said. “But I can’t say how it will affect me in the next five years.” That’s when I’m eligible to appear before a full board of two to three commissioners and a state prosecutor from the county I was convicted in.

“I see you’re wearing eye glasses,” the commissioner stated. “Are they bifocals?”

“Yes.”

He noted my Test for Adult Basic Education score of 12.9. That’s a test required by law to assess a prisoner’s level of education. My score indicates that I have an education stretched beyond high school.

“Do you have a high school diploma or GED?” he asked.

“Yes, I have a high school diploma.”

“Did you receive that before prison or after prison?”

“Fuck, this guy is good,” I was thinking. He was asking all the right questions. He was sharp and thorough. I was thrilled because my last three correctional counselors—guards with a desk job—were never able to locate records of my education level or test scores. Each time that happened, by some reflex, they asked me if I have a GED. The commissioner wasn’t presumptuous. He simply asked direct questions to get the answers he needed.

“I received my diploma before prison,” I said. “I also have a bachelor’s degree.”

“Did you receive it before prison?”

“Yes.”

“Where did you receive your bachelor’s, and what was your major?”

“California State University Hayward. The degree is in mass communication with a

special broadcasting option.”

“Before prison?”

“Yes.”

“What year?”

“1995.”

With the conversation about my education out of the way, the commissioner continued his interrogation. “What kind of work did you do before prison?” he asked.

“I worked 14 years in the telecommunications industry for several companies,” I said. “The longest was with MCI, where I was employed nearly 12 years.”

I looked over at the young Black correctional officer, smiled and said, “I think most of us are old enough to remember the old MCI Telecommunications phone company.” The officer smiled as the rest of us grinned because he bore the brunt of my remark. I sensed that no one in the room took offense to what I said.

“What did you do at MCI?” the commissioner asked.

“I worked in sales, customer service, operations, and my last position was in network administration. I was a coordinator who ordered the interconnection of transmission facilities between MCI and other telephone companies.” I didn’t want to complicate the conversation with technical jargon, so I was brief with my description.

“Do you know when your board date is?” the commissioner asked.

“My minimum eligible parole date was in 2038,” I responded, and then explained changes in the law. “Proposition 57 pulled it in by two years to 2036, and last year Assembly Bill 1448, the elderly parole bin, pulled it

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in another 13 years, so I believe I'll appear before the board in five years."

"Your board date is in 2023," he said, explaining that a prosecutor from the county that convicted me and any victims connected to my prosecution would receive "invites" to my board hearings. "The hearing is a tribunal."

"The Board will review your pre-conviction history, prison history, and parole plans," said the commissioner. "There will be a recess and then the Board will deliberate. Prior to the hearing, you'll be informed of your rights; you'll also see a Board psychologist."

“My incarceration is part of the age-old program meant to reduce me in such a way that I fall into a state of complete submission to my captors.”

Contrary to what some prisoners have told me, this wasn't an antagonistic consultation hearing. This was preparation for what's coming. At the beginning of the hearing, the commissioner stated that I've probably heard what a hearing is like so I could confirm what I've heard. "You'll be doing all the work for your Board hearing," he said. He was really telling me that my court-appointed board attorney who will represent me at the hearing won't do much, if anything, to help me. That's something I was able to confirm from discussions with other prisoners who've walked this same gauntlet.

"The psych does your risk assessment, updates your life history, work history, and 101s." Those are my quarterly job assignment evaluations. "Your 101s are all positive," he said. *As if I didn't already know that*, I thought.

The commissioner recommended I do an *Olson* review to fix records in my central file, or I could present missing or updated documents at the parole board hearing. This type of review allows a prisoner the opportunity to look at records in his prison central computer file. I thought about the horde of inept state employees, holding the title Correctional Counselor, who do not properly update a prisoner's file. Because of this, the prisoner

is tasked with the responsibility of finding any discrepancies, and more often than not going through a contentious battle with his counselor to correct them.

The *Olson* case is from 1974, when a state court ruled prisoners are privy to information about themselves in their prison file.<sup>36</sup> Up until a few years ago, the state maintained huge paper files on its wards. Then it moved into the twenty-first century with its Strategic Offender Management System, "SOMS" in prison vernacular. It's essentially an electronic record of these paper files.<sup>37</sup>

Anyway, the commissioner reviewed the probation officer's report that was written after I was convicted and asked me about the prison programs that I've participated in. "Self-help" is the term that is generally used when referring to programs or groups in California prisons. It's counterintuitive for an institution with the name "California Department of Corrections and Rehabilitation" to insist that its wards somehow help themselves.

*Define self-help*, I thought, but it wasn't the time or place to ask what would probably have been viewed as an impudent question.

"I've participated in a few programs that were made available to me in prison over the years," I said. "Most recently, when I arrived at San Quentin, I completed three courses on religion taught in the Catholic chapel."

I also explained my ongoing participation in creative writing, the guitar workshop, poetry, journalism, piano classes, and playing guitar and keyboard in one of the prison bands. And even though I earned a bachelor's degree before prison, I've also completed five college courses, became a certified electrician, and earned paralegal credentials through a two-year correspondence course I paid for.

"Do you have plans for music?" the commissioner asked.

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“The most I would do is play in a local band,” I said. “I have no intention or dream to go on a world tour with a band like the Rolling Stones.”

He appeared satisfied with that answer.

We discussed the work I do at the inmate-run newspaper, *San Quentin News*. Over the past six years, I’ve served in many capacities on the editorial and business side of the operation. Today I’m the associate editor.

“Are you familiar with LTOP?” he asked.

“The Long-Term Offender Program? Yes, I know what it is.”

“You might consider that,” he said.

I thought about how I’d already considered the fact that most of the so-called rehabilitation programs available in prison today didn’t exist when I arrived 20 years ago. Back then it was all about punishment. I thought about the fact that I was sent to prison to be punished, not rehabilitated. Because of that, I’d structured my own program that allowed me to venture down a creative path during my 48-year-to-life term. It is a sentence of death by prison, and my sentiment about it is well documented in the law and other media.

“I was running the risk of sounding like an uppity Negro—I imagine he doesn’t see the likes of me very often in prison.”

After nearly two decades, the state prison system is allocating a little more of its \$12 billion-plus annual budget to “fix” the broken men it receives. In doing so, through its pedagogy, I’m supposed to be rehabilitated as a long-term offender. The

state wants to now teach me how to be a better human being. I’ll pass on that absurd notion.

When I was sentenced in 1998, the state penal code read, “The Legislature finds and declares that the purpose of imprisonment for crime is punishment.”<sup>38</sup> In 2004, *The New York Times Magazine* wrote,

In California, the word ‘rehabilitation’ was expunged from the penal code’s mission statement in 1976. Since then, prison officials have been exhorted to punish, and they have fulfilled that mandate in new, highly secure prisons, devoid of anything that could lead to accusations of pampering inmates.<sup>39</sup>

The real purpose of my imprisonment was not “rehabilitation,” not “punishment,” nor to deter others from committing crime. My incarceration is part of the age-old program meant to reduce me in such a way that I fall into a state of complete submission to my captors. I’m not waiting for that to happen.

When Arnold Schwarzenegger was governor of California, he added the letter “R” to CDC, which extended the name to read California Department of Corrections “and Rehabilitation” (CDCR).<sup>40</sup> Back then, the addition of the R to the name was nothing more than window dressing, because in the context of prison rehabilitation it was as dichotomous as Janus, the god of gates and doorways in Roman mythology, having two faces looking in opposite directions.

The commissioner said I could participate in self-study programs by reading books and other material that deal with the causative factors that led to my conviction, and that I could then write reports on what I’ve read, or do some journaling. “That’s another option,” he said, repeating, “It’s optional.” *Been there, done that*, I thought. I’m a published journalist, poet, and a fiction, and nonfiction writer, with more than 175 pieces to my name in about a dozen different publications in the United States and Canada.

Throughout the incessant waiting, and as of this writing, I’ve amassed a collection of numerous unpublished writings that chronicle my experiences over the years. I’ve also read 387 books that I’ve extracted extensive notes from to do more writing.

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My writing has gained me the honor of becoming an award-winning journalist, and it has garnered me contemptible notoriety from a few prison officials, who labeled some of my work “indicative of the Black Guerilla Family prison gang.” Because some correctional officers working in San Quentin’s “goon squad” deemed my “revolutionary” prose inflammatory, I was targeted for placement in solitary confinement.

I stepped in front of the allegation about me being a BGF gang member or one of its affiliates. This led to the filing of the case *Sawyer v. Chappell et al.*, now in the United States Court of Appeals, Ninth Circuit.<sup>41</sup> Through some “self-help” legal books and my education as a paralegal, I was able to combat the false narrative written to malign me and influence decisions about my impending freedom.

To say that rehabilitative offerings in prison were the impetus for my involvement in any of the above activities would be untruthful. This is because I didn’t discover any hidden ability of mine here. I brought my talents to prison and refined them while waiting to see the world again.

Although I come from humble beginnings, my past is not one in a line of pathetic narratives that describe how I overcame some iniquitous form of addiction. I didn’t drop out of high school. I wasn’t disenfranchised by the totality of my ancestors. I wasn’t one of the many misguided, angry, and fatherless children roaming the inner cities with a chip on my shoulder. My mother wasn’t a drug addict or a prostitute, and I did not come from one of the many communities in America that are plagued with drugs, gangs, violence, and the other miseries portrayed as Black life on the evening news. None of that is my storyline. I have always been *habilitated*.

As the hearing continued, the commissioner mentioned my good disciplinary record. I pointed to the rule violation report in my prison central file. It was written in 2008. I

was accused again, this time of participating in work stoppage at California State Prison

Solano, along with 1,200 other prisoners.

“The one and only write up that I have is for a strike that I didn’t participate in,” I said. The commissioner wordlessly dismissed my comment, as this was not the venue to dispute the matter. He suggested that I “remain disciplinary free,” and added that the write up is already ten years old.<sup>42</sup> *I’ll bet a full board of commissioners at a parole hearing won’t see it that way*, I thought.

As anyone might expect, the commissioner said I need to have employment plans and letters of support from family and friends in the community. “Transitional housing is not required,” he said.

Most prisoners that I’ve met seem to think a lot of unnecessary shit is required to be found suitable for parole. There are any number of tales and prison folklore on how to appease the Board. I’m reminded that it never seemingly occurs to most prisoners to be honest and maintain some measurable degree of integrity. This I have done. But it doesn’t mean my disposable Black Life Matters to anyone other than me.

“I’m not situated like most men in prison,” I said. “I lived an adult life before coming to prison. I

worked, completed college, owned a home, purchased vehicles, maintained good credit, bank

accounts, all of that. It’s not a mystery how to make it in society.”

The commissioner listened to my comment with no visible expression of his thoughts and said, “You’ll need to talk about what you plan to do upon release.” He followed that statement with, “We like to see some plan regarding relapsing into negative behavior.”

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I knew it was mandatory that he tell me these things, so I didn't take it personally that he was

counseling me as if I were the average prisoner commissioners are accustomed to dealing with in the board room. If he was as perceptive as I believed, he knew I wasn't an idiot. He played his part, and I played mine. Overall, it was another enlightening event to add to my prison experience.

When the consultation hearing ended, the correctional officer escorted me back to the waiting area. He made a few comments about me being an "engineer" after listening to my work history, education, and other training. I was running the risk of sounding like an uppity Negro—I imagine he doesn't see the likes of me very often in prison.

Back in the waiting area, I sat on the familiar wooden bench. My wet jacket was still draped over it, but it was occupied by a Muslim prisoner who was reading his Qur'an as he waited. There were two other prisoners sitting on the bench at the bottom of the decline near the door. Their wait to see the man would be hours long, but that's what prison is; a waiting game.

