

The Trauma of the Incarceration Experience

*Mika'il DeVeaux*¹

INTRODUCTION

In 2010, I ceased being counted as a member of the United States correctional population. In that year, I was discharged from correctional supervision after serving thirty-two years of a life sentence; twenty-five of those years were spent in several of New York State's maximum-security prisons, and seven on parole.² This Article reflects my perspective as a formerly incarcerated person, as a doctoral student whose work relates to incarceration, as an adjunct professor at colleges in New York City, and as a director of a nonprofit organization that provides basic support services to men and women returning from prison. This Article will argue that the experience of being incarcerated is traumatic. I will draw additional support for that argument from my personal experience. Although there is much debate about the psychological effects of incarceration, literature describing prison as a site of trauma is still uncommon.³

The experience of being locked in a cage has a psychological effect upon everyone made to endure it. No one leaves unscarred. The experiences are hard to describe. When I review my experiences, I often feel like a deer caught in oncoming headlights; I seem to stand still and stare. In this Article, I intend to provide an overview of the psychological effects of incarceration, to offer the reader a discussion about the notion of trauma as I have come to know it, to suggest why it is important from a public safety point of view to take note of these considerations, and to conclude with some discussion of my personal experiences that support and confirm my argument.

¹ Executive Director of Citizens Against Recidivism, Inc. and Lecturer in Sociology, City University of New York. Wanda Best-DeVeaux is to be thanked for her contributions to the work of Citizens Against Recidivism, Inc. and for her invaluable insights. A special thanks to Jemel Amin Derbali. The author is also grateful for the comments on earlier editions by editors at the *Harvard Civil Rights-Civil Liberties Law Review*. Finally, special mention and prayers go out to the men and women behind our nation's prison walls and those who have gotten out, who seek to make amends, and move on with their lives; their spirits fueled this writing.

² People under correctional supervision include those confined to residential correctional facilities (jails or prisons) and those who are supervised in the community (on probation or parole).

³ Sheryl Pimlott Kubiak, *The Effects of PTSD on Treatment Adherence, Drug Relapse, and Criminal Recidivism in a Sample of Incarcerated Men and Women*, 14 RES. ON SOC. WORK PRAC. 424, 424 (2004) ("Rarely is trauma discussed in relation to incarceration — either the effect of incarceration on those with trauma histories, prison as a site of new trauma, or the effect of trauma-related disorders on recidivism.").

I. PSYCHOLOGICAL EFFECTS OF INCARCERATION

Reports regarding the consequences of incarceration vary greatly. Some researchers report findings of psychological harm, while many others do not.⁴ Researchers have questioned the validity of studies on the prison experience due to inadequately robust research designs. For example, following reviews of a large number of studies related to the psychological harms that result from incarceration, some researchers found faulty research designs, questionable sampling techniques, and other methodological problems.⁵ These factors have led several researchers to conduct studies, in which they ultimately concluded that the psychological effects of incarceration were not substantial, even when the population studied had spent time in solitary confinement.⁶

In contrast, a body of literature concludes that the psychological effect of incarceration is substantial,⁷ even among those experiencing relatively short-term confinement in a jail⁸ or refugee and detention incarceration.⁹

⁴ See e.g., VICTORIA R. DEROSIA, *LIVING INSIDE PRISON WALLS: ADJUSTMENT BEHAVIOR* 8 (1998); JOHN HOWARD SOC'Y OF ALTA., *EFFECTS OF LONG TERM INCARCERATION* 15 (1999); Ivan Zinger, *The Psychological Effects of 60 Days in Administrative Segregation* 2–9 (Dec. 1998) (unpublished Ph.D. dissertation, Carleton University) (on file with Dissertation Abstracts International, 1999).

⁵ See James Bonta & Paul Gendreau, *Reexamining the Cruel and Unusual Punishment of Prison Life*, 14 *LAW & HUM. BEHAV.* 347, 348–49 (1990); Zinger, *supra* note 4, at 9–26.

⁶ Lee H. Bukstel & Peter R. Kilmann, *Psychological Effects of Imprisonment on Confined Individuals*, 88 *PSYCHOL. BULL.* 469, 469 (1980); see also J. GOETHALS, *STUDY ON THE PSYCHOLOGICAL EFFECTS OF LONG-TERM IMPRISONMENT OVERVIEW AND EVALUATION* (1980); Timothy J. Flanagan, *Dealing With Long-Term Confinement: Adaptive Strategies and Perspectives Among Long-Term Prisoners*, 8 *CRIM. JUST. & BEHAV.* 201, 201–203 (1981) (“Early views of the impact of serving time in prison depict a process of systematic destruction of the person [T]his deterministic view is simplistic”).

⁷ See, e.g., MARY BOSWORTH, *EXPLAINING U.S. IMPRISONMENT* (2010); *FACING THE LIMITS OF THE LAW* (Erik Claes et al. eds., 2009); CRAIG HANEY, *REFORMING PUNISHMENT: PSYCHOLOGICAL LIMITS TO THE PAINS OF IMPRISONMENT* 161–62 (2006); Adrian Grounds, *Psychological Consequences of Wrongful Conviction and Imprisonment*, 46 *CAN. J. CRIMINOLOGY & CRIM. JUST.* 165, 165 (2004); Adrian Grounds & Ruth Jamieson, *No Sense of an Ending: Researching the Experience of Imprisonment and Release Among Republican Ex-Prisoners*, 7 *THEORETICAL CRIMINOLOGY* 347, 347 (2003); Craig Haney, *The Psychological Impact of Incarceration: Implications for Postprison Adjustment*, in *PRISONERS ONCE REMOVED: THE IMPACT OF INCARCERATION AND REENTRY ON CHILDREN, FAMILIES, AND COMMUNITIES* 33, 33 (Jeremy Travis & Michelle Wauh eds., 2003) [hereinafter Haney, *The Psychological Impact of Incarceration*]; Lorna A. Rhodes, *Pathological Effects of the Supermaximum Prison*, 95 *AM. J. PUB. HEALTH* 1692, 1692 (2005); Clara Geaney, *That's Life: An Examination of the Direct Consequences of Life-Sentence Imprisonment for Adult Males Within the Irish Prison System* 29 (2008) (unpublished M.A. thesis, Dublin Institute of Technology) (on file with Dublin Institute of Technology Library) (“Psychiatric care provision in prisons is severely lacking and as a result many prisoners are developing mental health problems which may not have existed prior to incarceration, and for those with a psychiatric diagnosis, the experience has been shown to worsen their condition.”) (citing CLAIRE HAMILTON, *THE PRESUMPTION OF INNOCENCE AND IRISH CRIMINAL LAW: “WHITTLING THE GOLDEN THREAD”* (2007); PAUL MAHONY, *PRISON POLICY IN IRELAND – CRIMINAL JUSTICE VERSUS SOCIAL JUSTICE* (2000)).

⁸ HANS TOCH, *MEN IN CRISIS: HUMAN BREAKDOWNS IN PRISON* 149 (2007).

Indeed, the prison experience is unlike any other. Sociologist Donald Clemmer¹⁰ noted in his classic book, *The Prison Community*,¹¹ that the prison experience is neither normal nor natural, and constitutes one of the more degrading experiences a person might endure.¹² People in prison are likely to report that their adaptations to the constant scrutiny of guards and the lack of privacy are psychologically debilitating.¹³ Some literature suggests that people in prison experience mental deterioration and apathy, endure personality changes, and become uncertain about their identities.¹⁴ Several researchers found that people in prison may be diagnosed with posttraumatic stress disorders, as well as other psychiatric disorders, such as panic attacks, depression, and paranoia;¹⁵ subsequently, these prisoners find social adjustment and social integration difficult upon release.¹⁶ Other researchers found that the incarceration experience promotes a sense of helplessness, greater dependence, and introversion and may impair one's decision-making ability.¹⁷ This psychological suffering is compounded by the knowledge of violence, the witnessing of violence, or the experience of violence, all too common during incarceration.¹⁸ Some assert that the psychological effects of incarceration, developed during confinement, are likely to endure for some time following release.¹⁹

⁹ Jude McCulloch & Sharon Pickering, *The Violence of Refugee Incarceration*, in *THE VIOLENCE OF INCARCERATION* 225, 225 (Phil Scraton & Jude McCulloch eds., 2009).

