

IDEAS

FOR AN OPEN SOCIETY

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EXAMINING OUR HARSH PRISON CULTURE

Experienced observers of conditions in United States prisons are quick to recognize that the Abu Ghraib photos reek of the cruel but usual methods of control used by many U.S. prison personnel.

—Judith Greene

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From Abu Ghraib to America:

Examining our harsh prison culture

“The Christian in me says it’s wrong, but the corrections officer in me says, ‘I love to make a grown man piss himself.’”

Specialist Charles A. Graner in *The Washington Post* May 22, 2004

Since the infamous photos from Tier 1A in Abu Ghraib prison were first broadcast on CBS’ 60 Minutes, much has been written about the role that military intelligence officers, the CIA, and various military personnel may have played in spurring the horrifying human rights violations that the images graphically display. Many commentators

BY JUDITH GREENE

have blamed the “bad apples,” the seven soldiers from the 372nd Military Police Company, who have been charged in connection with the brutal treatment of detainees at Abu Ghraib. But reports of similar abuse are all too familiar in the United States. The Abu Ghraib photos provide evidence that our dehumanizing prison culture and brutal penal practices have now been exported to Iraq and—evidence suggests—elsewhere around the world.

To a great extent, the rapid increase in incarceration over the past quarter century and a shift in the demographic makeup of the U.S. prison population have given rise to our country’s harsh prison culture. Tough-on-crime policies and draconian sentencing laws have expanded the prison population at unaffordable and unmanageable rates. And the War on Drugs has not only increased the size of our prison population but also heavily skewed the population mix toward people of color.

At the same time, as crime policies hardened, attitudes about the treatment of people in prison coarsened. Prison policy moved away from the basic principles that correctional services must be effective, accountable, and humane. Spurred by the cynical use of get-tough rhetoric by public officials seeking political gain, a popular mentality developed that celebrates the notion

that prisoners deserve sadistic and brutal treatment as punishment. Against this backdrop, massive prison expansion has occurred, entailing the construction of bigger facilities, in remote locations, with few amenities or services. Diminished opportunities for education, vocational training, and substance abuse treatment mean more idle time, which leads to increased tension and violence among prisoners.

Such prisons present difficult management challenges. Unfortunately, the response has been to increase reliance on high-tech surveillance systems, immobilizing restraints, and weaponry including chemical agents and pepper spray, stun devices, and (in a few prison systems) armed guards with orders to shoot if disturbances arise. Total isolation of those deemed dangerous has become so widespread that entire prisons have been constructed for this purpose. These supermax facilities provide the ultimate means for warehousing people—many are held for months or years in solitary confinement cells,



Arizona Sheriff Joe Arpaio is known for his retributive regime. Fifteen hundred men, women, and children live in tent city, a compound of army tents under the blistering desert sun. They are forced to labor on chain gangs, cleaning up poor neighborhoods and burying dead homeless and indigent people. (All photos by Scott Houston)

often denied even reading material to pass the time. Such psychosis-inducing regimes generate the very behaviors that they are designed to curb.

Of the more than 2 million people confined in our prisons and jails, many are well acquainted with humiliating strip searches, inadequate and sometimes rotten food, and the denial of medical care, medications, and mental health treatment. Videotapes have documented the excessive force used by guards in Arkansas, California, Connecticut, Pennsylvania, and Texas. And lawsuits have exposed the sexual abuse of incarcerated women by guards in Connecticut, Georgia, Michigan, and New Jersey.

In Virginia's Wallens Ridge super-max facility, prisoners have been immobilized in five-point restraints for as long as 48 hours. After a man died following repeated shocks from an

Ultron II stun device, the American Civil Liberties Union filed a class-action lawsuit charging that the use of excessive force was endemic in the prison.

A privately operated prison for youths in Jena, Louisiana was closed in 2000 after experts sent by the U.S. Department of Justice to inspect the facility reported that the environment was neither safe nor humane, and that operations were chaotic and dangerous. Medical, mental health, and dental services were inadequate to meet the needs of the 276 young men confined there; education and substance abuse programs were deficient; clothing and linens were insufficient; and the staff used both chemical agents and physical restraints improperly and subjected the prisoners to physical, sexual, and verbal abuse.