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# Through the Glass

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By Queen Bi

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On the other side of the glass  
is love and life that awaits me  
through the glass  
I recognize sorrow through  
Smiles, laughter, pain, hope for the folks  
It hurts to breathe through the phone  
no hugs, no affection  
Just a glass, a phone  
just a long-distance connection  
through the glass time seems  
to go fast as you reminisce about the past  
Through the glass every sign of life is royalty  
Five fingers on the glass signifies promises of love  
And loyalty  
Through the glass it hits me  
my life mirrors more than me  
that reflection is my family



# Life After Life in Prison: The Bedroom Project

By Sara Bennett

*Sara Bennett has been a public defender specializing in battered women and the wrongly convicted, and she is the author of The Case Against Homework. Her photo essay, Spirit on the Inside: Reflections on Doing Time with Judith Clark, was selected for the 2014 INFOCUS Juried Exhibition of Self-Published Books at the Phoenix Art Museum. Her first Life After Life in Prison exhibit examines the lives of four women as they returned to society after spending decades in prison and was featured in, among others, the New York Times, PBS New Hour/Art Beat, and the Marshall Project. The Bedroom Project is the second in the Life After Life in Prison series and has been featured on PDN's Photo of the Day and exhibited at The FENCE 2018 and the Ceres Gallery in Manhattan, among others. Bennett is a finalist in the 2018 Critical Mass competition.*



When I was released I didn't feel overwhelmed; I felt as though I was right where I was supposed to be. Later though, the feeling of being overwhelmed came as I found myself on the business side of life: food shopping, travel, bills, mailing cards, etc. That was all new to me because I lived at home with my mom until I was arrested. My children were one and three years old when I left them and I felt as if they were one and three the whole time I was away. I feel that way about myself too. I was arrested when I was 19 and became an adult in 2013. I am 45 now. I would make me feel like a 19 year old trapped in a 45 year old body. I am both happy and grateful to be out here, but it's like putting a kindergarten in college.

AISHA, 45, in a house she shares with five other women, 14 months after her release. Flushing, NY (2017)

Sentence: 25 years to life  
Served: 25 years  
Released: June 2016



When I step into my room, I feel like I'm stepping into another world. I spent 20yrs. isolated. I really isolated myself. My room in the prison was my safe haven. There was no negative energy. No one came in unless the officers were doing a room search. It was my cocoon, my womb, where I felt the safest. It's the same thing here. It's my space. Everything in this room belongs to me, so I have a claim. I have things I was not allowed. I have glass bottles, perfume, shower gel, my mom's ashes. My mom's picture in a picture frame with glasses. I shed the day the minute I cross over the threshold. I am home.

CLAUDE, 45, in transitional housing, four months after her release. Corona, NY (2017)

Sentence: 25 years to life  
Served: 25 years  
Released: February 2017



I Love my Apartment. The building is Clean. I Feel Safe And At Peace.  
I been here 10 years. I been out of prison 14 years. It's so hard when you get  
out. I just stayed strong. with a friend's help I got a Job As a  
house keeper in a Hospital. I stayed there for 9 1/2 years. Then I retired.  
As of now I have to try very hard to stay on my budget Finance  
wise. I have a good family & friends in my life. I Thank the Life  
I have now. And I Thank God every day That I Am Alive And Safe

LINDA, 70, in her own apartment, 14 years after her release. Albany, NY (2017)

Sentence: 17 years to life  
Served: 14 years (granted clemency by Governor George Pataki)  
Released: February 2003





my body tells me, "I was in prison, but my mind tells me that I never spent a day there." I have this sense of freedom and a strong sense of feeling liberated. I am so in touch with my womanhood, of being a mom and a grandmother, a friend and a partner, a spiritual sister - I'm in touch with all that... My room is a place of peace and a sanctuary to come home to every day. I ~~love~~ turning the key in my door!

SHARON, 57, back in supportive housing seven years after her release. Corona, NY (2017)

Sentence: 20 years to life  
Served: 20 years  
Released: May 2010



I've been in this shelter since I came home. It's a place to live until you move forward to where you have to go. I don't complain because there's always someone who has it worse than me. I think about horseback riding and getting on a yacht but for now I appreciate any opportunity that's afforded to me. Yesterday I spoke at Columbia University Law School and I met a parole officer who wants me to speak to her parolees. Things are rolling uphill for me.

SHIRELLE, 54, in a homeless shelter one year after her release. East Village, NY (2017)

Sentence: 2 consecutive 4 to 8 years and then an additional sentence of 16 years to life  
Served: 24 years  
Released: July 2016



*I was in the shelter system for the first four years. It was about the same as prison. You're confined, you can't do anything, you don't have your own thoughts, you're always stressed out. It's good to have my own apartment and pay my own bills. It's peaceful and I feel safe.*

TOWANDA, 45, in her own apartment five years after her release with her daughter, Equanni, Bronx, NY (2017)

Sentence: 15 years to life  
Served: 23 years  
Released: October 2012





I imagined coming home, living in a one or two bedroom apartment where one was my master and the extra room for guests. Here I have that. I call this room my Doll House, my Safe Haven. I feel at peace. I've finally unpacked. I spend a lot of time in here. I take pride in everything. I put more into this room than into the kitchen. I know I need to eat, but my room is my nourishment.

TRACY, 51, in her own apartment, three-and-a-half years after her release. Jamaica, NY (2017)

Sentence: 22 years to life  
Served: 24 years  
Released: February 2014



I got my freedom. That's true! But it's not the same as being free. I like to travel. I used to go to VA, to PA, and the Casinos and the boardwalk in Atlantic City. I love the beach. But I can't go anywhere without my PO permission. If I want to go to a play or a concert, I need my PO's permission. Until I get off parole, my life is messed up. I can't do what I want.

VALERIE, 62, in an apartment she shares with a roommate. Bronx, NY (2018)

Sentence: 19 years to life  
Served: 17 years (granted clemency by Governor Andrew Cuomo)  
Released: January 2017



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# An Impression Upon Return

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By Cozine Welch

*At the age of 17, Cozine was sentenced to a 22- to 40-year prison sentence in the Michigan Department of Corrections system. While incarcerated, he became the most published writer in the ten-year history of the Michigan Review of Prisoner Creative Writing, having appeared in nine consecutive volumes. Since being released last September, he has been published in the Michigan Quarterly Review, Plough Quarterly, Periphery and other outlets. Currently coteaching the Atonement Project & Theater And*

*Incarceration at the University of Michigan, a course that focuses on restorative justice, reconciliation, and atonement, Cozine also serves as the new managing editor of the Michigan Review of Prisoner Creative Writing. A lyric poet and performer of slam and performance poetry, he is also an accomplished amateur guitarist and singer-songwriter. Originally from Detroit, he resides in Ann Arbor, Michigan and is a student at Washtenaw Community College.*

Lawns that are no longer cut and tended.  
Homes that ghost in their place. Haunted and hollow.  
There are no love stories, no  
opened screen doors to welcome home  
work-weary bones and one-strap backpacks  
with cheek kisses sweet from sun tea on windowsills,  
just  
gutted, cavernous houses that squatters maintain  
with propane space  
heaters and syringes.

There is one where upkeep is upheld.  
Barely.  
There is home where father lives, alone,  
empty as the housing he occupies. Material things  
abound, slate marble dining table crowned with  
silk lilies dust-covered in neglect.  
Needs are met,  
the physical ones at least.

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Trees—  
the only things that seem to have grown  
upward in this downward spiral.  
I smell gas.  
I smell gas and hear  
the low hum/whisper/whine of tires  
doing 20 miles over the speed limit on 8 mile  
and  
    love it.

I can taste Detroit on my tongue  
with every inhale.  
Metallic and gritty with after notes  
of weed and Hennessy chased  
with Coney Island and Newports.

I reach out and touch something.  
I don't know what  
but it can only be felt here.  
Similar tactile sensations as anywhere else  
but  
so different that even  
visitors  
run their hands across it,  
rub fingers over  
fingerprints left before,  
smudged past that still lives  
like me, they press and  
hold  
and know home.

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# Do the Pipes Align?: Evaluating the Effectiveness of Prison-to-College Programs

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By Lillian R.  
Lampe-Martin  
and Christopher  
R. Beasley

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*Lillian Lampe-Martin is an alumna of the University of Washington, Tacoma. She graduated with her bachelor of arts in Psychology. Lillian's current research focuses on building a post-prison education pipeline for formerly incarcerated individuals. She hopes that her research will help to relieve the stigma associated with incarceration and to support the growth of opportunities for this marginalized group.*

*Dr. Beasley is a community psychologist who conducts community-engaged applied research to strengthen communities while also participating in grassroots organizing and organizational advising to support such settings and helping students develop knowledge and skills for this type of work. As the Principal Investigator for the Post-Prison Education Research Lab (PERL), Dr. Beasley uses a variety of psychological sub-disciplines to better understand social and psychological factors that facilitate and hinder transitions from prison to college. He's also helping the University of Washington Tacoma strengthen support for people making these transitions to UW.*

As community organizer, Dr. Beasley has been helping develop a consortium of prison and post-prison education programs in Washington. He also co-founded the national Formerly Incarcerated College Graduates Network. He also is a Board Director for Civil Survival, an organization that organizes people who have been directly impacted by the criminal justice system to build connections, gain knowledge and increase political participation.

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## Abstract

The surge of mass incarceration is as prominent as ever, and the question of what to do as people re-enter society is of concern. Education is a viable solution that plays a key role in lower recidivism rates. The purpose of this study is to review existing literature on the transition process from incarceration to post-prison education programs to identify common obstacles and determine how closely the actual programs attend to such obstacles. First, although the volume of research on post-prison to college programs is not large, the available research was analyzed to identify common factors that affect the transition to these programs. Such factors include the criminal history box on program applications; an easy transition from education programs during incarceration to post-incarceration education programs; social support; stigma; provided resources; academic and career advising; the effect of labels; and the choice of privacy about one's past. Next, six programs were evaluated with a focus on the common factors found from the research. The evaluations revealed that elements of each factor affected most of the programs, and that each program could be strengthened. Questions for future research include the economic cost of post-prison education programs compared to the economic cost of re-incarceration, the applicability of these programs in juvenile institutions, and the effectiveness of individualized versus community-based programs.

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## The Available Research on Factors that Influence the Transition

“Education can play a key role in lowering recidivism rates among formerly incarcerated people, as well as in increasing public safety.”

Mass incarceration is a growing phenomenon that has been observed since the 1980s, when the United States enacted changes in judicial treatment of drug offenses. In 2016, the United States had close to 1.5 million people in prisons, in comparison to nearly 314,000 people incarcerated in 1979.<sup>1</sup> Furthermore, racism is reflected within those statistics. Black people are incarcerated at five times the rate of White people.<sup>2</sup> This is especially concerning seeing that White people make a much larger portion of the general US population than Black people, yet the smaller group is being unjustly impacted more.

At some point, the majority of people incarcerated will be released and transition back into society. Education can play a key role in lowering recidivism rates among formerly incarcerated people, as well as in increasing public safety.<sup>3</sup> To take a look at what is currently offered, an analysis of six existing programs that are dedicated to the transition from prison to college in the U.S is fundamental. This will allow for future growth in the research to be determined. Although these programs are a great step in creating a better transition back into society, it is questionable how the structure and resources of these programs meet the standards of available research on successful transition programs. After identifying common hindering and promoting factors in the transition process, the factors will be used to evaluate the programs and highlight areas of improvement based on current research.

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### ***Banning the Box on College Applications***

A prominent challenge formerly incarcerated people pursuing education come across is the

box on the college admission application. This box asks the applicant whether or not they have a criminal record and, occasionally, further questions about what crimes they may have committed. In a recent study, about two-thirds out of the 112 responding nonprofit four-year institutions asked about criminal history.<sup>4</sup> Although there can be many legitimate reasons for asking about a person's criminal history, a common fear from applicants with a criminal history is that they will automatically be disregarded and stigmatized due to their past. This leads to an effect called felony application attrition.<sup>5</sup> In a study conducted in New York, about two-thirds of applicants stopped filling out the college admissions application after checking the box stating they had a felony.<sup>6</sup>

The large attrition rate raises two questions: How does the box affect admission rates? Why does the question need to be on the application? Depending on the felony, institutions reported a 10-80 percent likelihood that admissions would reject an applicant due to a conviction.<sup>7</sup> Reasons given for such rejections included the desire to reduce violence and enhance safety on the campus, avoidance of liability issues, and societal pressure.<sup>8</sup> There is currently no empirical research to suggest that schools are safer with a lower population of formerly incarcerated people.<sup>9</sup> Although there seems to be a lot of pessimistic reasoning behind having the box on applications, there is a potential advantage to it being there.

Another perspective supporting the criminal record inquiry on applications is that it allows schools to collect data on how many formerly incarcerated people are enrolled and aim more resources towards this group of people.<sup>10</sup> This information could be easily shared with academic and career advisors. Advisors would be able to make sure that formerly incarcerated students are in fitting education programs and are aware of what issues they may face due to their criminal history.<sup>11</sup> Although this would be helpful in the successful completion of programs within this population, the bias seen from admissions officers reviewing applications

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is just as important to consider when weighing the costs and benefits of the box. With the implementation of more prison-to-college programs, the possibility of being discriminated against due to criminal history during the admissions process undermines the whole goal of the program.

