

**MASS
INCARCERATION
AND THE
PRISON
INDUSTRIAL
COMPLEX**

Jeff Sonhouse*A Bipolar Faith Captured in**Front of a Microphone*

2005

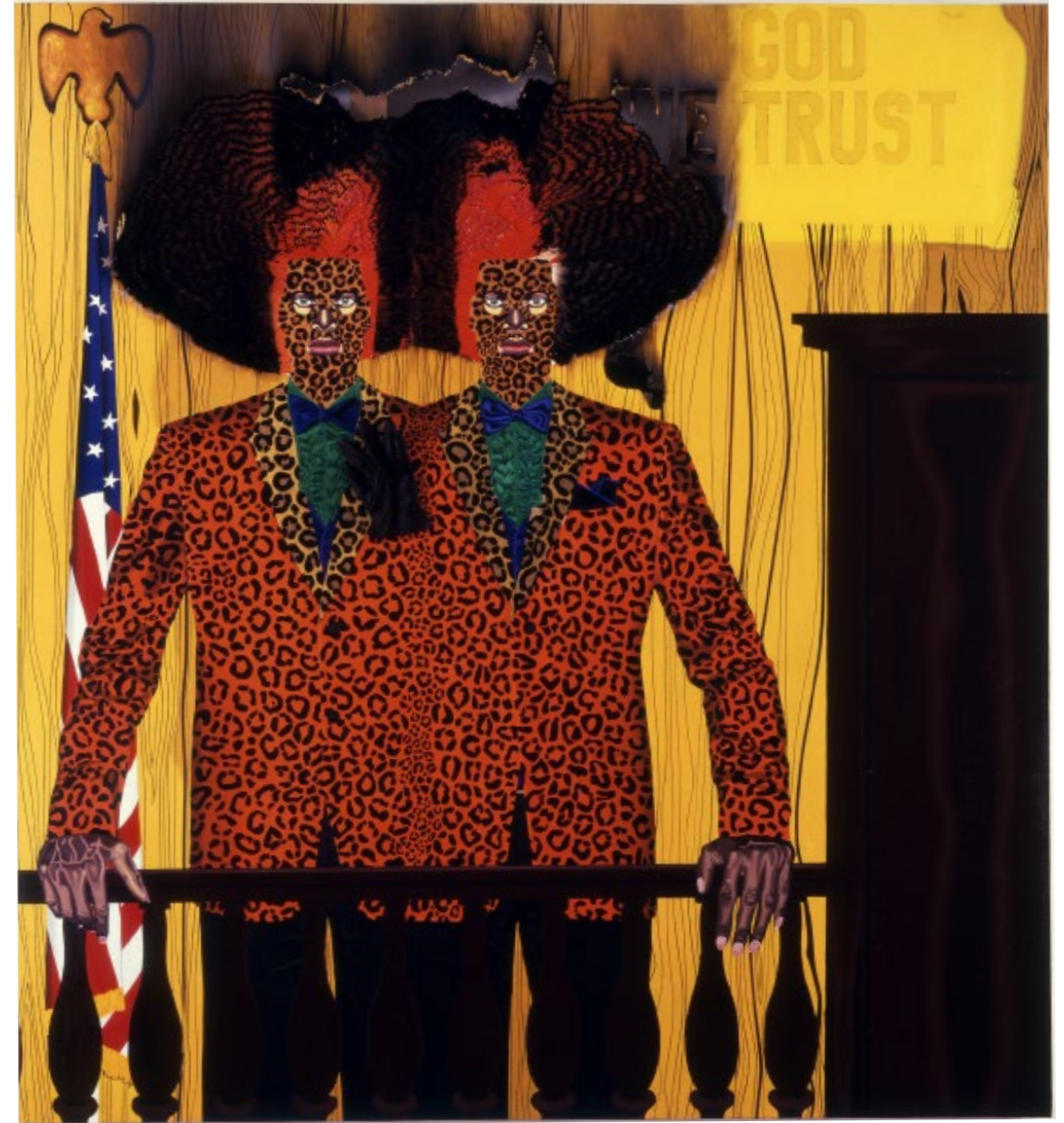
Oil, matchsticks, glove on canvas

84¼ × 78 × 4½ inches

Tang Teaching Museum collection,

gift of Peter Norton, 2019.48.7

Jeff Sonhouse's improvisational portraits combine art history, popular culture, and current events into unique and iconic images of masked Black men. In this painting, an explosive moment in the 1995 trial of OJ Simpson is invoked through an actual black leather glove affixed to canvas. The Afroed heads of the figure on the stand are made from hundreds of individual matches, which Sonhouse literally set on fire, burning holes in the canvas that in turn reveal the wooden support and wall behind. Sonhouse has said of this process, "When working with matches, the fear of being unable to control the fire and losing the painting is present throughout the entire process; therefore the experience is fraught with caution that leaves little room for symbolism... Fire has a long history. Most people, I suspect, associate fire with life or its beginning. So there's an innate attraction to its power to create as well as destroy."



What I Would Change about Incarceration after Thirteen Years in Prison

Johnny Perez

¹ Peter Wagner and Bernadette Rabuy, "Mass Incarceration: The Whole Pie 2015," Prison Policy Initiative, accessed Jan. 9, 2020, <https://www.prisonpolicy.org/reports/pie2015.html>.

² Timothy Hughes and Doris James Wilson, "Reentry Trends in the United States," Bureau of Justice Statistics, revised Jan. 9, 2020, www.bjs.gov/content/reentry/reentry.cfm.

As a nation, we pride ourselves on holding onto the principles of decency, compassion, and the preservation of humanity. While these values are at the core of our national identity, criminal justice policies in the United States do not reflect them, which communicates to the world that we are willing to compromise our shared values in the name of retribution and punishment.

Walk into any prison and you quickly notice that it is devoid of life. I spent twelve years and ten months in one of these concrete structures, and what was most difficult to bear was the lack of human decency and compassion—it was lacking not only in the team correction officers but also in the oppressive physical and visual environment. A metal toilet/sink combo, no hot water, no windows (so no direct sunlight), gray and dreary colors all serve to break down the human spirit and keep the prisoners from escaping their cages.

I learned a few lessons along my journey of incarceration. These insights are an attempt to bring us closer to a society that is reflective of the shared standards by which we all try to live.

Felonies Are Forever

In theory, the criminal justice system operates under the assumption that defendants are innocent until proven guilty. Television shows such as *Law and Order* and *How to Get Away with Murder* perpetuate this misguided perception. The truth is that the minute a person is arrested, their previous and future life will be negatively impacted for the remainder of their existence: this is the assumption of guilt. Collateral consequences are the legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities.

