

**asha bandele**  
**Written Statement to the Commission on Safety and Abuse in America's Prisons**

Members of the Commission:

Thank you for the opportunity to discuss with you my experiences with the criminal justice system, in particular the New York State Department of Corrections.

I first came in contact with the criminal justice system in 1990, as a student volunteer, as a member of a campus club who wanted to build and create relationships with people who would eventually be returning to the neighborhoods in which we lived. It made sense to us then, as it makes sense to me now, that if these men and women were invested in the community into which they were returning, their engagement with it would be wholly different than their previous one. To that end, we visited regularly, ate with people, shared the stories that made up our disparate lives, read poetry and discussed politics. It was a period of growth for me, and perhaps no one ushered that period along with more impact than Rashid, a man who was serving 20 years to life for murder. After about five years, convinced that the teenager who had taken a life in no way resembled the man I'd come to know, I married Rashid.

I never thought negotiating a relationship with a man who was in prison would be easy. There are so many built in barriers to joy, peace and normalcy. But I accepted that when I fell in love with Rashid, we would give new meaning to the notion of a long distance relationship, and chart our own course, inspired as we were by our love and dreams.

But the width and breadth of our love and hope for the future—we didn't notice this at first—was slowly, and in a very calculated way, being undermined. We weren't undermined so much by the hard, fixed rules of prison life. Those you read, you learn and for the most part, accept. We were undone—as people, as a family—by the rules selectively enforced by guards—so selective that you don't know they ever existed, or else by the sudden capricious new rulings that guide a prisoner's interaction with his or family.

For example, there may be a sudden change in dress code for family members and what you wore last week might this week be deemed unacceptable. The manner in which you are told by a guard that you appear “unacceptable” is often humiliating and has the collateral consequence of making a vulgar sexual implication about you. As hard as this was to take prior to becoming a mother, it was nearly impossible to take once I became a mother. What am I modeling for my daughter when I can be humiliated before her and have no recourse? What is she learning about how to negotiate her space in the world as a woman? This fear envelopes me every time I make my way into a prison: that my daughter will learn that it is okay to be humiliated, okay to have her “private” parts openly discussed and disparaged (“you can't come in here with everything all out like that,” said one guard speaking of my bare arms—and hers—on a 95 degree July day).

Incidents like these would send me spiraling back to the awful searches that took place when I would go on conjugal visits and the guard, sifting through my clothes, would hold

up my thong or bra and shake it out—as though I could hide something in it. They would do so often as a company of men were walking by. I will never be convinced that this made the facility more secure. Indeed, the treatment of family members has the potential to make a facility less secure, because it can lead to severe tension between a prisoner and the guard who humiliated or otherwise violated his wife. As a result, I often chose not to tell my husband the many indignities, but how did they change me? I am still discovering that.

From the time I became a mother, maltreatment by guards seemed to intensify. Perhaps this was because it wasn't just me, but my innocent child being treated with total disdain. I have argued—and most often lost—about how many bottles I could bring in (the guard said I could bring two even as I begged: my baby will need 3, perhaps 4, over the course of a 6 hour visit). I have argued—and often lost here too—about bringing in a change of clothes for my infant, who at regular intervals, completely soiled her clothes; I never went anywhere else without a back up outfit, but at the prison it was viewed as contraband depending on who was on the door. I have had to fight with guards not to stamp my baby's hand with whatever chemical is in the ink that they mark incoming visitors with (I'd argue: are you going to mistake this 6 month old who puts every thing, including her hands in her mouth, for a resident of the facility? They would recount the rules, and I'd tell them, fine, if she got sick, I was suing them. I'd take their name and they'd let it go.)

Once inside the facility, there are no safe spaces for children to play and interact normally with their parents. There are children's rooms, but neither Rashid nor I are allowed to enter, only Nisa, our daughter. I am asked to leave my child in the care of two men I don't know, and further asked to have her interact with them, rather than with her father. The reasoning for this escapes me. If the attempt is to foster family unity and bonding, how does this do so? We are, therefore, left to try to entertain our little girl at a tight little table in a visiting room, where if she gets fidgety—as is normal for a child—and suddenly sprints away, even if we are right behind her, some guard will take it on himself to admonish both her and us. What does this teach her, except that all of us can only function if we are controlled by a bunch of strangers with sticks on their sides? What does this teach her except we are all, at least in moments, criminals who need constant supervision?