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### **Easy Transition**

The next crucial factor that impacts the admissions process is the transition from a prison education program to a post-prison education program. Due to laws in some states, some incarcerated people leave the prison system with only academic or vocational credits rather than a degree.<sup>12</sup> Creating programs that align prison education systems with community education systems would allow for the lower budgets given for prison education to be maintained while also helping students to complete their degrees more efficiently.<sup>13</sup> A cohesive transition can also help minimize the stress of the reentry process on the individual by outlining a clear path to accessing resources.

“Fear of discrimination can deter formerly incarcerated people from even considering education as a possibility.”

This would be best achieved if post-prison programs become involved with potential students while they are still incarcerated to start the transition off right.

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### **The Role of Social Support**

Once in a program, an essential aspect of a smooth transition is social support, as it is common for formerly incarcerated people to feel marginalized and lonely.<sup>14</sup> Support comes in the form of family, friends, education peers, teachers, advisors, and other community members. It can also come in the form of a single person or a group of people and in informal or formal settings. Social support from sources with a similar history of incarceration is also helpful to formerly incarcerated people. The absence of stigma allows both parties to feel comfortable being

themselves.<sup>15</sup> Though it has been suggested that support groups comprised of only marginalized members may make the members feel more isolated from the rest of society, there is no research looking at this issue.<sup>16</sup>

A prevalent form of social support that has been praised by formerly incarcerated people is faculty mentorship. This kind of mentorship is positive because often times the mentor has had their own experiences with the criminal justice system. This leads the students to feel like they have someone to relate to and that they are being looked after.<sup>17</sup> Having social support not only benefits formerly incarcerated people by facilitating their comfort in society, it is also essential for building better relationships with the community.

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### **Fighting Stigma by Building Relationships**

Even after formerly incarcerated people have served their sentences in correctional facilities, they continue to face stigma in the form of informal punishments in society. This is seen in the lack of job and housing opportunities, loss of voting rights, and child custody issues for formerly incarcerated people. Housing and food insecurity diminish opportunities to pursue education. Fear of discrimination can deter formerly incarcerated people from even considering education as a possibility. With proper social support, individuals may feel more comfortable building new relationships with people in the community who may not have a history of incarceration. Building such relationships can help lessen the stigma by spreading awareness of the experiences of formerly incarcerated people, sharing the perspectives of those with a history of incarceration on the topic, and creating a more accepting community.<sup>18</sup> Also, it helps others understand that an individual's previous incarceration is only one part of their identity, and they have other aspects to them, such as

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being a parent or a teacher.<sup>19</sup> A welcoming, understanding learning environment benefits both formerly incarcerated students and everyone else involved.

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### ***The Importance of Resources***

A major detriment to the transition process is lack of resources for formerly incarcerated people trying to integrate back into society. As stated before, societal stigma against this group can limit their ability to obtain jobs, housing, counseling, and more. That is why it is important for post-prison transition education programs to help participants find opportunities. If a student is unable to maintain financial stability, they may be tempted to recidivate out of desperation.<sup>20</sup> Resources necessary for successful transition could comprise a number of things, including assistance with obtaining food, housing, financial income, transportation, or clothing. Without these resources, achieving an education can be extremely hard or impossible.<sup>21</sup> A standardized list of all resources available for students during their transition period can lead to a successful reentry into society.

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### ***Academic and Career Counseling***

Academic and career counseling is a much-needed resource in the post-prison community. For many students, they may be entering the education system without really knowing what education paths are available to them, what problems they may face on certain paths, and what is needed to obtain certain degrees.<sup>22</sup> For example, some jobs may not typically accept formerly incarcerated people due to the nature of the job and the stigma against having a record. Regular advising can guide these students into a successful and productive transition by providing them with knowledge of what their options are.

### ***Choosing Privacy of Incarceration History***

Disclosing one's status as a person who has been incarcerated can be a hard decision to make.<sup>23</sup> Disclosure can be essential when trying to build relationships because other people may feel as if a formerly incarcerated person is hiding or lying about their past. However, a student may not want to disclose their past too quickly, for fear that the other person may react negatively or discriminate against them. Individuals may want to ensure they can trust the other person before disclosing. Leaving the decision up to the student to disclose their status to the community is the safest option because the student is best able to determine if they are in a safe situation and have the proper social support they need to face potential negative effects of disclosure.

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### ***The Label as an Identity***

Even though the formerly incarcerated person has already served their time for the sentence, they carry the label of someone who has committed a crime. This label can act as a motivator or hindrance.<sup>24</sup> For some formerly incarcerated people, the label pushes them to be more than what the label suggests them to be and to give back to society in a positive way.<sup>25</sup> This may be hard for some struggling to reintegrate because it is difficult to change social narratives. For others, the label is only a hindrance that prevents them from receiving the same opportunities as others and is a source of stigma.<sup>26</sup> Taking a positive outlook on the label can be difficult when it limits access to resources needed to live comfortably, such as housing. Overall, letting students choose whether or not to identify with the label of formerly incarcerated can help them cope with their transition better.

With these common factors identified, the following discussion explains which of these factors six post-prison to college programs

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incorporate and identifies how these programs align with current research on best practices.

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## **Evaluations of Post-Prison Programs**

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### ***College and Community Fellowship***

The first program is the College and Community Fellowship (C&CF) offered in New York. This program focuses exclusively on women who are transitioning out of the corrections system and want to pursue higher education in the form of an associate, bachelor's, master's, or doctoral degree. The program helps participants find resources such as financial assistance, links to social services, employment, and career development tools like advising and résumé support. Such assistance is crucial because the program typically recruits women while they are still incarcerated. The program also offers a support group with other people who share the same background to help create a welcoming environment. C&CF also has community events for networking with previous participants in the program so current members have more social support when needed. The program encourages the members to become involved in policy-making and advocacy in hopes of lessening the stigma on the formerly incarcerated and creating more opportunities for that population. The recidivism rate after participating in the program is less than a 2 percent.<sup>27</sup> Privacy of criminal history is a prominent missing element in this program, probably due to the high number of community-building workshops and the program's focus on openness.

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### ***Post-Prison Education Program***

The next program is the Post-Prison Education Program (PPEP) based in Washington state. This program recruits people while they are incarcerated or after they are released.

PPEP focuses on being a wraparound service providing all of the support that participants will need to keep them on track.<sup>28</sup> Among its services are intimate mentoring and assistance in acquiring employment, housing, and financial, legal, and mental counseling.<sup>29</sup> It also prioritizes ensuring integration back into society by keeping participants to an academic and lifestyle plan for completing their education and gaining employment within a certain amount of time. The program also encourages participants to tutor and help others in hopes of creating a social support system. PPEP also reports a less than 2 percent recidivism rate after completing the program.<sup>30</sup> Once again, privacy could be seen as a concern with PPEP, due to formerly incarcerated participants not being able to determine how much they disclose about their history.

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### ***New Jersey Scholarship and Transformative Education in Prisons Consortium***

The third program is the Mountainview Communities program under the New Jersey Scholarship and Transformative Education in Prisons Consortium (NJ-STEP). This program is focused on providing education while people are incarcerated and helping people, upon release, transition back into society and community education at one of the public campuses at which Mountainview Communities is offered. While participants transition from incarceration to society, NJ-STEP provides them with social, scholarly, and professional help.<sup>31</sup> Members of the program can receive academic advising to remain on track with their degree plans, but it is unclear if the advising includes career counseling or addresses the potential struggles involved in finding employment. The program also encourages formerly incarcerated members of the program to be a part of the student organization on campus that promotes social support for those in prison-to-college pipeline. Since the program is open to everyone, for-

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merly incarcerated people have a chance to build relationships with community members in a safe environment. NJ-STEP gives the students more autonomy in the program, so it seems students have more privacy with the option to disclose their past in the classroom.

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### ***Project Rebound***

Project Rebound in San Francisco, California is the next program. This program specializes in assisting students who want to attend San Francisco State University but are unable to due to the application deadlines and incomplete academic requirements.<sup>32</sup> The program does a great job at providing a large variety of resources for the students, such as health care, academic advising, mental health counseling, transportation assistance, tutoring, and financial aid assistance. By helping people with their basic needs, the hope is that the students can focus more on their education and make relationships that will help them in the future.<sup>33</sup> Project Rebound is also run primarily by formerly incarcerated people, which is useful for providing incoming students with the social support they need. Further, the program asks past participants to help current participants.<sup>34</sup> Mentoring is a core feature of this program and is the main facilitator of support for students. Since the program is more individualized, each student

decides the degree of privacy about their history of incarceration. One issue with the program is that it fails to push students to make relationships with people without a criminal record, which can reduce the stigma against this population.

students transition into the University of California, Berkeley. It has four different methods to recruit students: ambassador reach out, correspondence, cross-enrollment, and transfer partnership. The ambassadors reach out and correspondence methods include members contacting potential students, with the ambassador program recruiting students post-incarceration and the correspondence method reaching out to the currently incarcerated.<sup>35</sup> The cross-enrollment method allows for students at community colleges to also take classes at the University of California, Berkeley and participate in BUS.<sup>36</sup> The transfer partnership method works through a transfer agreement that screens for potential students that could benefit from the program.<sup>37</sup> Those who are recruited through the transfer method receive additional help with the admissions process, including counseling, employment, and internship acquirement.<sup>38</sup> The program offers tutoring, assistance in obtaining research opportunities, and mentoring. It also noted that the program has banned the box on applications. The program highlights the use of social support, academic resources, and relationship building. However, parts of their recruitment methods potentially invade the privacy of the formerly incarcerated student and could be improved.

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### ***Prison-to-College Program and College Initiative***

The last program is a mixture of the Prison-to-College Program (P2CP) and the College Initiative, which are partnerships between John Jay and Hostos Colleges and the City of New York (CUNY).<sup>39</sup> The P2CP program focuses on providing education to people who are currently incarcerated, meet a list of different education requirements, and are three to five years away from release. When released, P2CP provides a wraparound service to help students transition back into society.

After the student transitions, they are put into the College Initiative program, which

“Although no program was perfect in terms of resources, the current programs each reported high statistics of successful program completions and lower recidivism rates in their participants”

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### ***Berkeley Underground Scholars***

Also located in California, the Berkeley Underground Scholars (BUS) program helps



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guides them through picking a community college to attend. College Initiative has three foci when assisting students: engagement, access, and support.<sup>40</sup> Engagement is observed when students understand that they have the right to be a part of the school, just like everyone else. This engagement can be used to diminish stigma. Access is enforced by providing counseling and advising for financial aid. Support is given by encouraging peer mentoring, building relationships, and providing an extensive list of personal and academic resources. Choices of privacy levels and involvement were not mentioned in the design of the program.

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### Summary of Findings

Only two of the reviewed programs touched all of the factors, which suggests that there is obvious room for improvement in the design of post-prison education programs. Although no program was perfect in terms of resources, the current programs each reported high statistics of successful program completions and lower recidivism rates in their participants. The evaluations detail how each program can incorporate all factors. It is important to note that implementing changes in programs can be a long process, but the payout may be worthwhile.

With further research dedicated to specifically identifying qualities of an effective program, the potential for easier establishment of a universal program increases. Creating a universal program can also close some of the gaps seen in the programs to make sure that everyone is able to receive the same necessary resources while transitioning.

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# Claybank Collective

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By Ebony J.

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Here I sadly sit in Claybank Jail, living this life in my own personal hell.

The conditions here are less than desirable; treatment by the officers is definitely not admirable.

The food isn't fit for human consumption. So am I less than human—is that their assumption?

The black mold in the bathrooms causes my asthma to react and when it rains it becomes clear the ceiling is not intact.

Why would they keep us in such deplorable conditions? Depriving us at times of toilet paper and maxi pads—the most basic of provisions.

When they look at me they must see someone not worthy of salvation. Just a pathetic little criminal in need of a life modification.

See, they refuse to know my story or what I'm actually all about. To them I'm just a number while at me these orders they viciously shout.

Okay! I get it! I made my mistakes, I deserve my time. But what I do NOT deserve is to be forever branded by my crime.

Am I wrong to have thought jail was about rehabilitation? Because all this has taught me is the true meaning of tribulation.