According to the Prison Policy Initiative, 636,000 individuals are released from prison each year and over eleven million men, women, and children cycle through local jails each year.¹ In 2012, the Bureau of Justice Statistics reported that at least 95 percent of all people in prison would be released at some point, and nearly 80 percent of people would be released on parole supervision.² I was once one of these people returning to a society that

3 Susie Neilson, "How to Survive Solitary Confinement," *Nautilus*, Jan. 28, 2016, nautilus.us/issue/32/space/how-to-survive-solitary-confinement; "Inmates in Solitary Confinement 7 Times More Likely to Harm Themselves: Study," *CBS News*, Feb. 13, 2014, www.cbsnews.com/news/inmates-in-solitary-confinement-7-times-more-likely-to-harm-themselves-study.

4 Joanna Ing, "Albert Woodfox: My 43 Years in Solitary Confinement," *BBC News*, July 19, 2017, www.bbc.com/news/world-40647418.

5 "World Prison Populations," *BBC News*, June 20, 2005, news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/n2page1.stm.

6 Jean Casella, et al. "Solitary Watch." *Solitary Watch*, solitarywatch.org; Christopher Zoukis, "What 'The Mandela Rules' Mean for American Prisons," *Huffington Post*, June 24, 2015, https://www.huffpost.com/entry/what-the-mandela-rules-mean-for-american-risons_b_7649928.

had moved on. The first thing my parole officer asked me to do was simply try not to break the law, as if the fact that I applied a criminal solution to poverty as a teenager was something I did compulsively. Society forgets about our humanity while we are incarcerated, but it remembers our transgressions long after we have paid the social price for breaking the law. If we are to be a nation of true second chances, we must eliminate any sanctions that result not from convictions but from a small involvement with the criminal justice system.

Solitary Is Torture

I served three years in solitary confinement. Without question, solitary is torture. Imagine being placed inside a space the size of your arms outstretched. In the summer, the walls get so hot they literally begin to sweat. In the winter, you sleep with your head under the thin covers to keep warm only to be awoken every hour by correction officers tasked with ensuring that no one escapes. You lose a sense of time or day; you even forget what you look like since mirrors are nearly nonexistent in isolation. After years of being able to see no more than six feet in front of me, my vision is permanently impaired. If I hadn't developed a high degree of grit, I may have succumbed to suicidal thoughts. No wonder, then, that over 50 percent of self-harm acts happen while prisoners are in solitary confinement.³

Life in solitary means being locked in a cell for twenty-three to twenty-four hours a day for weeks, months, years, even decades. Albert Woodfox was held in solitary confinement for more than forty-three years.⁴ I was just one of more than 100,000 people held in solitary cells across the country. The United States leads the world in military spending, medical research, and robotics. It also incarcerates more of its citizens than any other country on the planet: as of 2005, 724 people per 100,000.⁵ But no fact is more disturbing than the United States accounting for half the world's isolated prisoners and continuing to do so despite, and in defiance of, international standards for the treatment of prisoners.⁶

I believe we can hold people accountable for their actions and still value their humanity. Solitary is ineffective and costly, and it exacerbates mental illness. Additionally,

7 Joseph P. Williams, "Segregation's Legacy," *US News & World Report*, April 20, 2018, www.usnews.com/news/the-report/articles/2018-04-20/us-is-still-segregated-even-after-fair-housing-act.

8 "An Unjust Burden," *Vera Institute of Justice*, May 2018, www.vera.org/publications/for-the-record-unjust-burden.

9 Aaron Marks, "These 5 Neighborhoods Supply over a Third of NYC's Prisoners," *Gothamist*, May 1, 2013, gothamist.com/2013/05/01/these_interactive_charts_show_you_w.php.

the long-term impacts have not yet been studied in depth. What do our punishments say about our own values, character, and collective identity? In the end, how we treat others is more a reflection of our inner character than of theirs.

Mass Incarceration Is a Symptom of Racism

The United States has a disease called racism, and nowhere does this disease show up more than in our criminal justice system. It is the same racism, though mutated and often strengthened, from the days my ancestors were enslaved. The evolution from slave to criminal was articulated in Michelle Alexander's catalytic 2010 book, *The New Jim Crow*. In prison, I came face to face with white officers whose only interaction with a person of color was in a correctional setting. This disturbing characteristic illuminates just how segregated many parts of our country still are.⁷

The racial disparities in criminal justice, a direct result of a history of systemic racial oppression since the formation of the United States, are well documented. The laws and policies governing every aspect of the justice system—from policing to sentencing—also have a disproportional impact on disenfranchised communities and people of color in particular. This circumstance is a sophisticated and intricate system of subjugation and racial control, which is predicated on the commodification of Black and brown bodies.⁸

In prison, it was difficult not to notice that most people, regardless of the prison (I was held in nine prisons in total), had the same skin color as I do. I left many conversations feeling as if there were larger forces at play. The men I shared space with were from the same neighborhoods.⁹ They aspired to the American dream, but many found opportunity not around the corner but on the corner. Poverty and lack of higher education were obvious influencers; less subtle was the frustration with a system that saw only their criminal solutions to life's challenging times, not their unrealized potential.

Years later, as an advocate, I would gain insight into the trends I saw firsthand. The overrepresentation of Black men in the system is the result of Black men being incarcerated at a rate five times greater than that of their

¹⁰ “Criminal Justice Fact Sheet,” NAACP, accessed March 13, 2020, <https://www.naacp.org/criminal-justice-fact-sheet>.

¹¹ “Children in Single-Parent Families by Race in the United States,” Kids Count Data Center, accessed Jan. 9, 2020, datacenter.kidscount.org/data/tables/107-children-in-single-parent-families.

¹² “Race and the Drug War,” Drug Policy Alliance, accessed Jan. 9, 2020, www.drugpolicy.org/issues/race-and-drug-war.

white counterparts.¹⁰ You don’t need to see the inside of a prison to notice that they are filled with Black men: just look at the absence of Black men from their communities and the more than half of Black kids who live in single-parent households in the United States.¹¹ Multiply this by years of policies aimed at these same Black communities, and then ask: Does the United States value people of color?¹² The truth is that no amount of prison reform will be possible until the United States faces the ongoing transgressions against people of color. Mass incarceration and the policies that herd Black and brown families into cages are fruit from a poisonous tree, and that tree is called racism.

Final Thoughts

If a system is not reflective of our shared values, then we have an ethical obligation to change or end that system. If a disproportionate percentage of our society is held in human cages (and, in the case of private prisons, commodified in the name of capitalism), then our lawmakers should be ashamed of their actions and we should be ashamed of allowing the dissolution of the moral fabric of our society. If we throw away human beings or deem them not worthy of dignity or redemption, then we place ourselves among the ranks of those who have committed some of history’s greatest atrocities.

