

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



15 Years In Environment Of Constant Fear Somehow Fails To Rehabilitate Prisoner

NEWS IN BRIEF • Prison • Lifestyle • ISSUE 50•09 • Mar 4, 2014



79.1k



1.2K



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The warehouse prison problem

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

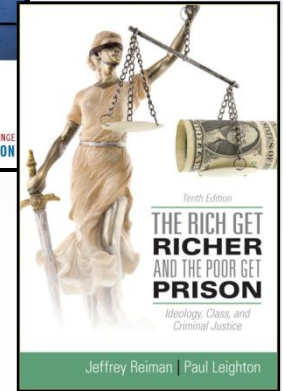
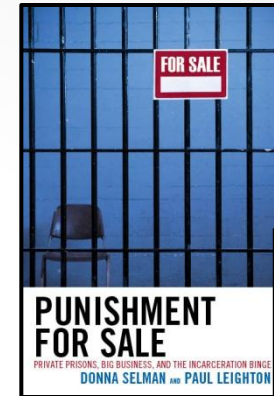
- Big mess, so we need *sentencing reform* and *prison reform*
- Rational, sustainable public policy to promote public safety
- National ideals of freedom and enlightenment
- Partnerships with private sector that advance public justice, not corrupt it

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

Cite as: 563 U. S. ____ (2011)

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Opinion of the Court

B



Mule Creek State Prison
Aug. 1, 2008

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

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BROWN v. PLATA

Opinion of the Court

C



Salinas Valley State Prison
July 29, 2008
Correctional Treatment Center (dry cages/holding cells for people waiting for mental health crisis bed)

