Learning How to be **Anti-Racist: Special Topics Policing & Incarceration** Part II 1/13/21

Slides and materials from the discussion held on 1/13/21

COMMUNITY EXPECTATIONS

- 1) Please change your name in Zoom to include your pronouns.
- 2) Prepare to get uncomfortable and lean into that.
- 3) Use the "raise hand" feature if you would like to speak next.
- 4) Assume good intentions when others are speaking and take a breath before responding.
- 5) Use "I" statements and speak from your own experiences.

Colonization vs. Migration

- Migration moving from one area to another for work, safety, resources, etc. Assimilating into the existing culture and abiding by established laws of governance.
 - **Colonization** moving from one nation to another to set up an extension of the originating state. Establishing one's own culture and laws of governance.

Indigenous

(Other Terms: Native American, First Peoples/Nations, Aboriginal)

The descendants of those who inhabited a country or geographical region at the time when people of different cultures or ethnic origins arrives.

- Historical continuity with pre-colonial and/or presettler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs

Source: Indigenous Peoples, Indigenous Voices Factsheet

JAIL vs. PRISON

Jail

- locally run by city, district, or county
- Short-term holding for the newly arrested, those awaiting trial or sentencing, and those sentenced to serve a small amount of time (usually less than a year)

Prison

- Under the jurisdiction of the state or federal government
- Where convicted offenders serve longer sentences
- Federal for violation of federal laws
- State for violation of state laws

State Prisons

- 1,833 state prisons in U.S.
- Generally funded by taxes generated by the state
- Managed by state officials
- Persons incarcerated in state prisons serve their entire sentence in the state where they are convicted

Federal Prisons

- 110 federal prisons in U.S.
- Funded by the federal government
- Managed by the Federal Bureau of Prisons
- Persons incarcerated in federal prisons can be sent to any other federal prison in the country

Prison Industrial Complex [video] Video Transcript

Alright baby let's talk about the prison industrial complex.

The PIC is a term used to describe how the government's commitment to using police and prisons to solve our problems overlaps with industries that seek to profit off that commitment.

Part of the reason America has the largest incarceration rate in the world is because it's profitable. When there are people who profit off of prisons it increases the demand for prisons.

To justify more prisons, you need more prisoners. For more prisoners you need to over-criminalize, over-police, and over-emphasize the necessity of police and prisons.

Prison Industrial Complex [video] Video Transcript

This traces all the way back to the 13th Amendment which, rather than abolishing slavery, reformed slavery. Allowing people to be enslaved if they committed a crime.

White supremacy and anti-black racism is in the DNA of the PIC and is a clear example of how it functions to collect and maintain power.

To understand how to free ourselves from the spider web that is the PIC, we have to expose and resist the various connections that make it up.

Prison Industrial Complex [video] Video Transcript

The issue with spider webs though, is that when you're fighting one thread you might get caught up in another. This shouldn't discourage us, but should remind us that this work has to be slow, intentional, and done with grace.

The PIC cannot solve our economic, our social or political problems because it's fueled by those problems. It's fueled by dysfunction. The only hope we have in freeing ourselves from its influence is in the strategy and vision of abolition.

Prison Industrial Complex

A set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need. Basically – the overlapping interests of government and industry.

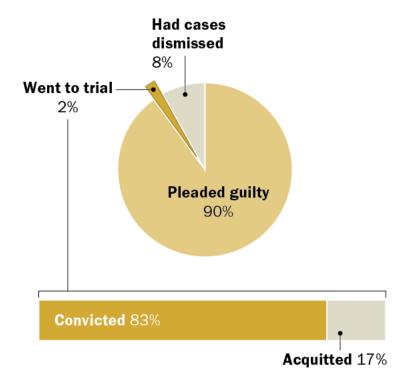
- Politicians, liberal and conservative, who use the fear of crime to gain votes
- Impoverished rural areas where prisons become a cornerstone of economic development
- Private companies that regard the billions spent each year on corrections as a lucrative market

Prison Industrial Complex

"The term 'prison industrial complex' was introduced by activists and scholars to contest prevailing beliefs that increased levels of crime were the root cause of mounting prison populations. Instead, they argued, prison construction and the attendant drive to fill these new structures with human bodies have been driven by ideologies of racism and the pursuit of profit." - Are Prisons Obsolete, by Angela Davis

Trials are rare in the federal criminal justice system, and when they happen, most end in convictions

% of federal criminal defendants who _____ in fiscal 2018



Source: Administrative Office of the U.S. Courts.

PEW RESEARCH CENTER

PLEA DEALS

- Account for about 97% of those convicted of a federal crime
- Account for about 94% of those convicted at the state level

PLEA DEALS

Why take a plea deal instead of going to trial?

