

May 25, 2020

The Michigan Humanities Collaboratory  
Attn: Carceral State Project  
100 North Hatcher Gallery  
Hatcher Graduate Library  
913 S. University  
Ann Arbor, MI 48109

Dear Nora,

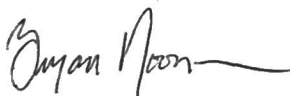
Thank you for giving me the opportunity to participate in your Carceral State Project. I generally followed your question prompts as an organizational pattern. Some of the issues I'm very passionate about involve functional death sentences (LIFE without parole sentences), the sex offender registry, residency restrictions, and lifetime electronic monitoring. I didn't write about these in any detail because it appeared you were primarily interested in incarceration experiences, not as much in what happens afterwards. If you're interested, when we're able to again, I'd be happy to print out a couple of papers I've written on these subjects and send them to you (I'm in the Calvin Prison Initiative).

I also thought you might be interested to hear, in the middle of writing for this project, I found out that my daughter will be going to the University of Michigan in the fall. She just graduated from high school with a 4.0+ and will be studying Movement Science at U of M. Regretfully, I haven't been in her life since she was almost seven, but I keep up on her life as I'm able to, and I'm extremely proud of her for her accomplishments so far.

Please let me know if you need anything further from me, or if you'd like those papers when I can print them again. Thank you again for the opportunity.

Respectfully,

Bryan Noonan  
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Handlon Correctional Facility  
1728 W. Bluewater Hwy.  
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## The Michigan Humanities Collaboration Carceral State Project

Name: Bryan Noonan

Date of Writing: May 18, 2020

### BACKGROUND

I was born in 1977 in San Diego, California to married parents. I was raised by a mom and dad, although my mom was our primary caregiver. My very early years (which I don't remember) were spent in Guam and San Diego, as my dad was in the Navy at the time. My earliest memories are in Oxnard, California where I lived until I was 12 years old. The culture in Oxnard was very Latino. We were one of three white families on our street, and the remaining families were mostly Latino with a few Black families as well. In the '80s Oxnard, California was an agricultural community, but the farm land was being sold off and developed into condos. Gang activity was prominent in Oxnard at the time. The Crips and Bloods were feuding, and small neighborhood gangs were common.

I distinctly remember, when I was 5 or 6 years old, that our neighbor's house across the street was shot up several times. Although we moved to another neighborhood, there were violent influences there as well. My parents made the decision to homeschool us (I had two brothers at the time) both because of the cultural influences and because of their Judeo-Christian views. I was homeschooled from kindergarten through twelfth grade. Nevertheless, in California I had several neighborhood friends (nearly all Latino) whom I played with regularly.

When I was 12 years old, our family uprooted and moved across the country. We moved to Maine near where my dad had family. My dad was no longer in the Navy, but he still worked for the government. In Maine, our family moved around a lot since we rented rather than bought homes. I was exposed to farming through our church community, and from age 13 to 17 I worked on

several farms, including hay/beef farms and strawberry/vegetable farms. The neighborhoods we lived in were either very quiet, where people minded their own business, or in the country where we didn't know our neighbors because they were too far away.

After a couple of years in a Chicago suburb, I moved to Michigan when I was 20 and have lived here ever since. In my early twenties I became a part owner in a fledgling online battery business. I used my self-taught internet marketing expertise to grow the business to a thriving \$2.5 million company. I was also active in my community as a board member for our local Habitat for Humanity chapter, eventually serving as the Vice President of the board. I was active in my church and had a growing family. But I lost my family, business, and community reputation in coming to prison.

Although I had an uncle in California who spent time in prison in the '80s for bank robbery (I remember visiting him when I was very young), my perception of the criminal legal system was developed in isolation and highly influenced by my faith community. I believed that the criminal legal system was fair and equitable; I supported the death penalty; I supported harsh sentences; and I was generally unsympathetic towards people who chose to commit crimes. I had the luxury of being naive and idealistic.

