

# The Glaring Contradictions In The Rhetoric of Prison Rehabilitation (Part 1)

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By Ivan Kilgore  
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*Hide nothing from the masses of our people. Tell no lies. Expose lies whenever they are told. Mask no difficulties, mistakes, failures. Claim no easy victories....*

—**Amilcar Cabral**

*Processionary caterpillars travel in long, undulating lines, one creature behind another. Jean-Henri Fabre, the French naturalist who died in 1915, once led a group of these caterpillars onto the rim of a large flowerpot, so that the lead caterpillar actually touched the last caterpillar in the procession, forming a complete circle. In the center of the flowerpot Fabre placed pine needles, a main source of food for such creatures. With an ample supply of food close at hand and plainly visible, for seven days and nights the caterpillars circled the flowerpot until they died from exhaustion and starvation. Why? Because these mentally programmed creatures refused to veer off the beaten path.*

*People often behave in a similar way. Habitual patterns and ways of thinking become deeply established, and it seems easier and more comforting to continue these thought patterns than cope with change—even when change represents freedom and achievement....*

—**Dennis P. Kimbo**

*When the people who are in power want to... create an image to justify something that's bad, they use the press. And they'll use the press to create a humanitarian image, for a devil, or a devil image for a humanitarian. They'll take a person who's a victim of the crime, and make it appear he's the criminal, and they'll take the criminal and make it appear that he's the victim of the crime.*

—**Malcolm X**

**W**ith a recidivism rate as high as 73% in some cases (see Attachment A), what does this say about the efficacy of the California Department of Corrections & [r]ehabilitation's (CDC[r], hereafter) self-help and educational programs? Is it simply the prisoner himself or herself that is hopeless to change? Or is it something much bigger at stake that prison officials and California politicians are keeping at bay, hiding behind smoke and mirrors? As someone who's been incarcerated for almost two decades, I can attest to the fact that it's definitely the latter. It's all smoke and mirrors and the contradictions are right before you if you simply stop and peel back a few layers of the rhetoric. For, "[n]o prison can rectify the wrongs of the society which had produced it."<sup>1</sup>

That said, the most glaring contradiction I find in the whole scheme of rehabilitation revolves around its focal point. The rehabilitative model that most prisoners encounter once incarcerated forces upon us the notion that we are solely to blame for our shortcomings and that we are to accept full responsibility for them. It is an age-old philosophy that has been getting kicked around since the very first prisons were built in Europe. In California, it began to pick up traction during the 1940s when the then newly appointed Director of the California Department of Corrections (without the "r"), Richard A. McGee, professed:

...the concept that there can be no regeneration except in freedom. Rehabilitation, therefore, must come from within the individual, and not through coercion. With this principle in mind, the rehabilitation program... contemplates not only important educational and vocational factors, but also, by and through classification and segregation, a gradual release from custodial restraint, and corresponding increase in personal responsibility and freedom of choice.<sup>2</sup>

Notably, there are several fundamental, if not “glaring”, contradictions that would prove McGee, as well as the department’s reform rhetoric, hollow: (1) the practice and processes of rehabilitating inmates that were to ensue from that point forward would largely omit sociological factors that had proven to significantly contribute to criminal deviancy; (2) the so-called educational, vocational, and what today has become known as “self-help” programs that were to be established were, by default, aligned with the first function of the prison (i.e., custody, control and punishment); (3) “responsibility” and the accompanying sense of autonomy that evolves with it, is completely stripped away from most prisoners the moment we cross the threshold of prison gates; and (4) prison, by nature, is a coercive institution and, therefore, tends to operate against the very notion of developing one’s free will to make choices.