- "Trial Penalty" the substantial difference between the sentence offered prior to trial versus the sentence a defendant receives after a trial
- Charge-stacking charging more for more serious grimes than the conduct really merits
- Mandatory-minimum sentences
- Pretrial detention with unaffordable bail
- Threats to investigate and indict friends or family members

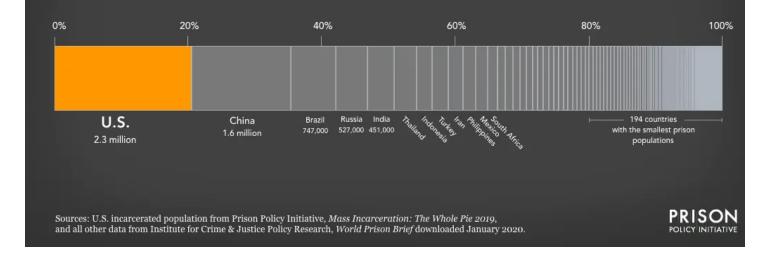
PLEA DEALS

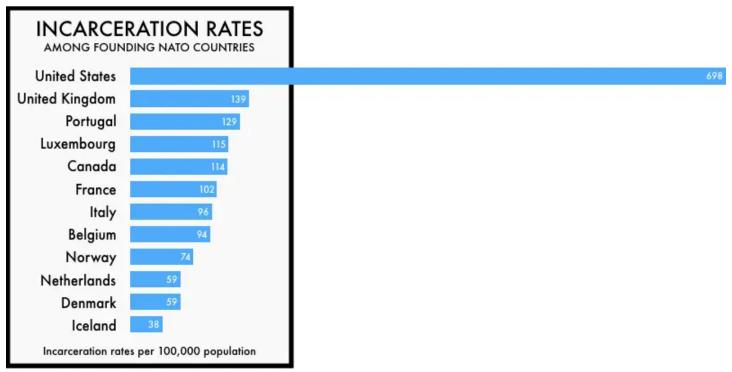
Bordenkircher v. Hayes – 1978

- Defendant was accused of forging an \$88 check and was told that if he refused to take a five-year plea offer, the prosecutor would re-indict him as a habitual offender – which would increase his maximum sentence from 10 years to mandatory life in prison.
- On appeal, the Supreme Court found nothing problematic about using the threat of a life sentence to try to convince a defendant to accept a five-year plea, and allowed the life sentence to stand, since Bordenkircher had refused the deal.

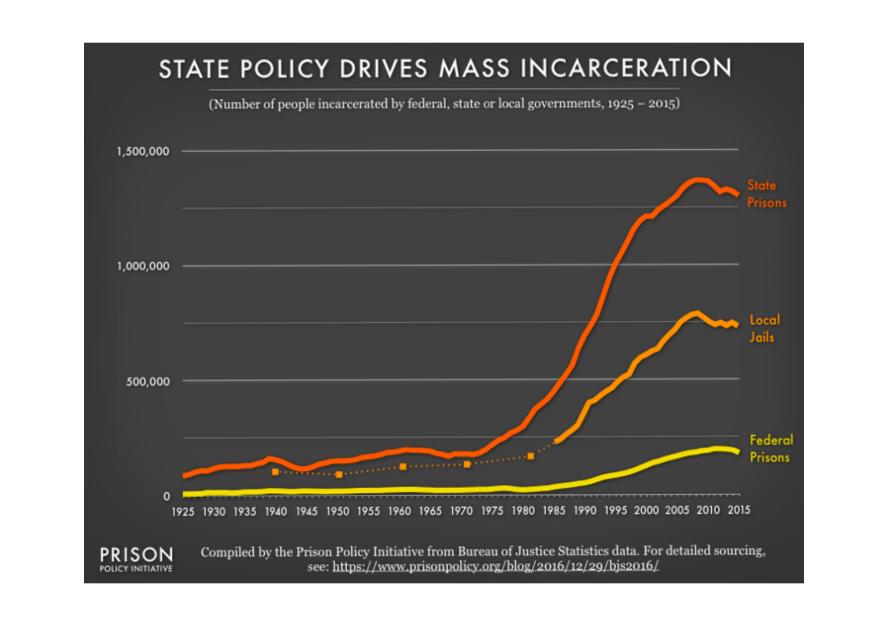
1 out of 5 prisoners in the world is incarcerated in the U.S.

Eleven million people around the world are in prisons and jails. The U.S. locks up a larger share of these people than any other country, with as many prisoners as the 194 countries with the smallest incarcerated populations combined.

