

PANDEMIC LIFE IN PRISON: A PLEA FOR ACTION

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In this essay, David Santana Sell shares his views and experiences of the COVID-19 pandemic while incarcerated. He examines the failures of the carceral system to protect the individuals under its care, thereby worsening living conditions across the board. He discusses the lack of access to already-limited programming, family visits, and institutional support.

Since the pandemic began, I have witnessed a change within our prison system. As the number of prisoners contracting COVID-19 increases, prison conditions are changing for the worse. Some policies make sense, while others seem to be senseless and feel more like punishment. My name is David Sell --- and this is what doing time in New York State prison looks like during the COVID-19 pandemic.

When I think about how life in prison has changed, the first thing that comes to mind are the psychological effects caused by new protocols and policies that have disrupted the norm. It has been quite difficult adjusting to the suspension of visits, programs and religious services. Through these difficult times, many rely on friends and family as a source of comfort and support. However, with the increase in need for phone usage, it has been difficult to communicate with loved ones regularly. Many of us are battling feelings of discouragement, frustration, and grief.

The increased isolation is taking a toll on people mentally, and many frown upon seeking mental health care because of the stigma that is attached to it. Many are living in a state of hopelessness, because there seems to be no end in sight and no provisions to counter the negative effects of this pandemic. Coupled with the stress factors associated with doing time, the current conditions are taking a toll on people emotionally. I have seen the lively spirit of some men disappear as they have been forced to isolated themselves.

The disruption in visits – from March to August 2020 and again from December 2020 to April 2021 – has had a profound negative impact on the population. Visits are vital in maintaining family ties, and they contribute significantly to rehabilitation. Without visitation, prisoners begin to feel alone and disconnected. Although visits have resumed, many have experienced a strain within their relationships. Some relationships are struggling to recoup while others could not weather the storm. This has left some without any support systems. This problem can be remedied by making the “Phone” app (currently only available to individuals serving time in SHU, the Special Housing Unit for those serving lockdown time for serious disciplinary charges) available to the entire population on our tablets. This would serve to minimize the spread of COVID-19 by reducing contact with communal phones, yet still keep families connected. Now, phone usage remains a serious issue, especially in the winter, when people have to go outside and wait in

[∞] The past 25 years of incarceration have inspired David Santana Sell to share his experience through writing, in an attempt to bring about awareness and create change. He writes for the millions of families and prisoners who have who been impacted by mass incarceration.

line in brutal, freezing temperatures, as the six phones available are all in the outdoor yard. It is, plainly, inhumane.¹

The suspension of visits has affected me personally by creating a strain on my relationships. I realize how valuable a simple touch can be, a kiss, holding my wife's hand, hugging my grandchildren, reading to them or playing a game of hangman that they enjoy so much. Visits have played a major role in the process of bonding with my family and maintaining ties. My children and grandchildren responded to my love with love; their smiles were comforting and made me proud. Unfortunately, now my grandchildren have become distant and no longer seem to be excited when I call home. They no longer run to the phone so we can talk about our visits and make plans for the next one. The lack of emotional support and physical contact has left my wife feeling depressed and sad. I can feel her silent pain.

Prior to the suspension of visits, every visitor was required to wear a mask, their temperatures were taken, and physical contact was not allowed. With all of these necessary precautions in place, was it even necessary to suspend visits altogether? Rapid testing could be introduced with limitations on the number of visits a person can receive in order to minimize cost. Limited visits with these precautions would be effective in maintaining family ties, while also reducing risk. While I understand some restrictions are necessary, the negative effects of suspending visits entirely cannot be ignored.

Not everyone has been affected by the suspension of visits or restrictions. Some entered the system with no support system and continue to do time alone. These individuals have relied on programs to help them get through their days and years. Many of these programs have been suspended – including sport activities, volunteer programs, inmate organizations (nonprofit-like organizations created by incarcerated individuals to serve as support groups, such as parenting classes, business classes, and fundraising for communities impacted by the prison system), festivals and certain programs that provide employment. These men now sit idly in their cells. Recently, I heard a young man state that his program no longer has the supplies needed to assist him in learning a trade. Budget cuts are also affecting access to prescriptions and medical care. I have recently been denied prescription refills, and the reasons given were a smoke screen to the real reasons why – budget cuts. A prisoner's health and well-being is now even more expendable.

