

## *Cycle of Criminalization*

No punishment has ever possessed enough power of  
deterrence to prevent the commission of crimes.  
Hannah Arendt (1906-1975)

On September 5, 1994, at the age of 19, I committed horrific murder. Along with my two teenage co-defendants, David Townsend (age 18) and Nicholas Annunziata (age 16), I stole a BMW in the Bend, Oregon, the town I was living in and had grown up and drove to Klamath Falls, Oregon, where I had family, with the intent of trading the car for Methamphetamine. Before we could accomplish that I wrecked the car totaling it. High on Meth and stranded in Klamath Falls we were desperate to get back to Bend. Without much fore thought and consideration we planned the robbery of small convenience store. We had no idea who would be working there or what we were going to get. In our Meth addicted minds we walked to the store with no real plan but believing we would walk out without hurting anyone, like a TV style robbery.

When we reached the store we entered, locked the door behind us, and Dave, holding a gun, ordered the victim, the 72-year-old stores owner, to get on the ground. I went to the back of the store and soon heard Dave scuffling with the victim. I ran over to the two, took the gun from Dave and knocked the woman to the floor. I could have stopped there but I didn't. Although I don't remember actually shooting her, the adrenaline was flowing and my mind felt as if everything shut down and became a haze. I shot her one time in the head killing her. I took \$21.00 from the victim's purse, which was in a back room, the keys to her truck and we drove away at over 100 miles an hour down the highway. We disposed of the gun and abandoned the vehicle. We were captured about 20 miles away as we sat in a park trying to absorb what had just happened. My life in the free world had just ended and my life in the system was just beginning.

I live every day with the shame of what I did that day. I know how horrible it was and the impact it had on the victim, her family and community. Crimes like mine, involving youth offenders, don't happen in a vacuum. There was a process of criminalization that led to my Meth addiction and consequently to the three of us walking into that store and a woman losing her life. I committed the crime one hundred and sixty four (164) days after my nineteenth birthday and five hundred and twenty-nine (529) days after his eighteenth birthday. I was a first time offender who had never been in a juvenile facility and, had never been arrested as an adult and had never done prison time. My introduction to the system would be as a youth who could not fathom the

crime I had committed nor the consequences it would have on a micro or macro scale to the lives of everyone around me or myself.

In *Punished: Policing the Lives of Black and Latino Boys*<sup>7</sup> Victor Rios described *criminalization* “as the process by which styles and behaviors are rendered deviant and are treated with shame, exclusion, punishment, and incarceration.”<sup>8</sup> He argued that “criminalization occurred beyond the law; it crossed social contexts and followed young people across an array of social institutions, including school, the neighborhood, the community center, the media, and the family.”<sup>9</sup> He went on to define hypercriminalization as “the process by which an individual’s everyday behaviors and styles become ubiquitously treated as deviant, risky, threatening, or criminal, across social contexts. This hypercriminalization, in turn, has a profound impact on young people’s perceptions, world views, and life outcomes.”<sup>10</sup>

The criminalization process that Rios describes cuts far deeper than the boundaries he defined it by gracefully transferring its illogic into the criminal justice system. It is traced back to the founding of our nation with roots in the marginalization of communities before, during, and after slavery was limited. It is present in our culture “placing priority on its punitive institutions, such as police, and embedding crime-control discourses and practices into welfare institutions, such as schools.”<sup>11</sup> The prison culture, the convict code and the guards code of silence, that rule its invisible insides are a direct reflection of the criminalization and hypercriminalization processes and the declining moral compass of the American justice system as a whole.

The process begins with what Rios describes as “punitive social control”, a youth control complex, which regulates the lives of youth into criminalization. Youth who are “harassed, profiled, watched, and disciplined at young ages, before they had committed any crimes” and eventually leads them to “fulfill the destiny expected of them”<sup>12</sup> and becomes the “vehicle by which they develop[] political consciousness and resistant identities.”<sup>13</sup> Rios wrote that he

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<sup>7</sup> Rios, Victor. *Punished: Policing the Lives of Black and Latino Boys*, New York University Press: New York and London. Print.

<sup>8</sup> Id. Rios, xiv.

<sup>9</sup> Id. Rios, xiv.

<sup>10</sup> Id. Rios, xiv.

<sup>11</sup> Id. Rios, xiii

<sup>12</sup> Id. Rios, xv.

