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"Mutual Respect and Effective Prison Management"

by Terry A. Kupers, M.D., M.S.P.

The traditions of existentialism and phenomenology, supplemented by humanistic psychology in the USA in the 1960s, and then the spiritual movements (e.g. Buddhism) and some therapy movements (e.g. existential and narrative psychotherapies) in recent decades, pursue a quest for deep understanding of the essence of what it means to be human. Basic components of human-ness are identified, including self-reflexive consciousness, the capacity for empathy and various core freedoms. I will focus the present discussion on two aspects of being human that are included as core components on the lists of most commentators: the need to be respected and the capacity for human agency. There is something about the deprivations characterizing life inside prison that both highlight these fundamental aspects of our humanity and illustrate what happens to human beings when they experience deprivations in these two regards. I will argue that the current pervasiveness of disrespect and the almost total lack of agency in correctional settings actually provides an important opportunity for effective rehabilitation: restore respect and a sense of agency in the prisoners, they will be in a better position to succeed at re-entering society-at-large and successfully "going straight," and meanwhile, prison life will become less angry and deadly. On the other hand, if the pervasive disrespect and lack of agency are permitted to continue, prison violence will rise and recidivism rates will continue to climb.

Respect and Agency

Concerns about respect are rampant on the streets of our inner cities. Young men become enraged when they feel disrespected, are willing to fight to

the death to attain "a little respect," and only consider their quest successful when there are sufficient outward signs pointing to their being respected by peers and establishment figures alike. Ironically, this quest to be respected occurs in a social context where low-income youth of color, as a group, suffer disrespect at every turn. On average, the young men who fight it out on the streets and participate in drive-by shootings are the most disadvantaged in our society. They are provided a less-than-quality education (relative to what the public and private schools provide in middle class neighborhoods) and then they are told that the reason for their academic failure is their own lack of intelligence or laziness, they are the last hired and first fired, they are forced to work for subsistence wages, they are routinely pulled over by police and frisked for no apparent reason, and if they talk back to the officers they are likely beaten or arrested. It is as if the gang members are demanding as street gladiators precisely that which they are systematically denied in the larger society. They are fighting with each other for what they think of as a modicum of respect, but meanwhile they brutalize others and commit crimes that send many to prison.

In prison, gladiators continue to fight for respect that is denied to them by society-at-large (Kupers, 2005). There is this familiar scenario on the prison yard: one prisoner defeats another in combat, but then yells at him, "You're not a man, you're a pussy." In too many cases, rape follows (Human Rights Watch, 1996 & 2001). I have spoken with many prisoners about rape, and discover repeatedly it is not really about sex, it is about domination, and expressing domination is a desperate way to attain a modicum of respect. Then, when the officers arbitrarily punish prisoners, insult them and deprive them of the most basic human necessities, the prisoners feel disrespected anew and their resentment mounts.

Agency is about being the subject of one's own life rather than the object of designs established by others. Of course a number of things increase one's sense of agency, including a good education, high earning capacity, financial reserves, personal attractiveness, good friends, and a quality primary relationship with healthy offspring. And personal capacities play a big part, including the capacity to play, to create, to be deeply intimate, even the capacity to envision a better future.

Psychotherapists work hard to instill a sense of agency in their patients. Depression is all about a lack of agency. The depressed wife tells her therapist she is mad at her husband because he stays too late at the office and then comes home and ignores her and their children, but she is afraid to confront him about his behavior because she is afraid he would desert the family. She has no tenable move to make, no way to alter the unfortunate family dynamic, so she sinks into depression. We look at messages she has received from her parents about a wife's role, we look at ways she can raise the subject with her husband without making him feel criticized and attacked. We talk about some incremental gains that would make her feel she is moving toward improving her situation. She decides on a non-threatening (i.e., not critical) tact to take with her husband involving her wish he would select two evenings a week when he would leave work at a decent hour and be home in time to have dinner with the family, and then she would be OK with his staying late at the office on the other evenings. Her depression lightens. It is not necessarily the case that her dissatisfaction and unhappiness will be entirely "fixed," rather her sense that there is something she can do to affect her situation is a great improvement over the "stuckness" she had been feeling. Finding a way to move forward is the beginning of restoring a sense of agency, and often in psychotherapy it is the moment when the depression lightens and the patient begins to work on her issues in a new and more effective way.

