

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/beyond-innocence/the-long-shadow-of-the-innocence-frame>

### Public Facing Advocacy Writing

In 1978, I landed a job as a community organizer for the Florida Clearinghouse on Criminal Justice. I was fresh out of school, with an MSW in tow. My job was part of a larger organization, Southern Coalition on Prisons and Jails, which had similar organizations in five other southern states. While there, I was introduced to what is now known as IF, or the innocence frame—the mindset to work with a much marginalized and really despised group within our society: inmates, convicted felons, prisoners, incarcerated people, etc.

(We use all sorts of terms and labels. Deal is, society cares little about the population behind bars. Just keep them locked up and give them as little as possible because my taxes pay for this!)

With this organization, I worked with several projects: [Jobs Not Jails](#); Pitts & Lee: Release Them Now! Campaign; Moratorium on Prisons & Jails; and the Anti-Death Penalty Action Group. It was in my work with inmates on death row that I was challenged to the core of how I look at the IF. As the average inmate gets no respect, imagine how the work around death row inmates can look especially in Florida at that time. Think Ted Bundy and Arthur Goode: two individuals who had not performed well as good humans; convicted murderers and primed to be executed. As the state of Florida got back into the killing game, these men soon met their demise after exhausting all appeals.

In working with these men, however, I began to really explore how my IF can be fraught with bias and prejudice—even to the point that I convince myself that I couldn't possibly think like that. Part of my struggle is that these men were responsible parties to horrible and unimaginable acts of inhumanity; yet they were also harmed parties of the violence perpetrated against them while incarcerated.

As a provider of support for people affected by trauma, I know all too well that I must always work on my IF. It can change how I view the human being I'm working with—the one in the frame. It's firmly connected to our nation's fundamental tenant of law: People are presumed innocent until proven guilty; people should not be presumed guilty because of their differences or conditions in life, such as being Black, gay, poor, or transgender; having a rap sheet or a lack of formal education; being disabled; living with poor health; or having a mental illness. None of these should preclude a person from justice. Yet even with the best intentions, everyone can still emit a powerful denial of their own bias, prejudice, and ignorance.

It was also during this time in my work that I was introduced to an organization called [Stop Prisoner Rape](#)—simple and to the point—now called Just Detention International (JDI). The majority of prisons and jails denied that sexual activity and sexual assault existed in their facilities. Over the decades, JDI was the only organization to talk about, educate, and organize around sexual assault in correctional and detention facilities, and continues doing wonderful work around this issue.

The monumental Prison Rape Elimination Act of 2003 (PREA) eventually pulled the cover of denial from correctional facilities and now mandates a response and action for inmates who are victims of sexual assault, sexual abuse, and sexual harassment. In New York state, there have been recent attempts by DOCCS (Department of Corrections and Community Service) to institute PREA standards.

So, about four years ago, I got a call for help.

A rape crisis program in upstate New York wanted to know if assistance could be given to an inmate alleging that he was sexually abused by another inmate. While they understood the issues surrounding sexual assault, it was not in their mission statement to provide services to perpetrators. And in a rather frank assessment, it was noted by the provider that, for someone who was in prison, that was expected.

Whoa! I understood his perspective, but it was still jarring to hear. So people are arrested, tried, convicted, and sentenced for crimes. At no time during sentencing did the judge or prosecutor state that being sexually assaulted, abused, and harassed would also be part of the punishment. As a society, we commonly assign those convicted of crimes to that other justice. It permeates in media and average folks collude in this type of thinking and framing.

I made many calls to the prison and spoke to scores of correctional staff. Ultimately, I was able to initiate phone sessions and we started the therapeutic relationship by phone contact. I'll never forget how, during our first contact, I could hear him struggling to talk with me. It was revealed that, while I was comfortably seated listening and talking on speaker phone, this man had hand and body restraints on and was clearly uncomfortable. After fierce advocacy with a touch of disdain, the restraints were never applied in our phone sessions again. From that open door, we have been instrumental in guiding DOCCS toward implementing standards and procedures for responding to inmates that have been sexually assaulted, abused, or harassed. A pilot project is just ending where hotlines were set up in nearly all 52 facilities in New York. A training film was developed to orient new inmates about the Prison Rape Elimination Act (PREA) and how they can prevent or report sexual abuse. Staff will be trained as well. It's a start with many stops!

The IF is a major factor in how the people I work with are perceived. Scrap the frame and you'll find similarities in their pictures. These are people many of whom are trans women or identify as queer or bisexual men who, for the most part, have been incarcerated in the New

York prison system for more than 20 years. None completed formal education beyond the 10<sup>th</sup> grade prior to incarceration. All have a history of adverse childhood experiences and adult histories of continued, prolonged trauma associated with rape, sexual exploitation, and physical abuse. Their internalized IF never gets realized (that is, their personal identities) as the external IF (how people view them) always takes precedent. Forget how I feel about my innocence, they think of themselves. I get no respect as a human being. They have no way of experiencing positive expression or hope.

The IF can take on the easy profile and label, permitting those in observation to ignore the human being within the frame. From there, the gauntlet of dehumanization has total sway and casts a very long shadow.

The [Beyond Innocence](#) blog series explores the limitations posed by existing frameworks and points to ways forward that better uphold the values of equity, public safety, and human dignity.

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