

Book Review: Herbert, Steve, *Too Easy to Keep: Life-Sentenced Prisoners and the Future of Mass Incarceration*. Oakland, California: University of California Press. 2019. ISBN: 9780520971875 (eBook). 184 Pages. \$27.95.

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In an effort to provide a college level education to prisoners at the Washington State Reformatory, Steve Herbert, a Professor of Law, Societies, and Justice, began teaching a “mixed enrollment” class. Taking place within the walls of the Washington State Reformatory, Professor Herbert taught a class which consisted of students who were incarcerated at the prison and others who came from the University of Washington. To his surprise, Herbert discovered that prisoners added a level of intelligence and knowledge to the class dynamic that he did not know existed due to his own ignorance. *Too Easy Too Keep* was motivated by the information Steve Herbert gained while he was teaching the offenders at the Washington State Reformatory. It is an example of a situation where the teacher becomes the student and a moment when an educator can no longer turn a blind eye to the neglect that is taking place within the American prison system.

The United States houses approximately 2.2 million offenders on a daily basis, with nearly 30% of that population 45 years of age and older (Harzke & Pruitt, 2018). Assisting in this growing population is the increased sentencing of offenders to life without the possibility of parole (LWOP). According to Strange (2017), approximately 49,000 offenders are serving a sentence of life without the possibility of parole. It was statistics, such as these, in addition to meeting the University Beyond Bars students, that motivated Steve Herbert to begin a discussion on how

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life without the possibility of parole is causing moral and fiscal challenges for the many states that employ the prison term.

To get a better understanding of the effects that come from prisoners who are sentenced to life, Steve Herbert interviewed twenty-one lifers, as well as staff, within the Washington Department of Corrections. These offenders are referred to as the *easy keepers*. According to staff and other offenders, the easy keepers are typically well behaved, polite, clean, and they follow the rules. They make staff's job easier because they want the prison to run smoothly and they prefer routine. Understanding that they have to spend the rest of their lives there, most lifers do the best they can to try and keep the peace and maintain a positive environment within their institution. While it seems that everything about offenders who are serving life without parole is beneficial to American prisons, this aging population is starting to become problematic to the institutions that house them.

Too Easy Too Keep was titled based on two ideas. The first idea is that many offenders with life sentences are incarcerated years longer than necessary. LWOPs will spend decades in prison for committing violent crimes despite the fact that they are, typically, model prisoners while serving their time. The second idea that Herbert is trying to convey is in regard to the negative impact which sentencing policies and the political forces at work have created. These policies have enforced sentences that condemn offenders to a death in prison. The deterioration of such a large population of offenders will burden institutions that are not prepared to accommodate them. Steve Herbert wrote his book with the hope of challenging the politics that are making it far too easy to keep aging offenders behind bars, even though decades of good institutional behavior has proven these offenders are capable of leading productive lives if given the opportunity.

Gaining its popularity in the 1970s, life without parole began replacing death sentences in many states. According to Steve Herbert, this will be the reason that one-third of American prisoners will be over the age of fifty-five by 2030. Included in this number are the approximately 3,000 offenders who have been sentenced to life without parole for non-violent offenses (Sarma & Cull, 2015). The result of these statistics is a costly aging population with increasing mental health and medical needs (Habes, 2011).

During interviews with offenders who have life sentences and the professionals that work with them, Herbert learned of the pains of incarceration, as well as, the impressive coping strategies that offenders use to survive their everyday lives behind bars. Many offenders spoke of

the personal losses they experienced while incarcerated and how sharing their experiences with younger offenders, in hopes of making a difference in their lives, gives them the determination to continue on with their efforts to positively influence others. Easy keepers are more than just role models within their institutions, they are also role models to family members who they focus on keeping strong ties to while they are incarcerated. In their interviews with Steve Herbert, many offenders expressed the importance of visits and remaining close to family and friends on the outside. The fear of ending up alone in prison, with no one to confide in, is common amongst many easy keepers. While easy keepers make an effort to remain a positive influence within the prison walls and help to create a safer environment for everyone, they receive very little recognition for the good that they do.

Whether they are serving *de facto* life sentences, meaning their sentence has a term that is longer than their life expectancy, or if they are a LWOP, Herbert notes that easy keepers have very little chance of being released. Unfortunately, this adds another level of difficulty to an easy keeper's time in prison. Because programming is focused around reducing recidivism, the offenders with lesser sentences and upcoming release dates are the priority for most programs. Many lifers are not even eligible to participate in programs. Again, although these inmate are often the most well-behaved and positive offenders in the institution, they are reminded that their sentence is mostly about punishment. Rather than cause trouble because they lack opportunities, easy keepers focus on eliminating the stigma that comes with being in prison. Easy keepers spend their days trying to atone for their crimes by working, volunteering to help staff, or assisting with prison activities. However, no matter how much good easy keepers bring to American institutions, there is a great downside to their incarceration as well.

