

Oregon Department of Corrections Report

The Prison Labor Debate:
Insights from the adults in custody into the prison labor program at
Oregon Department of Corrections South Fork Forest Camp

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Executive Summary

Scholarship has long been mixed on prison labor as rehabilitation versus exploitation. While vocational skills may help gain employment upon release (a common barrier to successful reentry), the low wages and cheap labor enjoyed by businesses utilizing this work force is a concern. More understanding is needed from the perspective of the workers themselves – the adults-in-custody (AICs). This study sought to answer how AICs perceive prison labor and its benefits to reentry, whether they believe the experience will affect their likelihood of reoffending, and their opinion of the wages and method in which they are paid. Including the voices of the AICs is a feature that sets this study apart from all others on this topic.

This research project included interviews with AICs at the South Fork Forest Camp in Tillamook, Oregon. The objective of the interviews was to gain a comprehensive understanding of the rehabilitative potential of the programming at this facility, especially through the perspective of the AICs. This project provided a new perspective of the experiences of AICs as it relates specifically to prison labor. Further, this project advanced the existing knowledge base by incorporating the voices of a population that is frequently studied, but seldom included in research about themselves. Additionally, this study advanced the knowledge base on prison labor in the debate between its rehabilitative properties and exploitative capabilities.

Methodology

Semi-structured interviews were conducted with 21 AICs at a South Fork Forest Camp in 2018. AICs who participate in forestry and fire fighting work crews contracted with ODF and DOC were invited to participate in interviews with the principal investigator (PI) and/or research assistant regarding their experience in the prison labor program, how they believed it would affect their reentry, and their thoughts on the pay structure. These questions were representative of the original focus of the study – prison labor pay and impact on reentry. However, unexpected themes arose during the interviews and became the focus of this study and included conflicts of dignity versus shame as well as issues of safety. These topics were not the result of direct questioning, but rather emerged organically during the conversations.

AICs were invited to participate through a flyer posted around the facility explaining the research project. The PI and research assistant spent two 8-hour days at the facility conducting interviews. At the start of each day, the staff made a facility-wide announcement reminding AICs of the posted flyer and inviting them to sign up at the front office to be called out during the day for a private interview. Initially, only four AICs agreed to be interviewed. They were assigned by their fellow AICs to evaluate the PI and determine whether others should participate. After each of their individual interviews, these first interviewees shared approval to their fellow AICs, and the remaining men chose to participate based on this evaluation.

Each interview lasted 45 minutes to one hour and was in a secure setting that promised anonymity to the greatest extent possible. Since AICs had to sign up and be called to the office for interviews, confidentiality was limited to what was said, not who chose to participate. The interviews were guided by open-ended questions and flowed conversationally using the semi-structured format. Audio recordings of the interviews were then transcribed and initially coded for themes according to interview question topics by both the PI and research assistant separately. Following this round of coding, the PI and research assistant compared their findings and discovered multiple emergent themes that were in addition to the topics covered in the interview questions. As a result, the PI and research assistant created a more robust list of salient

themes and each re-coded all the interviews using the updated codebook. Next, the new coding was compared for every interview and any disagreements between the two coders were evaluated and discussed until agreement was reached. Through these techniques, threats to validity were reduced by using independent coding and verbatim data analysis to support credibility and authenticity; articulation of decisions and debriefing processes to further bolster integrity and criticality; adequate sampling, theme development, and giving voice for thoroughness and sensitivity; and providing context and acknowledging bias to provide congruence and explicitness (Oertle, Bobroff, & Sax, forthcoming; Patton, 2015; Whittemore, Chase, & Mandle, 2001). As previously stated, the issues of shame and dignity, safety and the emergent value-of-life decisions became apparent through coding of the various interviews and in the analysis of the findings, although these topics were not directly addressed in the questions. As a result, grounded theory became the guiding method of analysis for these specific themes (VanderPyl, forthcoming, 2021; Glaser and Strauss, 1967).

It should be noted the administration of the facility was invited to participate but has yet to provide a response to the questions provided. This is likely due to the events of 2020 that included the Covid-19 pandemic as well as an extreme wildfire season. Although the administration was asked for their participation in 2019, it is assumed they were unable to participate rather than unwilling. In the interest of submitting a timely report to DOC, this manuscript is being submitted without waiting on the contribution of the administration any longer.

Positives

It should first be stated, the AICs had positive things to report about South Fork and the work program there. Most AICs talked about the beauty of the facility and its setting. One interviewee stated, “It’s the prettiest cage there is.” They appreciated that there was “no fence and no walls,” that they were able to live in cabins instead of cells, and that they could walk outside whenever they wanted. The interaction with nature (creek, animals, trees) was something they enjoyed and sincerely appreciated. Many AICs also spoke positively about the staff in the facility and the crew bosses from Oregon Department of Forestry. They felt the staff were fair, that both the staff and crew bosses treated them “more like a real person than an inmate,” and that they were given more trust. Several spoke of enjoying the work during fire season and the feeling of giving back to the community. Interactions with people in the community also meant a lot to the AICs. Specifically, one interviewee stated, “What I think is good is it's humanizing to be able to go in the community and do work, to be around regular people...” Others shared how much it meant to them when people in the community would thank them for the work they were doing.

Dignity versus shame

In the article on dignity versus shame that follows, issues of shame include both personal and public, and the effects of both dignity and shame are discussed. Examples are shared regarding shame or shaming coming from the corrections officers, ODF and the work program, ODF crew bosses, staff and grievances in the facility, from the community, and shame within themselves. Examples of dignity are shared regarding sources from corrections officers, from the community, and from within themselves. These included dignity from pride in the work, feeling they were deserving of respect, and feelings of self-worth. Recommendations are shared for

methods to decrease shame and increase dignity specific to the corrections officers and prison staff, the AICs themselves, and community members.

Value-of-life and safety decisions

The safety concerns identified in the interviews revealed value-of-life decisions being made about acceptable levels of risk exposure and how individuals in positions of power perceive the value of those placed at risk. Examples from the interviews were compared to Oregon's Occupational Safety and Health Standards (Oregon OSHA) for wildland firefighting that would be required if they were not incarcerated. Because incarcerated individuals are viewed as less valuable by those in power, are not considered employees, and have no legal recourse for safety standards, they are placed in more risky working environments than non-incarcerated workers. Other examples beyond this prison labor program are also discussed.

Exploitation versus rehabilitation

The initial purpose of this study was to better understand issues of pay in this prison labor program and the potential value of rehabilitation and supporting reentry. Although that was the focus of the interview questions and pay dominated the conversations, it was not the area that ended up being the most meaningful. Thus, only this summary discusses what the AICs shared about pay and reentry.

With regard to reentry, interviewees agreed the experience would most help those who wanted to continue the same line of work upon release. For anyone who did not want to be a firefighter or forestry worker, the benefits were less obvious. One AIC explained, "For guys who come here who don't have work experience, or a lot of life experience really, it's a positive thing. Maybe you've been chronic drug dealers, or thugs, or whatever. This can really help them if they choose to accept it as a gift, help them have a leg up when they do get out, and maybe some of that ... what my father would call man pride, a work ethic, those kinds of things."

As expected, the biggest concerns were about pay. The rate of pay is low, especially when compared to how much AICs are able to earn at other facilities (e.g., laundry, call center, etc.) without the dangerousness or physical demands required for far less pay at South Fork. One reason for this is the Department of Forestry does not match or add to their pay like other agencies at other facilities. More than simply the rate of pay, however, was how that small amount of pay was affected by absent crew bosses and automatic debits taken out of their pay. All of the AICs shared concerns over a relatively new rule at the facility of not being able to earn pay for days their crew bosses take off. For example, if a crew boss takes time off for a family event or vacation, the AICs on his crew do not get paid. For many, this significantly cuts into the amount they are able to earn through no fault of their own. They have no control over whether or not the crew boss will work and, thus, no control over their own pay. Their desire and effort to work make no difference in this situation.

Also, their rate of pay has not increased in many years, but the costs of goods at the canteen, hygiene, vision and dental, and other expenses have increased a number of times. Additionally, percentages are deducted for a victims fund, a release savings account, and restitution payments off the top of their paltry earnings, making their pay even lower. Many AICs discussed not being able to save any additional funds for reentry (e.g., "...right now I have \$12 in my savings account and I've been here since March"), send money home to help support their children (e.g., "...we can't send any money to our kids..."), or afford regular phone calls to their families (e.g., "A 30-minute phone call is about \$5. A lot of these guys are making \$30 a

month.”). AICs at South Fork reported they earn roughly \$20-\$30 per month, far from a living wage for the costs at this facility and the goal of easing reentry.

“We’re silent heroes”: Inmate firefighters’ experiences with dignity and shame in a prison labor program

Abstract

Adults-in-custody (AICs) in a prison labor program experience conflicting messages and feelings of shame and dignity. Despite the programs’ mission to help ease reentry, experiences of shame and shaming from correctional officers (COs) and the community may also be setting AICs up for increased likelihood of reoffending upon release. Interviews were conducted with 21 AICs who shared insight into their experiences of shame and dignity within the facility, the community, and inside themselves. The concepts of shame and dignity are explored using narratives from participants. Considerations for improvement are shared with recommendations for interventions involving COs, AICs, and the community.

Keywords: prison labor, dignity, shame, reentry

**“We’re silent heroes”: Inmate firefighters’ experiences with
dignity and shame in a prison labor program**

“We were on the news, and my very first fire I’m on the news, and it talks about this lady, and she was like, ‘There’s a 30-man crew out here and I’m so grateful for these guys out here. They saved my house. They did all this. Thank you so much.’ The next day, I see the next day and it’s the same lady and she’s like, ‘Well, come to find out that this 30-man crew are all inmates. If that were the case, I wouldn’t even want them out here.’ Okay, next time we’ll let your house burn down, lady.”

The epigraph succinctly summarizes the conflicting experiences in the battle between dignity and shame of the adults-in-custody (AICs) at South Fork Forest Camp (SFFC), a minimum-security prison in Oregon. SFFC boasts a forestry and fire fighting work program at its remote facility housing 200 AICs (Seable, 2014). The mission of SFFC is to “provide cost effective, skilled inmate labor” for regional forest and fire protection; “promote public safety by holding inmates accountable;” and “reduce recidivism by modeling pro social behavior and teaching work skills that help inmates be productive citizens upon release” (Oregon Department of Forestry, 2019). The program seeks to address a number of concerns that could potentially help ease reentry, yet interviews with the AICs reveal there is an ongoing battle between dignity and shame within the facility, the community, and the men themselves that threatens to undermine the program’s goal of reducing recidivism by allowing AICs to rejoin society as productive citizens.

As studies have repeatedly show, society commonly reacts to those who have made criminal mistakes or choices with shaming and hostility. Middlemass (2017) refers to society’s treatment of formerly incarcerated individuals as pariahs to applying a *social disability*. “When felons exit prison, society stigmatizes, discredits, and fears them, which results in a societal exclusion” (p. 26) and being met with “social hostility” (p. 30). Such a reaction is reflected in the opening epigraph of this paper.

