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The Need to Revise Our Country's Prison Systems

In a world where the media is increasingly normative and accessible, members of any given community are able (and prone) to frequently update themselves on the issues and problems affecting their society. The public entrances and absorbs themselves in the incidents and drama of movie stars, athletes, politicians, and more. However, modern news platforms or broadcasters sometimes fail to focus on or address the scope of the issues they discuss; they don't delve deeply enough into all aspects of the events they inform the public of.

Certain high-profile civil or criminal trials, for example, are highly publicized and followed by many with an intense zeal. Unfortunately, though, the side of criminal affairs far less emphasized or even recognized is what comes after a guilty verdict, the life of the perpetrator *after* the offense and the ruling. It's easy for the public to shrug it off as a simple occurrence — the criminal got what he or she deserved, and went to prison — but there is so much more to the process than that, not only for the individual convicted but for those arranging his/her life during and after imprisonment.



The cultural norm of incarceration has been around for so long that it's now deeply embedded in the fabric of society and as a result widely ignored by the public, but there are many concerns and problems with modern prisons that need to be brought to light. Such a large part of the focus on and study of criminality in the United States (not only among the common public but also researchers, theorists,

and writers) is on the cause(s) of crime, the specific act(s) of crime in question, and the deserved punishment(s) for the guilty person(s). Because of this, regrettably, there is little to no attention brought to the *actual punishment dealt out*, besides in *very* publicized cases dealing with high-profile criminals, public figures, or those facing the death penalty. Once the judge has made a ruling on the case

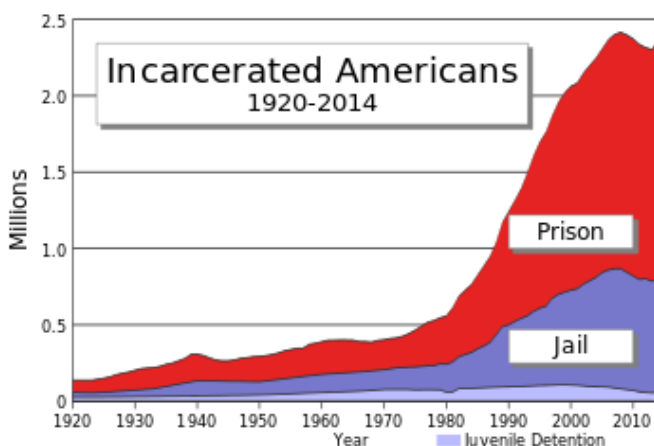
at hand, there is not much thought on behalf of the public regarding what constitutes the incarceration that the criminal will face.

Partially due to this lack of awareness, many prisons and correctional facilities (in the United States *and* globally) endanger their inmates with dangerous conditions such as violence and sexual abuse, health violations (overcrowding, unhygienic facilities, etc.), and mentally debilitating living arrangements. These conditions, however, are not solely created by the failure of the *public* to address them — private prison agencies, law enforcement officials, and legal theorists unknowingly neglect the serious troubles of dangerous prison conditions by focusing too much on what *causes* crime and not enough on **the individual effects of incarceration**.



To efficiently and successfully remediate the significant concerns regarding poor prison conditions in the United States, the **Federal Bureau of Prisons (BOP)**, along with the privatized corporations operating and regulating these prisons, needs to revise the system by specifically focusing on three issues:

1. **The many various health violations that threaten prisoners daily,**
2. **The perpetual physical and sexual violence/abuse that many prisoners are too frequently subject to,**
3. **The harmful, dangerous effects of solitary confinement, which is overused and over-relied on in modern prisons.**



The Health Risk of Living in Prison

Prisons in the United States, California especially, are not only generally overcrowded, but also subject their inmates to horrifyingly dangerous, disgusting, and inhumane situations. On May 23, 2011, the U.S. Supreme Court ruled that California prison conditions violated the Eight Amendment's ban on cruel and unusual

punishment, and ordered the state to reduce its prison population of 140,00 by 30,000 people¹. While overcrowding is one of the most serious issues with current American prisons, facilities are still ridden with other sorts of barbaric treatment, an effect that dates back to before the 1990s.

