

April 2011

Open Letter to Native Leaders

Ladies and Gentlemen:

This is my third letter addressing trends I see in Alaska's prison system. In my previous letters I addressed the issues of escalating anger and violence within the Alaska Native prison population¹, and I examined the rehabilitative value of the programs offered to prisoners². Additionally, in 2010 the ACLU of Alaska documented the Alaska Department of Corrections' (DOC) failure to enforce contract provisions, even when DOC's own compliance monitor found the breaches to create unsafe conditions³ in the Arizona contract facility.

A year ago (November 28, 2010) I was transferred from Arizona to the Hudson Correctional Facility (HCF) in Colorado, I was optimistic. I arrived with the expectation that many of the obstacles experienced in Arizona would be left there. My optimism has been proven to misguided.

I am saddened to say, that in the eight years since I wrote the letter published in First Alaskans Magazine, many of my concerns have come to fruition. As the ACLU of Alaska, and the Discovery and National Geographic Channels have made clear, the Alaska prison system has become a more violent and predatory environment. Documented assaults have escalated and the undocumented assaults have exploded exponentially. This is especially true within the out of state prison population, which has the added fuel of an out of control contraband component.

The contraband problem is a symptom of the Achilles heel of the private prison model. The primary obligation of a private prison is to provide a return on investment to its shareholders. With the primary variable cost in corrections being labor; it is the area where private corrections focuses much of its cost cutting efforts. First, by paying a substandard wage, and then, as documented by the ACLU of Alaska Report⁴, operating with as little as 71% of normal staffing levels. The bottom line is simple: as long as private corrections fail to pay a living wage to its employees, contraband in its facilities will be pervasive. In Alaska's in state prisons, there has always will be a trickle of contraband. There is no way to plug all the holes in the dyke. In the private prison model, it is the gatekeepers who are creating the holes, and as long as they are not paid a living wage, they have no incentive to stop creating new avenues for introducing contraband, much less plug the holes. This failure, in my opinion, does much more to fuel violence then inadequate levels of staffing does

While the administration at HCF has changed, its use of diversion as a tactic to shift blame or attention away from it policies has remained constant. HCF has refused to acknowledge that the contraband problem is a symptom of its pay scale. Instead it blames its prisoners and tries to punish them for it. First by interfering with and degrading the little visitation we get, and then by shutting down programs and trying to tie introduction and production of contraband to prisoner's activities there, even when they have already learned the suspect acts could not be achieved in closed areas.

¹ See my attached letter, as published in Winter 2004 issue of First Alaskans Magazine.

² See my attached letter of July 2009: Open Letter to Alaska Native Leaders.

³ Pages 38 through 45 in "Rethinking Alaska's Corrections Policy; AVOIDING AN EVERYDAY CRISIS" March 2010, ACLU of Alaska. www.akaclu.org

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The newest most startling development I've seen in the last few years is the organization of Native prison gangs. These gangs were originally organized as a defensive measure to the increasingly predatory prison environment. However, they have evolved into what they were organized to oppose: violent, predatory beings whose primary victims are Natives. While this development isn't likely to concern those in the free world, it needs to be of great concern! An examination of prison gangs in the lower 48 clearly shows that gangs started in prison, tend to hit the streets and explode as their members are released. The evolution of gangs such as the Mexican Mafia, MS 13 and the Aryan Brotherhood, stand as ominous warnings to all Alaskan communities. The money that can be made from drug and alcohol sales in the smallest of communities already has the attention of these organizations.

Another consequence of the move to Colorado had been the degradation of educational programming. With the exception of GED and CAPS classes, classes are taught by non-certified instructors (prisoners). While I have great respect and gratitude for the prisoners who have stepped up to make the best of a bad situation and the Programs Manager who had done her best within her limitations, I do present the lack of and level of educational opportunities as an example of private corrections' fiscal priorities.

A prime example of GEO's⁵ priorities is the computer lab. Since May of 2010 there has been a computer lab containing 19 free standing (not networked in any way) computers. However, HCF has never offered a computer class. Computer classes seem to be one area where they don't trust prisoners to instruct, yet they won't hire an instructor. Thus, in the area where there is complete agreement for the need of job skills, computer literacy, GEO chooses to allow resources to lay fallow, all to save a few dollars in \$20,000,000.00 a year contract.

I don't have much direct knowledge of the two vocational classes being offered. I do know that it took nine months to get both of them up and running. I hear that they have difficulties getting supplies and access to tools and that the monies used to buy tools and supplies have been diverted from the inmate benefit fund, rather than coming from HCF's own funds. However, I have no way of verifying this information.

The rehabilitative benefits of hobby craft (outlined in my letter of 2009) have been completely eliminated at HCF. There is a very limited in-cell hobby craft, basically just beading and drawing. While there is a room designated as a hobby shop, HCF's failure to staff it means that no tools can be used. Thus activities are limited to beading, drawing, and simple leather work. However, this failure cannot be attributed to GEO, it belongs to DOC, which specifically stipulated that a hobby shop was not required at HCF⁶.

While in Arizona I completed the faith based Transitional Living Community (TLC). I moved to Colorado as part of the TLC. While I wholeheartedly support the TLC, it is not what it was. I don't know if it is because HCF has increased the duties of the chaplains supervising the TLC, or if their personal ministries are calling them in other directions. Whatever the case, I don't believe the TLC residents are receiving the spiritual guidance and instruction needed to achieve the spiritual growth possible for each of them, spiritual growth that I both witnessed and experienced myself.