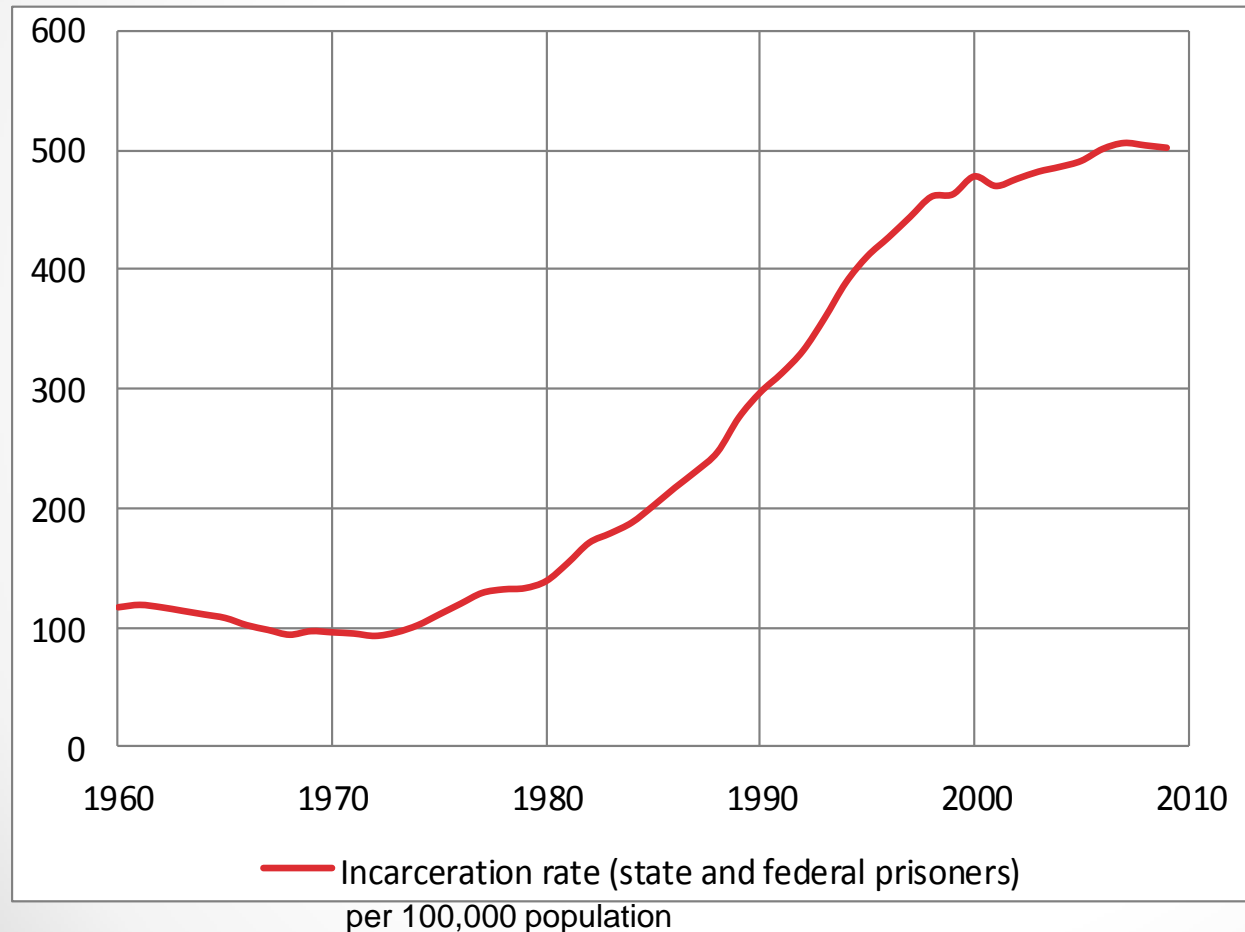


California Institution for Men
Aug. 7, 2006

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”*

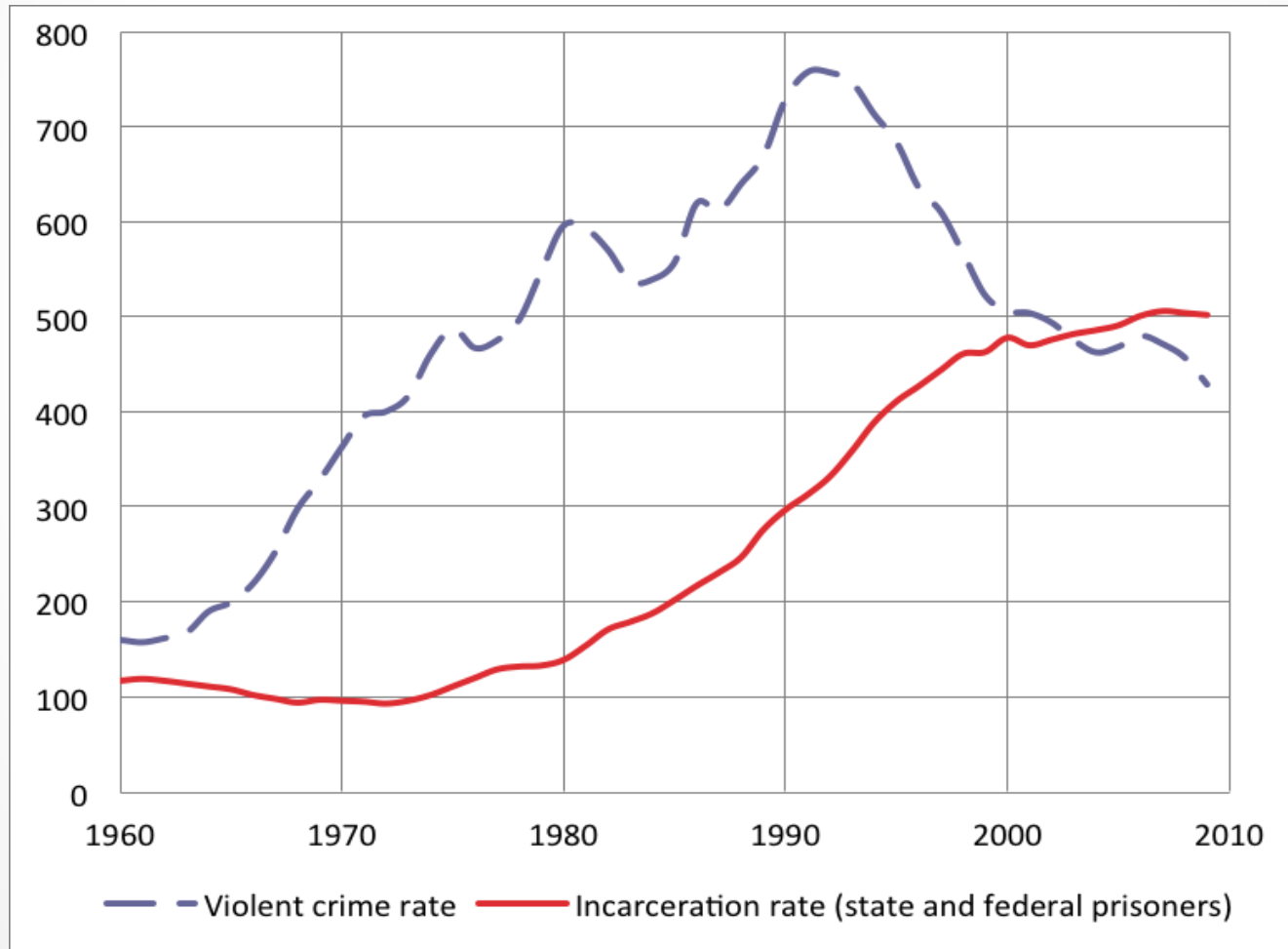


- Law & Order
- War on Crime
- War on Drugs
- “Get Tough”
- 3 Strikes
- Mandatory minimums
- Truth in Sentencing

- Overcrowding
- Cut programs