We should not only look at individual responsibility but also hold accountable the systems that increase the likelihood of breaking the law, especially in communities of color. By implementing measures to increase transparency, we can begin to see behind those concrete walls and preserve the dignity of all incarcerated people. Furthermore, appropriate accountability should include a hard look at reentry and ways in which the criminal legal system can facilitate and support newly released people.

As I look into the eyes of my son, I am overwhelmed with love but also with fear. Love, because as a fatherless son, I understand the value of having a father. Fear, because as a Black boy in the United States, he has a one-in-three chance of being incarcerated like his father. So when people ask me why I am devoted to changing the system, I say that it is simple: because it is my responsibility. ▲

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OCTOBER 6, 2017

Isolde Brielmaier We're focusing on mass incarceration and ideas of mobility and immobility—the social, political, and economic aspects of mass incarceration—as well as reform of the prison industrial complex.

Let's start with a few statistics. The United States has the largest prison population in the world, and the second-highest per capita incarceration rate behind Seychelles, which in 2015, had a total prison population of 799 per 100,000 people. That year, in the United States, there were 698 people incarcerated per 100,000. In addition, nearly 60,000 juveniles are in detention. A 2014 Human Rights Watch report states: "Over half (53.4 percent) of prisoners in state and federal prisons with a sentence of a year or more are serving time for a non-violent offense," a result of the "tough on crime" laws instated since the 1980s.

Why do you believe that this is such a critical issue, and why should we care if we have no connection with or involvement with the criminal justice system?

Elizabeth Hinton Mass incarceration affects all elements of our society. It has eroded US democracy; it has shaped our elections. If it wasn't for the systematic disenfranchisement of people who are incarcerated and people with criminal records, the outcome of all elections from Jimmy Carter onward, at least, would be very different. If we look at the 2000 election in Florida, the exclusion of people who were incarcerated or people whose names resembled those of people who were incarcerated shaped the election in that state—the critical state in the election of George W. Bush. So, that in itself has shaped our history.

Mass incarceration also reflects American values that we're coming to terms with in a different way in the Trump era. What does it mean that the "land of the free" is home to the largest prison system on the planet? What does it mean that in Michigan, California, Georgia, and many other states more money is spent on imprisoning young people than on educating young people? This reflects our values in the aftermath of monumental civil rights legislation. The question is at the heart of our society and at the core of the inequality and segregation that we see in the United States today.

Johnny Perez There are some things about the education piece that really stick out for me. What about how much money we spend on incarceration? For example, on average, the cost to incarcerate one person for one year in New York State is about \$68,000. It costs about that much to go to a college like Skidmore, right? Think about that. A person at Rikers Island is about \$275,000 for four years, which is equivalent to four years at this school. But it's not only that. Any time we think about money, and we're in the place where we've actually profited or privatized prisons—different states have privatization of prisons—we're in a place where we've actually commodified human beings who are disproportionately people of color. It's not reflective of our shared values, you know?

Duron Jackson I'm very concerned about how the prison industrial complex pervades every place that we navigate. A lot of the objects that we use, the chair you're sitting on, the clothes you're wearing are touched by the prison

industrial complex. It's almost cliché at this point. This is the new slavery, a new form of slavery. When you think about us as consumers, we are literally supporting the enslavement of our fellow Americans.

- IB** **There's not a lot of specificity in the phrase *made in the USA*.**
- DJ** *Made in the USA* is almost synonymous with *made in prisons*. That's what keeps me engaged and interested in spreading the word.
- IB** **We're talking about a system that's been institutionalized. I'm thinking about Elizabeth's book *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*; Michelle Alexander's book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Ava DuVernay's documentary *13th*. A compelling argument can be made that links the prison industrial complex directly to institutionalized systems. This reaches from the formal founding of this country, from the enslavement of individuals, to Jim Crow laws, to the war on drugs, the war on poverty, the militarization of the police, and so on.**
- EH** It's significant that people of African descent came to this country essentially in floating prisons. They were shackled. They were in slave ships where they were confined. The history of African Americans in this country and of many racially marginalized people is one of confinement and bondage and literally being in chains and handcuffs in the late twentieth century. It says something about the nature of American racism that every time citizenship rights extend to African Americans, new forms of incarceration and criminalization immediately arise.
- What came after the abolition of slavery was the first mini mass incarceration. There were new laws called the Black Codes, which basically forced formerly enslaved people to return to the plantation and work as sharecroppers for no money or risk going into the convict lease system, where they're essentially worked to death. Then, following the enactment of the Civil Rights Act and the Voting Rights Act, we get new forms of criminalization. That's what I write about in my book—new roles for police and urban social programs and new, targeted enforcement of various laws that leads to the mass incarceration we're facing today.
- Every time we move closer to our stated value of equality, there's a new insidious system that forms to keep certain people in bondage. It's important to point out that when we're thinking about mass incarceration today as a form of modern-day slavery, it's not the exact same thing as antebellum slavery. It's historically distinct. But being behind bars, being confined, working without compensation are enduring parts of African American history.
- IB** **We're talking about Black and brown folks, but we're also talking about poor folks. In one of my previous lives, I worked within prison systems and spent some time in San Quentin and Rikers and in the Tampa County Jail, where there were predominantly poor white people. I'm putting you on the spot—but do you have general numbers for how many people are currently incarcerated and how certain communities are disproportionately impacted?**

- JP** I believe that there are well over two million people who are currently incarcerated, and another seventy million people who have a criminal record on file. Doubling back to earlier, chances are that you probably know someone who's been affected or touched by the system because of those numbers.
- EH** One in thirty Americans has some form of criminal record, which is significant, so probably at least a few people in this room. In terms of racial disparities, if current trends continue, one in three Black boys born today will go to prison, one in six Latino boys, and one in thirty white boys. That gives you a sense of the ways in which mass incarceration deeply affects the future life chances of young men of color.
- IB** **And increasingly women, too.**
- EH** Right. Black women are the fastest growing group of people who are being incarcerated.
- DJ** We're here in a museum, which is a receptacle of visual culture. And we're talking about how institutions support mass incarceration. The media creates a narrative through visual culture, and it's continuously perpetuated. What I'm most invested in is visual literacy. I'm an arts educator: I'm an artist and I teach art to high school students. Over the past six or seven years, it's been usual for me to have a first-period class and maybe three or four young men of color come to class late because they've been stopped and frisked on their way to school. There's a macro-narrative that our law enforcement is subjected to that targets Black and brown men and places them in the system.
- All I can do is make art about it. The only thing I can do with my resources is to create narratives, re-create narratives around what and who Black and brown men are in society. That hopefully changes someone's perception of who we are.
- IB** **How does everything that we're talking about then impact policy? We're envisioning this system, right? What is the link now toward criminalization policies? What's the history behind that? Elizabeth, you started out by commenting on policies as far back as Carter. How did these policies become solidified so that we now have laws on the books? Say, a stop-and-frisk law, for example.**
- EH** I began my research on this topic in the early 2000s, at a moment when people weren't talking about mass incarceration as much. The idea was that this was the product of crime-control policies that came out of Republican election strategies, especially during the Reagan administration. Some people said, "Well, you know, there were some federal crime policies during Nixon." My book is based on archival research in the White House central files of presidential administrations from Kennedy to Reagan, so I locate the origins of these policies even earlier, during the Kennedy administration.
- It was actually Lyndon Johnson who called for the war on crime in 1965. It's significant that in the moment, in March 1965, when Johnson