Similarly, everyone I have spoken with who works with "at risk" or "troubled youth," for example in a school or juvenile court program, tells me that they are successful to a great extent with their wards. They also tell me that what they offer the youths is respect and a path forward, a way to complete their schooling, a way to escape from an abusive home situation, a way to take care of a baby as a single mother, some meaningful work, or a way to move away from gang influences and connections. In other words, they offer the youths respect and a greater sense of agency in determining their life trajectory.

Respect and agency go together. The counselor or teacher must win the youth's respect, and often there is much testing. The youth challenges the counselor as if to say, "You're not really interested in my welfare, nobody

is." And the counselor has to demonstrate, not with easy words but often with very difficult deeds, that he or she has the youth's best interest at heart and deserves his respect. When the counselor turns the tide and wins the youth's respect, and then provides a path toward greater agency in the larger legal society, then the youth stands a much better chance of leaving the life of crime and succeeding at "going straight." In too many cases - witness the crowding of our youth facilities and prisons - this population of "at risk" youth wind up behind bars, and then their entire life trajectory becomes much more problematic.

Deprivation of Respect and Agency in Prison

Anyone who is familiar with contemporary prison life is aware that respect and agency are all-important issues (Sabo et al., 2002; Hallinan, 2002). Think about all the fights over respect, and reports by prisoners of feeling they have no control over anything that happens to them. Some loss of agency is inherent in the prison experience. Prisoners lose the unique identity they enjoyed in the community, they don prison-issued garb, they are given an identification number and are forced to follow orders, lots of orders (Haney, 2003b). There are rules governing almost every minuscule aspect of everyday life, and there are guards watching over the prisoners to make certain they follow every rule, always ready to issue a "ticket" for misconduct. As an expert witness in class action litigation related to unconstitutional prison conditions and programming, I have had the opportunity to interview thousands of prisoners in over a dozen states (Kupers, 1999). Universally they complain about feeling disrespected and feeling they have little or no agency in their lives.

A term in prison does not need to be accompanied by strong feelings of being disrespected and entirely deprived of agency. Of course there are inevitably going to be some moments of disrespect from others as well as some loss of agency. The names one is called while being challenged to fight are an example of everyday disrespect, and a stint in the "hole" or segregation unit as punishment for an infraction illustrates the loss of agency to which prisoners are regularly subjected. The question is whether the amount of disrespect and degree to which choices are taken from prisoners are necessary,

in other words is there some "penological objective." Consider the increasing number of prisoners consigned to some form of isolated confinement today, including Administrative Segregation, Supermaximum Security and Death Rows located inside ad seg or supermaximum units. I believe that isolation is over-utilized relative to an effective disciplinary system that meets out short stints in "the hole" for rule infractions and assaults (Kupers, 2008).

Once the term in isolation surpasses a certain length of time, the prisoner stops learning from the disciplinary procedure, begins resenting the excessively harsh punishment, loses hope of ever gaining freedom from isolation, and begins to act as if he has nothing to lose (Rhodes, 2004; Toch & Kupers, 2007). Where a ten day or two week stint in "the hole" for fighting may have a valid penological objective in maintaining institutional discipline, ten years of extreme isolation in a supermaximum security unit is outrageously excessive and turns prisoners into broken individuals who are prone to act out of desperation rather than rationally considering their options (Toch & Adams, 2002). The proof is the recently uncovered rate of successful suicides in prison. Of course it is much higher than the comparable rate in the community, but the stunning new news is that as many as 50% of successful suicides that occur in prison involve the 6% to 8% of prisoners who are in segregation at any given time (Correctional Association of New York, 2004; Liebling, 1999). Long stints in isolation are a clear example of excessively denying prisoners any agency, and if one asks a prisoner who has been in isolated confinement for a substantial period of time, he will tell you that isolation fosters disrespect at every turn. For example, officers are more prone to insult prisoners confined in a cell 24 hours per day than they are to disrespect prisoners on a general population yard among whom they have to walk and interact every day.

