

## Some Policy and Program Proposals for New York State Prisons

My name is Marcus Gottsche. I have been in prison in New York State since 2011. Over the 12½ years I have spent in prison so far, mainly at Attica, New York's most infamous prison, I have seen a lot of changes. After a particularly brutal gang assault by guards on an inmate back in 2013, cameras and microphones were installed covering nearly every inch of this prison. Abuse that used to be mainly physical -- starvation, beatings, guard-on-prisoner rape -- has now become psychological.

The Department of Corrections has accomplished something wonderful, removing Attica guards' ability to starve, beat, and rape inmates at will, but its larger goals of reducing prison violence, drug use, and recidivism rates remain more difficult to attain. New York prisoners recently lost home package privileges and physical letters from home (we now receive only a photocopy) over drug smuggling concerns, for instance.

In spite of these setbacks, the Department's forward-looking decision to allow prisoners to use tablet computers for email, music, gaming, education, and self-help in partnership with JPay, beginning in 2017; and its HALT Act legislation, banning the use of extended solitary confinement and mandating more humane treatment of prisoners under disciplinary sanction, have been further transformative of prisoners' quality of life and potential to re-integrate to society.

The following ideas are some that I have come up with over the years -- the easiest of a much longer list -- that might help New York State and other polities to further reduce the burden that ex-cons present to society, by helping them to reduce the burdens that they individually carry, as well as help to short-circuit some of the setbacks that prison reform has encountered.

1. Tattoo removal and tattoo apprenticeship. Prisoners love tattoos. But many prisoners have tattoos that bind them to a group or ideology that they no longer belong to or espouse (Nazi or gang symbols, for instance). A tattoo removal program that trained prisoners in tattoo removal techniques and equipment would serve at least three interlocking ends:
  - Violence reduction, by allowing prisoners to dissociate themselves from criminal gangs and hate ideologies;
  - Gainful employment upon release, given how popular tattooing has become in the last 20 years amongst the general public; and
  - Personal growth and re-integration, in that prisoners would no longer broadcast to everyone that they are ex-convicts every time a potential employer, contact, or friend caught a glimpse of a swastika- or Glock-

emblazoned face, neck, or arm; and they would no longer have to see the depressing reminders of past stupidity in the mirror each morning.

A tattoo artistry apprenticeship program would serve similar ends:

- Violence reduction, because tattooing supplies would no longer have to be stolen or smuggled into prisons, and unwanted tattoos could be covered with new art;
- Prison health and safety, in that both staff and prisoners would have vastly reduced chances of encountering disease-carrying needles or contaminated improvised inks, and prisoners would be trained in proper sanitary protocols;
- Gainful employment upon release; and
- Personal growth, as when new and positive maxims replace old and negative ones, memorialized just the same in ink.

2. Formalized compensation for informers. Drugs, (s)extortion, corruption, violence -- these are perennial problems in every prison. Someone always knows who sells what drugs, where they come from, which guards will take a bribe, which prisoners will provide which favors for which substances, and who is planning to do what to whom next Thursday at breakfast. The information necessary to make prisons safer for everyone is widely available. The Department of Corrections already has the Office of Special Investigations hotline available on every prisoner phone, to which prisoners can report staff or inmate wrongdoing. But until New York State formalizes informer compensation -- money, for lifers, and time off of sentence, for everyone else -- prison informants will remain a vastly underexploited resource, and many preventable incidents will occur. Some thoughts:

- Informer identity must be compartmentalized. Informers must feel confident that the risk of providing information is worth the potential reward.
- The compensation system should be enforceable in court.
- The compensation system should be widely but personally advertised: mailers, mass emails to prisoner tablet computers, etc. -- so that potential informers can evaluate their options in privacy and safety, rather than having to copy down information from a publicly observed source (poster, etc.). Informers should be able to email authorities in

response to calls for information.