I can't wait to get out to once again be free. But I promise you this, my face they'll soon again see.

This time though—they'll see it from a whole different perspective. Next time I come back will be to fight for the Claybank Collective.

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# Place, Space, Race, And Life During And After Incarceration:

## *Dismantling Mass Incarceration Through Spatial And Placial Justice*

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By Victor J. St.  
John and  
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### Abstract

The successful reentry of a person who has spent time incarcerated is dependent on the environments they are housed in and find themselves when released back into the community. This is particularly crucial for the African American community, which is disproportionately represented in the carceral population and, subsequently, among those formerly incarcerated. Using a *placial* and *spatial justice* lens, we review how the physical structure of correctional facilities and the spatial distribution of social service resources within African American communities contribute to mass incarceration, and provide recommendations to reduce the harms associated with incarceration.

Keywords: Place, Space, Race, Incarceration, Reentry, Rehabilitation, Justice

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### Introduction

Buildings embody societal meaning. Prisons are no different and stand as embodiments of their respective society's attitudes towards punishment.<sup>1</sup> Incarceration represents the apex of state control over a citizenry, presumably imposed only when threats to the social order justify dehumanizing loss of autonomy. It is therefore of some concern that the United States is

“Race has long been a known predictor of incarceration, stemming from several causes, including disproportionate minority contact with the police and harsher sentencing for minorities.”

are then, for good or ill, the settings in which a substantial proportion of our compatriots encounter their government. If buildings indeed embody meaning, prison facilities, it would seem, are important loci of social meaning-making for a significant many, and special attention should be paid to what our society communicates through these powerful and dreadful places.

Given the nation’s cultural propensity toward punishment, it may come as little wonder that institutions of punishment should house populations seen historically as inherently culpable.<sup>3</sup> Race has long been a known predictor of incarceration, stemming from several causes, including disproportionate minority contact with the police<sup>4</sup> and harsher sentencing for minorities.<sup>5</sup> Today, African Americans are five times more likely to be incarcerated than their White counterparts,<sup>6</sup> and, as a result, African Americans represent 33 percent of Americans with a felony record.<sup>7</sup>

Among this carceral population of color are the significant numbers who were once incarcerated and subsequently re-entered the correctional system—victim to a revolving-door effect.<sup>8</sup> Wagner and Rabuy (2017) cited Bureau of Justice Statistics that the United States spent over \$80 billion in 2012 to operate correctional agencies,<sup>9</sup> yet, despite the largesse of this investment, the nation maintains a national five-year recidivism rate ranging from 50 percent to a little less than 70 percent, according to some research.<sup>10</sup> While some recidivism is explained by individual behavior—for instance, individual criminal propensities<sup>11</sup>—a fair portion is explained by myriad social disadvantages, including those arising from racial status.<sup>12</sup>

unmatched globally in its use of incarceration as a response to rule-breaking. According to the Bureau of Justice Statistics’ 2016 report, the American incarceration rate is 830 per 100,000 persons.<sup>2</sup> Prisons

The burden of racial oppression through persistent, cyclical recriminalization can be immense. Researchers concur that imprisonment is detrimental,<sup>13</sup> and repeat incarceration presumably multiplies this negative effect. Incarceration splits families, creates economic burdens, and leaves those impacted traumatized by the experience.<sup>14</sup> Formerly incarcerated persons have a difficult time overcoming stigma and collateral consequences associated with their criminal record.<sup>15</sup> For instance, obtaining employment,<sup>16</sup> education,<sup>17</sup> and housing become more difficult,<sup>18</sup> and these problems are exacerbated for African Americans.<sup>19</sup> The added detriment to people of color comes as no surprise, considering the historical and ongoing obstacles, including obstacles to accessing employment, education, and housing, African Americans face even when they never experience incarceration.<sup>20</sup>

Discussions about the treatment of correctional populations are taking place nationwide, with an emphasis on maintaining community safety while reducing the harmful effects of incarceration and addressing the disproportionate representation of people of color under the carceral system.<sup>21</sup> There is also greater consideration of how the carceral experience impacts life after incarceration.<sup>22</sup> Remedies offered to ameliorate the difficulties of life post-imprisonment must begin in the carceral setting. Here, we propose a placial and spatial solution for the proper treatment of incarcerated persons, with a goal of reducing the number of persons cycling between community and corrections. Moreover, we do so with a specific focus on the overrepresentation of persons of color. At present, the semiotic value of prison buildings is in signaling the retribution of the state against culpable miscreants. What if we built these places to communicate a message of mutual responsibility, of rehabilitation, and of restoration instead? Rather than “You have done badly, and you must now pay,” we might alternatively say, as a society, “We alienated you, we are sorry, and, with your help, we hope to welcome you back.”

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We begin by conceptualizing *placial justice*, or *place-based justice*, focused on the impact of physical environment in criminal justice processes. We then present spatial justice as a geographical lens through which to view prisons in space.<sup>23</sup> Finally, we conclude with recommendations for synthesizing placial and spatial elements as a foundation to uphold community safety, humane treatment of incarcerated persons, and the reduction of recidivism rates and persons of color behind bars.

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### Placial and Spatial Justice

Justice involves both symbolic performance and objective outcome. In previous works, we have addressed the role of justice buildings as symbols, describing open, transparent, and inclusive (OTI) design.<sup>24</sup> Here, we address concerns of substantive justice. Substance, it must be remembered, is as important in the messages communicated as symbol.

“The idea that physical space can influence an individual’s behaviors, attitudes, and feelings can be traced back to the earliest conceptualizations of the modern prison.”

In forthcoming work, we present a framework for evaluating correctional places.<sup>25</sup> Taking Tuan’s (1979) cue in evaluating spatial experience through a series of scopes,<sup>26</sup> we present a tri-dimensional classification of correctional space moving, in perspective, from the experience as located within a larger geographic space, to awareness of one’s place within a particular building, and finally to the immediate sensory experience of one’s setting. Our space-layout-setting (SLS) framework includes aspects of placial and spatial justice.

Spatial justice is the just situation of places across geography,<sup>27</sup> emphasizing equity of benefits or harm between locations. Placial, or place-based, justice is best defined as the ethical use of a criminal justice building’s design to enhance the sense of justice by its impact on individuals’ attitudes, behaviors,

and interactions. Although past work of ours had described both of these concepts using the term spatial justice, here we want to distinguish the two. Placial justice emphasizes bounded, specified built space; spatial justice brings larger, abstract geographic space to fore.

Placial justice matters because the physical makeup of correctional facilities and surrounding edifices are important to ensure the wellbeing of all persons within the facility and those who live outside, particularly for persons of color. For starters, many incarcerated individuals are yet-to-be convicted and awaiting adjudication, protected by the constitutional right to due process. Furthermore, not all persons charged with or found guilty for a crime are, in fact, guilty.<sup>28</sup> Wrongful conviction disproportionately occurs to persons of color.<sup>29</sup> Moreover, correctional edifices should reflect rehabilitative aspirations given that the majority of those housed within them will return to society.<sup>30</sup> Finally, the spaces surrounding carceral institutions, as well as the locales where incarcerated individuals will return, have a significant influence on post-carceral outcomes. The number of social services within a given geographical radius has been found to have implications for recidivism rates.<sup>31</sup> Factors affecting spatial justice, such as access to social welfare sites, are a key element to the dismantlement of mass, inequitable incarceration and the resulting pains of post-carceral life.

Building from this foundational understanding, a space-layout-setting frame can be used to outline how place and space might better the lives of persons incarcerated and those returning home from confinement. Imbuing correctional spaces and communities with rehabilitative properties should have a substantial impact, particularly on communities of color.

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### Why Does Place Matter?

The physical setting of a criminal justice building affects the behaviors and feelings

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of occupants.<sup>32</sup> The mental health patient who receives services while sitting in a chair bolted to the floor feels and behaves differently to one sitting on a couch in an office. The professor who teaches students in quiet, air-conditioned college classrooms has a distinct experience from one who instructs in a noisy, humid prison.<sup>33</sup> Police officers working in old, dilapidated stations differ from officers quartered in newer, cleaner spaces in how they see themselves and how they interact with the public.<sup>34</sup>

“Solely focusing on only placial elements without considering space, and vice versa, is a disservice both to the carceral population and safety of the community.”

The idea that physical space can influence an individual’s behaviors, attitudes, and feelings can be traced back to the earliest conceptualizations of the modern prison. Foucault

(1977) notes that the creators of the first prisons likened criminality to disease and designed buildings similar to the asylum and leprosarium, similarly quarantined from outside communities.<sup>35</sup> While today, “public health approaches” involve changing the norms and values within communities, not-so-metaphorical analogies were used to justify isolation as a crime control strategy.

Western ideologies on criminals and their nature were heavily influenced by Beccaria’s (1764) *On Crimes and Punishments*.<sup>36</sup> His proposal that criminals make rational decisions to offend was incorporated into prison architecture of the time. Most notably, Bentham (1791) sought in his prison design to describe a physical application of Beccaria’s utilitarian approach. His blueprint was of a prison that would deter rule-breaking behavior by influencing inmates’ rational calculations. Bentham’s panoptic design featured a central surveillance point where all inmate cells were in view at once and visual awareness was unidirectional. The surveillance booth was constructed so that inmates would never know when someone was at the post, producing what Bentham called the “unequal gaze.” Bentham theorized that inmates would

rationally assess the risks and rewards before committing an act, and surveillance would tip their calculations towards compliance.<sup>37</sup>

In more modern times, several researchers have studied how physical structures impact inmate health and wellbeing, examining institutional capacity,<sup>38</sup> location,<sup>39</sup> and facility layout.<sup>40</sup> We posit the exploration of sensory setting as well, through which a person interprets experience through all their senses. Sensory inputs such as the daily sight of defaced cell walls, the smell of uncleaned bathrooms, nightly sounds of despair, or intense heat in summer months can have a psychological effect on inmates.

The physical structure of the correctional facility is one part of the solution to reduce the long-lasting and harmful effects of incarceration. New York City’s decentralizing of jails to the boroughs was designed to bring inmates closer to the social supports that encourage rehabilitation. This will greatly lessen the burden loved ones, social service providers, and legal professionals undertake to visit inmates. This initiative is a prime example of the twin impact of space and place. This project, in addition to relocating jails, calls for smaller facilities and dignified building design, one that recognizes the humanity of the people housed inside. This continues a shift in correctional design presaged by “new generation” facilities that aid positive relationships between occupants and reduce violence.<sup>41</sup>

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## Why Does Space Matter?

In the context of correctional facilities, the spaces surrounding an institution are as essential as the structure itself. Geographic location determines who has access to a place and access to those dwelling in that place. Consider the *communities of color to prison pipeline* (CCPP), which refers to the disproportionate number of persons of African and Latinx origin who make up the carceral population in the United States. Spatial

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justice becomes paramount in considering the place-composition of communities from which disproportionate numbers of persons are removed to jail or prison. Sharkey, Torrats-Espinosa, and Takyar (2017) find that the number of nonprofit organizations within a community is associated with lower levels of violence and property crime.<sup>42</sup>

One explanation is that social services provide people with resources, which mitigate criminal propensity— a testament to the correlation between the decline of the welfare system and the growth of mass incarceration in the United States.<sup>43</sup> Patterson (2013) showed that every year of incarceration predicted a reduction of two years from a parolee’s life expectancy. However, successful completion of a parole sentence resulted in negation of this effect.<sup>44</sup> Spatial access to social services and welfare resources supporting the rehabilitative efforts of these and other populations in the justice system are necessary both in the communities they return to and in proximity to correctional facilities. Making facilities easier to reach for providers should increase what services are available to facilitate pre-release rehabilitation and institutional-harm mitigation. Outside of prison facilities, spatial justice concerns are important in siting post-incarceration transitional housing. The distance of a parole building from a parolee’s home and the proximity of the parole building to trash, graffiti, and strip clubs are potential factors that could curtail their conditional freedom from prison.<sup>45</sup>

Solely focusing on only placial elements without considering space, and vice versa, is a disservice both to the carceral population and safety of the community. Correctional institutions require humanizing and rehabilitative architectural designs that foster prosocial behavior and mitigate the harm of imprisonment. They should also be in close proximity to service locations and the places where those they house find their social support.

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## Policy Recommendations

Researchers, policy makers, and various stakeholders are examining ways to reduce the harmful effects of incarceration and the disproportionate impact it has on African American lives and communities. In this section, we use a space-layout-setting (SLS) framework to summarize the major concepts and provide evidence-based placial and spatial recommendations for carceral reform.

