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## THE CORRECTIONAL INSTITUTE OF NOTHING

*Frank Pruitt*†

I call this article “The Correctional Institute of Nothing” because prison offers you nothing. Correctional facilities add college courses,<sup>1</sup> updated technology,<sup>2</sup> and even offer reduced sentences to incentivize growth and rehabilitation, but these only treat symptoms of deeper problems. I say this because prison lacks sufficient therapeutic treatment. Therapeutic treatment is needed to help address the inner person of many who unfortunately get caught up in the system.

In New York City, the average processing time for cases not disposed at arraignment is 125 days.<sup>3</sup> During this critical waiting period, therapeutic treatment can occur to investigate whether mental health issues, childhood traumas, or drug addictions exist and are related to why the crime took place. As we see from New York State’s recidivism rate<sup>4</sup> and long sentences,<sup>5</sup> mass incarceration does not work. It’s not a deterrent against people committing crimes, and it does not reduce crime rates.

I’ve been incarcerated since 1989 and nothing about the “correctional system” has changed. Absolutely no changes as to true

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† Frank Pruitt has been incarcerated for over thirty-two years. He currently resides at Attica Correctional Facility and is a client of the Defenders Clinic at CUNY School of Law. For more information, see Reuven Blau, *Prisoners Hoping for Mercy Place Little Faith in Cuomo*, CITY (Dec. 22, 2020, 10:03 PM), <https://perma.cc/LAT4-Y2DV>.

<sup>1</sup> See TREVOR CRAFT, ET AL., ROCKEFELLER INST. OF GOV’T, A SECOND CHANCE: COLLEGE-IN-PRISON PROGRAMS IN NEW YORK STATE, 6-7 (2019), <https://perma.cc/WDQ2-EHCR>.

<sup>2</sup> Elizabeth Withers, et al., *Corrections and Reentry: Digital Literacy Acquisition Case Study*, PORTLAND STATE UNIV., 2015 at 18.

<sup>3</sup> MICHAEL REMPEL ET AL., FELONY CASE PROCEEDINGS IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS, CTR. FOR CT. INNOVATION 19 (2021).

<sup>4</sup> Goldstein writes:

Recidivism, the rate at which former inmates run afoul of the law again, is one of the most commonly accepted measures of success in criminal justice. . . . [T]hree-quarters of inmates released from state prisons are rearrested within five years of their release, and 55 percent are incarcerated again.

Dana Goldstein, *The Misleading Math of ‘Recidivism*, MARSHALL PROJECT (Dec. 4, 2014, 11:15 AM), <https://perma.cc/M5YZ-GJNV>.

<sup>5</sup> NAT’L INST. OF JUST., FIVE THINGS ABOUT DETERRENCE 1 (2016), <https://perma.cc/U4KP-6R67> (“Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes.”).

rehabilitation have come to fruition. True rehabilitation allows prisoners the opportunities to confront the offenses they committed. Rehabilitation programs can allow prisoners to understand that the crime they committed was wrong, and it can help them change their mindset to think and live another way. Confidential therapy sessions, accountability programs, direct and honest confrontation about one's character is needed. I believe that programs that allow us to shift our reasoning, which in turn would help develop self-control, can lead us to comprehensively recognize the errors of our ways. Because we continue to rely on the nonsensical notion that incarceration alone fixes our problems, we build prisons and lock people away without also providing healing.

Therapeutic restorative justice programs give one the ability to work towards reconciliation with concepts like being honest, controlling impulses, or using problem solving techniques when faced with troubling thoughts.<sup>6</sup> Historically, prisons were used to punish the convicted for a criminal offense against society.<sup>7</sup> The offense had to be contrary to the moral standards of decency.<sup>8</sup> Now prisons have evolved into an industrial complex where goods are sold for profits and none of these profits are geared towards rehabilitation.<sup>9</sup>

There is also a clear demographic and cultural disconnect between correctional staff and prisoners. In 2015, nearly 66% of correctional staff across the country were white, while Black and Latino inmates made up over 56% of the national prison population.<sup>10</sup> In New York, the numbers are even more stark. A study in 2014 showed that the Black and Latino male inmate population made up roughly 73% of the prison

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<sup>6</sup> Shailly Agnihotri & Cassie Veach, *Reclaiming Restorative Justice: An Alternative Paradigm for Justice*, 20 CUNY L. REV. 323, 327 (2017); see also *What is Restorative Justice?*, INSIGHT PRISON PROJECT, <https://perma.cc/5T78-9ULX> (last visited July 21, 2021) (“Our current retributive justice system focuses on punishment, regarding the state as the primary victim of criminal acts and casting victims and prisoners in passive roles. Restorative justice, by contrast, focuses on healing and rehabilitation.”).

