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Identifying a Gap in Prison Literacies: The Needs of Formerly Incarcerated Sexual Offenders

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Abstract

Community literacy and writing scholarship have been central to advancing disciplinary commitments to prison literacy and teaching within prison systems. Yet, within this field, little scholarship has applied prison literacy work to issues encountered by those who are formerly incarcerated. This article responds to that gap and outlines new exigencies for prison literacy scholarship to tend to the complex literacies required of those *formerly* incarcerated. Specifically, we focus on the challenges of formerly incarcerated sexual offenders who served time in prison yet remain in 'perpetual punishment' as they are mandated to navigate life outside of prison yet remain surveilled by the national sexual offender registry. We contend there are new literacies required to navigate life as one ages while formerly incarcerated, and that these literacy needs are particularly amplified if one ages while still required to be listed on the registry. This study summarizes a community-engaged graduate seminar project that introduced us to the complex literacies needed to navigate the eldercare system after incarceration while registered as a sexual offender. Our work leads us to call for community-engaged scholars to consider the literacy needs of oft-ignored prison populations: those in need of eldercare and those on the sexual offender registry. We conclude with a call for prison literacy scholars to consider how the lack of access to critical digital literacies continue to perpetuate inequities and injustices even after inmates leave incarceration.

Keywords: prison literacy, incarceration, eldercare, the registry, sexual offenders, reflection

Introduction

In the spring of 2021, David, Casey, and Kayla enrolled in Maria's "Community Literacies & Writing" graduate seminar course at the University of Wisconsin-Milwaukee. For the three of us, the topic of community literacy and community writing was rather new. Each of us had varying degrees of experience not only collaborating with communities for teaching and/or research, but we also had not been exposed to many of the theories and concepts central to the field of community literacy and writing. For Maria, this was a new course as well. While she had not yet

taught a course focused explicitly on this area of study, she had a range of experience collaborating with community partners for a variety of academic-related projects. The lessons she had learned through her collaborations (Novotny and Gagnon; Novotny et al.), served as a foundation to design the seminar as an 'experiential learning' course where the class would work collectively on a literacy-based project related to incarceration.

At our first class, Maria expounded upon her decision to ground our seminar in experiential learning by sharing how she had developed a community-based partnership with a Milwaukee-based organization referred to as "The Community." The Community was founded by a formerly incarcerated person, "Robin", who was working to create educational programming across the state to "correct the narrative" around persons who were formally incarcerated. Maria had previously collaborated with Robin and The Community in the fall of 2021 with a technical editing course. As that course and collaboration ended, Maria shared Robin had approached her with a new and more "complex" project that could benefit from student engagement. She shared that the project focused on the lives of those formerly incarcerated, specifically those on the sex offender registry. Further complicating the project, Maria shared that these sexual offenders no longer in prison faced a new hurdle: accessing eldercare and the ability to research and find assisted and/or nursing care facilities that would accept them while still being listed on the registry. This task – researching and identifying the various literacies required for aging sexual offenders to find acceptable eldercare – would be our experiential learning project, Maria announced.

The remaining time during that class was spent reflecting on and openly discussing this project and the unique and rather uncomfortable challenges it presented. First, many students had little experience with the field of community literacy and writing, particularly prison literacies. Second, and perhaps most unsettling, was the fact that the project required collaborating with formerly incarcerated sexual offenders and situating their needs as a subject warranting social justice action. Collectively, these two parameters posed a unique set of challenges for the class and Maria to overcome. As such, in the following weeks, Maria structured the course to tap into these uncertainties. We researched and familiarized ourselves with issues connected to life upon release from incarceration, registering as a sexual offender once released from prison, and the challenges posed in accessing eldercare outside of prison.

Our class's research led us to an alarming reality: the prison population in the US has been aging for several decades, placing immense pressure on health and eldercare systems in and outside of prisons (Carson and Sabol; McKillop and Boucher). As prisoners and formerly incarcerated individuals age, complex legal and healthcare systems make finding sustainable care incredibly difficult for these populations. Elder or end-of-life care can be hard to secure, as eldercare living facilities often have stipulations against formerly incarcerated people, even those who have completed their parole. Although public health, mental health, and law scholars have tackled these issues, relatively little work in prison literacies has considered how an aging prison population affects how we approach and engage in our work. This essay takes up that gap and puts forward the claim that community-engaged and prison literacy scholars

can provide a vital new perspective to the intersections of eldercare and the prison industrial complex. Specifically, we reflect on the web of literacies needed for aging registrants to secure eldercare. In detailing the unique literacy needs of formerly incarcerated persons, we see an ample need for community writing and literacy scholars to develop community-engaged literacy projects which may help prisoners build literacy skills and use literacy tools to find care when *outside* prison walls. By tracing the various and emerging literacy needs of those living "in the shadows" of incarceration, we hope this piece inspires other community-engaged scholars invested in criminal justice reform and advocating for prisoner rights.