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### Space, Layout, and Setting

The SLS framework draws from the work of carceral geographers, criminologists, architects, and criminal justice scholars.<sup>46</sup> Using this lens, we define space as area, set apart and characterized by how objects are positioned within it and how it is positioned relative to other spaces, including “the distance from other people or things that a person needs in order to remain comfortable.”<sup>47</sup> Within this broader concept are specific considerations of capacity and location. The former refers to the number of persons that can legally be held in a building at once, and the latter refers to the coordinates where the facility is physically located. The layout is a primary aspect of place (essentially, bounded space), and we define layout as the arrangement of constituent spaces and objects within its boundaries. Lastly, the *setting* refers to the characteristics of a place as perceived through the physical senses.

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### A Placial Justice Approach

Given that millions of people are currently incarcerated in the United States, considering the physical structures of correctional facilities is vital. As Cohen and Felson (2016) explain, the convergence of two actors in time and space set the necessary conditions for interaction between the two.<sup>48</sup> Taking the correctional facility as an actor in its own right, day-to-day interactions between it and those incarcerated within it are crucial to the achievement of



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individual rehabilitative goals. For instance, if an individual is exposed to programming or services within a context that is not physically conducive to these provisions, then the full benefits associated with these services cannot be realized. As such, we put forward these placial considerations:

\* *Capacity.* Jails and prisons should be smaller, with higher ratios of correctional officers per incarcerated person, primarily because lower correctional officer ratios are associated with increased risks of incidents.<sup>49</sup> The US Bureau of Justice Statistics approximates that local jails in the United States have a ratio of one officer for every four individuals who are incarcerated,<sup>50</sup> while the Federal Bureau of Prisons estimates that prisons in the United States have a ratio of one officer for every nine individuals who are incarcerated.<sup>51</sup> Due to security concerns, the exact ratio for a given facility is often influenced by the relationship between facility capacity and safety outcomes.<sup>52</sup>

\* *Layout.* While research on the layout of jails and prisons is limited and yields conflicting results, continued experimentation with layouts should shed light on optimal designs. Nonetheless, layouts require careful and proper design to sustain safety and rehabilitation.

\* *Auditory setting.* Facilities should be constructed to minimize loud, agitating noises, especially in areas where the person housed or the nature of the work being carried out requires acoustic regulation.

\* *Visual setting.* Physical upkeep is crucial to the rehabilitative process; similar to the idea of “broken windows,” facilities should be free of tagged cell walls, grime, loose tiles, broken disability ramps, and other dilapidated structures.

\* *Olfactory and tactile setting.* Correctional administrators should maintain temperature control, access to sunlight, fresh air, and greenery. The Environmental Protection Agency, as well as various state- and municipal-level

rule-making bodies stipulate conditions surrounding temperature, light, and air quality. While an incarcerated persons’ access to foliage is not mandated by law, discourse on the rehabilitative properties of green spaces suggest that this may facilitate stress reduction for occupants.<sup>53</sup>

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### **A Spatial Justice Approach**

Of course, the physical design of correctional institutions is most effective in rehabilitation and reentry when planned with spatial elements in mind. Spatial justice considerations include:

\* *Location.* Jails and prisons should be close either to the communities their occupants come from or to transportation centers that allow continued connection to those social supports. Moreover, the correctional institution should be in proximity to social services; such services in these communities can assist in addressing root causes of crime early on and aid in the reduction of recidivism post-incarceration.

\* *Place-specific services.* Policymakers should tailor the services the justice system provides to the specific needs of a neighborhood and ensure adequately staffing and equipment for the quality and quantity of potential clients.

\* *Prosocial spaces.* Correctional institutions will also benefit from proximity to other places that encourage rehabilitation, including training and educational facilities, libraries, community centers, and other structures that allow community members to engage in positive activities associated with crime prevention and desistance.

\* *Distance from antisocial or reentry-inhibiting places.* Being at a remove from criminogenic places is also necessary for successful rehabilitation, including public eyesores that can foster depression or reduced self-esteem; this may be especially important for those released post-incarceration.

## Conclusion

Ultimately, individuals released from prison or jail require access to interventions that foster rehabilitation, which naturally promotes safety in correctional facilities and the communities the formerly incarcerated return to after that. The disproportionate representation of people of color in carceral populations requires us to consider what values we uphold when we further marginalize people. Moreover, we cannot separate life after incarceration from life while incarcerated, any more than we can separate behavior and social interactions from the places and spaces in which they occur. So too, unfortunately, can we not separate discussions related to incarceration from race. Therefore, it is necessary to implement a range of data-driven correctional reform tactics for persons at risk of incarceration and those who have been incarcerated, particularly people of color, to repair the breach between the individual and society that likely began with a failure on society's part. The incorporation of SLS serves as a foundation for achieving placial and spatial justice, with the end goals of rehabilitation, safety, reducing the CCPP, and creating structures of restoration rather than ruination.

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# Changing Language Changes Perception

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By Dr. Vanda Seward

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*Inmate. Convict. Offender. Prisoner. Predator. Felon. Jailbird. Criminal. Ex-con. Ex-offender. Ex-felon.* These terms are routinely used by mainstream society to describe human beings who have been sentenced to and served a period of confinement in prison or jail. These and other dogmatic labels are purposely and effortlessly applied to irrevocably stigmatize and marginalize the formerly incarcerated individual. In effect, this coded disparagement further depreciates the person's morale and self-esteem, long after their release. Feelings of inferiority and rejection can often trigger maladaptive and socially deviant responses.

More than 2.3 million people are currently held in confinement in the United States. Of these numbers, 76 percent are expected to return to prison within five years of their release.<sup>1</sup> Denigrating colloquialisms reinforced by economic sanctions make the prospect for successful reintegration dismal at best, if not futile. "The acceptance and inclusion of formerly incarcerated persons by their community and overall society is vital to their success when rebounding from prison culture to community culture."<sup>2</sup> As an educator and practitioner with more than 32 years of experience working with the criminal-justice-involved population, I am still appalled whenever I hear these words used to describe my clients. These demeaning terms are employed openly and without reservation by public, private, and nonprofit sector employees alike, covering all racial and ethnic groups. In particular, policy makers and

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advocates for prison reform and community corrections flagrantly use this bias terminology in their daily intercourse and documentation. Accordingly, it is indiscriminately received and sanctioned by The People.

“Denigrating colloquialisms reinforced by economic sanctions make the prospect for successful reintegration dismal at best, if not futile.”

Many formerly incarcerated people return to the community with an enhanced education, vocational training, and renewed outlook on life. Unfortunately, these atypical profiling and discriminatory practices serve to minimize or negate any progress made by the justice-involved person toward rehabilitation and reformation. Their attempts to address and correct the thinking and behavior, which caused their entry into the justice system, is undermined by their classification and designation to a socially accepted permanent underclass. This mark of shame and discredit encountered during reintegration is a catalyst for the onset of substance use disorder, anxiety, depression, and other mental defects. Left untreated, this diminished capacity renders the targeted and vulnerable person a prime candidate for recidivism. Facing everyday responsibilities with little or no supportive network in place proves to be quite challenging, if not overwhelming. Under these mitigating and aggravating circumstances, the individual is more prone to re-offend, relapse, or both. “A person returning home from incarceration faces many hardships and being stigmatized by negative names is often a major barrier to successful transition. People returning home from prison are one of the most highly stigmatized groups in American society.”<sup>3</sup> “Society labeling individuals in an inferior manner based on a status or social circumstance is social stigma at its best.”<sup>4</sup>

Link and Phelan (2001) noted that “stigma is a process that occurs when elements of labeling, stereotyping, separation, status loss and discrimination co-occur together in a power situation that allows the components of stigma to unfold.”<sup>5</sup> All the elements of stigma

are associated with “the negative social attitudes attached to a characteristic of an individual, that may be regarded as a mental, physical or social deficiency.”<sup>6</sup> One of the most challenging tasks is to change a person’s negative thinking of one’s self if for years they have embraced and accepted the negative labels.

According to the late Eddie Ellis, executive director and founder of NuLeadership on Urban Solutions, in “An Open Letter to Our Friends on the Question of Language,” these terms are acceptable as the “official language of the media, law enforcement, public policy agencies and academia.”<sup>7</sup> Repeatedly calling someone such horrific names to define who the person is not only indicates that society is not interested in knowing who this formerly incarcerated person is today but also that it is not interested in knowing who they can be tomorrow. We must be continually be reminded of the power of speech. The Bible reads “death and life are in the power of the tongue.”<sup>8</sup> Repeatedly hearing and responding to a negative definition of self, leads one to believe and embrace the negative identity “for as a man thinketh in his heart, so is he.”<sup>9</sup>

Eddie Ellis went on to write:

In an effort to assist our transition from prison to our communities as responsible citizens and to create a more positive human image of ourselves, we are asking everyone to stop using these perceived negative terms and to simply refer to us as **PEOPLE**. People currently or formerly incarcerated, **PEOPLE** on parole, **PEOPLE** recently released from prison, **PEOPLE** in prison, **PEOPLE** with criminal convictions, but **PEOPLE**.<sup>10</sup>

Today, the conversation regarding the proper vernacular germane to reentry services, continues to evolve. Present day acceptable terms include “returning citizen” and “a person with justice involvement.”

Criminal justice reform should begin with changing the presumptuous language that is

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used to describe individuals who have been incarcerated. The motive for changing the rhetoric is to assist in eliminating the public outcry, bigotry, contempt, and disdain associated with people who have a history of criminal justice involvement. Essentially, we must ensure that an already marginalized, underserved, and vulnerable population does not have to continue to identify with a moment that, in many cases, was the worst period of their life. By changing the words that are used to reference them, we can change society's perception of who these persons are and who they may become. Attempting to thrive in an unforgiving society where a permanent caste system is enforced basically leaves only two options for the unskilled and unimaginative. One either conforms or continues to commit crimes in order to suppress feelings of degradation and despair.

“Fulfilling activities such as obtaining professional licenses or student financial aid or engaging in civic duties (e.g., voting, jury duty) are essential to the reentry process.”

Perceived stigma prior to release can have adverse complications on one's social functioning after release from prison and/or jail. Punitive barriers and restrictions placed on persons with

felony-conviction status continue to make life unbearable. Fulfilling activities such as obtaining professional licenses or student financial aid or engaging in civic duties (e.g., voting, jury duty) are essential to the reentry process. The dynamics of being stigmatized and ostracized are very complex for all with a criminal record but is even more of a challenge if you are African American or Hispanic.<sup>11</sup> For example, the federal housing guidelines restricts individuals with felony convictions from coming back home to live with their families. Thus, these returnees are forced into an already overcrowded, unsafe, and unsuitable shelter system akin to prison accommodations, a world where greed, defamation, and discrimination is perfectly legal. These civil penalties, although not considered punishment by our courts, often make it virtually impossible for those confined to integrate

into mainstream society and economy upon release. Once labeled a felon, this collateral consequence can be the most damaging and painful aspect of a criminal conviction.

Collectively, these sanctions send the strong message that, now that you have been labeled, you are no longer wanted. You are no longer a part of 'us,' the deserving. Unable to drive, get a job, find housing, or even qualify for public benefits, many ex-offenders lose their children, their dignity, and eventually their freedom—landing back in jail after failing to play by rules that seem hopelessly stacked against them.<sup>12</sup>

On 31 December 2016, the most recent date for which data is available, there were roughly 2.2 million people incarcerated in prisons and jails throughout the United States—add to that the 4.5 million people being supervised in the community by a parole or probation agency and 1 in 38 adults under some form of correctional supervision. Therefore, in this conversation I purposely use the phrase “our community,” as no community is exempt from the residual injustice that adversely impacts persons with criminal justice involvement and their family, friends, and neighbors. This is a call to action for a more responsive support structure for the formerly incarcerated, by eliminating labels that diminish perceived expectations for sustainable freedom and community contribution. We as service providers must make a concerted effort to eliminate the negative labels, offending name calling, and dehumanizing stigma from our speech and prose.