<sup>7</sup> John H. Langbein, *The Historical Origins of the Sanction of Imprisonment for Serious Crime*, 5 J. LEGAL STUD.-U. CHI. L. SCH. 35, 49 (1976).

<sup>8</sup> *Id.* at 48.

<sup>9</sup> Cindy Wu & Prue Brady, *Private Companies Producing with U.S. Prison Labor in 2020: Prison Labor in the U.S., Part II*, CORP. ACCOUNTABILITY LAB (Aug. 5, 2020), <https://perma.cc/L3TE-VYJC>.

<sup>10</sup> Gandy states that:

By 2005 . . . the number of Latinos working at Attica had increased to only nine employees, or 1% of the facility's workforce, despite Latinos making up almost 23% of the incarcerated population. Similarly, Blacks held only 1.4% of Attica's staff positions, but represented over half (54%) of the incarcerated population.

Rachel Gandy, *In Prisons, Blacks and Latinos Do the Time While Whites Get the Jobs*, PRISON POL'Y INITIATIVE (July 10, 2015), <https://perma.cc/38BJ-MX3W/>.

population.<sup>11</sup> By contrast, at the Clinton Correctional Facility in upstate New York in 2016, one single guard, out of the 998 guards employed, was Black.<sup>12</sup> The correctional staff do not engage or help Black and Latino inmates with simple positive reinforcements, conversation on life goals, or career recommendations. Inmates are handled with extreme aggression by staff, and simple conflicts or misunderstandings are met with hostility.

Most prisoners come from low-income communities that are over-policed<sup>13</sup> and they enter prison guarded, confronted again with a system that promotes an “us against them” mentality. Once their time is served, the prisoner is then released back into an over-policed, drug infested, low-income community—not having any of their past issues, from the traumatic life of prison or life before prison addressed. As a result, they may be subsequently rearrested for another crime, maybe for a minor parole violation—and the cycle continues.

Prison administrators are failing to acknowledge that the prison population consists of the poor, the homeless, the mentally ill, the drug dealer, the drug addicts, the alcoholics, and a wide range of psychopaths.<sup>14</sup> A 2003 survey found that approximately 20% of the

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<sup>11</sup> Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, THE SENT’G PROJECT, tbl. A, B (June 1, 2016), <https://perma.cc/9DTX-3TUM> (nothing that the state imprisonment population of Black males in prison were 48.9% and the Hispanic population was 24.2%).

<sup>12</sup> Michael Schwartz, et al., *Governor Cuomo Orders Investigation of Racial Bias in N.Y. State Prisons*, N.Y. TIMES (Dec. 5, 2016), <https://perma.cc/3DWM-82HW>.

<sup>13</sup> Wendy Sawyer, *Ten Key Facts About Policing: Highlights from Our Work*, PRISON POL’Y INITIATIVE (June 5, 2020), <https://perma.cc/V322-83A9>.

<sup>14</sup> Bruce Western, *Poverty, Criminal Justice, and Social Justice*, 35 FOCUS-INST. RSCH. ON POVERTY 3,6 (2019) <https://perma.cc/3F87-8DF7> (stating that the criminalization of poverty-related social problems ballooned the prison population); Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POL’Y INITIATIVE (Aug. 2018), <https://perma.cc/M7ZY-KLY2> (arguing that the homeless are more vulnerable to incarceration due to the criminalization of panhandling and sleeping in public); Sarah Knopf-Amelung, *Incarceration & Homelessness: A Revolving Door of Risk*, 2 FOCUS-NAT’L HEALTHCARE HOMELESS COUNCIL Nov. 2013, at 1 (finding 15% of prisoners have a history of homelessness); see also Treatment Advoc. Ctr., *Serious Mental Illness Prevalence in Jails and Prisons*, OFF. OF RSCH. & PUB. AFF. (Sept. 2016), at 1; Julia Stasch, *Jails Are Warehouses of Sick, Poor and Low Risk People*, GUARDIAN (Mar. 6, 2015, 6:45 AM), <https://perma.cc/5VCV-8TEU> (stating that jails are heavily populated with the mentally ill and those too poor to afford bail); Jonathan Rottweil, *Drug Offenders in American Prisons: The Critical Distinction Between Stock and Flow*, BROOKINGS INST. (Nov. 25, 2015), <https://perma.cc/93EY-Q9P5> (finding that drug offenses account for most new prison admissions); *Criminal Justice DrugFacts*, NAT’L INST. ON DRUG ABUSE (June 2020), <https://perma.cc/S6XG-6MVX> (finding that up to 65% of the prison population may have a substance use disorder); Kent A. Kiehl & Morris B. Hoffman, *The Criminal Psychopath: History, Neuroscience, Treatment and Economics*, 51 JURIMETRICS 355, 356 (2011)