In this regard, a historic wrong turn occurred in American correctional practices in the mid-1980s, a development that substantially increased wanton and unnecessary disrespect and denial of agency within the prisons. With the War on Drugs and stiffer penalties at all levels, the prison population was growing by leaps and bounds (Irwin & Austin, 1994). The prison population today is ten times what it was in the early 1970s, and still growing. After "de-institutionalization" of state mental hospitals, a rapidly growing

number of individuals with serious mental illness were being consigned to prison (Human Rights Watch, 2003). The prisons were massively overcrowded, the violence rate was skyrocketing and the rate of psychiatric breakdown in the prisons had reached epidemic proportions.

Also in the 1980s, prison rehabilitation programs were being dismantled in a misguided but politically convenient effort to "get tough on crime" and halt "coddling" of prisoners. In the minds of savvy criminologists there could be only one logical and effective response to the extraordinary rise in the rate of prison violence and psychiatric breakdown: decrease the prison population by placing low level drug offenders and mentally ill offenders in community supervision and sending them to treatment programs in the community; and re-instate the rehabilitation programs so that prisoners could develop the skills they would need to succeed at "going straight" after being released. Everyone knew that crowding a large number of idle prisoners into small spaces would only lead to more violence and psychiatric breakdown (Paulus et al, 1978). But correctional authorities refused to heed the best advice, and instead turned their attention to building supermaximum security facilities for the "superpredators" and the "worst of the worst." Beginning in the late 1980's, an unprecedented number of prisoners were consigned to long-term isolation in a cell where they would eat all their meals, speak to almost nobody, and perhaps get out of their cell for an hour of recreation alone in a small "yard" with no athletic equipment.

Another name for a supermaximum security units is "Control Unit." The name is justified, because the isolated occupants of supermaximum segregation cells have no control even over the smallest and most personal aspects of their daily lives. They are totally dependent on officers to bring their meals, give them toilet paper and cleaning materials, turn on and off their lights and the water in their cells, take them to shower, bring their mail, tell them what pictures they can have in their cell and so forth. In other words, the supermaximum security prison unit was designed to entirely eradicate any sense of agency a prisoner might have felt in his life. All control would be in the hands of the staff, and the prisoners would have to adjust to their total lack of agency. But the tendency to isolate prisoners in their cells and diminish their

sense of agency was not limited to actual segregation settings such as a supermaximum security unit. At all levels of security, the trend in penology since the 1980s is for staff to maintain relatively more control of the prisoners' lives. The hours when prisoners are permitted to roam the facility have been incrementally diminished, the kinds of mail and packages prisoners can receive have been increasingly limited (e.g., families in many states cannot send packages, they must pay an approved vendor to send in a uniformly packaged set of items), visits have been restricted, and so forth. Prisoners' control over their lives has been systematically reduced at all levels of security.

And then there are abuses. I will not say much about this ugly aspect of contemporary corrections. I have been privy to some shocking abuses. For example, I have testified in civil litigation on behalf of women prisoners who had been sexually abused or raped by male staff. Or, in one state I learned of officers "macing" prisoners (spraying them with immobilizing gas, either mace or some other gas) inside their cells for trivial misconduct, and then leaving them, unwashed, in the contaminated cell. Officers would spray mace through the food port of a prisoner's segregation cell, sometimes merely because the officer was annoyed at the prisoner. Since the prisoner would already be locked in a cell, there would have been no imminent danger. Many of the prisoners maced in this fashion were mentally ill. In some cases, the macing occurred after a prisoner cut himself or smeared feces, in other cases he was merely hollering and making a racket. Usually, by policy, as outlined in all the published minimum standards for correctional facilities, when an officer sprays a prisoner with mace, the prisoner must be allowed to wash thoroughly, his cell needs to be decontaminated, and there needs to be medical attention, a report and an investigation. None of these required steps occurred in the supermaximum unit I am referring to. There could be no explanation of this kind of excessive "use of force" except as abusive brutal punishment arbitrarily meted out by officers in direct violation of prisoners' basic rights.