signs the Housing and Urban Development Act—which subsidized low-income housing for people for the first time—he also signs the first federal piece of crime-control legislation, which begins this massive investment on the part of the federal government and the militarization of urban police forces. And then the week after he declares the war on crime, he sends the Voting Rights Act to Congress. But the narrative that we often hear is that these policies start with either Nixon or Reagan.

What does it mean that at the height of progressive social change in the United States and the civil rights revolution, we also get the beginnings of the carceral state, the war on crime, the militarization of urban police forces, new roles for police and urban governance, new levels of surveillance for low-income people? When we begin to ask those questions, we come to terms with some of the ways in which even the most liberal and revered policymakers were deeply limited in the possibilities they envisioned for American society because of their own racism and because of their own unwillingness to disrupt some of the social and political hierarchies that have characterized the United States since its founding.

The mass incarceration and the criminalization of low-income Black and Latino Americans is a process. This isn't something that just happened, which I think is what a lot of people assume. This goes into visual representations and cultural assumptions that certain groups of citizens are more violent and more criminal, and that's why they're in prison. But that is not the case. Mass incarceration is the outcome of sets of decisions and a path pursued by policymakers when they had alternatives presented to them. If mass incarceration and the kinds of criminalization we see today are the result of decisions and votes at all levels of government, there was a path to this outcome, and there is a path to undo it. Policy is malleable. It's not static, and it can change.

- JP** You walk inside a prison today and you'll find that most of the people there are people of color. There are a lot of people there who are living with mental illness who are coming from poor neighborhoods. Why? Because we've criminalized mental illness. We've criminalized homelessness. We've criminalized poverty. Now we're even criminalizing just being from another country. And somehow this current administration has bamboozled people into voting against their own interests.
- DJ** I think that what you're saying and what you're illustrating is intentionality.
- JP** I'm on the New York State Advisory Committee to the US Commission on Civil Rights. We looked at New York Police Department practices and policies that have a disparate effect on communities of color. We interviewed about seventy or so people, including advocates, social workers, former police officers, and current police officers. Something that was brought to our attention is how people of color are depicted in police training manuals; they are about 80 percent of the criminals. So if you're trained at the Police Academy that this is what a "criminal" looks like, then no wonder you're trigger-happy once you're inside the neighborhood.
- I'm going to make a recommendation that we overhaul the entire police training manual. I understand that sometimes police officers get

another training while on the force, which is another part of the conversation. It's like, "Forget what you learned in the academy, this is how we do things out here." But at the very least, it taps the root cause and exact nature of some of these interactions where the end result is a white police officer killing a Black person.

- IB** **Because he fits the visual profile of the suspect.**
- JP** It's already in his head.
- IB** **Training, at least in New York, is far from perfect but has begun to shift to properly educate officers on how you deal with someone who has clear indicators of mental illness. In one case in 2016, an elderly woman in the Bronx, who was schizophrenic and off her meds, was reported to be swinging a bat. She was shot by an officer who, when he was later interviewed, said that he had no idea that she suffered from mental illness. The neighbors knew, everybody knew, but he had no idea. That idea of training, now that we're seeing results around those indicators, is incredibly important.**
- JP** We're in a place where the criminal justice system has turned into a hammer that responds to everything as though it were a nail. When something's going on in society, we don't call a social worker and say, "Hey, there's a person out here who's disturbed." We call police officers. Police officers are trained to react with force in a lot of different cases and are trained to incarcerate, not to take someone to a hospital. It speaks to how we are really in a place where we respond to damn near everything through this punishment paradigm that says punish, punish, punish—versus rehabilitation or accountability.
- I believe that we can reimagine the entire thing. We can look at systems in other countries as a guide, at the very least to say, "Hey, imagine a prison without fences. What does that look like?" There are places in India where police officers don't even have handcuffs. I don't know what that would look like here, but it taps into how we can reimagine the current state of incarceration in this country.
- IB** **I want to talk about the system and the actual prisons. *Criminal justice reform* is a phrase that's thrown around a lot. But what, exactly, does it mean? There's a big push to close Rikers Island. But is that solving the problem? Where are all of the individuals in Rikers and on the barge for Rikers's overflow going to go? When we say reform, can we get a little bit more specific?**
- JP** To speak to the Rikers piece, the idea is to bring the population down to about five thousand. Judge Jonathan Lippman created a commission of leaders in the field, and they released a report that indicated that if the Rikers population is reduced to that number, it is a number that can be dispersed into smaller jails within the boroughs where people will be closer to their families and closer to services. As a result, they'll be able to have a completely different type of reentry and rehabilitation.
- Rikers Island, of course, is only one jail. But all of the things that are wrong with Rikers Island are also a lot of the things that are wrong with

the entire system. So think of Rikers Island as a glimpse to the larger system. When it comes to reform, I would warn people against incrementalism, meaning that we change a little part of the system but not the whole system—like the idea that if we change bail, we’re good. No, if you change the bail system, we still have a ton of other issues.

I wouldn’t argue against closing all prisons in the first place—let’s talk about that. But it’s important to be really audacious and take risks in what we’re asking for. As long as the reform and changes that we want are focused on humanity and compassion and our shared values, that’s a good place to start.

DJ Audacity is the word of the day here. There’s not much of an incentive for institutions to change, especially considering the free labor of prisons. I’m thinking about the connection with mass incarceration in my own neighborhood, Bedford-Stuyvesant, Brooklyn. It gentrified probably faster than any neighborhood in the country. And so you think about how families are affected by mass incarceration.

Matt Desmond at Harvard did a study around eviction rates. It highlights the idea that eviction rates are to Black women as mass incarceration is to Black men. When you think about that, you think about the mass migration of people out of communities. And you think about the idea that in most cases, it’s the men who are being removed from their families—men who are the prime breadwinners for their families. When you have one family member who’s not working, or one family member who is working and a stream of income is lost, then you have to think about food, shelter, real basic things.