As the number of cases spikes within my facility, changes and new policies continue to disrupt the norm.

In March 2020, I tested positive for COVID-19. It was a stressful experience for me and my family. The living conditions while quarantined were by far the worst 14 days of my time spent in prison. I wore the same clothing for 14 days, lacked any personal property or hygiene products. Medical treatment was nonexistent and so was communication with my family. I remember asking the doctor about treatment and being told to just “ride it out.” Although I signed a HIPAA waiver, my wife was denied any update or status about my health and encountered nothing but hostility from medical staff when she called. Information about living conditions while quarantined reached the prison population, so many who had symptoms did not seek

¹ To support expanded phone access for incarcerated individuals, you can sign this petition: www.change.org/phoneappaccessny.

medical attention.

I decided to share my experience with a Buzz Feed reporter (Melissa Segura) and as a result, my story was published. Unfortunately, speaking my truth only brought about various forms of retaliation from prison officials. This is often the case when an incarcerated individual complains about prison conditions and treatment.

Though COVID-19 was new, prisoners have long-fear being quarantined because of living conditions, and others have no faith in the medical treatment – or lack thereof – provided to them. The process of rehabilitation has ceased to exist. Beyond these concerns is also the fear of death. Yesterday a friend of mine told me he did not want to die in prison. His operation for his progressing cancer was canceled due to COVID-19 spikes in local areas outside of the prison. My friend is not alone. Many share his concern, especially the older prison population and those with underlying health conditions.

Our hope is that the Governor will grant more clemency applications and support legislation that will afford many hope. Several such examples include S808² – which would give people an opportunity to earn time off of their sentences and become eligible for early release based on good behavior and completion of certain programs, thereby providing an incentive to promote rehabilitation, and bill S8221,³ which would require all people convicted of felonies to become eligible for parole after serving no more than 25 years. Additionally, there is S497A⁴ – the Fair and Timely Parole Bill – which mandates release of eligible incarcerated persons unless they present a current and unreasonable risk or such risk cannot be mitigated by parole supervision, and S2144⁵ – the Elder Parole Bill – which permits the Parole Board to evaluate all prisoners over the age of 55 who have served at least 15 years in prison for possible parole release.

As Law Professor Steven Zeidman told me recently: “Covid presents a necessity to rethink who needs to be in prison, but, even more than that, it presents an opportunity to rethink, beyond who is older or ill, who needs to be in prison. In other words, it presents an opportunity to address the decades that resulted in mass incarceration – too many people serving too many years. A sentence once imposed does not remain just, necessary or appropriate in perpetuity.”⁶ This statement shines light on incarcerated men and women who have been forgotten and who no longer have a support system. These folks – who have spent decades in prison – live within me, because they contributed to my personal growth. The sentence they received continues to overshadow who they have become – remorseful people who live in service to others, people who have taken every stride to change who they were, people who can serve our communities and change the lives of others, people who

² NY State Senate Bill S808, 2019-2020 Legislative Session, *available here*: <https://www.nysenate.gov/legislation/bills/2019/s808>.

³ NY State Senate Bill S8221, 2019-2020 Legislative Session, *available here*: <https://www.nysenate.gov/legislation/bills/2019/s8221>.

⁴ NY State Senate Bill S497A, 2019-2020 Legislative Session, *available here*: <https://www.nysenate.gov/legislation/bills/2019/s497>.

⁵ NY State Senate Bill S2144, 2019-2020 Legislative Session, *available here*: <https://www.nysenate.gov/legislation/bills/2019/s2144>.

⁶ Professor Steve Zeidman, *In conversation with the author*.

have taken responsibility for their actions....I am a product of these people. They have served too many years, too many decades. How can a prison sentence remain just once a person has been rehabilitated?

Upon entering the system, I can still recall an older prisoner telling me to never take away a person's hope, as that may be the only thing keeping them alive and motivated. Sometimes hope is all a prisoner has. Hope fuels the spirit. As hope for timely release diminishes for many of us, what will doing time in prison look like in the future? More importantly, without hope, what will be the short- and long-term effects on the person doing time?

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