After years of pressure by youth advocates, a second prison — this one

operated by the Louisiana Department of Public Safety and Corrections — was shuttered on June 1, 2004. In her searing expose, "The Death of Tallulah Prison," Soros Justice Fellow Xochitl Bervera charged that conditions at the prison in Tallulah were hardly better than in Jena, and that conditions are "startlingly violent and demeaning" throughout the entire youth prison system in Louisiana: "Children routinely face humiliation and other forms of emotional abuse as well as severe physical abuse at the hands of guards ... Only nine months ago, 17-year-old Emmanuelle Narcisse was killed by a guard in another of Louisiana's facilities by a single blow to the head that was witnessed by dozens of other children."

Why are our prisons such miserable places? Notwithstanding the huge expenditure of state and federal dollars on the construction of high-tech facilities, America's jails and prisons remain mostly squalid, brutal institutions. And all the more so, since squalor and

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harsh treatment are the intended result of the get-tough, no-frills penal values expressed by some of our country's most powerful policymakers.

Arizona Sheriff Joe Arpaio is revered and emulated for his tough-talking, retributive regime: holding people in tents in blistering desert heat and forcing them to wear pink underpants, eat green baloney sandwiches, and labor on "equal opportunity" chain gangs for men, women, and children. Where degradation and humiliation are a matter of policy, racial tensions go unchecked, and guards hold near-absolute authority, abuse and brutality inevitably follow.

While some have speculated that the reports of harsh treatment from prisons and detention camps in Iraq indicate the existence of policy at a high

The Abu Ghraib prison was restored to operation by Lane McCotter, a U.S. prison consultant handpicked by the U.S. Department of Justice for the job. In 1997, McCotter had resigned as the director of the Utah Department of Corrections amid controversy following the death of a mentally ill man who had been strapped in a restraint chair for 16 hours. McCotter was under fire already for his handling of problems with medical and mental healthcare when it came to light that the psychiatrist who authorized the restraint was on probation by state licensing authorities for a variety of fraudulent and questionable practices.

Tier 1A, where Iraqis were held for interrogation by army intelligence personnel, was largely staffed with inexperienced and untrained soldiers

rights remain largely below the public radar, and the Prison Litigation Reform Act (PLRA), enacted by Congress in 1996, has greatly restricted access for prisoners to legal redress of substandard conditions of confinement and mistreatment by guards. If the shocking exposure of prison abuses in Iraq draws attention to the need to change conditions in our prisons, a roll-back of PLRA restrictions would be a good place to start.

An effort to improve conditions in U.S. prisons would require better training of prison guards, stronger enforcement of standards by prison managers, and free and frequent access to all prisons for independent human rights monitors and the media. But because approval, even celebration, of Arpaio-style punishment is now so prevalent in our popular culture, a serious effort would require more than better prison management and public oversight. Prison reform would require a fundamental shift in attitudes and values: the firm rejection of humiliating and degrading practices intended to inflict suffering, and the realization that incarcerated people are human beings and as such are deserving of simple human dignity and respect. But what is needed most to diminish the misery that permeates the penal system is a thorough overhaul of the harsh sentencing laws and policies that have driven the prison system to this unmanageable scale.

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level of government, experienced observers of conditions in U.S. prisons are quick to recognize that the Abu Ghraib photos reek of the cruel but usual methods of control used by many U.S. prison personnel. Our vengeful penal philosophy and harsh prison culture has led to a dreadful level of brutality and human rights abuses in our own prisons, and now this maliciously punitive mentality has been exported to Iraq by U.S. prison personnel.

who said they turned for leadership to Staff Sergeant Ivan H. Frederick and Specialist Charles A. Graner. Under leadership from men who honed their skills as prison guards in the U.S., the raw recruits assigned to guard Tier 1A took degradation and humiliation to new heights. In the photos that they made, they appear delighted with their handiwork.

Back in U.S. prisons, routine abuse and widespread violations of human

OSI's U.S. Justice Fund

An open society is one that protects fundamental human rights, guarantees impartial justice, and provides opportunities for people to become economically self-reliant and develop their talents. Its leaders make public decisions through a democratic process that encourages full participation and demonstrates accountability.