IB **Can we address the privatization of prisons, and then also the privatization of reentry programs?**

JP New York doesn’t have any private prisons, but unfortunately, we do live in a country where there is privatization of prisons, where we actually profiteer off the fact that we’re putting people in human cages. In fact, if you Google “privatized immigrant detention jail” or something similar, you would think that whoever’s auctioning off this prison is actually selling cars. They’re guaranteeing a return on investment. They’re guaranteeing an 80 percent occupation rate. There have been instances where the private prisons, either CCA or the GEO Group, have sued the state for not keeping their end of the bargain, that is, keeping the prisons at a certain level of occupancy.

Then I think about the privatization of reentry. Coming home from prison is probably one of the most difficult things that a person would have to overcome. This is coming from a person who spent thirteen years in prison. I’ve been home for four years now. I acquired an education while I was in prison, and even then, it was difficult. So when you incentivize an organization, and you privatize it, I wonder how much rehabilitation is going to be involved. I wonder how many people are going to slip through the cracks. We have six hundred thousand people every year who are returning back into our societies. What does that look like not only for them but also for their families who have been directly impacted by the system?

IB **Can you lay out some of those challenges, Johnny? And also touch on recidivism, which is extremely high.**

JP This is obvious: we need housing. I’ve had to answer questions about a criminal record dating back to when I was sixteen years old, when I stole a car, in order to live in a building. And then I’ve had people say, “Do we want this person here or not?”

We need employment. I went on about sixty interviews before actually getting hired for the agency that I’m at now. No one really wants to hire someone with a record because of the paradigm that you can’t be trusted.

Meanwhile, while you’re in prison, it’s drilled into your head that if you change your ways, we’ll forgive you, and you’ll come back to society with open arms. But like someone has said to me before, actually we face more oppression here than inside, on the other side of that barbed-wire fence. So housing and employment are the obvious challenges, but there are lesser-known challenges, like when I have to come home and hear my daughter call someone else Dad, when I have to go back into a family that has learned to live without me.

And more important, having to start life all over again at thirty-four years old. When my friends are talking about things from when they were twenty-one, twenty-two, and their college life, they say, “How about you, Johnny?” Well, I was in Clinton Correctional when that happened. So it’s trying to pick the pieces back up and come back in the middle of things. I’ve been to neighborhoods that don’t look the same, where buildings that were there prior to my incarceration didn’t even exist when I was released. And I’m thinking, “Am I in the right neighborhood?” I am; it’s just that the world has changed so much—and don’t even talk about technology.

DJ I think about the impact of not having health care for my brother, who suffered from post-traumatic stress, and still does, from being in and out of Rikers many, many times. Though we’re really talking about vagrancy: jumping the turnstile or drinking in public. From all of these small infractions, he wound up right back in jail. This cycle of incarceration takes a huge toll mentally and physically. My brother is fourteen months younger than I am, and he looks like he’s maybe ten years older just from the stress of being in and out of jail and having to deal with a lot of the issues that Johnny’s talking about.

EH I would like to say a word on reentry, because I don’t think it’s talked about enough. As we’re thinking about and critiquing incrementalism and some of the limits of reform, it’s alarming that the for-profit reentry programs that I’ve seen—I’m most familiar with the system in California—are increasingly evolving into what is basically a waystation that leads back to a penal institution. We really have to ask ourselves what we mean by second chances, if we really want to give people second chances. Again, so much of the discussion has to do with values.

If you’re sent to prison, and if you’re going into a for-profit place, people aren’t going to give you the services that you need for all the reasons that we’re discussing, and you’re not going to get education. When you’re released from prison, you need a job, your family needs support, you need

to be able to get a driver's license, you need housing. None of these kinds of things are handed to you. They're very difficult to get. For-profit reentry programs are basically a form of surveillance where you check in at certain points during the day. And usually, these facilities are located in the same community where you were arrested in the first place.

IB So you're guaranteeing a certain amount of recidivism, which feeds back to the system.

EH Right. It becomes another form of incarceration and another form of surveillance. Because you're literally tethered to this place where other people are confronting similar obstacles.

We have become this mass incarceration society. When we think about decarcerating, closing down institutions, that's got to come with a massive infusion of resources. Again, it's rethinking our values. It's rethinking prevention. Why is it that for at least the last fifty years, since the war on poverty, we have decided to respond to mass unemployment, failing public schools, and failing housing with more surveillance, more police, more incarceration? That is a policy choice that people have made. And that is why we're in the mess that we're in today.

Another thing about privatization that doesn't get talked about enough is the immigration detention system. More than half of immigration detention facilities are privatized, which is terrifying. For-profit and private institutions don't have to be accountable to anyone. This system really began to take off in new ways during the Obama administration. But if it becomes completely privatized, what goes on in those institutions in the age of Trump is going to be completely closed to the public.

JP Regarding prisons, there's this lack of accountability because there's a lack of transparency. If we don't know what's going on, then we can't address it. That's number one.

Then there's the recidivism rate—the number that gets thrown around is 66 percent. You don't need to commit another crime to go back to prison when you're going through reentry. If you leave the state without permission, that can land you back in prison. But the public thinks, "Hey, this person committed another crime."

And when it comes to reentry services, some reentry organizations say, "We serve people who are formerly incarcerated or coming home, but we only want people who are convicted of nonviolent offenses or only the juveniles." The most stigmatized are people who have been convicted of sex crimes and violent crimes.

IB We've all heard the phrase *school-to-prison pipeline*. We've all seen the viral videos of children being disciplined.

Is it California that just passed a new sexual predator law? According to one writer, if a first grader gives an unwanted hug, that kid could be disciplined in a way that did not exist before. Black children who already fit the notion of being hypersexualized—again, bringing in the visual—are even more at risk. So let's talk about that before we even get to prevention, because the numbers are pretty staggering.

DJ I work for a charter school. The charter system is actually a conservative premise. Like the for-profit prison, it's school for profit. And the way that children in charter schools are disciplined has a punitive edge to it. And when you have a punitive system that is also employing a population of people who are culturally insensitive, who have been conditioned by society to believe that young Black children and young Black men are hypersexual or violent, it is a keg ready to explode. You have predominantly white young people coming out of programs like Teach for America or some other teacher training program, and they're plopped in this very Black environment with no cultural training or sensitivity to deal with the population that they're there to deal with. So you have this person who has the power to completely change the direction of a child's life based on who they believe that child is.

Young Black and brown kids are treated like adults in the street, but when they enter school, they're treated like children. The skew in perception for a young man or young woman who is treated like an adult in public spaces and all of a sudden has to switch gears when they come to school creates a dynamic that's hard for everybody. Then you have a population who is given the power to surveil in a punitive way. All of this is recorded and archived and follows children from high school to college and into the public sphere.