This attitude toward those reentering society upon release is concerning knowing that most AICs will be released to rejoin communities who may not want or welcome them. As a result, there are multiple socially constructed barriers facing AICs despite already having served their time to be punished for their offense. Braithwaite (1989) warns that stigma often has “crime-producing consequences” from treating formerly incarcerated people as outcasts and focusing on the offense rather than the individual. Middlemass (2017) supports this notion by positing that a felony label changes an individual into a “forced outlaw” (p. 3).

This phenomenon was also described by Gutterman (1992) in his evaluation of dignity in prisons. He explained that AICs are considered, “socially threatening. ... It is generally accepted that prisoners, isolated from public view and regarded with disgust by the politic, are receiving their ‘just desserts’” (p. 898). For example, one participant in a study about juvenile prisons shared, “We can save lives inside as earthquake relief and firefighters but outside the prison walls we’re a bunch of filthy ex-cons” (Bernstein, 2016, p. 1). As a result, recidivism is both normal and expected, yet society blames the individual offender rather than looking at their own complicity.

Individuals who have experienced incarceration are dehumanized both inside and outside the facilities. To further demonstrate the value, or lack thereof, placed on these individuals, there are relatively few studies that include the perspective and voice of AICs (Goodman, 2012b). As a result, there is little to no understanding of what improves a sense of dignity for those inside before they reenter society, although there are several examples of what exacerbates a sense of shame. The purpose of this study is to understand the experiences of both dignity and shame for the AICs in this particular prison labor program, especially as it is a program exposed to the public and intended to ease reentry.

Literature Review

Rade, Desmarais, and Mitchell (2016) conducted a meta-analysis regarding society's attitude toward formerly incarcerated individuals. Reentering AICs face prejudice and stigma upon reentry creating myriad socially-constructed barriers that unnecessarily impede one's chance at successfully rejoining society. This challenge is represented by social distance theory in which those in the community *without* criminal backgrounds wish to distance themselves from those *with* records, thereby excluding those they view as different or socially unappealing (Rade et al., 2016).

Conversely, Fagan (2017) evaluated the concept of dignity as it relates to those impacted by the criminal justice system. Fagan explained that the feeling of dignity was based on interactions between individuals and society. Specifically, he stated, "we imagine ourselves as how other people see us, and we understand who we are in and through our relationships with others, through a process of reflected appraisals" (Fagan, 2017, p. 312). Dignity, thus, is a sense of belonging and being included.

As is demonstrated in the experiences shared by the AICs in this study, it is clear that social exclusion is tantamount to shame whereas inclusion is equal to dignity. It is these conceptual frameworks of both dignity and shame, inclusion and exclusion that guide this study. Extant literature provides clarifications on the concepts of shame and dignity, as well as the effects of both.

Shame defined

Shame is both a noun and a verb. There is internal, personal shame as well as the external act of shaming done to AICs by others.

Personal shame. Brown (2006) explains *shame* as a focus on oneself compared to *guilt* which has a focus on behavior. In other words, she explains shame as thinking, "I am bad" and guilt as thinking, "I did something bad" (Brown, 2006). Brown further defines shame as, "the intensely painful feeling or experience of believing we are flawed and therefore unworthy of connection and belonging" and inclusion (2006, p. 45; see also Tangney, Stuewig, Mashek, & Hastings, 2011). Shame is a focus on the *self* as "bad" rather than the *behavior*. Tangney et al. (2011) explained shame with the following key factors: (1) the motivation to become invisible and get away from others; (2) a lack of empathy toward others; (3) a propensity for anger and hostility; and (4) "all manner of psychological symptoms, including low self-esteem, depression, anxiety, eating disorders, PTSD, suicidal ideation, and substance dependence" (p. 4).

Further, AICs are especially vulnerable to internalizing projected shame (Braithwaite, 1989; Middlemass, 2017; Singer, 1972). Once they believe they are "bad" and see societal exclusion as justified, the benefits of rehabilitation are further out of reach making the public shaming they will inevitably face even more damning.

Public shaming. “When shamed, people feel physically, psychologically, and socially diminished” (Tangney et al., 2011, p. 2). Middlemass (2017) explained, “History abounds with the belief that criminal souls are corrupted and should be condemned due to the prevailing societal notions of wickedness” (p. 30). Such ethos is evidenced by the stigma attached to the word *felon* and the application of a felony label for which former AICs are met with social exclusion and hostility (Middlemass, 2017, p. 30). Overestimating society’s ability to forgive, Kahan (2006) initially recommended shaming sanctions in the 1990s, then recanted his recommendation a decade later. He explained he initially understood, “shaming sanctions would satisfy a popular expectation that punishment *express* moral condemnation in unambiguous and dramatic terms” because of social hostility toward those who commit crimes (p. 2075). However, he changed his recommendation after coming to see that shame carries with it a permanent “social meaning handicap” giving rise and justification to social exclusion and shaming rather than any level of equality and inclusion.

Middlemass (2017) supports his assertion, finding, “The disabling effects of a felony permanently consign the former offenders to the category of ‘otherness’” (p. 27). She further explains, “a felony conviction functions as ‘social dirt,’ becomes a life-long disability, and creates an unnatural state of existence” (2017, p. 27). Society’s overwhelming tendency to shame those with a criminal record is generally accepted with the notion that they deserve to be “banished from the community” (Middlemass, 2017, p. 29) and permanently excluded no matter the amount of rehabilitation and pro-social skills they may be able to demonstrate.

Effects of shame

Van Vilet (2008) explains that shame “can result in social isolation and prevent individuals from accessing the social supports and professional help that are often critical for moderating psychological distress” (p. 234). She argues that shame impedes someone’s ability to adjust and overcome adversity (Van Vilet, 2008), making reentry especially difficult. Shame is an effective tool in making individuals feel trapped, powerless, less-than, isolated, depressed, exposed, and self-consciousness (Brown, 2006; Hernandez & Mendoza, 2011; Scheff, 2003; Van Vilet, 2008). Further, shame is a risk factor for substance abuse, low self-esteem, suicidal ideation, criminal behavior, and recidivism (Hernandez & Mendoza, 2011; Scheff, 2003; Tangney et al., 2011; Tangney, Stuewig, & Martinez, 2014).

Tangney and Dearing (2002) explain, “shame is an extremely painful and ugly feeling that has a negative impact on interpersonal behavior” (p. 3). They found the effects of shame to hinder true rehabilitation and reform by causing individuals to avoid their own agency. “Shame-prone individuals appear relatively more likely to blame others (as well as themselves) for negative events, more prone to a seething, bitter, resentful kind of anger and hostility, and less able to empathize with others in general” (Tangney & Dearing, 2002, p. 3).

This treatment that is perpetuated by many in society makes rehabilitation and successful reentry nearly impossible. Social exclusion exacerbates feelings of shame. Thus, it is expected that one will reoffend in such a vulnerable situation. What is more surprising, then, is when an AIC or former AIC is able to find and hold on to dignity while being inundated with messages of shame.

Dignity defined

The opposite of shame is dignity. Although a known concept to most, it is difficult to define. Liebling (2011) operationalized dignity based on previous studies. Using extant literature,

Liebling (2011) found that dignity was most easily described by identifying the values with which it is represented in “interpersonal treatment: respect; humanity; fairness; order; safety; and staff-prisoner relationships” (p. 534).

McCrudden (2008) examined law and literature to propose a universal definition of dignity. He found common threads, but no clear and agreed-upon definition. Thus, the “overlapping consensus” upon which he settled includes three key elements: (1) “every human being possesses an intrinsic worth, merely by being human;” “this intrinsic worth should be recognized and respected by others;” and “recognizing the intrinsic worth of the individual requires that the state should be seen to exist for the sake of the individual human being, and not vice versa” (p. 679). McCrudden (2008) argues that dignity is a human right, should be treated as such, and that the state exists because humans exist, so the human right of dignity should be at the center of how the state treats individuals. It is the state, or the prison system, in which Feldman (2019) claims AICs have an opportunity to reclaim dignity through the prison labor programs of firefighting. It is the nature of the prison firefighting programs that lend themselves to this possibility because they are so public. Feldman (2019) argues that the way in which the media treats inmate firefighters can play a role in affecting how interactions with the public will play out, with the possibility of increasing social inclusion and dignity for those involved.

Effects of dignity

Dignity, in direct opposition to shame, promotes “inherent worth and moral capacity” for AICs (Ploch, 2012, p. 902). Fagan (2017) confirmed that AICs who are treated with respect, legitimacy, and dignity are more likely to view others in society and legal actors (i.e., the criminal justice system) as legitimate and are, thus, willing to abide by its laws. Dignity supports a reentering AIC’s ability to have what they feel is a full and dignified life, included by their community and society at large (Fagan, 2017).

Ploch (2012) argues that treating AICs with dignity increases the effectiveness of rehabilitation, thereby decreasing recidivism. Rios (2012) argues that being able to maintain a sense of dignity is a key factor in one’s willingness to avoid reoffending in a society that treats formerly incarcerated individuals with shame and hostility. Thus, social inclusion and dignity are key ingredients in any efforts to ease reentry as many of the barriers faced by returning AICs are socially constructed.

Methodology

The Oregon Department of Forestry (ODF) contracts with SFFC to use inmate labor for multiple work crews. The crews include firefighting, reforestation, and recreation (parks). AICs are assigned to 10-man crews that fight fire during fire season and conduct reforestation or recreation duties off-season (Seable, 2014). During fire season, duties often include conducting controlled burns, working around the edges of fires to help with containment, removing debris, and clearing vegetation. Off-season, crews working on reforestation focus on planting, capping buds, trapping and moving destructive animals, and weed control. Recreation crews work on parks by building bridges, clearing or moving paths, painting buildings, and maintaining groundcover.

The original purpose of this study was to garner AICs’ perspectives of the labor program and its impact on reentry, however, as the findings demonstrate, the focus was broadened based on what the AICs chose to share. Interviews were conducted with 21 AICs at SFFC over two different visits in October and November of 2018. AICs were invited to meet with either the

principal investigator or research assistant to discuss their experiences in the forestry and fire fighting prison labor program. Participants were recruited through a flyer posted around the facility explaining the study and, in particular, the importance of them as participants as the following excerpt from the flyer demonstrates,

Usually, when people look at prison labor programs or try to figure out what works or doesn't work in corrections, they talk to the administrators and staff. I want to do the opposite. To me, *your* voice is the absolute priority! I want to hear from *you* what your experiences have been like and what *you* think about the work program at South Fork.

Initially, AICs were suspicious and reluctant to be interviewed. However, they were interested enough in the topic and eager to be heard, so they sent representatives to meet with the principal investigator to determine whether she could be trusted. Following these five or six first interviews, those participants reported back to their respective groups that the study was worthy of their participation. The subsequent interviewees all eagerly signed up to participate.

