

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

April 13, 2020

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To all those involved,

I wish to sincerely thank all of you for the work you are doing and giving a voice to those that many of those that are working in the MDOC would love to remain silenced. I hope my story is helpful in your endeavor to address prison conditions and the criminal justice system. At the end of my essay, I have included a summary of my history in case you need a quick reference. Again, thank you for what you are doing.

Sincerely,

Ken Uncapher

Ken Uncapher

Background:

I was born during an ice storm on February 27, 1977 in Wyandotte, Michigan (at least that's the story I hear from my mom every year). My father was a firefighter and my mom worked as a mother, both shared in the task of raising my younger sister and I. We lived in a middle/working class suburb of Detroit (Lincoln Park). My neighborhood was safe enough for me to aimlessly roam alone in and out of my neighbor's yards, and bereft of children my age to frequently prompt me to do so.

Even as a child, I was a loner. In the warm summer months, I would occupy myself by searching our garage for the next great scientific discovery (usually a mixture of weed killer and whatever else I could find). I think part of my preference for solitude came from being overweight for most of my childhood, which made me a target for the cruel wrath of juvenile ridicule. Until the age of thirteen, when I hit a growth spurt and lost a lot of weight, my life was a string of bipolar events ranging from memorable family trips to sitting alone for days at a time in front of a television screen while the Mario Bros. jumped on mushrooms and kicked around turtle shells. All in all, it could have been much worse, but when you're a child who feels as though there is nothing he can relate to, the world can seem like a cruel and scary place.

As I mentioned, I grew up near Detroit, and that meant that the news I watched would broadcast stories of shootings, rapes, and robberies on a nightly basis. This caused me to fear the former motor capital of the world, but it also made me wonder why so many people in that place would want to commit so much crime. It wasn't until

much later that I learned many of them were merely surviving, doing what they may have thought was necessary to survive in a cruel and scary place that they never asked to be a part of. But I also believed that since they made their choice, they deserved what they got.

I graduated from high school in 1995, the same year my oldest daughter was born. I moved to a rural area north of Howell to live with the mother of my child and to attend college where I majored in radiology. It was a stressful but happy year but I was glad to move back home after the school year ended. A year after that, my oldest daughter's mom and I split apart and in February of '98 I had another daughter with another woman. After that relationship fell apart, I went through a string of girlfriends all the while juggling jobs, school, and joint custody of my two girls. I soon realized that radiology was not the career I wanted to pursue and since I looked up to my dad, I decided to follow in his footsteps and become a firefighter. Unfortunately, he died in February of '99 but not before he knew that I would become an EMT. Eventually, I went on to graduate from the fire academy and work in private EMS until the time of my arrest.

My opinion of the criminal legal system was, at that time, what most people that are lied to and ignorant of believe: that it was fair and worked toward the greater good. Growing up, I thought that the people in prison deserved what they got. They made their choice, right? The thought that I would soon become entangled in the system had never crossed my mind. After all, it was reserved for criminals and the only thing I was ever guilty of was the occasional chemistry experiment in my parent's garage. Until I wasn't.

Incarceration:

My first contact with the legal system was around 10:10 a.m. on November 5, 2001. That was the day I threw my life away. That was the day I wish I could take back more than anything. It was the day I took two lives. After a high-speed chase, I was arrested and began my descent into a new world, one that I had only heard about on the news. I spent a couple of days in the city jail dressed in what is known as a 'Bam-Bam' suit because the police officers feared I would take my own life. I'll admit the thought crossed my mind more than once because I believed that I didn't deserve to live after what I had done. I thought that small jail cell was to be my reality until my trial. And in a way, I was right; my reality would be a small jail cell just not the one in the Taylor jail. I was transferred to Wayne County Jail where I learned where the people on the news go after they commit their robberies, rapes, and murders.