Granted, it is not easy to refrain from using a vocabulary relied upon and communicated for one's entire life. However, with diligent effort, discipline, and determination, it is possible. I recently attended a major local criminal justice forum. The acting New York State Department of Corrections and Community Supervision Commissioner spoke with the attendees from various government, law enforcement, and not-for-profit agencies. During his address, not

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once did he use any derogatory or demeaning terms to reference the subjects. This was the first time I witnessed an official of his level who did not use centuries-old terms, commonplace to the business at hand. I literally had to remind myself that he was talking about persons either incarcerated or under community supervision (on parole, probation). The well-respected speaker set the tone for correctional and reentry staff to uniformly follow. States must incorporate reintegration approaches throughout all phases of the criminal justice process, such as at time of arrest and sentencing, during incarceration, and post-release. Those of us who are scholars and practitioners in the field must begin to change our verbiage, as we invoke new concepts and techniques for a 21st-century justice system. Human-service and mental health providers must modify the language of their practice as well, recognizing that positive reinforcement is the social, behavioral, and emotional support needed for lasting rehabilitation, education, and empowerment.

This discussion is unequivocally relevant to reentry, as it offers concrete corrective action for the improvement of public perception and reconciliatory treatment of persons with a history of criminal justice involvement. In a civilized society, the burden of restorative justice should not fall solely upon the one who erred but on crime victims and the community at large, as well.

Changing the Words Changes the Outcome!

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# Mind On Lock:

## The Impact of Incarceration on Black Mental Health

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By Liku Madoshi,  
Esq.

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### Abstract

Black people in the United States suffer a variety of obstacles navigating society, including an increased likelihood of incarceration. The inhumane conditions of incarceration can contribute to the development or exacerbation of mental health issues. Consequently, inmates can struggle to readapt to society upon their release and ultimately recidivate. Criminal justice reform must prioritize addressing recidivism by including approaches to combat mental health issues during incarceration. Mandating mental health training in a facility housing inmates is critical in assisting them in the rehabilitation necessary to reencounter society and lead a productive life. Such a mandate would benefit all inmates, but would especially help Black people, who are not only most likely to be incarcerated, but also more likely to experience mental health issues and recidivate.

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### Introduction

In 2010, 16-year-old Kalief Browder was arrested after being falsely accused of stealing a backpack. Browder endured three years at Rikers Island awaiting trial, spending two of those years in solitary confinement; during this time he grew depressed, started talking to himself, and attempted suicide on more than one occasion. After Browder was finally released, he earned his GED, started community college, and attended weekly counseling sessions, but struggled to readapt to the norms of society.<sup>1</sup>

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Despite being one of seven children, he was no longer comfortable around others and isolated himself in his room where he would spend time talking to himself. Browder constantly feared people and objects were watching and waiting to attack him. He attempted suicide twice in the same day, by trying to slit his wrist with a steak knife and later hanging himself from a bannister. Browder ultimately died by suicide on 6 June 2015, when his mother found him hanging from the air conditioning unit outside her second-story window.<sup>2</sup>

## **Black People are More Likely to be Incarcerated**

Black people make up 40 percent of the criminal justice system and are more likely to be incarcerated than any other racial demographic in the United States. Mass incarceration has significantly stifled the advancement of Black people, who are more likely to be criminally profiled, arrested, charged, convicted, and sentenced for longer terms.<sup>6</sup> The likelihood of incarceration for Black men is 1 in 3, compared to 1 in 17 for White men. For Black women, the likelihood is 1 in 18, compared to 1 in 111 White women.<sup>7</sup> Compared to White youth, Black youth are more likely to enter the criminal justice system and be tried as adults.<sup>8</sup>

While incarceration rates overall are slowly declining, Black people continue to suffer incarceration in disproportionate numbers. Unfortunately, incarceration exposes an individual to an environment where development of mental health issues is likely, if not certain, to occur.

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## **Black People are More Likely to Suffer Poor Mental Health**

Poor mental health does not have to manifest as the stereotypical transient yelling in the middle of the street or the patient in the psychiatric ward. It is much more varied and can be as mundane as feeling “down” or having a bad day. Poor mental health begins with your mood, which impacts how you think, feel, and interact with others.<sup>9</sup> Common mental health issues include depression, anxiety, and posttraumatic stress disorder.<sup>10</sup> Compared to the general population, Black people are 20 percent more likely to experience mental health issues.<sup>11</sup>

Despite the misconception that Black people are “too strong,” Black people have an increased likelihood to experience mental health issues because they are subjected to harsher barriers and circumstances than the

“Because Black people are not only the majority of those incarcerated but also the most likely to suffer mental health issues, as a demographic they are the most impacted by the psychological effects of incarceration.”

The recent and unforgettable story of Kalief Browder will forever be an example of how incarceration can contribute to the development of mental health issues, and how those issues in turn contribute to the difficulties

the formerly incarcerated face in becoming productive members of society.<sup>3</sup> Browder was described as a “fun guy” who others loved to be around, but after his experience at Rikers Island, he was a quiet, isolated individual who struggled to readapt to society.<sup>4</sup> Those who struggle to readapt are more prone to reoffend and return to the prison system, and mental health issues increase that likelihood. Because of a variety of impacts from systemic social issues and structural inequities, Black people are disproportionately likely to experience mental health issues. While we focus solely on the more publicized impacts of incarceration on former offenders, such as losing voter eligibility and high unemployment, we neglect to recognize the extent of the impact incarceration can have on Black mental health. Ultimately, poor mental health increases the likelihood of recidivism for Black people.<sup>5</sup>

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general population, including exposure to violence, discrimination, trauma, inadequate healthcare, and poverty.<sup>12</sup> Violence in low-income Black communities is suffered differently than violence in more affluent communities due to the poorer conditions and increased likelihood of criminality, such as gang violence and police brutality. Studies show Black people are not only more likely to have police contact but also more likely to be subjected to excessive force by police.<sup>13</sup> Domestic violence between family members, romantic partners, and children is also a factor in Black communities. Reoccurring violence produces high levels of stress and psychological trauma and typically fosters a culture of violence within Black communities.<sup>14</sup>

“The struggle to adapt after release can make people more prone to criminal activity, leading to higher likelihood of police encounters, and, eventually, arrest.”

Black communities also often have low economic resources, and those in poverty are three times more likely to experience psychological distress than those in affluent

neighborhoods.<sup>15</sup> In poorer Black communities, there is minimal access to proper health care or education about mental health. As such, Black people continue to endure conditions that put their mental health at risk. Because Black people are not only the majority of those incarcerated but also the most likely to suffer mental health issues, as a demographic they are the most impacted by the psychological effects of incarceration.

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### Conditions and Effects of Incarceration

The conditions of incarceration create an environment that can foster mental health issues. Institutions housing inmates are overcrowded, underfunded, and often lack adequate resources, including health services.<sup>16</sup> Inmates experience voluntary and involuntary isolation, punishment, unhealthy living conditions, and substance abuse.<sup>17</sup> Violence is

an inevitable part of incarceration and has similar effects on incarcerated populations as it does on Black communities, that is, fostering a culture of violence. Violence may occur for different reasons, such as marking territory or establishing dominance among other inmates. Nonetheless, violence promotes more violence, retaliatory and otherwise, and experiencing excessive violence on a regular basis can result in trauma.

Being imprisoned means being disconnected from mainstream society and the regular aspects of life outside incarceration. Prisoners are disconnected from the families and communities that support them, which can have a tremendous impact on how they fare while incarcerated. For example, Browder had his mother's full support while he was at Rikers. His mother would visit him every weekend, add money to his commissary for snacks, and bring him fresh laundry.<sup>18</sup> Visitation, however, can fall short of being sufficient, especially when it is inconsistent. In addition to facing lack of support from family and friends, inmates are usually housed in small cells in open environments, a lack of privacy and control that can cause frustration.<sup>19</sup> In this environment, inmates cannot come and go as they please, set their own schedules, or simply choose to lock their doors. The life of a prisoner is dictated according to a system meant to maintain order within the prison facility.

Inmates also experience insecurity about future prospects, such as securing employment and housing and providing for their families upon release.<sup>20</sup> This can be due to the lack of meaningful activity, which stifles growth and advancement that might otherwise have occurred outside prison walls.<sup>21</sup> Meaningful activity can include something that gives life purpose, such as recognition for professional strides or achieving certain academic goals. Some institutions have educational programs and vocational training, but, depending on their quality and consistency, such programs may not be effective. While Browder was

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incarcerated, he participated in an educational program to earn his high school diploma, but there was no consistency in collecting and grading his homework.<sup>22</sup> Issues like these can discourage attempts to maintain productivity and put one in a hopeless mood. A sense of self and determination can easily get lost in the daily, repeated experience of uncontrollable circumstances, especially for those who are serving long sentences or have significant trouble adapting to incarceration. Essentially, being incarcerated can be an extremely frustrating ordeal over which one has extremely limited control. Having to endure these conditions impacts mental health and how one behaves upon release.

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### The Connection to Recidivism

The susceptibility of Black people to poor mental health, in conjunction with the disproportionate likelihood of imprisonment, makes it difficult for Black people released from incarceration to readapt to society. As such, they are more likely to recidivate. Recidivism is the likelihood of the formerly incarcerated to reoffend. Multiple factors affect the likelihood of recidivism, including lack of employment, unstable housing, and poor mental health.<sup>23</sup> Arguably, Black people are more likely to reoffend than White people due to these factors.

Upon release, the lives of Black former inmates often continue to be characterized by the same patterns of violence, substance abuse, family breakdown, and economic barriers they suffered before incarceration.<sup>24</sup> Additionally, the systemic structures in place still make it so Black neighborhoods are more likely to see criminal activity and encounter law enforcement. As former offenders in general are marginalized by their criminal history and Black people in general are marginalized by racism and discrimination, the odds are doubly stacked against Black former inmates. The likelihood of discrimination compounds for a

Black person with a criminal record, making it significantly difficult to secure employment.

Studies show former offenders who cannot secure employment are more likely to recidivate.<sup>25</sup> Communities with low economic opportunity and high crime are generally populated by Black people. On the other hand, more affluent communities that have low proportions of Black people are associated with lower risks of recidivism and higher quality of economic opportunity.<sup>26</sup> Former offenders in Black communities may resort to crime in order to survive if they cannot secure employment. Poor mental health is yet another disadvantage that increases the difficulty of securing employment when returning to the regular course of life.<sup>27</sup>

Poor mental health also makes it difficult to be a productive member of society upon release. The conditions of incarceration can result in self doubt, depression, mood disorders, and overall deterioration of mental health. Approximately 10 to 25 percent of those incarcerated reportedly suffer from a mental illness.<sup>28</sup> Mental health issues developed during incarceration are hardly addressed during time served and are therefore likely to continue after release. Granted, some services exist to assist inmates with mental health issues. But for those whose suffering is not so obvious, more efforts are needed to ensure these issues do not cause problems after release.

Kalief Browder's experience of violence from inmates and correctional officers (COs) resulted in trauma, which created a lasting paranoia. After his release, he was terrified of being attacked or robbed while riding the subway, an activity most New Yorkers are used to.<sup>29</sup> He carried these burdens home with him, which made it difficult to communicate with others and rebuild his life.<sup>30</sup> Browder said of how his incarceration affected him, "I'm mentally scarred right now. That's how I feel. Because there are certain things that changed about me and they might not go back."<sup>31</sup>

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Often, the impact of incarceration is not recognized, much less addressed, as former inmates reintegrate into society. Former offenders may have experienced trauma due to violence, psychological issues because of solitary confinement, or depression and anxiety from difficulties in adapting. Unfortunately, many of these issues go undetected. An inmate may receive medication or treatment for mental health problems with more obvious or overt manifestations, such as psychosis or hallucinations. However, depression, anxiety, and mood disorders are subtler in their symptoms, and may not even manifest until after release.<sup>32</sup> Poor mental health makes it difficult to sustain a job, communicate with others, and be an effective member of society. The struggle to adapt after release can make people more prone to criminal activity, leading to higher likelihood of police encounters, and, eventually, arrest. Ultimately, former offenders are ill-prepared to safely and successfully readapt to society. However, addressing issues that hinder reintegration into general society before release can significantly help minimize the likelihood of recidivism.

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### **How Incarceration can Address Mental Health Issues**

To reduce the likelihood of recidivism for Black people, addressing mental illness needs to begin during incarceration, not upon release or only when mental illness is abundantly clear. Fortunately, COs supervising the day-to-day life of inmates can implement solutions to combat these issues.