The interview questions focused on topics of job duties, experiences in the field, pay and how it is used, potential impact on reentry, and pros and cons of the work program. The original research questions were on how AICs perceive prison labor and its benefits to reentry; whether they believe the experience will affect their likelihood of reoffending; and AICs' opinion of the wages and method in which they are paid. In other words, issues of shame and dignity were not the focus of this study. These topics became a priority based on the findings in the interviews.

Each interview lasted approximately 45 minutes. The interview questions were printed and placed in the center of the table to guide the discussion. Each participant was taken through the consent form in detail before audio recorders were initiated. Confidentiality was maintained throughout by keeping all names out of the recordings and, therefore, off the transcripts. Coding of the transcripts by the principal investigator and research assistant revolved predominantly around the original research questions, however, when the topics of shame and dignity repeatedly surfaced, a second round of coding was conducted to capture AIC voice in this area. As such, grounded theory and inductive reasoning became the primary methods of analysis in this study (Glaser & Strauss, 2017). Quotes were gathered that addressed issues of shame and dignity, then sorted into categories of interactions with COs, ODF crew bosses, and facility staff; interactions with members of the community; and feelings within themselves. The analysis of these findings follows in the discussion and conclusion section.

Findings

The AICs revealed considerable insight in the areas of shame and dignity during the interviews. Out of 21 interviews, 11 AICs discussed these issues without being prompted. In other words, none of the interview questions asked about their feelings or experiences of shame or dignity, but the AICs chose to share on these topics anyway. This implies the importance of these topics to the AICs. Shame and dignity were each discussed by the AICs in regard to interactions with corrections officers, ODF crew bosses, and facility staff; interactions with members of the community; and feelings within themselves.

Shame on the inside

Feelings of shame, being shamed, or shaming were one of the most frequently discussed topics. These comments were regarding corrections officers (COs), Oregon Department of Forestry (ODF) crew bosses, and facility staff.

Regarding corrections officers (COs). “Over a lot of years of being in prison, the way that you get treated as an inmate and regarded by COs is almost as if you’re not the same kind of person they are.” This was a common sentiment among the interviewees. One participant shared how he believed he was perceived by the corrections staff, “No, you’re just going to do your time. It doesn’t matter what the fuck you do. You’re ours now.” Similarly, another AIC said he felt any complaints he may have had about the program or facility would be ignored as the attitude of the corrections officers seemed to him to be, “You’re sentenced, you shut up and do your fucking time.” Another AIC shared this sentiment and discussed trying to advocate for more pay with ODF. He said, “they just laugh in our face and say, ‘Oh, you get paid enough.’ It’s kind of a joke.” He shared a recent example to explain why he believed this to be the case.

We just had fire appreciate last week. They went up and pretty much patted themselves on the back for how good of a job they did. Wait a second. We’re the ones that dug the lines here. But I still haven’t seen any fire pay.

Fire pay is a small bonus AICs are to receive for their work on wildfires, but several mentioned it taking months to receive the promised pay, further promoting the feeling of being shamed by ODF and DOC.

Regarding ODF and the work program. Such frustration was common among the AICs interviewed in this study. “It hurts. I feel like we’re being taken advantage of.” Beyond the pay, AICs recognized that the work they were required to do was not the frontline firefighting they were sold (i.e., counselors at other facilities allegedly promised drastically higher pay and work experience that would guarantee them employment upon release). Rather,

The contracts that we get are the ones that the contractors, the street contractors, don’t want to do because they’re either too dangerous, too steep, just a pain in the ass to do, they just don’t like them. So, we get put with the bad work. They’re just like, ‘Well, I don’t care. Just get it done.’

Of course, the work they do is necessary whether or not it holds the glamour and excitement they were promised by counselors at other facilities (the reason they worked to earn the transfer to SFFC in the first place). There is more to the disillusionment than work assignments, however. As one AIC explained, “...they’re more killing the work ethic here. ...By just the way we’re treated. From the outside could look like a super cool program, but it’s not. It’s not a cool program at all.” The specific example he provided was how he was treated after sustaining an injury “on the grid,” which is the term AICs used to describe the steep mountainsides they work on during reforestation.

... they didn’t do shit for me. I fell of a 30-foot cliff, caught myself, slid the rest of the way down the mountain, and then finished my job. ...my boss was like, ‘Hey, grab your shit. You’re going to go help these guys.’ ‘No, I’m not.’ Then I explained to him, he just didn’t care. So, it’s things like that. He’s like, ‘No, you’re going to go help those guys.’ ... But just things like that, like you don’t care. ... I couldn’t see the doctor that day, but instead they made me wait a whole week.

This interviewee felt the ODF crew boss and DOC staff devalued him, his pain, and his health simply because he was an AIC.

Regarding ODF crew bosses. While many of the discussions of ODF crew bosses were positive, they were not without complaint. One AIC shared, “On a typical day with my boss, who just talks to me like I’m a punk, and you’ll say something and he’ll tell you no, and when you go

‘Why?,’ he’ll go, ‘Because I said so.’” Such interactions were frustrating and demoralizing for the interviewees. Occasionally, they would try to stick up for themselves, but it seldom was a success as another participant explained.

There’s a boss here that was talking down to us and I told the dude, I said, ‘Look man, I don’t care, I’ve been in prison for four years, you’re not going to talk to me like that. I don’t know how long you’ve worked with inmates, but people get beat up for that type of shit. I want you to respect me.’ You know? He was like, ‘No, I understand that. Sorry.’ Then he just continues with other people instead of me, because I was the only one that kind of spoke my voice.

Regarding staff and grievances. Sticking up for themselves also did not heed results in the facility. One interviewee explained, “Every grievance I’ve ever filed against DOC has been denied, and they do that to everyone.” He described how the process has appeared to him during his time inside,

Everybody that I’ve ever seen, you file a grievance, and they send it back and deny, and that’s what they do. They just keep denying, then you’ll do an appeal, they deny that, then you’ll appeal your appeal, and they’ll deny that, and they just do that until you just get tired, and that’s the whole thing.

Such frustration helps explain why being heard as a part of this study was so important to the participants. “...they don’t listen to us... You try to talk to him [the head of the ODF work program] about anything, and he’ll make a joke about it to try to passively-aggressively push it off.” This interviewee gave an example that happened during an event at the facility regarding the labor program. “...somebody yelled out, ‘Yeah, if you fucking paid us better, maybe we’d work harder.’ And he makes the comment, ‘Well, if you guys would work harder, we’d pay you better.’ Always lie, we’ll just make it a joke.” The same participant shared about taking an idea to this crew boss that would increase productivity and the health of the workers costing DOC and ODF only a minimal investment. “He laughed and he said, ‘That’ll never happen.’”

Between the facility and the work program, the AICs had several concerns that remained unvoiced to authority because it felt pointless to them. The AICs felt they were not viewed as equals or even valued as human beings, thus speaking up for themselves became futile.

Shame from the community

As the epigraph at the beginning of the article demonstrates, interactions with community members can be both positive and negative. One participant explained what it is like to go out and work in the community as part of SFFC.

We put up a sign that says inmate work crew, but anybody who does chooses not to interact with us. They don’t, and that’s fine, but there are people who are not afraid to. They don’t know necessarily. They don’t walk up to us, and we don’t say oh, well I’m an inmate. Stay away from me, or whatever. We’re not trying to breed fear. We’re trying to interact normally.

ODF crew bosses varied in how they handled interactions with community members as well. When discussing stigma associated with being an inmate when out in the community, one participant shared, “One of the crew bosses here will do that [apply stigma]. He will go around and tell people, ‘These guys are inmates, so stay back.’” He also shared that not all ODF crew bosses react the same way while out in the community. Rather than warning community members to stay back from inmates, his boss encourages interactions. “... My boss is like, ‘Hey,

that lady over there wants to buy some firewood. Go help her out.’’ These community interactions have the potential to benefit both the AICs and the community members, improving relations and decreasing future social exclusion.

Shame from within themselves

Many participants had internalized feelings of shame and worthlessness. ‘‘I think that because I’m a prisoner it’s not my place to say what I deserve. I mean, sure, I deserve more, I deserve less. I’m, again, I’m in prison.’’ To explain this mindset, one interviewee shared, ‘‘So, over time you...It just has an effect on you, I guess.’’ The interviewer followed up by asking him, ‘‘Do you start to believe that you’re less than?’’ He responded, ‘‘Well, you are because look where you’re at. Other people can think differently about that but the way that you live your life and the way that you’re treated and the rights that you have says otherwise. We are different.’’

Feeling like they have less worth than others has led some of the AICs to accept treatment and circumstances that they know are unfair or unethical. One interviewee explained, I think that we, as inmates, are easily defeated because we’re used to being told no, and we’re kind of used to just doing what we’re told and so when we see a wall, we’re easily discouraged I guess you could say. We’re not always gonna try to fight for something because we believe that it’s not gonna help. ... It’s all what this stuff does to you. Some guys only been here a little bit of time, some people this is their first time. Like I said, I’ve been doing this a long time, so I guess I kind of suffer from that a little bit.

He and others shared that AICs would get in trouble on purpose to be moved to a different facility once they realized the program was not as they had been promised. One reaction to this phenomenon was, ‘‘It’s not right, because now these guys are putting their programs in jeopardy. They might have good time but they’re going to lose, just because this place makes them feel so bad.’’ He said those who are not trying to get sent to a different facility are, instead, trying desperately to be allowed to stay at any cost knowing if they are not productive, they will be forced to leave. ‘‘You go out and people will fall and get hurt, and they go to sick call, and then two days later they’re back out there, hurt, still doing the same stuff.’’

Shame and dignity mixed

Stories of shame and dignity were sometimes mixed. For example, ‘‘So, up around here, they all know who South Fork is, and they all know we’re inmates. It’s funny because ODF says they appreciate us, and all these ODF workers hate us.’’ He explained the difference of how the AIC crews are treated by non-inmate work crews and how it varies depending on their affiliation. ‘‘When we’re on fires, if there’re ODF workers there, they scowl at us, and don’t like us. ...regular contract crews, they’re cool. They’ll be like, ‘Hey guys, come here’ and they’ll give you cans of tuna and things like that.’’ As this example demonstrates, different people and different circumstances all dictated whether a situation could bring on feelings of shame or dignity, and experiences of exclusion or inclusion. These AICs further elucidate Goodman’s (2012a; 2012b) findings in his exploration of the mixed harm and benefits of firefighting prison labor programs in California. The lack of clearly defined paths of shame or dignity are common among such programs and experiences (Goodman, 2012a; 2012b), thereby making it understandable why the same group of AICs could speak so passionately about shame while also sharing about dignity.

Dignity on the inside

Treatment by COs and ODF crew bosses varied and had a significant impact on how the AICs viewed themselves.