*Cullen, quoted in Leighton, Paul. 2014. “A model prison for the next 50 years”: The high-tech, public private Shimane Asahi Rehabilitation Center. [Justice Policy Journal, 11\(1\)](#),

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.

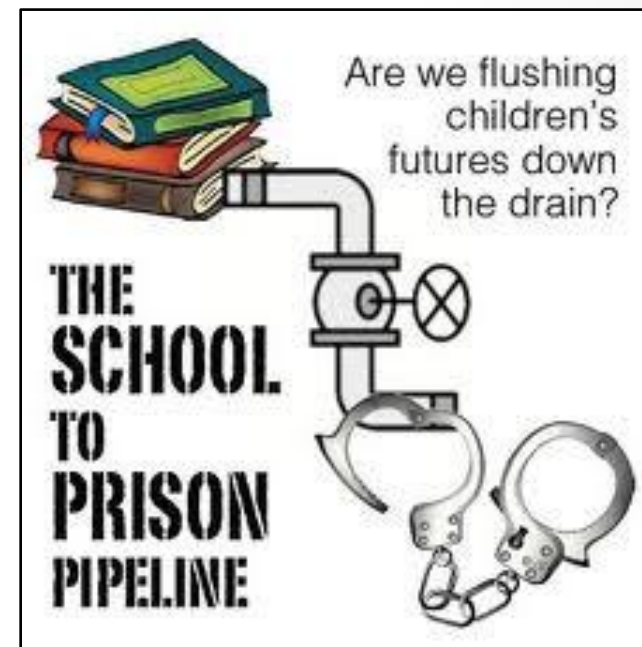
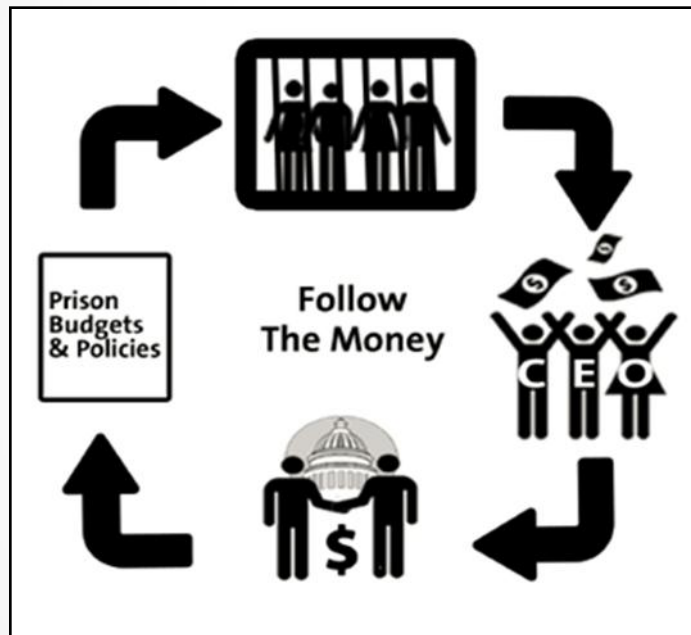
Punishment for Sale. (p 26)