Other than my visit to my incarcerated uncle when I was very young, my first exposure to the criminal legal system was when my older brother went to work for Prison Fellowship. I remember hearing him talk about various issues surrounding the legal system, but my views were not largely influenced by his experiences. My second exposure was as the foreman of a jury for a criminal trial. I served on the jury for an armed robbery case out of Benton Harbor, Michigan. Although I was the youngest on the jury, I was elected foreman, which I gladly accepted. Sitting through the trial opened my eyes

to the basic structure of a jury trial, and the mechanics of how the trial system works. Without going into detail about the case, we as the jury were unconvinced by the "facts" presented by the prosecution. While we believed much of what was presented was probably true, we decided to acquit because the prosecution's case was nearly all circumstantial. I remember feeling bad for the victim who didn't get justice (he had been paralyzed from the waist down), but also feeling like I did my duty to uphold my understanding of our justice system. It must be fair and impartial. People are innocent until proven guilty. Our instructions were to make our findings based on "beyond a reasonable doubt," and the prosecutor did not satisfy that requirement. My third exposure to the criminal legal system was in the case for which I am currently in prison.

My experience with this system, from the inside, opened my eyes wide to the injustices endemic in the legal system. My paid attorney met with me only three times in 7 months in the county while my case progressed. The prosecutor never met with me once. The county jail officers were very rude and malicious, treating me and other prisoners like we had been found guilty, not like we were pretrial detainees. I experienced prosecutorial abuses, trial court violations of court rules and state laws, inept counsel, and many other injustices in the legal system. My experience was that I was considered guilty before any evidence was even presented in my case. My experience of the appellate process is that it is also unfair. The courts routinely dismissed clear violations of court rules and law, and the message I received was clear: the courts can violate the law carte blanc, but citizens cannot. Only common citizens are held accountable for violations of the law, but those with money and those protected by rules they establish themselves (i.e. prosecutorial immunity) are not held accountable. I have since become

completely disillusioned with the lack of justice and fairness in our criminal legal system.

I pled guilty to one of the five charges against me. I was guilty of two of those five charges, so I pled to one of them in exchange for the other four being dropped. Although I knew nothing about the sentencing guidelines at the time (my attorney admitted he didn't either), I was scored at 9-15 years, but was ultimately sentenced (and later resentenced) to 17-to-45 years in prison for criminal sexual conduct, first-degree. Mandatory minimum sentencing would have required a minimum 25-year sentence had I not taken a plea. However, properly scored, my guidelines should have been 42-70 months, not 9-15 years. Additionally, months after I was sentenced, my sentence was substantively modified by the courts, and I received notice by mail that they had done this. A lifetime electronic tether sentence was added to my prison sentence, despite its absence from my plea agreement. The appellate courts have denied every attempt to challenge this injustice, a violation of law for which other published cases have required resentencing and removal of the tether.

I accepted a plea because I was guilty, and it was very important to me to not force those I had harmed to testify in court. I had done enough damage, and I did not want to extend that through the humiliating process of an open trial. Unfortunately, that left me stuck between wanting to do the right thing and the unjust process of the criminal legal system. My biggest concern at this point is that if I was treated the way I was, what does that mean for how the system treated those I had harmed? It makes me shudder to think what they were put through. The harm I had caused was bad enough without the added insult of an unjust, uncaring system.

## INCARCERATION

Because my sentence exceeded 10 years, I started my incarceration at a level four prison. I was classified as low property risk and moderate assault risk (because my non-violent crime is considered assaultive), but I was housed with very violent people.

I have been housed at the following facilities:

- \* Oaks Correctional Facility (level 4); 10/21/09 to 07/01/20
- \* Michigan Reformatory (level 4); 07/01/20 to 09/21/12
- \* Lakeland Correctional Facility (level 2); 09/21/12 to 06/16/16
- \* Handlon Correctional Facility (MTU) (level 2); 06/16/16 to present

For me, incarceration has been a complete culture shock. I was raised in, and as an adult lived in, communities of people who largely followed the law. These communities were mostly influenced by Christian belief systems and practices. It took me a year or two to adapt to the complexities of prison life. From the perspective of a White person raised in relative privilege (my parents were both White, but we were lower middle class), one of my most profound experiences has been being hated for no other reason than because I am White. While I enjoyed the privilege of belonging to the dominant culture prior to prison, I am now in the minority culture.