¹⁰ Donald Clemmer was a pioneer whose work focused on the psychological effects of prison life. His work extended more than three decades and included a directorship at the District of Columbia Department of Corrections and in varying capacities in Illinois prisons, the federal penitentiary in Atlanta, and the Federal Bureau of Prisons. For more information about Donald Clemmer, see Nicolle Parsons-Pollard, *Clemmer, Donald*, in 1 *ENCYCLOPEDIA OF PRISONS & CORRECTIONAL FACILITIES* 137, 137–38 (Mary Bosworth ed., 2005).

¹¹ DONALD CLEMMER, *THE PRISON COMMUNITY* (1940).

¹² Samuel G. Kling, *The Prison Community*, 54 *HARV. L. REV.* 722, 722 (1941).

¹³ *FACING THE LIMITS OF THE LAW*, *supra* note 7; see also Teity A. Kupers, *Prison and the Decimation of Pro-Social Life Skills*, in *THE TRAUMA OF PSYCHOLOGICAL TORTURE* 127, 129 (E. Almerindo Ojeda ed., 2008).

¹⁴ See Rhodes, *supra* note 7, at 1692.

¹⁵ See, e.g., Grounds, *supra* note 7, at 169; Geaney, *supra* note 7, at 4.

¹⁶ See Grounds & Jamieson, *supra* note 7, at 347.

¹⁷ Richard A. Schill & David K. Marcus, *Incarceration and Learned Helplessness*, 42 *INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY* 224 (1998).

¹⁸ JOYCELYN M. POLLOCK, *PRISONS: TODAY AND TOMORROW* (2d ed. 2006); Shelley Johnson Listwan et al., *How To Prevent Prisoner Reentry Programs From Failing: Insights From Evidence-Based Corrections*, 70 *FED. PROBATION* 19, 23 (2006); William J. Morgan, Jr., *Major Causes of Institutional Violence*, *AM. JAILS*, Nov.–Dec. 2009, at 62 (2009); Steven Patrick, *Differences in Inmate-Inmate and Inmate-Staff Altercations: Examples from a Medium Security Prison*, 35 *SOC. SCI. J.* 253, 253 (1998); Rebecca Trammell, *A Qualitative Approach to Understanding the Connection between Race, Gender and Prison Violence* 1 (2006) (unpublished conference paper, American Sociological Association Conference), available at http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/0/3/2/4/pages103246/p103246-1.php.

¹⁹ See, e.g., CLEMMER, *supra* note 11, at 315; HANEY, *supra* note 7, at 13; Kling, *supra* note 12, at 723.

Some researchers argue that the psychological pain of incarceration is not inadvertent but inflicted by design.²⁰ Author Gresham Sykes characterizes these psychologically damaging experiences as “deprivations or frustrations,” and suggests that some of these frustrations “appear as a serious attack on the personality, as a ‘threat to the life goals of the individual, to his defensive system, to his self-esteem, or to his feelings of security.’”²¹ Thus, in addition to tangible and easily identified forms of punishment, incarceration may inflict more subtle emotional and psychological punishment.²² Sykes suggests these forms of punishment result from deprivations caused by a loss of liberty, material impoverishment, personal inadequacy, loss of heterosexual relationships, loss of autonomy, and loss of personal security.²³ Moreover, Sykes suggests that the emotional and psychological forms of punishment “of prison life today might be viewed as punishments which the free community deliberately inflicts on the offender for violating the law” or “as the unplanned . . . concomitants of confining large groups of criminals for prolonged periods.”²⁴

A prison experiment in the early 1970s attests to the psychological damage caused by the experience of incarceration.²⁵ During the Stanford Prison Experiment, a group of college students were randomly assigned roles as guards or as prisoners and then placed in a prison-like environment. Because the prisoner subjects experienced such intense psychological pain in the simulated environment, the researchers terminated the experiment after six days — eight days ahead of schedule. A number of the student prisoners experienced “acute psychological trauma and breakdowns”; some pleaded for release from the environment because of “intense pains” and five were released due to the “extreme emotional depression, crying, rage, and acute anxiety” they suffered during their brief, mock incarceration.²⁶ In one in-

²⁰ See, e.g., ERVING GOFFMAN, *ASYLUMS: ESSAYS ON THE SOCIAL SITUATION OF MENTAL PATIENTS AND OTHER INMATES* 14 (1961); Derek R. Brookes, *The Possibility of a Correctional Ethic*, in *DISCRETION, COMMUNITY, AND CORRECTIONAL ETHICS* 39 (John Kleinig & Margaret Leland Smith eds., 2001).

²¹ GRESHAM M. SYKES, *THE SOCIETY OF CAPTIVES: A STUDY OF A MAXIMUM SECURITY PRISON* 64 (1958) (citing Abraham H. Maslow, *Deprivation, Threat, and Frustration*, in *READINGS IN SOCIAL PSYCHOLOGY* 364, 366 (Theodore M. Newcomb & Eugene L. Hartley eds., 1947)).

²² Jesenia Pizzato & Vanja M.K. Stenius, *Supermax Prisons: Their Rise, Current Practices and Effects on Inmates*, in *CORRECTIONS: A TEXT/READER* 238, 242–44 (Mary Stohr et al. eds., 2009).

²³ SYKES, *supra* note 21, at 64.

²⁴ *Id.* It has also been argued that “the [psychological] pains of imprisonment are not an accidental or unintended by-product of the institution, but are an essential component of what the prison is designed to do” Brookes, *supra* note 20, at 40.

²⁵ See generally Craig Haney & Philip Zimbardo, *The Past and Future of U.S. Prison Policy: Twenty-Five Years After the Stanford Prison Experiment*, 53 *AM. PSYCHOLOGIST* 709 (1998); Anders Kaye, *Does Situationist Psychology Have Radical Implications for Criminal Responsibility?*, 59 *ALA. L. REV.* 611 (2008); Philip G. Zimbardo, *On the Ethics of Intervention in Human Psychological Research: With Special Reference to the Stanford Prison Experiment*, 2 *COGNITION* 243 (1973).

²⁶ Haney & Zimbardo, *supra* note 25, at 709; Kaye, *supra* note 25, at 623.

stance, the Stanford professors observed that a student prisoner “developed a ‘psychosomatic rash which covered portions of his body.’”²⁷ Researchers concluded that “adjusting” to prison life would be difficult for anyone.²⁸ The experience “can create habits of thinking and acting that are extremely dysfunctional” and permanently change those made to endure it.²⁹

A. Trauma

The origins of the word “trauma” lie in the Greek word for wound, *traumat*.³⁰ Trauma is an event in which there is physical harm, the self is wounded, or when a person who directly experiences, witnesses, or learns about a violent event is “damaged” by it.³¹ Indeed, even the apprehension of a violent event is particularly stressful when the event involves a family member or close friend.³² Today, researchers writing about trauma rely on the *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.) for differential diagnosis of the phenomenon.³³ Often used interchangeably with posttraumatic stress disorder, which is a psychiatric diagnosis, trauma is a subjective experience.³⁴

There are two types of trauma.³⁵ Type I Trauma is a level of injury, pain, or shock derived from a rare unanticipated single event, while Type II Trauma is the injury, pain, or shock that results from anticipated, ongoing, or multiple incidents over time.³⁶ Edwin F. Renaud warns that the experience of an event alone does not lead to the diagnosis.³⁷ Rather, he observed that symptoms after the event will trigger diagnosis.³⁸ It is only when a person is

²⁷ Kaye, *supra* note 25, at 623 (citing Craig Haney et al., *Interpersonal Dynamics in a Simulated Prison*, 1 INT’L J. CRIMINOLOGY & PENOLOGY 69, 81 (1973)).