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

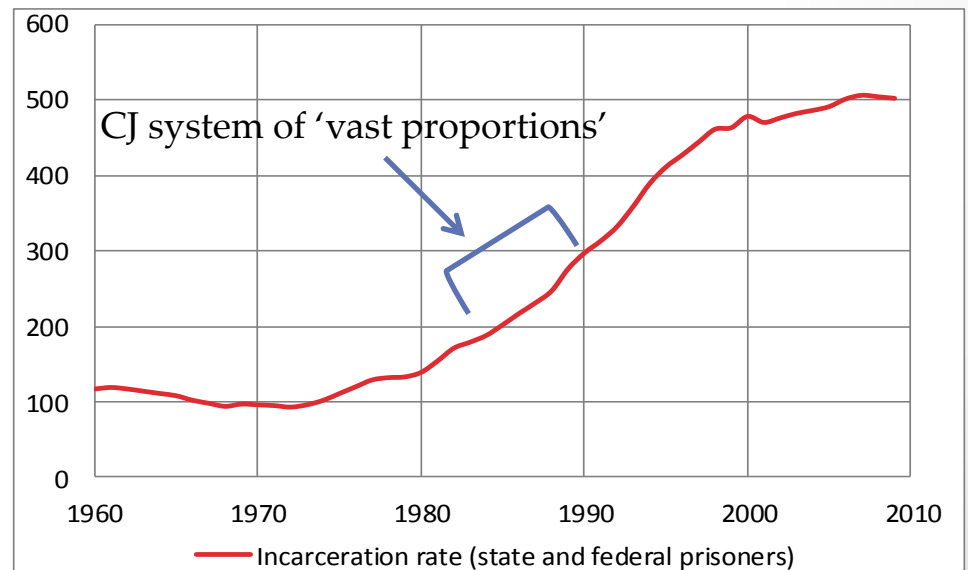
- From General/President Eisenhower's warning of Military-Industrial Complex
 - New permanent armaments industry of "vast proportions"
 - "We must guard against the acquisition of unwarranted influence... The potential for the disastrous rise of misplaced power exists and will persist. We must never 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

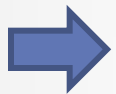
“Bodies destined for profitable punishment”

- 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)



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*.



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Captive Audience Pays Big Dividends - Lock In 5.6% Yield With Corrections Corp. Of America

Mar 11 2013, 15:08 | 3 comments | about: CXW

Both are Real Estate Investment Trusts – pay no federal tax and distribute money to shareholders instead

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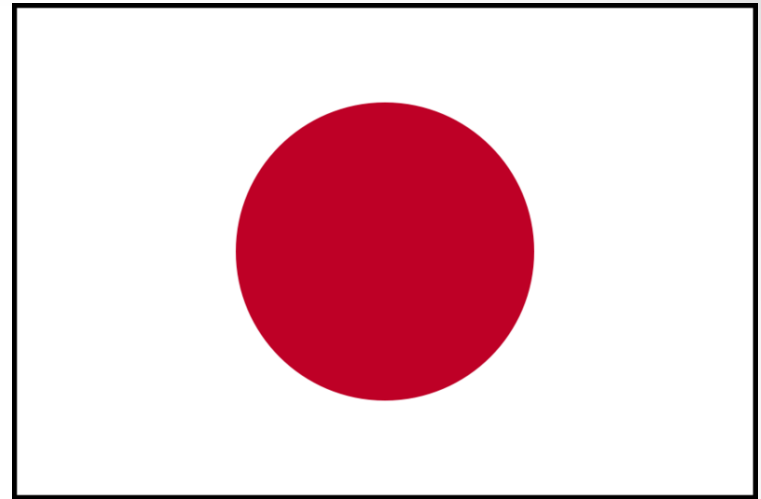
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Private
prisons argue
they can do
this more
cheaply and
efficiently

PRIVATE
PRISONS ARE
NOT A
SOLUTION

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,”

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.

Source for law translation: Cabinet Secretariat,
<http://www.cas.go.jp/jp/seisaku/hourei/data/pfi.pdf>

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



Shimane Asahi Rehabilitation Center



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

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.