My experiences in prison differed widely, depending on which prison I was housed at. Superficially, when I walked into Oaks Correctional Facility, I remember thinking that it looked like a college campus behind barbed wire. Movement was very controlled, but the landscaping was well kempt, and the sidewalks and buildings were fairly new. The two man cells were relatively spacious and had toilet/sink combinations inside the cells with steel doors. The walls and floors were freshly painted, and the housing units were clean and well maintained.

Driving up to the Michigan Reformatory, I remember thinking, "What is this, Shawshank?!" It was very old, surrounded by a very high solid wall, and there was little if any landscaping. Inside the walls, there were very few plants, trees, or even grass. It was a bleak existence. The single man cells were cramped with toilet/sink combos inside, and one side of the cells was open to the hallway with only bars to confine us. It was very noisy with very little privacy, but single man cells were great.

My first glimpse of Lakeland Correctional Facility was of their very large big yard. It abutted the road, and prisoners were running the track or sitting at picnic tables. When I entered the facility, my immediate impression was that there was a black party going on. It was September, and people were outside of their units nearly en masse. Men had their music playing outside, some were playing softball, and there was a general sense of ease. Some of this major shift from my prior experiences was because of the level change from 4 to 2, and also because Lakeland is considered an "honor" facility. I was housed for four and half years in a pole barn, in an eight-man cube, with 160 prisoners' noise open for all to hear. It was loud, there was no privacy, and very little sense of security.

At MTU the buildings are old, windows very drafty, bathroom plumbing old and in need of replacement, and rec yards not very well maintained. The two-man cells are also cramped with a small one-person desk for two people to share. The bathrooms and dayrooms are often crowded, and one or the other bathrooms in the unit is routinely shut down because of plumbing problems. The leaves one bathroom (4 stalls, 7 urinals, and 11 sinks) for 240 people. However, it is very nice to be able to shut my cell door again (this time I have a key to the door). I'm able to shut out some of the noise in the unit and find a place of respite.

In all four facilities, the units are very hot in the summer, and when the heat is on it is poorly controlled. Some days/nights the units are very hot (even in winter) and other times it is very cold. There is very little consistency. My general impression is that the prison infrastructure is very aged and failing, while prison maintenance seeks to "patch" problems rather than do necessary replacements. While the MDOC fails to invest adequately in infrastructure, they add unnecessary additional fencing as well as increase camera security.

Living in prison has been a very isolating experience. While I am surrounded by other men, proximity does not equate to connectedness. I'm grateful to have made some very good friends in prison, but these are tenuous friendships held together only by the good graces of the MDOC who could move anyone at any point. My experience of bunkies has been varied. In eleven years I have had White and Black bunkies (strangely, never a Latino or other ethnicity). My bunkies have ranged from lifers to short-termers. Also strangely, nearly all the bunkies I have had (8 of 11) have been convicted of murder. Some bunkies were very easy to get along with, while two or three were difficult.

Prison has been mostly a negative experience for me. Prison itself has not helped me to grow into a self-reflective, mature person who cares about others. Instead, I have done that work myself, sometimes with the support of other prisoners. The prison system has done little to enhance my self-directed rehabilitation. One exception that stands out is the librarian at one facility. Despite her fear of prisoners, she was very committed to encouraging and supporting educational endeavors. She even formed her own writers club to encourage writing. At MTU the current Warden has also been very supportive of education, even welcoming Calvin University with their



Calvin Prison Initiative (CPI) bachelor degree program to this prison. I am fortunate to be a part of this amazing opportunity to earn a bachelor's degree behind bars.

Regarding other prison conditions, prison food is terrible and unhealthy. It is heavily filled with carbohydrates (potatoes, bread, and beans), severely lacking in fresh vegetables, and of low quality. Healthcare is very subpar. Health services in prison are profit driven, so prisoners are routinely denied necessary medical help. My own allergies have been untreated other than a saline solution nasal wash (which was like pulling teeth to get). I have had stitches for an injury where a doctor told me to not use antibiotic cream and to not remove my own stitches. A nurse at that same facility said, "Oh, you believed the doctor?" This only furthered my distrust of the health services in prison.