<sup>13</sup> Id. Rios, xv.

eventually came to realize that to understand violence and criminalization both history and society had to be understood together.<sup>14</sup> The prison culture is a continuation of the criminalization process that Rios describes. It is a consequence and reflection of the process of criminalization made manifest in the stone and steel of prison which in turn comes back to haunt society. You can't understand the prison industrial complex without also understanding the history of prisons and the role they play in the criminalization process in society which has contributed to the building of a culture in which we have 5% of the world's population and 25% of its prisoners.

The resistant identity development that Rios described continues into the prison environment where those identities formed outside the prison walls are given a system induced steroid and a convict identity is instilled. An identity that, like its street level roots, finds a continued reason for resistance in the face of prison guards. From the time a person enters the prison we are told we are animals, subhuman, something to be scorned and discarded. Open abuse is seen as an acceptable norm. The consequence of this is the cycle being repeated when those boys grow into men behind prison walls and "return from prison to the neighborhood, attempt to change, [and] find few alternatives". The prison system I walked into as a teen was one more institution that reinforced a ubiquitous system of criminalization and punishment. The cause of so much resistance was ready to devour me in a plethora of forms within its cocoon. It was part of the convict code and the guards code of silence that kept meaningful change from happening.

When I entered prison I suffered from the same false belief that many people in society suffered from. The lie that only the most delinquent find themselves within the grasp of the justice system. I know it is a lie because it wasn't the system that eventually turned my life and thinking around, it wasn't programs developed by the prison system or some criminal justice think tank. It was the men I lived with daily who found the fortitude to reach down into themselves and shake off the systems definitions and labels to form a community that reject the false code of this micro-society and create something beautiful. They saved my life while the system, which was ostensibly suppose to make an effort to rehabilitate me, ate me alive and shit me out.

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<sup>14</sup> Id. Rios xi.

## *Understanding the Roots of Dysfunction*

I turn and turn in my cell like a fly that doesn't know where to die.  
Antonio Gramsci (1891-1937) Italian political theorist.

I never know where to start telling my story. It's not easy to tell a story from the start when the beginning often involves generations of dysfunction caused by the system that refuses to acknowledge its dysfunction. It's complicated even more by the fact I was 19 years old when I came to prison and have now existed with the confines of prison longer than I was free on the street. Prison is literally all I know and I have little to compare my life inside prison to outside the prison walls. The little I do remember of the free world has either faded or has little relevance to surviving inside.

In *Are Prisons Obsolete?* Angela Davis wrote, “[i]t is ironic that the prison itself was a product of concerted efforts by reformers to create a better system of punishment.”<sup>15</sup> The drive to “create a better system of punishment” that Davis discusses in her book is a twisted complicated history that has contributed to the development of prison culture and convict code that I found myself immersed in since a teen. A unique and complex environment with pressures that force me and in some cases command me to accept, adapt, and react in particular ways that I would not have done under “normal” circumstances outside the confines of the prison walls.

Whatever my crimes may be or the emotions it evokes what happens inside of prisons should matter to everyone in society. Like all things we experience in life and what we learn from our environment follow us throughout our lives and is passed onto everyone we come in contact with to one degree or another. Subject to this “better system of punishment” we carry those experiences with us throughout our prison journey and in most cases back out into society. For prisoners like myself, who may never leave the prison walls or who spend decades in suspended animation behind the walls, the lessons learned from the experiences in the belly of the beast are passed onto other prisoners who will continue the cycle of insanity that is the hallmark of prison culture or find a way to break from the roots of dysfunction and build something better. The latter is no easy task to accomplish in a system that is built on a generational dysfunction.

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<sup>15</sup> Davis, Angela. *Are Prisons Obsolete?*. Seven Stories Press: New York (2003) p.40. Print.

My first experience with prison life came with my arrest in 1994 when I was only 19. At the time, like many states, Oregon was in the process of mutating into moving toward a deeply punitive penal philosophy that viewed anyone involved in the justice system, regardless of their age, as something other than human to be to contain, separate, and “punished”. As I walked through the prison gates not only was the Oregon penal systems philosophy devolving but the prison system was about to experience a hemorrhage from an exploding prison population that would fuel the growth of a new generation of dysfunction in the system.

I wasn’t prepared for the world I was entering but for two decades it has been the fire that broke me down and eventually helped me find my identity.