²⁸ Haney, *The Psychological Impact of Incarceration*, *supra* note 7, at 37.

²⁹ *Id.* at 37–38.

³⁰ LAURENCE J. KIRMAYER ET AL., UNDERSTANDING TRAUMA: INTEGRATING BIOLOGICAL, CLINICAL, AND CULTURAL PERSPECTIVES 5 (2007).

³¹ AM. PSYCHIATRIC ASS’N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS TEXT REVISION 463–64 (4th ed. 2000); Bruce Carruth & Patricia Burke, *Psychological Trauma and Addiction Treatment*, 8 J. CHEMICAL DEPENDENCY TREATMENT 1, 2–6 (2006); Barbara Davis, *Psychodynamic Psychotherapies and the Treatment of Co-Occurring Psychological Trauma and Addiction*, 8 J. CHEMICAL DEPENDENCY TREATMENT 41, 43–45 (2006).

³² See AM. PSYCHIATRIC ASS’N, *supra* note 31, at 463.

³³ See, e.g., CAROLYN M. ALDWIN, STRESS, COPING, AND DEVELOPMENT: AN INTEGRATIVE PERSPECTIVE 211 (2d ed. 2007); Shelley Johnson Listwan et al., *Victimization, Social Support, and Psychological Well-Being: A Study of Recently Released Prisoners*, 37 CRIM. JUST. & BEHAV. 1140, 1141 (2010).

³⁴ AIDA ALAYARIAN, TRAUMA, TORTURE AND DISSOCIATION: A PSYCHOANALYTIC VIEW 57–89 (2011); Edwin F. Renaud, *Posttraumatic Stress Disorder: An Overview of Theory, Treatment, and Forensic Practice Considerations*, in FORENSIC NURSING: A HANDBOOK FOR PRACTICE 197, 198 (Rita M. Hammer et al. eds., 2d ed. 2013).

³⁵ CHRISTOPHER RAOUL CARRANZA & JANE R. DILL, BANISHING NIGHT TERRORS AND NIGHTMARES: A BREAKTHROUGH PROGRAM TO HEAL THE TRAUMAS THAT SHATTER PEACEFUL SLEEP 166–67 (2004).

³⁶ *Id.*

³⁷ Renaud, *supra* note 34, at 199.

³⁸ *Id.*

rendered helpless or is overwhelmed by an event that the results may be said to constitute trauma.³⁹ This distinction is important because various individuals are likely to experience a singular event differently.⁴⁰

The traumatic experience of incarceration is likely to be varied and to produce both negative and positive psychological results post-release among the formerly incarcerated,⁴¹ in some ways similar to repatriated prisoners of war.⁴² An experience, without more, does not make an event traumatic.⁴³ The conceptualization of trauma is created by the relationship between the event, the individual involved, and her reaction to it.⁴⁴ When seeking to characterize an event, researchers have often made assumptions about the nature of the event and largely ignored the subjective component or unique perspective of the individual experiencing it.⁴⁵ Professor Andrew Rasmussen and his colleagues argue that researchers often impose their own beliefs about an experience based upon their assumption about its effect, without ever asking those that have undergone the experience about their interpretations of it.⁴⁶

Studies about the traumatic experiences of Black males explore these confounding individual and social factors, though such studies still have not been developed thoroughly and the topic is difficult to subject to rigorous scientific methods. These studies typically focus on incidences that occur in the community prior to prison such as physical assaults, sexual assault or molestation, shootings, stabbings, or other problems associated with living in the inner city.⁴⁷ Some researchers focus on historical and cultural trauma related to the collective memory of Black people about slavery or the psychological effects of living in a race-conscious society.⁴⁸ Although these

³⁹ *Id.* at 200.

⁴⁰ *Id.* at 198.

⁴¹ Brookes, *supra* note 20; Haney, *The Psychological Impact of Incarceration*, *supra* note 7.

⁴² See William H. Sledge et al., *Self-Concept Changes Related to War Captivity*, 37 ARCHIVES GEN. PSYCHIATRY 430 (1980).

⁴³ Victoria M. Follette & Aditi Vijay, *Mindfulness for Trauma and Posttraumatic Stress Disorder*, in CLINICAL HANDBOOK OF MINDFULNESS 299, 301 (Fabrizio Didonna ed., 2009).

⁴⁴ *Id.*

⁴⁵ Andrew Rasmussen et al., *The Subjective Experience of Trauma and Subsequent PTSD in a Sample of Undocumented Immigrants*, 195 J. NERVOUS & MENTAL DISEASE 137, 137 (2007).

⁴⁶ *Id.*

⁴⁷ See, e.g., CHRISTOPHER B. BOOKER, "I WILL WEAR NO CHAIN!": A SOCIAL HISTORY OF AFRICAN-AMERICAN MALES 205–26 (2000); JOHN A. RICH, WRONG PLACE, WRONG TIME: TRAUMA AND VIOLENCE IN THE LIVES OF YOUNG BLACK MEN (2009); TERRIE M. WILLIAMS, BLACK PAIN: IT JUST LOOKS LIKE WE'RE NOT HURTING (2008); John A. Rich & Courtney M. Grey, *Pathways to Recurrent Trauma Among Young Black Men: Traumatic Stress, Substance Use, and the "Code of the Street"*, 95 AM. J. PUB. HEALTH 816 (2005).

⁴⁸ See, e.g., JUAN BATTLE & SANDRA L. BARNES, BLACK SEXUALITIES: PROBING POWERS, PASSIONS, PRACTICES, AND POLICIES (2010); PRISCILLA DASS-BRAILSFORD, A PRACTICAL APPROACH TO TRAUMA: EMPOWERING INTERVENTIONS (2007); RON EYERMAN, CULTURAL TRAUMA: SLAVERY AND THE FORMATION OF AFRICAN AMERICAN IDENTITY (2001); KEVIN POWELL, BLACK MALE HANDBOOK: A BLUEPRINT FOR LIFE (2008); RE-CENTERING: CULTURE AND KNOWLEDGE IN CONFLICT RESOLUTION PRACTICE (Mary Adams Trujillo et al. eds., 2008);

ideas may be popular and have been advanced by public figures, these discussions are not well developed; they lack any reference to the *Diagnostic and Statistical Manual of Mental Disorders* and are difficult to study using rigorous research methods.⁴⁹

B. A Concern Related to Public Safety

By the end of 2010, more than seven million adults in the United States were under correctional supervision.⁵⁰ This represents about one in every thirty-three adults in the United States's resident population.⁵¹ Since the 1970s, the number of people confined to residential correctional facilities (a jail or prison) in the United States has increased by approximately 700%, from an estimated 300,000 to more than two million.⁵² Today, the United States incarcerates more people per capita than any other country in the world.⁵³

Incarceration in America disproportionately affects people of color. Among all people currently confined to a state or federal prison, two out of three are persons of color.⁵⁴ Incarceration rates for Black non-Hispanic male adults are seven times that of White non-Hispanic males.⁵⁵ Hispanic men are nearly three times as likely to be incarcerated as White men.⁵⁶ Similarly, Black and Hispanic women are more likely to be incarcerated than their

Kristin N. Williams-Washington, *Historical Trauma*, in HANDBOOK OF AFRICAN AMERICAN HEALTH 31 (Robert L. Hampton et al. eds., 2010).