For the most part, the officers are fair here. The crew bosses are all, they treat the inmates like men, like they're civilians, like they're friends. And all of the guys, they like this because when they're out there, they're not in prison. They treat the men with respect.

He believed this treatment was the result of ODF crew bosses seeing the AICs as productive and valuable, worthy of dignity and inclusion. "We're working our asses off, making a difference in the community." Seeing their value, however, did not translate into giving them credit.

But we're silent heroes. Whenever you hear on the news there's ODF fire crews on this fire, those are inmate work crews. You know? We have a hundred men out on these giant fires, but they don't say these are inmate fire crews in the community, you know, trying to make up their wrongs. ODF gets all the credit for it. Which I think is kind of shitty, too.

Although this example is negative in terms of the men not receiving credit for their work, it is positive in regard to how they feel they are being treated and the fact that this AIC feels they *deserve* credit and inclusion. The feeling of deserving credit is inconsistent with feelings of shame and, rather, only present with feelings of self-worth and dignity (Fagan, 2017).

The men also appreciated getting to feel "normal" during their work trips out. In other facilities, they are used to being treated as though they are unworthy of trust. However, while out on the work crews,

They give you a little bit of trust. Just because I'm an inmate doesn't mean that I'm gonna do something that's gonna hurt you or your job or this prison or ...It's okay to give me a little bit of trust to walk over here or walk over there and not always feel like you have to be aware of exactly what I'm doing and why I'm doing and that kind of microscope is what we get a bigger institutions....it's nice to not have that in your life and here you can find that when you go out to work and you're not in here.

The desire for and application of this sort of trust was expressed by multiple participants. Another interviewee shared, "There's a level of trust and understanding there that we're here because we can be trusted, we're here because we've earned that right or the privilege to be out in the community and they can trust us."

This experience of being treated like a human worthy of dignity and trust helped AICs remember that they are more than an inmate. As one interviewee shared, "What I think is good is it's humanizing to be able to go in the community and do work, to be around regular people." This participant is on a crew led by an ODF boss instead of a CO. When describing why that is a benefit, he said, "some of them are better than others and by that I just mean that they are more understanding of our situation. They're a lot more...they treat you more like a real person than an inmate." Being treated fairly and being trusted was appreciated by many. One participant explained, "a lot of the COs here are more laid back and relaxed. I think they kind of understand what it takes to get here and the kind of work that we do." He clarified that this is different than allowing AICs to get away with misconduct, but rather a mutual respect for the rules, "obviously, nobody is gonna condone anybody breaking the rules, small or big, but they're not gonna go out of the way to harass people to try to catch people doing. It creates a more comfortable atmosphere."

In some cases, the ODF crew bosses were recognized as treating the AICs well even when the COs were not. “There’s a few bosses that aren’t so cool, but outside of that there’s bosses that really look out for you, all the stuff doesn’t get to them. ...they’ll look out for their guys, and they’re always really respectful.” He gave a specific example of when his ODF crew boss treated the AICs with respect even though the CO did not. “I’ve had, actually, one of the bosses when my crew was getting our asses chewed by DOC, he came in because our boss wouldn’t speak up for us. He slinked back and...so, yeah.” It meant so much to this participant that the ODF crew boss would stick up for them to a CO that he wanted to switch to that boss’s crew. “I’m actually trying to get off my crew right now and go to [other boss’s] crew right now, because he’s the one that actually, when we were getting our ass chewed, he stepped up. He got in there with us.” This was the ultimate experience for AICs in inclusion and feeling valued as human beings, feeling dignity.

Dignity from the community

By far, it was interactions with members of the community that helped AICs to feel “normal” or “human” instead of as an inmate. “So, being here and being out there and interacting with the community probably helps people to reintegrate, I would say.” AICs found it enjoyable to help others which, for many, was different than their life before prison.

And you’re out in the community. That’s one of the things I like best is, I have people come up to me all the time just thanking us for doing our job. I don’t get that a lot in my life. It resonates with me. It really does.

Another interviewee explained similar feelings of interacting with the community, “It’s nice to go out into the public. We interact with the public. We supply firewood at certain campgrounds, and a customer shows up that wants some firewood. We make sure they get their money’s worth. It’s fun. It makes people smile.”

Another participant shared his enjoyment of being able to work in the community, “It’s good. People come and thank us all the time for our work.” Many of the AICs are experiencing appreciation for their work for the first time in their lives.

While describing the benefits of the work program, one interviewee shared a few examples of positive interactions with community members.

So, the plusses are getting out, a little more freedom. I guess for some guys, it is learning a skill set. To me, it feels good, too. So even though we’re inmate firefighters, it’s cool to be in the community and we’re at rest stops, and we’ll be lining up, and people from the community...like at one time, this lady had her little boy bring this case of Gatorade up to us and tell us all thank you. He said, ‘Thanks guys. You guys want some Gatorade?’ And we’re telling him no, and his mom’s, like, ‘You boys take that Gatorade from him.’ Like, ‘Okay.’ So, things like that, or seeing signs that say thank you firefighters and things like that when we come through and people honking at us, and... Other funny things of course, too... because our windows don’t have bars on them, so sometimes we’ll be in towns, and they don’t even know we’re inmates. So, we’ll be hanging out, and girls will be blowing us kisses and things like that. They think that we’re just a bunch of regular firefighters, and we’re like, ‘Hey, what’s up.’

Dignity from within themselves

Equal in frequency to examples of shame by COs or ODF crew bosses, were examples of dignity within themselves. These were demonstrated through pride in the work they were doing, feeling like they deserved to be treated with respect, and gaining a sense of self-worth.

Dignity from pride in the work. A participant who works on the recreation crew explained, “it’s one of the few jobs there’s actually a reward for it.” Feeling pride in his work was a new experience for this interviewee. “Because we’re doing trails, we’re rebuilding things, we’re fixing yurts. At the end of the day, we can turn around and look and go, ‘Yeah, we did this. We built a bridge.’ So that’s actually relatively enjoyable.” He described the pride he is able to take in his work as “validation.” He continued, “I enjoy it a lot. Not a lot of jobs I’ve ever done in my entire life, where at the end of the day I was happy.... I’m enjoying doing it.”

More dignity gained from pride in the work was found in gratification from being part of this particular work program. “The institution here is, I mean, they’re well known across the state, even in other states. Just the reputation of the work that we do here.... I’m proud of what I do here.” He went on to give the example of folding laundry as his job at another facility and how it was not a job that would help him with reentry or that he would be able to use to get a job once he gets out. “You don’t hand fold laundry [for a job] unless you’re [in prison].”

Work crews also help with automobile accidents or emergencies when they are out traveling to or from sites. After describing one such event where a crew was able to help put out a car fire, and being grateful for the feeling of being able to help someone, one participant stated, “it’s strange how we can just, here we are, and we can do this.” Being useful and helpful were new feelings for him and he enjoyed them. When describing the tasks his crew does in local parks and all they accomplished over the summer, one participant said, “So, it’s all kinds of good stuff actually” with obvious pride in his work.

Even when the work was grueling, several interviewees appreciated it. “I actually like being on that crew because...I’m not just sitting and rotting. At least I’m working and being productive.” They also enjoyed learning from the work experience. “I didn’t know I was good at a lot of different things until I went out under the crew.” Specifically, he shared, “I found out that I’m pretty good at masking and taping. More so than everybody on the crew. I ended up having to tape four buildings. It was fun, I enjoyed it. It was something I never thought I would like.”

Dignity as deserving of respect. Contrary to the interviewees who felt they did not deserve anything because they were “just inmates,” others were able to see themselves as deserving of respect. “Yes, I did wrong, but I’m not going to be treated like a fucking animal for it.” One way an interviewee felt he got the fair treatment he did not receive while working on a forestry crew was to choose a different work assignment that he felt held more dignity for him and allowed him to feel more in control. “Being in the kitchen, I don’t feel like I’m being punked out by ODF and DOC. I can do my own time. I’m doing my sentence the way I want to do it. Giving them as little of me as possible.” His resistance is an example of his belief in his own value as a human being and his self-worth making him deserving of respect and dignity.

Dignity as self-worth. The experience of being at SFFC and participating in the work programs helped some AICs develop a new sense of self-worth and a desire to want to be better for themselves, not only because someone was watching. “Being here definitely, there’s a culture here that helps support that [self-improvement] because so much of it is upon yourself to make

things happen for yourself.” He explained how the accountability for his behavior is intrinsic because there is more trust and freedom given to AICs at SFFC as compared to other facilities. “There’s no camera in there [in the cabin], there’s no officer checking on you, so you’re on your own, it’s up to you to be on your own good behavior....It’s up to you to try to get along with the people you live with.” He recognized this lesson as a necessary life skill that will serve him well beyond prison to promote social inclusion.

That has been a huge benefit for me. Not having an officer look over your shoulder and say, ‘Well, I’m gonna behave myself because he’s watching me.’ No, it’s like, ‘I’m gonna behave myself because I have to live with you.’ There is a benefit of being here, in that sense.

Another participant expressed his feelings in a way he believed would be shocking (he warned the interviewer before providing his answer), “prison did change my life for the better...I’m actually grateful for the experience....it can change people’s lives if they choose to.” Self-worth can also make it tough to accept being incarcerated, “I’m not a bad person. I stay out of trouble. I don’t smoke. I don’t chew. I don’t drink. I don’t do drugs. I don’t get in fights. I’m not a gang member. I want to go the fuck home.”

Discussion and Conclusion

As previously explained, shame and social exclusion create low self-esteem, a sense of helplessness, and are damaging to reentry. Conversely, dignity and inclusion create a sense of purpose and accomplishment, and increases AICs’ belief that they can succeed when they get out. COs and others working with AICs have public safety as a goal, and SFFC has public safety as one key point of their mission. Therefore, they all must consider how their treatment of AICs impacts them upon release. Are they helping “correct” and rehabilitate AICs during their time inside? Are programs building up AICs’ dignity while also teaching them marketable job skills? These are questions that must be examined.

To combat shame and its effects, Ploch (2012) argues for dignity as a cornerstone of rehabilitation in prison. “An aspect of dignity is capacity for self-control, autonomy, rationality, and resisting temptations; prisons should thus provide rehabilitation out of respect for this innate capacity of prisoners and to assist prisoners in exercising their own autonomy” (Ploch, 2012, p. 900). Ploch (2012) suggests that prison programming for rehabilitation should be evaluated based on “its ability to empower prisoners, helping them to be more emotionally mature and become better problem solvers, all of which speaks to this moral capacity and dignity of prisoners” (p. 900).

Considerations

In order to decrease shame and increase dignity during prison terms and to support successful reentry, the sources of both shame and dignity must be addressed. These sources include prison COs and staff, the AICs themselves, and community members. One could argue that without direct and explicit change to social exclusion from community members, only minimal progress can be made toward dignity.