I was now part of a cold and uncaring world, thrust into a nightmarish existence for which any survival skills I had formerly acquired would be useless. I remember walking in chains onto the 7th floor. I remember the uncertainty crushing me like a vice. Uncertain what my future held. Uncertain what my family would do. Uncertain what lay behind that large steel door. I got the answer to the last one pretty quick as the Wayne County Sheriff turned an oversized key in a gaping lock. It reminded me of the type of key you see in a movie. The door swung silently open, revealing a long row of cells. Fourteen of them lined the left side of the rock. There was 11-foot catwalk in front of them, flanked by a wall of bars. Thirteen faces looked out at me as I walked with all of my belongings,

which easily fit into a plastic bag (a foreshadow of my uncertain future). The door slammed behind me, and I was on my own.

Over the course of nearly a year, I managed to navigate my way through this new world by observing and learning from my mistakes. No one is ever ready for this, I don't care what they say. It is impossible to prepare for a world that makes no sense. In this world, innocent people are forced or coerced into admitting to crimes they didn't commit in order to satiate an overzealous prosecutor or detective. People with mental illnesses are taken advantage of by both the criminals as well as professionals. In the criminal justice system, ignorance is currency. The detectives play on it, the prosecutor bets on it, and the system feeds on it. It is a horribly broken system.

There is a movie, "What Dreams May Come" where a man journeys from heaven into hell to save his wife. After he traverses the River Styx, he comes to a city on a shore. The image is taken directly from Dante's "Inferno". In this city are housed the insane, the criminal, and the dregs of society. It is this image that reminds me most of the criminal justice system. It is chaos in its purest form. In here, nothing makes sense. Innocent people are sent to prison for the rest of their lives while the guilty and rich get a slap on the wrist. Crimes are sentenced according to archaic laws instead of basing punishment on mitigating circumstances. A man could coldly murder hundreds of people and another could kill one in fit of rage. Both would get the same sentence. Both would die in this chaotic city. And if the criminal justice system is the city, the department of corrections would be the area on the wrong side of

the tracks.

I arrived at quarantine the day after I was sentenced. It had been nearly a year and I was relieved to be out of the county jail, even if that meant that the rest of my life would be behind bars. Jackson quarantine, or RGC (at that time they still used 7-block, which is now a museum) can best be described as a giant bird cage. It was four stories of barred cells on both sides. I was on the top floor, and looking out of my cell I could see hundreds of abandoned and broken faces looking back at me. It hit me that I was now part of this world. I was one of the people on the news.

The moment you ride in to that place, the MDOC begins to implement its strongest and cruelest weapon: systematic dehumanization. It is these two words that most describe the prison system. For example, before you are escorted to the cell block, you are required to take a shower, in a cage, in front of people; like a dog. You are now a number in a system that will never recognize you as anything different. And although your sentence is your punishment, it is widely believed by the people that work for the MDOC (and even much of the public) that you are also to be punished because you are in prison.

I spent three months in quarantine where I was required to undergo psychological assessments, medical evaluations, and screening interviews. I remember one such interview where a man asked me what had went wrong. At first I thought I had filled out the paperwork incorrectly or that I had made some kind of mistake because I had already begun to unconsciously believe that I was now part of a sub-human species. But he was asking about my crime. He looked at me and didn't see an animal. I was taken aback but I was touched at

the same time. It has been nearly two decades since that encounter and I can recall it vividly. I guess anyone that finds an oasis in a desert will remember its location.

My first facility was Brooks Correctional Facility in Muskegon. I rode in around Christmas of 2002 and it was a far cry from the cages I had become accustomed to. I was in the level four there for three years and in that time, I worked, exercised, and hoped my appeal would win me a second chance at a fair trial. But I was wrong. You see, the appellate courts are located within this chaotic city and utilize the same ignorance that the lower courts do. Appeals are rarely adjudicated on their merits, as evidenced from the rubber stamped denials that line footlockers and legal binders across the state's correctional institutions.