⁴⁹ Tiffany L. Green & William A. Darity, Jr., *Under the Skin: Using Theories from Biology and the Social Sciences to Explore the Mechanisms Behind the Black-White Health Gap*, 100 AM. J. PUB. HEALTH S36, S36–40 (Supp. 2010); see also Barack Obama, Democratic National Convention Keynote Address (July 27, 2004), available at <http://www.americanrhetoric.com/speeches/convention2004/barackobama2004dnc.htm>.

⁵⁰ LAUREN E. GLAZE, BUREAU OF JUSTICE STATISTICS, CORRECTIONAL POPULATIONS IN THE UNITED STATES, 2010 1 (2011), available at <http://njs.ojp.usdoj.gov/content/pub/pdf/cpus10.pdf>.

⁵¹ *Id.* at 2.

⁵² John F. Pfaff, *The Empirics of Prison Growth: A Critical Review and Path Forward*, 98 J. CRIM. L. & CRIMINOLOGY 547, 547–619 (2008); GLAZE, *supra* note 50, at 2 tbl.1. People in residential correctional facilities include those sentenced and confined in a state or federal prison and those in jail, including prisoners awaiting trial or sentencing. *Id.*; see also MICHELLE NATIVIDAD RODRIGUEZ & MAURICE EMMELM, NAT'L EMP'T LAW PROJECT, 65 MILLION "NEED NOT APPLY": THE CASE FOR REFORMING CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT (2011); Michael Pinard, *Reflections and Perspectives on Reentry and Collateral Consequences*, 100 J. CRIM. L. & CRIMINOLOGY 1213 (2010); Anthony Calabrese, *One in 31 Adults in U.S. Corrections System; Overall Population Growth Slows*, STATE OF THE USA, July 22, 2010, <http://www.stateoftheusa.org/content/locked-up-a-look-at-crime-and.php>.

⁵³ ROY WALMSLEY, INT'L CTR. FOR PRISON STUDIES, WORLD PRISON POPULATION LIST 1 (2012), available at <http://www.idcr.org.uk/wp-content/uploads/2010/09/WPPL-9-22.pdf>.

⁵⁴ PAUL GUERINO ET AL., BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2010 26 app. tbl.12 (2011), available at <http://bjs.gov/content/pub/pdf/p10.pdf>.

⁵⁵ *Id.* at 7; see also *id.* at 27 app. tbl.14.

⁵⁶ *Id.* at 27.

White counterparts.⁵⁷ My experiences are rooted in New York State where similar trends have been found. As of January 1, 2011, among the 56,315 people incarcerated in New York prisons, nearly four out of five (78%) were persons of color.⁵⁸

Most of those incarcerated are released.⁵⁹ The unprecedented number of people being released from prison, and the rate at which the release is occurring, makes reentry a pressing contemporary social problem. At least 95% of all people incarcerated in state facilities return to the community.⁶⁰ An even larger percentage of those who spend time in county and city jails return. In 2008, more than 735,000 returned to the community, declining somewhat in 2009 to 729,295.⁶¹ In 2009, an average of 1,998 people were released from state or federal prison every day; this number does not include those released from county or city jails.⁶² The condition of people returning to their communities should be of great public concern because the environment in which people are confined affects the psychological condition in which they return.⁶³ I found the prison experience traumatic because of the

⁵⁷ Pollock, *supra* note 18, tbl. 3-2; Solveig Spjeldnes & Sara Goodkind, *Gender Differences and Offender Reentry: A Review of the Literature*, 48 J. OFFENDER REHABILITATION 314, 316 (2009).

⁵⁸ DAN BERNSTEIN, STATE OF N.Y. DEP'T OF CORR. SERVS., UNDER CUSTODY REPORT: PROFILE OF INMATE POPULATION UNDER CUSTODY ON JANUARY 1, 2011 2-3 (2011), available at http://www.prisonpolicy.org/scans/nydocs/UnderCustody_Report2011.pdf.

⁵⁹ Richard P. Seiter & Karen R. Kadela, *Prisoner Reentry: What Works, What Does Not, and What is Promising*, 49 CRIME & DELINQUENCY 360, 366 (2003). Today, reentry of formerly incarcerated people back into society is a social problem.

⁶⁰ TIMOTHY HUGHES & DORIS JAMES WILSON, BUREAU OF JUSTICE STATISTICS, REENTRY TRENDS IN THE UNITED STATES (2003), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/reentry.pdf>.

⁶¹ HEATHER C. WEST ET AL., BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2009 4 (2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>.

⁶² *Id.*

⁶³ People who reenter the community following long periods of incarceration face many challenges. They often return in the same or worse condition than they were in before entering prison. They are likely to have few marketable skills and are hard to employ. Some suffer from mental illness. A portion of those in prison are HIV-positive or have AIDS. Overall, among people returning from prison and jail, very few have positive social supports; they have high rates of death by suicide, homicide, or overdoses from drug use. In addition, people released from prison have high rates of recidivism: three in ten reoffend within six months of their release, a rate that increases to two of three within three years after release. INCREASING PUBLIC SAFETY THROUGH SUCCESSFUL OFFENDER REENTRY: EVIDENCE-BASED AND EMERGING PRACTICES IN CORRECTIONS 7 (M.M. Carter et al. eds., 2007). Many return to prison following violations of conditions of release or commissions of crime; either scenario has a negative impact on public safety. *Id.*; Nicholas C. Larma, *Changes and Challenges for Counseling in the 21st Century*, in 1 ENCYCLOPEDIA OF COUNSELING 116, 116-19 (Frederick T.L. Leong et al. eds., 2008); HUGHES & WILSON, *supra* note 60; PATRICK A. LANGAN & DAVID J. LEVIN, BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF PRISONERS RELEASED IN 1994 (2002), available at <http://www.bjs.gov/content/pub/pdf/rpr94.pdf>. Finally, when people do return from prison or jail, they tend to be concentrated in areas that are characteristically poor and that provide little economic opportunity. "The key tasks of communities, such as providing a sense of security and pride, a healthy environment for families, jobs, and open exchanges and support, are hampered when large numbers of the population are recycling in and out of correctional facilities and carrying with them the lasting consequences of incarceration." Ram A.

assaults and murders I witnessed while incarcerated, because of the constant threat of violence, because of the number of suicides that took place, and because I felt utterly helpless about the degree to which I could protect myself. I found the experience extremely stressful — during my incarceration, I was tense and always on guard because the threat of violence was real and ever present. In this piece, I will relate only a few examples of what I endured to show that prison is indeed a site of trauma and that, as a result, we should be more concerned about the conditions inside correctional facilities and the state in which the formerly incarcerated reenter society.

II. THE INCARCERATION EXPERIENCE

During the twenty-five years I spent in prison, I was incarcerated in several of New York State's maximum-security prisons. Today, they are like my alma maters: Sing Sing, Comstock, Green Haven, Auburn, Clinton, Sullivan, Attica, and Eastern New York State Prison. The shock of being sentenced following my jury trial took my breath away. In 1979, at the age of twenty-three, I was convicted of violating New York State's Criminal Procedure Law 125.25 — murder in the second degree — and was given an indeterminate sentence with a minimum of twenty-five years and a maximum term of life to be served in a New York State prison. At twenty-three years old, a twenty-five-year minimum sentence was more time than I had been alive. Twenty-five years was a lifespan — my lifespan. I was stunned by it — stunned after hearing the numbers, stunned after learning that the maximum term was life. I had a hard time adjusting to the idea of twenty-five years to life. It was unimaginable. I never positively adjusted to the idea of being in prison.