Indeed, while we do bear the brunt or responsibility for “changing” our lives, the question remains: How is it we became these people in the first place—that is, the murderer, the drug addict, thief, etc.? Here, the self-help and other educational programs offered by CDC[r] do not even come close to answering the question. In fact, they only scratch at the surface. Even more, in my opinion, many of them have a demoralizing effect on our self-esteem, in that, they operate to enforce the notion that our imperfections are inhuman; that our addictions are self-inflicted as opposed to being cultural byproducts of social engineering. Of course, all this is said and done in spite of the fact that there are numerous sociological studies that attribute criminality to the failure<sup>3</sup> of American institutions to deliver on the nation’s idealism—quality education, equality, fairness, and justice for all.

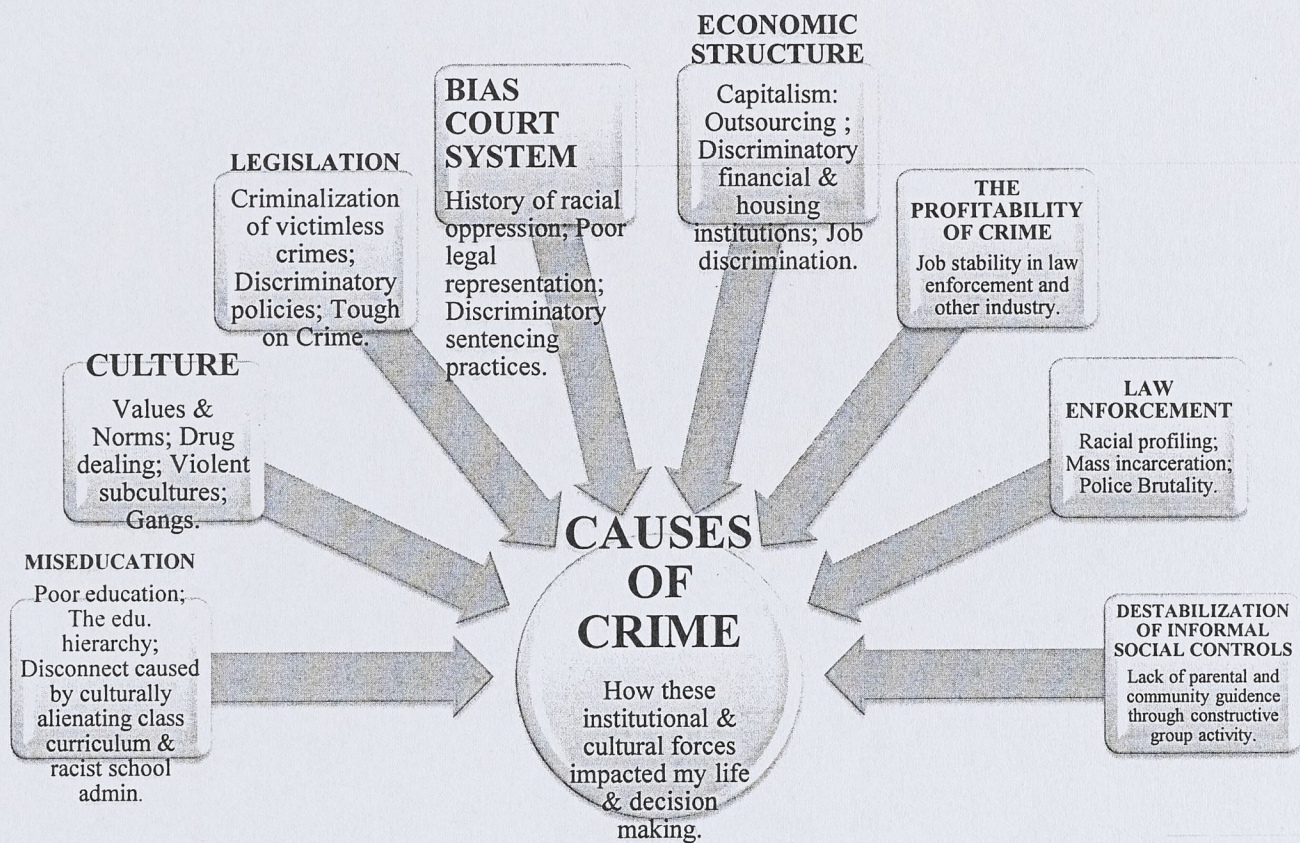
2 - That said, I have never partaken in or heard of a rehabilitative program that shifts the blame for crime from the individual to the various social, political, and economic structures (n.b., policies) that bore criminogenic conditions. (See chart on following page) Here, we must again question: In bearing the brunt of responsibility for the criminal, when will society itself be held accountable for the many failed systems (i.e., institutions) that fuel the crime machine?