I will not chronicle all the abuses and disrespect I witness in my tours of prisons as I prepare to testify in court. Let me just say I am repeatedly shocked that some of the practices and abuses I witness can be occurring in the USA today. But we know from the Stanford Mock Prison Experiment that

ordinary people are capable of abusing their peers whenever one group is given total control over another (Haney, 2003a). The experiment at Stanford University enlisted students as experimental subjects, who were randomly assigned to act the role of guard or prisoner. The "guards" proceeded to disrespect, humiliate and deny any modicum of agency to the "prisoners" they were put in charge of, and the abuses reached a level where the experimenters had to precipitously call the experiment off out of fear that the students who were acting as guards would seriously hurt the students who were unfortunate enough to be assigned to act as prisoners. The more important point is that real prisoners, who are actually under the total control of officers and cannot call off the "experiment," are regularly disrespected and denied even the most basic human agency. And this does not need to be the case, there is no legitimate "penological objective" in denying prisoners respect and agency while they are doing their time.

I do not mean to imply that correctional staff as a group are malevolent. There are bad apples, for certain, and they are the instigators of much of the abuse. But my work as expert witness and consultant/trainer in correctional settings brings me into contact with very admirable staff, who are involved with prisoners in some inspiring human relationships. For example, I met a psychologist in a maximum security prison administrative segregation unit who was treating a disturbed prisoner who repeatedly and compulsively wrote threatening letters to important dignitaries from his prison cell. He suffered from severe Obsessive-Compulsive Disorder with Psychosis, and the letter-writing was a symptom of his psychiatric disorder. He had never harmed anyone, and was not an especially tough prisoner, but because he kept on writing the letters he kept getting convicted of threatening an official and his prison term and term in administrative segregation kept growing longer. The psychologist negotiated with security staff that she would take over screening this disturbed prisoner's outgoing mail. She then simply tore up his threatening letters and he did not receive additional punishments. I could cite many more cases of courageous and valiant efforts on the part of correctional staff reflecting respect for prisoners and attempts to increase their personal agency so they can rehabilitate themselves.

Restoration of Respect and Agency as Rehabilitation

What would happen if we gave prisoners back a greater degree of respect and a significant amount of agency in their lives? We know that when prisoners are disrespected in various ways, and denied choice and agency in most regards, on average they become sullen, they lose the capacity to pursue their own initiative, they become angry and act out ineffectually or they become passive and numb. And then when they are released from prison, to the extent this picture emerges, they are prone to failure at re-integration into the community - i.e., they have a high recidivism rate or likelihood of returning to prison.

In fact, evidence is accruing that simply increasing prisoners' sense of being respected and having more agency leads to safer prisons and less trouble for the prisoner adjusting to life in the community after their release from prison. I do not mean that the evidence has the shape of rigorous empirical/statistical studies. It is extremely difficult to gain sufficient access to prisons to accomplish research, though some preliminary data supports my argument here (Lovell, 2007). Rather, the evidence is mostly recorded by expert witnesses in prison litigation, or human rights groups looking into allegations of abuse within the prisons. And instead of appearing in juried professional journals, it appears in expert reports and declarations to the courts as well as in court testimony. I will provide a few examples. I trust the examples will be understood as reliable empirical research - I am not claiming that these examples occur widely (in fact, I would argue, they do not occur widely enough), merely that they illustrate how increased respect and agency help the prisoner remain peaceful while locked up and increase his or her potential for successful re-integration into the community after release. I will provide a series of examples where difficult prisoners were managed simply by increasing the respect and agency accorded them, and the result was increased cooperation and reduced misbehavior and violence:

Example #1. I testified in a civil lawsuit on behalf of a Montana prisoner who was suffering from serious mental illness, but instead of being provided adequate mental health treatment he was placed in segregation and deprived of even the meager amenities most prisoners in segregation are