One particularly disturbing account is of a 1996 incident at **California's Security Housing Unit at Pelican Bay**²:

“Vaughn Dortch, a prisoner with a life-long history of mental problems, was confined after conviction for grand theft...the stark conditions of isolation caused his mental condition to **‘dramatically deteriorate,’ to the point where he ‘smear himself repeatedly with feces and urine.’** Prison officials took Vaughn to the infirm to bathe him...Six guards wearing rubber gloves held Vaughn, with his hands cuffed behind his back, in a tub of **scalding water**, later estimated to be about 125 degrees...when Vaughn was finally allowed to stand, **his skin peeled off in sheets, ‘hanging in large clumps around his legs.’”**

While the ignorance and mistreatment of prisoners by officials may not be as blatant or unhinged as it was twenty years ago, the issue is still incredibly prevalent today, and spans across the country. In a 2013 lawsuit filed by the **American Civil Liberties Union (ACLU)** on behalf of prisoners at the **East Mississippi Correctional Facility (EMCF)**, some of the horrific realities of inmates' experiences came to light. The EMCF, operated by private contractors, houses prisoners with severe mental illness, supposedly intending to both incarcerate them and provide treatment, but according to the ACLU instead abuses them terribly.³

The lawsuit is riddled with nightmarish tales of vile environments and conditions. Another frightening account was that of:

The ACLU states that the EMCF is “an extremely dangerous facility operating in a perpetual state of crisis, where prisoners live in barbaric and horrific conditions and their basic human rights are violated daily.”

- **Jermaine Dockery**, whose medication dosage was increased without him seeing a psychiatrist;
- When Dockery **attempted to hang himself** in 2012, he was cut down and given oxygen before being **stripped naked and locked in an isolation cell**. He was **not taken to an emergency room**.

- The light is constantly on in Dockery’s cell, the flush-button on his toilet is missing, and **mice crawl out of his toilet at night**.
- When Dockery complained about not being able to breathe because of smoke from a fire in a nearby cell, **the officer responded that he “didn’t give a f*ck”, and slammed the tray slot on Mr. Dockery’s wrist**⁴.

The fact that prisoners, who are already in a very dangerous environment due to the inflated possibility of violence between inmates, are *also* subject to dangerous **health risks and violations**, is egregious. The punishment for a crime is the prison sentence, and being exposed to improper conditions is not part of that punishment. **Incarceration cannot be successful as a concept if it consists of damaging those incarcerated beyond repair**. It’s impossible to rehabilitate someone when the environment they’re in is extremely distressing and/or traumatizing.

The BOP needs to establish and uphold much **stricter legal codes and statutes** to prevent corruption and inaction, within the privatized companies that operate prisons. The barbaric, inhumane health and human rights violations that these prisoners are regularly subject to would be much less significant if the BOP had **clear and concise standards specifically regarding living conditions, enforceable by law, to be held up by these corporations**.

Physical and Sexual Abuse in Prisons

Interaction between prisoners and/or between prisoners and guards is bound to create problems — many of those incarcerated are violent, mentally unstable, cruel, or compulsive. In 2001, **Human Rights Watch** estimated that **at least 140,000 inmates had been raped while incarcerated in the United States**.⁵ Due to the ever-growing prison population in this country, the amount of violence between inmates and/or inmates and guards, both physical and sexual, is only increasing.

The public awareness of prison rape in the United States is a relatively recent development, although estimates of its significance have widely varied for decades. However, though this increase may be due to increased counseling and therapy opportunities, the number reports of rape in American prisons has risen drastically.