Surveying the Field of 'Prison Literacies'

Engagement with issues connected to criminal justice reform, critical prison studies, and prison literacy has grown over the past decade in community literacy and writing scholarship (Barrett; Bower; Castro and Brawn; Curry and Jacobi; Erby; Hutchinson; Lockard and Rankins-Robertson; Middleton; Rogers). Prison literacy scholarship has contributed to shifting academic discussions about where and for whom literacy matters — beyond classroom walls and into the confines of prison. For instance, Tobi Jacobi's (2016) work advocates for a radical transformation of "the ways we think about and relate to the millions of people locked up in the United States" (71). Documenting the use of curation to encourage storytelling and exploration, Jacobi's work offers an innovative intervention into not just accessing stories of injustice but understanding and developing connections to issues pertinent to criminal justice reform. Similarly, Patrick Berry's (2017) research urges community literacy scholars to revise previously held notions about where and for whom literacy matters. His ethnographic account of incarcerated students' uses and understanding of literacy's power in and out of prison "challenges polarizing rhetoric often used to define what literacy can and cannot deliver" but also puts forward "more nuanced and ethical ways of understanding literacy" (3) for incarcerated persons. Collectively, Jacobi and Berry's work has facilitated connections between the prison system and writing, rhetoric, and literacy studies.

Community literacy scholarship, like that of Jacobi and Berry, offers evidence that higher education can and should contribute to issues of prison reform by advancing opportunities for educational access within prisons and has led to other scholars adopting more critical stances to prison literacy abolition initiatives. For example, Anna Plemons' (2019) autoethnographic monograph deploys a decolonial framework to critique emancipatory approaches to prison literacy and writing project. For Plemmons, the use of decolonial theory can be an asset to disrupting "the colonial impulse that uses individual narratives of transformation to measure the efficacy and value of prison education programs" (10). Similarly, Alexandra Cavallaro (2019) also finds it necessary to engage in a critical theoretical framework to critique prison literacy programs. Drawing on queer theory and critical prison studies, Cavallaro urges writing and literacy scholars "to intervene in the project of citizenship production by challenging and critiquing the logics of individualism that underwrite prison literacy

programs" (3). And, more recently, Rachel Lewis (2020) draws on their experience as a member of a LGBTQ+ prison abolition community to consider how power differentials play out in prison abolition work and the circulation of prison letters in abolition newsletters. Emerging from her analysis, informed by queer theory, is the importance of relationships amongst marginalized inmates, like those who identify as LGBTQ+.

We share these examples of scholarship as they have been pivotal in advancing the work and potential of what community literacy and writing scholars can offer to criminal justice reform at-large, particularly as federal aid becomes available to incarcerated persons. That said, we note that little attention has focused on the impact of life post-incarceration. For us, our collaboration with Robin and The Community revealed a great need for careful attention to the unique literacies needs of those who may be formerly incarcerated but remain system impacted. In fact, sexual offenders released from prison are some of the most marginalized in prison literacy work. Many remain in "incarcerated limbo" a term we use to refer to those who are no longer living in prison but remain monitored by the prison system. This term helps us understand the unique literacies required of living as a person no longer in prison but who faces limits on their life because of their criminal history. For those who are sexual offenders, the barriers to access to basic care and needs are significant and something our class came to understand more personally as we worked with Robin and a formerly incarcerated sexual offender in our graduate seminar course.

Literacy Needs while Aging on the Registry

In the US, the "registry" is a euphemism for a complex system run by state and federal governments that monitors and tracks the whereabouts of sexual offenders, providing information about their names, current locations, and past offenses to authorities and the public. By collecting sexual offenders' private information, the "registry" serves as a national database, alerting citizens to the presence of sexual offenders in their communities and maintaining surveillance over released inmates. Prison justice advocates have argued that while the "registry" is described by law and policy makers as a database serving the safety and best interests of community members, all too often it operates as a form of "perpetual punishment" where those on the registry are still regularly monitored, despite having served their sentences.