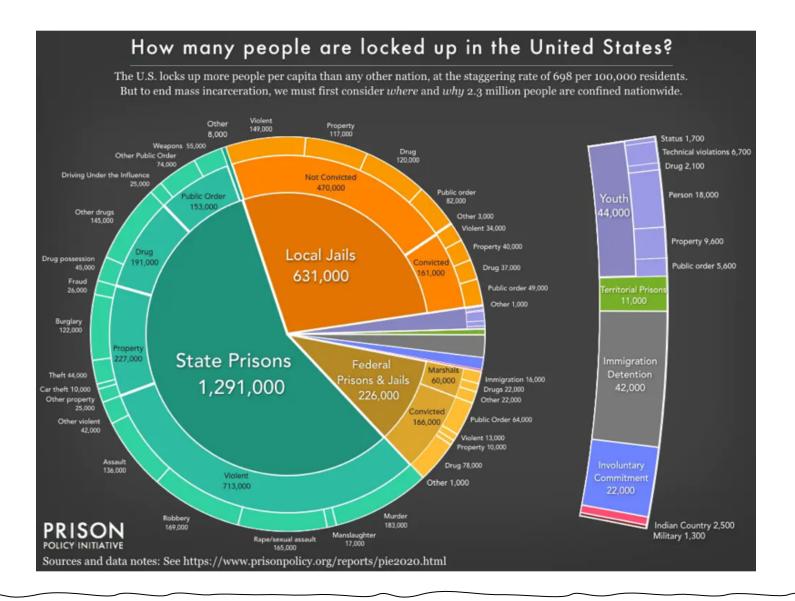




Source: https://www.prisonpolicy.org/global/2018.html

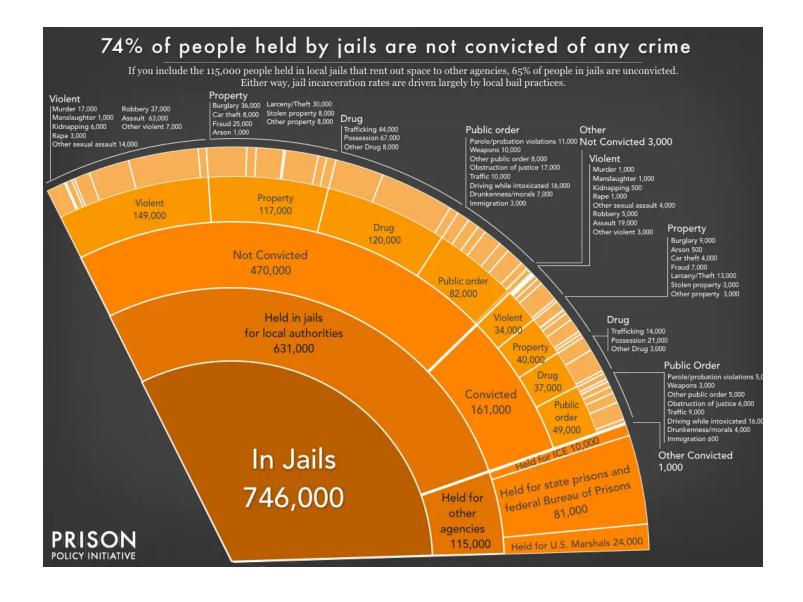


MASS INCARCERATION: The Whole Pie 2020



MASS INCARCERATION Offense Categories

- Only one offense category per person only the most serious offense is reported
- Each category groups together people convicted of a wide range of offenses
 - ex: murder
 - A serial killer would be in the same group as someone who accidently killed a person during a break-in
 - The person who pulled the trigger during a breakin would be in the same group as the person who acted as a lookout



Pretrial Detention

Over 555,000 people are locked up who haven't even been convicted or sentenced

Why?

Many are detained in local jails because they cannot afford to pay the bail amount set to secure their release.

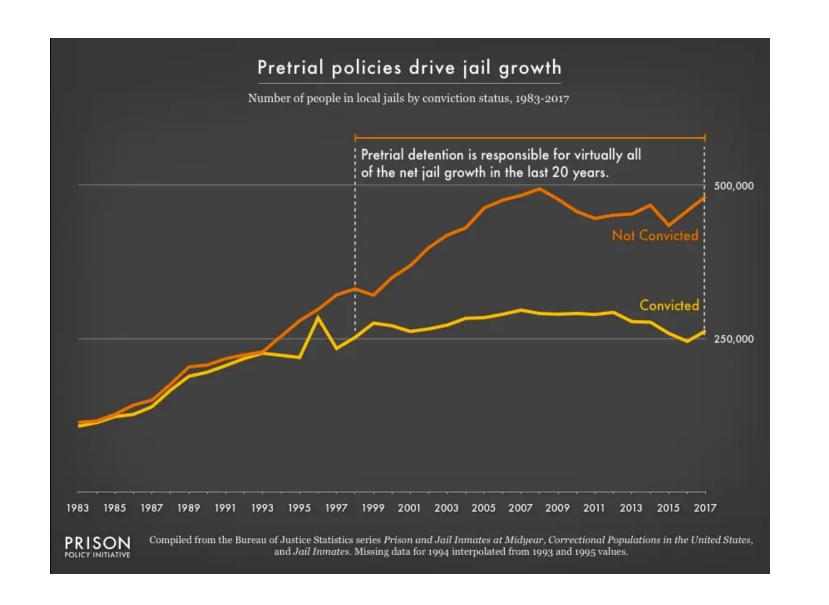
The median bail amount for felonies is \$10,000, which represents 8 months' income for a typical person detained because they can't pay bail.