Because I am more educated than many prisoners, I have often been able to obtain decent work in prison. Although the top pay in Michigan is \$3.34 per day, I have had a job with this pay at most facilities I've been at. Some facilities are difficult to get jobs because of demand. I've never understood the rationale for removing factory work from Michigan's prisons. It could teach prisoners to gain a work ethic, give them a purpose, allow them to make a living wage and potentially pay down or off court fees and costs as well as child support, and provide services to Michigan at a reduced wage.

Visitation experiences vary widely depending on the facility. Oaks CF had very few visitors, so the visiting room had plenty of room. Michigan Reformatory's visiting room was always packed, as was Lakeland's and MTU's. Reducing visiting days several years ago has led to longer processing times and more terminated visits. I have had visitors treated very disrespectfully

at every prison. Some officers are kind and respectful, but others are rude and obnoxious towards visitors. I have had people say they don't want to visit again because of the experiences they have had with officers on visits. My mother has left visits crying because of how she has been treated.

One of the most recent frustrating aspects of prison is the newly changed, inane mail policies. I have had many pieces of mail rejected because of paper color and embellishments on cards. I have also received mail with no return address since we do not receive the original envelope. These policies are intended to reduce drugs from coming through the mail, but the vast majority of drugs in prison come through officers, not through the mail. Maintaining healthy communication with loved ones and friends is an essential part of low recidivism rates. However, the MDOC makes mail difficult, sometimes treats visitors very poorly, and charges excessive phone fees. Although the Michigan legislature outlawed "kickbacks" for prison contracts, Michigan's prison phone rates are more than \$0.20 per minute, despite a contract rate of less than \$0.05 per minute. Much of the remaining fees go into a kickback account by another name. It's criminal, and it makes maintaining outside contacts difficult, but the MDOC gets away with it.

Maintaining ties with people outside of prison has been difficult. I have maintained several relationships, largely through JPay emails, but many more have stopped writing or communicating at all. While the MDOC is not to blame for many of these lost relationships, they do not do much to support maintaining healthy relationships outside of prison either. Maintaining relationships with prisoners is difficult as it is for people in the free world.

At both Lakeland CF and MTU, I had/have a strong community of prisoners to which I belong. Both communities are largely faith-based (Christian),

but my community at MTU also includes my fellow CPI students. I belonged to a strong educationally focused community at Lakeland as well. We support each other's education and faith development through accountability, both formal and informal. Having these accountability relationships, and forming healthy peer relationships has been one of the benefits of my prison experience. Some communal relationships have guided me in my rehabilitative work, shedding light on blind spots, guiding me when I felt lost, and providing support along the way. Maintaining connection with community members at other prison facilities has been nearly impossible. Once community members are split up, they are forced to remain apart by MDOC policy.

I have survived in prison mainly through prayer, scripture reading, and meditation. I have also committed myself to using my prison time productively. I have sought to find a purpose in each facility, and to not only fulfill a purpose but find fulfillment along the way. I have achieved this mainly by investing in the lives of others. I developed and facilitated several college-prep courses, as well as co-facilitated job interview preparation and re-entry prep workshops. Along the way, I have developed a talent for writing and have published several articles and written a book (which I am still trying to get published). Recently, I began learning to play the guitar, which was one goal I had when I first came to prison. Learning conversational Spanish is my next big goal. Maintaining a goal-oriented outlook in prison has been very helpful for me. I don't like to waste this time in fruitless endeavors.

I have also survived prison by being socially aware and learning to adapt to my environment. Adapting to one's environment does not require joining negative behaviors and influences. It means learning how to successfully navigate around these negative influences and to pursue pro-

social, positive influences and endeavors. Education has been a large part of these pursuits. Immersing myself in education, both for myself and in teaching others, has helped me maintain a positive focus and outlook while I've been in prison. Staying busy has also helped me to avoid the trap of depression that inevitably sets in when one has nothing but time to think of all he has lost and missed out on, and all he has done to cause harm to others. My greatest joy in prison has been in helping other men find purpose and meaning in their lives. Whether that's been through tutoring GED classes, facilitating peer-led college-prep classes, or one-on-one mentoring and accountability, I've found great joy in pouring myself into the lives of others.