As I mentioned, I worked; or more like slaved. Prisoners, on average, are paid around \$1.20/day or about \$312/year. Imagine what that means when we are required to pay medical copays or buy our own over-the-counter medication and hygiene products. A visit to talk to a nurse (not a doctor) costs us \$5.00. At a \$1.20/day wage, that is an entire weeks' pay. That is the equivalent of someone who makes \$30,000/year (working five days a week) paying around \$575. Deodorant costs us about \$4.00 (four days' wage) or about \$460 in the equivalent. And if you have to do your own legal work, you'll need a typewriter. Those run us about \$275. That's 229 days' worth of work or the equivalent of the free-person paying \$26,154 for an electric typewriter. I once read a book that argued that the prison system is actually modern-day slavery. While the author's argument was addressing racism, I think that actual slavery is exactly the

way to describe a labor system that works for a fraction of the pay a free person would make at the same job, and a work force that hasn't seen a pay raise in over 30 years. As a result, many of us are forced to rely on loved ones for support. Support that also means calling them at \$2.50 per call. Imagine what life would be like if calling your neighbor, friend, parent, or loved one cost you \$230, because it would if you were a prisoner forced to work for the MDOC.

I was at Brooks Correctional Facility for almost 7 years. During that time, I had back surgery. For six months, I was temporarily housed at Jackson (JMF) before and for a time after my surgery. Immediately after the surgery, I was displaying extremely low blood pressure. I wasn't being monitored, in fact, the only reason the nurse took my blood pressure is because I collapsed when I attempted to stand. At one point my blood pressure was dangerously low (60/40) and I couldn't even sit up without losing consciousness. The nurses were perplexed by my sudden turn for the worse until one had discovered that she had attached another patient's blood pressure medication to my IV. She distractedly commented "Oh, this isn't yours" and detached the piggybacked IV fluid. Luckily the drip rate was low and I didn't receive the entire dose. Afterward, my blood pressure returned to normal.

Years later, I broke three fingers on my left hand. I went to healthcare who wrapped my hand in an Ace bandage and gave me an x-ray. Weeks went by and I received no response. Finally, I wrote them, asking why they refused to treat my injury. This prompted a meeting with a nurse who mistakenly opened my medical file close enough so I could read it. The results of my x-ray read: "x-ray left hand:

all lung fields clear". Apparently I have an extra set of lungs in my left hand. I also now have crooked fingers that still hurt and never properly healed because someone in healthcare misread my x-ray. Healthcare is one of the biggest contentions in prison. 'Medical advice' such as drink water and rest is the prescription given for a myriad of illness and injuries. Healthcare is also the reason many grievances and law suits are filed every year, and that is when the MDOC uses its other weapon: retaliation.

Not long after the incident concerning my left hand, I had injured my shoulder and the doctor's prescriptive advice was that it would just bother me the rest of my life, that there was nothing he could do. This prognosis came without a medical exam, x-ray, or MRI. So, I wrote a grievance, and two weeks later (February of 2009) I found myself on a bus headed for the upper peninsula. They claimed it was coincidence, but I was at that facility for almost seven years without any threat of transfer. I guess what they call coincidence, I call retaliation. I've seen and experienced numerous accounts of MDOC retaliation. Instances range from your cell being torn apart during a shakedown, being fired from a job, and verbal harassment and threats. They have the power and they are not afraid to abuse it.

I spent six years at Kinross Correctional Facility, and it was drastically different from Brooks. During the seven years at Brooks, I witnessed only a few fights and one stabbing. When summer broke at Kinross, there was 32 stabbings in 30 days. I also saw men beaten, robbed, stabbed, and slashed. The face slashings were particularly brutal. A face slashing consists of making a rudimentary weapon out of a razor blade and using it to give someone a 'buck-fifty', a term

derived from the amount of stitches it usually takes to close the wound. There were times I was so close to one of these attacks that I could hear the blade as it raked across teeth, cutting away entire swaths of flesh as it was dragged across an unsuspecting victim's face. While this form of violence wasn't new to prison, it was used much more liberally at Kinross. Where a face slashing once meant that you were a rat or pedophile, it now meant you were nothing more than a target for a gang initiation or occupied a job someone else wanted. Kinross was the wild west of Michigan prisons and there was nothing in my prior six years of incarceration that could have prepared me for the bloodshed I saw while housed there.

You can't come away from that unchanged. It begins with a heightened sense of fear, but you think that you can avoid the violence because you are not part of that world. Then you learn that, just like just like any other place in this city, there is no rhyme or reason. It just is. So you become hyper-aware of your surroundings. You learn that you never walk alone, that you always look to your peripheral, and you trust your instincts. If you felt that a storm was brewing, you took shelter. It is unfortunate that people that avoid gangs are forced to be a part of that world, but I guess the MDOC sees us as buffers. While these survival instincts allowed me to live in that madness for six years and come out the other end physically unscarred, mentally I wasn't so lucky.