Youth 16,000 Psychiatric evaluation or treatment 9,000 Indian Country 1,100

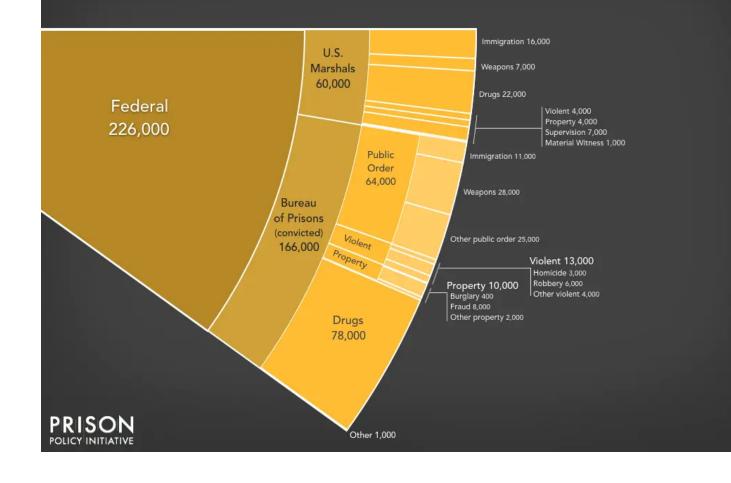
Federal 60,000

Local jails

470,000

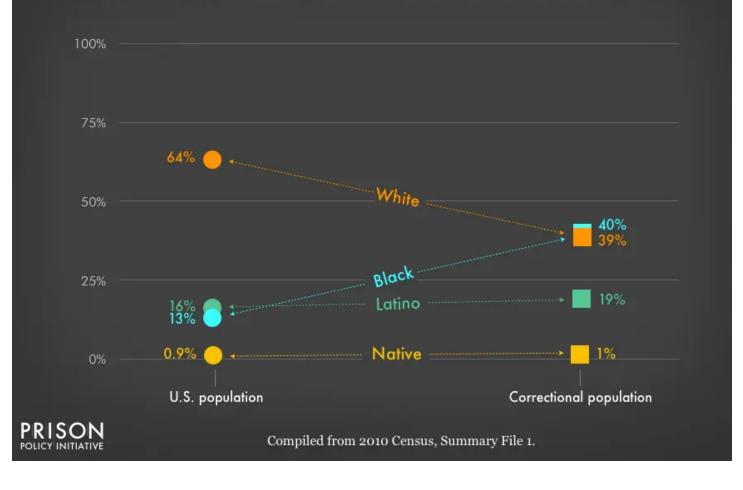


Despite reforms, drug offenses are still a defining characteristic of the federal system



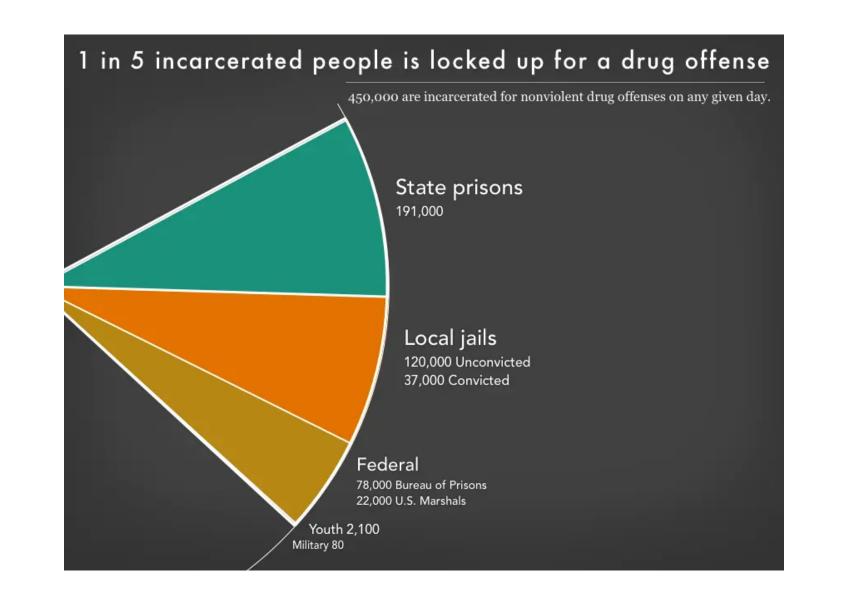
Racial and ethnic disparities in correctional facilities

Whites are underrepresented in the incarcerated population while Blacks are overrepresented.



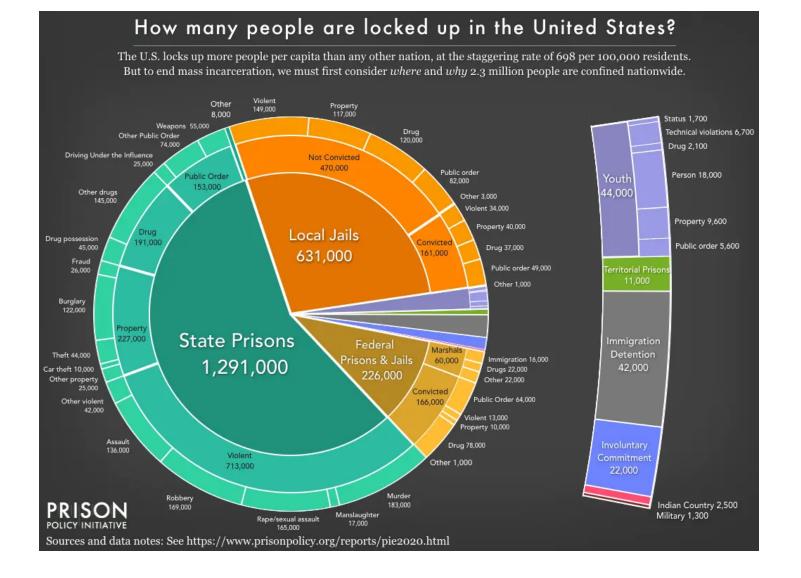
MASS INCARCERATION 5 Myths

- 1) Releasing "nonviolent drug offenders" would end mass incarceration
 - 1 out of 5 incarcerated people are locked up for nonviolent drug offenses – close to half a million people
 - That leaves 4 out of 5 people incarcerated for something else



