

CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

Fall, 2009

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Merit Time Update

Deb Bozydaj - CRJ

First and foremost, our heartfelt thank you to all of our donors, especially those incarcerated individuals that have contributed whatever they could to help. Your letters of support, your thoughts and ideas continue to inspire our work.

On July 21st CRJ met with key staffers in Albany. Our focus was the "ideal" version of Merit Time. Discussion of what we want INCLUDED and EXCLUDED and what would be palatable for our legislators to support Merit Time was central. We offered ourselves as a resource to these staffers in working up a version we can all agree on.

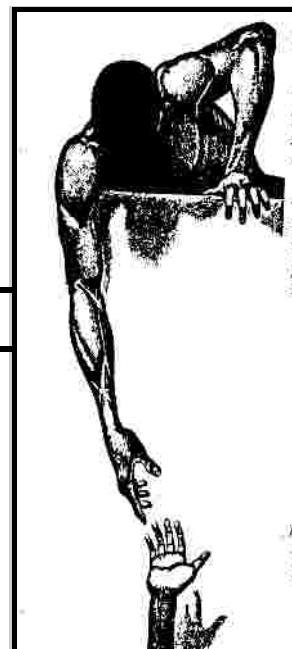
We have a draft of this "ideal" bill and are looking it over with a very critical eye. This version is more like S49, with 1/3 off for everyone, **including** those with A-1 Violent Felony offenses and others and **excluding** those serving a sentence for an offense as defined in Article 130, Article 263, or an act of terrorism as defined in Article 490 of the Penal Law of the State of New York.

With further meetings scheduled, Mr. Wassermann continues to work in Albany to highlight the potential cost savings in the state budget. This continues as a work in progress. As the face of Merit Time reform, CRJ remains committed.

We need financial support to continue lobbying for Merit Time legislation. Spread the word to your family, friends and organizations. **Help us help you!**

For an informational pamphlet, please write:
CRJ (Citizens for Restorative Justice)
PO Box 581
New Paltz, NY 12561

In Peace, We Struggle



"He Ain't Heavy"
by Gilbert Young

Human Rights *Hellhole*

Extracts from article by Atul Gawande, New Yorker, March 30, 2009

"Human beings are social creatures... We are social in a more elemental way: simply to exist as a normal human being requires interaction with other people."

"And what happened to them was physical. EEG studies going back to the nineteen-sixties have shown diffuse slowing of brain waves in prisoners after a week or more of solitary confinement. In 1992, fifty-seven prisoners of war, released after an average of six months in detention camps in the former Yugoslavia, were examined using EEG-like tests. The recordings revealed brain abnormalities months afterward; the most severe were found in prisoners who had endured either head trauma sufficient to render them unconscious or, yes, solitary confinement. Without sustained social interaction, the human brain may become as impaired as one that has incurred a traumatic injury."

"One of the paradoxes of solitary confinement is that, as starved as people become for companionship, the experience typically leaves them unfit for social interaction."

“Craig Haney, a psychology professor at the University of California at Santa Cruz, received rare permission to study a hundred randomly selected inmates at California’s Pelican Bay supermax, and noted a number of phenomena. First, after months or years of complete isolation, many prisoners “begin to lose the ability to initiate behavior of any kind—to organize their own lives around activity and purpose,” he writes. “Chronic apathy, lethargy, depression, and despair often result. . . . In extreme cases, prisoners may literally stop behaving,” becoming essentially catatonic.

“Second, almost ninety per cent of these prisoners had difficulties with “irrational anger,” compared with just three per cent of the general population. Haney attributed this to the extreme restriction, the totality of control, and the extended absence of any opportunity for happiness or joy. Many prisoners in solitary become consumed with revenge fantasies.”

“He was right to worry. Everyone’s identity is socially created: it’s through your relationships that you understand yourself as a mother or a father, a teacher or an accountant, a hero or a villain. But, after years of isolation, many prisoners change in another way that Haney observed. They begin to see themselves primarily as combatants in the world, people whose identity is rooted in thwarting prison control.”

“As a matter of self-preservation, this may not be a bad thing. According to the Navy P.O.W. researchers, the instinct to fight back against the enemy constituted the most important coping mechanism for the prisoners they studied. Resistance was often their sole means of maintaining a sense of purpose, and so their sanity. Yet resistance is precisely what we wish to destroy in our supermax prisoners. As Haney observed in a review of research findings, prisoners in solitary confinement must be able to withstand the experience in order to be allowed to return to the highly social world of mainline prison or free society. Perversely, then, the prisoners who can’t handle profound isolation are the ones who are forced to remain

in it. “And those who have adapted,” Haney writes, “are prime candidates for release to a social world to which they may be incapable of ever fully readjusting.”

“Prison violence, it turns out, is not simply an issue of a few belligerents. In the past thirty years, the United States has quadrupled its incarceration rate but not its prison space. Work and education programs have been cancelled, out of a belief that the pursuit of rehabilitation is pointless. The result has been unprecedented overcrowding, along with unprecedented idleness—a nice formula for violence. Remove a few prisoners to solitary confinement, and the violence doesn’t change. So you remove some more, and still nothing happens. Before long, you find yourself in the position we are in today. The United States now has five per cent of the world’s population, twenty-five per cent of its prisoners, and probably the vast majority of prisoners who are in long-term solitary confinement.”