I've read quite a bit about PTSD and there is a strong chance that I suffer from the affliction. There are small things that can set me off and cause my anxiety to skyrocket to the point of near incapacitation. Loud noises, people in close proximity, yelling; all of these are now triggers for me. I went to Kinross Correctional Facility as a quiet but friendly person. I came out as an antisocial, spiteful, and pessimistic shell. And I fear that most of what happened to me as a result of being in that warzone will never go away. I have been here at MTU for over five years and there are only marginal signs of improvement. On the contrary, it seems to be getting worse. Which brings me to what I believe is a central hub of this hellish city: Richard A. Handlon Correctional Facility.

I want to go on record and emphatically state that this facility should have been closed down decades ago as its infrastructure was never meant to house the amount of prisoners that are now crammed into cells that were designed to store one person. To begin with, the water is brown. On a good day, it resembles lemonade, but on bad days (which are at least twice a week) it is the color of coffee. If you leave a glass full of the water, the sediment will settle to the bottom in a thick layer of muck. Numerous times, the prisoners have requested that the water be tested and every time staff states that there is nothing wrong with the water, which ironically they refuse to drink. MTU is by far the worst facility I have ever been housed in. It is worse than Brooks where a botched x-ray left my hand permanently damaged. The problems at MTU far surpass the senseless violence of Kinross that left me mentally scarred. It is the epitome of what I mentioned earlier: systematic dehumanization.

I could write on and on about the instances of threats, mockery, and retaliation made by staff here, but this essay would be much too long. The dehumanization here is akin to the Chinese water torture. The first few drops aren't so bad; just shrug them off and you're all good. Except the drops never stop coming. Guards openly threaten you if you write a grievance or a kite that poses a threat to the established rule of punitive justice. One of the Assistant Deputy Wardens openly states that every person in prison is "a piece of shit". Guards openly and brazenly call the Residential Treatment Program prisoners "retards" and laugh when these people that are already suffering from mental illness, trip and fall as a result of over-medicating. There is no accountability for officers who retaliate, abandon their post and claim they are short-staffed, or harass inmates that are at this facility as part of bettering themselves through college programs or trades education. And there is so much to lose for most of us that we have developed a sense of learned helplessness.

Unfortunately, the sense of powerlessness and helplessness has led many to vehemently hate the staff here. I have spoken to men who had never before in their incarceration held a violent thought toward staff, but now do. I think it is because staff think their job consists of a paramilitary-type of rehabilitation, that they must break a person down and rebuild him into something better. Except they do not rebuild. It is a system that saps a person's power and humanity away until all he has left is the one trump card all prisoners carry: violence. It is unfortunate that the premier "educational" facility in the state is actually a facade built on

fear, but then again, what would one expect in a city right out of the "Inferno".

For my first 15 years, incarceration meant warehousing, working out, and hobbies. I taught myself how to draw and play the guitar, but I never really had a purpose. Incarceration meant living far from my family, losing lifelong friends, and building an outer shell thick enough to withstand the daily stresses of everyday prison life. More than once I had contemplated suicide and to this day I look forward to dying because it is my only way out and that I will no longer be a part of this madness. Incarceration is hell. There is no better way to describe what it feels like to live in a void, a vacuum that has no walls but at the same time contains close enough you can touch both sides with extended arms. But even in hell, Dante had Virgil and the aid of some divine assistance.

I am currently enrolled in a BA program, which is a potential game changer for me and many others. In just over a year I will graduate from Calvin University with a BA. Instead of wandering aimlessly in search of something to take my mind off my incarceration, I can see a sense of purpose. It is unclear exactly where this degree will take me and rumors abound of teaching, counselling, and other positions, but the point is that I have more of a purpose now. My hope is that through my education, I am able to undo some of the damage I have caused and repay some of my debt to society. I truly believe that education, authentic and sincere education, is part of the answer to rectifying Michigan's recidivism problem. When colleges are involved, a prisoner can take classes that will transform and rebuild what the justice system has twisted and stripped away.