When we talk about visualization, how we visualize this premise is where we start. How do we treat children like children, and how do we, as a society, perceive them as children?

JP Something you said really struck me. I was thinking about how my seventeen-year-old daughter knows to tell me to take off certain things on my body because it's going to ring in the metal detector. And I've walked through a lot of metal detectors before. But she knew exactly what would ring and what wouldn't ring. And I wonder, how does a seventeen-year-old know how to clear a metal detector more than an adult?

The NYPD has a thing called Operation Crew Cut where they're surveilling kids as young as eleven years old all the way until the age of twenty-one, who are suspected of committing crimes. They're monitoring their social media. Then they hand down these secret indictments based on conspiracy—based on who you talk to online, whose comment you've liked, etcetera. This has life-altering consequences when you're arrested.

Last year, this mother testified about how she had to go into the principal's office and see her son handcuffed at the bicep to the wall because the handcuffs were too big to fit his small wrists. He was never Mirandized, never had his rights read to him. And of course, she was up in arms. But the principal's reaction was automatic. It always defaults to "school safety." In reality, it wasn't school safety. These security guards are hired. They are like NYPD officers inside of schools. What does that do to a young mind who every day has to walk into school and go through a magnetometer and see police officers with guns and uniforms?

DJ It becomes normalized.

IB I went to an inner-city public high school and there wasn't a metal detector in sight. They attempted to bring it in, but parents were against it. There

was never a uniformed officer—the guys always wore khakis. But now we’ve come to this point where all of that is completely normal and “accepted.” Not necessarily by the students and their families but...

- DJ** That’s all coming from fear. And it’s the fear that’s generated by the media’s construction of this narrative about who Black and brown children are.
- JP** It’s been normalized in some schools. It’s common to see a school in the Bronx with a metal detector. But if I go to, say, Bay Ridge or somewhere that’s a “good neighborhood,” the families would be up in arms if you dared to put a metal detector in their school.
- IB** **How does that decision happen, though, from a systems and institutional perspective? Is it based on stats? Is it based on crimes committed by students?**
 Maybe a week ago, there was a kid in the Bronx who stabbed two other kids after facing bullying. And the first thing that people asked was, “Why doesn’t the school have a metal detector?”
- JP** There are instances like that, which are really not common, that are then turned around as the reason to militarize our schools, to have metal detectors, to not have your cell phone at school, to give police officers bigger guns. This is so beyond me. I struggle with the solutions.
- DJ** Instead of focusing on the bullying, they want to be punitive.
- EH** What is it about the school itself and the curriculum of this school that isn’t engaging the kids so that they’re fighting and stabbing one another? Why is it that we respond, “We need more metal detectors”? Maybe we need better teachers. Maybe we need better resources at the school or in the community.
- DJ** There certainly are instances where I believe young people internalize the idea of who people are telling them they are. That kid stabbed the other kid because he was bullied. But the media was more focused on...
- IB** **The idea that there needed to be more policing, more surveillance... What are some things that people who may be interested in getting involved can do?**
- DJ** I often get asked this question as an artist. My work is formal and conceptual, and it’s not didactic. It’s not telling anyone to do anything. For me, what’s most important is to stay informed and to stay engaged so that you can navigate around the consumerism that’s supported by the prison industrial complex or so that you can be involved with policy. Write your representatives and your senators. Be mindful of how you engage with people who have been released from prison. Think of the stigma and the shame in it. I personally had to overcome a lot of shame attached to my brother being in and out of prison. It wasn’t until I started doing the research for my own work that I developed more compassion around him having been caught up in a system, that I even recognized a system. So just be compassionate, engaged, and stay involved.

EH I’m a historian, so I look to history. History shows us that things don’t change out of the goodness of people’s hearts. It takes organizing, and it takes being informed. It takes building a social movement, and it takes decades. And as much as this past year has been distressing, I’m also inspired by the social movements that are gaining ground and momentum. The fact that we’re talking about this is significant. We’ve got to keep building and look to the past, for the strategies that worked and that didn’t, in order to envision and bring to fruition a different kind of society that’s rooted in the values we want to see privileged.

JP As a former incarcerated person, I want people to understand that a lot of the injustices that happen not only behind the walls but on both sides of the fences happen because there’s an entire class of people that have been systemically dehumanized. And it reflects in the language that we use. Anytime we see someone as a criminal, or convict, or so-called inmate, we give ourselves permission to treat them a certain way. I would compel you to educate those around you. What do people talk about at the dinner table? The next time a friend of yours says something that you know to be inaccurate, you have a burden of responsibility to correct them. Silence is consent. You can’t be quiet.

Also, you can retweet an article here and there, that’s okay. But retweeting isn’t enough. We need more than that. We need people to be audacious. We need people to take risks. We need people to be true to themselves. And not only that: use your imagination to reimagine things that you have always taken for granted. You don’t have to reinvent the wheel. There are so many existing efforts that can use more human power, more human resources to move them forward and move the conversation forward. More important, sometimes it’s not about pushing the needle. It’s about guiding the needle in a completely different direction.

And then, remember this: the system is not broken. The system is working exactly how it’s designed to work. What we’re seeing right now is intentional, and it’s designed to oppress a large segment of the population, a segment that has the same skin color as me.

Audience I’m thinking about representation in visual images and what that does to a culture. Growing up around Black people, I’ve heard teachers say, “You are a Black man, so you’re either going to be in jail or dead.” Can you speak to what it means to be in spaces that weren’t meant for you? Do I say, “Okay, this wasn’t meant for me so I’m just going to fade away into the corners?” Or, “This wasn’t meant for me, but what do I do now that I am here?”

JP I would argue that asking that question is exactly where you need to be. It’s not easy, and it’s not comfortable. But the courageous part is when you’re in one of those spaces, and you look around and you don’t see a reflection, and you stand strong in your conviction and say, “This is exactly where I need to be.” I’m usually in spaces where I’m the only dude who wears a do-rag to sleep. And this is exactly why I need to be here: the more people become siloed, the more it perpetuates what we’re talking about. People need to be exposed to your ideas, your thoughts,

and have you push back on things that you don't believe to be true. Is it easy, is it comfortable? No, absolutely not. But when you do make that headway, it is so rewarding.

The other day, I had a conversation at a restaurant here in town. The people I was talking to were all Trump supporters. We had a robust conversation. Then we took a selfie and went our separate ways. But I did walk away learning something, and they also walked away learning something. In order to understand and to really change things, we need to be in those spaces.

EH People get complacent because they see how the Black middle class and people of color in the middle class have grown in the past fifty years. But just because these vulnerable spaces are now open to the degree that they are doesn't mean that they're going to stay that way. It's all of our responsibility to continue the fight to keep those spaces open and to bring more people to transform those spaces to reflect the values and to reflect the kind of society that we are and that we want to be.