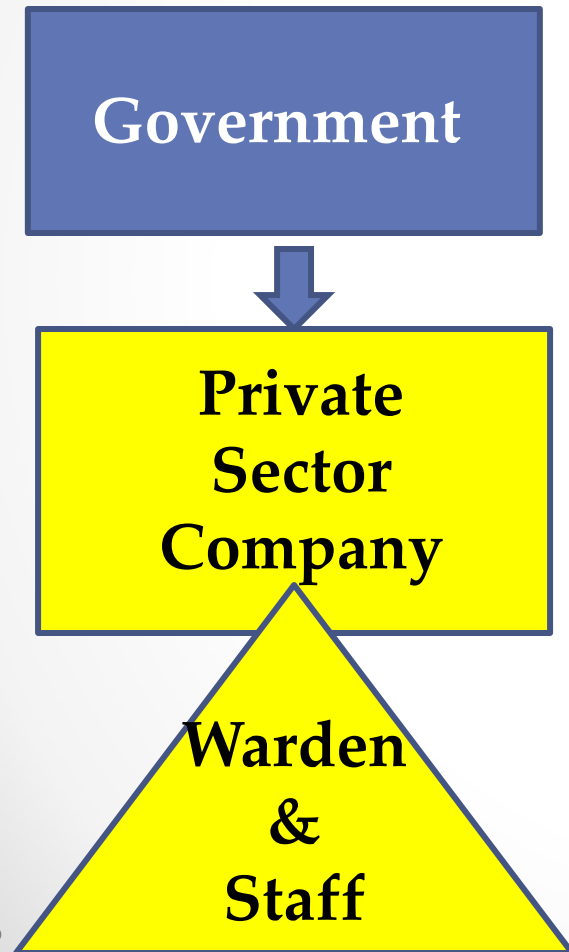
Shimane Asahi Rehabilitation Center



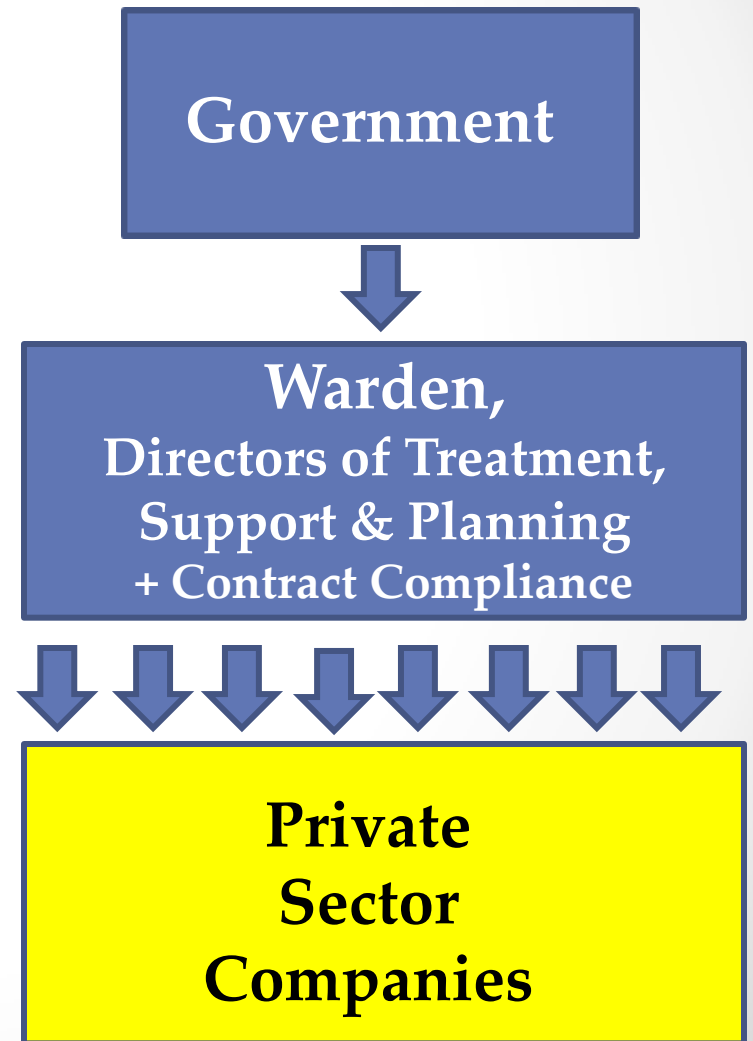
From Akihiko Kimura, The Development of PFI in the Prison Sector in Japan. Presented at the 3rd Annual Meeting for PPP/PFI Promotion Between Japan and Korea

US private prisons v Japanese PFI

U.S.