Reflections:

I have had the vantage of a caged bird's eye view to the world outside, causing a perspective shift in my worldview that I wish I could share with everyone. It sparked in me an appreciation of the transience of small things like a child's laughter or a hug from a loved one. I have found that one of life's truest canons is that we don't know what we have (or had) until it is gone. Many drift through their incarceration with a deliberate eye turned away from the hurt they have caused; because in here, life moves slower. However, I chose to dwell in it. I have lost out on relationships with my children whom I haven't seen in nearly twenty years. I have disappointed and hurt my family in ways I will never fully comprehend. And I have destroyed or damaged numerous others as a result of my impulsive actions. Where some see a relevant argument, I see a meaningless predicament that warrants little or no energy wasted in settling. I see people scurrying to make their lives the best they can but at the same time, turning blind to all they already have.

I have found and lost religion, and found it again. I have read books that opened up new worlds to me; books that I never would have otherwise read. Novels, textbooks, how-to books, and self-improvement books have taught me more about myself, others, and the world than I would have otherwise been able to learn when I was caught up in the whirlwind of life on the outside. But life moves slower in here and I have had a lifetime's worth of contemplation compared to the people I see beyond my cage.

As the world spins on without me, I see it much more differently

than I did before my incarceration, especially the criminal justice system. A system that I believed to be just, turned out to be as corrupt as many of the people it passes judgment on. People that I once saw deserving of their punishment turned out to be my friends; and also people that have lived their best life behind bars. It is while living in this chaotic and hellish city that I have come to know my truest self; a person that feels pain, regret, and remorse as well as joy, redemption, and forgiveness.

There is much about this system that I would want scholars, policy makers, and activists to know. To begin with, it doesn't work. First, when a person is arrested, the detectives should never be allowed to interrogate anyone away from a camera and a microphone. I believe that if any and all questions are thoroughly documented, it could remove some of the corruption that taints the wellspring of justice. Also, a lawyer should automatically and immediately be appointed to anyone detained or arrested. This practice would prevent innocent people from signing confessions after days of brutal interrogation by overzealous detectives, and ensure that one's ignorance of the law cannot be preyed upon and later used against them.

Second, the practice of over-charging should be eliminated. Prosecutors regularly charge a person with the highest charge possible as a means of leaning on an individual so s/he will scramble for a plea that usually ends up reflecting what the original charge should have been in the first place. Prosecutors are the denizens of a system designed to favor the government and not represent the fair practice of constitutional rights that should be afforded to each and every person standing in judgment, and they should be held accountable

for their misconduct. When it is found out that a prosecutor's practice of knowingly and intentionally interfering, lying, or hiding evidence results in an innocent being convicted or an unfair trial, that prosecutor should be debarred and charged with a felony. Unfortunately, prosecutors are essentially untouchable in today's judicial system, even when their actions result in an innocent person's conviction.

Third, sentencing should reflect the crime. While mandatory guidelines are a thing of the past, there are still laws that mandate a person's sentence be based on their charge. For example, a serial killer who commits dozens of crimes is sentenced to life. Likewise, a person who lashes out in anger and kills a single person receives the same sentence. Mitigating circumstances should be a part of the sentencing phase. Further, jurors should have a thorough understanding and working knowledge of all of the elements of a crime as well as the sentences that each charge can carry. I believe juror ignorance has resulted in many people being found guilty of charges they otherwise would not have if each and every juror fully understood what the accused was facing.

Fourth, in the same vein, commutations and paroles should be available to anyone who scores a high probability of parole, has shown that s/he has made positive changes, and has a good prison record. Many crimes are situational and there are many people serving life who have never before and will never again commit a crime. The unwritten statute that life means life needs to be eradicated from the practice of the parole board and each and every person, even lifers, should be considered for release.

Also, good time is just a practice that makes sense, but I believe that it should be based on a merit system. Let each prisoner 'earn' his or her own good time and base it on their willingness to work, to go to school, and to stay ticket-free. And why can't a prisoner be afforded the option to work for good time instead of pay? Imagine the money the state could save. And if legislatures are interested in saving money, why is Michigan one of the few states that seem to want to hold so dearly to truth in sentencing? This practice does nothing except ensure that a prisoner will probably serve more time than s/he was originally sentenced to and it costs the state millions every year.