IB **There's a difference between thinking about a space that wasn't created for you and thinking about a space in which you belong, right? Because many of us in this room, for various reasons, move in spaces that weren't created for us. But I belong there, and I'm telling my seven-year-old daughter that she belongs there. I might feel like a particular space may not have been for me, but I worked my butt off to get here, and now I'm here and I belong here. You belong wherever you want to be.**

DJ Wherever you are, you belong.

Audience I was struck by the fact that most of us here are on the same page as far as our sentiment on this issue. But there is another side to the argument. Can you frame the best parts of the other side of the argument? Where do you draw the line for some of these issues? Is it violent offenders? Yes, we lock them up for the public safety, but maybe not so much in cases like Duron's brother. How would you best define the argument in favor of the present system? What do you have to fight against to achieve change?

EH One of the big conclusions of my book in looking at these policies is that despite all the billions of dollars spent—before Ronald Reagan took office, what amounts to \$25 billion in today's dollars had already been spent on local and state law enforcement, not including the billions of dollars that local and state governments spent on programs that didn't work—we are still dealing with the problem of crime. Incarceration has long been proven to not effectively work as a crime deterrent. There's no correlation between crime and incarceration, incarceration and crime.

People say, "Well, violence and crime have gone down in the United States," which is true in a lot of senses. But in certain communities where there are high concentrations of people who are incarcerated, where low-income Black and brown people live, there are still staggering rates of gun violence. Incarceration hasn't worked to keep the most vulnerable Americans safer. It's time for a different set of more preventative

approaches to these problems instead of constantly coming up with punitive responses and the stick, the stick, the stick.

DJ We as a society should live up to the idea of reform to assist and help people get back in the game in society. You're talking about reentry, health care, a place to live, some kind of job training, a removal of stigma around reentry. Look at Johnny. He's an exemplar. And he's also telling us he's walking around being stigmatized because he was once incarcerated. I'd love to have him as a colleague, a neighbor... We have to ask ourselves individually what we want this to look like in our own communities.

JP There's this individualistic paradigm of the person—the person, the person, the person—that ignores the environmental factors that influence the person's behavior. I had a client who was released without a coat in twenty-degree weather after being incarcerated for six months. He suffers from mental illness, and he was released without medication. He was released with twenty dollars. His reaction to being cold was to steal a coat. The first thing that the DA said in court was, "This man had a second chance. He's a career criminal. We should lock him up." No one ever asked the obvious question: why is he being released without a coat?

I want to point out that there's a difference between punishing someone and holding someone accountable. One is a punitive paradigm, and the other is based on compassion. If my daughter was to steal something at the store, I'm not going to stick her in a closet and feed her three meals a day, the last meal at 4:00 in the afternoon, and maybe take her out of her cell and beat her up every now and then. I will go to jail for that. But that's exactly what's happening right now. And I say that with a sense of urgency.

Then the other piece is about violence. Would you believe me if I told you that I didn't learn how to pull a gun on someone until someone pulled a gun on me? Would you believe me if I told you that something like 92 percent of people who have committed acts of violence had themselves been victims of violence? When we look at it through that lens, we should look at the environmental factors that play into that.

When I was sixteen years old, I wasn't trying to decide which college I was going to or whether I should go to karate school. I was trying to decide which gang I was going to join. There are twenty-four-hour pawnshops where I grew up, as if people from my low-income neighborhood have gold lying around to pawn at 3:00 in the morning. A Hennessy costs less than a gallon of milk. And what does that do to the decision making of a sixteen-year-old? I always challenge people to really look through a systemic macro lens.

Audience My question is about reentry, but from a poli-sci and economic perspective. If you show somebody, like an employer, your criminal record, do you feel like they have the right to say, "No, you're not allowed a job"? My cousins live in the Bronx, and they've been criminalized. They have criminal records. They've been institutionalized. And they can't find jobs because they jumped over the turnstiles in the New York City subway. Do you think that denying them work is a violation of the Constitution

or other laws? It also hurts the economy that they can't get jobs—the unemployment rate drops, but not for a good reason; it's because they're now out of the labor force. They can't look for jobs.

JP On a personal level, some of the most compassionate, most intelligent, most creative people I have met have been inside of prisons. And I've been to nine different prisons in my life, two of them medium correctional facilities—one was recently closed, Mount McGregor—and the rest of them maximum state prisons. I also meet with employers who say, "The best employees that I have are people who have a criminal record. They have gone on to do tremendous things with their jobs and their opportunities." There are huge incentives for an employer hiring someone who has a criminal record.

The New York City Council passed the Fair Chance Act in 2015. What that means is that employers are not allowed to ask about a person's criminal history or run a background check until they've made a conditional offer. Now, there are different sides of the argument. There are people who say, "Well, now you're just going to automatically assume that I have a record." And other folks say, "You know what? Here's a chance for you to really get to know Johnny outside of the scope or lens of having a criminal record."

I strongly believe that the most successful people that I have worked with, successful meaning that they have not gone back to prison for five or ten years or more, are people who have been employed. Those first sixty days out are the most critical. And even for myself, with an education, within those sixty days, I thought, "You know what? Maybe I should rob somebody." But as fast as the thought came, it went. I always think about that person who did not have the psychological resilience to say, "I'm not going to do it." So I definitely am for employing people. Is it a violation of a legal right? It does *feel* like a violation.

EH There's a movement to abolish the Thirteenth Amendment, because it basically says that when you're convicted, you lose, formally and informally, basic freedom, citizenship rights, but also basic human dignity even when you're released. Those are part of the collateral consequences of being incarcerated. If you're on parole, and you see somebody getting abused or robbed, you can't do anything to stop it because you can't put yourself in jeopardy of violating parole or being arrested. You just can't live in society in a normal way. The ways that dignity is stripped, we don't talk about.

DJ It also creates a state of fear. My brother and I grew up in a fairly middle-class existence. Middle-class for Black folks is different from middle-class for white folks. But we had a decent upbringing. We went to very good schools. My father and mother are separated. My father lived in a fairly white middle-class enclave on Long Island. So here we are, two young people coming up together. My brother was charismatic. He was smart, talked about math and science. We all thought that he was going to be the banker, the businessman, the doctor. But one small mistake took him to jail, and it became a cycle. And, over the years, I watched how his spirit was whittled away, walking around with that kind of stigma.

Having a brother who has been incarcerated has also created a certain level of traumatic stress for me and my family. I would have never thought that his life would have been as affected by that one mistake. That has a lot to do not only with the fear he had to navigate his life with, but also the fear that other people had for him based on their misperception of who he was. It is a system with intention to keep people in a particular place. If you're interested in this topic, read *Spatializing Blackness* by Rashad Shabazz. It speaks about how policy was created at the turn of the twentieth century and up until now. It focuses on how policy was used to spatialize—to create spaces exclusively for—Black people, to keep them out of general society.

