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Sing Sing Prison Blues

Reflections of a New York City Street Cop turned Warden

Michael Capra is the Superintendent of Sing Sing prison in New York State, USA. He is interviewed by **Bryonn Bain**, Director of the UCLA Prison Education Program, and Associate Professor in the Department of African American Studies, and the Department of World Arts and Cultures/Dance at the University of California-Los Angeles.

In the summer of 2015, my then 13-year-old son, Indigo, reluctantly began the summer bridge program for rising freshman at *University High School* in Los Angeles. We were told 'Uni' High, as Angelenos call it, is one of the most diverse schools in the city. With reports of a track record of high achieving black and brown youth, this predominately Latinx public school came highly recommended by several educators and colleagues in the area. Nevertheless, Indigo's reluctance was born of his disdain for moving away from family and friends in Brooklyn, and his desire to be anywhere in the world but school during his eagerly anticipated summer vacation. As I picked him up and asked how the second day was, his response alarmed me more than most of the challenges I have faced to date as the young father of a child the color of chocolate: 'The teacher said, don't be late for school and don't miss class. If you do, the police will come to your house and take you to juvenile hall.'

Press rewind. Over a decade and a half earlier... I'm in a workshop led by a grassroots prison activist organization—*Prison Moratorium Project*—in the Brooklyn we knew and loved in the 1990s.¹ I hear a hauntingly similar report: 'They have been building prisons in New York State based on 4th grade test scores.' From elementary school children in New York to high school freshmen in California, rather than preparing our nine-year-olds and 9th graders to be better, to become their best selves, to be astronauts or animators, astrophysicists or human rights activists, my

son and I witnessed forces from coast to coast preparing our next generation to be sent up the proverbial river.

Fast forward. In the summer of 2016, I have the opportunity to interview the warden of Sing Sing prison — the ex-super cop turned Superintendent, Michael Capra. The man with the parking spot directly in front of the maximum security facility 30 miles north of New York City on the east bank of the Hudson River.²

Pause. Unlike other interviews I have conducted, several men in the hip hop and spoken word workshop I am teaching at the prison helped me develop the topics and questions I discussed with the warden. The team of brilliant minds inside who urged me to ask the questions that follow included: Jermaine, Lawrence, Ivan, Laron, Dennis, Tyrone, Chris, Markey, J.J, Laron, Dennis, and the poet laureate, Simeon aka 'Sundiata.' At first, I was surprised by how many of these men respected the 'top cop' in the big house for championing the range of arts and educational programs offered in the prison. This was a paradox for me — a source of personal conflict. On the one hand, I would rather see these brothers home rather than living in iron cages. At the same time, I saw the immeasurable value in recognizing their humanity through these opportunities for growth and development. Beyond my class, several of these students were involved in everything from pursuing college degrees and Ted Talks with the *Hudson Link* initiative founded by a formerly incarcerated advocate, to theatrical productions with *Rehabilitation Through the Arts*, and even music lessons and concerts with Carnegie Hall.

1. The Brooklyn-based *Prison Moratorium Project* (PMP) raises the question of whether the prison system is indeed the right form of punishment for crime and aims to reimagine alternatives to prisons. For details, ~ PMP: <http://www.nomoreprisons.org/>. See also: Adrienne Brown, "An Interview with Activists at the Prison Moratorium Project," *Grist*, June 22, 2005. <https://grist.org/article/brown-prison/>.
2. After two years of workshoping poetry with some of the brilliant bards there, I learned the iconic colloquialism for sending someone to prison—"up the river"—emerged from the history of this fortress of iron and stone constructed by the water. And that beautiful water, visible from within the prison itself, is as ironic as the prison is iconic. That 315-mile stretch of water flowing from its origins in the Adirondack Mountains of Upstate New York flows through the Hudson Valley into the Atlantic Ocean. It serves as the political boundary between the states of New Jersey and New York, whose flow is influenced from as far north as Troy. That river is named after the British Henry Hudson who sailed for the Dutch East India Company back in the early 1600s when the Dutch dubbed it the *North River* by the world's first multinational corporation.

Sing Sing is the closest maximum-security prison to New York City.³ Its roots reach back into the generation before chattel slavery was legally abolished amidst a civil war so violent it claimed the lives of more Americans than both world wars combined: reportedly as many as 750,000. Both that conflict, and the legacy of racial violence before, through and after Reconstruction, and into the Civil Rights Movement, remind us of the broader political and economic realities of race and class, law and labor. The tension between forces of social control and movements for social justice remains alive and under the radioactive pressure cooker that is one of the most famous—and infamous—spaces on the carceral landscape.

Play. Over the last decade, the epidemic of viral video footage has turned state-sanctioned violence into a recurring phenomenon for millions, but left black and brown communities mourning and outraged with outpourings of ‘We told you so!’ But what happens when the top cop calls out the violence caught on video in the big house? Does it matter when the law enforcement officer accused of abuse is black and the victim of the violence is white? I sat with the warden of Sing Sing prison, on the heels of a trial unlike any he remembers, as he wrestled with these very questions and shared his take on a case he testified in against one of his very own correctional officers.⁴

BB: In the 1600s, the Mohegans, native peoples indigenous to this area we now refer to as New York, called this land ‘Sinck Sinck’ — which meant ‘Stone by Stone.’ They also called their leader the Sachem.⁵ I think it is important to recognize that in light of your title as ‘Superintendent,’ whereas in most prisons across the country the person in the top position is called the ‘Warden.’ What is the difference?