Prison COs and staff. Those working in correctional settings witness a unique side of humanity that can easily leave them jaded and cynical. Supporting COs to help them manage stress, avoid burnout, and protect their capacity for empathy will help them in their interactions with AICs. As previously discussed, positive interpersonal relationships between COs and AICs

improve the job for COs and the prison environment for AICs (Barquin, Cano, & de los Angeles Calvo, 2019; Lariviere & Robinson, 1996; Liebling, 2011; Spencer & Ricciardelli, 2016).

The experiences of shame and shaming begin during incarceration. Those whose jobs lend to them participating in the practices and interactions that tend to promote shame and shaming endure their own set of challenges. COs face significant stress and high rates of burnout (Lambert, Hogan, Cheeseman, & Barton-Bellessa, 2013; Mahfood, Pollock, & Longmire, 2013; Worley, 2016), but the experience of working as a CO is beyond the scope of this article. Interestingly, studies show what makes the job more satisfying and less stressful for COs is often the same as what makes the prison environment more tolerable and less damaging for AICs – respectful interpersonal relationships between COs and AICs (Barquin, Cano, & de los Angeles Calvo, 2019; Lariviere & Robinson, 1996; Liebling, 2011; Spencer & Ricciardelli, 2016).

AICs themselves. AICs need help working from shame to guilt (viewing their crime as bad rather than themselves) and learning how to embrace dignity. Brown (2009) created a 12-session curriculum to teach shame resilience. Although most often used in therapy settings, the *Connections* curriculum is in the process of being empirically tested in correctional settings (Brown, Hernandez, & Villarreal, 2011). But even with working through feelings of shame prior to release, there is still the concern of facing social exclusion upon reentry (Fagan, 2017).

Community members. Arguably, the largest need is changing public perception and reactions toward AICs upon their return to the community. As previously stated, social exclusion and shame increase the likelihood of reoffending and work against the purported mission of punishment and rehabilitation. Unfortunately, as Tonry (2016) argues, changing society's mindset is extremely difficult. He explains how the process of changing attitudes in society is slow and complicated, usually the result of intense social movements (Tonry, 2016).

There are, however, no comparably broad-based, enduring social movements dedicated to improving the lives and treatment of criminal offenders. Many individuals and some law reform organizations have worked over decades to make the criminal justice system fairer and more just and to promote equality and human dignity values, but compared with civil rights, gay rights, women's rights, marijuana legalization, and drunk-driving movements, those efforts have been small-scale, peripatetic, and ad hoc. (p. 490)

The topic of criminal justice reform has reached political campaigns and mainstream media, so it is possible society is ready for a new understanding of formerly incarcerated individuals, even those permanently labeled as felons. One is left to wonder if now is the time for the intense social movement required to make change and lessen the social hostility and exclusion faced by former AICs.

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“We’re out here risking our lives”: Value-of-life Decisions in a Prison Labor Program**Abstract**

Acceptable levels of risk exposure are calculated based on whom is at risk and how individuals in positions of power perceive the value of those at risk. This study examines how value-of-life decisions are experienced in a prison labor program. Data come from interviews with 21 adults in custody (AICs) at a forest work camp. The AICs’ narratives are compared to Oregon’s Occupational Safety and Health Standards (Oregon OSHA) for wildland firefighting that would be required if they were not incarcerated. Because incarcerated individuals are viewed as less valuable by those in power, are not considered employees, and have no legal recourse for safety standards, they are placed in more risky working environments than non-incarcerated workers.

Keywords: value of life, prison labor, inmate labor, inmate firefighters, 13th Amendment

“We’re out here risking our lives”: Value-of-life Decisions in a Prison Labor Program

The U.S. Department of Forestry called in two ‘Hot Shot’ firefighting teams to work a 450 acre [sic] fire in an area of concern. The Hot Shots refused to fight the fire due to it’s [sic] dangerous location. Consequently, the U.S. Forestry Department, which generally does not utilize Oregon Dept. of Forestry crews, contacted South Fork Forest Camp, which promptly dispatched six inmate fire crews to the scene. These six crews tackled the fire and [sic] within one week [sic] brought it under control. This specific incident has caused the agencies to take a new look at South Fork as an initial attack group.

- Oregon Department of Corrections, South Fork Forest Camp website, 2018 (since removed)

This statement appeared on the website for an inmate forest work camp, a facility within the Oregon Department of Corrections (DOC), to promote the firefighting prison labor program. It also highlights the ongoing issue of value-of-life decisions that are made to determine whose lives can be put at risk for dangerous work. Although this work was deemed too “dangerous” for “Hot Shot” firefighters (those who respond to high-priority fires and are assigned to the most challenging parts of a fire), the risk was deemed acceptable for inmate firefighters. Further, the website’s statement attempts to glorify the work of the inmates at the forest work camp and normalize the disparity in risk-assessment by promoting the group as an “initial attack group” that comes to the rescue when fires are deemed too dangerous for professional firefighters.

The prison labor industries in the United States are used to source cheap labor. The types of jobs available to adults in custody (AICs) vary by facility. While every facility has typical jobs such as kitchen, cleaning, and laundry, some also have specialized programs in which they partner with outside organizations. These specialized programs may include forestry and fire fighting, commercial laundry services, call centers, furniture building, sewing uniforms, and more. Wildland firefighting is incorporated in the prison labor industry in twelve different states. The undeniable value and importance of the work is often touted by the media during high fire season, but often ignores the disparities that AICs face in this work as compared to their non-incarcerated peers.

One disparity is that the law does not define AICs as “employees” (*Hale v. Arizona*, 1993; *Vanskike v. Peters*, 1992; *Watson v. Graves*, 1990; *Wendt v. Lynaugh*, 1988; see also Zatz, 2009). This occurs because employees have been socially constructed as individuals who earn wages. Since AICs’ work is framed as rehabilitation and job training, they do not earn wages and, therefore, are not employees (Oreg. Const. art. I, sect. XLI, pt. 1). This distinction creates the foundation for systemic injustice for AICs who are not granted the same worker protections as employees in the non-incarcerated workforce. By denying the incarcerated firefighters the legal protections granted to professional wildland firefighters and *all* employees (e.g., safety guidelines governed by OSHA), all safety decisions within these prison labor programs hinge upon subjective value-of-life judgements made by those in positions of authority. This means that AICs may be, and often are, forced into extraordinarily dangerous situations without any protections. This is especially true, as being denied the status of employee means there is no legal recourse for the AICs who are forced to put their lives and well-being on the line.

Without regulatory oversight, unsafe working conditions are often overlooked and rarely discouraged. This can cause both immediate and long-term physical and psychological harm to AICs as a result of work requirements in the United States and State of Oregon Constitutions

(Oreg. Const. art. I, sect. XLI, pt. 1; U.S. Const. amend. XIII). Such a state of affairs represents a value-of-life sorting and ranking among individuals that reinforces the deep schema that organize inequality. Although focused on racism, Jung's (2015) deep schema of racism can be applied broadly to other forms of inequality. He argues that oppression is based on our beliefs in the existence of categories, the importance of hierarchy, and that individuals below a certain status are not worthy of civic inclusion. By stigmatizing incarcerated individuals and denying them the status of worker, it reinforces the idea that they should not and do not need to be valued. This has been upheld by communities continuing to vote in favor of this arrangement, often without realizing that in the long run, it actually makes the community less safe (Author, forthcoming, 2021; Hernandez and Mendoza, 2011; Scheff, 2003; Tangney et al., 2011; Tangney et al., 2014).

Although scholars have covered prison labor in terms of neo-slavery (Raghunath, 2009); exploitation (Flounders, 2013; Quigley, 2004); rehabilitation (Parenti, 2001); union resistance (Derrick et al., 2004; see also Bair, 2008); and some have focused specifically on firefighting programs in prisons (Feldman, 2019; Goodman, 2012a; 2012b; Rogers, 2009), there is little discussion about how acceptable risk and value-of-life decisions are made. This study attempts to address that gap by exploring how AICs experience the value-of-life decisions being made in this forest work program that often put them at risk. Specifically, in this article we focus on how AICs at this forest work camp in Oregon make sense of their experiences in this prison labor program through the narratives they construct about safety, training, injuries, and equipment. These narratives show these individuals are placed in situations that exceed the safety requirements that protect non-incarcerated individuals who also do this work.

Background

The 13th Amendment to the United States Constitution provides for the prohibition of involuntary servitude unless it is used as punishment for a crime (U.S. Const. amend. XIII). Raghunath (2009) argues that unless hard labor is a mandated portion of one's sentence as directed by the court, it is indeed unconstitutional to require an inmate to work. Interestingly, however, this argument has repeatedly failed in court (*Hale v. Arizona*, 1993; *Vanskike v. Peters*, 1992; *Watson v. Graves*, 1990; *Wendt v. Lynaugh*, 1988; see also Raghunath, 2009). According to the courts, AICs have no constitutional right to refuse to work nor the right to be paid for the work they do while incarcerated (Quigley, 2004). Rather, that decision is left to the states and the prisons themselves. Courts have maintained distance from getting involved in what they view as prison terrain, preferring "judicial deference to prison officials" when it comes to governing prison policy and practices (Raghunath, 2009: 395).

States vary in how they address these issues constitutionally. In Oregon, the state constitution explicitly requires prison labor. Article I Section 41 of the Oregon constitution states (Oreg. Const. art. I, sect. XLI, pt. 1),

Whereas the people of the state of Oregon find and declare that inmates who are confined in corrections institutions should work as hard as the taxpayers who provide for their upkeep; and whereas the people also find and declare that inmates confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic.

The U.S. Supreme Court has further supported the forced labor of inmates by creating the distinction that they are not to be considered employees and, therefore, not to receive the protection of typical, non-incarcerated workers (*Alden v. Maine*, 1999; *Jones v. N.C. Prisoners' Labor Union, Inc.*, 1977; see also Raghunath, 2009; see also Zatz, 2008, 2009). In other words,

in determining prison labor is non-economic, the Supreme Court has distinguished inmates as non-employees. It is in this backdrop that the subjective, hierarchical, value-of-life decisions are normalized, even if subconscious.

Theoretical Framework

There are numerous theories which seek to explain society's acceptance of inequality and explain how individuals justify the maltreatment of others to assuage their guilt when inequality is noticed. Lerner (1980) suggested that people are socialized to believe they live in a world where those who are disenfranchised are in that situation unequivocally by their own doing. They are able to ignore inequality by applying frames of colorblind racism (Bonilla Silva, 2018) broadly to minimize any structural conditions that create social hierarchies. Perhaps the most applied framed is that of "abstract liberalism" which suggests that equal opportunities for social mobility and success are available to everyone. Achievement and rewards are, therefore, not seen as bolstered by structural conditions, but are simply a direct result of individual efforts, such as a dedication to education and perseverance through trying times. Individuals who have a lower status in society are conversely viewed as having that position because they have chosen to be lazy, idle, addicted to drugs, and dependent on social services. This "belief in a just world" (Lerner, 1980) renders inhumane treatment invisible by blaming victims of inequality for bad and immoral life choices.