Often, we hear about how my incarceration, my being sentenced to life without parole (LWOP, hereafter), and my conviction for first-degree murder, operates to assure public safety. If this is so, then why is it that some 2000 people have been murdered in Oakland since I was arrested? Obviously, me being held accountable *alone* has not prevented the next boy-child or countless other children across the nation from being exposed to the same systematic conditions (i.e., the precursors to crime) that created my so-called murderous behavior.

Notably, it is only on account of the fact that I have become conscious of how these conditions are designed to affect me that I can truly claim any measure of having been reformed. Without this knowledge and insight, without having read and studied everything that went into writing and publishing my latest book, *Domestic Genocide: The Institutionalization of Society*, I

was one of millions of prisoners who returned to society with little to no inclination as to why I had resorted to criminal behavior.

Here, I'm not talking about what the late Professor John Irwin so aptly described as those "chicken shit"<sup>4</sup> routines of rehabilitative programming (e.g., vocational training, group therapy: anger management, substance abuse, AA, NA, victim awareness, etc.), which for the past 80 years has been the base of CDC[r]'s rehabilitative model. Arguably, while it may be said that such programs are very much needed, the reality is they're not very effective in attracting the interests of those prisoners who need them the most (e.g., short-term offenders) and thus operate more effectively as a control mechanism to domesticate those inmates serving LWOP or other life terms who have "copped out" and see no other way out other than to buy into CDC[r]'s rehabilitative hype,<sup>5</sup> which manipulates our hope and, in my opinion, creates an extreme form of disillusion in face of a "miscalculated" and "scant" chance of being granted parole or a commutation.<sup>6</sup>



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– Even more, like processional caterpillars, many of these programs are relics of the past, which have proven to fail and, again, only scratch at the surface of what has driven many of us, for example, to use or sell drugs, resort to violence, think criminally, etc. For, our actions are influenced not so much by the choices we make but moreso by structural and cultural dynamics that operate systematically to reinforce our belief system which, generation-after-generation, creates our dysfunctional behavior. Seemingly, society has failed to grasp the concept: *Criminals are “made” not born*. We are made through a series of socio-political and economic processes that construct our reality. It is a reality, a culture, I still struggle with to this day out of a real but misguided sense to survive.

Somewhere, I recall having read that over 90% of crime is financially motivated. Yet, I’d estimate less than 1% of programs offered by CDC[r] assist prisoners to develop financial literacy or the sort of skills that will assist us to meet our financial goals. Even more, with what programs that are made available, there are a number of impediments we face when trying to access or complete them:

- **Transfers:** For example, on June 7, 2018, I was transferred from Salinas Valley State Prison (SVSP, hereafter), Level IV, after having completed my first semester in the *in-person* college program to obtain a degree in sociology. SVSP is one of few institutions that affords the in-person college level sociology program. Since transferring to a “lower” security prison, I now have to complete the program through correspondence courses, which presents a number of obstacles. Even more, I was initially told that I would be restricted from partaking in the in-person college program at the new prison due to my being sentenced to LWOP. **Note:** Each prison has different college programs. (See Attachment B)
- **Priority Levels:** CDC[r] imposes “priority levels,” which are based on case factors (e.g., length of sentence, crime, security classification, educational needs, etc.). While such factors may seem to reasonably determine a prisoner’s eligibility to partake in certain programs or determine what prison s/he will be assigned to (i.e., Level IV, III, II, etc.), it also determines what programs a prisoner will have access to and be excluded from. **Note:** Different institutions offer different programs and have different protocols for determining eligibility. So while a prisoner may qualify at one prison to partake in said programs, upon transfer that is subject to change as noted above.
- **Work Conflicts:** Upon assignment to an inmate work detail (e.g., P.I.A.), inmates are prohibited from partaking in any educational or self-help program that has a conflicting schedule—that is, if it is scheduled during the inmates work hours, s/he cannot participate. This is so even if their supervisor grants permission to leave work early to partake in said programs. This policy has been implemented to assure worker availability to meet, for example, quotas in CDC[r]’s bustling prison industries. (See Attachment C)
- **Lockdowns:** Lockdowns and/or “Modified Program Status”, I’ve learned, occurs at every prison irrespective of security level or incident (e.g., stabbings, fights, etc., which disrupt program status). In effect, they operate to hinder access to programs, which in turn causes us to receive “incomplete” status and/or prolong our ability to obtain the basic educational requirements (e.g., a G.E.D.) to advance our educational goals.

Of course there are a number of other impediments that operate all the same, which begs of the reader to ponder the question: Is CDC[r] maximizing the implementation of its programs to best effect prisoner rehabilitation? In light of the foregoing, I’d have to say it’s not! The

numbers say it all. However, before I continue, allow me to digress to emphasize a very key point in CDC[r]'s funding scheme.

4 — In the nonprofit sector, funding is largely contingent upon results. Programs are funded solely on account of their ability to meet their goals and objectives. When they fail, or only prove to be 30% effective, they get axed! This, unquestionably, places a tremendous amount of pressure on organizations to produce favorable results which, in turn, can encourage a sort of "cooking the books" type of reporting process. CDC[r] is no different.

Recently, I sat down with an Associate Warden here at California State Prison Solano to discuss the prospect of hosting a *Restorative Justice Forum*<sup>7</sup>, which was eventually denied. During the course of our discussion, he mentioned the fact that, "Up until a few years ago, CDC[r]'s funding scheme was based on 'warehousing' bodies. It's now funded according to its ability to offer prisoners rehabilitative programs."

Seemingly, with millions of dollars slated to fund these programs, tax payers would be up in arms demanding to know: To what degree is CDC[r] being held "accountable" for managing their tax dollars in face of a 73% recidivist rate? Are they funding these programs based solely on availability or their effectiveness? With a 27% success rate, it's only obvious the rehabilitative model currently in place is not based on results or a commitment to fund more effective programs.

Once, I heard a correctional officer say, "If you work around crooks long enough, eventually you become one." That said, with the enormous pressure on prison officials to effectively manage tax dollars, you best believe the "books" are getting "cooked" and they go heavy on the rhetoric to cover their tracks.

For example, on its website CDC[r] Division of Rehabilitative Programs (DRP) purports: "Programming opportunities are available to all offenders, and the best way for an offender to be prepared for success upon release. Programs are available at various stages during incarceration...." (See <https://www.cdcr.ca.gov/rehabilitation/process.html>) It then goes on to list a nine step, "Step-by-Step Process" as to how an "[o]ffender's risk to recidivate and criminogenic needs are assessed...." On paper this all looks good. However, in light of the foregoing, especially the aforementioned impediments we face when trying to access these programs, it's all smoke and mirrors. The reality is, I'd say less than five percent of prisoners will have a chance to complete, for example, a vocational trade; less than 20% will obtain a G.E.D.; less than five percent will obtain a college degree<sup>8</sup>; and some 40% or better will partake in some form of self-help program, which brings me to my final point.

In prison the concept of "change" is a constant forced upon us with little, if any, sense of rite of passage. Often, I point to the fact that change results from maturing and to mature a person must be able to experience the rituals associated with crisis or change of status (e.g., obtaining your driver's licenses, graduating high school/college, your first job, moving out of your parents' house, etc.)<sup>9</sup> These are some very defining moments in our lives that significantly affect the development of our character. Because most prisoners have been incarcerated in their prime (ages 16-24) and, thus, deprived of these experiences, many fail to develop in these areas.

