Punishment, Profit & Rehabilitation:
Thinking about a model post-warehouse prison

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2nd Annual Prison Awareness Week
Keynote Lecture

University of Toledo Department of
Law and Social Thought and
Toledoans for Prison Awareness

17 April 2014
WOODBOURNE, NY—Reportedly left dumbfounded by the news that recent parolee Terry Raney had been reincarcerated on charges of assault and battery, officials at Woodbourne Correctional Facility struggled Tuesday to make sense of how the prisoner had not been rehabilitated by 15 years of constant threats, physical abuse, and periodic isolation. “It just doesn’t seem possible that an inmate could live for a decade and a half in a completely dehumanizing environment in which violent felons were constantly on the verge of attacking or even killing him and not emerge an emotionally stable, productive member of society.”
Prison reform: what’s at stake

- Big mess, so we need sentencing reform and prison reform
- Rational, sustainable public policy to promote public safety
- National ideals of freedom and enlightenment
- Partnerships with private sector that advance public justice, not corrupt it

If you knew your neighbor was recently released from prison, what kind of prison would you like it to be?

700,000 people released from incarceration each year
Roadmap

• Problems with prisons (well, a few of them)

• Shimane Asahi Rehabilitation Center
  • “model for the next 50 years”
  • “a prison the public can understand and support”

• Conclusion:
  Post-warehouse prison

Thanks to the Dept. of Sociology, Anthropology & Criminology at EMU for a development award that facilitated access to Shimane Asahi. Thanks to Alexandra Scarborough for inviting me and making all the arrangements.
The warehouse prison problem

From Supreme Court decision in Brown v Plata.

California had to release 46,000 inmates to get down to 137.5% of capacity in 2 years.

“Needless suffering and death have been well-documented.” (p 3)
The “warehouse prison” problem

More radical still was a proposed amendment to the state constitution requiring it to spend more on higher education than prisons...
How did we get here?

“four-decade mean season in corrections”*

- Law & Order
- War on Crime
- War on Drugs
- “Get Tough”
- 3 Strikes
- Mandatory minimums
- Truth in Sentencing
- Overcrowding
- Cut programs

Remember, prison has little to do with the crime rate...
… But can divert money from education and crime prevention

Building prisons instead of funding prevention is like mopping water off the floor while we let the tub overflow. Mopping harder may make some difference but does not do anything about the open faucet.

- Elliott Currie
Quoted in Selman and Leighton. 2010. Punishment for Sale. (p 26)

MOP HARDER + CLOSE FAUCET

Criminal Justice-Industrial Complex

“Bodies destined for profitable punishment”

“Private industries have arisen to profit from grownup fright toward the young and advance their interests by inflaming them further.”

-Mike Males, author of The Scapegoat Generation: America’s War on Adolescents
Military-Industrial Complex

• From General/President Eisenhower’s warning of Military-Industrial Complex
  o New permanent armaments industry of “vast proportions”
  o “We must guard against the acquisition of unwarranted influence... The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes.”

• Complex forms policy in own interest, minimizes outside scrutiny and accountability
Criminal Justice-Industrial Complex

“Bodies destined for profitable punishment”

- Politicians (use fear of crime to gain votes)
- Media (sensationalize crime for ratings)
- Impoverished rural areas (use prisons as economic development)
- Private companies (billions spent on CJ is a lucrative market)
- Government officials (expand fiefdoms)

Incarceration rate (state and federal prisoners)
Private Prisons

• Nominal privatization: construction, food, medical care, education

• Operational privatization: private company operates a facility owned by the government and/or manages inmates in a prison that the company owns.

Both are Real Estate Investment Trusts – pay no federal tax and distribute money to shareholders instead.
Private prisons argue they can do this more cheaply and efficiently.
Japan

- After WWII, “self-defense force” and little military industry

- Low rates of crime and incarceration, so little CJ-industrial complex

- Incarceration rate:
  - US – 707/100,000 (2012)
  - Japan – 51/100,000 (2013) [51 – not a typo]

(International Centre for Prison Studies, prisonstudies.org)
1999 Act on Promotion of Private Finance Initiative (PFI)

• Partnerships for “offender rehabilitation facilities” – not prisons

• 50 localities wanted a PFI prison, built 4

(Definition)
Article 2
(1) The term "Public Facility etc." as used in this Act means the following facilities (including equipments):
(i) Public facility such as roads, railways, ports and harbors, airports, rivers, parks, water services, sewage systems, and industrial water supplies;
(ii) Official facilities such as government buildings and accommodation;
(iii) Public interest facilities such as public housing, educational and cultural facilities, waste treatment facilities, medical facilities, social welfare facilities, offender rehabilitation facilities, parking, and underground malls;

1 Literal translation of this act is “The Act on Promotion of Provision etc. of Public Facility etc. through Utilization of Private Finance etc.” We use the term “PFI (Private Finance Initiative)” because this act is widely known as “PFI Act” in Japan.