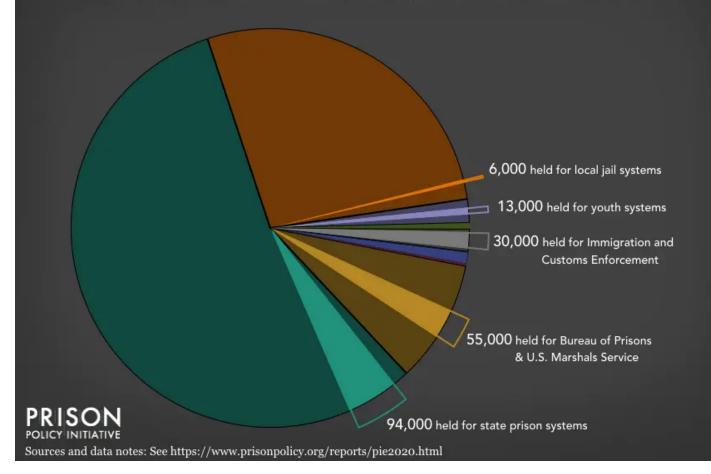
MASS INCARCERATION 5 Myths

- 2) Private prisons are the corrupt heart of mass incarceration
 - Less than 9% of all incarcerated people are held in private prisons
 - Although private industries and public agencies do continue to profit from mass incarceration
 - Food and health services
 - Telecom services
 - Commissary services
 - Space rental (for other agencies, like ICE)



Private prisons are a small piece of the pie

Mass incarceration is driven by government policy and spending, but the private companies that contract for less than 9% of all cells get a disproprionate share of attention. Why is that?



MASS INCARCERATION 5 Myths

3) Prisons are "factories behind fences" that exist to provide companies with a huge slave labor force

- Less than1% of people in prison are employed by companies through the federal PIECP program
- About 6% of people in state prisons work for stateowned "correctional industries"
 - Food service
 - Laundry services
 - Custodian services

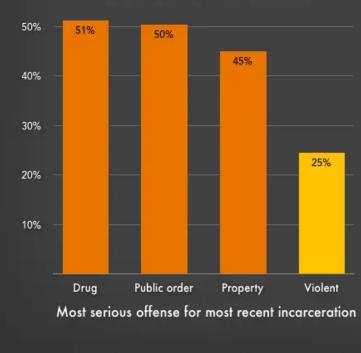
MASS INCARCERATION 5 Myths

4) People in prison for violent or sexual crimes are too dangerous to be released

- People convicted of violent and sexual offenses are among the least likely to be rearrested
- Those convicted of rape or sexual assault have rearrest rates 20% lower than all other offense categories combined
- Why? Age the risk for violence peaks in adolescence or early adulthood and then declines

Contrary to myth, people incarcerated for violent offenses and released are least likely to be arrested again

Percentage of people released from prison in 2005, by most serious offense type, who were rearrested for an offense in the same category within 3 years of release



within 3 years of release from prison

Rearrested for similar offense

By almost any measure, people who are released after serving time in prison for violent offenses are the **least likely to reoffend**:

- ✓ Least likely to be rearrested for any offense
- ✓ Least likely to be convicted again
- ✓ Least likely to be incarcerated again
- ✓ Least likely to be sentenced to prison again

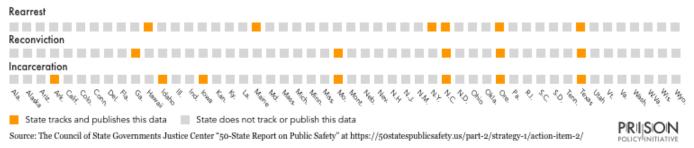
Source: Bureau of Justice Statistics, Update on Prisoner Recidivism: A 9-year follow-up period (2005-2014), Table 7





Most states track and publish just one measure of post-release recidivism

Very few states track and publish any recidivism data for people on probation



RAPE: Myths and Realities

Myth: A rapist is a sexually unfulfilled man carried away by a sudden uncontrollable surge of sexual desire.

Reality: A rapist is someone whose sexuality finds its expression in domination, control and degradation of a victim. The majority of rapes are planned in advance.

In a culture where masculinity is equated with control, force, dominance, power, strength and competitiveness, rape is an extreme acting out of these qualities.

Source: New Responses to Crimes with Victims

RAPE: Myths and Realities

Myth: Rapists are pathologically sick and perverted men.

Reality: Men who force a woman to have an unwanted sexual encounter are indistinguishable from the general male population.

Although the psychotic rapist does exist, as does the psychotic murderer, he is the extreme exception. Listening to victims and to the few rapists who have spoken out, we discover that there is no "typical" rapist but that he is less likely to be a "deviant sexual psychopath" than a married businessman, a street-wise teenager or a fraternity brother.

Source: New Responses to Crimes with Victims

Incarceration does not change the societal attitudes which promote rape. In a society that deals with symptoms rather than causes of problems, prisons make perfect sense....

prison is vindictive--it is not concerned with change but with punishment.

-Jackie MacMillan and Freada Klein, editorial, Feminist Alliance Against Rape Newsletter, September/October 1974

Repeating the Cycle of Violence

Public recognition of the epidemic proportions of sexual assault in prison, has not altered the situation and there are few statistics or studies on prison rape. The acting out of power roles in an authoritarian environment continues to thrive in keeping with punitive societal attitudes toward prisoners.