Naturally, the development of our character suffers with each experience we fail to attain and our growth becomes stagnant in many aspects. This is so because, in prison our sense of autonomy, for example, is almost completely stripped away from us the moment we step onto the yard. Consequently, most of us become so accustomed to having our decisions made for us by prison officials that, upon release, we have trouble adjusting to freedom.

Still and yet, for some, these rites of passage will come later in life, much later, if ever they will. We often see, for example, the 30 year-old inmate who finally obtains a G.E.D. after having spent half his/her life incarcerated. Commendable? Absolutely! But it speaks volumes about how the structural conditions devised by prison officials operate to stagnate our growth and become an obstacle to change.

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#### END NOTES:

<sup>1</sup> Cummins, E. *The Rise & Fall of California's Radical Prison Movement*. Stanford Univ. Press, 1994, p.92.

<sup>2</sup> Ibid. pp. 11-12, citing California Department of Corrections (Ca. 1946)

<sup>3</sup> Failure, we know, is matter of perspective. If we look to American institutions as "wanting" to advance these ideals, they are an abysmal failure and we cannot understand it. If, however, the objective of these institutions is to create inequality, oppression, etc., then they are a howling success.

<sup>4</sup> Irwin, *Prisons In Turmoil*, p. 64.

<sup>5</sup> According to Cummins, a comprehensive prisoner rehabilitation apparatus was put in place in California by the mid-1940's. From 1947 to 1968, the period of the infamous bibliotherapy, a number of reading and writing controls were developed by San Quentin's Senior Librarian Herman Spector, who sought to indoctrinate inmates with religious notions and the "rehabilitative power of [religious] books [to] cure criminal deviancy." Ibid. p. 85. Group counseling, which had been developed in army mental health hospitals early in World War II, was introduced in 1944 by the deputy director of corrections, Dr. Norman Fenton. Thereafter, "[t]he call went out for more 'program' in the prisons... [and] [a]s a consequence, as the rehabilitative technology came into place, prisoners of the 1950's would be made to reaffirm civitas by participating in their own punishment. They would do this by 'programming,' by becoming willing participants, or acting like such, in any program their keepers required. The prison seemed to come alive with a new sense of purpose, the reform of its inmates via 'program.'" Ibid. pp. 12-14.

"Though group counseling and various other treatment programs were to continue through the 1960's and into the 1970's, by the mid-1960's fewer and fewer staff, and even fewer prisoners, believed in their value. A white inmate who was on San Quentin's Death Row from 1962 to 1972 and is now in the mainline prison population recalls 1960's-era treatment strategies: 'They had different small group therapy sessions and so forth. Group counseling. Some of that was a shuck to pacify the board... The word was 'program.' You had to comply with all board requests, whether it was group therapy, academic, vocations, whatever, Alcoholics Anonymous, church, could be any number of things. And you had to comply in order to get out.'" Ibid. p. 19. This, by no means, allowed the prisoner to develop from within as McGee stated and obviously speaks to the coercive nature of the penal institution to comport with its program or be punished.

"In the decade of the 1960's both San Quentin's inmates and its treatment staff would lose what little faith remained in the notion of rehabilitation, as many convict writers moved from arguing... that they should be released because they had been rehabilitated, to the angry assertion that they did not need to be rehabilitated because they were not 'bad' or 'sick.' It was the justice system, they argued, and American society, that needed rehabilitation; prisoners were its victims. San Quentin writers soon had rejected wholesale the prison's reading and writing controls and seemed to have unanimously concluded that the treatment strategy of manipulating convicts' reading and writing, purportedly intended to lead them to self-understanding through self-examination and mental regret, actually masked the real function of the prison, which was to repress social chaos in an underclass forced into crime by desperate circumstances." Ibid. p. 63.