I remain haunted by the memories and images of violence — violence I experienced, violence I witnessed, and violence that I heard or learned about. I can still see the murders I witnessed. I still see the image of a person being hit at the base of his skull with a baseball bat on a warm, sunny afternoon during recreation hours. The entire scene plays like a silent movie. He is smashed in the back of his head, crumbles, and falls to the ground. While he lays helpless on the ground, his head is smashed again and again until the sight of blood seems to satisfy his attacker. I watch as the perpetrator then calmly returns the baseball bat to the location where he had retrieved it and just walks away as if nothing had happened, while others entering the yard area walk around the lifeless body.

I can still see the rapid hammering motions of a hand plunging an ice pick-like object into the back of another person standing with his hands in his pockets. Perhaps he died as he was falling to the ground. The stabs were so powerful that the victim fell face forward, like the ground was preparing

to embrace him with open arms. His hands were still in both of his pockets. No one rushed to his aid as he lay face down in the dirt. Instead, he was like a pebble that had fallen in a pond of people. The crowd backed away, like a hole in the middle of a circle growing larger and larger. I wrote a poem about this event because of the impression it made on me. It began, “somebody died today . . .” — a nameless body with a hood covering a head, face down in a pool of blood.

I can recall two men engaged in a fistfight after one of them had been stabbed in the neck with a “homemade” knife. What made this fight more memorable than others was that one of the men fought while the handle of the knife protruded from his neck on one end, while the point of the blade showed on the other. The image still makes me gasp in awe; it was incredibly mad. I can only describe it as mad. I can still recall these attacks like they just happened a moment ago.

Even so, not all of the violence in my incarceration experience was physical. It also included verbal abuse. I can still hear a prison guard saying, “get in the cage, nigger,” with a stinging voice that continues to slice through time. I remember the threats of being told by the guards, “one of these days . . .” I remember being asked by the guards if I wanted to be a martyr and pretending that I did not know what the word meant. Violence permeated the prison atmosphere. I lived in a constant state of paranoia. The rampant possibility of violence reminded me of a dark side I had previously thought only existed in nightmares and stories told to errant youth to frighten them into silence or obedience. Although I had been arrested before, I had never lived in a cell for longer than a few hours prior to my incarceration. A few hours in a jail cell are not the same as being in a jail or prison cell for days on end.⁶⁴

I began my twenty-five-year incarceration in the Westchester County Jail located in Valhalla, New York. Although not yet convicted of a crime, jail residents are often mistreated by guards and subject to violations of their constitutional rights. I recall being very afraid when I first entered the Westchester County Jail. I was afraid of being raped. This possibility of being raped dominated my mind because horror stories about rape are prevalent among people who have not gone to jail or prison. Moreover, before my incarceration, men I knew who had gone to prison had spoken of rape as the customary fate of the young and inexperienced. Even today, rape is such a part of prison folklore that it has been reenacted in popular movies like *Midnight Cowboy* and *The Shawshank Redemption*. I was so frightened by the

⁶⁴ The differences between jail and prison are technical. Jails are locally owned by a county, a municipality, or a city government. A prison is owned by the state or federal government. Jails are usually situated in close proximity to the place of arrest and the place where persons arrested reside. Prisons are likely to be hundreds of miles away from both, and in the case of the federal government, thousands of miles away. Stays in jail generally follow arrest. Jails house those who are unable to post bail before a case is adjudicated at trial. Prisons house those convicted of a crime.

possibility that I remember yelling out, “nobody is going to fuck me,” while brandishing two makeshift ice picks during a gathering in a common room. I was terrified and tried to escape from the jail mainly because of my fears. Rather than having drugs brought into the prison, a common occurrence facilitated by guards and visitors, I arranged for a diamond cutter to be smuggled into the jail. My escape plot failed because my in-house couriers were caught bringing the diamond cutters into the jail and subsequently directed the authorities to me. Afterwards, I was sent to the maximum-security section of the jail to live in isolation from the general population in order to deter any further escape attempts.

Isolation did not help my mental state. More than anything else, I recall feeling sad and depressed. I felt caged, alone, and helpless. Nothing was familiar. Even in isolation, I had a physical fight with a peer housed in the same unit of cells. At that time, we were the only two people housed in that five-cell unit. We fought because he would not stop yelling when no one was around. It never occurred to me that he might be mentally ill. I could not bear the quiet, and I could not tolerate his screaming and yelling at the guards when none were present. I thought he was just trying to frighten me. He *did* frighten me. I thought he yelled because he knew I did not like it. I just wanted him to be quiet.

While it is difficult for me to substantiate the negative experiences with guards that I endured during my time at Westchester County Jail in 1978, recent reports have found conditions substantially similar to those I experienced. For example, in November 2009, the Department of Justice Civil Rights Division and the United States Attorney’s Office for the Southern District of New York published a set of findings from their investigation of the Westchester County Jail, which had begun in 2008. In part, the report found that detainees were not afforded adequate protection from harm perpetrated by staff at the facility.⁶⁵ More specifically, investigators found that detainees were routinely subjected to excessive force when lesser forms of intervention were appropriate. Their review found evidence of officers

shoving inmates aggressively into fixed objects when less injurious tactical holds could be safely employed . . . routinely applying needlessly painful escort techniques (bent wrist locks while apparently applying intense pressure) . . . routinely employing crowd control contaminants (MK-9 in a 16 ounce canister) when they are tactically contraindicated rather than utilizing an equally effective personal size canister (MK-4 in a three ounce canister) . . . disregard[ing] some inmates’ mental impairments in use of force incidents, which appears to greatly heighten the volatility of a given situation. Indeed, they utilize threatening and aggressive verbal

⁶⁵ Letter from Thomas E. Perez, Assistant Attorney Gen., U.S. Dep’t of Justice, to The Hon. Andrew J. Spano, Westchester Cnty. Exec. 2 (Nov. 19, 2009), available at http://www.justice.gov/crt/about/spl/documents/Westchester_findlet_11-19-09.pdf.

strategies, which tend to escalate rather than de-escalate a potentially volatile situation.⁶⁶

The report also found that officials at the Westchester County Jail failed to provide adequate protection from infectious disease, proper access to dental care, and provisions for adequate mental health care.⁶⁷ The report detailed the use of force by officials to administer involuntarily medication, “including the use of chemical agents,”⁶⁸ noted inadequate documentation of force incidents, and a lack of acceptable grievance procedures for complaints and/or allegations made by detainees.⁶⁹ These behaviors and practices implicate jail guards and others from whom detainees expect protection. Unfortunately, the conditions exposed at the Westchester County Jail are not isolated. The United States Justice Department filed reports finding problematic conditions at the Baltimore City Detention Center, the Cook County Jail in Illinois, the Dallas County Jail in Texas, the Grant County Detention Center in Kentucky, and other jails and detention centers around the country.⁷⁰

A. *Sing Sing Prison*

I remained in the Westchester County Jail for about nine months. I was brought to the jail in October 1978 and was transferred to Sing Sing Prison in August 1979 after being convicted at trial by a jury. At that time, there were about 20,000 people confined within New York State’s prisons system.⁷¹ Being transferred from a New York City jail was referred to as “going up north” or “going on a boat” because all of New York State’s prisons were north of New York City and because in the early days of the State’s prison system, new arrivals at Sing Sing Prison may have gone up the Hudson River to Sing Sing Prison by boat.