prison population had below average skills in reading texts and interpreting documents, while almost 40% of prisoners had below average math literacy.<sup>15</sup> A 2017 U.S. Department of Justice report noted that approximately 740,000 prisoners in 2011 and 2012 likely had a mental health problem or a history of mental illness.<sup>16</sup> Correctional officers are not equipped to deal with this.<sup>17</sup> A generation ago, such people were handled primarily by mental-health agencies.<sup>18</sup> Studies have repeatedly shown high rates of childhood trauma and substance abuse in the prison population.<sup>19</sup> In one 2012 study, out of a set of 3,895 prisoners, 44.7% experienced physical abuse as children, 10.9% experienced sexual abuse as children, and 9.6% suffered both.<sup>20</sup> In a 2010 study on substance abuse, researchers found that 64.5% of prisoners met the criteria for having a substance abuse disorder.<sup>21</sup> In the 1990s, the number of drug-treatment slots in prisons nationwide declined by more than half, becoming available to just one in ten inmates who needed them by the end of the decade.<sup>22</sup> Here in New York, a number of facilities focused on alcohol and drug treatment were shuttered or shrunk.<sup>23</sup> Existing programs are often understaffed, and prisoners face long waitlists.<sup>24</sup>

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(explaining that up to 16% of people under criminal justice supervision may be psychopaths).

<sup>15</sup> ELIZABETH GREENBERG, ET AL., AM. INST. FOR RSCH. & SHEIDA WHITE, NAT'L CTR. FOR EDUC. STAT., LITERACY BEHIND BARS: RESULTS FROM THE 2003 NATIONAL ASSESSMENT OF ADULT LITERACY PRISON SURVEY 13 (2007), <https://perma.cc/64AN-HCY4>.

<sup>16</sup> See JENNIFER BRONSON & MARCUS BERZOFKY, BUREAU OF JUST. STAT., INDICATORS OF MENTAL HEALTH PROBLEMS REPORTED BY PRISONERS AND JAIL INMATES, 2011-12 2-3, 13 (2017), <https://perma.cc/L2KQ-2T5R>.

<sup>17</sup> Christie Thompson & Taylor Eldrige, *Treatment Denied: The Mental Health Crisis in Federal Prisons*, MARSHALL PROJECT (Nov. 21, 2018, 6:00 AM), <https://perma.cc/2GC6-NLZP>.

<sup>18</sup> See generally David Cloud, ON LIFE SUPPORT: PUBLIC HEALTH IN THE AGE OF MASS INCARCERATION, VERA INST. OF JUST. 5-7 (2014), <https://perma.cc/8R8G-A66W>.

<sup>19</sup> See NAT'L CTR. ON ADDICTION & SUBSTANCE ABUSE COLUM., BEHIND BARS II: SUBSTANCE ABUSE AND AMERICA'S PRISON POPULATION, 32 (2010), <https://perma.cc/XN5X-GTCG>.

<sup>20</sup> Nancy Wolff & Jing Shi, *Childhood and Adult Trauma Experiences of Incarcerated Persons and Their Relationship to Adult Behavioral Health Problems and Treatment*, 9 INT'L J. OF ENV'T RSCH. & PUB. HEALTH 1908, 1916 (2012).

<sup>21</sup> NAT'L CTR. ON ADDICTION & SUBSTANCE ABUSE COLUM., *supra* note 19, at 3.

<sup>22</sup> Eric Schlosser, *The Prison-Industrial Complex*, ATLANTIC (Dec. 1998), <https://perma.cc/C2PT-K7DK>.

<sup>23</sup> N.Y. STATE CORR. AND CMTY. SUPERVISION, COMPREHENSIVE ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAM 2019 3 (2020), <https://perma.cc/K6A8-X7DG>.

<sup>24</sup> See generally *In the Matter of the 2014-2015 Executive Budget on Public Protection Before the N.Y. State Senate Finance and Assembly Ways and Means Committees*, 2014 Leg., 200th Sess. 2-4 (NY. 2014) (including the statement of Jack Beck, Dir., Prison Visiting Project Corr. Assoc. of N.Y.).

Additionally, prisons lack the resources to address the mental and socio-economic factors that lead people to incarceration.<sup>25</sup> I entered the prison system not trusting anyone, including the system. I was combative, protective, and guarded. I took this mindset with me on my prison journey for many years. Most prisoners develop anxiety and stress. With loved ones passing away and children left behind, prison does not allow you to properly grieve, and you live with many regrets. Many incarcerated individuals may experience depressive disorders, anxiety disorders, or PTSD.<sup>26</sup>

During my thirty-two years of incarceration, I have seen how guys use drugs, cut their wrists, and hang themselves to escape this life-altering reality. Prison is all based on punishment and tailored to making you as mentally, physically, and emotionally uncomfortable as possible. Instead of irrational and illogical forms of punishment, prisoners should have opportunities to sit with licensed therapists who can sincerely ask, “What happened to you?” This way, the person can be approached and helped like a human being. Generally, correctional officers handle aggression or agitation by shouting, “Up against the wall! Shut up! Don’t talk, face forward!” If incarcerated individuals don’t comply, they are thrown to the ground, handcuffed, put in the box,<sup>27</sup> or given a ticket and are forgotten.