Mandates to be listed on the registry and the duration of listing depend on the severity of the sexual offense and local jurisdictions. Most sexual offenses are handled through state courts, but sexual offenders convicted of particularly severe crimes must be listed on the national sexual offender registry. According to the Adam Walsh Child Protection and Safety Act of 2006, sexual offenses are divided into three tiers based on severity. Depending upon the tier of offense, sexual offenders must be listed on the national sexual offender registry. For those offenders who are older and/or who must register for life, additional challenges may be encountered, especially when seeking assisted living and end-of-life care. Locating facilities that accept sexual offenders can be difficult and may depend on federal funding.

Older offenders and those required to register for life face additional challenges, especially when seeking assisted living or end-of-life care. For example, assisted living and nursing homes that accept Title 19 funding (Medicaid) cannot house individuals on the registry. Finding housing and proper medical care for elderly registrants often requires many literacies, including digital, health, and prison literacies. Many aging registrants who have been released receive little help to find care and do not have the technological literacies needed to navigate complex digital databases on their own. Although newsletters, pamphlets, and, increasingly, digital technologies have entered some of the prison systems in the US, many elderly registrants still do not know how to access information about care facilities after release. For those required to be listed on the registry, finding a suitable home often necessitates internet access, the ability to navigate housing and health care databases, and effective communication between parole officers, registrants, social workers, and eldercare facility staff.

Developing a Database of Eldercare Facilities for WI Registrants

These three points of intersection (access to housing, access to healthcare, and living as an aging registrant) are where our class project enters the conversation. We first met and began collaborating with "Avery," a former sexual offender who had approached Robin about the need Avery's friends, who were aging registrants, had to locate eldercare housing. Avery joined our class through Zoom in the middle of the semester. He shared that he was currently working on identifying and developing a database of eldercare facilities for formerly incarcerated persons required to remain list as sexual offenders in Wisconsin. Avery disclosed to us that many formerly incarcerated persons, especially those on the registry, often rely upon each other's post-incarceration experiences to navigate life upon release. As a registrant himself who also relied on these networks, Avery saw how many formerly incarcerated, and often elderly, sexual offenders needed additional assistance due to the various literacies required for life post-incarceration. This included navigating Wisconsin's online eldercare facility database and understanding the criteria for Title 19 funded assisted living facilities. Over Zoom, Avery posed to our class the idea of creating a database of eldercare facilities that might accept aging registrants along with a tool kit to teach use of the database. The database would need to be regularly updated, maintained, and shared with parole and probation officers, social workers, and registrants in the state.

In Zooming with Avery and learning more about the personal stories and challenges many of his friends were facing in finding eldercare housing, the class began to strategize and develop a plan of action to build a database that featured eldercare facilities that might accept people on the sex offender registry. In particular, we believed it necessary for the database to serve aging registrants with fewer digital and health literacy skills and to help them more successfully navigate the complexities of the eldercare system. Initially, searching the publicly available Wisconsin registry and collecting addresses of registrants to identify those living in eldercare facilities seemed straightforward. We quickly learned, however, that calling all 3,000+ eldercare facilities in Wisconsin alone was impractical. To increase our efficiency, the class drew on our skills in Excel and internet navigation to compile a database of likely eldercare

facilities in the state. As we found potential facilities, we compared the addresses of people on the public sex offender registry with the addresses of eldercare facilities in Wisconsin, both of which were available, but hard to find, on Wisconsin state government websites. If an address of an eldercare facility matched with someone on the sex offender registry, we marked it as a potential match. After sifting through these databases twice over several months, we identified about 230 facilities in the state that matched with individuals on the registry. Along with the Excel database, we created a tool kit that explained how to use the database. We then shared the database with Robin and Avery at the end of the semester, who became the managers of the database because Robin and Avery had connections with case workers, parole officers, and other registrants in need of eldercare.

With the database assembled, our part in the community project was over and Robin and Avery shared the database with other registrants, prison wardens, and case workers in the state. The database was a much-needed resource for these stakeholders as it helped them avoid the complexities of searching digital databases or calling and outing themselves as registrants to eldercare facilities. However, long waitlists at health care facilities were still difficult to navigate. Because they were in such demand, the facilities that the formerly incarcerated registrants attempted to seek healthcare from often became or were already full. With fewer options for eldercare facilities, registrants had to be put on waitlists for only a few facilities, severely impacting their access to needed eldercare. Although our collaborative project established a working database of possible facilities, the lack of eldercare of any kind made it even more difficult to find the necessary care for those on the registry. Our project with Robin and Avery gave these registrants resources to refer to in their search for eldercare, but the perpetual punishment by the prison system was still hard to overcome.

