

Postcards From a Prison Pandemic

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Moon Shot: Part 4
What Was Old Could Be New Again

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A few years back I asked an officer at MCI-Norfolk who was a leader in the officer's union what role correctional officers played in rehabilitation. After all, practically no one sees me more than my regular housing officers. The CO's answer shocked me. He said that officers play absolutely no role in prisoner rehabilitation. It is not considered to be part of their job description.

How can the stated goal of the Department of Correction be rehabilitation when the vast majority of the department's staff members openly state that they have no role to play in helping prisoners reform? I have asked other officers the same question, and while many will dance around the topic, most ultimately admit that they are not part of the rehabilitative process.

Organizations demonstrate their priorities by how they use their resources. In Massachusetts, only a sliver of the staff at each prison are considered to be engaged in the delivery of rehabilitative programming. The point is echoed by the DOC's annual budget which allocates less than two percent of the department's funds to programs.

The way the DOC makes up for its lack of staff support and paltry investment is through the department's reliance on prisoner-run programs and activities. Here, still, the resources are meager. At most prisons, one or two buildings are set aside for education and other programs. At MCI-Norfolk, education classes take place inside the "OIC" building and most other programs meet in the "CSD" building. When these buildings are open, scores of the 1,300 prisoners who live at Norfolk squeeze into the hodgepodge of classrooms and meeting spaces. Some spaces are no bigger than a prison cell, but are expected to hold eight or nine people for a program.

Now add to this mix a parole process that refuses to give prisoners a roadmap to understand what programs and classes they need to qualify for parole. By not having this simple guidance, prisoners at every facility are

forced to engage in a Hunger Games like pursuit of education and programs.

These factors have combined for years to ensure that thousands of prisoners scramble each day to fight for a relatively small number of classes and programs that no one can guarantee will actually help these prisoners successfully gain their freedom and transition to society.

In this edition of Postcards From a Prison Pandemic's "Moon Shot" series, we explore how the delivery of education and rehabilitative programming must change in a COVID-19 world.

Marc Mauer and Ashley Nellis in their 2018 book *The Meaning of Life* note the importance of education and rehabilitative programming for those sent to prison. The pair write, "programming is the central component of the prison experience, the underlying philosophy of this approach that it is the function of the institution to reform the individual." It is no surprise that the Massachusetts DOC has rehabilitation codified in the department's mission statement.

In a COVID-19 world, it does not seem possible that hundreds of people will be able to continue to fill the spaces, often small spaces, in the DOC's education and program buildings. How then can effective programming be provided to prisoners if not through the current model? One idea may be to go back in time.

One of the dirtiest words a prison official could utter over the past thirty years has been "furlough." Furloughs are opportunities earned by prisoners to leave the prison, often unmonitored, for a set period of time. In Massachusetts, prisoners used to be able to earn furloughs to attend outside events, to speak at schools, to participate in outside programs, or simply to spend a day with their families. That was until the entire initiative was scrapped in the early 1990s.

Furlough is a term loaded with lots of negative context and even more false information. Typically, when someone mentions furlough in Massachusetts, the name Willie Horton jumps to mind. That is where the errors often begin. Horton was made famous by a pair of 1988 presidential campaign attacks -- the first by Al Gore in the Democratic primary and the second by George H.W. Bush in the general election against Massachusetts Governor Michael Dukakis. Horton, who is often erroneously labeled a "murderer" or "killer," was not. He was, in fact, serving a life sentence as a career criminal when, while on furlough, he traveled to Maryland where he was accused of attacking, tying up,

and robbing a couple in their home and subsequently prosecuted.

What you hardly, if ever, hear mentioned with the term furlough is "unmatched success." But an unmatched success in rehabilitation is exactly what furlough programs were in the United States until the 1990s and what they continue to be in many European countries today. Mauer and Nellis help remind us of what a success furloughs were, especially in Massachusetts, by recalling a 1991 study in *Justice Quarterly* which showed that the recidivism rates of people who participated in furlough programs were far lower than those who did not. In one year of the study, the rate among furlough participants was almost half that of non-participants. Perhaps the best sign of the state's furlough program success was reported in the DOC's 1988 Annual Statistical Report of the Furlough Program which noted that 99.5 percent of all participants voluntarily returned from their furloughs without issue, even those serving sentences for violent crimes, including individuals serving life without parole.

Successful furlough programs, like the one Massachusetts had for decades and like the one President Ronald Reagan ran when he was governor of California, demonstrated that prisons were a part of the larger society. Today, by contrast, it is often said that when a prisoner is released that he or she is returning to society. The more we refuse to see prisons, or more importantly those who have been convicted of crimes, as part of society, the easier it is for a busy public to ignore the awful things being done in their names inside a lot of prisons.

The fact is that in a COVID-19 world, states cannot fund everything that must be reworked just to return prison education and programming back to the inadequate status quo. Social distancing prevents the only model most prisons currently use to help with prisoner rehabilitation. The solutions to the problems faced on this issue cannot be found inside prison walls, but they can be found outside them.

One solution is what I call Community-Based Corrections. Full disclosure, this solution in many ways is just a rebranding of the successful furlough programs of the past. But if a term is what stands between success and failure, change the term. Under Community-Based Corrections, states can invest in programs, education, health care, and other initiatives in the community that help both those sentenced for a crime and those who may come from backgrounds that make them more vulnerable to end up before a judge.

A Community-Based Corrections philosophy allows those sentenced for a crime to benefit from diverse resources spread across a community. Rather than squeezing people into a room barely larger than a closet for an AA meeting, a prisoner could attend one of the hundreds that happen each day across the Commonwealth. Rather than trying to simulate the college experience in a prison school classroom, a prisoner could attend actual college classes. And rather than working at a prison job that pays less than \$10 a week, a prisoner could work for an outside company that would give him or her real work experience and the earnings needed to build a successful life.

The great thing about Community-Based Corrections is that the DOC could implement it immediately... well, as soon as the Commonwealth's stay at home advisory ends. The state never took the furlough program off the books. It just refuses to use it. Rebrand the program Community-Based Corrections, expand it to all prisoners (lifers are currently excluded), and build partnerships with outside organizations and business. Countries like The Netherlands provide an excellent model to demonstrate how Massachusetts could move forward.

COVID-19 is going to dramatically change education and rehabilitative programming inside prisons. It would be an unacceptable health risk if prison officials tried to simply move forward as before. Without new thinking and new solutions, the outcome will certainly be fewer rehabilitative opportunities. Mauer and Nellis tell us that "diminishing opportunity for prison programming means that individuals have little to show for their personal reformation..." Prisons need more programming tomorrow, not less. As the pair note, "participation in prison programming is understood to help prepare individuals for success outside prison."

So many people I talk to these days say things like, "I can't wait until we can get back to how things used to be." While the reality is that everything will not be the same in a COVID-19 world, here is one positive way we can get back to how things really used to be.