Shimane Asahi Rehabilitation Center

- Last of four PFI Prisons to be built
- Region rural and elderly; rich farmland, nice scenery
- Capacity 2,000
- Opened 2008

I would like to thank the Warden of Shimane Asahi, Fumiya Tezuka, for allowing me access and giving graciously of his time. Akinobu Sato was a very helpful point of contact and his translation work was invaluable. Atsuko Otsuka also provided high level translation; Our subsequent discussions have added considerable depth to my understanding.
From Akihiko Kimura, The Development of PFI in the Prison Sector in Japan. Presented at the 3rd Annual Meeting for PPP/PFI Promotion Between Japan and Korea
US private prisons v Japanese PFI

U.S.

Government

Private Sector Company

Warden & Staff

Japan

Government

Warden, Directors of Treatment, Support & Planning + Contract Compliance

Private Sector Companies
3 “pillars” of Shimane Asahi

• Public-private partnership
  o Technology and innovation

• Education, vocational training and rehabilitative programs
  o Special programs, training and therapeutic gardens for emotionally disturbed inmates

• Partnership with the local community
  o “Co-building” – Center for Regional Engagement

…”aims to create prisons that the public can understand and support”

Technology & innovation I

• Scanning equipment for drugs and contraband...

• ... means no strip searches

Better environment for inmates, guards and inmate-guard relationships
Technology & innovation II

- “Location information system” – RFID tags that show the inmates’ location in real time
  - No lockdowns for daily counts
  - Warning when inmates out of place

- +660 cameras
  - Watch inmates and remotely open doors – “moving around unescorted”

- Kiosk (commissary, appointments)

Programs I

“programs that have proved to reduce the recidivism rate in Europe and the United States”

+ Horse (“Equine Assisted”) Therapy and Horticulture

Programs II

Mentally and emotionally disturbed inmates

- Making masks and beaded costumes for local festival
- Therapeutic gardens
- Social skills training

From Shimane Asahi website,
Programs III (Giving Back)

- Translate books into Braille
- Train Seeing Eye Dogs
  - First Japanese prison-based guide dog program
- Repair bicycles for 3rd World medical workers and Great East Japan Earthquake victims

Minister of Justice with first certified guide dog trained in a prison
(Asahi.com, 20 June 2013)

Obayashi Corporate Report 2012: Financial, Social and Environmental Performance
From Akihiko Kimura, The Development of PFI in the Prison Sector in Japan. Presented at the 3rd Annual Meeting for PPP/PFI Promotion Between Japan and Korea
Conclusion: Toward a US post-warehouse model prison

It is time to think about the quality of prison as well as the quantity of imprisonment

The post-warehouse prison

- Sentencing reform
  - End mass incarceration, hyperincarceration and *A Plague of Prisons* (Drucker)

http://www.peoplesmovementassembly.org
The post-warehouse prison

- Fewer warehouse prisons
- Reform/improve/transform existing warehouse prisons

and

- Create experimental space for next-generation rehabilitation center

If you knew your neighbor was recently released from prison, what kind of prison would you like it to be?
The post-warehouse prison

• Reaffirm rehabilitation...

“the rehabilitative ideal draws its power from its nobility and its rationality — from the promise that compassionate science, rather than vengeful punishment, is the road to reducing crime. Rehabilitation allows us to be a better and safer people”

• -Francis Cullen

The post-warehouse prison

... but no “industrial complexes”

Public-private partnerships feasible political compromise.

However:

• Ensure govt. control of punishment
• Local groups and resources
• Non-profits and NGOs
The post-warehouse prison

• What are the barriers?
  
  If sensible prison policy requires that we treat the non-criminal poor better, is that a barrier?

• How do we organize for change?

http://occuprint.org
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More information about him is available on his website, http://paulsjusticepage.com/paul/pauls-cv.htm

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