- Offenders who go to prison or more likely to assert domination through sexual violence upon release
 - Source: <u>Recidivism of Sex Offenders Released from State</u> <u>Prison: A 9-Year Follow-Up</u>

Alternatives to Prison

- Alternative House New Mexico
- Prisoners Against Rape, Inc. Virginia, Washington D.C.
- Sex Offenders Anonymous Los Angeles
- Behavioral, Emotional and Attitudinal Development (BEAD) – Minnesota
- Child Sexual Abuse Treatment Program (CSATP) San Jose

Source: New Responses to Crimes with Victims

MASS INCARCERATION 5 Myths

- 5) Expanding community supervision is the best way to reduce incarceration
 - Probation, parole, and pretrial supervision
 - Conditions are so restrictive that they set people up to fail – fees are crippling, requirement are time-consuming, addiction is not addressed
 - About 350,000 people are shifted from community supervision to prison or jail annually

Some of those Conditions *often administered arbitrarily

The Typical

-Pay supervision fees, fines, restitution or other fees ordered by court – regardless of ability to pay

- -Regularly report to a parole or probation officer
- -Find and maintain full-time employment or education
- -Submit to drug and alcohol tests and pay for them (even if the offense was not related to drugs or alcohol)
- -Abide by strict curfews and submit to electronic monitoring pay for that too
- -Not change employment or residence without permission
- -Attend specific programs (i.e. anger management)
- -Not leave designated area without permission city, county, state
- -Not associate with people with criminal records, including family and friends

The Bizarre

- -Never sit in the front seat of a car
- -Don't get pregnant
- -Put a sex offender bumper sticker on your car

Supervision Violations

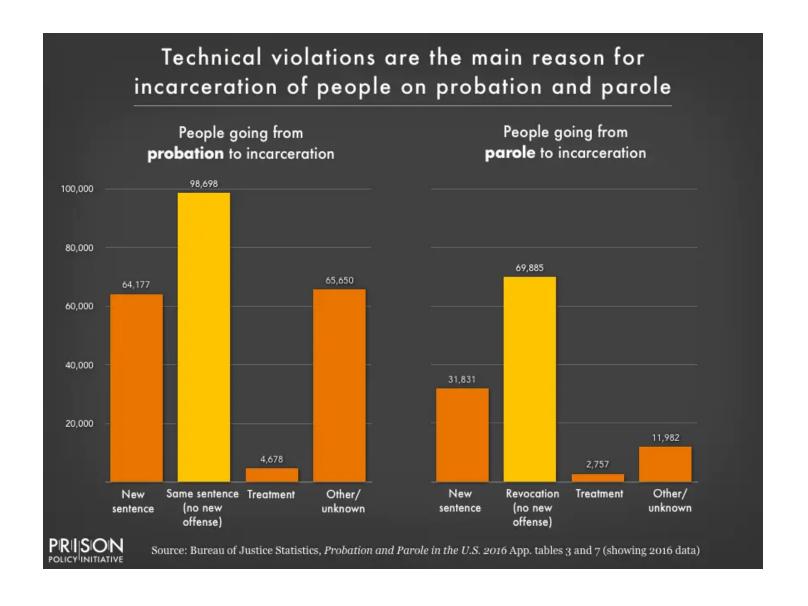
Such as

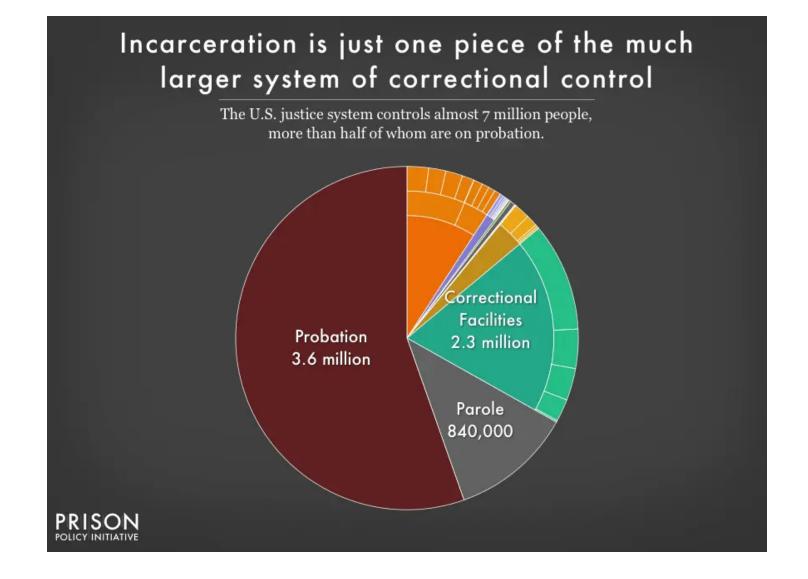
- Missing appointments with supervision officers
- Failing a drug test

Account for

- 1 in 4 of all state prison admissions
- In 13 states 1 in 3 prison admissions
- In 20 states over half of prison admissions

Source: <u>Confined and Costly: How Supervision Violations Are Filling Prisons and</u> <u>Burdening Budgets</u>





Mass incarceration directly impacts millions of people But just how many, and in what ways?

Incarcerated today in prison or jail 2.3 million

> Formerly incarcerated in state or federal prison 4.9 million

> > Ever convicted of a felony 19 million

Most face "collateral consequences" even after their sentence ends

> such as voting, housing, education, employment, and other restrictions

Have a criminal record 77 million

Have an immediate family member who has ever been to prison or jail 113 million adults

Compiled by the Prison Policy Initiative from 2016 and 2017 Bureau of Justice Statistics data; Shannon, et al. (2017) The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948-2010; and FWD.us (2018) Every Second: The Impact of the Incarceration Crisis on America's Families



MASS INCARCERATION Impacts

"You immediately become numb. That's what jail does to humans, that immediate dehumanization, and sensory deprivation that nobody can really understand unless they live through it."

Abolition 101 [video]

Video Transcript

Alright baby, ABOLITION 101, let's get it!

Abolition is a **political vision** and **organizing strategy** that is directly opposed to the Prison Industrial Complex (PIC).