It should be mandatory for any institution housing inmates to be staffed with COs who have undergone mental health training. This training should be sufficient to help COs recognize, sympathize with, and respond to signs of mental health illness. COs are in the best position to provide ongoing monitoring and intervention as it pertains to mental health because of their daily interactions with inmates. They are the first to recognize

changes in mood, attitude, behavior, and appetite. Inmates can often appear healthy and unbothered to mental health professionals working in correctional facilities, as these providers do not see the daily development of an inmate's behavior. Additionally, these mental health professionals primarily tend to inmates with obvious symptoms of mental illness. CO interaction with inmates can provide a more accurate assessment of inmate mental health. In no way would COs take on the duties and responsibilities of licensed mental health professionals. Rather, COs should be considered, along with mental health professionals, an instrumental part in helping inmates maintain good mental health.

The use of mental health courts as an intervention for inmates with mental illnesses has proven effective in reducing rearrest rates, because of the support and guidance these courts provide.<sup>33</sup> Likewise, mental health training would equip COs with the tools and insight to balance between empathy and discipline, so they too can properly support inmates. Training COs to make ongoing mental health interventions can decrease the likelihood of mental health issues upon release and, in effect, the likelihood of recidivism. The prison environment can be influenced by how COs dictate and maintain control of their respective facilities. Once COs understand how the prison environment can be detrimental to mental health, they can help inmates adapt and to harsh conditions and respond more constructively instead of using violence, punishment, or disrespect.

Other ways correctional officers can help deter mental health issues are by decreasing negative psychological effects of prison conditions and improving the quality of services. For example, promoting educational and vocational programs would help ensure those programs serve their purpose and offer inmates meaningful activities to spend their time on. The CO responsible for picking up Browder's homework could have made more of an effort to ensure his homework was picked up and

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returned to him. Small gestures such as this help keep motivation alive as opposed to turning educational programs for the incarcerated into meaningless activity. Compassionately dealing with inmates leads to productive environments for both correctional officers and inmates.<sup>34</sup>

“Incarceration is not supposed to be punishment; it is an opportunity for an inmate to prepare for a productive, crime-free life after their debt to society is paid.”

Adopting mental health training would not be difficult as tools and resources are widely available. Mental health training for COs has been suggested and even implemented in correctional facilities. Multiple preapproved training programs exist for facilities to adopt so COs can equip themselves with the necessary tools to help inmates experiencing mental health issues. For example, the National Alliance on Mental Illness (NAMI) facilitates a crisis intervention program to help COs properly respond to mental health crises. The Indiana chapter of NAMI implemented a training for COs and found mental health training could lead to reduced violence and safer living conditions for both officers and inmates.<sup>35</sup> Mental health professionals working in facilities can adapt such resources to their own training curricula. There is no need to reinvent the wheel.

Mandating COs to undergo this training and have this necessary knowledge would significantly decrease the likelihood of recidivism. If mental health is monitored on a constant basis by addressing needs, moods, and changes among inmates, it will be easier to minimize negative impacts of incarceration and make it less likely for people to be released with untreated issues or unmet needs. Mental health influences the process of reintegration into society. Consequently, COs would be relieving the burden poor mental health

places on this process, and helping former offenders be effective members of society. This is especially important for Black people bearing the double burden of racism and a criminal record, both of which limit opportunities and resources for their advancement.

Black people are already at an increased risk for developing mental health issues given the background or environment they come from. This type of ongoing intervention can help limit or decrease the likelihood of mental health issues. The right type of intervention could have a lasting and pivotal impact on the mental health of an inmate.

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## Conclusion

There are more Kalief Browders in the world, each of whom suffers some impact due to their experience of imprisonment. Browder's story is telling of how necessary it is to address the significant barriers to integrating back into society. Given the racially-structured parameters of society, Black people continue to face systemic issues that make them more likely to be incarcerated and more likely to suffer from mental health issues. Incarceration increases the likelihood of poor mental health, which in turn makes it difficult to reintegrate into society and avoid recidivating.

Criminal justice reform cannot be limited to reforming sentencing and policing. It must include proper training for COs to adequately respond to the effects imprisonment has on the psyche. A stronger focus on maintaining mental health during incarceration is necessary to minimize the mental health issues of incarcerated Black people upon release and thus reduce the likelihood of recidivism.

Incarceration is not supposed to be punishment; it is an opportunity for an inmate to prepare for a productive, crime-free life after their debt to society is paid. To realize this opportunity and reduce recidivism, mental health issues must be combated before release.

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# Reentering Society:

## The Florida Narrative

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By Tachana Marc

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### Reentering Society: The Florida Narrative

On 3 May 2017, then Florida Governor Rick Scott signed an executive order deeming the opioid crisis as a public health emergency across the state.<sup>1</sup> His declaration, like any other state address during a difficult time, was clear, decisive, and hopeful: “Families across our nation are fighting the opioid epidemic and Florida is going to do everything possible to help our communities.”<sup>2</sup>

*However, the exception to that commitment was Florida's inmates.*

Roughly a year after the governor's promise, the Department of Corrections (DOC) announced a \$28 million deficit and warned that it would significantly reduce mental health, reentry, and substance abuse programs as a result.<sup>3</sup>

The response—a deafening silence—from the state's governor and legislature alike was typical and indicative of the state's historical neglect of those it incarcerates. Consequently, several halfway houses had to decrease their services, contracted staff were laid off, men were sent back to jail from transitional homes to finish their sentences, and local business owners who had employed those men were left scrambling to find replacements.<sup>4</sup>

As harmful as the immediate aftermath was—reduced educational and work programming and decreased support for substance abuse and mental health care—the longterm ef-



fects of this budget deficit are even more reprehensible. It will potentially affect the state's recidivism rates, compromise public safety, and deprive those who are in prisons of the key service that the DOC was created to provide: rehabilitation.

By allowing these cuts, the state failed to prioritize commonsense reforms. In the discourse of criminal justice reform, scholars have classified reforms as either front end or back end.<sup>5</sup> The former refers to alternatives to incarceration, such as pre-arrest diversion programs and probation, and the latter refers to supports for life after incarceration, such as reentry programs like early work release, educational opportunities, and more.<sup>6</sup> Ultimately, state's investments in both front-end and back-end reforms are crucial, as the two are inextricably linked. For example, a state that adequately invests in mental health and substance abuse programs as alternatives to arrest for offenders with drug-related addiction—a front-end reform—is likely to spend less on back-end reform because the front-end efforts would have assisted in thwarting the flow of those who would be entering the prison system.

“By allowing these cuts, the state failed to prioritize commonsense reforms.”

Similarly, a state that properly rehabilitates inmates and provides ample opportunities for the formerly incarcerated to successfully reenter society is likely to spend less on front-end reforms because successful reentry has shown to be negatively correlated to recidivism.<sup>7</sup> Reducing key services that facilitate inmates' rehabilitation sets Florida in a precarious position where those who will be leaving prison are not properly rehabilitated and thus face greater possibilities of committing new crimes against law-abiding citizens and returning back to prison. That is a major compromise of public safety and a waste of taxpayers' money, given that Florida's DOC has an operating budget of over \$2.4 billion.<sup>8</sup> Further, the state's underinvestment in reentry and rehabilitation initiatives will disproportionately harm African

American inmates, their loved ones, and their communities. African-Americans represent about 17 percent of Florida's population<sup>9</sup> while constituting 47 percent of its inmate population.<sup>10</sup> In the three-year period from July 2015 to June 2018, African Americans made up roughly 43 percent of inmates who were released.<sup>11</sup>

The case of reentry in Florida is uniquely significant for two major reasons. First, the state presently imprisons at a very high rate. In fact, Florida's incarceration rate is higher than that of all 13 founding NATO countries: the United States, Canada, and 11 European countries.<sup>12</sup> Second, Florida's application of various “tough on crime” laws have contributed to longer sentences.<sup>13</sup> Notably, the state currently has at least 108 mandatory minimums and five different enhancements,<sup>14</sup> as well as statutory time served requirements like the 85 percent rule, which requires that inmates serve a minimum of 85 percent of their sentence, even for nonviolent crimes.<sup>15</sup> Consequently, the number of people serving 10 or more years has tripled since 1996.<sup>16</sup> Offenders are spending more time in prison than ever before in Florida, which has yielded a ballooning inmate population. The combination of the aforementioned factors and a lack of crucial services—such as mental health, education, and transitional work programs—is a recipe for offenders to remain caught in the vicious cycle of the criminal justice system.

In addition to the fiscal neglects that have undermined reentry programs in Florida, the state also maintains an array of policies that continuously reduce opportunities for formerly incarcerated people to fully integrate into society. Some of these egregious practices include barring those who have committed a felony from serving on a jury, holding public office, and possessing a firearm until their civil rights have been restored,<sup>17</sup> a process currently backlogged with tens of thousands cases.<sup>18</sup> Additionally, the state may choose to arrest or suspend the driver's licenses of offenders who cannot pay their legal financial obligations

(LFOs), which are commonly fines, court and supervision fees, appointed attorney reimbursement, and victim restitution.<sup>19</sup> Felons did not have the right to vote in Florida until early January 2019. Amendment 4, which was overwhelmingly approved by voters in the 2018 midterm elections, reversed decades of disenfranchisement and restored the voting rights of felons—except those with a murder or felony sex crimes conviction—who have served their time and paid restitutions to the state.<sup>20</sup> While such voting rights restoration is a historic constitutional change, structural economic barriers have weakened its projected impact. A large percentage of felons still remained ineligible to register to vote due to outstanding legal financial obligations.<sup>21</sup>

For released prisoners in Florida, the challenges of reentering society are massive. They are often forced to confront and combat institutional barriers within the corrections system that are inherently disadvantageous to their rehabilitation. Too often, they reenter a society that deprives them of their civil rights and consistently challenges their humanity through humiliating and oppressing social and economic policies. As Florida repeatedly fails to adequately fund its corrections system, its inmates end up suffering the most from the negative consequences that ensue. Florida must prioritize the needs of its inmates through comprehensive criminal justice reform that eliminates archaic “tough on crime” policies and institutes a “smart on crime” model that promotes meaningful and sustainable rehabilitation.

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# Wisconsin Has a Solution to America's Hidden Unemployment Problem

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By Demarquin Johnson

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With unemployment so low, it may appear that most people who want jobs can get them. This may be true for many, but it is not for formerly incarcerated people. The Prison Policy Initiative reports more than one of every four individuals released from prison cannot gain employment. This national problem hurts our economy and reduces public safety. Luckily, Wisconsin has a solution to move the country in the direction of its state motto: Forward.

Wisconsin's current policy prevents public employers, private employers, and state-licensing boards from using a past criminal record against a jobseeker unless the conviction is substantially related to the job.<sup>1</sup>

“The Prison Policy Initiative reports more than one of every four individuals released from prison cannot gain employment.”

gives individuals with an arrest or conviction record a fair chance at employment. Research shows that having a record reduces the likelihood of a job callback or offer by nearly 50 percent.<sup>2</sup> This statistic is extremely alarming since, according to the Federal Bureau of Investigations, more than 77 million Americans have an arrest or conviction on their records. That is nearly one out of every three citizens in our country.<sup>3</sup>

Representative Gwen Moore is in the position to take Wisconsin's ingenuity to scale. She can and should introduce legislation that

Odds are we know someone who has a criminal record: a relative, a friend, or the kind neighbor down the street. All of these people should be protected from unfair discrimination based on a conviction unrelated to the job they seek or an arrest that never led to a conviction.

There are numerous advantages of applying Wisconsin's law to the entire nation. Public safety will be enhanced because more people will be able to obtain a legitimate paycheck instead of resorting to crime for money. Additionally, the Center for Economic and Policy Research reports that the economy would benefit by a boost in the US Gross Domestic Product (GDP) up to \$87 billion.<sup>4</sup> Most importantly, the moral fabric of our country is strengthened when we do the right thing, such as outlawing unfair discrimination.

Representative Moore has a long history of doing the right thing, which is why she must act. Her election as the first Black woman to represent Wisconsin in the House of Representatives is evidence she is not afraid to lead the way. When it comes to legislative change in Congress, a single trailblazer can start the process of turning an idea into a reality.

For more than a decade, Congresswoman Moore prioritized job opportunity as her legislative focus. She has sponsored bills with economic incentives and tax cuts to help stimulate job creation. Additionally, she has introduced legislation to end discriminatory practices against individuals with criminal

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records. Combining these two issue areas will greatly improve the country.