This world view socially constructs two different kinds of people (Hacking, 1999) – those who have worked hard and are rewarded with success and those who deserve their lower status because of bad decisions they have made. The kinds of people that are socially constructed are often transformed into social identities. Appiah (2005) argued that when we create these groups, we create a narrative about what these groups do and how these groups should be treated. Therefore, we learn that individuals who do not hold much status should be treated with less respect and that their life is of less value than those at the top.

Similarly, the deservingness model (Feather, 1999) examines society's acceptance of negative outcomes for individuals whom they see as having brought it upon themselves. In this model, a person is judged by others according to their perceived moral character and worthiness in direct relation to the evaluator. If the one doing the judging feels their subject is not in their same strata in terms of their actions, scruples, and responsibility, then the one whom they are judging is considered an outcast to them who is deserving of negative outcomes. The evaluator places a stigma (Goffman, 1963) upon the other person and, therefore, deems them less worthy of positive evaluations.

Subscribing to the belief in a just world or a hierarchy of deservingness ignores the multiple systems of oppression and the disparities in opportunities associated with each that affects one's life choices. These orientations to life do not allow room to account for the decisions made by those in positions of power that have detrimental impacts on someone's circumstances and life experiences. They also fail to account for biases, anger, and revenge that factor into decisions about how much one life is valued over another and how much a particular life is worth, thus affecting one's experiences. Further, neither of these theories address how decisions are made on the amount of risk exposure that can be allowed for certain groups of people, as decided for them by those in positions of authority.

In order to understand decisions regarding level of risk deemed acceptable, the meaning making process that informs these choices must be considered. Those in decision-making positions are creating meaning around the level of acceptable risk and for whom that risk is

acceptable. They create a value-of-life hierarchy that informs their decisions and may be based on their own social status and biases. The nature of these value-of-life decisions is different from a supervisor directing an employee or a professor directing a student because the decisions in question involve the level of risk that is deemed acceptable based on how much it would matter if the person doing the work or activity were to be harmed in any way. The subjective nature of these decisions involves a comparison to oneself in terms of someone else's perceived value. Thus, different decision makers may make different choices about the amount of risk into which they are willing to place another person. Value is relative in these decisions in that people are placed into a subjective hierarchy, with those at the bottom being the ones who are placed into the most risk (see Figure 1). In this prison labor program, AICs are at the bottom of the hierarchy with the lowest value-of-life, thus putting them in situations of heightened risk is both acceptable and justifiable.

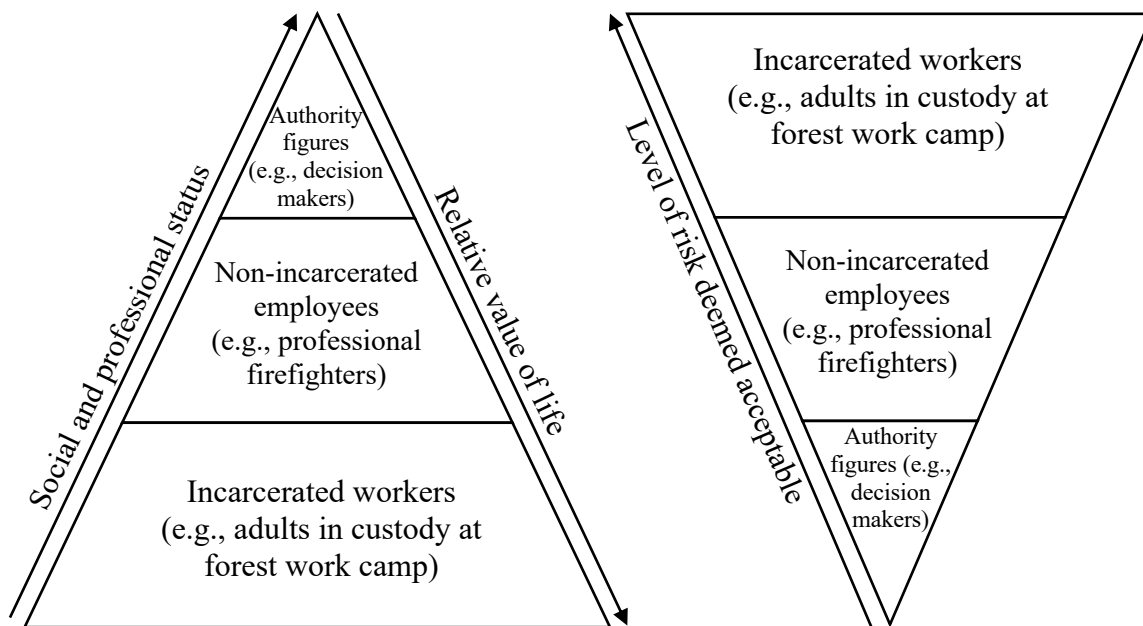


Figure 1. Value-of-life hierarchy for level of risk deemed acceptable according to relative social and professional status.

Value-of-life decisions are evident when acceptable levels of risk exposure change based on whom is at risk. When others in positions of power decide what is acceptable in terms of risk for someone lower on the social and professional hierarchy, they are deciding the value-of-life of those placed in said risk. Their judgements are subjective, filled with inevitable biases, and even possible ulterior motives. In other words, decision-makers are subconsciously or consciously creating an ad hoc stratified model of society in which they place those whom they feel most comfortable exposing to the highest levels of risk at the bottom level of their hierarchy. Based on this explanation and building upon previous theories, the notion of value-of-life is used to explain the findings in this study.

Methodology

The South Fork Forest Camp in Oregon houses AICs who maintain parks, help with reforestation, and conduct wildland firefighting during fire season. The forest work camp contracts with both the Oregon Department of Forestry (DOF) as well as specific jobs through the Oregon Department of Corrections (DOC) for these various duties.

Semi-structured interviews were conducted with 21 AICs at this minimum-security prison and forest work camp. This sample represents 10% of the total population at this particular facility. The forest work camp houses approximately 200 men, all over the age of 18, who are within four years of their release. To be placed at the forest work camp, AICs cannot have any previous escape attempts, arson convictions, or sexual offense convictions on their records (ORS § 421.455, 2020). Placement at the facility is considered a reward earned by AICs, and transfer to the facility must first be approved by the facility superintendent for each AIC (ORS § 421.465, 2020). Mark described the facility as, “the prettiest cage there is.” Nathan explained, “I wanted to come here. ...It’s better than being in a cell, sitting there and rotting away. ...I wanted to come here as soon as I was eligible.”

AICs who participate in forestry and fire fighting work crews contracted with ODF and DOC were invited to participate in interviews with the principal investigator (PI) and/or research assistant regarding their experience in the prison labor program, how they believed it would affect their reentry, and their thoughts on the pay structure (see Table 1 for interview questions). These questions were representative of the original focus of the study – prison labor pay and impact on reentry. As such, the issues of safety that arose during the interviews were not the result of direct questioning, but rather emerged organically during the conversations.

Table 1. *Interview Questions for Adults in Custody*

-
1. Do you work on the forestry crew or have a different position within the facility?
 2. How long have you worked in this position?
 3. Please describe your job duties.
 4. How would you describe your experience working in this position?
 5. How much do you get paid? What do you think of the rate of pay for AICs?
 6. What do you use the money for that you earn?
 7. When do you expect to be released?
 8. How will the work program impact your reentry when you are released?
 9. What is something you would like to see continued in the work program?
 10. What is something you would like to see changed in the work program?
 11. Is there anything else you would like to tell me?
-

Each interview lasted 45 minutes to one hour and was in a secure setting that promised anonymity to the greatest extent possible. Since AICs had to sign up and be called to the office for interviews, confidentiality was limited to what was said, not who chose to participate, although all names used in this report are pseudonyms. The interviews were guided by open-ended questions (see again Table 1) and flowed conversationally using the semi-structured format. Audio recordings of the interviews were then transcribed and initially coded for themes according to interview question topics by both the PI and research assistant separately. Following this round of coding, the PI and research assistant compared their findings and discovered multiple emergent themes that were in addition to the topics covered in the interview questions. These included issues of shame and dignity (Author, forthcoming, 2021) as well as the various safety concerns shared in this article. As a result, the PI and research assistant created a more robust list of salient themes and each re-coded all the interviews using the updated codebook. Next, the new coding was compared for every interview and any disagreements between the two coders were evaluated and discussed until agreement was reached. Through these techniques, threats to validity were reduced by using independent coding and verbatim data analysis to support credibility and authenticity; articulation of decisions and debriefing processes to further bolster integrity and criticality; adequate sampling, theme development, and giving voice for thoroughness and sensitivity; and providing context and acknowledging bias to provide congruence and explicitness (Oertle, Bobroff, & Sax, forthcoming; Patton, 2015; Whittemore, Chase, & Mandle, 2001).

As previously stated, the issues of safety and the emergent value-of-life decisions became apparent through coding of the various interviews and in the analysis of the findings, although these topics were not directly addressed in the questions. As a result, grounded theory was used to further analyze the data around these themes (Author, forthcoming, 2021; Glaser and Strauss, 1967).

After issues of safety, inadequate or broken equipment, and risk exposure became consistently evident in the coding, the PI chose to compare the AICs' narratives to Oregon's Occupational Safety and Health Standards (Oregon OSHA - OAR) and Oregon's Revised Statutes (ORS) for wildland firefighting to determine how the experiences could be different for non-incarcerated employees. Related OAR and ORS requirements were compared to specific examples raised by the AICs in the interviews as shown in Table 2. This comparison was not part of the original plan in this study and was done reflectively based on the findings in the interviews. Further, this comparison makes no assumptions or judgements about the accuracy of the information reported, but rather aligns the shared narratives with the correlating standards for discussion. It cannot be assumed that every story or claim in these interviews is accurate, however, the narratives in this study are consistent with and confirm findings in other qualitative studies and reports about such topics (Hagar, 2015; Jarvis, 2013; Lowe, 2017; Lurie, 2015; Weill, 2020). For this reason, the narratives shared in this study are assumed to be predominantly credible.

Findings

Table 2 provides a summary of the comparison between AICs' narratives and related Oregon standards in the areas of footwear and foot protection; equipment; chainsaws; fall protection; personnel assignment; sick time; compensable injuries; and death. This analysis of participants' reports highlights various examples of how such experiences could be different if

the workers were not inmates and were considered employees, thus having legal recourse and a higher value-of-life as determined by DOC and ODF.

Table 2. *OAR and ORS Truncated Requirements with Related Quotes from AIC Interviews*

Footwear and Foot Protection

OAR § 437-007-0330 (3)

Foot Protection: Personnel whose duties require them to walk on trees, logs or boomsticks, must wear sharp caulked boots, or the equivalent.