- Compensation offers should be specific to observed problems: "Reward -- four months off/\$250 for info leading to the indictment of fentanyl suppliers in F block -- reward per supplier indicted," for instance, or "Reward -- six months off/\$500 for info leading to disciplinary sanction of inmates found in possession of bladed or puncture weapons -- per possessor", etc. An ideal system should be as familiar and trustworthy as the FBI Most Wanted list.
- Penalties for breach of confidence and retaliation should be severe, both to guards and convicts (criminal charges, loss of employment, disciplinary sanction) and strictly enforced from the Department level, as no prisoner can trust the administration or staff of the prison that houses him.

"Snitches get stitches" is the rule in every criminal community. It doesn't have to be. The corruption and criminal enterprise that this rule-of-the-streets protects steadily eat away at rule-abiding inmates' hard-earned privileges, tempting many prisoners into illicit activity and reinforcing the vicious cycle of imprisonment and criminality. New York prisoners recently lost home packages and handwritten letters. Fairly-compensated and confident informers would have been able to be leveraged to root out the bad actors before it became necessary for the Department to punish everyone for a small minority's misdeeds. The knock-on effects of every loss of privileges reverberate through the prison population for years, and they're rarely positive. A formalized reward-for-information system could have a transformative effect in helping authorities to distinguish between bad actors and those of us trying to make the most of our time.

3. Wifi and tablet telephone function. Wifi functionality on prisoner tablets is only available in the Box (where one is sent upon disciplinary sanction; "jail-in-a-jail"). This is widely regarded as an absurdity, and typical of perceived dysfunction in the prison system. Even though it's not true, there is a fatalistic trope circulating that says, "Why should I behave myself and only get on the phone once a day, when I could just go to the Box and get on the telephone from my tablet, right in my cell, as much as I want?" There are only so many phones in any prison, and a lot of violence attends their use and control. Gangs fight over them, individuals fight over them, guards' fickle preferences play into who gets to use them. The same goes for the kiosks that inmates have to physically connect their tablets to in order to receive and send emails, download music and games, send and receive educational assignments, etc. It's a mess, and it's a preventable one. Tablet wifi

and phone functionality, available on every JPay tablet, should be activated for general population. There are no downsides to this, only improvements:

- Less traffic to the yard phones, cellblock phones, and tablet kiosks means less violence; and
- Better communication with friends and family -- unrestricted by facility schedules and their inevitable disruptions -- means healthier relationships, better mental health, better chances for re-integration, reduced violent ideation, more productive use of prisoner and guard time, less frustration all around, increased voluntary program participation, and probably more benefits that I haven't thought of.

The tablet program has already been transformative, bringing high-quality messaging, music, video, educational services, and self-help to every inmate. The wifi and telephone capabilities, once turned on for general population, will have a similarly pervasive positive impact.

4. Private employment partnerships. Prisoners with good disciplinary records and satisfied program requirements should be allowed to work at real jobs for real wages. There are plenty of empty or underused spaces in Attica, where I am housed. I imagine that it's much the same elsewhere. For that matter, there are closed prisons in New York State that could be repurposed to house such programs, creating good-paying Department jobs for local residents. There are plenty of private-sector enterprises that would be willing to employ prisoners-in-good-standing within prison walls, doing low-overhead work such as:

- Debt collection;
- Customer service; and
- Sales.

Debt collection, customer service, and sales are paper jobs that only require an office. These days, they could be done from the tablets, through the phone and wifi functions, with appropriate software installed. Prisoners at women's prisons already do this kind of work for the Department of Motor Vehicles. Allowing private partners to employ prisoners would benefit prisoners, the State, State workers, employers/small businesses, and society:

- Local debt collection agencies, contract customer service providers, and contract sales services providers would have an additional pool of highly-motivated workers to choose from;