“Since 1980, the US prison population has grown by 790%. We have the largest prison population of any nation in the history of the world. One in three African-American men will go to jail at some point in his life.”⁶

The growth of the prison population in the United States is as inevitable as general population growth, and it is incredibly difficult to stop or regulate. This growth is **directly related and causal to** the increase of rape in all prisons and correctional facilities, and its effects are very dangerous:

- **Research has shown that juveniles incarcerated with adults are five times more likely to report being victims of sexual assault than youth in juvenile facilities⁷, and the suicide rate of juveniles in adult jails is 7.7 times higher than that of juvenile detention centers.⁸**
- **There is a serious threat of the transmission of sexually transmitted infections, including HIV — according to the U.S. Department of Justice, in 2008 a total of 21,987 inmates in both federal and state prisons were HIV positive or confirmed to have AIDS.⁹**

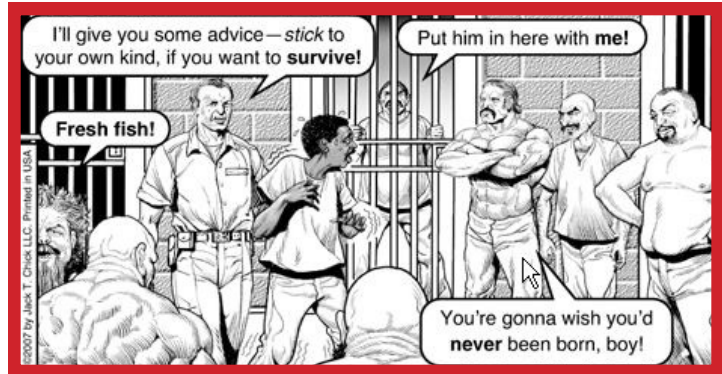
T.J. Parsell, a human rights advocate, on prison rape: "In early 2003, I testified on Capitol Hill with Linda Bruntmyer, a mother from Texas whose 17-year-old son was incarcerated after setting a trash bin on fire. In prison, he was raped repeatedly. He later hanged himself inside his cell. I felt a special bond with Linda, because I too had been raped in prison at 17."¹⁰

The prevalence and dangers of sexual assault in prison compromises the concept of incarceration in the same way that unhealthy and inhumane living conditions do: it effectively **adds more punishment on top of the prison sentence**. The only suffering meant to be experienced by those incarcerated is that of *being* in prison — the sentence itself is all the intended punishment, yet those who are sexually or violently assaulted in prison are exposed to even more pain and trauma.

It is truly a shame that a seventeen-year-old boy's imprisonment for a petty crime, a stupid mistake, resulted in the end of his life. It's terrible to think that the environment of prison can entail the physical or sexual subjugation of a juvenile by someone much older and much stronger, and even more appalling to think that this can lead juveniles, whose offenses can be **as small as a garbage-can fire**, to commit suicide.

This issue is one of the most difficult to address, as the fact of the matter is that violence in prisons is somewhat inevitable. Yet, there are steps that the BOP could take to reduce this:

- **Separation:** the BOP must create **legally punishable** rules that work to ensure the **separation of criminals** in prisons by **class, age, and stature**. Separating convicts by the seriousness of their crimes and by differences in age and/or size would help to protect both **(a)** those more vulnerable due to physical weakness and **(b)** those who were convicted of much less serious crime than their assailants from being subject to rape or assault.
- **Staff involvement:** the BOP must create more **extensive and strict staff evaluations and analysis**. If there were **harsher punishments for negligence or abuse within the staff** of correctional facilities, the prevalent attitude of indifference within prison officials would subside significantly. Also, rules governing higher **staff interference in violence** between prisoners would help to decrease the amount of assaults committed, both sexual and physical.