Sing Sing Prison, now known as Ossining Correctional Facility, housed over 2,000 people in 1979, though its capacity was only around 1,800.⁷²

⁶⁶ *Id.* at 8.

⁶⁷ *Id.* at 19–27.

⁶⁸ *Id.* at 23.

⁶⁹ *Id.* at 14, 16. This report acknowledged that people in prison have the right to be protected from the threat of violence or harm from others so confined, and that it is the duty of prison officials to take on that responsibility. However, the report did not include any findings related to violence between people confined to the Westchester County Jail.

⁷⁰ See, e.g., Letter from Grace Chung Becker, Acting Assistant Attorney Gen., U.S. Dep’t of Justice, to Todd H. Stroger, Cook Cnty. Bd. President, & Thomas Dart, Cook Cnty. Sheriff (July 11, 2008), available at http://graphics8.nytimes.com/packages/pdf/national/Cook_County_Jail_Findings_Letter.pdf.

⁷¹ *Trends in the New York State Correctional System, PERSPECTIVES FROM THE NEW YORK STATE ASSEMBLY’S COMMITTEE ON WAYS & MEANS* (Occasional Paper 1998), available at <http://assembly.state.ny.us/Reports/WAM/Perspectives/199803/>.

⁷² PRISON VISITING PROJECT, CORR. ASS’N OF N.Y., *SING SING CORRECTIONAL FACILITY 1* (Apr. 2009), available at http://www.correctionalassociation.org/wp-content/uploads/2012/05/sing-sing_4-28-09.pdf.

Today, following the closing of one of the prison's buildings — the “Tap-pan” building — the facility generally houses between 1,600 and 1,800 men.⁷³ Besides its ominous appearance, the shockingly large number of people crowded in its cell blocks, the crowds in the prison's mess halls during meals, and the hundreds of inmates that populated its recreation yards, for me the most memorable thing about Sing Sing was the noise inside its housing units. I was housed in both the A-Block and the B-Block. Sing Sing includes open cellblock galleries (nothing is enclosed), and those housed within the galleries talked, screamed, yelled, and cried at each other and at the guards during nearly every hour of the day and night. A guard who worked at the prison described the scene thusly:

A-block, probably the largest freestanding cellblock in the world, is 588 feet long, twelve feet shy of two football fields. There are some 684 inmates, more than the entire population of many prisons. You can hear them — an encompassing, overwhelming cacophony of radios, of heavy gates slamming, of shouts and whistles and running footsteps — but, oddly at first, you can't see a single incarcerated soul. All you see are the bars that form the narrow fronts of their cells, extending four stories up and so far into the distance on the left and right that they melt into an illusion of solidity. And when you start walking down the gallery, eighty-eight cells long, and begin to make eye contact . . . a sense grows of the human dimensions of this colony

A-block and B-block are . . . very similar in structure, except B-block is twenty cells shorter (sixty-eight) and one story taller (five). . . . [E]ach structure is made up of two almost separate components. One is the all-metal interior, containing the [cells of] inmates; it's painted gray, and looks as though it could have been welded in a shipyard. The other is comprised of the exterior walls and roof, a brick-and-concrete shell that fits over the cells like a dish over a stick of butter. One does not touch the other A series of tall, barred windows run down either side of the shell.⁷⁴

I also remember the pigeons and the cats that lived there and roamed the galleries. The pigeons were fed bread or rice, and would congregate in front of the cells out of which these and other food items were thrown. The cats were cared for — they were the pets of some of the residents who resided on the flats (bottom tiers).

Sing Sing was “prison,” the kind of prison that served as a set for Hollywood movies. Sing Sing was the prison that provided images for

⁷³ *Id.* at 1.

⁷⁴ TED CONOVER, *NEWJACK: GUARDING SING SING* 8–9 (2002).

United States folklore about prison and prison life. Popular movies depicting Sing Sing include *The Big House* (1930), *Angels With Dirty Faces* (1938), *20,000 Years at Sing Sing* (1932), *Castle on the Hudson* (1940), *Analyze This* (1999), and others. The conditions were dangerous, there were health hazards, and the sounds were maddening for those housed there and for those who worked there as well.

Drugs were rampant. Along with the use of drugs in prison and the money they generated came violence. I typically learned of cases of violence after the fact. In one instance, I learned that a bounty had been placed on a victim in the amount of one carton of cigarettes. In prison, cigarettes serve as currency when cash is not available. Of course, the guards were involved.⁷⁵ Although I was aware of violence at Sing Sing during my first visit, I did not see or participate in any violent acts. I was afraid. I knew nothing of prison life, its codes, or its rules. I was concerned about my safety and about staying alive.

I had been previously considered “in transit,” but finally, at Sing Sing, I received my prison number and the process of institutionalization began.⁷⁶ Getting my number was a memorable event. The number was how I would be identified from that day forward. It was my number that was shouted over PA systems when I was being summoned. If mail was sent to me but did not include my number, it was returned. I no longer existed. I no longer had a name worth remembering. I had become Inmate 79A2747. This numbering was part of the process to strip me of my humanity, my dignity, and my self-respect. And it was hard getting used to being identified that way. I began my journey as Mr. DeVeaux, and I wanted to remain him. I resisted becoming Inmate 79A2747.

Before being shipped further north, there was nothing for me to do between August and October of 1979 during my stay at Sing Sing. I knew I would be “shipped” to Clinton Dannamora (as it was called), some thirty-three miles from the Canadian border, to really start my “bid.” In transit, I was not allowed to participate in any programs. I went to the recreation yard when let out of my cell, to the mess hall for meals, to the bathhouse to bathe, and to religious services. There was nothing else I was permitted to do.

⁷⁵ “Objective” observers suggest that not much has changed, even from an outsider’s perspective, since my time there. Following a visit to the prison in April 2009 by staff from the Correctional Association of New York, it was reported that the prison was still plagued by “limitations on access to medical care; verbal harassment and physical confrontation between staff and inmates and among inmates; and gang activity and use of contraband drugs in the prison.” PRISON VISITING PROJECT, *supra* note 72, at 2.

⁷⁶ See generally GOFFMAN, *supra* note 20.

B. Clinton Dannamora

Clinton Correctional Facility is the largest prison in the State of New York. It houses over 2,500 men.⁷⁷ In 1979, I knew it as Clinton Dannamora and as Dannamora Prison, mainly because it sat in the middle of the town from which it took its name. It is also known as “Little Siberia” or “Siberia” because it is about thirty or so miles from the Canadian border and because those from New York City find the winters extremely harsh. I remember a January during my time there that recorded at least twenty days with temperatures below zero. It was a cold place. It snowed in the late spring and early fall.

More than the temperature, Clinton is infamous for its culture of violence. I was introduced to that culture on a cold October night in 1979 — my first night there. Everyone leaving Sing Sing for Clinton knew that his life was in danger. As soon as the bus carrying us to Clinton stopped, a Hispanic passenger was singled out, interrogated about his behavior at Sing Sing, slapped, kicked, and thrown off of the bus into the snow by the guards. That set the tone. As each person exited the bus, he was asked to state his name and his number. As noted earlier, each of us had been numbered like cattle or chattel slaves. The expectation was that we would go along with this demotion from human to animal. We were all asked to say “Sir” at the end of each response. I did not — perhaps because I did not hear the request or because I was trying not to be intimidated. When my turn came to get off of the bus, I was singled out, called a smartass nigger, and told to get at the end of the line for refusing to say “Sir.” When all were lined up before being escorted to the housing unit, we were told that we would be killed if we stepped out of line, and that Clinton was not like Sing Sing or Rikers Island, a large New York City jail. Once inside the housing area, I was attacked by three officers. Fortunately, I was only roughed up. I was unable to fight them off because they were large men compared to me. I weighed in at 145 pounds and stood about six feet tall. Each of them was well over 200 pounds and towered over me. I was told that I would be killed if I did not watch my step. When the opportunity presented itself, I called home to complain, not realizing that I could not be helped; I was more than 400 miles from home.⁷⁸

⁷⁷ *Population Statistics for Clinton County*, CLINTON CNTY. PLANNING DEP'T, <http://www.clintoncountygov.com/Departments/Planning/population.pdf> (last visited Oct. 28, 2012).