Although the United States aspires to the ideal of an open society, discrimination, political ideology, and an over-reliance on market forces have denied fair treatment and equal protection and opportunity to many members of society. Disempowered because of their race, ethnicity, poverty, gender, sexual orientation, and immigration status, these individuals and communities often are disenfranchised by the very system that is supposed to protect their fundamental human rights and equal access to economic opportunity, political participation, and social services.

To build an open society that is fair and accountable to all of its members, the OSI U.S. Justice Fund focuses its grantmaking, educational, and advocacy activities on two objectives in the United States. In pursuing these two objectives, OSI places a premium on empowering those individuals whose rights, economic self-sufficiency, and political participation have systematically been undercut, so that they can provide leadership in their communities and serve as catalysts for just policies and practices.

Securing Equal Justice

OSI focuses on securing procedural and substantive justice for all individuals by developing criminal and civil justice systems that are accessible and impartial, protect fundamental human rights, prohibit arbitrary and discriminatory government action, and remove barriers that prevent individuals from participating fully in the economic, social, and political life of the community. We start from the premise that government is responsible for carrying out its work in a transparent manner and for respecting

the constitutional role of the courts as a check on legislative and executive abuse. The U.S. Justice Fund places priority on the needs of individuals who are low-income or who historically have been the targets of discriminatory practices. To buttress and expand protections offered through the legal system, OSI aims to increase the ability of individuals and communities to engage in the formulation and monitoring of public policies that affect the delivery of justice, including policies determining the allocation of public resources. Accordingly, the program helps individuals and communities to develop advocacy and organizing skills as well as legal tools to stimulate debate and to effect systemic and social change, especially relating to issues in which they have a direct stake.

Rethinking Crime and Punishment: Seeking an End to Over-Reliance on Incarceration

Incarceration plays an extraordinary role in creating and maintaining a permanent underclass in the United States, defined largely by race and income. Individuals, generations of families and whole communities have become disenfranchised, legally and politically, to the detriment of society at large. To restore the promise of democracy, OSI seeks to document the causes of over-incarceration in the United States, including discriminatory practices, and the destructive impact of current incarceration policies. The U.S. Justice Fund supports the efforts of diverse groups, especially those directly affected by current policies and practices, to propose and mobilize support for alternatives to incarceration and to irrational sentencing and parole policies. To break the cycle of incarceration, halt the further destabilization of marginalized families and communities, and improve public safety, the program also encourages the reallocation of public monies to support the successful reintegration of people returning from prison and the economic and social development of communities deeply affected by incarceration patterns.

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FOR AN OPEN SOCIETY

Mission Statement

AN OPEN SOCIETY IS ONE that protects fundamental human rights, guarantees impartial justice, provides opportunities for people to make the most of their talents, and makes public decisions through a democratic process that is open to full participation and constant reexamination.

The mission of the Open Society Institute is to promote these values in the United States as well as in emerging democracies around the world. Although the U.S. aspires to the ideal of an open society, in many respects we fall short and in others we are losing ground.

An open society requires a public sphere shielded from the inequalities of the marketplace, but in the U.S., the dominant values have become those of market fundamentalism, which rejects a role for government and poses a threat to political equality, public services, racial justice, and the social safety net. An open society requires an unbiased system of justice that stands apart from political pressures and social inequality, but in the U.S., the pressures of money, bias, and politics undermine the independence of the courts and the fairness of the criminal justice system. An open society is one in which individuals and communities can make the most of their talents and assets, but in the U.S., too many people face barriers posed by failed schools, a dead end criminal justice system, or the sharp inequalities in our provision of health care and economic security. And too many communities are isolated from full participation in democratic decisionmaking or the mainstream of the economy.

Through our grantmaking and our policy initiatives, the Open Society Institute's U.S. Programs seek to restore the promise of our pluralistic democracy and bring greater fairness to our political, legal, and economic systems. We seek to protect the ability of individuals to make choices about their lives and to participate fully in all the opportunities — political, economic, cultural, and personal — that life has to offer.



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