The Harm of Solitary Confinement

Due to the public's lack of knowledge about prisons, it's easy to assume that the practice of **solitary confinement** is reserved for the most dangerous or mentally unstable prisoners, but the fact of the matter is that solitary confinement is used **incredibly heavily throughout the U.S.**, to the point where **our prison system relies on it**. While short-term isolation is used almost everywhere as punishment for breaking prison discipline, many states use it more frequently and/or for longer periods of time, and it's estimated that **80,000-100,000 individuals in the U.S.** are held in some sort of isolation.¹¹

In 2013, the **Civil Rights Division** conducted an investigation into the conditions of confinement at **Pennsylvania State Correction at Cresson** ("Cresson"), and found many harmful effects of solitary confinement.¹² In summary, their examination uncovered six effects of overused solitary confinement:

- **The use of prolonged isolation on prisoners with serious mental illness causes serious and obvious harm in many cases¹³,**
- **The use of prolonged isolation on prisoners with serious mental illness results in inadequate mental health treatment¹⁴,**

- **Cresson’s excessive force and harsh, punitive isolation conditions results in extreme isolation for the prisoners¹⁵,**
- **Cresson’s use of isolation discriminated against prisoners with serious mental illness¹⁶,**
- **Cresson’s use of isolation also violated the rights of prisoners with intellectual disabilities¹⁷, and**
- **Numerous systemic deficiencies led to the extensive use of isolation.¹⁸**

The **Cresson Correctional Institution** was closed in 2013, thankfully, but solitary confinement remains an incredibly prevalent issue. Even though it receives severe criticism, sometimes called a form of torture, it is becoming more and more popular in the United States, with some companies even building “**super-max**” prisons (like **California’s Pelican Bay¹⁹**), which are nothing but solitary confinement cells. At least 44 states and the federal system now have supermax prisons.²⁰

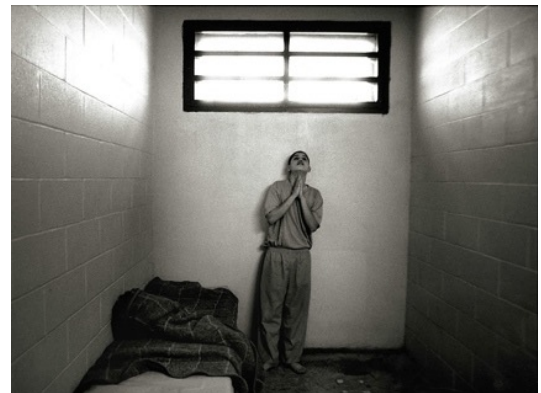
Long-term effects of solitary confinement²¹:

- Visual and auditory hallucinations
- Hypersensitivity to noise and touch
- Insomnia and paranoia
- Uncontrollable feelings of rage and fear
- Distortions of time and perception
- Increased risk of suicide
- Post-traumatic Stress Disorder (PTSD)

While the concept of solitary confinement is one that is used all over the world, the U.S. stands alone in their incarceration of *thousands* of prisoners in long-term or **indefinite** isolation.²² Luckily, states are slowly beginning to

wake up to the fact that our prison system relies on solitary confinement too much. Long-term isolation costs **too much money, worsens mental health and/or illnesses, and does nothing whatsoever to rehabilitate prisoners.**²³

The solution for lessening solitary confinement is more simple — in short: **just stop using it so much.** Not only are there incredibly dangerous and debilitating effects on the individual, but also negative effects on the prison system in general. Taxpayers are paying more than they should to fund expensive solitary confinement, and it’s not even effective. Prolonged isolation in prison only makes the subject angrier, more violent and reckless, more unstable; it doesn’t help, yet our country seems to depend on it.



The BOP needs to make a specific set of **well-articulated sanctions** and mandates that clearly **restrict the use of solitary confinement** to follow a much more **conservative** application regime. In conference with the private companies that own and administer these correctional facilities, most specifically “supermax” prisons, the BOP must **inhibit the corporation’s ability to subject prisoners to isolation** as much as possible by creating *very specific* scenarios, *only* in which solitary confinement is to be allowed. Along with this, the BOP must legislate rules **restricting the amount of time** a specific prisoner can spend in solitary, whether it be continuous or cumulative.

Conclusion

Prison reform is by no means a new idea or practice, but it is one that must never halt — **there are always things that could be made better about prisons**. In our current hectic political and economic climate, it may seem that there are more pressing matters to consider than the conditions that convicts experience. But to neglect the humanity of convicts and the inhumanity of the present conditions in the United States goes against the whole concept of modern incarceration itself — yes, imprisonment is punishment for crime, but *after* imprisonment the ex-convict is expected to **return to and reenter society**.