Japan



3 “pillars” of Shimane Asahi

- Public-private partnership
 - Technology and innovation
- Education, vocational training and rehabilitative programs
 - Special programs, training and therapeutic gardens for emotionally disturbed inmates
- Partnership with the local community
 - “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”



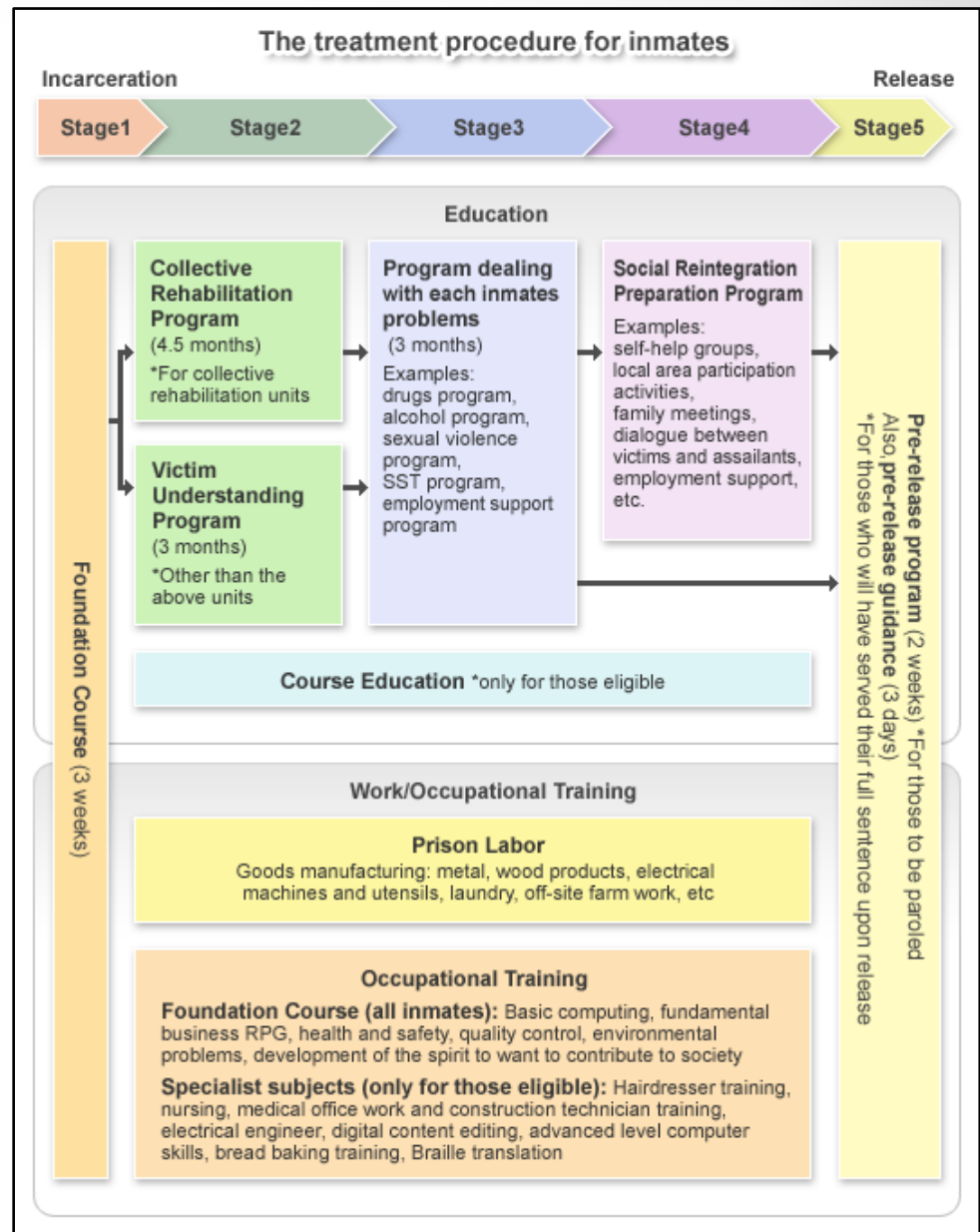
- Kiosk (commissary, appointments)

- From Shimane Asahi website, <http://www.shimaneasahi-rpc.go.jp/english/tokucyo/index.html>

Programs I

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

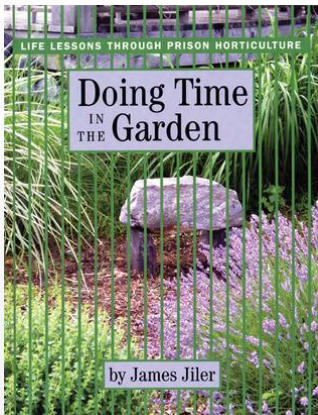
+ Horse (“Equine Assisted”) Therapy and Horticulture