⁷⁸ Rarely do complaints made by the incarcerated make it out of prison. There have been complaints of prisoners being “beaten, handcuffed, thrown down stairs, taken to the prison hospital and beaten again, sometimes in the presence of sergeants and a lieutenant who failed to intervene.” *New York to Pay \$40,000 to Inmate In Brutality Case*, N.Y. TIMES, Apr. 19, 1996, at B4, available at <http://www.nytimes.com/1996/04/19/nyregion/new-york-to-pay-40000-to-inmate-in-brutality-case.html>. The official culture of violence has not disappeared. Reports show that “inmates at Clinton Correctional Facility have won seven Federal claims of excessive force by correction officers, and the state has settled 10 brutality lawsuits with Clinton inmates rather than defend them in court.” Matthew Purdy, *Brutality Behind Bars* — A

C. Special Housing Units

During my first three years in prison (1979–1982), I watched my step. I had already been beaten by guards. I saw people murdered. I saw people get assaulted. I heard stories about people being assaulted by guards. These are rarely public spectacles, possibly due to fear that the conduct of guards might incite the incarcerated to come to each other's aid if they witnessed one of their own being assaulted by a guard or guards. Perhaps because of my good conduct, I was eventually transferred from Clinton to Green Haven Prison. People in prison do not have a right to be moved from prison to prison. Requests are made, but transfer is entirely left to the discretion of the prison authorities. Transfers are often made for "security" reasons. That is, someone incarcerated may have known enemies, may be embroiled in gang rivalries, or may be deemed a threat to the prison because of his ability to "rile-up" others.

Between 1982 and 1983, I spent fifteen months in Special Housing Units (SHUs) located in Green Haven State Prison, Auburn State Prison, and Attica State Prison. People in prison refer to SHUs as "the Box." The public knows of these places as solitary confinement. I was admitted to an SHU following a disturbance involving guards and Muslim worshippers at the end of Ramadan, the Muslim month of fasting. The event was sparked by a worshipper assaulting a prison sergeant whom he believed was responsible for locking and/or forcing Friday worshippers into the prayer area and preventing them from going to the recreation yard at the conclusion of their services. The sergeant responded by assaulting the Friday worshipper and was aided by fellow officers before other inmates joined the worshipper. I was one of the worshippers that participated in the brief melee that followed the assault of the prison guard and was later identified after the dust settled.

Before being sentenced to time in the Box, I had long heard stories about the beating and murders that took place there at the hands of prison guards. Going to the Box was like going to prison inside of a prison. During the early part of my incarceration, threats of the Box had accented the fears I developed of prison. They were not unwarranted. In my experience, Attica's was the most notorious Box, and thus made a lasting impression on me. I was there when people housed in the Box were beaten, gassed, had their cells tossed in a "search for weapons," had their clothes taken, and were placed in stripped cells (cells with nothing except a mattress and a blanket, if that). Before coming out of the cell for any reason, a person's

Special Report; Prison's Violent Culture Enveloping Its Guards, N.Y. TIMES, Dec. 19, 1995, at A1, available at <http://www.nytimes.com/1995/12/19/nyregion/brutality-behind-bars-special-report-prison-s-violent-culture-enveloping-its.html?pagewanted=print&src=pm>. At the time, these seventeen closed claims constituted almost half of the thirty-seven successful suits that had been won or settled by Prisoners' Legal Services in the state since 1990. *Id.* Not all violence came from the guards. I witnessed stabbings, murders with baseball bats, fistfights, fights with rocks in socks, and more. More than any other prison, I wanted out of Clinton.

hands had to be extended behind his back, out of the feeding hole, and cuffed. Once the doors were opened, feet had to be cuffed with ankle bracelets, particularly if one was leaving the unit. And then there was the noise in the Box — the yelling, the conversation at all hours of the night, the exchange of chess moves from games played in separate cells, and the counting of jumping jacks, push-ups, or sit-ups as men exercised together in separate cells. These efforts were designed to counter the idleness, lack of programs, and dearth of anything to read.

Except for instances in which individuals are placed in administrative segregation for their own protection, all segregation units are used for disciplinary confinement. The conditions, however, are the same. Disciplinary confinement includes twenty-three- to twenty-four-hour per day lockdown. “Most SHU cells have bars on the front or back of the cell; others are far more isolating, with three concrete walls and a thick metal door.”⁷⁹ Often, if officers sought to teach someone in the Box a lesson or further punish them for some rule violation or some other pretense, he might be subjected to loss of recreation (thirty to sixty minutes), loss of showers (which were only permitted three times a week), imposition of a restricted diet (usually cabbage and bread), or just ignored. I was there when individuals in SHUs stored human waste in cups to throw on officers, when officers were spat on, and when officers were assaulted. These tactics were the only ways by which individuals in the SHUs could fight back; they had no other options. Everyone suffered as a result of the stench and their behavior. It was at this time that some cells were enclosed with Plexiglas to limit individuals’ ability to throw things at guards.

The guards did not let these or any other assaults go unanswered. I witnessed the gassing of cells. Guards would spray substances into cells from aerosol cans that made cell inhabitants gasp for air and their skin burn until the cell doors were opened and four to six guards rushed in to drag the person out. These incidents were alarming because while in a cell on the gallery, I could hear the sounds as events were unfolding. And when I could not see, I somehow knew the actions accompanying each sound. These incidents were frightening because being “dragged out” meant that a person was dragged out of a cell feet first, with their head trailing behind on the floor, and often being beaten while being moved. I can still remember the screams, the wailing, the cursing, and the anger. These events were alarming because all who witnessed them unfold could feel the humiliation and shame. We in the cells were utterly powerless and could face a similar fate. There was nothing I could do, nothing anyone could do, except hope to get out of there alive. The possibility of being beaten was all too real. Whom could I tell? Who would listen? Who would care?

⁷⁹ CORR. ASS’N OF N.Y., LOCKDOWN NEW YORK: DISCIPLINARY CONFINEMENT IN NEW YORK STATE PRISONS 9 (2003), available at http://www.correctionalassociation.org/wp-content/uploads/2012/05/lockdown-new-york_report.pdf.

The experiences of solitary confinement have been well-documented. The Correctional Association noted that:

Like animals in a cage, inmates are “cell-fed” through feed-up slots in thick metal doors. Most facilities initially limit showers to just three a week. . . . Visits are conducted behind Plexiglas or mesh-wire barriers and limited to one visit a week. Whenever prisoners leave their cells, they are mechanically restrained with handcuffs and a waist chain, and leg irons if they are considered seriously violent or escape-prone. Some inmates remain handcuffed throughout their visits (thus, they cannot embrace or hold hands with their visitors) and sometimes during their one hour of recreation.

The psychological effects of punitive isolation are well documented . . . [C]onditions in lockdown can cause such symptoms as perceptual distortions and hallucinations, massive free-floating anxiety, acute confusional states, delusional ideas and violent or self-destructive outbursts, hyper-responsivity to external stimuli, difficulties with thinking, concentration and memory, overt paranoia, and panic attacks.⁸⁰

Today, I know that I am fortunate to be alive; but while incarcerated, I could only think of surviving day to day. I also knew that I could not spend the remainder of my twenty-five-year sentence in the Box. I would go crazy. That is all I knew. I would go crazy if I did not get out of that situation, but somehow I did.