By far, one of the worst things that has happened to our family since Nisa was born, was that the prison system kept moving Rashid from facility to facility. Since 2000, the year my child was born, her father has been held in at least 6 different facilities. By contrast, in the 10 previous years, Rashid was held in 3. This instability, coupled with the capricious nature of the parole board and other factors—not the least of which was the retroactive enactment of the 1996 Effective Death Penalty Act which meant suddenly that my husband, upon release would now be deported—created a climate where we could not plan, we could not grow, and we were forced to live in a certain fear of what was coming next. It doesn't have to be this way.

We know that intact families are a strong contributing factor to prisoners successfully re-entering society. We know that children who are provided a measure of safety, security and stability generally grow into productive happy adults. The prison system, as I have experienced it, works completely to undermine both of these ideals. And in all honesty, there are some facilities where families and prisoners are supported in this way. There are superintendents who seem truly invested in stopping the flow of crime by running a prison where respect is the order of the day. Common sense, reason and good programming, too, are the order of the day. Former Superintendent Robert Kuhlman ran Sullivan Correctional Facility in New York like this, and for the most part, there was little incidence of violence or other disruptions. Families grew. Prisoners grew, matured. They “let the time serve them” instead of the other way around. I have great hope for newly appointed Superintendent William Brown, who is now running Eastern Correctional Facility in NYS. If his tenure there is like his tenure as Deputy Superintendent at Sullivan was, it will be a facility where things are run fairly and by the book. In such an atmosphere, the hope of men growing and not returning to prison, I believe, increases dramatically. There is something to be said about leadership flowing from the top, and in my experience, when the top was respectful of incarcerated people, their families and prison staff, everyone fared better.

Why then, when there is actual and anecdotal data to suggest that a respectfully run facility makes everyone’s life easier, would there be guards and superintendents who chose to go another route? My conjecture is that they come into the work with sets of prejudices that are not regularly trained out of them. For example, the worst treatment

I've seen by far, are cast upon couples of different races, especially if the prisoner is Black and the partner white. One-time prison staffers who leave their jobs because they fall in love with a prisoner are treated poorly, like they're a defector. Same-sex couples also are poorly treated, as are women, like myself, who appear to be educated and of means. There seems to be the idea that "we will be brought down to our level," at whatever costs. As much has been said to my husband, particularly after I published a well-received book about our relationship.

One guard, while he was strip searching my husband, remarked, "I don't know what kind of woman would ever marry a man in prison." Clearly, in an already tense situation, this officer was looking to provoke. How many men anywhere allow another to disparage his wife? For me, this raises a security question: why would a hostile guard be asked to interface with families when family visits are already ripe with emotion? Wouldn't it make sense to have officers at all stages of this tense space, calm, respectful, capable of lowering the possibility of drama, rather than increasing it? The visiting room space is at once a place of love and pain: yes, you are with your loved one, but there too you must also bid them farewell. And in bidding both hello and farewell, there are searches, which for most men I've spoken to, are the height of humiliation.

The confluence of all these factors, combined with my ineffectiveness at protecting and advocating for my husband at any level, contributed to the dissolution of my marriage. Earlier this year, my husband broke his hand while playing basketball. It took a full 25 days for him to be diagnosed with a broken hand, and three months—mostly without any

sort of pain-killers—for the facility to authorize some kind of therapy for him. I was helpless to assist him in this process, as I was when he was at Attica and pat frisked several times in a manner that can only be defined as sexual molestation.

The guards in question randomly had my husband face the wall, spread his legs as far as possible, and then rub the crack of his buttocks, and fondle his testicles and penis. The first time this happened, my husband turned his head to voice an objection and had his face slammed into a wall. This sort of search happened numerous times, and while I will never know how horrible it was for Rashid, my husband, it left me, as the “witness,” deeply depressed and scarred, knowing someone I loved was being treated in this manner.

From that place of depression, helplessness and hopelessness, I am asked to raise a happy, well-adjusted child. And while I do my best every day, while I organize the play dates, and trips, the art projects, encourage the phone calls and letters between father and daughter, while I pray and keep searching for peace anywhere, everywhere, I know all the time I am doing it handicapped. But there are no crutches, no prosthetics, no pain killers, for the families of the incarcerated. And when the prison population is hovering over 2 million, what does that mean for our society at large to have so many walking wounded among us? What does it mean for our children?

Thank you.