allotted (Walker v. Montana DOC; the case is summarized in Human Rights Watch, 2003). During the trial a Sergeant testified about an incident that had occurred some weeks earlier. Deprived of all other means of expression, and in a psychotic state, the prisoner had pasted a piece of paper over the small window of his solid metal cell door. This is an emergency for security staff. If they cannot see into a prisoner's cell, they cannot know what he is doing and they cannot maintain safety on the unit. The usual procedure would be to assemble an "extraction team" of several officers and burst in on the prisoner refusing to remove the paper from his window. But it happened that the savvy Sergeant was on duty that day, and he was sensitive to this prisoner's precarious mental state. The Sergeant looked through the food port in the solid door and noticed that the prisoner was on the other side of the cell. So he put his arm through the food port, reached up and scraped enough of the paper off the window so that officers outside the cell could look in and see that the prisoner was not doing anything dangerous. He turned to the other concerned officers in the area and said, "Now you don't need to do a cell extraction." Of course, the Sergeant's behavior violated Department of Corrections policies and procedures, and he was taking a risk acting in this idiosyncratic manner. When the prisoner saw that the Sergeant was going out on a limb for him, he came to the cell door and scraped off the paper that he had used to cover the window. In other words, the Sergeant's caring display of respect for the prisoner caused the prisoner to act somewhat more rationally and appropriately.

Example #2. A year after the Human Rights Watch Report, Cold Storage (Human Rights Watch, 1997, was published, outlining excessively harsh conditions in Indiana's supermaximum security units and the psychiatric damage done by those conditions, then Commissioner of the Indiana Department of Corrections, Commissioner Cohn, asked the lead author of the report and me (I had served as a consultant) to return to Indiana and witness the improvements that had occurred in the year since the report came out. The report was very critical of harsh and depriving conditions at the Security Housing Unit (SHU) at Wabash Valley Correctional Facility, and the unusually high number of incidents requiring "use of force" on the part of officers. In fact, when we returned to the Wabash Valley facility, we did discover much-reduced use of force. Generally, use of force incidents increase in frequency the harsher the

conditions and the more despairing the prisoners, so the precipitous reduction in use of force at the SHU meant that the human rights abuses we had reported on a year earlier had been ameliorated to some extent. We asked the Shift Commander how he had effected the impressive reduction in use of force inside the SHU, and he told us that at the Commissioner's behest he had instituted two procedural changes. First, he gave all the prisoners in the SHU a television, and decreed that if they broke rules or became assaultive their television would be taken from them. His reasoning was that prisoners will behave better if they have something to lose for unacceptable behavior. Second, he instituted a policy that before the officers could initiate a use of force such as spraying a prisoner with immobilizing gas or performing a cell extraction, they must notify the Shift Commander, who must come to the unit and talk to the recalcitrant prisoner. The facility is large, and the Shift Commander might be somewhere far from the SHU at the time the call arrives. But the officers in the SHU must wait until the Shift Commander arrives, thus creating a "cooling off period." And then, the appearance of the Shift Commander would give the prisoner the message that his complaints matter enough for the Shift Commander to come and listen to him. The Shift Commander might do something to alleviate the prisoner's concern. For example, often a cell extraction would be initiated because a prisoner refused to return his food tray, and his stated reason would be that the food was rotten or inedible and he was not going to return the tray until someone in authority came and witnessed the rotten food. The Shift Commander might arrive, agree the food was rotten, and order a change in kitchen procedures. Or, the Shift Commander might not do anything to assuage the prisoner's complaints, but his arrival on the scene would provide the prisoner with a modicum of respect, and thus lead him to return the food tray or halt the unacceptable behavior that was making the officers want to initiate a cell extraction.

Example #3. A supermaximum security unit was experiencing a startlingly high incidence of "cell extractions." A cell extraction is a procedure where a team of heavily padded officers barge in on a recalcitrant prisoner and "take him down." The procedure usually begins with the spraying of the prisoner with immobilizing gas (mace or pepper spray), and often involves slamming the prisoner against a wall. Injuries are commonplace. The number of

times staff must resort to this kind of "use of force" reflects on the quality of administration in the facility. On average, staff in better-administered facilities, with better training, less often feel a need to resort to use of force. In this relatively small supermaximum security unit, for a period of many months, there would be dozens of cell extractions each week. The Unit seemed out of control. Central administration of the DOC intervened, removing the Superintendent (warden) of the institution and replacing him with another. The new Superintendent paid a visit to the supermaximum security unit and talked with the staff as a group and to every prisoner in the unit. He gained agreement from all staff and all prisoners to address each other only by last names, the staff calling prisoners Mr. Jones or Mr. Smith, and prisoners calling staff Officer Brown or Sergeant Green. In addition, staff and prisoners agreed to cease using profanity while addressing each other. After this simple deal was struck (which also means after the new Superintendent visited the unit and talked with every prisoner and every staff member), the incidents requiring use of force diminished impressively. From then on, there might be one or two cell extractions per month. Thus, with the introduction of some modicum of enhanced mutual respect between staff and prisoners, the level of violence in a supermaximum security unit diminished precipitously, as did the staff's use of force to subdue unruly prisoners.