- Real-world wages would be a powerful motivation for prisoners to stay clean, non-violent, and finish required programs instead of "max out" sentences;
- A percentage of prisoner wages could be banked against release, increasing chances of successful re-integration;
- Prisoners could pay child support and alimony, which is impossible on prison wages;
- Prisoners could support their families, strengthening community and family ties, again increasing the chance of successful re-integration;
- Prisoners could be released with an existing job, allowing them to skip the often-difficult post-release job hunt;
- Prisoners would learn present-day non-labor skills transferrable to a wide variety of employment options;
- Prisoners would no longer have to sell drugs, sex, or weapons to acquire food and cigarettes;
- Prisoners with no real job experience would gain it, and become used to the rhythms of the noncriminal workday;
- Prisoners would gain self-respect and the esteem of their families, as only the gainfully employed do, leading to a reduction in regressive and self-soothing behaviors;
- Cost to the state would be minimal;
- No taxpayer funds would be spent on prisoners' private-sector wages;
- Prisoners would pay State and Federal taxes like anyone else; and
- Voters' growing concerns surrounding prison labor would be assuaged, and the debate over raising prison wages neatly sidestepped.

With the addition of wifi to the prison system and the explosive growth of the remote-work economy during the covid years, there is now potential for every prisoner who wants a job to have one. The software exists; the tablets run Android, a common operating system; and companies know how to manage remote workers. Public prison-private enterprise

partnerships exist in other states, such as California, and have proven to be quite successful in terms of prisoner outcomes and public benefit.

5. Remove tobacco from the prison system. There is a near-perfect co-incidence of other addictions with tobacco abuse. If the Department is serious about helping convicts kick their substance abuse habits, tobacco is the place to start:
  - The same criminal behaviors that support any addiction in prison attend legal tobacco abuse: extortion, violence, smuggling, bribery, theft, etc.
  - Because tobacco is a powerfully addictive substance, its removal would necessitate reorganization of existing drug smuggling networks. Significant smuggling capacity would have to be shifted to servicing tobacco demand, displacing some hard-drug smuggling volume, resulting in fewer poisonings and overdoses.
  - Nonsmokers would no longer be exposed to the fog of toxic tobacco smoke that currently blankets every New York prison. Rates of tobacco-attendant disease would plummet. Department duty-of-care expenses for cancer, gingivitis, dental caries, emphysema, COPD, heart disease, vascular disease, stroke care, blood pressure management, and many other tobacco-attendant diseases would also fall.
  - Most addicts would learn to cope without tobacco. Some of the many who had always wanted to quit but couldn't in an environment where tobacco is cheap and ubiquitous would take their newfound freedom from nicotine with them when they went home. Those coping mechanisms and the massive reduction in daily tobacco expense would give those ex-cons a better chance of successful re-integration to society.
  - Department drug policy would no longer subject itself to the criticism of hypocrisy in drug policy: to freely allow -- even promote, in that tobacco is cheaper in prison than at a corner gas station -- addiction to one substance, while punishing addiction to many others is a contradiction in policy that is keenly and bitterly felt among convicts, the Department's reasons for it notwithstanding.
  - The Department could develop a tobacco addiction support program to help addicts cope with the new policy. While 1-800-NY-QUITS is technically available in prison, it offers nothing beyond nicotine transdermal patches. A support program like AA or NA might be more effective in breaking the

addiction, rather than continuing to facilitate addiction through a different means at State expense.

- It has been illegal to smoke inside State of New York properties for years, yet prisons universally flout this regulation. Removing tobacco from the prison system entirely would bring prisons into line with broader New York State policy.

New York State used to provide every prisoner with a cigarette ration. Those days are long over, but the Department of Corrections continues to behave as if it's still 1950 in this regard. Tobacco use is a recognized social ill that has been regulated nearly out of existence everywhere but prisons. It's about time that the State began obeying its own regulations, and removed tobacco from its last bastion of tolerance, for the public good.

Thank you for reading, and for your interest in the APWA. These ideas are not pie-in-the-sky notions, but serious proposals that lack only political will and thoughtful planning to become reality. If you are a New York resident and think that any of the ideas presented in the APWA have merit or potential to be effective, please contact your state Assembly member and state senator. The problems that these proposals and others address will only be resolved when voters demand realistic, politically defensible solutions.