#### REFLECTIONS

While I resent the amount of time I was sentenced to serve in prison and the injustices of the legal process, I needed to come to prison. I needed the interruption in the very destructive choices I was making in my life. For me, incarceration has saved my life and probably saved me from harming others. Incarceration allowed me the opportunity for deep self-reflection and helped me to get my mind back on the right track. Other positives in my incarceration is that it has humbled me and made me more compassionate towards others. It has also helped me to learn how to have healthy relationships, and how to learn healthy responses to stress in my life.

My incarceration has also negatively affected me in some ways. I have become more critical of authority figures in general, I'm more suspicious of people and their motives, and I have lost many relationships I had prior to prison--including very important relationships. I have also lost everything material that I had worked for prior to prison. When I leave prison in 2026

(or before), I will have to start from square one again.

Perhaps the greatest negative affect of my incarceration, though, will come after my release. Because I was convicted of a criminal sexual conduct charge, I will have to register on the sex offender registry for life. As of right now, I will also have to wear a GPS tether for the rest of my life. These ongoing consequences dramatically add to my fears and concerns about what I will face upon leaving prison. The stigma of a criminal conviction is bad enough, but the scarlet letter of a conviction for a sexually-based crime is a burden I do not know how I will bear.

My views of the carceral system have altered significantly since my personal encounter with it. I still believe people should be punished for their crimes (retribution), but I now also believe that a restorative approach to justice is far more humane and much more effective for long-term rehabilitation for the offender and healing for both offender and victim. While retribution has a place in the legal system, our current system is terribly broken. A person's race, gender, or class should have nothing to do with the outcome of the person's case. The legal system has for too long been increasing the average length of incarceration, despite scientific evidence showing long sentences are ineffective for rehabilitation, all while crime rates have been dropping anyway. Legislators have also been reactive to media hype, passing aggressive and overly burdensome consequences for some crimes, especially sex crimes. While these crimes can leave lasting devastation on victims, too many of these crimes have fallen under mandatory minimums, leaving judges with little discretion to consider other factors. Additionally, the emotional element of these crimes leads lawmakers, prosecutors, and judges smelling blood. The resulting sentences and ongoing consequences are onerous, leaving little room for consideration of actual

ongoing danger to society, rehabilitative potential, or demonstrated rehabilitation. In short, there is currently no pathway to redemption for most prisoners, and no pathway to redemption for all prisoners convicted of CSC charges.

I also now understand the criminal legal system to have little concern for victims of crime. The system usurps the offenses victims experience, gets convictions, and essentially forgets about victims. Very little is done to ensure victims are satisfied with the legal process, and little to nothing is done to help victims experience healing from their traumas. Instead, the State assumes the role of the victim and seeks satisfaction for its own sense of justice. The very fact that retribution is the primary focus demonstrates that the State has little concern for victims' sense of well-being when offenders return to their communities, often worse off than when they were sent to prison.

My perspective on the world has shifted fairly dramatically since I have been incarcerated. Prior to coming to prison, I was interested in politics (even working towards running for office myself) and had a mostly optimistic perspective on the world. Now, I view the world as desperately broken, and politics as totally corrupt. I have little hope that leaders with integrity will guide our country (or other countries). Instead, I think it will take a total shift in perspective from the people to change the government. Even then, I have little hope that people of integrity will rise up to lead. I feel the same way, now, about our faith communities. Prior to prison, I believed our faith communities were mostly healthy. Now, I view them (Christian communities, in my experience) as at the best blind and at the worst completely disconnected from their biblical mandates. While there are exceptions, even ones I've experienced in prison, these exceptions are

few and far between.