### *Finding Identity*

An identity would seem to be arrived at by the way in which the person  
faces and uses his experience.  
James Baldwin (1924-1987)

Before I come to prison I had two friends tragically die. My friend Leonard, a Warm Springs Native American who was 16 when he died, was killed at a party on the Warm Springs Indian Reservation. Leonard was shot in the head by another teen, also 16 years old, as he sat in the living room of a house where a party was being held. When I went to his funeral it was the first funeral I remember attending and the first traditional Native funeral I had ever been to. I was one of five white faces there. To this day I remember vividly the sermon given by the elder who dumped out a bag of empty beer cans and asserted they were the cause of Leonard’s death. He gave an impassioned speech about alcohol abuse on the reservation and I remember sitting there thinking that wasn’t how I remembered my friend. After the sermon we all lined up to give a traditional Native farewell dance to Leonard.

Less than a year later my friend, Channon, who I’d met in a juvenile drug treatment center, shot and killed himself just hours after we had talked at a convenience store. In spite of both their deaths, I had never really given much thought about death. In fact, I didn’t even know how to process their deaths. It seemed to me at the time that beyond the people who had come in contact with Leonard and Channon society didn’t really care about my friend’s death. All of it overwhelmed me and I can’t remember a single adult trying to talk to me about how it affected me. Death, even when it was so close, was a distant concept I couldn’t comprehend. I continued to think, like most teens living a risky life style, that I was a superman – invincible and

untouchable from life's harms. On the other hand, I also couldn't appreciate or see value in my own life. That contradiction and value deficit contributed to my superman complex.

As I watch youth coming into prison, many of whom weren't even born when I came to prison, have that same superman complex I had in the way they talk, look, and walk. I cringe at what this environment will do to them. Like me, they were thrown into a shark tank that has been carefully constructed for generations by a system that has been built around hate, anger, and fear in a million complex ways. They are blamed as the sole cause of their bad acts when, in reality, they are denizens of a microcosm of society at large.

Like a slide on a microscope prison represents a closer look at the state of societies health. French poet and dramatist Victor Hugo wrote:

Such is the remorseless progression of human society, shedding lives and souls as it goes on its way. It is an ocean into which men sink who have been cast out by the law and cosigned, with help most cruelty withheld, to moral death. The sea is pitiless social darkness into which the penal system casts those it has condemned, an unfathomable waste of misery. The human soul, lost in those depths, may become a corpse. Who shall revive it?<sup>16</sup>

Here, in this new inside community, we are introduced to a new set of rules. A culture that is both a product of larger society and a consequence of larger societies own misdeeds. In these confines an illusionary code has been built on defensive reaction to both injustices against us and the injustices we have committed against society. It is in this world I was baptized in the so-called "convict code". A code I was told embodied honor, respect, loyalty and strength but, in reality, sucks those very qualities from your conscience. A convict code that operates as a micro penal code. An unwritten statutory law every convict must know in order to survive but who most don't really believe in at his or her core. Within the walls of prison, long before I enter their choking confines, the convict code was an established authority. There is an irony in the fact that we broke the laws and norms of society only to come to prison and establish a different norm of thinking that we believe gives us some structure and dignity. I suppose that in and of itself is proof that the system is failing in its job of rehabilitation when it can't even offer a rational alternative to the negative culture that has formed and rather does everything it can to promote a resistant population.

In *Wisdom Within the Pen*, Lee Knoch, an Oregon prisoner serving Life, described well

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<sup>16</sup> Victor Hugo (1828-1885). Hilde, in *The Master Builder*, act 3.

the thinking that comes with a lot of youth offenders entering the system when he wrote that:

Many of us have spent our lives fleeing the mainstream social norms...But the truth is we never really escape pursuing social norms, we only exchange the mainstream social-proofs for counter-culture versions.<sup>17</sup>

As a young teen coming into system I found myself forced to exist in a stew of discontent and contradiction. I couldn't find any hope in ever rejoining society. Any possible light at the end of the tunnel looked like a black void in my young eyes. Seeing no hope I chose to adapt to this new inside counter culture and rejected societies order. In this new world I built a prison identity in order to find safety and sense of power within its bounds. Immersing myself in that narrative would cost me 22.5 years in solitary and rob from me of any hope for release from prison. Like the older cons who had come to prison decades before me and been baptized as youths into this world I too would be baptized in its muddy waters. I would never question the contradiction of it all even as my inner voice screamed that it was all wrong, because it was all I had come to know.

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<sup>17</sup> Lee Knoch, Wisdom Within the Pen, p67.