“Is there an alternative?” Consider what other countries do. Britain, for example, has had its share of serial killers, homicidal rapists, and prisoners who have taken hostages and repeatedly assaulted staff. The British also fought a seemingly unending war in Northern Ireland, which brought them hundreds of Irish Republican Army prisoners committed to violent resistance. The authorities resorted to a harshly punitive approach to control, including, in the mid-seventies, extensive use of solitary confinement. But the violence in prisons remained unchanged, the costs were phenomenal (in the United States, they reach more than fifty thousand dollars a year per inmate), and the public outcry became intolerable. British authorities therefore looked for another approach.”

“Beginning in the nineteen-eighties, they gradually adopted a strategy that focused on preventing prison violence rather than on delivering an ever more brutal series of punishments for it.”

“So the British decided to give their most dangerous prisoners more control, rather than

less. They reduced isolation and offered them opportunities for work, education, and special programming to increase social ties and skills. In these reformed “Close Supervision Centres,” prisoners could receive mental-health treatment and earn rights for more exercise, more phone calls, “contact visits,” and even access to cooking facilities. They were allowed to air grievances. And the government set up an independent body of inspectors to track the results and enable adjustments based on the data.”

“The results have been impressive. The use of long-term isolation in England is now negligible. In all of England, there are now fewer prisoners in “extreme custody” than there are in the state of Maine. And the other countries of Europe have, with a similar focus on small units and violence prevention, achieved a similar outcome.”

“In this country, in June of 2006, a bipartisan national task force, the Commission on Safety and Abuse in America’s Prisons, released its recommendations after a yearlong investigation. It called for ending long-term isolation of prisoners. Beyond about ten days, the report noted, practically no benefits can be found and the harm is clear—not just for inmates but for the public as well. Most prisoners in long-term isolation are returned to society, after all. And evidence from a number of studies has shown that supermax conditions—in which prisoners have virtually no social interactions and are given no programmatic support—make it highly likely that they will commit more crimes when they are released. Instead, the report said, we should follow the preventive approaches used in European countries.”

Control Units

Excerpts from a talk by Bonnie Kerness at Monmouth University, February 19, 2009

Much of the focus on my work since the mid 1980’s has been the shocking use of extended isolation in the form of control units, supermax prisons, security threat group management units and administrative segregation units. In some

cases I have been monitoring people who have been held in this form of isolation, often without charges or without explanation, for decades. I have heard from and spoken with people who have been held in isolation for years, including one woman in NJ who describes rubbing her nails against the rubber seal of a three inch window. After 8 months of bloodied fingers, she managed a tiny opening through which she could feel fresh air.

If any of you became an intern at the AFSC in Newark, one of your first assignments would be to sit in your bathroom for four hours. Picture yourself in an 8 by 10 cage in a human warehouse. There may be dozens of silent cages to your left and right, and you may be in the middle tier of half a dozen tiers above and below. Picture being in this eerie silence for 23 to 24 hours a day, day in and day out, month in and month out, year in and year out for the next 15 years. There is a huge steel door between you and the rest of the world and this space is where you eat, sleep, exercise, wash, think and take care of bodily functions. You may be allowed out once a week for exercise or you may be not allowed out at all. In one testimony I received, a prisoner who had been held in isolation for 6 months was having his first window visit outside his cage with his lawyer. He was rectally searched three times going to the visit and three times when being returned to his cage, despite the fact that he hadn’t been in the same room with another human being for those 6 months. There are things happening in US prisons that you cannot give me a reason for.

Those coming out directly to the streets from years in isolation talk about sleeplessness, paranoia, feelings of violence, and an inability to relate to anyone who hasn’t had the experience of prison and isolation. Family and friends report that the loved ones being returned to them after finishing their sentences are not people they know anymore. The people who have endured this describe years of living in an environment so toxic to mental functioning that they are unable to relate to the world as we know it upon release.

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The New York Chapter of National CURE
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One man described cutting himself just so he could feel something. I once asked a man why he threw feces on officers, what could possibly compel him to behave like that? He said it was the only power he had left. In a system where 95% of prisoners return to our communities, the impact of these practices is felt far beyond prisons. Dealing with these issues of cruelty and torture isn't just a matter of human decency.

For more than 25 years, I have provided counseling for people re-entering society from prisons, jails and youth detention facilities. The prognosis for staying out of prison is poor with over 60% of people returning. Many of them went into prison with symptoms of post traumatic stress which developed in their inner city childhood. Prisons are often traumatizing places in the lack of feeling, concern and opportunities for self-improvement. Many of the formerly incarcerated who I've treated come out with symptoms of post traumatic stress. Complex issues of reunification of families at the same time as learning how to build a life make re-entry an incredibly difficult period. How do you teach someone to rid themselves of degradation? How long does it take to teach people to feel safe, feel trust and feel a sense of empowerment in a world where they often come home emotionally and physically damaged and unemployable? There are many reasons that ex-prisoners do not make it – paramount among them is that they are not supposed to succeed.