MC: Warden was used in New York but over the years it was changed to Superintendent in New York State. The definition of Superintendent means the chief administrative officer of the correctional facility. As in most things, perception carries a lot of weight with the general public.

BB: The questions I’m going to throw at you today came from men who have been in leadership roles in many of the programs at the prison. We have been talking about them for

weeks so I’m just going to jump right in. To start off, on a personal note: who was Michael Capra before Sing Sing? And how are you the same or different today?

MC: Well, I think it’s a lifetime of experiences. It starts with your upbringing, your family life, your faith base, and success, certainly a realization that I’m not here because of me. I’m here because the good Lord has put me here. I started this job thinking this would be a temporary situation until I was old enough to join NYPD. I never intended to make this my career. I started this job as a correction officer in 1981 and slowly climbed the ladder to my current position.

BB: There is an ongoing conversation, especially within Black communities, but increasingly in every community, around ‘Black Lives Matter.’ How do we actually change policing, law enforcement, and ‘corrections’ to focus resources on the humanity of people who have historically been dehumanized. In particular, let’s focus on the recent incident with a corrections officer who was caught on video beating an ‘inmate’ to the ground. How do you handle the responsibility to be fair and balanced when mediating charges of officer abuse of force in dealing with men in the population at Sing Sing?

MC: It is very trying. However, my decision isn’t difficult at all. As the top cop in your facility, you have got to be confident in who you are and know what the right thing to do is. What is the expectation of law enforcement? Don’t people expect more from us, to do the right thing? In the case that you are speaking of it is very rare, if ever, as a Superintendent to testify in criminal proceedings against one of your own officers.⁶ I am the designated subject matter expert for the southern part of NY for DOCCS (the Department of Corrections and Community Supervision) and was directed by my principles to testify in this case.

BB: Did that go over well?

MC: No, it did not. Does that still affect staff? Yeah. I still have to make the right decisions. The first day that person returned he was told to come directly

3. Sing Sing was built in 1826—four decades before General Ulysses Grant was celebrated for winning a war, but within just five years of the rebellion inspiring sermons of Nathaniel Turner. Today, the prison formerly known as the Ossining Correctional Facility is less than a decade from its bicentennial. It has seen nearly two centuries of confinement for approximately 1,700 men and execution of 614 before the Supreme Court found in *Furman v. Georgia* that the death penalty is (actually) unconstitutional in 1972.

4. This interview was conducted on August 5, 2016 at the Sing-Sing Correctional Facility in Ossining, New York. The interview was edited with support from researcher associate Joanna Itzel Navarro.

5. Scharf, John Thomas, *History of Westchester County: New York, Including Morrisania, Kings Bridge, and West Farms, Which Have Been Annexed to New York City*. Vol. 2, L.E. Preston & Co., 1886.

6. Based on the *National Inmate Survey* conducted by the Justice Department’s Bureau of Justice Statistics, *Human Rights Watch* wrote a report in 2015 which showed in New York between 2010-15, 120 abuse cases were brought against guards, 80 abuse cases settled with disciplinary action (no dismissal), 30 guards were up for dismissal, and only 8 were officially dismissed.

THE PEOPLE OF THE STATE OF NEW YORK
-against-

LAVAR THOMAS 354 Hunter Street, Ossining, New York

05/10/1979

Defendant

Be it known that the complainant herein Investigator Mario Castillo, of the New York State Police, accuses the defendant named above of the following offenses committed at the Sing Sing Correctional Facility, 354 Hunter Street, Ossining, New York on May 6, 2015, at approximately 12:25 p.m.

COUNT ONE: The Offense of ASSAULT IN THE THIRD DEGREE, a violation of Penal Law PL 120.00 01 AM3

COUNT TWO: The Offense of HARRASMENT IN THE SECOND DEGREE, a violation of Penal Law PL 240.26 01 V2

The Defendant with intent to cause physical injury to another person, causes such injury to such person or to a third person. The defendant with intent to harass, annoy or alarm another person, strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same.

To wit: The defendant, a Corrections Officer at the Sing Sing Correctional Facility, at the above date, time and place, with intent to cause physical injury to Daniel Hyers, and with the intent to harass, annoy and alarm him, punched inmate Daniel Hyers about the head and face thereby causing a bruise under the victim's left eye.

The above allegation(s) of fact are made by the complainant herein based upon direct knowledge and upon information and belief, with the source of complainant's information and the grounds for his belief being the attached supporting deposition Daniel Hyers, and the two attached CPL 710.30 notices.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

September 17, 2015



Signed

up to my office. We had a discussion and I reinforced that my position had not wavered: 'You are back. That is good. You are not a bad person. You had a bad day.' He agreed and shook my hand and thanked me. We are going to move forward because that is what we do

BB: What impact does that have on your day-to-day work and the culture inside?