Example #4. One of the best illustrations of the rehabilitative potential of increased prisoner agency is the remarkable therapeutic community that has been in operation for twenty years at Grendon Prison, a maximum security facility in the U.K. (Jones, 2004, Morris, 2004). There are no segregation units in the facility, and the prisoners as a community decide on punishments for members of the community who break rules or become assaultive. Their ultimate sanction is to evict a member from the community, meaning the evicted prisoner is transferred to another maximum security prison. Staff include trained psychotherapists, who lead frequent therapy and milieu groups, but staff do not get a vote when the community decides on programmatic or disciplinary matters. Of course the community cannot vote to release its members from prison, but short of that outside limit the community has much decision-making power, and this means the prisoners experience much more agency than their counterparts in other institutions. The result is that

prisoners at Grendon, a significant number incarcerated for murder or armed robbery, are willing to open up with each other in groups about their feelings and their fears, even about how it felt to commit their crimes (Aitkenhead, 2007). And I hardly need report that the violence rate within the prison is very low, and the recidivism rate for the therapeutic community's graduates is substantially lower than it is at other maximum security prisons.

Each of these examples provides evidence that increasing the respect and agency accorded a prisoner increases the likelihood he will cooperate with the prison program, avoid violence, and prepare more effectively for post-release adjustment.

Conclusion

The tragedy of contemporary correctional policy is that our prisons too often breed disrespect and excessively deprive prisoners of agency. Of course, some loss of agency is inherent in incarceration, but the tragic constriction of human agency I am referring to is excessive relative to the requirements for running a safe institution. The disrespect and excessive constriction of prisoners' agency sets up an unfortunate vicious cycle: The disrespected men and women become menacing and disruptive, further constraints are instituted to contain their unacceptable behaviors (e.g. greater isolation in a segregation setting), the enhanced constraints further compromise the prisoner's sense of being respected and having agency, as a result the prisoner is more prone to feel there is nothing to lose and to proceed to act out, and the acting out serves as justification for further constraints and encroachments on the prisoner's agency.

Over the last couple of decades human rights organizations and civil courts have monitored the state of the prisons and established limits to the degree correctional managers can disrespect prisoners and deny them agency. For example, according to international human rights standards and court determinations of prisoners' constitutional rights, staff are not permitted to disrespect prisoners to the point of sexual abuse or arbitrary beatings, prisoners suffering from serious mental illness are entitled to adequate mental health treatment, and even prisoners in extreme punitive isolation units are entitled to

time out of their cells for recreation and contact with loved ones through the mail and visits. Implicitly, when prisoners are able to stand up for their rights and win class action lawsuits, and when human rights organizations step in to influence correctional managers to grant prisoners their human rights, the prisoners have reason to feel more respected, and to experience a slightly greater sense of agency in their lives. This is all a very positive development. But it barely scratches the surface in terms of what is needed.

Respect and enhancement of the prisoner's sense of agency must be taken further, so that they form the core of a robust effort to rehabilitate prisoners. As I have discussed in this chapter, when the prisoner is afforded a greater degree of respect and agency, he or she is in a better position to sustain hope of one day being accepted back into the company of law-abiding men and women in the community, and being better able to keep that goal in mind, he or she is less prone to act out in prison and jeopardize the opportunity for a timely release. In fact, mutual respect is the key to healthy relationships in the community, including relationships within the family, among friends, among co-workers and in the community-at-large - just the kinds of relationships one hopes the ex-prisoner will resume after he is released. In other words, by instituting attitudes and programs within the prisons that highlight mutual respect and increasing agency for the prisoners, the prisons could be better preparing the men and women confined therein for success at "going straight" after they complete their prison term.

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