“A lot of gear is pretty decent. It would be nice to get caulked boots, which are boots with like little spikes on the end of them, because when it gets wet the sticks are really slick. But they won’t provide them for us, and they won’t let us try to buy them either. That’s kind of an important safety gear that we’re not allowed to have. For some reason, they don’t want us to have metal spikes on our boots, but they let us have chainsaws.” (Shadow)

OAR § 437-007-0330(1)

All personnel must wear foot protection, such as heavy-duty boots, that:

- a) *Are waterproof or water-repellant where wet conditions exist*
- b) *Cover and support the ankle*

“But you know, if something happens to ‘em (the boots), they kinda give you a hard time. Like I had a hole in my winter boots. Fire season was coming up and I was like, ‘Hey.’ I’d already went to two fires with a hole that I could stick my finger in the side of a pair of boots, and they gave me a hard time about it, but they replaced ‘em. I mean it took two months, a couple kites, a couple fires, and my crew boss complaining.” (Stanley)

Equipment

OAR § 437-007-1330(2)

Firefighting equipment, vehicles, and machines that are defective to operate or damaged so as to render them hazardous to operate, must be removed from service and not returned to service until repairs are completed.

“If like the overhead and our boss’ bosses would actually listen to what we have to say. You go up to them and say, ‘Hey, our tools are falling apart. We need new tools.’ Right now, they’d be like, ‘Okay, well deal with it. If it’s broken, try to fix it. We won’t replace it until you can’t use it at all.’ That’s kind of a safety hazard.” (Shadow)

“Our packs are fucking ‘80s models. They’re trash. They’re uncomfortable. They rub the shit out of your neck, bad on your lower back.” (Tyrell)

Chainsaws

OAR § 437-007-0405

Chain saws must be inspected before use.

(7) Chain saws must have an operable chain brake, if originally designed and equipped with a chain brake.

(8) Chain brakes and other manufacturer’s safety features must be operational at all times.

“For like a week and a half I had a chainsaw that the chain brake didn’t work. That’s a little plastic thing on the front that will drop down and it stops the chain from running, so if it kicks back at you, it won’t chop into your face. My chain brake wouldn’t work. For like a week and a half I was telling my boss’ boss, ‘Hey, my chainsaw doesn’t stop.’ They’re like, ‘Well, just keep using it. Well, figure it out’.” (Shadow)

Fall protection

OAR § 437-002-2027 (6)(e)(K)1910.28(b) Protection from fall hazards.

(1) Unprotected sides and edges.

(i) Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following:

- a) Guardrail systems;*
- b) Safety net systems; or*
- c) Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems.*

“...it’s tough. Some of it is kind of dangerous. This last unit I was on, saw release, it was like a, (pause), You ever seen the movie Cliffhanger? It’s like that with a chainsaw.” (Shadow)

“I fell off a 30-foot cliff, caught myself, slid the rest of the way down the mountain, and then finished my job. And I was running saw. So, I had a chainsaw in my hand the whole time all this happened.” (Charles)

“We literally risk our life and limb to go out there for pennies. I seen a guy get his leg [motions cutting]. He got hurt bad. It was bad. I seen a guy fall off a cliff. There was a guy in cabin thirteen fell down a cliff. We’re walking on the edge of cliffs and stuff like that.”

(Nathan)

Personnel assignment

OAR § 437-007-1310 (1)(a)

The employer and/or their authorized representative must take into account the physical capability of each employee to safely perform assigned tasks: prior to job assignment.

“Some guys, they physically can’t do it. A guy had a heart attack. Guys go out on the fire, and they’re like, this is not for me, and they come back. That or contraband (as a way to get kicked out of the work program and facility) and then people go to the hole and then you don’t come back.” (Mark)

“The contracts that we get are the ones that the contractors don’t want to do because they’re either too dangerous, too steep, just a pain in the ass to do, they just don’t like them. So, we get put with the bad work. They’re just like, ‘Well, I don’t care. Just get it done.’ Okay.”

(Shadow)

“Well, we’ve had a slew of guys just leave this place, because when you get here, all of the counselors, they kind of trick you in other places. They tell you, ‘Oh, you can come here and if you don’t like it, easy to get transferred out.’ You come here and they’re like, ‘No, once you’re here, you’re stuck. We don’t let you leave.’ So, you get slews of guys that are just like, ‘Okay, well then I’m just going to keep messing up until you kick me out. It’s not right, because now these guys are putting their programs in jeopardy. They might have good time, but they’re going to lose it, just because this place makes them feel so bad.’ (Shadow)

Sick time

ORS § 653.616

An employee may use sick time earned under ORS § 653.606(1):

For an employee’s mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care.

“You go out and people will fall and get hurt, and they go to sick call, and then two days later they’re back out there, hurt, still doing the same stuff.” (Shadow)

“You’re locked into your area for 24 hours on the lay (sick time approved by the nurse). Then you don’t get paid for it on top of that. There’s no sick pay or nothing like that.” (Richard)

“I personally don’t get poison oak, but when we were on fires this year, one of the guys on my crew was fucked up. He was swollen from head to toe. It was on his genitals. It was everywhere. It was bad. It’s bad enough to where I’m rubbing cream on this guy because he can’t reach behind his shoulder blades and stuff, just trying to help him out. He went, and they gave him a choice of eating dinner, or going to the hospital, and that was DOC that did that. Like, ‘Well, they’re about to serve dinner, so do you want to eat dinner or go to the hospital?’” (Charles)

Compensable injuries

ORS § 656.017(1) Every employer subject to this chapter shall maintain assurance with the Director of the Department of Consumer and Business Services that subject workers of the employer and their beneficiaries will receive compensation for compensable injuries as provided by this chapter and that the employer will perform all duties and pay other obligations required under this chapter.

ORS § 656.005(7)(a) A “compensable injury” is an accidental injury ... arising out of and in the course of employment requiring medical services or resulting in disability or death”

“There’s no workers compensation. They make you sign this release when [you] get here saying that you can’t sue for something that happens to you out on a rig. If you don’t sign it then you don’t get to be here.” (Richard)

“He was able to see the nurse on Friday and they gave him some burn cream. He went the whole week and then he was actually able to see the doctor yesterday. It took about a week to actually see a doctor about his burn that he couldn’t feel because it was so bad.” (Shadow)

“You get shipped out of here, I’ll tell you that much. If it’s serious enough, you get shipped out of here. ... I’ve seen a couple guys get hurt. I’ve seen one guy, blew out his ACL, shipped him out of here. Other guy got hit in the shin with a chainsaw, shipped his ass out of here... now because you’re unable to perform the work that’s required of you here, they ship you out to a whole ‘nother prison.” (Tyrell)

Death benefits

ORS § 656.204 Death

If death results from an accidental injury, payments must be made as follows:

(1)(a) The cost of final disposition of the body and funeral expenses, including but not limited to transportation of the body, must be paid, not to exceed 20 times the average weekly wage in any case.

(2)(a) If a worker is survived by a spouse, monthly benefits must be paid in an amount equal to 4.35 times 66-2/3 percent of the average weekly wage to the surviving spouse until remarriage. The payment shall cease at the end of the month in which the remarriage occurs.

(3)(a) If a worker leaves a child under 19 years of age, a monthly benefit equal to 4.35 times 25 percent of the average weekly wage must be paid to each such child until the child becomes 19 years of age.

“We’re out here risking our lives.” (Mark)

“Coming here and working an even more dangerous job (compared to his job pre-incarceration), I was just surprised that nothing’s (survivor benefits) available to somebody, to you or to your family.” (Richard)

Note: All names are pseudonyms. OAR and ORS standards in table are truncated. Full versions can be found at Oregon Occupational Safety and Health Standards (Oregon OSHA), Oregon Administrative Rules (OAR) Chapter 437, Division 7 Forest Activities §§ 437-007-0001 to 437-007-1535 (2014) at https://oregon.public.law/rules/oar_chapter_437_division_7 and Oregon Revised Statutes (ORS) Vol. 16 §§ 51.651-51.663 (2020) at <https://www.oregonlaws.org/ors/volume/16>

Weill (2020) argues for the treatment of inmates in prison labor programs to be the same as prisoners are considered in research ethics – as a vulnerable population in need of protection. She writes, “If corrections professionals are tasked with the care and safekeeping of prisoners, risks to prisoners should be a concern ... [and, therefore,] As a vulnerable population under complete control of the state, decisions about prisoners’ work should be made carefully and methodically” (Weill, 2020: 113). As demonstrated in Table 2, participants in this study believed that safety precautions were not being taken seriously (e.g., Shadow, Stanley) and because they have no power to control the work they do, were often forced into unsafe environments (e.g., Charles, Nathan). If these individual’s lives were viewed as valuable, it is arguable that the safety precautions to adhere to safety regulations would be followed. However, because incarcerated individuals are often blamed for causing their incarceration, they are less valued and viewed as deserving of a lack of autonomy, protection, and sense of worth (Author & Author, 2020).

When asked about the quality of the equipment with which they were provided by ODF or DOC, many AICs shared contentment about the leg and head protection, packs, and tools. The one concern repeatedly raised regarded their boots. Stanley stated, “We don’t have real fire boots, but they’re heatproof.” Participants learned about caulked boots because they saw them on the professional firefighters alongside whom they are working at times. In addition to not being seen as worthy of proper firefighting equipment, AICs are also stigmatized as being untrustworthy and dangerous. This is clear in the fact that AICs are prohibited from using the limited funds they have to independently purchase the caulked boots that would provide significantly more stable footing on wet and slippery hillsides. DOC prohibits the ownership of these boots on the premise that the spiked boots can be used as a weapon. This policy stands despite the fact that these same individuals are often equipped with a chainsaw or axe.

The AICs further report that the boots they are given are not always maintained as required by Oregon OSHA, sharing a story of having to wait two months, send two requests to administration, work two fires with damaged boots, and wait for the ODF crew boss to complain to those in higher positions of authority before the AIC could get new boots. Interestingly, this AIC discussed this process of obtaining new boots within the context of praising the camp. He did not see this process as a problem because he did not believe he deserved the appropriate boots for the firefighting work he was doing. Stanley had internalized the more general belief that he was not worthy of protection. In articulating this, he downplays the value of his own life by suggesting he is not worthy of proper protection. Many AICs understood why they did not have the same quality of boots or other equipment suggesting they may have internalized the general stigma of incarcerated individuals as untrustworthy and dangerous.

AICs also shared frustrations about being forced to regularly use faulty and unsafe equipment. They commonly use chainsaws in their work; however, they report the working order of these chainsaws is not always up to code. Shadow shared one example,

For like a week and a half I had a chainsaw that the chain brake didn't work. That's a little plastic thing on the front that will drop down and it stops the chain from running, so if it kicks back at you, it won't chop into your face. My chain brake wouldn't work. For like a week and a half I was telling my boss' boss, "Hey, my chainsaw doesn't stop." They're like, "Well, just keep using it."