According to the author, easy keepers cannot remain easy for their entire incarceration, as they will age, deteriorate, and ultimately die. As seen in statistics from 2013, United States prisons reported over 3,800 deaths and 85% of those deaths were due to chronic illnesses of offenders 45 years and older (Bedard, Metzger, & Williams, 2016). According to Bedard et al. (2016), U.S. prisons are facing an "ageing crisis" due to the increasing population of offenders 55 years of age and older. Very few correctional health-care systems in the United States are equipped to handle infirmed offenders. Another issue that states are facing is the rising cost of medical expenses to care for these offenders. It is estimated that the annual cost of housing an adult over the age of 55 years old is nine times the amount that is required to incarcerate a

younger offender (Bedard, Metzger, & Williams, 2016). Unlike the average aging individual, those who are incarcerated have typically experienced rougher lives and poor health care services, if any at all. Prison only exacerbates their medical conditions and poor standards of health.

With the mounting medical costs and the lack of conducive institutions for an aging inmate population, it seems time to consider some solutions. Steve Herbert has begun such a discussion in *Too Easy Too Keep*. Herbert points out that policies need to be changed and efforts need to be made to recognize that easy keepers deserve an opportunity for release if they have shown a positive change in their maturity level and behavior throughout their years of incarceration. He is not saying that all LWOPs or de facto life sentence offenders should be released. There is plenty of evidence to suggest that several offenders who are in prison, should remain in prison. However, for those offenders who have made the effort to recognize their errors in life and have served their years behind bars searching for redemption, it seems that money would be better spent assisting these offenders on the streets rather than in prison. For example, in an effort to save \$200 million each year, California established Chapter 405 which grants medical parole to offenders that meet its criteria (Bertschy, 2011). While California would still be required to assist the offenders with medical expenses, it would no longer require officer transportation, over-time for staff taking offenders on medical furloughs, or the costs that go along with creating an environment conducive to physically deteriorating offenders. Also, an offender on parole can get assistance from the federal government, leaving less money for the state to contribute. While this does not exactly benefit only the easy keepers, it does assist in freeing up funds that would normally be used on medical expenses.

Most importantly, Steve Herbert has shed light on the aging offender and, with any hope, this will make policymakers think more about this issue. The author illustrates that many easy keepers have spent their incarceration bettering themselves without the recognition and rewards that offenders with shorter sentences have received. In some cases, these actors have watched younger offenders parole, only to return a short time later. Easy keepers, if given the opportunity, could thrive in self-help and behavior modification programming. They want to make positive contributions to the prison and help to maintain a peaceful environment. If allowed to reintegrate back into society, easy keepers would be more than capable of existing as productive citizens. Particularly important to consider, is the approximately 3,000 non-violent offenders who are

servicing life in prison. While LWOPs understand that being released early may seem like a slap in the face to their victims, many choose to believe that they can sway the opinions of others by proving they have changed.

For those that do not work in the criminal justice system, *Too Easy Too Keep* is a great portrayal of the individuals who are serving life sentences. Steve Herbert does a remarkable job telling the stories of easy keepers through their own words and through the words of those that work with them day in and day out. While some of these individuals committed criminal acts that deserved a stiff punishment, there are others who were sentenced at a time when lawmakers were getting tough on crime and the severity of the punishment far outweighed the crime. This brings us to the present day where the prison population is aging and the cost of housing them is increasing drastically. Herbert introduces the significance of easy keepers and the idea that legislators should reconsider amending the laws that have resulted in these offenders dying a slow death within the confines of a prison. Not only does Herbert acknowledge that many LWOPs should be given a second chance at life, he also points to the structural and financial problems that are occurring due to the increasing population of aging offenders. Professor Herbert will definitely have policy makers and other scholars talking after reading *Too Easy Too Keep*. This book keeps the reader intrigued. An individual who knows nothing about corrections or the laws which have placed individuals behind bars for life, can peruse through this book and fully comprehend each documented fact, opinion, and argument. Herbert makes the reader want to get involved in the fight for change. As a correctional counselor who works closely with several offenders who are sentenced to a life without the possibility of parole, I am eager to see the future developments regarding this topic of the aging population. I strongly recommend this book.

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