I want people to know that the incarceration system is broken. It's broken from the top down. There are obviously exceptions all along the way, but we should not judge our system based on its exceptions. Instead, we should judge it on its norms. When people of color are incarcerated in much greater numbers than other ethnicities, we should ask ourselves, why? When average sentence lengths are rising at the same time crime rates are falling, we should challenge that trend. When knee-jerk reactions lead to onerous consequences for whole categories of people, we should recognize the injustice and seek to remedy it. When corporations seek to own prisons because of their profitability, we should recognize there is a problem. Prisons should not be privatized for profit, lest legislation ensures a steady stream of residents to ensure growing profits. When scientific evidence reveals that we have made terrible mistakes in our policies and laws, we should race to change those corrupted choices. Instead, we find activist judges, prosecutors, attorneys general, and politicians racing to protect their reputations and tarnished legacies.

Changing the carceral system, from criminal laws and court systems to prison and parole systems requires a clear understanding of the worldview shaping those decisions. If we believe that people are fundamentally flawed and incapable of change, our laws and policies will reflect that belief. We will push for longer and mandatory sentences, we will continue to devalue the difficult work of changing people's behavior by changing their thinking, and we will invest in building more prisons instead of increasing funding to prevent the commission of crimes.

Right now, our criminal legal system requires very little accountability or responsibility--unless one considers a prison sentence "taking

responsibility." Offenders who harmed others ought to understand their duty to make right their wrongs (as much as possible), and they ought to have ample opportunity to work towards making those wrongs right. Our current system seeks to maintain a strict wall of separation between offender and victim, even if the victim wishes for something different. A system focused on accountability and healing harms will teach offenders how to take responsibility for the harms they caused. It will help them to identify the extent of their harms, and it will afford opportunities for offenders to work towards making those harms whole again. Rather than measuring the effectiveness of incarceration by time served, an approach focused on accountability will become measurable. How has the offender come to understand the harms s/he has caused? What has the offender done to change his/her thinking? What has the offender done to make right those harms? How prepared is an offender to re-enter society as a safe and productive citizen? What has the incarceration/legal system done to promote these positive outcomes?

Allowing college classes in prison again is a good start towards positive outcomes for some offenders, but SO much more needs to be done. When the system can begin to see offenders as representatives of victims who experienced harms, and when those offenders are held accountable to put in the work of rehabilitation and restitution rather than simply existing in a suspended state until their sentences are served, then we will begin to see real positive results.

Logically, we cannot force people to change. But we can use positive coercion to encourage and support positive changes. When we do this, we honor victims and communities by returning citizens back to their communities as safe people who understand the complex depths of the harms they caused in the past. This will only serve to discourage further criminal behavior and



lead to more productive lives.

Coercion is perhaps the wrong word to use in this context, but positively rewarding good behavior and positive work towards rehabilitation is a positive form of coercion. Allowing prisoners to earn time off their sentences by demonstrable achievements of scientifically proven rehabilitative milestones and providing offenders a pathway to redemption are essential to the process of justice. Supporting these rehabilitative milestones and monitoring and supporting the pathway to redemption are necessary responsibilities of the incarceration system. Eliminating mandatory minimums, eliminating prosecutorial immunity, statutorily recognizing the impressionability of youth, treating instead of incarcerating mentally ill people, and providing those convicted of sex offenses with a clear path towards removal of public shaming and tracking are all positive directions legislators and policy makers can take.

I and so many other men I have encountered in prison are eager to make right the wrongs we committed. We long to do the hard work of righting our wrongs, but instead we are packed away for years, to be warehoused, forgotten, and left to figure out on our own how to right our wrongs, despite all the obstacles in our way. Society should be eager to allow us the opportunity to make right our wrongs, to invest in the safety and healing of our victims and communities, not to prevent us from fully realizing the responsibility we have and taking hold of the accountability we long to fulfill. Society ought to be eager to encourage fathers to take responsibility for their families, not turning a blind eye to the injustices of fathers who are prevented from being in their children's lives by angry mothers or grandparents.

Most people in prison are there because they committed crimes. If

punishment is the only aim of prison, then very little needs to change.

However, if society wisely considers that urging offenders to change their thinking and behavior by fully understanding the harms they've caused will lead to safer returning citizens, then many things must change. Offenders should be learning to take responsibility for the harms they caused, to right those wrongs, and to transform into people who value the lives and well-being of others. The current carceral system does little to accomplish these aims. It's time we start honoring victims of crime by investing in the true transformation of those who harmed them so they return to society as productive and safe citizens.