Fifth, why are prisoners held captive on paper for years after they have already paid their debt to society? Truth in sentencing mandates that a prisoner must serve his or her mandatory minimum, yet when they are released, s/he is essentially still incarcerated, it is prison on paper. A two or three-year parole virtually extends a person's sentence well beyond what the court originally intended as punishment. I am not saying that prisoners should be released and not monitored, however, I do think there is a better and more economical alternative to the close-supervision practice of today's parole system. Besides, if the MDOC was actually rehabilitating prisoners and preparing them to be productive members of society, close supervision wouldn't be necessary. Long-term incarceration costs the state money, extended parole costs the state money, and ill-rehabilitated prisoners who recidivate cost the state money.

Sixth, recent legislation has been passed that allows victim-offender communication to take place. However, the MDOC has not,

or refuses to, initiate any program that could facilitate this healing process, despite repeated efforts by prisoners who actively seek out restorative justice practices. After a trial, the victims and their families are allowed to address the offender and vice versa, but not in a meaningful way. I think allowing victims, or the families of victims, to participate in a monitored victim-offender dialogue could bring a sense of closure to all who participate. It is a practice regularly employed in other states and I cannot fathom why the MDOC refuses to allow its practice.

Lastly, there needs to be accountability for correctional staff. This system is supposed to rehabilitate prisoners, and all it does is breed animosity. It needs to start with the training the officers receive. The MDOC should look at countries like Denmark whose recidivism rate is a fraction of Michigan's and whose prison employees are specifically trained with the rehabilitation of prisoners in mind. Many people believe prisoners are setting the standard and practices that result in conflict on both sides of the fence. But I ask you, how can a person with virtually no power set any standard? It is those in control, the officers and staff, that set any standard and practice that result in conflict. When one prisoner breaks a rule, all of us are punished. Yet, when an officer does, there is usually no form of punishment and many are just promoted and sent to other facilities. This sends a message to the staff that they are untouchable and it sends the message to prisoners that any and all effort to remedy the situation are moot.

I once read a quote from Charles Dickens that goes:

"In its intention I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who have devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is they are doing."

The warehouse prison system of today doesn't incapacitate prisoners from committing crime; it merely insulates them (temporarily) from the respectable public. Prison is built to contain society's unwanted souls. Nothing more. The criminal legal system is broken from end to end. Police and prosecutors regularly violate a person's rights in order to secure a conviction, often resulting in a plea by over-charging someone who is ignorant about the judiciary process. Prison merely breeds animosity toward the state and results in criminals becoming better (and bitter) criminals. It is a revolving door to a city of chaos that will never cease spinning wildly out of control unless legislatures stop seeing prison as a big business and see it for what it truly is: a system that breaks the minds of those unfortunate souls who are unlucky enough to find themselves in it and the hearts and wallets of those who love them. It is a system that thrives on punitive punishment all the while insisting that rehabilitation of prisoners is the first and foremost concern of those in charge. It is a system that leaves victims and their families to suffer in silence after the docket has been closed. It is a system that is horribly broken but not one that is beyond repair.

Ken Uncapher

April 13, 2020

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Reference:

Ken Uncapher 430066

Born: 2/27/77

Incarceration age: 24 (currently 43)

Education background:

Some college before incarceration

EMT and firefighter certifications

Associate degree (post incarceration)

Currently working toward BA

Incarceration history:

Arrested on November 5, 2001

Convicted on September 12, 2002

Time served:

18.5 years

Charge/Sentence:

1st degree murder/natural life

2nd murder/25-50 years

Prisons:

E.C. Brooks Correctional Facility (LRF) (12/02-12/05)

Jackson Medical Facility (JMF) (12/05-5/06)

E.C Brooks Correctional Facility (LRF) (5/06-2/09)

Kinross Correctional Facility (KCF) (2/09-1/15)

R.A. Handlon Correctional Facility (MTU) (1/15-present)