The vision is a society in which police, punishment, and prisons are not the go to solutions to our problems, rather our communities are safer and healthier because they are supported, equipped, and empowered to care for each other.

Abolition doesn't mean people won't do bad things, but it does mean that our current reliance on the PIC does little to reduce violence and harm and actually perpetuates dysfunction rather than protecting us from it.

Abolition 101 [video]

Video Transcript

The strategy is two-fold: Create & Dismantle

Create the conditions that promote healthy and loving communities. It's not the most policed places that are the safest. It's the ones with the most resources – Housing, Employment, Physical & Mental Health Care, Quality Education, Healthy Food (that's affordable)

Dismantle the power and reach of the PIC and the larger systems of white supremacy that demands it. This takes deconstructing our ideas of power, punishment, and justice. As well as more tangible actions: Defunding the Police, Ending Private Prisons, Decriminalizing Drug Use, Sex Work, "Vagrancy"

Abolition 101 [video] Video Transcript

"But if Abolition is an end goal with reasonable steps, why scare people with divisive language instead of just focusing on reform?"

That's 'cause LIBERATION DON'T HAPPEN ON ACCIDENT! If we don't clearly and boldly name the end goal, we ain't ever gonna get there.

Reform suggests that the system is broken and needs some updates or bugfixes.

Abolition understands that the system is working EXACTLY AS DESIGNED, so we need a new system.

POLICE ABOLITIONIST STEPS

From @criticalresistance

www.criticalresistance.org

- Reduce funding to police
- Challenge the notion that police increase public safety
- Reduce tools/ tactics/ technology police have at their disposal
- Reduce the scale of policing

Reform: Reduce the size of the police force

- Reduce funding to police
 - Yes
- Challenge the notion that police increase public safety
 Yes
- Reduce tools/ tactics/ technology police have at their disposal
 - Yes
 - Reduce the scale of policing
 - Yes

Reform: Create civilian review/ Oversight Boards

Reduce funding to police

No – In some cases there would be an increase in funding, and in other cases there would be no change

Challenge the notion that police increase public safety

 No – Presumes that cases of excessive force, killing, lying, planting false information, etc. are exceptional occurrences rather than part of daily policing

Reduce tools/ tactics/ technology police have at their disposal

No – Some argue for Boards "with teeth" (the power to make decisions and take away policing tools), but a board with that level of power has never existed despite 50+ years of organizing for them

Reduce the scale of policing

No – Further entrenches policing as a legitimate reformable system, with a "community" mandate; some boards, tasked to oversee, become structurally invested in their existence

Reform: "Jail killer cops"/ Prosecute cops who have killed and abused civilians

Reduce funding to police

No – Prosecuting police does not lead to changes in funding or resourcing police

Challenge the notion that police increase public safety

No – Individualizing police violence creates a false distinction between "good police" (who keep us safe), and "bad police" (who are unusual cases), rather than challenging the assumption that policing creates safety or examining policing as systemic violence

Reduce tools/ tactics/ technology police have at their disposal

 No – Often, media attention in high profile cases leads to more resources and technology, including body cameras and "training"

Reduce the scale of policing

No – This reinforces the prison industrial complex by portraying killer/ corrupt cops as "bad apples" rather than part of a regular system of violence, and reinforces the idea that prosecution and prison serve real justice

Reform: Community Policing

Reduce funding to police

 No – Advocates of community policing argue that departments will have to hire more cops to be in neighborhoods and in the community

Challenge the notion that police increase public safety

 No – This is based on the belief that policing is focused on keeping people safe, and the violence of policing is caused by a "breakdown of trust" with the community

Reduce tools/ tactics/ technology police have at their disposal

No – Cops are trained in additional tactics and approaches

Reduce the scale of policing

No – More community police means that the scale of policing will increase, particularly in the Black, Brown, poor neighborhoods, where there is perceived "mistrust"

Reform: Body Cameras

Reduce funding to police

- No Requires more money going toward police budgets
- Challenge the idea that police increase public safety
 - No Pitched as making police more accountable, increasing the idea that policing, done "right", makes people safe

- Reduce tools/ tactics/ technology police have at their disposal

 No – Provides the police with another tool, increasing surveillance and increasing police budgets to acquire more gadgets

Reduce the scale of policing

 No – Police can turn off body cameras, and any footage often doesn't have the desired impact or is used for surveillance

Reform: Prioritize spending on community health, education, affordable housing

Reduce funding to police

- Yes If we decrease funding for policing, this will decrease its resources
- Challenge the idea that police increase public safety
 - Yes Prioritizing funding resources also creates space to imagine, learn about, and make resources that actually create well-being

Reduce tools/ tactics/ technology police have at their disposal

Yes – If we decrease funding for policing, this will decrease the expansion of tools and technology

Reduce the scale of policing

 Yes – If we decrease funding for policing, this will decrease the size, scope and capacity of systems of policing

Reform: Withhold pensions and don't rehire cops involved in excessive force

Reduce funding to police

- Yes This can increase community-based budgets as municipalities no longer pay for policing's harm against community members
- Challenge the idea that police increase public safety
 - Yes It challenges the notion that killings and excessive force are exceptions, rather than the rule
- Reduce tools/ tactics/ technology police have at their disposal
 - Yes It reduces the ability of police forces to move around or reengage cops known for their use of violence

Reduce the scale of policing

- Yes

Reform: Require cops to be liable for misconduct settlements

Reduce funding to police

 Yes – This can increase community-based budgets as municipalities no longer pay for policing's harm against community members

Challenge the idea that police increase public safety

 Yes – It challenges the notion that policing and its costs are essential components of safety. Community members should no pay for its inevitable violence

Reduce tools/ tactics/ technology police have at their disposal

 Yes – It creates pressure for police to account for their actions, at least financially, and limits legitimacy of policing violence as inevitable

Reduce the scale of policing

Yes

PRISON ABOLITIONIST STEPS

The CR Abolition Organizing Toolkit

Preservation of Life Reforms

 Ending the death penalty and putting appropriate healthcare in place

Quality of Life Reforms

 New or improved programs that provide better opportunities for education, therapy, drug and alcohol treatment, job training, art, athletics, and structured social activities.