⁵ GEO Group is the parent company of the HCF and operates halfway houses in Alaska.

⁶ Contract provision H.2.: "Prisoners are allowed to work on arts and crafts in their cells, subject to security precautions. Separate hobby craft rooms are not required."

The one area that I feel has improved with our move to Colorado is addictions treatment. Since arriving at HCF I completed the Residential Substance Abuse Treatment Program (RSAT). It was completely different from the shame based program, designed to grind down its participant and remake them in the image of the substance abuse staff that I saw in Arizona. What I experienced was a therapeutic process that helps participants accept responsibility for their actions and decisions. A process that helps participants understand why they did what they did, and instill an understanding of the ripple effect: of how their and my action affect not only us and our families, but how they also affect our community and society as a whole. This progressive focus on treatment has had a positive impact on the completion rates of Native participants. Men who had difficulties in previous treatment program with its focus on shaming clients into submission.

In the past I have had considerable opposition to the practice of forcing addicts, who don't want treatment, who aren't ready to quit using drugs or who aren't seeking change in their lives, being ordered to go through treatment. My experiences have changed that belief. There will always be a segment that goes through treatment because they are expected to. They will say and do, without meaning it, whatever they have to in order to get through it. However, my observations tell me that even these individuals grow from the experience. Even the most resistant or even defiant individuals depart with an educational foundation for sobriety. Hopefully, one day when they are ready to make changes this experience will allow them to know where and how to ask for help.

As beneficial as the RSAT program is, it could be improved with very little effort or cost to GEO or DOC. If HCF simply scheduled the RSAT unit to eat first every day, a request that has been made repeatedly over the last year, two or three hours of daily programming activities could be added. Modifying the purchase request system for items such as DVD's, books, and simple office supplies, so it's not so cumbersome and prone to lost requests, requiring resubmittal of request at a loss of program time and momentum, would be a welcome improvement. The greatest need within RSAT, like everywhere at HCF, is staffing. The four counselors, one of whom has administrative duties, have client loads kept at a maximum level. Making it difficult for them to create all the documentation and reports required by Colorado and Alaska, and to give their clients the individual attention they need to identify and comprehensively address their core issues. One more counselor is needed to relieve the work load and increase treatment beds.

Although they seem inconsequential, food service and medical care are areas that Native leadership, especially those in health care should be concerned with. One of the greatest and most preventable health concerns within the Native community is diabetes. Having a mother and a daughter who are diabetic and being hypoglycemic myself, I recognize that HCF's core menu of low cost simple starch as a literal recipe for disaster. Our diet, combined with HCF and DOC's policies of cost cutting: if a condition is not life threatening now, it doesn't have to be treated, combined with the fact that 65 to 70% of HCF's population is Natives, who will one day be released back into the Indian Health Services care, means that DOC is shifting its responsibility of to the South Central Foundation, the Yukon Kuskokwim Health corporation, and other regional health care providers.

While the devolution of conditions, both in Colorado and Arizona, are prime examples of the short-falls of the private prison model, I place the preponderance of the responsibility on DOC. After all, you can't fault a scorpion for stinging you, no matter what promises it may make. If I were to place culpability on one person, it would be Director of Institutions Garland Armstrong. My experiences with Mr. Armstrong go back to the Spring Creek Correctional Center when he was a floor officer and a

sergeant. My experience of him combined with the deterioration of conditions in his tenure as Director, have formed my belief that Mr. Armstrong has a bias against the concept that a prisoner can change for the better. A large part of my opinion is based on two things. First, while in Arizona I filed a grievance on the contract facilities failure to meet its obligations in the area of hobby craft. As part of the exhaustion of remedies in the grievance process, an appeal is filed to the Director of Institutions. Mr. Armstrong's response was; "Your concerns may warrant a review of the need for hobby craft and modification of our contract with CCA. I will speak to Warden Stoc. (Signed G. Armstrong, 4/3/09)." I understood this to be a threat: keep complaining and I will eliminate hobby craft. A threat Mr. Armstrong made good on in the Colorado contract. Second, Mr. Armstrong is the signatory for DOC on the Colorado contract. A contract where rehabilitative opportunities and consequences for breach are a shadow of what they were in previous contracts in Arizona.

While we have moved geographically closer to home, in the past two years, we as incarcerated Natives, have been further isolated from our cultures. The elimination of meaningful hobby craft activities has severed our primary means of staying connected to our roots. HCF's diversion tactics and the punitive measures that go with them have substantially impaired our ability to strengthen and maintain cultural ties through Potlatches and visits. We keep getting further isolate from our people. Isolation that fuels the desire to use drugs, which locks us in cycles of incarceration; incarceration that amounts to abandonment of our families and communities. Abandonment that fuels guilt, which turns into frustration, which turns into anger and violence, which destroys our families and further damages our communities and cultures.

I don't know if we will ever run out of time to make meaningful modifications in Alaska's correctional practices. I do know that the longer we wait, the more difficult and expensive corrective measures are going to be. My question to our leadership is this: how many generations are going to be sacrificed to apathy before steps are taken to save our children and through them our cultures?

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