D. Happy Nap

I spent the last fourteen years of my incarceration at Eastern New York Correctional Facility. Eastern opened its doors in 1900 as Eastern New York Prison and began operating as a maximum-security prison in 1973. I was housed there between 1989 and 2003, the longest time I stayed at any one prison. Approaching the prison from the highway, one sees in the distance a massive, castle-like, red brick-colored structure with a green metal roof. The face of the prison is picturesque, sitting in front of lush hills. For those familiar with the prison, the structure feels strangely out of place.

Eastern New York Correctional Facility has several names. In addition to its formal designation, guards, staff, and those housed there and elsewhere in the New York State Prison system refer to it using one of three tags: Eastern, Nap, or Happy Nap. Eastern was called Happy Nap because there was a time when it was considered the jewel of the state; people around the

⁸⁰ *Id.* at 7 (citing Decl. by Dr. Stuart Grassian, *Eng v. Coughlin*, 726 F. Supp. 40 (W.D.N.Y. 1989) (No. 80-CV-385S)).

state *wanted* to be housed at Nap. Not only were there academic and vocational programs not found at other prisons — a braille program, a graduate program, and a computer lab, among others — but Nap could also boast of things like pizza parties, pastry parties, dinners, and “chicken drive-bys,”⁸¹ which were unthinkable in other prisons. These programs were some of the privileges doled out to counter the effects of the incarceration experience, and to reward compliance or an individual’s agreement to be an inmate. These things led to Nap being called Happy Nap. It was a place where a person could just do his time and socialize with whomever he wanted without the usual stress and violence that people housed in maximum-security prison come to expect. For some, it was difficult adjusting to this peace. I was transferred to Eastern to attend State University of New York college programs just before President Clinton’s Crime Bill eliminated the Pell Grants that paid tuition costs for higher education programs in prison.⁸²

It became clear to me that the conditions imposed within the prison environment, along with all the processes of institutionalization, are meant to break those entering the system. As a result of the books I read regarding the prison experiences of others, including *Man’s Search for Meaning*,⁸³ *Blood in My Eye*,⁸⁴ and *Soledad Brother*,⁸⁵ it was during this time that I became acutely aware of the psychological effects that prison was having on me. I was forming a prison identity, rather than resisting becoming a prisoner. I was in prison, but being a “prisoner” was neither who I was nor who I wanted to be. I wanted to resist, but was hard-pressed to figure out what it was I was resisting. I wanted to grow, but grow into what? Even now, the thought of twenty-five years in prison is frightening. Prisons are institutions that have a life of their own, but the life is an abnormal one. It is a life filled with deprivations, with isolation, with fantasy and imagination, and with hanging on to what was, despite little preparation for what is to come. We were not able to prepare for the future in prison or, for those fortunate to make it out of prison alive, for leaving prison and transitioning. I was becoming an adult in prison. I was making a life for myself with little reason to ponder what life could be like after prison. The possibility of dying in prison was an ever-present reality; I had been sentenced to twenty-five years to *life*. But somehow, I had to force myself to think about the prospect of leaving prison and to prepare for it. Prepare to die while preparing to live.

⁸¹ A chicken drive-by is a fundraising activity organized by prison in-house organizations through which people in prison are allowed to purchase fried chicken in the early part of a week and pick it up on Saturday mornings when prison programs are closed. People in prison often raised money to donate to outside causes including the Tomorrow Children’s Fund, Hale House, earthquake victims, and others.

⁸² For more information about the history of higher education in prison, see *Overview of Prison Education Policies*, PRISON STUDIES PROJECT, <http://prisonstudiesproject.org/overview-of-prison-education-policies> (last visited Oct. 22, 2012).

⁸³ VIKTOR E. FRANKL, *MAN’S SEARCH FOR MEANING* (2006).

⁸⁴ GEORGE L. JACKSON, *BLOOD IN MY EYE* (1996).

⁸⁵ GEORGE L. JACKSON, *SOLEDAD BROTHER* (1970).

III. CONCLUSION

Living in prison is what I imagine living in suspended animation would be like. I imagined my existence as a being on ice, frozen in time. “*On ice*” carries the connotation of being dead. When sentenced to a term of life in prison, one is considered civilly dead. Knowing that I was perceived as being dead, regardless of how it was phrased, was psychologically disturbing.

Reading Ervin Goffman’s book, *Asylums*,⁸⁶ helped me understand what was happening during my time in incarceration and what has happened since my release. The self that I had constructed prior to prison was assaulted at the beginning of my incarceration. My reactions to the physical and psychological attacks were defensive in nature. I did not know how to be a prisoner, and I was not willing to learn; even so, the socialization process was unavoidable when immersed in that environment. The degradation and humiliation I and others experienced during my reception was intentional and part of the process of institutionalization. Those feelings endured throughout my incarceration in every prison in which I was housed. The denuding was designed to relieve me of my pre-prison personality and identity; it was an effort of will-breaking, mind-bending, and a contest to get me to conform. I questioned the guards about their actions — something that those believing themselves to be authority figures were not accustomed to experiencing, especially when coming from someone whom they did not view as their equal.

In response to a question I raised in Clinton, I was asked if I wanted to be a martyr. In Attica, I was told, “yours is not to question, to reason, or to ask why, but to merely comply.” In both instances, I was punished for my odd behavior. In Eastern, I was told that I did not think of myself as an inmate because I was not humble enough, though I was respectful and polite. I was assaulted so that I could be made into an inmate. Every encounter with people from the outside world, whether visitors or other guests, was followed by acts of humiliation, which included being stripped naked and made to expose every body cavity, running my fingers through my hair, and showing the bottoms of my feet. Unlike the process of institutionalization when I came to prison, there was no corresponding process to prepare me for the time when I would be released. Having been released, I still know of no process designed to repair the damage done. I know of no debriefing. I know of no stand down procedure. All that was provided, and all that is still currently provided, was a “good-bye” and “get out.” Those fortunate enough to leave, as I have been, must discover how to rebuild their lives on their own.

Upon my release, I was helped by the support network I maintained during my incarceration. I had the support of my parents and I had the support of my wife. I nurtured the connections I made with professors who

⁸⁶ See generally GOFFMAN, *supra* note 20.

taught in prison before college programs were eliminated. I also managed to keep in contact with one childhood friend whom I had known since elementary school. These contacts and supports provided me a soft landing. I had a place to live. I had food to eat. I had money saved from the prison wages I was paid during my incarceration to buy clothing.⁸⁷ I was able to find employment. I had people who forgave and continued to love me for me.

I am in transition. I am still processing my prison experience. I am still thinking about what happened. I want to move on with my life and not be defined by a lone event or a single experience. I have neither visited a mental health professional for an assessment, nor have I had the desire to do so. What would I say? I feel for those I left behind because they have no idea what it is like to feel like a stranger at home, or what it is like to hear people talk about people in prison as if they are not human. What sustains me now is thinking about how I might help those who *do* make it home. The not-for-profit organization I cofounded with my wife is just one way in which I help. Among the things we do is say, "Welcome home. Welcome home."⁸⁸

⁸⁷ During my incarceration, I was mainly employed as a teacher's aide or clerk earning between \$6.25 and \$7.75 per week. During the last two years of my incarceration, I worked as a clerk in the mess hall (kitchen staff) and earned \$0.42 per hour.

⁸⁸ For more information about our organization, Citizens Against Recidivism, Inc., visit www.citizensinc.org.