It’s impossible for this ultimate goal of reintegration to be successful if the person reentering society is one or more of the following:

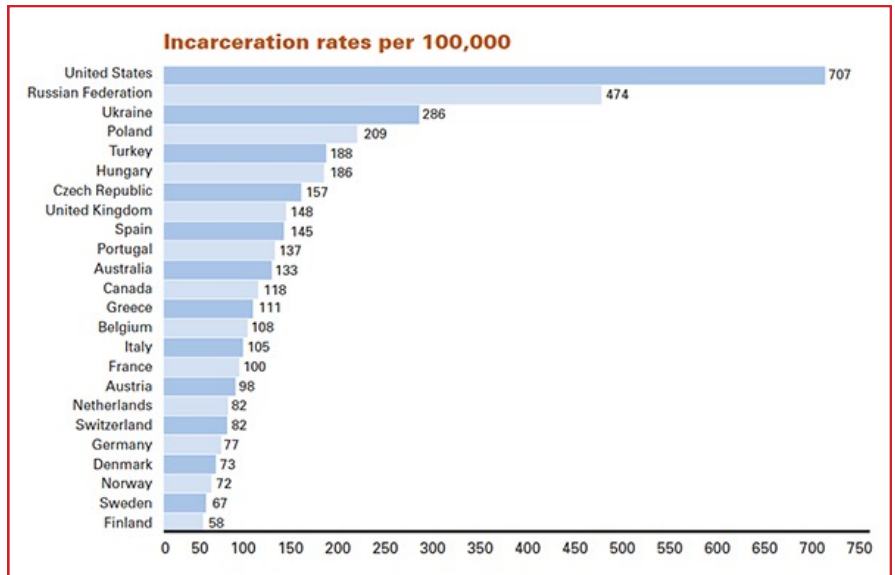
- **Dead or severely emotionally or physically injured due to unacceptable living conditions,**
- **Dead (due to violence or suicide) or psychologically damaged beyond repair due to:**
 - **Continual physical and sexual abuse,**
 - **Overexposure to solitary confinement.**

Incarceration, in its barest elements as a punishment for crime:

- Is supposed to make up the full extent of the punishment in itself; the punishment is supposed to merely consist of **removing a criminal individual from society**

- It is *not* meant to **damage the criminal beyond repair**, to scar or harm them physically, emotionally, or mentally for life.

Prisons are supposed to be **rehabilitative**, yet with the current conditions in the United States, inmates leave the prison in **worse condition than ever**. Convicts are punished *plenty* with the combination of **(a)** being sentenced to time away from their community, and **(b)** being labeled a criminal and ex-convict for the rest of their lives — **they shouldn't have abuse, possible insanity, and disgustingly inhumane living conditions to worry about on top that.**



While prison reform is and will always be necessary, the **Federal Bureau of Prisons (BOP)** needs to fix the abhorrent issues faced by inmates *today*, by working with the privatized corporations that own/run prisons on these three issues:

Health Violations - the BOP needs to create a **legally enforceable** national set of prison statutes that **holds the corporations accountable** for making the living conditions *sanitary and humane* in accordance with *basic health and human rights*.

Sexual and Physical Abuse - the BOP must increase the safety of correctional facilities by **organizing and separating prisoners based on age, degree of offense, and/or size and strength**. In addition to this, they must require **more extensive staff member analysis, supervision, and accountability**, so as to *decrease corruption and increase violence intervention*.

Solitary Confinement - the BOP must **limit the negative effects and overuse of solitary confinement by restricting the amount of situations** in which solitary confinement is necessary or allowed, and by setting **limits on the amount of time** any given prisoner can spend in solitary confinement.

With an **increased public awareness and advocacy** for prison reform, and the **collaboration of the BOP with the private companies**, a United States with better prison conditions is getting more possible every day.

Endnotes

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