Reflecting on New Needs, New Challenges for Prison Literacy

A central goal that guided our decision to write about this course project and share it with readers of *CLJ* is to reimagine the potential for prison literacy scholarship and interrogate assumptions embedded in abolitionist work. As readers will note, this was a very different approach to a graduate seminar class and a course that also offered a different take on teaching and overviewing "traditional" prison literacy or prison writing scholarship. For these reasons, we believe it is important to share how we found this course experience and collaboration helpful in identifying additional areas where community literacy and writing scholars can contribute to issues facing prison impacted persons. First, our project focused on working with people often not discussed in prison literacy work, including people on sex offender registries, formerly incarcerated people, people on parole, and aging populations. As we continue working with prison-affected populations, it's important we understand how not all incarcerated individuals encounter the same barriers to access. Laws vary by state and local jurisdiction, and incarcerated people are affected by different stipulations from inside and outside the prison industrial complex. We understand that working with sexual offenders is particularly difficult for academic researchers for several reasons.

First, such work puts scholars in close contact with sexual offenders, which may trigger negative emotions and experiences for all parties involved with the production and circulation of such work. Second, scholars may fear harassment for working with issues of sex and sexual crimes in an academic environment hounded by conservative norms for work on sex, sexuality, gender, and sexual crimes. While these are legitimate concerns, we also argue that the barriers of parole, the registry, and stipulations in the eldercare system put intense pressure on this population. Our project only scratched the surface of the overlapping barriers that people on sex offender registries face, and we believe prison literacy scholarship might grapple with a broader variety of prison experiences, even those that are uncomfortable.

Next, our work calls into question how we as scholars might envision and enact prison literacy projects, specifically the lack of work on digital prison literacies. Community-engaged scholars have discussed the powerful experiences of sustained literacy programs focused on reading and writing within prisons, but these kinds of traditional literacy programs often become the de facto conception of what constitutes prison literacy work. Our project varies widely from these programs. Our community partners were a prison advocacy organization and an individual on the registry, rather than a prison. The project also focused much more on digital literacies, like navigating government databases and cross-referencing data, than more commonly considered literacies like reading and writing. Our community partners did not have the time, resources, and digital literacy skills to navigate the complex and obtuse registry and eldercare facility databases. So, the expertise we offered stemmed from our abilities to navigate digital spaces effectively, skills that many within the aging population do not have. While the barriers to reading and writing literacies are a major impact on the lives of incarcerated people, we urge prison literacy scholars to consider how digital literacy skills, including effective search strategies and website navigation, can supplement the critical literacies already being addressed.

Along the same lines, we call on prison literacy scholars to consider how the aging of the prison population may impact our ongoing work. As these populations age, common health issues like hearing loss, cognitive decline, and technological difficulties make it difficult for prison-affected groups to find the care they need. Prison literacy programs can address these concerns by developing and maintaining reading and writing literacy skills for aging prison populations. Literacy skills development and retention programs can equip individuals with strategies to navigate the prison system as they age. Programs can also develop resources for aging populations, such as the eldercare database we developed. These resources could simplify searching for care, and partnering with technical writing and health writing programs could provide much needed support. Working with prison populations to develop these resources could further help aging prisoners to develop skills in health system navigation.

Finally, prison literacy scholars should continue to discuss how our work fits with the needs and experiences of formerly incarcerated populations that still feel the effects of the prison industrial complex. Literacy programs within prisons often work with discrete populations of prisoners that are easy to bring together. Formerly incar-

cerated populations are much more difficult to work and establish relationships with as they leave the confines of prison. Yet, these individuals often need help with developing and maintaining literacy skills, particularly skills needed to navigate the complex health care system in the US. Prison literacy programs could work with parole officers or prisons to develop methods of working with formerly incarcerated people directly, and these programs could focus on developing skills necessary to read, navigate, and understand the overlapping health care and prison systems.

As we look to new horizons in prison literacy scholarship, we ask: What do we as teachers, researchers, and advocates do to understand the growing challenges of formerly incarcerated people seeking eldercare after they leave prison? How can we imagine new potentials for what these projects can do with/for prison literacy and the communities we work with? We urge community-engaged scholars to continue advocating for and working with prison populations while considering how digital literacy skills and aging prison populations challenge our assumptions about the literacies and populations we work with.

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