Programs II

Mentally and emotionally disturbed inmates

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



From Shimane Asahi website,
<http://www.shimaneasahi-rpc.go.jp/english/torikumi/index.html>

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)



Used bicycles repaired at the center are labeled as such with a sticker

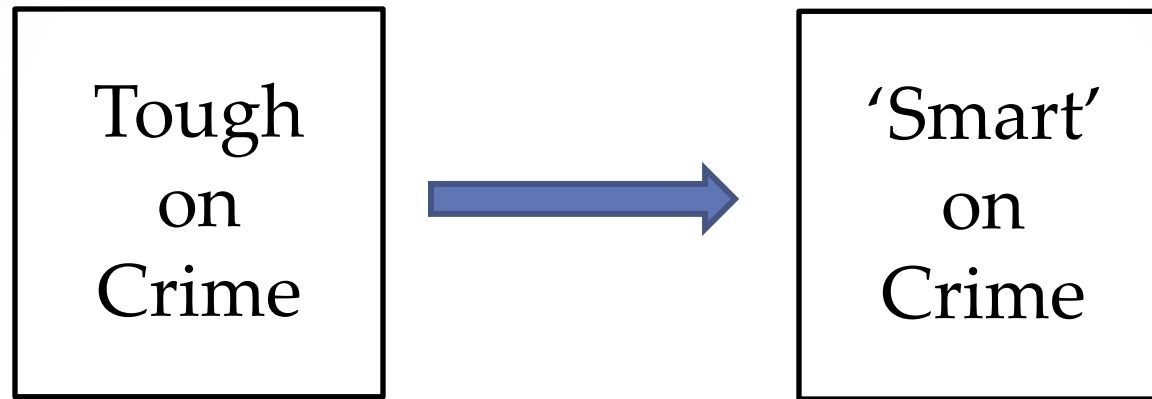
[Obayashi Corporate Report 2012: Financial, Social and Environmental Performance](#)

Regional Engagement



- 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

quoted in Leighton, Paul. 2014. "A model prison for the next 50 years": The high-tech, public private Shimane Asahi Rehabilitation Center. *Justice Policy Journal*, 11(1),

http://www.cjci.org/uploads/cjci/documents/leighton_model_prisons_final_formatted.pdf.

The post-warehouse prison

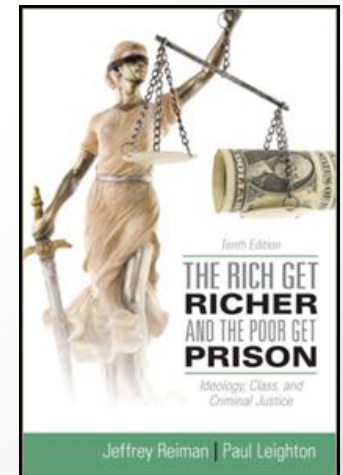
- Sentencing reform

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

<http://www.peoplesmovementassembly.org>



- “Let the crime fit the harm and the punishment fit the crime” – more criminalization and policing of harms of the powerful [Reiman and Leighton. 2013. *The Rich Get Richer & the Poor Get Prison*, 10th ed, p 211]



The post-warehouse prison

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

and



California Institution for Men
Aug. 7, 2006

- 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?

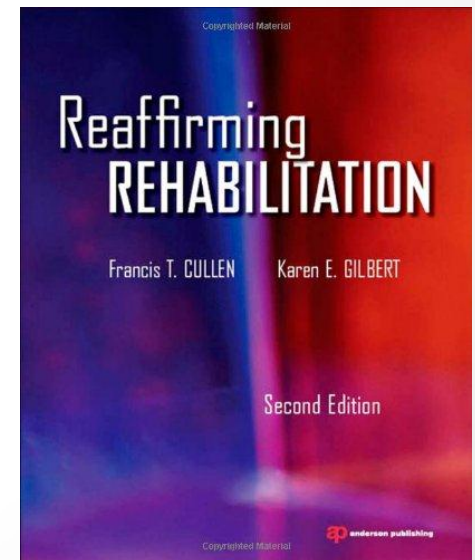
The post-warehouse prison

- 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



quoted in Leighton, Paul. 2014. “A model prison for the next 50 years”: The high-tech, public private Shimane Asahi Rehabilitation Center. *Justice Policy Journal*, 11(1),