"This cautious rise of convict resistance... was the result in part of the outgrown ideology of treatment. Increasingly, in the early 1960's, outside experts were being invited to participate in convict reform programs at the prison, *bringing inmates into daily contact with psychologist, sociologist, educators, university students, religious counselors, and community groups, many of whom were extremely sympathetic to the plight of the prisoners. New ideas flowed into the prison from the world of the Bay Area, which was increasingly shaken by powerful winds of dissent. In visits from the Bay Area public the importation of banned reading material from the outside grew until it*

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*ultimately reached unstoppable proportions. This 'free flow of ideas' from the streets, the unavoidable outcome of faith in increased community contact for inmates in an era of failed community moral consensus, sounded the first palpable death knell for rehabilitation inside the prison.* [Italics added] First, the uncontrollable flood of illegal books undermined any last efforts of staff to modify behavior by controlling reading diet and writing production. Second, it hardened guard staff and administration in their resolve to oppose rehabilitative programs in general and convinced them to restore the prison regime to one of simple punitive custody....” Ibid. p. 74.

Thereafter, all notions of prisoner rehabilitation was abandoned by CDC. Some 80 years later, after implementing its first treatment model, and experiencing the above cited controversies, CDC has again attached the “r” suffix to its departmental header as part of its reform rhetoric.

<sup>6</sup> Here, I place emphasis in the terms “miscalculated” and “scant” given there’s an extremely low percentage of inmates who are granted parole or commutation. In 2016, (insert number) life term prisoners went before the parole board. Of that, only (insert number) were granted parole. This equates to roughly (insert number) % of a chance to be granted parole. During this same timeframe, (insert number) prisoners serving LWOP submitted an application for commutation of their sentences. Of that, only (insert number) were granted. This equates to roughly (insert number)% of a chance to be granted a commutation.

<sup>7</sup> In 2016 California law makers passed Assembly Bill 2590, the *Restorative Justice Act*, which amended a number of statutes to change “the purpose of sentencing to public safety achieved through punishment, rehabilitation, and restorative justice. In addition, it encouraged [CDC[r]] to provide opportunities for education, restorative justice, and rehabilitation to all eligible inmates....” Source: Amended Outline of AB 2590 provided to author by Assemblymember Shirley Weber (D-79). Namely, the bill encouraged CDC[r] to implement programs that would allow inmates to make amends to their victims and communities. This, prison officials have been reluctant to fully implement due to the potential the bill will have in healing the very wounds they manipulate to obtain and support harsher penalties, parole and commutation denials. In addition, such a program has the potential to be more effective than the current rehabilitation programs CDC[r] has in place. This is so because the concept of restorative justice naturally bestows upon an offender a sense of investment (i.e., a “vested stake”) in his/her community.

<sup>8</sup> Upon obtaining a degree in business administration, for example, CDC[r] prohibits a prisoner from partaking in any “legitimate” business activity. (See California Code of Regulations, Title 15, Section 3024) Any “profit” or “revenue” generating activity is strictly forbidden. Likewise, any arts program, creative writing for example, which notably has a stated mission to encourage prisoners to express creativity, thoughts, feelings, and emotions, and foster growth of positive thinking and self-worth, and complete written works, will result in a disciplinary report for publishing/producing said work for profit. Naturally, the contradiction here operates to prevent us from grasping the concept of the power of words when free speech is curtailed in such a way.

<sup>9</sup> As part of a strategy to maintain the stability of the penal institution, prisoners are regulated to the lower strata of hierarchy within the makeup of status within a prison setting. Any change in status, be it social through acquiring secondary education or economic through acquiring wealth, is viewed by prison officials to potentially impose a threat to institutional safety and security. Therefore, educational programs are largely limited to remedial training and where permitted to study at college level, courses (e.g., penal psychology) are screened and evaluated to determine whether the information acquired poses a threat to institutional safety and security.