MC: It does not make you the popular guy all the time, and you have to accept that. Some staff believe that the facts do not matter. They look at you differently. Like whether you are on *our side* or not on our side. But the bigger picture has to be what was the right thing to begin with. You need to understand what the current culture is and decide if you have made a positive change in the future culture. What is acceptable and what is not. Then you have to take another step back and say, Leadership is what staff are looking for, consistency in having the reputation of doing the right thing is very important.

BB: Some advocates of criminal justice reform argue that training is the key to transforming the culture of law enforcement. I'm not convinced that's the only major change necessary, but I was surprised to learn that in the United Kingdom it is not uncommon for COs there to receive hundreds of hours of social work and conflict resolution training. For police and prison guards in the United States, I've been told hundreds of hours of firearms training is customary. Beyond that, the other nationwide norm I've learned of is the "Cooper Standard." What exactly is the Cooper Standard?

MC: The Cooper Standard is a minimal, physical fitness requirement for most law enforcement organizations. Depending on your age and sex you are required to run a 1.5 mile in a specific amount of time, do so many pushups, so many sit ups and a specific type of stretch. This is a prerequisite to enter many academies. There are also levels of education that one

needs to enter some of the law enforcement academies. Now, I don't think that a degree makes the person, but I believe that a combination of things attracts the right type of person for this type of job. We need to look at the acceptable norms of law enforcement today. Because of technology, cell phones, body cams, people recording cops on the street during physical force situations that the whole world gets to judge. We also see what their norms are. What's the accepted level of what was right from wrong? We are charged to keep order and are trained to use force when necessary. This is the toughest job on the planet. Some of the best law enforcement people in the world work behind the walls of the prison system.

BB: How did your previous work prepare you for challenges you face today?

MC: I started as an officer and I learned my trade and developed my leadership abilities. As a Sergeant you may have 50 officers working directly under you. You learn a lot from experience. I was also a commissioner of police in a small police agency. I started off there as a Police officer and worked my way up there also. On one occasion I had to fire one of my own cops. I knew ahead of time this guy was a bad apple. When I first took over, I brought him in and said: 'I know you did this, this, and this, and if you do that while I am in charge...' He didn't listen and had to be discharged. But that process was all my decision. The state has other divisions that handle discipline and the appropriate fines, suspension or termination. I recommend action and then other divisions investigate. Other divisions decide what they are going to get, then there are union contracts which stipulate the discipline process, many times there is a third-party arbitrator who makes the final decision.

BB: What impact does it have when an incident is recorded on video?

MC: If you see an incident on videotape, and it seems very clear what happened, you would think there would be no question. Well, it sometimes becomes what the public thinks about the incident, what was portrayed by each side, because then it becomes this whole public perception.⁷ We had an incident and the

inmate was in prison for a horrific act. This was a jury trial. This was a case that was not about the facts. No one cared about the responsibility of law enforcement. It was who had the better attorney.

BB: How exactly did that have an impact on the trial?

MC: In this case, the high-priced attorney convinced the jury how bad this inmate was, which was irrelevant to the case. So, anything short of flogging the inmate would have been acceptable to the jurors because he is a 'bad guy,' which had nothing to do with this case. But it is the human element — when you play to that human element, and if you are a better actor than the next guy, you will win.⁸ My officers put their lives on the line every day to protect others and maintain order throughout the facility. They have been assaulted, thrown on, and verbally abused on a regular basis. They are professionals. No one wants the bad apple in the bunch to represent them.

BB: That's heavy...

MC: It is heavy, but when you put it into the context of, we are human beings on this planet, and we are judged by certain things. When it is all over, it is really all about your belief system. I believe... strongly, not necessarily in just being a 'good person,' but doing the right thing by others. Leadership is a major component. Being sensitive at times and steadfast at others. Sometimes you have to come down hard on people: kind of like a parent and a child. Sometimes your child needs to be punished. Sometimes they need a hug. Knowing when to — and when not to — is the secret. You know, if you look at things in that simplistic way and understand your responsibility, and your response to that scenario, whether you should come on strong or you should back off, means the world of difference on how you succeed in changing the culture in a positive way. It is a delicate balance.

Conducted in the summer of 2014, this interview was revised by Bain and Capra in the spring of 2021, and will be published in the forthcoming book, currently titled - A Justice Movement Mixtape (University of California Press, 2022)

7. Prosecutors cited video evidence against officers in 10 of the 18 felony cases filed against officers in 2014 — twice as often as video played a role in prosecutions over the previous decade, *The Washington Post* [//www.washingtonpost.com/sf/investigative/2015/12/26/a-year-of-reckoning-police-fatally-shoot-nearly-1000/](https://www.washingtonpost.com/sf/investigative/2015/12/26/a-year-of-reckoning-police-fatally-shoot-nearly-1000/)

8. *Calaff v. Capra*, Superintendent, Sing Sing Correctional Facility. United States District Court, Southern District of New York. 31 Jan. 2017.