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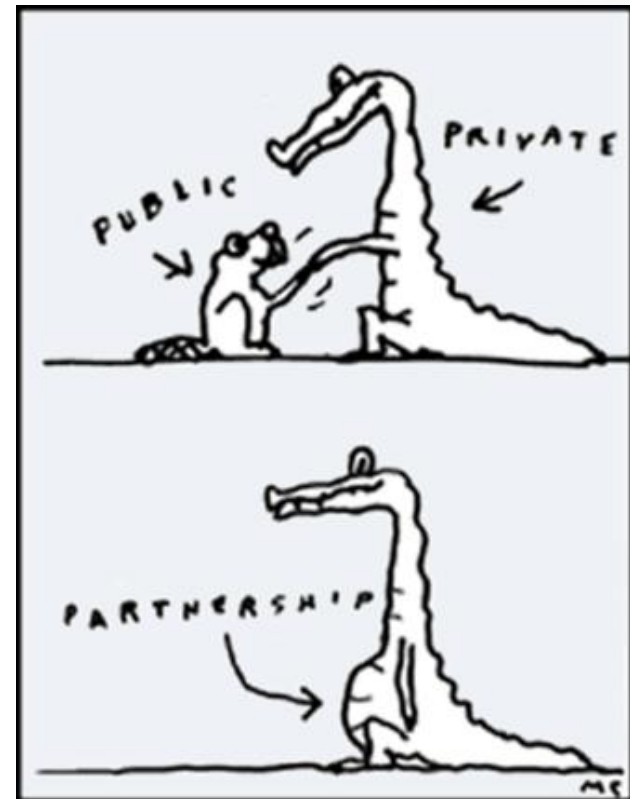
The post-warehouse prison

... but no “industrial complexes”

Public-private
partnerships feasible
political compromise.

However:

- Ensure govt. control of punishment
- Local groups and resources
- Non-profits and NGOs

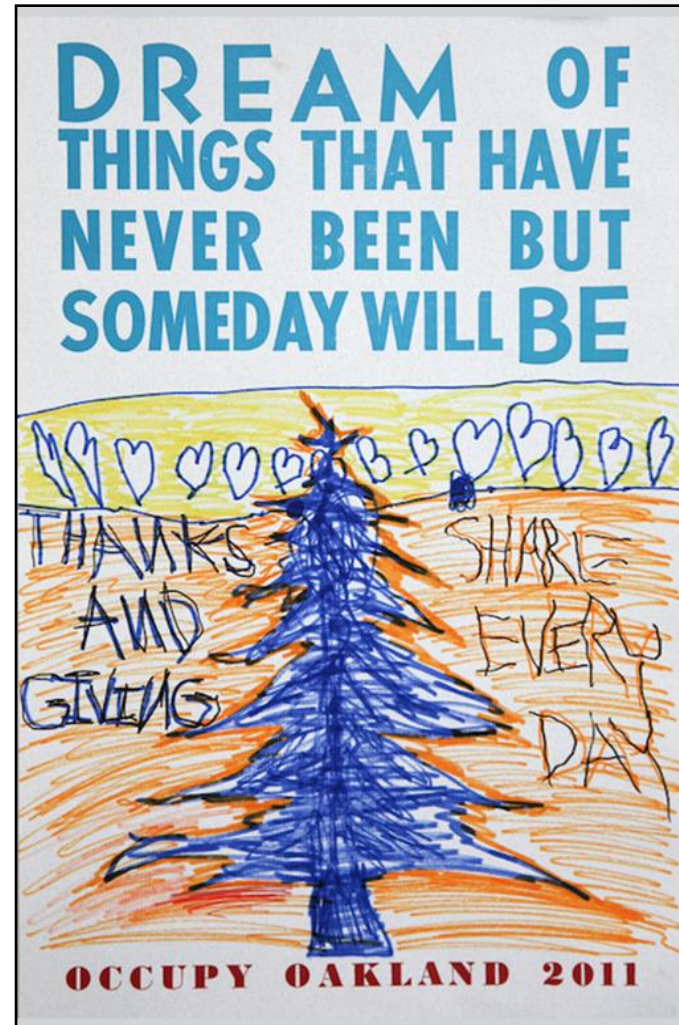


The post-warehouse prison

- 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?



Dr. Paul Leighton is a professor in the Department of Sociology, Anthropology & Criminology at Eastern Michigan University.

More information about him is available on his website,

<http://paulsjusticepage.com/paul/pauls-cv.htm>

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