PRISON ABOLITIONIST STEPS

The CR Abolition Organizing Toolkit

Prison Monitoring Reforms

 Oversight bodies that reduce administrative corruption, work to stop guard brutality, and/ or allow for greater prisoner control over life inside the prison.

Right to Organize Reforms

 Changes in laws and regulations that allow prisoners to organize politically without the threat of punishment. Control units currently represent the number one threat to prisoner organizing.

PRISON ABOLITIONIST STEPS

The CR Abolition Organizing Toolkit

Prison Population Reduction Reforms

 Reforms that reduce the number of prisoners through either decriminalization, reduced sentencing, or increased parole.

Alternative Practice Reforms

- Replacing police, courts, and prisons with responses to harm that reduce or eliminate state involvement.

Abolitionist Responses to Violence and Harm [video] *Video Transcript*

Alright baby, let's talk about Abolitionist responses to violence and harm.

If all the police and prisons are gone, what's gonna protect us from violent crime?

First, we have to dispel the myth that police and prisons protect us from violence at all. The SHORT TERM protection some people experience from some crime is a side effect, no function of the Prison Industrial Complex (PIC).

Abolitionist Responses to Violence and Harm [video] Video Transcript

If the PIC protects us from anything, it's from having to seriously consider the humanity of others. We're kept safe by our ability to distinguish ourselves from the "criminal" or anti-social.

It protects us from the work of caring for each other because we're offered the convenience of carting people away.

Many of the alternatives to police and prisons are not perfect and aren't one size fits all. But we can't get the sizing right if we stay relying on the PIC to solve our problems. Alternatives you can research: Violence Interrupters, Community Mediators, Mobile Crisis Response, Community Service, Victim Restitution

Abolitionist Responses to Violence and Harm [video] *Video Transcript*

The strategy of abolition understands that disappearing all the police and prisons right now, at once, is probably a bad idea because without strong alternatives in place, they'll just be remade under a different name.

So while we create those alternatives, I think we'll have to have police respond to violent crimes and nothing else. Prisons will have to be more humane and house only those who need immediate removal from others.

This isn't to advocate for the PIC's legitimacy in our future, but to realistically tend to the psychological damage it's already done to us all.

RESTORATIVE JUSTICE

- Repairs the harm caused by crime. Victims, offenders, and community members meet to decide how to do that
- It emphasizes accountability, making amends, and – if they are interested – facilitated meetings between victims, offenders, and other persons
 Requires an acknowledgement of wrongdoing by the offender – something our current justice system does not allow for

Mass Incarceration

<u>Mass Incarceration in the US [video]</u> <u>Mass Incarceration: Why Does The U.S. Jail So Many People? [video]</u> <u>Mass Incarceration: The Whole Pie 2020</u> <u>#cut50</u> <u>Criminal Justice Reform</u>

Plea Deals <u>Go to Trial: Crash the Justice System</u> <u>Prisons are packed because prosecutors are coercing plea deals. And yes, it's totally</u> <u>legal.</u> <u>Innocence is Irrelevant</u> <u>Only 2% of federal criminal defendants go to trial, and most who do are found</u> <u>guilty</u>

Support End of Bail

<u>The Bail Project</u> <u>A Labor of Love: Black Mama's Bail Out Action + Reflection</u> <u>Money Bail</u>

Restorative Justice

<u>Restorative Justice [video]</u> <u>How restorative justice could end mass incarceration [video]</u> <u>Resources for Addressing Harm, Accountability, and Healing</u> <u>Surviving Rape as a Prison Abolitionist</u> <u>Centre for Justice & Reconciliation</u>

Police Behavior

<u>LBPD Upset We're Not Writing Nice Stories About Them; Refusing to Answer</u> <u>Questions About Costly Civil Lawsuits</u> <u>Police in Pasadena, Long Beach pledged not to send license plate data to ICE. They</u> <u>shared it anyway</u>

Do More Police Reduce Crime?

More cops. Is it the answer to fighting crime? A case for hiring more police officers Do More Police Lead to More Crime Deterrence? More COPS, Less Crime

Prison Culture

For Survivors of Prison Rape, Saying 'Me Too' Isn't an Option Inmates Repeatedly Raped and Beaten by Staff at Nation's Largest Women's Prison, DOJ Says

Prison Industrial Complex

The Prison-Industrial Complex

Understanding the Prison Industrial Complex in the US and UK: for beginners

Abolition

Instead of Prisons: A Handbook for Abolitionists The CR Abolition Organizing Toolkit The Road to Prison Abolition: A Practical Solution Blind Spots of Abolitionist Thought in Academia

COMING UP

Learning How to be Anti-Racist: Special Topics – Fetishization, Romantic Attraction, Adoption

> Wednesday, February 10, 2021 6:00PM – 8:00PM PT