In general, the participants demonstrated a sense of frustration over what they perceived to be a lack of concern for their safety from their supervisors. Nathan stated, "We work with chainsaws all the time and we're falling trees. And it's just, it's dangerous. We're working on cliffs, especially out in the fires." The AICs regularly work without fall protection on slick, mountainous terrain during the off season and hazardous, burning terrain during fire season. Several AICs shared their fears over these unsafe conditions. Nathan, Shadow, and Charles shared stories of themselves or others who have fallen and been injured. For example, Charles shared, "I fell off a 30-foot cliff, caught myself, slid the rest of the way down the mountain, and then finished my job. And I was running saw. So, I had a chainsaw in my hand the whole time all this happened."

One AIC summarized his frustrations regarding the working conditions and safety hazards reportedly common to this forest work camp.

To go out and slave away in the winter, year-round, planting trees, digging holes, getting muddy, getting chainsaw wounds. Yeah, concussions going, hospitalized. I mean, I know that's not typical every day activity being hospitalized, but it's dangerous, for one thing. It's extremely difficult and uncomfortable, not to mention most of the time you're being treated like shit. You are a constitutionally provided slave. It's fine. It's allowed. It's in the constitution. I'm not going to argue that. Prisoners can be made to work.

With this tacit acceptance of his circumstances, this AIC also accepted the unavoidable nature of the value-of-life decisions placed on the AICs at the forest work camp.

The dangers of the job were especially concerning to the participants because they knew getting injured on the job would affect them personally while having little to no effect on DOC or ODF. Richard stated, "For us, we all take safety seriously because it's our own lives on the line. If we get hurt, DOC not gonna really do anything for us." Since safety precautions were not being taken by the participants' supervisors, AICs needed to protect their own safety. Mark explained, "The dangers involved, sometimes it gets a little hairy, but we are there for each other, the guys, you know." Taking these individualized safety precautions was vital because the AICs knew there would be no worker's compensation for injuries and that long-lasting injuries would affect their life beyond their prison sentence. Richard confirmed,

That's why we're so conscious about our own safety and the safety of others 'cause if you lose a limb or a finger, you're permanently hurt, like if you fall and break a hip or something like that. It's gonna have long-term effects on you when you leave this place and your ability to have a happy life. We all look out for each other in that sense.

AICs in prison labor programs are also not afforded sick time, which influences the way they engage with the work. Because of the AICs' vulnerability in this prison labor program, participants argued that being sick can come with additional penalties. For example, being sick could lead you to being "locked into your area for 24 hours" or having to choose between eating dinner or being seen by medical staff. Furthermore, access to medical care is limited. Jaime warned, "Doctors come every Thursday, so you get hurt, hope it's on Wednesday." Therefore, participants had to strategically navigate illness and health to survive in a system that incentivized them to work even when one's health was not at its fullest.

The need to work is perhaps amplified by the poor pay structure that AICs receive. Mark stated, “We risk our lives. We risk our limbs and we’re not getting paid crap.” AICs are paid in reward points that equal approximately \$3.00 - \$4.00 per day, which does not adequately compensate for these extreme conditions and likelihood of injury or death that they face (Oregon Department of Corrections, 2018). Furthermore, all participants recognized that their families (spouses and children, specifically) would receive no support if they were to be killed “out on the grid.” This is perhaps one of the greatest disparities between the AICs and non-incarcerated fire fighters. This was especially a shock to those who had employment protections prior to incarceration and was a clear reminder that their life was not being valued after being labelled a prisoner. Richard described,

It’s just, I don’t know, discouraging for a lot of guys. We do all this, we put our lives on the line ‘cause we’re out there fighting fire just like any other firefighter out there doing wildland firefighting. We’re dropping hazard trees. Trees are on fire, we’re cutting ‘em down. We’re working right next to heavy equipment, we’re breathing in all that smoke and dust, and we’re out there 16 hours a day.

One might argue the AICs knew what they were signing up for when they agreed to join the forest work camp. However, many participants shared stories of how they were misled by counselors at previous facilities about the work program at the forest work camp. Some have been surprised by the physical demands of the work. Mark said, “Some guys, they physically can’t do it. A guy had a heart attack. One guy bucked his own leg with a chainsaw. ...Guys go out on the fire, and they’re like, this is not for me.” Other AICs were disappointed by how different the type of work was in reality compared to what they had been told by counselors. Charles shared, “to get you here, they lie to you. My counselor at my last institution told me, ‘You’re going to go there, you’re going to save a bunch of money, and they double your points, and you’re going to get all this cool fire experience, and they feed you really good.’ Yeah, those were all lies.” What is particularly troubling about these reports is that participants also reported they are not allowed to transfer out of the work program because they are dissatisfied or find that the program is different than what they expected. Charles further explained his reaction upon arriving and realizing the work program was not as expected or promised, “when you get here and you’re like, ‘Hey, this isn’t what I was promised, I want to leave here.’ They’re like, ‘You’re ours now, you’re not going anywhere else.’”

Therefore, like they need to engage in personal safety precautions, AICs need to find ways to strategically be moved to a new facility. Mark explained “you don’t just leave here because you can’t make it. You have to have a medical reason, or you have to have a security reason.” AICs, therefore, would find ways to get staff to transfer them out as retribution, incur an injury that keeps them from performing, or intentionally get caught breaking a rule to be transferred. Richard gave the example of sustaining an injury that makes an AIC less valuable to the work program, “now because you’re unable to perform the work that’s required of you here, they ship you out to a whole ‘nother prison.” Tyrell explained the AIC’s beliefs about filing grievances about the staff or facility, “You grievance somebody, you’re shipped out of here. Everybody that’s grievanced somebody, you’re shipped out.” Stanley confirmed, “if I wanted to get shipped out of here, I wanted to really get messed with, I would file an internal grievance.” Shadow went on to explain,

Well, we’ve had a slew of guys just leave this place, because when you get here, all of the counselors, they kind of trick you in other places. They tell you, ‘Oh, you can come here and if you don’t like it, easy to get transferred out.’ You come here and they’re like,

‘No, once you’re here, you’re stuck. We don’t let you leave.’ So, you get slews of guys that are just like, ‘Okay, well then I’m just going to keep messing up until you kick me out. It’s not right, because now these guys are putting their programs in jeopardy. They might have good time, but they’re going to lose it, just because this place makes them feel so bad.

These strategies have negative impacts on the AICs’ well-being and future opportunities, but at times were deemed appropriate as the only way to leave the forest work camp.

Conclusion

When considering the treatment of prisoners in this country, we need to remember Nelson Mandela’s statement that, “A nation should not be judged by how it treats its highest citizens, but its lowest ones.” The way we treat prisoners provides valuable insights into how our social systems are structured to oppress those whom we no longer view as valuable to society. In the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), meaningful work for those incarcerated is recommended as long as it is within the bounds of fair treatment of these individuals. Specifically, Rule 101 part 1 of the Nelson Mandela Rules states, “The precautions laid down to protect the safety and health of free workers shall be equally observed in prisons.” Part 2 adds, “Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms no less favourable than those extended by law to free workers.” (General Assembly Resolution 70/175). The narratives from the AICs in this study suggest that their experiences do not align with these guidelines. As shown in Table 2, the experiences of the participants were often well below the established rules and guidelines for worker safety. In doing this, it becomes clear that prisoners are not valued at the same level as non-incarcerated individuals, leading the participants in this study to have less work benefits and to be placed in more extreme and dangerous situations than their non-incarcerated counterparts.

The narratives of the participants in this study often showed they had internalized the dominant belief that they were of less value than their non-incarcerated counterparts. This was particularly clear when participants discussed not deserving upgraded equipment, such as George who stated, “I think that because I’m a prisoner it’s not my place to say what I deserve.” Believing that one is of less value is damaging to an individual’s physical safety, as well as their emotional and psychological well-being. As shown in other research, this also likely causes lasting damage that can harm their chances of successfully reentering society after incarceration (Author, forthcoming, 2021).

Lubow (2012) proposed the juvenile justice system be evaluated by the “my child” test, arguing no one would accept the way children in the system are treated were it happening to their own child. Lubow’s perspective supports the value-of-life theory proposed in this article such that those making these decisions of acceptable risk should use a “my child” or “myself” test. Would they still find the risk acceptable if they themselves or someone they loved were the ones in that situation? When the lens shifts to viewing the AICs in this program as valuable, equal to their non-incarcerated counterparts, the decisions made about the acceptable levels of risk, maltreatment, and general harm change. When this is done, it is arguable that AICs would receive the same benefits and protections of the professional firefighters they often serve alongside.

Value-of-life decisions are not limited to this facility or even this type of prison labor program (Concord, 2011; Cusac, 2009; Dayaneni and Shuman, 2007; Flounders, 2013). This was

evidenced by the toxic work AICs were forced to perform at Marianna Federal Prison Camp in Florida without proper protective equipment (Cusac, 2009). AICs were working in a computer recycling program where they were exposed to harmful levels of lead and cadmium, causing numerous health problems, including death, from inhaling the hazardous materials. Staff at the facility joined AICs in suing the Bureau of Prisons over the egregious violations of national OSHA standards (Cusac, 2009). Unicor, the prison labor program for federal prisons, conducts the same computer recycling business at six federal prisons in the United States. The protection standards are the same at each of the facilities (Cusac, 2009).

Value-of-life decisions are also not limited to criminal justice or juvenile justice systems. For example, these judgments are seen in educational settings when school districts decide which students can or should be placed in unsafe buildings. For example, Corvallis School District in Oregon removed an elementary school from one campus in 2002 because of unsafe conditions deemed unacceptable for the typical students, and then promptly populated that same dangerous campus with an alternative high school for at-risk youth. Despite reports of the poor condition of the exterior and interior of the building, lack of ADA compliance, problems with security, asbestos in the vinyl flooring and roofing materials, no fire sprinklers, insufficient seismic resistance, and piping and fixtures in poor condition, the district placed 80 high school students in this facility (Corvallis School District, 2008). The district appears to be unconcerned about students in the alternative school being exposed to these dangers. However, the students deemed too valuable for such risk exposure were swiftly moved to newer, safer ground.

These are only a few examples of value-of-life decisions that happen on a regular basis in the United States. Too often choices are made out of fear or anger, a desire for revenge and retribution, general disgust and the idea that someone deserves poor treatment. Whether conscious or not, value-of-life decisions are causing lasting harm for both the individuals involved and for the community. Mistreatment, degradation, abuse, and other negative experiences while one is incarcerated increase the likelihood of not only reoffending post release, but a heightened frequency and rise in violence of crimes committed (Author, forthcoming, 2021; Hernandez and Mendoza, 2011; Scheff, 2003; Tangney et al., 2011; Tangney et al., 2014). For this reason, the notion of value-of-life should be expanded to other areas of study. It is only when biases and unjust treatment such as this are brought into the light that change is possible.

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