Even before entering prison or jail, incarcerated people are more likely than those on the outside to have experienced abuse and trauma.<sup>28</sup> For too long, we have ignored the psychological trauma treatment aspect of prison.<sup>29</sup> There are no programs designed to help prisoners cope with past or ongoing psychological trauma.<sup>30</sup> Instead, they are required to do a program or take a job to assist with the maintenance of the facility.<sup>31</sup>

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<sup>25</sup> See Western, *supra* note 14.

<sup>26</sup> Katie Rose Quandt & Alexi Jones, *Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health*, PRISON POL’Y INITIATIVE (May 13, 2021), <https://perma.cc/G5RY-WJHS>.

<sup>27</sup> See ALISON SHAMES, ET AL., CTR. ON SENT’G AND CORR., VERA INST. OF JUST., SOLITARY CONFINEMENT: COMMON MISCONCEPTIONS AND EMERGING SAFE ALTERNATIVES 10 (2015), <https://perma.cc/9KKJ-FYNC>.

<sup>28</sup> Widra notes that:

Even before entering a prison or jail, incarcerated people are more likely than those on the outside to have experienced abuse and trauma. An extensive 2014 study found that 30% to 60% of men in state prisons had post-traumatic stress disorder (PTSD), compared to 3% to 6% of the general male population.

Emily Widra, *No Escape: The Trauma of Witnessing Violence of Prison*, PRISON POL’Y INITIATIVE (Dec. 2, 2020), <https://perma.cc/6SSA-KXGY>.

<sup>29</sup> See Shreya Mandal, *Barriers to Treating PTSD in Prisons and Immigration Detention*, SWHELPER (Mar. 20, 2015), <https://perma.cc/MY4Y-PTF4>.

<sup>30</sup> See Thompson & Eldrige, *supra* note 17.

<sup>31</sup> CRIM. JUST. STANDARDS: TREATMENT OF PRISONERS § 23-8.4 (AM. BAR ASS’N 2010).

Another form of psychological trauma is to make one clean and maintain their place of captivity.<sup>32</sup> There are no opportunities to grow mentally to address trauma through this kind of labor. Unless you have a breakthrough moment or a spiritual awakening to shift your thinking, you leave incarceration the same way you came in or worse—broken!

The question here now becomes: how can the prison administration's programs help shift someone's thinking to benefit them? As a prisoner who's been to five different facilities around New York State, I have yet to see any programs designed this way. The reality is that most prisoners, in an effort to cope, come into prison and take on a new identity. They take all the bad things they did, along with childhood trauma, and put it in the back of their heads. They go through their prison journey never getting help or therapy for the issues they have. When they are released, they walk in their new identity for some time, but eventually something triggers that old person, and that past trauma resurfaces. This could be greed, lust, anger, or drug addiction—it all comes out. As a result, they turn back to their old ways since their trauma was never addressed or dealt with. The new identity was not strong enough to hold off the unaddressed trauma or the old way of thinking that sat dormant while in prison.

Comprehensive, therapeutic restorative treatment is needed to help shift a prisoners' reasoning and thinking. Specifically, treatment should be geared towards developing self-control and sound reasoning.<sup>33</sup> Unless the Prison Administration taps into the humane side of prisoners and allows them to comprehensively see the errors of their ways, there will always be a perpetual cycle of mass incarceration with the same result, Correctional Institutes of Nothing.

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<sup>32</sup> The Incarcerated Workers Organizing Committee has found that:

At least half of the nation's 1.5 million imprisoned in the United States have jobs yet are paid pennies an hour, or even nothing at all. Many of us perform the essential work needed to run the prisons themselves - mopping cellblock floors, preparing and serving food, filing papers and other prison duties.

See *Prison Slavery*, INCARCERATED WORKERS ORG. COMM. <https://perma.cc/6NVA-U6VC> (last visited Sept. 26, 2021).

<sup>33</sup> Stéphanie Baggio, *Reducing Recidivism Using the Reasoning and Rehabilitation Program: A Pilot Multi-Site Controlled Trial Among Prisons in Switzerland*, 65 INT'L J. PUB. HEALTH 801, 803 (2020) (finding that Swiss prisoners who received group therapy sessions focused on self-control, problem solving, emotional control, social skills, and critical reasoning had reduced recidivism rates).