This is the best time to act on fair chance employment legislation. There is demonstrated support for criminal justice reform on both sides of the political aisle, in the business world, and in religious institutions throughout the country. Most notably, there is a grassroots movement supporting federal policy change to our legal system. Many Americans, including myself, know someone who will soon be released from prison and would like to do everything in our power to keep them from going back.

“Many Americans, including myself, know someone who will soon be released from prison and would like to do everything in our power to keep them from going back.”

The US Department of Justice recorded that more than 600,000 people are released from prison each year.<sup>5</sup> The government has a vested

interest in reducing recidivism and improving our economy. A ban on hiring discrimination based on unrelated arrest and conviction records can accomplish both of these goals.

Some believe that this type of policy goes too far and removing questions about criminal history from the application (also known as “ban the box”) is good enough. Research doesn’t back this up. A recent study revealed that merely banning the box can encourage racial discrimination and greatly harm young Black people, including those without an arrest or conviction record.<sup>6</sup>

In Wisconsin, Black people make up only 6 percent of the state population but 38 percent of the prison population.<sup>7</sup> While past criminal laws and mandatory minimums are part of the problem, state law demonstrates preventing businesses from engaging in future discriminatory behavior is part of the solution. Research has concluded that recidivism decreases when

employment increases.<sup>8</sup> The government is able to reduce the racial disparity and weaken the cycle of mass incarceration by ensuring employment opportunities are readily available after release.

On her website, Gwen Moore states, “The economy has turned back from the brink and is growing, but the recovery is far too modest and more needs to be done to address persistent unemployment.”<sup>9</sup>

Barriers to hiring for people with arrest or convictions records is a widespread problem, and Wisconsin has a specific solution that can work for the nation. Representative Moore is in the position to take the lead and ensure all Americans have a fair chance at employment.

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## Endnotes

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- 7 Prison Policy Initiative, “Wisconsin Profile,” accessed 25 March 2019, <https://www.prisonpolicy.org/profiles/WI.html>.
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# The Eastside Patriarch

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Darion Wright  
Mitchell

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*I am 26-year-old African American, currently incarcerated. I was sentenced to ten years in prison. During my stay I've begun writing poetry, as a form of catharsis, a therapeutic outlet.*

The lighthouse helps you stay on course  
Demonstrate the conduct of a man—mental note #4  
I have yet to realize my potential, awakening  
Sudden swirls & whirlwinds, the cyclones of frivolity  
The living dead are among us  
Patience is virtuous, this I know  
Scarce occurrence, increased its worth  
Subliminal text messages  
Decode the encryption  
Stagnated, numerous anchors deployed  
Cognitive construction  
Feel the pain, embrace the suffering  
Reminiscing on how it's been  
Developing the strategy for upcoming moments  
Prayers, in hard times . . . necessary  
Rainfall turned to a thunderstorm  
This, too, shall pass  
Coffee shoptalk  
Entrepreneurial dialogue  
Don't just plant the seeds  
Water them  
& witness the growth

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# Sunlit Prison of the American Dream

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Tiffany Thompson

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*Tiffany Thompson, mid-career master of public administration candidate at Harvard Kennedy School and Sheila C. Johnson Fellow, has over a decade of work experience at the intersection of leadership development, philanthropy, and social good.*

*Most recently, Tiffany served as senior associate for Echoing Green's Black Male Achievement Fellowship Program. In this role, she supported and advised next-generation social entrepreneurs as they designed, iterated, and launched their entrepreneurial ventures. Additionally, alongside the development team, she helped secure \$2.1 million from Citi Foundation to support Echoing Green's investment in racial justice issues. Prior to this, she was the My Brother's Keeper Engagement Associate, where she partnered with senior White House administrative officials to support President Obama's My Brother's Keeper Challenge. She also worked with the Deloitte LLP team on the launch strategy of the My Brother's Keeper Alliance. She has worked for Philadelphia Mayor Michael Nutter's Philadelphia Youth Commission and the CDC teen pregnancy prevention initiative AccessMatters, and has advised The Obama Foundation and Roddenberry Foundation as an independent consultant.*

*Tiffany is a former fellow of the Center for Progressive New Leaders and former member of Young Involved Philadelphia's Emerging Leaders. Black Youth Project named her one of the top 100 Black youth leaders and the Philadelphia NAACP awarded her the Humanitarian Award. Currently, she serves*

*on the board of directors for WeThrive, a nonprofit organization. Tiffany received her bachelor's degree from Temple University and holds a certificate in leadership development.*

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## Sunlit Prison of the American Dream

Do Black formerly incarcerated people have a chance of succeeding as entrepreneurs?

I didn't think I could be a husband much less a community leader, says Cory Greene.

From birth, these were the societal stereotypes Cory, a PhD candidate at the Graduate Center, CUNY and Founder of How Our Lives Link Altogether (H.O.L.L.A.), internalized and accepted.

For Cory, it was a generational reminder that he was not meant for this world.

Black, formerly incarcerated, and a social entrepreneur, Cory carries a story rooted in intersectionality.

He's not alone.

Black people in this country are imprisoned at more than five times the rate of Whites.

Moreover, among the five million formerly incarcerated people living in the United States, The Prison Policy Initiative estimates an unemployment rate of over 27 percent. Notably, that is higher than the total US unemployment rate during any historical period, including the Great Depression.



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With those odds, has America taken away formerly incarcerated people's right to participate in the American Dream of upward mobility?

For some, the answer is yes.

When traditional employment post-incarceration becomes difficult to secure, stability via social entrepreneurship becomes important for formerly incarcerated people. In fact, their proximity drives innovation. However, the journey doesn't come easy. Entrepreneurship is risky and not all social enterprises survive.

The funding disparities say it all.

“When traditional employment post-incarceration becomes difficult to secure, stability via social entrepreneurship becomes important for formerly incarcerated people.”

Research shows that Black and Latinx social entrepreneurs receive less than 3 percent of all venture capital funding.

On average, Black women entrepreneurs raise \$36,000, while White male entrepreneurs raise \$1.3 million (CBInsights).

Implicit and explicit bias in philanthropy impacts organizational growth and stifles innovation.

“We must have discussions on racism and acknowledge it still exists,” says Thell Robinson, founder of Halt Violence. For Thell, these funding disparities are less about innovation and more about life or death.

“There is nothing worse than hearing a parent yell out in pain when the casket with their child in it closes,” he says. “To pry a parent off a casket is one of the most disturbing moments to witness.”

Thell spent 13 years in prison. After being denied release in 2004, he returned to solitary confinement longing for a new reality. Soon after, he got baptized, started conducting

Bible study, and facilitated his first conflict mediation for 60 inmates.

He found his calling.

Seeing firsthand the impact of his conflict mediation, upon his release in 2013, Thell founded Halt Violence. Through its street-credible community ambassadors, Halt Violence provides role models, resources, and alternatives to violent behavior to empower youth in order to stop the cycle of incarceration within Black families.

America needs to heal, says Cory. “It's hard work trying to communicate the depth of my pain and hope for understanding when people in power are not doing their work to heal.”

For Cory, entrepreneurship wasn't planned. His moment of inspiration came while serving time in Otisville Correctional facility. In 2007, Cory and fellow incarcerated people founded H.O.L.L.A. Their personal journey to healing and connectedness to those left behind in their neighborhoods led them to recognize the need for H.O.L.L.A.

Today, H.O.L.L.A works to enhance grassroots youth community leadership by radically investing in the most marginalized youth of color through political education, social justice trainings, and youth organizing.

Teresa Hodge and her daughter Laurin Leonard agree with this approach. “We need to flip the dynamic of power. If a third of the population, regardless of record, understood its power, things could change.”

At 44, Teresa, cofounder of R3 Score, was sentenced to seven years and three months for a white-collar crime. “Going to prison was the easy part,” she says. “Coming home was the difficult part.” The first time she applied for a job, the application asked: Where do you live? Prior work experience? And . . . Have you been convicted of a crime? She checked yes, and the screen went black.

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This barrier to employment led her to entrepreneurship.

Teresa saw firsthand the ways background checks can prevent formerly incarcerated people from accessing meaningful employment, so she and Laurin launched R3 Score. R3 Score provides a data-driven evaluation score that provides banks with a metric to qualify individuals with criminal records for lending opportunities. R3 Score believes it can provide a background screening that fairly demonstrates the strengths and capacity of individuals with criminal records. It can also expand access to jobs, entrepreneurship opportunities, and financial products.

While entrepreneurship has been a viable alternative, for Cory, Thell, and Teresa, the path hasn't been easy. Failure is almost inevitable for social entrepreneurs and yet is an outcome these entrepreneurs cannot afford.

Black and formerly incarcerated, these entrepreneurs joined the world of philanthropy, one that has long struggled with equity.

Investors tend to trust and ultimately invest in people that are similar to themselves. In 2016, a Project Diane report found that 92 percent of senior investments teams are made up of men and less than 1 percent are African American.

Philanthropists and corporate America have long battled with this White dominant mindset. This issue is particularly ironic since they benefit greatly from people of color—the same people who buy their products and enter their “charity” programs—but still won't hire them.

With this level of inequity in funding and a sustained network of systems reproducing this inequality, America has created new obstacles for formerly incarcerated people.

If we ever hope to change this, we must name

and frame it properly as an intersectional issue. As scholar Kimberlé Crenshaw states, “Many will fall through the cracks of movements left in isolation” if we don't approach it as such.

We cannot dismiss the importance of closing the funding gap between entrepreneurs of color and their white counterparts. As such, we must also interrogate the questions that are left unasked for a just democracy.

For philanthropy—the questions are—who is a social entrepreneur to you? What does that person look like? If you can't picture Cory, Thell, or Teresa, then it's best we start there.

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# Re-enter

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Cozine Welch

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I did not re-enter  
as if absent from the living  
as if I was not just up the road  
off the highway exits you know so well  
on the other end of a collect call  
unaccepted

Watching the same  
news as you  
commercials tempting me with the same  
food as you  
as if I wasn't a part of the  
perpetual pull  
swinging through the same  
moods as you

I  
did not re-enter  
as if absent from the living  
the taking and giving  
as if not partaking in this thing  
that marks the existing  
The spark persisting of the  
heart committing to embark when  
missing from you

I  
did not re-enter  
as if absent  
from you  
as if separated by something  
more solid than  
societal constructs  
as if these walls and bars  
are not just  
aggregate dust

I  
did not re-enter  
I  
just  
became easy to overlook  
easy to  
forget  
waiting for the chance to  
see you  
so that you could remember

I never left

# Harvard Kennedy School Journal of African American Policy

During the 2018-19 school year, students at Harvard Kennedy School published podcasts, created petitions, and wrote articles highlighting the need to discuss race at HKS. The 2019-2020 volume of the Harvard Journal of African American Policy will contrast the harmful effects of policy made without a focus on race with what can be achieved by racially literate actors. The journal hopes to cover a wide range of topics including major legislation across education, health, and law that further marginalized black people and freedom dreaming to influence the future.



## Call For Content

**Priority deadline: October 15**

**Regular deadline: December 28**

We accept op-eds, research articles, interviews, book reviews, syllabi, art, and more. Submissions guidelines can be found at [hjaap.org/submit/](http://hjaap.org/submit/). All questions, comments, and concerns can be directed to [hjaap@hks.harvard.edu](mailto:hjaap@hks.harvard.edu).

### Eligible Formats

- **Original articles** with strong arguments, a compelling narrative, and clear policy recommendations; if previously published, HJAAP must be provided permission to republish
  - 1,500 to 3,000 words
- **Op-eds**
  - 750 to 1,000 words
- **Research articles**
  - 2,500 to 5,000 words
- **Reviews** of books, movies, speakers, panels, or conferences
  - 1,000 to 2,500 words
- **Creative content** such as photo essays, illustrations, artwork, etc. (all other places where the piece is published should be noted)
- **Interviews** with scholars, community leaders, students, activists, or political actors

### All submissions must:

- Be the author's original work
- Be formatted in Microsoft Word (.doc or .docx)
- Include a cover page with the submission title, author's name, mailing address, e-mail address, daytime telephone number, and a brief biography of no more than 150 words
- Include any citations as endnotes formatted in adherence with the *Chicago Manual of Style* ([www.chicagomanualofstyle.org](http://www.chicagomanualofstyle.org))
- Include any figures, tables, and charts as separate files

**Authors are required to cooperate with editing and fact-checking.**

E-mail entries to: [hjaap@hks.harvard.edu](mailto:hjaap@hks.harvard.edu)

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