Audience I want to ask about the criminalization of marijuana and how it affects minorities in terms of incarceration. How long people stay in prison seems outrageous for the crime.

JP Right now we're in a place where a lot of states are legalizing marijuana. I think licenses to dispense are \$16,000 or something like that versus being in a place where we say, "Hey, you can sell weed now." We built a system that allows some people to profit off the same thing for which we've criminalized another entire class of people. If that doesn't highlight everything that's wrong with the system, then I don't know what does.

IB **And legalization is much different than decriminalization.**

JP Right. I think about places like Colorado where selling recreational marijuana was legalized, but it wasn't retroactive for the people who have gone to prison for selling marijuana. They're still sitting there serving out sentences for a crime that is no longer illegal.

DJ I think about the economics of it all. The "black market" has supported Black families in places like Harlem and the South Side of Chicago where society hasn't been able to support them. Now we have corporations and people who probably thought very poorly of the guy on the corner who was selling weed, and they are now profiting from it. That's what makes me the most angry, when I think of where the money is going now when you have a whole population of young people, or people who probably aren't so young anymore, in prison for doing the very same thing. There doesn't seem to be any effort to roll back verdicts.

Audience I spent seven years as a volunteer at Mount McGregor prison, teaching a class, which is where I met Johnny. I want to ask you to speak more on the question of incrementalism versus disruption, which came up during the discussion.

And back to the earlier question about being in spaces where you're uncomfortable: if you want to be in a space that's uncomfortable, you should go visit an inmate or volunteer in a prison. For a few of the years that I was a volunteer at McGregor, I would take one of Professor David Karp's criminal justice students with me to the class I taught there. I don't know if that was a shock to them, but it was certainly a place they had not seen before. You need to get yourself motivated to be in a place that

makes you uncomfortable in order to do anything about these issues even on an incremental basis, which is all we as individuals can really do. We each have a moral responsibility to live our own lives and to try to remove those contradictions from our own values and to do something ourselves about it. So on the question of incrementalism versus disruption, there are a lot of individual choices to be made as well as group choices.

JP Think of the criminal justice, or criminal punishment, system as an elephant. If you grab the tail and you grab a leg and if someone grabs the trunk and we all pull, eventually we'll topple this beast. I don't want to give the impression that you have to take on every single issue. Pick the issue that you're most passionate about according to your level of capacity or level of interest or education, and grab that part of the beast and pull. Do what you can, but definitely do something. Because if enough of us do something, if enough of us pull on this beast, even if it's just a little bit, I believe that eventually we will topple it.

We can't say, "What's the one thing that will change the system right now?" There is no one thing that will change the system right now because it's so vast and so complex. If we only change the bail system, if we only change parole, then we still have a host of other issues. Everybody can't work on everything at the same time, but everyone can grab a little part of this beast. If you have big hands, grab a bigger piece. If you have little hands, well, grab what you can, but grab something and pull.

Audience In my "Political Economy and Poverty" class, we talk a lot about different economic philosophers, what the government can do to help its people, and whether or not increased taxes impact the poor and the relationship between the poor and the rich. On a bigger picture, I'd like to hear what you have to say on the role and responsibility of the government for the people. The point about how the police officers' first response is to take a person into the correctional facility rather than the hospital is really interesting.

EH I'm very critical of the Johnson administration and the war on poverty in a lot of ways, but there is a promising principle within the war on poverty that was introduced in national domestic policy for the first time: "maximum feasible participation." Basically, the federal government, for a brief moment, from 1964 to 1965, was funding small organizations directly. The idea was that poor people can and should solve their own problems on their own terms. I believe that government is important, that a big state is important, but that the state can allocate resources to communities that need it the most. There's no reason, as abundant as the United States is, that we should have people who are living in the kinds of conditions that people live in, and that we should be experiencing the kind of segregation, inequality, and extreme isolation that we are.

It's the government's responsibility to allocate and redistribute resources in order to foster that founding principle of equality. Throughout most of our history, policy has been guided by the idea of liberty. The two moments when we briefly saw equality shine through were during Emancipation, the Civil War, and then briefly during the 1960s. I think we need to return to that as our guiding domestic policy principle.

DJ Fundamentally, I think the approach should be compassion. To what Elizabeth just said, I'm thinking about a place in my neighborhood, Restoration Plaza, which was founded by a community with the help of resources from the federal government. We need, as a culture and society, to function from a place of compassion, period.

JP The government can and has the power to remove the profit motive from incarceration. If there's a warden who's getting paid for every person who's sent to that jail, that's a problem. There was a judge who was arrested for receiving kickbacks for every juvenile they sent to the juvenile facility. Can you imagine? Can you imagine, as a parent, what would happen if you found out your child was sold, literally sold? That's one.

Two, we need to pass policies that increase transparency and therefore increase accountability. If we don't know what's going on, it's hard to hold people accountable. As a person who frequently tries to get information out of the system, I know it's difficult. You can make a Freedom of Information Act request, and you find so many barriers.

The last piece is rethinking our responses to a lot of the things that we call crimes. In New York City, if you are caught sleeping on a park bench, you'll get a \$250 ticket. Mind you, if I'm sleeping on a park bench because I'm homeless, I don't have \$250 to give you in the first place. Hello, right? If I don't show up at the court, guess what happens? I got a warrant. Now that's a completely different conversation: "Give me \$250" versus "No, we need to arrest you." We can rethink why we put people in prison, why we criminalize people, and then try for a larger and deeper understanding about the collateral consequences of having a record.

If you spend a day in jail or even have a booking, a day, a year, or ten years, the collateral consequences of having a record are lifelong, perpetual. I have friends who are fifty, sixty years old who are still responding for crimes that happened in their twenties, who have literally been brought to their knees with tears in their eyes saying, "How much more do you want from me?" A lot of these policies that feed those collateral consequences are codified into our laws.

DJ Like bail, right? We have people who are sitting in jail sometimes up to two to three years waiting for a trial, and they're not even a flight risk. There are so many things that are fundamentally wrong with our system. It's like a black hole; you start to dig and you realize how much intentionality there is behind it. You ask, "How is my government that I voted for doing this to me and my community?" When you think about that, and when you think about it every day as someone who is Black or brown, that in itself can be a bit like post-traumatic stress syndrome.

Our current Congress is not moving anywhere on these issues. It really is our responsibility to become more civically involved, to get out there and vote, which is something so fundamental that a lot of us don't take advantage of. When you think about our last election, you think about how many people decided not to vote, and then you look at what we have... So vote, everyone. ▲